

CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 2, 2004, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, December 2, 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
	Mark Forsberg	Chief Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 12/2/04 Tape 1-0013)	

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Agenda Report and/or supporting documentation. Staff members making the presentation are listed following 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. by noting that this is the Christmas season. Roll call was taken. The entire Board was present, constituting a quorum. Reverend Bruce Henderson of the Airport Road Church of Christ gave the Invocation. Mayor Masayko led the Pledge of Allegiance. Mayor Masayko thanked the Ministerial Association and, specifically, Reverend Henderson for their participation in the Board's meetings.

CITIZEN COMMENTS (1-0045) - None.

1. ACTION ON APPROVAL OF MINUTES (1-0055) - None.

2. AGENDA MODIFICATIONS (1-0057) - Items 5A, B, and C are not agenzized for the County Board of Health to consider. They were removed from the agenda upon the advice of the District Attorney's office.

4. CONSENT AGENDA (1-0093)

4-1. DEVELOPMENT SERVICES

A. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A ONE YEAR WATER LEASE AGREEMENT BETWEEN THE CARSON WATER SUBCONSERVANCY DISTRICT AND CARSON CITY

B. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE DEER RUN ROAD RECONSTRUCTION PROJECT, CONTRACT #2003-041 TO INCREASE THE CONTINGENCY FROM \$191,631.49 TO \$234,631.49

4-2. PURCHASING AND CONTRACTS

A. ACTION TO AUTHORIZE ALL CITY DEPARTMENTS TO UTILIZE THE COMPREHENSIVE CONTRACT FOR THE PURCHASE OF INDUSTRIAL SUPPLIES AND EQUIPMENT; JANITORIAL SUPPLIES AND EQUIPMENT; LAMPS AND LIGHT FIXTURES THROUGH NOVEMBER 30, 2005 WHICH CONTRACT EXTENSION 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 (FILE NO. 0203-054)

B. ACTION TO APPROVE CONTRACT NO. 0405- 062, A REQUEST FOR THE PURCHASE, INSTALLATION, AND CONFIGURATION OF SERVERS AND TAPE DRIVE HARDWARE AND TIVOLI STORAGE MANAGER SOFTWARE FROM SOLUTIONS-II, INC. FOR A NOT TO EXCEED COST OF \$73,729 EXEMPT FROM COMPETITIVE BIDDING - Supervisor Aldean pulled Item 4-1A for discussion. Supervisor Livermore moved to approve the three remaining items on the Consent Agenda, Items 4-1B, 4-2A and B. Supervisor Williamson seconded the motion. Motion carried 5-0.

4-1A. (1-0122) - Supervisor Williamson, as a Board's representative to the Subconservancy, had been in attendance at the Subconservancy's meeting where the contract was discussed. She explained that the City will only be charged for water it receives. The water is metered. Water cannot be released during the irrigation season. Subconservancy Executive Director James is discussing with the "powers that be" the possibility of getting some of the water released in March. The gates are open at this time. There may be an inadequate amount of water in the lake or other mitigating circumstances that will prevent the City from receiving the full amount. Clarification pointed out that the water is to be delivered by March 31. Discussions are pursuing the possibility that water may be released to the City later in the year. Mayor Masayko reiterated that the City will only be charged for the amount it receives. Supervisor Aldean moved to approve and authorize the Mayor to sign a one year Water Lease Agreement between the Carson Water Subconservancy District and Carson City; fiscal impact is \$15,954.15 for 219 acre feet plus a price index increase for the year 2004. Supervisor Williamson seconded the motion. Motion carried 5-0.

3. BOARD OF SUPERVISORS - NON-ACTION ITEMS

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0158) - Supervisor Livermore reported on the Great American Weight Loss Program including noting the sponsors; the Mental Health Coalition meeting and its work on the "Point In Time Count" and homeless issues; the Subconservancy meeting; his family's Thanksgiving activities; the Chamber of Commerce round table economic meeting; and a HealthSmart meeting. He looked forward to the Christmas Tree lighting and the Christmas lighting of the downtown area. He thanked Redevelopment for its efforts to light the downtown area. Mayor Masayko noted the State's involvement with the lighting effort and thanked them for it. Supervisor Staub apologized for his absence at the last Board meeting. He had been in Las Vegas on business. He then reported on his meetings regarding the auto row/mall effort; and his family's Thanksgiving activities. He congratulated the City Fire Department on its successful effort to have its picture on the cover of the telephone directory. He thanked the Carson Nugget, Bullies, the Silver Hills Community Church and the Stewart Indian Colony for providing the free Thanksgiving meals. He also voiced his condolences to Denny Howard for the loss of his wife Peggy. Supervisor Williamson reported on her attendance at the Nevada Association of Counties (NACO) conference; a focus group meeting at the *Nevada Appeal*, a Rotary Club meeting where

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Redevelopment/Economic Development Manager McCarthy had given a presentation; and the Subconservancy Committee meetings. Supervisor Williamson asked that Board recognition of Bob Hadfield's retirement as the Executive Director of NACO be agenized for the next meeting. She announced the vacancies on the Redevelopment Authority Citizens Committee for the citizen-at-large and professional positions. She supported reappointment of the two members who have served in these positions as both have only served one term. Reasons for seeking applications were noted. She invited the public to attend the Silver and Snowflake Tree Lighting Ceremony at 5:30 p.m. this evening at the Capitol Grounds and the Historic Victorian Home Tour on Sunday. The Redevelopment Christmas ornament was described. Locations where they can be obtained were listed. Supervisor Aldean reported on her family's Thanksgiving activities; and meetings of the Mental Health Steering Committee and the Municipal Code Committee. Mayor Masayko reported on his attendance at the NACO conference; the V&T fundraiser held at the Nugget and thanked the Comstock Cowboys for providing its entertainment and support; his family's Thanksgiving activities; and a meeting with NDOT Director Fontaine and Hospital Representatives regarding a signal at Carson/395 and Medical Parkway/Eagle Valley Road. Mayor Masayko supported Supervisor Williamson's suggestion that the Board recognize Mr. Hadfield's service to NACO. He advised that Mr. Hadfield plans to remain in the area and serve as a consultant. He also congratulated Andrew List on his appointment as NACO's Executive Director. He thanked Senator Reid for his support in obtaining a Federal grant for the V&T Railway and the public for its support of the Railway. He thanked the Convention and Visitors Bureau for its support of the reconstruction effort. His belief that the Railway will be reconstructed and be a reality was voiced. He urged the Board and public to attend the tree lighting ceremonies and open house at the City Hall this evening. He complimented City staff on its snow removal efforts. He reminded businesses of the need to clear their sidewalks and parking lots for the public's safety. He believed that the snow storm was an indication that the drought is broken. He hoped that the water supply will be adequate next season. He was certain that this would not be the only snow storm of the season. Supervisor Livermore then reported on the Hospital's flu shot clinic and complimented the individuals who had dedicated their time to this effort. Discussion indicated that the Hospital had acquired its serum from a different source and had not encountered a problem obtaining it. Supervisor Livermore also explained that the Hospital had ordered its supply very early in the year which also eliminated the possibility of encountering delivery problems. He advised that the flu shots were given in compliance with the guidelines. Any leftover vaccine created by the policy will be distributed in accordance with the guidelines to other agencies. No formal action was taken or required.

B. STAFF COMMENTS AND STATUS REPORT (1-0707) - City Manager Ritter advised that changes are being made to the snow removal policy that will revise the work schedule. She acknowledged that the normal snow melt had not occurred. When calls have been received, sanding crews have been sent out to the trouble spots. The revised plan will be submitted to the Board in January. Mayor Masayko appreciated the response and willingness to revise the plan accordingly.

5. HEALTH

A. ACTION TO APPROVE A RESOLUTION URGING THE GOVERNOR OF THE STATE OF NEVADA TO SUPPORT AND SEEK 2005 LEGISLATIVE APPROVAL FOR THE HEALTH AID TO COUNTIES PROPOSAL TO IMPLEMENT A CHRONIC DISEASE SURVEILLANCE AND MANAGEMENT PROGRAM FOR THE PEOPLE OF NEVADA (1-0057) (1-0724) - Deferred.

B. ACTION TO APPROVE, PER NEVADA REVISED STATUTE 439.550, THE ADOPTION OF IMMUNIZATION REQUIREMENTS FOR REQUIRING THE IMMUNIZATION OF CHILDREN IN THE PUBLIC SCHOOLS, PRIVATE SCHOOLS AND CHILD CARE FACILITIES IN CARSON CITY (1-0057) (1-0724) - Deferred.

C. PRESENTATION ON THE PROGRAMS THAT HAVE BEEN IMPLEMENTED BY THE HEALTH DEPARTMENT SINCE THE CREATION OF THE CARSON CITY BOARD OF HEALTH (1-0057) (10724) - Deferred.

REDEVELOPMENT AUTHORITY (1-00725) - Mayor Masayko then recessed the Board of Supervisors session and passed the gavel to Chairperson Williamson who convened the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder.

BOARD OF SUPERVISORS (1-1655) - Following adjournment of the Redevelopment Authority, Chairperson Williamson returned the gavel to Mayor Masayko who reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

6. REDEVELOPMENT AND ECONOMIC DEVELOPMENT MANAGER - Joe McCarthy

A. ACTION TO ACCEPT THE REDEVELOPMENT AUTHORITY CITIZEN COMMITTEE'S RECOMMENDATION TO AWARD INCENTIVE FUNDING TO THE NEVADA STATE MUSEUM IN AN AMOUNT NOT TO EXCEED \$35,000 OR NOT TO EXCEED 20 PERCENT OF THE PROJECT COSTS ASSOCIATED WITH THE RENOVATIONS AND IMPROVEMENTS, SPECIFICALLY SIGNAGE, WINDOWS AND GUTTERS, THAT SUPPORT THE SIGNIFICANT, ONGOING, RENOVATION PROJECT AT THE NEVADA STATE MUSEUM AT 600 NORTH CARSON STREET (1-01660) - Public comments were solicited but none were given. Supervisor Williamson moved to accept the Redevelopment Authority's recommendation to award incentive funding to the Nevada State Museum in an amount not to exceed \$35,000 or not to exceed 20 percent of the project costs associated with the renovations and improvements, specifically signage, windows and gutters, in that order/prioritization, that support the significant, ongoing, renovation project at the Nevada State Museum at 600 North Carson Street; fiscal impact is \$35,000. Supervisor Aldean seconded the motion. Discussion reiterated the priority as signage, windows, and gutters. Motion carried 5-0.

B. ACTION TO ACCEPT THE REDEVELOPMENT AUTHORITY CITIZEN COMMITTEE'S RECOMMENDATION TO AWARD INCENTIVE FUNDING TO STEW'S CORP, INC., IN AN AMOUNT NOT TO EXCEED \$100,000 OR NOT TO EXCEED 20 PERCENT OF THE PROJECT COSTS ASSOCIATED WITH THE RENOVATIONS AND IMPROVEMENTS OF THE FORMER LUCKY SPUR BUILDING AT 302 AND 306 SOUTH (NORTH) CARSON STREET, APN 003-229-07 AND 05, CONTINGENT UPON CLOSING ESCROW AND OPENING FOR BUSINESS (1-1705) - Supervisor Williamson moved to accept the Redevelopment Authority's recommendation to award incentive funding to Stew's Corporation, Inc., in an amount not to exceed \$100,000 or not to exceed 20 percent of the project costs associated with the renovations and improvements of the former Lucky Spur building at 302 and 306 North Carson Street, APN 003-229-07 and 05, contingent upon closing escrow and opening for business; fiscal impact is \$100,000. Supervisor Aldean seconded the motion. Motion carried 5-0.

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RECESS: A recess was declared at 10:11 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:15 a.m., constituting a quorum.

7. PARKS AND RECREATION - Director Roger Moellendorf

A. ACTION TO APPROVE THE PARKS AND RECREATION COMMISSION'S RECOMMENDATIONS ON THE ALLOCATION OF 2004-05 RESIDENTIAL CONSTRUCTION TAX FUNDS (1-1725) - Mayor Masayko disclosed his conversation with Mr. Moellendorf about the Mayor's belief that the discussion regarding these funds should occur during the budget process. The Board may wish to consider this issue at a future meeting. Supervisor Livermore explained the Parks and Recreation Commission's role in the process and concurred with the suggestion that the Board should consider the policy at a future meeting. Comments also indicated that on occasion, when funding is not available, projects are not funded. These projects are allowed to apply again and have done so in the past, e.g., the three projects recommended for funding today. The \$75,000 funding for the Carson River Park Phase 2 will match \$153,000 from Question 1 funds. The ability to match funds gives a project a higher priority than projects without matching funds. Public comments were solicited. Carson City Historical Society President Susan Bilyeu urged the Board to approve the allocations as recommended. She noted the Society's fundraising activities and announced the Victorian Christmas Tour to be held on Sunday, December 5, from 4 p.m. to 6 p.m. She urged the Board and public to take a tour. Supervisor Livermore moved to approve the Parks and Recreation Commission's recommendations on the allocation of 2004-05 Residential Construction Tax funds in the total amount for the three projects of \$150,000. Supervisor Williamson seconded the motion. Motion carried 5-0.

B. ACTION TO MAKE AN OFFER TO PURCHASE APPROXIMATELY 379.5 ACRES FEE TITLE, AND AN OPTION TO PURCHASE A CONSERVATION EASEMENT ON APPROXIMATELY 200 ACRES OF THE HORSE CREEK RANCH, LOCATED AT KINGS CANYON ROAD, APPROXIMATELY 2 MILES WEST OF THE PAVED TERMINUS, AND CONSISTING OF APN'S 7-051-01, 7-051-11, AND 7-031-22 (1-1876) - Open Space Manager Juan Guzman, Open Space Advisory Committee Chairperson Steve Hartman, Bill Schulz, Jeff Schulz, Michael Fagen - Mr. Guzman's introduction included noting that the Conservation Easement cannot be considered at this time even though the purchase agreement includes an option to acquire it. An appraisal for the easement must be conducted.

Supervisor Livermore disclosed a meeting he had with Mr. Fagen, a meeting with Bill Schulz and a tour of his property, and a meeting with Mr. Guzman, Jeff and Rachel Schulz at the site of the property. Mayor Masayko advised that he had not had any meetings or telephone calls with Mr. Schulz regarding this matter. Supervisor Aldean disclosed that she had a meeting yesterday with Mr. Fagen and had spoken with Bill Schulz last week. Supervisor Williamson disclosed that she had two telephone conversations with Mr. Schulz. Supervisor Staub disclosed that he had a couple of telephone conversations with Mr. Schulz. Mayor Masayko indicated that the property is important to the Open Space Advisory Committee's program. He informed the Board that a three vote majority is required to approve the acquisition. As a "lame duck", he did not intend to be a tie breaker. He was willing to vote to support a majority of the Board.

Mr. Guzman reminded the Board that the property is one component of a program that was prioritized by the Board and Committee. The three prongs of this program are: the Swafford property acquisition by the Forest

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Service with funds from the State Lands Act, the Fagen property acquisition with funds from the Open Space and Question 1; and the Hutchinson property acquisition through the use of Open Space funds and the Southern Nevada funds. Allocated funding for these properties was delineated. The Board has final authority over the purchases and their priorities. Another item on the Agenda is a midterm loan for \$3 million which will move all of the acquisitions forward. He then explained that the Open Space ballot question included acquisition of the Carson City hillsides. The purchases will protect the land for future generations and allow public uses to occur on them.

Chairperson Hartman indicated that the Committee had unanimously supported acquiring the properties. He believed the electorate supported the acquisitions when it approved the Open Space ballot question. Slides of the property were shown to illustrate the area and reasons it should be acquired. The Committee intends to acquire property to retain the open space that is part of the character and value of the community. It does not intend to acquire all of the open space now vacant in the community. Development Services Director Burnham's alleged support for acquiring watershed areas was noted. Open Space has tried to work with Mr. Burnham and the Utilities Department to do that. It is possible that some of the privately owned area may and can realistically be developed. The proposed acquisitions are on the marginal edge and not within the normal growth node. They can be developed at a high price. Their development will impact the natural resources which are part of the Open Space program. Mr. Fagen has been patient and worked with the Committee to reach this point. The Committee's unanimous support for the acquisitions was limned. Discussion ensued on the types of public uses that could occur on the properties. Comments stressed the need for a balance between destruction from over use of the property and total restriction of public access to the property. Justification for having an easement on the meadow area(s) was provided. Details regarding the use and control have yet to be worked out. Concerns about putting the property under the control of Parks and Recreation were noted. Public comments to the Committee had supported the acquisitions.

Mr. Guzman explained Mr. Fagen's alleged intent regarding the conservation easement area and its public use. An agreement defining the restrictions and use will be drafted. He was purportedly concerned about over use/abuse of the area. Mayor Masayko pointed out that the City/Open Space is not acquiring the conservation easement or the meadow. It is a separate transaction that will stand on its own when both the Committee and Board are satisfied with the conditions. Mr. Guzman indicated that the 379.3 ± acres are part of the project and will have all of the uses currently allowed—hunting, hiking, and the use of Kings Canyon Road. Comments indicated that fishing does not occur on the property.

Supervisor Aldean expressed her concerns about acquiring the hillside and not the meadow. She also believed that Question 18, the Open Space ballot question, had included the watershed but only the viewshed that is seen from Eagle Valley. The suggested property cannot be seen from the valley floor. The location does not provide access for seniors who are a majority of the residents in the community. She wanted to see a complete package that includes access to Highway 50. NDOT purportedly believes that only five lots in the vicinity are developable. She believed that the property was not being threatened by development and would not be for some time. She questioned whether this is the best bang for the City's buck.

Chairperson Hartman responded by indicating that, although the valley residents may not be able to see the area, the residents along the eastern side of the City can. He advised that the master plan had included more aspects than just the view in its criteria. The effort to capture the focus delineated by the residents in developing the master plan indicated a need to consider the view from all areas of the valley. The property

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is one of the few agricultural properties left in area. The Waterfall Fire had reminded the Committee of the need to consider the viewshed priorities of the river, hillsides, and irrigated sites. He reminded the Board about the use of sheep to control the spread of fire on "C" Hill. The acquisition of the property will give the City an opportunity to do the same along a portion of the western viewshed which currently lacks this type of management. He then explained that some individuals believe that the property should be acquired and turned over to the Forest Service. He opposed this transfer due to the need for the City to control and maintain the area. He agreed that the need to extend the sewer service to the area and to obtain access to Highway 50 will be expensive to do, however, are possible. An area in Lincoln County was explained to illustrate how the property could be used. The land's value will continue to increase and make the property very expensive to acquire in the future. The Committee's mission is to preserve what the community has today for the future. Discussion pointed out that the Forest Service currently lacks adequate funding to maintain the property it has. The City would not be required to obtain an EPA study to graze sheep on the land. Twenty percent of the funds received under Question 18 are for park activities. Both the Forest Service and the Soil Conservation District can be used as resources on how to maintain the area and for advocates to assist with matching funds in the future. Mr. Guzman indicated that the maintenance funds from Question 18 have been reserved and total approximately \$100,000 at this time. These funds have not been considered in the funding for acquisitions. The Board objected to maintaining the property through neglect. Chairperson Hartman explained that the Committee does not want to acquire a lot of small parcels but prefers to acquire large parcels from willing sellers. He hoped that it will be possible to acquire the meadow at a future time. The Committee is very fugal with its funds. Discussion reiterated the limited number of developable sites and lack of a secondary access from either Voltaire Canyon or Highway 50. For these reasons, the appraised value per acre was questioned. Engineering and accesses can be accomplished although it may be expensive to do so. Supervisor Aldean reiterated her belief that there is a lack of urgency to prevent development. Chairperson Hartman explained the other issues the Committee had evaluated before making its recommendation to acquire the property including the potential that the buyer will be unwilling to sell to the Committee at a future date. Reasons a secondary access from Highway 50 is not desired by the Committee were explained including the belief that NDOT would not look favorably on a request for an access from Highway 50.

Supervisor Livermore explained his personal tours of the site, his meeting with all of the property owners in the vicinity, and his support of the acquisition. Time, engineering, and financing will eventually allow for development of the site to occur. His concerns regarding the future of the Forest Service property were indicated. He also believed that the property would provide the City with the ability to work with the Forest Service and/or trade property in the future, e.g., the small parcel adjacent to the Costco site. Mr. Guzman explained that previous direction by the Board of Supervisors had indicated that he should not consider such partnerships due to public concerns regarding the Forest Service's policy of closing roads/areas to the public. One such area of concern is that in Kings Canyon. If the Board wishes to establish a policy which would allow such trades to occur, the motion should include the intent to consider a trade or management by the Forest Service. Chairperson Hartman concurred and indicated that the Committee is flexible and all options are open, however, he was not certain that this was a purpose that Question 18 had considered. Supervisor Livermore stressed that the record should include that the City and Open Space have the ability, means, and methods of ways to communicate. Chairperson Hartman felt that the City and Committee have the ability to do something that will aid the community and its use of public lands. Concerns regarding the boundary lines for the Forest Service and BLM were noted. Supervisor Livermore then explained his issue regarding access to Kings Canyon and the Park and Recreation Commission's involvement with the *Capital to Capital Trails Program*. He had clearly supported the Trail program through Kings Canyon as an effort to keep the

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area open to the public and to allow motorized usage of the roadway. Acquisition of the property will preserve that usage. He then explained a discussion he had with Mr. Guzman on the "Lincoln Highway", aka the roadway in Kings Canyon. He referenced a letter from Deputy District Attorney Mary Margaret Madden regarding purchase of the land and what the acquisition means in relationship to its maintenance and liability of Kings Canyon Road. Today it is a narrow, two lane roadway. Chairperson Hartman supported Ms. Madden's recommendation that the area be posted even if it must be posted repeatedly. The Committee's signage has the ability to be posted in more than one language. Discussion pointed out that the Committee has had a number of public meetings, which have been televised, regarding the need to acquire property surrounded by the Forest Service or BLM. They will approach the City seeking approval of areas they wish to dispose of in the future when pressure to sell the property(ies) occurs. The Committee is attempting to preserve the land and balance the economics with that of the quality of life standards. Board comments thanked Chairperson Hartman and Committee Member Fisher for their dedication and support of the program.

Supervisor Staub explained his belief that it is fantastic property and there is a need to preserve it, however, access must be provided and the public must be allowed to use it. This will require maintenance and the need to address the liability issues. Discussion indicated that the purchase agreement includes a conservation easement option. The option must be acted upon by August. The Committee has a good working relationship with Mr. Fagen. Supervisor Williamson explained her support of the acquisition and the electorate's support of Question 18. The funds cannot be used for facilities. Property acquisitions are allowed. The land will be more expensive in the future. She suggested that the public be allowed to use the property as a day use site and to connect with other open space sites. An opportunity to have the site may not be possible in the future. (2-0032) Chairperson Hartman concurred that the acquisition embodies the purpose of Question 18. The Committee's decision was unanimous regarding the acquisition. The standards for acquisition were debated by the Committee. The property may not be developed tomorrow but the site could be lost forever if not acquired now. The acquisition is supported by the community.

Mr. B. Schulz disclosed that he had discussed the property with all of the Board members. He supported the acquisition and Mr. Fagen's ability to use/sell the property as he desires. He believed that the acquisition would be the first step toward preservation of the area. Mr. Fagen should describe his plans for the remaining portion of his property. Questions he had heard regarding the use of Open Space funds for the acquisition were limned. He believed that the Board will be protecting a mountain area from development by purchasing the property owner's development rights. Kings Canyon Road provides access to the area as there is a trail from the Borda property to the area now. This trail usage will allow passive viewing of the meadow. He then explained that the investment side of his family had allegedly discussed a potential access route from the "Frog Rock" area to a location one mile east of the meadow as well as a rocky overlook area. The City has some limited funds which could be used to manage the area. The access road should stay as "natural" as possible. Grants could be obtained to provide fire maintenance. He felt that the Schulz investment group may acquire the other portion of the meadow after the conservation easement option is completed. This area may be used for cattle grazing. His father has been contacted numerous times since the 1960s about selling some of their land in the vicinity of Horse Creek. He is currently exploring a "reciprocal agreement" with Mr. Fagen regarding an access from Highway 50. He has already developed a plan for this access route. He also believed that the City's ability to acquire the property may not be possible in the future as another property owner may develop the meadow. The City's acquisition will provide stability for the area. He pointed out that Clear Creek is under a lot of development pressure and the open space opportunity is not possible for it.

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Mr. J. Schulz supported his comments regarding the beauty of the area and access from Kings Canyon Road. The same view cannot be seen from Highway 50. Keeping Kings Canyon Road in its current state will restrict the public's access to the site and prevent over use/abuse of the area. Preservation of the area is a good option and will help them preserve their area. Their ownership of the property has been threatened many times during the 95 years that they have owned it as illustrated by his listing of developers who had allegedly indicated an interest in the property. He indicated that family members were interested in granting a conservation easement on their property and will run cattle there. The hillside does not require a lot of maintenance. The opportunity to obtain the property from a willing seller may not be available in the future.

Mr. Fagen complimented the Committee and Mr. Guzman. He described his discussions with Mr. Guzman two years ago. Reasons for his interest in selling the property at this time were given. He felt that the property meets all of the requirements on Question 18 funding. Historical data about and his acquisition of the property were limned. He complimented the Schulz family for its stewardship and maintenance of the area. His plans for the meadow were described. He allegedly has a deeded access from Highway 50, however, its development is not economically feasible. Reasons he did not include this area in the agreement were noted. The property will give the City one mile of access along Kings Canyon Road. He then explained his reasons for feeling that the appraisal was valid and the memorandum of understanding with B. Schulz regarding access/egress to Kings Canyon and Highway 50 which he felt made the Schulz property desirable for development. His agreement with the Committee on an endowment fund to maintain the meadow and his justification of the use of Question 18 funding to acquire the property were explained. He indicated his intent to list the property for sale if the City does not consummate the agreement/purchase. Clarification indicated that, if the property is listed for sale, it will include the meadow. Mr. Fagen indicated for the record that he would negotiate in good faith for a term of not less than eight months with the City regarding the meadow/conservation easement. Mayor Masayko explained his reasons for wanting this statement on the record. He stressed the need for the Board and community understand that the conservation easement will be effected and fair. The more uses Mr. Fagen has on the meadow, the lower the cost for the easement. He was certain that a large backlash will occur if the property is sold. Mr. Fagen advised that the City's acquisition of the hillside will mitigate his financial issue and not make the second sale necessary. He was not certain that requiring a commitment that if the conservation easement is not consummated, he will keep the property is fair. It was not his intent to sell it, however, he has discussed selling the property for several years. He has had a "handshake" agreement with Ray Schulz about the meadow that allows Mr. Schulz to have first right of refusal on it. This was given before he purchased the property. He believed that he could sell the property at any time and by advising the Board of the verbal agreement, he "confirmed" his intent to honor his commitments. He then indicated that his plans for the meadow area require use of Kings Canyon Road during the summertime or through Mr. Schulz' property in the winter time. Clarification indicated that the access route from Highway 50 may be usable at some future date. Supervisor Livermore pointed out that when the conservation easement is recorded, it will be in effect for perpetuity. Mr. Fagen concurred. Additional public comments were solicited but none were given.

Mayor Masayko reminded the Board of the need to have three votes to move the acquisition(s) forward. He also stated for the record that the Waterfall Fire Report will not be heard today. Supervisor Williamson moved to make an offer to purchase approximately 380 acres fee title and an option to purchase a conservation easement on approximately 200 acres of the Horse Creek Ranch, located at Kings Canyon Road, approximately two miles west of the paved terminus and consisting of Assessor's Parcel Numbers 7-051-01, 7-051-11, 7-051-57 and 7-031-22 with the Board of Supervisors preserving the option to consider land

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exchanges with Federal agencies. Discussion ensued concerning whether it is necessary to include the option to consider land exchanges with Federal agencies in the future. Supervisor Williamson then amended the motion to exclude this portion. Mayor Masayko suggested that this type of land acquisition be handled through a congressional land bill rather than dealing with the Forest Service. Supervisor Livermore indicated that he had merely given the Board options for consideration in the motion. He seconded the motion "without the inclusion in the motion". Supervisor Staub thanked Mr. Fagen for his candor and attending the meeting. Supervisor Aldean thanked Messrs. Schulz and Fagen for their comments. She continued to have reservations about the acquisitions. She felt that the transaction was not whole. It is a piecemeal transaction that is built on commitments that certain parties may or may not be able to adhere to. This is her principal concern. It is brought to the Board in as an incomplete offer. It involves not only a fee purchase but the creation with unknown terms and amount of money of a conservation easement and an alternative access. She is concerned about the access. She does not like to purchase pieces of property and then not be able to provide the access that people expect when they make a substantial investment. These are her main concerns. She does not have a problem with any of the speakers. She appreciated all of the heartfelt comments. She knows how much time and effort has gone into it. From a purely pragmatic standpoint, she just did not think that it was prudent. The motion to approve the acquisition as indicated was voted by roll call with the following result: Supervisor Williamson - Aye; Supervisor Livermore - Aye; Supervisor Aldean - No; Supervisor Staub - Aye; and Mayor Masayko - you have three affirmative votes. I have concerns somewhat similar to Supervisor Aldean's but I will vote in the majority - Yes. Motion carried 4-1. Mayor Masayko thanked everyone for coming. He then indicated an intent to take a lunch recess at 12:30 p.m. The Waterfall Fire report will be worked into the schedule if at all possible.

8. DEVELOPMENT SERVICES - Director Andrew Burnham

A. ACTION TO ADOPT, ON SECOND READING, BILL NO. 120, AN ORDINANCE AMENDING DEVELOPMENT STANDARDS DIVISION 1, LAND USE AND SITE DESIGN, SECTION 1.14 CORNICES AND UNCOVERED PORCHES FOR MODIFICATIONS TO THE SETBACK REQUIREMENTS FOR CORNICES UNCOVERED PORCHES, UNENCLOSED COVERED PORCHES AND DIVISION 1 RESIDENTIAL DISTRICT INTENSITY AND DIMENSION STANDARDS (SETBACK TABLE) FOR CLERICAL ERRORS INCLUDING CORRECTION OF FOOTNOTES TO DELETE REDUNDANT PARENTHESES AND SPELLING OUT OF NUMBERS AND CORRECT FOOTNOTE 3 TO DELETE SUBJECT TO THE LATEST ADOPTED EDITION OF THE UNIFORM BUILDING CODE AND ADD CONNECTED BY A PARAPET FIRE WALL, CCMC SECTIONS REFERENCED BELOW FOR CLERICAL ERRORS, DELETION OF REDUNDANT PARENTHESES, SPELLING OUT OF NUMBERS, AND DELETION OF ALL REFERENCES TO UNIFORM BUILDING CODE AND REPLACEMENT WITH CODE CURRENTLY ADOPTED BY CARSON CITY, CCMC 18.03 DEFINITIONS RELATED TO DELETION, ADDITION AND CORRECTION OF DEFINITIONS, TITLE 18.04 USE DISTRICTS FOR CHANGES RELATED TO RESIDENTIAL AND RESIDENTIAL COMMERCIAL AND MUNICIPAL WELL USES INCLUDING 18.04.055 SINGLE FAMILY ONE ACRE, TO ADD MUNICIPAL WELL FACILITY AS A CONDITIONAL USE, 18.04.100 MULTI-FAMILY DUPLEX TO ADD THE WORD DWELLING AFTER TWO-FAMILY IN PRIMARY PERMITTED USES, AND DELETE MULTI-FAMILY DWELLING (MIXED USE) AS A PRIMARY PERMITTED USE, 18.04.105 MULTI-FAMILY APARTMENTS TO ADD SINGLE FAMILY AND TWO-FAMILY DWELLING AS PRIMARY PERMITTED USES AND ADD ACCESSORY STRUCTURE AS AN

ACCESSORY PERMITTED USE, TO DELETE AS CONDITIONAL USES BOARDING AND ROOMING HOUSE, SENIOR CITIZEN HOME/CONGREGATE CARE HOUSING, SINGLE FAMILY DWELLING, AND TWO-FAMILY AND MULTI-FAMILY DWELLING UNIT, 18.04.110 RESIDENTIAL OFFICE TO DELETE AS A CONDITIONAL USE BOARDING AND ROOMING HOUSE, 18.04.115 GENERAL OFFICE TO ADD AS PRIMARY PERMITTED USES MULTI-FAMILY DWELLING, SINGLE FAMILY DWELLING AND TWO-FAMILY DWELLING AND TO DELETE AS CONDITIONAL USES BOARDING AND ROOMING HOUSE, SENIOR CITIZEN HOME/CONGREGATE CARE HOUSING, SINGLE FAMILY, TWO-FAMILY AND MULTI-FAMILY DWELLING, AND TWO FAMILY AND MULTI-FAMILY DWELLING (MIXED USE), 18.04.190 RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS (SETBACK TABLE) FOR CLERICAL ERRORS INCLUDING CORRECTION OF FOOTNOTE 3 TO DELETE SUBJECT TO THE LATEST ADOPTED EDITION OF THE UNIFORM BUILDING CODE AND ADD CONNECTED BY A PARAPET FIRE WALL, 18.05 GENERAL PROVISIONS, INCLUDING 18.05.035 WATCHMAN'S QUARTERS TO DELETE INCLUDED IN THE MAIN STRUCTURE, DELETE MAY AND ADD SHALL BE NO PAYMENT OF RENT, CORRECT NUMBERING ORDER AND ADD MAY BE A MANUFACTURED HOME OR A SITE CONSTRUCTED HOME, BUT NOT A RECREATIONAL VEHICLE, 18.05.045 HOME OCCUPATION TO DELETE FROM PROHIBITED USES REAL ESTATE, LEGAL, OFFICES AND TO ADD TO PROHIBITED USES REAL ESTATE AND LAW OFFICES, DELETE LESS SEEING-EYE OR HEARING DOGS AND ADD FEWER SERVICE ANIMALS, DELETE "AND" TO ADD "OR" SIMILAR USES, ADD HOME OCCUPATION LIMITATION OF CLIENTS AT THE HOME ADDRESS WITH THE EXCEPTION OF FEDERALLY LICENSED GUN DEALERS, 18.05.050 ACCESSORY FARM STRUCTURES TO DELETE ZONING DISTRICT SF21 AND ADD ZONING DISTRICT SF5A, 18.05.055 ACCESSORY STRUCTURES TO MODIFY LANGUAGE FOR CLARITY, DELETE INFORMATION REVIEWED BY OTHER DEPARTMENTS AND ADD ACCESSORY STRUCTURE LANGUAGE PREVIOUSLY CONTAINED IN 18.03 DEFINITIONS, 18.06.020 HISTORIC RESOURCES COMMISSION (HRC), 18.06.025 QUALIFICATIONS OF MEMBERSHIP TO ADD NOT MORE THAN TWO MEMBERS SHALL BE A PROFESSIONAL IN THE FIELD OF HISTORIC PRESERVATION, AND DELETE THE TITLE REDEVELOPMENT MANAGER AND ADD THE TITLE DIRECTOR, 18.07 DOWNTOWN BUSINESS DISTRICT TO DELETE THE TITLE REDEVELOPMENT MANAGER AND ADD THE TITLE DIRECTOR, AND DELETE TAPES MUST BE MADE AVAILABLE AND ADD TAPES ARE AVAILABLE TO THE PUBLIC, AND 18.12 GROWTH MANAGEMENT TO DELETE UNIFORM BUILDING CODE AND ADD BUILDING CODE CURRENTLY ADOPTED BY CARSON CITY (2-0736) - Senior Planner Jennifer Pruitt - Mayor Masayko indicated that there were no significant Code revisions made. The revisions were typographical in nature or made it easier to follow the Code. Supervisor Aldean moved to adopt on second reading Bill No. 120, Ordinance No. 2004-20, an Ordinance to amend Development Standards Division 1 and Carson City Municipal Code Title 18 in accordance with the agenda as posted and published and carried on the City's website. Supervisor Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE (CCMC) SECTION 11.20.050 TO PROVIDE FOR THE EXTENSION OF THE MOTOR VEHICLE FUEL TAX AND ALLOW USE OF THE FUEL TAX FOR REGIONAL TRANSPORTATION PROJECTS AND OTHER MATTERS PROPERLY RELATED THERETO (2-0792) - Discussion pointed out that the ordinance removes the sunset clause on

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the gas tax and extends its collection period. Purposes for which the funds can be used were being expanded. Mayor Masayko explained that he took office when the concept was proposed and had to deal with petitions from residents who did not want the gas tax. He felt that it should have a sunset clause and that uses outside the original purpose should be decided when the use is determined. A time certain can be determined as being after the three-year suspension to allow widening of Fairview and when the \$34 million for the freeway is repaid. Mayor Masayko reiterated his intent to not vote as the tie breaker. Three affirmative votes must be given. Mr. Burnham advised that RTC had considered and approved the ordinance. Discussion pointed out revisions which RTC had requested. Mr. Burnham advised the Board that Paragraphs 6 and 7 were retained at the District Attorney's request. Paragraph 7 was revised to include any ordinance changes. Supervisor Aldean explained RTC's need for funding to maintain the streets in the future. Mayor Masayko pointed out that the full five-cent commitment remains in effect until 2021 or 2022. The Highway agreement dictates what portion of the funding is available for the City's use. The gas tax must be extended to provide funding for the items within the NDOT agreement that the Board had previously approved or a different funding source is required. Discussion indicated that in 2013 the funding commitment will be reduced to three cents. The two cents will be used for other City projects. Mayor Masayko reiterated his belief that other funding could be used and his objection to the lack of a sunset clause. Supervisor Livermore disclosed his discussions with several private citizens indicates that they did not understand that this is an extension of an old tax. A new tax is not being implemented. Mr. Burnham indicated that the numerals in the ordinance should have been revised. Supervisor Staub explained the need to continue the tax to support the freeway in order to ensure that it will become a reality. The political climate dictates the City provide funding for the freeway. The gas tax is the only funding source available to meet this requirement. Therefore, it must be continued. The agreement allows the City to keep the funds and use them on local projects for three years. Future Boards may sunset the tax, if desired. The City's contribution to the second phase of the freeway is \$15 million. The agreement also waives the interest assessed in the agreement on the first phase of the freeway. It totaled \$4 million. This leaves a second phase balance of \$11 million. Governor Guinn has allegedly pointed out that the City has received storm drain improvements in excess of its investment. Supervisor Staub and Mr. Burnham agreed with his statement. Mr. Burnham described the status of the freeway's phase 2. Mayor Masayko pointed out that the agreement has definite performance requirements which will allow the City to withhold payments if not met. Mr. Burnham concurred. Mayor Masayko reiterated his desire to have a sunset clause in the bill and allow the Board setting at the time to determine if it should be extended/reauthorized. Supervisor Staub explained the reasons the sunset clause had not been added by RTC. Mayor Masayko explained his concern that the funding may allow the City to have a "Jaguar" when a "Model T" is adequate. Supervisor Aldean explained a 1996 *Nevada Appeal* article which indicated that the State's original funding commitment was for Phase I only and that Phase I occurred only as a result of the City's funding commitment. It was hoped that funding could be found in the future for Phase II. Mayor Masayko concurred. Supervisor Williamson also pointed out that at that time Carson City was the only jurisdiction that had committed funding to an NDOT project within its jurisdiction. Today multiple jurisdictions are making similar commitments. She also pointed out that the original project was for \$34 million. Today it is a \$300 million project. Discussion stressed the need for the freeway for the community's economic viability and vitality. It has created a lot of storm drainage improvements for the betterment of the community. Public comments were solicited but none were given. Comments reiterated that the gas tax is not a new tax nor an increase in the gas tax. It is a continuation of a present tax. It was also pointed out that gas in Douglas County costs the same as in Carson City even though Douglas County does not have the five-cent gas tax. Lyon County's gas costs more than either Douglas County or Carson City's. Mayor Masayko reiterated his desire to have a sunset clause and the need for three affirmative votes. Supervisor Staub explained his desire that the community know that

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the discussion on the cost of gas in other communities was not done so lightly or to be insensitive to the issue. It is a tax. Mayor Masayko indicated that the market forces determine the product price more than the tax. Supervisor Staub moved to introduce on first reading AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE BY MODIFYING CCMC SECTION 11.20.050 TO PROVIDE FOR THE EXTENSION OF THE MOTOR VEHICLE FUEL TAX AND ALLOW USE OF THE FUEL TAX FOR REGIONAL TRANSPORTATION PROJECTS AND OTHER MATTERS RELATED PROPERLY THERETO; fiscal impact is five cent fuel tax will be extended to fund Phase II of the Carson City freeway improvements and other Regional Transportation projects from an anticipated sunset date of 2012 for an additional 10 to 13 years depending upon the revenue collected from the fuel tax, and source is the fuel tax. Mayor Masayko questioned the reasons for including the 13 years if the tax is not going to sunset. Supervisor Williamson seconded the motion. Following a request for an amendment, Supervisor Staub amended his motion to include Bill No. 121. Supervisor Staub indicated that the term is within the fiscal impact and not in his motion. Supervisor Staub also added an "s" to "conclude" on the second page of the actual ordinance. Supervisor Williamson concurred. Mayor Masayko repeated the motion and reiterated his intent to vote for the motion if three affirmative votes are given by the other Supervisors. The motion was voted by roll call with the following result: Supervisor Staub - Aye; Supervisor Williamson - Aye; Supervisor Livermore - Aye; Supervisor Aldean - Aye; and Mayor Masayko - Yes. Motion carried 5-0. Mayor Masayko indicated that the second reading of the ordinance will occur at the next Board meeting.

OTHER MATTERS (2-1168) - Ms. Pruitt noted for the record that the public comments on the master plan are on the website. The address for the website was provided. Discussion then indicated that the Waterfall Fire will be heard at the end of the agenda if time allows.

RECESS: A recess was declared at 12:40 p.m. Mayor Masayko reconvened the meeting at 1:52 p.m. A quorum of the Board was present although Supervisor Staub was "hung up in traffic". Deputy District Attorney Melanie Bruketta was in attendance rather than Chief Deputy District Attorney Mark Forsberg.

9. FINANCE - Senior Finance Manager Nick Providenti - ACTION TO ADOPT, BILL NO. 118, ON SECOND READING, AN ORDINANCE AUTHORIZING THE ISSUANCE OF A MEDIUM-TERM OBLIGATION FOR THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE; SPECIFYING THE DETAILS FOR THE CARSON CITY, NEVADA, MEDIUM-TERM NOTE IN THE PRINCIPAL AMOUNT OF \$3,100,000; SPECIFYING THE TERMS AND CONDITIONS OF SUCH MEDIUM-TERM NOTE, THE METHOD OF PAYING THE NOTE AND ITS FORM; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO (2-1239) - The medium term bonds will be repaid within 10 years. Mayor Masayko reiterated the concerns about using the tax funds to acquire the conservation easement. Mr. Providenti indicated that the bonds will not be used for this purpose. Bond Counsel had submitted a letter regarding this issue indicating that the Board/City should seek an IRS private opinion/letter on this issue before moving forward. Public comments were solicited but none were given. Supervisor Williamson moved to adopt Bill NO. 119 on second reading, Ordinance No. 2004-21, AN ORDINANCE AUTHORIZING THE ISSUANCE OF A MEDIUM-TERM OBLIGATION FOR THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE; SPECIFYING THE DETAILS FOR THE CARSON CITY, NEVADA, MEDIUM-TERM NOTE IN THE PRINCIPAL AMOUNT OF \$3,100,000; SPECIFYING THE TERMS AND CONDITIONS OF SUCH MEDIUM-TERM NOTE, THE METHOD OF PAYING THE NOTE AND ITS FORM; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; funding source is the Quality of Life Fund/Open Space; fiscal impact is to reduce the Quality of

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Life fund balance \$2.9 million; incur annual debt service of approximately \$370,000 for ten years. Mayor Masayko felt that Mr. Providenti had indicated that the number was approximately \$13,000 less than that indicated. Supervisor Livermore seconded the motion. Motion carried 4-0 with Supervisor Staub absent.

10. BUILDING AND SAFETY - Building Official Phil Herrington

A. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.05 (BUILDING CODE) SECTION 15.05.010 (UNIFORM BUILDING CODE AND RELATED CODES) ADOPTION OF THE INTERNATIONAL BUILDING CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTIONS 15.05.015 TO 15.05.070 WHICH ARE SECTIONS THAT REFER TO THE 1997 UNIFORM BUILDING CODE AND OTHER MATTERS PROPERLY RELATED THERETO (2-1325) - Discussion indicated that the fees will not be increased by the ordinance. Mayor Masayko indicated that the fee structure should be discussed during the budget sessions. Mr. Herrington highlighted the changes to the Code. The revisions have been reviewed by the Builders Association, the Chamber of Commerce, and the Carson Chapter of the American Society of Civil Engineers. "The revisions will not create a significant impact to the material or cost of construction." The International Building Code was used for the new hospital. It had resulted in a reduced cost due to its flexibility. (Supervisor Staub arrived during this discussion--2:02 p.m. The entire Board was present, constituting a quorum.) The International Residential Code also has flexibility in it. The International Building Code puts more emphasis on installation of sprinklers which will reduce other things, e.g., fire walls, smoke dampers, etc. The changes would not have modified any construction requirements for homes located along the Sierra front. Fire Chief Giomi may address this issue when discussing the Fire Code requirements. The Fire Department has aggressively approached the residents living against the wildland fronts and attempted to approach the wildland fire problem in another manner. Discussion noted changes were being made to electrical, structural, commercial codes, etc., that follow. Mayor Masayko solicited public comments on Agenda Items 10A through 10G. None were given. Supervisor Williamson moved to introduce on first reading Bill No. 122, AN ORDINANCE AMENDING TITLE 15, BUILDING AND CONSTRUCTION, CHAPTER 15.05, BUILDING CODE, SECTION 15.05.010, UNIFORM BUILDING CODE AND RELATED CODES, ADOPTION OF THE INTERNATIONAL BUILDING CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTIONS 15.05.015 TO 15.05.070 WHICH ARE SECTIONS THAT REFER TO THE 1997 UNIFORM BUILDING CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE ADDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.14 ELECTRICAL CODE-ADMINISTRATIVE PROVISIONS, SECTION 15.14.010 ADOPTION OF THE INTERNATIONAL CODE COUNCIL ELECTRICAL CODE-ADMINISTRATIVE PROVISIONS, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL CODE COUNCIL ELECTRICAL CODE--ADMINISTRATIVE PROVISIONS AND AMENDMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO (2-1535) - Public comments were solicited but none were given. Supervisor Aldean moved to introduce on first reading Bill No. 123, AN ORDINANCE ADDING TITLE 15 BUILDING AND CONSTRUCTION, CHAPTER 15.14 ELECTRICAL CODE ADMINISTRATIVE PROVISIONS, SEC-

TION 15.14.010 ADOPTION OF THE INTERNATIONAL CODE COUNCIL'S ELECTRICAL CODE AND ADMINISTRATIVE PROVISIONS, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL CODE COUNCIL'S ELECTRICAL CODE AND ADMINISTRATIVE PROVISIONS AND AMENDMENTS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Williamson seconded the motion. Motion carried 5-0.

C. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE ADDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.07 EXISTING BUILDING CODE, SECTION 15.07.010 ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, APPENDICES AND AMENDMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO (2-1526) - Public comments were solicited but none were given. Supervisor Livermore moved to introduce on first reading Bill No. 124, AN ORDINANCE ADDING TITLE 15, BUILDING AND CONSTRUCTION, CHAPTER 15.07 EXISTING BUILDING CODE, SECTION 15.07.010 ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE, APPENDICES AND AMENDMENTS, AND OTHER MATTERS RELATED THERETO. Supervisor Aldean seconded the motion. Motion carried 5-0

D. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE ADDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.06 RESIDENTIAL CODE, SECTION 15.06.010 ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, APPENDICES AND AMENDMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO (2-1573) - Public comments were solicited but none were given. Supervisor Staub moved to introduce on first reading Bill No. 125, AN ORDINANCE ADDING TITLE 15, BUILDING AND CONSTRUCTION, CHAPTER 15.06 RESIDENTIAL CODE, SECTION 15.06.010 ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, APPENDICES AND AMENDMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisors Aldean and Livermore seconded the motion. Motion carried 5-0.

E. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.13 (ELECTRICAL CODE) SECTION 15.13.010 (ADOPTION OF THE NATIONAL ELECTRICAL CODE) ADOPTING THE 2002 EDITION OF THE NATIONAL ELECTRICAL CODE AND AMENDMENTS THERETO AND DELETING SECTIONS 15.13.020 TO 15.13.040 WHICH ARE SECTIONS THAT REFER TO THE 1999 NATIONAL ELECTRICAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (2-1600) - Mr. Herrington explained that the Electrical Code is not on the same revision cycle as the UBC and IBCs are. The 2002 edition is the latest revision. Public comments were solicited. None were given. Supervisor Williamson moved to introduce on first reading Bill No. 126, AN ORDINANCE AMENDING TITLE 15, BUILDING AND CONSTRUCTION, CHAPTER 15.13 ELECTRICAL CODE, SECTION 15.13.010 ADOPTION OF THE INTERNATIONAL ELECTRICAL CODE, ADOPTING THE 2002 EDITION OF THE INTERNATIONAL ELECTRICAL CODE AND AMENDMENTS THERETO AND DELETING SECTIONS 15.13.020 TO 15.13.040 WHICH ARE SECTIONS THAT REFER TO THE 1999 NATIONAL ELECTRICAL CODE, AND OTHER MATTERS PROPERLY RELATED THERETO.

Supervisor Aldean seconded the motion. Motion carried 5-0.

F. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.16 (MECHANICAL CODE) SECTION 15.16.010 (ADOPTION OF THE UNIFORM MECHANICAL CODE) ADOPTING THE 2003 EDITION OF THE UNIFORM MECHANICAL CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTION 15.16.020 WHICH IS THE SECTION THAT REFERS TO THE 1997 UNIFORM MECHANICAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (2-1639) - Public comments were solicited but none were given. Supervisor Aldean moved to introduce on first reading Bill No. 127, AN ORDINANCE AMENDING TITLE 15 BUILDING AND CONSTRUCTION, CHAPTER 15.16 MECHANICAL CODE, SECTION 15.16.010 ADOPTION OF THE UNIFORM MECHANICAL CODE, ADOPTING THE 2003 EDITION OF THE UNIFORM MECHANICAL CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTION 15.16.020 WHICH IS THE SECTION THAT REFERS TO THE 1997 UNIFORM MECHANICAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisors Staub and Williamson seconded the motion. Motion carried 5-0.

G. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING TITLE 15 (BUILDING AND CONSTRUCTION), CHAPTER 15.09 (PLUMBING CODE), SECTION 15.09.010 (ADOPTION OF THE UNIFORM PLUMBING CODE), ADOPTING THE 2003 EDITION OF THE UNIFORM PLUMBING CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTIONS 15.09.015 TO 15.09.070 WHICH ARE SECTIONS THAT REFER TO THE 1997 UNIFORM PLUMBING CODE AND OTHER MATTERS PROPERLY RELATED THERETO (2-1663) - Public comments were solicited but none were given. Supervisor Livermore moved to introduce on first reading Bill No. 128, AN ORDINANCE AMENDING TITLE 15 BUILDING AND CONSTRUCTION, CHAPTER 15.09 PLUMBING CODE, SECTION 15.09.010 ADOPTION OF THE UNIFORM PLUMBING CODE, ADOPTING THE 2003 EDITION OF THE UNIFORM PLUMBING CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTIONS 15.09.015 TO 15.09.070 WHICH ARE SECTIONS THAT REFER TO THE 1997 UNIFORM PLUMBING CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Staub seconded the motion. Motion carried 5-0.

11. FIRE DEPARTMENT - Fire Chief Stacy Giomi - ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE DELETING CARSON CITY MUNICIPAL CODE CHAPTER 14.04 UNIFORM FIRE CODE, CHAPTER 14.08 OPEN BURNING, AND CHAPTER 14.10 WILDLAND INTERFACE, AND ADDING CHAPTER 14.01 GENERAL PROVISIONS, CHAPTER 14.02 INTERNATIONAL FIRE CODE, CHAPTER 14.03 OPEN BURNING, AND CHAPTER 14.04 WILDLAND INTERFACE, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1688) - Deputy District Attorney Melanie Bruketta - Discussion explained that appeals to the hazardous abatement process are sent to the Board of Appeals. Mayor Masayko expressed his opinion that, as the ordinance does not include an appeal process, an appeal of a determination that the wildland is a hazard must be sent to the Board of Supervisors. A Code revision should be made to allow appeals to the Board of Appeals. Ms. Bruketta advised that staff is working on a nuisance ordinance and could include the appeal process in it. Mayor Masayko felt that an administrative appeal should be provided before the appeal is sent to the Board of Supervisors. Fire Chief Giomi explained the agencies who are participating in the revisions and the effort to present a united front for consistency throughout the region. Carson City's ordinance is in line with Lyon,

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Douglas, and Washoe Counties' ordinances. A contractor will face the same major points of the ordinance in all four counties. Mayor Masayko explained his concern about the wildland interface areas and the water supply, sprinkling, etc., requirements. A united front makes it an even playing field for everyone. Fire Chief Giomi indicated that he is working with Supervisor Aldean and TRPA on a wildland ordinance. Washoe County is considering adopting it. He also advised that the sprinkler ordinance is more restrictive but Lyon, Washoe, and Douglas Counties have the same requirements. Carson City's ordinance requires sprinklers for structures containing 5,000 square feet or more. This excludes the majority of the residential structures outside the wildland areas. All residences within the wildland interface area are required to have sprinklers. Porches are not required to have sprinklers, however, enclosed structures are. This is the standard language throughout the region. Clarification indicated that when two sections of the Code are in conflict, the more stringent Code applies. Staff is working to correct such situations when they are found. Discussion indicated that whenever the Code and CC&Rs are in conflict, staff contacts the District Attorney's office to determine the procedure. Justification for using monuments to display addresses was provided. If the CC&Rs are less restrictive, the Code applies in this case. Supervisor Aldean explained an example to illustrate her concern. Ms. Bruketta indicated that, to her knowledge, the City had not encountered this conflict before, however, if the CC&Rs violate City Code, the Code prevails. Mayor Masayko advised that if health and welfare are the concerns, City law prevails. Supervisor Williamson advised that if a hazard exists and the property owner fails to mitigate it, the City can do the work and charge the property owner for it. The fees are added to the tax bill by the Treasurer. Discussion indicated that this ability had been left out of the ordinance and should be added to it. Discussion then explained safety concerns about hazardous conditions on vacant parcels. Defensible space does not require "clear cutting" of the terrain. A process should be established that will assist neighbors with resolving hazardous conditions on vacant parcels without having to go to court. Ms. Bruketta indicated that the District Attorney's office will research the ability to place a lien against a property. Discussion indicated that this topic may be addressed in the nuisance ordinance. This will allow the Wildland Interface ordinance to remain global in nature. Concern was expressed that the authority be indicated enabling the process to occur. Discussion ensued regarding the structure(s) on Horse Creek and the Schulz property and the need for protective space and preventive measures for their cabins. Open Space Manager Guzman needed to be aware of the potential maintenance requirements for this protection if the City acquires the property(ies). The Code should be enforced uniformly. The City should not be exempt. Fire Chief Giomi also indicated that the City will not go looking for violations and, specifically, not in the vicinity of Horse Creek. A majority of the enforcement issues are raised by the adjacent property owners. Discussion indicated that there were no changes in the fee structures for plan checks and inspections. The Fire Department only charges plan check fees for sprinklers system and alarms systems. Inspections do not have a fee schedule. Sprinklers are inspected by commercial companies as allowed by Statutes. Fire Chief Giomi was not sure whether residential fire alarms are inspected. He believed that only commercial structures are inspected under the Statutes. Public comments were solicited but none were given. Supervisor Staub moved to introduce on first reading Bill No. 129, AN ORDINANCE DELETING CARSON CITY MUNICIPAL CODE CHAPTER 14.04 UNIFORM FIRE CODE, CHAPTER 14.08 OPEN BURNING, AND CHAPTER 14.10 WILDLAND INTERFACE, AND ADDING CHAPTER 14.01 GENERAL PROVISIONS, CHAPTER 14.02 INTERNATIONAL FIRE CODE, CHAPTER 14.03 OPEN BURNING, AND CHAPTER 14.04 WILDLAND INTERFACE, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Motion carried 5-0.

12. DISTRICT ATTORNEY - Deputy District Attorney Melanie Bruketta - ACTION TO APPROVE AN INTERLOCAL CONTRACT BETWEEN THE STATE OF NEVADA, DEPT. OF HUMAN

RESOURCES WELFARE DIVISION AND THE CARSON CITY DISTRICT ATTORNEY CHILD SUPPORT DIVISION BY WHICH CARSON CITY RECEIVES SUBSTANTIAL REIMBURSEMENT FUNDING FOR THE COLLECTION OF CHILD SUPPORT OBLIGATIONS BY THE DISTRICT ATTORNEY'S OFFICE, INCLUDING SALARIES AND EQUIPMENT FOR THE PERFORMANCE OF THIS FUNCTION FROM NOVEMBER 2004 TO JUNE 30, 2008 WHICH INCLUDES AN INCENTIVE PAYMENT SCHEDULE AND OTHER MATTERS PROPERLY RELATED THERETO (2-2252) - Discussion indicated that the formal agreement was not part of the Board's packet. Board consensus indicated a desire to defer action on it for that reason. No formal action was taken.

8-C. PRESENTATION BY STAFF ON THE ON-GOING EFFORTS FOR MITIGATION OF THE EFFECTS FROM THE WATERFALL FIRE (2-2328) - Development Services Director Andrew Burnham gave a computerized slide report. Cost of the fire are still in flex and will be updated. Discussion explained the loss of equipment that occurred during the early hours of the fire and justified the reasons for having the equipment in that area at the time of the flare up. Rainstorms are creating debris flows, which were described. They are occurring in several areas. This requires periodic cleaning of the infiltration basins. Hazardous conditions caused by falling trees were noted. Hay bales and straw wattles were provided to the property owners. The salvage logging operations in Kings Canyon have been completed. Cooperative Extension and FEMA's commitments were noted. The City has been/will be reimbursed by FEMA on a 75¢ per \$1 reimbursement basis. The City's in-kind services can be used for the 25¢ match. Clarification indicated that the figures provided in the report are for the City's costs plus the costs on some private lands and the City's land. The City hopes to be reimbursed \$230,000 for some costs from NDF. It may be a year before the figures are finalized. Mr. Burnham described the pre-flood plan. A copy of this report was given to the Board and the Clerk. (A copy is in the file.) The plan used information obtained from the 1987 flood. The need for "stand by" contractors was explained. The City needs approximately 160,000 sandbags if an event should occur. The City currently has between 30,000 and 50,000. A volunteer coordination program has been developed. It will take a lot of volunteers to move the anticipated number of sand bags. Reconstruction of residences is occurring. Free building permits are being issued to individuals whose homes were burned. Discussion reiterated that the City needs to have 160,000 sandbags for a flood event. There are currently between 40,000 and 50,000 filled sandbags warehoused and available for use throughout the community. The School District has provided locations for prestaging. The Hospital is cooperating. Concrete and water filled barriers can be prepositioned and moved quickly into place to reduce flooding in certain areas. Discussion indicated that the nuisance ordinance does not at this time address the burned vehicles. The property owners can be asked to remove them but cannot be forced to respond. Mayor Masayko explained his belief that the Board could force the issue and respond quickly. Discussion indicated that proper weather conditions could create flooding but, at this time, the chances for such an event are low. If the City's resources run out, the State disaster program will be implemented. Fire Chief Giomi explained that regional/local flood events will be the City's responsibility for "quite a while". In 1997 help from outside sources was not possible as they were tied up with their own areas. An isolated event in Carson City would make these resources more accessible to Carson City than a regional/statewide event would allow. A comprehensive statewide emergency response program is being developed that should be completed within six to eight months. Discussion indicated that the free building permit program for burnout residents has not addressed the potential of a new property owner who purchases the property. A time limit has not been established on the program. There were only 17 homes that were burned which Mr. Burnham felt was "not enough money to worry about". Insurance requirements may, however, limit the period for rebuilding. Supervisor Livermore pointed out that the "C" Hill Flag had not been included in the list of items that were destroyed. Supervisor Williamson indicated that progress on

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the Flag is being made. Mayor Masayko explained a resident's concerns about flooding on Crain and whether the detention basin would handle the drainage. Mr. Burnham indicated that there will be a collection system around "C" Hill that will flow into the basin. Their issues will be addressed at some point. It is an ambitious plan and was a hard sell to FEMA for their funding. They did finally agree that there was a problem. Senior Projects Manager Rob Fellows had worked diligently and extremely hard to get all that was possible from FEMA. Mayor Masayko expressed the Board's appreciation to all of the City staff for its dedication and efforts. No formal action was required or taken.

13. ACTION TO ADJOURN (2-3350) - Supervisor Aldean moved to adjourn. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 3:20 p.m.

The Minutes of the December 2, 2004, Carson City Board of Supervisors meeting

ARE SO APPROVED ON September 1, 2005.

/s/

Marv Teixeira, Mayor

ATTEST:

/s/

Alan Glover, Clerk-Recorder