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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, June 19, 2003, 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

STAFF PRESENT: Linda Ritter City Manager

Andrew Burnham Development Services Director

Daren Winkelman Health Director

Mark Forsberg Chief Deputy District Attorney

Brian Percival Asst. Chief of Alternative Sentencing

Shiela Banister Chief Juvenile Probation Officer
Cheryl Adams Deputy Purchasing Director
Ken Arnold Environmental Manager

Katherine McLaughlin Recording Secretary

Kevin McCoy Business License Compliance Officer

Justine Chambers Contracts Coordinator

(B.O.S. 6/19/02 Tape 1-0025)

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

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE - Mayor Masayko convened the meeting at 8:30 a.m. by welcoming City Manager Linda Ritter. Roll call was taken. A quorum was present although Supervisor Staub was absent. Rev. Bruce Henderson of the Airport Church of Christ gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

# CITIZEN COMMENTS (1-0056) - None.

- 1. APPROVAL OF MINUTES MARCH 20 AND APRIL 3, 2003, REGULAR SESSIONS AND APRIL 2, 2003 BUDGET SESSION (1-0059) Supervisor Aldean corrected the vote on Item 5B on Page 7 of the March 20, 2003, to indicate that Supervisor Staub and Mayor Masayko had voted Naye. Supervisor Aldean moved to approve the Minutes of March 20, 2003, subject to correction as noted on Page 7 and moved to approve the Minutes of the Special Meeting on April 2, the budget session, and the Minutes of April 3, 2003. Supervisors Livermore and Williamson seconded the motion. Motion carried 4-0.
- 2. AGENDA MODIFICATIONS (1-0089) Mayor Masayko indicated that Treasurer Kramer would

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not be present for Item 7, the changes to the water connection fees and billing procedures. Utility Operations Manager Tom Hoffert will make the presentation.

**LIQUOR AND ENTERTAINMENT BOARD (1-0095) -** Mayor Masayko recessed the Board of Supervisors session and immediately convened the session as the Liquor and Entertainment Board. A quorum of the Board was present, including Sheriff Furlong. Member Staub was absent as indicated.

- **TREASURER -** Business License Compliance Officer Kevin McCoy
- A. ACTION TO APPROVE A FULL BAR LIQUOR LICENSE FOR MAGGIE'S CASINO FANDANGO LOCATED AT 3800 SOUTH CARSON STREET, MR. LARRYWOOLF WILL BE THE LIQUOR LICENSE MANAGER (1-0098) Mr. Woolf introduced himself. Chairperson Masayko explained the requirement that a liquor manager appear before the Board and stressed the importance of his knowing the liquor laws. Mr. Woolf indicated that his employees will be knowledgeable in the Liquor Statutes and Codes and agreed to allow the Sheriff's Department to have access to the facility at all reasonable times. The location was noted. Member Furlong noted the favorable Sheriff's Investigative Report. Member Williamson welcomed him to the area. Mr. Woolf indicated that the establishment should receive a gaming license by the end of July. He hoped to open on August 1. Member Williamson thanked him for his investment in the community and wished him success. Member Williamson moved to approve a full bar liquor license for Maggie's Casino, LLC, doing business as Casino Fandango located at 3800 South Carson Street; Mr. Larry Woolf will be the Liquor License Manager; under Carson City MunicipalCode 4.13 and that the fiscal impact is \$200 quarterly fee; \$500 investigation fee; and \$1,000 original new fee. Member Livermore seconded the motion. Motion carried 5-0.
- B. ACTION TO APPROVE A BEER AND WINE LICENSE FOR BMW MANAGE-MENT, INC., DOING BUSINESS AS SIZZLER RESTAURANT, LOCATED AT 3033 NORTH CARSON STREET, MR. RICHARD DOWNS WILL BE THE LIQUOR LICENSE MANAGER (1-0168) Mr. Downs indicated that he had applied for an on-premise beer and wine license. He will be the Liquor License Manager. Chairperson Masayko reminded him that having a Liquor License is considered a privilege in Carson City. It necessitates strict compliance with the Liquor Laws including those against serving minors and intoxicated individuals. Mr. Downs assured the Board that he will comply with the laws and regulations including the training of his employees in those laws. Chairperson Masayko explained that inspections do and will occur. He also explained the requirement that the Sheriff's Office have access to the premises at all reasonable times. Member Furlong noted the favorable Sheriff's Investigative Report. Member Aldean moved to approve a beer and wine license for BMW Management, Inc., doing business as Sizzler Restaurant, located at 3033 North Carson Street; Mr. Richard Downs will be the Liquor License Manager (under) CCMC 4.13; (and that) the fiscal impact is \$150 quarterly fee, \$500 investigative fee, and \$500 original new fee. Member Williamson seconded the motion. Motion carried 5-0.
- C. ACTION TO APPROVE A FULL BAR LIQUOR LICENSE FOR DOUBLE R, INC., DOING BUSINESS AS SPINNER'S SPORTS BAR AND GRILL, LOCATED AT 3198 NORTH DEER RUN ROAD, RONALD AND RUTH WALDROP WILL BE THE LIQUOR LICENSE MANAGERS (1-0230) Chairperson Masayko reminded Ronald and Ruth Waldrop that holding a Liquor License is considered a privilege in Carson City. He stressed the need to avoid serving minors and obviously intoxicated individuals. They

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assured the Board that they will provide appropriate training for their employees and comply with the Statutes and Codes. Chairperson Masayko noted for the record the portion of the Code which allows the Sheriff's Office to have access at all reasonable times when in the pursuit of its duties. The Waldrops indicated that they understood this obligation. Member Furlong noted the favorable Sheriff's Investigative Report. Chairperson Masayko asked that the record show that there were no objections to the license and that the investigation had been completed. Member Williamson noted that it is a new business. The Waldrops are relocating to this area. She welcomed them to the area and thanked them for their investment in the community. Discussion explained the location of the establishment. Member Livermore moved to approve a full bar Liquor License for Double R, Inc., dba Spinner's Sports Bar and Grill located at 3198 North Deer Run Road; Ronald and Ruth Waldrop will be the Liquor License Managers, (under) Carson City Municipal Code 4.13; (and that) the fiscal impact is \$200 Quarterly Fee, \$575 Investigative Fee; and \$1,000 Original New Fee. Member Williamson seconded the motion. Motion carried 5-0.

**BOARD OF SUPERVISORS** (1-0315) - There being no other matters for consideration as the Liquor and Entertainment Board, Chairperson Masayko adjourned it and immediately reconvened the Board of Supervisors session. A quorum of the Board was present although Supervisor Staub was absent as indicated.

## **4. CONSENT AGENDA (1-0322)**

- 4-1. ASSESSOR ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES AND PENALTIES ON APN 008-125-30 (909 HOT SPRINGS ROAD), IMPROVEMENTS ON THIS PARCEL WERE DEMOLISHED ON NOVEMBER 26, 2002, THEREFORE, NO LONGER TAXABLE PER NRS 361.055
  - 4-2. SHERIFF
- A. ACTION TO APPROVE ESA CONTRACT NUMBER 88720201610 EQUIP-MENT AND SERVICES AGREEMENT FROM NEVADA BELL TELEPHONE COMPANY DOING BUSINESS AS SBC NEVADA, A SOLE SOURCE PROVIDER, FOR A NOT TO EXCEED COST OF \$92,015 FOR THE PERIOD OF APRIL 1, 2003, THROUGH MARCH 31, 2008 (FILE No. 0203-112)
- B. ACTION TO ACCEPT THE BYRNE MEMORIAL FORMULA GRANT AWARD, FY 03/04, IN THE AMOUNT OF \$22,402 FROM THE STATE OF NEVADA, OFFICE OF CRIMINAL JUSTICE ASSISTANCE FOR THE CARSON CITY SHERIFF'S DEPARTMENT CITY CRIME VIEW PROJECT
  - 4-3. DEVELOPMENT SERVICES GIS
- A. ACTION TO RENAME THE UPPER PORTION OF THE STREET NAMED MEXICAN DAM ROAD TO SIERRA VISTA LANE
- B. ACTION TO RENAME THE SPUR OFF OF RIO VISTA LANE FROM RIO VISTA LANE TO DEL RIO COURT
- C. ACTION TO APPROVE A COOPERATIVE AGREEMENT BETWEEN THE NEVADA DEPARTMENT OF TRANSPORTATION AND CARSON CITY FOR THE EXCHANGE AND SHARING OF NON-PROPRIETARY AND NON-SENSITIVE RASTER AND VECTOR GIS DATA
- 4-4. DEVELOPMENT SERVICES CONTRACTS ACTION TO ACCEPT DEVELOP-MENT SERVICES RECOMMENDATION ON THE FREEWAY RELOCATION PROJECT - PHASE 1B PROJECT, CONTRACT NO. 9900-172 AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE

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PAYMENTS TO PBS&J, 5310 KIETZKE LANE, SUITE 101, RENO, NV 89511 FOR AMENDMENT NO. 9 AMOUNT OF \$7,000 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE ADDITIONAL AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$25,000

- 4-5. PURCHASING AND CONTRACTS
- A. ACTION TO RENEW CONTRACT 9798-260 IBM MAINTENANCE THROUGH JUNE 30, 2005, FOR A CONTRACTUAL AMOUNT FOR THE FIRST YEAR OF \$95,467.73 AND AUTHORIZE THE MAYOR TO SIGN AMENDMENT #3, IBM CHANGE AUTHORIZATION FOR SERVICES AND IBM SCHEDULE FOR SERVICES
- B. ACTION TO APPROVE LEASE AGREEMENT NO. 9899-106 RENEWAL TO LEASE A PORTION OF THE PARKING LOT AT 777 EAST WILLIAM STREET TO BE USED BY LIBRARY STAFF AND VOLUNTEERS FOR \$1,800 PER YEAR EFFECTIVE THROUGH AUGUST 31, 2004, WITHOUT CHANGE IN THE ORIGINAL LEASE TERMS AND CONDITIONS
- C. ACTION TO EXTEND CONTRACT NO. 9900-056 TO CONTRACT WITH CONWAY COMMUNICATIONS BY JOINDER BID THROUGH THE STATE OF NEVADA TO PROVIDE TELEPHONE REPAIR, WIRING, CABLE AND FIBER OPTIC CABLE REPAIR AND INSTALLATION THROUGH DECEMBER 31,2003, AND AUTHORIZE ALL CITY DEPART-MENTS TO BE ABLE TO PLACE ORDERS FROM THIS CONTRACT PROVIDED THEY HAVE APPROVED FUNDING AND FOLLOW APPROVED CARSON CITY PURCHASING PROCED-URES
- D. ACTION TO APPROVE THE AWARD OF CONTRACT NO. 0203-135 CARSON CITY WATER UTILITY 2003 WATER SAMPLING TO SIERRA ENVIRONMENTAL MONITORING AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS CHAPTER 332 AND PURSUANT TO THE BOARD'S FINDINGS THAT IT IS IN THE PUBLIC'S BEST INTEREST TO ACCEPT THE BID EXCEPTIONS FOR A TOTAL COST OF \$80,190 WHICH INCLUDES A CONTINGENCY AMOUNT OF \$4,009.50
- E. ACTION TO APPROVE CONTRACT NO. 0304-008 A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY NEVADA RURAL HEALTH CENTERS, INC., FOR THE HEALTH, JUVENILE, AND SHERIFF DEPARTMENTS THROUGH JUNE 30, 2004, FOR A NOT TO EXCEED COST OF \$3,255 PER MONTH PLUS THE COST OF MEDICAL SERVICES AND LABORATORY CHARGES
- 4-6. ALTERNATIVE SENTENCING ACTION TO APPROVE THE APPOINTMENT OF BRIAN D. PERCIVAL AS CHIEF OF THE DEPT. OF ALTERNATIVE SENTENCING AT THE SALARY LEVEL OF THE CURRENT OUTGOING CHIEF EFFECTIVE JULY 11, 2003
  - 4-7. CITY MANAGER
- A. ACTION TO REAPPOINT ROY SEMMENS TO THE CARSON CITY PLANNING COMMISSION FOR A FOUR-YEAR TERM EXPIRING JUNE 2007
- B. ACTION TO APPROVE A CONTRACT FOR GOVERNMENTAL AFFAIRS SERVICES WITH WALKER AND ASSOCIATES FOR FISCAL YEAR 2003/2004
  - 4-8. FINANCE
- A. ACTION TO ALLOW THE FINANCE DEPARTMENT TO DELETE FIXED ASSETS FROM THE GENERAL FUND FIXED ASSET LISTING
- B. ACTION TO ALLOW THE FINANCE DEPARTMENT TO DELETE FIXED ASSETS FROM THE ENTERPRISE FUNDS FIXED ASSET LISTINGS FOR FISCAL YEAR 2001-02

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- C. ACTION TO APPROVE THE APPLICATION TO REMOVE UNCOLLECT-IBLE ACCOUNTS RECEIVABLE FROM THE RECORDS OF THE AMBULANCE FUND IN THE AMOUNT OF \$321,848.54 OUT OF ESTIMATED BILLINGS THROUGH JUNE 30, 2003, OF APPROXIMATELY \$3,000,000 Discussion pulled Items 4-7A, 4-7B, and 4-5B for discussion. Supervisor Aldean moved to approve the Consent Agenda specifically one item under the Assessor, two items, A and B, under the Sheriff, three items under Development Services GIS, one item under Development Services Contracts, four items under Purchasing and Contracts with the omission of Item B which has been pulled for further consideration, one item under Alternative Sentencing, both items under the City Manager have been pulled for further consideration, and three items under Finance. Supervisor Williamson seconded the motion. Motion carried 4-0.
- **4-7A. (1-0371)** Mayor Masayko welcomed Roy Semmens and thanked him for volunteering. Reasons were provided for making the reappointment. Supervisor Livermore moved to reappoint Roy Semmens to the Carson City Planning Commission for a four-year term expiring June 2007. Supervisor Williamson seconded the motion. Motion carried 4-0.
- **4-7B.** (1-0405) Supervisor Aldean questioned whether the District Attorney's office had reviewed the contract. Mary Walker explained that the contract is the same as the one that has been approved for several years. Mayor Masayko explained his concern about spending money for this purpose. Supervisor Williamson moved to approve the contract for governmental affairs services with Walker and Associates for fiscal year 2003-2004 and the fiscal impact is \$32,000. Supervisor Livermore seconded the motion. Mayor Masayko reiterated his concern about spending \$32,000 for this purpose. The motion was voted and carried 3-1-1 with Mayor Masayko voting Naye and Supervisor Staub absent.
- **4-5B.** (1-0427) Discussion between the Board and Deputy Purchasing Director Cheryl Adams indicated that originally the funding for this purpose had been eliminated in a cost saving effort. The funds were not used for the other item and is now available for this purpose. Mayor Masayko suggested that a report be provided indicating this in the future. Supervisor Livermore moved to approve Lease Agreement No. 9899-106, renewal to lease a portion of the parking lot at 777 East William Street to be used by the library staff and volunteers for \$1,800 per year effective through August 31, 2004, without changes in the original lease terms and conditions; fiscal impact is \$1,800 and the funding source is the \$1,800 budgeted in FY 0304 Library Account 101-6200-455. Supervisor Aldean seconded the motion. Motion carried 3-1-1 with Supervisor Williamson voting Naye and Supervisor Staub absent.

# 5. BOARD OF SUPERVISORS (1-0485)

## A. LEGISLATIVE UPDATE BY MARY WALKER OF WALKER AND ASSOCIATES -

Ms. Walker complimented the Board on the selection of Ms. Ritter as City Manager. She had sent emails to Department Heads containing 40 pages of information on the 600 different bills that she had monitored for the City. They had monitored 500 bills during the previous Legislative session. The emails from the Department Heads had provided the information necessary to develop a response. She then described the long-term care proposal developed by the Legislature. The State had allocated \$2 million for this purpose. She felt that the City would be able to save between \$150,000 and \$170,000 as a result of this funding. The proposal had capped the ad valorem

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rate for this purpose at eight cents. The elected officials' salary bill was limned. It took three attempts before the Legislature finally approved the bill. She then described AB 29 which provides funding for the drug and mental health courts, and SB 19, which is a purchasing bill that establishes an informal bidding process for projects under \$100,000. Concerns were expressed regarding SB 370, which came back as an amendment to another bill. It was eventually killed. It would have removed 25 percent of the County's motor vehicle privilege tax while increasing the real property transfer tax. SB 380 was a proposal to remove half of the County's assessed value growth ability. This bill died in the regular session but was raised during the special session. Monitoring of the bill should continue to ensure that it does not come back. SB 458, the Fire Marshall's bill, would have required the Carson City Fire Department to charge fees for plan checks for both the City and State even though the State does not do any work reviewing the plans. SJR 9 did not come up for a vote. It was a resolution moving the Legislature to Las Vegas. Carson City and Douglas County were removed from SB 402. It was Washoe County's redistribution of Redevelopment funds bill. AB 441, the terrorism bill, was modified to mandate compatibility with State emergency/911 systems whenever new systems/equipment are acquired in the future. Ms. Walker compli-mented staff on its responses and assistance. An updated status report covering all of the bills has been given to the City Manager. (A copy was not provided for the Clerk.) A tri-county luncheon thanking the Legislators is planned for late August or early September. It will be held in Carson City. She then explained her intent to continue monitoring the bills under consideration during the special session(s) in an attempt to stop any revenue shifts from local government to the State and to stay on top of any tax changes. The next special session is scheduled to start on June 25. Compromises which have been developed included one that will impose a 1.1 percent tax on payrolls. The Assembly wants a franchise fee/broad-based business tax. The result may be a lower combined rate of the two. All of the offered compromises have failed by one vote in the Assembly. All of the bills submitted by Carson City were approved. Issues which will be studied between sessions include the juvenile justice system; the 557 Committee; health care; and public lands. SB 216 on public lands requires a review of the water districts including the Carson Subconservancy as the Legislature wants/needs additional input from the water districts. The PERS program is also going to be studied as the retirees are having a difficult time meeting the health care costs. Various bills attempting to address this problem were limned that culminated in a decision to have a study conducted. Discussion noted that the initial concept would have forced local governments to join the State insurance program and was an unfunded mandate. As local government employees insurance is a collective bargaining issue, the Legislature could not force them to join the State program. The cost of the State program is higher than the program offered by the City. Ms. Walker then explained her work with Supervisor Staub on emergency responses and coordination efforts between the Hospital and State. There is emergency funding for the program. Clark County appears to be getting the majority of the terrorism funds. Efforts are being pursued to attempt to obtain additional funding for the State. Mayor Masayko felt that the Director of Homeland Security understood Carson City's problems and is looking for funding. Ms. Walker felt that there are others who are also interested in working on this problem and that they should have a meeting on it. A standing committee has been established on Marlette and TRPA. Efforts were undertaken to expand TRPA to include oversight of the Colorado River. Changes in the composition of the TRPA oversight committee were felt to be beneficial to the area. No formal action was taken or required.

B. ACTION ON A REQUEST BY SUSAN ROBINSON, REPRESENTING THE AMERI-CAN CANCER SOCIETY FOR A WAIVER OF EQUIPMENT, ADMINISTRATIVE AND CLEANING DEPOSIT FEES (1-0883) - Regional Vice President for the American Cancer Society of Northern Nevada Susan

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Robinson described the \$500 fee waiver request, the event, its purpose and reasons for needing the stage. Supervisor Livermore corrected the fee amount to be \$303 as the \$275 cleaning deposit will be returned. Discussion explained the fund-raising events conducted by the society, the administrative cost of two percent, the funding for research, and the local use of the remaining funds. Mayor Masayko disclosed his participation in the fund raisers. He also noted that a Parks and Recreation representative was not present. Not all of the \$303 is "soft money". He felt that the Board did not wish to send a message that all nonprofit organizations' fees are waived which will make the taxpayers foot the bill for the services. The request is \$303 and is for the cost of the equipment. He suggested that the funds be found somewhere within the City's budget. The policy should be considered on a case-by-case basis. If and when it is deemed appropriate, the request should be granted. Supervisor Livermore explained his concerns that the cleaning deposit may be excessive. Supervisor Livermore then moved to deny the request by Susan Robinson, representing the American Cancer Society, for the waiver of the equipment, administrative, and cleaning deposit fees; and added to the motion that the Board of Supervisors reach into its discretionary fund for the \$303 rental fee for the equipment for the American Cancer Society's rental of the mobile stage equipment. Supervisor Williamson seconded the motion. Mayor Masayko explained that the fees were not being waived as the Board will fund it from the discretionary fund. The \$275 deposit is refundable. Bob Fuhrman volunteered to donate \$200 to help with the fees. Mayor Masayko thanked him for his offer. Motion to deny the request for a fee waiver and to use the Board's discretionary fund to pay the \$303 rental fee for the mobile stage was voted and carried 4-0.

C. ACTION ON A REQUEST FROM MARYELLEN WALTZ, EXECUTIVE DIRECTOR OF HEALTHSMART, FOR A LETTER OF COMMITMENT FROM THE BOARD OF SUPER-VISORS TO THE DEPT. OF HEALTH AND HUMAN SERVICES AND THE CENTER FOR DISEASE CONTROL VERIFYING THEIR INTENT TO MAKE AVAILABLE RESOURCES, SUCH AS BIO-TERRORISM ASSISTANCE AND COMMUNITY PUBLIC HEALTH NURSING, IF NEEDED, TO COMPLY WITH GRANT REQUIREMENTS (1-1068) - Ms. Walsh introduced Dr. Karl Herd, County Health Officer. Dr. Herd explained the need for a letter of commitment, its purpose, its funding opportunities, and justification for the program. At this time the effort is being spent to coordinate and plan for the future. Once funding is acquired, program development will occur. Supervisor Aldean indicated her support for the philosophical effort. Dr. Herd felt that there would not be a requirement for the City to match any of the grants. All of the funding will be from Federal sources. Mayor Masayko expressed his support for a program which would not require the City to match the Federal funds. If and when City funding is required, the terms need to be discussed in more depth. Dr. Herd indicated that he would attempt to obtain funding for administrative purposes the first year. Supervisor Livermore explained that the funds normally go to Washoe and Clark Counties. Washoe County has agreed to assist Carson City and the area in obtaining some funding to provide assistance to the 400,000 residents. Healthsmart and the Sierra Family Health's programs were limned. The Federal funds will enhance the outreach program and benefit the community. Healthsmart had committed to providing the clerical support and administration to comply with the Federal standards. Dr. Herd indicated that the funding amount is 40 percent of the funds received by Washoe County. He felt certain that Healthsmart will be able to grow and provide the necessary public health infrastructure. This will create a level playing field for the rural communities. Discussion indicated that the applications for grant funds are very competitive. The funds should be available in August or at the end of the year. The deadline for submittal of the application is July 15. The proposal is to use the funds in Carson City although some "collateral efforts may bleed over". It is possible for the surrounding Counties to join Healthsmart. They are presently working with Douglas County and will continue to do so. Supervisor Livermore moved to approve the request of MaryEllen

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Waltz, Director of Healthsmart, for a Letter of Commitment from the Board of Supervisors to the Department of Health and Human Services and the Center for Disease Control verifying their intent to make available resources such as bio-terrorism assistance and community public health nursing if needed to comply with grant requirements. Supervisor Williamson seconded the motion. Motion carried 4-0.

## D. NON-ACTION ITEMS

# ii. STAFF COMMENTS AND STATUS REPORTS (1-1352) - City Manager Linda

Ritter briefly explained her tour of the City and the Departments. She requested consideration be given to holding two workshops with the Board to discuss the agenda process and the needs, vision, and goals for the community. She looked forward to working with the Board as its City Manager. Mayor Masayko welcomed her and looked forward to working with her. He also indicated that he had heard exciting things about her.

## i. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-

1385) - Supervisor Williamson briefly noted her family vacation. She felt that the Capital City Music Series' first event was successful. Its next event is scheduled for July 18 at the Community Center and is in conjunction with the ground breaking for the Regional Medical Center. The Capital City Music Series will conduct weekly events thereafter. Locations where tickets can be obtained were explained. She then announced the Advocates' Taste of Downtown scheduled for Saturday evening and invited the public to participate. Discussion explained the temporary relocation of the Third Street lighting fixtures to the area between City Hall and Garibaldi's. The lighting fixtures needed for the landscape improvements at that location have not yet arrived. These improvements should be completed by Saturday's Taste of Downtown. The Third Street fixtures may be replaced later. Supervisor Aldean reported on her TRPA activities; a Soroptomists luncheon; the RTC and MPO meetings; the Brewery Arts Center's executive director selection process; her involvement with Girls State; and the Community Center tree planting dedication ceremony in memory of former Supervisor Plank. Mayor Masayko asked Ms. Ritter to ensure letters of recognition are sent to the tree donors. He referenced a letter in today's Nevada Appeal and explained that 18 months ago the master plan for the Airport was approved. It had included expansion of the runway. It had not been the impetus for the Economic Vitality Committee. The Committee wishes to include the businesses at the Airport as they are a valuable asset to the community. The runway is just now moving forward with the FAA grant. Supervisor Livermore explained his meetings with the Economic Vitality Coalition and the Parks and Recreation workshop. He complimented the Rendezvous participants on its well-run event. He hoped that in the future concerts will continue to be part of the event. He thanked the Fire Department, State, Regional, and Federal participants for their quick and efficient response to the Spooner-Highway 50 fire. They had kept the loss to a minimum. Mayor Masayko explained the need to be cognizant of the residents surrounding Mills Park and the Pony Express Pavilion when concerts are held. All events held in it should start and end on time. This had occurred with the Rendezvous. He hoped that there aren't any problems over the summer. He also reiterated for the record that Item 7 will not be heard until Utility Operations Manager Tom Hoffert is present.

RECESS: A recess was declared at 10:02 a.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 10:12 a.m. Supervisor Staub was absent as indicated.

# 6. JUSTICE COURT - ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE

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AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL BY ADDING CHAPTER 2.39 ADDI-TIONAL ADMINISTRATIVE ASSESSMENT FOR MISDEMEANOR; AUTHORIZATION; COLLECTION; DISTRIBUTION; LIMITATIONS ON USE, SECTION 2.39.010 FEES IN JUSTICE/MUNICIPAL COURTS WHICH ADDS AN ADDITIONAL TEN DOLLAR ADMIN-ISTRATIVE ASSESSMENT TO ANY JUDGEMENT RENDERED AGAINST A DEFENDANT FOR USE TOWARDS COURT FACILITIES, SECTION 2.39.020 COLLECTION OF ADMINISTRATIVE ASSESSMENT WHICH SETS FORTH HOW THE FEE SHALL BE COLLECTED, SECTION 2.39.030 DISTRIBUTION OF ADMINISTRATIVE ASSESSMENT WHICH SETS FORTH HOW THE FEE WILL BE DISBURSED, AND SECTION 2.39.030 <u>LIMITATIONS ON USE OF ADMINISTRATIVE</u> ASSESSMENT WHICH SETS FORTH WHICH PROJECTS MAY BE FUND-ED BY THE ADMINISTRATIVE ASSESSMENT FEE AND OTHER MATTERS PROPERLY RELATED THERETO (1-1608) - Consultant Sharon Murphy, Chief Deputy District Attorney Mark Forsberg - Comments noted budget discussions on this concept. Mayor Masayko expressed his concerns regarding the appearance that administrative fees were beginning to be more than the original citation fine. Ms. Murphy explained the Judges' feelings that the fee should be implemented now due to the financial need. Mayor Masayko indicated his belief that it may become necessary at a future date to remove/reduce the administrative fees if and when they become a burden as it will no longer be "justice at a reasonable cost". He also indicated the need to address the Sheriff's facility and hoped that the fees could be used to offset its needs. Discussion explained that the number of misdemeanor convictions last year was 11,186. Ms. Murphy was unsure how many are uncollectible, however, the administrative assessment is paid before the fine is paid. Comments also indicated that there may not be as many convictions this year as had been in the past. Ms. Murphy agreed that the goal of 100 percent collections was very high and all may not be collected. Some individuals may select community service time instead of a payment program. Ms. Murphy then explained for the record the assessments as established by the Legislature for a fine between \$5 and \$49 will be increased to \$42 with the proposed amendment. Fines between \$500 and \$1,000 will be \$137. Mayor Masayko felt that a \$42 assessment on a \$50 fine was excessive. Ms. Murphy indicated that this is the Judges' concerns. Mayor Masayko indicated a willingness to try the concept and, if necessary, reconsider it. The fees should not deny people justice and if it becomes a burden, it should be removed. He also indicated that both the Community Service program and the Alternative Sentencing program cost money. Ms. Murphy and Mr. Forsberg indicated that the wording in the enabling legislation makes the assessment fees compulsory and not discretionary. The fines are discretionary. For this reason the Judges can lower the fines to make up for the assessment fees. Examples illustrating this ability were provided. Mayor Masayko pointed out that this involves General Fund revenue. He suggested that conversion from Statutes to Codes and the funds allocated to the State not be discussed. Supervisor Aldean felt that Section 4 Subsection 4 is convoluted and means that a refund will not be made if the assessment and fine are not paid. Mr. Forsberg agreed. Public comments were solicited but none were given. Supervisor Williamson moved to introduce Bill No. 114 on first reading, AN ORDINANCE AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL BY ADDING CHAPTER 2.39 ADDITIONAL ADMINISTRATIVE ASSESSMENT FOR MISDEMEANOR; AUTHORIZATION; COLLECTION; DISTRIBUTION; <u>LIMITATIONS ON USE</u>, SECTION 2.39.010 FEES IN JUSTICE/MUNICIPAL COURTS WHICH ADDS AN ADDITIONAL TEN DOLLAR ADMINISTRATIVE ASSESSMENT TO ANY JUDGEMENT RENDERED AGAINST A DEFENDANT FOR USE TOWARDS COURT FACILITIES, SECTION 2.39.020 COLLECTION OF ADMINISTRATIVE ASSESSMENT WHICH SETS FORTH HOW THE FEE SHALL BE COLLECTED, SECTION 2.39.030 DISTRIBUTION OF ADMINISTRATIVE ASSESSMENT WHICH SETS

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FORTH HOW THE FEE WILL BE DISBURSED, AND SECTION 2.39.030 <u>LIMITATIONS ON USE OF ADMINISTRATIVE ASSESSMENT</u> WHICH SETS FORTH WHICH PROJECTS MAY BE FUNDED BY THE ADMINISTRATIVE ASSESSMENT FEE AND OTHER MATTERS PROPERLY RELATED THERETO; fiscal impact anticipated with this change will generate an approximate \$100,000 per year which will increase as case volume increases. Supervisor Aldean seconded the motion. Motion carried 4-0.

8. INFORMATION SERVICES - ACTION TO ADOPT ON SECOND READING BILL NO. 113, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 2.31 INFORMATIONAL SERVICES DEPARTMENT, SECTION 2.31.040 ORGANIZATION AND MEMBER OF COMMITTEE BY ADDING AN ADDITIONAL ELECTED OFFICIAL TO THE COMMITTEE MEMBERSHIP AND OTHER MATTERS PROPERLY RELATED THERETO (1-1932) - Mayor Masayko explained that P. C. Network Specialist Coordinator Eric Von Schimmelmann had been present earlier. Mr. Von Schimmelmann had advised him that he had not received any comments concerning the ordinance since the first reading. Mayor Masayko also indicated that he had not received any comments during the period between first and second readings. Supervisor Aldean moved to adopt on second reading Bill No. 113, Ordinance No. 2003-14, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 2.31 INFORMATIONAL SERVICES DEPARTMENT, SECTION 2.31.040 ORGANIZATION AND MEMBER OF COMMITTEE BY ADDING AN ADDITIONAL ELECTED OFFICIAL TO THE COMMITTEE MEMBERSHIP AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Supervisor Williamson seconded the motion. Motion carried 4-0.

# 9. **COMMUNITY DEVELOPMENT -** Director Walter Sullivan

ACTION REGARDING A REQUEST FROM JOAN C. WRIGHT AND GREGORY J. HAYES FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY, SPECIFICALLY THE EASTERN EIGHT FEET OF MINNESOTA STREET BETWEEN FOURTH AND FIFTH STREETS FOR PARCELS APN 003-128-01 AND 003-128-04, LOCATED AT 411 WEST FOURTH STREET, INCLUDING AUTHORIZING THE MAYOR TO SIGN THE ORDER OF ABANDONMENT (AB-02/03-7) (1-1995) - Associate Planner Jennifer Pruitt - Mr. Sullivan's introduction included an introduction of Ms. Wright's attorney Jim Cavilla, who was present. Discussion indicated the location is within the City's original townsite. Mayor Masayko asked the Board to making a finding regarding the City's ability to sell the alleyway in the motion. All of the applicants are listed in the staff report and had signed a document supporting the application. This addendum to the application was not included in the Board's packet. Mr. Cavilla indicated for the record that Joan Wright and Gregory Hayes are married. Discussion indicated that the motion should include a reference to the second parcel. Supervisor Williamson moved to approve AB-02/03-7, a request from Joan C. Wright and Gregory J. Hayes for abandonment of public right-of-way, specifically the easternly eight feet of Minnesota Street between Fourth and Fifth Streets for parcels, Assessor's Parcel Numbers 003-128-01 and 003-128-04, located at 411 West Fourth Street and 412 West Fifth Street including authorization for the Mayor to sign the Order of Abandonment with the finding of no fiscal impact as it is part of the original townsite map. Supervisor Livermore seconded the motion. Motion carried 4-0.

# B. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING

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CARSON CITY MUNICIPAL CODE TITLE 7 (ANIMALS), SPECIFICALLY SECTION 7.13.190, KEEPING OF ANIMALS IN ZONED AREAS (1-2171) - Health Director Daren Winkelman, Chief Deputy District Attorney Mark Forsberg - Discussionindicated that if the parcel is "close to one acre" it will not be necessary to have a special use permit in order to keep animals. Parcels containing 6/10 or 4/10's of an acre will not be allowed to keep animals. Justification for placing the ordinance in Title 7 rather than under Title 18 was provided. Title 18 will be amended in the future to reference Title 7. Supervisor Livermore explained his concern about the lack of consideration being given to the temporarily keeping of 4-H animals. Staff agreed with Supervisor Livermore that the 4-H animals are kept for only a short period of time. The intent had been to regulate the use. It was not the intent to interfere with an educational program, such as 4-H. Mr. Winkelman felt that when Title 7 is rewritten, a definition could be added clarifying the proposal. Supervisor Livermore suggested a period of time be used. The Special Use Permit should be used for longer periods. Mr. Forsberg voiced his concern about a regulation which indicates enforcement will not occur under specified conditions. This would make the ordinance arbitrary and capricious. Mr. Sullivan offered a revision which would equate two rabbits to one animal unit. Mayor Masayko directed that the ordinance be continued and that staff rework it. He also suggested that Cooperative Extension Director Joanne Skelly be involved in the process. No formal action was taken.

C. ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION'S DECISION THAT DENIED A SPECIAL USE PERMIT APPLICATION FROM DAVID W. KROPELNICKI REPRESENTING ADMART (PROPERTY OWNER: TIMOTHY D. MORAN) REQUESTING THE ALLOWANCE OF A DOUBLE-FACED, OFF-PREMISE BILLBOARD SIGN, ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 8025 HIGHWAY 50 EAST, APN **008-611-04** (FILE NO. U-02/03-42) (1-2435) - Attorney James Randl, David Kropelnicki - Mayor Masayko noted concerns regarding the angle of the signs as illustrated in the photographs. He pointed out that the Code does not consider the modern "clean" double faced sign now utilized by the industry. He also felt that the sign was offense. He questioned whether the ordinances included consideration of the design. Mr. Sullivan explained that there are OSHA regulations regarding the catwalks and railing. The Code regulates the height and separation of panels. Mayor Masayko reiterated his feeling that the sign appeared "rough" in the photographs. Supervisor Aldean referenced the Planning Commission's action to explain its concerns regarding the proposal's inability to comply with findings related to economic impact on the surrounding area. Discussion described the proposed location for the V&T Railroad. Supervisor Aldean felt that the proposed sign will be visible from that location and expressed her concerns with the proposed sign and its aesthetic impact. The City's visual preference survey had not included billboards. Its concerns about the Highway 50 corridor were related to the need to address the eyesores found along this gateway to the community. Supervisor Livermore noted that the map showing the location where billboards are or can be placed does not show the Freeway. The freeway will open new development opportunities to the community. He encouraged Mr. Sullivan to include this potential on the map. Mr. Sullivan described the distance to the freeway. He then explained that the billboard ordinance was developed 16 years ago. Only one lawsuit had been filed against the ordinance during that time. This lawsuit was eventually withdrawn. He then explained that between 12 and 15 billboards have been removed by attrition and parcel development. Billboards will not be allowed along the freeway. Supervisor Livermore explained that he did not intend to require billboards along the freeway but that consideration of the possibility should occur. Mr. Sullivan noted that new signs are allowed in a few finite areas with a special use permit. The special use permits must be renewed every five years. Mr. Sullivan committed to working with the applicant to ensure compliance with the ordinance if the sign is allowed. Mayor

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Masayko explained that he supports the standards as established and private property rights, however, this does not mean that a "sow's ear" can be allowed just because it meets the minimal requirements. The standards may need to be tightened. He was not willing to negotiate the standards today. Discussion indicated that the applicant had furnished the photographs. The Board's options were noted. Mayor Masayko indicated that the Board should not add additional conditions. If they are desired, the item should be returned to the Planning Commission for reconsideration. Mr. Sullivan then indicated that a map showing where billboards could be located was available for review if the Board desired. The map that was shown illustrates where there are billboards today.

Mr. Randl explained the results of his two previous billboard applications before the Planning Commission and the Board. He felt that the proposed sign complied with the ordinance. He cited Vision 4 to justify the sign as it reduces clutter and protects property values. Although he understood the desire to revise the standards, he believed that they had complied with the current standards. The area is not in a Redevelopment District at this time. Therefore, the Planning Commission's comments regarding the potential for it to be in a Redevelopment District should not be considered. The catwalks in front of the sign are required to work on the sign. The railings are mandated by OSHA. The 14-foot rear separation is not visible from the highway. It places the signs at an angle for better viewing from the highway. Mr. Kropelnicki had taken the photographs to illustrate how they are constructed. Only a single pole will be seen from the highway. A second pole that is seen in the back of the sign is not part of the sign. Mayor Masayko explained the billboards along Highway 50/Spooner area which do not have the guard railings and catwalks. They have been there for five years. Mr. Kropelnicki indicated he will check into these signs. Mayor Masayko felt that the signs could be reached with a bucket on a lift truck if the railings and catwalks are not allowed. Mr. Kropelnicki agreed that it is possible to do this, however, his design allows a pickup truck and ladder to be used to service the sign. Mayor Masayko reiterated his belief that if the sign is allowed, it will be the last one to have the catwalks and railings. He committed to working to revise the Code to eliminate such items. He also pointed out the need to be a good neighbor and the anonymous letter of opposition. Mr. Kropelnicki explained that the photo that had been referenced was an example of how his sign will appear although its finish is not the same type.

Public comments were solicited but none were given. Supervisor Livermore explained that he does not support nuisance signs. Signs are not a revenue generator, however, they advertise and direct people to various services within the community. This benefits the community. Due to the information that has been placed on the record including the Mayor's comments regarding the catwalks, Supervisor Livermore moved that the Board of Supervisors reverse the Planning Commission's decision and allow a Special Use Permit application for David W. Kropelnicki, representing Admart, property owner Timothy D. Moran, requesting the allowance of a double-faced, off-premise billboard sign on property zoned General Industrial located at 8025 Highway 50 East, Assessor's Parcel Number 008-611-04, with the special use permit application approval based on the seven findings contained in the staff report. Mayor Masayko indicated that the motion will reverse the Planning Commission's decision and approve the special use permit. He also indicated that his statements were not conditions on the special use permit. Mayor Masayko then seconded the motion. He felt that the motion would not reverse the Commission's decision. He recommended that the motion be withdrawn and that the item be held until there is a full Board in attendance or that it be returned to the Planning Commission to address the issues. Mr. Randl requested that the item be continued until a full Board is present. He did not wish to make another presentation to the Commission. Supervisor Livermore then withdrew his motion. Mayor Masayko concurred and granted the continuance on U-02/03-42 until a full Board is present. No formal action was taken.

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- D. PRESENTATION, DISCUSSION AND ACTION TO OPEN A THREE WEEK PUBLIC COMMENT AND REVIEW PERIOD FROM JUNE 20, 2003, TO JULY 11, 2003, FOR PROPOSED AMENDMENTS TO THE CARSON CITY 2003 CONSOLIDATED PLAN, WHICH INCLUDES A COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY FOR THE IMPLEMENTATION OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) PROGRAMS INCLUDING HOME, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAMS, AND OTHER GRANT PROGRAMS (1-3162) - Rex Massey - Discussion between the Board and Mr. Sullivan explained that now is the time for public comments to be made on the program. Once the plan is adopted, it will be used as the master plan for program development and future funding. An annual work plan will be developed. The program meets CDBG grant requirements. The funds can also be used for infrastructure improvements and businesses. A portion of the fund must be used for home ownership and housing for homeless people. The Carson Area Metropolitan Planning Organization's boundary is not used for this program. The program only covers the area within the City's boundaries. Composition of the advisory committee will be considered in the future. Supervisor Livermore explained the attempt to reduce the number of Committee/Commissions which must be staffed by City personnel. Mr. Sullivan explained that the committee will sunset once its work is completed. Mayor Masayko suggested that the committee be an administrative function. He also explained his concerns regarding its funding and the political pressure mandating that the program and committee be established. Mr. Sullivan agreed to research the reasons the hospital's labor market is included in a housing report. Clarification indicated that the previous plan had been updated and fine tuned to meet the new requirements. Supervisor Aldean suggested that a redlined copy of the original plan should have been given to the Board. Discussion ensued between Mr. Sullivan and Mr. Massey clarifying the 30-day comment period. Supervisor Williamson explained that the document would be used for the housing rehabilitation program. Other City housing programs were limned to explain how the program could support local low cost housing programs including funding for the rehabilitation program, the Consortium, and its Fernley program which will use tax credits. Additional housing requirements to meet the entitlement regulations were noted. The ability to leverage the Consortium's funding, to obtain the CDBG grants, and to obtain funding from other sources were noted. In order to receive funding under the entitlement process, the program must be established. Mayor Masayko pointed out that this will require staff time and overhead. He questioned whether the benefits will justify the cost. He also indicated that it will open all different types of housing and HUD funded programs. Discussion explained the MPO district and that this program will be within the City's boundaries. Discussion questioned whether the Sparks program is limited to just its boundaries. Mr. Sullivan agreed to check it. Supervisor Aldean moved to open a 30-day public comment and review period beginning June 20, 2003, for the proposed amendments to the Carson City 2003 Consolidated Plan, which includes a comprehensive housing affordability strategy for the implementation of Department of Housing and Urban Development, HUD, programs including HOME, Community Development Block Grant, CDBG, programs, and other grant programs, fiscal impact varies as to projects recommended. Supervisor Livermore seconded the motion. Motion carried 4-0.
- 7. TREASURER ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) TITLE 12 (WATER CONNECTION CHARGES AND USER RATES), DELETING SECTION 12.01.060 (REESTABLISHMENT OF CREDIT), AMENDING SECTION 12.01.100 (PENALTIES FOR NONPAYMENT OF BILLS), INSERTING 12.01.105 (DELINQUENT CHARGES AS LIENS), AMENDING 12.03.055 (DELINQUENT CHARGES AS LIENS), AMENDING 12.03.070 (PENALTIES FOR NONPAYMENT

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OF BILLS), AND OTHER MATTERS PROPERLY RELATED THERETO) (2-0128) - Utility Operations Manager Tom Hoffert, Chief Deputy District Attorney Mark Forsberg, Chief Deputy Treasurer Susan Osbern - The proposal allows the City to lien the property rather than turnoff the water service. A waiver procedure was included in the ordinance which will allow property owners to obtain an exemption from the lien process. This process will require turning off the water if the bill is delinquent. Discussion indicated the belief that the Legislature had enabled storm water utilities to lien property if the bill is delinquent. The Statutes presently include the ability to lien for unpaid sewer bills. Discussion between Mayor Masayko and Mr. Hoffert pointed out the 2.5 percent penalty for late payments. Mayor Masayko felt that this was a horrendous burden and that the interest accumulation should stop when the property is liened. Mr. Hoffert felt that the Treasurer has the ability to waive a portion of the penalty and that the interest may be stopped by having the user sign a will pay agreement. Discussion also indicated that the procedure will streamline the process and require less staff time to implement. Mayor Masayko asked that Mr. Kramer determine whether the penalty is stopped when the lien is filed. Clarification indicated the proposal will be used when nonpayment of the bill occurs. It does not change any other turnoff policies. Supervisor Aldean pointed out that this process will take longer to obtain payment than turning off the water does. Mr. Hoffert agreed to provide historical documentation regarding the current process. Mr. Hoffert explained the user's ability to sign a will pay agreement to avoid the lien, make payments on the lien, and that the will pay agreement creates an administrative processing cost. He was unsure whether it would be necessary to rerecord the lien if payments are made on it. He indicated that he would have this checked.

Mr. Forsberg noted that the City seldom has property actually go to auction for failure to pay the taxes. The process used to reach the auction stage was briefly limned. The property owner has adequate notice of the pending sale and can redeem the property up to the moment of the sale. A lien on property is the same as a tax. Discussion noted that the process takes three years to complete. Mayor Masayko questioned whether the lien had to be amended when payments are made. Supervisor Livermore pointed out the child welfare concerns created when water is turned off. He also questioned whether the deposit requirement is required if the water is turned off. Mr. Forsberg indicated that the intent is to eliminate this requirement. He suggested that the ordinance be continued to allow staff to redraft the ordinance.

Ms. Osbern explained the intent to allow the interest to accrue until May of each year. At that time the property will be liened. The title companies have asked that only one lien be placed annually. When the property is liened, the General Fund will pay the delinquency. The lien will be handled the same as a special assessment. When the property is liened, the interest penalty stops and the interest assessed for nonpayment of taxes commence. Mayor Masayko reiterated his belief that the 2.5 percent interest rate is onerous and that the ordinance needed to be clarified to indicate when and how much is being charged on the tax lien. He also asked that the ordinance be drafted in the correct format. He directed the matter be deferred for two weeks for technical corrections. No formal action was taken.

RECESS: A recess was declared at 12:03 p.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 1:30 p.m. Supervisor Staub was absent as previously indicated.

## 10. **CITY MANAGER** - Linda Ritter

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- A. ACTION TO APPOINT ONE MEMBER TO THE CARSON CITY PLANNING COM-MISSION FOR A FOUR YEAR TERM EXPIRING JUNE 2007 (2-0570) - Mayor Masayko indicated that neither Ron Allen nor Jay Meierdierck were unable to attend the meeting. A copy of Mr. Sullivan's letter regarding Mr. Allen is in the file. The Board interviewed: Danielle Christenson, Donald Mullet, and John Wagner. Mayor Masayko thanked each for applying. Supervisor Aldean explained her reasons for voting for Mr. Mullet when the last appointment was made to the Commission. Supervisor Aldean moved to appoint Craig Mullet to the Carson City Planning Commission for a four-year term expiring in June 2007. Supervisor Livermore seconded the motion. Board comments complimented the applicants on their willingness to volunteer for the position and Mr. Allen on his attendance, commitment, and efforts during his ten-month service on the Commission. Mayor Masayko expressed his desire to have Mr. Allen serve a full term and to have a majority vote on the nomination. Supervisor Livermore explained the Board's normal policy to discuss the applicants before a motion is made. This time a motion came first. It has been the Board's practice to reappoint an incumbent who has not served a full term. He also indicated that any one of the applicants would have made a good choice for the Commission. He had seconded the motion in order to allow discussion to occur. He also indicated that Mr. Mullet's selection would place a manufacturer on the Commission. A representative from that sector of the community is not serving on the Commission at this time. Supervisor Aldean expounded on her reasons for selecting Mr. Mullet. The motion to approve the appointment was voted and carried 4-0.
- ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING D. CARSON CITY MUNICIPAL CODE (CCMC) CHAPTER 5.04 (SOUTHWEST GAS CORPOR-ATION) SECTION 5.04.020 TEXT OF FRANCHISE, SECTION 3 TERM BY EXTENDING THE TERM OF THE FRANCHISE AGREEMENT TO JULY 1, 2028, AND ADDING LANGUAGE REGARDING AMENDMENTS TO THE FRANCHISE, SECTION 7 RELOCATION OF PIPES AND APPURTENANCES BY AMENDING THE LANGUAGE TO CLARIFY THE RELOCATION OBLI-GATIONS, AND SECTION 10 FRANCHISE FEE BY DELETING THE REQUIREMENT THAT SOUTHWEST GAS IS REQUIRED TO PAY A FRANCHISE FEE IN ADDITION TO A BUSINESS LICENSEFEE AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO (2-1928) -Finance Director David Heath, Development Services Director Andrew Burnham, Chief Deputy District Attorney Mark Forsberg - Discussion highlighted the changes which had been made to the ordinance. It will be effective on July 3, with the second reading. The increase to 3.5 percent had been developed as a result of the Board's discussions during the budget process. It had not been a unanimous decision. The agreement allows a one percent increase every two years to a maximum of five percent. Reasons for including flexibility in the fee increase and the utility company's desire to have the franchise tax as a line item on the bill were explained. All of the users should be aware of the fee on their statements. Southwest Gas Representative Davis Flaten was present and agreed to this statement. Public comments were solicited but none were given. Supervisor Williamson moved to introduce on first reading Bill No.115, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) CHAPTER 5.04 (SOUTHWEST GAS CORPORATION) SECTION 5.04.020 TEXT OF FRANCHISE, SECTION 3 TERM BY EXTENDING THE TERM OF THE FRANCHISE AGREEMENT TO JULY 1, 2028, AND ADDING LANGUAGE REGARDING AMENDMENTS TO THE FRANCHISE, SECTION 7 RELOCATION OF PIPES AND APPURTENANCES BY AMENDING THE LANGUAGE TO CLARIFY THE RELOCATION OBLIGATIONS, AND SECTION 10 FRANCHISE FEE BY DELETING THE REQUIREMENT THAT SOUTHWEST GAS IS REQUIRED TO PAY A FRANCHISE FEE IN ADDITION

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TO A BUSINESS LICENSEFEE AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Motion carried 4-0.

- В. ACTION ON A MOTION FINDING THAT THE PROPOSED ORDINANCE AMEND-ING 4.04.107 WHICH INCREASES THE NATURAL GAS BUSINESS LICENSE FEE TO 3.5 PERCENT AND TO ADD A PROVISION THAT THE PUBLIC UTILITY MAY COLLECT THE BUSINESS LICENSE FEE FROM A GOVERNMENTAL ENTITY OF THE STATE DOES IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT 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 (2-2150) - Finance Director David Heath - Discussion noted that the one-half of a percent increase on Southwest Gas fees will create a fiscal impact on businesses. Mr. Heath referenced letters of opposition to the proposed fee increase. Copies of the letters are in the file. Supervisor Livermore moved to find that the proposed ordinance amending 4.04.107 which increases the natural gas business license fee to 3.5 percent and to add a provision that the public utility may collect the business license fee from a governmental entity of the State does impose a direct and significant economic burden on a business or directly restrict 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. Supervisor Williamson seconded the motion. Motion carried 4-0.
- C. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITYMUNICIPAL CODE (CCMC) TITLE 4 LICENSES AND BUSINESS REGU-LATIONS AMENDING SECTION 4.04.107 (PUBLIC UTILITIES) TO CHANGE THE BUSINESS LICENSEFEE TO 3.5% FOR NATURAL GAS SERVICE AND TO ADD THE PROVISION THAT THE PUBLIC UTILITY MAY COLLECT THE BUSINESS LICENSE FEE FROM A GOVERN-MENTAL ENTITY OF THE STATE IF THAT ENTITY IS A CUSTOMER OF THE PUBLIC UTILITY AND OTHER MATTERS PROPERLY RELATED THERETO (2-2210) - Finance Director David Heath, Chief Deputy District Attorney Mark Forsberg, Development Services Director Andrew Burnham - Discussion indicated that there is no problem adding the Federal and State governmental offices to the ordinance. The right-of-way dispute has been resolved. The proposal converts the franchise fee to a business license fee. The business license fee may be reevaluated annually but cannot be increased more than one percent every two years. Mr. Forsberg encouraged the Board to review the fees annually and not overlook them. The business license fees are being reviewed annually as part of the budget process. Mayor Masayko pointed out that the budget process had included an estimate of \$110,000 from this revenue source. Clarification indicated that the fee could be increased by half of a percent every year or a total of one percent every two years. Discussion indicated the impact will be approximately 40 cents per resident. The average increase for electrical users had been 68 cents. Mayor Masayko pointed out that manufacturers who use gas in their production process will feel the impact. Supervisor Aldean indicated that the Board had been prudent with its fiscal duties. There will be an impact to both the residents and the businesses. She preferred to defer the matter. Mayor Masayko noted that she could vote against any motion to implement the change. He also explained his preference that the fee increase be considered as part of the budget process. Mr. Burnham and Mr. Forsberg explained the need to implement a three percent business license fee as it equates to the

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current franchise fee. Bill 115 changed the franchise fee to a business license fee. Supervisor Williamson explained the Board's intent one year ago to increase both the electrical fee and the gas fee by one-half of a percent. This impacts all Carson City residents and not just the property tax payers. This year the Board had increased the property tax rate by four cents and dropped the 1.5 cent rate for indigent care. This had netted an increase of 2-1/2 cents. The Board has been fiscally prudent in its expenditures and is very cognizant of the cost of government and its impact on the residents. The Board has tried to make it so that people can afford to live in the community. Supervisor Livermore explained that the Board had decided sometime ago to abandon franchise fees and implement business license fees. The proposal allows this to happen. Since that time the composition of the Board has changed. He acknowledged the impact the business license fee will have on his business as it uses gas. A franchise fee is paid by all of the users. It will require everyone to pay a small fee for City services. The property tax is assessed only against property owners. The proposal is fairer in that it assesses the fee on everyone. He urged the Board to support the decision made 14 months ago or wait until there is a full Board present. He also cautioned against continuing to defer the matter. Mayor Masayko reiterated his belief that the Board could implement the tax at a future time and pointed to the proposed storm water drainage system and its cost per resident. He was unsure where the City will find the funds to cover the \$110,000 shortage and urged implementation of the storm drain utility as quickly as possible. He urged the Board to return the matter to staff. Discussion pointed out the need to change the franchise fee to a business license fee and that its fee equates to three percent. Mayor Masayko indicated that he would provide direction to staff regarding this issue if the Board votes the ordinance down. Both Mayor Masayko and Supervisor Aldean indicated a willingness to implement the three percent rate but not a 3.5 percent rate. Public comments were solicited but none were given. (2-2666) Supervisor Aldean moved to introduce on first reading Bill No. 116, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, CCMC, TITLE 4 LICENSES AND BUSINESS REGULATIONS, AMENDING SECTION 4.04.107, PUBLIC UTILITIES, TO ACCEPT THE BUSINESS LICENSEFEE AT THREE PERCENT FOR NATURAL GAS SERVICE AND TO ADD THE PROVISION THAT THE PUBLIC UTILITY MAY COLLECT THE BUSINESS LICENSE FEE FROM A GOVERNMENTAL ENTITY OF THE STATE IF THAT ENTITY IS A CUSTOMER OF THE PUBLIC UTILITY AND OTHER MATTERS PROPERLY RELATED THERETO. Discussion indicated that the franchise fee generates approximately \$720,000 per year. Mayor Masayko seconded the motion. Mayor Masayko promised to agenize for the next meeting an item increasing the fees to 3.5 percent along with this Bill. Mr. Burnham indicated that the Bill 116 will be considered for second reading at the next meeting and the half of a percent increase will be considered on first reading. Discussion indicated that the Mayor's commitment did not have to be a part of the motion. Supervisor Livermore felt that it was unfortunate that there were only four Board members present as it changes the dynamics of the consideration. It is his belief that the community should share the "pain" as best we can. It is true that some may pay more than others. He was willing to be one of those who will pay more than others. He requested that the record indicate this willingness. This debate is one that they must undertake and the choice must be one of their own choosing. He had supported the Board's decision 14 months ago. The proposal spreads the pain broadly. This was part of the consideration when the decision was made to increase the fee by one-half of a percent. Mayor Masayko indicated that he respected that decision. When the decision was made it was also based on an estimated revenue stream. At the present time the numbers are known. They may not have been as robust as hoped but neither is the situation as dire as predicted. Supervisor Aldean indicated that she understood the statements regarding the dynamics, however, it is not just a question of dynamics. The Legislature is still in session. The Board still does not know all of the burdens that it will carry. She recommended the proposed motion as being more prudent and urged the Board to remain at three percent. The one-half of a percent can be brought

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back again if deemed appropriate. Supervisor Livermore explained that 14 months ago the Board had the option of increasing the ad valorem rate. The Board may not have the option of reopening the budget at this time. If the budget is reconsidered at a future time it may be necessary to increase the ad valorem more than originally proposed to make up for lost revenue between then and now. The motion to introduce on first reading Bill 116 as amended was voted and carried 3-0-1-1 with Supervisor Livermore voting abstaining and Supervisor Staub absent.

Discussion indicated that the Board could not consider an ordinance increasing the rate by one-half of a percent at this time as it had not been agenized. Mayor Masayko reiterated his commitment to bring the matter back.

BREAK: A recess was declared at 3:17 p.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 3:26 p.m. Supervisor Staub was absent as indicated.

### 11. **FINANCE** - Director David Heath

- A. ACTION TO ADOPT A RESOLUTION FOR TEMPORARY INTERFUND LOAN FROM THE GENERAL FUND TO THE CARSON CITY TRANSIT FUND (1-2880) Supervisor Livermore moved to adopt Resolution No. 2003-R-20, A RESOLUTION FOR TEMPORARY INTERFUND LOAN FROM THE GENERAL FUND TO THE CARSON CITY TRANSIT FUND. Supervisor Aldean seconded the motion. Motion carried 4-0.
- B. ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FISCAL YEAR 2002-03 BUDGET IN THE AMOUNT OF \$6,380,942 (2-2901) Mr. Heath's introduction included an explanation of the contingency allocations. Discussion pointed out the funding Carson City had provided for the impact study of the BLM land sale in Douglas County. Concerns were voiced regarding the indigent medical funding and whether the funding would provide adequate coverage. Mayor Masayko explained his support for the contingency expenditures based on the savings which had been created and the timeliness of the reports and requests for funding. Mayor Masayko pointed out that the process attempts to reduce the number of technical violations that will be found by the external audit and reported to the Board in October/November. Supervisor Livermore moved to adopt Resolution No. 2003-R-21, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FISCAL YEAR 2002-03 BUDGET IN THE AMOUNT OF \$6,380,942. Supervisor Williamson seconded the motion. Motion carried 4-0.
- C. ACTION TO APPROVE CARSON CITY BECOMING A MEMBER OF THE PUBLIC AGENCY COMPENSATION TRUST, AN ASSOCIATION OF SELF-INSURED PUBLIC AGEN-CIES FOR WORKERS COMPENSATION COVERAGE, AND TO AUTHORIZE THE MAYOR TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT AND THE JOINT AND SEVERAL LIABILITY AGREEMENT ON BEHALF OF THE BOARD OF SUPERVISORS (2-3248) Nevada Public Agency Compensation Trust Executive Director Wayne Carlson, Marsh USA Broker Gerry Roberts Reasons for leaving the self-insured program and joining the Public Agency Compensation Trust (PACT), for not allowing Sparks to join PACT, and the need to increase the reserve were explained.

Mr. Carlson explained that the City joined PACT in 1988, The Pool was formed in 1996. Reasons for the increase

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in renewal retention for police and fire heart and lung coverage, the increase in the City's retention fund, the Supreme Court ruling on coverage for police and fire personnel who have been employed by an entity for five years requires the City to maintain the heart/lung coverage for their lifetime, justification for not allowing Sparks to join PACT, and the program difference between PACT and being self-insured were explained. At this time there are no financial concerns and the program is in good standing with the regulators. Next year the City can again decide whether to stay with PACT or go with a different program. PACT's annual meeting is held in May. A second meeting is held after the NACO meeting. Its Board composition was described. All members have equal standing. ASC is the third party administrator/adjustor. Discussion explained the Legislature's discussion regarding coverage for firefighter's cancer and an amend-ment to the police/firefighter's bill. Mr. Carlson felt that it clarified and made adjustments to the original bill. Mr. Carlson was unsure about what had happened to the bill on Hepatitis coverage. Its intent was to provide coverage for police officers which had previously been given to the firefighters. He felt that local government was included, however, some State agencies were removed. The rates had not been modified to include additional loading for this coverage as testing had indicated that PACT members are below the national average. It may be possible, however, for the police to have it more than the firefighters due to their higher contact rate with inmates. The rate should not be higher than the national average. Mayor Masayko indicated that this requirement has not yet become an unfunded mandate. Discussion then explained the number of entities who are PACT members, their gross assessment, and the strong safety, fitness, and wellness programs. These programs supplement the City's health and wellness programs. The rates help reenforce the commitment for the members to maintain these programs. State law requires an annual review of the program's financial status. If an entity's financial status indicates problems or an entity is unable to meet its financial obligation, PACT can expel the entity. A two-thirds majority vote is required to expel or reject an entity. To date this program has worked well and provides a check and balance for PACT and Pool.

Mr. Roberts explained his unsuccessful search for alternatives. The heart/lung requirement was felt to be the major reason for the denials. This left the assigned risk program as the only option. A description of this program and its quote were provided. He indicated that the heart/lung requirement is making it difficult for all public entities. His involvement with Reno and Sparks and their requests to join the pool were explained. He also explained Sparks' claim experience which had created its problem in finding coverage. Sparks is still looking for alternatives. He also indicated that Carson City, the Pool, Sparks, and Washoe County are all using the same provider—Midwest Casualty. He felt that Mr. Carlson and Mr. Heath had provided a good option for the City. He also indicated that he had appreciated the City's business and thanked the Board for it. Mr. Carlson indicated that Mr. Roberts is the Pool's broker.

Public comments were solicited but none were given. Supervisor Livermore expressed his feeling that the City had no option even with a \$2 million reserve. Supervisor Livermore then moved that Carson City become a member of Public Agency Compensation Trust, an association of self-insured public agencies for workers compensation coverage, and to authorize the Mayor to execute the interlocal cooperation agreement and the joint and several liability agreement on behalf of the Board of Supervisors, fiscal impact is \$1,403,000, and the funding source is the Insurance Premiums as provided for in fiscal year 2003-04. Supervisor Aldean seconded the motion. Motion carried 4-0.

# D. ACTION TO APPROVE RENEWAL WITH NEVADA PUBLIC AGENCY INSUR-

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ANCE POOL, 201 SOUTH ROOP STREET, SUITE 102, CARSON CITY, NEVADA 89701, FOR A TOTAL PREMIUM OF \$494,235 FOR THE PROPERTY, LIABILITY, CRIME, AND OILER AND MACHINERY INSURANCE COVERAGES FOR FISCAL YEAR 2003-04 (3-0348) - Mayor Masayko noted that the insurance markets are in flux as indicated when obtaining homeowner's, liability, or coverage for special events with liquor. Supervisor Williamson voiced her concerns about the special events insurance requirements and costs. The coverage offered by the Pool was neither the most economical nor the easiest to deal with. Special events are needed. The requirements and costs are quite frustrating. Discussion indicated that the premium increase for this year was only ten percent. Last year's increase was 25 percent which was a direct result of the 9-11 event. Mayor Masayko noted that the value increased and that there is a self-contained limit in the \$100,000 range. Supervisor Livermore remarked that the City was lucky that there had been a savings in the health insurance. Supervisor Livermore moved to renew with the Nevada Public Agency Insurance Pool, 201 South Roop Street, Suite 102, Carson City, Nevada 89701, for a total premium of \$494,235 for the Property, Liability, Crime, and Boiler and Machinery Insurance coverages for fiscal year 2003 and 2004; fiscal impact is \$494,235, and the funding source is the Insurance Premiums as provided for in 03-04 budget. Supervisor Aldean seconded the motion. Motion carried 4-0.

Ε. ACTION TO ADOPT A RESOLUTION TO APPROVE THE FINDINGS OF THE DIRECTOR OF THE DEPARTMENT OF BUSINESS AND INDUSTRY RELATING TO THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR CARSON-TAHOE HOSPITAL (3-0442) - State Business and Financial Planning Office Manager Doug Walther - Mr. Heath's introduction indicated that the City is not a conduit for the bonds. The City will not be obligated for the bonds. Discussion indicated that the City had previously approved similar findings for industrial revenue bonds. Mr. Walther explained that he represented the Business and Industry Department Manager Sydney Wickliffe. Mr. Walther compared the bonds to those used for the affordable housing program. The proposed bonds are for a nonprofit health care facility. The bonds must be approved by the local entity. The \$4 million bond issue is for medical equipment. It had been easy to make the findings as GE Capital is a sophisticated bond purchaser and had asked for the Department to consider the Hospital's request and the bonds. The bonds will provide equipment to improve the Hospital's ability to provide care for its patients. The bonds will be issued at a lower interest rate. The City is not required to make an independent investigation. Discussion indicated that the issuance of these bonds does not impact the City's bond cap for economic development bonds. Mayor Masayko also noted that Carson-Tahoe Hospital representatives and counsel were present. They indicated that they did not wish to comment on the proposal. Supervisor Livermore disclosed that he is a member of the Hospital Board of Trustees and receives a small stipend for his services. He is not an owner and does not have a financial interest in the Hospital. Supervisor Livermore moved to adopt Resolution No. 2003-R-22, A RESOLUTION TO APPROVE THE FINDINGS OF THE DIRECTOR OF THE DEPARTMENT OF BUSINESS AND INDUSTRY RELATING TO THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR CARSON-TAHOE HOSPITAL. Supervisor Aldean seconded the motion. Motion carried 4-0.

## 12. DISTRICT ATTORNEY - CLOSED SESSION

A. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES (3-0551) - Mayor Masayko indicated that the Board

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would return to Open Session for the purpose of adjournment only as the two Closed Session items do not require formal action by the Board. Supervisor Williamson moved to go into Closed Session. Supervisor Livermore seconded the motion. Mayor Masayko indicated that the purpose of the Closed Session is to meet with management representatives under NRS 288.220. The motion was voted and carried 4-0. Mayor Masayko recessed the Open Session at 4:18 p.m. At 4:45 p.m. Mayor Masayko reconvened the Open Session. (A quorum of the Board was present although Supervisor Staub was absent as indicated.)

B. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO THE NEVADA OPEN MEETING LAW, NRS 241.015(B)(2) FOR THE PURPOSE OF RECEIVING INFORMATION REGARDING POTENTIAL OR EXISTING LITIGATION FROM AN ATTORNEY EMPLOYED OR RETAINED BY THE CITY AND/OR DELIBERATING TOWARD A DECISION (3-0575) - Supervisor Williamson moved to recess into Closed Session pursuant to NRS 241.015(B)(2). Supervisor Livermore seconded the motion. Motion carried 4-0. Mayor Masayko recessed the Open Session at 4:46 p.m. Mayor Masayko reconvened the Open Session at 5:15 p.m. (A quorum of the Board was present although Supervisor Staub was absent as indicated.)

There being no other matters for consideration, Supervisor Livermore moved to adjourn. Supervisor Williamson seconded the motion. Motion carried unanimously. Mayor Masayko adjourned the meeting at 5:16 p..m

The Minutes of the June 19, 2003, Carson City Board of Supervisors meeting

	ARE SO APPROVED ON_	<u>September 16</u> , 2003.
	/s/	
	Ray Masayko, Mayor	
ATTEST:		
_/s/		
Alan Glover, Clerk-Recorder		