

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 1

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, July 17, 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  
                                     Richard S. Staub                Supervisor, Ward 4

STAFF PRESENT:             Linda Ritter                      City Manager  
                                     Alan Glover                      Clerk-Recorder  
                                     Ken Furlong                      Sheriff  
                                     Al Kramer                        Treasurer  
                                     Andrew Burnham                Development Services Director  
                                     Tom Hoffert                      Utility Operations Manager  
                                     Mark Forsberg                  Chief Deputy District Attorney  
                                     Cheryl Adams                  Deputy Purchasing Director  
                                     Katherine McLaughlin         Recording Secretary  
                                     Justine Chambers                Contracts Coordinator  
(B.O.S. 7/17/03 Tape 1-0145)

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

**CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE** - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. A moment of silence was held in lieu of the Invocation. Mayor Masayko lead the Pledge of Allegiance.

**CITIZEN COMMENTS (1-0165) (1-1622)** - Treasurer Al Kramer introduced his friend Ron Swenson and two members of Scout Troop 16. Mayor Masayko welcomed them to the meeting. Mr. Kramer then explained that the property tax bills were being held pending completion of the Legislators' work. County Treasurers are planning to publish the bills on either August 1 or 4. The taxes will be due on August 19, however, they may extend the grace period. He hoped the announcement reduces the number of telephone calls his office has been receiving concerning the tax bills.

**1. APPROVAL OF MINUTES (1-0167)** - Supervisor Williamson moved to approve the Minutes of the April 17, 2003, meeting. Supervisor Livermore seconded the motion. Motion carried 5-0.

**2. AGENDA MODIFICATIONS (1-0181)** - Treasurer Al Kramer explained that all of the delinquent

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 2

licenses had been brought current and that there is no need to consider Item 4.

**3. SPECIAL PRESENTATION - PRESENTATION OF A CERTIFICATE OF RECOGNITION TO DAVE MORGAN (1-0185)** - Supervisor Aldean explained that she had not thought of the recognition, however, felt that it was deserved. She read the Certificate into the record and presented it to Mr. Morgan in recognition of his efforts to inform the residents about issues and events occurring in the community. She complimented him on his efforts. Mr. Morgan thanked the Board for the recognition. He briefly explained his background in news reporting and his reasons for wishing to remain in the area. Mayor Masayko congratulated him on his achievement and encouraged him to continue his services.

**4. LIQUOR AND ENTERTAINMENT BOARD - TREASURER - ACTION TO APPROVE THE REVOCATION OF ALL DELINQUENT LIQUOR LICENSES NOT PAID FOR BY JULY 16, 2003, FOR NONPAYMENT OF THE QUARTERLY FEE (1-0181) (1-0250)** - Withdrawn.

**5. CONSENT AGENDA**

**5-1. DEVELOPMENT SERVICES - ENGINEERING - ACTION TO AUTHORIZE THE MAYOR TO SIGN THE INTERLOCAL AGREEMENT BETWEEN THE U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT, CARSON CITY FIELD OFFICE, AND CARSON CITY TO ALLOW THE ACCESS TO APPROXIMATELY 45 ACRES OF LAND OWNED BY THE BUREAU OF LAND MANAGEMENT TO RECEIVE, STORE, AND PROCESS WOOD WASTE**

**5-2. DEVELOPMENT SERVICES - CONTRACTS - ACTION TO ACCEPT THE PARKS AND RECREATION DEPARTMENT'S RECOMMENDATION ON THE ENERGY RETROFIT AGREEMENT FOR CARSON CITY, CONTRACT NO. 2000-138 AND APPROVE AMENDMENT NO. 2 WHICH RELEASES CMS VIRON ENERGY SERVICES FROM THEIR OBLIGATIONS TO THIS CONTRACT, AND ASSIGNS THE EXISTING CONTRACT TO CHEVRON U.S.A., INC., 345 CALIFORNIA STREET, 32<sup>ND</sup> FLOOR, SAN FRANCISCO, CA 94104, AS THE CONSULTANT/CONTRACTOR OF RECORD FOR THE REMAINDER OF THIS PROJECT**

**5-3. PURCHASING AND CONTRACTS**

**A. ACTION TO APPROVE THE AWARD OF CONTRACT NO. 0203-127 TO SILVER STATE INTERNATIONAL 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 TO PROVIDE ONE (1) 2004 INTERNATIONAL 7300 FIVE-YARD DUMP TRUCK WITH SNOW PLOW FOR A TOTAL COST OF \$84,552**

**B. ACTION TO APPROVE THE AWARD OF CONTRACT NO. 0203-130 JUNIOR SKI AND SNOWBOARD FACILITY TO INCLINE VILLAGE GID, DBA DIAMOND PEAK RESORT, 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 THE 2004 JUNIOR SKI AND SNOWBOARD PROGRAM WITH THE OPTION TO RENEW FOR FOUR (4) ADDITIONAL ONE (1) YEAR PERIODS SUBJECT TO NEGOTIATION**

**C. ACTION TO APPROVE CONTRACT NO. 0304-015 TO CONTRACT WITH**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 3

**TNT AUCTION, INC., BY JOINDER BID THROUGH NEVADA STATE PURCHASING TO PROVIDE AUCTION SERVICES TO DISPOSE OF CITY SURPLUS PROPERTY THROUGH MAY 31, 2006, WITH OPTIONS TO EXTEND ANNUALLY THEREAFTER**

**5-4. CITY MANAGER - ACTION TO REAPPOINT STAN ZUBER EFFECTIVE JULY 2003 TO JULY 2005, STEVE WALKER EFFECTIVE JULY 2003 TO JULY 2006, AND WES CLYDE EFFECTIVE JULY 2003 TO JULY 2006 TO THE ADVISORY BOARD TO MANAGE WILDLIFE**

**5-5. FINANCE - ACTION TO RATIFY THE EXPENDITURE APPROVAL LISTING FOR THE MONTH OF JUNE 2003 (1-0252)** - Supervisor Livermore moved to approve the Consent Agenda with the seven recognized items as the Mayor had presented. Supervisor Aldean seconded the motion. Motion carried 5-0.

**6. BOARD OF SUPERVISORS**

**A. ACTION ON A REQUEST BY THE COMMUNITY COUNCIL ON YOUTH (CCOY) FOR A LETTER OF SUPPORT TO THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, OFFICE OF PUBLIC AFFAIRS, REGARDING CCOY'S APPLICATION FOR TWO VISTA VOLUNTEERS TO SERVE IN CARSON CITY AND FOR AUTHORITY FOR THE MAYOR TO SIGN THE LETTER OF SUPPORT (1-0278)** - CCOY Coalition Coordinator Pauline Kiser explained the proposed CCOY program, the VISTA Program, and the grant application. Mayor Masayko noted the brochure which was included in the Board packet listing the numerous CCOY's projects and activities in the community. Discussion noted a second grant opportunity and its funding problems. Mayor Masayko volunteered to sign a letter of support if funding becomes available under that program. Clarification indicated that CCOY will create an advisory council to provide the necessary reports on the program to CCOY. CCOY will be responsible for the management of the two VISTA volunteers. CCOY's Board is comprised of volunteers from the community. The monthly costs will be paid by the Feds. CCOY will provide in lieu of services/office space as an offset to its financial commitment for the VISTA volunteers. Ms. Kiser has contacted Gayle Thompson regarding HealthSmart's program and its use of VISTA Volunteers. Discussion also indicated that the Boys and Girls Club's transit program is up over last year's and includes the Eagle Valley's summer program. Board support for this program was noted. Supervisor Staub moved to approve a request by the Community Council on Youth, CCOY, for a letter of support to the Corporation for National and Community Service, Office of Public Affairs, regarding CCOY's application for two VISTA volunteers to serve in Carson City and for authority for the Mayor to sign the letter of support. Supervisors Williamson and Livermore seconded the motion. Motion carried 5-0.

**B. ACTION TO DIRECT STAFF TO PREPARE DOCUMENTATION THAT IN THE EVENT THAT THE C-HILL FOUNDATION IS DISBANDED, THE CITY WOULD ASSUME RESPONSIBILITY FOR EITHER THE RESTORATION OF THE C-HILL FLAG OR THE CLEANUP OF THE SITE ON THE PROPERTY OWNED BY THE U.S. FOREST SERVICE (1-0422)** - Forest Service Representative Larry Randall - Supervisor Williamson disclosed that she is the President of the Foundation and explained the reasons for the request. Mayor Masayko expressed his support for a commitment to remove and restore the area. He was concerned about a commitment to maintain the site without the Foundation due to the potential costs. Supervisor Williamson explained that in accordance with the Foundation's bylaws, if the Foundation disbands, all remaining funds will be turned over to the City to pay for the Flag's removal. Mr. Randall explained

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 4

the Forest Service requirement and its support of having the Flag on the site. As this is a new endeavor, assurances are required. The Flag is a substantial undertaking and difficult to access. Therefore, assurances must be obtained that someone other than the Forest Service will be responsible for its maintenance or removal and the site restoration. The five-year permit will provide adequate time to resolve any problems which may occur. Mayor Masayko indicated that he misses the Flag and commended the volunteers on their efforts. Supervisor Livermore pointed out the overwhelming community support for the Flag and its meaning including the Rotary Club's donation. He felt certain that the community will support its maintenance and restoration. He also appreciated the Forest Service's concerns as a protector of the public lands. Mr. Randall reiterated the reasons for wanting assurances that the Flag will be maintained or removed and the site restored. Clarification indicated that the original Flag had been constructed under a one year permit. The proposed permit is for its restoration and will be good for five years. It is anticipated that the permit will be renewed thereafter. Supervisor Staub explained his support for the original Flag and desire to see it replaced. He also suggested that a portion of the Foundation's ongoing funds be placed in a trust fund for restoration of the site, if necessary, in the future. He suggested that quarterly accounting of the funding be provided. His concept was similar to the landfill's restoration account. Mayor Masayko supported his suggestion and indicated that this resolution needs to be agenized. This will make the City the grantor for the site and insures that restoration will occur. The fiscal impact is estimated at \$20,000, which he felt the community will support. Supervisor Staub agreed that the Board should consider the sinking fund at a future meeting. Mr. Randall indicated that the Forest Service needs a letter and that the Board could work out the details in the future. Supervisor Williamson assured the community that the Flag is not on the ground. Its protocol and dignity had always been maintained from the very beginning. The proposed structure was described. It will allow the removal of one or more panels for replacement if the Flag is damaged. An Eagle Scout is working on a bench which will be located at the bottom of the Flag. The Forest Service had been accommodating throughout the process. The volunteer organization will work through any problems. Fundraising activities are on hold pending receipt of the permit. She acknowledged the contributions which had been received and thanked the supporters. Mayor Masayko directed Mr. Burnham to develop the necessary resolution as discussed and to agenize it for action by the Board at the next meeting. Supervisor Williamson moved that the Board of Supervisors approve a formal letter to the United States Forest Service assuring the site restoration of the "C" Hill Flag as, and if, required by the five-year permit, will be guaranteed by Carson City. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Masayko reiterated the intent to agenize the resolution for the next meeting. He also felt that the synergy for the Flag will resolve the issues posthaste. Mr. Randall indicated that the letter will meet his requirements.

**C. DISCUSSION AND POSSIBLE ACTION TO APPROVE CHANGING THE DATE OF THE REGULARLY SCHEDULED BOARD OF SUPERVISORS MEETING OF SEPTEMBER 18, 2003, TO SEPTEMBER 16, 2003, TO ALLOW ATTENDANCE AT THE NEVADA ASSOCIATION OF COUNTIES/NEVADA LEAGUE OF CITIES JOINT CONFERENCE IN ELKO, NEVADA (1-0765) -** Supervisor Livermore explained his meetings with the Economic Vitality Coalition and the Parks and Recreation Commission which were scheduled for September 16. The Coalition should be able to move its meeting date. He hoped that the Board meeting will be over before the Commission meeting occurs. Mayor Masayko noted that if a conflict occurs, there is time to reconsider the date as required by the ordinance. Public comments were solicited but none were given. Supervisor Aldean moved to approve changing the date of the regularly scheduled Board of Supervisors meeting of September 18, 2003, to September 16, 2003, to allow attendance at the NACO/NLC joint conference in Elko pending any unexpected conflicts. Supervisor Williamson seconded the motion. Motion carried

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 5

5-0.

**D. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0832)** - Supervisor Staub reported on the Debt Management Commission meeting; the MPO and RTC meetings including a request for information regarding the status of the Carson City-Reno transit program and its service provider; the Community Council on Youth meeting; the Airport Authority meeting including the status of its economic vitality group; and the Senior Citizens Advisory Committee. Discussion among Mayor Masayko, Supervisor Staub, and Mr. Burnham indicated that the bids for the Center's expansion project had been opened and that adequate funding is available for the "in line budget items". There will be a ceremony for dedication of the expansion project at a future date. Supervisor Staub then explained that Carson City is the host for the 14<sup>th</sup> Annual State Babe Ruth Tournament, which commences today. The opening ceremony is scheduled for 4:30 p.m. and Mayor Masayko is scheduled to throw the first pitch. He also referenced a news article regarding the status of the State's budget including the Supreme Court's role in the process. Supervisor Livermore reported on the status of his home improvement project, the Subconservancy meeting; the Parks and Recreation Commission meeting including staff's recommendation that the Humane Society be moved to the north side of Highway 50 in the area of the proposed RSVP community building, which will be coming to the Board for action in the near future; the Economic Vitality Committee meeting including Airport Authority Harlow Norvell's presentation regarding the Airport and its economic vitality needs; and the Hospital Finance Committee's meeting. He invited the public to participate in tomorrow's groundbreaking ceremony for the new regional hospital at 10:30 a.m.; the Hospital's picnic scheduled from 11:30 a.m. to 2 p.m. at Treadway Park; and its jazz concert at 7:30 p.m. He then reported on the Northern Nevada Little League tournament and complimented John Sims and the Little League volunteers on the successful program. He also congratulated Janice Ayres and RSVP on its Fourth of July carnival and fireworks. Mayor Masayko indicated that he had enjoyed the three day weekend activities and that he would be unable to attend the Hospital's jazz concert due to a conflict with the Carson City Navy League who are recognizing Ray Alcorn for his support. He then reported on the Chamber of Commerce mixer which was held at the Carson City shot gun trap range and its museum; a TRIAD meeting; the Hospital Auxiliary's fundraiser at Garth Richard's auto museum; the Debt Management Commission meeting; the status of the V&T Railroad reconstruction project; the Convention and Visitors Bureau meeting including its request that the transit housing ordinance be revised, its bond commitments, and its support for the V&T Railway project. He announced a Sertoma and Eagle Valley Golf Course fund-raising tournament scheduled for Sunday in honor of former Supervisor Jon Plank. The funds will be used for the Course's tree replacement program. Supervisor Aldean indicated that she had been out-of-town for several days. She then reported on the RTC and MPO meetings; the Corridor Work Group meeting; a staff meeting which Supervisor Williamson had also attended regarding Henderson and Reno code enforcement and nuisance abatement programs. She indicated her intent to attend the TRPA meeting and its annual retreat. She encouraged individuals to submit applications for the TRPA executive director's position. Supervisor Williamson reported on the HealthSmart program and a State grant supporting its programs; her Redevelopment activities; and her participation in the Hospital Auxiliary's tour of Garth Richard's museum. She also announced that this year's Christmas ornament will have the Nevada State Mint depicted on it. She urged the public to attend the second "Concert in the Park" starting at 6:30 tomorrow evening at the Community Center.

**E. STAFF COMMENTS AND STATUS REPORTS (1-1570)** - Development Services Director Andrew Burnham explained that the freeway bids will be opened at 1:30 p.m. Mayor Masayko asked that the

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 6

Board be advised as to the bidder and status of the project as soon as possible. Mr. Burnham also indicated that meetings on the Freeway's Phase 2 are occurring and that additional public meetings will be conducted this fall. The Board will soon be receiving information and agreements regarding the landscaping. Ms. Ritter will be meeting with the NDOT Director and Assistant Director in an attempt to bring her up-to-date. He also indicated that the water consumption rate is increasing and starting to challenge the City's ability to meet the needs. Well 49 has been delayed again as the electrical equipment has been back ordered. A generator is now being used to pump water from it. It is a needed water source as it will provide one million gallons a day.

(2-0695) Mr. Burnham explained that Ames Construction from Salt Lake City is the apparent low bidder at \$69 million on Phase 1-B of the freeway. The bid estimate was in the \$80 to \$90 million range. Mayor Masayko indicated that today is a milestone and that dirt will soon be moved on it.

(2-1501) Community Development Director Walter Sullivan introduced Associate Planner Jennifer Pruitt and complimented her on passing her American Planners Association AICP certification test. The Board congratulated her.

RECESS: A recess was declared at 9:54 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:05 a.m., constituting a quorum.

**7. TREASURER - Al Kramer - ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE 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 OF BILLS), AND OTHER MATTERS PROPERLY RELATED THERETO (1-1645) -** Mr. Kramer indicated that the "will pay" agreement had been added to the ordinance as requested by the Board at the last meeting. Discussion explained the difference between the treasurer and tax receiver. Supervisor Aldean moved to introduce on first reading Bill No. 118, ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE 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 OF BILLS), AND OTHER MATTERS PROPERLY RELATED THERETO and indicated that there is no fiscal impact. Supervisor Williamson seconded the motion. Mayor Masayko indicated that the fiscal impact should be a savings. The motion was voted and carried 5-0.

**8. ALTERNATIVE SENTENCING - Assistant Chief Brian Percival - ACTION TO APPROVE THE ACCEPTANCE OF ANNUALLY RENEWABLE FEDERAL FUNDS AWARDED TO THE DEPARTMENT OF ALTERNATIVE SENTENCING UNDER THE FISCAL YEAR 2003 VIOLENCE**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 7

**AGAINST WOMEN GRANT, SUB-GRANT NUMBER 2003-VAWG-01, FOR ONE FULL TIME ALTERNATIVE SENTENCING OFFICER (1-1757)** - Discussion between Mayor Masayko and Mr. Percival explained the current staffing, the grant, and the commitment to eliminate the position if the grant funds are not there next year. Mr. Percival also indicated his intent to add the position to the next budget. Mayor Masayko cautioned him that the funding in the City budget may not be there for the position and urged him to seek additional grant funding for this position. Mr. Percival explained the reason nine months of grant funding were being sought at this time and the grant's five year funding commitment. Mayor Masayko stressed the need for the individual to know that the position may be pulled if the grant is not available. It is not a guaranteed position. The position must be P.O.S.T. certified and applications for the position have already been received. Supervisor Williamson moved to approve acceptance of the annually renewable Federal funds awarded to the Department of Alternative Sentencing under the Fiscal Year 2003 Violence Against Women Grant, Sub-Grant No. 2003-VAWG-01, for one full time Alternative Sentencing Officer and that there is no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.

**9. FIRE DEPARTMENT - Chief Louis Buckley**

**A. ACTION TO APPROVE AMBULANCE SERVICE AGREEMENT MADE AS OF NOVEMBER 6, 2002 BY VISTACARE OF RENO, A NEVADA CORPORATION, AND CARSON CITY FIRE AND AMBULANCE SERVICE, A DEPARTMENT OF CARSON CITY, A CONSOLIDATED MUNICIPALITY OF THE STATE OF NEVADA (1-1868)** - Service commenced on November 6, 2002. Therefore, the contract should be dated as indicated. Vistacare will pay the City for the services and deal with Medicare's Part A. The City is a Medicare Part B provider. The recipient must be a member of Vistacare. Vistacare is contracting with the City due to its exclusive ambulance service franchise. The contract includes a provision which allows the Fire Department to sign addendums. This Agreement must be signed by the Mayor and City Manager. The addendum attached to the agreement is considered a part of the original agreement. Supervisor Staub moved to approve Ambulance Service Agreement, "Agreement", is made as of the 6<sup>th</sup> day of November 2002, by Vistacare of Reno, a Nevada corporation, and Carson City Fire and Ambulance Service, a Department of Carson City, a consolidated municipality of the State of Nevada, and that there is no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.

**B. ACTION TO APPROVE THE FILING OF THE APPLICATION FOR A PRE-DISASTER MITIGATION GRANT TO THE NEVADA DIVISION OF EMERGENCY MANAGEMENT (1-1974)** - The grant match will be provided by City services. The grant will develop a plan that will be mandated to obtain future disaster grants. Discussion justified hiring a contractor to develop the plan and indicated that the Abbey Group could bid on the contract as it has the required insurance, qualifications, and expertise. Chief Buckley hoped to contract with the same planning group that developed the State, Washoe and Clark County plans. Chief Buckley indicated that they will check and see if the grant can include Project Impact due to the similarities in the programs. The program focuses on both manmade and natural disasters. Meetings have been held with the State concerning terrorism concerns found with being the State capitol. Potential grant funding to meet the commitments required as the State capitol were noted. The advantage of having a developed plan when seeking grants was noted. A commitment is not being made to implement the plan. The plan will include a priority ranking. The public and staff will be involved with developing the plan. Mayor Masayko declined the offer to participate and encouraged other

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 8

Board members to do so, if desired. Discussion noted today's deadline for filing the grant application. Supervisor Aldean moved to approve the filing of the application for a predisaster mitigation grant to the Nevada Division of Emergency Management in the amount of \$40,500 with a match of \$13,500. Supervisor Williamson seconded the motion. Motion carried 5-0.

**10. FINANCE - Acting Finance Director Tom Minton**

**A. ACTION TO ADOPT A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING SEWER PROJECTS AND WATER PROJECTS FOR THE CITY; REFUNDING CERTAIN OF THE CITY'S OUTSTANDING WATER BONDS AND SEWER BONDS FOR INTEREST RATE SAVINGS; PROVIDING THE MANNER, FORM, AND CONTENTS OF THE NOTICES THEREOF; AUTHORIZING THE CITY MANAGER OR CITY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE BONDS; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-2206) -**

Discussion between Mayor Masayko and Mr. Minton indicated the proposal is for up to \$4 million in sewer bonds, up to \$6 million in water bonds and up to \$4.4 million for the V&T Railroad reconstruction. The bond issues were being tied together to defray some of the issuance costs. Mayor Masayko's concern with the issuance costs that amounts to ten percent of the bond issue was noted. The financial stabilization plan is required for V&T Railroad bond due to the volatility of the room tax revenues. The policy decision related to this plan was noted. Public comments were solicited but none were given. Supervisor Williamson moved to adopt Resolution No. 2003-R-28, **A RESOLUTION CONCERNING THE FINANCING OF THE FINANCING OF SANITARY SEWER PROJECTS AND WATER PROJECTS; AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION BONDS; PROVIDING THE MANNER, FORM, AND CONTENTS OF THE NOTICES THEREOF; AUTHORIZING THE CITY MANAGER OR CITY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE BONDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREIN; PROVIDING FOR THE REIMBURSEMENT OF EXPENDITURES FROM THE PROCEEDS OF BONDS; AND PROVIDING THE EFFECTIVE DATE HEREOF.** Supervisor Aldean seconded the motion. Motion carried 5-0.

**B. ACTION TO ADOPT A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING THE V&T RECREATIONAL FACILITIES PROJECT; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICES THEREOF; AUTHORIZING THE CITY MANAGER OR FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE BONDS; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF (1- 2315) -** Mayor Masayko indicated that the bond had been discussed by the Debt Management Commission. Public comments were solicited but none were given.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 9

Supervisor Aldean moved to adopt Resolution No. 2003-R-29, A RESOLUTION CONCERNING THE FINANCING OF THE VIRGINIA AND TRUCKEE RAILROAD PROJECT; AUTHORIZING PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION BONDS; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICES THEREOF; AUTHORIZING THE CITY MANAGER OR CITY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE BONDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE REIMBURSEMENT OF EXPENDITURES FROM THE PROCEEDS OF BONDS; AND PROVIDING THE EFFECTIVE DATE HEREOF. Supervisor Williamson seconded the motion. Motion carried 5-0.

**11. INTERNAL AUDITOR - Steve Wolkomir**

**A. INTERNAL AUDIT QUARTERLY STATUS REPORT FOR SECOND QUARTER**

**2003 (1-2355)** - Discussion indicated that the report was timely even though it was due June 30. Mr. Wolkomir indicated that the Utilities Warehouse report had been submitted to Ms. Ritter, Mr. Burnham, and Mr. Minton for comments. He hoped to submit it to the Board on August 7. Audit issues raised in the report which may have a citywide impact will be emphasized and communicated to all Departments. Mayor Masayko felt that Mr. Wolkomir should not be required to find this concern on his own during his audits. Mr. Wolkomir was asked to number his pages in the future. He then reviewed the status of his work plan. Discussion pointed out the realignment of his work hours to provide the necessary time to complete this audit and the need for time to be allocated for special projects. As an exempt employee, he had worked more than the 40 hours indicated on his time report, however, he could not show the actual number. This is the normal reporting problem found with all exempt/unclassified employees. Concerns were expressed that his performance measurement may be impacted by reducing the number of hours assigned to special projects for higher priority projects. Mr. Wolkomir then explained that the 170 hours indicated for the Sheriff's followup was an estimate. It may not be that high. He also indicated that his audit committee concept may be revisited by the Board and stressed the need to revise his job description to conform with his duties. He then reviewed his followup of the Sheriff's audit and the implementation program. Seventy-five percent of the recommendations have been implemented. Justification for the decision not to recycle prescriptions was noted. This policy developed a better control over the number of days an individual may be incarcerated and had resulted in a reduction in the prescription costs. Mr. Wolkomir explained that the audit report will be placed on the City's website. His worksheet included all of the recommended audit points and their status. It could be posted to the website. Mayor Masayko felt that a data based report should be included indicating the status of the audit points. This process would be more user friendly for the public. He encouraged Mr. Wolkomir to seriously consider this suggestion. Discussion indicated that this concept would "be on the cutting edge" and is not found on other Internal Auditor websites. Mr. Wolkomir suggested that his quarterly status reports be attached to each report in the future. He then continued his status report on the Sheriff's audit. Discussion noted the suggested revenue enhancement programs and the legality issues related to them. Concerns regarding their cost effectiveness were voiced. Mr. Wolkomir also indicated that he had not completely closed those revenue enhancement items which had not been implemented. Board comments indicated that he should not have to followup on these recommendations. The City Manager and Finance should include them in the next budget considerations. Mr. Wolkomir had performed his duty by pointing out the potentials. The Board should be informed about the cost to implement such proposals and make a policy decision related to the suggestions. Mr. Wolkomir explained that Sheriff Furlong had designated an individual to be responsible for coordinating the implementation program with Mr. Wolkomir. Periodic discussions between them will keep Mr.

## CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 10

Wolkomir updated on the implementation program. Supervisor Aldean suggested that Mr. Wolkomir add a column for pending items in addition to the spread sheet's open and closed headings. This will allow tracking of those items which are neither closed nor being actively worked on. Mayor Masayko complimented Mr. Wolkomir on the report and reiterated his request that a data base be used to explain the status of the audit items. He also explained that the Board has little control over the Sheriff's procedures and policies. The Board controls his budget allocations. Departments under the City Manager's control, however, can be forced to comply with Mr. Wolkomir's performance audit recommendations. Public comments were solicited but none were given. Mayor Masayko pointed out the August target dates and asked that the Board be advised when the Warehouse recommendations are completed. No formal action was required or taken.

### **B. ACTION TO APPROVE THE INTERNAL AUDITOR'S PAY FOR PERFORMANCE**

**PLAN FOR CALENDAR YEAR 2003 (2-0038)** - Mr. Wolkomir removed the plan to obtain the C.P.A. training this year. He hoped to be able to do it next year. He suggested that instead of his providing deliverables to the Board during his annual review that he should present the evidence and the Board could determine the pay for performance values. Mayor Masayko felt that this was up to him. He also felt that he was experienced enough to know that if the goals are too high or unattainable, Mr. Wolkomir should have discussed it with the Board prior to the review. Discussion emphasized that he should do this during the year and not at the end of the review period. Mr. Wolkomir indicated that he would take these comments as an open invitation. Mayor Masayko also expressed his feeling that the pay for performance items should be less than ten items and should have a value between ten and 15 percent. This will allow them to focus on the core competency items and issues. Mr. Wolkomir indicated that his listing contained several startup items which will not be shown next year. Mayor Masayko agreed. He was willing to accept the plan as written as it provides an opportunity for education between the parties and provides a working relationship that will be understandable and measurable in the future. Mr. Wolkomir felt that there should not be any more than five items next year. Supervisor Aldean suggested that he remove the line on Page 2 indicating that he had completed three of the four items for 75 percent. She felt that he should complete the program as delineated. Reasons for including the line were indicated. Mr. Wolkomir then explained that the assumption that he would be able to dedicate 200 hours to special projects as originally envisioned may not be realistic. Mayor Masayko indicated that he should advise the Board that he will not be able to do it when proposed rather than revise the plan. Supervisor Staub felt that Item 4 should be removed as Mr. Wolkomir could not control implementation of his audit recommendations. Mr. Wolkomir explained that this is a normal tracking mechanism and a nationally recognized key performer. It should not compromise his independence as an Internal Auditor. Supervisor Staub agreed to leaving Item 4 in the plan. Mayor Masayko explained that when the audit report is presented to the Board, it will act as an arbitrator and establish the level of implementation. This will provide the balance for Mr. Wolkomir's performance. Mr. Wolkomir agreed that any disputed audit points should be brought to the Board for resolution. Mr. Burnham pointed out that the staff will react as directed by the Board on such issues. The dispute terminates with the Board's direction for all Departments under the City Manager's control. Mr. Wolkomir agreed and noted that Ms. Ritter, as City Manager, could also provide direction to staff regarding disputed recommendations. Discussion pointed out that the Board also measures her performance. It was felt that the audit plan for this year was acceptable with the one change in the assumptions to be four out of four audits. Mayor Masayko indicated that the bonus should reflect the big areas of concern and recommended that the process in 2004 include the ability to earn a bonus between 10 and 15 percent of Mr. Wolkomir's base salary. This places between \$6,500 and \$9,000 at risk. Supervisor Aldean moved to approve the Internal Auditor's Pay for Performance Plan for Calendar Year 2003 subject to an amendment

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 11

to performance indicator number three by changing the number of completed audits from three of four to four of four. Supervisor Staub seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 11:44 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 1:30 p.m., constituting a quorum.

**12. COMMUNITY DEVELOPMENT - Director Walter Sullivan**

**A. PRESENTATION BY THE HISTORIC RESOURCES COMMISSION CHAIRMAN AND CARSON CITY MAYOR FOR RECOGNITION OF THE STATE OF NEVADA'S COURTHOUSE RENOVATION AND THE BROUGHER-BATH HOUSE FOR THE MERITORIOUS REHABILITATION OF CULTURAL RESOURCES DURING 2002-03 (2-0350)** - Associate Planner Jennifer Pruitt, Chairperson Michael Drew - Carlita Ray, owner of the Brougher-Bath House, explained the building's ownership and name. She complimented the Committee for its helpfulness and forthcoming in assisting her with renovation of the structure. The building is located at Spear and Curry Streets. It will be a commercial building. It has been a rooming house. Mayor Masayko read and presented the award on behalf of the Historic Resources Commission and Board to Ms. Ray. Ms. Ray invited the public to tour the house when someone is working there. Mayor Masayko complimented her on the work that had been done. Supervisor Williamson explained Ms. Ray's involvement with the Ghost Walk and Wild West Tours. She thanked her for her investment and looked forward to completion of the project. Ms. Ray hoped that the project will be completed in December when the building will be 100 years old.

Mayor Masayko explained the funding which had been approved by the Legislature for restoration of the former County Courthouse. He read and presented the award to State Public Works Director Daniel O'Brien and Architect Rob Oxoby. He had toured the building and observed the spectacular renovations that had occurred. There were a lot of challenges incurred during the process. Mr. O'Brien noted the funding problems encountered with the building. Due to Governor Guinn and former Attorney General Frankie Sue del Papa's efforts, the funding was approved and the restoration completed. Governor Guinn named the building in honor of Ms. del Papa. Mr. O'Brien's personal experiences in the building were noted. He acknowledged that historic preservation is expensive. He hoped that the building would be used for another 100 years. Structural retrofit had occurred during the renovation. Mr. Oxoby indicated that the building had been maintained by the City during its use. He enjoyed the cooperation provided by the Commission, including that received from Art Hannafin, and the community-wide support in obtaining funding from the Legislature. He indicated that he will be working on the Hero's Memorial Building to structurally secure it. He had been involved with the Laxalt Building and will soon commence work on the State Museum Building. He thanked the City/Commission for its help and continued support. Mayor Masayko noted that the Board of Examiners had indicated at a recent meeting that a State building will soon be constructed on Roop Street. He complimented the State on the preservation and renovation of the former Courthouse. He read the award and presented it to Mr. O'Brien and Mr. Oxoby. Mr. O'Brien expressed his support for preservation of the Hero's Memorial Building and hoped to receive recognition for its renovation. He asked the Board/community to support fund-raising activities for it. He indicated that the State's master plan including an update and the capital complex had received funding during the Legislative session. He thanked the community/Board for its support of those items. Discussion indicated that the former firehouse will be demolished and parking will be provided at that

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 12

site. Renovation of the former firehouse would have been extremely expensive. The building also needed to be seismically retrofitted. Discussion also explained that the former Courthouse had been used by the Fire Department and Sheriff's Office and as a jail. Mr. O'Brien encouraged the Board to tour the building if they have not already done so. He complimented Mr. Oxoby on his work.

Mayor Masayko complimented the Commission on the award program and encouraged the Commission to continue it. Mr. Sullivan indicated that several projects had been considered. Mr. Drews thanked the Mayor for making the presentations. He felt that the projects were excellent. Both buildings had needed work. It would have been easy to tear them down. It takes a lot of time and money to restore buildings. Cooperation from the State and public had made it possible to save them for the benefit of the community. He thanked them and looked forward to working with the State and public on future preservation efforts. Mayor Masayko relayed Ms. Ray's compliments regarding the Commission and the City staff on their flexibility and willingness to work with them on their efforts to rehabilitate and restore the building in a reasonable financial manner. He asked Chairman Drew to relay this compliment to the Commissioners. Chairman Drew indicated that they strive to accomplish this goal and thanked Ms. Ray and the Mayor for the compliment. No formal action was required or taken.

**B. ACTION TO APPROVE AN ORDER ABANDONING A PUBLIC RIGHT-OF-WAY, AN APPROXIMATE EIGHT FOOT WIDE BY 170 FOOT LONG PORTION OF THE WESTERLY PORTION OF SOUTH NEVADA STREET AND AN APPROXIMATE EIGHT FOOT WIDE BY 170 FOOT PORTION OF THE NORTHERLY PORTION OF WEST SIXTH STREET ON PROPERTY ZONED MULTI-FAMILY APARTMENTS (MFA), ALONG A PORTION OF APNS 3-103-02, 03, 04, 07, 06, AND 05 IN CARSON CITY, NEVADA, FROM PAT CLARK (PROPERTY OWNER: ANTHONY SALINGER 1989 TRUST), AND TO AUTHORIZE THE MAYOR TO SIGN THE ORDER OF ABANDONMENT (AB-02/03-9) (2-0711) -** Applicant's Partner Eric Crisp - Mayor Masayko stated for the record that Public Works and RTC have looked at the widths and determined that the area could be abandoned. This process is the normal practice for such requests. The site is within the original townsite. A finding of public interest should be made to abandon the right-of-way without compensation. He also noted the court ruling indicating that the City could not charge for such abandonments. Mr. Crisp indicated that he had heard the comments and read the staff report. The staff had been fantastic to work with and he was not objecting to any of the comments in the report. Public comments were solicited but none were given. Supervisor Aldean moved that the Board of Supervisors approve an order abandoning a public right-of-way and an approximate eight foot wide by 170 foot long portion of the northerly portion of West Sixth Street on property zoned Multi-Family Apartments, MFA, along a portion of APNs 003-103-02, 003-103-03, 003-103-04, 003-103-07, 003-103-06, and 003-103-05 in Carson City, Nevada, from Pat Clark, property owner: Anthony Salinger 1989 Trust, and to authorize the Mayor to sign the Order of Abandonment subject to the conditions contained in the staff report and based on the understanding the public right-of-ways in questions are part of the original Carson City townsite and that it has been determined that it is in the best interest of the public not to charge for said abandonment. Supervisor Livermore seconded the motion. Motion carried 5-0.

**C. ACTION TO APPROVE AN ORDER ABANDONING A PUBLIC RIGHT-OF-WAY, AN APPROXIMATE EIGHT FOOT WIDE BY 170 FOOT LONG PORTION OF THE NORTHERLY RIGHT-OF-WAY OF EAST NINTH STREET ON PROPERTY ZONED DOWNTOWN COMMERCIAL**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 13

**(DC), ALONG THE SOUTHERN PORTION OF APN 004-051-06, IN CARSON CITY, NEVADA, FROM MILLARD REALTY AND CONSTRUCTION COMPANY (PROPERTY OWNER: RANDALL L. MILLARD), AND TO AUTHORIZE THE MAYOR TO SIGN THE ORDER OF ABANDONMENT (AB-02/03-8) (2-0811) -** Dwight Millard - Mr. Millard described the area and plans for the site. The buildings are not considered historical. He had originally asked that the entire street be abandoned, however, staff felt that the street was needed at this time. He then proposed that one way traffic and parking be allowed on it. He has purchased the Wylie's Copy Center site, which should close the end of the year. The plans for the properties include a hotel with a convention center. He also indicated for clarity that if easements are not found in the eight feet that they propose to build to the property line. Mr. Sullivan indicated that he will check into this with City Engineer Werner. Mayor Masayko indicated that the intent is on the record. If Wylie's Copy Center and the Pioneer Motel are acquired, Mr. Millard could again ask that the street be closed. For the present, however, Ninth Street is to remain open. The eight feet, that is to be abandoned, is located behind the curb/sidewalk and will not compromise the public access. Supervisor Livermore explained that the Economic Vitality Plan calls for improvements from Red's Old 395/Copper Pointe Center/Copeland Lumber to the Capitol Buildings. The plan helps accomplish this goal. The proposed center helps meet the needs for downtown development and tourism. He complimented Mr. Millard on his investment which he felt will be a cornerstone and benefit for the area. Mayor Masayko noted for the record that the Convention and Visitors Bureau will be seeking removal of the 28 consecutive day transient lodging tax prohibition. This will allow all extended stay facilities to charge the daily room tax. The proposal is for an extended stay hotel/motel operation which is needed in that area. He complimented Mr. Millard on the project and looked forward to his next expansion. Public comments were solicited but none were given. Supervisor Aldean corrected the Board Action Request Form to indicate that Randy Millard is the applicant and that the property owner is Millard Realty. Supervisor Aldean moved that the Board of Supervisors approve AB-02/03-8, an order abandoning a public right-of-way, an approximate eight foot wide by 170 foot long portion of the northerly right-of-way on East Ninth Street on property zoned Downtown Commercial, DC, along the southern portion of APN 004-051-06, in Carson City, Nevada, from Randall Millard, applicant, owner: Millard Realty and Construction Company, and to authorize the Mayor to sign the order of abandonment, AB-02/03-8, subject to the conditions contained in the staff report based on the understanding that the public right-of-way in question is part of the original Carson City townsite and that the Board has determined that it is in the best interest of the public to not charge for said abandonment. Supervisor Livermore seconded the motion. Motion carried 5-0.

**D. ACTION TO APPROVE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.04.195, NON-RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS, AND AMENDING THE CARSON CITY DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, NONRESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS BY MODIFYING THE PERMITTED SETBACKS WITHIN THE LIMITED INDUSTRIAL (LI) ZONING DISTRICT, MAKING OTHER CLERICAL CORRECTIONS, AND OTHER MATTERS PROPERLY RELATED THERETO (2-0995) -** Senior Planner Lee Plemel explained the revisions for the Limited Industrial (LI) setbacks pertain to those occasions where two LI properties abut each other. None of the other setbacks in the table were changed. The remaining revisions were organizational in nature. The LI revision had been eliminated by staff in error. The previous Code was the same as is proposed. Discussion at the Planning Commission raised questions/concerns regarding the height restrictions in the downtown area. It was too late in the process to include this revision. The

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 14

height issues will be submitted to the Economic Vitality Committee and brought back to the Board if supported by the Committee. Supervisor Staub moved to introduce on first reading Bill No. 119, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.04.195, NONRESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS, AND AMENDING THE CARSON CITY DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, NONRESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS BY MODIFYING THE PERMITTED SETBACKS WITHIN THE LIMITED INDUSTRIAL, LI, ZONING DISTRICT, AND OTHER CLERICAL CORRECTIONS, AND OTHER MATTERS PROPERLY RELATED THERETO, A-02/03-14, with no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.

**E. ACTION TO APPROVE A RESOLUTION FIXING THE NUMBER OF RESIDENTIAL BUILDING PERMITS UNDER THE CITY'S GROWTH MANAGEMENT ORDINANCE FOR 2004 AND 2005, ESTIMATING THE NUMBER OF RESIDENTIAL BUILDING PERMITS FOR 2006 AND 2007, AND ESTABLISHING ENTITLEMENT NUMBERS WITHIN CATEGORIES (FILE NO. GM-02/03-3) (2-1085)** - Associate Planner Jennifer Pruitt - Staff and the Commission recommended the three percent growth rate. Ms. Pruitt's review of the staff report included updating the number of building permits taken to date. Mr. Sullivan explained the number of entitlements allowed per quarter and the classifications. Justification for taking more of the permits in the second half of the year than the first half was provided. Ms. Pruitt also indicated for the record that the State Demographer's numbers are obtained throughout the year and the impact it has on the report. His figures will be used to update the report next year. Mayor Masayko explained that his experience with the previous State Demographer had indicated that his figures are over-estimated. He hoped that the next State Demographer is better at estimating the population figures. Board discussion also explained a previous program that allowed unused permits to be rolled over to the following year and that mobile homes and apartments had been assessed as one-half of an entitlement. The rollover process has been eliminated and mobile homes and apartments are now assessed as one full entitlement. Public comments were solicited but none were given. Mayor Masayko reviewed the history of the Growth Management Ordinance, its ability to provide predictability and reasonableness in the City's growth rate and ability to meet infrastructure needs, and for the building industry to plan for the future. The availability of land, the market, and housing prices dictate the results. He commended and complimented the community on its approach. The drop in the number of entitlements used annually from three percent was felt to be due to external and market factors. The difference between the State Demographer's estimated population in 2000 and the 2000 consensus was noted. He felt that these figures should be more coordinated and that the State Demographer had used the job market as a base. It had established his growth rate at four percent during a period when the housing rate had only grown two percent. The correct public policy is to provide housing to match the job market. He also felt that staff should understand that the budget increases should be justified based on a three percent growth rate. The rate of growth is a target and policy matter. It has never been exceeded since implemented in 1978.

Supervisor Livermore read Charter Communication's letter indicating that it can meet the City's three percent growth rate. Areas which have requested cable television but have been unable to obtain it were noted. Mr. Sullivan explained that staff provides the Board with a video tape of the Commission's meetings when an item is appealed as it provides a different prospective on the meeting. He acknowledged that there are residents and Supervisors living in areas which do not receive cable television. He recalled a commitment by the cable television providers to provide

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 15

service to these areas. This commitment was made a long time ago. Supervisor Livermore agreed and felt that the provider(s) should live up to the commitment(s).

Supervisor Williamson referenced a survey which indicated a desire to reduce the growth in the community to two percent. As the growth level is not near the three percent rate, she was comfortable with maintaining it. She also felt that it was defensible and the criteria had been used to justify that level for many years.

Mayor Masayko felt that if the rate was set at 10 percent, people would not flock to the community. The availability of land and jobs impacts the growth rate. Supervisor Aldean felt that the number of housing vacancies available in Las Vegas at this time is in the older housing stock. When growth occurs there, its residents upgrade their residency. This skews the numbers. The vacancy factor must be considered as well as the number of new houses on the market. Mayor Masayko indicated for the record that his statistics show that during the last five years the permits have been issued at a two percent rate. He also indicated that, without the State Demographer's figures, the census for the last four years has shown a growth rate of two percent. Mr. Sullivan supported his statistics. Mayor Masayko also pointed out that this is a policy decision based on what resources and services can provide. It is an attempt to manage growth. There are reasons for setting the rate at three percent. Supervisor Livermore moved to adopt Resolution No. 2003-R-30, Option I, A RESOLUTION FIXING THE NUMBER OF RESIDENTIAL BUILDING PERMITS UNDER THE CITY'S (GROWTH) MANAGEMENT ORDINANCE FOR 2004 AND 2005, ESTABLISHING THE NUMBER OF RESIDENTIAL BUILDING PERMITS FOR 2006 AND 2007, AND ESTABLISHING ENTITLEMENT NUMBERS WITHIN CATEGORIES, FILE NO. GM-02/03-3 with no fiscal impact. Supervisor Williamson seconded the motion. Motion carried 5-0.

**13. DEVELOPMENT SERVICES - Director Andrew Burnham**

**A. ACTION TO ADOPT BILL NO. 117 ON SECOND READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) TITLE 4 LICENSES AND BUSINESS REGULATIONS AMENDING SECTION 4.04.107 (PUBLIC UTILITIES) TO CHANGE THE BUSINESS LICENSE FEE TO 3.5% FOR NATURAL GAS SERVICE AND OTHER MATTERS PROPERLY RELATED THERETO (2-1520)** - Mayor Masayko felt that the natural gas prices will be higher this winter due to shortages. The proposed increase will have an additional impact on the users, however, he had not changed his mind regarding the need to increase the rate. He had not received any comments either pro or con on the ordinance since the first reading. Supervisor Livermore moved to adopt Ordinance No. 2003-18 on second reading, Bill No. 117, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, CCMC, TITLE 4 LICENSES AND BUSINESS REGULATIONS AMENDING SECTION 4.04.107, PUBLIC UTILITIES, TO CHANGE THE BUSINESS LICENSE FEE TO 3.5% FOR NATURAL GAS SERVICE AND OTHER MATTERS PROPERLY RELATED THERETO, fiscal impact is \$110,000. Supervisor Williamson seconded the motion. Motion carried 3-2 with Supervisor Aldean and Mayor Masayko voting Naye.

**B. ACTION TO APPROVE AMENDMENT NO. 1 TO HIGHWAY AGREEMENT NO. R257-96-010 BETWEEN CARSON CITY AND THE STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION, REGARDING FUNDING FOR THE V&T BICYCLE-PEDESTRIAN PATH (2-1578)** - City Engineer Larry Werner, Parks and Recreation Director Steve Kastens - Comments emphasized that

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 16

the request is for the V&T Bicycle-Pedestrian Trail/Path and not for the V&T Railway Reconstruction Project. The bicycle-pedestrian project is going out to bid today. Mayor Masayko indicated for the record that the project had been approved by the Board before any of the current Board members were elected and that, although he would support the project as he wanted it moved forward, the project must be constructed for the \$790,000 or he would be very, very aggravated. The Board had agreed to pay 25 percent of the costs in 1995. The request raises the City's share to 38 percent. The normal match is five percent. NDOT should have been told to find funds in the Federal enhancement funds for this purpose. The agreement amount totaled \$680,010. Mr. Werner explained that the total cost of the project is \$771,000. The NDOT agreement covers only construction and design. The City had provided some items which had not been considered in the matching funds. Mr. Kastens explained that the Quality of Life funds will be used for this project. Mayor Masayko emphasized that this should be the final cost for the project. Mr. Werner explained that the bids will determine whether the Board will need to revisit the agreement. He felt that the construction climate is right for bidding and doing the project. Discussion between Mr. Werner and Supervisor Aldean explained the funding sources and funding limits including the Federal funds that had been committed to the project. Supervisor Williamson complimented Mr. Kastens, Mr. Werner, and Parks and Recreation Commissioner Stacy Wilkie on their work with the property owners. The path will connect the College to the west side of the community and the former V&T Railroad right-of-way to Highway 395. She thanked all of the participants for their persistence. Supervisor Livermore expressed a desire to have a similar bicycle-pedestrian trail on the east side of Prison Hill. Discussion indicated that some of the rights-of-way have already been purchased for it. Clarification also indicated that a savings will be hard to find for this project due to cost overruns already encountered. The bids may be less than estimated. Landscaping and wall treatments are included in the project in Wellington Crescent. Public comments were solicited but none were given. Supervisor Livermore moved to approve Amendment No. 1 to Highway Agreement No. R257-96-010 between Carson City and the State of Nevada Department of Transportation regarding funding for the V&T Bicycle-Pedestrian Path; fiscal impact is \$138,810 in addition to the \$50,000 approved in 1996 and that the funding source is Account No. 350-5000-452-7176. Supervisor Williamson seconded the motion. Clarification by Mayor Masayko and Mr. Kastens indicated that \$118,000 will be funded by the Quality of Life funds. Motion carried 5-0.

**C. ACTION TO APPROVE A PURCHASE AGREEMENT BETWEEN THE FIRST CHRISTIAN CHURCH AND CARSON CITY WHEREBY THE FIRST CHRISTIAN CHURCH AGREES TO SELL TO CARSON CITY THAT CERTAIN REAL PROPERTY LOCATED AT 326 EAST JOHN STREET AND 223 CORBETT STREET, CARSON CITY, NEVADA, KNOWN AS ASSESSOR'S PARCEL NUMBERS 02-153-04, 05, 09, AND 10 FOR THE CITY'S USE (2-1842) -** RTC recommended approval of the agreement. The title will be held in the City's name rather than RTC's. Mayor Masayko described his "heartburn" with the acquisition. RTC funds will be used for the acquisition. Board approval of the expenditure is required. Mayor Masayko noted that two of the Board members serve on the RTC Commission. He also indicated that Washoe County does not approve its RTC expenditures. Mr. Werner agreed to discuss this matter with the District Attorney's office. Mayor Masayko also pointed out that RTC may not get the property back from the City if it is in the City's name. Supervisor Aldean described the Commission's attempt to provide long range internal circulation plans for the future needs of the community. The Church is for sale and its acquisition is part of that plan. Supervisor Staub explained his belief that the extension of Stewart Street has been needed for 10 to 20 years. The impact on the surrounding area will be minimal. Some of the property can be sold or traded to the School District which will return some RTC's funds and reduce the cost. Discussion indicated that the Parks and Recreation

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 17

Department will be responsible for maintaining the property. Supervisor Williamson indicated that weed abatement needs to occur on City owned lots in the downtown area. Mr. Burnham indicated that Juan Guzman is the City's Property Manager and that he will discuss it with him. Mayor Masayko felt that this may be the first time Open Space has been informed that it is responsible for the maintenance of these areas. Mayor Masayko disclosed that he is very familiar with Rev. Haskins' family and several members of the Church. He had not discussed the proposal with them. Supervisor Staub moved to approve a purchase agreement between the First Christian Church and Carson City whereby the First Christian Church agrees to sell to Carson City that certain real property located at 326 East John Street and 223 Corbett Street, Carson City, Nevada, known as Assessor's Parcel Numbers 02-153-04, 02-153-05, 02-153-09 and 02-153-10, for the use of the City; the fiscal impact is \$750,000, and the funding source is Account Number 250-3035-431-7825. Supervisor Aldean seconded the motion. Motion carried 5-0. Mayor Masayko indicated that he was serious about the direction given to staff and the desire to implement a policy to put the property under RTC.

**14. DISTRICT ATTORNEY - Noel Waters - ACTION TO APPROVE STATE OF NEVADA OFFICE OF THE ATTORNEY GENERAL VIOLENCE AGAINST WOMEN GRANT AWARD #2003-WF-BX-0215. THIS GRANT WILL FUND A FULL TIME DOMESTIC VIOLENCE PROSECUTOR FOR THE GRANT PERIOD OF JULY 1, 2003 TO JUNE 30, 2004. THE GRANT AWARD IS IN THE AMOUNT OF \$59,650 WITH A HARD MATCH OF \$19,883 (2-2040) - Karl Neathammer -** Mr. Waters described the funding. The position had been included in the budget packet approved by the Board in May. The grant is for three years. If the City has the funds for the position at that time, the position will become permanent. The need to be diligent in accounting for the individual's time and for the position was stressed. The City will have to pay the costs and request reimbursement from the grant for its 75 percent share of the position. Mayor Masayko acknowledged the budget commitment for this year and expressed concerns about the City's ability to fund the City's share next year. The position should be added to the list of one-shot funding items. The same thing is true for the Alternative Sentencing position which was funded with a Federal grant. Mr. Waters reiterated the need for the position and for an investigator whom he had repeatedly sought during the budget process for several years. The Board should not continue to add to the Sheriff's Office without addressing the needs for impacted agencies. The grant is for \$59,650 with a City hard match of \$19,883 for a total of \$79,533. Clarification by Mr. Burnham indicated that the original supplemental budget had been revised to the \$79,533. Mr. Waters explained the commitment to provide additional training for the prosecutors and law enforcement. This should assist the District Attorney and Sheriff's Offices in presenting cases which will carry the burden of proof beyond reasonable doubt rather than rely solely upon victim's statements. Community outreach and training are also necessary to meet the grant goals. Mr. Neathammer urged the Board to approve the request. He emphasized the need for the position and to have competent, well-trained individuals working in this field. Abuse factors and statistics were listed to illustrate the complexity of the domestic violence prosecution and its increasing occurrence. Its impact on the physical and mental health and well-being of the victims and their families was also noted. This in turn places a burden on businesses and creates work place problems and absenteeism. Domestic violence should not be tolerated in Carson City or Nevada. Additional public comments were solicited but none were given. Supervisor Staub moved to approve State of Nevada Office of the Attorney General Violence Against Women Grant Award No. 2003-WF-BX-0215; this grant will fund a full time domestic violence prosecutor for the grant period of July 1, 2003, to July 30, 2004; and that the grant award is in the amount of \$59,650 with a hard match of \$19,883; and that the fiscal impact and explanation of the grant were as stated. Supervisor Livermore seconded the motion. Following discussion, Supervisor Staub corrected his motion

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 18

for the grant period to be from July 1, 2003, to June 30, 2004. Supervisor Livermore concurred. Motion carried 5-0.

RECESS: Mayor Masayko declared a recess at 3:12 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 3:31 p.m., constituting a quorum.

**15. CITY MANAGER**

**A. CLOSED SESSION - 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 (2-2397)** - Supervisor Livermore moved that the Board of Supervisors recess into Closed Session under NRS 241.015. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Masayko recessed the Open Session at 3:22 p.m.

**B. OPEN SESSION - DISCUSSION AND POSSIBLE ACTION TO APPROVE AN INTERLOCAL AGREEMENT BETWEEN CARSON CITY, A CONSOLIDATED CITY-COUNTY GOVERNMENT AND THE COUNTY OF DOUGLAS SETTING FORTH REQUIREMENTS BETWEEN DOUGLAS COUNTY AND CARSON CITY FOR IDENTIFICATION OF IMPACTS CREATED BY DEVELOPMENT; DISCUSSION AND PURSUIT OF OPTIONS FOR MITIGATION OF IMPACTS; CONSIDERATION OF HOUSING NEEDS ASSOCIATED WITH DEVELOPMENT; RESTRICTIONS ON THE USE OF PUBLICLY FUNDED INCENTIVES AND COOPERATION IN THE DEVELOPMENT OF A LONG TERM STRATEGY FOR THE COLLECTIVE ECONOMIC HEALTH, FINANCIAL STABILITY AND PROSPERITY OF THE REGION (2-2408)** - Mayor Masayko explained his belief that the agreement was being offered in good faith and reflects the intent to begin the process of settling the contentious issues which have not been addressed in the proposed land sale south of the City line. He urged the Board to adopt the agreement and lay it on the table. Douglas County could then accept or ignore it. It attempts to forge a process by which the issues can be addressed and resolved. The agreement does not contain any outcome conclusions on the City's part. The process will not work without engaging in meaningful discussions. Mr. Burnham suggested that BLM be removed from the preamble. This will make a two party agreement rather than the indicated three party agreement. Mayor Masayko agreed that the balance of the agreement should remain as written as BLM is not mentioned in the recitals. Carson City is not opposed to having BLM or other Federal agencies participate in the formal/informal process so long as the discussions address the issues. Mr. Burnham also suggested that the Board acknowledge that the agreement may be back with modifications by either staff or Douglas County and BLM. Mayor Masayko indicated that the agreement is not the City's last best and final offer. It is a beginning. It is a continuing process which recognizes the need to negotiate on other items. Supervisor Staub felt that BLM should be included in another draft amendment as it is the other party in the following action. It should be part of the process to mitigate all issues. Mayor Masayko could not disagree with his comments but felt that unless Douglas County agrees to address or act on the issue, it should not be complicated with a third party. The third party issues could be addressed once the two parties are on the same page. He also indicated that he was not opposed to having any number of additional parties in the agreement. Public comments were solicited.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 19

Carson City BLM Field Office Manager John Singlaub indicated that an earlier version of the agreement had been reviewed by BLM, approved, and signed. Mayor Masayko acknowledged his statement and indicated that subsequent issues had created heartburn for him. He also felt that the Board was interested in looking at the offer which is on the table. The first offer needs to go to Douglas County. If it does not act on it and continue the discussions at a high level in a public meeting, there is no reason to include other entities in the discussion.

Supervisor Aldean moved to approve the interlocal agreement between Carson City, a consolidated city-county government, and the County of Douglas setting forth requirements between Douglas County and Carson City for identification of impacts created by development, discussion and pursuit of options for mitigation of impacts, consideration of housing needs associated with development, restrictions on the use of publicly funded incentives and cooperation in the development of a long term strategy for the collective economic health, financial stability and prosperity of the region, subject to striking the reference in the preamble to the BLM as a party to the agreement and subject to any future amendments mutually agree to by the parties. Supervisor Williamson seconded the motion. Motion carried 5-0.

**C. OPEN SESSION - DISCUSSION AND POSSIBLE ACTION TO APPROVE ACTION BY LEGAL COUNSEL TO CHALLENGE IN THE COURTS OF THE UNITED STATES THE DISMISSAL, BY FINAL ADMINISTRATIVE ACTION OF THE DEPARTMENT OF INTERIOR, OF CARSON CITY'S PROTEST OF COMPETITIVE SALE N-75369, AND OTHER MATTERS PROPERLY RELATED THERETO (2-2618)** - Mayor Masayko explained that the Board had a lengthy discussion regarding this item. If the previous agreement is accepted by Douglas County, it could forestall the outcome of this item. The Board wishes to work it out or go to court. The Board believes that the environmental assessment for the land sale is deficient in many areas. The City has a strong case. It should be filed in Washington, D.C. An injunction should be requested until the case can be heard. The issues are significant and substantial. They include federal land act requirements and the need to include discussion about mitigation measures. The environmental assessment that had been developed did not consider all of the issues. Discussion indicated that legal action had been prepared two weeks ago and was held pending direction from the Board. It can be filed tomorrow if the Board so directs. Public comments were solicited but none were given. Discussion indicated that the City had engaged Latham and Watkins in Washington, D.C. It is an experienced litigator. The Board had received explicit advice regarding the merits of the case from this firm. It is not taking action lightly or based solely on local counsel and staff advice. Public comments were again solicited but none were given. Supervisor Livermore moved to authorize counsel for the City to take action to challenge in the courts of the United States the dismissal by final administrative action of the Department of the Interior, of Carson City's protest of competitive sale N-75369. Supervisor Aldean seconded the motion. Supervisor Williamson indicated that she did not take the action lightly. She recognized its significant fiscal impact and explained that \$3.8 million of sales tax monies had been identified and will be lost by the development of the site. The Board wishes to talk to the neighbors and work out the problems. Taking this action may get the parties to the table. Supervisor Aldean explained for the record her discussions with Douglas County Commissioner Tim Smith indicates that he has a cool head and is reasonable. He was willing to work with the City on the issues. Unfortunately things have not worked out as he had hoped. She thanked him personally for his offer to act as an arbitrator and effort to resolve the issues outside of litigation. Supervisor Livermore explained Lyon County Commissioner Bob Miltz' offer to act as a facilitator/mediator between Douglas County and Carson City. He suggested that his colleagues seriously consider his offer to facilitate discussions. He

CARSON CITY BOARD OF SUPERVISORS

Minutes of the July 17, 2003, Meeting

Page 20

also felt that doing nothing would be a dereliction of his duties. Supervisor Staub felt that litigation was being forced upon the City and that the City had attempted to discuss the issues with Douglas County as indicated by the previous interlocal agreement and its historical efforts to point out the problems. This step is serious and costly, however, no other avenue is open at this time. Mayor Masayko pointed out that if one stands at the State Capitol and draws a circle six miles wide, five separate counties and political subdivisions will be touched. They can no longer function as they had in the 1950s without impacting the neighbors. The issue could be handled with favorable results under the interlocal agreement and direct negotiations, which he preferred, or through the courts. The impacts need to be addressed as the environmental and social impacts will not disappear. We are a five-county region and cannot ignore the impacts based solely on county sovereignty. We must work together. Mr. Burnham indicated his telephone conversation had been with Douglas County Manager Dan Holler. The Douglas Commissioners are currently in session. Mr. Dan Holler had advised him that they had not yet reached the interlocal agreement on the Commissioners' agenda. He believed that the Commissioners will discuss it and amend it. They also want to resolve the issue. Mayor Masayko stated to Mr. Burnham, the Commissioners and the news media that they had been down this road before. He "was not reluctant" to dismiss the lawsuit at any time that he saw any movement. If they do not file the lawsuit today, its leverage to get them to the table to find a cooperative solution will be lost. The Board may dismiss the suit at any time. A lot of money has been spent preparing to fight the sale. He also indicated that Douglas County had not agenzized the item and for it to discuss the agreement today would be in violation of the Open Meeting Law. No action can be taken by it today. The motion to proceed with the legal challenge was voted and carried 5-0.

There being no other matters for consideration, Supervisor Williamson moved to adjourn. Supervisors Aldean and Staub seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 4:20 p.m.

The Minutes of the Carson City Board of Supervisors July 17, 2003, meeting

ARE SO APPROVED ON November 20, 2003.

/s/  
Ray Masayko, Mayor

ATTEST:

/s/  
Alan Glover, Clerk-Recorder