A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, November 21, 2002, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

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| PRESENT: | Ray Masayko | Mayor |
| | Jon Plank | Supervisor, Ward 2 |
| | Robin Williamson | Supervisor, Ward 1 |
| | Pete Livermore | Supervisor, Ward 3 |
| | Richard S. Staub | Supervisor, Ward 4 |
| STAFF PRESENT: | John Berkich | City Manager |
| | Alan Glover | Clerk-Recorder |
| | I. Steve Wolkomir | Internal Auditor |
| | William Naylor | Information Services Director |
| | Dave Dawley | Chief Deputy Assessor |
| | Cheryl Adams | Deputy Purchasing Director |
| | Melanie Bruketta | Deputy District Attorney |
| | Katherine McLaughlin | Recording Secretary |
| | Justine Chambers | Contracts Coordinator |

(B.O.S. 11/21/02 Tape 1-0001)

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

**CALL TO ORDER, ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE -** Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present constituting a quorum. Father Jerry Hanley of St. Teresa of Avila Catholic Church gave the Invocation. Mayor Masayko led the Pledge of Allegiance.

**CITIZEN COMMENTS (1-0035) -** John Wagner, representing the Bird Consortium of Carson City, informed the Board that the organization is alive and well. It is expanding and becoming active in the affairs of the City and State. He also indicated that the organization has a policy of not allowing any elected officials to be a member of the Committee. The City/State has a problem due to the lack of funds. He suggested that the tax base be broadened to add a tax on newspapers. A similar tax is assessed in other areas. If this is not possible then a user or recycling tax was suggested. He also volunteered to speak to the proposal in the future if agenized. Additional comments were solicited but none were given.

**1. APPROVAL OF MINUTES (1-0069) -** None.

**2. AGENDA MODIFICATIONS (1-0070) -** Consent Agenda Item 3-3, the Assessor's tax on the

Carson-Tahoe Hospital property, was pulled for discussion. Item 10-D will be considered before the other items under Heading 10 due to a conflict in the Chamber of Commerce's schedule.

**3. CONSENT AGENDA (1-0086)**

**3-1. DEVELOPMENT SERVICES - CONTRACTS**

**A. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE BREWERY ARTS CENTER - EXTERIOR REPOINTING PROJECT, CONTRACT NO. 2002-050 TO (BIDDER #1) SARTORIAL MASONRY, 1610 MAYBERRY DRIVE, RENO, NEVADA 89509-2362 AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 332, 338, 339, AND 624 FOR A CONTRACT AMOUNT OF $30,000 AND A CONTINGENCY AMOUNT OF $6,410**

**B. ACTION TO APPROVE CHANGE ORDER NO. 1 FOR AN INCREASE TO THE ORIGINAL CONTRACT OF $83,372.37 AND ACCEPT THE WORK AS COMPLETE AND APPROVE THIS RELEASE OF FINAL PAYMENT ON 2002 ASPHALT MAINTENANCE CONTRACT, CONTRACT NO. 2002-005, AS SUBMITTED BY DEVELOPMENT SERVICES TO INTERMOUNTAIN SLURRY SEAL, INC., P. O. BOX 50085, WATSONVILLE, CA 95077, FOR A FINAL PAYMENT AMOUNT OF $402,783.58 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED**

**3-2. PURCHASING AND CONTRACTS**

**A. ACTION TO AUTHORIZE THE INFORMATION SERVICES DEPARTMENT TO UTILIZE RFP 90-00151 FOR THE PURCHASE OF COMPUTER EQUIPMENT WITH PERIPHERALS, MAINTENANCE, SUPPORT AND SOFTWARE THROUGH SEPTEMBER 2, 2003, WHICH RFP WAS APPROVED AND RENEWED BY THE STATE OF NEVADA THROUGH THE WESTERN STATES CONTRACTING ALLIANCE AND WHICH IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO NRS 332.195 (FILE 0102-069)**

**B. ACTION TO AUTHORIZE THE MAYOR TO SIGN THE CONSENT TO CHANGE OF CONTROL AND MERGER FOR CONTRACT NO. 0203-064, A PRICE AGREEMENT WITH COMARK GOVERNMENT EDUCATION SALES, INC.**

**3-3. ASSESSOR - ACTION TO APPROVE THE ADDITION TO THE 2002-2003 TAX ROLL THE TAXES ON APN 7-511-02 AND 8-054-16 WHICH ARE OWNED BY CARSON-TAHOE HOSPITAL**

**3-4. CARSON CITY AIRPORT AUTHORITY - ACTION TO APPROVE THE FOURTH ADDENDUM TO THE AIRPORT LEASE WITH MENTORS UNLIMITED, INC., REDUCING THE SIZE OF THE LEASEHOLD, AND APPROVAL OF SEPARATE AIRPORT LEASE ON IDENTI-CAL TERMS TO THE BYARD FAMILY TRUST FOR THE REMOVED AREA -** Item 3-3 was pulled from the Consent Agenda. Supervisor Plank moved to approve the five remaining items from four Departments on the Consent Agenda excluding Item 3-3 from the Assessor's Office. Supervisor Livermore seconded the motion. Deputy District Attorney Melanie Bruketta explained an error in the property's legal description for Item 3-4. Supervisors Plank and Livermore concurred with an amendment to remove the item from the Consent Agenda's approval. Discussion indicated that the item would be agenized for the next meeting even if a representative from the Airport Authority arrives during the meeting. Mayor Masayko also noted that it may be necessary for the item to be reconsidered by the Airport Authority. The motion to approve the four remaining Consent Agenda items was

voted and carried 5-0.

**3-3. (1-0151)** Supervisor Livermore explained the difference in opinions regarding whether the property could be placed on the Assessor's tax roles. The Attorney General had purportedly indicated that, as the Carson-Tahoe Hospital is a not-for-profit organization, it is tax exempt. Deputy Assessor Dave Dawley explained that the District Attorney's Office had given him an opinion that vacant land owned by the Hospital is not tax exempt. He was willing to continue the item. Mayor Masayko indicated a desire to see additional information on the issue. Supervisor Livermore moved that the Board of Supervisors remove Item 3-3 from today's agenda without prejudice as described by the Mayor. Supervisor Plank seconded the motion. Motion carried 5-0.

**4. BOARD OF SUPERVISORS**

**A. DISCUSSION AND POSSIBLE ACTION TO CHANGE THE DATES OF THE REGULARLY SCHEDULED BOARD OF SUPERVISORS MEETINGS IN JANUARY 2003 (1-0200) -** Discussion ensued on whether to change the meeting dates as newly elected officials will be sworn-in on Monday, January 6. No change in the Board's composition will occur. There are five Thursdays in January. Wednesday, January 1, is a holiday. Discussion explained that the date for swearing-in newly elected officers must occur on the first Monday in January. An elected official serves until the successor is sworn-in. Supervisors Livermore and Williamson recommended that the Board maintain its normal first and third Thursday meeting dates. Mayor Masayko asked, for the record, for a motion to change the January meeting dates. None was made. Mayor Masayko ruled that the meeting dates will remain the first and third Thurs-days of the month, i.e., January 2 and 16. No changes were made in the meeting time or location. No formal action was taken.

**B. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0284) -** Mayor Masayko welcomed Supervisor Livermore back from his hunting trip/vacation and congratulated him on his reelection. Supervisor Livermore thanked the community for his reelection and wished Neil Weaver success in his future endeavors. He expressed his intent to make the community better. He then reported on his hunting trip/vacation which was enjoyable. Photographs were displayed. He presented a letter from the Pop Warner Football Program to Parks Director of Operations Scott Fahrenbruch, Parks Maintenance Worker Tom Kunkle, and the fields' caretakers Jerry and Loretta Graf complimenting them on their efforts to make the fields the best in the Northern Nevada. He asked Mr. Berkich to include this letter in the "High Fivers'" consideration. (Copies of the letter were given to the Board and Clerk. A copy is in the file.) He then reported on meetings for the following: the public health entity; the Hospital Trustees and Finance Committee; Health Smart; the Chamber of Commerce Manufacturers; and the Subconservancy. Supervisor Staub briefly described his vacation/hunting trip with Supervisor Livermore. He then reported on meetings for the following: the Community Counsel On Youth; the Regional Transportation Commission's tour of its projects; and the Airport Authority. He distributed copies of the Airport Authority's priorities and funding efforts to the Board. (A copy was not given to the Clerk.) Discussion indicated that this item may be agenized for future discussion at a joint meeting of the Authority and Board. The Authority's concerns about the storm water utility fees and their impact on its revenues were also noted. Supervisor Williamson reported on her activities at the Nevada Association of County Officers annual conference and encouraged more Carson City representatives to attend future seminars. She then reported on meetings for the following: Redevelopment Authority Citizens Committee; Clear Creek Watershed Council and complimented Fuji

Park's contractor on his/her best management practices and efforts to prevent erosion from occurring at the site; the NDOT meeting with PBS&J where $500,000 had been committed to address erosion issues along Highway 50; Carson River Coalition; and the Subconservancy. She announced her plans to attend the Chamber of Commerce Leadership Class' graduation ceremony and wished everyone a wonderful Thanksgiving. Supervisor Plank reported on meetings/activities for the following: TRPA; the Shade Tree Council's tree memorial plantings on Veterans Day; the dedication of the State Vietnam Veterans Memorial and explained a compliment he had been given for the Parks and Street Department employees for its paid and volunteer work on the Memorial–he suggested this be included in the considerations for "High Five" awards; Navy League Veterans Day dinner; the RTC tour; City Manager John Berkich on RTC items and the last issue of the "Capital City Focus" and its lack of information regarding the freeway; the Senior Center Advisory Council; Parks and Recreation Commission; TRPA including its composition; and the Nevada TRPA. He announced the Board's goal setting workshop scheduled for tomorrow morning in the Sierra Room. He complimented Street Operations Chief Chuck Knowlton and his crew and Health Director Daren Winkelman and his crew for their work to eliminate illegal dump sites and the Parks Department on their efforts to prepare the Vietnam Veterans Memorial. Mayor Masayko reported on his attendance at the Harley Davidson's Financial Services Tenth Anniversary Celebration and complimented them on their business model. He had presented a Proclamation recognizing the Carson Nugget's 45 year anniversary. He indicated that Supervisor Plank had covered the ceremonies they had attended on Veterans Day. He also complimented the Vietnam Vets Chapter 338, the Incarcerated Vietnam Veterans from the prisons, Parks and Recreation employees as well as the other volunteers for their work on the Vietnam Veterans Memorial. He described the importance of the Fallon Naval Air Station, the service it provides for the protection of the Country and its preparation of Naval pilots for deployment overseas. Its Commander had been the speaker at the Navy League Veterans Day dinner. He reported on his attendance at the NACO annual conference and encouraged City staff to attend these functions in the future. NACO's Legislative agenda will be submitted soon. BDRs are not ready for release. His term as Past President of the NACO Board of Directors expires December 31. Supervisor Williamson will be the City's NACO Board member on January 1. His intent to invite the Nevada League of Cities and Municipalities to participate in the Legislative welcoming on February 4 or 5 was explained. He had also participated in the Marine Corps League dinner, the Republican Women's Council meeting where he presented the Mayor's Nevada Day Parade and the Best Float Awards, the Disabled American Veterans' dinner; and the RSVP Council meeting. The RSVP is again looking for a site for a community building.

(1-1048) Supervisor Plank reported on the "Thunder on the Streets" event. Mayor Masayko also complimented the community on its Veterans Day activities and the public participation in those activities. No formal action was required or taken on any of these items.

**C. STAFF COMMENTS AND STATUS REPORT (1-1035) -** None.

**5. CARSON CITY COMMUNITY TRANSPORTATION - STATUS REPORT ON TRANSIT OPERATIONS (1-1055) -** MV Transportation Representative Paul Summers distributed copies of his report to the Board and Clerk. (A copy is in the file.) Mr. Summers thanked Finance Director Heath and Street Operations Manager Flansberg for their assistance in making the transition. His report was reviewed. His concern about the condition of the fleet was stressed. Improvement in the vehicles' condition will improve the on-time performance and statistics. Maintenance has done a good job of attempting to keep the vehicles rolling. Efforts to keep the passengers

happy were stressed and rides are cancelled when too many vehicles are down. The desire to increase production can be met by increasing availability and reliability of the vehicles. Discussion noted the savings created by changing service providers. Mr. Summers asked that these funds be used for vehicle replacement/repair. Mayor Masayko acknowledged the Board's commitment that these funds are used for the service. The funds may not be adequate to provide an additional vehicle. He suggested that Mr. Summers work through the Public Transportation Advisory Committee (PTAC) or the Regional Transportation Commission to develop creative funding once the City's MPO status is obtained. It may be necessary to lease a bus until that status is reach. Mr. Summers indicated that his firm could pick up some of the vehicle cost which the City could reimburse over time. Mayor Masayko indicated a willingness to consider this offer. Mr. Summers explained the funding that had been used to do major vehicle repairs. Supervisor Livermore indicated that funding for these repairs had been taken from the savings created by the change in providers. Discussion indicated that they have considered alternative fuels such as diesel. The need for buses that can carry six to eight individuals was explained. Larger vehicles are not needed. The term "no show" was described. Cancellations have outnumbered the "no shows". This impacts the ridership statistics and productivity particularly when the spaces cannot be filled with other riders. Supervisor Staub asked that he attend the PTAC meetings and provide the report. He also suggested that he contact Sandy Stanio at NDOT regarding possible funding for major vehicle repairs and new buses. Discussion noted Mr. Summers' change in the report which now indicates the number of wheelchair, senior, and regular riders. All of the drivers except one had remained with the service. The same staffing number was maintained except for two individuals. Supervisor Williamson thanked Mr. Summers for his assistance in moving people from the Nevada Hospital Auxiliaries Convention to the Governor's Mansion. Discussion indicated that the MPO designation is now in the hands of the Governor's office. When Congress comes through with the funding, the designation should be completed. Mr. Berkich indicated that a lot of work had been done to meet the requirements for being an MPO. Jerry Hall has been retained as a consultant to assist with these documents. A status report is to be provided as soon as possible. Mayor Masayko indicated that as the Board had not been contacted by the users, the transition had been accomplished smoothly and quietly. The service level has not dropped. Mr. Summers indicated that the ridership had dropped slightly, however, the transition had gone smoothly thanks to the support from his staff and the drivers. There had been only 1-1/2 complaints. Mayor Masayko thanked him for the report and welcomed him to the community.

Discussion ensued between Mayor Masayko and Finance Director David Heath on the financial report. (A copy was not given to the Clerk.) Mr. Heath supported Mr. Summers comments concerning the impact vehicle problems have on the ridership. He had discussed the need for smaller vans with lifts with MV Transportation's General Manager Keith Whalen. The cost for smaller vans is $15,000 to $20,000 less. PTAC has purportedly discussed this with Ms. Stanio. PTAC prefers to provide a match of $5,000 to $10,000 for a new vehicle rather than spend the money repairing old vehicles. Congress has been slow in approving its budget. Mr. Heath hoped that it will be approved soon. He had indicated to Mr. Summers that if the service encounters trouble, they should consider short-term leasing or renting vehicles to stretch the funds and keep the system running. He committed to working with Mr. Summers to keep the service operating. He also felt that Ms. Stanio should be "lobbied" for funding. The fleet does need to be upgraded. Mayor Masayko pointed out that there is a shortage of funding in the fare boxes, however, the expenditures and costs are in line and are as had been projected. Public comments were solicited but none were given. Mayor Masayko thanked staff for attending the meeting, welcomed MV to the community, and complimented them on the transition. No formal action was required or taken.

**6. FINANCE -** Director David Heath **- ACTION TO APPROVE THE ADOPTION OF THE REVISED CARSON CITY FINANCIAL AND BUDGET POLICIES DOCUMENT (1-1460) -** The Department Heads have discussed the change in policy which will require the use of CQI or other savings before budget augmentations are requested. Discussion indicated that Page 2, the second 6, which was changed to 7, required the use of Contingency Funds to be restricted to uncontrollable or unforeseen circum-stances which effect the health, safety, and welfare of the community. Supervisor Williamson felt that Department savings should be used for unforeseen items and the CQI funds should remain as originally proposed. The CQI program encourages Departments to be fiscally prudent and create savings. The Departments have been using these funds for SPAN items and needs. Discussion pointed out that the CQI program allows the Department to retain 30 percent of the savings with the remainder being returned to the City for the Capital Acquisition Fund. It was felt that the requirement that Department savings be used for unforeseen or uncontrollable items should be restricted to one year's use for the same item. If the same need is found in succeeding years, a supplemental request should be submitted to the Board during the budget process. Mr. Heath explained that Department savings is the same thing as budgetary savings. Mayor Masayko explained his reasons for using the term Department savings due to the concern that at sometime the Board may need those funds to meet the budget requirements. Mr. Berkich supported the CQI program. Mayor Masayko acknowledged the benefits of the program and pointed out that the same savings year after year are permanent savings which should not continue to be included in the budget. A special reward for permanent savings should be given which could be more than the 30 percent allowed under the CQI program. Consensus supported Supervisor Plank's revision to Page 2, Paragraph 2, to read "resources, e.g., Department savings.". Discussion ensued on the two-year accumulation period allowed for the CQI funds. If the purpose of the funds is identified and requires additional funding, six years of accumulation will be allowed. The CQI Team should "bless" the plan annually. The CQI program annually has approximately $250,000. The accumulated CQI funds are in the neighborhood of $400,000 to $500,000. Supervisor Livermore requested an annual report on the program. Reasons for the request were limned. Mayor Masayko requested that this information be included in the budget and that it breakdown the amount allocated for CQI, the carryover amount, and the accumulated amount. Mr. Heath agreed to change emergencies to circumstances on Page 1, Paragraph 1. Discussion explained Page 1, Paragraph 5 and revised the eight percent to be ten percent. The current Contingency Fund had been budgeted at less than one percent. The Statutes allow a balance of between one and three percent of the total budget. The Contingency Fund currently contains $300,000 as allocated last year. Mr. Berkich explained the term "true savings" which does not include grants in the calculation of a Department's savings. Supervisor Staub encouraged him to include a definition of the term for clarity or to change the term to budgetary savings. Clarification explained that the 70 percent that is immediately returned to the General Fund and is used at the Board's discretion. Supervisor Plank stressed the need for the savings to be true and not manipulated. He also supported changing the term emergency to unexpected circumstances. The CQI report should include identification of the items to be acquired. Mr. Heath and Supervisor Williamson described how the program will work under the revised guidelines. Supervisor Livermore and Mayor Masayko indicated that any savings created by the Internal Auditor or an audit should not be included in the CQI program. Mr. Berkich explained the research former Finance Director Mary Walker had done on the program which had established the 70/30 split. Supervisor Staub suggested the ratio be reconsidered and indicated that this discussion should occur during the budget process. Discussion indicated that the revised document would be put on the Consent Agenda. Supervisor Williamson then moved to approve the adoption of the revised Carson City Financial and Budget Policies document with the changes reflected in the document to be brought forward by the Finance Department at a later date. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor

Masayko felt that the revised document would be brought back to the Board in two weeks.

RECESS: A recess was declared at 10:30 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:40 a.m., constituting a quorum.

**7. HUMAN RESOURCES -** Director Ann Beck

**A. ACTION TO ADOPT A RESOLUTION OF A POLICY REGARDING ASSISTANCE TO REGULAR CITY EMPLOYEES WHO ENTER OR ARE CALLED TO ACTIVE DUTY IN A UNIFORMED MILITARY SERVICE OF THE UNITED STATES (1-2204) -** Mayor Masayko explained the reasons the policy was before the Board. He pointed out the need for flexibility in Items D-1 and D-2 which will have the Board consider any appeals or any unresolved issues. The policy does not affect the two individuals from the Sheriff's Office who are currently on active duty in Afghanistan. Reasons for restricting the supplemental funding to $10,000 were debated. Mayor Masayko felt that the Board should have the flexibility to evaluate the City's ability to provide the supplemental funding and the level that should be given. He did not feel that precedence should be used to establish the funding level. Each case should be heard and judged on its own merits. The funding for the program will be taken from salary savings. If a Department does not have adequate funds to cover it, the City Manager can determine another funding source. It was felt that the Fire and Sheriff's Departments will be impacted by the program more than other Departments. Ms. Beck felt that adequate flexibility had been included within the policy regarding the funding source. Supervisor Staub suggested the criteria be included within the policy delineating the funding source. Mayor Masayko pointed out that the policy does not include the employee's right to be re-employed upon return nor that the military wage plus the supplement being offered by the City will not exceed the individual's regular City salary. Ms. Beck explained that Federal and State laws only require the individual to be re-employed upon return from active service and "to make him/her whole upon return". Additional assistance is not required. Most public agencies do not offer the assistance Carson City is considering. The Board could set either a standard/policy or handle each request on a case-by-case basis. One of the requirements within the policy is that there are sufficient funds to handle the request. Supervisor Staub felt that guidelines should be developed defining the funding source, e.g., the Department only, the General Fund, the Contingency Fund, etc. Ms. Beck agreed to provide language spelling out the source. The offer is unique as no other community has granted it. Supervisor Plank explained the Sheriff's problems in trying to hire and retain his Deputies. This had created a salary savings. Losing the two Deputies for the period of active duty, created an additional savings. The program was considered as a method of keeping them after they return from active duty. Ms. Beck explained the insurance coverage offered to the families while the individual is on active duty. Supervisor Plank felt that the policy should include criteria which would allow the Board to consider the unusual circumstances on a case-by-case basis. Mayor Masayko felt that the policy establishes a $10,000 limit without discretion to go over that amount. The Board had agreed to pay the difference for the two individuals who were called up and that this had included benefits if needed. If the policy is approved as written, in the future individuals will be cut off when they reach the end of the $10,000 and the supplemental benefits unless a special case-by-case hearing is conducted. Supervisor Livermore felt that the debate clearly showed the reasons a policy had not been developed by previous Boards. He suggested that the matter continue to be treated on a case-by-case basis. Discussion indicated that the "term called in to" had not been defined by the Federal regulations. Therefore, the proposed policy had not distinguished between those who had enlisted or were called back to active service. The Board could make the distinction. Supervisor Staub explained his

concern regarding the cost impact of $10,000 per person, specifically, if 30 employees leave. He was also concerned about those who are voluntarily reactivated. It was felt that Mr. Berkich would not be able to approve additional funding unless the Board allocates the funds for this purpose. Comments emphasized the hope that the need does not arise. Supervisor Livermore pointed out that the City is treating its employees differently from other communities/entities. This makes them different from the other members of their units. For this reason, he reiterated his recommendation that each request be considered on a case-by-case basis. Although the Board is attempting to do well by its employees, the request had been submitted by only two individuals. Ms. Beck agreed that it is a complex issue with financial ramifications. Examples were provided of the different treatment given by other employers for employees who enlist for two to four year periods and those who are activated for periods of 60 to 90 days in a Guard or Reserve Unit. Mayor Masayko suggested a similar policy for the Board. This policy will allow consideration of the 60 to 90 day individuals to be considered on a case-by-case basis. He also expressed concerns about volunteers and the funding impact the policy could create. Ms. Beck supported Supervisor Livermore's recommendation that the requests be considered on a case-by-case basis due to the contingencies. Mayor Masayko felt that the only cases which should come to the Board should be ones that are activated Guard or Reserve Units. Enlistment should be handled differently. Drafts will be handled under the Federal regulations. Supervisor Williamson pointed out that the City was attempting to take care of its employees. Supervisor Williamson suggested a motion to continue to address the issue on a case-by-case basis. Mayor Masayko asked that the cases be restricted to activated individuals who are a citizen soldier and are activated through no decision of their own. This turns the individual's lifestyle upside down. Enlistment is different. These individuals are guaranteed their jobs back. The criterion is also different for individuals who were in the service, did their time, and are now being called back into the service. Supervisor Williamson agreed that there are many issues involved which need to be discussed. Supervisor Williamson moved that the Boards of Supervisors commit to reviewing assistance to regular City Employees who are activated into the military service on a case-by-case basis. Supervisor Plank seconded the motion. Mayor Masayko indicated that individuals who are drafted or volunteer are excluded. Supervisor Williamson amended her motion to include into uniformed military service and not undercover. Supervisor Plank concurred. Tom Keeton indicated that he agreed with the policy. The motion was voted and carried 5-0.

**B. ACTION TO ADOPT A RESOLUTION OF A POLICY ON RELOCATION ASSISTANCE FOR SELECTED MANAGERIAL AND HARD-TO-FILL POSITIONS (1-3005) -** The City does not have a policy regarding relocation assistance. Justification for requiring that the recruitment to be done nationally to qualify for assistance was explained. Seventy-five miles was felt to the maximum commuter distance. Supervisor Staub suggested that term "repayment" be defined in the policy. Ms. Beck agreed to spell out how the distance is determined and indicated that it is to be done by using the latest edition of an atlas, such as Rand McNally, to establish the shortest road distance between two points. An individual, who is part of a statewide search, could qualify for the assistance if he/she lives outside the 75- mile radius. Such requests will be considered on a case-by-case basis. Ms. Beck felt that the policy will establish the standard under which relocation expenses will be covered. The Board could address the exceptions on a case-by-case basis. Clarification indicated that the positions eligible for the assistance had been listed. The list and amounts need to be updated annually. Public comments were solicited but none were given. Supervisor Livermore moved to adopt Resolution No. 2002-R-62, A RESOLUTION ADOPTING A POLICY REGARDING RELOCATION ASSISTANCE FOR SELECTED MANAGERIAL AND HARD-TO-FILL POSITIONS with the necessary comments regarding Item 9, the maximum amount of relocation assistance with the mileage definitions as described in compliance with what

Supervisor Staub comments were. Following Commissioner Staub's clarification on a revision to the motion, Supervisor Livermore amended his motion to include the changes to B-6 regarding the schedule of repayment. Mayor Masayko indicated that revisions should also be made to Paragraphs B and D. Supervisor Staub seconded the motion. The motion was voted and carried 5-0.

**8. PARKS AND RECREATION -** Open Space Manager Juan Guzman

**A. ACTION TO APPROVE THE 2001-02 ANNUAL REPORT OF THE OPEN SPACE ADVISORY COMMITTEE (1-3235) -** The Open Space newsletter and the seven accomplishments completed during the year were limned. Mayor Masayko complimented Mr. Guzman on the newsletter and their accomplishments. Mr. Guzman and Mayor Masayko thanked Laura Bird for her assistance in developing the newsletter. Supervisor Staub explained that Senator Ensign had asked BLM to reopen the round three application period for the Summary of Properties Nominated for Acquisition by BLM (SNPLMA). Discussion indicated that the application period will be reopened for Clark County sites only for a 30-day period. Mr. Guzman felt that there should be an adequate amount of funding available for all of the projects. The round four process is being discussed and may open in January. Mayor Masayko indicated that his discussions with Senator Ensign's staff indicates that the City's applications are still in the mix and will compete against any new applications. The majority of the money is coming from Clark County/Las Vegas. The enabling legislation requires that a majority of the funds must be spent in Southern Nevada. The concerns were understandable due to the need to balance the sales and acquisitions. Mr. Guzman thanked Mr. Berkich for his assistance in contacting the necessary individuals. Discussion pointed out the reasons the majority of the funds are from Las Vegas. Supervisor Plank complimented Mr. Guzman on his work to determine the areas which are eligible for consideration by the Committee. Supervisor Williamson complimented Mr. Guzman and the Committee on its efforts and dedication. Supervisor Livermore moved to approve the 2001-02 Annual Report of the Open Space Advisory Committee. Supervisor Williamson seconded the motion. Motion carried 5-0.

**B. ACTION TO PROVIDE THE BUREAU OF LAND MANAGEMENT (BLM) WITH FIVE (5) RECOMMENDATIONS REGARDING THE PRELIMINARY ISSUES IDENTIFIED AS PART OF THE BUREAU OF LAND MANAGEMENT'S PINENUT MOUNTAINS PLAN UPDATE** (1-0135) - Maps illustrating the Pinenut Mountain area were distributed to the Board and Clerk. Douglas and Lyon Counties were involved in the planning effort. Groups of 30 to 40 people worked with BLM to study and address the issues. Mr. Guzman had discussed the issues with the Parks and Recreation Commission; the Open Space Committee, and the Carson River Advisory Committee. The five issues were: 1. Mining will be excluded by the Plan except for sand and gravel. A Congressional Act is required to enforce this prohibition. Gas and oil are obtained under a different set of rules and not considered in this plan. The plan prohibits the mining of gold and precious metals. 2. OHV recreational activities will be allowed on designated roads. The Committee must study the roads to determine which ones should be designated. Mayor Masayko questioned whether this Recommendation should be amended to include "or" between "existing, designated trails" instead of the comma. Mr. Guzman explained that the District Attorney had required removal of "or" and replacement by the comma. Further discussion on this issue was held until later in the discussion. 3. The primary treatment of the mountains is to be as a scenic area. The secondary use is to be as a recreational area. BLM will have to develop procedures to do this. These details have yet to be developed. 4. Fire protection–it is recommended that the fuels be actively managed in order to prevent

catastrophic events. The City's Fire Department supports this recommendation. 5. The acquisition of lands is being attempted by the use of the Southern Nevada Land Management Act funds. Even if BLM acquires the land, the V&T Railway corridor will be located in its original corridor. Discussion indicated that there had been some debate about the economic or residential opportunities of the Federal lands for mining and the disposal of the lands for private development. The discussion in Douglas County had related to leaving the valley undeveloped and having development occur on the hills/mountains. This discussion did not occur in Carson City. Messrs. Berkich, Sullivan and Guzman discussed with BLM District Manager John Singlaub the Urban Interface Area. Mr. Singlaub was told that they wished to reopen the plan and visit the areas which the community needs. Some of the area may be placed in the Urban Interface Plan. Mayor Masayko explained that the City is required to revisit/reopen the plan every ten years. Lyon County wants the BLM to continue to maintain its land and not dispose of it. Public comments were solicited but none were given.

Supervisor Plank moved to recommend that the Carson City Board of Supervisors approve and promote Recommendation No. 5 and the acquisition of land by the Bureau of Land Management, and that the Bureau of Land Management be requested by Carson City to provide for the V&T Railroad wherever it affects BLM land acquisitions. Supervisor Williamson seconded the motion. Mayor Masayko, as the Chair to the V&T Railway Reconstruction Commission, thanked the Board for considering the issue and stressed the impor-tance of maintaining the historic corridor for its future and the potential need for a corridor in Douglas County. The motion was voted and carried 5-0.

Supervisor Plank moved that the Carson City Board of Supervisors approve and promote Recommendation No. 4 which is to recommend that Cason City's position should be to encourage the Bureau of Land Management to actively manage fire fuels in order to avoid the possibility of catastrophic events and to recommend adoption of this policy by us. Supervisor Williamson seconded the motion. Motion carried 5-0.
Supervisor Plank moved to recommend that the Carson City Board of Supervisors approve and promote Recommendation No. 3 to the Bureau of Land Management that the Pinenut Mountains be considered a visual and scenic resource; the scenic quality is usually best preserved by the careful management of activities to minimize scarring and visual impacts such as mines and road cuts; the Pinenut Mountains are a valuable recreational resource for Carson City and surrounding counties; policies should be developed to enhance and provide for recreational opportunities while protecting and minimizing impacts to the scenic resource; and that Carson City and the Bureau of Land Management should explore opportunities to jointly manage facilities and properties wherever possible. Supervisor Williamson seconded the motion. Motion carried 5-0.

Laura Bird explained her surprise at the change from or to a comma. She had assumed that the Parks and Recreation Commission and the Carson River Advisory Committee had changed it. She had asked that this recommendation be clarified by the Open Space Advisory Committee. The major concern is that the major roads and trails have not been adequately inventoried.

Mayor Masayko supported her position. The recommendation now reads that the roads must be designated and existing. There could be roads/trails there which have not been designated. As written, these roads will not count. The users wanted to work with BLM and the Committees. They do not want everyone riding all over the landscape and causing scarring. He also pointed out that the trail head sites, which are not presently connected to the

trails/roads, will be prevented from being developed. Flexibility is needed. Supervisor Plank supported his recommendation that the comma be removed and the word "or" added. Supervisor Staub pointed out that the October 21 minutes cites language from the September 2 meeting which he quoted as being "limited categories and no greater than existing roads and trails while acknowledging the tools of designating roads and trails...." and further on it states "Vice Chairman Jacques explained that the limit includes existing roads and trails and designated roads and trails. The intent is, therefore, captured by recommending the limited category because it includes both existing and designated roads and trails." He encouraged the Board to put the "or" back in as well as "roads" in order to comply with the actual record. Mayor Masayko felt that some of the other Board members would support that recommendation. Supervisor Staub moved that the Board of Supervisors recommend to the Bureau of Land Management adoption of Recommendation No. 2 for the support of the use of off-road vehicles on existing or designated roads and trails with the understanding that the concept of any kind of new access will be dealt with at a later time through the Parks and Recreation Department and the Bureau of Land Management. Supervisor Plank seconded the motion. Mayor Masayko noted the revision. Motion carried 5-0.

Mr. Guzman explained that the maps which had been distributed illustrate Supervisor Plank's concern. The Committees/Commissions believe that mining should be excluded from the area. Supervisor Plank purportedly believed that technological changes may justify mining in the future which will not impact the area. There is a lot of legislation presently on the books protecting the environment. They will minimize the impact while providing a source of income. This will allow the City to have another income source. Carson City only sees the crest of the mountains which was designated on the maps. Mining could exist without being seen unless you are in the mountains. OSAC Committee Member Fischer had allegedly encouraged the protection of all of the land in the Pinenuts from degradation. BLM's statement is that mining and aesthetics cannot be mixed. Mayor Masayko pointed out that the message is that Congress must act to restrict mining in this area as it is a primary permitted use. Supervisor Plank pointed out that an issue which had not been discussed is the protection of a revenue source which is needed by the City due to the erosion of sales taxes. He suggested leaving the door open to receive revenue from the proceeds of a process which lends itself to mineral extraction without disturbing Carson City's view as illustrated on the maps. Recreation can occur around mining activities and mining restoration projects. Examples of recreational and mining activities supporting his contention included mining in Elko County and outside Death Valley National Monument. The Pinenuts contain a lot of historical mining activities as indicated by a news article which he cited. If the door is closed, it will take another act of Congress to open it. He urged the Board to keep the options open and was grateful that sand and gravel were allowed to as usable commodities. The need for and use of a sand pit was cited as another example to support his recommendation.

Mayor Masayko pointed out that the Interface Plan will prohibit mining activities except west of the Brunswick Canyon area. This area is difficult to see from Carson City. Mayor Masayko felt that the Board would be saying that its standing for the management of public land is more important than those who created those uses. He was not sure where minerals may be found but it is a property right that is shared by the management of public land. Clarification indicated that the City presently has the right to support or reject mine applications. Mayor Masayko pointed to a kitty litter mining operation in Washoe County to illustrate that with the proper findings, mining can be allowed or denied.

Supervisor Plank expressed his feeling that the recommendation should not include the Urban Interface Plan as it

includes elimination of any extraction operations. Mayor Masayko suggested that the motion be to either deny Recommendation No. 1 or defeat it and say what is meant. Supervisor Staub moved that the Board of Supervisors recommendation to the Bureau of Land Management regarding Recommendation No. 1 is to not treat the Pinenut Mountains Plan Amendment the same way as the Urban Interface Plan has been treated in reference to mineral development. Supervisor Plank seconded the motion. Motion carried 4-1 with Supervisor Williamson voting Naye. Supervisor Plank thanked Mr. Guzman for articulating his arguments so well.

**9. DEVELOPMENT SERVICES - UTILITIES -** Development Services Director Andrew Burnham and Utility Operations Manager Tom Hoffert

**A. ACTION ON A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN CARSON CITY AND LYON COUNTY TO PROVIDE A DESIGN OF A SEWER INTER-TIE TO MOUNDHOUSE AND TO DEVELOP A CONTRACT FOR FUTURE SEWER SERVICE; AND, B. ACTION ON A MEMORANDUM OF UNDERSTANDING BETWEEN CARSON WATER SUBCONSERVANCY DISTRICT, CARSON CITY, AND LYON COUNTY TO PROCEED WITH THE UP-SIZING DESIGN PHASE OF THE WATER SYSTEM FOR THE EAST CARSON CITY AREA TO MOUNDHOUSE AND TO DEVELOP AN AGREEMENT FOR COST ALLOCATIONS AMONG THE ENTITIES (2-0865) -** Carson Water Subconservancy District Executive Director Ed James - Mr. Burnham distributed copies of memos to the Board and Clerk. (Copies are in the file.) He emphasized that the concepts do not require the City to provide water to Lyon County but it could provide the City with access to an additional water supply via the Hobart/Marlette system. It was also felt that the sewage load will utilize five percent of the plant. The ability to recycle it should be considered an offset to the water usage. Mr. Hoffert reviewed the proposed Memorandums of Understanding. The concepts should be a win-win for both entities. Comments limned the benefits of the program. Mr. James felt that the program provides economic benefits and commences development of a regional effort. The Lyon County benefits will be for Moundhouse only. The water and sewer problems found in Moundhouse were described. The proposal will provide the best benefit for the least cost and is less expensive than building a sewer plant. The benefit to Carson City is that it provides a larger base of customers and lowers the cost to the residents. The larger plant will not require additional staffing. The details of the final agreement still need to be developed. The agreement is similar to one that he had used in his previous employment. Discussion indicated that Moundhouse has the funds to develop its own plant to meet the demands of the current residents/businesses. It does not have the funds for buildout. It could be constructed in phases as needed. There is a large holding tank being used for a business which is almost at the County line. The agreement with this firm is that the City will extend the sewer/water line to that area within a reasonable timeframe. Staff has been working on plans to finance this extension. If Moundhouse participates, it will lower the cost. The waterline needs to be extended to the landfill and a storage tank at a higher elevation is needed. A tank to meet Carson City's needs is presently under design. Funding for it is in the budget. Discussion indicated that the City is currently undergoing a rate study for the water and sewer services. The extensions are a large capital item. The extension to Moundhouse will reduce the extension costs for those Carson City residents/businesses. They must understand that when the lines are in their area they must connect. The concept is for Lyon County to estimate the number of connection units it will use annually and buy into the plants including replacement costs for their infrastructure and facilities. Mr. Hoffert acknowledged that the concept helps the City meet the necessary connection requirements to support the bonds used for plant expansion. Lyon County is to pay for its connections annually based on the estimated number of connections it will be using. Credit will be

given for any unused connections at the end of the year. Staff is also discussing the potential of establishing an assessment district to extend the services. Mayor Masayko explained the need for the entire project to make sense before starting it. Supervisor Williamson thanked Mr. James for his work as a facilitator in the discussions. She pointed out the need for the sewer line extension for economic development. The sewer plant also needs to be expanded as the City is at 80 percent of its capacity. The concept will expand the system at a reduced cost for the users. Mayor Masayko stressed the need for economic development to occur within the Carson City boundaries. He also indicated his intent to support the negotiations on the agreement. He was unsure what the Carson City and Lyon County border will look like in the future but did not wish to miss an opportunity as had occurred at the southern boundary. He suggested that a preamble be added to the agreement which discusses the general spirit of cooperation between the two bodies for the mutual benefits of all as well as the social, economic, and financial benefits. He urged Mr. Berkich to work with Lyon County Manager Snyder on such a preamble. Such discussions may eliminate the contest now occurring on the southern border. He also suggested that the preamble/mou not be limited to just water and sewer items. He expressed a willingness to have a joint meeting with Lyon County, if needed. Supervisors Staub and Livermore supported his recommendations as it is a shared opportunity that will be a huge benefit to both parties. Supervisor Williamson congratulated staff on the regional cooperation and ability to accomplish things together. Discussion indicated that the Board could approve the MOU in concept and that staff will bring back the amended MOU. Staff should continue to work on the agreement. If a joint meeting is needed, Mayor Masayko agreed to agenize one.

Supervisor Williamson moved to approve and authorize the Mayor to sign the Memorandum Of Understanding between Carson City and Lyon County to provide design of a sewer inter-tie to Moundhouse and to develop a contract for future sewer services with the understanding that this is a start of intercounty cooperation for mutual benefit. Supervisor Livermore seconded the motion. Supervisor Staub emphasized for the television viewers that there is no estimated fiscal impact on Carson City at this time. The agreement only defines the engineering and details. The motion was voted and carried 5-0

Supervisor Williamson moved to approve and authorize the Mayor to sign a Memorandum of Understanding between Carson Water Subconservancy, Carson City, and Lyon County to proceed with the upsizing design phase of the water system for the East Carson City area to Moundhouse and the development of an agreement for cost allocations among the entities with the agreement outlining our mutual cooperation for mutual benefits in other areas. Supervisor Livermore seconded the motion. Mayor Masayko noted that this is the beginning of a mutual working relationship between Carson City and Lyon County. Supervisor Staub again pointed out for the benefit of the television viewers that there is no fiscal impact at this time to Carson City. Carson City will not sell or send its own water but will "wheel water" through its system to Lyon County so long as it does not impact Carson City's ability to serve its Carson City customers. Mayor Masayko also indicated that we will continue to look for other mutually beneficial opportunities. Supervisor Staub pointed out that there are more sources and storage at Marlette and the need to address the concerns. Comments stressed that "the ranch has not been given away". The term "wheeling" was defined. The motion to approve the MOU as indicated was voted and carried 5-0.

RECESS: A recess was declared at 12:45 p.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 1:55 p.m. although Supervisor Plank did not return until 1:57 p.m. during Mr. Plemel's introduction of the following item.

**10. COMMUNITY DEVELOPMENT -** Senior Planner Lee Plemel

**D. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY DEVELOPMENT STANDARDS DIVISION 1.10, PERSONAL STORAGE AND STORAGE CONTAINERS, TO ALLOW STORAGE CONTAINERS TO BE USED WITHIN INDUSTRIAL, COMMERCIAL, AND PUBLIC DISTRICTS, AND ADDING STANDARDS FOR THE USE OF STORAGE CONTAINERS, AND OTHER MATTERS PROPERLY RELATED THERETO (2-1475) -** Chamber of Commerce Chief Executive Officer Larry Osborne, Shelly Aldean - Discussion explained that Walmart had used similar containers at the rear of its building. If these units are screened or out of sight, complaints are not made. Therefore, enforcement does not occur. Mr. Osborne supported the ordinance. Justification for needing portable storage containers was limned. Ms. Aldean indicated she was not representing Pier One and explained its need for the containers. It will not impact the parking as more than adequate spaces are provided. She supported the Commission's change to the landscape requirement from "shall" to "may" due to the problems created by asphalt. She reiterated the importance of allowing businesses to have the opportunity to use the containers if needed. Supervisor Livermore suggested that the period be more flexible and allow more than 90 days if a 60-day vacancy occurs between uses. Justification for allowing more flexibility was based on his belief that the retailers receive the material approximately 60 days before the sales event. Some stores have special sales several times a year. Mayor Masayko pointed out that the Board's policy will require returning the item to the Commission for consideration of this amendment. He suggested that the Board wait and see if there is a problem before amending the ordinance. Discussion explained that temporary containers will be approved by the Community Development Director and could be allowed for a 90-day period. Permanent containers are to use the Special Use Permit process. Supervisor Williamson moved to introduce on first reading Bill No. 143, AN ORDINANCE AMENDING CARSON CITY DEVELOPMENT STANDARDS DIVISION 1.10, PERSONAL STORAGE AND STORAGE CONTAINERS, TO ALLOW STORAGE CONTAINERS TO BE USED WITHIN INDUSTRIAL, COMMERCIAL, AND PUBLIC DISTRICTS, AND ADDING STANDARDS FOR THE USE OF STORAGE CONTAINERS, AND OTHER MATTERS PROPERLY RELATED THERETO; there is no file number or fiscal impact. Supervisor Staub seconded the motion. Motion carried 5-0. Second reading will be in two weeks.

**A. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.03.010, BY ADDING A DEFINITION FOR TEMPORARY ON-SITE AGGREGATE FACILITY/PRODUCTION; AND AMENDING SECTION 18.14.030 TO ALLOW OUTSIDE SALES OF MATERIALS IN CONJUNCTION WITH A TEMPORARY ON-SITE AGGREGATE FACILITY/PRODUCTION UNDER CERTAIN CIRCUMSTANCES, AND OTHER MATTERS PROPERLY RELATED THERETO (2-1745) -** Attorney Scott Heaton representing Landmark Homes and Development, Attorney Steve Tackes representing the Airport Authority, John Tanzi, Penelope Smith, Mark Kruger - Mr. Plemel's introduction included an explanation of Mr. Heaton's letter requesting an amendment which would allow outside sales for public works projects. The Board's policy is to return such items to the Commission for consideration.

Mr. Heaton explained his involvement with the item. The process was developed to allow removal of the hill west of the Airport. The concept allows the material to be process and sold to NDOT for the freeway. Al Bernhard allegedly supported the revision. A Special Use Permit will be required to remove the material if it is not sold for a

public works project. Mayor Masayko explained his impression of the Commission's meeting indicated that the Commission's patience is wearing thin on this matter and urged Mr. Heaton to expedite the project even though the proposal does not address the aggregate site north of the Northridge Subdivision. Mr. Heaton explained that it was his understanding that this material will be removed within 60 to 90 days.

Mr. Tackes indicated that the Airport Authority supports the amendment as it will allow the relocation of its runway. He had reviewed the suggested amendment mandating that the material be sold to public works projects. Mayor Masayko pointed out that if the material cannot be used for public works projects, it will have to be hauled away. Mr. Plemel indicated that the operation's hours will be limited by the Special Use Permit. Discussion between Supervisor Livermore and Mr. Tackes indicated that the material will be sold to a company who will process the material and transport it to a public works site/NDOT freeway site. The ordinance prohibits retail sales. The concept is a concern to Mr. Lehman as it will give the processor an advantage as it will be located closer to the user's site. Mr. Tackes pointed out that the amount of material is restricted to the hill only. Additional material could not be imported to the site. Some of the material is needed for relocation of the runway. A contract authorizing the removal of the hill has not been issued as of this date due to the desire to have FAA's commitment to the runway relocation. Mr. Tackes will seek the Board's approval of the grant contract before going to bid. Supervisor Williamson pointed out that the freeway project has not yet gone out to bid. It is hoped that the freeway contractor will obtain his material from the proposed operation. Discussion indicated the material would be less expensive to move as it will be closer to the freeway. Mayor Masayko pointed out that there are other extraction operations who pay taxes in the community. Supervisor Plank explained his tour and discussion of the proposal with Glen Martel. He pointed out that the dust should not be a factor for the adjacent neighbors as the wind will blow it away from them. Removal of the hill will improve the site and eliminate a potential hazard for the airport users and adjacent neighbors. Mayor Masayko indicated to Mr. Heaton that the concept may satisfy his clientele but not the other area contractors. Public comments were solicited.

Mayor Masayko indicated for the record that Mr. Tanzi's letter was dated November 19. Discussion indicated that his letter is part of the record. Mr. Tanzi opposed the proposal. He indicated that he would save his remarks for it. Mayor Masayko indicated that the Mr. Bawden's use is to be allowed for a 60 to 90-day period only. Mr. Tanzi explained that the Planning Commission said it would be in operation for two to three years, which was a major concern. Mayor Masayko encouraged Mr. Tanzi to attend the special use permit hearing and to vocalize his concerns at that time. Mr. Tanzi explained his dust concerns with the proposal.

Discussion between Ms. Smith and Mayor Masayko indicated that the special use permit could not be considered at this time if the ordinance revision is returned to the Planning Commission to consider Mr Heaton's amendment. Ms. Smith asked that the item be returned to the Planning Commission along with her written comments. She then explained her objection to the revision which was created by the temporary operation that is within 20 feet of her house. When the subdivision is completed, the developer will have one year to remove all of the material from the adjacent site. She asked that this not be allowed to continue due to the impact it has on the peaceful enjoyment of her residence. Mayor Masayko urged her to stay in contact with staff so that she could be aware of the status of the temporary aggregate site. He also explained his personal view of the stockpiled material. Ms. Smith explained that the stockpiles were destroying her view of Mt. Rose. Mayor Masayko acknowledged the need to address the site she was discussing. He urged her to discuss her problems with Mr. Plemel. Additional public comments were

solicited.

Mr. Kruger indicated that he would hold his comments for discussion with the Planning Commission. He also indicated that the ordinance was already on the books. The issue was the period of time they would be allowed to reduce the hill. He suggested that the material be given to the State. He questioned the period of time that the applicant would be allowed to sell the material. He also asked that the Commission include within the ordinance its intent. He urged the Commission to deny the Master Plan Amendments. He suggested that the contractor be required to spell out the timeframe for the operation. Mayor Masayko suggested that the master plan for the project include consideration and mitigation of the neighbors' issues. The amount of overburden should be identified due to the impact on the neighbors. He did not wish to repeat the problems encountered with the Northridge operation. Additional public comments were solicited but none were given. Discussion indicated that a copy of Ms. Smith's letter had been given to the Clerk. Mayor Masayko explained that the matter should be returned to the Planning Commission for action. The amendment may not be the perfect answer to all solutions in Carson City. Additional comments should be accepted. If the ordinance modification is returned to the Commission, the application for a special use permit will be ruled cancelled. Supervisor Williamson moved that the Board return 10A to the Planning Commission for consideration of a proposed amendment to Carson City Municipal Code 18.14.030. Supervisor Plank seconded the motion. Supervisor Williamson amended her motion to include File No. A-02/03-40. Supervisor Plank concurred. Supervisor Williamson assured the public that the Board is sensitive to their need to take time off from work to attend the meetings and asked that the Planning Commission consider the item after 5 p.m. Mr. Plemel explained for Mr. Heaton that the Commission meeting would be held on December 18. Discussion indicated that this would be after 5 p.m. The motion to return the item to the Planning Commission was voted and carried 5-0.

**B. ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY A SPECIAL USE PERMIT APPLICATION FROM PARAGON ASSOCIATES, INC. (PROPERTY OWNER: BERNHARD FAMILY TRUST) REQUESTING THE ALLOWANCE OF A OF A TEMPORARY EXTRACTION AND MATERIALS PROCESSING AND SALES FACILITY ON A 26.29 ACRE SITE ZONED LIMITED INDUSTRIAL (LI), LOCATED SOUTH OF EAST COLLEGE PARKWAY AND EAST OF ROOP STREET, APN 008-125-51 (FILE NO. U-01/02-40) (2-2632) -** Mr. Plemel's introduction explained that the present operations are allowed under an approved grading permit as part of the original subdivision's approval. The special use permit application had been to expand the grading permit. Paragon Associates, Inc., Representative Glen Martel withdrew the application as the proposed ordinance modification will not allow the operation to continue. The current ordinance does not allow the use. Mayor Masayko accepted the withdrawal and ruled that formal action was not required. He also noted for the record that some of the comments under Item 10A were related to this item. They are to be made a part of the formal record. No formal action was taken on Item 10B.

**C. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, SECTION 18.02.045, NOTICE OF COMMISSION HEARINGS, SPECIFICALLY BY CLARIFYING NOTICING REQUIREMENTS FOR LAND USE MAP AMENDMENTS OR ELEMENTS, MASTER PLAN ELEMENTS, TITLE 18 CODE AMENDMENTS AND RIGHT-OF-WAY ABANDONMENTS; AND SECTION 18.02.070, MASTER**

**PLAN, SPECIFICALLY BY ADDING SECTION 18.02.070(6)(B) WHICH STATES THAT MASTER PLAN ELEMENTS CAN BE INITIATED BY THE BOARD OF SUPERVISORS AND THE PLANNING COMMISSION; AMENDING SECTION 18.02.070(6)(B) TO INCLUDE MASTER PLAN ELEMENTS AS AN AMENDMENT TO THE MASTER PLAN; BY AMENDING SECTION 18.02.070(6)(D) TO CLARIFY WHEN MASTER PLAN AMENDMENTS CAN BE SUBMITTED; AMENDING SECTION 18.02.070(6)(F) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS; AMENDING SECTION 18.02.070(7) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS; SECTION 18.020.070(7)(A) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS; AMENDING SECTION 18.02.070(7)(E) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS; AMENDING SECTION 18.02.070(8) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS AND NOTICING REQUIREMENTS; AMENDING SECTION 18.02.070(9) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS AND TO TEXT; ADDING SECTIONS 18.02.070(10)(E)(1), (2) AND (3) FINDINGS OF FACT; AMENDING SECTION 18.02.070(11) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS; ADDING SECTION 18.02.070(12)(C) REGARDING THE TIME LIMIT TO FORWARD A DENIED MASTER PLAN ELEMENT APPLICATION TO THE BOARD OF SUPERVISORS; AMENDING SECTION 18.02.070(13) TO ADD MASTER PLAN AMENDMENTS TO THE TITLE; ADDING SECTION 18.02.070(14)(A), (B) AND (C) WHICH OUTLINES THE PROCEDURES FOR A MASTER PLAN ELEMENT HEARING BEFORE THE BOARD OF SUPERVISORS; AMENDING SECTION 18.02.070(16) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS AND COMPLIANCE WITH NOTICING PROCEDURES; AND OTHER MATTERS PROPERLY RELATED THERETO (2-2716)** - Supervisor Williamson moved to introduce on first reading Bill No. 144, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, SECTION 18.02.045, NOTICE OF COMMISSION HEARINGS, SPECIFICALLY BY CLARIFYING NOTICING REQUIREMENTS FOR LAND USE MAP AMENDMENTS OR ELEMENTS, MASTER PLAN ELEMENTS, TITLE 18 CODE AMENDMENTS AND RIGHT-OF-WAY ABANDONMENTS; AND SECTION 18.02.070, MASTER PLAN, SPECIFICALLY BY ADDING SECTION 18.02.070(6)(B) WHICH STATES THAT MASTER PLAN ELEMENTS CAN BE INITIATED BY THE BOARD OF SUPERVISORS AND THE PLANNING COMMISSION; AMENDING SECTION 18.02.070(6)(B) TO INCLUDE MASTER PLAN ELEMENTS AS AN AMENDMENT TO THE MASTER PLAN; BY AMENDING SECTION 18.02.070(6)(D) TO CLARIFY WHEN MASTER PLAN AMENDMENTS CAN BE SUBMITTED; AMENDING SECTION 18.02.070(6)(F) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS; AMENDING SECTION 18.02.070(7) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS; SECTION 18.020.070(7)(A) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS; AMENDING SECTION 18.02.070(7)(E) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS; AMENDING SECTION 18.02.070(8) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS AND NOTICING REQUIREMENTS; AMENDING SECTION 18.02.070(9) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS AND TO TEXT; ADDING SECTIONS 18.02.070(10)(E)(1), (2) AND (3) FINDINGS OF FACT; AMENDING SECTION 18.02.070(11) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS; ADDING SECTION 18.02.070(12)(C) REGARDING THE TIME LIMIT TO FORWARD A DENIED MASTER PLAN ELEMENT APPLICATION TO THE BOARD OF SUPERVISORS; AMENDING SECTION 18.02.070(13) TO ADD MASTER PLAN AMENDMENTS TO THE TITLE; ADDING SECTION 18.02.070(14)(A), (B) AND (C) WHICH OUTLINES

THE PROCEDURES FOR A MASTER PLAN ELEMENT HEARING BEFORE THE BOARD OF SUPERVISORS; AMENDING SECTION 18.02.070(16) TO INCLUDE REFERENCE TO MASTER PLAN ELEMENTS AND COMPLIANCE WITH NOTICING PROCEDURES; AND OTHER MATTERS PROPERLY RELATED THERETO, File No. A-02/03-8. Supervisor Plank seconded the motion. Motion carried 5-0.

**E. ACTION TO ADOPT BILL NO. 141 ON SECOND READING, AN ORDINANCE AMENDING CARSON CITY DESIGN STANDARDS, DIVISION 4, SIGNS, BY ADDING A DEFINITION FOR DOWNTOWN BUSINESS DIRECTIONAL SIGNS, AND AMENDING SECTION 4.7.5 TO ALLOW FOR DOWNTOWN BUSINESS DIRECTIONAL SIGNS WITHIN THE DOWNTOWN DESIGN AREA, AND OTHER MATTERS PROPERLY RELATED THERETO (2-2912) -** Doreen Mack - Mayor Masayko indicated for the record that he had not received any comments either pro or con between the first reading and today's meeting. Ms. Mack described the purpose of the ordinance. A special meeting will be held on December 4th to consider the special use permit for the sign. Mayor Masayko thanked the Commission for having a special meeting to consider her application and noted the reasons for expediting the application. Ms. Mack felt that it would not be completed in time for the Christmas Tree lighting on December 5. Mayor Masayko indicated that the staff was attempting to expedite it as fast as possible. Public comments were solicited but none were given. Supervisor Plank moved to adopt on second reading Bill No. 141, Ordinance No. 2002-38, AN ORDINANCE AMENDING CARSON CITY DESIGN STANDARDS, DIVISION 4, SIGNS, BY ADDING A DEFINITION FOR DOWNTOWN BUSINESS DIRECTIONAL SIGNS, AND AMENDING SECTION 4.7.5 TO ALLOW FOR DOWNTOWN BUSINESS DIRECTIONAL SIGNS WITHIN THE DOWNTOWN DESIGN AREA, AND OTHER MATTERS PROPERLY RELATED THERETO, File Number A-02/03-6, and there is no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.

**11. DISTRICT ATTORNEY -** Deputy District Attorney Melanie Bruketta

**A. ACTION TO ADOPT ON SECOND READING BILL NO. 142, AN ORDINANCE AMENDING TITLE 8 (PUBLIC PEACE, SAFETY AND MORALS) CHAPTER 8.04 (PROHIBITED CONDUCT) OF THE CARSON CITY MUNICIPAL CODE BY CHANGING SECTION NUMBER 8.04.127 TO SECTION NUMBER 8.04.128 (ACTS OR OMISSIONS CONSTITUTING CON-TEMPTS), CHANGING SECTION NUMBER 8.04.128 TO SECTION NO. 8.04.129 (SUMMARY PUNISHMENT OF CONTEMPT COMMITTED IN IMMEDIATE VIEW AND PRESENCE OF COURT; AFFIDAVIT OR STATEMENT TO BE FILED WHEN CONTEMPT COMMITTED OUTSIDE IMMEDIATE VIEW AND PRESENCE OF COURT; DISQUALIFICATION OF JUDGE), AND CHANGING SECTION NUMBER 8.04.129 TO SECTION NUMBER 8.04.130 (PENALTY FOR CONTEMPT) AND OTHER MATTERS PROPERLY RELATED THERETO (2-3045) -** Mayor Masayko stated for the record that he had not received any comments since the first reading on this item. Public comments were solicited but none were given. Supervisor Plank moved to adopt on second reading Bill No. 142, AN ORDINANCE AMENDING TITLE 18 (PUBLIC PEACE, SAFETY AND MORALS) CHAPTER 8.04 (PROHIBITED CONDUCT) OF THE CARSON CITY MUNICIPAL CODE BY CHANGING SECTION NUMBER 8.04.127 TO SECTION NUMBER 8.04.128 (ACTS OR OMISSIONS CONSTITUTING CONTEMPTS), CHANGING SECTION NUMBER 8.04.128 TO SECTION NO. 8.04.129 (SUMMARY PUNISHMENT OF CONTEMPT

COMMITTED IN IMMEDIATE VIEW AND PRESENCE OF COURT; AFFIDAVIT OR STATEMENT TO BE FILED WHEN CONTEMPT COMMITTED OUTSIDE IMMEDIATE VIEW AND PRESENCE OF COURT; DISQUALIFICATION OF JUDGE), AND CHANGING SECTION NUMBER 8.04.129 TO SECTION NUMBER 8.04.130 (PENALTY FOR CONTEMPT) AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Following a request for an amendment, Supervisor Plank amended his motion to be for Title 18 rather than 8. Supervisor Williamson seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 3:04 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 3:14 p.m., constituting a quorum.

**B. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 241.015(2)(B)(2) TO MEET WITH ATTORNEYS TO DISCUSS SETTLEMENT OF THE LITIGATION BETWEEN THE MOUNTAIN PARK HOMEOWNERS AND CARSON CITY, STANTON PARK DEVELOPMENT, INC., MILLARD REALTY AND CONSTRUCTION COMPANY, GORDON HENRY MILLARD, DWIGHT C. MILLARD, AND GARRETSON-FURGESON CONSTRUCTION INC., CASE NO. 99-01640A (2-3138) -** Supervisor Plank moved to recess into Closed Session pursuant to NRS 241.015(2)(b)(2) to meet with attorneys to discuss settlement of the litigation between the Mountain Park Homeowners and Carson City, Stanton Park Development, Inc., Millard Realty and Construction Company, Gordon Henry Millard, Dwight C. Millard, and Garretson-Furgeson Construction Inc., Case No. 99-01640A; no fiscal impact at this time. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Masayko recessed the Open Session at 3:16 p.m.

**C. DISCUSSION AND ACTION ON THE APPROVAL OF A SETTLEMENT AGREEMENT BETWEEN THE MOUNTAIN PARK HOMEOWNERS AND CARSON CIT, CASE NO. 99-01640A (2-3172) -** Mayor Masayko reconvened the Open Session at 3:57 p.m. (The entire Board was present, constituting a quorum.) Mayor Masayko summarized the discussion during the Closed Session and indicated his questions concerning the City's direct liability regarding the building permits and, specifically, the indemnification factors. Supervisor Staub moved to approve the settlement agreement with Mountain Park Homeowners and Carson City in Case No. 99-01640A pursuant to the proposal as described in this Agenda Item. Mayor Masayko and Supervisor Staub discussed whether to put all of the conditions in the motion. Mayor Masayko indicated that the conditions are contained within the staff report. Supervisor Staub continued his motion with the fiscal impact of $45,000, which is the insurance deductible. Supervisor Livermore seconded the motion. Mayor Masayko explained that he understood the need to settle the case and that he would not vote for the motion. Motion carried 4-1 with Mayor Masayko voting Naye.

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

The Minutes of the November 21, 2002, Carson City Board of Supervisors meeting

ARE SO APPROVED ON_____March 20_____, 2002.

/s/
Ray Masayko, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder