

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the March 15, 2001, Meeting  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, March 15, 2001, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada 89701, beginning at 8:30 a.m.

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  
   Larry Werner                      City Engineer  
   Merlene Alt                      Chief Deputy Treasurer-Collections  
   Melanie Bruketta                      Deputy District Attorney  
   Neil Rombardo                      Deputy District Attorney  
   Katherine McLaughlin                      Recording Secretary  
   Justine Chambers                      Contract Coordinator  
   (B.O.S. 5/1/01 Tape 1-0001)

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

**CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE** - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Rev. Gary Bowers of the First Christian Church gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

**CITIZEN COMMENTS (1-0025)** - None.

**2. AGENDA MODIFICATIONS (1-0028) (1-0055)** - Mayor Masayko noted the change to the Consent Agenda numbering system.

**1. APPROVAL OF MINUTES (1-0032)** - Supervisor Plank moved to approve the Minutes with the correction on Page 5 to change "looked reconsidered" to be "looked at or reconsidered" in the Minutes of December 21, 2000, and approve the Minutes of the Special Meeting of the Board of Supervisors on January 1, 2001, as written. Supervisor Livermore seconded the motion. Motion carried 5-0.

**LIQUOR AND ENTERTAINMENT BOARD** - Mayor Masayko recessed the Board of Supervisors session and immediately reconvened the meeting as the Liquor and Entertainment Board. A quorum of the Board was present although Sheriff's Representative Raymont Saylo did not arrive until 9:40 a.m.

**3. TREASURER** - Chief Deputy Treasurer Merlene Alt - **ACTION ON A FULL BAR LIQUOR LICENSE FOR DON AND SHARON SLATER, DOING BUSINESS AS DUGOUT BAR LOCATED AT 1305 SOUTH CARSON STREET (1-0058)** - Don and Sharon Slater - Chairperson Masayko reminded the Slaters that having the license is a privilege. They indicated that they would become familiar with the liquor laws and train their employees in them. Member Plank referenced the Sheriff's Investigative Report and suggested that they be given a six month conditional license based on the Board policy. (Member Saylo arrived during this discussion. The entire Board was present, constituting a quorum.) The Slaters acknowledged the need to restrict alcoholic beverages from intoxicated individuals. Member Saylo indicated that a Sheriff's report would be

provided in six months if the conditional license is approved. Member Plank moved to approve a full bar liquor license for Don and Sharon Slater, doing business as Dugout Bar, located at 1305 South Carson Street under CCMC 4.13, with a condition that there be a six month administrative review by the Sheriff's Department and that any incidents come to this Board. Chairperson Masayko indicated that the six month review would be provided to the Board whether there are or are not any incidents. Member Williamson seconded the motion. Discussion indicated the bar is open and operating. The Board wished them a successful venture. The motion to approve a six month conditional license was voted and carried 6-0.

**BOARD OF SUPERVISORS (1-0185)** - Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors. The entire Board was present, constituting a quorum.

**CONSENT AGENDA (1-0190)**

**4. DEVELOPMENT SERVICES - ACTION ON AN INTERLOCAL CONTRACT BETWEEN THE STATE OF NEVADA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, DIVISION OF STATE PARKS, AND THE CITY OF CARSON CITY FOR EROSION CONTROL MEASURES AND ROAD REPAIRS TO THE NORTH CANYON CREEK ROAD, WHICH RUNS BETWEEN MARLETTE LAKE AND SPOONER LAKE**

**5. DEVELOPMENT ENGINEERING - MOTION TO ACCEPT AN IMPROVEMENT AGREEMENT BETWEEN CARSON CITY AND JAMES F. BAWDEN, PRESIDENT OF LANDMARK HOMES AND DEVELOPMENT INC., REGARDING THE CONSTRUCTION OF PUBLIC IMPROVEMENTS RELATED TO SUBD-NORTHRIDGE PHASE 9A, KNOWN AS A PORTION OF ASSESSOR'S PARCEL NO. 002-101-79**

**6. DEVELOPMENT SERVICES - CONTRACTS**

**A. ACTION ON THE GOVERNOR'S FIELD IRRIGATION SYSTEM REPLACEMENT PROJECT, CONTRACT NO. 2000-055 TO APPROVE CHANGE ORDERS 1-5 FOR AN INCREASE OF \$30,075 TO THE ORIGINALLY APPROVED CONTRACT AND AUTHORIZATION FOR THE CONTRACTS DIVISION TO ISSUE ADDITIONAL AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$2,000**

**B. ACTION ON THE AWARD OF GOVERNOR'S FIELD TEE BALL PARKING LOT PROJECT, CONTRACT NO. 2000-107 TO (BIDDER NO. 11) PARAGON ASSOCIATES, INC., P. O. BOX 20130, CARSON CITY, NV 89721 AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 332, 338, 339, AND 624 FOR A CONTRACT AMOUNT OF \$58,847.50 AND A CONTINGENCY AMOUNT OF \$5,884.75** - Mayor Masayko noted Contracts Coordinator Chamber's additional sheet on Governor's Field parking lot which had been distributed to the Board just prior to the meeting. (A copy is in the file.) Supervisor Plank moved to approve each of the four items on today's Consent Agenda. Supervisor Livermore seconded the motion. Motion carried 5-0.

**ORDINANCES, RESOLUTIONS, AND OTHER ITEMS (1-0210)**

**7. BOARD OF SUPERVISORS**

**A. DISCUSSION ON LEGISLATIVE MATTERS AND ACTION TO SUPPORT LEGISLATION TO ALLOW FOR A MONTHLY SURCHARGE FOR THE ENHANCEMENT OF TELEPHONE SYSTEMS USED FOR REPORTING EMERGENCIES** - City Manager John Berkich, Mary Walker - Mr. Berkich distributed to the Board and Clerk a memorandum from Ms. Walker delineating the status of the various bills she was following for the City. Ms. Walker read the document into the record and occasionally elaborated on its remarks. Comments indicated that AB 92 does not impact Carson City. Mayor Masayko noted the concerns regarding increased taxes and the funding commitment provided in BDR 1334, the Proposed 911 Bill. The City's funding commitment to its 911 system was limned. FCC promulgation of "Phase 1 and 2" requirements, which includes cellular systems, and the need to understand these requirements were noted. Discussion stressed the importance and timeliness of SB 328, the Hospital Certificate of Need. Ms. Walker felt that Washoe Medical Center's reasons for acquiring property in Carson City was an effort to stop its competitors

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from developing a site in Carson City. Comments reiterated the need for BDR 1334. Supervisor Williamson moved to support legislation to allow for a monthly surcharge for the enhancement of telephone systems for reporting emergencies. Supervisor Plank seconded the motion. Supervisor Staub pointed out that the concept would cost the users \$1.5 million. Mr. Berkich responded that this cost is tied to the new dispatch center. The program covers the entire State. All new technology includes a cost. The need to expand the 911 identification/location capabilities to include cellular phones was noted. The motion to support BDR 1334 was voted and carried 5-0.

Mayor Masayko reminded staff that, if there are any significant changes in the bill drafts, the Board will reconsider them. Supervisor Livermore suggested that former Supervisor Kay Bennett consider applying for the committee which is being established in an unnamed bill. Comments also indicated that the process is beginning to speed up and thanked Ms. Walker for her assistance.

**D. STAFF COMMENTS AND STATUS REPORTS (1-0755) - None.**

**C. NON-ACTION ITEMS: INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0758)** - Supervisor Williamson reported on her attendance at or participation in the annual employees luncheon; the budget hearings; meetings on the landfill and its options; reading to second grade classes at the Bordewich-Bray Elementary School; meetings on legislative issues, Redevelopment's budget and its bonding potential; the Cowboy Poetry Jubilee; a canoe trip on the Carson River with Dan Kaffer and the Western Nevada Resource Conservation District; and the Redevelopment Authority Citizen's Committee meeting. She reminded those who wished to participate in the kiosk competition to submit their entries before 4 p.m. today to the Executive Office at City Hall. The purpose of the kiosk was described.

Supervisor Plank reported on his attendance at or participation in a local government committee meeting for the TRPA; budget meetings; his interview with Dave Morgan; a landfill briefing; Hospital Auxiliary's Cowboy Poetry; Airport Authority Member Bob Thomas; Brewery Arts Center Executive Director Joe McCarthy and Dan Mooney regarding the acquisition of St. Teresa's; the RTC meeting; and the Sertoma Club meeting at the Carson High School and its tour of the facility and encouraged the other Board members to contact Principal Adair and arrange a similar tour. He also explained his request that Health Director Daren Winkelman give a presentation to the Carson Sertoma Club regarding the landfill program, his plans to meet with TRPA Executive Director Juan Palmer tomorrow, and his vacation plans for next week.

Mayor Masayko reported on his attendance at or participation in the following: the City employees recognition luncheon; budget hearings and pointed out that the Board could still revise the budget, if necessary; a meeting on the Nevada Commission on Tourism's funding commitment to the V&T Railway; a briefing/meeting regarding the Quality of Life funding issues with Mr. Berkich, Mr. Kastens and Mr. Forsberg; the All Schools Science Fair at the Children's Museum, and complimented the participants and wished the students are entered in the regional science fair success; a meeting with the new KPTL radio station owners and program manager who committed to continuing the local community programming; the Airport Authority meeting including the status of the Goni Road land trade agreement, its master plan, and his encouragement to Airport Authority Member Bob Thomas to discuss his issues with the other Supervisors; Statewide Transportation Board meeting; legislative meetings; a strategy session on the Carson-Tahoe Hospital reorganization efforts with Supervisor Livermore and Mr. Berkich; the Nevada Expo at the Nevada Commission on Tourism; V&T Railway Commission's Senate hearing on the V&T license plates; Chamber of Commerce Manufacturers meeting; the Empire Elementary School second grade classes reading program that recognized that March is Reading Month and his plans to read at Bordewich-Bray and Fremont Elementary Schools; and the economic development team meeting.

Supervisor Livermore reported on his attendance at or participation in the following: the employee award luncheon; a meeting on the landfill; WNDD's orientation session including the need for another Carson City representative to this Board; the Chamber of Commerce Manufacturers' meeting; Economic Development meeting; WNCC Business Class meeting at the Harley Davidson plant; the March Mental Health Coalition meeting; and

with the Hospital Board of Trustees including its Finance Committee and its budget steering committee; and at the Cowboy Poetry. He complimented the individuals who had worked to make it a success.

Supervisor Staub reported on his attendance at or participation in the following: the employee recognition luncheon; a tour of the Brewery Arts Center with its Executive Director Joe McCarthy; the Cowboy Poetry; the Rotary's Hollywood Nights; a luncheon with Supervisor/Hospital Trustee Livermore, Hospital Administrator Ed Epperson, and Hospital Board Chairperson Tom Metcalf regarding its reorganization efforts; meetings with Mr. Berkich and City staff regarding economic development and the landfill; the RTC, Community Council on Youth, and the Board's budget meetings; his participation in the second grade reading program at Bordewich-Bray Elementary School; a meeting with Builders Association of Western Nevada (BAWN) President Tom Metcalf, Parks and Recreation Director Steve Kastens, and Recreation Superintendent Barbara Singer regarding renovation of the Sierra Room and announced that BAWN had volunteered to provide all of the labor for the project at no cost; and as a Little League team coach. He congratulated Chief Deputy District Attorney Mark Forsberg and his wife on the new addition to their family. Board comments indicated it is a boy and congratulated them on his arrival.

**8. DEVELOPMENT SERVICES - Street Operations Manager John Flansberg**

**A. PRESENTATION BY NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) ON DESIGN ALTERNATIVES RECOMMENDED FOR PHASE 2 OF THE CARSON CITY FREEWAY FROM CLEARVIEW DRIVE TO U.S. 50 EAST (1-1571) -** NDOT Project Manager Jim Gallegos - Mr. Gallegos used computer enhanced slides to illustrate the alternatives and recommendations. (A copy is included in the file.) Discussion with Mr. Gallegos explained that the minor cut for the below ground placement of the freeway commences at Fairview and goes south. The businesses in that vicinity should not be impacted by the freeway. There will not be a maintenance road to access the freeway landscaping and the sound wall along the length of freeway between Koontz and Clearview due to the right-of-way constraints and the drainage channel requirements. In the restricted areas, access for these purposes will have to be from the freeway itself. Discussion also noted the two left turn lanes at Edmonds. A decision had not been made regarding whose responsibility it will be to construct these left turn pockets nor the ones at Clearview and Koontz. Supervisor Livermore asked that a decision be made due to the need for RTC to include the commitments in its budget if it is required to construct the projects. He also encouraged staff to begin analyzing the Edmonds right-of-way and its future needs. Discussion indicated that the Edmonds improvements would be needed in the 2018 timeframe, the funding potential, and RTC's budget concerns. Mr. Flansberg indicated that this project is identified on the Transportation Improvement Plan (TIP). The detention basin will be "grass lined". The sidewalk will be on only side of the freeway at Fifth Street. Loss of the prison parking area was noted and will be mitigated prior to construction. It will be at full depth at Koontz Lane. Drainage concerns prohibit dropping the freeway any more than two feet at Colorado. The original design had placed the freeway approximately 20 feet in the air. Supervisor Staub iterated his belief that the residents in this area felt that it would be fully underground at Colorado. Mr. Gallegos urged the public to attend the public hearing on the concept which will be held on May 21 in the Bonanza Room from 4 to 7 p.m. Discussion explained the alignment from Edmonds; the design at Koontz and Clearview; the need for equestrian crossings at those intersections; the need to put the information on the website; and the status of the right-of-way acquisition program. Mr. Gallegos also indicated that NDOT will be working closely with City staff to develop the multi-use path in areas where there is an adequate amount of right-of-way to accommodate the path. No action was required or taken on the report.

BREAK: A recess was declared at 10:40 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:52 a.m., constituting a quorum.

**B. DISCUSSION AND ACTION REGARDING RATIFICATION OF RESOLUTION 2001-PC-1, A RESOLUTION OF THE CARSON CITY PLANNING COMMISSION RECOMMENDING APPROVAL OF MPA-00/01-1, THE ADOPTION OF THE AMENDMENTS TO THE REVISED CARSON CITY BICYCLE ELEMENT, A PART OF THE TRANSPORTATION MASTER PLAN ELEMENT, TO**

**MEET NEW METROPOLITAN PLANNING ORGANIZATION (MPO) REQUIREMENTS (1-2325) -**

Development Services Director Andrew Burnham, Parks and Recreation Director Steve Kastens, Deputy District Attorney Melanie Bruketta, Glen Martel - Mr. Burnham's introduction included an explanation of Policies B-3h, B-3i, and B-3j. The public hearings conducted on the plan were listed. Efforts were made to forecast future needs and mitigate any perceived concerns. The uniqueness of the plan allows for revisions in the future even after the community becomes an MPO. Memorandums of Understanding (MOU) are being drafted with the surrounding counties and cities in order to provide for continuity of trails. The MOUs also establish a coalition that will work to develop trails without boundaries. Supervisor Livermore pointed out that the NDOT plan to restripe Carson Street to create three lanes had eliminated the bicycle path. This revision had not been included on the map. Mr. Burnham indicated that the separate multi-use bicycle bath along the frontage road had remained. Mr. Flansberg explained the landscaping and amenities which had been installed in this area as a result of an ISTEIA grant. Discussion indicated that this multi-use path could perceivably go the entire distance between Koontz and Clearview even though some adjacent property owners hold leases on and use the right-of-way. Clarification by Mr. Burnham indicated that the sidewalk would be widened for the multi-use path. Areas which do not currently have the sidewalk will have to be addressed if and when the path is constructed. Board comments expressed concerns that the adjacent property owners/business proprietors may not be aware of the plan or desire to have the multi-use path in front of their businesses. Supervisor Staub encouraged staff to contact the proprietors and discuss the plan. Supervisor Livermore questioned whether the plan would create an impediment/challenge to economic development's efforts and plans. Mr. Burnham explained that if the element is adopted, staff will be required to mandate construction of the plan whenever a business remodels or a major project is undertaken. Supervisor Plank felt that until the freeway is completed, there would not be an adequate amount of funding available to undertake the project. Concerns were expressed about staff's requiring that the plan be followed whenever major remodels or expansions occur. Mayor Masayko also noted that the City may not need a six lane Carson Street once the freeway is completed. A bicycle path in that area should be considered at that time. Supervisor Staub also pointed out that bicycle advocates could use the plan to stop the City from making improvements in the area or force the implementation of the plan if the construction requirement is not adhered to when businesses expand or remodel. Mr. Flansberg then explained the landscaping and other amenities proposed within the plan. Mayor Masayko pointed out that a sidewalk does not exist between Clearview and Snyder.

Supervisor Williamson reminded the Board of the public's need for other modes of transportation besides vehicles. These individuals will want to be able to access the retail businesses which are being located south of Koontz. The City's quality of life has included the ability to use other modes of transportation and provides a different type of environment from that which they left when they moved to Carson City. She acknowledged the financial concerns but stressed the need to include the quality of life issues in the decision making process. The issues which had been raised had had more than an ample opportunity to have been discussed during the public hearing process which the plan had undergone. She supported adding the plan to the City's streets and highways master plan. Modifications could be made as are deemed necessary in the future.

Supervisor Livermore felt that there are approximately 200 miles of bicycle paths in the community. The proposed section involves only two miles. Adequate accommodation has been provided for individuals who do not use vehicles as a mode of transportation.

Supervisor Plank supported Supervisor Williamson's point that the Board could revise the plan to accommodate the needs if a conflict arises. He did not feel that the proposal would create an economic "mishap". The medians could be removed if necessary to provide the necessary width to include the pathway.

Mayor Masayko reiterated for the record that if the green line remains on South Carson Street, the first time a proprietor and property owner wishes to expand, he/she will be required to make the improvements for the path. This will be the time when the plan will be submitted for a revision.

Supervisor Staub explained his reasons for feeling that the quality of life issue was addressed through other bicycle routes in the community including the plans as discussed under the NDOT proposal to restripe the street to provide three lanes in both directions. The dangers created by bicyclists using Carson Street were noted. He also felt that

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requiring the amenities or taking a revision to the Board would be an economic disincentive. He reiterated for the record that the frontage road is no longer between Don Weir's Auto Connection and Snyder. The Board should address the situation now and avoid operating by crisis which would happen if the plan is approved as submitted.

Mr. Kastens explained that the green line means "path" which would be for multi-use purposes. The path along Highway 50 East was cited as an illustration. There are individuals along Highway 50 East who do not use vehicles to reach their destinations in the community. The public discussion had focused on these points and not the bicyclists' concerns. He suggested that a special meeting be held with the property owners/business proprietors concerning the concept. He agreed that none of them had attend any of the multiple public hearings on the concept.

Supervisor Livermore expressed his concern regarding the amount of space which would be required for the multi-use path and its impact on the businesses.

Mr. Burnham indicated that the current plan has the identical designation on it. The Savon project had been required to include the multi-use path in its project at Fairview. Mayor Masayko pointed out that developers would be required to make and pay for the improvements on the State right-of-way even though they do not own the property. Without continuity, these improvements are worse than having sidewalks, curbs and gutters in the industrial area. He suggested that the Board consider revising the plan and adopting the revision. Supervisor Plank supported Mr. Kastens' recommendation that the matter be continued to allow staff time to contact the businesses, etc. He opposed amending the plan at this stage.

Supervisor Staub pointed out that there is no sidewalk south of the Dodge dealer although there could be a small section in front of the Raley's shopping center. He was agreeable to Mr. Kastens' suggestion. Clarification indicated that the Dodge dealer had not been required to make the improvements due to the small size of his project. There were permits issued for the project. Supervisor Staub iterated his feeling that this is selective enforcement. Mr. Burnham agreed to check and advise the Board if permits had been taken out on the project.

Ms. Bruketta opined that the Board could amend the plan in the future as is deemed appropriate but could not revise the plan as agendized today. The Board could revise the plan without referring it back to the Planning Commission under a different agenda listing. The Board could also conduct additional public hearings if so desired. Mayor Masayko supported deferring action on the plan and allowing staff to conduct an additional hearing.

Mr. Martel explained his original concerns with the City's first bicycle plan. According to the information he had been given at that time, as a property owner on the west side of Ormsby Boulevard, he would not be required to perpetuate the path through his property when he develops the site. One year ago, when the plan was amended, he had informed the City that the bicycle path along Coombs Canyon is not feasible. He was told that it is a desire to have it there. This is just the opposite of the comments he had heard during this meeting as commercial development requires implementation of the plan. He suggested that this issue be discussed with all of the property owners and not just the commercial ones. He supported the master plan concept as long as property owners are not forced to make the improvements. The trail and its connectivity must be balanced with the desires and needs. (2-0007) He also questioned whether the entire community should be renoticed concerning the plan due to concerns about the type of questions which could be raised. Mayor Masayko agreed that all property owners should be contacted. Mr. Burnham felt that only those along the concerned path should be noticed. All of the property owners had been noticed about the Planning Commission meeting. Mayor Masayko felt that other routes in South Carson could be provided besides the suggested route and that they will provide the necessary and desired accesses to other parts of the community. The same needs are not present on South Carson Street as are on Coombs Canyon. Supervisor Staub voiced his concerns about the possibility that the adjacent property owners may feel they own the frontage area along Carson Street. They may believe that the map shows the bicycle path is on Carson Street; therefore, and it will not effect them. Bicyclists could use the master plan to indicate that they have the right to use Carson Street. The green line is not on the frontage road.

Supervisor Williamson noted the legal opinion given by Ms. Bruketta, the need to revise the color of the line, and discuss the concept with the adjacent property owners. Supervisor Williamson then moved to defer this matter for, at the most, five weeks to allow staff to come back with additional information. Supervisor Plank seconded the motion. Motion carried 5-0.

**9. COMMUNITY DEVELOPMENT - Senior Planner Skip Canfield - S-94/95-1 (F-9A) - DISCUSSION AND ACTION REGARDING APPROVAL OF A FINAL SUBDIVISION MAP REQUEST FROM GLEN A. MARTEL, REPRESENTING LANDMARK HOMES AND DEVELOPMENT, INC., FOR NORTHRIDGE SUBDIVISION, PHASE 9A, A DEVELOPMENT OF 22 SINGLE FAMILY LOTS ON PROPERTY ZONED SINGLE FAMILY 6,000 (SF6000), LOCATED SOUTH OF NORTHRIDGE DRIVE, EITHER SIDE OF WESTCREEK LANE, APN's 2-101-74 AND 2-101-75 (2-0100) -** Supervisor Plank moved that the Board of Supervisors approve S-94/95-1 (F-9A), a final subdivision map request from Glen A. Martel, representing Landmark Homes and Development, Inc., for the approval of Northridge Subdivision, Phase 9A, a development of 22 single family lots on property zoned Single Family 6,000 located south of Northridge Drive, either side of Westcreek Lane, Assessor's Parcel Numbers 2-101-74 and 2-101-75, based on the original findings and subject to the 28 original conditions of approval as contained in the staff report; there is no fiscal impact. Supervisor Staub seconded the motion. Motion carried 5-0.

**10. ENVIRONMENTAL HEALTH - Health Director Daren Winkelman - ORDINANCES - SECOND READING**

**A. ACTION ON BILL NO. 103 - AN ORDINANCE AMENDING TITLE 9 HEALTH AND WELFARE, CHAPTER 9.05 FOOD ESTABLISHMENTS, SECTION 9.05.050 (INSPECTIONS OF FOOD ESTABLISHMENTS) BY REVISING THE PROVISION RELATING TO THE INSPECTION OF FOOD SERVICE ESTABLISHMENTS AND OTHER MATTERS PROPERLY RELATING THERETO (1-0152) -** Supervisor Livermore moved to adopt Bill No. 103, Ordinance No. 2001-2, on second reading, AN ORDINANCE AMENDING TITLE 9 HEALTH AND WELFARE, CHAPTER 9.05 FOOD ESTABLISHMENTS, SECTION 9.05.050 (INSPECTIONS OF FOOD ESTABLISHMENTS) BY REVISING THE PROVISION RELATING TO THE INSPECTION OF FOOD SERVICE ESTABLISHMENTS AND OTHER MATTERS PROPERLY RELATING THERETO. Supervisor Plank seconded the motion. Motion carried 5-0.

**B. ACTION ON BILL NO. 104 - AN ORDINANCE AMENDING TITLE 9 HEALTH AND WELFARE, CHAPTER 9.04 HEALTH DIVISION PERMITS AND FEE SCHEDULE, SECTION 9.04.020 (PERMITS REQUIRED) BY REVISING THE PROVISION RELATING TO THE INSPECTION OF FOOD SERVICE ESTABLISHMENTS AND OTHER MATTERS PROPERLY RELATED THERETO -** Supervisor Livermore moved to adopt Bill No. 104, Ordinance No. 2001-3, on second reading, AN ORDINANCE AMENDING TITLE 9 HEALTH AND WELFARE, CHAPTER 9.04 HEALTH DIVISION PERMITS AND FEE SCHEDULE, SECTION 9.04.020 (PERMITS REQUIRED) BY REVISING THE PROVISION RELATING TO THE INSPECTION OF FOOD SERVICE ESTABLISHMENTS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 5-0.

BREAK: There being no other matters scheduled until 1:30 p.m., a recess was declared at 11:58 a.m. The entire Board was present when Mayor Masayko reconvened the session at 1:30 p.m., constituting a quorum.

**REDEVELOPMENT AUTHORITY (1-0220) -** Mayor Masayko then recessed the Board of Supervisors session and passed the gavel to Redevelopment Authority Chairperson Robin Williamson. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Mayor Masayko reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

**12. DISCUSSION AND ACTION REGARDING A REQUEST FROM THE BREWERY ARTS CENTER FOR REDEVELOPMENT FUNDING TO ASSIST IN THE PURCHASE OF THE ST. TERESA OF AVILA CHURCH, THE HENRY DAVID HOUSE, AND THE STEWART-NYE HOUSE, LOCATED**

**AT 501 WEST KING STREET, 114 SOUTH DIVISION STREET, AND 108 NORTH MINNESOTA STREET, RESPECTIVELY. THE REQUESTED TOTAL ASSISTANCE OF \$1,425,000 INCLUDES \$675,000 TOWARD PURCHASE OF THE SUBJECT PROPERTIES, AND A \$750,000 LOAN TO BE REPAID ON OR BEFORE DECEMBER 31, 2003 (2-1475)** - Mayor Masayko requested comments or discussion. Upon hearing none, Supervisor Williamson moved that the Board of Supervisors approve a request from the Brewery Arts Center for Redevelopment funding to assist in the concept in the purchase of the St. Teresa of Avila Church, the Henry David Church, and the Stewart-Nye House, located at 501 West King Street, 114 South Division Street, and 108 North Minnesota Street, respectively, with a total requested assistance of \$675,000. Supervisor Plank seconded the motion. Mayor Masayko corrected the title to the Henry David House. Supervisor Williamson amended her motion to include that the funding source is the Redevelopment Authority proceeds from the sale of bonds. Supervisor Plank concurred. Supervisor Williamson explained that during the presentation to the Legislative Ways and Means Committee Speaker Joe Dini had indicated that this decision would be one of which the participants and community would be proud. This is also her feeling. Mayor Masayko indicated that it is the right time and place. The City was one of the first to do it. He thanked the participants for their efforts at the Legislature. Supervisor Livermore agreed that it is an important first step and that the timing is right. Ten years ago the City lost its V&T Roundhouse. This is something the residents have regretted ever since. This project is a major milestone for the community. He complimented Mr. McCarthy and his participants on their dedication and efforts to save an historical portion of the community. Future generations will look favorably upon their efforts and the Board's decision supporting them. The motion to approve the funding request of \$675,000 was voted and carried 5-0.

**BREAK:** A recess was declared at 2:45 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 3 p.m., constituting a quorum.

**12. DEVELOPMENT SERVICES - CONTRACTS DIVISION - DISCUSSION AND ACTION ON THE CARSON CITY LANDFILL OPERATION REBID PROJECT, CONTRACT NO. 9900-220 TO: 1. REJECT ALL BIDS TO BEST SERVE THE PUBLIC INTEREST AND DIRECT CARSON CITY STAFF TO OPERATE THE LANDFILL; OR, 2. AWARD THE CONTRACT TO PACIFIC WASTE SERVICES, INC., AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS 332 (2-1530)** - Contract Coordinator Justine Chambers; Health Director Daren Winkelman; Deputy Health Director Ken Arnold; City Manager John Berkich; Street Operations Manager John Flansberg; Refuse Inc. and Capital Sanitation Attorney Frank Cassas; Pacific Waste Services Representatives Tom Valentino and David Brusckhe; Kafoury Armstrong Representative Amy Allen; Secor Engineering Representative Doug Martin - Mayor Masayko indicated that the two bidders had representatives present and that one had filed a letter of protest against staff's recommendation. He complimented staff on its effort to provide an alternative which could, in concept, save the residents money. Mr. Winkelman's explanation of the concept included an introduction of the team members who had worked on the project and its history. The current landfill operator complies with the terms of his contract, however, his rate of compaction has not been determined and may not meet the City's desired ratio. The City receives a franchise fee for his services which covers the City's administration costs, environmental monitoring, etc. The current operator also provides the trash pickup service within the community. The trash pickup service also pays a gate fee for using the landfill. Increasing the compaction ratio extends the life of the landfill and provides funding for its closure. Clarification noted that the current landfill operator does not have a contract with the City which is the reason the City went out to bid for a new contractor. Closure requirements were cited. The contract for the trash pickup service will not change as a result of the decision regarding the landfill operation.

Mayor Masayko explained his concerns about the lack of employee cost comparisons between the City's plan and the bidders. He agreed that the figures were less than those bid by the other firms and questioned how the figures had been developed and the type of personnel who would be assigned to the operation. The contractors had also provided figures for more than one year. The City should provide the same coverage and timeframes.

Ms. Chambers then explained the bond problem encountered by the bidders when more than one year is provided. For this reason the five year requirement was eliminated. None of the bidders could meet the bonding and license

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requirement for the five year contract. There were three bidders when this requirement was eliminated. The bids were close.

Mr. Flansberg also noted that a breakout of all of the "sub-operations" had not been provided. Assumptions made for the City bid were described. Four additional operators will be hired. Some of the equipment will be new and some will be used by other Departments. The concept included hiring gate and security personnel by the City. There will be nine new employees overall although some current staff members will also work at the landfill.

Supervisor Staub stated for the record his objection to having the City compete with private enterprise and noted the privatization of the golf course and the reorganization of the Hospital to justify his objection. In this case, however, from the City's scenario, the competitors are not competitive. His concerns regarding the amount of the City budget allocated for personnel costs and the continuing five percent upward spiral in personnel costs were limned. Although the gate keeper may commence at \$20,000, his wage with benefits will increase quickly and dramatically. Constituents had voiced their opposition to having the City enter the landfill business. He complimented staff on its efforts to submit a legitimate proposal but could not support the concept based on the employee costs he envisioned occurring in the future.

Mr. Berkich explained that the Kafoury-Armstrong schedule had been based on the top range for each position/function and were projected over the five year life at a factored increase which included the CPI adjustment, etc. An outside consultant had been used to prepare the bid in an attempt to provide the Board with a comfort level and to include a fair analysis of the concerns which had been noted.

Supervisor Plank pointed out that it could not be assumed that employees in private industry were on fixed incomes like senior citizens. He was also concerned about the City getting itself into another situation similar to that at the golf course. The Board could contract the operation. This would require developing a plan of where/how to handle the employees.

Mr. Flansberg then explained the proposal to use the street crew to provide staffing for operation of the heavy equipment which covers and compacts the landfill. The gate keepers will work for Environmental Health. One-third of the operational costs are a result of labor. The operation will be handled the same as the other enterprises.

Supervisor Livermore pointed out the concerns regarding the lack of City experience in operating a landfill and Mr. Flansberg's experience as a private contractor, upon which Mr. Flansberg expanded. He had used this experience in developing the proposal. He felt certain that improvements could be made and that the rates would have to be adjusted to meet any shortfalls. Clarification indicated that the current contractor pays a franchise fee of eight percent to the City. Under the proposed contract, the City will collect the gate fees and pay the contractor for his services.

Supervisor Staub explained his request about the establishment of a 501c3 to operate the landfill. The advantages of the 501c3 concept were supported by his constituents, however, financial statistics had not been provided to support either method. Mr. Berkich explained the issues which the City had analyzed in developing its comparison including a private contractor's need to show a profit and the bonus which the City would pay to the contractor if the compaction ratio is met or exceeded. These items will drive up the cost. The City operation will not incur these expenses. Mayor Masayko then noted the bidders' concerns regarding the process which the City would use to determine whether it had accomplished the same compaction ratio as that required of private industry. Mr. Berkich indicated that the same oversight currently provided today will remain and that the City would have to provide periodic reports to the Board concerning the operation. The same measurements would be used for the City's comparison as had been proposed for the contractor.

Supervisor Williamson pointed out the value of the landfill and the need for the Board to extend its life as far as is possible. This was the reason two bidding opportunities had been used to solicit contractors. Staff had then expressed a feeling that it could be done cheaper by City staff. The bidders responded by indicating that revisions could be made to their bids which would reduce the costs. She felt that they should have submitted their best offer

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the first time around and not after the fact. She questioned the reasons a third bid had not been requested. Mr. Berkich indicated that the Board could still select this option. The City had included its estimate of the cost in the second bid document as an illustration of how much it should be. The contractors had been aware of this estimate and still went above that amount. It may be that their profit desires are not as competitive as that indicated by the City.

Mayor Masayko felt that the Board should know the annual cost of the operation. He recommended requesting RFP's annually on the operation and, if or when the City operation does not compare favorably with those bids, a change should be made.

Mr. Berkich indicated that this practice has been occurring in other locations, e.g., Phoenix, which was described. He suggested that, if the Board desired to have a three to five year contract, the concept be given a three year term to show results. Mayor Masayko responded by expressing his feeling that there should be a long-term contract, however, whenever the operation is over the estimates, an RFP should be put out. This would provide a comparison and annual reviews. He acknowledged the employee concerns regarding job security and the unpleasantness related thereto but that this is the first occasion where the City has considered taking over an operation previously contracted. The employees should understand that it would be continually compared with private industry and, if or when it loses its competitiveness, it will be contracted out. In the future, it may again be operated in the City if the operational costs warrant taking it back. Clarification indicated that the employees would have a six month probationary status. Supervisor Staub supported Mayor Masayko's concept.

Supervisor Livermore questioned whether there would be "hidden costs" and noted the issue regarding rock crushing. Mr. Flansberg responded by explaining the amount of crushing which would be required for covering. The actual amount of crushing which would be required annually is unknown due to the different ground material found at the site. The proposal will bring in an outside contractor to crush the material now onsite. Funding for this purpose is included within the plan.

Mr. Berkich indicated that the rates would not be implemented until after the two public workshops are conducted on March 19 and 26. Mayor Masayko indicated that the Board's decision today will drive the rate structure. A suggested rate design was included within the plan.

Discussion indicated that the City will acquire new scale(s) for the site. This item is listed under the capital expenditures and depreciation is spread over a ten year period. The estimated cost for it is \$200,000. Clarification indicated the equipment list is on page 6 and its depreciation on page 7 of the Kafoury-Armstrong's report. The ten year life of the equipment was felt to be conservative.

Mr. Cassas stressed the importance of understanding that the landfill operation and the trash service were separate entities and that the landfill had not always operated at a profit. Companies must operate at a profit. Refuse had submitted the bid as an operator of landfills and transfer stations and had included a reasonable profit figure based on historical records. He urged the Board to make a decision concerning whether the City takes over the operation before advancing to the second question. Mayor Masayko indicated that this is his intent. Mr. Cassas then indicated that his clients had not and will not challenge the numbers. Capital Sanitation's need for a long-term contract was illustrated by its inclusion of long-term fees for the use of the Lockwood site. He asked that if problems arise with the proposed arrangement that the resulting fee increases not be passed on to Capital Sanitation's customers. If the "noble experiment" is implemented, he requested a contract be negotiated with Capital Sanitation to provide price stability. Mayor Masayko acknowledged his point. Both agreed that Capital Sanitation would be the largest customer at the landfill. Mr. Cassas then explained his understanding of the contract for the current landfill operation indicates that the operator makes the decision regarding taking or selling the scales. Mr. Arnold explained the letter from Tom Green at Waste Management, Inc., indicating his desire to remove the scales. Mayor Masayko indicated that, if they desire to leave them, the City is willing to purchase them as agreed to within the contract. Mr. Arnold indicated that the scales will require an upgrade in order for the City to use them.

(2-3423) Mr. Valentino explained their appeal and disagreement with the figures provided by staff. He urged the Board to consider the issues related to privatization and its impact on the City; the City's lack of experience in the operation of a landfill; and the economics of the concept. The 1600 pounds per cubic yard compaction rate is unachievable and makes the \$200,000 incentive bonus unnecessary. This reduces the spread between his proposal and the City's to \$30,000. The City's proposed scrap metal sales estimate of \$50,000 to \$100,000 is unrealistic due to the market conditions and had not included the cost to haul the material to a mill. He proposed to combine the scrap metal with that of other landfill operations to reduce the transportation costs. This would leave a difference of \$250,000. Staff had also failed to include key pieces of equipment, i.e., a "ripper cat"; wood waste grinder; a dump truck; and a "roll off" truck. Additional staffing will be required to manage the operation. The addition of these items makes the bids even closer. If wood wastes are used as ground cover, his bid will equal the City's proposal. The privatization issues he felt the Board should understand relate to the high risk liability created by landfill operations, high cost over-runs which his firm would have to live with, the ability of a City Department to police another City Department, and the ability of a private firm to retain the contract for a long period of time rather than the one year which had been suggested. Their experience in operating landfills was then limned. Discussion between Mr. Valentino and Mayor Masayko indicated that Mr. Valentino felt that the bids would have been the same if the contract had been for five years, although "he would have to look at it closely". The difficulty Mr. Valentino had encountered in bidding the contract was in being able to obtain the five year bond. Mr. Brusckke felt that the RFP required a five year bond at the total five year value. Ms. Chambers explained the bonding companies feeling that they would be required to complete any unexpired term of the contract even though the contract was for one year with a renewal clause. Therefore, they had required a bond for the total life of the contract. She suggested that Mr. Brusckke and Mr. Valentino check with the bonding firms regarding whether this is a unique Nevada requirement. Additional public comments were solicited but none given.

Clarification between Ms. Chambers and the Board elaborated on the bid bond requirements. This requirement may not be placed in future contracts due to the problems encountered by the bidders.

Mr. Winkelman justified the incentive for the 1600 pounds of compaction, which is achievable although on the high end. Mr. Flansberg agreed that 1500 pounds may be more realistic. This is an overall average for both the refuse and the soil cover. Scrap metal had been included in the budget as a cost savings and not a revenue source. The dozier equipment was described. The "ripper cat" was included in the rock crushing costs. Rocky sites will be worked around until the crushing operation occurs. The wood grinder was included in the \$50,000 contingency along with any other special equipment requirements. The wood will be stock piled until a grinder is rented. Mr. Winkelman, as the "manager for the operation", did not feel that there would be an increase in the administrative costs. It is included in the budget. The current staff will be used to cover this service.

Ms. Allen explained that the administrative costs were based on the City's current existing budget for the landfill. Mayor Masayko felt that this only included the environmental division. Ms. Allen indicated that there is \$60,000 under direct operations and services and supplies that includes overhead which is for the services related to Finance, Treasurer, billings and collections, etc. Mr. Flansberg indicated that his staffing is included in the proposed budget.

Mr. Martin agreed that the compaction issue is tied to the expected life of the landfill. The performance standard is 1250 pounds per cubic yard. This provides a 17 year life for the landfill. If the ratio is increased to 1500 pounds, the life is increased between three and five years. It is possible to achieve the 1600 pounds although it will take effort and additional compaction trips. The size of the operation will allow the operator the additional time to make these trips.

**Supervisor Plank moved to take action on the Carson City Landfill Operation Rebid Project, Contract No. 9900-220, to reject all bids received to best serve the public interest and that Carson City staff is directed to operate the landfill with the re-evaluation annually to maintain the competitive status of the City operated budget at the landfill. Supervisor Williamson seconded the motion.** Mayor Masayko indicated that with the annual evaluation, the motion would receive his support. Discussion indicated that the evaluation process will

require the City staff to bid the contract annually. Mayor Masayko urged the competition to inform staff if they do not wish to bid against the City if the City's bid is felt to be competitive. This will eliminate the necessity to go through the entire bidding process if no one wishes to bid against the City. Comments indicated that this would be a "noble experiment". It will establish a new City organization and operation. It must be competitive. It is not an essential service. A change can be made if it loses its competitive edge. Mr. Flansberg agreed that this will be the incentive for keeping the operation.

Mr. Cassas repeated his request for a contract. Mayor Masayko indicated that this item was not agendaized and asked that he bring the matter back.

Mayor Masayko responded to Mr. Berkich's request for clarification regarding annual bids by indicating that if the operation's annual cost is over \$1.975 million, bids should be requested. Mr. Berkich then indicated that the Board could provide direction in the annual budget review process regarding whether to do an RFP. Mayor Masayko agreed and repeated his statement that the \$1.975 million is the line where RFPs are to be requested.

Supervisor Williamson then expressed her feeling that the City staff really did not wish to take over the operation, however, are doing so in the best interest of the community as it will extend the life of the landfill. It is not a power play. She recommended that Mr. Berkich consider pay for performance for Messrs. Flansberg, Arnold, and Winkelman particularly in view of the projected savings which will be created. Mayor Masayko felt that this topic should be discussed. Supervisor Livermore suggested that the "noble experiment's" model be used for other Departments. Mr. Berkich indicated that the staff is looking for and at privatization opportunities for other Departments. Supervisor Staub suggested that the Animal Services be considered. He also felt that none of the staff members were "red hot" to take on the program. Neither was he. As the program will be evaluated annually, he would support the motion. He suggested that there be quarterly reports so that the Board could be informed regarding its success or problems which may be encountered. Mr. Berkich agreed to provide the quarterly reports. The operation, however, would not commence until July 1. Discussion indicated that staff would report to the Board on the public response at the workshops. He also indicated that Mr. Cassas' issue will be considered by staff at separate meetings. Mayor Masayko indicated that the City will not attempt to take advantage of Capital Sanitation due to its use of the landfill. Mr. Berkich pointed out that that a portion of the rate increase is a result of the closure costs for the landfill. Mr. Rombardo supported Mayor Masayko's indication that the Capital Sanitation issue could not be discussed at this meeting. Mayor Masayko encouraged Mr. Cassas to work with City staff and that they should bring the matter back when ready. Supervisor Plank also recommended that the public information regarding the rate increases be handled in a manner which would not create a problem for Capital Sanitation. Mayor Masayko indicated that the fee increase would extend the life of the landfill and provide adequate funding to meet the post-closure costs. He then indicated that the question is regarding a one year contract for the City operation of the landfill under a City enterprise with annual reviews. **The motion was voted and carried 5-0.**

**13. CITY MANAGER - John Berkich - ACTION ON A RESOLUTION TO AMEND THE CQI POLICY EXEMPTING THE DISTRICT COURTS (3-0573) -** Supervisor Livermore moved to adopt Resolution 2001-R-13, A RESOLUTION TO AMEND THE CQI POLICY EXEMPTING THE DISTRICT COURTS and read the entire resolution into the record. Supervisor Williamson seconded the motion. Clarification indicated that the resolution will exempt the District Courts' cost saving plans and spending plans from review by the CQI team and the entire program as described in the CQI policy. The motion to adopt Resolution No. 2001-R-13 was voted and carried 5-0.

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

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2001.

ARE SO APPROVED ON \_\_\_\_June\_7\_\_\_\_,

\_\_\_\_\_/s/\_\_\_\_\_  
Ray Masayko, Mayor

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Alan Glover, Clerk-Recorder