A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, January 8, 1998, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT: Ray Masayko Mayor

Tom Tatro Supervisor, Ward 3

Greg Smith Supervisor, Ward 1 Kay Bennett Supervisor, Ward 4

STAFF PRESENT: John Berkich City Manager

Alan Glover Clerk-Recorder

Rod Banister Sheriff

Al Kramer Treasurer Louis Buckley Fire Chief

William Naylor Information Services Director

Judie Fisher Personnel Director

Paul Lipparelli Chief Deputy District Attorney

Phil Herrington Building Official John Mayes Risk Manager Fred Schoenfeldt Sergeant

Katherine McLaughlin Recording Secretary

(B.O.S. 1/8/98 Tape 1-0001.5)

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 8:35 a.m. Roll call was taken. A quorum was present although Supervisor Plank was absent. Mayor Masayko explained Supervisor Plank's absence. Supervisor Bennett wished him a speedy recovery. Rev. Dave Ditolla of the First Christian Church gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

CITIZEN COMMENTS (1-0031.5) - None.

1. APPROVAL OF MINUTES - 9/18/97 and 10/2/97 Regular Sessions and 10/10/97 and 12/6/97 Special Sessions (1-0035.5) - Supervisor Tatro moved to approve. Supervisor Smith seconded the motion. Motion carried 4-0.

#### 2. SPECIAL PRESENTATIONS

- A. AWARD PRESENTATION TO THREE OUTSTANDING CITIZENS FOR THEIR ASSISTANCE TO A CARSON CITY SHERIFF'S DEPUTY (1-0046.5) Sheriff Banister explained the December 11, 1997, incident and introduced Kenney Beshears, Charles Ray, and Boyd Stapley. He presented each with a plaque and a \$50 certificate for Bodine's. He thanked each for their willingness to become involved. Mayor Masayko thanked them for being caring and involved citizens and their employer, Rolling Rubber, for allowing them to attend the meeting.
- B. ACTION ON A RESOLUTION COMMENDING DOROTHY TIMIAN-PALMER, PUBLIC WORKS AND UTILITIES DIRECTOR (1-0128.5) Personnel Manager Judie Fisher briefly describe her

relationship with Ms. Timian-Palmer. Mayor Masayko expressed the desire to recognize her significant contributions, devotion, efforts, and professionalism. He wished her success in the future. Supervisor Tatro apologized for his inability to attend the retirement dinner being given for her on Saturday. He briefly described his working relationship with her and the changes she had brought to the Utilities Department during her tenure. Supervisor Tatro then moved that the Board of Supervisors adopt Resolution No. 1998-R-1, A RESOLUTION COMMENDING UTILITIES DIRECTOR DOROTHY TIMIAN-PALMER, and read the entire Resolution into the record. Supervisor Bennett seconded the motion. Motion carried 4-0. Mayor Masayko indicated the resolution would be presented Saturday evening. Ms. Timian-Palmer expressed her feeling that the employees had helped to make the Department a success with the Board of Supervisors oversight.

C. PRESENTATION OF THE 1997 FOOD DRIVE AWARD TO THE BUILDING AND SAFETY DIVISION (1-0224.5) - Personnel Manager Judie Fisher explained the food drive and its success. The Building and Safety Division had collected 539 pounds, an average of 49 pounds per employee. This is the second year in a row that this Division has won the award. Mayor Masayko recognized the Division's dedication and effort. Building Official Phil Herrington explained his Department's team - Larry McPhail, Laura Lau, and Chris Johnson - who had worked for its success, their reasons for working on the food drive, and accepted the plaque for those employees. Mayor Masayko thanked the other City staff members who had been involved and the community for its support of the Food Drive.

**LIQUOR AND ENTERTAINMENT BOARD (1-0283.5) -** Mayor Masayko recessed the Board of Supervisors session and immediately reconvened the hearing as the Liquor and Entertainment Board. A quorum was present including Member Banister, however, Member Plank was absent as previously indicated.

3. ACTION ON A FULL BAR LIQUOR LICENSE FOR ORMSBY GAMING ENTERPRISES, INC., DOING BUSINESS AS ORMSBY HOUSE HOTEL AND CASINO, ROBERT CASHELL, PRESIDENT (1-0285.5) - Chairperson Masayko commended Mr. Cashell on his improvements to the Ormsby House. Member Banister noted the favorable Sheriff's report. Member Bennett thanked Mr. Cashell for his support of the Advocates. Member Smith also commended him on the Nevada Day fireworks. Member Smith moved to approve the full bar liquor license for Ormsby Gaming Enterprises, Inc., doing business as the Ormsby House Hotel and Casino, Robert Cashell, President, fiscal impact is \$1,000 new fee, \$500 investigative fee, and \$325 quarterly fee, funding source is the Liquor License Revenue. Member Tatro seconded the motion. Mayor Masayko wished him success. Mr. Cashell thanked the community for its support and indicated the City Departments had been agreeable to work with and had been of assistance to him. It was a pleasure to come into a community whose City staff and the community want it to work. He had not experienced this type of reception in other areas.

**BOARD OF SUPERVISORS** (1-0348.5) - There being no other matters for consideration by the Liquor and Entertainment Board, Chairperson Masayko recessed the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum of the Board was present although Supervisor Plank was absent as previously indicated.

- 4. CONSENT AGENDA
  - A. TREASURER
- i. ACTION ON A REQUEST FOR PARTIAL REFUND OF FOURTH QUARTER GAMING LICENSE FEES PAID BY SMATAY, INC., DOING BUSINESS AS SLOTWORLD ii. ACTION TO APPROVE AN INCREASE IN BUSINESS LICENSE PETTY CASH FROM \$200 TO \$400
- iii. ACTION ON PARTIAL REMOVAL AND REFUND OF 1997-1998 REAL PROPERTY TAXES FOR APN 10-611-01 DUE TO CARSON CITY ACQUISITION OF PROPERTY
- iv. ACTION ON PARTIAL REMOVAL AND REFUND OF 1997-1998 REAL PROPERTY TAXES FOR APN 1-141-01 DUE TO CARSON-TAHOE HOSPITAL ACQUISITION OF PROPERTY
  - v. ACTION ON A RESOLUTION ESTABLISHING A DEFERRED

COMPENSATION PLAN FOR CARSON CITY EMPLOYEES (SECTION 457 PLAN) WITH ICMA RETIREMENT CORPORATION AND OTHER MATTERS PROPERLY RELATED THERETO

- B. PUBLIC WORKS DEPARTMENT
- i. ACTION ON DEDICATION OF A 25 FOOT WIDE EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF SEWER LINES AND APPURTENANCES FROM GENEVIEVE FELESINA ALONG THE RHODES FRONTAGE OF APN 9-051-03
- ii. ACTION ON DEDICATION OF 20 FOOT WIDE EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF SEWER LINES AND APPURTENANCES FROM MODOCO, LLC., ACROSS APN 8-191-27
  - C. PURCHASING DIRECTOR
- i. ACTION ON CONTRACT NO. 9798-164 SURPLUS AND DISPOSAL OF TWO 1991 KAWASAKI MOTOR CYCLES
- ii. ACTION ON CONTRACT NO. 9697-286 EFFLUENT FILLING STATION PROJECT, REQUEST FOR FINAL PAYMENT
- iii. ACTION ON CONTRACT NO. 9697-272 1997 SEWER AND WATER LINE REPLACEMENT PROJECT, REQUEST FOR FINAL PAYMENT
- iv. ACTION ON CONTRACT NO. 9798-154 FIRE DEPARTMENT PERSONAL PROTECTIVE CLOTHING
- v. ACTION ON CONTRACT NO. 9798-096 SOUTHEAST CARSON DRAINAGE IMPROVEMENTS, AMENDMENT NO. 1
- vi. ACTION ON CONTRACT NO. 9798-156 1997 FLOOD DAMAGE REPAIR PROJECT, BRUNSWICK CANYON AREA, AWARD
- vii. ACTION ON CONTRACT NO. 9798-152 LOMPA LANE/DORI WAY DRAINAGE IMPROVEMENTS, AWARD
- viii. ACTION ON CONTRACT NO. 9798-168 CITY HALL AS-400 UPGRADE PROJECT, REQUEST FOR CONTRACT APPROVAL
- ix. ACTION ON CONTRACT NO. 9798-167 EDMONDS SPORTS COMPLEX MASTER PLAN AGREEMENT, REQUEST FOR CONTRACT APPROVAL
- x. ACTION ON CONTRACT NO. 9697-243 GONI ROAD ALIGNMENT, REQUEST FOR FINAL PAYMENT
- xi. ACTION ON CONTRACT NO. 9697-266 DOWNTOWN LANDSCAPING CLEANUP, REQUEST FOR FINAL PAYMENT
- xii. ACTION ON CONTRACT NO. 9798-84 DARLA WAY SEWER EXTENSION, REQUEST FOR FINAL PAYMENT
- xiii. ACTION ON CONTRACT NO. 9697-211 BREWERY ARTS CENTER PHASE III, APPROVAL OF CHANGE ORDERS 1-3 AND REQUEST TO RETAIN A CONTINGENCY (1-0352.5) Mayor Masayko indicated the Purchasing Director had requested Contract 9798-152 be continued as it is not ready for consideration at this time. Supervisor Smith questioned the impact its continuance would have on the project. Supervisor Smith requested Contract 9697-243 be pulled for discussion. Supervisor Bennett requested Dedication of the 20 foot wide easement from Modoco be considered when the ordinance on second reading is considered. Supervisor Tatro moved that the Board of Supervisors approve the Consent Agenda as presented with the deletion of the second item under the Public Works Department, Action on a Dedication for Assessor's Parcel No. 08-191-27, and deletion of, under the Purchasing Director,

Contract 9798-152, Lompa Lane-Dori Way Drainage Improvements, and Contract 9697-243, Goni Road Alignment Request for Final Payment. Mayor Masayko seconded the motion. Comments were solicited. An unidentified individual requested Contract 9798-154. Fire Department Personal Protective Clothing, be pulled for discussion. Supervisor Tatro amended his motion to include deletion from the Consent Agenda Action on Contract 9798-154, Fire Department Personal Protective Clothing. Mayor Masayko continued his second. Motion carried 4-0.

(1-0685.5) Clarification by Clerk-Recorder Glover indicated Item A. ii. would be assigned Resolution No. 1998-R-2 and Item A. v. would be assigned Resolution No. 1998-R-3.

- iv. (1-0435.5) Interstate Safety and Supply of Sparks, Nevada, Representative Eric expressed his feeling that his company had meet all of the bid specs without any exceptions. The company which Purchasing had recommended the bid be awarded to had taken several exceptions. The exceptions would reduce the cost. He felt that the bid specs had requested a "Cadillac" and the recommendation was for a "Chevrolet". He requested the bids be rejected and rebid. Fire Chief Louis Buckley explained that the specs had been written specifically for Morning Prime. The delivery time for turnouts was explained as well as the City's urgent need for same. Exceptions were permitted, otherwise, it would have been a sole source bid. Interstate Safety's bid was \$200 per turnout higher. The price is only valid until December 31. Therefore, staff felt there was no price as the Board approval date is after December 31. The Committee's recommendation was based on the need and the one responsive bid. Both of the turnouts are comparable in quality and met the standards. Mr. Lipparelli explained the legal requirements for exceptions to specific brand bids and staff's feeling that there are no materialistic differences between the two turnouts. Supervisor Smith acknowledged Mr. Eric's frustration but the City is bound by law to accept the lowest responsive and responsible bid as along as all things are equal, which they are in this case. Supervisor Smith moved that the Board of Supervisors accept the Purchasing Department's recommendation and award Contract 9798-154 to Bidder No. 2, Ross Equipment Company, Inc., P. O. Box 399, Midvale, Utah 84047, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for a not to exceed contract amount of \$25,000 based on the unit costs provided in the bid, the funding source is Fire Department Personnel Protective Equipment as provided for in Fiscal Year 9798 Budget. Supervisor Bennett seconded the motion. Motion carried 3-1-1 with Supervisor Tatro voting Naye and Supervisor Plank absent.
- C. x. (1-0695.5) At Supervisor Smith's request Deputy Public Works Director Homann explained the proposed plan to mitigate a drainage problem on the Airport. This work will be done by City crews. Supervisor Smith, as the Chairperson of RTC, thanked Mr. Nevis of Canyon Creek Construction for his flexibility, cooperation, and patience while working on Goni Road. Mayor Masayko also noted that Mr. Nevis had received the early completion bonus which had been based on a pro forma approach. Even with all of its problems, the project had been completed with only a five percent overrun, which he felt was a good finish number. Supervisor Smith moved that the Board of Supervisors approve Change Orders 1 through 4 on Contract No. 9697-243 as submitted by the Purchasing Department to Canyon Creek Construction, P. O. Box 21270, Carson City, Nevada 89721, and approve the Request for Final Payment for a final payment amount of \$24,228.04, and accept the Contract Summary as presented, funding source is the RTC Construction Project Account as provided for in FY 9495. Supervisor Tatro seconded the motion. Motion carried 4-0.
- C. vii. (1-0765.5) Discussion indicated the project would still be able to make the original timeframe of early April. This item was continued to the next Board meeting. No formal action was taken.

#### 5. BOARD OF SUPERVISORS

- A. NON-ACTION ITEMS INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0785.5) Supervisor Smith did not have a report. Supervisor Bennett reported on the status of the Carson River conference. The Highway 28 issues relating to the roadside parking may be addressed through the use of National Scenic Byways funding. Supervisor Tatro reported on the Carson High School Wrestling Team competition. Mayor Masayko reminded the Board members that their appointments to various Boards and Committees would be reviewed at the January 22nd meeting.
  - B. STAFF COMMENTS AND STATUS REPORTS (1-0848.5) None.
- **6. CARSON-TAHOE HOSPITAL -** Administrator Steve Smith
- A. ACTION ON CARSON-TAHOE HOSPITAL'S PURCHASE OF THE SIERRA PROFESSIONAL COMPLEX BUILDINGS AND PROPERTY (1-0855.5) The purchase price and the property's appraised value were noted. The Hospital's governing board had reviewed and supported the acquisition. Supervisor Bennett moved that the Board of Supervisors accept the recommendation of the Carson-

Tahoe Hospital Board of Trustees to purchase the Sierra Professional Complex Buildings and property for the amount of \$6,000,000, those funds will come from the Board designated funds. Supervisor Smith seconded the motion. Motion carried 4-0.

- B. ACTION ON RECOMMENDATION FROM THE JANUARY 6, 1998, MEETING OF THE BOARD OF HOSPITAL TRUSTEES FOR CARSON-TAHOE HOSPITAL TO THE CARSON CITY BOARD OF SUPERVISORS FOR THE APPOINTMENT OF A TRUSTEE TO THE VACANT SEAT IN HOSPITAL DISTRICT NO. 3 (1-0903.5) Supervisor Bennett introduced Hospital nominee Tom Metcalf. Supervisor Bennett moved that the Board of Supervisors appoint Tom Metcalf to the vacancy in Hospital District No. 3. Mayor Masayko seconded the motion and indicated that Mr. Metcalf would have to run for the office during the next election. Motion carried 4-0. Mayor Masayko commended Mr. Metcalf on the appointment.
- 7. FIRE CHIEF Louis Buckley ACTION ON THE HIRING OF A TEMPORARY EMPLOYEE BY THE CARSON CITY FIRE DEPARTMENT (1-0978.5) Funding will be from Department savings or Chief Buckley will request an augmentation before the close of the fiscal budget. Supervisor Tatro moved that the Board approve action on the Carson City Fire Department hiring of a temporary employee while one of the shift personnel is on light duty for a period of nine to ten months, fiscal impact is approximately \$45,000, funding source is Department savings. Supervisor Bennett seconded the motion. Motion carried 4-0.
- 8. PUBLIC WORKS DEPARTMENT Deputy Public Works Director Tim Homann ACTION ON A REQUEST TO RENAME MILLS ROAD TO ARROWHEAD DRIVE (1-0145.5) The four property owners between Bowers and Centennial supported the request. One property owner east of Centennial opposed the request. The Post Office would continue to forward mail to the Mills Road address for three years. The historical significance of the street name was unknown. Etienne Amestoy of Capital Towing supported the change. Additional public comments were solicited but none given. Supervisor Smith moved that the Board of Supervisors approve the renaming of Mills Road between Bowers Lane and Highway 50 East on the east to Arrowhead Drive, fiscal impact is less than \$500 to replace several street signs which would come from the Street Division. Supervisor Bennett seconded the motion. Mayor Masayko indicated the proposal would rename the entire distance known as Mills Road to Arrowhead Drive. The motion was voted and carried 4-0. Mr. Homann expressed an intent to work with Comet Industries to resolve any problems it may have with the change. Mayor Masayko thanked Mr. Amestoy for bringing the matter forward.
- **9. UTILITIES DEPARTMENT -** Deputy Utilities Director Jay Ahrens

#### A. ORDINANCES - FIRST READING

i. ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND MODOCO, LLC., REGARDING ASSESSOR'S PARCEL NO. 8-191-27 LOCATED AT 3109 AIRPORT ROAD, CARSON CITY, NEVADA, FOR SEWER MAIN PARTICIPATION; AND 4. B. ii. ACTION ON DEDICATION OF 20 FOOT WIDE EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF SEWER LINES AND APPURTENANCES FROM MODOCO, LLC., ACROSS APN 8-191-27 (1-1172.5) - Discussion indicated that MODOCO would donate the easement to the City for \$1. The City would only pay for the sewerline extension in Airport Road. Supervisor Bennett moved that the Board of Supervisors approve and accept the dedication of a 20 foot wide easement for the construction and maintenance of sewerlines and appurtenances from MODOCO, LLC., across APN 8-911-27, containing approximately 2,670 square feet of property, there is no fiscal impact. Supervisor Tatro seconded the motion. Following Mr. Ahrens' correction, Supervisor Bennett amended her motion to be for APN 8-191-27. Supervisor Tatro concurred. Motion carried 4-0.

Supervisor Bennett moved that the Board of Supervisors introduce on first reading Bill No. 101, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND MODOCO LLC REGARDING ASSESSOR'S PARCEL NO. 8-191-27 LOCATED AT 3109 AIRPORT ROAD, CARSON

CITY, NEVADA, FOR SEWER MAIN PARTICIPATION, fiscal impact is \$24,580 including a 15 percent contingency, funding source is 515 Participation. Supervisor Tatro seconded the motion. Motion carried 4-0.

- ii. ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND COLLEGE TOWN ASSOCIATES, LLC., REGARDING ASSESSOR'S PARCEL NUMBERS 2-052-14 THROUGH 2-052-28, INCLUSIVE LOCATED AT THE COLLEGE PARK VILLAGE SUBDIVISION, CARSON CITY, NEVADA, FOR RECLAIMED WATER MAIN PARTICIPATION (1-1378.5) Supervisor Tatro moved that the Board of Supervisors introduce Bill No. 102 on first reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND COLLEGE TOWN ASSOCIATES, LLC., REGARDING ASSESSOR'S PARCEL NUMBERS 2-052-14 THROUGH 2-052-28, INCLUSIVE LOCATED AT THE COLLEGE PARK VILLAGE SUBDIVISION, CARSON CITY, NEVADA, FOR RECLAIMED WATER MAIN PARTICIPATION, fiscal impact is \$456,161.98 which includes a 15 percent contingency, funding source is 520 Water Capitalization Budget. Supervisor Bennett seconded the motion. Motion carried 4-0.
- BETWEEN CARSON CITY AND TERRY L. AND MYRA S. TANNER REGARDING ASSESSOR'S PARCEL NO. 2-062-12 LOCATED AT CRESTVIEW MOBILE HOME PARK, 600 HOT SPRINGS ROAD, CARSON CITY, NEVADA, FOR SEWER MAIN REPLACEMENT (1-1458.5) Discussion with Mr. Ahrens indicated he would contact the property owners and advise them of the process to request that the City abandon the easements in their backyards if the sewerline is the only utility using the easement. Supervisor Tatro moved that the Board introduce Bill No. 103 on first reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND TERRY L. AND MYRA S. TANNER REGARDING ASSESSOR'S PARCEL NO. 2-062-12 LOCATED T CRESTVIEW MOBILE HOME PARK, 600 HOT SPRINGS ROAD, CARSON CITY, NEVADA, FOR SEWER MAIN REPLACEMENT, fiscal impact is \$22,741.25 which includes a 15 percent contingency, funding source is Sewer Account No. 515 Replacement. Supervisor Bennett seconded the motion. Motion carried 5-0.

#### B. ORDINANCES - SECOND READING (1-1536.5)

- ACTION ON BILL NO. 171 AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NUMBERS 9-775-23, 9-136-04, 9-142-04, 9-142-09, AND 9-149-01 LOCATED AT THE SOUTH POINTE PHASE 4 SÚBDIVISIÓN, THÉ NORTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, THE SOUTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, 4071 CENTER DRIVE, AND 3979 CENTER DRIVE, CARSON CITY, NEVADA, FOR WATER MAIN CONSTRUCTION AND **REIMBURSEMENT** - Discussion indicated that existing homes would not be required to reimburse Landmark Homes for the waterline extension, however, new homes would be required to do so. Supervisor Tatro moved that the Board adopt Bill No. 171 on second reading, Ordinance No. 1998-1, AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NUMBERS 9-775-23, 9-136-04, 9-142-04, 9-142-09, AND 9-149-01 LOCATED AT THE SOUTH POINTE PHASE 4 SUBDIVISION, THE NORTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, THE SOUTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, 4071 CENTER DRIVE, AND 3979 CENTER DRIVE, CARSON CITY, NEVADA, FOR WATER MAIN CONSTRUCTION AND REIMBURSEMENT, there is no fiscal impact except for a 15 percent administrative fee to the City General Fund upon reimbursement to the applicant. Supervisor Bennett seconded the motion. Motion carried 4-0.
- ii. ACTION ON BILL NO. 172 AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NUMBERS 9-775-23, 9-136-04, 9-136-06,

9-142-04 AND 9-142-09, LOCATED AT THE SOUTH POINTE PHASE 4 SUBDIVISION, THE NORTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, 801 KOONTZ LANE, THE SOUTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE AND 4071 CENTER DRIVE, CARSON CITY, NEVADA, FOR SEWER MAIN CONSTRUCTION AND REIMBURSEMENT (1-1625.5) - Supervisor Bennett moved that the Board of Supervisors adopt on second reading Ordinance 1998-2, Bill No. 172, AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NUMBERS 9-775-23, 9-136-04, 9-136-06, 9-142-04 AND 9-142-09, LOCATED AT THE SOUTH POINTE PHASE 4 SUBDIVISION, THE NORTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE, 801 KOONTZ LANE, THE SOUTHEAST CORNER OF CENTER DRIVE AND VALLEY VIEW DRIVE AND 4071 CENTER DRIVE, CARSON CITY, NEVADA, FOR SEWER MAIN CONSTRUCTION AND REIMBURSEMENT. Supervisor Tatro seconded the motion. Motion carried 4-0.

- iii. ACTION ON BILL NO. 173 AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NO. 9-775-23 LOCATED AT THE SOUTH POINT PHASE 4 SUBDIVISION, CARSON CITY, NEVADA, FOR SEWER MAIN PARTICIPATION (1-1658.5) Supervisor Tatro moved that the Board of Supervisors adopt Bill No. 173 on second reading, Ordinance No. 1998-3, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND LANDMARK HOMES AND DEVELOPMENT, INC., REGARDING ASSESSOR'S PARCEL NO. 9-775-23 LOCATED AT THE SOUTH POINT PHASE 4 SUBDIVISION, CARSON CITY, NEVADA, FOR SEWER MAIN PARTICIPATION, fiscal impact is \$25,570.25, funding source is Sewer Account 515 Participation. Mayor Masayko seconded the motion. Motion carried 4-0.
- 10. HEALTH DIRECTOR Daren Winkelman ORDINANCE FIRST READING ACTION ON AN ORDINANCE AMENDING TITLE 4 FOR THE CARSON CITY MUNICIPAL CODE TO ADD CHAPTER 4.30 AND OTHER MATTERS PROPERLY RELATED THERETO (1-1701.5) Discussion ensued between the Board and Mr. Winkelman on the age of the individual who is to be pierced, the parental authorization requirements for minors, and the age restriction on operators.

Angela Grifford explained her involvement with Washoe County on its ordinance. She supported requiring parental consent for minors or anyone under 18. Mayor Masayko pointed out the enforcement problems. Ms. Grifford urged the Board to adopt the ordinance with the age restriction and to work at establishing an enforcement procedure. If the age restriction is not approved, the City would be unable to enforce it later and it may require a fight to implement the restriction at a future date.

Vickie Togeffert apologized for the misunderstanding about her comments at the last meeting which had been reported in the newspaper. She then explained her son's medical problems and emphasized that her son had not been hospitalized due to his piercing. She had only become aware of the piercing due to the use of monitoring equipment at the hospital. Mayor Masayko thanked her for her clarification of the record. Her issue had always been that, although Mr. Nixdorf indicated he always checked for parental consent, he had not checked her son's. She opposed not knowing and untruths. She felt that someone should be held accountable. Her son's main concern had been that young people's bodies are growing and changing. Piercing could impact this growth causing deformities. She indicated for the record that she supported the language mandating parental consent of minors under the age of 18.

(1-1928.5) Karl Neathammer noted that society has and should be able to restrict minor's activities. It is done so with tobacco and alcohol. Nevada has a law prohibiting minors from obtaining plastic surgery without parental consent. He urged the Board to implement the same restrict for invasive body decoration.

Perry Nixdorf indicated that he had a policy prohibiting piercing of minors without parental consent and had had the policy for a year-and-a-half. He agreed that the Board of Supervisors had the authority to implement and

regulate the restriction. He questioned who is the Board of Health. He did not feel that the enforcement of the ordinance should be under the Health Board's purview but should be a part of the penal code. Children are creative in their efforts to circumvent restrictions. It is unfair for him to be penalized because he is caught between a parent and a child and their disagreements. He agreed that his license should be pulled for unsterile conditions or other health related issues. He was agreeable to being fined or cited if he failed to follow the ordinance, however, opposed allowing the Health Department to close him down or pull his license.

Discussion between Chief Deputy District Attorney Paul Lipparelli and the Board indicated the Health Board is the Board of Supervisors and the Health Director. Also, the Health Director would not have the final authority over the issue. His rulings could be appealed to the Health Authority/Board who could overturn his ruling. Mayor Masayko explained the Liquor Board actions taken earlier and his feeling that the Health Board would function in the same fashion.

Mr. Nixdorf expounded further on his concern about the authority which was being taken away and the enforcement process. He urged the Board to have the ordinance written specifically to indicate the intent. Mayor Masayko responded by expressing his opinion that "reasonable people will make reasonable decisions" regardless of the date when the law is adopted. Both sides of the story would be carefully considered. Discussion indicated that the Board would be required to follow specific legal processes in filing and hearing these issues. Any decision by the Board could be appealed to the courts. The Health Officer would have to show proof before the Board would support a recommendation to deny or pull a license. Mr. Lipparelli explained the entire process which included staff's efforts to obtain compliance prior to issuance of a citation.

(1-2365.5) Ms. Grifford urged the Board to clarify the term "serious" violations. She felt that repeated minor offenses should be a strong enough reason to revoke a license. The term "serious" was on the bottom of Page 11, Section 2. She then explained that piercing gun manufacturers recommend their use on ear lobes only. She recommended the language related to the use of these guns be modified to "ear piercing other than ear lobes" as she felt that as written the gun could be used for other piercings such as the belly button. She agreed that youths can be crafty in their attempts to circumvent the age restrict. She urged the Board to establish a policy describing the type of documents mandated before piercing of minors is allowed which would mitigate some of the problems. Identification requirements for minors and their parents in Washoe County were described.

(1-2460.5) Zac Taylor, owner and operator of Distinct Ink Tattoos in Carson City, expressed his concern with the term "serious" and indicated he did not have a problem with youths.

Mayor Masayko urged Mr. Winkelman to address the term "serious". Mr. Winkelman explained his reasons for wishing to have some discretion when enforcing the ordinance and flexibility in interpreting the term "serious". Supervisor Smith suggested that Mr. Winkelman include the revisions suggested by Ms. Grifford, which were not substantial. Reasons for needing discretion about the term "serious" were also noted. Mr. Winkelman's discretion in its enforcement could be appealed to the Board and the Board's interpretation could be appealed through the courts. Even though Supervisor Smith would like to see the term defined, it removed some of the discretion he felt necessary for the ordinance. He then explained that he would support the ordinance even though he opposed it when considered the last time. He complimented Mr. Nixdorf on his continuous support of the community and willingness to bring forward both questions and potential solutions. His vote on the original proposal had been an effort to provide an incentive for both sides to work together on the ordinance. Although Mr. Winkelman had had enough votes at that time to have forced the issue, he had chosen to work with Mr. Nixdorf and modify the ordinance. Supervisor Smith commended him for his willingness to reconsider the issues. Supervisor Smith stated that in appreciation of this effort he would support the ordinance. Supervisor Smith then moved that the Board introduce on first reading Bill No. 104, AN ORDINANCE AMENDING TITLE 4 FOR THE CARSON CITY MUNICIPAL CODE TO ADD CHAPTER 4.30, INVASIVE BODY DECORATION ESTABLISHMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Winkelman indicated the Board would consider the ordinance on second reading at its next meeting and that the NRS requires the State Health Board to approve the ordinance. This will occur on February 20. Mayor Masayko also noted Mr. Winkelman's willingness to consider the concerns and that amendments may be made in the future.

The motion to introduce Bill No. 104 on first reading was voted and carried 4-0.

BREAK: A 15 minute recess was declared at 10:55 a.m. A quorum of the Board was present when Mayor Masayko reconvened the session at 11:10 a.m. (Supervisor Plank was absent as previously indicated.)

#### 11. **COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan**

ACTION ON U-97/98-11 - AN APPEAL OF THE REGIONAL PLANNING COMMISSION'S DECISION TO DENY A SPECIAL USE PERMIT REQUEST FROM LISA STOKES (PROPERTY OWNER SHULER FAMILY TRUST) TO ALLOW A GROUP CARE FACILITY FOR A MAXIMUM OF FOUR ELDERLY INDIVIDUALS ON A SIX-MONTH TRIAL BASIS IN A RESIDENTIAL DISTRICT ON PROPERTY ZONED SINGLE FAMILY 12,000 (SF12000), LOCATED AT 1600 KINGS CANYON ROAD, APN 9-012-06 (PLANNING COMMISSION DENIED 6-1-0-0) (1-2635.5) - Lisa Stokes, Senior Planner Juan Guzman, Jim Puzey, Gene Lepire, Karl Neathammer - Mayor Masayko began the discussion by explaining the history of this item. He expressed a willingness to reagendize the item for an evening meeting when a full Board may be present. A request to do so was not made. Discussion ensued between the Board and Mr. Sullivan on the applicant's written justification for appealing the Planning Commission's action, the criteria which the Commission must use in approving/denying a request, the Commission's concerns about the flood plain and lack of information on how it would be mitigated, and reasons for feeling that the applicant's appeal should be denied. Mayor Masayko indicated that the Board must use the record in its consideration of the appeal. Ms. Stokes expressed a desire to proceed. Mayor Masayko stated that if the Board considers it today, it would not again be reconsidered by the Board. Discussion ensued between the Board on the procedures to be followed during the hearing. Comments stressed that the Board would hear all comments on the application and the testimony which the Planning Commission had considered. The Board would not consider any information which the Commission had not had an opportunity to hear.

(1-2968.5) Mr. Sullivan briefly reviewed the application, the testimony given to the Commission, and the Commission's action.

Discussion between Mr. Sullivan and the Board explained the building improvements required for the proposed use and Dan Leck's comments at the Commission hearing on the impact the use would have on the value of the surrounding properties. The Fire Department had reviewed and approved the proposal. The flood problems were described. These problems could be mitigated.

(1-3288.5) Ms. Stokes explained her reluctance to rebut the attorney's comments had been based on her need to research the CC&Rs issue. She is not part of the subdivision with the cited CC&Rs. She had agreed to mitigate the flood problem and had not been aware of the need to present a complete program before the permit is granted. Mr. Sullivan explained that the City does not enforce CC&Rs. Mr. Guzman noted that staff had included a condition requiring mitigation of the flood problem. The Commission, however, had required a complete plan of action. FEMA requirements were noted. Ms. Stokes felt that the issue was the result of last year's flood. This was the only time the property had ever been damaged by a flood. The inside of the house had not been damaged by that event. Her personal experience with floods was noted. The neighbors opposed having commercial operations in the vicinity, however, there are other commercial operations there. Examples were cited. The safety of children at the school one block away was questioned. The home is a perfect site for the proposed use.

(1-3508.5) Mr. Puzey, representing the surrounding homeowners, reviewed the criteria in CCMC 18.02.040.4.c(3)and (4) relating to appeals. He felt that the appeal was not proper. He then reviewed the facts as presented at the Commission hearing. The proposal is a commercial venture as she is attempting to make money. The exclusive residential area was described. The school had not been constructed in the flood plain. The Commission's discussion of the flood problem had included several options for mitigating it. After this discussion the Commission still felt that the documents clearly describing how this was to occur had not been provided. His comments also included reasons for feeling that this area is not comparable to the area surrounding the other elder care facility.

Additional public comments were solicited but none given. Ms. Stokes reiterated her reasons for feeling that the area is in transition. The Code restriction on the location for elder care facilities restricted them to residential areas. This creates a "homey" environment for the occupants. Mr. Guzman explained that the Code would allow small facilities in a residential setting. He was unsure whether eligibility for Medicare or Medicaid had been considered in the criteria. The issues discussed by the Commission relating to commercial ventures versus residential uses and the requirements for a special use permit were explained. Mr. Sullivan explained the Statute which had allowed a mentally handicapped facility in southeast Carson. This Statute exempts the use from the City's special use permit process. Ms. Stokes' application, however, must go through the special use permit process. Discussion explained the area surrounding the Empire Ranch Road facility and the lack of opposition to the facility. When the original applicant sold the facility, the new owner had requested a special use permit to continue operating the facility. The neighbors did not oppose the continuance. The only negative information had been related to the number of ambulance visits to the facility. His personal involvement with attempting to indicate whether the use would have an impact on the property values was explained.

(2-0262.5) Mr. Lepire expressed his concern about the residents safety if a flood occurs. The house had been damaged on two separate occasions by flooding. The operation would require 24-hour a day care. An ambulance would be required at least once a week. The facility should be on commercially zoned property as are the three he had developed. He urged the Board to deny the request and not allow any more appeals. Once the use is allowed in an exclusive residential area, it would spread to other similar areas. Commercial uses should not be allowed in a residential area.

(2-0292.5) Mr. Neathammer expressed his feeling that Commissioner Uhart should have recused herself. He felt that the City needed a Code of Ethics due to his feeling that the appearance of an impropriety is just as bad as the impropriety. Mayor Masayko noted that Mr. Neathammer had made a similar comment at a Board retreat, however, the Board had not acted upon it. Additional public comments were solicited but none given.

Supervisor Smith felt that it was unfortunate that Ms. Stokes had worked so hard on the project and with the neighbors. The project remains unappealing to the neighbors and fails to address the master plan transitional mitigation process. Although the project would not create a major upheaval for the neighborhood, it was a commercial venture with traffic including more ambulance traffic than a residential environment would require. Supervisor Smith then moved that the Board of Supervisors uphold the Regional Planning Commission's decision to deny a special use permit request, U-97/98-11, from Lisa Stokes, property owner Shuler Family Trust, to allow a group care facility for a maximum of four elderly individuals on a six month trial basis in a residential district on property zoned Single Family 12,000 located at 1600 Kings Canyon Road, known as Assessor's Parcel Number 9-012-06, based on the Planning Commission's two findings of fact and secondarily that the applicant has not provided information complying---. He then corrected the motion to stop with two findings of fact and withdrew the remaining portion. Supervisor Bennett seconded the motion. Supervisor Bennett then explained that in this particular situation she would vote to support the Commission's findings. One reason is that the Board appoints the Planning Commission to do the important work on the Board's behalf. When overturning the Commission's decision, the Board needed to have tremendously sound findings. The Board's support of the Commission's denial does not remove another concern which is to address the growing need for the elderly population in the community and throughout the country. She suggested that somehow the Board reconsider and develop a mechanism which will provide the Planning Commission and Community Development with the appropriate tools for individuals in a single family residential district to be able to take a limited number of people. This problem will absolutely not go away. We will see it again, and again, and again as we reach the year 2000 and 2001. There needs to be a process where we can give ourselves the appropriate tools to be able to address this situation just the same as we did with the childcare facilities.

(2-0427.5) Supervisor Tatro expressed his disagreement with Mr. Lepire's statement. There had be another issue presented to the Board more times than Ms. Stokes'. This was a laundromat on Fifth Street. He recalled a neighborhood that was incensed that they were having a commercial operation in the middle of their neighborhood. It seemed to him that there had been more meetings about that issue than about this issue. He

agreed that that item had not been approved. He also disagreed with Mr. Puzey about his characterization of what a special use permit is. He felt that it had been a completely inaccurate description of what a special use permit is. Mr. Puzey's description is the kind of inaccurate description that causes people to get so completely up in arms against a use that could work within a neighborhood due to the tendency to believe that it will lead to some kind of invasion of their neighborhood by commercial enterprises. It was his opinion based on watching what had happened, that the neighbors decided every early on that they did not want this in their neighborhood and, in his opinion, this was not based on very good assumptions. He did not think that there was anything which could have been done that would have changed their minds. This mind set was based on the idea that a special use permit is something that is going to degrade the value of the property and that this operation is going to cause the neighborhood to go into a state of decline. He just could not see personally how that would happen. He could not see how having four senior citizens, who need care to be able to get through the day, living next door to himself is going to be more detrimental than, for example, having had his family when he was a kid growing up move in next door to you. He did not need a special use permit to have lived there but when ten children pulled up and start unloading out of three different cars, as we couldn't fit into one or two, he felt certain they had had more of an impact on the neighborhood than this proposal does. In a conversation he had had with a local attorney yesterday afternoon he had discussed what it must be like for a senior citizen to have lived his/her entire life and developed over a course of the years becoming independent, having his/her own home after the children moved away from the parents, establishing all of that, making his/her own decisions, living his/her own way, getting to the end of his/her life, no longer being able to care for him/herself, not being able to live alone because he/she can't meet his/her own needs and must give up the freedoms and the privacy of having his/her own home, and how devastating this must be to so many of them, how hard it is to move into something that is so big that he/she just feels lost, that he/she doesn't have any control any more, and how important it is to have things like group care homes established so that people can maintain their dignity and still have their human needs satisfied and be able to live out their lives with pride. The problem with group care homes is not that there are group care homes. It is that they are around other things and it probably would not work well to have a row of group care homes with a group care home zoning district in a group care neighborhood because the entire idea is that they are part of the neighborhood and that people can still live in the town that they live in and still have those kind of attachments to the community, but no one wants them next to them. He felt that when we have seen a group care home go in, we have not seen a negative impact on the neighborhood. What has been seen is that when group care homes have been applied for is a perception that they are going to be a negative impact on the neighborhood. He did not see any empirical evidence that shows that this has happened. He had seen the opposite which gives these people an opportunity and that the neighborhood tends to go on as it was. He also wished to disagree with Mr. Puzey statements one more time that the area is not strictly a residential neighborhood.. With the ranch land that is immediately to the west and the junior high school straight out Mr. Lepire's front door, it is not the exclusive residential area that had been depicted. Dan Leck's evidence supports his (Supervisor Tatro's) belief. The flood plain issue, as Mr. Guzman had pointed out in the staff recommendation, could have been dealt with as a condition of the special use permit so that those mitigation issues necessary could be addressed before the use could occur. Although he did not expect to change the neighborhood people's mind about whether this is appropriate for that neighborhood. He did not intend to do that. He did think that the City did have to have the philosophy that senior citizens are also human beings and that we need to recognize that there is a huge demographic shift occurring. We need to recognize that group care homes are something that need to operate within a neighborhood environment and, from a government prospective, we need to try and find a way that this can occur within our community. Although it would not make a difference, he would vote against the motion and the neighborhood would win as it would not be in that neighborhood. He could not help but believe that it would not have changed the neighborhood had it gone in. This is not something that we will ever know. There are two things in the Municipal Code which should be changed. The first one is to amend the basis for an appeal from the Planning Commission. The Board members are the elected ones who have the responsibility from the voters to make some of the decisions and if the Planning Commission errors in judgement should be appealed. The Board had not delegated that authority nor should the Board be able to delegate that authority. This should continue to be the Board's responsibility. The Board also needed to look at the requirements for a special use permit for group care homes and make it possible for any number smaller than six. There really must be a better way of dealing with the issue than what the Board had just gone through. He did not believe that the neighbors were happy. The staff will not be happy. Even though the neighbors won, they will not be happy. This is not a good process. This is the end

of a process which does not work very well.

(2-0555.5) Supervisor Bennett expressed a desire to respond to Supervisor Tatro's comments on the process. She felt that this is the process which has occurred. She did not believe that the process was flawed. This is the process which the Board had established for itself. We have heard many, many special use permits here before the Board and none of them are denials, such as the airport. There were many others. None of them had been particularly comfortable but the fact that the community comes forward and the citizens of this community are empowered to come forward and make their case rightfully or wrongfully. The fact is that group care facilities are a good idea but in this case not for this particular location. It is unfortunate that the neighbors see it that way but the process works and that is the process. She stated her desire to be on the record disagreeing with Supervisor Tatro's regarding those comments.

The motion to uphold the Planning Commission's denial was voted by roll call with the following result: Supervisor Smith - With a quick comment, no speech, just a quick comment, I think it took a lot of guts to say what Supervisor Tatro had just said and I know how he meant it, but did not wish to have it perceived wrongly, at least one portion of it, and I want to state it emphatically that my yes vote, which I just made, is not a vote against senior citizens or where senior citizens live, you know, their dignity and so on and so forth, its merely about the land use conflict in the area and the inability to mitigate that in my opinion, but the rest of what he had said and what Supervisor Bennett had said is that this is a problem that is not going to go away, that we do need to address it, I absolutely agree with that, end of comment - Yes; Tatro - No; Bennett - Yes; and Mayor Masayko - I will vote yes but first a disclosure, I live at 1500 West Washington Street, it is not part of the Ormsby Subdivision, you might say that I am adjacent to the neighborhood although I don't feel that I am part of the neighbors who are worried about the adjacency of the group care home to them, at least I feel enough detachment that I am objective about this matter, I am basing my yes vote on, in essence, what was said here today was important, really, group care homes for seniors, I am not voting against them, I know they need to happen and they need to happen for unrelated people but I will also say to you that they may happen in certain neighborhoods of this community, it is not our judgement as the members of the Board of Supervisors to force neighborhoods to take those types of changes to their peaceful enjoyment of their neighborhoods, if they feel that that is a disruption to their perception of what their neighborhood is like, then that is the perception which is their reality, and it is not my place to substitute my judgement for theirs, neighbors, I congratulate you, you were here, I think each of you have said in the comments and letters which were written to me and in the telephone conversations, none of you are against the care of the seniors or elderly, you simply are opposed to a change of the land use adjacent to your properties and that is proper that you make that statement in front of the Planning Commission and again in front of this Board of Supervisors, that is how, Supervisor Tatro, the system is supposed to work and it worked this time, that is the right call, so with that, I still understand that the neighbors may not be totally pleased when they leave here but I do believe that we made a decision that reflects their best interest and if they had been convinced that this was good for their neighborhood, I believe it would have happened, I believe it will happen in other places in this community if the neighborhood by and large is convinced that it is acceptable for their neighborhoods, that is the way that it is supposed to work, that is the way that it works, and with that I record the vote as 3-1 to uphold the Planning Commission's denial of U-97/98-11. This hearing is closed.

B. ACTION REGARDING REVIEW AND APPROVAL OF AN AMENDED WESTERN NEVADA HOME CONSORTIUM INTERLOCAL AGREEMENT WHEREBY LYON COUNTY IS NAMED AS THE LEAD AGENCY AND ADMINISTRATOR FOR THE CONSORTIUM AND OTHER MATTERS RELATED THERETO (2-0640.5) - Mr. Sullivan explained the amendments to the original agreement. All of the consortium members will be asked to approve the agreement. HUD is holding approximately \$500,000 in funds for the Consortium. HUD had thanked the Board for allowing Carson City to complete the plan and reholding the public participation portion. Mayor Masayko thanked Mr. Sullivan and Kathi Lawrence for their efforts. Supervisor Smith explained the Consortium meeting and commended Supervisor Plank for his demeanor during the entire process. Public comments were solicited but none given. Supervisor Smith moved that the Board of Supervisors approve an amended Western Nevada Home Consortium Interlocal Agreement whereby Lyon County is named as Lead Agency and Western Nevada Development District is named

as Administrator for the Consortium and direct the Mayor to sign said agreement. Supervisor Bennett seconded the motion. Motion carried 4-0.

ACTION ON M-97/98-11 - THE CARSON CITY BYPASS PROJECT AND THE CITY'S LAND USE MASTER PLAN (2-0775.5) - Principal Planner Rob Joiner, Nevada Department of Transportation Deputy Director Susan Martinovich - Ms. Martinovich explained the status of the northern leg of the Bypass. UNR is attempting to identify the Wandering Skipper's habitat. Monthly meetings with the Army Corps of Engineers and the U.S. Fish and Wildlife have been occurring. She urged the Board to consider rezoning issues along the Bypass as a normal part of the Board's land use purview, however, at the same time to be cognizant of the accesses/egresses as the final right-of-way needs for cross streets have not been completed. Efforts are being made to keep the project within budget. Mayor Masayko felt that the map was of assistance as it indicates areas of potential conflict. He recommended staff develop a handbook indicating what the current zoning in those areas is so that the Board could be cognizant of any potential problems. He also felt that the map clearly indicated areas where the Bypass will need sound walls or to be depressed. Ms. Martinovich indicated that these social and economical needs were also being considered. Supervisor Bennett pointed out that access/egress areas along freeways become more and more commercialized as time goes on. She suggested that the Board establish the level of commercialization allowable once the design is completed. Mr. Joiner indicated that a similar discussion had occurred during development of the master plan. The zoning had not been changed as the property owner could later say that the Department was denying him/her the ability to develop to the potential established within the master plan. He also explained the attempt to avoid increasing the density along the southern half of the route except in the area where the Bypass and South Carson Street cross. In five to ten years development patterns will be established and zoning districts may need to be changed. Reasons for feeling that this is not a reactive stance were explained. Comments stressed the need to investigate thoroughly any zone change or developments at the interchange sites. Mayor Masayko reiterated his request for a booklet illustrating the zoning within 1200 feet of such interchanges. Mr. Joiner agreed that the staff and Board did not want to add to the "land speculation". Examples were cited to illustrate his feeling that this had not occurred. Mayor Masayko thanked Ms. Martinovich and Mr. Joiner for the presentation and the others who were present on the topic. Ms. Martinovich indicated that a lot of the drainage issues will not be resolved until the butterfly issue is resolved.

BREAK: A lunch recess was declared at 12:50 p.m. When the meeting was reconvened at 1:45 a quorum of the Board was present although Supervisor Plank was absent as previously indicated.

**AGENDA MODIFICATIONS (2-1021.5) -** Mayor Masayko indicated that Contract 9697-243, Item 4. C. vii., would be considered later in the meeting.

#### **13. PERSONNEL DIRECTOR -** Judie Fisher

- A. ORDINANCE FIRST READING ACTION ON AN ORDINANCE AMENDING CCMC 2.18.020 (MEMBERSHIP AND TERM OF OFFICE) ELIMINATING THE REQUIREMENT THAT ONE MEMBER OF THE SHADE TREE COUNCIL BE A MEMBER OF THE CARSON CITY PARKS AND RECREATION COMMISSION AND OTHER MATTERS PROPERLY RELATED THERETO (2-1028.5) Discussion indicated three vacancies on the Council will be filled later in the meeting and the additional vacancy will be filled at the next meeting. Supervisor Bennett moved to introduce on first reading Bill No. 105, AN ORDINANCE AMENDING CCMC 2.18.020 (MEMBERSHIP AND TERM OF OFFICE) ELIMINATING THE REQUIREMENT THAT ONE MEMBER OF THE SHADE TREE COUNCIL BE A MEMBER OF THE CARSON CITY PARKS AND RECREATION COMMISSION AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 4-0.
- **B.** ACTION TO APPOINT THREE MEMBERS TO THE SHADE TREE COUNCIL (2-1095.5) Discussion noted Craig Hartman had agreed to a postponement of his reappointment until the foregoing ordinance is adopted on second reading. All three of the applicants are registered voters. Supervisor Smith moved to appoint to the Shade Tree Council Carol Roberts, Sally Zola, and Cathi Unruh. Supervisor Bennett seconded

the motion. Motion carried 4-0.

- C. ACTION TO APPOINT FOUR MEMBERS TO THE PARKS AND RECREATION COMMISSION (2-1145.5) Ms. Fisher noted Mr. Elverum's letter. Discussion ensued among the Board, Parks and Recreation Director Steve Kastens, and Mr. Lipparelli on Susan Scholley's resignation. Action could not be taken today to fill her vacancy. This vacancy will be agendized for another meeting. Anyone who is not appointed today will be considered for that vacancy along with any other applicants unless he/she declines to be considered. Discussion also noted that both Isabelle Young and Kathy Chandler-Hall had withdrawn their applicants, however, they could be reapply for the fifth vacancy. The Board then interviewed (2-1288.5) William Labadie, (2-1446.5) Glen Martel, (2-1599.5) Jean Bondiett, (2-1789.5) Charles Wright, and (2-1877.5) John Sims.
- (2-3484.5) Discussion ensued on the term lengths. Each Supervisor then listed his/her candidates for those vacancies and sometimes provided reasons for that selection. From this round-robin process the following candidates were selected for four year terms: Charles Wright, John Sims, and Ken Elverum. The second round-robin process selected Glen Martel for the two year term. All of the candidates had indicated a willingness to have the Board consider their applications when making the appointment to the final vacancy. Supervisor Tatro moved that the Board appoint Ken Elverum, Charles Wright, and John Sims to full four year terms on the Parks and Recreation Commission and appoint Glen Martel to serve out the remainder of the partial term. Supervisor Bennett seconded the motion. Motion carried 4-0. Mayor Masayko thanked all of the applicants for applying.

BREAK: (2-2058.5) A five minute recess was declared at 2:35 p.m. A quorum of the Board was present when the meeting was reconvened at 2:40 p.m. although Supervisor Plank was absent as previously indicated.

ACTION ON APPOINTMENT OF ONE PILOT-AT-LARGE D. AND ONE MANUFACTURER TO THE AIRPORT AUTHORITY VACANCIES (2-2062.5) - The Board interviewed Bob Brogan, (2-2338.5) Robert Blank, (2-2420.5) Donn Borden, (2-2655.5) Will Fletcher, and (2-2853.5) David Carrao. Ted Barben had planned to be interviewed, however, did not arrive. The quality, caliber, and number of applicants for the positions were noted. Each Supervisor then listed his top candidate and sometimes provided reasons for that selection. From this round-robin process Don Carrao and Will Fletcher were selected. (2-3451.5) Supervisor Tatro then moved that the Board appoint David Carrao as the Pilot-At-Large for the vacant seat, whose term ends in October 1999, and Will Fletcher to the Manufacturer's opening with a term ending in October of the year 2000. Supervisor Bennett seconded the motion. Motion carried 4-0. Mayor Masayko thanked all of the applicants for applying and expressed the hope that they would be interested in reapplying at a future date.

BREAK: A ten minute recess was declared at 3:45 p.m. A quorum was present when the meeting was reconvened at 3:55 p.m. although Supervisor Plank was absent as previously indicated.

14. CARSON CITY MUNICIPAL GOLF CORPORATION - Chairperson Wes Myers - STATUS REPORT FROM THE CARSON CITY MUNICIPAL GOLF CORPORATION ON MATTERS CONCERNING THE EAGLE VALLEY GOLF COURSES (3-0072.5) - Mr. Berkich introduced Mr. Myers. Chairperson Myers explained the direction provided to the individuals who had been selected to serve on a committee overseeing the golf course. The Corporation's activities since that time including the infrastructure improvements and personnel changes were described. The financial shortage was occurring as the City's Finance Director had predicted. Reasons for increasing the fees were noted. A second public forum is scheduled for Thursday, January 15, in the Sierra Room at 6 p.m. when public comments will be received on the rate structure. The commitment to local golfers was noted and the need for out-of-town players to help maintain the lower local rates was emphasized. Mr. Myers indicated that the General Manager, the Golf Director, and several other Corporation members were also in attendance.

Supervisor Smith then explained his reasons for requesting the status report be agendized. He emphasized that there had been significant improvements at the courses and the dedication and efforts of the Corporation. Its officers served at no compensation in a thankless job which will not win them any popularity contest. He agreed

that there had been many things which the Board had been aware of that needed to be done but that the Board had for one reason or another failed to implement, including pass restrictions. Although he did not wish to micromanage the courses, it was important to include public participation and involvement in the process. He also felt that a majority of the public frustration over the "green sheets" which listed the new rates was the lack of public participation or awareness prior to implementation.

Chairperson Myers felt that the Board's representative John Berkich had kept the Board apprised of the activities and decision to increase the rates. In order for the Corporation to establish its 1998 budget, the rates had to be addressed and its financial commitments fulfilled. Debate could not be allowed. The financial differences between the City operation and Baltimore's were noted. The budget had to be finalized.

Supervisor Smith indicated that he had reviewed the November minutes. He agreed that it was necessary at some point to address the passes and season permits. He agreed that prime time cannot continue to be dominated by these passes/permits, however, he questioned whether the new program had considered other alternatives/options which were somewhere in the middle. He questioned whether the restriction of weekends and holidays had been considered rather the proposal to restrict all local pass holder play to after 1 p.m.; whether it could be phased in; or if drop-in pass play would be allowed if the courses are not in use. His reasons for bringing these suggestions forward was to allow the Corporation time to consider some of the options/alternatives before January 15. He also explained his intent to maintain the commitments which had been made to the local players that communication and cooperation would remain after the Corporation took over. Chairperson Myers emphasized the need for the pass holders to realize that the low rates could not continue. He also indicated that the rates were not cast in cement. Imput would be received and seriously considered, however, the ultimate decision would be to maintain a balanced budget. Without appropriate funding, the course will continue to deteriorate and play will decline.

(3-0505.5) Mayor Masayko expressed his support for the municipal golf corporation concept. It would allow the corporation to operate the courses as a business. Many of the things which had been accomplished were done in a business-like fashion and were a great improvement. He then explained his support for allowing drop-in pass play if all of the prime time play is not filled. He agreed that the fee increases were necessary, however, questioned the wisdom of the "rate shock". The corporation was established to allow for flexibility in the rates as conditions warrant. The local players were also requesting flexibility and reasonable rates. The Corporation had been able to reduce the high overhead and expenses, however, the local, long-time players and customers should not be "run off". Chairperson Myers felt that the City could not have it both ways. He could not meet the demanded \$2.8 million budget. Mayor Masayko pointed out that the budget could be developed statistically in many different fashions and urged the Corporation to incrementally phase the increases. This would avoid the "rate shock" provided by the "green sheets" and the play restrictions. The local players would help the Corporation meet its \$2.8 million goal. He questioned whether the Corporation could be successful without local support.

Supervisor Bennett urged the Corporation to be flexible and understand its role in a customer satisfaction industry. Alienation of 23 percent of the players could be detrimental to the business. Chairperson Myers indicated this was 253 people. Supervisor Bennett indicated that 253 local players are a large voice. She did not wish to dictate to the Corporation. Its accomplishments were significant. The Officers were truly and deeply committed to the courses' success. She, too, urged the Corporation to consider other alternatives such as allowing pass players to play when little prime time play is occurring. Chairperson Myers expressed a willingness to consider this option. Supervisor Bennett then indicated that another alternative is for the City's General Fund to subsidize the courses. Reasons for this suggestion were noted. Mayor Masayko pointed out that 963 punch cards and 253 season passes had been sold to the locals. This is a significant number.

Supervisor Tatro noted that it is necessary to have all of the conditions outlined prior to selling the annual passes. It would be difficult if not impossible to limit the passes once they are sold. His experience with the water and sewer rates had indicated that the public is more willing to accept small incremental rate increases than sticker shock from giant leaps. Another thing he had learned from these experiences is that the public has many good ideas on how to structure those changes which makes the rates more palatable. He urged the Corporation to listen and weigh all of the comments presented during the forum next week. He suggested that the pass holders be given

a special discounted rate during prime time or the pass plus \$3 or \$5. The public, if allowed to provide imput, is more willing to take pride and ownership in the courses. He commended the group on the accomplishments at the courses. These accomplishments had been deferred by the Board for years. These changes had been tough to make. He applauded their efforts. He agreed that many of these things were required to keep the courses open and solvent. Corporation Officer Saddler explained that the last time the season rates had been increased had been three years ago and the time before that had been five or six years ago. The Officers had considered other alternatives in its marketing plan. There will be ways for the pass holders to be able to play during the prime time. Mayor Masayko also commended them on their efforts. Mayor Masayko then explained a surcharge program for pass holders during prime time and a program which would allow local play when space is available. Such rate flexibility could not have been developed by the Board as it must have one rate for all, all the time. Both Mayor Masayko and Officer Saddler noted the benefit of the Baltimore plan had been the ability for the business community to have flexibility in its rate structure and in running the operation. Mayor Masayko also pointed out the Board's oversight responsibility and need to fulfill a commitment to the recreational residents to have reasonable rates and play availability into the distant future. Chairperson Myers pointed out that the rate increase was coming at a time when the play had experienced a 20 percent decrease. Imput would be welcomed so long as the final budget is maintained.

(3-0845.5) Jim Kaplan, Dayton Valley Country Club Golf Professional, commended the Corporation on its efforts. He expressed his feeling that the courses needed a golf professional and that the locals need to recognize the playing time which was being dedicated to their use. Public relation needs should be recognized and worked at every day. The Corporation and Professional should not run the operation based solely upon numbers. Loss of local players will negatively impact the amount of use. Need for the local support was emphasized. The locals wanted their one day a week of play. He volunteered to assist in any way he could.

Eagle Valley Women's Club President Jeri Murphy indicated her club had always used a "wait and see" posture throughout the years. After the last Corporation meeting, this posture was changed to one which is more proactive. The high fee increase has irritated the golf community as a whole. The large unjustified green fee increase should be addressed. The Club was also concerned about the high insurance requirements for privately owned carts. The Club's support for the courses was described. She urged the Corporation to recognize this support by speaking to it before issuing a press release informing all of the drastic rate increase. Another suggestion was to continue to allow the Club one day a week in which the pass could be used. She looked forward to the public formum on the 15th.

(3-0989.5) Franklin J. "Dinty" Moore indicated that he did not represent any of the clubs. Mayor Masayko apologized for his misunderstanding as he thought Mr. Moore had said that he was to speak for the Ladies Club. Mr. Moore expressed his feeling that he had done his homework and should be allowed to pursue his comments with respect as the comments are substantiated reality. He felt that the Board had subordinated its control over the courses by subversive. He questioned the Board knowledge about its act when the corporation was given control over the courses and reasons why the electorate was not allowed to voice its opinion about the transfer. He demanded the Board terminate the corporation's contract based upon its violation of the contract clauses relating to the green fee increases, failure to notify anyone of the proposed rate increases 30 days prior to implementation, and the Board and Corporation's actions toward the public. If neither the Board nor the District Attorney feel that these clauses have been violated, then he petitioned that a "unbiased judicial authority's" opinion be requested about these issues. The Corporation was requested to transfer the courses back to the Board and citizens of Carson City. If the Board and Corporation failed to terminate the contract, then he petitioned the Supervisors to place an appropriate referendum question upon the next ballot. He then voiced his opinion that the golfers and Carson City residents had been intentionally betrayed by the Board as the Corporation had been holding secret meetings with the City Manager. The local players are not considered a part of the marketing plan. He referenced the November 17th Corporation Minutes to support this contention. He reiterated his questions concerning the lack of a 30 day notice for the fee increase. These acts are malfeasance of office. The Corporate officers contempt of the resident golfers is insulting. The City Manager's betrayal was then explained and is supported by his failure to relay information to the Board prior to the news release related to the fee increases. The January 15th public formum meeting is ridiculous and a public relations gimmick which will only benefit the Corporation. He questioned

whether minimal concessions would be granted to appease the public. Prime time must be eliminated.

Supervisor Bennett responded by explaining her tenure on the Board and respect for her fellow Board members. The Board had always acted in the best interest of the City. She voiced her umbrage at his comments indicated malfeasance in office. She indicated that she was open to honest debate on any subject.

Mr. Moore responded by indicating that he had for three years been asking hard questions which were based upon facts and that he had even made charges without the courtesy of a response.

Supervisor Smith responded by expressing his feeling that Mr. Moore does do his homework and that Mr. Moore truly believes what he says. Supervisor Smith, however, felt that, as he had personally discussed with Mr. Moore, there is a gray area in the middle which would have some acceptance with the local golfers and will provide the necessary financial support to maintain the health of the courses with the necessary flexibility and authority required for the Corporation to continue to operate. The citizens should also be allowed to participate in this process. Supervisor Smith agreed that the playing public did not feel that they had any recourse if they did not like the Corporation's decision. He looked forward to working with Mr. Moore and resolving his questions although they were rhetorical in nature. Mr. Moore did not feel that his questions were rhetorical but agreed that they were "hard questions". He then questioned whether the Board would respond to his legal, official petition to put the issue on a referendum ballot. Mr. Lipparelli indicated that the item agendized for consideration by the Board was a status report by the Corporation and that no action could be taken on Mr. Moore's request. Mr. Moore then requested his petition be agendized for Board consideration and action. Mayor Masayko requested he speak to either himself or another Board member after the meeting.

(3-1342.5) Past President of the Eagle Valley Women's Golf Club Lauren Chamberlain indicated that her contact with Chairperson Myers and Golf Superintendent Mike Mageehee had indicated there would not be any changes in the fee structure when the Corporation took over. She had, therefore, supported the transfer. She was very upset over the recent changes. She questioned who would play golf after 1 p.m. in the wind and heat. She urged the Corporation to eliminate prime time and increase the rates. Based on the Club's support it was only fair that they be allowed to play when desired. At the very least the Club should be given one hour a day to play.

Charles Rosenquist had an annual pass and wished to be able to continue to use it as agreed upon when he purchased it. The purposed rate increase for the annual pass was a 67 percent increase. He felt that the contract with the Corporation restricted the rate increase to ten percent without Board approval. Mayor Masayko explained that the increase is in the "aggregate". He felt that the rate was correct within that term. Mr. Rosenquist then explained that annual pass players could not play after 7 a.m. If the course opened at 6 a.m., 24 pass holders could play between 6 and 7 a.m. He was certain that the Corporation would find a big gap in its play between 7 and 9 a.m. as tourists will not be there to play due to late night tourist activities the night before. This lack of play will further deplete the income potential. Previous consideration of the prime time play restriction was described. The pass holders may play more than others but they also spend money in the bar, restaurant, and pro shop. He also explained that pass and punch card players are prohibited from playing when a tournament is being held. He then questioned what would happen when there is frost on the course and a pass or punch card player has a 7 a.m. start time. Does this cut out that player or must the full rate be paid.

Mayor Masayko requested additional comments but none were given. He thanked all for attending and participating. He urged the public to attend the Corporation's meeting on the 15th at 6 p.m.

12. DISTRICT ATTORNEY - Chief Deputy District Attorney Paul Lipparelli - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING TITLE 8 OF THE CARSON CITY MUNICIPAL CODE (PUBLIC PEACE, SAFETY AND MORALS) BY ADDING CHAPTER 8.44 (DOMESTIC VIOLENCE); ADDING SECTION 8.44.010 (DOMESTIC VIOLENCE--DEFINITIONS) DEFINING CERTAIN TERMS; ADDING SECTION 8.44.020 (DOMESTIC VIOLENCE--PENALTIES) PROVIDING FOR THE PENALTIES FOR VIOLATIONS OF THE CHAPTER; AND OTHER

MATTERS PROPERLY RELATED THERETO (3-1522.5) - Discussion indicated the ordinance will allow the City to collect the revenue rather than the State. The ordinance is the same as State's statute. Comments also indicated that other ordinances need to be adopted for the same reason. Mr. Lipparelli explained the new feature to the law, i.e., domestic battery performed on a person with whom the individual is dating. Supervisor Tatro moved that the Board introduce on first reading Bill No. 106, AN ORDINANCE AMENDING TITLE 8 OF THE CARSON CITY MUNICIPAL CODE (PUBLIC PEACE, SAFETY AND MORALS) BY ADDING CHAPTER 8.44 (DOMESTIC VIOLENCE); ADDING SECTION 8.44.010 (DOMESTIC VIOLENCE--DEFINITIONS) DEFINING CERTAIN TERMS; ADDING SECTION 8.44.020 (DOMESTIC VIOLENCE--PENALTIES) PROVIDING FOR THE PENALTIES FOR VIOLATIONS OF THE CHAPTER; AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 4-0.

- **15.** CITY MANAGER - John Berkich - STATUS REPORT ON THE SIERRA FAMILY HEALTH **CENTER** (3-1658.5) - Sierra Family Health Center Executive Director Ken McBain - Discussion between Mr. Berkich and the Board explained the recommendation that the facility be established at either the City's Northgate Complex or the buildings which Mr. Johnson owns on Northgate. Mr. McBain apologized to the Board for the tenor of the news article which had appeared in today's Nevada Appeal. He then presented another alternative to those under discussion. It would have the City provide \$75,000 for the Center to rent the Carson Convalescent Center. The Center did not consider acquiring a building on its own to be a viable option. He urged the Board to live up to its commitment and provide a facility. He gave the Board and Clerk a copy of a memo on the rent option and a letter of support from the Carson-Tahoe Hospital. He displayed a letter of support from the Bureau of Primary Health Care, Public Health Service, San Francisco, expressing its concern that the City is not living up to its commitment as well as of his Board's September 1995 Minutes wherein Mr. Berkich's commitments were delineated. Discussion between Mr. McBain and the Board explained the reasons his agency did not wish to take on the debt. Supervisor Bennett explained the Hospital's support for the program. Mr. Berkich explained the City's commitment to obtain a CDBG grant of \$140,000 and the City's funding for the Center. This program leveraged City in-kind services with other resources rather than using General Fund revenue. Mr. McBain then questioned the reasons a lease for a building at the former Children's Home site which Child and Family Services (CFS) Administrator Ken Patterson had accepted but had never been finalized. Mr. Berkich explained that Mr. Patterson's actions are overseen and approved by both the State Lands and the Board of Examiners. Action at this level on the agreement was delayed until the CFS Department withdrew the offer. Supervisor Bennett reiterated her support for the Health Center and urged the Board to consider a joint venture with the Hospital for funding a facility. She volunteered to take the issue to the Hospital Board. Mayor Masayko directed Mr. Berkich to work in this vein and bring the proposal back at the next meeting. Mr. Berkich felt that a concept could be developed by that date although the final documents may be still be in the drafting process. Mr. McBain explained the financial commitment the City had made previously and is required from all of the other counties. He emphasized that his request from Carson City is not unique based on the commitments provided by the other counties. Board comments indicated that an effort is underway to develop a positive solution. Either a status report or an action item were to be agendized for the next meeting.
- 4. C. vii. (3-2105.5) Mr. Lipparelli explained the State's request for the Board to act on Contract 9798-152 today in order to maintain the current schedule. Purchasing Director Iratcabal had informed Mr. Lipparelli that there had not been any protests or inquiries about the bids or bid process. He also believed that at 9 a.m. noone in the audience was present on this item. He recommended the Board proceed with accepting Purchasing's recommendation and approve awarding the bid. Supervisor Smith moved that the Board of Supervisors accept the Purchasing Department's recommendation and award Contract No. 9798-152 to Bidder No. 17, V&C Construction, Inc., P. O. Box 1269, Minden, Nevada 89423, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$90,709 and a contingency amount of \$4,535.45; budget allocation is \$108,500, and the funding source is the Miscellaneous Storm Drain Improvement Account as provided for in the 97-98 budget. Supervisors Tatro and Bennett seconded the motion. Motion carried 4-0.

OTHER MATTERS (3-2192.5) - Mr. Lipparelli and Supervisor Tatro exchanged a friendly wager on their favorite

football teams and the Saturday game.

Supervisor Bennett moved to adjourn. Mayor Masayko seconded the motion. Motion carried unanimously and Mayor Masayko adjourned the meeting at 5:55 p.m.

The Minutes of the January 8, 1998, Carson City Board of Supervisors meeting		
1998.	ARE SO APPROVED ONApril_2	_
_/s/	Ray Masayko, Mayor	
ATTEST:		
_/s/ Alan Glover, Clerk-Recorder		