

CARSON CITY BOARD OF SUPERVISORS  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, November 18, 2004, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor
	Pete Livermore	Supervisor, Ward 3
	Shelly Aldean	Supervisor, Ward 2

STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Mark Forsberg	Chief Deputy District Attorney
	Katherine McLaughlin	Recording Secretary

(B.O.S. 11/18/04 Tape 1-0010)

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. A quorum was present although Supervisors Williamson and Staub were absent. Rev. Ken Haskins of the First Christian Church complimented Mayor Masayko on his service to the community, wished him success in his future ventures, and gave the Invocation. Mayor Masayko led the Pledge of Allegiance. (Tape 1 failed.)

**CITIZEN COMMENTS (2-0025)** - None.

**1. ACTION ON APPROVAL OF MINUTES (2-0030)** - None.

**2. AGENDA MODIFICATIONS (2-0032)** - Item 6, regarding the acquisition of the Horse Creek Ranch, was continued to December 2 as Mr. Fagan, the seller, was unable to attend today's meeting. Item 8 was pulled due to the need to have a super majority vote on bond issues. It will be considered on December 2, also.

**4. CONSENT AGENDA (2-0057)**

**4-1. DEVELOPMENT SERVICES**

**A. ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THIS RELEASE OF FINAL PAYMENT ON THE CEMETERY SHOP FOR LONE MOUNTAIN CEMETERY, CONTRACT NO. 2003-075, AS SUBMITTED BY DEVELOPMENT SERVICES TO JOHN ERLE DANIELS CONSTRUCTION, NO. 7 RAGLAN CIRCLE, CARSON CITY, NV 89701, FOR A FINAL PAYMENT AMOUNT OF \$7,163 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED**

**B. ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THIS**

**RELEASE OF FINAL PAYMENT ON 2004 PRODUCTION WELL INSTALLATION PROJECT, CONTRACT NO. 2003-069, AS SUBMITTED BY DEVELOPMENT SERVICES TO ZIM INDUSTRIES, INC., 4545 E. LINCOLN AVENUE, FRESNO, CA 93725, FOR A FINAL PAYMENT AMOUNT OF \$554,157.90 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED**

**C. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND ACCEPT THE CONTRACT ISSUED BY DEVELOPMENT SERVICES FOR THE WATERFALL FIRE - EMERGENCY VICEE BASIN EXPANSION - PHASE 1 (TASK ORDER) PROJECT, CONTRACT NO. 2004-054, TO LYN MARIE TRUCKING, INC., 43 CASH DRIVE, CARSON CITY, NV 89706, FOR AN ORIGINAL TASK ORDER CONTRACT AMOUNT OF \$200,000 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR UP TO \$88,000**

**D. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION TO NAME ENERGY NEVADA, LLC, 1805 NORTH CARSON STREET #417, CARSON CITY, NV 89701, AS THE CITY'S "QUALIFIED SERVICE COMPANY" PURSUANT TO NRS 332.330 THROUGH NRS 332.440, "PERFORMANCE CONTRACT FOR OPERATING COST-SAVINGS MEASURERS" TO REPLACE EXISTING BALLFIELD LIGHTING AT GOVERNOR'S FIELD AND CONVERT GREEN TRAFFIC SIGNAL LIGHTS TO LIGHT EMITTING DIODE TECHNOLOGY, CONTRACT NO. 2004-055 AND AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT UPON COMPLETION OF A SATISFACTORY FINANCIAL GRADE OPERATIONAL AUDIT AND UPON SATISFACTORY REVIEW BY A THIRD PARTY CONSULTANT PURSUANT TO NRS 332.360 FOR \$1,051,300 WITH THE AUTHORITY TO ISSUE AMENDMENTS FOR UP TO \$105,130** - Supervisor Aldean pulled Item 4-1-D for discussion. Supervisor Livermore moved to approve the three remaining items on the Consent Agenda from Development Services as presented. Supervisor Aldean seconded the motion. Motion carried 3-0.

**4-1-D. (2-0080)** - Supervisor Aldean congratulated Mr. Tabor and acknowledged that this is the first contract under their energy saving agreement. Energy Nevada Chief Executive Officer Steve Tabor explained that the Governors Field's lighting system needs to be upgraded to create an "apples to apples" comparison before a cost savings analysis can be performed. Under this scenario there will be a substantial operating cost savings. His firm is analyzing the other ballfields and lighting systems. He believed that the study will find enough savings to pay for a substantial amount of the upgrade. Other energy saving mechanisms are being considered. The scope of the contract provides measurement standards which will be developed to show the amount of funds that are being saved. Additional comments were solicited but none were given. Supervisor Livermore disclosed that he is the Chairperson of the Youth Sports Association and noted its operating agreement with the City for its programs that utilize Governors Field. He does not receive any compensation for his service. He receives a lot of personal pleasure from dealing with young people and children and making something available for the community's youth. Supervisor Aldean moved to accept Development Services recommendation to name Energy Nevada, LLC, 1805 North Carson Street #417, Carson City, NV 89701, as the City's "Qualified Service Company" pursuant to NRS 332.330 through NRS 332.440, "Performance Contract for Operating Cost Savings Measurers" to Replace Existing Ballfield Lighting at Governors Field and Convert Green Traffic Signal Lights to Light Emitting Diode Technology, Contract No. 2004-055, and authorize staff to enter into an agreement upon completion of a satisfactory financial grade operational audit and upon satisfactory review by a third party consultant pursuant to NRS 332.360 for \$1,051,300 with the authority to issue amendments for up to \$105,130; fiscal impact is \$1,129,020 from the General Fund which

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includes principal and contingency and \$27,390 from the Street Maintenance Account for a total of \$1,156,430. Supervisor Livermore seconded the motion. Motion carried 3-0.

**3. BOARD OF SUPERVISORS - NON-ACTION ITEMS**

**A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0168) -**

Supervisor Livermore reported on his hunting trip. Photographs were shown to the other Board members. He then reported on his Veterans Day activities. He complimented Cemetery Sexton David Stultz, Mayor Masayko, and the other participants on the ceremony dedicating the Civil War Memorial. His pride in seeing the memorial returned was stressed. He urged the public to visit the cemetery and see the rehabilitation work that had occurred. He then reported on his tour of the Eagle Creek Detention Park with Parks and Recreation Director Moellendorf and Parks Planner Krahn; his meetings on the homeless and mental health issues; an economic update provided by Redevelopment/Economic Development Director McCarthy and Redevelopment/Supervisor Williamson; Youth Sports Association's strategic planning effort; an economic development meeting; and a luncheon meeting on the *Nevada Appeal's* new format and contents. He complimented Clerk-Recorder Glover on a well run election and the community on its high turnout. Mayor Masayko reported on his attendance at the Convention and Visitors Bureau meeting including a detailed report on its tourist survey which indicated between 15 and 20 percent of the tourists fly into Reno before coming to Carson City and the Bureau's decision to rent space for a booth at the Reno-Tahoe Airport; Governor Guinn's industry appreciation event; his Veterans Day activities; and the Board meeting to canvass the vote. He announced that he had contacted State Historic Preservation Administrator Ron James regarding the possibility of nominating the Civil War Memorial for placement in the National Register of Historical Statutes. He thanked the Board for the funding the Memorial's refurbishing and stressed the need to be proud of the statute. Mayor Masayko and Supervisor Aldean complimented Mr. Glover and his staff on the election. Supervisor Aldean reported on her attendance at meetings with: Mary Walker, Supervisor Williamson, and City Manager Ritter regarding potential redevelopment purchases within the Redevelopment District; Supervisor Staub regarding funding potentials for the gateways; the auto mall work group; RTC; the Highway 50 gateway site; her Veterans Day activities; mental health issues; TRPA; and wished everyone a happy Thanksgiving. No formal action was required or taken.

**B. STAFF COMMENTS AND STATUS REPORT (2-0611) - None.**

**6. PARKS AND RECREATION - ACTION TO MAKE AN OFFER TO PURCHASE APPROXIMATELY 379.5 ACRES FEE TITLE, AND AN OPTION TO PURCHASE A CONSERVATION EASEMENT ON APPROXIMATELY 200 ACRES OF THE HORSE CREEK RANCH, LOCATED AT KINGS CANYON ROAD, APPROXIMATELY 2 MILES WEST OF THE PAVED TERMINUS, AND CONSISTING OF APN'S 7-051-01, 7-051-11, AND 7-031-22 (2-0032) (2-0612) (2-0814) -** Continued to the December 2 meeting.

**5. REDEVELOPMENT/ECONOMIC DEVELOPMENT MANAGER - Joe McCarthy - PRESENTATION BY EXECUTIVE DIRECTOR GARY LYON ON THE ACTIVITIES OF THE COMMUNITY BUSINESS RESOURCE CENTER (2-0622) -** Pamphlets were distributed to the Board and Clerk. (Copies are included in the file.) Mr. Lyon explained his public service responsibilities and the "Buy Nevada Program". He urged Carson City to join the Center. Examples of local businesses who are connected to his

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program were cited. A "Buy Nevada Showroom" will be located in Carson City. Its purpose was limned. The Nevada business support network was explained including its goal to increase sales. He then explained the retired executives' mentor program for startup businesses. Mayor Masayko complimented him on his approach and the organization's outreach programs. Public comments were solicited but none were given. No formal action was taken or required.

**7. DEVELOPMENT SERVICES**

**A. ACTION TO ADOPT A RESOLUTION, REVISING RESOLUTION 1995-R-31, PROVIDING FOR (1) THE WAIVING OF SEWER CONNECTION AND PERMIT FEES FOR DESIGNATED AREAS WITHIN NEW EMPIRE AND SOUTHEAST CARSON CITY DUE TO THE CONTAMINATION OF GROUNDWATER; AND, (2) THE SETTING OF THE MAXIMUM SEWER LATERAL REIMBURSEMENT THAT A HOMEOWNER WOULD PAY THE CITY AT \$750.00 (2-0818)** - City Engineer Larry Werner - Discussion pointed out that there are people in the contaminated ground water basin area who failed to take advantage of the connection incentive programs. The sewer lines are extended into new areas every year. The deadline for taking advantage of the incentive program commences when the notices are sent to the residents in the "new areas". The incentives were limned. Supervisor Livermore thanked Mr. Werner for expanding the program and using it in the southeastern portion of the City. Mr. Werner indicated that there are four or five phases remaining in that portion of the City. The location of the current phase was described. Supervisor Livermore complimented staff for working to get people whose septic systems have failed onto the utility service. Mr. Werner explained the reason staff tries to get them to connect rather than install a new septic system. Mayor Masayko stressed the need to get information out to the public that they should connect before a failure occurs and, specifically, before the three year connection incentive deadline passes. Mr. Werner described the notification process. Mayor Masayko pointed out the need for the property owner, rather than the tenant, and, specifically, for new property owners to be informed about the service and incentives. Supervisor Livermore explained that the property values increase when the property is connected to the utility service. He also indicated that, as a member of the Subconservancy District, he is aware of the septic system problems that are being found throughout the State and believes that the State will close the ability to have septic systems in the future. He also pointed out that the utility is reducing the contamination of the ground water table. The contaminates were limned. Additional comments were solicited but none were given. Mr. Werner indicated that the proposed fees are the same as they were for previous programs. The Resolution increases the portion the Utility absorbs due to the recent increase in rates. Supervisor Livermore moved to adopt Resolution No. 2004-R-36, (a Resolution) REVISING RESOLUTION 1995-R-31, PROVIDING FOR (1) THE WAIVING OF SEWER CONNECTION AND PERMIT FEES FOR DESIGNATED AREAS WITHIN NEW EMPIRE AND SOUTHEAST CARSON CITY DUE TO THE CONTAMINATION OF GROUNDWATER; AND, (2) THE SETTING OF THE MAXIMUM SEWER LATERAL REIMBURSEMENT THAT A HOMEOWNER WOULD PAY THE CITY AT \$750.00 and the fiscal impact is a waiver of an additional \$3,551 for each mandated sewer connection during the first 24 months after notification. Supervisor Aldean seconded the motion. Motion carried 3-0.

**B. PRESENTATION, DISCUSSION AND PUBLIC COMMENT TO UPDATE THE MAYOR AND BOARD OF SUPERVISORS ON ACTIVITIES RELATED TO "ENVISION CARSON CITY," THE UPDATE OF THE CARSON CITY MASTER PLAN AND THE PARKS, RECREATION AND TRAILS PLAN (2-0949)** - Community Development Director Walter Sullivan, Parks

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Planner Vern Krahn - Mr. Sullivan thanked the Board for attending the workshops. A joint meeting with the Planning Commission is scheduled for January 6. He urged the Board to look at the comments which were obtained at the workshops. Copies are included in the packet. The range in the comments were noted. Public comments were solicited but none were given.

Mr. Krahn reported on his focus workshops. The Parks and Recreation Commission will meet with the consultants on January 5. The purpose of the meeting was limned. He committed to providing a report to the Board at its January 6 meeting. He then explained the consultant's belief that the City has more than the national average of regional parks and sports facilities. The Consultant purportedly felt that the City is lacking in neighborhood parks. The Silver Oak area is allegedly the only area that has indicated a desire to have a neighborhood park. The other areas want trails and regional parks. Justification for having another regional park and another sports facility were provided. Mr. Krahn then described the trails workshops and the community's desire to have connectivity between parks, open space areas, and trails. The various users, including equestrian, off road vehicle users, etc., are committed to working together and getting along. He hoped that this commitment materializes when they begin developing the trails and their uses. Clarification indicated that the designation of the eastern portal is missing the word "commercial".

Supervisor Livermore pointed out the commitment and effort that the public and staff had undertaken to develop a comprehensive master plan. He also indicated that completion of all of the proposed programs and/or plans will take lots of money. He believed that it will be possible to accomplish the major points. He complimented staff and the consultants on their efforts. Mr. Sullivan thanked him for his remarks. He indicated that all of the alternatives will be considered. Additional public input will be sought. Staff and the consultant will develop a "big picture" and narrow the input to provide a future road map for the community. He thanked Mr. Krahn and Mr. Plemel for coordinating the meetings, staff for its efforts, and the public for participating. Mayor Masayko concurred and indicated that all of the comments will be considered. He urged the public to continue to participate until the final product is developed. He agreed with Supervisor Livermore that it may not be possible to do all of the recommended programs/plans, but felt certain that those that can reasonably be done, will be done. All of the comments will be taken seriously. Additional public comments were solicited but none were given. Mayor Masayko stressed that the master plan is not yet finished. Staff has more work to do. He recognized their dedication and efforts on the project. Mr. Sullivan and Mr. Krahn explained that the web can be used to submit comments to staff and the consultants. Access to the master plan is possible from the City's website. No formal action was taken or required.

**C. (FILE TSM-04-168) ACTION TO APPROVE A TENTATIVE SUBDIVISION MAP APPLICATION FROM TRI-STATE SURVEYING (PROPERTY OWNER: BAUER, HERMAN AND EMMY) TO ALLOW THE CREATION OF INDUSTRIAL CONDOMINIUM LOTS (12 LOTS RANGING FROM 2,425 SQUARE FEET TO 2,500 SQUARE FEET AND ONE 65,579 SQUARE FEET COMMON AREA LOT) TOTALING 13 LOTS, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED AT 5225 GRUMMAN DRIVE, APN 008-816-65 (2-1265) -** Community Development Director Walter Sullivan, Senior Planner Jennifer Pruitt - Discussion explained that the concept allows the business proprietor to own his unit. The concept has all of the proprietors under one roof. The building is currently under construction. The Code requires a 50 foot setback between the structure and the northern boundary. The developer is intends to have a 65 foot setback for this area with screened fencing and landscaping. The property to the north has an additional setback on it which will further mitigate the

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friction zone between industrial and residential uses. Ms. Pruitt explained the construction access note. The final map for the project allows the property to the north to have a utility easement along that property line. The construction access is to facilitate the construction of the industrial lot. Ms. Pruitt explained how she learned of the construction access easement. The original map clearly indicated that it is a utility easement. She was uncertain when or how the terminology changed and has been attempting to find out from GIS where it came from. Supervisor Livermore explained that this kind of project may be used by the Hospital in developing its property. His support for the concept was limited. He also expressed his belief that as the City begins to develop vertically more developments of this nature will occur. Mayor Masayko indicated for the record that the project is limited industrial and all of the restrictions on what can occur inside the condo areas are limited to the primary permitted uses that are for limited industrial. Anyone wishing to do anything beyond that is going to have to, as a minimum, go elsewhere, obtain a variance, special use permit, or change in zoning at the Board level. This process will give special notice to everyone in the surrounding area that there will be a more intense use. LI is the lowest intensity industrial use allowed. Mr. Sullivan concurred and indicated that it is the most restrictive uses in that zone. Mayor Masayko noted that both Tri-State Surveying Representative and the applicants are presented. They were invited to speak did not wish to make any comments. Public comments were solicited but none were given. Supervisor Aldean moved to approve a Tentative Subdivision Map application, File No. TSM-04-168, from Tri-State Surveying, property owners: Bauer, Herman and Emmy, to allow the creation of industrial condominium lots, 12 lots ranging from 2,425 square feet to 2,500 square feet and one 65,579 square feet common area lot, totaling 13 lots, on property zoned Limited Industrial, located at 5225 Grumman Drive, APN 008-816-65. Supervisor Livermore seconded the motion. Motion carried 3-0.

**D. FILE ZCA-04-109) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE (CCMC) BY MODIFYING CCMC SECTION 18.05.030 (1)(B) AND ADDING A NEW SECTION, TEMPORARY OCCUPANCY IN A RECREATIONAL VEHICLE WHILE CARING FOR THE INFIRM (1-1448)** - Community Development Director Walter Sullivan, Chief Deputy District Attorney Mark Forsberg, Elaine Shields, Mr. Shields - Mayor Masayko disclosed that he had several discussions with people who need this type of care and individuals who are neighbors of individuals needing this type of care. They have their opinions about the proposal. He had discussed his opinions with them. Supervisor Aldean disclosed that she had been contacted by individuals who were concerned about the impact to adjacent properties. Supervisor Livermore disclosed that he had been contacted by people who will be impacted. Discussion explained that the Planning Commission's version of the ordinance would restrict the use to two years. The lot size to allow the use to occur must be a minimum of 12,000 square feet. The caveats to the restriction for the SF6 and MH6 zones are that there be a 20-foot rear yard setback rather than the current 10-foot rear yard setback, a variance be obtained, and that none of the existing neighbors object. Supervisor Aldean expressed her belief that the use should not be discontinued after two years particularly when dealing with a life ending or debilitating illness. An annual review was felt to be a reasonable requirement and should require verification of the illness. There are reasonable safe guards in the ordinance to prevent abuses. The use has occurred previously without any consternation for the neighbors and provided an alternative for individuals. Her research on the internet discovered an article from the U. S. Dept. of Health and Human Services that indicates that "approximately 3/4 of the functionally impaired elderly", noting that the ordinance is not restricted to merely elderly persons, "persons living in a community nationwide need to rely exclusively on informal care and/or care provided voluntarily by immediate family members. By the year 2020 this community dwelling group is expected to

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grow to 2.6 million, which is nearly twice the size of the group that will be occupying nursing homes. A recent study by the National Council on Aging indicates that in the year 2000 the nation spent \$123,000,000,000 on long term care for those aged 65 and older.” The proposed concept provides fiscal benefits for the City and allows family members to take care of their infirmed at home in a more informal setting rather than their becoming wards of the City or State.

Mr. Sullivan then explained the rationale used by the Planning Commission to support a two year limit on the use. Mayor Masayko pointed out that the Board could add or revise the ordinance, if desired. He stressed that the discussion to revise the ordinance is not an indication of a power struggle between the Board and Commission. He then expressed his belief that the use should be temporary and be verified annually. A time period should not restrict the use.

Mr. Forsberg expressed his concern that supporters of the restriction may not be in attendance at the meeting and/or be unaware of the proposed change. Mayor Masayko pointed out that the second reading of the ordinance could be delayed for 30 days and allow the Planning Commission to reconsider the issue. Mr. Sullivan explained that the Commission’s next meeting is on December 15, the day before the Board’s meeting. Mayor Masayko indicated a desire to send a positive message to the Commission. He also pointed out that the matter has been in the works for 18 months and that it is time for a resolution.

Supervisor Livermore explained his original concerns with the concept and his comfort with the setback requirements provided. He then questioned how the health issues would be handled, specifically, the gray water issues. He voiced his opposition to allowing the RV’s generator to be operated. They should be prohibited from being operated and “disturbing” the neighbors. Mr. Sullivan acknowledged his point and explained that the ordinance included a requirement mandating that the unit be connected to utilities. The water and electrical connections are easy to do. The gas should be propane as running a gas line is difficult and expensive. Supervisor Livermore felt that the propane service should be provided during set hours and times. Mr. Sullivan then explained that the sewer line would be an accessory line to the City sewer system and is the preferred service of choice. It would also be possible to have the unit serviced with weekly or monthly pumping on a temporary basis. Supervisor Livermore indicated that he had provided Mr. Sullivan with information regarding the Hospital’s construction trailers and their use of large capacity holding tanks that are “buried in the top of the ground”. A company services the holding tanks on a regular basis. Mr. Sullivan agreed that this is an option. Both noted that this service entails an expense. Mr. Sullivan indicated that the applicant will determine the process for handling gray and black waters. Supervisor Livermore indicated that he was willing to trust the staff to make a determination as to what service levels are appropriate. Mr. Sullivan indicated that the ordinance included performance standards which the applicant must meet. Mayor Masayko felt that the process is flexible and will be handled the same as a special use permit with conditions of approval and a determination as to the type of hookups that will be allowed. This process will allow everyone to know the conditions under which the use is allowed. Failure to meet the conditions will be grounds to terminate the permit. He questioned the amount of detail that should be in the ordinance. Public comments were solicited.

Ms. Shields explained that her trailer had been on her mother’s property for six years. They do not use the “facilities” in the trailer. All of the cooking is done in the house. The “facilities” in the house are used. The trailer provides private sleeping quarters and a location to watch movies without bothering her mother, who

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lives in the house. The road to the house is private. The trailer is not visible to the public with the exception of the complainant's home. The trailer had cost "quite a bit of money". It is not an eyesore. The City has eyesores that are worse than her trailer. She did not feel that it should be necessary to provide a sewer hookup as it is an unneeded expense. Her reasons for not using the black and gray water holding tanks in the trailer were explained. She also felt that she did not have time to watch what her neighbor does due to her mother and husband's health conditions and trying to care for the home. She believed that she had the right to use the trailer as sleeping quarters. Mayor Masayko explained that the issues she had raised are not what the Board was discussing. The Board is responsible for establishing general policies for the entire City. If Ms. Shield obtains a permit, she will be abiding by that policy. It is possible to verify that the holding tanks are not used. The policy contains a prohibition against permanent connections and generator usage. The need to have reasonable requirements and flexibility in them was explained. The policy will allow consideration of each case based on its circumstances. If the neighbors oppose the request, she could appeal to the Board. Public opposition would be just cause for the Board to deny the application. Supervisor Livermore explained the need for the conditions/requirements to be spelled out so that if there is a violation, the permit can be pulled. Ms. Shields indicated that she understood. She then questioned the need for annual reviews. She felt that it was establishing a date for her mother to die. Mayor Masayko explained that this was the reason the Board was asking the Commission to conduct a public hearing on the matter. The annual checkup by a physician provides reasonable control over the usage. Ms. Shields explained her mother's dislike for having an annual physical to prove that her medical condition exists. Mayor Masayko indicated that he understood her argument. The ordinance is a general policy and ask that she abide by it. The policy will allow everyone to have an opportunity to provide care for an infirm individual under specific conditions. Ms. Shields asked the Board to visit the site and see how well cared for her trailer is.

Mr. Shields alleged that Compliance Officer Biddle had stated that the neighbor had not filed a complaint. Mayor Masayko asked that Mr. Shields allow his wife to complete her testimony. He would then allow Mr. Shields to testify. Supervisor Aldean noted that it is a very emotional issue. People are working on behalf of the Shields and other individuals in similar circumstances in the community. The Board and members of the staff should not be taken to task. The incident is both unfortunate and inappropriate. The Board must consider the broad implications of the policy and attempt to eliminate the potential for abuse to occur. She was competent that the Shields will continue to maintain their property in immaculate condition and do their best to not interfere with the rights of their neighbors. This, however, is not always the case. There are other people who will attempt to abuse the privileges. The Board has to do what is in the best interest of the public-at-large. She hoped that Mr. and Mrs. Shields can understand this. Ms. Shields indicated that her husband did not feel well. Additional public comments were solicited but none were given.

Mayor Masayko recommended that the Board proceed with the first reading of the ordinance. The ordinance should be returned to the Commission regarding the two year limit. Mr. Sullivan indicated that if the ordinance is introduced on first reading today, the Board must consider it for second reading on December 16. The ordinance could not be delayed until January 6 as it is beyond the 45 day limitation between readings. The Commission will be meeting on December 15.

Supervisor Aldean moved to introduce on first reading Bill No. 119, File ZCA-04-109, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE BY MODIFYING CCMC SECTION 18.05.030.1.b AND ADDING A NEW SECTION, TEMPORARY OCCUPANCY IN A RECREATIONAL VEHICLE

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WHILE CARING FOR THE INFIRM subject to the following amendments: Under Section 1.c.2., the third line of the last paragraph, the words “for up to one single year” will be removed; in Paragraph 5 at the end of that sentence, the following language will be added: “No generators will be allowed.”; and in Paragraph 11, Paragraph 1.c.11., the last paragraph fourth line, the following language will be removed “for up to one single additional year”, and that these minutes will be reviewed at the next meeting of the Planning Commission. Supervisor Livermore seconded the motion. Motion carried 3-0.

**E. FILE ZCA-04-128 - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING DEVELOPMENT STANDARDS DIVISION 1, LAND USE AND SITE DESIGN SECTION 1.14 CORNICES AND UNCOVERED PORCHES FOR MODIFICATIONS TO THE SETBACK REQUIREMENTS FOR CORNICES UNCOVERED PORCHES, UNENCLOSED COVERED PORCHES AND DIVISION 1 RESIDENTIAL DISTRICT INTENSITY AND DIMENSION STANDARDS (SETBACK TABLE) FOR CLERICAL ERRORS INCLUDING CORRECTION OF FOOTNOTES TO DELETE REDUNDANT PARENTHESES AND SPELLING OUT OF NUMBERS AND CORRECT FOOTNOTE 3 TO DELETE SUBJECT TO THE LATEST ADOPTED EDITION OF THE UNIFORM BUILDING CODE AND ADD CONNECTED BY A PARAPET FIRE WALL, CCMC SECTIONS REFERENCED BELOW FOR CLERICAL ERRORS, DELETION OF REDUNDANT PARENTHESES, SPELLING OUT OF NUMBERS, AND DELETION OF ALL REFERENCES TO UNIFORM BUILDING CODE AND REPLACEMENT WITH CODE CURRENTLY ADOPTED BY CARSON CITY, CCMC 18.03 DEFINITIONS RELATED TO DELETION, ADDITION AND CORRECTION OF DEFINITIONS, TITLE 18.04 USE DISTRICTS FOR CHANGES RELATED TO RESIDENTIAL AND RESIDENTIAL COMMERCIAL AND MUNICIPAL WELL USES INCLUDING 18.04.055 SINGLE FAMILY ONE ACRE, TO ADD MUNICIPAL WELL FACILITY AS A CONDITIONAL USE, 18.04.100 MULTI-FAMILY DUPLEX TO ADD THE WORD DWELLING AFTER TWO-FAMILY IN PRIMARY PERMITTED USES, AND DELETE MULTI-FAMILY DWELLING (MIXED USE) AS A PRIMARY PERMITTED USE, 18.04.105 MULTI-FAMILY APARTMENTS TO ADD SINGLE FAMILY AND TWO-FAMILY DWELLING AS PRIMARY PERMITTED USES AND ADD ACCESSORY STRUCTURE AS AN ACCESSORY PERMITTED USE, TO DELETE AS CONDITIONAL USES BOARDING AND ROOMING HOUSE, SENIOR CITIZEN HOME/CONGREGATE CARE HOUSING, SINGLE FAMILY DWELLING, AND TWO-FAMILY AND MULTI-FAMILY DWELLING UNIT, 18.04.110 RESIDENTIAL OFFICE TO DELETE AS A CONDITIONAL USE BOARDING AND ROOMING HOUSE, 18.04.115 GENERAL OFFICE TO ADD AS PRIMARY PERMITTED USES MULTI-FAMILY DWELLING, SINGLE FAMILY DWELLING AND TWO-FAMILY DWELLING AND TO DELETE AS CONDITIONAL USES BOARDING AND ROOMING HOUSE, SENIOR CITIZEN HOME/CONGREGATE CARE HOUSING, SINGLE FAMILY, TWO-FAMILY AND MULTI-FAMILY DWELLING, AND TWO FAMILY AND MULTI-FAMILY DWELLING (MIXED USE), 18.04.190 RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS (SETBACK TABLE) FOR CLERICAL ERRORS INCLUDING CORRECTION OF FOOTNOTE 3 TO DELETE SUBJECT TO THE LATEST ADOPTED EDITION OF THE UNIFORM BUILDING CODE AND ADD CONNECTED BY A PARAPET FIRE WALL, 18.05 GENERAL PROVISIONS, INCLUDING 18.05.035 WATCHMAN’S QUARTERS TO DELETE INCLUDED IN THE MAIN STRUCTURE, DELETE MAY AND ADD SHALL BE NO PAYMENT OF RENT, CORRECT NUMBERING ORDER AND ADD MAY BE A MANUFACTURED HOME OR A SITE CONSTRUCTED HOME,**

**BUT NOT A RECREATIONAL VEHICLE, 18.05.045 HOME OCCUPATION TO DELETE FROM PROHIBITED USES REAL ESTATE, LEGAL, OFFICES AND TO ADD TO PROHIBITED USES REAL ESTATE AND LAW OFFICES, DELETE LESS SEEING-EYE OR HEARING DOGS AND ADD FEWER SERVICE ANIMALS, DELETE "AND" TO ADD "OR" SIMILAR USES, ADD HOME OCCUPATION LIMITATION OF CLIENTS AT THE HOME ADDRESS WITH THE EXCEPTION OF FEDERALLY LICENSED GUN DEALERS, 18.05.050 ACCESSORY FARM STRUCTURES TO DELETE ZONING DISTRICT SF21 AND ADD ZONING DISTRICT SF5A, 18.05.055 ACCESSORY STRUCTURES TO MODIFY LANGUAGE FOR CLARITY, DELETE INFORMATION REVIEWED BY OTHER DEPARTMENTS AND ADD ACCESSORY STRUCTURE LANGUAGE PREVIOUSLY CONTAINED IN 18.03 DEFINITIONS, 18.06.020 HISTORIC RESOURCES COMMISSION (HRC), 18.06.025 QUALIFICATIONS OF MEMBERSHIP TO ADD NOT MORE THAN TWO MEMBERS SHALL BE A PROFESSIONAL IN THE FIELD OF HISTORIC PRESERVATION, AND DELETE THE TITLE REDEVELOPMENT MANAGER AND ADD THE TITLE DIRECTOR, 18.07 DOWNTOWN BUSINESS DISTRICT TO DELETE THE TITLE REDEVELOPMENT MANAGER AND ADD THE TITLE DIRECTOR, AND DELETE TAPES MUST BE MADE AVAILABLE AND ADD TAPES ARE AVAILABLE TO THE PUBLIC, AND 18.12 GROWTH MANAGEMENT TO DELETE UNIFORM BUILDING CODE AND ADD BUILDING CODE CURRENTLY ADOPTED BY CARSON CITY (2-2295) - Community Development Director Walter Sullivan, Senior Planner Jennifer Pruitt - Discussion indicated that the item had been considered by the Planning Commission at two separate hearings. A guest house is not the same as the trailer in Bill No, 119, the previous item. A guest building is similar to the watchman's quarters found in RV storage businesses. Justification for the typographical corrections was provided. Accessory structures are allowed on large parcels. Section 18.05.055 deals with smaller structures containing 120 square feet. They are allowed on larger parcels but must meet the standard setbacks. On the smaller lots, a break is allowed in the setbacks, e.g., SF 6, SF 12, SF 21, MH 6, MH 12. The applicant on these smaller lots is allowed to go within three feet of the property line. Public comments were solicited but none were given. Supervisor Aldean moved to introduce ZCA-04-128, a zoning code amendment application from Carson City Planning and Community Development to amend the Development Standards Division 1 and Carson City Municipal Code Title 18 in accordance with the agenda as posted and published and carried on the City's website. Supervisor Livermore seconded the motion. Following a request for an amendment, Supervisor Aldean amended her motion to include Bill No. 120. Supervisor Livermore concurred. Motion carried 3-0.**

**8. FINANCE - ACTION TO ADOPT BILL NO. 118, ON SECOND READING, AN ORDINANCE AUTHORIZING THE ISSUANCE OF A MEDIUM-TERM OBLIGATION FOR THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE; SPECIFYING THE DETAILS FOR THE CARSON CITY, NEVADA, MEDIUM-TERM NOTE IN THE PRINCIPAL AMOUNT OF \$3,100,000; SPECIFYING THE TERMS AND CONDITIONS OF SUCH MEDIUM-TERM NOTE, THE METHOD OF PAYING THE NOTE AND ITS FORM; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO (2-0032) (2-2500) - Continued to the December 2 meeting.**

Mayor Masayko indicated that this is the conclusion of the Open Session and the televised portion. The remaining two items are Closed Sessions.

RECESS: A recess was declared at 10:43 a.m. A quorum of the Board was present when Mayor Masayko

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reconvened the meeting at 10:57 a.m. Supervisors Williamson and Staub were absent.

**9. CITY MANAGER - CLOSED SESSION**

**A. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO N.R.S. 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES REGARDING LABOR NEGOTIATIONS (2-2523)** - Supervisor Aldean moved to recess into Closed Session pursuant to NRS 288.220 to meet with management representatives regarding labor negotiations. Supervisor Livermore seconded the motion. Motion carried 3-0. Mayor Masayko recessed the Open Session at 10:59 a.m.

Mayor Masayko reconvened the Open Session at 11:06 a.m. A quorum of the Board was present although Supervisors Williamson and Staub were absent.

**B. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO THE NEVADA OPEN MEETING LAW, N.R.S. 241.015(B)(2), FOR THE PURPOSE OF RECEIVING INFORMATION REGARDING POTENTIAL OR EXISTING LITIGATION FROM AN ATTORNEY EMPLOYED OR RETAINED BY THE CITY, AND/OR DELIBERATING TOWARD A DECISION (2-2535)** - Supervisor Aldean moved to recess into Closed Session pursuant to NRS 241.015.B.2. for the purpose of receiving information regarding potential or existing litigation from an attorney employed or retained by the City and/or deliberating towards a decision. Supervisor Livermore seconded the motion. Motion carried 3-0. Mayor Masayko recessed the Open Session at 11:08 a.m.

Mayor Masayko reconvened the Open Session at 11:26 a.m. A quorum of the Board was present although Supervisors Williamson and Staub were absent.

**10. ACTION TO ADJOURN (2-2544)** - Supervisor Aldean moved to adjourn. Supervisor Livermore seconded the motion. Motion carried 3-0. Mayor Masayko adjourned the meeting at 11:27 a.m.

The Minutes of the November 18, 2004, Carson City Board of Supervisors meeting

ARE SO APPROVED ON August 4, 2005.

/s/  
Robin Williamson, Mayor Pro-Tem

ATTEST:

/s/  
Alan Glover, Clerk-Recorder