

CARSON CITY BOARD OF SUPERVISORS
Minutes of the October 16, 1997, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, October 16, 1997, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko Tom Tatro Greg Smith Jon Plank Kay Bennett	Mayor Supervisor, Ward 3 Supervisor, Ward 1 Supervisor, Ward 2 Supervisor, Ward 4
STAFF PRESENT:	John Berkich Alan Glover Al Kramer William Naylor Steve Kastens Paul Lipparelli Tim Homann Jay Ahrens Ken Arnold Cheryl Adams Katherine McLaughlin (B.O.S. 10/16/97 Tape 1-0001.5)	City Manager Clerk-Recorder Treasurer Information Services Director Parks and Recreation Director Chief Deputy District Attorney Deputy Public Works Director Deputy Utilities Director Environmental Control Manager Deputy Purchasing Director Recording Secretary

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 Tatro had not yet arrived. Rev. Roy Parker of the Full Gospel Church gave the Invocation. Mayor Masayko lead the Pledge of Allegiance. (Supervisor Tatro arrived at the close of the Pledge. A quorum was present as indicated.)

CITIZEN COMMENTS (1-0030.5) - Mr. Berkich introduced Marc Reynolds, Paratransit's new General Manager. Mr. Reynolds indicated his pleasure at being in Carson City. He briefly described his background and explained his intent to have an open door policy. The Board welcomed him aboard.

Chamber of Commerce Executive Vice President Larry Osborne explained the Chamber's trolley task force subcommittee and that the trolley will be operated in the historic district as a test program next summer. The trolley will be in the Nevada Day parade. After the parade it will be parked at the Frontier Shopping Mall. The public and Board were invited to tour it. The Board commended the Chamber on its willingness to take on the project.

Additional comments were solicited but none given.

1. ACTION ON APPROVAL OF MINUTES (1-0065.5) - Supervisor Plank moved to approve and accept the Minutes of the July 3, 1997, Board of Supervisors meeting. Supervisor Tatro seconded the motion. Motion carried 5-0.

2. SPECIAL PRESENTATIONS

A. ACTION ON A PROCLAMATION FOR "MAKE A DIFFERENCE DAY", OCTOBER 25,

1997 (1-0108.5) - Mayor Masayko read the proclamation into the record. No one was present to accept the proclamation. Supervisor Tatro moved to approve. Supervisor Plank seconded the motion. Motion carried 5-0.

B. ACTION ON A PROCLAMATION FOR "WHITE CANE DAYS", OCTOBER 18 AND 19, 1997

(1-0145.5) - Mayor Masayko introduced Bob McClain and Ron Santee of the Carson City Host Lions Club and read the proclamation into the record. Supervisor Tatro moved to approve. Supervisor Plank seconded the motion. Motion carried 5-0. Mayor Masayko presented the proclamation to Messrs. McClain and Santee and wished them success. Mr. McClain indicated there would be representatives at the shopping centers and grocery stores this weekend and solicited donations for Carson City childrens' glasses.

C. ACTION ON A RESOLUTION DECLARING "HALLOWEEN" ACTIVITIES ON THURSDAY, OCTOBER 30, 1997, AND "NEVADA DAY" ACTIVITIES ON FRIDAY, OCTOBER 31, 1997 (1-0197.5) - Mayor Masayko noted that the ballot may eliminate the need for this resolution if Nevada Day is moved to the last Friday of October. Supervisor Smith moved to adopt Resolution No. 1997-R-40, A RESOLUTION DECLARING "HALLOWEEN" ACTIVITIES ON THURSDAY, OCTOBER 30, 1997, AND "NEVADA DAY" ACTIVITIES ON FRIDAY, OCTOBER 31, 1997, and read the entire resolution into the record. Supervisor Tatro seconded the motion. Motion carried 5-0.

3. CONSENT AGENDA (1-0232.5)

A. TREASURER - ACTION ON TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER 1997

B. DISTRICT ATTORNEY - ACTION ON SETTLEMENT OF DISPUTED UTILITY BILL WITH TOM WAKIMOTO

C. PURCHASING DIRECTOR
i. ACTION ON CONTRACT NO. 9697-106 - THEATER LINESETS, CABLING AND PIPING FOR HANGING THEATER CURTAINS AND SCENERY, REQUEST FOR FINAL PAYMENT

ii. ACTION ON CONTRACT NO. 9697-87 - UTILITY COMPLEX WAREHOUSE/TRUCK BARN ADDITIONS, REQUEST FOR FINAL PAYMENT

iii. ACTION ON CONTRACT NO. 9798-112 - TRANSPORTATION ELEMENT OF THE MASTER PLAN, AGREEMENT

iv. ACTION ON CONTRACT NO. 9798-46 - CHILDREN'S MUSEUM, PHASE IV, AWARD

v. ACTION ON CONTRACT NO. 9596-160 - ENVIRONMENTAL MANAGEMENT, SHERIFF'S OFFICE MAINTENANCE YARD AGREEMENT, AMENDMENT NO. 3

vi. ACTION ON CONTRACT NO. 9798-116 - REQUEST FOR CONTRACT APPROVAL TO PURCHASE TWO (2) KENTROL GATES

vii. ACTION ON CONTRACT NO. 9798-117 - REQUEST FOR CONTRACT APPROVAL, REPAIR PARTS FOR THE NORTH LIFT SEWAGE PUMP STATION

viii. ACTION ON CONTRACT NO. 9798-090 - IBM PC'S AND PERIPHERALS AND HP PRINTERS AND COMM EQUIPMENT, AWARD

ix. ACTION ON CONTRACT NO. 9798-118 - REQUEST FOR CONTRACT APPROVAL, BRUNSWICK CANYON BRIDGE STUDY AGREEMENT

x. ACTION ON CONTRACT NO. 9798-98 - GOVERNOR'S FIELD TEE-BALL COMPLEX, PHASE I

D. PARKS AND RECREATION DEPARTMENT - ACTION ON FUNDING FOR REPAIR OF ROOF AT THE BREWERY ARTS CENTER

E. COMMUNITY DEVELOPMENT DIRECTOR - ACTION ON AB-97/98-1 - AN ABANDONMENT REQUEST FROM ROY AND MADALENA FARROW TO ABANDON AN APPROXIMATE EIGHT FOOT WIDE BY 247 FOOT LONG PORTION OF PREVIOUSLY

DEDICATED RIGHT-OF-WAY LOCATED AT 1201 JOHNSON STREET, ADJACENT TO APN 2-142-11 (PLANNING COMMISSION APPROVED 6-0-0-1)

F. UTILITIES AND PUBLIC WORKS DIRECTOR

i. ACTION ON A DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION FOR VICTOR L. MCDONALD AND THE WIPFLI FAMILY TRUST DATED FEBRUARY 17, 1993, APN 1-176-01, LOCATED AT 1177 NORTH DIVISION FOR SEWER MAIN REPLACEMENT

ii. ACTION ON A DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION FOR VICTOR L. MCDONALD AND THE WIPFLI FAMILY AGREEMENT OF FEBRUARY 19, 1993, APN 4-231-02, LOCATED AT 511 EAST ROBINSON STREET FOR SEWER MAIN REPLACEMENT

iii. ACTION ON AN AGREEMENT BETWEEN CARSON CITY AND LUARK FAMILY TRUST FOR THE PURCHASE OF A PORTION OF PROPERTY LOCATED AT 2547 CENTURY DRIVE (APN 8-783-18) FOR USE IN THE EXTENSION OF GRAVES LANE

iv. ACTION ON AN AGREEMENT BETWEEN CARSON CITY AND MARY NEUMANN AND KIT LEFEVRE FOR THE PURCHASE OF A PORTION OF PROPERTY LOCATED AT 2511 CENTURY DRIVE (APN 8-783-19) FOR THE USE IN THE EXTENSION OF GRAVES LANE

v. ACTION ON AN AGREEMENT BETWEEN CARSON CITY AND JAMES AND GLORIA ROSE FOR THE PURCHASE OF A PORTION OF PROPERTY LOCATED AT 3350 OTHA STREET (APN 8-191-20) FOR USE IN THE EXTENSION OF GRAVES LANE - Supervisor Smith pulled the three Regional Transportation Commission agreements for the Graves Lane acquisitions for a separate hearing. Mayor Masayko noted the two Public Works items under the Purchasing Director for the Transportation Master Plan update which a citizens committee had been working on with the Consultant and the contract on the Brunswick Canyon Bridge. Supervisor Tatro moved to approve the Consent Agenda as presented with the deletion of the last three items under the Public Works Director for agreements for the purchase of property for the Graves Lane extension. Supervisor Bennett seconded the motion. Motion carried 5-0.

F. iii., iv., and v. (1-0282.5) - Chief Deputy District Attorney Lipparelli requested the Neuman and Lefevre agreement be continued to another date. Reasons for this continuance were explained. He then explained the remaining two agreements and distributed new agreements for the Donovan and Agnes Luark Family Living Trust to the Clerk and Board. Mr. Lipparelli thanked Mr. Luark for his cooperation and patience with the City. Don Luark presented Mr. Lipparelli with the estimates. Mr. Lipparelli indicated these documents would be considered Exhibit B to his agreement. Supervisor Smith also commended Community Development Director Walter Sullivan for his cooperation on the setback issue which arose. Supervisor Plank had asked Mr. Sullivan to extend the service to all of the other individuals experiencing similar setback problems. He thanked Mr. Sullivan for agreeing to do so. Public comments were solicited but none given. Supervisor Plank moved to approve the agreement and its amendments between Carson City and James and Gloria Rose for the purchase of a portion of property located at 3550 Otha Street, Assessor's Parcel No. 8-191-20, for use in the extension of Graves Lane. Supervisor Smith seconded the motion. Supervisor Plank amended his motion to include the fiscal impact of \$7,450. Supervisor Smith continued his second. Motion carried 5-0.

Supervisor Plank moved to approve an agreement as amended this morning between Carson City and the Donovan and Agnes Luark Family Living Trust for the purchase of a portion of property located at 2547 Century Drive, Assessor's Parcel No. 8-783-18, for use in the extension of Graves Lane, fiscal impact here is \$2,800 but there is an additional sum of \$5,575. Supervisor Tatro seconded the motion. Motion carried 5-0.

4. BOARD OF SUPERVISORS

A. ACTION ON SETTING A DATE, TIME, AND LOCATION FOR A STRATEGIC PLANNING WORKSHOP IN NOVEMBER (1-0452.5) - Following discussion of dates, Supervisor Tatro moved that the Board establish December 6 for the date of the strategic planning workshop. Supervisor Smith seconded the motion. Motion carried 5-0. Mayor Masayko indicated the workshop would be between 9 and 12

and that the location would not be at Stewart.

B. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0515.5) - Mr. Berkich apologized for staff's oversight on the last agenda when this item was listed as the final item. Mayor Masayko indicated it would be after the Consent Agenda on future agendas unless other direction is given. Supervisor Plank noted his involvement with the Goni Road situation and the meetings he had had on it as well as with the Lakeview residents about their snow plow damages. He then reported on the Parks and Recreation Commission meeting to distribute the residential construction tax monies, the Northern Nevada Railroad Foundation funding raising activities, and on the HOME Consortium contract. Supervisor Smith reported on the RTC citizens' advisory committee and the consultant's efforts. Hopefully, a preliminary master plan will be far enough along to establish priorities for the 98-99 budget. Attempts were being made to increase the RTC's exposure so that the public will be more involved and aware of its activities. He encouraged the public to contact anyone of the members at any time if there is a question or concern. He then reported on the Subconservancy District meeting and the decision to hire staff and begin acting as a "bricks and mortar" agency. The District had dedicated \$400,000 for the planning and engineering of the Kings and Ash Canyon Detention facilities. Other projects funded by the District were also noted. He then reported on the Western Nevada Development District meeting. Supervisor Bennett reported on her activities with the Subconservancy District and its sponsorship of a River conference in March. Its various programs were described. Efforts to obtain additional funding for parking mitigation along Highway 28 were noted. Sunday she will attend a hospital meeting in Chicago. Supervisor Tatro reported on his Convention and Visitors Bureau meeting, its audit, and Nevada Fest's decision to terminate its agreement to manage the Pony Express Pavilion. Mayor Masayko also indicated his disappointment in Nevada Fest's decision. He then reported on the V&T Railway Foundation's fundraising activities and the Foundation's ability to retain the \$5 million legislative loan. He also noted his involvement on the Fairview and Saliman road issues. Mr. Homann has indicated that the problems which are the City's responsibility will be addressed. Complaints had been received about the condition of Boeing, which is in the industrial area. This issue may be going to RTC. Supervisor Bennett explained her involvement with this street in 1992-93 including attempts to obtain funding for its paving. She indicated that she would give him her information. Mayor Masayko agreed that efforts needed to be undertaken to determine if EDA funding is available although paving may not occur until a lot is sold. Mayor Masayko indicated he would pass the information on to RTC and the transportation committee. He suggested that Mr. Berkich include in the next Capitol City Focus an article on the transportation committee. Supervisor Bennett invited the public and Board to attend the hospital's open house at the new wing tomorrow.

C. STAFF COMMENTS AND STATUS REPORTS (1-0888.5) - Mr. Berkich reported on his and the Mayor's tour of the golf course, the Elko water resource conference, Open Space Committee's tour of Colorado, the ADA wheelchair experiment, and the regional juvenile detention team meeting.

5. TREASURER - Al Kramer - ORDINANCES - FIRST READING - ACTION ON AN ORDINANCE AMENDING CHAPTER 4.04 OF THE CARSON CITY MUNICIPAL CODE BY ADDING SECTION 4.04.001 (INTRODUCTION AND PURPOSE) STATING THE PURPOSE OF THE CHAPTER; AMENDING SECTION 4.04.005 (DEFINITIONS) ADDING DEFINITIONS OF ADVERTISE, BILLBOARD AND OFF-PREMISE SIGNS, COMMERCIAL RENTALS, CONTRACT OFFICE BUSINESS, CONTRACTOR, GARAGE SALE, HOBBY--SUPPLEMENTAL INCOME BUSINESS, HOME OCCUPATION BUSINESS, INDEPENDENT CONTRACTOR, OFF-PREMISE SALE, OUT-OF-TOWN BUSINESS, PREMISES, PROFESSIONAL, NON-PROFIT ORGANIZATION AND VENDING BUSINESS; AMENDING SECTION 4.04.011 (EXEMPTION FROM LICENSES) TO CLARIFY CERTAIN EXEMPTIONS; AMENDING SECTION 4.04.012 (BRANCH ESTABLISHMENTS) TO CLARIFY LICENSING FOR BRANCHES; ADDING SECTION 4.04.014 (OFF-PREMISES SALES) MANDATING THE USE OF PERMITS FOR OFF-PREMISES SALES; AMENDING SECTION 4.04.015 (ANNUAL FEE INCREASE) TO CLARIFY ANNUAL FEE INCREASE PROVISIONS; AMENDING SECTION 4.04.020 (FEES AND EXEMPTIONS FROM FEES) PROVIDING FOR CATEGORIES OF BUSINESS LICENSE FEES AND CERTAIN EXEMPTIONS; AMENDING SECTION 4.04.031 (SQUARE FOOTAGE FEES) CODIFYING CERTAIN EXISTING SQUARE FOOTAGE FEES FOR CERTAIN

BUSINESSES; AMENDING SECTION 4.04.040 (FEES FOR EMPLOYEES) CODIFYING CERTAIN EXISTING FEES FOR CERTAIN BUSINESSES WITH EMPLOYEES; DELETING SECTION 4.04.050 (HOURS OPERATED PER WEEK); ADDING SECTION 4.04.072 (PAYMENT OF FEES AND PENALTIES) PROVIDING FOR A DUE DATE, GRACE PERIOD, PENALTY PERIOD AND LICENSE REVOCATION UPON THE FAILURE TO PAY LICENSE FEES; DELETING SECTION 4.04.073 (CARNIVALS, TENT SHOWS AND CIRCUSES); ADDING SECTION 4.04.074 (RENEWAL OF LICENSE--FAILURE TO PAY FEE) PROVIDING FOR THE METHOD AND FEES FOR THE RENEWAL AND REINSTATEMENT OF LICENSES; AMENDING SECTION 4.04.075 (SHORT-TERM BUSINESS LICENSE) PROVIDING THAT PROOF OF APPLICATION FOR STATE RESALE TAX PERMITS MUST BE ISSUED BEFORE CITY SHORT-TERM LICENSE IS ISSUED; AMENDING SECTION 4.04.077 (SPECIAL EVENT SHORT-TERM PERMIT) PROVIDING THAT THE RISK MANAGER SET THE AMOUNT OF REQUIRED INSURANCE AND SHORTENING THE TIME REQUIRED FOR APPLICATIONS TO BE FILED; AMENDING SECTION 4.04.090 (OTHER REQUIRED LICENSES AND PERMITS) REQUIRING PROOF THAT STATE LICENSES HAVE OR WILL BE ISSUED BEFORE CITY LICENSES ARE ISSUED; DELETING SECTIONS 4.04.100 (COMPUTATION OF LICENSE RATE), 4.04.105 (LICENSING OF CONTRACTORS), 4.04.120 (PAYMENT OF FEES), AND 4.04.130 (RENEWAL OF LICENSES--FAILURE TO PAY FEE); AMENDING SECTION 4.04.145 (MEMBERS OF PROFESSIONAL PARTNERSHIPS TO BE LICENSED INDIVIDUALLY) CLARIFYING THAT ONLY MEMBERS OF A PARTNERSHIP PRACTICING IN CARSON CITY NEED LICENSES; AMENDING SECTION 4.04.150 (NO ASSIGNMENT, TRANSFER OR CHANGES) REQUIRING NEW APPLICATIONS BE FILED WHEN MATTERS STATED ON PREVIOUS LICENSES CHANGES AND PROVIDING NO NEW FEES ARE DUE IF NO INSPECTION IS REQUIRED; DELETING SECTION 4.04.170 (BOND REQUIRED OF PAWNBROKERS); AMENDING SECTION 4.04.180 (ISSUANCE OF LICENSE; APPEAL) CLARIFYING AND CHANGING THE TIME FOR APPEALS; AMENDING SECTION 4.04.190 (POSSESSION OF LICENSE AND POSTING REQUIREMENTS) SETTING FORTH THE LICENSE POSSESSION AND POSTING REQUIREMENTS FOR VARIOUS LICENSEES; AND OTHER MATTERS PROPERLY RELATED THERETO - Mr. Kramer distributed new pages to the Board and Clerk. The public had participated in the review process and made suggestions which caused the revisions. These revisions were noted. He introduced Chamber of Commerce Executive Vice President Larry Osborne and Western Nevada Builders Association Director Gayle Farley. Mr. Osborne expressed his appreciation at being involved with the process. He supported the modifications. Ms. Farley noted they had provided input and supported the revisions. She, too, appreciated having had the opportunity to work with the City on it. Mr. Kramer explained that the modifications had not been made in an attempt to increase the fees but rather to justify those fees. The Board's policy had not been modified with the exception of revocation of business licenses for non-payment and the reinstatement of those licenses. He indicated a desire to provide periodic reports on this issue to the Board. Supervisor Tatro supported the revision and the proposal. Chief Deputy District Attorney Lipparelli indicated that the only revocations the Treasurer could make were for failure to pay. All of the other types would require Board action. He, also, thanked Shelly Aldean for her review of the ordinance. Supervisor Tatro indicated that all of the revocations he could recall had been for non-payment. Mr. Kramer indicated there would be future changes made to the Liquor ordinance as well as the gaming and entertainment ordinances. Reasons for bringing only this portion at this time were noted. Public comments were solicited but none given. Mr. Lipparelli then explained the Statute requiring reading of the title of ordinances. Discussion ensued on the proposed fee increase mandated by the CPI increases and the reasons this increase may not occur if the increase in the number of businesses generates the same amount of revenue as the CPI would have created. Mayor Masayko indicated this is NRS 354.5989. He then questioned whether it costs the City more to handle larger firms than smaller ones and pointed out the adverse signal taxing based on square footage and the number of employees creates. Mr. Kramer indicated that this is a policy decision which had not been considered. Discussion ensued on the pros and cons of this policy. Mr. Kramer explained that the fee based on hours of operation had been eliminated due to the lack of justification for it. Revenue which had been generated by this fee is incorporated in the other fees to keep the gross revenue at the same level as is currently generated. Mr. Kramer also noted that Carson City's system is different from the remainder of the State. The other entities base their fees on the company's gross revenue. Comments supported continuing the City's program as it is

less intrusive although Mayor Masayko felt that some of the assessed fees were "revenue raisers" and questioned whether the fee could be justified by the "alleged impact". As the business community had provided input, he would support the proposal. Comments also indicated that the current fee would be approximately the same next year. Any increased fees were "reasonable". Mayor Masayko expressed a willingness to consider any cases which were unreasonable. Mr. Kramer indicated that he would be surprised if any business experienced more than a \$25 increase. Additional comments were solicited but none given. Comments indicated the full title would not be read unless so requested. A request was not made. Supervisor Tatro moved to introduce on first reading Bill No. 161, AN ORDINANCE AMENDING CHAPTER 4.04 OF THE CARSON CITY MUNICIPAL CODE, Business License Ordinance, as presented in the staff report with the replacement pages 6 and 10 as distributed this morning by the Deputy District Attorney. Supervisor Smith seconded the motion. Motion carried 5-0.

B. ACTION ON AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, DESIGNATED BY THE SHORT TITLE "1997 WATER BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) WATER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES NOVEMBER 1, 1997, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,820,000; STATING THE PURPOSE FOR WHICH THE BONDS ARE TO BE ISSUED; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BONDS AND THE HANDLING OF FUNDS; PROVIDING FOR THE SALE OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE WATER SYSTEM OF WHICH THE FINANCED PROJECT IS A PART; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD THE ISSUANCE OF SAID BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; AND PROVIDING OTHER MATTERS RELATING THERETO (1-1325.5) - Supervisor Tatro moved to introduce on first reading Bill No. 162, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA, DESIGNATED BY THE SHORT TITLE "1997 WATER BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) WATER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES NOVEMBER 1, 1997, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,820,000; STATING THE PURPOSE FOR WHICH THE BONDS ARE TO BE ISSUED; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BONDS AND THE HANDLING OF FUNDS; PROVIDING FOR THE SALE OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE WATER SYSTEM OF WHICH THE FINANCED PROJECT IS A PART; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD THE ISSUANCE OF SAID BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; AND PROVIDING OTHER MATTERS RELATING THERETO; fiscal impact not to exceed \$1.82 million. Supervisor Bennett seconded the motion. Motion carried 5-0.

6. PUBLIC WORKS/UTILITIES DIRECTOR - REPORT ON STATUS OF THE PUBLIC SAFETY COMPLEX CONSTRUCTION PROJECT (1-1352.5 - Special Projects Coordinator Jay Aldean, Vanier Construction Vice President Mani Subramanian, Environmental Control Manager Ken Arnold, Capital Projects Advisory Committee Chairperson Gary Sheerin - The executive summary had been distributed prior to the meeting. (A copy is included in the file.) The full monthly report with a spread sheet had been distributed to the Board late yesterday. (The Clerk did not receive a copy.) The executive summary will be issued monthly in addition to the full report. Originally the jail was to have been constructed first, however, the construction schedule was changed due to the need to refill the hole which had been created when the fuel tanks were removed. Mr. Aldean thanked Vanier for its willingness to change the entire construction schedule. He introduced Project Manager Gordan Graham and explained his role in the project. Mr. Subramanian reviewed the executive summary. Discussion with Mr. Aldean and Mr. Arnold indicated the State would reimburse some of the costs for the fuel tank remediation. Mr. Subramanian felt that the project was on schedule. Committee Chairperson Sheerin

supported the retention of Mr. Graham as a construction manager. He briefly explained the Committee's overview of the project and concerns about future change orders. Mr. Aldean then explained Program Planner Dan Wiley's review of the plans and the cooperation which had been received from future Courthouse users. This process will mandate another change order but will create a better facility for the users. He also commended Sheriff Banister for his willingness to dedicate employee time to the project and their knowledge about the project. Mayor Masayko commended all on the project and the report. He expressed a desire to have a monthly executive summary and suggested the summary include the running project to date totals. Mr. Aldean indicated that Mr. Berkich had suggested the executive summary. No formal action was required or taken.

BREAK: A 15 minute recess was declared at 10:15 a.m. The entire Board was present when the meeting was reconvened at 10:30 a.m., constituting a quorum.

8. NEVADA DEPARTMENT OF TRANSPORTATION (1-1750.5) - Assistant Director of the Engineering Division Susan Martinovich - BRIEFING ON THE STATUS OF THE PROJECT TO CONSTRUCT THE NORTHERN SECTION OF THE BYPASS - Ms. Martinovich briefly described the project with the use of a map and explained the status of the investigation on the Carson Wandering Skipper Butterfly, its potential impact on the Bypass route, and mitigation procedures. The specie is not at this time listed as endangered. She also explained the plans to mitigate the wetland issue. The FEMA flood plain issues are also being evaluated and included in the design. The project design, right-of-way acquisition, and relocation programs are still moving forward in spite of the problems with the butterfly, wetlands, flood plain, and bike path. Efforts are also being made to obtain funding as a Federal super project with the intent to complete the entire Bypass by 2005. Supervisor Bennett thanked her for the report and wished her success in her endeavors to obtain the 404 permit. Ms. Martinovich then explained the impact the Federal cut in "Q" funds would have on future right-of-way acquisitions, particularly for the southern portion. This loss will not stop the project as other funding sources will be used, if possible. Supervisor Bennett urged her to ask NDOT Director Stevens to emphasize in his discussions with Federal Congressional representatives that Carson City had willingly agreed to assist with the project by taxing itself. Ms. Martinovich indicated that this point is brought up repeatedly in the different meetings. Mayor Masayko briefly explained his contact with Senator Reid's office on this issue. He thanked Senator Reid for his support and the funding which had been used to acquire the corridor. Ms. Martinovich pointed out that these acquisition funds must be repaid. Comments indicated that the project is moving forward and that funding for the northern portion is available. Work is pursuing on the southern leg and its funding. Mayor Masayko requested biannual reports on the Bypass from an NDOT representative and thanked Ms. Martinovich for her report. No formal action was required or taken.

9. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan - ACTION ON M-88/89-2 - A REQUEST FOR REIMBURSEMENT OF \$125,000 TO ORMSBY, INC., (CLARK G. RUSSELL, PRESIDENT) FOR FUNDS PAID TO CARSON CITY FOR THE ABANDONMENT OF NINTH STREET BETWEEN CARSON STREET AND CURRY STREET (1-2270.5) - Chief Deputy District Attorney Paul Lipparelli; Ormsby, Inc. attorney John Gallagher and owner Clark Russell - Mr. Lipparelli indicated that the statute of limitation could be used to reject the request and explained that Board could also grant the request based on the evidence which will be presented. Mr. Sullivan felt that if the current policy had been in place in 1988 the result would be the same as had occurred. Mr. Gallagher recited the history of the abandonment request including the representation that payment would be required for the property. Abandonment statutes were cited to support this position. Earlier this year a similar request for an abandonment was considered and granted without remuneration. As the conditions for both requests were the same, Mr. Russell sought reimbursement of his payment. Mr. Sullivan then explained that the information provided for the 1988 decision did not indicate that the right-of-way had been dedicated originally. Staff's title search in 1988 indicated the City owned the right-of-way. The 1997 abandonment requests had indicated that the streets were dedicated. Based on that evidence, staff had supported the request for abandonment without payment. If Mr. Gallagher presents supporting documentation indicating that the street had been dedicated, staff will consider it. Mayor Masayko explained his contact with Mr. Russell including Mayor Masayko's suggestion that a presentation be made to the Board prior to seeking legal remedy. Supervisor Smith indicated his willingness to reconsider the issue and, if similarities exist, the Board may

have a moral obligation to treat the two requests equally. Supervisor Bennett explained her personal knowledge of the 1988 request. She then suggested that a judicial determination be requested rather than proceeding with a full-blown court hearing. Mayor Masayko indicated that an arbitrator or mediator/referee be used rather than proceeding with the full court process. (1-2904.5) Mr. Russell explained the reasons he had agreed to pay for the abandonment in 1988 and his reasons for seeking reimbursement at this time. Both Mr. Russell and Mr. Gallagher maintained that research by Tom Brown, a former title company owner, indicates there is no difference between Mr. Russell's request and those made in March 1997. Mr. Gallagher indicated a willingness to show this information to staff and discuss a solution/agreement. Mayor Masayko encouraged Messrs. Russell and Clark to do this so that fairness can be provided to all citizens. Mr. Gallagher then requested a 30 day extension. Supervisor Smith requested either a letter from Mr. Brown or his testimony supporting the comments. Supervisor Tatro felt that staff and Ormsby, Inc., should have met and discussed the similarities/dissimilarities of the abandonments. He expressed his concern about the impact of the request without knowing the total impact. At the very least, he questioned the impact reimbursement from the Redevelopment Authority would create. He supported Mr. Russell's ability to submit a request to the Board, however, at this time he could not make a determination on the request nor could he estimate the magnitude it would have. He agreed that everyone should be treated fairly. He was concerned about being responsible for a 1988 decision in 1997 and, specifically, bypassing the legal process by granting the request. This could open the door for others to make a similar request, for example, Bob Cashell at the Ormsby House could make the same request. Mayor Masayko indicated that the continuance was not a commitment and felt that staff should respond to his comments. Mr. Sullivan expressed a willingness to meet with Mr. Gallagher and Mr. Russell. He then explained staff's research on the original dedication and feeling that it may require a legal interpretation. He was willing to look at any information and stressed the need to resolve the issue. He felt that the 1988 process had been in compliance with the legal requirements of that time. He also indicated that it may be necessary for staff to obtain assistance from title experts. Supervisor Smith suggested Mr. Brown attend the meeting to provide information on his research rather than just submitting a letter. Mr. Gallagher indicated that Mr. Brown would be available to provide testimony. He then read a memo from Senior Planner Guzman to Mr. Sullivan indicating that Eighth Street had been dedicated through the Federal patent process in 1866 and had not been purchased by the City. Mr. Brown had purportedly indicated that this was his finding. Supervisor Bennett requested a legal defensible definition of dedication for the record. Mayor Masayko indicated the need to resolve the question posthaste, however, it should be done in a correct and reasonable manner so that a legitimate and well-defined policy is established. Supervisor Plank questioned how far back the Board should go in correcting the sins of former Boards. He requested staff provide a recommendation on this question when the issue is presented again. Mayor Masayko indicated that this is an administrative policy setting issue which the Board should establish. Supervisor Tatro then explained his confusion on the reasons why staff had not previously met with Mr. Russell but was sure that Mr. Sullivan would respond to his questions when he meets with him. He was not intending to infer that the City's Community Development staff was incompetent and apologized if his comments indicated otherwise. Discussion ensued on the period needed to resolve the questions. Mr. Berkich suggested the date be December 4. Mr. Gallagher agreed to that date. Supervisor Bennett moved that the Board of Supervisors postpone action on M-88/89-2 until the first meeting in December, which is December 4. Mayor Masayko seconded the motion. Discussion between Supervisors Smith and Bennett indicated that the issue was to be returned to the Board no later than December 4. Supervisor Bennett amended her motion to postpone action to not later than December 4. Mayor Masayko seconded the motion. Motion carried 5-0.

10. FINANCE AND REDEVELOPMENT DIRECTOR - Mary Walker - REVIEW AND ACTION ON SHORT-TERM AND LONG-TERM PARKING OPTIONS FOR THE DOWNTOWN AREA (1-3470.5); AND, 11. COMMUNITY DEVELOPMENT DIRECTOR - Principal Planner Rob Joiner - A. ACTION ON H-96/97-43 - DECISION REGARDING A REQUEST FROM WILLIAM SCHNEIDER TO RELOCATE THE HYMAN-OLCOVICH HISTORIC HOUSE AND GARAGE, REMOVE OR DISMANTLE AN EXISTING SHED, AND DEVELOP A PARKING LOT (37-40 SPACES) ON PROPERTY LOCATED AT 412 NORTH CURRY STREET, APN 3-225-01 (CONTINUED FROM AUGUST 7, 1997, BOARD OF SUPERVISORS MEETING) (HARC DENIED 4-0-2-1) (2-1012.5) - Deputy Public Works Director Tim Homann, William Schneider, Principal Planner Rob Joiner - Ms. Walker's introduction included an explanation of

the Redevelopment Authority's role in restoring the downtown, historical area, including examples illustrating this effort, and its economic revitalization efforts. The question is how to balance the historic restoration and economic revitalization together. Creation of both long and short-term parking programs are necessary for these goals to be accomplished. The long-term solution is the development of a parking garage at some undetermined location. Additional time is needed to find the proper location. A short-term solution would be to develop a parking garage on the Nugget parking lot on the west side of Carson Street. A Reno architect with expertise in this area had been retained to analyze the lot and develop options and cost estimates. Other options would be to construct a garage on the east side of the Nugget or on the City's superlot at Carson and Proctor. This would require retaining the architect for additional designs. A parking study is now under way on the downtown needs. Problems with the Carson and Proctor lot were explained and supported rejection of this option. Contact with the State about participating in a garage has preliminarily indicated that the State is amenable to such a program. This will require legislative action to allocate the State funds for the project which may take at two years or longer to accomplish. The garage would take an additional two years for construction. Therefore, she requested a Board commitment in concept for staff to continue pursuing the parking garage proposal. This may provide an additional incentive for the private property owners to participate in the long-term solution. The short-term options were then described. Her primary goal had been to maintain the Hyman-Olcovich house at its current site coupled with development of a method to relieve the parking problem. The Carson Nugget had as good corporate citizens worked with staff throughout the process. She also pointed out that the Nugget currently allows other competing businesses to use its parking lot. Cactus Jacks' had also worked with the City in an attempt to resolve the problem. She briefly described a proposal to construct 18 parking spaces behind the Hyman-Olcovich House and a proposal which would increase the number of parking spaces in the Nugget's Carson Street parking lot. The City would pay for the restriping and any other improvements to the Nugget lot. This lot would not be used for employee parking. Mayor Masayko pointed out that these options have yet to be finalized. Issues remaining with the Hyman-Olcovich parking concept were noted. Ms. Walker suggested the Redevelopment Authority acquire additional "gas lamps" for use in the Hyman-Olcovich parking lot.

Mr. Homann emphasized that the ideas had been conceived during brain-storming sessions and all of the pros and cons have not been worked out. He then explained schematic design options for the parking lot behind the Hyman-Olcovich House and the Nugget parking lot. Ms. Walker stressed the desire to maintain the landscaping in the Nugget lot. Staff is working on a concept to address the Nugget's insurance liability concerns if the lot is opened to other users. (2-0185.5) Mr. Homann continued his description of the parking lot configurations and other options. Costs had eliminated some of the options. His options included widening the south side of Spear Street to allow angled parking. This plan requires removing the trees. Another proposal was removal of non-historic buildings on the west side of Curry, however, the cost may be prohibitive and eliminate usable, viable buildings. For this reason, Ms. Walker supported the parking garage concept. Nevada Street could be widened and angled parking created on one side at a cost of approximately \$12,000 per block, however, it could be more at Proctor. The pros and cons of this proposal were noted. Ms. Walker then explained the options of using valet parking and transit services which would reduce the need for parking in the immediate area, however, these have significant continuing costs. She then reiterated the recommendation to use the area behind the Hyman-Olcovich house for parking as a short-term solution until the parking garage is constructed.

Mayor Masayko reviewed the direction given staff at the last meeting on the parking problem. He emphasized that it was not a "done" deal. Anyone with any ideas was encouraged to contact staff or the Board. He thanked the team, staff for its work, the Nugget, Cactus Jacks, Mrs. Harper, Gene Chaney and other property owners in the vicinity for their cooperation and efforts. The process will develop a win-win situation for everyone. He agreed that the parking structure may be the only viable answer, however, the other options may assist in the meantime. He felt that the presentation supported the request for another 60 days to finalize the concepts. He also indicated that Redevelopment does not have the funding for any of the proposals and that the Board would have to find the money elsewhere.

Supervisor Smith pointed out the parking problem indicated people are visiting/shopping/gaming/walking in the area. This is different from the problem several years ago when no one was going there. He liked Option 1 which used the area behind the Hyman-Olcovich House for parking. Option 2 is critical if the Nugget is willing to

cooperate. When the fence was originally installed it had had an immediate impact on Cactus Jacks and other businesses. Ms. Walker reiterated that the Nugget could not at this time commit to reopening the fence. The proposal is a preliminary concept. The Nugget had committed to allowing the current "good neighbor" policy to continue. The details will be worked on during the coming 60 days. Supervisor Smith continued his review of the options beginning with number three which requires the removal of a number of trees. The public concerns related to tree removal were noted. If this issue can be resolved he could support the concept. Removal of any other historical structure merely moved the problem from one area to another. The only choices he could see was to "sprawl out" or "go up". The public appeared to oppose "sprawling out". He personally did not like the idea of having a parking structure on Carson Street although some new structures could be made to look and blend with the area. It would be great to have private, State, and City participation on such a structure in the downtown area.

(2-0555.5) Clarification for Supervisor Plank indicated Option 1 was the 18 spaces behind the Hyman-Olcovich House and continuation of the Nugget's "good neighbor" policy. His support for Option 1 was explained as it would provide 38 spaces and is a viable short-term solution if cooperation could be obtained from all of the parties. A long-term solution also needs to be developed.

Supervisor Bennett then apologized to the Nugget for her comments at the last meeting about its failure to provide a parking garage as had been committed during the acquisition of various street rights-of-ways. Additional research indicated that the Nugget had purchased Spear Street and eliminated the mandate to construct the garage. She then noted that the Board of Supervisors had struggled with the downtown parking problems in 1980 and 81 while businesses were moving to the outskirts of the City to the new malls. The economic vitality of the community was similar to today's problem. She offered to provide the record to anyone who wished to read it. Option I is a beginning. She wished Ms. Walker success in her negotiation efforts.

(2-0680.5) William Schneider expressed his feeling that the downtown area needs parking in order to continue to be a viable part of the community. If this does not occur the downtown area may become deserted like Sacramento. At great expense, the downtown Sacramento area is now being recreated. He appreciated the need for the historic district, however, for it to continue to exist, additional parking and a viable downtown area are necessary. The need for the Bypass and removal of the truck traffic from Carson Street was also explained. He encouraged the Board to develop a master plan for the downtown area rather than to develop parking by acquiring a block here and there. The advantage of this master plan and its design was noted. He felt that his original proposal would have had the least impact on the neighborhood. It would have retained and renovated the house in the historical district. He also noted that the house had been for sale for over 12 years. Only after he had acquired it had anyone/everyone become interested in it. He was willing to grant another 60 day extension, however, progress must occur. He appreciated the Nugget's open door policy, however, needed access into the adjacent parking lot. Even if this access is granted, it is only a short-term solution to the overall problem.

Mayor Masayko felt that the City would continue to explore the options during the coming 60 days. The program would have to be reconsidered by HARC to explain the impact of 18 parking spaces behind the Hyman-Olcovich home. Mr. Schneider reiterated his feeling that Option I is merely a short-term solution, however, it is something with which he could live. Mayor Masayko thanked Mr. Schneider, Cactus Jack's General Manager Hissman, and their employees for their assistance and willingness to work with the City. Public comments were then solicited.

(2-0791.5) Kres Cave expressed his feeling that the house should be moved and the parking lot constructed, otherwise, he would be forced to look at a dilapidated building. He urged the Board to approve the original request. His business parking lot is used by the casino patrons at night. These patrons have been "dinging" his mother's vehicle. He did not feel that he could continue to pay for the repairs and would eventually be forced to close the lot at night. He also elaborated on problems he encounters attempting to use his own parking lot particularly when the arts and crafts show and the chili cook-offs close the streets adjacent to Cactus Jacks. Other changes Cactus Jacks had made to better the area were noted to support the request. Retaining the house at its present site is a "misapplication of the use". The proposed 18 spaces does not mitigate the parking problem. Safety concerns for the employees and patrons who must park several "dark" blocks away from the casino were also cited to justify granting the request.

(2-0947.5) Eileen Cowan, a member of the Carson City Preservation Coalition, thanked Ms. Walker and Cactus Jacks for coming together on the problem. The coalition appreciated the work which was being done. Scott Brooks-Miller, Historical Architect for the State Historic Preservation Office and the State Representative on the Carson City Historic Architecture Review Commission, commended the committee on its efforts to find a workable solution. He, too, felt that Option I was a win-win for everyone. HARC Vice Chairperson Mike Drews indicated that HARC could not act on the proposal at its recent meeting as it had not been agendaized, however, the Commission had reviewed the proposal under staff comments. The Commission's consensus indicated a desire to maintain the current house, landscaping, etc., however, this is not feasible. The proposal is the best option available at this time. The Commission looked forward to working with the applicant and the committee on the design constraints. The Commission thanked the committee for the work and proposal. (2-0986.5) Pat Stark explained her involvement with historic preservation. She indicated she has a buyer for the property if the Schneiders are interested in selling it. She urged the City to consider this as an additional option. This will give Cactus Jack's adequate funding to be able to work with the Nugget and the City to develop another parking option. Additional public comments were solicited but none given.

Supervisor Bennett moved, regarding the long term parking options for the downtown area, to direct that staff proceed to explore the opportunities and options that the City will need to pursue those solutions. Mayor Masayko indicated that this would be for the long-term parking garage. Supervisor Bennett indicated that this was her intent. Supervisor Tatro seconded the motion. Mayor Masayko indicated that the motion was to accept the staff report for long-term parking options, i.e., the parking garage. The motion was voted and carried 5-0.

Supervisor Plank moved to direct staff to work with Cactus Jack's and other private property owners to develop a short-term parking solution for the downtown area, which we are talking about, with special emphasis on the first option. Supervisors Smith and Tatro seconded the motion. Motion carried 5-0.

(2-1078.5) Mayor Masayko then read the title of Item 11. A. into the record. Supervisor Bennett moved that the Board of Supervisors postpone action on the request by Mr. William Schneider to relocate the Hyman-Olcovich House and garage, remove or dismantle the existing shed and develop a parking lot on property located at 412 North Curry Street until the second meeting in December. Supervisor Plank seconded the motion. Discussion indicated that the motion was based on Mr. Schneider's agreement to continue the matter for 60 days. Mr. Lipparelli indicated that Mr. Schneider was nodding his head in agreement. The motion was voted and carried 5-0.

11. B. ACTION ON S-96/97-3(F2) - A FINAL SUBDIVISION MAP REQUEST FROM BERNHARD FAMILY TRUST TO DEVELOP A SUBDIVISION (HIDDEN MEADOW ESTATE SUBDIVISION, UNIT 2) ON APPROXIMATELY 25 ACRES OF LAND ZONED SINGLE FAMILY 21,000/AGRICULTURE (SF21000/A), LOCATED ON THE EAST SIDE OF CARSON RIVER ROAD, ON A PORTION OF APN 10-071-23 (2-1115.5) - Community Development Director Walter Sullivan - Mr. Sullivan's introduction indicated that the Public Works' concerns had been addressed and that the project has complied with all of the necessary conditions of approval. Comments commended Mr. Bernhard and his engineer on the project. Supervisor Tatro moved that the Board approve S-96/97-3(F2), a request from Bernhard Family Trust to develop a 25 parcel subdivision known as Hidden Meadow Estate Subdivision Unit 2 on approximately 25 acres of land presently zoned Single Family 21,000/Agriculture, located on the east side of Carson River Road, on a portion of APN 10-071-23, based on the original three findings and subject to 20 conditions of approval and the statement made by Mr. Sullivan that Public Works has accepted all of the conditions. Supervisor Plank seconded the motion. Motion carried 5-0.

BREAK: A lunch recess was declared at 1 p.m. Mayor Pro-Tem Tatro reconvened the meeting at 2:18 p.m. A quorum was present although Mayor Masayko and Supervisor Bennett were absent.

6. B. i. ACTION ON BILL NO. 159 - AN ORDINANCE AMENDING SECTION 12.01.030 (SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS

PROPERLY RELATED THERETO (2-1209.5) - Mr. Lipparelli explained the amendment made to the title between the first and second reading. Supervisor Smith moved that the Board of Supervisors adopt Ordinance 1997-61, Bill No. 159 on second reading, AN ORDINANCE AMENDING SECTION 12.01.030 (SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES) OF THE CARSON CITY MUNICIPAL CODE TO INCREASE CONNECTION CHARGES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 3-0.

ii. ACTION ON BILL NO. 160 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CHARLES AND CARROL M. TIMMERMAN REGARDING ASSESSOR'S PARCEL NO. 9-112-06 LOCATED AT 3301 SOUTH CARSON STREET, CARSON CITY, NEVADA, FOR WATER MAIN PARTICIPATION (2-1232.5) - Supervisor Plank moved to introduce Bill No. 160 on first reading, Ordinance No. 1997-62, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CHARLES AND CARROL M. TIMMERMAN REGARDING ASSESSOR'S PARCEL NO. 9-112-06 LOCATED AT 3301 SOUTH CARSON STREET, CARSON CITY, NEVADA, FOR WATER MAIN PARTICIPATION. Supervisor Smith seconded the motion. (Mayor Masayko arrived during the motion--2:21 p.m. A quorum was present.) Motion carried 3-0-1-1 with Mayor Masayko abstaining and Supervisor Bennett absent.

7. DISTRICT ATTORNEY - Deputy District Attorney Paul Lipparelli - ORDINANCES - FIRST READING

A. ACTION ON AN ORDINANCE AMENDING CCMC 13.230 (MISKEEPING OF A VICIOUS OR DANGEROUS ANIMAL) BY DELETING A REFERENCE TO AN ORDINANCE THAT DOES NOT EXIST AND ADDING A REFERENCE TO AN EXISTING ORDINANCE (2-1255.5) - Supervisor Bennett arrived during Mr. Lipparelli's introduction. (The entire Board was present constituting a quorum--2:23 p.m.) Supervisor Smith moved to introduce Bill No. 163 on first reading, AN ORDINANCE AMENDING CCMC 13.230 (MISKEEPING OF A VICIOUS OR DANGEROUS ANIMAL) BY DELETING A REFERENCE TO AN ORDINANCE THAT DOES NOT EXIST AND ADDING A REFERENCE TO AN EXISTING ORDINANCE. Supervisor Plank seconded the motion. Motion carried 5-0.

B. ACTION ON AN ORDINANCE AMENDING CHAPTER 2.34 (CODE OF ETHICS FOR ELECTED AND APPOINTED OFFICIALS) AMENDING THE DEFINITION OF CANDIDATE TO INCLUDE PERSONS WHO RECEIVE MORE THAN \$100.00 IN CONTRIBUTIONS AND TO INCLUDE PERSONS WHOSE NAMES APPEAR ON THE BALLOT; DELETING SECTION 2.34.060 CAMPAIGN CONTRIBUTIONS--REPORT REQUIRED) AND OTHER MATTERS PROPERLY RELATED THERETO (2-1291.5) - Supervisor Smith moved that the Board of Supervisors introduce Bill No. 164 on first reading, AN ORDINANCE AMENDING CHAPTER 2.34.020(4) OF THE CARSON CITY MUNICIPAL CODE (CODE OF ETHICS FOR ELECTED AND APPOINTED OFFICIALS) AMENDING THE DEFINITION OF CANDIDATE TO INCLUDE PERSONS WHO RECEIVE MORE THAN \$100.00 IN CONTRIBUTIONS AND TO INCLUDE PERSONS WHOSE NAMES APPEAR ON THE BALLOT; DELETING SECTION 2.34.060 CAMPAIGN CONTRIBUTIONS--REPORT REQUIRED) AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 5-0.

12. CITY MANAGER - John Berkich

A. ACTION TO APPROVE SALES AGREEMENTS WITH BROKERS FOR THE SALE OF THE PROPERTY AT 2621 NORTHGATE LANE (2-1368.5) - Discussion corrected the term "realtor" to be "real estate broker or agent" and indicated that the six percent commission rate was appropriate. The contract is for three months, the Board added an option that the City could extend the contract without repeating the process, and to change the completion date of the contract to January 16, 1998. Mr. Lipparelli explained the publication process required for notification of the intent to sell the property and its inclusion of the list of real estate agents. Offers can be accepted at the end of that publication period. Mayor Masayko moved that the Board of Supervisors

accept the information in the right to sell listing agreement under this item on the agenda with the three corrections which were made, i.e., that "realtor" be replaced with "real estate professional", that the title term run until January 6, 1998, and that a clause be inserted giving the City the option to invite other brokers. Clarification by Mayor Masayko corrected January 6 to be January 16, 1998. Supervisor Bennett seconded the motion. Discussion indicated that Mayor Masayko had included as part of his motion the option to renew or extend but not add additional brokers. Board policy could address this issue if it is brought back. Supervisor Bennett continued her second. The motion as corrected was voted and carried 5-0.

B. ACTION TO ACCEPT THE PERFORMANCE PLAN FOR THE CITY MANAGER (2-1551.5) - Mayor Pro-Tem Tatro noted that the proposed plan had been developed by Mr. Berkich and indicated this is the appropriate time for the Board to develop its own action plan. It should include all of those items which the Board feels are necessary. The proposed plan is a good starting point. Mr. Berkich noted that his current contract expires on March 4 and recommended an interim performance evaluation be held on February 5. He then reviewed the goals and objectives including reasons for the listings and the priorities. Discussion indicated the "City Manager's Update" would be a bimonthly update provided with the Board agenda. Supervisor Smith questioned how Mr. Berkich intended to be able to attend ten percent more meetings than he is currently handling. He felt that this was not necessary and recommended it be eliminated. He also cautioned against providing the "updates" merely to be doing them. The updates are important but should not require a large amount of time based on the contact which Mr. Berkich currently maintains with each Board member. Mr. Berkich felt that the proposal was to provide a mechanism by which the Board would all receive the same information and be kept in an up-to-the-minute status on all events, issues, etc. Supervisor Tatro felt that Goal 1 should have been ten percent less meetings rather than ten percent more. This would allow Mr. Berkich to attend 90 percent of the meetings with a great percentage of efficiency. Supervisor Bennett encouraged Mr. Berkich to analyze all of the committees/commissions and determine the ones which he really should attend. He should then direct his staff to attend the remainder. This would be the appropriate designation of duties. Mayor Pro-Tem Tatro suggested that the Board submit their comments/suggestions in writing or have a meeting with Mr. Berkich. Mayor Masayko indicated the plan was ambitious and questioned whether it could be accomplished during the indicated timeframe. He also explained his feeling that the goal to return all telephone calls within 24 hours may not be doable. The plan should be Mr. Berkich's and include areas in which the Board wished to see improvements. He emphasized that Mr. Berkich and his staff had his confidence in their professionalism and ability to serve the community to accomplish the mission and objectives as established by the Board. He agreed to the proposal to submit written comments although Mr. Berkich was already aware of his comments. Supervisor Smith requested copies of the other Supervisors' comments. Reasons for requesting a copy were provided. He then questioned how these comments could be made public. Mayor Pro-Tem Tatro suggested the comments be included in the staff report for the next meeting. He then stressed his feeling that the Board should continually strive to improve and do the best possible job. Mr. Berkich instills this drive in his employees. He found it troubling to hear that people perceive the Board's review of Mr. Berkich's performance as an indication that there is "trouble brewing". The fact is that it is constructive criticism of any areas of concern. He then explained his reasons for having an office at City Hall and, specifically, its ability to provide him with an opportunity to observe the public interaction with City staff. The plan is a mechanism by which the effort for improvement is provided. It is not an illustration of "mutiny on the ship" or "skull and crossbones flying". Improvements will occur with the present, excellent staff. **Supervisor Smith then moved that the Board of Supervisors approve a general vote of confidence not only for the City Manager and his staff, but for all the employees of the City, and the job that they are doing. Mayor Masayko seconded the motion.** Discussion between Mayor Pro-Tem Tatro and Mr. Lipparelli indicated that the comments were related to the City Manager's Performance Plan and the Board's high level of confidence in that plan. Mr. Berkich noted staff's "theme" is to "dedicate itself toward continuous quality improvement". It is a fantastic team and improvement should continue to occur. He commended his office staff for their dedication and efforts to make his job "happen". He indicated that he would use the Board's written comments to revise the plan. Their notes will be included as backup to the revision. Supervisor Bennett indicated her affirmation of the motion indicates her total confidence in the City Manager and his staff and the enormous amount of work his organization is doing. The plan is a step in the right direction. She was looking forward to seeing the revised plan. She indicated she looked to Mr. Berkich as the "key guy who runs our organization" and she depended upon him to be

the Board's focal point. The Board's direction two months ago is already becoming apparent, which she appreciated. She then reiterated, for the record, her vote of confidence in Mr. Berkich. Supervisor Smith restated the motion to be a motion of general support and confidence in the City Manager and the City employees in this community and the program and direction which they are now headed. His comment indicated that the point of his motion was based on the comments and things which he had heard in the community. He felt that it was okay for him to talk "bad" about Mr. Berkich, but when he starts hearing it from other people, then he becomes defensive. He indicated that his statement was meant to be a compliment. **The motion as indicated was then voted and carried 5-0.**

Mayor Pro-Tem Tatro then explained his comments on the plan. He noted that the Board must maintain a separation between its policy-making duties and Mr. Berkich's implementation of those duties. Mayor Pro-Tem Tatro did not believe at this time that it is necessary to have a full-time Board of Supervisors. He felt that the community benefits from the fact that the Board members have the ability to devote full-time to the duties. This allows the community to come out ahead. Supervisor Bennett's dedication and efforts on both TRPA and the Hospital Board were cited as examples. His comments were based on the fact that he is a Board member who is still employed full-time. He acknowledged that each Board member dedicates a "lot of hours" to the job. Anyone wishing to hold the position in the future must be willing to make a commitment. As he is employed full-time, he depended upon reports similar to the proposed "City Manager's Update" to stay abreast of the activities. He agreed that it is a little bit more difficult to have a finger on the pulse when he is not in City Hall. He also noted that he depended upon the report to be "even and given equally and simultaneously to all of the Board members". This is a challenge for Mr. Berkich. The advantage to having the comments made in writing were also noted and an example provided. He also expressed his feeling that the Board's diversity is an asset. These abilities and diversities create untold advantages and benefits for the community as indicated by, in his opinion, "the best run government he had ever seen". A better community could not be found. The Board had in recent years been able to step back and provide the necessary support and vision for the staff to create this environment. Examples were cited to illustrate his reasons for feeling this way including the financial stabilization plan. He challenged the "rest of the world" to find a better run government. He then passed the gavel to Mayor Masayko and moved to adjourn. Mayor Masayko seconded the motion. Motion carried unanimously. Mayor Masayko adjourned the meeting at 3:30 p.m.

The Minutes of the October 16, 1997, Carson City Board of Supervisors meeting

1998. ARE SO APPROVED ON ____February 5____,

____/s/____

Ray Masayko, Mayor

ATTEST:

____/s/____
Alan Glover, Clerk-Recorder