A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, October 21, 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
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Richard S. Staub	Supervisor, Ward 4
STAFF PRESENT:	Linda Ritter	City Manager
	Al Kramer	Treasurer
	Andrew Burnham	Development Services Director
	Larry Werner	City Engineer
	Mark Forsberg	Chief Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 10/21/04 Tape 1-0007)	

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

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Rev. Bruce Henderson of the Airport Road Church of Christ gave the Invocation. Mayor Masayko led the Pledge of Allegiance.

CITIZEN COMMENTS (1-0048) - Carson City Republican Women's Club President Kay Keeton promoted its Annual Pancake Breakfast at the Nevada Room in the Governor's Mansion on October 30 from 7 a.m. to 9:30 a.m. Funds raised by the breakfast are used to sponsor two high school students' scholarships. She then invited the Board and public to attend the Nevada Day Parade. The Club's float was described. Additional comments were solicited but none were given.

1. APPROVAL OF MINUTES - MAY 17, 2004, SPECIAL SESSION AND JUNE 3, 2004, REGULAR SESSION (1-0087) - Mayor Masayko noted for the record the corrections that had been made to individuals' names on Pages 7, 8, 18, and 19 of the June 3, 2004, Minutes. Supervisor Livermore moved for approval of the Minutes of May 17, 2004, Budget Session as presented and the June 3, 2004, Regular Meeting with the noted changes on the rata sheets on Pages 7 and 8 with the correction of the name Hadfield and on Pages 18 and 19 with the correction of the spelling of the name Kingsley as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

2. AGENDA MODIFICATIONS (1-0109) - None.

3. SPECIAL PRESENTATION - PROCLAMATION FOR "CARSON CITY APPRECIATION DAY", OCTOBER 21, 2004 (1-0115) - Supervisor Williamson explained the purpose of the Proclamation. She explained that the luncheon had been cancelled due to the lack of attendance by the volunteers. A "get-together" may be held later. She then read the Proclamation into the record and moved to approve the Proclamation. Supervisor Aldean seconded the motion. Mayor Masayko explained his reasons for wanting to recognize the dedication and service provided by the City's volunteers. He thanked them for their service. The motion was voted and carried 5-0.

4. BOARD OF SUPERVISORS - NON-ACTION ITEMS:

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0161) - Supervisor Aldean reported on her meetings with/of GROW President Mary Fischer; WNDD; Assessor Dave Dawley; RTC; CAMPO; and her attendance for business reasons at the Placer County Planning Commission meeting in Auburn and her new appreciation for the City's Planning Commission and its courteous and inclusive treatment of applicants. She continued her activity report with the Rotary Club's Candidates Forum and the second Master Plan Workshop. Supervisor Williamson reported on her attendance at the Master Plan Workshop and meetings of WNDD; the HOME Consortium; the Carson Valley Coalition's Flood Plain Conference; the Carson City Clarion, Clock and Chimes Committee; and the Carson Water Subconservancy District. Her comments included explaining the need to recognize and thank the volunteers for their dedication, service, and hard work. She announced the Master Plan workshop to be held at Fritsch Elementary School and the Ghost Walk and urged the public to attend both functions. The status of the "C" Hill Flag was explained. She hoped to have the Flag completed in November although it may not be ready by Veteran's Day. Volunteers and ideas on how to install it faster was solicited. Supervisor Staub reported on his family activities; the Historic Resource Commission meeting; RTC and CAMPO meetings; a tour of Open Space sites with Open Space Manager Guzman; Community Council on Youth meeting; the Rotary Club's Candidates Forum; the Senior Citizens Center Advisory Committee meeting; and his business trip to Las Vegas. His comments also expressed kudos to City staff and State Forest Service employees and inmates for their work on the erosion control in the Waterfall Fire area, which had weathered a major rain storm. His remarks included an employment question which the City may be asked which would allow the Airport staff to participate in PERS. He asked that a discussion regarding this topic be agenized before allowing this to occur. Supervisor Livermore reported on his tour of the Detox Center with Community Counseling Center's Executive Director Mary Jenkins and requested that the record indicate that the City Manager and staff are cognizant of what her needs are and that her concerns will be addressed. Her program, at least from her prospectus, is very worthwhile and viable. He complimented her, her staff, and her volunteers on their program. He then reported on the following meetings: Recreation Superintendent Barbara Singer and Superintendent of Operations Mitch Ames regarding the theater; the Carson River Conference; the National Park and Recreation Conference tour of the City's facilities; the Master Plan focus group on the parks and recreation sports programs, trails and master plan; the Subconservancy meeting; and his perception of the Rotary Club's Candidates Forum and wished the candidates a successful election. Mayor Masayko reported on his activities including: the Breast Cancer Awareness Month activities and its recognition of the Carson Advocates for Cancer Care, its Strokes for Health Golf Tournament, and the Soroptomists; the Naval Junior Sea Cadets and the Junior Navy League's adoption of the U.S.S. Carson City Ship's bell; Carson City Hispanic Soccer League's trophies to its competition winners and the presentation of a plaque and commendation to Director of Parks Operations Scott Fahrenbruch; the Convention and Visitors Bureau Board meeting; a tour of the Wellington Crescent Subdivision to discuss its drainage issues which stressed the need to keep the drainage channels free of debris; his tour of the College Parkway flood problem in addition to the Highway 50 and Lompa intersection during the recent storm; the Dayton Chamber of Commerce meeting on the V&T Railroad; a meeting at the Carson City Pioneer High School regarding the impact of the Stewart Street extension and widening; a speech at the Chamber of Commerce Leadership Class; the State Employees Health Fair; the Master Plan Envision Workshop; and a speech to the National Association of Federal Retired Employees.

B. STAFF COMMENTS AND STATUS REPORT (1-0839) - City Manager Linda Ritter reported on her attendance at the International City/County Managers Association's Conference in San Diego. She thanked the Board for having the opportunity to attend. She indicated that staff is working with FEMA on the erosion control measures. A report on FEMA and the funding requirements will be provided in November. The emergency disaster response plan on flooding will also be presented.

5. CONSENT AGENDA (1-0846)

5-1. DEVELOPMENT SERVICES

A. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE 2004/2005 WELL CONSTRUCTION PROJECT, CONTRACT NO. 2004-025 TO (BIDDER NO. 4) ZIM INDUSTRIES, INC., 4545 EAST LINCOLN, FRESNO, CA 93725, FOR A CONTRACT AMOUNT OF $2,162,853 AND A CONTINGENCY AMOUNT OF $200,000

B. ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THIS RELEASE OF FINAL PAYMENT ON THE BOB BOLDRICK THEATER CURTAINS AND RIGGING PROJECT, CONTRACT NO. 2003-040 AS SUBMITTED BY DEVELOPMENT SERVICES TO STAGECRAFT INDUSTRIES, INC., 5051 NORTH LAGOON AVENUE, PORTLAND, OR 97217, FOR A FINAL PAYMENT AMOUNT OF $8,974.44 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED

C. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE PRODUCTION WELL NO. 53 AT SUNSET PARK AND WELL NO. 54 AT FUJI PARK PROJECT, CONTRACT NO. 2004-031 TO (BIDDER NO. 1) RDC, INC., DOING BUSINESS AS RESOURCE DEVELOPMENT COMPANY, 2305 GLENDALE AVENUE, SUITE 10, SPARKS, NV 89431, FOR A CONTRACT AMOUNT OF $517,100 AND A CONTINGENCY AMOUNT OF $40,000

D. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE HIGHWAY 50 EAST PREFABRICATED BOOSTER PUMP STATION PROJECT, CONTRACT NO. 2004-041 TO (BIDDER NO. 1) ENGINEERED FLUID, INC., P.O. BOX 723, CENTRALIA, IL 62801, FOR A CONTRACT AMOUNT OF $449,358

5-2. PURCHASING AND CONTRACTS

A. ACTION TO RENEW CONTRACT NO. 0001-089 TO CONTRACT WITH WESTERN ENERGETIX CARDLOCK BY JOINDER BID THROUGH WASHOE COUNTY TO PROVIDE CARDLOCK FUELING SERVICES THROUGH NOVEMBER 1, 2008, AND AUTHORIZE ALL CITY DEPARTMENTS TO BE ABLE TO UTILIZE THIS CONTRACT PROVIDED THEY HAVE APPROVED FUNDING AND FOLLOW APPROVED CARSON CITY PURCHASING PROCEDURES

B. ACTION TO ADOPT A RESOLUTION AUTHORIZING THE BOARD OF

SUPERVISORS TO DETERMINE THAT THE 64 PIECES OF MISCELLANEOUS COMPUTER EQUIPMENT HAVE REACHED THE END OF THEIR USEFUL LIVES AND WILL BE DONATED TO ANOTHER GOVERNMENTAL ENTITY OR TO A REQUESTING NONPROFIT ORGANIZATION CREATED FOR RELIGIOUS, CHARITABLE OR EDUCATIONAL PURPOSE AS SET FORTH IN NEVADA REVISED STATUTE 372.3261 (FILE 0405-050)

C. ACTION TO APPROVE CONTRACT NO. 0405-039 FOR THE FIRE DEPARTMENT TO CONTRACT WITH ROAD RESCUE BY JOINDER BID THROUGH CLARK COUNTY TO PURCHASE ONE (1) 2004 ROAD RESCUE F-350 ROAD RESCUE AMBULANCE FOR A NOT TO EXCEED COST OF $126,496.00 - Mayor Masayko noted for the record that there is a total of seven items on the Consent Agenda. There are two Departments and functional areas. Item 5-1 has four items from Development Services and Item 5-2 has three items from Purchasing and Contracts. One item needs a resolution number. The Development Services items include well and pumping expansion for next year's peak usage period(s) and completion of work done this year totaling more than $3.2 million. These projects may not have a large public hearing but they are working toward next year's pumping season and next year's water supply issues even though it is raining today. Supervisor Aldean pulled Item 5-1D for discussion. (Tape 1 failed.) Supervisor Livermore moved to approve the six remaining Consent Agenda Items and added Resolution No. 2004-R-33 to Item 5-2B. Supervisor Aldean seconded the motion. Motion carried 5-0.

5-1-D. Public Works Operations Manager Tom Hoffert described the funding source for the project. Mayor Masayko repeated the funding source as having been approved during the budget process in Fiscal Year 2004/2005 and that it may require an augmentation. Supervisor Aldean moved to accept Development Services' recommendation and award the Highway 50 East Prefabricated Booster Pump Station Project, Contract No. 2004-041 to Bidder No. 1, Engineered Fluid, Inc., P.O. Box 723, Centralia, IL 62801, for a contract amount of $449,358 and that the funding source is 520-3505-435-78-60 with funding available for the equipment purchase of $400,000 as provided for in Fiscal Year 2004/2005. Supervisor Williamson seconded the motion. Motion carried 5-0.

6. DEVELOPMENT SERVICES - PLANNING & COMMUNITY DEVELOPMENT - Director Walter Sullivan

A. ACTION TO ADOPT BILL NO. 116 ON SECOND READING, A ZONING MAP AMENDMENT APPLICATION FROM CARSON CITY (PROPERTY OWNER: CARSON CITY), TO CHANGE THE ZONING FROM PUBLIC COMMUNITY (PC) TO DOWNTOWN COMMERCIAL (DC), ON PROPERTY LOCATED AT 110 WEST ANN STREET, CARSON CITY, APN 014-188-03 FILE NO. ZMA 04-137 (2-0008) - Mayor Masayko thanked staff for providing a better map. Mr. Sullivan complimented Heidi Hermann for her work cleaning up the maps. Discussion indicated an intent to sell the lots after the zone change is completed. Supervisor Williamson disclosed that she had received two comments supporting the zone change. Discussion indicated that Open Space Manager Juan Guzman is the City's Property Manager and that he determines if and when a property appraisal is needed. Comments also indicated that the lot is currently being used to store "debris" and indicated that traditionally funds generated from the sale of City owned lots within the Redevelopment District are turned over to the Redevelopment Authority for its use. Funds from the sale of City owned property outside the Redevelopment District are turned over to the General Fund and used for Capital Acquisitions. Appraiser Kimmel may be present for an item later that will swear him in as the City's appraiser for the property. Supervisor Williamson pointed out that in the Redevelopment District, the Redevelopment Authority can consider the project and determine whether it has merit before selling the property. She was unsure whether the same restriction is allowed for property outside the District. Mayor Masayko noted that it is not necessary for the City to use a public auction process to sell the property. Discussion explained the location of the lot. Supervisor Williamson moved to adopt Bill No. 116 on second reading, Ordinance No. 2004-18, A ZONING MAP AMENDMENT APPLICATION FROM CARSON CITY (PROPERTY OWNER: CARSON CITY), TO CHANGE THE ZONING FROM PUBLIC COMMUNITY (PC) TO DOWNTOWN COMMERCIAL (DC), ON PROPERTY LOCATED AT 110 WEST ANN STREET, CARSON CITY, APN 014-188-03, File No. ZMA 04-137. Supervisor Livermore seconded the motion. Motion carried 5-0.

B. **ACTION TO ADOPT BILL NO.117, ON SECOND READING, A ZONING MAP AMENDMENT APPLICATION FROM CARSON CITY (PROPERTY OWNER: CARSON CITY) TO CHANGE THE ZONING FROM PUBLIC REGIONAL (PR) TO SINGLE FAMILY 6,000 (SF6), ON PROPERTY LOCATED ON PALO VERDE DRIVE, APN 004-141-05 FILE NO. ZMA-04-138 (2-0089) -** Mayor Masayko noted the location. Mr. Sullivan explained that the CC&Rs had been checked by Stewart Title Company, who did not find an easement. The Assessor's office had placed a note on the map indicating that there is an access to Mills Park through the lot. He felt that the note had originally been added when the Department selection process delineated who would be in charge of City owned property. He had checked with Public Works Utility Operations Manager Hoffert. The well has been satisfactorily capped. Mayor Masayko pointed out the need to advise potential buyers about the well and that the deed should also note the location of the well. Mr. Sullivan agreed. Supervisor Aldean moved to adopt Bill No. 117 on second reading, Ordinance No. 2004-19, A ZONING MAP AMENDMENT APPLICATION FROM CARSON CITY, PROPERTY OWNER: CARSON CITY, TO CHANGE THE ZONING FROM PUBLIC REGIONAL, PR, TO SINGLE FAMILY 6,000, SF6, ON PROPERTY LOCATED ON PALO VERDE DRIVE, APN 004-141-05, File No. ZMA-04-138**.** Supervisor Williamson seconded the motion. Supervisor Williamson encouraged any interested buyers to contact Property Manager Guzman. Comments also indicated that these two parcels were the only City owned lots that met the City's disposal requirements at this time. Motion carried 5-0.

C. ACTION TO APPROVE AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION, BEING A PORTION OF DORI LANE 50 FEET WIDE BY 480 FEET LONG, LOCATED SOUTH OF LOMPA LANE AND NORTH OF U.S. HIGHWAY 50, ZONED RETAIL COMMERCIAL (RC) AND GENERAL COMMERCIAL (GC) SUBJECT TO THE CONDITIONS OF APPROVAL AND BASED ON THE FINDINGS CONTAINED IN THE STAFF REPORT, FILE NO. AB-04-112 (2-0156) - Discussion indicated that all of the property owners had been notified about the proposed abandonment. They are aware of the proposal to return the property to them and that it will be placed on the tax rolls. The original Applicant's engineer was present but did not speak. Public comments were solicited but none were given. The right-of-way was dedicated to the City. Mayor Masayko asked that the motion include the four conditions of approval. Supervisor Williamson moved to approve an abandonment of public right-of-way application, that being a portion of Dori Lane 50 feet wide by 480 feet long, located south of Lompa Lane and North of U.S. Highway 50, zoned Retail Commercial, RC, and General Commercial, GC, subject to the four conditions of approval and based on the findings contained in the staff report, File No. AB-04-112. Supervisor Livermore seconded the motion. Motion carried 5-0.

8. PARKS AND RECREATION

A. ACTION TO APPOINT AND SWEAR IN MR. WILLIAM KIMMEL OF WILLIAM G. KIMMEL & ASSOCIATES AS THE APPRAISER FOR THE CARSON CITY OPEN SPACE PROGRAM WITH REGARD TO THE APPRAISAL OF PROPERTIES OWNED BY MICHAEL FAGEN AND ELIZABETH MCCLEARY, AND DEBORAH HUTCHISON, LOCATED AT KINGS CANYON ROAD IN CARSON CITY, NEVADA (2-0223) - Mayor Masayko indicated that it was not necessary for Mr. Kimmel to be in attendance if the Board's motion allows him to swear him in at another convenient location and time. This had been done for Mr. Johnson on a different occasion. Mayor Masayko disclosed that Mr. Kimmel is providing review appraisals for the V&T rights-of-way that is required for its reconstruction. His employment is under the terms and conditions equal to that of any other local appraisers. Supervisor Aldean explained the difference between the appraisal cost reflected on the Agenda Report of $4,000 and the $750 indicated in Mr. Kimmel's letter. The $750 is for a rereview of a previous appraisal on the Fagen property. There is a stand alone appraisal for the Hutchinson property. Additional comments were solicited but none were given. Supervisor Livermore moved to appoint and swear in Mr. William Kimmel of William G. Kimmel and Associates as the appraiser for the Carson City Open Space Program with regard to the appraisal of properties owned by Michael Fagen, Elizabeth McCleary, and Deborah Hutchison located on Kings Canyon Road in Carson City, Nevada, and also with the noted language that the swearing should include and a fiscal impact that is approximately $4,000 and that the funding source is the Open Space Fund. Mayor Masayko indicated that the motion was adequate enough to allow him to swear in Mr. Kimmel at an appropriate time. Supervisor Williamson seconded the motion. Motion carried 5-0.

7. DEVELOPMENT SERVICES - RTC - ACTION TO APPROVE THE RECOMMENDATION OF THE REGIONAL TRANSPORTATION COMMISSION FOR PRIORITIZATION OF TRANSPORTATION ENHANCEMENT PROJECTS AND DIRECT STAFF TO SUBMIT APPLICATIONS TO THE NEVADA DEPARTMENT OF TRANSPORTATION (2-0218) (1-0287) - Deputy City Engineer John Flansberg, GROW President Mary Fischer- Mr. Flansberg's introduction included a listing of the projects in the priority order established by RTC, reasons for that priority, the matching funding requirement, and the November 1 deadline for filing applications. NDOT reviews, approves, and sends them to CAMPO for final prioritization. The funding will not be available until 2005. Construction may occur in 2006. Mayor Masayko disclosed his involvement with the Statewide Transportation Advisory Commission (STAC) and indicated that the funding will be from TEA-3 if it is reauthorized. Discussion indicated that there are currently $6 to $7 million available. Mayor Masayko encouraged staff to develop the projects in a fashion that will allow phasing if the funding does not materialize. Mr. Flansberg then explained that the placement of grindings on Goni Road is considered a safety issue and that staff will undertake the work immediately. It may take 30 days to complete the placement of the grindings. He also felt that CAMPO would have a better chance at getting more funding than having Carson City stand alone. CAMPO will not be competing with the other Counties. Its priority listing if final. The funding allocation for the Counties as established by STAC was explained. Mr. Flansberg felt that Carson City/CAMPO may be eligible for an amount ranging between $500,000 and $1 million. Discussion indicated that the pedestrian master plan/the comprehensive master plan will create projects which may be eligible for CDBG funds. Supervisor Livermore encouraged Mr. Flansberg to remember the CDBG funds and, if possible, leverage the projects with its funding. This may provide additional funding for the enhancement projects. Discussion indicated the need to revise the Goni Road and Fifth Street projects due to drainage problems and the need to increase the costs due to the addition of bike lanes and widening requirements. Mr. Flansberg asked that the two areas be prioritized separately. CAMPO can reprioritize the listing. Its decision is final. Mayor Masayko supported his request. Supervisor Aldean felt that the Goni residents were satisfied with having grindings placed on the roadway shoulders and recommended that the Fifth Street improvements be the top priority. Mr. Flansberg indicated that Goni is estimated to cost $200,000 and that Fifth Street is estimated to cost $500,000. The Fifth Street improvements along the north side will become part of the freeway improvements. Public safety factors justified both projects. Supervisor Staub recommended making the gateways priority number one and then the Goni and Fifth Street safety improvements number two. Due to the inability to predict the State's funding priority, Mr. Flansberg recommended against making the gateways a top priority for the enhancement project. Supervisor Williamson explained that her comments were not meant to belittle the importance of the Goni and Fifth Street pedestrian and bicycle needs. She had been involved in Board, NDOT, and the STAC meetings regarding the freeway and its landscaping. She was repeatedly advised that they should apply for enhancement funding for the freeway landscaping projects. She also pointed out that NDOT is now beginning to take more responsibility and include landscaping along its roadways. The need for landscaping along the freeway was repeatedly emphasized and is based on the impact it will have on the abutting residents. She also questioned whether there is any other funding available besides the enhancement funds for improving the gateways. She urged the Board to be cognizant of these concerns when listening to the public comments. Public comments were then solicited.

Ms. Fischer distributed computerized photos illustrating the 1998 view, 2004 construction view, and the visual impact the completed freeway will have on the residents in her mobile home park to the Board and Clerk. (A copy is in the file.) Her involvement in the effort to obtain landscaping along the freeway was limned. She believed that the current State policy to include landscaping in roadway projects was a direct result of this effort. She believed that the Goni and Fifth Street projects had more funding pots than the gateway due to the safety issues. The City's support of the gateways as the number one project will lend credence to her effort to obtain private funding. Reasons the landscaping is not included in the NDOT freeway project were noted. Current funding for landscaping of NDOT projects was described and may be obtained for future freeway projects. It is not retroactive and cannot be used for Phase 1 of the freeway. She plans to apply for these funds for the other gateways. These funds require a 50 percent match. The City may not have the funds to match the State grant. She then explained her photographs and expressed her belief that the sound wall design was a result of their efforts to reduce and beautify its impact. She urged the Board to reconsider its priorities due to the funding potential for safety issues which is not accessible for the gateways.

Discussion between Mayor Masayko and Mr. Flansberg explained that the funding is allocated two years at a time. Mayor Masayko felt that there are other opportunities to obtain funding for the gateways. Supervisor Aldean and Mr. Flansberg explained the belief that the criteria for obtaining funding is changing to require its use for safety items only. Mayor Masayko pointed out the inability to predetermine congressional desires and/or intents and future enhancement funding. NDOT and STAC do, however, have some discretion in how the funds are spent. Discussion pointed out that enhancement funding requires a five percent match. It is possible to match federal funds with local/state grants. Ms. Fischer explained her understanding of the 50/50 match and concurred that it is possible to match federal grants with local/state grants. The federal enhancement grant will be used to match state funds which will be requested in January 2005. Mr. Flansberg indicated that the federal funds are enhancement funds and that the state funds are for landscaping. Discussion indicated that federal funds cannot be used to match other federal grants. Mayor Masayko reiterated his belief that Ms. Fischer has the ability to seek other STAC/NDOT funding sources in the future for the gateway project.

Supervisor Staub then explained RTC's action and its justification for that decision. RTC had recognized the impact the freeway will have on the residents in the mobile home park by making the gateway project its second priority. Justification for the decision to make the Goni and Fifth Street safety improvements the number one priority was reiterated. He urged the Board to approve the priorities as established by RTC. Supervisor Aldean then explained the prioritization established for the gateways and that RTC felt that safety should be the number one priority. Supervisor Williamson indicated her respect for RTC and its priority. She reminded the Board of the hearings on sidewalks and street improvements in the industrial area and on the need for landscaping and softening of the freeway's impact. This is the first occasion she had to be involved with the prioritization and the projects. She urged the Board to reconsider the priorities and make the gateways the number one priority. Supervisor Aldean explained that staff had been asked to meet with the manufacturers and that the bicycle plan includes a northern route on Arrowhead. Mr. Flansberg indicated that the bicycle plan and the proposed safety improvements are not part of the internal street improvements for the industrial area. Supervisor Livermore explained his involvement with the manufacturers on the bicycle plan. It is along Arrowhead only. The Goni area is along the western boundary of the manufacturing area. The majority of the streets in that area are residential. He disclosed that his brother-in-law lives on Goni. He, therefore, understood the safety concerns for the children and RTC's role in ensuring the public's safety. He gauges issues based upon such safety issues. Although he understood and supported Supervisor Williamson's comments regarding the gateway and the need to make the freeway more liveable for the residents, there are other funding opportunities for the gateways. He also encouraged RTC to consider such funding opportunities when establishing its priorities. Supervisor Staub explained that RTC considers funding at every meeting. RTC has been attentive to the landscaping needs along the freeway due to GROW's efforts. They have NDOT's attention. The landscaping improvements that are being made to Duck Hill show that commitment. RTC includes all spectrums of roadway issues in its considerations when funding is available. These issues had been considered in establishing its priorities. Funding from all sources are considered and applied to the needs that range from paving to landscaping. As work on the freeway continues, additional examples of this effort will be seen. Supervisor Staub then moved to approve the recommendation of the Regional Transportation Commission for prioritization of transportation enhancement projects and direct staff to submit applications to the Nevada Department of Transportation; fiscal impact is 95% Federal with a 5% local match, and will be determined by the project selected; with prioritization being that: Priority No. 1 will be East Fifth Street from Edmonds to Hells Bells Road over the Goni Road from Arrowhead Drive to Conestoga Project. Discussion explained that NDOT reviews the priorities before consideration by CAMPO. All of the projects meet eligibility requirements. CAMPO can reprioritize the projects. Ms. Fischer may approach them regarding the priorities. Supervisors Livermore and Aldean seconded the motion. Motion carried 4-1 with Supervisor Williamson voting Naye.

RECESS: A recess was declared at 10:31 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:41 a.m., constituting a quorum.`

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

B. ACTION TO ADOPT THE RANKING OF POTENTIAL ACQUISITIONS FOR THE OPEN SPACE PROGRAM AS ILLUSTRATED IN THE QUESTION NO. 1 OPPORTUNITIES MAP (2-1045) - Mayor Masayko explained the Board's direction that it be allowed to review the funding and priorities. Mr. Guzman's introduction supported having periodical "reality checks" with the Board which included funding alternatives. The listing is a blueprint for six years of Question 1 funding. The City's share of the acquisition cost for the property along the river is 50%. Elsewhere, the City's share is 75%. Reasons for the difference were noted. The City had received $1.04 million from the first round of Question 1 allocations. The City has four months to spend the funds. The map illustrating the location of the properties was used to explain the priorities and locations. The Hutchison and Horse Creek properties will be considered by the Board for acquisition next month. Justification for purchasing the Bently property was due to Mr. Bentley's desire to sell and not have a conservancy easement on the 40 acres in Carson City. The portion in Douglas County will have a conservation easement. A grant for acquisition of the property has been obtained. Mr. Guzman committed to keeping the Board better informed regarding regional issues and plans. A regional plan supported by the area provides a stronger application and helps obtain Congressional support for their funding requests. The Bently appraisal was for more than $200,000. The grant was for $120,000. The City will have to match it on a 50/50 basis. Mayor Masayko pointed out that the priority for the Bently property was located on the second page of the list. As the property is now in the process of being acquired, he felt that the process indicates that the property is being acquired on a willing seller, willing buyer basis and as funds are available. He urged Mr. Guzman to ensure that the message being sent to the public is that the listing is not in priority order. He then pointed out that the Carson Lodge property is very expensive and suggested that it be obtained after the Swafford property. Mr. Guzman explained that urgency is the utmost consideration in the decision to acquire property. He also indicated that the Board has final say over the acquisitions. Mayor Masayko reiterated his concern with the development of a priority listing which is not adhered to when acquisitions are made. He recommended having the Board reconsider the priorities. Mr. Guzman explained that the Southern Nevada funds are becoming less and less available. Mayor Masayko concurred and indicated that the City must develop its own land bill which will provide funding for the same purpose. This is part of the Master Plan and Open Space Land Use process. They will develop public support for the transfer of Federal land to the City or into private hands. The City's land bill could provide funding for high priority sensitive land using funds gained from the transfers. Mr. Guzman agreed to provide reports to the Board whenever the priorities are changed or at a minimum of every quarter.

Supervisor Aldean supported the use of a conservation easement whenever possible. She also urged staff to include ancillary impacts, e.g., Parks and Recreation maintenance, Kings Canyon Road improvements, etc. Mr. Guzman agreed to add conservation easements to his report. Supervisor Williamson explained that the Open Space Advisory Committee (OSAC) had established criteria which it followed in establishing the priority listing. Urgency had changed the timeframe for some of the acquisitions. She then described her tour of the Horse Creek site. Supervisor Livermore supported including in the report the financial impact of the acquisitions including the operational and maintenance costs, its watershed value, etc. Mr. Guzman explained that there is a fund for land maintenance. Supervisor Williamson explained the reasons for needing to consider the urgency in making decisions regarding when to acquire the property. She also felt that conservation easements are lost when property is sold.

Mayor Masayko reminded Mr. Guzman that, if all the bond funds are used for the acquisition of Horse Creek and Mr. Bently's property, there will be little funding available for other acquisitions. He felt that Horse Creek should be a high priority for a conservation easement. He also wanted to reorganize the priority listing and not start in the middle when making the purchases. Other funding alternatives also need to be found. The Bulin-Hollingsworth property should be considered the top priority. Supervisor Staub listed the reasons for not adhering to the priority order including avoidance of the problems encountered with the Bernhard property on Carson River Road. Mayor Masayko listed his ranking of the property. Public comments were solicited but none were given. Supervisor Livermore pointed out that OSAC had been concerned about the public's ability to access and use the property. The concept uses public funding for the acquisition. There are sensitive areas which should not be open to public use. The Schulz' family does not want its area open to the public. This supported a conservation easement for that area. Mr. Guzman indicated that he understood the concern. Discussion pointed out that Bently's Douglas County property had included a conservation easement, however, the public will not be allowed access to it even though it will cost $2 million. Supervisor Aldean moved to adopt the ranking of potential acquisitions for the Open Space Program as illustrated in the Question No. 1 Opportunities Map subject to reprioritizing the Bulin-Hollingsworth and Bently South from the seventh priorities to first priorities. Supervisor Williamson seconded the motion. Motion carried 5-0.

9. FINANCE DIRECTOR - Director Tom Minton **- ACTION TO ADOPT A RESOLUTION AUTHORIZING A MEDIUM-TERM OBLIGATION IN AN AMOUNT OF UP TO $3,100,000 TO FINANCE THE COST OF ACQUIRING REAL PROPERTY FOR OPEN SPACE FOR THE CITY; AND PROVIDING THE EFFECTIVE DATE HEREOF (2-1796) -** Mr. Minton explained the purpose of the resolution and public hearing. The bond will be for ten years. Discussion between the Board and Mr. Minton indicated that the bonds will limit future capital acquisitions. The current funding level and its use includes operation and maintenance. Open Space Manager Juan Guzman indicated that in the future operation and maintenance will take a larger portion of the funding. At that time there will be less funding available for acquisitions. Discussion also indicated that BLM will acquire the Bernhard property. It was appraised at a higher amount than was originally paid for the property. Another parcel under consideration for acquisition is the Gifford parcel. Mayor Masayko described the location and reasons for BLM's acquisition. He also indicated that he was not counting on BLM's acquisition at this time. Supervisor Livermore pointed out that the urban interface plan is a portion of the master plan and indicated it may be possible for the City to have its own land bill in the future. This could provide additional funding for open space. Mayor Masayko agreed and indicated that the timing for this option is unknown. Mr. Guzman indicated that the Board comments were opening the door for this process. Public comments were solicited but none were given. Mayor Masayko explained the need to have discussed the Open Space ranking of potential acquisitions prior to consideration of this resolution. Supervisor Livermore moved to adopt Resolution No. 2004-R-34, A RESOLUTION AUTHORIZING A MEDIUM-TERM OBLIGATION IN AN AMOUNT OF UP TO $3,100,000 TO FINANCE THE COST OF ACQUIRING REAL PROPERTY FOR OPEN SPACE FOR THE CITY; AND PROVIDING THE EFFECTIVE DATE THEREOF. Supervisor Williamson seconded the motion. Supervisor Livermore amended his motion to include the funding source of the Quality of Life/Open Space. Supervisor Williamson concurred. Motion carried 5-0.

10. INTERNAL AUDITOR - I. Steve Wolkomir **- INTERNAL AUDIT QUARTERLY STATUS REPORT FOR THE THIRD QUARTER 2004 (2-1896) -** Mr. Wolkomir reviewed Slide Pages 2, 3, and 4 relating to the fleet assessment. Mayor Masayko indicated that it does not recommend outsourcing and includes some vehicle replacement points. Mr. Wolkomir concurred and indicated that the fire vehicles may be considered for lease-purchase. He then reviewed Slide Page 7, 8, and 10 and Memorandum Pages 1 through 6. Discussion pointed out that the Boards, Committees, and Commissions cannot pay for the staff services unless they have a funding source. Mr. Wolkomir indicated that the Board may not wish to implement this recommendation for that reason. He continued his summary with Memorandum Pages 7 through 11. Discussion pointed out that Recommendation No. 6 on Page 12 was a wash as the individual had been transferred to an enterprise account. It should not be included in the recommendations. Mr. Wolkomir continued his report with Memorandum Pages 13 and 14. Discussion pointed out that a custodial position could have been moved to the maintenance area. A savings had not been created in that Department by the changing of positions. Board comments complimented Mr. Wolkomir on his report. Public comments were solicited but none were given. No formal action was required or taken.

11. DISTRICT ATTORNEY - Chief Deputy District Attorney Mark Forsberg

A. ACTION TO APPROVE PAYMENT IN THE AMOUNT OF $63,000 TO SETTLE CASE NO. CV-N-00-0552-RAM, LEEVER VERSUS CARSON CITY, FILED IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEVADA (2-2377) - Sheriff Ken Furlong - Discussion explained that the employee must agree to be represented by the Union. The Court ruling and the City's argument were explained. The current contract addresses the issue. The employee had never submitted an overtime slip asking for payment of the time taken to care for the drug dog. Justification for seeking a summary judgement was provided. Surveys of seven other law enforcement agencies indicate all were paying for the time spent caring for the dog in the same fashion as the City did–a flat fee without consideration of a set period of time. The handling/care of the dog had given the employee a promotion. Sheriff Furlong explained that the current program has only one dog. The second dog "retired" last year. Mayor Masayko explained his concern about settling as it admits guilt. Sheriff Furlong indicated that the Department will have to watch the overtime and may need to have an augmentation for it. Mr. Forsberg indicated that settling the lawsuit does not admit guilt. Mayor Masayko pointed out that settling clearly indicates that the time constraint does not apply to similar cases. Mr. Forsberg explained his belief that only one other person could seek redress. The lawsuit and settlement were driven by the employee's attorney and not what should have been granted. The prevailing party's attorney fees are paid by the losing side. Clarification indicated that the portion being paid to the employee equals one hour per day for two years. The remainder is for attorney fees. The Court ruled against allowing the City to introduce the fact that the individual no longer works for the Department. Discussion also indicated that the employee did not complain to the Union prior to filing the lawsuit. Supervisor Williamson indicated that, in the spirit of expediency rather than rights, she would move to approve payment in the amount of $63,000 to settle Case no. CV-9(N)-00-0552-RAM, Leever versus Carson City, filed in United States District Court for the Northern District of Nevada; fiscal impact is $63,000. Supervisor Livermore indicated that he would second the motion with the understanding that he is not a doctor, however, he understands why doctors are leaving Nevada due to the attorney fees, present company excepted. Mayor Masayko pointed out that the Board had been advised to settle to avoid a small win on the part of the plaintiff who does not desire it. If an employee disagrees with the payment contained in a Union agreement, he/she can file a grievance at any time. The point is to try and avoid an additional award of attorney fees like the next agenda item. The City is in the right and should file an argument and take the matter to trial. If you lose in court, you may incur more in attorney fees than the award granted the plaintiff. We are not paying the City attorney's fees. It is the plaintiff's attorney fees. His judgement and what Mr. Forsberg had told him indicates that the City will not prevail. He does not like settling as he did not believe the City was in the wrong. Supervisor Williamson concurred and pointed out that the issue of an appeal has been narrowly interpreted by the Ninth District Court and the City does not have much of a chance of prevailing. The City is doing the best it can in this situation. Supervisor Livermore felt that, contrary to the media's reports, the Legislature should consider tort reform on these issues. Mayor Masayko explained that the same is true with the Feds; however, it is not going any where. The motion to approve the settlement as indicated was voted and carried 5-0. Discussion indicated that a funding source had not been indicated on the Request for Board Action form. The funding source is the Insurance Fund. The action depletes the fund. Supervisor Staub explained his desire to discuss the funding options and sources for these items in the future.

B. ACTION TO APPROVE OR REJECT AN OFFER OF JUDGMENT IN THE AMOUNT OF $397,600.00 FOR THE PURPOSE OF RESOLVING A DISPUTE OVER CLAIMED ATTORNEYS' FEES AND COSTS INCURRED BY GENERAL BUILDERS, INC., DOING BUSINESS AS AMERICAN GENERAL DEVELOPMENT (AGD), IN LITIGATION ARISING OUT OF THE CONSTRUCTION AND REMODEL BY AGD OF THE CARSON CITY AQUATIC FACILITY (2-3121) - AGD's Attorney Michael Hoy - Mr. Forsberg's introduction include a breakdown of the fees and costs. He could not promise a reduction in the attorney fees even if he litigates them as the court has broad discretion when considering them. The appeal must be based on solid footing. Litigating them may force the City to pay for the original attorney fees, the costs, plus the costs and attorney fees incurred by the litigation. It is also possible that the final litigated fees will be less than $397,600, however, they may not be. He was willing to litigate the fees if the Board desired. It would not be necessary to use outside counsel to litigate the fees. Justification for having used outside counsel to handle the original litigation was limned. (3-0001) Mayor Masayko explained his reasons for supporting the settlement offer. Mr. Forsberg summarized the areas which he believed may be excessive, including expert witness fees, some of the claims, having more than one attorney at some events, etc. He was uncertain how AGD had reached its offer to reduce the costs by $139,264. The legal review process was described. Public comments were solicited.

Mr. Hoy explained his retention by AGD and their efforts to avoid litigation including the mediation process. They then unsuccessfully attempted to get the City to go to arbitration. The efforts to resolve the case were then described. A mediator gave a neutral evaluation and indicated that AGD would get $228,000 net. The City rejected this offer. The City could have accepted that offer in 2003 and avoid additional costs and fees. AGD had prevailed at the trial. Mayor Masayko asked that he not "retry the case" before the Board. Mr. Hoy continued his explanation by explaining that the City had also filed a complaint with the Contractors Board. AGD had not agreed to the City's allegations but acknowledged some responsibility. There was a $50,000 judgement regarding the slide which the AGD was willing to do. Mayor Masayko asked him to complete his summary. Mr. Hoy acknowledged that the request before the Board is to accept or reject the settlement offer. He also indicated that his client was not willing to accept a counter offer. The attorney fees are within the Judge's discretion. The fact is that this has been an "intensive case". They want to settle to avoid additional costs. Additional public comments were solicited but none were given.

Supervisor Aldean pointed out that she lacked institutional knowledge regarding the case. She questioned whether the offer was justified in view of the DA's concerns about some of the costs. The insurance fund is exhausted and another funding source must be identified. A rejection will give the Board/staff time to find the funding. The Board must be fiscally prudent with the public's money. If the Board feels that the costs are not justified, it must act accordingly.

Mayor Masayko explained that AGD was awarded $313,000 plus interest with $536,900 in attorney's fees. He felt that the fees were out of line and requested a motion. He preferred that the Judge make the decision as he could not make a case to warrant the settlement offer.

Supervisor Staub indicated that he appreciated Mr. Hoy's position. For the record, he felt that they were playing Monday morning quarterback at this point and are trying to, hindsight is 20/20, the Board can set up here and say that between staff, the counsel, and the Board we made decisions that were, at least, at that time, based upon on solid advice and what was considered to be an expert's opinion that has given us every confidence that proceeding with the lawsuit was the appropriate thing to do. Mr. Hoy and his client have a different view. He appreciated the picture that was painted. The picture that, in his opinion, also needs to be painted is that the decisions of this Board remain based upon legal counsel's expert advice and right, wrong, or indifferent, when you go to court, as he had always said, that if you are willing to win, you also must be willing to lose. We won and we lost. There are also times when we, as a City, have to lookout for the best interest of our citizens and the funds that we have, dwindling as they may be, he thought that there is also a time when you must lick your wounds and you go on. Unfortunately, he would have to disagree with Mr. Mayor. As much as he hated it, he did not want to bring up the can of spinach, but, it is one of those things where, he was prepared to bite the bullet and move on. He did not like it but that is the legally prudent thing to do at this point.

Supervisor Williamson complimented Mr. Hoy on his advocacy and persuasive argument for his client. Unfortunately, Mr. Hoy does not have any wiggle room. She felt that an agreement is possible. The City's attorney has reviewed their bills and has felt that some could be challenged. She asked that he call his client and determine if negotiations are possible. Mr. Hoy indicated that he is professionally required to submit any settlement offer to his client. He agreed to do so if the Board submits one. He had previously discussed this potential with his clients and been told no. He reiterated his intent to convey whatever offer the Board makes.

Supervisor Livermore explained that he was not a Board member at the time the decision was made to do the aquatic facility. There had been people at that time who recommended that the bids be rejected and that the project be rebid. There were a lot of expectations and wishes regarding the type of facility the community wanted. It had to be usable. The City had paid good hard earned money for it. Mr. Hoy must represent his client. He has indicated that his client is not willing to negotiate at this time. As much as he disliked having to share Supervisor Staub's spinach, he was not willing to trust the legal system to obtain a better deal than the one before the Board. It was unfortunate that it had taken longer than envisioned to complete the pool. The public was not able to use it during that period. The public should be compensated for that inability. Although he was unsure what the Board's vote will be, he was not willing to commence the process over. He hoped that there is a negotiated offer that can be made.

Supervisor Aldean indicated her personal knowledge that Mr. Mitchell, who had been the original mediator, has standards by which he must abide. The City can make an offer. Everyone has done everything reluctantly for a variety of reasons. She was willing to make a counter offer. Mr. Forsberg indicated that technically the Board was agenized for only acceptance or rejection of the settlement as drafted. Mayor Masayko pointed out that a motion with a different number would be a rejection of that settlement. Supervisor Staub concurred. Supervisor Livermore moved to approve an offer of judgment in the amount of $397,600 for the purpose of resolving a dispute over claimed attorneys' fees and costs incurred by General Builders, Inc., dba American General Development, in litigation arising out of the construction and remodel by AGD of the Carson City Aquatic Facility. Supervisor Staub indicated that he would reluctantly and with great consternation second the motion. Mayor Masayko asked for additional comments. None were made. The motion was voted and carried 3-2 with Supervisor Aldean and Mayor Masayko voting Naye. Discussion pointed out that a fiscal impact (funding source) was not indicated. Mayor Masayko ruled that the funds must come from the construction fund or the funding will have to be brought back for reconsideration by the Board. Consensus indicated that the item will be brought back to the Board for debate and determination of the funding source.

RECESS: A recess was declared at 12:45 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 1:50 p.m., constituting a quorum.

12. CITY MANAGER - Linda Ritter

A. ACTION TO SUSTAIN OR REVERSE THE DECISION OF THE CARSON CITY SHERIFF TO DENY A WORK PERMIT FOR GENE MUNNINGS (3-0486) - Chief Deputy District Attorney Mark Forsberg - Mayor Masayko explained that a hearing had been held before Hearings Officer Joffee. She found that the denial was appropriate as indicated in the Board's packet. For the record, he indicated that the Boards of Supervisors is the final adjudicator on such matters. The time was set for 1:30 p.m. on this date. Mr. Munnings was notified of the hearing. It has been indicated previously that the individual must appear before the Board as the final authority to make his/her case. The individual would be allowed to do so if he/she is present. The Board has the ability to change the Hearings Officer's ruling based on that information. Mr. Munnings is not present. Mayor Masayko was uncertain whether the Board had any option other than to uphold Hearings Officer Joffee's ruling without additional information on the record. Discussion ensued between Supervisor Aldean and Mr. Forsberg regarding NRS 648.110, the definition of moral turpitude, and the Nevada Supreme Court's ruling that arson is a crime of moral turpitude. Mr. Munnings wants to be a "secret shopper", however, the employer operates a licensed private investigation company. It cannot hire an unlicensed individual. Mr. Munnings has unsuccessfully attempted to esponge his record. He performs this service occasionally and makes a small amount of money doing it. Mr. Forsberg did not believe that the Board would be depriving him of his livelihood by denying the permit. Supervisor Livermore disclosed his personal retention of a firm to check his employees to illustrate the services provided by the "secret shoppers". Mayor Masayko disclosed that he knows Mr. Munnings personally. The bar is the standard for everyone. A State law precludes him from being employed by that firm. Although he could support granting the workcard, he did not believe that Mr. Munnings would be able to be employed by the firm for this purpose. The Board was willing to listen to Mr. Munnings, if he was present. Supervisor Williamson moved to sustain the decision of the Carson City Sheriff to deny a work permit for Gene Munnings. Supervisor Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO SUSTAIN OR REVERSE THE DECISION OF THE CARSON CITY SHERIFF TO DENY A WORK PERMIT FOR SPENCER BAILEY (3-0605) - Mayor Masayko indicated that Mr. Bailey had failed to attend the September 17, 2004, hearing. This default prohibits his coming forward at this point. Supervisor Aldean moved to sustain the decision of the Carson City Sheriff to deny a work permit for Spencer Bailey. Supervisor Williamson seconded the motion. Motion carried 5-0.

C. ACTION TO APPOINT ONE MEMBER TO THE AIRPORT AUTHORITY TO FILL THE "FIXED BASE OPERATOR" POSITION FOR A FOUR YEAR TERM ENDING OCTOBER 2008 (3-0618) - John Kelly, Neil Weaver, Bob Thomas - Mayor Masayko summarized the discussion and decision made at the last meeting reopenning the application period in the hope that another fixed base operator would apply. Mr. Weaver had applied. He disclosed that he had contacted Mr. Kelly personally and had informed him that another applicant had stepped forward and that the item was reagenized for this meeting. He also indicated that a District Attorney's opinion was in the Board's packet. It indicates that the City's Charter cannot overrule the Nevada legislation governing the operation of the Airport. The Board then interviewed (3-0650) John Kelly and (3-0876) Neil Weaver. The Board thanked each applicant for applying. Mayor Masayko indicated for the record that Mr. Weaver's wife is the Airport Manager and that Mr. Weaver ability to serve on the Airport Authority without a conflict of interest has been determined by the Ethics Commission. Public comments were then solicited.

Mr. Thomas explained that it is his seat that is vacant and that his term has expired. He wished that all City Boards, Commissions, and Committees had two well-qualified applicants similar to those who had applied for his seat. In a year Commander Brogan's seat will be vacant. He hoped that the individual not selected today would fill that position. He understood the residency requirement but felt that the Airport is different as it is a regional operation which draws people from outside the City boundaries. The restriction would have eliminated several former Authority members who were bright individuals and had done excellent work for the Authority. He hoped that the Board would reconsider the restriction for that reason. He also pointed out the difficulty encountered attempting to get people to apply/serve on the Authority. He then recommended that Neil Weaver be selected to fill the vacant seat due to the need to complete the Airport master plan, the contributions he has made to the Airport including his previous term(s) on the Authority, and his ideas on how to get the Airport to grow and meet the desires of the "Economic Commission". He acknowledged that Mr. Weaver can be cantankerous at times, had run against Mayor Masayko, Supervisor Livermore, and himself, but he had "attended charm school". He is worth having on the Authority.

Supervisor Livermore pointed out that it was most unusual to have someone make a recommendation to the Board when interviews are conducted. He felt that it should not be allowed. Mr. Thomas indicated that he "stood chastised". He was not taking sides in the selection process as he really would like to see both individuals be appointed. He felt strongly about the Airport and felt certain that Mr. Weaver and his ideas should be considered. Mayor Masayko indicated that a debate about the process should not occur and that Mr. Thomas should not feel chastised. Supervisor Livermore pointed out that the Board had never allowed a recommendation to be made regarding appointments before this time. Mayor Masayko agreed and pointed out that it is allowed under the Statutes. Supervisor Aldean disclosed that she knew Mr. Thomas and respects his opinion. She was not as familiar with the Airport operations as he is and felt that he had a proprietary interest in it. Mr. Thomas concurred.

Supervisor Staub disclosed that he had been seated next to Mr. Thomas at the Authority meetings and had appreciated his historical knowledge regarding the Airport and its operation. He thanked him for his service, dedication and contributions to the Airport. Mr. Thomas will be missed at the meetings. Mr. Thomas explained that he had been the Member who had pushed to have a Board representative on the Authority. He also complimented Community Development Director Walter Sullivan on his service to the Airport.

Supervisor Aldean acknowledged the opinion that there would not be a conflict of interest between Mr. Weaver and his wife, who is the Airport Manager; however, the practicality of the positions could pose a problem for them. Mr. Thomas explained that he had hired Ms. Weaver as the Airport Manager before he knew Mr. Weaver. Justification for her selection was briefly limned. He indicated that they do not always agree on things; however, Mr. Weaver does not interfere with her ability to operate the Airport. He did not believe that Mr. Weaver's appointment on the Authority would change their relationship. He then indicated that it had been a privilege to serve the community.

The Board then used its round robin selection process to determine who should be selected to fill the vacancy. Justification for the choice was sometimes provided. The quality of the applicants was repeatedly acknowledged. Supervisor Aldean moved to appoint Neil Weaver to the Airport Authority to fill the Fixed Base Operator based at the Airport position for a four-year term ending October 2008. Discussion indicated that Mr. Weaver is a resident of Carson City and that he had used his business address on the application. Mr. Weaver had run against Mayor Masayko during the last mayoral election and against Supervisor Livermore during two different elections before that. Supervisor Staub seconded the motion. Motion carried 4-1 with Supervisor Livermore voting Naye.

Mayor Masayko explained that Mr. Thomas had asked if he could comment under the public comment section. Mayor Masayko could not deny him or the public the opportunity to speak. The Legislature had enacted a Statute mandating that public comment be solicited on each action item. He was not changing the Board's policy on allowing endorsements of applicants. He would continue to allow public comment as mandated by the Open Meeting Law in the future. Supervisor Livermore agreed that public comments should be allowed. He found it to be irregular to have an endorsement rather than public comments. Mayor Masayko pointed out that public comments are endorsement for or against all items. Therefore, it must be allowed on any and all items including Board appointments.

RECESS: A recess was declared at 2:51 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 2:56 p.m., constituting a quorum.

D. ACTION TO APPROVE THE PLAN OF ACTION IN RESPONSE TO THE INTERNAL AUDIT OF BOARDS, COMMITTEES AND COMMISSIONS (BCC) (3-1577) - Internal Auditor I. Steve Wolkomir, Tom Keeton - Discussion indicated the Board's desire to have periodic reports from the BCCs which is be provided on a standardized report form and signed by the Chair. The Convention and Visitors Bureau prepares a financial statement and has an annual audit. They are brought to the Board annually by the Board's liaison–Mayor Masayko. The Library has not provided any financial information beyond that given during the budget session. The pros and cons regarding the proposal to have the BCCs pay for City services and staffing was discussed at length. It was felt that only those BCCs with a revenue source should be assessed a fee for City staff and services required to comply with the Open Meeting Law. The other BCCs who are advisory to the Board will continue to receive services and staffing from the City. The Library, Convention and Visitors Bureau, and the Airport make their own decisions without Board oversight. Supervisor Staub pointed out that the Charter Review Committee had not been included in the audit. All BCCs should be required to provide the annual report including the Charter Review Committee and any other City BCC which handles funds, e.g., RTC. RTC's report should include its annual transportation improvement plan. Discussion pointed out that staff will be the ones preparing the report and that it should be standardized and comprehensive but not overly burdensome. The Fire Department's annual report was felt to be "over the top" and that a one or two page report should be adequate. It should contain a review of all expenditures and accomplishments. It will make the BCC accountable to the public without being cumbersome. Ms. Ritter indicated that the report on possible conflicts regarding Airport property usage is on the administrative list of things to do. Mayor Masayko explained how the Airport Authority had been created and that it may be necessary to change some of the enabling legislation.

(1-1820) Mr. Wolkomir explained some conflict of interest issues which had been pointed out by the Airport General Manager. Mayor Masayko felt that these perceptions should be dealt with. There is a covenant with the FAA to provide a functional airport. The property is owned by the City. The need for communication was stressed. Improved communications should address the issues as well as explain the Authority's role and the City's fiduciary responsibilities.

Discussion then pointed out that some of the BCCs were created by Statutes and others by Board policy. Blending/merging them would reduce staff's workload. The Public Transit Advisory Committee (PTAC) had disappeared. Formal action disbanding it had not occurred. CAMPO has taken over its responsibilities. Mayor Masayko indicated that formal action should be taken to disband it. He also pointed out that CAMPO will be required to have a technical committee dealing with transit issues. Supervisor Aldean explained that she had been appointed as the RTC liaison to the PTAC, however, it had not met since her appointment. Supervisor Staub pointed out that the Senior Citizens Advisory Committee is not on the listing. It has a governing board over it. He was uncertain whether one or both of these Committees should be included on the list. There is a lot of conflict between them. Ms. Ritter indicated that staff is discussing this situation. Some of the Senior Center employees are City employees while others are not. An interlocal agreement or memorandum of understanding should be created/updated dealing with this situation. The Board also asked that the reason a Board member is a liaison on the Committee should be explained. It is on the list of "to dos". Supervisor Livermore pointed out that CATF/CAT-10 were not included on the listing. Their roles need to be clarified. Mayor Masayko pointed out that none of the employees at CAT-10 are City employees. There are several City employees at the Senior Center. Mr. Wolkomir indicated that there were 36 BCCs beyond the scope of his audit which included the Senior Center. Mayor Masayko indicated that these BCCs do not provide advice to the Board. Mr. Wolkomir had done his job as the Board had requested. He felt that both the Senior Citizens Advisory Committee and its 501C3 governing board should be included in the process. Mr. Wolkomir explained his comment regarding 501C3 as contained in his report to the Board and why he had not included them. Mayor Masayko felt that the Senior Citizens Committee and Board were different from CAT-10 and the Community Council on Youth. For this reason, the Board would like to have the roles clarified. Supervisor Aldean pointed out that the Charter Review Committee had adopted bylaws. Public comments were then solicited.

(3-2049) Mr. Keeton explained that he was speaking as the Parks and Recreation Commission Chair as well as for Vice Chair Donna DePauw. The issue regarding the Ordinance requirement to have a minor on the Commission has been agenized for its next meeting. The Commission had bylaws before the Charter Review Committee had adopted its. He believed that stewardship reports should be prepared by the Commission rather than staff. Mayor Masayko concurred but expressed concerns about placing an overly burdensome requirement on a volunteer. Mr. Keeton felt that a small subcommittee should be able to develop and present the report to the Board. He did not wish to burden staff with the requirement. He looked forward to making the presentation. He had no objections to any of the audit recommendations. He also indicated that the decision to blend the BCCs is a Board policy. He pointed out the urgency to create a plan and move forward with the recommendations in order to meet the November 30 deadline. He complimented Ms. Ritter for her professional assistance in the past and looked forward to discussing the issues at the Commission meetings with her. Mayor Masayko thanked him for volunteering to take on the extra work. Additional public comments were solicited but none were given.

Discussion noted the amendment to remove the Airport Authority conflict of interest and the addition of the Senior Center to the reporting BCCs. Supervisor Staub moved to approve the Plan of Action in response to the Internal Audit of Boards, Committees, and Commissions and that the fiscal impact is not applicable. Supervisor Livermore seconded the motion. Following a request for an amendment, Supervisor Staub amended his motion to include the amendments as indicated on the record. Supervisor Livermore concurred. Motion carried 5-0.

E. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO N.R.S. 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES REGARDING LABOR NEGOTIATIONS (3-2135) - 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 5-0. Mayor Masayko indicated that the televised section of the meeting was terminated by this action and recessed the Open Session at 3:24.

The Open Session was reconvened at 3:47 p.m. The entire Board was present, constituting a quorum.

13. ACTION TO ADJOURN (3-2172) - Supervisor Aldean moved to adjourn. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 3:48 p.m.

The Minutes of the October 21, 2004, Carson City Board of Supervisors meeting

ARE SO APPROVED ON ___July 7______, 2005.

_/s/____________________________________
Robin Williamson, Mayor Pro-Tem

ATTEST:

_/s/______________________________
Alan Glover, Clerk-Recorder