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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, December 16, 2004, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor
	Pete Livermore	Supervisor, Ward 3
	Shelly Aldean	Supervisor, Ward 2
	Richard S. Staub	Supervisor, Ward 4

STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Ken Furlong	Sheriff
	Al Kramer	Treasurer
	Andrew Burnham	Development Services Director
	Daren Winkelman	Health Director
	Lisa Roth	Human Resources Director
	William Naylor	Information Services Director
	Mark Forsberg	Chief Deputy District Attorney
	Tom Hoffert	Public Works Operations Manager
	Katherine McLaughlin	Recording Secretary
	Justine Chambers	Contracts Coordinator
	(B.O.S. 12/16/04 Tape 1-0013)	

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

**CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE** - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. A quorum was present although Supervisor Williamson was absent. Mayor Masayko explained Supervisor Williamson's family emergency. Rev. John Wiltse of the Bread of Life Christian Fellowship gave the Invocation. Mayor Masayko led the Pledge of Allegiance.

**CITIZEN COMMENTS (1-0039)** - None.

- ACTION ON APPROVAL OF MINUTES (1-0042)** - None.
- AGENDA MODIFICATIONS (1-0045)** - None.
- SPECIAL PRESENTATIONS (1-0050)**

**A. PRESENTATION OF APPRECIATION TO RAY MASAYKO FOR HIS EIGHT**

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**YEARS SERVING AS CARSON CITY MAYOR** - Supervisor Livermore presented a plaque to Mayor Masayko recognizing his tenure as Mayor. The Board commended him on his years of service to the community. Highlights of his service were noted. Comments also wished him and his wife success in their future ventures. Mayor Masayko thanked the Board for the recognition. He felt it had been an honor to serve the community and a pleasure to work with the Board members. He encouraged the Board Members to continue their efforts to improve the community and shepherd it through the challenging times in the future. He recognized the commitment his wife had made that allowed him to serve as Mayor. Without her support, he did not believe it would have been possible for him to have served. He hoped that his legacy was one of open, honest, and accountable government. This process can sometimes be lengthy and long but it is on the record and open for all to see. He was proud to have had the opportunity to serve the community. No formal action was required or taken.

**B. PRESENTATION OF A GIFT OF APPRECIATION TO ROBERT HADFIELD, RETIRING EXECUTIVE DIRECTOR OF THE NEVADA ASSOCIATION OF COUNTIES (NACO) (1-0272) (0495)** - Mayor Masayko welcomed Mr. Hadfield and explained his tenure with NACO. He described NACO's recognition of his retirement at its recent convention. Justification for recognizing his service to the City was given. He congratulated Mr. Hadfield on his successful effort to obtain support for the V&T Railway. A plaque honoring his service was read. An explanation of the photograph showing the last V&T train trip from the round house at Washington and Carson Streets was given. The plaque was presented to Mr. Hadfield. Mayor Masayko wished him success in his future ventures. Mr. Hadfield explained the feeling that the V&T Railway is the most important Northern Nevada public works project in the State. He hoped that other Counties join and support Carson City and Storey County's efforts to rebuild it. He recognized the work Mayor Masayko had put into the project. He believed that the terminal should be returned to its original location at Carson and Washington Streets. This project is doable if supported by NDOT. He expressed his appreciation for Mayor Masayko's support of NACO. He also commended City Manager Ritter on her advancement and for coming to Carson City. Mayor Masayko repeated his wish for Mr. Hadfield to have a successful retirement. No formal action was required or taken.

**4. LIQUOR AND ENTERTAINMENT BOARD (1-0285)** - Mayor Masayko recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. For Minutes of the Liquor and Entertainment Board, see its folder.

**BOARD OF SUPERVISORS** - Following adjournment of the Liquor and Entertainment Board, Mayor Masayko reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

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

**A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0621)** - Supervisor Aldean reported on her meetings regarding mental health issues; the auto mall incentive program; CAMPO, RTC and TRPA issues; and the Development Services pot luck luncheon. She reminded the Board and public that the "Point In Time" count of transients/homeless people is coming up shortly. She wished everyone a merry Christmas and a safe holiday season. Supervisor Staub reported on his attendance at the RTC and CAMPO meetings. He also wished everyone a happy holiday season. Supervisor Livermore complimented Mayor Masayko and Governor Guinn on their Christmas Tree lighting ceremonies. He

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commended staff on the City Hall open house and the participants of the art contest. He reported on the Parks and Recreation Commission's meeting. He announced the Presbyterian Church's live Christmas program and urged the public/Board to attend. He then reported on his mental health coalition meetings, the Chamber of Commerce Manufacturer's meeting, a Chamber of Commerce open house; and the Subconservancy District's meeting. He complimented staff on the *City Manager's Report* and Redevelopment/Economic Development Manager Joe McCarthy, specifically, on the economic portion of it. He urged the Board members to read it if they had not already done so. He also wished everyone Happy Holidays. Mayor Masayko wished everyone Happy Holidays. He indicated that he had attended "a lot of wonderful activities and recognitions" of his service. There will be an informal recognition at City Hall on December 30 at noon to which he invited the public. A formal invitation to it will not be provided. He recalled his initiation into government activities had been the flood of 1997. He reminded everyone that floods can happen again. Some storm drainage issues have been addressed. Funding is needed to address even more of them. He thanked staff and Redevelopment for supporting the tree lighting and open house. He also thanked the Chorus of the Comstock and the Eagles Auxiliary for their participation. He reported on the Recreation Department's Kids Talent Show and the V&T Railway Commission's meeting. He suggested that the Community Center receive a face lift or be spruced up in the future. No formal action was required or taken.

**B. STAFF COMMENTS AND STATUS REPORT (1-1025)** - City Manager Linda Ritter, on behalf of City staff, thanked Mayor Masayko for his service. She indicated that a "send off" for him has been scheduled for 3 p.m. at the City Hall on December 30. Everyone was invited to attend this casual affair. Discussion indicated that it was not be a formal presentation. No formal action was required or taken.

**6. CONSENT AGENDA (1-1045)**

**6-1. ASSESSOR - ACTION TO APPROVE THE PARTIAL REMOVAL AND PARTIAL REFUND OF TAXES FOR PARCEL NUMBER 009-235-03 (5106 SNYDER AVE) FROM THE 2004/05 REAL PROPERTY TAX ROLL PER NRS 361.050**

**6-2. DISTRICT ATTORNEY - ACTION TO APPROVE OF AN INTERLOCAL CONTRACT BETWEEN THE STATE OF NEVADA, DEPARTMENT OF HUMAN RESOURCES WELFARE DIVISION AND THE CARSON CITY DISTRICT ATTORNEY CHILD SUPPORT DIVISION BY WHICH CARSON CITY RECEIVES SUBSTANTIAL REIMBURSEMENT FUNDING FOR THE COLLECTION OF CHILD SUPPORT OBLIGATIONS BY THE DISTRICT ATTORNEY'S OFFICE, INCLUDING SALARIES AND EQUIPMENT FOR THE PERFORMANCE OF THIS FUNCTION FROM NOVEMBER, 2004, TO JUNE 30, 2008, WHICH INCLUDES AN INCENTIVE PAYMENT SCHEDULE AND OTHER MATTERS PROPERLY RELATING THERETO**

**6-3. DEVELOPMENT SERVICES**

**A. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE WATERFALL FIRE REHABILITATION EFFORTS PROJECT, CONTRACT #2003-011, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO RESOURCE CONCEPTS, INC., 340 N. MINNESOTA, CARSON CITY, NEVADA 89703 FOR AN AMENDMENT NO. 1 AMOUNT OF \$40,000 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$25,000**

**B. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE HIGHWAY 50 EAST TANK AND BOOSTER PUMP STATION PROJECT, CONTRACT #2004-049, TO RDC, INC, DOING BUSINESS AS RESOURCE DEVELOPMENT FOR**

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**A CONTRACT AMOUNT OF \$3,412,351 (BID PRICE FOR SCHEDULES A-E PLUS ADDITIVE ALTERNATIVES BP.52 AND BP.53) AND A CONTINGENCY AMOUNT OF \$146,113**

**6-4. PURCHASING AND CONTRACTS**

**A. ACTION TO APPROVE THE AWARD OF CONTRACT NO. 0405-060 REBID - SEWER LINE CLEANING TO HYDROTECH, INC. AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO N.R.S. CHAPTER 332 THROUGH DECEMBER 15, 2006, WITH THE OPTION TO RENEW FOR THREE (3) ADDITIONAL YEARS SUBJECT TO NEGOTIATIONS**

**B. ACTION TO RENEW CONTRACT #0203-010 - SODIUM HYPOCHLORITE SOLUTION WITH SIERRA CHEMICAL COMPANY AT A COST OF .6850¢ PER GALLON LESS 1% CASH DISCOUNT IF PAID WITHIN 15 DAYS SUBJECT TO THE ESCALATION AND/OR DE-ESCALATION PROVISIONS THROUGH JUNE 5, 2007, WITH THE SAME TERMS AND CONDITIONS AS ORIGINALLY AWARDED ON JUNE 20, 2002**

**C. ACTION TO APPROVE THE EXTENSION OF CONTRACT NO. 0304-098 - JOINDER CONTRACT FOR TELECOMMUNICATION SERVICES WITH NEVADA BELL TELEPHONE COMPANY (DOING BUSINESS AS SBC NEVADA) THROUGH DECEMBER 31, 2005, PROVIDING THAT CARSON CITY'S APPROVED FUNDING AND PURCHASE PROCEDURES ARE FOLLOWED**

**D. ACTION TO APPROVE CONTRACT NO. 0405-064 - A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY URS CORPORATION TO UPDATE CARSON CITY'S COMPREHENSIVE EMERGENCY OPERATIONS PLAN THROUGH DECEMBER 15, 2005, FOR A NOT TO EXCEED COST OF \$69,920**

**E. ACTION TO APPROVE THE AWARD OF CONTRACT NO. 0405-061 - 2004/2005 WELL CONSTRUCTION ELECTRICAL CABINETS TO GROVE MADSEN INDUSTRIES AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO N.R.S. CHAPTER 332 AND PURSUANT TO THE BOARD'S FINDINGS THAT IT IS IN THE PUBLIC'S BEST INTEREST TO ACCEPT THE BID EXCEPTIONS FOR A NOT TO EXCEED COST OF \$148,250**

**6-5. FINANCE - ACTION TO FORGIVE 25% PAY BACK OF RELOCATION EXPENSE REIMBURSEMENT FOR I. STEVE WOLKOMIR, FORMER INTERNAL AUDITOR, IN THE AMOUNT OF \$3,035**

**6-6. HUMAN RESOURCES - ACTION TO APPROVE AN ADDENDUM TO THE 1999-2005 COLLECTIVE BARGAINING AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY FIRE DEPARTMENT CLASSIFIED CHIEF OFFICERS ASSOCIATION WHICH PROVIDES FOR A 15% BASE SALARY INCREASE FOR FISCAL YEAR 2004-2005** - Supervisor Staub pointed out that Item 6-3B is for a new water tank and pump station to improve the water delivery and storage system. Mayor Masayko noted that the Highway 50 water and sewer line improvements are progressing. Public comments were solicited but none were given. Supervisor Livermore moved to approve the Consent Agenda consisting of 11 items as described by Mayor Masayko. Supervisor Aldean seconded the motion. Motion carried 4-0.

**7. TREASURER - Al Kramer - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE (CCMC) - TITLE 4 (LICENSES AND**

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**BUSINESS REGULATIONS) AMENDING SECTION 4.13.050 (CLASSES OF LICENSES – SEPARATE ENTITY) AND AMENDING SECTION 4.13.110 (LICENSE – FEES) AND OTHER MATTERS PROPERLY RELATED THERETO (1-1084)** - Sheriff Ken Furlong - Mr. Kramer's introduction included noting the need for the Board to discuss the license fees, his discussion with Chamber of Commerce Chief Executive Officer Larry Osborne, and the notification mailed to each Liquor License holder. He had received only two telephone calls regarding the ordinance. There are no major changes in the ordinance. Discussion explained that the proposed Ordinance combines two licenses into one and reduces the cost for it. Zoning regulations may prohibit the sale of open containers in some locations. Board comments complimented Mr. Kramer on the concept. Sheriff Furlong supported the ordinance. Discussion supported allowing licensed individuals to obtain this combined license without having to charge for a second investigation. Mr. Kramer was directed to submit an ordinance enabling this to occur. The ordinance is to apply to any individual holding any type of liquor license who wishes to change the class(es) of liquor license. Sheriff Furlong supported the concept. The ordinance will cover wine tasting events that are currently being held in liquor stores. Public comments were solicited but none were given. Due to the suggested ordinance revisions, no formal action was taken on the proposed ordinance.

**8. BOARD OF HEALTH (1-1237)** - Mayor Masayko recessed the Board of Supervisors session and passed the gavel to Chairperson Carl Heard who immediately convened the Board of Health. For Minutes of the Board of Health, see its folder.

**BOARD OF SUPERVISORS** - Following adjournment of the Board of Health, Chairperson Heard returned the gavel to Mayor Masayko who reconvened the Board of Supervisors session. A quorum of the Board was present although Supervisor Williamson was absent.

RECESS: A recess was declared at 10:18 a.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 10:29 a.m. Supervisor Williamson was absent.

**9. DEVELOPMENT SERVICES - CAPITAL PROJECTS - ACTION TO ADOPT, ON SECOND READING, BILL NO.121, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE (CCMC) SECTION 11.20.050 TO PROVIDE FOR THE EXTENSION OF THE MOTOR VEHICLE FUEL TAX AND ALLOW USE OF THE FUEL TAX FOR REGIONAL TRANSPORTATION PROJECTS AND OTHER MATTERS PROPERLY RELATED THERETO (1-1843)** - Public comments were solicited. None were given. Supervisor Aldean moved to adopt on second reading Bill No. 121, Ordinance No. 2004-22, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE by modifying CCMC SECTION 11.20.050 TO PROVIDE FOR THE EXTENSION OF THE MOTOR VEHICLE FUEL TAX AND ALLOW USE OF THE FUEL TAX FOR REGIONAL TRANSPORTATION PROJECTS AND OTHER MATTERS RELATED PROPERLY THERETO; fiscal impact: The five-cent fuel tax will be extended to fund phase two of the Carson City freeway improvements and other Regional Transportation projects from the anticipated sunset date of 2012 for an indefinite period of time. Supervisor Livermore seconded the motion. Motion carried 4-0.

**10. DEVELOPMENT SERVICES - BUILDING AND SAFETY (1-1894)** - Chief Building Official Phil Herrington - Mayor Masayko solicited public comments on Items A through G. None were given.

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**A. ACTION TO ADOPT BILL NO. 122 ON SECOND READING, AN ORDINANCE AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.05 (BUILDING CODE) SECTION 15.05.010 (UNIFORM BUILDING CODE AND RELATED CODES) ADOPTION OF THE INTERNATIONAL BUILDING CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTIONS 15.05.015 TO 15.05.070 WHICH ARE SECTIONS THAT REFER TO THE 1997 UNIFORM BUILDING CODE AND OTHER MATTERS PROPERLY RELATED THERETO -** Supervisor Livermore moved to adopt Bill No. 122 on second reading, AN ORDINANCE AMENDING TITLE 15 BUILDING AND CONSTRUCTION, CHAPTER 15.05 BUILDING CODE, SECTION 15.05.010 UNIFORM BUILDING CODE AND RELATED CODES, ADOPTION OF THE INTERNATIONAL BUILDING CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTIONS 15.05.015 TO 15.05.070 WHICH ARE SECTIONS THAT REFER TO THE 1997 UNIFORM BUILDING CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Following a request for an amendment, Supervisor Livermore amended his motion to include Ordinance No. 2004-23. Supervisors Aldean and Staub seconded the motion. Motion carried 4-0.

**B. ACTION TO ADOPT BILL NO. 123 ON SECOND READING, AN ORDINANCE ADDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.14 ELECTRICAL CODE-ADMINISTRATIVE PROVISIONS, SECTION 15.14.010 ADOPTION OF THE INTERNATIONAL CODE COUNCIL ELECTRICAL CODE--ADMINISTRATIVE PROVISIONS, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL CODE COUNCIL ELECTRICAL CODE-ADMINISTRATIVE PROVISIONS AND AMENDMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1926) -** Public comments were solicited but none were given. Supervisor Staub moved to adopt Bill No. 123 on second reading, Ordinance No. 2004-24, ADDING TITLE 15 BUILDING AND CONSTRUCTION, CHAPTER 15.14 ELECTRICAL CODE--ADMINISTRATIVE PROVISIONS, SECTION 15.14.010 ADOPTION OF THE INTERNATIONAL CODE COUNCIL ELECTRICAL CODE--ADMINISTRATIVE PROVISIONS, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL CODE COUNCIL ELECTRICAL CODE--ADMINISTRATIVE PROVISIONS AND AMENDMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisors Livermore seconded the motion. Motion carried 4-0.

**C. ACTION TO ADOPT BILL NO. 124 ON SECOND READING, AN ORDINANCE ADDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.07 EXISTING BUILDING CODE, SECTION 15.07.010 ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, APPENDICES AND AMENDMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1952) -** Public comments were solicited but none were given. Supervisor Aldean moved to adopt Bill No. 124 on second reading, Ordinance No. 2004-25, AN ORDINANCE ADDING TITLE 15 BUILDING AND CONSTRUCTION, CHAPTER 15.07 EXISTING BUILDING CODE, SECTION 15.07.010 ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, APPENDICES AND AMENDMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisors Livermore and Staub seconded the motion. Motion carried 4-0.

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**D. ACTION TO ADOPT BILL NO.125 ON SECOND READING, AN ORDINANCE ADDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.06 RESIDENTIAL CODE, SECTION 15.06.010 ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, APPENDICES AND AMENDMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1975) -** Public comments were solicited but none were given. Supervisor Livermore moved to adopt Bill No. 125, Ordinance No. 2004-26 on second reading, AN ORDINANCE ADDING TITLE 15 BUILDING AND CONSTRUCTION, CHAPTER 15.06 RESIDENTIAL CODE, SECTION 15.06.010 ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, ADOPTING THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, APPENDICES AND AMENDMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Aldean seconded the motion. Motion carried 4-0.

**E. ACTION TO ADOPT BILL NO. 126 ON SECOND READING, AN ORDINANCE AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.13 (ELECTRICAL CODE) SECTION 15.13.010 (ADOPTION OF THE NATIONAL ELECTRICAL CODE) ADOPTING THE 2002 EDITION OF THE NATIONAL ELECTRICAL CODE AND AMENDMENTS THERETO AND DELETING SECTIONS 15.13.020 TO 15.13.040 WHICH ARE SECTIONS THAT REFER TO THE 1999 NATIONAL ELECTRICAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (1-2010) -** Public comments were solicited but none were given. Supervisor Staub moved to adopt Bill No. 126 on second reading, Ordinance No. 2004-27, AN ORDINANCE AMENDING TITLE 15 BUILDING AND CONSTRUCTION, CHAPTER 15.13 ELECTRICAL CODE, SECTION 15.13.010 ADOPTION OF THE NATIONAL ELECTRICAL CODE, ADOPTING THE 2002 EDITION OF THE NATIONAL ELECTRICAL CODE AND AMENDMENTS THERETO AND DELETING SECTIONS 15.13.020 TO 15.13.040 WHICH ARE SECTIONS THAT REFER TO THE 1999 NATIONAL ELECTRICAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO

**F. ACTION TO ADOPT BILL NO. 127 ON SECOND READING, AN ORDINANCE AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.16 (MECHANICAL CODE) SECTION 15.16.010 (ADOPTION OF THE UNIFORM MECHANICAL CODE) ADOPTING THE 2003 EDITION OF THE UNIFORM MECHANICAL CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTION 15.16.020 WHICH IS THE SECTION THAT REFERS TO THE 1997 UNIFORM MECHANICAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (1-2033) -** Public comments were solicited but none were given. Supervisor Aldean moved to adopt Bill No. 127 on second reading, Ordinance No. 2004-28, AN ORDINANCE AMENDING TITLE 15 BUILDING AND CONSTRUCTION, CHAPTER 15.16 MECHANICAL CODE, SECTION 15.16.010 ADOPTION OF THE UNIFORM MECHANICAL CODE, ADOPTING THE 2003 EDITION OF THE UNIFORM MECHANICAL CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTION 15.16.020 WHICH IS THE SECTION THAT REFERS TO THE 1997 UNIFORM MECHANICAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Motion carried 4-0.

**G. ACTION TO ADOPT BILL NO. 128 ON SECOND READING, AN ORDINANCE AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) CHAPTER 15.09 (PLUMBING CODE)**

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**SECTION 15.09.010 (ADOPTION OF THE UNIFORM PLUMBING CODE) ADOPTING THE 2003 EDITION OF THE UNIFORM PLUMBING CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTIONS 15.09.015 TO 15.09.070 WHICH ARE SECTIONS THAT REFER TO THE 1997 UNIFORM PLUMBING CODE AND OTHER MATTERS PROPERLY RELATED THERETO (1-2060)** - Public comments were solicited but none were given. Supervisor Livermore moved to adopt on second reading Bill No. 128, Ordinance No. 2004-29, AN ORDINANCE AMENDING TITLE 15 BUILDING AND CONSTRUCTION, CHAPTER 15.09 PLUMBING CODE, SECTION 15.09.010 ADOPTION OF THE UNIFORM PLUMBING CODE, ADOPTING THE 2003 EDITION OF THE UNIFORM PLUMBING CODE, APPENDICES AND AMENDMENTS THERETO AND DELETING SECTIONS 15.09.015 TO 15.09.070 WHICH ARE SECTIONS THAT REFER TO THE 1997 UNIFORM PLUMBING CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Staub seconded the motion. Motion carried 4-0.

Mr. Herrington thanked the Board and Ms. Bruketta for their support and assistance. He complimented Bob Andrews and Fire Chief Giomi on their work and coordination.

**11. FIRE - Chief Stacy Giomi - ACTION TO ADOPT ON SECOND READING BILL NO. 129, AN ORDINANCE DELETING CARSON CITY MUNICIPAL CODE CHAPTER 14.04 (UNIFORM FIRE CODE), CHAPTER 14.08 (OPEN BURNING), AND CHAPTER 14.10 (WILDLAND INTERFACE), AND ADDING CHAPTER 14.01 (GENERAL PROVISIONS), CHAPTER 14.02 (INTERNATIONAL FIRE CODE), CHAPTER 14.03 (OPEN BURNING), AND CHAPTER 14.04 (WILDLAND INTERFACE), AND OTHER MATTERS PROPERLY RELATED THERETO (1-2110)** - Discussion ensued on the term "resistive concerns" and noted that the difference between Building and Fire Codes were addressed. Mayor Masayko indicated that he had not been contacted by anyone regarding the ordinance. Public comments were solicited. None were given. Supervisor Staub moved to adopt on second reading Bill No. 129, Ordinance No. 2004-30, AN ORDINANCE DELETING CARSON CITY MUNICIPAL CODE CHAPTER 14.04 UNIFORM FIRE CODE, CHAPTER 14.08 OPEN BURNING, AND CHAPTER 14.10 WILDLAND INTERFACE, AND ADDING CHAPTER 14.01 GENERAL PROVISIONS) CHAPTER 14.02 INTERNATIONAL FIRE CODE, CHAPTER 14.03 OPEN BURNING, AND CHAPTER 14.04 WILDLAND INTERFACE, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisors Livermore and Aldean seconded the motion. Motion carried 4-0.

**12. DEVELOPMENT SERVICES - PUBLIC WORKS - Public Works Operations Manager Tom Hoffert - ACTION TO AUTHORIZE STAFF TO SUBMIT AN ARSENIC EXEMPTION REQUEST TO THE STATE OF NEVADA, DEPARTMENT OF HUMAN RESOURCES, HEALTH DIVISION, FOR ADDITIONAL TIME TO COMPLY WITH THE REVISED ARSENIC MAXIMUM CONTAMINANT LEVEL (MCL) OF 10 PARTS PER BILLION (PPB) (1-2160)** - Mr. Hoffert's introduction explained that the State will only allow up to three years for the City to come into compliance. Staff will not be setting still during the extension. It will be working to get the City into compliance. A status report was highlighted. An annual averaging program will enable four of the City wells to come into compliance. Two wells must be treated. Pilot testing will be done to determine the most cost effective manner to bring them into compliance. This process will take six to eight months to complete. These two wells will require a full three year exemption period. Clarification indicated that there are seven wells that are impacted. Two of the wells may be abandoned depending upon the production provided by new wells. The option of blending is

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being considered. Proof that the wells do not exceed the 10 PPBs would reduce the costs an estimated \$2 to \$4 million. Options that are being explored include pumping from Marlette/Hobart and seeking/obtaining grants and other funding sources to reduce the City's costs.

Discussion indicated that there have been several meetings between TRPA and Carson Water Subconservancy District Executive Director James. Mr. Hoffert believed that progress is occurring, however, several hurdles remain. Supervisor Aldean volunteered to assist if necessary. Mr. Hoffert thanked her for the offer and indicated that a meeting will be scheduled for next week to provide her with a status report.

Public comments were solicited but none were given. Supervisor Aldean moved to authorize staff to submit an Arsenic Exemption Request to the State of Nevada, Department of Human Resources, Health Division, for additional time to comply with the revised arsenic maximum contaminant level, mcl, of 10 parts per billion. Supervisors Livermore and Staub seconded the motion. Motion carried 4-0.

**13. DEVELOPMENT SERVICES - ENGINEERING - City Engineer Larry Werner - ACTION TO APPOINT AND SWEAR IN MR. STEPHEN R. JOHNSON, MAI, SREA, OF JOHNSON-PERKINS AND ASSOCIATES, INC., AS THE APPRAISER FOR THE CARSON CITY SHERIFF'S ADMINISTRATION BUILDING PROJECT WITH REGARD TO THE APPRAISALS OF PROPERTIES LOCATED ON EAST MUSSER AND NORTH HARBIN STREETS IN CARSON CITY, NEVADA (1-2374) (1-2939)** - Mayor Masayko disclosed his professional relationship with Mr. Johnson as the result of the V&T Railway Commission's need for appraisals. Mr. Werner was uncertain how many parcels will need to be acquired. The contract has a one year life. Mayor Masayko directed that the record indicate the intent to develop a master plan for the Sheriff's Office Administrative Building at Musser and Harbin. The properties that will be appraised are privately owned surrounding the site. They may or may not need to be acquired. Mr. Werner concurred. Mayor Masayko indicated that the Sheriff had lead him to believe that this is part of the engineering study and cost factors to design the geometry of the building, etc. Mayor Masayko also indicated that as Mr. Johnson was present, he would have him sworn in during the meeting rather than at the office. Additional comments were solicited but none were given. Supervisor Aldean noted that a contract is not part of the Board's packet. It is her understanding that it is a standard contract. Mr. Werner explained that the contract is for \$24,999 as they are unsure of the number of parcels that will be appraised. Supervisor Aldean moved to appoint and swear in Mr. Stephen R. Johnson, MAI, SREA, of Johnson-Perkins and Associates, Inc., as the appraiser for the Carson City Sheriff's Administration Building Project with regard to the appraisals of properties located on East Musser and North Harbin Streets in Carson City, Nevada. Supervisor Livermore seconded the motion. Motion carried 4-0. Clerk-Recorder Alan Glover swore Mr. Johnson in. Mayor Masayko thanked Mr. Johnson for attending the meeting. Mr. Johnson and Mr. Werner wished everyone Happy Holidays.

**14. DEVELOPMENT SERVICES - PLANNING AND ZONING - Development Services Director Walter Sullivan**

**A. ACTION TO APPROVE A REQUEST FROM PALMER & LAUDER ENGINEERS, LLC (PROPERTY OWNER: CARSON TAHOE HOSPITAL) FOR AN AMENDMENT TO THE SILVER OAK PLANNED UNIT DEVELOPMENT TO DELETE A 7.73-ACRE PARCEL FROM THE PLANNED UNIT DEVELOPMENT, INCLUDING THE DELETION OF 30 RESIDENTIAL UNITS**

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**FROM THE OVERALL DEVELOPMENT PLAN, ON PROPERTY ZONED SINGLE FAMILY 12,000-PLANNED UNIT DEVELOPMENT (SF12-P), LOCATED IN THE VICINITY OF THE NORTH DEVELOPMENT BOUNDARY, WHICH IS SOUTH OF EAGLE VALLEY RANCH ROAD, APN 007-531-01 (FILE P-93/94); B. ACTION TO ADOPT A RESOLUTION FOR A MASTER PLAN AMENDMENT REQUEST FROM PALMER AND LAUDER ENGINEERS, LLC, (PROPERTY OWNER: CARSON-TAHOE HOSPITAL) TO CHANGE THE MASTER PLAN DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO COMMERCIAL (C), ON PROPERTY LOCATED NEAR EAGLE VALLEY RANCH ROAD, APN 007-531-01 (MPA-04-188); AND C. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE REMOVING A 7.73 ACRE PARCEL FROM THE SILVER OAK PLANNED UNIT DEVELOPMENT AND EFFECTING A CHANGE OF LAND USE FROM SINGLE FAMILY 12,000-PLANNED UNIT DEVELOPMENT (SF-12-PUD) TO RETAIL COMMERCIAL (RC), ON PROPERTY LOCATED AT EAGLE VALLEY RANCH ROAD, APN 007-531-01, AND OTHER MATTERS RELATED PROPERLY THERETO (ZMA-04-187) (1-2395)** - Senior Planner Jennifer Pruitt, Mark Palmer - Supervisor Livermore read his prepared disclosure into the record. He is a member of the Hospital Board of Trustees and receives a monthly stipend for his services. The Hospital plans to expand its facilities and will benefit from the three applications. Therefore, based on the District Attorney's opinion, he recused himself from Items A, B, and C. He then provided the following information. The proposal will allow the Hospital to construct several medical offices/projects at the site, e.g., seven medical offices.

Supervisor Staub disclosed that he is an unpaid volunteer member of the Hospital Finance Committee. He does not have a financial arrangement with the Hospital or the project. He does not have a conflict of interest and will participate and vote on the three items, e.g., A, B, and C.

Ms. Pruitt's introduction included an explanation of the Children's Home's concerns and request that the lines of communication remain open. Staff agreed to do so. Clarification indicated that the utility improvements are required as originally proposed. Removal of the area from the PUD does not negate those requirements. Public comments were solicited but none were made. Supervisor Staub moved to approve a request from Palmer and Lauder Engineers, LLC, property owner: Carson-Tahoe Hospital, for an amendment to the Silver Oak Planned Unit Development to delete a 7.73 acre parcel from the Planned Unit Development, including the deletion of 30 residential units from the overall development plan on property zoned Single Family 12,000-Planned Unit Development, SF12-P, located in the vicinity of the north development boundary, which is south of Eagle Valley Ranch Road, APN 007-531-01. Supervisor Aldean seconded the motion. Motion carried 3-0-1-1 with Supervisor Livermore abstaining and Supervisor Williamson absent.

Mr. Palmer explained the need for Silver Oaks to revise the PUD as the Hospital cannot. He then explained the concerns of the Children's Home. The Hospital did not originally include that area in its master plan. It has since developed a master plan that includes the area of concern. The Children's Home is now interested in acquiring that area. The Hospital's proposed access route will "loop around". If the Children's Home acquires the area, they will keep the access road on their property. Discussion explained the location of the area and its zoning. The Hospital is also talking to an adjacent private property owner and attempting to acquire his/her property. Mayor Masayko noted that the acquisition will eliminate a potential friction zone. Mr. Sullivan indicated that the property owners are aware that their SF1A zoning may not be compatible with the Hospital's plans. The property owners are considering their options and may decide to change their

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zoning. At this time there are no buildings on the two parcels. The access road and the Hospital's view were described. They are working with Paul Solaegui on the traffic issues. A traffic signal was originally required. The proposed uses are estimated to increase the traffic volume by five percent. Clarification indicated that the warrants have been made to justify the signal and the Hospital wants the signal. The engineering issues were limned. The water circulation system will meet fire flow requirements. The proposed usage will use less water than the original residential uses. The sewer will have a one percent increase over the estimated residential usage. The storm water detention basin was limned. Public comments were solicited but none were given. Supervisor Aldean moved to adopt a Resolution for a Master Plan Amendment request from Palmer and Lauder Engineers, LLC, property owner: Carson-Tahoe Hospital, to change the Master Plan Designation from Low Density Residential, LDR, to Commercial, C, on property located near Eagle Valley Ranch Road, APN 007-531-01, to be known as Resolution No. 2004-R-38. Supervisor Staub seconded the motion. Motion carried 3-0-1-1 with Supervisor Livermore abstaining and Supervisor Williamson absent.

Supervisor Aldean moved to introduce on first reading Bill No. 131, AN ORDINANCE REMOVING A 7.73 ACRE PARCEL FROM THE SILVER OAK PLANNED UNIT DEVELOPMENT AND EFFECTING A CHANGE OF LAND USE FROM SINGLE FAMILY 12,000-PLANNED UNIT DEVELOPMENT, SF12-PUD, TO RETAIL COMMERCIAL, RC, ON PROPERTY LOCATED AT EAGLE VALLEY RANCH ROAD, APN 007-531-01, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Staub seconded the motion. Motion carried 3-0-1-1 with Supervisor Livermore abstaining and Supervisor Williamson absent.

**D. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING TITLE 18 BY ADDING SECTION 18.04.081, WHICH WOULD REQUIRE ALL MOBILE AND MANUFACTURED HOMES BEING INSTALLED IN CARSON CITY TO BE CONSTRUCTED OR MANUFACTURED NOT MORE THAN FIFTEEN YEARS PRIOR TO THE DATE OF THE APPLICATION FOR THE MOBILE OR MANUFACTURED HOME LOT DEVELOPMENT PERMIT (FILE NO. ZCA-04-190) (1-3075)** - Discussion indicated that a court challenge had not been lodged against the ordinance. Carson City is the last jurisdiction in the region to implement the prohibition. Supervisor Aldean explained her reasons for bringing the concept forward and the reasons Lyon County had implemented the prohibition. Discussion explained that older mobile homes already in Carson City could be relocated within Carson City's boundary. The ordinance prohibits importation of older mobile homes from other areas. Assessor Dawley had allegedly indicated that 70% to 75% of the mobile homes relocated to Carson City are the construction year 2000 or newer models. The remaining portion generally are older than that and are typically 1988 and 1990 models. A Code change in the early 1990s increased the mobile home construction standards. Mr. Sullivan expressed his appreciation for Building Official Herrington's assistance with the ordinance. Mr. Herrington, Mr. Dawley, and the Fire Department support the ordinance. Public comments were solicited but none were given. Supervisor Aldean moved to introduce on first reading Bill No. 132, an Ordinance amending Title 18 by adding Section 18.04.081, which requires all mobile and manufactured homes being installed in Carson City to be constructed or manufactured not more than 15 years prior to the date of the application for the mobile or manufactured home lot development permit. Discussion indicated the additional verbiage occurring in the actual amendment should be added. Supervisor Aldean indicated that they had distinguished between the placement of mobile homes in parks verses the placement of mobile homes on single family lots. Supervisor Aldean amended her motion to include: as contained in

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the ordinance. Mayor Masayko indicated that there were no changes being made to the ordinance. Supervisor Staub seconded the motion. Motion carried 4-0.

**E. ACTION TO ADOPT BILL NO. 119, ON SECOND READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE (CCMC) BY MODIFYING CCMC SECTION 18.05.030.1 (B) AND ADDING A NEW SECTION, TEMPORARY OCCUPANCY IN A RECREATIONAL VEHICLE WHILE CARING FOR THE INFIRM (FILE NO. ZCA-04-109) (1-3359)**

- Chief Deputy District Attorney Mark Forsberg, Elaine Shields - Mr. Sullivan's introduction included a summary of the Planning Commission's December 15 meeting. The Planning Commission recommendation supported restricting the use to one year with a one year extension. Mayor Masayko thanked him for the information and pointed out that the Board could disagree with the Commission. It should be done in an open meeting. He also pointed out that the ordinance includes an appeal process to the Board of Supervisors. The notification process was noted. Extensions are to be handled administratively by the staff. An appeal of staff's decision is made to the Commission and then the Board.

Supervisor Aldean expressed her belief that abuses will not occur as there are safeguards in the ordinance. She then disclosed a telephone conversation she had with Mary Fischer regarding private deed restrictions and the ordinance. Chapter 18 does not negate the CC&Rs. The CC&Rs could prohibit the use.

Supervisor Livermore questioned the period the use is allowed and the definition of "temporary". He could support the ordinance with different verbiage and a sunset period. A sunset period is needed to tell the neighbors the use will terminate at some point. Mr. Sullivan explained that the Commission had also wanted a cutoff period. Some had wanted two to three years while others wanted six months. Supervisor Aldean felt that it should be for an indefinite period due to the lack of knowledge regarding the term of the illness. Supervisor Livermore reiterated his concerns with the term "temporary" and about granting some people privileges which other residents do not have.

Supervisor Staub indicated that he had wrestled with the item for some time. He disclosed his discussions with the Commissioners. They are very concerned about it. For that reason, he supported their two-year period. The annual review guarantees the use will be temporary. He also felt that a 25-year-old individual who is permanently disabled should acknowledge its permanency. He acknowledged the need for the family to care for the individual rather than have the "public pocket book" and the impact this will have on the neighbors. He described the ease with which an individual could obtain a written statement from a doctor to illustrate his concern. The ordinance does not control the number of individuals or units. If a lot contains 12,000 square feet, it would be possible to have more than one RV on it. Mr. Sullivan acknowledged that this issue had not been considered. Supervisor Staub suggested that the ordinance prohibit the parking the RV in the driveway, define temporary, and require the RV to be parked in the backyard. Mr. Sullivan explained that the RV would be allowed in the front yard if outside the setbacks. He also advised that there had been only three requests to allow the use.

Supervisor Aldean opposed continuing the item due to the time already spent on it. There are a lot of safeguards in it. The Administrator has discretion when considering the applications. The RV must be located so that it is screened from the adjacent property and meets the setback requirements. She preferred to wait until a number of applications have been received before further restricting the use.

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Mayor Masayko iterated that the use is a privilege and not a right. The location must meet the setback requirements. The administrative policy includes ramifications. The Board cannot write ordinances spelling out every potential use. The Board is attempting to address a need to care for the infirmed. They must trust the administrator and hear the appeals when they occur. It is a privilege. He did not want to adversely impact anyone. The matter should be settled. The Shields have struggled with the issue for some time. The ordinance may not be perfect, but the Board understands the issue and need for compassion. It can be changed if necessary in the future.

Supervisor Staub indicated that he is a reasonable person and did not have a problem with the concept. He was uncertain whether the timeframe should be two years. He also noted his concern about the "public pocket book". He explained that, if the ordinance is not written in a fashion so as to address the issues that can affect the decision/outcome, there is a possibility of running into abuse of discretion and being taken to court. In such cases the judges will overturn the decision. He suggested as a compromise that the second paragraph of No. 4 that currently reads: "The zoning district provided by this section to be in the side or rear yard" to read: "The subject parcel must be of minimum of 12,000 square feet and the self-contained trailer or recreational vehicle must meet all yard setback requirements as required by Carson City Municipal Code for the applicable zoning district or by this section and must be placed in the side or rear yard of the property". Discussion pointed out that this is the second reading of the ordinance. Changes must be returned to the Commission. Mr. Forsberg concurred that it is not good practice to modify ordinances from the dias. In this instance, however, Supervisor Staub's suggestion does not affect the decision or opinion of the ordinance that staff is aware of. There have been no comments indicating more changes than had been made. He believed that the Commission would feel that the revision is more restrictive and support it. He did not believe that the court would rule the ordinance to be invalid due to the more restrictive revision.

Supervisor Livermore opined that the ordinance's failure to define temporary will place Mr. Sullivan and future Community Development Directors in a tenable position if he/she denies an application. The applicant will have the issue tried by the media by alleging the administrator is heavy handed. The appeal will eventually be considered by the Board. A definition of temporary should be provided somewhere. This will allow the individuals time to find a better solution. He directed that the Minutes show that a review for an extension should always consider the use as temporary and that a finding that, after 12 months, or whatever time is determined to be reasonable, of usage has expired, it is time to find a more permanent solution. The neighbors need to be considered. A definition of temporary is required.

Discussion indicated that ordinance had been removed from the City Code four or five years ago. Lyon County's ordinance allows the use for one year only. Lyon County's ordinance has few safe guards. Mr. Sullivan had not looked at Washoe County's ordinance. Mayor Masayko felt that the term "temporary" is defined by the disease. If the case cannot be made, the use will not be allowed. If the neighbors are getting along, he did not believe that an abuse will occur. Findings are required by the courts. The ruling must be based on solid findings by a prudent person who uses reason. He was unsure how many applications the City may receive. If the ordinance does not work, the Board can fix it.

Mr. Forsberg explained that his review of the ordinance indicates there are only two areas where the Director has discretionary powers. One relates to the administrator's finding that establishes the need for the care. The second discretionary power allows the administrator to vary the lot size to 6,000 square feet. All of the other

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requirements in the ordinance are mandated. If the need for the care has been proven, the administrator will lack the ability to deny the application. Discussion indicated that the use is not like special use permits where more discretion is allowed. Supervisor Aldean felt that this addresses Supervisor Livermore's concerns about too much discretion. There are built-in safeguards. The intent is to not make it as objective as applying for a special use permit as it is a temporary use. The Board cannot define all of the terms nor anticipate all of the consequences. Exceptions will have to be dealt with on a case-by-case basis. She supported Supervisor Staub's amendment. She urged the Board to approve the ordinance and correct deficiencies in the future.

Discussion indicated that grandfathering is not allowed under the ordinance. The Board is establishing a broad policy for the future. The need to legitimize a current issue was indicated. Deficiencies can be fixed as they arise. The involved individuals have been on an emotional roller coaster. Mayor Masayko indicated that action should be taken today or the item can be deferred until the next Board meeting.

Supervisor Staub then suggested the following revisions: Paragraph 3 should read: "A recreational vehicle used for this purpose must be self contained or connected to City utilities". This revision made recreational vehicle singular. Paragraph 4 should read "A recreational vehicle used for this purpose must meet all standards established by the State of Nevada for a recreational vehicle and must be placed in a side or rear area of the lot providing screening." Discussion indicated that the intent is for a "single" rv or travel trailer to be placed on the property for this use. The record should be clear it is a single unit and not plural units. Public comments were then solicited but none were given.

Mayor Masayko then acknowledged the presence of the Shields. He apologized if his shortness with their testimony had been taken as an impediment to their ability to do this. The Board was discussing the community as a whole and not limiting itself to their situation. He apologized if they believed he was being unreasonable and not allowing them to testify.

Ms. Shields accepted his apology. She concurred that it is an emotional issue and has been hard on everyone. She supported Supervisor Livermore's statements regarding the noisy generators. She did not believe that people would use them in a neighborhood but could use them in the "wilderness". She also felt that an occupied trailer should be on the side or back of the home. If it is a small yard and cannot be placed at the rear of the home, it could be on the side. A trailer should not be in front of the home as that would reduce the privacy of the individual occupying it. She agreed with the ordinance. Additional public comments were solicited but none were given.

Discussion clarified the location of Supervisor Staub's amendment to Paragraph 4. (2-0662) Supervisor Aldean moved to adopt Bill No. 119 on second reading, Ordinance No. 2004-31, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, CCMC, BY MODIFYING THE CCMC SECTION 18.05.030.1B AND ADDING A NEW SECTION, TEMPORARY OCCUPANCY IN A RECREATIONAL VEHICLE WHILE CARING FOR THE INFIRM subject to the following amendment: On Page 3 of said ordinance under Section 1, Paragraph 1, Subsection 3, the new verbiage will read as follows: A recreational vehicle used for this purpose must be self-contained or connected to City utilities pursuant to Section 5 below and must have been manufactured within 15 years prior to the application unless otherwise directed by the Director; Subparagraph 4 will be amended to read: A recreational vehicle used for this purpose must meet all standards established by the State of Nevada for such recreational vehicles and must be placed in the side or

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rear yard of a lot providing screening from the rights-of-way, easements, and adjacent properties providing fencing and screening to facilitate, preserve, and protect the privacy of the adjacent neighbors. Mayor Masayko then indicated that he would second the motion and not put Supervisor Staub on the spot. Mayor Masayko seconded the motion. He was uncertain how the vote would turn out. Discussion was requested on the motion to adopt an ordinance legitimizing the use of a recreational vehicle in the care of the infirmed individuals. Supervisor Staub indicated for the record that based upon the Mayor's very convincing argument that he would support the motion with a great deal of reservation. Mayor Masayko felt that Supervisor Staub may be "patronizing" him during his final meeting. Supervisor Staub indicated that he was. Mayor Masayko pointed out that it would not help him obtain a job as legal counsel. He did appreciate the support. He also indicated that the ordinance may not be perfect and may need some fixing as time goes on, however, it can be amended as needed. The individuals need relief. Supervisor Livermore pointed out that Mayor Masayko would not be here in a year, however, he hoped that Mr. Sullivan will keep the Board informed about the number of applications. Mayor Masayko felt that this was an absolute requirement and very appropriate. Supervisor Livermore stated that if the Board finds that there are a large amount of applications, he would request that the ordinance be reconsidered. Mayor Masayko agreed that if the process is not working as envisioned, it should be amended. Supervisor Livermore indicated that consideration should be given to the human side of the resolution. He felt that he would support the motion even though he did not totally agree with the ordinance. Mayor Masayko thanked him for his support. Supervisor Livermore reiterated his belief that the Board should be mindful of the term "temporary". Mayor Masayko indicated that the vote would in the spirit of the season and again thanked Supervisor Livermore for his support. This would make the vote unanimous. Mr. Sullivan committed to returning in a year with a status report if the ordinance is adopted. Mayor Masayko pointed out that the original ordinance had rarely been used in the past but it may be possible that the ordinance will open "Pandora's box". Time will tell. Additional comments were solicited but none were given. Mayor Masayko indicated that the ordinance would be effective on publication, which would be on Monday. The motion to adopt the ordinance as amended was voted and carried 4-0.

Supervisor Staub explained that he had a luncheon engagement on the auto mall project and left the meeting—12:16 p.m. A quorum was still present although Supervisors Williamson and Staub were absent.

**H. ACTION TO APPROVE A FINAL SUBDIVISION MAP TO SUBDIVIDE A 5.94 ACRE PARCEL INTO 13 SINGLE FAMILY RESIDENTIAL PARCELS ON 2.71 ACRES OF THE PARCEL, EACH A MINIMUM OF 6,000 SQUARE FEET IN AREA, ON PROPERTY ZONED SINGLE FAMILY 6,000 (SF6), INCLUDING A REMAINDER PARCEL OF 3.23 ACRES ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 823 NORTH EDMONDS DRIVE, APN 010-351-91 (FILE NO. TSM-04-006) (2-0742) - Keith Shaffer, Brian Matthews - Mayor Masayko disclosed that Peak Engineering and Mr. Shaffer had done engineering work on his home under terms that are available to anyone else using their services. Mayor Masayko has no financial interest in the proposed project. Mr. Shaffer has been paid for his work.**

Discussion indicated that the two parcels owned by Nevada West Land, LLC, are used for personal storage. The proposed use along the industrial lots provides an ideal buffer. The proposed uses are low noise and non-polluting. The plans indicate landscaping and the placement of the subdivision on a higher plateau than the storage units. The storage units have been there for a long time. The tentative map was approved in March 2004 following a lot of discussion in the fall of 2003 on the usage. The proposal is a good compromise for

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everyone and mitigates the frictional zones. Previous plans for the area were limned. The 50-foot setback is part of the subdivision and mitigates the residential and industrial friction areas. It does not require encumbering adjacent property with the burden to mitigate the friction zones. Supervisor Livermore complimented the applicant and developer on their project and ability to compromise with their neighbors. Public comments were solicited but none were given. Supervisor Livermore moved to approve a Final Subdivision Map to subdivide 5.94 acre parcel into 13 single family residential parcels on 2.71 acres of the parcel, each a minimum of 6,000 square feet in area, on property zoned Single Family 6,000, including a remaining parcel of 3.23 acres on property zoned General Industrial, located at 823 North Edmonds Drive, APN 010-351-91, File No. TSM-04-006. Supervisor Aldean seconded the motion. Motion carried 3-0-2 with Supervisors Williamson and Staub absent.

RECESS: A recess was declared at 12:24 p.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 1:32 p.m. Supervisor Staub was in attendance. Supervisor Williamson was absent as indicated.

**15. CITY MANAGER - Linda Ritter - ACTION TO APPOINT ONE MEMBER TO THE REGIONAL TRANSPORTATION COMMISSION FOR A TWO YEAR TERM ENDING DECEMBER 31, 2006 (2-0890)** - Mayor Masayko expressed the hope that a decision could be made today and that a deadlock does not occur. He also noted that William Bley had withdrawn his application. The Board interviewed the following applicants: (2-0915) Glenn Simjian; (2-1204) Kenneth Taylor; (2-1506) Linda Stewart; and (2-1905) Larry Hastings. Mayor Masayko thanked each applicant for submitting an application. The Board was polled to determine the top candidate. Board comments complimented the applicants for applying and noted their quality and backgrounds. Mayor Masayko encouraged the applicants who were not selected to try for other commission/committee vacancies. Supervisor Staub moved to appoint Larry Hastings to the Regional Transportation Commission for a two-year term ending December 31, 2006. Supervisor Livermore seconded the motion. Motion carried 4-0.

RECESS: A recess was declared at 2:44 p.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 2:52 p.m. Supervisor Williamson was absent. (Tape 2 failed.)

**16. PARKS AND RECREATION - Director Roger Moellendorf - ACTION TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT WITH CINDERLITE CORPORATION PROVIDING FOR THE OPEN SPACE USE OF 40 ACRES OF LAND AS MITIGATION FOR THE USE OF APPROXIMATELY 23 ACRES OF BUREAU OF LAND MANAGEMENT DESIGNATED OPEN SPACE LAND FOR SAND AND GRAVEL EXTRACTION IN THE VICINITY OF GONI ROAD, APN'S 2-101-54, 2-101-55, AND 2-101-73 (3-0016)** - Open Space Manager Juan Guzman, Gary Lehman - Mr. Lehman had requested a change in the "covenants" that gives the City the first right of refusal "over" just the 40 acres and not all of his property. The revised document had been given to the Clerk. Mr. Lehman and a notary have signed it. Copies of the revised agreement were given to the Board. Mayor Masayko advised that this is a novel approach for the City. The urban interface plan is a local management plan for Federal lands. Mining extraction is under a Federal law. It establishes mining as a priority use. He found it unique for a property owner to donate land to the open space corridor in order to have the ability to mine and even more unique for the property owner to indemnify the City at his/her own expense for leaving the land as open space. He was

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not willing to require a substitute extraction from the use of Federal lands for a temporary mining extraction process. Thirty years is temporary in geological terms.

Discussion indicated that BLM is requiring Mr. Lehman to “landscape” the area when the mining extraction is terminated. The grade will not allow this to occur. Therefore, the proposal is a “trade off”. The land could be rented for grazing purposes but not other commercial purposes.

Mr. Lehman indicated that he had been dealing with Mr. Guzman and did not have any problems with the proposal. He believed that it was a “reasonable quid pro quo and exchange”. It includes the 30-year conservation easement and paying for the liability insurance. Discussion explained BLM’s reclamation requirement at the end of the extraction period. It will be hard to reclaim the 23 acres. They have hydroseeded the land in front of the pit. Mr. Lehman is not prohibited from selling or leasing the 40 acres for another purpose. He is a willing donor. It has been a three year learning curve for all of the participants. It was good to work with Mr. Guzman. Mayor Masayko pointed out that Mr. Lehman had also worked to resolve some of the Goni Road issues and complimented him on his willingness to participate and support the community. Public comments were solicited but none were given.

Supervisor Livermore moved to authorize the Mayor to sign an agreement with Cinderlite Corporation providing for the open space use of 40 acres of land as mitigation for the use of approximately 23 acres of Bureau of Land Management designated open space land for sand and gravel extraction in the vicinity of Goni Road, APNs 8-101-54, 8-101-55, and 8-101-73 with no fiscal impact. Following a request for an amendment, Supervisor Livermore amended his motion to include the amendment on Page 4. Supervisor Aldean seconded the motion. Motion carried 4-0.

Mr. Guzman thanked Cinderlite/Mr. Lehman for its/his assistance during the learning curve and for the donation. He also thanked Mayor Masayko for his support and wished him success in the future.

**17. FINANCE - Director Tom Minton**

**A. PUBLIC HEARING ON THE INTENT OF CARSON CITY, NEVADA, TO ISSUE GENERAL OBLIGATION (LIMITED TAX) PARK BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) (#-0248)** - Mayor Masayko called for public comments twice. None were given. No formal action was required or taken.

**B. ACTION TO APPROVE PAYMENT OF ATTORNEY’S FEES IN THE GENERAL BUILDER INC. V. CARSON CITY CASE IN THE AMOUNT OF \$397,600 BY USING \$250,000 FROM THE GENERAL FUND CONTINGENCY AND \$147,600 FROM THE INSURANCE FUND (3-0276)** - Chief Deputy District Attorney Mark Forsberg - Discussion explained that the Quality of Life funds could not be used to pay for the cost overruns and court challenge. Open Space would have paid the cost overruns if the contractor had been allowed to finish the project. Mayor Masayko voiced his belief that this opinion was irrational due to problems encountered in the effort to have a legitimate project. He also questioned whether the funds could be used to refurbish existing parks and if the tax has a sunset date. It may become necessary in the future to abandon existing parks if they cannot be refurbished. Mr. Forsberg opined that the electorate had indicated that the funding is not to be used for maintenance. They want new things.

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He also believed that the electorate's intent was to not use funds for liability issues. He urged the Board to maintain the intent of the ballot question. Clarification by Mr. Forsberg indicated that the Quality of Life funds could be used for the project's cost overruns but not the court challenge. Mayor Masayko reiterated his concern about the inability to use the funds for refurbishing existing parks and indicated an intent to oppose staff's recommendation. Discussion also indicated that the Quality of Life funds could be used for a conservation easement or any other component of property ownership. The intent of the ballot question must be analyzed to determine the usage that will be allowed as not every circumstance can be envisioned when the question is drafted. Mr. Minton then described the assessment made against the Quality of Life Funds for liability insurance coverage. Supervisor Livermore disclosed his involvement in the drafting of the ballot question and explained the issues discussed during the year that the committee had taken to draft the question. The committee had not foreseen the possibility of a lawsuit over a project. It had desired to protect the funding and not allow the Board/Commission to use the funds to supplement General Fund budget items. The funds were not to be used for other projects outside the open space/park items, e.g., roads, or staffing. The Quality of Life funds eliminate the need for the Parks Department to compete for General Fund monies. The funds allow the Parks Department to meet the community's needs. The Residential Construction Tax has similar restrictions on its usage and has the same purpose as the Quality of Life funds. It can be used for neighborhood parks but not regional parks located miles away from the subdivision. Mayor Masayko advised that the Residential Construction Tax Statute has been revised by the Legislature to include items that were not contemplated when originally drafted. Supervisor Staub suggested that future contracts include a clause that will insure/bond the City against having to pay for such litigation. Mayor Masayko supported his suggestion. He also stressed the need for the Board to be cognizant of the possibility that the City may lose when pursuing legal recourse. He had not thought about saddling the General Fund with attorney fees. He agreed that using the Insurance Fund for this purpose was sensible. Mr. Minton indicated that the City could require construction defect insurance for its projects. Mayor Masayko concurred. If the insurance is not used, it will be perceived as an unnecessary expense. If, however, it is used, it is beneficial to the City as it will not use tax funds for such payments. Mayor Masayko encouraged RTC to consider this coverage. Supervisor Staub agreed. Clarification by Mr. Minton indicated that the Contingency Fund had not been used during this budget cycle. Supervisor Livermore moved to approve the use of \$250,000 from the General Fund Contingency and \$147,600 from the working capital from the Insurance Fund to pay attorney's fees in the General Builder, Inc., versus Carson City case; fiscal impact is \$397,600; and the explanation is the General Fund Contingency and the working capital from the Insurance Fund; and the funding source is the General Fund and the Insurance Fund budgets. Supervisor Staub seconded the motion. Supervisor Aldean indicated that she had been a frank advocate that we negotiate harder and now we must find the funding source. She indicated that she would reluctantly vote for the motion but she had felt that they should have negotiated harder to reduce the liability. Mayor Masayko indicated he did not wish for the Board to deadlock on the item. He would have voted for it to get it moving. Philosophically, he will vote against it as he opposed saddling the General Fund for it and they did not get the form of consent which we should have done. It would have smoothed the path. The motion to approve the payment as indicated was voted and carried 3-1-0-1 with Mayor Masayko voting Naye and Supervisor Williamson absent.

**C. ACTION TO ACCEPT THE CARSON CITY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2004 (3-0659)** -Kafoury, Armstrong Representatives Christian Berges, Kelly Koliha, and Felicia O'Carroll - Mayor Masayko welcomed Ms. Berges. She summarized the audit report including Pages 179 and 5 and Note 1 on Page 5. No illegal acts

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or audit adjustments were found by the audit. It was a clean and comprehensive audit. It is a single audit. Federal grant audit requirements were limned. In compliance with these requirements they had audited the City's Child Support Enforcement and State Domestic Preparedness Accounts. No findings were made in these two programs. The Domestic Preparedness findings made last year were determined to have been corrected during this year's audit.

(3-0783) Kelly Koliha summarized the report through the use of computerized slides. (A copy of the slides is in the file.) Her summary included Pages 3, 4, 5, 6, 7, 10, and 17. Discussion pointed out that the large bond payment to the Convention and Visitors Bureau for the V&T Railway is a one year occurrence. Enterprise funds and proprietary funds are now being called business type activities. Depreciation's impact on the sewer fund was noted.

Ms. O'Carroll advised that this is the third year of their three-year contract. Kafoury, Armstrong audits a lot of governmental jurisdictions. The City's is one of the smoothest that they do. She complimented City staff on its assistance, cooperation, and support. Mayor Masayko thanked her for the compliment and explained the need for independent outside audits. He complimented staff on their work. Discussion pointed out that the City had incurred two technical violations. These over expenditure of funds occurred in the special revenue funds at the end of the fiscal year. An augmentation would have avoided the technical violation.

Supervisor Livermore moved to accept the Carson City Comprehensive Annual Financial Report for the fiscal year ended June 30, 2004. Supervisor Aldean seconded the motion. Motion carried 4-0.

**18. HUMAN RESOURCES - Director Lisa Roth - ACTION TO APPROVE THE 2004-2007 AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY SHERIFF'S PROTECTIVE ASSOCIATION (3-1048)** - City Manager Linda Ritter - The Association had ratified the agreement. The salary and benefits increase for each year of the contract are 8%, 7%, and 7%. It may solve the deputy recruitment problems. The entire salary range has been increased by two percent. This may add to the ability to retain the deputies. It is a healthy increase over the three-year period. The strategy to keep the Explorer POST, the Citizens' Academy, and the scholarship programs remains in effect. These programs may provide positive benefits in the future. The negotiating team members were present. Comments were solicited but none were given. Supervisor Aldean moved to approve the 2004-2007 Agreement between Carson City and the Carson City Sheriff's Protective Association; fiscal impact is an overall increase in the existing and new compensation and benefits costs for this bargaining unit are not expected to exceed 5% overall for fiscal year 2004-2005, 4% for fiscal year 2005-2006, and 3% for fiscal year 2006-2007; and the funding source is the General Fund. Supervisor Livermore seconded the motion. Motion carried 4-0. Mayor Masayko pointed out that the contract is effective retroactively to July 1 which will require some back pay.

**19. CITY MANAGER - Linda Ritter**

**A. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 241.030 TO CONSIDER THE PROFESSIONAL COMPETENCE OF THE CITY MANAGER (3-1155)** - Mayor Masayko explained his belief that the Board members who will be present next year should discuss Ms. Ritter's professional competence. He passed the gavel to Mayor Pro-Tem Livermore and left the room at 4:03 p.m.. (A quorum was still present although Supervisor Williamson and Mayor Masayko were absent.)

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Supervisor Aldean moved to recess into a closed session pursuant to NRS 241.030 to consider the professional competence of the City Manager. Supervisor Staub seconded the motion. Motion carried 3-0-0-2. Mayor Pro-Tem Livermore advised CATF that the closed session would last approximately 30 minutes. The Board will then reconvene in an open session and complete the agenda. He then recessed the Open Session.

At 4:28 p.m. Mayor Pro-Tem Livermore reconvened the Open Session. (A quorum of the Board was present although Supervisor Williamson and Mayor Masayko were absent.)

**B. REVIEW OF THE CITY MANAGER'S PERFORMANCE FOR THE PERIOD DECEMBER 17, 2003, TO DECEMBER 16, 2004, AND ACTION TO DETERMINE HER PERFORMANCE TO BE SATISFACTORY AND TO MAKE A POSSIBLE ADJUSTMENT TO SALARY AND TO GRANT A BONUS BASED UPON SPECIFIC PERFORMANCE (3-1201)** - Mayor Pro-Tem Livermore explained Mayor Masayko's absence. The Closed Session had discussed Ms. Ritter's competence. The Agenda allows the Board to provide a pay for performance bonus. Additional comments were solicited but none were given. Supervisor Aldean moved that the City Manager's performance for the period December 17, 2003, to December 16, 2004, is commendable and recommends that the Board grant a pay for performance bonus in the amount of \$10,000; fiscal impact is \$10,000; and the funding source is the General Fund. Supervisor Staub seconded the motion. Motion carried 3-0.

**20. ACTION TO ADJOURN (3-1225)** - Supervisor Aldean moved to adjourn. Supervisor Staub seconded the motion. Motion carried 3-0. Mayor Pro-Tem Livermore adjourned the meeting at 4:30 p.m.

The Minutes of the December 16, 2004, Carson City Board of Supervisors meeting

ARE SO APPROVED ON September 15, 2005.

/s/  
Marv Teixeira, Mayor

ATTEST:

/s/  
Alan Glover, Clerk-Recorder