

CARSON CITY BOARD OF SUPERVISORS  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, February 19, 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
	Alan Glover	Clerk-Recorder
	Ken Furlong	Sheriff
	Al Kramer	Treasurer
	Steve Kastens	Parks and Recreation Director
	Louis Buckley	Fire Chief
	Phil Herrington	Chief Building Official
	Mark Forsberg	Chief Deputy District Attorney
	Vern Krahn	Park Planner
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 2/19/04 Tape 1-0033)	

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. Ken Haskins of the First Christian Church gave the Invocation. Mayor Masayko led the Pledge of Allegiance.

**CITIZEN COMMENTS (1-0062)** - None.

**1. APPROVAL OF MINUTES - 10/28/04 TRI-COUNTY LEGISLATIVE THANK YOU LUNCHEON (1-0067)** - Supervisor Livermore moved to approve the Minutes of the Carson City Board of Supervisors Special October 28, 2003, Tri-County Legislative Luncheon as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

**2. AGENDA MODIFICATIONS (1-0082)** - None.

**3. SPECIAL PRESENTATIONS**

**A. PRESENTATION OF CERTIFICATE OF ACKNOWLEDGMENT TO ANDREW**

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**DEACY FOR HIS EAGLE SCOUT PROJECT WHICH PROVIDED LANDSCAPING AND INSTALLATION OF SITE AMENITIES AT CARSON CITY'S NORTHGATE COMPLEX COURTYARD (1-0086)** - Mayor Masayko thanked Park Planner Vern Krahn for suggesting and coordinating the project. Mayor Masayko introduced Eagle Scout Andrew Deacy. He complimented him for taking on the project and making the courtyard improvements. He described the plaque and read the Certificate of Commendation into the record. Mr. Deacy introduced and thanked his parents, his Scout Master, and Mr. Krahn for assisting with and making the project happen. He thanked the Board for allowing him to do the project. He also thanked his Troop and the Parks and Recreation Department for their support. No formal action was required or taken.

**B. PRESENTATION OF AN APPRECIATION PIN TO DAVID JOHNSON FOR HIS VOLUNTEER SERVICE AS A CARSON RIVER ADVISORY COMMITTEE MEMBER (1-0130)** - Mayor Masayko introduced David Johnson and described several of the Carson River Advisory Committee accomplishments made during his tenure on the Committee. He thanked Mr. Johnson for his service and presented him with his name plate. He then described the appreciation pin and presented it to Mr. Johnson. Mr. Johnson explained his belief that it is all citizens' civic duty to volunteer in their communities. He thanked staff for its assistance and explained that the late John Plank had encouraged him to participate. He felt that it had been a pleasure to serve on the Committee. No formal action was required or taken.

Mayor Masayko thanked Mr. Deacy, Mr. Johnson, and all of the City's volunteers for their service.

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

**A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0184)** - Supervisor Williamson reported on the NACO workshop held in Eureka; the WNDD meeting which Supervisor Aldean had also attended; the Organizational Development Team meeting; the Redevelopment Authority Citizens Committee meeting; a meeting on the Brewery Arts Center; and the Subconservancy District meeting which Supervisor Livermore had also attended. She explained that the Western Nevada Home Consortium meeting had been cancelled and the need for the Consortium to have a meeting. She announced a special Redevelopment Authority Citizens Committee meeting and explained its agenda. She also explained a portrait display at the Courthouse and invited the public to go and look at it on or after Thursday, February 26, from 5 p.m. to 6:30 p.m. She then explained the Brewery Arts Center musical performances scheduled for the weekend and urged the public to attend. She explained the Western Nevada Community College athletic program fundraiser scheduled for March 31 and that she had tickets for sale for the event. Supervisor Aldean reported on the Lincoln Day dinner hosted by the Republican Women's Central Committee which Mayor Masayko and Supervisor Staub had also attended; the WNDD meeting; the RTC and CAMPO meetings which Supervisor Staub had also attended; a meeting with Compliance Officer Allan Biddle regarding enforcement issues and the public nuisance ordinance; and a meeting with MaryEllen Waltz of HealthSmart. Mayor Masayko reported on the Lincoln Day dinner hosted by the Republican Women's Central Committee; the Convention and Visitors Bureau meeting including the new slate of officers and thanked former Chairperson Dwight Millard for his leadership; TRIAD Council meeting including an implementation of a suggestion that CC Plus have identification bracelets that are used to obtain CC Plus' medical records on an individual if that individual is unable to provide it and thanked the Fire Department, City Manager Ritter and her staff for finding a recycled computer to use for the data base for this purpose; and the Carson City Chapter of the American Society of Civil Engineers' 40<sup>th</sup> anniversary celebration. Mayor

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Masayko congratulated Mrs. Rath's on her 100<sup>th</sup> birthday and expressed his willingness to congratulate and recognize other Centenarians in the community. He described the status of the proposal to have the Nevada quarters struck by the Museum on the old Mint equipment. He announced that Mrs. Stephen's class at Bordewich-Brey Elementary School was the winner of the telephone book recycling project. Tomorrow he will recognize the class and commend it on its efforts. He thanked Debbie Wiggins, the Environmental Health Division, and SBC for their support of the program. Supervisor Livermore reported on the Ron Wood Family Foundation meeting; a meeting with MaryEllen Waltz and Rosetta Johnson on mental health issues; the Parks' master plan visioning process and the need to consider extreme sports issues; the Subconservancy District's Finance Committee meeting; the YSA strategic meeting; the Parks and Recreation Commission meeting; the Chamber of Commerce Manufacturers' meeting; a meeting with City Manager Ritter and Community Development Director Sullivan regarding Sierra Pacific Power Company's plan to put a substation on Fairview; and the Subconservancy meeting. He complimented Sandi Wright on her media coverage of the mental health needs of the community. He announced next week's mental health meeting and the public health awareness community nights. Supervisor Staub reported on his attendance at the Carson City Republican Central Committee Lincoln Day dinner; his family's activities; the CAMPO and RTC meetings; a meeting with Deputy City Engineer John Flansberg regarding the Roop Street widening project; a Hospital Finance Committee meeting; and an Airport Authority meeting. He complimented Sandi Wright on her media coverage of and Dwight Millard on the expansion of the Plaza Hotel. He also noted the media coverage of City Manager Linda Ritter; the closing of Winan's; and the *People Polling* on the storm drainage tax. (1-0968) Supervisor Staub announced the Hospital Auxiliary's Cowboy Poetry event scheduled for March 15. Tickets are now available. No formal action was required or taken.

**B. STAFF COMMENTS AND STATUS REPORTS (1-0945)** - City Manager Ritter explained the status of the City's program to put the Board agendas on the internal internet and the hope to have the next Board agenda on the City's website. Mayor Masayko explained the need to the latest version of Acrobat in order to read the agenda. No formal action was required or taken.

### **5. CONSENT AGENDA (1-0972)**

#### **5-1. DEVELOPMENT SERVICES - CONTRACTS**

**A. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE CONSTRUCTION INSPECTION SERVICES FOR CARSON CITY FREEWAY UTILITY RELOCATION PHASE 1-B (HIGHWAY 50 EAST TO NORTHRIDGE DRIVE) PROJECT, CONTRACT NO. 2003-017, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO HARRIS AND ASSOCIATES, 2310 PASEO DEL PRADO, SUITE A104, LAS VEGAS, NEVADA 89102, FOR AN AMENDMENT NO. 1 AMOUNT OF \$42,320 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$10,000**

**B. ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THIS RELEASE OF FINAL PAYMENT ON CARSON CITY FREEWAY UTILITY RELOCATION PROJECT PHASE 1B, EAST COLLEGE PARKWAY TO GENOA LANE, CONTRACT NO. 2002-116, AS SUBMITTED BY DEVELOPMENT SERVICES TO RAPID CONSTRUCTION, INC., 355 GENTRY WAY, SUITE A, RENO, NV 89502, FOR A FINAL PAYMENT AMOUNT OF \$46,250.50 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED**

#### **5-2. FINANCE**

**A. ACTION TO ALLOW THE FINANCE DEPARTMENT TO DELETE FIXED**

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**ASSETS FROM THE ENTERPRISE FUNDS FIXED ASSET LISTINGS FOR FISCAL YEAR 2002-03**

**B. ACTION TO ALLOW THE FINANCE DEPARTMENT TO DELETE FIXED ASSETS FROM THE GENERAL FUND FIXED ASSET LISTING**

**5-3. PARKS AND RECREATION**

**A. ACTION TO APPROVE A MEMORANDUM OF UNDERSTANDING (M.O.U.) BETWEEN THE STATE OF NEVADA, ACTING BY AND THROUGH ITS DEPARTMENT OF WILDLIFE AND CARSON CITY. THIS M.O.U. IS INTENDED TO BE FOR THE ADMINISTRATION OF THE NEVADA DIVISION OF WILDLIFE'S QUESTION NO. 1 FUNDS FOR THE DESIGN AND CONSTRUCTION OF AN URBAN FISHING POND AT THE CARSON CITY FAIRGROUNDS**

**B. ACTION TO APPROVE AN URBAN FISHING POND FUNDING CONTRACT BETWEEN THE STATE OF NEVADA ACTING BY AND THROUGH ITS NEVADA DEPARTMENT OF WILDLIFE, 1100 VALLEY ROAD, RENO, NEVADA 89512, AND CARSON CITY, 201 NORTH CARSON STREET, SUITE 2, CARSON CITY, NEVADA 89701**

**5-4. PURCHASING AND CONTRACTS - ACTION TO APPROVE THE AWARD OF CONTRACT NO. 0304-083, A REQUEST FOR THE PURCHASE OF ONE (1) PIERCE MOBILE AIR/LIGHT UNIT FROM PIERCE MANUFACTURING, INC., FOR A NOT TO EXCEED COST OF \$199,500 EXEMPT FROM COMPETITIVE BIDDING** - Mayor Masayko noted for the record that late material had been received by the Board on Item 5-3B. Supervisor Aldean pulled Item 5-3B for discussion. Supervisor Livermore explained that neither Item 5-3A nor Item 5-3B had been considered by the Parks and Recreation Commission. The Commission Chairperson had requested they be pulled and be sent to the Commission before consideration by the Board. Parks and Recreation Director Steve Kastens explained that the normal policy had been for the Commission to consider the concept and directs staff to do it. The Board then reviews the project. Under this policy the Commission has not considered the ultimate contracts. Mayor Masayko agreed that this had been the policy but felt that the Commission could review the project if desired. He directed that the items be returned to staff and the Commission. Discussion explained the urban fishing pond's proposed location. Mr. Kastens felt that 2-1/2 years would be an adequate amount of time for its construction. He expressed a willingness to contact the Department of Wildlife and determine whether it would be possible to extend the contract if it becomes necessary to do so. Supervisor Aldean suggested that the contract be amended to allow extensions by either party by mutual consent. Supervisor Livermore explained that the project may impact funding for other projects, therefore, the Commission needs to discuss it before approval is given. Mayor Masayko requested that the record show that no funding has been requested by Carson City and that it meets the master plan for the fairgrounds and Fuji Park master plan that was adopted. He felt that the Commission could, as desired, look at the contracts. He also asked that there be good reasons for the delay of items otherwise it appears to the public that additional bureaucracy is being added to the process. He then deferred Items 5-3A and B and returned them to staff for consideration by the Parks and Recreation Commission. They will then be brought back to the Board. Unless there is some controversy regarding the items, they should be placed on the Consent Agenda. Supervisor Livermore then moved to approve the five remaining Consent Agenda items, two items from Development Services - Contracts, two items from Finance, and one item from Purchasing and Contracts as presented. Supervisor Aldean seconded the motion. Motion carried 5-0.

**6. INTERNAL AUDITOR - I. Steve Wolkomir - ACTION TO APPROVE THE INTERNAL AUDIT PLAN FOR THE PERIOD JANUARY 1, 2004, THROUGH DECEMBER 31, 2004 (1-1095) - Clerk-Recorder Alan Glover, City Manager Linda Ritter - Mr. Wolkomir reviewed the process he had used**

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to establish the plan and the audit plan itself. His pay for performance plan was then described. Board comments indicated that the Emergency Medical Service/Ambulance is to be added to the Fire Department. Supervisor Aldean noted previous comments that indicated a need to consolidate some of the advisory committees/commissions. She asked that Mr. Wolkomir add to his scope of review a focus on education sessions for these committees/commissions. Justification for the request was provided. She also felt that auditing the Clerk-Recorder during an election year was a bad idea. She and Mayor Masayko suggested that it be delayed a year. Mr. Glover indicated that he and Mr. Wolkomir had discussed the timing. Mayor Masayko directed that an asterisk be placed next to this item, that it be moved to the end of the list, and that it be discussed later. Supervisor Staub pointed out that the audit was not being delayed due to "what could be found" but rather due to it being an election year. The entire election is being computerized. Audits take time and staffing. The election year will not allow for the necessary staff time to assist Mr. Wolkomir in the audit. Mayor Masayko agreed that there are additional dynamics added when an election occurs. Supervisor Staub then explained his discussions with Mr. Wolkomir regarding the committees/commissions. Some of the committees have fiscal responsibilities and the Board does not have oversight of those responsibilities, e.g., RTC. He had suggested that the ones with fiscal responsibilities be analyzed and that determinations regarding committees/commissions which could be consolidated be recommended. Purchasing and contract activities occur citywide. Fleet management has not been audited and needs to be as it is a major expense for the City. Both Supervisor Aldean and Mayor Masayko felt that this could be the special project Mr. Wolkomir and Ms. Ritter felt that Maximus had included comments regarding this in its report. Ms. Ritter indicated that staff had developed an action plan. They are in the process of amending the plan and will be bringing it to the Board along with a section on purchasing. Mayor Masayko and Supervisor Staub felt that this could be a second special project if deemed appropriate. Mayor Masayko commended Mr. Wolkomir for placing the storm drainage utility and the 1/8 cent sales tax issue on his radar screen. Both Ms. Ritter and Mr. Werner understood the Board's strategy and issues regarding it. He was satisfied with their amended report. There is plenty of work remaining to accomplish the goals. He suggested that the media be given a copy of the report. Additional comments were solicited but none were given. Supervisor Aldean moved to approve the Internal Audit Plan for the period January 1, 2004, through December 31, 2004, with the following amendments as contingency projects the audits of the Clerk-Recorder's office be reprioritized as number 3 and added that the Fire Department audit will include Ambulance Services. Supervisor Staub seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 10 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:15 a.m., constituting a quorum.

**7. DEVELOPMENT SERVICES - PLANNING AND COMMUNITY DEVELOPMENT** - Director Walter Sullivan

**A. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.04.125, DOWNTOWN COMMERCIAL, TO ALLOW RESIDENTIAL USES AS A PRIMARY PERMITTED USE, AND TO DELETE SINGLE FAMILY, TWO FAMILY AND MULTI-FAMILY DWELLINGS FROM THE CONDITIONAL USES LISTED IN CCMC 18.04.125(2) AND OTHER MATTERS PROPERLY RELATED THERETO (FILE NO. ZCA-03-178) (1-1535)** - Mr. Sullivan's introduction included a summary of public comments regarding the concept. Supervisor Williamson explained that the Redevelopment Authority Citizens Committee and the Economic Vitality Task Force had suggested the

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concept. Their discussions justifying the concept were limned. Mayor Masayko noted for the record that the concept is a good idea. People want to live in the area. It does, however, create a built-in friction zone between the two uses. He used New York City as an example to illustrate the frictions created by early and late construction activities and deliveries. These noises are not considered appropriate in residential areas. People wishing to live in the downtown area should recognize that these issues will be part of the ambience. Supervisor Williamson acknowledged that the residents will not have a yard or two car garages. There will be 6 a.m. trash collection and beer deliveries. This is part of the experience of living in the area. Mayor Masayko pointed to the Olcovich House as an illustration of the different housing elements that will be found in the area. Businesses should not modify their needs to match the residents' desire for peace and quiet. Supervisor Aldean supported the concept. She suggested that the preamble/purpose statement be amended to read: "...primarily to retail sales of new merchandise, office and tourist related uses while at the same time encouraging mixed use development to promote more efficient land uses, increases pedestrian traffic, and an enhanced overall vitality." Supervisor Staub suggested that Supervisor Aldean provide these revisions before the meeting. He then questioned whether it would be possible for a manufactured home to be placed on a vacant lot as a single family residence. He felt that by adding single family residences to the list of primary permitted uses it would be possible and that it could be done without having a commercial use within the structure. The Olcovich has a commercial use. Mr. Sullivan explained that staff had debated this concern at length. If the residential use is an accessory use to a commercial use, it would prohibit apartment dwellings in the district. Staff had checked with the surrounding communities and not found one location that had encountered a manufactured home in its downtown commercial district. He acknowledged the remote possibility that it could happen. Supervisor Staub pointed out that apartments and multi-family uses are commercial ventures. A manufactured home is a single family residence. He felt certain that someone will try to do it. Although the language Supervisor Aldean had added strengthens the intent, the possibility remains. Mr. Sullivan expressed a willingness to continue the item and do additional research. Supervisor Staub explained that it was not his intent to delay the process, which he supported, but the need for additional information justified the delay. Single family residences should be identified and connected to the commercial uses. Mayor Masayko questioned whether it would be possible to move forward with the proposed ordinance and amended it in the future rather than delay individuals who may have made business decisions based on the proposed ordinance. Mr. Sullivan felt that he would be able to revise the ordinance and return in two weeks. The revision will tie the single and two family residential uses to one of the primary permitted commercial uses. Multi-family uses will remain as permitted uses. Supervisor Staub and Mayor Masayko agreed. Supervisor Williamson pointed out that the zoning district is downtown commercial (DC) and not residential office. She did not believe that there is any vacant land in the DC zone. The overlapping historical district does not allow manufactured homes. She also explained the downtown design review process which further restricts the uses. She expressed her willingness to support a two-week delay. Mayor Masayko felt that it is better to prohibit the use than to put an individual through the paces before telling them no. Supervisor Livermore suggested that the criteria for the structure prohibit one story buildings. This would prohibit manufactured homes. Commercial properties must contain 2,000 square feet or more. This maximizes the use while allowing mixed uses. Supervisor Staub expanded on his reasons for recommending a two-week delay and prohibiting manufactured homes in the district. Mr. Sullivan supported the two-week delay. He also explained that Supervisor Livermore's suggestion will impact only one zoning district. Discussion indicated that the revised concept should be sent to the Planning Commission. Mr. Sullivan felt that it would be possible for the Commission to consider the item on February 25 and for the Board to have the revised ordinance at its next meeting. Public comments were solicited but none were given. Supervisor Aldean was asked to submit her revision to staff in writing. Supervisor Staub moved to send the change of

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land use zoning change ordinance back to the Planning Commission for review of some minor amendments and to return the item to the Board in two weeks. Supervisor Livermore seconded the motion. Mayor Masayko indicated that the schedule is to return the item to the Board fairly quickly. The item is being returned to the Planning Commission for amendments that have been stated on the record and relate to File No. ZCA-03-178. The motion was voted and carried 5-0.

**B. ACTION TO APPROVE AN ABANDONMENT REQUEST FROM AL BERNHARD (PROPERTY OWNER: BERNHARD FAMILY TRUST) ORDERING THE ABANDONMENT OF A PUBLIC RIGHT-OF-WAY, SPECIFICALLY, A PORTION OF HOT SPRINGS ROAD BETWEEN COLLEGE PARKWAY AND ROOP STREET, ADJACENT TO PROPERTY ZONED LIMITED INDUSTRIAL (LI) AND RETAIL COMMERCIAL (RC), APNS 8-125-51 AND 8-126-01 (AB 03-164) (1-2148)** - City Engineer Larry Werner - The abandonment is for 2/3rds of the distance between College Parkway and Roop Street. The remaining 1/3 will be used for access/egress to Walmart. The abandoned portion will not impact the Sheehan property to the east. The Department had not received any appeals to the Walmart Special Use Permit. Staff has been meeting with the company representatives and reviewing the building plans. A special meeting had been scheduled for City staff and representatives of Walmart, Mr. Sheehan and Mr. Bernard to discuss the access/egress, however, Mr. Bernard had met with Mr. Sheehan and developed an acceptable arrangement. Mayor Masayko disclosed his discussions with Mr. Sheehan that indicated he had serious concerns regarding the ingress/egress. Mr. Sullivan stated for the record that Chip Cavilla, who represents Mr. Sheehan, has indicated that "they have had a number of discussions and are well down that route". Supervisor Aldean noted that the abandonment approval is conditioned upon commencement of the development of the parcel. She suggested that an amendment be made to the document stating that the order of abandonment shall not be recorded by the City until commencement of construction. Mr. Sullivan explained the meetings between staff and Walmart representatives regarding the project. He was certain that the building will be constructed and that the abandonment will occur. Mr. Werner explained that staff will hold the abandonment until they are ready to record it. Mayor Masayko indicated that the applicant is aware of this process. Condition 4 delineating when the recordation will occur was read. Supervisor Aldean pointed out that this does not mean "when construction occurs", however, she was willing to accept the policy which mandates recordation when building construction occurs. Mr. Werner explained various items which will be taken care of before building construction can occur. Staff felt certain that when these items have been addressed, the timing is correct for recordation. Discussion indicated that the abandonment will transfer the property to the abutting property owner at the time of the transfer. Mr. Sullivan indicated that the City will not charge for the abandonment as it is not part of the downtown area. Mayor Masayko explained that the right-of-way was part of an original estate and that the Board could only consider the health, safety, and welfare, and whether the abandonment is in the public interest. Public comments were solicited but none were given. Supervisor Williamson moved to approve an abandonment request from Al Bernhard, property owner: Bernhard Family Trust, ordering the abandonment of a public right-of-way, specifically a portion of Hot Springs Road between College Parkway and Roop Street adjacent to property zoned Limited Industrial and Retail Commercial, APNs 008-125-51 and 008-126-01, File No. AB 03-164. Supervisors Livermore and Staub seconded the motion. Motion carried 5-0.

**8. DEVELOPMENT SERVICES - ENGINEERING - City Engineer Larry Werner - ACTION TO ADOPT A RESOLUTION ESTABLISHING A BALLOT QUESTION FOR THE PAYMENT OF STORM WATER INFRASTRUCTURE, OPERATIONS AND MAINTENANCE THROUGH A 1/8TH OF A PERCENT SALES TAX, AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE**

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**CLERK-RECORDER, TO CREATE A LIST OF PERSONS FOR CONSIDERATION BY THE BOARD OF SUPERVISORS TO SERVE ON THE COMMITTEE WHO WILL EXPLAIN THE BALLOT QUESTION AND DEVELOP ARGUMENTS FOR AND AGAINST THE BALLOT QUESTION AND AUTHORIZING THE PLACEMENT OF THE BALLOT QUESTIONS ON THE NOVEMBER 2<sup>ND</sup> GENERAL ELECTION BALLOT AND OTHER MATTERS PROPERLY RELATED THERETO (1-2395)** - Mayor Masayko disclosed his participation with Ms. Ritter and Mr. Werner in drafting of the ordinance. The ballot question will ask the electorate if the sales tax should be increased for this purpose. If they agree, the Legislature will be asked to amend the Statutes. If they disagree, the sales tax increase will not be sought. The funds will be used for capital construction, operation and maintenance. This will increase the sales tax on a \$1,000 purchase by \$1.25. Sales taxes are not imposed on food, which is a large portion of an individual's purchases. Visitors will pay a portion of the tax. This makes the tax different from the use of property taxes. Mayor Masayko felt that the proposal was more amenable than increasing the storm drainage utility fees and property taxes. The funds are needed to meet the NDEP standards for storm drainage runoff. The concept will keep the utility service charge low. The electorate's involvement in the process will almost guarantee Legislative approval. It was felt that the proposed 1/8th of a cent rate will generate \$1.06 million. The City needs between \$1.2 and \$1.3 million for the moderate level program. The fees will still be needed to make up the difference. The fees could be reduced if additional revenue is generated. Mr. Werner indicated that the additional revenue could also be used for other capital items which have not been considered in the initial five year program. Supervisor Williamson explained her reluctance to increase the service fees if the sales tax revenue does not meet expectations. Mr. Wolkomir had looked at the concept to ensure that revenue projections were accurate. Supervisor Livermore explained the EPA requirements mandating the establishment of a storm drain utility. He hoped that the electorate will support the concept and not force the property owners/residents to have to foot the entire bill. Failure to meet the EPA requirements carries a hefty penalty. The question is how to fund the storm water management program that was approved by the Board and is required by the EPA. Supervisor Livermore also cautioned that the ballot question must be carefully worded to avoid a voter revolt. Mayor Masayko expressed his belief that the con would be failure to monitor the storm drain runoff and the loss of property it creates. The runoff must be clean when discharged into the river. The City is not being required to pipe all of the runoff, however, it is an option that will prevent damage caused by flooding. Supervisor Livermore pointed out the belief that a flood only occurs every ten years. The proposal is a better way to prevent the damage a flood causes. Mr. Werner explained that the \$1.1 million will provide the City with the ability to meet the Federal mandates that are spelled out in the storm water management plan. The issue is how to pay for the program—user charges or a sales tax. The sales tax will provide additional capital for the program that the service charge will not have. There is not a lot of debate on the \$1.1 million unfunded but mandated program. Board comments cited examples of flood damage created in 1997. RTC has been paying for the storm drainage program until now and is paying for the freeway storm drainage project. The construction now occurring on the Lompa property is part of the freeway storm drainage project. Widening Roop Street includes \$500,000 for storm drainage improvements. Discussion indicated that at this time the tax program does not include a sunset clause. It was felt that there will be ongoing costs associated with the program and that the tax could not be eliminated without providing another funding source. The present program is for the first five years. During that period the needs will be evaluated and the program expanded based on Federal requirements at that time. The service charge will generate approximately \$660,000. It will start the program and meet some of the requirements. The current service charge will fund \$137,000 for the debt service on the drainage improvements now being constructed by NDOT. The sales tax and service charge may provide \$300,000 for additional capital improvements. Mr. Werner indicated that

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the City's portion of the freeway storm drainage improvements is estimated to be \$1.5 million. The entire NDOT storm drainage improvements were estimated to have cost \$40 million. Discussion reiterated that the program is not for flood control although it may be possible to address it in the future. The program is for Federally mandated water quality. Mayor Masayko pointed out that the \$137,000 debt service may be paid off in 20 years. He also pointed out that the freeway storm drainage improvements do not do anything about the flooding in Ash, King, and Lakeview Canyons, or south of Voltaire Canyon. A large portion of the City is at risk of flooding. Additional funding is needed for these areas. Public comments were solicited but none were given. Supervisor Aldean moved to adopt Resolution No. 2004-R-3 ESTABLISHING A BALLOT QUESTION FOR THE PAYMENT OF STORM WATER INFRASTRUCTURE, OPERATIONS AND MAINTENANCE THROUGH A 1/8TH OF A PERCENT SALES TAX, AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CLERK-RECORDER, TO CREATE A LIST OF PERSON FOR CONSIDERATION BY THE BOARD OF SUPERVISORS TO SERVE ON THE COMMITTEE WHO WILL EXPLAIN THE BALLOT QUESTION AND DEVELOP ARGUMENTS FOR AND AGAINST THE BALLOT QUESTION AND AUTHORIZING THE PLACEMENT OF THE BALLOT QUESTIONS ON THE NOVEMBER 2ND GENERAL ELECTION BALLOT AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Motion carried 5-0.

Mr. Werner expressed a need to talk about the bill drafts which need to be completed soon.

**9. CITY MANAGER - Linda Ritter - ACTION TO APPROVE GOALS, OBJECTIVES AND MEASUREMENT CRITERIA FOR THE CITY MANAGER FOR THE PERFORMANCE REVIEW PERIOD WHICH SHALL END IN DECEMBER 2004 (1-3015)** - Dave Morgan, Jill Lufrano - Ms. Ritter's introduction included a connection between the Board's goals and objectives established at its November workshop and her list of goals. The value she had placed on each goal was a suggestion and is open to revision. She also noted that she may not have full control over the success or failure of the auto mall. Mayor Masayko urged Ms. Ritter to bring the list back to the Board should circumstances warrant revision. He agreed that the listing is aligned with the Board's goals.

Supervisor Livermore pointed out that Ms. Ritter does not control the success or failure of the freeway project. He questioned her role in this process and expressed his desire to place the funding elsewhere. Both the auto mall and a program to expand and retain businesses should be a higher priority than the freeway. He recommended using \$1,000 of the freeway funds to increase the rewards for business retention and expansion. He suggested that the performance indicators for all City Manager controlled functions include oversight of CAT10/CATF. Ms. Ritter indicated that the list was not all encompassing. She has met with CATF's board and they are attempting to address the issues. It had not been included in the pay for performance plan. Supervisor Livermore explained his expectations of CAT10 to illustrate his concerns. Ms. Ritter indicated that the Board may want to look at the agreement with CATF when it considers the funding element for it.

Supervisor Staub explained his expectation that the bonus plan is for items over and above the normal duties of the job. The programs should be exceptional, dynamic, and challenging for her. He pointed to the public information function to illustrate the need for better media coverage. This has been an ongoing Board goal. He acknowledged that the current program has budget challenges. A plan should be developed indicating who and when an individual is to talk to the media and how information is to be disseminated. As she had been identified by the Internal Auditor as the contact person regarding his audit of the committee/commission functions, it is a valid goal and should be on the list. He asked that these two items be added even if it means

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elimination of a goal or two. Mayor Masayko pointed out that there is nothing "magical" about the 20 percent limit on the bonus amount. He felt that the two items could be added to the listing if desired. Discussion indicated that the public information process should be a separate element and that CATF should be included in Goal 13. Ms. Ritter indicated that staff is working on an internal public information system/program that will not require additional staffing. When completed, the program will be brought to the Board. Mayor Masayko indicated that if it is added to the performance criteria, they will not lose track of it. He also wanted to add additional funding rather than juggle the amounts.

(2-0048) Supervisor Williamson stressed her concerns regarding CATF and the Board's \$125,000 funding for it. She wanted to see CATF's short and long term goals. The City deserves a better system. She was comfortable with the listing. She also wanted it to be on the record that she would look at the Internal Auditor's review of the committees/commissions. She has discussed it with staff and acknowledged that there are some concerns regarding some of the committees/commissions. She liked the committees. Her intent is to take a long hard look at the report before dissolving them. Mayor Masayko pointed out that the Board will make the ultimate decisions regarding the committees/commissions.

Supervisor Aldean explained the status of the Board of Health. She suggested that, as it is underway, the funds be shifted to other items. She also suggested that ancillary agreements be added to Goal 9, which facilitates the development of an auto mall or auto row and its incentive package.

Mayor Masayko summarized the Board's direction as adding the boards and commissions, the public information program, and the ancillary agreements, the removal of No. 4 and reallocation those funding to either the boards and commissions, public information or the business expansion and retention program. He explained his belief that business expansion and retention is the private sector's role and not the City's. He acknowledged that it is perceived that the City allows the firms to go out of business. The City has an economic and redevelopment manager. His focus is on tools for business expansion and retention. Examples of these tools were provided. Mayor Masayko questioned how the City could do it without additional involvement which would support the contention that government makes the determination as to who should stay in business, etc. The City should not use its funds to "bribe" businesses into staying.

Ms. Ritter indicated that part of the business expansion and retention program will be the establishment of realistic things which can be done and using the public information process to disseminate the information.

Supervisor Staub suggested combining Goals 13 and 8. He also supported Supervisors Livermore and Williamson suggestion that CATF/CAT10 be added as a new Goal 13. It is City funded. It may be necessary to have the Internal Auditor investigate the funding uses and determine whether funds are missing. Answers are needed. Mayor Masayko retorted that it is a public nonprofit organization. A grant is given to them for the operation of Channel 26. He is concerned about infringing on the First Amendment rights when the City provides oversight of the operation. Supervisor Staub then supported adding CATF to the boards and commissions goal. Mayor Masayko indicated that this would temper his position.

Supervisor Aldean explained her support of Mayor Masayko's position regarding business retention and expansion. We must deal with the public's perception that we are involved in the decision-making process beyond being available to assist with inquiries from businesses who are interested in locating in the area. The Board has a role in this process and should convey the image that Carson City is business friendly. Therefore,

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she supports the goal.

Public comments were solicited. Mr. Morgan explained his belief that a public information officer is nice to have but he/she should not be used as a filter between the media and the Board or City staff. A lot of the information a public information officer would provide is already available on the City's website. It is a case of enterprise reporting which is already being done. Mayor Masayko explained that the Board had not committed to having a public information officer. Mr. Morgan also supported Mayor Masayko's comments regarding keeping a verifiable arm's length between the City and CATF. Otherwise, the City will be on the hook if another incident occurs. His believes that Douglas County is in a very untenable position with its operation. He also encouraged the Board to have a workshop regarding the potential uses of CATF. It is a wonderful resource which believed was not being utilized correctly. The City does not at this time have a measured, thoughtful approach to public information. Ms. Ritter's weekly reports make him question what he has been doing. This same message needs to be getting out to the public. The present media approach is not getting the City's message out to the public. Both Supervisor Staub and Mayor Masayko supported the workshop concept.

Ms. Lufrano indicated that, since Ms. Ritter joined the City, her ability to access the City staff has made her job as a reporter easier and improved her understanding of what is occurring. She did not want to see someone come in and place roadblocks between herself and the City. Mayor Masayko indicated that the intent is not to create road blocks but rather to provide frequent contacts, clarity of the contacts, and background information. He cited the storm drainage utility to explain that between 70 and 90 percent of the people understood its purpose. The effort to inform the remaining individuals costs ten times that used for the ones who understand. Ms. Lufrano felt that a plan could help make her job easier and assist the public in understanding. Mayor Masayko indicated it would also help her successor. Supervisor Staub pointed out the desire to have correct, accurate, and dependable information provided. Examples of Walmart's closure and Fuji Park were used to illustrate problems with the current program.

Ms. Ritter thanked the media for its assistance in getting the City's word out. Staff is planning to begin "pitching" stories the public should know about. Training for Department Heads is occurring. Mayor Masayko emphasized that the program and process will be understandable and proactive. Ms. Ritter summarized the Board's direction as being to change the amounts as she intends to stay within the 20 percent goal as agreed upon. The goal to negotiate financial agreements was decreased to \$2,000. Development of a program to support business retention, that includes working with the Economic Development Manager to develop and define a business support program, is worth \$1,000. Development of an economic marketing strategy to include the enhanced website is worth \$1,000. There are no changes to Item 3. Item 4 was removed. There are no changes to Items 5, 6, and 7. Item 8 was reduced to \$1,000. Item 9's wording was changed to negotiate an incentive package with other ancillary agreements for development of an auto mall. Discussion indicated the reasons Ms. Ritter did not feel that Items 8 and 13 should be combined. Mayor Masayko and Supervisor Staub agreed to support her position. Ms. Ritter indicated that the funds had been split in two for this reason. Items 10 and 13 remain as written. Item 14 is to develop a public information system and program with a funding level of \$1,000. Item 15 is to assist the Internal Auditor with his review of boards and commissions and develop a plan of action based on his audit, which is the same as she does with his other audits. She then indicated that the review of CAT10 operations could be part of it or be made No. 16. Mayor Masayko felt that CAT10 should remain in 15 at \$1,000. The total should be \$19,500. Ms. Ritter felt confident that all of the goals could be met. She described her coordination efforts with staff which

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led her to believe the list was doable. Mayor Masayko explained that the Board's goals and objectives are also reasonable and achievable. Tying its goals and objectives to the City Manager's goals and objectives creates a long-term plan for community services. The process focuses the total compensation package and allows for the establishment of new goals for next year. Supervisor Williamson moved to adopt the goals, objectives and measurement criteria for the City Manager as proposed and revised today by the City Manager for the performance review period which shall end in December 2004. Supervisor Livermore seconded the motion. Ms. Ritter indicated that a clean version of the goals would be provided to the Board. Supervisor Livermore also felt that there may not be 15 goals as the numbering had been changed and one goal was eliminated. Mayor Masayko directed Ms. Ritter to make the funding fit at \$20,000. He did not wish to bring it back if the numbers do not add up as indicated. Ms. Ritter agreed. The motion was voted and carried 5-0.

RECESS: A recess was declared at 11:55 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 12:05 p.m., constituting a quorum.

**10. DEVELOPMENT SERVICES - PUBLIC WORKS OPERATIONS - PROGRESS REPORT FROM ENERGY NEVADA ON THE RENEWABLE ENERGY DEVELOPMENT CONTRACT, CONTRACT NO. 2002-085 (2-0455)** - Energy Nevada Vice President Eric Thompson presented copies of his slides to the Board and Clerk. (A copy is in the file.) He reviewed the slides. The waterline from Marlette may be a source for renewable energy that could pay for 10 percent of the cost to transport the water. The proposal to change the street lights will utilize "white" lights, change the City's appearance at night, improve public safety and provide darker night skies for the observatory. Mayor Masayko complimented him on the presentation. The program had been a hard sale for him. He needed to have a transparent program and knowledge regarding its background. Steps are occurring. The area has a finite amount of resources and certain environmental concerns which must be considered when enticing manufacturers to locate in the community. For these reasons heavy manufacturers and high water users will not fit well. Other areas in the region may provide a better fit. Supervisor Williamson thanked him for the presentation. Mr. Thompson summarized the expansion of the program into other communities. He felt that they may have found enough resources to create 15 to 20 megawatts of power. The goal is 100 megawatts. Enthusiasm for the project is "ramping up". Private entities may tie into the program soon. They are interested in the program due to the opportunities for savings. He then described the study that is being conducted and its funding. He expressed a willingness to look at other funding sources including HUD and Carson City's housing rehabilitation funds. Supervisor Aldean indicated that Lyon County may not agree with the use of the rehab funding. Discussion explained the compressed air storage program. The Dept. of Energy research funding may be used for this program. A description of the wind generated electrical turbines was provided and indicated that there has been a substantial change in the program and the turbines during the last 20 years. Aesthetic concerns were voiced. Supervisor Livermore disclosed that he had participated in discussions with Sierra Pacific Power Company and Southwest Gas and indicated that Mr. Thompson's reception has been friendly. Supervisor Livermore felt that such a partnership would provide enhancement for alternative uses of energy rather than replacement. He had discussed the potential with the Hospital who is excited about the potentials there. The new facility will have a huge demand for energy. Such a program could maximize its uses. Justification for government participation in such a venture was provided. Mr. Thompson thanked the Board and City staff for their participation and support. Economic/Redevelopment Manager Joe McCarthy has set through many presentations and assisted with getting the program off the ground. Mayor Masayko noted that Mr. Langston of Vector Cogen has talked with Mr. Thompson. Justification for including him in the program was noted. He thanked Mr. Thompson for his inclusion. Public comments were solicited.

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David Morgan questioned whether the Subconservancy's plan to export 700 acre feet of water could be used to generate hydroelectricity and if it could be used to offset the cost of moving the water. Mayor Masayko felt that gravity could be used to move some of the water from Hobart. The pipe upgrades could be offset with hydroelectricity. He urged Mr. Thompson to discuss the concept with the Subconservancy District. Mr. Thompson agreed and indicated that he is aware of the aesthetic concerns created by the wind turbines and the solar panels. Opportunities are being explored.

Tom Keeton pointed out the community's desire to reduce light pollution at night, specifically, around the Western Nevada Community College. Mr. Thompson explained that they have met with the College and that the new light fixtures have a lower light profile. Technical information regarding them will be provided. Supervisor Livermore explained the concerns created by "yellow lights" at Governor's Field and indicated that renovation may occur there. Supervisor Staub explained the new lighting at Indian Hills' Babe Ruth ball park, which he felt was an improvement over the previous lighting. Mayor Masayko indicated that the Board will study Mr. Thompson's program/plans and must be assured that it will pencil out. The vapor lights had not pencilled. The Board wishes to take advantage of opportunities and look at new technologies. He felt that Energy Nevada will be a good partner. No formal action was required or taken.

There being no other matters for consideration, Supervisor Livermore moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 12:37 p.m.

The Minutes of the February 19, 2004, Carson City Board of Supervisors meeting

ARE SO APPROVED ON May 6, 2004.

/s/  
Ray Masayko, Mayor

ATTEST:

/s/  
Alan Glover, Clerk-Recorder