

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 1

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, June 17, 2004, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko Pete Livermore Robin Williamson Shelly Aldean Richard S. Staub	Mayor Supervisor, Ward 3 Supervisor, Ward 1 Supervisor, Ward 2 Supervisor, Ward 4
STAFF PRESENT:	Linda Ritter Alan Glover Ken Furlong Andrew Burnham Larry Werner Daren Winkelman Tom Minton Scott Fahrenbruch Cheryl Adams Melanie Bruketta Vince Pirozzi Katherine McLaughlin (B.O.S. 6/17/04 Tape 1-0009)	City Manager Clerk-Recorder Sheriff Development Services Director City Engineer Health Director Finance Director Acting Parks and Recreation Director Purchasing/Contracts Manager Deputy District Attorney EMS Battalion Chief Recording Secretary

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

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

CITIZEN COMMENTS (1-0035) - Beth Scott applauded the City's efforts to update the master plan and include a trails plan. Her interest was explained. She urged the Board to consider individual neighborhood's needs, character and identity and to work toward nurturing those identities. Trudy Arkell also applauded the City's efforts and urged consideration of individual neighborhood trails. The current multi-use of Prison Hill was cited as example. It is an excellent location for trails. Her property and equestrian activities were cited to support the need for consideration of the neighborhood characteristics and trails as part of the master plan. Mayor Masayko asked them to participate in the process. No formal action was taken or required.

1. ACTION TO APPROVE MINUTES OF 4/15/04 (1-0068) - Discussion pointed out that the rata sheet that was found on the dias prior to the meeting covered an agenda item scheduled for later in the meeting. Supervisor Livermore moved for approval of the Carson City Board of Supervisors Minutes of

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 2

April 15, 2004, meeting as presented. Supervisor Williamson seconded the motion. Motion carried 4-0-1 with Supervisor Aldean abstaining as she was not present.

2. AGENDA MODIFICATIONS (1-0089) - Mayor Masayko indicated that the Board will act on the Consent Agenda before giving Board reports.

3. BOARD OF SUPERVISORS

A. ACTION ON A REQUEST BY KYLE DAVIS, REPRESENTING THE AMERICAN CANCER SOCIETY FOR A WAIVER OF EQUIPMENT, ADMINISTRATIVE, AND CLEANING DEPOSIT FEES (1-0097) - Mr. Davis explained the reasons for his request. Mayor Masayko explained the Board's policy to not waive fees but to use a portion of the Board's discretionary funding for payment of the fees. Discussion with Mr. Davis explained the use of the funds for research, education, local support of cancer victims, advocacy and lobbying the Legislature. Acting Parks and Recreation Director Scott Fahrenbruch explained the hard and soft costs incurred setting up and removing the portable stage. He was willing to absorb the labor costs if the Board grants the waiver or uses its funds to pay the other fees. Mayor Masayko indicated that the Department should not be asked to absorb the labor fees. Justification for this policy was limned. Supervisor Williamson explained her support of the event. She was willing to pay the rental fee but felt that the Society should pay the refundable cleaning deposit. Mr. Fahrenbruch explained his support of the requirement mandating a cleaning deposit. Mayor Masayko supported the proposal to have the Society pay the cleaning deposit. Mr. Davis explained that they had anticipated paying the cleaning deposit and were willing to do so. Public comments were solicited but none were given. Supervisor Williamson moved that the Board of Supervisors fund the cost of equipment and setup for an amount not to exceed \$281.00, and hopefully it will be a lot less, and that the American Cancer Society provide the \$275.00 which is a refundable cleaning deposit for the portable stage for the dates indicated. Supervisor Livermore seconded the motion. Motion carried 5-0.

4. CONSENT AGENDA (1-0252)

4-1. SHERIFF - ACTION TO APPROVE THE ACCEPTANCE OF THE STATE OF NEVADA, PUBLIC SAFETY OFFICE OF CRIMINAL JUSTICE ASSISTANCE BYRNE MEMORIAL FORMULA GRANT IN THE AMOUNT OF \$8,550 WITH MATCHING FUNDS OF \$2,850 FOR A TOTAL OF \$11,400

4-2. PURCHASING AND CONTRACTS

A. ACTION TO APPROVE THE EXTENSION OF CONTRACT NO. 0304-051 TO CONTRACT WITH WESTERN ENERGETIX CORPORATION BY JOINDER BID THROUGH NEVADA STATE PURCHASING TO PROVIDE ELECTRONIC FUEL DISPENSING AND CARD PROCESSING SYSTEM SERVICES THROUGH NOVEMBER 30, 2004, AND AUTHORIZE ALL CITY DEPARTMENTS TO BE ABLE TO UTILIZE THIS CONTRACT PROVIDING THEY HAVE APPROVED FUNDING AND FOLLOW APPROVED CARSON CITY PURCHASING PROCEDURES

B. ACTION TO APPROVE THE AWARD OF CONTRACT NO. 0304-088, WATER INVENTORY PARTS TO TWO (2) VENDORS, R SUPPLY CO., INC., AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR 208 ITEMS PURSUANT TO NRS CHAPTER 332 AND PURSUANT TO THE BOARD'S FINDINGS THAT IT IS IN THE PUBLIC'S BEST INTEREST TO ACCEPT THE BID EXCEPTION THROUGH JUNE 17, 2006, WITH THE OPTION

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 3

TO RENEW FOR TWO (2) ADDITIONAL YEARS SUBJECT TO NEGOTIATION, WESTERN NEVADA SUPPLY COMPANY AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR 33 ITEMS PURSUANT TO NRS CHAPTER 332 THROUGH JUNE 17, 2006, WITH THE OPTION TO RENEW FOR TWO (2) ADDITIONAL YEARS SUBJECT TO NEGOTIATION

C. ACTION TO APPROVE THE AWARD OF CONTRACT NO. 0304-092, COLLECTION SERVICES TO NATIONAL BUSINESS FACTORS, INC., AS THE HIGHEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS CHAPTER 332 AND PURSUANT TO THE BOARD'S FINDINGS THAT IT IS IN THE PUBLIC'S BEST INTEREST TO ACCEPT THE BID EXCEPTION TO PROVIDE COLLECTION SERVICES FROM JULY 1, 2004, THROUGH JUNE 30, 2005, WITH THE OPTION TO RENEW FOR FOUR (4) ADDITIONAL YEARS SUBJECT TO NEGOTIATION WITH THE FOLLOWING FEE STRUCTURE - THIRTY PERCENT (30%) CONTINGENT UPON COLLECTION AND ONE DOLLAR AND TWENTY-FIVE CENTS (\$1.25) PER PRE-COLLECT LETTER

D. ACTION TO APPROVE THE AWARD OF CONTRACT NO. 0304-103, ELECTRONIC ACCOUNTABILITY SYSTEM TO GRACE SALES, INC., AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS CHAPTER 332 AND PURSUANT TO THE BOARD'S FINDINGS THAT IT IS IN THE PUBLIC'S BEST INTEREST TO ACCEPT THE BID EXCEPTION TO PURCHASE A GEM SYSTEM T PASS 3 EVACUATE™ - A 2-WAY SIGNALING PASS ALARM SYSTEM CONSISTING OF TWO (2) T-3 LCD RECEIVERS; TWO (2) MICRO RECEIVERS; AND FIFTY-TWO (52) EVC RECEIVERS WITH NO MOTION SENSING FOR A TOTAL COST OF \$40,720

4-3. CITY MANAGER - ACTION TO APPROVE CONTRACT NO. 0405-007, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY WALKER AND ASSOCIATES TO PROVIDE GOVERNMENTAL AFFAIRS SERVICES FROM JULY 1, 2004, THROUGH JUNE 30, 2005, FOR A NOT TO EXCEED COST OF \$35,000 PLUS UP TO \$750 FOR EXPENSES

4-4. DEVELOPMENT SERVICES

A. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE WASTEWATER RECLAMATION FACILITY EXPANSION PROGRAM ASSISTANCE PROJECT, CONTRACT NO. 2001-104, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO BERRYMAN AND HENIGAR, 720 THIRD AVENUE, SUITE 1200, SEATTLE, WA 98104 FOR AN AMENDMENT NO. 5 AMOUNT OF \$45,000 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$5,000

B. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE DEER RUN ROAD PROFESSIONAL SERVICES PROJECT, CONTRACT NO. 2003-002, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO STANTEC CONSULTING, INC., 6980 SIERRA CENTER PARKWAY, SUITE 100, RENO, NV 89511 FOR AN AMENDMENT NO. 1 AMOUNT OF \$16,400 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR NOT TO EXCEED AMOUNT OF \$3,600

C. ACTION TO APPROVE AN AGREEMENT BETWEEN DOLORES C. BENNETT AND CARSON CITY WHEREBY DOLORES C. BENNETT AGREES TO GRANT A TEMPORARY CONSTRUCTION EASEMENT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS APN 002-112-09 FOR THE PURPOSE OF ROADWAY CONSTRUCTION RELATED TO THE WIDENING OF A PORTION OF ROOP STREET

D. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE DEER RUN ROAD RECONSTRUCTION PROJECT, CONTRACT NO. 2003-041, TO

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 4

INCREASE THE CONTINGENCY FROM \$21,631.49 TO \$191,631.49

E. ACTION TO APPROVE AN AGREEMENT BETWEEN GARTH S.

RICHARDS AND JOAN M. RICHARDS, TRUSTEES OF THE GARTH S. RICHARDS AND JOAN N. RICHARDS 1980 TRUST, AND CARSON CITY WHEREBY GARTH S. RICHARDS AND JOAN M. RICHARDS AGREE TO GRANT A PERMANENT SIGHT EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS APN 002-071-16, AND A TEMPORARY CONSTRUCTION EASEMENT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS APN 002-071-17 FOR THE PURPOSE OF ROADWAY CONSTRUCTION RELATED TO THE WIDENING OF A PORTION OF ROOP STREET

4-5. PARKS AND RECREATION - ACTION TO APPROVE THE LEASE AGREEMENT BETWEEN CARSON CITY AND THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) TO ESTABLISH TERMS AND CONDITIONS FOR THE RSVP FACILITY TO BE CONSTRUCTED AND OPERATED ON CENTENNIAL PARK PROPERTY PATENTED UNDER THE PROVISIONS OF THE RECREATION AND PUBLIC PURPOSES ACT TO THE CITY BY THE BUREAU OF LAND MANAGEMENT

4-6. ENVIRONMENTAL HEALTH

A. ACTION TO APPROVE A GRANT AWARD IN THE AMOUNT OF \$140,500 FROM THE NEVADA DEPT. OF HUMAN RESOURCES, HEALTH DIVISION, TO HIRE A VACCINE FOR CHILDREN COORDINATOR

B. ACTION TO APPROVE A GRANT AWARD IN THE AMOUNT OF \$40,000 FROM THE NEVADA DEPT. OF HUMAN RESOURCES, HEALTH DIVISION, FOR CONTINUING THE DEVELOPMENT OF A COMPREHENSIVE PLAN TO INTEGRATE HIV PREVENTION ACTIVITIES INTO THE PUBLIC HEALTH SERVICE SYSTEM IN CARSON CITY

4-7. FINANCE

A. ACTION TO RENEW THE CARSON CITY CONTRACT WITH NEVADA PUBLIC AGENCY INSURANCE POOL, THE TOTAL PREMIUM WILL BE \$485,794 FOR PROPERTY, LIABILITY, CRIME, AND BOILER AND MACHINERY INSURANCE COVERAGES FOR FY 04-05

B. ACTION TO RENEW THE CARSON CITY CONTRACT WITH NEVADA PUBLIC AGENCY INSURANCE POOL, THE TOTAL PREMIUM WILL BE \$1,289,610 FOR THE WORKERS' COMPENSATION COVERAGE FOR FY 04-05 - Supervisor Aldean pulled Item 4-4C under Development Services, the Bennett temporary construction easement, for discussion. Supervisor Livermore moved for approval of the Consent Agenda consisting of 15 items, one from the Sheriff, four from Purchasing and Contracts, one from the City Manager, four from Development Services, one from Parks and Recreation, two from Environmental Health, and two from Finance as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

4-4C. (1-0290) Discussion between Supervisor Aldean and City Engineer Larry Werner indicated Mr.

Werner's surprise that the agreement did not include a deadline for termination of construction. All of the temporary easement agreements included a termination date. It should also include terms allowing for negotiation on an extension of the termination date. The cost incurred for the extension is normally in the \$100 to \$200 range. He recommended proceeding with the agreement as written. Public comments were solicited but none were given. Supervisor Aldean moved to approve an agreement between Dolores C.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 5

Bennett and Carson City whereby Dolores C. Bennett agrees to grant a temporary construction easement upon, over, and across certain real property described as Assessor's Parcel No. 002-112-09 for the purpose of roadway construction related to the widening of a portion of Roop Street, fiscal impact is \$260. Supervisors Staub and Livermore seconded the motion. Motion carried 5-0.

3. B. NON-ACTION ITEMS

i. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0345)

Supervisor Staub reported on the Airport Authority meeting, the reopening of the airport restaurant, and comments he had received from a citizen regarding irrigation of Mills Park during the restricted watering period. He had advised them to contact the Parks Department. Mayor Masayko indicated that these comments should be investigated as the park is on potable water. Discussion also indicated that Supervisor Staub would not be in attendance during the afternoon session. Supervisor Livermore explained the decision to hire a nonPOST trained individual as a park ranger. This individual will have Code enforcement authority. He then distributed photographs of his vacation at Jarbridge and Elko. Mayor Masayko reported on his attendance at the Energy Nevada Seminar and an email from Robert Miller of White Pine County who would like to establish a program similar to the one Carson City has with the Forest Service. Mayor Masayko then indicated that he had not attended either the Flag Day activities or the Convention and Visitors Bureau meeting due to conflicts with other meetings. A report was provided on the Bureau's meeting. He also reported on his attendance at the RSVP Advisory Committee meeting. Supervisor Aldean reported on the RTC meeting, her tour of the freeway project, and a meeting with Interplex on the biomass project. Supervisor Williamson expressed her belief that the Comstock Soccer Shootout held in April had a positive impact on the tourism. She also reported on the WNDD meeting including its Executive Director Marylou Bentley's resignation effective July 1, and her tours of the downtown area and the CDBG funded improvements on Mus-ser Street. She also indicated that the Regents had approved Western Nevada Community College's athletic programs and progress on the "C" Hill Flag is occurring.

ii. STAFF COMMENTS AND STATUS REPORTS (1-0500) - None.

5. DEVELOPMENT SERVICES - City Engineer Larry Werner

A. CONDUCT A PUBLIC HEARING AND SEND THE PUBLIC COMMENTS TO THE STATE ENGINEER FOR WATER RIGHT APPLICATION 71000, AN APPLICATION TO CHANGE THE POINT OF DIVERSION, PLACE OF USE AND MANNER OF USE FROM CARSON CITY TO DOUGLAS COUNTY, OR, IN THE ALTERNATIVE, DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATION TO THE STATE ENGINEER CONCERNING THE APPLICATION (1-0550) - Mr. Werner explained that City staff believed it had reached a negotiated agreement to purchase the Lompa water rights when staff left the meeting. Staff was contacted later and advised that Douglas County had given the Lompas a better offer than the City's for the water rights. Carson City was not given a chance to rebid the water rights. The sale was a business decision made by the Lompas. The Statute requiring the public hearing was explained. The information obtained during the hearing must be sent to the State Water Engineer who may or may not consider it in his deliberations.

Mayor Masayko indicated that he had received several telephone calls from individuals who were concerned about the impact this will have on their water supply. Mr. Werner explained that the water rights were for

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 6

domestic and irrigation purposes. It may not have been drawn annually. It is assumed that the water rights were in good standing even though all of the rights may not have been used every year. Mayor Masayko questioned whether the transfer site was within the Eagle Valley aquifer. Mr. Werner indicated that it is a complex issue. The normal process is to pull from here and use it here. The proposal is to use the water in Carson Valley at a location outside the Eagle Valley basin. This will create a water loss in Eagle Valley. Mayor Masayko felt that the proposed use would create a net loss to the Eagle Valley basin of approximately 50 percent. This was the estimated amount of recharge that had occurred in the basin. The City owns approximately 95 percent of all the water rights in Eagle Valley. The City wants the opportunity to acquire water rights at the market price. The City can acquire water rights above the market price without upsetting its financial picture if the Board establishes a policy to do so. Mr. Werner explained that acquisition of the water rights will not give the City any more water even if the water rights and well are purchased. It will not add to either the inventory or the supply. The acquisition would avoid the transfer of water rights to other areas. The City is restricted to 6700 acre feet of water rights. The basin has a maximum value of 7,000 acre feet. The basin's preferred use of water rights is municipal or quasi-municipal. Irrigation rights have no standing. If the City had purchased the Lompas' water rights, they would have been removed from the books. If they purchase quasi or municipal water rights, such as the Lippincotts, they will be able to use them as they have standing. The conversion of irrigation water rights to municipal or quasi-municipal uses creates a priority that is so low they may never be able to use them. The net gain to the City by acquiring the water rights would have been zero. The purpose in acquiring the water rights was to remove them from the books and keep them from being exported. For this reason the negotiated price must be evaluated very carefully. Mayor questioned the reason for not acquiring the water rights. Douglas County wants them for quasi-municipal purposes. If they can use them, why can't Carson City? Mr. Werner explained the belief that the State Engineer may not allow the transfer of the water rights. This is the reason staff recommended that the Board take no position on them rather than file a protest. The City is conducting the hearing. The public comments will be forwarded to the State Engineer for consideration. The reason the City had wanted to purchase the water rights was to avoid the confrontation and to keep the water in Eagle Valley. Mayor Masayko expressed his belief that the Board needs to discuss this issue and establish a policy on water rights. He also pointed out the political process involved in the matter. He felt that these issues will come out during the hearing. Douglas County is acquiring water from Carson City but is not interested in taking water from its general improvement districts. The political issues will not be resolved after the State Water Engineer makes his decision. It will come back on other situations. He would like to avoid the political issues in the future by dealing with and negotiating with the individuals. Mr. Werner indicated that this was the reason staff had offered to buy the rights in the beginning. The negotiated price was \$3,000 an acre foot. Staff left the meeting feeling that they had reached an agreement and were to draft the paperwork. They then received a telephone call advising them that the water rights had been sold to Douglas County. Mayor Masayko felt that the Board should establish a policy that staff advise the individuals selling water rights at the beginning of the negotiations that if they get a higher offer to come back and talk to the City. The City is seriously interested in having the water rights for recharge. This does not mean that the City will always meet that price but an opportunity to do so should be provided. Mayor Masayko felt that all water rights in the basin are now fair game. Mr. Werner indicated that they were attempting to negotiate with Douglas County regarding a potential joint use of the well. They had scheduled a meeting but it was cancelled. The benefit of working with Douglas County is that the City will not have to drill the well at Fuji Park as they could draw from this well. Mayor Masayko pointed out that negotiations occur between two parties.

Discussion between Mr. Werner and the Board indicated that the State will not allow the City to hold water

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 7

rights and sell them to developers for a housing project. The State wants the City to control and manage the resource and pumping. The developers cannot have a private system in the City. The City currently has 17,000 acre feet of water rights. Our pumping is limited to 6,700 acre feet. The basin is over appropriated. There is an excess of 20,000 acre feet of groundwater rights on paper with a 7,000 acre feet of usage allowed throughout the Eagle Valley Basin for all purposes. The City currently extracts approximately 5,700 acre feet of water annually. The City is limited to an average of 6,700 acre feet annually. If the basin ever exceeds 7,000 acre feet, it will be put on a priority allocation basis. When this happens, the law mandates that people without priority be shut off. All of the water rights in the Eagle Valley Basin have been appropriated and are being used. In order for the City to pump any more water, it will have to acquire other municipal or quasi-municipal water rights from other parties. There are some commercial locations and mobile home parks with their own municipal or quasi-municipal water rights. They are using these rights. Once the City reaches the 7,000 acre feet cap, it will not be allowed to use any of these municipal or quasi-municipal water rights. The exception to this prohibition is during a drought when 9,000 acre feet a year can be pumped for not more than five years or 11,700 acre feet can be pumped for one year. He then explained that the City is now limited to pumping from sites near the Community College and the River. The remainder of the Eagle Valley is "so tight" that it costs approximately \$500,000 to drill a well that pumps 200 gallons of water per minute. This is "extremely expensive water". He then expressed his belief that the 9,000 and 11,700 acre feet of pumping during drought conditions may not be realistic due to the cost to pump from the basin. Discussion then indicated that the Lompa water rights had been "proven up for irrigation and domestic usage". It would be possible for the City to acquire and sell the rights for the same use at the same location. Mr. Werner did not believe that the point of use could be changed. This belief was based on the State Engineer's denials since the mid-1980s. He reiterated his belief that the State Engineer would deny the proposal to transfer the water rights for this reason. Discussion reiterated Mr. Werner's belief that the City could not acquire the water rights and sell them to a developer who would create another water company in competition with the City. A developer is not required to give the City water rights as it is not possible to acquire them in Eagle Valley. The City could acquire water rights and change the usage as it has the proper documentation required for such transfers. This information shows that the City is maximizing its resources before seeking changes in usage. The City could purchase the land and use the water rights at that site in the same fashion as the Lompas had done. The preferred use of water rights in the City is for municipal purposes. He did not believe that they would be able to use the water rights for recharge or for wetlands due to the lack of priority.

Supervisor Aldean disclosed that she had been contacted by Frank Page who opposed the sale of any water rights in the Eagle Valley Basin.

Discussion reiterated that the transfer of the water rights would create an estimated 30 acre feet loss in recharge to the groundwater table. This would be a net gain to Douglas County. Mr. Werner was unsure whether there are any more water rights at the Lompa property. Clarification reiterated that there are still 22,000 acre feet of paper permitted water rights. There is not enough water to serve all of these water rights. Discussion also indicated that the Board could, if desired, take action on the request and forward it along with public comments to the State Water Engineer.

Supervisor Williamson explained that she represents the Board on the Carson Water Subconservancy District. She felt that the proposal was "crystal clear" when compared to the AB 383 Newslands Project. She then explained that some of the water would be going back into the aquifer from the Lompa Ranch. The questions that should be posed to the State Engineer are: The impact on City's municipal wells. The impact on private

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 8

wells. The impact an open and pumping well in Douglas County will have on both Douglas County and Carson City's groundwater tables. Does Douglas County have water conservation requirements which necessitates seeking water from outside its basin. She also pointed out the City's desire to do things on a regional approach. Douglas County had not consulted them about its action. She suggested that, if they had worked together, a more effective and cooperative process and benefit could have been realized.

Discussion noted that the City also owns surface water rights. Mr. Werner's 22,000 papered acre feet of water were for groundwater rights. No surface water rights were included in this figure. Both surface and ground water rights have priorities. Mr. Werner felt that it may be possible to condition the use of the 30 acre feet of groundwater to mandate its usage for recharge only in the Eagle Valley Basin. Supervisor Livermore felt that this would mitigate the net loss. He then explained that a presentation was given to the Subconservancy regarding the Stagecoach, Lyon County, wells and their need for recharge. Mr. Werner then indicated that he was unsure where the water rights were obtained for the Douglas County well serving Walmart. Mayor Masayko felt that other individuals were present who could respond to this question. Public comments were then solicited.

(1-1035) Frank Page described his background in the community and as a State employee. He felt that individuals do not always get what they want. The market value should be given regardless of the desire for more money. The City needs these water rights. To allow Douglas County to have the water rights will open a can of worms that will allow others to do the same thing. He did not want the water rights moved out of Carson City. He also felt that Douglas County had not attempted to obtain water rights from the Indian Hills Improvement District. He felt that, in all fairness to Carson City, Douglas County should have discussed/negotiated with the City on the water rights. His career had included working with all of the Counties. They should always consider the use and benefits. The City needs to protect itself as no one else will. His original intent to submit written comments and his reason for not doing so were explained. Mayor Masayko thanked him for his comments. Mr. Page felt that the State Water Engineer was a reasonable person who would listen and that the City should prevail.

Frankie Finlayson explained that she had acquired her property in 1973. She and her late husband have always practiced water conservation. She is on a well. Any extra water available in the basin should be for the community. The idea of moving the water across the county line without consideration of the impact on the City or its residents was unacceptable. Using the groundwater will be detrimental to the community. Her efforts to ration her water and keep her mature trees was explained to illustrate her reasons for concern about the impact sending the water to Douglas County will have on Carson City and the private wells in the community. She acknowledged that some may think her view is selfish, however, little consideration is being given to individuals on private wells and the impact the proposal will have on them. She urged the Board to take a hard stand against the application and protect her rights.

David Crocker indicated that he came to Carson City in 1955. His hobby is water law/water wars. The proposal could create another water war. He urged the Board to look at the Owens Valley to see the impact deportation of water can have on an area. The Owens Valley is still fighting to get back some of its water.

Indian Hills General Improvement District General Manager and Carson City resident Jim Bentley first expressed his concerns as a Carson City resident with a well about the impact the transfer could have on his well. He then expressed his concerns about the movement of the water rights, the proposed usage, and the

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 9

ultimate impact on the District's well at the Jacks Valley Elementary School. He felt that the City's acquisition of the water rights was similar to purchasing insurance. You hope you don't need it, but if you do, you have it. It may be necessary for the City to acquire water rights to prevent their movement to other areas. He also felt that Douglas County should have advised the District about the plan. They have not received any contact on it. Justification for his belief that the District had standing in the case was limned.

They have voiced their opposition to the transfer of the water rights to the State Water Engineer. He felt that their objections should have standing when presented to the State Water Engineer. The District must object due to the belief that the transfer of the water rights and the use of the water rights will impact two of the District's wells. He also felt that the 220 Jacks Valley residents living on one acre with private wells will be impacted. He then expressed his belief that the District is capable of being able to serve the proposed development as well as the Walmart commercial center. The Walmart area is served by a well that was originally owned by Nautilus. It was acquired during redevelopment of the site. These rights were transferred to the new owner. He also felt that additional water rights may have been transferred to the well by Douglas County. Purportedly the application indicated that the well owner/Douglas County does not have enough water rights in that well to complete the buildout of the commercial site, the 380 residential development called Clear Creek, and the 950 residential homes on the east side of Highway 395 called the North County Plan. He reiterated his statement that the District has enough water rights to serve all of these developments. He then explained that the third question to be reviewed by State Water Engineer deals with public interest which is an economic issue. Carson City must determine whether the transfer will have an economic impact. The District will submit an argument on this issue. He felt that Douglas County did not need to move the water rights from the Eagle Valley Basin as there is water available in the Carson Valley Basin. Carson City should not ignore this opportunity to object. He urged the Board to send a strong message objecting to the transfer. Discussion pointed out that Indian Hills General Improvement District is a Douglas County tax supported political subdivision. The District and the Douglas County Commissioners share some of the same constituents. The necessary infrastructure and water system are already in place to serve the area. A negotiated agreement would allow the tap to be turned on. This discussion would not have occurred if an agreement had made the area part of the District's customer base. The District had allegedly filled the center's 2,000 gallon tank when it was first constructed. The intertie is still connected and will allow water to be transferred if the well fails. Mr. Bentley felt that the concept created an unnecessary and bad precedent. Supervisor Livermore pointed out that the District operates a water utility company. Douglas County currently has more than 20 water utility companies. "The Subconservancy has paid for studies to negotiate with the utility companies regarding cooperation, etc." Mr. Bentley agreed that the concept would create another water utility company, which he felt was unnecessary. Mayor Masayko directed that the record show that Carson City is aware of there being two or three legal County political subdivisions operating in the same geographical area performing separate functions related to the delivery of water. Mr. Bentley felt that if another person at the south end of the lake is allowed to "sip" another 900,000 gallons from the Carson Valley basin, it will impact the District. If this is necessary, they should be negotiating the impact. He repeated his position that it is not necessary and that there are no legitimate reasons for moving the water to the well as he had indicated as both a Carson City resident and the General Manager for the District.

Indian Hills General Improvement District Chairperson Ron Cruise felt that the future of Indian Hills is interesting. They are in the middle of a water issue. He complimented Mr. Werner on his analysis of the situation. He supported Mr. Bentley's comments. He indicated that the School District had needed water for the elementary school. He then explained the Alpine View Estates lawsuit which had restricted the District's water usage to 7 million gallons a year. For this reason the District supplements the School District's water

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 10

for the school. The District had paid for and installed the intertie connection created by growth in the area. They had been able to hold their taxes stagnant for eight years. They lowered their ad valorem taxes last year. Discussion indicated that the District is part of Douglas County's ad valorem rate. The District provides other services besides water and sewer. Its water and sewer utilities are self-sustaining. The ad valorem tax rate does not include either water or sewer assessments. They have the ability to impose a tax rate in the future, if needed. Mayor Masayko thanked him for his comments. He also indicated for the record that the City had been through the process previously. The District is just now going through it. Douglas County's elected officials have elected to follow their own direction without cooperation or consultation. It is too bad. Chairperson Cruise agreed and felt that more could be done with a cooperative approach. Discussion pointed out that it takes two to negotiate and, in this case, it should be three. Negotiations are needed. Additional public comments were solicited but none were given.

Mr. Werner pointed out that the City is limited in its ability to acquire water. In the future it will be necessary for the City to go outside its political boundaries for water. The City currently owns water rights in Carson Valley, Dayton Valley, and Washoe Valley. In the future water rights from Carson Valley will have to be obtained as it is the only remaining source. This is a technical issue. The City needs to work with the other parties. In the future an effort will be made to attempt to open more dialogue with Douglas County and its other Improvement Districts. Mayor Masayko pointed out that there is water at Marlette. Mr. Werner explained that the City is limited to 500 acre feet a year from Marlette in spite of all the improvements the City has made to Marlette. Marlette is part of the Tahoe Basin. The State of Nevada holds the rights. The City owns between 1300 and 1800 acre feet of water rights in Carson Valley and can only extract about 500 acre feet. The need is to move further into the Carson Valley area to drill wells and work with others in that area to bring water into Carson City.

Discussion indicated that Mr. Werner was not sure whether the Lompas currently use the 33 acre feet of water. Supervisor Staub disclosed his involvement with individuals who have approached the City about selling their water rights. He hoped that the City learned from this experience. He felt that, as there may be other acre feet of water for sale, the staff should conduct research to determine what is available and if it is for sale in order to avoid going down this road again. He then indicated that his comments are not to be interpreted as being adverse toward the Lompas. The City needs to be ahead of the game and not have other Counties wanting its water for their aquifers. It may create a bidding war. Mr. Werner indicated that staff has been doing this analysis and is actively seeking and acquiring water rights all of the time. In this case, the Lompas had a consultant who blanketed the area looking for the market. The Lompas had not attempted to create a bidding war. They were merely attempting to dispose of excess water rights. Mayor Masayko and Supervisor Staub agreed. They felt that this is a policy and a political issue and that the Board should direct staff to advise the sellers to let the City know before selling. The Board can make a final decision related to the final price. This situation should be avoided in the future. The City may not be able to acquire all of the remaining water rights, however, they should be able to negotiate on them. They should not be allowed to leave the Eagle Valley Basin. Negotiations should be allowed to conclude. Mr. Werner reiterated staff's belief that an agreement had been reached and that staff was to draft the final paperwork. The consultant called the City before the paperwork was drafted and informed the staff that the water rights had been sold to Douglas County. Discussion indicated that it would have been necessary for staff to bring the agreement to the Board before finalizing it as it would have been above the authorized range for acquisitions. Mayor Masayko indicated he did not have a problem agenizing such an agreement. Mr. Werner suggested that the range for acquiring water be discussed with the Board in the future. Mayor Masayko agreed.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 11

Supervisor Livermore felt that there will be more contentious issues regarding water in the future. Water is a commodity and resource that people cannot survive without. His work on the Subconservancy indicates that there are issues of regionalization that will take cooperation and communication to resolve in order to develop a fair and reasonable solution for all parties. Today should be viewed as a learning experience. A round table discussion is needed on the issues. Subconservancy Executive Director Ed James' vision of wheeling and dealing the water is a complex issue. Water and its use has been a big issue with growth. He pledged his cooperation on regional discussions. Mr. Werner agreed and indicated that staff supports Mr. James' concept. Mayor Masayko felt that the City needs to protect its interests until this occurs.

Discussion indicated that there are between 900 and 1200 domestic wells in the Basin. They can each draw 1800 gallons a day. They do not need water rights in order to draw this water. Their water rights are implied. When it is determined that the individuals lack standing, they will no longer be allowed to draw this water. Even though the Basin is over appropriated, these individuals can continue to draw 1800 gallons a day so long as the City's water line is not in the neighborhood and their wells function. If the City's line is in the vicinity, they must abandon their wells and connect to the City system.

Discussion indicated that the City had not been given an opportunity to counter the offer for the Lompas' water rights. Mr. Werner then explained that the Carson Valley Basin's water rights are also over appropriated. Mr. Werner felt that there are approximately 49,000 acre feet of water available in the Carson Valley Basin. He believed that there are 98,000 acre feet of papered water rights. The use may be in the 8,000 to 9,000 acre feet range. The same over appropriation occurs in Washoe, Lyon, and Douglas Counties. This is the reason the City must acquire municipal water rights. Applications for transfer of the water rights are subject to the State Water Engineer's review and can be protested. Supervisor Aldean expressed the hope that if Carson City intends to acquire water rights in another County that the City will advise the other County of our intent. The lack of trust created by the failure to provide notice is creating acrimony. Mr. Werner agreed. Additional comments were solicited but none were given.

(1-1719) Supervisor Williamson moved to send the public comments to the State Engineer for Water Right Application 71000, an application to change the point of diversion, place of use and manner of use from Carson City to Douglas County. Her reason for making the motion rather than opposing it is that she believed that Indian Hills had a stronger standing with the State Engineer in this case. She felt that she would like Indian Hills to carry the City's water issue. This is an ample opportunity to say that we need to set down with Douglas County and confer rather than to find ourselves in this situation again. Supervisor Aldean seconded the motion for discussion purposes. Mayor Masayko indicated that he understood Supervisor Williamson's intent but did not necessarily agree. He felt that it is the Board's obligation to protect the rights of some 500 domestic wells in Carson City. They are on the record. Some of those individuals are in the shallow aquifer. They not only have water right issues but they also have infrastructure issues. As an elected official of Carson City, he felt that the issue of whether we are over or under appropriated needs to be included in the considerations regardless of the quasi-municipal resources and what we can and cannot draw. He was attempting to protect the domestic well owners in Carson City and particularly those in the southeast and southwest Carson City from, perhaps, excessive draw down. The Board has standing to protest on that basis. Supervisor Staub also respected her motion and understood her position as she is a member of the Subconservancy and must deal with the representatives of Douglas County. He was elected by the residents of Carson City to represent their interest in all issues that come before the Board. If the Board stands mute on this issue, it is not doing its job. The Board should make its position known to the State Water Engineer.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 12

We should not let Indian Hills' carry our flag. They can carry their own flag. We should carry ours. The Board should say not only "no", but "Hell, no!". This is not to incite a water war with Douglas County. He felt that the record is very, very clear that we have done everything possible to work with them on past issues and yet do not receive any reciprocation from them. At least, he had not seen any reciprocation from them in their attempt to cooperate with Carson City on a number of issues about which we have mutual concerns. The Board should take a strong stand now so that we can, at least for the record, send to Douglas County and any of our sister Counties a clear message that we do not believe that ground water from our basin should be taken and exported into other basins. This is an issue that has already been brought before smaller Counties in Nevada. He believed this will be an issue that will come before the State Legislature at some point in time because Clark County is in dire need of additional water rights and we already know where they want to go to try to get them. We need to make our position clear here and he was prepared to do that. Supervisor Williamson responded by stating that she understood their statements. The question is one of strategy—when is the opportunity to stand your ground and when is the opportunity to offer a hand of cooperation. There are Counties that have full time legal staff constantly fighting water law issues. Churchill County spends \$250,000 a year on legal costs fighting against the Bureau of Reclamation and the Tribe. This is an opportunity. Mr. Werner's comments indicate that he expects the State Water Engineer to deny the request as there are a lot of issues and questions raised. It is an opportunity to open the dialogue and make sure we never reach this point again. The Board could win the battle but lose the war because eventually the City will have to go outside Carson City's boundaries to get additional water rights. This is an opportunity to meet and discuss the issues rather than incur additional legal fees. The meeting will establish an understanding and do what is best for all in the region. Supervisor Livermore indicated that his involvement with the Subconservancy had provided him with a better understanding of the water commodity issues and assisted him in understanding Mr. Werner's concerns. He concurred with Supervisor Williamson. There is a time when you can win the battle but lose the war. In this case, he felt that his understanding of the Subconservancy's discussion on the AB 380 program last night had indicated the issues will not be addressed overnight. It will take the State water Engineer at least two years to address the challenges and the understandings involved in this program. Our County water needs far exceed the 30 acre feet that we are discussing. These needs relate not only to potable water but to reuse water of which we have an ample supply. There are questions relating to this commodity, too, including how to plan the mitigation of this commodity. He found it unfortunate that the ability to cooperate was lost early on. The message from here going forward today needs to one fostering cooperation and communication. This is not capitulation of the City's legal rights and standings to protect our commodity and resources. He would support the motion on the merits of the cooperation factor. Supervisor Aldean indicated that she had attempted to look at it as if she were a Douglas County Commissioner. There is a fairly extensive record as a result of the testimony today and comments by the Board that the Board is offended by the continued lack of cooperation and the fact that we were not notified of the pending application in advance. A strong case has been made that we do have a fiduciary obligation to the people in this City who rely on the ground water for irrigation purposes and domestic use. Her opinion may have been different if the need for the water rights was dire and there is no alternate source. We are here today because Douglas County cannot enter into some sort of mutually agreeable meeting of the mind with Indian Hills. It is their inability to negotiate an agreement that is mutually satisfactory. It is not this Board's obligation to try to moderate those discussions. It is not as though Douglas County does not have alternatives. She would be the first to be sympathetic if the need is dire. The need is not dire. It is merely, in her estimation, a more expedient way of accomplishing their goals and objectives. Although she sympathized with Supervisors Williamson and Liver-more, they do have a viable alternative and she did not feel that she would lose sleep tonight because this Board decides to make a formal protest on

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 13

the basis that they do have a viable alternative. Mayor Masayko indicated that he was going to dispatch Supervisor Aldean's second to the motion. Supervisor Williamson indicated that she did not intend to withdraw her motion. The motion was then voted and denied on a 2-3 vote with Supervisors Williamson and Livermore voting Aye and Supervisors Aldean and Staub and Mayor Masayko voting Naye. Mayor Masayko felt that Supervisor Aldean had put it very well. He was not saying whether the State Water Engineer would or would not grant the application. The issue before the Board is not just the amount of alternatives but that the Douglas County's staff and Commissioners will not even talk to people in their own County let alone the people in the surrounding Counties. At some point in time he will not be a door mat for those individuals who need to come and talk to him. They will not be able to continue to function as a sentinel without talking to their neighbors and people in their own jurisdiction about solving these little problems. This is a wake up call. He then asked for a motion to protest on behalf of the issues and rights of Carson City residents whom they heard on the record today or any other comments the motion maker wishes to make.

Supervisor Staub pointed out that the Board cannot negotiate by themselves. Indian Hills is in the same position as Carson City in this process. It takes a group of more than one to negotiate. Indian Hills is certainly willing to set down and discuss with Carson City numerous issues of commonality. He would certainly welcome Douglas County's participation in all due haste. With having made this statement and without having any adverse intent made toward the Lompa Family in any way, shape, or form, **Supervisor Staub moved to recommend to the State Engineer to deny Water Application 71000, an application to change the point of diversion, place of use, and manner of use of 32.5 acre feet of water per year from Carson City to Douglas County. Supervisor Aldean seconded the motion.** Mayor Masayko recommended that staff provide copies of the tapes to be given to the State Water Engineer and that the Recorder also provide the names of the individuals who had testified. **The motion was then voted and carried 4-1 with Supervisor Williamson voting Naye.** Mayor Masayko thanked the participants for their comments. He felt that the action that had been taken was appropriate. They will await the results. He hoped that progress has occurred. He also noted that sometimes it is necessary to stand your ground.

RECESS: A recess was declared at 10:25 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:36 a.m., constituting a quorum.

B. ACTION TO ACCEPT STAFF'S RECOMMENDATION ON THE CARSON CITY MASTER PLAN PROJECT, CONTRACT NO. 2003-101, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO CLARION ASSOCIATES, LLC, DOING BUSINESS AS CLARION ASSOCIATES, 114 EAST OAK STREET, FORT COLLINS, CO 80524, FOR A CONTRACT AMOUNT OF \$376,757 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$23,243 (1-2243) - Principal Planner Lee Plemel, Acting Parks and Recreation Director Scott Fahrenbruch, Clarion Associates Consultant Ben Herman, Winston Associates Consultant Jeff Winston - Mayor Masayko directed that the record show that not all of the Master Plan amendments were as comprehensive as this one. The attempt is to do something that is as comprehensive as possible. All of the planning, zoning, uses, and quality of life issues that they believe could conceivably be placed in a comprehensive Master Plan are being included. This is a fairly tall order of work which he felt was timely and appropriate. Mr. Plemel concurred that it is an ambitious, comprehensive Master Plan as indicated in the breathe and scope of work. He then highlighted through the use of computerized slides the process used to retain the Consultant, the development of and scope of work including the public involve-ment and proposed neighborhood meetings. Additional neighborhood meetings

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 14

may be added if needed. Discussion explained the need to adopt the Carson Area 2004 Transportation Plan with its bike and pedestrian elements at this time. It may be revised as a result of the proposed effort. Any conflicts will be resolved through the process. The MPO pressure for these elements was also noted. The Master Plan is a living dynamic document that can be revised as necessary in the future. Monthly updates will be given to the Board. The process will involve the City's Boards, Committees, and Commissions. Additional Boards, Committees, and Commissions will not be established. Supervisor Livermore requested that the Economic Vitality Plan and workgroup documents be added to the Economic Development Plan and not be abandoned. Both Mayor Masayko and Mr. Plemel agreed.

Mr. Fahrenbruch reviewed the Parks Element, the need for this element, the scope of work and public involvement procedures. Fee structures and capital improvements will be included in the scope. Discussion pointed out the need for a comprehensive unified trails plan and the belief that the Question 18 funds will make it necessary to have a strategic plan and the potential for its implementation. Mr. Fahrenbruch explained a desire to maximize the public and private partnership opportunities for sharing the facilities to enhance community services like that created with the City's partnership with the School District.

Mr. Plemel then indicated that the goal is to create a comprehensive policy document that will be a shared vision allowing the City to evolve as the community perceives it in the future. A list of the steps that will be taken to create elements, how they are to be assembled within the plan, and how the strategic plan works were limned. The internet addresses for obtaining information on the plan were provided. The public was encouraged to contact the office/consultant and to participate in the program. Anyone wanting to receive the documents was urged to contact the office and be added to the mailing list. He then introduced Mr. Herman and Mr. Winston. The Economic Analyst Specialist from Economic Planning Services (EPS) was not present.

(1-2766) Mr. Herman explained the reason the Consultants were present and noted that he had met with a majority of the Board previously. Justification for creating a new master plan at this time was provided. Reasons to include the economic development work plan and State and Federal Lands were noted. He also indicated that Mr. Winston will be involved with the overall effort. Mayor Masayko welcomed Mr. Winston. Mr. Winston underscored Supervisor Aldean's comments regarding the dynamic nature of the Transportation Master Plan. Discussion explained EPS role in the process and indicated that it is a subcontractor to Winston Associates. Mayor Masayko pointed out that the process is very ambitious and complex. He emphasized the need for both the Board and their constituents to understand the process and to have steps taken to ensure that issues are addressed in an orderly fashion and not trample on one another. The Master Plan should be a road map for the future. Mr. Herman agreed and indicated that the steps will be taken in an orderly fashion and in small increments to make complex projects simple and understandable. Staff's involvement will keep the process on track. Mayor Masayko reiterated the need to have the foundation well laid out before the elements are started. He also indicated that once the Consultants have finished their work, the City must be able to implement the plan. Discussion between Mr. Herman and Supervisor Aldean stressed the importance of having the individual property owners participate in the process to avoid devaluation of property and/or stepping on property rights. An appeal process should be included for property owners who are not involved. The Master Plan is advisory in nature. The zone change implements those suggestions. Due process and notification procedures are followed when zone change requests are made. Mr. Plemel explained the meetings and notification procedures advising property owners about potential changes to the Master Plan. He hoped that the property owners will become involved in the beginning rather than waiting until the document is submitted to the Board. He indicated that the individual property owners will be contacted when

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 15

suggested changes are made even though the NRS does not require such notification for Master Plan changes. Mr. Herman explained that the 19 properties recommended for changes had been notified by mail. This was an attempt to avoid the allegation that the changes were made without notification. The property owners have the right to disagree with any proposals. Supervisor Williamson pointed out that people may not remember receiving the notifications. The process will require a lot of commitment and time from the volunteers. It will create a good document when completed. Mayor Masayko pointed out that the process will take at least 18 months to complete. It will not be done in a "back room". Public comments were solicited but none were given. Supervisor Livermore moved to accept staff's recommendation on the Carson City Master Plan project, Contract No. 2003-101, and authorize Development Services to issue payments to Clarion Associates, LLC, doing business as Clarion Associates, 114 East Oak Street, Fort Collins, Colorado 80524, for a contact amount of \$376,757 and authorize the Contracts Division to issue amendments for a not to exceed amount of \$23,243 and that the funding source is the recommended group on the Board Agenda Report. Supervisor Williamson seconded the motion. Supervisor Staub asked staff to include a brief statement of qualifications/resume for selected individuals in the future. The motion was voted and carried 5-0.

C. ACTION TO ADOPT THE CARSON AREA 2004 TRANSPORTATION PLAN, AN ELEMENT OF THE CITY'S MASTER PLAN, INCLUDING AN EXECUTIVE SUMMARY, INTRODUCTION, HISTORICAL AND PROJECTED GROWTH, TRANSPORTATION MODEL SYSTEM, STREETS AND HIGHWAY ELEMENT, PUBLIC TRANSPORTATION ELEMENT, BICYCLE ELEMENT, PEDESTRIAN ELEMENT, AVIATION ELEMENT, FINANCIAL ELEMENT AND APPENDIXES A, B, C, D, AND E, FILE NO. MPA-04-084 (1-3204) - Deputy City Engineer John Flansberg, Community Development Director Walter Sullivan, Kelly Clarke, Penny Fairfield, Charles Macquarie - Mr. Flansberg's introduction indicated that the proposed plan is to be the baseline. Mayor Masayko pointed out that some alignment may be required upon completion of the comprehensive Land Use Master Plan. Mr. Flansberg indicated that the request for qualifications and the short range transit plan may also change part of the current service program. A more elaborate pedestrian plan will be developed in the future. Mayor Masayko stressed the need for the comprehensive Master Plan to provide connectivity with the trails and accessibility. Mr. Flansberg also pointed out that the Planning Commission had established time frames for the transit, pedestrian, and bicycle elements. The second phase of the freeway design does not at

this time include a multi-use plan. He agreed that the comprehensive Land Use Master Plan will revise the traffic and transportation plans.

Mr. Sullivan gave the Board and Clerk a copy of the Planning Commission's Resolution adopting the plan. (A copy is in the file.) He highlighted the resolution. He agreed that the Transportation Plan may be revised upon completion and adoption of the comprehensive Land Use Master Plan. Federal funding mandates adoption of the Transportation Element at this time. It will take a lot of effort to ensure that all of the elements blend together. This is a goal that staff will work toward.

(2-0014) Mr. Flansberg reiterated that there is a current plan in place. Staff is currently validating the current traffic model to ensure that it aligns with growth as it has been occurring. The current model is a DOS driven system which needs to be updated. Additional justification for upgrading the model was provided. Discussion indicated that the updates are not to be later than the adoption date of the comprehensive Master Plan. The process used to ensure alignment of multi-use paths with the plan was described and requires compliance with the City standards. Parks, Residential Construction Tax funds, and open space roles in the

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 16

process were limned. This process will allow for connectivity. Supervisor Livermore encouraged staff to study the current process before it is included in the plan. Mayor Masayko suggested that the developer fund the entire integration of the park and trail. The developer should be reimbursed with the Residential Construction Tax based upon the anticipated cost. This concept is a "slight" change in the current rules and could be a change in the Board's priorities which has supported neighborhood parks rather than trails. Discussion pointed out that the Residential Construction Tax monies are limited. It may become necessary to find a secondary funding source for this purpose. The legality of using these tax funds for trails was also questioned. Discussion reiterated that the plan is to be the baseline and will be amended/replaced in the future.

The Bicycle Plan is also a "boiler plate" plan which will be expanded in the future. Mr. Flansberg explained that the Board will soon consider the NDOT freeway agreement on the second phase of the multi-use path. The public needs to understand this agreement and, if the City pays for it, whether the multi-use path can be extended. Mayor Masayko expressed his support for having the City fund the path. Discussion indicated that it may be necessary to develop other alternatives than having the path along the freeway if the right-of-way is inadequate. Supervisor Williamson supported funding the pathway and cautioned against holding up the freeway for the path. Mayor Masayko urged staff to consider all alternatives and not just a pathway along the freeway. A north/south multi-purpose path is needed. Supervisor Aldean also explained the public's concern about being able to cross the freeway and not be divided by it. East/west connectivity is desired. Both Mayor Masayko and Supervisor Staub agreed that the extension of the freeway multi-use path should be considered but that it should not be the only pathway examined. Supervisor Livermore explained his contact with a Ms. Scott who wanted to maintain the character of her southeastern neighborhood with its equestrian uses and obtain accessibility to the eastern side of the freeway. He had allegedly commented on this desire to NDOT. The sound wall and freeway will change the character of the community and its recreational access routes. He asked that CAMPO and RTC continue to negotiate with NDOT on a resolution of these needs. Mr. Flansberg explained that there have been several comments about this need at the public workshop. He had forwarded them to NDOT Freeway Project Manager Jim Gallegos. Another workshop will be held to establish any issues which should be addressed when the design is 30 percent completed. Public comments were then solicited.

Ms. Clarke explained the location of her residence and her support for the multi-use path. It will provide children with an access route from the Kitchen development to the Boys and Girls Club and link the airport area to Governors Field and the Edmonds Sports Complex. Cyclists, families and others will be able to traverse the community without facing traffic hazards and can enjoy a relaxing ride. She indicated that she is a member of Muscle Power and Citizens for a Walkable and Bikeable Carson City. As a Board Member engaged in the public process on trails in the City, she urged the Board to not ignore the public's request for a southern extension of the multi-use path. She alleged that Question 18 had included an element on trails and their connectivity. Approximately 150 signatures had been gathered supporting a multi-purpose trail along the entire freeway. The northern portion of the multi-use path had been included on the City's plan which forced NDOT to include it. FHWA allegedly encourages development of alternative transportation modes. Neither the City nor Open Space should have to pay to include it in the freeway design for the southern portion. Justification for her belief that the public request for the extension was being ignored was limned. Her belief that the trail would create a better quality of life for the community was described. The public pays gas taxes which are being used for the freeway. She urged the Board to reconsider the NDOT agreement and mandate the inclusion of a multi-use path. She also asked the Board to revise the resolution

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 17

to include language to designate space that could be provided for a bicycle path.

Ms. Fairfield read Dennis Kelly's letter into the record. It described his bicycling experience in the community and supported having a bicycle path. His safety concerns for bicyclists were noted. He indicated that more individuals would bicycle with safer streets and riding areas. These pathways should be included in the Transportation Master Plan. She then explained her concerns and belief that it was a waste of their time to try to persuade the Board to include the multi-use and bicycle paths in the plan. Illustrations of the safety concerns were cited. She also alleged that the Transportation Plan indicates that a pedestrian can cross five lanes of traffic without a signal. The Edmonds pedestrian traffic signal does not work according to her personal experience as people do not stop for a flashing light. She urged the Board to consider postponement of the proposed installation of the same type of signal at the Library crossing on Roop Street. She felt that Washington Street at that intersection should be closed. An island is needed in Roop Street for pedestrian safety at that crossing. She urged the Board to consider these design features and expressed her lack of confidence in the plan. Delay in construction would allow time to include safety measures. She also felt that the plan only considered the motorized public. She urged the Board to redo the elements as the public's voice had not been considered until they reached the Board.

Mr. Macquarie indicated that he understood the reasons a multi-use plan was not included in the southern freeway design. A dedicated trail system enhances the quality of life and property values. The freeway corridor should allow for a multi-use non-motorized trail. He acknowledged that some locations along the freeway are adequate for a corridor while others are not. Without the key sections, the corridor will be lost forever. His main concern about the freeway corridor was south of Fairview. He asked that the trail as designed during the public meeting process be put back on the map. NDOT should include the multi-purpose trail in its design. Staff is working to identify the areas where a bicycle path can be located, however, NDOT "holds all the cards". The 30 percent design does not include the path south of Fairview nor along Highway 50 East and there are design issues with the Koontz and Clearview crossings. He indicated that he had met with Mr. Flansberg on these issues. He felt that it would be possible to add the multi-purpose path in these areas without requiring additional right-of-way and at a minimal cost. He volunteered to help to work around the "tight areas". Mr. Flansberg needs the Board's support in convincing NDOT to make these changes. The sooner the multi-purpose pathway is incorporated in the plans, the better. He also asked that the Board include the timeframes specified by the Planning Commission in the motion. Mayor Masayko indicated that he had suggested this inclusion. Mr. Macquarie then explained that the V&T right-of-way was abandoned many years ago. It has since become valuable to the community from economic and recreational standpoints. He described the reasons it had taken eight years to develop that trail. The plan for a railroad to be constructed between East Carson City and Virginia City was noted. It, however, will not be able to enter the City as the right-of-way has been built over. The same thing will happen to the bicycle trail if action is not taken now. Additional public comments were solicited but none were given.

Supervisor Aldean explained that her motion would support staff's recommended motion and include the Planning Commission's revised resolution. Supervisor Aldean then moved to adopt the Carson Area 2004 Transportation Plan, an element of the City's Master Plan, including an Executive Summary, Introduction, Historical and Projected Growth, Transportation Model System, Streets and Highway Element, Public Transportation Element, Bicycle Element, Pedestrian Element, Aviation Element, Financial Element and Appendixes A, B, C, D, and E; and Resolution No. 2004-PC-1 adopted by the Carson City Planning Commission on May 26 of 2004. Supervisor Staub seconded the motion. Supervisor Williamson explained

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 18

her understanding of the need to move forward with adoption of the plan today. She, as a member of the Board of Supervisors, rarely has an opportunity to do much on transportation matters as it is addressed independently by RTC and the MPO. She is concerned about the intersection of Roop and Washington as indicated by Ms. Fairfield and believed that they should look at it to be sure that it is safe. They are attracting people to the vicinity. They should be able to negotiate it safely. She hoped that staff will continue to work with Muscle Power to resolve the multi-purpose pathway issues and incorporate it in the freeway design. If we do not do it now, the City will never be able to do it. It is something that is a valuable addition to the community. Supervisor Aldean assured the Board/public that during the testimony Mr. Flansberg had taken copious notes. She suspected that he will be closely looking at that issue. Mayor Masayko noted that this topic is only slightly off the subject. Supervisor Staub explained that RTC had wrestled with that intersection in at least three meetings, if not more. They had argued with the Capital Engineering on how to make the intersection better for travel and pedestrians. They will look at it again. The options are limited because Washington Street is a major thoroughfare to the western side of the City. It provides connectivity between the western and eastern sides of the City. The only other streets going to the west side of the City and providing connectivity are Winnie Lane, Fifth Street, and Robinson Street. Washington Street is the only street that goes almost all the way to the base of the mountains. He wanted the public to know that they had wrestled with this issue on at least three different occasions. They will look at it again. Mayor Masayko thanked him for his comments and reiterated that they were also off the subject. The motion was voted and carried 5-0.

RECESS: A recess was declared at 12:05 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 12:10 p.m., constituting a quorum.

D. ACTION ON A RESOLUTION ADOPTING THE STORM WATER MANAGEMENT PROGRAM ADVISORY QUESTION FOR THE NOVEMBER 2, 2004, GENERAL ELECTION WHICH ALLOWS THE RESIDENTS OF CARSON CITY TO HAVE INPUT REGARDING THE FUNDING OF THE PROGRAM, SETS FORTH THE ARGUMENTS IN FAVOR OF THE ADVISORY QUESTION AND AGAINST THE ADVISORY QUESTION AND THE RESPECTIVE REBUTTAL ARGUMENTS, ESTABLISHES THE FISCAL NOTE AND ENVIRONMENTAL ANALYSIS AND STATES THAT THE RESULT OF VOTING ON THE QUESTION DOES NOT PLACE ANY LEGAL REQUIREMENT ON THE CARSON CITY BOARD OF SUPERVISORS OR ANY OFFICER OF THE POLITICAL SUBDIVISION AND THAT CARSON CITY MUST COMPLY WITH NRS 293.481(1)(A) AND NRS 293.482 AND OTHER MATTERS PROPERLY RELATED (1-0718) - City Engineer Larry Werner, Clerk-Recorder Alan Glover - Discussion explained the legal concerns as expressed by City Lobbyist Mary Walker about including infrastructure within the proposed ballot question. She felt that, if the electorate defeats the proposal, the City's ability to use current funding for infrastructure improvements would be restricted. Mr. Glover indicated that the deadline for him to have the resolution for placement on the ballot is July 18. The Board and Clerk are prohibited from wordsmithing the arguments by Statute. The committee writing the arguments must function separately. Comments also indicated a need for this Statute to be reconsidered by the Legislature due to the problems and impracticalities that have been discovered in it. The difficulty found in attempting to locate individuals willing to write the arguments was also noted. Supervisor Aldean then explained her concerns with the proposed resolution. Discussion noted that the author did not have to accept the Board's sage advice. The Board could correct clerical errors in the arguments. Mayor Masayko then suggested that infrastructure be removed from the resolution/ballot question. He also indicated that the tax is available in 1/4 cent increments and for capital

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 19

expenditures only. The proposal is for 1/8 cent as allowed for Washoe and Clark Counties. A portion of the funding should be used for operation and maintenance. It is important that the ballot question be as clear as possible so that when they lobby the Legislature misunderstandings do not occur. He then deferred action on the item for technical corrections. No formal action was taken.

E. ACTION ON A RESOLUTION DISBANDING THE CARSON CITY STORM DRAINAGE COMMITTEE AND EXPRESSING APPRECIATION TO THE COMMITTEE MEMBERS FOR SERVICES FAITHFULLY AND EXCELLENTLY RENDERED (1-0862) - Mayor Masayko explained the Committee's term of service, the need to thank the Committee Members for their services, and to disband the Committee. Public comments were solicited but none were given. Supervisor Williamson moved to adopt Resolution No. 2004-R-18, A RESOLUTION DISBANDING THE CARSON CITY STORM DRAINAGE COMMITTEE and expressing appreciation to the Members for their faithful and excellent service; no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0.

F. ACTION TO APPROVE A RESOLUTION AUTHORIZING THE DEPUTY CITY ENGINEER TO FILE APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE U.S. DEPT. OF TRANSPORTATION, FOR FEDERAL TRANSIT/TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION (1-0892) - Deputy City Engineer John Flansberg - Supervisor Aldean noted CAMPO's recommendation that the Board adopt the resolution. Supervisor Aldean moved to adopt Resolution No. 2004-R-19, A RESOLUTION AUTHORIZING THE DEPUTY CITY ENGINEER TO FILE APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE U.S. DEPT. OF TRANSPORTATION, FOR FEDERAL TRANSIT/TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE AND OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION. Supervisor Williamson seconded the motion. Motion carried 5-0.

6. CITY MANAGER - Linda Ritter

B. ACTION TO APPROVE CONTRACT NO. 0405-011 WITH THE BUSKE GROUP TO PROVIDE CABLE TELEVISION FRANCHISE RENEWAL CONSULTING SERVICES THROUGH DECEMBER 2005 FOR AN AMOUNT NOT TO EXCEED \$86,100 (2-0930) - Dave Morgan, CATF Board Trustee Judy White, CATF Board Secretary Barbara Gurney - Mayor Masayko vocalized his concerns about spending \$86,000 for consulting services on a contract that had expired two years ago. Formal hearings have been conducted. Lakeview and Timberline still lack cable services. Complaints have been tracked. CATF needs capital. The proposal invests \$86,000 to chase \$200,000. The issues may not be settled in six months. The consultants with their legal staff may create an adversarial relationship whereby Charter's attorneys will also become involved. This will lengthen the process. It will become self-perpetuating with the users having to pay the bill. Failure to establish what could be done on a short-term basis concerned him. The \$86,000 could have been used for capital improvements. The new CATF Board is struggling to get its feet on the ground, develop a strategy, determine what is needed, how to fund it, and provide community access. Ms. Ritter explained her reasons for feeling that the City needed professional assistance in negotiating the contract. She did not believe that hiring a consultant would create an adversarial situation. She also pointed out that the longer the term of the agreement the more capital that will be provided. Discussion

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 20

ensued on whether it was possible to determine CATF's needs for less than \$86,000, the scope of work the Buske group would be performing, and the fiscal impact that will be created on the customers. Mayor Masayko indicated for the record, without being too philosophical, that the proposal is the government approach that says that someone owes us some money and it is a company. The company does not make the payments. The customers make the payments. Ms. Ritter explained that CATF benefits the cable company and that the cable companies understand these benefits.

Supervisor Livermore explained the direction that the Board had given to Ms. Ritter regarding CATF. The proposed contract includes other elements beyond negotiations with the cable provider. The expertise the Buske Group provides in these fields was limned. This expertise comes at a cost. The appropriateness of conducting an audit of the cable company's books and services was also supported. He also felt that the approach will fix the public, education, and government (PEG) channel more than the cable provider. He also explained his personal use of both a satellite dish and cable for television viewing. Mayor Masayko and Ms. Ritter explained that the proposed contract is for review of the FCC regulations and the franchise agreement. The contract for CATF Board training and equipment review is outside the proposed contract. The linkage between the cable provider and CATF was described. Mayor Masayko reiterated that the purpose of the \$86,000 fee is to assist with the franchise renewal agreement. (2-1277) Discussion between Ms. Ritter and Supervisor Aldean explained the work the Buske Group is presently doing.

Mr. Morgan expressed his belief that the negotiations could become adversarial but hoped that they would not. His support for retaining a consultant to represent the City during the negotiations, Ms. Buske and her firm was explained. He also indicated that Charter is familiar with her firm. Mayor Masayko explained his reluctance was based on the fact that Charter has been operating for two years without a franchise agreement. Previous negotiations occurred without the City having a clear understanding of its needs. He acknowledged that this was not the proper way to go. He also pointed out that the firm does not hold an exclusive cable franchise. He reiterated his point that the subscriber pays for the franchise fees. Mr. Morgan pointed out that the cable company is a corporation for the benefit and enhancement of itself. The corporation makes money from shopping channels and other elements of their operation. He asserted that Ms. Buske knows what she is doing and what they can get. She provides the quality of information that is needed to negotiate with powerful people. Consultants have assisted the City with the water and sewer and parks. The proposed fee is "cheap". The City's budget is not in trouble.

Supervisor Staub asked to see the firm's "track record" including the cable service differences between the counties as a result of her efforts. He felt that Reno had accepted what was offered. He questioned the alternatives including whether the firm will leave if they can make more money elsewhere? What the final effect will be on local service? What the customers pay as a result of her effort? He asked for a qualification statement and reiterated his desire to know her track record. Documents were handed to the Board. (A copy was not given to the Clerk.)

Ms. White appreciated knowing that there are two contracts. One included the CATF Board's training and an assessment of its equipment. She expressed concerns about having a 10 to 15 year franchise agreement. The current franchise was approved in 1987. Technology has changed since then as illustrated by her examples. She requested historical information on the communications breakdown with Charter Communications. She questioned the need to go forward with the proposed contract without knowing where they had been. The current Board is very active and interested in providing the community with cable access

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 21

television. Their equipment needs at this time are severe. Little new equipment has been obtained during the last six years.

Ms. Gurney pointed out that they were all new CATF Board members. They feel that their hands are tied at this time. The proposal is being forced upon them. She agreed that it is okay for CATF to provide periodic reports to the Board. The Board members were there to "clean things up" and are willing to work for it and the community. Mayor Masayko thanked her for her services.

Supervisor Aldean applauded the CATF Board Members for their efforts. The Board believes that Channels 10 and 26 are the entire network for communication to the public and had added it to the City Manager's job performance evaluation. Ms. Gurney and Supervisor Aldean discussed the communications the CATF Board and Ms. Buske/her firm had. Ms. Gurney was unsure whether the one contact had been beneficial. As Ms. Gurney had never held a similar position, she was learning as she went. She felt that a local person could be of more assistance as they understand Carson City. Supervisor Aldean explained her support for having an unbiased third party involved in the process. A report on Ms. Buske's review will be forthcoming. The City invests \$110,000 annually in the CATF operation. The Board must be proud of that product. Mayor Masayko pointed out that the Board/City has a contract with CATF which includes objective measurements for the \$110,000.

Supervisor Williamson questioned whether it would be possible to reduce the contract to less than \$50,000. Ms. Ritter indicated that they could eliminate the community needs assessment and the workshops. The reviews of CATF, the franchise payment, and equipment are needed. Justification for having an engineer assist with future capital planning was explained. The purpose of the workshops were limned. Supervisor Williamson agreed with the need to know the type of capital improvements for cable service that should be requested and made. The Board had been told in the past that some had been planned, however, they had not been developed. She supported the contract due to the lack of knowledge about the technology and the amount to negotiate for. Examples of the benefits some small communities have received were cited to illustrate the range in what could be done. It is important to know what to request/require. City staff does not negotiate with this type of service on an ongoing basis. Experts are needed. It should not be done on an adversarial basis but rather on a professional basis. It has been done for other services. The time is right to do it for the community.

(2-1695) Discussion between Supervisor Staub and Ms. Ritter explained how the contract tied the franchise renewal to CAT-10. Supervisor Staub reiterated his concern about the lack of Buske information on the before and after track record and the cost of the contract. He acknowledged the lack of expertise in dealing with the franchisee. Mayor Masayko also felt that they were being asked to approve/deny the contract in a vacuum. Reno may tell us what they received and the "lay of the land". This information could be used to start the negotiations at ground zero. The contract was too expensive for him. Hiring an expert will create an adversarial position for negotiations.

Mr. Morgan reiterated the need to know what to ask for or nothing will be given as had happened to Douglas County. Mayor Masayko felt that the City/Board is aware of some of the needs which will be obtained. Mr. Morgan pointed out that CAT-10 currently does not have a cable administrator. He reiterated his knowledge of Ms. Buske and her firm. He felt that price was ideal. His participation in the first workshop found it to be "interesting". A description of the workshop was provided. He indicated that he was very concerned

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 22

about entering negotiations for the bare necessities. He wanted to see an additional channel and not have to wait any longer for one. His knowledge of Ms. Buske and other communities indicated that they could have it now.

Supervisor Livermore explained his personal experience in viewing the Reno "PEG" channel. The Board had supported the Planning Commission, etc., in the hiring of a consultant for the comprehensive Master Plan.

He was, for the same reason, supporting the Committee's recommendation to hire Sue Buske including spending \$86,000 to develop and create a reasonable communication system for public education. Supervisor Livermore moved to approve Contract No. 0405-011 with The Buske Group to provide Cable Television Franchise Renewal Consulting Services through December 2005 for an amount not to exceed \$86,100. Supervisor Aldean seconded the motion. Motion carried 3-2 with Supervisor Staub and Mayor Masayko voting Naye. (Supervisor Staub left the meeting at 1:08 p.m. A quorum was still present.)

AGENDA MODIFICATIONS: Mayor Masayko indicated Items 6A and 8 will be heard when the meeting reconvenes. He apologized for the delay on Item 6A.

RECESS: Mayor Masayko declared a recess at 1:09 p.m. The meeting was reconvened by Mayor Masayko at 2:03 p.m. A quorum was present although Supervisor Staub was absent.

8. PARKS AND RECREATION - PRESENTATION OF A WETLAND MITIGATION PROJECT PROPOSED BY MR. CHUCK RAFFETY ON LAND APPROXIMATING 35 ACRES AND DESCRIBED AS THE NATURE PARK BY THE NORTHRIDGE DEVELOPMENT AGREEMENT. THE PARCELS INVOLVED INCLUDE APNS 8-124-192, 2-101-54, AND 2-101-55 (2-1879) - Open Space Manager Juan Guzman, Acting Parks and Recreation Director Scott Fahrenbruch, Wood Rodgers, Inc., Environmental Scientist Leslie Burnside, Chuck Raffety - Board comments noted the complexity of the proposal. Mr. Raffety's desire to proceed posthaste was noted. Discussion included the use of aerial photographs to explain the location of the wetlands, the parks, Mr. Raffety's parcels, the open space improvements, the drainage retention area, reasons Residential Construction Tax (RCT) funds could not be used for its acquisition, and the park landscaping agreement. A verbatim of the Board discussion on the development agreement is being transcribed due to confusion regarding how the drainage retention area is to be acquired since RCT funds cannot be used for this purpose. Mr. Guzman explained Mr. Raffety's intent to create an endowment so that when the City receives the property it can be used for wetland enhancement for perpetuity. Discussion pointed out that the development agreement had been approved/signed in 1995. The agreement with Mr. Raffety further described the process that will be used to transfer the wetlands. Mayor Masayko pointed out that it will further convolute the process unless adequate documentation occurs. There-fore, he requested appropriate documentation be created after the meeting. Mr. Guzman explained that formal action was not to be taken at today's meeting. Mayor Masayko iterated his need for proper documentation due to his concerns about the impact the proposal will have on NDOT, the freeway, Mr. Bawden/Millard's land sales, the adequacy of the appraised value of the property being sold, etc. Mr. Guzman then explained the Army Corps of Engineers (Corps) agreement with Mr. Millard regarding three years worth of wetland restoration requirements and the adequacy of those efforts. Before the City takes over this site, clarification of responsibility for fixing the wetlands and funding for the restoration of the wetlands must occur. Discussion indicated that this concern is not linked to Mr. Raffety's request, however, it is a responsibility that must be addressed at some point. It was felt that the Steinheimer wetlands presently do not have an adequate water source to restore the wetlands in the Millard/Corps agreement even though water

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 23

rights have been assigned to it. A reclaimed water line in College Parkway can be tapped and used to assist with restoration. Reclaimed water has been used at other wetland restoration projects. Without this water source, the restoration could incur a huge liability in finding another water source. Mr. Guzman reiterated his desire to have everyone understand the issues. At this time there are conceptual answers. More solid answers will be provided in the future. Discussion then explained the appraisal process. Supervisor Livermore explained his historical knowledge of the original agreement as it related to the Northridge development and its parks. A lengthy discussion ensued on the amount of acreage included in the parks, the wetlands, and the linear parks within Northridge. Supervisor Livermore encouraged staff to include the Parks and Recreation Commission meetings on these items in the transcriptions. He felt that only four parks were to be developed within the subdivision and not the area referenced on Page 8 as open space elements. The Conservancy had purportedly acquired this land. At the time the agreement was made only Mr. Millard was in the subdivision. Mr. Bawden joined later. Mr. Guzman indicated that Mr. Bawden was involved with the agreement. Supervisor Livermore asked that the Minutes be researched. Additional discussion occurred on the total acreage involved in the park which purportedly totaled 57 acres. The acreage described on Page 10 agreed, however, the acreage on Page 8 did not agree. Discussion then explained staff and the District Attorney's disagreement regarding when the property was to have been appraised and the price. Mr. Guzman explained his belief that as the Lone Mountain and wetlands density had been relocated and used elsewhere within the subdivision, the property no longer had a density value. Mr. Bawden pointed out that the land was within a flood zone and could not be built on it, however, the appraisal had taken the entire area into consideration and the acreage had been divided into the total value to establish a value for Lone Mountain and the wetlands. The appraiser's value could, therefore, be either too high or too low. He felt that it would be advantageous to stipulate to the \$130,000 value for that reason. Mr. Guzman indicated that staff is working to resolve the issues so that Mr. Raffety can submit an application to the Corps and start his project 30 days or so later. The City will then be able to relocate the water from Mr. Raffety's parcel to the sandy wetlands area. Clarification indicated that Mr. Raffety will "move the water for the City". Mr. Guzman agreed and acknowledged that \$130,000 is expensive for the 1/3 acre wetland site and for its three-year maintenance. Mr. Raffety wants the land, will do the endowment, and walk. Comments indicated that the consultant should be asked the reasons for dewatering of the wetlands. The need to restore them was stressed. Mayor Masayko questioned whether it is mandatory that the wetlands be maintained as they wax and wane naturally. Mr. Fahrenbruch indicated that this is the cyclical nature of the typical Northern Nevada wetlands which the Corps understands. The wetlands contained more water before the subdivision was constructed. Mr. Guzman pointed out that the freeway will also create a barrier that will interfere with the flow of surface water. He then explained the commitments on 17 acres that have been made to the area as a result of the College Parkway development pursuant to the Corps' requirements. Mayor Masayko felt that the wetlands at the Silver Saddle Ranch could be expanded as part of the restoration process. Mr. Guzman indicated that this was part of Mr. Bawden's argument on why the appraised value should be higher. He feels that there are other areas that can be used for mitigation. These are commitments to which staff is not prepared at this time to commit.

Ms. Burnside explained that the wetlands have been delineated by the Corps as a mitigation project. Her history with the area was described as including the delineation of wetlands for the entire freeway for NDOT. The parcel that has been designated as a sandy wetland is an upland wetland which is not a wetland to start with. She had not seen the permit that allowed Stanton Park Development to impact any wetlands that would have caused Mr. Millard to have constructed a wetland on the upland wetland site. Her professional opinion indicated that the engineering design and the revegetation plan were poor. The natural events, e.g., the 1998

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 24

flood, occurred after the area was cut off from the natural drainage flow from Carson City's wetland area to the northwest. The 1998 flood purportedly caused the channel to change its location. This robbed the mitigation project of water. Cursory discussions have occurred on mitigation measures to change the flow back to its former site and provide the wetland hydrology which the Corps looks for. The upland wetland site's soil is very poor and saline. It is possible to remedy this condition. The Corps want a workable mitigation wetland even though we live in an area with unpredictable precipitation. The wetlands should be functional and mimic Northern Nevada. Clarification indicated that the Corps requires that, within three years after the permit is "posted", there must be a functioning project which they will approve. After that period it can go through the cycles of drought and flooding, etc. The Corps understands that even during the three-year period it will be cyclic. Supervisor Aldean pointed out that, if the City takes over the flawed project, remedial work will be required. Ms. Burnside repeated her professional opinion that the project was a failure. Mr. Guzman has a good relationship with the Reno Corps and can find out what will be required to correct the project. The Corps must push the permittee to fulfill the conditions of the permit. If the City takes the project on, the Corps will have a higher comfort level regarding its mitigation. Supervisor Aldean felt that information was needed from the Corps and that the site should be in functional condition before the City considers accepting it. Increasing the City's costs for the project's long term maintenance was unacceptable to her. The Corps requirements for a permit were limned. Ms. Burnside felt that the Corps had approved a conceptual plan rather than an engineered design. Supervisor Aldean suggested that the Corps explain in writing how the site is flawed and then the City can ask the permittee to bring it into compliance. The City should not inherit a plan that is flawed. Mayor Masayko indicated that the City is not accepting the site today. The issues must be resolved before the purchase occurs. Mr. Guzman also pointed out that if the property value is \$130,000 and the cost to mitigate the flaws is only \$30,000, the City will benefit from the takeover at this time. He was more comfortable with the proposal to takeover the project, make the repairs, and maintain it as the City would

know what had occurred. He did not want to take on a project that had been completed in haste to meet the Corps requirements. Comments indicated that an offset would be required to do this.

Discussion then indicated that the RCT account only had \$50,000 for this project. Open Space funding may be used to make up the remainder. Mayor Masayko expressed concerns that the cost may be too high. The permittee needs to meet his obligations. When finalized, the City will purchase the property and will become responsible for future mitigations.

Mr. Raffety explained the location of his property. The original conceptual plan for \$130,000 would be good for the wetlands. He had not realized all of the complexities that were involved. His knowledge of the wetlands in the vicinity was limned. He volunteered to donate to the City, or whomever, a certain amount of soil similar to that which Mr. Sheehan had used on his property for his wetlands. It was not his intent to give the City a problem wetlands area. Nothing can be done until he "undergrounds the creek". He cited the building he owns on Hot Springs Road to illustrate the type of facility he constructs. His desire is to develop his remaining property in the same manner. Mayor Masayko explained that the Board understands his intent, however, until the issues are resolved and the final impact to the City and taxpayers is known, little can happen. Mr. Raffety offered to assist the City in any manner possible. Mayor Masayko felt that the Board sentiment indicated the amount is a fair price and a reasonable deal for both Mr. Raffety and the community. The other commitments are not his fault. Mr. Raffety explained his effort to obtain an adequate amount of land to allow him to underground Hot Springs Creek. Discussion on the amount of land that would be

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 25

required pursued. Mayor Masayko asked that letters of understanding be drafted so that everyone understands the commitments when the final documents are provided. The final project will hinge on the Corps acceptance of the plan and criteria. Both Supervisor Aldean and Mayor Masayko reiterated that the Board is not attempting to insinuate anything about Mr. Raffety's project. The Board is merely attempting to look at the entire concept and to tie up the loose ends. Mayor Masayko asked staff to develop a closure to the program. Mr. Fahrenbruch explained that the item had been agenized for discussion only to allow direction to be provided on the issues. Once the questions are resolved, an agreement will be presented to the Board for final action. Mayor Masayko also pointed out the need for the Open Space Advisory Committee to be prepared for the funding commitment regardless of the final settlement with Messrs. Bawden and Millard. It may modify Open Space's priorities. Mr. Guzman thanked the Board for its direction. No formal action was taken or required.

7. FIRE - ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CHAPTER 5.18 (AMBULANCE SERVICES), SECTION 5.18.040 (FEES AND RATES) BY INCREASING THE FEE AND RATE SCHEDULE 7.5% FOR EXISTING SERVICES AND OTHER MATTERS PROPERLY RELATED THERETO (3-0171) - Pulled due to an agenda error.

9. DEVELOPMENT SERVICES - PLANNING AND COMMUNITY DEVELOPMENT - Director Walter Sullivan and Principal Planner Lee Plemel

A. ACTION ON AN APPEAL OF THE PLANNING COMMISSION'S DECISION OF DENIAL OF A SPECIAL USE PERMIT APPLICATION FROM PACIFIC PATHWAYS, LLC, (PROPERTY OWNER: WESTERN STATES STORAGE) TO ALLOW THE INSTALLATION OF A BILLBOARD (OFF-PREMISE SIGN) ON PROPERTY ZONED GENERAL COMMERCIAL (GC) LOCATED AT 5853 SOUTH CARSON STREET, APN 009-304-06, FILE NO. SUP-04-061 (3-0192) - Pacific Pathways Managing Member Bruce Storey - Colored photographs were given to the Board illustrating the signage and location. (A copy of the colored photographs was not given to the Clerk. Black and white copies were provided in the packet.) Discussion pointed out the need for a majority vote to overturn and approve the application. It was felt that the Commission had listened to the issues and District Attorney's advice. The Code allows the use. The Master Plan goals and objectives were noted. The Board must review the process and consider the appeal. Justification for staff's belief that the proposed sign will reduce sign clutter and the spacing requirements for billboards was explained. Billboards in the General Commercial District that were grandfathered cannot be replaced if removed. There have become a finite number of locations available for billboards in the community. Mayor Masayko pointed out the need to be cognizant of the property and First Amendment rights when considering billboard locations. He felt that the City had a balance between these rights and the community's visual enhancement desires. Mr. Sullivan explained that, although the representatives at the Commission meeting had indicated that there are no more locations for billboards, staff has determined that there are five or six sites along Highway 50 and one along Highway 395 South. He had purportedly given a memo to the Board before the meeting on this allegation. He also indicated that not all of the property owners are interested in having billboards on their property. This may be the reason that the representative felt there are only two viable locations left in the community. He also indicated that there are two billboard applications on Highway 50 pending at this time.

Mr. Storey indicated that Mr. Sullivan had explained his appeal. The Code regulates size, location, and distances. He agreed with Mr. Sullivan that there may be only one or two locations left for billboards. He,

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 26

personally, only wanted to have the proposed sign. It will be used to advertise local businesses. He does not have any national accounts. Three local businesses have asked for the sign. These businesses were identified. He felt that he had complied with the Code requirements and asked that the Board overturn the Planning Commission's decision. Discussion explained that his firm is a Nevada company with a Carson City address. He has a Carson City business license.

Supervisor Aldean explained her belief that Master Plan Element Policy 2.3 had confused the Commission and provided recommended terminology to eliminate her confusion for future billboard requests. She and Mayor Masayko explained their support of the request to overturn the Commission's decision even though they, personally, do not like billboards. If the community does not want any more billboards, revisions should be made to the Code and Master Plan. Public comments were solicited but none were given.

Supervisor Livermore moved to uphold the appeal and reverse the Planning Commission's decision of denial of a Special Use Permit application from Pacific Pathways, LLC, property owner: Western States Storage, to allow the installation of a billboard, off-premise sign, on property zoned General Commercial located at 5853 South Carson Street, APN 009-304-06, File No. SUP-04-061. Mr. Plemel noted the Commission's recommended modification to the Conditions of Approval and staff's recommended motion to overturn the Commission's decision on Page 3 of the staff memo. Supervisor Livermore withdrew his motion and moved that the Board of Supervisors reverse the Planning Commission's decision to deny SUP-04-061 and approve a Special Use Permit request from Pacific Pathways, LLC, to allow placement of the 378 square foot billboard on property zoned General Commercial located at 5853 South Carson Street, APN 009-304-06, based on the seven findings and subject to the Conditions of Approval contained in the Planning Commission staff report dated May 26, 2004, with the modification to Condition of Approval Number 16 as noted in the record. Following Mr. Plemel's request for an amendment, Supervisor Livermore continued his motion to modify Condition 12 per the Planning Commission's motion for approval as agreed. Mr. Sullivan indicated that this is a new system which they were trying. Supervisor Aldean seconded the motion. Motion carried 3-1-1 with Supervisor Williamson voting Naye and Supervisor Staub absent. Mayor Masayko indicated that the billboard was approved.

B. ACTION TO APPROVE AN APPLICATION FOR PUBLIC RIGHT-OF-WAY ABANDONMENT FROM MARGARET A. WOOD, PROPERTY OWNER: FIRST CHURCH OF CHRIST, SCIENTIST, TO ABANDON A PORTION OF OAK STREET BETWEEN CLEAR CREEK AVENUE ON THE SOUTH AND ARTHUR STREET ON THE NORTH, APPROXIMATELY 569 FEET IN LENGTH AND 60 FEET WIDE, ADJACENT TO APNS 009-224-02, 009-225-02, 009-225-05, 009-225-04, AND 009-224-01 (AB-04-042) (3-0526) - Mr. Sullivan's introduction included noting that the parcel is not located in the downtown district. Mayor Masayko noted for the record that the staff report indicates that none of the six affected parcels will be left without an access by the abandonment or that an alternative access would be needed. Discussion pointed out that there are six parcel numbers but only five parcels. Ms. Wood was present and represented the Church. Public comments were solicited but none were given. Supervisor Aldean moved to approve an application for public right-of-way abandonment from Margaret A. Wood, property owner: First Church of Christ, Scientist, to abandon a portion of Oak Street between Clear Creek Avenue on the south and Arthur Street on the north, approximately 569 feet in length and 60 feet wide, adjacent to APNs 009-224-02, 009-225-02, 009-225-05, 009-225-04, and 009-224-01, subject to amending the order of abandonment to eliminate the referenced parcel 009-225-03. Supervisor Williamson seconded the motion. Discussion noted the freeway's impact on the area and its circulation pattern. Mr. Sullivan

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 27

indicated that he is working with Engineering staff to mitigate this impact. He also pointed out that BLM owns a large tract of property north of the location that terminates at the edge of Oak Street. Discussion pointed out that Oak Street will be on both sides of the freeway. Concerns regarding emergency responders were noted. The motion to approve the abandonment was voted and carried 4-0.

C. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.03.010. DEFINITIONS, TO DELETE THE DEFINITION FOR “ELECTRICAL DISTRIBUTION SUBSTATION”; TO MODIFY SECTIONS 18.04.145, LIMITED INDUSTRIAL, AND 18.04.150, GENERAL INDUSTRIAL, BY CHANGING “UTILITY SUBSTATION” FROM A PRIMARY PERMITTED USE TO A CONDITIONAL USE REQUIRING A SPECIAL USE PERMIT IN THE LIMITED INDUSTRIAL (LI) AND GENERAL INDUSTRIAL (GI) ZONING DISTRICTS; TO MODIFY THE PURPOSE STATEMENT OF SECTION 18.04.145, LIMITED INDUSTRIAL; TO MODIFY SECTIONS 18.04.125, DOWNTOWN COMMERCIAL, 18.04.140, TOURIST COMMERCIAL, 18.04.155, AIR INDUSTRIAL PARK, AND 18.04.170, PUBLIC, TO INCLUDE “UTILITY SUBSTATION” AS A CONDITIONAL USE REQUIRING A SPECIAL USE PERMIT IN THE DOWNTOWN COMMERCIAL (DC), TOURIST COMMERCIAL (TC), AIR INDUSTRIAL PARK (AIP), AND PUBLIC (P) ZONING DISTRICTS; TO MODIFY SECTIONS 18.04.125, DOWNTOWN COMMERCIAL, AND 18.04.140, TOURIST COMMERCIAL, TO ADD “MUNICIPAL WELL FACILITY” AS A CONDITIONAL USE REQUIRING A SPECIAL USE PERMIT; TO MODIFY SECTION 18.04.175, PUBLIC NEIGHBORHOOD, TO NOTE THAT “UTILITY SUBSTATION” IS A PROHIBITED USE WITHIN THE PUBLIC NEIGHBORHOOD (PN) ZONING DISTRICT; AND OTHER TECHNICAL OR TYPOGRAPHICAL CORRECTIONS TO THESE SECTIONS; FILE NO. ZCA-04-083 (3-0635) - Discussion explained that the term “utility substation” is defined in Title 18 and provided the history of the term “electrical distribution substation”. Mayor Masayko disclosed his former employment, retirement and pension plans with Sierra Pacific Power Company. He also indicated that he owns between \$5,000 and \$6,000 in stock in the Company. He has no other financial connections with his former employer. He then indicated that he has no information on the Company regarding this proposal than that available to the general public. Mr. Sullivan explained the reasons for modifying the Code at this time as being based on the possibility that a utility master plan will be submitted in the future. He also explained that Albert Le Balch had submitted suggestions. Some of them were put in the ordinance. Mayor Masayko indicated that he had read the proposed revisions and felt that the Board was familiar with them. Supervisor Livermore explained his support for the revisions. Discussion between Supervisor Aldean and Mr. Plemel indicated that “Office” was not listed on Page 10 in Section 2 under the Tourist Commercial District as it is a primary permitted use and should not be listed under the conditional uses. Mr. Sullivan explained his contact with Supervisor Staub indicated that Supervisor Staub supported the revisions as the appeal and abandonment procedures were straight forward. Supervisor Livermore moved to introduce Bill No. 110 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.03.010. DEFINITIONS, BY DELETING THE DEFINITION FOR “ELECTRICAL DISTRIBUTION SUBSTATION”; TO MODIFY SECTIONS 18.04.145, LIMITED INDUSTRIAL, AND 18.04.150, GENERAL INDUSTRIAL, BY CHANGING “UTILITY SUBSTATION” FROM A PRIMARY PERMITTED USE TO A CONDITIONAL USE REQUIRING A SPECIAL USE PERMIT IN THE LIMITED INDUSTRIAL AND GENERAL INDUSTRIAL ZONING DISTRICTS; TO MODIFY THE PURPOSED STATEMENT OF SECTION 18.04.145, LIMITED INDUSTRIAL; TO MODIFY SECTIONS 18.04.125, DOWNTOWN COMMERCIAL, 18.04.140, TOURIST AS A CONDITIONAL USE

CARSON CITY BOARD OF SUPERVISORS

Excerpt from the June 7, 2004 Meeting

Page 28

REQUIRING A SPECIAL USE PERMIT IN THE DOWNTOWN COMMERCIAL, TOURIST COMMERCIAL, AIR INDUSTRIAL PARK AND PUBLIC ZONING DISTRICTS, TO MODIFY SECTION 18.04.125 DOWNTOWN COMMERCIAL AND 18.04.140 TOURIST COMMERCIAL TO ADD "MUNICIPAL WELL FACILITY" AS A CON-DITIONAL USE REQUIRING A SPECIAL USE PERMIT; TO MODIFY SECTION 18.04.175, PUBLIC NEIGHBORHOOD, TO NOTE THAT "UTILITY SUBSTATION" IS A PROHIBITED USE WITHIN THE PUBLIC NEIGHBORHOOD ZONING DISTRICT; AND OTHER TECHNICAL OR TYPOGRAPHICAL CORRECTIONS TO THESE SECTIONS; FILE NO. ZCA-04-083. Supervisor Williamson seconded the motion. Motion carried 4-0.

6. CITY MANAGER - Linda Ritter - ACTION TO ADOPT A RESOLUTION ADOPTING POLICY NO. CM04-001 OF THE BOARD OF SUPERVISORS ENTITLED "AGENDAS" (3-0830)

Mayor Masayko indicated for the record that, regardless of the Charter Review Committee's recommendation, the Board is the final authority. He did not believe that this process belongs in the Charter. The Committee was "spinning its wheels". As he looked at the heading Board Members, Elected Officials and City Manager, matters could be placed on the agenda by any members, etc. Although he did not believe that it would happen with the current Board, there is an opportunity for mischief to occur unless the discretion is checked, balanced, or limited. For example, if a Board member wants to have half-a-dozen items on an agenda, there is no check, balance or limit. The process will require the Board to take a look at those items and decide whether or not to approve the agenda. He did not feel that this is a good way to do business. On the other hand, if the Board feels that the current procedure is too cumbersome, which he was unsure about, or over controlled by the Mayor, which he also did not feel that he did, there is a check and a balance. Someone could make mischief to get their items on the agenda unless it is fettered or limited. He hinted that the process may need to be limited. He also suggested that if a Board Member wants to place an item on the agenda, the policy should be to have the item listed under his/her name under the Board of Supervisors heading. Such items should not be listed under the City Manager or a Department Head. This process allows everyone to know where the item originates. He requested that, as a matter of courtesy, items not be agenized in a stealthy manner but that the Mayor and City Manager be informed of the intent. The proposed policy does not include this. He asked that a regular Board Action Form be used and that it be submitted in the manner which has been the established policy for getting matters on the agenda. It should be submitted on the normal agenda setting date and not the day before the meeting. He was unsure how to handle the unfettered and unlimited access to the agenda. If it becomes a problem, he was willing to agenize the item for further discussion/action. He did not believe that during his tenure as Mayor that a Board member had been denied an opportunity to have an item of his/her interest placed on the agenda. He requested that his suggested changes be included in the policy if support is provided. Supervisor Livermore explained the process now requires the Board Action Request to be submitted for agenda signing on the Tuesday the week before the meeting. He had a problem meeting a staff requirement. He did not have a problem with submitting the Board Action Request form. Discussion indicated that the item must be on a Board Action Form or it will not be considered. Mayor Masayko felt that this process will provide him with notice. Supervisor Williamson suggested that the language be: "Matters may be placed on the agenda by any member of the Board of Supervisors or the City Manager on or before the time of agenda signing using a Board Action Form." Mayor Masayko indicated that the items are to be agenized under the Supervisor's name under Board of Supervisors and that the Elected Official's name will be used for his/her items. Ms. Ritter indicated that the deadline for agenda reports will be included in the agenda manual. Mayor Masayko felt that, as an agenda manual is not in existence at this time, it would be better to have the items listed in the policy. He reiterated his concerns regarding lack of control and his willingness to bring it back to the Board if a problem arises.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 29

He did not wish to establish a policy of having the agenda approved by the Board at the beginning of a meeting. Supervisor Livermore indicated that this procedure is used by many other Boards, Committees, and Commissions. Mayor Masayko felt that if it gets out of hand, the Board could discuss the need to have such a procedure. Supervisor Livermore indicated that he had never seen nor heard of an occasion when a debate had occurred regarding what item was to be heard on an agenda. Mayor Masayko pointed out that the agenda is posted before the meeting. Additional items cannot be placed on it after that time. They could approve removal of an item. Supervisor Aldean pointed out that some organizations have an agenda item soliciting future agenda items. The District Attorney's office has discouraged Carson City from doing it due to a concern about discussion becoming too involved on the item. Mayor Masayko agreed and pointed out that each Board Member has the ability to bring up such items under the heading of Board Reports and Administrative Items. He felt that this is the appropriate location for bringing such matters to the Board's attention. Public comments were solicited but none were given. Mayor Masayko expressed a hope that the Charter Review Committee will review items which are related to the Charter in the future. Consensus indicated that the policy should be adopted under a policy number rather than as a resolution and that the final format will be revised. Supervisor Williamson moved to adopt Policy No. 2004-P-1, A POLICY ADOPTING POLICY NO. CM04-001 BY THE BOARD OF SUPERVISORS ENTITLED AGENDAS reflecting the discussion the Board had under "Implementing Procedures - Board Members, Elected Officials and City Manager: Matters may be placed on the agenda by any member of the Board of Supervisors or the City Manager on or before the time of agenda signing using a Board Action Form and shall be attributed to the proper official and shall be listed under the Board Member or Elected Official's name". Supervisor Aldean seconded the motion. Motion carried 4-0.

REDEVELOPMENT AUTHORITY (3-1078) - Mayor Masayko then recessed the Board of Supervisors session and passed the gavel to Chairperson Williamson who convened the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder.

BOARD OF SUPERVISORS (3-1105) - Following adjournment of the Redevelopment Authority, Chairperson Williamson returned the gavel to Mayor Masayko who reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

10. FINANCE - Director Tom Minton

A. ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FY 2003-04 BUDGET (1-1110) - Supervisor Williamson moved to adopt Resolution No. 2004-R-20, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FISCAL YEAR 2003-04 BUDGET IN THE AMOUNT OF \$32,274. Supervisors Aldean and Livermore seconded the motion. Motion carried 4-0.

B. ACTION TO ADOPT A RESOLUTION FOR TEMPORARY INTERFUND LOAN FROM THE GENERAL FUND TO THE CARSON CITY TRANSIT SPECIAL REVENUE FUND (3-1126) - Mr. Minton explained for the record that the fund is \$100,000 in the red. There is still one month of transit operations in this fiscal year that require payments. Federal grant monies will be received when the transportation plan is completed. This will provide the source for the repayment funds. The City did not donate excess working capital to the account when originally established that would have financed the

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 30

receivables. Mayor Masayko pointed out that this is not a budget bust. It is a matter of timing for revenue. When they adopted the 0304 Budget, they had anticipated this revenue and built it into the budget. It is a cash flow issue. Discussion indicated that the period for an interfund loan can be up to a year. The proposal is for six months. Public comments were solicited but none were given. Supervisor Aldean moved to adopt Resolution No. 2004-R-21, A RESOLUTION FOR TEMPORARY INTERFUND LOAN FROM THE GENERAL FUND TO THE CARSON CITY TRANSIT SPECIAL REVENUE FUND. Supervisor Livermore seconded the motion. Motion carried 4-0.

C. ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FISCAL YEAR 2003-04 BUDGET (3-1166) - Discussion indicated a hope that all of the technical violations have been addressed and an audit exception/statute violation will not be found next year. Mr. Minton described an overtime issue for the Fire Department that is caused by sick leave, Workman's Compensation, and retirement/turnover that had been built into the budget. Mayor Masayko also noted for the record that there were some insurance fund changes, that were primarily in the health insurance, that had required some augmentations but that it had not changed the ending fund balance. The same is true with Workman's Compensation. The interfund charges will be changed for next year to make them closer to what is being paid. Mr. Minton agreed. Mayor Masayko indicated that the majority of these changes were due to the unfunded mandates created by the Legislature for the Workman's Compensation and insurance accounts. Mr. Minton indicated that the insurance contracts had decreased slightly for property and liability and that the Workman's Compensation had fallen from 1.04 to 0.88. The decrease in Workman's Compensation was felt to be a good sign. Mayor Masayko also pointed out that there was approximately \$250,000 to the Senior Citizens Center which deals with the grants/fund transfers that were made for the new building expansion. Public comments were solicited but none were given. Supervisor Aldean moved to adopt Resolution No. 2004-R-22, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FY 2003-04 BUDGET in the amount of \$8,337,535. Supervisor Williamson seconded the motion. Motion carried 4-0.

(3-1236) Mayor Masayko explained that a recess would be taken, the Board will then act on a motion to go into closed session, and that the meeting will be adjourned after the closed session terminates. Telecasting of the meeting will end at this point.

RECESS: A recess was declared at 4:11 p.m. A quorum of the Board was present when Mayor Masayko convoked the meeting at 4:21 p.m. Supervisor Staub was absent as indicated.

11. CITY MANAGER - CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES REGARDING LABOR NEGOTIATIONS (3-1245) - Supervisor Livermore moved to recess into closed session pursuant to NRS 288.220 to meet with management representatives regarding labor negotiations. Supervisor Aldean seconded the motion. Motion carried 4-0. Mayor Masayko recessed the open session at 4:23 p.m.

The Open Session was reconvened at 4:49 p.m. There being no other matters for consideration, Supervisor Livermore moved to adjourn. Supervisor Aldean seconded the motion. Motion carried 4-0. Mayor Masayko adjourned the meeting at 4:50 p.m.

The Minutes of the June 17, 2004, Carson City Board of Supervisors meeting

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 17, 2004, Meeting

Page 31

ARE SO APPROVED ON November 4, 2004.

/s/

Ray Masayko, Mayor

ATTEST:

/s/

Alan Glover, Clerk-Recorder