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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, November 6, 2003, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

|                |                              |                              |
|----------------|------------------------------|------------------------------|
| PRESENT:       | Ray Masayko                  | Mayor                        |
|                | Pete Livermore               | Supervisor, Ward 3           |
|                | Robin Williamson             | Supervisor, Ward 1           |
|                | Shelly Aldean                | Supervisor, Ward 2           |
| STAFF PRESENT: | Linda Ritter                 | City Manager                 |
|                | Alan Glover                  | Clerk-Recorder               |
|                | Al Kramer                    | Treasurer                    |
|                | Scott Fahrenbruch            | Parks Director of Operations |
|                | Melanie Bruketta             | Deputy District Attorney     |
|                | Tony Baker                   | Risk Management Coordinator  |
|                | Bob Keith                    | Senior Trades Coordinator    |
|                | Katherine McLaughlin         | Recording Secretary          |
|                | (B.O.S. 11/6/03 Tape 1-0006) |                              |

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. A quorum of the Board was present although Supervisor Staub was absent. Rev. Pat Propster of the Carson City Christian Fellowship gave the Invocation. Mayor Masayko led the Pledge.

**CITIZEN COMMENTS (1-0042)** - Laborers Union Local No. 169 Business Manager "Skip" Richard Dailey of the Reno office explained the Union's concern about the Hospital Bonds and the application of the prevailing wage laws. As the City has the authority to grant the bonds, the laws requiring prevailing wage must be followed. The Union disagrees with the Hospital's contention that prevailing wage does not apply. Various Statutes and actions taken by the Board as part of the bonds requiring compliance with the prevailing wage laws were cited. He explained the number of Union members who live in Carson City and Douglas and Lyon Counties to indicate that the issue relates to the area and not just to the Washoe County/Reno areas. These individuals' insurance commitment to the Hospital was noted. He felt that employees who do not receive the prevailing wage will not have insurance coverage. The impact this could have on the community/Hospital was hinted. Mayor Masayko explained that this issue has been submitted to the Courts and this is where the decision should be made. He indicated that the Board has no intent to skirt its responsibilities. He felt certain that Mr. Daily is aware of the fact that there is no intent by the Board to skirt its responsibilities. Mr. Daily responded by indicating that the Union members are part of the electorate who select the Supervisors to do the right thing for the community. He agreed that issuing the bonds for the Hospital is the right thing. The Board's failure to take a stand supporting the prevailing wage is wrong.

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Additional comments were solicited but none were given.

1. **APPROVAL OF MINUTES - 7/3/03 (1-0132)** - Supervisor Aldean moved to approve the July 3, 2003, Minutes as submitted. Supervisor Williamson seconded the motion. Motion carried 4-0.
2. **AGENDA MODIFICATIONS (1-0152)** - None.

**LIQUOR AND ENTERTAINMENT BOARD (1-0155)** - Mayor Masayko recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. A quorum of the Board was present including Member Steve Albertsen, who represents the Sheriff's Office. Member Staub was absent.

3. **BUSINESS LICENSE** - Treasurer Al Kramer

**A. ACTION TO APPROVE A FULL BAR LIQUOR LICENSE FOR MING'S RESTAURANT, INC., LOCATED AT 2330 SOUTH CARSON STREET WITH MR. GWO (BOB) LIOU AS LIQUOR MANAGER (1-0158)** - Chairperson Masayko explained the Code requirement mandating his attendance at the meeting. He congratulated him on his return to the City. He reminded Mr. Liou that having a liquor license is a privilege in Carson City and the need to adhere to the Statutes and Codes regarding the sale of liquor and training of his employees. Although Mr. Liou responded, it was questionable as to whether he understood. Chairperson Masayko explained that Mr. Liou will be held accountable for his staff's actions. Again, it was felt that Mr. Liou did not understand. Mr. Kramer requested the item be deferred to allow him to talk with Mr. Liou. Chairperson Masayko felt that an interpreter was needed. Justification for having the representations made on the record were provided. (1-0260) Mr. Kramer suggested that he discuss the issues with Mr. Liou and return after the Board Reports. The Item was deferred.

**B. ACTION TO APPROVE A PACKAGED LIQUOR LICENSE FOR RAVEZ KHAN, DOING BUSINESS AS WINNIE DISCOUNT LIQUOR, LOCATED AT 262 WEST WINNIE LANE (1-0198)** - Mr. Khan indicated that he understood the comments Chairperson Masayko was making. Chairperson Masayko repeated his comments that having a Liquor License in Carson City is a privilege. He emphasized the need to adhere to the Statutes and Codes regarding the dispensing of liquor, not serving minors, and training for the employees. Mr. Liou committed adhering to the laws and to providing appropriate training for his employees. Chairperson Masayko explained the Code requirement that the Sheriff's Officers be granted access to the business at all reasonable times when in the pursuit of their duties. Mr. Khan indicated that he understood this requirement and committed to allowing them access. Member Albertsen noted the favorable Sheriff's Investigative Report. Mr. Khan indicated that he had purchased the business and moved to Carson City. Member Williamson welcomed him, thanked him for his investment, and wished him luck. Member Williamson moved to approve a packaged liquor license for Ravez Khan, doing business as Winnie Discount Liquor, located at 262 West Winnie Lane. Member Livermore seconded the motion. Motion carried 5-0. Mayor Masayko welcomed him to the community, thanked him for attending the meeting, and wished him success.

**BOARD OF SUPERVISORS (1-0264)** - Chairperson Masayko recessed the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors session. A quorum of the Board was present although Supervisor Staub was absent.

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**4. NON-ACTION ITEMS**

**A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0265) -**

Supervisor Livermore reported on his attendance at Economic Vitality Committee meetings; the YSO meeting; Mental Health Coalition meeting; a meeting with the consultant regarding potential uses for the present Hospital campus; the groundbreaking ceremony for the short-stay surgical hospital; a Ron Wood Resource Center meeting; Tri-County Legislative Thank You luncheon; Nevada Day activities; a FEMA briefing and announced his plans to attend FEMA training in January. Mayor Masayko indicated that he would be Washington, D.C., the week before the FEMA training occurs. Supervisor Livermore continued his report with an explanation of his attendance at a Chamber of Commerce dinner at the High School that was provided by the culinary students. He complimented Teacher Penny Marshall and her staff on the educational program. Supervisor Williamson reported on her attendance at meetings regarding mixed use zoning for the downtown area; The Tri-County Legislative Thank You luncheon; the FEMA briefing; the Board's goal setting workshop; the Nevada Day festivities and congratulated and commended the Parade Committee on its successful program. She announced that a presentation of the mixed use zoning proposal for the downtown area would be presented to the Redevelopment Authority Citizens Committee meeting on November 12 at City Hall at 5:30 p.m. and that the Redevelopment Christmas ornaments are now on sale. A description of the ornaments was given. She noted that media coverage has indicated that the Carson High School Girls Soccer Team is in the final zone tournament. She commended them on their efforts. She urged the public to attend the game between Carson High and McQueen High at 4 p.m. at Reed High School. She announced that the AYSO Kit Carson Soccer Tournament is this weekend at various Douglas County facilities. She wished the local teams success.

**3. A. ACTION TO APPROVE A FULL BAR LIQUOR LICENSE FOR MING'S RESTAURANT, INC., LOCATED AT 2330 SOUTH CARSON STREET WITH MR. GWO (BOB) LIOU AS LIQUOR MANAGER - CONTINUED (1-0520) -** Mayor Masayko recessed the Board of Supervisors session and reconvened the Liquor and Entertainment Board. A quorum was present including Member Albertsen. Member Staub was absent. Mr. Kramer explained his request that Mr. Liou return in two weeks with an interpreter. He felt that Mr. Liou is fluent in English, however, it fails him when at the microphone. Chairperson Masayko supported continuing the item to the next meeting. No formal action was taken. Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors.

**4. A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - CONTINUED (1-0540) -** Supervisor Aldean reported on her TRPA activities and its staff turnover and an economic development presentation she and Redevelopment Manager Joe McCarthy had made. She reported on her attendance at a Chamber of Commerce Transportation Committee meeting; the Tri-County Legislative Thank You Luncheon; her Nevada Day activities; the Chamber of Commerce dinner, complimented the Culinary Arts students on their talent and the dinner, and announced her plans to attend a Chamber of Commerce membership drive meeting tomorrow; and the Board's goal setting session. Mayor Masayko reported on his presentation about the V&T Railway Reconstruction Project to the Carson City Rotary Club; and his involvement with the judging of the schools' Liberty and Justice Essays and complimented the students on their efforts. He briefed the Board on his attendance at a strategic marketing workshop; the Convention and Visitors Bureau Board meeting which included the media coverage of the International Beard Contest; the Nevada Appeal's business expo; Lumos and Associates 25<sup>th</sup> anniversary celebration; KKOH's 75<sup>th</sup> anni-

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versary celebration and DJ Ross Mitchell's 20<sup>th</sup> anniversary; his Nevada Day activities; the Board's goal setting session; and the Chamber's dinner at the High School and complimented the culinary classes on their efforts. He urged the public to view the historical marker for Chinatown at Third and Stewart Streets. He announced that the V&T Railway Reconstruction Commission's commemorative coins are now available. He described an effort to have the Mint strike the State's quarters which will require Congressional action.

**B. STAFF REPORTS (1-0828) - None.**

RECESS: A recess was declared at 9:25 a.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 9:30 a.m. Supervisor Staub was absent as indicated.

**5. CONSENT AGENDA(1-0830)**

**5-1. ASSESSOR**

**A. ACTION TO APPROVE THE PARTIAL REMOVAL OF TAXES FOR 3130 OTHA STREET (APN 8-191-10) FROM THE 2003-04 REAL PROPERTY TAX ROLLS PER NRS 361.765**

**B. ACTION TO APPROVE THE PARTIAL REMOVAL AND PARTIAL REFUND OF TAXES FOR A VACANT PARCEL ON NORTHGATE LANE, APN 2-061-32, FROM THE 2003-04 REAL PROPERTY TAX ROLL PER NRS 361.125**

**C. ACTION ON A TAXPAYER'S REQUEST TO APPROVE THE REFUND OF TAXES FOR 2001-02, 2002-03, AND 2003-04 FISCAL YEARS ON AIRCRAFT N53011**

**5-2. PURCHASING AND CONTRACTS**

**A. ACTION TO RENEW CONTRACT NO. 0001-087 FOR THE WASTEWATER RECLAMATION PLANT TO CONTRACT WITH POLYDYNE INC. BY JOINDER BID THROUGH THE CITY OF SPARKS TO PURCHASE DEWATERING POLYMER (CLARIFLOC NW-168) THROUGH OCTOBER 31, 2004, PROVIDED THEY HAVE APPROVED FUNDING AND FOLLOW APPROVED CARSON CITY PURCHASING PROCEDURES**

**B. ACTION TO APPROVE CONTRACT NO. 0304-052 ENVIRONMENTAL PUBLIC HEALTH TRACKING SYSTEM A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY THE UNIVERSITY OF NEVADA, RENO THROUGH SEPTEMBER 29, 2004, FOR A NOT TO EXCEED COST OF \$31,701**

**C. ACTION TO APPROVE CONTRACT NO. 0304-062 VEHICLE REPLACEMENT FY 2003-04 AND AUTHORIZE THE VEHICLE MAINTENANCE SUPERVISOR TO PURCHASE 2004 MODEL YEAR VEHICLES FROM NEVADA STATE PURCHASING'S VEHICLE PRICE AGREEMENTS PROVIDED THAT CARSON CITY'S APPROVED FUNDING AND PURCHASING PROCEDURES ARE FOLLOWED**

**5-3. DEVELOPMENT SERVICES - CONTRACTS**

**A. ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THIS RELEASE OF FINAL PAYMENT ON 2002 EDMONDS DRIVE FOAMED OIL PROJECT, CONTRACT NO. 2002-007, AS SUBMITTED BY DEVELOPMENT SERVICES TO J&A JEFFERY INC., DBA WESTERN STABILIZATION, 395 INDUSTRIAL WAY, DIXON, CA 95620, FOR A FINAL PAYMENT AMOUNT OF \$13,216.40 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED.**

**B. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE DEER RUN ROAD RECONSTRUCTION PROJECT, CONTRACT NO. 2003-**

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**041, TO (BIDDER NO. 2) CANYON CREEK CONSTRUCTION. P. O. BOX 21270, CARSON CITY, NV 89721, FOR A CONTRACT AMOUNT OF \$432,629.70 AND A CONTINGENCY AMOUNT OF \$21,631.49**

**5-4. DEVELOPMENT SERVICES - UTILITIES - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE UNITED STATES DEPT. OF INTERIOR BUREAU OF LAND MANAGEMENT RIGHT-OF-WAY GRANT SERIAL NUMBER N-76725 TO CONSTRUCT, OPERATE, MAINTAIN, AND TERMINATE A MUNICIPAL WATER TANK AND A 16-INCH BURIED WATER PIPELINE ACROSS PUBLIC LANDS**

**5-5. DEVELOPMENT SERVICES - ENGINEERING**

**A. ACTION TO AUTHORIZE THE MAYOR TO SIGN THE REVISED INTERLOCAL AGREEMENT BETWEEN THE U.S. DEPT. OF INTERIOR BUREAU OF LAND MANAGEMENT CARSON CITY FIELD OFFICE AND CARSON CITY, NEVADA, A CONSOLIDATED MUNICIPALITY AND POLITICAL SUBDIVISION OF THE STATE OF NEVADA FOR THE AUTHORIZATION OF APPROPRIATE PUBLIC USES FOR CERTAIN PROPERTY OWNED BY THE UNITED STATES**

**B. ACTION TO APPROVE A RIGHT-OF-WAY GRANT OFFER PRESENTED TO CARSON CITY BY THE BUREAU OF LAND MANAGEMENT FOR THE PURPOSES OF CONSTRUCTION, OPERATION, MAINTENANCE AND TERMINATION OF A WATER LINE TO 1790 VALLEY VIEW DRIVE**

**C. ACTION TO APPROVE AN AGREEMENT BETWEEN THE BOYS AND GIRLS CLUBS OF WESTERN NEVADA, INC., A NON-PROFIT CORPORATION AND CARSON CITY WHEREBY THE BOYS AND GIRLS CLUBS OF WESTERN NEVADA AGREE TO DONATE 1. A PORTION OF CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NO. 2-101-50; 2. A PERMANENT SLOPE EASEMENT AND RIGHT-OF-WAY UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NO. 2-101-50; 3. A PERMANENT SIGHT DISTANCE EASEMENT AND RIGHT-OF-WAY UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NO. 2-101-50; AND 4. A PERMANENT DRAINAGE EASEMENT AND RIGHT-OF-WAY UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NO. 2-101-50 FOR THE PURPOSE OF ROADWAY CONSTRUCTION**

**5-6. RISK MANAGEMENT - ACTION TO APPROVE A FIVE (5) YEAR COMPLIANCE AGREEMENT UNDER THE AMERICAN'S WITH DISABILITIES ACT (ADA) BETWEEN U.S. DEPT. OF JUSTICE (DOJ) AND THE CITY OF CARSON CITY, NEVADA** - Mayor Masayko indicated for the record that there were 13 items on the Consent Agenda from six separate Departments, functional areas and elected officials. There were: three from the Assessor; three from Purchasing and Contracts; two from Development Services and Contracts; one from the Development Services - Utilities; one (three) from Development Services - Engineering; and one from Risk Management for a total of 11(13). Supervisor Williamson explained, regarding Item 5-1C, that Paul Shoen is a distant relative. She does not have anything to do with his business and did not have a conflict of interest. Supervisor Aldean requested the item be pulled for discussion. Supervisor Livermore moved to approve the Consent Agenda for the remaining 12 items on the Consent Agenda package. Supervisor Aldean seconded the motion. Motion carried 4-0.

**5-1C. (1-0885)** Assessor David Dawley explained that a statute of limitation on refunds does not exist. The Airport rents space in the hangar. The tenants/aircraft owners do not have to tell them when the aircraft is

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there. Without being able to access the hangar, the Department must ask them for information regarding the aircraft. The Department assumes that the aircraft is there unless told differently. They were billed and paid promptly. They have never been late on their payments. They notified the Department in July and paid the taxes. Supervisor Aldean explained that the City is not required to give them a refund. Airplanes are transient. She recommended prorating the refund and expressed her concern regarding the precedent that was being established. She could not approve the request. Mayor Masayko pointed out that once the Assessor was made aware of the situation, steps were taken regarding that year. He suggested a refund for one year and not the other years. Discussion pointed out that the tax revenue is placed in the General Fund and transferred to the Airport Authority. It was felt that the revenue for the first two years had already been transferred to the Airport Authority. Supervisor Livermore supported refunding last year's taxes but not the other years. Mr. Dawley explained that the Authority had been advised that the Board would be considering the item today. His contact with Neil Weaver at the Airport indicated that the aircraft is not at the Airport. The only proof Mr. Dawley had that it is not at the Airport is the letter from Kal Air Repair in British Columbia. Public comments were solicited but none were given. Supervisor Aldean moved to grant the applicant, Pantechonicon Aviation, a refund on their 2000-2004 personal property taxes paid in connection with the hangaring of their airplane at the Carson City Airport. Clarification indicated that the motion is to refund the personal property taxes that they had paid in 2003-2004 for the amount of \$2,576.03. Supervisor Livermore seconded the motion. Discussion indicated that the other years' taxes are to be considered forfeited. Motion carried 4-0.

**6. CARSON CITY WEED COALITION - ACTION TO APPROVE A MEMORANDUM OF UNDERSTANDING TO JOIN THE CARSON CITY WEED COALITION TO EDUCATE THE PUBLIC, LOCATE AREAS OF INFESTATIONS, AND ERADICATE BY BEST MANAGEMENT PRACTICES NOXIOUS AND OTHER INVASIVE WEEDS WITHIN THE CARSON CITY AREA (1-1015) - Street Operations Manager John Flansberg, Cooperative Extension Director JoAnn Skelly - Discus-**

sion indicated that the proposal is not a step toward the creation of a weed control district. Mr. Flansberg's introduction included an explanation of the White Top problem encountered in the City and its eradication efforts. The memorandum allows the City to work with the coalition on abatement and to obtain funding without establishing a special assessment district. The Street Department funds the majority of the weed abatement program. The Subconservancy is presently holding funding for the City for the program. Once the memorandum is signed, it will be released to the Carson Valley Conservation District. The City belongs to both agencies. Ms. Skelly indicated that the Street Department has been recognized as the lead manager in weed control and abatement. Supervisor Livermore disclosed that he is one of the Subconservancy Board members. He then explained the funding obtained from the Subconservancy District which had been used for chemicals for weed eradication. His involvement with this effort was described. The memorandum creates additional funding opportunities and identifies the public land owners. The coalition will consolidate and better manage the efforts. The coalition will not have access to private land for weed control. It will provide oversight and training and make the chemicals available to the private land owners. Supervisor Aldean suggested that TRPA be included as a member as a portion of Lake Tahoe is in Carson City. Ms. Skelly agreed to present the name to the coalition and explained the need to include as many partners as possible. Supervisor Williamson complimented them on their efforts and explained the need to include the private golf courses in the process. Without having a coordinated, consolidated effort, the problem may not be solved. Public comments were solicited but none were given. Supervisor Livermore moved to approve a Memorandum of Understanding to join the Carson City Weed Coalition to educate the public, locate areas

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of infestations, and eradicate by best management practices noxious and other invasive weeds within the Carson City area. Supervisor Williamson seconded the motion. Mr. Flansberg indicated that the City agencies listed in the memorandum are to be included as part of the coalition. The motion was voted and carried 4-0.

**7. INTERNAL AUDITOR - I. Steve Wolkomir - ACTION TO APPROVE THE INTERNAL AUDIT REPORT OF MICROCOMPUTER RESOURCES ADMINISTRATION AND UTILIZATION - REPORT NO. CALENDAR YEAR 2003-3 (1-1170)** - Mayor Masayko explained that the Board meetings sometimes get off schedule and it is necessary to delay some items. He apologized for the inconvenience created at the last meeting by delaying this item. Mr. Wolkomir indicated that the City Manager's responses will be provided with the report in the future. Their inclusion will provide a complete action report on the items. In the future, each item will be considered and only those that are deemed appropriate will be placed on the website. A list of the acronyms was included with the report. The report was then highlighted. Mayor Masayko complimented him on the professional report. He pointed out the need to have a balance between the customers' expectations and what the Department can provide. This information may be provided by a customer service survey. The report provides information regarding the challenges facing the Department and the growth in users' needs. The operation is lean. It is necessary that options be provided beyond the current paradigms. Mr. Wolkomir indicated that he could provide this information. Mayor Masayko directed that this information be given to the City Manager as it will assist in the blending of his Department with the other City functions and increase his value. This evaluation should determine how the service provider is doing, what they are doing, if it is organized and staffed appropriately, whether it has the correct equipment, etc. This process should make the Departments more effective and determine the cost effectiveness of the service. Discussion indicated that this process develops the priorities. Statutorily created jobs need to be evaluated to determine the type of functions being performed and what the NRS requires. The free form situations must be evaluated to determine if their criteria fits the priority levels. Mr. Wolkomir felt that his report provided the information Mayor Masayko was requesting. The City is getting its money's worth from the Department. The demand for micro-computerization is increasing. Resources are increasing. At the same time other demands for services provided by the Department are increasing. Mr. Wolkomir briefly described the process used in the recapped section of the report. Mayor Masayko indicated that the plan of action provides a definition on how the recommendations are to be handled. The first 20 percent were felt to be priorities with the remainder being "niceties". Discussion then explained the process Mr. Wolkomir had used to establish the Departments which he had audited as priorities. In the future he proposed to work with Ms. Ritter when developing the priorities. Mayor Masayko explained that the entire Information Services Department had not been included in the audit due to the need to allow time for him to get his program started without outside resources and assistance. He felt that it would have taken six months to have completed an audit of the entire Department. Supervisor Livermore complimented him on the report. Mr. Wolkomir felt that it should be a collaborated effort with the City Manager's office to determine what is to be implemented and the findings of significant value. He also explained his plan to provide a recap of the entire year at the January 2 meeting. On January 18 he planned to provide a report on the Building Facilities Division. He pointed out his inability to control the City Manager's implementation of his recommendations. Supervisor Livermore suggested that he reduce the listing and establish the financial benefits. Mayor Masayko felt that deliverables and time frames needed to be provided which requires the inclusion of Ms. Ritter's action plan. He also pointed out that the Board may not have the resources necessary to support all of the recommendations but may agree to them in principal. He thanked Information Services Director William Naylor for his involvement. He complimented Mr. Naylor and his staff on their great customer

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services, which is confirmed by the report. The report provides the community with information indicating that the taxpayers are getting their money's worth and that the agency is staffed appropriately. Supervisor Livermore moved to approve the Internal Audit Report of Microcomputer Resources Administration and Utilization - Report No. Calendar Year 2003-3. Supervisor Aldean seconded the motion. Motion carried 3-1 with Supervisor Williamson voting Naye. Her vote was based on her feeling that, although the report was comprehensive, it was not helpful. She wanted to see the priorities and to have something with which to work. The style is difficult to work through to determine what is there and where they were going. The information inundates her with minutia.

**8. FINANCE - Deputy Director Tom Minton - REVIEW OF THE CARSON CITY QUARTERLY BUDGET AND FINANCIAL STATUS ON THE FIRST QUARTER OF FISCAL YEAR 2003-2004 (1-1952)** - Mayor Masayko indicated that the sales tax projections for October had not been included in the report. He had intended to provide the community with a status report for the end of the fiscal year. The City currently has a cost containment program in effect. They had spent the \$500,000 in the contingency fund. It would have been nice to have had some of the one shot funds to supplement the contingency account.

RECESS: A recess was declared at 10:35 a.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 10:40 a.m. Supervisor Staub was absent as indicated.

(1-1995) A copy of Mr. Minton's computer enhanced slides is included in the file. He highlighted the report. Discussion pointed out that the cost containment program is working and the volatility of the sales tax revenue. The process used to estimate the September revenue figure was described. It was felt that the sales items which are holding strong may not be impacted by the retail sales occurring at the southern border of the City. Justification for including Walmart and K-mart's sales in the comparison charts was provided. The increase in general merchandise sales in 2000 was created by Costco coming on line. It generates \$50 million a year in sales. The reduction in gas taxes were felt to be due to the increased gas price. It was felt that last year's increase in the water user fees was created by the increase in fees rather than an increase in consumption. The rate increase had been included in the budget projections. The increase in landfill revenue may be the result of increased building construction and demolition. Mr. Minton then explained the contingency funding and the projection that the budgeted estimate for the 0304 salaries will be \$1 million higher than actual expenditures. There have been substantial savings in this account. Mayor Masayko indicated that staff had been asked to hold the line and appreciated the savings. He also pointed out that as the contingency had been spent there is only \$700,000 in savings. The need to think about how the carried forward one shot funds from last year should be spent was indicated. He felt that the contingency budget should be replenished and that some funds should be allocated for one shot expenditures. Departments who had been hurt by the freeze or need some purchases that were frozen should be considered first for the ne shot expenditures. Discussion explained the contingency funding for indigent medical purposes and the increased Public Defenders costs. Supervisor Williamson suggested that the Board reconsider the CQI funds which had been saved over the years by the Departments for large expenditures. Mayor Masayko agreed and felt that the policy regarding CQI and its distribution process should be reconsidered. Ms. Ritter indicated that the organizational team is currently analyzing the policy and may be submitting recommendations in December. Mayor Masayko indicated his willingness to consider the policy. The original process had provided a built-in funding mechanism, specifically for those agencies with larger staffs. He felt that a "savings without end" program should be developed to recognize and reward Departments who create such savings. He then pointed out that the message the report provided is that there had been unexpected expenditures and that last year's

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savings will provide for replenishment of the contingency fund. Mr. Minton indicated that this will occur with the January augmentation. Mayor Masayko also felt that if the conservative budgeting continues, the City may be able to make it through the year unless an economic downturn occurs. Public comments were solicited but none were given. No formal action was required or taken.

**9. PARKS AND RECREATION DEPARTMENT - Director Steve Kastens**

**A. ACTION TO APPROVE THE PARKS AND RECREATION COMMISSION'S RECOMMENDATIONS ON THE ALLOCATION OF THE 2002-03 RESIDENTIAL CONSTRUCTION TAX FUNDS (1-2533)** - Discussion explained that development agreements with subdivision contractors are creating new parks throughout the City. The funds for allocation are in the "general pot" and are allocated throughout the community. The allocation process used to establish the priorities and the priorities were limned. Supervisor Livermore explained his involvement with the Commission and support of the process. He indicated that there are always more requests than funding. The Quality of Life, Question 18, funds have been used to fill the gap. The allocation for the Ron Wilson Park, the desire to complete it, and the possibility that additional funding for it will be provided from future cycles were explained. Mr. Kastens explained the reason funding for the BMX track had been reduced. Supervisor Livermore indicated that the BMX track's underground facilities have been constructed. The next funding phase may construct the concrete bases for the lights. Additional funds will be needed before the lights can be turned on. Mayor Masayko indicated that it is a pay as you go program. Supervisor Livermore moved to approve the Parks and Recreation Commission's recommendations on the allocation of 2002-03 Residential Construction Tax funds as presented. Supervisor Williamson seconded the motion. Motion carried 4-0.

**B. ACTION TO APPROVE A SECTION OF THE MILLS PARK ARBORETUM AROUND THE NEVADA VIETNAM MEMORIAL AS A MEMORIAL GROVE COMMEMORATING VIETNAM VETERANS AS PRESENTED AND APPROVED BY THE SHADE TREE COUNCIL AND THE PARKS AND RECREATION COMMISSION (1-2763)** - Parks Planner Verne Krahn, Carson City Area Vietnam Veterans of America Chapter 388 President Jim Weller - The arboretum program was described. It has been used to plant 25 trees in Mills Park. It is hoped that the program will provide assistance with the proposed addition. Illustrations of the proposed grove were limned. The Board's packet included Exhibit D which identifies the criteria for donating trees for an individual. Mr. Krahn commended the Chapter on its willingness to partner and work with the City on the program. Mayor Masayko pointed out minor modifications to the original plan. Mr. Krahn explained that the project will be phased and defined the phases. Mayor Masayko disclosed his involvement and efforts to obtain recognition for Vietnam Veterans who were Carson City residents, however, had joined the service from another area/State. The proposed program allows for this recognition. Mr. Krahn indicated that the tree and plaque are already in place. Supervisor Livermore explained his support for the veterans and opposition to the plan due to the limitation it will place on the public's ability to use Mills Park. He supported planting trees, however, objected to the proposed location as it will serve a single purpose. Exhibit C, which is the arboretum plan that had been approved by the Board at a previous meeting, indicates the open area is to remain open. This plan invades the proposed open area with trees, benches, etc. He reiterated his support for Veterans in all areas and theaters of involvement. His issue is not with the Veterans. He, himself, is a Veteran. He supported honoring and recognizing the Veterans and what they died for. He felt that he should explain his concerns as a member of the Park Commission and why he will not support the plan and its encroachment into the open area. He recognized that there is a large open area which is used by the carnival.

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The pavilion has a small picnic area which is not that accessible to that open area and children cannot be watched from it. As the arboretum grows, it will dissect the open area and eliminate the general use of the open area for frisbees, etc. For these reasons he will not support the placement of the arboretum, trees and benches at the proposed site. Mayor Masayko explained that this is Phase 2 which is the arboretum along the walkway. Supervisor Livermore agreed. Mayor Masayko and Supervisor Livermore indicated that he did not oppose the additional plantings and trees at the memorial. Mayor Masayko noted that Tom Keeton is a member of the Parks and Recreation Commission and is present. Public comments were solicited.

President Weller explained that 151 Nevada Veterans had died in Vietnam. These individuals had entered the service from Nevada. Reasons for recognizing other Veterans who had ties to Carson City but had not enlisted from Nevada were limned. There are three individuals, who were identified, that are eligible for recognition under the proposed program. The program provides Nevadans with an opportunity to recognize those individuals who are not qualified to be part of the wall program. He complimented the Parks Department on its willingness to partner with the Veterans in a program which improves the Park.

Supervisor Livermore expounded on his reasons for opposing the proposed location. The Park is the only one of its size in the community. The proposed tree species are slow growers. Few individuals living in 30 to 50 years, when the trees reach their maturity, will understand the significance of the memorial. The public's right to use a public park for public purposes was supported. The Memorial is well designed and supported by the community and public. The encroachment does not support future community uses of the area. Therefore, he could not support its location. It will extend into an area that has been designated for other uses. The community could have expressed its concerns at the Commission meeting and before the Board. His knowledge of the Park, its layout, and its use by youths had indicated that he needed to speak out for the community. He reiterated his support of the Veterans and his inability to support the proposed encroachment.

Mayor Masayko indicated that he would trust staff that the proposed arboretum would replace the existing canopy and not become a barrier. He acknowledged that it will remove some of the openness of the area. Supervisor Livermore explained that the canopy is not located in this area by describing the distance from the proposed site to the present canopy.

President Weller indicated his appreciation for Supervisor Livermore's concerns. He pointed out that the open space is divided by a sidewalk. The plan is to line the sidewalk with trees. Both of the open spaces dissected by the sidewalk were estimated to be two-thirds of a football field. He thanked the Board and staff for its support and assistance. Additional public comments were solicited.

Supervisor Aldean indicated that she did not wish to appear insensitive to Supervisor Livermore's concerns. Staff and the Commission have carefully thought the program through and selected the type of trees. There are other areas in the Park which can accommodate frisbee throwing. **Supervisor Aldean moved to approve a section of the Mills Park Arboretum around the Nevada Vietnam Memorial as a memorial grove commemorating Vietnam Veterans as presented and approved by the Shade Tree Council and the Parks and Recreation Commission. Supervisor Williamson seconded the motion.** She also indicated her sensitivity to Supervisor Livermore's concerns. She likes wide open, grassy spaces and opposes additional structures in Mills Park. People like to use the grassy area. The proposal can be accomplished sensitively and meet the needs of both groups. The request is timely. Supervisor Livermore indicated that he would support the motion as he had made his pitch. He did not want to vote against the Veterans. There

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is no group that he holds higher than the Veterans. His concerns were a comparison of Veterans and park philosophies. He did not want his vote to be an indication that he did not support Veterans, therefore, he intended to vote for the motion. **The motion was voted and carried 4-0.**

**10. COMMUNITY DEVELOPMENT - Director Walter Sullivan**

**A. ACTION TO ADOPT ON SECOND READING BILL NO. 128, AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM SINGLE FAMILY ONE ACRE (SF1A) TO RETAIL COMMERCIAL (RC) ON A PORTION OF A PROPERTY LOCATED AT 4550 NORTH CARSON STREET, APN 008-054-08, AND OTHER MATTERS PROPERLY RELATED THERETO (1-3368)** - Neither Mayor Masayko nor Mr. Sullivan had received any comments regarding either this ordinance or the following one since the first reading. The zone change request will not impact the Matthews Family Trust's request for a cell tower. Supervisor Aldean moved to adopt Bill No. 128, Ordinance No. 2003-29, on second reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM SINGLE FAMILY ONE ACRE, SF1A, TO RETAIL COMMERCIAL, RC, ON A PORTION OF A PROPERTY LOCATED AT 4550 NORTH CARSON STREET, APN 008-054-08, File No. ZMA-03-114. Supervisor Williamson seconded the motion. Motion carried 4-0.

**B. ACTION TO ADOPT BILL NO. 129 ON SECOND READING, AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM PUBLIC COMMUNITY (PC) TO SINGLE FAMILY ONE ACRE (SF1A) ON APPROXIMATELY 6,323 SQUARE FEET OF LAND LOCATED AT THE SOUTHEAST 1/4 OF SECTION 12, CARSON CITY, NEVADA, APN 007-371-62, AND OTHER MATTERS PROPERLY RELATED THERETO (1-3445)** - Discussion indicated the location of the V&T Railroad Bicycle Trail and noted a letter from a Wellington Crescent homeowner which was not related to this subject. (Mayor Masayko indicated during the introduction of the previous ordinance that he had not received any comments regarding this ordinance since the first reading.) Public comments were solicited but none were given. Supervisor Williamson moved to adopt Bill No. 129 on second reading, Ordinance No. 2003-30, AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM PUBLIC COMMUNITY, PC, TO SINGLE FAMILY ONE ACRE, SF1A, ON APPROXIMATELY 6,323 SQUARE FEET OF LAND LOCATED AT THE SOUTHEAST 1/4 OF SECTION 12, CARSON CITY, NEVADA, APN 007-371-62, AND OTHER MATTERS PROPERLY RELATED THERETO, File No. Z-03-104. Supervisor Livermore seconded the motion. Motion carried 4-0.

RECESS: A recess was declared at 11:50 a.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 1:30 p.m. although Supervisor Staub was absent.

**11. DISTRICT ATTORNEY - Chief Deputy District Attorney Mark Forsberg**

**A. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 10.22 (RECKLESS DRIVING-PERSONS UNDER THE INFLUENCE LIQUOR, DRUGS), SECTION 10.22.020 (PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR, CONTROLLED SUBSTANCES) TO REDUCE THE CONCENTRATION OF ALCOHOL THAT MAY BE PRESENT IN THE BLOOD OR BREATH OF A PERSON WHILE OPERATING A VEHICLE; PROVIDING FOR THE PROSPECTIVE EXPIRATION OF SUCH REDUCED CONCENTRATION OF ALCOHOL UPON THE REPEAL OF**

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**CERTAIN FEDERAL LAWS; DELETING CARSON CITY MUNICIPAL CODE SECTION 10.22.025 (PRESUMPTION THAT DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR IN PROCEEDINGS FOR DRIVING WHILE INTOXICATED—CHEMICAL ANALYSIS) TO CONFORM TO STATE LAW AND OTHER MATTERS PROPERLY RELATED THERETO (2-0010)** - Deputy District Attorney Melanie Bruketta - Discussion indicated that the Code revision allows the City to receive the fines, fees, and forfeitures rather than the State. The Code mirrors State Statutes. Discussion indicated that Assembly Bill 7 on Page 11, Section 14, Subsection 5 means "0.10" as it relates to firearms and not the "0.08" used in the DUI laws. Supervisor Aldean moved to introduce Bill No. 130 on first reading, **AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 10.22 - RECKLESS DRIVING—PERSONS UNDER THE INFLUENCE LIQUOR, DRUGS, SECTION 10.22.020 - PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR, CONTROLLED SUBSTANCES, TO REDUCE THE CONCENTRATION OF ALCOHOL THAT MAY BE PRESENT IN THE BLOOD OR BREATH OF A PERSON WHILE OPERATING A VEHICLE; PROVIDING FOR THE PROSPECTIVE EXPIRATION OF SUCH REDUCED CONCENTRATION OF ALCOHOL UPON THE REPEAL OF CERTAIN FEDERAL LAWS; DELETING CARSON CITY MUNICIPAL CODE SECTION 10.22.025 - PRESUMPTION THAT DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR IN PROCEEDINGS FOR DRIVING WHILE INTOXICATED—CHEMICAL ANALYSIS, TO CONFORM TO STATE LAW AND OTHER MATTERS PROPERLY RELATED THERETO.** Supervisor Williamson seconded the motion. Motion carried 4-0.

**B. CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 241.015(2)(b)(2) TO MEET WITH ATTORNEYS TO DISCUSS SETTLEMENT OF THE LITIGATION BETWEEN MADLYN DENNY, DAN DEAN DENNY, CARSON CITY FIRE DEPARTMENT, CARSON CITY AND MARK BOWERS, FIRST JUDICIAL DISTRICT COURT CASE NO. 02-00400A; AND C. CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 241.015(2)(b)(2) TO RECEIVED INFORMATION FROM AN ATTORNEY EMPLOYED OR RETAINED BY THE PUBLIC BODY REGARDING POTENTIAL OR EXISTING LITIGATION INVOLVING A MATTER OVER WHICH THE PUBLIC BODY HAS SUPERVISION, CONTROL, JURISDICTION OR ADVISORY POWER AND TO DELIBERATE TOWARD A DECISION ON THE MATTER (2-0085)** - Discussion estimated that the Closed Session would last approximately 45 minutes. Supervisor Williamson moved to recess into closed session pursuant to NRS 241.015(2)(b)(2) to meet with attorneys to discuss settlement of litigation between Madlyn Denny, Dan Dean Denny, Carson City Fire Department, Carson City and Mark Bowers, First Judicial District Court Case No. 02-00400-A and to receive, approve or reject an offer of judgement served on Carson City by American General Development in First Judicial District Court, Case No. 00-01501A and, also, to accept or reject an offer of judgement served on Carson City by Arthur Crowson in First Judicial District Court Case Number 99-00475A. Supervisor Livermore seconded the motion. Motion carried 4-0. Mayor Masayko recessed into closed session at 1:40 p.m.

**OPEN SESSION (2-0138)** - Mayor Masayko reconvened the Open Session at 2:44 p.m. A quorum of the Board was present although Supervisor Staub was absent as indicated.

**D. ACTION TO APPROVE A SETTLEMENT AGREEMENT BETWEEN MADLYN DENNY, DAN DEAN DENNY, CARSON CITY FIRE DEPARTMENT, CARSON CITY AND MARK BOWERS, FIRST JUDICIAL DISTRICT COURT CASE NO. 02-00400A, FOR THE PAYMENT OF**

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**\$58,000 FOR DAMAGES, COSTS, AND ATTORNEYS' FEES; E. ACTION TO APPROVE OR REJECT AN OFFER OF JUDGEMENT SERVED ON CARSON CITY BY AMERICAN GENERAL DEVELOPMENT IN FIRST JUDICIAL DISTRICT COURT, CASE NO. 00-01501A; AND F. ACTION TO ACCEPT/REJECT AN OFFER OF JUDGEMENT SERVED ON CARSON CITY BY ARTHUR CROWSON IN FIRST JUDICIAL DISTRICT COURT CASE NUMBER 99-00475A. (2-0139)** - Mayor Masayko asked that the record show that the Board had spent the Closed Session time in frank exchanges and discussions with Counsel regarding the three cases. The Board is prepared to make a decision on all three cases this afternoon. Mayor Masayko asked that the motion maker place findings in the record when making the motion to approve or reject all three settlement agenda items. Supervisor Williamson explained, regarding the Denny case, that the Board had discussed the comments of the arbitrator and the fact that two vehicles had crashed into the Suburban and it may have been unclear that it was an emergency vehicle. Therefore, Supervisor Williamson moved to approve a settlement agreement between Madlyn Denny, Dan Dean Denny, Carson City Fire Department, Carson City and Mark Bowers, First Judicial District Court Case No. 02-00400A, for the payment of \$58,000 for damages, costs, and attorneys' fees and that the funding source will be the Insurance Fund. Supervisor Livermore seconded the motion. Mayor Masayko indicated that there are funds in the Insurance Account to pay the fees. The funds will not be taken from the Contingency Fund. Motion was voted and carried 4-0.

Supervisor Aldean indicated that the Board had a frank discussion on the matter. It had considered the mediator's settlement recommendation, the potential risk involved in pursuing litigation relative to the case, and, also, reviewed the evidence in connection with the slide at the therapy pool, which is the subject of the action. Supervisor Aldean moved and directed the District Attorney to reject an offer of judgement served on Carson City by American General Development in First Judicial District Court, Case No. 00-01501A. Supervisor Williamson seconded the motion. Supervisor Aldean introduced Attorney Michael Hoy, who represents American General Development. Mr. Hoy indicated that he did not have any comments to make. It is evident what the Board will do. He volunteered to respond to any questions the Board may have. None were asked. The motion was voted and carried 4-0.

Supervisor Livermore moved to direct the District Attorney to reject the offer of judgement served on Carson City by Arthur Crowson in First Judicial District Court, Case Number 99-00475A. Supervisor Williamson seconded the motion. Motion carried 4-0.

There being no other matters for consideration, Supervisor Aldean moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 4-0. Mayor Masayko adjourned the meeting at 2:50 p.m.

The Minutes of the Carson City Board of Supervisors November 6, 2003, meeting

ARE SO APPROVED ON March 4, 2004.

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/s/  
Ray Masayko, Mayor

ATTEST:

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/s/  
Alan Glover, Clerk-Recorder