

CARSON CITY BOARD OF SUPERVISORS
Minutes of the September 19, 2002, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, September 19, 2002, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor
	Jon Plank	Supervisor, Ward 2
	Robin Williamson	Supervisor, Ward 1
	Pete Livermore	Supervisor, Ward 3
	Richard S. Staub	Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager
	Alan Glover	Clerk-Recorder
	Mark Forsberg	Chief Deputy District Attorney
	Cheryl Adams	Deputy Purchasing Director
	Jerry Mathers	Chief Deputy Sheriff
	Tom Hoffert	Utilities Manager
	John Flansberg	Street Operations Manager
	Katherine McLaughlin	Recording Secretary
	Justine Chambers	Contracts Coordinator

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

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

CITIZEN COMMENTS (1-0028) - Ed Moran explained his feeling that Parks and Recreation Director Steve Kastens and Aquatic Facility Supervisor Kurt Meyer should be commended on the aquatic facility based on his experience as a swimmer who has swum in international competitions and pools. His personal use of the facility was described and supported his belief that the pool was being used more than it ever had in the past. Mayor Masayko thanked him for his comments. Supervisor Livermore described Mr. Moran's involvement with the Parks and Recreation Commission and the aquatic facility and thanked him for his leadership, foresight and dedication. Mayor Masayko again thanked him for his comments and explained to Mr. Meyer, who had just arrived, what had been said. He also wished Mr. Moran luck in his future endeavors. Additional comments were solicited but none were given.

1. APPROVAL OF MINUTES - SPECIAL MAY 20, 2002, MEETING AND REGULAR JUNE 6, 2002, MEETING (1-0095) - Supervisor Plank moved to approve the Minutes of the Special Supervisors

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meeting of May 20 dealing principally with the budget and the Regular Minutes of the meeting on June 6. Supervisor Livermore seconded the motion. Supervisor Plank noted that the Minutes of the June 6th meeting had provided him with reminders of items on which he wished to follow up. The motion was voted and carried 5-0.

2. AGENDA MODIFICATIONS (1-0118) - None.

3. SPECIAL PRESENTATIONS - Personnel Manager Ann Beck

A. ACTION TO ADOPT A RESOLUTION COMMENDING KANI D. SHANNON FOR HIS SERVICE AS A PUMP OPERATOR DRIVER (1-0123) - Mr. Shannon was not present. Mayor Masayko remarked on his 30-year commitment to the community which had started as a volunteer for the Warren Engine Company. He read the resolution into the record. Supervisor Livermore commended Mr. Shannon on his dedication to the community. Supervisor Livermore moved to adopt Resolution No. 2002-R-51, A RESOLUTION COMMENDING KANI D. SHANNON FOR HIS SERVICE AS A PUMP OPERATOR DRIVER. Supervisor Plank seconded the motion. Mayor Masayko wished Mr. Shannon well in his future endeavors. Motion carried 5-0. Fire Chief Buckley accepted and thanked the Board for the retirement plaque.

B. ACTION TO ADOPT A RESOLUTION COMMENDING MILDRED V. SENNEFF FOR HER SERVICE AS A PUBLIC SAFETY RECORDS SUPERVISOR (1-0193) - Mayor Masayko complimented Ms. Senneff on her dedication and effort in the Sheriff's Department and support given to the judicial system. He read the resolution into the record. Supervisor Livermore expressed his pleasure at being able to introduce the resolution for a faithful and loyal employee. Supervisor Livermore moved to adopt Resolution No. 2002-R-52, A RESOLUTION COMMENDING MILDRED V. SENNEFF FOR HER SERVICE AS A PUBLIC SAFETY RECORDS SUPERVISOR. Supervisor Plank seconded the motion. Supervisor Williamson commended her on her dedication to the Department and wished her well in her retirement. The motion was voted and carried 5-0. Mayor Masayko read the plaque and presented it to her. He wished her well in her retirement. Ms. Senneff thanked the Board for the recognition. She indicated that she had enjoyed her tenure with the Sheriff's Department.

C. ACTION TO ADOPT A RESOLUTION OF APPRECIATION TO ROB JOINER FOR HIS SERVICE TO THE CITY OF CARSON CITY (1-0256) - Mayor Masayko introduced Mr. Joiner by noting his involvement with Redevelopment. Supervisor/Redevelopment Authority Chairperson Williamson read the resolution into the record and wished Mr. Joiner success in his position with Sparks. Supervisor Williamson moved to adopt Resolution No. 2002-R-53, A RESOLUTION OF APPRECIATION TO ROB JOINER FOR HIS SERVICE TO THE CITY OF CARSON CITY. Supervisor Livermore seconded the motion and noted that the resolution had failed to note his involvement with the sign review committee. He urged him to continue working with this committee. He also wished him the best in his future endeavors on behalf of his brother and sister-in-law. The Board and Mr. Berkich complimented Mr. Joiner on his dedication and work in Carson City. They wished him well in the future. The motion was voted and carried 5-0.

Supervisor Williamson presented a Christmas ornament to him which she described. Mr. Joiner briefly highlighted his experience in Carson City. Mr. Joiner thanked the Board for the recognition. He felt that he would remain active in the community as he is a resident here. He indicated that he would be active with the Legislature next year and

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assured the Board that he would continue to cross their paths. He thanked the Board for the recognition.

4. CONSENT AGENDA (1-0433)

4-1. ACTION TO APPROVE AN ADJUSTMENT TO THE 2002/2003 TAXES PAID ON APN 8-112-05 PER NRS 361.768 FOR THE REMOVAL OF BUILDINGS AND IMPROVEMENTS

4-2. DEVELOPMENT SERVICES - UTILITIES - ACTION TO APPROVE A ONE YEAR WATER LEASE AGREEMENT BETWEEN THE CARSON WATER SUBCONSERVANCY DISTRICT AND CARSON CITY

4-3. PURCHASING AND CONTRACTS - ACTION TO APPROVE CONTRACT NO. 0203-068 A REQUEST FOR THE PURCHASE OF ONE REPLACEMENT SCREEN GRID ELEMENT FROM U.S. FILTER/ENVIREX, A SOLE SOURCE PROVIDER, FOR A NOT TO EXCEED COST OF \$35,098.36

4-4. DEVELOPMENT SERVICES - CONTRACTS - ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON ROOP STREET WIDENING - ENGINEERING SERVICES, CONTRACT NO. 2002-048 TO AUTHORIZE DEVELOPMENT SERVICES TO ISSUE CLAIM FORMS TO CAPITAL ENGINEERING, INC., P. O. BOX 3750, CARSON CITY, NV 89702 FOR A CONTRACT AMOUNT OF \$351,960 WITH THE AUTHORIZATION FOR THE CONTRACTS DIVISION TO ISSUE ADDITIONAL AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$35,000 - Supervisor Plank moved to approve each of the four items as presented on today's consent agenda. Supervisor Williamson seconded the motion. Motion carried 5-0.

5. BOARD OF SUPERVISORS - NON-ACTION ITEMS

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0455) -

Supervisor Livermore reported on the Boys and Girls Club's annual barbeque and auction; the Health Smart meetings; a luncheon with Supervisor Williamson and the Hospital Auxiliary; Hospital Finance Committee meeting; Chamber of Commerce Manufacturers meeting and its concerns about the cost of doing business in Nevada; his role in the presentation of recognition awards given by the Carson City Citizens for the Betterment of the Carson City Parks and the individuals/businesses/social groups who had been recognized; the Chamber of Commerce Economic Development Committee meeting; the rededication ceremony for the Ormsby County Courthouse and commended State Public Works, Attorney General Frankie Sue Del Papa and Governor Guinn on preserving the historical building; and the Subconservancy District meetings. Supervisor Staub reported on the Boys and Girls Club's annual barbeque and auction; the 9-11 observation activities in Mills Park; V&T Railroad fundraiser held at Tamarack Junction in Reno; Regional Transportation Commission meeting; his personal activities in Laughlin and Bull Head City and described their disaster book; and the Airport Authority meeting. He announced the Carson River cleanup activities to be held on Saturday, September 21, and that Babe Ruth starts on Saturday at 9 a.m. Supervisor Williamson explained that a survey supported the addition of sports facilities at the Western Nevada Community College. These facilities will need local financing and support. She then reported on the following meetings: Health Smart, Carson City Tomorrow, Subconservancy, and the Carson-Tahoe Hospital Auxiliary. She also encouraged the electorate to study General Election Ballot Question No. 1 and to vote. She reported on her attendance at various 9-11 activities and complimented the organizers on their programs. Her family activities were also noted. She announced the Carson River Cleanup on Saturday and "C" Hill Flag repair day scheduled for October 5.

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Donations and volunteers were solicited for the Flag repair. Supervisor Plank reported on his Lake Tahoe activities. He announced TRPA's solicitation of comments on its compact plan. He then reported on the following meetings: Parks and Recreation Commission; the Statewide Transportation Commission; with Messrs. Berkich, Sullivan and Burnham on the MPO status; and a joint session of the Open Space Advisory Committee, Carson River Advisory Committee, and the Parks and Recreation Commission regarding the Pinenut Range; and the Senior Center Advisory Council and announced the new slate of officers. He had participated in the V&T Railway fundraiser at Tamarack Junction. He announced the Park and Recreation Commission's tour in November. Mayor Masayko complimented the 9-11 organizers on their programs. He explained the Convention and Visitors Bureau's intent to increase the room tax to support the V&T Railroad reconstruction project. He announced the V&T Railway Commission's quarterly meeting scheduled for next Thursday. He had also attended the V&T Railway fundraiser at Tamarack Junction, a settlement hearing with Mr. Berkich and Mr. Forsberg, and the opening ceremony and tour of the Courthouse. He noted that the media had reported on the plans to demolish the former fire station and that this had been the original intent for that building. He had addressed the Chamber of Commerce leadership class and expressed his support for this program. He had attended the Brewery Arts Center's fundraiser and was involved with Senator Ensign's office in the establishment of the Phase III priorities for the Northern Nevada land purchase program. He attended the recognition ceremony for Senator Lawrence Jacobsen, honoring his 40 years of dedicated legislative service, and wished Senator and Mrs. Jacobsen well in their future endeavors.

B. STAFF COMMENTS AND STATUS REPORT (1-1185) - None.

6. JUSTICE COURT

A. ACTION TO ADOPT ON SECOND READING BILL NO. 132, AN ORDINANCE AMENDING TITLE 8 (PUBLIC PEACE, SAFETY AND MORALS) CHAPTER 8.04 (PROHIBITED CONDUCT) OF THE CARSON CITY MUNICIPAL CODE BY ADDING SECTIONS 8.04.127 (ACTS OR OMISSIONS CONSTITUTING CONTEMPTS), 8.04.128 (SUMMARY PUNISHMENT OF CONTEMPT COMMITTED IN IMMEDIATE VIEW AND PRESENCE OF COURT; AFFIDAVIT OR STATEMENT TO BE FILED WHEN CONTEMPT COMMITTED OUTSIDE IMMEDIATE VIEW AND PRESENCE OF COURT; DISQUALIFICATION OF JUDGE), AND 8.04.129 (PENALTY FOR CONTEMPT) DEFINING CRIME OF CONTEMPT, ESTABLISHING PROCEDURE FOR CONTEMPT PROCEEDINGS, DEFINING PENALTY FOR CONTEMPT, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1185) - Mayor Masayko indicated for the record that he had not received any comments regarding this item and the following item since the first readings. He also noted that Consultant Sharon Murphy was present to answer questions. Comments were solicited but none were given. Supervisor Plank moved to adopt on second reading Bill No. 132, Ordinance No. 2002-30, AN ORDINANCE AMENDING TITLE 8 (PUBLIC PEACE, SAFETY AND MORALS), CHAPTER 8.04 (PROHIBITED CONDUCT) OF THE CARSON CITY MUNICIPAL CODE BY ADDING SECTIONS 8.04.127 (ACTS OR OMISSIONS CONSTITUTING CONTEMPTS), 8.04.128 (SUMMARY PUNISHMENT OF CONTEMPT COMMITTED IN IMMEDIATE VIEW AND PRESENCE OF COURT; AFFIDAVIT OR STATEMENT TO BE FILED WHEN CONTEMPT COMMITTED OUTSIDE IMMEDIATE VIEW AND PRESENCE OF COURT; DISQUALIFICATION OF JUDGE), AND 8.04.129 (PENALTY FOR CONTEMPT) DEFINING CRIME OF CONTEMPT, ESTABLISHING PROCEDURE FOR CONTEMPT PROCEEDINGS, DEFINING

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PENALTY FOR CONTEMPT, AND OTHER MATTERS PROPERLY RELATED THERETO; funding source is none, and the fiscal impact is that any money generated as a result of this ordinance would be directed to the general fund as enactment of this ordinance would authorize Carson City Municipal Court Judges and Justices of the Peace to hold individuals in contempt under the Carson City Municipal Code as opposed to under Nevada Revised Statutes, which requires that money generated from enforcement of the statute is directed to state funds. Supervisor Livmore seconded the motion. Mayor Masayko noted that the City had the ability to use this process while Counties do not have the option. Motion was voted and carried 5-0.

B. ACTION TO ADOPT ON SECOND READING BILL NO. 133, AN ORDINANCE AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE CARSON CITY MUNICIPAL CODE BY ADDING CHAPTER 10.32 FAILURE TO OBEY CITATION AND SECTION 10.32.010 FAILURE TO OBEY CITATION AUTHORIZING ISSUANCE OF WARRANT FOR VIOLATING PROMISE TO APPEAR GIVEN TO PEACE OFFICER AND OTHER MATTERS PROPERLY RELATED THERETO (1-1265) - Mayor Masayko reiterated that he had not received any comments on this ordinance since the first reading and that the Counties do not have the flexibility to implement a similar ordinance. Comments were solicited but none were given. Supervisor Plank moved to adopt on second reading Bill No. 133, AN ORDINANCE AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE CARSON CITY MUNICIPAL CODE BY ADDING CHAPTER 10.32 FAILURE TO OBEY CITATION AND SECTION 10.32.010 FAILURE TO OBEY CITATION AUTHORIZING ISSUANCE OF WARRANT FOR VIOLATING PROMISE TO APPEAR GIVEN TO PEACE OFFICER AND OTHER MATTERS PROPERLY RELATED THERETO; funding source is none; and the fiscal impact is any money generated as a result of this ordinance would be directed to the general fund as enactment of this ordinance would authorize Carson City Municipal Court Judges and Justices of the Peace to issue warrants under the Carson City Municipal Code as opposed to under Nevada Revised Statutes, which requires that money generated from enforcement of the statute is directed to state funds. Supervisor Livmore seconded the motion. Motion carried 5-0.

7. SHERIFF, DISTRICT ATTORNEY AND JUSTICE COURT - ACTION TO APPROVE THE ACCEPTANCE OF THE 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) (1-1301) - District Attorney Noel Waters, Undersheriff William Callahan, Assistant Chief of Alternative Sentencing Brian Percival - The advisory committee's composition was explained. Undersheriff Callahan reviewed Page 2 relating to the purpose of the grant and the matching funding. Discussion clarified that the position for Alternative Sentencing was for one half-time officer. Each year the committee determines how the funds will be spent. There is no carryover in the funds but they can be spent over a two-year period. This will allow Alternative Sentencing to have a half-time officer for 24 months. The comments in the grant application included a statement indicating that the success of the program would justify retaining the individual on a full-time permanent basis. Mr. Percival explained the Department's hope that at the end of the 24 month grant the position would become full-time due to the manpower needs. A budget request will be submitted in the future seeking another position with funding from the house arrest program. Mayor Masayko asked that the record indicate that this is another position which will be funded with the grant funds. The grant funds are from year to year. The Board will make an annual determination on whether to stay with the program. He cautioned the staff that he would be reluctant to take resources and tie it to manpower request outside the normal budget process. One had already been done. He had cautioned against it at that time due to the Board's lack of ability to see beyond the narrow focus of the presentation. The proper time

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for such presentations is during the budget preparation process. It allows the Board to see across a wide spectrum of needs and accounts. He also stressed that once the LLEBG funds are spent, the City is not committing to funding the position. Mr. Percival agreed. Mr. Callahan explained that there will be an application for the Byrne Grant which has a four-year review period. If it is successful, then additional funding will be requested. Mr. Percival explained that the requested position will be involved in writing grant requests for additional positions and funding. The position requested under the LLEBG application was limned. The Byrne program will address the needs of the work release program which is one officer for the Sheriff's Office and one for Alternative Sentencing. It was felt that the Byrne program is a four-year grant and will fund the two officers for that period. It is hoped that the funds generated during that four-year period will support these officers. Supervisor Staub supported Mayor Masayko's comments cautioning staff against the acceptance of any funding sources requiring a future commitment of City funding due to concerns regarding whether the City will have the funds to do so. Mr. Percival felt that the employees would be aware of the funding restriction and know that it is a temporary position. Mr. Waters indicated that neither the Byrnes nor the LLEBG grants have a hiring requirement. It was hoped that the funding created by the Department under the grant program would be available for permanent funding of the positions. His comments stressed the need for the individuals who have been sentenced under the Alternative Sentencing program to have supervision and not become a larger problem for the community. Comments indicated that the funding is one shot. Mayor Masayko stressed the need for the permanent funding to be handled through the budget process. He also acknowledged the importance of the service. Supervisor Livermore felt that the program should be able to determine whether there will be adequate funding for the position within a one year period. Mr. Percival briefly explained the work release program which is just now being developed. He committed to providing quarterly reports on the program. Supervisor Staub repeated his concern regarding the funding commitment on a long term basis. Mr. Percival thanked the Board for the support and asked for patience while the program is being developed. He committed to providing whatever reports the Board requested. Supervisor Livermore moved to approve the acceptance of the 2002 Local Law Enforcement Block Grant, LLEBG, of \$54,971 with the responsibility of matching funds equaling \$5,497 to be shared by each Department benefitting from the grant; fiscal impact is LLEBG Grant base award amount of \$49,474 requiring matching monies of \$5,497 for a grant total of \$54,971; match monies will be the responsibility of each Department benefitting from the Federal Grant. Supervisor Williamson seconded the motion. Motion carried 5-0.

8. CARSON CITY AIRPORT AUTHORITY - ACTION TO APPROVE AND ACCEPT THE 2002 FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT GRANT IN THE AMOUNT OF \$300,000 AND AUTHORIZE THE APPROPRIATE CITY PERSONNEL TO COMMUNICATE SUCH APPROVAL TO THE FAA AND EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY TO RECEIVE THE FUNDS (1-1739) - Steve Tackes - The Airport Authority purportedly has adequate funding to handle the matching requirement. Reasons for giving the Board and Clerk a draft copy of the grant request were provided. The formal grant offer and the "signature" were limned. It should be the same document without the word "Draft" stamped on it. Mayor Masayko suggested that the approval be more flexible and allow revisions which do not materially change the document. The grant must be submitted before September 30. Supervisor Staub moved that the Board of Supervisors approve and accept the 2002 Federal Aviation Administration Airport Improvement Grant in the amount of \$300,000 and authorize the appropriate City personnel to communicate such approval to the FAA and execute such documents as may be necessary to review (receive) the funds. Clarification indicated it is an offer from the FAA to grant the funds upon the forthcoming document of

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offer. Supervisor Staub amended his motion to include so conditioned upon the offer and receipt of the said grant on or before September 30th of this year; funding impact and funding source is no funding impact, the Airport funds will be used as a match. Supervisor Williamson seconded the motion. Following a request for an amendment, Supervisor Staub amended his motion to include that the appropriate City Official will be the Mayor of Carson City. Supervisor Williamson concurred. Mayor Masayko indicated he would make sure that the signature is taken care of. The amended motion was voted and carried 5-0.

Discussion indicated that the Airport Authority is continuing to work with the FAA on the Airport's master plan. The FAA has accepted the master plan. The proposed project is ongoing maintenance.

9. FINANCE - ACTION TO ADOPT A RESOLUTION PROVIDING FOR THE CALL OF PRIOR REDEMPTION HIGHWAY REVENUE BONDS BY CARSON CITY, NEVADA; AUTHORIZING THE CITY TREASURER OR HIS DESIGNEE TO ARRANGE FOR THE CALL OF BONDS FOR THE PURPOSE OF PAYING IN FULL THE CITY'S OUTSTANDING HIGHWAY IMPROVEMENT REVENUE (MOTOR VEHICLE FUEL TAX) BONDS, SERIES DECEMBER 1, 1994; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH (1-1878) - Deputy Finance Director Tom Minton - Discussion indicated there would not be a penalty or defeasance charge for refinancing the bonds. Supervisor Plank moved to adopt Resolution No. 2002-R-54, A RESOLUTION PROVIDING FOR THE CALL OF PRIOR REDEMPTION HIGHWAY REVENUE BONDS BY CARSON CITY, NEVADA; AUTHORIZING THE CITY TREASURER OR HIS DESIGNEE TO ARRANGE FOR THE CALL OF BONDS FOR THE PURPOSE OF PAYING IN FULL THE CITY'S OUTSTANDING HIGHWAY IMPROVEMENT REVENUE (MOTOR VEHICLE FUEL TAX) BONDS, SERIES DECEMBER 1, 1994; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH, which will relieve the City of a \$760,000 debt. Supervisor Williamson seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 10:20 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:30 a.m., constituting a quorum.

10. DEVELOPMENT SERVICES - Director Andrew Burnham

A. DISCUSSION AND POSSIBLE ACTION TO DETERMINE THE MAKE UP AND REPRESENTATION FOR THE METROPOLITAN PLANNING ORGANIZATION (MPO) (1-1960) - Discussion expressed the Board's concern that any representative from another County should recognize the need to fund any transit programs in their community rather than use monies generated in Carson City from gas and sales tax revenues. Consultant Jerry Hall had indicated that the City's RTC would allocate its gas and sales tax revenues. The MPO will utilize federal funding mechanisms for its projects. Supervisor Plank pointed out that a quorum of the RTC is present as Commissioner Aldean was in the room. (Supervisors Plank and Staub also serve on the RTC as the Board's representatives.) The Governor's role in the appointment process was noted. Examples of the funding process and meeting procedure were described. Discussion also indicated that it may be possible for the MPO and RTC to influence NDOT's decisions regarding the freeway and encouraged them to do so. Clarification indicated that the communities will advance funding for transit operations. The funds are then reimbursed. It was felt that there will be approximately \$600,000 available next year for this purpose. The Board of Supervisors has final authority

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on the allocation of City funds for this purpose. Staff is recommending that the entire City limits be included in the MPO. The MPO's minimal area includes small portions of Douglas and Lyon County. They are included due to the use of the 1990 census to define the urban area. It is possible to enlarge the area. The MPO Board will decide the size at its first meeting. Every ten years the size can be adjusted. The Governor must agree to the change. Justification for including either the NDOT Director or his assistant as a member of the MPO Board was based on the feeling it would give additional emphasis to City projects including the freeway. Mayor Masayko pointed out for the record that at the 50,000 population figure, the MPO would not receive any additional federal funding for the freeway or roads and highways. Mr. Burnham agreed and indicated that there will be a "little bit" of planning money but nothing significant for highways and roads. There are no new funds for transportation. The benefits of having Jerry Hall as a consultant was stressed. Supervisor Plank encouraged the other Board members to read Mr. Hall's memo and recommendation and Mr. Sullivan's internet material on the history of MPOs. Discussion also indicated that Charles DesJardis attends the RTC meetings and welcomed his guidance as a former Federal Highways Administration official. Mayor Masayko thanked him for his assistance. Additional comments were solicited but none were given. Supervisor Plank moved that the Board of Supervisors act to determine the representation of the Metropolitan Planning Organization, the MPO, consist of the Carson City Regional Transportation Commission, one representative from Douglas County, and one representative from the Nevada Department of Transportation, who will be either the Director or one of the Director's Assistant from NDOT. Supervisor Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO ADOPT ON SECOND READING BILL NO. 134, AN ORDINANCE APPROVING A REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND COS BUILDING, LLC, REGARDING APN 01-021-18 LOCATED AT 2814 NORTH CARSON STREET, APN 01-032-20 LOCATED AT 2706 NORTH CARSON STREET, AND APN 01-032-21 LOCATED AT 2748 NORTH CARSON STREET, CARSON CITY, NEVADA, FOR WATER LINE AND SEWER LINE INSTALLATION (1-2249) - Mayor Masayko indicated that he had not received any comments between the first and second readings of this ordinance. Supervisor Williamson moved to adopt on second reading Bill No. 134, Ordinance 2002-32, AN ORDINANCE APPROVING A REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND COS BUILDING, LLC, REGARDING APN 01-021-18 LOCATED AT 2814 NORTH CARSON STREET, APN 01-032-20 LOCATED AT 2706 NORTH CARSON STREET, AND APN 01-032-21 LOCATED AT 2748 NORTH CARSON STREET, CARSON CITY, NEVADA, FOR WATER LINE AND SEWER LINE INSTALLATION; fiscal impact is none except for a 15 percent administrative fee to City upon any reimbursement to an applicant. Supervisor Plank seconded the motion. Motion carried 5-0.

11. COMMUNITY DEVELOPMENT - Director Walter Sullivan

B. ACTION TO APPROVE A RESOLUTION TO ADOPT THE CONSOLIDATED PLAN, INCLUDING A COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY FOR THE IMPLEMENTATION OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) PROGRAMS, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAMS AND OTHER GRANT PROGRAMS (1-2300) - Consultant Rex Massey - Discussion indicated it is an interim plan which will be used until the City's entitlement status is changed. The plan will be submitted for adoption after the public process is completed. Information in the plan and its benefits were limned. Mr. Massey was introduced.

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Congressional action providing funding and seeking designation as an entitlement City was described. The plan is required after this designation is given. Mr. Massey explained that CDBG had funded the plan. Discussion noted that the City had not been funded last year. Unless funding is provided as indicated, the City will be forced to wait an additional year for funding. This is the purpose of the Congressional act. The purpose of the plan was briefly described. Mayor Masayko found the statistics and documentation to be fascinating. Supervisor Williamson felt that the low and extremely low statistics including the homeless statistics were sobering. The good news is the fact that there are groups in the community who are attempting to identify these individuals and are working to resolve their problems. Discussion also pointed out that the 2-3,000 population at Fifth and Edmonds is the individuals who are in the State Prison. They are counted as they are part of the census. Supervisor Staub pointed out that the Northern Nevada Correction Center had not been counted. Mr. Massey felt that it was counted and indicated that the State Demographer also includes these individuals in their figures. Public comments were solicited but none were given. Supervisor Williamson moved to approve the draft of the Consolidated Plan including the Comprehensive Housing Affordability Strategy for the implementation of Department of Housing and Urban Development Programs, Community Development Block Group programs and other grant programs; no fiscal impact. Supervisor Plank seconded the motion. Motion carried 5-0.

A. ACTION TO APPROVE A RESOLUTION TO ADOPT THE ECONOMIC VITALITY STRATEGIC PLAN, TO COMMEND THE EFFORTS OF THE COMMUNITY VOLUNTEERS WHO DEVELOPED AND RECOMMENDED THE PLAN, TO APPOINT A MEMBER OF THE BOARD OF SUPERVISORS TO THE ECONOMIC VITALITY COALITION (1-2600) - Senior Planner Lee Plemel, Charles Long, Pat Anderson, Shelly Aldean, Art Hannafin - Mr. Sullivan's introduction included complimenting Kathy Laster of his office for her clerical support of the plan and Rob Joiner's role in it. Supervisor Livermore described how the program was conceived and developed. The process had taken nine to ten months to complete. It was a large commitment of time for the individuals who had participated. He thanked Mr. Berkich for his leadership role in the process. Mr. Sullivan further delineated the meetings which had been held and Mr. Berkich and Supervisor Livermore's roles in the process. The plan has been to all of the City's committees/commissions for review and comments. Supervisor Livermore explained the reasons the entire community had been considered in the plan rather than specific districts. He also described his tour of Boise, Idaho. There are no limits on the opportunities which are provided in the plan. Discussion indicated the plan could be part of the master plan on economic development or an appendix to it. Mr. Long thanked Supervisor Livermore for his leadership and explained that the individuals who had been selected to represent different sections of the plan would be making the presentation. The plan is about the community working together. He stressed the importance of having the community members devote time and energy to the plan in order for it to become a reality in the future.

Mr. Anderson thanked the Board for having the opportunity to participate in the process. There had been 75 individuals who worked on it. It should provide long-term economic success for the community. The diversity of the participants created a rock solid program. He also noted Supervisor Williamson's participation in the program. He then summarized the 31 objectives and five key goal areas which would help develop regional programs promoting the economic health of the Carson and Eagle Valley regions. He suggested that the Board consider the area as a garden and develop it as such for future sustainability. The downtown area should be considered a driveway with curb appeal. The corridors are critical to the commercial development and the needed retail sales tax. Methods of accomplishing the objectives had been included within the plan. Various community organizations, which

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he listed, had been approached regarding the program and provided financial support for it through 2004. Long-term funding after that will need to be developed. He urged the public to step forward and participate in the long-term economic and land use planning process. Volunteers to work on the various task force committees were solicited. The key stakeholders are being identified and will be asked to participate with the general public. He applauded the 75 participants' efforts.

(1-3025) Ms. Aldean explained the need to develop and revitalize the downtown area including statistics indicating that the corridor traffic would continue to grow. It is estimated that by 2005 the traffic will have increased by 26 percent. It will be necessary to develop a method of capturing some of this volume, provide more efficient land uses, and develop access management plans, street front improvements and design guidelines. Opportunities to develop these plans while mitigating the traffic congestion, provide improved street frontage, and removes legal impediments were limned. A project involving the former Supply One building and a Highway 50 portal project were described to illustrate how such a concept could be developed and eliminate the misunderstandings found with the redevelopment programs. The needs included a public/private partnership which does not require condemnations but develops positive incentives.

Mr. Hannafin explained his first meeting on the bypass and the recognition that the downtown area needs things to attract people to it once the traffic congestion currently found there is removed. People come to the downtown area for historical reasons or to attend special events. Parking problems in the downtown area were acknowledged. The neighborhood appears to tolerate the parking impact during weekend events, such as during Nevada Day weekend. The need for redevelopment activities to continue were noted. New businesses will be attracted to the downtown area if tourists support them. Weekly events have given people something to do but the entire void has not been filled. The image suggested is one similar to Jackson, Nevada City, and Grass Valley. The downtown area needs to be made more attractive so that locals will participate and attract tourists. Four areas needing to be redeveloped and suggested businesses that could be attracted to those four areas were described. A historical loop was also suggested which could be driven/bused/walked/biked while encouraging the individuals to visit the shops along the loop. The diversity of the shops will encourage the individuals to journey along the loop at their leisure. The concept may require some zone changes that will allow commercial development on Curry Street with assistance from the Brewery Arts Center to tie it together. It was felt that the concept illustrated on the map had been supported by the group.

Other individuals in attendance who had worked on the program were recognized. Mayor Masayko stressed the need to recognize these individuals' efforts and dedication to the program. It shows what the community can become. The plan is dynamic. The information that is delivered provides opportunities for others to participate and support. Economic development and vitality encourages new dollars to come into the community for investment in the future. It creates future plans for the community. It is the beginning of a dynamic program which needs the details to be filled in. The program sets the City apart from other communities as we are not limited to the type of development or location. The entire City is included within the program. He cautioned against expanding the redevelopment area as there are other opportunities and private/public partnerships which can be developed. Different economic development tools should be created beyond redevelopment incentives. This is his concern with Item 5.2. He encouraged the business community, the leaders, and citizens to participate in the program. The core group wants and welcomes input and suggestions. In order to make the program successful everyone should become

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involved.

(2-0003) Supervisor Williamson explained that the concept is not the Bible but is a concept. She noted the community's willingness to participate in the past and encouraged people to step forward and join the process. There are ten different working groups now involved. There is something for everyone. She thanked the participants and commended them on their efforts. She was certain that the energy which had started the process would grow and make the plan better.

Supervisor Livermore's excitement over the plan was noted. The plan had developed a portion of the master plan and involved various sections of the community. It will meet the future needs of the City. It will help retain today's youths and may mold the economic opportunities for the health of the overall community. He had spent two years working on the program and looked forward to working with Carson City Tomorrow and Supervisor Williamson on the program. He thanked all of the participants for their efforts. He also committed to continuing to work on the economic program as it is an opportunity for the future. It is a beginning of a better community for all the residents.

Mayor Masayko noted that the economic vitality coalition needs resources and expert assistance. The Board is willing to participate as part of the public/private partnership. Work is just beginning. The Board needs to ensure that the work is completed and to participate as one partner. He looked forward to the next step. Public comments were solicited but none were given. Supervisor Livermore moved to adopt Resolution No. 2002-R-55, A RESOLUTION TO ADOPT THE ECONOMIC VITALITY STRATEGIC PLAN, to commend the efforts of the community volunteers who developed the recommended plan, and to appoint a member of the Board of Supervisors to the Economic Vitality Coalition. Supervisor Williamson seconded the motion. Mayor Masayko indicated that a Board member will be selected at a future Board meeting as it had not been agenized for this action. Mayor Masayko again complimented the volunteers for their dedication and efforts. The motion was voted and carried 5-0. Mayor Masayko requested periodic/annual reports be provided to the Board.

C. ACTION TO ADOPT ON SECOND READING BILL NO. 135, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, DELETING SECTION 18.11.020, TO ELIMINATE THE 500-FOOT SEPARATION REQUIREMENT FOR CHILD CARE FACILITIES; AND REVISING THE CARSON CITY DEVELOPMENT STANDARDS, SECTION 1.6, LAND USE AND SITE DESIGN, CHILD CARE FACILITIES PERFORMANCE STANDARDS, RELATING TO CHILD CARE FACILITIES, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE NO. 1-02/03-4) (2-0135) - Ron Gutzman - Mayor Masayko disclosed a telephone message he had received from Carrie Henson on the date of the last Board meeting indicating the need for her Special Use Permit to be considered by the Planning Commission. The ordinance will allow the Commission to consider the neighborhood standards and issues. Public comments were solicited. Mr. Gutzman opposed the amendment. He felt that there had been a valid reason for the 500-foot restriction when implemented in 1993. He had not been able to find that reason. Action should not be taken until this history is found and re-evaluated. Secondly, he did not believe that the community had a need for an additional daycare as indicated by the 13 ads in the newspaper. One of these facilities was within 1,000 feet of his facility. The amendment will benefit only one person and have a large negative impact on his facility. It will have a lessor impact on the other daycare centers in the community, specifically

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the ones with vacancies. Mayor Masayko indicated for the record that he disagreed that the Board's action will create another childcare facility. It provides the ground rules for the Planning Commission who must consider the merits of the application. Mr. Gutzman was predisposing that the Commission would approve the facility. A childcare facility is not located at the proposed site at this time. The 500-foot restriction could not be supported. He could not find a reason for it. Other communities do not use this restriction. It is arbitrary and limits action on any requests. The Board's action would eliminate the restriction. The application would have to be approved/disapproved based on findings. Additional public comments were solicited but none were given. Supervisor Williamson moved to adopt Bill 135 on second reading, Ordinance No. 2002-33, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, DELETING SECTION 18.11.020, TO ELIMINATE THE 500-FOOT SEPARATION REQUIREMENT FOR CHILD CARE FACILITIES; AND REVISING THE CARSON CITY DEVELOPMENT STANDARDS, SECTION 1.6, LAND USE AND SITE DESIGN, CHILD CARE FACILITIES PERFORMANCE STANDARDS, RELATING TO CHILD CARE FACILITIES, AND OTHER MATTERS PROPERLY RELATED THERETO; FILE NO. 1-02/03-4. Supervisor Staub seconded the motion. Supervisor Williamson disclosed a conversation she had with an unidentified person who was unable to find a childcare facility for her child. This individual felt that there was a need for more facilities. She described her personal experience as the owner/operator of a pre-school. There were three childcare facilities across the street from it. These facilities cooperated on their activities including senior citizen activities. Synergy and energy could be developed. She did not believe that the change would doom any childcare provider. This is a needed service. It does not mean that more will be created. If the neighbors do not object and traffic and business standpoints support it, it will be allowed. Supervisor Plank indicated that he was not against the ordinance as a rule change. He opposed the reasons which had precipitated the entire situation. For that reason he could not support the motion. If he voted for it, he would be able to bring the matter back for reconsideration; however, based on the vote at the first reading, this could be futile effort. Mayor Masayko noted that he was unsure what would happen in the future. It is possible that it would not move forward although he doubted it. Voting for the opposite side would leave Supervisor Plank's options open for future reconsideration. The motion to adopt Ordinance 2002-33 was voted and carried 4-1 with Supervisor Plank voting Naye. The ordinance will become effective on publication. The special use permit will be before the Planning Commission in the near future.

12. BOARD OF SUPERVISORS - CONTINUATION OF NON-ACTION ITEMS (2-0308) - None.

RECESS: A recess was declared at 11:55 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 1:30, constituting a quorum.

13. HUMAN RESOURCES - Director Ann Beck - INTERVIEW AND ACTION TO SELECT AN INTERNAL AUDITOR (2-0310) - Mayor Masayko explained his contact with Ms. Beck and her investigation of one reference and one previous employer for each of the candidates. He indicated that the applicants were to remain after their interviews and that an offer would be made to one individual after the Board completes its deliberations. Protocol to be followed for the selection was outlined. Ms. Beck and her staff will forward the offer and develop the employment conditions and starting date. If there are no problems, the individual will be hired. If this process is not successful, the second candidate will be offered the position. Discussion indicated that a background check will be conducted. All offers of employment are contingent on a background check which includes fingerprints. Mayor Masayko also indicated that the Board should not be restricted to the same questions

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during the interview process. If clarification or a concern poses a question, the Board Members should feel free to ask the question. Supervisor Livermore disclosed a conversation he had with Hospital Internal Auditor Ellie Smith. She had given him five questions which he proposed to use. Mayor Masayko noted that he had not shared his questions with the Board either. Ms. Beck described the process used to reduce the number of applicants to three. The three were the top candidates selected by this process. There had been 27 applicants. Seven were interviewed by the Committee. Mayor Masayko indicated that if the Board did not choose one of the three, the next four candidates will be interviewed. Mayor Masayko thanked each applicant for applying, briefly described the Open Meeting Law, explained that the meeting is being aired live and would be taped for later viewing, and noted the purpose of the interview. (2-0468) Cheryl Dailey, (2-1125) Kenneth M. Keddington, (2-1878) Stephen Wolkomir were interviewed.

RECESS: A recess was declared at 3:37 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 3:45 p.m., constituting a quorum.

(2-3015) Discussion indicated that the Committee had done a good job of selecting three well qualified candidates. Board comments asked Ms. Beck to relay the Board's appreciation to the committee for their work. Concern was expressed as to whether the Board would be able to get one individual to start at the salary that was provided. The Round Robin selection process was used to indicate each Board member's top candidate. This process selected Mr. Wolkomir as the top choice. Ms. Dailey was second. Mr. Keddington was third. Mayor Masayko asked that the Board establish a salary offer. He felt that the base salary and a bonus should be given as has been established for the City Manager. Discussion supported giving consideration to a salary above the beginning rate. Chief Deputy District Attorney Mark Forsberg expressed concerns about the Board negotiating the salary due to the agenda. Mayor Masayko explained his desire to have the Board establish the salary. If additional negotiations on the salary are required, he would agenize the item for the next meeting. Supervisor Plank expressed his belief that the Board had discussed the range and had indicated a feeling that it may not be adequate. He also explained that his employment with the State indicated that it was not often that qualified professionals could be hired below the top salary range due to recruitment difficulties. Mayor Masayko did not wish to be authorized to negotiate with the selected individual over the salary range. He asked the Board to set a range and for Ms. Beck to do the negotiations. Mr. Forsberg pointed out that the Board Action Request Form had a range listed on it. He did not feel that the Board should change the figure due to the Open Meeting Law. Discussion indicated that the former Internal Auditor had been paid approximately \$65,000. Supervisor Staub pointed out that the City had just hired a new Redevelopment Director at \$65,000. He felt that Mr. Wolkomir was of the same caliber of a professional and had been aware of the range when he applied. He felt that the Board should talk in the \$65,000 range and with the bonus structure. They should not exceed the maximum allowed. Mayor Masayko and Supervisors Livermore and Plank concurred. Supervisor Staub then moved that the Board make an offer of employment to Irwin Wolkomir with a base salary of \$65,000 with a bonus structure not to exceed the maximum allowed by the job description which is \$70,642 plus benefits. Supervisor Livermore seconded the motion. Following a request for an amendment, Supervisor Staub indicated that the prioritization had been Wolkomir, Dailey, and Keddington. Supervisor Livermore concurred. Clarification indicated that the same offer was not to be made to candidate number two due to her request for \$54,000 a year. Supervisor Staub did not feel that Ms. Dailey had the same experience level as Mr. Wolkomir. He suggested that her salary be set at a different number. Mayor Masayko indicated that the motion was for only Mr. Wolkomir and that the Board would consider Ms. Dailey if necessary. He was not comfortable

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with offering what the applicant is willing to take. The offer should be based on what the job is worth. Supervisor Staub indicated that he wanted to return to his original motion. Supervisor Livermore withdrew his second as he could not support the motion based on the discussion. Mayor Masayko indicated that he could not support the motion due to the Board's evaluation that the job was worth \$65,000. The offer should not be contingent on Ms. Dailey's statement that she would work for less. Supervisor Staub explained his reasons for feeling that the applicant's qualifications should be considered in the offer. The Board had weighed the candidates and determined a ranking order. Based on that order, he felt that Mr. Wolkomir possessed far more experience which the Board was looking for than Ms. Dailey. Therefore, the same offer should not be made to her. It creates an apple and orange type of situation. Mayor Masayko indicated he respectfully disagreed. Supervisor Plank indicated his wholehearted support for Supervisor Staub. There is a definite difference. He also indicated that the bottom of the range should not be offered as Mayor Masayko had stated. Mayor Masayko felt that it is a question of dealing with the person whom you are putting in the job. This would make a seasoned person like Mr. Wolkomir worth \$65,000 and Ms. Dailey at \$50,000. He had a problem accepting this as the Board felt that this is what the job required. Supervisor Plank seconded the motion. Mayor Masayko indicated that the motion is to offer Mr. Wolkomir the job at a base salary of \$65,000 with a bonus structure that could take him to a maximum of \$70,642 and the offer only pertains to Mr. Wolkomir. Mayor Masayko also indicated that the two views are that if the job is worth \$65,000, it is worth \$65,000. Mr. Wolkomir was not a head and shoulders candidate in his mind, therefore, he could not see the opposite view. The job is what is needed to be done with the right person and this is the right compensation. The person certainly has the opportunity to earn the bonus structure. If the Board must fill the job again because Mr. Wolkomir does not take it, it should be filled at the same level. If Ms. Dailey can't get the job done at \$65,000, she will not have the job very long. Supervisor Plank felt that the Board had cluttered the issue with a discussion which should not have occurred. Mayor Masayko felt that the ground rules had been followed and that the discussion should occur. If Mr. Wolkomir does not accept the offer or counters with a second offer, another meeting will have to be agenzized. Supervisor Livermore expressed his willingness to support a motion removing the name of the individual. This motion would make an offer to the first candidate using the ranking as had been established with a salary range as indicated. This relates to the issue he had raised concerning the importance of the Internal Auditor to the organization. It was not a matter of negotiating what the bottom line dollar was. He supported hiring any one of the three at the \$65,000 level. Mayor Masayko indicated that this was his point, that the same offer should be made to all three individuals. He did not feel that the issue was cluttered. If the motion fails due to the inclusion of Mr. Wolkomir's name, another motion will be made which will make an offer to him first. If he chooses not to accept it, the same offer will be made to the second candidate. Supervisor Staub indicated that this is not his motion. Mayor Masayko stated the motion is for Wolkomir at \$65,000 and nothing for the others. The motion was voted and failed on a 2-3 vote with Supervisors Plank and Staub voting for the motion.

Supervisor Livermore moved that the Board of Supervisors approve the hiring of the Internal Auditor and that the position and salary range be at \$65,000 annually with a bonus scenario of \$70,642 per year and to give instructions to the Mayor to negotiate on the ranking that had been discussed. Following a request for an amendment, Supervisor Livermore amended his motion to be to make the offer on the ranking as had been discussed. Clarification indicated that the total salary is \$70,642 with the bonus. The salary alone is \$65,000. Supervisor Williamson seconded the motion. Mayor Masayko indicated that the motion is to fill the Internal Auditor position as indicated at a level to the three candidates as ranked, without naming them, at a salary level of \$65,000 with a bonus not to exceed a total compensation of \$70,642. Discussion between Mr. Forsberg and Mayor Masayko indicated that the intent is to

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make an offer to candidate number one. If it is not accepted, then the same offer will be made to candidate number two. Negotiations will not be entered into with candidate number one to raise the salary. Mayor Masayko also indicated that the candidate did not have to give the Board an answer today. He could take a few days to think about it. The Board must act in a public meeting. He was not proposing to go above \$70,000. He wanted to see what would happen. Supervisor Plank pointed out that they had not discussed candidate number three. It was assumed that one or two would accept the offer. Mayor Masayko felt that candidate three would receive the same offer if the first two candidates decline. Clarification by Supervisor Livermore indicated that the motion included that the position was to be offered in the ranking order as the Board had discussed. The ranking order was: No. 1 - Mr. Wolkomir; No. 2 - Ms. Dailey; and No. 3 - Mr. Keddington. Supervisor Williamson concurred. The motion was voted and carried 4-1 with Supervisor Staub voting Naye.

Mayor Masayko congratulated Mr. Wolkomir. He explained that following deliberations regarding the compensation issue the Board was prepared to offer him the Internal Auditor position at a base salary level of \$65,000 a year. They are prepared to allow a performance bonus to raise the salary to \$70,642, depending on performance. All other normal City employment benefits, relocation, etc., will apply. The offer is conditional upon his passing or having a favorable background report. Mr. Wolkomir indicated that he understood. An answer is not required immediately. He did not believe that the Board was willing to negotiate a higher base salary. Mr. Wolkomir indicated that he understood. Mayor Masayko indicated that if Mr. Wolkomir, after he has taken time to think about it, determines it is not satisfactory, the Board is prepared to go to candidate number two. Mr. Wolkomir indicated that he was honored with the offer. He did not have a problem with the salary. He wished to discuss the offer with his wife. Ms. Beck indicated that the normal response period is seven to ten days. She would prepare a written offer. Discussion indicated that this letter is very detailed and includes all of the information one needs to know. He would be given an opportunity to seek clarification on the details as needed. He asked that the letter be faxed to him. He felt that the process was fair. Mayor Masayko indicated that the offer letter would be based on the Board Action Form and looked forward to his accepting the offer and coming on board as soon as possible. Mr. Wolkomir was the right person for the job and the right fit. The Board has confidence in his abilities. Ms. Beck will relay the information to the Board after she has negotiated the starting date and details. His signature on the

offer letter will be his acceptance. If Mr. Wolkomir changes his mind, he should let the Board know so that they can proceed. Mr. Wolkomir agreed and thanked the Board for the offer.

14. DISTRICT ATTORNEY(3-0295) - Chief Deputy District Attorney Mark Forsberg

A. ACTION TO ADOPT ON SECOND READING BILL NO. 136, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) TITLE 4 LICENSES AND BUSINESS REGULATIONS AMENDING SECTION 4.04.107 (PUBLIC UTILITIES) TO CHANGE THE BUSINESS LICENSE FEE TO 2.5 PERCENT AND OTHER MATTERS PROPERLY RELATED THERETO - Mayor Masayko indicated for the record that he had not received any comments regarding the ordinance since the first reading. The proposal moves the agreement from the franchises to a business license arena. Future actions on business licenses may include Sierra Pacific Power Company. This could be done up to the statutory limits. The business impact statement had been included with the first reading. Supervisor Livermore pointed out that the ordinance impacts Sierra Pacific and anyone else providing electrical service in Carson City.

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Future deregulation may change the service in the future. Mayor Masayko indicated that the increase is a significant impact to businesses who are large electrical users and is like a tax increase. He was concerned about the message that is being sent. He felt that somewhere in a \$42 million budget the funds could have been found without imposing this increase. He indicated an intent to vote against the ordinance as it is an increase in business license fees. Supervisor Plank moved to adopt on second reading Bill No. 136, Ordinance No. 2002-34, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 4 LICENSES AND BUSINESS REGULATIONS AMENDING SECTION 4.04.107, PUBLIC UTILITIES, TO CHANGE THE BUSINESS LICENSE FEE TO 2.5 PERCENT AND OTHER MATTERS PROPERLY RELATED THERETO; the fiscal impact was on the business impact statement which is not in the report. Supervisor Williamson seconded the motion. Mayor Masayko felt that the fee would raise between \$136,000 and \$200,000 a year. Supervisor Williamson explained that the current fee is two percent. The franchise fee will be raised by one-half of one percent. This means that the fee will be 2.5 percent. The media had reported the fee increase as 2.5 percent. Supervisor Plank indicated that he understood Mayor Masayko's concern but felt that a correction could be made with the City's utility rates when its rates are set. He had expressed a concern about the commercial users who are subsidizing the residential users. The power rates themselves cause more damage to everyone than the proposed half of a percent on a franchise fee. Mayor Masayko indicated that he understood the point. He also committed to reminding Supervisor Plank when the utility issue is considered about his comment. Supervisor Plank indicated that he would not forget his comment. The motion to adopt Ordinance 2002-34 was voted and carried 4-1 with Mayor Masayko voting Naye. Discussion indicated that the effective date would be on publication which will be on Monday.

B. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) CHAPTER 5.06 (SIERRA PACIFIC POWER COMPANY) DELETING SECTIONS 5.06.020 TEXT OF FRANCHISE, 5.06.030 ENACTMENT OF ORMSBY DISTRICT FRANCHISE AND 5.06.040 TEXT OF ORMSBY DISTRICT FRANCHISE AND AMENDING SECTION 5.06.010 ENACTMENT OF URBAN DISTRICT FRANCHISE, ADDING SECTION 5.06.020 TEXT OF FRANCHISE AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO (3-0402) - City Manager John Berkich- Mr. Forsberg's introduction included the reasons the item was returned for first reading. Sierra Pacific purportedly supported the revisions. Discussion indicated that Sierra Pacific's master plan will be considered by the Board. It will provide serial approvals for substations and a utility corridor for future development. Supervisor Livermore asked to see the ground rules that would be used for their development due to the impact it will have on the individuals who will live near the corridors and substations. Mr. Forsberg indicated that Sierra Pacific is aware of the need to involve City staff in the development of the master plan and that it must be approved by both the Planning Commission and Board of Supervisors. Supervisor Livermore felt that input should be provided by staff at the beginning of the process. Supervisor Williamson pointed out that the revisions to Title 18 had allowed the uses in publicly zoned districts with a special use permit. The special use permit would have public involvement. The ordinance would automatically grant a special use permit based on the approved master plan without consideration by the public, the Planning Commission, or the Board. Mr. Berkich explained that the master plan goes through an extensive hearing process which will involve the Open Space Advisory Committee, the Parks and Recreation Commission, the Planning Commission, etc. The master plan is considered extensive in view of the impacts it creates. Once the master plan is approved, an extensive special master permit process begins which allows the elements of the master plan to be constructed without additional public hearings or a special use permit. This process is used in other areas including Washoe County. Therefore, the substations within

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the master plan will not come back for a special use permit. The master plan will have identified all of the parts and have been approved as a single process. Mr. Forsberg explained that if the master plan requires any code amendments, they will be done. There will not be any countervailing rules or policies. The proposal will provide a comprehensive vision of their needs so that everyone will understand the goals. Mr. Berkich indicated that the process will require Sierra Pacific to commit to future plans and establish the impact it will have on the community. It will eliminate the element of surprise and provide for smart community planning. Supervisor Staub indicated that he understood the intent to have the entity provide a master plan for future operations and to go through the necessary workshops for approval. The master plan of today, however, may not be in the best interest of tomorrow's community. He did not want to deny anyone the right to object to a substation or right-of-way which was approved years ago. Noticing and allowing public comments should be provided even though the public had approved the plan originally. People and boards change. He applauded the planning effort but was concerned about the serial approvals being granted for the special use permits. They could be given a fast track process under the concept as it was part of the master plan. People should be allowed to object even though it is part of a master plan that had been approved five years ago. Mr. Forsberg explained that all master planning and zoning have the same effect. The plan will allow the zoning to occur in five years. People may have a different opinion in five years but the plan makes the future service needs predictable. Mayor Masayko noted that the company representatives were not present. A change in the ordinance had not been made. The clause was there on first reading. As it is a one-sided discussion, he ruled that he would defer action on the ordinance. Supervisor Livermore read the clause from Page 2 and explained that the concept is different from the normal special use permit process. The master plan will allow the structures to be constructed. Master plans do not always remain the same as originally written. Tomorrow's needs could be different. He agreed with Mayor Masayko that it is a one-sided discussion and that the representatives should be present. Due to his desire to have the representatives present, Mayor Masayko deferred action on the item to a future meeting.

There being no other matters for consideration, Supervisors Williamson and Livermore moved to adjourn. Supervisor Plank seconded the motion. Motion carried unanimously. Mayor Masayko adjourned the meeting at 4:40 p.m.

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The Minutes of the September 19, 2002, Carson City Board of Supervisors meeting

ARE SO APPROVED ON _____, 2002.

Ray Masayko, Mayor

ATTEST:

Alan Glover, Clerk-Recorder