

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 16, 2002, Meeting

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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, May 16, 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
	Andrew Burnham	Development Services Director
	Daren Winkelman	Health Director
	Mark Forsberg	Chief Deputy District Attorney
	Cheryl Adams	Deputy Purchasing Director
	Larry Werner	City Engineer
	Sheila Banister	Chief Juvenile Probation Officer
	Tom Hoffert	Utility Operations Manager
	William "Bret" Windle	Project Leader/System Analyst
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 5/16/02 Tape 1-0018)	

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 Church of Christ gave the Invocation. Mayor Masayko led the Pledge of Allegiance.

CITIZEN COMMENTS (1-0055) - Mary Fischer invited the Board to attend the NDOT Statewide Transportation Board meeting. It will consider the landscaping program. A draft proposal has been submitted for its consideration that includes dedication of three percent of the highway project to landscaping the freeways and byways of the State. She was uncertain whether it will apply to the first phase of the freeway but felt confident that it would pertain to the second phase. She urged the Board and the public to attend and support the proposal. Mayor Masayko indicated that this meeting would be teleconferenced from Las Vegas. A copy of the draft proposal could be obtained from Ms. Fischer. Additional public comments were solicited but none were given.

1. APPROVAL OF MINUTES (1-0089) - None.

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2. AGENDA MODIFICATIONS (1-0090) - Mayor Masayko explained that he may have to leave the meeting at 2:15 to attend a budget session for the Reconstruction of the V&T Railroad Commission.

3. SPECIAL PRESENTATIONS - AWARD AND PRESENTATION BY NEVADA RURAL WATER TO CARSON CITY FOR THE "BEST TASTING WATER IN NEVADA 2002" (1-0106) - Utility Operations Manager Tom Hoffert introduced Georgia Greenrod, Executive Director of Nevada Rural Water Association. She presented the award to Mayor Masayko and explained the testing program. Mayor Masayko accepted the award which recognizes the Water Utility for its treatment and care in handling the community's water. He expressed a desire to continue to participate in the program. Candace Springer from Nevada Rural Water Association explained that the City had been nominated for a national award. Carson City had not placed in that competition. Ms. Greenrod described the national program. Mayor Masayko showed the plaque to the Board and asked Mr. Hoffert to find a permanent location for it.

4. CONSENT AGENDA (1-0157)

4-1. PARKS AND RECREATION - ACTION TO TRANSFER \$21,000 FROM THE QUALITY OF LIFE PARKS CAPITAL PENDING PROJECTS LINE ITEM TO QUALITY OF LIFE PARKS CAPITAL CENTENNIAL PARK LINE ITEM

4-2. DEVELOPMENT SERVICES - CONTRACTS

A. ACTION TO AUTHORIZE AN ADDITIONAL EXPENDITURE ON THE CARSON CITY CRACK FILL MATERIAL PURCHASE, CONTRACT NO. 2000-070 OF \$6,929.40 FOR FISCAL YEAR 2001-2002 AND AUTHORIZE THE STREETS DIVISION TO EXPEND FUNDS FOR FISCAL YEAR 2002-2003 BASED ON THE AVAILABLE BUDGET

B. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE CARSON CITY LIBRARY SIGN PROJECT, CONTRACT #2001-119 TO (BIDDER NO. 1) VALLEY CREEK ENTERPRISES, 2793 GORDON AVENUE, MINDEN, NV 89423 AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 332, 338, 339, AND 624 FOR A CONTRACT AMOUNT OF \$25,985 AND A CONTINGENCY AMOUNT OF \$2,598.50

C. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE COLD MILL AND OVERLAY OF WEST COLLEGE PARKWAY PROJECT, CONTRACT NO. 2001-130 TO (BIDDER #3) SIERRA NEVADA CONSTRUCTION, INC., P. O. BOX 50760, SPARKS, NV 89435, AS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO THE REQUIREMENTS OF NRS CHAPTERS 332, 338, 339, AND 624 FOR A CONTRACT AMOUNT OF \$79,986.76 AND A CONTINGENCY AMOUNT OF \$20,000

4-3. PURCHASING AND CONTRACTS

A. ACTION TO ADOPT A RESOLUTION AUTHORIZING THE BOARD OF SUPERVISORS TO DETERMINE THAT THE ATTACHED LIST OF 171 PIECES OF MISCELLANEOUS COMPUTER EQUIPMENT AND OTHER MISCELLANEOUS PROPERTY HAVE REACHED THE END OF THEIR USEFUL LIVES AND ARE THEREBY DONATED TO COMPUTER CORPS; AN NON-PROFIT ORGANIZATION CREATED FOR CHARITABLE PURPOSES AS SET FORTH IN NEVADA REVISED STATUTES 372.3261

B. ACTION TO ADOPT A RESOLUTION AUTHORIZING THE BOARD OF

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SUPERVISORS TO DETERMINE THAT THREE MOTOROLA MT 500 WALKIE-TALKIES HAVE REACHED THE END OF THEIR USEFUL LIVES AND ARE THEREBY DONATED TO THE STOREY COUNTY SHERIFF'S DEPARTMENT, A GOVERNMENTAL ENTITY

C. ACTION TO APPROVE CONTRACT NO. 0203-002, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY FORENSIC PATHOLOGY SERVICES, A DIVISION OF SIERRA PATHOLOGY ASSOCIATES, INC., FOR THE SHERIFF'S DEPARTMENT THROUGH JUNE 30, 2003, FOR A NOT TO EXCEED COST OF \$45,775

D. ACTION TO APPROVE CONTRACT NO. 0203-007 - A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY NEVADA RURAL HEALTH CENTERS, INC., FOR THE HEALTH, JUVENILE, AND SHERIFF DEPARTMENTS THROUGH JUNE 30, 2003, FOR A NOT TO EXCEED COST OF \$3,255 PER MONTH PLUS THE COST OF MEDICAL SERVICES AND LABORATORY CHARGES

E. ACTION TO APPROVE CONTRACT NO. 0203-009 - A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY SINNOTT CONSULTING TO BE THE URBAN FORESTER CONSULTANT FOR THE PARKS AND RECREATION DEPARTMENT - PARKS DIVISION THROUGH JUNE 30, 2005, AT \$85 PER HOUR FOR A NOT TO EXCEED COST OF \$34,000 PER FISCAL YEAR

F. ACTION TO ADOPT A RESOLUTION EXEMPTING THE PURCHASES OF BOOKS, LIBRARY MATERIALS AND SUBSCRIPTIONS BY THE CARSON CITY LIBRARY FROM THE COMPETITIVE BIDDING REQUIREMENTS PURSUANT TO NRS 332.115(1)(1) PROVIDED THEY HAVE APPROVED FUNDING AND FOLLOW APPROVED CARSON CITY PURCHASING PROCEDURES

4-4. DEVELOPMENT SERVICES - UTILITIES - ACTION TO ADOPT A RESOLUTION REGARDING THE WATER PURCHASE AGREEMENT OF EAGLE VALLEY GROUND WATER RIGHTS BETWEEN AVEL AVITIA AND CARSON CITY - City Manager Berkich pulled Item 4-3A, the resolution for donating computer equipment to the Computer Corps. It will be considered at the next meeting. Supervisor Staub pulled Item 4-2B, the library sign, for discussion. Mayor Masayko indicated that Item 4-4, the agreement to purchase water rights from Avel Avitia, did not require a resolution. Chief Deputy District Attorney Mark Forsberg indicated that this was not a significant error which would require reagenizing the item for the next meeting. Supervisor Plank moved to approve the nine remaining items on the Consent Agenda which defers Items 4-3 to a later date and 4-2B to be heard later this morning. Following a request for an amendment, Supervisor Plank amended his motion to include Resolution Number 2002-R-26 for Item 4-3B (a resolution to donate three Motorola MT 500 Walkie-Talkies to Storey County Sheriff's Department) and number 2002-R-27 to item 4-3F (exempting the Library from having to seek competitive bids for certain library material). Supervisor Williamson seconded the motion. Motion carried 5-0.

4-2B. (1-0217) Library Board of Trustees Member Barney Diehl explained that the sign would be purchased with the gift account funds. Mayor Masayko indicated for the record that as the funds had been received as a gift designated for the Library, they must be properly accounted for and budgeted. Using the funds requires following the established City purchasing and acquisition regulations. Supervisor Plank explained that installation of the new sign will eliminate a line of sight problem encountered with the current sign. Supervisor Staub moved to accept Development Services recommendation and award the Carson City Library sign project, Contract No. 2001-

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119 to (Bidder No. 1) Valley Creek Enterprises, 2793 Gordon Avenue, Minden, Nevada 89423, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624, for a contract amount of \$25,985 and a contingency amount of \$2,598.50; funding source is Account No. 230-0000-455-7743, the Carson City Library Gift Account, budgeted \$30,000. Supervisor Williamson seconded the motion. Motion carried 5-0.

5. BOARD OF SUPERVISORS (1-0265)

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - NON-ACTION ITEMS - Supervisor Williamson reported on her attendance/participation at the following meetings of: Redevelopment Director Rob Joiner, Redevelopment Authority Citizens Committee Member Art Hannafin and the Legislative Counsel Bureau (LCB) staff regarding the proposed warehouse; the "Carson City Tomorrow" program; the High School Senior Projects and complimented Supervisor Staub on his willingness to assist with the judging; with Environmental Health, Redevelopment, Economic Development and the State Environmental Protection Agency regarding "Brown Fields"; Strategic Planning Downtown Task Force including a presentation on the Reno program "Artown"; a special Redevelopment Authority Citizens Committee and announced Redevelopment's sponsorship of the Nevada Day Heritage Music Festival and the June 30th "Jive" Bombers concert; a WNDD meeting on grant writing; and the Subconservancy District's tour of the Alpine County headwaters of the Carson River.

Board comments expressed the feeling that the LCB warehouse will become a permanent structure once it is built and this is the public concern related to the building. It was also felt that the former sludge ponds at the Wastewater Treatment Plant should be restored as a part of the "Brown Fields" program. Supervisor Plank also indicated that the weeds had been removed from the Fifth and Edmonds roundabout.

Supervisor Plank then reported on his attendance/participation at the following meetings of the: TRPA Local Government Committee; Parks and Recreation Commission; Regional Transportation Commission; and announced the cancellation of the May 21st Parks and Recreation Commission meeting as the Commission is following its summer meeting schedule. He also described an episode where he had encountered a driver in the wrong travel lane of Highway 50 near Airport Road. Board discussion noted yesterday's horrific traffic accident on Interstate 80.

Mayor Masayko thanked Supervisor Plank for filling in for him during his absence. He announced the Vietnam Veterans Reflections Banquet scheduled for June 1 at 6 p.m. at the Nugget. He asked Supervisor Plank to remind the Parks and Recreation Commissioners to attend as the Veterans wish to recognize the Commission's support for the War Memorial in Mills Park. He then reported on his attendance/participation in the following meetings/activities: welcoming of the Fraternal Order of Eagles and its auxiliary; Sunset Rotary; National Drinking Water Week celebration; Charlie Long regarding the Overall Economic Development Task Force; and RSVP's Advisory Committee including Executive Director Janice Ayres' announcement regarding the submittal of a homeland security grant application and RSVP's ability to provide technical or clerical help for homeland security ancillary and auxiliary programs. He also announced and encouraged the Board and public to attend/participate in the National Day of Prayer on June 2; CATF and the Nevada Appeal community awards recognition at 11:30 a.m. tomorrow at the Nugget; KOLO TV's plan to have its "From Your Hometown" program film the Railroad Museum and the State Legislature for future airing; the 1 p.m. service at Lone Mountain on Memorial Day; and the May 28 "Breakfast with

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Senator Ensign" at 9 a.m. at the Carson Nugget.

Supervisor Livermore reported on his attendance/participation in the following meetings/activities: Carson-Tahoe Hospital's retreat; Carson City Tomorrow program; Parks and Recreation Commission meeting as President of the Youth Sports Association; Hospital Board of Trustees; urgent care meeting with Barton Hospital, Washoe Medical Center and the Hospital representatives; WNDD; Hospital Trustees' Finance Committee including reasons for the delay in closing escrow on the Children's Home property; the Subconservancy District's tour of Alpine County including the problems encountered when attempting to eradicate the fish which were planted in the Indian Creek Reservoir by the South Lake Tahoe Utilities Public Utilities District; and the special Subconservancy District meeting on its budget. He announced the Hospital's Picnic in the Park scheduled for Sedway Park from 11 a.m. to 3 p.m. on Saturday and urged the public to attend this free event.

Supervisor Staub reported on his participation/attendance at the following meetings/events: T-Ball's open day celebration; the senior projects and wished the participants success in their future; the RTC and the Airport Authority meetings. He announced the June 25th District Little League Tournament and described his role in it. He complimented the Parks Department on the appearance of the baseball fields. He then explained for the record that his research of the domestic violence records indicates that Carson City is not at the top of the list. Carson City is 2.41 percent of the numbers. He also solicited comments or opinions be given to Virginia Nunez or the Nevada Day Committee members regarding the proposal to relocate the Nevada Day Parade to Stewart Street and to have it terminate at Mills Park.

B. STAFF COMMENTS AND STATUS REPORT (1-1021) - None.

6. DISTRICT COURT - ACTION TO ADOPT ON SECOND READING BILL NO. 114 -AN ORDINANCE AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL BY ADDING CHAPTER 2.35 FEES ON COURT ACTIONS TO SUPPORT PRO BONO PROGRAMS AND LEGAL SERVICES WITHOUT CHARGE TO ABUSED OR NEGLECTED CHILDREN AND VICTIMS OF DOMESTIC VIOLENCE SECTION 2.35.010 FEES IN DISTRICT COURT WHICH ADDS AN ADDITIONAL FIVE DOLLAR FILING FEE TO THE COMMENCEMENT OF AN ACTION OR PROCEEDING OR THE ANSWER OR APPEARANCE IN AN ACTION OR PROCEEDING AND TWENTY-FIVE DOLLAR FEE TO BE PAID WHEN FILING A MOTION OR OTHER PAPER THAT SEEKS TO MODIFY AND ADJUST A FINAL ORDER THAT WAS ISSUED PURSUANT TO CHAPTER 125, 125B, OR 125C OF NRS AND ON THE FILING OF ANY ANSWER OR RESPONSE TO SUCH MOTION OR PAPER BY ADDING SECTION 2.35.010 FEES IN JUSTICE COURT WHICH ADDS AN ADDITIONAL FIVE DOLLAR FILING FEE TO THE COMMENCEMENT OF AN ACTION OR PROCEEDING OR THE ANSWER OR APPEARANCE IN AN ACTION OR PROCEEDING AND BY ADDING SECTION 2.35.020 COLLECTION - PAYMENT TO TREASURER WHICH DESCRIBES HOW THE ADDITIONAL FUNDS WILL BE COLLECTED AND DISTRIBUTED AND OTHER MATTERS PROPERLY RELATED THERETO (1-1012) - City Manager John Berkich, Chief Deputy District Attorney Mark Forsberg, Nevada Legal Services Representative Ray Rodriguez, Karl Neathammer - Mayor Masayko indicated that the Board Action Request Form was in error as this is the second reading for Bill No. 114. The item had been agenized correctly. Deputy District Attorney Melanie

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Bruketta's memo explaining the domestic violence statistics provided by the Attorney General's office is in line with the population which is different from that provided at the first reading of the ordinance. Mr. Berkich explained the meetings and research conducted by staff which indicated that the funds could not be used for CASA. The legislative intent of the enabling act had been to provide funding for legal defense pro bono programs for individuals of domestic violence. CASA does not fit this criteria. A second meeting has been scheduled with CASA and the Volunteer Attorneys for Rural Nevadans (VARN). Mayor Masayko explained that the enabling legislation does not require the City to impose the fees. He explained his concern regarding the amount of funding which would be provided. He commended Nevada Legal Services on its pro bono work. It has not requested funding in the past. He felt that there is more than just one agency in the area providing these services. Findings had not been made indicating the need/demand for these services or providing an appropriate accounting mechanism for the funding. Mr. Berkich indicated that calculations estimate the funding to be approximately \$23,000 a year. The number of cases and needs are significant. Although \$23,000 is not a lot of money, spreading it among several non-profit organizations would be beneficial. The meetings with CASA had indicated a desire to revisit the legislation during the coming session. CASA's services are tremendous and their funding needs are significant. Supervisor Williamson supported his proposal to revisit the legislation and suggested that an Attorney General's opinion be requested. Mayor Masayko indicated that he did not have a copy of 19.031 but felt that it had been fairly limited in its direction. Mr. Forsberg explained a typographical error on Page 2 in Line 19 which changed "or" to "of".

Mr. Rodriguez thanked the Board for the compliments. The enabling legislation had been an attempt to help the domestic violence project handled by VARN. The numbers indicate the need is there. His discussion with the local chapter of the Advocates Against Domestic Violence and their statistics were limned. They count each person attending a program and do not differentiate the individual's attendance in the different programs. Therefore, the individual is counted separately at each program. He felt that his program is the only one currently in existence that provides legal assistance to these individuals as the Soroptomists' program has been discontinued. Discussion indicated that volunteer rural attorney's provide pro bono legal services. VARN needs a sustained funding source. Mayor Masayko explained that this information had not been included with the ordinance on first reading. He explained his concerns with having the fees totally directed to one nonprofit organization. Mr. Rodriguez felt that the Attorney General's opinion should be followed regarding whether the funds could be directed to any other agency. Mayor Masayko felt that the Attorney General's opinion should address accountability and functionality of the agency providing the services. There is an obligation to the payers to make certain that the process for determining the highest and best use of the funds in the most cost effective manner.

Mr. Neathammer supported Mayor Masayko's concerns and explained his legal background and knowledge of VARN. He felt that there is a strong need for funding these programs and urged them to support VARN. Mayor Masayko explained that Mr. Neathammer had convinced him to support the ordinance and reiterated his desire to have accountability for the funds. He also explained his objection to legislation for funding programs without establishing an oversight process. Supervisor Williamson disclosed that her sister is a Clark County attorney who provides this type of pro bono service. Supervisor Williamson then moved to adopt on second reading Bill No. 115, Ordinance No. 2002-15, AN ORDINANCE AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL BY ADDING CHAPTER 2.35 FEES ON COURT ACTIONS TO SUPPORT PRO BONO PROGRAMS AND LEGAL SERVICES WITHOUT CHARGE TO ABUSED OR NEGLECTED CHILDREN AND VICTIMS OF DOMESTIC VIOLENCE SECTION 2.35.010 FEES IN DISTRICT COURT WHICH ADDS AN

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ADDITIONAL FIVE DOLLAR FILING FEE TO THE COMMENCEMENT OF AN ACTION OR PROCEEDING OR THE ANSWER OR APPEARANCE IN AN ACTION OR PROCEEDING AND TWENTY-FIVE DOLLAR FEE TO BE PAID WHEN FILING A MOTION OR OTHER PAPER THAT SEEKS TO MODIFY AND ADJUST A FINAL ORDER THAT WAS ISSUED PURSUANT TO CHAPTER 125, 125B, OR 125C OF NRS AND ON THE FILING OF ANY ANSWER OR RESPONSE TO SUCH MOTION OR PAPER BY ADDING SECTION 2.35.020 FEES IN JUSTICE COURT WHICH ADDS AN ADDITIONAL FIVE DOLLAR FILING FEE TO THE COMMENCEMENT OF AN ACTION OR PROCEEDING OR THE ANSWER OR APPEARANCE IN AN ACTION OR PROCEEDING AND BY ADDING SECTION 2.35.030 COLLECTION – PAYMENT TO TREASURER WHICH DESCRIBES HOW THE ADDITIONAL FUNDS WILL BE COLLECTED AND DISTRIBUTED AND OTHER MATTERS PROPERLY RELATED THERETO with the amendment that on Line 19 of Page 2 of Section 3 under Section 2.35.010 after 125C “or” is changed to “of the NRS”. Supervisor Plank seconded the motion. Motion carried 5-0. Mr. Berkich was directed to keep the Board informed of the Attorney General’s opinion and as the next legislative agenda is set.

7. CARSON CITY COMMUNITY TRANSPORTATION - STATUS REPORT ON TRANSIT OPERATIONS (1-1364) - Financial information was distributed to the Clerk and Board. (A copy is in the file.) General Manager Marc Reynolds highlighted his slides on the operation. (A copy is included in the file.) Discussion explained that OARC is now moving its own clients which caused the drop in its ridership. This had opened the ridership to more PRIDE and disabled usage. Mr. Reynolds was not sure of the reason for the drop in ticket sales. The decrease in ridership on-time performance was explained. The increased efficiency was explained as relating to the increase in ridership and the number of vehicles on the road. The change in the maintenance program was created to include preventive maintenance. There are eight vehicles in the fleet. Six are on the street. Two are held in reserve and used to cover when one breaks down. Replacement vehicles may be possible after the City becomes an MPO. Mayor Masayko suggested that efforts be made to find funds for replacement vehicles. He also suggested that the older, less reliable vehicles be transferred to other uses and funding obtained for newer acquisitions. This will allow the ridership figures to remain high by providing more reliable service. Mr. Reynolds stressed that the vehicles are safe to ride in but not reliable. The impact breakdowns have on the ridership figures was noted. Marketing efforts were described. PTAC did not have a report. Mayor Masayko thanked Mr. Reynolds for his report. At this time it appeared as if the \$460,000 funding commitment will be adequate to handle the needs to the end of the fiscal year. A slight budget increase may be needed for next year. An augmentation may not be required this year. Mr. Reynolds explained that the end of the three-year contract was drawing to a close. Bids are now being requested. His firm will bid on it. He also thanked the Board for the original three year contract and its support. Mayor Masayko thanked him and Paratransit for his dedication and responsiveness. His direct and involved management style changed the beginning and made it better as time moved forward. Supervisor Plank also commended him on his efforts to turn the operation around. Mayor Masayko indicated that the Board had not had to intervene on a complaint during the last six months. This was felt to be a true indication of his ability to handle the operation and issues. Additional comments were solicited but none were given. No formal action was required or taken.

RECESS: A recess was declared at 10:05 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:15 a.m., constituting a quorum.

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8. DEVELOPMENT SERVICES - ENGINEERING - ACTION TO ADOPT BILL NO. 118 ON SECOND READING - AN ORDINANCE APPROVING AN AMENDED DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY, A LIMITED PARTNERSHIP, RELATED TO THE DEVELOPMENT OF SILVER OAK DEVELOPMENT, APN 8-062-09, APN 8-062-06, 8-062-08, 7-461-28, AND 8-062-10, LOCATED IN CARSON CITY, NEVADA, FOR CONSTRUCTION OF CERTAIN OFF-SITE PUBLIC STORM DRAINAGE IMPROVEMENTS (1-1705) - City Manager John Berkich, Street Operations Manager John Flansberg - Mayor Masayko indicated for the record that he had not received any comments either pro or con on the ordinance between first and second reading. Discussion indicated that the North Carson Street medians and their landscaping will be replaced soon. Supervisor Williamson moved to adopt Bill No. 118 on second reading, Ordinance No. 2002-16, AN ORDINANCE APPROVING AN AMENDED DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY, A LIMITED PARTNERSHIP, RELATED TO THE DEVELOPMENT OF SILVER OAK DEVELOPMENT, APN 8-062-09, APN 8-062-06, 8-062-08, 7-461-28, AND 8-062-10, LOCATED IN CARSON CITY, NEVADA, FOR CONSTRUCTION OF CERTAIN OFF-SITE PUBLIC STORM DRAINAGE IMPROVEMENTS. Supervisor Plank seconded the motion. Motion carried 5-0.

9. DEVELOPMENT SERVICES - STREETS - ACTION TO ADOPT A RESOLUTION ON AN INTERLOCAL AGREEMENT WITH WASHOE COUNTY REGIONAL TRANSPORTATION COMMISSION TO OPERATE INTERCITY PUBLIC TRANSPORTATION SERVICE (1-1760) - Street Operations Manager John Flansberg's introduction included an explanation of the need for the agreement and its purpose. Minor changes made by Deputy District Attorney Jason Woodbury were limned. Mayor Masayko indicated that he understood the changes. Mr. Woodbury had been very observant. The agreement does not create a financial impact on the City. It provides for uninterrupted PRIDE service. Supervisor Plank moved, with the changes as represented by Mr. Flansberg, to adopt Resolution No. 2002-R-28, A RESOLUTION ON AN INTERLOCAL AGREEMENT WITH WASHOE COUNTY REGIONAL TRANSPORTATION COMMISSION TO OPERATE INTERCITY PUBLIC TRANSPORTATION SERVICE with no fiscal impact. Supervisors Staub and Livermore seconded the motion. Motion carried 5-0.

10. PARKS AND RECREATION DIRECTOR - Steve Kastens

A. ACTION TO APPROVE PARKS AND RECREATION COMMISSION'S RECOMMENDATION TO NAME THE FLINT DRIVE SITE AS THE SITE OF CHOICE FOR THE RELOCATION OF THE FAIRGROUNDS (1-1886) - Mr. Kastens' introduction included a brief history of the search for a new location, the reasons for selecting this site, and justification for the decision to look for a site pending the outcome of the General Election ballot question. He acknowledged concerns with the location such as the intersection of Flint Drive and U.S. Highway 50 East and its potential need for a signal. He suggested a signal similar to the one located at Stephanie Way and U.S. Highway 395 in Carson Valley. NDOT's control over the placement of a signal was noted. The Fuji Park and Exhibit Hall users will not be relocated. The Fairground uses will be relocated. They were felt to be the high school rodeo, horse shows, professional bull riding, team penning, and the other horse events that use the arena and the horse barns. The car shows, Basque Festival and the dog shows will remain at Fuji Park.

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Public comments were solicited. Jon Nowlin, as a Carson City resident and a member of the group wishing to keep the Fairgrounds and Fuji Park, asked that the record include an indication that the users' first choice had been and continues to be to remain at the present location. They have concerns about their activities. The plan for Flint Drive should be developed early to avoid interfering with their activities. He indicated that there have been statements allegedly made on Channel 61 indicating that Champion Speedway will be relocated to the same area. This will create a conflict between the racers and the Fairground activities. He looked forward to seeing an integrated master plan for the entire area. He also noted for the record that the January 3rd motion passed by the Board and made by Supervisor Staub was: "to direct staff to continue the search for a better location for the fairgrounds and to report back to the Supervisors". In looking at a tape of that meeting Supervisor Staub had really emphasized the word "better" as he had paused and inserted the word "better". The users have a concern about "better than what". The site is not the preferred site in terms of being a viable site. There were no viable sites available for comparison. The decision of the users group was that this is the only site left on of the list of sites that were being considered. Therefore, he found it difficult to understand how the site could be better. It is not better than the current site. He asked for discussion along these lines. Additional comments were solicited but none were given.

Mayor Masayko then read into the record notes from a phone call a Mr. Brogan, who had been in attendance earlier. Mr. Brogan is with the remote control aircraft association. They are located on the north side of Flint Drive. The master plan should handle their concerns as there are other more intense uses there which may have to be restricted but not eliminated. He asked Mr. Kastens to assure the remote control aircraft association that their use of the paved area and club house, at least at this point, is not being considered as incompatible. Mr. Kastens indicated that this is the reason Mr. Brogan had not remained. They had discussed the issue. Mr. Kastens had shown him the plan, discussed the proximity to his activity, and assured him that we have had an outstanding relationship with them and that he felt that they could continue to work together. They had discussed coordination of activities and events. He had assured Mr. Brogan that his Department does this on a daily basis. He also explained that Mr. Anderson of the Fairgrounds and Fuji Park Users Coalition had desired to be present for the meeting but family obligations had prevented it. Mayor Masayko expressed the Board's appreciation for the dedicated efforts of the Mr. Anderson and the users in the search for a new location. The need for a new, more functional, modern location with room for expansion without impacting others was emphasized. This site meets that criteria. He expressed his disappointment in not being able to seriously consider the BLM bowl site on the north side of Flint and 50 due to BLM's land use plan. Flint is not part of the Urban Interface Plan but the bowl area is. He urged the staff to consider changing its use or its use will not happen in the future. The process needs to commence to change the parcels adjacent to the eastern border of Carson City to indicate their highest and best use and the land constraints surrounding them. If the process is not started at some point, there will not be any options available in the future.

Mr. Berkich explained that these efforts are underway within the land use planning process with BLM. There has been a meeting with BLM regarding the idea of looking at all of the BLM parcels which the City has under RP&P permits and their long term use to provide more flexibility and provide for the highest and best use of that property. This process takes time to accomplish. Mayor Masayko acknowledged that it will take time and will be controversial. Public hearings will occur within the Federal review process. The effort should analyze the long term use of the property and not hold the use up due to the time requirements.

Supervisor Plank disclosed his discussion at the Parks and Recreation Commission regarding his tour of the sites.

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He had supported the Stewart facility as the best site, however, that site is not available. With a redesign of the Highway 50 intersection, the proposed site is the best site. One of the Commissioners had complained about the inability to consider this site earlier in the process. This individual had also failed to take advantage of his opportunity to agenize the site earlier in the process. **Supervisor Plank then moved to approve the Parks and Recreation Commission's recommendation to name the Flint Drive site as the site of choice for the relocation of the Fairgrounds. Supervisor Williamson seconded the motion.** Discussion indicated that Mr. Kastens anticipated a one year period to complete the design and construction. The planning will be started shortly after the General Election in November. The current site will be used through the summer. The following year they will transition to the new site. He felt that the BLM designation could be changed by November. BLM wants to look at the entire area and complete a master plan with the cultural and mineral study included on the entire 300 acres. It will be similar to the one the Department had undertaken on Centennial. The Department will do the master plan and get BLM to approve it. The fairgrounds will be part of the master plan. Future changes will require an amendment to the plan if different from the original master plan.

Supervisor Staub complimented staff on finding the location. He also pointed out that Fuji Park improvements are underway. He preferred to have the best possible site even if the process takes longer to obtain due to BLM's involvement. He did not believe that the selected site is the best option although it is the most available site. The county line site is better. The question is, is it better than the current site. He believed that the City was selling itself short based on historical understanding of the sites as this is the only one with sufficient space. The process is a two-year program. There is 18 months left to accomplish the relocation. The Flint Drive site is second best. The Centennial site may be a better site. The golf course operators have indicated a willingness to have the fairgrounds located adjacent to it. For that reason he would not support the motion.

Discussion between Supervisor Livermore and Mr. Kastens explained that the Flint Drive site is already under an RP&P program. Forty acres of the BLM site is now being used for model airplanes. There are approximately 300 BLM acres in the area which he described. Approximately 200 yards on the west side of Flint there is a hill and terrain that is not usable for building. The proposed site overall is a relatively flat area. The landfill could be considered as an extension of the site in the future. The proposed use is the highest and best use regardless of which side of the road it is located on. Supervisor Livermore applauded staff on its willingness to start looking at the programming and scoping and to plan for the public uses by Carson City. The land has numerous opportunities. The Fairgrounds could be one use. A long list of other uses could be developed including the State Fair. He encouraged Mr. Kastens and the Commission to commence the evaluation and maximizing the City's use of the Federal lands including those lands at the county line. He indicated that he would support the motion as it gives Carson City and its citizen maximum use of the Federal lands. He also pointed out that the Fairgrounds may not be relocated there depending upon how the vote goes in the General Election. The proposed site will be a higher and better fairgrounds. There are visions of having the V&T terminus located there as well as other options. It will be a large challenge for the Commission and staff to develop the plan for that land. He expressed his intent to support the motion for the reasons just iterated.

Mr. Kastens pointed out the need to define the word "better". Everyone has a different view of what it means. He asked that the public and the Board submit to him a definition of the word. There have been several meetings discussing this term and why the Flint site is better than the one across Highway 50 East. The State Fair is another

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issue. They cannot be accommodated at Centennial Park. Some users want a new arena and a new announcer's stand. There are other things that need to be done. The current arena provides no flexibility in its use. The High School and the Mexican rodeos were described to illustrate the need for more flexibility.

Supervisor Staub iterated his belief that Centennial was too small. He had mentioned it as the golf course had not opposed having it located adjacent to it. He realized that the new facility will be planned and built better to accommodate the users. New is sometimes but not always found to be better. The facilities will be better than what they have now and larger. Accessibility and a better or equal geographic area also needs to be considered. This encompasses the aesthetics. Trees are located throughout the community. The geographic makeup of the City also needs to be considered. Flint Drive does not provide these things. He again complimented staff on their efforts and indicated that he would not name it as the best choice due to his belief that there is a better site.

Mr. Berkich and Mr. Kastens explained the users concern that they would not have adequate time to obtain the County line site across Highway 50 to meet a February deadline they felt the buyer would have. Efforts had been made and are continuing to be made to convince them that the process will take two or three years to complete. The Flint Drive location gives them the ability to have the new facilities constructed within one year. As the Board had decided to keep Fuji Park it had eliminated the Flint Drive problems such as the trees. Arenas do not need the trees or vegetation as illustrated in Douglas County's use of its Fairgrounds. Its Lampe Park has the dog shows. Carson City has Fuji Park. Mr. Kastens referenced his concerns with the current site and its impact on Clear Creek. The City has not had to address these concerns yet but as growth occurs it may have to.

Mayor Masayko explained a telephone conversation he had with Dr. James Parker. Dr. Parker is the northern neighbor to the Flint parcel. Dr. Parker wants to be part of the process. He understands that the proposal will not impact his portal vision. Mayor Masayko suggested that 30 years ago when the site for the current Fairgrounds was selected, they had similar discussions. The location of the Fairgrounds must be where there is an adequate amount of land and the ability to accomplish something within a reasonable period. This is the best decision at this time. A long period of time cannot be provided for selling and relocating the Fairgrounds. Two to three years is not a reasonable time frame for this to occur. One year may be on the long side. The project must be fast tracked. This is the reason they were doing the search for a new site and planning at the same time. They were not building the MGM Grand Hotel. There will be a stand, horse barns and arena. They are not major structural projects.

The motion to select the Flint Drive site as the site of choice for the relocation of the Fairgrounds was voted and carried 4-1 with Supervisor Staub voting Naye. Mayor Masayko encouraged staff to move forward on the master plan as had been discussed.

B. ACTION TO APPROVE THE DEVELOPMENT PLAN AND TIME LINE FOR IMPROVEMENTS TO FUJI PARK AS RECOMMENDED BY THE PARKS AND RECREATION COMMISSION (1-2838) - Discussion between Mr. Kastens and the Board explained the area to be included in Phase I for installation of the irrigation system. Phase II extends the turf area into a portion of the current west end parking lot. The second part of the irrigation system goes into this area. This will not impact the current users of the park. All of the items in Phases I and II are to move forward as part of the master plan regardless of the decision regarding the location of the Fairgrounds. The improvements are being made with the proceeds from the sale of

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property to Costco with the addition of some of the Question 18 funds. Mr. Kastens agreed to give the Board a copy of the breakdown on the funding sources. Funds are available to complete Phase I. The final estimates are still being revised due to changes which had been made in the plans on Monday evening. Supervisor Williamson complimented staff and the users on their decision to include playground equipment as the second item on the list. It had previously been closer to the bottom of the list of items. Although the Board is sensitive to the needs of the Fairgrounds and Fuji Park users, it must also be sensitive to the needs of the residents. There are more people using the area who need the playground equipment. Mayor Masayko encouraged Mr. Kastens to keep the costs within the funds that are available but felt that the promised improvements are a higher priority than the funding level provided by the Costco sale and Question 18. Mr. Kastens indicated that he and the users had heard this message and acted accordingly. Examples were provided illustrating the give and take that had occurred on the plan and reasons for eliminating the paving and the parking lot lighting. Mayor Masayko pointed out the need to consider the other users besides the ones who are there on a limited number of days. Mr. Kastens agreed. Discussion also indicated that the funding will be found to make the necessary improvements for the Fairgrounds if it remains. Fuji Park will remain as a dog park. Public comments were solicited but none were given. Supervisor Plank moved to approve the development plan and time line for improvements to Fuji Park as recommended by the Parks and Recreation Commission which was just presented by Mr. Kastens. Supervisor Livermore seconded the motion. The motion was voted and carried 5-0

11. CLERK-RECORDER - Alan Glover - ACTION TO APPOINT MEMBERS TO THE FUJI PARK AND CARSON CITY FAIRGROUNDS INITIATIVE PETITION BALLOT QUESTION COMMITTEES (1-3232) - Mayor Masayko explained John Wagner's absence. John Utt had declined reappointment. All of the other members of the ballot question committees had express a desire to remain. Karl Neathammer thanked the Board for his reappointment and asked that it be made a part of the record. He also thanked the Clerk and his staff for their assistance during the work on the original ballot question regarding the Fairgrounds. Supervisor Plank moved to appoint the following persons: Jon Nowlin, Michael Hoffman and Jeanne Yaple to the Committee in favor of the Fuji Park and Carson City Fairgrounds Initiative Petition Ballot Question and moved to appoint the following persons: Karl Neathammer, John Wagner, and Wayne Pedlar to the Committee in Opposition to the Fuji Park and Carson City Fairgrounds Initiative Petition Ballot Question; there is no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Masayko thanked Messrs. Neathammer and Nowlin for their willingness to serve and asked them to thank the other committee members for the Board.

12. CITY MANAGER - John Berkich

A. ACTION TO APPROVE A REVISED JOB DESCRIPTION FOR THE INTERNAL AUDITOR POSITION (1-3368) - Mr. Berkich's introduction indicated that the idea of a committee is presented in concept only. Discussion indicated that the internal auditor's duties had been expanded. The salary range had stayed the same. Demand for this person's skills may require changing the salary range although it is similar to the State's salary scale. Mayor Masayko suggested that a review of the range be undertaken at this time. Board comments supported his suggestion. Mayor Masayko noted a concern with the committee approach and expressed a desire to have an in depth discussion on the concept. He was amenable to considering a task force. Supervisor Staub thanked the many individuals/firms who had assisted with developing the job description. They had attempted to bring in a broad range of individuals to assist with the process. They had looked at a lot of cities and questioned

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at least ten of them on the recommendations. Finding the perfect individual may be difficult. The desire is to have someone who can count beans and evaluate the process to determine if there are efficiencies that can be had and how much money can be saved. He acknowledged that the City has a finite amount of funds for this resource and may have to augment the range in the future. The function will have the ability to look at efficiencies and consider the cost savings. A task force or standing committee should be part of the process. He had recommended this process due to the lack of an audit function to determine the efficiency issues. A committee is needed to involve the private sector and provide guidance to the auditor. The Board and committee will help the auditor do the audit plans for the Board's approval and provide periodic reports to the public showing the benefits. Mayor Masayko explained his concern about having an internal/external committee and emphasized the need for the auditor to know who is the boss. Supervisor Livermore explained that the survey had indicated that the auditor's functions are unknown. The City Charter requires an Internal Auditor be on staff. The function is paid for with General Funds. A cost allocation process has not been established for the position. In the future it may be necessary to retain outside support for major audits. The task force/committee will help make this decision. Recognition of costs savings and efficiencies within agencies will be provided. Mayor Masayko supported having effectiveness and efficiencies and pointed out the need to have policies and procedures to reach this goal. If the job description is approved, the position will automatically be advertised. The job description had been well done. He thanked Supervisors Livermore and Staub on their efforts. Supervisor Livermore moved to approve a revised job description for the Internal Auditor's position as presented. Supervisor Staub seconded the motion. Motion carried 5-0.

B. ACTION TO APPROVE \$142,000 OF ONE SHOT FUNDING FOR FIRE DEPARTMENT OVERTIME TO RE-ESTABLISH THE FOUR MAN ENGINE COMPANY AT STATION 3 (2-0090) - Fire Chief Louis Buckley, EMS Battalion Chief Vince Pirozzi, Firefighters Association President Robert Schreihans - Discussion explained the need to staff back on overtime and the impact it was having on the budget. Chief Buckley had developed a four-man engine company for Station 3 to provide flexibility and reduce the overtime. He had originally developed a concept that would have assigned the four man engine company to his already approved two man multipurpose unit at Station 1 as it would have provided additional flexibility. This was not the best alternative, therefore, he had recommended reestablishing the four man engine company at Station 3. Another alternative would be to staff Fire Station 3 with individuals who know that the positions are for only one year. His concern for the safety and welfare of the firefighters was stressed. He commended his personnel on their willingness to take on the extra hours but felt that it was a formula for disaster as fatigued employees can and do hurt themselves and others when attempting to do more. His difficulty in staffing with the current number of employees was reiterated including the impact of sick, annual, and family leave requirements. He felt justified in requesting the \$140,000 and was certain that the additional \$40,000 required for the unit could be found somewhere by the Board/City. He urged the Board to consider the safety of the firefighters and the community in the deliberations. EMS Battalion Chief Vince Pirozzi had purportedly submitted a memo to the Board outlining his concerns with the continued use of overtime to fill the void. (The Clerk did not have a copy.) Chief Buckley felt that the use of overtime to fill the void was bad management and a bad operational approach.

Mayor Masayko pointed out that there is \$578,000 already in the budget for this Department. The funding and staffing levels were discussed including the reasons the 51st person had not been hired although the Board had approved the position. Chief Buckley also explained the funding for having City firefighters fight "campaign fires" in other areas. The City is reimbursed for these overtime costs. This process had provided between \$40,000 and

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\$60,000 in revenue for the City. Chief Buckley reiterated the impact of family, sick and annual leave on his staffing. The contract requirements when the City hires the 51st individual mandates that three firefighters can be off at one time. This will require him to hire back on overtime to fulfill the three position engine units. Mayor Masayko reiterated his budget request that staff renegotiate the contract terms in order to provide flexibility which will allow the City to incrementally increase the Fire Department staffing levels. This could include allowing management to negotiate the number of individuals on leave during specific times. At this time the Board could not afford to jump to the higher staffing level to meet the demand as required by the contract. Chief Buckley agreed that there may be a better way to accomplish the end result than as required by the contract.

EMS Battalion Chief Pirozzi referenced his memo and explained his belief that the overtime requirement will create unsafe working conditions due to the fatigue factors mandated by the current overtime requirements. The current 24-hour call for service level is so high at this time that the firefighters-paramedics no longer can obtain adequate sleep during their 24-hour shift to be safe on the job. Examples he had observed to illustrate the problems included: loss of equipment, making mistakes, failure to lock down equipment, etc. As the overtime has become mandatory rather than voluntary, it is only a matter of time before something happens. There has been an increase in sick leave. He agreed that it would be cheaper to continue this process, however, it will be more expensive in the long run if something "bad" happens.

Clarification by Chief Buckley indicated that they had not used the mandatory 24 hour overtime requirement. There have been numerous occasions when mandatory overtime for 4, 6, 8 hours or more had been required. He did not anticipate problems during the first four to five months. After that, however, there will be substantial increases in sick leave, workman's comp injuries, etc., which will cause even more overtime requirements. Data supporting his position is not available at this time. Supervisor Staub indicated his understanding of the problems encountered with tired employees and questioned the liability of the service level that is provided. Chief Buckley encouraged him to remember this concern when he asks for additional staff during the next budget cycle. Mayor Masayko reiterated that it could be done incrementally if flexibility is provided within the contract rather than hiring the seven which is mandated by the clause regarding having more than 51 employees and allowing three to be off at any one given time.

Supervisor Williamson explained her reasons for supporting the two man engine company, its flexibility and the proposal to house it at Station 1. The firefighters had supported the concept. She had not been aware of the fact that the Department had \$500,000 for overtime. If the program does not achieve the desired goal, it should be reconsidered.

Chief Buckley explained that his concerns for the safety of his firefighters were based on the examples of fatigue provided by EMS Battalion Chief Pirozzi and that the fatigue may be leading to a worse case scenario as his illustration showed. The Department has the same number of units as it had 25 years ago but they now have 100 times the workload that they had 10 years ago and 300 to 400 percent of that 25 years ago.

Supervisor Livermore pointed out that he had sat through all of the budget sessions for the last four years and had attended all of the staff meetings. The concept had been proposed by staff as an attempt to meet the staffing needs. The demand is to staff a unit with four persons instead the three as has been provided. The funding required for

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overtime is a concern. He questioned the reasons Warren Engine Company volunteers are not a part of the solution. He urged Chief Buckley to look for other opportunities. The Board's role is to facilitate suggestions presented by staff. He applauded staff for its effort to provide a mechanism for meeting the staffing needs. He encouraged Chief Buckley to re-analyze the issues and to include Warren Engine Company in the mix. Chief Buckley indicated that Warren Engine Company is being used. They are volunteers and had been invited to the meetings. He also explained that his six highest paid individuals had been willing to take on the additional workload as indicated by an individual who had worked a total of 2,000 hours of overtime last year.

Mr. Berkich explained Warren Engine Company's request for assistance in soliciting additional volunteers. They are unable to meet the demand for service now placed upon them. Supervisor Livermore pointed out that other agencies are using volunteers and encouraged staff to look for opportunities to do so. Mr. Berkich agreed to do so and to continue to work with the Warren Engine Company volunteers. The possibility that the City's decision to have paid firefighters perform the duties may reduce the need for volunteers in the eyes of the residents. The reluctance to volunteer may also be an indication of the economy unless it is an individual desire to make it a career. The Warren Engine Company does provide a pool for future firefighters. Chief Buckley explained the Warren Engine Company's decision to turn its management, training and social functions over to the Fire Department. Reasons for this decision were noted. The business support is different from what it was 50 years ago. The employers do not allow their employees to leave to fight a fire and to pay them their normal salary. Carson City's paid Fire Department provides that service. Mayor Masayko pointed out that the demand for volunteers is more than the volunteers can provide at this time. Chief Buckley explained that they are looking at the issues and statistics and trying to provide an environment for the employees while meeting the needs of the citizens/community.

Firefighters Association President Schreihans explained that the Association had understood the loss of resources and had tried to assist. They can do a few extra shifts to help out the budget. It had not been their intent to personally impact the budget. He felt that the Board understood the need for more manpower and hoped that it could be addressed next year. He thanked Supervisors Williamson and Livermore for talking to them and attempting to find a solution. The City has a work force that is committed and well trained. It is not causing problems. The increased hours must be dealt with. They were attempting to provide the service level that is needed. He understood the political process and thanked the Board for having the opportunity to be involved in the process.

Mayor Masayko stated that the Board thinks the Paramedics and Firefighters serving the community are dedicated and willing to go above and beyond the call for public safety. There is a point of diminishing return when an individual works in an intense public safety job. They were not attempting to violate the labor relations. He reiterated his position that something should be done about the contractual requirements to allow more flexibility while adding two more employees.

Supervisor Staub thanked the Firefighters for the proposal which had been offered in a good faith effort. It is a top notch Fire Department. They are well trained and have the best equipment possible. Efforts should be made to negotiate toward providing additional personnel and reducing the overtime costs.

Supervisor Williamson moved to table the request for \$142,000 in one shot funding for the Fire Department overtime budget. Supervisor Livermore seconded the motion. Mayor Masayko directed Mr. Berkich to write a letter to the

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Association regarding the Board's desire to analyze the contract as requested by President Schreihans. The motion to table the request was voted and carried 5-0.

RECESS: A recess was declared at 12:28 p.m. Mayor Masayko reconvened the meeting at 1:30 p.m. by explaining his need to leave the meeting at 2:30 p.m. The entire Board was present, constituting a quorum.

13. COMMUNITY DEVELOPMENT - Director Walter Sullivan

A. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM MOBILE HOME 6000 PLANNED UNIT DEVELOPMENT (MH6-P) TO MULTI-FAMILY APARTMENT-PLANNED UNIT DEVELOPMENT (MFA-P) ON PROPERTY SITUATED ON THE WEST SIDE OF SALIMAN ROAD BETWEEN FAIRVIEW DRIVE AND CARDINAL WAY ON APN'S: PORTION OF 9-769-07, PORTION OF 9-769-08, 9-804-04, 9-804-05, 9-801-01, 9-801-02, 9-802-01, 9-802-02, 9-802-03, 9-802-04, 9-802-05, 9-802-06, 9-802-07, 9-802-08, 9-802-09, 9-802-10, 9-803-01, 9-803-02, 9-803-03, 9-803-04, 9-804-01, 9-804-02, 9-804-03, 9-805-01, 9-805-02, 9-806-01, 9-806-02, 9-807-01, 9-811-01, 9-811-02, 9-812-01, 9-813-01, 9-813-06, 9-813-07, 9-813-08, 9-814-01, 9-814-02, 9-814-03, 9-814-04, 9-814-05, 9-814-06, CARSON CITY, NEVADA, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE NO. P-01/02-2[a]); AND B. ACTION TO APPROVE A TENTATIVE SUBDIVISION MAP APPLICATION FROM GLEN MARTEL (PROPERTY OWNER: SUMMIT SECURITY HOUSING, LLC) TO ALLOW A PLANNED UNIT DEVELOPMENT (SALIMAN ESTATES) CONSISTING OF 194 DWELLING UNITS AND COMMON OPEN SPACE ON 19.36 ACRES INCLUDING VARIANCES TO THE FRONT, SIDE AND REAR SETBACKS ON PROPERTY SITUATED ON THE WEST SIDE OF SALIMAN ROAD BETWEEN FAIRVIEW DRIVE AND CARDINAL WAY ON APN'S: PORTION OF 9-769-07, PORTION OF 9-769-08, 9-804-04, 9-804-05, 9-801-01, 9-801-02, 9-802-01, 9-802-02, 9-802-03, 9-802-04, 9-802-05, 9-802-06, 9-802-07, 9-802-08, 9-802-09, 9-802-10, 9-803-01, 9-803-02, 9-803-03, 9-803-04, 9-804-01, 9-804-02, 9-804-03, 9-805-01, 9-805-02, 9-806-01, 9-806-02, 9-807-01, 9-811-01, 9-811-02, 9-812-01, 9-813-01, 9-813-06, 9-813-07, 9-813-08, 9-814-01, 9-814-02, 9-814-03, 9-814-04, 9-814-05, 9-814-06, CARSON CITY, NEVADA (FILE NO. P-01/02-2[b]) (2-0869) - Senior Planner Skip Canfield, Applicant's Representative Jim Feser, Glen Martel - Supervisor Staub disclosed his previous involvement with Landmark Homes. He had not been involved with this project. He did not have any interest in this project. He would not obtain any financial gain from the project. Therefore, he would participate in the discussion and vote. Mr. Sullivan explained the density per acre is as allowed for apartments. Apartments will not be constructed on the site. Discussion between the Board and staff explained the density for the project as being ten units per acre. The project is similar to the Millennium project. The driveway lengths are 22 feet. This will fit a full sized truck. The improvement plans will include the location for a bus pickup and drop-off point. The bus will not be allowed to stop on Saliman for pickup or drop-off. The plan will address the handicapped needs. Although the street widths are narrow, they meet the minimum public works street standards for SF6000. They will allow a bus to stop on the subdivision's street and for autos to safely pass.

Mr. Feser used computerized slides to illustrate and explain the project. The streets will not be dedicated to the City. There will be CC&Rs. Mr. Martel indicated that the parks will not be dedicated to the City or maintained by

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the City. The CC&Rs will include notification that the homeowner association is required to maintain them. Supervisor Livermore asked that the requirement be clearly stated in the CC&Rs so that there are not questions regarding the responsibility for maintaining the parks after the realtor and builder are gone. The project manager could contract the maintenance. The City Parks Department could be the contractor if so desired. The monthly homeowners association fee should include this cost. Discussion explained the terms "rear load and front load". The buffer between Saliman Estates and Heritage Park was described. Saliman Estates is to have single story units facing Heritage Park. The boundary has a block wall that may be six feet high between the two projects. Magpie Drive will have an emergency access gate. There are open space paths separating Quail Run and Heritage Park. Mr. Martel explained the meeting which had been held with the property owners in Quail Run and Heritage Park and the mitigation efforts undertaken to blend the three projects. The School District has indicated that it can handle the increased student population created by the project. The school bus is to pickup the children at Quail Run. Mr. Martel agreed to discuss the need for a school bus stop from Saliman Road with the traffic engineer. Supervisor Livermore voiced his objection to the project without having a loading/unloading location within the project. Both Mr. Martel and Mr. Sullivan committed to work with staff, each other, and the School District to provide a safe location for the buses and/or a roundabout. Supervisor Livermore asked that the motion include this commitment. Mr. Martel then stipulated to working with staff to create a bus loading area within the development. Mr. Sullivan stipulated to adding a 28th condition to the map to indicate this requirement. Mayor Masayko agreed that this should be the 28th condition. The size and amenities of the units were described. Discussion pointed out that the Board had only received the odd pages of the CC&Rs. A corrected copy is to be furnished to the Board. The CC&Rs require the units to be owner occupied although it was felt that some of the units would be rented. The numbers for owner occupied and rental units had not been developed. Guest parking is spread throughout the project. Mr. Martel agreed to research what could be done to prohibit the entire project from becoming rentals. Heritage Park had been required to fence the linear ditch. This subdivision will not fence the linear ditch as the front accesses abut the linear ditch. The reason a gate had not been installed to restrict access from the project was explained. Supervisor Livermore explained that Youth Sports Organization had agreed to install a fence near the Memorial Park's picnic area which would restrict public access from the linear ditch to Governor's Park. Public comments were solicited but none were given. Discussion indicated that the parcels numbers did not have to be read into the record with the motion. Supervisor Livermore moved to introduce on first reading Bill No. 119, AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM MOBILE HOME 6000 PLANNED UNIT DEVELOPMENT TO MULTI-FAMILY APARTMENT-PLANNED UNIT DEVELOPMENT ON PROPERTY SITUATED ON THE WEST SIDE OF SALIMAN ROAD BETWEEN FAIRVIEW DRIVE AND CARDINAL WAY ON ASSESSOR'S PARCEL NUMBERS AS INDICATED IN THE STAFF REPORT, CARSON CITY, NEVADA, AND OTHER MATTERS PROPERLY RELATED THERETO, FILE NO. P-01/02-2[a] as presented. Supervisor Williamson seconded the motion. Mayor Masayko indicated that the 28th condition was included in the motion. Discussion between Supervisor Staub and Mr. Martel indicated that the access from the south/Fairview is gated and an emergency access has been provided from Quail Run. All ingresses/egresses to this project are from Saliman Road. The motion was voted and carried 5-0.

Supervisor Livermore moved to approve a Tentative Subdivision Map application from Glen Martel, property owner: Summit Security Housing, LLC, to allow a Planned Unit Development, Saliman Estates, consisting of 194 dwelling units and common open space on 19.36 acres including variances to the front, side and rear setbacks on property situated on the west side of Saliman Road between Fairview Drive and Cardinal Way on Assessor's Parcel Numbers

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portion of 9-769-07, portion of 9-769-08, and all remaining other Assessor's Parcel Numbers so indicated in the staff report, Carson City, Nevada, based on the findings and subject to the conditions of approval as contained in the staff report with the addition of Condition No. 28 which addresses school bus parking and loading/unloading and with the understanding that any acknowledgements to the Commission or the Board by the applicant may be considered as further stipulations or conditions of approval on this application, file no. P-01/02-2(b). Supervisor Williamson seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 2:25 p.m. Mayor Pro-Tem Plank reconvened the meeting at 2:30 p.m. A quorum was present although Mayor Masayko was absent. (Returning 3:05 p.m.)

C. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM DOWNTOWN COMMERCIAL (DC) TO PUBLIC ON PROPERTY LOCATED AT 207 AND 333 EAST FIFTH STREET, APN 4-062-08, AND 201 EAST SIXTH STREET, APN 4-065-01, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE NO. Z-01/02-7) (2-1861) - Senior Planner Skip Canfield, Community Development Director Walter Sullivan - Discussion between the Board and Mr. Canfield indicated that City streets are not being abandoned. They will remain open and public. The proposal changes the State property's zoning. Supervisor Williamson explained her support for the revision. Supervisor Williamson moved to introduce on first reading Bill No. 120, AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM DOWNTOWN COMMERCIAL (DC) TO PUBLIC ON PROPERTY LOCATED AT 207 AND 333 EAST FIFTH STREET, APN 4-062-08, AND 201 EAST SIXTH STREET, APN 4-065-01, AND OTHER MATTERS PROPERLY RELATED THERETO based on the findings contained in the staff report, File No. Z-01/02-7. Supervisor Livermore seconded the motion. Discussion indicated that the City had made a deal with the State regarding the extension of Stewart Street for an easement to Curry Street. The motion was voted and carried 4-0-1 with Mayor Masayko absent.

D. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, BY DELETING IN THE LISTING OF CHAPTERS THE NOTATION "NOT INCLUDED AT THIS TIME. TO BE ADDED AT A LATER DATE" AFTER CHAPTER 18.09 RECREATIONAL VEHICLE PARKS; BY ADDING THE TEXT OF CHAPTER 18.09 RECREATIONAL VEHICLE PARKS INCLUDING SECTIONS 18.09.010, PURPOSE; 18.09.020, CONFLICTING REGULATIONS; 18.09.030, DEFINITIONS; 18.09.040, MAJOR PROJECT REVIEW/SPECIAL PERMIT/FINAL PLAN APPROVAL; 18.09.050, RECREATIONAL VEHICLE PARK REQUIREMENTS; 18.09.060, WATER SYSTEM, 18.09.070, SEWAGE DISPOSAL; 18.09.080, ELECTRICAL SYSTEM; 18.09.080, ACCESSORY BUILDINGS AND SERVICE FACILITIES; 18.09.100, REFUSE STORAGE AND INSECT CONTROL; 18.09.110, FUEL SUPPLY AND STORAGE; 18.09.120, FIRE PROTECTION STANDARDS; 18.09.130, GENERAL REGULATIONS; 18.09.140, ZONING REQUIREMENTS; 18.09.150, VIOLATIONS; 18.09.160, ENFORCEMENT; 18.09.170, SEVERABILITY; AND OTHER MATTERS PROPERLY RELATED THERETO (FILE NO. A-01/02-2) (2-1998) - Community Development Director Walter Sullivan indicated that the RV park ordinance will be discussed/amended this fall. Supervisor Staub moved to introduce on first reading Bill No. 121, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, BY DELETING IN THE LISTING OF CHAPTERS THE NOTATION "NOT INCLUDED AT THIS TIME.

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TO BE ADDED AT A LATER DATE" AFTER CHAPTER 18.09 RECREATIONAL VEHICLE PARKS; BY ADDING THE TEXT OF CHAPTER 18.09 RECREATIONAL VEHICLE PARKS INCLUDING SECTIONS 18.09.010, PURPOSE; 18.09.020, CONFLICTING REGULATIONS; 18.09.030, DEFINITIONS; 18.09.040, MAJOR PROJECT REVIEW/SPECIAL PERMIT/FINAL PLAN APPROVAL; 18.09.050, RECREATIONAL VEHICLE PARK REQUIREMENTS; 18.09.060, WATER SYSTEM, 18.09.070, SEWAGE DISPOSAL; 18.09.080, ELECTRICAL SYSTEM; 18.09.080, ACCESSORY BUILDINGS AND SERVICE FACILITIES; 18.09.100, REFUSE STORAGE AND INSECT CONTROL; 18.09.110, FUEL SUPPLY AND STORAGE; 18.09.120, FIRE PROTECTION STANDARDS; 18.09.130, GENERAL REGULATIONS; 18.09.140, ZONING REQUIREMENTS; 18.09.150, VIOLATIONS; 18.09.160, ENFORCEMENT; 18.09.170, SEVERABILITY; AND OTHER MATTERS PROPERLY RELATED THERETO, File No. A-01/02-2. Supervisor Williamson and Livermore seconded the motion. Motion carried 4-0-1 with Mayor Masayko absent.

E. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 15, BUILDINGS AND CONSTRUCTION, BY ADDING CHAPTER 15.60, RESIDENTIAL CONSTRUCTION TAX, TO THE LISTING OF CHAPTERS; BY ADDING THE TEXT OF A NEW CHAPTER, CHAPTER 15.60, RESIDENTIAL CONSTRUCTION TAX INCLUDING SECTIONS 15.60.010, SHORT TITLE; 15.60.020, AUTHORITY; 15.60.030, DECLARATION OF PURPOSE; 15.60.040, DEFINITIONS; 15.60.045, CARSON CITY AS ONE NEIGHBORHOOD PARK AND PARK FACILITIES DISTRICT; 15.60.060, IMPOSITION AND RATE OF THE RESIDENTIAL CONSTRUCTION TAX; 15.60.060, PROCEDURE FOR COLLECTING TAX; 15.60.070, RESIDENTIAL CONSTRUCTION TAX FUND; 15.60.090, USE OF REVENUE IN FUND; 15.60.090, PREVIOUSLY DEDICATED LAND FOR PARKS; 15.60.100 SEVERABILITY; AND OTHER MATTERS PROPERLY RELATED THERETO (FILE NO. —01/02-19) (2-2099) - Community Development Director Walter Sullivan - Supervisor Williamson moved to introduce on first reading Bill No. 122, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 15, BUILDINGS AND CONSTRUCTION, BY ADDING CHAPTER 15.60, RESIDENTIAL CONSTRUCTION TAX, TO THE LISTING OF CHAPTERS; BY ADDING THE TEXT OF A NEW CHAPTER, CHAPTER 15.60, RESIDENTIAL CONSTRUCTION TAX INCLUDING SECTIONS 15.60.010, SHORT TITLE; 15.60.020, AUTHORITY; 15.60.030, DECLARATION OF PURPOSE; 15.60.040, DEFINITIONS; 15.60.045, CARSON CITY AS ONE NEIGHBORHOOD PARK AND PARK FACILITIES DISTRICT; 15.60.060, IMPOSITION AND RATE OF THE RESIDENTIAL CONSTRUCTION TAX; 15.60.060, PROCEDURE FOR COLLECTING TAX; 15.60.070, RESIDENTIAL CONSTRUCTION TAX FUND; 15.60.090, USE OF REVENUE IN FUND; 15.60.090, PREVIOUSLY DEDICATED LAND FOR PARKS; 15.60.100 SEVERABILITY; AND OTHER MATTERS PROPERLY RELATED THERETO, File No. —01/02-19. Supervisor Livermore seconded the motion. Motion carried 4-0-1 with Mayor Masayko absent.

RECESS: A recess was declared at 2:45 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 3:05 p.m., constituting a quorum.

F. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, BY AMENDING SECTION 18.04.170, PUBLIC (P); AND BY ADDING SECTIONS 18.04.175, PUBLIC NEIGHBORHOOD (PN), 18.04.180

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PUBLIC COMMUNITY (PC), AND 18.04.185 PUBLIC REGIONAL (PR), AND OTHER MATTERS PROPERLY RELATED THERETO (FILE NO. A-00/01-4[a]) (2-2189) - Community Development Director

Walter Sullivan, Senior Planner Skip Canfield, Tom Quigley, Robert Johns - Two maps had been included in the packet. One illustrates staff's recommendation. It designates the two BLM parcels on the east side of the Carson River as Public Regional with criteria prohibiting its use. The second is the alternative supported by the Pinion Hills residents. It retains the Conservation Reserve zoning for that area as well as the Moffett property and the Prison Hill area. Staff is working on an open space ordinance. Two different purpose statements are being developed as the City's program is different from BLM's. BLM has a broad open space program that allows the uses listed in the "Yellow Booklet". The City's is more restrictive. BLM's Urban Interface Plan is part of the City's 1996 Master Plan on the BLM land. City zoning can be accomplished everywhere except on Federal land. The Federal government's rights have supremacy over local government's rights. A statement will be on the zoning map indicating that the individual should reference the "Yellow Booklet" for uses on BLM lands. All public property owned by government entities is to be zoned Public. The Public Regional zone in the Pinion Hills will be controlled by the "Yellow Booklet". Staff is currently evaluating having two open space zones. Mr. Canfield explained the notification process which had mailed 18,000 notices on three different occasions to the residents/property owners. A courtesy letter was sent two weeks ago notifying all of the residents in Pinion Hills regarding this meeting. Discussion indicated that it is possible to have the public urban interface zone designated differently from the suggested use designations. Open space areas are considered non-park, non-vehicle locations with a wilderness designation unless there is an agreement regarding a joint use. The Moffett property was cited as an example of an open space designated area. There is a wide difference between what the Open Space Advisory Committee and BLM want to see on their properties. Discussion also pointed out a difference in opinion on how the School District's property should be designated. Any use of the publicly zoned property will require a special use permit. Board comments supported restricting the publicly zoned property and keeping it open for public uses. Staff is working to determine what uses should be allowed on the City and BLM owned properties. The Pinenut area has not been zoned due to the BLM control. Only three uses are allowed in the Pinenut study area. They are recreational, farming/grazing, and some mining.

Public comments were solicited. Mr. Quigley urged the Board to retain the current zoning on the property east of the River. He also expressed his disappointment that the meeting was not conducted in the evening so that other residents in the area could attend. He felt that there had been too many meetings on the subject which had discouraged other residents from coming.

Mr. Johns felt that it did not make sense to change the designation to public and then to change it again to open space when the open space ordinance is adopted. The public regional zoning designation allowed uses beyond that provided by the current conservation reserve and BLM designations. The residents are concerned that land trades could occur which would make the property privately owned and allow for development. This would allow the uses under the designation of Public Regional to occur. He urged the Board to wait until the open space ordinance is completed before changing the designation. Mr. Sullivan explained that he had given Mr. Johns a copy of the Urban Interface Plan Phase II. The area designated in yellow is the Pinion Hills which is identified as public land that is to be retained in public ownership for open space. The areas which could be sold were designated in black on the plan. The locations of these sites were limned. Discussion explained an area adjacent to Pershing which could be sold. The areas designated in blue are State and Local government sites which are to be used for public purposes. Mr. Johns indicated that he understood but felt that areas not currently contemplated for sale could be changed in the

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future. Mr. Sullivan explained the time required to pursue a change in the uses through BLM. Mr. Johns reiterated his desire to not have the Public Regional uses in his neighborhood. Discussion between Mayor Masayko and Mr. Sullivan explained that the Conservation Reserve designation would allow some private development and park uses without having to go through the special use permit process. The Public designation will require a special use permit. The special use permit requires public hearings. The proposal provides tighter control over the uses. Additional public comments were solicited but none were given. Mayor Masayko indicated for the record that School District Director of Operations Michael Mitchell was present. Mr. Sullivan explained that a special use permit would be required for major expansion projects but not minor projects for the School District. Mayor Masayko limned the difference between the two maps. Staff supported the map on the right. Supervisor Staub moved to introduce on first reading Bill No. 123, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, BY AMENDING SECTION 18.04.170, PUBLIC (P); AND BY ADDING SECTIONS 18.04.175, PUBLIC NEIGHBORHOOD (PN), 18.04.180 PUBLIC COMMUNITY (PC), AND 18.04.185 PUBLIC REGIONAL (PR), AND OTHER MATTERS PROPERLY RELATED THERETO, File No. A-00/01-4(a). Supervisor Livermore seconded the motion. Motion carried 5-0.

G. ACTION TO INTRODUCE ON FIRST READING, AN ORDINANCE EFFECTING CHANGE OF LAND USE TO THE OFFICIAL ZONING MAP OF CARSON CITY BY CHANGING CERTAIN PUBLIC-OWNED AND QUASI-PUBLIC OWNED PROPERTIES FROM PARCELS CURRENTLY ZONED "PUBLIC" (P), "CONSERVATION RESERVE" (CR), "SINGLE FAMILY 6,000" (SF6), "SINGLE FAMILY 12,000" (SF12), "SINGLE FAMILY 21,000 (SF21), "SINGLE FAMILY ONE ACRE" (SF1A), "SINGLE FAMILY TWO ACRE" (SF2A), "SINGLE FAMILY FIVE ACRE" (SF5A), "MOBILE HOME 6,000 (MH6), "MOBILE HOME 12,000" (MH12), "MOBILE HOME ONE ACRE" (MH1A), "MULTI-FAMILY DUPLEX" (MFD), "AGRICULTURE" (A), "LIMITED INDUSTRIAL" (LI), "GENERAL INDUSTRIAL" (GI), "AIRPORT INDUSTRIAL PARK" (AIP) "GENERAL OFFICE" (GO), "RESIDENTIAL OFFICE" (RO), "RETAIL COMMERCIAL" (RC), "DOWNTOWN COMMERCIAL" (DC), "TOURIST COMMERCIAL" (TC), AND "GENERAL COMMERCIAL" (GC) TO "PUBLIC NEIGHBORHOOD" (PN), "PUBLIC COMMUNITY" (PC), AND "PUBLIC REGIONAL" (PR), AND PARCELS CURRENTLY ZONED "SINGLE FAMILY 12,000-PLANNED UNIT DEVELOPMENT" (SF12-PUD), SINGLE FAMILY 21,000-PLANNED UNIT DEVELOPMENT" (SF21-PUD), "SINGLE FAMILY TWO ACRE-PLANNED UNIT DEVELOPMENT (SF21-PUD), "SINGLE FAMILY TWO ACRE-PLANNED UNIT DEVELOPMENT" (SF2A-PUD), AND "GENERAL COMMERCIAL-PLANNED UNIT DEVELOPMENT" (GC-PUD), TO "PUBLIC NEIGHBORHOOD-PLANNED UNIT DEVELOPMENT (PN-PUD) AND "PUBLIC COMMUNITY-PLANNED UNIT DEVELOPMENT" (PC-PUD), EXCLUDING STATE OF NEVADA, STATE OF NEVADA DEPARTMENT OF TRANSPORTATION AND STATE OF NEVADA DIVISION OF STATE LANDS PARCELS; EXCLUDING CARSON CITY SCHOOL DISTRICT PARCELS AS INDICATED ON THE ATTACHED TABLE AND EXCLUDING THOSE PARCELS AS REQUESTED BY THE PARKS AND RECREATION DEPARTMENT CURRENTLY DESIGNATED AS OPEN SPACE AND INDICATED ON THE ATTACHED TABLE; THE SUBJECT EXCLUDED PARCELS WILL RETAIN THEIR CURRENT ADOPTED ZONING DESIGNATIONS, AND THE CURRENTLY ADOPTED PUBLIC (P) PURPOSE STATEMENT AND USE DESCRIPTION SHALL REMAIN ONLY AS IT IS RELEVANT TO THE SUBJECT PARCELS CURRENTLY ZONED PUBLIC (P), PURSUANT TO THE

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REQUIREMENTS OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (2-2889)

- Community Development Director Walter Sullivan, Robert Johns - Mr. Sullivan distributed and explained the corrected title page of the ordinance. (A copy is in the file.) Justification for including the BLM in the zoning process was provided. A caveat had been included on the map indicating that BLM controls the actual use on its property. The need for more than one Open Space designation was explained. An example of the difference between the BLM and the City zoning uses is the ability to use motorcycles and "quads" on BLM property. The City does not allow these uses on public lands. Coordination between BLM and the City is occurring. Chuck Pope, from BLM, had endorsed the public zoning. He had suggested that the zoning map include a notation indicating that the BLM land uses are found in the Interface Land Use Plan. Justification for moving forward with the proposal at this time rather than waiting for the Open Space Plan to be completed was provided. Comments indicated that it may take BLM over a year to complete its process. The City hoped to complete its process by November. Comments indicated that as a stop gap measure the City could designate the BLM property as Pinion Hills open space or exclude it from the map. It was felt that the Public Regional designation would accomplish the same objective. Public contact and attendance at the Open Space Advisory Committee, Carson River Advisory Committee, and Parks and Recreation Commission meetings regarding the proposal were limited. Mr. Sullivan felt that if the BLM property is included at this time, a revision would be easier to make when Mr. Guzman completes his Open Space ordinance. The City process will restrict the type of uses which will be allowed on publicly zoned property. The BLM allows many items which are not allowed by City ordinance. BLM rules control what will ultimately occur on its property. Both BLM and the Forest Service had supported the staff proposal. Mayor Masayko pointed out that BLM looks to the City to make a decision as to the type of uses which should be allowed on its property outside the Urban Interface area. Supervisor Williamson explained the reasons numerous meetings had been conducted on the concept. She also pointed out that the property could remain as Conservation Reserve but the community should understand that if a use is proposed and allowed by right, the Board could not stop it. The proposal provides some control over the uses.

Mr. Johns expressed his feeling that the concept would allow the BLM to dispose of the property. The list of items allowed on the property is expanded under the Public Regional designation. Conservation Reserve is not the answer. He felt that the community had not paid any attention until now. He felt that he had been misled by staff as it had been his understanding that the area would remain Conservation Reserve. Discussion between Supervisor Livermore and Mr. Johns indicated that it would be possible to place a zoo on the site if a special use permit is obtained under the proposal. The current zoning would have allowed it as a right. Mr. Johns felt that the site should never be developed for any purpose. Supervisor Livermore pointed out that this would occur only if it is privately owned by someone like himself. The City is not changing BLM's designation or uses of the property. It was felt that Mr. Johns' concerns should be discussed with the BLM. Mayor Masayko voiced his objection to Mr. Quigley's inference that the Board had a hidden agenda regarding the Pinion Hills. The zoning does not affect what BLM does regarding retaining or selling the property. The public zoning designation places more restrictions on the use as public hearings will be conducted before the use will be permitted. The conservation reserve zoning does not require any hearings for its use. Mr. Sullivan explained the section Mr. Johns had referenced in the Interface Plan indicating the BLM property could be sold. He also explained the working relationship between staff and Mr. Johns.

Supervisor Williamson moved to introduce Bill No. 124, AN ORDINANCE EFFECTING CHANGE OF LAND USE TO THE OFFICIAL ZONING MAP OF CARSON CITY BY CHANGING CERTAIN PUBLIC-

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OWNED AND QUASI-PUBLIC OWNED PROPERTIES FROM PARCELS CURRENTLY ZONED "PUBLIC" (P), "CONSERVATION RESERVE" (CR), "SINGLE FAMILY 6,000" (SF6000), "SINGLE FAMILY 12,000" (SF12000), "SINGLE FAMILY 21,000", "SINGLE FAMILY ONE ACRE" , "SINGLE FAMILY TWO ACRE", "SINGLE FAMILY FIVE ACRE", "MOBILE HOME 6,000", "MOBILE HOME 12,000", "MOBILE HOME ONE ACRE", "MULTI-FAMILY DUPLEX", "AGRICULTURE", "LIMITED INDUSTRIAL", "GENERAL INDUSTRIAL", "AIRPORT INDUSTRIAL PARK", "GENERAL OFFICE", "RESIDENTIAL OFFICE", "RETAIL COMMERCIAL", "DOWNTOWN COMMERCIAL", "TOURIST COMMERCIAL" , AND "GENERAL COMMERCIAL" TO "PUBLIC NEIGHBORHOOD", "PUBLIC COMMUNITY", AND "PUBLIC REGIONAL", AND PARCELS CURRENTLY ZONED "SINGLE FAMILY 12,000-PUD, SINGLE FAMILY 21,000-PUD, "SINGLE FAMILY TWO ACRE-PLANNED UNIT DEVELOPMENT, AND "GENERAL COMMERCIAL-PLANNED UNIT DEVELOPMENT", TO "PUBLIC NEIGHBORHOOD-PLANNED UNIT DEVELOPMENT AND "PUBLIC COMMUNITY-PLANNED UNIT DEVELOPMENT", EXCLUDING STATE OF NEVADA, STATE OF NEVADA DEPARTMENT OF TRANSPORTATION AND STATE OF NEVADA DIVISION OF STATE LANDS PARCELS; EXCLUDING CARSON CITY SCHOOL DISTRICT PARCELS AS INDICATED ON THE ATTACHED TABLE NO. 1 AND EXCLUDING THOSE PARCELS AS REQUESTED BY THE PARKS AND RECREATION DEPARTMENT CURRENTLY DESIGNATED AS OPEN SPACE AND INDICATED ON THE ATTACHED TABLE; THE SUBJECT EXCLUDED PARCELS WILL RETAIN THEIR CURRENT ADOPTED ZONING DESIGNATIONS, AND THE CURRENTLY ADOPTED PUBLIC PURPOSE STATEMENT AND USE DESCRIPTION SHALL REMAIN ONLY AS IT IS RELEVANT TO THE SUBJECT PARCELS CURRENTLY ZONED PUBLIC , PURSUANT TO THE REQUIREMENTS OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Mayor Masayko indicated for the record that the map on the right was proposed by staff and had included the Conservation Reserve on the east side of the Carson River, i.e., the Pinion Hills issue. Supervisor Plank explained his support for the motion and offense at seeing additional housing constructed in the Pinion Hills area. The bill will provide some protection as it requires a special use permit and a hearing to make any changes in that area. Motion to introduce Bill 124 on first reading was voted and carried 5-0. Mayor Masayko indicated the bill will be reconsidered in two weeks.

H. ACTION REGARDING A CHANGE OF LAND USE REQUEST FROM PALMER AND LAUDER ENGINEERS (PROPERTY OWNER: RANDALL AND DONNA HARRIS FAMILY TRUST) FROM SINGLE FAMILY ONE ACRE (SF1A) TO MULTI-FAMILY DUPLEX (MFD) ON PROPERTY LOCATED AT 4720 SNYDER AVENUE, APN 9-197-01, IN CARSON CITY, NEVADA, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE NO. Z-01/02-4) (3-0150) - Senior Planner Skip Canfield, Mark Palmer, Randy Harris, Santos Corral, Jody Southard, Dale Ryan, Jim Godec, Lupe Corral, Ann Emerson, Larisa Works, Daniel Knowles, Morena Works, Applicant's Attorney Jim Cavilla, Chief Deputy District Attorney Mark Forsberg - Mayor Masayko disclosed that he had toured the property by himself, had received several telephone calls from Mr. Harris, and had received a letter from his personal friends Roger and Morena Works. Their letter will be read into the record later in the meeting. Supervisor Plank disclosed his tour of the site with the Harrises. They discussed only the fact that the parcel had been the subject of a similar change of land use four to five years ago. That proposal had been denied by the Board due to the feeling that the time was not right for the development. Supervisor Livermore disclosed his tour of the property with Supervisor Williamson

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and the Harrises. He had seen the project and had discussed numerous questions regarding it with them. Supervisor Williamson disclosed her tour of the site with Supervisor Livermore and that she had received an email from the Works family. Supervisor Staub disclosed that he had received a letter from Donna and Randy Harris. He drives by the property almost every day. He was familiar with it. He had seen Roger and Morena Works' letter. He also disclosed for the record that he had done business with Mark Palmer in the past. It will not affect his ability to participate.

Mr. Canfield explained the Planning Commission's decision. Mayor Masayko indicated that he had not reviewed the video of the meeting. New items will not be considered. The Board must review the Commission's basis for denial. Any new information will be returned to the Commission for consideration.

Mr. Palmer gave a brief overview of the change of land use and the proposed project. Displays illustrating the area and surrounding uses were described. He felt that it is a "median friction zone" that they were trying to bring into conformance with the master plan and to match other changes which had occurred in the area. Those changes were described by use of a map. Discussion between the Board and Mr. Palmer indicated that 37/38 changes had occurred in the area since 1998. Discussion also explained the type and location of several of these changes as well as the surrounding uses and lot sizes. The master plan designation for the area, its density, and the project were explained. An adjacent unnamed neighbor with one acre allegedly supports the change due to the desire to change his/her zoning. The proposal is to construct three - six-plexes for a total of 18 units. They will construct the bike path. The street improvements will not be made due to NDOT's objection to having urban improvements. After the freeway is constructed, the street may be transferred to the City. Therefore, they are discussing the City's street standards with staff.

Mr. Harris read a prepared statement into the record explaining the need for senior housing of the type he was proposing, the size of the units, and the amenities. He was unsure at this time as to whether the development would be 100 percent or 80 percent seniors. Clarification indicated this is his final piece for development.

(3-0520) S. Corral used a map to illustrate the location of his property. He had purportedly discussed with the adjacent property owner his desire to construct apartments. He had allegedly changed his mind about this project. Mr. S. Corral felt that the area was not ready for the change to match the master plan or 18 units per acre. The higher density developments were on the other side of Oak Street where he felt they should remain. Ms. Southard explained that her family had located to the area due to the desire to have a quiet rural area. Roland Street has become a raceway. She had to replace three mail boxes due to vandalism by youths on motorcycles and quads. She wished to leave her children with a quiet rural residence. She opposed the extra traffic created by Costco and people who are using Roland to get across town. She felt that they were being squeezed in. They had allowed the church but she objected to the daily traffic. Mr. Ryan objected to the encroachment of development, the increased land use, and traffic. Traffic accidents on his street have increased. He felt that several of the accidents were purportedly caused by residents from the apartments. He wanted the use to remain as it is and indicated his agreement with the Planning Commission's findings. Mr. Godec illustrated the location of his residence. He had purportedly circulated a petition two years ago which 30 residents had signed opposing the development. Another petition had been sent out that obtained 48 signatures in opposition. The project will encroach on their quiet, rural agricultural lifestyle and decrease the value of their single family one acre property. He could support its use as a single family one acre unit but not the proposed density. He felt that once the zoning is changed additional units could

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be constructed. The density will impact the City services including streets and police. The residents on the single family one acre lots remain there for long periods of time due to the desire to raise their family in an agricultural, quiet area. Clarification by Mayor Masayko and Mr. Canfield explained that the proposed change of land use would allow 14 units per acre for a total of 21 units. The change of land use could not be conditioned on the proposed project. Mr. Harris is proposing 18 units. Mr. L. Corral suggested that Mr. Harris should screen his tenants more carefully and gave the Board statistical information allegedly obtained from the Sheriff's office showing the crime rate at the apartments. He indicated that he had a letter from Janet Baker who is unable to attend the meeting before 5 p.m. He had purportedly talked with Michael Hohl who had allegedly indicated that they had break-ins at his RV Center. He opposed the traffic that was being created. He had moved to the area to have the open space. They are losing it. He objected to the crime and traffic volumes which are occurring there. The location of his property was illustrated. It is impossible for him to access Appion Way due to the traffic volume and speed of the vehicles. Ms. Emerson felt that the apartment complex was a safe place to live and did not have the traffic volume indicated. The Harrises are strict about the type of individual to whom they rent and are always in the area. She supported having the units across the street. Mayor Masayko noted Roger and Morena Works' letter which will be read into the record. Ms. L. Works explained their reasons for moving to the area and her involvement in 4-H. They like the quiet area, have animals, and need to ride their horses and bicycles in a quiet safe area. The traffic and the crime rate have increased since the new development has occurred. She did not wish to see the apartments added. Mr. Knowles countered the contention that the apartments had increased the crime rate by explaining that he would not stay in the area if it was true. The crime rate would be no different from that found at any other apartment complex. A majority of the traffic on Snyder goes out to the Highway. The immediate area is growing as is the entire City. The prison is a 24-hour operation which increases the traffic volume. The apartments had not created the entire increase in the traffic volume. If problems arise, the Harrises evict the tenant. It is a well-maintained facility. The racetrack is located in the vicinity. It is not a quiet area. The freeway will not be quiet when it is opened as it will be an elevated structure without any sound barriers. The apartment complex he lives in is beautiful. He had volunteered to testify due to his feeling that the Harrises had not received fair treatment at the Commission meeting. Senior housing is needed. The Harrises run a good apartment complex. They do not contribute to the traffic or crime any more than any other apartment complex does. The project will be an asset to the general neighborhood. Ms. M. Works indicated that she would not repeat her comments in the letter and hoped that the encroachment would not occur until after the freeway has been constructed. The vision for Carson City was noted and changes will occur. She hoped that there will still be some areas which will allow animals to be raised without being pushed out of town. Mayor Masayko passed her letter to the other Board members and explained that it indicated that all of the commercial development had occurred on the west side of Oak Street. She had also commented on her reasons to move there and her enjoyment of the area. Additional public testimony was solicited but none given. Public testimony was closed.

(3-0932) Mr. Palmer felt that the traffic problems are due to the use of Snyder as a collector street and the location of the project. The estimated traffic projections for the project were two trips per peak hour. Eighty to 90 percent of the traffic should travel west to the Highway 395 which will not impact the lots to the east. The area under consideration is small in comparison to the master plan proposal to change more of the parcels to the east. Their change may not occur for several years. Zone changes cannot be conditioned. The project must go through the major project review process. The development will comply with the City ordinances. They are not trying to maximize the density of the lot due to its irregular shape. It will provide for additional landscaping which will be used

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to buffer the uses. Justification for seeking the change at this time was reiterated. He requested a copy of the statistics provided by Mr. L. Corral. Discussion indicated that the documents had been given back to Mr. Corral. Mayor Masayko asked him for the document for the public record. (Mr. Corral gave the document to the Mr. Canfield.)

Mr. Harris vocalized his objection to Mr. Corral's statement. There is a full-time manager on site and he or his wife is there daily. The type of tenants they have had was listed which included police officers, a nurse, an NDOT employee, etc. There is a demand for senior housing and he proposed to stay with that concept. Six of the 18 units will be for handicapped individuals.

Mayor Masayko indicated for the record that his calculations of the density and area indicated that there could be 26 units on the site. Mr. Harris had proposed 18 units. The number of units in the two projects Mr. Harris has on Oak Street were explained.

Mr. Cavilla reminded the Board that making the right decision often is not the popular decision. He explained the request as being whether the time is right to make the change in zoning as allowed by the master plan, which is the City's plan for the future. Staff has indicated that it is. The neighbors are complaining about the frictions they are encountering with growth along the South Carson Street. Commercial development is important for the City's financial future. Responsible communities must provide for this retail growth which includes living spaces for the employees. This is accomplished as indicated in the master plan. It is a good project and a reasonable request. The tenants' statements have provided a description of the type of landlord that the Harris are.

Discussion ensued between the Board and staff concerning the first time the request was made. Mr. Sullivan felt that it was in either 1998 or 1999. At that time staff had recommended against the change in zoning. Staff now believes that the timing is right due to the other changes which had occurred in the area.

Mr. Forsberg suggested that the Board accept the letter from Mr. L. Corral at this time. He then explained that the change of zoning could not be conditioned upon the project, its amenities, potential tenants, or the landlord. The applicant could not be bound by these comments. Therefore, the findings should not be based on those items but on the idea that the density is appropriate for the other land uses. Discussion between Mr. Cavilla and Mayor Masayko indicated that staff would have to accept whatever project is submitted for the major project review. Mayor Masayko felt that the project should be conditioned upon the experience he had with the developer and how good he had been in keeping his word.

Mayor Masayko then entered Moreno Works and Janet Baker's letters into the record. Ms. Baker's letter opposed the project as all of the homes in the area are located on one acre parcels. She had moved to the area to be away from apartments. Now they are encroaching on her area. The apartments closer to Highway 395 appear to her to be the "projects". There is a little landscaping, fencing, and exterior design. She did not want Mr. Harris to build any more apartments for this reason. She questioned whether Mr. Harris could be trusted to construct the apartments as presented. She questioned how the present apartments had been presented to the Planning Commission and if they had looked better on paper. She questioned whether Carson City needs more boxes? Which is better for Carson City - more apartments or homes on one acre? She urged the Board to wait until after

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the freeway is constructed and then see what happens in the area. The zoning could be changed then. It is too premature at this time. (These letters were given to Mr. Canfield.)

Clarification indicated that Mayor Masayko's calculations of the number of units that could be placed on the parcel was correct at 26. Discussion between Ms. Works and Mr. Sullivan explained the term "transitional area" and that single family one acre could abut a half-acre lot in the transition area. The transition from apartments, which is high density, to the proposed medium density is an example of the transition. Clarification for S. Corral explained that the Planning Commission had rejected staff's recommendation. Public testimony was closed.

Mayor Masayko explained the Board's options as being to support the Commission's decision or to make findings supporting the staff's recommendation. The land use change cannot consider the project. Mr. Sullivan explained that five Commissioners had voted to deny the project and to support the petition in opposition to the project. Two Commissioners had voted against the motion.

Mayor Masayko explained his visit to the site. He had not felt it necessary to have an official tour of it. The project is a quality development. The 70 apartments are well kept, maintained, and reasonable. The apartments on Oak Street are in better condition. Traffic circulation cannot cut through the townhouses and apartment areas. He had been involved with the first zone change. First impressions are important. When one travels down Highway 395 you see the windows and blank walls of the buildings, which certainly stand out. Once inside the project, however, it looks great. That is an issue. The audience feels that there is a steep step between the two areas. He congratulated Mr. Palmer on his presentation of the area as a transitional location and agreed that it is one. The transition from one unit per acre to 20 is intense and steep. He could support six to eight per acre, however, it is not palatable to the neighbors. He understood the applicant's efforts. He was unsure if or when the freeway will reach that area and what impact it will create. There may be an off-ramp and embankment or there could be other changes. The project looks good. Housing is needed for employees who work here. The question of where to put it remains to be resolved. This is a decision that is not easy to answer. Carson City has a reputation of providing multi-family housing as indicated by the 80 units west of this site. The density is a little high for a transitional area. The residents believe that once the transition to the other side of Oak Street is made, nothing will stop its encroachment. He was unsure of how the residents would have reacted if the units had been single-story or less than 18 units. He felt that the increase was too much.

Supervisor Livermore explained his support for single family one acre and the transition that had occurred in his single family one acre area. Transition is a definition of change. It does not always provide what it should or what the residents want. Changes must occur as part of growth in the community. It sustains the community. He hoped that Community Development will begin to consider the transition areas. Higher and best use of the property needs to be considered. This includes redevelopment areas. He had been upset at the presentation of the crime report. He believed that the Harrises had been good property owners. Although he was not sure how long the Harrises will own the property or whether the senior housing will remain, it is in a transitional zone. Single story and six to eight units would have been reasonable. Traffic is already there. Nothing can be done about it. The freeway will make major changes when it comes, which he hoped would be in 2010. Oak Street is a useful collector street which has been established as the commercial boundary that the residents have accepted. The residents are concerned about crossing that line. He had been here in 1999 when the original request was made. The only change that had

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occurred in the project was to change it from residential to senior. The property needs to wait a little while longer before the transition occurs.

Supervisor Staub pointed out that it is a nice looking project. It is not the maximum density allowed for that zone. It is for senior citizens. The petition is in the case record. He empathizes with the residences but needed to consider the legal parameters and the Board's responsibility to determine if the project meets the criteria. Staff made the findings that allow and support the change. It is in keeping with the master plan and will be beneficial to the area and the community. It will make the property more valuable as well as the surrounding property. It only impacts the areas to the south and east. Adequate consideration has been given. The findings comply with the Code. Therefore, the Board must overturn the Commission's recommendation. This is not a personal decision but one that is based on legal requirements.

Supervisor Livermore moved to uphold the Planning Commission's recommendation to deny a Change of Land Use request from Palmer and Lauder Engineers, property owners: Randall and Donna Harris Family Trust, from Single Family One Acre, SF1A, to Multi-Family Duplex, MFD, on property located at 4720 Snyder Avenue, APN 009-197-01, in Carson City, Nevada, based on the inability to make the findings as contained in the staff report, File No. Z-01/02-4. Mayor Masayko seconded the motion. Supervisor Plank supported Supervisor Staub's comments regarding staff's recommendation of approval for the project. He had been involved with the request several years. It was inappropriate at that time to make the change. Today it is appropriate to approve the change. Supervisor Williamson supported Supervisor Staub's comments also. She could not see a single family home on the parcel. She could only see multi-family units there. She assured the residents that the City would ensure that it is a nice property for 55 or older. Her personal use of Snyder was explained. The motion to uphold the Planning Commission recommendation was voted and failed on a 2-3 vote with Supervisors Williamson, Plank and Staub voting against the motion.

Supervisor Staub moved to reverse the decision of the Planning Commission and to introduce on first reading Bill No. 125, AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM SINGLE FAMILY ONE ACRE (SF1A) TO MULTI-FAMILY DUPLEX (MFD) ON PROPERTY LOCATED AT 4720 SNYDER AVENUE, APN 009-197-01, IN CARSON CITY, NEVADA, AND OTHER MATTERS PROPERLY RELATED THERETO based on the findings contained in the staff report (File No. Z-01/02-4). Supervisor Plank seconded the motion. Motion carried 3-2 with Mayor Masayko and Supervisor Livermore voting Naye. The second reading will be in two weeks.

There being no other matters for consideration, Supervisor Livermore moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 5:32 p.m.

The Minutes of the May 16, 2002, Carson City Board of Supervisors meeting,

ARE SO APPROVED ON September 5, 2002.

/s/

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Ray Masayko, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder