

and carried 5-0. Mayor Masayko presented him with a plaque. Mr. Urbani thanked the Board for having had the opportunity to work for the City. Ms. Fisher briefly described his retirement plans.

B. PRESENTATION OF LONGEVITY AWARDS TO CITY EMPLOYEES (1-0127) - Mayor Masayko presented pins to each recipient and commended them on their dedication. Those receiving 10 Year Pins were: Sherry Glick, Darold King, Janice Ratliff, Daniel Warne, Kathie Heath, Kathy Wolfe, Diane Grayson, Rebecca Beinsenstein, and Thomas Janas. Those receiving 15 Year Pins were: Richard Mendoza, Nancy Nelson, Laura Cadot, Rick Gutierrez, and Chad Malone. Those receiving 20 Year Pins were: Michael T. Faker, Raymont Saylo, Dwight Dimit, and Margaret Westover. Those receiving 25 Year Pins were: Dennis Radford, Anita Treants, Merlene Alt, William Lewis, and John Mayes. Mr. Lewis complimented his staff members--Rick Gutierrez, Nancy Nelson, and Margaret Westover. Mayor Masayko commended all City employees on their dedication.

LIQUOR AND ENTERTAINMENT BOARD - Mayor Masayko then recessed the Board of Supervisor session and immediately reconvened the session as the Liquor and Entertainment Board. The entire Board was present including Member Fred Schoenfeldt, representing the Sheriff's Office, constituting a quorum.

3. TREASURER - Al Kramer

A. ACTION ON A FULL BAR LIQUOR LICENSE FOR LARRY VAN GIESON, DOING BUSINESS AS T&L RETREAT LOUNGE LOCATED AT 1305 SOUTH CARSON STREET (1-0298) - Larry and Theresa Van Gieson indicated that they were acquainted with Nevada Liquor Laws and would enforce same. Member Schoenfeldt noted the favorable Sheriff's Report. Member Plank moved to approve a full bar liquor license for Larry Van Gieson, doing business as T&L Retreat Lounge located at 1305 South Carson Street, Carson City Municipal Code 4.13.100, fiscal impact is \$200 quarterly, \$100 original new, and \$500 investigation fees. Supervisors Livermore and Williamson seconded the motion. Following discussion of the fees, Member Plank amended his motion to indicate that the fees are \$200 quarterly, \$1,000 original new, and \$500 investigation fees. Member Livermore concurred. Motion carried 6-0.

B. ACTION TO REVOKE ALL DELINQUENT LIQUOR LICENSES FOR NONPAYMENT OF THE QUARTERLY FEE (1-0354) - All of the establishments but the Red Dot Lounge had renewed their licenses prior to the meeting. The Red Dot Lounge had changed owners and the new owners have a license in their name. The former owner had not submitted a written request to cancel his license. Member Plank moved to revoke all the delinquent Liquor Licenses for nonpayment of the quarterly fee, all at this point only includes the Red Dot Lounge, 1305 South Carson Street, Carson City. Member Bennett seconded the motion. Motion carried 6-0.

BOARD OF SUPERVISORS - There being no other matters for consideration as the Liquor and Entertainment Board, Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the meeting as the Board of Supervisors. The entire Board was present constituting a quorum.

4. CONSENT AGENDA (1-0389)

- A. CHIEF JUVENILE PROBATION OFFICER**
- i. ACTION ON THE CARSON CITY JUVENILE PROBATION DEPARTMENT TO RECEIVE \$14,850 IN FEDERAL FUNDS FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TITLE V PREVENTION GRANT FOR THE RON WOOD FAMILY RESOURCE PROJECT**
 - ii. ACTION ON THE CARSON CITY JUVENILE PROBATION DEPARTMENT TO RECEIVE \$4,300 IN FEDERAL FUNDS FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FOR THE REGIONAL JUVENILE JUSTICE MENTAL HEALTH CHALLENGE GRANT PROJECT**
 - iii. ACTION ON THE CARSON CITY JUVENILE PROBATION DEPARTMENT TO**

RECEIVE \$23,182 IN FEDERAL FUNDS FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION JUVENILE INCENTIVE BLOCK GRANT FOR A FEMALE OFFENDER AFTER SCHOOL PROGRAM AND EQUIPMENT PURCHASES FOR THE WESTERN NEVADA REGIONAL YOUTH CENTER

iv. ACTION ON THE JUVENILE COURT TO RECEIVE \$12,000 IN FEDERAL FUNDS FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT TO ESTABLISH A JUVENILE DRUG COURT

B. FINANCE DIRECTOR

**i. ACTION ON DELETION OF FIXED ASSETS FROM THE ENTERPRISE FUNDS
FIXED ASSET LISTINGS**

**ii. ACTION ON DELETION OF FIXED ASSETS FROM THE GENERAL FUND
FIXED ASSET LISTING**

C. PURCHASING DIRECTOR

**i. ACTION ON CONTRACT NO. 9798-264 - NEW EMPIRE SEWER EXTENSION
PHASE 2, REQUEST FOR FINAL PAYMENT**

**ii. ACTION ON CONTRACT NO. 9798-281 - SOUTHEAST CARSON SEWER
EXTENSION PHASE 4, REQUEST FOR FINAL PAYMENT**

**iii. ACTION ON CONTRACT NO. 9899-148 - DEAN COURT STORM DRAIN PROJECT,
REQUEST FOR FINAL PAYMENT**

**iv. ACTION ON CONTRACT NO. 9899-183 - LANDFILL ANNUAL INFLOW ANALYSIS,
REQUEST FOR CONTRACT APPROVAL**

**v. ACTION ON CONTRACT NO. 9899-174 - LINEAR PARK BIKE PATH PHASE II,
DESIGN SERVICES**

**vi. ACTION ON CONTRACT NO. 9899-181 - AQUATIC FACILITY MATERIALS
TESTING**

D. DEVELOPMENT SERVICES - CAPITAL PROJECTS

**i. ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND
BILLY D. BRITT FOR THE PURCHASE OF A PORTION OF PROPERTY LOCATED AT 104 WEST
GARDENGATE WAY, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-382-08, AND FOR THE
ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT ACROSS A CERTAIN PORTION
OF THE PROPERTY FOR CONSTRUCTION OF A SOUNDWALL**

**ii. ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND DAN
AND SHELLEY KING FOR THE PURCHASE OF A PORTION OF THE PROPERTY LOCATED AT
106 WEST GARDENGATE WAY, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-382-09, AND
FOR THE ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT ACROSS A CERTAIN
PORTION OF THE PROPERTY FOR CONSTRUCTION OF A SOUNDWALL**

**iii. ACTION TO APPROVE AN AGREEMENT WITH DAN AND SHELLEY KING FOR A
TEMPORARY CONSTRUCTION EASEMENT ACROSS CERTAIN PORTIONS OF 200 WEST
GARDENGATE WAY, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-382-10, FOR
CONSTRUCTION OF A SOUNDWALL BETWEEN IMPERIAL WAY AND NORTHGATE LANE**

**iv. ACTION TO APPROVE AN AGREEMENT WITH GARY AND CHRISTINE HARPER
FOR A TEMPORARY CONSTRUCTION EASEMENT ACROSS CERTAIN PORTIONS OF 202 WEST
GARDENGATE WAY, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-382-11, FOR
CONSTRUCTION OF A SOUNDWALL BETWEEN IMPERIAL WAY AND NORTHGATE LANE**

**v. ACTION TO APPROVE AN AGREEMENT WITH MICHAEL AND SARAH
FREEMAN FOR A TEMPORARY CONSTRUCTION EASEMENT ACROSS CERTAIN PORTIONS OF
212 WEST GARDENGATE WAY, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-382-12, FOR
CONSTRUCTION OF A SOUNDWALL BETWEEN IMPERIAL WAY AND NORTHGATE LANE**

**vi. ACTION TO APPROVE AN AGREEMENT WITH PATRICK SNYDER FOR A
TEMPORARY CONSTRUCTION EASEMENT ACROSS CERTAIN PORTIONS OF 214 WEST
GARDENGATE WAY, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-381-68, FOR
CONSTRUCTION OF A SOUNDWALL BETWEEN IMPERIAL WAY AND NORTHGATE LANE**

vii. ACTION TO APPROVE AN AGREEMENT WITH CHRISTOPHER PEEK FOR A TEMPORARY CONSTRUCTION EASEMENT ACROSS CERTAIN PORTIONS OF 306 WEST GARDENGATE WAY, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-381-66, FOR CONSTRUCTION OF A SOUNDWALL BETWEEN IMPERIAL WAY AND NORTHGATE LANE

viii. ACTION TO APPROVE AN AGREEMENT WITH DON AND LOUISE ROBERTS FOR A TEMPORARY CONSTRUCTION EASEMENT ACROSS CERTAIN PORTIONS OF 314 WEST GARDENGATE WAY, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-381-65, FOR CONSTRUCTION OF A SOUNDWALL BETWEEN IMPERIAL WAY AND NORTHGATE LANE

ix. ACTION TO APPROVE AN AGREEMENT WITH RAYMOND AND SANDRA RACKLEY FOR A TEMPORARY CONSTRUCTION EASEMENT ACROSS CERTAIN PORTIONS OF 304 WEST GARDENGATE WAY, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-381-67, FOR CONSTRUCTION OF A SOUNDWALL BETWEEN IMPERIAL WAY AND NORTHGATE LANE

x. ACTION TO APPROVE AN AGREEMENT WITH ANTHONY AND TERESA L. TORKEO FOR A TEMPORARY CONSTRUCTION EASEMENT ACROSS CERTAIN PORTIONS OF 400 WEST GARDENGATE WAY, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-381-64, FOR CONSTRUCTION OF A SOUNDWALL BETWEEN IMPERIAL WAY AND NORTHGATE LANE

xi. ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND THE LOVELESS FAMILY TRUST FOR THE PURCHASE OF A PORTION OF THE PROPERTY LOCATED AT 3421 IMPERIAL WAY, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-381-63, AND FOR THE ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT ACROSS A CERTAIN PORTION OF THE PROPERTY FOR CONSTRUCTION OF A SOUNDWALL

xii. ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND DONALD W. AND A. LYNN QUALLS FOR THE PURCHASE OF A PORTION OF PROPERTY LOCATED AT 3422 NORTHGATE LANE, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 2-382-07, AND FOR THE ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT ACROSS A CERTAIN PORTION OF THE PROPERTY FOR CONSTRUCTION OF A SOUNDWALL - Supervisor Plank disclosed his relationship with the Ron Wood Resource Center and that he would not benefit from the grant. Mayor Masayko corrected Contract No. 9899-174 for the Linear Park Path as being Phase II rather than the indicated Phase III. Discussion pulled the Chief Juvenile Probation Officer's items and the Development Services - Capital Projects items for discussion. Supervisor Bennett moved that the Board of Supervisors approve the Consent Agenda as presented with the exception of the items which had been withdrawn regarding the Chief Juvenile Probation Officer's grants and the Capital Project items and with the correction as presented to Contract 9899-174, Phase II. Supervisor Livermore seconded the motion. Motion carried 5-0.

A. i. (1-0457) Chief Juvenile Probation Officer Bill Lewis - Supervisor Livermore commended Mr. Lewis and his staff on their efforts to obtain grants. Mr. Lewis introduced Tilisa May from the Family Resource Center. Ms. May briefly explained the grant, her program, and the booklets published by the Center. Two copies of the booklet were distributed to the Board. (A copy was given to the Clerk after the meeting.) Board comments complimented her on her efforts and services. Supervisor Plank reiterated that the services are not a duplication of efforts and that the funds do not require a match. Supervisor Livermore moved that the Board of Supervisors approve the request of the Carson City Juvenile Probation Department to receive \$14,850 in Federal Office of Juvenile Justice and Delinquency Title V grant funds during the 1999 calendar year, Fiscal Impact is a positive \$14,850 which does not require a local match. Supervisor Bennett seconded the motion. Motion carried 5-0.

A. ii. (1-0638) - Following discussion of the program, Supervisor Livermore moved that the Board of Supervisors approve the Carson City Juvenile Probation Department to receive \$4,300 in Federal grant funds during the 1999 calendar year for the Regional Juvenile Justice Challenge Grant Project. Supervisor Bennett seconded the motion. Motion carried 5-0.

A. iii. (1-0720) - Supervisor Livermore moved that the Board of Supervisors approve the Carson City

Juvenile Probation Department to receive \$23,182 in Federal Office of Juvenile Justice and Delinquency Juvenile Accountability Incentive Block Grant Funds during the 1999 calendar year, fiscal impact is \$23,182 in Federal funds which are to be matched by Program A - \$7,783 from the administrative assessment fund, budget line 4505; Program B - \$338 in Storey County Juvenile Services budget; and Program C - \$1,356 in State grant facility construction budget funds per Project Manager Paul Lumos. Supervisor Bennett seconded the motion. Motion carried 5-0.

A. iv. (1-0835) - Juvenile Master David Nielson - Supervisor Bennett requested periodic follow-up status reports. Juvenile Master Nielson agreed to provide an annual report. Supervisor Livermore moved that the Board of Supervisors approve the Juvenile Court's receipt of \$12,000 in Federal funds to establish a juvenile drug court program during the 1999 calendar year, fiscal impact is \$12,000 in Federal funds matched by \$1334 from administrative assessment funds, Budget Line No. 4505, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

D. (1-0945) - Deputy City Manager Dan St. John, Chief Deputy District Attorney Paul Lipparelli - Discussion indicated the sellers were aware of the agenda and supported the agreements. Damage to the irrigation systems will be considered during the design phase as part of the contract. One individual's agreement includes repair of his sprinkler system. Supervisor Williamson moved to approve the agreements between Carson City and the 12 property owners for the purchase or temporary easement of properties located along Gardengate Way. Supervisor Bennett seconded the motion. Following a request for an amendment, Supervisor Williamson amended her motion to include as presented on the Consent Agenda. Supervisor Bennett concurred. Motion carried 5-0.

5. BOARD OF SUPERVISORS

A. DISCUSSION AND POSSIBLE ACTION ON LEGISLATIVE MATTERS - No discussion occurred.

B. ACTION TO INCLUDE IN CARSON CITY'S LEGISLATIVE AGENDA CARSON CITY CONVENTION AND VISITORS' BUREAU'S REQUESTED STATUTORY CHANGES DEALING WITH TRANSIENT LODGING TAX ARREARAGES (1-0995) - City Manager John Berkich, Convention and Visitor's Bureau Legal Counsellor Louis Doescher and Executive Director Candice Duncan, Bureau Board Members Dwight Millard and Don Quilici - Discussion explained the problem with the present procedure, the suggested legislation to amend the Statutes, programs used in other counties, the legislative process for introducing the bill, and various methods to handle the problem. Mr. Doescher agreed to draft a bill containing this language and to contact the City's representatives. **Supervisor Plank moved that the Board of Supervisors participate with the Convention and Visitors Bureau, its legal counsel, and our legal counsel to prepare a draft resolution for a correction to collection transit lodging taxes and supporting it as part of our legislative packet. Supervisor Livermore seconded the motion.** Mr. Millard reiterated his concerns related to bankruptcy procedures and, specifically, foreclosures. At the time of the foreclosure, property taxes, water and sewer fees become liens which the new owner must pay even though that individual had not consumed or held the the property at the time the assessment was incurred. Board comments indicated that the new owner should not be penalized. This would happen if the new owner is not given a business license. The request is for the new owner to pay these fees. There is a method to force the current owner to pay the fees but the Bureau/City is reluctant to use that procedure. His purpose is to be certain that the Board is on the same wave length. They want the new owner to pay the fees due to his enrichment through the foreclosure procedure. If the Board does not wish to do it or change the Statutes, the Board still has the ability to go back to the prior owner who was the defaulter and then we can remedy the situation in-house. His approach will change the law but this may not be the Board's feeling. He did not have a problem with not doing it but the District Attorney and Mr. Doescher need to develop another alternative. The Bureau could solve the problem internally and make the person who is responsible for the tax pay it rather than the new owner who was enriched by the foreclosure. This could be the Board's goal, and if it is, he would then state that the Bureau did not wish to put pressure on the Board to change the Statutes. He hoped that

the Board had not misunderstood the intent. The Bureau was willing to proceed in whatever fashion desired. Mayor Masayko responded by explaining that his proposal is to change the Statutes, give notice that during bankruptcy and foreclosure that these unpaid bills along with taxes and utility bills, which are subject to judicial review, are going to be tied up against the assets. This procedure is proper notice for those individuals. Everyone else is allowed other remedies under the law with all sorts of other problems with enforcement, juris prudence, etc., as compared to the local laws and bankruptcies. In his opinion, this is a reasonable law to use. The motion to participate in the drafting and presentation of legislation as indicated was voted and **carried 5-0**. Mr. Doescher agreed to meet with the District Attorney's office and with Ms. Walker as soon as possible. Supervisors Bennett and Plank requested a follow-up meeting about the procedures.

C. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-1508) - Mayor Masayko announced that today is Mr. Berkich's birthday and read a birthday which the Board had signed prior to the meeting. He wished him many happy returns. Comments also noted the "cake" and invited the public to participate. Supervisor Bennett reported on the Hospital Trustees' meeting in Scottsdale, Arizona, the Nevada Tahoe Conservation District personnel issues and implementation of the bond act, TEAM-Tahoe and its evaluation of the Highway 28 issues, and the Subconservancy District meeting. She announced the next integrated watershed coordinating committee meeting and the next RTC meeting. Supervisor Livermore reported on his work mitigating issues regarding Animal Control, Pheasant Drive/Edmonds Drive concerns about the garbage collection procedures, and the "devil's acre" between Colorado and the Saliman School. He then reported on the Hospital Board meeting, the Western Regional Hospital Trustees' Symposium, the Convention and Visitors Bureau meeting, and the YSO activities. Supervisor Plank reported on his tour of Highway 28 and its erosion problems for which he felt the State should share a portion of the blame as well as the pedestrians, his meeting with Supervisor Bennett and Larry Beller regarding the City Manager's contract, the Mayor and his visit with an NDOT engineer on the V&T Railroad, his tour of the Lakeview area on its curbs and Mountain Street with Street Superintendent John Flansberg, his meeting with the Recreation staff on the future of the Community Center, a Community Council on Youth meeting, Senior Center Advisory Board meeting, a Parks and Recreation Commission meeting, reasons the RTC meeting had been cancelled and announced the next RTC meeting would be on the 27th at 6 p.m. in the Capital Conference Room. He also expressed a desire to have the Board establish a selection process for the RTC chairperson. Discussion indicated that this may already be a portion of the City's legislative package and procedure which would address the lack of a chairperson until one is selected. Supervisor Williamson reported on the Redevelopment Authority Citizens Committee meeting, a Mainstreet meeting, and announced that the Farmers' Market would be moved to the Pony Express Pavilion. She then reported on the Open Space Advisory Committee meeting and announced the January 26 Debt Management Committee meeting and its agenda. She indicated that she had heard from several citizens and appreciated the opportunity to provide input. Mayor Masayko announced the Senate hearing on SB 253 later this afternoon and encouraged the Board to attend. He planned to attend and provide testimony. He felt that both the Legislature and Governor had expressed an intent to address the tax distribution issues. Mr. Berkich indicated that the City had been busy preparing detailed financial information to this Committee. Copies were available from Mr. Berkich. Mayor Masayko requested a copy. The importance of this bill/committee was noted. Mayor Masayko then reported on the Reno Gazette Journal's Millennium 2000-Nevada at the turn of the century Carson City's gathering, the V&T Railroad funding situation and its next meeting, the last legislative briefing with Ms. Walker and various Legislators, the Airport Authority meeting, the Special Board workshop, and the groundbreaking ceremony for the Juvenile Center in Silver Springs. He felt that improvements had been made on communications between the Airport Authority and Board/City. His role as an advisor to NACO on a certified public official program and the program were described. He also noted the Public Officials ER Workshop and announced the Legislative welcoming ceremony which will held at the Nugget House at 6 p.m. on February 2.

6. CARSON-TAHOE HOSPITAL - ACTION ON THE RECOMMENDATION FROM THE JANUARY 8, 1999, MEETING OF THE BOARD OF HOSPITAL TRUSTEES FOR CARSON-TAHOE HOSPITAL TO THE CARSON CITY BOARD OF SUPERVISORS FOR APPOINTMENT OF A TRUSTEE TO THE VACANT SEAT IN A HOSPITAL DISTRICT (1-2212) - Supervisor Livermore

introduced Caleb Mills who had been selected by the Hospital Trustees to be its Ward 4 representative. Mr. Mills gave a brief outline of his background. Supervisor Williamson thanked him for applying and briefly explained her personal knowledge of him and his qualifications. Supervisor Livermore moved that the Carson City Board of Supervisors accept the recommendation of the Carson-Tahoe Hospital Board of Trustees and appoint Caleb Mills to the unfilled two year term of Ward 4's seat on the Hospital Trustees. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: A ten minute recess was declared at 10:45 a.m. The entire Board was present when the meeting was reconvened at 10:55 a.m., constituting a quorum.

7. REDEVELOPMENT AUTHORITY - Mayor Masayko then recessed the Board of Supervisors session and immediately reconvened the session as the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Mayor Masayko reconvened the Board of Supervisors session. A quorum was present as noted.

8. FINANCE DIRECTOR - David Heath

A. ACTION ON APPROVAL OF RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FISCAL YEAR 98-99 BUDGET (1-3029) - Supervisor Williamson moved to ratify the Redevelopment Authority action adopting Resolution No. 1999-R-9, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FISCAL YEAR 98-99 BUDGET. Supervisor Plank seconded the motion. Motion carried 5-0.

B. ACTION TO APPROVE A RESOLUTION TO AUGMENT AND AMEND CARSON CITY FISCAL YEAR 98-99 BUDGET (1-3045) - Discussion noted the cost of the Public Safety Building and its impact on the budget. Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1999-R-10, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FY 98-99 BUDGET in the amount of \$12,153,514. Supervisor Plank seconded the motion. Discussion noted that this is the first of two reports, the complexity of the report, and the difficulty an average citizen would have in being able to determine where augmentations had been made. Mr. Heath was asked to provide everyone who had requested a copy of the budget with this resolution. Board consensus also encouraged Mr. Heath to attach a copy of the augmentations to the budget. Discussion then explained the policy to commit any excess revenue to the Capital Projects Account. Supervisor Bennett suggested the Board consider this allocation before staff commits the funding. Mayor Masayko supported having the Board approve the allocation. The motion to adopt Resolution No. 1999-R-10 was voted and carried 5-0.

9. COMMUNITY DEVELOPMENT DIRECTOR - Senior Planner Juan Guzman

A. ACTION ON S-97/98-4(F-1) - ACTION REGARDING A FINAL INDUSTRIAL SUBDIVISION MAP REQUEST FROM LUMOS AND ASSOCIATES (PROPERTY OWNER: SARIO LIVESTOCK COMPANY) CALLING FOR THE APPROVAL OF NORTHPOINTE BUSINESS PARK, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI) LOCATED ON THE NORTHEAST CORNER OF EAST COLLEGE PARKWAY, APN 8-152-11 (2-0001) - As the final map would expire prior to the next Board meeting, Mr. Guzman recommended its approval with its recordation being subject to resolving the Development Services Engineering Department's issues. Discussion explained the normal final map process. Approving Departments/Agencies will not sign the map until the Board has approved it and all of the map's conditions have been met. The Recorder's office refuses to record any document containing missing signatures. All of the signatures have been obtained since the copy was provided for the Board packet. If the conditions of approval cannot be met, the Board will be asked to reconsider it. The drainage issues are handled by staff as part of the improvement plans. Supervisor Livermore questioned the type of detention facility proposed and explained his reasons for his concern about having adequate facilities upstream. Deputy City Manager Dan St. John explained the traffic access issue which had mandated the request that the map not be recorded until the

Engineering issues were resolved. This had caused a revision in the map and delayed construction. The public improvements are almost completed. The drainage does not create a regional impact. A drainage corridor does not run through the site. The drainage improvements will be handled on each separate parcel. Lumos and Associates Representative Glen Martel agreed with the statement that each parcel would handle its own drainage. Mr. St. John indicated that the building permit process includes a site plan which addresses the parking, drainage, etc. Supervisor Livermore reiterated his concern and suggested that staff reconsider the issue and require a regional facility rather than small detention facilities. Mr. St. John indicated that staff would welcome a discussion/direction on this subject during the community standards process, however, staff is unable to require it at this time as the ordinance does not include the requirement. Supervisor Bennett supported Supervisor Livermore's suggestion based on her desire to have better design standards. She also suggested that staff provide a detailed description of the permitting process when the community standards discussion occurs. She also suggested that a different access be provided than one from College Parkway. Supervisor Plank expressed his feeling that three small detention facilities should equal one large facility. There are, however, more benefits to having the larger facility. He was confident that the procedure would address Supervisor Livermore's concern and not worsen the situation at Lompa and Highway 50. He also voiced his concern with providing additional accesses from main thoroughfares. Other alternatives should be considered. Supervisor Plank then moved that the Board of Supervisors approve S-97/98-4(F-1), a final industrial subdivision map request from Lumos and Associates, property owner Sario Livestock Company, calling for the approval of Northpointe Business Park, on property zoned Limited Industrial, located on the northeast corner of East College Parkway, Assessor's Parcel No. 8-152-11, based on the original findings and subject to 13 conditions of approval as contained in the staff report, and with the understanding that the map will not be recorded until all of the issues with the Development Engineering Services Department are resolved. Supervisor Bennett seconded the motion. Following Mr. Lipparelli's request for the record to reflect the Applicant's agreement with the additional condition, Lumos and Associates Representative Glen Martel concurred with the additional condition. The motion was voted and carried 4-1 with Supervisor Williamson voting Naye.

B. ACTION ON M-98/99-3 - A REQUEST FROM CARSON CITY AND RATIFICATION OF PLANNING COMMISSION RESOLUTION 1998-PC-6 RECOMMENDING THAT THE CARSON CITY BOARD OF SUPERVISORS APPROVE AN AMENDMENT TO THE SKYLINE DESIGNATION FOR THE CLEAR CREEK AREA BY REDUCING THE AMOUNT OF AREA DESIGNATED AS SKYLINE IN ACCORDANCE WITH THE PROVISIONS OF CARSON CITY MUNICIPAL CODE SECTION 18.11.040 (2-0375) - Discussion between the Board and staff explained there had been approximately six special use permits requested as a result of the skyline ordinance. None had been requested due to the hillside slope. A portion of the area located in the Clear Creek area is in Douglas County. The ordinance would have impacted a majority of the homes built in Douglas County. Discussion explained the purpose of the ordinance, the areas which were visible from the valley floor, and the hillside ordinance's ability to control the type of construction allowed in the remaining area. Staff felt that the costs and time requirement were onerous to the property owners particularly as none of the special use permit requests had been denied. Supervisor Livermore expressed his feeling that the ordinance should not be modified. Supervisor Plank expressed his feeling that the proposal would eliminate unnecessary bureaucracy. Supervisor Bennett explained her support for the original hillside ordinance, her respect for the Planning Commission and its dedication, and understanding of the reasonableness of the proposal. She questioned whether the proposal would open the door to deterioration of a standard. Supervisor Plank indicated that if the ridge top between Carson City and Washoe Valley had been involved, he would feel differently about the proposal. Supervisor Plank moved that the Board of Supervisors approve M-98/99-3, a request from Carson City, and ratify Planning Commission Resolution 1998-PC-6 recommending that the Carson City Board of Supervisors approve an amendment to the Skyline Designation for the Clear Creek Area by reducing the amount of area designated as skyline in accordance with the provisions of Carson City Municipal Code Section 18.11.040; no fiscal impact. Supervisor Williamson seconded the motion. Supervisor Livermore indicated he would vote against the motion. He felt that it was a manipulation of the standards just as the previously discussed item had been with storm drainage, etc. When an individual does a good design and there are good standards, it had worked other than in monetary and timeframe areas. These items are the purposes for making the change. He proposed to vote against it as it would manipulate the standards. The motion to approve M-98/99-3 was voted and

carried 3-2 with Supervisors Livermore and Bennett voting Naye.

10. DEVELOPMENT SERVICES - Deputy City Manager Dan St. John

A. ACTION ON RESOLUTION IN SUPPORT OF INCLUSION OF RAMPS AT ARROWHEAD DRIVE IN THE FIRST PHASE OF THE CARSON BYPASS AND USE TEA-21 FUNDING FOR THEIR CONSIDERATION (2-0628) - Mr. St. John distributed corrections to the resolution, which added Drive to Arrowhead as requested by NDOT. The current NDOT plan proposes to have a full movement, four ramp interchange at Arrowhead. The resolution supports this inclusion and the use of TEA-21 funds for these ramps. Reasons for requesting the resolution were described. Board comments supported sending a letter of gratitude to the Congressional delegation for the funding. Supervisor Williamson explained Greg Novak's concerns as Mr. Novak was unable to attend today's meeting. Mr. Novak was questioning the reasons there is no opposition to the Arrowhead Drive ramps, the cost of the Arrowhead Drive modifications, the soundwalls' loss of effectiveness due to the additional ramps, the traffic projection's lack of justification for the additional ramps, the impact the ramps would have on the bicycle paths, the landscaping funds, and the balancing act between the business interests and traffic mobility.

Supervisor Plank moved that the Board of Supervisors adopt Resolution No. 1999-R-11 supporting a full movement interchange to be constructed during the first phase of the Bypass near the north end of the Carson Bypass with funding in part from the Transportation Equity Act for the 21st Century. Supervisor Livermore seconded the motion. Mr. St. John indicated that staff was preparing responses to all of the public comments voiced during the December NDOT hosted public hearing. The City had hosted a meeting on October 29 with the neighbors of Arrowhead. He felt that there had been no "significant" opposition to the proposal. He agreed that there are a few individuals like Mr. Novak but he felt that the overwhelming majority support the ramp. Staff is committed to being sure that NDOT addresses the light and noise issues. Staff, itself, is addressing potential traffic impact issues on various streets. As part of the public process, staff will be responding to all of the public comments. Supervisor Williamson explained her intent to vote against the motion due to the feeling that the opposition should be represented and that it should not be represented to NDOT that the community supports the project 100 percent. There are individuals with legitimate concerns. Mayor Masayko agreed that there are people with other viewpoints. Supervisor Plank indicated that in that regard there were individuals living north of Arrowhead that have written to the Board and expressed a concern with being landlocked and not having a safe access/egress from the neighborhood. The motion to adopt Resolution No. 1999-R-11 was voted and carried 4-1 with Supervisor Williamson voting Naye.

B. ACTION TO APPROVE THE REPORT AND ACCOUNTING OF THE COSTS TO ABATE THE PUBLIC NUISANCE AT 900 AND 904 SOUTH MINNESOTA STREET AND ADOPT A RESOLUTION PLACING A SPECIAL ASSESSMENT AGAINST PARCEL NUMBER 3-071-03 (2-0808) - Deputy District Attorney Melanie Bruketta, Chief Deputy District Attorney Lipparelli, Frank Genescritti, Sr., Building Official Phil Herrington, Linda Marrone - Mr. St. John's introduction acknowledged that there are several outstanding questions, however, the resolution is not part of these ongoing discussions. Discussion between the staff and Board explained the procedure which placed a lien against the property. Mr. Lipparelli explained the Board's action two weeks ago continuing the resolution due to Judy Genescritti's request. Discussion also described the lien payment requirement which mandates the repayment within one tax year and NRS 244.360.3 and .4. Mr. Lipparelli then responded to the Genescritti's contention that they had not been given the same amount of time as the City had taken to construct the wall. The Genescrittis purportedly felt that this treatment was unfair. The Board had been given a status report on the project and could have delayed City action if the Genescrittis had made an effort to alleviate/correct the situation. This had not occurred. Supervisor Plank indicated that the issue is not how or when the repayment must occur but rather that the City needs to be reimbursed for its costs. There is no option. **Supervisor Plank then moved to approve the report and accounting costs to abate the public nuisance at 900 and 904 South Minnesota Street, Carson City, Nevada, and adopt Resolution No. 1999-R-12, A RESOLUTION PLACING A SPECIAL ASSESSMENT AGAINST PARCEL NUMBER 3-071-03. Supervisor Bennett seconded the motion.** Mr. Berkich then explained his contact with Treasurer Al Kramer

who had informed him that the lien would be a tax assessment against the property effective on July 1 of this year. The first installment would be due in August. Four installments would be due over the fiscal year. Failure to pay would result in the auction of the property after a three year period during which they could cure the delinquency. Mayor Masayko noted that interest and penalties would accrue at fairly significant amounts. Supervisor Bennett felt that this information would enable her to make an informed decision. Supervisor Livermore questioned whether Judy Genescritti's allegations of a failure to notify her as an property owner had been rectified. Mr. Lipparelli explained the notification requirements of NRS 244.360 which allows notification to be provided to either the property owner or the occupant. The owner is not required to be notified nor is he/she required to respond to the notification. The Statutes mandate that the Board determine by resolution whether a nuisance exists and order the person or persons responsible for such nuisance to abate same. He felt that Ms. Genescritti had indicated at the meeting that her brother Frank had undertaken the project on the property and that she and her other family members, who may be the record owners of the property, may not have known about the project. The Statute may contemplate such situations by stating that the Board is empowered to direct the person or persons responsible for such nuisance to abate it. If it is not abated, the Board shall abate the nuisance by entering into the property. The absent or uninformed owner is responsible for paying the costs of abatement as indicated in the Statute. He was unaware of any other forms of notification provided to the owners beyond that indicated within the Statute. There were the hearings and notifications for them.

Ms. Bruketta then explained that the accounting and reporting had been sent in December to Mr. Genescritti, Sr., who is the father, at Dean Roofing. She had also sent a copy of the resolution to him, however, it may have gone to the 900 and 904 South Minnesota address. Supervisor Livermore indicated that the packet included a copy of a letter dated January 12 which went to P. O. Box 1267, Portola, California. The letter referenced a numbered resolution and included several details from it. Ms. Bruketta indicated this was later letter.

Supervisor Plank explained that it should not be perceived that he did not care what happens to the property owners. He did care about them but that is not the concern the Board must deal with at this moment. He hoped that something satisfactory could be worked out so that the property is protected and stays in their possession. The Board had done everything that it could to correct the situation through the due process requirements.

Mayor Masayko agreed that the Board had conducted a rather lengthy evening meeting after proper notification had been given to the occupant of the property and the surrounding property owners. It definitely received a whole lot of publicity and a complete open and fair hearing with a decision that was not necessarily unanimous on the Board's part but the majority had prevailed. It was a very open process and the Board took all of the information and came to a conclusion in the context of the meeting which had been called to discuss the abatement of the nuisance.

(2-1123) Frank Genescritti, Sr., indicated that he is one of the owners of the subject parcel and questioned whether the Board had received/read the 18 pages from the District Attorney on January 6, 1999, which was entered into the record at the Board's January 7 meeting. He then questioned whether the Board had received a copy of the engineer's report and its findings. Board comments indicated that they had received these documents. He had a copy of the original complaintant's evaluation of the construction by K. G. Walters Construction Company, Inc., yesterday. Ms. Eppard, Resource Concepts, Inc., had filed this document through her attorney with Carson City and he had made a copy for each of the Board members. A copy was given to each Board member. (A copy was not given to the Clerk.) "Ms. Eppard, Resource Inc., and others caused Resolution No. 1998-R-27 on the basis of their testimony at the hearing on June 4th, 1998." The document he had handed to the Board indicates Ms. Eppard, Resource Concepts, states that construction is not correct, abatement was not accomplished, which is the same conclusion which his licensed engineers and professionals had discovered. He preferred not to answer any questions and awaited the Board's vote.

Mr. St. John indicated that he was unsure whether he had seen the August 5th letter or whether Mr. Herrington had as the letter was addressed to him. The complaint is that the entire nuisance has not been abated. This is one of the outstanding issues--has all of the nuisance been abated? The City's response has been that the nuisance has substantially been abated. There are some minor issues relative to revegetation of the back slope which the City

knows still needs to be accomplished. There is still the condition of the existing permit that has been transferred back to them. Mayor Masayko indicated that this is not a continuing process. Right now, the City believes that, if a lien is going to be placed against the property, the City has, in fact, completed and discharged the duties contained in the resolution of intent to abate the nuisance. Mr. Lipparelli indicated that the resolution for finding of a public nuisance provides for specific charges which he read. These items were the "misconduct" as found by the Board and were the items which constitute the public nuisance. The person who had created them was ordered to abate it. These items were the things which the City entered onto the property to remedy. The work that was performed was described on the various invoices from K. G. Walters. Mr. St. John or Mr. Herrington should respond as to whether the work that was performed cured the conditions which the Board had determined constituted a nuisance.

Mr. Herrington indicated that Mr. Genescritti had provided the Board with only a few of the 340 pages in his file. He also stated that the Department is on the record as having answered Mr. Puzey's inquiries and had stated unequivocally that the nuisance had been abated. Mayor Masayko indicated that Mr. Herrington had stated that the findings which the Board had made had been corrected as indicated by the \$48,892.08 lien. Mr. Herrington agreed. Mr. Herrington indicated he was unsure whether Mrs. Eppard was satisfied that the nuisance had been abated as there are other matters involved which are civil issues regarding property lines, how water is draining, etc. If the project is ever completed, he felt that she would be satisfied with the exception of the dispute over the property line. Clarification indicated that by his use of the term "project", he meant the construction/remodel of the improvements on the site.

(2-1255) Ms. Marrone indicated that her only comment at this point is a repeat of Supervisor Bennett's previous comment. She hoped that the process would point out the need to revise the procedure and develop a better method of handling such problems so that all of the time and effort expended by the Building Department, Community Development, as well as other City staff, the neighbors, Mr. Genescritti, herself, etc., would not be required to pursue another nuisance abatement in the future. She urged the Board to consider Supervisor Bennett's request seriously, analyze the process, and learn how not to do it again.

Additional comments were solicited but none given. The motion to adopt Resolution No. 1999-R-19 was voted and carried 5-0.

Mayor Masayko then turned the gavel over to Mayor Pro-Tem Bennett and left the meeting--1 p.m. A quorum was still present.

BREAK: A five minute recess was declared. A quorum of the Board was present when Mayor Pro-Tem Bennett reconvened the meeting at 1:05 p.m. although Mayor Masayko was absent as indicated.

11. DISTRICT ATTORNEY - Chief Deputy District Attorney Lipparelli and Deputy District Attorney Bruketta - **ACTION ON A RESOLUTION REQUESTING THE FEDERAL AVIATION ADMINISTRATION DELETE THE FIRE TRAINING FACILITY FROM PROPERTY DELINEATED AS AIRPORT PROPERTY (2-1300)** - The Airport Authority had recommended approval of the resolution. If the Board approves the resolution, the City's official position as the property owner will be transmitted to the FAA indicating the desire to have the property deleted from the airport property. The area to be removed was described. Discussion ensued on the clause which had been added to the revised resolution which returns the property to the Airport Authority when it is no longer used as a fire training facility. The Resolution will withdraw the property from the airport layout plan. The clause may not be binding upon the Board but if it helps relieve the Airport Authority's concern that the building would be abandoned or become a warehouse or lumber yard when no longer used for training. Mr. Lipparelli also pointed out that the amount of resources being invested in the parcel indicates the City will not abandon it in the near future. Supervisor Plank felt that the clause gave the Airport Authority the first right of refusal. Mr. Lipparelli also pointed out that a change in the City and Airport's relationship would occur when the Airport becomes its own grant sponsor for FAA funds. At that time the transfer process will be negotiated. This will provide an opportunity to correct any remaining issues on the use of the Fire

facilities. Reasons for requesting the removal of the facility from the Airport layout plan were explained. Concerns about the clause were debated. Ms. Bruketta indicated that her contact with the FAA indicated that the Airport Authority will not be a grantee on the applications in either the near or far future. Supervisor Plank moved to adopt Resolution No. 1999-R-13, A RESOLUTION REQUESTING THE FEDERAL AVIATION ADMINISTRATION TO DELETE THE FIRE TRAINING FACILITY FROM PROPERTY DELINEATED AS AIRPORT PROPERTY. Supervisor Livermore seconded the motion. Following a request for clarification, Supervisor Plank indicated that the resolution with four paragraphs on Page 2 was to be adopted. This is the resolution which the Airport Authority had requested and included the clause. Supervisor Livermore concurred. Motion carried 5-0.

12. CITY MANAGER - Administrative Assistant Liz Teixeira - ACTION TO APPROVE SUBMISSION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION TO THE NEVADA COMMISSION ON ECONOMIC DEVELOPMENT FOR CONSIDERATION OF 1999 CDBG FUNDING (2-1630) - Senior Citizens Center Governing Board President Bob Kennedy - Mayor Pro-Tem Bennett commended Ms. Teixeira on her dedication and efforts on the grant process and program. Discussion elaborated on the application amount, its purpose, the building expansion plans, its funding, projected costs, previous applications and their funding results. Ms. Teixeira also explained the CDBG funding granted for the health clinic and its timeframe for use. Supervisor Livermore moved to approve submission of Community Development Block Grant, CDBG, application to the Nevada Commission on Economic Development for consideration of 1999 CDBG funding in the amount of \$130,650. Supervisor Plank seconded the motion. Motion carried 4-0.

Mr. Kennedy introduced the Center's Executive Director Jamie Lee and sensitized the Board about the need to include in the next fiscal budget funding to relocate the Cemetery Office. The Center has some funds with which to help the City relocate the building. Mayor Pro-Tem Bennett requested the Center send the Board a letter reminding it of the need to include this in the budget.

BREAK: There being no other matters for consideration until the 6 p.m. agenda item, a recess was declared at 1:38 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 6:10 p.m., constituting a quorum. Staff members present included City Manager John Berkich, Development Engineering Manager Jay Ahrens, Deputy District Attorney Mark Forsberg, Senior Utilities Engineer Dave Merrill, and Recording Secretary Katherine McLaughlin.

13. UTILITIES DEPARTMENT - Development Engineering Manager Ahrens, Deputy District Attorney Forsberg, City Manager Berkich

A. ACTION REGARDING ENFORCEMENT OPTIONS TO ACHIEVE COMPLIANCE WITH THE REQUIREMENT OF PROPERTY OWNERS TO CONNECT TO SEWER AS MANDATED BY RESOLUTION 1995-R-31 WITHIN THE DESIGNATED AREA OF NEW EMPIRE AND SOUTHEAST CARSON CITY (2-1875) - A list of the 17 properties which had not connected to the sewerline was distributed to the Board and Clerk. (A copy is in the file.) Discussion explained the incentive programs which had been offered in an attempt to obtain early compliance, programs/funding which could still be used by home owners to comply, legal options available to gain compliance, and Mr. Forsberg's flexibility in negotiating with the remaining individuals once a citation is issued.

(2-2228) Pete Bachstadt questioned whether the misdemeanor citation would make him a "criminal" and be a permanent record. He felt that the approach would indicate that the person is guilty before he had been proven innocent. The issue is property rights and constitutional rights. He then claimed that the flag being used in the room is not a "U.S. Code Title IV" flag which could be used to indicate guilt until proven innocent. He admitted that he had finally, after 16 years, connected to the sewer. This was more than long enough to attempt to cooperate with the bureaucracy. He refused to pay the \$5,000 tribute. He had purportedly mentioned a compromise. He refused to be forced to pay money which he did not have for the tribute. The Board does not own anything which had not been exacted from the public. The public owns the sewer system. It belongs to the public who should

have the right to use it. The Board should not force others to connect when they don't have the money. If the Board did not wish to accept his compromise, he would be talking with Mr. Forsberg. Mayor Masayko indicated that he had not stated that once a citation is issued, the individual is assumed to be guilty. The prima facie evidence would be presented in court and a judge will make a decision. The issue before the Board is to determine the process which is to be used.

Discussion ensued on the list of non-compliance properties, i.e., #3 and #4, and how the proposed procedure would work; the funding incentives available for those individuals; projected cost to connect; potential programs still being developed which could assist with compliance; the uncomfortableness of the current procedure for the Board, the staff, and the individual who must plead his case in public; Mr. Forsberg's flexibility in following through on the citations; his willingness to resolve the issues as quickly as possible; the possibility of establishing a surcharge program for financing the connection including Mr. Forsberg's concern for treating the non-compliance individuals differently from the compliance individuals and the precedence this would establish; (2-2820) an optional program for property #4; the City's risk factor if the citation goes to court; and the advantage of having Mr. Forsberg handle the case rather than have the individual voice his/her appeal in public. (2-2715) Discussion indicated that a lien will not be used but another financial arrangement is being considered.

(2-3118) Alex George explained his efforts to purchase a property which was on the list. He had previously given the Board photographs of it. Escrow is to close tomorrow. Reasons he had decided to purchase the property and the condition of the property were described. Mayor Masayko requested he hold his comments until the following agenda item.

(2-3185) Earl Case pointed out that fairness is a philosophical issue as an individual in phase two could complain that it is unfair as he is over the line while phase one had to connect a year earlier. Fairness should not be considered in the issue. Secondly, the City had commented on solutions by citing two different procedures. Both were liens. One would be a monthly fee. The second would be a lien which would fall due upon the sale of the property. The latter program was preferred. Mayor Masayko agreed that Mr. Forsberg had broached both proposals and described the repayment program for both. He also indicated that Mr. Case's comments would be considered when his agenda item is reached. Additional public comments were solicited but none given.

Supervisor Williamson then moved that the Board of Supervisors direct the Utilities and District Attorney's staff on or after February 1, 1999, to issue and serve citations on each of the noncompliant property owners in the designated areas of the New Empire area of Carson City but that these negotiations be conducted in private and with the idea of getting the people to hookup to the sewerline and not to inflict undue hardship on each property owner. Supervisor Bennett seconded the motion. Mayor Masayko indicated that the motion would adopt the citation philosophy with covenants to work out something in private. Supervisor Livermore questioned how the Board could support having the process conducted in private and how the Board could control the setting in Justice Court. **Supervisor Williamson amended her motion to allow the negotiations with the District Attorney to occur prior to the appearance in court and to be conducted in private. Supervisor Bennett concurred.** Discussion ensued on whether the motion should be open for all areas rather than require the Board to reconsider the issue again when the Southeast Carson area is almost completed. Discussion explained that the timeframe for connecting had been established as a part of the resolution. Supervisor Livermore suggested modifying those timelines except in this instance as the timeline is almost gone. Mr. Berkich indicated that the deadline was established a long time ago and that it was almost here. Mayor Masayko felt that Supervisor Livermore's suggestion is that the policy would be used for all of the other areas and that the Board would not have to reconsider the policy. This will provide people with the knowledge as to the type of remedy which would be used to force compliance. Mr. Ahrens explained that the proposed resolution is generic and establishes the three year timeframe as being the date when the Department notifies the individual that sewer is available as the date that the clock starts. At this time it is only the New Empire and Southeast Carson areas. Mr. Berkich stressed the desire to have direction on both areas. Mayor Masayko supported his request and indicated that if a flaw is found to have the amendment include any future areas. **Supervisor Williamson amended her motion to include Southeast Carson to the resolution.** Reasons she had not included the area originally were noted. **Supervisor**

Bennett concurred. Discussion indicated that the February 1 deadline should be the commencing date for issuing citations. Citations will only be issued when it is determined that the individual is in violation of the Code. Mr. Forsberg reiterated the notification date as being the date for the clock to commence ticking. There are three years within which the individual is then to connect. The citation will then be used to attempt to gain compliance. Mayor Masayko felt that the February 1, 1999, date is the earliest date and that after that date the citation process will be used against any individual not in compliance. Supervisor Williamson indicated that this was the gist of her motion. **Mayor Masayko then indicated that it was his understanding that the motion is that after February 1, 1999, in order to assure compliance with the groundwater protection program, that the policy which the Board is adopting tonight is that the Utilities Department will commence issuing citations and that after the citation is issued, the property owners and the District Attorney will have the opportunity, if the property owners come forward, to negotiate a workable settlement in private prior to taking the case to court. Both Supervisors Williamson and Bennett concurred. The motion was then voted and carried 5-0.** Mayor Masayko directed Mr. Forsberg and Mr. Ahrens to bring the matter back if additional fine tuning is required.

B. ACTION REGARDING AN APPEAL OF A STAFF DECISION NOT TO GRANT A MANDATORY SEWER CONNECTION FEE WAIVER AT 2740 GARNER LANE IN THE NEW EMPIRE AREA (2-3510) - Alex George continued his explanation of his attempt to purchase the property. He had connected the parcel he resides at immediately after learning of the requirement. He requested an extension of the deadline to allow him to connect. The building is not habitable at this time. Mayor Masayko suggested he discuss the potential of disconnecting the septic system with Mr. Ahrens as this may allow him to comply. Mr. George indicated he would do this as a last resort, if necessary, by February 1. (3-0005) Technically, he had not been notified of the need to connect. Mr. Ahrens indicated that the property owner of record had been notified. He also explained a previous Board action extending the fee waiver for 45 days. Clarification indicated that Mr. George was requesting an extension until June 30, 1999, and a waiver of the connection fee. Mr. George's plans for the property were noted. Supervisor Williamson explained her familiarity with the area and reasons Mr. George had not been notified. She felt that the legal owners, Associated Mortgage Company, had been notified and should be required to connect. Mr. George then explained that the proposal to disconnect the septic tank would require him to open the line to the septic twice. Mr. Ahrens indicated that if the septic is disconnected, the property would be treated as a new connection unless the Board directs otherwise. He agreed that it would take two separate diggings. One would access the septic by digging up the cover. The septic would then be pumped. The second digging would require capping the septic line near the house. The Board's direction would be followed which would either require an extension to the fee waiver, treatment as a new connection, or use of the citation process. Supervisor Bennett supported granting some relief and commended Mr. George on his efforts to improve his neighborhood. She supported waiving the connection fees and granting whatever other relief is possible. Supervisor Livermore supported her comments and indicated his support for an extension. He urged Mr. George to consider all of the options. Abatement by February 1 would require the same work abatement at another time would require. A duplication of costs would not occur. Supervisor Plank suggested a 45 day extension on the fee waiver and questioned whether this would be adequate. The pros and cons of this suggestion were discussed. Mr. George expressed a willingness to accept and appreciate whatever the Board grants. **Supervisor Bennett moved that the Board of Supervisors waive the sewer connection fee for Mr. George at 2740 Gardner Lane and require that he abate the septic system and that he hookup to the sewerline within 90 days.** Mr. George agreed. **Supervisor Livermore seconded the motion.** Following a request for clarification, **Supervisor Bennett amended her motion to require abatement of the septic within 30 days and connection to the sewerline within 90 days. Supervisor Livermore concurred** and indicated that if Mr. George facilitates the abandonment of the septic system, there is no motivation to connect to the sewerline until the building is habitable. Supervisor Bennett indicated that there is only 90 days within which he would be eligible for the fee waiver. This is the motivation. Mr. George indicated that he understood. Mr. Forsberg pointed out that Mr. George would be in violation of the Code on February 1 and suggested that the Board could not waive the Code requirement. He encouraged Mr. George to take action to abate the septic system by February 1 and complete the balance later. **Supervisor Bennett amended her motion to require abatement of the septic system within ten days or February 1 and to allow Mr. George 90 days in which to take advantage of the fee waiver if the balance of**

the obligation is completed and he hooks up to the sewerline. Supervisor Livermore concurred. Clarification indicated that the 90 day fee waiver commenced on February 1. Mr. George agreed. **The amended motion was voted and carried 5-0.**

Mayor Masayko restated the motion and Mr. George thanked the Board for its consideration.

C. ACTION REGARDING AN APPEAL OF A STAFF DECISION NOT TO GRANT A MANDATORY SEWER CONNECTION FEE WAIVER AT 3410 AND 3420 DEBBIE WAY IN THE NEW EMPIRE AREA (3-0268) - Earl Case referenced his letter dated December 18. He lives at both properties. Mayor Masayko explained the difference between Mr. Case's occupied property and Mr. George's vacant property which would require Mr. Case to connect the instant the septic system is abated. Mr. Case indicated that he had a bid from Mr. Kitson of \$22-2300 per lot. He was unsure when Mr. Kitson would be able to do the work. He would have to find financing of the total cost as Mr. Kitson does not provide same. He suggested that, if he is not connected by February 1, the City lien the property and connect it. When the property is sold, the lien should be repaid. Mayor Masayko supported having the connection fees waived if the residences are connected by February 1. Supervisor Livermore supported his comments and indicated that if construction commenced on January 31, the project would not have to completed on February 1. Mr. Case's obtaining a contract with Mr. Kitson and the permits would be a start toward compliance with the timeframe even if he does not complete the project prior to February 5. Mr. Ahrens indicated that he would still be in technical violation of the Code, however, questioned whether he would be the first to receive a citation. Mayor Masayko felt that Mr. Ahrens could work with Mr. Case. Mr. Ahrens emphasized the need to get the connections completed as soon as possible and preferably by February 1. A citation will be issued to individuals who obtained the permit one year ago but failed to construct. If the individual is actively pursuing the work, staff will work with them. Some of these individuals referenced are located in the Southeast area. The fee waiver will expire with the Southeast area. Supervisor Livermore moved to allow Mr. Case at 3410 and 3420 Debbie Way an extension to February 1 and, if the connection is in progress at that time, a waiver of the connection fee. Mayor Masayko seconded the motion. Following a request for a modification, Supervisor Livermore amended his motion to include a ten day connection period. Mayor Masayko indicated that the project should be under construction on February 1 with a ten day construction deadline and continued his second. The motion was voted and carried 5-0.

Mayor Masayko indicated that Mr. Case should not return to the Board if he is unable to comply with the conditions and timeframes. He urged Mr. Case to take advantage of the window of opportunity. If Mr. Case fails to comply, he is to be cited like all the others. The Board's decision was due to his appearance and discussion.

D. ACTION REGARDING AN APPEAL OF A STAFF DECISION NOT TO GRANT A MANDATORY SEWER CONNECTION FEE WAIVER AT 2759 KIT SIERRA WAY IN THE NEW EMPIRE AREA (3-0468) - Mr. Mayer was not present. He had indicated to staff an unwillingness to connect even though he had originally applied for a grant. Mayor Masayko explained his reasons for feeling that the request should be denied due to Mr. Mayer's absence. Supervisor Livermore moved to deny the appeal for a sewer connection fee waiver and uphold staff's decision on the property at 2759 Kit Sierra Way. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: A 15 minute recess was declared at 7:45 p.m. The entire Board was present when the meeting was reconvened at 8 p.m., constituting a quorum.

14. BOARD OF SUPERVISORS WORK SESSION - ACTION TO ADOPT PERFORMANCE MEASUREMENT ELEMENT OF THE CITY MANAGER'S CONTRACT (3-0492) - Consultant Larry Beller used the overhead projector to highlight the issues which the Board should resolve during the work session. (A copy is included in the file.) He had also included four sample plans for consideration which are in the packet. Comments indicated that no formal action would be taken on the issues this evening. Other issues which would be considered at a future meeting(s) were also noted. The City has a job description for Mr. Berkich. The packet

included several performance dimensions. Discussion ensued on the three models, their terms, definitions, purposes, the pros and cons to using the 360 program, and evaluation procedures which eventually culminated in a fourth model as a combination of Models 2 and 3. It contained Communication, Self Management, Risk Taking, Resource Management, and Accountability dimensions. Mr. Beller suggested that in the future Mr. Berkich provide his 360 feedback to the Board prior to the Board's evaluation. This would allow the information to be used as a base. (3-1085) Discussion expressed an intent to restrict the number of dimensions to five or six and explained (3-1240) the evaluation procedures; the hope that the program would be used for many years to come with modifications as deemed appropriate; the need to communicate any modifications prior to commencing the evaluation period; the need for and selection of a dimension entitled "Other" or "Unanticipated Accomplishments"; the type of items which should be included in this heading; justification for including this heading on the desired outcome list; the role strategic planning would play in the process; (3-1658) the rating scale; its descriptors and numeric values; the selection of the descriptors contained in column "D" with the elimination of limited accomplishments and of a rating scale containing 1, 3, 5, and 7; the relationship between the salary increases and bonuses and the evaluation rating which established a base evaluation of 95 before bonuses are to be considered; the use of percentages to determine the salary increase/bonus; (3-1975) the need for additional time to discuss this program; the reward for the at-risk-pay program; and examples of the at-risk-pay program. (3-1915) Comments noted that the City was a leader in developing this type of a performance evaluation for the public sector. (3-2100) Mr. Berkich commended the Board on its willingness to undertake this program and his comfort with the program. He hoped to be able to complete the program and present it for re-evaluation by the Board at a February meeting. Comments pointed out the advantages of the program and potential need to modify it as time goes forward. No formal action was taken on this item.

5. C. BOARD OF SUPERVISORS - NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (3-2201) - Supervisor Bennett briefly explained the District Attorney's legal opinion indicating that the Board could not receive compensation for serving as both a County Commissioner and a City Trustee and her purpose in her proposing such a concept. She apologized to any Board member who may have been made uncomfortable by the suggestion.

There being no other matters for consideration, Supervisor Livermore moved to adjourn. Mayor Masayko seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 9:40 p.m.

The Minutes of the January 21, 1999, Carson City Board of Supervisors meeting

ARE SO APPROVED ON __March_18____,

1999.

/s/

Ray Masayko, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder