

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 19, 1998, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, November 19, 1998, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor
	Tom Tatro	Supervisor, Ward 3
	Greg Smith	Supervisor, Ward 1
	Jon Plank	Supervisor, Ward 2
	Kay Bennett	Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager
	Alan Glover	Clerk-Recorder
	Al Kramer	Treasurer
	Dan St. John	Deputy City Manager
	William Naylor	Information Services Director
	Steve Kastens	Parks and Recreation Director
	Paul Lipparelli	Chief Deputy District Attorney
	Fred Schoenfeldt	Sergeant
	Fran Smith	Recording Secretary
	(B.O.S. 11/19/98 Tape 1-0001)	

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

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. A quorum of the Board was present although Supervisor Smith had not yet arrived. A moment of silence was held in lieu of the Invocation. Mayor Masayko lead the Pledge of Allegiance. Mayor Masayko commented on the new paint, which he felt improved the room's appearance.

CITIZEN COMMENTS (1-0026) - Chamber of Commerce Leadership Class President Andy Harvey explained that the class would graduate this evening and the purpose of the class. A class yearbook was distributed to the Board and Clerk. (A copy is in the file). He encouraged the Board to use the yearbook as a source for volunteers. He thanked the yearbook committee members for a job well done. He felt that the class had been impressed by the number and quality of programs found in the community. Mayor Masayko thanked the class for donating the time and talents to learn more about the community. He felt that the effort will prepare them for the future. He congratulated the graduates. President Harvey announced the Chamber's recruitment for new 1999 class members. Interested individuals should contact the Chamber. The members of the class rose and were acknowledged by the Board and audience. Additional citizens comments were solicited but none given.

1. APPROVAL OF MINUTES (1-0069) - None.

LIQUOR AND ENTERTAINMENT BOARD (1-0072) (1-0551) - Mayor Masayko recessed the Board of Supervisors and convened the Liquor and Entertainment Board. A quorum of the Board was present as Sheriff's Representative Sgt. Schoenfeldt was present. Member Smith was absent as noted.

2. TREASURER - Al Kramer - ACTION TO CHANGE THE LIQUOR LICENSE MANAGER FOR SMITH'S FOOD AND DRUG STORE TO MARY HICKS (1-0075) - Continued to later in the meeting as the applicant was not present.

(1-0553) Chairperson Masayko explained the requirement that applicants must appear before the Board. Mary Hicks indicated she was familiar with the Nevada liquor laws and City Code and assured the Board that all of her staff who are engaged in selling liquor would receive training in them. Member Schoenfeldt noted the favorable Sheriff's Investigative Report. Member Plank moved to approve Mary Hicks as the new liquor license manager for Smith's Food and Drug Store located at 599 East William Street under Carson City Municipal Code 4.13.120; fiscal impact is \$75 Investigation fee. Member Tatro seconded the motion. Motion carried 5-0.

BOARD OF SUPERVISORS (1-0089) (1-0595) - Chairperson Masayko recessed the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. (A quorum of the Board was present although Supervisor Smith was absent.)

3. CONSENT AGENDA (1-0090)

A. TREASURER

i. ACTION ON TREASURER REPORT FOR THE MONTH OF OCTOBER 1998

ii. ACTION AND DIRECTION TO PROCEED WITH PROPER DISPOSITION OF REAL PROPERTY WITH DELINQUENT PROPERTY TAXES IN ACCORDANCE WITH NRS 361.585 THROUGH 361.610, RELATING TO PARCEL 9-311-03

iii. ACTION ON REFUND OF REAL PROPERTY TAX PENALTIES AND INTEREST FOR PARCEL NO. 2-164-02 DUE TO PRE-PETITION BANKRUPTCY LAWS

B. PARKS AND RECREATION DIRECTOR - ACTION ON COOPERATIVE AGREEMENT BETWEEN CARSON CITY AND THE STATE OF NEVADA, NEVADA DIVISION OF WILDLIFE CONCERNING THE CONSTRUCTION, MAINTENANCE, AND UTILIZATION OF THE RIFLE RANGE LAND OWNED BY THE CITY

C. UTILITIES DEPARTMENT

i. ACTION ON A NOTICE OF PARTIAL SATISFACTION OF DEVELOPMENT AGREEMENT FOR JABA, LLC, A NEVADA LIMITED LIABILITY COMPANY ALEXANDER K. BERNHARD, MANAGING MEMBER, ASSESSOR'S PARCEL NUMBERS 09-071-74, 09-071-75, 04-012-03, AND 04-012-20, LOCATED ON SOUTH ROOP STREET FOR THE UTILITIES PORTION OF WATER MAIN CONSTRUCTION ONLY

ii. ACTION ON AN ADDITIONAL EXPENDITURE FOR SEWER MAIN PARTICIPATION AND REPLACEMENT NOT INCLUDED IN THE DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CARSON-TAHOE HOSPITAL, A COUNTY PUBLIC HOSPITAL AND POLITICAL SUBDIVISION OF CARSON CITY, NEVADA, AND EVAN L. ALLRED, REGARDING ASSESSOR'S PARCEL NUMBERS 1-201-25 AND 1-201-23, LOCATED AT 775 FLEISCHMANN WAY AND 913 MOUNTAIN STREET, CARSON CITY, NEVADA, FOR SEWER MAIN PARTICIPATION AND REPLACEMENT (BILL NUMBER 144 WAS PASSED AUGUST 7, 1997)

D. PUBLIC WORKS DEPARTMENT - ACTION ON APPROVAL OF AN AGREEMENT BETWEEN CARSON CITY AND NEVADA DEPARTMENT OF TRANSPORTATION TO PROVIDE CARSON CITY'S TRANSIT PROGRAM MATCHING FUNDS FROM OCTOBER 1, 1998, TO SEPTEMBER 30, 1999

E. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9899-105 - CHILDREN'S MUSEUM MULTI-PURPOSE ADMINISTRATION RENOVATION

ii. ACTION ON CONTRACT NO. 9899-107 - ASH CANYON CREEK AND LONGVIEW WAY CHANNEL STABILIZATION PROJECT

iii. ACTION ON CONTRACT NO. 9899-111 - VACUUM EXCAVATION VEHICLE

iv. ACTION ON CONTRACT NO. 9899-128 - JOINDER CONTRACT WITH WASHOE COUNTY TO PURCHASE NEW VEHICLES

v. ACTION ON CONTRACT NO. 9798-150 - AERIAL PHOTOGRAPHY AND PLANIMETRIC UPDATE, AMENDMENT NO. 1

vi. ACTION ON CONTRACT NO. 9899-138 - FREEWAY EVALUATION OF

DETENTION AND FLOW ALTERNATIVES - Supervisor Bennett pulled the Parks and Recreation item for discussion. Supervisor Tatro moved to approve the Consent Agenda with the exception of the item for the Parks and Recreation Director on a cooperative agreement between Carson City and the State of Nevada Division of Wildlife. Supervisor Plank seconded the motion. Motion carried 4-0.

B. (1-0115) - Parks and Recreation Director Steve Kastens described the matching grant and the location. He indicated that the City is paying more attention to the facility's maintenance and upkeep. The users were also identified. They perform a "mass cleanup" approximately two times a year. A future goal is to have an on-site manager. This individual will sell targets to the users and prohibit the present practice of having the users bring items to the range. Supervisor Plank noted the work of the Parks and Recreation Commission and Mr. Kastens to bring the facility up to shape. Mr. Kastens then explained the purpose of the grant. Supervisor Tatro moved that the Board approve and authorize the Mayor to sign the Cooperative Agreement between the City and the State of Nevada Division of Wildlife concerning the construction, maintenance, and utilization of the rifle range on land owned by the City, fiscal impact is \$59,613, and the funding source is the Residential Construction Tax \$23,200 and the Quality of Life--Capital Projects \$36,413. Supervisor Bennett seconded the motion. Motion carried 4-0.

4. BOARD OF SUPERVISORS

A. SUPERVISOR TOM TATRO - ORDINANCE - SECOND READING - ACTION ON BILL NO. 136 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 11.20.037 (MEETINGS, POWERS AND DUTIES OF THE COMMISSION) TO ADD A REQUIREMENT THAT NOTICE OF MEETINGS OF THE COMMISSION AND BOARD OF SUPERVISORS INVOLVING CERTAIN ROAD PROJECTS BE MAILED TO CERTAIN PROPERTY OWNERS AND OTHER MATTERS PROPERLY RELATED THERETO (1-0195) - Discussion indicated the notification procedure is for any residence within 300 feet of a project. This is consistent with the notification for a change in zoning requirements. Clarification indicated that the requirement is effective for new or expansion of current roadways but not when a road is merely being resurfaced. Repaving, resurfacing, and overlays are excluded. Paving a dirt road, including placing grindings on a dirt road, will require notification. Mr. Lipparelli corrected Line 10 on Page 3 to read: "...a new road, or an expansion or extension of an existing road...". This addition was considered a typographical error which would not require beginning the process over. Supervisor Tatro moved to adopt on second reading Bill 136, Ordinance 1998-40, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 11.20.037 (MEETINGS, POWERS AND DUTIES OF THE COMMISSION) TO ADD A REQUIREMENT THAT NOTICE OF MEETINGS OF THE COMMISSION AND BOARD OF SUPERVISORS INVOLVING CERTAIN ROAD PROJECTS BE MAILED TO CERTAIN PROPERTY OWNERS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 4-0.

B. ACTION TO SET A DATE, TIME AND LOCATION FOR THE BOARD OF SUPERVISORS SECOND STRATEGIC PLANNING SESSION (1-0299) - Supervisor Bennett moved that the Board of Supervisors agree to convene a second strategic planning session on Saturday, January 9, 1999. Supervisor Plank seconded the motion. Comments indicated that Supervisor-Elect Williamson would be advised of the session. The motion was voted and carried 4-0.

C. DISCUSSION ON LEGISLATIVE MATTERS (1-0330) - Discussion noted the Nevada Association of Counties conference and invited the public to attend its discussion on legislative issues later in the afternoon.

D. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0349) - Supervisor Plank reported on the Parks and Recreation Commission's emergency meeting, Western Nevada Home Consortium meeting, potential revisions to the First Time Buyers Program, the Convention and Visitors Bureau meeting, his tour of drainage facilities at the Airport with Street Superintendent John Flansberg, the regularly scheduled Parks and Recreation Commission meeting, the Regional Transportation

Commission meeting, and announced the Monday meetings of the Community Council on Youth and on the noise element. Supervisor Bennett reported on the TRPA meeting, the NTRPA meeting, the Nevada State Land Use Planning Advisory Committee meeting, and a Washington, D.C., seminar on healthy communities. Discussion clarified her comments about the TRPA meeting. Supervisor Tatro reported that the Carson High School Soccer Team won the State Championship on Saturday in Las Vegas and the Academic Championship which meant that the team had the highest GPA for any soccer team in the State--a 3.55 GPA. Carson City had won five of the seven scholarship awards. Mayor Masayko acknowledged that the Carson City athletes were among the best in the State. He then reported on his involvement with the Nevada Association of Counties and its preparations for the seminar. He briefly described various activities which will occur during the seminar. He thanked all of the individuals who had participated in making the seminar occur. Mr. Berkich also complimented all of the participants who had helped with the NACO programs. (1-0515) Mayor Masayko then explained his request for staff to distribute the list of Committee and Commission on which the Supervisors serve and to have the Supervisors-Elect designate the ones on which they have an interest in serving. This process will start next week and be agendized for appointments during the first meeting in January. He also announced his challenge to City employees to match his blood donation to the Nevada Blood Services.

E. STAFF COMMENTS (1-0498) - Mr. Berkich suggested agendizing the film used to described various activities and events occurring in the community for the next meeting.

5. CARSON CITY MUNICIPAL GOLF CORPORATION - City Manager John Berkich - **ACTION TO APPROVE IN CONCEPT A PLAN FOR THE RESTRUCTURING OF DEBT FOR EAGLE VALLEY GOLF COURSE AND CHANGES TO THE CARSON CITY MUNICIPAL GOLF CORPORATION CONTRACT (1-0596)** - Corporation President Wes Myers, Mary Walker - Ms. Walker explained her feeling that the Courses would not have been able to maintain their fiscal viability without the restructuring which the Board had implemented due to the high fixed costs. In her opinion, the proposed debt restructuring will be the last issue with which the Board will have to consider for the golf course. The Corporation had made many capital improvements since it had taken over the courses. Additional improvements should not be needed, therefore, the expenditures have been reduced even further. She felt that her revenue projections for this year will be within 1.9 percent of actuals with her projections being on the low side. She then explained the current debt load, the cash reserves mandated for it, the cash flow projections, and her recommendation to restructure the debt. The restructuring will provide a one year debt service reserve and a three month operating reserve. Currently there is a six month debt service reserve but no operating reserve. The new reserves will provide additional financial stability. The debt schedule was reviewed. The course rates will continue to be competitive with the other courses. Comments indicated that the fee money had been transferred to the Corporation when it took over the operation. These monies had been used for the bond payments and made improvements to the courses. None of these funds have been used for anything other than the courses. The cash flow during the off season under the City's control was explained. The current debt service costs are approximately \$640,000. Under the refinancing plan this debt load will be reduced to \$240,000. Discussion also explained that the City still owns the land where the courses are. The Corporation could not secure a loan against the land for that reason. Supervisor Bennett expressed her concern about allowing the Corporation to use the taxpayer backed bond. She felt that it should obtain revenue backed bonds. Ms. Walker explained that as the Corporation has only four years left on its contract, it would be unable to obtain a favorable interest rate on revenue bonds. This could cause the Corporation to have to return the courses to the City. Supervisor Bennett also encouraged the Corporation to consider its fee structure and implement incremental increases. Ms. Walker agreed. Reasons for Supervisor Bennett's comments were provided. Ms. Walker felt that the Corporation supported her position. Reasons the rates should not be increased for two years were provided by Ms. Walker. Once the market shakes out, the Corporation should consider its fees. Mayor Masayko indicated that each proposal in the report would be brought back separately for consideration and action by the Board. The request today is for policy direction. Public comments were solicited but none given. Supervisor Tatro moved to approve in concept a plan for restructuring the debt for the Eagle Valley Golf Course and changes to the Carson City Municipal Golf Corporation contract and direct staff to proceed according to the information provided in the staff report. Supervisor Bennett seconded the motion. Motion carried 4-0.

6. FINANCE DIRECTOR - David Heath - ACTION ON RESOLUTION ESTABLISHING BUSINESS LICENSE FEES FOR THE CONSOLIDATED MUNICIPALITY OF CARSON CITY FOR CALENDAR YEAR 1999 (1-1078) - Chamber of Commerce Executive Vice President Larry Osborne, Treasurer Al Kramer, Pete Bachstadt - The last fee increase occurred five years ago. There had been a significant restructuring undertaken last year. The proposed fee increases comply with NRS 374. The Chamber had been contacted and had not "violently" opposed the increase. The fee increase had been tied to the June 1997 U.S. Cities CPI. The Chamber felt that the increases were to address inflationary cost-of-living impacts and, therefore, did not oppose the increases. Mr. Kramer explained that new business revenue last year had been reduced and that no large businesses had located in the community. New business had previously generated an adequate revenue flow to keep the rates down. Carson City currently has 6500 business. The fee increase will reflect a \$2 to \$3 increase per small business. Larger firms may experience a larger increase. Mayor Masayko pointed out that restructuring makes revenue projections difficult due to the different weights placed upon the individual firms. The revised ordinance is fairer, simpler, and more understandable than the previous Code.

(1-1172) Mr. Bachstadt felt that the rates had increased since he first became involved with one. His original fee had been \$90. Last year it was \$98. Restructuring had increased the license to \$117. Now, there is a 2.3 percent increase. He encouraged the Board to analyze its spending habits if it is running out of money. Another example is the \$40 a month which he pays for recycling that does not occur. That fee also increases annually at a rate of at least three percent. He questioned the reasons the restructuring was done just prior to the fee increase. The five cent gas tax for the freeway will not provide him with a better road or service. The same is true of Redevelopment which he felt should be applied to everyone in the community. He was not enthused about paying the additional 2.3 percent in his business tax and encouraged the Board to reject the proposal. He felt that a Nevada Appeal article had indicated that the City must maintain its revenue stream and that the Board had to approve the increase. The need for a hearing on it was, therefore, questioned. Mayor Masayko indicated that the comment meant that in order for the fee increase to be effective, the Board must pass it. Mr. Bachstadt felt that the article did not say this. Supervisor Bennett indicated that she sympathized with his position, however, she would support the fee increase. She felt that his comments indicated the feeling that the small business proprietor was having his revenue eaten away by ever increasing governmental fees and regulations. Mr. Bachstadt then expressed his feeling that whenever a license is requested, the individual gives away his personal rights. His application had clearly indicated that he refused to give away his right to do business anywhere in the United States. He felt that this right is provided by the Constitution. He did not mind paying a reasonable fee for this right but the fee increases were not reasonable. He felt that he may decide to "bring it to a head and determine who owns that property--the City or him." Supervisor Bennett editorialized his comments as being to remind government that when fees are increased, they should be done reasonably. She felt that the Board does and is very responsible in the use of its resources.

Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1998-R-63, A RESOLUTION ESTABLISHING BUSINESS LICENSE FEES FOR THE CONSOLIDATED MUNICIPALITY OF CARSON CITY FOR THE CALENDAR YEAR 1999. Mayor Masayko seconded the motion and indicated that he would echo her comments. He then stated to Mr. Bachstadt that he, personally, takes his job to control costs and expenditures very seriously and making sure that the bureaucracy is accountable to the public which they serve. The public asks the bureaucracy to provide specified levels of service to them and the bureaucracy needs a revenue stream to do that. Those levels of service experience, even if they are not increased annually, annual cost increases.

Therefore, revenue streams must be increased to match those costs. Mr. Bachstadt responded by explaining that he had attended several meetings during the last several years and had never seen anyone come in and demand any services. He asked if anyone had asked to have the business license fee increased. No one had done that. You do a lot of things that is not needed. Maybe, you should translate that into approving an entitlement rather than just assuming it. We are fast approaching the point where it is virtually confiscatory to do business almost anywhere. Even the State of Nevada has an application for a business tax which it says is for the privilege of doing business in the State of Nevada. It is not a privilege. It is a right. Everyone has a right to maintain themselves in this

country. That is why we have this country. He was "not saying to not do it but he was certainly going to argue the point a little bit because he was just tired of being lied to and cheated and stolen from, blackmailed, over-taxed, over-regulated, defrauded, ignored, all of these things and that is the way it is". Mayor Masayko indicated that they had a philosophical difference on this point. The motion to adopt Resolution No. 1998-R-63 was then voted and carried 4-0.

7. PURCHASING DIRECTOR - John Iratcabal - ACTION ON CONTRACT NO. 9899-80 - AQUATIC FACILITY ADDITIONS AND REMODEL, AWARD (1-1333) - Parks and Recreation Director Steve Kastens, Clark and Sullivan Constructors Representative Clark Gribben - Mayor Masayko pointed out the discrepancy between the engineers estimate and the bids. He cautioned against spending money just because there is a steady funding source. There should be definite need and a prudent course of action. Mr. Gribben expressed his surprise and disappointment with the bids. Reasons he felt that the bids were over the estimate and for feeling that the bids were valid were noted. Mr. Kastens explained the reasons for hiring Mr. Gribben as the engineer and the decision to retrofit the current aquatic facility. He did not wish to cut the project to make it fit the funding. For this reason the tax over-ride initiative had been sought and approved by the electorate. He interpreted the failure Library and Fire tax issues as a need to maintain prudent fiduciary control over the expenditure of the tax over-ride funds. He was also certain that if he was not performing as the public feels is in the best interest of the community, the Board will be advised and corrective steps will be taken. Mayor Masayko also pointed out the public perception when estimates are too low. He cautioned both Mr. Kastens and Mr. Gribben against over-spending particularly if the public perceives it to be haphazardly or in an uncontrolled fashion. Mr. Kastens assured the Board that he would restrict the costs to the best of his ability and cautioned that he should not be held accountable for any contractors or other individuals hired to perform the job. Areas where the price differences had occurred were noted. (Supervisor Smith arrived during this discussion--10:13 a.m. A quorum was present as previously indicated.)

(1-1716) Judy Jacoboni of Jacoboni Plastering and Tile and Tahoe Pool and Spa Construction briefly described her experience in Northern Nevada and her concerns with the proposal to award the contract to the low bidder which were based on the lack information regarding the subcontractors. Ron Jacoboni explained the contractor classifications and construction licensing restrictions.

Mr. Iratcabal responding by explaining the response he had received from American General Development who had assured him that any subcontractors who are not listed would be performing less than five percent of the project. American General could also perform the remaining work.

Parks and Recreation Commission Chairperson Bob Kennedy explained that the Commission's decision had been based upon answers to similar questions and the recommendation to defer other Question 18 projects to allow the aquatic remodel to proceed. This is the number one project on the list of priorities which is supported by the community. Mayor Masayko emphasized the need for the bureaucracy to be prudent and exercise fiduciary responsibility particularly when cost over-runs are encountered. He also expressed his commitment to be sure that the reasons over-runs occur are clearly understood. Chairperson Kennedy reiterated that the Commission had supported proceeding with the project.

(1-1885) Carson Aquatic Club Representative Bruce Scott urged the Board to approve the award. He also explained his personal experience which had placed him in Mr. Gribben's position on a different project. It occasionally happens. He was not attempting to excuse or lessen the impact. He had worked with Mr. Gribben for at least 20 years and felt that he was an excellent engineer. The fact that the specs and plans had not created a major controversy is a good sign which may indicate that there is good set of construction documents. He urged the Board to retain a project manager to be sure that the public interests are preserved, which the Parks and Recreation Commission had also recommended.

(1-1925) Beth Scott explained her involvement with the project and Question 18. The project will be a good thing for the community. She thanked all of the participants for their dedication and work on the project and urged the Board to proceed with the project. Future swim meets which will be held in the pool were cited to illustrate the

need for the facility.

(1-1949) Pete Livermore briefly noted his involvement over the years with the aquatic facility. Engineers' estimates and drawings were used to draft the tax over-ride question. The need to have the remodel constructed during the off-swim season period was explained. He was certain that the proposed project would be managed in as cost conscious a fashion as possible as had the last aquatic project. He urged the Board to award the project as recommended.

Ms. Jacoboni then explained her feeling that the low bidder had not been licensed to perform the project as he had assured the City staff that he is. She then reiterated her request that the subcontractors be made known. Mr. Iratcabal indicated that he had not checked extensively on the subcontractors for the other bidders as those bids are higher. American General had listed the subcontractors which it intends to use on the project. He had discussed this issue with the President, John Sieben, Jr., who had assured him that he has staff on board with the necessary credentials to do all of the work. He was unsure of the type of license mandated for the work. General contractors can and do do just about all of the different types of work for a project if and when they have the proper staff. American General had assured him that there are proper staff/personnel within the firm. Mr. Iratcabal did not know who this staff person(s) is/are. This is one of the jobs that the construction manager will be responsible for as part of the verification of subcontractors including whether they are the ones who are listed in the bid document and whether they and American General's staff are properly licensed. Supervisor Bennett questioned the City's legal standing on this issue.

Mr. Gribben then indicated that this issue had been raised on other pools as indicated by his example of a Reno project. Supervisor Smith expressed his feeling that a contractor who submits a bid understands the rules and ramifications if the regulations are not adhered to regarding licensing. He also indicated that the motion could be made contingent upon verification of the appropriate licenses before construction commences.

Supervisor Plank explained his commitment to an unnamed telephone caller to indicate his objection to delaying other projects in order to provide funding for the aquatic project. He urged staff to keep these other projects on track in order to avoid disappointing supporters for those projects. He supported moving forward with the project rather than redesigning it and delaying the entire project or settling for a lesser project which is unwanted/undesired by the community.

Supervisor Bennett moved that the Board of Supervisors accept the Purchasing Department's recommendation and award Contract No. 9899-080 to Bidder No. 1, American General Development, P. O. Box 2064, Carson City, Nevada, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$3,493,830 and a contingency amount of \$174,691.50 pending the assurance of the proper licensure of the lowest bidder. Supervisor Plank seconded the motion. Mayor Masayko indicated that the motion is to award the bid as recommended subject to a confirmation ruling from the State Contractors Board on Licensing. Mr. Lipparelli questioned what would satisfy the Board about the license--a letter from the low bidder assuring the City that he possesses the proper licenses, a letter from the State Contractors Board, or what. How would the staff know when the condition is satisfied? Mayor Masayko felt that it should be a letter from the State Contractors Board. Supervisor Tatro felt that the Board should be realistic in what is expected. He was unsure whether the State Contractors Board would furnish a letter saying that the firm is qualified to do the project. There are approximately 400 different things which go into that decision. The letter may not answer the question. He did not believe that the Contractors Board will say that American General has all of the proper licenses to do the job. It will depend upon when they get to the job, the part of the work to be done, who is there, how they are licensed, and whether the trademen are qualified to perform the work. He was unsure whether they could get a blanket statement from the Contractors Board saying that they are good to go. If the Board is asking for that, they were not doing anything. The Board needs to ask for something that they could get. He was unsure what that is. Mr. Lipparelli responded by explaining his perception of the hearing is that a question had been posed about the qualifications of American General and whether it can perform pool construction. The Board may have other questions on its mind but none had been articulated in the

same fashion as Ms. Jacoboni had questioned about the pool licensing. He suggested that an appropriate condition would be subject to confirmation that American General current licensing status includes the ability to perform pool construction rather than, as Supervisor Tatro had said, asking the Contractors Board to sign a blank check. The Board is asking the Contractors Board to verify this one general question. Mayor Masayko felt that the question is what exists today with the bidder/contractor. **Supervisor Bennett requested that the motion reflect Mr. Lipparelli's representation and amended the motion. Supervisor Plank concurred.** Both Mr. Berkich and Mr. Iratcabal felt that they understood the Board's direction. Supervisor Smith indicated that this had been his comments as he was unsure, as Supervisor Tatro had indicated, that without some formal protest type of thing, whether the Contractors Board would be willing to issue such a letter. Mr. Lipparelli's comments satisfied him. Supervisor Plank felt that a conformation could be obtained as one of the other bidders has very hardily protested another contract on an earlier project and that the City had not heard from them at this point on that subject. It was his understanding that this is the normal practice for them in other places as well as in Carson City. His prediction is that the conformation will be provided that American General can build the pool. **The motion to award the contract as staff had recommend with the amendment to seek verification of the license was voted and carried 5-0.** Mayor Masayko indicated that he voted Aye but was nervous as he was worried about adequate oversight and these questions. He was saying Aye because he knew it would not be the right message to send to the individuals who represented the project but he did have concerns.

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.

8. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

A. ACTION ON AB-98/99-3 - REQUEST FROM FLOYD AND KATHLEEN NICHOLS TO ABANDON AN APPROXIMATE 50 FOOT WIDE BY 157 FOOT LONG PREVIOUSLY DEDICATED PUBLIC RIGHT-OF-WAY LOCATED AT 3020 DEER RUN ROAD ON PROPERTY ZONED GENERAL INDUSTRIAL (GI) APN 8-541-12; B. ACTION ON AB-98/99-4 - REQUEST FROM GEORGETTE MADDOX TO ABANDON AN APPROXIMATE 50 FOOT WIDE BY 240 FOOT LONG PREVIOUSLY DEDICATED PUBLIC RIGHT-OF-WAY LOCATED AT 3031 AND 3051 DEER RUN ROAD ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), APN'S 8-521-07 AND 8-521-08; AND C. ACTION ON AB-98/99-5 - REQUEST FROM NORAN AND CAROL RUDEN TO ABANDON AN APPROXIMATE 50 FOOT WIDE BY 204 FOOT LONG PREVIOUSLY DEDICATED PUBLIC RIGHT-OF-WAY LOCATED AT 3084 AND 3088 DEER RUN ROAD ON PROPERTY ZONED GENERAL INDUSTRIAL (GI) APN 8-541-65 (1-2290) - Discussion corrected the typo on the Board Action Request for AB-98/99-5. Discussion indicated that parcels 58, 59, and 57 were all owned by the same property owner and may be abandoned at a future time with adjacent property owners. Supervisor Smith indicated that there would still be a 100 foot right-of-way in this area. This is more than adequate as had been determine more than a year ago when the first abandonments in this area were considered. Mayor Masayko indicated that this right-of-way is wider than College Parkway east of K-Mart. Amenities in this right-of-way were listed. Supervisor Tatro moved that the Board approve AB-98/99-3, a request from Floyd and Kathleen Nichols to abandon an approximate 50 foot wide by 157 foot long previously dedicated public right-of-way located at 3020 Deer Run Road on property zoned General Industrial on Assessor's Parcel Number 8-541-12 based on two findings and subject to four conditions of approval as contained in the staff report. Supervisor Plank seconded the motion. Motion carried 5-0.

Supervisor Tatro moved that the Board approve AB-98/99-4, a request from Georgette Maddox to abandon an approximate 50 foot wide by 240 foot long previously dedicated public right-of-way located at 3031 and 3051 Deer Run road on property zoned General Industrial, Assessor's Parcel Numbers 8-521-07 and 8-521-08, based on two findings and subject to four conditions of approval as contained in the staff report. Supervisor Plank seconded the motion. Motion carried 5-0.

Supervisor Tatro moved that the Board approve AB-98/99-5, a request from Noran and Carol Ruden to abandon an approximate 50 foot wide by 204 foot long previously dedicated public right-of-way located at 3084 and 3088

Deer Run Road on property zoned General Industrial, Assessor's Parcel Number 8-541-65, based on two findings and subject to four conditions of approval as contained in the staff report. Supervisor Plank seconded the motion. Motion carried 5-0.

D. ACTION REGARDING ADOPTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN CARSON CITY AND THE CARSON CITY AIRPORT AUTHORITY DATED NOVEMBER 19, 1998 (1-2490) - Mr. Sullivan indicated that the Airport Authority had considered the memorandum and had approved it unanimously. Mr. Sullivan agreed to followup on the signatures. Discussion indicated that an appeal of any Airport Authority item would have to be considered by the courts just like appeals of the Board of Supervisors issues. Mr. Sullivan also explained his intent to work with Mr. Lipparelli to develop a more binding instrument for enforcement. Mr. Lipparelli briefly described his concern with Memoranda of Understanding and their enforcement. Supervisor Bennett explained her use of such Memoranda of Understanding and her comfort in entering the proposed memorandum. Mr. Sullivan indicated that if the Board approves the memorandum and the Mayor signs it, he would ask Mr. Berkich to send a letter to all the land developers and City agencies requesting that the established procedure be followed. Supervisor Smith expressed his support for the memorandum of understanding. Mayor Masayko felt that it would open the door for cooperation between the two entities as a first step. Supervisor Bennett moved that the Board of Supervisors adopt the Memorandum of Understanding between Carson City and the Carson City Airport Authority dated November 19, 1998. Supervisor Tatro seconded the motion. Motion carried 5-0.

9. UTILITIES DEPARTMENT - Senior Engineer David Merrill

A. ACTION ON A DEDICATION OF EASEMENT BY AND BETWEEN CARSON CITY AND B. J. ADAMS (1-2722) - Supervisor Tatro moved that the Board approve and authorize the Mayor to sign a Dedication of Easement by and between Carson City and B. J. Adams. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND TAHOE FRACTURE PROPERTIES, LLC, REGARDING ASSESSOR'S PARCEL NO. 1-175-04, LOCATED AT 1104 NORTH DIVISION STREET, CARSON CITY, NEVADA, FOR SEWER MAIN REPLACEMENT (1-2765) - Supervisor Smith moved to introduce Bill No. 137 on first reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND TAHOE FRACTURE PROPERTIES, LLC REGARDING ASSESSOR'S PARCEL NO. 1-175-04 LOCATED AT 1104 NORTH DIVISION STREET, CARSON CITY, NEVADA, FOR SEWER MAIN REPLACEMENT, fiscal impact is \$18,782.73 which includes a 15 percent contingency; and the funding source is the 515 Replacement Account. Supervisor Tatro seconded the motion. Motion carried 5-0.

There being no other matters for consideration, Supervisor Bennett moved to adjourn. Supervisor Smith seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 11:15 a.m.

The Minutes of the November 19, 1998, Carson City Board of Supervisors meeting

ARE SO APPROVED ON ____ July 1 ____.

1999.

_____/s/_____

Ray Masayko, Mayor

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ATTEST:

/s/ _____
Alan Glover, Clerk-Recorder