

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the December 17, 1998, Meeting  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, December 17, 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
	Rod Banister	Sheriff
	Al Kramer	Treasurer
	William Naylor	Information Services Director
	John Iratcabal	Purchasing Director
	Paul Lipparelli	Chief Deputy District Attorney
	Steve Mihelic	Assistant Fire Chief
	Tim Homann	P. W. Capital Projects Manager
	Bill Callahan	Chief Deputy Sheriff
	Bernie Curtis	Chief Deputy Sheriff
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 12/17/98 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. The entire Board was present constituting a quorum. Dr. Phil Greer of the Carson Professional Group gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

**CITIZEN COMMENTS (1-0049)** - None.

**1. APPROVAL OF MINUTES (1-0055)** - None

**2. SPECIAL PRESENTATIONS (1-0060)**

**D. PRESENTATION TO CARSON HIGH SCHOOL SOCCER TEAMS AND ACADEMIC ATHLETIC AWARD WINNERS** - Following Mayor Masayko's introduction, Supervisor Tatro introduced Carson High School Principal Glen Adair and Boys Soccer Coach Bruce Bergantz and briefly described various awards won by the High School athletic teams. Supervisor Tatro read the accommodation plaque into the record, explained the award, and presented the plaque to the High School Boys Soccer Coach Bergantz. Coach Bergantz thanked the Board for the recognition and introduced each of his team players. Supervisor Tatro then introduced the Girls Soccer Team Head Coach Krista Kerr and described the award the team had won. An autographed photograph of the team was given to Supervisor Tatro by the team. (The photograph is in the file.) Coach Kerr thanked the Board for the recognition and acknowledged the community support which the team had received. She then introduced her team. Supervisor Tatro read the accommodation award into the record and presented it to her. Principal Adair thanked the Board for the positive recognition it was giving the teams. He also explained the School's pride in winning academic awards and State athletic championships. The importance of the recognition

and the awards was explained. Carson High School had won five of the eight scholarship awards. The School had also had a team in all of the championship games in the State. Supervisor Tatro explained each award, read each plaque into the record recognizing these accomplishments, and presented them to the respective coaches. Coach Bateman accepted the plaque for the football team, explained the awards the team had won and its academic rankings, and named his team members. Volleyball Girls Team Coach James Streeter thanked the Board for the recognition. Volleyball Girls Team Coach Streeter indicated that Coach James had been recognized as the Northern Nevada Coach of the Year for Volleyball. Supervisor Tatro pointed out that Carson High had won more academic championships than all of the other schools combined. Principal Adair agreed that the school had won more academic state championships than any of the other schools in any of the divisions. Carson High School Girls Cross Country Team Coach Jason Massey thanked the Board for the recognition and explained the team's academic standings. Girls Golf Team Coach Groggan expressed his appreciation for the recognition and introduced his two senior players. He thanked the Board for allowing the team to use the Eagle Valley Golf Course. Principal Adair again thanked the Board for the recognition and invited the Board to visit the school at any time, particularly, the conference room where the awards are kept. The School had garnered more State championships overall based on its athletic roster than any other school. Supervisor Tatro acknowledged that the Board did not take the time to recognize such achievements often enough. He pointed out that the room would clearly indicate that the future of Carson City looks bright. Anyone doubting this statement should watch the video of the meeting as it shows a group of champions assembled. Their hard work, the High School's organization, and the community pulling together had caused it to happen. He thanked them for coming and wished them success in the future. Mayor Masayko congratulated the School and invited the students and faculty to remain, if possible, for the following items.

**A. ACTION ON A RESOLUTION COMMENDING TOM TATRO, CARSON CITY SUPERVISOR (1-0390)** - Personnel Manager Judie Fisher - Mayor Masayko expressed his feeling that the previous awards represented Supervisor Tatro, his love for the community, and his belief in youth and the future. He then read the resolution into the record. Supervisor Bennett moved to adopt Resolution No. 1998-R-65, A RESOLUTION COMMENDING SUPERVISOR TOM TATRO FOR HIS SERVICE. Supervisor Smith seconded the motion. Supervisor Tatro indicated he would abstain from voting. The motion carried 4-0-1 with Supervisor Tatro abstaining. Mayor Masayko read a plaque commending Supervisor Tatro into the record and presented it to him. Supervisor Tatro indicated that he would miss the work which the Board does but was certain that the community would continue on.

**B. ACTION ON A RESOLUTION COMMENDING GREG SMITH, CARSON CITY SUPERVISOR (1-0452)** - Personnel Manager Fisher - Mayor Masayko indicated that it was with a "heavy heart" that the Board bid him farewell. He had provided a balance to the Board with his approach and ideas which had all been in the best interest of the community. He then read the resolution into the record. Supervisor Tatro moved to adopt Resolution No. 1998-R-66, A RESOLUTION COMMENDING SUPERVISOR GREG SMITH FOR HIS SERVICE. Supervisor Plank seconded the motion. Motion carried unanimously. Mayor Masayko read an accommodation plaque into the record and presented it to him with wishes for the best in his future endeavors. Supervisor Smith expressed his feeling that the job had allowed him to grow over the years. He indicated that one of the things he missed most about no longer running Rico's was the kids whom he had watched grow year after year. It had been wonderful to see how fantastic these kids had turned out. This indicates the community spirit and pride. He was comfortable in the knowledge that both he and Supervisor Tatro were leaving the Board in a good position. He congratulated Supervisor-elect Williamson and wished her the best in the future. It had been a pleasure working with the Board.

(1-0605) A presentation from the City Manager's staff was made to Supervisors Smith and Tatro--a cake. Administrative Assistant Liz Teixeira expressed her appreciation at having had the opportunity to work with them. Office Supervisor Terry Drake indicated that the staff would miss them and wished them the best in their future. City Manager Berkich indicated that his staff, including Senior Secretary Janet Busse, had planned the occasion and done all of the work. Mayor Masayko indicated that the cake would be served during the 10 a.m. break and

thanked staff for the presentation.

**C. ACTION ON A RESOLUTION COMMENDING TIM HOMANN, CAPITAL PROJECTS MANAGER (1-0528)** - Personnel Director Fisher - Mayor Masayko expressed his feeling that Mr. Homann had helped the community develop reasonable and beneficial solutions to various problems during his time with the City. His dedication was more than that given to a job. He read the resolution into the record. Supervisor Tatro moved to adopt Resolution No. 1998-R-67, A RESOLUTION COMMENDING TIM HOMANN, CITY CAPITAL PROJECTS MANAGER. Supervisor Smith seconded the motion. Motion carried 5-0. Mayor Masayko presented Mr. Homann with a pin commemorating his service and wished him success in his new position. Mr. Homann thanked the Board for the recognition and that which had been given to the youths earlier in the meeting. He expressed the hope that his service had been beneficial to the community. He felt that he was leaving with a lot of good memories but was moving nearer to his family, which had been his prime motivation for leaving the area. He then introduced his wife, Donna Homann, expressed his appreciation for her support, and explained her desire to relocate and be nearer her family.

BREAK: A five minute recess was declared at 9:12 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 9:17 a.m., constituting a quorum.

**3. CONSENT AGENDA (1-0645) - PURCHASING DIRECTOR - John Iratcabal**

**A. ACTION ON CONTRACT NO. 9899-154 - AQUATIC FACILITY ADDITIONS AND REMODEL, CLERK OF THE WORKS**

**B. ACTION ON CONTRACT NO. 9899-122 - STREETS DEPARTMENT HYDRAULIC EXCAVATOR AND STREET SWEEPER PURCHASE, AWARD**

**C. ACTION ON CONTRACT NO. 9899-110 - SHERIFF/FIRE COMBINED DISPATCH FACILITY DESIGN SERVICES, REQUEST FOR CONTRACT APPROVAL**

**D. ACTION ON CONTRACT NO. 9899-112 - EDMONDS IRRIGATION AND BALLFIELD EXPANSION PROJECT, AWARD** - Mayor Masayko pulled Item B for discussion. Supervisor Tatro moved to approve the Consent Agenda as presented with the exception of Contract 9899-122 for the Street Sweeper which is to be pulled from the Consent Agenda and heard separately. Supervisor Bennett seconded the motion. Motion carried 5-0.

**B. (1-0668)** - The bids were for two separate pieces of equipment. The challenge is to the bid for the Street Sweeper. SNE Representative Lee Toneon expressed his feeling that the bid was "proprietary" as only a small number of firms could have bid the equipment. This feeling was based on the lack of bids as indicated by having only two bidders submit responses. Purportedly, his firm has over 80 units in service in Nevada. A list was given to the Board. (A copy was not given to the Clerk.) Local firms were named. His firm has been in operation for 30 years. He then challenged the location of the Schwarze sales and service facility in Nevada. His firm has one in both Las Vegas and Sparks. Purportedly, his equipment has the same horse power as that which Schwarze bid. He agreed that his hopper was a little smaller but his bid was \$9,236 lower. A broom "assist" option, which was \$2200 of his bid, could be removed. Its usage alleviates the problem the Street Department had expressed about pine cones, etc., plugging the hose. He questioned the reasons the City would reject a proven piece of equipment from Nevada and accept an unproven piece from outside Nevada.

Street Superintendent John Flansberg explained the problems encountered with the City's current sweepers, the team and the research which had been conducted on street sweepers, the difference between vacuum and regenerative air sweepers, and the use of San Joaquin County specs. He agreed that the TYMCO was a good broom. The differences between Schwarze and TYMCO were described. He agreed that the Schwarze service center is located in Sacramento. The City has purchased other equipment from the dealer. Team Member and Equipment Operator Ed Law described the performance differences between the two pieces of equipment which he felt reduced his down time. He, personally, felt that the Schwarze equipment had performed better than TYMCO's. Discussion indicated that the TYMCO did not meet the bid specifications as requested. This is the

reason staff recommended rejecting the bid.

Supervisor Bennett expressed her feeling that staff had conducted the necessary analysis to support rejection of the low bid and acceptance of the remaining bid. Supervisor Bennett then explained her desire to meet the individual who drives the street sweepers and commended him on his efforts on the west side. Mr. Law invited the Board to ride in the sweeper. Supervisor Smith commended Mr. Toneon for his belief in his equipment and willingness to back it. He then pointed out the change in how government does business from the days when the lowest bid must be accepted regardless of any other facts to today's standard of looking for the best value. As this evaluation process had been followed, he supported staff's recommendation. Additional comments were solicited but none given. Supervisor Bennett moved that the Board of Supervisors approve the Purchasing Department's recommendation and award Contract No. 9899-122 to Bidder No. 5, Empire Equipment Co. L.P., 1255 Spice Island Drive, Sparks, Nevada, as the lowest responsive and responsible bidder for the Hydraulic Excavator pursuant to the requirements of NRS Chapter 332 for a contract amount of \$193,867 and award Contract 9899-122 to Bidder No. 3, Municipal Maintenance Equipment, Inc., 2360 Harvard Street, Sacramento, California, as the lowest responsive and responsible bidder for the Street Sweeper pursuant to the requirements of NRS Chapter 332 for a contract amount of \$110,800; budget allocation is \$320,000; and the funding source is Street Division Equipment as provided for in Fiscal Year 9899. Supervisor Plank seconded the motion and indicated that the total cost of both pieces of equipment was under the funding allocation even though the one bid was higher. Motion carried 5-0.

#### **4. BOARD OF SUPERVISORS**

**A. DISCUSSION ON LEGISLATIVE MATTERS (1-0951)** - Mr. Berkich indicated that meetings with the legislators continue. The next meeting is scheduled for January 25. The City bills have all received numbers. Staff will track them once the session opens in February. Supervisor Bennett explained that the Subconservancy will be submitting a bill to add Churchill County as a member. She proposed to present it for Board consideration at the first meeting in January. Mayor Masayko indicated that the Board will agendaize any legislative issues for discussion and support. This will provide the legislative team/lobbyist information on how to handle those issues. The Nevada Day weekend designation may require Board action.

**B. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-1025)** - Mayor Masayko reported on the tree lighting ceremony and Christmas Art awards and commended City staff on their Christmas decorations at City Hall and the Chamber of Commerce and Mainstreet Association on the street decorations. He then reported on the Redevelopment Authority Citizens Committee meeting, the Statewide Transportation Technical Advisory Committee meeting and the need to submit applications for TEA-21 funding as soon as possible, and the Tri-County Railway Commission meeting. Supervisor Plank reported on the recount and its procedures, the Community Council on Youth activities and youth needs for transportation, Western Nevada Development District's training session and its annual meeting, the NDOT presentation on the freeway off-ramps for Arrowhead, the Community Center task force meeting, a Recreation staff meeting regarding establishment of procedures to develop programs for physically challenged individuals, the Parks and Recreation Commission meeting, and the RTC meeting. Supervisor Bennett reported on the CCEA Employees Christmas party, a Public Lands symposium, the Hospital Board of Trustees meeting, Tahoe Transportation District meeting, a presentation to State Lands about hiring a project manager for the Tahoe Conservation District to handle the Tahoe Bond Act monies, a TRPA meeting which had included a meeting of the NTRPA which had appointed Bryan Sandoval as the member-at-large, and the Subconservancy District meeting. Supervisor Smith thanked everyone for the opportunity to work with the Board and Mr. Berkich during his eight year tenure. He briefly described how the Board had functioned when he first came on. His tenure had taught him how teamwork occurs and the need for it to include not only the Board but the City Manager and staff. Team work has caused the community to be successful. It allows for individual disagreement while maintaining friendships and relationships with one another. He hoped that the new Board would be able to maintain this ability rather than become different ships sailing in opposite directions. He then explained his letter to the City employees which he had truly meant. Reasons for the letter were explained. His tenure had been a pleasure and wonderful experience.

He reiterated his statement wishing Supervisor-elect Williamson success in the position. Supervisor Tatro then explained his proclivity to have "emotional emphysema". He indicated that a lot of things had occurred during his nine year tenure. Nothing happens by oneself. The Board must work together to accomplish things. The City had become progressive. He commended Mr. Berkich on his ability to enable and empower the employees by creating a "can do" attitude. This environment allows an employee to learn from a mistake and move forward with another opportunity to succeed. This allows everyone to be treated with respect and value. An example supporting this change was the presentation by the Street Sweepers. This change is the reason other cities/counties are looking to Carson City as a leader and for examples. He hoped that this continues. The new Board members will be given an orientation and manual of procedures. His most important advice to them is that they should think for themselves as everyone will be ready to help. The answers must be found by the individual in order to maintain the five member presentation on all the issues. His tenure on the Board was an experience that many people are never afforded. It is one that he would always treasure. He then reported on the Carson High Wrestling Team activities.

**AGENDA MODIFICATIONS (1-1635)** - Mayor Masayko indicated that the status report by Community Development on the noise master plan would be considered during the afternoon session. The Regional Transportation Commission appointment had been deferred. The Debt Management Commission appointments were cancelled as the Board does not make these appointments.

**C. STAFF REPORTS (1-1650)** - City Manager John Berkich and Deputy City Manager Dan St. John introduced Development Services Manager Mahmood "Moody" Azad and described his background. Mayor Masayko welcomed him to the community.

**BREAK:** A 15 minute recess was declared at 10:15 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:30 a.m., constituting a quorum.

**5. FINANCE DIRECTOR - David Heath - ACTION TO ACCEPT THE CARSON CITY FISCAL YEAR 97-98 COMPREHENSIVE ANNUAL FINANCIAL REPORT (1-1682)** - Finance Director David Heath introduced Randy Kuckenmeister of Kafoury, Armstrong and Company. Mr. Kuckenmeister used the overhead projector to give a slide presentation on the City's financial status. A copy is included in the file. He explained the audit exception relating to the Y2K problem. Board comments indicated that the Y2K problem had been on the City's agenda for over a year. The exceptions listed on Page 35 were described as being over-expenditures of the Supplemental Indigent Fund and the Ambulance Fund. Graphs illustrating the City's financial picture, revenue sources, and expenditures were explained. He then noted the auditor's comments regarding the reoccurring violations, which the City did not have. Likewise, there were no recommendations in the previous report upon which a followup was to occur. A minor management letter, the two single audit reports regarding compliance with laws and regulations, and grant compliance requirements were briefly described. Discussion indicated that the City is in fine financial shape, is prudently managing its money, and adhering to the NRS requirements. The audit exceptions should have been handled through budget augments. Staff will provide a report on the reasons for the exceptions and methods of correction at a future meeting. Supervisor Bennett expressed her feeling that Mr. Heath is responsible for keeping the financial picture together and going. There are controls in place to handle this. She encouraged him to keep up the good work. Mayor Masayko explained the external auditor's function and reasons for having the report. Discussion ensued concerning next year's revenue picture, the estimated sales tax revenue decline, the impact of additional gaming competition, and the impact the legislature may have on the funding sources. Mayor Masayko pointed out former Finance Director Mary Walker and current Finance Director Heath's conservative estimates on tax revenues in their reports and justification for this approach. There being no other comments, Supervisor Plank moved to accept the Carson City Fiscal Year 97-98 Comprehensive Annual Financial Report as presented. Supervisor Bennett seconded the motion. Motion carried 5-0. Discussion indicated that management letter issues will be discussed at future meeting. Mr. Heath commended Mr. Kuckenmeister and his firm on its level of service

**6. TREASURER - Al Kramer - ACTION ON A RESOLUTION AMENDING THE DEFERRED COMPENSATION PLAN, ADMINISTERED BY THE HARTFORD, FOR CARSON CITY EMPLOYEES**

**TO CONFORM THE PLAN TO CHANGES IN THE FEDERAL LAW BROUGHT ABOUT BY THE SMALL BUSINESS JOB PROTECTION ACT OF 1996 PROVIDING THAT THE PLAN ASSETS BE HELD IN TRUST FOR THE EXCLUSIVE BENEFIT OF PLAN PARTICIPANTS, TO PROVIDE EMPLOYEES WITH OTHER BENEFITS INCLUDING INDEXED LIMITATIONS OF DEFERRED AMOUNTS, RAISING THE MAXIMUM ANNUAL CONTRIBUTION AND CERTAIN ELECTIONS WITH RESPECT TO THE COMMENCEMENT OF PLAN DISTRIBUTIONS AND OTHER MATTERS PROPERLY RELATED THERETO (1-2025)** - Supervisor Bennett moved to adopt Resolution No. 1998-R-68, A RESOLUTION AMENDING THE DEFERRED COMPENSATION PLAN, ADMINISTERED BY THE HARTFORD, FOR CARSON CITY EMPLOYEES TO CONFORM THE PLAN TO CHANGES IN THE FEDERAL LAW BROUGHT ABOUT BY THE SMALL BUSINESS JOB PROTECTION ACT OF 1996 PROVIDING THAT THE PLAN ASSETS BE HELD IN TRUST FOR THE EXCLUSIVE BENEFIT OF PLAN PARTICIPANTS, TO PROVIDE EMPLOYEES WITH OTHER BENEFITS INCLUDING INDEXED LIMITATIONS OF DEFERRED AMOUNTS, RAISING THE MAXIMUM ANNUAL CONTRIBUTION AND CERTAIN ELECTIONS WITH RESPECT TO THE COMMENCEMENT OF PLAN DISTRIBUTIONS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

**7. FIRE DEPARTMENT** - Assistant Fire Chief Steve Mihelic

**B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 138 - AN ORDINANCE AMENDING CHAPTER 14.10 OF THE CCMC (WILDLAND INTERFACE) TO MAKE MINOR OR GRAMMATICAL CHANGES, TO EXPAND THE SIZE OF GROUP U BUILDINGS WHICH ARE EXEMPT FROM THE REQUIREMENT FOR APPROVED WATER SOURCES PROVIDED THEY HAVE FIRE TAPED DRYWALL, AND OTHER MATTERS PROPERLY RELATING THERETO (1-2078)** - Changes requested by the Board at the last meeting had been made. Supervisor Smith moved that the Board of Supervisors adopt on second reading Bill 138, Ordinance No. 1998-42, AN ORDINANCE AMENDING CHAPTER 14.10 OF THE CCMC (WILDLAND INTERFACE) TO MAKE MINOR OR GRAMMATICAL CHANGES, TO EXPAND THE SIZE OF GROUP U BUILDINGS WHICH ARE EXEMPT FROM THE REQUIREMENT FOR APPROVED WATER SOURCES PROVIDED THEY HAVE FIRE TAPED DRYWALL, AND OTHER MATTERS PROPERLY RELATING THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

**A. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING TITLE 14 OF THE CCMC (FIRE) TO ADOPT THE 1997 UNIFORM FIRE CODE WITH CERTAIN EXISTING LOCAL AMENDMENTS TO THAT UNIFORM CODE AND ITS APPENDICES, TO RENUMBER CERTAIN SECTIONS, TO ADOPT NEW APPENDICES II-J, VI-G, VI-H, VI-I, TO ADD A REQUIREMENT FOR EMERGENCY ACCESS THROUGH POWER OPERATED GATES TO GATED COMMUNITIES, TO ADD A SERVICE CHARGE FOR FALSE ALARMS, TO DELETE THE PROHIBITION AGAINST STORAGE OF HAZARDOUS MATERIALS IN A DEFINED AREA, TO REQUIRE PAYMENT FOR AFTER-HOURS INSPECTIONS, TO ELIMINATE THE REQUIREMENT THAT THE BOARD OF SUPERVISORS APPROVE FIRE PREVENTION RULES AND REGULATIONS, TO DELETE THE REQUIREMENT THAT EXIT SIGNS MUST BE GREEN, TO DELETE THE 10-FOOT LIMITATION ON HEIGHT OF STACKS OF COMBUSTIBLE PALLETS, AND OTHER MATTERS PROPERLY RELATED THERETO (1-2120)** - Reasons for the amendments were explained by Assistant Fire Chief Mihelic. The false alarm language gives the Department flexibility when assessing the fees. Clarification indicated that Lines 11 and 18 on Page 12 read "shall be subject to" which grants the flexibility. Supervisor Bennett noted a typographical error in Line 11 which should read "shall be". Chief Deputy District Attorney Lipparelli explained the reasons for this terminology. Supervisor Bennett moved that the Board of Supervisors introduce Bill No. 141 on first reading, AN ORDINANCE AMENDING TITLE 14 OF THE CARSON CITY MUNICIPAL CODE, FIRE, TO ADOPT THE 1997 UNIFORM FIRE CODE WITH CERTAIN EXISTING LOCAL AMENDMENTS TO THAT UNIFORM CODE AND ITS APPENDICES, TO RENUMBER CERTAIN SECTIONS, to require payment for after-hour inspections, to eliminate the requirement that the Board

of Supervisors approve fire prevention rules and regulations, to delete the requirement that exists that exit signs must be green, to delete the ten foot limitation on the height of the stacks of combustible pallets, and other matters properly related thereto. Supervisor Plank seconded the motion. Discussion indicated the title from the Board Action Request Form should be read rather than the abbreviated title. Mr. Lipparelli indicated that the title page of the ordinance would be corrected before the second reading. Supervisor Bennett withdrew her motion. Supervisor Plank concurred. Supervisor Bennett then moved to introduce Bill No. 141 on first reading, AN ORDINANCE AMENDING TITLE 14 OF THE CCMC (FIRE) TO ADOPT THE 1997 UNIFORM FIRE CODE WITH CERTAIN EXISTING LOCAL AMENDMENTS TO THAT UNIFORM CODE AND ITS APPENDICES, TO RENUMBER CERTAIN SECTIONS, TO ADOPT NEW APPENDICES II-J, VI-G, VI-H, VI-I, TO ADD A REQUIREMENT FOR EMERGENCY ACCESS THROUGH POWER OPERATED GATES TO GATED COMMUNITIES, TO ADD A SERVICE CHARGE FOR FALSE ALARMS, TO DELETE THE PROHIBITION AGAINST STORAGE OF HAZARDOUS MATERIALS IN A DEFINED AREA, TO REQUIRE PAYMENT FOR AFTER-HOURS INSPECTIONS, TO ELIMINATE THE REQUIREMENT THAT THE BOARD OF SUPERVISORS APPROVE FIRE PREVENTION RULES AND REGULATIONS, TO DELETE THE REQUIREMENT THAT EXIT SIGNS MUST BE GREEN, TO DELETE THE 10-FOOT LIMITATION ON HEIGHT OF STACKS OF COMBUSTIBLE PALLETS, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 5-0.

#### **8. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan**

**A. ACTION ON U-98/99-17 - AN APPEAL OF THE REGIONAL PLANNING COMMISSION'S DECISION TO DENY A SPECIAL USE PERMIT APPLICATION REQUEST FROM BRIAN DAUBERT, STOTT OUTDOOR ADVERTISING (PROPERTY OWNER: SHIRLEY OLIVER) TO ALLOW AN OUTDOOR STRUCTURE (BILLBOARD) ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 6441 HIGHWAY 50 EAST, APN 8-521-80; AND B. ACTION ON U-98/99-21 - AN APPEAL OF THE REGIONAL PLANNING COMMISSION'S DECISION TO DENY A SPECIAL USE PERMIT APPLICATION REQUEST FROM DONREY OUTDOOR ADVERTISING COMPANY (PROPERTY OWNER: DONALD F. AND ROSE DENTON) TO ALLOW AN OUTDOOR STRUCTURE (BILLBOARD) ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 6369 HIGHWAY 50 EAST, APN 8-521-76 (1-2579) - Principal Planner Rob Joiner -** The two proposed sign locations are only 850 feet apart. The Code requires 1,000 feet between signs. Staff's recommendation of approval for the Donrey sign was explained. The Donrey application was submitted after the Stott application. The impact of the signs on the vista, the need for a special use permit, and the type of message displayed on the sign were discussed. The message issue could not be used to uphold or approve the application. Supervisor Plank felt that it would be unfair to allow one sign and not the other as there is little difference between the two. Comments also explained that the new billboards on Highway 50 West, aka Spooner, were not in Carson City. There had been a lot of adverse public reaction to those signs.

(1-2935) Stott Outdoor Advertising Representative Brian Daubert and Donrey Outdoor Advertising Representative Robin Reeve explained their appeals. Ms. Reeve gave the Board photographs which had purportedly been shown to the Planning Commission. These photographs were returned to her after the motion. Property owner Donald Denton explained his need for additional income. Additional public comments were solicited but none given.

Chief Deputy District Attorney Lipparelli indicated that the issue related to whom had submitted the first application is irrelevant and insignificant to the decision making process. He then explained that as there is no sign in the application area, the Board could approve both signs without violating the Code prohibition against signs being within 1,000 feet of each other. The standards which should be used in granting the special use permit are those found in CCMC 18.02.062, which he delineated. Mayor Masayko felt that approval of two signs within less than 1,000 feet of each other could be inconsistent with the Board's objectives. He agreed that this had not been one of the Planning Commission's findings but was certain it had played a part in the deliberations. Supervisor Plank reiterated his comments concerning the desire to be fair which, if one is approved, the second

should be approved also. He also pointed out the beautification improvements which had been made to Highway 50 East. It is a major entrance to the City. Billboards will not add to these improvements. Supervisor Tatro voiced his disagreement with Mr. Lipparelli's comments concerning approving both billboards. The Municipal Code and the Master Plan elements should be scrutinized to be sure that these requirements have been met. Neither the timing of the applications nor the advertising content are relevant to the decision-making process. The logic behind the space restriction had been to avoid sign clusters and improve the view. Supervisor Smith expressed a willingness to deny the applications. Mr. Joiner explained his feeling that staff would have to support the 1,000 foot prohibition if the Board approves both applications. This would allow the one to be constructed first to remain. He also agreed that the first application submitted did not have additional weight over the second application. He urged the Board to make its findings based on those required for the Special Use Permit rather than the sign criteria. Supervisor Smith explained his rationale for denying the applications was based on the visual preference survey and its community-wide responses. He felt that the Planning Commission had used this in its rationale for denying the applications. Supervisor Smith then moved that the Board of Supervisors uphold the Regional Planning Commission's decision to deny U-99/98-17, a special use permit application request from Brian Daubert, Stott Outdoor Advertising, property owner: Shirley Oliver, to allow an outdoor structure, billboard, on property zoned General Industrial, located at 6441 Highway 50 East, known as Assessor's Parcel Number 8-521-80, based on the findings contained in the Regional Planning Commission's Notice of Decision dated November 10, 1998. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Supervisor Smith - Yes; Supervisor Bennett - Yes; Supervisor Tatro - Yes; Supervisor Plank - Yes; and Mayor Masayko - Yes as I agree with Finding No. 2 that, in fact, it is detriment to the surrounding area of Carson City's visual preference survey because of its elevation, its height, and the lack of backdrop although VPS may be a little bit subjective, this shows you how subjective it can be. Motion carried 5-0.

Supervisor Smith moved that the Board of Supervisors uphold the Regional Planning Commission's decision to deny U-98/99-21, a special use permit application request from Donrey Outdoor Advertising Company, property owner: Donald F. and Rose Denton, to allow an outdoor structure, a billboard, on property zoned General Industrial, located at 6369 Highway 50 East, known as Assessor's Parcel Number 8-521-76, based on the findings as prepared by the Regional Planning Commission's decision. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Supervisor Smith - Yes; Supervisor Bennett - Yes; Supervisor Tatro - No; Supervisor Plank - Yes; and Mayor Masayko - No, because this is how subjective it is, I do not find that a sign at that location because of its elevation and backdrop, at least in my opinion of the visual preference survey, that that impedes those views but the vote is 3-2. Motion carried 3-2.

**C. ACTION ON AB-97/98-2 - A REQUEST FROM CAROL DOTSON (PROPERTY OWNER: DANIEL AND DIANA DESIMONE MASDEN) TO ABANDON AN APPROXIMATE 140 FOOT WIDE BY 140 FOOT LONG (4,183 SQUARE FEET IN SIZE) IRREGULAR SHAPED, PREVIOUSLY DEDICATED PORTION OF THE PUBLIC RIGHT-OF-WAY LOCATED IN MANZANITA TERRACE NEAR PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED AT 158 MANZANITA TERRACE NEAR PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED AT 158 MANZANITA TERRACE, APN 8-042-03 (2-0023) -** Discussion explained the problem encountered with the adjacent property due to the death of that property owner. The correct signature has since been obtained from the estate representative supporting the abandonment. Supervisor Bennett moved that the Board of Supervisors approve AB-97/98-2, a request from Carol Dotson, property owner: Daniel and Diana Desimone Masden, to abandon an approximate 140 foot wide by 140 foot long irregular shaped, previously dedicated portion of the public right-of-way located in Manzanita Terrace near property zoned Single Family One Acre, located at 158 Manzanita Terrace, APN 8-042-03. Supervisor Plank seconded the motion. Supervisor Tatro commended staff on the staff report. The motion was voted and carried 5-0.

**D. ACTION ON AB-98/99-6 - A REQUEST FROM METCALF BUILDERS TO ABANDON AN APPROXIMATE 66 FOOT WIDE BY 66 FOOT LONG PORTION OF PUBLIC RIGHT-OF-WAY LOCATED AT THE INTERSECTION OF EAST TENTH STREET AND SOUTH PLAZA STREET, NEAR PROPERTY HAVING TWO ZONING DESIGNATIONS - DOWNTOWN COMMERCIAL (DC)**

**AND RETAIL COMMERCIAL (RC), APN'S 4-054-01, 4-055-03, 4-055-04 AND 4-055-07 (2-0086) -**  
Principal Planner Rob Joiner - Supervisor Bennett moved that the Board of Supervisors approve AB-98/99-6, a request from Metcalf Builders to abandon an approximate 66 foot wide by 66 foot long portion of public right-of-way located at the intersection of East Tenth Street and South Plaza Street, near property having two zoning designations - Downtown Commercial, DC, and Retail Commercial, RC, APN 4-054-01, 4-055-03, 4-055-04, and 4-055-07, based on the findings as contained in the attached order of abandonment and subject to the four conditions of approval contained in the attached report to the Regional Planning Commission dated December 2, 1998. Supervisor Plank seconded the motion. Motion carried 5-0.

**E. STATUS REPORT BY THE COMMUNITY DEVELOPMENT DEPARTMENT REGARDING THE ISSUES PORTION OF THE NOISE MASTER PLAN (FRICTION AREAS, CONSTRUCTION TIMES, AND ROAD NOISE) AND DIRECTION TO STAFF TO PROCEED TO THE NEXT STEPS IN THE MASTER PLAN PROCESS (2-0138) -** Continued until the afternoon session.

(2-1384) - During Senior Planner Juan Guzman's introduction, Mayor Pro-Tem Tatro returned the gavel to Mayor Masayko. Clarification between Mayor Masayko and Mr. Guzman indicated that if the master plan element is adopted, friction areas between different zoning districts as well as variances, special use permits, and other special privileged areas must acknowledge the noise issues by making findings regarding the noise impact. This will require the City to have an adopted standard for noise measurements. Mayor Masayko did not feel that the City was adopting a noise standard for the property line for any other area. California procedures for addressing noise friction areas that are the result of growth require mitigation over a specified timeframe which brings the noise into compliance with the community standards. Due to Nevada's property right laws Carson City's approach has been to attempt to work with the property owner. The race track was used as an example of this procedure. Mr. Guzman hoped that the master plan element will eliminate the legal problems also experienced in other areas of the community. The noise problems created by the airport and its future were discussed. Mr. Guzman did not feel that additional funding was needed to complete the noise master plan element.

(2-1785) Pat Mayor felt that if the racetrack was landscaped, it would reduce the noise volume. There is technology available which will counter the noise with speakers and mitigate the problem. He urged staff to contact UNR to learn about these programs.

Bill English indicated that he was a member of the committee. His comments should be considered a minority report. He reference Mr. Sullivan's letter, specifically, Page 2, Paragraph 1 and Page 4, Paragraph 2, which exempts gun ranges from the noise ordinance. The DA had purported written a letter on NRS 40.140 which does not differentiate between the different gun ranges. His review of 40.140(4) indicates that only archery and sports shooting areas are exempted. The prison gun range does not fit into this category. Even though he understood the need for this type of gun range, it should comply with the community standards. His residence is over 1-1/4 miles from the prison shooting range and the noise during practice is a major concern to him. The shooting range was described. He urged Community Development to continue its study of the noise created by the prison shooting range and that it be conducted when at least 24 of the 48 practice areas are in use. He also hoped that the Legislature would address this statute by clarifying it during the coming session. He then cited Mr. Sullivan's letter, Page 3, Paragraph 3, regarding the speedway/racetrack. He felt that there had only been a couple of complaints about the operation because there is nothing which can be done about it at this time. People have, therefore, over the years stopped calling. This is the reason he no longer calls about it. He felt that the problem is created when the 9 to 10 motorcycle or auto races of 100 to 150 laps occur. The measurement for the report had occurred when only trucks were being raced in "sprints". He then took issue with Page 3, Paragraph 4--Mr. Sullivan's proposal to inform all property owners within a one to 1-1/2 mile radius of the track that it is in existence. This is unnecessary as the property owners already know it. The proposal to add a note to the property title advising new buyers of the track is handled by the existing legal disclosure requirements mandated of sellers. This proposal will create a "Scarlet Letter" mark on the title which could impact the property values. If this is undertaken, then residents around the sewer treatment plant and airport should also be notified. He urged the Board to reject this idea. OSHA standards should be provided to the residents so that they can protect themselves.

Current hours of operation for various races at the track were explained. These hours were felt to be extreme when the volume of noise generated is considered. He urged the Board to include an audiologist as a committee member if the committee continues to work on the ordinance. This will provide professional information about noise levels and hearing losses.

Additional public comments were solicited. (2-2065) Chamber of Commerce Executive Vice President Larry Osborne indicated he had participated as a member of the committee. Concerns about the future of the racetrack and airport were indicated due to the comments which had been made. The report suggests that only two items move forward in the master plan process. Various items which had been discussed by the commission were noted. The airport master plan will include noise. He urged the Board to allow it to handle that issue. Barking dogs, park activities, and delivery trucks can be enforced by current Codes. The issues raised by Mr. English had been determined to not threaten the community as a whole and are to be dropped unless the Board decides otherwise. The consultant and committee felt that Carson City is a relatively quiet community overall with isolated exceptions. Decibel readings found throughout the community were explained. The noisiest location in the community was at the City Hall. Staff recommends sending forward the friction areas and the construction zones. The Chamber's manufacturing committee has been attempting to address its friction areas for sometime and has drafted a draft plan. City staff is now evaluating the plan. The Cygnet issue had brought this need to the forefront. The Chamber supported Alternative 2 as noise is not an issue in Carson City as indicated by the consultant's study except for those areas which are being addressed. Discussion indicated that there would be some friction areas wherever different land uses occur. Mayor Masayko felt that unforeseen friction areas which may occur in the distant future may not be mitigated with today's standards. The master plan element should be used as a tool to establish the community standards and expectations. The City does not have any standards at this time. Mr. Osborne volunteered the Chamber's assistance to work with staff through the remaining issues.

Supervisor Bennett felt that the proposal was a good first step. Her personal experience indicates that there are places in the community which could benefit from a noise ordinance. An example of the need for noise restrictions was described to support moving forward with the program.

Supervisor Smith felt that her example of ambient noise is life and life in a city which is alive. He had not observed a "ground swell" of support for the program. There had been a handful of individuals who want it. He voiced his objection to having a few individuals legislate other people's actions. He attends races at the track on a regular basis. He understood the reasons for the practice laps, long races, etc. The process has been and must continue to be reasonable. His support for Alternative 2 was explained.

Discussion ensued between Mayor Masayko and Mr. Guzman concerning where the regulation regarding construction hours should be found which indicated that Board direction on its location was desired.

(2-2444) Builders Association of Western Nevada Representative Ron Kipp felt that the manufacturers' proposal indicates that they were being harder on themselves than the community would be if it established a specified noise level. The Association is concerned about the proposal to restrict construction hours. Residential construction does not appear to be the cause for concern, however, commercial development requires longer construction periods. The Association preferred to work with staff and create reasonable hours. Reasons for needing flexibility were explained. Mayor Masayko agreed with having flexible and reasonable standards so long as it is recognized that exceptions to the rules do occasionally arise and create a problem for the entire industry. Supervisor Plank felt that construction of a building is a temporary activity and the reasonable people are willing to put up with temporary inconveniences if they have a termination date. This issue should be dealt with on a case-by-case basis.

Mr. English reiterated his comments concerning the 100 to 150 lap races and gave the Board a copy of a schedule purportedly showing these race dates. (A copy was not given to the Clerk.) Supervisor Smith indicated that these races are normally held on Saturday or Sunday and during the daytime. Mr. English agreed.

Mayor Masayko explained his reasons for feeling that the community needs additional tools to remain a quiet

community in the future and to handle the friction areas. Friction areas will become more and more prevalent. He supported Option 1. **Mayor Masayko** then passed the gavel to Mayor Pro-Tem Tatro and **moved that the Board of Supervisors approve, a modification of**

**staff's Alternative No. 1, the continuation of a noise master plan element preparation focused only on zoning friction area noise issues and finds it is necessary and beneficial to protect to protect the health, safety, and welfare of the community. Supervisor Bennett seconded the motion.** Mr. Lipparelli expressed his feeling that the agenda indicated that a status report would be given and direction provided for staff on how to proceed to the next step in the master plan process. The agenda allows the motion to fit within it, however, nothing within the report will obtain any legally binding effect on what the Board does today. The motion is merely direction to staff to proceed with the next step of investigation and drafting of what may become at a future date a master plan element but does not know represent a new community standard. His concern is that if the motion is construed as an acceptance of the report as written, someone may construe it to be a new standard. This is not his understanding of the Board's intent today. Mayor Pro-Tem Tatro felt that Mr. Lipparelli had understood correctly. The intent is to remain in compliance with the item as described on the agenda which was to receive a staff report and that the Board was telling the staff to go forward in one narrow area. This is the motion before the Board. Additional comments were requested. Supervisor Bennett questioned whether the motion intended to include only friction areas. Both Mayor Pro-Tem Tatro and Mayor Masayko indicated that this is the motion on the floor. Supervisor Bennett then questioned whether in this exploration or continuing study they were going to be returning with community standards. Mr. Guzman indicated that this was staff's hope, yes. Supervisor Bennett indicated that she could support the motion as she wanted the standards. Mayor Masayko responded by indicating that you must have the standards in order to establish the master plan element functioning. If there are no standards then there must be guidelines. This will establish where we were and are. These are subject to updating and changes. At least it will give you a threshold in order to make decisions from a point. It does not have to say that it is black on white but it does give you a threshold. This is his perception. Mr. Guzman agreed. **The motion to direct staff to move forward with the friction area noise master plan element was voted and carried 5-0.**

**F. ORDINANCE - SECOND READING - ACTION ON BILL NO. 140 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 4.45 ACRES OF LAND FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 12,000 (SF12000) LOCATED AT BAKER DRIVE, APN'S 9-133-02, 05, 10, AND 11, AND OTHER MATTERS PROPERLY RELATED THERETO (2-0140)** - Supervisor Smith moved to adopt Bill No. 148 on second reading, Ordinance No. 1998-43, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 4.45 ACRES OF LAND FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 12,000 (SF12000) LOCATED AT BAKER DRIVE, APN'S 9-133-02, 05, 10, AND 11, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 5-0.

BREAK: A lunch recess was declared at 12 noon. The entire Board was present when Mayor Masayko reconvened the meeting at 1:40 p.m., constituting a quorum.

**9. PERSONNEL MANAGER - Judie Fisher**

**A. ACTION TO APPOINT ONE MEMBER TO THE REGIONAL TRANSPORTATION COMMISSION - Withdrawn.**

**B. ACTION TO APPOINT TWO MEMBERS AND ALTERNATES TO THE OPEN SPACE ADVISORY COMMITTEE (2--0175)** - The Board interviewed Dan Jacquet, (2-0290) Jay Meierdierck, (2-0400) Paul Taggart, (2-0580) Deborah Uhart, 2-0700) Margaret Robinson, (2-0815) Lee Pisiewski, and (2-0910) Ron Pacheco. Mayor Masayko thanked each for applying. Board comments noted the quality of the applicants. Each of the Board members then listed their top two candidates. Reasons for the selection were sometimes provided. From the first go-round Ms. Uhart and Mr. Jacquet were selected. Mayor Masayko then requested the top two candidates for the alternate positions. From this round Ron Pacheco was selected as the first alternate. The next round selected Ms. Robinson as the second alternate. Mr. Taggart was the third alternate. Mr. Pisiewski was the fourth alternate. Mr. Meierdierck was the fifth alternate. **Mayor Masayko** then passed the gavel to Mayor Pro-Tem Tatro and **moved that the Board appoint the following to the Open Space Advisory Committee Dan**

**Jacquet and Deborah Uhart. Supervisor Bennett seconded the motion.** Mr. Lipparelli questioned the purpose of ranking the alternates and whether all of the applicants were to attend all of the meetings. He also explained that the Board had never before seated that number of alternates and he was uncertain as to the effect it would have on the Committee's dynamics when all of these individuals attend all of these meetings. Mayor Pro-Tem Tatro indicated that the vote at this time is only on the two members. Discussion will occur on the number of alternates to be appointed following the vote. He was uncertain whether five was a good number for alternates as it would change the group's dynamics. Additional comments were solicited but none given. **The motion to appoint Dan Jacquet and Deborah Uhart to the Open Space Advisory Committee was voted and carried 5-0.**

Mayor Masayko then explained his intent to name alternates for the Committee. He agreed that it would be a large commitment of time and energy for all of them to attend. The ranking may help those individuals determine the amount of time and type of commitment each wished to make. He was willing to accept the Board's direction on the number of individuals who should be appointed as alternates. Supervisor Plank explained the responses given to the question "would you be willing to serve as alternates". Ron Pacheco, Margaret Robinson, and Lee Pisiewski had all agreed to serve. Board comments then indicated that only two alternates should be appointed. Mayor Pro-Tem Tatro explained his concern with having so many alternates as they will expect to be appointed to any vacancies which arise. He also felt that the alternates would already be attending the meetings without a title if they are truly interested in the Committee and its purpose. Mr. Lipparelli read CCMC 13.06.040 regarding Open Space Committee vacancies and alternates. His concern about the lack of a term for the alternates was explained. He requested the motion include a term. Mayor Masayko then moved that the Board of Supervisors appoint the following alternates in the following priority ranking order for a four year term to the Open Space Advisory Committee: No. 1 - Ron Pacheco; No. 2 - Margaret Robinson; No. 3 - Paul Taggart; No. 4 - Lee Pisiewski; and No. 5. - Jay Meierdierck, subject to their acceptance. Supervisor Plank seconded the motion. Supervisor Smith outlined his concern that all of the alternates may not be appointed unless there is a national disaster. The motion will create five alternates. During the two year life of the Committee, only one alternate had been appointed. Projecting this turnover out a little bit, in essence, the motion will preclude anyone else from applying for the Committee for a long time if the alternates stay in place. This was their one and only shot for the Committee. People may not have applied at this time but may wish to in six months if a vacancy arises. This will put such individuals at the back of the line for a long time. Mayor Masayko responded by explaining that there had been a point, as both Mr. Jacquet and Ms. Uhart pointed out, when the investment of time, training, and learning which the Committee members had gone through--which the alternate was also required to do----. He could understand Supervisor Smith's point but the appointment would keep those individuals in the loop and require their time and training so they will be ready when a vacancy occurs. This may or may not be the deciding factor. He did not have a strong feeling either way. Consensus should be found. Supervisor Plank felt that Mayor Masayko had spoken about the plus which is to develop a group of individuals who are not voting members but are educated and will overtime fill vacancies as they occur. The downside would be as Supervisor Smith had indicated which is that these alternates could conceivably keep the Board of Supervisors from appointing anyone for many, many years other than these people as terms expire on a staggered basis. The Board would not open recruitment for those vacancies when they occur as the alternates would preempt the need for four years. It may be a good deal from the educational standpoint. Mayor Masayko then withdrew his motion. Supervisor Plank withdrew his second.

Mayor Masayko then moved to appoint the following two alternates to the Open Space Advisory Committee--Ron Pacheco as number one and Margaret Robinson as number two. Supervisor Smith seconded the motion. Mayor Masayko and Mayor Pro-Tem Tatro repeated the motion to appoint Ron Pacheco and Margaret Robinson to the Open Space Advisory Committee for a four year term. The motion carried 4-1 with Supervisor Bennett voting Naye. Mayor Pro-Tem Tatro congratulated the appointees.

**C. ACTION TO APPOINT THREE MEMBERS TO THE DEBT MANAGEMENT COMMISSION -**  
Withdrawn.

**REDEVELOPMENT AUTHORITY (2-2670) -** Mayor Pro-Tem Tatro 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.

**BOARD OF SUPERVISORS** - Following adjournment of the Redevelopment Authority, Mayor Pro-Tem Tatro reconvened the Board of Supervisors session. The entire Board was present constituting a quorum.

**10. REDEVELOPMENT DIRECTOR** - Rob Joiner

**A. ACTION REGARDING A REQUEST FROM METCALF BUILDERS, INC., FOR REDEVELOPMENT INCENTIVE PROGRAM FUNDING FOR CONSTRUCTING AND EQUIPPING A PROPOSED "THEME" RESTAURANT PROJECT LOCATED AT 1003 SOUTH PLAZA STREET IN THE AMOUNT OF \$80,000 AND NOT TO EXCEED 20 PERCENT OF THE TOTAL PROJECT COST; AND B. ACTION REGARDING A REQUEST FROM RJS PROPERTIES, INC., FOR REDEVELOPMENT INCENTIVES PROGRAM FUNDING FOR A PROPOSED RETAIL/OFFICE BUILDING PROJECT LOCATED AT 1001 SOUTH CARSON STREET IN THE AMOUNT OF \$100,000, AND NOT TO EXCEED 20 PERCENT OF THE TOTAL PROJECT COST (2-2850)** - Supervisor Smith moved to ratify the action just taken by the Redevelopment Authority on these two items. Mayor Masayko seconded the motion. Motion carried 5-0. Mayor Pro-Tem Tatro thanked the staff for the report and wished the applicants success with the project.

**4. C. STAFF COMMENTS AND STATUS REPORTS (2-2876)** - Mr. Joiner thanked Supervisor Tatro as a staff member for his work on the Planning Commission, Redevelopment Authority, and Board of Supervisors and Supervisor Smith for the approach he had brought to the City and for working so closely with staff. Even though there had been a few tete-tetes, Supervisor Smith had always been respectful and a gentleman. Mr. Joiner appreciated this approach and his work on the sign ordinance. He wished both the best in their future endeavors.

(3-0168) Development Engineering Manager Ahrens, on behalf of the Utilities Department, thanked Supervisors Tatro and Smith for their support during their tenures which had made a better department and community. He wished them success in the future.

(3-0651) Chief Deputy District Attorney Lipparelli explained his inability to attend the farewell/best wishes party for Supervisors Smith and Tatro. He wished to add his and District Attorney Waters thanks for their contributions during their tenure. He had been impressed with their dedication to improving the efficiency and effectiveness of local government and its responsiveness. He wished them both good luck and best wishes in the future.

**BREAK:** A ten minute recess was declared at 4 p.m. The entire Board was present when Mayor Pro-Tem Tatro reconvened the session, constituting a quorum.

**11. UTILITIES DEPARTMENT** - Development Engineering Manager Jay Ahrens - **STATUS REPORT ON THE MANDATORY SEWER CONNECTION PROGRAM INCLUDING NONCOMPLIANCE OF SOME PROPERTY OWNERS TO CONNECT TO SEWER AS MANDATED BY RESOLUTION 1995-R-31 IN VIOLATION OF CARSON CITY MUNICIPAL CODE 12.05.020**

**(2-2905)** - Mayor Pro-Tem indicated that no action could or would be taken on the status report. Mr. Ahrens' introduction included staff members: Health Director Daren Winkelman, Utilities Operations Manager Tom Hoffert, Utilities Wastewater Superintendent Kevin Ikehara, Senior Engineer David Merrill, and Senior Engineering Tech Leanna Stevens. Discussion between the Board and staff explained the permit process used to track the residences which had connected, Nevada Department of Environmental Protection's support for the program, the staff's knowledge about the reasons the 18 remaining residences had not connected, and the efforts expended in an attempt to contact those individuals. A list of the outstanding residences was distributed to the Board and Clerk. (A copy is in the file.) (2-3329) Supervisor Bennett encouraged staff to expend additional energy attempting to determine the reasons the remaining individuals had not connected. She also requested that initiative steps to bring them into compliance be developed.

(2-3355) Pat Mayer indicated that he had not and would not connect. He also expressed his feeling that the Fifth Amendment granted him specific property rights and until the City agreed to purchase the property it would remain as it is.

(2-3376) Mahona Mathews indicated that her property is vacant and had been for some time. She requested relief until the property is sold. She had stubbed the sewer into the property. She keeps the yard maintained and the plants watered. Mr. Ahrens indicated that staff was aware of her situation and had been attempting to develop a program to handle the situation. It is a unique case. It may be possible to disconnect and abandon the septic system as well as disconnect the waterline until the property is sold. The septic abatement is the major concern.

Mayor Pro-Tem Tatro indicated to David Hoffman that the referenced Code is 12.05.020.

Alex George explained his efforts to acquire a parcel adjacent to his residence. His residence is connected. He will attempt to connect the second home, however, could not do so until escrow closes. He expressed a willingness to comply with the Code and connect once it closes. He then requested an extension of the fee waiver due to the acquisition. Mr. Ahrens explained the Board's action on a similar case last June. Discussion between Mr. George and the Board explained that the property is now vacant. Mr. George displayed a copy of his purchase offer. (3-0005) Mayor Pro-Tem Tatro expanded on comments regarding the Board's previous action to extend the fee waiver period. He also noted that no action could be taken at this meeting. If the conditions are similar, it may be possible to grant the waivers. Mr. George felt that escrow may close on January 15. Clarification indicated that he wished to have an extension for both the connection and fee waivers. Supervisor Smith requested he submit his request in writing so that staff could address the request.

Mr. Mayer then explained that the Health Department had indicated that there is a concern with nitrates/nitrogen in his area and questioned the reasons the City's treatment plant, as well as Gardnerville, Incline Village and Minden's, do not remove nitrogen/nitrates. He then questioned the reasons for requiring him to connect to the sewer system. Mayor Pro-Tem Tatro explained that the Board had received several hours of testimony regarding the groundwater contamination problem from several professional sources and his understanding is that the contamination was caused by the concentration of nitrates and lack of adequate dilution. The water becomes contaminated when pumped to the surface for use. This does not occur in nature. Mr. Mayer reiterated his request that the treatment plants remove the nitrogen/nitrates. Other countries have systems which work. Mr. Ahrens explained the contamination problem in more depth. Mr. Mayer felt that the Brunswick Canyon reservoir was leaking into the groundwater table and causing the contamination. He felt that the City should comply if he is forced to do so. Additional public comments were requested but none given. Mayor Masayko encouraged staff to carefully analyze the District Attorney's letter and consider options for future reports. Supervisor Tatro commended City staff on its initiative efforts to create a workable and reasonable program. Its success was evidenced by the fact that 96 percent of the residents had voluntarily connected. Staff is attempting to work with some of the four percent which are remaining.

Mayor Pro-Tem Tatro then moved to the following item. No formal action was taken or required on this item.

**12. PUBLIC WORKS DEPARTMENT - Public Works Capital Projects Manager Tim Homann - ACTION ON THE SUBMITTAL OF AN ENHANCEMENT PROJECT APPLICATION FOR CARSON CITY TO THE NEVADA DEPARTMENT OF TRANSPORTATION UNDER THE 1999 TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (TEA-21) (3-0175) -** Discussion between the Board and Mr. Homann explained the term "charrette", the application's funding potential, the need to phase the project and possibility of having to phase this portion. GROW Representative Mary Fischer supported the application, requested GROW be added to the priority list for future TEA-21 funding, and asked that the freeway landscaping be considered for TEA-21 funding even if it requires phasing. Possible phases for it were described. She then requested that City staff be directed to submit the necessary grants to accomplish the freeway landscaping which would be required for each phase during the next few years. Mayor Pro-Tem Tatro felt that the process had already been started. He commended her for bringing forward competition for the funding for next year as he was certain Supervisor Bennett would continue her gateway landscaping efforts. The freeway landscaping needed to be considered.

Supervisor Bennett briefly described her efforts to submit this application since 1995 and moved to approve and authorize staff to submit Carson City's 1999 TEA-21 Enhancement Project Application to the Nevada Department of Transportation for Pedestrian, Bicycle and Beautification Enhancements to the south gateway of Nevada's Capital City; there is no fiscal impact as it is a grant. Mayor Masayko seconded the motion. The motion carried 5-0. Mayor Pro-Tem Tatro and Supervisor Bennett wished Mr. Homann success in his relocation to Oregon.

**15. CARSON CITY MUNICIPAL GOLF CORPORATION - City Manager John Berkich - ACTION TO APPROVE THE SECOND ADDENDUM TO THE GOLF COURSE LEASE TO CHANGE THE PROVISIONS FOR DEBT SERVICE DUE TO BOND REFINANCING, TO CHANGE PAYMENT OF ACCUMULATED LEAVE BALANCES OF TERMINATED EMPLOYEES AND TO REQUIRE A THREE MONTH RESERVE OF OPERATING CASH (3-0396) -** Mr. Berkich briefly described the addendum and read the revisions adding the last "WHEREAS" on Page 1 and amending Paragraph 6 on Page 2. Copies of the revised agreement were given to the Board and Clerk. Mr. Lipparelli explained a minor difference between his original terminology and the draft of Paragraph 6 which he did not feel was material to the agreement. He had recommended "shall be void" rather than "should be void". Mr. Berkich then introduced Past Chairperson Wes Myers and the Newly-Elected Chairperson Mark Sattler. Supervisor Smith moved to approve the second addendum to the golf course lease to change the provisions for debt service due to bond refinancing, to change payment of accumulated leave balances of terminated employees and to require a three month reserve of operating cash, which is the new and improved second addendum which was introduced by the City Manager with the changes stipulated by the Deputy District Attorney. Mayor Masayko seconded the motion. Motion carried 5-0.

President Sattler then explained former Chairperson Myers decision to allow another officer to serve as the Chair. He will remain as a Board Officer. Chairperson Sattler commended the Board on its selection of Past Chairperson Myers as the Chair. Past Chairperson Myers had been hard-working and dedicated to the success of the golf course and corporation. Chairperson Sattler felt that without his knowledge and leadership the corporation and course would not be where they are now. He was pleased to accept the role from Past Chairperson Myers and presented Past Chairperson Myers with a plaque in appreciation for his service. Chairperson Sattler then introduced the Corporation officers who were present--Vice Chairperson Steve McIntosh, Board Members Jeri Murphy and Jim Torres, Treasurer Mike Williams, and Secretary Karen Cavanaugh. Chairperson Sattler read a plaque into the record honoring Past Chairperson Myers. Past Chairperson Myers noted the role Supervisors Smith and Tatro had played in establishing the corporation and selecting him as the Chair. Mayor Pro-Tem Tatro thanked Past Chairperson Myers for all of the work, time, and energy he had expended on behalf of the golf course. He felt that the decision to turn the day-to-day operation of the facility over to the Corporation had saved the taxpayers an enormous burden. Chairperson Sattler thanked Supervisors Smith and Tatro for having selected him as a member of the original advisory committee and his ultimate appointment to the Corporation Board. Mr. Berkich noted his role as the Board's ex-officio member and thanked Past Chairperson Myers for his pioneering efforts. It had been a pleasure to work with him. He was glad to hear that Past Chairperson Myers would remain on the Board.

**14. CITY MANAGER - John Berkich - STATUS REPORT ON THE PUBLIC SAFETY COMPLEX (3-0524) -** Vanier Representative Gordon Graham - Change orders are still being submitted. Staff/Team members are carefully analyzing each of them. Confidence was expressed that the City will still be able to receive the complete building on or before January 10. The move is scheduled to begin the first weekend in March. Supervisor Bennett thanked Mr. Graham for the tour he had given her and complimented him on his knowledge about the building.

**13. DISTRICT ATTORNEY - Chief Deputy District Attorney Paul Lipparelli - ORDINANCE - SECOND READING - ACTION ON BILL NO. 140 - AN ORDINANCE AMENDING CHAPTER 4.08 OF THE CARSON CITY MUNICIPAL CODE (ROOM RENTAL TAX) TO CHANGE THE NAME OF THE CHAPTER TO TRANSIENT LODGING TAX, TO ADOPT THE DEFINITION OF "TRANSIENT LODGING" AS PROVIDED IN NRS 244.33565 INVOLVING CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS AND OTHER MATTERS PROPERLY RELATED THERETO (3-0625) -** Mayor Masayko moved to adopt Bill 140, Ordinance 1998-44, on second reading, AN ORDINANCE AMENDING

CHAPTER 4.08 OF THE CARSON CITY MUNICIPAL CODE (ROOM RENTAL TAX) TO CHANGE THE NAME OF THE CHAPTER TO TRANSIENT LODGING TAX, TO ADOPT THE DEFINITION OF "TRANSIENT LODGING" AS PROVIDED IN NRS 244.33565 INVOLVING CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 5-0.

**16. BOARD OF SUPERVISORS - (3-0695)** - Mayor Pro-Tem Tatro indicated it had been a privilege to work with Supervisor Smith over the years even though they had not always agreed and wished him success in his future endeavors.

**A. CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 241.030 TO CONSIDER THE PROFESSIONAL COMPETENCE OF THE CITY MANAGER (3-0720)** - Mayor Pro-Tem Tatro explained his suggestion to remain in open session. Consensus supported his recommendation. Therefore, a closed session did not occur.

**B. RECESS INTO OPEN SESSION AND ACTION REGARDING THE EMPLOYMENT CONTRACT WITH THE CITY MANAGER (3-0688)** - Supervisor Smith explained his need to leave the meeting and his ranking of Mr. Berkich's professional competence. He felt that the Board's action to make a course correction had worked. (3-0725) Mayor Pro-Tem Tatro noted the document which had been distributed to the Board regarding this item. (A copy had not been given to the Clerk.) Mr. Berkich highlighted the report on the accomplishments and goals. Supervisor Plank expressed his appreciation for the periodic written reports. Supervisor Bennett supported Supervisor Smith's ranking. There had been a definite turnaround in his attitude and ability to delegate and urged him to continue to think regionally. Mayor Masayko voiced his satisfaction with his performance and professionalism. He also noted that staff's successes are Mr. Berkich's successes. Issues which had been on his agenda had been addressed and accomplished. He urged Mr. Berkich to develop a higher level of communication with the public as well as a performance system for rewarding employees. Mayor Pro-Tem Tatro explained his feeling that the most important thing the City Manager could do is to convey throughout the organization a definition of the culture of the organization and a sense of the priorities. Examples of the change in priorities and paradigms were cited to illustrate his point, i.e., the swimming pool request considered earlier in the meeting which was compared to the problems evidenced at the pool five years ago, the new Public Safety Building, and the improvements in finances and communications. He then explained his feeling that other CEO salaries are higher than Carson City's. He urged the Board to be more reasonable about the market place.

(3-1070) Mr. Berkich briefly described Mayor Masayko's approach to the review of the market and performance based compensation. These elements will be brought back to the Board in January. Comments indicated that a draft of this document may have been distributed to the Board relating to the performance portion of the process. (A copy had not been given to the Clerk.) Mayor Masayko explained his approach in establishing this process and expectation that the program will be used for other management employees. He also expressed his opinion that the pay scale for the management employees had failed to keep pace with the market. Mr. Berkich indicated that this issue had been discussed with staff during the 360 degree presentation. A market place analysis is being conducted. The results will be presented during the budget process. Mayor Masayko indicated that high expectations would be expected from these individuals as is required from Mr. Berkich. Discussion ensued on whether to act on the parameters of the contract or direct Mr. Berkich to work it out. Mr. Berkich indicated that without additional direction, the team would continue to work on the direction given at the last meeting. Mayor Masayko explained his understanding of that direction. Supervisor Plank suggested that a motion be made to include within the contract a personnel session every six months so that periodic measurements could occur without alarming the staff and public.

(3-1192) **Mayor Masayko moved to direct the District Attorney in cooperation with City Manager John Berkich to prepare a new employment contract for Board approval that covers, I am thinking, a three year contract with a market salary item, a paper performance item, and basically also contains a "not more than a six month" penalty for severance, including performance appraisals or reviews at least at six month**

**intervals as a matter of SOP and the standard terms and conditions as were in the previous contract. Supervisor Bennett seconded the motion.** Clarification by Mayor Masayko indicated that a performance plan was to be incorporated in the contract and that the contract is to be brought back to the Board for approval when it is in its final written form. Mayor Pro-Tem Tatro pointed out that it is difficult to negotiate the terms in an open meeting. He then asked Mr. Berkich if there were any other issues he wished to have included in the contract or discussion which should be on the record in any areas. Mr. Berkich indicated that there really weren't any. He supported the direction which the Board had given before on methods to improve the contract. He was a staunch believer in the direction the Mayor was going. Pay for performance is the direction this Board started to work on years ago. He felt that there could be improvements with the suggestions made by Mayor Masayko. The important point, not only for himself but the rest of the senior staff, is looking at performance measurements and ways to look at a person's performance. This is very important and helpful to the Board as well as to himself in the evaluation of employees. He was continuing to look at the 360 degree concept and there were certainly applications of that in his evaluation. He was pleased with the direction and the contract would be fine tuned and brought back. Discussion between Mr. Berkich and Mayor Masayko expressed the hope that the contract would be ready for Board consideration at the first meeting in January.

Comments were solicited from the public and Supervisors-Elect. Supervisor-Elect Livermore noted that he had enjoyed his experiences from the day he filed for office, met with Mr. Berkich and Mayor Masayko, announced his intent, and had gone forth from there. Once he became a Supervisor-Elect Mr. Berkich, his staff, and his office were very responsive, very committed, very cordial--everything which the Board had discussed. He looked forward to working with Mr. Berkich during the next four years even though he was being offered a three year contract. He felt that the Board could consider a one year extension when the contract is considered in January. This would make the contract run with his term of office. It had been an enjoyable four to five month orientation process. He also noted that the orientation had indicated that Mr. Berkich's staff has a lot of admiration for him. These people really believe in his concepts. He looked forward to being part of the organization with Mr. Berkich and the other Board members and continuing what the Board had done in the past--bringing forward the good level of service and the good commitment to the community. He looked forward to following in his predecessor's footsteps even though he would be a hard act to follow.

**There being no other discussion, the motion to direct the District Attorney and Mr. Berkich to develop a contract containing the terms as indicated for Board approval was voted and carried 4-0-1 with Supervisor Smith absent.**

**4. B. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (3-1320)** - Supervisor Bennett expressed her pride at having had the opportunity to serve with Supervisor Tatro, complimented him on his dedication and hard work for projects in which he believed, and wished him the best in his future endeavors. Mayor Masayko wished him well in the future and commended him on being the "longest seated male Supervisor in Carson City's history". Mr. Berkich, on behalf of the staff members who had worked with him, thanked him for always being there for the employees and the community. It had been a pleasure to work with him.

There being no other matters for consideration, Mayor Masayko moved to adjourn. Mayor Pro-Tem Tatro seconded the motion. Motion carried unanimously. Mayor Pro-Tem Tatro adjourned the meeting at 5:55 p.m

The Minutes of the December 17, 1999, Carson City Board of Supervisors meeting

ARE SO APPROVED ON \_\_\_\_June\_17\_\_\_\_, 1999.

\_\_\_\_\_/s/3\_\_\_\_\_  
Ray Masayko, Mayor

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ATTEST:

/s/ \_\_\_\_\_  
Alan Glover, Clerk-Recorder