

Sheriff Banister commented on Mr. Duzan's lifelong goal and wished him success in his future endeavors.

LIQUOR AND ENTERTAINMENT BOARD - Mayor Masayko recessed the Board of Supervisors session and immediately reconvened the meeting as the Liquor and Entertainment Board. The entire Board was present, including Sheriff Banister, constituting a quorum.

3. CONSENT AGENDA - TREASURER - Al Kramer - A. ACTION ON A REQUEST TO WAIVE THE APPLICATION AND PERMIT FEES OF \$100 EACH FOR CARSON CITY CONVENTION AND VISITORS BUREAU AND CARSON CITY RENDEZVOUS; AND, B. ACTION ON THE REQUEST TO WAIVE THE APPLICATION AND PERMIT FEES OF \$100 EACH FOR SILVER DOLLAR CAR CLASSICS (1-0120.5) - Member Tatro pulled Item B for discussion. Member Bennett pulled Item A for discussion.

A. (1-0125.5) - Event Coordinator and Applicant Maxine Nietz briefly described the event. A copy of the program was given to the Board and Clerk. (A copy is in the file.) Member Tatro moved that the Board approve the request to waive the application and permit fees of \$100 each for the Carson City Convention and Visitors Bureau and Carson City Rendezvous, the total fiscal impact is \$20 per day plus \$2 a booth per day. Member Bennett seconded the motion. Motion carried 6-0.

B. (1-0175.5) - Personnel Manager Judie Fisher, Convention and Visitors Bureau Executive Director Candice Duncan, and Event Coordinator Maxine Nietz explained the events. Mayor Masayko noted that the programs were free to the public. Member Plank moved to approve the request to waive the application and permit fees of \$100 each for Silver Dollar Car Classics. Member Tatro seconded the motion. Motion carried 6-0.

4. OTHER ITEMS - TREASURER - Al Kramer - ACTION ON A FULL BAR LIQUOR LICENSE FOR GREGORY MERRITT, DOING BUSINESS AS MERRITT'S AT THE AIRPORT, LOCATED AT 2600 EAST GRAVES LANE (1-0240.1) - Gregory Merritt indicated he was familiar with Nevada Liquor Laws and that his employees would receive appropriate training in them. Member Banister noted the favorable Sheriff's Departmental Report. Member Smith explained his personal contact with Mr. Merritt and knowledge of his residency here. Member Smith moved to approve a full bar liquor license for Gregory Merritt, doing business as Merritt's at the Airport, located at 2600 East Graves Lane; fiscal impact is \$500 Investigation Fee, \$1,000 New Fee, and \$200 Quarterly Fee. Member Tatro seconded the motion. Motion carried 6-0.

BOARD OF SUPERVISORS (1-0275.5) - There being no other matters for consideration as the Liquor and Entertainment Board, Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the meeting as the Board of Supervisors. (The entire Board was present constituting a quorum.)

5. CONSENT AGENDA (1-0179.5)

A. TREASURER - ACTION ON TREASURER'S REPORT FOR THE MONTH OF APRIL 1998

B. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9798-233 - CARSON CITY WATER UTILITY DIOXIN SAMPLING (AWARD)

ii. ACTION ON CONTRACT NO. 9798-143 - 1997 STREET OVERLAY TESTING SERVICES - AMENDMENT NO. 1

iii. ACTION ON CONTRACT NO. 9798-148 - DEAN COURT STORM DRAIN IMPROVEMENT - APPROVAL OF CHANGE ORDERS 1-4 AND REQUEST TO RETAIN A CONTINGENCY

iv. ACTION ON CONTRACT NO. 9798-181 - AQUATIC FACILITY FINAL DESIGN - AMENDMENT NO. 1

v. ACTION ON CONTRACT NO. 9798-98 - GOVERNOR'S FIELD TEE-BALL - PHASE 1 - REQUEST FOR FINAL PAYMENT

vi. ACTION ON CONTRACT NO. 9798-188 - 1998 SEWER EXTENSION - BIGELOW DRIVE - REQUEST FOR FINAL PAYMENT

vii. ACTION ON CONTRACT NO. 9798-268 - REQUEST FOR CONTRACT APPROVAL FOR THE PURCHASE OF CENTRAL CONTROL IRRIGATION SYSTEM - None of the Items were pulled for discussion. Supervisor Tatro moved to approve the Consent Agenda as presented. Supervisor Plank seconded the motion. Motion carried 5-0.

6. BOARD OF SUPERVISORS

A. SUPERVISOR PLANK - DISCUSSION AND POSSIBLE ACTION REGARDING THE BUREAU OF LAND MANAGEMENT'S PLANS FOR THE PINE NUT MOUNTAIN RANGE (1-0305.5) - BLM Outdoor Recreational Planner Arthur Callan, Carson River Advisory Committee Chairperson Mark Kimbrough - Supervisor Plank began the discussion by explaining his concerns. Senator Bryan had successfully been able to extend the public input period. Chairperson Kimbrough had purportedly submitted comments to BLM on the plan based on the Committee's Master Plan for the river portion. Board action may be taken at a future meeting. Chairperson Kimbrough introduced Mr. Callan and with the use of maps explained the location, the area included in the Carson River Master Plan, and the portion of the Pine Nuts which is in Carson City. Mr. Callan used different maps to explain the area included in plan, the current area designations, and the different options. His agency does not control the lands under the Bureau of Indian Affairs' control. The final selection could be a combination of any or all of the options or something completely different. Supervisor Plank listed several activities which the proposed closure of the area to within 200 feet of the established roadways would negatively impact. Mr. Callan felt that the alternative adequately provided access for these individuals, however, the distance restriction may need to be reconsidered. The proposals would not impact the mining activities outside of the closed areas.

(1-0575.5) Mayor Masayko explained his need to leave, passed the gavel to Mayor Pro-Tem Tatro, and left the meeting--9:15 a.m. (A quorum was still present.)

Mr. Callan explained the proposed OHV use area. Supervisor Plank explained the reasons OHV users dislike that site. Mr. Callan reiterated the intent to maintain the status quo in the Pine Nuts. The plan attempts to provide unstructured, unrestricted types of casual use recreation. He questioned whether this type of direction coincided with those uses. Copies of the plan were available at his office. Extra copies were available at the back of the room. (A copy had been given to the Board and Clerk.) The comment period would close on June 5. Additional public hearings have not been scheduled. Once the comment period closes, a final plan will be drafted based upon the environmental assessment and the public comments. If the director signs off on this plan, a public appeal period will be provided. This period is normally 30 days in length. The final plan should be available the end of August. Mr. Callan indicated that he had received personal comments from some of the Carson River Advisory Committee Members on the plan. Supervisor Plank indicated that these comments should be considered by the Board before going forward. This would allow the Board to add its comments. Mayor Pro-Tem Tatro indicated that the Board would again consider the plan at its next meeting. Supervisor Bennett explained the CRAC consideration of the OHV and their impact on the riparian areas. Chairperson Kimbrough described the Carson River Master Plan's restricted OHV area. His letter would contain comments based on the Master Plan. The only area of concern over the plan was related to the OHV areas. He agreed to bring the plan back on June 4 with the letter. Mayor Pro-Tem Tatro indicated that, if so desired, the Board could consider a resolution at that meeting.

(1-0811.5) Senior Planner Juan Guzman explained that the City and BLM coordinate land use plan, which is called the interface for Pine Nut Hills Land Use Amendment Plan, is part of the Master Plan. CRAC Chairperson Kimbrough's letter would include comments from that document. He would also be present at the June 4th meeting.

B. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0835.5) - Mayor Pro-Tem Tatro explained Mayor Masayko's attendance at a ceremony where the

State Historical Preservation Office had recognized Carson City Board of Supervisors' efforts to preserve the Olcovich House. He read the commendation into the record. He gave a brief summary of the RTC meeting. Supervisor Smith then reported on the meeting and, specifically, the discussion on the Graves Lane and Sherman Lane intersection. A majority of the comments expressed the feeling that there had been a lack of communication with the residents about the extension plans. Some of the miscommunication was created by the roadway maps and the lack of a clear description as to the type of roadway proposed. Due to his feeling that the Board of Supervisors needed to consider the political issues, he suggested the residents submit a written request to have the item agendized. Supervisor Smith then reported on the Subconservancy's executive director selection process. The process had hired Edwin James. Mayor Pro-Tem Tatro also requested the District Attorney's office draft an ordinance to establish a notification process for RTC which would be similar to that used by the Planning Commission. Supervisor Bennett expounded on the Subconservancy meeting and thanked the individuals who had participated in the selection process. She then reported on the Tahoe Transportation District, Nevada Tahoe Conservation District, and the status of the Tahoe shuttle service. Supervisor Plank reported that the Carson Ladies Senators Varsity Softball Team had traveled to Las Vegas for a tournament and wished them well. He had missed two Convention and Visitors Bureau meetings due to conflicts with the Board of Supervisors meetings. He reported on the Western Nevada Housing Consortium meeting in Minden. He had been re-elected Chairperson for the Consortium. Leroy Goodman, a Lyon County Commissioner, was elected Vice Chairperson. He and Supervisor Bennett had met with individuals about the gateway beautification project for Highways 50 and 395. A report will be made to the Board on these activities. Ken Arnold had been asked to address the Carson Seratoma Club on environmental issues.

C. STAFF COMMENTS AND STATUS REPORTS (1-1075.5) - None.

7. PUBLIC WORKS - Acting Director Tim Homann

A. ACTION ON AN ORDINANCE AMENDING SECTION 15.05.010 OF THE CARSON CITY MUNICIPAL CODE (ADOPTION OF THE UNIFORM BUILDING CODE AND RELATED CODES) AND SECTION 15.05.018 OF THE CARSON CITY MUNICIPAL CODE (AMENDMENTS TO CHAPTER ONE OF THE UNIFORM BUILDING CODE) TO INCREASE THE VALUATION BASE FOR THE COLLECTION OF BUILDING PERMIT FEES AND OTHER MATTERS PROPERLY RELATED THERETO (1-1078.5) - To be considered at a future meeting after the ordinance is drafted. No formal action was taken.

B. ACTION ON A REQUEST FOR THE ASPHALT OVERLAY OF DEER RUN ROAD FROM DEER RUN ROAD BRIDGE TO APPROXIMATELY 1.5 MILES SOUTH (1-1089.5) - Discussion with Tom Quigley indicated this item was to have been agendized for the June 4th evening session. It was also explained that the Board controlled the overlay issue via its control over the Street Department and its budget. No formal action was taken.

C. ACTION ON A RECOMMENDATION TO INCORPORATE RESTRICTIONS ON GRAVES LANE/SHERMAN LANE INTERSECTION MOVEMENTS INTO THE FINAL DESIGN ON THE GRAVES LANE PROJECT (1-1155.5) - Mayor Pro-Tem Tatro and Supervisor Smith explained the reasons the item had been agendized for the Board's review, the proposed turning movement restrictions in, and the action taken by RTC. Public comments were solicited but none given. Supervisor Smith moved that the Board of Supervisors accept the RTC's decision and direct staff to incorporate restrictions on Graves Lane/Sherman Lane intersection movements into the final Graves Lane project design as presented by staff. Supervisor Bennett seconded the motion. Motion carried 4-0-1 with Mayor Masayko absent.

D. ACTION ON AGREEMENT BETWEEN CARSON CITY AND JEANETTE M. JENSEN FOR THE PURCHASE OF A PORTION OF PROPERTY LOCATED AT 3860 NYE LANE (APN 8-192-39) FOR USE IN THE EXTENSION OF GRAVES LANE (1-1298.5) - Chief Deputy District Attorney Lipparelli - Supervisor Bennett moved that the Board of Supervisors approve the agreement between Carson City

and Jeanette M. Jensen for the purchase of a portion of property located at 3860 Nye Lane, APN 8-192-39, for use in the Graves Lane extension, fiscal impact is \$16,422, and the funding source is the RTC Reconstruction Account. Supervisor Plank seconded the motion. Motion carried 4-0.

E. ACTION ON AGREEMENT BETWEEN CARSON CITY, MARVIN E. CATLEDGE, AND THE GORDON H. MILLARD FAMILY TRUST FOR THE PURCHASE OF A PORTION OF PROPERTY LOCATED AT 3351 GRAVES LANE (APN 8-142-04) FOR USE IN THE EXTENSION OF GRAVES LANE (1-1348.5) - Chief Deputy District Attorney Lipparelli, RTC Engineer Harvey Brotzman - Mr. Lipparelli explained that the owners are involved in several land transactions which may change the ownership of this parcel and the following two parcels. Mr. Brotzman indicated a fourth parcel is also involved in the transactions. Mr. Lipparelli advised the Board to proceed with the agreements. If the exchanges occur, staff will bring the agreements back for reconsideration. Supervisor Bennett moved that the Board approve an agreement between Carson City, Marvin E. Catledge and the Gordon H. Millard Family Trust for the purchase of a portion of property located at 3351 Graves Lane, APN 8-142-04, for the use in the extension of Graves Lane, fiscal impact is \$9,627, and the funding source is the RTC reconstruction account. Supervisor Plank seconded the motion. Motion carried 4-0.

F. ACTION ON AGREEMENT BETWEEN CARSON CITY AND UNITED INCO., A NEVADA CORPORATION, FOR THE PURCHASE OF A PORTION OF PROPERTY LOCATED AT 3059 GRAVES LANE (APN 8-142-05) FOR USE IN THE EXTENSION OF GRAVES LANE (1-423.5) - Chief Deputy District Attorney Lipparelli - Supervisor Plank moved to approve an agreement between Carson City and United Inco, a Nevada corporation, for the purchase of a portion of property located at 3059 Graves Lane, Assessor's Parcel Number 8-142-05, for use in the extension of Graves Lane, fiscal impact is \$8,426. Supervisor Bennett seconded the motion. Supervisor Plank continued his motion to include funding source is the RTC Construction Account. Supervisor Bennett concurred. Motion carried 4-0.

G. ACTION ON AGREEMENT BETWEEN CARSON CITY AND LAWRENCE N. WILLIAMS AND SHARRON L. SEYMOUR-WILLIAMS FOR THE PURCHASE OF A PORTION OF PROPERTY LOCATED AT 3381 AIRPORT ROAD (APN 8-142-03) FOR USE IN THE EXTENSION OF GRAVES LANE (1-1455.5) - Chief Deputy District Attorney Lipparelli - Supervisor Plank moved to approve an agreement between Carson City and Lawrence N. Williams and Sharron L. Seymour-Williams for the purchase of a portion of property located at 3381 Airport Road, Assessor's Parcel Number 8-142-03, for use in the extension of Graves Lane; fiscal impact is \$21,272; funding source is the RTC Construction Account. Supervisor Bennett seconded the motion. Motion carried 5-0.

H. ACTION ON APPROVAL OF ORMSBY ARC TRANSPORTATION SERVICES AGREEMENT (1-1479.5) - Discussion emphasized that the proposed agreement would not reduce the current service level but should consolidate the service, handle more customers, and reduce the operating costs. Mr. Homann thanked Ormsby ARC Executive Director Mary Winkler and her Board of Directors for their cooperation and assistance. He also thanked the Board for its funding support during the budget process. Mayor Pro-Tem Tatro indicated that the budget process had addressed the Ormsby ARC's funding shortage. Supervisor Plank commended Mr. Homann and, with Supervisor Bennett, Paratransit Representative Marc Reynolds and Ormsby ARC Executive Director Winkler on their efforts in the process. Supervisor Plank moved to approve the Transportation Services Agreement between Carson City and Ormsby ARC subject to funding approval in the Fiscal Year 98/99 budget process, which he felt had already been done; fiscal impact is estimated at \$41,000 in Fiscal Year 98/99; and funding source is the approved budget for Fiscal Year 98/99. Supervisor Smith seconded the motion. Motion carried 4-0.

Mr. Homann explained the remaining steps required to complete the transit consolidation program. Paratransit's contract will be presented for Board action at the next meeting. Paratransit had begun recruiting and training the drivers. The status of the various grants was explained. Approval of the grants may require a special Board meeting. The budget will be finalized on May 28th and the grants could be added to this agenda. Mayor Pro-Tem

Tatro commended Mr. Homann on his efforts. Mr. Homann commended Mr. Berkich on his efforts to keep the program on track.

8. UTILITIES DEPARTMENT - Deputy Director Jay Ahrens

B. ACTION TO APPROVE AGREEMENT WITH WELLINGTON CRESCENT HOMEOWNERS ASSOCIATION FOR TEMPORARY CONSTRUCTION EASEMENT OR LICENSE ACROSS CERTAIN PORTIONS OF WELLINGTON CRESCENT FOR CONSTRUCTION OF WATER TANK IN ASH CANYON (1-1615.5) - Pulled.

BREAK: A 25 minute recess was declared at 10:15 a.m. The entire Board was present when Mayor Pro-Tem Tatro reconvened the session at 10:40 a.m., constituting a quorum. Mayor Pro-Tem Tatro returned the gavel to Mayor Masayko.

A. ACTION ON AN APPEAL OF A STAFF DECISION NOT TO GRANT A MANDATORY SEWER CONNECTION FEE WAIVER AT 2812 GARDNER LANE IN THE NEW EMPIRE AREA (1-1658.5) - Discussion between Mr. Ahrens and the Board explained the notification efforts implemented by the Department and the date when Mr. Wakeely had contacted the Department requesting the fee waiver. This date was after the deadline established by the Board. Mr. Wakeely had acquired the property under a lease option in December 1997. A condition of this option is the requirement that Mr. Wakeely be responsible for the sewer connection. Staff felt that Mr. Wakeely had not requested an extension of the waiver period nor indicated that he would qualify for the income grant based on his income level and 1997 income taxes. Mr. Ahrens also felt that Mr. Wakeely's income level would not allow him to qualify for the grant. The grant application form had been furnished to Mr. Wakeely on January 12. It had never been returned. Mr. Wakeely is not qualified to obtain the grant in any case as he is not the registered property owner. Michael Case is the registered property owner. Title will not be transferred to Mr. Wakeely until the purchase option under the lease option agreement is consummated. Mr. Case is responsible under the City Code. His agreement with Mr. Wakeely is a private matter. Mr. Lipparelli felt that the Department had attempted to notify the property owners through various processes. The recorded property owner is held liable for the improvements. He supported staff's position that Mr. Case is the legal property owner until the purchase option is exercised and, therefore, Mr. Wakeely is not qualified for the grant/waiver.

(1-2070.5) Sioffi Wakeely indicated that he was willing to connect to the sewer, however, did not have enough money at this time to pay \$3,000 to do the work. Mr. Case had purportedly advised him that if he submitted a written request prior to January 31st, he could obtain the waiver. Mayor Masayko explained that Mr. Case had to request the waiver. Mr. Ahrens explained that the sewer connection fee of \$2,226 had been waived for all property owners prior to January 31.

Discussion ensued concerning Board options including a proposal to waive the payment for a year to allow Mr. Wakeely time to save the money. Mayor Masayko noted that such a program could establish a significant precedence. Supervisor Tatro suggested that the Board/staff had not contemplated the real estate transaction which had occurred in Mr. Wakeely's case during its deliberations on the fee waiver program. In this specific case there had been a change in ownership and the connection requirement had been passed to an individual who by City Code is not qualified to seek the waiver. He did not feel that a similar case could be found. He felt certain that the applicant would have applied prior to the deadline if the title transfer had been completed. Mr. Ahrens indicated there are 19 properties which did not connect by the deadline. Recent real estate transactions were involved with some of these properties. The Board's decision about Mr. Wakeely's appeal should also consider those properties. He also expressed his intent to bring to the Board any hardship cases. Supervisor Tatro felt that staff was adhering to the policy as indicated by these comments. The application is somewhat unique and the financial impact in this case is approximately \$4,500. Mayor Masayko pointed out that there had been 19 properties which had not been connected. When the original proposal was contemplated, the Board felt that all of the properties would seek the waiver. The program's intent had been to get properties connected to the sewer.

Supervisor Tatro moved that the Board uphold the appeal of the connection fee waiver, reject the Utility Department's recommendation, and approve the waiver of the sewer fee connection of \$2,226 for the parcel at 2812 Gardner Lane and that this action is being taken in recognition of the fact that a transaction occurred regarding the ownership of the parcel during the fee waiver period, that the parcel would have otherwise qualified for the fee waiver, and that an effort was made by the parties to take advantage of the waiver during the time period but because of the technicality previously mentioned (the parcel) was unable to utilize the program as it was originally designed. Supervisor Smith seconded the motion. Discussion between Mr. Lipparelli and Mr. Ahrens indicated that Mr. Wakeely is not the property owner of record. Supervisor Tatro indicated that he understood that Mr. Wakeely is not the property owner of record. This had not been part of his motion. As Supervisor Plank had pointed out, the purpose of the fee waiver program had been to get people to hook up and off of septic. This will protect the ground water. The goals have not changed. In this specific case they had attempted to do it within the context of the program but confusion about who should apply occurred and the deadline slipped, which is what brought the issue to the Board. These are unique circumstances. This criteria may not fit all of the 19 remaining properties. This is the reason he included all of the items in the motion. The Board needs to recognize the goal of the program which was to get people off of septic. This application is an exception to the resolution in more than one way and more than the timeframe. It is also an exemption from the resolution in that the application is not being made by the direct property owner of record. He surmised that the Board would have to have an application from the property owner of record with his signature in order to process it.

Mr. Lipparelli requested clarification/direction as to the party who is entitled to the waiver--Mr. Wakeely, the Cases, anyone who ends up with the parcel--and the term of the waiver period. Supervisor Tatro responded by suggesting that the waiver be made specific to the parcel in recognition of the fact that there are people living there with a lease option and to offer it for a period of perhaps 45 days. There should be a time limit on it so there are no additional transactions forcing reconsiderations until the year 2004. This would avoid having the liability left open.

Mayor Masayko asked Mr. Wakeely if he could complete the connection within the next one-and-a-half months. (1-2476.5) Mr. Wakeely indicated that he had already paid the person who is going to perform the work. He reiterated his comments about his commitment to Mr. Case to connect to the City's system. He had misunderstood Mr. Case as he felt that he would have to pay \$3,000 if he did not connect rather than to pay \$3,000 to connect. He indicated that he had been rushed to complete all of the necessary paperwork to obtain the house and had not had time to submit the waiver. Mr. Ahrens clarified for Mr. Wakeely that the proposal is to waive the \$2,226 connection fee. The lateral reimbursement fee is \$750. He is to pay this when he obtains the connect permit. Mr. Wakeely indicated that he would have the work and \$750 done within 45 days. Mr. Lipparelli explained to Mr. Wakeely that if he does the work but does not exercise the option to purchase, the issue will be between Mr. Case and Mr. Wakeely as to who will have to ultimately pay for the cost of making the connection. Mr. Wakeely indicated that he understood this as well as the fact that he would have to pay the entire \$2226 if the connection is not made in 45 days. Clarification indicated that the motion waived the fee to the parcel and not to the property owner. Also, if Mr. Case winds up with the property due to Mr. Wakeely's failure to exercise the option, it could be with or without the connection depending upon Mr. Wakeely's actions in the next 45 days. Mr. Wakeely reiterated his intent to complete the connection in 45 days. The lease option terminates at the end of the year. Supervisor Tatro reiterated that the waiver was valid for only 45 days. **The motion to grant the waiver for 45 days to the parcel was voted and carried 5-0.**

(1-2660.5) Mr. Ahrens requested clarification about the remaining 18 parcels. Mayor Masayko indicated that if those parcels had similar circumstances and can complete the connection within 45 days, a policy request should be brought forward for Board action. Board comments indicated that it should be done on a case-by-case basis. Mr. Ahrens felt that if he contacted the real estate companies, it may be possible to bring a group in at one time. Supervisor Tatro explained that his motion had included unique site specific circumstances which would restrict future considerations. If others can match those circumstances, they should be brought forward. Staff should not solicit these individuals. Mr. Ahrens felt that solicitation would occur during the normal process when the others

come forward before the end of the year. The Board would deal with each of them on a case-by-case basis. Mr. Ahrens indicated that his notifications would be the normal "demand compliance/warning" letters. Supervisor Plank indicated that staff should adhere to the Resolution and the criteria established within it. Unique circumstances should be brought forward.

B. ACTION TO APPROVE AGREEMENT WITH WELLINGTON CRESCENT HOMEOWNERS ASSOCIATION FOR TEMPORARY CONSTRUCTION EASEMENT OR LICENSE ACROSS CERTAIN PORTIONS OF WELLINGTON CRESCENT FOR CONSTRUCTION OF WATER TANK IN ASH CANYON; AND,

9. COMMUNITY DEVELOPMENT DIRECTOR

A. ACTION ON U-97/98-31 - AN APPEAL OF THE REGIONAL PLANNING COMMISSION'S DECISION TO APPROVE A REQUEST FROM MARK BRETHAUER, CARSON CITY UTILITIES DEPARTMENT (PROPERTY OWNER: STATE OF NEVADA), TO ALLOW AS A CONDITIONAL USE A THREE MILLION GALLON WELDED STEEL WATER TANK JUST NORTH OF AN EXISTING THREE MILLION GALLON STEEL WATER TANK ON PROPERTY ZONED CONSERVATION RESERVE (CR), LOCATED AT 3490 ASH CANYON ROAD, APN 7-101-09 (PLANNING COMMISSION APPROVED 6-0-0-1) (1-2762.5) - Deputy District Attorney Lipparelli explained that the agreement had not been completed and the Board options. He thanked Wellington Crescent Homeowners Association Members Ms. Keating, its Attorney Chapman, and Silver Oaks Representative Hartman for their assistance and efforts. Mayor Masayko expressed a willingness to continue the item if an agreement is possible. Supervisor Plank suggested the item be continued to either later in the day or to the Special May 28th meeting. He was not willing to continue to delay action beyond June 4th. Supervisor Tatro supported a continuance to May 28th which would allow the Association to consider the agreement prior to Board action. He also noted that he may not be able to attend the May 28th meeting unless it is after 6 p.m. Supervisor Bennett indicated she would not be able to attend that meeting either. Supervisor Smith suggested that if it is a routine action item, it be agendized for the 28th, however, if it is contentious, that it be agendized for June 4th. Mayor Masayko suggested that the parties attempt to resolve the issues this afternoon and that the Board consider the agreement at the end of the meeting.

Homeowners Association Attorney Mike Chapman indicated that there are a few items left to be resolved. He was willing to have the agreement considered at either the May 28th or June 4th meeting. He supported having the Association's Board consider the agreement prior to the Board of Supervisors review. He also questioned the wisdom of bringing a contract in at the end of the meeting as the Board may not have an adequate opportunity to review it. Mayor Masayko felt that the appeal should be heard at the end of the day if the agreement is stalled. Mr. Berkich then indicated that there are no major concerns remaining in the agreement which would force the Board to consider the appeal. Mayor Masayko then indicated that the agreement would be considered on June 4th. Supervisor Bennett indicated that she would only vote on the issue if it had been considered by the property owners. Supervisor Tatro then moved that the Board continue Item U-97/98-31, an appeal of the Regional Planning Commission's decision to approve a request from Carson City Utilities Department to allow conditional use of a three million gallon welded steel water tank to be heard at the same meeting as the Wellington Crescent agreement. Supervisor Plank seconded the motion. Motion carried 5-0.

B. ACTION ON A FINAL MAP SUBDIVISION APPLICATION FROM LUMOS AND ASSOCIATES (PROPERTY OWNER: R. L. SHAHEEN) FOR AN INDUSTRIAL SUBDIVISION ON 14.22 ACRES OF LAND ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED ON THE SOUTHWEST CORNER OF EAST COLLEGE PARKWAY AND LOMPA LANE, APN 2-571-35 (1-3246.5) - Senior Planner Juan Guzman, Pete Livermore, Applicant's Representative Glen Martel - Following Mr. Guzman's introduction, Mr. Livermore requested a complete explanation of the drainage by Mr. Martel. Mr. Martel used maps to illustrate and explain the proposed drainage plan. The project will handle its own runoff and

not impact the Highway 50 area. A previous phase of the project had included a wetlands area which will serve as a regional detention facility. His explanation included a description of the Northridge detention facility(ies). The wetland area does not have a mechanism to address containments which may be contained in the parking lot runoff beyond that provided within the Shaheen catch basins. The basins have an oil separator mechanism which catches the oil at the top of the runoff. As the catch basins are in City rights-of-way, he felt that the City would maintain them. Supervisor Bennett questioned whether this should be a City problem. Mr. Martel explained that TRPA had been used as the standard as it has a similar requirement. TRPA maintains its catch basins. Comments indicated that TRPA does not have anyone maintaining its facilities. Supervisor Bennett explained her concern in depth and urged the development of a maintenance program. Mr. Martel explained that the catch basin had been reviewed and approved by the Army Corps of Engineers, Nevada Department of Environmental Protection, and the Nature Conservancy. The Conservancy will be taking over the wetlands as part of the mitigation agreement for the Carson Wandering Skipper. Mr. Martel further described the catch basin and his feeling that its maintenance would be similar to others which are part of the City's system. In response to Supervisor Bennett's question of staff, Mr. Guzman indicated that this issue is beyond his expertise. The Public Works Department had reviewed and approved the plan.

Mr. Livermore questioned the size of the event which the basin would handle. Mr. Berkich indicated that the appropriate staff member was not present to respond and indicated that he would contact that individual and have him/her address his question.

(2-0012.5) Supervisor Bennett expounded on her concern and desire for the City to be responsible for the impact. Supervisor Tatro responded by expressing his opinion that the wetlands had been required and approved by the Bureau of Reclamation. The City has a catch basin maintenance program. The experts from the Bureau of Reclamation and NDEP had reviewed and approved the plan. The Nature Conservancy had been aware of the program when it agreed to take over the wetlands. Mr. Martel explained his contact with numerous federal and state representatives. They had all been made aware of the program. The basin will meet the Carson City's five year detention events. The one hundred year event will passed over the berm.

Mr. Livermore encouraged the Board to increase the detention standard due to the magnitude of the problems experienced downstream. He agreed that at some future date the Bypass is to resolve the issue, however, something needs to be done now. Mayor Masayko indicated that this is an issue which the Board could direct staff to analyze. The freeway has a 2001 or 2002 date for development in this area. The question is how feasible such a requirement is for the short timeframe poised. Supervisor Plank expressed his support for the project as proposed.

Supervisor Plank moved that the Board of Supervisors approve S-97/98-1(F), a final map subdivision application from Lumos and Associates, property owner R. L. Shaheen, for an industrial subdivision on 14.22 acres of land on property zoned Limited Industrial, located on the southwest corner of East College Parkway and Lompa Lane, Assessor's Parcel Number 2-571-35, based on three findings and subject to 13 conditions of approval, fiscal impact none. Supervisor Tatro seconded the motion. Mr. Guzman explained for the record that the project is not a large parcel. The Board will not reconsider the development as this is the final map. Staff will review/approve each separate building as the project is developed. This includes the detention/drainage plans. Mayor Masayko felt that it is at this point that the Board may wish to direct staff to improve the standards. Mr. Guzman agreed that the discussion had directed staff to analyze this matter. Mr. Martel responded to Supervisor Bennett's question about written comments on the area, the tours, and the catch basins with the different Federal/State Agents by indicating that the plans/maps had been submitted to the City as discussed with those agents. The wetland crossings had included conditions as a result of those plans. Last year was the third and final year of mandatory monitoring of the wetland areas. The agencies had seen the continuation of existing species and the introduction of new species as had been expected. Therefore, the monitoring had been discontinued. He did not have any written communication on the catch basins. The larva for the Wander Skipper and food source had been found originally but not recently. It is felt that the habitat had been lost due to the wet years created by El Nino. Supervisor Bennett then indicated that she was satisfied with the information which had been given. **The motion to approve the final map as indicated was voted and carried 5-0.**

BREAK: A lunch recess was declared at 12:15 p.m. The meeting was reconvened at 1:38 p.m. The entire Board was present constituting a quorum.

10. PERSONNEL MANAGER - Judie Fisher - ACTION TO APPOINT TWO APPLICANTS TO THE REGIONAL PLANNING COMMISSION (2-0156.5) - The Board interviewed the following Applicants: Roger Sedway, (2-253.5) Louis deBottari, (2-0532.5) Archie Pozzi, (2-0398.5) William Mally, and (2-0750.5) Lynette Johnson. Mr. Pozzi expressed a willingness to withdraw his application if there are other well-qualified applicants due to the period of time he had already served on the Commission. Christine Stern did not keep her appointment. Mayor Masayko thanked each applicant for applying.

(2-1095.5) Each Board member listed his/her top candidate and occasionally the reasons for that selection. Mayor Masayko reiterated Mr. Pozzi's comments about his intent to withdraw and thanked him for his dedication and service through the years. Mr. Mally and Mr. Sedway were selected by this process. Supervisor Tatro moved to appoint Roger Sedway to the Regional Planning Commission. Supervisor Smith seconded the motion. Motion carried 5-0.

Supervisor Tatro moved that the Board appoint William Mally to a four year term on the Regional Planning Commission. Supervisor Plank seconded the motion. Motion carried 5-0.

11. CITY MANAGER - John Berkich - STATUS REPORT ON NEGOTIATIONS WITH BAR-ONE ENTERPRISES TO LEASE CERTAIN PARTS OF THE CARSON CITY FAIRGROUNDS (2-0915.5) - Mr. Berkich explained the problems encountered with the last draft of the agreement. The Board had been given Mr. Forsberg's memo on the latest draft of the agreement and a copy of the agreement. (The Clerk did not have a copy.) The final outstanding issue related to the use of either gross or net revenue figures when assessing the rent percentage. He felt that the final agreement should be ready for Board consideration at the June 4th meeting. Applicant's Attorney George Keele expounded on the progress which had been made in the negotiations. He also felt that the remaining issues, which he briefly described, could be resolved by June 4th. He assured the Board that the final document would be worth the delay. Mayor Masayko requested the final document include an executive summary or synopsis for the Board's review as well as a synopsis of the RFP requirements, and that this information be provided with an adequate amount of time for an in depth review. He commended all on the progress which had occurred on the final document.

12. BOARD OF SUPERVISORS

A. CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 241.030 TO CONSIDER THE PROFESSIONAL COMPETENCE OF THE CITY MANAGER (2-1409.5) - Supervisor Smith explained the required action and moved to recess into Closed Session pursuant to NRS 241.030 to consider the professional competence of the City Manager. Supervisor Plank seconded the motion. Motion carried 5-0. Mayor Masayko indicated that the meeting would return to Open Session at the conclusion of the Closed Session. He then declared a break to allow the media and public to exit. After the room was cleared, he recessed the Board of Supervisors Open Session--2:55 p.m. At 5 p.m. he reconvened the Open Session. The entire Board was present constituting a quorum.

B. RECESS INTO OPEN SESSION - DISCUSSION AND POSSIBLE ACTION REGARDING THE EMPLOYMENT STATUS OF THE CITY MANAGER (2-1425.5) - Supervisor Smith moved that the Board of Supervisors fully support City Manager John Berkich's efforts to reconstruct and fine tune our organization and will review and evaluate the progress at the end of the year during which time the development of his contract will continue. Supervisor Bennett seconded the motion. Supervisor Smith felt that the first portion of his motion was self-explanatory. The second portion may be confusing to the public specifically as to the intent of the portion regarding "the development of his contract will continue". In February the Board had directed staff to begin development of a new three year contract with different parts. One of those functions had been several performance factors which are ways to evaluate the performance criteria. This had not been in the previous

contracts. He was personally aware that Mr. Berkich is working with some individuals to do this. His comments are that, during the time outlined in his motion, Mr. Berkich is to continue to work with those individuals, put together that contract, and bring it back for the Board's review when it is completed. In general in his motion is a method of clearing the air, so to speak. He felt that the Board members had had some issues which they wished to discuss with Mr. Berkich. He was satisfied with his responses. He is in full support of Mr. Berkich's efforts to do what he had been doing to keep the City on track, to "trim the sails", and "steer the boat". There is a review period at the end of the year so that they could come back and look at the progress as things have been in a state of flux. There are new positions to fill. There are new people to train. This will give us an opportunity to do so. He certainly did not expect everything to be accomplished by the end of that timeframe. There is a lot of work to do. But in the six to seven or eight months there should be an adequate timeframe to see some progress in the correct direction. This is the basis of his motion.

Mayor Masayko expressed his feeling that the closed personnel session had been very productive. All of the Board had definitely had something to say and they all had listened very well. If the motion passes, Mr. Berkich can go forward with the modifications to the organization. This is an issue. The City is in a state of flux. Everyone understood that.

Mr. Berkich indicated that, on the motion, he appreciated the Board's support, the opportunity to discuss the issues and the City, and how we go forward. Certainly, with the support of the Board given to the Administration, and by moving in the same direction, the organization should be successful through the transition period. He then thanked the Board for the support.

Mayor Masayko expressed his feeling that this had been the consensus of the Board. In his opinion, when the next review session occurs in December, the Board will be able to determine whether another session should be scheduled and the timeframe for having that session. This will provide ample notice to all parties--the City Manager, the public, and the Board. Board direction was requested on this proposal. Supervisor Bennett agreed.

Supervisor Tatro expressed his support for Supervisor Smith's comments. He felt that over the last eight years the progress which had occurred in the organization that is Carson City had been incredible. The staff has been responsible for that progress. The Board had been responsible for that progress. The City Manager had been the link that had brought these two together. The City Manager, throughout the entire eight years, had been Mr. Berkich. He felt that the City had a challenge in front of it as there had been a loss in key personnel, for one thing, and for a second, it is an election year. Things have not been perfect but when you step back and look it and the entire period, the City is in great shape. When a comparison is made to other organizations, Carson City is at the top of the list. We are definitely at the top. There is no question. The City had rebounded from a point where a City Manager had resigned after not coming to work, apparently, for some time, and an Acting City Manager who was not comfortable acting as a City Manager unless he was given the full time commitment. That the organization was disintegrated and lost a lot of cohesiveness. This is what Mr Berkich was given. We have gone from that to where we now have things that other communities want and are modeling. They were not modeling us when Mr. Berkich began working for the City. He could guarantee that statement. Of course, Supervisor Smith was not on the Board at that time. Maybe, this is what the change had been. He did not know. But, anyway, here we go. It is going to be a challenge and as long as there is a team approach to the entire process, the City would get where it needed to go. Mayor Masayko noted that the Board had high expectations as indicated by Supervisor Tatro.

Supervisor Bennett indicated she echoed Supervisors Smith and Tatro's comments in a more humorous fashion as the City is not on the Titanic, anything but. We are in deep, turbulent seas during turbulent times. The City would come through it. She wished Mr. Berkich every success in guiding the City and working with the Board as he is the key member of the team. She hoped that by December when the end is reached that we will all pick up again and move forward.

Supervisor Smith indicated that during the personnel session they had discussed the team concept. This team is committed to accepting the challenge of rebuilding, fine tuning the key positions in the organization, and moving

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forward, and, once again, in getting back in the business of operating the City. The team includes the individuals at the dais including Mr. Berkich. Mr. Berkich had his full support and commitment to doing what it takes to provide him (Mr. Berkich) with the tools he needed to do what he needed to do to develop and fine tune the organization and get the City moving.

The motion that the Board of Supervisors fully support City Manager John Berkich's efforts to reconstruct and fine tune the organization, and will review and evaluate his progress at the end of the year during which time the development of his contract will continue was voted and carried 5-0.

There being no other matters for consideration, Supervisor Smith moved to adjourn. Supervisor Plank seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 5:10 p.m.

The Minutes of the May 21, 1998, Carson City Board of Supervisors meeting

1998. ARE SO APPROVED ON _____ August 20,

_____/s/_____

Ray Masayko, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder