

CARSON CITY BOARD OF SUPERVISORS
Minutes of the September 17, 1998, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, September 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
	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
	Paul Lipparelli	Chief Deputy District Attorney
	Tracy Haakinson	Deputy Library Director/Admin.
	Dan Shirey	Battalion Chief
	Vincent Pirozzi	Battalion Chief
	Katherine McLaughlin	Recording Secretary
	Mary McAlister	Supervising Personnel Tech
	Justine Chambers	Purchasing Tech
	(B.O.S. 9/17/98 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. A quorum was present although Supervisor Tatro was absent. Rev. Ken Haskins of the First Christian Church gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

CITIZEN COMMENTS (1-0028) - None.

1. APPROVAL OF MINUTES - May 28, 1998, Special Meeting (1-0031) - Supervisor Plank moved to approve the Minutes of the Special May 28, 1998, Meeting. Supervisor Smith seconded the motion. Motion carried 4-0.

2. SPECIAL PRESENTATION - ACTION ON RETIREMENT RESOLUTION FOR GARY HARDING (1-0048) - Supervising Personnel Technician Mary McAlister - Mayor Masayko read the resolution into the record. Supervisor Bennett moved to adopt Resolution No. 1998-R-60, A RESOLUTION COMMENDING GARY HARDING ON HIS RETIREMENT. Supervisor Smith seconded the motion. Motion carried 4-0. Mayor Masayko presented him with a plaque and wished him well in his retirement. Mr. Harding thanked the City for having had the opportunity to serve and expressed his gratitude for the support his fellow employees and the Board had given him and his wife. Former Finance Director Mary Walker explained her decision to hire him, commended him on his work habits and dedication, and wished him the best in the future. She also noted that his wife, Carol, worked for the library.

PUBLIC SERVICE ANNOUNCEMENT (1-0158) - Mayor Masayko explained the Saturday, Sept. 10, march to focus attention on cancer and the need for additional medical attention and funding. Mr. Harding had been at the organizational meeting and planned to attend the State Legislative hearing on Saturday, Sept. 26.

3. CONSENT AGENDA (1-0171)

- A. ASSESSOR**
 - i. ACTION TO APPROVE CORRECTION OF CLERICAL ERROR ON APN 7-433-05 PER NRS 361.735**
 - ii. ACTION TO APPROVE CORRECTION OF CLERICAL ERROR ON APN 8-232-25 PER NRS 361.735**
- B. PUBLIC WORKS DEPARTMENT - ACTION TO APPROVE A FLOOD PLANNING GRANT AGREEMENT BETWEEN CARSON CITY AND THE WESTERN NEVADA DEVELOPMENT DISTRICT TO PROVIDE AN ANALYSIS TO GUIDE DEVELOPMENT ACTIVITY IN THE VOLTAIRE CANYON ALLUVIAL FAN AREA**
- C. PURCHASING DIRECTOR**
 - i. ACTION ON CONTRACT NO. 9899-34 - HIDDEN MEADOWS PRODUCTION WELL NO. 47 AND ABANDONMENT OF WELLS NO. 14 AND 37, AWARD**
 - ii. ACTION ON CONTRACT NO. 9899-49 - VICEE CANYON WATERSHED STABILIZATION AND STORM WATER STORAGE PROJECT, AWARD**
 - iii. ACTION ON CONTRACT NO. 9899-57 - CARSON CITY WATER UTILITY SAMPLING**
 - iv. ACTION ON CONTRACT NO. 9899-38 - JUNIOR SKI PROGRAM TRANSPORTATION**
 - v. ACTION ON CONTRACT NO. 9899-28 - FIRE DEPARTMENT PORTABLE DEFIBRILLATORS, AWARD - None of the items were pulled for discussion. Supervisor Smith moved to approve the Consent Agenda as presented. Supervisor Plank seconded the motion. Motion carried 4-0.**

4. BOARD OF SUPERVISORS

A. SUPERVISOR BENNETT - ACTION ON CARSON CITY SIGNATORY POSITION RELATIVE TO THE TRUCKEE RIVER OPERATING AGREEMENT (1-0182) - Discussion noted the relationship between the Carson and Truckee Rivers and suggested that the Carson River Subconservancy District be involved in this process. Supervisor Smith suggested that the Board not support either group in order to avoid becoming embroiled in conflicts which may arise. The Board may have better leverage from the outside. The Subconservancy District had voted to take no action at this time and may discuss submitting a letter to the Board defining its position at a future meeting. Supervisor Bennett then explained her reasons for agendizing the issue and suggested that action be deferred at this time. The Board may wish to support the Subconservancy's direction at a future date. Supervisor Bennett then moved that the Board of Supervisors of Carson City defer action on this signatory position at this time relative to the Truckee River Operating Agreement. Supervisor Smith seconded the motion. Motion carried 4-0.

B. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0258) - Mayor Masayko commended Mayor Pro-Tem Tatro on his taking over during his absence at the last meeting. He then reported on his participation in the Chamber of Commerce leadership training class on City government, and his meetings with the Carson City Ministerial Association, the Redevelopment Authority Citizens Committee, the WNCC Donald W. Reynolds Technical Center and Carson High School Hi-Tech Center groundbreaking activities, NACO on legislative issues, his activities to promote assisted living and announced the National Assisted Living Week, his welcoming of the Turkmenistan delegation, and announced that Southwest Gas had received the Excellence in Corporate Community Service Award from the Points of Light Foundation. Supervisor Plank reported on the Convention and Visitors Bureau meeting and its request that a legislative proposal be submitted providing a mechanism for the collection of delinquent room taxes. Comments indicated that the issue should be agendized for Board action and that the timeframe for submittal to the Legislature is tight. Supervisor Plank continued his report with his meetings with the Senior Center Advisory Council and RTC. He explained Paratransit Representative Marc Reynolds' monthly luncheon at the Senior Center and response to any concerns regarding the Community Transit Program. The Senior Center's mental health element was described. Supervisor Smith reported on the RTC and the Subconservancy District meetings and his campaign activities. Supervisor Bennett reported on meetings with Nevada-Tahoe Conservation District, Carson-Tahoe Hospital

Finance Committee and on the Hospital's Master Plan, Tahoe Transportation District, the St. Theresa Basque Festival, the status of the Highway 28 erosion control project, the Carson River celebration, the Healthy Communities Initiative and interest in this program from other communities.

C. STAFF COMMENTS AND STATUS REPORTS (1-0652) - Mr. Berkich introduced Finance Director David Heath. Mayor Masayko welcomed Mr. Heath. Mr. Heath briefly described his experience during his two week tenure and invited anyone with any concerns to contact him.

5. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

A. ACTION ON M-98/99-2 - THE DOWNTOWN CARSON CITY PARKING VALUE ANALYSIS, A STUDY PREPARED BY JOHNSON-PERKINS AND ASSOCIATES, INC., IN ORDER TO PROVIDE THE BOARD OF SUPERVISORS WITH GUIDELINES DETERMINING "REASONABLE CONSIDERATION" PURSUANT TO NRS 278.480.7 (1-0675) - Senior Planner Juan Guzman, Johnson-Perkins and Associates Representative David Oakes - Discussion indicated the report would be a starting point in the process and explained the reasons the Hospital area had not been included in the study area and the need for a study of the Hospital/medical area. Mr. Sullivan expressed a willingness to discuss these issues with Hospital Administrator Steve Smith as soon as possible. Comments noted the need to develop a complete abandonment procedure and the importance of this information to that process. Mayor Masayko pointed out the need to develop a flexible program which would handle the different issues related to the historical and redevelopment districts as well as the area behind sidewalks. Supervisor Smith moved that the Board of Supervisors adopt M-98/99-2, a Downtown Carson City Parking Value Analysis, as one of the factors to be used in determining "reasonable consideration" for the purpose of NRS 278.480-7, Street Abandonments. Supervisor Bennett seconded the motion. Mayor Masayko noted that the other issues which had been discussed are part of the record. The motion was voted and carried 4-0.

B. ACTION ON AB-97/98-10 - AN ABANDONMENT REQUEST FROM THE DIVISION OF STATE LANDS (PROPERTY OWNER: STATE OF NEVADA) TO ABANDON AN APPROXIMATE 66 FOOT WIDE BY 511 FOOT LONG PORTION OF THE PUBLIC RIGHT-OF-WAY LOCATED ON EAST THIRD STREET BETWEEN SOUTH STEWART STREET AND SOUTH ANDERSON STREET ADJACENT TO APN'S 4-083-01 AND 4-083-06 IN CARSON CITY NEVADA (1-1084) - Chief Deputy District Attorney Paul Lipparelli indicated the abandonment order included the public benefit as being for public parking. If the State decides to discontinue the use as a parking lot, the property will revert back to the City. The City could then consider the proposed project and, if necessary, sell the right-of-way. Mayor Masayko requested that this stipulation be included in the information for the Planning Commission. Supervisor Plank moved that the Board of Supervisors approve AB-97/98-10, an abandonment request from the Division of State Lands, property owner: State of Nevada, to abandon an approximate 66 foot wide by 511 foot long portion of the public right-of-way located on East Third Street between South Stewart Street and South Anderson Street adjacent to APN's 4-083-01 and 4-083-06 in Carson City, Nevada, based on two findings and subject to four conditions of approval and one stipulation; fiscal impact is zero. Supervisor Bennett seconded the motion. Motion carried 4-0.

C. ACTION ON AB-98/99-1 - AN ABANDONMENT REQUEST FROM RJS PROPERTIES, INC., TO ABANDON AN APPROXIMATE 66 FOOT WIDE BY 170 FOOT LONG PORTION OF PUBLIC RIGHT-OF-WAY LOCATED ON EAST TENTH STREET BETWEEN SOUTH CARSON STREET AND SOUTH PLAZA STREET, ADJACENT TO APN'S 4-055-01 and 4-055-04, IN CARSON CITY, NEVADA (1-1190) - Principal Planner Rob Joiner, Tom Metcalf - Discussion indicated that the entire area is within the Redevelopment District. All the parking required by the Code will be provided on site. The street area will be used for overflow parking. Mr. Metcalf described the project by using a plot map and architectural renderings. Board comments commended him on the project. The abandonment order will not be recorded until the issue related to the cost of the right-of-way is resolved. Supervisor Smith moved that the Board of Supervisors approve AB-98/99-1, an abandonment request from RJS Properties, Inc., to abandon an approximate 66 foot wide by 170 foot long portion of public right-of-way located on East Tenth Street between South Carson Street and

South Plaza Street adjacent to Assessor's Parcel Number 4-055-01 and 4-055-04 in Carson City, Nevada, based on two findings and subject to the five conditions of approval. Supervisor Bennett seconded the motion. Following a request for an amendment, Supervisor Smith amended the motion to include resolving the issue of the value of Tenth Street. Supervisor Bennett concurred. The motion was voted and carried 4-0.

D. ACTION ON MPA-98/99-1 - A REQUEST FROM RONALD KIPP (PROPERTY OWNER: LANDMARK HOMES AND DEVELOPMENT) AND RATIFICATION OF PLANNING COMMISSION RESOLUTION 1998-PC-4 TO AMEND LAND USE DESIGNATION ON APPROXIMATELY 3.86 ACRES OF LAND FROM HIGH DENSITY RESIDENTIAL TO COMMERCIAL, LOCATED AT NORTH ROOP STREET, APN'S 2-103-01 AND 8-128-01 IN CARSON CITY, NEVADA; AND E. i. ORDINANCE ON FIRST READING - ACTION ON Z-98-1 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 3.86 ACRES OF LAND FROM MULTIFAMILY APARTMENT (MFA) TO GENERAL COMMERCIAL (GC) ON PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF HOT SPRINGS ROAD AND NORTH ROOP STREET, CARSON CITY, NEVADA, APN'S 2-103-01 AND 8-128-01, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1468) - Jim Bawden - Mayor Masayko indicated for the record that the change of land use does not bind the developer to the proposed project. Any use allowed in the commercial district could be developed. Mr. Bawden briefly described the project and explained his tentative plans for the parcels north of Northridge. Discussion with Mr. Bawden pointed out traffic concerns which may arise when the freeway is constructed. Supervisor Plank moved that the Board of Supervisors approve MPA-98/99-1, a request from Ronald Kipp, property owner Landmarks Homes and Development, and ratify Planning Commission Resolution 1998-PC-4 to amend the land use designation on approximately 3.86 acres of land from High Density Residential to Commercial, located at North Roop Street, Assessor's Parcel Number 2-103-01 and 8-128-01; fiscal impact is zero. Supervisor Smith seconded the motion. Motion carried 4-0.

Supervisor Plank moved to introduce on first reading Bill No. 130, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 3.86 ACRES OF LAND FROM MULTIFAMILY APARTMENT (MFA) TO GENERAL COMMERCIAL (GC) ON PROPERTY LOCATED AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF HOT SPRINGS ROAD AND NORTH ROOP STREET, CARSON CITY, NEVADA, APN'S 2-103-01 AND 8-128-01, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 4-0.

BREAK: A 15 minute recess was declared at 10:10 a.m. A quorum of the Board was present at 10:25 a.m. when Mayor Masayko reconvened the session although Supervisor Tatro was absent.

ii. ACTION ON A-98/99-1 - AN ORDINANCE AMENDING SECTION 18.02.040 OF THE CARSON CITY MUNICIPAL CODE TO ALLOW THE BOARD OF SUPERVISORS TO UPHOLD, REVERSE OR MODIFY A DECISION APPEALED FROM THE PLANNING COMMISSION, HEARING EXAMINER OR HISTORIC ARCHITECTURE REVIEW COMMISSION AND OTHER MATTERS PROPERLY RELATED THERETO (1-1668) - Chief Deputy District Attorney Lipparelli - Discussion between staff and the Board explained that the proposed process would not change the current requirement that new information will return the item to the Planning Commission for reconsideration. If the information is the same at both hearings, then the Board will have the ability to uphold, reverse, or modify the decision. Concerns were expressed about modifying any of the conditions/recommendations. Mayor Masayko felt that such modifications would encourage applicants to provide new information at the Board meeting. It may also place the Board in a position of being the hearing board rather than the reviewing board. He agreed to modify the recommendations so long as a policy is established defining the actions which could or could not be taken. This process will establish parameters for appeals. Mr. Sullivan agreed that without the parameters there could be a risk of having an end run which would invalidate the Planning Commission process. He requested an opportunity to meet with Mr. Lipparelli and the Commission to develop the policy. Mr. Lipparelli explained the Code which establishes the current process. This limits the appeal. It includes a statement requiring an indication of the error which had been made. It does not allow someone to appeal based on his/her dissatisfaction with the decision. He

suggested that diligence in requiring this statement could provide the control Mayor Masayko had suggested. Otherwise, the Board may be removing the need and purpose of having the Commissions/Committees. He also suggested that the staff reconsider the process. It may be that staff could develop a procedure which indicates that the failure to provide the finding of error will cause the appeal to be dismissed on a procedural basis. Mayor Masayko also suggested that the burden of proof should be left to either the appellant or the applicant. The need for a written policy was clearly indicated from the comments. Supervisor Smith also felt that several of the recent appeals had been without basis which supports the need to tighten the policy. Political pressure should not be used to force a reversal. Supervisor Bennett cautioned against taking too hard of a line and denying access to the Board. She, too, supported continuing the matter to allow staff time to clearly define "modify". She also suggested that staff analyze the number of appeals which had been made of Planning Commission items so that the magnitude of the problem could be understood. Supervisor Plank felt that this analysis should be for the last four years. Mayor Masayko also explained his support and trust of the Commission as it does a great job in handling all of the issues. Supervisor Smith requested that the analysis include the number of denials which were not appealed. Supervisor Bennett requested the total number of variances and special use permits, the number that were appealed, the number which were upheld, and the action taken on those that were not upheld. Mr. Sullivan indicated that the computer could provide this information for the last five years. Mayor Masayko directed that this information be used in drafting the policy. Supervisor Smith moved that the Board of Supervisors continue action on A-98/99-1 to allow staff to develop some more information for a future meeting. Supervisor Bennett seconded the motion. Motion carried 4-0.

Discussion ensued on the timeframe for the presentation. Mr. Sullivan suggested the first meeting in November. Mayor Masayko felt that the timeframe was not as important as an understanding of the thought process which developed the policy.

F. STATUS REPORT TO THE BOARD OF SUPERVISORS REGARDING CARSON CITY'S HOUSING/DOWN PAYMENT ASSISTANCE PROGRAM (1-2320) - Office Supervisor Kathy Lawrence - Discussion indicated that HUD had been actively participating in developing the agreement between Carson City and Lyon County. Mr. Sullivan also explained the need to have a clear understanding of the items which the City was assuring HUD of compliance. This is requiring a great deal of research. Mayor Masayko suggested that the following policy be considered as an exhibit to the Carson City-Lyon County agreement. Comments also expressed the importance of the program. Supervisor Smith explained that the funds for this program were from the Federal Housing and Urban Development Program and could be for this purpose only. No formal action was required or taken.

G. ACTION REGARDING A CHANGE IN CARSON CITY'S DOWN PAYMENT ASSISTANCE PROGRAM POLICY REGARDING THE STANDARD DOLLAR AMOUNT LENT TO QUALIFIED PARTICIPANTS (1-2587) - Ms. Lawrence - Mayor Masayko briefly described the criteria which restricts the type of individual using the program. Supervisor Smith also explained that these funds must be repaid when the home is sold or refinanced. The repayment monies are used to finance other homes for other people who meet the criteria. Affordable Homes in Carson City Chairperson Al Kramer expounded on the criteria and the funding required for HUD loans. Advantages of the program were also described. Although the reduced funding level will allow more people to acquire homes, it may not double the number. Supervisor Plank commended staff on the revised program and moved that the Board of Supervisors accept the recommendation of the Carson City Community Development Director and Housing Coordinator as outlined in the attached memorandum regarding the standard dollar amount lent to qualified participants of Carson City's Down Payment Assistance Program, fiscal impact is zero. Supervisor Smith seconded the motion. Motion carried 4-0.

H. ACTION REGARDING AUTHORIZATION FROM THE BOARD OF SUPERVISORS TO THE COMMUNITY DEVELOPMENT DEPARTMENT TO SUBMIT AN APPLICATION TO THE LYON COUNTY HOME CONSORTIUM REQUESTING AN ADDITIONAL \$50,000 FOR CONTINUATION OF THE DOWN PAYMENT ASSISTANCE PROGRAM (1-2841) - Comments stressed the need to submit the application posthaste. Supervisor Plank moved that the Board of Supervisors authorize the

Community Development Department to submit an application to the Lyon County Home Consortium requesting an additional \$50,000 for continuation of the Down Payment Assistance Program, fiscal impact is \$50,000 which will be added to the Carson City program. Supervisor Bennett seconded the motion. Motion carried 4-0.

BREAK: A lunch recess was declared at 11:20 a.m. Mayor Masayko reconvened the meeting at 1:35 p.m. A quorum of the Board was present although Supervisor Tatro was absent as previously indicated.

6. CARSON CITY AIRPORT AUTHORITY - Representative Steve Tackes

A. ACTION ON LEASE AGREEMENT BETWEEN CARSON CITY AIRPORT AUTHORITY AND CRYSTAL BAY AVIATION, LLC, FOR PROPERTY LOCATED AT THE CARSON CITY AIRPORT IDENTIFIED AS LOTS 40, 41, 48, AND 49 (1-2927) - Discussion between the Board and Mr. Tackes explained the need for the long-term lease, the need for more hangar space, the hangar investment being made by the lessee, the ancillary taxes which will be generated, the airport's use of those funds, and the FAA grants leveraged with these funds. Supervisor Bennett disclosed her and her husband's lease of the Silver Springs Airport. Neither she nor any of her family members have a fiduciary interest in the Carson City airport. She had consulted with legal counsel regarding participating in the discussion and was advised that there was no legal conflict. Mr. Lipparelli concurred with her statements. Discussion ensued among the Board, Mr. Tackes, and Mr. Lipparelli regarding the company and its financial status, the Airport Authority's ability to takeover the project if the lessee defaults, justification for the hold harmless clause and the need to include Carson City in it, the need for Carson City to approve any substantial amendments to the lease, the urgency to complete the lease process, the need for a "Dunn and Bradstreet" report which will provide a financial overview of the firm, the need for a completion bond, the default clauses, the need for "reopeners" in the lease which would allow negotiation on various terms of the lease including the lease rate, (2-0030) Board options regarding the amendments and procedures to expedite the process, the potential for the Airport Authority to negotiate the surety bond, the financial requirements contained in the contract which will protect the City/Authority's position if the lessee defaults, reasons for the need to approve the contract as soon as possible, the proposed condominium hangar project and an explanation of a similar Las Vegas project, the feasibility of having the agreement rewritten and approved for Board consideration in two weeks, motion options, justification for a 50 year lease, and reiterated the pros and cons of having "reopener" clauses.

(2-0508) Public comments were solicited. Fire Chief Louis Buckley explained his involvement with the Airport Authority and the increase in rental fees during his tenure. He felt that if the lease was as lucrative as hoped, there would have been more than one bidder. Banks consider the actuarial reports when making decisions regarding loans which includes the length of the lease. He also did not believe that there would be any bidders if the reopener clause is inserted.

Supervisor Smith explained his personal feeling that his suggestions should have been included in the agreement. The Airport Authority had, however, followed the legal public bidding process for the lease of the property. The contract had contained all of those items. The public should understand that all of the mandated legal requirements have been included in the contract even though the Board was asking for additional items. His comments should have been voiced prior to advertising the lease.

Supervisor Plank moved to approve the lease agreement between Carson City Airport Authority and Crystal Bay Aviation, LLC, for property located at the Carson City Airport identified as Lots 40, 41, 48, and 49 under the condition that an addendum be created naming Carson City in the hold harmless, insurance, bonding, and amendments sections of the lease. Mr. Lipparelli indicated he was aware of the paragraphs which had been referenced. Supervisor Smith seconded the motion. Motion carried 4-0. Mayor Masayko encouraged Mr. Tackes to discuss the Board's issues with the Authority and expressed a willingness to make a presentation to the Authority on them. He also requested that the amendment be presented within 30 days or as soon as possible.

B. DISCUSSION AND ACTION ON GRANT AGREEMENT WITH FEDERAL AVIATION

ADMINISTRATION FOR \$120,000 FOR THE PURPOSE OF PREPARING A MASTER PLAN UPDATE AND PRELIMINARY ENVIRONMENTAL ASSESSMENT (2-0605) - Supervisor Plank voiced his concern that the master plan should include the realization that the airport is part of Carson City and the City's need for a connector road between Graves Lane and Arrowhead Drive with the least possible impact on the residential neighborhood. Mr. Tackes indicated that this item should be included in the consultant's agreement. Concerns related to headlights shining into a landing pilot's eyes were noted as another issue which should be addressed. Airports in other areas were cited to illustrate the ability to mitigate both issues. Discussion also noted that the element would be a part of the City's Master Plan and subject to review by the Planning Commission and Board of Supervisors. Significant dialogue should occur between the Airport Authority and the Board of Supervisors. Public comments should be included in the process. Supervisor Smith moved to approve a grant agreement with the Federal Aviation Administration for \$120,000 for the purpose of preparing a Master Plan Update and Preliminary Environmental Assessment. Following a request for an amendment, Supervisor Smith amended his motion to include "and authorize City Manager Berkich to sign it". Mayor Masayko seconded the motion. Motion carried 4-0.

7. PERSONNEL MANAGER - City Manager Berkich - ORDINANCE - SECOND READING - ACTION ON BILL NO. 128 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) TO ADD JUSTICE COURT TECHNICIAN; ADD REDEVELOPMENT DIRECTOR TO PRINCIPAL PLANNER; TITLE CHANGES: AUTOMATION SERVICES DIRECTOR TO INFORMATION SERVICES DIRECTOR; DEPUTY PUBLIC UTILITIES DIRECTOR TO DEVELOPMENT ENGINEERING MANAGER; DEPUTY PUBLIC WORKS DIRECTOR TO PUBLIC WORKS CAPITAL PROJECTS MANAGER; PUBLIC WORKS ENGINEER/RTC TO SENIOR ENGINEER/RTC; PUBLIC WORKS ENGINEER/SEWER TO SENIOR ENGINEER; STREET SUPERINTENDENT TO STREET OPERATION MANAGER; WATER UTILITY SUPERINTENDENT TO UTILITY OPERATIONS MANAGER; AND ENVIRONMENTAL CONTROL MANAGER TO DEPUTY HEALTH DIRECTOR; REMOVE ASSOCIATE PUBLIC WORKS ENGINEER, PUBLIC UTILITIES DIRECTOR AND PUBLIC WORKS DIRECTOR (2-0798) - Supervisor Plank moved to adopt on second reading Bill No. 128, Ordinance No. 1998-31, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) TO ADD JUSTICE COURT TECHNICIAN; ADD REDEVELOPMENT DIRECTOR TO PRINCIPAL PLANNER; TITLE CHANGES: AUTOMATION SERVICES DIRECTOR TO INFORMATION SERVICES DIRECTOR; DEPUTY PUBLIC UTILITIES DIRECTOR TO DEVELOPMENT ENGINEERING MANAGER; DEPUTY PUBLIC WORKS DIRECTOR TO PUBLIC WORKS CAPITAL PROJECTS MANAGER; PUBLIC WORKS ENGINEER/RTC TO SENIOR ENGINEER/RTC; PUBLIC WORKS ENGINEER/SEWER TO SENIOR ENGINEER; STREET SUPERINTENDENT TO STREET OPERATION MANAGER; WATER UTILITY SUPERINTENDENT TO UTILITY OPERATIONS MANAGER; AND ENVIRONMENTAL CONTROL MANAGER TO DEPUTY HEALTH DIRECTOR; REMOVE ASSOCIATE PUBLIC WORKS ENGINEER, PUBLIC UTILITIES DIRECTOR AND PUBLIC WORKS DIRECTOR; fiscal impact is to only the Public Works/Utility restructure which was reviewed by the Board on August 20, 1998. Supervisor Smith seconded the motion. Motion carried 4-0.

8. FIRE DEPARTMENT - Fire Chief Louis Buckley - ACTION TO REVISE AMBULANCE SUBSCRIPTION AGREEMENT (2-0840) - Comments supported the flexibility provided by the revision. Jan Drange explained her reasons for supporting the revision. Supervisor Smith indicated he would work with her on this issue. Supervisor Smith moved that the Board of Supervisors approve the revised ambulance subscription agreement giving the Fire Chief the authority to grant exceptions to the enrollment period for good cause; there is no fiscal impact. Supervisor Plank seconded the motion. Motion carried 4-0.

9. UTILITIES DEPARTMENT - Deputy Director Jay Ahrens

A. ACTION ON A RESOLUTION REGARDING THE ACCEPTANCE OF 1.45 ACRE FEET OF WATER FROM ASH CANYON CREEK TO BE DONATED BY RAYMOND C. AVANSINO, JR.,

AND KRISTEN A. AVANSINO (2-0915) - Supervisor Smith moved to adopt Resolution No. 1998-R-61, A RESOLUTION ACCEPTING 1.45 ACRE FEET OF WATER FROM ASH CANYON CREEK TO BE DONATED BY RAYMOND C. AVANSINO, JR., AND KRISTEN A. AVANSINO. Supervisor Bennett seconded the motion. Motion carried 4-0.

B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 129 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE SILVER OAK DEVELOPMENT CO., A LIMITED PARTNERSHIP AND THE BOARD OF REGENTS OF THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA ON BEHALF OF WESTERN NEVADA COMMUNITY COLLEGE REGARDING ASSESSOR'S PARCEL NO. 08-061-28 AND 7-091-82 LOCATED AT THE SILVER OAK PLANNED UNIT DEVELOPMENT AND THE WESTERN NEVADA COMMUNITY COLLEGE, 2201 WEST COLLEGE PARKWAY, CARSON CITY, NEVADA, FOR WATER TANK SITE IMPROVEMENTS AND WATER MAIN CONSTRUCTION (2-0965) - Mr. Ahrens explained that the berm could not be constructed in front of the State's tank as a water main and major drainage line are located there. The project will not impact these lines nor the State tank which is already at the site. The City will construct a berm in front of the new tank. Supervisor Smith moved to adopt Ordinance No. 1998-32, Bill No. 129 on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE SILVER OAK DEVELOPMENT CO., A LIMITED PARTNERSHIP AND THE BOARD OF REGENTS OF THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA ON BEHALF OF WESTERN NEVADA COMMUNITY COLLEGE REGARDING ASSESSOR'S PARCEL NO. 08-061-28 AND 7-091-82 LOCATED AT THE SILVER OAK PLANNED UNIT DEVELOPMENT AND THE WESTERN NEVADA COMMUNITY COLLEGE, 2201 WEST COLLEGE PARKWAY, CARSON CITY, NEVADA, FOR WATER TANK SITE IMPROVEMENTS AND WATER MAIN CONSTRUCTION. Supervisor Plank seconded the motion. Supervisor Smith amended his motion to include fiscal impact is \$125,339.82; funding source is Account 520 - Ash Canyon Tank II. Supervisor Plank concurred. Motion carried 4-0.

10. PUBLIC WORKS DEPARTMENT - Deputy Public Works Director Tim Homann

A. ACTION ON A REQUEST TO INSTALL FOUR-WAY STOP SIGNS AT THE INTERSECTION OF CLEAR CREEK AVENUE AND CENTER DRIVE (2-1032) - Mr. Berkich explained the discussion which had been held with the Washoe Tribe and its support for the signs. Supervisor Smith pointed out the concerns related to installing stop signs without the appropriate technical data. He had personally visited the site and observed the situation. There is a lot of pedestrian traffic even though there are no sidewalks. Mayor Masayko indicated he did not generally support stop signs. He had been sensitized to the new one at Mountain and Telegraph. Supervisor Plank moved that the Board of Supervisors direct staff to install a four-way stop sign installation at the intersection of Clear Creek Avenue and Center Drive. Supervisor Smith seconded the motion. Supervisor Plank continued his motion to include fiscal impact of \$200. Following discussion of the need for a finding, Supervisor Plank amended his motion to also include with a finding that it is a high pedestrian area, it is for public safety and pedestrian safety, there are no sidewalks, and the pedestrian traffic is actually in the street. Supervisor Smith concurred. Motion carried 4-0.

B. ACTION ON DRAFT RESOLUTION PROHIBITING THE THROUGH MOVEMENT OF CERTAIN TRUCKS, AS DEFINED IN THE CARSON CITY MUNICIPAL CODE AS CLASS A, CLASS B AND CLASS C VEHICLES ON ARROWHEAD DRIVE FROM NORTH CARSON STREET TO GONI ROAD, CLEARVIEW DRIVE FROM SILVER SAGE DRIVE TO EDMONDS DRIVE, KOONTZ LANE FROM SILVER SAGE DRIVE TO EDMONDS DRIVE, EDMONDS DRIVE FROM FAIRVIEW DRIVE TO SNYDER AVENUE, AND SILVER SAGE DRIVE/ROOP STREET FROM KOONTZ LANE TO FAIRVIEW DRIVE (2-1170) - Mr. Homann's introduction indicated that action would not be taken on the Resolution until all of the streets where truck traffic is to be prohibited are included. Copies of the resolution had been provided to Darrell Capurro of the Nevada Trucking Association, Cheryl Blomstrum of ABC, Larry Osborne at the Chamber of Commerce, and Gayle Farley of the Builders Association. Concerns had been expressed that the entire City would be blanketed with prohibitions. Reasonableness should be used in designating truck routes.

Over-regulation should be avoided. Residential streets should not be used by large trucks. Collectors and arterials, however, may have heavy trucks. These streets should be considered on a case-by-case basis. Justification for the suggested streets was briefly provided. Local deliveries are justifiable and should be allowed. Ms. Blomstrum and Mr. Osborne felt the proposed draft was reasonable. Mr. Homann suggested that a policy be developed indicating when and why trucks will be prohibited, if the Board so desired. Supervisor Smith explained his contact with Lois Lazor. She had indicated that she would send him a letter outlining her concerns. He had not received it. She was concerned about Airport Road at the bend just east of the Comstock Mobile Home entrance and the potential for a tanker truck to go through the fence and strike a mobile. The concern that this is a potential site for a bad scene was acknowledged. If truck traffic is to be eliminated on Airport, the becomes one of where could it go until Graves Lane is completed. Supervisor Smith had previously pledged to support all efforts to restrict north bound truck traffic to the freeway once it is opened. Arrowhead Drive and Goni Road had been constructed specifically to handle west bound heavy trucks in an effort to remove them from residential areas. College Parkway/Graves Lane handles the east bound traffic. If the Airport Road section is removed from the east bound route, the trucks will be forced to use Goni and Arrowhead, which is rather circuitous. The prohibition would be difficult to enforce. Mr. Homann pointed out that both Airport Road and College Parkway are not under the City's jurisdiction. A suggestion/recommendation could be submitted to NDOT. Its success, however, is unknown. Discussion noted that the Comstock Mobile Home Park is a senior housing project. The only feasible solution may be the opening of the Graves Lane extension in 18 months. The park owner and City could ask NDOT to analyze other routes. Supervisor Plank explained his personal knowledge of lighter vehicles which have gone through the fence. It may be that the truck drivers are better drivers than the average automobile driver. He suggested that until Graves Lane is extended that a "jersey" barrier be installed against the wood fence. This could deflect any vehicle. Mayor Masayko felt that this suggestion should be added to the letter. Traffic problems with the access/egress from the mobile home park were noted.

Supervisor Plank then expressed his concern about South Saliman, specifically, after the north portion of the freeway is constructed. He felt that traffic would use it to go south unless another route is designated. He also encouraged staff to mail maps to truckers and Deputy Sheriffs, that the signs to be located to warn truckers prior to entrapment, and that the Deputies be instructed to allow local deliveries.

Supervisor Bennett felt that there would be a large influx of truck traffic on College Parkway when Arrowhead is closed at Goni. She encouraged staff to develop methods for signing to warn vehicular traffic of the access/egress for the Comstock Mobile Home Park. Discussion indicated that the extension of Graves Lane will be out to bid before the end of the year. Supervisor Bennett explained her concern about the proposed perpendicular Graves Lane extension and Airport Road intersection which would cause headlights from vehicles to shine into pilots' eyes. Supervisor Smith noted that Arrowhead west of Goni is already closed to truck traffic. He pointed out the width of the College Parkway and North Carson Street intersection. College Parkway and Goni had been constructed to handle truck traffic as indicated by its wide turning radius. Supervisor Bennett requested that the record clearly indicate her support for the resolution. She was only attempting to point out the impact and concerns involved with the mobile home park and the corner. Supervisor Plank requested a date be placed on the maps in the future. Mr. Homann agreed. Mayor Masayko explained a citizen's request and his concurrence that Woodside Drive be signed for prohibition. The truck access as indicated in the Special Use Permit is to be from Airport Road and not Woodside.

Discussion ensued with Mr. Homann regarding Mr. Hui's letter regarding Colorado. He was willing to sign Colorado if the Board desired. The use of Colorado to Kansas will be analyzed and the truckers contacted. Staff may suggest that they use Fairview. Occasional use will not create a problem.

(1-1775) Comments were solicited. Larry Borges explained the heavy truck traffic on South Graves Lane. He urged the Board to close South Graves Lane to heavy trucks between 8 p.m. and 8 a.m. Reasons for his request were provided. Supervisor Smith explained his commitment to install a soundwall from River Knolls to Eagle Highlands after the northern Graves Lane extension is constructed. Mr. Borges continued to stress his reasons for wanting trucks restricted. The trucks should use Stewart after 8 p.m. Mayor Masayko thanked him for his comments and expressed his feeling that once the northern portion is completed trucks will use the entire route.

Mr. Homann was asked to analyze the suggestion.

(2-2035) Ada Roelke thanked the Board for the ordinance and paying attention to her neighborhood. She supported the ordinance. She suggested that consideration be given to including Emerson between College Parkway and Arrowhead as well as Roop from William south. Reasons for these suggestions were provided. Mayor Masayko thanked her for her comments.

(2-1990) Norm Patterson also thanked the Board and Public Works for the ordinance and the Sheriff's Department for its review. The proposal is enforceable. Reasons for his concern that the ordinance be enforceable were provided. He agreed that trucks should be able to use the commercial portion of Arrowhead but not the residential section. UPS should be added to the list of firms to be notified. UPS uses both areas of Arrowhead daily as a shortcut to and from Highway 50. He also requested equestrian signs be posted due to the number of horses which are ridden along the streets in the area. Mr. Homann indicated that these signs are being designed. Mr. Patterson again thanked the Board and staff for its timely response to the problem. Mayor Masayko thanked him for his comments and patience. Additional public comments were solicited but none given.

Discussion indicated that the streets suggested by Mr. Homann were appropriate. Streets which had been discussed should be analyzed and added if deemed appropriate. Discussion indicated the resolution would be presented for consideration at the October 15th meeting. Mr. Homann supported adding Emerson. He also expressed a desire to workshop Mr. Borges' suggestion with the truckers to determine the problems which could be created by such a program. He thanked the Board for its time and input. No formal action was taken.

BREAK: A 15 minute recess was declared at 4 p.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 4:15 p.m. although Supervisor Tatro was absent as previously indicated.

11. CITY MANAGER - John Berkich

A. STATUS REPORT ON EAGLE VALLEY GOLF COURSE (2-2138) - Corporation Chairperson Wes Myers gave a verbal status report. A written financial and development program may be submitted to the Board on the 19th. The Golf Superintendent had developed a computerized business operation during the last year. The 1999 in-house marketing program has commenced. Golf rates will not be increased in 1999. The importance to and use of the facility by senior citizens, junior golfers, families and the community were described. A new accredited WNCC golf management course has been established. Several junior and fund-raiser programs were described. The facility had been voted the best course in the Carson City/Douglas County area. The appointment of Jeri Murphy to fill the vacancy created by Wally Murray's resignation was explained. Board comments commended the Corporation on its selection of Ms. Murphy and its dedication and efforts to keep the course open inspite of its many challenges and to turnaround its financial position. Discussion also explained the current play and use of the courses.

B. STATUS REPORT ON THE CONSTRUCTION OF THE PUBLIC SAFETY COMPLEX (2-2422) - Monthly status reports are to be provided in the future. Budget concerns were described. Vanier Representative Gordon Graham reviewed the executive summary. Copies of the executive summary were distributed to the Board and Clerk. The feasibility of meeting the completion dates was indicated. The project's quality remains high. Discussion emphasized the Board's feeling that landscaping should be provided for the facility. Mr. Berkich indicated that the landscaping had only been deferred. Its infrastructure is in place. Once the budget is completely established, the funding ability for landscaping will be analyzed. He agreed that the plants may not be in the ground at the time the ribbon is cut. Comments also emphasized the need to maintain the construction deadline and to keep a tight rein on expenditures. Mr. Graham explained his feeling that the proposed landscaping was not the kind which should be used in Carson City. Local contractors may provide another cost cutting avenue. Supervisor Bennett also pointed out the City's ability to fund the \$19 million project without increasing taxes and commended all of the participants on this effort. Mr. Graham then explained the

reasons the court security doors between the second and third floors and other security enhancement mechanisms had been deferred. This equipment can be installed when future demand requires it and at a local price which could be less than that indicated by the contractor. The building has included "roughing in" for this equipment. Mr. Berkich then reviewed the building's estimated cost as of this date. Discussion indicated another report would be provided at the second meeting in October.

C. ACTION TO DIRECT STAFF TO PREPARE A RESOLUTION PROVIDING FOR THE MAILING OF BALLOT QUESTION INFORMATION IN UTILITY BILLS (2-3033) - Carson City Library Board of Trustees Member and Citizens for a Better Library Representative Peggy Twedt - Discussion noted the precedence this decision could create. Ms. Twedt felt that the proposed resolution would limit the use. Mayor Masayko felt that the Fire Fighters should be given the same opportunity to mail inserts regarding CC 2--the two-in, two-out manning tax initiative. Discussion questioned how the pros and cons of each issue would be handled. Ms. Twedt felt that anyone with factual information should be allowed to insert the information. This person/group would be responsible for any increased mailing costs. Mayor Masayko felt that the mailings should be restricted to one for each side of the question. Supervisor Smith felt that the process would allow the low budget groups to better inform/educate the public. Ms. Twedt reiterated her budget constraint and the need to reach a large segment of the populace. Her group would pay for the additional cost to stuff the envelopes. Her insert would discuss the costs and services which will be provided. The insert also indicates that it was funded by the Citizens for a Better Library. The opposition could provide its position and pay the costs. Concerns regarding the public perception that City government endorsed the ballot question were discussed. Ms. Twedt felt that only questions which the Board had placed on the ballot would be allowed to use the process. She also suggested that a disclaimer be included on the insert to indicate that City government was not endorsing/supporting the group. The disclaimer should clearly indicate that the group had paid for the insert and all related costs. Discussion also pointed out the deadline for reaching 100 percent of the utility users and questioned whether the opposition would be able to meet the same deadline. The concern was that all groups would not have the same degree of access or notice about the process.

Mr. Lipparelli indicated that this issue is a policy question rather than a legal question. The concept is to limit the use to informing utility customers about ballot questions which have been placed on the ballot by the Board. This would limit the number of individuals wishing to use the billing to reach residents. The inserts would be limited to factually based explanatory information and could not advocate one position over another. The insertion will not impact the water and sewer users' rates. The advocates will pay all costs for the insertion. He then explained a concern that other non-profit organizations may wish to use the insertion policy for fund-raising activities. High Point, North Carolina's policy was read to illustrate a policy which would allow such inserts. Direction from the Board was solicited.

(3-0031) Mayor Masayko felt that as a policy decision the Board could allow it to happen and discontinue it later if a problem arises. Limits could be established. Supervisor Smith expressed a concern that this procedure could be perceived as granting special privileges to one group. A 501C3 policy may not facilitate Ms. Twedt's group due to the time and costs required to obtain that status. He expounded on his concerns about allowing the organized proponents to use the process while various unorganized individuals opposing a ballot question would be prohibited.

Mayor Masayko explained his personal knowledge/experience with the number and amount of inserts which should be allowed with a bill and the point where customers throw away the inserts. The process may reach people but may not be as effective as perceived. Supervisor Bennett suggested the Board take time to consider the precedent which would be established and noted the difficulty involved with "unringing a bell". Ms. Twedt indicated that the flyer must be to Utility Billing by October 4th in order for a complete cycle to be used. There is adequate time between the next Board meeting and that date. The policy will notify the public about the process. Supervisor Smith felt that the delay would provide adequate time for the media to alert the public about the process. Supervisor Plank explained his support for the process including his willingness to assist the District Attorney's office in wordsmithing the resolution.

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Supervisor Plank moved to direct staff to prepare the resolution providing for the mailing of ballot question information in the Utility bills for ballot questions which have been approved by the Board of Supervisors for placement on the ballot. Supervisor Smith seconded the motion. Mr. Lipparelli indicated that the resolution would be drafted along the lines as described. It will contain the three components indicated on the staff report--ballot questions only, explanatory and factual information only, and that the group requesting the insertion will pay for any additional costs. If any other amendments are desired, the Supervisor should to contact his office. The resolution will be reconsidered at the first meeting in October. Comments agreed that staff's decision to seek Board direction had been correct. Mayor Masayko indicated that the resolution should include a restriction allowing only one insertion per group. Discussion expounded on Supervisor Bennett's comments concerning "ringing bells". The motion to direct staff to draft the resolution as discussed was voted and carried 4-0. Mayor Masayko indicated the resolution would be considered on October 1.

There being no other matters for consideration, Supervisor Bennett moved to adjourn. Mayor Masayko seconded the motion. Motion carried unanimously. Mayor Masayko adjourned the meeting at 5:20 p.m.

The Minutes of the September 17, 1998, Carson City Board of Supervisors meeting

ARE SO APPROVED ON__April_15____,

1999.

_____/s/_____

Ray Masayko, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder