



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

**3. TREASURER - Al Kramer**

**A. ACTION ON A LIQUOR LICENSE FOR MARVIN AND LOIS JOHNSON, DOING BUSINESS AS MARLO'S LTD. (1-0180.5)** - Both of the Johnsons were present. Chairperson Masayko indicated his previous involvement with the Johnsons at a public function where he had welcomed them to the community. Mr. Johnson explained his unique business. He had been in the business for over 30 years and was aware of the Nevada Liquor Laws and the prohibition against serving minors. The Sheriff Department's favorable investigative report was noted. Member Smith moved that the Liquor and Entertainment Board approve the Liquor License for Marlo's Limited for Marvin and Lois Johnson, doing business as Marlo's Limited at 111 West Tenth Street, Suite C, Carson City, Nevada, with a fiscal impact of \$1775.50. Member Bennett seconded the motion. Motion carried 6-0. Chairperson Masayko again welcomed them and wished them success in Carson City.

**B. ACTION ON A LIQUOR LICENSE FOR HON CHAY SIN AND GWO-CHING LIOU, DOING BUSINESS AS MING'S RESTAURANT (1-00232.5)** - Both applicants were present. Member Bennett explained her knowledge of a Ming's Restaurant in Palo Alto, California, and wished them the same success. Mr. Liou stated his experience in the restaurant field including his business at South Lake Tahoe. He was familiar with the Nevada Statutes and Carson City Codes regarding the sale of liquor. The favorable Sheriff's report was noted. Member Bennett moved that the Liquor and Entertainment Board approve a Liquor License for Ming's Restaurant. Member Plank seconded the motion. Member Bennett continued her motion to include for Hon Chay Sin and Gwo-Ching Liou, doing business as Ming's Restaurant. Member Plank continued his second. Motion carried 6-0. Chairperson Masayko also welcomed them and wished them success.

**C. ACTION ON A LIQUOR LICENSE FOR CATHERINE SEDA AND DOUGLAS GRANT, DOING BUSINESS AS INTERNET TRADE INTERNATIONAL (1-0292.5)** - Mr. Kramer noted the uniqueness of the business. Mr. Grant described the website order service. Member Banister noted the favorable Sheriff's investigative report. Mr. Grant felt that the sale to minors would be prohibited through mandatory membership in the club and his background investigation of those members. Identification will be required of everyone at the time of delivery. Member Plank moved to approve a Liquor License for Catherine Seda and Douglas Grant, doing business as Internet Trade International, fiscal impact is \$1,759.95. Member Tatro seconded the motion. Motion carried 6-0. Mayor Masayko commended them on the innovative business and wished them success in the new venture.

**BOARD OF SUPERVISORS** - Chairperson Masayko then adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present, constituting a quorum.

**4. CONSENT AGENDA**

**A. FIRE CHIEF - ACTION ON DONATION OF HOSE LENGTHS TO TRUCKEE MEADOWS COMMUNITY COLLEGE, FIRE SCIENCE TECHNOLOGY PROGRAM**

**B. SHERIFF - ACTION ON APPROVAL OF APPLICATION BY THE SHERIFF TO RECEIVE A FEDERAL BLOCK GRANT IN THE AMOUNT OF \$94,258 WITH MATCHING FUNDS REQUIRED OF \$10,462.62**

**C. COMMUNITY DEVELOPMENT DIRECTOR - ACTION ON H-96/97-41 - A REQUEST FROM PATRICIA A. COOPER-SMITH FOR HISTORICAL TAX DEFERMENT ON PROPERTY LOCATED AT 1206 NORTH NEVADA STREET, APN 1-172-02, (HISTORIC ARCHITECTURAL REVIEW COMMISSION APPROVED MAY 15, 1997)**

**D. PURCHASING DIRECTOR**

- i. **ACTION ON CONTRACT NO. 9697-243 - GONI ROAD RE-ALIGNMENT, AWARD**
- ii. **ACTION ON CONTRACT NO. 9697-270 - CEMETERY CONCRETE IMPROVEMENTS, AWARD**
- iii. **ACTION ON CONTRACT NO. 9697-266 - CARSON CITY DOWNTOWN LANDSCAPE PROJECT, AWARD**
- iv. **ACTION ON CONTRACT NO. 9697-177 - MILLS PARK SKATEBOARD FACILITY, LABOR ONLY - REQUEST FOR FINAL PAYMENT (1-0375.5)** - None of the Items were pulled for discussion. Supervisor Plank moved to approve the Consent Agenda including all of the items listed on the Agenda. Supervisor Tatro seconded the motion. Motion carried 5-0.

Discussion noted the role Virginia Orcutt had played in getting the skateboard facility and its usage. Mayor Masayko directed Mr. Berkich to agendize a certificate of commendation for her.

**5. FIRE CHIEF - Louis Buckley - ORDINANCE - SECOND READING - ACTION ON BILL NO. 134 - AN ORDINANCE AMENDING CHAPTER 5.18 OF THE CARSON CITY MUNICIPAL CODE (AMBULANCE SERVICES) BY AMENDING SECTION 5.18.040 (FEES AND RATES) TO INCREASE THE EXISTING FEES FOR CERTAIN AMBULANCE SERVICES, AND TO RE-ESTABLISH A MILEAGE CHARGE, AND OTHER MATTERS PROPERLY RELATED THERETO (1-0418.5)** - Supervisor Tatro moved that the Board adopt Bill No. 134 on second reading, Ordinance No. 1997-37, AN ORDINANCE AMENDING CHAPTER 5.18 OF THE CARSON CITY MUNICIPAL CODE (AMBULANCE SERVICES) BY AMENDING SECTION 5.18.040 (FEES AND RATES) TO INCREASE THE EXISTING FEES FOR CERTAIN AMBULANCE SERVICES, AND TO RE-ESTABLISH A MILEAGE CHARGE, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

**6. INTERNAL AUDITOR - Gary Kulikowski - ACTION ON APPROVAL OF THE 1997-98 INTERNAL AUDIT PLAN (1-0445.5)** - Discussion ensued on the priority ranking criteria and the listing. His audit reports will include a corrective action plan with the time period for implementation. Quarterly reports on the status of the corrective action plans will also be submitted. Any rejected plans will be brought to the Board's attention. Records will be maintained clearly indicating the result of his audits. The Board would review these documents and could make oversight policy decisions as deemed necessary. Supervisors Bennett and Tatro commended Mr. Kulikowski on the report. Comments noted the need for the schedule to be flexible. The report will provide adequate justification for the change in priorities. Mr. Kulikowski also indicated that he has two other issues which he will work on if time permits, however, could not list them due to the sensitive nature of the issues. The first quarter may require overtime, however, the fourth quarter may allow it to be "evened out". It is an aggressive schedule. Mayor Masayko indicated that the quarterly reports would be acceptable and urged the Board Members to contact Mr. Kulikowski if there is a question in the interim. Supervisor Tatro moved that the Board approve the Internal Audit Plan for the fiscal year 1997-98 as submitted. Supervisors Smith and Bennett seconded the motion. Motion carried 5-0.

**7. BOARD OF SUPERVISORS**

**A. ACTION TO APPROVE THE PURCHASE OF FURNITURE FOR CITY HALL (1-0625.5)** - Mr. Berkich explained the request and funding. Supervisor Tatro explained his desire to have a discussion at the retreat on the Board's budgeted allocation and its usage. Mayor Masayko indicated that these funds had amounted to \$350 a year for several years and that these funds may not be available in the future. He agreed to have the discussion as suggested. Supervisor Smith moved that the Board of Supervisors approve the purchase of the furniture as delineated in the attached information for the new City Hall, fiscal impact of \$1,022.45, funding source is the Board savings. Supervisor Bennett seconded the motion. Motion carried 4-1 with Supervisor Tatro voting Naye.

**B. ACTION ON LEGISLATIVE MATTERS (1-0714.5)** - Mr. Berkich explained the status of the

bills which he had listed on the report. The bill increasing the State's sewer cost will be analyzed between the sessions and resubmitted at the next Legislative session. The Caroline Street/FIB building acquisition and final project were briefly described--part of the AB 395 proposal. Surrounding property owners will continue to be contacted and their issues considered. It may be several months before the project is completed and a presentation made to the Board. The status of the Golden Spike project was briefly described. Supervisor Tatro reviewed the status of the Redevelopment Bills. AB 638 may not survive as it is opposed by the Statewide Redevelopment Committee. Mr. Berkich continued reviewing the list. Mayor Masayko reviewed the listing of already passed/adopted bills. Concerns related to and need for AB 291 were discussed. Mr. Berkich then described the status of the proposed changes to the franchise/business license fees statute. Mayor Masayko felt that the latest revisions had been created by Clark County in an attempt to have its own telecommunications system and the resulting private enterprise response to government competition. The 35 page response would "lock out" governmental involvement from selling any type of service to the public for perpetuity. Mayor Masayko expressed his hope that the Legislature will adjourn before the Board's special session next Wednesday. Mr. Berkich indicated that a fiscal analysis will be performed to determine what impact the Legislature had on the City's budget. No formal action was required or taken.

**C. SUPERVISOR BENNETT - ACTION ON A PROCLAMATION WELCOMING THE PRESIDENT AND VICE PRESIDENT TO LAKE TAHOE AND REAFFIRMING LOCAL PARTNERSHIP COMMITMENTS (1-0985.5)** - Discussion questioned whether the Board would receive invitations to participate in any of the activities which would occur during the President and Vice President's visits. Supervisor Tatro indicated he would be on vacation during their visits. Supervisor Bennett moved that the Board of Supervisors approve a PROCLAMATION WELCOMING THE PRESIDENT AND VICE PRESIDENT TO LAKE TAHOE AND AFFIRMING LOCAL PARTNERSHIP COMMITMENTS. Mayor Masayko seconded the motion. Motion carried 5-0.

**8. CHIEF JUVENILE PROBATION OFFICER - Bill Lewis - ACTION ON APPROVAL FOR THE JUVENILE PROBATION DEPARTMENT TO RECEIVE \$8,200 IN GENERAL FUNDS DURING THE 1997-98 FISCAL YEAR TO REPLACE RECENT LOSS OF FEDERAL FUNDS PREVIOUSLY SUPPORTING DIRECT SERVICES TO JUVENILE OFFENDERS (1-1049.5)** - Mr. Lewis' introduction included a description of the programs and the statistics on the number of juveniles who had participated last year. Supervisor Tatro supported the request even though it was outside the normal budget process. Reasons it could not have been included in the budget were noted. These programs make a difference in the community and the Juvenile Probation process. The School District is to share the cost of the Saturday program. Supervisor Bennett supported his comments and commended the Reno Gazette Journal for its report on juvenile issues. She then discussed the McGee emergency short term shelter requirements with Mr. Lewis and the need for parental supervision, participation, and accountability. Support for the request was expressed by Supervisors Smith and Plank and Mayor Masayko. Clarification indicated that the grant which did not fund these items had been used to fund some other items. The proposal would improve the service level. The School District will continue to support the programs.

(1-1322.5) Carl Neathammer supported the request and urged the Board to approve the request by explaining Federal statistics which indicate that early intervention is necessary. The Department is efficient. He then explained a group of individuals who are attempting to establish a "Teen Court" to be held at the campus as a diversionary program to handle the truancy problems. This group will be teen peers who will serve under Judge Nielson's guidance and work with volunteer attorneys.

Supervisor Smith moved that the Board of Supervisors approve the Carson City Juvenile Probation Department to receive \$8,200 from the General Fund during the 97-98 fiscal year to replace recent loss of O.J.J.D.P. Federal grant funds for shelter care placement, after school tutoring, and the Carson High School Habitual Truancy Saturday School Program, fiscal impact, again, is \$8200, the funding source is the General Fund Contingency Account as appropriated in the 97-98 budget. Supervisor Tatro seconded the motion. Motion carried 5-0.

**9. PUBLIC WORKS/UTILITIES DIRECTOR - Deputy Public Works Director Tim Homann**

**A. ORDINANCES - FIRST READING**

**i. ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND MILLS PARK CENTER, LLC REGARDING ASSESSOR'S PARCEL NOS. 2-442-04 AND 2-442-05 LOCATED AT 1410 AND 1442 EAST WILLIAM STREET, CARSON CITY, NEVADA, FOR WATER MAIN REPLACEMENT (1-1369.5) -** Mayor Masayko requested the advantage to having the contractor perform the work and the contractor's estimate be included in the report. Mr. Homann indicated for the record that this review had been performed. Supervisor Tatro moved that the Board introduce on first reading Bill No. 138, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND MILLS PARK CENTER, LLC REGARDING ASSESSOR'S PARCEL NOS. 2-442-04 AND 2-442-05 LOCATED AT 1410 AND 1442 EAST WILLIAM STREET, CARSON CITY, NEVADA, FOR WATER MAIN REPLACEMENT, fiscal impact is \$44,946.41, funding source is 520 Replacement. Supervisor Smith seconded the motion. Motion carried 5-0.

**B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 137 - AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND GRANITE CONSTRUCTION COMPANY, REGARDING ASSESSOR'S PARCEL NUMBERS 8-521-68, 8-521-32, AND 8-521-33, LOCATED AT 5855, 5852 AND 5835 SHEEP DRIVE, CARSON CITY, NEVADA, FOR SEWER MAIN CONSTRUCTION (1-1435.5) -** Supervisor Tatro moved that the Board adopt Bill No. 137, Ordinance No. 1997-38, on second reading, AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND GRANITE CONSTRUCTION COMPANY, REGARDING ASSESSOR'S PARCEL NUMBERS 8-521-68, 8-521-32, AND 8-521-33, LOCATED AT 5855, 5852 AND 5835 SHEEP DRIVE, CARSON CITY, NEVADA, FOR SEWER MAIN CONSTRUCTION, no fiscal impact except that there is a 15 percent administrative fee to the City General Fund upon any reimbursement to applicant. Supervisor Bennett seconded the motion. Motion carried 5-0.

**A. ii. ACTION ON AN ORDINANCE AMENDING SECTIONS 9.04.010 (DEFINITIONS), 9.04.040 (PERMITS, APPROVALS AND OTHER REQUIREMENTS--FEE SCHEDULE) AND 9.04.050 (REVOCATION OF SUSPENSION) OF THE CARSON CITY MUNICIPAL CODE TO UPDATE AND CORRECT THOSE SECTIONS, IN ORDER TO STANDARDIZE WITH STATE REGULATIONS (1-1433.5) -** Health Director Daren Winkelman - Mr. Homann commended Mr. Winkelman and his staff on the ordinance and their willingness to undertake the proposed changes. He also thanked Mr. Winkelman for having been part of the Public Works/Utility Team. Mr. Winkelman then explained staff's reasons for making the revisions and reviewed the modifications. Non-profit organizations can receive temporary food permits at no charge. Mr. Berkich commended Mr. Winkelman and his team on the proposal and the changes which have been made in the Department. He also explained the complimentary telephone calls he was receiving from the community concerning the mosquito abatement program. Supervisor Smith urged Mr. Winkelman to include the end user of his Department in the study of Departmental changes and, specifically, to not raise the bar to reach the ten percent who fail to comply thereby creating an undue burden on the other 90 percent. Mr. Winkelman indicated that the users had been involved in the process. He did not advocate being a law enforcement agency unless absolutely necessary. Mr. Berkich also felt that Mr. Winkelman had included the users and others on the team. He will continue to use the team approach in the future. Supervisor Tatro pointed out that the discussion had centered around the efficiency of the Department. This is the highest compliment the Board could pay to that Department as it indicates that the Board is comfortable with the proposed revisions. It also shows the respect that the Board has for the Department. He also complemented staff and the team on its efforts. Supervisor Tatro moved that the Board introduce on first reading Bill No. 139, AN ORDINANCE AMENDING SECTIONS 9.04.010 (DEFINITIONS), 9.04.040 (PERMITS, APPROVALS AND OTHER REQUIREMENTS--FEE SCHEDULE) AND 9.04.050 (REVOCATION OF SUSPENSION) OF THE CARSON CITY MUNICIPAL CODE TO UPDATE AND CORRECT THOSE SECTIONS, IN ORDER TO STANDARDIZE WITH STATE REGULATIONS. Supervisor Smith seconded the motion. Motion carried 5-0.

Mr. Winkelman then introduced his staff and the team. Mayor Masayko commended them on their efforts

**10. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan**

**A. STATUS REPORT ON M-97/98-1 - THE COMMUNITY DEVELOPMENT DEPARTMENT'S DEVELOPMENT AGREEMENT PROCESS AND M-96/97-15 (1-1695.5)** - Mr. Sullivan explained his Department's review process. At this time his Department has only one outstanding Development Agreement. Discussion noted that the conditions of approval used by his Department are similar to the Development Agreement terms. Summer Interns and the Code Enforcement Officer have been used to verify the conditions. The status of his Special Use Permits and Variances was briefly explained. Eventually the tracking will be done by computer. No formal action was required or taken on this Item.

**C. ORDINANCES - SECOND READING**

**i. ACTION ON BILL NO. 135 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR'S PARCEL NUMBER 10-071-23 (PORTION) FROM SINGLE FAMILY 21,000 (SF21000) AND AGRICULTURE (A) TO SINGLE FAMILY ONE ACRE (SF1A) ON APPROXIMATELY 14.7 ACRES OF LAND, LOCATED AT THE SOUTH END OF BUZZY'S RANCH ROAD, EAST OF CARSON RIVER ROAD, APPROXIMATELY ONE-HALF MILE SOUTH OF EAST FIFTH STREET, IN CARSON CITY, NEVADA (1-1816.5)** - Supervisor Smith moved that the Board of Supervisors adopt Bill No. 135 on second reading, Ordinance No. 1997-39, AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR'S PARCEL NUMBER 10-071-23 (PORTION) FROM SINGLE FAMILY 21,000 (SF21000) AND AGRICULTURE (A) TO SINGLE FAMILY ONE ACRE (SF1A) ON APPROXIMATELY 14.7 ACRES OF LAND, LOCATED AT THE SOUTH END OF BUZZY'S RANCH ROAD, EAST OF CARSON RIVER ROAD, APPROXIMATELY ONE-HALF MILE SOUTH OF EAST FIFTH STREET, IN CARSON CITY, NEVADA. Supervisor Tatro seconded the motion. Motion carried 5-0.

**ii. ACTION ON BILL NO. 136 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR'S PARCEL NUMBER 4-192-03 FROM GENERAL OFFICE (GO) TO RETAIL COMMERCIAL (RC) ON AN APPROXIMATELY 7,225 SQUARE FOOT PARCEL OF LAND, LOCATED AT 412 EAST MUSSER STREET, APN 4-192-03, IN CARSON CITY, NEVADA (1-1852.5)** - Supervisor Smith moved that the Board of Supervisors adopt Bill No. 136, Ordinance No. 1997-40, on second reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR'S PARCEL NUMBER 4-192-03 FROM GENERAL OFFICE (GO) TO RETAIL COMMERCIAL (RC) ON AN APPROXIMATELY 7,225 SQUARE FOOT PARCEL OF LAND, LOCATED AT 412 EAST MUSSER STREET, APN 4-192-03, IN CARSON CITY, NEVADA. Supervisor Tatro seconded the motion. Motion carried 5-0.

BREAK: A fifteen minute recess was declared at 10:20 a.m. Mayor Masayko reconvened the meeting at 10:35 a.m. The entire Board was present constituting a quorum.

**B. PLANNING COMMISSION REVIEW AND APPEAL MATTERS - ACTION ON U-96/97-53 - AN APPEAL FROM GEORGE WEEKS REPRESENTING THE CARSON CITY AIRPORT AUTHORITY OF A SPECIAL USE PERMIT APPLICATION FOR TIFFANY PRODUCTIONS AND EL AERO SERVICES (PROPERTY OWNER: CARSON CITY) TO ALLOW CONSTRUCTION OF AN ABOVE-GROUND REFUELING FACILITY ON PROPERTY ZONED PUBLIC (P), LOCATED AT TIFFANY PRODUCTIONS FORMER REFUELING FACILITIES AT THE CARSON CITY AIRPORT, APN 8-133-07 (PLANNING COMMISSION APPROVED 6-0-0-10 (1-1890.5)** - Associate Planner Tara Hullinger, Deputy District Attorney Paul Lipparelli, Airport Authority Vice President Bill Wallace, Airport Authority Member Louis Buckley, Attorney Scott Heaton representing Brad Graber, Tiffany Promotions Representative Samuel Glass - Following Mr. Sullivan's introduction, the Board questioned Mr. Lipparelli about his opinion regarding the Board's authority over the airport and the validity of the action taken at the Airport

Authority's most recent meeting. Mr. Lipparelli responded by explaining the appeal process, which is how the item was referred to the Board of Supervisors. The Airport Authority had taken action to direct the appeal of the item at its May 22nd meeting without having agenda'd the item for action. An Airport Authority Member as an individual does not have the power to appeal a Planning Commission decision on his or her own. If the Board supports Deputy District Attorney Forsberg's June 2 letter related the fact that the appeal is invalid due to the invalid Airport Authority action, the appeal is invalid and the Board should reject the appeal. He then explained the overlapping jurisdictions between the Airport Authority and the City. The Planning Commission approves projects throughout the City's jurisdiction including projects from the State of Nevada and Federal government. Tiffany Productions is required to obtain a Special Use Permit from the Planning Commission to undertake the project. It is also necessary for Tiffany Productions to get the Airport Authority's approval for the project as it is on the Airport property. The Authority has independent authority and power over its property. An appeal can be made of any Planning Commission item if all of the necessary appeal criteria is followed. The Board could hear this appeal if it determines that the appeal was correctly filed. This requires the Board to find that the Airport Authority made a legal decision on May 22nd. He then responded to Supervisor Smith's question as to whether the Board had jurisdiction over the Airport. He indicated that this issue is similar to the requirement for both a City Business License and a State professional license. The fueling operation could not commence operation until the Planning Commission grants the Special Use Permit and the Airport Authority grants its approval. The Planning Commission's decision is appealable to the Board of Supervisors. Legal recourse must be pursued to appeal the Airport Authority's decision.

Mr. Sullivan explained his involvement with Mr. Forsberg on these issues and his support of Mr. Lipparelli's statements. It requires two approvals--one from the Planning Commission and one from the Airport Authority.

Mayor Masayko pointed out that the Planning Commission had granted the special use permit, however, the Airport Authority had rejected the project and would not issue the final permit for development of site. Mr. Sullivan indicated that until both approvals are obtained, a building permit could not be issued.

(1-2218.5) Supervisor Tatro then explained his support of Mr. Forsberg's opinion indicating that the Airport Authority's action on May 22 was invalid. He could not support the appeal as it is from the Airport Authority. This does not discount the Airport Authority's work for the community and at the airport. He could not see how the Board could consider the appeal of the Planning Commission approval. The Authority still has the control over the item. Mayor Masayko explained his reluctance to reconsider the issue again in two or three months when the Airport Authority is the final authority on the project.

(1-2272.5) Supervisor Bennett then explained her and her husband's ownership of a long term lease of the Silver Springs airport. In a year or two they may have developed the ability to sell fuel at that airport. Several individuals at the Carson airport have implied that she has a conflict of interest. She had, therefore, consulted with Mr. Lipparelli, did not feel that she had a conflict of interest, and would participate in the discussion. Mr. Lipparelli indicated that Supervisor Bennett had in fact consulted with him and it was his opinion that a conflict of interest does not exist.

(1-2305.5) Mr. Wallace requested a copy of Mr. Lipparelli's opinion and, due to Mr. Lipparelli's comments on the Airport Authority's jurisdiction, withdrew the appeal. Mr. Lipparelli agreed to provide a copy. Mayor Masayko indicated that the Board may decide against hearing the issue which would be the same as his withdrawal. Mr. Lipparelli then explained his concern regarding whether one member of a public body had the authority to withdraw an item. Mr. Wallace explained that the letter signed by George Weeks had been an attempt to address the legal issue which had occurred as a result of the Authority's action. Mr. Weeks had authorized Mr. Wallace to speak as his representative on this issue. Mr. Wallace felt that the original Airport Authority appeal had been withdrawn and reissued as a personal appeal by Mr. Weeks. Mr. Lipparelli indicated he had not been aware of Mr. Week's individual appeal. He questioned whether he had standing as an aggrieved party to appeal. Mr. Sullivan indicated that the appeal received by his staff had been signed by Mr. Weeks as a member of the Authority.

Supervisor Bennett questioned the timeliness if the Airport Authority decides to have a meeting, takes appropriate

action, and resubmits the appeal. Supervisor Tatro indicated that this timeframe had already lapsed. Mr. Sullivan delineated the timeframe. Mayor Masayko noted the Authority's oversight on the final approval. Supervisor Bennett felt that the timeframe required to hold a meeting, reach a decision, and file the appeal would make it difficult to comply with the City's appeal process. Mayor Masayko responded by expressing his opinion that the Open Meeting Law had enough flexibility to allow for special meetings and that the timeframe could have been met. Supervisor Smith noted that Mr. Wallace had agreed to withdraw the appeal if it is legitimate. If it is not a legitimate appeal, the appeal could not be heard. He also cautioned against continuing to discuss an item which had not been properly agendized.

Supervisor Plank noted that the real issue remained within the Authority's purview and the Board should not deal with it. He suggested that the Board act to reject the appeal. **Supervisor Tatro then moved that the Board accept the advice of Deputy District Attorney Mark Forsberg in his June 2nd letter and reject the appeal of the Airport Authority as being void and refuse to hear this matter. Supervisor Plank seconded the motion.** Board comments were solicited but none given.

Mr. Wallace indicated that the discussion had served to clarify the Carson City Airport Authority's jurisdiction. He thanked the Board for this clarification and expressed his feeling that there had been value in the process which had been undertaken this morning.

Airport Authority Member Buckley explained that the Airport Authority had instructed Mr. Tackes to file the appeal, which he did. This appeal had been withdrawn. Mr. Weeks filed his own appeal. Mr. Wallace had withdrawn this appeal. He felt that it was inappropriate to restrict an individual's rights based on someone else's interpretation as it could create future problems. Mayor Masayko felt that this was a non-issue based on advice from Community Development Director Sullivan. Mr. Sullivan had indicated that Mr. Weeks had not filed a personal appeal.

(1-2533.5) Mr. Heaton indicated that Mr. Graber is an investor of the facility. He supported Mr. Lipparelli's comments regarding the Airport Authority's ability and power to make a decision on whether to allow the applicant to proceed. His reading of Title 19.02.020(8), which references the approval of construction, is that an applicant should procedurally go through the Airport Authority first before ever going to the Planning Commission for the special use permit. If the Airport Authority approves the request, a special use permit application can then be filed. Reasons for supporting this procedure were explained. He then indicated that Subsection 8 clearly indicates that City permits can only be issued if the Airport Authority approves the project.

(1-2581.5) Mr. Glass expressed his support of Mr. Lipparelli's comments. He then explained Tiffany Promotions' lease assignment which dates from 1970 and gives it the right to sell fuel. The issue is whether Tiffany can replace the tanks which are being removed due to EPA requirements. He felt that he already had the City's permission to install the tank by contract. In fact, he felt that it was the City's obligation to reinstall the tanks. The proposal had been considered by the Airport Authority and denied. Mr. Weeks had been the Acting Chairperson at the Authority meeting. Mr. Weeks had testified that Tiffany's request should be denied as there is another existing self-service tank available. This is Mr. Heaton's and, more particularly, Mr. Weaver's operation. Mr. Weaver was the Chairperson at the time the issue was to be considered. This means that Tiffany's 1974 contract for fueling service could be supplanted by someone else who has just recently installed a tank. It also means that as these tanks are in, other replacement tanks could not be installed. He felt that this is different from that considered if new tanks were being installed on a site which had never had tanks. He explained how he had become the owner of the lease. He then began a question directed to Mr. Lipparelli about his contract rights. Mayor Masayko indicated that the Board could not discuss this issue as it had not been agendized. He acknowledged the travel commitment which Mr. Glass had had to make to testify and indicated that Mr. Lipparelli would meet with Mr. Glass outside of the Board meeting to discuss this issue.

Mayor Masayko asked for additional comments but none were given. **The motion to accept District Attorney Forsberg's advice, reject the appeal of the Airport Authority, and refuse to hear the issue was voted and**

carried 5-0.

**11. PERSONNEL MANAGER - Judie Fisher**

**A. ACTION TO APPOINT A MEMBER TO THE HOTEL/MOTEL VACANCY ON THE CONVENTION AND VISITORS' BUREAU (1-2670.5)** - Supervisor Bennett stepped from the room during Ms. Fisher's introduction and returned during Brian Smith's introduction--11:12 a.m. and 11:14 a.m. respectively. (A quorum was present the entire time.) The Board interviewed Brian Smith and Behan Jackolyn. Mayor Masayko thanked each for applying. The quality of the applicants was noted. Supervisor Smith felt that it should not be a surprise that another individual who is employed by Ormsby Inc. would offer her services. She had made a professional presentation. Unfortunately she had been opposed by a person for whom he had the utmost respect. He had been in the Carson City for 24 years and is the General Manager. This would be hard to surpass. Whenever Supervisor Smith had dealt with Mr. Smith, he had also shown that he had Carson City's interest at heart. Even though Mr. Smith operates a large facility in Carson City, he had never lost site of the community and freely donates his time to it. He is highly respected within the community. **Supervisor Smith then moved that the Carson City Board City's interests in his heart and is highly respected. Supervisor Smith moved that the Carson City Board of Supervisors appoint Brian Smith to the vacant position for the term of two years on the Convention and Visitors Bureau. Supervisor Tatro seconded the motion.** Supervisor Tatro indicated that he had been a former employee of the Carson Nugget for some 13 years. Mr. Smith had been his boss for a portion of that time. Supervisor Tatro's father had been the General Manager at the Nugget. Throughout his life, whenever Carson Nugget's name was raised in association with the City, he was required to make a disclosure as people always draw this connection. There is no financial interest by any member of the Tatro family in the Carson Nugget even though there are some members of the community who continue to insist that there is. Unfortunately at this point, there is none. It would be nice to have that revenue stream for his mother. He did not have a conflict and he would participate. He agreed 100 percent with Supervisor Smith. The Carson Station has had representation on the Bureau for the past six years. The Bureau, by its very nature, must have a representative from the hotel/motel industry. There are times when that industry is directly impacted by the actions of the Bureau. He also felt that it was a reasonable approach to take when there are two acceptable and very qualified candidates to rotate between those properties and that advantage should be taken of the offer. **The motion to appoint Brian Smith was voted and carried 5-0. Mayor Masayko welcomed and congratulated Mr. Smith on his appointment to the Bureau.**

Supervisor Tatro left the meeting--11:35 a.m. (A quorum was still present.)

**B. ACTION TO APPOINT A MEMBER TO THE ARCHITECT VACANCY ON THE BOARD OF APPEALS FOR THE UNIFORM BUILDING CODE (1-3290.5)** - The Board interviewed Robert Darney and Donald Bauer. Casey Jones was not present but had indicated a desire to be reappointed. Mr. Jones also had indicated that he hoped his previous service would speak for itself. Mayor Masayko thanked each for applying. Discussion indicated that Mr. Jones had only served a two year term and that the appointment could be made to non-residents. Mayor Masayko indicated his regret at not having had the opportunity to interview Mr. Jones as this puts him at a disadvantage. Supervisor Bennett support reappointing Mr. Jones due to his experience and the expertise required for the Board. She also pointed out that the other two applicants were Carson City residents and the policy to try and make the appointments to Carson City residents. Supervisor Smith explained his reasons for having pointed out the residency issue. He was aware that both applicants would be considered equally as there is no prohibition against having a non-resident appointed to the Board. Reasons Indian Hills, Moundhouse, and Washoe Valley residents consider themselves Carson City residents were noted. He then explained Mr. Jones' commitment to the Board and experience. Mr. Darney's fresh ideas and enthusiasm were also noted. He then expressed his support for Mr. Jones. Mayor Masayko acknowledged the professionalism and quality of the applicants and indicated that he would support a motion to reappoint Mr. Jones. Supervisor Plank moved to reappoint Casey Jones to the opening on the Appeal Board. Mayor Masayko indicated the Board of Appeals for the Uniform Building Code. Supervisor Bennett seconded the motion. Motion 4-0. Mayor Masayko requested

formal letters be sent to the other applicants.

**C. ORDINANCE - FIRST READING - BILL NO. 140 -AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) ADDING, DELETING AND CHANGING TITLES (2-0134.5)** - Supervisor Bennett left the room during Ms. Fisher's introduction. (A quorum was still present.) Supervisor Smith moved that the Board of Supervisors introduce on first reading Bill NO. 140, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) ADDING, DELETING AND CHANGING TITLES. Supervisor Plank seconded the motion. Motion carried 3-0.

**12. CITY MANAGER - John Berkich**

**A. PUBLIC HEARING AND ACTION ON A MOTION APPROVING THE CHANGE IN USE OF THE GOLF COURSE FOR FEDERAL TAX PURPOSES (2-0135.5)** - Supervisor Bennett returned during Mayor Masayko's request for public comments--11:55 a.m. (A quorum was present.) Mayor Masayko requested public comments three times. None were made and he declared the public comment closed. He also indicated that there had been no written comments received by either the Clerk or City Manager. No formal action was required or taken.

**B. ACTION TO DECLARE NOVEMBER 6, 1997, AS THE DATE UPON WHICH THE BOARD OF SUPERVISORS VACATES THE RIGHT TO LEASE CERTAIN PARTS OF THE CARSON CITY FAIRGROUNDS GRANTED TO BAR-ONE ENTERPRISES DECLARED BY THE BOARD OF SUPERVISORS IN RESOLUTION 1995-R-61 FOR BAR-ONE'S FAILURE TO SECURE FUNDING AND SUBSEQUENTLY PRESENT A NEGOTIATED LEASE AGREEMENT AND OTHER MATTERS PROPERLY RELATED THERETO (2-0208.5)** - Supervisor Smith explained his support for the procedure. The original lease had been made in good faith. He was concerned about the lack of a sunset clause. Bar-One has purportedly invested a significant amount of money to reach this point. The Board should, however, determine a reasonable timeframe for allowing the lease to remain. In his opinion the 27 months allowed under the process is a reasonable amount of time. The Barones had agreed to the date. He hoped that they did not consider it to be "pulling the rug out from under them". He also felt that it was not prudent for the Board to allow the Barones to monopolize any major discussions on Fuji Park forever. They should be a part of it but did not control Fuji Park. If the program is not finalized by November 6, he felt that the Board would have to agree that they could not produce as hoped and the agreement should be terminated. He was willing to grant them some slack on the construction date. Supervisor Bennett supported Supervisor Smith's comments. She, too, felt that the Board should have set a sunset date. She apologized for this failure. Supervisor Plank expressed his feeling that there should have been a sunset date. He also noted that Barone's correspondence indicates a feeling that the project could be finalized by September 15. November 6th will allow them some flexibility. He also pointed out that if necessary additional time could be granted. Discussion indicated that the Barones must provide evidence indicating that the financing is in place. This must be more than a verbal statement. Mayor Masayko felt that he had been provided adequate information on the topic and that the "action had been taken in a fast and furious fashion". He indicated that Carson City municipality, Carson City government, the Parks and Recreation Commission, and Parks Director are still fully in charge of the fairgrounds and Fuji Park. The Board has the right to consider any offers, including the State Fair's, and to establish whatever policy is deemed to be appropriate. No authority has been granted to restrict these rights. He wished Bar-One all of the success possible. It would be a wonderful facility if constructed. He hoped that the State Fair and Bar-One could work together. Supervisor Smith felt that he had requested a closure date during the approval discussion. Supervisor Smith moved that the Board of Supervisors declare November 6, 1997, as the date upon which the Board of Supervisors vacate the right to lease certain parts of the Carson City Fairgrounds granted to Bar-One Enterprises as declared by the Board of Supervisors in Resolution 1995-R-61 for Bar-One's failure to secure funding and subsequently present a negotiated lease agreement and other matters properly related thereto. Supervisor Bennett seconded the motion. Mayor Masayko directed Parks and Recreation Director Kastens to inform the Commission that they are "in the critical path of any process/procedures leading to the terms and conditions of the contract". The motion to establish November 6, 1997, as the sunset date for the Bar-One Enterprises lease was voted and carried 4-0.

### **13. BOARD OF SUPERVISORS**

**A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-0435.5)** - Supervisor Bennett reported on her representation of the Hospital at a conference in Hawaii and its purpose, her involvement with the Secretary of Agriculture and the Secretary of Interior's panels on recreation and tourism. She hoped to also serve on the Secretary of Transportation's panel. Mayor Masayko reminded her to obtain an invitation for Supervisor Smith for the President's forum, if possible. Supervisor Smith reported on the Subconservancy District meeting on flood control; pointed out the differences in floods between Carson City and Douglas and Lyon Counties; the need for detention dams on the hillsides and the change in the Army Corps of Engineers direction related to flooding along rivers; and the emergency water service program for Indian Hills. FEMA funds have been received by the Subconservancy District and are being distributed. Frustrations experienced by the ranchers in making the repairs were described. Supervisor Plank reported on a meeting with the manufacturers about the flood mitigation needs in their area. The manufacturers had expressed an intent to provide funding for the project. He then reported on the OARC Board of Directors' meeting and the potential for OARC to participate in a City transit system. He felt that the players were now interested in getting a system on line as quickly as possible. He then reported on the TRPA meeting and its jet ski issues. Supervisor Bennett indicated that there would be a lawsuit over the final decision and the importance of the role TRPA is playing in establishing a national policy. Supervisor Plank also felt that there would be a court challenge over the two year deadline as well as the impact it would create on fixed income individuals who will not be able to replace their vehicles. Supervisor Bennett felt that eventually federal standards may be adopted similar to the automobile emission controls. Supervisor Plank also commended Mr. Berkich and staff on their level of presentation as compared to the presentation made by TRPA. The City's documents are clearer. Supervisor Bennett felt that part of this is due to the number of different things which are occurring at the Lake. She had passed his comments along to the TRPA staff. Supervisor Bennett then explained that the Highway 28 corridor management plan is in final draft and is undergoing the review process. It should be ready for public input in September/October. She then reported a Carson River Advisory Committee's discussion/action to support a proposal for a large portion of property along the river to be exchanged for other Carson City property. Supervisor Plank expressed his support for the exchange. Supervisor Bennett expressed a desire to have the Board consider a resolution of support. Mayor Masayko indicated the U.S. Conference of Mayors would be held in Reno next year. He also expressed an intent to discuss Carson City's involvement with Reno. He then explained Mr. Glover's vacation to Scotland and election as President of the noontime Rotary Club. The V&T Railway Commission's reorganization, reappointment and selection of Janice Ayres as Chairperson were reported. A preliminary construction plan has been developed by Lumos and Associates. A copy is in his office. Public comments were being solicited on the plan. Written comments must be submitted in 14 to 30 days. Supervisor Bennett suggested the Commission make a presentation to the Board. Mayor Masayko felt that the final document should be presented. The plan did not select a final terminus in Carson City. The two choices were explained. Supervisor Smith felt that the river terminus was appropriate, however, the site does not provide access or visibility. Mayor Masayko also pointed out the traffic concerns and road improvements necessary on Deer Run Road. He then announced the annual NACO meeting on September 12 in Elko, the special Board meeting on July 12, and the dedication of the skateboard park. Supervisor Smith left the meeting at 12:50 p.m. (A quorum was still present.) Mayor Masayko wished everyone a safe holiday.

**B. STAFF COMMENTS AND STATUS REPORTS INCLUDING A REPORT ON THE CARSON CITY MUNICIPAL GOLF CORPORATION (1-1055.5)** - Mr. Berkich indicated Mike McGeehee had been selected as the new Golf Course Superintendent. The IRS non-profit letter of approval has been received by the Corporation. Bond counsel is analyzing the letter to determine if there are any other issues which must be addressed. A meeting had been held with BLM on it and minor changes have been requested. These changes will be presented to the Board on the 17th. This should complete the transfer to the Corporation effective August 1. Discussion indicated that this item would remain on the agenda for a while after the transfer. He then reported that the City Hall project is on target. The moving date is Friday, July 28. It will be completed over the weekend. Commencing on September 17 a quarterly report will be made on the Public Safety Complex and the By-Pass. He urged the Board to attend the special Board meeting. Mr. Lipparelli indicated that another item had been added to

the special meeting which is to approve acquisition of additional property on Goni Road.

There being no other matters for consideration, Supervisor Bennett moved to adjourn. Supervisor Plank seconded the motion. Motion carried 3-0. Mayor Masayko adjourned the meeting at 12:55 p.m.

The Minutes of the July 3, 1997, Carson City Board of Supervisors meeting

1997.

ARE SO APPROVED ON \_\_\_\_October\_16\_\_\_\_,

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Ray Masayko, Mayor

ATTEST:

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