

CARSON CITY BOARD OF SUPERVISORS
Minutes of the September 4, 1997, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, September 4, 1997, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor	
	Tom Tatro		Supervisor, Ward 3
	Greg Smith		Supervisor, Ward 1
	Jon Plank		Supervisor, Ward 2
	Kay Bennett		Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager	
	Alan Glover		Clerk-Recorder
	Rod Banister		Sheriff
	Al Kramer		Treasurer
	John Iratcabal		Purchasing Director
	Paul Lipparelli		Chief Deputy District Attorney
	Liz Teixeira		Administrative Asst. to C.M.
	Katherine McLaughlin		Recording Secretary
	(B.O.S. 9/4/97 Tape 1-0001.5)		

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

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present constituting a quorum. Father Chuck Durante of St. Teresa Catholic Church gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

CITIZEN COMMENTS - None.

1. APPROVAL OF MINUTES - May 29 and August 9, 1997 - Supervisor Plank requested a correction to the spelling of his name in the May 29th Minutes. Supervisor Tatro moved to approve as corrected. Supervisor Plank seconded the motion. Motion carried unanimously.

LIQUOR AND ENTERTAINMENT BOARD (1-0051.5) - Mayor Masayko recessed the Board of Supervisors session and immediately reconvened the meeting as the Liquor and Entertainment Board. The entire Board was present including Sheriff Banister, constituting a quorum.

2. TREASURER - Al Kramer - ACTION ON PACKAGED LIQUOR LICENSE FOR DON THROP, MARKET MANAGER OF SOUTHLAND CORPORATION, DOING BUSINESS AS 7-ELEVEN STORE (1-0054.5) - Discussion ensued between the Board and Mr. Throp on the location, the new facility which is under construction, the reasons Mr. Throp had indicated he had been convicted of a felony, the Sheriff's Department tobacco sting operations at his facilities, the store's tobacco and alcohol training program and strict adherence to it. Member Bennett emphasized the seriousness of such offenses and the Board's commitment to prohibit the sale of alcohol to minors. Mr. Throp indicated the seriousness with which 7-Eleven took this issue and the letters of concern which local franchisees had received due to violations of the policy. The progressive discipline program was discussed. Member Smith noted the differences between corporate owned stores and the franchises, specifically, related to the amount of control allowed over the operations. Mr. Throp represents the corporate owned stores. Member Smith moved that the Liquor and Entertainment Board approve a packaged liquor license for Don Throp, the Area Market Manager of Southland Corporation, doing business as 7-Eleven Store, at 3838

Highway 50 East in Carson City, Nevada; fiscal impact is \$200 per quarter and \$1,000 new fee; funding source is that the money will go into the Business License Revenue Account. Member Tatro seconded the motion. Motion carried 6-0.

BOARD OF SUPERVISORS (1-0025.5) - There being no other matters for consideration as the Liquor and Entertainment Board, Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board of Supervisors was present constituting a quorum.

3. CONSENT AGENDA

A. TREASURER

- i. ACTION ON A CONTRACT WITH NORWEST BANK FOR REGISTRAR AND PAYING AGENT SERVICES FOR BOND OBLIGATIONS PREVIOUSLY HELD BY FIRST TRUST**
- ii. ACTION ON A CONTRACT WITH U.S. BANK FOR CUSTODIAL SERVICES FOR INVESTMENTS UNDER TREASURER'S CONTROL**
- iii. ACTION ON A CONTRACT FOR GENERAL BANKING AND LOCKBOX SERVICES WITH BANK OF AMERICA**
- iv. ACTION ON A SPECIAL EVENT SHORT-TERM BUSINESS PERMIT FOR JIM VANDEN HUEVEL, REPRESENTING NEVADAFEST, INC.**
- v. ACTION ON REINSTATEMENT OF REVOKED BUSINESS LICENSES**
- vi. ACTION ON REMOVAL OF 1997-98 REAL PROPERTY TAXES FOR APN #4-083-02 DUE TO STATE OF NEVADA ACQUISITION OF PROPERTY**
- vii. ACTION ON PARTIAL REMOVAL AND REFUND OF 1997-98 REAL PROPERTY TAXES FOR APNS 7-051-03, 7-051-08, 7-061-19, AND 7-061-26 DUE TO USA ACQUISITION OF PROPERTIES**

B. ASSESSOR

- i. ACTION ON APPROVAL FOR CORRECTION OF CLERICAL ERROR ON APN 1-021-13 PER NRS 361.735**
- ii. ACTION ON APPROVAL FOR CORRECTION OF CLERICAL ERROR ON APN 1-021-12 PER NRS 361.735**
- iii. ACTION ON APPROVAL FOR CORRECTION OF CLERICAL ERROR ON APN 1-091-03 PER NRS 361.735**

C. CITY MANAGER - ACTION ON A RESOLUTION OF CARSON CITY PURSUANT TO THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION REGARDING TCI'S PROPOSED BASIC SERVICE TIER RATES AND EQUIPMENT AND INSTALLATION CHARGES IN ITS FRANCHISE WITHIN CARSON CITY AND ESTABLISHING PERMITTED RATES FOR EQUIPMENT AND INSTALLATION AND THE EFFECTIVE DATES THEREOF

D. UTILITIES AND PUBLIC WORKS DIRECTOR - ACTION TO RELEASE THE OBLIGATIONS FOR ASSESSOR'S PARCEL NUMBERS 009-112-33 UNDER THE WATER LINE REIMBURSEMENT AGREEMENT FOR A.M. CRYER FAMILY TRUST DATED DECEMBER 16, 1993

E. PURCHASING DIRECTOR

- i. ACTION ON CONTRACT NO. 9697-118 - CARSON CITY SOUTH LIFT STATION RELOCATION, APPROVAL OF CHANGE ORDER NUMBERS 1 AND 2 AND REQUEST FOR ADDITIONAL CONTINGENCY**
- ii. ACTION ON CONTRACT NO. 9596-97 - CONTRACT W-7 OF THE CARSON CITY COMPREHENSIVE WATER PLAN TERTIARY FILTRATION, REQUEST FOR FINAL PAYMENT**
- iii. ACTION ON CONTRACT NO. 9798-83 - DISPOSAL OF SURPLUS PROPERTY**
- iv. ACTION ON CONTRACT NO. 9495-228 - PUBLIC SAFETY COMPLEX GEOTECHNICAL SERVICES, APPROVAL OF CONTRACT AMENDMENT (1-02231.5) - Mayor**

Masayko indicated Item E. i. had been removed from the Consent Agenda. Supervisor Smith pulled Items C and E. iii. for discussion. Treasurer Kramer removed his Items A. i., ii., and iii. from the Consent Agenda as the contracts had not been returned by the banks. Supervisor Tatro moved to approve the Consent Agenda as presented with the exception of the first three items under the Treasurer dealing with the three contracts for banking services, under the City Manager the resolution which will be heard separately, and under the Purchasing Director Contract 9798-83, disposal of surplus property which will be heard separately, and that Contract 9697-118, the lift station relocation, be pulled from the agenda and postponed. Supervisor Plank seconded the motion. Motion carried 5-0.

C. (1-0271.5) - Administrative Assistant Liz Teixeira explained the request and the appeal process. Supervisor Smith pointed out the need for the public to understand the City is working with TCI in the best interest of the citizens and is monitoring those area which were discretionary. TCI District Manager Carol Eure briefly explained the rates which had been implemented on June 1 and those which had been allowed. The rates had been filed by the firm nationally. The City's representative, the Buskey group, only considers the rates from the City's view. It is a question of perceptions and interpretations. She was willing to work with the City and its representatives and review the rates. Supervisor Bennett pointed out several of the findings which the Buskey group had made which were on Page 9 of its report. Ms. Eure indicated a reluctance to respond to those items as the rates had been developed as part of the national program which she did not feel she was qualified to address. She expressed a willingness to have the rate specialist from Walnut Creek present to respond. Clarification by Ms. Teixeira indicated the Resolution would not approve the rates. The resolution challenges the rate. It is a complex issue as indicated by the retention of the Buskey group. Ms. Eure needed the rate analyst to address the rate points. The Buskey group would represent the City at the FCC hearing. It is a nationwide appeal. Supervisor Smith indicated that he does not have cable television. He also noted that the number of complaints he had received since Ms. Eure came to Carson City had decreased to almost nothing. His personal contact with her about cable problems had been addressed posthaste and to the complainant's satisfaction. The relationship between TCI and Carson City had improved during her tenure, which he felt was due to her efforts. He looked forward to working with her in the future. Ms. Eure explained her open door policy and attempt to return telephone calls on the same date. She encouraged the public to continue to try and reach her or her office. She then explained her survey. Mayor Masayko noted his experience in the utility field and supported her comments that the rate issue is very complex. Supervisor Plank indicated he is a subscriber and remarked about the friendly, customer service he received from the field technicians. This was a change in staff's attitude as compared with the attitude prior to her tenure. Supervisor Smith moved to adopt Resolution No. 1997-R-33, A RESOLUTION OF CARSON CITY PURSUANT TO THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION REGARDING TCI'S PROPOSED BASIC SERVICE TIER RATES AND EQUIPMENT AND INSTALLATION CHARGES IN ITS FRANCHISE WITHIN CARSON CITY AND ESTABLISHING PERMITTED RATES FOR EQUIPMENT AND INSTALLATION AND THE EFFECTIVE DATE OF THOSE RATES. Supervisor Tatro seconded the motion. Ms. Teixeira indicated she is the City's cable liaison official, works closely with the Television Committee, and monitors the hot line. She, too, felt that there had been a reduction in complaints since Ms. Eure joined the staff. The motion to adopt Resolution No. 1997-R-33 was voted and carried 5-0.

E. iii. (1-0515.5) - Discussion between Supervisor Smith and Purchasing Director Iratcabal explained the coding on the list of items and the process used to determine what should be done with the property. Discussion also noted that the item had been agendized as a contract but only contained a list of items for disposal. Mr. Iratcabal indicated that his Department uses contract numbers to control and track matters. It should have been a control number and not a contract number. Mr. Lipparelli indicated that the Board could either continue the item or approve it depending on how cautious the Board wished to be. Mr. Iratcabal indicated there would be additional items for consideration at the next meeting. Supervisor Smith expressed his satisfaction with the explanation and moved that the Board of Supervisors accept the Purchasing Department's recommendation on Contract No. 9798-83 and authorize the Purchasing Department to dispose of the property indicated on the attached lists. Supervisor Plank seconded the motion. Motion carried 5-0.

4. BOARD OF SUPERVISORS - DISCUSSION ON LEGISLATIVE ISSUES WITH ROBERT HADFIELD, EXECUTIVE DIRECTOR OF THE NEVADA ASSOCIATION OF COUNTIES (NACO) (1-0639.5) - Mr. Hadfield explained his appointment to national committees and several legislative items including the appointments to the Legislative Study Committee, Mary Walker's appointment as the NACO representative on this Committee, AB 525 and SB 253 relating to the fuel tax distribution, the study on copying charges which Mr. Glover would be working on, efforts to obtain and need for a public records bill, a potential bill restricting the length of the legislative session including procedural revisions which will help the legislature meet that deadline, the NACO survey seeking information from the Counties on their concerns, the need for home rule/County rights and the elimination of unfunded mandates. Comments/direction was solicited from the Board. Mr. Hadfield also noted his involvement with the "Payments in Lieu of Taxes" programs at Congress. He thanked the Board and Mayor Masayko for their active participation in the Association. Mayor Masayko expressed his support for the NACO program particularly where common issues are involved. He supported regional consensus building solutions with common stakes rather than focusing on the differences. NACO had been flexible in meeting the combined needs of the Counties. Mr. Hadfield then explained the statutory changes which had been obtained in long-term medical care under AB 183. It provided a mechanism to meet the mandatory funding requirement for Counties who are experiencing financial difficulties as well as other benefits. The State's funding level will increase automatically every year, however, the hope is that it can be increased even more during the next legislative session. Supervisor Bennett explained Senator Bryan's comments concerning the entitlement cost and the Federal budget and her concern that the State/Counties will be required to meet more and more unfunded mandates. Mr. Hadfield then explained NACO's attempts to mitigate the provisions of NRS 354.556 and future direction which will continue to work on this funding issue. Supervisor Bennett also encouraged him to continue to work on limiting the length of the sessions even though it is apparent that the population explosion will require more and more of the legislature. Mr. Hadfield emphasized the need to be flexible while meeting the demands for schools and other areas, specifically, in view of the increased competition for funding and resources. Mayor Masayko noted the location and ready availability of the NACO office and staff. He encouraged the Board and public to contact Mr. Hadfield when needed. He then thanked Mr. Hadfield for the report.

5. CLERK-RECORDER - Alan Glover - ACTION ON FUNDING OF FULL-TIME COURT COUNTER CLERK I FOR FISCAL YEAR 97-98 (1-1192.5) - Judge Michael Griffin and Chief Deputy Court Clerk Colleen Glover - Discussion justified the need for the position and explained how the request had been overlooked during the budget process. Supervisor Smith pointed out the innovative funding mechanism. Supervisor Bennett cautioned against reopening the budget and emphasized that this request, if approved, be considered a one-time one-issue exception. Supervisor Plank moved to direct staff to fund the full-time position for a Court Counter Clerk I, Grade 18, Step I, for the fiscal year 97-98, fiscal impact \$21,095; funding source is \$10,400 from hourly seasonal, \$7,570 interest income from Bank of America Account No. 32034739, and \$3,125 interest income in the Court Clerk's consolidated bank balance. Supervisor Bennett seconded the motion. Mayor Masayko indicated that Judge Griffin had been cautious in his presentation due to separation of duties concerns. The motion was voted and carried 5-0.

6. SHERIFF - Rod Banister - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE REPLACING EXISTING CHAPTER 8.28 GOVERNING WORK PERMITS TO COMPLY WITH STATE LAW; ADDS LOCKSMITHS AND SAFE MECHANICS TO WORK PERMIT REQUIREMENTS; DELETES THE WORK PERMIT REQUIREMENTS FOR PERSONS WHO SERVE ALCOHOLIC BEVERAGES ON PREMISES WHEREIN OR WHEREON GAMING IS DONE; PROHIBITS EMPLOYERS FROM ALLOWING PERSONS TO WORK WITHOUT PERMITS; PROLONGS EXPIRATION OF MOST WORK PERMITS FROM 1 YEAR TO 3 YEARS; REQUIRES FINGERPRINTING EVERY 6 YEARS; CHANGES PERMIT FEE FROM FIXED AMOUNT TO SERVICE CHARGE; ADDS SERVICE CHARGE FOR CHILD CARE WORKERS; SETS FORTH GROUNDS FOR DENIAL OR REVOCATION OF WORK PERMITS; ALLOWS FOR SUSPENSION, LIMITATION OR CONDITIONING OF WORK PERMIT; PROVIDES FOR HEARING OFFICER ON APPEALS; GOVERNS CARRYING OF WORK PERMIT; PROHIBITS CARRYING OF CONCEALED WEAPON EXCEPT AS ALLOWED BY LAW; AND PROVIDING FOR OTHER MATTERS PROPERLY

RELATED THERETO (1-1400.5) - Discussion between the Board and Sheriff Banister indicated his office had by policy waived the City fees for childcare providers. The applicant is required to pay for any fees assessed by the State of California or the FBI. Supervisor Tatro requested a copy of the current ordinance as well as the State Statutes so that he could compare the changes. Verbal examples of the revisions were provided. Supervisor Tatro indicated he would not support the ordinance if a vote is taken until he has the comparisons. The appeal process and the Sheriff's discretionary fees were discussed. Both Supervisor Bennett and Mayor Masayko supported the ordinance. Supervisor Smith moved that the Board of Supervisors introduce on first reading Bill No. 151, AN ORDINANCE REPLACING EXISTING CHAPTER 8.28 GOVERNING WORK PERMITS TO COMPLY WITH STATE LAW; ADDS LOCKSMITHS AND SAFE MECHANICS TO WORK PERMIT REQUIREMENTS; DELETES THE WORK PERMIT REQUIREMENTS FOR PERSONS WHO SERVE ALCOHOLIC BEVERAGES ON PREMISES WHEREIN OR WHEREON GAMING IS DONE; PROHIBITS EMPLOYERS FROM ALLOWING PERSONS TO WORK WITHOUT PERMITS; PROLONGS EXPIRATION OF MOST WORK PERMITS FROM 1 YEAR TO 3 YEARS; REQUIRES FINGERPRINTING EVERY 6 YEARS; CHANGES PERMIT FEE FROM FIXED AMOUNT TO SERVICE CHARGE; ADDS SERVICE CHARGE FOR CHILD CARE WORKERS; SETS FORTH GROUNDS FOR DENIAL OR REVOCATION OF WORK PERMITS; ALLOWS FOR SUSPENSION, LIMITATION OR CONDITIONING OF WORK PERMIT; PROVIDES FOR HEARING OFFICER ON APPEALS; GOVERNS CARRYING OF WORK PERMIT; PROHIBITS CARRYING OF CONCEALED WEAPON EXCEPT AS ALLOWED BY LAW; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Supervisor Smith requested a copy of the current Code be provided when considered for second reading. Mayor Masayko requested a copy of the Statutes also be provided. The motion was voted and carried 4-1 with Supervisor Tatro voting Naye.

BREAK: A 12 minute recess was declared at 10:15 a.m. The entire Board was present when the meeting was reconvened at 10:27 a.m., constituting a quorum.

7. TREASURER - Al Kramer - ACTION ON A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) WATER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING WATER PROJECTS FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-1787.5) - Supervisor Tatro moved to adopt Resolution No. 1997-R-34, A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) WATER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING WATER PROJECTS FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF. Supervisor Bennett seconded the motion. Supervisor Tatro continued his motion to include fiscal impact not to exceed \$1.82 million plus interest. Supervisor Bennett continued her second. Motion was voted and carried 5-0. Mr. Kramer briefly described the next hearing on the bond.

8. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan - ORDINANCES - SECOND READING

A. ACTION ON BILL NO. 149 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY SECTION 18.06.285 (DOWNTOWN COMMERCIAL ZONING DISTRICT PRIMARY PERMITTED USE) TO INCLUDE MASSAGE THERAPY AND OTHER MATTERS PROPERLY RELATED THERETO (1-1880.5) - Supervisor Tatro moved that the Board of Supervisors adopt Ordinance 1997-50, Bill 149 on second reading, AN ORDINANCE AMENDING CARSON

CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY SECTION 18.06.285 (DOWNTOWN COMMERCIAL ZONING DISTRICT PRIMARY PERMITTED USE) TO INCLUDE MASSAGE THERAPY AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 5-0.

B. ACTION ON BILL NO. 150 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE REZONING PORTIONS OF TWO PARCELS OF LAND FROM SINGLE FAMILY ONE ACRE (SF1A) TO RETAIL COMMERCIAL (RC) ON PROPERTY LOCATED AT U.S. HIGHWAY 395 NORTH NEAR THE NORTHEAST CORNER OF NORTH CARSON STREET (U.S. 395) AND BROADLEAF LANE, ASSESSOR'S PARCEL NUMBERS 8-053-28 AND 8-053-29, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1925.5) - Supervisor Tatro moved that the Board adopt Ordinance 1997-51, Bill No. 150 on second reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE REZONING PORTIONS OF TWO PARCELS OF LAND FROM SINGLE FAMILY ONE ACRE (SF1A) TO RETAIL COMMERCIAL (RC) ON PROPERTY LOCATED AT U.S. HIGHWAY 395 NORTH NEAR THE NORTHEAST CORNER OF NORTH CARSON STREET (U.S. 395) AND BROADLEAF LANE, ASSESSOR'S PARCEL NUMBERS 8-053-28 AND 8-053-29, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion and reiterated her commitment to bring to the Board a plan for the commercial development of the property adjacent to the Bypass. Mr. Sullivan indicated that the plan would be presented in October. The motion to adopt Ordinance 1991-51 was voted and carried 5-0.

9. CARSON-TAHOE HOSPITAL - Administrator Steve Smith

A. ACTION ON AN ADDENDUM TO THE SUBLEASE CONTRACT BETWEEN CARSON-TAHOE HOSPITAL AND PREMIER CARE HEALTH SERVICES, LLC, FOR THE MANAGEMENT OF THE COTTONWOOD CARE CENTER (1-1974.5) - Supervisor Bennett moved that the Board of Supervisors approve an amendment to the sublease contract between Carson-Tahoe Hospital and Premier Care Health Services, LLC, for the management of Cottonwood Care Center, there is no fiscal impact to the City. Supervisor Tatro seconded the motion. Motion carried 5-0.

B. ACTION ON THE RECOMMENDATION FROM THE AUGUST 25, 1997, MEETING OF THE BOARD OF HOSPITAL TRUSTEES FOR CARSON-TAHOE HOSPITAL TO THE CARSON CITY BOARD OF SUPERVISORS FOR THE APPOINTMENT OF BASIL E. CHRYSOS, M.D., TO THE VACANT SEAT IN HOSPITAL DISTRICT #2 (1-2025.5) - Discussion noted that Dr. Chryssos would be required to run for the office in the 1998 election. Supervisor Bennett moved that the Board of Supervisors accept the recommendation from the August 25, 1997, meeting of the Board of Hospital Trustees of Carson-Tahoe Hospital to appoint Dr. Basil E. Chryssos to the vacant seat of Hospital District No. 2. Supervisor Smith seconded the motion. Motion carried 5-0.

OTHER MATTERS - Mr. Smith announced that the State had certified the Rehab Center and that it would be open for business in approximately two weeks.

10. FIRE CHIEF - Louis Buckley - ACTION TO APPROVE THE DONATION OF MISCELLANEOUS ITEMS BY THE CARSON CITY FIRE DEPARTMENT TO LOW FUNDED FIRE DEPARTMENTS (1-2098.5) - Discussion noted that "one individual's junk is another's treasure" and that the receiving agencies were willing to dedicate the necessary work/funds to make the equipment functional/usable. Supervisor Tatro requested a listing of the equipment and the receiving agency. Supervisor Tatro moved that the Board approve the donation of miscellaneous items as listed on the Board action form to the various fire departments in the area. Supervisor Bennett seconded the motion. Motion carried 5-0.

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

A. ACTION ON APPROVAL OF FUNDING FOR STORM DRAINAGE CONSTRUCTION PROJECT ON KOONTZ LANE FROM CENTER DRIVE TO BIGELOW DRIVE (1-2155.5) - Discussion explained the original estimated costs, the basin's function, and the project in depth. Supervisor Smith pointed out that the developer had worked with the City to solve a long-standing problem for an entire section of the City and commended the developer for doing this. The basin can be used as a drainage facility as well as a soccer field/park. Mayor Masayko also commended the developer for working with the City. Supervisor Tatro moved to authorize funding to cover additional invoiced costs for construction of the storm drain on Koontz Lane from Center Drive to Bigelow Drive in the amount of \$23,331 from the Street Division Miscellaneous Storm Drainage line item. Supervisor Smith seconded the motion. Motion carried 5-0.

B. ACTION ON APPROVAL OF INTERLOCAL CONTRACT BETWEEN THE STATE OF NEVADA WELFARE DIVISION OF THE DEPARTMENT OF HUMAN RESOURCES AND CARSON CITY TO PROVIDE CERTAIN WELFARE DIVISION PARTICIPANTS (1-2360.5) - Mr. Berkich distributed a memorandum describing the current transit ridership activity to the Board and Clerk. Mr. Homann's comments included an explanation of the current ridership, the status of the OARC contract, the NDOT agreement, the Welfare program, potential NDOT funding for vehicle parts under Section 16 grants, and the status of the business plan. Mr. Berkich emphasized that the program is the beginning of a community-wide full transit system. He felt that a consolidated service would be implemented by the end of the year. Outstanding items were briefly listed and included the potential for the City to underwrite the program if necessary. Supervisor Bennett urged the Board to consider establishing an oversight committee which would include two Board members and the general public. Issues she felt this committee should address were noted. Mr. Berkich indicated that the various agencies had expressed a desire to participate on the committee. Supervisor Smith reminded the Board that the RTC no longer considers transit issues and briefly explained the reasons for this change in policy. Mr. Homann indicated that the RTC does receive a copy of the transit reports. He then thanked NDOT staff for its support, introduced the State staff, and reviewed the agreement. Paratransit Services Representative Stacy Dimmick briefly noted her function. Discussion indicated that the Welfare Department would pay the full \$4 cost of the rides as well as the administrative costs. The rides will not be restricted to ten per month and the tickets will be distributed through the State Welfare office. OARC and FISH are currently providing the coordinated services. As other providers are added, the service will be expanded. The taxicab company is not a current provider. Communication is continuing with the company and it may join later. Twenty-four hour notice is still required unless it is an emergency. OARC clients living in adjacent Counties are still being provided with rides. Additional rides may be provided to these areas in the future. The administrative reimbursement funds were explained. Supervisor Smith explained his personal discussion with Douglas County Commissioners concerning this service and their feeling that it could and should be expanded into their area. He encouraged Ms. Dimmick to contact those individuals. Supervisor Plank moved to approve the interlocal contract with the State of Nevada Welfare Division of the Department of Human Resources and Carson City to provide transportation services for certain Welfare Division participants from October 1, 1997, to June 30, 1998. Supervisor Bennett seconded the motion. Motion carried 5-0.

C. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE ADDING SECTION 2.14.030 (CARSON CITY HEALTH OFFICER DUTIES) TO CHAPTER 2.14 OF THE CARSON CITY MUNICIPAL CODE (1-3035.5) - City Manager Berkich - Supervisor Bennett moved that the Board of Supervisors introduce on first reading Bill No. 152, AN ORDINANCE ADDING SECTION 2.14.030 (CITY HEALTH OFFICER DUTIES) OF CHAPTER 2.14 OF THE CARSON CITY MUNICIPAL CODE TO DEFINE HIS DUTIES AND OBLIGATIONS TO THE CARSON CITY HEALTH DEPARTMENT. Supervisor Plank and Mayor Masayko seconded the motion. Motion carried 5-0.

D. ORDINANCE - SECOND READING - ACTION ON BILL NO. 148 - AN ORDINANCE AMENDING CHAPTERS 12.01 AND 12.07 OF TITLE 12 OF THE CARSON CITY MUNICIPAL CODE BY AMENDING SECTIONS 12.01.030 (SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES), AND 12.07.030 (CROSS-CONNECTION

PROTECTION REQUIREMENTS) BY IMPOSING A RETURN TRIP FEE FOR WATER METER SETTINGS, IMPOSING A REQUIREMENT FOR BACKFLOW PREVENTION DEVICE INSPECTIONS, AUTHORIZING THE LOCK-OFF OF CERTAIN SERVICES AND IMPOSING A LOCK-OFF FEE AND OTHER MATTERS PROPERLY RELATED THERETO (1-3120.5) - Deputy Utilities Director Jay Ahrens - Supervisor Plank moved to adopt on second reading Ordinance No. 1997-52, Bill No. 148, AN ORDINANCE AMENDING CHAPTERS 12.01 AND 12.07 OF TITLE 12 OF THE CARSON CITY MUNICIPAL CODE BY AMENDING SECTIONS 12.01.030 (SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES), AND 12.07.030 (CROSS-CONNECTION PROTECTION REQUIREMENTS) BY IMPOSING A RETURN TRIP FEE FOR WATER METER SETTINGS, IMPOSING A REQUIREMENT FOR BACKFLOW PREVENTION DEVICE INSPECTIONS, AUTHORIZING THE LOCK-OFF OF CERTAIN SERVICES AND IMPOSING A LOCK-OFF FEE AND OTHER MATTERS PROPERLY RELATED THERETO; there is no fiscal impact nor is the funding source applicable. Supervisor Smith seconded the motion. Motion carried 5-0.

12. CITY MANAGER - John Berkich

B. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING CHAPTER 17.28 OF THE CARSON CITY MUNICIPAL CODE TO ADD PROVISIONS FOR THE USE OF VARIOUS FINANCIAL INSTRUMENTS AND MEANS AS SECURITY FOR MANDATORY IMPROVEMENTS TO PROPERTY AND OTHER MATTERS PROPERLY RELATED THERETO (1-3235.5) - Chief Deputy District Attorney Paul Lipparelli - Mr. Berkich explained the committee which had worked on the ordinance. Supervisor Tatro noted for the record that his wife works for Northern Nevada Title Company. As he would not benefit from the proposal, he did not feel that he had a conflict of interest and would participate/vote on the issue. Mr. Lipparelli explained the purpose of the ordinance and "small" language changes on Page 4 which had been made since the bill was distributed. Discussion indicated the term "subdivider" should be replaced with the term "developer" throughout the ordinance and explained reasons for using a "letter of credit". Mr. Lipparelli commended the builders for working with staff on the ordinance. (2-0001.5) Discussion explored the security which a "letter of credit" would provide, its availability, its use throughout the industry, the process for "calling" the "letter of credit" and the release requirements. Public Works has developed a procedure for processing releases as quickly as possible. The resolution adopting these procedures will be presented to the Board in a few weeks. The developers will be allowed to review and comment on the process prior to the Board's consideration.

Builders Association Representative Jim Bawden indicated the Association had worked with staff on the proposal and would continue to work with staff to develop the resolution. Ms. Timian-Palmer indicated she would continue to work with the Association. The Association had not received the actual resolution but had been given a copy of the procedures. Additional comments were solicited but none given.

Supervisor Plank thanked Mr. Bawden for his comments and moved to introduce Bill No. 153, AN ORDINANCE AMENDING CHAPTER 17.28 OF THE CARSON CITY MUNICIPAL CODE TO ADD PROVISIONS FOR THE USE OF VARIOUS FINANCIAL INSTRUMENTS AND MEANS AS SECURITY FOR MANDATORY IMPROVEMENTS TO PROPERTY AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Following a request for an amendment, Supervisor Plank included in the motion incorporating the changes as enumerated by Mr. Lipparelli. Supervisor Bennett concurred. Motion carried 5-0.

A. ACTION ON A RESOLUTION DECLARING CARSON CITY'S INTENT TO SELL AN APPROXIMATELY 1.13 ACRE PARCEL OF PROPERTY KNOWN AS 2621 NORTHGATE LANE THROUGH A LICENSED REAL ESTATE BROKER PURSUANT TO NRS 244.281, ESTABLISHING THE MINIMUM PRICE FOR THE SALE, ESTABLISHING THE MINIMUM TERMS FOR THE SALE, INVITING LICENSED REAL ESTATE BROKERS TO OFFER TO PROVIDE PROFESSIONAL SERVICES, SETTING THE MAXIMUM COMMISSION TO BE PAID TO A BROKER, AND OTHER MATTERS PROPERLY RELATED THERETO (2-0153.5) - The complex procedure is mandated by Statute.

Mr. Lipparelli explained the various provisions of the resolution including possible reasons for the requirements. A change on Page 3, Paragraph D, was explained. Mayor Masayko felt that the City should only place City tenants in the building and not compete with private industry. Mr. Lipparelli indicated that either City tenants or private businesses could lease the facility. The building would be more marketable if it is occupied regardless of the tenant. The purpose of Exhibit B and staff's recommended commission rate were discussed. Staff recommended a maximum commission of six percent. Additional research will be conducted on the commission issue. Exhibits C and D were then explained. Discussion explained the timeframes for submittal of offers to serve as brokers for the property sale, the publication requirements, approximate date when the City could consider an offer, and the Board's involvement with this offer. If a broker/salesman is not on the list of authorized brokers, the individual could work through one of the listed brokers. The City is only a commission to the listed broker. Any split in the commission would be between that broker and the other individual. Discussions with brokers had indicated the proposed commission is appropriate particularly if the City develops the advertising material. Comments indicated that tenants will be actively solicited. Mayor Masayko voiced his concern that the lease process could be an involved, lengthy administrative burden. Mr. Berkich expressed the intent to have as much flexible in the process as possible. Mayor Masayko also voiced his opposition to paying a full six percent commission if the City makes a substantial investment in the advertising and marketing process. Mr. Berkich responded that this had been the reason for the ceiling. Discussion also directed the Clerk to publish the resolution as required on Page 2, Section 5. Discussion explained the Statutes for disposing of City property and indicated the process is the only option open at this time other than to sell the property to another governmental agency. The intent is to sell the property for cash and not conduct an exchange. The opportunity for another governmental agency to make a bid on the property should have occurred prior to this time. **Supervisor Plank moved to adopt Resolution No. 1997-R-35, A RESOLUTION DECLARING CARSON CITY'S INTENT TO SELL AN APPROXIMATELY 1.13 ACRE PARCEL OF PROPERTY KNOWN AS 2621 NORTHGATE LANE THROUGH A LICENSED REAL ESTATE BROKER PURSUANT TO NRS 244.281, ESTABLISHING THE MINIMUM PRICE FOR THE SALE, ESTABLISHING THE MINIMUM TERMS FOR THE SALE, INVITING LICENSED REAL ESTATE BROKERS TO OFFER TO PROVIDE PROFESSIONAL SERVICES, SETTING THE MAXIMUM COMMISSION TO BE PAID TO A BROKER, AND OTHER MATTERS PROPERLY RELATED THERETO.** Supervisor Bennett seconded the motion. **Following discussion on the commission rate, Supervisor Plank amended the motion to include limiting the commission to not exceed six percent and the minor changes recommended by Mr. Lipparelli. Supervisor Bennett concurred.** Supervisor Tatro supported the six percent limit and noted that the proposal is the only option available at this time other than for another governmental entity to acquire the building. The Board had requested at the last discussion for the City Manager to develop a list of options available for disposal of the building. There is only one, which is the proposed process. If the City is to participate as suggested in the advertising and marketing of the building and incur expenses in this endeavor, which is something the Board may wish to do, six percent may be too high for the commission rate. He was unsure of the City's ability to reject or accept a broker's offer to market the property on the City's behalf. It may be that, before the City incurs any expenditures, that the six percent is appropriate; however, it is also possible that someone has been actively marketing the building and waiting for the resolution to be adopted. This person may have a buyer lined up and is ready to go. This would be great. He was not holding his breath for this. If in six months there has been little activity, the Board may decide that something should be done to actively market the building. The Board needed the ability to go back into the agreements and modify the rate. It could be that five percent is a better rate, however, if the City has spent \$20,000, five percent may not be such a good deal. There should be a correlation between the level of activity involved in the sale of the property and the commission which the City gives for that sale. As a customer, if the City is going to participate, there should be a collation between the amount which the City has to pay in the commission and the amount of work which the City must, itself, perform. He had no idea how these issues could be structured or how the Board could chose to accept, reject, or modify the agreement as time goes on. Mr. Lipparelli indicated that staff had considered these issues in the timing of the process. The resolution provides that all of the applications from the brokers are due on the 29th. There is a three week publication period. After the applications are received and, for example, if there are five qualified brokers applying to be the City's broker, staff will meet with these individuals and determine what they will do. Do you want to try a period of time where you will receive the maximum commission and you will be on your own for the

advertising and we should wait to see how it goes? As Supervisor Tatro had indicated, there is the possibility that someone is out there waiting to buy the property right away. In that case the City would not incur any type of advertising costs, etc. If you wait a period of time and you don't see any action, you can go back and modify the agreement. He suggested that, during the three week period for notification to the public of the brokers' list through the publication process, the opportunity be provided to meet with the brokers and determine how they wish to proceed. This would also give staff an opportunity to return to the Board of Supervisors, such as on the second meeting in October, and tell you who the brokers are, and this is what they want to do. As the broker's agreement had not been finalized, he requested help filling in the blanks. Mayor Masayko stressed that, although it is an open listing, it does not have to have an open ended timeline. The listing could be 60, 90, or 180 days as indicated. Mr. Lipparelli indicated that the exhibit in the Board packet had included a blank for the term of the agreement and should be as open ended as possible, however, if six months passes without a "nibble", the City should not be forced to remain with a broker who does not appear to be doing enough to sell the property. **The motion to adopt Resolution No. 1997-R-35 as amended was voted and carried 5-0.**

BREAK: A seven minute recess was declared at 12:25 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 12:32 p.m., constituting a quorum.

C. CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 241.030 TO CONSIDER THE PROFESSIONAL COMPETENCE OF THE CITY MANAGER - Supervisor Smith moved to recess into a closed session pursuant to NRS 241.030 to consider the professional competence of the City Manager. Supervisors Plank and Bennett seconded the motion. Motion carried 5-0.

D. RECESS INTO OPEN SESSION - ACTION REGARDING BOARD REVIEW OF THE CITY MANAGER'S PROFESSIONAL COMPETENCE AND SETTING OF THE COMPENSATION (2-0685.5) - The Open Session was reconvened at 2 p.m. (The entire Board was present constituting a quorum.) **Supervisor Smith moved that the Board approve a one time \$2500 bonus for the City Manager pursuant to his contract and compensation. Supervisor Plank seconded the motion.** Discussion noted that the compensation would be for fiscal year 96-97. His contract date is March. Supervisor Smith explained his rationale his concern that some could interpret it that Mr. Berkich was "only half as good as he had been last year" as he had been given a \$5000 bonus then. This organization is clearly much better off with John Berkich as the City Manager. He had made the motion as a reflection of the comments and some of the things which he had addressed in previous sessions that had not quite been completed or, at least, not completed to his satisfaction. The City was, again, far better off for having John Berkich as the City Manager of the community and that he, personally, wanted to thank him for all of his hard work and the dedication which he had given. Supervisor Bennett indicated her concurrence with Supervisor Smith's comments. She suggested Mr. Berkich look at, during the next budget session, widening the gap between the City Manager and the highest paid person particularly in light of the fact that other executives in the City in other capacities are paid significantly more. She requested Mr. Berkich bring back a comparison of other City Managers from throughout the State and other comparable municipalities in the next budget session and that his salary should be addressed significantly during the next budget session. Mr. Berkich agreed to do so. **The motion to grant Mr. Berkich a one time bonus of \$2500 was voted and carried 5-0.**

Mayor Masayko then indicated that during the performance evaluation he had discussed several areas including the customer service satisfaction rating. Its base line had been established by the survey of Carson City residents. Another survey should be expedited. The response to questions and inquiries as well as the communication process, including upward communication, should be improved. Organizational development and plans for the City organization in the future, master plans, specifically for the facilities and other areas for which the Board wanted master plans developed as well as longer range plans, should be identified. Financial excellence, which Mr. Berkich is responsible for overseeing, should also include whether all of the directions required had been completed as an underrun budget does not indicate that this has occurred. He was specifically concerned that all of the citizen needs/commitments have been met. Also, the use of financial resources by the Departments under the City Manager should be evaluated. Supervisor Smith noted his areas of concern as being the area of policy and the

need to always being cognizant of the line. This is an issue which both sides of the line constantly struggle with and is an ongoing deal. Again, the leadership deal and being sure that the Board and all of staff understand that Mr. Berkich is the man, is very in charge, and that the buck stops at his desk regarding the day-to-day operations of the City was stressed. Discussion indicated that Mr. Berkich would return within 30 days.

13. PERSONNEL MANAGER - Judie Fisher - ACTION ON THE APPOINTMENT OF SIX MEMBERS TO THE CARSON CITY RIVER COMMITTEE (2-0821.5) - The Board interviewed the following applicants: Barbara Wright, Claire Clift, Charles Adams, Bryon Bibee, Diana Weigmann, Mike Drews, Charles Zimmerman, Robert Piccolo, and John West. Mayor Masayko thanked each applicant for applying. Comments noted the commitment made by Jack and Charlene Foerschler during their tenure on the Committee. Supervisor Bennett moved that the Board appoint Barbara Wright to fill the position representing an owner of 20 plus acres on the Carson River Advisory Committee which has one vacancy in this category. Supervisor Smith seconded the motion. Motion carried 5-0. Board comments noted the difficulty in making a selection, the caliber of the applicants, and Mark Kimbrough's dedication and efforts during his tenure on the Committee. Supervisor Bennett moved to reappoint Mark Kimbrough to the Carson River Advisory Committee to fill the position representing the recreational issues. Supervisor Plank seconded the motion. Motion carried 5-0. Comments then noted that some of the applicants could serve in more than one category. The Board was then polled to determine the individuals to be appointed to the owner with less than 20 acres position. Mr. Piccolo and Mr. Johnson were selected through this process. Supervisor Smith moved to appoint Robert Piccolo and David Johnson to fill the two vacant positions representing owners with less than 20 acres. Supervisor Plank seconded the motion. Motion carried 5-0. Board comments noted the Committee's dedication and hard work on its master plan element and staff's role in this effort. Both the Committee and staff were commended repeated on their efforts. The Board was then polled to determine the individual to be appointed to the environmental position. Supervisor Plank then moved to appoint Charles Zimmerman to fill the position of the environmental representative on the Carson River Advisory Committee. Supervisor Smith seconded the motion. Motion carried 5-0. The Board was then polled to determine the individual to be appointed as the citizen-at-large. Supervisor Tatro moved to appoint Claire Clift to the Carson River Advisory Committee as the citizen-at-large representative. Supervisor Plank seconded the motion. Motion carried 5-0. Mayor Masayko reiterated his comments commending the applicants for applying.

14. BOARD OF SUPERVISORS - NON-ACTION ITEMS

A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-3123.5) - Supervisor Smith reported on the RTC activities, specifically, the Graves Lane project and RTC Engineer Brotzman's role in the project and with the neighborhood, and the Goni Road and the traffic problems created on Emerson. He then explained the Subconservancy District's activities. Its strategic planning session has been scheduled for September 19th. The issues which will be considered at that meeting were noted. The Bodie Dam issue may be resolved within a month. Supervisor Bennett reported on the Hospital Board of Trustees' activities. At this time she felt that Premier Care was working to correct the problems at the Cottonwood Care Center. She assured the Board that the Trustees are "heavily" involved with correcting this situation and the intent to provide good care which treats the people "right". She hoped to see the situation rectified by the end of the month. Supervisor Tatro did not have a report. Mayor Masayko commended Mr. Berkich and City staff on their efforts to make the City Hall Grand Opening a success. He reported on TRIAD. He urged both the Life Stress Clinic and Fire Department to actively participate in the program. He announced the Chamber of Commerce's "Made in Carson City" September 27 tour and explained the function. Public participation was encouraged. Public transportation will be provided. He encouraged Mr. Berkich and staff to participate in the program via an informational table on environmental services, one-stop shop, etc. He then reported on the Tri-County Railway Commission meeting and its activities. The Deer Run Road site has been selected as the terminus. This site may require relocation of the effluent line. A 17 foot right-of-way will be required for the railway. Tunnel No. 2 may be open cut. If it is decided to close it at some future date, this could be done by using a liner and covering it with fill. Reasons for this decision were noted. Fundraising activities may commence shortly. Supervisor Bennett suggested the Durango, Colorado, railroad be researched to determine how it had been developed. Supervisor Plank indicated he had been invited to join the railway foundation and reported on the Debt Management

Commission (DMC) meeting. (3-0001.5) The language of the resolution indicated the bond would be for 30 years although it is staff's intent to pay it off in 15 years. All of the costs were included in the \$1.8 million figure. DMC Chairperson Reid had requested that Bond Counsel break out these costs in the future. Supervisor Plank then reported on the Parks and Recreation meeting and its controversial issue regarding whether to fence the pond at Ross Gold Park and applications for its CPI funds. Tomorrow he will be participate with staff in filing an application for HUD Housing funds. Mayor Masayko explained a constituent's contact with him about the Outlaw Carts and questioned what had happened to the sound wall which was to have been installed between the cart path and highway. Supervisor Plank indicated that Barone had included this in the fairground project, however, if the State Fair Board comes, it may be an unwarranted expense. Mayor Masayko expressed his feeling that there is a move afoot to assist Parks and Recreation's efforts to landscape the skateboard park area. This is "a Virginia Orcutt/Ray Masayko handshake" agreement to raise money for landscaping at the skateboard park.

B. STAFF COMMENTS AND STATUS REPORTS - Mr. Berkich reported on the golf course status. The Corporation has retained its own staff and implemented its own policies and procedures. A draft marketing plan should be ready next week. Plans for club house renovations were noted. New golf carts should be received shortly. Mayor Masayko commended the Corporation on the meeting and asked Mr. Berkich to relay his comments to its Board.

There being no other matters for consideration, Supervisor Plank moved to adjourn. Mayor Masayko seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 4:25 p.m.

The Minutes of the September 4, 1997, Carson City Board of Supervisors meeting

ARE SO APPROVED ON ___December_18_,

1997.

/s/

Ray Masayko, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder