

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the January 9, 1997, Meeting  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, January 9, 1997, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor
	Greg Smith	Supervisor, Ward 2
	Jon Plank	Supervisor, Ward 1
	Tom Tatro	Supervisor, Ward 2
	Kay Bennett	Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager
	Kit Weaver	Assessor
	Alan Glover	Clerk-Recorder
	Rod Banister	Sheriff
	Al Kramer	Treasurer
	Mary Walker	Finance & Redevelopment Director
	Judie Fisher	Personnel Manager
	Jay Aldean	Public Works Director
	Dorothy Timian-Palmer	Utilities Director
	John Iratcabal	Deputy Purchasing Director
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 1/9/97 Tape 1-0006.5)	

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 session at 8:30 a.m. Roll call was taken. The entire Board was present constituting a quorum. Rev. Elaine Morgan of the Episcopal Diocese of Nevada Church. Mayor Masayko lead the Pledge of Allegiance.

**CITIZEN COMMENTS (1-0031.5)** - Mayor Masayko indicated Ms. Lazer had intended to make comments, however, she was not present. Supervisor Smith welcomed Mayor Masayko and Supervisor Plank to the Board and wished them a successful term. Mayor Masayko noted his predecessor is purportedly watching the meeting with his dog Lucky.

**1. APPROVAL OF MINUTES - November 7, 1997 - (1-0054.5)** - Supervisor Smith moved to approve the Minutes of November 7, 1996. Supervisor Bennett seconded the motion. Motion carried 5-0.

**2. SPECIAL PRESENTATIONS** - Personnel Manager Judie Fisher

**A. ACTION ON RETIREMENT RESOLUTION FOR CHRIS COLEMAN (1-00665)** - Supervisor Bennett moved to adopt Resolution No. 1997-R-1, A RESOLUTION COMMENDING Chris Coleman, and read the entire Resolution into the record. Supervisor Tatro seconded the motion. Motion carried 5-0.

**B. ACTION ON RETIREMENT RESOLUTION FOR BASIL "BUTCH" MORETO (1-0119.5)** - Mayor Masayko presented Mr. Moreto with a plaque and congratulated him on his tenure with the City. Mr. Moreto indicated his pleasure at serving and thanked everyone who had helped during his tenure including Deputy Director John Iratcabal. Supervisor Bennett moved to adopt Resolution No. 1997-R-2, A RESOLUTION COMMENDING Basil "Butch" Moreto, and read the entire Resolution into the record. Supervisor Tatro seconded the motion. Motion carried 5-0.

**LIQUOR AND ENTERTAINMENT BOARD (1-0172.5)** - Mayor Masayko recessed the Board of Supervisors session and immediately convened the session as the Liquor and Entertainment Board. The entire Board was present including Sheriff Rod Banister, constituting a quorum.

**3. TREASURER - Al Kramer**

**A. ACTION TO APPROVE BOTH A BAR AND PACKAGED BEER AND WINE LICENSE FOR CRISTOBAL MIRANDA AND RAFAEL ADRIAN, DOING BUSINESS AS LA TROPICANA (1-0178.5)** - Discussion indicated that only Mr. Adrian was present. Therefore, the item was continued to allow Deputy District Attorney Lipparelli to research the Code to determine whether it is necessary for both to be present. (See Mr. Lipparelli's comments in Item C.) (1-0275.5) Mr. Lipparelli indicated that Mr. Miranda must appear before the Board for licensing as he is a co-applicant. (2-371.5) The Item was continued pending Mr. Miranda's arrival. (1-0425.5) Mr. Kramer indicated the applicants would be present in an hour-and-a-half.

(1-1148.5) Mayor Masayko recessed the Board of Supervisors session and immediately reconvened the Liquor and Entertainment Board. A quorum was present although Sheriff Banister was absent.

Cristobal Miranda and Rafael Adrian were both present. Mr. Miranda indicated that they are installing a bar and explained their plans to serve food with beer and wine. When they can afford to do so, they plan to expand the kitchen and serve full meals. Chairperson Masayko noted the favorable Sheriff's report. Member Bennett moved to approve the request for both a bar and packaged beer and wine license for Cristobal Miranda and Rafael Adrian, doing business as La Tropicana. Member Plank seconded the motion. Motion carried 5-0-1 with Member Banister absent. Chairperson Masayko wished them success with their new venture and cautioned them to be cognizant of the liquor laws.

(1-1220.5) 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 was present, constituting a quorum.)

**B. ACTION TO APPROVE A PACKAGED BEER AND WINE LICENSE FOR DUNG SO TRUONG AND LY SIEK TRUONG, DOING BUSINESS AS LAUNDRY LOUNGE (1-0211.5)** - Both Dung So and Ly Siek Truong were present. Chairperson Masayko noted the favorable Sheriff's Report. Mr. Truong indicated he understood the identification requirements and the difference between a juvenile's license and an adult's license. Member Smith moved that the Liquor and Entertainment Board approve the request for a packaged beer and wine license for Dung So Truong and Ly Siek Truong, doing business as Laundry Lounge at 1300 East Fifth Street, Carson City, Nevada, fiscal impact: \$575 Investigation Fee, \$500 New Fee, and a \$200 Quarterly Fee. Member Bennett seconded the motion. Member Banister indicated the Sheriff's Report recommended approval. The motion was voted and carried 6-0. Chairperson Masayko wished the applicants success in their new venture.

**C. ACTION TO APPROVE A PACKAGED BEER AND WINE LICENSE FOR JORGE AND GUADALUPE MENDEZ, DOING BUSINESS AS LATINOS (1-0245.5)** - Ms. Mendez was not present. Mr. Mendez expressed his feeling that it was not necessary for both applicants to appear. Mr. Lipparelli read the Code requirements into the record. It mandates the appearance of all of the applicants. As Mr. Mendez was the only applicant listed on the application, his application could be considered by the Board and the license issued in his name only. Mr. Mendez agreed to proceed. Mr. Mendez responded to Board questions concerning the business and his knowledge of the liquor laws. Member Smith explained that the license is a privilege and not a right. The Board could, if necessary, revoke the license. Member Banister noted the favorable Sheriff's Report and recommendation. Member Bennett moved that the Liquor and Entertainment Board approve the request for a packaged beer and wine license for Jorge and Guadalupe Mendez, doing business as Video Latino's. Member Smith seconded the motion. Motion carried 5-0.

**D. ACTION TO CHANGE THE LIQUOR LICENSE MANAGER FOR PETER V INVESTMENT CO., INC., DOING BUSINESS AS CACTUS JACKS, TO WILLIAM J. SCHNEIDER (1-0321.5)** - Mr. Schneider was present and indicated that he would not serve anyone under 21. Member Banister noted the application was for a change of liquor managers and that the Sheriff's Department recommended approval. Member Smith noted Mr. Schneider's involvement with the business for several years and its reputation. Member Smith moved that the Liquor and Entertainment Board approve the liquor license change in managers for Peter V Investment Co., Inc., doing business as Cactus Jacks to William J. Schneider, fiscal impact is a \$75 Investigation Fee. Members Plank and Bennett seconded the motion. Motion carried 6-0.

**E. ACTION TO CHANGE THE LIQUOR LICENSE MANAGER FOR BPO ELKS LODGE No. 2177, INC., TO LEROY PEDRO (1-0351.5)** - Mr. Pedro was present. Member Banister noted the favorable Sheriff's recommendation. Mr. Pedro indicated he is familiar with Nevada Liquor Laws. Member Tatro moved that the Liquor and Entertainment Board approve the change in liquor license manager for the BPO Elks Lodge No. 2177, Inc., for Leroy Pedro. Member Bennett seconded the motion. Motion carried 6-0.

**BOARD OF SUPERVISORS (1-0375.5)** - There being no other matters for consideration as the Liquor and Entertainment Board, Chairperson Masayko recessed the Liquor and Entertainment Board and reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

**4. CONSENT AGENDA (1-0391.5)**

**A. TREASURER - ACTION ON INACTIVE UNCOLLECTIBLE ACCOUNTS TO WRITE-OFF FOR WATER/SEWER**

**B. DISTRICT ATTORNEY - ACTION TO APPROVE A COOPERATIVE AGREEMENT BETWEEN THE NEVADA STATE WELFARE DIVISION AND CARSON CITY PURSUANT TO PART 34 OF THE CODE OF FEDERAL REGULATIONS 302.34 AND 303.107 TO OBTAIN FOR CARSON CITY FEDERAL FINANCIAL REIMBURSEMENTS AND INCENTIVES FOR THE DETERMINATION OF PATERNITY AND THE ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS FOR THE PERIOD FROM OCTOBER 1, 1996, TO SEPTEMBER 30, 2000**

**C. PURCHASING DIRECTOR - ACTION ON CONTRACT NO. 9596-241 - DOWNTOWN BEAUTIFICATION PROJECT - REQUEST FOR FINAL PAYMENT**

**D. HOUSING AUTHORITY - ACTION ON ACCEPTANCE OF HUD FISCAL YEAR 1996 HOME GRANT FUNDS OF CARSON CITY'S HOUSING PROGRAMS IN 1997 AND APPROVAL OF CONTRACT NO. 9697-154** - Item D. was continued to the next Board meeting. Supervisor Tatro moved to approve the Consent Agenda as presented with the deletion of the Housing Authority item. Supervisor Bennett seconded the motion. Motion carried 5-0.

**5. TREASURER - Al Kramer - ACTION ON APPROVAL OF RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE CARSON CITY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) PUBLIC SAFETY BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES); AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH (1-0429.5)** - Bond Counsellor Jennifer Stern - The Bond Ordinance will be considered for first reading on February 6. The second reading will be heard on February 20. The sale should close in March. Public testimony was solicited on the Resolution, however, none was given. Mr. Kramer explained the bond's purpose and funding mechanism. The Public Safety Complex should not necessitate a property tax increase. Supervisor Bennett commended Finance Director Walker for her foresight in planning for this project. Supervisor Tatro moved that the Board of Supervisors adopt Resolution No. 1997-R-4, A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE CARSON CITY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) PUBLIC SAFETY BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES); AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. Supervisor Bennett seconded the motion. Motion carried 5-0.

**6. PERSONNEL MANAGER - Judie Fisher - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING SECTION 2.04.400 (PUBLIC OFFICERS) OF THE CARSON CITY MUNICIPAL CODE BY ADDING, DELETING AND CHANGING TITLES (1-0499.5) -** Discussion explored the reasons for removing the Deputy City Manager from the list of public officers. Clarification indicated the position was for an Assistant to the City Manager. Supervisor Tatro then moved to introduce on first reading Bill 101, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) ADDING, DELETING AND CHANGING TITLES. Supervisor Bennett seconded the motion. Motion carried 5-0.

**7. UTILITIES DIRECTOR - Dorothy Timian-Palmer - ACTION ON REQUEST FROM MR. HOFFMAN OF 2440 ASH CANYON ROAD FOR WAIVER OF SEWER CONNECTION FEE (1-0501.5) -**

Ms. Timian-Palmer distributed a page which had been missed during copying to the Board and Clerk. Mr. William Hoffman explained his principal in fighting the connection fee. He felt that the Board/City was mandated to provide sewer services and the service had been paid for by the original builder as part of his building and septic permit fees. The home owner had been responsible for all installation and maintenance costs incurred with the septic system. Since that time the Board had changed the Code due to environmental concerns and is forcing the property owners to connect and pay a connection fee. He felt that this would force the property owners to pay twice for the same service in addition to the service fees charged. His son had indicated that he could win a court case based on the arbitrary and excessive connection fee. His son also felt that the City should waive the connection fee and pay all of the connection costs. Mr. Hoffman felt that the City should reimburse anyone who had connected due to a failed system and that this number would be small. The fee assessed builders could be increased to finance the reimbursement program. Obtaining clean water is a general tax problem and should be funded by bond issues repaid from the general tax funds; not from the connection fees. The mandated area could have had failed systems, therefore, he felt it was arbitrary and discriminatory to waive its connection fees. This is a total Carson City problem and not just an individual property owner's problem. He felt that one Supervisor had received a rebate in the mandated connection area and that the fees spent on the mandated connection area should have been spent on storm drain systems and water recovery mechanisms. He then indicated his son's legal advice was to seek a class action suit in the courts and noted the costs which would be assessed to fight such an action. This would be more expensive than waiving the connection fee.

Supervisor Plank indicated that he had received a rebate under different circumstances. He felt that there is a gray area connected to the charge as nitrates are nitrates regardless of their location. He suggested that the City analyze whether it would be more beneficial to assess a fee for lost revenue from the time the line is extended. This analysis should include the cost to repair the failed system.

Mr. Hoffman described the costs incurred installing and maintaining a septic system as well as the connection costs. He felt that there are septic systems which do not pollute the underground water table. Pollution may be a result of crowding and improper installation. He reiterated his contention that septic owners are paying twice for a service.

Discussion between Mayor Masayko and Ms. Timian-Palmer explained the State requirement mandating anyone within 400 feet of a sewer line to connect. The State would have to grant a waiver from this requirement. The City could not issue the repair permit if an individual is within 400 feet of the sewer line. Ms. Timian-Palmer agreed that all conventional septic systems pollute. There are expensive septic systems which could be installed which are called denitrification systems. It is, however, less expensive to sewer a community than to install this system.

Supervisor Smith explained that the water and sewer systems were enterprises which had been paid by the users. Not all Carson City residents pay for or use these services. He suggested that these residents would oppose any increase in property taxes which is used to support the water and sewer system. The connection fees and user fees are calculated to include a pro rata share of the cost for expanding the service for the users. Mr. Hoffman felt that even the well and septic users should pay a fee for the City water and sewer systems. He felt that the plant

expansions are caused by new building and not by existing septic tanks. The current building rate is not sustainable and is causing numerous problems including water contamination. He continued to iterate his recommendation that the builders pay more fees as they are a pass through to the buyer. Mr. Berkich explained the connection fee and its use to provide infrastructure. Anyone connecting to the system must pay a pro rata share of this infrastructure cost. Mr. Hoffman had acquired a home with a septic system, which by State law is a temporary service. Therefore, when the sewer line comes within 400 feet, as required, he and all other property owners must connect. Mr. Hoffman indicated that his decision to purchase his home in a rural area with a septic system had not been by choice but rather due to the City's failure to provide sewer service to the area he had selected. Everyone on a septic system pays for the system. This had saved the City a considerable amount in infrastructure costs. Mr. Hoffman agreed with Mr. Berkich that if the City system had been available when he purchased his home, it would have increased the cost of his home. He then indicated that he had paid for the septic system which should be reimbursed by the City. He should not have to pay for both services. He felt that the law had only changed in the last few years to mandate connections within 400 feet. Ms. Timian-Palmer indicated that all septic permits had been temporary since 1970. Mr. Hoffman felt that this should have been disclosed when he purchased the property.

(1-0956.5) Deputy Utilities Director Ahrens noted that connection to a sewer line is a permanent connection and should last 40 to 50 years before major repair is required. Septics are temporary and are expected to fail in 10 to 15 years. If Mr. Hoffman's system had been repaired, it is possible that he may be faced with having to connect or repair the system again today due to the recent flood. Mr. Hoffman agreed and indicated that the user fees equate to the repair fees. He urged the Board to change the connection fee to assess it against the people who most benefit from it--the builders or the entire City. Mayor Masayko expressed his feeling that everyone benefits from the system and not just the property owner. Supervisor Smith also pointed out that not all new residences are occupied by a new Carson City resident as residents often upgrade their homes. Mr. Hoffman indicated he had resided in his home for ten years. He was not sure how long the system had been there. He felt that it had been installed 20 or 25 years ago. He felt that his system had failed when the "T" had been broken during construction of the Brushwood Subdivision.

(1-1025.5) Finance Director Walker pointed out that the septic system is a individual's private property improvement. The equity issue considers the cost to enter into a partnership with the City for a community sewer system. This is what the connection fee is--a pro rata share of the business. It makes the property owner an owner of the sewer system. When the fee is waived for different individuals, equity is lost. The connection fee was calculated very carefully by a national consultant and has been approved by the State and Federal governments. She cautioned the Board to be careful when waiving any of these fees due to the State and Federal equity issues. The waivers which had been granted had been for only two "hot zones" and is related specifically to groundwater contamination. The waivers have an expiration date. They were citywide public health emergencies. When the rate was calculated there had been between 2 and 3,000 septic systems in the City. Waiving this fee at this time would create a \$400,000 plus impact on the enterprise and increase the users fees substantially.

Mr. Hoffman indicated that he did not believe Ms. Walker wished for him to sue the City but that he would. He felt that if he undertook a court case it would be based on equity and the Board's having allowed those few individuals a waiver. This created an exception and discrimination. The waiver was now costing Mr. Hoffman. Mayor Masayko pointed out that the waiver had been granted due to the public health emergency. Mr. Hoffman felt that the same was true for his system.

Deputy District Attorney Lipparelli explained the issue for the Board's consideration was related to staff's interpretation of the Code and denial of request for a waiver.

Public comments were solicited. None were given.

Supervisor Smith commended Mr. Hoffman on his willingness to appeal the fee based on principal. He indicated his respect and admiration for individuals who are willing to undertake such issues. He pointed out that Mr. Hoffman could pursue the issue in the courts, if he does not like the Board's ruling. He did not see the issue as Mr.

Hoffman had. Supervisor Smith then moved that the Board of Supervisors deny the request of Mr. Hoffman of 2440 Ash Canyon Road, Carson City, for a sewer connection fee waiver. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Smith - Yes; Plank - No; Tatro - Yes; Bennett - Yes; and Mayor Masayko - Yes. Motion carried 4-1. Mayor Masayko opined that the Board's responsibility was, as Supervisor Smith had indicated, to uphold the administrative procedure of the septic tank hookups in the non-emergency health areas. He was sorry that they could not grant the waiver due to the precedence it would set. He thanked Mr. Hoffman for his time.

**REDEVELOPMENT AUTHORITY (1-1222.5)** - Mayor Masayko then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Tatro. For Minutes of the Redevelopment Authority, see its folder.

**BOARD OF SUPERVISORS (1-1340.5)** - Following adjournment of the Redevelopment Authority, Chairperson Tatro passed the gavel to Mayor Masayko who reconvened the Board of Supervisors. A quorum was present as noted.

**8. FINANCE AND REDEVELOPMENT DIRECTOR (1-1342.5) - Mary Walker**

**A. ACTION ON RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FISCAL YEAR 96-97 BUDGET** - Supervisor Tatro moved that the Board of Supervisors adopt Resolution No. 1997-R-5, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FISCAL YEAR 96-97 BUDGET in the amount of \$1,844,220. Supervisor Plank seconded the motion. Motion carried 5-0.

**B. ACTION ON RESOLUTION TO AUGMENT AND AMEND CARSON CITY FISCAL YEAR 96-97 BUDGET (1-1352.5)** - Discussion noted that the augmentations or carryovers had been acted upon by the previous Board. Supervisor Smith moved that the Board of Supervisors adopt Resolution No. 1997-R-6, A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FY 96-97 BUDGET in the amount of \$12,266,224. Supervisor Tatro seconded the motion. Motion carried 5-0.

**BREAK:** A ten minute recess was declared at 10:20 a.m. The meeting was reconvened by Mayor Masayko at 10:30 a.m. The entire Board was present constituting a quorum.

**9. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan - ORDINANCE - SECOND READING - ACTION ON BILL NO. 172 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 27,000 SQUARE FEET OF LAND FROM DOWNTOWN COMMERCIAL TO RETAIL COMMERCIAL ON PROPERTY LOCATED AT 1000 SOUTH CARSON STREET, ASSESSOR'S PARCEL NUMBER 4-055-04, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1944.5)** - Supervisor Smith moved that the Board of Supervisors adopt on second reading Ordinance No. 1997-1, Bill No. 172, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 27,000 SQUARE FEET OF LAND FROM DOWNTOWN COMMERCIAL (DC) TO RETAIL COMMERCIAL (RC) ON PROPERTY LOCATED AT 1001 SOUTH CARSON STREET, ASSESSOR'S PARCEL NUMBER 4-055-04, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

**10. PUBLIC WORKS DIRECTOR - Jay Aldean**

**C. STATUS REPORT ON RECENT SNOW REMOVAL AND FLOOD PREPARATION EFFORTS (1-1978.5)** - Mr. Aldean began by explaining that a debriefing had not been held on the events. He then explained the snow storm which had begun on Saturday, December 21, at 1 a.m., his staffing, and the ultimate decision to call in contractors. His staff worked 24-hours a day all weekend long. Other City Departments joined his staff with their Departments' vehicles later on Saturday when it was determined that additional staffing was

needed. Also, on Saturday efforts were made to contact approximately 20 contractors, however, only two responded. These two firms were used throughout the remainder of the weekend. In spite of all the efforts, the staff could not keep up with the heavy snow storm. Only the primary routes and a few of the secondary routes were maintained. Problems with the two new vehicles were explained. The equipment list was verbally provided. On Monday additional contractors were reached and added to program. These contractors were orally listed. Reasons many of the contractors had not been contacted initially were noted. Fortunately, these contractors were added to the list and, when needed to help with the flood, they were contacted. He felt certain that the list will be updated and additional contracts issued. The storm had caught everyone, including the contractors and weathermen, off-guard. Carson City received between 16 and 24 inches in the valley and as much as 48 inches at Timberline. A policy change will add Mountain Street to the list of primary streets due to the need to reach the Hospital. Reasons the downtown area was not plowed on Monday were provided. Other residential areas were, however, plowed on Monday. Other operational errors were noted. The contractors did not work on Christmas Day due to the cost, however, City crews did work that day. Finance indicated \$120,000 had been spent on this event. Contract operations were terminated on December 27. Windrowing problems had occurred at senior citizens' homes. Mr. Aldean suggested a volunteer program be create to shovel the driveways after the plow goes by. He was not willing to undertake an inmate crew at this time due to access and manning problems. Reasons the City does not plow to the center of the road were noted. Snow was hauled out of the downtown area due to the lack of a storage area as well as in some areas where vehicles were parked along the sides of the streets. The new Street Superintendent John Flansberg will work on establishing the volunteer program. The two contractors who had responded to the initial call for assistance were on the RFP for snow removal list. There are more contractors available in the City than are on this list. The RFP will be analyzed and modified if possible. Also, the equipment list will be updated. On Friday, December 27, when staff ceased the snow removal efforts and began gearing up for the forecasted flood event which included bringing in the NDF crews, filling sand bags, palletizing and moving them to areas of potential need. Although the City was prepared to a degree, it had not been enough. The EOC began operating on Wednesday, January 1, at 6 p.m. and ran until 6 p.m. on Friday. This event cost approximately \$210,000 through Sunday evening. City salaries are not included in this figure. A full written report will be submitted to the Board in the future.

(1-2311.5) Mr. Berkich indicated that the debriefing would occur on Friday afternoon. He also requested an opportunity to discuss any potential improvements or problems at a future meeting.

Supervisor Smith pointed out that it had been approximately 50 years since the City had received this amount of snowfall in a 24-hour period. Overall, he had been impressed with the neighbor's helping neighbors, friends helping friends, which he had seen. The high volume of irate phone calls could have been caused by the storm's occurrence a few days before Christmas and the impact it had caused on the holiday shopping plans. The fact that vehicles had not been removed along the snow routes had reduced the snow plow efficiency. He felt that people need to know about the snow routes. The problem created when two-wheel drive vehicles became stuck in the intersections was also noted. People should not have been sight-seeing in the middle of the storm. Snow tires and chains are necessary equipment in a snow area such as Carson City. Stuck vehicles further reduced the City's ability to plow. The operators had helped many of these drivers get off the street. He also felt that a better contractor commitment program needed to be developed. He commended the staff on its efforts although improvements could be made. He questioned the wisdom of staffing and acquiring the necessary equipment for a once in 50 years event preferring, instead, to support the contingency contractors' list.

(1-2475.5) Supervisor Bennett felt that there had been a lack of an early response and of a coordinated effort. She suggested that a "phased" response program be established. The rutted intersections needed to be addressed as they pose a clear danger to vehicular traffic. Examples were at Hot Springs Road and Northgate Lane and at South Curry and Tenth Street. Drivers had used the busy business parking lots to avoid Curry and Tenth Street. This created additional problems. Early attention should be given to the snow route. Since 1992 the Board has spent \$600,000 for snow equipment. She felt that the City had the necessary equipment but lacked the appropriate planning. She also pointed out that there are a number of churches in the downtown core and that a large number of the residents participate in Christmas services. It was very difficult to do so during the event. She volunteered to assist in any way possible to improve the response. Mr. Aldean indicated he would be contacting each Board

member for feedback. Supervisor Bennett then echoed Supervisor Smith's comments concerning staff's diligence and dedication. She felt that they had worked far above and beyond what is normal.

Mr. Berkich explained the reasons for the agenda item and apologized for its misunderstanding. Staff was only prepared to discuss the snow event and not the flood. Mayor Masayko indicated that a future meeting would address the flood issues.

Mayor Masayko expressed his feeling that staff had worked diligently. He was knowledgeable about the impact twelve hour shifts have on employee response and efforts. He felt that staff had worked very, very hard on the event for the community. The greatest plan with the best contingency does not work well unless updated periodically. The public was invited to make comments or to contact either a staff or Board member. He requested that the snow event be discussed first.

(1-2639.5) Terry Shufelt felt that her street had been well plowed first by the City crews and then later by a contractor. Discussion indicated that the flood would be discussed on January 23. Ms. Shufelt again commended staff on its efforts to plow her area. She also felt that the residents should be prepared for such an event and not be out on the streets unless its a dire emergency. She then explained that the flood had been a shock to her. She felt that someone should have told her whether or not to evacuate. As she had had three feet of water in her yard, it had posed a hardship for her even though she had heat, water, and electricity. Another neighbor is still pumping water from under her house. Ms. Shufelt's mobile, however, may have to be relevelled. She felt that the area should have been evacuated or informed about the flooding potential so that cars, etc., could have been moved to higher ground. She had watched the news, however, it was not a station which covered Carson City. Mr. Berkich indicated that news releases were made on New Year's Day but not the night before. Advance weather reports had been made on all the local stations. Ms. Shufelt had been told, if water was not in the home and if she had food, water, and heat, that she could stay. It was nerve racking not knowing what could happen. She did not wish to impose an additional burden on the City's shelter. Mr. Berkich indicated that the City had not known that it would need to evacuate her area. The water path had really surprised the staff as well as the residents. They evacuated her area the next day on a volunteer basis.

(1-2792.5) Gladys Brister explained that she had been in a major flood in her mobile home park on four different occasions. She had gotten the park plowed by using the City's emergency number. The City had responded the next day and did a terrific job. The flood was the issue which she wished to discuss with the Board.

(1-2835.5) Karen Trivitt gave the Board photographs of the flooding problem in her area and described the damage. She urged the City to address her area if at all possible. Mr. Berkich requested anyone with any damage to contact FEMA to register his/her claim, provided the 800 number, and urged them to call soon. Comments indicated that Mr. Berkich is attempting to schedule a meeting with the FEMA experts on Monday evening. The public was invited to participate in this meeting.

(1-2894.5) Robert Mason explained the flood damage he had suffered as a result of a Coors delivery truck using his residential street. The company was refusing to accept responsibility for the damage. The driver had been using the street for several years. The street is not constructed for this usage. Mayor Masayko requested the Sheriff's Office check into this usage.

Supervisor Smith apologized to the audience for his recommendation that they present their flood problems to the Board at this meeting. He had not read the agenda correctly. He invited them to make a presentation at the next meeting. He then noted Mr. Aldean's experience with storm drain issues. He felt that his helicopter ride with Supervisor Tatro had clearly indicated the need for the City to begin addressing the storm drain issue. While he agreed that the event had been a "once in 100 years" occurrence, now is the time to take affirmative steps to resolve the problem including the proposal for a storm drain utility. Mr. Berkich felt that this issue is the City's next big challenge. Staff will bring this issue forward. Mayor Masayko noted that storm drainage can occur, however, it is expensive and local funding must be found.

(1-3015.5) Louis Pugliese explained the flooding in his area. He felt that the City had been notified at 3:45 a.m. that the area was being flooded. No one responded until 6 a.m. They pulled the storm drains and within one-and-a-half hours the flooding abated. Mayor Masayko agreed that when storm drains are backed up, flooding does occur.

(1-3048.5) Susan Peterson questioned who was responsible for damaging her driveway during the snow removal operation. Mr. Aldean indicated he would talk to her about it. Ms. Peterson expounded on Mr. Pugliese's statements concerning the flooding. She felt that the water had been diverted to her area. Mayor Masayko felt that the documents supported her concern and that staff would analyze it carefully. Unless action is taken, it may become another flood prone area. Ms. Peterson felt that better public service announcements should be undertaken by the City. Mr. Berkich indicated that the water had taken a different path and had not been diverted. He felt that maps will be available at the next meeting to illustrate what had occurred. Mr. Aldean reiterated his commitment to meet with Ms. Peterson.

(1-3117.5) Lois Laser urged the City to learn from the event. Even though it was purportedly a 40 year event, another similar one could occur within five years. This is the normal occurrence for floods in this area. She urged the Board to evaluate the proposed sites for subdivisions more carefully. Northridge Subdivision is in a flood plain. The decision to allow construction in any area with more than a ten year flood potential should be re-evaluated. Mr. Aldean had purportedly suggested a \$20 million drainage program. The new subdivisions will cost more than that if an event occurs.

(1-3158.5) Arlin Detke commend City staff on its snow plow efforts. He suggested, however, that when Cardinal Way is plowed, special consideration be given to the cluster of mail boxes. Mail could not be delivered nor picked up due to the berm which was created during plowing. He also suggested that if a row of sand bags had been placed across Coronet at Little Lane, some flooding damage may have been prevented early on.

Additional public comments were solicited but none given.

Mayor Masayko noted the flood will be agendized for the next meeting. Mr. Berkich indicated it would be scheduled for 6 p.m. Supervisor Tatro iterated the need for anyone suffering damage from either event to contact FEMA at the 800 number. Mr. Berkich further described the FEMA program. Supervisor Tatro indicated that Carson City is attempting to schedule the same type of workshop which Reno had held with the FEMA experts. Notices about the meeting will be in the papers and on the CAT-10 bulletin board.

(1-3276.5) Frank Nolan explained his awareness of the flood in the Parkland area. He had seen the damage caused by the Coors truck. He was very unsatisfied with Coors' response to the residents. Mayor Masayko indicated this is a law enforcement issue and requested he contact the Sheriff's Office. Supervisor Smith indicated that he would discuss the issue with the the firm. Mr. Berkich also indicated that staff would, with Supervisor Smith's assistance, pursue the issue.

(1-3368.5) Barbara Gott explained her contact with FEMA. FEMA had requested that they be contacted even if the individual has insurance. The process takes approximately 15 minutes. She urged the City to construct additional diversion ditches to protect the area in the future.

Mr. Aldean then explained how Ms. Peterson's driveway had been damaged. He felt that if this was the only "accident", it was a "miracle" specifically in view of the depth of the snow and amount of water which the City had received. The City's storm drains are a "hodgepodge" of different materials, examples were cited. The time is right to begin developing a total drainage project. As the Bypass is, hopefully, a "done deal", staff could now dedicate it efforts to this challenge.

(1-3485.5) Additional public comments were solicited. Ms. Brister welcomed Mayor Masayko and Supervisor Plank and thanked Supervisor Smith, Mr. Aldean, and Mr. Berkich for their support during the event. She took back the photographs and indicated that the audience would return in two weeks.

Mayor Masayko indicated the Board was taking the audience's requests seriously and that action would follow. He expressed his regret to anyone who suffered a loss and thanked the audience for attending. No formal action was taken. (All of the photographs were returned.)

**A. DISCUSSION ON HAVING NEVADA DEPARTMENT OF TRANSPORTATION COMPLETE A STUDY FOR A TRANSIT BUSINESS PLAN (1-3548.5)** - Mr. Aldean introduced NDOT Transit Coordinator Sandy McGrew. NDOT had retained Michelle Johnson to conduct the study. Reasons for undertaking a three year study were provided. Mayor Masayko felt that the study should provide an action plan through 2000. Ms. McGrew indicated the scope of work had been listed. There would be a meeting on Monday. She emphasized that the program would be Carson City's and not NDOT's. It will be funded by NDOT. The Board must be willing to fund the program once the study is completed. Mr. Aldean indicated the report would be reviewed by RTC. RTC had not considered the study as no funding is required from it or the City. Ms. McGrew explained the reasons RTC would be involved when the report is received. Discussion noted that when the City's population reaches 50,000, additional funding is available. Supervisor Bennett noted her request to establish a committee to develop a new streets and highway master plan element. She felt that this committee should also be involved with the study and development of the business plan. Ms. McGrew explained the importance of having a streets and highway master plan element and for it to include public transportation. Supervisor Smith thanked Ms. McGrew for her knowledge, interest, and assistance over the years. No formal action was taken.

**B. ACTION TO APPROVE THE FUNDING FOR THE CARSON CITY COMMUNITY TRANSPORTATION SERVICES FOR \$2,000 FROM THE GENERAL FUND CONTINGENCY ACCOUNT (2-0108.5)** - Paratransit Services General Manager Tim Bailey explained the program, its ridership, and the providers. He commended the providers on their ability to continue providing rides during the snow storm and City staff on its snow plowing efforts. Increased demand for services and ridership indicates the funding will run out in April. Discussion explored the reasons Capital Cab had failed to participate in the program. Supervisor Smith indicated that he would contact Capital Cab. The program was becoming successful. The additional funds will keep a worthwhile program going for those riders. Supervisor Plank commended Mr. Bailey on his report. Mr. Bailey invited the Board to meet with him at any time. Supervisor Bennett commended Mr. Bailey on his efforts. Mr. Aldean then explained that the ridership figures included in his Board Action Request had been based on the November figures and projected ridership for the balance of the year. The storm had effectively reduced the ridership and all of the funding may not be necessary to complete the fiscal year, however, he requested that the Board fund the \$2,000 request. Other options were noted. If additional funds are needed to complete the year, a supplemental request will be made. Any allocated funds which are not used during the year will be returned. Supervisor Smith moved that the Board of Supervisors approve the funding of the Carson City Community Transportation Services for \$2,000 from the General Fund Contingency Account. Supervisor Bennett seconded the motion. Motion carried 5-0.

**11. CITY MANAGER - John Berkich - ACTION TO APPROVE A CONTRACT WITH THE NEVADA DEPARTMENT OF TAXATION FOR THE COLLECTION OF THE FIVE CENTS PER GALLON MOTOR VEHICLE FUEL TAX (2-0415.5)** - Deputy District Attorney Paul Lipparelli - Discussion explored the impact a successful ballot initiative would have on the project. Funds received between February 1, 1997, and the initiative's effective date would be treated as normal county fuel tax monies. Refunds would not be made. Staff and NDOT are negotiating an agreement which will dedicate these funds to the Bypass. The enabling ordinance could be repealed by the Board at any time. When this occurs, the proposed contract will become null and void. The current contract with the Department of Taxation will remain in effective even if the proposed contract is voided. The Taxation contract and the NDOT contract are separate and apart from each other. Mr. Lipparelli indicated the NDOT contract negotiations are attempting to restrict the five cents to NDOT Bypass planning and design projects. These items could be used at any time in the future if this funding is eliminated. Supervisor Smith cautioned against using the funds for any project other than the Bypass and questioned how this assurance could be provided. He suggested that the tax not be imposed until the initiative is resolved. He also questioned where the funding could be found to support the \$1.5 commitment to NDOT for the Bypass if the tax is repealed or if the NDOT contract could be voided. Mr. Lipparelli explained NRS 373 which prohibits the repeal of any

agreements once bonds or securities are issued for a project. The Board could obligate the community to pay for the Bypass or a 30-year project which would make the repeal of the gas tax ineffective. Politically, the Board may not wish to obligate the City to a 30-year commitment until the petition issue is resolved. Mayor Masayko noted that the proposal is for a 20 year NDOT contract. Mr. Berkich indicated that the negotiations with NDOT to date have been to have a two-step process. The first step would be up to the ballot. Design work will occur during this interim. The construction contract will not be advertised until the petition has been voted upon by the electorate. No obligation is being made beyond that election date. Supervisor Tatro felt that the Bypass' joint funding effort is an opportunity which seldom occurs. He could not vote for an NDOT contract which did not accommodate the results of the election. He did not feel that the Board would or should continue to collect the tax if the election repeals it. He recommended all contracts and agreements follow the ordinance and dedicate all tax monies raised by the increased tax to the Bypass. The proposed contract only indicates that once the Department of Taxation collects the money, the City wants it. Mr. Berkich agreed that the funds collected by the tax would be used as indicated in the ordinance. Any funds collected before the NDOT contract is consummated will be set aside and dedicated for that project. Mr. Lipparelli clarified that the ordinance increased the gas tax from four cents to nine cents. It did not designate the funds for the Bypass although it was clear that this is its funding purpose. Supervisor Tatro felt that if it is not in the ordinance there must be a resolution indicating this intent. Mr. Lipparelli agreed to research the issue. RTC controls the funding allocations which restricts the use to RTC projects. The Board of Supervisors must approve the contract awards for any RTC funding. He felt that this would eliminate the mixing of these funds with others.

(2-0758.5) Public comments were solicited. Bob Reykers indicated that the City is currently collecting five cents and not four cents. This means that there would only be an additional four cents collected for the Bypass as the Statutes limit the tax to nine cents. A copy of an invoice showing this tax was given to Mr. Berkich. Mr. Berkich indicated that the City collects several different gas taxes. Mr. Reykers felt that the gas tax in Carson City was going to ten cents which is illegal. Mr. Berkich agreed to research this issue. Mr. Reykers then expressed his opinion that the gas tax prohibits the use of any tax monies for administrative costs. The Department of Taxation contract includes a "one-half of one percent" administrative fee. Mayor Masayko indicated that Mr. Lipparelli would check into this issue. He felt that the fee is currently being charged on the taxes now being collected by the Department. Mr. Reykers felt that the agreement would create a new commission to be known as a streets and highway committee. Mr. Lipparelli indicated that the City currently has the Regional Transportation Commission which serves in this capacity. An additional committee would not be established. Supervisor Tatro indicated that an additional committee could be established if desired. It is not required. Mr. Reykers suggested Pat Quinn-Davis be appointed to the RTC or a new committee. He also felt that the agreement was open-ended. The project is to cost \$17 or \$18 million. Over 20 years it would actually be \$36 million. He did not feel that the City should be committed to making interest payments. Mayor Masayko pointed out that the \$18 million would all be spent within a three year period. Repayment would be at a rate of \$1.6 million over 20 years. Carson City would not be seeking the bond. The City was agreeing to pay the State the \$1.6 million for 20 years. Any difference will be made up by the State. Mr. Reykers then indicated that he had given Supervisor Smith a graph illustrating that the City has the fourth highest gas tax in the United States. He indicated he currently has 1800 signatures and will be able to obtain the remainder before the deadline. Mayor Masayko reminded Mr. Reykers that when the petition is submitted to the Board action can be taken to rescind the tax. Mr. Reykers had every right to present his view and the Board has the obligation to review its stand on the gas tax. This is the democratic process.

(2-0895.5) Lois Laser questioned whether the City would still owe the State \$1.5 million for 18 years if the election initiative is successful and, if so, where would these funds come from. Mayor Masayko explained that there should be a two-tiered agreement with NDOT. This will allow the design and pre-bid work to be accomplished prior to the election. Funding will be restricted to this work. If the election repeals the tax, the project will be halted. The 20-year construction project will not be signed until other funding sources are found. NDOT will then determine how and when the freeway will be constructed. Ms. Laser then questioned what would happen and when with the southern portion of the freeway. Mayor Masayko indicated that the NDOT Board had indicated its intent to complete the freeway through Carson City, however, this commitment could not be made at this time. He urged her to trust the system. He would work diligently toward getting this commitment. Ms. Laser felt that handshake agreements are not binding and cautioned against it. She then questioned where RTC obtained

its authority to give funding to the State for anything. The Statutes restrict RTC funding to county projects. Mr. Lipparelli indicated both the District Attorney's and Attorney General's offices had been involved with the proposal and that it could be done legally. Mayor Masayko requested she submit a written request for a legal opinion. Supervisor Bennett requested a letter of intent be obtained from the NDOT Board. Mayor Masayko felt that NDOT Director Thomas Stevens intended to work on the "full project" and agreed to pursue her request. Ms. Laser then questioned Mr. Lipparelli concerning whether RTC funds could be used for administrative services. Currently \$1.2 million is collected from the four cent tax. Six hundred thousand dollars is purportedly being spent for administrative services. This leaves only \$600,000 for street improvements/projects. The proposed five percent may not be adequate to meet the commitment. Carson City needs more money for its county roads. Supervisor Smith responded by explaining that the \$1.2 commitment is being used to pay off bonds which had made improvements within the City. He also indicated that between \$350 and \$400,000 is used for administrative costs. Mr. Lipparelli indicated staff would research this issue. He felt that the revised note had occurred in 1987 after the legislature revised the tax law. This revision had prohibited the use of any additional RTC funds from being used for administrative costs. It is possible that Carson City's RTC was in place before this revision and, therefore, the 1987 revision did not apply.

Mr. Reykers indicated that the proposed agreement includes the same administrative costs. He urged the Board not to sign the agreement today. Mr. Lipparelli explained that the revision does not prohibit the State Department of Taxation from assessing an administrative fee to reimburse its for costs incurred in the collection of the tax. Mr. Reykers felt this was his opinion and urged the Board to obtain another opinion.

(2-1125.5) Additional public comments were solicited. Dennis Richey explained his editorial which had been published in The Nevada Appeal and indicated that he had sent Mr. Berkich a copy. He requested a copy be provided to the Board. The article had contained reasons for denying the request. He felt that the City had other alternatives to relieve the traffic congestion and urged the Board to consider them. Several were listed. They would remove traffic from Carson and should be implemented before the gas tax is imposed. Supervisor Bennett invited him to participate in the citizen's advisory streets and highway committee. His suggestions were the type of ideas which are being sought for the traffic element and its scope of work. She had read his article. Mr. Richey volunteered to serve in whatever capacity possible. Mayor Masayko also felt that his suggestions had been valid and should be analyzed with or without the freeway.

(2-1210.5) Chamber of Commerce Executive Vice President Larry Osborne welcomed the new Board members. He noted the Chambers involvement with the efforts to develop alternatives and its support for the five cent gas tax. He felt that the contracts had been worded so that everyone understands the purpose and the intent. This should protect the State, City, and most importantly the City voters. He volunteered to assist in any fashion possible and encouraged the Board to continue moving toward the goal and mitigate the transportation problems. Discussions on various options had been held on numerous occasions. The decision was ultimately reached to "bite the bullet" and impose the five cent gas tax for the freeway. He urged the Board to move forward with the contracts. He assured the Board that when the ballot question is drafted there will be an aggressive, organized campaign supporting its implementation.

(2-1255.5) Ms. Laser indicated her respect for Mr. Osborne and the effort undertaken to obtain a school bond.

Mr. Berkich explained that the City has a four cent per gallon county fuel tax and a one cent road maintenance tax on fuel. The maintenance tax was approved by the electorate and imposed in 1986. These are two different and separate tax issues. Mayor Masayko indicated that with the five cent increase, a total of ten cents will be collected. Additional comments were solicited but none given.

Supervisor Bennett moved that the Board of Supervisors approve a contract with the Nevada Department of Taxation for the collection of the five cents per gallon motor fuel tax, fiscal impact is an estimated \$1.5 million annually in additional fuel tax. Supervisor Tatro seconded the motion. Supervisor Smith indicated his support for the project, however, felt that the process was backwards. He appreciated Mr. Osborne's comments about the campaign for the tax. He was aware of people who support the program. He wished that the entire community

supported the project. The motion to approve the contract with the Nevada Department of Taxation was voted by roll call with the following result: Smith - No; Plank - Yes; Tatro - Yes; Bennett - Yes; and Mayor Masayko - Yes. Motion carried 4-1.

**BREAK:** A fifteen minute recess was declared at 1 p.m. The entire Board was present when Mayor Masayko reconvened the session at 1:15 p.m., constituting a quorum.

## **12. BOARD OF SUPERVISORS**

**C. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-1315.5)** - Mr. Berkich gave a verbal status report on the 12/21 blizzard and 1/1 flood. He committed to including an agenda item on the status of these events. There had been significant electrical and tree damage from the blizzard. The NDF crews became the City's front line in fighting the flood. As of this morning 100 claims had been filed with FEMA from Carson City. Efforts are continuing to gain access to remote areas of the City. The City still has nine NDF crews working within the City on cleanup. He thanked NDF for its assistance. NDOT has six street sweepers working with the City's fleet and two private construction sweepers to reduce the dust problems. Contracts are being let to repair washed out streets. Water and sewer lines are being secured. Damage estimates are still being made. There had been \$120,000 spent on the blizzard and \$210,000 on the flood. These figures are through last Sunday only. Additional work has been done since that date which is not included in these figures. He distributed a FEMA Fact Sheet to the Board and Clerk. It indicates that the City is qualified for assistance to families and individuals as well as for assistance to State and local governments for debris removal and emergency protective measures only. There are other categories which the City will apply for which are not listed. If the damage is such that FEMA upgrades the coverage, mitigation cost recovery will allow the City to make repairs and mitigate future damage. A regional center is being established in Carson City. The proximity to the State Emergency Operations Response had been an asset to the City. He reiterated the request that individuals contact FEMA at the 800 number to file a claim. A workshop is being scheduled for either Monday or Tuesday evening at the Community Center to respond to questions concerning financial assistance. The debriefing is scheduled for tomorrow afternoon. Its final report will be provided to the Board for its next meeting. He recognized and thanked NDF, NDOT, State Emergency Operations Response, the numerous volunteers and City employees for their cooperation and assistance. Mayor Masayko encouraged him to recognize these individuals and their efforts. Supervisor Tatro questioned the damage which had occurred to the watershed areas around the City. He had been advised that if another rain occurs, there will be additional flooding as there is nothing left in the mountains to slow the runoff. Mr. Berkich indicated he had not heard anything official regarding this, which is a major concern at this time. There had been a lot of changes upstream which are being analyzed as quickly as possible. Supervisor Smith pointed out Mr. Berkich's dedication and efforts during the events and commended him on them. Leadership begins at the top as he had illustrated. Supervisor Smith felt he had been informed about everything which was occurring as it happened. Mr. Berkich's dedication to the community is, as normal, outstanding. The other Board members supported his comments. No formal action was taken.

**CITIZENS COMMENTS (2-1559.5)** - Charles S. Watson, Jr., Executive Director of the Nevada Outdoor Recreation Association and a member of the former ad hoc Quality of Life Council, explained the ad hoc council's concerns about the Lompa Lane wetland area and the desire to protect Lone Mountain. These areas have been designated as open space areas, however, developers have tried to encroach on them. With Mr. Berkich's assistance these projects had been "red tagged" and stopped. The developers are still poised to construct in these areas. This is in violation of Section 404, the Clean Water Act. He encouraged the Board to seek BLM property to exchange for these sites and to declare the areas of vital concern under Section 102A and 201A of the Federal Lands Policy Management Act. There is ancient Indian Brush on Lone Mountain which may be 100 years old. There are rare plants in the marshes along Lompa Lane in addition to two known rare, non-poisonous snakes, and other fowls. He also expressed concern about the wetlands behind the Bonanza on the west side of Highway 395 and in the vicinity of the Silver Oak site for a golf course. He indicated his intent to continue photographing the areas. He questioned the purpose behind the large concrete object on the Steinheimer Trust land. Both Mayor

Masayko and Supervisor Bennett urged him to meet with Mr. Berkich and agendaize his items.

**B. SUPERVISOR BENNETT - DISCUSSION AND POSSIBLE ACTION ON CALENDARING A WORKSHOP/RETREAT FOR THE BOARD OF SUPERVISORS (SETTING THE DATE, TIME, PLACE AND AGENDA) (2-1638.5) - Pulled.**

**A. ACTION ON APPOINTMENT OF BOARD MEMBERS TO VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS (1-1641.5) -** Supervisor Smith moved that the Board of Supervisors appoint Supervisor Tatro to serve for the next two years as the Mayor Pro-Tem. Supervisor Bennett seconded the motion. Supervisor Smith explained his reason for including a two year term. The motion to appoint Supervisor Tatro to serve as the Mayor Pro-Tem for two years was voted and carried 5-0.

Discussion noted that Supervisor Plank had previously been appointed to the Debt Management Commission and that this action should be ratified. Supervisor Bennett moved to appoint Supervisor Plank to the Debt Management Commission. Supervisor Tatro seconded the motion. Motion carried 5-0.

Supervisor Tatro moved to appoint Supervisor Plank to the Parks and Recreation Commission. Supervisor Bennett seconded the motion. Motion carried 5-0.

Supervisor Smith moved that the Board of Supervisors appoint Supervisor Bennett to another term as Trustee to the Carson-Tahoe Hospital Board of Trustees representing the Board of Supervisors. Supervisor Tatro seconded the motion. Motion carried 5-0.

Mayor Masayko explained his involvement with the Senior Citizens' Board of Directors and supported Supervisor Plank's appointment to that position. Supervisor Bennett moved that Supervisor Plank be appointed to the Senior Citizens Advisory Council. Supervisor Smith seconded the motion. Motion carried 5-0.

Mayor Masayko volunteered to serve on the RSVP Advisory Council. Supervisor Smith moved to appoint Mayor Masayko to be the Board of Supervisors representative to the RSVP Advisory Council. Supervisors Tatro and Bennett seconded the motion. Motion carried 5-0.

Supervisor Tatro explained the Community Council on Youth meeting date change and expressed a desire to continue serving. Supervisor Plank and Mayor Masayko withdrew their offers to serve on this committee. Mayor Masayko committed to reconsidering this appointment in one year. Other appointments may also be considered at that time due to the desire to allow diversity. Supervisor Smith noted Supervisor Tatro's involvement with the Council and moved that the Board of Supervisors reappoint Supervisor Tatro to another term on the Community Council on Youth. Supervisor Plank seconded the motion. Motion carried 5-0.

Supervisor Bennett explained her reasons for wishing to remain on the Carson River Advisory Committee for one more year and requested this appointment be among those reconsidered next year. She also suggested the Western Nevada Development District be included in the reconsiderations in one year. Supervisor Smith moved to appoint Supervisor Bennett to another one year term to the Carson River Advisory Committee as the Board's representative. Supervisor Tatro seconded the motion. Motion carried 5-0.

Discussion ensued on the Carson City Transportation Committee and the Board's desire to have Former Supervisor Ayres continue to serve in this capacity. Staff was directed to determine if this is possible or if she is RSVP's representative rather than the Board's. No formal action was taken on this appointment.

Supervisor Tatro moved that the Board appoint Supervisors Plank and Smith as its representatives to the Western Nevada Development District Council of Officials. Supervisor Bennett seconded the motion. Motion carried 5-0.

Following Supervisor Bennett's explanation of the committee, Supervisor Tatro moved to reappoint Supervisor

Bennett to the Western Nevada Resource Conservation District. Supervisor Plank seconded the motion. Motion carried 5-0.

Following discussion of the committee and the City's two representatives, Supervisor Tatro moved that the Mayor Masayko be appointed to the Home Health Services of Western Nevada Board of Directors and that Human Services Manager Gayle McCulloch be the second appointee. Mayor Masayko and Mr. Lipparelli indicated Ms. McCulloch's appointment would have to be agendized. Supervisor Plank seconded the motion. Motion carried 5-0. Supervisor Bennett requested periodic reports on its activities.

Supervisor Smith moved that the Board of Supervisors appoint Mayor Masayko as the Nevada Association of Counties representative for Carson City. Supervisor Tatro seconded the motion. Motion carried 5-0.

(2-2066.5) Supervisor Tatro moved that Mayor Masayko be appointed as the representative to the U.S. Conference of Mayors. Supervisor Plank seconded the motion. Motion carried 5-0.

Supervisor Bennett moved that the Board of Supervisors appoint Mayor Masayko to the Statewide Transportation Technical Advisory Committee for NDOT. Supervisor Plank seconded the motion. Motion carried 5-0.

Supervisor Smith explained the dedication and time commitment required for the Regional Transportation Commission. He felt that a two year commitment should be made. The appointment was delayed.

Supervisor Smith moved that the Board appoint Mayor Masayko to the Tri-County Railway Association. Supervisor Tatro seconded the motion. Discussion indicated Former Supervisor Ayres' appointment would be agendized. Supervisor Bennett requested Supervisor Ayres' appointment be restricted to the six months remaining on her term as Chairperson to the Association to allow other Board members an opportunity to serve. Mayor Masayko indicated Ms. Ayres had agreed to serve a minimum of six months and a maximum of one year. The motion to appoint Mayor Masayko was voted and carried 5-0.

(2-2272.5) Supervisors Bennett and Tatro indicated their interest in serving on TRPA. Supervisor Smith moved to appoint Supervisor Bennett to TRPA. Supervisor Plank seconded the motion. Supervisor Bennett suggested discussion be held on this appointment. Supervisor Smith withdrew his motion and Supervisor Plank withdrew his second. The appointment was delayed.

Mr. Lipparelli explained that the appointment to the Redevelopment Authority Citizen's Committee had been agendized. The Redevelopment Authority should select its Chairperson. This could be agendized for the next meeting. Discussion indicated that the Board's liaison has by policy served as the Chairperson to the Citizen's Committee.

Supervisor Smith explained his concerns regarding the Subconservancy District and its three cent ad valorem rate. Politics indicate that he may be re-elected its Chairperson. The need for continuity was stressed. Mayor Masayko withdrew his request for appointment to the District. Supervisor Bennett then withdrew her request for appointment to the Redevelopment Authority and Carson City Convention and Visitors Bureau. Supervisor Tatro then moved that the Board appoint Supervisors Bennett and Smith to the Tri-County Subconservancy District. Supervisor Plank seconded the motion. Motion carried 5-0.

Supervisors Tatro and Bennett explained his/her interest and reasons for wishing to be appointed/reappointed to the TRPA. Supervisor Bennett included in her comments her feeling that it could pose a conflict of interest for Supervisor Tatro to serve due to his employment at NDOT. Supervisor Tatro responded by explaining that his contact with his Deputy Director had indicated there is no conflict of interest. His Agency supported his candidacy and would allow him the necessary time to perform the duties. Supervisor Smith commended Supervisor Tatro on his willingness to accept more committees and Supervisor Bennett on her dedication to TRPA. He felt that Supervisor Tatro could perform with the same dedication and commitment. Supervisor Plank moved that Supervisor Bennett be reappointed as the Carson City Board of Supervisors representative to the Tahoe Regional

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Planning Agency. Supervisor Smith seconded the motion. Supervisor Bennett suggested the appointment be restricted to one year. Supervisor Tatro reiterated his reasons for feeling that it would take more than one year to be beneficial to the Agency. The motion to reappoint Supervisor Bennett was voted and carried 5-0.

Discussion indicated those who are interested in serving on the Regional Transportation Commission. Supervisor Smith moved that the Board of Supervisors appoint Supervisors Tatro and Smith to another term on the RTC. Supervisor Plank seconded the motion. Supervisor Smith indicated it is a one year term. The motion was voted and carried 5-0.

Supervisor Bennett moved that the Board of Supervisors appoint Supervisor Tatro to the Redevelopment Authority Citizens Committee. Supervisor Plank seconded the motion. Motion carried 5-0.

Supervisor Plank moved that Supervisor Tatro be reappointment to the Carson City Convention and Visitors Bureau. Supervisor Smith seconded the motion. Motion carried 5-0.

There being no other matters for consideration, Supervisor Bennett moved to adjourn. Mayor Masayko seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 2:30 p.m.

The Minutes of the Carson City Board of Supervisors January 9, 1997, meeting

A R E S O A P P R O V E D

ON \_\_\_March\_20\_\_\_\_\_, 1997.

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

ATTEST:

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