

Carson City Board of Supervisors  
Minutes of the June 3, 2004, Meeting  
Page 1

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, June 3, 2004, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor
	Pete Livermore	Supervisor, Ward 3
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Richard S. Staub	Supervisor, Ward 4
STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Tom Minton	Finance Director
	Mark Forsberg	Chief Deputy District Attorney
	Tom Hoffert	Public Works Operation Manager?
	Nick Providenti	Senior Accounting Manager
	Vern Krahn	Parks Planner
	Tony Baker	Risk Management Coordinator
	Katherine McLaughlin	Recording Secretary
	Dawn Beck	Safety/Loss Control Technician

(B.O.S. 6/3/04 Tape 1-0007)

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. Rev. Bruce Henderson of the Airport Church of Christ gave the Invocation. Mayor Masayko led the Pledge of Allegiance.

**1. APPROVAL OF MINUTES - APRIL 1, 2004 (1-0053)** - Mayor Masayko corrected Mr. Yanuck's first name to be Gil and not Glen as indicated in the Minutes. Supervisor Livermore moved for approval of the Carson City Board of Supervisors Minutes of April 1, 2004, with the noted correction of Glen Yanuck to Gil Yanuck as indicated. Supervisor Aldean seconded the motion. Motion carried 5-0.

**2. AGENDA MODIFICATIONS (1-0072)** - None.

**3. SPECIAL PRESENTATIONS - PRESENTATION OF THE LOSS CONTROL EXCELLENCE GOLD AWARD TO CARSON CITY RISK MANAGEMENT BY THE NEVADA PUBLIC AGENCY INSURANCE POOL** - Risk Management Coordinator Tony Baker, Nevada Public Agency Insurance Pool Representative Craig Buchholz - Mr. Buchholz described the three awards, the audit that was conducted, and the City's score. He presented a check for \$3,000 to Mayor Masayko. He encouraged the Board to use the funds to manage risks. Mayor Masayko briefly indicated that a discussion on the insurance issues, including

the premium increase, has been scheduled for the next Board meeting. He supported premium reductions and appreciated the audit and the check. Mr. Buchholz explained the areas which the City had excelled in and indicated that there were no new programs or initiatives. The City excelled in “nuts and bolts” and claims management areas. He also indicated that not all of the insurance pool members chose to track and deal with the risk management issues. Only 16 of the 100 members have opted to seek certification. The program was not designed to allow anyone to obtain a 100 percent rating. It does, however, make everyone accountable. Due diligence must be performed from every angle. A stable loss history indicates that the City has an active and effective risk management program. A lack of a rating for the safety action plan was due to vague responses when questioned. The criteria are objective and rated by the interviewer. Mr. Baker had reviewed the report item by item with Mr. Buchholz and assured the Board that efforts to mitigate the issues will occur. Supervisor Williamson thanked Mr. Buchholz for the award. She complimented staff on its efforts. Board comments supported the suggestion that the funds be returned to the benefit loss control account. No formal action was required or taken.

#### **4. BOARD OF SUPERVISORS - NON-ACTION ITEMS**

##### **A. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0244) -**

Supervisor Williamson reported on a meeting and tour of the State Museum, the grant administrator interviews, the Rotary’s New Orleans May 20<sup>th</sup> function, the Nevada Appeal awards luncheon, a meeting on Silver Oaks’ park development and common area maintenance, the Redevelopment Authority Citizens Committee meeting and tour of the pedestrian/bicycle lanes in the downtown area, a *Time Magazine* article on obesity and making communities more walkable, and her family’s Memorial Day activities. Supervisor Aldean reported on her attendance at the community awards banquet, the Open House and Youth Fair sponsored by the Sheriff’s Office and the Community Council on Youth, the Chamber of Commerce Transportation Committee meeting, the WNCC “pinning” of nursing students and congratulated the graduates on their accomplishments, the Charter Review Committee meeting, the monthly TRPA Governing Board meeting, the auto mall committee meetings, the Chamber of Commerce candidates forum, the Memorial Day services held at Lone Mountain Cemetery, and Silver Oaks’ park development and common area maintenance meeting. Mayor Masayko reported on his representation of the Lions’ Club at the Carson City High School Scholarship Awards presentation and his attendance at the community awards luncheon, the Courthouse Open House and Youth Fair, DMV’s Employee Softball Playoffs, the MS Walk for Carson City, the recognition luncheon for Barbara Vucanovich’s service to the State, the Sheriff’s Office and Kiwanis spaghetti and bingo fund raiser for the Meals on Wheels Program, the Sixth Annual Senior Celebration at the Nugget, the Carson City Host Lion’s Club Flag Day activities at Seeliger Elementary School, Bordewich-Bray Elementary School’s Third Grade tour of City Hall, the Chamber of Commerce candidates forum, the swearing-in of new officers for the Nevada Department of Corrections, the retirement ceremony for Ron McNutt, and the Memorial Day activities at Lone Mountain Cemetery. He also expressed the hope that the Civil War Memorial will be refurbished and returned for rededication during the next Memorial Day ceremony. The Board’s support of its refurbishing was described. He then reported on a rally supporting the Troops and Veterans held at the Legislative Building. Supervisor Livermore reported on meetings regarding the Ron Wood Family Resource Center relocation plans, the public health board, its steering committee, the joint session of the Parks and Recreation Commission and the Planning Commission, the Chamber of Commerce candidates forum, and the HealthSmart Board of Directors meeting. Discussion indicated that the faith-based agencies are now eligible for Federal funding and stressed the need for these agencies and their services in the community. Supervisor Livermore then reported on the Youth Sports meeting. Supervisor

Staub reported on his business and family activities as well as the campaign forums held by the Builders Association of Western Nevada and the Chamber of Commerce, a meeting with Parks staff and Supervisor Livermore regarding the juvenile and adult use of various facilities and the proposal to mix these uses, meetings on the auto mall and the incentives that may be necessary to retain the auto dealers, and the Ron McNutt retirement ceremony. He congratulated his son on his graduation from 8<sup>th</sup> grade. He also indicated that he may be late returning from lunch as he plans to attend his son's graduation ceremony. No formal action was required or taken on any of these items.

**B. STAFF COMMENTS AND STATUS REPORTS (1-0730) - None.**

**5. CONSENT AGENDA (1-0732)**

**5-1. AIRPORT AUTHORITY - ACTION TO APPROVE THE AIRPORT LEASE AGREEMENT BETWEEN THE CARSON CITY AIRPORT AUTHORITY AND PATRICK DANG ENTERPRISES, LLC, FOR AIRPORT LOT 219A LOCATED IMMEDIATELY SOUTHWEST OF THE INTERSECTION OF TAXIWAYS B AND C AS PREVIOUSLY APPROVED BY THE CARSON CITY AIRPORT AUTHORITY**

**5-2. FINANCE - ACTION TO APPROVE THE APPLICATION TO REMOVE UNCOLLECTIBLE ACCOUNTS RECEIVABLE FROM THE RECORDS OF THE AMBULANCE FUND IN THE AMOUNT OF \$666,974.04 OUT OF ESTIMATED BILLINGS THROUGH JUNE 30, 2004, OF \$3,500,000**

**5-3. DEVELOPMENT SERVICES**

**A. ACTION TO APPROVE AMENDMENT NO. 2 FOR CONTRACT NO. 0203-017 PARATRANSIT SERVICES WITH MV TRANSPORTATION THROUGH JUNE 30, 2005, FOR A NOT TO EXCEED AMOUNT OF \$408,118.96**

**B. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT BETWEEN ALICIA ESTRADA AND ANTONIO SANCHEZ AND CARSON CITY WHEREBY ALICIA ESTRADA AND ANTONIO SANCHEZ AGREE TO 1. SELL AND CONVEY A PORTION OF CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBER 002-093-01; AND 2. GRANT A TEMPORARY CONSTRUCTION EASEMENT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBER 002-093-01, FOR THE PURPOSE OF ROADWAY CONSTRUCTION RELATED TO THE WIDENING OF A PORTION OF ROOP STREET**

**C. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THREE NOTICES OF SATISFACTION OF DEVELOPMENT AGREEMENT BETWEEN CARSON CITY, SILVER OAK DEVELOPMENT COMPANY, A LIMITED PARTNERSHIP, AND THE BOARD OF REGENTS OF THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA ON BEHALF OF WESTERN NEVADA COMMUNITY COLLEGE FOR THE FOLLOWING PROJECTS:**

**1. ASH CANYON WATER TANK AND MAIN ENGINEERING ORDINANCE NO. 1998-16, ADOPTED BY THE BOARD OF SUPERVISORS ON 4/2/98, RECORDED DOCUMENT NO. 215654**

**2. ASH CANYON WATER TANK SITE IMPROVEMENTS AND WATER MAIN CONSTRUCTION, ORDINANCE NO. 1998-32, ADOPTED BY THE BOARD OF SUPERVISORS ON 9/17/98, RECORDED DOCUMENT NO. 224512**

**3. ASH CANYON WATER TANK CONSTRUCTION, ORDINANCE 1999-**

**11, ADOPTED BY THE BOARD OF SUPERVISORS ON 7/1/99, RECORDED DOCUMENT NO. 237346**

**D. ACTION TO APPROVE A GIFT AGREEMENT BETWEEN GOLD LOCK CORPORATION, A NEVADA CORPORATION, AND CARSON CITY WHEREBY GOLD LOCK CORPORATION AGREES TO DONATE AND CONVEY TO CARSON CITY A PORTION OF CERTAIN REAL PROPERTY DESCRIBED AS THE NORTHEAST PORTION OF PARCEL NO. 3 AS SHOWN ON THE PARCEL MAP FOR JOHN R. MCMANUS, FILED IN THE OFFICIAL RECORDS OF CARSON CITY, NEVADA, IN BOOK 5, PAGE 1312 ON THE THIRD DAY OF OCTOBER 1986 AS FILE NO. 50233 AND AS DESCRIBED AS ASSESSOR'S PARCEL NUMBER 007-461-03 FOR THE PURPOSE OF ROADWAY AND UTILITY CONSTRUCTION RELATED TO THE EXTENSION OF SILVER OAK BOULEVARD**

**E. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A NOTICE OF SATISFACTION FOR RELEASE OF A DEVELOPMENT AGREEMENT FOR JABA, LLC, A NEVADA LIMITED LIABILITY COMPANY, ALEXANDER K. BERNHARD, MANAGING MEMBER, FOR ASSESSOR'S PARCEL NUMBERS 004-015-04 (PREVIOUSLY APN 009-071-74), 004-015-03 (PREVIOUSLY APN 009-071-75), 004-016-03 (PREVIOUSLY APN 004-012-03), AND 004-016-04 (PREVIOUSLY APN 004-012-20), LOCATED ON SOUTH ROOP STREET, FOR OFF-SITE PUBLIC FACILITY IMPROVEMENTS**

**F. ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THIS RELEASE OF FINAL PAYMENT ON AIRPORT ROAD EMERGENCY SEWER REPAIR PROJECT, CONTRACT NO. 2003-094, AS SUBMITTED BY DEVELOPMENT SERVICES TO INSITUFORM TECHNOLOGIES, INC., 702 SPIRIT 40 PARK DRIVE, CHESTERFIELD, MO 63005, FOR A FINAL PAYMENT AMOUNT OF \$117,629 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED**

**G. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE 2003-2004 SEWER AND WATER REPLACEMENT PROJECT, CONTRACT NO. 2003-100 TO (BIDDER NO. 1) CANYON CREEK CONSTRUCTION, P.O. BOX 21270, CARSON CITY, NV 89721-1270 FOR A CONTRACT AMOUNT OF \$1,471,397.15 AND A CONTINGENCY AMOUNT OF \$147,139.72**

**H. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE CONSTRUCTION INSPECTION SERVICES FOR 2003-2004 SEWER AND WATER REPLACEMENT PROJECT, CONTRACT NO. 2003-114, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO HARRIS AND ASSOCIATES, 2310 PASEO DEL PRADO, SUITE A104, LAS VEGAS, NV 89102, FOR A CONTRACT AMOUNT OF \$168,480 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$16,000**

**I. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE CONSTRUCTION MATERIALS TESTING SERVICES FOR 2003-2004 SEWER AND WATER REPLACEMENT PROJECT, CONTRACT NO. 2003-117, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO WOOD RODGERS, INC., 6775 SOUTH MCCARRAN BLVD., RENO, NV 89509, FOR A CONTRACT AMOUNT OF \$75,700 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$7,500**

**5-4. DEVELOPMENT SERVICES - PUBLIC WORKS - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE 2004 ADDENDUM TO THE 1983 EFFLUENT**

**SERVICE AGREEMENT WITH EMPIRE RANCH GOLF COURSE, LLC, AND THE 2004 ADDENDUM TO THE 1993 AGREEMENT FOR SERVICES WITH SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP THAT SUSPENDS THE IMPLEMENTATION OF THE FEE SCHEDULE UNTIL THE END OF THE 2005 CALENDAR YEAR, A POSTPONEMENT OF TWO YEARS**

**5-5. PARKS AND RECREATION - ACTION TO ACCEPT THE PARKS AND RECREATION COMMISSION'S RECOMMENDATION TO APPROVE THE CARSON CITY SCHOOL DISTRICT'S REQUEST TO PLACE AN ADDITIONAL PORTABLE CLASSROOM BUILDING ON PARK PROPERTY ADJACENT TO EMPIRE ELEMENTARY SCHOOL** - Supervisor Staub pulled Item 5-4. Supervisor Aldean pulled Items 5-1 and 5-3D. Supervisor Livermore moved for approval of the Consent Agenda with ten remaining items which included one from Finance, eight from Development Services, and one from Parks and Recreation, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

**5-1. (1-0776)** Supervisor Aldean pointed out that the City is listed as an insured, however, Section 11, the hold harmless clause, does not include the City. The agreement also does not include the City as a landlord. Airport Authority's Legal Counselor Steve Tackes felt that it may be found only in the insurance provisions. The City and the Airport Authority should be identified in the agreement. Mr. Tackes agreed to look at Sections 11 and 12 and revise them to include the City. Mayor Masayko suggested that the City be identified with the Airport Authority as the landlord. Discussion pointed out that the Board may not want all of the duties assigned to the landlord even though the public contacts the Board when something happens that they do not like. Mayor Masayko indicated that he will not sign the document without the amendment. Mr. Tackes agreed to make the changes and pointed out that Page 9, Paragraph 10, included the revisions requested by Risk Management which allows the City and the Airport Authority to review and adjust the insurance coverage. He agreed that the document should not be signed until the revisions are made. He will cooperate with the District Attorney's office on making the changes. Public comments were solicited but none were given. Supervisor Aldean moved to approve the Airport Lease Agreement between the Carson City Airport Authority and Patrick Dang Enterprises, LLC, for Airport Lot 219A located immediately southwest of the intersection of taxiways B and C as previously approved by the Carson City Airport Authority subject to inclusion of Carson City as a party that is held harmless as identified in the terms of the agreement. Supervisor Williamson seconded the motion. Mayor Masayko indicated that he will sign the agreement after it has been reviewed by the District Attorney's office. Motion carried 5-0.

**5-3D. (1-0870)** City Engineer Larry Werner explained the realignment of Silver Oak Boulevard at Carson Street. Silver Oak Development will construct the street and pay the construction costs as indicated in the development agreement. The street will be dedicated to the City. The right-of-way was acquired from a third party. Board comments suggested that clearer maps be provided for such requests. Public comments were solicited but none were given. Supervisor Aldean moved to approve a gift agreement between Gold Lock Corporation, a Nevada Corporation, and Carson City whereby Gold Lock Corporation agrees to donate and convey to Carson City a portion of certain real property described as the northeast portion of Parcel No. 3 as shown on the Parcel Map for John R. McManus filed in the Official Records of Carson City, Nevada, in Book 5, Page 1312, on the 3<sup>rd</sup> day of October 1986, as File No. 50233, and as described as Assessor's Parcel Number 007-461-03, for the purpose of roadway and utility construction related to the extension of Silver Oak Boulevard. Supervisor Williamson seconded the motion. Motion carried 5-0.

**5-4. (1-0940)** Supervisor Staub questioned the reasons for suspending the fees for two years and increasing the amount being provided to Empire Ranch Golf Course. He suggested that the reclaimed water be given to Ames Construction to eliminate its need for potable water during construction of the freeway. Public Works Operations Manager Tom Hoffert explained the reasons the agreements were being brought to the Board at this time. The reclaimed water currently stored in Brunswick Reservoir barely meets the supply commitments contained in the 12 original agreements. If the reservoir's leakage can be stopped, extra reclaimed water will be available. The current users are assisting the City in evaluating and testing the reclaimed water and amount needed by the sites. The two-year delay will be used to finalize the reuse master plan and develop an action plan for review and approval by the Board. Empire Ranch Golf Course currently receives 750 acre feet of reclaimed water. It also receives 40 acre feet for the Darling Ranch wetlands. The agreement clarifies the actual usage by increasing the amount to 790 acre feet. The agreement allows them to call for an up to additional 1350 acre feet of reclaimed water per year if it is available. There has been no additional reclaimed water for the last 2-1/2 years. City Engineer Larry Werner reiterated the inability to provide reclaimed water to any new users until the reservoir is lined. At that time there may be additional water available. Supervisor Staub explained the public comments he had received regarding Ames Construction Company's use of potable water for freeway construction. Mr. Werner explained that when possible Ames Construction does use reclaimed water, however, the City is unable to dedicate the amount needed for the project. He also explained the hope that deferring the fees will encourage the users to take more reclaimed water when it becomes available. Charging for the reclaimed water at this time could create a negative reaction to using it in the future. The agreement includes a provision mandating assessment of the fees commencing on January 1, 2004. Fees have not been assessed to date. It was felt that additional users will be needed after the reservoir is lined. The users will pay for only the amount of water they need and may not need more than they are committed to taking. Mayor Masayko pointed out the one time need to dispose of the water now stored in the reservoir in order to line it. The fee policy was established by a previous Board. He suggested that the current Board review this policy before it is implemented. He also noted rapid infiltration concerns that have been expressed by residents living in the southeastern portion of the City. Supervisor Staub suggested that the term implementation be delayed rather than suspended as the fee has not been charged to date. Both Mr. Hoffert and Mr. Werner indicated that this is a Board policy decision. Discussions are being held with Lyon County regarding its contractors' need for water for dust control. The estimated amount of water required by Phase 2 for construction and landscape irrigation along the freeway was provided. Workshops on the reclaimed water master plan and its alternatives are scheduled for July and August. The Board will see the plan and public comments in late August or early September. Public comments were solicited but none were given. Supervisor Staub moved to approve and authorize the Mayor to sign the 2004 Addendum to the 1983 Effluent Service Agreement with Empire Ranch Golf Course, LLC, and the 2004 Addendum to the 1993 Agreement for Services with Silver Oak Development Company Limited Partnership that suspends the implementation of the fee schedule until the end of the 2005 calendar year, a postponement of two years, with a fiscal impact of a loss of approximately \$120,000. Supervisor Livermore seconded the motion. Motion carried 5-0.

**6. NEVADA ASSOCIATION OF COUNTIES (NACO) - UPDATE BY THE NEVADA ASSOCIATION OF COUNTIES ON THEIR ANNUAL ACTIVITIES AND DISCUSSION ON UNFUNDED MANDATE INITIATIVE (1-1186)** - NACO President and Humboldt County Board of Commissioners Vice Chairman John Milton read his prepared statement into the record. (A copy was given to the Board and Clerk. This copy is in the file.) (Supervisor Staub stepped from the room at 9:43 a.m. and returned at 9:48 a.m. A quorum was present the entire time.) NACO President Milton asked the Board to support the NACO

Carson City Board of Supervisors  
Minutes of the June 3, 2004, Meeting  
Page 7

advisory question asking the electorate to amend the Nevada Constitution to prohibit the State from passing unfunded mandates to the Counties and from diverting traditional county revenue streams to the State for State purposes. Support from the 16 other Counties was indicated. Justification for the request was provided. He then introduced NACO's new Executive Director Andrew List.

Mr. List explained several proposed bills considered by the last Legislature that had contained unfunded mandates that would have impacted the Counties if they had been approved. He also indicated for the record that NACO neither agreed nor disagreed with those bills. It does, however, disagree with the method used to fund them. Examples of the impact several of those proposed bills would have had on the Counties was limned.

NACO President Milton thanked Mayor Masayko for his service as NACO's Past President and Supervisor Williamson for her service on the NACO Executive Committee. He also indicated that the NACO Conference is scheduled for November 16, 17, and 18 in Reno. He then introduced retiring NACO Executive Director Bob Hatfield.

Mr. Hatfield emphasized the challenge encountered by local governments in dealing with today's complex issues. The advantages and benefits of NACO and the counties collaboration efforts were limned. He explained Mr. List's background and wished him success. Mr. Hatfield then explained his employment history including examples of programs he had undertaken as NACO's Executive Director, e.g., the Nevada State prescription program. It may be a year before this program is implemented, however, it will benefit Nevada residents who are not currently eligible for Federal programs. He also indicated that the National Association of Counties seminar will be held in Phoenix in July and encouraged the Board/staff to attend. He then expressed his pride in serving the Counties. He pointed out concerns regarding senior health care which he felt the City will be facing as a consolidated municipality and stressed the importance of letting the residents know about the potential impact these programs will have on the community if Legislature/State passes them to the local governments. He then wished Mr. List success in his new position and indicated that Mr. List had worked with him for four years as an assistant. He felt certain that Mr. List is a good replacement and can handle the position. NACO's retreat had established many goals and as a result will become more efficient and effective in the future. NACO President Milton noted that negotiations are underway on a contract for Mr. Hatfield's services on a part-time basis commencing in January.

Supervisor Williamson thanked them for the presentation and Mr. Hatfield for his years of service. She pointed out the need for committees to develop the pros and cons of the ballot question and volunteered to assist Mr. List with this effort. She questioned where the funding will be found for the initiative. She also indicated that passing the buck is not the answer and that it is important that funding for valuable concepts be found.

Mayor Masayko, as a former NACO Board Member and its Past President, thanked Mr. Hatfield for his service. He felt certain that the V&T Railroad will be constructed. He explained Mr. Hatfield's appointment by the State Assembly Leader to the Commission to Reconstruct the V&T. He also welcomed Mr. List. He pointed out the challenge facing Mr. List in filling the service gaps for some Counties. He explained the reasons Carson City remains a dues paying member in NACO even though it has other alternatives. He then stressed his belief that the proposed advisory question will be approved by the electorate and questioned its benefits as it lacks the weight of law or a constitutional amendment. He urged NACO to submit similar

legislation or an initiative petition to add the requirement to the Constitution so that the Legislature cannot ignore it as it has previous efforts to control the funding. NACO President Milton agreed and indicated that the timing for such legislation is not right at this time. Mayor Masayko volunteered to assist with this effort. Public comments were solicited but none were given. No formal action was taken or required.

**7. FIRE - Emergency Services Battalion Chief Vince Pirozzi - ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CHAPTER 5.18 (AMBULANCE SERVICES), SECTION 5.18.040 (FEES AND RATES) BY INCREASING THE FEE AND RATE SCHEDULE 7.5% FOR EXISTING SERVICES AND OTHER MATTERS PROPERLY RELATED THERETO (1-1607)** - Discussion indicated that sign-ups for CC Cares and CC Cares Plus are underway. A flyer will be inserted in Sunday's newspaper. Additional applications may be submitted as a result of this advertisement. The purpose of these programs was briefly limned. Comments also indicated that Medicare will implement a new sliding scale and that Congress is attempting to adjust its impact. There is little that the City can do to mitigate the impact of this unfunded mandate. Public comments were solicited but none were given. Supervisor Williamson moved to introduce on first reading Bill No. 109, AN ORDINANCE AMENDING CHAPTER 5.18, AMBULANCE SERVICES, SECTION 5.18.040, FEES AND RATES, BY INCREASING THE FEE AND RATE SCHEDULE 7.5% FOR EXISTING SERVICES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Aldean seconded the motion. Motion carried 5-0.

**AGENDA MODIFICATION (1-1706) (1-2430) (1-2543)** - Following discussion Mayor Masayko indicated an intent to hear Items 9B, C, and D after 1:30 p.m.

**RECESS:** A recess was declared at 10:09 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:17 a.m., constituting a quorum.

**8. DEVELOPMENT SERVICES - PUBLIC WORKS** - Public Works Operations Manager Tom Hoffert

**A. UPDATE ON THE WATER SUPPLY FORECAST FOR THE 2004 IRRIGATION SEASON (1-1712)** -Copies of Mr. Hoffert's power point presentation were distributed to the Board and Clerk. (A copy is in the file.) He could not show the presentation as his equipment was not compatible with the Community Center's equipment. He, therefore, briefly summarized the report which indicated that the City remains in a drought. The lack of runoff is impacting Kings Canyon treatment plant and reduces production capability by five percent. Peak capacity for this year was predicted to be two percent higher than last year or 26.5 million gallons. Production is estimated to peak at 22 million gallons in August. This is 4 to 4.5 million gallons short of estimated peak demand. If this peak demand level does not last more than three to five days, the system should be able to meet the demand by using the reserves. Discussion explained the difference between peak demand and normal daily demand. The drop in the ground water tables averaged 35 feet. The depths of the wells range between 200 and 1,000 feet depending on their location. The deeper the well the more the pump workload is increased. The pumping began earlier this year. In March the ground water table experienced a ten-foot drop. This does not normally occur until late in April. Pumping capacity is decreasing one million gallons a day due to the drop in the ground water table. Marlette Lake will be on line by July 5. The State has made changes to the system that will increase its pumping ability. Last year 129.7 million gallons were pumped from Marlette. This year more than 150 million gallons will be pumped. The Vicee Canyon recharge basin infiltration has been increased over the last three years to supplement the

Carson City Board of Supervisors  
Minutes of the June 3, 2004, Meeting  
Page 9

groundwater table. The water used for this program includes excess runoff and/or colored water from Marlette/Hobart. Last year 129 million gallons were recharged. So far this year only 39 million gallons have been recharged. The need to rehabilitate five wells was described. The City has 27 wells. The wells pull from multiple levels of the ground water table. When possible, the wells are deepened during rehabilitation. This process requires increasing the pump's horsepower. The decreased ground water table has reduced the City's pumping capacity by 100 gallons per minute at two of the refurbished wells. Two new wells are being installed. Sunset Park's well should be operational by July 1. Fuji Park's well should be on line in mid or late July. These wells will add approximately 700 gallons a day to the system. Discussion explained that the Sunset Park well will be pumped during the daytime through the use of generators. The electrical grid problem should be resolved in approximately 15 weeks. Governors Field's irrigation system should be converted to use reclaimed water by July 2. Mills Park will be converted to reclaimed water in March or April 2005. The School District will be able to convert the High School irrigation system to reclaimed water when this conversion is made. Benefits of the conversion were noted. Mr. Hoffert then explained the concern about remaining in a drought another year and its impact on the system and resource. Temperatures are predicted to be higher than has previously been experienced during the summertime with less precipitation. It may become necessary to reduce water service to some residential neighborhoods particularly if the storage capacity drops below 50 percent. Residents will be asked to voluntarily conserve water during such periods. Staff will conduct yard audits and help residents with their irrigation systems at no charge. Additional information and data are available for distribution. The Board was encouraged to contact his Division if questions arise.

Mayor Masayko emphasized the importance of not irrigating between the hours of 10 a.m. and 7 p.m. Anyone seeing watering during this period was encouraged to call the Division. Educational efforts should be undertaken so that the residents will understand the reasons for not irrigating during this period. The issue is one of production and not supply. He also suggested that the Board reconsider the landscape policy as it encourages greenscapes and large parking lots, the summer production and Marlette Lake issues, the policy of looking for "free money" and holding back production plans when it is unavailable, develop a program to use surface water rights, and to restructure the water fees. The production crunch needs to be addressed. Mr. Hoffert agreed and explained the difficulty now encountered finding good production well sites. The cost to develop other sites was limited. Comments also pointed out the arsenic concerns that may require closure of some of the City's wells. Resolution of the production problems may force an increase in water costs.

Supervisor Williamson explained the Subconservancy's lead role in addressing some of these problems including an environmental impact study being undertaken to allow the use of a natural gas generator at Marlette for pumping. TRPA is participating in this program. Carson City may be required to pay for a portion of this program. Mayor Masayko indicated that the City also needs to make significant improvements to bring this water from the Lakeview tank and must be ready to provide the funding. Mr. Hoffert felt that memorandums of understanding with the State and the Subconservancy regarding this program may be presented to the Board in July/August. The final report on the arsenic plan will also be submitted during that timeframe. Discussion noted the calcium carbonate problem experienced in the southeastern portion of the City and the process used to mitigate it. The arsenic program includes this problem. Its cost is substantial. The water quality meets all of the requirements. Calcium carbonate is not a mineral which must be treated at this time. Reasons the problem is more obvious during the summertime than in the winter were explained. The Board will be asked to make a decision on this issue. Supervisor Aldean explained that the same problem exists at Lake Tahoe. It is a water clarity issue. Her own personal experience with calcium carbonate was

limned. Mayor Masayko reiterated that the water problem is one of production and not supply. No formal action was required or taken.

**B. ACTION TO ADOPT ON SECOND READING, BILL NO. 106, AN ORDINANCE AMENDING TITLE 12 (WATER, SEWERAGE, AND DRAINAGE), CHAPTER 12.04 (SENIOR CITIZEN ASSISTANCE), SECTION 12.04.03 (REBATE), BY ADJUSTING THE HOUSEHOLD INCOME LEVELS TO STAY ON PAR WITH THE CONSUMER PRICE INDEX, NRS 427A.515 AND OTHER MATTERS PROPERLY RELATED THERETO (1-2372)** - Discussion indicated that the correction requested at the last meeting had been made. Mayor Masayko indicated that he had not received any comments either pro or con on the ordinance. The rebate program is for the sewer service only. Supervisor Williamson moved to adopt on second reading Bill No. 106, Ordinance No. 2004-8, AN ORDINANCE AMENDING TITLE 12 - WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.04 - SENIOR CITIZEN ASSISTANCE, SECTION 12.04.03 - REBATE, BY ADJUSTING THE HOUSEHOLD INCOME LEVELS TO STAY ON PAR WITH THE CONSUMER PRICE INDEX, NRS 427A.515 AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Motion carried 5-0.

**9. DEVELOPMENT SERVICES - PLANNING AND COMMUNITY DEVELOPMENT** - Director Walter Sullivan

**A. ACTION TO APPROVE A REQUEST FROM CLAYTON ROBINSON AND JACK KURT, APPLICANT (EDWARDS HOUSE, LLC, PROPERTY OWNER) FOR AN OPEN SPACE USE ASSESSMENT APPLICATION RESULTING IN A CARSON CITY HISTORICAL TAX DEFERMENT ON PROPERTY LOCATED AT 204 NORTH MINNESOTA STREET, APN 003-192-09 (HRC-04-025) (1-2435)** - Jack Kurt - Discussion ensued on the program and the need to repay the deferred tax if the structure is no longer deemed eligible for the register. Mr. Sullivan agreed to provide a copy of the Statute and to determine the fiscal impact. Public comments were solicited but none were given. Mr. Kurt explained his reasons for moving to the area, his experience in maintenance and restoration of historical homes, and intent to do the same for this structure. Supervisor Williamson and Mayor Masayko thanked him for his investment. Supervisor Williamson moved to approve a request from Clayton Robinson and Jack Kurt, applicant, Edwards House LLC property owner, for an Open Space Use Assessment application resulting in a Carson City Historical Tax Deferment on property located at 204 North Minnesota St., APN 003-192-09, HRC-04-025, and that there is no fiscal impact. Mayor Masayko indicated that there is a fiscal impact, however, was unsure of the amount. Supervisor Livermore seconded the motion. Motion carried 5-0.

**B. ACTION TO APPROVE A REQUEST FROM FRANCES BROOKS, APPLICANT (FRANCES BROOKS 1983 TRUST, PROPERTY OWNER), FOR AN OPEN SPACE USE ASSESSMENT APPLICATION RESULTING IN A CARSON CITY HISTORICAL TAX DEFERMENT ON PROPERTY LOCATED AT 604 WEST ROBINSON STREET, APN 003-275-03 (HRC-04-040) (1-1706) (1-2430) (1-2543) (2-0292)** - Mayor Masayko directed that the record show that this item was deferred until 1:30 p.m.

**C. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.04.195, TO ADD**

**TEMPORARY OCCUPANCY FOR THE CARE OF THE INFIRM WHILE RESIDING IN A RECREATIONAL VEHICLE (FILE NO. ZCA-04-051-B) (1-1706) (1-2430) (1-2543) (2-0292)** - Mayor Masayko directed that the record indicate this item was deferred until 1:30 p.m.

RECESS: A recess was declared at 11:11 a.m. The entire Board was present when Mayor Masayko reconvened the session at 11:22 a.m., constituting a quorum.

**11. REDEVELOPMENT AUTHORITY (1-2551)** - Mayor Masayko indicated that these items may be heard at approximately 12 noon.

**10. ENVIRONMENTAL HEALTH** - Director Daren Winkelman

**A. ACTION TO ADOPT ON SECOND READING BILL NO. 108, AN ORDINANCE ADDING CHAPTER 9.01, CARSON CITY BOARD OF HEALTH, TO THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (1-2553)** - Mayor Masayko indicated that he had not received any comments on the ordinance since the first reading. Supervisor Livermore explained that the steering committee had met on the proposal, was pleased with the program, and anticipated adoption today. Public comments were solicited but none were given. Discussion indicated that the changes requested during the first reading had been made. Supervisor Aldean moved to adopt on second reading Bill No. 108, Ordinance No. 2004-9, AN ORDINANCE ADDING CHAPTER 9.01, CARSON CITY BOARD OF HEALTH, TO THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Livermore seconded the motion. Motion carried 5-0.

**B. BOARD OF HEALTH - I. DISCUSSION AND POSSIBLE ACTION TO ADOPT THE MEETING PROTOCOLS FOR THE NEW CARSON CITY BOARD OF HEALTH; ii. ACTION TO APPROVE A GRANT AWARD IN THE AMOUNT OF \$140,500 FROM THE NEVADA DEPARTMENT OF HUMAN RESOURCES, HEALTH DIVISION, TO HIRE A VACCINE FOR CHILDREN COORDINATOR; iii. ACTION TO APPROVE A GRANT AWARD IN THE AMOUNT OF \$40,000 FROM THE NEVADA DEPARTMENT OF HUMAN RESOURCES, HEALTH DIVISION, FOR CONTINUING THE DEVELOPMENT OF A COMPREHENSIVE PLAN TO INTEGRATE HIV PREVENTION ACTIVITIES INTO THE PUBLIC HEALTH SERVICE SYSTEM IN CARSON CITY (1-2612)** - Chief Deputy District Attorney Mark Forsberg - Following a lengthy discussion regarding the purpose of the items, whether the Board of Supervisors or the Board of Health should consider the items, implementation date of the ordinance adopted under the previous heading, and the Open Meeting Law, Mayor Masayko and Mr. Forsberg felt that the items should be deferred until after the ordinance is published and becomes effective before the Health Board considers the items. Discussion also explained that Dr. Heard is the Health Officer by contract. The proposed protocol does not indicate that he is the Health Officer. Discussion also indicated that the Board of Supervisors could accept the grant, however, the item was agenzized for acceptance by the Board of Health. Mr. Forsberg supported Mayor Masayko's recommendation that the items be deferred. Mayor Masayko expressed a willingness to hold a special meeting to accept the grants if necessary. Mr. Winkelman indicated that he would contact the State and let Mayor Masayko know if a special meeting was required. Due to Open Meeting concerns Mayor Masayko also recommended against discussion of the protocols by the Board of Supervisors. Public comments were solicited but none were given. Mayor Masayko directed that the record show that due to a

technical issue Items No. 10B, C, and D under the Board of Health are deferred until the Board of Health has been created officially after publication and that agenda notices are sent out. These things will be done as needed as part of the next Board of Supervisors meeting. It may be decided to separate the two Boards but they could be done jointly. If a special meeting is needed, he asked that staff be informed or bring it to his attention. Mr. Winkelman did not believe that a special meeting would be necessary. Mayor Masayko reiterated his direction that the record show that items 10B, C, and D were deferred due to technical issues. No action was taken.

**11. REDEVELOPMENT AUTHORITY - CONTINUED (1-2943)** - Mayor Masayko recessed the Board of Supervisors session and passed the gavel to Chairperson Williamson who convened the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder.

**12. BOARD OF SUPERVISORS (2-0250)** - Following adjournment of the Redevelopment Authority, Chairperson Williamson returned the gavel to Mayor Masayko who reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

**A. ACTION TO ACCEPT THE REDEVELOPMENT AUTHORITY CITIZEN COMMITTEE'S RECOMMENDATION TO AWARD INCENTIVE FUNDING TO CHARLIE AND KAREN ABOWD IN AN AMOUNT NOT TO EXCEED \$100,000 OR NOT TO EXCEED 20 PERCENT OF THE PROJECT COSTS ASSOCIATED WITH THE RENOVATIONS AND IMPROVEMENTS OF ADELE'S RESTAURANT AT 1112 NORTH CARSON STREET, APN 001-178-02 (2-0256)** - Supervisor Williamson moved to accept the Redevelopment Authority's recommendation to award incentive funding to Charlie and Karen Abowd in an amount not to exceed \$100,000 or not to exceed 20 percent of the project costs associated with an improvement project to renovate, upgrade and expand Adele's Restaurant at 1112 North Carson Street, APN 001-178-02, and that the fiscal impact is \$100,000. Supervisor Livermore seconded the motion. Motion carried 5-0.

**B. ACTION TO ACCEPT THE REDEVELOPMENT AUTHORITY CITIZEN COMMITTEE'S RECOMMENDATION TO AWARD INCENTIVE FUNDING TO CARSON CITY PLAZA, LLC, IN AN AMOUNT NOT TO EXCEED \$100,000 OR NOT TO EXCEED 20 PERCENT OF THE PROJECT COSTS ASSOCIATED WITH AN IMPROVEMENT PROJECT TO TRANSFORM THE FORMER WYLIE'S COPY CENTER INTO THE "PLAZA CENTER CONVENTION AND MEETING FACILITIES" AT 211 EAST NINTH STREET, APN 004-055-06 (2-0275)** - Supervisor Williamson moved to accept the Redevelopment Authority's recommendation to award incentive funding to Carson City Plaza, LLC, in an amount not to exceed \$100,000 or not to exceed 20 percent of the project costs associated with an improvement project to transform the former Wylie's Copy Center into the "Plaza Center Convention and Meeting Facilities" at 212 East Ninth Street, APN 004-055-06, and that the fiscal impact is \$100,000. Supervisors Livermore and Staub seconded the motion. Motion carried 5-0.

**AGENDA MODIFICATIONS (2-0295)** - Mayor Masayko reiterated that Items 9 B and C were deferred until 1:30 p.m. and that the interviews will be conducted at 1:45 p.m. He expressed the hope that Supervisor Staub would be able to return by that time.

**RECESS:** A recess was declared at 11:56 a.m. A quorum of the Board was present at 1:30 p.m. when Mayor Masayko reconvened the meeting. Supervisor Staub was absent.

**9. B. ACTION TO APPROVE A REQUEST FROM FRANCES BROOKS, APPLICANT (FRANCES BROOKS 1983 TRUST, PROPERTY OWNER), FOR AN OPEN SPACE USE ASSESSMENT APPLICATION RESULTING IN A CARSON CITY HISTORICAL TAX DEFERMENT ON PROPERTY LOCATED AT 604 WEST ROBINSON STREET, APN 003-275-03 - CONTINUED (HRC-04-040) (2-0300)** - Mayor Masayko expressed the hope that this item and the following item could be considered quickly and that Supervisor Staub will return in time to participate in all of the interviews. Mr. Sullivan explained his handout regarding the Statutes and Assessor's Bulletin 193 controlling the Open Space Use Assessment program. He then described the process which defers the taxes until a higher use is made of the property. At that time the taxes become due. There are currently 19 properties in Carson City with this designation. The Historic Resources Commission's role in the process was noted. The Commission's recommendation was included in the packet. The fiscal impact is \$350 for Item 9A and \$212 for this Item. Discussion questioned whether the back taxes are limited to seven years. Public comments were solicited but none were given. Supervisor Livermore disclosed his attendance at the Commission meeting and complimented the Commissioners on the depth of their questions and the Applicant on his/her responses. He also complimented the Commission on its efforts to comply with the mandatory findings required to approve the request. Supervisor Williamson moved to approve a request from Frances Brooks, Applicant, Frances Brooks 1983 Trust, property owner, for an Open Space Use Assessment application resulting in a Carson City Historical Tax Deferment on property located at 604 West Robinson Street, APN 003-275-03, HRC 04-040, with a fiscal impact of \$212.00 per year. Supervisor Aldean seconded the motion. Motion carried 4-0.

**9. C. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.04.195, TO ADD TEMPORARY OCCUPANCY FOR THE CARE OF THE INFIRM WHILE RESIDING IN A RECREATIONAL VEHICLE (FILE NO. ZCA-04-051-B) - CONTINUED (2-0438)** - Chief Deputy District Attorney Mark Forsberg - Mr. Sullivan's introduction included revisions to the ordinance, one individual's opposition to the ordinance, reasons the Commission had not accepted her recommended revision requiring medical documentation every three months, the three telephone callers who supported the ordinance, and Builders Association of Western Nevada Executive Director Rick DeMars' request for clarification. Mayor Masayko disclosed that the Shields had contacted him regarding the ordinance. He referred them to Mr. Sullivan. He had also received a telephone call from an individual living at the base of "C" Hill. He felt the ordinance would apply to her/him. Supervisor Aldean disclosed her contact with Ms. Shields and her attendance at the Commission meeting. There had been a provision in the Code that had allowed the use to occur, however, it was removed. The Code should address such hardships. She also indicated that her suggested revisions were minor clerical items which do not change the ordinance's intent. Mr. Forsberg indicated that he also had a couple of suggestions. Discussion indicated that the ordinance had been sent to the District Attorney's office for review. Mr. Forsberg suggested that on Page 1 at the bottom that, if a written statement from the physician is acceptable, an affidavit should not be required. An affidavit is a more complicated statement than a written statement. On Page 2 at the end of the first paragraph he recommended that the statement "A statement by the physician would need to be updated on a yearly basis." be revised to read: "The statement by the physician must be updated yearly." He also recommended that Section iv of the same subsection state: "Notice of appendices of an application shall be given to adjacent property owners." Reasons for this recommendation were provided.

Discussion noted that CC&Rs are private matters within the subdivision and should not be considered by the

Carson City Board of Supervisors  
Minutes of the June 3, 2004, Meeting  
Page 14

Board/staff. Supervisor Livermore explained his reasons for concern and desire to include consideration of the CC&Rs in the process. The Board/City should not create a conflict. He also pointed out that the Lakeview CC&Rs prohibit storage of RVs in the subdivision. He questioned how a person could live in an RV when they cannot store it on their property. Mr. Sullivan explained that the purpose statement for Title 18 includes a statement indicating that the City does not intend to abrogate or diminish any CC&R rights. He suggested that staff mention the need for the applicant to check the CC&Rs. He has not researched the CC&Rs to verify whether it is prohibited. Mayor Masayko pointed out that this is not the only section of the Code which will/could conflict with the CC&Rs. They are private covenants and requirements. The Board should consider the wider needs of the City. The CC&Rs should be protected by the individuals who are part of the development. Mr. Forsberg explained that the proposed ordinance allows the use under specified conditions and pointed out that the CC&Rs cover many items which the Board/City is not involved with, e.g., the color of the paint, etc. The ordinance will only remove any existing impediments to the proposed use. Supervisor Aldean pointed out that the Board had grappled with this problem when the Lakeview group care facility was considered. The Lakeview application was felt to have been a deliberate attempt to abrogate private restrictions. The ability to locate a manufactured house in an area of stick built homes does not abrogate the CC&Rs as the Statute allows the location only where the CC&Rs do not prohibit or restrict it. Mayor Masayko also felt that the Statute had prevented local rules from being used to restrict/prohibit the group home. It was not a CC&R issue. Mr. Forsberg explained that this was the reason the District Attorney's Office had recommended against using the CC&Rs to deny the application. CC&Rs are private agreements. The aggrieved party to the agreement should seek legal recourse to adjudicate any issues. The Board should not be involved in this process. Supervisor Aldean then reviewed her changes. Mayor Masayko noted that an audience was not present. Ms. Beisenstein's comments are on the record. Board support to change the Commission's recommendation requiring an annual physician's statement was not indicated. Supervisor Aldean moved to introduce Bill 110, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.04.195 TO ADD TEMPORARY OCCUPANCY FOR THE CARE OF THE INFIRM WHILE RESIDING IN A RECREATIONAL VEHICLE, File No. ZCA-04-051-B, subject to the previously discussed changes. Mayor Masayko seconded the motion. Mayor Masayko indicated that it may have a tied vote. He preferred to defer action on the item and hoped that Supervisor Staub returns soon.

Supervisor Williamson expressed her concern regarding the CC&R issue. She understood counsel's representations but felt that it should state where permitted by Titles 10 and 18 and, if applicable, the CC&Rs of the neighborhood. Mr. Sullivan explained that the manufactured housing ordinance requires a copy of the CC&Rs for single family residential neighborhoods. The reason for this requirement is to indicate that the manufactured house is not prohibited in the neighborhood. He suggested that a number six be added to the ordinance which will require the applicant to provide a copy of the applicable CC&Rs to show that the use is not prohibited. This will place the burden of proof on the applicant.

Supervisor Livermore expressed support for Supervisor Williamson's recommendation. He then explained his concern regarding self-contained units and how they are serviced. Mr. Sullivan explained that the units are to be self-contained and that any and all utility connections must be made in compliance with the Building and Health Department requirements. Supervisor Livermore felt that the ordinance did not include an adequate description of how this provision is to be complied with and implied that unsanitary/unsafe disposal could occur. He urged staff to rework the ordinance including the self-contained portion. Mr. Sullivan indicated that the Health, Building, and Utility Departments had reviewed the ordinance. He then described

the two Codes which had allowed guest facilities and elder housing opportunity units. A description of these facilities was provided. There were three applications for these uses during the last ten years. They were considered under the special use permit process. The proposed use will also be considered under the special use permit process. One of the standard conditions of approval for a special use permit require all utility hookups to meet City Code requirements. The guest facility ordinance now allows kitchens. A special use permit is required for these uses in the Single Family 6,000 and 12,000 zoning districts. He did not believe that the ordinance would be used a lot based on the last ten years' experience. Supervisor Livermore felt that the use must be necessitated by medical hardships and not financial problems. He supported adding the suggested sixth requirement. He reiterated his desire to avoid creating conflicts with the CC&Rs. He felt that with the revision it would be possible for him to vote on the ordinance.

Mayor Masayko expressed his opposition to the suggested sixth requirement. He did not want the City/staff to be involved with preapproval of the CC&Rs. It will impact staff's workload and residents will want the City to enforce the CC&Rs without consideration for the homeowners association. (Supervisor Staub arrived at 2:13 p.m. The entire Board was present, constituting a quorum.)

Supervisor Livermore then questioned the reasons for changing a Code if it would see so little use. Supervisor Aldean explained that the ordinance is not case specific. The population is graying. Many older people become infirmed and require daily assistance. They are unable to afford a group care facility or institutionalization. The proposal provides an option for these individuals without bankrupting them. It is an effort to be compassionate. There are lots of Codes that conflict with CC&Rs. CC&Rs are more restrictive than the City Codes. The proposal is an attempt to address a hardship by allowing the family members to care for infirmed individuals. Supervisor Livermore explained his personal knowledge of one of his neighbor's health problems. The proposal creates more questions than it provides answers. Who will construct the facility? Will the family members be circulated through the RVs or self-contained vehicles? Is it something that will be placed there by a family member? Who is to be the caretaker? Supervisor Aldean felt that these answers could not be anticipated. She suggested that the Board consider having a mandatory review of the ordinance in a year. If abuse is occurring or it is too difficult for the Department to enforce, then the Board should reexamine the ordinance. She did not feel that the anticipated level of abuse would be there. There is a legitimate need for a use that had been allowed previously and is no longer available. Other communities allow the use. Mayor Masayko expressed his desire to know the Board's position on the ordinance and recommended deferring further discussion until later in the meeting. He also reiterated that the ordinance was not case specific although there is a family that is in violation of the Code at this time under these circumstances. Supervisor Aldean withdrew her motion and Mayor Masayko withdrew his second. Comments indicated that Mr. Sullivan did not need to be present during the continued session on this item.

**9. D. ACTION TO ADOPT ON SECOND READING BILL NO. 107, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.04.195, NONRESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS, AND AMENDING THE CARSON CITY DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, NONRESIDENTIAL SITE DEVELOPMENT STANDARDS, TO INCLUDE ALL COMMON AREAS, PARKING, LANDSCAPING AND BUILDING AREAS IN THE MINIMUM LOT AREA OF A PROJECT FOR THE PURPOSES OF CREATING BUILDING ENVELOPES OR NONRESIDENTIAL CONDOMINIUM PARCELS, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE NO. ZCA-04-051-A) (2-1125) - Mr. Sullivan and Mayor Masayko indicated**

for the record that neither had received any calls nor comments on the ordinance since the first reading. No public comments were made. Supervisor Aldean moved to adopt Bill 107 on second reading, Ordinance No. 2004-10, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.04.195, NONRESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS, AND AMENDING THE CARSON CITY DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, NONRESIDENTIAL SITE DEVELOPMENT STANDARDS, TO INCLUDE ALL COMMON AREAS, PARKING, LANDSCAPING AND BUILDING AREAS IN THE MINIMUM LOT AREA OF A PROJECT FOR THE PURPOSES OF CREATING BUILDING ENVELOPES OR NON-RESIDENTIAL CONDOMINIUM PARCELS AND OTHER MATTERS PROPERLY RELATED THERETO, File No. ZCA-04-051-A. Supervisor Livermore seconded the motion. Motion carried 5-0.

## **12. CITY MANAGER**

**A. ACTION TO APPOINT TWO (2) MEMBERS TO THE PLANNING COMMISSION - ONE APPOINTMENT FOR A FOUR YEAR TERM EXPIRING JUNE 2008 AND ONE APPOINTMENT TO COMPLETE A TERM OF A FORMER COMMISSIONER EXPIRING IN JUNE 2005 (2-1179)** - Mayor Masayko thanked each applicant for applying and apologized for the delay in conducting the interviews. He described the protocol that would be used during the interviews. The Board then interviewed (2-1209) James Foley, (2-1601) John Peshek, (2-1846) Larry Messina, (2-2100) William Vance, (2-2588) Robert Pence, (2-2955) Steve Reynolds, and (3-0160) Tom Keeton.

Supervisor Williamson disclosed her personal knowledge of Mr. Foley and his family. Supervisor Livermore disclosed his personal knowledge of Mr. Messina and his involvement with the Hospital. He also disclosed his personal knowledge of Mr. Vance's wife.

Albert LeBalch had been present at the scheduled time but had to leave. (He returned after the appointments were made.) Mayor Masayko apologized again for being late in conducting the interviews. The Board then deliberated on whom to appoint. Comments emphasized the quality of the applicants and suggested that the individual who is appointed to the one year term automatically be given a four-year term upon completion of that one year. Consensus supported his reappointment if he applies. Supervisor Livermore moved to appoint Steve Reynolds to the Carson City Planning Commission for a four-year term ending June 2008. Supervisors Staub and Aldean seconded the motion. Motion carried 5-0.

Following additional deliberations, Supervisor Livermore moved to appoint William Vance to the Carson City Planning Commission to complete a resigning Commissioner's term ending in June 2005. Supervisor Williamson seconded the motion. Motion carried 5-0. Mr. LeBalch arrived following the vote. Mayor Masayko explained that the appointments had been made and apologized for the delay in conducting the interviews. He also indicated that there may be a vacancy on the Regional Transportation Commission. Mayor Masayko directed that the record show that the Board, if Mr. Vance applies for another term, and we and he are satisfied with his application and his one year history, was willing to reappoint him to a good full four year term without having to go through the interview process.

RECESS: A recess was declared at 4:30 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 4:38 p.m., constituting a quorum.

**9. C. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.04.195, TO ADD TEMPORARY OCCUPANCY FOR THE CARE OF THE INFIRM WHILE RESIDING IN A RECREATIONAL VEHICLE - CONTINUED (FILE NO. ZCA-04-051-B)(3-0664)** - Mayor Masayko briefed Supervisor Staub on the Board's earlier discussion. Mr. Sullivan reintroduced the item. Mr. Forsberg read CCMC 18.02.025(1) indicating that if the Code is more restrictive than CC&Rs, it is to prevail. If the CC&Rs are more restrictive, they are not superseded by the Title. Mayor Masayko pointed out that the City does not enforce the CC&Rs. The private parties who have voluntarily agreed to the CC&Rs must enforce them. He felt that the Board's discussion indicated that the City must sign off on the CC&Rs before the use is allowed. He could not support such a restriction. Mr. Forsberg reiterated that the City/Board's intent is not to supersede or lessen the CC&R restrictions. Mayor Masayko felt that the City could notify the property owners to check the CC&Rs but should not prevent an applicant from applying for the use. Enforcement of the CC&Rs should be left to the other CC&R signers. Mr. Forsberg indicated that the proposed ordinance includes notification to the adjacent property owners. This allows them to indicate any concerns/opposition to the use. Mayor Masayko explained that the adjacent property owners could put the information on the record or contact Mr. Sullivan who will relay their comments to the Commission/Board. It is not a condition for denial.

Supervisor Livermore believed that the applicant should settle the CC&R issue before proceeding with the use if it is approved by the Commission/Board. Mr. Forsberg indicated that the City/Board could not deny the use based on a CC&R restriction unless the Code/Ordinances have a similar restriction. If the Board denies such an application and it goes to court, the City will lose. The Board must approve the use based upon City standards. Individuals who are a party to the CC&Rs can assert their authority and prevail in the courts.

Supervisor Staub expressed his concerns regarding a physician's statement due to his belief that the physician will sign anything for a convincing patient. He recommended requiring a statement from more than one physician. His personal experience was limited to illustrate his reasons for concern. His concern about noticing only those immediately adjacent residents was voiced. He suggested, as a minimum, that the property/ies across the street be included in the noticing and recommended the statutory 300 foot noticing requirement be used as other properties could also be adversely impacted. The ordinance implies that the infirmed individual will reside in the residence and the caretaker will reside in the RV. Supervisor Staub felt that it is possible for either the infirmed or the caretaker to live in the residence/RV. He acknowledged that one section of the ordinance specifically requires the infirmed individual to live in the primary residence. Mr. Sullivan requested language to correct the ordinance. Supervisor Staub then explained his belief that the ordinance should cover widows/widowers who need financial assistance to exist rather than making them become wards of the State. Mr. Sullivan agreed that his scenario should be considered. Supervisor Staub suggested that the ordinance receive additional work. Power and sewer connections should meet Code requirements. Mr. Sullivan explained the reasons for restricting the noticing to the immediate adjacent neighbors. His definition of this term included the residences across the street. Mr. Forsberg indicated that the term "adjacent" means "abutting", however, the term "abutting" does not mean residences across a street. Supervisors Livermore and Staub and Mayor Masayko agreed. Mr. Sullivan indicated that he had included across the street as the location for the RV may be observed by a neighbor who resides across the street. The intent is to notice the four most impacted residences. He then indicated that Washoe County's ordinance

Carson City Board of Supervisors  
Minutes of the June 3, 2004, Meeting  
Page 18

includes the physician's statement. Supervisor Staub reiterated his belief that the noticing should be sent to residences within 300 feet of the property. Mr. Sullivan then explained that Sections b and c were renumbered and taken from the current Code. Supervisor Staub explained that Walmart advertises that its parking lot can be used by RVs for 24 hours. Supervisor Aldean explained the signage and enforcement that she had used to prohibit RV parking at the former Walmart site. Mr. Sullivan indicated that the Code Enforcement Officer has been enforcing this prohibition for two years. He also explained that a focus group on RVs will be meeting next week and indicated this issue will be discussed.

Mr. Forsberg then suggested that 1. b. of the draft ordinance distributed at the beginning of the discussion be revised to read "...City Municipal Code or where authorized....".

Supervisor Williamson reiterated her belief that the process was broken due to the amount of word smithing occurring during the meetings. Such word smithing happens repeatedly. Mayor Masayko agreed and explained his objection to word smithing at the dias. He also noted the policy of sending any new information to the Planning Commission for its review and consideration. He asked the Board to provide consensus on the ordinance and not wordsmith it. Earlier in the meeting they had sent the Health Department back to rewrite its ordinance. He recommended this ordinance also be returned to staff and the Commission for rewriting if the Board supports the concept. Supervisor Williamson supported the concept due to the preamble to Title 18. Supervisor Aldean felt that her revisions were not substantial. The changes that were discussed during the meeting were greater. She had no problem with returning the ordinance to the Commission. Mr. Sullivan also supported returning it to the Commission. Mayor Masayko asked that, if the ordinance is recrafted, no more changes be made at the Board level. Mr. Sullivan explained his intent to meet with the Board Members regarding the ordinance before going to the Commission. Mayor Masayko indicated that the ordinance should be tight, lucid, explanatory, and enforceable. Supervisor Aldean expressed her belief that the concept should help families address a difficult situation for family members who can no longer care for themselves. She reiterated her support for returning the ordinance to the Commission.

Supervisor Livermore pointed out that this is not a perfect world. He questioned how the use could be allowed on the 6,000 square foot lots in the Kingslane area while maintaining the setback requirements. It may require removal of a neighbor's fence to place the RV in the rear yard in the Kingslane area. He questioned whether the use should be allowed on 3,000 square foot lots or one acre lots. He supported the need to help the elderly and provide an affordable care giver. The ordinance, however, is full of holes. Mayor Masayko felt that neither Kingslane nor the setback requirement will be reconsidered by the Board. The concept is for a temporary use. Mr. Sullivan explained that he will not be responsible for telling people how to get the RV into the rear yard. The concept is for a temporary use. The options include a guest house which is more expensive as it requires a stick built structure. He then explained his belief that the Kingslane lots are 7,000 square feet in size and have an increased setback as they abut one acre lots. The ordinance does not encroach into the setback for placement of the RV. Supervisor Livermore explained his concerns were due to the creation of a friction area between neighbors as indicated by his example.

Supervisor Williamson indicated that she appreciated Supervisor Staub's concerns. Her concerns regarding whether the District Attorney's office had reviewed the ordinance were reiterated.

Supervisor Staub indicated that he supported the concept but felt the language needed tightening. He also pointed out that the concept is not just for the elderly as an infirmed 18 year old individual should be able to

avail him/herself of the same usage. Such an infirmity could be declared permanent by a physician. An annual review should be required. He suggested that when it is determined to be a permanent necessity, it should be declared permanent and permanent arrangements mandated. Language defining what is temporary should be included in the ordinance. A ten-year period of review is a concern. Staff can address the issues regarding the noticing and location of the infirm's residence. A fiscal impact had not been included in the Board's packet. The program could become a life time position for the Code Enforcement Officer due to the tracking, monitoring, and removal requirements. He also pointed out another issue is the placement of a guest home in districts not zoned for multi-family units. The applicants must understand that the use is only temporary. Mayor Masayko suggested that it be publicized and reiterated that there have been only three applications in his six-year term of office.

Supervisor Aldean suggested that staff discuss the ordinance with Washoe County who has experience with a similar ordinance. She requested historical documentation regarding the amount of time it takes for staff to enforce the Code. Mr. Sullivan agreed to provide the information and indicated that he would also check with Lyon County who has a similar ordinance. A system has been developed to track, monitor, and enforce variance and special use permit conditions. It will be used to track, monitor, and enforce this ordinance. Supervisor Staub pointed out that this has a fiscal impact which should be identified. Comments pointed out that the building permit fee pays for the current service. Mr. Sullivan also solicited additional comments from the Board and indicated that he had worked with Deputy District Attorney Madden on the ordinance. This was the first opportunity Mr. Forsberg had to review the ordinance. He felt that Mr. Forsberg's comments were appropriate and expressed a desire to have the best ordinance possible. Mr. Forsberg indicated a desire to have things in perfect context when submitted to the Board. He also pointed out that no two attorneys see things in the same light. When he reviewed the language, he felt that his revisions would make it better. Therefore, he had suggested the revisions. Legislation works this way. Everyone has a different view of how it should be done. He apologized if his recommendation created a delay in the process. Mayor Masayko indicated his belief that the ordinance was 95 percent done. The remaining five percent will be considered when the draft is presented. The concept was supported. It allows people to live on the property while they care for infirmed people. Mr. Sullivan reiterated his intent to contact the Board Members for their suggestions. Mayor Masayko indicated that it would not be necessary for Mr. Sullivan to contact him. He felt that the process will create a better ordinance. No formal action was taken.

**12. B. ACTION TO ADOPT SUGGESTIONS FOR AMENDMENTS TO THE SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT TO BE FORWARDED TO CONGRESSMAN JIM GIBBONS (3-1448)** - Supervisor Aldean introduced the item. Mayor Masayko indicated the need for more specific comments, if possible. He also reminded the Board about Congressman Gibbons' original suggestion. Supervisor Aldean explained her suggestion and reasons for making them. Discussion ensued concerning whether funding should be used for maintenance and upkeep and the amount that would remain for other long term uses. Supervisor Aldean indicated her intent to submit the suggestions as an individual if the Board did not support them. Concerns were expressed about having similar legislation as that adopted for Clark County and whether Carson City would want to function under those terms. Mayor Masayko explained his support for Congressman Gibbons' suggestion that provided increased funding for capital education and that the act enabled money to be spent outside Clark County. Supervisor Aldean felt that the previous discussion had supported limiting the amount of funding allocated outside Clark County. She read her suggested recommendations into the record. (A copy is in the file.) She emphasized Recommendation 4 which would require the consent of local jurisdictions within whose boundaries the parcel(s) is/are located

Carson City Board of Supervisors  
Minutes of the June 3, 2004, Meeting  
Page 20

if the funds are used to purchase the parcel(s). The private property owner could sell the parcel to any third party without the local jurisdiction's approval if the funds are not used. Discussion indicated that by practice the local jurisdiction or the trust group nominates the property for acquisition under the Act. Supervisor Aldean moved to adopt the following suggestions for amendments to the Southern Nevada Public Lands Management Act and direct staff to forward them to Congressman Gibbons; those recommendations consist of the following: 1. A percentage of Southern Nevada Public Lands Management Act monies should be placed in a trust fund with the interest earmarked for the maintenance and upkeep of the lands acquired pursuant to the act; 2. The Federal Government should be asked to enter into memoranda of understanding with local governments within whose jurisdictions lands are acquired in order to insure some consistency with respect to how said lands are managed and maintained for public use, i.e., the preservation of existing travel ways; 3. New evaluation criteria should be established to insure that only those lands that are truly sensitive, from an environmental standpoint, are eligible for acquisition; and 4. Due to the potential fiscal impact of removing lands from the local tax roles, no parcel should be acquired without the consent of the local jurisdiction within whose boundaries the parcels are located. Supervisor Williamson seconded the motion. The motion was voted and failed on a 2-3 vote with Supervisors Williamson and Aldean voting in favor and Supervisors Livermore and Staub and Mayor Masayko voting against the motion. Mayor Masayko indicated that Supervisor Aldean should submit her letter as a constituent. He appreciated her attempt and recognized her purpose.

There being no other matters for consideration, Supervisor Livermore moved to adjourn. Supervisor Aldean seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 5:35 p.m.

The Minutes of the June 3, 2004, Carson City Board of Supervisors meeting

ARE SO APPROVED ON October 21, 2004.

/s/  
Ray Masayko, Mayor

ATTEST:

/s/  
Alan Glover, Clerk-Recorder