



GARDNERVILLE TOWN BOARD

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Meeting Minutes

Ken Miller, Chairman
Linda Slater, Vice Chairman
Lloyd Higuera, Board Member
Mike Philips, Board Member
Mary Wenner, Board Member

Tuesday, May 7, 2013

4:30 p.m.

Gardnerville Town Hall

4:30 P.M. Chairman Miller called the meeting to order and made the determination a quorum was present.

PRESENT:

Ken Miller, Chairman
Linda Slater, Vice-Chairman
Mike Philips
Lloyd Higuera
Mary Wenner

Tyler Altom, Town Counsel
Tom Dallaire, Town Manager/Engineer
Paula Lochridge, Main Street Program Manager
Carol Louthan, Office Manager Sr.

(This meeting was not taped due to a malfunction of the recording software)

PLEDGE OF ALLEGIANCE- The Pledge of Allegiance was led by Mary Wenner.

FOR POSSIBLE ACTION: APPROVAL OF AGENDA, with public comment prior to Board action.

The Gardnerville Town Board reserves the right to take items in a different order to accomplish business in the most efficient manner.

Motion Higuera/Philips to approve the agenda.

No public comment.

Motion carried unanimously.

FOR POSSIBLE ACTION: APPROVAL OF PREVIOUS MINUTES:

February, 19, 2013 Special joint training meeting, with public comment prior to Board action.

Motion Higuera/Philips to approve the minutes of February 19, 2013 Special joint training meeting.

No public comment.

Upon call for the vote, motion carried unanimously.

April 2, 2013 Regular Board meeting, with public comment prior to Board action.

Motion Higuera/Philips to approve the April 2, 2013 regular board meeting minutes.

No public comment.

Upon call for the vote, motion carried.

PUBLIC INTEREST COMMENTS (No Action)

This portion of the meeting is open to the public to speak on any topic not on the agenda and must be limited to 3 minutes. The Gardnerville Town Board is prohibited by law from taking immediate action on issues raised by the public that are not listed on the agenda.

Boy Scouts Hunter & Tyler Croxall were present.

CONSENT CALENDAR FOR POSSIBLE ACTION

Items appearing on the Consent Calendar are items that may be adopted with one motion **after public comment**. Consent items may be pulled at the request of Town Board members wishing to have an item or items discussed further. When items are pulled for discussion, they will be automatically placed at the beginning of the Administrative Agenda.

1. **For Possible Action:** Correspondence
Read and noted.
2. **For Possible Action:** Health and Sanitation & Public Works Departments Monthly Report of activities
Accepted
3. **For Possible Action:** Approve April 2013 claims
Approved.
4. **For Possible Action:** Approve Town Park Use/ Special Event application for Valley Cruisers Rockathon Car Show and Swap Meet, May 18, 2013.
Approved
5. **For Possible Action:** Approve Town Park Use/Special Event application for Old Town Days, September 12-15, 2013.
Approved.
6. **For Possible Action:** Accept the Tree City USA award for 2012.
Accepted
7. **For Possible Action:** Approve the Vision Statement as part of the Town's Strategic plan update.
Approved.
8. **For Possible Action:** Approve Proclamation 2013-02 recognizing the week of May 6-11 as Wild Land Fire Awareness Week.
Approved.
9. **For Possible Action:** Approve submission of Resolution 2013-029 to the Douglas County Board of Commissioners for a Gardnerville Town Board compensation increase effective July 1, 2013 for the 13/14 fiscal year.
Approved.

Motion Slater/Higuera to approve the consent calendar.

No public comment.

Upon call for the vote, motion carried unanimously.

ADMINISTRATIVE AGENDA

(Any agenda items pulled from the Consent Calendar will be heard at this point)

10. Not for Possible Action. Discussion on the Main Street Program Manager's Monthly Report of activities for April 2013

Ms. Lochridge reported they will be trying to get the flower baskets up by the end of May. Mary just volunteered for this weekend's Let's Sweep the Town. We would appreciate it if everyone brought a broom and shovel if you can. Two new benches will go in soon: one for Andy Costa and one by the Stiltz family. There was a wreath put on Tom Cook's bench. Another bench may be going in soon. Co-op advertising with businesses in the Reno Tahoe Getaway magazine. We advertised the wine walks and the movies to see if we can get some tourism. We have several events that we are preparing for. Wine walks start next week. We have a few new members: Al La Carte Nails, Accolades, Abby Jo's Café Girasole, Aurora Salon, Big Daddy's Bike Shop, Fields of Flooring, Gadzooks, Great Basin Home Health, Just2Spoiled, Penny Lane, Penny Lane Too and Nevada Unique opening in June at the vacant car lot. Draft copy of the flyer for newly renamed Freedom 5k Fun Run and Yankee Doodle Chalk Artfest. We have an event on the evening before called "Prepare Your Square." The artists are going to come out and claim their square. Don't know whether there will be a dash for the kids. We sent a letter of intent to USDA Specialty Crop Competitive Grant and they accepted the letter of intent. So I will be preparing a grant application to submit. It will help with some of the funding and projects going on at Heritage Park Garden.

11. For Possible Action: Public Hearing to Adopt the Final Budget for Main Street Gardnerville for Fiscal Year 2013-2014, with public comment prior to Board action.

Ms. Lochridge has been working with Tom on the budget. We have our four committee action plans, their projects and costs for the next fiscal year. We are also on the hunt for more volunteers.

No public comment.

Motion Higuera/Slater to approve final budget for Main Street Gardnerville. Motion carried unanimously.

12. Not for Possible Action: Discussion, Presentation and update on the Douglas County Community Center/Senior Center project, APN: 1220-04-601-027. Presentation by Jeremy Hutchings, R.O. Anderson Engineering.

Mr. Jeremy Hutchings, R.O Anderson Engineering, gave an overview of the Senior Center project along with renderings and drawings. Building will get under way for site work after Carson Valley Days. The building itself will depend on the final plans by the team. The award has been made to Core Construction. TSK is the main architect.

Mr. Scott Morgan was present from Douglas County Parks.

Mr. Pat Pusich, TSK Architects, went over the architecture of the building. We are about 90 percent done. Hopefully start construction in July. Interior and exterior renderings were passed around for everyone to see.

13. For Possible Action: Discussion on a request for clarification and possible modification to the Ranch at Gardnerville, LLC (PD) 04-008-4, specifically to amend the conditions of approval from the Town of Gardnerville dated October 27, 2004, Item number 1, “ development shall provide linkage from the existing end of the Martin Slough Maintenance Road behind CVMS through to the new Town boundary” (Zerolene Road) clarifying the requirement to construct the maintenance path within the open space at phase I and determining the extent of those path improvements, APN's: 1320-32-614-001, 1320-29-000-008, -014, 1320-33-210-033 & 1320-32-501-017, with public comment prior to Board action.

Mr. Dallaire explained after the presentation last month it became increasingly clear as to the intention of not actually building the trail provided we didn't get the grant at NDOT. The grant application has been resubmitted to NDOT and it is a priority for the county. The final application is due at the end of May. All the presentation and materials to select the priorities with that information will be submitted and move forward. Everyone hopes this will get awarded. We would end up with a maintenance trail and access through to Buckeye. If the grant doesn't move forward or isn't funded we will be stuck with 30 acres of open space that we don't have access to. There will be a stub, a trailhead, six parking stalls and a linking trail that will be paved and accessible to where the maintenance trail should be. We are asking if the grant doesn't happen by April 2014 that the developer be obligated to grade a DG or base 10 foot wide trail through the site so we can have maintenance access to the 30 acres. Since the modification to the development the developer agreed to dedicate an additional 3 acres of land for this access to get to Buckeye. They also set aside two payments of \$50,000 each for the grant application. In their mind because they did that they were off the hook for building the trail. They are off the hook if we get the grant. That's why it is coming back. Douglas County has been pushing this on our behalf. We just need to make the clarification on what to do. I really spelled it out in the packet. I can give Rob an opportunity to do a presentation. Then Dirk and Mimi are here if you have any questions for the County.

Mr. Rob Anderson and Carrie McAninch are here on behalf of the Ranch at Gardnerville. Mr. Anderson regrets we are back talking about this again. I thought we had a good understanding. This is not a request by the developer to modify the conditions of approval. They do not believe they require modification. We are here merely as a compromise with county staff. Staff declined to process the boundary line adjustment so this issue could be addressed. They mutually agreed they would bring it back for clarification.

Mr. Philips did not recall a lot about it but he was sure Jim Park was adamant about a maintenance trail.

Mr. Anderson felt the conditions required the developer to dedicate the open space and a maintenance path. Ultimately when the letter was issued it required the maintenance path. It didn't say when that was required. Douglas County maintains it was required with phase 1. Subsequent Jim Park asked the developer where the maintenance path was. When are you going to do that? My recollection is that happened after the phase 1 final map in 2007. So at the time the final map was reviewed and processed that maintenance path was not scheduled. It was not in the conditions or comments of the final map. It was something nobody dealt with. Jim did ask the question and submitted the maintenance path for approval. During that process the standards of the trail were not specified by the town. It was vague. During the process we met with Jim. Jim said this is what I want and that accelerated to what Tom described about a trail and amenities. That permit was never issued by Douglas County. Tom has not been able to find an approval by the Town of Gardnerville. After that the project stopped, we entered into a process with Douglas County to find a way to make the project feasible. There were many considerations so the project could go forward. No one at the amended final map phase raised the issue about the path. If the path was required it wasn't required with the initial final map and it wasn't required with the amended final map. That map was recorded. Douglas County said you need to do an amended PD to apply the variances to the remainder of the project. In April 2012 the grant opportunity that Tom referred to earlier became available. We identified the opportunity as a way to build the slough

trail and get grant funding for it. It is a 75 percent grant. The estimated cost is \$781,000. That was included within the trail application. Two things Douglas County needed to have in 2012 was to control the right-of-way. At that time Ms. McAninch was approached and asked if she would consider making the dedication early so they could say they have an offer of dedication. The second piece Douglas County required was matching funds. The towns each offered \$25,000. Douglas County put up \$50,000, and the developer offered to put up the other \$100,000. That was what was offered in April 2012. That was accepted and it clearly stated it was subject to approval of the grant. The modification to the PD was approved by the Douglas County Board of Commissioners in September or October of 2012. In that application there was a major modification. It removed the alleys and the other variance requests in the previous amended map and this is the PD map that was included.

Mr. Philips asked if that trail was on the tentative map in 2004?

Mr. Anderson explained it was shown as a master plan facility. It talks about a maintenance path. It was contemplated to run along this alignment

Mr. Dallaire shows it is the Martin Slough maintenance road behind CVMS through to the new town boundary which is Zerolene. Then they wanted an access from the trail head down.

Mr. Anderson showed the trail parking, the connection and this alignment is the proposed alignment of the Martin Slough multimodal trail in the application to NDOT and it is the approximate alignment of the maintenance path.

Vice Chairman Slater asked when the amendment was brought to the Board. Was that part of the amendment that you presented or was that not?

Mr. Anderson stated these set of plans were part of the application for the planned development. The issue was included in the materials.

Vice-Chairman Slater asked if this stayed out and no one knew about it unless they read every detail of the map.

Mr. Anderson believed the county and towns have professional staff. I believe Douglas County clearly reviewed the map in great detail. We had considerable discussion about this. That never came up as an issue. No one raised this as an issue.

Vice Chairman Slater asked if that was changed after the first concept was presented and accepted by the board.

Mr. Anderson answered no. From the time we submitted the application in July 2012 this was on the map during that review process.

Mr. Dallaire reviewed at the September meeting we had the application go to NDOT. It was approved by NDOT and we were moving forward with the understanding it was going to be provided with a separate set of plans. It will be brought back and designed by others because the whole trail link was modified. Right now the trail ends at the boundary line between the Seeman Ranch and the open space. The trail that was actually presented to NDOT and awarded was all the way from Gilman to the paved section of the area behind CVMS and where the hammerhead turnaround is all the way to Buckeye. NDOT changed directors and he wiped all the grants off the slate. That's where the confusion is. It was also under a separate permit and if you read the title of this document it is its own permit. It wasn't part of phase 1 or 2. It wasn't part of any phase. It wasn't part of any section. So they had the improvement plans. It was all a separate site improvement application.

Mr. Anderson stated the grant was going forward. But this is why this is important. The consideration is whether or not there is a maintenance path required if the grant doesn't go forward. This presentation was our power point presentation to the planning commission in September of 2012. I wanted you to see this exhibit was clearly provided to the planning commission. This I obtained from a Douglas County staff report to the Board of County Commissioners. These sheets were included in the packet to the commissioners. Douglas County paid for the Seeman project about \$60,000 per acre. The developer has freely offered to grant the 3 acres to help facilitate the grant beyond the cash contribution. If you look at the next page it shows the Martin Slough trail and says Martin Slough Trail \$100,000 developer contribution. I believe it was clearly part of the presentation to the planning commission and ultimately in board packet. The conditions of approval say specific to this area condition 9 in the board report says per the letter dated April 12, 2012. That right of way was required as a concession so we could move forward with the boundary line adjustment. If you go through these sheets the only place there is a pedestrian trail is here. Mr. Dallaire discussed the town board would like one more link. But the discussion was the developer

said no. He would like to continue to work together. We do not believe it is fair or equitable to build that infrastructure under the circumstances.

Vice-Chairman Slater asked if he saw the trail as a benefit to the Ranch at Gardnerville

Mr. Anderson answered yes, absolutely.

Mr. Higuera asked if since none of this trail is mentioned on any of the maps how can we really make a motion for the maintenance path.

Mr. Dallaire's recommendation is if the grant doesn't go through and the offer was they are providing \$100,000, we could use \$50,000 for the path and go back after more grant funding. If the NDOT funding gets approved then I suspect they will be doing a set of plans from the existing trail from Gilman to Lucerne. So we will be doing those improvements anyway. I worded it in 2012 so it would provide the additional linkage to the multimodal trail.

Mr. Higuera asked what the standard is for the entire trail.

Mr. Dallaire advised 10 foot wide paved trail with two foot of DG on each side. We don't need the DG when we are doing the maintenance part of it, but we would be able to pave over the top in the future. I am not asking them to pave it but build it so we have access back there. It's for a clarification from 2004. I think what we had done originally was require a maintenance path. There was nothing I could find in the file. That's what we had originally before 2009. If we have that in the future we can access, maintain and mow. It will take maintenance. It will end up to be a fire hazard if we don't. We own it. If the grant doesn't happen then what? That's the issue.

Ms. Wenner asked about the SIP in 2007. We have it in the file but you don't have full approval from the county or the town on it.

Mimi Moss, Douglas County Community Development explained the project stopped. So that was probably the reason why. A lot of people submit SIP and decide not to pursue it. It was never issued. The reason the note on the map when Rob came forward to amend the PD last fall was not an issue is because that portion of the project is part of phase 1. Phase 1 had already been recorded. The question to Tom was did you all understand with that decision you do not get that maintenance path. We assumed that was going to occur. The amended map last fall included phase 2 and greater. It did not touch phase 1. So for clarification did you understand what was actually approved last September? One of the conditions per your attachment 3 references the ditch maintenance path shall be provided. So what does that mean? It did not say the path was tied to phase 2. However, in Douglas County you either construct it or secure for it. What was confusing is when the final map was submitted the response from the applicant was all those improvements have been secured for within the open space. Could we have looked at it closer? For sure. It was just brought to our attention now. When was the path going to be done? It wasn't identified. That is correct but the standard is it goes along with that phase map. So now we are at a point where that map is recorded and we don't get the improvements. For clarification for the next phases what is going to occur, and is the intent at the time you intended the map. So that is Douglas County's concern. The amended map had nothing to do with phase 2 and nothing to do with the note on the map. It wasn't a request of the applicant at that time. The owner agreed to provide money toward the grant but nowhere in the discussion did anyone speak to that maintenance path and whether it was going to stay or go away. Nothing was discussed. In our mind because it wasn't requested it leaves it open as to what was going to happen with that condition of approval. That's why we've taken the request to the applicant to say you need to clarify this. Go to the town. What was the intent when the dedication occurred and did you realize you were not getting a path in that area? What the county's master plan requires shows a master planned off road trail along the Martin Slough. Jim Park references in 2004 the master plan. If the town called it an access maintenance trail or trail we were going to accept whatever. The town is responsible for maintenance. So that's why we are here. We asked the applicant to clarify. He has also filed the application to come in front of the Board of County Commissioners. We contend it was not, because it was not a specific request as part of the amended map. Phase 1 was already recorded. In our mind the path was part of the phase 2 site improvement permit. However, we have a separate SIP that was never issued. We need a clarification. Does the town want the path? What will it look like? There needs to be a backup plan.

Vice-Chairman Slater asked if they have had this discussion and review by the DA. Did they concur?

Ms. Moss agreed yes. In hindsight it looks like we may have missed something. Should the maintenance path have been part of that, yes, it should have. However, it was presented they were going to be done in phase 1.

Mr. Dallaire added not only phase 1 but the NDOT grant in 2012. It was part of it.

Ms. Moss believed the condition of approval refers to all of the conditions of approval from the town. That superseded any of the conditions of 2004. Those conditions have not been changed. So what was the intent? We believe it was for a maintenance/pedestrian path and whatever the town wanted as far as improvements we were satisfied with.

Mr. Anderson would say Ms. McAninch's legal counsel has a different opinion. The question begs the presentation is if this application for the PD amendment didn't affect phase 2 then what was intended by condition 8c on the final letter of approval which says "the pedestrian trail must be". That condition is moot or unnecessary. If that logic is to be applied and improves on the application then anything here is gone. Because what is being suggested is that was part of phase 1. The only pedestrian trail is that trail there. I believe in context it was clear that was the intention. The pedestrian trail was to be constructed. The 25 foot right of way affects future phases up north.

Mr. Dallaire believes that was a condition of that phase.

Mr. Anderson doesn't disagree. The contents of anything I showed you here doesn't apply because it wasn't phase 1. If we are using that then nothing past here is applicable. That was all phase 1, including the maintenance path, the pedestrian trail. Douglas County staff went beyond what the town staff did and said you have to build it to standards.

Chairman Miller asked if it wasn't required in any phase, when did you intent to do it. In 2004 it was said we need a maintenance path of some kind. If you don't do it with each phase we could be waiting until 2031.

Mr. Anderson did not say it wasn't an obligation in phase 1. Under that logic if this map can't modify the condition of phase 1 Douglas County can't modify them either. If this map can't affect anything that was required in phase 1 this map can't alter or change the improvement requirements in phase 1.

Mr. Dallaire stated the condition was "build by others". The intent was it would be covered by the grant.

Mr. Anderson stated the language under the grant says that letter is effective to require a \$100,000 dedication plus the land area for the trail. My point is I think the logic that is being promoted here to say clearly that nothing on this changed the maintenance path in phase 1 is a real stretch.

Ms Wenner asked when the applicant applied for the SIP in 2007 and then they did the amended map they left it off.

Chairman Miller asked when was it going to get done.

Mr. Anderson thought as a result of the final map, the land area being dedicated, Jim Park came to them and said when are we going to do that path. So we discussed it and said we will make that SIP, which they did. That application was made and submitted. Ultimately it wasn't approved and the project stopped. Then Douglas County says we have an opportunity for a grant. But I don't think she imagined she would have to do all three things. If the path is the standard in 2004 then I think I could commit we will build the path.

Vice-Chairman Slater reviewed you're basically committed. The intention was to go forward

Mr. Anderson answered absolutely, from 2007.

Vice-Chairman Slater asked if the economy had not gone sour it would have gone forward to county standards at the time.

Mr. Anderson submitted the plans but they never got done and it wasn't constructed.

Vice-Chairman Slater asked if they are ready to move forward with this.

Mr. Anderson believed the applicant is moving forward.

Mr. Dallaire mentioned in that letter it doesn't say this is excluded. The town board never got to hear it was being modified either.

Vice-Chairman Slater went back to Mr. Park's letter. A trail will be constructed

Mr. Anderson would like to work together to get the grant done. Then we don't have to worry about the maintenance path.

Mr. Higuera thought the only way the trail will be built is with a grant.

Chairman Miller asked about the maintenance road.

Vice-Chairman Slater reads it "maintenance road shall be constructed." The fact they applied for the permit and due to whatever reason it failed, but the intent was there. So I look at those two items and that was in the intent to build it through phase 1. You applied for the permit.

Ms. Wenner asked when you made the offer did you explicitly say we no longer have to do the maintenance road.

Mr. Anderson asked if you are going to do the trail are you going to build a maintenance path.

Mr. Dallaire answered no. The maintenance road would be less expensive. The maintenance path is the same alignment. It could be paved. We'd have to go after grant funds to do that.

Mr. Philips asked if a maintenance trail is put in could we go after funds to build it.

Mr. Dallaire explained it would be up to us to match it. It would go right over this. We would go after grants in the future. You can go after grants.

Mr. Anderson agreed they would willingly construct it to the standard you had in 2004. Jim had the note it would be a DG trail.

Public comment.

Ms. Carrie McAninch clarified the permit during 2007 there were a lot of things in the economy that were good. When the economy hit the tank we re-evaluated everything. This is no shocker. But I can assure you we are hemorrhaging funds. Do you like the houses going in? We need to be careful how far we push. The permit that was pulled at that time was never revisited because we can't afford \$800,000. We will stop doing the infrastructure. That's where we are. This is not a net positive deal going on. Maybe someday it will be, but right now it's tenuous at best.

Mr. Philips thought the Board bent over backward to make sure that could happen.

Ms. McAninch added it is the viability that we are right on the cusp of, can we be financially viable.

No further public comment.

Vice-Chairman Slater would go back to what Jim's memo was and the fact the permit had been applied for. There was a commitment on the developer's part to move forward.

Mr. Philips wasn't talking asphalt and trees. It was just basically a DG road that if people wanted to walk on it they could.

Vice-Chairman Slater pointed out whatever we decide it has to be at today's standards. The permit may have been issued at that time but because everything is soft and now we are picking it up in 2013, today's standard has to apply.

Mr. Dallaire stated eight feet is what was shown in 2004; eight foot of pavement on the improvements. The maintenance path has no sizes. I found a note for a DG maintenance path. We did do four inches on the other section but we had a base. The ten feet is behind CVMS. So that is why I changed it to ten feet. The engineer's estimate was six; the county was four inches, so there was a little discrepancy. We need access to be able to mow it. Eventually they will have access from the trail at the end of Snaffle Bit. But right now you can't. It's on the improvement plans in phase 2.

Mr. Anderson offered if we build it to the standard of 2004 that's an easy solution. Mr. Dallaire makes a good point that path is the alignment that would be used for the trail. So my suggestion is we will do it as a DG path four inch base negotiated. But the cost of doing that is discounted from the grant because you will use that to then apply to benefit as a match. So if it costs 50, there is still 50 in cash. That would be in-kind. If you are going to add it as a condition of approval then the answer is we will construct a trail to the standard in 2004. If you want to do it now the cost would be discounted from the offer of \$100,000.

Chairman Miller hopes they would hear something from NDOT by 2014, which means, if the grant is there, then we have the \$100,000.

Mr. Dallaire has a motion in board packets. Staff is recommending ten foot wide. We could pave it and add the DG shoulder.

Mr. Anderson understands. But if you are going to rely on Jim's letter in 2004 then that is what the developer agreed to do in 2004. My suggestion is the standards of 2004 didn't include four, five or six. So essentially what is happening is my client has agreed to step out and enable the county and the two towns to be able to achieve a windfall. For agreeing to do that she is now going to be required to build more than what she was required to build in 2004 because the standard at that time was scarifying, recompacting and keeping the weeds off. That was at best the standard. But don't add the base on top as a penalty. She has made it feasible by her willingness to make the contribution to go forward. It's also not a penalty.

Mr. Philips asked if the trail cost \$60,000 how is she losing.

Mr. Anderson responded assuming the number is correct, that didn't include any permitting or engineering. The other thing is we still have to go to Minden. Their conditions were significantly more vague than Mr. Park's in 2004. So her cost could be \$75,000. In 2004 that wasn't the standard. So she is being asked by you to spend 70 percent of her contribution as part of it if the grant doesn't go forward. If we do it now that reduces the amount she is obligated to provide in cash.

Chairman Miller asked who the developer was in 2004?

Mr. Anderson answered Anker/Park.

Mr. Dallaire didn't think in 2004 it was just to scarify. I think if the material is decent then four inches on top would be sufficient. The six inches I took out because that is the new standard: ten foot wide with two foot of dg on each side. That's how I came up with the ten feet. The DG was six inches. Eric used four. So it's all over the board.

Mr. Anderson asked since that was done FEMA has now indicated that area is a floodway. Any improvement raising it up is restricted. So potentially it's a big deal. Those are significant costs.

Mr. Dallaire asked if that needs to be done if the scarify is two inches below grade.

Mr. Anderson didn't think so as long as you don't impact the floodway.

Vice-Chairman Slater would like to see the trail built. I go back to the memo. I go back to the fact the intent was to issue it. Beyond that I need a little help from you guys.

Mr. Philips asked if we could mitigate the flood hazard problem.

Mr. Dallaire can look at it. Scarify and fill back to a level that is no higher. Put in two inches below grade. If you have a base or dg you would have two inches. They would remove eight inches, scarify, compact and have the four or six inches on top and do the analysis on the asphalt.

Mr. Anderson believed the material below 18 inches is really good material, might even meet the structural fill.

Mr. Dallaire didn't have the scarification and not the DG. Ten foot is more than wide enough.

Chairman Slater would want the ten feet.

Mr. Dallaire felt six inches was going to be proposed for the NDOT trail and three inches of asphalt. We can't add fill on top of what's there. We have to cut it down, scarify and use the native material or dg.

Vice-Chairman Slater asked if board members agree upon the width.

The Board agreed ten feet.

Mr. Dallaire thought four inches was going to be the base section. Rob has six on the future trail. Four would be sufficient of DG compacted to 90 percent two inches below the adjacent grade provided the NDOT permit is not awarded by 2014.

Mr. Altom suggested the motion should insert the words "require the Ranch at Gardnerville LLC to construct."

Ms. Moss thought even if the grant is approved it may end up being out to 2015. So if you looked at it from that perspective it may be the same. If we would have originally seen this as being a problem we would have said it will happen at this phase and we wouldn't have to be here. I think that's fine because it will be out a couple years.

Mr. Anderson asked they recommend if the grant isn't received before 2014 and the applicant is required to build the path that they be released from the \$100,000. Once we build it our obligation is done.

(Time taken to compose a motion)

Mr. Dallaire read the recommended motion: "Motion to require the Ranch at Gardnerville LLC to provide a ten foot wide maintenance path constructed of four inch DG over eight inch compacted to 90 percent over 8 inch scarified and recompacted native material placed 2 inches below the adjacent grade. The maintenance path is to extend from the south property line to Zerolene. The entire maintenance path within the open space will be constructed by 12/31/16 provided the NDOT TAP grant application is not awarded by 12/31/14. The \$100,000 grant funding obligation provided by the Ranch at Gardnerville will be released at such time when the maintenance path is completed in its entirety within the town of Gardnerville."

Motion Slater/Wenner to adopt the motion as stated by Tom Dallaire.

No public comment.

Upon call for the vote, motion carried unanimously.

14. For Possible Action: Discussion on the Fiscal Year 2013-2014 Final Capital Improvement Plan (CIP), with public comment prior to Board action.

Mr. Dallaire didn't change anything except for the highlighted areas. These were items that were brought to my attention by the finance department. The debt service is the last payment next year. We talked about buying an additional vehicle. We were looking at auctions for a work truck. We have the item on there so it is budgeted and we don't have to move it or change it later. All the projects are the same.

No public comment.

Motion Higuera/Philips to approve the fiscal year 2013/2014 Final Capital Improvement Plan with the noted changes. Motion carried unanimously.

15. For Possible Action: Public hearing to adopt the Final Budget for the Town of Gardnerville's Fiscal Year 2013-2014, with public comment prior to Board action.

Mr. Dallaire had a few changes. The County Commission has told me we are doing a presentation to them on the 9th. (Went through the power point presentation that will go in front of the commissioners with Board members)

The cost allocation will be a big part of the budget this year. He put back in the dumpster rental fees. They need to redo the agreement with the county or we will not be paying for that. After my meeting with them there is a lot of concern that I have relative to that document that needs to be clarified, mainly how they split things up and how they applied it. With what Tyler has prepared Steve can take it to the DA. I still think the town is part of the county and the 610 fund is paid for through taxes that all residents pay.

Vice-Chairman Slater asked what the alternative would be to the \$85,000 to the county.

Mr. Dallaire could hire somebody.

Mr. Altom asked if Mrs. Slater was saying if the interlocal contract was deemed not be in force. The contract is clearly in force right now. That is the reality. Under that we don't pay for county services. There is a mutual understanding the town and county provide mutually beneficial services. We clearly think it is renewed every five years. It renewed automatically in 2002, 2007 and 2012. Our understanding was the county manager brought this up in 2007 just briefly and Mike Rowe commented then it is in force. So there hasn't been any oral objection to that contract. You can terminate any time with four months' notice or a month before the end of the five-year term. Mike and I both agree the court would agree it renews every five years.

Mr. Dallaire budgeted for the option. We are working through the issues on the cost allocation.

Vice Chairman Slater felt they should be prudent on this issue.

Mr. Dallaire tried arguing about the taxes Gardnerville residents pay. Everybody else pays for the finance department but the county is going back and saying this is how much we'll charge you back. For the departments that have taxes East Fork, Paramedics and towns, those fees would be an increase to the general fund monies. But then as Gardnerville residents what kind of services are you getting from Douglas County that you are paying? One is the sheriff's office but what else, what kind of services?

Vice-Chairman Slater agreed we should be prudent and put it in the budget just to be prepared. We can always move it later. But we need to make sure we are covered.

Mr. Dallaire didn't include the dumpster rentals in the revenue portion. So I added that in to cover the costs. We are going through all the policies and hoping to bring that back next month.

Ms. Wenner asked about the intergovernmental revenue from the county.

Mr. Dallaire explained that was basically the C-tax.

No public comment.

Motion Higuera/Slater to approve the final budget with modifications. Motion carried unanimously.

16. Not For Possible Action: Discussion on the Town Attorney's Monthly Report of activities for April 2013.

Mr. Altom reported Tom sent him an email indicating what he had discussed with the county manager. I prepared a letter on behalf of the town stating to the county manager the interlocal contract is in effect and why. I let him know there is no other way he could read it. The court would read it the way we are reading it. I did not send it to the DA. But the county manager will send it I am sure. Prepared the public bench easements for the new benches and reviewed the agenda. I am watching the open meeting law Assembly Bill 65 and the possible changes. The senate is supposed to hear it tomorrow. There is also a public records request law change. They are going more and more in favor of the public.

Chairman Miller mentioned this is Mr. Altom's last meeting.

Mr. Altom had given his notice to Rowe & Hales in February.

The Board wished him the very best.

17. Not For Possible Action: Discussion on the Town Manager/Engineer's Monthly Report of activities for April 2013.

Mr. Dallaire reported Denny Peters will be doing a presentation next month on the Hellwinkel channel.

Andy Costa worked for the school district for many years and his family wanted a bench at the school.

I went to the Nevada League of Cities board meeting with Linda. I am on the planning committee for the conference at Mont Bleu in September. I offered to have a special movie for the event. I don't know whether they will do that. Mr. Henderson still hasn't met with NACO to know what they are planning. We are still coming up with ideas on the handouts at the dinner that we could sponsor. We would like to hand out something that says Gardnerville.

Lisa Granahan handed out salsa at an event last year. The salsa is made local.

Vice-Chairman Slater suggested an ornament like the one Main Street did for the holiday.

Mr. Dallaire suggested the logo on the back and the Hellwinkel barn on the front. It would be commemorative.

David Ogles is doing his Eagle project. He has eight doggie pots that he will be installing: four on Toler and four at the Wal Mart detention pond.

Vice-Chairman Slater looked at the landscaping coming down Toler. Up further there seems to be some areas that are a little more sparse from the ones at the north end.

Mr. Dallaire put some rocks in but the kids have taken some of the shrubs. The trees were smaller so those will grow up to be columnar. We could put a couple more grasses in. The plan was to put more flowers in.

We talked about cost allocation. I attended a meeting this morning with Mike Rowe on Aspen Park. He did a review of the conditions for Aspen Park on the sidewalk, curb and gutter. We had an agreement to come up with a cost share that was being proposed with NDOT. NDOT pulled out and Jim rescinded those agreements in 2004. This might be coming back next month. There are two letters from Jim wanting to get the signed agreement. We will get more direction from Mike this next month. I have spoken to Michelle and they are going to let us go in there and clean out the slough. He will call her again and let her know the outcome of the meeting. Douglas County will wipe out those agreements at the June meeting. But we need the signed agreement to have it be finished.

I applied for \$3500 from Carson Subconservancy for the cleanup of the slough. Ed was supportive and willing to give us \$3500 for the project.

The last item was based on the valley vision and improving the S curve with Eagle Gas. I contacted NDOT and have sent this document to the person in charge of these projects, hopefully to spur some conversation on how to improve the S curve. He will go forward with the parking plan we have at Southgate. The county commissioners in '94 stated in Southgate 1 you can't park on the street. In order to change this I will get more input from the owners.

18. For Possible Action: Discussion and possible action on the annual performance evaluation of Town Manager, Thomas Dallaire, including possible action to modify Town Manager's salary pursuant to adopted policies, with public comment prior to Board action.

Mr. Dallaire mentioned last year's summary didn't have comments listed so it wasn't done this year either. We will include them next year. I didn't get the goals done for next year. Linda and I have talked in the past. I wanted to convert the project list from the strategic plan into a to-do list for me. Just didn't have enough time. I will keep working on it. I have started it. I just haven't gotten them all transferred. I will get that to you.

Ms. Wenner asked about a supervisor or employee.

Mr. Dallaire budgeted up to a tech 2 position as per what was decided last month. It will cost more if we hire a maintenance supervisor. A maintenance supervisor was an additional \$30,000. So that would be \$30,000 less on projects. I'm not as concerned about the Hellwinkel Ranch right now because of what Denny and I discussed. He is going through and doing the model and will report next month on whether the floodway will be of benefit or not.

Ms. Wenner asked about taking some stress off Mr. Dallaire.

Chairman Miller advised Josh will be leaving in August and at that time it would be an opportunity to redefine that position. I had an opportunity to work with town employees this last week. They are easy to work with. I had a very positive interaction with them.

Mr. Dallaire appreciates their efforts on this. I will add the things you feel need to be improved to my list of things to accomplish. The time management and organization is huge.

Mr. Altom spoke under public comment. Of all the of government clients I work with, Tom by far has more to do and more variety of what he has to do. He is doing two jobs at the same time. So, on a day-to-day basis when I interact with Tom it is clear that he has to do above and beyond, not close to what any of the other managers have to do. He does a great job and he has done a great job on the fly. He is not a government person by trade. I can't say enough about how hard it is to be in Tom's shoes from an attorney perspective.

Mr. Dallaire shared it is getting easier. I appreciate the Board's efforts in getting this back to Carol.

Vice-Chairman Slater mentioned in external relationships you scored really high. I would like to comment you have a variety of swings in here but when you look at the Board you are working with you have quite a diverse group that you work with. I think you are doing a great job and I think you ought to be very proud of the evaluation we gave you.

Ms. Wenner stated it wasn't easy to do the evaluation after only being here for four months. I talked with a lot of the other town managers and county employees Tom interacts with.

Mr. Dallaire believed for the four months Ms. Wenner has been here she did a great job. I appreciate all the work you did.

Mr. Philips asked what else we could give Mr. Dallaire besides pay. There is vacation.

Vice-Chairman Slater thought they could exceed the two percent limit.

Mr. Philips felt they could go to four percent.

Motion Higuera/Philips to give the town manager/engineer a four percent merit increase.

Mr. Altom stated for the record there is no public present.

Upon call for the vote, motion carried unanimously.

Chairman Miller mentioned former board member Tom Cook passed away recently and our thoughts and prayers are with the family and with his wife Rose.

Motion Philips/Higuera to adjourn at 9:06 p.m.

No public present.

Upon call for the vote, motion carried.

Respectfully submitted,

Ken Miller
Chairman

Tom Dallaire
Town Manager