



GARDNERVILLE TOWN BOARD Meeting Minutes

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Mary Wenner, Chairwoman
Ken Miller, Vice Chairman
Cassandra Jones, Board Member
Linda Slater, Board Member
Lloyd Higuera, Board Member

Contact: Carol Louthan, Office Manager
Senior for any questions or additional
information. You may also view the
board packet online at the town's website.

Tuesday, September 6, 2016

4:30 p.m.

Gardnerville Town Hall

INVOCATION – Carl Dahlen, Christ Presbyterian Church

 Chairwoman Wenner called the meeting to order and made the determination of a quorum

 PLEDGE OF ALLEGIANCE – Cassandra Jones

 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.

No public comment.

Mrs. Slater asked for a moment of silence in honor of Joseph Delorey, former board member, who passed away last week.

Chairwoman Wenner thanked Tom Dallaire and the staff of the Town of Gardnerville for the board packet that was a lot of research and a lot of time on their part. They had to work until 7:00 p.m. on the Friday before a three day weekend to get the board packet to us. Thank you, Tom.

 **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.

No public comment.

Mrs. Jones needs to recuse herself on consent calendar item 4. So it probably should be pulled and voted for separately from the other items on the consent calendar.

Motion Higuera/Miller to approve the agenda.

Mr. Rowe mentioned there is a minor clerical error in item 10. The discussion is on a request by Park Ranch Holdings LLC, and the word "ranch" was inadvertently omitted from the agenda. The applicant is actually Park Ranch Holdings LLC.

Mr. Dallaire will clarify the areas of acreage as more information is presented on this item later.

Amended motion Higuera/Miller to approve the agenda to include the changes discussed. Motion carried unanimously.

 **FOR POSSIBLE ACTION: APPROVAL OF PREVIOUS MINUTES:**

August 2, 2016 Regular Board meeting, with public comment prior to Board action.

No public comment.

Motion Miller/Higuera to approve the minutes from August 2, 2016. Motion carried unanimously.

 **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 & Noted.
2. **For Possible Action: Health and Sanitation & Public Works Departments Monthly Report of activities**
Approved.
3. **For Possible Action: Approve August 2016 claims**
Approved.
4. **For Possible Action: Approve a town special event application for Austin's House Poker Run Fundraiser scheduled for September 17, 2016 at Heritage Park from 9:00 a.m. to 5:00 p.m., considered to be a Class 1 use per policy.**
Pulled for discussion.
5. **For Possible Action: Approve a town special event application with street closure for Suicide Prevention Awareness Walk/BBQ community event at Heritage Park on September 10, 2016 from 7:00 a.m. to 4:00 p.m., considered to be a Class 1 use per policy.**
Approved.
6. **For Possible Action: Approve the Amendment #2 to the agreement with NDOT on the 395 Crosswalk projects increasing the project costs from \$378,316.00 to \$468,316.00, including NDOT covering the additional cost to resurface 50 feet long by full width section of Highway 395 as required in NDOT staff comments from the review of the construction drawings.**
Approved.

Public comment.

Mr. Glenn Linderman mentioned the two decimal points in the second number should be a comma for the first one.

Motion Slater/Jones to approve the consent calendar items 1-3 and items 5 and 6. Motion carried unanimously.

(Pulled from consent)

4.  **For Possible Action: Approve a town special event application for Austin's House Poker Run Fundraiser scheduled for September 17, 2016 at Heritage Park from 9:00 a.m. to 5:00 p.m., considered to be a Class 1 use per policy.**

Mrs. Jones stated she is on the board of directors and one of the officers for Austin's House. So I need to recuse myself on this item.

No public comment.

Motion Higuera/Slater to approve item 4 on the consent calendar. Motion carried with Jones abstaining.

ADMINISTRATIVE AGENDA

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

7.  **Not for Possible Action: Discussion on the Main Street Program Manager's Monthly Report of activities for August 2016.**

Mrs. Lochridge reported Margaret Pross resigned from the Main Street Board of Directors effective September 1. That was at the recommendation of the Deputy DA because a lot of the direction we are going now is focusing and providing input on things like the master plan. That could be a conflict of interest with her being a planning commissioner. We will be sending out a press release soon requesting applications for anybody interested in joining the board. Main Street was approached by a couple interested in opening a shop in the district. One of the buildings they were interested in was on the Burga property. Tom reached out to the owners and set up a tour. We toured the properties and the possibility remains that the bookstore could work. Our main focus right now is events: final wine walk, harvest festival, coffin races, picnic in the park, and the fall in love with the district event. I met with Ronnie

Hanneman, the executive director for the Carson City Chamber. She gave us a tour of what they are doing in downtown Carson. They are interested in becoming a Main Street program. She has some contacts that she is going to reach out to in regards to trying to get it into the legislature. Paula shared a story about Main Street's wonderful volunteers.

Chairwoman Wenner thought the Twenty Ingredients of an Outstanding Downtown was very interesting. It was interesting to read that most of the purchases people from out of town make are after 6:00 in the evening. Most of our businesses are closed.

Mrs. Lochridge is trying to work on that.

Vice-Chairman Miller informed everyone Main Street has two very important events in October: the fall festival and the coffin races. What a fun day that is. If you haven't gone to that it is unbelievable to watch them. It will be bigger and better this year. We did partner with East Fork Gallery for the harvest festival.

8. Not for Possible Action: Presentation by Partnership of Community Resources on Question 2 (Initiative to Regulate and Tax Marijuana) on the November ballot to educate business leaders, neighborhoods, parents, seniors and the community. Appearances by Partnership for Community Resources, Douglas County Sheriff's office, Juvenile Probation/Douglas County School District, District Attorney's Office and First Responders

Ms. Teri Clark, representing the Partnership of Community Resources, advised things have changed somewhat. The presentation is briefer. Our focus is to educate. Our goal here is to raise your awareness and raise your curiosity regarding Question 2. What we have in the packet is a square paper that has our contact information. We will leave a basket that people can leave their questions if they like.

Ms. Clark gave out a quiz for everyone to fill out and self correct. She discussed the answers with those present.

Public comment.

Glenn Linderman, on a recent vacation, traveled through Colorado. Colorado has a different law. Marijuana is now legal to some extent. The opinion of one person that I spoke with was there is lots of out of state license plates in Colorado and lots of people coming in to be legal marijuana users. They are filling up the houses with multiple people rather than families. Marijuana sales places have the odor of a skunk. That particular person was not pleased with the legality of marijuana in Colorado.

9.  For Possible Action: Discussion on additional information provided about the flood plain requirements that was not presented in the previous hearing in July regarding the request from Martin Stahl for the board to reconsider the motion of denying the development application DA 16-036 & DA 16-037 requesting a Master Plan Amendment and Zoning Map Amendment to change the master plan designation from Commercial to Multi-Family Residential and to change the zoning designation from Neighborhood Commercial to Multi-Family Residential (maximum density of 16 units per acre; 1.66 x 16/acre=26.56 units; min net lot area =9,000) The subject property is located at 1378 N Hwy 395, Gardnerville, (APN 1220-04-101-029) within the Minden/Gardnerville Community Plan. Presentation by Keith Ruben, Senior Planner, RO Anderson Engineering; with public comment prior to Board action.

Mr. Keith Ruben just met with the owner. They are requesting this item be withdrawn from the agenda. My apologies for not getting here sooner to let you know that. They will be coming back with a zone change for mixed use commercial.

10. For Possible Action: Discussion on a request by Park Ranch Holdings, LLC. for a Master Plan Amendment and Zoning Map Amendment to reflect extending the Minden Gardnerville Community Plan and Urban Service area boundary in support of a Master Plan and Zoning Map Amendment from agriculture to 266 acres single family residential, 485 acres of receiving area, 105 acres of Rural Residential (2-5 acre parcels), and 40 acres of industrial; and realignment of Muller Parkway removing the large reverse curves that are present in the current design. The subject properties are located generally, north of Chichester Estates, East of the Ranch at Gardnerville, West of decker ditch, east of the Minden Elementary school on multiple APN's, with approximately 500 acres (84 acres single family, and 276 acres of receiving area, 34 acres of industrial, and 105 acres of 2-5 acre single family homes) located south of

the proposed Zerolene Road to be located within the Town of Gardnerville; with public comment prior to Board action.

Mr. Ruben gave a power point presentation on the project for Board members and the public.

Board discussion on the project.

Mr. Dallaire asked if they were planning to bring the annexation if this goes forward.

Mr. Ruben thought the county wants us to provide evidence that the town will, if not today, but in the future, serve the site and provide services.

Mr. Dallaire stated the specific plan that came forward in 2008 addressed a lot of the drainage concerns. I notice this is similar layout but that one had a lot more detail. There is a lot of opportunity to work and make those improvements necessary so we can convey the water through. There is a section in the middle that we could convey back to the Martin Slough. I addressed that in my report. What I asked the board is, is this the right time? I gave two recommendations in my report and some generic conditions because this is a generic request.

Public comment.

Mr. Robert Pohlman lives in Minden. Going back to 2008, my feeling is there was an agreement how to split the towns. That should stand unless the two boards want to change it. I don't see this area that is zoned two to five acres should be given to Minden. The other thing is the original plan had a roundabout at Buckeye and Muller Parkway. That should be put back in. If they can't afford to do it, we need to put enough easement around that intersection to expand it. I would expect a roundabout just like the one at the south end, which is a four lane in all direction roundabout. As far as drainage, this project north of Buckeye drains south, not north.

The drainage is going to cut across Muller three times. We really should see how the ditch committee is going to review this, where are the new ditches going to be and which will be eliminated. If the Ranch at Gardnerville isn't completed that means you can't use Zerolene as a way out. Minden really anticipates the Ranch being built out and eventually there will be a traffic light at that intersection. Again, the floodways aren't built on the Buckeye side of the Ranch. I'm not sure where you drain the water. There are a lot of unanswered questions on drainage.

Chairwoman Wenner thanked Mr. Pohlman for his comments. Drainage is an important question. It's one that Tom has on his radar.

Mr. Jim Slade gave some background on the project in 2008 as compared to the project that is before the board now. There is no demonstrated need to approve any new developments, especially one on such a huge scale and outside the existing urban service area. You as a town board should stand up for what you believe your residents want. In this case, I am quite certain they would oppose this proposed project. Their concerns include, traffic, infrastructure and water supply. It has also been shown for years that growth does not pay for itself. That is why the county has had to bond 17 million for a new senior center and is about to bond 13 million for roads due to the impacts of growth. There is no compelling reason to approve this request. It is contrary to the interests of Gardnerville residents.

Mrs. Jones has heard Mr. Slade speak on several occasions. I don't know where you live and you didn't identify it at the beginning.

Mr. Slade has a Gardnerville mailing address. I am not in the town of Gardnerville.

No further public comment.

Mrs. Slater needs more information on drainage.

Vice-Chairman Miller asked is it time? It's hard to say. Is this too soon for a project this size? I am sitting halfway in between. It's nice to have the improvements. It's nice to have the tax dollars in the future. But, is it needed at this time. This would mean more staffing for the town and county. When you approve projects this size can it pay for the staff in the future.

Mrs. Jones is on the border as well. Let's say we wait another two, three, seven or eight years. Will the control or the resources be there to do a reasonable development like the one being proposed. They are proposing to self limit,

as part of approval, from roughly 4400 houses to 2900. They are proposing to build a major arterial road that would benefit our town and our constituents. It meets the Valley Vision and Plan for Prosperity. While I respect Mr. Slade and Mr. Pohlman for being here, not a single member of the Gardnerville community came and spoke in opposition. And we have some of the most vocal constituents. This is not the time for the specifics of drainage. That is what the specific plan is supposed to address. Those conceptually were put into this packet but this is not when you pin it down.

Every meeting Chairwoman Wenner has gone to for the last ten years, the commissioners have said they want the traffic off main street. They want it going someplace else, at least the big trucks, so we can do the Valley Vision.

Mr. Higuera commended Tom on the staff report. Tom did a great job.

Mr. Ruben received the staff report at 3:30 p.m. today.

Mr. Higuera pointed out there are some conditions there that really concern me, drainage being the biggest one. Is it time yet? I think that needs to be worked out. It's going to take a lot of work on everyone's part to satisfy the concerns. Also, the financial impacts on the town will be huge. Staffing and all the other issues will have to be addressed. I would like to see more access to the trails. But the staff report is well written and staff's recommendation is to conditionally approve based on that report.

Mrs. Slater would like to make it subject to the conditions.

Mrs. Jones mentioned the control that the Park family would have to develop in a reasonable manner that might not be here 10 years from now when finances are tight. There is something to be said for somebody who is going to put 30 million up front, build the road and promise to do it before the first map is done.

Mr. Higuera thought Muller Parkway is very attractive for the Town of Gardnerville.

Mrs. Jones felt the committing to voluntarily reduce the number of units, even though the zoning might allow a denser building under a different developer at a different time, we might not have the ability to control that. There's something to be said for a developer who is willing to do that now and for us to lock that in.

Mr. Dallaire asked if they can actually condition a master plan amendment.

Mr. Rowe did not know whether it is. I think the board, as an advisory board, can send on its recommendations to the county.

Mr. Ruben responded that is actually correct. I don't think you can condition a master plan amendment or zone change. But there is a development agreement being proposed. If your conditions were posed in such a way that those elements should be considered in that development agreement to the county that would be totally appropriate.

Vice-Chairman Miller asked if he was saying even though we can't condition it, the county could.

Mr. Ruben answered the county could. The only way they can do it is through a development agreement.

Mr. Dallaire has not seen the development agreement.

Mr. Ruben thought whatever your concerns are, if they're voiced in such a way as "please consider these elements in the agreement." I think that would get to where you want to go.

Mrs. Jones asked if the master plan amendment at the county level is usually considered at the same meeting as the development.

Mr. Ruben answered it is. We are pushing to have them both together. Currently the planning commission should heard this in October. The Board will hear it in November. If it is approved there will be a second reading of the ordinance, development agreement and zone change ordinance in December.

Mr. Dallaire gave the board both options in the report. The drainage issue is the main concern. The question about the parks, if it is a regional park it will be county maintained. Minden will hear this item tomorrow. Separating that out and doing a combination between a regional pond and some park activity would be the best bet. The

proposal in 2008 had a lot of images in the slide show that showed ditches, open space, houses up against those ditches, to use it as open space. That is what is missing in this element. But it can be worked out in the specific plan, in which we will be able to participate.

Mr. Ruben's suggestion is if drainage is the issue, require in the plan that a master drainage plan be prepared as part of the specific plan. That is normally not required.

Mr. Dallaire pointed out in the plan page 10-58 shows the 100 year flood zone. The 500 year is the majority of that area with the exception of the middle. It will take partnering with the developer to fix a lot of the drainage issues. Most of this we can address in the specific plan. If Minden is willing, maybe we have a combined Minden/Gardnerville board meeting about it and bring out all the issues to get them resolved before the specific plan comes about.

Mrs. Slater asked whose responsibility for maintenance of Zerolene's elevated bridge.

Mr. Dallaire advised through the Martin Slough would have to be an elevated bridge. I assume with the proposed development a portion of it would be The Ranch, the county and the Parks. I do not know for sure. I think it would get built and then gets reimbursed by future developments.

Ms. Mimi Moss, Douglas County Community Development Director, explained The Ranch at Gardnerville is required to construct Zerolene across the Martin Slough up to the point it connects to Heybourne Road. Anything after that would be Park Holdings responsibilities, part of this request. It would be part of the specific plan they would have to identify the phasing of what needs to be done first. It will be dependent on their traffic analysis that this needs to happen first. The same with the drainage report. What needs to be done first? They have to do a master drainage. So don't think that conditioning it is going to change anything. They will have to do that when they come in with a specific plan. I know you are concerned about that but it's a standard requirement.

Chairwoman Wenner asked if Ms. Moss knew when the Ranch is supposed to put in Zerolene.

Ms. Moss does not know offhand.

Mr. Dallaire believed it was after they built out in Gardnerville.

Motion Miller/Jones to conditionally approve the proposed master plan amendment and zoning map amendment based on the findings in the staff report, including recommending to the commission conditions identified by staff report, which includes a requirement for the plan to address the issue of drainage. Motion carried unanimously.

(Break at 6:17 p.m. to 6:30 p.m.)

11.  **For Possible Action: Discussion on the 2016 Master Plan update collective board comments to Chapter two reformatting the comments and updating the information to the Minden Gardnerville Community Plan, adding a section for Gardnerville specific goals; with public comment prior to Board action.**

Mr. Dallaire talked with Candace a little bit more after the meeting last month. Candace was proposing a separate community plan for each town. I gave a little history, then Gardnerville specific for location and general description. I am looking for you to approve or amend them. I consolidated many of the items. I expanded the key issues and added an item specifically for the Gardnerville Main Street program. We have the same elements that were in the master plan about the open space, transportation, and policies. There is still room to trim some of the excess. If there are some comments that need to be addressed let's discuss them.

Mrs. Slater asked to look at page 11-8, policy 3.6. "In light of conversations" Does that need to be revisited.

Mr. Dallaire highlighted it. The specific plan from Virginia Ranch recommended that that not be a truck route.

Mrs. Slater believed they changed their tune when we talked about the Valley Vision.

Mr. Dallaire highlighted all the areas that need to be updated.

Mrs. Jones asked about goal #4. Ironically there isn't anything in there about flooding or about managing drainage. Might want to add a policy about new developments and how they affect the flood zone and drainage.

Mr. Dallaire pointed that out on page 4-3. I can send it out digitally if you want to recommend any other changes. I added what Mrs. Jones and Mrs. Slater's concerns were and then just cleaned up the property the town owns.

Mrs. Jones doesn't need to redline it again. They wanted us to send our comments back. If the idea here is we are sending recommendations, subject to grammatical, spelling and typo review, I think clearly there has been a lot of work put into this and I would rather put this in the master plan discussion that is going on right now rather than wait another month.

Mr. Dallaire had a conversation with Jennifer. I think once Jennifer has the presentation from Candace then I will go back and talk to her again.

Chairwoman Wenner asked on page 11-5, housing, it says "care should be taken to ensure balancing housing options and availability to the community, including senior housing, multiple family housing and small entry level homes." That's why I was asking Keith what the difference is between affordable and entry level. I like the word "entry level" better.

Mr. Dallaire stated depending on what happened tonight, Zerolene would be extended out.

Mr. Slade commented Mrs. Slater raised a question about Muller Lane in regards to the master plan update. I was at the county commissioner's meeting when they approved Muller Parkway. There were two things that were clear from that meeting: one, it was not to be construed as a bypass and; two, it was not to be a truck route. I think the downtown Gardnerville process is great. They have done a lot of good things here. I appreciate both towns would like to be more pedestrian friendly. It's hard to have that when there is truck traffic running through all the time. We are not talking about the UPS truck. We're talking about through truck traffic. That's not going to go down Muller; not the way it is currently designed. I spoke to Mimi Moss, director of community development during the break, and she confirmed Muller is still not a truck route. It could be changed to that. The people on Muller Parkway are not going to want to have truck traffic. There is only one real solution and it's many decades and tens of millions of dollars away; and that is a real bypass. When it comes to what is realistic for Muller Parkway, it is something that presumably will be built as the developments go in over 45 or 90 years. There are trade-offs that have to be considered. Downtown Gardnerville is challenged by all the truck traffic, but they are not going to go down Muller unless some significant changes are made by the commissioners. The Valley Vision plan is a vision plan. It is not a codified document. The solution will be a long time and a lot of money away.

Mr. Linderman was wondering the same thing about Muller Parkway and truck traffic. Is Muller being built so it will handle trucks? Are the developments along the route planning to have truck traffic through there? It makes a difference how you position your houses.

Motion Higuera/Slater to approve the Town of Gardnerville comments and direct staff to submit them to the county consultant for consideration and comments in Chapter 2 of the Minden/Gardnerville Community plan portion of the 2016 Master Plan update. Motion carried unanimously.

12.  **For Possible Action: Discussion on the North Hampton Light connection to NV energy with NV energy's standard Gardnerville Light or installation of an off the grid Solar powered light; with public comment prior to Board action.**

Last month Mr. Dallaire discussed having a solar option with the board. Geoff has done some research and come up with a recommended light. We talked about town current/existing standards. Right now we do not address the solar lighting. It's a great concept. It would work well in this location. It is substantially cheaper. We could have it done quicker than the current process. We have made significant headway with NV Energy. They gave me a design agreement. They have yet to tell me how much NV Energy is going to charge us to install the light. He is estimating about \$8,000, which is \$3,000 higher than what I shared with you. I am waiting for them to bring a proposal forward and hope to get our plan out to bid. They have made a policy now that they do not provide plugs or decoration hangers on their poles. Right now what is in front of you is the solar light.

Mr. LaCost contacted three different solar companies. I gave them our specifications. One of the bids was about \$3,000. These are off the grid, so every five years you change the batteries. The solar panels have about a 25 year life span.

Mr. Higuera asked if the solar light would be a lower standard than plugging into the grid.

Mr. LaCost answered no. It would be 45 watts, which would be similar to the lights we just installed on Chichester and Gilman. Those lights would put out a very similar amount of light. It would be without the \$32 a month cost for the meter plus electricity. It's \$400 every five years. It is similar to a cobra head except it is a black pole.

By going with this, Mrs. Slater didn't want future development saying we want to install solar rather than town approved lighting.

Mr. Dallaire wasn't planning on doing a meter at this location because I didn't want an extra pedestal there.

Mrs. Slater asked if we need to create a new town policy for this so future development will not try to come in and say we're not going along with the standard that the town has already.

Vice-Chairman Miller saw somewhere in the report that if we did approve it, it has a good point of using it around cluster mailboxes and certain locations within a development. So write a policy subject to not every light on the street can be solar, just certain locations.

Mrs. Jones added we were also talking about using solar at Gardnerville station. This might be an opportunity to install it, look at the way it works and then develop the policy.

Mr. Dallaire felt this would be a great spot for solar.

Mrs. Jones thought if it works, it would not only be a benefit to us in the future, but the next development, it would actually be a selling point for them if it's a green development.

Mr. LaCost explained the maintenance cost is between \$5 and \$9 a month. Right now we're paying an average of \$15 a month for NV Energy. If the contractor was to save money by putting in solar lights where we want them, we'd still be money ahead for new developments.

Mr. Dallaire understands the board wants the more expensive version with the town standard black in color. Each of the bases is \$1500. The light head is on page 12-2 top left that will be black also.

No public comment.

**Motion Slater/Miller to approve the connection to NV Energy with an off the grid solar powered light.
Motion carried unanimously.**

13.  **Not For Possible Action: Discussion on the Town Attorney's Monthly Report of activities for August 2016.**

Mr. Rowe had a busy month with the Village Motel documents. Wound up having to prepare four separate deeds. They are all signed off. There were the escrow documents on the Gilman property purchase that took time to go through. We had an issue about a Main Street Gardnerville item to get the ability for some action to be taken at a special meeting. Carol had a couple of questions about the convenience fee and their implementation.

14.  **For Possible Action: Accept Town Attorney's letter notifying the town of his desire to discontinue representation as general counsel to the Town of Gardnerville; with public comment prior to Board action.**

Mr. Higuera asked how many years Mr. Rowe has represented the town

Mr. Rowe thought since 1984.

Vice-Chairman Miller asked when we discussed this last year one of the questions I asked is do we have a commitment from your firm besides yourself and you answered that yes. So even though you want to pull back at this time, what about the rest of the firm. Do they want to serve as general counsel for us?

Mr. Rowe explained part of the action that was taken last year was to go out for an RFP. So it is up to the board. If you want the firm to continue, they would continue. In discussing this with Tom it was our desire to present you with the opportunity to go either way.

Vice-Chairman Miller thought it was to our advantage to continue with your firm. Other entities are paying a lot more. If we go to an RFP we are looking at more expense to the budget.

Mrs. Jones believed the contract is written in such a way once Mike retires Jennifer and Jim could choose to give notice as well. There is value in having Mike be able to transition for a period of time.

Vice-Chairman Miller pointed out there is no question about accepting your letter of resignation. But there is a question about where we should go with the RFP.

Mr. Rowe shared it's not like I'm vacating the office. I'd be around if a question came up. When we discussed it at lunch they indicated they would continue. Both of the other partners don't have the depth of experience that I have or you may find with some of the applicants. There will be a learning curve.

No public comment.

Mr. Dallaire asked if he will be here at next month's meeting.

Mr. Rowe will be here. I anticipated that and even helping the board if the board elects to go with RFP's.

Motion Miller/Higuera to accept the town attorney's letter notifying the town of his desire to discontinue representation as general counsel to the Town of Gardnerville. Motion carried unanimously.

15.  For Possible Action: Discussion and provide direction to staff on posting a Request for Proposals (RFP) for counsel representation for the Town of Gardnerville; with public comment prior to Board action.

Mr. Dallaire asked the board if they want to continue and talk to the partners. The direction before was to go out for a request for qualifications. In discussing with Mike and the district attorney, they were okay with going after a cost associated. So I added that to the schedule of fees for services rendered and duplicated what Mike's contract already said.

Vice-Chairman Miller asked if we could go to the county for services and have them bill us.

Mrs. Jones stated the district attorney is the law firm for the county and sometimes theoretically, if not in fact, we have conflicts with them. Therefore the district attorney and all of the lawyers who work for him are conflicted out from representing us.

Mr. Rowe shared statutorily there isn't a comment about it. But in 318 they can contract with the county by statute, but none of them have ever done so for the reason Cassandra voiced.

Mr. Higuera thought just for the history I think we should go to Mike's firm first. If they say they are not interested then we should go to the RFP.

No public comment.

Mrs. Jones has the greatest respect for Jim and Jennifer. But I think that inherited clients are forced clients. They have to want us as much as we want them. But I think there is a fiduciary duty the board has to examine all opportunities for qualified counsel. Please know that I thank you for your years of service and I would love to have Jennifer and Jim continue, but I think there is a responsibility we owe to our constituents to make sure we have the most qualified counsel.

Mr. Higuera doesn't see any problem with qualifications.

Mrs. Jones would go out for an RFP. There are some changes I would make to this or at least talk about before we went out. For starters this anticipates only licensure in the State of Nevada. There is a separate professional licensing for federal court. You can be licensed to practice law for the state of Nevada but not in the Ninth Circuit, which is the local federal court. So we need to make clear that it is both the Nevada state bar and also the appropriate federal bar for the Ninth Circuit. The truck issue was going to require us to go to federal court. We don't want a local attorney who can't also represent us in federal court in Reno. On the application I would include a CLE report for at least the last three years. A CLE report will tell us what they've been training in, not just what they've been practicing. CLE is our continuing legal education. A CLE report would be a good way of testing whether they've kept their skills sharp.

Mr. Higuera thought before we get too deep into the RFP, I thought I heard Mike say his firm will not respond.

Mr. Rowe did not think Jim or Jenn would do that. They have pretty much said that.

Mr. Higuera asked if the rest of the board feels it is out of the question to contact the firm first, before we go to an RFP, then I'd say carry on with what Cassandra is doing because you won't hear from them.

Mrs. Slater agrees with Cassandra. I think I would rather go out. I think all applicants should be applying for it and responding. It kind of sends a message if they don't respond. I think with Mike staying on board, at least for the next few months, we can bring on a new person on that wants to be with us. Maybe they don't want to be with us if they're not willing to apply.

Mrs. Jones' personal experience is there is a challenge in inherited clients. The attorney-client relationship is truly a relationship. The client needs to choose the lawyer as much as the lawyer needs to choose the client. Every time I've ended up in a client relationship where I've inherited a case from another lawyer, those are the most challenging clients I've ever had because they didn't choose me. That affects the productivity of the relationship. I agree we will be paying more for counsel. Mike's rate is not just competitive, it's a form of pro bono.

No public comment.

Vice-Chairman Miller asked if we go to an RFP is it going to be hard for you to consider other attorneys?

Mrs. Jones answered no. I have a good working relationship with anybody who might apply. No one in my firm will apply. I might not even know who is going to apply. I think that's part of the challenge I have is how can we say we're fulfilling our duty as a board without investigating who is there. I know there is a risk that Jim and Jennifer may not apply and they might be the most qualified, but I don't know.

Mrs. Slater wondered if they would respond to us as well as Mike has. If not, are we going to be doing a comparison. Are we going to turn around and say you are not giving us the service that we feel that Mike always provided. Are board members going to feel good about speaking up about that. That's a tough thing to do.

Motion Jones to direct staff to send out an RFP with the changes I recommended. The time line looked okay.

Mr. Rowe asked to take a look at 15-5.

Mr. Dallaire had some questions. If you approve the RFP we can formally advertise it by the weekend in the paper and on the website by Friday. That would give them more than 10 days. So if we had information by the 23rd, post the agenda the 27th or 28th, we could have the meeting on October 4th. We can come up with an interview process at the next board meeting. I can send all the applicants' info along with the packet on the 28th. Then we can come up with questions you want to ask and have a special meeting in October, or we can push it to November. That would be all the applicants coming in and presenting to the board.

Board discussion on dates.

Mrs. Jones suggested giving applicants until the 26th. Then have our interviews on October 10th.

Motion Jones/Slater to direct staff to issue the RFP with the additional qualifications I added and revise the tentative schedule accordingly. Motion carried with Wenner/Miller/Slater and Jones voting yea and Higuera nay.



Not For Possible Action: Discussion on the Town Manager's Monthly Report of activities for August 2016.

Mr. Dallaire went over the RFP questions. There are a couple of classes this month in the correspondence section of the packet. We have the storm water management for a clean community. They are looking at collecting a fee based on people's coverage of their property and that's each property's prorated amount owed for storm water management. We currently do not report to NDEP on our storm drainage efforts. We have the program in place anticipating it was coming. Now we anticipate it will happen next year, if not sooner. We will have to file quarterly reports to assist the county in collecting that data and somebody managing it. We give the information currently to the storm water person at the county and they submit it to NDEP. Steve Thaler asked Jennifer and I to be on the committee under his area representing the two towns. The critical issues conference is coming up. Mr. Pegram is one of the speakers. Cassandra and I signed up. Lloyd will be there recording it. The NLC conference is in Sparks this year. I signed up for the conference but I did not make a hotel reservation yet.

Vice-Chairman Miller asked about the gator and watering the flowers.

Mr. LaCost gave an update on the status of the gator. I priced a new gator at \$15,000. A new one can hold 100 gallons of water instead of 50. It would be nice to refill once instead of doing it over and over. We have to make a decision on that.

Mrs. Slater's concern is if we buy another one where are we putting all this equipment.

Mr. Dallaire answered the barns could be used for storage when they are renovated. The metal barn would be for the seasonal equipment. The gator works well for the path. But it won't go between Elges and Bryan or Penn and Windsor. There is \$25,000 in the 614 fund.

Mrs. Slater asked about item E. The county is having issues with the public dropping off leaves and large limbs at the shop. How many years have we been doing this?

Mr. Dallaire will need to talk to Mimi. Dean Patterson, the new planning manager, called it a transfer station. We are supposed to have a wall around that place. Geoff and I got some elevations for the culvert on Toiyabe. I want to change the drainage. He went over plans for that area as well as the area around Kimbles. The Gilman property closed. Next year we will make the 1st payment. We are working on making contact with ROTC. They have some people that want to do landscaping. I have a scout that needs an Eagle Scout project. We will be ripping all the junipers out on the Gilman property. The church has weeded their parcel. It is looking better. We need to get the water fixed along there.

Chairwoman Wenner asked about the dirt hills on the lot.

Mr. Dallaire did not know yet. Until we know what we are going to do with the property I wouldn't propose anything.

2nd PUBLIC INTEREST COMMENTS period (No action will be taken)

No public comment.

Meeting adjourned at 8:15 p.m.


Mary Wenner, Chairwoman


Tom Dallaire, Town Manager