



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, February 5, 2013

4:30 p.m.

Gardnerville Town Hall

 4:30 P.M. Call to Order and Determination of a Quorum

PRESENT:

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

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

ABSENT:

Mike Philips

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/Slater to approve the agenda.

No public comment.

Upon call for the vote, motion carried with Board Member Philips absent.

 **FOR POSSIBLE ACTION: APPROVAL OF PREVIOUS MINUTES:
January 8, 2013 Regular Board meeting, with public comment prior to Board action.**

Motion Higuera/Wenner to approve the minutes of January 8, 2013.

No public comment.

Upon call for the vote, motion carried with Board Member Philips absent.

 **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.

 **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. Correspondence**
Read and noted
- 2. Health and Sanitation & Public Works Departments Monthly Report of activities**
Accepted

3. Approve January 2013 claims

Approved

4. Approve “Waiver of Liability and Indemnification Agreement for Use of Town of Gardnerville Equipment” to be completed by the user each time a local government entity borrows and uses Town equipment.

Approved

No public comment.

Motion Higuera/Slater to approve the consent calendar. Motion carried with Board Member Philips absent.

ADMINISTRATIVE AGENDA

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

5.  **For Possible Action:** Discussion of the abandonment of the Storm Drainage Easement, as shown on the final map for Jewel Commercial Park Phase 1, Document Number 289083, as recorded in book 992 page 4169 of the official Douglas County records, containing the detention pond facility, located behind the Les Schwab Tire Center, that was previously maintained by the Town of Gardnerville, with public comment prior to Board action.

Mr. Dallaire stated this is the old pond itself that was located within the new parking lot. There is a map showing the location. There was some confusion with Pentacor as to what they were actually going to be providing us this evening. I didn't find out until Monday that they combined all the abandonments into one document. I had Tyler look at it and we still need to change a few things. We need the motion to include having the chairman sign on the Board's behalf. Pentacor is not here tonight. If there are some concerns we will continue the item or hold a special meeting. There are two sections of easements that we will need to get back from Wal Mart for storm drain maintenance purposes because it conveys public storm water through their property that we need to have access to cleaning the pipe. We have the final vacation and abandonment. They will be lumping all the abandonments into one document. I separated it into two because of all of the descriptions. They will just be doing exhibits A, B, C and D.

No public comment.

Motion Slater/Higuera to approve the abandonment of the storm drain easements as shown on the final map of Jewel Commercial Park Phase 1, Document #289083 as recorded in Book 992 page 4169 of the official Douglas County records containing the detention pond facility located behind Les Schwab Tire Center that was previously maintained by the Town of Gardnerville and have the chairman sign said documents. Motion carried with Board Member Philips absent.

6.  **For Possible Action:** Discussion of the abandonment of a portion of the existing 41 foot wide ditch irrigation and maintenance easement (30.5' east and 10.5' west of the centerline) as recorded in Document number 250593 in Douglas County official records and as indicated on the Final Map for Jewel Commercial Park Phase 1, Document number 289083, on, with public comment prior to Board action.

Mr. Dallaire noted Anderson Engineering prepared an exhibit to show the parcel, the easements, the pond area and the adjusted lot line.

No public comment.

Mr. Dallaire asked for the motion to reflect authorizing the chairman to sign the documents because we did not get the final signed versions.

Motion Higuera/Wenner for abandonment of a portion of the existing 41 foot wide ditch irrigation and maintenance easement (30.5 feet east and 10.5 feet west of the center line) as recorded in Document #250593 in Douglas County official records and as indicated on the final map for Jewel Commercial Park Phase 1, Document # 289083 and allow the Chairman to sign the documents. Motion carried with Board Member Philips absent.

7.  **For Possible Action:** Discussion on the dedication and acquisition of APN: 1220-10-101-003, a 3.69 (3.67 on APN map) acre parcel, containing the regional detention basin and all its appurtenances; park, walkways, landscaping, (2) cupola, pump and lift station used to drain the pond, and public storm drain improvements that were installed during the Wal-Mart Development that will receive storm drainage from

Wal-Mart site, Larson Way, Charlotte Way and Virginia Ranch Road and adjacent vacant properties that are located within the Jewel Commercial Park Phase I and Phase II, with public comment prior to Board action.

Mr. Dallaire mentioned there was a discrepancy between what Matt had prepared and the acreage on the APN map. GIS will update that acreage when the map is filed. There is a large area of storm water that is going into the regional pond. The document is ready to be signed this evening. Matt is here if you have any questions. My only question to Matt is: are you going to set the property corners or did you set the property corners.

Mr. Matt Bernard, Anderson Engineering, explained it is unique the way this parcel was created. It was created by the dedication of Carrick and Grant. In future maps there will be a requirement to set the corners. I will compliment the GIS department. It was hard for them to come up with the acreage. You don't see parcels created by road dedications very often. What is the process if you accept the pond? Does that deed get accepted right away?

Mr. Dallaire's understanding is they turn it in to the county.

Mr. Altom advised with the Town owning the easements they need to be abandoned. Then the Town records all the documents. After this some of the procedures aren't set in stone. The DA's office has some policies where certain things go before the commissioners and other things don't. To be quite honest, I am not sure once we sign it and record it whether the county needs to do anything on it. But we will follow up on that.

No public comment.

Motion Slater/Higuera to accept and approve the dedication and acquisition of APN 1220-10-101-003 a 3.69 acre parcel containing the original detention basin and all its appurtenances; park, walkways, landscaping, two cupolas, pump and lift station used to drain the pond and public storm drain improvements that were installed during Wal Mart development that will receive storm drainage from Wal Mart site, Larson Way, Charlotte Way and Virginia Ranch Road and adjacent vacant properties that are located within the Jewel Commercial Park Phase 1 and Phase 2 and also to give direction to the chairman to sign said documents. Motion carried with Board Member Philips absent.

8.  **For Possible Action: Discussion of the dedication of the new onsite and offsite storm drain easements for storm drain maintenance by the Town of Gardnerville for the collection and conveyance of public storm water to the regional pond, over portions of APN's 1220-10-501-006, 1220-10-510-008 & 009, with public comment prior to Board action.**

Mr. Dallaire explained this is the conveyance to the pond that we just accepted. These are the easements for the new storm drain that is in the ground now with all the improvements that were done by Wal Mart that convey the storm water through this private ownership to the regional pond. This allows our staff to go in and clean the manholes, the lines and pipes. That is what the green areas are. The red area is actually on site of Wal Mart. This is all public water. There is a catch basin for a future storm drain system that collects the water in a curb and gutter and discharges it into an open ditch along Muller Parkway. It is still within the right of way until you get past the roundabout and then it is on private property again. When it is developed it will be piped in the future. In the meantime they have a small ditch just north of Carrick. It drains into a catch basin and goes into the pond. That is a pipe for future development at the low side of the property. The blue line is the new company ditch alignment.

No public comment.

Motion Higuera/Slater to approve the dedication of the new onsite and offsite storm drain easements for storm drain maintenance by the Town of Gardnerville for the collection and conveyance of public storm water to the regional pond over portions of APN 1220-10-501-006, 1220-10-510-008 and 009, and also allow the chairman to sign the documents. Motion carried with Board Member Philips absent.

9.  **Not For Possible Action: Discussion on the Main Street Program Manager's Monthly Report of activities for December 2012, with public comment prior to Board action.**

Mrs. Lochridge reported this afternoon Main Street Board Members Dorette Caldana, Carol Sandmeier, Tom and myself met with Chris Bently. That meeting went very well. We presented a few of our projects that we want to work on or we are currently working on. He expressed some interest in a couple of them. He has met with representatives from Carson, Tahoe and Minden. He was thrilled that we reached out to him. We are excited about some future

possibilities. Also we held our morning coffee meeting this morning. We had 12 people join us. Tom was there. Thank you for showing up; I appreciate that. Also, County Commissioner Doug Johnson made a return visit. He made a comment that he enjoys coming to the meetings; they are positive and there are people there exchanging ideas, trying to come up with good things to do within the district. The flower baskets sponsorships are being taken out for the 2013 season. We did have to up the price a little bit. We will probably have to do that again next year to help cover some more expenses as they come. The sidewalk gallery that we have featuring the artwork from the Carson Valley Artist Association is coming down in the next week or two. We will be putting up photos of some of the flowers baskets adopt-a-pots from years past with a push to adopt or sponsor them. In April we will be putting up more pictures from the Douglas High School photography class. Carol Sandmeier, chairperson of the Heritage Park Gardens committee is going to come to your meeting next month and make a presentation on what is going on with the garden. We have a membership drive we will be kicking into full swing within the next month. We are working with Sharkey's and Genoa Cowboy Festival to do another sanctioned event like we did last year: the open range dinner. We had our fifth cash mob at Frontier Antiques. I am meeting with the owner tomorrow to see how it went. When we got there around noon he said he was just blown away with the amount of people that came in. It's working really well for the businesses. I will compile a report from all of the cash mobs we've done and present it to the promotions committee to see if we can just keep doing it every month. It doesn't take a lot of effort. But it is nice to showcase a different business each month.

10.  For Possible Action: Discussion on Resolution 2013-02, and pursuant to the provisions of NRS 361.603, the Town of Gardnerville making application to the Douglas County Board of Commissioners for permission requesting the acquisition of the property known as Eagle Gas Station, APN 1320-33-402-075, held in trust by the county, for public purposes, and authorize the Chairman to sign all associated acquisition documentation, with public comment prior to Board action.

Mr. Altom noted if you are looking at the packet the agenda item language is different than on the agenda. That was apparently a clerical error. It is the agenda that controls. So you read the proper agenda language. I just wanted to note for the public that under #1 on the agenda action sheet it is different language. I believe on this item that Mary has something to say.

Ms. Wenner read her disclosure into the record.

"I am an employee of the Douglas County Treasurer's Office, which office will be issuing the notice to the delinquent property tax owner on this agenda item. My particular duties as an employee with the Treasurer's office do not include any decision-making responsibilities for major issue such as this agenda item, and will not affect my decision or action here this evening on this agenda item.

"Therefore, I conclude that the independent judgment of a reasonable person in my situation would not be materially affected by this relationship, and because this is not a clear case of a disqualifying conflict of interest, I will vote on this agenda item."

Mr. Dallaire went over some of the background on the Eagle Gas property. To get the process started we need to go to the County Commissioners and ask them for permission to acquire for us and show there is a benefit to the public. The benefit is basically creating a park/parking lot with landscaping improvements, improve the sidewalk and get rid of the three driveway entrances. We have a potential to do a bathroom in the future. There are some contamination concerns with the site. It would be a good Brownsfield candidate to get the environmental phase 1 done. They do have programs that will help communities fix up blighted properties. There is also another option working with the county. Candace Stowell can apply on behalf of the county for CDBG (Community Development Block Grants) funds. We can use that for improvements of the site for blighted parcels that would be serving the public needs. The plan that was generated in 2006 on the parking district identified that parcel as a large parking lot. We could, with that plan, and the parking district area concept, start that as the first phase and get it cleaned up.

Vice-Chairman Slater asked what kind of up-front money will the Town need.

Mr. Dallaire thought if we can get into the Petroleum Fund after we own it, we would be able to use a percentage of that to help with the cleanup. We will have to pay for those items, about \$1,500. The testing of those tanks would be to see if there are any additional leaks. It is a couple thousand for that.

Mr. Higuera asked if the county would acquire the property and deed it over to us if we made the request. And then would we have to pay the taxes?

Mr. Dallaire answered it depends on the county commissioners. There is a little under \$30,000 owed.

Mr. Higuera asked if the commissioners decided we had to pay those, would we have that kind of money.

Mr. Dallaire answered it will hurt our other projects that are going on. The channel would be the one I am concerned about.

Mrs. Slater asked if we could ask for a waiver on that.

Mr. Altom didn't believe so. If you look at page 10-3 of the statute, the local government entity needs to pay those delinquent taxes. You would have to fit the exception if you didn't want to pay the full amount of taxes.

Terry Lundergreen, Chief Deputy Treasurer Douglas County, stated the property is already in Douglas County's name. We have taken the deed to the property, which is why this decision is coming up now. The property already is being held in trust by the Douglas County Treasurer. I spoke with our district attorney and we thought there may be an instance that the commissioners would have the authority to waive the taxes. Because of the street and drainage issues, it will be up to the commission to decide whether or not they would waive the taxes. I believe that should be part of your request. A 90 day notice will be given to the property owners and any of the lienholders they might have. They will have 90 days to redeem. If they don't, at that time, if the commissioners approve your request, the deed would be transferred to you. If they approve it they would determine whether to waive the taxes. I did a title search on this property for the county back in November or December. I will probably ask the title company to update it to make sure nothing else has popped up. I don't want to miss anybody. Obviously they have not tried to pay the taxes. They never did come forward with any arrangements. We have not been contacted.

Chairman Miller understood that the tanks were red tagged where they could not be filled any longer.

Mr. Dallaire explained thanks to Candace's help she got NDEP to get that taken care of. The owners were operating it for months. They promised when they opened up they would be paying the taxes and never did. We were on them with our trash bills as well. But there are several other liens from other utilities. I got a call from Frank at MGSD. They have about \$3,000 in sewer fees that haven't been paid.

Chairman Miller asked what happens to the sewer fees?

Mrs. Lundergreen believed it would be a write off. To my knowledge this would be considered like a tax sale process and their liens would be wiped out.

Mr. Dallaire stated according to the phase one document the tanks did leak in 2004. They lined the tanks and the last time they were pressure tested and passed was in 2007.

Mr. Higuera asked on the Brownsfield program, it states on your report that they will assist. Is there any question mark in that?

Mr. Dallaire explained once we own the property that is what the Brownsfield program is for. We know there is a contamination issue there. We would have to go through and apply through the process. We have a plan showing the improvements with parking lot, park and sidewalk improvements. We don't have to do everything that is on the plan. It is just a nice overall concept.

Mr. Higuera asked about NDOT.

Mr. Dallaire advised that is not for sure. We could apply. Candace is here to speak to the CDBG funds. If we have the support from the county to apply for those funds, then we are a pretty good candidate to get funded. The town can't apply for those funds. It has to be the county on behalf of the town. The federal level, the EPA Brownsfield actually funds rehabilitation of sites for parks and things.

Vice-Chairman Slater requested when and if this comes to fruition make sure we have sufficient funds to be able to at least move forward and smooth the dirt out so it is not just an eyesore because it is your main turn into town. It is the first thing you see. My request would be you come back to the Board and bring the plans so we can take a look at it one more time.

Mr. Higuera thought it would be nice coming into town to have a garden there.

Vice-Chairman Slater would like something that is presentable and not sitting for three years with the dirt turned over.

Mr. Dallaire pointed out we did not plan for it. It is not on the CIP. If we had to pay the taxes it is still a lot cheaper than having to buy it down the road. Nobody bid on it. Once it got into the paper everyone knew there was a contamination problem.

Vice-Chairman Slater believed if we can acquire it now at no cost or close to no cost, put some improvements in and make it look nice, it will be an asset.

Ms. Wenner noted part of those taxes will come back to the town if we pay them.

Public comment.

Terry Lundergreen is a property owner in the town of Gardnerville and grew up down the street from this gas station. Now that is so blighted and contaminated, as a town property owner it is the best opportunity for that property be cleaned up, made into something nice so that you don't see a complete eye sore when you drive into the town. As sentimental as I am about some of the old buildings around here, that is not one of them. I think even Virgil, if he was around, would say it's time for it to be cleaned up.

Candace Stowell, Douglas County Community Development explained this is the kind of activity for use of CDBG funds, clearance of blighted properties. I don't want to say it is a slam dunk, but it is something that is done all the time. The nice thing is because Douglas County has not applied for CDBG funds in several years now; the state has been saying where are you; why haven't you applied. We've talked about Sharkey's in the past. This is even a better situation because if the town were to move forward and be able to acquire the site it is much cleaner all the way around. Certainly it maybe an opportunity if the town goes forward and does acquire the site, even though the CDBG funds would not necessarily be available until we would apply, go through the public hearings in the fall, but there could be quite a bit of CDBG funds available for clearance, removal of the structures and the initial prep work that is needed for that site. It is definitely a resource and the state knows that we are very interested in going after those funds for some kind of parking facility. I confirmed with them tonight there is no matching requirement at all. It would be a 100 percent grant.

The Board thanked Ms. Stowell.

Mr. Altom noted we have the 90 day notice period. That would possibly give us an opportunity in the meantime to do an accompanying resolution to the county that would say here is what we will use it for. We believe the use applies to one of the exceptions in 361.603 subsection 5, therefore we are asking you to apply this exception so that the town doesn't have to pay the delinquent taxes. That is something we can do in the next 90 days is prepare an accompanying resolution to this resolution. This resolution does mention under the last section 3, the last part says "subject to those exceptions." So it is leaving it open for us to ask for it. At the time I prepared this I didn't know exactly what we were considering for the use. I did talk to Doug Ritchie. At the time we weren't really sure any of these exceptions would necessarily apply. But again, I didn't know what Tom or the Board was going to propose to use the property for. If we are going to use it for something that applies to one of those exceptions, we can certainly do an accompanying resolution that will request the county not to require us to pay the taxes.

Public comment closed.

Motion Higuera/Wenner to approve the Resolution 2013-02 pursuant to the provisions of NRS 361.603, the Town of Gardnerville making application to the Douglas County Board of Commissioners for permission requesting the acquisition of the property known as Eagle Gas Station APN 1320-33-402-075, held in trust by the County for public purposes and authorize the chairman to sign all associated acquisition documentation. Motion carried with Board Member Philips absent.

11.  **For Possible Action:** Discussion on the Town's Mission, Mission Goals, Core Values, and vision, provide direction to staff on the boards priority projects that will be included in the tentative budget for Fiscal year 2013/2014, and any other items related to projects the town is working on, with public comment prior to Board action.

(Break for five minutes at 5:40 p.m.)

Mr. Dallaire provided the town's mission statement, goals, core values and vision. I am curious to know if they want to do some training, invite the public and see if we can modify these at all. How much time would you want to

invest in this? We have a lot of projects on the CIP that are underfunded. We are still holding true to the core values and strategic plan. Is this something you want to change? Do you want to try and update the mission statement?

Vice-Chairman Slater thought the town's mission statement is true and doesn't need to be changed.

Mr. Higuera didn't believe we need a total overhaul. We just need to go over it and get public input, take out some of the things that don't pertain or we've accomplished. It is worth the time to spend.

Mr. Dallaire spent a lot of time looking at other strategic plans. For the most part it is pretty identical to ours. Is there any input on that?

Chairman Miller would like to do a public service announcement to let residents know we are having these workshops. Publicize it a little more than just posting.

Mr. Dallaire asked if Mr. Higuera could put it on cable.

Vice-Chairman Slater asked if he wanted to bring in Steve Lewis again.

Mr. Dallaire would like Steve to be here.

Vice-Chairman Slater didn't think some of these things needed to be gone over again. As for the goals, I think maybe we can make sure we go over those carefully. Our focus should be more of the goals that you feel our town should be achieving; whether we, as a Board, feel the same way; talk about the strategy to get there; where is the funding; and how long is it going to take to get there. Set a benchmark. As an example, if we say we want to develop the gas station. Find out what our plan is; how we're going to get there; where is the funding going to come from; what phases are we going to have to put into place to make it a completed project. It may take many years. But at least we'll have an idea which will in turn help you in your budget when you have to plan for the CIP. It's your vision for the next 10, 15 years.

Ms. Wenner asked if they could set the top three goals and then if those aren't something we can get to that year what would be the ones underneath.

Vice-Chairman Slater asked if Mr. Dallaire could extract those out of the presentation in packets and have those prepared where Steve can go over them. You and Steve can actually discuss it ahead of time and see if they are actual goals or just a vision. In some places you do have a vision of where you'd like to see things. From my perspective I'd like to see what the goal is from the vision. Take the vision but I want to see the end product. How are we going to get there? How much money is it going to take? How long? What benefit does it have to the residents of Gardnerville? Are we making sure that we are perceiving it in a way that is going to affect everybody in a positive fashion? That is my take on it.

Mr. Dallaire asked if there was anything we need to add now to the preliminary list? What I am hearing out of this is we take these projects and things that I can see in the next 10 or 15 years, put them as a goal and here is the plan or strategy to get to that goal.

Vice-Chairman Slater agreed. You want to make sure your goals are going to be attainable. That is something that gets tied to your evaluation. The goals need to be realistic. Not necessarily all long term. Some should be short term goals. It all ties back to your CIP list.

Chairman Miller believed it also gives direction to future board members

Chairman Slater pointed out things change. You can tweak it along the way. We will all change. You stay the same. Your vision is the one that is most crucial. You, as a manager, you are the one who has the vision to see where you are taking us. We're along for the ride.

Mr. Dallaire thought it was the other way around.

Chairman Miller agreed. Board members are here to serve the public too. That is where Linda is coming from.

Mr. Dallaire was thinking that the Board members are the ones that are advisory. I run the daily operations trying to get the work done that you envision. Out of that meeting we had it was the traffic calming that really popped out of the meeting. But when we started throwing numbers at it, it fell by the wayside because it is an expensive proposition.

We still have maintenance and other projects in town that have to be dealt with. We have done ten ADA ramps. We have \$10,000 for that this year. We will probably have three or four more done this year. Going back to the workshop, I will come up with a draft list of goals for the presentation that will be on a Saturday from 8 to 12.

Mr. Dallaire went back to the ADA issue. The town is broken into five zones. When these subdivisions were approved the sidewalks and ramps were in compliance at that time.

Vice-Chairman Slater asked when these subdivisions were approved were they in compliance at that time.

Mr. Dallaire stated we have 28 complaint ramps, 10 of which we just put in. We have 491 noncompliant ramps. But those were ramps that were constructed to DC code at the time. The standard detail wasn't updated in 1994 with the ADA requirements. Those are grandfathered in. We are not liable for those right now until we do some improvements on the street.

Mr. Altom added we are saying non ADA compliant until we do a major improvement. It doesn't mean that they are not going to be fined when a wheelchair can't negotiate those ramps.

Mr. Dallaire went over the ADA diagram of the different areas in town with board members

Ms. Wenner asked which ones they would be doing this year.

Mr. Dallaire has \$10,000 budgeted so we can probably put in four ramps and repair some curb and gutter out in Southgate. Staff is doing a transition plan. We have the graphic part done and we are working on the text part. I am hoping to have that done by next month. We would need to adopt the transition plan, which is a layout of our improvements. Here is the condition they are in now. Here is how we will work on it. As long as you can show progress then we are safe.

Vice-Chairman Slater asked how Genoa is getting around it with the lack of sidewalks.

Mr. Dallaire responded they are putting in sidewalks with all the trail improvements. We are trying to focus from the schools outward for ADA access. High School and Courthouse will need one. We were looking at doing the red areas first closest to the school out. The next one is the town pavement conditions. We just had the new PCI's done this past summer. We hired Nichols Consulting to train and review staff's inspections. We will go around by zone and do them every year. So every five years we will take a look at it. The last time this was done was in 2006. It is not bad. The average PCI is 82.53. There are some, like Meneley Alley, behind US Bank that are bad which brings down the average PCI. Our plan is to come in and do the microsurfacing. We can do a scrubcoat and that will fill all the smaller cracks. Then we will come back in and do a microsurface layer and it will look like a new road. It will not stop the cracking. Our plan is to do Gilman. It is green, but it will prolong the life of it. It will increase it back up to 100 to raise the average. They will basically be two phase projects. That will reduce the amount of crack seal we put down. Mill, High School and Virginia Ranch were all done with a performance grade asphalt, which is a change from previous overlays. Hopefully it will last longer with a larger temperature range for expansion, shrinkage and contraction. Gilman, from Chichester out to the Ranch at Gardnerville is all performance grade asphalt as well. Cemetery Drive doesn't get used a lot. It is the back side of a parking lot coming off the Stratton Center. We can put a slurry on that. We will probably come forward with a chip seal on Service Drive next year and do a remove and replace on Industrial.

Vice-Chairman Slater asked on Circle and Gardner that little piece that is red is that in front of Mike Philips rental?

Mr. Dallaire answered yes.

Vice-Chairman Slater mentioned that little piece was included when the whole area was redone.

Mr. Dallaire has two sections on Circle Drive and they average 66. I will take a look at that section. It looks like some of the treatment is lifting up and it has created a rough looking surface. That little section is really bringing the average down.

Industrial Court and Industrial Way were ignored and it has a huge pothole in the middle. We will come in and add to the patch that was already done and that should bring the PCI up quite a bit. Meneley Alley is in really bad shape. It has a PCI of 22. In order to be worthwhile for the contractors and not charge an arm and a leg, we have to have a substantial project, which is why we included Gilman, Chichester and Marion Russell.

Vice-Chairman Slater asked when you do Industrial Court are we going to do a partnership with the owners out

there? We should be able to put some sidewalks in and clean up the infrastructure out there.

Mr. Dallaire didn't know if we can do sidewalks anywhere out there. If we put curb and gutter we will eliminate everyone's access. We can talk to them if we are going to do curb, gutter and sidewalk. I don't know if the owners would partner with us on that.

Vice-Chairman Slater is just curious if they want improvements in there as well. Kind of like to see some dialogue before we put time, effort and money into the area. They may say they don't want anything there

Mr. Dallaire continued with the vehicle replacement plan. We put this together from our inventory. There are some options since we have so many vehicles that need to be replaced. We are looking into possibly refurbishing one of the trash trucks.

Vice-Chairman Slater suggested contacting either State Purchasing or State Surplus.

Mr. Dallaire went over the current CIP, what is done and what is currently being worked on. I am working with Minden and Bruce Scott to get more water in the ponds. Still planning on doing more storm drain maintenance. We have been in contact with HydroTech. We do have in GIS almost all of the storm drain so it can be printed on a similar document like this.

Vice-Chairman Slater asked of the \$81,000 in storm drain you spent \$41,000 doing the excavation, where is the remaining.

Mr. Dallaire rolled it into the next fiscal year into the Hellwinkel project, the trench construction and the contract with Northwest Hydraulics. The Raley's/Toler sidewalk we did not do. We did the Toler landscaping instead. They will start to work on the drip. The ground is still frozen. We ended up spending a lot more money on Toler than what was budgeted. Next year the CIP will not include maintenance items. The Town server has been bought but not installed. Going out to bid with the microsurfacing. We are estimating around \$170,000. We are coordinating with Carson City on their microsurfacing project so it goes out to bid at the same time. 2013/14 we need to start saving for pulverizing and replacing roads. We need to get the plans done on the Hellwinkel channel, shorten up the project to just include the trench. It is not a solution to the flooding problem. That will be a lot more expensive than what anybody anticipated. We have on the list to repair the Hellwinkel shop and hay barn. We have the \$50,000 we've allotted for the sidewalk in front of Kingslane. We have \$15,000 for the match on the crosswalk improvements and the \$25,000 on the trail amenities 50-50 grant. There is one storm drain pipe in the Centertowne Apartments that has been crushed. There is an underlying drainage issue on Hussman and the Cottonwood Slough. We should probably put in double catch basins. All of the water drains out to the irrigated ditch. We will have some issues from the farmers because they are thinking the oils from the streets are contaminating their fields.

Chairman Miller recommended the farmers contact the county commissioner for their district and talk about it. It is more of a code enforcement problem than it is our problem.

Mr. Dallaire pointed out all of Mission Street drains to a grease trap in our park.

Vice-Chairman Slater would like to be proactive and make sure our ditches are cleaned before the spring runoff. If we put it on a maintenance schedule every three years we could keep on top of it.

Mr. Dallaire has given the guys a plan that has helped. Staff's recommendation would be maybe participate in a crossing culvert at the Virginia ditch. The county hasn't asked but it would be beneficial.

Mr. Higuera thought it might motivate the commissioners. Greg Lynn said if we build a new road people complain because we have so many old roads to fix. Tom brought up that the water company and the town might be able to participate.

Mr. Dallaire understood the developer was willing to participate.

Vice-Chairman Slater pointed out the property is owned by the county. Dirk was pretty clear when he said it will paved when the developer puts in something there.

Mr. Dallaire stated the sidewalks on the corner of Meadow Lane are really bad. That's a section that is in really bad shape. But where does it go and how much of a benefit is it to fix? Another sidewalk that needs to be fixed is by Fitzhenry's. Bell, Cemetery, Wilson and Cardiff need some sort of slurry. If we aren't going to participate in the culvert

crossing I will left Jeff know.

Vice-Chairman Slater thought the town had a lot of projects and not a lot of money to throw at them. That doesn't seem to me to be a high priority.

12.  For Possible Action: Discussion to accept legal counsel's summary of claims for tortious conduct as required annually by NRS 41.0385, with public comment prior to Board action.

Mr. Altom advised this item is self-explanatory. NRS 41.0385 requires this summary of claims. There were no claims. Everything is zero.

No public comment.

Motion Higuera/Slater to accept legal counsel's summary of claims for tortious conduct as required annually by NRS 41.0385. Motion carried with Board Member Philips absent.

13.  Not For Possible Action: Discussion on the Town Attorney's Monthly Report of activities for December 2012.

Mr. Altom worked on the easement issues. Mr. Bernhard had a question on county process.

Chairman Miller pointed out the agenda says December 2012. It should read January 2013.

Mr. Altom continued besides regular monthly issues we worked with Tom on the easements. We did inquire with the DA's office and got an answer without getting an answer on what the county does with easements and how they deal with easements. Legally speaking if you abandon an easement then it's abandoned. If you are granted an easement and the documents are recorded they provide notice of whose land or what encumbrances are on the land so as far as we're concerned Mike, Tom and I are not aware of anything that once we record these granting of easements it goes to the town.

Vice-Chairman Slater was always told that to record it makes it public record. And anything that pertains to real property should always be recorded so you have a chain of events as they occur.

Mr. Dallaire mentioned with the abandonment issues we made it a condition in the design review. Back in 2009 the commissioners conditionally approved it. It wasn't allowed because we didn't have the infrastructure in place to replace the pond that we were abandoning. That played a part in this as well. All I believe I need to do is give them a letter that says we approved this and when they get their documents in order we will have Ken sign them.

Vice-Chairman Slater suggested when you are ready to record the document have them prepare a copy and it can be dropped off at community development so they update their maps and have a clear record. But do it after it has been recorded so it shows the recording date. If they have a notation they can go right to the reference numbers.

Mr. Altom prepared item 4, the waiver for when local government entities use our equipment. Ken pointed out we are mostly all using the same insurance. But there may be instances where we have a couple government clients that don't use pool pact. Just a reminder, Mike thought it was best each time they use a piece of equipment fill out a new waiver. We prepared the last item, the summary of claims. I have spoken to Doug Richey and George Keele about the damage to the roads by tree roots. There is really not a lot of court cases dealing with tree root damage to roads. Worked with Carol on the DUI accident in Chichester. Under criminal provisions a victim can ask for restitution. Carol prepared a letter to the DA's office detailing what happened and asking for restitution. There is an insurance claim but that is unlikely because the claims exceed the policy. At that point they start prorating what they disburse. We helped prepare the resolution on Eagle Gas. I wasn't aware exactly what the town was proposing to use the property for. If the proposed use does apply then we can send a resolution asking the county commissioners to apply one of those exceptions to take us out of having to pay the taxes.

Mr. Dallaire advised Terry is looking to send it in front of the commissioners to see if this is something they would consider. She needs that resolution by Friday.

Mr. Altom can prepare a resolution for March. We could hear the item in 60 seconds. Lastly, I helped prepare the monthly agenda.

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

Mr. Dallaire wanted to let everyone know the class Josh and I went to was very helpful. I am more confident about what I am looking at than before. It is all based on the aggregate. We are still working on flood hazard mitigation. The next meeting is in March. We have done quite a bit of work on the issues valley-wide with the flood and emergency access. We have it all in GIS. We have been helping out where we can. I attended the RTC meeting with Lloyd. I appreciate Lloyd stepping up. The code requires a resident from the largest town in the county to participate and be on the board. Barry Jones is excited about the dog park. He is talking about instead of the town doing a plan he would have someone volunteer to do it. He wants to get the Lions Club involved. I explained our requirements are the dog poop get picked up so when we mow the lawn it doesn't go all over. The people who use it will have to maintain it. We were supposed to do the pond pump training on the holiday, but it had not been installed yet. We came back the next day and did the training.

Mr. Higuera suggested encouraging Mr. Jones to get in touch with DAWG. They have a great group of volunteers at the shelter they have people who do public service that could clean the dog park.

Ms. Wenner suggested the shelter has people who need to do public service come out and clean. That might be something the sheriff's office or the court could suggest for public service time.

Vice-Chairman Slater asked about the HD security system,

Mr. Dallaire clarified the system is up and running. This was from the December report. We had the meeting for the Parade of Lights. Captain Aymami did not want to change the parade route. Bill Chernock told the group they would look into changing the route. We probably won't participate in the parade but will have an event or do some announcing.

15.  **Not For Possible Action: Reports and or update discussion from Town Board Members concerning the various boards they are a member of or a liaison to, or meetings and functions they have attended. These may include but not be limited to Main Street Gardnerville, Arts Council, and Nevada League of Cities. No action will be taken on these reports.**

Mr. Dallaire talked about doing this quarterly the last time but most of you had a meeting. Lloyd had the RTC. Linda went to League of Cities. And Ken went to the Main Street.

Chairman Miller reported the price of the hanging flower baskets was raised from 75 to \$85. It was discussed it wouldn't be done every year like Paula had mentioned in her report. But it would be like every three years. There was a five dollar increase from one of the schools for growing the flowers.

Vice Chairman Slater went to the Nevada League of Cities quarterly meeting. They made the announcement that Wes Henderson has been chosen out of a pool of 70 applicants to replace Dave Fraser. We were asked by NACO to support their five bill drafts. After we reviewed them all, one we did support. The other ones we wanted more information on. When that information comes in it will be decided whether Nevada League of Cities will support it or not. The thought behind that was we have five bill drafts with the Nevada League of Cities and we want their support as well. It carries more weight. So if we can be united behind the 10 bills, great. Legislature opened yesterday and Lisa Foster is our lobbyist for Nevada League of Cities. I've been appointed to the legislative committee for this year. I haven't figured out what I am supposed to do yet. I think it's because of the close proximity to the legislature. I will try to keep you informed.

Chairman Miller reported Linda, Tom and I met with Lee Bonner this week for a monthly meeting. Lee is very active in working with the different boards around town. He is also involved in NNDA, which gives the connection on what type of business might be coming down the road. He is also attending the legislature on behalf of NNDA. I think it will be an excellent connection for us each month. I discussed with Tom who would attend. I think that it would be a good idea for the chairman and vice-chairman to attend each month during their term because you have continuity to the next year.

Vice-Chairman Slater felt you could run into a potential problem. While we do not make any decisions; we don't make any promises; we obey the open meeting law. What he says to us, if another two board members were to meet the following month he may unconsciously sway a decision you may have down the road and Ken and I would have

no idea what he says to you. So I agree with Ken. It's better to keep it that way. You have a check and balance in there. Lee gave us some good insight on what may be coming down the road and it will allow Gardnerville to be proactive in our decisions rather than to react to something that maybe we wouldn't have the authority to know about.

Chairman Miller added the county has an 800 page packet this month.

Mrs. Wenner mentioned Lee meets with Minden, Gardnerville and Genoa. I have noticed when we mention things in our packet we don't mention Genoa. Is there a reason?

Mr. Altom represents Genoa too. They have a small budget.

Ms. Wenner stated they talk about destination point. It shouldn't be individual destination points. It should be Douglas County instead of just town of Gardnerville or town of Genoa. I went out to the new trails opening. It was great. It's something if we had a new trails opening they should come over.

Vice-Chairman Slater advised Lee represents a portion of Gardnerville. Nancy McDermid is the commissioner that represents Genoa. Another section of our town is represented by Doug Johnson. That's why he met with us and not Genoa.

Mr. Dallaire talked to Doug Johnson. He wants to stand back and watch it from the 30,000 foot level.

Chairman Miller believed it is unique that we have one of the commissioners meeting with us.

Ms. Wenner thought it was nice that Mike Olson comes too.

Mr. Higuera advised Mr. Olson is representing the business council.

Mr. Higuera reported we had two RTC (Regional Transportation Commission) meetings on the draft five year transportation plan and they added six projects to the list. One of them Tom mentioned, to complete the westerly two lanes of Muller Parkway from Virginia Canal to Virginia Ranch Road. This is not a new project, but staff is now recommending funding for this project. It is a county project and, who knows, we need to keep an open mind. They may look to Gardnerville. They may look to the water company. That is a decision we will have to make when it comes. Right now it is the county's project. Another Gardnerville project is modifying the traffic signal at Waterloo and 395 to accommodate the new community center. Then there are ADA sidewalk improvements on Tillman; reconstruction on a bunch of roads mainly in the north valley; improvements at the airport; and drainage study at Topaz Lake. Those will all be incorporated plus the comments made by the public and board. It will all be incorporated into the final plan which will be approved in March. There will be two meetings in March. There were about 10 people in attendance at the old courthouse in Minden, mainly residents of Genoa who are upset about their road.

Chairman Miller reminded board members of the special meeting February 19th for training.

Motion Higuera/Wenner to adjourn at 8:25 p.m. Motion carried with Board Member Philips absent.

Respectfully submitted,

Ken Miller
Chairman

Tom Dallaire
Town Manager