



## GARDNERVILLE TOWN BOARD

### Meeting Minutes

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

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

Tuesday, August 7, 2018

4:30 p.m.

Gardnerville Town Hall


 **INVOCATION – Pastor Don Baumann from Hilltop Community Church**

 **4:30 P.M. Chairman Jones called the meeting to order and made the determination a quorum is present.**

#### PRESENT:

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

Jennifer Yturbide, Town Counsel  
Tom Dallaire, Town Manager  
Geoff LaCost, Superintendent Public Works  
Carol Louthan, Administrative Services Mgr

 **PLEDGE OF ALLEGIANCE – Tom Dallaire led the flag salute**

 **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.

Mr. Mike Henningson, resident on Hussman. The Mill Creek subdivision HOA, Ray Gray, has asked a boy scout group over at Trinity Lutheran Church as a fundraiser would like to get the street numbers painted on the curb, if that is possible. Is that something we can do? Do I need your blessing or do I need to fill out a form?

Mr. Dallaire is not sure who is responsible for the street numbers.

Chairman Jones asked if Mr. Dallaire would find out if there are any stipulations.

No further public comment.

 **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/Wenner to approve the agenda.**

No public comment.

Chairman Jones asked if any board members want to take item 5 off the consent calendar to discuss the email we received?

Board members did not.

**Upon call for the vote, motion carried unanimously.**

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

**A. July 3, 2018 Regular Board meeting; with public comment prior to Board action.**

**Motion Higuera/Slater to approve the previous minutes.**

No public comment.

**Upon call for the vote, 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 and noted.
2. **For Possible Action: Health and Sanitation & Public Works Departments Monthly Report of activities**  
Approved.
3. **For Possible Action: Approve July 2018 claims**  
Approved.
4. **For Possible Action: Approve Gardnerville Special Event Application for the Annual Carson Valley Sertoma Oktoberfest scheduled for September 9, 2018 from 12:00 – 4:40 p.m. in Heritage Park.**  
Approved.
5. **For Possible Action: Approve support of the Carson Valley Arts Council in the amount of \$150.**  
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)**

6.  **Not for Possible Action: Report from Main Street Gardnerville – Appearance by Debbi Lehr**

Attorney Yturbide believed the board skipped over the minutes, if we could go back to that item.

Ms. Lehr included the regular monthly report in packets. I just wanted to report a few highlights. The membership has risen since I came on last April from 51 to 77 businesses. All of our social media has grown by leaps and bounds. We also have combined the fall events into a Main Street Fall Fest which has incorporated the harvest festival, the scarecrow festival from East Fork, the coffin races and added a marketplace on October 6<sup>th</sup> at Heritage Park. We have some sponsors, including NV Energy, Napa Auto Parts and the Ridge at Tahoe. I also included the Freedom 5k information. We did increase our profit margin and revenue on that this year. We didn't do the obstacle course but we did one for dogs. It was just a demonstration by the agility dogs, a nonprofit in the valley. We were nominated for a pioneer award by the Boundary Peak Nonprofit of the Year and we just won the Nevada Economic Development Conference Multimedia marketing video award for population range of under 15,000. I brought that video to show. The video was chosen because we are on a tight budget and we can add to it as we go. Because we didn't do any speaking or dates in it we can add members, which they thought was ingenious. I also included in the packet a power point that I did for the county commissioners with our growth and occupancy rate, as well as the items from our marketing survey that was done by the National Main Street Center in January. I also included our profit and loss financials. However, it is not real thorough because we didn't start using the program until May of last year. So we don't have a full year's worth of data.

Chairman Jones went to the Main Street workshops and one of the main complaints at that time was that we didn't have a bakery. We now have a bakery. I talked to the owner and she chose this location and this neighborhood because of Main Street Gardnerville. It's not just that we have a low vacancy rate; we are attracting the businesses we want.

Ms. Lehr mentioned on page 3 of the power point it asked what three business types would you like to see in the downtown district, number two being a bakery. Another one was arts and crafts, which we have three new arts and crafts shops. We are getting there.

7.  **Not for Possible Action: Presentation by Dominic Jackson on the lifesize chess/checkerboard project in Heritage Park Gardens.**

Mr. Dominic Jackson gave a power point presentation on his Eagle Scout service project, building the Heritage Park Gardens chess and checkers project. The project involved designing and constructing a life-size checker and chess board and the pieces for each. It provides a fun family activity for the area. We started the project on June 18 and finished on June 30. Thirty six volunteers helped. With all the hours everyone worked on it, it added up to 204½ hours. More than half of the people that helped were kids. I learned a lot from the project. One of the main things I learned was it is really hard to be a leader. I had to make some pretty big decisions. Also I learned how to use resources. I learned estimating time and materials. I learned about making decisions based on different ideas. It was my responsibility to choose the best idea. I also learned if we work together we can accomplish more. These pictures are of before the project, during and after. I would like to thank all the volunteers that helped with the project. I would like to thank Main Street Gardnerville and the Heritage Park Gardens committee. And I would also like to thank Tom Dallaire because he put lots of work into this project.

Mr. Miller thanked Mr. Jackson for the project. It looks great.


Mr. Dallaire thanked Dominic and his family for this project. Dominic was able to get Basalite to donate all those pavers. You did a great job and it was a bigger project than any of us imagined. It's a great community improvement. They are stored in a shed made of pallets, fence boards and dumpster lids for the top.

8.  **For Possible Action: Discussion to approve a Memo of Understanding with Ted Borda for an easement located west of Hussman Avenue, APN 1320-32-801-028; with public comment prior to board action.**

Mr. Dallaire stated last month we talked about this storm drain project. Since the board packet was created, Ted Borda signed the agreement. We want to thank Geoff and Jennifer for working with Ted on getting this approved, revised and updated. The final step is for the board to approve.

No public comment.

**Motion Slater/Higuera to approve the Memo of Understanding with Ted Borda for an easement located west of Hussman Avenue APN 1320-32-801-028. Motion carried unanimously.**

9.  **For Possible Action: Discussion to award or deny a town storm drain project to improve the flow from Hussman Ave by relocating the existing open channel across Ted Borda's property, located west of Hussman Ave, APN: 1320-32-801-028, 1118 Mill Street, to a pipe outlet 400 lineal feet to the cottonwood slough, allowing for positive drainage and outflow during a large rain event and high irrigation water level; with public comment prior to board action.**

Mr. Dallaire still needs to work with Douglas County. They reviewed the project and have 2½ pages of comments. I tried to get most of it revised with Dave at NRCS. We will be working on it this week to get it revised and submitted for a permit. NRCS is paying for a portion of this and the agreement we just approved had Ted and the town picking up the rest. This will allow water to flow out while the Cottonwood Slough is flowing for irrigation in the late summer and those late thunderstorms. Once we do the road improvements on Hussman we can improve the grates on the storm drain system and even allow more flow in the future.

No public comment.

Mr. Higuera asked who received the bid.

Mr. Dallaire answered Four Point Engineering received the bid. They were willing to wait a month and honor the bid they had provided last month. They were the low bidder and want to do the job. He will get it scheduled this month as soon as I let him know he has been awarded the project.

**Motion Miller/Wenner to award the town storm drain project to Four Point Engineering in the amount of \$32,950 from the storm drain line item of the town's budget and also allow the town manager to sign the contract with the allowance of 10 percent over the contract for project incidentals, modifications and/or changes based on the field conditions..**

No public comment.

**Upon call for the vote, motion carried unanimously.**

10.  **For Possible Action: Discussion to clear fill dirt from the town parcel on Gilman Avenue, and dispose or auction removed material, APN 1320-33-412-001; with public comment prior to board action.**

Mr. Dallaire stated this is on the town's property. We have been approached by the developers of Heybourne Meadows to see if we would be willing to let them take that material. Or actually I offered it to them. There was an agreement between the town and the owner when the town improved all the wetland areas that they discharge the material to dry on that lot. It was supposed to be a two-year contract that the town was on the hook to remove that material. It never happened. The pile of dirt still remains today. They deepened the pond and created these ponds. In doing that this material was generated. Now we have a developer that needs some material. They will use it to create the road between Zerolene and Buckeye. Staff gave the board a couple options. The intent was to let them level out the lot and use what material they can and make the lot level. We can use the parcel for parking at events. Also we get rid of the big pile of dirt and they wouldn't have to go through Chichester to haul it out. They wanted to start this month as soon as we give them the go ahead. There would be no cost to us and we would have a pad when they are done. They would take the material and it's a wash.

Chairman Jones asked if they would have extra parking for events.

Ms. Wenner asked if they take the dirt away, it wouldn't be a flood zone.

Mr. Dallaire is hoping that this dirt pad will be flush with this material. We do have a ditch that we can punch in and put in a culvert.

Vice-Chairman Slater sees on option 1 the contractor could hydroseed the soil. Wouldn't you want to put something down there rather than leave it dirt?

Mr. Dallaire advised on all of the options we need to hydroseed it. We have irrigation that we could add sprinklers so we can water.

Mr. Miller asked if there is any way to put an access road on the one side to the barn?


Mr. Dallaire pointed out we own the road. Eventually we can pave that. The plan is making Ezell a one way similar to what is here. We will need to mow it down before they start working on it.

Vice Chairman Slater would put a time limit on the contract to have it leveled and hydroseeded.

Chairman Jones would like it done by the fall events but at least by the Christmas Kickoff.

No public comment.

**Motion Miller/Slater to allow the developer of Heybourne Meadows to dispose of the excess fill dirt by trading it out to the contractor with the condition the lot is leveled to grade equal to Ezell Street or greater and the contractor hydroseed the disturbed soil. Motion carried unanimously.**

11.  **For Possible Action: Discussion to approve, approve with modifications or deny the updated town building use policy 16.22; with public comment prior to board action.**

Chairman Jones reviewed this before it went into the board packet. And I added if you lose a key you have to pay to replace it and you are not allowed to give it to people that you haven't checked it out to. The person who checks out the key is the person who keeps the key. Then considering the changes in the law, I wanted to make abundantly clear that tobacco includes marijuana products. So that was added to the policy.

Ms. Wenner pointed out there is no mention of noise after a certain time. Do we want to have them shut down by a certain time?

Mr. Dallaire can add hours. Is there a preferred time?

Chairman Jones suggested 9:00 p.m. weekdays and 10:00 p.m. on weekends.

Ms. Wenner asked if there is a noise ordinance.

Mr. Dallaire believed the county has one in effect. We can reference the noise ordinance.

Vice-Chairman Slater didn't see any mention of the Gardnerville Branch Jail. Is that purposely left out? Why?

Mr. Dallaire explained it will be 2026 before we get it back to actually rent out. Right now it's stuck with the 20-30 Club.

Vice-Chairman Slater wanted to make some notation to that effect. Simply because remember the issues the town went through with the 20-30 Club to make sure we retained ownership of the jail. We need to make sure that doesn't get dropped.

Chairman Jones respectfully disagrees we put it in this policy. This is a building use policy for renting. For example, this building is no longer listed on this policy. So we're saying this building will no longer be available to lease for the public use. And we don't have all town facilities on here. We only have the facilities that we can and will lease. So the only thing that fits that is Gardnerville Station and maybe Heritage Park. But Heritage Park has its own policy.

Vice-Chairman Slater would like the jail put someplace. Tom can determine where it should be inserted.

Mr. Dallaire has a file on the jail. We know when that comes up. At the time I suspect the leadership will come back to the town and see if they can use the facility more or continue to use it. Until then we don't rent it. We don't lease it. It is not a facility that is available. What we found online is that other communities listed the buildings that are available. We have the deposit to hold over their head. Eventually we will do that and once the 20-30 Club is out of the jail and we have that to use as a facility that is rentable, then we add it to the policy.

Vice-Chairman Slater thought if you leave this in here as an exception at least it acknowledges that the ownership is still under the town.

Mr. Dallaire advised there are other policies that list the town's assets. It is on the list of town assets that we have on GIS. We have it on the list of town assets that we own or maintain, and it is on the list for our insurance every year as a building we are paying insurance on. This one is a building use policy.

Mr. Miller mentioned proof of liability insurance. Standard coverage on homeowners' insurance policy is \$100,000. That is not enough. You can get \$300,000 on your homeowners' policy for a fee of \$25 more a year. Even \$300,000 is questionable if it is a public event. I question that first of all. The use of tobacco or marijuana is prohibited in town buildings and adjacent properties owned by the town, which means the parking area in front of the gas station, rather than just in town buildings.

Mr. Dallaire clarified we make them get a million dollar policy for an event? If a business in town wants to do a special event, we're going to make them get a million dollar policy to occupy the building?

Mr. Miller answered yes.

Chairman Jones called for public comment.

Mr. Henningsen mentioned an event at Bently Science Park involving the boy scouts. Boy Scouts had an Eagle Scout project out there. At that time Mr. Bently had a wooden jungle gym. He required a million dollar policy, which they got. They also had the Boy Scouts of America policy, which is secondary to their own. One of the boys got hurt. The bill came to \$30,000. He went to the million dollar policyholder and said can you help cover some of the medical bills. They said no because Don Bently was negligent with this equipment. So it went before a judge and it was ordered Mr. Bently pay half and the million dollar policyholder pay half. So things get really tricky in parks. Things you just don't plan on do happen. Liability is something you have to be careful about. You just don't know.

No further public comment.

Mr. Dallaire will revise it and bring it back.

12.  **Not for Possible Action: Discussion on the Town Attorney's Monthly Report of activities for July 2018.**

Attorney Yturbide reported over the past month apart from answering staff questions and email from board members, I worked on the Southgate change order and the memorandum of understanding with Mr. Borda. In addition, I had to do some research related to the creation of the storm drainage ditch and some of those documents, going through potential legal descriptions for easements in the relocation and eventually the abandonment that would occur down the road. I also worked on the Douglas Disposal recycling agreement and reviewed the building use policy. Apart from that, coming to the board meeting and the standard other things related to it.

13.  **Not For Possible Action: Discussion on the Town Manager/Superintendent's Monthly Report of activities for July 2018.**

Mr. LaCost reported the town manager was out for most of the month. The heater at the town maintenance facility broke in April and we didn't want to put it on last year's budget so now we received multiple bids. Summit Plumbing was the low bidder for that. We also need to replace the garage door on the building in the front of the maintenance facility. We received multiple bids and signed a contract for that. Next month in this packet you will see the draft ordinance for the vacation rentals. There is a commercial building that is coming forward that will be going in at Wal Mart and you will probably see that next month. East Fork approved the alley closure in Arbor Gardens. We are assembling some barrels. I will fill them with sand, put them out there and close off the alley. We have the ribbon cutting ceremony August 15<sup>th</sup>. We have interviews for the public works position. Last movie is this Friday. Two flowers on 395 will be replaced. We are spraying for weeds and we are on irrigation restrictions. You may see some differences in the pressures. We switched all of our irrigation to three days a week, including drip. We are switching to a new plan for H & S, everything goes. If it's sitting by the trash can we just charge extra for it. The Christmas lighting contractor is helping us with updating so all the lights match and possibly some wireless. It's a new concept. Renee from the French Bar called up and asked me to take the trees down in front of the bar.

Mr. Dallaire added she does want a tree with the Basque stamped grate that we do.

Mr. LaCost noted change order #2 for the Southgate Reconstruct project is going ahead this next Thursday and Friday. They will be knocking out the entrance to South Industrial Drive and doing about 195 feet back, replacing the road. There are some big potholes.

Ms. Wenner received a letter from the Chichester HOA regarding the brown spots. I wondered if you were going to talk at their meeting.

Mr. LaCost has not seen the letter, but I heard about it. There was letter that was sent out by the Chichester HOA that said if you have a crack in your road please call Geoff LaCost at the Town of Gardnerville. I fielded many calls and we are making a list of streets that need repairs. We will be crack filling this year. We weren't going to do any of the cuts this year. We do have money for filling the cracks.

Ms. Wenner will bring a copy of the letter.

Mr. Dallaire mentioned the vacation rental ordinance. Do you want to hear someone from the county address this issue? I have copies of what they are planning on changing. There are a few in town already that are operating, but it's not legal. I have the draft version, which has some highlighted changes after it came through the planning commission. It is substantial. It's basically giving the code enforcement officer some teeth to enforce the ordinance.

Vice-Chairman Slater asked when you review it make sure if you have a home near you or down the street this is something you could live with.

Mr. Dallaire will email this out to board members. Do you want to hear it at the next board meeting formally or officially?

Attorney Yturbide asked if he wants the board to make some kind of decision, direction or comment you might want to do that officially.

Mr. Miller is concerned that we do not have a business license law in this county. When they start doing the air B & B how do they enforce it?

Attorney Yturbide would recommend you bring it back and bring your comments and have a discussion and listen to the public. If you are giving some kind of direction to the county commissioners as a board, then you need to do it formally.

Mr. Dallaire believed the county will be discussing it at the first meeting in September. They may hear it in August, but I don't think it is the formal first version. They pushed everything back another month. It opens the door for another type of industry in town.

Attorney Yturbide advised not to talk about it when we don't have it agendized.

Mr. Dallaire will send it out. We can individually voice our concerns but we can't as a board make a statement until its agendized. There is another plan for prosperity meeting at the end of the month. I will send it out and you can comment.

Chairman Jones is wondering if it is a violation for us to ask, as a board, the county to give us the time to put it on our agenda next month.

Attorney Yturbide did not believe that would be a violation.

Chairman Jones asked if you could just reach out to the county manager and ask if they can give us time to do our own public comment period and discuss it as a board. Then we will get them our draft minutes. That way they don't make a decision in the month of August and we can hold our regular meeting on September 4<sup>th</sup>.

Public comment.

Bev Anderson was at that meeting. They want to take it from section 50 of the Douglas County code and put it into Title 20 where it has some meat. The one thing the board was adamant about was asking for at least a \$5,000 fine if you are not licensed to do this. Mimi had it listed as a \$250 fine. That's nothing. These people are making big money on the vacation rentals. The Tahoe residents are upset. They are going to bring it back on the 16<sup>th</sup> for the second reading. My personal opinion is we don't want it down here. Lake Tahoe doesn't want it up there and that's on the Douglas County side. South Lake Tahoe is going to put it on the ballot come this fall to get rid of it.

Chairman Jones asked if the county will not push the decision back or put the vote out then let the board know.

No further public comment.

Mr. Dallaire reported Bruce has an update for the Plan for Prosperity. There is a summary and table of contents. I gave you two of the progress drafts that he has provided. You can read through the beginning and what we talked about at the public meeting. The table of contents is the format for the new plan update. He is working on taking the Minden and Gardnerville plan and consolidating it: one plan, but two sections. Just let me know what your thoughts are on it. He wants to have the meetings with the CAC, the boards and planning commission at the end of the month. We really want this to be an element in the master plan when this is done. If you want to hand write any comments on the draft I will incorporate the notes and get it back to Bruce. Need to get the comments back by the 3<sup>rd</sup> week of this month. I have the Economic Development Conference the 4<sup>th</sup> week. It will be a great conference if anyone can attend. I talked with Kirsten at NDOT. She is the project manager for the two grants. She has everything she needs now for the crosswalks. We have the title reports. I need to confirm with her she got them. Also, they found more funding for Kingslane to put the road and culvert back in. We will take what we had and throw those back into the plan set. We are still planning on boring under the highway. I think we are on track with that again. I think with the crosswalks, if they can acquire the right-of-way quickly I am hoping by the end of the school year we can start working on it. I need to get the contracts done and get that sent to NDOT for final approval. We will get the agreement revised and get it to the board. In September we will be reviewing the trash rate fees.

**14.  Not For Possible Action: Discussion on the Board members activities and liaison committee reports including but not limited to; Carson Valley Arts Council, Nevada League of Cities, and Main Street Gardnerville, Community Foundation of Douglas County**

Ms. Wenner provided a poster for the new concert series. They are doing a special concert with a tribute to Johnny Cash.

Mr. Higuera stated Debbi gave a fairly comprehensive report. She mentioned 71 members. Just to add to that, 22 of those are new members. The Freedom 5k brought in \$1645. Tom didn't believe they had a lot of expenses because there was a lot of carryover from last year. There were 113 runners and walkers. 74 preregistered and 39 registered on the day of the race. The wine walk for July was up \$620 from last year. 58 businesses participated and there were 278 wine walkers.

Vice-Chairman Slater reported we finally had our caucus meeting on July 16<sup>th</sup>. Wes Henderson gave an update on the League activities. Our group discussed the small towns and GIDS possible topics for BDR's for 2019 session. Among the items we discussed was the possibility of a ward by ward election, rather than an at large. A lot of entities around us do ward by ward. We also talked about the diesel fuel tax bill again. It looks very positive for a sponsor to bring it forth again. Language is going to be incorporated that will include the towns and the GID's. Tom, make sure you touch base with Wes to verify that moves forward. The last one we were considering is making changes to the definition of compensation. It currently reads: "May receive as compensation for his or her service not more than \$6,000 per year." That's in reference to the salaries we receive. Evidently the trustees for general improvement districts is worded a little differently and paid a little differently. Then you have the school district and theirs is a little different as well. This is to try to make it so compensation is a salary, not to include benefits. That's just for clarification purposes. We will have a teleconference and make that decision on the 13<sup>th</sup> to make sure the wording Wes Henderson comes up with will correctly spell that out.

Chairman Jones reported the community foundation has their originating donation. We now have a functioning endowment with money in the bank. We are looking to build principal and then be able to benefit the community for generations by churning interest and income off that principal. So the endowment is started and always looking for more.

** 2<sup>nd</sup> PUBLIC INTEREST COMMENTS period (No action will be taken)**

No public comment.

**Meeting adjourned at 6:05 p.m.**

**Respectfully Submitted,**



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Cassandra Jones, Chairman



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Tom Dallaire, Town Manager