



## GARDNERVILLE TOWN BOARD

### Meeting Minutes

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

1407 Highway 395 N.  
Gardnerville, Nevada 89410  
(p)775-782-7134 (f): 775-782-7135  
<https://www.townofgardnerville.com>

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, June 4, 2019

4:30 p.m.

Gardnerville Town Hall

#### INVOCATION – None.

**4:30 P.M.** Chairman Slater called the meeting to order and made the determination a quorum is present. Chairman Slater recognized Board Member Wenner is absent tonight.

#### PRESENT:

Linda Slater, Chairman  
Lloyd Higuera, Vice-Chairman  
Ken Miller  
Mike Henningsen

Jennifer Yturbide, Town Counsel  
Erik Nilssen, P.E., Town Manager  
Geoff LaCost, Superintendent Public Works  
Carol Louthan, Administrative Services Manager

#### ABSENT:

Mary Wenner



**PLEDGE OF ALLEGIANCE – Ken Miller**



**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. Ken Miller commented on behalf of town board and myself. My wife and I took a walk by Heritage Park and saw the completed bocce ball courts, an Eagle Scout Project the Town Board approved recently. If you haven't seen it please go by and look at it. They did a nice job. You need to take your own equipment and the rules are on a board next to the courts. There are benches and tables around the courts so you can watch the game.

Mr. Jerry Turner commented on items not on the agenda (a recording is available upon request).



**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.

Mr. Miller pointed out staff has requested that Item 5 be taken off consent and moved to the administrative calendar.

Chairman Slater has also been informed that item 16 under the administrative agenda will be removed and rescheduled for the July meeting.

**Motion Higuera/Miller to approve the agenda with item 5 on the consent calendar for discussion and item 16 on the administrative agenda removed.**

No public comment.

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



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

- a. April 29, 2019, Special Meeting Minutes
- b. May 7, 2019 Regular Board Meeting; with public comment prior to Board action.

**Motion Henningsen/Higuera to approve the previous minutes of April 29, 2019 special meeting and the minutes of May 7<sup>th</sup>, 2019 regular board meeting.**

No public comment

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

 **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 May 2019 claims**  
Approved.
4. **For Possible Action: Approve expenditure of \$2,479.50 for Boy Scout Nathan Caires Bocce Ball Courts at Heritage Park.**  
Approved.
5. **For Possible Action: Approve budget transfers for 18/19 FY**  
Pulled for discussion.
6. **For Possible Action: Approve a letter of support at the request of Douglas County to the United States Department of Transportation for a BUILD Grant to aid in the construction of Muller Parkway**  
Approved.
7. **For Possible Action: Recommend Approval of a Douglas County Outdoor Festival Entertainment Event application for Big Mama's Show & Shine & The Great Race, to be held on June 23, 2019 from 11:00 a.m. to 6:00 p.m. at Lampe Park**  
Recommend approval.

**Motion Higuera/Miller to approve the consent calendar.**

No public comment.

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

**ADMINISTRATIVE AGENDA**

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

5.  **For Possible Action: (From Consent Calendar) Approve Budget Transfers for 18/19**

Ms. Louthan explained the need for the budget transfers.

No public comment.

**Motion Higuera/Miller to approve budget transfers for 2018/2019 fiscal year from \$85,000 to \$135,000.**  
**Motion carried with Board Member Wenner absent.**

8.  **Not for Possible Action: Presentation by Wes Henderson, Director, Nevada League of Cities, on a legislative update.**

Mr. Wes Henderson thanked the board for their membership and participation in the Nevada League of Cities. Mr. Henderson reviewed some of the events of this year's legislative session. The main things that affect you are all the reforms made in 2015 to collective bargaining, prevailing wage and ending fund balance have been rolled back. Effective July 1 any public works project of \$100,000 or more is subject to prevailing wage. The Evergreen clause

and collective bargaining agreement are back in play. There is also a revision of an ending fund balance that required three months retention, that was not subject to collective bargaining, that has been rolled back to two months. The League is authorized to put in up to 5 BDR's per session. We submitted four. The public records bill, we worked on until it was more acceptable. A public records violation has to be a willful violation of the law to incur fines. Main Street was reauthorized for another two years.

Mr. Miller asked if there were any changes to the open meeting laws.

Mr. Henderson noted there were a couple of open meeting law bills. There were some changes to worker's compensation that could have an effect on municipalities.

9.  **For Possible Action: Discussion and possible renewal of the Town of Gardnerville's insurance offered through the Nevada Public Agency Insurance Pool (POOL) and payment of \$25,173.92 for fiscal year 2019-2020 with public comment prior to Board action. Appearance by Alan Reed, Warren Reed Insurance**

Mr. Alan Reed, Warren Reed Insurance, went over the insurance renewal for fiscal year 2019/2020.

Mr. Miller asked about the competition for grants.

Mr. Reed mentioned last year the POOL has focused on helping entities that don't have money. I would give it a try. We've seen everybody get grants.

No public comment.

**Motion Higuera/Miller to approve the Town of Gardnerville Insurance and payment of \$25,173.92. Motion carried with Board Member Wenner absent.**

10.  **For Possible Action: Discussion to recommend approval, approval with modifications, or denial of a proposed Special Use Permit and major design variance for the construction of a parking area for the J.T. Basque Restaurant and landscape barrier to include the property north of the restaurant at 1430 N. Highway 395, APN 1320-33-401-034. The existing Midland Station would be demolished and parking would be the primary use of the parcel; with public comment prior to Board action.**

Mr. Keith Ruben, R.O. Anderson Engineering, representing the Lekumberrys, gave a power point presentation on the project.

JB & Marie Lekumberry stated the gas tanks have been death certificated and removed. They are second generation owners of the JT Basque Bar & Dining Room. Over the last 59 years they have worked hard to preserve and enhance the building that was moved from Virginia City in 1896. We need to expand the parking capacity.

Mr. Henningsen remarked the JT is near and dear to my heart. I don't see a lot of vision being portrayed on anything but a parking lot. So I'm disappointed. Businesses need to help revitalize and set an example. I didn't see a lot of vision other than a parking lot.

Mr. Lekumberry needs parking. We tried numerous ways to get another viable business and that building is dilapidated.

Mr. Higuera felt the board will wrestle with the Plan for Prosperity.

Mr. Nilssen, town manager, went over the staff report.

Public comment.

Ms. Carol Sandmeier thanked the Record Courier for putting the item in the paper. It's tragic to lose another of Gardnerville's historic buildings. I appeal to the owners to recognize its historic value. If demolished it leaves another major gap. It was a sad day when we lost the East Fork Hotel. If this continues we'll be known as the parking lot

town on the way to historic Minden. I consulted with someone who teaches heritage conservation. Using the term adaptive reuse, it was suggested the façade of the building could be saved. The cars could enter the parking area through the open bay of the garage. This would preserve the appearance and provide a new parking area for the restaurant, but the façade would be there. I appeal to the owners, the town and the county to choose to do the right thing.

Ms. Beth Hojnacke was thinking the same thing. Is there some way to save it and have the cars enter and leave through the bay doors. Sharkey's has parking. In 50 years I don't want someone coming to Gardnerville and saying "They paved paradise and put in a parking lot."

Barbara Havens commented the Lekumberrys are a wonderful family and have a wonderful business. I'd like to see them have the opportunity to expand. But I think these ladies have some really good ideas. I hope you will consider that in your deliberations.

Meredith Fischer recognized the town is in a tough position. I have a lot of respect for the Lekumberry family and what they contribute to the downtown area. They are an anchor business. I respectfully disagree with tearing down the building. Certainly I would love to see it as an adaptive reuse. I also understand their perspective of the costs being prohibitive. I love the idea of keeping the façade and having parking behind that. I also sit on the board of directors for Main Street Gardnerville and preservation is one of the key factors. Unfortunately parking lots are not memorable. Historic buildings have value. I ask if we aren't able to save it, consider preservation for the remaining historic buildings we have. We're seeing a lot of casualty of historic buildings in the name of progress. The Minden Flour Mill is an example of adaptive reuse. We need to consider if there are any areas we can work to provide more grants so these aren't high costs for people who might take this on. This is something Main Street can look at too.

Mr. Miller served four years on the Main Street program and I believe in the fundamentals and purpose of Main Street. In the past we have had eye sores in this area. If it were to sit vacant it would be an eye sore again. JT is a prosperous business. I have a hard time looking at denying this application. It was mentioned somebody would prefer to have that station rather than the Gardnerville station. The Gardnerville station was an opportunity and we received grants for it. This particular property could not be obtained for the price we got that property and the improvements. If another business were to go in there it could really cause a worse problem of parking than we have now.

Chairman Slater agreed. There would be a huge cost to try to retain it as it is. They are not in the business to make things look pretty for us.

Mr. Higuera noted Main Street Gardnerville's goal is to draw people to the downtown area. I can't think of another business that draws more people than the JT. They really fit into the Main Street goal. I think there are really more pluses than minuses. I too would back the plans of the Lekumberrys.

Mr. Henningsen thought this was extremely difficult. The burden of preservation falls on the few. We many want to enjoy the benefits, but can't contribute to preserving it. I would love for them to step up and help us. I understand why it's not their job to preserve Gardnerville. The other side is, is it our job to send the message that we need to try and work to preserve the town and the historic character. Part of me says we do need to send that message. But I understand it's expensive. The planning commission denied it. I am frustrated that it's too easy to make a parking lot.

**Motion Miller/Higuera to approve the proposed special use permit and major design variance for the construction of a parking area for the JT Basque Restaurant and landscape barrier to include the property north of the restaurant at 1430 North Highway 395, APN 1320-33-401-034 and the existing Midland station would be demolished and parking would be the principal use of the parcel. Motion carried with Board Member Wenner absent.**

11.  **For Possible Action:** Discussion to recommend approval, approval with modifications, or denial of a proposed Maverik convenience store with fuel sales on approximately 3.1 acres of an 8.65 acre parcel, APN 1220-04-602-012, 1301 Highway 395; with public comment prior to Board action.

Mr. Rick Magness, Maverik Incorporated, gave a power point presentation.

Mr. Nilssen advised the colors of the building have changed. The original colors were darker. I do not have any conditions. They met the design criteria of the Plan for Prosperity. They meet the town's design guidelines. The parcel is completely zoned neighborhood commercial. If Maverik develops their store and parcels off the rest of the five acres, it's still zoned neighborhood commercial. I don't know how that could be developed as residential without a master plan and zoning map amendment. That is something that needs to be clarified.

Mr. Sam Booth, Planning Manager for Douglas County, agreed the site is zoned neighborhood commercial. It would take a master plan amendment and zoning map amendment to do anything other than commercial on the back portion of the site. I cannot guarantee it would be residential behind. It's all one parcel so it would take a parcel map to split the property.

Mr. Bill Marsh lives back up against this parcel. I would like to know where the loading docks are going to be. We will hear the noise from the loading docks.

Mr. Nilssen explained there are delivery trucks, but there is no loading dock.

Mr. Steve Mason, County Planner, explained they have to have a 12 X 40 foot loading area to the rear of the building. As far as neighboring residences, from the brick wall it is at least 4 to 500 feet to the nearest residential building. The use of the parcel is hypothetical. This is only for the Maverik store and the three-acre section.

Mr. Bob Simon lives on Elges. There are approximately 10 convenience store gas stations in Gardnerville and Minden. There are three within one-quarter mile of this project. How many do we need? This station will increase traffic and congestion in and out of 395 and Stodick Parkway. 395/Waterloo is the busiest intersection in the Carson Valley. If this station is open 24/7 it will create light pollution. My neighbors and I ask that the board deny this application. This Maverik Company could care less about Gardnerville. It's about money.

Mr. Greg Santucci lives on Elges. I do have concerns about this affecting the city water. Elges is a cul-de-sac. There should be some kind of entry or exit to the complex or whatever is going in behind.

Mr. Roger Falcke is a business owner here in Gardnerville. I own the AM/PM in Gardnerville. Maverik has a good model for a convenience store. If you approve it this will be the eighth gas station on Main Street in Gardnerville. Is there an avenue for Maverik to contribute to the future stoplight and intersection at Stodick Parkway?

Ms. Barbara Havens on Elges agrees with these gentlemen. We don't need another gas station. I would challenge the gentleman from the planning department to know what is going on with the rest of the property. We need to look at what will happen to the rest of the property and the noise for that area.

Chairman Slater asked what would have to happen to open Elges?

Mr. Nilssen stated Elges can't be extended to Stodick. It was closed specifically because the spacing between Elges and 395 is too close and also in anticipation of Muller Parkway and Stodick Drive. Whatever goes in the rear would be using the two existing driveways.

Mr. Simon commented if the rest of the property is developed there will be an access from Elges.

Mr. Nilssen didn't believe there would be an access to the rear. That would come to the town for review and we could comment at that time.

No further comments.

Mr. Miller felt this is not the best use of the property. It is zoned commercial and we cannot forbid a gas station. It's hard for us to deny this application because of the zoning.

Mr. Henningsen believed this is a very professional project. I don't think we need another convenience store or gas station. We have to look at the project, its merits and how well it meets the county standards.

Mr. Higuera agrees it is a well-planned project. We are only considering the gas station and the convenience store.

Chairman Slater concurs with that.

**Motion Henningsen/Higuera to approve the proposed Maverick convenience store with fuel sales on approximately 3.1 acres of the 8.65 acre parcel APN 1220-04-602-012 on 1301 Highway 395. Motion carried with Board Member Wenner absent.**

12.  **For Possible Action: Discussion on vehicle gate style and placement to be installed at Carrick Detention Pond on Town property; with public comment prior to Board action.**

Mr. LaCost has been in contact with Mr. Jones. He is disappointed that the gate is not going to be put out by Grant. I did provide some information that the access is not an exclusive use. The gate was removed from the fence project because it didn't seem to fit in with the project. Red curbing and no parking were directed to be put in and will be put in when we have staff time. I did receive additional quotes for the gate if we want to put the gate in. When whoever owns the property develops the property they will have to remove the gate. Any moneys we put in for a gate would be lost for lack of better terminology. Do we still want to move forward with the gate? We just need to know direction.

Mr. Higuera would like to start with the red paint and signs

Mr. Miller mentioned the issue about the adjacent parcel being a dog park was settled two years ago.

Mr. Nilssen would recommend to the board painting the south curb red and putting up no parking signs. I would like to leave the north side open so if people come to use the dog park they would be able to park. If it still is an issue where he can't access his property in the future, we can paint the north side as well.

Attorney Yturbide advised if you are giving direction you don't really need a motion.

No public comment.

Mr. Miller felt staff has direction. No need for a motion

13.  **For Possible Action: Discussion to award, award with modifications or deny Town bid #2019-01, for a fencing contract around Grant/Carrick Detention Pond to Tholl Fence in the amount of \$32,453.72; with public comment prior to Board action.**

Mr. LaCost explained the bid came in under budget. We had two bids. Tholl Fence came in as a low bidder. I did ask in the recommended motion for an allowance of up to 7% for change orders. The fence goes all the way around the walking path. The plan set is in board packet. It is a four-foot high black chain link fence, manual gates, two entrances for vehicles that will be kept locked.

Mr. Miller wondered about the Girl Scout project for a water fountain. We said we would look at the fencing to see if there was any money left. We just spent money for a bocce ball court for the Boy Scouts. Can we put it on the agenda next month that we spend the leftover money from the fencing to approve the water fountain and invite the Girl Scouts back?

Mr. LaCost mentioned the fiscal year changes. That money would be in next fiscal year's budget. In the small projects line item I did set aside some funds for community projects. We can bring it back next month.

No public comment.

**Motion Higuera/Miller to award Town bid #2019-01 for a fencing contract around Grant/Carrick Detention Pond to Tholl Fence in the amount of \$32,453.72. Motion carried with Board Member Wenner absent.**

14.  **For Possible Action: Approval of Resolution 2019R-026 augmenting the Town of Gardnerville budget for fiscal year 2018-2019; with public comment prior to Board action.**

Mr. Nilssen went over the reimbursements to be augmented.

No public comment.

**Motion Miller/Higuera to approve Resolution 2019R-026 augmenting the Town of Gardnerville budget for the fiscal year 2018/2019. Motion carried with Board Member Wenner absent.**

15.  **For Possible Action: Discussion to award, award with modifications or reject Town bid #1901, for the 2019 Annual Street Sealing contract to the best bid and/or lowest responsive and responsible bidder; with public comment prior to Board action.**

Mr. LaCost had 175,000 budgeted. We are looking to add 10% for change orders. If you look at the plan set it does quite a bit of old town. We are not doing Cemetery. That is on the slate to be replaced. Another option would be to do the town maintenance facility and/or seal this parking lot. The alternate is the Sunset Park subdivision.

Mr. Higuera asked if in the motion they would prefer to have the dollar amount versus best bidder, lowest bidder, responsive bidder, responsible bidder.

Attorney Yturbide advised it needs to be a dollar amount.

Public comment.

Ms. Beth Hojnacke serves on the board of directors for Chichester POA. We have a cul-de-sac that all the asphalt is coming loose. If there is some extra money maybe you could just do that end where the repair is. If we could add that to the list some way it would be much appreciated. The name of the street is Windsor Court.

No further public comment.

**Motion Higuera/Miller to award Town bid #1901 for the 2019 Annual Street Sealing contract in the amount of \$142,007.00 to Sierra Nevada Construction and include a 10% overrun, if needed. Motion carried with Board Member Wenner absent**

16.  **For Possible Action: Discussion regarding possible elimination of convenience fees associated with the payment of the Town's Health & Sanitation bills by credit card; with public comment prior to Board action.**

Removed and placed on July agenda.

17.  **Not for Possible Action: Discussion on the Town Attorney's Monthly Report of activities for May 2019.**

Attorney Yturbide reported some issues came up involving Carrick Pond and researching the easement. There were some employee and HR issues that came up. There was also some discussion with a variety of people regarding credit card convenience fees which we are talking about next month. We were going to readdress it in July. I have also reviewed the agenda for June and packet materials, attended meetings and corresponded with staff. I reviewed a couple of code enforcement issues and professional services contract.

18.  **Not For Possible Action: Discussion on the Town Manager's Monthly Report of activities for May 2019.**

Mr. Nilssen reported the flower baskets are hanging on Main Street. We were able to review two projects and award two contracts. There have been a lot of meetings with consulting engineers and regulatory agencies to figure out where we are with certain projects. We entered a design contract for the Maple Street storm drain relocation. We should have plans on that in the next five or six weeks.

19.  **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.**

Chairman Slater stated Mary Wenner is not here tonight to give the report on the arts council. Wes Henderson gave the report for Nevada League of Cities.

Mr. Higuera reported another new member (Don Johnson) has been added to the Main Street Board of Directors. They are up to a nine member board. All flower pots have been sold. They still have 20 flower baskets to sell. They reformed their executive committee. They invited town board members to the chamber coffee on June 12. Main Street is the business of the month and is hosting the chamber coffee at the Gardnerville Station. The wine walk was down substantially. The weather played a big role in that. They made \$2,022.00 as opposed to \$4,961 last year. They are hoping for better weather next wine walk. The Fun Run is still scheduled. Carson Valley Pops will still be at the park.

20.  **For Possible Action: Discussion to change the date of the July board meeting from the 2<sup>nd</sup> to the 9<sup>th</sup>; with public comment prior to Board action.**

Mr. Nilssen was just giving the board the option if they wished to change the meeting.

No public comment.

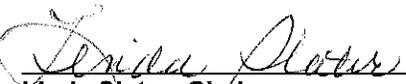
No action taken. Meeting remains on July 2<sup>nd</sup>.

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

Mr. Jerry Turner gave public comment on items not on the agenda. (a recording is available upon request)

Meeting adjourned at 7:16 p.m.

**Respectfully Submitted,**

  
\_\_\_\_\_  
Linda Slater, Chairman

  
\_\_\_\_\_  
Erik Nilssen, P.E., Town Manager