



GARDNERVILLE TOWN BOARD

Meeting Minutes

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


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

Tuesday, January 7, 2014

4:30 p.m.

Gardnerville Town Hall

 Chairman Slater called the meeting to order at 4:30 p.m. and a determination of a quorum was made.

 PLEDGE OF ALLEGIANCE- Tom Dallaire led the pledge of allegiance.

 **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.

Chairman Slater asked two corrections be made to the agenda. At the top it says Linda Slater, Chair and Lloyd Higuera Vice-Chair. She would like it to say chairman and vice-chairman.

Motion Higuera/Miller to approve the agenda with the corrections.

No public comment.

Upon call for the vote, motion carried unanimously.

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


December 3, 2013 Regular Board meeting, with public comment prior to Board action.

Chairman Slater read a statement to clarify the minutes of December 3, 2013. The correction is under public interest comments from last time and it currently reads: "Mr. Higuera agrees with Linda. It would be a good idea to talk with the letter's author." I believe what I actually said was "I did not agree with Chairman Miller about meeting with the letter's author and that it was not the town's place to respond to the letter but rather an issue to be handled between the chamber of commerce and the author." Please make that correction.

Motion Wenner/Philips to approve the previous board minutes with the correction.

No public comment.

Upon call for the vote, motion carried unanimously.

 **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. Bill Chernock, Carson Valley Chamber of Commerce, is here to talk about the parade tonight. Your volunteers and your staff did a wonderful job on preparing the float this year. You were named as the overall winner, the judge's choice winner. We have done things a little differently this year. We have actually made a custom plaque.

Mr. Dallaire accepted the award on behalf of the Gardnerville Town Board and thanked Mr. Chernock.

Chairman Slater announced there will be a slight modification to our meeting process this year. I've asked Tom to include his recommendation as the town manager/engineer on agenda items at the time of presentation. This is meant to expedite items and not in any way should it hinder the actions of the town board. If anyone has any additional suggestions please let me know. You'll notice a little difference tonight where he has a comment.

Chairman Slater asked Mr. Miller to step forward. On behalf of the Town of Gardnerville Board I'd like to present this

gavel to you in appreciation for your service this past year as our chairman. Congratulations and thank you again for your dedication and hard work.

Mr. Dallaire presented Mr. Miller with the gavel.

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.

Motion Higuera/Wenner to approve.


1. **For Possible Action: Correspondence**
Read and noted.
2. **For Possible Action: Health and Sanitation & Public Works Departments Monthly Report of activities**
Motion to accept
3. **For Possible Action: Approve December 2013 claims**
Motion to approve
4. **For Possible Action: Approve Gardnerville H & S write-offs.**
Motion to approve
5. **For Possible Action: Approve Resolution 2013R-072 augmenting the Town of Gardnerville budget for fiscal year 2013-2014.**
Motion to approve
6. **For Possible Action. Approve the urban forestry annual work plan update for 2014.**
Motion to approve.

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)

7.  **For Possible Action: Discussion on the first annual 2013 Town of Gardnerville Customer Service Survey results and draw the winner of the one year's free trash service to a single Gardnerville office/residential customer for completing the survey; with public comment prior to Board action.**

Mr. Dallaire advised in the packet is the summary of the responses. The newspaper was by far the most popular way people who responded got their information. That was good to know. The second and third is word of mouth and the Town Record. Mr. Dallaire went over the results of the survey. From what I gathered out of reading all of these comments is the single stream recycling, which was just started in Reno, would be a good option to look at. We will see what we can do.

Vice-Chairman Higuera felt the town does a good job of getting the word out. When you put all the town categories together, the Town Record, the town website, town website via mobile, social networking, town emails and press releases that totaled up to about 44. I would commend staff for doing a good job of getting the word out along with the newspaper.

Mr. Dallaire added most of the respondents will allow us to send emails to notify them of town events. So we will add that to our list of contacts.

Mr. Dallaire drew the name of Rachel Alexander as the winner of the raffle for a year's free trash service. We will send her an email and credit her bill.


No public comment.

Motion Miller/Higuera to award Rachel Alexander free garbage collection for one year. Motion carried unanimously.

Mrs. Amens suggested doing a press release if it is authorized.

8.  **Not for Possible Action: Discussion on the Main Street Program Manager's Monthly Report of activities for December 2013.**

Mr. Dallaire reported for Ms. Lochridge. This month they didn't have a board meeting for Main Street. They are still working on the sidewalk gallery and still looking for another board member. Next month everything will be back to normal.

9.  **For Possible Action: Discussion on MGSD letter and invoice in the amount of \$1499.47 (\$767 for sewer use fee, \$627.47 in finance charges, and \$105.00 in lien and court fees) for services provided to the Eagle Gas site prior to the Town of Gardnerville ownership of the site on June 6, 2013; located at 1395 Highway 395 N, APN 1320-33-402-075; with public comment prior to Board action.**

Chairman Slater did talk with the treasurer's office and they pulled a file. I've asked Mary to comment on that.

Ms. Wenner stated the treasurer's office did a title search beforehand and there was a lien in the file for Minden Gardnerville Sanitation, including all penalties and fees. So Terry explained if we had actually taken the property for auction, if we have a fiduciary entity, like Minden Gardnerville Sanitation or Town of Gardnerville, we try and collect for them. We start the bid at what we need for taxes and include what else is owed to any other entity. That's how the auction starts. So we would have tried to collect it at that time but it never went to auction.

Mr. Miller asked if the lien had an amount.

Ms. Wenner responded no.

Mr. Dallaire mentioned the lien specifically says, includes any interest or penalties.

Ms. Wenner added when the county bills out for water on foreclosed properties, if the bank doesn't pay on somebody who owed money and it gets transferred to a new owner, the water doesn't get turned on until the new owner pays. They don't negotiate it.

Mr. Dallaire received a bill in the amount of about \$3200. MGSD looked at their software and reconfigured it. They reduced it down to \$1499.47. That is the total due now. \$627.47 of that is the finance charge. I am recommending a partial payment.

Mr. Miller and Tom met on this item before it went to MGSD and I made a recommendation that we make them an offer to pay the back charges along with the filing fees. The impression Tom and I got from Frank was this would not be a problem. I talked to the chairman of MGSD after their meeting. They had a discussion and one of their members said this is business and we are going to collect everything. So it was a three to one vote to collect all fees.

Chairman Slater asked if we vote to just pay the sewer use fee and not the finance charge and not the lien and court fees what are the repercussions from that.

Mrs. Amens did a quick look to see if there is case law specific where one public entity is receiving it from another public entity. It is basically public money we are talking about. I could not find anything directly on point. So from the court side there hasn't been anything that directly affects this. If you don't pay you are not taking care of the lien that is still on the property. Unless they were willing to accept an offer of payment for less you will still have an encumbrance on the property.

Mr. Miller did not think the property would change hands again.

Mrs. Amens thought there is a chance that you're going to want the services. That's the leverage they have. They cannot turn it back on until it's paid for.

Vice-Chairman Higuera asked if we are responsible for the old station.

Mrs. Amens believed the recourse would be back to the owner that you received it from, but in terms of the bill itself, it runs with the land. If they were willing to agree to the lesser amount or to hold it open and provide service, but at some point they will want action.

Mr. Philips asked with the lien would that interfere with getting financing.

Mrs. Amens would have to look at it. It would be searchable and they could see the lien.

Public comment

Mr. Olsen would not offer help on this at all.

No further public comment.

Vice-Chairman Higuera believed they need to clear it.

Ms. Wenner felt since we got the property and had all the taxes waived that that price was not a bad price to pay for a piece of property.

Mr. Philips thought they should just pay it.

Motion Miller/Higuera to pay the MGSD lien in total, which is \$1499.47 to clear the lien. Motion carried unanimously.

10.  **For Possible Action:** Discussion to accept or deny;

- a. **Improvements installed within pond two of the Arbor Gardens regional detention pond drainage, with public comment prior to Board action**


Mr. Dallaire reviewed New Beginnings is done with the public improvements. They have replaced the concrete so all the issues are good. The Crestmore Street is extended to the end of the driveway. This is a formality for bookkeeping records that we are taking on the maintenance. It is just the extended portion we are talking about tonight. The pond is new. It is a huge improvement.

No public comment.

Motion Higuera/Philips to accept Arbor Gardens regional pond improvements. Motion carried unanimously.

- b. **Maintenance of the extended Crestmore Drive street improvements; with public comment prior to Board action.**

Motion Higuera/Wenner to accept the extension of Crestmore Drive for maintenance. Motion carried unanimously.

11.  **For Possible Action:** Discussion to approve or deny a request from Douglas County Community Services Foundation for assistance in equipping and furnishing the new Douglas County Community & Senior Center in the amount of \$2,000 to decorate the corridors and public spaces; with public comment prior to Board action.

Mr. Dallaire received a letter from Bob Cook who is the chairman of Douglas County Community Services Foundation requesting \$2,000. I did call Scott Morgan, who is here to discuss a little bit about the request. I summarized that in my statement.

Mr. Scott Morgan, member of the board of directors for the Douglas County Community Services Foundation. I am here representing Bob Cook's request this evening. Bob had another commitment. I am here to give you an overview. The foundation discussed having a consistent theme throughout the building. The top priority theme is to recognize our heritage that is consistent with the three towns in the valley. The foundation and county staff feel it would be appropriate to highlight the host town. We are hoping to put the art in by 2015. We think it will be complimentary to the building. We are looking for partners. We want to partner with you and highlight your town.

The Board liked the idea.

Mr. Morgan stated with respect to the building, we will be having a topping off ceremony where you will be invited to come by and sign the high beam before it goes up. We would like to see all your signatures on that beam. That should happen this month.

Mr. Dallaire suggested having Main Street do a theme with the high school kids.

Mr. Morgan thanked the board for their time and consideration.


Public comment.

Mr. Olson sits on the Senior Advisory Board. This is something we discussed. It's important to explain the story of our community as its changing. We have so many great local artists. We would really like tell the story of the community and how we all came together.

No further public comment.

Mr. Philips suggested approving it if that's the way everybody feels, but not put a dollar amount and have them come back in the future and say we need this, would you be willing to help.

Motion Higuera/Miller to approve a request by the Douglas County Community Services Foundation for assistance in equipping and furnishing the new Douglas County Community and Senior Center to decorate the corridors and public spaces. Motion carried unanimously.

12.  For Possible Action: Discussion on adoption of Joint Resolution 2014R-004 between Douglas County and the Towns of Gardnerville and Minden regarding confirmation of the principles and key concepts for the Valley Vision Plan and to commit to future funding during the annual budget cycle for implementing the Valley Vision Plan; with public comment prior to Board action.

Mr. Dallaire reviewed we accepted the valley vision plan and at that time Steve Mokrohisky made a couple comments that he would bring a resolution forward. Lisa Granahan has put together the resolution. It basically confirms what the Valley Vision says. Douglas County is planning on putting about \$50,000 into the fund and they will have that opportunity next month. Eagle Gas site is part of the downtown. We are putting some money into it already. This will help us get grant funds in the future and keep projects going. It will be Douglas County helping us with the grant applications.

Chairman Slater asked if they will know in advance what the vision is for that fiscal year prior to the commitment of town funds.

Mr. Dallaire explained these are the priorities for us and it will be up to the town managers and county manager. There wasn't much of a list from the Valley Vision. Sidewalk improvements are huge.

Vice-Chairman Higuera asked if he saw the three entities getting together and getting project ideas.

Mr. Dallaire does. I am hoping to do that before the budget cycle. There is not much in there, with the exception of the S curve that we can do, because the highway is still going through town. We don't have the right of way to widen the sidewalks. There are a lot of limitations until the truck traffic is gone.

Ms. Wenner asked if they could get together to use the funds to divert the traffic.

Mr. Dallaire didn't think that would be appropriate.

Mr. Miller's concern is now they are asking for a financial commitment. You made a good point about sidewalks throughout. But until they actually come up with a project I would hesitate to commit ourselves to some type of financial aid.

Mr. Dallaire clarified it is just a banking system. We start throwing money into a fund so it is there specific for that purpose and that is where they are coming from.

Chairman Slater thought it would be all the entities having to come to the same conclusion as to what project is

priority.

Mr. Dallaire stated each town will prioritize the projects.

Chairman Slater asked if it was the 395 corridor at this point in time so it truly would benefit all of Douglas County.

Mrs. Amens asked if there was a requirement that you take action. Are they asking you to take action right now? The resolution doesn't have a place for you to sign. It just says Town of Minden and Douglas County Board.


Mr. Dallaire will reprint it. They just want us to sign the resolution.

Chairman Slater asked if we took action to adopt and confirm the principles and key concepts would that meet the criteria.

Mr. Dallaire indicated they need to adopt the resolution itself.

No public comment.

Motion Higuera/Miller to approve a joint resolution between Douglas County and the towns of Gardnerville and Minden to confirm the principles and key concepts for the Valley Vision Plan and to commit to the identification of funds for its implementation as appropriate. Motion carried unanimously.

13.  **For Possible Action:** Discussion to approve, continue or deny, staff proceeding with the improvement plans submittal and finalize the flood model in order to construct the Hellwinkle channel as a benefit of future improvements needed on highway 395 at the "S" curve and drainage of adjacent properties along with Kingslane area by preparing a storm drainage master plan of the area to assist in planning future development, with public comment prior to Board action.

Mr. Dallaire reported we did a small analysis. Denny Peters, independent contractor, has not been able to be here. He had sent this to me and this is the concept he has for the overall draft. Mr. Dallaire explained the proposed improvements.

Mr. Philips thought we should try to gain as much advantage as we can so we don't have to come back and do it again.

Mr. Dallaire continued with the proposed plan.

Vice-Chairman Higuera went over if we don't do the Hellwinkel Channel, we don't have any opportunity to make future improvements. But we can't afford to make those improvements right now. If we put the channel in we have helped the situation somewhat. But to improve it more we can do that over a period of time.

Mr. Dallaire advised if this is a priority then they would start saving and going after grant funds.

No public comment.

Motion Miller/Higuera to approve and direct staff to proceed with the master plan to bring back to the town board and finalize the improvement plans and the flood model to proceed with the construction of the Hellwinkel Channel. Motion carried unanimously.

14.  **Not For Possible Action:** Discussion on the Town Attorney's Monthly Report of activities for December 2013.

Mrs. Amens reported Mike has been away on vacation. During that time I worked with Tom on a number of issues. Today we had a discussion with Mike on the maintenance lot and Tom will bring that back in the future. Tom did ask us to prepare a quitclaim deed on Eagle Gas. I have some drafts with me. In terms of the Arbor Gardens parcel we found that this particular little lot is still encumbered; no money related to the encumbrance, but it has never been cleaned up. There is a cloud on the title from the Pacific Capital Group that Syncon had worked with on the financing for the other lots. My understanding is all of the other encumbrances have been taken care of as they sold the lots, and all of the lots have been sold. Unfortunately the firm that provided the loan has been sold a number of times and is now part of Union Bank. Finding anything has been difficult and so far impossible. We've talked about a

couple different options. One of them was to proceed with the quitclaim deed and take the risk that there would ever be a claim by the Pacific Capital Group for the little lot you are intending to do maintenance on. If there was a claim, we could at that point do a quiet title action or if you have been taking care of it for a long enough period of time we could claim adverse possession. At this time it looks like that is an acceptable risk. We want to get a letter from Syncon affirming that all of the payments were made with all of the other loans that we would also have on file as support if there was ever a claim. You'll see that in the future.

Chairman Slater stated Syncon Home is on board.

Mrs. Amens does not have a contact to even talk with the bank. Syncon is on board and getting the letter will not be an issue.

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

Mr. Dallaire reported they did get the 1000 gallon heating oil tank out of the Eagle Gas station. There was 14 inches of oil in it and it was leaking. We are going to submit it the petroleum fund. They were supposed to report it today to NDEP and it will automatically roll into the petroleum fund. The tank on the Mission Street side has been excavated and removed. There was some contamination underneath that. That tank had been lined before. There was a little bit of contamination, but no tree roots wrapped around. They will backfill that tomorrow; then they will do cold patch. Brimco is doing the work. We might have to put some steel plates on it. They will have to excavate it and haul the material away, then import material to fill in the hole. We submitted the Brownfield application to the state and the state gets approval from the EPA. They have to transport the contaminated material to Mustang. They had \$9300 budgeted. I filled out the forms earlier last year to NDEP so I can take that and start the application from there.

Mr. Miller felt it is very positive that we got the work done in a short time since we've owned it. That's very positive.

Mr. Dallaire reported the EV station is in, and I believe up and running. I haven't checked this afternoon. Geoff has been working on the two projects that we have had outstanding: the sidewalk in front of Tab Hunter's and the green curb for loading zone in front of Hors'n Around. I did go to the coffee meeting this morning and met Richard, the manager for Sharkey's. They are going to make the parking lot a priority, and the house is going to be coming down. I have offered to give him the plans that Josh drew up, the options, and explain the reasoning why and what NDOT wants. We will see where it goes from there. I spent a lot of time on the interlocal agreement. Ken and I met with Christine, the assistant county manager. She was looking for a document that modified the agreement. The blue is what we received back from Debra and the red is what I added. I talked this over with Jennifer from the Town of Minden. We are on the same page. We don't think the administrative fund should be charged for the fees for HR, finance or IT. But the enterprise fund, if we collected a fee, I think those should be charged this fee the county is looking for. We will see what they say. I created a large spreadsheet with their general fund accounting and basically did a percentage for everything we pay in the town of Minden and Gardnerville combined. All the residents within the towns pay over \$2.2 million into the general fund. That's all of their operations. The judicial system and sheriff department take almost 50 percent. The rest goes into the general fund and all of the county offices. The residents are already paying for that. If it's more than what the town already pays we need to look at the process. I brought that up with claims, as an example. It's time consuming on our end and on theirs. We need to fix the process and try and streamline some of these things. It doesn't make sense to charge more to all the other departments because they're just shuffling money.

Mr. Miller made the point as a taxpayer I should get some of the services from the county. Why should I have to pay for them again through the Town of Gardnerville budget?

Mr. Dallaire brought up the fact that one of the things that wasn't in any of the interlocal agreements before was streetlights. We pay \$80,000 in street lights. Right there it takes care of the entire bill they are asking. The lights are not a right of way. They are not a road maintenance item. I don't know why we are paying for the streetlights. I have not received any comments.

Chairman Slater asked if Mr. Dallaire had given any more thought to a code enforcement officer or park ranger.

Mr. Dallaire ran into some issues with the sheriff's office on the code enforcement. Code enforcement cannot write a ticket. We can add a park ranger. There's a larger cost because we would pay into PERS what the sheriff's officers pay. It will be a lot more on the HR side. We can pursue that.

Chairman Slater pointed out we're negotiating. We're not sitting back and just taking a written interlocal agreement for granted. We need to present our side. What do we want as a town?

Mr. Miller let Mr. Dallaire know if we have future meetings I'm available.

Chairman Slater asked what if some of the cost allocation items aren't fulfilled. Do we have any recourse?

Mr. Dallaire will look into that a little more.

Chairman Slater felt we need protection. We've been having problems. I would highly recommend sitting with Minden and going over what they perceive as a good interlocal agreement. Make sure the towns are on board with the county. If we sit back and take what the county writes it isn't a service to the citizens. I think if we are going to do something like this we need to get all people on board. We need to talk to the commissioners, with the towns and finance and do a good faith interlocal agreement instead of dealing one on one with Christine. We need an agreement. We need their services. They need us. The only recourse would be to incorporate. I think we can do a better job than what we are doing at the moment.

Mr. Miller thought we are doing a good job. Tom has done a lot of work on those spreadsheets. That was something that was not expected.

Chairman Slater asked what would happen if one party or the other doesn't live up to their side of the bargain.

Mr. Miller believed the county is looking at April to have this finalized.

Mr. Dallaire asked if Mrs. Amens could add some wording for the recourse. I will see if I can get a meeting with Jennifer after their board meeting. February is the annual training. I have sent an email to the two other towns to see if we can combine it again. We can at least do the combined land use and have Mimi come and do the presentation for all three towns and Debra can do the open meeting law. Minden is looking at having their attorney do their training anyway.

Board members thought either the 10th or 19th of February would work for the training.


Chairman Slater asked about item G, Kingslane. I have a real concern about putting a public entity in a government office with sensitive equipment and material. Facilities are available elsewhere for them. There may be certain things that come up but overall the policy should be to keep it closed.

Mr. Miller agreed.

Meeting adjourned at 6:25 p.m.

Respectfully submitted,


Linda Slater
Chairman


Tom Dallaire
Town Manager