



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, June 3, 2014

4:30 p.m.

Gardnerville Town Hall

 4:30 P.M. Chairman Slater called the meeting to order and made the Determination a Quorum is present.

 PLEDGE OF ALLEGIANCE- Mike Philips 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.

Motion Higuera/Wenner to approve the agenda.

No public comment.

Upon call for the vote, motion carried unanimously.

 **FOR POSSIBLE ACTION: APPROVAL OF PREVIOUS MINUTES:**
May 6, 2014 Regular Board meeting, with public comment prior to Board action.

Motion Higuera to approve the previous minutes from May 6.

Mr. Miller has a correction. Under item 13, the second page, about halfway down: "Mr. Dallaire answered a little over" it should be 5 acres rather than 2 acres on the piece of land owned by Spence Properties.

Mr. Higuera amended the motion to include that correction. Mr. Miller seconded the motion.

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.

No public comment.

Mrs. Slater recognized the recent passing of "Chuck" Charles Barrett, former Gardnerville board member. Please observe a moment of silence.

 **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 the consent calendar

No public comment.

1. **For Possible Action:** Correspondence
Read and noted.

2. **For Possible Action:** Health and Sanitation & Public Works Departments Monthly Report of activities

Accepted.

3. **For Possible Action:** Approve May 2014 claims
Approved.
4. **For possible action:** Approve the Town of Gardnerville's insurance renewal proposal from the Nevada Public Agency Insurance Pool (POOL) and payment of \$21,956.46 for fiscal year 2014-2015.
Approved.

Upon call for the vote, motion carried unanimously.

(At this point discussion was reopened on the May 6, 2014 minutes)

Mr. Dallaire wanted to clarify on the correction to the minutes, the question was from Kurt. He was asking about the acreage on Heritage Park.

Mr. Miller thought he asked about the acreage on Spence Properties.

Mr. Dallaire clarified Kurt was asking about the acreage on the actual existing park. That is what I answered. That is the two acres.

Mr. Rowe recommended if it is correct the way it is stated, then you should reconsider the motion and not amend the minutes.

Amended motion Higuera/Miller to approve the May minutes as presented.

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)

5.  **Not for Possible Action:** Discussion on the Main Street Program Manager's Monthly Report of activities for May 2014.

Mrs. Lochridge thanked the volunteers and town staff for putting up the flowers and delivering the adopt-a-pots. Right now we have 46 of our 68 baskets spoken for. We are still looking for 22½ sponsors. If anybody is looking to sponsor a basket Marie will be more than happy to take care of that. We have 54 adopt-a-pots spoken for with only five left to adopt out to businesses in the district. There was great participation with the businesses on that project. Attached is a short version of the notes from the conference. That had to be the best conference I have been to. We all split up, did separate workshops and will exchange notes and share ideas. We had a wonderful meeting with the senior director of programs and services and also the senior Main Street program officer, both with the National Main Street Center. They are still very excited about what we've accomplished. They are making us a top priority as far as creating special policies to get us advanced in their national program since we don't have a state program in place yet. We will have a board vacancy at the end of June, Carol Sandmeier, one of our original board members, who was a part of the program when it first started. She is remaining on as a volunteer and chairperson at the Heritage Park Gardens. There is also a vacancy left by Susie Biaggini. We have a deadline in place by June 13th for applications to come in for the board to review and recommend an appointment to you at the next board meeting. We have membership renewal letters going out. We had some of the best numbers for the first wine walk of the season. We had 350 people registered and a lot more downtown just shopping and visiting. We have a couple of conferences coming up with the Chamber and Sparks. We are finalizing a few of our bench projects, the Basque mural project and the 501c3 process. There was a change in general managers at the location of the mural. I talked with the owner of the property today. As long as we can get everything to her in the next few days it will go through.

Mr. Rowe asked about the agreement.

Ms. Lochridge and Mr. Dallaire went through it. I added the notary portion to the document, but otherwise it looked great.

6.  **For Possible Action:** Discussion to approve, approve with modifications or deny a request by Main Street Gardnerville to create a Gardnerville Community Enrichment Council as a 501c3 organization. If

approved, Article II-c of the Council's bylaws will state that it is to work "in partnership with the Town of Gardnerville"; with public comment prior to Board action.

Mrs. Caldana has done some additional research. Based on the legal findings that word needs to be "in cooperation." The last sentence should read: "In order to accomplish these purposes the organization has the following objectives in cooperation with the Town of Gardnerville." I had an independent attorney review the documentation. It should be highlighted in yellow in the board packet. There were some areas that needed to be better clarified. (Mrs. Caldana went over the areas that need changes and some of the issues associated with being a 501c3.)

Mr. Miller asked if a bench was done by the 501c3, does it have to be turned over to the 501c6.

Mrs. Caldana answered it would not have to be if it was paid in its entirety.

Mr. Miller asked if there was a way to get the bench over to the town for maintenance after the installation.

Mrs. Caldana answered if everything is paid for by the 501c3 it could be gifted to the town at that point. If it is working in cooperation with the town, yes. She went over the case from the Supreme Court from the Children's Museum in Carson City. The town must be very careful in their workings with the 501c3. It should be a separate entity. Everything within those documents was considered good to go. Main Street is a 501c6 because we deal with businesses. Tim Rubald, who initially helped establish this with Jim Park, believed previous main streets had come under the umbrella of 501c3. The federal government started taking a look at that because one of the objectives of the main street program is to support the businesses within their community and to revitalize the downtown. That distinction made it impossible for us to be a 501c3. It would give the 501c3 opportunities. You, as the Town of Gardnerville could request grant money from them. We as a c6 could request grant money as they get up and running. Within our budget for Main Street we have just \$1,000. That will cover the state, federal and county filing fees.

Mr. Miller commented at the present time there are some donors that are reluctant to give money to Main Streets because they can't write it off on taxes. This would give the opportunity for donors to write this off on their taxes to the 501c3. If the 501c3 board saw fit to give part of that money to the town or to Main Street Gardnerville projects, that would be available.

Mrs. Caldana pointed out they discussed possibly having a liaison from the town and Main Street be on the 501c3. They could not be a liaison as a representative of the town because the town receives taxpayer money. As a Main Street volunteer, if I chose to be on the board I could do that in a capacity separate from the 501c6. You can't blend the boards even though some towns are doing that in California.

Ms. Wenner wanted to clarify the 501c3 can give money to Main Street and to the town but it can't go the other direction.


Mrs. Caldana confirmed that was correct. Paula is paid with taxpayer money and we use this office.

Mr. Higuera asked if they have enough people to make up a board.

Mrs. Caldana would like to have seen people like Chris Bently, Joe Benigno and people of that nature. We have three people on the board. There is no specific set number of people in place. Before the paperwork is filed there must be a board. It can be as small as one or as large seven.

No public comment.

Motion Higuera/Wenner to approve the request by Main Street Gardnerville to create a Gardnerville Community Enrichment Council as a 501c3 organization. Motion carried unanimously.

7.  **For Possible Action:** Discussion and possible action to direct staff to provide information to Douglas County in relation to the Town of Gardnerville recommending allowance or prohibition of medical marijuana establishments (MME) within the Town of Gardnerville, presentation by Cynthia Gregory, Deputy District Attorney and Hope Sullivan, Douglas County Planning Manager, with public comment prior to board action.

Ms. Cynthia Gregory, Deputy District Attorney and Hope Sullivan, Planning Manager for Douglas County Community Development would just like to thank you for allowing us to be present for this item and seek your input. apologize for the length of the materials. We did want to provide enough background so there could be a good discussion about the pros and cons for the town. Ms. Gregory gave a power point presentation. The four points we are asking each of the towns to focus on are: 1. Identify any concerns allowing or prohibiting medical marijuana establishments; 2. Do you support or oppose medical marijuana establishments (MME) from being located within your boundaries; 3. If you choose to support, do you support all of the different types of medical marijuana establishments or just certain ones.

Mr. Philips asked if the town allowed a dispensary does that prohibit cardholders from growing within 25 miles. They have to get their product from that dispensary?

Ms. Gregory advised the intent of the law is if you have a dispensary within 25 miles you are not allowed to self grow. However, there are a number of exceptions.

Mr. Miller asked how an individual obtains a card. And, if it is obtained from California, does it have to be recognized by Nevada?

Ms. Gregory answered the process in Nevada is you need to get a written recommendation from a medical doctor. There is paperwork and a fee you submit to the state. They run a background check. If you pass you get a card. The state of Nevada has chosen to recognize out of state cards. California does not recognize Nevada issued cards. The fourth and final question for the board is: if you were to allow medical marijuana establishments, what type of zoning regulations would you recommend be imposed.

Chairman Slater asked if a person does have this MM card and they are living with a relative and they pass away, what becomes of that card. Does anybody acknowledge that person is now deceased? Is the card cancelled?

Ms. Gregory answered the cards are regulated by the state. I assume there is a provision you have to notify the state if the cardholder is deceased.

Chairman Slater asked if that was a good faith move on the individual's part only. There is nothing that is an oversight that would say every six months this person needs to check in? I would make the assumption myself that this card would be good for one year.

Ms. Gregory agreed it is good for one year. You do have to renew it.

Chairman Slater asked within that time frame if the person is deceased there is no one that oversees this?

Ms. Gregory advised if you go into a dispensary and purchase they would ask for an ID. That is part of the requirement. They would be caught if they went into a dispensary. You can obtain a primary caregiver card. That is a separate process. They go through an application process and identify who they are obtaining the marijuana for and verify that person has a card.

Chairman Slater asked at the end of one year when that application would be renewed again, it would be on the good faith of the caregiver to say yes this person still needs this prescription and it could actually go on for years.

Ms. Gregory answered the underlying individual, their license would still have to be valid.

Ms. Wenner asked if the doctor wouldn't have to renew his prescription for it.

Ms. Gregory answered it is on a yearly basis. It can't be a prescription because the federal government has determined that medical marijuana is a scheduled 1 controlled substance, meaning that it has no medical benefits from their perspective and that it is highly abusive. Since it is regulated by the FDA you can't write a prescription. The doctor would write a written recommendation.

Mr. Higuera thought Linda's question brings up the enforcement issue.

Ms. Gregory explained they do have regulations written. They were passed effective April 1. They are in the process of hiring inspectors. They have been allocated money by the legislature to hire employees.

Mr. Miller asked if an inspector finds a violation, who makes the arrest.

Ms. Gregory thought it would depend on the violation. Douglas County is only allowed one dispensary. If you were looking to allow MME's, one of the regulations you could impose is to say they are only allowed within these zoning districts. We are seeking input. If one was located within your jurisdiction it would have an impact.

Ms. Wenner asked if the town would be held liable for anything.

Ms. Gregory is seeking a recommendation. Ultimately it is the Board of County Commissioners who will make the decision. The state has included in NRS provisions that they are not liable for any detrimental effects. Obviously we would want to include that in our ordinance if the board chose to move forward. Another restriction that is included is an MME cannot be located within 1,000 feet of a school or 300 feet of existing community facilities: pools, parks, day care, churches, effectively anything where the primary use is by children (Map shown on screen of locations presently acceptable for MME's). You have two schools, nine churches, nine parks and one day care. That gives you an idea where they could potentially locate. The county can opt out. If the county chooses not to have any MME's then the patients within Douglas County could continue to grow or have medical marijuana delivered if they were a registered cardholder. Carson City has the ability to have two dispensaries. They are moving forward with that.

Mr. Philips asked if we allowed a dispensary, it still wouldn't prohibit people within 25 miles from growing it.

Ms. Gregory repeated there are exceptions.

Mr. Philips asked if the county would receive any tax money from this.

Ms. Gregory responded we would receive a quarter of a percent sales tax and Douglas County is a guaranteed county with regard to funding.

Mr. Philips did not see the point in having one here. If they put in a dispensary and cut out all of the exceptions it would help law enforcement. Every grower they found would be illegal.

Mr. Miller asked if he was correct that the revenues cannot be deposited into a bank by federal law.

Ms. Gregory answered there has been a Department of Justice, as well as through the banking arm of the federal government, guideline. They just recently issued a similar guideline memo indicating that banks will not be prosecuted if they report it is medical marijuana. (Continuation of power point presentation). We are asking for your input and recommendation on each of those four questions.

Mr. Miller asked if all special use permits are the same fee.

Ms. Sullivan answered yes.

Chairman Slater asked if the zoning changes, how does that affect a facility that is already in place.

Ms. Sullivan answered it would be considered a nonconforming use and it could continue to stay there and operate. If it vacates, the future use would need to be a conforming use.

Public comment.

Mr. Greg Sayabalian, local business person and resident, would ask you to allow this one dispensary in Gardnerville, Douglas County. There are many patients in the area that cannot obtain their medical marijuana that they need are not be able to grow. It is a difficult process to grow the marijuana yourself. It sounds easy but it is not. These people just don't have the knowledge or ability to do this on their own. It's very highly regulated. I have followed the laws for two years. I left my business two years ago to pursue this business. There are some great opportunities in it. I am also a caregiver for an ex-girlfriend. She didn't have the ability get it or grow it. I got the caregiver card to help her out. She was prescribed by pain management six to eight Percocets a day for her pain. Now that she has her card, her pain is still there, but it doesn't really matter to her. It takes it out of your mind. Now she takes two to four Percocets a day. So it really will help people get away from the dependency of pharmaceutical drugs. There is still a lot to learn. There is a lot of good that comes from this. This is a legal drug that has been approved by the state and voters of Nevada. It is regulated. Cynthia could probably tell you there will be cameras in all the dispensaries monitored by the health division. It will not be on the street for children and in the schools. It will be priced higher than what you find on the street. If you compare it to California and Colorado, there is no comparison. The strictness of the rules and regulations in Nevada are things we've never seen before. I just think it

is one dispensary as compared to all the alcohol (bars) in the county. Everyone will know who goes in there. It's not a hidden behind the scenes business. This business will be helpful to a lot of people in the area. The state could mandate, if there aren't enough dispensaries, you accept one. Take into consideration one you approve. If you do put a moratorium on it, at least you still have a chance to accept it. It is very helpful to patients. I have seen it myself. I would hope you would recommend acceptance, regulate it and watch over it. I think we have bigger problems in this area than one small legal business. Thank you for your time.

Mr. Miller asked Mr. Sayabalian about the dependency of a legal drug. How do you separate the dependency of a legal drug to marijuana? Both have a dependency.

Mr. Sayabalian thought there has not been any medical proof of dependency on marijuana. I've done lots of checking. Yes people do use it a lot and depend on it. But if you can take eight Percocets a day you're hooked. I don't think it's the same amount of dependency as pharmaceuticals.

Chairman Slater asked about the caregiver card and the patient card your lady friend just recently got. Are you talking about separate cards?

Mr. Sayabalian answered she got her medical marijuana card through a physician. I am listed as her caregiver. They haven't issued the cards yet. So when they do get a caregiver card allowed by the state I will get that card and be her official caregiver.

Chairman Slater asked what that would allow you to do on her behalf.

Mr. Sayabalian is allowed, on her behalf, to either help her grow her own product or be able to go to the store and pick it up and bring it to her home.

Chairman Slater believed they both have the same ability but only one of you needs it.

Mr. Sayabalian, as a caregiver, is helping her grow her product. When the dispensary opens she will be able to go on her own. I will give up my caregiver position. She had to list me on her application.

As Mr. Philips understands it, they only allow you so much product every 14 days whether you pick it up or she does.

Ms. Cassandra Jones asked about the 25 mile rule. If Carson City is approved for two medical MME's, if they placed a dispensary at Costco, that 25 mile rule would extend well into our county. I would expect the 25 mile rule covers us. So the north end of the valley, if there was a medical marijuana dispensary in Carson City would still cover the majority of the population in the community, without us having to approve it in the first place.

Ms. Linda Gilkerson is a mom who has lived in Douglas County for over 20 years. I am employed with the Partnership of Community Resources. I work with youth in schools. I run a program called STOP (students taking on prevention). I work with the youth that opt out of drinking under age, smoking and doing drugs. I'd like you to think about what our culture will look like and what message we are sending to our youth that another drug is okay. I am strongly encouraging you to opt out. The Partnership of Community Resources along with the sheriff's department, school district and juvenile probation are all forming a committee to educate our community. Genoa's response to this presentation was they don't mind it but put it in the ranchos. I live across from the schools in the ranchos. I find that very offensive. Also, we say it is highly regulated. But if you've ever been to Venice Beach in California you will see place after place and \$40 gets a medical marijuana card. The pro medical marijuana people have really crafted this. There are medicines that can help. It is really more about what we want our community to look like and the accessibility to our youth. Marijuana is additive. One in ten people who use marijuana become addicted. I lost a 25 year old nephew to the use of marijuana and other prescription drugs. The only person who wins will be the people who have the dispensary. I would encourage you to go online to a group called SAM. Smart Approaches to Marijuana. The Partnership has had a couple of marijuana training meetings for our community. Maybe before you decide you might want to look at the website. That is what we do for a living. I think that when we talk about dispensaries, most of us shop in the north end. If Carson City has a dispensary let them have it. Let Reno have it. They will deliver. We do not have to have it in our county. They do market to children. They talk about brownies. They have ring pops and all kinds of things with marijuana in them.

Ms. Annette Philips is really worried about the youth. The sheriff's department has their hands full. I believe we are already considered as part of the heroine highway through the district. I've been told marijuana is a gateway drug. I would just ask you to really consider what we are putting into our town. Thank you for your time.

Doria Shoemaker supports they move forward in giving Douglas County the recommendation to start creating proper regulations for the county so it's not in a place you don't want it. Take the power that is given to you and start forming what would be okay and not okay. There is a lot of talk about growing medical marijuana. What is unique with Nevada is the laboratory testing. People can be growing their own medicine, but they don't know what the THC or CBD levels are or how to process it to benefit them with whatever ailment they have. I think the lab testing will be a great tool. I find it ironic that we are all debating this medicine when quite a few are on pharmaceutical drugs. The reason this is becoming such a profound medicine is because pharmaceutical drugs aren't helping people with cancer, end of life, Parkinsons, epilepsy, and kids with seizures. It is pretty profound what it is doing. I understand the fears and concerns, but in this community people need accessibility I'm a supporter of PCR (Partnership of Community Resources). It's a great organization. I educate my girls every day on things that can be addictive. I think our gateway drugs are sugar and caffeine. That is turning on the gene for addiction. It should be noted that painkiller drugs are killing someone every 30 minutes in the US. Nevada has done a great job in looking at the states that have gone through the process and looked at the mistakes and where they can improve.

Ms. Gregory will answer some of the questions from the comments. The first question was the concern about the legislature and mandating that a dispensary be located within Douglas County. Currently that is not the law. The current law does allow individual jurisdictions to decide. However, it could be in 2015 during the legislative session that the legislature does require that. There might be an issue there because they have delegated a lot of the zoning responsibility to the jurisdiction. Along those lines there is a petition to legalize marijuana within Nevada. If they acquire the appropriate number of signatures it will go to the 2015 legislature. Lastly if the county chooses not to have a dispensary that dispensary does not go back to the state for allocation; it simply is not allocated. With regard to the question of security, there are very stringent security requirements. They require cameras, tracking it from seed to sale. The question regarding the 25 mile rule; what we are being told by the state is that it's 25 miles. However, they will look at the convenience to the patients. I am not convinced the jurisdictions that opt out, that they will necessarily enforce that. There was a statement about the school district. At our presentation regarding the moratorium, there were a number of school district employees, a board member and a letter from the school superintendent in favor of the moratorium and in favor of prohibiting. Included were some disciplinary actions and the highest was for drugs. They felt medical marijuana was the drug that they were most disciplining kids for using. The juvenile probation officer did speak in favor of the moratorium and prohibiting it, as well as the sheriff. There were potential business owners that did speak in favor of allowing it. Kids can get a medical marijuana card if they are under the age of 18, if the parent agrees, signs, the pros and cons have been explained by the doctor and the parent administers the medical marijuana. There was a question about state forcing it. That is currently not the law. It could be in 2015. Medical marijuana is constitutional. In California it was passed by statute. In Nevada the voters did, through an initiative, pass it twice. It is part of our constitution and I included that section in your packet, which is Exhibit B.

Mr. Dallaire asked if it is illegal at a federal level, is that going to affect any grant funding we go after. If this is approved in the county and the federal government recognizes that, for highway funding that we need from the federal level, they could come in and say because you are doing this you don't get the funding.

Ms. Gregory hasn't seen that as a point or qualification on any grant applications. That could potentially happen. They have focused on the individual dispensary. In Las Vegas there was a cooperative and the feds closed it down. There weren't any ramifications to the county or city that I am aware of. Again, it will depend on the atmosphere of the federal government at that time. At this point the administration has indicated with proper guidelines they will not prosecute.

Mr. Michael Olson thought the board, county and state are in a quandary. One of the problems we have is it is not a legal drug but it is going that direction. My biggest struggle is I believe every action results in an equal and opposite reaction. When I looked at numbers they said there were 96 or 103 medical marijuana cards in Douglas County at this time. That number is increasing. My goal is to keep it out of the hands of kids. It is too rough of a decision to make for youth. I believe it is probably better for us to regulate it and control it rather than to bury our heads. If I look at 100 people with cards, that's 1200 mature plants in the county. I believe it is a whole lot easier to break into a garden than go into a store illegally. So I believe that right now the moratorium is the right thing to do. We're seeing doctors leaning towards this solution because they believe it does no harm. But we've only had about 50 years of widespread use of marijuana. We don't know all the health effects this drug may cause. We also don't know what it does to society. I believe the proper thing to do is the moratorium. We need to see how everyone is addressing this before we rush out and be the lead dog. I believe there will be stronger and more pushes to legalize marijuana. What we need to do is be at a point where we can sensibly regulate how it is distributed, how it's done and if someone does it illegally or wrong that we can punish them or take their investment away. It takes \$500,000 to invest for someone to grow marijuana in Nevada. If they're going to take their \$500,000 and distribute marijuana out the back door of their warehouse I want their \$500,000, their building, their product and I want them out of the state,

or I want them in prison or doing time. That's the only way we will be affecting this in a positive way. Right now marijuana is not prescription, it's a recommendation. We need to figure out what we can put in place for law enforcement. We need to figure out whether we charge them a liquor license instead of a permit. We need to take the time to figure this out and approach it sensibly.

No further public comment.

Mr. Miller commented there are some things I am torn with. My father had cancer and died 25 years ago. Someplace he had a source to get marijuana. Mike Olson made a good point that things are in the home now. Kids get started with alcohol in the home. If you have marijuana, who is to say the children may not go back and try to smoke a few plants. In the census the planning department put together from 2010, we have a little over a quarter of a percent of medical card individuals in Douglas County. In Gardnerville you are looking at probably 10 or 11 individuals. If we make a decision to have a dispensary we're serving 10 people in the community. But are we doing a disservice to others by having it in the community. We don't see anybody from the medical community here to speak. If we have a doctor within the community that writes recommendations for marijuana, would their practice grow because of that? I would not like to see a doctor's practice grow because of that reason.

Ms. Wenner commented Greg and the young lady both indicated if you're growing it in the backyard or in your house, you don't actually know as well as a lab tech what it is you're growing. I would want to go someplace where I knew what I was getting. I would rather have a dispensary than somebody growing it and not knowing what they are doing.

Mr. Higuera thought they should make a clarification that we are not approving or disapproving this tonight. They are asking for recommendations so it will help the commissioners make their decision. It is against federal law. I did read in these reports that some doctors in California have been threatened with prosecution for issuing these marijuana cards. I don't see how it will be enforced. I agree I don't want to see the dispensaries be a direct conduit to the youth. I can see enforcement as being a huge part of this equation. The other part is zoning. If we have to move ahead we have to have strict controls in the form of special use permits, zoning controls and then enforcement has to be very strict.

Chairman Slater's concerns echo everyone else's. My concerns are general, like the schools and the parks location. I am also concerned about the high potential for abuse, driving under the influence, locations of where these facilities will be located, and hours of operation. In my estimation if these facilities are allowed to go in within the town boundaries they should go in where we have a medical facility environment or a medical campus. I say this because I think we need the state and federal oversight. I know law enforcement would have a difficult time trying to enforce something that's in the industrial park. There's so much that is unsaid. If you put it in a medical facility location it's regulated and has federal and state oversight.

Ms. Wenner agreed with Chairman Slater.

Mr. Philips wished we had some kind of input from local law enforcement.

Chairman Slater sympathizes and understands where you have someone that is sick this relieves their pain and stops the seizures. However, there is too much unknown. There is too much potential for abuse. I am totally opposed to any cultivation. I think that we need more time. I agree with Mike that if we have the moratorium it would give more time for people to think about it and come up with some answers to the questions that have been asked. Tom brought up a point, would this affect federal funding for the town. That is a huge issue for the towns. I support a moratorium at this time to allow more input and discuss the issues further on a county level.

Mr. Philips asked if the board is saying the moratorium is probably a good idea.

Chairman Slater personally thinks it would. I don't think at this time we need to say we support it or don't support it. I think a moratorium can be another avenue.

Ms. Gregory will leave it to board discretion if you feel comfortable as a board to make a recommendation. Just for clarification there is a moratorium in place, however, it is only temporary. What I hear you saying is that you would like a prohibition but that it be revisited within a year.

Mr. Miller would not say prohibition. You have heard our input and what our concerns are. I'd like those concerns taken back to the county commissioners.

Ms. Gregory added the commissioners can extend the moratorium for another 180 days. At some point they will have to make a decision whether to allow or prohibit.

Mr. Miller's personal opinion is at this time we just don't have enough information on how it's going to be regulated until it goes down into the larger population areas.

Motion Higuera/Miller to support the moratorium.

Mr. Rowe asked if your motion is to extend the existing moratorium for an additional six month period.

Mr. Higuera didn't say that but I would add to extend it because I think we need more time to study the issue and get answers to all of our questions. So we would support the current moratorium and support the extension.

Mr. Philips did not like the word prohibition. I don't think that is what this board is saying.

Ms. Gregory pointed out the state is accepting applications August 5 through 18. They have 90 days to process those. If the moratorium were extended anybody applying within that time period of the current moratorium would be prohibited them from getting permission from the county for an MME.

Mr. Dallaire asked if Ms. Gregory is specifically looking for zoning districts within the town that we would eliminate or increase the setback from a school. Is that what you will be presenting back to the county commissioners?

Ms. Gregory is anticipating presenting all of the input that we have received in addition to law enforcement. They have stated on the record they are in favor of the moratorium. They have expressed it is a gateway drug. That is their concern. At that time we will ask the board for direction. They will either direct staff to draft an ordinance that allows it with zoning controls or they may ask staff to draft an ordinance which does not allow medical marijuana establishments within the county. The other option is to extend the moratorium. My preference is they go ahead and make a decision within the initial 180 day period so the county is very clear as to which direction they are going.

Mr. Dallaire asked if they had any direction on the cultivation facility. Is there a minimum or maximum number of plants that can be grown in a cultivation facility?

Ms. Gregory answered there is no requirement. There are a certain number of plants at which point it's going to be profitable or worth it for the facility to grow and recoup their costs. Another zoning control could be to say you have to have a certain size of facility or a certain amount of square feet. The medical marijuana can't be grown in a backyard. It has to be grown enclosed. It has to be enclosed and locked.

Chairman Slater added the main reason I say keep the MME's in a medical facility community is so it keeps it out of a storefront. That way we don't have it next door. We don't have it across the street. We don't have it in the backroom. We have it on one campus.

Ms. Gregory understands. However, currently the way the state has written the law it has to be located within commercial or industrial zone. Some of the hospitals are located within a community facility.

Mr. Dallaire asked about the zoning of the current hospital facility.

Ms. Gregory would have to check.

Mr. Dallaire thought the hospital is in a commercial zone.

Ms. Hope Sullivan heard they don't like the word prohibition. I heard a lot of supporting comments for the benefits of medical marijuana and a lot of questions on enforcement. We will carry these messages back. I also heard discussion about a moratorium. I feel like what I heard was let's see what happens. We know these other communities are doing it. Let's see what happens in these other communities with enforcement, with police, with children. What are the impacts and then revisit it with that set of facts. I'm not sure you can do that in 180 days. I get that prohibition may be an offensive word. If the objective of this board is to say we're not really sure. We have all these concerns. Might not be such a bad thing. Might be a good thing. We just don't really know. Let's wait and see what happens everywhere else. Come back and tell us and then we'll tell you what we think. That's a little bit different message than let's wait 180 days. I'm not sure that's the message you are sending.

Mr. Victor Calabrese asked if he wanted to invest in this type of business and the moratorium is still in place

during the application period, what happens to my fee and my application during the process.

Ms. Gregory answered the application fee is nonrefundable. The state would keep the \$5,000 application fee. They would process your application. They would rank you, at which point in time if you were the successful applicant you would be issued a provisional license. Before you could be operational you would have to come to the county and comply with our regulations, at which point we would indicate that we are currently prohibited and not authorized. Your fee would be nonrefundable.

Mr. Calabrese asked if I was denied I would have to refile the following year within that ten day period.

That is Ms. Gregory's understanding.

Ms. Cassandra Jones sees one of the solutions for the board is to possibly do a motion that is a compromise between an outright prohibition and extending the moratorium, would be an ordinance prohibiting this for a period of time that would have a sunset in it. That way we don't have entrepreneurs investing \$5,000 in something that is not going to pan out because we (as the county) can't make a decision. We could suggest to the county commissioners an ordinance banning this type of establishment with a sunset in two years that would give ample time to look at the other communities and develop the appropriate zoning regulations that we need to respond in the context of our own community and our own culture.

Mr. Philips doesn't want to set a time limit. The 180 days ends in September. I'm skeptical of extending that time frame.

Mr. Higuera asked if we need to do any kind of motion.


Mr. Rowe advised it is discretionary. If you don't want to make a motion you don't have to any action.

Mr. Philips didn't think they should pin themselves down.

Mr. Higuera rescinded his previous motion.

Mr. Philips clarified when I said I didn't like the word "prohibition", I'm not against this. I don't want to see it prohibited.

Ms. Sullivan just described what she heard from the board.

8.  **For possible action: Discussion to approve or deny continuing the Town of Gardnerville's membership to the Nevada League of Cities and Municipalities for fiscal year 2014 2015 at a cost of \$2,800 and determine the number of the board members participating in the annual Nevada League of Cities conference, held at the Texas Station, City of North Las Vegas, Las Vegas Nevada, with public comment prior to Board action.**

Mr. Dallaire explained the item should read \$2890.01. I did a breakdown which is in board packets. We didn't get a packet from Nevada League of Cities prior to their last meeting. We had one seat on the executive board to share. They got rid of the executive board and now there is only one board. We hold equal weight with the other cities in the program. They got rid of the deductions that the town was receiving before. They now have a base assessment and an assessment based on population. Previous years we have not had a base assessment. It was just a fee based on the population. It was \$1428 last year. The rate is .26 per capita this year and next year it will be .30½ cents. We are now members of the board at large. NACO was \$795 and Jeff never did respond to my request. I don't see where I, as a town manager, would go to get any camaraderie with NACO.

Ms. Wenner understood the only reason we were going to pay the fees this year was because you wanted to have the League present Main Street Gardnerville to the state.

Mr. Dallaire did send the link to the video. I am going to call again tomorrow.

Chairman Slater has attended meetings by NACO and NLC. NACO is on the county level. It doesn't relate to the town. As much as I don't like doubling the fees, it is worthwhile. I believe the town needs to have representation. So with that I support continuing our membership with Nevada League of Cities.

Mr. Higuera would support it too. We should be part of something bigger than we are.

Mr. Miller has trouble with the fee but sees the connection for the town. I think the Main Street item should go to the Nevada Commission on Tourism as far as promoting Main Street as a program with the state. There are actually people that make tours of main street cities. But we have to be on the directory of national to be recognized. The only way to get on the directory is to get the state to approve the program.

Mr. Miller would rather attend the Main Street Conference than the Nevada League of Cities conference.

Mr. Dallaire would recommend the Main Street Conference for any of the board members.

Ms. Wenner asked if they could request the fee be lowered.

Mr. Miller thought they would have a hard time showing a hardship.

Chairman Slater asked if they could budget each year for someone who hasn't been to the Main Street conference before to attend.

No public comment.

Motion Higuera/Philips to approve the fiscal year 2014/2015 Nevada League of Cities and Municipalities membership dues in the amount of \$2890.01. Motion carried unanimously.

9.  **For possible action:** Discussion on any future 2015 legislative issues or bill draft requests the town would like to submit to the League for consideration in presenting to the 2015 legislature, with public comment prior to Board action.

Chairman Slater wanted to make sure each member had the paper with possible subjects for legislature bills.

Mr. Dallaire has asked Wes to look at the Main Street program and see if we can get it presented. The Nevada Commission on Tourism is a good one or going through the Economic Development Department of the State. We have other options. It doesn't sound like NLC would be able to get behind this program. My whole focus was to try to get Wes to introduce it to all the other cities in Nevada. Then we as a group go to the state and ask them to look at Main Street. In order to have the program be recognized we are working on some other options on how we could be part of their program without the state umbrella. My hope was we could ask NLC to help us with this BDR and move it forward. But it will be contingent if they hear it and get support from the other cities and municipalities within the League of Cities. I heard today of a taxing index on fuel. We will need to pay attention to Assembly Bill 413. It passed the last legislature but there will be some new rules and modifications or state taxes that could bring some additional funding to jurisdictions. This indexing could cost the local residents quite a bit of money on taxes in the future as far as fuel.

Mr. Miller asked about the service tax.

Mr. Olson believed the service tax was an option to the margin tax. They were putting a tax on services.

No further public comment.

No action taken.

10.  **For possible action:** Discussion to approve, approve with conditions, continue or deny the proposed Town of Gardnerville Employee Evaluation and Merit System; with public comment prior to Board action.

Mr. Dallaire reviewed Human Resources wants to know what the town wants to do as far as a policy on merit increases and evaluation of the scores that staff receives in the PMP program. I am waiting to see what happens with the pay plan. We should give the county some direction as to what scale or range we would like to see. The last one was done in 2006. (Mr. Dallaire went over the present scoring, Minden and East Fork's scoring system.) The bottom three on the page are what staff has put together. We came up with some different ranges. I graphically did it on the back.

Mr. Philips felt Minden's scoring looked good.

Mr. Dallaire has the performance score averages for the last four years.

Mr. Miller thought because of the present scoring, our budget is 4%. Regardless of whether you get a high of 86 or 100, you still only get a 4% increase. If we look at the next one we are rewarding the ones that score higher if we use that 3 percent average.

Mr. Dallaire believed it gives more of an incentive. We don't have any staff that have gotten anything higher. I am afraid with the new pay plan the upper end is too low and they will end up raising that quite a bit.

Mr. Higuera noticed in the monthly report that you held a staff meeting to discuss the merit system structure. It says maintenance staff prefers to see it stay as it is.

Mr. Dallaire commented staff likes the four percent. It's an automatic four percent. I would recommend the 6%. We can still max it out at four. Then they have to work for it. We have one employee that is maxed out. (Tom went over the policy for employees who are at the top of the scale) The current policy is .5 percent for an employee who is topped out. If the score indicated a 4 percent increase could we cut that in half for the topped out employee, a one time lump sum payment, which would be two percent of their wages.

Chairman Slater thought salaries take up a huge portion of the budget. Are we going to have sufficient funding to implement this long term?

Mr. Dallaire reviewed the presentation also had what our projected rates were for the property taxes and what the rates were for trash. Our property taxes are now on the rise. I assumed on the budget a four percent increase. Depending on what comes out of the pay plan in the next few months it will change the whole dynamic of what could happen.

Ms. Wenner asked if they choose to give a higher salary to people who are topped out, will they make it retro back to the evaluation.

Mr. Dallaire didn't think they can. We don't know the results of the study.

Chairman Slater likes the 6% merit, average 3%.

Mr. Higuera agreed.

Motion Miller/Higuera to recommend the 6% merit with the 3% average.

No public comment.

Upon call for the vote, motion carried unanimously.

Mr. Dallaire would like to increase the amount to half of what the merit would have been for one time topped out employees.

Chairman Slater would suggest the 3, 4 or 5 percent.

Mr. Rowe advised making a second motion so it is clearer.

Motion Wenner/Higuera to approve if a person is topped out and their percentage was at the 3, 4 5 or 6 percent that they be given half of what their merit increase would have been.

No public comment.

Motion carried unanimously.

11.  **Not For Possible Action: Discussion on the Town Attorney's Monthly Report of activities for May 2014.**

Mr. Rowe reported there was the usual administrative work. A lot of time spent reviewing the MME that you heard tonight. Ken had me look at the Town of Greece, New York versus Galloway Supreme Court decision on meeting

prayer. I've done that. Bottom line it was emphasized that the lesson to be learned is the public entity can recommend a prayer but it must be broadly acceptable to all of the members and the public and the public body must be inclusive and welcome all viewpoints and creeds to be participants. (Mr. Rowe went over the Supreme Court ruling)

Chairman Slater asked if Mr. Miller was talking about all the board meetings or specific functions.

Mr. Miller answered board meetings and also the Christmas Kickoff.

Mr. LaCost mentioned the City of Marco Island in Florida also follows that same philosophy where they invite a pastor within the city limits. Every month they would have a different person.

Mr. Miller suggested rather than make phone calls leave an open invitation to rotate it. That way you are not showing preference.

Ms. Annette Philips thought it was wonderful.

Ms. Wenner noted the commissioners do that.

Mr. Higuera stated the commissioners have been doing it for the last couple of years. Lately the person that was designated has not shown up. There may be a waning of interest on the part of the pastors.

Ms. Wenner asked if they don't show could you ask anybody in the audience.

Mr. Rowe felt that would be permissible as well. The point at which the invocation was given was before any business was conducted. If the town attempts to go beyond simply recommending the town will inevitably encounter sensitive problems.

Mr. Miller would like to see this as an action item on next month's agenda.

Mrs. Jones read the opinion and what I heard was you can't dictate tone of substance. I think a time limit consistent with the open meeting law, the public comment period of three minutes. I don't think that would affect the tone or substance. But it would keep us from getting the 20 minute sermon.

Mr. Rowe thought if you did something like that it would be in the way of a recommendation. The facts in this case make it clear that Greece didn't do anything more than ask them if they wanted to do it. If you want to go forward you do a hybrid and that is it is recommended the invocation maintain a consistent timeline with public comment under the opening meeting law. Be very general about it. If you want it on the agenda we can put it on the agenda and talk about it.

Chairman Slater would not want to see any controversy. I don't want to see any conflict of interest. I think the Pledge of Allegiance is sufficient. We're in a territory where any time we initiate something it is always questioned. I just don't want to put the town in a position to be questioned.

Mr. Higuera felt it's just one more thing on the plate of the staff. I like Ken's idea of having it be an open invitation.

Mr. Miller would like to discuss it in an action item.

Mr. Rowe will put it on the agenda.

12.  **Not For Possible Action: Discussion on the Town Manager/Engineer's Monthly Report of activities for May 2014.**

Mr. Dallaire reported the conference was well worth attending. There were several classes I attended that I would like to implement the idea here. One of them is a bike rack system. They do art work on the bike rack. I was thinking ranch brands for the area and a story or description of what ranch it is and where they were located.

Mrs. Jones thought it would blend in with what the Visitors Authority is doing.

Mr. Dallaire continued there was another class in older building energy savings. There were a lot of other great ideas on Main Street and organization for managers. Jennifer and Roxanne were excited about the program when we left. We will see what happens in Minden and how this helps. Anything we can do to work together and try to mend the Gardnerville/Minden relationship would be helpful. Projects: the TAP funding didn't turn out real well. Out of nine applicants we were ranked #8.

Chairman Slater asked how Kingslane is coming along.

Mr. Dallaire responded the state is waiting on us to get the design done. We have been on a lot of other projects. I will have some time this month to get it finished. I have to hire a structural engineer that knows the LFRD code to design the wall. I think we have it pretty much there. It is just some fine tuning. CDBG was funded. There is a class in Wells. I will attend that. I will meet with Candace. We are thinking about extending Candace's contract. She still wants to be part of the Gardnerville station project.

Chairman Slater asked what type of funding options we have.

Mr. Dallaire stated without NDOT we don't have any. Maybe we can go through the whole corridor or make the project larger to open NDOT's eyes and go with federal funds with the Valley Vision aspect. Have Minden and Gardnerville lower some poles, fix some of the curb, gutter and sidewalk issues we have through the whole corridor and make it a \$10 million project. That's the type of project the federal government funds nowadays.

Chairman Slater does not want to let the project sit. We need to move forward and show progress.

Mr. Dallaire reported the petroleum fund should be doing their study this month on the leak of the tank. Then we can proceed with that. In the meantime the governor has to approve the CDBG. That will happen in July. Once that gets approved we'll have the funding to proceed with the demo, get the canopy down and the tanks out. We will see how much damage there is in the ground. Then we can make the decision do we fund the storm drainage. Do we want to do that? We will discuss that in a board meeting and move forward on getting that done. I'm hoping to have some sort of master plan. I'm still waiting on Denny for the Hellwinkel Channel. That one is an issue. I did meet with State Lands on the project and they are excited. They are going to change the amounts based on the engineer's estimate but I was hoping to have some construction numbers. I did give it to a contractor to look at to see if I am in the ball park. We will get that ball rolling. They are okay now. Before the grant had to match a percentage. The match is 50-50, which helps the case. But we have spent a lot of money on the hydraulic analysis already. So we included that and the funds we have expended. We're just trying to make sure we get the \$307,000 back. After the meeting I was pretty confident we will have that. Q1 will have another program. They will get another million this next year. The next two projects are going to get awarded and funded.

Chairman Slater saw a lull and we need to be a little more progressive.

Mr. Dallaire asked if we want to be progressive on the park improvements. It's taken a lot of staff time in doing that in preparation for Heritage Park. Geoff spent all day yesterday doing that. We have Eagle Scouts coming in to do the three park projects. That's still staff time and it takes away from other things.

Mr. Miller asked if Rite of Passage has been at the park the last two days?

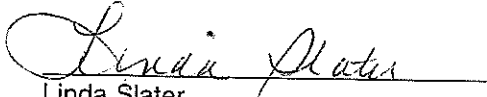
Mr. Dallaire answered yes.


Ms. Wenner asked if all of the board members are helping with the 4th of July.

Mr. Dallaire has positions if you would like to help. You are more than welcome. I will get a task list. As far as the run we will have cones out and more signage. Lloyd did the watering station last year. I liked it better when I had a little more control of the event. I have the route map done. Everything is a go as far as the run. We have Shop Small Northern Nevada there with booths and vendors. Rite of Passage is coming to help on the route. We are trying to come up with some ideas for selfies. Always welcome the help.

Meeting adjourned at 7:46 p.m.

Respectfully submitted,


Linda Slater
Chairman


Tom Dallaire
Town Manager