



Gardnerville Town Board
Meeting Minutes

Paul Lindsay, Chairman
Ken Miller, Vice Chairman
Lloyd Higuera, Board Member
Mike Philips, Board Member
Linda Slater, Board Member

1407 Highway 395
Gardnerville, Nevada
89410
775-782-7134
FAX: 775-782-7135
www.gardnerville-
nv.gov

Tuesday, September 4, 2012

4:30 p.m.

Gardnerville Town Hall



Call to Order and Determination of a Quorum

The meeting was called to order by Chairman Lindsay and a determination of a quorum was made.



PLEDGE OF ALLEGIANCE- Mike Philips led the pledge.

PRESENT:

Paul Lindsay, Chairman
Ken Miller, Vice-Chairman
Lloyd Higuera
Mike Philips
Linda Slater

Tyler Altom, Town Counsel
Tom Dallaire, Town Manager/Engineer
Dorette Caldana, Main Street Board of Directors President
Carol Louthan, Office Manager Sr.



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.

No public comment.

Motion Higuera/Philips to approve the agenda as written. Motion carried.



FOR POSSIBLE ACTION: APPROVAL OF PREVIOUS MINUTES:

August 7, 2012 Regular Board meeting, with public comment prior to Board action.

Motion Philips/Higuera to approve the minutes of August 7, 2012. Motion carried.



PUBLIC INTEREST COMMENTS (No Action)

This portion of the meeting is open to the public to speak on any topic not on the agenda and must be limited to 3 minutes. The Gardnerville Town Board is prohibited by law from taking immediate action on issues raised by the public that are not listed on the agenda.

No public comment.



CONSENT CALENDAR FOR POSSIBLE ACTION

Items appearing on the Consent Calendar are items that may be adopted with one motion **after public comment**. Consent items may be pulled at the request of Town Board members wishing to have an item or items discussed further. When items are pulled for discussion, they will be automatically placed at the beginning of the Administrative Agenda.

1. Correspondence

Read and noted.

2. Health and Sanitation Department Monthly Report

Accepted

3. Approve August 2012 claims

Approved.

4. Approve the revised planned development modification (PD) 04-008-4, for the Ranch at Gardnerville, LLC, requesting a modification to a previously approved planned development; to modify the planned development boundary identified in ordinance #2004-1108, extend and modify the development

schedule, and to modify the subdivision design as a result of changes to the road improvements and re-designing of alley ways to the streets; including associated variances to the Douglas County Design Manual and Douglas County Development Code. The property is located south of Buckeye Road and north of Gilman Avenue along Heybourne Road, within the SFR-8,000 (Single Family Residential, 8,000 square foot minimum parcel size) zoning district with a PD (Planned Development) Overlay, and is located within the Minden-Gardnerville Community Plan Area, APN's: 1320-29-000-008, -014, 1320-33-210-033 & 1320-32-501-017

Approved.

End of Consent Calendar

No public comment.


Motion Higuera, second Slater to approve the consent calendar. Motion carried.

ADMINISTRATIVE AGENDA

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

5.  **Not for Possible Action: Presentation from A.J. Frels, Executive Director for Carson Valley Visitor's Authority on "The Power of Tourism, Carson Valley's New Brand."**

Mr. Frels introduced the new brand for the Visitor's Authority for Carson Valley. This study was 145 pages long and three disks. It took a little over a year to put this together. A little over a year ago the Carson Valley Chamber of Commerce and Visitors Authority joined with Northstar Destinations to determine and define the area's true, unique and relevant brand position to stand out in the tourism market. Mr. Frels gave a power point presentation. The recurring themes that came up were: natural beauty, authenticity, diversity of outdoor activities, western heritage, openness, unprocessed, location and geography and awareness. Insights: destination of great diversity; action and expansive geography; build overnight packages that tie the area together; outfitter equipping visitors for any kind of adventure: golfing, fishing, soaring hiking, gaming, adventures to Reno, Lake Tahoe; rugged persona gives credibility to be trusted. Carson Valley is "rugged, relaxed, reachable." As the new executive director for the Visitors Authority this work was done by the Chamber and the Visitors Authority Board led by Bill Chernock. This project was done before I came on Board.

6.  **For Possible Action: Discussion on Planned Development Modification (PD) 09-001-1, for Sierra Nevada SW Enterprises, Ltd., requesting a modification to the Planned development boundary, incorporating areas of the approved 2011 development plan, and a request to amend areas of the A-19 zoning to General Commercial, within the A-19 (Agriculture 19 acre minimum parcel size) and GC (General Commercial) zoning districts. The subject property is part of the Virginia Ranch Specific Plan and is located north of Charlotte Way and east of US Hwy 395 in the Minden-Gardnerville and East Valley Community Plans, APNs: 1220-10-501-006, 1220-10-110-007, 1220-10-101-002, 1220-03-000-039, 1220-10-501-008 and 1220-10-510-009, with public comment prior to board action.**

Mr. Dallaire pointed out this is just a formality part of this application. We approved the plan as shown on 6-4 previously. We made a condition they revise the overlay, and a portion of the A19 zone needs to be modified to general commercial. The applicant is including the commercial area that is part of Virginia Ranch Phase 2. It excludes the Les Schwab parcel and the Pro Lo building. Keith Ruben and Mark Forsberg are present. We have been watching the work that has been going on. I believe from what has been happening the Wal Mart contractor has pulled off the area where Barry Jones has a problem. It is still up in the air. I don't know if it has been rectified. As of last Thursday Barry informed me it had not been taken care of. We don't have any hold on that tonight because the final map stage is when things will get held up. Tonight it is creating an overlay boundary to match this plan that has been previously approved twice.

Mr. Philips asked if they are adding everything in the blue line to the area in pink.

Mr. Dallaire indicated it goes to the road. There are two areas shown on my plan that are actually part of the A19 zone. There is a settlement agreement that gives them the option of developing almost 100 acres of commercial out there. There is opportunity for additional commercial zone if they deem it necessary. We have asked for access through the section across those two parcels to get to the pond. The rest we cannot plan for a walkway. We will have Muller Parkway and you will eventually be able to walk along there to get to the 7-11. The conditions are the same.

Mr. Higuera thought it sounded like a housekeeping issue.

Mr. Dallaire agreed.

Mr. Barry Jones would like to say thank you. He still requests meetings before they develop the property because no one has ever approached him as far as work on site.

Mr. Dallaire explained again the history of the project and the issue Mr. Jones is having. I have not seen any improvement plans for the modification Barry is requesting. We had realigned our pond access for maintenance off that private drive that Barry will use. There have been some questions from George Keele whether or not the town will own and maintain that road or if Barry will own and maintain the road and provide the town access.

Mrs. Slater believed it was in the attorney, the county, and the developer's hands.

Mr. Philips remembers at the meetings they were assured at that time that the access had been taken care of.

Mr. Dallaire mentioned the minutes reflect that. I am not sure what happened in between. The problem is the design is done. It wasn't shared or approved by Barry apparently. There were a few concessions. I felt the truck issue had been taken care of. But we're going to end up with the same problem here as on Gilman where you have a 25 foot radius and a median in the middle. Trucks will not be able to make that turn. That's why they need a 50 foot radius.

Mr. Miller asked about pedestrian traffic. What would be the occasion for pedestrian traffic in that area?

Mr. Dallaire responded if they are walking down the highway there is curb, gutter and sidewalk along there against the retaining wall. The little chunks of property currently owned by Sierra Nevada Southwest, once the improvements are done; those little areas will become Barry's property as part of the agreement. And there is access through there from the sidewalk. It will be minimal pedestrian traffic.

Mr. Higuera shared Tom was at the commission meeting when they discussed this issue. I was there too. Wasn't it said this was all to be worked out?

Mr. Dallaire answered they did. But it has not been worked out yet.

Mr. Higuera did not believe it is in the Town Board's hands. It has nothing to do with us. It has to do with the attorneys.

Mrs. Slater agreed it is between client and attorney.

Mr. Philips asked Mr. Jones if the access goes around the pond will that be a problem.

Mr. Jones responded on a private drive I think the word he has is conceptual. It has not been a real draft until today. He has not had time to review it. From the looks of a few things it still needs to be massaged. It's up in the air right now. I would like to say people are communicating now and we are trying to work through this. George is a very busy man and I am glad he is there to represent me and walk me through it. I feel confident the Board and Mr. Forsberg will make the right decisions with Keith and George. With a prayer it will come out all right. If you have any questions I don't know too much. Just for the record do you have another access to the pond now?

Mr. Dallaire answered not that I am aware of. It is still off the private drive.

Mr. Jones was told I would get my access. After that time it changed where it will be the smallest access Douglas County required.

Mr. Forsberg, attorney for Sierra Nevada Southwest advised he doesn't represent Wal Mart. We were here in 2009 when this project first came before you. As you recall one of the issues was access for Mark Smith and Mr. Jones. Prior to the meeting I sent a letter to George Keele, who represents Mr. Jones, making a proposal to provide him, not only access to his property off of Grant Avenue, but also offering to give him all the land that ended up between Grant Avenue and his parcel. We also presented him a drawing made by engineers. It showed him where the road would be and how the driveway would be configured. He had that before the meeting. He came to this meeting and enthusiastically said he supported everything. We took him at his word. Wal Mart did too. They went ahead and

designed the driveway as it was shown on the plan. About six months ago Sierra Nevada Southwest went before the county and at that time Mr. Jones stepped forward and objected to the plan for the driveway and said he couldn't turn a semi truck right from the private driveway onto Grant, notwithstanding all the other accesses that he has. The county commission, over my objection, but with support from Mr. Jones and George Keele, dictated they change the radius for the driveway to make it a smoother curve so a semi could handle that turn. We hired an engineer at our cost to redesign the driveway. We sent that design to Mr. Keele. We understood it was approved. We finalized the plans. We submitted a permit to the county, which is pending approval with the new smoother turning radius that will accommodate a semi. I don't know what more we can do. He has been able to exact quite a bit of concessions from not only Wal Mart, but from Sierra Nevada Southwest. I think we have done everything possible that we can do to accommodate him. I am not sure I heard a real objection to the new plans that he has seen, I assume, because they have been sent to his attorney. Now we are waiting permit approval from the county. There was also an agreement for cost sharing on the adjustments. It is important to remember that Wal Mart is constructing this driveway. Had Mr. Jones objected in 2009 to the turning radius, Wal Mart simply would have designed it differently. It would have been a very simple matter. He didn't object. Now it is about a \$25,000 change that has to be made and we have to bear the cost and he has to bear some of the cost. That is what the county commission agreement was. He will answer any questions. Prior to this there was no Grant Drive. There was no access at all. This is an additional benefit to him to have an access to Grant Drive, which has a light, and is going to make his property much more valuable, not only today, but in the future, if he wishes to develop it.

Mr. Jones is not objecting. I don't think my neighbors looked out for my best interest. There is one thing that is bothering me and that is my front door is the lowest part of that spillway pond. It is three feet below the pond. I think that has to be addressed sometime. They went thirty feet on my property. I would still like a walkthrough to show me where the road is and maybe the county and maybe a foreman that knows what he is talking about. I never gave permission to build on my property.

Mr. Miller asked where he has access now.

Mr. Jones has access from Service Drive. I can make a left out or a right off Baltic. Right now I have to go around Service to the vet, which is not the best route because of the cars parked along Service Drive.


Mrs. Slater felt he has a good attorney. That is the person to deal with.

Mr. Jones believed Mr. Forsberg will work with George.

Mrs. Slater asked Mr. Jones to make sure he completely and fully makes Mr. Keele aware of what his needs and wants are. That way it will be more advantageous for him to be able to sit down and have a discussion with the other attorneys and the county to get it all resolved to everyone's benefit.

No further public comment.

Motion Slater/Higuera to approve the planned development modification PD 09-001-1 for Sierra Nevada Southwest Enterprises Ltd., requesting modification to the planned development boundary, incorporating areas of the approved 2011 development plan, and request to amend areas of the A-19 zoning to General Commercial, within the A-19 Agriculture 19 acre minimum parcel size and GC General Commercial zoning districts. Subject property is part of the Virginia Ranch Specific Plan located north of Charlotte Way and east of US Hwy 395 in the Minden/Gardnerville and East Valley Community Plans, APN's: 1220-10-501-006, 1220-10-110-007, 1220-10-101-002, 1220-03-000-039, 1220-10-501-008 and 1220-10-510-009. Motion carried.

7.  **For Possible action:** Discussion to award, deny or re bid, the Chichester Crack Fill project (project number 2012-11). The project consists of noticing adjacent residents and providing materials and labor to fill the remaining two (2) inch and smaller cracks and gutter pan cracks on Gilman Avenue, Chichester Drive, and sections of Marion Russell Drive, Lampe Road, and Harvest Avenue and additive alternate on Petar Lane. Awarding the project will include authorizing the town manager to sign the contract and authorize the billings in addition to 10% over the total contract amount, and to cover any change orders during construction, with public comment prior to Board action.

Mr. Dallaire handed out a bid summary. We estimated the cost on the pavement repair and were right on the money. The square footages, however, we are having an issue. He explained the problem to the Board. We are still not done. It is \$57,874.55 on just the main portion of the project. There is an additional \$18,800 on just Petar alone. We have run some numbers with our guys using the equipment. We can do it. It's a five person job, which

we have three full time plus two seasonals. It will take them over a week to get what is out there sealed. Our guys take a little longer. It means we would drop everything and have our guys work on that alone. A lot of people think the base material is failing. The base is intact. There is infill from all the sand over the years, but the base is still there and it looks decent. Originally when it was placed the oil content was low. The only way to fix the cracks is a total reconstruction. But this is a 12 million dollar job. Our original plan was to fix the cracks along Gilman, Chichester, Marion Russell down to Lampe and the portion of Harvest to Waterloo. We fixed the bigger cracks. Traffic control was atrocious with the crack repair project. We are now preparing plans to close down Gilman. Everybody in Chichester will have to go around. Everyone drove through the construction on this project. Staff is proposing not to spend the full \$76,000. Petar doesn't need to be done right now. We only got one bid. Originally when we sent this out they had a mandatory pre-bid conference. Two companies: Scott Sealing and Striping and Kustom Koatings, do not have similar equipment like our Crafcro machine where it pumps out of a hopper into the crack. We split the project out into two separate contracts because it is two different things. We will look at taking about \$50,000 out of reserves.

Mrs. Slater asked if the \$57,000 is to finish up with the exception of Petar.

Mr. Dallaire answered correct. He would like to award the 57 and get it going.

Mrs. Slater asked if they could leave Petar to the next fiscal year's budget.

Mr. Dallaire thought they could, but he would like to seal it up at least. We ordered three pallets of crack seal.

Mrs. Slater felt they need to complete the project. She doesn't want to see anything else go by the wayside but not dip into too much of the reserves. Complete what you can this season and then complete the rest in the next budget year.

Mr. Dallaire stated this was a three stage project: the large cracks, small cracks, and microsurface.

Mrs. Slater would like staff to remember they have other areas rather than one subdivision to address.

Mr. Dallaire shared we only had \$250,000. He would like to try the microsurface to see if the top seal coat will help. What we are experiencing here is the temperature extremes.

Mr. Philips would like to get it sealed before they get a lot of moisture.

Mr. Dallaire plans to get it done by October. All the roads need to be sealed. He would like to re-chip seal the Industrial Park. I was hoping to use reserves for that.

Mrs. Slater reminded Mr. Dallaire they have a maintenance program. We need to make sure we adhere to it as best we can. That's what it was created for so we don't get behind and get into a situation we can't manage.

Mr. Dallaire is not sure the Gilsonite is working the way it is supposed to. It is supposed to be a rejuvenator. There is no need to spend 30 to \$50,000 on street seal when it doesn't do anything but turn the street black. The recommendation is to award the main project.

No public comment.

Motion Miller/Slater to approve Phase 1 of construction in the amount \$57,874.55. Motion carried.

8.  **Not For Possible Action: Discussion on the Main Street Program Manager's Monthly Report of activities for August 2012.**

Mrs. Dorette Caldana, President Main Street Board of Directors, reported for Mrs. Lochridge. The first thing is Main Street is one of the co-sponsors of the Chamber's "How to Profit from the Arrival of Wal Mart" seminar. Under committee reports:

Economic Restructuring - They are re-launching their revolving loan fund. They have approximately \$30,000. They are researching the parameters of the intermediary re-lending program. This was discussed with members of the Rural Nevada Development Corporation. Recommendations were made to the Board on the 19th.

Organization - Focusing on membership, sponsorship and fundraising. We will be looking at our 501c3 at the end of the month. Morning coffee, 11 people attended this morning.

Promotion, - One wine walk left. Holiday Shopping Bazaar is in the works and will be held at St. Galls. Working on Merry Main Street and Cash Mobs. Last month's wine walk was not as well attended, but they had bad weather.

Design - Heritage Park Garden members donated food from the garden to the local food bank. Planning an event for October 13 to recognize people for the flower baskets and to raise money for the garden. They are researching labyrinths and legacy stones. The Carson Valley Art Association will be putting new pictures on the sidewalk gallery walk. Since they don't have students to do that right now the Art Association is also a sponsor of Douglas High School and provides money for scholarships. We think they are a good partner to help with the photo gallery. August 28th the Record Courier did a piece on the class Paula is taking, Leadership Douglas County, about their oral history project.

No public comment.

9.  **Not For Possible Action: Discussion on the Town Attorney's Monthly Report of activities for August 2012.**

Mr. Altom reported in August we did quite a bit of work on getting the civil war event going. We needed to get the language right. That went through well. Assisted Josh in preparing a new invitation to bid and contract that would integrate changes made to NRS 338. Recently in the 2011 session the legislature changed the retainage amounts to protect contractors during the tough economic times. We helped prepare the September agenda.

No public comment.

10.  **Not For Possible Action: Discussion on the Town Manager/Engineer's Monthly Report of activities for August 2012.**

Mr. Dallaire asked if there were any questions on the report. They met with Tina Fixman. She is going to help out with the design and implementation of the landscaping on Toler. They are hoping to meet sometime this week. She is very familiar with low maintenance plants. The grass concept is fine but not from seedling. The school just put DG in that is red that will be utilized rather than the white. We will get a plan and break it into phases. State Lands approved our extension of the \$307,250.00. The letter is in the packet. I am meeting with Denny on Thursday about this project and see where we are. There are some issues with the velocities. We will need some soil protection. We will come up with some options on the design side. If it does have a 100 year event we will have a lot of sediment in the pond and we can use a backhoe and get it out. Wal Mart, we heard from Barry. He is saying the low spot is at his door. I understand what he is talking about. We looked at it and have photos on the computer. Martin Harris, the superintendent out there, was told to leave the area alone. It will be a lot higher than what it is right now. Barry's building was originally before the Pine Nut wash in a one hundred year one foot flood zone, which means he needed to be two feet above the existing grade, which is close to the highway elevation. Had they built those projects around his property and filled them in like they were supposed to he would be a foot lower than the pond, not three. I have tried to explain that to Mr. Jones. I know it will be a continuing issue. The proposal from Pentacor originally was going right into his driveway. You can't do that. At full development at a hundred year storm that will be full, ready to overflow but they have designed it to contain a 100-year event. Barry came to the flood meeting and had the same concerns. Martin Harris was told to leave the area alone there are some changes coming, which is holding up the entire project.

Mr. Philips asked about the wall.

Mr. Dallaire reported the Eddy Street planter was hit. The person who hit it has paid \$1,100. Talked with JB and asked if he wanted to cost share the change to the planter. We are going to cut off three and a half feet from the corner. The contractor will remove three and a half feet, remove the concrete between the planter and the curb and re-pour the corner.

Mrs. Slater would like to have a written agreement from JB just to make sure the town is covered.

Mr. Altom advised they cannot take action on the report.

Mr. Dallaire stated the Northern Nevada Development Authority has the same ad about the seminar Dorie was talking about. Paula and I are helping them set it up. We will attend the first session. Norrie and Dorie from Main Street will attend and maybe Mr. Miller. Critical issues conference is coming up. If anybody wants to go we need to know by September 12. The conference is on the 27th. If we sign up before the 12th it is \$45 and after \$55. Nevada Sesquicentennial is October 2013 through October 2014. They will go through and do celebrations all year to commemorate the 150th anniversary of Nevada's statehood. I don't know if we want to have a special event. Next year's budget can be modified or added to for this if we want to do something special for the celebration. Walley's is

doing a civil war event on the 15th. Old Town Days Friday had four schools tour the camps. They split them up in groups of 20 and took them around. Planning Commission will meet this month and there are a couple of items on the master plan update. They are going through and doing a Chapter 12 update, the public facilities element, Chapter 13 and Chapter 8. It is basically about water and sewer. There is a zoning text amendment on house occupation permits. I am meeting with them about the Ranch at Gardnerville. Received a letter today from Minden about the Ranch at Gardnerville and Minden's recommendations for that project. (Mr. Dallaire read from Minden's letter)

Chichester Homeowners Association meeting was last Saturday. There were some comments made about town staff and the lawsuit. They did approve several resolutions which are now the rules and guidelines for Chichester. That is what they use for writing everybody a ticket for not getting the trash cans in by 3:00 p.m. A lot of animosity from the residents was that Ed Rich basically cut them off and said this isn't the proper place for these kinds of questions. There is a forum and proper channels. Homeowners need to direct it through New Valley and their manager. That was the end of it. They are trying to change the CC&R's and update them to something that actually fits within their subdivision because the CC&R's actually talk about the multifamily areas, duplex areas and landscaping. None of that really applies to them. They will have a shortened more condensed version. It will have to go to all the residents to be approved.

Chairman Lindsay noted there is no common area in the subdivision anymore. With the lawsuit from the town they have fundamentally gotten rid of all of it. They have given everything else back to the homeowners. What do you need the homeowners association for?

Mrs. Slater thought as long as it is not a problem to the town or for the town people working in that area.

Mr. Dallaire stated the only issue is the trail, the sidewalk portion that goes between Edlesborough and the pond. The property line there is centered on an easement. But we can't get on the private property to maintain it. We have to send letters to the homeowners to notify them. Ed Rich says he has seen white trucks with the Town of Gardnerville logo trimming the bushes. No one else trims them. He did say in the meeting it was a homeowners issue. They need to address that as a homeowners association. If a letter goes to the homeowners from the Town maybe it will be a little more substantial.

Mrs. Wenner heard that the Record Courier is supposed to be doing an article in the paper for Joe.

Mr. Dallaire went to Reno to the Connect Nevada and gave input on their global plan. We have three items on their topic sheets that they will address. They are going through a planning horizon of 2060 on the whole corridor and transportation. There were several things I did not know were coming down. One of them was possibly a light rail system between here and Reno and the bypass that is 22 miles between Pine Nut Road and Carson City.

Mrs. Slater shared the Nevada League of Cities has five bill drafts. If anybody is interested I can have copies made for everybody. It is what they are proposing to bring before the legislature. They have five bills that they can bring forward and these are the five they settled on.

Mr. Dallaire had a workshop for the Pine Nut study. They had the representative from the state, state insurance and FEMA. They had approximately 25 to 30 people attend. One of the questions asked was from the homeowner's association president but he didn't understand what we were talking about from what I heard on the CD. I could go and give a simple presentation to their board. The offer was thrown out in the public meeting, but never actually followed through to the town office. There will be residents that don't understand what is going on after Ed Rich's explanation of what FEMA is doing in the valley. If anybody has any questions please send them to me on the FEMA issue. Henry Dreyer was in today. Do any Board members remember when we put the ponds in was there some guarantee that the town made to the Dreyers that they would have guaranteed irrigation waters continue through that pond?

Mr. Philips believed it sounded familiar.

Mr. Lindsay thought it sounded vaguely familiar.

Mr. Dallaire was informed by Mr. Dreyer that once the water gets to 1800 cfs they shut the irrigation off all together. Henry wanted to send the water he pays for out of the reservoir. He wants to get water to his ponds down the Martin Slough past our pond. But he doesn't want to fill up our pond. He was wondering if there was some well or something we had that he was guaranteed that amount of water. I will do some research on this.

No public comment.

Motion Miller/Higuera to adjourn at 6:40 p.m.

Respectfully Submitted,

Paul Lindsay
Chairman

Tom Dallaire
Clerk to the Board