



GARDNERVILLE TOWN BOARD

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Meeting Minutes

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


Tuesday, October 2, 2012


4:30 p.m.

Gardnerville Town Hall

Call to Order and Determination of a Quorum –

 Mr. Philips called the meeting to order.

 The Pledge of Allegiance was led by Lloyd Higuera.

 Mr. Philips advised they have a quorum. For the record Board members present at this time are Linda Slater, Mike Philips and Lloyd Higuera. Mr. Lindsay will be here shortly. We will turn the meeting over to him when he gets here.

PRESENT:

Paul Lindsay, Chairman (joined the meeting at 5:28 p.m.)
Mike Philips
Linda Slater
Lloyd Higuera

Tyler Altom, Town Counsel
Tom Dallaire, Town Manager/Engineer
Carol Louthan, Office Manager Sr.

ABSENT:

Ken Miller, Vice-Chairman

 **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 Slater/Higuera to approve the agenda. Motion carried with Chairman Lindsay and Board Member Miller absent.

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

**August 14, 2012 Special Board meeting, with public comment prior to Board action.
(taken after item 6)**

Mr. Philips needs to abstain from the vote. I was not here for that meeting.

 **Motion Slater/Higuera to approve the August 14, 2012 special board meeting minutes.**

No public comment.

Motion carried with Board Member Miller absent and Board Member Philips abstaining.

 **September 4, 2012 Regular Board meeting, with public comment prior to Board action.**

No public comment.

Motion Higuera/Slater to approve the minutes of September 4, 2012. Motion carried with Chairman Lindsay and Board Member Miller absent.

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.

Mrs. Victoria Roberts passed out information to Board members. She requested they look at the two comments under the pictures. My complaint is in regards to Toler Way from the Gardnerville Elementary School to Stodick Park. Once we lost the lawsuit to Chichester the Town stopped maintaining the walk. It is an eye sore. The dog litter is indescribable. I'm surprised the health department hasn't contacted you. The trees, shrubs and grass are dying. It is covered with weeds. She requests that you put this out to bid to a local nursery service or small outfit that can easily take care of this, since you are either unwilling or unable to take care of this. I wish you would put this on next month's agenda so it is not the eyesore it has become.

No further 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**
(Pulled for discussion)
- 3. Approve September 2012 claims**
Approved.

No public comment.

Mrs. Slater would like item #2, the Health & Sanitation Department Monthly Report pulled for further discussion.

Motion Higuera/Slater to approve the consent calendar items 1 and 3. Motion carried with Chairman Lindsay and Board Member Miller absent.

ADMINISTRATIVE AGENDA

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

Health and Sanitation Department Monthly Report

Mrs. Slater commented on page 2-2 at Heritage Park. Vandals broke in and broke the lock at the restrooms. We just recently spent the money to install brand new cameras. Did the cameras pick up anything that we were able to turn over to the sheriff's office for action?

Mr. Dallaire answered no. We do not have the cameras in there yet. The local camera business is not very responsive. We put out the bid to a facility in Reno. We are working to get that done on the pavilion.

Mrs. Slater asked if that wasn't approved two months ago.

Mr. Dallaire shared Whipple Electric was supposed to get back to him. He is tired of waiting on them.

Mrs. Slater asked Mr. Dallaire to notify Whipple that they are no longer possibly in the running for this and let's get this done. If the cameras had been up, we would have been able to be take care of this. Question on 2-3 under Health & Sanitation report. The last item, swept Town of Genoa. Foothill Road is a state road. Why are we sweeping that? I'm sure there is a good explanation

Mr. Dallaire explained it was for the Candy Dance. We cleaned up the roads. NDOT does not sweep regularly. We helped Genoa out with sweeping it.

Mrs. Slater asked if they had ever done that in the past.

Mr. Dallaire stated we did it last year.

Mrs. Slater asked if they were being compensated.

Mr. Dallaire believed they can.

Mrs. Slater thought they should. We are spending employee's time and our material.

Mr. Dallaire explained it took about two hours. The sweeper was not full so they swept Hussman.

Mrs. Slater pointed out they are sweeping another town that is a state highway and we are not keeping up with the sweeping maintenance in our own town. We are not keeping up on the maintenance program.

No public comment.

Motion Higuera/Slater to approve Consent Item #2. Motion carried with Chairman Lindsay and Board Member Miller absent.

4.  **For Possible Action: Discussion regarding approval of Resolution 2012R-077 to prohibit left turns from Service Drive onto US 395; with public comment prior to Board action.**

Mr. Dallaire reported this item came from the County. We have to add a no left turn sign on the Service Drive stop sign. It is a decorative pole and in order to touch it we have to update it to the 2009 MUTCD. In order to do that we need a 36 inch stop sign installed. We sent an email back east to the Federal Highway Administration for clarification on whether or not the street name signs have to be 12 inches tall. There is a minimum sign size of 8 inches. That has not been clarified yet if we can still use our decorative sign which is 8 ½ inches from the opening space on the black decorative trim around the street name signs. Wal Mart will be picking up the tab on that but there will be five others that need to follow once that one is in. We have Industrial Way north and south, Southgate, Charlotte and Virginia Ranch that will have to be upgraded. In order to fit we need a custom pole at 16 feet. Then you still have all the decorative signs and Town sign on top. That has to be 7 feet off the ground. We are trying to make sure the 8 inch will work. At the County level they are just looking for us to approve the resolution.

Mrs. Slater believed this is a controversial issue.

Mr. Dallaire advised Jeff Foltz asked us to approve it. This is the only item that has gone before the commissioners about Wal Mart. It has all been handled at staff level. This alignment was proposed in 2009. It was discussed at the meeting and it was Mark Smith who was satisfied with the way they came up with their center turn lanes to get into his parcel. But in order for the median requirement at the speed limit that is posted you have to have a single turn lane almost twice as long as the one in Carson. They didn't have a double lane for this and Service Drive is suffering for it. These improvements weren't supposed to be happening until a year after Wal Mart opened.

Mr. Higuera asked what will be the way to get there once Wal Mart is complete

Mr. Dallaire answered you can still get there through Southgate and around on Service.

Mrs. Slater did not think the town should be involved in it. Can it be worded that we support the County Commissioners or word it such that it's not sounding like it is an absolute resolution from the town.

Mr. Dallaire clarified this is a Douglas County Resolution. The item was revised in the agenda but it didn't get published that way. The sign is required now that the median is in. That's how we would approach it. We have to have it per MUTCD requirements. But also know the 30 inch stop signs that we have throughout town once it gets above 40 mph no longer applies. We have to go up to a 36 inch whether it's a single road or double lane. In the 2009 code we were supposed to be in compliance by 2012. In the middle of 2012 they pushed it off to whenever the entity changes or modifies the sign it has to go to the standard at that time. Brandon Industries is in the development phases for a 36 inch stop sign frame. They don't have one right now. We will put the stop sign in once we get it but I have to order them. He is waiting for an email back from the Federal Highway Administration.

Mr. Philips doesn't oppose a left turn out of Service but he opposes a no left turn into it.

Mr. Higuera believed this is Douglas County Code. It really has nothing to do with Gardnerville. Why are we having to approve it?

Mr. Dallaire explained that is what Jeff told him. The only time I have gone through this process was with the stop sign on Harvest, but it was something we added. Those two stop signs had to go to the County Commissioners to get approved.

Mr. Higuera asked what if we don't approve it.

Mr. Dallaire would just tell them we don't approve it. We wouldn't be doing anybody a service.

Mrs. Slater would think if the town was supposed to approve it they would also be on the form for town approval. We didn't have any say in the design or any part of it.

Mr. Philips is not happy with no left turn into Service.

Mr. Higuera asked if there is anything the Board could do to get a double stacked lane?

Mr. Dallaire did not think so. I don't think there is enough room for a double stacking lane.

Public comment.

Mrs. Roberts asked why they don't abstain on this. Or does the county mandate you to vote affirmatively.

Mr. Altom advised in reviewing the resolution it states the town reviewed the item at their meeting. It doesn't indicate whether the town approved it or rejected it. Another item is an unincorporated town is an adjunct to the county. So that's another concept to keep in mind. It doesn't appear the town's action will affect what the county can or cannot do.

No further public comment.

Mrs. Slater would suggest taking no action. It doesn't involve the town. We didn't have anything to do with the design.

Mr. Altom suggested they could abstain from approving the whole resolution and take action to say that you will maintain the sign if the county passes their resolution.

Motion Slater/Higuera to not approve Resolution 2012R-077 on the grounds that it does not pertain directly to the town of Gardnerville. However we do support the maintenance of the sign that will be installed.

Mr. Altom asked to include in the motion to maintain the sign

Mrs. Slater/Higuera added to the motion to support the maintenance of the sign.

Mrs. Roberts asked if they could add that this is in support of the local existing businesses. This is hurting them.

Mr. Philips responded if they come back and ask us we can tell them.

Mrs. Roberts added if it gets in the paper then they we will all know.

Mrs. Slater thought they would know.

No further public comment.

Upon call for the vote, motion carried with Chairman Lindsay and Board Member Miller absent.

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

Mr. Dallaire asked if they would continue this. Paula is at Leadership Douglas County training. Paul was going to give a brief report on her behalf. So we can continue or if there are any questions he can answer them. The report is in packets.

Mr. Philips will delay this item and go on to item 6.

(Item 5 taken after item 6)

Chairman Lindsay missed the previous meeting. The one big thing from the economic restructuring committee was that they were looking at the revolving loan fund. We have out about \$30,000. One thing they talked about is when that money is gone possibly looking at the next stage of that which is an intermediary relending program (IRP). It is the same principles as the revolving loan fund. With that money they could be eligible for up to \$125,000. We could loan it out to the community. The difference is with the revolving loan fund if somebody defaults we are not liable. We don't have to repay that money. With the IRP program the difference is it is loaned to the Main Street program at one percent and they charge three or four percent. If somebody defaults they still have to pay the money back. After talking to some other entities that have done it and looking at our liabilities, we decided the risk was too great. We have \$56,000 in the RLF program and we have only given out 26 to 30,000. If we did give out all the 150,000 or 125,000 we were possibly going for in this IRP, and everybody defaulted, it could kill the program. So we decided the risk wasn't worth it was and we would just stay with the revolving loan fund. The cash mob is starting this weekend and the holiday shopping bazaar is coming up in November.

Mrs. Slater likes the sidewalk gallery.

Chairman Lindsay explained it is not the school anymore, but it benefits the school.

Mr. Higuera has been knocking on doors and there are extremely positive comments about Main Street Gardnerville. They love the flowers on Main Street and the wine walk. The community is aware of what Main Street is doing and supportive of it.

No public comment.

6.  For Possible Action: Discussion on Overhead Street Banner Policy and Main Street Banner form; with public comment prior to Board action.

Mr. Dallaire wanted to add a few lines in this form. When we started looking at this we analyzed the policy. Currently policy states the banner is put up for not for profit organizations only. Since the banner poles have gone up we have been doing several events around the valley that are not associated with a not for profit organizations. Staff wanted to see if you are open to these revisions or if there are any more you would like to add, delete or change. He did get a call from Mrs. Slater and she wanted us to provide Board members with some other banner policies. These were emailed and also provided on the table tonight. This is a service the town provides to the community. We determined it would be too difficult to charge one organization over another.

Mr. Philips thought there should be a charge for everybody.

(Chairman Lindsay joined the meeting at 5:28 p.m.)

Mrs. Slater received several phone calls on this. The majority of the comments were by adding the for profit category that you open the door for any and all privately owned businesses to advertise free of charge. Less than two years ago it was decided by this Board that for profit did not properly fit the criteria. I question why this is being brought back. The original intent was to promote events that were pertinent to the Town of Gardnerville, not to promote free advertising. We have a cost that is associated with this. That comes at a price. That is not only to put it up but take it down as well. We're spending the public's money on this. I think we need to be better custodians. I do not think adding for profit is good. We need to keep it for the Town of Gardnerville events.

Mr. Dallaire would like to clarify that banners like the Wildfire Survival would not be put up.

Mrs. Slater responded if it is for profit I don't think it fits the criteria.

Mr. Higuera asked how East Fork be categorized as a commercial venture. They are a service organization in the community and they are promoting Douglas High School Sober Graduation. That's positive for the community.

Mr. Dallaire explained further the policy requires the entity provide a 501 letter. UNR Cooperative Extension with the Radon banner would not be able to be hung.

Mr. Higuera thought a questionable banner would be David Walley's concert. But Radon is a public concern.

Mr. Altom was asked to look at the wording. He hasn't looked at the substantive issues on that. He would suggest getting more information.

Mr. Philips does not want to promote private enterprise.

Mr. Higuera added anything for the health and welfare of the community.

Chairman Lindsay asked Board members for clarification the Tumbweeds gymnastic free family fun and fitness day.

Mr. Higuera thought it is a commercial business.

Chairman Lindsay pointed out it uses the word "health."

Mrs. Slater thought the Town Manager could make a discretionary decision.

Chairman Lindsay would disagree.

Mr. Higuera would like it written in there when it comes down to deciding the Town Manager has the authority to make the call.

Chairman Lindsay is worried that would get into a sticky situation. You denied me and let the other application go.

Mr. Altom felt they could defer this.

Mr. Dallaire is looking for input and direction on this. Right now they don't have on the application requiring a 501 letter. We would like to add that.

Mrs. Slater doesn't have a problem with having that on the application. Keep it localized.

Chairman Lindsay pointed out we let some of these people go out and buy banners. We are upholding a policy we didn't realize we weren't holding up.

Mr. Higuera mentioned in David Walley's case they were promoting Mumbo Gumbo. It's important to make these changes and get them into the policy. Then it is a change of policy. He would prefer to defer it and work on the verbiage.

Chairman Lindsay didn't think it sounded like they want the policy changed, but just to clarify it.

No further public comment.

Mrs. Roberts commented Mr. Park emphasized it would be nonprofit use. It was brought up to people attending that meeting that people will always figure out a way to get the sign up. We were assured that would not happen. Years later you are still having discussion on this for good purpose.

Mrs. Slater stated that's why this Board, less than two years ago, approved it would be for nonprofit only.

Chairman Lindsay asked if Tyler could help out with the wording like government agencies or however we specify to ensure folks like the fire department and UNR Extension could use the banner. We want those things that are of benefit to the community.


Mr. Dallaire noted with the form changed to add if they are nonprofit and providing a letter there will be no question. We have also had some issues with getting the NDOT permit. If it was approved they need to provide a copy of that. Carol always has to track that down.

Mrs. Slater would prefer not to charge. If you open it up for profit you have to determine a price that could have a wide swing.

Chairman Lindsay thought what we are attempting to do here is open the door to let through what we want and not let everything else through and that is nearly impossible.

Mr. Dallaire will improve the form and have Tyler go over it.

Motion Higuera/Lindsay to table to modification to the overhead street banner policy and main street banner form so they can be worked on further by staff. Motion carried with Board Member Miller absent.

7.  **For Possible Action:** Discussion and direction to staff on revising the following Town policies;
- a. **Heritage Park Use Policy**
 - b. **Heritage Park Reservations Policy**
 - c. **Street Closure/Special Events Policy; with public comment prior to Board action.**

Mr. Dallaire noted this is the same concept. We have three different policies for an event at Heritage Park or the streets. We are trying to consolidate it into something simple to make it user friendly and for everybody. The reason this came forward is the Farmers Market wants to come in here. They wanted to do it last Saturday and we have the 60-day requirement on all three applications. I understand the 60-day policy on an event that will exceed 500 people. For somebody who is doing a smaller event like this market it is drags it out and they wouldn't be able to do this until December if we approved it today. We would like to try to simplify it to where the fees are appropriate for the use of the park and similar to what is being done elsewhere in town. The smaller events that are 500 people or less that don't require the festival permit we wouldn't have the 60-day requirement. We looked at a couple of other park policies and used some of their verbiage and fees. What Minden had was just one rate schedule and one form. In the future we will have to add the Hellwinkel barns to this. We could probably even add the town hall if we wanted to. This is just to discuss some of the changes and create one policy for the park reservation and one policy for the road closure.

Mrs. Slater read through this. After reading the current policy and the recommended new policy, I believe the current policy should remain in place because it is more detailed. It covers everything. If you want to change the form to include those items that you want I don't have any objection. But in going through this I found numerous places where the wording on the new revision is simply too simple. It needs to be more detailed. The current one covers those items that are necessary to make sure we maintain a good park policy. I can go over several of these pages where I found items lacked or you are coming down in fees.

Chairman Lindsay asked for an example.

Mrs. Slater's first example was page 7b5 just above item 2 remove "any event may" and insert "all events shall." 7b10, item 11 should have a sentence that says "subject to the Douglas County Code or Ordinance." That is on the noise. Page 7b12 you should insert this back into the policy for control purposes and mitigate the problem with noise for surrounding neighbors. 7b14, item 15 should be inserted back into the policy as a town protection without exception. On 7b17-1, your rental rate schedule, I don't quite understand why you would reduce it down. If you have the \$25 an hour for a maximum of four hours or \$300 for a full day, there are enough people that are utilizing the park and it's not an amount that would be questioned. It is not out of line for the facilities that are there. On page 7b18 at the bottom you have noted that if in an event requires restrooms at the park there would be an extra charge of \$50. But on 7b9 item 9 it shows a fee of \$100. There is a conflict there. When I read this I found nothing wrong with the current policy. My feeling is if you want to simplify the form to make the events fit into one you could do that much better than changing the current policy the way it reads. But I don't think we need to complicate it anymore. On the street closure 7c26 item 11 the word "may" was removed and inserted "shall." "May" is too give and take. "Shall" is a positive. 7c-28 the hourly rental rate should be the same as the others in the other schedule for 7b17. And I have a question about the \$25 hourly rate. Does that actually cover the cost of the employee that works?

Mr. Philips pointed out the employees are charged out \$25 an hour.

Mr. Dallaire explained on the larger events we would have whoever was watering the flowers that day would make sure things were taken care of. A lot of the events we don't have anyone. It's the larger events that usually have garbage cans. We have yet to charge \$1,000 for an event in the park. I suspect it is because of the high cost to use the park, whether it is a class 1 class 2 or class 3.

Mr. Altom asked if the main issue is the 60 days.

Chairman Lindsay noted that was the problem with the Civil War Re-enactors. It would be nice to be able to accommodate folks that have decided to come in. Most of the time this goes on the consent calendar. From that standpoint I have never seen one rejected. Why do we need the 60 days? Maybe everything else is just fine. Our fee structure is quite complicated, but the 60 days would be nice to get rid of.

Mr. Altom felt it would be easy to change the days. Tom also expressed some concern about the fee arrangement.

Chairman Lindsay asked if they should put something in there if they are never actually going to charge much. We have never charged that much. We always reduce the fee. Should it even be in there if we are always going to reduce the fee?

Mr. Altom shared these are some Board options they can change. You can change the days, the fee schedule.

Mr. Higuera asked what the risk is if you don't have any requirements? What is the purpose of the 60 days?

Chairman Lindsay stated it is to allow it to come to the Board.

Mrs. Slater suggested the Board could cut it down to 30 days.

Chairman Lindsay's opinion would be we could go to a minimum amount of days and give Tom the ability to approve the use.

Mrs. Slater stated if there is a question they could hold a special meeting.

Mr. Altom felt they could put some standards to guide Tom in accepting or rejecting applications. He would suggest a minimum time period. I would not suggest not having any time period at all. Have a minimum of ten days just to keep it organized and make sure everything is taken care of. You don't have to go up to 30 days as long as you give the authority to town staff.

Mrs. Slater noticed a lot of the approval dates were within 7 to 10 days for paperwork to be received back. The Board needs to know what is going on. It is important they know what the function is to make sure they approve of it. That is the process of the application to make sure it is in enough for Tom to review it in a more controlled environment than just on the spur of the moment.

Chairman Lindsay thought 10 to 14 days seems enough. It just doesn't need to be 60 days so that it can come to the Board. It is in the consent calendar every time and we have never said no.

Mrs. Slater suggested the hourly rate for a street closure be the same as an event within the park. I didn't see a clause that covers the non-responsibility for loss, stolen or damaged property. That is contained on 7c-33 under the Minden Town's policy. That would be a very good one to add that to the Town of Gardnerville's. I don't support changing the current policy for the new one. The one in place can be modified to make a few changes, a few additions and it is clearly understood and closes a lot of loopholes already. Yours is vague and too simplified. My suggestion would be if you want it all on one form, make sure the form has different sections that can be completed. That way you can incorporate all the desires on one form. May end up being a two or three page form but they would only be filling out the portion that would be applicable to them.


Chairman Lindsay asked about fee structure.

Mrs. Slater expressed if \$1000 is unrealistic then ratchet it down to something that is more realistic. Make that one of your modifications. But the other fee schedules that are included should remain as they are. Maybe the \$1,000 could be \$500 and then \$250.

Chairman Lindsay suggested Class 4 could be \$500 plus a percentage. That means it is for profit, which would include in this case, the farmers market.

No public comment.

Motion Higuera/Slater to continue this item of revising the Heritage Park Use Policy, Heritage Park Reservations Policy and Street Closure Special Events Policy and have staff work on these policies, including the suggestions from the Board this evening. Motion carried with Board Member Miller absent.

8.  **For Possible Action:** Discussion and possible action to allow a street closure for a Farmers Market which will be held adjacent to Heritage Park along Ezell Street each Saturday from October 6, 2012 to November 8th, including waiving the Town's 60-day application requirement under the Town's Street Closure Policy. This is not a request for exclusive use of Heritage Park. The park will remain open to the public during this event. Public comment prior to Board action.

Mr. Dallaire reviewed this application that came in September 18th. Market 395 is the organization. It is not a corporation. They do have their insurance by Bodenstein agency. It is ready to be issued as soon as we vote on it. Once again this is what spurred us looking at the policies. You would have Courthouse from Gilman to High School and we would close off Ezell. It would be every Saturday from now until November 10th.

Mr. Higuera felt it is a great community event and a good idea to show off the Heritage Park Gardens.
Mrs. Slater thought it was a real benefit but I am not keen on closing the street.

Chairman Lindsay pointed out they can park on Gilman.

Mrs. Slater would like staff to notify Napa Auto Parts to let them know Ezell will be closed. This is a real benefit to the town.

Public comment.

Mrs. Mary Wenner commented it would be a good test to see what will happen and if they want to do it next year.

Mr. Altom felt in light of the last agenda item to reduce the time period for applications, the issue of waiving the 60 days is less of an issue.

Mr. Dallaire asked if we had the other policy in place, would they hold a special meeting. We would end up having to charge him \$500 plus 25 percent. We asked for 25 percent of the booth rentals.

No further public comment.

Motion Higuera/Philips to approve the application for farmers market to be held adjacent to Heritage Park along Ezell Street each Saturday from October 6, 2012 to November 8, 2012 and waive the 60 days application requirement under the town's current closure policy.

Mr. Altom would like the Board to add upon the condition of the receipt of a proper certificate of insurance.

Higuera/Philips added to the motion: on the condition of proper receipt of insurance coverage.

Motion carried with Board Member Miller absent.

Mrs. Slater asked staff to put a notice in the paper that Ezell will be closed.

9.  **For Possible Action:** Discussion on providing a Town sponsored Fireworks display for two events;
a. The 2012 Christmas Kickoff, November 28th,
b. Fourth of July 2013 event, with public comment prior to Board action.

Mr. Dallaire received an email from Jim Park opposed to this item. The Board received copies. A few months ago we discussed doing fourth of July event and came up with a fireworks concept. We have talked with Lantis Fireworks. In the packet is a contract for one event. We didn't get a contract for the 4th of July yet. We wanted to see if the Christmas event would be viable. We do have funds available that we haven't actually recognized yet for park events that we have had. We have never included that in the income. There is over \$8,000 in that account. We can utilize those funds. We are looking for sponsorship and will be actively doing that to offset the cost of the fireworks. The first event would be about a six to eight minute show. The plan was to choreograph it to a Christmas song. We were thinking of this as a trial run for the 4th of July. Hopefully we can pitch it so we can get the larger show in July and get the sponsorships we need to get the \$20,000 for that show. This would be directing staff to proceed with the Christmas Kickoff fireworks display and then proceed in planning the fourth of July event in 2013 with the fireworks display and start working on getting sponsorships now. We went through a lot of scenarios and we will have to come up with a sponsorship flyer and rates for that. We didn't want to spend a lot of time on it if the Board didn't think we

should do this. We only have two months to get sponsorships for Christmas. We can put the projector down there and show sponsorship logos or do an announcement. We could prepare flyers with the sponsors' names for the Main Street Shopping Bazaar and have flyers spread throughout town. There are a lot of advertising opportunities we could provide. The July event would actually have the movie screen set up and be able to play sponsors on a slide show similar. That could be choreographed as well. They would be setting up at the end of Slaughterhouse Lane. I did meet with Steve Eisele, East Fork Fire District, and he is okay with the Christmas event. We would have to mow down the school district property in the wetland area. But he didn't seem to think it would be an issue in December. I talked with Holly Luna, from the school district, and if we are going to mow it down she didn't have a problem. They don't have the equipment to mow it down themselves. We would have to get permission from the Spence and Slaughterhouse property owners. We would close that off and rope the area off for safety.

Mrs. Slater would like to make sure we have security to keep people away.

Mr. Dallaire will have staff patrol it. The fire department would park a couple of vehicles there. We would have to have insurance and they have it in their form. He does require two million dollars in coverage as well. We haven't had an issue in the past with getting permission from the Spence property owner. I have not spoken with the owner of the Slaughterhouse property. So far the fire department is fine with it. They changed the process. We would have to do a festival permit for the fourth of July. We won't be able to make enough cobblers to support the Christmas Kickoff.

Mrs. Slater thought the fireworks for the Christmas Kickoff sounded fantastic. The one on the fourth of July, until they are a little more organized, maybe we don't want to move forward on that one just yet. Christmas would be great, I like the concept for the Fourth, but it is a huge investment of the public's money, even if we got donations.

Mr. Dallaire will try to get sponsors in the next two months. Mr. Lee Bonner has been excited about it and is willing to help get sponsors. I will also meet with AJ with the Visitor's Authority to discuss this tomorrow.

Mr. Higuera thought it would be good for the fourth too. It would put the town on the map and give us a unique identity. There has never been a fireworks display on July 4th in the Carson Valley. To have the town associated with that is a great thing. A lot of people don't like to go to Lake Tahoe because of the horrible congestion getting out of there. It would be a great family event for the community. I know there were concerns about the cost. If we can't get sponsors we really can't do it. I have talked to people in town and everybody gets very excited. I think we will get a lot of support. I would be willing to help get sponsorships.

Mr. Dallaire agreed it will be a big event. There are two locations and one of them is strictly school district and town property if for some reason we can't get the okay from the other property owners.

Mr. Higuera was at the meeting with Tom and Lantis really are pros. They take every precaution not to set the town on fire. He was impressed with them.

Mr. Dallaire is also working with Bruce Scott on our water rights and getting more water to the slough.

Mrs. Slater thought they would know as it gets closer if we are going to have a full fledged fourth of July event. If not, it can be put on hold until we can get it together.

No public comment.

Chairman Lindsay brought up the risk if they say yes tonight and we don't get any sponsors we are still up for the \$8,000.

Mr. Dallaire reminded everyone Steve Eisele could pull the plug at the last minute if there is an emergency. So there is a risk. He doesn't think that would be an issue at Christmas. There was an event in Genoa that would have had fireworks and the last day the fire department was called and the event had to be cancelled.

Mrs. Slater would not want to make a commitment to funds to have fireworks on 4th of July and not have anything else scheduled. We need to lay the foundation first as to what we anticipate as a fourth of July celebration.


Mr. Philips pointed out they could get comments as to how the Christmas event was received.

Chairman Lindsay felt they could wait until the New Year to see how this one goes. It would be nice to tie this with an event on Main Street

Mr. Higuera believed they should plan it sooner than later.

Mrs. Slater suggested a military band, have the ROTC present the flags. We have always served ice cream. I would keep that in there.

Motion Philips/Slater to approve staff to proceed with the planning of the fireworks event for Christmas and to execute the contract with Lantis Fireworks and Lasers and to table at this time until a future board meeting the fireworks display for the fourth of July. Motion carried with Board Member Miller absent.

10.  **For Possible Action:** Board discussion and possible action to determine a maximum not to exceed bid for the purchase and acquisition of real property located at 1395 Highway 395, APN: 1320-33-402-075, within the Town of Gardnerville and Main Street District, currently known as the Eagle Gas Station; with public comment prior to Board action.

Mr. Dallaire contacted the people who are doing the auction. This property was identified in the parking district strategy. Jim Park also had public comment on this as well. This plan was not approved by the BOCC. It did come before the Board in 2007. The town has approved it. It was identified as being the start of a parking lot that was going to extend to the other side of this building next to us. NDEP still has not approved their fuel cells in the ground. Their testing has not been done according to the environmental study that was provided by the bank. I summarized their report in my report. They did have an issue in 2004 where a phase 2 study was performed. They had a small spill that they fixed. They also lined the tanks and had tested and provided testing to NDEP until 2007. I'm not sure how long they have been open.

Lucille Rao, Douglas County Community Development, thought they had been reopened since before February.

Mr. Dallaire reviewed they have not been in compliance with NDEP. There are several issues. They also had some water table monitoring wells installed in 2004 to see and test if the ground water has ever been contaminated from the leaky tank. None of those tests have been done. I did contact Brett Bottenberg from McGinley and Associates. He sent this email. (Mr. Dallaire read the email) The thought originally was we would be able to use those funds on this particular site. The tanks will need to be tightness tested to get back into the fund and the fees paid. They are proceeding with the sale tomorrow morning. There are two other buyers. The Brownsfield program we can get a letter from the bank giving us authority to use their environmental study. But at this point we should get those tanks tested.

Chairman Lindsay mentioned the minimum bid is \$100,000. It is \$150,000 to demolish the building. Then if we get back into the program and there is contamination it is \$50,000 out of pocket.

Mr. Dallaire talked with Impact Construction and he didn't think it would cost that much even if there was a contamination issue and they had to remove dirt To demolish it and remove all the tanks is \$150,000. We would be responsible for \$50,000 of that through the petroleum fund. If there is contamination that is when the fund helps.

Mrs. Slater asked what the suggestion for a bid?

Mr. Dallaire responded up to \$200,000 would be maximum. We are still unclear as to if we needed to pay for the back taxes. Taxes are in addition to the \$100,000. \$175,000 was what I put in the report would be the maximum bid.

Chairman Lindsay thought it was a great idea to have it for a parking lot. My problem is I'm not willing to give that much money up because of the Helwinkel property. That's what I want to move forward with Hellwinkel. It would be great if we could get this. But if we got it my fear is we would have to let it sit there just like it is today and focus on other things anyway.

Mr. Dallaire didn't think we would see this opportunity again. I just wanted to make sure everyone was aware of it. It would be great to have a gateway to Main Street Gardnerville and clean that property up.

Mr. Philips likes the Sharkey's site better.

Mrs. Slater felt the only one who will utilize it is someone near the Mexican restaurant.

Mr. Higuera believed there was a hazard there too. That old house is full of asbestos.

Mr. Dallaire could, as the government entity, we can ask for permission to get the Brownsfield started, but they have to get permission from the property owner.

Mr. Philips would like to clean it up but not spend that much.

Mr. Dallaire introduced Ted Thran, Douglas County Clerk/Treasurer. He can explain the other option, the tax sale. The bank has insisted that the bank doesn't want it to go to a tax sale.

Mr. Ted Thran, Douglas County Clerk/Treasurer explained if a property doesn't sell we can start the process and you can make application to the Board of County Commissioners saying the property would be good for public use. Should they approve it you would then tell the treasurer to notify the owner he has 90 days to pay the back taxes and after 90 days they would transfer the property.

Mrs. Slater asked who the owner is.

Mr. Thran thinks it is the bank.

Mrs. Slater would like to see it cleaned up but I think the expense is just out of sight.

Mr. Dallaire has been holding off on the larger than anticipated funds to do the trench.

Mr. Philips believed the trench is of bigger benefit than the parking lot.

Mr. Dallaire mentioned there will have to be some improvements on the highway which they would have money to do. We will be working on solutions for that.

Candace Stowell, Douglas County Community Development, suggested versus closing the door completely, the Board should consider the option if nobody bids on the property to look at the tax sale as an option for two reasons. One, it is in the parking district strategy. Two, we have been working with Tom in going after CDBG funds. It has a lot of benefits to it for pursuing the funds. You would own the parcel. Sharkey's is never going to be a clean setup. This would be a very clean setup. The state is interested in Douglas County applying for CDBG funds for public facilities from the state. There are definitely some options out there. The tax sale may be an opportunity to get parking. It may be the best way to remediate and eliminate that property.

Mrs. Slater asked if a completely new owner takes over, is there any requirement that you're aware to clean up the site.

Ms. Stowell answered the only opportunity would be if they were remodeling.

No further public comment.


Motion Slater/Philips not proceed with the purchase and acquisition of the real property located at 1320-33-402-075 within the Town of Gardnerville and Main Street District currently known as the Eagle Gas Station. Motion carried with Board Member Miller absent.

Mr. Dallaire will go tomorrow to the auction. If they can do a tax sale we may have another item and bring it back next month.

Chairman Lindsay asked if they could amend the previous motion to say if it doesn't sell that we'll push forward with the tax sale.

Mr. Philips thought if they wanted to do something they could have a special meeting.

Mr. Higuera suggested going to the auction and report back.

11.  **For Possible Action: Discussion on town Health and Sanitation staff position modifications;**
- a. **Health and Sanitation Maintenance Specialist II and proceeding with staff leadership,**
 - b. **Hiring an additional full time Health and Sanitation Maintenance Tech I,**
 - c. **Promoting the current H & S Department Maintenance Tech I to Maintenance Tech II with 10% pay increase, with public comment prior to Board action.**

Mr. Dallaire reported to the Board on Dan Grimes condition. October 30th is the end of FMLA. After that it is up to the Town. We did send an email to county staff and they have donated 230 hours.

Recess taken at 6:59 p.m.

Meeting reopened at 7:04 p.m.

Mr. Dallaire is asking to extend the time Mr. Grimes has coming. We can reduce the hours to 74 hours per week and it would extend his time out to December 5th or 6th. That would give him insurance for November and December. We don't have to go that far if the Board does not agree. Craig Tuthill has stepped up and is running the department. We have hired a temporary employee through Blue Ribbon. He is getting around and getting used to things. It is working out so far. Friday, Dan myself and Vicky from HR met. He was given other options at that time that had not come up before.

Chairman Lindsay felt they can vote on this and then Mr. Grimes will have some options.

Mr. Dallaire stated the Board won't need to vote on the other items yet. We gave Craig out of class pay until we can make a decision. We do have the Tech 1, Mike Turner, and he is the employee we hired the year before we froze wages. He has been our main mechanic since Craig has been off doing Dan's job. There is not enough time in the day to get everything done. Mike has stepped up and helped on the truck maintenance side.

No public comment.

Motion Slater/Higuera to recommend the allowance of reducing the hours for Dan Grimes from 80 to 74 hours per pay period and extend the insurance time frame out to at least December 6th. Motion carried with Board Member Miller absent.

12.  Not For Possible Action: Discussion on the Town Attorney's Monthly Report of activities for September 2012

Mr. Altom has already discussed everything on the agenda. There is nothing other than those items to report.

No public comment.

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

Mr. Dallaire has a detailed report in packets. The SET workshop in Fernley gave a different perspective on how to come up with a strategic plan. Be prepared for some fun events in January. We will be trying to get some input from you on strategic plans for Gardnerville and getting things updated. He went over the solar workshop he attended. The county had a meeting last night on Priority Based Budgeting.

Mr. Thran noted the meeting last night was basically a repeat. No actual numbers were released.

Mr. Dallaire informed everyone Priority Based Budgeting goes back for final evaluation. We will be getting back into committees. Basically they are trying to get the programs identified within the county and a number associated with it that gives priority as far as community benefit.

Downtown highway vision committee is October 11 at 9:30. It is a similar committee to the one that did the vision for South Lake Tahoe. They want to do that with the entire corridor. I was invited by Edgewood Properties to attend. Douglas County is throwing \$15,000 into this program. The cost is \$90,000 for the design workshop to prepare the document. We have offered \$3,000 to \$7,000 to participate in this vision for the downtown area. He did get Paula included in the vision so she and I will be going. Once we come up with a plan then they will start pitching it to a public workshop. One of the items for discussion is to see what the Muller bypass will be.

Mrs. Slater announced Don Bently passed away yesterday. You will be seeing changes.

Chairman Lindsay announced Chris Bently is now running the corporation.

Mrs. Slater asked to go back to the minutes of September 4, 2012, page 7 near the front, the last time we

discussed this we were talking about Henry Dreyer and the water flow out of the ponds. I checked with some people. The ponds on Gilman were not constructed by the Town of Gardnerville. When Chichester was developed there was a requirement to put in the ponds for development drainage and flood control. The ponds were later dedicated and deepened to provide fishing. The pond is naturally spring fed from the Chichester Ranch and supplemented by the Martin Slough. Mr. Dreyer should have a copy of an agreement to bring forward to the Board if there is one. There is a question as to whether there was an agreement. As long as the water was flowing one of the verbal agreements was the water would go downstream to Mr. Dreyer. And I think there is a similar agreement as it relates to Jake's Ponds. A verbal agreement was made regarding the Martin Slough that the Town of Gardnerville would keep the grates clean so the water would flow unobstructed down the Martin Slough. Mr. Dreyer has the alternative to use the town ditch, but maintenance must be done by Mr. Dreyer. That was the agreement. It has never been kept up. Water has not flowed to Mr. Dreyer's from the town ditch for at least the past 10 years. So there is an alternative way for him to get the water. There is also County road ditch. In thinking further in the future we could lease water on the yearly basis from the Alpine Land Reservoir Company. And that runs about \$25 an acre foot. We could just hold that in reserve for the Town. Renee Mack also has water she leases.

Mr. Dallaire thought that was what Henry was talking about releasing the water from Red Lake.

Mrs. Slater pointed out if they leased it we could fill the ponds and they would give us the allotted amount and the rest would flow to him. We might want to ask the water master to give us a presentation that would clarify it better for us.

Mr. Dallaire reviewed EXD Engineering applied for our water rights. We have 32 acre feet and growing. They had split it up into uses and one of the uses was dust control. They had 10 acre feet allotted for that. We don't even have that that much in our ponds. We had two years to show proof of beneficial use. We would have had to put in a pump station. I contacted Bruce Scott because we couldn't put all that in. We put in all the weirs and utilized those. We put in the water meters and we have had damage. People have cut the lock on the water meter and have destroyed it. We put the cage on the meter. But the weir is still damaged. We tacked it. They are shining a flashlight at the camera. We can't catch them.

Mrs. Slater asked if we need to re-evaluate the water rights.

Mr. Dallaire explained the report was due in September. He met with Bruce Scott. We have to show proof of beneficial use but the water master will not allow it for pond use. The Ranch at Gardnerville blocked off the ditch behind Chichester. In order to get the area wet we need to get water over there. They can run it into the company ditch and to the Martin Slough. But it takes a lot of water.

Mrs. Slater reiterated Mr. Dreyer has alternatives. He is just not utilizing them.

Mr. Dallaire agreed. He is responsible for the maintenance. We will be working with Bruce Scott and Charlie Condon is going to be the new water master. We do have one of the best water engineers working on this. They can't get the state to just send water down the ditch to fill the ponds.

Mrs. Slater asked if the wetlands would be the justification.

Mr. Dallaire believed it is, but the problem is we have to show beneficial use.

Mrs. Slater reviewed they had a water drive some years ago where we asked residents to donate their unused water rights. We need to utilize what we have.

Mr. Dallaire stated if we can show beneficial use in the wetland area contained within Chichester we can use it in the Martin Slough. But we will end up losing the water rights if we show use for 5 acre feet instead of 32. So we pulled the application that was submitted and started a different process along with Minden for the whole Martin Slough area.

Mrs. Slater would like to make sure the allocation is properly applied. There was good solid information on the subject of the ponds.

Mr. Dallaire stressed Mr. Dreyer has to maintain it and getting back behind Meadow Lane is difficult. But he doesn't want to.

We have the NLC Conference this week. There is some chocolate from the Candy Dance to put in the basket. I helped out this past weekend with the Candy Dance.

Mrs. Slater asked about Mr. Jones' property.

Mr. Dallaire replied the property is substantially lower now. They have a ground water issue. We have worked with Douglas County staff and Pentacor to come up with an idea that, hopefully, will work.

Mr. Philips asked about Pinenut bypass.

Mr. Dallaire has not heard anything.

Motion Philips/Slater to adjourn at 7:50 p.m. Motion carried with Board Member Miller absent.

Respectfully submitted,

Paul Lindsay
Chairman

Tom Dallaire
Town Manager