



GARDNERVILLE TOWN BOARD

Meeting Minutes

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

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

Tuesday, January 8, 2019

4:30 p.m.

Gardnerville Town Hall

 **INVOCATION – Pastor Norm Miltz from Shepard of the Sierra Lutheran**

 **4:30 P.M. Chairwoman Slater called the meeting to order and made the determination a quorum is present.**

PRESENT:

Linda Slater, Chairwoman
Lloyd Higuera, Vice-Chairman
Mary Wenner
Ken Miller
Michael Henningsen

Jennifer Yturbide, Town Attorney
Tom Dallaire, Town Manager
Geoff LaCost, Superintendent Public Works
Carol Louthan, Administrative Services Manager

 **PLEDGE OF ALLEGIANCE – Town Manager Thomas Dallaire led the Pledge of Allegiance.**

 **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.

Chairwoman Slater congratulated Ken Miller on being re-elected to the Gardnerville Town Board and starting his third term. Welcome newly elected board member Mike Henningsen.

Mr. Higuera congratulated Mrs. Slater on being re-elected to the Gardnerville Town Board.

Chairwoman Slater read from a letter submitted by Nancy Lemburg, a copy of which is included with these minutes.

Mr. Dale Bohlman asked the board to get a handle on abandoned vehicles left on the streets. I called code enforcement and they do not handle that. I was told by code enforcement the people that handle it are the volunteers. I told the volunteers about the two cars and they tagged them. Is there any reason why your men can't take the license number and have the office call and get them tagged and moved. I'd appreciate whatever you can do.

Mr. Jerry Turner has made public comments at the beginning and end of the meetings in the past that were not posted. Minden was the same. I have been giving public comment to inform our community of crimes, actions and plans taking place locally: county state, federal, internationally. I was told if I want to be heard start speaking at the podium. It's recorded and the community has access. The comments have been distorted. I called Gardnerville and Minden. My thoughts and words were not mentioned. I have concluded that my thoughts and words have been ostracized to prevent the general public from knowing what is currently taking place. Public comments must be verbatim from the recordings. Please step up and do your constitutional oath and keep the public informed. My efforts have been wasted. (A copy of the recording of public comment is available upon request)

 **FOR POSSIBLE ACTION: APPROVAL OF AGENDA, with public comment prior to Board action.**

The Gardnerville Town Board reserves the right to take items in a different order to accomplish business in the most efficient manner.

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:

A. December 4, 2018 Regular Board meeting

Motion Miller/Higuera to approve the minutes.

No public comment.

Upon call for the vote, motion carried unanimously.



CONSENT CALENDAR FOR POSSIBLE ACTION

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

1. **For Possible Action: Correspondence.**
Read and noted.
2. **For Possible Action: Health and Sanitation & Public Works Departments Monthly Report of activities.**
Approved.
3. **For Possible Action: Approve December 2018 claims.**
Approved.
4. **For Possible Action: Approve the urban forestry annual work plan update, with public comment prior to Board action.**
Approved.
5. **For Possible Action: Approve H & S writeoffs.**
Approved.

Motion Higuera/Wenner to approve the consent calendar.

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)

6.  **For Possible Action: Discussion on proclamation 19-01, declaring January 2019 as “National Radon Action Month” in Gardnerville, Nevada, presentation by Nadia Noel, Radon Education Coordinator UNR cooperative Extension; with public comment prior to Board action.**


Mr. Dallaire read Proclamation 2019P-01 declaring January 2019 as National Radon Action Month in Gardnerville, Nevada. (A copy of Proclamation 2019P-01 is attached to these minutes.)

Ms. Nadia Noel thanked the town board for having us here. We appreciate your support. This proclamation is especially important since it is National Radon Action Month. Testing is the only way to know you have an issue in the home. You can pick up a test kit at the Douglas County Cooperative Extension office, 1325 Waterloo; TRPA, Gardnerville Ranchos GID and town of Genoa. You can also get a test kit at any of our presentations. Our first presentation is tomorrow at Genoa Town Hall. The second is CVIC in Minden on January 17. Also, at that presentation we will be recognizing three students who won the poster contest. The third presentation is at TRPA, January 22. 45 percent of homes that have been tested have a radon issue. Every home needs to be tested. For more information visit www.radonv.com, call us on the radon hotline at 888-RADON10, or visit our Facebook page at Nevada Radon Education or Twitter at NV Radon Program. Thank you again for your support. We appreciate it.

Motion Miller/Higuera to approve Proclamation 2019P-01 declaring January 2019 National Radon Action month in Gardnerville Nevada.

No public comment.

Upon call for the vote, motion carried unanimously.

7.  For Possible Action: Discussion to approve or deny an agreement with Race Studios to provide an update to the Town of Gardnerville's Design Guidelines to support and be consistent with the approved 2018 Town of Minden and Gardnerville Plan for Prosperity in the amount of \$38,000; with public comment prior to Board action.

Mr. Dallaire advised the guidelines we have in effect are for downtown along Highway 395. The Plan for Prosperity is completed. The project closed out under budget. Changing the master plan format was the reason we came in under budget. It's important now to get the vision down on paper on how the board wants the town to grow. We lost a lot of the character we were hoping to incorporate. The exhibits show what the vision was and Race Studios has provided that at an estimated \$38,000.

Chairwoman Slater asked if this is something that you would be able to hand out to applicants.

Mr. Dallaire answered yes.

Chairwoman Slater called for public comment.

Mr. Jerry Turner still has not heard how this will be funded. I would like to know. I want to know your ideas and where it's coming from. At the commissioners' meeting they gave a presentation and they showed their budget. I asked what about the unfunded liabilities. I want to know what the details are. Do we have the money to do this? I understand the State of Nevada has 100 million dollars in unfunded liability. The United States has a debt of 21, 22 trillion dollars? I want to know where the money is coming from.

No further public comment.

Mr. Miller would like to have some of the numbers explained. The original contract was for \$79,350. Is that both towns together?

Mr. Dallaire clarified that was each town.

Mr. Miller went over what was spent and what was left over. All of a sudden he comes up with a figure of \$38,000. That's \$13,000 over what we have left.

Mr. Dallaire explained Minden is not going ahead with Bruce Race. We are starting from a document we have created. If you want to team up with Minden and do it on our own we can do that. The money is coming from capital projects. It will have to come out of that budget.

Chairwoman Slater asked what projects would be shoved aside to do this?

Mr. Dallaire has some concrete projects and the microsurface. I don't think the dog park fence will cost what we had budgeted.

Chairwoman Slater asked if there is any way this can be done in phases?

Mr. Dallaire talked in his report about paying for a portion of this in next year's budget. He gave us a breakdown of what the document will do.

Mr. Henningsen doesn't know anything about Race Studios. It's unfortunate that Minden has dropped out.

Mr. Miller is hesitant to jump in with another \$38,000 when we have microsurfacing and other concrete work that has been put off previously.

Mr. Higuera feels we need to finish the project. We need the guidelines. He is familiar with it. I can't imagine trying to bring someone in at this point.


Ms. Wenner commented some of the ideas were so new. He brought them to the public so they could think about them when I went to the workshop. Sometimes it's good to have somebody new come in and show us different ways we can do things.

Mr. Dallaire commented there are no loans, no bonds and no grants for this.

Motion Miller to approve the agreement with Race Studios to provide an update to the Town of Gardnerville design guidelines to support and be consistent with the 2018 Gardnerville Plan for Prosperity in the amount of \$25,000 to be paid this budget year and the remaining \$13,000 to be paid in the following budget year.

Attorney Yturbide pointed out the numbers might not work out exactly I wouldn't want you to commit. So the 25 and any balance.

Mr. Miller/Higuera modified his motion to \$25,000 in this budget cycle and any balance to be paid in the following budget cycle. Motion carried unanimously.

8.  **For Possible Action: Public Hearing to approve the Business Impact Statement and staff report, and proposed trash rate increase of 4% for residential customers and 7% for commercial customers; with public comment prior to board action.**


Mr. Dallaire received one letter from a business and a telephone call from another business.

Attorney Yturbide advised they are looking at approval of the Business Impact Statement and staff report findings for any trash rate increase that would be followed in the next item with the resolution.

Mr. Dallaire went over the increase and the comments concerning the increase.

No public comment.

Motion Higuera/Wenner to approve the Business Impact Statement, staff report and proposed trash rate increase of 4% for residential customers and 7% for commercial customers. Motion carried unanimously.

9.  **For Possible Action: Discussion to approve or deny the First Reading of Resolution 2019R-01 for the Gardnerville Health & Sanitation's proposed trash rate increase of 4% for residential customers and 7% for commercial customers; with public comment prior to Board action.**

Mr. Dallaire read the Resolution into the record. (A copy is attached to these minutes)

Mr. Dallaire read the trash rate increases into the record. (Copy is attached to these minutes)

No public comment.

Motion Higuera/Wenner to approve the first reading of 2019R-01 for the Gardnerville Health and Sanitation trash rate increase of 4% for residential customers and 7% for commercial customers. Motion carried unanimously.

10.  **For Possible Action: Discussion and possible action to eliminate the Gardnerville Health and Sanitation credit card processing fees; with public comment prior to Board action.**

Mr. Dallaire reviewed four years ago we instituted credit card fees. We've had four years of history with the fees now. It's created a lot more work because every credit card charges a different fee. We picked one fee based on that and recover approximately \$1200. It's over \$3800 in actual bank fees. There is a lot of staff time spent reconciling credit cards. We hired WAM (billing software) to redo the bill so when it is processed it adds the fee. Then the bank charges a fee on the amount that is processed.

Attorney Yturbide commented what Carol has explained to you as well is the accounting nightmare and tying the numbers is the issue that staff struggles with.

Ms. Wenner asked if they could just charge a flat fee like the state.

Mr. Miller thought when you add up staff time to try to recover the money we're in the hole even deeper.

Mr. Dallaire's proposal is to eliminate the fee.

Ms. Wenner writes a check. I would be paying for people who use their credit card. I don't think that's fair. Just a regular fee would be fine.

Mr. Miller would like to see us not take a credit card for under \$100.

Attorney Yturbide believed they are looking at the revenue that has come in. If the revenue is reduced because you allow credit cards you are not looking at the full amount. So, yes, it would be a factor you would be considering.

Ms. Wenner explained years ago the county used to get interest off their money coming in and that would offset the credit card fees. The interest is no more. There is no offset.

Chairwoman Slater asked the board to think about foregoing it for now and come back to the board next year with a rate increase in the trash again that would include those fees. The town can't continue to run in the red on this. It has to support the service.

Mrs. Louthan explained the younger customers don't use checks or cash. They only use cards to pay their bills. You can do a flat fee whether customers use a debit or credit, but only taking credit cards for \$100 or more would make it difficult for our customers.

Ms. Yturbide can go back and look to see if there is a way you can do that.

Mrs. Louthan suggested either eliminating the fee or use a flat fee.

Chairwoman Slater called for public comment.

Mr. Glen Linderman remembers when this was first brought up. I was negative about the idea of collecting a convenience fee. I would be delighted to see it go away. I don't pay convenience fees. I switched to an e-check when the board approved the fee. I use rewards cards, so I love to pay things by credit card when there is no convenience fee. I know it is built in to the prices of everything else you buy. They all have a cost of accepting credit cards and debit cards. All those fees vary and now you've learned that. I'd be interested in knowing what Jennifer finds out about individual, whether you can overcharge one individual and undercharge another in order to average out and not make a profit on average. If you are not allowed to make a profit at all then it would be interesting to know if a person with a debit card could come back and say my card doesn't cost 2.6 percent. So you are making a profit on me. I understand we are in a plastic world. So it is a cost of doing business. Is it the best for the community? Is it the best overall for consumers? No, because there are extra fees. It's the way it is. Those fees just have to be a cost of doing business. That was my opinion four years ago and it's still my opinion. I know Mike Rowe had said if there is a source of revenue you are not using you should get it. What he didn't point out is that source of revenue is so small it is not worth getting it. If you pay \$100 to get \$50 back it's just not worth it and that's why all the businesses take credit cards. There are exceptions. Even the parking meters in Reno take plastic.

Chairwoman Slater suggested scrapping it for now. Give it a year's time for staff to get together and see what could be worked out to add a fee into the trash rate. .

Mr. Miller thought the increase was supposed to last three years.

Mr. Dallaire pointed out board discussion has been in the past that we would look at it annually.

Chairwoman Slater expects if we have something that comes up, the town can't keep running in the red.

Ms. Wenner noted Tom had explained in his report the rates were going up because of trucks and a new facility.

Mr. Henningsen thinks plastic is a foregone conclusion that serves the customer. I agree it should be part of doing business. We need to include that, but we can't include it as part of the recent increase. We need to look down the road as soon as possible and take that into account.

No public comment.

Mr. Higuera suggested studying it and then bringing it back. Maybe take a year and evaluate it.


Mr. Miller asked if we eliminate it, could it be brought back to raise the rates as early as next budget cycle?

Attorney Yturbide advised they could. Are you saying you are just eliminating it until you come up with another alternative?

Motion Miller that we eliminate the credit card processing fees until the month of July 2019 and at that time we reconsider it.

Ms. Wenner asked when you say eliminate it, do you mean suspend it.

Motion Miller/Higuera that we eliminate the credit card processing fee until we reconsider it at the board meeting in July. Motion carried with Slater, Higuera, Miller and Henningsen voting yea and Wenner nay.

11.  **For Possible Action:** Discussion on whether to enact a policy to allow exemptions from billing for trash services, including requests for exemption of residents on vacation, requests for exemption of absentee owners, and/or requests for an exemption for owners of more than one residence within the district; with public comment prior to Board action.

Mr. Dallaire reviewed this is an internal process. We have provided all the policies that are in effect in the H & S fund, a letter that Jim had written, and a copy of 18.06 of the Douglas County Code for Gardnerville collection of trash. We are looking at creating a list of policies rather than having a whole bunch of directives that we can put on the website. We have six individuals that have a stop on the service from October through April because they are leaving town. There are 9 vacant homes in Gardnerville that don't have service because there is no one living in them. We have one that is moving here but they will call when they move. The other one is we have five individuals that have refused to pay the bill and we take their can and put a lien on the property, but no service provided. There are six special needs. Minimum users don't generate very much trash and there are six individual pickup spots that our guys get the can because they can't get the can out to the curb. Looking for some direction on what your expectations are so we can generate a policy for your review and approval.

Chairwoman Slater finds it hard to charge customers, who don't live here and the house is unoccupied, for service they are not utilizing. On your six special needs, I don't think we should be charging for a partial can. We should be charging the full price for each and every can.

Mr. Miller asked about snowbirds. They are in the same category as someone who bought a house and is not using the service.

Chairwoman Slater advised the water company turns the water off if you go on vacation. You don't get charged for it.

Ms. Wenner shared the county charges. They charge \$200 to turn the service off and then six months later when you come back they charge you \$200 to turn it back on. The service is there whether or not you use it. It's like having

a car in the garage. You still have to make the car payment. The service is there. Even if you're not using it someone has to drive the garbage truck by the house to pick up the neighbors. The gas is still being used. Staff is still being paid.

Chairwoman Slater also noted if you go on vacation a second time, the water company does charge a fee.

Mr. Miller asked why would we want to allow something like that. Maybe disallow is the way it should be worded. I think for an exemption they have to be gone at least one quarter. Not one month or some odd month we don't bill on.

Mr. Higuera asked if with what you heard tonight, could you put together a policy and we can approve, deny or change it.

Mr. Henningsen believed if you make an exception for one, someone else is going to figure it out and then you will have to do it for everyone.

Chairwoman Slater called for public comment.


Mr. Linderman liked Mary's concept about a shutoff fee and startup fee. There is no rebate or exclusion for taxes when an owner is off the property. So I don't see why there needs to be an exception for garbage pickup either. The usage goes up, but part of the cost of owning a home is paying the taxes and paying the trash, water, sewer and all the services you need to have a home. Maybe no one is in the house. But maybe a relative comes into town and they stay in the house, fill up the trash and they want to get rid of it but can't. They can't do it because they have no trash service.

No further public comment.

Mr. Higuera suggested Tom take a crack at a policy. I don't think we need a motion.

12.  **Not for Possible Action: Discussion on the Town Attorney's Monthly Report of activities for December 2018.**

Attorney Yturbide reported in December we worked on the agenda, the trash rate issues, resolution, working through the Business Impact Statement and some of the process for publication. There have been some employment matters that have been addressed. The annual auditors' letter came out of that process. Looked over the January agenda and related items.

13.  **Not For Possible Action: Discussion on the Town Manager's Monthly Report of activities for December 2018.**

Mr. Dallaire thanked the board for coming to the ribbon cutting. We did have a manager lunch over there today. Wanted to remind all the board members of the filings with the Secretary of State.

Chairwoman Slater pointed out, as a candidate, you have to file the Nevada acknowledgement of ethical standards for public officers. You have five reports. Your fifth report actually carries over to the next year so you only have to do the one. Every year thereafter you will be doing two reports, contribution and expense and the Nevada financial disclosure statement.

Mr. Dallaire worked with Anderson Engineering on a cost of a topo of the alley. Main Street wants to apply for a grant to help with the alley between the two bars. We are also looking at a shuffleboard court inbetween the buildings. Macaela finished the artwork for the gas station.


Mr. Miller has received some very positive comments on the gas station.

14.  Not For Possible Action: Discussion on the Board members activities and liaison committee reports including but not limited to; Carson Valley Arts Council, Nevada League of Cities, and Main Street Gardnerville.

Ms. Wenner reported the last meeting was the night of our grand opening so I didn't attend.

Chairwoman Slater reported the executive committee held two teleconference meetings in December where we approved the yearly evaluation for Director Wes Henderson. Direction was given to make reports back to the executive committee every two weeks during the legislative session. All of the legislative bills are online and can be followed. New officers were selected to represent the small cities, towns and general improvement districts. We should have a commitment from the large city representative shortly. The person chosen to replace me for the towns and GID's, was not re-elected. They asked me if I would stay on for a fourth term. They will have the directors meeting on the 18th where they will make that approval for a one-time exemption. I told them as long as I'm re-elected I would be willing to do that for one more year. The next meeting is January 18th. There is a letter under correspondence written by Nevada League of Cities and Jerry Schroder, who is the president, in support the fact we don't have someone to represent the small towns and GID's.

Mr. Higuera reported Debbi let me know five representatives of the Main Street board are going to be going to the national convention this year, all expenses paid. Nevada Main Street paid for their fees. The community engagement training is coming up on the 14th and 15th. The actual training sessions are free. Together we are a destination is one of the topics, another is building and marketing strategy is in your reach. Another one is debrief of 2018 holiday season and gearing up for 2019. Those are available free of charge at Gardnerville Station on the 14th. On the 15th is a more internal board of directors meeting. We have an engagement on the 15th with our training. They took care of their budget and work plans for the year. That's all approved. At the urging of their accounting firm, Carson Valley Accounting, they did move over to a 501c3 and that now has all been filed. Which means donors will be eligible for IRS tax exemptions and Main Street will be in a better position to request and accept numerous grants and special funding of larger donations.

15.  For Possible Action: Discussion on Town Board member appointments to represent the Town of Gardnerville and to be the Town Board liaison for the following boards:

- a. Main Street Gardnerville Board of Directors**
- b. Carson Valley Arts Council**
- c. Nevada League of Cities,**

with public comment prior to Board action.

Chairwoman Slater is already committed to the League of Cities.

Mr. Higuera can continue on Main Street unless someone else is interested.

Ms. Wenner doesn't mind being on the arts council.

No public comment.

Motion Higuera/Miller to nominate Linda Slater for the Nevada League of Cities; Mary Wenner for Carson Valley Arts Council and Lloyd Higuera for Main Street Gardnerville. Motion carried unanimously.

 2nd PUBLIC INTEREST COMMENTS period (No action will be taken)

Mr. Jerry Turner attended the last commissioner's meeting and stated our country is under attack from within and without. The last goal of the 45 goals of communism, 44 being completed, is to completely destroy the United States, replace all governments with a new world government. The new world order would not be controlled by the United States, but by governing global elites, the most evil imaginable. That's why the global elites are tricking our governments into their environmental and climate change bogus programs to reverse capitalism and force our industries overseas. Watch the video of George H W Bush speech on the new world order or JFK's speech that killed him and the book, If You Want It Straight by Robert Walch (phonetic). He was the creator of the John Birch Society. Treason has been and is being committed against American people. Read Article 1 Section 10; Article 3, Section 3;

Article 6 Paragraph 2. All laws are fraud and void if not pursuant thereof the constitution. You can ignore reality but not the consequences of that reality. The next meeting I will be saying what I should have been saying in this meeting. (A copy of the recording of public comment is available upon request.)

Motion adjourned at 6:31 p.m.

Respectfully Submitted,



Linda Slater, Chairman



Tom Dallaire, Town Manager



Proclamation 2019P-01

A PROCLAMATION DECLARING JANUARY 2019 AS "NATIONAL RADON ACTION MONTH IN GARDNERVILLE, NEVADA"

WHEREAS, many residents in the Town of Gardnerville don't know about radon, yet need to know, for the safety and health of their families, as radon is a colorless, odorless, naturally occurring radioactive gas that is the primary cause of lung cancer among nonsmokers; the second leading cause of lung cancer for smokers; and

WHEREAS, the U.S. EPA estimates 21,000 people in the U.S. die each year from lung cancer caused by indoor radon exposure, and lung and bronchus cancer kills more people in a year than any other cancer; and

WHEREAS, radon kills more people than secondhand smoke, drunk driving and home fires combined; and

WHEREAS, any home in Gardnerville may have elevated levels of radon, even if neighboring homes do not, and living in a home with an average radon level of 4 picocuries per liter of air poses a similar risk of developing lung cancer as smoking half a pack of cigarettes a day; and

WHEREAS, testing is the only way to know if a home has an elevated radon level, and testing is easy and inexpensive, and when identified, homes can be fixed; and

WHEREAS, University of Nevada Cooperative Extension, the Nevada Division of Public and Behavioral Health, and the U.S. Environmental Protection Agency support efforts to encourage all Town of Gardnerville residents to test their homes for radon, mitigate elevated levels of radon, and have new homes built with radon-reducing materials and features.

NOW, THEREFORE, the Gardnerville Town Board, does hereby proclaim January 2019 as

**"NATIONAL RADON ACTION MONTH"
In Gardnerville, Nevada**

ADOPTED this ____th day of January, 2019

GARDNERVILLE TOWN BOARD MEMBERS:

Linda Slater, Chair

Lloyd Higuera, Vice-Chair

Ken Miller, Member

Mary Wenner, Member

Mike Henningsen, Member

RESOLUTION 2019R-01

A RESOLUTION OF THE GARDNERVILLE TOWN BOARD MODIFYING AND INCREASING RATES FOR GARBAGE AND REFUSE SERVICE FOR CUSTOMERS OF THE TOWN OF GARDNERVILLE HEALTH AND SANITATION DEPARTMENT.

WHEREAS, at the regular meetings of the Town Board of Gardnerville held on January 8, 2019 and February 5, 2019, the Town Board considered the Town Manager's Report regarding the proposed increase in residential, office residential, second can, minimum user and commercial 1-1/2 yard and 2-yard bin rates for garbage and refuse service provided by the Town of Gardnerville Health and Sanitation Department;

WHEREAS, the Town of Gardnerville operates the Health and Sanitation Department garbage and refuse pick-up service on a non-profit basis, imposing only those fees which are required to meet the operating, equipment replacement costs, and addition of a new operations facility for the Health and Sanitation Department; and

WHEREAS, the Town Manager has prepared a report on the Town's existing health and sanitation rate structure and historical trends of the department services, which report contains the Manager's recommendations of the Town's health and sanitation service, an analysis of the existing expenses of the health and sanitation department compared to the existing rates currently charged by the Town for its garbage and refuse collection, and a comparison of the rates currently charged by the Town of Gardnerville Health and Sanitation Department with the rates charged by other entities or businesses providing the same service within Douglas County. The report further indicates that the health and sanitation department capital reserve requirements were not being met by the existing rates being charged. The Manager's report provided three options to the Board for consideration of an increase in the garbage and refuse collection rates, with all of the options to increase rates charged by the Town. Each option, were it adopted by the Board, would still result in the Gardnerville Health and Sanitation Department rates being less than or equivalent to those charged by other garbage and refuse collection entities within Douglas County; and

WHEREAS, the Town Board has been advised, and now finds, that the existing residential, minimum user, office residential, residential second can service, commercial 1-1/2 yard and 2-yard bins, and mandatory one time per month commercial pickup rates charged by the Gardnerville Health and Sanitation Department for garbage and refuse service are insufficient to meet the operating costs and sufficiently meet the capital reserve requirements of the Gardnerville Health and Sanitation Department; and

WHEREAS, the Town Board authorizes the Town Manager to publish notice of the proposed increase in collection rates for garbage and refuse service, to notify businesses which are likely affected by the proposed increase according to NRS 237.080, and to publish notice of the two (2) public hearings to be conducted at the Town Board's January 8, 2019 and February 5,

2019 regular business meetings in accordance with NRS 241 and Chapter 18.06 Douglas County Code ("DCC"). The public notice for the January 8, 2019 and February 5, 2019 hearings will be published in the Record Courier, a newspaper of general circulation within the Town of Gardnerville, and within Douglas County, Nevada, prior to the January 8, 2019 meeting in other than the classified section of the newspaper. The notice will specify the increased fees and rates and the effective date of this resolution. Further, public notice of the dates, times and places of the public meetings to be held to consider the proposed increases in sanitary landfill fees will be mailed to each customer of the Gardnerville Health and Sanitation Department; and

WHEREAS, when the notices described in the previous recital are completed, the Board will determine that such notices constitute legal and public notice of the hearings at which the proposed rates would be considered and adopted. Such notices constitute compliance with DCC 18.06.100(c)(1), which requires that, prior to any new rate, toll or charge becoming effective, the Town shall conduct public hearings for two consecutive months scheduled during the regular Town Board meetings. The Board further finds that the notices set forth within the recitals to this resolution comply with DCC 18.06.100(c)(1) which require that the rates proposed shall be published and be available for public dissemination on request, and NRS 237.080.

NOW, THEREFORE, BE IT RESOLVED AS SET FORTH HEREIN:

That the Town Board of Gardnerville has determined at its public meetings held at the regular Town Board meetings of January 8, 2019 and February 5, 2019 that a resolution changing the collection rates for customers of the Gardnerville Health and Sanitation Department is required, and the Board hereby adopts this resolution, effective as set forth below, incorporating the proposed, and now approved, collection rates identified in Exhibit "A" to this resolution.

The Board finds and determines that the existing revenues paid by the health and sanitation customers will be insufficient to meet projected capital reserve requirements and equipment replacement costs of the Gardnerville Health and Sanitation Department.

The Board finds and determines that due and proper notice will be given to the public at large through the posting of notices of public hearings, the publication of notices of hearings to be conducted in January 2019 and February of 2019 in the Record Courier, a newspaper of general circulation within the Town of Gardnerville and within Douglas County, Nevada, and by the mailing of notice to all subscribers of garbage and refuse service within the Town of Gardnerville. The Board finds and determines that the dates, times and places of the hearings at which this resolution will be discussed, and later adopted, have been adequately noticed in accordance with the NRS and DCC.

The Board finds that the residential and commercial customer rates currently in effect within the Town of Gardnerville must be raised to those fees reflected within this resolution. The Board further finds and determines that the non-profit status of the Town of Gardnerville Health and Sanitation Department requires the increase in residential and commercial rates from those in

effect now to those that are set forth in Exhibit "A". The Town of Gardnerville is obligated to implement and impose the rates, tolls and charges contained herein in order to provide for and permit continued garbage and refuse collection for the residents of the Town of Gardnerville by the Gardnerville Health and Sanitation Department.

Based upon the reports of the Town Manager, wherein recommendations were made to the Town Board for new commercial and residential rates reflecting the actual costs of garbage and refuse service as of March 1, 2019, the Town Board of Gardnerville determines that the rates proposed be adopted as the rates for the provision of commercial and residential garbage service by the Town of Gardnerville. All prior reports of the Town Manager submitted to the Board at its General Business Meetings are incorporated herein as if set forth in full.

NEW COMMERCIAL AND RESIDENTIAL RATES ADOPTED. The new commercial and residential rates adopted are set forth in Exhibit "A" to this Resolution and incorporated herein as if set forth in full.

The Board finds that the purposed rates shall be effective 1 March 2019. The Board further finds that the Health and Sanitation Department's capital reserve and replacement revenue requirements and depreciation shortfall have mandated the increased rates set forth within this resolution.

The Board finds and determines that all rates ratified and adopted herein satisfy the obligation of the Town of Gardnerville to provide and pay for garbage and refuse service to the residents of the Town of Gardnerville. The Board further finds and determines that with the factors which are known today, the proposed revenues for the Gardnerville Health and Sanitation Department will meet the existing needs of the department.

The Board finds and determines that all interested parties choosing to do so have submitted data, views or arguments in writing either prior to or at the public hearings in January 2019 and February 2019. The Board further finds that all interested parties desiring to do so have submitted data, views or arguments orally at the hearings.

Within thirty (30) days following the effective date of this resolution, any person who has protested it may commence an action in any court of competent jurisdiction to set aside this resolution adopted by the Town Board.

ADOPTED: This 8th day of February, 2019, by the following vote:

AYES:

NAYS:

ABSENT:

Thomas Dallaire, Town Manager
Town of Gardnerville

Linda Slater, Chairwoman
Gardnerville Town Board

Approved as to Form and Content:

Jennifer Yturbide, ESQ.,
Yturbide Law
Town of Gardnerville Counsel



Exhibit A

		1 April-19 4% Quarterly Increase	1 April-19 New Rate
Current Residential Rates			
Residential, quarterly	\$58.00	\$2.32	\$60.32
Residential, minimum user, quarterly <Discontinue-no new customers>	\$15.00	\$0.60	\$15.60
Office Residential, each 90 or 95 gallon tote	\$58.60	\$2.34	\$60.93
Residential 2 nd can service	\$15.00	\$0.00/mo	\$15.00
Residential Clean Up bin (each pickup)	\$25.00	\$1.00	\$26.00
Current Commercial Rates		1-Apr-19 7% Monthly Increase	1-Apr-19 New Rate
Commercial, 2yd per pickup	\$23.00	\$1.61	\$24.61
Commercial dumpster rental	\$0	\$0	Discontinued
Commercial, 1 ½ yd per pickup	\$17.25	\$1.21	\$18.46
Commercial, mandatory 1X/mo pickup	\$23.00	\$1.61	\$24.61