



GARDNERVILLE TOWN BOARD

December 1, 2009

- **The meeting was called to order by Vice-Chairman Cook**

PRESENT:

Thomas J. Cook, Vice-Chairman
Michael W. Philips, Sr.
Jerry L. Smith
Robin Bernhard

Steve Handelin, Town Counsel
Jim Park, Town Manager
Tom Dallaire, Town Engineer
Jeff Summers, Town Maintenance Supervisor
Carol Louthan, Administrative Assistant

ABSENT

Paul A. Lindsay

- The Pledge of Allegiance was led by Mike Philips
- Approval of the Agenda

Motion Philips/Smith to approve the agenda as written. Motion carried with Board Member Lindsay absent.

- Approval of the November 3, 2009 Regular Meeting Minutes

Motion Smith/Philips to approve the minutes of November 3, 2009. Motion carried with Board Member Lindsay absent..

- **Public Comment on Any Item Not on Today's Agenda-No Board Action**

Ms. Jeanne Lamb has an issue she wanted to present to the Town Board. She has a couple of examples of fish line. This statement is on behalf of the wildlife. The ducks at the pond on Gilman and Chichester are in danger. It is because not everybody is adhering to the laws. What's happening is they are littering. According to Nevada regulations if you litter you stand a big chance of losing your fishing license forever and never being issued one again. She has been out there twice this week with the game warden. We tried to catch a couple of the ducks. There is so much of the wire wrapped around one duck it is like a tourniquet so the duck will probably die. There is another one that can barely walk. It is from the litter. People are not following the rules. She is here to respectfully request that you mention to family and friends, acquaintances that it is against the fishing regulations to leave debris. The Town maintenance people are so conscientious about keeping the area nice. But they can't get it all. Please mention to everyone it is against the law to litter any fishing debris. Thank you so much for listening.

CONSENT CALENDAR

Consent items may be pulled at the request of Board Members wishing to have an item or items further discussed. When items are pulled for discussion, they will be automatically placed at beginning of the Administrative Agenda.

- **Motion to approve consent calendar.**

1. Correspondence
Read and noted
2. Health and Sanitation Department Monthly Report

Accepted

3. Approve November claims

Approved

4. Approve the urban forestry annual work plan update

Approved

Motion Philips/Bernhard to approve the consent calendar. Motion carried with Board Member Lindsay absent.

End of Consent Calendar

ADMINISTRATIVE AGENDA

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

5. **Discussion and possible action to approve, deny, continue, or approve with modifications Development Application (DA) 09-056, a Design Review for an approximately 152,495 square foot retail store in the GC (General Commercial)/PD zoning district in the Town of Gardnerville located within the Virginia Ranch Specific Plan at 1161 Highway 395, APNs 1220-10-110-007; 1220-03-000-038; 1220-10-510-002; and 1220-10-510-006 submitted by Pentacor Engineering LLC.**

Mr. Park advised this item was continued from the September Board meeting. County, Town staff and the development team have worked through many different meetings. They have been productive. He is thankful for the traction they have made. He has about eight slides that he will go through briefly. This is the latest submittal. Mr. Park went over the power point and explained the differences between the previous plan and the current plan. Town staff is recommending approval. Working closely with the County, developer and the property owner we have managed to reduce the recommended comments from 40 down to 6. The remaining six are things that we'll take care of as staff if this is approved, through the site improvement process. This land is part of the larger Virginia Ranch Plan. It will be a combination of mixed use detention, retention. They have done a spectacular job given the intercommunity connectivity? There are some opportunities for local businesses in all or part of the other buildings.

Mr. Mark Forsberg, attorney representing Sierra Nevada Southwest, the property owner. They worked hard for the past few months to address the concerns. He introduced Shad Vermeesch, the architect; James Dugger, engineer; Keith Ruben, planner and Aaron Rios from Wal Mart. Mr. Smith is here from Les Schwab and Mr. Jones from Carson Valley Movers. He feels they have solved their access concerns. Also here is Scott Brooke, Mr. Smith's attorney. A lot of work has been done. They have done everything to meet the desires of the community and make this project meet the Virginia Ranch plan. They were somewhat remiss in the way they presented the project. Now they have been able to develop their thoughts and show how it can be an excellent project that meets the design guidelines and the concept that is set forth in the Virginia Ranch plan. He is here to answer any questions they might have.

Mr. Philips asked if they were okay with what has happened.

Mr. Brooke can represent the property owners have entered into an agreement with Sierra Nevada Southwest that solves all of their concerns. The issue has been addressed about the left turn. Part of the requirement for approval is a median along 395 in front of the tire store. So that would prevent left turns that are currently being made. There will be a direct access to Charlotte and there will also be an access to the north of this road that goes between Charlotte and Grant. We think that will be adequate. That is the best we can do given that NDOT is going to put in a median. The ditch will be piped and paved.

Mr. Cook asked about the stop light at Grant?

Mr. Park stated the status is yes that is slated for a signalized intersection. Will you see that go in first, no. The store and all the uses will be there. They will run some new traffic counts and they will have a light put in.

Mr. Forsberg has talked to NDOT about some of the issues of the traffic. They have been advised the traffic light will not be turned on until after the Wal Mart store is open. Then they will do traffic counts, complete the study and then within a week or so after the store opens they will give permission to turn it on. They have the general parameters and are just confirming the traffic before they allow the traffic signal to be put in. There will be deceleration lanes and a left turn lane. There will be a left turn pocket here to allow left turns into Les Schwab. With the two easements these will replace that movement.

Mr. Jones wanted to thank the Board for the cooperation. This is an opportunity of a lifetime. George Keele, himself and his wife sat down and did some negotiations since the last meeting. They are thoroughly satisfied with that and some other concessions. They are in a win-win situation. The people that are surrounding them will do twice the business they do today. So thank you for everybody's support.

Mr. Cook cautioned the public this discussion will only be for the design of the buildings. It will not be a forum for bashing any companies in this world. It will not be a bashing of County Commissioners, Planning Commission, Planning Department or this Board or staff. If anybody wants to speak to that design, public comment is now open.

Mr. Chuck Hill lives in the Ranchos. He has been in traffic since 1958. Maybe you saw the letter in the paper. This is not about the design of the buildings. They don't need another intersection. Charlotte is there. Charlotte is where the improvements should be made. They don't need a new street. Grant has southbound sight problems for high speed traffic. At Charlotte there is a straight line of sight. The Charlotte channelization you wouldn't be tying up Service Drive. Service Drive also needs attention. They need better intersections, not more intersections.

Mr. Cook informed Mr. Hill Highway 395 belongs to the federal government and the state. They are the only people that can say anything. This Board has no control over that.

Mr. Les Gould lives in the Johnson Lane area. He is dismayed with the prospect of having something built here which is not going to be in compliance with the Virginia Ranch plan. He congratulates the Board for approving the plan. He doesn't feel the plan as amended or revised really conforms. It talks about maintaining a sense of place and integrating with the town. He doesn't see how a structure of this size with a parking lot can be considered to be village-like or in conformance with that atmosphere. The plan calls for avoiding box like buildings and square storefronts. This is a large box. From every angle it looks like a box-like building. He doesn't see how that has met the grade at this point. This project would literally bulldoze the town. It is clear that many businesses in Gardnerville would be adversely affected. What provisions have been put in place for litter and design of the project? It's a problem for the Wal Mart at the other end of the valley.

Mr. Bernhard believed that is designing against personal responsibility.

Mr. Park noted there is County Code that addresses that.

Mr. Gould feels the attempts of the developer to meet the requirements don't comply and he would like to see this resubmitted and a full review done by the Planning Commission and Board.

Mr. Jim Slade commented this proposed building is a threat to the rural character. All that is on the agenda

is one 152,000 square foot building. The other buildings are not part of what is before you. What should be of concern would violate both the master plan and specific plan. The recent changes are no more than lipstick on a pig. To preserve and enhance the character. Obviously the proposed Wal Mart would be contrary to those goals. The Virginia Ranch plan calls for creating a distinct sense of place – create a retail commercial shopping district of Gardnerville. It would make a mockery of the Main Street program. A big box would make Gardnerville like every other town in the country. Clearly the proposed Wal Mart would violate the letter and intent of the specific plan. The public expects the Town and Douglas County to abide by that plan. Big box stores are contrary to the master plan.

Linda Kleiner stated one thing that strikes her is they are trying to hide the Wal Mart with the other buildings. She has the detailed crime report and wanted to submit the rest of the petition, 1,143 more signatures. September 9th Mark Gonzales, from the Water Company, commented this will also need review by the EPA. Is that taking place?

Mr. Park responded in terms of water quality that will be addressed.

Ms. Kleiner would also urge the Board to deny the box.

Judy Sturgis asked if they are only discussing the 152,000 square feet, then why did the Town Manager spend so much time discussing every other aspect of the project and the public is only able to speak to the design of the building.

Mr. Handelin said the specific action is for Wal Mart only.

Ms. Sturgis believes it looks like a box coming into the valley. She urges them to deny the application. It does a lot of damage to the rest of the businesses in the town.

Barbara Slade moved to Gardnerville 24 years ago. She urges you to scrutinize the letter and intent of the Specific plan and Master plan. It is your responsibility to understand and research fully the intent and the verbiage of the Master plan. Your decision will change Gardnerville forever. Please do the right thing and hold the developer to their original intent. Protect what they have. She urges the Board to deny the application.

Mr. Philips heard the same thing when Raley's went in, Scolari's and Smith's.

Ms. Slade has been involved in the County for over 9 years. When there is a specific plan and development plan they expect the developer to adhere to it. What is the problem with following the letter and intent of the specific plan. It's not Wal Mart. It's all of them. They already have all of them at the north county. You can look at it any way you want to twist it. Look at it with the quality and intent. We want the developer to be held to the original intent.

Mr. Jack Bandy went over some of the points on the Virginia Ranch plan that he did not feel the design complied with.

Sheila Schwadel, resident since 1980, would like to address a couple items. Staff comments on the gathering areas. When have you ever seen gathering areas in a Wal Mart of a big box type situation where anybody ever gathered. Realistically the staff is saying this is wonderful. If you want a gathering place all you need to do is look at Lake Tahoe. She is asking you to realize this doesn't fit. She would like to ask them to envision what it looks like with small shops, pedestrian friendly, like it is in South Lake Tahoe.

Mr. Scott Rankin is a holistic resident of the Gardnerville Ranchos. Why can't we stick to the original

Virginia Ranch plan? Why must they go down this road countless other communities have done. Don't we deserve more. Everyone here cares this community does something different.

Donna Buddington believes the design of the building is a big box, which is pretty much the way public comment is designed. We're asking to maintain the small town rural environment where people dialogue. They don't just box themselves in. The design of this will spread into our community.

Mr. Philips wanted to keep things the way they were then too.

Mr. John Hunter stated none of the people here are paid to be here. They don't have lawyers to help them. They don't want this building here. If we could afford a lawyer we would have one. We hope you listen to them.

Susan Hanley would just like to say she agreed with everyone who has spoken. If they let this happen it will ruin the town forever. No matter what they do it is still a Wal Mart.

Public comment closed.

Mr. Park has a couple of comments. The site is zoned general commercial. The use is compatible and authorized under that zoning. In terms of the overall specific plan, it is a big box, yes. Again, it doesn't say in the plan you can't have a big box. The building meets all the standards in terms of articulation, all of the kick outs, build outs. It complies with the Specific plan and County Code in terms of those elements. Wal Mart is somewhat screened. They are doing that by their choice. One of the citizens spoke about the islands within the parking. These are larger islands. In terms of the review process, the Specific plan was adopted in 2004. As I recall it there were about 8 or 9 people at that meeting. He attended both those meetings and they were lightly attended. In terms of where this goes, the Town Board is an advisory board. Staff is recommending approval. Whichever way you go, that recommendation will be forwarded on to Community Development in the design review to say yeah or nay. The fight here is there is a frustration level with that process. This is not a forum for a debate. That's all I had. The applicant has requested some time.

Mr. Dallaire added the developer is the one presenting the project. They can develop it however they want to. They just have to make sure it complies. The developer prepares the plan, presents the property and they can't tell them they can't build it. It meets the zoning requirements.

Mr. Park thought the opportunity here is the outbuildings. It does substantially comply. The planning staff at the County concurs. He stands fast and firm. My recommendation is still a recommendation for approval.

Mr. Smith believes this is tough. They also have an obligation to the town, the people in the town they represent. They have to hear their voices and their recommendations and make decisions based on best judgment. He agrees in some sense it is a big box and his first inclination is he does not want a big box. His wife was born in Gardnerville. He has been here for 40 years. If they respectively want to represent the people he would challenge they have to do what is best for the town. His feeling is right now it would be denied and let it go to the County Commissioners and let them do the job they are paid for. As far as the Town, he doesn't think they need it. They have one on top of the hill and he doesn't have a problem driving that distance.

Mr. Philips is not happy with it coming in. But there is not a whole lot they can do about it. They do live in a country where you do have the right to do something as long as you comply with all the rules and regulations.

Mr. Bernhard stated this whole decision guts him. As a resident, and potential neighbor to this, he would have to respect the letter of the law and the zoning, the right of a property owner. As of yet he is undecided

and gutted by the situation.

Mr. Cook clarified the reason he said they were only going to speak to the building this evening is because the last time they discussed this issue, comments degraded businesses, talked about things that had nothing to do with what is going on. He had an interesting conversation with a commissioner from Churchill County. Everybody said it will ruin everything here in Fallon. It did absolutely the opposite. There was a hardware store that they knew was going to disappear. But the man who owned the store went out and bought equipment and went into a rental business. He sat on the Board when they did the Master plan. They talked about property rights. People have property rights. They can do things with their property as long as they abide by the law. He has been on the Board for 15 years. He feels they have done a great job in making this town look better. He feels everybody has to do their own heart.

Mr. Smith fully agrees the town is unique and he truly does feel that the only decision they could possibly make is to deny it based on what they are trying to do in the Town of Gardnerville. They are unique. He would hope everybody will agree on that.

Motion Philips/Bernhard to recommend approval based on the staff report and recommended conditions. Upon call for the vote, Cook/Philips voted yeah – Bernhard/Smith voted nay. Lindsay absent.

(Recess taken)

6. Discussion and possible action to approve Resolution 2009R-094 augmenting the Town of Gardnerville Fiscal Year 2009-2010 budget

Mr. Park stated this is the mid year augmentation. The auditing is finished. They have before them an administrative action. They will just take whatever money was left over from last year or, if they spent a little more then they need to take it out of capital reserves in terms of the Health & Sanitation Department, just to return the opening fund balances to this fiscal year to their actual numbers. General fund is a little under \$161,000. He would recommend bringing it in and dropping it in the public works line item. Health & Sanitation is eating into reserves. Need a motion to approve.

Motion Smith/Philips to approve Resolution 2009R-094 augmenting the Town of Gardnerville Fiscal Year 2009-2010 budget. Motion carried with Board Member Lindsay absent.

7. Discussion and possible action on the Town Attorney's Monthly Report of activities for November 2009

Mr. Handelin has done some things for Main Street. Jim and he worked to get a software contract together. Worked on an easement for the park benches. He needs to get that dropped off.

Mr. Park reported the Main Street program has had some donations of benches. They have obtained a couple public access easements. It might be easier and less costly if the Town Board was amicable to having those public access easements drawn up naming the Town. If they have a bench out in one of the easements, hopefully the Town's insurance would carry it instead of hitting Main Street's program. They are trying to locate these benches either on private property or public property. There will be one bench on this property adjacent to the sidewalk. Sharkey's is another sponsor. Mr. Bernhard is a third sponsor. One particular location is at the Historian Inn, but it would be on the Johnson's property, so they need a public access easement.

Mr. Philips asked if they had heard anything from the Chichester HOA?

Mr. Handelin has not heard anything from the Chichester HOA. He will forward a copy of the draft easement document. He just needs to touch base with Paula on a few issues. As long as they work together and find a logical place it will be fine.

8. Discussion and possible action on the Town Engineer's Monthly Report of activities for November 2009

Mr. Dallaire has the summary of what they have accomplished this month. He talked to a few owners of property that is being affected by the flood study. Working on the CIP for the next five years. Cemetery Lane improvements he came up with some estimated numbers that show the four options. The main ones he wanted to bring to their attention were C & D. Probably \$1,500 to \$2,000 difference in cost. If you see anything or know of any other concrete or sidewalk repair that needs to be replaced, please let him know. The more they do the cheaper it will be for the town. He thought it best to go with options B and C and get it all replaced now. They did open up a can of worms with the Stodick/Muller connection where the grindings were supposed to go. He came up with a revised plan and sent it to Jeff Foltz. He did some hydraulic calcs on it because they were worried about the water runoff from what they put in there. He sent an e-mail. They will start opening that and come up with a solution before they overlay Hussman where they can use the grindings from that overlay to dump on Stodick.

9. Discussion and possible action on the Town Maintenance Supervisor's Monthly Report of activities for November 2009

Mr. Summers reported they got all the irrigation shut down and drained except the pavilion. They will finish that after the Christmas Kickoff. The rest of the month they have been dealing with Christmas decorations.

Mr. Bernhard wanted to let staff know the Town decorations look better than Minden's. Also, if staff could keep an eye out and keep in touch with Tom on needs for cement.

Mr. Summers added the Toler trees have been redone. They took the rope lights off and put up the LED lights.

10. Discussion and possible action on the Main Street Program Manager's Monthly Report of activities for November 2009

Mrs. Lochridge reported they have the Revolving Loan Fund kickoff meeting scheduled for December 15th from 8:00 to 9:00 a.m. It will be at Sharkey's. Members of the Board of Directors have been hand delivering invitations to businesses in the district. She spoke with Zeta from USDA Rural. She pretty much has confirmation there will be representatives there from both Reid and Ensign's office. They would love it if all or some of you could attend. They are currently selling the first in a series of pewter ornaments. It will be an annual fundraiser. They are \$12.50 each. Organization is also working on another fundraiser that they will put into effect next year. That is a historical cookbook. It will include photos and handwritten receipts, titles, anything and everything that has to do with historical Gardnerville. Tourism brochures with NCOT funding are complete and done. They will start distribution of those within the next month. Great little walking tour map. The benches they are expecting here mid December. They did kickoff Merry Main Street on the 21st. The feedback I got said they had a blast. A lot of people did come down. Livermore, California does this and it took a couple years for it to build up. They do still have a couple of events going with Merry Main Street. The window display is valued at over \$700 value that one person can win. They have VIP passes to Thirsty Third Thursday 2010 if you go into participating stores and find nine reindeer.

11. Discussion and possible action on the Town Manager's Monthly Report of activities for November 2009

Mr. Park has a written report in Board packets. They will get the annual report at the January meeting and the annual newsletter is going to print. He has the Q1 presentation for the Hellwinkel expansion project up at the State on Thursday. Staff is getting into budget development already. Next budget will be tighter than this budget. They will be bringing forward a myriad of projects and recommendations and quite possibly some recommendation for some staff reassignments. They will have to re-engineer a little bit as they continue to adjust. They have not been hit as hard as some of the areas. They were able to save some of the money from last year. Did have to take some time off to help his wife Pam. They will take a long hard look at a rate increase and bring it back under budget development if necessary.

Motion Smith/Philips to adjourn at 6:38 p.m. Motion carried with Board Member Lindsay absent.

Respectfully Submitted,

Thomas J. Cook
Vice-Chairman

Jim Park
Clerk to the Board