



GARDNERVILLE TOWN BOARD

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Meeting Agenda

Mike Philips, Chairman
Robin Bernhard, Vice Chairman
Paul Lindsay, Board Member
Ken Miller, Board Member
Linda Slater, Board Member

Tuesday, November 1, 2011

4:30 p.m.

Gardnerville Town Hall

 **Chairman Philips called the meeting to order and made a determination there was a Quorum present.**

 **PLEDGE OF ALLEGIANCE- Chairman Philips led the Pledge of Allegiance.**

 **FOR POSSIBLE ACTION: APPROVAL OF AGENDA, with public comment before 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/Bernhard to approve the agenda as written. Motion carried.**

 **FOR POSSIBLE ACTION: APPROVAL OF PREVIOUS MINUTES: October 4, 2011, with public comment before Board action.**

No public comment.

 **Motion Lindsay/Miller to approve the minutes of October 4, 2011. Motion carried.**

 **PUBLIC INTEREST COMMENTS (No Action)**

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

Gloria Anstett from Chichester Estates Homeowners Association has a neighborhood watch program she just started. She is the block captain. They bought the signs and she wanted to make sure they are put up properly. She wanted to ask for help on that.

Mr. Dallaire explained Mrs. Anstett also had some concerns with the traffic on Chichester and Winwood. They set out the traffic counters so they can record the speed and how many cars travel on Chichester. This was something she had brought up about the neighborhood watch. He wanted to make sure the Board was okay with it.

Chairman Philips would like it agendaized for next month.

Ms. Anstett believes there has been a real problem with people driving 60. They have a lot of kids and older people that walk along there. She has called Officer Halsey. They are patrolling it more. It is better, but neighbors would like to get a stop sign. Everybody is concerned on the street. The police came down late Halloween night. They are keeping an eye on it.

Mr. Dallaire went through this on Harvest. They aren't going to be able to justify a STOP sign by traffic. They are not supposed to use a four way stop for speed control. He has the counters out there. He downloaded it but just didn't get it processed to the computer.

Mrs. Anstett's neighborhood watch program is from Marion Russell to Winwood.

Mr. Miller asked if Officer Halsey mentioned they could write down license plate numbers for those who are running the stop signs and issue citations from the court.

Ms. Anstett has a meeting with the neighbors on Monday.

Mr. Miller would suggest talking with Officer Halsey first. He thought they could do what is called a "citizen's citation." You have to have the information on the auto in order to do that because you may have to appear in court as a witness.

Mr. Bernhard asked besides the traffic issue, he has not heard of a lot of suspicious activity or crime in that area.

Ms. Anstett mentioned three years ago Ron and Rose had their tires slashed and there was a drug house right across the street. Officer Halsey did say our area doesn't have problems with homicides. They do have robberies and burglaries. There are only two sheriffs that can patrol the area. He has told us don't do anything to put yourself in danger. Call 911



CONSENT CALENDAR FOR POSSIBLE ACTION

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

1. **Correspondence**
Read and noted
2. **Health and Sanitation Department Monthly Report**
Accepted
3. **Approve October 2011 claims**
Approved
4. **Approve Gardnerville Special Event Application for the Carson Valley Chamber of Commerce 16th Annual Parade of Lights scheduled for December 3, 2011.**
Approved
5. **Recommend approval of the Douglas County Outdoor Festival Event Application for Carson Valley Chamber of Commerce 16th Annual Parade of Lights on December 3, 2011.**
Recommend approval.

End of Consent Calendar


No public comment.



Motion Bernhard/Slater to approve the consent calendar. Motion carried.

ADMINISTRATIVE AGENDA

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

6.  **For Possible Action. Presentation and discussion of the proposed Douglas County Well Head Protection Plan (WHPP), with a letter of support to accompany the plan when presented to the County Commissioners. Presentation by B. Eileen Christensen, BEC Environmental, Inc.; with public comment prior to Board action.**

Mr. Dallaire introduced Eileen Christensen. Douglas County put together a committee involving the water companies within the valley, their engineers and other engineers within the area. A lot of Douglas County was participating. They are getting a community wide wellhead protection plan put in place. This is something that will affect the Town development and property.

Mrs. Eileen Christensen is a contractor to Nevada Division of Environmental Protection. Tom has been wonderful and supportive. Margaret Pross was instrumental in bringing forward the planning perspective to this program. As we go through this if you have any questions from a planning perspective she can answer. Ms. Christensen gave a power point presentation for the benefit of Board members.

Mrs. Pross pointed out when the planning commission gets a project we get recommendations from staff. This will point out ahead of time that there is a red flag they need to look at how this is going to affect the surrounding wells. It's more of another layer of checking. We have a lot of rural areas and we need to be sure if we approve a project it is not going to impact anyone else whether individual or company. In general if you fertilize your lawn and you are uphill of someone who has an individual well, that can impact their well.

Mr. Dallaire put this into play with Wal Mart. They made them treat the storm water to get most of the oil out of the

storm water before it enters the pond. The elevations showed the pond was 20 feet deep. How do they protect that? Mark and I were adamant for the past two years on getting that protected and we finally won. They have a clay lined layer. They have valley gutters and a pump. They have a treatment system between the pump and the Company ditch and also, on site, Wal Mart has pretreatment of all the storm water. It will be up to us to make sure the rest of the development that comes in, that is discharging storm water into Charlotte and Larson, treat their water before it leaves the site as well. Then they will have the road water in the pond for treatment that they will need to clean up. This will help with that analysis. They were fighting us on it because it is not in the code and they finally gave in.

Mr. Bernhard asked if something was noticeably sideways and the red flag was raised, this would give the planning commission grounds on which to make a red flag a show stopper.

Mrs. Pross agreed. Getting this out there, people are going to think twice about what they are doing. The type of enforcement would be utilizing the findings for different projects and it can't be detrimental to an adjoining property. Now they have the teeth to say we've looked at this. You are now coming into the wellhead protection area with a project that may or may not be appropriate.

Mrs. Slater asked what kind of impact this will have on the ranches in the valley.

Mrs. Pross thought they were looking at projects that will be coming in for development.

Mrs. Christensen felt it is more to make people aware of the things they can do to prevent future issues. More education on things they can do to improve their business practices to reduce the potential for contamination. Farmers are already pretty conservative.

Mrs. Slater asked if they saw any impact on the agriculture in the valley.

Mrs. Pross thought it would be pretty far afield. They would have to want to sell their property and change the use. It won't affect the ranching community.

Mrs. Christensen suggested if they want to make changes now would be the time. They are requesting a letter of support for the Gardnerville area. Minden has very similar challenges.

Mrs. Slater asked about the gas station on the corner. If that property sells what is the obligation of the new buyer before it can be developed or re-developed.

Mrs. Christensen believed chances are they have been putting money into an insurance pool that is run by the state. It is called the Petroleum Fund. If the owner closes up the station and he doesn't have sufficient funding to pull the tanks or appropriately address contamination that is part of what the fund is for. There are a number of different things that can be done to address that if he doesn't have the funding himself. There are a lot of different opportunities. The main thing is to take care of the contamination or potential contamination before it becomes a problem. An easy way to check is to go through the Petroleum Insurance Fund and make sure they are actively participating in the insurance fund. The next steps are to obtain support for the plan and incorporate them into future planning documents. They will be taking in comments so they can revise the draft. The County is planning on putting this on the website.

Mrs. Pross believed this will help people to be more aware. People will be more prone to say somebody needs to know what this person is doing. It will be an education process. It will be beneficial to individual homeowners as well as community at large and the commercial. We do want to make people aware. It is another tool for us to use that they are going forward the way they should.

Mr. Lindsay pointed out Wal Mart has gotten the Town before because the specific plan didn't have enough teeth in it. They have done the right thing now, but if they were pushing back at not doing these things, does this plan have enough teeth to make it happen.

Mrs. Pross believed it will have the specifics you need in it. The planning commission can say they deny it because it doesn't come up to the wellhead protection standards.

Mrs. Christensen added the other side is when a company comes to NDEP one of the things the state does is look at the wellhead protection area. That's another thing to consider in moving this forward. Not only the local departments, but you also have the state level and federal level. This whole process started when we went through the Board of Commissioners back in 2009. They had a very similar instance where Clark County wanted to put some teeth in their plan. When they went to try to do an ordinance the attorneys came back and said that constitutes a taking. If you put something that stringent in, the existing property owners when they sell their property won't be able to and that is a taking. Once every

five years it will be modified. If they are amenable it would be great if you signed the letter.

Public comment.

Mr. Karl Schnook built in Gardnerville and has been here three years. My question is the term wellhead protection implies some physical impediment that would prevent contamination or some kind of insurance. It's neither of those. It is an education plan primarily through pamphlets.

Mrs. Christensen has pamphlets, web information, interactive programs, and a list in the education plan of where you can go to address specific issues.

Mr. Schnook asked how the Town is insured that process happens.

Mr. Dallaire explained the Town is part of the review process. They make recommendations and by letting the developer know what they are looking for, that opens up doors to come up with another plan. They are on the fifth review with Wal Mart.

Mr. Schnook, in getting to know the County, has gone to some websites and there is a lot of information. He finds most of the people he is in contact with, when you ask them, say they don't know or don't care. I'm not sure a web based information system on how to protect the water is that effective. Why did the Ranchos decline?

Mrs. Christensen answered they did their own plan and felt this would be duplicating work. They will be invited again when it comes to an update. It was totally voluntary. The cost was born by NDEP. It is funded through an EPA grant. The total program funding per year is about \$270,000. But that is split. They are covering 26 water systems.

No further public comment.

 **Motion Bernhard/Lindsay to sign the proposed letter of support to accompany the plan when presented to the County Commissioners on the Douglas County Wellhead Protection Plan. Motion carried.**

7.  **For Possible Action. Discussion on the GORAIL mission and to provide a letter of support signed by the Town Board to House and Senate representatives for the State of Nevada, with public comment prior to Board action.**


Mr. Dallaire said he was approached by Roberta Mendoza. She is the state director of Nevada for the GORAIL. There are four senate bills being proposed in Congress and at the House of Representatives that are trying to increase the weight of truck traffic. Right now the current 2008 standard is 80,000lbs. They are trying to increase that to 97,000 on one bill and 100,000 on another bill. With the damage we already have on our highways, he doesn't see the infrastructure standing up. He modified the letter substantially but he personally thinks it was important enough to bring it to the Board. We prepared the letters and just wanted to go over a little bit of what they are talking about.


Public comment.

Mrs. Marie Schnook agreed with them. If the roads are already in bad shape, putting a heavier truck is not going to help. Also, the stopping situation, when you have pedestrians crossing the street, can you stop a truck that heavy in time if they just dart out in front of you. My guess is not really.

Mr. Schnook tends to believe that cost for the construction company, because it's less trips, and also fuel.

Public comment closed.

 **Motion Bernhard/Miller that we provide a letter of support signed by the Board to the House and Senate representatives for the State of Nevada per the discussion on the GORAIL mission regarding the increased weight to trucks and also a letter to the governor. Motion carried.**

8.  **For Possible Action. Discussion on the preliminary Quit Claim Easement Grant Deed from the County to the Town on the Toler Lane Landscape Maintenance Easement and direct staff to proceed with the submittal to the County Commissioners, and authorize the Town Board Chairman to sign the final agreement, with public comment prior to Board action.**

Mr. Rowe has been working on the Toler Lane issue and one of the items that has come up is the easements you see

are easements for landscape maintenance dedicated to the County. He contacted Cynthia Gregory and asked for a quitclaim deed the same way it was handled in the past by the County Commission adopting a resolution that gave the Town part of the Toler Lane area. Then they would have a right to be on the areas that now have devolved onto the Town for maintenance responsibilities of the landscape. There is maintenance that is going on where we are not in possession of a right to be on the property. They are trying to clear that up. The different documents you see are copies of the instruments that are of record that gave the County some right to have a landscape easement. The quit claim would be to grant whatever right the County has to the Town so we can maintain the landscaping.

Mr. Dallaire needs the ability to go in and cut down a tree if it is detrimental to the sidewalks or if there are too many of them. They just need to inform the homeowner. If there is anything you want to add to the letter or take out now is the time to do that. We would send out the letter with the exhibit (Item 8-6 in Board packets) to each individual homeowner. We added the storm drain to the exhibit so the homeowner can see the storm drain location and see you can't move the wall out.

Mrs. Slater suggested sending the letters out by certified mail.

Mr. Miller believed if they don't do it now the homeowner will come back and ask why the Town cut it down a tree.


Mr. Dallaire is working with Jim Woods on coming up with a plan. Josh met with Jim Woods and Ed Kleiner from Comstock Seed before the meeting tonight. They have access to granite rock and they can decorate with some artscape, put some rocks out there and get rid of some of the green overgrown juniper shrubs.

Mrs. Slater asked if they could add a sentence that they are open to speaking with the citizens about what the proposed plan is for each of the properties.

Mr. Dallaire met with three of the people who own property across the street that were concerned about how overgrown it is. We are in the process of putting together a plan.

No public comment.

Mr. Rowe commented this is where they are with it today. There will be some changes. But the basic thrust is for the County to give them the legal right on the affected areas. We won't be implementing that until the Town is actually in title. Hope to have this done and let the DA know you will review it and if you approve the concept tonight they will hammer out the details with Mike or Tom having authorization to sign whatever is needed. Hopefully get it on the agenda for the commission for the 17th

 **Motion Slater/Miller to direct the Town Manager and legal counsel to move forward with the quit claim easement grant deed from the County to the Town on the Toler Lane landscape maintenance agreement and direct staff to proceed with the submittal to the County Commissioners and authorize the Town Board Chairman to sign the final agreement. Motion carried.**

9.  Not for Possible Action. Discussion on the Main Street Program Manager's Monthly Report of activities for October 2011.

Mr. Dallaire noted Margaret Pross is here in place of Paula. Paula had ankle surgery.

Mrs. Pross reported the holiday shopping bazaar is going well. They have 32 vendors and more trying to participate. We have information on the bazaar in the packet. Heritage Gardens had successful work days on the 20th and 29th. On the 20th they had 30 people on the 29th they had 18 people. They planted approximately 2300 daffodil bulbs. The Historian Inn, and Just Too Spoiled Spa and Baby Boutique have just opened. Penny Lane is expanding. A duct cleaning business is opening in the Haas Center and Mt. Sierra K6 is expanding another classroom. They had morning coffee and had a great response. Looking forward to implementing some of the things they spoke of.

Mr. Bernhard mentioned there is a new business coming in on Industrial Way.

Mrs. Pross thanked the Board for their continued support of the Main Street Program.

Mrs. Slater drove by the daffodil corner. It is phenomenal.

Mrs. Pross added Beverly Caputo, who did the murals in Sharkey's, would be willing to be commissioned to do a Basque mural that could be hung maybe on Battle Born of a shepherd with the state outline. We have a lot of things coming forward.

Mrs. Pross mentioned the vendors for the bazaar are very excited. We had a full page ad in the paper and will be having another one. For the most part they are Main Street vendors. They are working on doing something for the holidays to get business in as well.

10.  Not for Possible Action. Discussion on the Town Attorney's Monthly Report of activities for October 2011.

Mr. Rowe reported they are keeping an eye on the Hellwinkel property. They will hopefully hear soon the issues that Q1 had on the appraisal report were worked out. Escrow is open. There has been a considerable amount of email traffic about the Ranch. They filed a creditor/s claim in the Round Table bankruptcy. Tyler and he reviewed the agenda and minutes to make sure that was okay. Drafted an easement and sent it to Tom for a park bench on the Stratton property. Tom is working with Steve Stratton. If that is acceptable then they will have a bench easement for the Main Street bench.

Mr. Dallaire explained they have a record of survey that BSE did for Mr. Park some years ago of the downtown right-of-way. We are using that for the easement description.

11.  Not for Possible Action. Discussion on the Town Manager/Engineer's Monthly Report of activities for October 2011.

Mr. Dallaire reported staff continues to work on the Hellwinkel property. Q1 has some issues with the appraisal because they were reviewing an older version of the appraisal. We had a lot of those issues dealt with. Sent an email back explaining the issues. Hoping to hear back soon. Zoning is taken care of. Parcels now exist. Still no response on getting the funds now, without having the match, and put the funds in escrow together so we can purchase the property that way.

Mr. Miller saw an ad for a property straight west of Sharkey's for sale. He asked whether that was the house they were trying to take out.

Mr. Dallaire will look into it. We are working on the Waterloo trail section between the developed trail in Lampe Park and sidewalk on the highway. Some landscaping needs to be removed. Mimi is okay with that. Emailed the plan to the project manager of Waterloo Center. They are considering the easement. This is the last link at the end of the middle school clear to Lampe Park. Our part will be done with this section.

Talked to the Carson Valley Chamber of Commerce about the Parade of Lights. Apparently we haven't been very supportive of the Parade of Lights. Do you want to support this and have our staff help? Minden has been using their staff. He is hoping they can get it changed to Gilman when Gilman is extended.

Mr. Lindsay has no problem supporting it but he would like to get it to Gilman sooner or later considering Walgreens has a problem and the exit from Minden Park. It is complicated to get a long float out of there. You are running through residential areas. They line up on Waterloo, which is pretty much the same length as Gilman.

Mr. Dallaire just wanted to make sure the Board was okay to have staff help out. We'll put up the barricades and participate. He will talk with Walgreens because he has not heard the concerns directly from them.

Mrs. Slater thought it might give you a little more support in his conversation with the other entity about switching off each year so it doesn't have a financial impact on any one business.

Mrs. Slater reported on the Nevada League of Cities Conference. They mentioned the counties are competing with the towns and the cities for services that are being provided rather than embracing and working with us. Look at your own entity. Are you giving your customers the best service you can? If you don't feel you are, you can reinvent yourself. What can you do within your own town to bundle your services, make yourself more available and more open to the people you serve. The one objection she had was with the mayor's panel. They were all lined up but it wasn't informative. It didn't give any insight into anything.

Mr. Dallaire added the cities and the towns are totally different entities. We have that umbrella of the county. We are not a city yet. As far as them looking out for the little guy they do have one member from GRID who is on the Nevada League of Cities Board. He was put on for the next two years. It is worthwhile at least to mingle. It is still good to support them.

Mrs. Slater is not sure it benefits the town. Not for the cost we incur. Don't know if they really receive the \$1500 in benefits back.

Mr. Dallaire will need to look at that again. He won an IPOD. The Mayor of Henderson ended up with our basket.

They have ordered greenwaste cans. Minden and the Gardnerville went together. Ordered 254 blue cans and 200 green cans. They are still having a lot of issues with the reflectors. We will be taking one area at a time and replacing the cans.

We've attended a training on priority based budgeting given by the County. We have been doing that for years. We come up with the CIP plan, which are the priorities. They are finishing up the auditing.

The Lions Club wants to use this office for their speech contest. He wanted to make sure it is okay.

The Board agreed.

Mr. Dallaire spoke with the consultants for Eagle Gas station owners. They want to open that up as a station and convenience store. We gave them a list of items the Town wanted: sidewalk, landscaping, parking, remove access off the highway, limit access off Mission and redo trash area. Still want to sell kerosene- will need to screen the area. There is some funding from EPA that can help clean up and improve these sites. It is on our parking strategy so it would not be difficult to get funding for that. For the most part it would be no cost to the town. They have concerns about the sidewalk. They agreed with removing one of the driveways off the S curve and getting rid of the curb onto Mission Street. He talked to Lucille Rao at the County and she recalls them going through quite a bit of remediation on the site.

GIS now has access off the Douglas County server. So they have access to do the applications they want. GIS has been given some survey equipment from City of Sparks for GPS units. We have offered to try and help them with that in exchange for use of the equipment. He is working on storm drain and stop sign inventory. Josh will be getting the equipment to see if it is usable.

Mrs. Slater asked where they were on the encroachment permits.

Mr. Dallaire submitted the encroachment permit today. \$150 for the permit and Douglas County will be responsible for the inspection. We will hire a testing agency to do the compaction testing.

Mrs. Slater noticed the ad in the paper had a value on the sidewalk. Why was that put in?

Mr. Dallaire advised this is the way it has been done in the past. He explained how they came up with the estimate of \$85,000.

Mrs. Slater asked with the temperature changes are they going to be able to do the work this year.

Mr. Dallaire answered the concrete gets hot and they can put blankets on it. Eddy Street Lighting went back to the engineer to add the one light. There will be six lights if we put them all in. He will talk with Mr. Burga and make sure he is okay with putting it in now. There is support from all the residents and businesses in that area for those lights.

Mrs. Slater asked about the ponds. She has not seen anyone fishing.

Mr. Dallaire thought they might have pulled the grate to clean it. There is no water coming in. They are looking at getting the storm drains cleaned out on Hussman and also the Company ditch.

Mrs. Slater pointed out they created the ponds for the kids and residents. She doesn't want to take a step backward.

Mr. Dallaire believed the water comes in when the fish are there.

Mrs. Slater would like to stay on top of it so it's open to the public. Put a note in the newsletter saying the ponds are open to everybody who wants to fish and how many fish were planted.

Mr. Philips added they need to have a valid fishing license.

Mr. Dallaire advised the plans were to have a trail on the other side eventually and get better access. Right now it's full of weeds and willows. The shrubs against Chichester Drive are full of thorns. They need to clean those out and do a little more decorative landscaping. They could have a dock.

Mrs. Slater understands the Ranch at Gardnerville is temporarily on hold.

Mr. Dallaire stated Mr. Anderson pulled the application. In the discussions they modified the alley to have front access off the alley and the garage. They had a meeting with Steve Eisele and Rob Anderson. The Ranch is not part of an area for the Plan for Prosperity. It is not even identified.

Had a meeting with the County about their new website development and possibly being including the town in the

contract. Douglas County has contracted with Civic Plus that has done several websites. Basically they have 11 sub sites on the main site. We would still keep the Gardnerville domain address but the site itself would mirror the County's website. The sheriff and treasurer's office decided not to participate. It is no cost to the Town. He will send the Board information if they have time to look at the sites. They will provide the training on how to do it. November 15th special meeting for the bid award/denial at noon.



Motion Slater/Bernhard to adjourn. Motion carried 7:19 p.m.

Respectfully Submitted,

Michael W. Philips., Sr.
Chairman

Tom Dallaire
Clerk to the Board