



**GARDNERVILLE TOWN BOARD**

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**Meeting Minutes**

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

**Tuesday, December 6, 2011**

**4:30 p.m.**

**Gardnerville Town Hall**

**Chairman Philips called the meeting to order at and a determination of a quorum was made.**

**PRESENT:**

**Mike Philips, Chairman  
Paul Lindsay  
Ken Miller  
Linda Slater**

**Michael S. Rowe, Town Counsel  
Tyler Altom, Town Counsel  
Tom Dallaire, Town Manager/Engineer  
Paula Lochridge, Main Street Program Manager  
Carol Louthan, Office Manager Sr.**

**ABSENT:**

**Robin Bernhard. Vice-Chairman (joined the meeting at 6:00 p.m.)**



**PLEDGE OF ALLEGIANCE- Mike Philips led the pledge.**

**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.



**Motion Slater/Lindsay to approve the agenda.**

No public comment.

**Upon call for the vote, motion carried with Board Member Bernhard absent.**

**FOR POSSIBLE ACTION: APPROVAL OF PREVIOUS MINUTES: November 1, 2011, with public comment before Board action.**



**Motion Lindsay/Slater to approve the minutes of November 1, 2011.**

No public comment.

**Upon call for the vote, motion carried with Board Member Bernhard absent.**



**PUBLIC INTEREST COMMENTS (No Action)**

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

No public comment.



**CONSENT CALENDAR FOR POSSIBLE ACTION**

Items appearing on the Consent Calendar are items that may be adopted with one motion after Board discussion and **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 November 2011 claims Approved.**
4. **Approve Budget Transfers Approved.**
5. **Approve Health and Sanitation Department write-offs Approved.**
6. **Approve Neighborhood Watch signs purchased by residents of Chichester Estates to be installed at 1315 Chichester Drive and 1342 Chichester Drive (See item 8)**

*End of Consent Calendar*



**Motion Miller/Lindsay to approve the consent calendar as presented.**

No public comment.

**Upon call for the vote, motion carried with Board Member Bernhard absent.**

**ADMINISTRATIVE AGENDA**

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

7.  **Not for Possible Action. Presentation of employee service awards**

Mr. Dallaire presented Mike Plut with his 15 year employee award. The County was going to present the award at the Commission meeting on December 1, but we were not able to make it because of the mandatory OSHA training. Mike has served the Town for 15 years. Mike received a pin, certificate, gift certificate and plaque. The Board appreciates his dedication.

8.  **For Possible Action. Discussion on a STOP sign at the corner of Chichester and Winwood requested by residents of Chichester Estates, and/or installation of the “Neighborhood Watch” signs to be installed within Chichester Estates at the participation boundaries, with public comment prior to Board action.**

Mr. Dallaire would like to place the neighborhood watch signs on the street lights on Chichester Drive between Marion Russell and Winwood about 7 feet high for clearance. Mrs. Anstett also requested they look at the intersection to see if they can justify putting a stop sign at that location. Staff installed a metrocount vehicle meter. They recorded two weeks of data on Winwood on the south side of Chichester and Winwood on the north side of Chichester. They were only getting about 0 to 20 cars an hour. So we are short of actually allowing a stop sign on Chichester. The sheriff's vehicle went by three times today while he was out there. He will send an updated report of the findings to Jim Halsey at the Sheriff's Department. There are people who drive 45 to 55 miles an hour through there regularly. He doesn't recommend installing a stop sign. The average speed was 20.9 miles an hour. The 85% speed is 26mph. They could go out and do a pedestrian count. Maybe it would justify putting in a crosswalk. There is a bus stop at that location where the mail is picked up.

Mr. Miller believed it is an enforcement problem rather than a stop sign issue.

Mr. Dallaire felt the sheriff is enforcing it. They just need to be out there more. They need to be out there between 6 and 8 in the morning and 6 and 10 at night. He is hearing from the police they can't enforce the 15 because it is a specialty school zone type. They can still enforce the 25.

Mr. Lindsay asked if we could try this again in a few months.

Chairman Philips called for public comment.


Mrs. Gloria Anstett can't see the license plates when they are speeding. The sheriff has been coming more often since she has been emailing them.

Mrs. Slater suggested keeping a log: description of the vehicle and time. If there is a pattern then Jim Halsey can do something about that.

Mrs. Anstett will try to get the make, color of the vehicle and time.

No further public comment.

 **Motion Lindsay/Miller to approve the installation of the neighborhood watch signs as proposed and to deny the installation of the stop signs due to the lack of traffic and conflicts at the existing intersection. Have staff follow up in a few months and redo the count to see if the work that is being done by the sheriff's office is actually working. Motion carried with Board Member Bernhard absent.**

9.  **For Possible Action. Discussion on Application for the Ranch at Gardnerville 1, LLC., an amendment to the Final Subdivision Map (PD 04-008); modifying parcel boundaries as a result of changes to the road improvements and re-designing of alley ways to the streets; including modifications to various utility easements. Property is located south of Zerolene Road and East of U.S. Highway 395, in the Minden-Gardnerville community plan area. (APN's: 1320-33-210-002-031 & 1320-33-210-033), with public comment prior to Board action.**

Mr. Dallaire advised Mr. Anderson is here to do a presentation. Also Dirk Goering, Douglas County Planning is here. They have met with Rob on a number of occasions. He has redrawn the plan. You can see the overall concept on the drawing in front of the Board. All the alleys have been removed and the road was widened. County staff is allowing them to access Heybourne with a shared driveway. The map will show an easement on the Heybourne lots. The roads are similar to Stodick Estates and Arbor Gardens. The houses are proposed to be built with the front door and the garage access off the street. They are proposing a tree easement that is basically a landscape easement. We need to recommend getting rid of the easement to the County. If it's on private property why do they need to have the easement?

Mr. Rob Anderson, Anderson Engineering and Carrie Macinish, principal for the Ranch at Gardnerville are here tonight to present the next rendition of where they are in the process. The matter pending is an amendment to the final map. (Power Point presentation.)

Mrs. Slater asked, on page 8-3, if they have a phasing schedule. Is this recorded?

Mr. Anderson responded it is approved.

Mrs. Slater asked if any changes would go back to the Board.

Mr. Anderson answered yes.

Mrs. Slater asked if they would be looking at phase 3 before 2 or anything out of order.

Mr. Anderson did not believe so. That is the best available information they have at this time as to how they can progress through this in a logical pattern to achieve the development objectives.

Mrs. Slater's concern is they make sure that divider is put back on Gilman in a timely manner. Are you giving assurance it will be?

Mr. Anderson advised Jeremy Hutchings has been working with Tom on the timing. That commitment has been exchanged with Tom. It is his understanding that the Town is now preparing an agreement for review and ultimately acceptance by the developer that will set the timing for completing those improvements.

Mr. Dallaire will discuss that further in his report.

Public comment.

Mr. Dirk Goering, Douglas County Planning, believed the easement is leftover from the landscaping strip. He was talking to Mimi and I think they talked about it and some of the benefits that would come with having an easement. Street trees are required. If there was a tree program in the future that Gardnerville wants to get into, the easement

might be of benefit. Also if there needs to be some type of spraying or bug mediation. He doesn't have a firm reason or benefit except for in the future. It is open for discussion. Landscaping is a requirement of the planning development.

Chairman Philips asked if Douglas County has an urban forestry type of plan to say what type of trees they should be using in this area. They are rebuilding a lot of sidewalk because of the wrong kind of trees. Is there any way the County can keep a property owner from planting a certain type of tree.

Mr. Goering thought possibly they could. We have a list that is approved and in the design standards. The list is online.

Mrs. Slater asked if the County has Gardnerville's list.

Mr. Dallaire advised not yet. The list is in the County's standard details and also on the Town website.

Mr. Goering thought if the Town of Gardnerville had a tree that was on their list and wasn't on the County's and the Town was interested in a special type of tree, he does not see any reason why the County would object.

Mr. Miller did not believe homeowners know where trees can or can't be planted. If there is a certain offset from the sidewalk or the property line it would protect the Town in the future.

Mr. Goering believed the County would entertain the idea. The County is flexible and understands there are headaches because of where the trees were placed incorrectly or not a good choice.

Mrs. Slater asked if the County wants to see that easement stay in place.

Mr. Goering's conversation with the director was there is a potential benefit with the easement. But they just started talking about this today. More conversation would need to take place with all the parties involved.

Mr. Lindsay felt the landscaping easement is their property and the concrete is their property.

Mr. Dallaire clarified the concrete is in the right-of-way.

Mr. Anderson believed his clients are agreeable to planting the trees. Mimi's idea of a tree program is close to a justification for having an easement on private property where no party is responsible. The conditions of approval on the PD already have the requirement they must landscape at the time of building and prior to certificate of occupancy.

Mr. Miller asked a question about the new law requiring a bike lane to be 3' feet clear to vehicle traffic.

Mr. Goering explained the bike lane (the three foot rule) from his understanding is not a design. It is more when you are driving if you pass a bicyclist you need to give them three feet. His understanding is more of a traffic courtesy.

He spoke with Jeff Foltz and they want to start talking about having these cars back out on Heybourne. Do they have any suggestions on that issue?

No public comment.

Mr. Rowe mentioned SB 248 amended the rules of the road as Dirk indicated. It is not a design requirement. It is an obligation on the motorist to avoid bicycles by three feet.



**Motion Miller/Slater to approve the proposed amendment to the final subdivision map PD 04-008 Ranch at Gardnerville1 LLC with the condition they do not approve the landscape easement that was originally proposed and also staff work further with the County on these conditions. PD 04-008. Motion carried with Board Member Bernhard absent.**




- 10. For Possible Action. Approve the urban forestry annual work plan update, with public comment prior to Board action.**

**Motion Slater/Miller to approve the urban forestry annual work plan update.**

No public comment.

**Upon call for the vote, motion carried with Board Member Bernhard absent.**

11.  **For Possible Action.** Discussion and possible action to approve, approve with conditions or deny a monetary donation to the Carson Valley Museum and Cultural Center to help with reroofing the building, with public comment prior to Board action.

Mr. Philips brought this up for public comment. They received plenty; all of it said this is a bad idea.

Mrs. Slater concurred. It is not something they should be investing in financially. It does not have a direct benefit to the citizens of Gardnerville. It is not property owned by Gardnerville. Don't get me wrong, I support the museum, but I cannot justify making a donation when we cannot give our employees a raise in this bad economy. The Town gives in-kind donations, and in that respect, the town takes care of the maintenance of the outside of the museum. That has a value to it.

Further Board discussion was held on other ways to help fund the repairs needed for the Historical Society.

Chairman Philips called for public comment.

Mrs. Bower, Douglas County Historical Society, appreciates everything Gardnerville does. Somehow they will get the roof done. They have applied for the Main Street Gardnerville loan and some grants. It will get done somehow.

No further public comment.

 **Motion Slater/Miller to not make a donation to the Douglas County Historical Society. Motion carried with Board Member Bernhard absent.**

12.  **Not for Possible Action.** Discussion on the Main Street Program Manager's Monthly Report of activities for November 2011.

Mrs. Lochridge reported the first holiday shopping bazaar proved to be a good event. They had estimated about 350 to 400 people attended. They had 40 vendors and 70 prizes that were donated by vendors and sponsors. They made some money and will be looking into growing it into a larger fundraising event, The vendors want to be a part of it again next year.

Mr. Miller brought up for the last three years Barton Memorial Hospital Foundation has done a festival of lights and trees. They could perhaps attend that event and model something after it for Main Street. It involves the whole community with groups from around the area. It would give the vendors an audience.


Mrs. Lochridge advised the Main Street Board has approved the 10-year strategic plan. They met with the event chairman for the Genoa Cowboy Poetry and Music Festival. They are looking to make it more of a Carson Valley event. They talked about some possible ideas and will bring that up at the promotions meeting to see if there is a way they can be part of the event. The National Second Annual Small Business Saturday was November 26<sup>th</sup>, We talked with a couple of the businesses about how it affected their businesses. There was some positive feedback. The Main Street Board has asked her to apply to be part of 2012's Leadership Douglas County. She submitted her application and fee. They had a great turnout for the monthly morning coffee meeting at Sharkey's.

13.  **Not for Possible Action.** Discussion on the Town Attorney's Monthly Report of activities for November 2011.

Mr. Rowe attended the county commission meeting for Tom. There was an item on consent to transfer whatever interest the county had for the landscaping easements on Toler. It went through without any particular discussion. Continuing to monitor Hellwinkel. He reminded Tom that even though they may not have the funding they have an obligation to close by the end of the month. He is reluctant to amend the contract. His concern is he wanted the commitment in writing if we close before they fund they will still get the funding from Q1. Tom is working on that. There was miscellaneous research on the maintenance district. The question was whether the town can go into that. The answer is no because the governing body is the county commission. A question came up today about Robin and if he were to resign what the process would be. The last time the Board wanted to see all the resumes and applications of the people that were interested and be involved in the entire process. Darcy did it differently with the Town of Minden and narrowed it down to the most qualified. She is available and offered her assistance. The commission has deferred to the

town's recommendation in the past. Tom requested an agreement with the Ranch 1 LLC to take out the median and replace it. They are working on it and should have a draft tomorrow. Tyler has been working solely on the latest moral legislation attempted by the DA's office about an alcohol policy in the towns. My comment is there is just this attitude about legislating morals that seems to be emanating from the DA's office. The policy would affect both Genoa and Gardnerville. They have agreed with Tom and Sheryl that Tyler's time would be split, as far as the billing, for the work on the alcohol policy. Lastly, they finalized the Stratton park bench easement.

(Robin Bernhard arrived at 6:00 p.m.)

**14.  Not for Possible Action. Discussion on the Town Manager/Engineer's Monthly Report of activities for November 2011.**

Mr. Dallaire reported he is working with Jim Woods and Scott Immunis. Scott has worked with the City of Reno on their tree list. He is doing the work free. They walked the whole length of Toler and put pink ribbons on the trees to be removed. They are cutting back everything. From GES to Lampe is the first phase. They are getting bids from Barr Tree Works and Joe Benigno's to get all those trees removed. Mike Plut will rent a chipper and go in and remove all the junipers. He is working on a plan to come up with what shrubs and plants will go in, the quantity and cost. They had a couple comments from homeowners. They were worried we were coming in and taking property without paying for it. Another comment was on the corner of Lampe and Toler, apparently the water system leaks into his backyard. He would like that fixed. That's all the comments he has heard. Toler has a lot of grass between Harvest and Stodick Park which we will keep. Between Harvest and GES they will be removing all the grass, fixing the drip line and removing shrubs. Scott Immunis is going to help revise that tree list.

Mr. Bernhard asked if there were scheduled audits of handicapped ramps.

Mr. Dallaire answered not an audit. They are working with Beneficial Designs on a plan. He is hoping to get that done this winter. As long as they have a plan, they can show progress. Master plan update, the problem is not just Gardnerville-Minden anymore. They are split into sections. There are things we want updated. The County didn't think we had an appropriate motion to make that determination. He believed direction they have given before was good enough. He sent a PDF to Board Members of all the comments. Some things he would like to see: the flood mitigation with Hellwinkel/Chichester and work with the County on a storm drain master plan is critical. He wanted to bring this back up next month and continue the session of visioning and what the Board would like to see. Douglas County is now adopting a different budget procedure and they want to make sure it is a priority based budget. He felt they had been doing that with the CIP.

Mr. Bernhard asked about the flood study.

Mr. Dallaire answered the study put the entire town of Gardnerville in a flood plain. The problem is the ditch on the other side will flow into the subdivision. We need the Park Cattle Company. If they are going to mitigate this flow, Park Cattle will take it and disburse it through their ranch. He met with them this month. They have a proposed model. It is approved through FEMA but not on the maps yet. FEMA's work on generating the maps will be a two-year process. But it's an amount of water that we know from a study they can deal with. It is important we work with them and they are willing to convey those flood flows and channelize the water through there. We can't do any mitigation work without being listed on the Douglas County Hazard Mitigation Plan. He has spoken with Todd Carlini and he will put me on the committee to update that document. There are some preliminary changes to the master plan he wants to add and get rid of the older stuff Candice didn't update in the master plan.

Mr. Bernhard asked if they were working with Minden.

Mr. Dallaire had a conversation with the new town manager. They are working on it. He talked with Jessica Sanders with Q1 today. They were working on the agreement. The Q1 folks brought up a concern on the nonrevocable easement, about the property restrictions. He needs to make sure they can put in a parking lot for a trail head in the future. He needs to work with Mike or Tyler and get the wording done on that and make sure of the flood channel. The next Q1 grant is specifically for constructing the flood channel. Charlie wasn't sure that was covered in the wording either. Want to make sure those bases are covered. They did hire Brett Bottenberg, from McGinley & Associates to do a phase 1 on the Hellwinkel property. He has aerial photography of Gardnerville from 1938 to 2006. We have an environmental phase 1 report. There aren't any issues. There is a 50-gallon drum of oil. That's about it. V & C is working on the sidewalk rehabilitation project. They needed a change order due to the roots on Cemetery. It's easier to do it now than to go back and replace it all in 10 years. They are moving forward. Josh is redoing the plans. They have a disgruntled homeowner on Toiyabe and another one on Elges and Village over trees and sidewalk. Planning on going to Reno to get some help on the COOP plan. Taking some time off

between Christmas and New Years.

Mrs. Slater asked about Sharkey's parking lot, Item E.

Mr. Dallaire didn't do much on it this month. He met with the Brownsfield people. They are not sure they are funding yet so we have to wait for January. We do have to own the property and they will prepare a plan of action and then they can go through grant funds or loans to get the action implemented. So it depends on what is available. He was supposed to get some prices, rather than spending money on an appraiser, and he can confirm them. He will call the electrical engineer about Eddy Street. That will go out in the spring. He did call Mr. Burga. He is out of the picture. His wife moved to Minden and they no longer have the controlling interest in the property. They did get approval to put the light in so it is consistent. Received a request for an additional candy cane on Gilman.

15.  **For Possible Action.**

**1) Election of Gardnerville Town Board Chairman, with public comment prior to Board action.**

Mr. Bernhard will be handing in a formal letter that his professional situation has changed and he has accepted a job in Las Vegas. My start date is February 1<sup>st</sup>. Going to be moving the last week of January. Wanted to formally announce January 3<sup>rd</sup> will be my last town board meeting. He will regretfully step away from the position. He will endorse anyone the Board puts forward..

Mr. Rowe advised Mr. Bernhard's resignation can be rescinded so they can't do anything until the vacancy occurs. The ordinance says the County Commission appoints. But his experience is that the Town Board choice is the appointee. They generally defer to the Town Board. He suggested Mr. Bernhard make his resignation effective January 3<sup>rd</sup> at a certain time. The Board can then discuss and act on making a recommendation. Darcy and he exchanged email today and County HR is willing to help out however you want. The ordinance says the appointment is only for the remainder of Robin's term.

Mr. Bernhard has a letter he has drafted and sent to Tom. He will make things formal and work with Tom to put a statement in the paper and have the incorporated into an announcement.

Mr. Dallaire asked if they could start the process now.

Mr. Rowe suggested they publish notice of the vacancy. That way all people in the town would have an opportunity .to respond. You could have it in two publications with a two week or ten day for the closing then you can see who comes in and files an application. Tom could do a blurb in the monthly report and get it on the Town's website. There are ways to get the word out pretty quickly these days.

Mr. Lindsay nominated Mike Philips for chairman again.

Mr. Philips declined.

Mrs. Slater nominated Paul Lindsay as chairman.

Mr. Lindsay's reason for not wanting to be chairman is he feels the chairman should be on the Board the next year. He is not planning on running again.

Mr. Philips thought that was an invalid reason not to accept the nomination. They need some time for the new members to get experience.

Mr. Miller believes experience is more important than tenure.

Mr. Philips thought Mr. Lindsay should accept it.

Public comment.

Heather Clanton, Douglas County Business Council, thought he should accept.

**Motion Miller to elect Paul Lindsay by acclimation to this Board. Motion carried.**

2)  **Election of Gardnerville Town Board Vice-Chairman for the 2012 calendar year, with public**

**comment prior to Board action.**

Mr. Rowe commented the Nevada Supreme Court Chief Justice has been done by a flip of the coin. Roberts Rules say if you do not have an established procedure in your bylaws you can elect officers by any accepted methods of taking action.

Mr. Lindsay added when he is not here, the vice-chairman most likely becomes chairman. He also will not be on the Main Street Board anymore, which means, somebody from this Board has to replace me on that Board as of January 2013. That means the person who is left or the person that would be elected has to take that position. Right now Ken has experience on the Board. Linda is already doing the Nevada League of Cities and it will be harder for the chairman to actually be on the Board.

Mrs. Clanton commented if both people are equal and you kind of rotate the positions anyway, it doesn't matter.

Mr. Dallaire tossed the coin. Mrs. Slater called heads. The coin toss was tails. Mr. Miller will be vice chairman.



**Motion Bernhard/Miller to adjourn the meeting at 7:08 p.m. Motion carried.**

Respectfully Submitted,

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Michael W. Philips, Sr.  
Chairman

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Tom Dallaire  
Clerk to the Board