



GARDNERVILLE TOWN BOARD

Meeting Minutes

Ken Miller, Chairman
Cassandra Jones, Vice Chairwoman
Lloyd Higuera, Board Member
Linda Slater, Board Member
Mary Wenner, 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, February 7, 2017

4:30 p.m.

Gardnerville Town Hall

INVOCATION – Pastor Norm Miltz

4:33 P.M. Chairman Miller called the meeting to order and made the determination a quorum is present.

PLEDGE OF ALLEGIANCE – Chairman Miller led the flag salute.

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.

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/Slater to approve the agenda.

No public comment.

Upon call for the vote, motion carried unanimously.

FOR POSSIBLE ACTION: APPROVAL OF PREVIOUS MINUTES: January 3, 2017 Regular Board meeting, with public comment prior to Board action.

Motion Wenner/Jones to approve the previous minutes of January 3, 2017.

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.**
Accepted.
3. **For Possible Action: Approve January 2017 claims.**
Approved.
4. **For Possible Action: Approve Change Order #1 and final payment to Bramco Construction Corp. for work done at Gardnerville Station.**
Approved.

No public comment.


Motion Higuera/Wenner to approve the consent calendar. Motion carried unanimously.

ADMINISTRATIVE AGENDA

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

5. Not for Possible Action: Discussion on the Main Street Program Manager's Monthly Report of activities for January 2017

Mrs. Lochridge reported she is excited about the flower basket program. This is the fastest we have had this many sold. We have 40 sponsored. We have 28 flower baskets left. We do have our mingle scheduled for next Thursday, February 16. Our focus is on the upcoming wine walk season. We had a meeting with our USDA representative to discuss a possible grant for a market analysis update. We had members of Main Street Minden join as well. They don't have funds available yet for that particular project. They are hoping to find out in April if there will be money available. There are some other grants that the town and main street may be able to apply for. We are currently working on our action plan revisions. We hope to take those to our board at the end of this month to have final approval. We are relaunching the revolving loan program. We have just over \$32,000 in that account. I have spoken with most of the original members of our loan committee and almost everyone is in to continue this process. We are spending a lot of time working on the upcoming transition. We are still working on logging in the hours from our volunteers. As of last week for 2016 our volunteers had logged just over 4700 hours.

- 6.  For Possible Action:** Discussion on Main Street Gardnerville's affiliation with the Town of Gardnerville. Provide direction to staff and town counsel to bring back to the board, documents to separate Main Street Gardnerville from the town and county structure. Discussion on, but not limited to:
- a. amending the contract with Main Street, based upon return of investment, that provides support for Main Street program management including but not limited to financial support and office facilities;**
 - b. opening Main Street operating account for deposit of funds previously designated the County's 811 fund which should be closed;**
 - c. confirming Main Street's board direction to post for the replacement of Main Street Gardnerville Executive Director on a contract basis; with public comment prior to Board action.**

Mr. Dallaire went to the Main Street board meeting to talk about how we will replace awesome Paula. We looked at the bylaws and how it was created. The county had a new auditor company and we had some audit flags in the last couple years because of this program. We had a contract that came forward in 2015 to have the town provide the program manager to Main Street and then Main Street would reimburse the town for the benefits for the program manager. That way it was being tracked on our payroll. The end of the year when the county reports to the state the county merges the 811 fund with 610 and the numbers get adjusted. They do work hard at trying to get money for the program. They are earning about \$43,000. The program is going into its 8th year. We are hoping to get some direction from the board to prepare these documents.

Chairman Miller explained for the successful programs we have seen in the national conferences, there is a separate taxing function within the community that the town does not run the program. They have a contract employee as an executive director run the program. The funding mechanism does not work because the town has money and they are supporting the program, so why do we need to get donations. With the Enrichment Council there is a mechanism to get donations with a 501c3 to help out. The original thought was to break off Main Street eventually and have it independent from the town. This is a step in that direction. It would become self-supporting down the road. This is one of the roads to get to that point.

Mr. Higuera was very impressed with the way the Main Street Board is willing to go independent. That seemed to be the overall feeling. It will mean a lot more work for them. They like the idea of independence.

Chairman Miller thought one of the solutions to the questions about an executive director on a contract basis is to pay them a stipend for benefits.

Mrs. Slater thought \$43,000 in revenue comingling with town money is questionable.

Ms. Wenner asked who would be doing the evaluation if it is a contract employee.

Mr. Dallaire answered the Main Street board has been doing evaluations through the county program. I suspect it will be similar to my review and it would be all board members reviewing the director. We would still have some reviewing capabilities on the action plans and an annual report. Lloyd could provide an update unless you want the executive director here at every meeting. There are some reservations about the program, but we have volunteers that are working on projects that are very invested in the flowers, adopt a pots and the gardens,. They are running on their own. The volunteers are still there doing those programs. The action plans would be kind of our time to coordinate. They will get their books done a lot quicker than we can. Maybe two times a year they could do a report. We can assign a value on each program, for instance, the hanging baskets. Having that program exist and the coordination has a value. The value could be equal to a staff member to coordinate. Main Street is doing that so there is a value for those programs. Paula always promotes our movies. We partner in the fun run and kickoff. There is value added that is not included in the return on investment. Minden based it on volunteer hours. Minden gave Main Street Minden office space, two or three road closures down main street and use of the park twice. They gave a value to that and then Minden said they wanted 140 volunteer hours for the events. The return on investment is an easier, cleaner way to deal with it. Give staff the direction to move forward and we will bring this back next time. This gets us to the point where we will hire the employee or we can post it tomorrow for Main Street on their website. I've talked to four individuals that are interested in it. The plan is the Main Street board will have a special meeting and do the interviews.

Mrs. Slater would like a better figure. We are already providing the manager's salary. We need to look at that figure during budget. If they are breaking off they need to become self-sufficient.

Mr. Dallaire sees this as the next step to becoming self-sufficient. This will save them 15 to \$20,000.

Vice-Chairwoman Jones pointed out Independent contractors don't normally get benefits. No stipend is needed. They are not an employee. They are an independent contractor. We are already providing rent, lease computers, copies and \$50,000.

Town Counsel Yturbide advised they don't have to write it in terms of an amount for a salary. It's just leaving the option for the town to provide some kind of financial support to Main Street based on the fact that they give a return of value to the town. So it's really that broad and can be in any form of package. Tom is trying to give you some idea about what you spend right now so you can think of how much would be available in the budget to continue to support Main Street. They support the town and they provide value for services, streets and other projects that you do.

Ms. Wenner asked if the salary would continue until July 1.

Mr. Dallaire explained when Paula leaves it would discontinue.

Vice-Chairwoman Jones is comfortable separating and the organization maturing. There is a different personality of the executive who starts an organization and the executive who continues and grows it. The shape of the organization changes, so this makes a lot of sense. It's also giving Main Street the opportunity to learn and eventually we can wean Main Street off the town and set them up to succeed by diversifying their sources of income.

Mr. Dallaire noted there will be some investment on their part. We will probably have to do a resolution.

Vice-Chairwoman Jones would like to have some consent from the board members. We will be cutting down on direct oversight. We're looking at reports twice annually and continuing to have a confirmation would be necessary.

Chairman Miller would need a clause in the contract that says we will review the contract as a town board annually.

Town Counsel Yturbide advised that is a part of how you keep your approval.

Vice-Chairwoman Jones thought the first contract should be a shorter period and reviewed in March as part of the budget. That way we get on the right cycle. It will affect the person hired as director.

Chairman Miller likes the idea of a semi-annual report.

Mrs. Slater thought if we keep our representative he can report back. I would like to see that carried over.

Vice-Chairwoman Jones reviewed right now we donate in-kind. We are stepping back and saying instead of designating the employee we are going to give you cash and you can spend it any way you want.

Ms. Wenner added they just have to report back on what they are spending it on.

Public comment.

Mrs. Dibble, President of the Main Street board just wanted to reiterate a few points. We do want some oversight from the town board. We are venturing down an avenue we've never been down. We are going to be looking to you for some guidance. We envision, when we hire this individual, the individual will be answering to nine people. So there will be quite a bit of oversight and direction of the individual. They will never be working autonomous, always working under our guidance. There may be times when we may need further guidance from you. I agree that we should at least report back on a biannual basis. We have Lloyd as our liaison. The only issue that is a little uncertain is how quickly we post this position. What we proposed at our meeting is that we look at it on a 6 month basis. Then we would review it to determine whether we need a contract employee or consider making the position an employee of Main Street. I wanted to make sure that was clear. Six months may not be long enough to actually evaluate and make that decision. Maybe we need to look at a year. At our board meeting that was the proposal we approved. We wanted to leave that as an open possibility.

Vice-Chairwoman Jones doesn't think it makes a difference from our point of view. We are going to provide you in-kind services and cash. I think whether you choose to use that money to pay an independent contractor or to hire an employee is a decision for your board to make.

Mr. Higuera felt an employee is a lot more paperwork than a contract employee.


Mrs. Dibble asked if they had any questions.

Chairman Miller asked about the succession of officers on the board. That will be very important to have the succession of officers down the road.

Mrs. Dibble didn't know how we could guarantee that. There are a lot of concerns and we will have to redraft a lot of paperwork. I suggested forming a small subcommittee of the board. In essence the volunteer team we have believes they give back to the town as much as they give to Main Street. Each time the town has an event there are just as many Main Street volunteers as there are anybody else. It's incredible the amount of hours we get out of the volunteers.

No further public comment.

Motion Higuera/Wenner to direct staff and town counsel to bring back to the board documents to separate Main Street Gardnerville from the town and county structure; including amending the contract with Main Street based upon return of investment that provides support of the Main Street program management, including, but not limited to: financial support and office facilities; opening a Main Street operating account for deposit of funds previously designated the county's 811 fund, which should be closed, and confirming Main Street's board direction to post for the replacement of Main Street Gardnerville executive director on a contract basis. Motion carried unanimously.

7.  **For Possible Action:** Discussion to approve, approve with modifications or deny a request for a Design Review development application (DA 16-079) by Jon & Danielle Stafford, co applicant Gerald Bing, to build a 2,600 square foot automotive repair shop with onsite parking and landscaping improvements, on their 0.23 acre parcel, located at 1232 & 1236 Pep Circle in the SI (Service Industrial) Zoning District in the Minden / Gardnerville Community Plan (APN 1220-03-411-006 & 007); with public comment prior to Board action.

Mr. Dallaire reviewed the project with board members. Until we have a business license process where we review what businesses actually go into the building, the people do what they want. The tow truck company came to us for design review and we discussed the parking. They weren't going to have any problems on their site. You can go out there anytime and see they are parking on the street. They are loading cars on the street. The oil gets spilled on the street. There are all kinds of issues. The neighbor can't get his delivery trucks in and out of the facility because the tow truck is in the road. Enforcement is a problem.

Mr. Gary Thurm and John and Danielle Stafford are present. Mr. Thurm went over the project. Since last month they have purchased the end parcel. The center lot is owned by Jerry Bing. The Staffords currently lease it and utilize it for parking.

Vice-Chairwoman Jones asked if the bottom of the building will be brick or stucco.

Mr. Thurm answered stucco. It is metal siding and a metal roof,

Mrs. Slater asked if their retention pond is going to be a mud hole.

Mr. Thurm answered It will be partially landscaped and either grass or rock lined. The county requires onsite retention to accommodate a 24 hour rain storm event.

Steve Mason, Douglas County Planning, commented the screening and landscaping of retention ponds is a standard condition. That is part of the landscaping requirement. It will need to be relocated to the back of the property and out of the public view.

No public comment.

Motion Jones/Slater to conditionally approve the proposed major design review DA16-079 for the Stafford Automotive major vehicle service center with the conditions as outlined in the attached staff report and subject to the changes that were presented tonight. Motion carried unanimously.


8.  For Possible Action: Approval of Resolution No. 2017R-010 - augmenting the Town of Gardnerville budget for fiscal year 2016-2017, with public comment prior to Board action.

Mr. Dallaire went over how the augmentation differed from previous years and what line items will be getting the extra funds. They are looking into Main Street's numbers.

No public comment.

Motion Slater/Higuera to approve Resolution 2017R-010 augmenting the Town of Gardnerville budget for fiscal year 2016/2017. Motion carried unanimously.

(Board Member Slater left the meeting at 5:53 p.m.)

9.  For Possible Action: Discussion on the recorded Joint Access Agreement with the adjacent property at the Town Administrative offices following transfer of ownership. Provide direction to Staff and/or Town Counsel to draft an acknowledgment of receipt of the recorded Joint Access and Parking Agreement for signature by the current owner, and any prospective buyers, concerning the common entrance off 395 over the parking lot shared by the Town and the adjacent property; with public comment prior to Board action.

Chairman Miller felt this would open up parking in this area to the adjacent parking lot. Once these are recorded they are recorded forever unless both property owners agree to take it off.

Town Counsel Yturbide explained a copy of the joint parking agreement that is in existence speaks to it running with the land. This particular one goes for 50 years. There is a 50 year provision in it. If you don't do anything it just renews. The reason why Tom brought it to my attention is the property transferred after the death of the individual who owned it. The individuals who are the beneficiaries currently have it for sale. Keith Squires contacted Tom to talk to him about the agreement. Do you want it to be a reciprocal easement? Do you want the 50 year provision? It's probably sufficient that Keith would be happy to assign it; be happy to have the prospective purchaser sign an acknowledgement that he has received the document and knows about the access agreement and parking.

Vice-Chairwoman Jones thought this should show up in an ordinary title search.

Mr. Dallaire has two options. This is the least expensive. We could hire a survey firm to come out and do the

easements. It is not actually drawn on any map. This just says we can use it.

Vice-Chairwoman Jones looked at it and wondered why this wasn't an easement in the first place.

Town Counsel Yturbide thought the same thing. Was there a reason why you wanted to be able to reconsider it 50 years from now?

Chairman Miller's question is if we do this do we want to redesign that turn as you come around in the parking area to where it is not as sharp.

Mr. Dallaire pointed out we lost a driveway on the highway. We reduced the number of driveways entering off 395. We shared their driveway and provided this awkward entry onto our property. None of that is compliant.

Vice-Chairwoman Jones asked if an easement would have to be approved by the county.

Mr. Dallaire answered not approved, but it has to be signed by both property owners.

Town Counsel Yturbide pointed out there is no indication the other property owner would do that yet. But it is something that could be explored.

Mr. Dallaire would end up drawing lines on a map that has a metes and bounds description explaining where the drive aisles are, excluding the parking. It would have to be a metes and bounds description. There is a cost associated with that.

Town Counsel Yturbide advised if they would agree with that.

Vice-Chairwoman Jones worries about what happens 100 years from now when someone forgets to renew this lease. We talked about a future town hall on the land we bought over by Heritage Park. Then we have this building which we could lease. But if we don't have secured parking on a permanent basis then the value of this building goes down if we were ever to lease it out in the future or if we wanted to resell it. I think cleaning it up and doing it right so the parking doesn't get overlooked is the way to go.

Town Counsel Yturbide asked what direction the board wants us to go forward with and bring back. What direction would you give staff and counsel?

Vice-Chairwoman Jones would pursue an easement first, and if not, then I'd like to make sure an acknowledgement of the existing recorded lease is confirmed by the new purchaser as part of their closing documents so the joint access and parking agreement doesn't get overlooked in a 100 page chain of title report.

No public comment.

Motion Jones/Wenner to pursue an easement first, and if not, then make sure an acknowledgement of the existing recorded lease is confirmed by the new purchaser as part of their closing documents so the joint access and parking agreement doesn't get overlooked. Motion carried with Board Member Slater absent.

10.  For Possible Action: Discussion to accept a report of tortious conduct claims per NRS 41.0385, with public comment prior to Board action.

Town Counsel Yturbide explained this is the annual claims report that you get every year. POOL provides you with a document that sets forth any claims that have been made. There was one this year. A dumpster got away and scratched a window. It was \$325. It's closed out. There is nothing else pending. So it was just brought to your attention.

No public comment.

Motion Wenner/Higuera to accept legal counsel's summary of claims for tortious conduct as required annually by NRS 41.0385. Motion carried with Board Member Slater absent.

11.  Not For Possible Action: Discussion on the Town Attorney's Monthly Report of activities for January 2017.

Town Counsel Yturbide reported I went on a tour. There is a benefit to that. It does give me a vision and idea on what you are speaking about. I was also impressed that the drainage system worked very well. There wasn't anything major that happened. I worked on the summary of claims, the Main Street separation and the access and parking agreement that we just talked about. We also had time to visit about the bylaws and some consistency with the county code that we will try and tackle down the road. There were some other pending matters that were discussed: an accident recently, some employment matters, a solar light, review of the agenda and attendance at the meeting.

Mr. Dallaire mentioned the bylaws are from 1976. The meetings are supposed to be on the first Thursday at 8:00 p.m. You get paid \$25 per meeting. So we are looking through and I was confused about the bylaws versus the norms and procedures. The board of county commissioners just reviewed their procedures. We don't have anything like that. So we want to create that. I want to update the bylaws to have in the policy manual and that way when we do get a new board member it is very clear. We will be bringing that back.

Chairman Miller asked if we redo the bylaws, do we have to get approval by the county.

Town Counsel Yturbide thought we can just amend them, but I will double check. One of the things in the statute we were looking at is you just have to have bylaws. Clearly you are still operating properly because you've had resolutions that address when the meetings take place and compensation of board members. The danger of updating is what if you miss one of those things. So I have gone back and forth about that part. If you were going to amend I would amend in very general terms. You are not required to because you do have the resolutions in place. One of the things Tom brought up are the norms and procedures. There are a number of GID's that have procedures and norms. It kind of assigns the role of each board member: how they address and what they do with the town manager: how the public addresses or gets questions answered. So that will come up separately if you want to have something like that. Both the board of commissioners and Minden have them. They mirror one another. There was a GID that had one in 2009 that was a little different. We are busy and have a lot of things to do.

12.  Not For Possible Action: Discussion on the Town Manager's Monthly Report of activities for January 2017.

- a) Discussion and no action on projects submitted to the town for staff review of the Greater NV Credit union sign update, Taco Bell building remodel, Kentucky Fried Chicken remodel.
- b) Discussion on sending the town manager to the Main street conference on May 1-3, 2017 with a cost of approximately \$2000 for the conference. May 3rd is a board meeting day.

Chairman Miller suggested the gas station, since it might be a while before we do any more work as far as the parking area, maybe before the wine walks, get that lined out for parking spaces. Jerry's is closed for the evening so that takes that problem away. If we had lined parking spaces people would utilize it.

Mr. Dallaire can. We do have a presentation with CDBG on March 8th. SHPO gave us a letter of approval so we can put solar panel lighting down 395. I emailed them to find out what the next step would be. We will meet with the right-of-way department to start the process to acquire that property. They were supposed to be reviewing it. We do have two lights at High School that would be easier and cleaner to just connect to NV Energy. There is a kit out that we can run our lights off solar panels. I have the redlines done for Kingslane. The four decorative street light options have not been approved by NDOT. I emailed them again. They will look at it. MSA has been to the site and created an electrical panel for the shop. I conveyed to them that the conduit will go inside the shop and come out to the highway to power the two lights on the street and one on our future wall. The town website, we have a lot of comments. We went through and are getting that close for the board to review. It is operational if you want to see it. I can send you a link. It's just a matter of where those buttons go and which pictures. Taco Bell has a minor design review. They are redoing their colors. It is nice to have the investment in the town. The other one was KFC. I have not heard back from them. We said no to the new design. It doesn't show it is attached to AM PM. This is an architect from back east. I gave them some other color choices. The Gardnerville portion of the Greater Nevada Credit Union is the sign outside in the parking lot which I didn't realize wasn't changing size. It is set back far enough it is not causing problems. They will remove the signage off the wall and put it over the front. The Main Street conference is the first weekend in May which is our board meeting. So I didn't know if there was an appetite to move the meeting or I will not attend the Main Street conference.

Chairman Miller thought the new Main Street director would be going. Do you have any idea if any of their board members are attending?

Mr. Dallaire responded Paula reserved a spot for the town. According to the county they are rolling forward \$147,000. Paula reserved two rooms at the conference hotel and one room at the hotel across the street. It is already full for the conference.

Chairman Miller felt many times there are ideas on improving the town. It's important you attend. I don't know what will be on the agenda that month.

Vice-Chairwoman Jones asked if we should hold the meeting in May as scheduled or change it.

Chairman Miller felt it was important Mr. Dallaire attend.

Vice-Chairwoman Jones would suggest as we firm up the agenda for May they should know whether they can proceed without Mr. Dallaire.

Mr. Dallaire stated the boundary line adjustment did get recorded. I met with the new commissioner, Larry Walsh, and it was a great meeting. He is supportive of what we do and we will email the agenda to him.

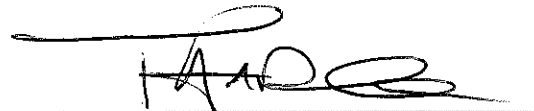
2nd PUBLIC INTEREST COMMENTS period (No action will be taken)

No public comment.

Meeting adjourned at 6:40 p.m.



Ken Miller, Chairman



Tom Dallaire, Town Manager