



GARDNERVILLE TOWN BOARD

Meeting Minutes

Cassandra Jones, Chairman
Linda Slater, Vice Chairman
Lloyd Higuera, Board Member
Ken Miller, 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, September 4, 2018

4:30 p.m.

Gardnerville Town Hall

 **INVOCATION** - Pastor Matt Wetzell

4:30 P.M. Chairman Jones called the meeting to order and made the determination a quorum is present.

PRESENT:

Cassandra Jones, Chairman
Linda Slater, Vice-Chairman
Lloyd Higuera
Ken Miller
Mary Wenner

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

 **PLEDGE OF ALLEGIANCE** – Mary Wenner 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.

Robert Stiles stated Geoff LaCost came to the Chichester Estates HOA meeting in 2017 and spoke to members about the road being substandard. There are 18 wheelers going up and down Chichester Drive from the Ranch. Why would you allow 18 wheelers on a road that will disintegrate sooner than later. Consider putting a sign up that doesn't allow trucks. Consider rerouting the trucks out Gilman to 395 and then to Waterloo. 2nd comment, I wanted to find out about an issue. There was a lawsuit between Chichester and the Town. Who would we talk to regarding the issue that one of the lots on Gilman is within Chichester boundaries. The town owns four of those lots. We'd like to see if we can figure something out to remove the 7 lots from the CC&R's.

Chairman Jones suggested he write a letter addressed to the chairman. We would need time to research the problem and then it would need to be agendaized to take any action. In order to take any action it needs to be in a public meeting. We need to understand what the problem is and I can follow up with you.

Mr. Stiles wanted to bring it to the board's attention and hopefully peacefully resolve the situation.

Mike Henningsen was here last month and mentioned about Boy Scout Troop 495 getting a permit to paint street numbers. I took the form that Tom sent and went to the sheriff's office. They said as long as we are a nonprofit organization and can prove it, there is no charge for the permit. So they took my information and said have fun. Just so you know.

Mr. Jerry Turner read into the record from the book Behind the Green Mask on Agenda 21.

No further 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:

A. August 7, 2018 Regular Board meeting; with public comment prior to Board action.

Motion Wenner/Higuera to approve the minutes.

No public comment.

Upon call for the vote, motion carried unanimously.



CONSENT CALENDAR FOR POSSIBLE ACTION

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

1. **For Possible Action: Correspondence.
Read and noted.**
2. **For Possible Action: Health and Sanitation & Public Works Departments Monthly Report of activities.
Approved.**
3. **For Possible Action: Approve August 2018 claims.
Approved.**
4. **For Possible Action: Approve contributing \$780 to the Cottonwood Slough Water Users Association for the repair and replacement of rip rap installed in 2015, that has shifted during the 2017 season of high river flows.
Approved.**

Motion Higuera/Wenner to approve the consent calendar.

No public comment.

Upon call for the vote, motion carried unanimously.

ADMINISTRATIVE AGENDA

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

5.  **For Possible Action: Discussion to recommend approval, approval with modifications or denial of requests DP 18-0066 and DP 18-0067. Applicant Allan Sapp, Allan/Day III, LLC. requests the following:**
 1. (DP 18-0067) Master Plan Amendment to change the land use from Receiving Area to Multi-Family Residential;
 2. (DP18-0068) Planned Development Overlay zone with MFR zoning proposing 81 market-rate apartments, including two (2) variances to allow a reduction to the number of on-site RV parking stalls from 10 to 5 and tandem parking in front of 20 units with garages.

The subject property is 5.08 acres and is located within the Gardnerville Community Plan, approximately 400 feet east of Highway 395, 325 feet south of Stodick Parkway and west of Crestmore Drive. (APN 1220-03-301-002)

Mr. Dallaire corrected to the DP number for item 2 to DP18-0066 rather than DP18-068. The applicant was asked to make their presentation.

Angela Fuss, Lumos & Associates, gave a power point presentation on the project and a history of the parcel. The property owner is available if you have specific questions about the project.

Mr. Dallaire has conditions in the staff report. The one consideration is the master plan amendment, being changed from receiving to multifamily. If that doesn't get approved then they will have to go back to the drawing board. The last TDR's were used in 2009. Mr. Dallaire explained TDR's in more detail. This project is not being subsidized. The property is already zoned multifamily. The flood plain is in a 500 year. They propose several different building types.

Vice-Chairman Slater asked about on street or guest parking and the shorter slope of the roof.

Mr. Dallaire advised there is no on street parking for the development. They have parking stalls inside the development. It meets Douglas County requirements. The parking is on site off the drive aisle.

Louis Cariola, Douglas County Planner explained it requires 2 parking stalls for each unit. In addition, there is a requirement for a parking stall for every 4 units. They have met the county requirement and provided an additional 20 parking stalls in the surrounding parking areas. The roof will have engineering calcs to deal with snow loads but the benefit of a lower pitched roof is we have a shorter structure. The roof meets Douglas County standards.

Chairman Jones called for public comment.

Kathy Hussman, resident in the county, loves the idea of multifamily, but is totally against removing the receiving area. The receiving areas were put in place to save the irrigated agricultural land in Douglas County. David and I have participated in the TDR program. Our development rights are being used in an area that Douglas County designated where they wanted building. We preserved 260 acres of irrigated agricultural land in exchange for that. We were paid, but I really can't express enough how much changing that receiving area is detrimental. If people with green space don't get paid not to develop then it will go away. I feel that the owner of the property knew about the receiving area when he paid for it and it should have been part of his expenses rather than asking for it to be taken away.

Mr. Louis Cariola, Douglas County Planning, in the county staff report, illustrated while receiving area does require transfer of development rights, another part of the code allows the property owner to provide 50% of the density in restricted income housing agreements. The Oakwood specific plan, which was originally 50 acres, currently includes Crestmore Village Phases 1 & 2, Parkway Vista and Arbor Gardens. All of those developments took advantage of that code section. They did not certify TDR's. There are other options for property owners that own receiving area. I just want to make you aware TDR's are not the only option. The other option is to continue to bring in more affordable options. At this point within the Oakwood specific plan, none of the developments utilized TDR's because they have affordable housing agreements.

Mr. Miller asked if once the receiving area is given up if it just goes away.

Mr. Cariola answered correct.

Chairman Jones asked if we could approve the overlay zone without approving the master plan amendment.

Mr. Cariola supposed they could. I have not discussed anything with Mr. Sapp in regard to affordable housing.

Mr. Allan Sapp and my partner Mike Day are long term residents in the valley. We're trying to serve a very specific market niche, people that have jobs that want to live here in the valley. The county's development guidelines are a one-size fits all. We did not know about the receiving area when we bought this. If we have to buy TDR's we couldn't get financing. So in all likelihood this won't get built.

Mr. Dallaire has the five items in the back of the staff report with the conditions. I talked to Angela about the pedestrian access connection. There are two applications before you, the master plan amendment and the planned development overlay.

Ms. Wenner commented even if we approved everything today, if he had to pay the TDR's it won't get built.

Mr. Dallaire explained the idea was they would be able to purchase the rights of the development off the ranches to keep them open. It's a great concept, but the Arbor Gardens issue we're having today, who is monitoring the deed restrictions.

Attorney Yturbide advised the first request is an amendment from receiving area to multifamily residential. In the event the board is inclined to do that there would be no further requirement for TDR's. Then after that you would consider the other items.

Mr. Miller appreciates what the Hussmans have done, but I have to disagree. It will not take away from the green area. The receiving area just goes away. It's already been approved out of the green area.

Chairman Jones felt this is a perfect spot to center the urban development in order to preserve the outlying area. I'm struggling with if we approve the first application we are giving up a requirement of 76 TDR's being transferred out. If we approve Number 1 then there are 76 TDR's that are still out there and that land is not preserved and protected. So I think it's a perfect project but I'm struggling to say it can be done without TDR's being transferred from the outside in the agricultural zone. This is how you end up preserving our agricultural and rural community.

Board members were concerned about a second access into the development and the tandem parking.

Ms. Fuss addressed the access. Douglas County engineering's preference was to have the secondary access left open. It would be nice if we could gate that off. Right now when you develop in the receiving area you have to go on the open market and purchase TDR's from the private sector. At this point we are having a hard time finding anyone that has them for sale and if they have them what they are willing to sell them for. So there are some challenges.

Mr. Higuera thought it was a good project but I share the concern about the TDR's. It's a needed project.

Motion Miller/Slater to approve DP18-067 master plan amendment approving the change of land use from receiving area to multifamily residential use and approve request SP18-066 zoning map amendment to re-establish the expired planned development overlay zone of multifamily residential subject to our staff recommendations.

Chairman Jones asked to add the additional requirement that pedestrian access be added to our requirements.

Miller/Slater added to the motion the pedestrian access requirement. Motion carried unanimously.

6.  **For Possible Action: Discussion to recommend approval or denial of Douglas County Ordinance 2018-1515 Consolidated Development Code 20.622 regarding Vacation Home Rentals; with public comment prior to Board action.**

Ms. Lucille Rao, Community Development, went over the vacation rental program and the recommendations from the planning commission. We have a workshop coming up on September 20th at CVIC from 5 -7. It's basically to discuss whether the ordinance should change to allow valley vacation rentals, just in Tahoe, or do away with it all together.

Chairman Jones asked what funding source has the county identified.

Ms. Rao answered they have increased fees: application \$400, renewal \$250, in the process of hiring another code enforcement officer, fines for parking and not following rules, hire a company called Host Compliance to monitor illegal vacation rentals and rentals not paying transient occupancy tax.

Vice-Chairman Slater asked what the schedule for the code enforcement officers would be.

Ms. Rao did not know.

Ms. Jones asked if someone overstays their three day vacation rental, does the same eviction process apply to them as it does to a normal rental.

Ms. Rao has not heard of any issues like that.

Mr. Miller asked about home swapping.

Ms. Rao did not know. Vacation rentals are 28 days or less. Anything more than 28 days is considered a long term rental.

Chairman Jones called for public comment.

John Moriello lives in Chichester. Why do you want to bring the problems of Lake Tahoe down to our community? You make it sound like it's a Hallmark card. Live next door to a vacation rental and you will understand why I am here having this discussion. It is not as good as it appears to be.

Robert Stiles moved here from South Lake Tahoe to get away from vacation rentals. If you read the paper just look at how neighbors are fighting neighbors. I love this community and you will destroy the feel of the community. Sounds like you will have a shortage of rental properties. The rents at South Lake Tahoe due to the short term rentals have increased 25 to 35 percent. It will drain the current resources.

Beth Hojnacke, resident of Chichester, attended some of the previous meetings and witnessed some of the testimony. I have a couple concerns. The county wants to do this across the board. So even though there are separate towns, we would no longer have control over our communities. We would all be stuck in the same boat. If they want to have these communities remain in existence you can't do it by uniformly doing everything across the board. There are also concerns about safety and law enforcement. They've raised the fines, but if there is a problem it's going to happen after the fact and the neighbors are the ones that will suffer.

Don Wikey, in La Costa, asked is a vacation rental renting out a full time house with an absentee landowner? In my case I have a nice in-law quarters. I wouldn't mind at all having weekend visitors. I'm not seeing the problems that I can see renting out a full house with a nonresident landowner. I would appreciate the ability to rent out my mother-in-law quarters.

Ms. Rao answered currently people are doing both. They are renting rooms out of their house or they are renting out the entire house. So basically we're asking what their recommendation is to the board as far as what would they prefer to see: in the valley, not at all?

No further public comment.

Chairman Jones thanked the public for their comments. The loss of control, the county imposing something on the towns, the safety concerns, the drain on law enforcement code officers; we can't even enforce the codes we have. It only grows over time. I have not found a single person who likes the idea of expanding down to the valley floor.

Mr. Higuera felt the best comment made was why import the Tahoe problem down here. It has really ruined neighborhoods. I would like to see it stay illegal.

Vice-Chairman Slater echoed the same sentiments as Cassandra and Lloyd. We have been up in Tahoe various times of the year and have seen a friend's house with vehicles parked on his lot and there is nothing he can do about it. I think this ordinance is well intended. I see flaws in the ordinance as written. You're not addressing the code enforcement issue. I wouldn't be able to support this.

Mr. Miller commented I am on the board of directors for Welcome All Veterans Everywhere. We have relocated at least 10 veterans from Lake Tahoe because they can't find housing that they can afford. This other project is just what we need as far as housing. We don't have a code enforcement officer available on the weekend. I cannot see justifying this through more revenue for the county. I am definitely against having it in the valley.

Motion Slater/Wenner to deny the Douglas County Ordinance 2018-1515 consolidated development code 20.622 regarding vacation rentals. Motion carried unanimously.

7.  **For Possible Action:** Discussion and provide direction to staff in supporting an Eagle Project and allowing up to two official sized Bocce Ball Courts to be installed on the south side of Heritage Park, located south of Gilman Ave, west of Ezell and east of Courthouse Street (APN: 1320-33-402-011).

Mr. Dallaire went over the project. I am meeting with the scout on Thursday.

No public comment.

No action taken.

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

Attorney Yturbide spent time working on the Mountain West Construction agreement, removal of the dirt and leveling. We also had the special agendas for the CAC, the planning commission, quorum notices and the special meeting. There has been correspondence dealing with the 20-30 insurance issue and compliance. I reviewed the September draft agenda. I reviewed a few items on the agenda and the Borda easement. There was also some

correspondence regarding GPS units, which Tom will cover. That is it, other than attending the meeting and answering regular correspondence.

9.  Not For Possible Action: Discussion on the Town Manager's Monthly Report of activities for August 2018.

Mr. Dallaire reported on the GPS policy from the county. I questioned Ron Roman on it and right now it's up to the individual departments or towns. If we do put them in, this policy would prevail. It's mainly a protection mechanism. They are not mandating it.

Vice-Chairman Slater inquired if we installed these in future, is there a cost allocation.

Mr. Dallaire advised it would be on each of us to get our own. We would sign up with the provider.

Simerson has requested October 1 as the finish date for the Gardnerville Station. He is leery about when all the glass will be installed. There are two things holding up the project: glass and the hanging units for the acoustic tiles. Now that there is glass around the entire door, the contractor wants to put a new door in. The floor is in. They were supposed to be working on lighting and glass. They did finish the painting but still have more touch up to do. I have sent them an email to see if we can use it for the wine walk. I think the occupancy is only 48 people. We can try using it.

Vice-Chairman Slater would like to wait until it's totally done. I have a question on Item F, the 395 sidewalk and the French. You took down the trees out front. My concern is the stumps. What is the plan for removing the stumps?

Mr. LaCost left the stumps so it was noticeable. Our concern was the farther we went into the tree the more we were finding beer bottles and metal. We left it a little high so when we replace the storm drainage and sidewalk the tree roots are more than likely wrapped around the storm drain. If we try to remove the tree roots we have will have serious issues with the storm drain. We can put in some rods around it to make it stand out and make it waist high.

Mr. Dallaire reported the Main Street design committee is looking into design options for the alley. I am hoping to get Rob Anderson on those plans as soon as he gets me the information I need on the gas station.

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

Mr. Miller reported on Welcome All Veterans Everywhere. We are looking at October 6 at noon for the dedication. Pieces of granite should be here by the end of September. The monument is probably around 16 to 18 feet long and six foot high. We have all the plaques that go on the front in place by the manufacturer of the granite in Utah. Nova Tile & Stone will install it. They will also be engraving the bricks. To date we have sold around 75 bricks to go around the monument. We have 3500 to sell. The county has been very cooperative. The monument cost is around \$60,000 total cost. WAVE has raised 50 percent of the money in the past year and the other half is coming from the county. It is not tax dollars that are paying for the monument. It is from the room tax that is used for that type of purpose.

Vice-Chairman Slater attended the NV League of Cities Board of Directors meeting on the 20th of August. The primary discussion was on the BDR list proposal. You should have those proposals in the packet to review. One proposal amends Chapter 268. This will be further be amended to include the towns and general improvement districts. I am not quite sure how it will affect the town.

Mr. Dallaire explained the BDR will allow an entity to place or replace curb ramps within a public utility easement without the utility charging a fee to them to be in their easement for access.

Vice-Chairman Slater continued her report. The other bill is to clarify and define compensation as salary and wages only, not to include benefits. This is primarily clarification. The cap on the salaries has not been raised since 1977. It is simply raising the cap from the current \$6,000 to \$9,000. For entities with responsibility for three or more utilities it will raise from \$9,000 to \$12,000.

Mr. Dallaire clarified the board's compensation is reviewed by the BOCC and sets that by resolution. I do not believe we have a cap.

Vice-Chairman Slater stated the League BDR proposals are included on marijuana establishments. The last proposal is to include the unincorporated towns and GID's in the ability to have a community choice aggregation, to negotiate with any unregulated utility and enter into a pricing agreement for the provisions of unregulated utility services. This will help us understand question 3 on the ballot. We had a presentation by the Reno law firm that gave us potential impacts on Question 3. The League has moved into their new location. It gives them a better lease price and more room. There is an office upstairs that they will be renting out. The budget does not allow the League to purchase a building of their own. We have the upcoming League conference September 13 through 15 in Winnemucca.

Mr. Higuera reported Main Street won a media award from the Nevada Economic Development Conference for their main street video. There is a Main Street policy in the packet on campaigning. They don't allow campaigning at their Main Street events. The smoke hurt the wine walk last month. There were only 270 people. The net proceeds were down by \$756. They had good participation from the merchants. The 10th anniversary celebration is coming up on Thursday, September 20th. It will follow the wine walk at 7:30 p.m. in Heritage Park. They will have a food truck and entertainment. Everybody is invited to attend.

Ms. Wenner reported the Carson Valley Arts Council had a presentation by assistant county manager, Jenifer Davidson. She advised us she has been thinking of a fundraiser for the last two years. One of the things she wants to do to raise money to bring in art is to do a karaoke presentation and have Brian Fitzgerald and Tom Dallaire lip sync. She is planning on having it at the CVIC Hall. It would be sometime in October. The money raised would buy a statue to put someplace in town. The statue would move around. Hopefully the citizens of the area or the town or a business would either buy it or adopt it. It would get more statues in town and more people would get involved in the arts council.

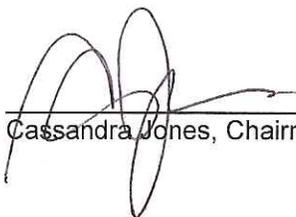
 **2nd PUBLIC INTEREST COMMENTS period (No action will be taken)**

Mr. Jerry Turner again read from the book Behind the Green Mask Agenda 21.

No further public comment.

Meeting adjourned at 6:37 p.m.

Respectfully Submitted,


Cassandra Jones, Chairman


Tom Dallaire, Town Manager