

Minutes
Indian Hills General Improvement District
Board of Trustees Meeting
District Office
3394 James Lee Park Rd. #A
Carson City, NV 89705
May 17, 2023
Closed Session Meeting 5:30 P.M.
Regular Board Meeting 6:00 P.M.

Trustees Present: Chairman Dunham, Vice Chairman Stulac, Secretary/Treasurer Lufrano, and Trustee Siegman.

Trustees Absent: Trustee Garcia.

Staff Present: General Manager Chris Johnson and Administrative Services Supervisor/Human Resources Brooke Thompson.

Others Present: District Labor Law Attorney Joel Locke.

5:30 P.M.

- 1. Call to Order:**
Chairman Dunham called the meeting to order at 5:31 P.M. Chairman Dunham requested that Cell Phones and Pagers be turned off for recording purposes.
- 2. Closed Session**
Discussion only regarding possible amendments to the Collective Bargaining Agreement with the International Union of Operating Engineers Stationary Local 39, AFL-CIO.
- 3. Adjourn Closed Session:**
The closed session adjourned at 5:55 P.M.

The public was invited into the Regular meeting at 6:00 P.M.

6:00P.M. - Regular Meeting

Trustees Present: Chairman Dunham, Vice Chairman Stulac, Secretary/Treasurer Lufrano, and Trustee Siegman.

Trustees Absent: Trustee Garcia.

Staff Present: General Manager Chris Johnson, Administrative Services Supervisor/Human Resources Brooke Thompson, and District Accountant Stacie Cobb.

Minutes of the May 17, 2023, Regular Board of Trustees Meeting

Others Present: District Counsel Chuck Zumpft, District Engineer Tim Russell, Residents Kathryn Clark-Ross, Sharon Buckley, Lynn Dement, Brian Patrick, Ronny Lynch, Marilyn Foster, Sharon Silvas, Ben and Debbie Walker, Brenda Nixon, Kendra Wilson, Lisa Stoecklin, Dennis and Doreen Hoffman, Bob Green, Karen Stoffels, David Rigali, and Phil.

Others Present via Zoom Meeting: none.

6:01 P.M. - Regular Meeting

4. Call to Order

Request that Cell Phones and Pagers be turned off for recording purposes.

Chairman Dunham called the meeting to order at 6:01PM.

5. Pledge of Allegiance: Led by Trustee Siegman.

6. Public Interest Comment: Resident Sharon Buckley suggested that we get back to the speed and volume of traffic study that was presented back in February, it was kind of put on the back burner, it was mentioned in February but has been put on the back burner. Sharon stated that Bob Stulac did a lot of research on this from around the country and around the world really. She believes Chris was going to check with the County regarding use of equipment that would track both the speed and volume of traffic. She does not know where we are with that or if that even exists. She would like to get an update on the status of that survey, is that equipment available and when can we anticipate something like that to start. Sharon stated that she has been here almost 18 years, the traffic and speed has increased exponentially, it is bad someone almost got hit. People are so impatient speeding, on average doing fifty miles an hour and she is not exaggerating, it is out of control, they are passing people on the inside. They are going so fast you can't even get their license plate number. It is time that we actually put focus on this and get it on the agenda.

Resident Ron Lynch stated this is attire for walking his dogs in the mornings, he would get orange under ware if he could. It is so dangerous to cross Mica and Sunridge and Smoketree and Mica. Last week he was halfway across, and someone sped by him.

Resident Kendra Wilson likes the idea of accountability and follow up on some of these things, so in that same vein she is going to be a broken record, on Vista Grande and the Mica Cottages, the sidewalks and bike lane needs to be fixed. She would like an update on that.

7. Approval of Agenda

Vice Chairman Stulac motioned to approve the agenda. Secretary/Treasurer Lufrano seconded. Motion carried 4-0. Trustee Garcia was absent from the meeting.

8. Discussion and possible action to approve the Tentative Collective Bargaining Agreement with Stationary Engineers, Local 39.

Public comment: Resident Brian Patrick stated is this not supposed to be an active movement before discussion and where is Joel, he is not here.

Resident Sharon Buckley stated that she is totally unfamiliar with this, who is involved in that. Maybe you can tell us about it. It sounds like the board is ready to approve it and we don't know anything about it.

Secretary/Treasurer Lufrano stated for those in the audience, a collective bargaining agreement is designed to cover the employees that are listed within that agreement. The board asked what they would be willing to do in closed session, outside of the closed session and what the board does. It is two sides, the attorney for the union and the attorney for the district met to share wants and negotiate. Generally speaking, a lot is asked for and then it is dwindled down. From her own perspective the information provided sounds like a good and reasonable negotiation which is nice to hear. She personally believes in supporting employees within the district that doesn't mean she is willing to give up the farm, however she does believe that they should be treated fairly, and she does think that the information provided here is a fair agreement.

Vice Chairman Stulac stated that was a great explanation just to add Sharon it is typical like those of you on pensions out there or social security you get a cost-of-living increase as an example. It is that kind of stuff, Chris' staff gets a reasonable cost of living, we want to retain good employees.

Secretary/Treasurer Lufrano motioned to approve the Tentative Collective Bargaining Agreement with Stationary Engineers, Local 39. Vice Chairman Stulac seconded. Motion carried 4-0. Trustee Garcia was absent from the meeting.

9. PUBLIC HEARING for the adopted Tentative Budget as amended for Fiscal Year 2023-2024, no action will be taken.

Open Public Hearing

Public comment: Resident Lynn Demet stated that she has a simple question probably you will take a vote on the dog park tonight will that impact the discussion of the budget.

Resident Brian Patrick stated were there any amendments to the tentative budget.

Close Public Hearing

10. Discussion and possible action to adopt the Final Budget for Fiscal Year 2023-2024 with direction to the General Manager to have the adopted Final Budget for FY 2023-24 prepared on the appropriate forms and timely submitted to the State Department of Taxation. The Board discussed the final budget for Fiscal Year 2023-2024.

Public comment: Resident Kendra Wilson wanted to point out what she thinks is an error on the public notice. Administrative Services Supervisor/Human Resources Brooke Thompson stated that is last year's notice only in the board packet, the notice in the paper and in the newsletter was

correct.

Secretary/Treasurer Lufrano motioned to adopt the Final Budget for Fiscal Year 2023-2024 with direction to the General Manager to have the adopted Final Budget for FY 2023-24 prepared on the appropriate forms and timely submitted to the State Department of Taxation. Vice Chairman Stulac seconded. Motion carried 4-0. Trustee Garcia was absent from the meeting.

- 11. Discussion and possible action to approve a proposal from Lumos & Associates in the amount of \$9,800.00 for Civil Engineering Services for the South Sunridge Park Dog Park.** General Manager Chris Johnson explained and reviewed this item with the board. District Engineer Tim Russell gave a brief recap of this item.

The Board discussed this item at length.

Public comment: Resident Ronny Lynch stated that he was a board member for nine years, he is confused at that meeting, he spoke, and he didn't hear anything about this being passed. Ronny stated that it seems to him that the board is putting the horse before the cart with the \$9,000 before you approve it. You are making a mountain over a mole hill; you need to decide you can't keep putting this off. How much is the grant. Are you going ahead with the dog park. He doesn't understand where the money is going to come from if you decide to have this proposal done. Ronny stated he feels the money for the dog park could be better spent on something that benefits everybody in the district.

Resident Sharon Buckley stated that she is still adamantly opposed to a dog park in any area of south Sunridge park, whether it is on the south side or the east side she does not think we need it. There are five or six other dog parks close by. For the last three months she has spent an enumerate amount of time learning about design and implementation in Counties and Cities across the united states regarding dog parks. The number one recommendation for a successful implementation of a dog park is that you have consensus for it. We have 2,100 homes and 6,000 people in our jurisdiction. To her knowledge you do not have a consensus of homeowners who are in favor of or against this dog park. You have done nothing specific to give all of us and yourself empirical evidence that this park is desired in this jurisdiction. The second issue she learned about is location, dog parks should not be built in the middle of residential areas and absolutely not established immediately adjacent to property lines. You are about seventy feet, maybe one hundred feet max from property lines. Even the County required three hundred feet for construction projects. Number three, the size of the dog park, according to the Lumos study, 1.7 acres is too small, it is more like a dog cage. Minimum recommendations in all these studies are .5 to 1.0 acres; all the other dog parks within our community meet those standards. This will not set up dog owners from continuing to go out to the park to throw balls and frisbees. If you are hell bent on putting a dog park in this jurisdiction her suggestion is to consider her alternative proposal and move it to the west side, there are ton of mature trees, landscaping, buffer for sound and commercial property is adjacent to it not residential homes. After all this time looking at the poor conditions of the James Lee Dog park.

Resident Sharon Silvas stated Bob you were not here last month we had a realtor who said the opposite from that realtor that you had the month before. Sharon stated that her property is against the original area for the dog park. She is really opposed to this she doesn't care if you put it in on the west side. That is a perfect area, it doesn't affect anyone, there is no bike lane. She has come

over to this dog park deliberately, not once has she seen a dog in this dog park. Mr. Garcia claimed this dog park is used all the time and she has not seen one dog in this dog park. She understands we want to eliminate water issues and grass; you will not save that much money in the area. Please move it to the other side, she would applaud and thank you for it.

Resident Lynn Demet stated what it boils down to is why do we need a dog park period in South Sunridge park. There are five dog parks in the area, the County provided this money they also stated all those funds can go to James Lee dog park that is the perfect location for a dog park and it doesn't interfere with any neighbors. She comes to the park and sees people; it is hit or miss. Lynn stated that she takes her dog in the mornings. Lynn stated that she hopes the money doesn't influence anyone that it has to be spent at South Sunridge park because it doesn't.

Resident Karen Stoffels stated that she would like to see the money used in James Lee park, we have so much here, a tennis court, skate park, a beautiful gazebo and we do not interfere with the neighbors. This dog park is used all the time, this is a gold mine here. A lot of people who bring their dogs here have rescue dogs. Let's do something special for our dogs.

Resident David Regali stated he lives on the corner of where the park is. He knows a big concern is water, he showed a picture of his fence he painted it two years ago the sprinklers are hitting his fence all the time. His neighbor always says the sprinklers water over his yard and water his patio. He took his range finder. It is fifty yards from houses at James Lee, South Sunridge is sixteen yards, the new proposed location is still about twenty yards. The money is definitely more well spent at James Lee park. Sharon's comment, after spending the last few months looking at the poor conditions at James Lee park dog park it is an eye sore and a sad representation of our dog park. Please use the grant to enhance James Lee dog park.

Resident Bob Green stated that he is a former dog owner so you might say he doesn't have a dog in the fight. He has a concern that the board is going to expand and make a capital improvement that they are not going to maintain as seen with the conditions of the tennis courts and keeping the bathrooms at James Lee park open and the vandalism. Bob stated that he spends more time at the tennis courts than anyone and he is responsible for about 3,000-man hours a year playing on those courts. He knows a lot about what goes on in the dog park, his concern is there are other places to spend the money. He can't understand why we need a dog park, are dog owners, what is it about dog owners, are they so bereft of an idea on how to love their animals and take care of them on their own why are they looking to a public jurisdiction to tell them how to care for their animals at our expense. Bob stated he has a couple of ideas on the Lumos proposal, task one is to ensure ADA accessibility, task two no permits required because it is a maintenance project. Why do we need ADA accessibility for something that is not going to be permitted. There are not going to provide any technical reports or studies, hiring a high-level engineering company to essentially do nothing for us. It adds up to \$9,800, he thinks you guys are getting played and you don't even know it.

Resident Philip Rang his question to the board is would you want a dog park next to your house.

Resident Doreen Hoffman stated why would you have a park up against someone's property when you have a great park here all you have to do is revitalize it. Doreen stated that she is a big dog owner. This would be in someone's backyard. The dog park needs to be here in James Lee.

Board of Trustees further discussion/comment: The board discussed this item at length again.

No action was taken on this item.

12. Discussion and possible action to approve a proposal from Lumos and Associates in the amount of \$19,700.00 for additional professional services related to the Indian Drive sewer lining design. General Manager Chris Johnson explained and reviewed this item to the board.

Public comment: Resident Lisa Stecklin stated did the recent earthquakes that occurred cause unsettling, did that affect the structural integrity of these pipes in anyway.

Resident Sharon Buckley asked where this money is coming from, has it been allocated under streets, water, and sewer.

Resident Brian Patrick asked if there are any flow issues with the sewer mains at this point.

Board of Trustees further discussion/comment: The board discussed this item further and addressed public concerns.

District Engineer Tim Russell discussed the sewer main and slope.

Secretary/Treasurer Lufrano motioned to approve a proposal from Lumos and Associates in the amount of \$19,700.00 for additional professional services related to the Indian Drive sewer lining design. Trustee Siegman seconded. Motion carried 4-0. Trustee Garcia was absent from the meeting.

13. Discussion and possible action to approve amendments to the District's Snow Removal Policy 2010P-01. General Manager Chris Johnson reviewed and explained this item to the board.

The board discussed this item.

Public comment: Resident Ronny Lynch stated can you give him a little of fudge and leeway if he goes over the time limit. Ronny stated that his problem with wintertime for adult people, the snow can be a real problem. For him it is a problem when he is trying to cross the streets his sister was killed because she slipped on ice and fell, he knows others that are in the hospital. In the middle of December, he slipped and really hurt himself, he landed on his left side. It is now May, and he is finally at 95%. Ronny stated that he doesn't want anybody to slip on the ice. If there is something the district can do about this. Ronny showed a drawing of the park and streets. The snow piles up and if people fall in the crosswalk, it is very dangerous. The district needs to concentrate in that area more. Ronny stated that he is really worried about someone getting hurt because we can't clean the snow in that area. Ronny stated that you can't even get to the crosswalk button it is so piled up. Ronny also stated that he would like to see the mailboxes plowed so people can get to them. I hear people say Ronny you know we don't have to do it, but it really makes him angry to hear that. The entrance to south park the two on the bottom is the two most dangerous areas he swears someone

will get killed or run over if something is not done.

Resident Kendra Wilson stated policies like this one just bother her. The FAQ states that the district has no legal obligation to provide any snow removal or ice control, ok maybe we have to put that in but then it says resident responsibility, property owners are responsible for removing snow and ice within 24 hours. This just bugs her when the district doesn't accept obligation within a certain period of time but puts it on the residents. Snow removal is important. We need to do it but when the district doesn't have an obligation but puts more stringent rules on the residents. Theoretically if a storm happened on a holiday, she has to remove snow and ice within 24 hours after, but the district isn't here working to do the same. It bothers her from a freedom standpoint.

Resident Lynn Demet stated as far as residents cleaning sidewalks in timely manner she agrees, she knows funds are limited but if anything, that could be implemented for crosswalk areas and mailbox areas would be great. Maybe we can give them a notice saying do it or else.

Board of Trustees further discussion/comment: The board discussed this item further.

Vice Chairman Stulac motioned to approve amendments to the District's Snow Removal Policy 2010P-01. Trustee Siegman seconded. Motion carried 4-0. Trustee Garcia was absent from the meeting.

Recess 8:16

Reconvene 8:22

- 14. Discussion only regarding Indian Hills General Improvement District's investments to seek opportunities for ROI improvement within allowances prescribed under NRS.**
General Manager Chris Johnson discussed this item with the board.

The board discussed this item and the options the district may have.

Public comment: Resident Brian Patrick stated the only thing he suggests is that there is a piece of paper stating what we are going to discuss there is nothing behind it to discuss, bring some meat to the matter, that is a general idea of what he is proposing. Bring a scenario and ideas to the table to make the proposition. This is not fair to anyone, what is fair is if I have a solid proposal from the board.

Resident Kendra Wilson feels like this was her baby, she is so happy if we could get some money working for us. We need money for our roads, we need money to work for us. That is great, 4% percent is awesome, and you should be able to get that now.

Board of Trustees further discussion/comment: The board had further discussions on this item.

15. Reports to the Board:

a. General Manager Report

General Manager Chris Johnson reviewed his report with the board.

1. Administrative

General Manager Chris Johnson reviewed the Administrative report with the board.

2. Water

General Manager Chris Johnson reviewed the Water report with the board.

3. Wastewater

General Manager Chris Johnson reviewed the Wastewater report with the board.

b. District Accountant Report

General Manager Chris Johnson reviewed the Accountant report with the board.

c. Engineer Report

District Engineer Tim Russell stated nothing much to add, Indian project was discussed. We do have some drainage stuff for the yard that he will bring back to the board.

d. Attorney Report

District Counsel Chuck Zumpft stated he does have some thoughts he would like to share with the board about public comment. The whole notion of public comment is within the auspice of the open meeting law. In the context of those two words public comment that the legislature picked very carefully you could apply the plain meaning, in the context of the open meeting law the word public in public comment means the general public. When the board and you are on that side of the table you are not part of the general public, you are part of the governing body, everybody in the audience is the general public. The public comment period is for the general public to comment, it is not a public interrogation session of the board, it is not a public chit chat session, it is not a public information gathering session, it is public comment. It is not retentive for members of the general public to share their views, concerns and thoughts about the district, its operation, its destiny. It is not an opportunity to engage in debate. This is going to sound a little inconsistent, but he wants to read something to you from the open meeting law about public comment and it is part of what must be on the agenda, "periods devoted to comments by the general public if any and discussion of those comments." Chuck stated he thinks there is a misconception of when the public brings up and issue you can't discuss, statute says it can be discussed. The problem is legal counsel advises against it because what you can't do during public comment is deliberate about whatever that is. You can discuss, the board can discuss, it is not time for banter with a member of the public. If someone wants to ask a question, they can ask a question, but the board should consider those questions when they are asked as rhetorical questions. It is ill advised to engage in discourse

with a member of the public during public comment for a couple different reasons. One, if any particular Trustee decides to respond and address the public comment to be sure that person in the public or others will take that response by a single Trustee as what the board said. Single Trustees don't speak for the board. The board speaks through votes and when there is a collective determination by a quorum that is the board's statement and discussion on whatever that topic is. It is really difficult for him to know when a response to a public comment is discussion when it becomes deliberations. If you deliberate on it at that time, you violated the open meeting law, let's don't go there. That is one of the reasons why as general counsel his advice is don't respond to public comment during public comment. If you are going to later during the times you have the flexibility to address specific public comments, this is not the law, but he discourages you from pinpointing or specifically addressing a member of the public. Fred said and so on. That tends to chill public comment if that speaker is offended by whatever the comment is and public comment should never be chilled it should be encouraged and invited. Those are the comments that came to mind today after what he watched tonight. If you have any questions, ask him. The chair has a lot of discretion when it comes to public comment, lets discuss it. Always err on the side of caution and public comment should be welcomed.

Public comment: Resident Kendra Wilson stated that she was disappointed to not hear an update on the Vista Grande parking for The Cottages and bike lane so she will take this opportunity to do so and talk about why she thinks it is important. It is dangerous, she brought this up before and she would love some follow up the sidewalks. They redid this for The Cottages, there was a bike lane there and now there is not. Previously the General Manager said he would look at alternatives, she would like an update. The sidewalks but The Cottages for ADA they open into Vista Grande which is a busy road and unsafe, this was brought up before and it was said we can't make sure people don't step into traffic. Safety is important in our community. They just built it, and it needs to be looked at.

Resident Brian Patrick stated he is going to hitch off what Chuck first of all you guys are all elected you are already here; it is redundant to keep telling us how you got here. He finds it difficult when you are introducing something, please explain the history of what it is and how it got here so the public understands a little. He more he feels sorry for the board and public because of the dog park. If you introduce something, bring some meat to the matter you may get more understanding of how we got here.

Board of Trustees further discussion/comment: No further board discussions.

16. Discussion and possible action to approve Draft Minutes from the April 5, 2023, Board Meeting.

Public comment: none

Vice Chairman Stulac motioned to approve Draft Minutes from the April 5, 2023, Board Meeting. Secretary/Treasurer Lufrano seconded. Motion carried 4-0. Trustee Garcia was absent from the meeting.

17. Chairman and Trustees Reports, Correspondence

Under this item the Board Members will briefly identify relevant communications received by them before the meeting, or meetings attended, or potential business of the district. No action will be taken on any of these items, but a member may request such item or topic be placed on a future agenda.

The Board and General Manager discussed the speeding issues within the district.

General Manager Chris Johnson spoke with Douglas County Sheriff's office and requested more of a sheriff's presence in the district, which he has seen.

Vice Chairman Stulac requested that we add the ROI to the next board meeting. He brought up the nitrate level in the water, it had a slight increase to now at 4.2.

18. Adjournment

Chairman Dunham motioned to adjourn the meeting. Trustee Garcia seconded. Motion carried 3-0. Ayes by Chairman Dunham, Secretary/Treasurer Lufrano, and Trustee Garcia. Vice Chairman Stulac and Trustee Siegman were absent from the meeting.

Meeting adjourned at 9:22P.M.

FINAL APPROVED MINUTES AS PRESENTED

**Secretary/Treasurer
Vicky Lufrano**