



Incline Village Crystal Bay Citizens Advisory Board

DRAFT: Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the Incline Village Crystal Bay Citizens Advisory Board meeting held at Incline Village General Improvement District, 893 Southwood Blvd, Incline Village, NV 89451 on April 2, 2018, 5:30 P.M.

1. *CALL TO ORDER/ PLEDGE OF ALLEGIANCE – Pete Todoroff called the meeting to order at 5:30 P.M.

2. *ROLL CALL/DETERMINATION OF A QUORUM - Tom Cardinale, Judy Miller, Andrew (Andy) Wolf, Pete Todoroff, Kevin Lyons, Gerry Eick. A quorum was determined.

Absent: Mike Sullivan (Alternate).

3. *PUBLIC COMMENT –

Sara Schmitz spoke about the rock ditch work that was completed last summer. She said people are started to park in them which is causing the work to deteriorate. She asked if residents should ask them not to park in the ditch way. Commissioner Berkbigler said parking in the rock ditches was not the intent; it was to prevent the sediment from getting into the lake. If they are parking in front of your house, you can tell them not to park there. She said they are working on something in the Planning regarding parking issues.

Steve Dolan said he would like to see more attention to stream environmental zones. He said he has been watching the infringement of dogs in the streams. It's illegal to enter disrupt a sensitive stream zone. It should be protected by its citizenry. He said he has approached TRPA who then approached IVGID who say it's not being polluted. He said he has provided reports to the Board of Trustees. He said nothing is happening because the good 'old boys inside are telling each other it's ok. He wants to see this CAB work with the Commissioner to monitor the SEZs since we are in proximity to the lake.

4. APPROVAL OF AGENDA FOR THE MEETING OF APRIL 2, 2018 – Gerry Eick moved to approve the agenda. Andy Wolf seconded the motion to approve the agenda. Motion carried unanimously.

5. APPROVAL OF THE MINUTES FOR THE MEETING OF MARCH 5, 2018 – Andy Wolf moved to approve the minutes of **MARCH 5, 2018**. Judy Miller seconded the motion to approve the minutes. The motion carried unanimously.

6.*PUBLIC OFFICIAL REPORTS

A.*Washoe County Commission Update — Washoe County Commissioner Marsha Berkbigler provided an update. She said she has received information from Treasurer Tammy Davis and the County District Attorney regarding the IVGID land sale. Regardless how the land was acquired, a government can acquire and change its mind about what they want to do with the land. They have to pay the taxes is the only issue. It's in the hands of the IVGID Board to make the decision to pay the back taxes. The land didn't belong to County. It belonged to the developer and he abandoned it. The abandoned land goes to the Treasurer's trust. Taxes and Rec Fees are applied while it sat in the trust. Annually, the Treasurer sends an email to public entities regarding the properties in trust. It would have gone before the County board.

She has a copy of the original letter from IVGID and documentation of value of the land. The land never belong to County, and the County wouldn't step in. It's common for a local government to change their mind about

the land. Because it's no longer held in public, taxes have to be paid. Most back taxes are owed to IVGID. Once IVGID pays the back taxes to the County, the amount owed to IVGID will come back to them. Nothing fraudulent happened. Once the lands are transferred to the government, they belong to that government. The Treasurer will present this to Mr. Eick.

Mr. Lyons said that isn't correct. He asked under what authority the land can be transferred from the trust to the District. The Commissioner explained the 3 ways to government to transfer land. Mr. Wolf said he would like the Commissioner to finish her presentation without interruption. Originally, the land was deeded to them as public open space. It's owned by the public, not the government. Mr. Lyons said that's not correct. The property went from developer, then to treasurer assumed in trust. Mr. Lyons said government can own land. He said there was a transfer of land in the deed. Under what authority was that transferred. Mr. Wolf said the District Attorney has given legal opinion that we haven't seen, and we will see it, we can have an opinion about it. Mr. Wolf said the Commissioner is the messenger. Commissioner said if the County wants to sell the land, they have to take it back to the Board, but that statute doesn't apply to GIDs. Mr. Lyons said he wants to see the legal opinion.

Commissioner said if the County acquired land from BLM for open space, but then changed our mind and sold it to a developer, it would need to go to the Board of County Commissioner first. It's in the state law. She believes it's should also apply to GIDs, but it doesn't. Mr. Lyons said it's a fiduciary duty.

Mr. Eick spoke about the CAB meeting format with focus on development applications. Commissioner said the changes came due to another CAB had Open Meeting Law (OML) violations. The County is serious about OML, and had to change the CAB, and this was one of the changes. That is why we hold commissioner forums and community meetings. She said she wants to receive feedback from the public without risking OML violations. Mr. Eick said people want to see community outreach, but got bored with meetings focused on variance requests, and many questioned what the CAB was organized for. These use to be held monthly, but then quarterly and they were being cancelled since there weren't development projects. This is the fourth change in six years. We are looking for consistency. Mr. Lyons asked what the point for people to attend. There have been interesting topics to be discussed at the CAB. Commissioner Berkbigler said she tried to convince the other commissioners for more flexibility. The Commissioner said the CAB formats have to be consistent. She said we can revisit the monthly meeting schedule. She said Commissioner Herman also tried to get monthly meetings in her district. Ms. Miller asked how the people in the other districts feel about the CAB. Mr. Eick said there is great value at the Washoe County Community Forums. He said he understands the CAB has to be development focused, as long as there are other County meetings to engage the community. The Commissioner said she hopes people will bring issues forward during public comment. Mr. Eick said we received public comments that became future agenda items; however, the CAB doesn't have that freedom. Those issues could be addressed at a community forum. Mr. Wolf said the forums are valuable, but one meeting a year won't help. He asked about OML concerns at the other CABs. Commissioner Berkbigler said an issue was brought up during a CAB meeting and there was lengthy discussion without it being agenzied. There needs to be a notice to the public when there are lengthy dialogues.

Mr. Todoff said his community forums are in the morning which may leave out some people who work. He suggested the County Forums be held in the evening for more opportunity for people to attend.

Mr. Cardinale asked the Commissioner how TRPA can be included. He asked how will you blend TRPA, County, and State. The Commissioner said TRPA is the boss. When discussing environmental issues, TRPA always makes the decision.

Mr. Todoroff said Joanne Marchetta will be at the community forum at the Library later in the month.

Commissioner Berbigler said she submitted Dolan's letter of concern to Mr. Pinkerton. She said this is a potential violation for the County. She wants to know how we can better monitor the streams.

Mr. Lyons said when an issue comes up, it can be agenzized for her meetings. Commissioner Berbigler said we can do extra forums.

Mr. Wolf asked about the status of the Tahoe Area Plan. Commissioner Berbigler said staff is working to format the area plan in TRPA style format. It was submitted back in November. Eric Young is the lead on the area plan. The goal is to present the area plan to the TRPA in November or December. There is an incentive to get it done or else TRPA will do it for the County. Commissioner Berbigler said for example, one issue they are working out is circumstances such as the Ponderosa are zoned in two ways. It's zoned as tourist commercial; however, the TRPA says it's zoned as an amusement park. This may trigger an EIS be completed. She said they are working together on these types of situations.

7.A Red White and Tahoe Blue 2018 Outdoor Festival License Application – Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for an Outdoor Festival License for the Red White and Tahoe Blue event to be held in Incline Village from June 30 through July 4, 2018. Event set-up is proposed to begin on June 29, 2018 and event takedown, dismantle and cleanup shall be completed on July 5, 2018. (for Possible Action) The event includes a parade on Saturday June 30, 2018 that will require closing a section of Tahoe Boulevard, Southwood Boulevard and Incline Way to traffic at 9:30 a.m. for approximately 3 hours. The estimated attendance on any one day of the event is 2,500 people. This projected attendance is for the Red, White and Tahoe Blue sponsored events and does not include the public attending other activities on Incline and Ski Beach, or the surrounding area. Due to number of people projected to attend, the event requires an Outdoor Festival business license reviewed and approved by the Washoe County Board of Commissioners. [WCC Section 25.265(1)].

- **Applicant: Red, White and Tahoe Blue**
- **Location/Assessor's Parcel Numbers: The outdoor festival will be held at Village Green (APN:127-010-07) and Aspen Grove (APN:127-010-04), 960 Lakeshore Blvd; Incline Fire Station 8, 875 Tanager (APN:132-223-06); Susie Scoops, 869 Tahoe Blvd. (APN:132-240-02); Potlach, 930 Tahoe Blvd. (APN:132-012-02); Incline Middle School, 948 Incline Way (APN 127-030-16); Incline High School, 499 Village Blvd. (APN: 124-071-52); Incline Library, 845 Alder Ave. (132-020-26); Boys and Girls Club, 915 Northwood Blvd. (132-012-05); and Incline Beach (APN: 127- 280-01).**
- **Staff: Eva Krause, AICP; 775-328-3628; ekrause@washoecounty.us**
- **Reviewing Body: Tentatively scheduled for the County Commission, May 8, 2018**

Pam Shelton said they are working diligently to meet all County requirements. She said they are working with sheriff's department and Highway Patrol. Judy Miller asked what the differences are proposed this year. Ms. Shelton said they have new staff this year that will be setting up safety meetings. The parade will Saturday, an all church service on Sunday, Beer and Brats on Tuesday, Wine and Cheese on Monday, Kids Day on Monday, and the Pancake breakfast is on 4th of July. The focus is on Veterans. The community fair is only two days this year. Indra is creating an MOU with requests. She said they are working on the budget. Mr. Wolf asked for operational differences. Ms. Shelton said they are working with a new fireworks company who will be more turn-key. Mr. Eick said he noticed more people on the RWTB board; RWTB is using the organizations who were sponsors or involved in RWTB last year. ITF will do Beer and Brats event. Rotary will take care of the duck races. Ms. Shelton said the process should have begun in October. She said it's a new board, and we are still learning. Mr. Eick asked Ms. Krause about deadlines. Ms. Krause said it's a tight schedule. There are a lot of changes the County wants to see done. Its goes before County Commissioners on May 8. Mr. Eick commended

the Shelton's for the efforts with the parade. Mr. Wolf asked what the changes Ms. Krause wants to see done. Ms. Krause said extra information requested, security plan.

There were no public comments.

MOTION: Kevin Lyons recommended approval of the Red White and Tahoe Blue 2018 Outdoor Festival License. Andy Wolf seconded the motion to approval.

8. *CHAIRMAN/BOARD MEMBER ITEMS- Mr. Eick said he would like to know when the next County Forum be held. He said heard May 13th, but would like to see better definition on the future dates. Mr. Todoroff said April 20th he will have many representatives in attendance at his morning community forum.

Mr. Lyons said community forum issues to be covered would include: Parking on the rocks, stream zone, fire department, winter snow plowing. Mr. Cardinale said he wanted to see red curbs included on Country Club road rocks.

9. *PUBLIC COMMENT –

Sherman Boxx introduced himself. He said Open Meeting Law had nothing to do with the change in the CAB format. It was the Washoe County Staff that changed the CAB meetings. He said having a Sheriff come and provide a public safety update has nothing to do with Open Meeting Law. The CABs are important. He said you should be able to ask questions and learn about what's happening in your neighborhood. This was laziness on the part of the staff. The change happened a year ago.

Mr. Todoroff said the community has no output without the CAB. We use to have Sheriff and Fire Department representatives and updates. When Commissioner Berbigler was elected, there wasn't a CAB. We have the second highest or the highest variances in the County.

ADJOURNMENT- Meeting adjourned at 7:09 p.m.

Number of CAB members present: 5

Number of Public Present: 3

Presence of Elected Officials: 1

Number of staff present: 1

Submitted By: Misty Moga