

**MINUTES OF THE REGULAR MEETING OF THE
KINGSBURY GENERAL IMPROVEMENT DISTRICT BOARD OF TRUSTEES
TUESDAY MARCH 19, 2024**

CALL TO ORDER - The meeting was called to order at the Kingsbury General Improvement District office located at 160 Pine Ridge, Stateline, Nevada at 5:05 p.m. by Natalie Yanish.

PLEDGE OF ALLEGIANCE

ROLL CALL – In attendance were Trustees Yanish, Parks, Schorr and Trigg. Also present were General Manager Mitch Dion, Administration & Human Resource Supervisor Judy Brewer, Administrative and Financial Systems Analyst Don Havard and General Counsel Chuck Zumpft. Public present included Stacie Baker, Elaine Welch, Renate Mize, Melissa Soderston of Tahoe Forests Matter, Cory Laboto, Charles Hancock, Greg Felton and Ben Johnson on behalf of Tahoe Douglas Fire Department. Trustee Nelson was not in attendance.

PUBLIC COMMENT –

Stacie Baker stated her concerns regarding erosion and commercial logging in the neighborhood. She addressed water clarity affected by the meadow and the Tahoe Beach Club development. She opposes the Sewer Authority permit to slaughter beavers along approval of the projects causing environmental issues within proximity to the lake. She stated there was also excess logging performed by a Colorado company and requested community unity to bring attention to these events.

Elaine Welch stated her home was severely damaged by the ruptured fire hydrant on March 2, 2024. She was concerned that damages would not be covered by insurance and seeks to receive compensation. She suggested that a district staff member be available at the lake to shut the water off to avoid delays.

Renate Mize expressed that her home was also affected by the water from the hydrant. For her insurance, the damage is considered flood damage and coverage is uncertain. She suggested that an emergency plan should be adopted to include multiple solutions for emergency shut-off.

Melissa Soderston of Tahoe Forests Matter noted the local opposition regarding the treatment of beavers and improvements at Kahle Meadows. She requested that the district focus their interest on water quality and condemn the permit and actions of related agencies regarding development.

Cory Labato commented that hydrants belong to the district and that he clears hydrant near his home. He referenced the poor quality of snow removal for the South Lake Tahoe, CA roads, particularly in the county and commended the KGID snow removal for their efforts.

APPROVAL OF AGENDA – It was recommended that Item 9 be postponed due to delay in bid schedule.

M-3/19/2024-1 - Motion by Nelson, seconded by Parks, to approve the Agenda, as amended. This motion was retracted.

It was suggested to move Item 10 to the beginning of the meeting to accommodate the public in attendance.

M-3/19/2024-2 - Motion by Parks, seconded by Trigg, and unanimously passed to approve the Agenda, as amended to postpone Item 9 and move Item 10.

APPROVAL OF MINUTES – There was a request for correction by Greg Felton of Tahoe Douglas Fire Protection Department (TDFPD) regarding his comments. Ben Johnson from the TDFPD Board agreed that the comments from Greg Felton were not accurately reflected in the minutes. Greg Felton proposed text that he feels is more accurate to his intentions.

Trustee Yanish offered for the minutes to be reviewed and corrected as necessary. The motion was clarified and voted upon.

M-3/19/2024-3 - Motion by Trigg, seconded by Parks, to approve the Regular Meeting Minutes dated February 20, 2024, as amended to delete the sentence as indicated. All opposed, motion fails.

Trustee Yanish suggested that the revised minutes be presented at the next meeting.

KGID Board Meeting Minutes 3/19/2024

M-3/19/2024-4 - Motion by Trigg, seconded by Parks, to review the Regular Meeting Minutes dated February 20, 2024 at the next meeting after review by legal counsel or appropriate staff.

Schorr questioned the need for legal counsel to review the minutes as opposed to the minute secretary or KGID staff. Dion explained the process for presenting the minutes and explained that the minutes are a summary capturing key points of board deliberation.

Yanish suggested amendment to reflect the speaker's statements. The minutes would be brought back for approval.

NO ACTION TOOK PLACE ON THE FOLLOWING ITEMS:

NEW BUSINESS

FOR POSSIBLE ACTION:

LIST OF CLAIMS – Parks questioned Ferguson Water Works #63731 for \$5K replacing encoders on the water meters. She also confirmed \$6K expense for document imaging project.

M-3/19/2024-5 - Motion by Parks, seconded by Trigg, and unanimously passed to approve the List of Claims in the amount of \$496,063.93 as represented by check numbers 63720 through 63824.

Authorization for affirmative action responding to civil and criminal actions poised against the district (board members and employees) to include litigation.

A written report and presentation were provided. It was explained that district employees and board members are being threatened with criminal and civil charges and defense from the district is requested.

A summary of the policy and events was provided leading to the State Fire Marshal Opinion issued on November 30, 2023. The interpretation of property owner must be clarified to determine responsibility. Kingsbury GID retained legal counsel which provided an opinion regarding the criminal charge element and to clarify the civil law elements of State Fire Marshal Opinion to resolve this matter. In addition, it is sought that legal defense of district employees and board members related to this matter until it is resolved.

Trustee Schorr requested clarification regarding the request. It was explained that approval is requested authorizing legal counsel to develop a path to resolve the issue including litigation. The cost of legal services is unknown as management did not want to get too far ahead of the board. Zumpft explained that this issue should have been resolved by the Legislature and possibly end up with the Court. Schorr expressed his dissatisfaction with the unresolved issue and his concern regarding the cost of litigation.

Trustee Trigg acknowledged potential miscommunication but agreed with the need to determine responsibility at the proper level to bring closure to the issue.

Trustee Parks questioned what changed and commented that the winter of 2023 was unique, and a community effort should be made to clear hydrants instead of imposing additional expenses upon the customers.

Trustee Schorr restated his concerns that a compromise hadn't been reached and questioned the benefits of approving the action with unknown cost of litigation.

Trustee Yanish mentioned her trip to the State Fire Marshall's office of enforcement. Noting that the roads are owned by Douglas County and questioned their role. She offered to work through Nevada League of Cities and Municipalities to work on a bill draft request regarding this item. She observed that the additional snow removal cost would not be well received by our small community.

Elaine Welch stated that she takes pride in clearing her fire hydrant. She has received notices from the fire department requesting assistance with clearing snow from the hydrants.

Renate Mize stated that she is concerned with the liability of a homeowner to clear hydrants in the event of a catastrophe. She clarified that she is in support of getting a legal opinion and acknowledged the potential legal expense. She supported a reasonable hydrant snow removal cost to protect the community.

Stacie Baker stated that not all homes have fire hydrants nearby and questioned the effect on value if there is added responsibility. Baker supported a community effort.

Cory Lobato suggested increased performance by staff to solve snow removal issues. He expressed his dissatisfaction regarding potential fee increases and questioned the responsibility of staking fire hydrants and the appropriate size of bollards to safely mark hydrants.

Greg Felton explained that TDFPD deals with various water purveyors and all the other districts recognize the responsibility to clear hydrants. He disagreed with statements provided in the report. He clarified the priority map of hydrants provided includes approximately 1 in every 10 hydrants and objected to spending funds on legal fees.

Melissa Soderston explained that she lives in KGID in addition to owning a home in South Lake Tahoe. She explained that the homeowners are required to clear hydrants on the south shore and if necessary, the fire department will clear hydrants. She opposed additional fees, but feels it is necessary to resolve this issue.

Ben Johnson stated that the State Fire Marshall was contacted to clarify responsibility and the comments are not from TDFPD. There is no requirement to use the Zephyr Crew and he opposed an additional fee. He disagreed with the statements quoted from TDFPD. He stated resolution is overdue and his goal is to have safety within their district.

There was a 5-minute break at 6:35 p.m.

Charles Hancock commended the manager and board for protecting ratepayers against unnecessary expenses and supported the proposal to determine responsibility as requested. He suggested evaluating the snow removal services relating to setbacks and retaining walls which could improve the condition near fire hydrants.

Bryce Cranch works for the fire department and opposed increased rates and recommended action for legal counsel. For neighborhood safety, he suggested modifications to snow removal to avoid burying hydrants. He said the priority hydrant list reflects compromise and supported a swift resolution.

Cory Lobato suggested taller stakes at the top of Kingsbury and color coding for priority hydrants.

Charles Hancock stated that the fire department letters are threatening and require legal response. He suggested TDFPD drop complaints against district, employees, and homeowners. He supports legal action to defend the district and others.

Trustee Trigg encouraged working as a community. She stated responsibility is important and isn't clear, so she supports the action item.

Trustee Parks questioned the prior responsibility.

Trustee Schorr questioned the risk to the board of litigation and questioned how to determine the potential fiscal impact. It was explained that an approach to challenge the State Fire Marshall's opinion needs to be established to be provided to the board. Schorr clarified that the information will be reviewed for determination of acceptance. Zumpft explained that a prospective attorney should act in good faith.

Trustee Yanish verified with management that Kingsbury is the only GID subjected to the actions by the State Fire Marshall's office. Snow removal and effects on rates were discussed. Trustee Schorr noted the possibility of homeowner responsibility. Dion restated that determining property owner is the action to resolve responsibility.

Ben Johnson suggested utilizing a mediator to truncate the process and reduce potential costs.

Trustee Yanish addressed her personal concerns regarding fire danger and potential litigation. She supports the motion, noting prior items that were left unresolved which became a liability for the district.

M-3/19/2024-6 - Motion by Trigg, seconded by Parks, and passed to provide the General Manager in consultation with District Legal Counsel the authority to seek expertise for affirmative action up to and including litigation to resolve these issues relating to snow removal around fire hydrants, and to provide for the defense of the district (employees and board members as individuals) should threat of citations or criminal charges be levied. Schorr opposed.

FINANCIAL STATEMENTS – JANUARY 2024

Financials, including the budget, were provided for review; no action was taken.

Trustee Trigg exited the meeting at 7:25 p.m.

Building 160 Pine Ridge update and continued improvements.

A written report was provided regarding the building condition and sparing approach to the renovation, noting additional improvements which should be undertaken. To reduce timing and project costs, some items were not included in the initial construction budget. Replacing the windows together would save on costs related to scaffolding, etc. and purchasing directly would save 20%.

M-3/19/2024-7 - Motion by Schorr, second Parks, unanimously passed to approve the following additional improvements for building 160 Pine Ridge and authorize funding.

- 1) Window replacement (24 windows) \$60,000
- 2) Exterior door replacement (4 doors) \$8,000
- 3) Demolition of makeshift improvement and restoration of equipment bays (remove 2 restrooms, restore and paint) \$10,000
- 4) Signage for the marquee board and entry \$ 5,500

Board Reports

There were no board reports.

Management Reports

General Manager’s Report

A report on the snowplow damaged fire hydrant and related events on March 2nd. Details of the incident were reviewed. Two elements are, first to assist the homeowners, and second to restore the district. Insurance company adjusters are working towards settlements.

Tahoe Keys Weed Control Methods Test results were provided.

The Nevada League of Cities and Municipalities Annual Conference will be held at the Stateline Event Center in October. A potential restructuring of the dues could result in a reduction for Kingsbury GID. Yanish requested resources to provide entertainment for the event as a celebration of the community.

Administrative and Human Resources Report

Multiple recruitments are underway, and a street maintenance worker recently resigned.

Attorney’s Report

There was nothing to report.

Engineer’s Report

There were no questions.

Greg Felton commended the information provided in the reports suggesting improved visual conditions.

CORRESPONDENCE – There were no comments.

FINAL PUBLIC COMMENT – There were no comments.

UNFINISHED BUSINESS

ADJOURNMENT

M-3/19/2024-8 - Motion by Parks seconded by Yanish, and unanimously passed to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Natalie Yanish, Chair

Attest:

Sandra Parks, Secretary