

**Skyland General Improvement District
Board of Trustees
Meeting Minutes April 21, 2022**

Larry Sidney, President
Richard Nice, Treasurer

Jon Herwig, Vice-President
Cindy Richter, Secretary

Dana Englekirk, Trustee

Notice of Public Meeting Thursday, April 21, 2022, 3:30pm

It will be broadcast electronically using Zoom, at the link below. Any member of the public is welcome to join the meeting on Zoom by going to

<https://us06web.zoom.us/j/83494040598?pwd=MIFTeG9uQlhjRFNVSENNZDhvUjNTQT09>

Meeting ID: 834 9404 0598

Passcode: 321989

One tap mobile +16699006833,, 83494040598# US (San Jose)

Dial by your location +1 669 900 6833 US (San Jose)

-Pursuant to Section #241 of the NRS and laws of Nevada, the Skyland General Improvement District notices all parties that the Board of Trustees will conduct business of the District at the above time and place. - Items may not be heard in the order they are listed, items may be removed or delayed at any time, and two or more items may be combined for consideration.

Meeting called to order by President Sidney

Roll Call – President Sidney, VP Herwig, Treasurer Nice and Trustee Engelkirk are present. Richter is absent. Quorum established.

PUBLIC FORUM: Any person wishing to address the Board on items of interest not listed on the agenda may do so at this time. It is requested comments be limited to three minutes since no action may be taken by the Board on items addressed under Public Forum. Public comment on agenda items will be invited at the time action items are considered, before action is taken.

-150 Willow Dr- Elizabeth- Regarding the I-50 corridor lane changes. Are there any plans to have a Skyland discussion or response from Skyland?

-President Sidney has made a note to discuss this further at a future meeting

-Scott Sullivan 116 Ponderosa Circle is asking where we can get a copy of the agenda

-President Sidney commented that agendas are emailed as well as posted on the Skyland GID web site

-Natalie Yannish, she is running for Douglas County Commission. She wanted to let everyone know that she is listening to our meeting and is available as a resource for local and state information.

1. ACTION ITEMS:

A. Discussion and possible approval of March 23, 2022 meeting minutes.

-No comments from neighbors or the board

-VP Herwig made a motion to approve the March 23, 2022 meeting minutes. Trustee Engelkirk seconded. Approve 4-0 Absent-1

B. Discussion and possible approval to accept the conditions of the USDA loan, and to document this vote in "RD 1942-47 Loan Resolution".

-President Sidney has asked VP Herwig for a summary

-VP Herwig states that the total amount of the loan is tentatively \$652,590.00. This is a little higher than our previous estimate. Our consultant updated the numbers and due to inflation the costs were a little but higher. The interest rate is 2.125%, the loan period is 20 years, and our monthly payment is \$3485.00 per month approximately. Conditions of the loan- we need to accumulate 1 year of payment as a reserve in our first year. So we will add 10% on to our monthly payment in order to accumulate our 1-year reserve. We also need to get a revenue bond in the amount of \$652,590.00. We are working on that right now. We have insurance requirements and the standard GID insurance should cover all of those. We will need our lawyer to confirm the rights of way and land ownership. We also need to get all of the required permits. We are asking the trustees to vote to approve this loan.

-President Sidney will review the top section of the resolution. It states, *'This is a resolution of the board of directors of the Skyland General Improvement District authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and or extending its fiscal year 2022 emergency access landscape buffer fencing project. Whereas it is necessary for the Skyland General Improvement District to raise apportion of the cost of such undertaking by issuing of its bonds in the principal amount of \$652,590.00.'*

As Jon mentioned we got an exceptional rate on this especially now that interest rates are going up. A lot of hard work went into this over the last 6 months. We made it through one day before the deadline to lock in the rate. We would like the board to vote on this. Is there any discussion regarding the resolution? No questions from the board.

Any questions or comments from the neighborhood?

-Scott Sullivan 116 Ponderosa is asking what is the life expectancy of this project?
-VO Herwig states it is expected to last 30 years, the current one lasted 50 years.

-President Sidney states we don't expect to go 30 years before we do maintenance. We will want to do preventative maintenance as things occur or need repair.

-VP Herwig states we are anticipating re-staining the fence every 5 years.

-Treasurer Nice makes a motion that the board accepts the resolution and its conditions of the USDA loan, seconded by VP Herwig.

Vote: Yes 4-0 Absent-1 Motion passed.

C. Discussion regarding sewer district/beach property proposed changes

-President Sidney is doing an overview of this issue. Essentially there are currently negotiations between the Tahoe Sewer District (who owns the southern portion of the beach property) and the owners to the south, the Bumb family, and there is consideration of moving the property line and perhaps the angle of the property line as well. We have been trying to do some initial work with our lawyers and the parties involved just to understand if that might affect the beach use for the neighborhood. If so, how might it affect it. The initial information shows that one of the settlement options would involve a slight shrinking of the beach area that is currently under the jurisdiction of the sewer district and the Bumb's would gain some of the beach. We don't yet understand what the plan would be and what the impact would be on our neighborhood and the use for the owners. We want to make everyone aware of this issue.

-VP Herwig states that this is the southern parcel of our beach where the generator house is located as well as the beach where the Skyland community has had deeded access to use. The property owner to the south has sued the Tahoe Douglas District to realign the property line, because they are trying to get additional space for the possibility to get an additional buoy. In this realignment they are proposing to move the rock jetty that is along the southern boundary over 15-20 feet and to take approximately (it is hard to tell because no one has done a calculation of the total amount of land that would be taken) 400-1000 sq. ft. of beach that the Bumb family would move the jetty over and take over that portion of the beach. It's in an area that is above the typical water line of 6227. It is prime beach area that they are proposing to take and make part of their property. The Tahoe Douglas Board's attorney is advising them to take this settlement and give this section of land to the Bumb's as there will be litigation costs that he estimates could be as high as \$50,000.00. The attorney is claiming that there is a possibility that a judge could impose an even more adversarial settlement on the Tahoe Douglas District. What

has been disturbing is that the sessions where the Tahoe Douglas District has been discussing this have all been closed. Jon was not allowed to attend the discussion that the board had. We only found out about this through another neighbor who is on the board. The board was going to vote last Tuesday but they didn't have all of their members and postponed the vote to May 17th, which will be held at the Cave Rock Office. It is expected that the board will accept this settlement and the rock jetty will be moved. This means that between 400-1000 sq. ft. of beach will be lost to the use of the residents. Everyone does have the opportunity to provide public input at this meeting that starts at 9:30am and the community is encouraged to provide their input in person. You can also contact the board directly. John Peel is one of the trustees for the district as well as Frank Bauer who are both Skyland residents. The GID lawyer has requested information from the District as to what the proposed settlement is. We are waiting for that information. The bottom line is per this settlement the rock jetty will move 15-20 feet to the north and approximately 400-1000 sq. ft. of beach will be lost to the community for their use.

-President Sidney is asking for board member comments. Treasurer Nice states he just heard about it. President Sidney finds it odd that the Skyland GID was not told about something that could impact all of us. Trustee Engelkirk is asking what the physical address is of the family looking for the settlement is. VP Herwig states 1010 Skyland Drive.

-Scott Sullivan has looked at the plot maps. Asking if the southern parcel is owned by the utility district? He is also asking if they would be taking property that has been deeded for use by the community.

-President Sidney states we are deeded the rights to use the beach. The property is actually owned by Tahoe Sewer District and then we have long standing rights to beach usage on both properties.

-VP Herwig states when looking at the lake, the beach parcel on the left is owned by the Tahoe Douglas (Sewer) District, the parcel on the right is owned by Douglas County by the right of them purchasing the Skyland Water Company. For both of those parcels there are deeded access and recreational rights for the Skyland Community to enjoy the waters of lake tahoe and to recreate of the beach. It is both historical as well as deeded both for the deeds of the beach parcels and many other lots in Skyland.

-Scott Sullivan is asking what prevents a property owner from suing the 2 entities from taking over all of these parcels. Is there something we are missing? Has the Tahoe Sewer District infringed on the rights of the Bumb's and that is why they are trying to realign the property line or is this just taking of land?

-VP Herwig commented that the Tahoe Douglas District hasn't been doing this transparently. The District doesn't want to incur the cost of litigation.

-Scott Sullivan feels the District should be thinking about all of the other property owners as well and not just one.

-VP Herwig feels the issue doesn't affect the District's members or their operations so they are willing to forgo the property to avoid the litigation costs.

-VP Herwig shared his screen shot of the map showing the Tahoe Douglas District Beach parcel. The area we are concerned about is near the jetty. The proposed settlement would move the jetty over approximately 15-20 feet.

-Scott Sullivan asked about the quitclaim that they made at the lake level. That property now in front of the lake is owned by the property owners.

Discussions occurred regarding the picture on the screen

-President Sidney asked for further comments or questions

-Mary Ellen Hawkins 1020 Alpine Drive- if this meeting is May 17th with the TDD, if we have a beach cleanup before that it would be a an opportunity to view the area being discussed. She also feels the rocks should be on the Bumb's property not encroaching on the Skyland Beach.

-Trustee Engelkirk said we could schedule the beach cleanup for May 7th and that would let residents see the area in question. Hopefully that gives people enough time to view the beach and get their thoughts together. 11:30 AM May 7th.

-VP Herwig stated it might be helpful to get a surveyor out to the beach to show us what these property lines mean since it is unclear what is being proposed.

-President Sidney feels that any proposal should be very specific on what they are proposing. Perhaps we can gain that information informally from those involved with the process.

-VP Herwig thinks the TDD may allow the surveyors who have been working on the project to show us the exact area.

-President Sidney feels that since this affects all property owners it would be best if the individual homeowners were to speak on their behalf at the upcoming meeting. Any other residents who want to speak on this?

No action taken at this time

2. DISCUSSION ITEMS

A. Fence project update

-VP Herwig states things are moving along although not as fast as we would like. We have final comments from the USDA regarding our procurement process with a general contractor. The ad will hopefully go in the Tahoe Tribune Friday, April 22, 2022. Over the next several weeks will hopefully have proposals.

We will have a pre-bid meeting on May 2nd. For them to come out and preview the fence area. Proposals are due by May 13th. We should have them evaluated rapidly. We are still waiting to hear o the timing and cost of the TRPA third party review. This has been frustrating trying to get the TRPA permitting underway. They have sent our packet out to third party reviewers for a bid to do the job. These are experienced consultants since they understand what the TRPA is looking for. The TRPA staff can then rapidly move forward with the permit.

NDOT permit will soon be asking us for the permit fees and then we should get the permit after we submit the fees.

We are working with the bonding councils to get the required bonds for the loan. The TRPA permit is the issue right now. We hope to start by June 1st pending the TRPA approval.

-President Sidney is asking for questions of comments from the board or neighbors.

B. Beach update

-Trustee Engelkirk states the parking permits and beach passes have been ordered. The estimate has been submitted. They added a space for a name, phone number, and email for each watercraft sticker. This allows residents to help each other identify them. They should stay on the rafts better. We have received requests from 23 people; there are 32 spaces available. Each person has been granted one space so far. Neighbors have mentioned possibly sharing rack space if one person goes away for a month. It would be great if the neighbors could work together. 275 parking permits have been ordered in the color green. There isn't a year on them. We will be using stickers to identify the year so we don't have to keep re-ordering them. The beach cleanup day and potluck dinner will be May 7th at 11:30 am.

-President Sidney states that the new kayak racks have arrived and we are planning on putting those together this Saturday at 10:00 am. We could use some bodies to help put them together weather permitting. Ellen Dausher put a notice on the Facebook page.

-Trustee Engelkirk states that we should be a friendly Skyland neighborhood and we do need access for emergency vehicles so it is recommended that people park with 2 of their wheels off the pavement in high traffic times.

-John Herwig has an issue with that as parking on the BMP's could ruin them.

-President Sidney states that if you are not parking in front of your own home you should be respectful of the owner's property. Also park in a way you aren't jamming up the street that would impede emergency access.

-199 Myron Lisa Colvert is asking when the beach and parking passes will be available.

-Trustee Engelkirk states they are going to print now and we are expecting them before Memorial Day. We can send out a notice when they are available.

-President Sidney states the next GID meeting will be May 26th in person so we could hand them out at the meeting if they arrive in time. We will be spending time reviewing the budget as well.

-Mary Ellen Hawkins is asking about the port-o-potty for the beach. Memorial Day was a busy weekend last year.

-Trustee Engelkirk states that the port-o-potty has been ordered and is scheduled to be delivered the week before Memorial Day. A member of the GID will be meeting them for placement

-Mary Ellen Hawkins states she heard that they are almost done with the cleanup Lake Tahoe project but did not know if they came to our area.

C. Parking issues and strategy

-President Sidney states we will continue to discuss this issue. There have been discussions with the Sherriff's office on what we can and cannot do.

-VP Herwig has been talking with Captain Ron Michitarian, the administrative officer for Tahoe Township, he has been interacting with the deputy district attorney. They are indicating that per our ordinance Skyland is an area where there is no street parking permitted. Now that cannot be enforced unless adequate signage is provided. They have made suggestions on wording for what it should entail. They indicated to us that we can have enforcement focus areas, some streets can have legally enforceable areas while other will not, and by ordinance there is no street parking allowed. It could not be enforced without putting the legally enforceable signage up. We have an opportunity to pick and choose where we want to focus our enforcement and there is a section of the code that allows issuance of temporary permits for various things including construction, special events, etc. They do have requirements that are associated with that within the code. There is also a possibility that we could develop a temporary permit plan and have that approved by the county engineer and maybe do things a little different than what is specifically in the code. Overall we have the ability to implement no parking, throughout the community if we want to, we can make it legally enforceable in certain areas if we want to and we do have rights to issue temporary permits.

-Treasurer Nice thinks that if we are going to have parking enforcement we are going to have to have it throughout Skyland or else they will just move somewhere else in the neighborhood.

-VP Herwig states the ordinance requires that there is no street parking in Skyland, while its not legally enforceable, warnings could be issued in areas where we didn't have legally enforceable parking signs. The issue is we have parking problems only on certain streets. He hasn't seen it elsewhere but we could start in a couple of areas and see how much enforcement is necessary in other areas.

-President Sidney feels that is a good strategy because he does share Richard's concern. We don't know if it will turn into an issue in other areas of the neighborhood. We can have a starting point and agree to flexibility as we learn more. We want to prevent safety issues but we don't want to prevent homeowners from using their homes and their properties in a way that's reasonable for them. That would be the risk of putting something in place throughout the neighborhood. Perhaps we can roll out a phase one and see if that meets our needs and we can expand as necessary.

-Treasurer Nice feels it is reasonable so start with the areas where we have seen the problem. He also feels we need to make sure the Sherriff's department will enforce it.

-VP Herwig states that is why he is working with the Sherriff's department to make sure we have the proper signage and they will agree to a protocol for enforcement. We have a little more work to do. The enforcement piece is what we are still having discussions on.

-Scott Sullivan 116 Ponderosa, is asking if we can put up signs in front of our own home?

-VP Herwig states that homeowners cannot do that. The GID is being given the responsibility to put up the parking restrictions per the ordinance.

D. Budget update

-Treasurer Nice states we have our CPA is preparing financial documents and our budget on a quarterly basis. Larry finally got our funds out of Fidelity and we are still deciding where we will be investing it. We need to be following the guidelines of our loan. Our income will be increasing on a 3% annual basis that will cover our loan payments. We are talking about making our loan an annual payment. We are setting things up with the bank for an auto payment. We use US Bank. He feels we should set up a separate account for the loan payment so we are not mixing funds. That is one of the things that we will be discussing next meeting. We will have a complete budget by the end of the quarter and we will share it at our next meeting.

-President Sidney states we do have a draft budget and we will make sure it gets posted to the web site for review prior to the meeting. He has heard concerns that we are spending money on the lights, beach passes, an a lot of other things and he wants to reassure everyone the accountants project that our annual budget even with the fence payments should not go negative. Each year the small tax increase that happens plus the number of homes in our neighborhood being improved upon or rebuilt with a larger tax base for the district should be very comfortable in carrying the loan. We do have about \$500,000 in our account at the moment as well. Rest assured we are all focused on the budget.

-VP Herwig has asked for all trustees to receive the draft budget

E. Items for next meeting

-VP Herwig states we might want to talk about any areas where we have damage from the winter where we need to take care of (pot holes).

-President Sidney states that is a good idea and those areas should be apparent once the snow melts off.

-Trustee Engelkirk agrees we should assess damage. She states some residents are concerned about the visual of the entrance to the neighborhood and are wondering where is the delineation between your personal property and the Skyland property. There have been questions about some decorations that a homeowner may appreciate but may offend other homeowners. They would like a discussion brought up at the next meeting.

-President Sidney is asking if this is about the appearance by the stone walls.

-Trustee Engelkirk says yes there have been questions about personal property being used to decorate Skyland property.

-President Sidney has asked neighbors to report road damage if they are aware of it before the next meeting so we can identify the most critical parts.

Establishment of next meeting is May 26th at 3:30 pm at the Douglas County Library in Zephyr Cove

-Trustee Engelkirk made a motion for adjournment. Treasurer Nice seconded it. All trustees vote yes to adjourn.