

# **Skyland General Improvement District**

## **Board of Trustees**

### **Meeting Minutes June 30, 2022**

Larry Sidney, President

Jon Herwig, Vice-President

Richard Nice, Treasurer

Cindy Richter, Secretary

Dana Englekirk, Trustee

Notice of Public Meeting Thursday, June 30, 2022, 3:30pm

*This meeting will be held at the Zephyr Cove Library, 233 Warrior Way, Zephyr Cove, NV 89448. It will also be broadcast electronically using Zoom, at the link below. It is not certain that Zoom attendees will have the ability to comment. Any member of the public is welcome to join the meeting on Zoom by going to  
<https://us06web.zoom.us/j/89124393275?pwd=ZjFGMGxzNCsyVFJVR24vYVQ3Y3VCdz09>*

#### Call to Order

Roll Call-VP Herwig, Richter, Nice, Sidney. Present. Engelkirk joined later

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.

-Lisa Culver 199 Myron- Asking about notification that power poles are being replaced.

-President Sidney states NV Energy did not reach out to anyone in the neighborhood about the old poles being removed or that they were coming

-Mary Ellen Hawkins- she is asking about the smell from the sewer by the beach

-No other public comments

#### **Action Items:**

### **A. Discussion and approval of May 26, 2022 meeting minutes**

-VP Herwig made a motion to approve the May 26 meeting minutes, Sidney seconded it. Votes 4-0  
Minutes approved

### **B. Discussion regarding fence bond terms and condition**

-VP Herwig states last month we approved a bond resolution fo the USDA loan. It was approved by the board and sent to the USDA for additional evaluation and comment by the USDA. They had a couple of comments that are procedural. We do not need to re-approve it per our council.

-Secretary Richter will need to certify on the date of closing of the loan. She has received the document and reviewed it.

-On the day of the loan closing, Richter will need to certify that on May 26th we all voted to approve the bond motion.

-No comments from the board or the public

### **C. Discussion and Selection of the Contracting Company**

-President Sidney stated that about an hour ago the bids were opened.

-VP Herwig states there was a pre-bid meeting with 2 contractors. He felt they were qualified to do the work. Bids were received from 2 contractors, one was at the pre-bid meeting. The low bid came in at \$750,000, the second bid came in at \$1.8 Million. The low bidder is Impact Construction. He feels they have the qualifications and they had the knowledge to deal with the project. They understood we need to conform with NDOT Requirements. We are all disappointed at the amount of the bid we are in an era right now of high inflation and gas prices and those may have affected the bids that we got. We will probably have to spend 2-300,000 of our savings to complete the project. It may be possible to get our loan increased and he will speak with the USDA representatives. Overall he doesn't thinks the costs will get better over time. He recommends we move forward with the low bid contractor.  
Nice-wants to know if Jon has actually seen the bid yet.

-VP Herwig states he hasn't seen the bids yet but is expecting an email at any minute. He feels that RO Anderson will recommend the low bidder and will be sending a letter of recommendation.

-Nice says he cannot vote on a bid that he hasn't seen.

-Herwig states RO Anderson is only managing the project for \$10,000 so their costs will not change. It is really inflation that has caused higher priced bids. He said the engineer has already been paid for their services up to this point.

-Sidney states we don't have the breakdown of costs but we know that the cost of wood has decreased although hiring has gotten more expensive

-Herwig states that the USDA still will have to review the contract and approve it. We can review the bids while it is in the USDA's hands. We can approve it now with the caveat that we could cancel if there is something we don't like when we actually get the bid.

-Sidney states there is a fear that if we don't get this started we may risk the USDA Loan

-Herwig states the USDA has made it clear that if we don't get this started soon it could affect the loan

-1037 Golden Mantle-David Nyre- asked if we got anything else besides just a bottom number

VP Herwig states it will be a full bid packet with a breakdown of costs. He just doesn't have -them yet.

-Nyre asked if RO Anderson will just be reviewing the bid or will they be comparing them. Is there a fixed date for performance once they start?

-VP Herwig is interested in finding out why the bids are so different but he isn't sure if RO Anderson will be doing comparisons. They are required to give us line items.

-Nyre was not surprised at the \$750,000 bid. Lumber and government required rates affected some of the costs.

-Herwig states that July 15 to October 15 the required timeline for performance

-Sidney states we really have to see if the less expensive of the 2 is realistic.

-Larry Lewin- 119 Ponderosa Drive- do we have a guarantee and a timeline? What recourse do we have if they don't perform. What are we doing with Tahoe Drive? He cautions the trustees that we do this right and no one can make a decision until we review the bids in detail. He doesn't think this project will ever be done in 3 months. He is asking if the new president will have the same view point. We just want our neighborhood to be nice and clean and simple.

-Sidney states we all want to make a good decision here. He also wants everyone to understand that if we don't get this done this summer then we may have additional delays. The president's job is not the person making the decisions.

-VP Herwig- speaking to Larry Lewin regarding recourse about them not performing there are liquidated damages.

-Richter stated she is fine with having an emergency meeting at a later date as long as it isn't too long.

-Engelkirk joined the meeting

-Nancy Beaulieu-1036 Golden Mantle- says the tahoe drive fence is a valid concern and it should be considered in the current fence replacement project

-Sidney would like to know how she would like it to be concluded in the current fence project bid.

-Nancy feels it is an eye sore

-Sidney asks if she feels the fence on tahoe drive should be demolished now?

-VP Herwig states we have gone through a very lengthy permitting process which only covers the boundary fence at this time. At this point we cannot address other portions of this fence with the current

project. It should be discussed in the future but we cannot address it under the current scope of the project.

-Sidney states we really need a 5 year infrastructure plan to deal with all of the issues in the neighborhood

-Nice-He doesn't mind doing a vote but then he has to put qualifications on the vote. He wants to see the bid, the contract, etc.

-Richter also feels we need to see the bids before we can vote.

-VP Herwig states we could couch the motion that assuming that review of the bids does not identify any provision that would invalidate the decision.

-Sidney and Nice feel we really need to know the bids before we can vote. He asked trustee Engelkirk her opinion.

-Dana Engelkirk agrees that we need to be careful and review the bids before voting.

**-Motion to hold an emergency meeting on July 5th at 3:30pm to review the bids.**

**Motion passed 5-0**

**D-Discussion and Possible Action on paring Strategy**

-Any discussion from the trustees? None

-Neighborhood discussion? None

**Discussion Items**

**A. Fence project update**

-VP Herwig says we did receive our TRPA permit, we are still waiting for the permit from NDOT. We have the bids in, loan closing, board resolution have already been reviewed. We need to get a right of way and land use certification completed but we need the NDOT permit before we can do that. We need these items before we can close the loan.

-Larry will still contact the people in Reno about funding our emergency access.

**B. TDD lawsuit**

-President Sidney states that we received 2 attorney opinions that stated the GID does not have the legal authority or rights to intervene. Residents do have the right.

-VP Herwig states it is still in the Skyland residents interests to let the TDD board know the residents opposition to the settlement. Their next meeting July 12th at the TDD Offices.

The attorney says in order to move the rocks and the jetty, the TRPA would have to give a permit. Residents could comment at that point during the permitting process. If the settlement is approved by the TDD board, residents could oppose the movement of the rocks and the jetty.

-150 Willow-Elizabeth Burnhardt- She says there are no flag posts currently at the beach. She said we were issued a parking pass but if we don't have the jurisdiction than why are we issuing beach passes

-Sidney states there are always questions about what we can and cannot do regarding the beach

-VP Herwig states that when Kevin Lavo was president, he asked the attorneys to ask the Douglas County Board of Commissioners to give us permission to oversee the recreational use of our neighborhood. He states that the board did not give us that permission. He states that the settlement issue is about our easement rights.

### **C. Beach Update**

-Engelkirk- less than 50 passes still to be handed out. The kayak decals should be here this week, She would like to set a time for the 32 people who have reserved spots to meet her at the beach. She will send out a group text to those 32 people, Friday morning or Sunday afternoon to get their stickers.

-Engelkirk- 4th of July-same company we have used n the past will be doing the security. They are also working with Roundhill. No barriers this year because a permit needed to be requested 2 weeks ago.

### **D. President Sidney has submitted his resignation from the board.**

-If the board accepts it then he will turn over the meeting to VP Herwig.

-Herwig states his resignation was accepted by the board. As VP he will take over as acting President. We have 30 days to appoint a new GID board member. We have received only one person, Scott Sullivan to apply for the board. VP Herwig has a couple of concerns about his application as Scott is not a full time resident right now. He doesn't think he can zoom in if we have an in person meeting at the same time. Jon has a call into the elections board to certify that Scott can be a voting member of the community if he doesn't live here full time. He thinks we could be ready on July 5th to vote if we have completed our due diligence.

-Nice-his concern is whether Scott is a resident of the state of Nevada?

-VP Herwig states that to be on the board you have to have a voter registration in the Skyland Community. He is trying to get clarification from the Douglas County Voting Board.

-Nice thinks we should postpone our vote until we get clarification. He thinks we should wait the 30 days to see if anyone else is willing to serve.

Public comment? None received

-Janine Nyre 1037 Golden Mantle- states that Suzie Pertzzio for years called in and was allowed to be a voting member.

-VP Herwig states that people need to be in person

-Scott Sullivan is still interested since he hopes to retire here. He wants to help out as much as he can. He is registered to vote in the State of NV. He is available to answer questions.

-Nice states that as the treasurer of the Lake Village HOA he also did remote meetings.

-VP Herwig will query our attorney.

-Nice states the By-Laws need to be updated if they are allowed

-Updated officer roles, it is important to conform to the USDA rules. An acting President would not be allowed to sign the loan so he feels we should have discussion.

-Nice feels we should make a motion to vote on the new president.

-Motion made by Rj Nice for Jon Herwig to be president of the GID Board.

-Roll Call- 4 yes votes, motion passed. Jon Herwig is now the President of the GID

-Nice feels we should defer any other officer role adjustments at this time.

-Herwig feels we should wait to fill the VP roll until July.

-Discussion and Action items completed

**Nice made a motion to adjourn the meeting. Special meeting to be held July 5th.**

**Next full meeting Thursday July 28th at 3:30pm**