



# Skyland General Improvement District Board of Trustees Public Meeting Minutes

Wednesday, September 13, 2023 @ 3:30pm PST

**ZOOM ONLY**

Zoom Meeting ID: 975 6502 5840; Passcode: 204117

*This meeting will be held via Zoom only! Any member of the public is welcome to join and participate.*

- Pursuant to Section #241 of the NRS and laws of Nevada, the Skyland General Improvement District notifies 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.
- Any supporting material for the meeting may be obtained upon request by contacting Scott Sullivan at [sullivanskylandgid@gmail.com](mailto:sullivanskylandgid@gmail.com) or 206-601-4978

## 1. Call to Order – Roll Call – Establish Quorum

Scott Sullivan - President  
Dana Englekirk - Vice President  
Nancy Beaulieu - Trustee  
Karl Ney - Treasurer  
Open – Secretary

APPROVED  
2023.10.05  
*[Signature]*

All present and accounted for, meeting called to order at 3:32pm

## 2. PUBLIC FORUM

*Any person wishing to address the Board on items of interest not listed on this agenda may do so at this time. Comments are requested to be limited to three minutes per person. No action may be taken by the Board on items addressed under the Public Forum. Public comment on agenda items will be invited at the time items are considered, before any action is taken.*

**Scott Lindgren, TDFPD Fire Chief:** TDFPD will be holding a community meeting for Skyland residents on Thursday 9/21 from 4-6pm at Stn23 (Elks Point) in person or via zoom. Purpose: to explain a fuels break project which will take place on the Southern property boundary along Willow Drive from the Lake all the way to Hwy 50 and on the eastern side of Hwy 50 across from Skyland. This will be a 200 ft "shaded" fire break. Also discussed will be the recent NV Energy resilience corridor work (Zone 1 and 2). Focus is to work the evacuation corridors first. Hope to make the Skyland project a 'showcase'. Also in attendance will be a representative of the USFS to provide context (what they are able to at this point in the license award process) for the Zephyr Cove Resort/Shoals planning.

Ben Johnson, 1090 Deercliff Dr: Thanked the Trustees for their hard work, introduced himself as a member of the TDFPD Board. Wanted to let everyone know that he was planning to walk the neighborhood getting the word out about the community meeting. If anyone wants to help him, please let him know.

Public comment closed at 3:40pm

## 3. DISCUSSION

### A. Financials

Trustee Ney is coming up to speed as Treasurer, still needs to get full access to both bank accounts (one for general purposes, the second for receiving USDA loan proceeds for the fence). Currently our checking balance is \$140K, our revenue is between \$15-30K per month (lower in the summer). One big hit was the last snow season. The timing and snowfall amounts required that we utilize snow removal services at a much higher rate for longer periods of time than a "typical" year. A "typical" snow year runs \$50K whereas last year was \$200K. When Trustee Sullivan first joined the Board, we had reserves of ~\$500K. Overages approved for the fence as well as the last snow season have eroded our balance. We are on our way back to health but need to be mindful of spending in the near term.

No public comments were made.

## 4. FOR DISCUSSION AND POSSIBLE ACTION

A. Approve minutes for 2023-07-26 meeting.

One note added to minutes post meeting was Trustee Sullivan's research on Larry Sydney's comment that minors cannot be board members. Per NRS, the Secretary does not need to be a board member, however the Skyland GID Bylaws do indicate that officers of the district such as secretary must be trustees and trustees must be registered voters of Skyland.

Public Comment:

Veer Mayo (74 Skyland Ct): Thanked Larry Sydney for his comments.

Trustee Ney made a motion to approve the minutes, Trustee Beaulieu seconded the motion. Unanimously passed.

B. Appoint Trustee to fill the existing vacancy. The Appointee will not be able to vote or assume other Trustee duties until oath of office is taken before a notary public.

No public comment

Janine Nyre (1037 Golden Mantle Cir) volunteered, background in Aerospace and Supply Chain Management. Trustee Englekirk asked about motivation, Janine replied that she is familiar with board challenges and looks forward to helping to coordinate and work through the issues facing Skyland for the next five years.

Trustee Englekirk made a motion to approve the nomination, Trustee Beaulieu seconded the motion. Unanimously passed.

C. Election of Officers (ie. Secretary).

Janine Nyre (1037 Golden Mantle Cir) expressed desire to take on the Secretary position.

Trustee Ney nominated Janine Nyre for Secretary. Trustee Beaulieu seconded. Unanimously passed

D. Paving Estimate for Entrance

Trustee Ney has 2 bids for repaving the entrance. Key concern is how much truck and heavy equipment traffic there is coming into the neighborhood. We might want to wait until NDOT is completed with their project. One estimate is for 4" of pavement (\$37K), the second estimate is for 3" (\$32K). We are trying to get the project done over a two-day period in 2 sections to allow the pavement to cure (for longer life). Currently leaning towards RG Construction as more knowledgeable and can do the project soon. Discussion about the potential for the NDOT project to interfere with our paving plans from a schedule perspective.

Public comment:

Larry Lewin 119 Ponderosa: Can we use the new fire exit for egress/ingress during the paving project? May be difficult, but maybe we can get traffic assistance. Also, recommend we have a project manager to verify the contractor is doing what they signed up to do. Since there is so much work on Hwy 50, maybe we do a quick fix now at minimal cost and undertake the project in the spring after snow melt. Need an advisor who is an expert to advise the board on this.

David Brody 1064 Deercliff: Regarding timing, about 3 hours ago it looked like NDOT (or someone) may have filled some of the deeper holes at the entrance.

Justin Sand 159 Ponderosa: Works for Loomis and Assoc, recently done a project for PineWild, can help with material selection, specification, etc.

Janine Nyre 1037 Golden Mantle Cir: Do we know what NDOT plans are (may have already been answered). Also, there is a separate charge on RG Construction of \$4K to complete the project in 2, half days. In the last meeting, there were several residents who indicated that they might be interested in hiring the same paving company to help with driveway maintenance, is that still an option?

Trustee comment: Trustee Beaulieu and Trustee Englekirk thanked Trustees Sullivan and Ney for thinking of the safety of the neighbors. Trustee Ney indicated that if the holes are already patched, a delay might be advisable. He will also get with the residents noted about to discuss specs/materials. Trustee Sullivan added that if NDOT's project includes work that conflicts with our paving plans, we could be wasting money. We need to talk to the GM of the NDOT project to identify what their plans are. It might be that we just fill potholes for now and plan the repaving for the spring.

No action/motion made on this item. (Note: Tom Deaver 1056 Myron, indicated that his wife verified that the potholes had been filled with cheap fill.)

E. Fence Repair & Project Updates (fence, trees, completion)

At the last meeting in July, we had a proposal to dig down alongside the holes for ~2/3 of the posts and fill with heavy concrete after brushing the posts and trying to bond the concrete to the post material to shore it up. Residents did not agree. Trustee Sullivan went back to Impact Construction and Mule Fence (subcontractor for fence), RO Anderson (design/engineering) and Jon Herwig (GID Liaison). Many conversations on options have occurred, what Trustee Sullivan has pushed them to accept is: pull up EVERY post that the GID points at as defective. Defective is defined to be: does it wiggle?, is it plumb? Of the 116 posts south of the entrance, only 5 were plumb. Most were out of alignment by 5-11 degrees (displacement of

2-6 inches at the top). RO Anderson's assessment is that we may end up pulling every post. Trustee Sullivan's estimate is that 90+% will need to be pulled. Simplifying the argument for the contractor, it was agreed that the lean in the fence post happened for one of two reasons:

1. The posts were installed incorrectly.
2. The snow load greatly exceeded the design specs

The only way to assess which reason it is for each fence post is to dig all of the posts that lean (or wiggle) up and measure the concrete that is under the ground. If it is <35 inches (the contractor is trying to push for 32"), then it is considered "defective" and Impact Construction needs to replace the post under warranty. If it is ≥35 inches (or the agreed to number), then Skyland has to consider that that fence post was damaged by snow-load exceeding the specification and needs to repair it and pay for the repair.

When Trustee Sullivan, Jon Herwig and RO Anderson went to inspect the fence line, they pulled 5 posts. One of them was at 32", the other 4 were far short of that. Given that data, it is felt that "most" of the posts will come in short of 32". We suspect that the majority of the posts have between 24-30" of concrete especially given the way the holes were dug (holes dug/drilled, it rained, dirt fell in the holes, poles put into hole, dirt kicked in to stabilize the pole while concrete poured).

Our position:

- Pull every post (may be some exceptions) across the entire fence line
- Assess per post if it is defective (warranty) or repair

We will have site supervision (we need to pay RO Anderson for this) to verify that the work is done correctly.

After the posts are correctly installed (and verified by RO Anderson), the rails/horizontal members have to be put back up with #10, 2.5" screws (2 on each end), then the pickets have to be secured. The way they intend to remove the panels is rails with pickets attached (ie, they recommend not removing nails unless the picket came loose from the rail). In reinstalling the pickets, they will add 4 screws per picket, 2 up/2 down (regardless of whether the picket is still attached to the rail). Screw specification has been provided for that as well. This will cover the entire fence line.

Impact Construction has been asked to warranty this work for the next 12 months with the same agreement for next winter. If the fence is damaged this winter, it is assessed per the above as "defective" or "damaged by snow load". If defective, Impact Construction repairs it. If damaged by snow load, Skyland pays for the repair.

This is the agreement as it stands today. The trees are a separate issue. There are some completion items that are part of the original contract that need to be done regarding some man gates that need to be done before NV Energy will power up our electrical.

We are asking Impact Construction to explain to us what percentage of trees failed due to shock and what percentage of trees failed due to overwatering because the soil is carrying too much water. This is important to get to the agreement for how many trees they will replace under warranty and how many Skyland will need to replace. The fence rebuild will require a lot of foot traffic around the trees, we need to make sure that any additional damage is addressed.

Public Comment:

Veer Mayo (74 Skyland Ct): Concerned about whether the agreement requires the contractor to use all screws as originally specified (Trustee Sullivan confirmed that it does)

Larry Lewin (119 Ponderosa): Larry has an arborist who works for him who was the president of the Arborist Society on the west coast. She is willing to come and look at the trees and provide an opinion on the trees. Additionally, he commended Scott and the current board for their work in trying to resolve this issue. He is supportive of the approach to tie the agreement to the original scope of work and believes it is important to have oversight on site to verify the work as it is occurring. He is concerned that we still have a single sided fence with the "front" side on the inside creating a "mobile home park" atmosphere to our visitors, and believes that we need to create a fence committee to come together to agree on the type of entrance we want to have for our property and go forward from there. There should be a check and balance. He tried to fight to keep the old fence just the way it was, just upgrade it to be more elegant. What the previous board did was very harmful. I am willing to help if you need me to. I agree with finishing the scope of work, my guess is that most of the posts will need to be replaced and the liability against the board will be very small.

Trustee Sullivan response: We asked the contractor to tell us how much double siding the fence would cost, they recommend against that. They did give us a quote for redoing the fence on the Hwy 50 side so it is more elegant from Hwy 50. The quote was \$97K. Because we are under the USDA loan, there are many extra costs associated with any work done until this current contract is complete. After that, this will become cheaper.

Andy and Jane Geisse 1074 Skyland: Suggest putting Larry in charge of the fence project. Let's face it, this fence has been a monster failure in terms of management, cost, reliability and checks and balances. It is time for new leadership. We appreciate what Trustee Sullivan has done and the effort to get out and look at the fence and assess the problems. It does look horrible for a high-end neighborhood. I am concerned that we are using the same contractor.

Trustee Sullivan response: Robert RO Anderson was the engineering/design firm, Zack Doan is the owner of Impact Construction (general contractor) and he sublets out to Mule Fence (Adam) for the

construction of the fence. Mule Fence is a small business that operates out of the Reno Valley. RO Anderson has several engineers on staff who are qualified to verify that the contractors are working to the agreement. (ie, digging holes to correct depth, not kicking dirt in the holes but filling them correctly with concrete). They are like an independent auditor not associated with Impact or Mule Fence.

David Brody 106 Deercliff: Did the contract specify how deep the concrete should go? 35" or 32"?

Trustee Sullivan: The original specifications were for the hole to be 42" deep, the post should be 36" imbedded in the concrete, with a post diameter of 14" (so there should have been 6" of concrete below the post). That should have been 500-600 pounds of concrete at the bottom of each post. We've heard many comments that this is excessive because you don't want to embed wood fully entombed in concrete because water pools at the bottom and it accelerates rot. To address this, we are working with an alternative approach where the bottom of the post is not in the concrete. The post depth is 36", with concrete depth of 35" so the water is not trapped next to the wood.

Larry Sidney 189 Myron Dr: Appreciates the efforts of the board. The agreement sounds very good but is concerned that RO Anderson did not do an adequate job. If the rails remain on the Highway side, the fence may not survive another winter. We will get it fixed up, but it will not survive because of the placement of the rails/pickets. Do the supports need to be on the other side? Why didn't RO Anderson (as our highly paid consultant) advise us on that? Concern is that this is a poor decision from an engineering perspective.

Trustee Sullivan: There is no call out on the plans relative to what side the fence was to be constructed on. RO Anderson/Jon Herwig/Impact/Mule Fence agree that it was a mutual decision to put the fence up the way it is. This is very gray territory because it appears that we asked them to build it that way.

David Allen 1085 Skyland Dr: I'm an engineer and have worked around building fences numerous times. It is probably too late now but I would highly recommend putting a foot of gravel below the posts so it can drain. Then putting the 36" of concrete all the way up to the grade level. There will be a lower chance of rot. DG does help, but you will eventually get moisture and rot.

Trustee Sullivan: Will discuss that with them.

Heidi Spry 1051 Skyland: Entrance, the brick lamp posts (unsightly) is this part of the fence project?

Trustee Sullivan: No this is out of scope.

Trustee comment:

Trustee Beaulieu: when will this start? With winter coming there is concern.

Trustee Sullivan: They are ready to start as soon as we can finalize the agreement. We have to agree with a proposed plan. I have documentation that describes what I have gone over verbally. I think I would like to send it around to the board members to review (it is a lot of work). We need to create it as a "child" agreement to the USDA agreement but separate that covers the scope of work, the payment obligations for the contractor, and for Skyland, the warranty and we will need to sign that agreement to get them to start the work on the repair. If the board is so inclined to make a motion to move forward to execute such an agreement, then that is how we will proceed. Upon signing that agreement, Zack has indicated they can be up here within a week or two to get the work done. The agreement is to have it completed by 10/31 assuming we get it signed quickly.

Trustee Ney: Are they responsible for the broken pickets?

Trustee Sullivan: surprisingly, there are very few broken pickets because the ones that came loose just popped off the nails cleanly. The wood is not damaged. Remember, once the fence is rebuilt, we will need to stain it. It should look pretty good. If there is damage, I will ask the contractor to just take care of it.

Trustee Sullivan: A rough order of magnitude estimate for Skyland exposure is:

\$10K	RO Anderson supervision
\$40K	Worst case repair cost assuming 50 posts were correctly built
Total	\$50K

Additional Public Comment: David Allen 1085 Skyland – were they ring nails? Concern about strength of fence.

Trustee Sullivan: that is what they have said. They are responsible for adding screws.

Trustee Ney: Move to have Trustee Sullivan lead this project including finalizing and executing the Fence repair plan per the above discussion with a cap of \$25K. Trustee Beaulieu seconded the motion. Unanimously approved.

## F. Snow Removal RFP

Trustee Sullivan: our contract with JP Landscaping comes to an end at the end of October. It was a 2-year agreement. I have drafted up a new request for proposal for a new snowplow/snow removal contract based on feedback from the community on the performance last year. We need to put this out to bid (3 contractors identified) and request the quotes back by the end of September for evaluation and contract award by the end of October. Some of the enhancements to the previous agreement are to ensure that snow is not thrown towards light fixtures and try to keep it away from private property that could sustain damage.

### Public Comment:

Janine Nyre 1037 Golden Mantle: 1 year contract with option for 5 years, we need to identify the criteria for the options. Also, on page 5 we need to add the due date (it is on page 1 but not page 5).

Heidi Spry 1051 Skyland: Last year there was a lot of snow. Exiting onto Hwy 50 was dangerous due to the snowpack (from NDOT). Is there anyway we can keep that lower so we can see traffic coming.

Trustee Beaulieu: great suggestion on sightline northward.

Trustee Englekirk: Who are the 3 contractors? Are we going to advertise?

Trustee Sullivan: Matt Hurst, Jake Porter and Mike Morrell. These contracts are usually \$40-50K which is below the threshold for advertisement (@\$100K)

Trustee Ney: What is the timeframe for them to get to Skyland after snowfall. Can we have them agree not to create a berm in your driveway?

Trustee Sullivan: Last year's agreement was that they had to clear Tahoe Dr and Myron by 7am. I took that out of the agreement and added they need to begin snow removal once 3 inches of snow have fallen. And proceed in order of major streets to minor streets. There are priority loops then side streets/cul de sacs last. There is also a call process for priorities if you have problems getting out. We cant have them go onto private property. Berms may exist. We will ask them to try to minimize.

Trustee Ney moves to approve the RFP for release for quotes to the 3 contractors identified. Trustee Beaulieu seconded the motion. Unanimously passed.

## G. Lights at Entrance

Trustee Beaulieu: The lights and white caps on the entrance are unsightly. We should remove them.

### Public Comment:

Larry Lewin 119 Ponderosa: Lets get the scope done, clean everything up, then formulate a committee to come back to the board with a long-term plan to fix up the entrance including the inner entrance walls. We need a complete plan going forward.

Maryellen Hawkins 1020 Alpine: Are there any lights out there now? Concern is visibility coming into the entrance.

### Trustee comment:

Trustee Englekirk: Are the caps dangerous due to electrical? (No: electrical has been shut off). Who is responsible for the plants at the entrance.

Trustee Sullivan: we do need a proper plan; we don't have bandwidth right now. In short term, I did cut off the hanging light (I tested the electrical first). The white pillars are still open. We might need to leave the white caps on for now (the pillars are hollow inside, will be a different type of eyesore). The river rock fence appears to be in pretty good shape, we might be able to put granite capstones on it. I do agree with Larry on extending the plan to the entrance and inner river rock fence. We may need to hire a landscaper; we need to have an entrance committee look into that.

Trustee Ney moves to create a committee under the leadership of Trustee Beaulieu for the Entrance beautification. Trustee Englekirk seconded the motion. Unanimously passed.

Public Comment: Jane Geisse and Larry Lewin volunteered.

## H. Signage & Enforcement: Parking, Bulletin Boards, Beach Trespass

Trustee Sullivan: Talked to Capt Duffey about trespassing people off of Skyland Beach and citing/towing cars in our neighborhood. His initial reaction was NO. When I showed him the Douglas County Code and the fact that the beach has signage for trespassing. The DA confirmed that they can enforce the code in Skyland. He won't patrol but will (assuming the correct signage) respond to our request to remove people/cars. Would like to have someone do research on wording and production of signs.

Public Comment:

Tom Hawkins 1020 Alpine: recommend that we approach the DA for the right wording.

Andy Geisse 1074 Skyland: Where are you going to place the signs? A lot of us do use parking on the street when we have people over.

Trustee Sullivan: that is a problem. The way the code is written, we could end up with a neighbor vs neighbor situation if we are not careful. I was thinking about a sign near the entrance, some at the beach (individual spaces) and some near the USFS entrances. There are NO requirements to have signs every 75 ft (was mentioned last year) but it does need to be conspicuous.

Trustee Ney requested that we table the conversation and move to next month.

Trustee Englekirk: need to make end of Skyland near USFS a priority.

## 5. COMMITTEE REPORTS

A. HWY50 & Bike Path - NDOT Survey open until Sept. 30. Info:

<https://www.dot.nv.gov/projects-programs/programs-studies/u-s-50-tahoe-east-shore-corridor-management-plan>

Survey: <https://woodpolls.com/lime5/index.php/826737?newtest=Y&lang=en>

Public Comment

Larry Lewin 119 Ponderosa: Need to make sure that any future bike path plans are taken into account.

Justin Sand 179 Ponderosa: Accessibility/parking on USFS land will have more people migrating into our neighborhood.

B. Beach Committee – Nothing to report.

## 6. FUTURE MEETING SCHEDULE

~~Sep 27, 2023 @ 3:30pm, Zephyr Cove Library & Zoom-CANCELLED~~

Oct 25, 2023 @ 3:30pm via Zoom only (Library unavailable)

Nov 29, 2023 @ 3:30pm, Zephyr Cove Library & Zoom

December, 2023 - SKIP

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## 7. ADJOURNMENT

Trustee Ney moved to adjourn the meeting. Trustee Beaulieu seconded the motion. Passed unanimously at approximately 5:44pm.

## NON-DISCRIMINATION STATEMENT

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1. mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410;
2. fax: (202) 690-7442; or
3. email: [program.intake@usda.gov](mailto:program.intake@usda.gov)