

POLICY AND PROCEDURE RESOLUTION NO. 135

Resolution No. 1760

**TEMPORARY DOG PARK AT VILLAGE GREEN POLICY
Incline Village General Improvement District**

WHEREAS, many Incline Village residents and dog owners have requested that a Dog Park be opened in Incline Village;

WHEREAS, a General Manager Dog Advisory Team was created to assess the legality, feasibility and logistics of opening a Dog Park;

WHEREAS, pursuant to Washoe County Code, 55.100, Incline Village General Improvement District has the legal authority to open a Dog Park in a designated public park owned by Incline Village General Improvement District;

WHEREAS, the Village Green was determined to be an appropriate park to temporarily open a Dog Park, subject to specific conditions and limitations, until the Dog Advisory Team completes its assessment and makes its final recommendation;

WHEREAS, the Rules and Regulations for the Village Green Temporary Dog Park have been provided to the Board of Trustees and IVGID legal counsel for review;

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees of the Incline Village General Improvement District hereby adopt and place in to immediate effect the Village Green Temporary Dog Park Rules and Regulations.

RESOLVED THIS 28th day of July 2004.

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted at a regular meeting of the Board of Trustees of the Incline Village General Improvement District on the 28th day of July 2004, by the following vote:

AYES, and in favor thereof, Trustees John Bohn, Syd Brosten, and Bob Wolf

NOES, Trustees Ted Fuller and Gene Brockman

ABSENT, Trustees: None

/s/ Robert C. Wolf
Secretary



**INCLINE VILLAGE IMPROVEMENT DISTRICT
TEMPORARY DOG PARK AT VILLAGE GREEN
RULES & REGULATIONS**

ENTER AT YOUR OWN RISK. THIS AREA IS NOT SUPERVISED. OWNERS ARE LEGALLY RESPONSIBLE FOR THEIR DOGS AT ALL TIMES. INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT ASSUMES NO RESPONSIBILITY OR LIABILITY FOR CONDUCT OF DOGS OR THEIR OWNERS.

- The Village Green will be designated and open as a Dog Park during specific hours and days. Notice of such dates and times will be posted by Incline Village General Improvement District.
- Dogs must be currently vaccinated against DHLPP and Rabies and must be legally licensed.
- Current license, rabies and identification tags must be worn on the dog's collar at all times.
- Dogs must be spayed and neutered.
- Owners/handlers must accompany dogs at all times in the dog park and keep dogs in their sight and under voice control. Please control excessive barking.
- Owners/handlers are responsible for the behavior of their dogs and shall be responsible for any injuries or damages caused by their dogs.
- Any dog showing aggression towards people or other dogs must be immediately leashed and removed from the dog park.
- Dogs with a known history of aggressive or dangerous behavior are prohibited.
- Owner/handler must carry a leash at all times and dogs must be leashed when entering and leaving the dog park.
- Owners/handlers must pick up and properly dispose of their dog's feces.
- Please do not allow your dog to dig holes in the park. If your dog digs holes in violation of this rule, you are responsible to fill in any holes and/or make appropriate repairs to disturbed areas.



**INCLINE VILLAGE IMPROVEMENT DISTRICT
TEMPORARY DOG PARK AT VILLAGE GREEN
RULES & REGULATIONS**

- Children must be accompanied at all times by a responsible adult. Children should be discouraged from approaching or playing with strange dogs.
- No more than three (3) dogs per owner/handler are allowed in the Dog Park on any single visit.
- Puppies using the dog park must be four (4) months of age or older.
- No female dog “in heat” or “in season” is allowed in the park.
- Sick dogs are not allowed. Owners/handlers of dogs with a known sickness or displaying sick behavior will be required to remove their dog.
- No eating or smoking is allowed in the dog park. Cigarette butts and food wrappers are tempting and unhealthy for dogs.
- While small, bite-sized training treats are permitted in the Dog Park, food in bowls, long-lasting chews, or glass containers are not allowed.
- No animals other than dogs may be brought into the Dog Park.
- Please call 9-1-1 in the event of an emergency.
- Owners/handlers who fail to obey these rules and other park rules may be cited and/or be subject revocation of their electronic key card and denied access to the Dog Park.
- Violations of Dog Park Rules are enforceable under 55.800 of the Washoe County Code.

Chairman Brosten asked for public comments and receiving none brought the question back to the Board. He called for a vote and the motion was passed unanimously.

K. GENERAL BUSINESS

K.1. CONTRACT AWARD: LYN MARIE TRUCKING TO HAUL GRINDINGS TO THE WETLANDS FOR THE RESURFACING OF THE ROADS IN THE AMOUNT OF \$45,685.93

Trustee Bohn made a motion to:

Award a contract for Lyn Marie Trucking in the amount not to exceed \$45,685.93 based on a unit price contract. This contract will be to haul grindings to the IVGID Wetlands for resurfacing of the roads. Authorize staff to execute requisite purchase order documents.

Trustee Brockman seconded the motion.

Chairman Brosten asked for public comments and receiving none brought the question back to the Board. He called for a vote and the motion was passed unanimously.

K.2. CONTRACT AWARDS FOR THREE (3) RECREATION CENTER PROJECTS: REPLASTERING OF THE RECREATION CENTER POOL, REFINISHING OF THE RECREATION POOL DECK SURFACE, AND REPLACEMENT OF THE TILES IN THE RECREATION CENTER LOCKER ROOM - (REMOVED FROM THE AGENDA)

K.3. RECOMMENDATION FOR A TEMPORARY DOG PARK AT VILLAGE GREEN

Recreation Superintendent Johnathan Skinner reviewed the submitted memorandum and distributed two items - the temporary dog park hours and the revised temporary dog park rules. Trustee Bohn pointed out the conflict between bullet point 4 (*Dogs must be spayed and neutered.*) and bullet point 15 (*No female dog "in heat" or "in season" is allowed in the park.*) in the draft rules, as submitted. Recreation Superintendent Skinner thanked Trustee Bohn for this observation and noted that it will be addressed in the final version. Trustee Fuller asked if the Washoe County Health Department was in agreement with what the District is doing. Recreation Superintendent Skinner stated that he had spoken with three representatives of Washoe County and that their main concern is that the dog feces be picked up and that the temporary dog park is self supervised. Trustee Fuller asked for confirmation that the Washoe County Health Department said the dog feces has to be picked up. Recreation Superintendent Skinner confirmed that they did say yes, the dog feces have to be picked up. Chairman Brosten asked about violation of Washoe County Ordinance 58.100. Recreation Superintendent Skinner said he is still doing the research on that item and General Manager Horn added that for basic violations, the District could have the Washoe County Sheriff come on to the site or call the Washoe County Animal Control. Currently, the District does not have a dog registration process in place. Chairman Brosten asked about the time table for a dedicated dog park. General Manager Horn stated that this evening, staff is looking for the approval of the temporary dog

park and the authority to proceed with the planning for a dedicated dog park and that if the Board has a time frame it wishes staff to pursue, to please include that as part of the motion. Trustee Fuller asked if the only staff recommendation, for a temporary dog park, was Village Green. General Manager Horn said that yes, this was only recommendation at this time and noted that Diamond Peak Schoolhouse area was still available. Trustee Wolf asked about the greenbelt areas. General Manager Horn said he is still under the assumption that these areas are available. Chairman Brosten suggested that a map be created of areas where dogs can be walked, run, etc. General Manager Horn added that the only area, if approved, that is monitored by the District, at this time, is the Village Green. Trustee Fuller asked for a clarification on monitoring. Recreation Superintendent Skinner stated that District employees would patrol the area after it was closed as a temporary dog park. Trustee Bohn asked for an estimate of post event patrol costs. General Manager Horn said it was a cleanliness operational issue. Trustee Fuller was adamant that if dogs and kids were to be in the same place, the area must be really clean. General Manager Horn said it was his decision to direct staff to do the cleanup. Trustee Wolf asked what was the soonest date the temporary dog park could be opened. Recreation Superintendent Skinner said it could be as soon as signage could be made; probably Sunday, August 1 or Monday, August 2. Trustee Brockman asked who was going to check the vaccinations, etc. - was the General Manager's Dog Advisory Team members going to do this. General Manager Horn said we weren't at that stage this evening but that Trustee Brockman's question would be answered when we wrote the plan for the dedicated dog park. Trustee Fuller asked that the rules, for either temporary or dedicated dog park, address the liability issue. Trustee Brockman stated that he strongly favors a dedicated dog park and that there needs to be a definition, i.e., dogs only, not people, etc. He also wants the public safety and public health aspects addressed in the plan. Further, we must follow the laws as set forth by Washoe County, and that he insists on an ending date to the temporary dog park at Village Green. District General Counsel Scott Brooke asked that the motion also include a bullet point that we can modify the rules so as to adapt them to changing conditions.

Trustee Wolf made a motion to:

Approve the use of Village Green as a temporary dog park until October 30, 2004, with the provision that staff could amend the temporary dog park rules to changing conditions. Trustee Bohn seconded the motion.

Trustee Brockman offered an amendment that the date be changed from October 30, 2004, to September 30, 2004. Trustee Wolf refused the amendment.

Trustee Brockman asked what was so special about October 15th. Trustee Wolf stated that this was when the dog owners had access to Ski Beach.

Trustee Fuller spoke against the motion because of health hazards. He is concerned about the dog owners that don't pick up after their dogs. He wants the District committed to finding a dedicated dog park that will be taken care of by the community and protected by the community.

Trustee Brockman stated that he agrees with Trustee Fuller and that we need a place other than Village Green. He stated he will vote against the motion.

Trustee Bohn spoke for the motion as he felt it is a reasonable request as this is how it has been used for more than twenty years.

Trustee Wolf spoke in favor of the motion and added that he understands the concerns and hopes to see a good process outline for the dedicated dog park which he also favors.

Trustee Brockman questioned that if we approve this use tonight, would we be denying others their usage of the Village Green. He recognizes that the recommendation isn't for total limitations and that at the Ski area, there is no joint use. He concluded that the greater sentiment he has heard is to deny this request.

Chairman Brosten asked for public comments.

Cathy Gussow stated that she didn't feel that the dogs should be banned from Village Green and what was ninety days of temporary usage.

Norman Rosenberg said he was in favor of a dedicated dog park however, in his review of the Nevada Revised Statutes, he didn't see anywhere that the District has the obligation to deal with dogs. He suggested that the dog owners take their dogs to the meadows to run them. Just because the Village Green has been used this way in the past, doesn't make it right to continue this usage. He would vote against this recommendation.

Art Schmauder questioned if the Board had checked with its insurers regarding this recommendation. Risk Manager Mike Pennacchio stated that the District's liability insurance does cover this recommendation.

Sally Hertz said she is in favor of a temporary dog park and hopes that staff will move quickly to achieve the goal of a dedicated dog park. She walks, with her dog, for recreation and for her health. She doesn't feel it is appropriate to fence in an area. As to the waste matter, she noted that you can't keep poop off the Village Green as there are coyotes and geese that also poop on it.

Margaret Martini said that she is not in favor of the temporary dog park at Village Green as it may take up to three years to reestablish the park's health after this usage, feels that we will be in violation of the Washoe County leash law, this will encourage non-resident use, taking on liability risks and rules violation risks, and that she would rather deal with leftover water bottles and candy wrappers than dog feces any day.

Don Kaplan said he is in favor of this temporary usage as it is what the citizens of this community want. This matter has been going on forever and that finally the dog owners are seeing some action from this General Manager. Mr. Kaplan concluded by saying that he doesn't want General Manager Horn to ever take any dog related action until he has met with his Dog Advisory Team first.

Don Epstein stated that he thought that people needed to do their research first and that there are a multitude of websites available with lots of good information and that it is his hope that this community can work together to resolve this matter.

Chris Talbot stated that he is in favor of a temporary dog park and suggested that a split field option be explored for next year as dog owners need to run their dogs.

Bea Epstein stated that she does see the need for a dedicated dog park. However, she is concerned that the attitudes have not changed from the altercations of this spring. She urged the District to find a permanent place and not to put in place a temporary fix.

Art Berliner stated that he is on the General Manager's Dog Advisory Team and that this team has done a lot of work to get to this point. He commended both General Manager Horn and Recreation Superintendent Skinner for their work and asked that the Board approve this request as the team needs a couple of months to work towards the goal of a dedicated dog park.

Nina Bechtel asked about the cost of clean-up and stated that she picks up after her own dogs as well as picking up after dogs where their owners don't pick up. She was curious as to the money spent to date and spoke in favor of the dog park. Recreation Superintendent Skinner stated that he didn't have those figures for Ms. Bechtel and that he would research this with Parks Supervisor Steven Phillips. General Manager Horn noted that up until Washoe County made some changes, the use of Village Green has worked well and there is the likelihood that we were doing clean up prior and up to the change and that this temporary usage would probably cost a little bit more to do.

Chairman Brosten asked what would happen if an injury occurred at Village Green. District General Counsel Brooke said it would depend upon the circumstances but you could almost be assured that the District would be involved in some way. General Manager Horn said that this would be addressed, as part of the ordinance, for a dedicated dog park.

Trustee Fuller noted that all the Trustees are in favor of a dedicated dog park and that the reason we are at this point in time, with this matter, is because there was an incident or two and that we had to take action to protect the District. We want to keep staff out of harms way and therefore we must implement and follow any rules and/or regulations established.

Trustee Wolf asked Washoe County Assistant Manager Michelle Poche for her opinion as to whether or not the District could do a temporary dog park. Washoe County Assistant Manager Poche responded that what the District is doing is not unprecedented and cited the City of Sparks as a reference point. The rules and regulations she has seen are more specific than Washoe County requires and this creates a more restrictive usage for which the District will be responsible. However, Washoe County can assist with some enforcement.

Debbie Richter said she is for the temporary dog park and that the team and staff have put a lot of hours into this effort for which she is very appreciative. She recognized that nothing can get accomplished in sixty days and that a dedicated dog park certainly can't be accomplished in sixty days.

Steve Hopkins expressed his concern that the Village Green is private property and that the Washoe County ordinances apply only to public parks. Therefore, the District isn't getting equal treatment. District General Counsel Brooke responded that the Village Green has always been operated as a public park and that there is no definition in the Nevada Revised Statutes nor in the Washoe County ordinances. The interpretation of Village Green as a public park is a common sense interpretation. If the Board would like, the District General Counsel can request a written opinion from Washoe County.

Bob Sendall stated that he feels this is a small, vocal group requesting the dog park and that if they really want it, they must supervise it themselves.

Ed Russell shared that he is for a dedicated dog park and that dogs still poop when they are on a leash. He questioned whether the District was liable if it is a dedicated dog park.

Trustee Brockman asked why the District shouldn't have the temporary dog park at Diamond Peak. Several responses came from the audience that the grass was too high, it was a dirty location, and there is no access to water.

Chairman Brosten brought the question back to the Board. He called for a vote and the motion was passed with Trustees Bohn, Brosten and Wolf voting in favor and Trustees Fuller and Brockman voting against.

Chairman Brosten called, at 8:15 p.m, for a brief break. The meeting was reconvened at 8:25 p.m.

K.4. AUTHORIZATION OF APPRAISAL: ALDER AVENUE UTILITY PARCEL - APN# 132-02-011

Trustee Bohn made a motion to:

Direct staff, in accordance with suggestion by General Counsel, to order an appraisal for the subject parcel [APN# 132-02-011] to determine the value of the two easements that are needed by adjacent property owners to continue current operations. Appraisal should also address overall land value for the subject parcel subject to all existing and proposed restrictions and easements. Once the appraisal is complete, staff and the adjacent owners will be able to structure an agreement for the Board's consideration to meet the neighboring property owner's stated access, parking and proposed development interests.

Trustee Brockman seconded the motion.

Trustee Fuller asked, if there is no sale, who will pay the appraisal costs. District General Counsel Brooke responded that if there is no sale, then the District will pay the \$7500 cost. Chairman Brosten asked about the owners of the Chevron station. District General Counsel Brooke says it is his assumption that they have no interest. Chairman Brosten called upon the three principals to address the subject.

Jay Serrett stated that it is his desire to purchase this piece of property and that he is here tonight to answer any questions that might be raised. Sam Williams questioned the need for an appraisal and suggested that a similar appraisal, on a different utility parcel, was done not too long ago and that using that appraisal might be more equitable. [Mr. Williams referenced the utility parcel purchased by Mr. Vince Scott.] Chairman Brosten stated that the market is ever changing and that a one or two year old appraisal could not be used. Mike Young stated he is okay with the appraisal being done.

Chairman Brosten asked for public comments.

Margaret Martini asked why the Board was thinking of selling this piece of private property to a member of the public. She stated that she didn't want to see a precedent set this evening.