

MINUTES

REGULAR MEETING OF OCTOBER 14, 2020 Incline Village General Improvement District

The regular meeting of the Board of Trustees of the Incline Village General Improvement District was called to order by Chairman Tim Callicrate on Wednesday, October 14, 2020 at 6:00 p.m. This meeting was conducted virtually via Zoom.

A. PLEDGE OF ALLEGIANCE*

The pledge of allegiance was recited.

B. ROLL CALL OF TRUSTEES*

On roll call, present were Trustees Tim Callicrate, Sara Schmitz, Matthew Dent, Kendra Wong, and Peter Morris.

Also present were District Staff Members General Manager Diamond Peak Ski Resort Mike Bandelin and Engineering Manager Nathan Chorey.

No members of the public were present in accordance with State of Nevada, Executive Directive 006, 016, 018 and 021.

C. INITIAL PUBLIC COMMENTS*

Aaron Katz said that he has a written statement that he will be submitting. Do not give Staff direction to repave Ski Way and definitely do not give direction for a roundabout. It is not a recreational facility rather it is a roadway that serves Tyrolian Village. They don't pay for this road or any other roads. Why wasn't it dedicated to Washoe County? Why didn't they do the research? Why didn't they confirm with Tyrolian Village with a right-of-way? Why didn't they enter into a maintenance agreement with Tyrolian Village? Why do we have to spend so much money for maintenance from Tyrolian Village? Why are we going over this over and over again? He is tired of hearing how wonderful our Staff is, etc. and wants this Board to wake up and smell the coffee. It is often said that Diamond Peak is a cash cow so how much cash is coming out of Diamond Peak? He doesn't know how many times we have to ram it down your throat, government shouldn't put its citizens at risk and that you need to take us out of us. He would urge the Board to get a citizen committee, get the facts, and then decide what we are doing to do with Ski Way.

Cliff Dobler said he is greatly honored to be involved with the schematic design team on the Burnt Cedar pool; two meetings have been held and most items which were unknown have been explored and the needs firmed up. My goal, as part of the team, is to keep track of the changes in the design and budget which is different from what was presented to the Board. It is important for you and me to know what is occurring in the schematic design which will decrease the extremely high \$5.6 million estimate provided by TSK. These changes and estimate reductions will provide a new baseline estimate prior to handing the project off to a CMAR contractor. A summary is as follows – the amounts include the estimate of 42% for contingencies and soft costs; the allowance for basic utility service will not be required saving \$97,000; the size of the small pool has been reduced from 800 square feet to 565 square feet and shaped as an oval saving \$100,000; the filtration system for the small pool will be skimmer not rimmed saving \$68,000; the third tank for the small pool will be required saving \$73,000; shade structures will not be done saving \$46,000; exterior lighting will not be necessary saving \$91,000; the pathway between the two beach areas should be reduced substantial saving at least \$200,000 – this pathway was overdesigned and it is his hope that a design for a simple pathway of 150 feet with the remaining 170 feet left as sand or better known as a beach; the mechanical room is adequate and equipment needs and pricing are expected at the next meeting; and, so far, the total reductions are set at \$675,000. The fencing around the small pool may have a potential large savings of between \$50,000 and \$60,000; interactive play equipment, splash spouts, new slide and new deck equipment have estimates of \$340,000; perimeter fencing and landscaping have estimates of \$275,000 and pricing of all these items should be firmed up by the next meeting. This leaves us with only three large items which represent 75% of the total project estimate that will be decided by the CMAR/sole source contractor. The large pool estimate is \$1.8 million with no change so far. The deck drainage and retaining walls estimate is \$1.2 million with no change so far and we are waiting for a revised reduction in square footage. Mobilization, demolition, earthwork and tree removal estimate is \$650,000 with no change. The plan reduction so far suggests a revised estimate of \$4.8 million. This amount remains a far cry from the budget estimate of \$2.7 million presented 5 months ago.

Margaret Martini said well, the last meeting gave new meaning to "send in the clowns"! Ah, Peter, only a couple more meetings. We all will miss you ... it has been fun having our very own clown on the board! It was also interesting how indignant that Kendra professed to be that Sara had actually gotten something accomplished. Talk about "rude intention". Kendra, the only "disrespect" that she could discern was that you did not come prepared to the meeting and tried to turn your ineptness toward Sara's complete preparation and attention to the Board tasks. What you did do, Kendra ... was disrespecting your fellow board members

and the community. Kendra, you had the documents (3.1.0). You had time to read them. You should have made notes on your concerns, corrections and suggestions. And made an effort to reach out to Sara for discussion. YOU OBVIOUSLY DID NOT do any of the above, but instead took this as an opportunity to disparage Sara and make statements about your perceived "exclusion" and "disrespect. It backfired ... big time. Your diatribe only showed your lack of willingness to collaborate and work together. Your indignant assertion towards a fellow board member can only be topped by your own slandering of Tim Callicrate in the last election with your True Blue Facts" illegal non-profit, operating as the most disgusting political PAC ever to operate in Nevada. Did your indignation overwhelm you then? In your 6 years on the BOT and BOT Chair, Kendra, you did nothing to revamp the document. What you did do is ... well, nothing. Frankly, you owe the rest of the board and the community an apology for not doing your job and for publicly disparaging a fellow board member for no good reason except an attempt to make yourself look competent. Nice try ... no go.

Frank Wright said that in listening to Mr. Dobler give his estimates on the pool, which were extremely important, he was cut off so let him finish. As a community, why should we cut someone off? It seems so rude. He is wondering why we have this Diamond Peak parking lot and paving project in front of the pipeline, rate study, and reports from Mr. Faust? It has been eighteen years that we have been waiting for a dog park. Why have all these other things and why now? We need to get our act together. This is just something that hasn't been looked at properly and there are a lot of questions that go back fifty years and why it isn't maintained by Washoe County. Take a step back and take a peek-a-poo at what we have and make sure it is done correct. The pipeline is a lot more important and we don't know what is happening on that as it seems to be on the back burner. Have we done anything with the Director of Public Works? Think we need to do that pretty soon as he hasn't seen anything.

Yolanda Knaak said that she has a couple of comments – one is that she has heard a lot of concern about the expense of the pool and she wanted to know if we could get a grant to pay for part of it. The same people come forward for public comment at each meeting and thus she is wondering if we could do a survey about getting more people involved.

D. APPROVAL OF AGENDA (for possible action)

Chairman Callicrate asked for changes, receiving none, the agenda was approved as submitted.

E. PUBLIC HEARINGS

There are no PUBLIC HEARINGS on this agenda.

F. DISTRICT STAFF UPDATES (for possible action)

F.1. District General Manager Indra Winquest

District General Manager Winquest went over his submitted written report and the following were highlights:

- ✓ Staffing announcement – tomorrow will be the last day for Shane Goddard who is moving out of state. He would like to thank him for his service and time.
- ✓ As previously mentioned, he is in the process of restructuring Parks and Recreation.
- ✓ Final scope of work has been distributed to the committee for the pipeline and pond lining project – posting out in the Tribute by next Friday.
- ✓ Utility Performance group had a meeting today, the Engineering Manager will now be in for the Director of Public Works. Hoping to have both of these RFP's out next week.
- ✓ He has heard from our representative at the U.S. Army Corps of Engineering and he has had a conversation with our Washington D.C. Legislative Advocate who will be submitting a written report and will be scheduled for a verbal update at one of the upcoming Board meetings. The purpose is to update us on the Amodei and Fire Defense bill which has had no movement as of now and won't until after the election. The U.S. Army Corps of Engineers has had huge slowdowns and their attorney has redrafted these projects and we are hoping to get a meeting next week and get more information which he will report on.
- ✓ Moving forward, the Engineering Manager will be updating the project page on the District's website so that both the Board and the community will be able to access that information and then he will include the larger projects in his General Manager's report. This is an effort to add more and more content to the District's website.

G. REVIEW OF THE LONG RANGE CALENDAR (for possible action)

District General Manager Winquest went over the long range calendar. Trustee Dent said that he will get the Audit Committee agenda over to the District Clerk tomorrow. District General Manager Winquest said that an update on the Burnt Cedar pool will be forthcoming to the Board, season end report on Golf is also forthcoming on November 18, he will be giving one on beaches at the same time and that the CMAR contract for the pipeline will probably occur in January however Staff is going to try and expedite it to December. Trustee Schmitz said that there was a public comment about a suggestion about doing a survey and she was wondering if that is something that we should start establishing and that this is a question for her fellow Board members to see if they want to add that to our parking lot. Chairman Callicrate said it is something to mull over and think about. He has no issues with surveying the community and doing so quarterly with a focus and a deliverable.

H. DISTRICT GENERAL COUNSEL UPDATE (for possible action)

H.1. An update on the status of the lawsuit brought by Mr. Aaron L. Katz against the District – response from the United States Supreme Court (District General Counsel Joshua Nelson)

District General Counsel Nelson gave a brief verbal overview of the Katz case to date and stated that the District has received notification, from the United States Supreme Court, that they have denied Mr. Katz' writ of certiorari. One of the matters that is hanging out there is how to move forward and whether or not to seek the appeals fees in response to Mr. Katz. He is working with Mr. Beko to ensure that this is teed up appropriately so there is an item scheduled for the Board's meeting on October 27 so the Board can decide what they want to do. To be sure that we can do that, Mr. Beko filed an extension request with the Nevada Supreme Court, with concurrence from the Board of Trustees Chairman, and we have had no answer yet. The legal spend to date is approximately \$530,000 with a recovery of approximately \$241,000 which leaves approximately \$289,000. In seeking those additional fees, the District will incur additional costs, and that he will make sure that the amounts at stake are included and then provide an opinion on the success opportunities. Chairman Callicrate thanked Mr. Nelson and Mr. Beko for their work on this ongoing litigation. It has created a real issue in our community and has driven people from our District. It has been a nightmare for our legal teams and he is looking forward to your expertise and guidance. Trustee Morris asked with the U.S. Supreme

Court not moving forward does that means that the initial amount that we have gotten that we have held is now free to be put in our general fund. District General Counsel Nelson said that we need to wait for the final order but essentially yes. Trustee Schmitz said that she loved this approach and that she thinks it will give us a lot of information to make an informed decision. Do you have any update on the Smith case? District General Counsel Nelson said because that is not on the agenda, he doesn't have an update on the Smith case. Chairman Callicrate said thank you to Mr. Nelson and Mr. Beko for their work on this case; District General Counsel Nelson said that all the credit goes to Mr. Beko as it is his case.

I. REPORTS TO THE BOARD* - Reports are intended to inform the Board and/or the public.

I.1. Treasurers Report (for possible action) (Board Treasurer Sara Schmitz)

I.1.a. Payment of Bills (for possible action) (For District payments exceeding \$10,000 or any item of capital expenditure, in the aggregate in any one transaction, a summary of payments made shall be presented to the Board at a public meeting for review. The Board hereby authorizes payment of any and all obligations aggregating less than \$10,000 provided they are budgeted and the expenditure is approved according to District signing authority policy)

Treasurer Schmitz went over agenda packet page 9 and noted that this was proposed with the change of Policy 3.1.0. This is the beginning point and to make the Trustees aware of the major expenditures. If any of the Trustees have suggestions on things to be added or the format, she would welcome the feedback as would the Director of Finance. Speaking of the Director of Finance, he and his team have been working diligently and have posted all the month end reports and she thinks the new format is beneficial. They are also working diligently with the audits and they have provided the procurement card statements to her and she has reviewed them. The General Fund is one million dollars better than planned and Community Services is ending up about \$1.6 million better than planned with the beaches ending up \$316,000 better than planned and that means adding funds to our fund balances. For the reports that she has reviewed to date, the Championship Golf Course is about \$81,000 behind budget and a given for this fiscal year was the reduction of the Recreation Fee. Given how much we have reduced that, Community Services is \$113,000 ahead of plan excluding capital which beaches are \$66,000 below plan excluding capital. She really likes the new format and she asked Trustee Wong to review and provide any feedback. It shows the capital by venue, it has the funds

budgeted, shows year-to-date and she thinks that it is going to be a very helpful tool to monitor how the venues are doing compared to budget. If there are any changes, please share those with the Director of Finance. Trustee Morris said that one of the items, in Policy 3.1.0, that got removed was the authorization to sign checks and so he was wanting to know if there was anywhere else where that information is cited since it is now out of the policy. Treasurer Schmitz said that was a great question and that this language came from the literal approval of the checks which has gone by the wayside so she would defer to District General Manager Winquest who now has a very clear process. District General Manager Winquest said that he knows that Staff is working on that and that he didn't want to misstate anything so he will have the Director of Finance update that in an upcoming General Manager's report.

J. CONSENT CALENDAR (for possible action)

There are no Consent Calendar items for this agenda.

K. GENERAL BUSINESS (for possible action)

K.1. Review, discuss and provide feedback on a preferred alternative for the Ski Way and Diamond Peak Parking Lot Reconstruction Project – Fund: Community Services; Project 3469LI1805 (Requesting Staff Member: Engineering Manager Nathan Chorey and General Manager Diamond Peak Ski Resort Mike Bandelin)

Engineering Manager Nathan Chorey gave an overview of the submitted materials; he was assisted by General Manager Diamond Peak Ski Resort Mike Bandelin. Chairman Callicrate said that there are a lot of questions about easements, etc. which are important and that we need to have an idea of what our liabilities are and that of our neighbors in Tyrolian Village. General Manager Diamond Peak Ski Resort Bandelin said that there was a great discussion held at the February 2018 Board of Trustees meeting and it was shared that it would be good to identify the needs first before discussing funding, etc. and that he doesn't have any updates rather he is just here to let this Board have a discussion about the project. There are no recommendations and that Staff took this opportunity to bring it forward as the project is large enough to warrant community discussion and that Staff took this opportunity to do and that there will be many meetings to follow. This is so we can budget the correct time and do the appropriate scheduling as there is no recommendation from Staff on moving quickly on this project.

Chairman Callicrate said he didn't expect any immediate answers and he does recall that conversation in February so how do we work with our neighbors, etc.? Trustee Morris said that he too recalls the previous discussions and that a key driver was the quality of the road as we have to fix that and then the other one was of safety. He knows that with the different options of parking and pedestrian walkway being shifted, and he hopes that they are still in the mix, safety has to be a massive priority. With the different layout, there was a different count with the parking that could be up there and that he would love to improve the amount of parking that we could get up at Diamond Peak. As far as the discussion of the roundabout up at the entrance to Tyrolian Village, he does recall talking about that in conjunction with the ski team building and he knows they are looking at doing something different up there. Engineering Manager Chorey said that all options are on the table and that nothing has been eliminated. He has heard that safety is a concern as is cost so we have to find the balance and we all know we will get there but it will take time. As to the parking spaces, with the culvert rehabilitation, there are 23 additional parking spaces that are a benefit to the ski resort. Yes, the parking spaces will be impacted and agenda packet page 54 gives a brief overview of the impact relative to the current condition. Trustee Morris said that he assumes that these numbers, on agenda packet page 54, are numbers that were generated prior to the culvert rehabilitation? Engineering Manager Chorey said yes, that is correct but they are still relative to the current condition. The roundabout up top will impact the air/water building which is used for storage so we will have to relocate those items and yes, you are correct about DPSEF wanting to explore a new building. It is too early in the process to know what they would do. Trustee Schmitz said that she happened to meet with Mr. Wolf of DPSEF and it is their intention to come before this Board, in November, because they want to move forward with their next phase. When discussing safety and congestion, they inquired about having their facility by Schoolhouse and Mr. Wolf said while they thought that was the ideal location however the issue is the impact on parking. Trustee Schmitz continued that she is wondering if we should have that conversation in conjunction with this item as it would be nice to reduce congestion if it is strategic to Diamond Peak operations. On another note, she went back and reviewed the Diamond Peak Master Plan, and it stated that 695 parking spots and 300 parking spots offsite were stated as being adequate. She is wondering if any reconfiguration has impacted that? General Manager Diamond Peak Ski Resort Bandelin said that he developed those numbers for the SE Group and that he counted the areas that we have used in the past such as the elementary school, recreation center, Ski beach and the overflow parking lot, and the SNU parking lot. We

currently have 567 parking stalls at the ski resort from upper to the bottom near Big Water Grille. It gets adjusted sometimes when we are looking at safety with subtraction occurring mostly in the snake pit area. We did include the slots when we did the culvert and then when some safety enhancements were recently done at the Y before the triangle which reduced some slots so, in summary, over time, we have made some safety enhancements and reduced parking slots. Trustee Schmitz said so it is less parking than what is stated in the Diamond Peak Master Plan? General Manager Diamond Peak Ski Resort Bandelin said that is not exactly true. We made some enhancements since 2013 so it is not exactly true; we just refreshed and restriped parking slots and counted them yesterday so 567 is the total. Chairman Callicrate said that is good. Trustee Schmitz said that is less than what is in the master plan. Chairman Callicrate said that included the satellite slots. Trustee Schmitz said it is not a huge issue as she knows that there are parking challenges and limitations at Diamond Peak. We need to understand the flow of traffic and if DPSEF has some ideas, they should weigh in. General Manager Diamond Peak Ski Resort Bandelin said that as you go through time, you don't assume, and from his experience, any of the options are going to make holiday business seamless because we are the same with the impact at peak times. No one ever has enough asphalt and parking facilities are always a big discussion item. Trustee Dent thanked Staff for bringing this back and he does recall the discussion from 2-1/2 years ago. In looking at this as a whole, and he did walk the site with Mr. Wolf thus we do need to decide where they would have their building, but before we give direction, we have some moving parts and we should have a better picture of what that looks like in November and then we can make a decision. He does have a question about the roundabout and that is where it meets, is that Washoe County property? Engineering Manager Chorey said that a small portion of it is and that is depicted on agenda packet page 41 which he then reviewed. Trustee Dent asked if the District could approach Washoe County to see if a roundabout is possible at that location? If Tyrolian Village was interested, we need to understand the funding picture as we need to investigate all the options. We can have that conversation and if it produces nothing then we can move on. He thinks that bringing them to the table would be a good starting point and the same with Washoe County. There is funding from the Federal government, State and Washoe County so let's see who the players are and what funding is possible and please include DPSEF. There are a lot of moving parts so bring it all back and then we can move forward. Chairman Callicrate said he brought it up back in 2018 and again, more recently, that it is critical that we find out what the agreements are or aren't and what we want to do with Tyrolian Village as

they have to have access. There is also an opportunity to talk to Tyrolian Village to get their concerns flushed out. There are a lot of moving parts and this was a great refresher. We need to go deeper in with DPSEF, Washoe County, and definitely with the folks at Tyrolian Village. In the immediate future, we have to do something with the pavement to keep it serviceable. He doesn't like to kick things down the road thus he would suggest bringing on a representative from Tyrolian Village and Washoe County and then find out what our legal team sees. Engineering Manager Chorey agrees that there are so many variables that this is why we wanted to get before the Board of Trustees. Trustee Dent said that Staff talked a little about cold in place which is being done right now in major cities. There is potential for a huge cost savings as well as it being environmental friendly. If there is a savings, and maybe a significant savings, it looks like going with Option 4 or 5 because we would be able to create a savings with that and so we should look at that as we could find a great savings with the asphalt. Trustee Schmitz said that she appreciates the comments and agrees with them. She would like to add one piece and that is what kind of agreements do we have with the Bullwheel as we need to understand that? Engineering Manager Chorey said that agreement is better understood and well documented and exercised; we have a working relationship there. Trustee Schmitz said so Bullwheel is responsible for the construction costs, referencing agenda packet page 41, and if she is not understanding that correctly, then only half of it is on District property however she may not be understanding these two images correctly. She wants to make sure of what formal agreement has been put in place. Engineering Manager Chorey said that Bullwheel is the restaurant and their parking lot is IVGID's property and we have an agreement. Trustee Wong said that the first emphasis is on safety for the public who are going to be walking up and down the mountain and driving on the road. The next factor is the timing of the project and if the funds are available. We need to keep all of those in mind in order to come up with a good project. Chairman Callicrate asked if Staff has a good idea of where to go and on the discussions to have with DPSEF, Washoe County, Bullwheel, Tyrolian Village and their homeowners group? District General Manager Winquest said that all of this could push out the project by a year or two and that Staff wanted to bring it back because we have a new Board member and that this will be the process for the Incline Beach house. Chairman Callicrate said that he appreciates this presentation and noted that we are getting a more focused approach and we need to make certain that we are all on the same page especially with Tyrolian Village. District General Manager Winquest said that another piece is the funding of this project.

L. APPROVAL OF MINUTES (for possible action)

L.1. Meeting Minutes of September 9, 2020

Chairman Callicrate asked for changes, none were received; the minutes are approved as submitted.

M. REPORTS (Reports are intended to inform the Board and/or public)*

There are no Report items for this agenda.

N. FINAL PUBLIC COMMENTS* - Limited to a maximum of three (3) minutes in duration.

Frank Wright said he is a candidate for the Board. It has been an interesting evening and he thinks you are doing your due diligence. He was interested in all the legal issues as we have spent an awful lot of money because of the things in the past. It is a lot of money and thus why are we in this position? If we answer those questions, we will know where we are.

Cliff Dobler said on this Diamond Peak, he would like to kind of get involved because of his knowledge of legal and also construction. First of all, he really thinks we can do a pretty good patch job for the next three to five years and he thinks that District General Counsel Nelson and he should probably get together because we own that land so there must be an easement with Tyrolian Village and maybe there is an agreement for maintenance and repairs. All we have to do is to pull a title policy and see what exceptions to the policy there are. Then we have the Bullwheel agreement to see if there should be an extension there or is it preputial or a time limit and he thinks also the thing that he finds interesting is he thinks we are two years or two and a half years from when our lease comes up with the Forest Service so therefore we don't know what impositions might be put on by the Forest Service regarding parking so we got that in the hopper too. Then he would think what is really interesting is that we ought to really look at other ski resorts throughout the United States/Western United States and see how many really have roundabouts because he doesn't know if there are or aren't but it would seem to him, with ice and snow, that you would not have cars turning in circles as a straight shot would be a better idea. He just wanted to point out on the safety, he knows its everybody's concern, but if you look at that safety report that was done back when former Director of Asset Management brought it before the Board, our safety record up there is actually very, very good so, if he recalls and maybe Staff can respond to that, there were not too many accidents or problems up there at all

so he thinks you have a lot of moving things right here but he thinks the reality is a slurry and a few patches, he thinks we are still good to go for three to five years and he wouldn't get too excited about capital money yet as he would be more concerned about putting all these pieces together and especially with the Forest Service which is a big concern to him because our lease expires and there are no options left on it so therefore they don't have to renew it. Now, will they or won't they, it depends on following the money. The big ski resorts in the area may be putting some opposition against Diamond Peak in the future and we ought to be somewhat concerned about that. He would kind of like to be on top of it with the guys because he knows how to put things together and as far as Tyrolian, it is going to depend on the agreements and what the easements say so we need to pull the legal aspects together first of all.

Margaret Martini passed on her opportunity to speak.

Yolanda Knaak said that she liked the idea that Trustee Dent brought up about recycling the road and likes Mr. Dobler's comment about keeping what we have and likes going to Washoe County for another source of funding.

O. ADJOURNMENT (for possible action)

The meeting was adjourned at 7:28 p.m.

Respectfully submitted,

Susan A. Herron
District Clerk

Attachments*:

*In accordance with NRS 241.035.1(d), the following attachments are included but have neither been fact checked or verified by the District and are solely the thoughts, opinions, statements, etc. of the author as identified below.

Submitted by Aaron Katz: Written statement to be included in the written minutes of this October 14, 2020 regular IVGID Board meeting – Agenda Item K(1) – Discuss and provide feedback for combined Ski Way and Diamond Peak parking lot reconstruction project

Submitted by Paul Smith: Diamond Peak roadways, parking lots, and traffic flow

WRITTEN STATEMENT TO BE INCLUDED IN THE WRITTEN MINUTES OF THIS OCTOBER 14, 2020 REGULAR IVGID BOARD MEETING – AGENDA ITEM K(1) – DISCUSS AND PROVIDE FEEDBACK FOR COMBINED SKI WAY AND DIAMOND PEAK PARKING LOT RECONSTRUCTION PROJECT

Introduction: Given “visual inspection and a 2017 geotechnical investigation ha(ve) determined that pavement at Diamond Peak and Ski Way is at (the) end of (its) structural life and must be reconstructed,”¹ here IVGID staff lay out proposed “improvement options to reconstruct the asphalt pavement and improve safety and circulation through Diamond Peak’s parking lots...along Ski Way”² presuming IVGID is solely responsible therefore. But I take issue with the presumption local parcel/dwelling unit owners are responsible for maintenance and repair of Ski Way. And I take issue with the presumption IVGID is solely responsible therefore. And these are the purposes of this written statement.

History: Let’s take a stroll down memory lane to see how and why we are where we are insofar as Ski Way is concerned.

IVGID’s Creation: We’ve had this discussion before. At the instance and request of Incline Village’s initial real estate developer, Crystal Bay Development Co. (“CBD”), IVGID “was created by Washoe County under State law (Nevada Revised Statute 318), effective June 1, 1961 (Washoe County Ordinance No. 97, Bill No. 57).”³ The real reason why IVGID was created was so CBD could pass on the costs of infrastructure development⁴ to the purchasers of Incline Village real property rather than absorbing them itself. Therefore within a month of its creation, the initial IVGID Board “issued (millions of dollars of) bonds to pay the cost of building water, sewer and road improvements, and th(os)e bonds were repaid through assessments levied against the properties...benefited (there)-from.”¹

Incline Village’s Roads: According to IVGID staff, one of the initial basic powers the District was granted “was...to build roads within the District to Washoe County specifications, and when the roads were completed they were (would be) dedicated to Washoe County for maintenance and...no longer (be) a District responsibility.”¹

Diamond Peak: Back in 1961 there was no Diamond Peak. Nor Ski Incline (which was the predecessor to Diamond Peak today). The brains behind CBD, “Art Wood, an entrepreneur from Oklahoma, and his associate Harold Tiller, envisioned the creation of Incline Village -- a master-planned vacation resort community on the northeastern shore of Lake Tahoe. Ski Incline...was one of

¹ See page 14 of the packet of materials prepared by staff in anticipation of this October 14, 2020 meeting [https://www.yourtahoeplace.com/uploads/pdf-ivgid/1014_-_Regular_-_Searchable.pdf (“the 10/14/2020 Board packet”).]

² See page 11 of the 10/14/2020 Board packet.

³ Go to <https://www.yourtahoeplace.com/ivgid/about-ivgid/history-of-ivgid>.

⁴ Such as “water, sewer and road improvements.”¹

Art Wood's cornerstone recreation amenities in his master-planned 'Pebble Beach of the Sierra.' (Thus) in 1966 Luggi Foeger, a renowned Austrian-born ski resort consultant, was hired to design and build the resort."⁵ Ski Incline "opened its doors on November 19, 1966, just four months after construction began."⁵ But Ski Incline was neither built for nor intended to be owned/operated by IVGID⁶. Rather, the ski area was constructed by Boise Cascade and sold to Japan Golf Promotion (U.S.A.), Inc. ("JGP").

Notwithstanding, ten (10) years later (on June 29, 1976) the IVGID Board exercised an option to purchase the ski area⁷. Presumably, purchase of the ski area included the portion of Ski Way from its intersection at First Green Drive, to the entrance to Tyrolian Village renamed Tirol Drive. In other words, the portion of Ski Way which is the subject of this agenda item.

Tyrolian Village: is a PUD⁸ consisting of 322 or more detached dwelling units⁹. Its primary point of ingress begins at the northeastern end of Ski Way at the intersection with Tirol Drive. Back in 1961 there was no Tyrolian Village. In 1966 when Ski Incline opened, there was no Tyrolian Village. According to the Tyrolian Village web site¹⁰, ~~the Tyrolian Village development did not officially~~ come into being until 1968. The primary thoroughfare to enter into or depart from Tyrolian Village is along the portion of Ski Way which is the subject of this agenda item. A map which depicts Ski Way where it connects to Tirol Drive (note the asterisk) is attached as Exhibit "B" to this written statement.

The Public Right-of-Way Along Ski Way: There has to be a public right-of-way or something else equivalent to such a right-of-way for Tyrolian Village property owners, tenants and guests to exercise when traveling over the portion of Ski Way the subject of this agenda item. Whatever

⁵ Go to <https://www.diamondpeak.com/about/diamond-peak-history>.

⁶ As I have demonstrated many times before, when IVGID sought public recreation powers from the Washoe County Board of Commissioners ("the County Board"), its Board representative Harold Tiller expressly represented that if granted, the power would *not* be used to acquire or operate Ski Incline. Rather, it would be privately owned, operated and presumably financed.

⁷ See those minutes to the IVGID Board's June 29, 1976 meeting.

⁸ In Incline Village this is a nice name for a detached dwelling unit condominium development.

⁹ Although it is difficult to definitively determine the number of dwelling units within Tyrolian Village, I did come across a building permit application on the TRPA web site (go to <https://parcels.laketahoeinfo.org/Parcel/FactSheet/126-540-31>) for construction of a garage on common property. In the discussion of that application it is recited that there are 322 parcels connected to this common property. This recital with an asterisk next to the referenced language is attached as Exhibit "A" to this written statement.

¹⁰ Go to <https://tyrolianvillage.org/2018/11/14/tyrolian-village-50th-anniversary-continues/>.

right-of-way may exist, had to be of public record in 1973 when Boise Cascade sold Ski Incline to JGP. Yet an examination of the deed of conveyance¹¹, evidences no such reservation.

In 1976 when IVGID purchased Ski Incline from JGP, there should have been something in the ~~agreement of purchase and sale which mentioned or reserved such right-of-way~~. Although there was such a written agreement for the purchase and sale¹², IVGID staff assert it does not exist. So the public is unable to view the same to learn of Tyrolian Village's and the public's right to access and use IVGID's portion of Ski Way.

Maintenance and Repair of the Subject Portion of Ski Way: I have previously asked to examine records evidencing the Tyrolian Village homeowners' association's agreement to contribute to the repair and maintenance of the subject portion of Ski Way and have been told *none exists!*

Dedication of the Subject Portion of Ski Way to Washoe County: I have asked to examine records evidencing IVGID's request to Washoe County that the subject portion of Ski Way be dedicated to the county, given the District asserts its power "to build roads within the District (was premised upon the fact that)...when the roads were completed they (would be)...dedicated to Washoe County for maintenance and...no longer (be) a District responsibility."¹ Yet again I was told none exists. But independently, I have discovered that some months *after* IVGID acquired Ski Incline, IVGID staff investigated whether the subject portion of Ski Way could be dedicated to the County¹³. And at the Board's May 26, 1977 meeting former GM McMillin reported to the Board that the county would not accept dedication because the road did not meet county specifications.

Now don't you think IVGID should have learned of this deficiency prior to purchasing Ski Incline rather than afterwards? And if known, don't you think that should have been a reason to *not* acquire Ski Incline?

Are You Starting to Get the Picture of How Incompetent Our Forefathers and Fore Staff Were When We Agreed to Purchase Ski Incline? Actually, in my experience this is typical behavior. Over compensated, over benefited and under qualified. And now current local parcel owners get to pay the price for this lack of competence.

Regardless, Since We're Apparently Stuck With the Problem, the Question is What Do We Do About it Now?

¹¹ That deed is attached as Exhibit "C" to this written statement.

¹² The minutes of the IVGID Board's March 26, 1976 meeting recite that the District's "Legal Counsel Berkson read a proposed resolution (no...1244) authorizing and directing the *execution of an agreement with Japan Golf Promotion (U.S.A.), Inc.*" And based upon that recital, the Board adopted this resolution authorizing and directing execution of an agreement with JGP.

¹³ See the minutes of the IVGID Board's February 24, 1977 meeting.

This Notion That Every Financial Shortfall We Face Must Be Satisfied by the Recreation (“RFF”) or Beach (“BFF”) Facility Fee Needs to End! Because the recreation facilities the District has acquired are too large for Incline Village’s/Crystal Bay’s limited permanent population base¹⁴, staff are not able to financially operate them on a break even or positive cash flow basis, the District’s tax base is too small to cover the shortfall, and staff refuse to meaningfully reduce costs, the District has no alternative but to market these facilities to the world’s tourists and look to local property/dwelling unit owners to subsidize the deficiency. This never ending merry-go-round simply needs to end.

Let me provide three examples of infrastructure repairs local property/dwelling unit owners have been compelled to pay with their RFF/BFF:

Paving of the “So Called” Beach Overflow Parking Lot: There is a parking lot kitty-corner across the street from the entrance to Incline Beach. It is not located on beach property and staff have disingenuously labeled it the “beach overflow parking lot.” It is not a recreation facility. Nor is its use restricted to local property/dwelling unit owners with beach access. In fact the owners and guests of the private McCloud condominium project as well as those accessing Village Green¹⁵ and the District’s Fitness Trail¹⁶ (fka the “Exercourse”) [both of which are adjacent to the parking lot], regularly use the lot. And because the District does not charge user fees to use this lot, its use is just as available to members of the general public as it is to those whose properties are assessed the RFF. In fact, staff represent that the fitness trail “is used by many residents and visitors year-round.”¹⁶

Notwithstanding, several years ago IVGID staff spent in excess of \$500,000 to pave this parking lot. And they assigned the cost to the Beach Fund, heavily subsidized by the BFF. Why? Because staff had no other source of funds to pay for this improvement, and it could.

Disintegrating Storm Drainage Pipe Running From Above the Upper Diamond Peak Parking Lot to the Portion of Ski Way Previously Dedicated to Washoe County aka “the Diamond Peak Culvert to Nowhere:” Just like underground sewer and water lines are utilities, so are storm drain lines. Although the IVGID Board is authorized to “construct, reconstruct, replace or extend storm sewer and other drainage or flood control facilities and improvements necessary and incidental thereto within the district,”¹⁷ that doesn’t mean it may involuntarily assess all parcels in Incline Village/Crystal Bay the cost. In fact to the contrary, absent some special benefit¹⁸, the District is

¹⁴ In other words, by definition they are under-utilized.

¹⁵ Go to <https://www.yourtahoeplace.com/parks-recreation/outdoor-recreation/parks-fields>.

¹⁶ Go to <https://www.yourtahoeplace.com/parks-recreation/outdoor-recreation/incline-fitness-trail>.

¹⁷ See NRS 318.135.

¹⁸ A special benefit is one particular to the payer rather than to the general public as a whole [*Silicon Valley Taxpayers Ass’n., Inc. v. Santa Clara County Open Space Authority*, 44 Cal.4th 431, 441-42, 187 P.3d 37, 44-45 (2008)].

prevented from specially assessing private property for the cost¹⁹.

When the District constructed the Diamond Peak Skier Services Building, it discovered underground storm drain lines which were disintegrating. And several years ago staff discovered major breaches upon the lands of Diamond Peak. Notwithstanding essentially no private property was adjacent to nor abutted the portions of Diamond Peak where these storm drain lines had breached, and none was specially benefited by these storm drain lines, staff assigned the cost (\$2 million or more) to the Community Services Fund, heavily subsidized by the RFF. Why? Because staff had no other source of funds to pay for these repairs, and it could.

Public Restrooms at the Village Green: Village Green is a public park nestled between the Lake Tahoe Hyatt Hotel (“the Hyatt”) and the Fitness Trail. It is freely available to be used by the general park as a whole without the necessity of paying a user fee. Several years ago IVGID staff reconstructed the public restroom located adjacent to the Green, and the cost was in excess of \$600,000. Notwithstanding essentially no private property is adjacent to nor abuts the Village Green (other than perhaps the Hyatt), and none is specially benefited by the subject restrooms, staff assigned the cost (in excess of \$600,000 or more) to the Community Services Fund, heavily subsidized by the RFF. Why? Because staff had no other source of funds to pay for this reconstruction, and it could.

Similarly, the Notion of Assessing Local Property/Dwelling Unit Owners the \$5.3²⁰ Million or More Necessary to Repave the Portion of Ski Way That Has Not Been Dedicated to Washoe County Under the Guise Ski Way Represents a Recreation Facility Available For Their Use *Needs to Be Soundly Rejected!*

Given a \$500,000 or Greater Round-About at the Intersection of Ski Way/Tirol Drive²¹ Benefits No One Other Than Those Living in or Occupying Tyrolian Village Dwelling Units, They Should be the Ones to Exclusively Bear This Cost if They Want a Round-About:

Tyrolian Village Property Owners Need a Clear Right-of-Way or Easement to Use IVGID’s Portion of Ski Way: Although let me state they’re not land-locked without it. If one examines Exhibit “B,” one will see that Ski Lane-Bitterbush connects to the top of Styria Way in Tyrolian Village. Meaning that this is a potential ingress/egress point for Tyrolian Village residents/occupants.

¹⁹ Although NRS 318.350(1) instructs that “the expenses of making any public improvement (to implement any one, all or any combination of basic powers stated in NRS 318.116 and granted to any district in proceedings for its organization or in any proceedings for its reorganization or as may be otherwise provided by law...may be defrayed by special assessments,” those assessments may only be made “upon...lands abutting upon the improvement and...other lands as in the opinion of the board...specially benefited by the improvement.”

²⁰ See page 56 of the 10/14/2020 Board packet.

²¹ See page 58 of the 10/14/2020 Board packet.

Tyrolian Village Property Owners Need to Pay Their Fair Share of the Maintenance, Repair and Renovation Costs Associated With IVGID's Portion of Ski Way:

For These Reasons IVGID Needs to Negotiate a Comprehensive Agreement With the Owners of Tyrolian Village Property:

Understand That Our Staff Have a Conflict-of-Interest Because Using Ski Way as a Diamond Peak Parking Lot²² is a Use in Conflict With Making it a Dedicated Public Street:

Conclusion: Before the Board embarks upon another \$5.3 million²⁰ or greater boondoggle at local property/dwelling unit owners' expense, it needs to conduct a comprehensive study as to the rights and obligations of Tyrolian Village's property/dwelling unit owners.

It also needs to investigate what's necessary to bring Ski Way up to Washoe County specifications so it can be dedicated to the County to shift the cost of maintenance and repair from local property/dwelling unit owners.

And For Those Asserting How Much of a "Cash Cow" Diamond Has Been to IVGID Over the Last Several Years, Now That You Know the Truth, What Kind of Cow Do You Think it is Now?

To those asking why our RFF/BFF are as high as they are, and never seem to go down, now you have another example of the reasons why.

Respectfully, Aaron Katz (Your Community Watchdog), Because Only Now Are Others Beginning to Watch!

²² At page 46 of the 10/14/2020 Board packet staff admit "Ski Way is both a through street and a parking lot."

EXHIBIT "A"

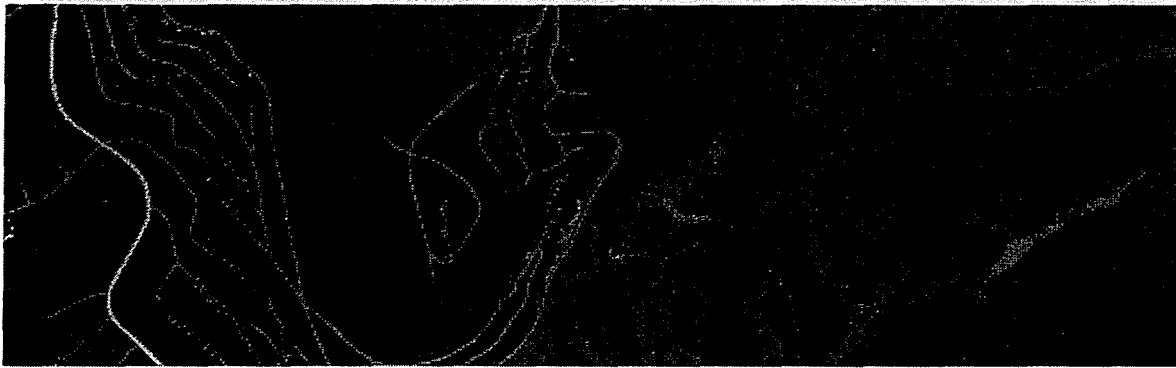
126-540-31 (Inactive)



APN
126-540-31
Jurisdiction
Washoe County, NV
Estimated Parcel Size
1,166,076 ft²

Parcel Fact Sheet

Address: TIROL DR, INCLINE VILLAGE, NV 89451




Land Capability Records

Land Capability Not available File or Case Number Not available

TRPA Cases, Applications, and Permits

Date	File or Case Number	Record Type	Description	Status
03/29/2013	ERSP2013-0352	Building/ERS/Permits/Res Dwelling	Construct a garage within Tyrolian Village Common Area. Permit Attached jf Permit expired July 2nd, 2016. Permit not acknowledged. Permit reissued as ERSP2018-1209.	Issued
06/16/2013	LCAP2013-0188	Land Capability Verification.	This is a comprehensive LCV for the common area at Tyrolian Village -FILED UNDER THE COMMON AREA APN #126-540-31 but linked to other common areas including: 126-420-13,126-480-10,126-010-60,126-470-17,126-520-23,126-420-02. The site plan is entitled "Master Land Coverage" but indicates the LC of which TRPA Planners have been using for various projects within the geographic areas. This site plan resides within the Tyrolian Village subdivision file within the cabinet in the file room. NOTE: Map scanned /attached in black/white and color due to poor quality original.lh There is also an LCV from 1992 in file cabinet for SEZ only for a different set of TV apns - filed under apn 126-420-02.lh	Accept
03/14/2014	LCAP2014-0064	Building/ERS/Assessments/Soils-Hydrology	Soils-Hydrology. Excavation approved to 18 ft bgs. for garage only.lh	Project Compli
08/06/2014	ERSP2014-0479	Building/ERS/Permits/Res Dwelling	BMP Certificate #17460 issued on 12/8/2015 per TRPA final inspection by Matt Miller and TRPA security return. New detached garage in HOA common area. Private parcel: 126-580-13 Client requested expedited review. File sent to RCI for outsource bid. Conditional Permit Attached. Security Hold Release letter attached. 11/30/15 alg	Project Compli

04/27/2015	LLAD2015-0285	Building/ERS/Admin/LLA	Lot line adjustment between common area and SFD parcel to allow construction of garage addition.	Project Compli
10/02/2015	ERSP2015-1497	Building/ERS/Permits/Res Dwelling	New detached garage in Tyrolian Village Common Area (APN 126-540-31) associated with parcel 126-590-04 (NSFD project under separate application). PERMIT NEVER ACKNOWLEDGED--NEW OWNERS RE-DESIGNED PROJECT--NEW PERMITS ISSUED.	Withdr
			This Common Area parcel does not have units on it. CONNECTED TO 322 PARCELS. In Tyrolian Village SITE CONSTRAINED BY STEEP SLOPES 08/12/2020: Unit parcel 126-430-22 issued Source Control Cert #1258; 07/22/2020: Unit parcel 126-580-18 issued Source Control Cert #1249; 11/21/2018: Unit parcel 126-430-21 issued Source Control Cert #1138; Unit parcel 126-500-14 issued Source Control Cert #1137 07/27/2018: Unit parcel 126-560-13 issued Source Control Cert #1101 06/08/2018: Unit parcel 126-440-12 issued Source Control Cert #1095 12/1/2017: WA security return ltr received. Unit parcel 126-560-31 issued Source Control Cert #956. 8/31/2017: Unit parcel 126-470-02 issued Source Control Cert #940. 5/6/2017: Unit parcel 126-440-01 issued Source Control Cert #922. 10/25/2016: Unit parcel 126-460-15 issued Source Control Cert #912. 7/19/2016: Unit parcel 126-440-02 issued Source Control Cert #898. This came in as a single final inspection request to AStevens from Greg Brimm (Ponderosa Property Mgt) and unit owner. Tyrolian Village - COMMON AREAS HAVE NO CERTS. ***** 6/2016: See attached list for all APNs including those without certs and those not needing maintenance at this time. Common areas have no certs. All of Tyrolian APNs have been linked to this file. Tyrolian Village Association, PO Box 5913, Incline Village NV 89450	
06/20/2016	BMPM2016-0038	Building/BMP/Admin/Maintenance		Issued

Data as

EXHIBIT "B"

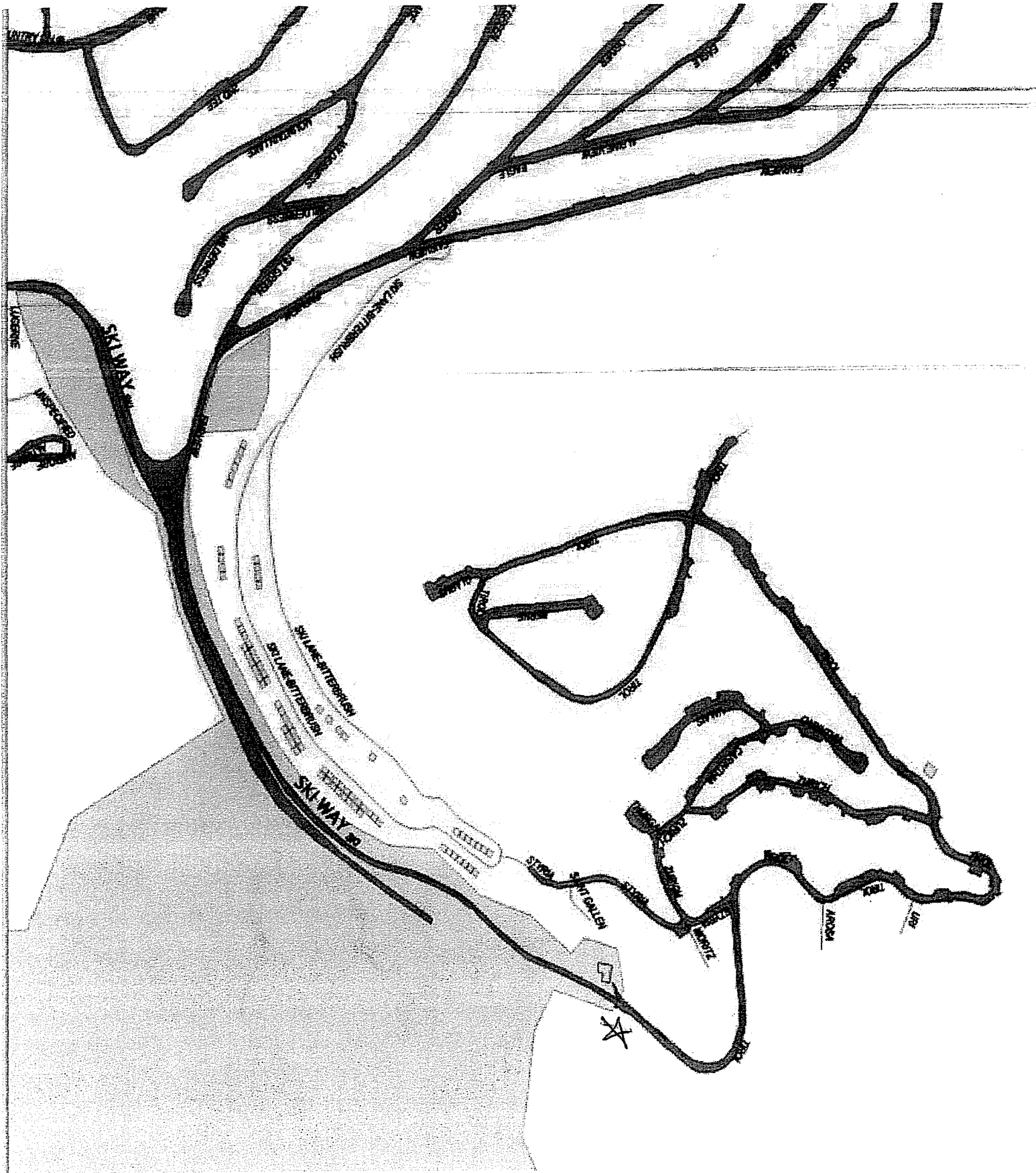


EXHIBIT "C"

3

TO BESS NV (5-68)

AFFIX R.P.T.T. \$ 2,334.20

297722

Corporation Grant, Bargain, Sale Deed

AUG 15 1973

BOISE CASCADE HOME & LAND CORPORATION

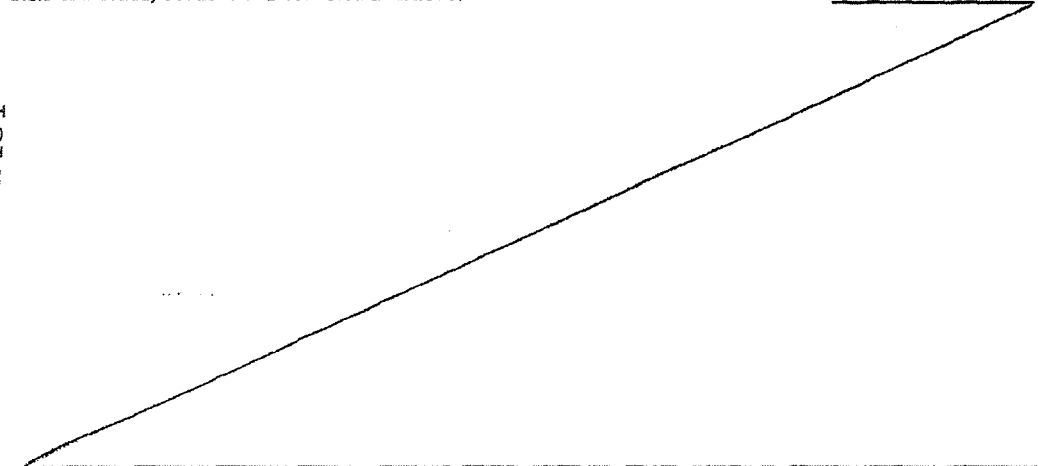
a corporation organized and existing under the laws of the State of Delaware, and having its principal place of business at Palo Alto, California

in consideration of Two million two hundred fifty thousand (\$2,250,000.00) Dollars,

does hereby Grant, Bargain, Sell and Convey to JAPAN GOLF PROMOTION (U. S. A.) INC., a California corporation

all that real property in the ~~XXXXXXXXXXXXXXXXXXXX~~ County of Washoe State of Nevada, bounded and described ~~as follows~~ on Exhibit A attached hereto.

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Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

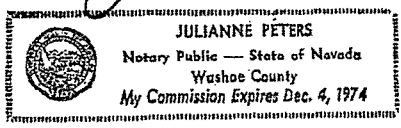
IN WITNESS WHEREOF said Grantor has caused its corporate name and seal to be affixed hereto by its ~~XXXXXX~~ authorized agent ~~President and XXXXXX Secretary thereof duly authorized~~, this 14th day of AUGUST, 1973.

STATE OF NEVADA }
COUNTY OF WASHOE } SS.

On August 14, 1973,
personally appeared before me, a Notary Public, FRANK A. MORROW and RAWILA SMITH

who acknowledged that they executed the above instrument.

Signature Juliann Peters
(Notary Public)



By: Boise Cascade Home & Land Corporation

By Frank A. Morrow ~~President~~
Authorized Agent

FRANK A. MORROW

Name (Typed or Printed)

By Rawila Smith ~~Secretary~~
Authorized Agent

RAWILA SMITH

Name (Typed or Printed)

ORDER NO. _____ ESCROW NO. 110224-JP
WHEN RECORDED MAIL TO Arthur S. Katayama, Esq.
Mori & Katayama, 250 East First Street
Los Angeles, California

MAIL TAX STATEMENTS TO ADDRESS ABOVE

297722

AUG 15 1973

EXHIBIT A

SKI INCLINE

DESCRIPTION

SITUATE IN THE COUNTY OF WASHOE, STATE OF NEVADA, AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 18 EAST, M.D.B.&M.; THENCE NORTH 00° 53' 58" EAST 1241.54 FEET ALONG THE EAST LINE OF SAID SECTION 14 TO THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING ON THE NORTHERLY BOUNDARY OF THAT CERTAIN PARCEL DEEDED TO INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, BY DEED RECORDED UNDER FILING NO. 386659, DEED RECORDS; THENCE ALONG THE SAID NORTHERLY BOUNDARY LINE OF LAST SAID PARCEL THE FOLLOWING SIX COURSES AND DISTANCES: SOUTH 45° 34' 43" WEST 364.25 FEET; SOUTH 68° 11' 55" WEST 538.52 FEET; NORTH 43° 31' 52" WEST 275.86 FEET; WEST 364.42 FEET TO THE EXTERIOR BOUNDARY OF TYROLIAN VILLAGE UNIT NO. 7, ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA, ON AUGUST 25, 1971, UNDER FILE NO. 216647; THENCE ALONG SAID BOUNDARY NORTH 418.35 FEET; THENCE NORTH 60° 57' 32" WEST 431.28 FEET; THENCE NORTH 26° 05' 12" WEST 500.00 FEET; THENCE LEAVING SAID BOUNDARY CONTINUING NORTH 26° 05' 12" WEST 262.74 FEET; THENCE SOUTH 59° 39' 24" WEST 200.00 FEET; THENCE SOUTH 64° 05' 37" WEST 233.46 FEET; THENCE SOUTH 74° WEST 358.65 FEET; THENCE SOUTH 32° 20' 44" WEST 134.36 FEET TO SAID EXTERIOR BOUNDARY OF TYROLIAN VILLAGE UNIT NO. 7; THENCE ALONG SAID BOUNDARY SOUTH 32° 20' 44" WEST 120 FEET; SOUTH 51° 28' 42" WEST 388.56 FEET; SOUTH 63° WEST 256.70 FEET AND SOUTH 72° 00' 38" WEST 114.26 FEET TO THE EAST RIGHT OF WAY LINE OF FAIRVIEW BOULEVARD, AS SHOWN ON THE MAP OF COUNTRY CLUB OF WASHOE COUNTY, STATE OF NEVADA, ON AUGUST 2, 1965, UNDER FILE NO. 35095; THENCE ALONG THE EAST RIGHT OF WAY LINE OF FAIRVIEW BOULEVARD IN A NORTHERLY AND NORTHEASTERN DIRECTION TO ITS INTERSECTION WITH THE SOUTH LINE OF SKI LANE BITTERSBRUSH NO. 2, ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA, ON JANUARY 1, 1972, UNDER FILING NO. 232188; THENCE NORTHEASTERLY ALONG THE EXTERIOR BOUNDARY OF SAID SUBDIVISION THE FOLLOWING NINE COURSES AND DISTANCES: SOUTH 89° 25' 38" EAST 161.69 FEET; NORTH 75° 37' 07" EAST 201.31 FEET; NORTH 69° 11' 35" EAST 232.00 FEET; NORTH 58° 24' 15" EAST 443.94 FEET; NORTH 49° 26' 08" EAST 338.30 FEET; NORTH 24° 04' 19" EAST 318.72 FEET; NORTH 03° 47' 41" EAST 196.43 FEET; NORTH 38° 10' 54" EAST 226.07 FEET; AND NORTH 18° 08' 17" EAST 84.13 FEET TO THE SOUTHEAST CORNER OF TYROLIAN VILLAGE UNIT NO. 5, ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA, ON JANUARY 6, 1970, UNDER FILING NO. 163711, OFFICIAL RECORDS; THENCE ALONG THE EXTERIOR BOUNDARY OF SAID SUBDIVISION THE FOLLOWING FIVE COURSES AND DISTANCES: NORTH 12° EAST 160 FEET; NORTH 36° 33' 50" EAST 226.50 FEET; NORTH 43° 25' 24" WEST 77.10 FEET; NORTH 14° 51' 31" EAST 152.09 FEET; NORTH 78° 36' 49" EAST 152.09 FEET TO THE EXTERIOR BOUNDARY OF THAT PARCEL OF LAND DESCRIBED IN THE DEED TO TYROLIAN VILLAGE, INC., ON JUNE 30, 1967, RECORDED UNDER FILING NO. 386659, OFFICIAL RECORDS; THENCE ALONG SAID BOUNDARY SOUTH 53° 07' 48" EAST 90 FEET; THENCE SOUTH 16° 50' 06" WEST 271.04 FEET; THENCE SOUTH 58° 21' 15" WEST 168.91 FEET; THENCE SOUTH 80° 44' 23" EAST 370.27 FEET; THENCE NORTH 61° 45' 20" EAST 463.89 FEET; THENCE LEAVING SAID TYROLIAN PARCEL AND

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297722

EXHIBIT A

AUG 15 1973

CONTINUING NORTH 61°45'20" EAST 4837.72 FEET, MORE OR LESS, TO THE WEST LINE OF THE EAST HALF OF THE SE $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 18 EAST, M.D.B.&M.; THENCE ALONG SAID WEST LINE SOUTH 0°42'39" WEST 994.88 FEET TO THE SOUTH LINE OF SAID SECTION 12; THENCE ALONG SAID SOUTH LINE OF SECTION 12 SOUTH 88°10'57" EAST 1348.05 FEET, MORE OR LESS, TO THE SECTION CORNER COMMON TO SECTIONS 12, 7, 13 AND 18; THENCE SOUTH 48°21'40" WEST 3768.18 FEET, MORE OR LESS, TO AN ANGLE POINT ON THE NORTH BOUNDARY LINE OF THE ABOVE MENTIONED INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT PARCEL SAID ANGLE POINT LYING NORTH 45°34'43" EAST 961.82 FEET, NORTH 65°10'46" EAST 924.82 FEET; NORTH 84°46'49" EAST 626 FEET AND NORTH 65°10'46" EAST 540 FEET FROM THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE FROM SAID ANGLE POINT ALONG THE NORTHERLY BOUNDARY LINE OF SAID INCLINE VILLAGE IMPROVEMENT DISTRICT PARCEL SOUTH 65°10'46" WEST 540 FEET; SOUTH 84°46'49" WEST 626 FEET; SOUTH 65°10'46" WEST 924.82 FEET AND SOUTH 45°34'43" WEST 961.82 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 27 IN BLOCK K OF COUNTRY CLUB OF INCLINE, A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF FAIRVIEW BOULEVARD AS SAID LOT, BLOCK AND BOULEVARD ARE SHOWN ON THE MAP OF COUNTY CLUB OF INCLINE, FILED IN THE OFFICE OF THE COUNTY RECORDER OF WASHOE COUNTY, STATE OF NEVADA, ON AUGUST 2, 1965; THENCE SOUTH 83°18'57" EAST 3321.80 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 34°53'23" EAST 85.00 FEET; THENCE SOUTH 51°55'53" EAST 120.00 FEET; THENCE SOUTH 38°04'07" WEST 120.00 FEET; THENCE NORTH 51°55'53" WEST 117.93 FEET; THENCE NORTH 42°22'40" EAST 35.23 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

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297722

DIAMOND PEAK ROADWAYS, PARKING LOTS, AND TRAFFIC FLOW

14 October 2020

My name is Paul Smith, 1437 Tirol Drive, Tyrolian Village, Incline Village, Nv.

As a resident of Tyrolian Village I face the seasonal challenge of navigating the parking areas and streets, managed by IVGID, just to enter into Tyrolian Village. It is often a nightmare.

Do not try to solve all the problems tonight. Instead, consider addressing the traffic flow, parking, and paving in a sequential manner as I suggest below.

- 1. First step is to move all traffic from the entrance of Tyrolian Village to the junction with Fairview to the NORTH side i.e. adjacent to the hillside as much as possible. Eliminate all parking adjacent to the hillside and create a two lane road that connects directly with Fairview. All this work can be done next Spring by redoing the stripping. Parking areas can also be reconfigured using the stripping after asphalt temporary repair is done.**
- 2. Next step: Use stripping and temporary barriers to create a traffic circle to connect Skiway, lower DP lodge parking lot, the road to Tyrolian Village and DP lodge, and Fairview. This traffic circle will be above the Big Water Grill parking area in the section where now pedestrian unsafe parking is allowed in the winter. This circle will allow traffic to flow at a good pace vs. now trying to navigate all the parking area's located in the central area of this complicated junction. Of key value is being able to get traffic to keep moving out of the area when specific parking lots are filled. For example the Big Water Grill parking lot could be entered from the top (off the circle) and exited at the bottom (currently the entrance). When that lot is full; wave the traffic on around the circle to exit the DP area and go to satellite lots. Currently when the Big Water Grill lot is filled; drivers back up on Skiway down past Tyrolia because they have no clue where to go.**
- 3. Once the above two steps have been accomplished and perhaps tested during the 2021-22 season; then schedule in the summer of 2022 the permanent installation of the circle and carry out new paving for the entire area (roads and parking).**

How to pay for improvement to the Diamond Peak roadways and parking lots?

IVGID can work with the Sheriff, County Commissioners, and residents to ban boat and trailer parking on most streets in Incline. IVGID would then offer parking at a fee in the DP parking areas. It is not unreasonable to charge \$12/day for a camper or empty boat trailer and \$20/day for a RV or trailer and boat. A weekly or monthly rate could also be used. At Alpine Storage I paid \$185/month and there are no spaces. Thus, a \$300/month

rate is not unreasonable. The winter bus shuttle could run to offer a fixed route and schedule for drivers to exit the area without having another car follow them to the parking.

If IVGID parked 100 vehicles/boats/RV's on average over the months of June, July, and August; I estimate over \$100,000 gross. Going forward on a regular basis such a parking business would relieve overcrowding in the community and contribute thousands to the retirement of debt associated with renovating the DP paved areas. By the way....the lots are now used by anyone with the courage to park and leave an RV, boat and trailer, car, or trailer. IVGID and DP get zip for that use!

It is only a question of time before there is a serious pedestrian or auto accident during the winter season at Diamond Peak. (perhaps there has already been many accidents??)

Separating parking from traffic and thus pedestrians from traffic will pay dividends towards making the DP experience more enjoyable for users and neighbors.

Thank you.

p.s.

Please organize workshops instead of formal meetings to collect thoughts and ideas regarding improvements to our community. Listening to trustee's brainstorm is a waste of their time and the public time. Gather options at an open workshop and then focus on one or two of those options at a formal meeting. It is frustrating to listen to comments and opinions instead of focused comments on a specific proposal.