



The Minden Town Board meeting was held on Wednesday, February 1, 2012, at 1602 Esmeralda Avenue, Minden, Nevada.

Board members present: Matt Bernard, Charles Condron, John Stephans, Steve Thaler, and Roxanne Stangle

Staff present: Greg Hill, George Keele, Trish Koepnick, Bruce Scott, and Jenifer Scott.

The meeting was called to order by Chairman Stephans at 5:30 p.m.

The Pledge of Allegiance was led by Steve Thaler.

Thaler/Condron moved for the approval of the agenda as published. Motion carried unanimously.

Condron/Bernard moved for the approval of the minutes of the January 4, 2012 Board Meeting. Motion carried unanimously with Thaler abstaining.

ACKNOWLEDGEMENT OF GIFTS: The Carson Valley Lions Club donated a 12-foot pine tree that was planted at La Costa subdivision as part of their goal to plant 100 trees around the world this year.

ACKNOWLEDGEMENT OF SERVICE AWARDS: None

PUBLIC COMMENT:

Robert McMillan thanked the Board for the opportunity to speak. He is disappointed that there are no skirts on the tables yet. He referred to the notice in the Record Courier concerning the Town of Minden augmentation and expressed concern about having budget problems, questioning how these figures are derived. Ms. Scott informed him that at the last meeting we addressed the augment figures. She explained that this is simply the process of putting the ending year balance funds from last fiscal year into proper categories in the current budget year. This process happens every year after the auditors review carrying them from one year to the next. This is actually a good thing as it is an increase to this year's budget. Ms. Stangle suggested that Mr. McMillan sit down with Ms. Scott and she can explain it very well.

Robert Pohlman commended the job that Burdick Construction is doing; they have been very thorough, neat and on time. He also expressed concern with the County reporting on the water fund; the assets and liabilities are balanced out but the numbers are meaningless. He was not questioning the Town, but the County report is not at all transparent.

STAFF REPORTS:

1. Public Works: Monthly report by Greg Hill

Mr. Thaler and Mr. Hill looked at a few locations on Highway 395 for banner poles. Mr. Hill showed pictures of a few possible locations. In the past, NDOT had referred to rules concerning distance from signals, and he would look into current standards. The process would involve submitting for approval to NDOT the site we wanted. In the north part of town, there is a problem with overhead power lines, and NV Energy has a new standard of a 20 foot clearance, so this site might have an issue. In the original plans for Gateway, the power lines were supposed to be put under ground but this did not happen with the completed infrastructure. Another site is near Sunset Park and the Credit Union; this location is in close vicinity to water lines. Both sites are approximately 90 feet wide.

Gardnerville is using signal poles; theirs were donated from the City of Sparks. They also have installed guide cables. With the signal poles being donated, the total estimate for the installation of the banner pole set-up is \$20,200.

Mr. Bernard asked for Mr. Thaler's input, as he has been very involved with this issue. Steve said that he is good with either spot north or south and he believes we should proceed as this would be a benefit to the Town and County. Greg said that both locations are nearly the same distance across the street, and the engineering would be fit for either location. The key is getting the poles donated, as the poles themselves could cost up to \$38,000.

Mr. Condron said that he likes the southern site because it would be read easier in this location; he is in favor of using the economic development money from the County for this purpose. Mr. Thaler agreed that the southern site is probably the best location with the unknowns of the Gateway Center. Mr. Bernard also agreed the southern location might be best. The permit process could recoup the dollars according to our banner pole policy, which needs to be revisited if we have a new location, especially since we will be dealing with NDOT. Mr. Stephans would like to know if we are trying to break even, or are we trying to recoup the investment; he feels that we need to revise our policy to address this and look at costs and benefits for the Town. Mr. Thaler said that the benefit would be the visibility of what is going on locally which generates tourist dollars, and he has no intention of recouping the cost. He would like to see this entire issue addressed at the next Board meeting, with poles possibly up by April.

Public comment:

Mr. Pohlman suggested the possibility of a kiosk on the Sunset Park side to hang up notices.

Mr. Hill also reported that the smell was reported back at the Mahogany Apartments, and he has suggested to the management company further disinfecting as well as reporting this to the state.

2. Engineering Report: Monthly report by Bruce Scott

The Carson Valley Inn will be submitting plans for administrative review for a pool deck. Allie and Friends Childcare is proposing a modular classroom in the back area which will be a minor review, but has no need to be heard by Board.

We are anticipating closing escrow on the property purchase from Mr. Bently sometime in the next ten days.

Activity has picked up on the legal front with Brownstein Hyatt filing today an amicus brief in support of the State Engineers' office on the grand slam case being heard by the Nevada Supreme Court concerning the Truckee River, which directly affects us on the Carson River.

Maverik Group has purchased the entire Gateway Center, and we are trying to contact them to talk to them about the center as a whole.

Lucerne waterline is moving forward to a challenging 24-inch pipeline installation up a road that curves and contains many other utilities. Boring is challenging at the present time because the soil is difficult.

3. Attorney Report: Monthly report by George Keele.

Mr. Keele thanked everyone for the beautiful tribute of flowers and for the kindness and graciousness of all to him, and he appreciates their patience as he tries to catch up. He has worked with Bruce concerning the Amicus brief; at the strong counsel of Gary Kvistad he has chosen not to request substitution of a previous brief had been filed.

4. Manager's Report: Monthly report by Jenifer Scott.

Ms. Scott gave a reminder about the dinner dance and reported that 72 of the 108 tickets have been sold. She noted that she had included in her report the paperwork used in Gardnerville, as well as the forms used for the former Town manager evaluation.

CONSENT CALENDAR FOR POSSIBLE ACTION

1. Approval of claims through January 2012.
2. Approval of a request for the Town of Minden to waive the rental fees for the CVIC Hall for the Carson Valley Arts Council for the 2011-2012 concert series.
3. Approval of a request by Minden homeowner and Town Staff to remove four cottonwood trees in the Town right-of-way at 1525 Mono Avenue at an expense not to exceed \$3,600 to the Town.

Mr. Bernard requested to pull item #3 from the consent calendar and hear it as a regular agenda item.

Thaler / Condrion moved to approve the Consent Calendar Items 1 and 2. Motion carried unanimously.

Consent Item #3: Approval of a request by Minden homeowner and Town Staff to remove four cottonwood trees in the Town right-of-way at 1525 Mono Avenue at an expense not to exceed \$3,600 to the Town.

Mr. Hill asked the Board to disregard what is in the packet and refer to the revised policy from 2009. This policy was intended to make it easier for people work with the Town as well as define the acceptable trees. Also, the correct address for Item #3 is 1580 Mono Avenue.

He realizes that taking down tress is controversial. We have asked the homeowner to remove the trees, as they can cause major damage to street, curb and gutter from the roots. The trees have decayed areas and demonstrate a state of decline that creates a liability; also, their suckers grow like weeds. The homeowner would like to plant 4 new trees, and the policy states a timing requirement for the trees to be planted. We do not have to get rid of all the cottonwood trees around Town, but when they get into this condition they are hazardous.

Mr. Stephans verified that the trees are on Town property; our easement goes 12 feet and our total cost would be \$2100, which entails cutting, hauling and grinding the stumps down below grade to abate any sucker problem. Mr. Bernard said that he pulled this item in order to cover the information, changes, and answers to his questions. If an owner does not want to take down a liable tree, we would have a hearing. Mr. Keele gave a synopsis of the tree history in Minden and said that in this case according to our policy, we have the right and obligation to ask the owner to take care of the problem and ask for participation. Mr. Hill noted that the bid does not include replacing trees. Mr. Woods is willing to participate with an amount not to exceed \$1500.00. Mr. Hill noted that over the years we have worked with homeowners on a case by case basis, and we have allowed them to maintain the trees, with some recommendations. Perhaps we need to explore the policy to address people that are resistant to tree removal if it is a hazardous situation. Mr. Keele agreed that we can modify this policy, especially in regard to budgeting, and asked the Board for input within the next two weeks to address this.

No public comment.

Bernard/Condrón moved to approve the request to by Minden homeowner and Town Staff to remove four cottonwood trees in the Town right-of-way at 1580 Mono Avenue at an expense not to exceed \$3,600 to the Town. Motion carried unanimously.

ADMINISTRATIVE AGENDA

1. For possible action: Discussion and possible action to approve, approve with conditions, continue, or deny a request by Carson Valley Reforestation and Beautification Foundation, a Nevada non-profit corporation, for approval of not to exceed \$5,000 of Town funds to help enhance the natural beauty of the Carson Valley and leave a legacy for future generations with a two-mile tree planting project along the US 395 corridor from Genoa Lane to Muller Lane. Appearance by Nick Koropchak, President.

Mr. Koropchak gave the background of the project, stating the objective is enhancing the natural beauty of the area with the tree project on Highway 395 north of Minden. The Minden Board has consistently supported this project for a decade, and tonight asked for further support with the planting between Genoa Lane and Muller. Mr. Koropchak gave the history of the planting that started after the Autumn Hills fire. The trees are being planted at \$125.00 per tree. They are presently \$10,000 short of the goal of \$50,000. Mr. Bernard thanked Nick for coming tonight and said it is a great project; he asked who has partnered in this so far. Mr. Thaler also questioned if he has made this request of the County, Genoa, and Gardnerville. Mr. Koropchak said that there has been very little support from the County, and none from the other towns, but they have made repeated requests and appearances.

Mr. Condrón said that the Board has worked very hard to stay within the budget; he suggested putting it in next year's budget to be fiscally responsible. He questioned the timeline; Mr. Koropchak said they will continue planting until they run out of funds. Ms. Stangle asked why the Board has approved in the past when it was not budgeted for. Mr. Thaler said this happens a lot; when we are asked for these kinds of things we need to see more clarification on where the funds would come from.

Mr. Stephans reiterated that the Town has supported this in the past.

Public comment:

Mr. Stephans read an email into the record from Sandy Deyo, who could not attend tonight. Mr. Deyo said the work is commendable. He questioned what the intention would be south of Muller, as he thinks there should be enhancements between Highway 88 and Muller. This request benefits more than Minden, but Minden is the only entity supporting it. Perhaps the Town should adopt a policy that limits support for projects that are of benefit County wide, dependent on support from other entities.

Ms. Scott read a letter from Christine Fixman Landscaping commenting that the tree planting has taken a wrong turn. She felt that the wrong species of trees is being planted for the type of soil present and the style of planting that resembles soldiers in a row detracts from the view and is not aesthetically pleasing. It is not within Town borders; she suggested talking to Lucy Joyce Mendive at NDOT concerning this. If the Town actually has \$5,000 available, she would highly recommend improvements within the Town border, such as a rest stop at the intersection of Highway 88 and Highway 395.

Ray Wilson spoke of this project in reference to the Town history of support, and the question over the years from the Town concerning county-wide support. The project has the support of MGSD regarding supply of water to irrigate the new trees. He hoped that the Minden Board would see fit to approve this request, as this last section benefits the Town the most. Maybe MGSD will help towards the last part to finish off the project, making a beautiful entrance to the Town. If the Town steps up, he said he will also step up, helping to get this project finished.

Lee Bonner addressed the comments about the County saying no. He said that he has not heard a request for the trees since he has been on the County Board; they cannot say no if there is no request.

Mr. Koropchak said the Record Courier has all of the correspondence to the County Commissioners concerning this. Their group is not capable to know how to selectively spray weeds and not kill grass. They asked the weed department for help with this and were told to go to the Farm Bureau Committee; confusion concerning the estimate for the work caused tabling the request. At this point they stopped the request. The Foundation recently sent letters and called the local commissioners but received no response and no call back. He is sorry that this is presented in this manner tonight, but there is no excuse for people to be treated this way.

Robert McMillan has seen the progress of the Highway 395 project, which was a project started by a volunteer. He believes that the Board needs to represent the Town: do the Town residents intend their money to be used for this use? He questioned Nick on the survival rate of the trees planted between Johnson Lane and Genoa. The survival rate of this first phase was much lower than this second phase. He supports the project but he believes that the Town is not responsible for the full cost.

Mr. Thaler commented that he is concerned this year because there seems to be no end to this project. He also wonders about the area of Muller lane into the Town. He was hoping to see they appeared before the Towns and County and not just write a letter. His biggest concern is that they did not budget for this; perhaps what the Town needs to do is ask for this to be in next year's budget. We are still short on our commitment to finish the Gateway project; he is not opposed to the project but it is bad timing for us.

Mr. Stephans said that he likes the project and would support a \$1,000 request as they have been doing for ten years. Ten years of history show that the people of Minden are not opposed to it. He does not believe the height of the trees is an issue.

Mr. Scott said that he thinks that the trees are great and he would be happy to put \$500 into the pot from RCI if the Town decides to support this.

Mr. Keele would contribute \$500 also, and Ray Wilson will match the Board's contribution.

No further public comment.

Condran/Stangle moved to approve \$1,000 of Town funds to be used to help enhance the natural beauty of the Carson Valley and leave a legacy for future generations with a two-mile tree planting project along the US 395 corridor from Genoa Lane to Muller Lane and would like to encourage the general fund committee to look at the possibility of putting a line item in for next year according to where it fits on the priority list. Stephans and Bernard voted yes and Thaler opposed.

Mr. Koropchak said that it is gratifying to see the support, and he believes the truth needs to be told.

2. For possible action: Discussion and possible action to approve, approve with conditions, continue or deny a request by Little City Race Series for a street closure permit for a USAC Criterium bike race, July 6, 2012. Appearance by Bubba Melcher, event promoter.

Bubba Melcher was not able to be present; Don Padlock was present with Keith Hart to present the item.

This would be the first year for a new bicycling race in the area to replace the former race in Minden. Bubba is quite the character and probably the most experienced bike racer in Nevada, and they believe they have a board that can bring this about without a hitch. They hope to be in the Town of Minden on July 6th; this would be a challenge because it is a Friday and he is here to address any questions concerning traffic flow, etc. He emphasized that this is set up to focus on junior racers and the masters, which would be good economically since the juniors bring in the families and the masters have expendable income. They anticipate 700-1000 participants.

Ms. Scott clarified how two different maps were presented; both courses were looked at by the events committee. The route around the courthouse was used in the past and initially requested; the course going to 4th street was not the one presented to the County Manager. Mr. Bernard questioned the two different routes and how to accommodate people getting to the courthouse on Friday. The racers are in a pack, there are barriers and after the racers go by, pedestrians and cars can be allowed to proceed. With proper management they can get cars in and out of the courthouse parking lot; this group has lots of experience doing this in towns across the country. Traffic may be naturally diminished in conjunction with the July 4th holiday, and they asked for the consideration to show that they can adequately marshal the traffic. The chicanes around the courthouse make it more appealing to the racer; the ideal course would put both proposed courses together and have all of the streets.

Mr. Thaler would like to make sure that there is no conflict with other bookings; he wants to create not just a race but an event. He felt that as they have just tonight seen the change in proposed courses and the public did not see this, the Board may not be able to vote on this. He would like to leave here tonight and know the route.

Ms. Stangle said that both courses were to be discussed, as each option will affect the County.

Mr. Thaler felt the option that boxes the courthouse in has the most effect.

Mr. Condran supported the concept and felt they need to come to a compromise on the route. We would need to have the blessing of the County for the courthouse route.

Mr. Hart said their past history with little problems speaks for itself.

Public comment:

Howard Herz supports the race very much. He commented that as a member of the Coventry Cross Church, he knows there are some groups that meet in the church Friday evening. There would be some erratic parking and handicapped people would need to be accommodated. He was not representing the vestry, but the worst mix is autos and bikes and it is hard to control cars. Mr. Hart said that there is usually a lead out motorcycle and there is plenty of lead time to forewarn the flaggers and course marshalls; this creates a very safe environment.

Kirt Hildebrand would love to have a copy of the map to see what they are doing, and he is surprised that Mr. Condran did not bring up the issue of the school district on the route.

Robert McMillan agreed with the Town being willing to cooperate but has a hard time accepting that it would be on a business day. There is no set time for the closure of the streets, and he does not want the Town Board to approve an unknown. On a business day people have to get out; if it is a complete street closure, we have a need for the fire and ambulances to be able to access these streets.

Kregg Herz had not seen the proposed route and expressed concerns about what happens to the downtown businesses if the race goes to 4th Street.

Mr. Keele said that in view of the fact that this has been going on for 15 years, there is a way through this, maybe on the March agenda or a special meeting to cure the issue of proper noticing. It would be good to say that the race can be approved subject to negative notice, or set for the March meeting when everyone can be properly noticed. The race can be approved today without the courses being approved.

Condron/Bernard moved to approve request by Little City Race Series for a street closure permit for a USAC Criterium bike race, July 6, 2012, with the condition of approving the race course at the March meeting. Motion carried unanimously.

Ms. Scott said that the county manager would like to participate in the process, and she will coordinate this with the events committee.

3. For possible action: Discussion and possible action to approve, approve with conditions, continue, or deny a request by Minden homeowner John H. Garvin for “approval of not to exceed \$2,500 of Town funds to reconstruct a retaining wall by Burdick Excavation Company or the Town’s designee which was demolished in the process of laying a water pipeline through homeowner’s back yard on January 18-19, 2012.” Appearance by John H. Garvin.

John Garvin thanked the Board for putting this item on the agenda tonight. He referred to background material in the packets that he had provided as a handout tonight. He complimented the Town on Burdick Construction; they tried very hard to work with him on this but finally said that they could not save this retaining wall. The cost to him in 2009 was \$2,372 including the wing walls. He had no idea that they would be putting a 24-inch pipeline in when he put up the retaining walls on the easement rather than a fence. Exhibit C shows what his backyard looks like now, and it is pretty desolate. He would like to have the retaining wall replaced. Burdick said they would replace it if they had the authorization from the Town. The public notice from the Town says if there is any damage to property owners’ fences they will be replaced. He maintained that the Town has adopted fairness to homeowners and asked if the contract with Burdick envisions repairs caused by the operations. The easement is on the final map for Winhaven, and it is not unusual for fences to be built on top of easement where property line ends in most cases. He does not believe the easement was violated, as the County and the Town have allowed fences on the edge of easements. He just wants consideration like the other homeowners, and wants the Town to consider the damages as part of the contract. Also, he would ask for the lots to be re-surveyed so they know where the property lines are now, as they were wiped away.

Mr. Scott said that the final grading of the back of Mr. Garvin’s property is not completed yet. We have wiped out every real property corner along the line and that will be replaced. His concern is we will have the same issue in maintaining the line if we replace the retaining wall. We need to keep the ability to maintain the easements.

Mr. Keele said that the Town of Minden has always been respectful of its residents. As Mr. Scott pointed out, there is implicit in the easement the right of the Town to access, and this retaining wall is an impediment to the Town’s ability to have unimpeded access. The wall needed to go or the project could not go forward. Every utility company tolerates and works with people concerning fences, but Mr. Garvin had an improvement that no one else had. Action tonight sets the precedent for the future and is of great concern. Both Mr. Garvin and the Town could raise several legal issues, although a lawsuit has not been mentioned. Generally a right of way is considered a right of passage. It is presumed that the parties anticipated possibilities of this use of this easement for both drainage and waterlines, and the easements have been in place a long while.

Mr. Garvin did not believe there is much chance of setting a precedent for the future. His wall was unique, although not a fence, we must keep in mind this is damage to his property. He is a lawyer, and does not want a lawsuit; he just wants the right thing to be done. He presented the alternative of reducing the request by \$700, which was the cost of the wing walls; that would be satisfactory for him.

Mr. Thaler asked whether or not we would replace a wood fence if Mr. Garvin had installed one where the rock wall is instead. Mr. Hill explained that the fences along the easement were going to be laid down while Burdick worked in the area, then pushed back up once the work was completed. While labor intensive, there would be no need to replace anything in this scenario.

Mr. Scott said that we have historically occupied the easement in the past in maintaining the storm drain. If there had been a major structure that impeded our maintenance, then there would have been an issue already. The easement takes precedent over what is done on top of it.

Mr. Thaler asked what we did on County Road when we made the improvements. George said that NDOT gave us mandates for action in regards to County Road, as it could not be *presumed* that the people were okay with this. Mr. Scott noted that those were new easements requiring another five feet and an entirely different set of circumstances. Mr. Thaler asked if we were to repair that wall, would we be opening the floodgates. He asked if Mr. Garvin knew this was an easement when he built the wall. Mr. Garvin said it was not listed in his title, but was referred to in a final subdivision map; he did not know that the retaining wall on his side of the property line would be an issue.

Mr. Bernard said he has empathy for the situation, but he wonders how, with Mr. Garvin’s lawyer experience, he did not know this. Why was he the only one who built this sort of thing? Mr. Garvin said that he either owns the backyard or he does not, and if he has no beneficial use of the property, then he is entitled to compensation. Mr. Bernard pointed out that the other 23 neighbors did not assert their property in this manner; if the Town has the right to use the easement, what would we

do if all the other neighbors started building in the easements? Mr. Garvin believes that the type of structure he built is not that inconsistent with the Town's easements and he would hope that his neighbors would do the same. Mr. Garvin said it is either yours or ours. All Mr. Garvin ever wanted was to have erosion control, maintain view of the mountains and have a garden.

Mr. Condron asked if historically we have ever compensated from a request like this. Mr. Hill said that we have maintained the easements and helped keep them clean; he does not believe that we have ever reimbursed anyone.

Public comment:

Mr. Stephans read a letter by Sandy Deyo saying he felt that no compensation should be paid. If any compensation should be made it would be to compensate the contractor for the extra work they did.

No other public comment.

Thaler / Bernard motioned to deny the request by Minden homeowner John H. Garvin for approval of Town funds to reconstruct a retaining wall. Motion approved unanimously.

4. For possible action: Discussion and possible action to approve, approve with conditions, continue, or deny a request by Town Board resolution to 1) keep Town retail water service rates in all classes of water service, including out-of-service-territory contract rates, at existing rates through January 1, 2013; 2) keep Town trash service rates in all classes of trash service at existing rates through January 1, 2013. Appearance by Jenifer Scott, Town Manager.

Ms. Scott said that the Board had agreed some time ago to revisit and evaluate the issue of water and trash rates on an annual basis; she thought it was prudent to bring to the Board for a review, since it had not been done since the beginning of Fiscal Year 2009-10. Rates appear to be set at a healthy level and she recommends that they remain at the current rate. Any rate changes would require a formal resolution. The reason that they agreed to hear this on an annual basis was to look at it regularly and make small adjustments as needed, rather than a large increase.

Mr. Thaler said this is not the climate or the time to be raising rates as long as we are healthy, but he would encourage continuing to look at our rates once a year in January.

Public Comment:

Robert Pohlman said that this Board has done a marvelous job of getting work done with the \$10 million. His problem with this is the two parts (wholesale and retail); he still does not know what the parts represent and he feels the Town needs to generate a policy of what is retail and what is wholesale. There are certain things in the rates—overhead and depreciation—and you need to put at least 2 percent into reserves every year for what is in the ground. You are not selling enough water for the formula to give back what you need for depreciation. The new pipeline and pump station has nothing to do with the Town at all; he is glad that the other entities pay for it but he questions the depreciation. Bottom line is that he would rather start paying now in the rate structure.

Mr. Stephans attempted to give clarity to the situation. Retail is 16-inch lines and below, anything above 16 inches is wholesale. The wholesale company will need a rate structure to pay for treatment, O&M, capital improvements, depreciation, and G&A. To distinguish the two, we have to take all of our wholesale assets out of retail and move them into wholesale. Anything that we are doing now under construction will also need to be put on the books in wholesale. Rate structure was set for Indian Hills and Carson City, with the projection of Carson City being on line before April of 2013. We are in the process of getting the Board members involved in the budget process, working with the County to move assets into wholesale, and looking at the rate structure.

Mr. Pohlman said that there needs to be a written plan as far as what we are going to do. He said his basic question is if the Town people are supposed to pay depreciation on the \$14 million and after everything is up and running, how do you get 4-6 years worth of depreciation back. Mr. Stephans said the Town is not paying depreciation on wholesale assets.

Mr. Condron said that we have set a timeline that we will be selling enough water that the depreciation account will open up and the money will transfer into it. We will re-negotiate the rate and we will pay the depreciation on a schedule, hopefully accelerating it to recover that depreciation. We are digging hard and long to make sure that the Town will not have to pay for this and to protect Minden. Mr. Pohlman said that perhaps a new contract could say the County takes X number of gallons or they still pay depreciation. Or negotiate, knowing their entitled acre feet, and calculate the depreciation on a fixed price basis. How can they say what the rate will be for East Valley in 2014 if they have not negotiated with the Town? If they don't get enough revenue they will not be able to pay off the bond.

Mr. Scott said there is a difference of opinion on what kicks in the .45 cent rate and if it is based on selling to both Indian Hills and Carson City while we are in this 18 month window. According to the contract, NV energy costs can be passed through but the rest is subject to discussion. We are currently gathering data to strengthen our position.

Bernard / Thaler moved to approve a request by Town Board resolution to 1) keep Town retail water service rates in all classes of water service, including out-of-service-territory contract rates, at existing rates through January 1, 2013; 2) keep Town trash service rates in all classes of trash service at existing rates through January 1, 2013. Motion carried unanimously.

5. For possible action: Discussion and possible action to approve, approve with conditions, continue, or deny a request by Town Staff to 1) lease for five years, or consider a five-year lease with first right of refusal to purchase the recently vacated maintenance facility parcel located at 1613 Water Street; and 2) if item 5.1 above is approved direct Town Manager, Town Attorney and a member of the Town Board to negotiate a new lease for the Board's consideration and possible action at a future Town Board meeting. Appearance by Jenifer Scott, Town Manager.

Mr. Keele said that the open meeting law requirement creates the need for one Board member to be assigned to the committee to work on a new lease; if we want two members we will need to notice the meetings. Mr. Keele said that we should eliminate the option to buy if we want to protect the wellhead and control that asset for a while.

Mr. Thaler felt that we should put the facility out for lease and see what comes back.

Mr. Bernard said that after last month's meeting, he and Mr. Condrón went to the site, and after seeing it he cannot fathom selling it with a well site in it.

Mr. Stephans said that recently the Bently people looked at it, and we have not heard back from them since then. They are again expressing interest in buying it, even though they had formerly declined the first offer of refusal.

Ms. Stangle prefers not to sell the property and would like to see a five year lease in case something comes up.

Mr. Thaler would like to start advertising including putting up a sign, and asked why we would not just go with the \$.30 per square foot suggested by Mr. Smith at the last meeting. We do need to draw the line on the well and figure out the amount of property leased. Charlie would like to spend a month working out the details and coming up with an information sheet.

Mr. Keele suggested that he and Ms. Scott come up with a document for the next meeting.

Ms. Scott said that this agenda item tonight is meant to clarify the intent of the Board. She would like to see the agenda item for next month include a range for a rate based on the research.

Public comment: none

Condrón / Stangle moved to approve the request by the Town staff to set up a generic lease for the vacated maintenance facility parcel located at 1613 Water Street and if approved to direct the Town manager, Town attorney and a member of the Town Board to work up a mockup of a new lease for the Board's consideration and possible action at a future Town Board meeting. Motion carried unanimously.

6. For possible action: Discussion and possible action to approve, approve with conditions, continue, or deny a request to solicit input and set a session to develop specific criteria for priorities and expectations to serve as the basis for the Town Manager's annual evaluations as set forth in the Employment Contract between the Town of Minden and Jenifer Scott, Town Manager.

Mr. Condrón said that as he has mentioned in the past, he is not in favor of a checkmark system with multiple inputs because it is worthless. He would like to see 5-10 specific measurable goals and give Ms. Scott an opportunity to evaluate the goals that are set.

Mr. Stephans likes both the document and the goal approach; goals give us a target, but there may be too many goals to set and overwhelm the manager. He asked Mr. Thaler, who is familiar with County guidelines, if we can do both formats.

Mr. Thaler said he believed as a Town Board we would have the authority to decide which format to use. He would like to see Mr. Condrón spearhead this process; he said that the public thinks that he (Mr. Thaler) is biased and he will take himself out of this.

Mr. Condrón would like to see input beyond committees. Mr. Bernard said that he would like to see what is crafted; he also has ideas outside of his committee responsibilities.

Mr. Keele said that all comments should be given to one person; it was determined that it was appropriate for Jenifer to also give input and that all comments would be given to Mr. Keele with a February 17 deadline. Mr. Keele will pass the comments along to Mr. Condrón with no names attached. Meanwhile, Mr. Condrón will be meeting with Darcy Worms for guidelines.

Public comment:

Bob Pohlman felt that the criteria should be established as a general guideline for the manager position; do not mention goals, only criteria and expectations.

Robert McMillan said that you have criteria to evaluate employees and perhaps you should use the same criteria evaluate Jenifer as the other employees. It was noted that Jenifer is a contract employee and this is handled differently than the other employees.

Thaler / Bernard motioned that the Board will submit comments, goals and objectives to George by February 17, so that he can relay them to Charlie who will meet with HR and bring this back to the March Board meeting. Motion carried unanimously.

Manager report continued:

Ms. Scott said that a draft joint letter with the Town of Gardnerville is before them tonight. A request by the Ranch at Gardnerville concerning Phase 1 will be heard by the County Commissioners tomorrow. This letter is the result of a meeting with Gardnerville staff as well as Chairman Stephans and Mr. Scott. They came to a decision to write a joint letter to potentially bring to the Commissioners before the meeting. She said she is looking for direction from the Board concerning this letter, if it should go before the commissioners; there was not enough time to place this consideration on the agenda. She has written the letter as staff, and is not speaking as the opinion of the Board.

John said that this came about during the breakfast meeting yesterday. Lee Bonner asked for opinions and input on the request from the Ranch at Gardnerville. The letter was intended to say that from staff perspective, the Town of Minden supported the Town of Gardnerville's stand on this issue.

Mr. Bernard said that he was very perplexed to see this letter at 4:00 today by email; he does not find it appropriate when these things happen last minute. He disclosed that he has a commitment in a private capacity and he will not be able to be involved.

Mr. Thaler said that we have previously looked at and approved the original plan; this letter makes it appear that the Town is now siding against the planning commission.

Mr. Keele said that this matter is not before the Board for discussion and they cannot deliberate toward any decision on this. This would need to be a special meeting; it is not an emergency, and the County will need to decide this without the Town's input. Ms. Scott was dutiful to get the information to them, but Mr. Keele needed to call time-out on this issue.

Mr. Thaler concurred with Mr. Bernard that it is frustrating to walk into a meeting and have to read material at the last minute. He realizes it may be hard on staff to comply with the deadline, but this has to stop because it puts the Board in a bind; last minute items need to be put off until the next month.

Mr. Condron was upset that the whole process did not include the Town and wondered why the Town was left out of the loop.

Mr. Scott said that what we have is the worst possible processing of a project that can happen. We mentioned about not knowing where the Ranch at Gardnerville was, and then discovered it was on the planning commission agenda after the last board meeting. One of us should send a letter to the County asking for a meeting to get this back on track and get people moving in the same direction, as it has been disjointed and uncoordinated. Regardless of what happens tomorrow, the Towns need to try to help the process along.

Ms. Scott said there is a large portion of her manager report packet dealing with budget. The tentative budget needs to go to the County by April 6; there are two more Board meetings before then to approve this.

Gardnerville has asked to postpone the joint Board training until April as they will be appointing a new Board member.

Board member reports:

Mr. Thaler said that he gets frustrated about not having a policy on saving reserves. He asked the Town manager to contact the County concerning this, as we should be creating a policy about reserves. Mr. Condron said that this is the kind of input we need to give about Jenifer's goals.

Mr. Stephans said he would like to have a policy in place without using numbers or percentages; he would like to address how to have a reserve, but not how much. Mr. Thaler felt that state law dictates enterprise funds be capped at 8%; it is the general fund that we need to establish and this shows the public that we are not going to spend it all.

Ms. Scott said that she included in the packet tonight the County policies for reserves including the 3% reserve policy for operating expenses in the general fund.

Mr. Scott said that he will not be at the next Board meeting and Tim Russell will be here in his place.

ADJOURNMENT

Thaler/Bernard moved to adjourn the meeting at 10:45. Motion carried unanimously.