



The Minden Town Board meeting was held at 5:30 p.m. on Wednesday, January 2, 2013, at 1602 Esmeralda Avenue, Minden Nevada.

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

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

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

The Pledge of Allegiance was led by John Stephans.

Stangle/Stephans moved for the approval of the agenda as published. Motion carried unanimously.

Stephans/Thaler moved for the approval of the minutes of December 5, 2012 Board Meeting. Motion carried unanimously.

ACKNOWLEDGEMENT OF GIFTS: None

ACKNOWLEDGEMENT OF SERVICE AWARDS: None

PUBLIC COMMENT:

Ella Dillwith, a CVMS student, read a portion of a dramatic presentation called "Goldilocks on Trial". She asked the Board to consider donating use of the CVIC Hall for the CVMS Middle School Drama Club. Admission costs would be a donation to Austin's House. She asked for the Board to consider this request as an agenda item next month.

STAFF REPORTS:

1. Public Works: Monthly report of activities by Greg Hill.

Mr. Hill spoke about the work at Well 7. The sewer main is very close in proximity, and they will probably need to replace part of the sewer main per code. They will be ready to proceed when they get the site permit.

Last week there was a potential hazard reported at 7th and County Road when the wind was blowing hard. In the course of the ditch project, some of the roots were cut off, which weakened the tree. Benigno Tree Service was hired to remove the tree; this seemed like the best action under the circumstances.

All of the work has been done at Well 2 to alleviate noise concerns. There are three layers of sound proofing, as well as a dog house structure over the discharge pipe. That is all that we can do, and we hope that the homeowner will be satisfied when the well goes back into service.

There were a couple minor storm events in the last few weeks; they plowed snow only in the business district and sanded at some intersections. He was satisfied with the results.

2. Engineering Report: Monthly report by Bruce Scott.

Mr. Scott said that the water rights that were filed have been advertised and are in the 30 day protest period. We will know if there is any protest by the next Board meeting.

Potential annexation to the Town by CVI will probably be on the agenda in February. Douglas County has indicated that they would like to annex the Seeman property to the Town, and he asked for direction from the Board if we should do both at the same time; it might be an opportune time to do this. County is exploring if under the grant they can offer us the property, and the Town has expressed an interest in this in the past. Mr. Thaler said that the CVI annexation is required for the amphitheater as a condition of approval. He asked if we will be seeing a letter from the County to annex the property. Mr. Condron said that they should be encouraged to proceed, while emphasizing that ownership would need to be separated from annexation.

Also, in the packet there is information about the possible parking area at the old Douglas Fabrication site. Basically we have a couple of layout alternatives. Alternative A is the street plus the old blacksmith shop

property generating 37 parking spaces at a cost of approximately \$205,000. Alternative B includes the vacant lot on Mono which gives an additional 11 spaces but the cost goes up. There could be lots of variations but this gives an idea of the development costs to meet County code and does not include property cleanup. To get a decent estimate; the costs of the removal of the building as well as phase one costs would be needed. Mr. Condron appreciated the input; it will help in making the decision of pursuing this or not. Mr. Condron said this might be a future agenda item and asked for input from the Board regarding this.

Mr. Condron asked if the weather is holding up the final work on the County Road project. Greg said they are waiting for the ground to thaw out to finish. The final work will be pavers and work on the corner of 7th, fencing and backfilling; plants will be put in this spring.

3. Attorney Report:

Mr. Keele said that regarding the blacksmith property, the two parties can agree to anything but state law requires that the Town pays at least 75% of the fair market value. They can pay full price and offset the cost of mitigation of contamination, or set up so the Town has an out after phase one. Mr. Keele noted that he had the experience of having all of his family with him the last two weeks, and has virtually no report tonight.

4. Manager's Report:

Ms. Davidson reminded the Board that the February dinner dance is around the corner. Rosebuds Dance Band will be returning; she believes that this will sell out.

Date for the special rate Board meeting was set as January 22 in the evening, and the budget workshop was set at March 21 during the day.

Ms. Davidson will be meeting with the chair and vice chair concerning the strategic planning and committees.

5. Board member reports:

Mr. Thaler questioned the after Christmas trash pickup.

Ms. Stangle requested that the Board send a get well card to Marsha Tomerlin; the Board members will come by the office to sign a card.

Chairman's report:

Mr. Condron thanked the Board for having the confidence to appoint him chairman for this year. He enjoys working with the four of them and knows the decisions they make are in the best interest of the Town of Minden. He asked for any input to help him run the meeting efficiently. He felt one of the best thing he can do is establish some sort of strategic plan. This will establish goals and prioritize. We need to do this anyways per the last agenda item. He felt it became clear when the property sale came up that a strategic plan this would help with the decision making.

The budgeting process coming forward and is critical and he also asked for input on that process for this year. He is still involved with the Arts Council and the Joe Craven Trio will be here on Jan. 11. He believes that it will be very diverse and enjoyable.

CONSENT AGENDA FOR POSSIBLE ACTION

1. Approval of November 2012 financial report including claims paid November 22, 2012 through December 20, 2012. Stephans/Bernard moved to approve the November 2012 financial report including claims paid November 22, 2012 through December 20, 2012. Motion carried unanimously.

Recess taken until 6:30.

1. a. For possible action: Discussion and possible action to approve, approve with conditions,

continue, or deny Development Application (DA) 12-045, a Major Modification of a Special Use Permit (ref. File 620) for Mike Pegram, G PEG II, LLC, to allow an outdoor events center for the Carson Valley Inn. The subject property is located at 1625 Highway 395 N in the TC (Tourist Commercial), A-19 (Agricultural - 19 acre minimum parcel size), and GD (Gaming District Overlay) zoning districts in the Minden/Gardnerville Community Plan (APN 1320-29-401-018). Appearance by Mark Rotter.

Ms. Davidson said that when the Board initially heard this it was a design review, and now it is being heard as a major modification to the special use permit of the CVI at the request of the County.

Mark Rotter representing the CVI said this is a modification to the original special use permit given to the CVI, as requested by the County. He said the drawings are the same as before; nothing has changed since the original request. Most of the events would be at night but there were several that could go on during the day.

Mr. Bernard asked if the County would like to address the special use permit. Dirk Goering spoke for the County, saying the County is involved with the Sheriff's department, and they will be meeting tomorrow concerning noise and time concerns. Mr. Bernard said that he is tickled to have this kind of venue in Minden, and hopes that this applicant is not treated any different. Dirk said the County is being proactive because of the possible impact to the community and the surrounding residents. The reality is if there are problems it will just be a noise level. This is conditioned by the County that if there are problems they will bring back for further discussion if necessary. This is a unique use, but not just a one-time event for the year like Carson Valley Days.

Mr. Thaler asked what triggers security; is it a number? Dirk said there is no number in the code that triggers security. The Sheriff's office would normally review a festival permit, but that is not involved here, so there is nothing to trigger review, especially if there is a security concern. The language in the condition is not new; it is pulled from title 5 for the outdoor festival permit, which does not apply for a permanent structure. The County is trying not to over regulate, but to just give a heads up to the Sheriff's office that will allow the Sheriff's office to give some input on security and possible traffic issues.

Ms. Stangle said it looks like they would need approval every time; Mr. Goering said they would not need approval but could give the Sheriff's office some input on security.

Mr. Thaler said that he understands the County requirements, but believes that it is self-defeating for CVI to create a situation that would cause problems.

Mr. Goering said that he is happy to address any concerns and work out the language; he will take suggestions back to Community Development.

Mr. Stephans said he knows there is a policy in place for the concerts at the lake, and asked if we are treating people differently here than we are at the lake.

Mr. Goering said the folks at the lake get a festival permit and he does not believe that they are being treated differently, because they have a temporary structure.

Mr. Bernard thanked Dirk for his hard work, and thanked him for the coaching on this process. He said if the applicant is going to work it out with Community Development that is great, and asked if there is anything we can do; he would just like to support the CVI as much as we can.

Mr. Rotter asked to remove conditions 16, 17 and 18. CVI feels they can operate this facility with management taking into account what the type of venue is, and does not need management from the Sheriff's department and Community Development. It is hard to define a substantiated problem. How many complaints will it take to cause the potential to shut down? Those conditions make it hard to proceed with this development as it is a rather large investment.

Mr. Thaler questioned if they are asking the Town to approve this, minus conditions 16, 17 and 18. Mr. Rotter asked for comments on the staff report. Ms. Davidson said that the staff report from Douglas County is not part of the discussion tonight.

Mike Pegram understood the County concerns and why they put those in there, but this is a substantial investment to have a first class structure. They want to be a good neighbor but he does not agree with the way the County is looking at it, as this is a permanent structure.

Mr. Scott said this is a unique location; potential impact is noise and crowds. It is isolated from all residential areas. It is on the Inn's property and they already have security. It is not unreasonable to have noise until 10. He believes that some insulation for these kinds of conditions is logical. He thinks the Board should be able to comment on these items because that would be helpful. He asked if the Dreyers could be asked to keep the cows quiet during weaning time.

Mr. Keele said that Mr. Scott captured this perfectly; the Board can comment on anything addressed in this meeting tonight.

Public comment:

Sandy Deyo agreed this is a substantial investment and he believed that the Inn would ask for security from the Sheriff's Department if needed. If there is a problem it should generate a meeting of all involved: CVI, Town County and Sheriff's department.

Bernard/Stephans motioned to approve the Development Application (DA) 12-045, a Major Modification of a Special Use Permit (ref. File 620) for Mike Pegram, G PEG II, LLC, to allow an outdoor events center for the Carson Valley Inn. The subject property is located at 1625 Highway 395 N in the TC (Tourist Commercial), A-19 (Agricultural - 19 acre minimum parcel size), and GD (Gaming District Overlay) zoning districts in the Minden/Gardnerville Community Plan (APN 1320-29-401-018). In addition the Minden Town Board recommends to Dirk to work with County staff and Sheriff's department to ensure that in items of security and traffic control measures this applicant not be treated any different than any other applicants, understanding the difference with festival permits. He encouraged the County to work with the applicant and let the County know the Town supports and is concerned with Mr. Pegram's investment; this includes Mr. Scott's previous recommendation letter. Motion carried unanimously.

b. For possible action: Discussion and possible action to approve, approve with conditions, continue or deny a request to set permissible times for amplified sound and performance lighting for the Accessory Outdoor Event Area at the Carson Valley Inn as follows: Amplified sound and performance lighting are restricted to the hours of 8:00 a.m. to 10:00 p.m. for large events (400 attendees or greater); amplified sound and performance lighting are restricted to the hours of 8:00 a.m. to 11:00 p.m. for small events (up to 400 attendees); a single event can include a multiple-day performance; however, the days of a single event must be continuous. Appearance by Mark Rotter, Manhard Consulting, Ltd.

Mr. Rotter said in response to item one in Mr. Scott's letter, this is the timing that they came up with. Mr. Thaler said it seems to be a non-issue issue.

No public comment

Stephans/Thaler motioned to approve a request to set permissible times for amplified sound and performance lighting for the Accessory Outdoor Event Area at the Carson Valley Inn as follows: Amplified sound and performance lighting are restricted to the hours of 8:00 a.m. to 10:00 p.m. for large events (400 attendees or greater); amplified sound and performance lighting are restricted to the hours of 8:00 a.m. to 11:00 p.m. for small events (up to 400 attendees); a single event can include a multiple-day performance; however, the days of a single event must be continuous. Motion carried unanimously.

It was clarified that the performance lighting would be turned off after the last song, not the parking lot lighting.

2. For possible action: Discussion and possible action to approve, approve with conditions, continue, or deny a request to change trash service to no longer include pick up on state holidays beginning February 1, 2013 and to move green waste pick up from Tuesdays to Thursdays. Appearance by Greg Hill, Minden Superintendent of Public Works.

Mr. Hill said this would be a savings of \$4200 in overtime per year if this policy is instituted, and he felt that it is worth giving this a shot. When Mr. Hill started working at the Town of Minden, it was virtually impossible not to work holidays. He believes that we now have enough staff and vehicles to do this. We

will do part of the pickups the day before and some after their regular day. There are a few commercial accounts that would still need picking up on the holiday, and this could be handled by the on call employee. To make the operation more efficient, green waste will be moved to Thursday. The biggest issue is getting the word out; we would do this with a special mailing and a calendar, and possibly a sign on the truck. He would also make that there is a grace period when the changes take place. The first residential holiday is not until the 4th of July.

Public comment:

Bob Pohlman suggested talking to HOA's. They are very sensitive to garbage cans being left out, and they also produce their own newsletters that could help spread the word.

Sandy Deyo said that if there is no collection on state holidays in 2013, there would be no pickup on Dec. 25 and January 1. Mr. Hill said we would be picking up the day before and the day after, as we will be doubling up and doing both routes. Mr. Deyo also noted that holidays with long weekends could be a problem and suggested double pickups.

Stangle/Stephans moved to approve a request to change trash service to no longer include pick up on state holidays beginning February 1, 2013 and to move green waste pick up from Tuesdays to Thursdays. Motion carried unanimously.

3. For possible action: Discussion and possible action to approve, approve with conditions, continue, or deny a request to approve the Proposed Plan of Correction regarding the financial audit for the fiscal year ending June 30, 2012 prepared by the Minden Town Manager in compliance with NRS 354.6245. Appearance by Jenifer Davidson, Minden Town Manager.

Ms. Davidson noted that as mentioned in the manager's report, the auditors noted three findings related to the Town in the final audit. She has prepared the plan of correction as required by the NRS; the format and verbiage for the correction is as requested by the Douglas County staff.

Mr. Thaler said they call it an exception and an apparent violation of NRS. He believes this is an exception, and Minden does not need to consider this an apparent violation.

Mr. Stephans said it is a technical issue with the County and Kafoury Armstrong, the auditors. He said each Board member has talked to the manager about this, and he agrees the term violation is very strong language. The budget as a whole is fine; there is a line item within the general fund that is over budget.

Mr. Keele had a different take on the statute. Its use of the word exceptions is a mild way of saying that the audit is completed and there are audit exceptions, or non-compliance. This is much milder than an audit violation. Mr. Keele said he does not mind the term "possible exception". Mr. Thaler said that a violation involves a willful violation and that is a ding on the Town. He believes that there was some miscommunication with the County, which created this issue.

Ms. Davidson said the use of this format and these findings are similar every year. The plan of corrective action is just boiler plate language that is used every year by other departments in this situation.

Mr. Condran asked if Ms. Davidson is comfortable with the letter as is; she asked that they approve Mr. Thaler's request for the language change. Mr. Condran also said he also appreciated the integrity she showed by delaying her evaluation until this was resolved.

No public comment.

Bernard/Stangle moved to approve the Proposed Plan of Correction regarding the financial audit for the fiscal year ending June 30, 2012 prepared by the Minden Town Manager in compliance with NRS 354.6245. Motion carried unanimously.

Mr. Keele asked Mr. Bernard to consider amending the approved motion to use the language "possible exceptions". Bernard /Stangle moved to rescind the motion. Motion carried unanimously. Bernard/Stangle moved to approve the Proposed Plan of Correction regarding the financial audit for the fiscal year ending June 30, 2012 prepared by the Minden Town Manager in compliance with NRS 354.6245, to change the language from "apparent violation" to "possible exception" in the letter. Motion carried unanimously.

4. a. For possible action: Conduct Town Board review and evaluation of employee performance in accordance with paragraph 10 (C) of the November 16, 2011 Employment Contract between the Town of Minden and Jenifer Davidson (the Contract), followed by Board deliberation and possible action to approve, approve with conditions, continue, or reject the 2012 evaluation of Ms. Davidson's 2012 performance as Town Manager. Discussion and possible action may include approval of merit pay in an amount not to exceed 10% of the base salary amount, based upon the employee's specific job performance, in accordance with paragraph 7 (B) of the Contract. Mr. Condron asked to first talk about the evaluation and then discuss the evaluation process in item b. He asked each individual to summarize or read their report if they would like that on record. Public comment would be taken after all 7 items were heard.

Item 1. Become the leading expert in the Town of Minden's budget and finance process

Mr. Stephans said that putting the budget together was a good learning experience and he thought Jenifer did a satisfactory job; it is a learning process and there is always room for improvement. Looking back she would probably do things a bit differently. He feels that it is very important in doing a budget to have a worksheet and to know a percentage of completion and dollar amounts. This type of report could be in Board packets and emailed to keep the Board members updated. We also could look at putting in our own purchase order system, so each department head and the manager could see the status of the budget. He would like to see a running total of how much the wholesale needs to pay back to retail, because we need to figure out how we are going to do this. Mr. Stephans said he had fun working with Jen on the budget and he hoped the Board agrees.

Mr. Condron said that he understands the budget a lot more than he did the year before, and that speaks well of Jenifer's attempt to become an expert in this area.

Item 2 Establish excellent communication systems to keep all interested parties informed.

Ms. Stangle said that she and Ms. Davidson have talked a lot about communication. Jenifer has done a really good job in several areas. Ms. Stangle knows she has been very busy in so many areas, and has made an effort to be very involved in lots of organizations, but she would like to see her get to know more people; especially the people in Minden as the face of Minden. She feels that it has been a struggle getting to know the employees and setting boundaries, and she has started on the right track. She thinks that she needs to see what these employees do, and how much we ask our employees do. She has started and would like to see her continue good communication with the employees. There was no further Board comment.

Item 3. Develop the role a Minden's Ambassador to our community, county and state.

Mr. Bernard said this overlaps number 2 somewhat. The #1 thing for her to do is help build relationships. She started at zero and did not know many people. She has done a very good job in her first year laying the groundwork to continue building relationships. No further Board comment.

Item 4. Design Personnel Management strategies that promote maximum workforce effectiveness.

Mr. Condron felt that Ms. Davidson met expectations in these goals. Subcategory 1 was one of the more difficult things she had to do. She has been working hard with the supervisors, trying to make evaluations straightforward, honest, and consistent. Subcategory 2 is also very difficult; she has started the process extremely well trying to make the group as a whole feel like a team, and she has made a good start. In subcategory 3, he feels training and education is a key way to improve the whole system, by providing training that is pertinent to the employees' daily work. Ms. Davidson is working on a plan for this; it will cost a bit of money but it is money well spent. He also sees cross training going on and encourages this as an ongoing project to ensure uninterrupted flow of services. No further Board comments.

Item 5. Continue to develop the wholesale water enterprise program for Minden.

Mr. Condrón felt that the majority of Ms. Davidson's time has been dealing with water. He believes this is critical area that we do this right and she has gone above and beyond in this area. The rate training she attended was critical, and he believes that we went so far quickly because of her tireless efforts, and her performance in this area was exceptional.

Item 6. Provide leadership in the future development within the Town of Minden

Mr. Thaler congratulated Ms. Davidson on making it as Town Manager over a year. When she was hired, his comments were biased, and he recommended her highly because having worked with her he knew what she is capable of. She has proved that she is capable. In this first year the Board put so much on her, that they were unable to have her focus on the most important thing, which is to improve her skills as a manager. One does not learn to be a manager overnight; it takes time and training, including seeking out management courses. He encouraged her to attend Leadership Douglas County. He felt that she did her job better than he could do it; he is impressed that she did this so well and is still here. He encouraged her to focus on getting time and experience, and becoming well known and getting leadership behind her. He holds her to a much higher level and he hopes she sticks around. All in all she has done a really good job and has met his expectations. No further Board comments.

No public comment.

Discussion concerning merit pay ensued. Mr. Stephans said that Ms. Davidson has done a very good job but cautioned that a 4% raise for staff was put in, and we might be sending the wrong message if we went over the 4%.

Ms. Stangle says Ms. Davidson has done a very good job and would like to keep with what is in the budget. Mr. Bernard does not want to establish compensation based on the budget figure. Everyone is not guaranteed an amount based on a budget figure. 4% should not be considered a penalty.

Mr. Thaler said that 4% was built in the budget as the midline figure; under the County policy an employee can get a 6%. There are those employees that excel and those that don't; the hardest part is coming up with a number. The economy in Minden is not doing bad; we have money left over at the end of the year. Once we establish what the raise is she will have to figure out how to balance the budget. We have the ability to give her 6%; we need to get out of our minds what the rest of the world does. It seems like she got a pretty good evaluation and it is our job to say thank you. If you are in the private factor and you have the money to reward, would you give a raise? Next year we may want to consider a different system to come up with a method that does not appear biased.

Ms. Stangle said that the private sector does not do a percentage. When you look at percentages based on salary, that is a huge amount of money. She is not against Ms. Davidson getting a raise; but is having a hard time with percentages. Mr. Thaler said a year ago we did what the County did, but this year we re-instituted the merit raise, and gave the ability for our employees to earn 0-6%. He is simply trying to follow the policy.

Bernard/Stephans moved to approve the 2012 evaluation of Mrs. Davidson's performance as a Town manager and include the amount of a 4% merit increase. Motion carried unanimously.

b. Not for possible action: Discussion regarding goal setting and evaluation process for the 2013 performance evaluation of the Minden Town Manager. Appearance by Charles Condrón, Minden Town Board Chairman.

Mr. Condrón said that the contract with Jenifer has language that needs to be followed in respect to this process for next year. A goal setting session is to be held within 30 days of the evaluation; there would need to be either a special meeting or we add this item onto the special rate study meeting this month. In respect to timing, she would have to agree to extend to February to meet the terms of the contract.

Mr. Stephans said that the Board needs to set goals but Ms. Davidson needs to buy into it. He would like to hear from her about this. Mr. Condrón agreed. Mr. Thaler said we should tie it to a meeting; bring our

priorities to a meeting and talk about the list, and she can come up with her own goals.

Mr. Bernard said that January 22nd is OK to comply with the contract, and he would bring his list of goals to that meeting. All members would bring their own list on the 22nd and there would be no backup for this in the packet. Ms. Davidson said she is agreeable to have a workshop, with action on the items at the February Board meeting. Mr. Condrón noted they could start the conversation with Ms. Davidson the next day related to Town goals in conjunction with the manager's goals.

Mr. Condrón said this was an effort to make a very cumbersome process work, in respect to establishing goals based on what the Board said they wanted in a Town manager. We accomplished a lot in the last year; we are excited that Jenifer is our Town manager and feel we accomplished a lot in the last year. He is open to accomplishing this objective in other ways, and willing to look at other ideas.

Mr. Stephans is also not attached to the process. He felt we could have a Board discussion postmortem and would also like to hear from the Town manager on this. He saw value in the way each Board member had an assigned item, and also had the opportunity to contribute his thoughts on every item.

Ms. Stangle said she also was comfortable with it and liked having the opportunity tonight if there was a need to give comments.

Mr. Bernard said that he had advocated a scoring system to quantify, but he liked this process and believes we will work to together to refine it. He is curious to see what Ms. Davidson says and thinks that it worked fairly well.

Mr. Thaler said he is a team player and he was frustrated when he got no response from anybody. That concerned him because he thought the process was to get input from all Board members, then their comments would be molded into a consensus. As he got nothing from anybody, he felt that it was only his opinion, and did not feel that was good. At the end of the day we were able to give an evaluation, and if they gave no input they have entrusted him to give the entire input. They also had the opportunity to give comments at the meeting.

Mr. Condrón said he is excited that Mr. Thaler has thoughts on this, and would like to assign Mr. Thaler to be chairman of the evaluation. Mr. Thaler said that as this did not really work for him, he would like to do that. He said we do not need to recreate the wheel, and he would probably come up with a system that is very similar to the County. The most valuable part of her evaluation was what they told her, not what they wrote. Mr. Bernard said the raise can be manipulated by numbers. He was not too sure originally about the narrative but now he likes that there was something more than numbers in a box. Mr. Thaler said he agreed that one person can manipulate but five bosses cannot. Next year Mr. Thaler would not want Trish to write her supervisor's evaluation, but this should be done by Human Resources. Mr. Condrón noted that he had been willing to take this on but there was a conflict with doing that because of the open meeting law.

Ms. Davidson said that she was hesitant about the process and it was a bit scary because it was unclear. Having gone through it she sees that it was very beneficial, as the goals portion made sense. She would like to take some subjectivity out of the merit increase, and would like to see clarification and definition of the merit increase as part of the process. She is hopeful that whatever system is set up is not changed, because this determines the strategy of her approach to the goals. She very much appreciated the process and believes the input was invaluable. She was not surprised by the comments because she feels she has been communicating with the Board the entire first year.

Keele asked that in the course of determining the evaluation process, the Board clarify the feedback process as there ought not to be any interaction with the Board.

ADJOURNMENT

Thaler /Stephans moved to adjourn the meeting at 9:01 pm. Motion carried unanimously.