



## GARDNERVILLE TOWN BOARD

### Meeting Minutes

Lloyd Higuera, Chairman  
Mary Wenner, Vice Chairwoman  
Cassandra Jones, Board Member  
Ken Miller, Board Member  
Linda Slater, Board Member

1407 Highway 395 N.  
Gardnerville, Nevada 89410  
(p)775-782-7134 (f): 775-782-7135  
[www.gardnerville-nv.gov](http://www.gardnerville-nv.gov)

Contact: Carol Louthan, Office Manager  
Senior for any questions or additional  
information. You may also view the  
board packet online at the town's website.

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Tuesday, July 7, 2015

4:30 p.m.

Gardnerville Town Hall

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**INVOCATION** – Pastor Jim Beilstein of Trinity Lutheran Church

Meeting was called to order By Chairman Higuera at 4:30 p.m. Chairman Higuera made the Determination a Quorum is present.

**PLEDGE OF ALLEGIANCE** – Ken Miller led the Pledge of Allegiance.

#### **PUBLIC INTEREST COMMENTS (No Action)**

This portion of the meeting is open to the public to speak on any topic not on the agenda and must be limited to 3 minutes. The Gardnerville Town Board is prohibited by law from taking immediate action on issues raised by the public that are not listed on the agenda.

No public comment.

#### **FOR POSSIBLE ACTION: APPROVAL OF AGENDA, with public comment prior to Board action.**

The Gardnerville Town Board reserves the right to take items in a different order to accomplish business in the most efficient manner.

Mr. LaCost asked that item 13 be pulled from the agenda.

**Motion Slater/Miller to approve the agenda with the exception of item 13.**

No public comment.

**Upon call for the vote, motion carried unanimously.**

#### **FOR POSSIBLE ACTION: APPROVAL OF PREVIOUS MINUTES:**

**June 2, 2015 Regular Board meeting, with public comment prior to Board action.**

**Motion Wenner/Slater to approve the minutes of June 2, 2015.**

No public comment.

**Upon call for the vote, motion carried unanimously.**

#### **CONSENT CALENDAR FOR POSSIBLE ACTION**

Items appearing on the Consent Calendar are items that may be adopted with one motion **after public comment**. Consent items may be pulled at the request of Town Board members wishing to have an item or items discussed further. When items are pulled for discussion, they will be automatically placed at the beginning of the Administrative Agenda.

**Motion Miller/Slater to approve the consent calendar.**

1. **For Possible Action:** Correspondence  
Read and noted.
2. **For Possible Action:** Health and Sanitation & Public Works Departments Monthly Report of activities  
Motion to accept.
3. **For Possible Action:** Approve June 2015 claims  
Motion to approve.
4. **For Possible Action:** Approve 32' foot wide Ditch Irrigation & Maintenance Easement for downstream users of the Martin Slough waters on the Hellwinkel property APN 1320-33-402-080, along the existing irrigation ditch alignment, as required by Water Conveyance Advisory Committee for the Flood Channel

site improvement project review.

Motion to approve.

5. **For Possible Action:** Approve the Main Street Gardnerville newly elected officers for FY 15-16 with Linda Dibble, President, Scott Bergan, Vice-President, Norie Jenkins, Treasurer, Suzanne Carreau, Secretary  
Motion to approve.
6. **For Possible Action:** Approve Special Event Entertainment Endorsement Application submitted by Marie Lekumberry, representing J. T. Basque Bar & Dining Room for an accordian band – Basque Folk Dance Event on Friday, August 7, 2015 from 8:00 pm until 11:00 pm, with an anticipated attendance of approximately 200 people. J.T. Basque Bar & Dining Room is located at: 1426 Hwy 395, Gardnerville, Nevada 89410.  
Motion to approve.
7. **For Possible Action:** Approve and accept maintenance responsibility of landscaping installed by the Overland behind the sidewalk to the face of the curb along the parking lot and building along Gilman Avenue from Courthouse Alley to Highway 395, all located within the public right of way.  
Motion to approve.
8. **For Possible Action:** Approve Main Street Gardnerville and Record Courier Fall Art Show, September 12, 2015, at Heritage Park.  
Motion to approve.
9. **For Possible Action:** Approve a request by Sarah Sanchez, Carson Valley Community Food Closet, to divide the existing 2.84 acre parcel into two parcels, the smallest being 1.0 acre, in the Neighborhood Commercial (NC) zoning district in the Minden-Gardnerville Community Plan, APN 1220-04-002-009, 1245 Waterloo Lane.  
Motion to approve.

No public comment.

Upon call for the vote, motion carried unanimously.

#### **ADMINISTRATIVE AGENDA**

**(Any agenda items pulled from the Consent Calendar will be heard at this point)**

10.  **Not for Possible Action:** Discussion on the Main Street Program Manager's Monthly Report of activities for June 2015.

Mrs. Lochridge reported we did receive the award from Nevada Magazine. Thanks to all of you for being at the Freedom 5k and being present to accept this award. We were nominated as Reader's Choice for best town with Minden. This award is voted on by visitors. Thanks to Ken and Stephanie Waggoner. They took the reps from Nevada Magazine through the Heritage Park Gardens area and now they want to do an article on the garden. We appreciate it. Stephanie also did a presentation to the Masons at their board meeting last month regarding the Basque mural we are trying to find a home for. They seemed very interested with a couple of changes to the easement with Mike's (attorney for Main Street) approval. We are just waiting to hear back if it is a go. Their next meeting is scheduled on July 21<sup>st</sup>. We had a really good turnout for the Freedom 5K. We had 100 registered walkers and runners. The Lions Club had close to 100 people at their breakfast. We had 25 to 30 kids and adults doing the Yankee Doodle Dash. Some of the parents I talked to said they look forward to bringing their kids out to do that again next year. We do have several other events we are working on right now. We will have a beverage booth at the Splash Dogs event in August. A reporter interviewed Carol Sandmeier and myself for an upcoming article on the Heritage Park Gardens project. Planning meeting with the Visitor's Authority will be held later this month to create a work plan for the Great Race event. Once things slow down, Tom and I will meet with some of the members from our fronton Basque district steering committee to create a plan of action to present to both the full steering committee, the Main Street Board and the Town Board.

Mr. Higuera thought the Yankee Doodle Dash will grow. That was really a fun event. It was a group effort and it turned out well. We still had a good turnout.

Mr. Miller wanted to let everyone know on the Slaughterhouse Lane Races, myself and Scott Bergan will be approaching the service clubs within the area to put a team together. You will see all the rules are setup and ready to go. Scott Bergan and his committee have done a good job.

11.  **Not for Possible Action:** Discussion and presentation on an update on State of Nevada 2015 Legislative Session by Wes Henderson, Nevada League of Cities & Municipalities.

Mr. Wes Henderson asked that any time the town receives an award, let us know so we can put it in our newsletter and help brag about one of our members. The League has five bills we are allowed to submit per session. Three of the bills passed. Unfortunately one of the bills that didn't get passed was the Main Street bill. We will not give up on the program. We will work with the governor's office, office of economic development and historic preservation office, to try to get that in the budget for 2017.

Mr. Miller felt the bill was just kind of dropped after it was once introduced. Had we had a champion by one of the state senators or assemblymen, it would not have been dropped. I think that's what the committee was waiting for, was somebody else to bring this bill up.

Mr. Henderson believed a champion always helps. If we can't get the governor to include it in his budget for the next session we would bring back another bill and it would be a great idea to find a legislator.

Mrs. Jones asked what the other bill was that did not get approved.

Mr. Henderson answered the bill that sought to clarify what could be charged for copies of public records. That bill always receives a lot of opposition. One bill that was passed that directly affects the Town of Gardnerville was Assembly Bill 19. This bill will allow you to hold your annual budget hearing on a regularly scheduled town board meeting date. Prior to the bill being passed, you had to hold the hearing on a specific date. Now you have a window starting the third Monday to the end of May to hold the budget hearing. You have a handout with information on some of the other bills. This is a cliff notes version. We will be producing a report on the legislative session this Thursday. I would be happy to answer any questions.

Mrs. Jones asked if they do any type of presentation to educate elected officials on the changes.

Mr. Henderson tries to do that in a presentation to the individual governing bodies. That is how we communicate. You should have some things in your packet regarding US Communities program. This is a program that was started in 1996. It is a nationwide government purchasing program. They negotiate contracts. I encourage you to take a look at that. The conference is coming up in October. We are working on transportation options. We will have educational sessions on adapting to drought conditions, getting along with businesses, how to participate in public lands management planning, keeping city hall safe, the business of marijuana and eliminating veterans' homelessness. We will have a welcome reception at the golf course. We will have a 1940 style USO show, complete with a big band that will be held at the refurbished service club at the Wendover Air Base. Federal legislation was introduced by Representative Jason Chavitz of Utah. It is called the Remote Transition Parody Act. It is an attempt to close the loophole on online purchases. We have sent letters to our members of the House. Please consider writing a letter in support also.

12.  **For Possible Action: Discussion and presentation on a request by Sierra Chef (Cynthia Ferris Bennett and Leslie Broderson) for a Farmers Market Family Event from May through September 2016, the 1<sup>st</sup>, 2<sup>nd</sup>, and last Thursday nights of each month in Heritage Park; with public comment prior to Board action.**

Ms. Bennett and Ms. Broderson are looking at a family farmer's market. We are calling it Farm and Funfest. One of the requests we have received is an evening market. We want something where families can come and kids can get involved. We are proposing a Thursday night market in Heritage Park. We have about 10 vendors committed for next year. We will have a final plan in place by February 1<sup>st</sup>.

Mrs. Slater asked what items they are going to bring forth for the family.

Ms. Bennett would like to tie in some events with the community garden: gardening programs, kid art. I don't picture bounce houses. I picture more activities they can do.

Ms. Broderson added one lady has children's books on farming and gardening. It will involve local people who want to volunteer or have a booth and do activities.

Ms. Slater asked if this is strictly produce.

Ms. Bennett answered no. It is a combination of farmers market and a funfest. So it would have produce, food vendors and specialty vendors.

Vice-Chairman Wenner asked if this is specifically Thursday night. I understand there is one over in Fernley on Thursday night also.

Ms. Bennett thought there probably is, but the vendors that we have committed don't attend that market.

Mr. Miller mentioned the Main Street Board did not want it on the third Thursday during the wine walks.

Mrs. Jones asked about the Sierra Grill. I thought there was a farmer's market that you hosted earlier.

Ms. Bennett advised they will continue to host that through September. That one is definitely a farmer's market. It does not have any family activities.

Mrs. Jones asked that the application say Thursdays except the third Thursday, because there are five Thursdays in some months.

Mr. Miller asked about their insurance.

Ms. Bennett advised all the vendors have liability insurance. Depending on what they are selling, if they are selling food they would have a catering license. The vendors are licensed and insured.

Mr. LaCost would like to ensure there is a cleanup plan.

Ms. Bennett will have it in their plan.

Mrs. Jones asked about soccer practice in the fall. I see our park used for soccer practice usually starting in August.

To Mr. LaCost's knowledge, it is not a sanctioned event. They are not really impeding anything.

Ms. Bennett explained with the current farmer's market we always allow 5 community booths.

Mr. Miller asked if they might bid on the Lampe Park market. If you get that would it invalidate this application?

Ms. Broderson stated not at all.

Mr. Rowe noticed Sierra Chef LLC was put down as the organization. I am assuming that you are a manager or member of that limited liability company. Who is the named insured on the policy?

Ms. Bennett answered the Sierra Chef LLC is.

Mr. Rowe asked if that will be the applicant as well, in February, when you present the plans.

Ms. Bennett answered yes.

Mr. Rowe will want to see the proof of insurance and also the town needs to be named as additional insured under the policy. I would suspect Douglas County, if you have to go to them, will also want to be named as additional insured.

Public comment.

Mr. Linderman asked if this would replace the present market

Ms. Broderson answered no.

Mr. Linderman asked if they thought there was enough business.

Ms. Bennett has so many requests for an evening market that is family oriented.

Mr. Linderman asked if this was born out of the requests.

Ms. Broderson answered from customers and also vendors.

No further public comment.

**Motion Jones/Slater to approve a request by Sierra Chef for a farmer's market family event from May through September 2016 on Thursday nights of each month except the third Thursday, at Heritage Park, subject to them amending their application and submitting a complete application with their plans and insurance in February. Motion carried unanimously.**

**13. For Possible Action: Discussion on a request to use Heritage Park for a fee of \$500 for the 2.5 days for a Flyball tournament on September 25 – 27, 2015, authorizing the handled dogs in the park for the event, presentation by John Tresise, Fly dog team member; with public comment prior to board action. (Taken off agenda)**

**14.  Not For Possible Action: Discussion and presentation of Douglas County Pay and Compensation Study, including the modification to annual leave policy 200.36, Pay Grades, new job descriptions and classifications, and paying the full PERS contribution rate of 2.25%, Presentation by Jim Nichols, Douglas County Manager, or Wendy Lang, HR**

Mr. Nichols, Douglas County Manager and Wendy Lang, Acting Human Resources Director, are here to talk about a number of compensation elements and issues that were brought before the Douglas County Board recently for their consideration and approval. I learned a valuable lesson last week when talking to the Town of Minden. So I will proactively apologize in advance, that this really should have come to you sooner. I recognize, as I did with Minden, this is after the fact and not the ideal situation. I take full responsibility for that. Since Tom is not here I will blame him for the fact we are so late. In reality it is truly my fault and I will make the same commitment to you that I made to Minden, which is, in the future I will coordinate these efforts better with your town manager so we can talk to you in advance and not after the fact. I wanted to make sure that was understood. Wendy will lead the discussion and I will chime in as necessary

Ms. Lang's first item is the PERS contribution rate increase. In 2015 the PERS contribution rate for PERS participants increased by 2.25 percent. Per NRS that increase would be shared between the agency and its employees. However, Douglas County decided that we wanted to cover the cost of the employee's share. So the way we did that is by taking a board action for a cost of living adjustment of 1.125 percent for the employees, which will net nothing: no increase or decrease. That action was approved on June 18<sup>th</sup>. The PERS increase went into effect July 1<sup>st</sup>. Employees are not experiencing any reduction to their pay as a result of that increase.

Mr. Nichols clarified the reason we had to do it that way is because of the rules. A PERS increase is recognized by employees through a decrease in the pay. The COLA basically net zeroed their pay and they didn't see an increase or decrease.

Ms. Lang added this is a one-time action. NRS and Douglas County policy would require us to make that decision each time. The default or standard would be to be born equally by the employer and employee. Town of Gardnerville, just like the other towns and entities that are part of Douglas County's PERS account, is required to do one action together. It is not something we can differentiate for different types of employees based on departments or divisions. That is the PERS part of the presentation.

Over the last year and a half Douglas County has been proceeding with a classification and compensation study that addressed competitiveness in the labor market of our positions as well as the appropriate job duties. As a result we have established new or revised job descriptions or titles that more appropriately match the work the employees are doing; then classification of those positions and proposed pay ranges. We have reduced the number of pay grades from over 70 to 29. Some positions will experience a reduction and some an increase. No employees will experience a reduction in pay. Any employees that are topped out or beyond the maximum of their grade's pay range will not receive further increases to their salary. There is no intention to reduce anyone's pay. For the employees that are below the new pay grade there is a three-year implementation plan beginning with increasing employees up to \$1 this first year.

To be even clearer, Mr. Nichols didn't want to create a situation where employees were making less than the minimum and new employees were brought in above them. So we are raising the minimum at the same level as the employees. If the study says a pay range minimum needs to be raised \$3, that employee at the bottom will be raised \$1 and so will the minimum pay. That minimum will be brought up over the three years just like the employee's salary. You may still have a case where a new employee is making the same as an existing. It's the best compromise we could reach. The alternative was to bring everything up to the minimum right away. Financially that just wasn't affordable so that is why we have this three-year schedule.

Mr. Miller asked about a situation in which the county has a need for an employee and one of our employees applies for that opening automatically because the pay is higher. That takes away our personnel that are needed.

Mr. Nichols explained the town's positions were evaluated in the same study. The town's positions are being brought into market just like the county.

Mr. Miller commented, if we follow what the county does. It's hard for us to find room to implement this. That's one of the big reasons why we don't have a presentation on it from Tom. It takes a lot of work on his part to put this together.

Chairman Higuera advised Tom has been working on this. He is not here for this meeting and he wanted to make the presentation. This will all come back next month and we will go through it. He has found solutions to all of the various things that came up. A lot of your questions should be answered then.

Mrs. Jones stated a \$25,000 impact to us is a big deal. And there will be an additional impact next year. One of the things we have talked about consistently on our board is the need to hire at least one more supervisory position. This is an intangible impact on us that is huge.

Mrs. Slater asked about the pay grades.

Mr. LaCost asked how the merit increases will be impacted upon this whole process. I know you want to do an implementation of \$1 per year. Even at that, and I can only talk about my own personal experience, I won't reach the county's minimum pay plan.

Ms. Lang clarified we are not necessarily doing a \$1 per year. We're doing \$1 the first year. Then we will assess what we can do in the second year.

Mr. Nichols has committed to the board that it's a three-year implementation. That's why if it's a position that happens to be \$5 out, it may be \$1 the first year but the next two years we will make up those other \$4. We just don't know how yet because it really will depend on finances.

Mr. Miller commented we gave up a tax rate. It is something we will never see again. So it's hard to balance the budget each year because of that. If we had that tax rate back it would certainly make it a lot easier on us.

Mrs. Jones thought maybe the bill that Wes talked about that has been introduced to congress to close the loophole on usage fees (sales tax on the internet) would help.

Ms. Lang explained the annual leave changes.

Mr. Nichols added this is for non-represented employees only.

Vice-Chairman Wenner asked if this is because negotiations are still going on.

Ms. Lang answered correct.

Mrs. Slater asked if it will be reviewed annually.

Ms. Lang answered this policy could be reviewed at any time. We review it every five years.

Mr. Nichols asked if there are any other questions that pop up after today, please let us know. We are happy to answer.

15.  **Not for Possible Action:** Discussion and information only presentation on the Esplanade at the Ranch at Gardnerville, Major Design Review (DA-14-047) of a 41 unit multi-family housing project which includes thirteen (13) triplexes and one (1) duplex regarding the changes made to the plan since the Gardnerville Town Board approval on January 6, 2015. The subject property is located at Heybourne Road and Gilman Avenue in the MFR (Multi-family residential) zoning district (APN #1320-33-210-069), presentation by Hope Sullivan, Douglas County Planning Manager

Mr. LaCost can talk briefly on it until Hope arrives. What they brought to us and what was approved is not what they are doing. They are losing some driveways. Page 14-4 shows in highlights the driveways that are there. The proposed plan on 14-6 shows they have lost driveways on three of the buildings.

Ms. Hope Sullivan, Douglas County Planning, reported county staff had not completed our review before the town board saw the project. What you saw is on the second page of the handout. On the third page is what was approved. The first page identifies what the changes are. The Board of Commissioners was not happy with staff that we brought something to you that didn't comply with code and we weren't clear with you. They wanted us to come back, apologize and make sure you knew what staff did approve. The changes between what you saw and what was approved are: 1. There is no parking on Gilman; 2. Internal parking was added on the north side of Concha Drive. 3. Added sidewalks on both sides of Cinch Trail. 4. There was a requirement of 6 feet of landscaping along Lasso and Heybourne where the sidewalk is, so they shifted their buildings. In shifting the buildings the driveways at buildings 1, 3 and 13 were eliminated. That's the scope of changes between the plan you saw and the plan that was approved. Again our policy is the staff's work will be done before they go to any town meeting. It will be prepared to advise the town exactly to what extent the plan before you is in compliance.

Mrs. Jones asked if this required any variance.

Ms. Sullivan answered no. The changes were made to comply with code.

Mr. Miller asked if there was RV space parking.

Ms. Sullivan answered yes.

Vice-Chairman Wenner asked about a garage where you have to park behind another car in front of it.

Ms. Sullivan explained they all have garages. Rather than pulling into a driveway you are pulling directly into the garage.

Mr. Linderman asked when the presentation was first made for the single car garage there was a requirement for two car parking but this would be tandem instead of side-by-side. That would have had to have a variance. Now you are saying there are no variances.

Ms. Sullivan explained tandem parking is one car behind another. Tandem parking has not been incorporated into this plan. That was one of the reasons the parking came up short. Since they were going 100 percent code compliant they dropped the plan for tandem parking.

Mr. LaCost asked if there is a maximum amount of distance from a condo to their auxiliary parking spot. There are three parking spaces on Lasso. If those three spots fill up, the next closest place is roughly 200 to 300 feet away.

Ms. Sullivan doesn't know 100 percent. This is all a single piece of land. Think of it as an apartment complex. You need X number of parking per square foot of building. County regulations say you may utilize on street parking of perimeter streets at a ratio of 50%. That's what they have done. This has been scrutinized. They are in compliance.

Chairman Higuera noted this item was information only. There is no public comment and no action needed by the board.)

16.  **For Possible Action: Discussion and provide direction to staff on NOT proceeding with posting a Request for Qualifications (RFQ) for Council representation for the Town of Gardnerville; with public comment prior to Board action.**

Chairman Higuera thought we may have acted a little too quickly or hastily without really considering all of the facts or implications. My proposal is to not go out for an RFQ at this time. Mike has been with the town for 33 years. His institutional knowledge is priceless. You can't purchase that kind of information. He is cutting back his practice and he will be sticking with the Town of Gardnerville, the Ranchos and Douglas County Public Administrator. This is his pre-step before complete retirement. I think that would be the more appropriate time. If the concern was dollars, Tom has calculated what other towns are paying and it was in our last packet. Minden, Indian Hills and the Ranchos are all paying more than we are. There was some concern about what it cost per meeting and Tom also calculated what our average meeting was. It came out to 2.7 or rounded 3 hours or \$600 per meeting. One thing we didn't consider is the town manager himself. Tom has told me he respects Mike. He respects his work and he enjoys

working with him. Tom has the most direct contact. He would like to continue that relationship. When you put all that together I think my proposal is that we do not go out for an RFQ until such time as Mike gives us notification he is retiring. I will open it up for discussion.

Mr. Miller's concern is, is the contract with Mike Rowe or with the firm. We always need backup. In the past your firm has backed you up. That's the first question.

Mr. Rowe answered the contract is with the firm. It always has been. The current contract from 2005 was with Rowe and Hales.

Mr. Miller's second question is all of us here have some expertise in different things. Do we really need an attorney present for the budget meetings. If we could do a workshop with the public, do we really need an attorney for all of our meetings. We could almost pick and choose. There are some items that we may be able to save a few dollars. I feel this board is competent and trained every year. So we are aware of what the open meeting law is even though we are not as aware as you are.

Vice-Chairman Wenner's issue was the money part. I appreciate the fact that Tom and Mike both went through the hours put into how much time you spend with us. After looking at the \$600, I could go with that.

Mrs. Slater asked if we could review the agenda and see if counsel is actually warranted at a particular meeting, to help keep a cap on it. Because everything around is going up in price. We have a compensation presentation that will be costing us. To keep a cap on it, I'm looking for ways to accomplish that.

Mrs. Jones felt the challenge is not so much are we complying with open meeting law every meeting. That we can figure out before the meeting starts. Was the agenda posted? Do we need to make a disclosure on the record that three of us were in a space at one time? It's unknown questions. So both as a board member and as an attorney who has served boards before, the time it takes for him or Jennifer or Jim to be here pays off on the other end. In the idea we aren't calling them later and asking for research and then having to download why we need this lookd into. Or by having it resolved quickly because our representative was right there to squash it. While each of us has our expertise, we cannot use that as a defense in a legal suit. You cannot rely on me if I make an assumption under NRS and then call that advice of counsel. We can only do that by relying on Rowe and Hales.

Chairman Higuera feels a lot more comfortable having counsel here at our meetings rather than trying to craft an agenda where he can be here for the beginning and then leave.

Mr. Miller would like to see the budget handled in a workshop rather than at a regular meeting.

Chairman Higuera would like to go back to the main topic, which is the RFQ, and what are we going to do with it.

Mrs. Jones thinks there is immense value in having someone who has been doing this as long as Mr. Rowe. There is no reason to shift away from Mike. When I went back and reviewed the minutes from last month, the vote was to add a term to the contract with Rowe & Hales that would allow a 30 day termination. I think at the point Mike fully retires it would be prudent to review whether an RFQ is appropriate. The one thing Jim and Jennifer don't have is the years of experience that Mike does. But at that time, I think our duty as elected officials will be to have an RFQ. But it is premature to do it now.

Mrs. Slater would go along with that. I would hope when you do retire, you convey to the board a time frame of which we would be able to work with.

Mr. Rowe will certainly do that. When I write a new legal services agreement I would suggest maybe make a 90 day notice period in it. Right now it's 30. That way there would be time to draft the RFQ, conduct the interviews and hire someone before the 90 days is up. You guys have boxes of files in my office. They would need to be transitioned over to whoever takes over.

Chairman Higuera called for public comment.

Mr. Linderman mentioned they already have the 30-day termination. If you change your mind in the next year you still have the 30 day termination clause. You have flexibility to retain him as long as you need. Sounds like a good idea short term.

Vice-Chairman Wenner appreciates the fact we have legal counsel.

Mr. Rowe did not believe that was entirely accurate. The way the old agreement reads is 30-days notice by either party. But I would agree if I am going to terminate it will be 90 days so you know well in advance. But if you want to I'll leave it at 30.

Mr. Miller likes the 90.

Mrs. Jones didn't feel we need to take any action. We did not direct staff to do an RFQ. I don't think we have to vote or take any action.

**Motion Wenner/Miller staff not proceed with posting an RFQ. Motion carried unanimously.**

17.  **Not For Possible Action: Discussion on the Town Attorney's Monthly Report of activities for May 2015.**

Mr. Rowe has been extremely busy. There was a mural agreement with the Masons that went back and forth. I made some comments on that. We are waiting to hear from the Masons. We finally had the information submitted by 20-30 with respect to the insurance and providing proper coverage. There is a provision in the sublease that says the 20-30 Club will pay the town the amount that the town's policy has increased for insuring the jail during their occupancy. I had no way of figuring that out. I'm not sure it increases it an appreciable amount. They have the ability to make improvements. But they have shown a lack of ambition in making any improvements.

Mrs. Jones asked if the lease had 11 years left, 2026.

Mr. Rowe will find an answer.

Mrs. Slater wants to make sure the Town of Gardnerville is in compliance, as well as 20-30 Club. We don't want to lose that.

Mr. Rowe responded the Town is in compliance with it. The question is on our side as to whether or not there is an increase in the premium due to the occupancy of the jail. Bruce was gone for some time. I will find out the term and send an email.

Mrs. Slater doesn't want us in any way, if we don't enforce something, to have a negative effect on the town. If you let it slide is that going to make that lease null and void? All the board members at the time of the lease, worked very hard to make sure the jail stayed with the town. It's not something we should take lightly.

Mr. Rowe finalized the easement agreement and Tom's question was whether or not he could sign and send it in. After checking, the board authorized Tom to proceed with that project. There are four more complicated issues. 1. The town and county have had an interlocal agreement about the provision of services. It's gone through different drafts. Tom finalized one before he left and we've sent it off. That still isn't finalized. 2. The next is a memorandum that I prepared. You saw in Wes' report SB70 was passed. I summarized the changes in the open meeting law. But one of them you can see is at the beginning of your agenda you will see an addition. The law was changed where it required that the person who posted the finalized agenda had to write in the specific time, date, state on or before the third day of the meeting, print their name, title and sign that they posted the agenda in compliance with public notice requirements of the preceding section that was modified. The other changes are not as significant as that. For the most part it didn't modify anything. One other clarification they made was if an open meeting law complaint is filed the results of the investigation, while it is ongoing, will remain confidential. But they specifically accepted certain things that are a part of the open meeting law complaint that will become public record. I listed them on page 2 of the memorandum. I thought you might appreciate a copy of the bill and a memo that summarizes.

As a result of the county's reclassification study they took a look at the description for Geoff's job as well as Paula's. They had major heartburn under the Fair Labor Standards Act with the way Paula was being characterized and classified under the town's policies. She was behaving more like a nonexempt employee. We had to change the way she is carried on the books. I have written a contract that clearly makes her an exempt employee. It's a contract that will be submitted to the MSG board as well as the town board when it is approved. It says she is exempt and here is what MSG will pay the town for a provision of a program manager. The town has \$50,000 as a contribution. Now the town will pay \$50,000 towards her salary and they will pick up the benefits. It works out the same way budgetwise. The agreement is for one year. Tom reviewed the contract with Paula. They had no issues with it and Paula was going to take it to the Main Street board and then perhaps bring it back in August to the town board.

Lastly, Tom referred to the trash truck in his report. We had one year from June of last year within which to bring an action on the basis of the trash truck. We have sued Rush Truck Dealers out of Denver, Colorado. The venue provision was resolved by our statute that says if a company is doing business in the state and is not registered as a foreign corporation, the plaintiff is allowed to pick the venue. We sued them in district court here. The complaint is not served and under our rules of civil procedure we do not have to serve it for 120 days. Finally we are getting some attention to the problem. I have talked to general counsel for Rush Truck Centers. I have talked to Kate Jackson, general counsel to Cummins Diesel. They both were unaware there were any issues with the truck. I told them I am prepared to show there are a lot of issues. It's at a Peterbilt Dealer. It is completely nonfunctional from the town's perspective,. Mike agreed to look into it. They had no idea about this. It doesn't appear that there had been any communication between the dealers and the central office. So we sued all the Rush entities I could find. I'm holding off on service of the complaint. I'm giving them an opportunity to address our concerns. I made it very clear we want a new truck or the money back. We will see what happens.

Mrs. Jones asked about Mr. Rowe's costs.

Mr. Rowe further explained In the lawsuit under the lemon law if the plaintiff sues and is successful the statute says the manufacturer of the vehicle will pay the fees of the plaintiff.

Mrs. Jones asked if they could force us into federal court. Does it meet the amount in dispute threshold?

Mr. Rowe believes it does exceed the threshold. It's \$239,000 and change. So I think they have met that criteria. Our strongest argument is they submitted their proposal to the town at the town offices. In the body of the proposal it says we are pleased to submit to the Town of Gardnerville the following proposal.

Mr. Miller asked in the event they negotiate giving back our money, what do we do about your hours? Do we get reimbursed for those hours?

Mr. Rowe has made it part of our demand. Right now they're both saying Cummins and Rush are both saying we didn't know anything about it. I would have a closed session for a claim that is under your jurisdiction and I would not accept a settlement that doesn't reimburse us for the fee. I took six or eight hours to put the complaint together.

Mrs. Jones mentioned the 120 day deadline. If we don't have a settlement at our September meeting he will need to serve it to preserve our claim, even if they are in the middle of working on a settlement.

Mr. Rowe has a program called Amicus on the computers. It is in there monthly and I keep a hard calendar. My secretary has it on her calendar. We won't let that slide. I think I have covered everything.

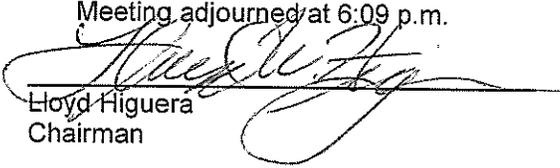
18.  **Not For Possible Action: Discussion on the Town Manager's Monthly Report of activities for May 2015.**

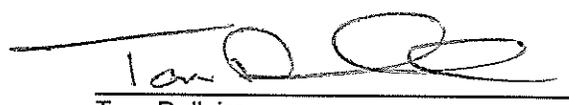
Mr. LaCost has a couple of updates to Tom's monthly report. The Hellwinkel project is completed. The contract documents have been given to Mike to review. The permit is ready from Douglas County. I would like to advertise next week, have the bid opening on July 29 and approved at the August meeting. We are still waiting on a response from the Army Corp. If you have any questions I will answer them.

 **2<sup>nd</sup> PUBLIC INTEREST COMMENTS period (No action will be taken)**

No public comment.

Meeting adjourned at 6:09 p.m.

  
Lloyd Higuera  
Chairman

  
Tom Dallaire  
Town Manager