

GENOA TOWN ADVISORY BOARD
Regular Meeting Minutes
January 12, 2016

The Genoa Town Advisory Board held a public meeting on January 12, 2016 beginning at 6:31pm at the Genoa Town Meeting Room, at 2289 Main St., Genoa, Nevada.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE TO THE FLAG

The meeting was called to order by Chair Tholen. Present were Board Members, Timothy DeTurk, Linda Birdwell, Greg Pace and Vice-Chair Nancy Aten.

Also present was Town Manager, Phil Ritger and staff. Members of the public were asked to sign in, and the sign in sheet is attached to the original minutes as Exhibit A.

Pledge of Allegiance was led by Kathi Diehl.

PUBLIC COMMENT

No public comment.

APPROVAL OF AGENDA

Member Birdwell moved to approve the agenda, motion seconded by Member DeTurk and passed unanimously.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Under public comment, Bill Brooks asks what the salary for the Town Manger is, pertaining to the performance evaluation for the Town Manager at the Dec. 1, 2015 meeting. Mr. Ritger responds that his current salary is \$29/hour with benefits. Chair Tholen adds that Mr. Ritger is actually below his pay grade and the Board hopes at next month's meeting, to bring him to the minimum for this position.

The minutes of the Dec. 1, 2015 regular meeting were approved, motion by Vice-Chair Aten, seconded by Member Birdwell; passed unanimously.

ANNOUNCEMENTS AND CORRESPONDENCE: (Verbal report from Town Manager, Mr. Ritger)

1) Christmas in Genoa:

- a) I want to thank the Town of Gardnerville for lending us their bucket truck again this year so we could put the lights up on Hope's Tree and the 3 Town buildings. Standing room only, again this year for the Christmas Caroling and Tree Lighting. I want to thank Sue Knight and Lynne Speir for conducting the Caroling; Chad and Gina Coons for providing hot chocolate and cookies at the tree lighting, and Brock Tholen for flipping the switch to light up his great grandmother's tree.
- b) The three seating arrangement for Breakfast with Santa was a marked improvement over last year. We sold out at the first 2 time periods and where at 85% capacity for the final hour. Total attendance was ~410 people not including volunteers. Special thanks to Sarah for coordinating the event and all the Town elves (volunteers) and the Douglas High School Key Club who assisted with decorating, cooking, serving and cleanup.
- c) "Mary Kaye's – A Cowboy Christmas" concert was well received and met expectations with a near-sellout performance. The pre-concert baked potato and chili dinner was not only sold out

but a very welcomed addition by all the patrons. Special thanks to Sue Knight and her committee for their hard work on putting both the concert and the dinner on. The Friends of Genoa donated all of the ingredients for the dinner at a cost of ~\$400.

- d) The combined P&L for all 3 Christmas events generated a profit of ~\$2,300 which met our budget plan of \$2000. These funds cover the recreation costs for putting on the 4 free summer concerts.

2) Town Budget:

- a) The adjustments to FY15-16 opening fund balance based on audited results of FY14-15 are:
 - i) Genoa Town (620) - \$34,317
 - ii) Genoa Ad Val Capital Projects (622) - \$29
 - iii) Genoa Construction Reserve (624) - \$85

All of the adjustments are in our favor. I will present a budget augmentation and board resolution at the February meeting adjusting the adopted Town Budget.

3) Miscellaneous Items:

- a) Next Town Board meeting – February 2, 2016
- b) Town offices will be closed on Monday, January 18th in observance of Martin Luther King Jr Day.

CONSENT CALENDAR FOR POSSIBLE ACTION

Chair Tholen moved to approve consent calendar, motion seconded by Vice-Chair Aten and passed unanimously.

ADMINISTRATIVE AGENDA

Agenda item no. 3:

Discussion on the Town Attorney's response to Douglas County Audit requests.

Document attached to original meeting minutes as Exhibit B; letter from Michael Smiley Rowe from Rowe, Hales and Yturbide, -LLP responding to the Douglas County audit questions. Mr. Ritger explains that the letter is simply stating that there are no outstanding claims or potential law suits against the Town that would impact the Town's financial health.

Under public comment, Bill Brooks questions why there was a limitation to the amount of which claims were to be acknowledged; stating that any amount should be of concern. Mr. Ritger responds that the limitation amounts are probably set in place by an NRS code. Chair Tholen adds that he will get more clarification on that. A letter in response to this question from Christine Vuletich is attached to the original meeting minutes as Exhibit C.

Mr. Ritger states that there are no claims of any sort against the Town for Fiscal Year 14/15.

No action taken on this item.

Agenda item no. 4:

Discussion on winter maintenance of the Vista Trail, associated walking paths and Town roads.

- 1. Document attached for review and discussion by the Town Board are:
 - a. DC RDA – Nature Conservancy Easement dated January 31, 2012
 - b. NDOT Permit No 200419-11 dated February 27, 2012
 - c. DC RDA – Ranch 1 Easement dated March 29, 2012
 - d. DC RDA – USDA Forest Service Agreement dated June 7, 2012

- e. GTAB Action Item 9, November 6, 2012: DC RDA – Genoa Assignment Agreement
- f. GTAB Meeting Minutes, November 6, 2012
- g. GTAB Action Item 5, April 2, 2013: David Walley's – Genoa Maintenance Agreement
- h. GTAB Action Item 7, April 2, 2013: DC RDA – Genoa Assignment Agreement
- i. Record Courier Article, April 5, 2013: Genoans take over Vista Trail
- j. County Code 18.02 Genoa
- k. County Code 12.08.040 Dumping of snow in public way prohibited
- l. County Code 18.06.080 (Gardnerville), 18.04.160(Minden) Sidewalks

Chair Tholen states that he was contacted by Mr. Brooks regarding the trail maintenance, the board members were presented with documents regarding the trail and just wanted to refresh everyone's memory, as well as inform the new members of the Board about the conditions of the agreement the Town entered to obtain responsibility of the Vista Trail's maintenance. He also states, in his personal opinion that he would not want to enforce the same codes as Towns of Gardnerville and Minden, leaving the property owner responsible for maintenance where their property meets the trail.

Under public comment, Mr. Brooks passes photos to the board members, then states the condition of the Vista Trail over the Christmas and New Year's holidays is what prompted him to contact the Town Board and bring to light the conditions in the agreement, claiming that the Town is in default of their responsibilities. Defaults included snow removal of the trail, vehicles parking on the trail, blocking it and the upkeep of the fence along the trail, claiming there is barbwire down in various places.

Discussion between Mr. Brooks and Chair Tholen about the possibility of stock getting out of the fence and hit by a car, whether the fault falls on the driver or the Town.

Mr. Brooks adds that part of the agreement was to keep the trail safe, meaning no cars are to park on the trail. Chair Tholen points out the agreement does not specify "no vehicle parking" and asks Mr. Brooks to clarify where that condition came from. Mr. Brooks responds that vehicles' parking on the trail makes it impassable and therefore unsafe. He reached out to the Sheriff's Dept. regarding the matter and they informed him that they can only enforce it if there were "No Parking" signs posted. Chair Tholen states the business parking in town would suffer if no parking was to be enforced. Mr. Brookes responds the trail was meant for walking, not parking.

Town Manager, Phil Ritger and Mr. Brooks discuss the County Codes regarding the parking for the businesses in Town. Mr. Brooks states the County should revise the parking ratio for Genoa based on its unique characteristics. It was decided this topic can be further discussed at a later date when it becomes an agenda item.

Mr. Brooks concludes by saying that his neighbors, whose properties connect to the trail, are elderly women who are incapable of shoveling snow, he hopes that Genoa will not adopt the same codes as the Towns of Gardnerville or Minden by making it the property owner's responsibility. Chair Tholen states that he agrees with that.

Under public comment, Kathi Diehl states that her and her tenants constantly get blocked in or out of the driveway on her property due to vehicles being parked on the path. She also comments on having to shovel snow on her property, this would be difficult given the coverage

of her property and hours she works. Chair Tholen responds that the Board is not proposing to have the property owners remove snow, at this time, they are just revisiting the responsibilities of the Town regarding maintenance for the trail.

Under public comment, Steve Johnson states that he comes to Genoa frequently and usually parks on the path, he thinks if there were signs posted for no parking that would be very helpful in clearing up the parking situation. He suggests talking to some property owners in town who has room for parking and if they would consider entering into an agreement with the town to allow parking on their property.

Under public comment, June DeTurk expresses concern for the business in town and the lack of parking for their patrons if the no parking restrictions were to go in effect. She states that she, personally, does not mind having to walk around an occasional car that's parked.

Under public comment, Terry Rightmire says he knew this trail was going to cause some concerns, parking being the major one. The events and weddings that take place in town cause the trail to be used as parking and he understands there are not many other options unless budget money was used to have it patrolled. He would be pleased if the maintenance does not fall on the responsibility of the home owners.

Under public comment, Billie Rightmire says she loves Genoa, she volunteers when she is able and would do anything for the Town that was asked of her, however, shoveling snow is going beyond her capabilities and is asking a lot, she hopes the Town doesn't go in this direction.

Under public comment, Bill Brooks points out the design of the trail was not executed in a way that took into consideration snow removal from the street being pushed onto the trail. He suggests directing parking to the other side of road, and even up the various roads in town, rather than on the trail.

Chair Tholen comments that the Board is not taking any action on this or even making suggestions at this time. This topic was for informational purposes only tonight.

No action taken on this item.

Agenda item no. 5:

Discussion and possible action on update report for the 2016 Genoa Cowboy Festival.

The 2016 Genoa Cowboy Festival will be held April 28-May 1, 2016. Current committee status updates on entertainment and education, sponsorship and heritage club, art and mercantile vendors will be presented.

Town Manager Mr. Ritger states the entertainment has been set for the concerts; on Friday night will be Wylie and Wild West and Andy Hedges. Saturday will be Ian Tyson and Mike Beck. Sponsorship commitments as of now are around \$17,000 confirmed and possibly another \$10,000, unconfirmed.

Member DeTurk comments on a suggestion made during a Cowboy Festival committee meeting to forego the intermission time at the concerts. He is not in favor of this idea as it benefits our local Volunteer Fire Dept. Mr. Ritger responds that intermissions will be in place for the concert.

Member Birdwell moves to approve the update for 2016 Genoa Cowboy Festival. Motion seconded by Member Pace and passed unanimously.

Agenda item no. 6:

Discussion to set date for joint Town Board training on Open Meeting Law and Land Use regulations.

Mr. Ritger explains, the annual Town Board Training on Open Meeting Law and Land Use Planning is required by Nevada Revised Statutes for all board members. This required training meeting is being coordinated with the Towns of Minden and Gardnerville. This training is required annually for all board members. Tentative dates being proposed are: Wednesday, January 20; Friday, January 22; Wednesday, February 10 or Friday, February 12. The proposed time is 9am to 12pm at the EOCC training room.

The Board discusses what dates they would like to propose back to the other Towns. Vice Chair Aten says she will be out of the area for January and February meetings. The Board decides to propose that either of the mentioned Wednesday dates be best for them.

Under public comment, Bill Brooks says in the past, those meetings were put on by the insurance underwriters and he suggests speaking to them about the Town's liability issues.

Member Pace moves to recommend either of the Wednesday dates proposed, motion seconded by Member Birdwell and passed unanimously.

NOT FOR POSSIBLE ACTION: BOARD COMMENTS AND REPORTS

Member DeTurk informs everyone that there will be underground pipe work being performed on Jacks Valley Road starting in town and going down to the Elementary School where the roads will be down to one lane, this work is estimated to be done by May, weather permitting.

PUBLIC COMMENT

Under public comment, Bill Brooks states that he will be looking forward to hearing from the Board about what steps they will be taking to get out of default regarding the Vista Trail maintenance.

ADJOURNMENT

Member Pace motions to adjourn the meeting at 7:40pm. Motion seconded by Member Birdwell and passed unanimously.

Minutes prepared by:

Sarah Macellari
Office Assistant II, Town of Genoa



Genoa Town Advisory Board Meeting

Meeting Date: Jan. 12, 2016

SIGN-IN SHEET (please print)

Bill Rightmire

Terry Rightmire

Kathi Diell

Steve Johnson

Jane DeTurk

[Signature]

STEVE SHIVELY

Exhibit B

ROWE HALES YTURBIDE

A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW

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Michael Smiley Rowe
James R. Hales
Jennifer A. Yturbide

8 December 2015

Piercy Bowler Taylor & Kern
6100 Elton Avenue, Suite 1000
Las Vegas, NV 89107

Re: *Town of Genoa, Nevada*
Douglas County Audit

Dear Sirs:

I write to you as the result of a 4 December 2015 letter from Christine Vuletich, Assistant County Manager/Chief Financial Officer of Douglas County, Nevada. Ms. Vuletich requested several responses to discreet questions contained in her letter. Prior to the responses, and at her request, I confirm the following:

Our firm, Rowe Hales Yturbide, LLP ("Firm") acts as general counsel to the Town of Genoa ("Town"), and we have responsibility for the general supervision of the Town's legal affairs. In such capacity, we would have reviewed any litigation and claims threatened or asserted involving the Town or would have consulted with outside legal counsel with respect to such claims, where in our judgment it would be appropriate to do so.

Ms. Vuletich requested that our response be limited to matters with respect to which we have devoted substantial attention in the form of legal consultation or representation on behalf of the Town. Ms. Vuletich requested that our response be limited to material matters which she defined as involving loss contingencies that exceed \$15,000.00 individually or \$35,000.00 in the aggregate. Ms. Vuletich also requested that our response include matters that existed as of 30 June 2015 and any that arose prior to the effective date of our response. The effective date of our response is as set forth above, however, should a matter arise

between the date of this response and 9 December 2015, I would promptly notify the Genoa Town Board, its manager and, should the matter require disclosure, you as well.

Ms. Vuletich's letter requests that the Firm set forth any limitations to its response. There are no such limitations.

We are unaware of any pending or threatened litigation, claims or assessments against the Town of Genoa.

In her letter, Ms. Vuletich advised that she represented to you that there are no unasserted possible claims and assessments to which the Firm has devoted substantial attention and which I have advised the Town and Douglas County should be disclosed in accordance with Statement of Financial Accounting Standards No. 5. The Firm concurs with Ms. Vuletich's representation regarding unasserted possible claims and assessments.

Whenever in the course of performing legal services for the Town with respect to any matter recognized to involve any unasserted claim or assessment that may call for a financial statement disclosure, we will inform the Town Board and its manager, as well as Douglas County, when, in our professional opinion, we believe such disclosure will be required. When the claim or assessment may be such that it requires a financial disclosure, this is immediately brought to the attention of the Town Board and other retained professionals. Usually, the matter is discussed at a public meeting with the Town Board, after which discussion we are advised by the Town Board of how they wish to proceed. Should such a matter require disclosure to Douglas County or to you as the County's auditors, we would promptly make such disclosure pursuant to the applicable requirements of Statement of Financial Accounting and Standard No. 5.

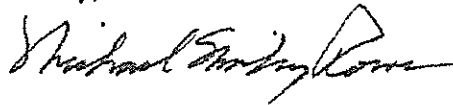
This response includes matters that existed as of 1 July 2015 and from that date to the date of this response. As noted, should any matter arise after the date of this letter requiring disclosure, we will provide notice to Douglas County and to you in accordance with the terms of this letter.

Our representation of the Town is pursuant to an attorney/client retainer agreement which is currently in effect. No amounts are due to us for our services for the period ending 30 June 2015, and no amounts are due to us for our services other than those amounts which are billed monthly pursuant to that agreement. Such amounts are approved routinely by the Town Board as the result of a submittal of an invoice, and are paid routinely after review at the general business meetings of the Town Board conducted monthly.

Piercy Bowler Taylor & Kern
8 December 2015
Page 3

If we can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Smiley Rowe". The signature is fluid and cursive, with a large loop at the end of the last name.

MICHAEL SMILEY ROWE

MSR:dd

pc: Christine Vuletich
Douglas County Manager's Office
Doug Ritchie
Deputy District Attorney
Genoa Town Manager

EXHIBIT C

Christine Vuletich, 1/15/2016 – response to scope of audit question:

Please be assured that all expenditures are accounted for throughout the year and included in the financial statements. The letter sent to Rowe Hales and Yurbtide, LLP is a routine part of the annual audit that is sent to all of the towns and specifically requests information regarding any pending litigation or legal claims involving the Town, that would need to be disclosed in the financial statements.

We request that the response be limited to material matters exceeding \$15,000 individually or \$35,000 in the aggregate per our auditors discretion, because an audit performed in accordance with applicable professional standards is a process designed to obtain reasonable assurance, rather than absolute assurance, about whether an entity's basic financial statements are free from material misstatement. An independent audit involves examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, and evaluating the overall financial statement presentation. The selection and extent of procedures depend on the auditor's judgment, including the auditor's assessment of the risks of material misstatement of the basic financial statements, whether due to fraud or error.