



The Minden Town Board meeting was held on Wednesday, August 4, 2010, at 1602 Esmeralda Avenue in Minden, Nevada beginning at 5:30 p.m.

Board members present: Ross Chichester, Bob Hadfield, Dave Sheets, John Stephans and Steve Thaler.

Staff present: Greg Hill, George Keele, Trish Koepnick, Bruce Scott, and Roger Van Alyne.

PRELIMINARY MATTERS AND PUBLIC INTEREST COMMENTS

- 1 Meeting was called to order by Chairman Hadfield.
- 2 Pledge of allegiance was led by Mr. Sheets.
3. Thaler/Stephans moved for approval of agenda as published. Motion carried unanimously.
- 4, Sheets/Chichester moved for approval of the minutes of July 7. Motion carried unanimously.
- 5 Chichester Thaler moved to approve and ratify vouchers and claims.
6. Public comment.
 - a. Bill Souigny congratulated the board on their understanding of the economic development issues from the presentation at the July board meeting; they are right on target with what he has learned in his campaigning efforts for a town board seat.
 - b. Bev Giannopoulos reminded the public of the candidate's night Oct 4 and thanked Greg and staff for the town landscaping which looks very good in this challenging year.

II. STAFF REPORTS

1. Public Works: Monthly report of activities by Greg Hill.
 - a. 2010 concrete project is complete with a total cost of \$24,702.25; the Town will be reimbursed for \$3,771.75 of that cost through the cost share program.
 - b. At the corner of 6th & Mono we installed our typical ADA ramp; the county brought to our attention a slight problem with the issue of slope. A correction was made and the extra cost split with the contractor. New street signs were installed at this intersection and there will be 22 new signs placed in Old Town. We are waiting for the new LED lighting fixture for the 6th & Mono light. There is also an issue with county requirement for parkway and sidewalk set back from curb in the new sidewalk between County and 6th Street. Roger said that he is currently working out this issue with county.
 - c. Crew attended a three hour ductile material class which will be helpful for dealing with this in the future.
 - d. We received a grant from Pool Pact for security cameras at the gazebo.
 - e. Tom Haar conducted the work zone safety meeting.
 - f. Minden Electric is selling their 2007 bucket truck. We could use it for a number of tasks including decoration installation and removal; it would provide a higher measure of safety to employees. Greg prepared a bid if the board wanted to pursue. The Board determined that the timing is not right; we have too many things going on right now and would like to defer this until we get facility costs bids.
2. Engineering Report: Bruce Scott
 - a. Mr. Scott would like to move two more projects forward with the bidding for the material purchase. The booster pump station rebuild at the new maintenance facility has some very long lead time (24-48 weeks) items that are designed and can be specified. He would like to move to go to bid in August on the critical materials with a bid opening in September and a potential special meeting that would also include bid approval for the waterline materials for the

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line from Heybourne to Buckeye. The remainder of the funding from Carson City should be received around August 12. The pipeline along Buckeye is planned to be built after the irrigation season, and we are working with the Edgewood Company on this. The pump station at Winhaven will be built by other parties. Mr. Chichester inquired on engineer estimates for the pending projects, and would like to get a handle on how much money will be committed of the 10 million dollars from Carson City. Mr. Van Alyne has a copy of the comprehensive summary prepared by Tim Russell which shows pieces and sequences. He will meet with Bruce and Tim to give a full report to the Board on the agenda next month. Mr. Hadfield gave direction to Mr. Scott to proceed with going to bid.

Mr. Scott also wanted to move forward with a small group of water transfers that would reflect some of the Douglas County water moving to Minden and some of the Carson City water moving to Minden. We will need to be deliberate and careful in that process. We have the permits for the water that we have sold that Minden will deliver to Carson City. The next step is to put the new water transfers into place. He believes the best way to proceed is the same as the last one, which is to sit down with all the counties on the Carson River and tell them what we are proposing before we do the filing. Understanding is crucial; not informing can cause the wrong reaction. This would only affect people who hold water rights on the Carson River. Mr. Scott was directed to proceed as well as pursue a further discussion with Gardnerville Water.

3. Attorney Report: George Keele

Mr. Keele has met with Mr. Van Alyne concerning the agenda items and confidential attorney client discussion concerning the court ruling and pending litigation.

Mr. Hadfield asked Mr. Keele to stay on top of the issue of the water appropriation bill in Congress dealing with the Walker, Truckee and Carson rivers. It deals with a large amount of money to be used to acquire water rights.

Mr. Keele read part of what is called the "Grand Slam" decision which by implication reaches the Carson River. This establishes for the record the ultimate implications of the congressional legislation as referred to by the Chairman, and any other decrees or appeals pending in the U.S. District Court or the 9th Circuit Court of Appeals that could certainly have impact on groundwater in the Carson Valley.

4. Manager's Report:

a. The candidate's night is on schedule with nothing new to report.

b. Businesses seem to be holding their own for the moment. They all wish things were better, however. The Chamber of Commerce welcomes 3-4 new businesses every month, and attendance at CVCoC meetings is good. Mr. Van Alyne attended the Business Council of Douglas County meeting this month. That group is strong and looking forward.

c. Gateway Center: In June, the property reverted to the beneficiary, California National Bank. CNB was acquired by U.S. Bank in July. Reportedly, U.S. Bank has a proposal for the property from a developer

d. The request for economic development funding for banner poles, cruise nights, and L.E.D. retrofit program was forwarded to the County Manager. The item will be heard by the Commission at its regular meeting on August 5.

e. Main Street Event Car Show is on track, with over 100 entries. Lots of excitement in the community for this event. Board Member Steve Thaler will be selecting a vehicle for the Town's trophy on Friday night.

f. There is nothing new to report on concepts for the future use of the current maintenance facility.

g. Nevada Territory Wild West Fair update. The Carson Valley team is in full swing. We are working on selecting the photographs and other display materials. The community is responding well, and we will have very diverse representation in our display area.

h. Douglas County is preparing to award their project. Carson City is under construction. Indian Hills is moving forward, but has not advertised their project.

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i. Martin Slough Trail Project: All trail sections have been identified. Douglas County is almost ready to solicit qualifications from interested design firms. Tom Dallaire, Gardnerville's Manager, and I will request that Douglas County allow us to perform the alignment design and work with others to identify points of interest and themes, and then have others design those points of interest according to the themes.

j. Volunteer Policy: The team met on July 29 to review the final draft.

k. Hot August Nights Poker Run – Mr. Van Alyne attended several planning sessions and coordinated with the Elks Club and others in preparation for the event. We anticipate cars anytime after 9 a.m. on August 5. The Town will display the 1937 LaFrance fire engine and 1966 Chevrolet panel truck.

l. Antique Show – the Town's staff supported the relocation of the antique show from CVIC Hall to the COD Garage.

m. The Carson Valley Arts council is trying to do September and October First Friday on First Street events. Also they are beginning initial planning for cowboy festival and getting some activity here in Minden.

n. Mr. Van Alyne solicited comments from the Board concerning the South Valley water line.

o. We did not provide the budget in this packet by choice and will start next month.

2. Board member reports:

- Chairman's report:

Mr. Hadfield said he is in the Town office and Roger's office almost daily. He and Mr. Stephans have evaluation form copies for Mr. Van Alyne's 6 month review. He welcomes any input from the rest of the Board.

- Board member comments:

Mr. Stephans asked for direction regarding the Christmas committee; Mr. Thaler agreed to take over this year.

II. ADMINISTRATIVE AGENDA

1. Accept donation of painting from Wayne Scarpaci.

Wayne Scarpaci is a local artist who specializes in paintings of naval vessels, and has offered to donate a painting of the USS Minden to the Town. This ship was designed for coastal patrol and participated in D Day mine sweeps. After the war, it went directly to reserve; in 1960 it went to Venezuela until 1968 and was scrapped in 1971.

Mr. Scarpaci presented the painting and it was accepted by Chairman Hadfield who reminded the audience of the connection of Minden to Germany, and thanked him for his donation.

2. Discussion and possible action to Examine, Award, Continue, or Reject bid for the Amber Way Water Tank Project to the lowest responsive and responsible bidder. This may include action by the Board to waive any informality in bids received and any variances between bid solicitation and offers which do not involve price, time, or a change in the work, and which do not impair the ability of the Town to compare bids. This item may also include the Board making a determination on any protest filed with the Town of Minden in accordance with NRS 338.142 regarding the awarding of the contract.

Staff recommended that the Board (1) approve the bid and enter into a contract with Qualcon Contractors, Inc., in the amount of \$2,076,550 on the Amber Way Water Tank Project, and (2) upon such approval, if any, authorize the Chairman to execute the contract for the same. The Town reserves the right to change the order of any matter acted upon by the Board under this agenda item. Appearance by Town Engineer.

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Mr. Scott said he was pleased with the bids. He said that APCO was one of the bidders and formally expressed concern but did not formally protest because under Nevada law a formal protest requires a bond. The basis of their concern was the requirement that says that the name of the tank manufacturer would be listed on the front of the bids, which was not done by several bidders. This is considered to be a minor variation because every contractor is using the same tank manufacturer and all were listed within the bid. This did not change the outcome. The letter of concern can be addressed by overruling the irregularity that it points out, denying the protest and awarding the bid to the low bidder to Qualcon Contractors. They were formerly Carlson Construction and their prime sub is V&C, which simplifies the interface of the water line and the tank, Mr. Scott asked that the board find that the bid irregularity is minor and over ruled.

Mr. Hadfield noted that within the language of the documents, the owner has the right to waive any irregularities in bids received that do not involve price, time or a change in the work and do not impair the ability of the owner to compare bids. Every one that bids a project knows that there may be a possibility of minor informality that have no real impact and does not place bidders at disadvantage.

Mr. Thaler said that because this just a letter and not a formal protest, he believed that we should move ahead. Mr. Scott said that APCO acknowledged that this is not a formal protest.

Sheets/Chichester moved to move to deny the protest regarding the awarding of the contract to Qualcon Contractors, Inc., because, pursuant to sections 3.C and 12 of the Information to Bidders, the inadvertent failure by Qualcon Contractors, Inc., to comply with the requirements for bidders to write the name of their tank manufacturer on the outside of their bid envelope is an informality which the Town, as Owner, reserves the right to waive, and the Town hereby waives the same, in the best interest of the Town of Minden and because the Town requires all contractors to provide a list of their subcontractors with their bids, and Qualcon Contractors, Inc., and each of the other 7 bidders complied with that requirement, which essentially replicates the requirement to write the name of their tank manufacturer on the outside of their bid envelope.

No public comment.

Chichester/Thaler added to the motion that in all events the protest was not a valid protest under Chapter 338.

Thaler/Stephans moved to approve bid and enter into a contract with Qualcon Contractors, Inc., in the amount of \$2,076,550 on the Amber Way Water Tank Project, and (2) upon such approval, if any, authorize the Chairman to execute the contract for the same.

No public comment

Motion carried unanimously.

3. Discussion and possible action to 1) approve, approve with conditions, continue, or deny a Mutual Aid Agreement with the Nevada Water/Wastewater Agency Response Network (NVWARN), and, if approved, 2) authorize the Chairman to execute the agreement for same. Appearance by Public Works Superintendent.

Mr. Hill noted that this was first brought to the Board as an informational item in June. By joining this agency we agree to provide and receive mutual assistance in emergency situations. There are no upfront costs; if we need assistance we pay based on established rates for equipment and manpower. If we provide assistance we are paid for time and equipment. The program is being promoted by NDEP and Nevada Rural Water.

Mr. Keele said that his concern is the need to be able to fund it; perhaps we could set up a contingency fund to be ready for meeting the obligation.

Mr. Chichester said that he felt it was too big of a commitment for a small town. He would feel more comfortable with a lower dollar amount commitment. Discussion included developing an emergency management plan and the process to get fast, direct action if needed. Mr. Keele was concerned with the rule of arbitration; this should be settled by a district judge with no public money spent litigating. Mr. Hill will provide the board with a list of all the members, and this does not mean that Minden will not participate, but we need to do some fine tuning to reflect Minden's situation.

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Chichester/Thaler moved to continue to the next meeting. Motion carried unanimously.

4. Discussion and possible direction to staff regarding: 1) the appraisal of Assessor's Parcel Number (APN) 1320-29-112-002, owned by Winhaven Gardens Homeowner's Association, and 2) negotiation of an easement for the proposed Town of Minden's Heybourne Water Booster Pump Station necessary to serve water to Douglas County, Indian Hills General Improvement District (IHGID), and other customers north of the Town of Minden. Appearance by Town Manager.

Mr. Van Alyne has received the final copy of the appraisal, and is looking for direction from the Board and a representative from the Board to meet directly with Winhaven Gardens HOA to negotiate this easement, Mr. Stephans volunteered to negotiate. With this direction we will give a copy of the appraisal to the HOA.

Public comment:

Bob Pohlman said that the incoming HOA president would like to talk to Roger first before going to their board. Next Thursday morning is a working group meeting of HOA with the formal meeting in September. It was determined that the dialogue would begin in that manner.

Discussion and possible action to approve, approve with conditions, continue, or deny 'Good Neighbor' Policy for Homeowner and Property Owner Associations, effective August 5, 2010. Appearance by the Town Manager.

Roger said the intention of this policy is to define unique circumstances in how to provide certain services for certain development.

Mr. Hadfield said that he and Mr. Stephans discussed the need to have a policy to ratify what we have done in the past and would like to continue to do in private developments with standards that do not meet requirements. This will allow staff to take care of problems in the best interest of taxpayers.

Mr. Chichester believed this had enough safeguards and formalized what we are already doing. Mr. Stephans said this policy takes away the need for formal agreements. These residents are paying Minden taxes and should be able to take advantage of the bid process.

Mr. Keele said we needed to add for other agents to policy.

Mr. Van Alyne noted that this is structured specifically for HOAs and POAs. State statute allows governmental agencies to joinder onto one another's bids; this would apply to any joint work with MGSD or the towns such as street sealing

Chichester/Stephans moved to approve the 'Good Neighbor' Policy for Homeowner and Property Owner Associations, effective August 5, 2010, adding the language of "and other agents" as noted by Mr. Keele.

Public comment:

Beverly Giannopoulos believed the wording in paragraph 3 line 5 should say "payment determined by mutual written agreement," and paragraph 4 line 5 should say "mutually agreed upon schedule."

Mr. Chichester clarified that the HOA's would be accepting the responsibility for payment for their portion of the work; this would be defined in an addendum separate from the Town's bid.

Motion was amended to include mutually written in paragraph 3 line 5.

Motion carried unanimously.

IV. ADJOURNMENT

Thaler/Stephans motioned to adjourn at 8:15. Motion carried unanimously.