



The Minden Town Board meeting was held on Wednesday, May 5, 2010, at 1602 Esmeralda Avenue in Minden, Nevada beginning at 6:00 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.

I. PRELIMINARY MATTERS AND PUBLIC INTEREST COMMENTS

Meeting was called to order by Chairman Hadfield.

1. Pledge of allegiance was led by John Stephans.
2. Thaler/Stephans moved approval of agenda as published. Motion carried unanimously.
3. Mr. Chichester noted that item #5 in the April 7, 2010 minutes needed to be amended to clarify that the portion of funds used to purchase the transmission main materials will be put back into the reserve account upon receipt of the ten million dollars (\$10,000,000) from Carson City. Sheets/Stephans moved to approve as amended. Motion carried unanimously.
4. Approval of vouchers
5. Public comment:
 - a. Charles Dane, a resident of Minden for 10 years, asked where to find information about the pipeline to the North Valley concerning the financial, engineering and water rights aspects. Mr. Hadfield referred him to speak to Roger concerning this.
 - b. Sandy Deyo expressed concern about the number of incomplete items in conjunction with the Monterra development that Syncon committed to as well as their landscaping not being maintained. He asked if there is anything the Town can use as leverage to get the work completed. The Town has been gracious to the developer because of economic conditions; we have not fully accepted the projects because of incomplete items. The board asked for an official assessment to be brought back to the next board meeting. Mr. Scott expressed concern about timing and possible expiration of bonds in place with the county.
 - c. Bob Pohlman reported that he has requested a meeting with the county, the HOA and the Town to discuss this issue concerning Syncon.
 - d. Beverly Giannopulos said that she really appreciates the new packet format and additional information.
 - e. Mike Schiller reported that he has taken over the Valley Cruisers event in August and he is exploring the possibility of new car classes to maximize the economic benefit, as well as no longer limiting the event to 250 cars. He would like to use the traditional Esmeralda Street set up as well as ask permission to use Minden Park to park cars on the park as well as around it.

Mr. Hadfield said the board is pleased to see the event trying to reinvent itself. He encouraged Mr. Schiller to be optimistic; the Board will do whatever we can to cooperate within our limits.

Mr. Thaler thanked Mr. Schiller for his efforts and is very glad that the event will not be going away.

II. STAFF REPORTS

1. Public Works: Monthly report of activities by Greg Hill.
 - a. Nevada Energy Systems is working at Well 8 to install the load bank.

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b. We have schedules for parades and need to confirm the Town's involvement. We need to evaluate costs for employees etc. We could look at the possibility of flexible staff hours as long as our normal work load is met. The insurance covers the events and the vehicles are in good shape. Greg will do a cost analysis and bring back to the board.

c. Mr. Hill is looking at the prices and feasibility of installing more durable banner poles at Esmeralda and 395 which are made properly to withstand stress and have the correct infrastructure. The estimate at this time is around \$25,000.

d. The canopy for the tent purchased last Christmas cannot be reused; Mr. Hill is looking at replacing it with a high quality material that will withstand the wind. We could look at buying two separate tarps and having the ability to have two tents for park events. This will be brought back next month as an agenda item. We still have to determine the price to rent to the public as part of a park rental. Mr. Sheets expressed concern about getting the right canopies this time since we seem to have no recourse about the low quality of the original purchase. Roxanne Stangle said that at a minimum there needs to be a letter written to the Better Business Bureau stating that Ace Canopy does not sell what they represent.

2. Engineering Report: Monthly report of activities by Bruce Scott.

a. The second meeting with the residents in the area of the water tank went quite well and the design is moving forward.

b. Mr. Bently has a pending well application and has been issued a permit for a well near the north town boundary. We will try to work with them to put some water rights in the well; this may be a chance for another production well potentially constructed by Mr. Bently.

c. The hydrologic working group of the Subconservancy District met last week. This group includes all the users on the Carson River and is a good place for dialogue. Jason King has replaced Tracy Taylor as state engineer, who stepped down due to health issues. Mr. King indicated that there will be no special session regarding water law issues associated with the Nevada Supreme court case concerning Eastern Nevada.

3. Manager's Report: Monthly report by Roger Van Alyne.

a. Minden Town Board candidate's night will be held October 4, 2010 before the general election.

b. The auction for Gateway Center is rescheduled for June 16. Super Burrito will be opening in early June.

c. Organizational profile and new board member information will be reported on in detail in June.

d. Each resident who replies to the manager's request for feedback will be receiving a response.

e. There will be a meeting next week to help determine the reimbursement schedule for the Heybourne waterline. We have received over 80% of the reimbursement schedule leaving around \$170,000 still owing.

f. Bently has declined the first right of refusal for the existing maintenance yard. Staff is investigating using the yard ourselves or leasing out.

g. The new office filing system is in place and we will be reorganizing information for easier access.

h. Mr. Van Alyne participated in an audit review by NDOT of our County Road project with very satisfactory results.

i. Emerald Award from the D.C. Library was awarded to the Town to show their sincere appreciation for the use of the CVIC Hall.

j. Mr. Van Alyne made a presentation at a forum sponsored by the Democratic party, in which he focused on the budget and change in Minden.

k. Douglas County is stepping up efforts to develop the Douglas County/Martin Slough trail, and Mr. Van Alyne will keep the board updated on the town involvement.

l. Mr. Van Alyne has begun his training on evaluations through Human Resources.

m. Quarterly coordination meetings with Douglas County and Gardnerville have started concerning the development application and review process.

n. Kathleen Johnson, technical assistance contractor to Nevada Department of Environmental Protection, was introduced by Mr. Van Alyne. There is a new pilot program concerning groundwater protection which gives a coordinated approach that the Town is participating in with other Douglas County entities. This program will hopefully lead the way for the State of Nevada in a major effort to ensure that there will be no construction which endangers our wells.

o. We are in good shape in the overall budget for this fiscal year.

p. Our latest fire inspection went well with a few minor discrepancies. The Fire Marshall commended the Town for the very good shape that the CVIC Hall is in.

q. There will be a meeting with NV Energy on Friday concerning energy consumption.

III. ADMINISTRATIVE AGENDA

1. Appearance by Rich Crombie regarding the Nevada Territory Wild West Fair, August 25-29, 2010, Reno Livestock Events Center, Reno, Nevada.

Mr. Crombie, Executive Director of the Nevada State Fair, gave a presentation on the attempt to bring life back into the State Fair by focusing on the rich history and spirit of the State of Nevada. The success will rest solely in those who believe in this concept. The Town of Minden was invited to participate, perhaps with their own display or a joint venture with other local Carson Valley entities. Mr. Hadfield said that we will explore those possibilities.

2. Discussion and possible action to Examine, Award, Continue, or Reject bid for the 2010 Street Rehabilitation program to the lowest responsive and responsible bidder. Staff recommends Don Garcia Excavating and Paving, Inc., in the amount of \$362,901.15; and, if awarded, authorizes Chairman to execute Agreement for same. Appearance by Town Engineer.

Mr. Scott noted there were six responsible bids, all below the engineers estimate. He recommended awarding the bid to the low bidder Don Garcia Excavating and Paving, in the amount of \$362,901.15.

The inclusion of \$4500 concerning Genoa was included to take advantage of the bid prices. Minden has no obligation to Genoa; we have signed an agreement with Genoa whereby they will reimburse us for the product through our contractor.

Mr. Scott was not concerned about the large difference on reconstruction of the roads between the engineer's estimate and the bid.

No public comment.

Thaler/Stephans moved to award the 2010 Street Rehabilitation program to the lowest responsive and responsible bidder Don Garcia Excavating and Paving, Inc., in the amount of \$362,901.15; and authorize Chairman to execute agreement for same. Motion carried unanimously.

3. Discussion and possible action to Examine, Award, Continue, or Reject bid for the Transmission Main Materials for the East Buckeye Road and East Valley Road Water Line Project to the lowest responsive and responsible bidder. Staff recommends Ferguson Waterworks in the amount of \$1,129,141.61; and, if awarded, authorizes Chairman to execute Agreement for same. Appearance by Town Engineer.

Ferguson Waterworks was the low bidder; they are one of the largest purchasers of ductile iron pipe in the country which gives them quite a bit of leverage. This caused their bid to be roughly \$300,000 less than

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the engineer's estimate. There could be a further 2% savings if paid 2 weeks after invoicing. In order to sustain this price the order would have to be in by May 28 and shipment would have to begin by August 4. If there is no contractor in place at time of delivery we would work something out with Ferguson for storage or we would create storage ourselves. Ferguson could provide trailers that could not be removed easily; we want to avoid the storage but must consider the possibility.

No public comment.

Sheets/Stephans moved to award bid for the Transmission Main Materials for the East Buckeye Road and East Valley Road Water Line Project to the lowest responsive and responsible bidder Ferguson Waterworks in the amount of \$1,129,141.61; and authorize Chairman to execute agreement for same. Mr. Chichester asked for the motion to include that every effort should be made to take advantage of the 2% discount. Motion carried unanimously.

4. Discussion and possible action to Approve, Approve with conditions, Continue, or Deny the Town of Minden Final Budget for the Fiscal Year 2010-2011. Appearance by Town Manager.

There have been no significant changes to the tentative budget. Mr. Hadfield noted that the assessed property valuation of Minden has steadily declined.

No public comment.

Stephans/Thaler moved to approve the Town of Minden Final Budget for the Fiscal Year 2010-2011 as stated. Motion carried unanimously.

5. Discussion and possible action to Approve, Approve with conditions, Continue, or Deny request from Silver State Charter Schools to place a banner over Esmeralda Avenue, a minor variance to or departure from the Town's ordinances and policies. Appearance by Town Manager

Mr. Van Alyne recommended denial based on lack of fulfilling the intent of the board banner policy, which is to attract attention to the town residents and merchants. This Charter School is in Carson City although its school population has about 30% Douglas county students.

No one was present from the school

Chichester/Stephans moved to deny the request for placement of the banner by Silver State Charter schools based on the fact that it is not in compliance with the current Town banner policy.

No public comment

Motion carried unanimously.

6. Discussion and possible action to Approve, Approve with conditions, Continue, or Deny request by Winhaven Gardens Homeowner's Association for the Town of Minden to fund and procure an appraisal of a perpetual easement over all or a portion of Assessor's Parcel Number (APN) 1320-29-112-002 (landscape and drainage open space within Winhaven subdivision), in an amount not to exceed five thousand dollars (\$5,000). The referenced parcel of real property is the preferred location 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 noted that the construction of this booster station is a critical piece of agreement to provide water to the north. This is the preferred location for the booster station. Winhaven Gardens HOA is willing to talk but asks for this appraisal to determine the value; that would be the starting point of talks. We have option to choose appraiser and establish scope of services.

Mr. Hadfield questioned if there were different values for the land and the perpetual easement, having formerly only been involved with either the granting of easements or purchase of property. Mr. Van Alyne said that perpetual easement is not a term of familiarity, it is rather redundant. The Town will establish the scope of services and what the basis of the appraisal will be. Mr. Chichester said that normally an easement

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involves bare ground. Since we intend to build a structure, he is more comfortable buying the property, and questioned if it is be zoned for public facility. Mr. Hadfield said that is not a problem and it also does not interfere with the HOA requirement for open space.

Mr. Pohlman noted that there could be a major issue with each homeowner needing to sign off their interest in the easement.

Mr. Scott thought that something similar to the agreement with Bently for the Well 8 site could be an effective way to deal with this. He expressed concern about possible issues with the appraisal including partial use of the property, flood plain and the possibility of the delay. He suggested an approach as we have in the past of a board member or two talking to the HOA to establish something such as long term commitment to water delivery rather than purchase of the property.

Mr. Keele advised that we should get an appraisal; as a public utility it is better to call it a public utility easement. This is not about any disagreement but achieving a mutual goal.

Mr. Thaler expressed concern again about the time element and trying to mutually agree on something that will save time and money. Mr. Keele reminded the board of the easement issue on County Road and the need to offer compensation to the homeowners. The amount of the appraisal could be far less than the amount of \$5,000, but a not to exceed amount is necessary.

Mr. Van Alyne noted that staff has met with the Winhaven Gardens HOA president about how best to proceed. He said that from their prospective getting a value from a third party is the best way to proceed; this sets the stage for further negotiation for any number of ways to go forward.

Mr. Scott said this is the preferred location but other sites can be considered and there is no chance that we would condemn this site.

Public comment:

a. Bob Pohlman reminded the board about the other Winhaven HOA which gave property away on Frieda Lane and the situation they got into. This would give the Winhaven Gardens board the authority to work with the Town and avoid possible legal fees; it would also not drag the homeowners into the situation.

b. Sandy Deyo wondered about the legality of this. Is this area part of the drainage retention system? Mr. Scott said that there is no effect on their drainage area; it will not adversely affect them and this is verified with the county. There would be no fill put into the drainage area.

Mr. Sheets disclosed that he lives in Winhaven Gardens and will not vote on this item.

Chichester/Thaler moved to approve request by Winhaven Gardens Homeowner's Association for the Town of Minden to fund and procure an appraisal of a perpetual easement on all or a portion of Assessor's Parcel Number (APN) 1320-29-112-002 in an amount not to exceed five thousand dollars (\$5,000).

7. Discussion and possible action to Approve, Approve with conditions, Continue, or Deny request by Ted Thran, Douglas County Clerk-Treasurer, to verify the accuracy of the Clerk's records for Town Board member service; and, if verified, authorize the Town Manager to acknowledge the accuracy of the Clerk's records by signing the acknowledgement letter.

Mr. Thran said that he sent this letter out to in an effort to increase communications and make sure that all the records are correct.

Thaler/Stephans moved to approve request by Ted Thran, Douglas County Clerk-Treasurer, to verify the accuracy of the Clerk's records for Town Board member service; and authorize the Town Manager to acknowledge the accuracy of the Clerk's records by signing the acknowledgement letter.

Motion carried unanimously.

8. Discussion and possible action to Approve, Approve with conditions, Continue, or Deny a Request a Lease for Debra White-Orr, dba 5th Street Salon, in the CVIC Hall Annex, 1604 Esmeralda Avenue, Suite 202. Appearance by Town Manager.

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Mr. Van Alyne noted that this item was discussed last month; a new lease was negotiated which more closely matches other tenant in the Annex. This is a one year term with the possibility of a one year extension.

Ms. Orr said that she received the lease draft today and would like to have time to read it. Mr. Van Alyne noted it would be prudent for her to have time to review.

Chichester/Stephans moved to approve a request of a lease for Debra White-Orr, dba 5th Street Salon, in the CVIC Hall Annex, 1604 Esmeralda Avenue, Suite 202 and authorize the chairman to sign the lease agreement contingent on her review and acceptance within 7 days.

No public comment.

Ms Orr agreed with those conditions. Mr. Keele noted that all parties have worked together congenially.

Motion carried unanimously.

3. Attorney Report: Monthly report by George Keele (continued from II. Staff Reports, above)

a. Mr. Keele deferred to Mr. Scott to report on the latest briefing concerning the litigation. The court indicated in their initial decision that the Pyramid Lake tribe had rights under the Alpine decree. That is not accurate and was amended by Judge Gibbons to show that the Pyramid Lake Tribe does not own any water on the Carson River; however, he agreed that the tribe might be adversely impacted because of the Truckee River rights that are diverted into the Carson River. Mr. Keele said that Judge Gibbons says the tribe does have an interest in the surface flows of the river. He essentially made the point that the Reclamation Act in the early 20th century which dumped water into Lahontan with the Newlands project was in conflict with the Bureau of Indian Affairs, which had a responsibility to protect the Tribe. Judge Gibbons said that there were two standards of evidence and it was not a case of judicial review. He evaluated the decision and found that the State engineer did an excellent job in weighing the facts, and the Tribe's appeal was denied in its entirety.

Board member comments (continued from II. Staff Reports, above)

- Mr. Sheets noted that he and Mr. Hadfield met with Karen Craig concerning economic development as it concerns Minden. She has been invited to come to the Board concerning where we are going as part of the Valley and also how we could use the \$100,000 promised from the County. She might be on the next month's agenda.

IV. ADJOURNMENT

Thaler/Chichester motioned to adjourn the meeting at 8:40 p.m. Motion carried unanimously.