



The Minden Town Board meeting was held at 5:30 p.m. on Wednesday, November 3, 2010, at 1602 Esmeralda Avenue, Minden, Nevada.

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

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

I. PRELIMINARY MATTERS AND PUBLIC INTEREST COMMENTS

1. Meeting was called to order by Bob Hadfield
2. Pledge of Allegiance was led by John Stephans.

Mr. Hadfield commented on a well run campaign by all the candidates; all were well qualified. He congratulated the newly elected board members Matt Bernard, Charlie Condron, and Roxanne Stangle.

3. Chichester/Stephans moved to approve the agenda as presented. Motion carried unanimously.

- 4 Approval of minutes:

- a. Sheets/Stephans moved to approve the minutes of the September 17, 2010 Special Board Meeting, with the correction of noting that Mr. Thaler was not present. Motion carried with Thaler abstaining.

- b. Sheets/Stephans moved to approve the minutes of the October 6, 2010, Board Meeting. Motion carried with Chichester abstaining as he was not present at that meeting.

5. Chichester/Thaler moved to approve and ratify vouchers and claims. Motion carried unanimously.

6. Acknowledgement of gifts: none

7. Acknowledgement of service awards: none

8. Public comment:

- a. Bill Souligny thanked the Board, staff, and advisors etc. for the time and support given during his candidacy, and congratulated the newly elected board members.

- b. Robb Hellwinkel gave congratulations to Matt, Charlie and Roxanne and commendations to the outgoing board. Although not elected he would like to offer help to the incoming board and continue to be involved and help in any way that he can.

- c. Robert McMillan called attention to public comment from last meeting and once again questioned what the new yard will cost the residents of Minden. He did not believe the Board should act on something of this magnitude. Mr. Hadfield said that it will be addressed tonight as an agenda item.

II. STAFF REPORTS

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

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a. Mr. Hill is working on getting permits for the upgrade on Well 3. The generator has been removed and he is getting quotes on a new one.

b. The pipeline project is installing an average of 300 feet per day with roughly 9000 feet to go. They are hoping to test and pave before bad weather sets in.

c. The water tank project is going very well; it is currently being wrapped in wire and should be completed within the next two weeks, with painting in the spring when it is warm enough..

d. Mr. Hill asked for input on placement of new banner poles that would replace the damaged ones. The original concept was not feasible because of conflicts at the C.O.D. parking lot. He showed a computer concept placing the banner poles at the Clock Park, which gives better visibility from Hwy 395 without dealing with the issues of a banner on the Highway. Mr. Chichester felt that the banner at the Clock Park would take away from the visual effect of going into downtown Minden, and did not want to cut down a perfectly good Christmas tree. Mr. Hill was directed to bring back other options and possible sites, including dealing with NDOT and banner poles on 395.

2. Engineering Report: Monthly report by Bruce Scott

a. Mr. Scott reported that they are finalizing several water rights sales and exchanges, including trading surface rights for groundwater rights. This includes the Lynn/Towse transfer and the Getty transfer. Also, the current owners of the Beekhof (Sawmill) that went into foreclosure had a deposit, but the rest of the payment to the Town should be forthcoming very soon from the new owners.

b. Equipment for the upgrades at the Buckeye Booster station is on the agenda for approval tonight. We are out to bid for the connection along Buckeye from Heybourne Road to the Buckeye Booster station, with the possibility of a special board meeting in November. Design on the balance of projects is ongoing. We are looking for alternatives for new Booster station. Bently is willing to discuss with the Board the possibility on Poleline ditch side. Well 1 site is not likely a trade for Bently but a possible purchase. Ross and John previously offered and are willing to meet with Mr. Bently to discuss this.

c. We have been logging the breakdown of costs for various projects. So far we are in good shape for design etc, and we are about \$35,000 under budget. We anticipate utilizing any savings in the projects as a whole, benefiting from the current bidding climate; there is a lot of work to be done for the money available. Bruce has a breakdown and is working with Roger to keep it updated and monitor it monthly.

Mr. Sheets requested that in the meeting with Mr. Bently we explore the possibility of things coming back into play that Mr. Bently thought were important at the time of the Heybourne easement.

By request, Mr. Scott reviewed the process of water sales transfers. This includes: approval of the transfer and sale by the Board, filings made to state, when ready to be permitted by the State Engineer the balance is paid to the Town and the State Engineer issues a permit in the same of the entity receiving the transfer.

3. Attorney Report by George Keele

Mr. Keele addressed the open meeting law application in regards to newly elected board members.

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Mr. Keele spoke in regard to the recent decision by the State Ethics Commission on the issue regarding the Hwy 88 project and the vote of the Board. He summed up the issue in this way: 1. In the old days people that did not want to participate left the meeting or said they have conflict. Now someone holding office should not duck the vote. 2. After you have disclosed and it is apparent that the matter would not be swayed by miniscule pecuniary interest, the Commission on Ethics will always be available for consultation. The Board should always look at agenda and see if here is anything that needs to be disclosed.

He has also been working on bylaws, cooperative matters between the Town, Bently and Edgewood as well as the water litigation.

4. Manager's Report:

a. Mr. Van Alyne has been invited to a number of grand openings recently which hopefully reflects an improving business climate, although there is not much opening in Minden.

b. Roger is working with Mr. Dallaire of Gardnerville on a tentative alignment for the trail through the Seeman Ranch which is available in his office.

c. NDOT staff is starting speed study on 395 as the Board requested.

d. Family Support Council has opened an office in Minden; Roger attended the grand opening and has given some minor facility support to them. The Town will make ourselves available when we can.

e. Town of Gardnerville is sponsoring a webinar regarding volunteers on November 18 that he will be attending.

f. Q&D has moved the deadline for bids to November 19, which will preclude the need for a special board meeting for approval. We will schedule the approval of the guaranteed maximum price and construction services agreement for the Buckeye Maintenance facility for the regular December board meeting. A pre bid meeting on construction for the facility was held yesterday.

g. We will be working on new board member workshop and training. He asked for the Board to let us know any specific requests on what to be covered or communicated.

5. Board member reports:

a. Chairman's report:

Mr. Hadfield met with representatives at the Holiday Inn; they are happy about the weed cleanup and appreciative of Roger's visits. Gateway approvals have expired at the County which causes a problem with potential buyers. Bob has discussed with the County if there is anything that can be done. Mr. Hadfield will not be here for the Parade of Lights after all, but will be here for the gazebo lighting, etc.

b. Board member comments:

Mr. Stephans attended a very beneficial meeting with the Jason King, State Engineer, as well as Roger and RCI. Mr. King was happy to know what the Town is doing with our water plan; this communication keeps us in good standing with the state. John commended RCI for arranging the meeting. Also the staff and

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the Christmas Committee thank the Board for the approved Christmas budget. He felt that the Chairman does not have to work at the Letters to Santa booth.

Mr. Sheets noted that the Town has had a great relationship with the State Engineer and believes that it should continue. Also, he is deeply concerned about the lack of agreement for the Booster Pump station. We need to move on but we are crowding in on a time frame that is becoming more critical every day.

Mr. Thaler echoed the welcome to the new board members and requested that those not elected please stay involved. On a personal note, he is retiring Jan 3 and will look forward to being able to give the Board his full attention.

III. ADMINISTRATIVE AGENDA:

1. Discussion and possible action to: 1) approve, approve with conditions, continue, or deny a request to acquire an access easement for the Buckeye Maintenance Facility from Edgewood Companies/Park Cattle Company, and 2) if approved, authorize the Chairman to execute easement documents for the same. Appearance by Town Engineer.

Mr. Scott noted that this is the first of 2 easements; this is the driveway access. Edgewood has adjacent parcel with narrow access onto Buckeye; this gives joint access for any possible future development. The Town will build the driveway to meet our needs and Edgewood will give us the easement. If they use the access in the future they will reimburse their share of the benefit that the Town has funded. It is a fair arrangement and allows us to be a good neighbor. The easement is adjacent to Muller Parkway and Edgewood may never need this.

No public comment

Thaler/Stephans moved to approve a request to acquire an access easement for the Buckeye Maintenance Facility with Edgewood Companies/Park Cattle Company and authorize the Chairman to execute easement documents for the same. Motion carried unanimously.

2. Discussion and possible action to: 1) approve, approve with conditions, continue, or deny an agreement with Edgewood Companies for a temporary construction easement to facilitate the construction of the Buckeye Road (Heybourne Road to Virginia Ditch) Water Transmission Main Project with a reimbursement not to exceed \$25,000, and 2) if approved, authorize Chairman to execute easement documents for the same. Appearance by Town Engineer

Mr. Scott said that we presently have an easement on Buckeye Road and an existing waterline in it. This is a temporary construction easement to facilitate the construction of the 2nd line in the easement. The agreement includes a detailed estimate for them to do all the improvements associated with returning the property to good condition. We need to work with them during construction keeping the cows away from construction with temporary fencing, as well as replanting and grading of the disturbed field areas after construction. This is a much better arrangement than accepting responsibility to do the work through a prevailing wage contractor.

Public comment:

Bev Giannopoulos expressed concern about the cost of the work; why was the “not to exceed” figure so much higher than the estimate?

Mr. Scott did not want to have an under funded situation for any thing that was possibly overlooked. The Town would only pay the costs for reimbursement and we would probably pay twice this amount if we went out to bid with a private contractor.

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Chichester/ Stephans moved to approve an agreement with Edgewood Companies for a temporary construction easement to facilitate the construction of the Buckeye Road (Heybourne Road to Virginia Ditch) Water Transmission Main Project with a reimbursement amount not to exceed \$25,000, and authorize Chairman to execute easement documents for the same. Motion carried unanimously.

3. Discussion and possible action to: 1) examine, award, continue, or reject Bid for the Buckeye Booster Station Vertical Turbine Pumps to the lowest responsive and responsible bidder. Staff recommends award of the contract to Weir Floway Inc., in the amount of \$450,981.00. 2) If approved, authorize Chairman to execute Agreement for same. Appearance by Town Engineer.

Bruce said that this is for the equipment for the booster pump station on Buckeye. We were not fully satisfied with this bid and the manufacturer has agreed to reduce the bid by \$13,000 based on a payment schedule tied to the bid that is already there.

This company was the only bidder. Mr. Scott was concerned about bidding in bits and pieces and wanted to have one entity responsible for making sure that all parts work. We have worked with this pair of companies before and they have integrity; getting through the bid process has been the problem.

Public Comment:

Bob Pohlman asked if these same pumps will be used in the Heybourne station. The concept will be the same although the sizes might be a little different.

Robert McMillan asked if Heybourne will be a well.

Mr. Scott said we are planning a well in the vicinity in the future but right now there will be two Boosters, with this bid being for the equipment that goes in the Buckeye Booster station. The building will be bid separately, the equipment is being bid earlier because of very long lead times.

Sheets/Thaler motioned to award the Buckeye Booster Station Vertical Turbine Pumps to the lowest responsive and responsible bidder, Weir Floway, Inc., in the amount of \$437,981.00, and authorize Chairman to execute Agreement for same. Motion carried unanimously.

4. Discussion and possible action to Approve, Approve with conditions, Continue, or Deny a request for the Town of Minden to waive the rental fees and donate staff time for the 2010/2011 Carson Valley Pops Concert Series. Appearance by John Stephans.

Mr. Stephans disclosed that he is a liaison non voting member of the Carson Valley Pops. Members of the POPS board including Judy Sheldrew, President, and Elizabeth Eubanks, Conductor, as well as Eric Stern, Paula Kraut, and Ron Sandstrum were here tonight to represent the POPS. The intention here is to set aside the past history of the POPS and make a new start. He would like to bring people back to Minden with concerts at both the CVIC Hall and Minden Park., with the POPS using the hall for rehearsal as they have in the past. They have also discussed having the 4th of July concert back at Minden Park, and possibly an end of summer concert in the park with ice cream and apple pie. This would help revitalize the Town. and bring people into downtown Minden. The POPS are non profit and do not charge for the concerts; it is donation only.

Ms. Sheldrew said that the sole purpose of the POPS is to provide quality music and entertainment to the community; they think of themselves as serving the community. We

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would like to allay the misunderstandings that have occurred in the past. Liz Eubanks, the conductor, said they would like to continue providing quality entertainment to the valley and any assistance would be appreciated.

Mr. Hadfield stated that the Town was instrumental getting the POPS started in the past and he would love to welcome them home.

Mr. Thaler fully supports this and would look forward to them coming back.

Mr. Chichester asked for assurance that the venue is not just for practice. If the Town is the patron the POPS would need to assure us that this will be the venue for the performances. There are tons of worthy causes and there has to be more value as to why this non profit should be supported by the Town. There has to be some value why should your non profit reap the benefit over another non profit. We need an agreement that shows what we are getting for the patronage.

Mr. Sheets agreed with Ross and quid pro quo. He asked how the POPS generate revenue. Money is raised through raffles and concession sales at concerts, as well as donations. Martha Williams is a large benefactor. Ms. Sheldrew said that with respect to Mr. Chichester's concerns, they are booked at the CVIC Hall for all of their concerts with the exception of the 4th of July, and they are committed to performing here. Currently here are 35 musicians and the number is growing. They do not pay professional people to integrate into group; they are 100% volunteer which also applies to vocalists.

Mr. Stephans said that in talking to the POPS they would like to have the 4th of July concert next year at Minden Park, and an end of the season picnic/concert for Minden residents. They will do this and we will be there home.

Discussion included using the Minden website as a partnership as well as getting information out on their own flyers and advertisements. Mr. Thaler suggested coordinating with Carson Valley Arts Council, as well as other entities to avoid conflicts in booking for the area.

Ron Sandstrum, POPS board member, addressed Ross' concern about what happened with POPS in the past and assured the Board that there is nothing to worry about this time. Also, it pleases him to help children to understand where music comes from.

Public comment:

Mr. McMillan would like to see that the Town is a sponsor and give recognition to the Town as a sponsor. He would much rather see a birthday party for the Town than a 4th of July concert.

Bev Giannopoulos is in full support of the Town waiving fees for the rehearsals and the use of the CVIC Hall.

Sandy Deyo agreed with the equity question and non profits that needs to be resolved. He is also concerned about the liability when the capacity of the Hall is exceeded.

Mr. Scott suggested that RCI would like to reimburse for half the cost of the \$2,500 figure in the staff report. He believes that approving this sponsorship is very valuable but also precedent setting.

Chichester/Stephans moved to approve the request for the Town of Minden to waive the rental fees and donate staff time for the 2010/2011 Carson Valley POPS Concert Series with the understanding that the POPS orchestra is returning to the Town of Minden and has made

the commitment to provide so many performances within the Town of Minden at no cost to those attending those performances and the Town would be real happy to accept the subsidy from Bruce Scott and his firm. Motion carried unanimously.

5. Discussion and possible action to approve, approve with conditions, continue, or deny a Funding Plan for the Buckeye Maintenance Facility. Appearance by Town Manager.

Mr. Van Alyne said that the packet had an initial proposal for funding the maintenance station. After that was generated he became aware of the difference in the ending fund balance that changed the situation, therefore he has provided an alternate that he would like to propose that reduces the impact on the fund.

Mr. Chichester said that before money can be moved from an ending fund balance from last year to a beginning fund balance this year, an audit needs to occur per state law. Once this is completed, then these augments can be brought forward and tell us the true amount in reserve. The audit is underway now so the figures are anticipated but have not been moved yet. The opening fund balance will be approximately \$1,200,000. In order to build the facility, we do not want to deplete all of this balance; we would like to put \$450,000 back in reserves and take \$750,000 toward this project. In the 636 fund, we have \$713,000 carried forward from last year that we did not spend. For this year we budgeted \$929,000 for the project. We do not want to deplete the water fund reserves but will take \$350,000 from the water fund which seems appropriate. Also, we will be using the facility for trash also and will take \$300,000 out of the trash reserve fund. We do not anticipate buying a new trash truck for another 5-7 years, but we would have enough to buy another truck if necessary.

In the general fund, we anticipate street sealing next year but skipping one year of doing overlays within the Town. All the Town streets are in A & B condition with very few C's left. With this plan we have achieved the goal, not depleting reserves and building a facility would take us out to 2050.

Mr. Hadfield noted that the water fund still has a reserve and any development hook up fees would go back into these reserves. This does not take away from any improvements needed to serve the Town residents. The investment we are making will make sure that the residents will not pay for anything that is benefited by the wholesale.

Public comment:

Bev Giannopoulos thanked the Board for the prudence with the budget and no need to go into debt.

Mr. McMillan acknowledged the foresight of the Board, but emphasized not spending the money just because there is enough money. Also, tell the Minden residents that you are not holding several million dollars waiting to blow it on a project.

Mr. Hadfield said that Nevada budget laws budget for depreciation but you have to balance to revenue, which is why we call it reserve, in order to bring it forward. We could build a smaller facility for less but we are trying to protect the residents and the future. We deliberately pay cash if at all possible. This is also the best time to build with the great bidding climate, and the work will be good for the local economy.

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Mr. Chichester said we currently do not have enough space; we spend 6000 a year to lease space to house garbage trucks outside. This also does not account for any money that would go back into reserves if we sell the current property.

Mr. Thaler commended the planning and actions of his board predecessors that gave created the economic vitality in our budget. Roger noted that we need to have money in the budget before we can award a bid.

Chichester/Stephen moved for approval of a funding plan for the Buckeye Maintenance facility as described in the most current handout by Roger today and as explained by Mr. Chichester to the Board and the public Motion carried unanimously

Mr. Hadfield noted that he appreciates and listens to the public comment. We do pay attention and it helps us to better explain projects the next time in the budget process.

6. Introduction and discussion of “Bylaws for Town Meetings and Other Matters of Internal Governance of the Town of Minden.” Appearance by Town Attorney.

Mr. Keele noted that there is no need to reinvent the wheel. The bylaws presented are from the Roberts Rules of Order: Simplified and Applied.

He noted the procedure for standing rules. This would include resolutions or motions that are adopted by the Board and keep continuity for procedures. This also involves recording in the same book when the motion is rescinded. This same concept should be applied to the recording of procedures that have not been motioned or resolved but have been the customary procedure.

One issue to discuss is whether board members are public officers or not; you perform duties of a public officer but by definition are not public officers if you are a member of an advisory board. You come out of advisory when you form a budget and spend money.

Mr. Chichester suggested read by laws and getting back to Roger with any concerns within two weeks.

IV. Adjournment

Thaler/ Chichester moved to adjourn at 8:41 p.m. Motion carried unanimously.