



The Minden Town Board meeting was held at 5:30 p.m. on Wednesday, December 1, 2010, at 1602 Esmeralda Avenue, Minden, Nevada

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

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

## **I. PRELIMINARY MATTERS AND PUBLIC INTEREST COMMENTS**

Meeting was called to order by Chairman Hadfield at 5:30 p.m.

### **1. Pledge of Allegiance was led by Steve Thaler.**

Chairman 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.

### **2. Approval of Agenda:**

- a. There is a minor change to Item 3. The Board of County Commissioners will not act on the resolution until 2011, so the Resolution Number changed.
- b. Thaler/Stephans moved to approve the agenda as amended. Motion carried unanimously.

### **3. Approval of minutes:**

- a. Chichester / Stephans moved to approve the minutes of the October 26, 2010, Special Board Meeting. Motion carried unanimously.
- b. Sheets / Stephans moved to approve the minutes of the November 3, 2010, Board Meeting. Motion carried unanimously.

4. Stephans / Chichester moved to approve and ratify vouchers and claims. Motion carried unanimously.

5. Acknowledgement of gifts: none

6. Acknowledgement of service awards: none

### **7. Public comment:**

a. Mr. McMillan expressed sincere thanks on behalf of himself and his fellow citizens for the retiring board members. They were like the Rock of Gibraltar. As they leave there is a large stone fallen into the sea. He thanked them for their service and devotion to the Town; their purpose has always been for the good of the town. He hoped that everyone will still be able to meet cordially after tonight.

b. Mr. Pohlman mentioned that he is giving a report to his HOA. The four-year analysis shows a savings of 17% on water bills using low-flow sprinkler heads. They spent \$22 Thousand on the material, but it was a wise investment.

## **II. STAFF REPORTS**

1. Public Works: Greg Hill referred to his written report regarding the routine public works activities that have taken place during the month.

### **2. Engineering Report:**

Bruce Scott referred to an update of the Town map and had a copy for each of the Board members.

Mr. Scott also referred to his written report of activities for the month. In addition to the report, he noted that there will be a meeting with Mr. Bentley, tentatively scheduled for Monday, December 6th.

The water projects are moving ahead and moving fairly smoothly.

There was a meeting regarding the Ranch at Gardnerville. They are looking seriously at starting with the unit at the extreme south end of the Ranch next year. Cary McAnich, one of the principals in the Ranch at Gardnerville project, mentioned that they are working with A&A on possibly reducing construction costs.

Douglas County opened bids a few weeks ago for the next section of the water main; their bids came in favorably and they will be awarding bid most likely tomorrow.

Mr. Hadfield questioned the status of water rights sales. Mr. Scott said the Beekhof/Wass lender decided to pay off the remaining \$42,000 on their sale because they do want to come back later and have to pay the current rates. Lynn and Getty are all done.

Chairman Hadfield said that they are cleaning up at the water tank site. Mr. Scott is working with BLM to make sure that the tank is painted the most appropriate color. Also, the top appears lighter than the sides. Mr. Van Alyne said there was one complaint regarding the height of the tank in relation to the horizon line, but we have been no other complaints. Mr. Scott had a contact a month ago from a gentleman below the tank who has some concerns. He suggested to him that we should get the tank done and backfilled, then take a good look at it again. Mr. Scott acknowledged that we had originally represented to the community that the top of the tank would be below the horizon, which in some views it is not.

### 3. Attorney Report:

Mr. Keele also has had some contact with the person below the tank and his attorney was reasonable; there are a few things that the client may ask of the town, but they are not looking to sue the Town. Mr. Keele commends the Town for planning and budgeting for the tank. Mr. Keele is very thankful as someone whose office is in Minden that the Town has been able to maintain stability in their utility rates at a time when other costs are escalating.

Mr. Keele met with our Brownstien Hyatt attorneys this month in regards to procedural matters. He commends the Board for talking openly with them about our expectations on frequency of meetings and costs. The attorneys have cooperated and taken a pragmatic approach to the litigation. The Board's current course is excellent with this firm. He has been working with Mr. Stephans on planning the training for the new board early in the coming year. This will include such things as the Open Meeting Law, Ethics for Government, Planning and Zoning, Sexual Harassment, and other issues that are in a constant state of flux. The Board has had a dearth of involvement in litigation and claims because of the excellent approach to training.

Mr. Keele gave his commendations to the three members who are leaving the Board for the way they have worked with outside staff as well as inside staff; they are leaving the town in as good a shape as it could have been left in.

### 4. Manager's Report:

- a. Mr. Van Alyne reminded the Board of the December 18<sup>th</sup> New Board Member Workshop.

Chairman Hadfield expressed sympathy for the loss of Mr. Van Alyne's mother-in-law.

### 5. Board member reports:

- a. Chairman's report: None.
- b. Board member comments:

Mr. Stephans announced the Lighting of the Gazebo and the Parade of Lights.

### III. ADMINISTRATIVE

**1 Discussion and possible action to approve, approve with conditions, continue, or deny a request for the Town of Minden to allow sales of t-shirts and/or other memorabilia in Minden Park by the Douglas County Parks & Recreation Department at the 2011 Douglas County Parks & Recreation GE Family Concert series. Appearance by Bob Hadfield.**

Chairman Hadfield had asked for this to be on the agenda. The Board has previously allowed limited participation by vendors for this event. He noted that this is not our event and because of that most of our concern has been that we do not want to be put in the position of deciding which organizations can be vendors. The difference in this case is that the purpose of these sales is to promote the concert series in an effort to raise money to help support the event. It is their event, and we are voting on whether or not they can sell their items.

Mr. Stephans was concerned that within the last year the Rotary club, who had helped rebuild the gazebo and has done a lot of things for the Town, approached the Town with a request to sell ice cream and were told no. He has a hard time opening up Pandora's box. Mr. Stephans asked Lee Bonner from GE if there is an issue of changing the venue or of losing it for Minden? Can the Town of Minden do something without opening up to other organizations? Where do you draw the line?

Lee Bonner answered that there are budget challenges. Last year was okay but they still came up short. T-shirts are a way to market the event, which is also free advertisement for the Town of Minden. You do have to be careful on what you open up for sales, the question is other memorabilia. T-Shirts are not the issue; they would help recoup some of the costs and you could stipulate that if they make over a certain amount, the rest will go to a non-profit group. As Chairman Hadfield pointed out, this is a Douglas County event, along with GE. Chairman Hadfield reiterated that, as Mr. Stephans pointed out, it has been a concern as to how to manage who does or doesn't get to be a vendor.

Mr. Thaler asked about the Lions selling the hamburgers. Mr. Chichester explained that the Lions had taken it over from the volunteer fire fighters who sold them years ago. There is a need for one food booth, but the Board decided to deny all the other vendors. In terms of the Recreation Department, it is their event and they can very well make this decision for themselves, but they have always deferred to the Town to determine what is sold. Mr. Chichester mentioned that we do not want to promote alcohol sales and he is also concerned about the "other memorabilia" but he would be willing to consider trying the T-Shirt sales on a one-year basis.

Mr. Thaler agreed with Mr. Stephans that allowing the sales is opening a Pandora's Box. He realizes that the Recreation Department could sell things even if our Board decided not to allow them to. Chairman Hadfield assured him that the County appreciates our involvement and would honor our decision.

Mr. Sheets agreed with Mr. Chichester on allowing the sales on a temporary basis, but with more knowledge on what "other memorabilia" would include, he could support it. It is their event and it provides publicity for all the parties involved.

Public comment:

Robert McMillan said that we denied the Rotary and this should not be an exception to that. If you approve this, the concert will become a carnival with vendors, and this is not the point of the concert. This is an evening out for the families that doesn't cost anything. The Rotary could sell ice cream on private property across the street during the event. The Parks Department doesn't sell anything at the Farmers' Markets, and they could sell more at there than at the concert. Mr. McMillan strongly objects, based on these factors.

Mike Olsen pointed out that as you look at this and the efforts that the County has put forth along with sponsors like GE, we have worked hard to bring good bands here and it is nice for someone to be able to walk away with a souvenir that shows they heard the band in Minden.

He believes that the bands sell their own stuff at the concerts, and does not see it as a problem. It is a positive for Douglas County and GE; it touts the good deeds we do here.

Roxanne Stangle would like to clarify that the Town is a sponsor but it is not something that should be put to the Town; we are just a sponsor, just like GE or any of the other sponsors. Bob said they brought it to us out of courtesy to the Town.

Mr. Thaler asked to continue this item to next month so the new Board could see it. It is something that will come back, and the new Board is going to have to carry the weight. Motion carried with no objections.

**2. (6:05 p.m.) Discussion and possible action to approve, approve with conditions, continue, or deny "Bylaws for Town Meetings and Other Matters of Internal Governance of the Town of Minden." Appearance by Town Attorney.**

This is the second reading and there been a couple of minor changes but the draft bylaws have not changed substantially.

No public comment.

Chichester / Stephans moved to approve. Motion carried unanimously.

**3. (6:10 p.m.) Discussion and possible action to approve, approve with conditions, continue, or deny Resolution #2010R-104 to augment the 2010/2011 budget and execute inter-fund transfers. Appearance by Town Manager.**

Mr. Van Alyne noted that this is just a simple house-keeping item that will occur in December of every year, but this year we are also implementing the funding plan for the Buckeye Maintenance Facility. The new Resolution Number is 2011R-005.

No Public Comment.

Chichester/ Stephans motioned to approve. Motion carried unanimously.

**4. Discussion and possible action to approve, approve with conditions, continue, or deny, for the Buckeye Maintenance Facility: 1) the Guaranteed Maximum Price of \$2,952,201; 2) an amendment to the existing Agreement with Q&D Construction; and 3) if the amendment to the existing Agreement with Q&D is approved, authorize the Chairman to execute the amendment to the existing Agreement with Q&D. Appearance by Q&D Construction.**

Mr. Van Alyne noted that Howard Hadlock from Q&D was here to answer any questions. Mr. Van Alyne said that what we are looking at is the guaranteed maximum price, which staff believes is a favorable number.

Chairman Hadfield said that a guaranteed maximum price does not necessarily mean that we are going to pay that much. Mr. Hadlock pointed out that all sub-contractors are pre-qualified and stable subs. Going back to the guaranteed maximum price, whatever savings we get on the project are split, giving an incentive to save money. Mr. Thaler asked how many contractors are local. Mr. Hadlock answered that local contractors were solicited and several submitted bids, but unfortunately none were the lowest. Mr. Thaler asked what the incentive to save money is, and Mr. Hadlock replied that the incentive is to get the project done sooner, which saves on general conditions; also Q&D performs some of the work themselves, which helps beat the estimate.

Public Comment:

Mr.McMillan noted that the completion date is written as 2010 and needs to be changed to 2011.

Chairman Hadfield observed former Board members Bruce Jacobsen and Ray Wilson in the audience and thanked them for their participation in creating the financial wherewithal without any debt. We are fortunate to be able to build at this time

Thaler/Stephans motioned to approve. Motion approved unanimously. Chairman Hadfield reiterated that this is a landmark event for the town.

**5. (6:20 p.m.) Discussion and possible action to: 1) examine, award, continue, or reject Bid for the installation portion of the Transmission Main Materials for the Buckeye Road (Heybourne Road to Virginia Ditch) Water Line Project to the lowest responsive and responsible bidder. Staff recommends award of the contract to V & C Construction in the amount of \$463,741. 2) If bid is awarded, authorize Chairman to execute Agreement for same. Appearance by Town Engineer.**

Chairman Hadfield recognized Mr. Jacobsen and Mr. Wilson's contribution to this also.

Mr. Scott said that we are pleased with the bid. In October, the materials bid was awarded and this bid is labor only. We also have an arrangement with the Park Cattle Company concerning the fence and weeds, etc.

No public comment.

Sheets/Thaler motioned to approve. Mr. Chichester noted that the \$463,741 is about \$87,000 less than the engineer's estimate. Motion carried unanimously.

Chairman Hadfield commented that the Town has contributed \$21 million towards providing water to residents outside of the Town, not including the wells. This is strictly through all the construction projects and the water that we have donated. It should be clear that the Town's contribution to the entire county and entire region is substantial; it is what the Board envisioned 20 years ago when discussions started on how to protect the Town's substantial water rights.

**6. Presentation by Tom Dallaire and Roger Van Alyne regarding the Martin Slough Ditch Trail.**

Tom Dallaire from the Town of Gardnerville said that he and Mr. Van Alyne have been involved with Douglas County to come up with an alignment for the trail from Lampe Park and through the Seeman Ranch. Recently, a LOMR (letter of map revision) was approved by FEMA so we need to work on an alignment that doesn't restrict flow or increase the elevation of the water. This is still preliminary, and they are still looking for comments and suggestions. This is just to keep everyone aware of what is going on. They have been working with Greg Painter on a dedicated easement through the Ranch at Gardnerville. According to Mr. Van Alyne, Minden will be responsible for the trail starting at Zerolene, through the backside of Ranch 2, across Buckeye, and make a connection at Jake's Wetlands. In Gardnerville, it ends at Lampe Park. They are excited about a trail from Lampe to Jake's Wetlands. The County envisions this trail going all the way to Genoa.

Mr. Keele disclosed that his wife Judy is trustee for the Seeman Ranch Trust, so he must not answer any questions and he will not have any pecuniary interest.

Gardnerville is working with the Hellwinkle's on getting an easement through their ranch. The project lost Question 1 funding for the property because the State stopped selling bonds, so new options are being explored.

Chairman Hadfield asked what type of trail is anticipated. The approved original design is asphalt 8 feet wide with the possibility of making it 12 feet, which is the new standard to allow pedestrians and bicycles to ride together without conflict. Chairman Hadfield said we were anticipating a natural trail; he assumed perhaps DG (decomposed granite) through the slough. Mr. Van Alyne said that the documentation shared with him did not indicate a preference. Our staff requested a paved trail because it is more easily maintained from our perspective. This does not interfere with the floodway. Chairman Hadfield commented that there is an obvious need to get together with the County if we are going to be responsible for maintaining the trail. It needs to be annexed to the Town before we can maintain it. Mr. Van Alyne said this will be part of the discussion when we talk about accepting the responsibility to maintain the trail. Chairman Hadfield mentioned that this should be a nice attraction for the community.

Public comment:

Robert McMillan noted that we should not underestimate the power of volunteers. Technology is coming to the point where we can harden the ground like cement; there doesn't need to be asphalt. Do we want the trail or not? We don't want the zoning to be changed where someone could come in and develop it, making an eyesore. Chairman Hadfield said we have already agreed with the County and it cannot be developed because of the flood zone. Mr. McMillan pointed out that he has heard that before.

Mr. Van Alyne brought up that as we develop points of interest, such as a fishing pond, we will make sure to remain ADA (Americans with Disabilities Act) compliant. We will definitely be using volunteer labor and would consider alternative technology. Mr. Dallaire asked for input on any amenities thing that the Board would like to see. Chairman Hadfield said the new Board will be thinking about it and come to him with suggestions.

**7. (6:30 p.m.) Discussion and possible action to: 1) Elect Minden Town Board Chairman for calendar year 2011; and 2) Elect Minden Town Board Vice-Chairman for calendar year 2011**

Chichester nominated John Stephans to assume the Chairmanship for 2011. Sheets seconded. Motion approved unanimously.

Stephans nominated Steve Thaler as Vice-Chairman for 2011. Chichester seconded. Motion approved unanimously.

Chairman Hadfield gave his congratulations, stating that it will probably be even more exciting with new blood and new ideas.

**8. (6:35 p.m.) Recognition of outgoing Board members.**

Mr. Keele said that he has been put on a time limit and read an excerpt from each of the three proclamations he had written for Robert Hadfield, Dave Sheets, and Ross Chichester. The proclamations will be attached to the permanent record.

Mr. Scott commented that it is unfair to be put behind Mr. Keele. He said thank you to this Board; it has demonstrated what can happen when people work together and respect each other for the good of the Town. There are sometimes professional disagreements, but that's okay. The results in the Town of Minden speak for themselves. We really appreciate that and want to say thank you.

Mr. Scott provided a plaque to each of the outgoing board members with a piece of the original town water system dating back to 1906, since this board established best small water system in Nevada. Bruce Jacobsen and Ray Wilson were also given plaques.

Mr. Thaler said that the one word to describe this outgoing Board and what they have done is "phenomenal." Mr. Thaler had never realized all that the Board does behind the scenes until he joined the board. Now, because of all the work that the previous Board has done, the new Board is in a position where they can spend the money to build a water tank and a new maintenance facility in a poor economy. He thanked them for what they have done and also for recommending him for the Board two years ago. He hopes he can live up to some of the expectations they have set. He cannot thank them enough for what they've done for the Town, which will be seen for years to come.

Mr. Stephans thanked them from two perspectives – as a resident and as a fellow Board member. He thanked them for their leadership, vision, and all they have done for this Town. Minden has the best water in the State, excellent services, happy faces, and many amenities.. He appreciates all that they have taught him in the last two years. He cherishes the friendship as well as the guidance they given him on the Board. There have been no egos or hidden agendas brought to the table. The vision and mission that they started has not changed; they are only passing the baton. We have one of the better towns in the country. God bless all of you.

Mr. Hill presented the Board with a DVD slideshow put together by Tom Haar and the office staff. Before the slideshow, Mr. Hill read a document he had prepared, praising the board and their long-standing devotion to the Town. Their policies and fiscally responsible governance has served the Town's needs for decades. After the slideshow, he introduced his "special project" – a tribute to the three outgoing Board members as well as the two Board members who had been termed out two years ago. The project was a water fountain with a miniature water meter attached to a small replica of the Town pillars (located at the intersection of 6<sup>th</sup> Street and County Road).

#### **IV. ADJOURNMENT**

Bob Hadfield and Dave Sheets completed 24 years of service on the Town Board, and Ross Chichester completed 28 years.