



The Minden Town Board meeting was held beginning at 5:30 p.m. on Wednesday, January 5, 2011, at 1602 Esmeralda Avenue, Minden, Nevada.

Board members present: Matt Bernard, Charles Condron, Roxanne Stangle, John Stephans and Steve Thaler.

Staff present: Andy Concannon, George Keele, Trish Koepnick, Bruce Scott, and Roger Van Alyne.

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

Meeting was called to order by Chairman Stephans.

1. Pledge of Allegiance was led by John Stephans.
2. Thaler /Condron moved to approve the agenda. Motion was carried unanimously.
3. Thaler/Condron moved to approve the minutes of the December 1, 2010 Board meeting. Motion carried unanimously
4. Approve and ratify vouchers and claims
5. Acknowledgement of gifts: none
6. Acknowledgement of service awards: none
7. Public comment:
  - a. Robert McMillan welcomed Charles, Roxanne and Matt to the Town Board and said they have his support. He is honored to speak as a resident of Minden; he believes they have the Town's well being is in their hearts, just like him and a lot of residents who do not attend the meetings.
  - b. Sandy Deyo noted positive change in residential trash pickup in his area; it is appreciated that the crew is leaving the cans with the lids down and in an orderly fashion.

## **II. STAFF REPORTS**

1. Public Works: Monthly report of activities by Public Works staff. Andy Concannon filled in for Greg Hill.
  - a. Annual water system servicing is being performed in a normal fashion
  - b. Chlorine and residual tests are done for the water line to the tank as far as they can go.
  - c. Mr. Thaler asked if we test for chromium. Andy said that we test for many types of chromium as part of the inorganic testing that we do and we do not exceed the standard. Mr. Scott said that chromium is generally associated with industrial discharge and we have never had any issues in our immediate Minden area.

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

- a. Fence is being taken down on Buckeye; the pipeline from Buckeye booster pump station to the intersection of Heybourne and Buckeye will be starting soon. Final draft easement agreements with Edgewood were received in December and will be completed and executed. Bruce briefed the new Board members of the details of the agreements with Edgewood concerning the temporary and permanent easements. Edgewood has been very good to work with and supportive of the Town.
- b. Overall budgets for the water projects are looking good; the budget might be a bit short for original estimate for the Buckeye Booster Pump Station and the tracking sheet reflects adjustments. Of general interest, Indian Hills GID has bid their project and bids came in close to budget. We are finding a little firming in prices. It is a very complex project but with USDA funding it was not broken into pieces, so the same contractor is doing the total job.

Mr. Stephans appreciates the spreadsheet from Tim and would like to see it updated every month.

- c. Lyn Norberg has been hired by Mr. Bently to do the appraisal for the possible site for the new Heybourne Booster Station. We are hopeful for preliminary feedback on the appraised value before the next meeting. Once we get details and price we can work on other issues: land use, etc. These costs will be reimbursed by the County.
- d. Mr. Scott said that we are planning on pumping to Indian Hills by late summer to fall 2011; quantity pumped will be close to the amount we are pumping now to the East Valley. The schedule for beginning delivery to Carson City is more unsettled, but the plan is to be online in 2012. We can deliver to Indian Hills without the booster pump station but with the tank online, and he anticipates the booster pump completion timed with when Carson City needs the water. He envisioned the big demand to start in mid 2012.

Mr. Thaler has the budget process preparation in mind concerning the water projects. Mr. Van Alyne said that we have been collecting and tracking data to base budget figures on.

3. Attorney Report:

- a. Mr. Keele welcomed the new Board members, is honored to work with them and gave credit to Mr. Stephans and Mr. Thaler for their actions in their first two years. He hopes to achieve 30 years working for Minden on their watch.
- b. This month has been bizarre from the litigation perspective. The 'Judge Gibbons decision' in which the Town and other parties were defendants prevailed; the appeal by the Tribe had technical difficulty and our attorneys filed a motion to dismiss. Mr. Keele read the order issued by the Court which denied that motion, noting that the settlement judge may have the matter removed from consideration under the settlement program. Jurisdictional defect that the Supreme Court possibly lacked jurisdiction to consider the appeal was responded to by the State Engineer; the Tribe's notice to appeal missed by one day the time frame to file. Presently either the Supreme Court will push us ahead in the process in preparing to appeal

to the Nevada Supreme Court or they will acknowledge that they have no jurisdiction.

- c. Mr. Keele read a memo by Bruce Scott concerning the Dodge Flat case. It is encouraging because it determined that the Tribe does not have groundwater rights that they are pumping now; they have all the water that they need with the Truckee River. This would possibly indicate a recognition by the Nevada Supreme Court of the resources being wasted fighting over water law and an attempt to signal parties to bring this to a halt.
- d. Mr. Keele said that he erred concerning noticing the swearing in ceremony. This is a judicial proceeding and there is a blank exemption for this in the open meeting law; a quorum could be present without the notice. Meeting by telephone can be done but must be noticed and the public must be able to have access to hearing it. A staff meeting with less than a quorum is appropriate; however, that is distinguished from meeting with another public body.
- e. Mr. Keele will follow up on the status of water bill collection from the bank for the bankruptcy of Dr. Collins, who he is excused from payment.

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

Mr. Van Alyne solicited feedback from the Board on his report as well as any new project or action requests.

- a. Syncon Homes has sold a few homes in December.
- b. He felt that we had a very positive new Board member workshop and will re-schedule the tour in the near future.
- c. The 6 hour session scheduled with the Town Boards and the County Commission should help the Board be better members. He is also that it will be team building exercise with other Town Boards and the County Commission.

Mr. Thaler questioned the status of the economic development dollars from the county. Mr. Van Alyne expressed frustration on moving this forward. The County made a total of \$100,000 available to the Town over two fiscal years; \$26,500 is committed to the banner poles and the cruise nights, but not yet spent. Mr. Van Alyne is looking for ideas from the Board to champion and would like to have them consider a more regional effort that will get people into the entire valley, from which the Town will benefit.

Mr. Thaler also asked for an update on the Highway 88 project in respect to preparing for next year's budget, regarding the split between cash and 'in kind' services. Mr. Bernard said that the project came in number one in Nevada and has been submitted; the partners are Minden, Douglas County, NDOT, Carson Water Subconservancy District, and 'in kind' easement donations from private parties.

5. Board member reports:

a. Chairman's report:

Mr. Stephans noted that he was very happy with the Christmas event; he enjoyed the activities and felt that the staff did a great job with the decorations.

Mr. Stephans solicited Mr. Bernard to take over the Christmas committee, and asked for Ms. Stangle's involvement from a business standpoint. Mr. Bernard accepted; Mr. Stephans will stay involved with the Carson Valley POPS.

Mr. Condrón thanked staff for their efforts in bringing forward the new Board members; he wanted the public to know how much effort has been made. He also offered to work with the Minden Momentum project if it happens.

Upon invitation by Mr. Van Alyne, Amanda Evans from the Business Council introduced herself and said that she is now the representative who will be present at the Minden Board meetings.

### III. ADMINISTRATIVE AGENDA:

**1. Discussion and possible action to: 1) continue or recommend approval, approval with conditions, or denial, and make comments on a Zoning Map Amendment (ref. DA 10-046) initiated by the Douglas County Community Development Department, on behalf of the owner of the Dean Seeman Trust/Foundation, to change the zoning district on Assessor's Parcel Number 1320-29-301-003 from A-19 (Agricultural, 19-acre minimum parcel size) to RA-5 (Rural Agricultural, 5-acre minimum parcel size) and PF (Public Facility, no minimum parcel size); and 2) continue or recommend approval, approval with conditions, or denial, and make comments on a Major Variance (ref. DA 10-045) initiated by the Douglas County Community Development Department, on behalf of the owner of the Dean Seeman Trust/Foundation, to allow an existing barn on Assessor's Parcel Number 1320-29-301-001 to encroach into a future setback, in anticipation of a boundary line adjustment application. Appearance by Douglas County Community Development.**

George Keele disclosed that his wife is trustee and he cannot participate; Cynthea Gregory is in the audience and he is comfortable with her opinion in respect to this matter. Matt Bernard also disclosed conflict in this matter and will not participate.

Dirk Goering from DCCD gave the presentation. Question 1 Grant money is being used to acquire approximately 38 acres of property along the Martin Slough from the Dean Seeman Trust for conservation purposes. There is both a zoning map amendment to change zoning and a major variance requested dealing with a boundary line adjustment. This property is located outside of the Town boundaries, but the Town would potentially be involved with future improvements.

Mr. Scott said that pushing the boundary north from the Sheriff's office would create an annexation issue; there would be a parcel split and it is believed that the part of the parcel not in the Town should be annexed.

Mr. Condrón said that if we are asked to provide walkway maintenance, etc, it is essential that we take care of what is in the Town.

From staff perspective this is a very positive move, with the potential for open space and conservation values and wetland preservation for future generations.

Public comment:

Robert McMillan questioned how Minden storm drainage affects this area in relation to flooding, as well as development problems with the change in setback by the barn. Mr. Goering said that this area should be anticipated as a floodway, and no solid fenced can be put up in a floodway; also the county will own the land by the barn and it will be a conservation easement.

Mr. Scott said that the valley old timers do not believe that this is a major floodway; there is no issue in Martin Slough. This is a wonderful opportunity to acquire greenbelt; it is a solid concept and the last of Question One money. It is good for Minden and makes a lot of sense.

Thaler/ Stangle moved to approve a Zoning Map Amendment (ref. DA 10-046) to change the zoning district on Assessor's Parcel Number 1320-29-301-003 from A-19 (Agricultural, 19-acre minimum parcel size) to RA-5 (Rural Agricultural, 5-acre minimum parcel size) and PF (Public Facility, no minimum parcel size); and 2) approve a Major Variance (ref. DA 10-045) initiated by the Douglas County Community Development Department, on behalf of the owner of the Dean Seeman Trust/Foundation, to allow an existing barn on Assessor's Parcel Number 1320-29-301-001 to encroach into a future setback, in anticipation of a boundary line adjustment application. Motion carried unanimously with Mr. Bernard abstaining

**2. 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. This item was continued from the December 2010 Board meeting. Appearance by Town Manager.**

Mr. Stephans noted that memorabilia is removed; only t-shirts and tank tops are being considered for sale to offset the costs of the concert series.

Sheryl Christian from the Douglas County Parks and Recreation Department said that all service clubs have been invited to have the opportunity for the rotation to sell food.

Cost for the concert series varies every year. G.E. gives the biggest donation which covers the band; co-sponsors cover the other costs: sound, programs, portable toilets. Total cost is usually around \$18,000; if sponsors don't cover the costs the County is left funding the balance.

Ms. Stangle said this is a good idea; it cuts the cost and there is less needed from local businesses.

Mr. Stephans said that he had mixed emotions but his conversation earlier this week with Sheryl was an eye opener. He appreciates the invitation to the service groups to sell food; they may possibly provide meals for the band.

Public comment:

Beverly Giannopolus asked what design would be on the t-shirts. Lee Bonner said that G.E. has designed the poster and would create the t-shirt design; they would submit design for the Town approval. Minden would be on the front and back.

Condron/ Bernard moved to approve 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. Motion carried unanimously.

**3. Discussion and possible action to approve, approve with conditions, continue or deny a request by The Ranch at Gardnerville, LLC, (Developer) to: 1) recommend approval of changes to the curb and gutter and sidewalk layout of the previously approved subdivision plan; and 2) if approved, direct staff to work with the**

**Developer's engineering design team, Developer and Douglas County to incorporate the changes into the development plan. Appearance by Town Manager.**

Mr. Bernard noted that he will abstain due to commitment in private capacity with this project.

Rob Anderson gave a presentation on behalf of the developer Greg Painter. The project, which lies between Chichester Estates and Buckeye Road and crosses Zerolene Road, has been approved 4-5 years now. The developer proposes to change the currently approved "L" curb to a rolled curb and place a 5' foot wide sidewalk at the back of the curb, thereby removing the 6' landscape strip throughout the residential streets within the development. If there is no maintenance method to maintain these strips, there can be issues of inconsistent care. The benefit in this construction method is the cost savings from the single pour for both curb and sidewalk. Also, note that this is the historic standard in the Town of Minden. They are working with Douglas County Community Development concerning other changes in the development agreement. This project as it stands will probably not go beyond Phase 1 because it is too costly for the developer. The other elements of the proposed development agreement will be the expanded use of pedestrian and bicycle paths as requested by the County with important linkage with the Seeman Ranch, improved crossing at Zerolene, and the use of LED lights along collector roads. These elements would be brought back to the Town Board for approval; the purpose tonight is to ask for support for the changes in road construction process.

Mr. Thaler questioned the difference in roll and L curbs. County has adopted the L curb but the roll curb allows builder to not have to pre-determine driveway locations. Landscape strip is property owner responsibility. Rob said that due to legislative concerns, developers do not want homeowner's associations (HOAs) which would maintain the strips. Landscape districts are public entities that pay for maintenance by the tax roll; Douglas County limits maintenance districts to subdivision entrance only as Mr. Anderson understands.

Public comment:

Bev Giannopoulos questioned the height difference in the curb and if there is any significance in terms of flooding. She was assured that there is no appreciable difference.

Thaler/ Stangle moved to approve changes to the curb and gutter and sidewalk layout of the previously approved subdivision plan; and direct staff to work with the Developer's engineering design team, Developer and Douglas County to incorporate the changes into the development plan. Motion carried unanimously with Mr. Bernard abstaining.

**4. Discussion and possible action to approve, approve with conditions, continue, or deny a request from a resident to place three landscape boulders at the south end of Pinewood Drive (adjacent to Douglas High School). Appearance by Town Manager.**

Mr. Van Alyne noted that a resident approached the Town concerning this, and would not be present tonight if there were questions. Staff has taken a hard look at this concept; there are potential problems concerning this action and recommends denial.

Mr. Condrón said that this is the last place to put boulders and strongly recommends denial. Mr. Thaler could not understand why there was a request and agrees with Mr. Condrón.

Condron/Thaler moved to deny the request from a resident to place three landscape boulders at the south end of Pinewood Drive (adjacent to Douglas High School). Motion carried unanimously.

**5. Introduction and discussion of a proposed interlocal agreement between the Town of Minden and Douglas County for Wholesale Water Service in the South Valley area (Ruhstroth/Fair Grounds). Appearance by Town Manager.**

Mr. Stephan introduced this item, saying that we need to proceed on this to make a decision and determine rates.

Mr. Van Alyne noted that this is a prelude to the Board decision; staff is asking for direction from the Board and requesting subcommittee to continue. Douglas County could currently tie into the East Valley connection at Amber way. There are some areas of concern in the rate structure

Mr. Condron appreciates the thoroughness of the document; it is detailed and as accurate as possible. Rate structure is crucial. He is willing to volunteer for the committee; Mr. Bernard said that he would like to be involved in the establishment of rates.

Mr. Thaler asked what the County's expectations are on timing for getting this approved.

Cathy Poole, Senior Civil Engineer in Public Works, said the County is looking for funding, and just got an extension until Jan 2013 to meet arsenic compliance. EPA gives a longer time to comply for smaller population areas. The project should start in June with engineering agreement. Mr. Thaler said that the biggest issue is creating the wholesale rate, and we do not want three different rates. Ms. Poole said that May should be fine, but we might need an interlocal agreement if there is funding given. Ms. Poole anticipates construction in June 2012 and pumping in Jan 2013.

Mr. Stephans said that all 5 Town Board members need to be a part of this. Agreement is a done deal; the issue is the rate structure. He would like to see Mr. Thaler, Mr. Van Alyne, and himself work on it, with their work communicated to the rest of the Board. He would like to have it done in March and have one rate schedule for all areas.

Mr. Thaler said that the methodology used last time was a mistake, we had depreciation in last agreement but no capital reserves set aside. This should be in the next agreement.

Mr. Scott said the capital budget for the previous agreement was funded by the sale of water rights and not reimbursed in the rate structure. The proposal coming forward is similar but does not address the capital cost or value of the capacity that would be utilized to go south. This does need to be addressed because there are no water rights sales.

Mr. Thaler said we are talking about wholesale water, planning for the future to rebuild the system in the future.

Mr. Scott said that one other difference was that in going north we sold only 10 million dollars worth of water rights instead of 12 million; in effect the extra capacity is a little shorter than we would have liked. If we can work through the process with a common rated structure it would make a lot of sense. The County is facing the issue of a small arsenic area that has to be dealt with, but a large pipeline will have to be built to deliver the water. There are no immediate demands for the County in the south other than meeting the needs of this handful of customers, but ultimately a large customer base in the south could be served.

Mr. Van Alyne said that we need to understand terms being used. The depreciation fund maintains system and the capital fund is used to fulfill future commitments. Copies of the Exhibits A & B from the previous agreements were not in the packet tonight but are available.

Public comment

Jack Van Dien suggested including the factor of possible water treatment in the future. Also, if delivering this water harms water well users by diminishing the water table, there may need to be a factor for possible mandatory hookup and compensation.

Robert McMillan referred to page 7, item 11, terminations: parties specifying the 30 days to correct the violation. Politicians cannot make decisions that quickly. Mr. Keele said that we have bypassed politicians with the dispute recognition mechanism that we have made part of this agreement, namely using judges to mediate the dispute. As noted in paragraph 17, only in last ditch effort would this need to be mediated because no water system serving a large municipal area has been allowed to be turned off that he is aware of.

Mr. McMillan also questioned how a wholesale distributor of water can charge connection fees, as that has been mentioned many times. Mr. Scott said that is one way for a capital budget to be funded, but that would not be part of this agreement. The entity selling to the retail customer would be collecting connection fees. Mr. Stephans said it is his understanding this is not the individual household but as a wholesaler it would be a connection to our main line with developments being annexed to Minden becoming retail customers of Minden

**6 Introduction and discussion of a proposed interlocal agreement for support services between the Town of Minden and Douglas County. Appearance by Town Manager.**

The purpose of this item is to introduce the agreement to the Board for discussion only. This agreement was first entered into in 1997. It is a basic document naming service providers. The agreement had a five year term with an automatic five year renewal. The County would like to re-implement this agreement; Mr. Van Alyne requested review of the document by a 2 member subcommittee.

Mr. Thaler questioned the need for a committee; it worked for ten years and why change it. Mr. Stephans agreed and asked the Board to give any comments or question to Mr. Van Alyne for the document to come back for approval in February.

Mr. Thaler noted the number of services the County provides us and said the bill for those services could be quite large. He would like to expedite the agreement.

Mr. Van Alyne said that he wanted to make sure the agreement covers everything and is consistent with what the Town needs. Under NRS, the County has to provide most of these services to the Town.

No public comment

Mr. Van Alyne requested that comments from the Board be submitted by January 21.

**IV. ADJOURNMENT**

Condron/Thaler moved to adjourn at 8:45 p.m. Motion carried unanimously.