



The Minden Town Board meeting was held on Wednesday, May 6, 2009, at 1602 Esmeralda Avenue in Minden, Nevada, beginning at 6:00 p.m.

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

Staff present: Greg Hill, George Keele, Trish Koepnick, and Bruce Scott

I. Meeting called to order by Chairman Sheets.

1. Pledge of allegiance led by Steve Thaler
2. Chichester/Thaler moved to approve the agenda as published. Motion carried unanimously.
3. Thaler/Stephans moved to approve the minutes of April 1, 2009. Motion carried unanimously.
4. Approval of vouchers
5. Public comments

Bev Giannopoulos spoke in approval of the Highway 88 roundabout landscaping, and expressed dismay about the Gardnerville DMV being closed. Ross said that the county revenue for DMV comes only when processed at the Clerks office at the Lake; revenue does not stay in Douglas County from the office in Gardnerville.

II. Staff Reports

1. Public Works: Greg Hill
 - a. Mr. Hill attended an arborist conference today.
 - b. Surplus equipment was sold last month without much revenue generated.
 - c. Mr. Hill has revised emergency action plan because of the new county connection, which is now pumping 1.3-1.8 million gallons a day to the East Valley system.
 - d. Well 1 will be finished when NV Energy receives the check to pay for the new service connection.
 - e. Letter has been sent in reply to the Carson Valley Water Subconservancy District. Bruce is concerned about the dissemination of information about the Town's water system from

this source as opposed to directly from the Town, and questioned their need for the answers.

- f. Highway 88 roundabout landscaping will be done by next week.
- g. Steve Thaler and Ross Chichester volunteered to sit in on interview with construction management representatives to determine if we want to pursue this direction. Greg will schedule this on either May 21 or 28.

2. Engineering Report: Bruce Scott

- a. RCI will be preparing binders on each capital improvement project; the one prepared for the County Road project was available for perusal.
- b. Wes Construction is now into the penalty phase with liquidated damages in regard to timing. They finally seem to be more motivated. It is hard to understand the lack of motivation; their contract deadline was May 5. The alley is tough work; they will be redoing the 10th St. tie-in and they will repave half of County Road.
- c. On the Gateway center we are working to get the owner of the property to make decent ingress/ egress for the sake of the Holiday Inn. Hopefully NDOT will push for this. George is working on a letter to this effect. The newest map shows county requiring access near the Hickey building, also striping by Arby's, with the requirements of NDOT still to be determined. Fire Department is ok with set up. Owner of the Holiday Inn is anxious to open and appreciates the cooperation of the town and county. It looks that a temporary C.O. will be issued on May 20. Developer has declared bankruptcy which we will be involved with at the creditors meeting.
- d. We are on the list for state revolving fund money which is a loan program to borrow for projects. We submitted for the stimulus package but will not have any chance for water projects. We might be able to get stimulus money for the next phase of the County Road project if NDOT determines that there is money available; we are ready to go to bid.
- e. There has been agreement on the situation at the Mueller Office building. Five of the present highway lights will be remain, and four will be removed. One already was taken out by a collision, two will be go into parking lot, and the fourth light will be a spare for the Town. The power source is still to be determined. Minden meter will be separate for the lights. Water connection will be terminated and relocated. Mueller will be responsible for the water bill and maintenance of green belt along 395.

- f. Regional drainage study by county staff, which we fully support, is moving forward. Street rehabilitation work is going well. Street sealing will include Hearthstone and they will reimburse the town.
- g. We are working with county staff on Manhard study, trying to move this process along, there will be another meeting soon to talk about the bigger picture.
- h. Streets are under discussion as a policy question; we are in concert with county standards on construction standards, but we need to deal with width, and whether we want private streets and alleys. Right now we do not accept streets that are too narrow even if they are built according to county standards. We need feedback to determine what our policy will be. We have determined we want things "Mindenlike", but need to define how to continue this. Design standards and guidelines not completed yet; Bruce Race might be able to give input as part of this question on streets. This is a good time to set the guidelines to be ready for the future. Greg said Hearthstone requested snow removal and crack sealing, they are willing to pay for time and materials. This fits in to policy question. We have historically worked with private streets on street jobs and reimbursement. This will be on next months agenda as a formal item.

3. Attorney Report: George Keele

- a. George is preparing a draft of letter concerning Minden Gateway bankruptcy, the main concerns being circulation on 88 and 395, signage, striping, access to Holiday Inn, and signage within the project itself. In Chapter 11 proceedings, general creditors have to wait their turn. The meeting of creditors has been advanced from June to May 22. George read prepared draft into the record, and it was approved for signature.

III. Discussion and possible action on presentation by Kathy Halbardier of the Community Assessment Program.

Kathy Halbardier gave overview of the community assessment program as funded by the county. There will be listening sessions with different factions in the community, trying to combine the master plan with community input to identify resources and what we as a community want to tackle. The goal of this program is to get community input to help the rural communities to understand their assets and grow their communities.

Beverly Giannopoulos asked for further clarification on who is involved and how it is funded.

Sandy Deyo believed it is a great method of obtaining a want list, with nothing to get the final product.

Lynn King thanked Kathy for the opportunity to speak and give people a voice.

Ms. Halbardier emphasized this as an attempt to try to bring resources to the community, and not leave the burden to the community. The final product will be a report, and the resource team will continue to be available. Mr. Sheets endorsed the program and looks forward to the final report.

IV. Discussion and possible action on changes to annexation procedure including but not limited to implementing a rate increase not to exceed \$500.00 per acre, or a fraction thereof, for the annexation fee.

The Board was presented updated annexation procedure paperwork, with the main question for the board being a rate increase.

Mr. Chichester noted that the rate had not changed from \$250.00 per acre in the entire 27 years he has been on the board, if not even longer. This fee buys the allowance for Minden to say that the property is valued within the town, and to actually make a commitment to the property, setting aside the assets of the town, guaranteeing services within the town: water, trash, streets (if not private). We do not force annexations. The rate needs adjustment for the inflationary factor of the commitment, and possibly should be adjusted periodically. John Stephans questioned connection to sewer; Town and MGSD do not annex without the other. What you are getting for annexation is commitment to municipal services; it is not a hard cost to the town, and it allows someone to work with the town while in the planning process.

Chichester/ Stephans motioned for fees for annexation to be adjusted to \$350.00 per acre with the draft ordinance (petition for annexation) being accepted as presented. Motion passed unanimously. Mr. Scott noted the need to adjust two numbers in the petition.

V. Discussion and possible action to approve, approve with conditions, deny or continue request for approval of Town of Minden Identity Theft Prevention Program.

Mr. Chichester spoke of the need to adopt a policy to protect citizens from identity theft. We have taken the county policy and mirrored the entire policy to adopt as our own. The county policy has been reviewed and approved by county commission and there is no need to do further research.

Thaler/Chichester motioned to approve the Town of Minden Identity Protection Program. Motion carried unanimously.

VI. Discussion and possible action: Approve, approve with conditions, deny or continue request to award recommended bid for the 2009 Street Sealing Project.

Kustom Koatings has always done a great job and is the recommended low bidder. We will pay for this project in this year's budget, with work to be done in June. There is no conflict with Wes Construction; we never seal anything just done, it is sealed the following year.

Chichester/Thaler motioned to approve the low bidder Kustom Koatings in the amount of \$68,871.73 to be reimbursed a certain amount for the private street seal coating for Hearthstone subdivision joint bid. Motion carried unanimously.

VII Discussion and possible action on Town of Minden water ordinance including but not limited to changes in relation to the Red Flag Identity Theft Compliance, and to ensure proper accounting treatment by the Town of payments it receives by allocating them correctly to accrued interest, late charges and past due principal as well as deleting from the ordinance language that no longer applies.

John Stephans addressed this item. We have attempted to update the ordinances and hope to have changes effective as of July 1, 2009. Discussion included noted changes including the change from 10% to 1% penalty per month on the unpaid balance and removal of the social security number requirement from the service agreement. Additional areas that need to be refined included the need to address the Towns' willingness to work with a financial hardship but to include a standard to exercise this discretion and define acceptable arrangements. Mr. Chichester suggested water being turned off unless customer sets up payment plan to provide the balance being paid in full within 90 to 120 days. Also, payment shall first be applied to late interest charges and the balance to the principal most in arrears, with our duty to apply payment properly being in the ordinance. Water to be served to other areas within the Carson Valley based on approved interlocal agreements with their applicable governing body authority. Section H(2)(d) concerning meter manifold or other approved method of separately metering usage where multiple users "or where the owners" of the premises are being served.

Steve Thaler suggested changing the reference to a numbered page and formatting accordingly.

Bruce reminded the Board that we are working on the rate structure resolution as a compliment to the ordinance.

Sandy Deyo suggested thinking about a higher amount as penalty.

Bev Giannopoulos wondered how to keep it equitable. George referred to the change in the ordinance that does not allow for judgments, but is standard procedure.

Stephans/Chichester motioned to approve the water ordinance as read and modified at the current board meeting to go to county commissioner at the first meeting in June and second reading two weeks later at the lake to be in effect by July 1, 2009.

VIII. Discussion and possible action on Town of Minden trash ordinance including but not limited to changes in relation to Red Flag Identity Theft compliance and to ensure proper accounting treatment by the Town of payments it receives by allocating such revenues correctly to accrued interest, late charges and past due principal as well as deleting from the ordinance language that no longer applies.

Mr. Stephans referred to changes in trash ordinance as noted in the draft that contains the same language as noted in the water ordinance in relation to the past due. There are other clarifications to update the trash ordinance and clarify the green waste program. Trash ordinance can reflect water being turned off if trash is unpaid.

Stephans/Thaler motioned in regard to trash ordinance to be reflective as just discussed and changed, along with the one percent per month for late fees, and changes to be reflective of what we did in the water, and to have readings at the first meeting of the

county commissioners in June and the second meeting at the lake and to be in effect as of July 1 of the new fiscal year. This would include any other word changes that we have discussed and agreed upon. Motion carried unanimously.

IX. Discussion and possible action on annual review of rental rates for the CVIC Hall and Minden Park, and of Street Closure rates taking into consideration increases or decreases, as applicable, of materials costs, labor rates, insurance rates and other factors since the last such review was conducted. Board action may include keeping the rates as they are or increasing or decreasing the rates by not more than 35% in each category, i.e. CVIC Hall, Minden Park, and Street Closures.

Mr. Stephans referred to the spreadsheets showing costs and proposals. We are proposing a 35% increase in rates with a 35% discount for Minden residents if they are current in water and trash payments, a 10% discount for non profit, including other area non profits, and no increase or decrease for Minden Park or Fortnightly Room. The objective of rate increase is to build a replacement cost fund.

Discussion included status of the balcony engineering, capacity level with the renters knowing that they are responsible for limiting the access to the first 290 people, looking at possibly increasing insurance liability limits, and Douglas County to continue as exempt from charge for non profit events.

Rate increase will be effective as of July 1, 2009, with all applications in with deposits honored at the current rate. Exception will be the theatre companies, with their current rate honored until the end of this calendar year. George suggested putting a footnote under nonprofit that says federal taxpayer ID required or commonly recognized 501(c)(3) organization. There will be no discount for benefits or fundraisers without a 501(c)(3).

Chichester/Thaler motioned to increase the rate for the CVIC Hall rentals by 35% with a 10 % discount to nonprofit, and a 35% discount to Minden residents if they are current in water and trash bills, to be effective July 1, 2009 with the exception of the theatre companies to become effective January 1, 2010. Motion carried unanimously.

X. Discussion and possible action: Approve, approve with conditions, deny or continue request for approval of 2009-2010 final budget.

Final budget is the same as tentative budget. Thaler/Stephans moved to approve the 2009-2010 final budget. Motion approved unanimously.

Staff Reports Continued

4. Board member reports:

- Chairman's report
 - a. Roundabout line of site is okay with Minden sign; it is being installed with breakaway posts.

- b. Mr. Sheets acknowledged the generous \$1500.00 donation from Fortnightly Club, which will be used to replace a broken round table.
- c. We have memorialized letter to Carl Ruschmeyer concerning the water connection with the county.
- d. Town will cosponsor the Park concert for May 29 with a donation of \$800.00.
- e. We will be setting up a workshop with Mr. Park to discuss the manager position, possibly on a Saturday morning. Mr. Sheets spoke with Darcy Worms about time frame for hiring.
- f. The county has changed original concept for incentive money of \$100,000.00 from refurbish to reinvestment in the downtown. Mr. Sheets asked for additional thoughts from the board concerning where to go from here with project list and possibility of resubmitting project list to the county.

Mr. Keele gave input about the Red flag identity theft program. Greg Hill and Trish Koepnick will be designated as the Town's representatives for training and oversight of the program.

- Board member comments:

Steve Thaler showed samples of the t-shirts that will be available for staff, with the possibility of availability to the public.

Chichester/Stephans moved to adjourn the meeting at 9:36 p.m.; motion carried unanimously.