



The Minden Town Board meeting was held on Wednesday, July 1, 2009, at 1602 Esmeralda Avenue in Minden, Nevada, beginning at 6:00 p.m.

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

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

I. Meeting called to order by Chairman Sheets

1. Pledge of allegiance led by Bob Hadfield
2. Hadfield/Stephans moved to approve the agenda as published. Motion carried unanimously.
3. Thaler/Stephans moved to approve the minutes of June 3, 2009
4. Approval of vouchers
5. Employee Recognition Award: Five Year Certificate for Service was awarded to Shane Mortensen. He is currently a Maintenance Technician II working on getting his backflow license and upgrading his water license to grade 2. Mr. Hadfield said that Shane is an outstanding representative of the Town; he is always very courteous and does job in a timely manner.
6. Public comments: None

II. Staff Reports

1. Public Works: Greg Hill
 - a. All construction projects are completed with one issue in the alley remaining to be resolved
 - b. Christmas lights for the gazebo will be changed to LED. They are 80-90 % more efficient and look like regular C-7 bulbs.
 - c. There have been problems in Westwood, particularly at the intersection of Mahogany and Longleaf Drive that occur during irrigation season. As the area has developed, different sizes of pipes have been installed; this results in drainage problems and flooding issues. Mr. Scott believes that the Town has a responsibility to help deliver the irrigation water and correct this situation. He recommended surveying what exists, identify any town responsibility to correct problem and potentially request that homeowners adjust the pipes, changing to a correct diameter.
 - d. Water delivery to county has been up to 5800 gpm total according to latest test. System is performing very well but we would not want to raise psi any higher. Restriction in delivery is from the Heybourne line to the county tank because of line size; all is working well on our end.
 - e. Well 1 upgrade is complete; work was mostly done in house. We kept original pump house. We are presently doing all the required sampling before the well can be put on line. Budget was \$100,000 and total cost was actually \$86,594.24 Bob expressed approval of the display of costs and would like to keep these kinds of records.

Minden Town Board Minutes

July 1, 2009

Page 2 of 6

f. There has been a request by a resident for a street light on Wildrose Street Lights are spaced unevenly between 4th & 6th with 642 feet until next light..

g. Martin Slough: Greg is training one of the newer employees in boat use and the new mower works well. Trudy from RCI is working hard, and is committed to getting the area the way it is intended to be. Greg wants to keep clear of algae this year.

h. Mr. Hadfield would like Greg to check into new technology where the speed a car is going is detected and shown on the speed limit sign. Also Greg will be fixing the crack in asphalt on Deseret. He also explained that the cracks at the water meters are a very susceptible area because of the inherent differential between the concrete and asphalt.

2. Engineering Report: Bruce Scott

a. Bruce requested to work with George on contracts for street and waterline projects. Wes Construction appears to be facing bankruptcy; we do have a 150% bond on the project. We are not releasing any payment directly to Wes but are working to get the suppliers paid also.

b. RCI staff is working on proposed contract to drill 2 test wells, one at the Booster pump station and one at the Ranch at Gardnerville. The test wells will give information to help in the design of production wells, and will help determine both water quality and water quantity. The cost estimate is between \$75,000 - \$100,000.00.

c. The Manhard study allows further distribution north, potentially to support Carson City. After the August 11 meeting with the county we will have more direction. Filings and permits will be in place; if we were to supply Carson City with water, the portion that we pump to them will come back to Minden as water rights.

d. Mr. Hadfield questioned the landscaping at the new admin building for the fire department, and was told that the landscaping will be fixed and the concrete will be replaced. He noted the taxes we are losing because this property was acquired by the county.

e. Brenda Stein reported that we have received the last easement for the 2nd phase of County Road. We were hopeful for stimulus money but that did not occur. Mr. Hadfield noted the importance of the project in relation to getting the ditch water away from our wells.

f. Mr. Scott met with Mimi Moss, Mahmood Azad and the Town of Gardnerville concerning standardizing street standards and will be bringing document back to the board.

III. Discussion and possible action to approve, approve with conditions, deny, or continue request for approval of purchase of canvas tent for town functions and other costs related to the Christmas in Downtown Minden kickoff weekend for an amount not exceeding \$5,000.00.

Roxanne Stangle reported that the Christmas committee has had two meetings and lots of brainstorming with some great new ideas for the weekend. She asked the board to consider buying a canvas tent with removable sides to be used for park rentals and allow the Town to see a return on the investment.

Among the ideas discussed as part of the Christmas weekend were Madrigals, High School Jazz band, pony rides, train, and of course Santa with photos. The intention is to have more events happening inside the CVIC Hall. The full high school band is here on Saturday and in addition to the annual crafts for kids we are looking at bell choir, Tumbleweeds Gym, dance studios, balloon animals, face painting. Each business on Esmeralda might do a venue in front of store. We would like to promote charity: Possible Pennies for pets would start in September; it would be a contest to guess number of pennies and win a prize. Also a food drive; buy a bag for charity with the chance to purchase the lucky bag that will win a prize. Calliope truck could also be there. The attempt is to make this a signature event for Minden, energize and revamp it. It will be called the Minden Weinstrasse, patterned after the German Christmas marketplace.

Thaler /Stephans motioned to approve the purchase of canvas tent for town functions and other costs related to the Christmas in Downtown Minden kickoff weekend for an amount not exceeding \$5,000.00.

Minden Town Board Minutes

July 1, 2009

Page 3 of 6

Motion was approved unanimously. Suggestion was made for John to wear lederhosen or be an elf for that weekend.

IV. Discussion and possible action to approve, approve with conditions, deny, or continue request by Valley Cruisers to extend for one additional year the 2008 cost share arrangement between the Town of Minden and the Valley Cruisers for the Main Street event held on Esmeralda Street and in the CVIC Hall on August 14, 2009.

Eric Neusel, the new president of the Cruisers introduced himself. He said there are always great comments from participant about the Minden venue and the show is featured in the AAA Magazine this month. He is asking for reduced costs for this year's event.

Mr. Hadfield supported the motion to approve last year because of a very difficult situation. He is fully cognizant that business is not as it should be and would like to help the local hotels by bringing participants to valley.

Hadfield/Thaler motioned that we continue the cost share arrangement for this year with the Valley Cruisers on the Main Street event. Motion unanimously approved.

V. Discussion and possible action: The design team from the C.O.D. Casino project would like the opportunity to present a status update on the progress of the project and re-introduce the project to the new board members. Additionally, the applicant would like to discuss with the Town Board the Town's willingness to participate in various improvement and maintenance costs associated with the project such as streetscape, parking lot, improvements to Esmeralda, utilities, landscaping and irrigation, signage, etc., subject to final board approval after a noticed public hearing that includes a fiscal note limiting the Town's financial obligations.

Bruce Scott referred to the letter from RCI (included with permanent record) outlining the history of the cost sharing agreement. The Town has paid for street improvements (curb, gutter and pavement) with the "behind the curb" area being the property owners' responsibility. The cost was deferred for improvements with the Town acting as bank. Sorely needed improvements on the street by the COD have been put off waiting for the development of the Hellwinkel property.

Mr. Hadfield wondered about the original commitments on Esmeralda Street and the fulfillment of them; he did not believe that a repayment scheme related to the street fairs was realistic, and the board did not keep a close eye on the whole situation.

Jeremy Hutchings and David Haen from Anderson Engineering gave a presentation on the project. They are attempting to start project in Fall 2009 and complete by Fall 2010.

Main sign will be on parking lot side, with reader board in the middle for community advertising. Improvements only front the casino and parking lot. The parking lot will be on the other side of 63 feet by 5 feet tall wall. They are proposing a cost sharing agreement for improvements with the Town based on the historic arrangement as well as new proposals for sharing, including 40% of the parking lot cost to be contributed by the Town. Handout from Anderson Engineering showing proposal is available as part of the permanent record in the office.

Board discussion included:

Mr. Hadfield saw no problem doing the street, but we can not set the precedent on the parking lot. Requirement of the parking lot is based on the business itself and it is private property. He totally appreciated the applicant's willingness to be the bank; the Town will not be a party to any private party agreement between merchants.

Mr. Stephans questioned the need for the wall; Jeremy noted that it is meeting the grading requirement for drainage. No variances have been asked for parking.

Mr. Sheets spoke of the need for consistency; he would like to see where the merchants are on the original agreement.

Minden Town Board Minutes

July 1, 2009

Page 4 of 6

Mr. Thaler questioned what happens if the project is not finished, thinks it is great for the downtown.

Public Comment:

a. Garry Leiss: He would also like Town to pay for his Copper Peak development parking lot. Actually there was a parking variance allowed for the COD project. He referred to a proposal from Mr. Tate concerning the casino in relation to Francisco's trash enclosure to as well as buying the property.

b. Bev Giannopoulos likes everything except the wall, thinks it is quite a barrier at five feet high and safety issue.

c. Dave Brady questioned where the cost recovery for the project is; encouraged looking at return on the investment. Mr. Hadfield said that the street part is the Town's responsibility; we have not fixed because we were waiting for a parking structure that was promised by the county. Mr. Brady said he was not representing the county; a public/private partnership needs to have return on the investment to the Town's residents. The public appearance is that we raise our rates and give away money.

d. Brenda Stein questioned if alley is in the pavement management system to be improved. It is not.

f. Alan Reed: He would like to see clarification on the public/private agreement for the sidewalks; he would be willing to go back and pay the additional costs on his property. Concerned if Robb does not know what Mr. Tate is doing with Francisco's, what will happen down the road as far as communication. He is extremely grateful to Town and county for help on his project. He has never been for the casino. Biggest thing never addressed is approximately 80-85% of all old underground petroleum tanks are leaking, their tanks have been replaced but what is the status of the leaking? State has a superfund that will provide assistance. He feels strongly about downtown Minden and a strong partnership in the community He is puzzled why Mr. Tate is not here? He is not for paying for the parking lot; he got a variance for parking spaces but no parking lot was built for him.

g. Robb Hellwinkel: He defended his working relationship and did not want to get into an argument. He has taken care of any clean up with the tank and records show that. Mr. Scott said that Minden has had a significant number of underground spills over the years and there are monitoring wells all around. All spills are cleaned up and closed.

Hadfield/Thaler motioned to rebuild Esmeralda Street as top priority in this fiscal year's street work as a part of and in conjunction with the COD project, and as a part of planned improvements to Town of Minden with the Town not participating as the bank or being a party to any private party agreement, subject to final Board approval after a noticed public hearing noting the Town's financial obligation.

Mr. Scott gave brief history of street work: In 1977 the town project rebuilt much of the water system, curb, gutter and streets in old Minden. We have been in a street monitoring program for 8-10 years; this portion of Esmeralda is past its useful life and is the most overdue candidate in old town since it was intentionally delayed.

Motion carried unanimously.

VI. Discussion and possible action to approve, approve with conditions, deny, or continue approval of slate of applicants for construction manager according to qualifications submitted in accordance with the Town's Request for Qualifications (RFQ) dated June 9, 2009. Approve, approve with conditions, deny or continue recommended short list of Construction Manager at Risk applicants to whom the Town will issue Requests for Proposals for Construction Manager at Risk services on the Town's new Buckeye Maintenance Facility. The short list will have been created by the reviewing committee and provided to the Town Board at the July 1, 2009, meeting for Board review. Copies of the scoring of applicants according to qualifications submitted will be made available to the public at the meeting.

Only Miles Construction and Q&D Construction submitted formal proposals and now we just need to interview these two firms. The subcommittee will make recommendation based on scoring and bring it to the board.

Hadfield/Stephans motioned to authorize existing committee to ask the two qualified parties of interest to put together a proposal and be interviewed by our committee and that our town engineer and Public Works director be a part of the project. Motion carried unanimously.

VII. Discussion and possible action to approve, approve with conditions, deny, or continue request to ratify by resolution the compensation increase that was approved in July 2008 for Minden Town advisory Board Members.

Mr. Keele noted that the County Comptroller would like to ratify by resolution for the record what is already in place.

Stephans/Hadfield motioned to ratify by resolution the compensation increase that was approved in July 2008 for Minden Town Advisory Board Members. Motion approved unanimously.

VIII. Discussion and possible action to approve, approve with conditions, deny, or continue request to approve amendments to Chapter 18.04.080 of the Douglas County Code to revise trash and garbage procedures for the Town of Minden and other properly related matters.

There are a few minor changes in the ordinance done by the county that Mr. Keele recommends for approval. He has worked with District Attorney's office to submit for final approval.

Hadfield/Stephans motioned to approve amendments to Chapter 18.04.080 of the Douglas County Code to revise trash and garbage procedures for the Town of Minden and other properly related matters. Motion carried unanimously. Mr. Keele thanked Mr. Stephans for all of his help with the process.

IX. Report on Minden's activities to assist Douglas County, other political subdivisions and residents in meeting federal drinking water standards and other properly related matters thereto.

Mr. Hadfield addressed this item. It is on the agenda for the benefit of the new board members. First of all we are in litigation but essentially we have taken the leadership role in protecting the water rights for the Carson Valley. It all started when they first learned that the tribe was looking at water allocation in the valley. This is the second time that the Town has been involved through money and personal time to protect these assets; the first was with the Carson Valley Water Authority. It is important for people to know that we have invested over \$400,000.00 of Minden's money to protect our interests.

The change in the federal arsenic standard issue has led the Town to be proactive in delivering water. The Town is in a leadership position understanding the potential ramifications to small water companies; it is in everyone's best interest to use resources collaboratively. This board has postured itself to do asset reallocation. We have water rights in this town for the growth of this town. We have set aside for any further growth needs. At the same time we assisted the county to help with their arsenic compliance issue. Under Nevada water law, water has no value if it is not used or if you can't use it. Unless you have a realistic plan for the use of your water, chances are they might be reassigned with no financial benefit for the Town. Asset reallocation is to take that water asset—which will still be our asset—and use it to serve the water to these other areas including Indian Hills and Carson City so that they can have safe drinking water. In the bigger picture there is a 15 million dollar capital improvement plan with the goal to be able to have redundancy and storage to meet our commitments. The Town residents should be proud of helping the people of this region have safe drinking water and knowing that the Town's asset is protected.

Mr. Sheets said a major component of this is looking to the future and putting into place a revenue stream so that the Town would never be dependent on some other agency to do the business of this Town, so that the Town can be the kind of Town that it always has been.

Mr. Thaler noted that the concept of water rights is hard to understand but very important.

Mr. Scott noted that we have been selling water rights to people for 5-6 years. Through those sales and connection fees we have been able to maintain our system and keep the rates very reasonable. He referred to Mr. Brady's comment that the public is liable to confuse the water rate increase with some private/public partner issues, and said that it is important to note that the 5% rate increase in water rates is less than the true costs of delivering that water. We would like to continue the process and insure the financial ability to

Minden Town Board Minutes

July 1, 2009

Page 6 of 6

do that. This comes from other resources related to the water that the Town has to exercise or might disappear.

Public comment:

Bob Pohlman: He read this morning in the paper that the fairgrounds area has arsenic problem. Mr. Scott said that work towards a solution is in progress. Mr. Keele said that the objective is to wheel Town of Minden water to the south. Mr. Pohlman questioned the Big George water purchase from Gardnerville. The Town did not turn them down originally but they ended up buying the rights from Gardnerville, who cannot deliver it, and we may end up pumping their water right. The more water we pump the better off we are because we are bringing in outside money to develop redundancy, better distribution and fire protection.

X. Discussion and possible action to approve, approve with conditions, deny, or continue request to approve, approve with conditions or deny Resolution Number 2009R-054 augmenting the Town of Minden Budget for Fiscal Year 2008-2009.

This is simply the formality of moving money as part of the final budget process for balancing the budget.

Hadfield Stephans motioned to approve Resolution Number 2009R-054 augmenting the Town of Minden Budget for Fiscal Year 2008-2009.

Staff Reports Continued

4. Attorney report George. Keele:

a. Three Town employees involved in the slip-and-fall incident have been subpoenaed to testify concerning this issue. There is a huge lawsuit against the manufacturer because of the properties of the paint.

b. Mr. Keele continues to interface with the Deputy District attorney concerning Minden Gateway. We are competing against liberal time frames because of Chapter 11. As far as clean up of the site, perhaps boy scouts or church groups could become involved; they would need activity insurance.

c. Mr. Keele spoke to various entities about the Minden fire station. Henry Dreyer said that parcels 1,2,3,4 are owned by Douglas County. Parcels 5 & 6 are owned by the Town of Minden. There is a crack between buildings that determines the boundary lines between parcel 4& 5. The time capsule is placed in one of the hollow bricks. According to Mr. Keele, the Town virtually owns one third of the building, and the lease has never been paid to the Town. The ultimate use of this property should be heading towards a resolution.

d. Peak Engineering is proceeding with structural analysis of the balcony; we need to continue to enforce the limits on the balcony. Final report will be issued probably within a few days.

5. Board members report

- Chairman's report and comments

Mr. Sheets confirmed the meeting to be held with the County Commissioners on August 11 at 6:00 p.m., and asked the Board to submit any items for discussion to him.

Mr. Scott will be gone for two and a half weeks in July. Mr. Keele will be gone from July 18th through July 28th.

Hadfield/Stephans motioned to adjourn the meeting at 10:05 p.m. Motion carried unanimously.