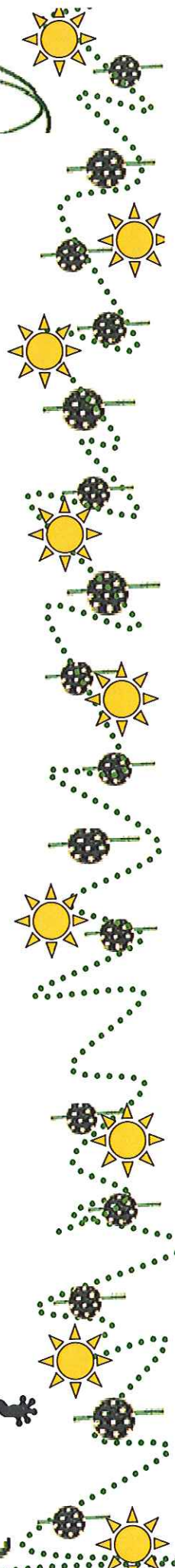
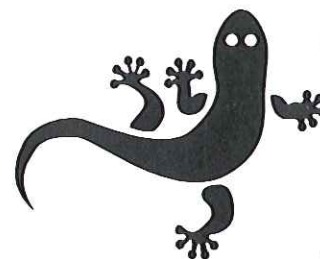
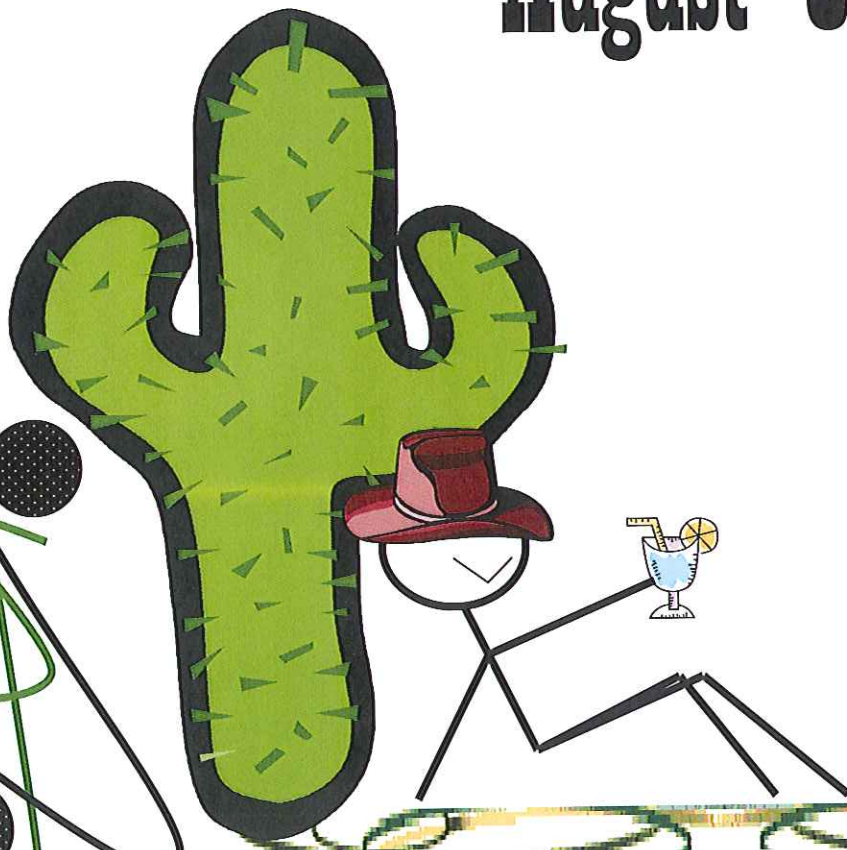




# Board Meetin'

**August 3, 2011**





The Minden Town Board meeting will be held at 5:30 p.m. on Wednesday, August 3, 2011, at 1602 Esmeralda Avenue, Minden, Nevada.

**NOTICE: NRS 237:** The Minden Town Board has adopted a Standard Policy No. 7, which contains a motion regarding Business Impact Statements. When the Town Board approves its agenda, it also approves a motion which includes ratification of staff action taken pursuant to NRS 237.030 et seq. with respect to items on the Board's agenda. This includes, without limitation, the conclusion that each rule, ordinance, or regulation which is on the Board's agenda is without direct and significant economic burden on a business or direct restriction on the formation, operation, or expansion of a business; and that each rule, ordinance, or regulation which is on the Board's agenda for which a BIS has *not* been prepared does not impose a direct and significant economic impact on a business or a direct restriction on the formation, operation, or expansion of a business.

**NOTICE:** to persons with disabilities: Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please contact the Minden Town Office in writing at 1604 Esmeralda Avenue in Minden, Nevada or call 775-782-5976 in advance of the meeting, preferably at least 24 hours prior to the meeting, so that the arrangements may be conveniently made.

**NOTICE:** Items on the Agenda may be taken out of order. The Minden Town Board may combine two or more agenda items for consideration. The Minden Town Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Copies of this notice and agenda have been posted on or before 9:00 a.m. on the third working day before the meeting at the following locations: Minden Administration Office, Minden Post Office, Douglas County Administrative Building, and CVIC Hall bulletin board.

5:30 p.m. Call meeting to order.

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF AGENDA**

**APPROVAL OF MINUTES:** July 6, 2011, 2011 Board Meeting

July 19, 2011 Special Board meeting

#### **ACKNOWLEDGEMENT OF GIFTS**

**ACKNOWLEDGEMENT OF SERVICE AWARDS:** Twenty Five Year Service Award

**PUBLIC COMMENT:** Discussion may be limited to three minutes per person at the discretion of the Chair. No action may be taken on a matter raised under this portion of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.

#### **CONSENT CALENDAR FOR POSSIBLE ACTION**

Items may be moved to or from the Consent Agenda at the beginning of the Board meeting during the Approval of the Agenda item, by a Town Board member or member of the public. Items on the Consent Agenda may be voted on in a block, i.e., with one motion on all those items, one second to the motion, and one vote by the Board members. Items removed from the Consent Agenda will be heard immediately following the Consent agenda in the same order set forth in the Consent Agenda.

1. Approve July 2011 claims
2. Staff reports: Items on the Administrative Agenda will not be discussed during staff reports.
  - a. Public Works: Monthly report of activities by Public Works staff.
  - b. Engineering Report: Discussion may include streets, sidewalks, drainage, water issues and related items.
  - c. Attorney Report: Discussion may include factual and legal aspects of the performance by the Town and its advisory board of functions granted to the Town under provision of Chapter 269 of the Nevada Revised Statutes, the Douglas County Code, the Town ordinances and policies. These items include, without limitation, streets, sidewalks, drainage, water rights, water distribution rates, and Chapter 237 of NRS. This item may include a report on the status of the Ninth Judicial District Court Order affirming Nevada State Engineer Ruling 5791 entered February 24, 2010.

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- d. Board member reports:
  - 1. Board member comments
  - 2. Chairman's report

**ADMINISTRATIVE AGENDA:** The following item(s) are scheduled for public hearing. At the beginning of each item, the Chairman will read the Agenda item into the public record. Next, Town staff will present a summary of the staff report and recommendation, including any updated information that was received after the date staff reports were distributed. The Board will follow with questions of staff, and then the Chairman will open the hearing to public comment including testimony. Normally, the applicant and/or their representatives are permitted to speak first, followed by Board questions, and then the Chairman will allow comments and questions from the public at large. For items on which action is taken, the Chairman will close the hearing of public comments before a motion is made and a vote is taken. The Chairman has the right to establish reasonable time limits for comments and allow for rebuttal comments.

1. For possible action: Discussion to approve, approve with conditions, continue, or deny a request for resident-only parking designation at 1596 Mono Avenue. Appearance by applicant Debbie and/or Dean Gleason.
2. For possible action: Discussion to approve, approve with conditions or deny a request to create a no-parking zone on Mahogany Drive just east and west of Douglas High School driveway. Appearance by Public Works Superintendent Greg Hill.
3. For possible action: Discussion to approve, approve with conditions or deny an interlocal contract between the Town of Minden and East Fork Fire and Paramedic Districts for the Lease of Real Property located at 1604 Highway 395 North, Minden, Nevada that includes the premises described as the lower floor of the Station #1 Annex, consisting of approximately 1920 square feet. The Premises do not include the fitness room or the second floor of the structure. Monthly consideration of \$0-\$879.92 may be discussed and acted upon as a part of this item.
4. For possible action: Discussion to approve, approve with conditions or deny a Memorandum of Agreement between the Town of Minden and Douglas County Nevada, for the Lease of Real Property located at 1604 Highway 395 North, Minden, Nevada that includes a 1,580 square foot, more or less, room that is currently being used as a County gym. Monthly consideration of \$0-\$1.00 plus exchange of services may be discussed and acted upon as a part of this item.
5. For possible action: Discussion to approve, approve with conditions or deny bid in the amount of \$980,256 by WNS by Western Nevada Supply to sell to Town of mIndnePVC pipe materials associated with the Lucerne Waterline Project.
6. For possible action: Discussion and possible action in the alternative: a) to re-bid the Buckeye Booster Station project at a later date; or, b) to approve, approve with conditions, or deny bid by KG Walters Construction Company Inc. in the amount of \$1,258,200 to construct the Buckeye Booster station per the Town of Minden's plans and specifications.
7. Not for possible action. Discussion on changes to the C.V.I.C. Hall rental policy as suggested by Staff and Town Board. Appearance by Trish Koepnick.
8. For possible action: Discussion to approve, approve with conditions, continue or deny the authorization to eliminate one Maintenance Technician I Position and add one Maintenance Technician II Position with a favorable fiscal impact for the Town's current budget.
9. For possible action. Discussion to approve, approve with conditions, continue or deny a request to augment Fund 639 Wholesale Water Fund for the purchase and installation of equipment to upgrade the Town's water system telemetry: Estimated cost \$115,000.00.
10. For possible action: Discussion and possible action on the process of filling, on a permanent or interim basis, the position of the Minden Town Manager.

**VI. ADJOURNMENT**



The Minden Town Board meeting was held at 5:30 p.m. on Wednesday, July 6, 2011, at 1602 Esmeralda Avenue, Minden, Nevada.

Board members present: Matt Bernard, Charlie Condrón, Roxanne Stangle and John Stephans.

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

The meeting was called to order at 5:30 p.m. by Chairman Stephans.

1. Pledge of Allegiance was led by John Stephans
2. Mr. Van Alyne noted the changes in the agenda to comply with the new open meeting law required by this year's legislature. Condrón/Stangle moved for the approval of the agenda as published.
3. Bernard/Stangle moved for the approval of the minutes of the June 1, 2011 Board Meeting.
4. Mr. Stephans noted that the vouchers and claims were in the process of being signed.
5. Acknowledgement of gifts: None
6. Acknowledgement of service awards
  - a. James Smith and B.J. Strauser have worked for the Town for ten years but could not be here tonight to accept service awards.

## II. PUBLIC COMMENT

Robert McMillan passed out a timetable for Douglas County as compiled by Robert Ellison. He encouraged the board to think outside the box, and offered the opportunity to tour the GE facility.

He is concerned by the county figures that make it appear that in the argument for the five cent gas tax, the County is making Minden look as though we are charging too much, but the truth is we have a very good street program.

Bob Pohlman will be presenting a petition to the County asking to pull bond and complete the work in Monterra. No one wants to take the responsibility of doing the work. The infrastructure should have been finished by 2007. He is hoping to have this on the County agenda and would appreciate support.

Beverly Giannopoulos appreciated the park decorations for the 4<sup>th</sup> of July. She sees that there is a brick front on the pillars and inquired if the year would be put on the pillars. Mr. Stephans said that we would research and determine which year (1905 or 1906); there would be a decision concerning the design.

Sandy Deyo suggested looking at the Town's annexation policy to have it allow for a way to enforce development matters in a timelier manner. The developer has benefits and we need to look carefully at the impact caused, especially if the development does not finish. Mr. Keele said that in Douglas County the annexation process occurs before the approval of the subdivision map which is prudent because of the services required. Mr. Scott said that when an annexation occurs the town starts collecting ad valorem tax based on the land value. In the past we have not had a problem with things being finished, but agree that we need to take a hard look at the process including the development bonding and possibly take the lead to have the town as a named insured on the bond, which would allow us to push forward to get the work done. There has been reluctance by the county to pull the bonds.

**III. STAFF REPORTS:**

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

a. Well 3 upgrade is almost done. Next month he will have a full report on the cost; is probably below 200,000.

b. The cracking of the pillars have been dealt with by adding a brick finish; he asked for input on lettering for the year.

c. Natgun painted the tank last week and it blends very well with the landscaping.

d. The Buckeye waterline was tested; he is very happy with the results. After flushing there was no chlorine residual. He will be submitting to state to put in service.

e. Work is moving fast at the maintenance facility; it is going very smoothly and we are very pleased with Q&D.

f. A transfer switch was replaced at the booster station.

g. We participated in the Carson Valley Day and Virginia City parades. BJ Streusel, Shane Mortensen, Trish Koepnick, and Amber Smith, along with their families, represented the Town.

h. Three employees took water distribution tests and we are awaiting the results.

Mr. Stephans invited visits to the new yard, asking requests to visit be coordinated with Mr. Van Alyne.

2. Engineering Report: Monthly report by Bruce Scott.

Mr. Scott said Ed James has been contacted to schedule a meeting before the next round of filing water rights, to assure that all entities involved have an understanding so there will be no protests. Churchill County is the biggest concern. We hope to have this meeting by the beginning of August.

There have been significant personnel changes at the county level. There will be a new engineer and manager that will affect our interface with the county. Hopefully we get off on right foot and improve the relationship.

We are proposing to go out to bid for the materials for the Lucerne waterline. That project is estimated at a little more than 2 million since some materials will be reimbursed as apart of the Booster Pump Station agreement with the County. We hope to be out to bid for the Buckeye pump station for the revised scale down.

Pipeline north has had a few wrinkles but are being worked out. There are concerns on the tight budget, material costs have gone up significantly.

Looking at what was done at Well 3, 800 gpm is impressive and the capability of the staff is also impressive. Greg's experience has been brought to the table and it really shows.

We have opened escrow on the land for the Heybourne Booster Pump Station; the lot line adjustment is the mechanism to create the parcel. It will go through the County process and hopefully close in one month.

Roxanne thanked Mr. Scott for always being available and answering her questions.

3. Attorney Report: Monthly report by Mr. Keele

Mr. Keele thanked Mr. Scott for the reference concerning the environmental work at the firehouse, which was done quickly and had favorable results. There is a microscopic amount of asbestos in the floor tiles.

With respect to issues raised by Mr. Deyo, Mr. Keele has witnessed several petitions respecting extensions for subdivisions, and they have been generally extended.

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He has worked with Mr. Bernard this month concerning lease and tenants for the firehouse and plan to bring back to the board next month.

Mr. Keele noted that he is exceedingly impressed by the work done at Jake's Wetlands.

Mr. Stephans expressed appreciation to Mr. Keele for his hard work over the years. Mr. Condron appreciates the history that Mr. Keele and Mr. Scott bring to the table.

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

Mr. Van Alyne noted that Douglas County has hired a new planning manager, Candace Stowell; he believes they are holding off on a finance manager until they fill the county manager position.

The Martin Slough Ditch design is estimated closer to \$9000.

The County is completely rewriting Chapter 12 and greatly appreciated the Town's input.

Mr. Van Alyne toured the Town operation with prospective new employee Dan Kistler and his wife Christine today. He has worked at the city of Oakdale, California; knows water operation very well and appears to be a good equipment operator.

NDOT work on Hwy 395 will be starting next week; the main work will start in the north with installation of ADA access ramps on 395 also starting. The curbing for CVI will be part of the contract.

**5. Board member reports:**

**a. Board member comments**

Mr. Condron said that we plan to meet with Gardnerville concerning Chapter 13 to address the wording for the Towns and bring back to the Board by September.

Mr. Bernard said there will be a late July meeting for Christmas kickoff weekend planning. The county has been very cooperative concerning the firehouse and there are two separate documents being prepared. He had the privilege of attending the last concert and accepted a plaque for the town.

**IV. ADMINISTRATIVE AGENDA:**

**1. Consent agenda: No items for the Consent Agenda.**

**2. a. Not for possible action. Presentation by Leadership Douglas County regarding the Douglas County 150<sup>th</sup> Anniversary Celebration. Presentation by Eric Schmidt, representative of the Leadership Douglas County 2011**

The Leadership class is assisting Douglas County with the County's 150<sup>th</sup> Anniversary Celebration. They are proposing a family fun day at Minden Park on October 1, 2011, which will include an outdoor concert and festival events. They propose to use the gazebo as stage, service organizations serving food and stand up barrels to eat at. He assured the board the park would be left very clean. There would be a game zone, historic walk, VIP tent along Mono with full seating and food for major contributors. Around the perimeter of park would be replicas of historical markers around Douglas County showing locations of the markers. They would have four portable restrooms and 2 hand washing stations. They will look at the possibility of closing some roads.

Ms. Stangle suggested activities to be conducted along 5<sup>th</sup> street rather than 6<sup>th</sup> as a safety measure.

Mr. Bernard suggested adjusting the hours earlier than 2-7 pm because it might get dark.

Public comment:

Mr. McMillan asked if they will allow booths in this event, as a representative of the historical society he would like to sell items and memberships. Mr. Schmidt said that there has been preliminary

contact with the historical society, as they are assisting them. Mr. Stephans encouraged that affiliation.

**b. For possible action. Discussion to approve, approve with conditions, continue, or deny a request to waive fees estimated to be \$200 for the use of Minden Park for Douglas County's 150<sup>th</sup> Anniversary Celebration.**

Bernard/Stangle moved to approve a request by Leadership Douglas County to waive fees estimated to be \$200.00 for the use of Minden Park for the Douglas County's 150<sup>th</sup> Anniversary celebration. Motion carried unanimously.

**3. For possible action. Discussion to approve, approve with conditions, continue, or deny a request for resident only parking designation at 1596 Mono Avenue. Appearance by Town Manager.**

Mr. Van Alyne said that tonight's item is actually not for action; it will introduce staff's evaluation and at the next meeting formal action will be scheduled. This request meets the two criteria established in the parking ordinance: it is within 100 feet of an office building and they do not have off street parking available to them.

Mr. Stephans referred to a denied request in 2003, and noted that there are areas painted green that are invalid. He questioned the status of the residential parking on 5<sup>th</sup> Street. It appears that the owners of this property chose to take away parking in alley. He cautioned against piecemealing residential parking and opening Pandora's box in this regard.

Mr. Condron was told that the final decision on this matter rests with the Town Board.

Roxanne is sympathetic to the situation but it is part of being a resident of small town Minden. She is concerned about green stripes all over town and the nightmare of enforcement.

Mr. Bernard noted that we could have a problem long term by allowing this. There is some inevitability of issues because of office use, and this is residential not disabled parking.

Public comment:

Marlena Hellwinkel noted that the curb on Mono across from the park was painted green as an experiment after the request to paint red; she suggested that the green there should go away. She agreed that we do not need green stripes all over town; this is unwelcoming and hard to enforce.

Bev Giannopoulos feels that people parking in front of houses is a part of living in the older part of Minden; green and red curbs are not friendly, and we want to be welcoming.

Sandy Deyo said that when you purchase a home if you make changes that impact the parking that is your problem.

This will be on the agenda next month for action.

**4. a. For possible action. Discussion to approve, approve with conditions, continue, or deny a request to: 1) reallocate budget of \$19,193 within Fund 630, General Fund for 2011-12 Street Sealing Project and 2) make fund adjustments to Fund 636, Capital Equipment and Construction.**

**b. For possible action. If the budget actions are approved, discussion to examine, award, continue, or reject bid for the 2011 Street Sealing Project to the lowest responsive and responsible bidder. Staff recommends Kustom Koatings, Inc., in the amount of \$89,192.96.**

**c. For possible action. If bid is awarded, authorize Chairman to execute Agreement for same. Appearance by Town Engineer.**

Mr. Van Alyne noted that the final 2011-12 budget provided \$70,000 for street sealing. The bids received were above the amount budgeted. It is necessary according to statute to fully fund this

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project and transfer the additional amount from reserves prior to awarding a contract.

Mr. Scott said that our street sealing program maintains 25% of the Town each year. This reflects the majority of work in Westwood with a little bit in Winhaven. Kustom Koatings does excellent work. This does not reflect any major rehab work, and he expressed concern about getting back on track with that.

Mr. Condron was happy to see Westwood on the list, as many areas there need help. The Board talked about delaying seal coating but believes we need to get back on track.

Ms. Stangle said that this is a great company to work with and totally supports them.

Mr. Bernard was told by Mr. Scott that the sand seal process done in Mackland last year will not be done. This is liquid and forms a better than fog seal; works well because we do not have heavy traffic on most of our streets. We are doing 90% of Westwood because the other 10% received a coating more recently than the rest of the Westwood streets.

The debris will be blown off the street before sealing. Greg suggested that we coordinate street sweeping prior to sealing.

Public comment:

Robert McMillan commented that he would rather see the whole neighborhood done even if this is less than 4 years.

Bernard/Condron moved to approve reallocate budget of \$19,193 within Fund 630 and make fund adjustments to Fund 636; award bid for the 2011 Street Sealing Project to the lowest responsive and responsible bidder, Kustom Koatings, Inc., in the amount of \$89,192.96; and authorize Chairman to execute Agreement for same. Motion carried unanimously.

**5. Not for possible action. Discussion on changes to the C.V.I.C. Hall rental policy as suggested by Staff. Appearance by Town Manager.**

Mr. Stephans hoped everyone has gone over the policy and asks for input from staff.

Mr. Van Alyne said that office staff deals with interpretations every day. This revised policy is not vastly different than what is in place. It is easier to follow, and takes a stab at public agency use clarification, as we have had a number of requests to waive fees for the use of the facility.

Mr. Stephans said the two ladies in the office are ambassadors of the town and he welcomed their input. He would like to see public agencies be limited to only those in Douglas County. His main concern is consistency.

Mr. Condron had spoken with Trish and Amber and sees his job as establishing policy and not getting into day to day decisions. This makes the position of the people enforcing the policy easier. Being fair and equitable can be difficult. He would like to see us get a good policy to stand behind and we could still make exceptions as noted. He would like to see us cover the hard costs regardless of who is using the hall.

Ms. Stangle would like to see the Board submit all of their concerns, to be addressed at the next Board meeting. The Board agreed to this with the deadline for questions and comments established as Friday July 22.

Public comment:

Beverly Giannopoulos asked for clarification of what was presented. This is a reorganization of the policy to make it easier to follow. Also there are some additions with the intention to maintain consistency.

Sandy Deyo said that regardless of policy, people should always have the right to come to the board.

**6. Not for possible action. Discussion on a 'Branding Plan' for the Town of Minden. Appearance by Town Manager.**

This a continuation of discussion on the challenge issued in April to describe Minden in 7 words or less. After an article by the Record Courier we now have 163 submittals. The question is now what will we do with this? He suggested the possibility of a branding plan; a brand is what they say about you when you are not around. He has included in the packet a draft branding plan; he asked that the Board look at this, get ideas and filling the holes. Get creative juices to stimulate thoughts.

Mr. Stephans suggested that we have more community involvement; we could have 3-5 people that sit down with the staff, narrow down to top 5 and get involved in how to market.

Mr. Condron said it is an opportune time to get people involved and come up with something that truly defines Minden.

Ms. Stangle said this is a good start and agreed that we need input from the community.

Mr. Bernard would like to take time to do it right and have community involvement. He has tried very hard to come up with a slogan that somehow ties in the history. He would like to see the logo we currently have tied in with the slogan.

Ms. Stangle will spearhead the effort with a group of at least five people and will report back next month.

**Public comment:**

Beverly Giannopoulos questioned this approach and thinks it seems piecemealed. First there was no deadline. A brand is a picture and a slogan is the wording. She believes that we need to get the brand first and then a slogan. Slogan idea was great, but the brand could be a totally different concept. Mr. Stephans said the brand is how to market the Town, not a picture. We already have a well recognized logo. Mr. Van Alyne said that it would be natural to take the logo and build on it.

Sandy Deyo said that we need to keep in mind that first we need to establish one goal.

**V. PUBLIC COMMENT**

Mr. Stephans said that this additional public comment is overkill, and will not be done at the next meeting.

Mr. McMillan said that Dangberg Ranch is now closed down as a state park He believes that the board should be aware that because there will be quite an expenditure required for maintaining this. Douglas County will probably ask Minden to support it and we should think about this.

**VI. ADJOURNMENT**

Condron/Bernard moved to adjourn the meeting at 7:40 P.M. Motion carried unanimously.



A special meeting of the Minden Town Board was held at 8:00 a.m. on Tuesday, July 19, 2011, at 1602 Esmeralda Avenue, Minden, Nevada.

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

Staff members present: George Keele, Trish Koepnick, Tim Russell, and Roger Van Alyne.

## **I. PRELIMINARY MATTERS**

Meeting was called to order at 8:00 a.m.

1. Pledge of Allegiance was led by Steve Thaler.
2. Stangle/Bernard moved for Approval of Agenda as published.
3. Public Comment: None

## **II. ADMINISTRATIVE AGENDA**

### **1. For possible action. Discussion to approve, approve with conditions, continue, or deny Town of Minden Water Policy concerning water dedication and credits. Appearance by the Town Engineer.**

Tim Russell said the historic practice was a four to one ratio, based on historic transfers with Bently. Larger blocks of water using a smaller ratio may make sense; there are better benefits to the Town for the future and may help potentially for use in the municipal water system and green belt.

Mr. Stephans noted our approach is critical to future development.

Mr. Condron asked if there is a limit to the amount of surface water rights that the Town should hold, if so maybe we need a sunset clause.

Tim said the surface water is all part of the Alpine decree; there is no risk of losing this water, and there is a potential to lease out to ranchers and downstream users. He does not believe that there is a limit on what we would want. Right now we have the equivalent of 7 acre feet. We could put them to use in the future in a municipal production well; what we have currently is not enough.

Mr. Thaler said surface water rights are seasonal, and we can only use during a block of time, but are beneficial for infiltration wells. Mr. Russell said an infiltration well is drilled near the river and acts as a draw on surface water instead of ground water as allowed by the state.

Mr. Keele asked if in times of drought the aquifer can be recharged from an infiltration well; Mr. Russell said this is unlikely but sometimes special arrangements can be made with the state.

Mr. Thaler said if we acquire a lot of surface rights, this could slow down development.

Mr. Russell said that the policy was framed to set a standard exchange rate for anything over 100 acre feet, leaving open for flexibility for smaller dedications. He favored 3.5 to 1 as the standard ratio.

Mr. Bernard wondered if there is a formula to use to establish a standard for the lease back rate, possibly based on the value of the water right. Mr. Russell said it would make sense that the lease is based on the availability of water, which is related to priority of the water right. Also, if someone can irrigate more there is a different value; one must also consider the use and the profit of the user.

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Establishing this can be quite complex, and there is a need to establish a standard so we can have a standard and not negotiate. There may be some industry standards that we can look at to get a base point.

Public Comment:

Mr. Keele noted (not speaking as counsel) that in this valley there are lots of leases made for nominal costs, and these would give false indicators if taken at face value.

Thaler/Condron moved to approve the water policy with 3.5 acre feet to 1 acre foot ratio of surface water for more than 100 acre foot increments; for more than 100 acre feet as we get more into the acquiring of surface water rights there may be amendments. Motion carried unanimously.

**2. a. For possible action. Discussion to approve, approve with conditions, continue, or deny a request by C.O.D. Casino (Developer) to dedicate surface water rights for a water service connection fee credit.**

**b. For possible action. Discussion to approve, approve with conditions, continue, or deny a request by C.O.D. Casino (Developer) to amortize payment for water service connection fees.**

**c. For possible action. Discussion to approve, approve with conditions, continue, or deny a request by C.O.D. Casino (Developer) to consider a cost share agreement for construction of streetscape improvements.**

Appearance by R. O. Anderson Engineering.

Mr. Keele advised the Board to read and discuss each item. Mr. Bernard noted that he will abstain from voting as he has a commitment in a private capacity to the interests of others through working for Mr. Anderson.

Mr. Anderson said that he appreciated the special meeting; he represented Comstock Investments.

2a. The applicant would like to provide the Town with 5.32 acres of water rights at a ratio of 4 acre feet of surface water rights for each acre foot of ground water in lieu of payment for the water right component of the water connection fee. Based on the motion from the previous item, it appears that they would need to revise this to a 3.5 to 1 ratio. It is the intention of the Hellwinkels to lease back and continue to use them for a nominal fee; if the Board chooses not to lease back they would still make the dedication.

Mr. Anderson believed that this arrangement would be beneficial to both parties; the Town would have ownership and control and the rights would be leased back to the Hellwinkels to use for a productive purpose. All operation in relation to the use would be the responsibility of the lessee.

Mr. Condron said it is obvious we need to do research to establish a rate in accordance with historical data; we would deal with this administratively and not as part of this motion.

Mr. Stephans would hate to see property dry up and he believes that it is a win-win to keep the property green.

Public Comment: None

Condron/ Stangle moved to approve the request by the C.O.D. Casino and developer to dedicate surface water rights for water service connection fee credit. Motion approved unanimously with Mr. Bernard abstaining.

2b. Mr. Anderson gave the background on how the current calculations for the water connection fees were arrived at. Mimi Moss from Douglas County Community Development's department has worked diligently and the building permit could be picked up this week; Mr. Tate is asking to amortize the water connection fee over a three year period with a 2% interest rate to make the project affordable and get it underway.

Mr. Thaler said he struggles with this because it is new ground; there would be some benefit to the Town, depending on interest. Not sure if we want to get into the banking business, and the biggest

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concern is opening a Pandora's box; where does it end with any major project asking for the same, and how can we not appear prejudicial? He asked if this is a deal breaker; if we say no to the amortization will the project die?

Mr. Anderson said this is a risk for every decision when it is the first time being asked. It would be beneficial in this economic climate to reach a mutual goal; the Board saying no would probably not tip it over, but saying yes would be very helpful. The partner requesting has a longstanding history that would be different than a new developer requesting this. In the interest of the community, the casino and bakery will employ local people and taxes alone will increase an estimated \$50,000 per year. The amortization is being requested mostly because of the very high costs for sewer and water fees.

Mr. Stephans questioned why only the Town as the water company was being asked for the amortization; why not MGSD also? and how can \$150,000 be a deal breaker. Mr. Anderson said that they were told that the sewer district would not consider it, but they were hoping that the Town Board might be more sensitive to the business community. \$150,000 will not stop the project but will change the course of the project to gain the cash flow; they would like to proceed and get the project rolling.

Mr. Condron asked if there is any way to define this application as being a one time decision and not be carried forward in the future.

Mr. Keele said that we have observed Douglas County over the past 2.5 years taking a reasonable approach, including phasing of subdivisions. The County has essentially recognized impossibility as a reason to make an adjustment. In the case of another casino in the area, we have made concessions that were not mandated. This is the non kiosk way of developing; this is why real live humans serve on the Board to exercise discretion. One must determine with appropriate discretion as well bear in mind the burden of precedent. To answer Mr. Condron, yes you may make findings and support each finding that supports this as a discreet one time circumstance that may or may not be repeated. August 2nd and the deadline of the federal government may be a reason alone because of the federal budget issue.

Mr. Russell said that only one time in the past has Douglas County allowed an amortization of sewer fees over a three year period; it is the only incident he knows of any local utility allowing this. Also, note that the C.O.D. does get a lower rate because of historical district rate.

Mr. Keele said recognizing that it is hard to get financing these days, it mitigates the burden of getting the financing at once. We don't have evidence that Mr. Tate cannot pay off the connection fee; that is a discretion issue. We do not want to discriminate against someone who can pay, but we need to maintain a level playing field during an economic crisis.

Mimi Moss said that the example of amortization given by Mr. Russell was in a redevelopment area. The County is grappling with these kinds of requests also, and trying to treat everyone fairly as some systems are better off than others. Based on what Mr. Keele said, if the Board was to support the request and use it as a finding for existing historic properties in downtown Minden, that would be appropriate in this case.

Mr. Anderson introduced Scott Tate, the developer of the C.O.D. Casino. Mr. Tate said that if the Board refuses the request it won't crush the deal, but we are talking about time issues; he is asking for support to move forward with the project now and get people working. He understands the Board's concern, but as a developer he found the water and sewer fees astounding as opposed to other areas.

Mr. Thaler questioned why they do not approach MGSD. Mr. Tate said they have asked and were told to not even try; they would be wasting their time. He believes the Town wants this to move forward and he is not begging anybody to do anything.

Mr. Thaler said Mr. Tate had mentioned twice that Minden is interested in this project going forward, but Douglas County is not, and he wondered what the obstacle with Douglas County is.

Mr. Tate said he will not bash Douglas County, but that he does not believe that they are motivated. Also, he was not able to get an idea on fees until plans were drawn, and the right to hookup is in excess of 15% of project.

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Mr. Stephans said the Town of Minden has shown that we are concerned about the project because of our action on water rights; we have demonstrated in last 20 minutes that we are backing this project, but there is a concern for the precedent set here, and it is hard to say this is just one time.

Mr. Anderson clarified that Mr. Tate's characterization of Douglas County is actually in respect to the sewer, not Douglas County, whose staff has been working diligently on this. They do recognize and appreciate what the Board did in regard to surface water rights; there has been a joint effort to look at costs and make the project more feasible.

Mr. Thaler said financially there is no reason why we can't do this, it is not a deal breaker for us either, but it becomes a policy issue for us; his biggest concern is prejudicial value and if it is best for the Town of Minden.

Mr. Keele said that Ms. Moss identified that in the Minden Plan for Prosperity, the preservation of the C.O.D. historic building is one of the elements. What he has heard Mr. Tate say is if they are granted this request they would have available cash flow to move forward immediately. This element distinguishes it from every other development in town and would be hard to replicate in the future.

Public comment:

Bill Souigny said that he has lived here 43 years and believes that the policy the Board is developing is critical. He supports facilitating a level playing field and assisting private development, not sponsoring an individual project. He supports allowing amortization and other considerations for a district rather than as an individual project; he believes this is allowed as special assessment district.

Thaler/Condron moved to approve request by the C.O.D. developer to amortize the payment for the water service connection, noting that it is in the best interest of the Town and the project, and although worried about other projects, it is our job is to assist business in a case by case basis. The biggest complaint that Mr. Thaler gets is the high cost of starting a business, and he wants it to go on the record that Minden supports business. With the preservation of the historic C.O.D. building this approval would assist in the achievement of the Minden ordinance known as the Plan for Prosperity.

Mr. Stephans recapped the motion: we will amortize the connection fee, there will be a 25% down payment, 2% interest on anything that has not been paid, adjustable based on any change to the current commercial customer connection fee charges of the Town; this action is intended to aid the preservation of a historical building. Motion carried with Stangle voting in favor, Stephans voting against and Bernard abstaining.

2c. Mr. Anderson said that this is a sensitive subject; he truly appreciates the expenditure by the Town along Esmeralda. It is a condition for development that Mr. Tate does improvements on Esmeralda and along the frontage of the parking area on 2<sup>nd</sup> and 3<sup>rd</sup> Streets. The cost of the work is estimated at \$198,500. Historically, the Town has absorbed about 90% of the cost of these improvements in the past. Mr. Tate had agreed to the improvements but did not anticipate these costs, and they are asking that the Town consider accepting responsibility of the costs for reimbursement of approximately 50% of the total cost, for an amount of \$99,250. He felt that the Town should agree to this because it is very positive for the Town. In addition to getting the building complete and the great length they have gone to save the building, there will be a completed downtown core. The Town would benefit from the employment, property taxes, licenses and sales tax paid annually.

Mr. Condron said that he could support the concept but it goes back to budget balancing. It would be fiscally irresponsible with the water lines and maintenance facility commitments. It is not an appropriate time to make this decision outside of the budget process.

Mr. Thaler did not see how they would not have known these costs when they committed to them originally. Mr. Anderson said it was significantly more than anticipated, and although they did commit to it he felt that it is inequitable to ask them to pay 100% when the Town previously paid 90% of the cost for the other businesses on Esmeralda. The work would most likely be in 2012 and payback could be favorably considered in 2013.

Ms. Stangle said for the record that all the same cost-share agreement was offered to the C.O.D.

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property at the time of the original improvements, and the property owner declined at that time.

Mr. Van Alyne clarified that ten years ago the Town had offered a beautification project to all the downtown businesses; none were done as a condition to the development of a project.

Mr. Condron said that it would be appropriate to extend the opportunity, but that they should ask us this again in the spring to be part of the budget process.

Public comment: none

Condron/Thaler moved to deny the request by the C.O.D. Casino developer to consider the cost share agreement for the construction of the streetscape improvements. Motion carried unanimously with Bernard abstaining.

### **3a. For possible action. Discussion to approve, approve with conditions, continue or deny a request by The Ranch at Gardnerville, LLC, (Developer) to allow connection fee credits for dedication of surface water rights**

Mr. Bernard excused himself as he has a commitment in a private capacity in the interest of others as he works for Mr. Anderson.

Mr. Anderson said that he is asking the Board to consider the unique nature of this request as related to the recently approved policy. This offers the Town 181 acres of surface ground to consider at a 3-1 ratio as opposed to the recent 3.5-1 ratio for credit towards water connection fees, with the basis for the request being that it is a large block as opposed to a small dedication of water rights. These rights have good priority value; they are out of the East Fork which has greater drainage and greater flows, and the lease back at \$1,000 per year would be used for agricultural purposes. The equivalent value at a 3-1 ratio would be about \$2100 per acre foot using the Town's connection fee rate for the water right component. This will allow the Ranch at Gardnerville to go forward and make connections for the purpose of building, offsetting the costs for connection fees. It is a win-win situation for both the Town and the developer.

Mr. Russell noted that the evaluation that was provided by Mr. Anderson is based on the 50% discount that the Town provides for the water right portion of the connection fees. Even considering that the actual value of the water rights themselves is double that, the 3.5 to 1 ratio is still a discount from the normal fees.

Mr. Condron said that with the recently adopted policy, we have the right to negotiate this rate if it is over 100 acre feet. Should the lease-back also be worth more because of the value of these rights? Mr. Anderson said that is a good question.

Mr. Thaler inquired how the lease-back of \$1,000 per year was arrived at. This is less than a dollar an acre foot. Mr. Anderson said the value is negotiable; from a farming standpoint it must make economic sense.

Mr. Thaler asked if there is a fair market value for this much water for lease-back purposes. Mr. Russell said that would have to be researched

Mr. Stephans noted the value of keeping the valley green and the willingness that the Town showed earlier to work with business. He felt that we can come up with the value of the lease-back later.

Mr. Anderson said that the lease amount will be the net of all fees with the lessee responsible to pay the water master fees.

No public comment.

Thaler/Stangle motioned to approve the Ranch At Gardnerville's request of surface water dedication in lieu of the water right portion of the connection fee pursuant to the Town water policy at a ratio of 3-1 and approve a lease-back of the surface water to the Ranch at Gardnerville at a rate to be determined at a later time. Motion carried unanimously with Bernard abstaining.

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**3b. For possible action. Discussion to approve, approve with conditions, continue, or deny a request by The Ranch at Gardnerville, LLC, (Developer) to defer installation of the final pressure and flow control valves at the Town of Minden's connection to the Gardnerville Town Water Company's water system.**

Mr. Bernard excused himself as he has a commitment in a private capacity in the interest of others as he works for Mr. Anderson.

Mr. Anderson said that the request by the applicant is to defer installation of the valve between the two Town systems and provide a temporary valve network so that the control valves and meters could be put in at a later date. This is an improvement that was otherwise required by Phase One. There is ample fire flow protection available; 56 units could be constructed before this improvement is implemented. Mr. Russell said that there is no emergency backup but there is no liability as we can always manually open the existing connection between Minden and Gardnerville.

No Board questions.

No public comment.

Condron/Thaler moved to defer the installation of the final pressure and flow control valves at the Town of Minden connection to Gardnerville Water Company system for the Ranch at Gardnerville LLC until Phase 2C. Motion carried unanimously with Bernard abstaining.

**4. a. For possible action. Discussion to approve, approve with conditions, continue, or deny a request by Heartstrings Art Gallery to approve a street closure on First Street from 8:00 a.m. – 4:00 p.m. on July 30, 2011, for a "Thriving Artist" art show Discussion may also include allowing the First Street closure once a month for similar events through fall of 2011.**

Lee Lewis spoke representing the Carson Valley Arts Council as a Board member and volunteer; she is not representing a private business. Mr. Keele said that upon determining that Ms. Lewis is representing the Arts Council and not a private business, this item can be approved for the Arts Council under her name, and she would sign the documents as applicant.

Ms. Lewis said that this is an art show that gives space to local artists; all profits are given to the Arts Council. She will not be materially affected and she has nothing to gain; she is not showing her own work.

It was noted that a request by the Arts Council to close the street had been formerly approved; the approval of the residents in the vicinity is needed for this event.

Stangle/Thaler moved to approve the request by Heartstrings Art Gallery to approve a street closure on First Street from 8:00 a.m. – 4:00 p.m. on July 30, 2011, for a "Thriving Artist" art show, as well as a once a month closure through the fall depending on weather with the proper permits. Motion carried unanimously.

**b. For possible action Discussion to approve, approve with conditions, continue, or deny a request by Heartstrings Art Gallery to waive the street closure fee for the closure of First Street from 8:00 a.m. – 4:00 p.m. on July 30, 2011, for a "Thriving Artist" art show. Discussion may also include waiving the street closure fees for similar events once a month through fall of 2011.**

Appearance by Lee Lewis.

Mr. Keele clarified that Ms. Lewis is requesting the waiver on behalf of the Carson Valley Arts Council. Ms. Lewis said that this will allow them to make the booth fee affordable, with all of the booth fees will going to the Arts Council.

No public comment.

Thaler/Condron moved to approve the request by Heartstrings vis a vis Carson Valley Arts Council for the waiver of the street closure fee for the closure of First Street from 8:00 a.m.-4:00 p.m. on July, August, September, and October 2011 for a Thriving Artist art show, being sponsored by Carson valley Arts Council. Motion carried unanimously.

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### **5. For possible action. Discussion on acceptance of the resignation letter of Minden Town Manager Roger Van Alyne, and authorizing severance pay in the amount of \$8000.**

Mr. Condrón said that he would be abstaining from this vote as he felt he had not been given access to information that led to this action. He would not comment on what information he was referring to.

Mr. Thaler said that it is clear what is before them and he was perplexed by Mr. Condrón's comment.

Mr. Keele advised that as the agenda item is in the conjunctive; both must be acted on at one time. If there is a majority vote against the \$8000, this matter could die; Mr. Van Alyne is an agent unto himself, and unless there is a contract to enforce, inaction not to approve would leave Mr. Van Alyne to his own council. This item could be re-noticed separately and appropriately and heard at the next Board meeting.

Under instruction from Douglas County, Mr. Keele said he has refrained from speaking to Mr. Van Alyne about this and has no substantive information about this item.

Mr. Thaler said this issue should probably been split up and this bootstraps us; we could continue to a future time and act on it separately then.

Public comment:

Bill Souigny urged the Board to approve this item and saw no advantage in delaying a personnel item that needs to be addressed, and felt the \$8,000 was reasonable.

Thaler motioned to continue this item until the August meeting and divide into two motions: 1) to accept the resignation and 2) a decision on the severance pay. Mr. Van Alyne would have to pack up and go back to work and probably Mr. Condrón could get his questions answered.

Mr. Stephans noted that in that case the gag order would still be in place and affect any fact gathering.

Ms. Stangle said that she did not believe that is this fair to ask Mr. van Alyne to stay on another two weeks since he has tendered his resignation.

Mr. Bernard said he had hoped to take care of this today; this is a conundrum to have the two items tied together and possibly with Mr. Thaler's approach, Mr. Condrón's concerns can be answered. Mr. Bernard has received phone calls concerning the severance pay and would like to discuss and vote separately.

Mr. Thaler suggested the option of putting Mr. Van Alyne on Administrative leave and deciding this separately at the next Board meeting.

A break was held while Mr. Keele conferred with Mr. Stephans and Mr. Van Alyne privately.

Upon returning, Mr. Van Alyne said that it has been his privilege to be the first Town Manager of Minden, and he would appreciate the courtesy of acting on this item today.

Mr. Keele noted that the Board could act on the motion as it sits, or entertain another motion. Thaler's motion died for lack of a second.

Putting his motion back on the table, Thaler moved to continue this item until the August meeting to be looked at separately, and look at the possibility of putting Mr. Van Alyne on paid administrative leave until that meeting with the hope that Charlie's concerns could be answered.

Mr. Condrón rescinded his abstention from voting, and Mr. Thaler rescinded his motion.

Condrón/Bernard motioned to accept the resignation letter of Minden Town Manager Roger Van Alyne and authorize severance pay of \$8,000. Mr. Keele advised that this is a majority vote. Motion passed with Stangle voting in favor and Thaler/Stephans voting against.

### III. ADJOURNMENT

Condrón/Stangle moved to adjourn the meeting at 10:44 a.m. Motion carried unanimously.