



Board of Trustees
Minutes of Regular Meeting
Tuesday, February 3, 2009
7:00 P.M.
Board Room
Minden-Gardnerville Sanitation District
1790 Hwy. 395
Minden, Nevada

Board Members Present:

Jerome Etchegoyhen
O.P. Brown, Jr.
Michael Henningsen
Ronald Wilcks
Mark Dudley

Staff Members Present:

Frank Johnson
Sarah King
April Burchett
Bruce Scott
Bill Peterson
Janine Prupas

Others Present:

Board Members Absent: None

Meeting called to order at 7:00 p.m.

Claims Review and Approval -- The claims were reviewed by the Board and questions were answered by Frank Johnson, April Burchett, and Bruce Scott. **Motion by Michael Henningsen to approve the claims for January, 2009 in the amount of \$481,341.48, and to approve the claims paid during January, 2009 in the amount of \$81,172.47.** Seconded by Ronald Wilcks. Motion carried unanimously.

Minutes of January 6, 2009 – The minutes of January 6, 2009 were reviewed by the Board. **Motion by O.P. Brown, Jr. to accept the minutes of January 6, 2009.** Seconded by Mark Dudley. Motion carried unanimously.

Public Comment— There was no public comment.

Attorney-Client Conference – Bill Petersen recommended not proceeding in the litigation against Granite Construction. He stated MGSD's case was based on circumstantial evidence which was basically that the debris was discovered in the manhole about eight to ten months after the completion of the project and that the roundabout project was the only construction project in the area. In addition, Bill also reported that the NDOT inspector is testifying that there was debris in the manhole prior to construction, that he had been at the job site every day, no debris had been dumped in the manhole by Granite Construction, and that provisions were in place in the manhole to collect any debris. Bill stated that Granite Construction is also claiming that the asphalt could have flowed downstream from another construction project. Frank Johnson stated that no one had contacted him to attend a preconstruction



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meeting. He found out after the fact that the roundabout was done and the manhole was not replaced to MGSD's standards. Bill stated the only option was to question the inspector's credibility and discount his testimony. Mark Dudley suggested that it may not be worth pursuing the litigation any further as it would cost MGSD more money than would be awarded. Bruce suggested that MGSD could be more proactive in the future by inspecting lines prior to a project. Frank suggested an ordinance that required only MGSD personnel would be permitted to open a manhole. Bill said that could be done but Bruce stated that NDOT could invoke the Encroachment Permit to negate the MGSD ordinance. Discussion followed about locking the manholes or having inspections, cleaning and TVing performed by MGSD staff and Hydrotech as soon as MGSD finds out about a construction project. **Motion by O.P. Brown Jr. to give MGSD legal counsel the authority to settle the litigation with Granite construction or to get it dismissed.** Seconded by Michael Henningsen. Motion carried unanimously.

Engineer's Report – Bruce Scott stated construction on the Minden Gateway Center was on hold except for the Holiday Inn. The Inn needed an entrance to Hwy 88 and also sewer, water and fire service to complete the project. Frank is working with the contractor for the Holiday Inn to complete the sewer service issues.

District Manager's Report (see attached report) – Frank reported on Item 6 of the District Manager's Report regarding the lien fees that a customer requested be waived as they stated that they had never received the bills. Bill Peterson mentioned that the ordinance says the bill goes to the last known address and so the burden is on them. Jerome also stated that the owner is responsible for the sewer fees. April talked about her conversation with the customer and it was agreed that the lien fee would not be removed per the ordinance. The Board directed Frank to write a letter and have Bill approve it explaining this to the customer.

Frank talked about EDU's allocated during the current fiscal year and said that we were only 13 down from this time last year. Frank mentioned that we still have a few EDU's pending.

Discussion followed regarding the balance in the Pool Account and what would be left after KG Walters and HDR Engineering were done

Frank talked of the problem of weed control. In the last 5 years it has cost MGSD about \$16000.00 for Douglas County to come out and spray for weeds. Frank stated that they tend to come later in the season after the weeds have already started to grow, and he felt that MGSD could do a better job of weed



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abatement if the equipment was available. Frank will look into budgeting for the necessary chemicals and equipment to complete the weed spraying.

Discussion followed regarding the status of the grease digestion and power cogeneration studies. Bud asked if the gas generated would be comparable to what we are getting right now. Frank's stated the gas would be the same but we would have a lot more gas.

Secretary's Report - April talked about the Board's next salary increase and she mentioned she had listened to the disc of a past meeting where Leonard Anker had not wanted the board members to have another raise until they had all finished a term, which would be the end of 2010 after Mark Dudley's full term. Bill Peterson stated they could change the motion but did not recommend it at this time.

April brought up that John Harris is retiring after more that 30 years and wanted the Board to have a chance to think about what they would like to do for him for his retirement.

Bud wanted to know the status about the Board photos and April informed him that she is still researching acquiring past photos.

Meeting adjourned at 8:25 p.m.

Approved _____ By _____
Date