

**SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT
WASHOE COUNTY, NEVADA**

TUESDAY

4:00 P.M.

OCTOBER 25, 2005

PRESENT:

Bonnie Weber, Chairman
Bob Larkin, Vice Chairman
Jim Galloway, Commissioner
Pete Sferrazza, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel
Paul Orphan, Engineering Manager

ABSENT:

David Humke, Commissioner

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, and conducted the following business:

05-53STM AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that the agenda for the October 25, 2005 regular meeting be approved with the deletion of Item 4, changing the STMGID Board of Trustees meeting time, because the time certain had already been changed to 5:00 p.m.

**05-54STM REIMBURSEMENT REQUEST – DOMESTIC WELL DEEPENING
– JOHN AND PATTI MINABERRY – APN 150-250-20**

Paul Orphan, Engineering Manager, said the STMGID Local Managing Board (LMB) recommended the request by John and Patti Minaberry for reimbursement for domestic well deepening at 5871 Mt. Rose Highway, APN 150-250-20, be approved at 70 percent in the amount of \$5,120.93.

Patti Minaberry, property owner, requested 100 percent reimbursement for digging 100 feet, because everyone else around them with the same problem in the same time period had received 100 percent reimbursement.

Mr. Orphan stated the recommendation from the Well Mitigation Hearing Board was that STMGID was responsible for 75 percent of the drawdown due to pumping of STMGID 6 and the LMB recommended 70 percent.

John Minaberry, property owner, addressed the Board regarding his negotiation with the water purveyor.

Steve Cohen, STMGID LMB Vice Chair, said STMGID was paying 100 percent prior to the Well Mitigation Board. He stated the Well Mitigation Board looked at other factors such as drought and the pumping of other domestic wells, not just municipal wells. He discussed the details that led to the LMB recommending a 70 percent reimbursement.

In response to Commissioner Larkin, Mr. Cohen replied the LMB arrived at 70 percent, which was halfway between staff's recommendation of 66 percent and the Well Mitigation Board's recommendation of 75 percent. He said the Well Mitigation Board had been functioning long before receipt of the Minaberry's application, but he did not know what staff told the Minaberrys. He said the LMB never looked at exact numbers, only percentages of blame. Mr. Orphan stated the total cost for the deepening was \$7,315.61.

Commissioner Galloway commented some judgment must be made regarding how far a property was located from a well and still claim impact when the water level in the whole area may be going down. He said the impact ought to be less the further away a property was and the more people between the property and the utility.

In response to Commissioner Larkin, Mr. Orphan said the Well Mitigation Board arrived at the percentage by taking into account individual and municipal well pumping, drought, and age and condition of the well. He said the Board assigned percentages to the different factors; and, in this case, they assigned 75 percent to the municipal pumping and the other factors combined for 25 percent.

Commissioner Sferrazza said he saw no logic between the differential of the 75 percent recommended by the Well Mitigation Board and the 70 percent recommended by the LMB. Mr. Cohen replied the LMB felt 75 percent was too high because of the depth of the water level and the 19 feet of sediment in the bottom of the well, which indicated the well was not taken care of properly.

In response to Commissioner Galloway, Mr. Orphan replied the owners could take it to the State Engineer if they chose to reject this settlement offer.

Upon recommendation of the Local Managing Board, on motion by Commissioner Galloway, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that the Minaberrys be reimbursed \$5,120.93, which is 70 percent of their costs for deepening their domestic well.

05-55STM DISCUSSION - PUBLIC COMMENT TIME LIMITS

Paul Orphan, Engineering Manager, stated one minute has been designated for public comment, but specific agenda items are three minutes.

Commissioner Sferrazza said he favored one minute for public comment.

Commissioner Galloway said he favored one minute when there has already been a preceding public comment period, and that was almost always the case with this Board meeting.

Chairman Weber asked for clarification on whether other items would have a three-minute time limit. Melanie Foster, Legal Counsel, said she did not believe that had ever been specifically addressed; but that has been the Board's general practice. She said some of the same elements could be added to the STMGID agenda, as exist on the Commission agenda, to spell some of that out. She stated that was the Board's decision.

Commissioner Larkin asked about the rationale for the one minute. Ms. Foster said that was adopted at a retreat in the late winter or the early spring for STMGID, the Sierra Forest Fire Protection District, and the Truckee Meadows Fire Protection District. She said prior to the retreat the time limit was three minutes.

Chairman Weber said it was confusing to have one-minute public comment periods but three minutes for every other topic, and it should be consistent.

Commissioner Galloway said this public comment was not like the public comment at the beginning of the Commission meeting. He said this public comment was limited to items not listed on the agenda, and this generally follows the Commission wide-open public comment. He said this is a supplemental public comment, and it could be to request an agenda item for this body. He stated, in many cases, it could be about something that could have been expressed in the Commission's wide-open public comment.

Gary Schmidt, local resident, suggested that all public comment for all boards for any items on or off the agenda be opened up at one time and this time be increased to five minutes, not three.

Commissioner Sferrazza said he favored one minute for all public comment and one public comment period at the beginning of the meeting, opening up all agendas simultaneously; but the Board has been told by the District Attorney that cannot be done. He stated that would be his preference because public comment takes as much or more time as the business of the Board.

Chairman Weber said she favored leaving public comment at one minute.

Commissioner Galloway favored leaving public comment as it is now. He said the problem with having an agenda item that states the Board would only deal with items within its purview would be defining what that is.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that the public comment time limit remain as it is now.

05-56STM MANAGEMENT REPORTS – OCTOBER 2005

On motion by Commissioner Galloway, seconded by Commissioner Larkin, which motion duly carried with Commissioner Humke absent, Chairman Weber ordered that receipt of the District's Management and Financial reports for the month of October 2005 be acknowledged.

05-57STM PUBLIC COMMENT

Gary Schmidt, local resident, stated he had filed two Open Meeting Law complaints concerning the joint meeting with STMGID and the Board of Trustees. He said he was glad the Board verified that three minutes was allowed on any agenda item with no restriction to action or non-action items. He stated Chairman Weber blatantly denied him the right to speak on three items because they were non-action items at the joint meeting. He read the last paragraph of the complaint during which the clock went off. Chairman Weber interrupted him stating he had one minute and his time was up.

BOARD AND STAFF COMMENTS

Steve Cohen, STMGID Local Managing Board (LMB) Vice Chair, thanked the Board for last week's meeting. He said an item could be added to the December agenda to report on how the LMB deliberates on well mitigations.

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There being no further business to come before the Board, the meeting adjourned.

BONNIE WEBER, Chairman
South Truckee Meadows General
Improvement District

ATTEST:

AMY HARVEY, Washoe County Clerk
and Ex Officio Secretary, South Truckee
Meadows General Improvement District

*Minutes Prepared By:
Jan Frazzetta, Deputy County Clerk*