

VIRGIN VALLEY WATER DISTRICT REGULAR BOARD MEETING
VIRGIN VALLEY WATER DISTRICT OFFICE
JANUARY 15, 2008

Minutes of a Regular Board Meeting of the Virgin Valley Water District Board held on January 15, 2008, at the Virgin Valley Water District Office at 3:00 p.m. Attending were President John Paul, Secretary-Treasurer Cecil Leavitt and Board Members Kenyon Leavitt, Ted Miller and Bubba Smith. Also present were Michael Winters General Manager, George Benesch District Council, Erik Beyer District Engineer, Michael Johnson Chief Hydrologist and Mary Johnson taking minutes and other interested parties of agenda items.

President John Paul called the meeting to order at 3:02 p.m.

Bubba Smith offered a Prayer and Cecil Leavitt led the pledge.

Public Comment – Bob Frisby had public comment relating to the District’s web site

1. Oath of Office to Re-Appointed Board Members Cecil Leavitt and Robert “Bubba” Smith

Notary, Mary Johnson, administered the Oath of Office to Cecil and Bubba as they were both reappointed to serve two more years on the Board of Directors for the Virgin Valley Water District.

2. Elect Officers

John Paul stated that the District had elected a President and a Secretary-Treasurer last year and did not elect a Vice-President as in previous years. John Paul also stated that if the other members were so inclined, that he was willing to continue in this position and asked Cecil if he was willing to continue as Secretary-Treasurer. Cecil stated that like John he has appreciated the opportunity to serve as Secretary-Treasurer and would continue to do so if that was the desire of the Board.

Ted Miller made a motion to keep it the same with John Paul as President and Cecil Leavitt as Secretary-Treasurer. Bubba Smith seconded the motion and it was passed unanimously. 5-0

Discussion: Board Comments - **None**
President of Board Comments - **None**

CONSENT AGENDA:

John Paul stated that the minutes from the last meeting regarding item “G” should be corrected to read that any “board” member could remove any item from an agenda in lieu of “anybody” could remove any item from an agenda.

Cecil Leavitt made a motion to approve the consent agenda as listed below with the correction to the minutes in item “G” as stated by John Paul. Bubba Smith seconded this motion and it was unanimously carried. 5-0

A. Approve Agenda

- B. Discussion & Action – Approve of Minutes from **12/18/07 Regular Board Meeting Item “G” corrected to read that “any board member” could remove any item from an agenda in lieu of “anybody” could remove any item from an agenda.**
- C. Discussion & Action – Approve Financial Statement for **October 2007**
- D. Discussion & Action – Approve Bills Paid - **\$908,094.41**
- E. Discussion & Action – Approve Purchase Orders Over \$2,500
 - 1. Subsurface Technologies - **\$72,515.00 – Aqua Guard Treatment of VVWD Well Nos. 31 to 33**
- F. Discussion & Action – Approve “Will Serve” Letters
 - 1. Farmer’s Samurai Plaza – **7 Additional EDU’s Contingent upon meeting the Criteria to Ordinance II**

**** End of Consent Agenda****

- G. Discussion & Possible Action – The VVWD Board Hereby Notifies General Manager, Mike Winters, that it is Willing to Accept his Letter of Resignation. Additionally, the VVWD Board Authorizes a Severance Payment Equivalent to Two Months of the General Manager’s Current Salary – Ted Miller

John Paul asked Ted Miller if he had anything more to say regarding this agenda item and Ted stated that he didn’t except that change normally brings everything forward and we could get going in a forward type movement and Mike could leave with his head held high and it was his [Mike’s] decision. John Paul stated that he would not stand in anybody’s way so he would be in the category of being willing to accept someone’s resignation if that’s what they do. Cecil Leavitt stated that he did not like the way the agenda item was presented and it seemed to reflect that it was all the board members willing to accept Mike’s resignation, when in fact he was not in favor of Mike resigning and he would also like Ted to elaborate as to the reasons why he wanted Mike to resign. Kenyon stated that he received a call and was asked why the board was asking for Mike’s resignation; so the general public is viewing this that the entire board wanted Mike’s resignation. Ted stated that he sat right across from Mike and asked him direct questions regarding beginning construction on the arsenic treatment plant at well site #27 and Mike stated that the District had a building permit and construction would begin on Tuesday. Ted stated that he went to City Hall for another meeting and was informed that the District did not have a building permit. Ted stated that he met with Catherine Lorbeer and went through the file and there were no permits and he saw letters from attorneys that Mike had never shown the board and that work did begin on Monday until the City stopped it. Kenyon stated that he wanted to get everything out on the table. John Paul commented that he did not foresee this item

going into this direction and wasn't sure if this was the time to bring out details, but if the board wanted to

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continue he would. Cecil stated that there was a large representation of the community in attendance at the meeting for the purpose of this item. Cecil read through the bids for the arsenic removal project and the minutes where it was awarded and the board awarded the bid to MMC, Inc. excluding the stucco. John Paul stated that in his opinion as primarily in providing the delivery of water, Mike Winters has done a great job for quite a few years, but that his actual management at the administration level has not kept pace. John further stated that the District needed to make a transition to a more administrative functioning District and if the District continues on this path it would become unfunctional. John further stated that he has asked Mike things in the past only to find out that Mike's answers were not correct. John stated another concern regarding Mike stating at the last meeting that the District owned 10 acres at the well #27 site and the District does not own this. Bubba stated that the agenda item was that the board was willing to accept Mike's resignation and not to evaluate his performance; this would be done at the first meeting in February. Bubba stated he has concerns and he would have these ready for the next meeting, and we should just stay with the agenda item. Cecil stated that public in attendance should be able to comment since they were here for this item. John Paul stated he would open for public comment, but asked if Mike wanted to comment first. Mike Winters stated that he would reserve any comment at this time. Several individuals in attendance made comments regarding this item. After all public comment was given, Mike stated he would not resign and would hold other comments for another time.

H. Discussion & Possible Action – Consideration to Refund Money for Excessive Water Use – Val Saint Clair

The District received a letter from Ms. Saint Clair requesting a refund of a portion of her water charges for the year 2007 with her explanation. The property in question did have a leak on the owner's side of the meter. There was discussion as to what procedures were incurred after the meters were read and the responsibilities of the homeowner and the District.

Cecil Leavitt made a motion to deny refunding money for excessive water use to Val Saint Clair. Kenyon Leavitt seconded this motion and it was unanimously carried. 5-0

I. General Manager's Report

Mike first thanked everyone who had come to support him. Mike had included a written report and stated that he and staff have been working on the directional drilling and working with Lincoln County Water District and developers creating a possible water service agreement. End of the year water delivery reports were also included along with December's arsenic treatment plant progress report and Mike Chandler was present to answer any questions the board may have on this. Mike stated that he and Michael Johnson had been asked to give a presentation for the Land Use Committee and also that he and Michael Johnson would be in Carson City the next day at the State

Engineer's office regarding Tule Desert. Mike also informed the Board that representatives had met with staff regarding the pipe deficiency within the system. They did not have an answer and stated that all operational conditions should not be affecting the pipe. The Vanguard

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representatives stated that they would be getting back to us after their investigation. Mike further stated that he had a couple ideas to bounce off Mr. Lee after he returned from San Francisco and wanted to know if the Board would like him to take the direction of putting the treatment plant at another site and then bring back for board approval and the consensus of the board was to do this. Mike Chandler then gave a recap of the monthly arsenic summary.

J. Hydrologist's Report

Michael had not included a written report. He informed the board that he had attended the Clark County Commissioners meeting this morning regarding well #34 and that there were no objections. Michael further elaborated on his and Mike's trip to Carson City tomorrow regarding Tule Desert and the applications held in abeyance filed by Vidler Water and Lincoln County that post date our applications filed in 1999 and that the VVWD may need to send a letter of protest so that we can keep negotiations going. Michael commented on the meetings held January 8th and 9th with the SNWA regarding the Virgin River Conservation & Recovery Plan. Under this plan there is a Section 7 Consultation for Government Land where the District would take down federally owned land, BLM, for well sites, reservoirs, pipeline and appurtenances that requires this section and then there is also Section 10 for privately held land and the District will probably have to establish an Ordinance to deal with these fees. We are working with the SNWA regarding Section 10 compliance. Michael stated that he would be bringing the Memorandum of Understanding (MOU) for participation in the plan to the next board meeting for approval.

K. Engineer's Report

Erik had included a written report. He further stated that the trucks were late delivering equipment for the cathodic protection of the 24" waterline and wouldn't begin work until tomorrow or Thursday, but did not foresee any problems with the work being completed within the 90 days allotted. Erik stated that he has not heard any comments regarding the District's Conservation Plan and took this as a good sign, but would contact them before the next meeting to verify that the plan had been accepted. There was further discussion regarding the Conservation Plan and that it requires the board to talk about conservation at their board meetings and it was suggested that the VVWD have this put on the agenda quarterly for discussion.

The board discussed putting the public comment at the end of the agenda and John Paul stated that he didn't see any problem with having public comment at the beginning and the end. Bubba stated that he felt that the public should be able to comment on all agenda items and Cecil stated that after watching other meetings, the public could speak on the item and then it would be closed for public comments and then the board would discuss and d on the item.

L. Adjournment

President John Paul adjourned the meeting at 6:12 p.m.

(NOTE): The minutes of this meeting have been tape-recorded and will remain on file in the District office for a one-year period for public examination.