

VIRGIN VALLEY WATER DISTRICT REGULAR BOARD MEETING  
VIRGIN VALLEY WATER DISTRICT OFFICE  
MAY 6, 2008

Minutes of a Regular Board Meeting of the Virgin Valley Water District Board held on May 6, 2008, at the Virgin Valley Water District Office at 3:00 p.m. Attending were President John Paul, Vice-President Kenyon Leavitt, Secretary-Treasurer Cecil Leavitt, and Board Members Ted Miller and Robert “Bubba” Smith. Also present were Michael Winters General Manager, George Benesch District Council, Erik Beyer District Engineer, Michael (Boomer) Johnson Chief Hydrologist and Mary Johnson taking minutes and other interested parties of agenda items.

**President John Paul called the meeting to order at 3:01 p.m.**  
**Cecil Leavitt offered a Prayer and Kenyon Leavitt led the pledge.**  
**Public Comment** – There was no public comment at this time.

Discussion: Board Comments - None  
President of Board Comments – John Paul handed out a paper with an item that he would like put on the next agenda for restructuring the VVWD Board. John also asked about information he requested at the 3/18/08 meeting and a time line when to expect.

**CONSENT AGENDA:**

Mike stated that items #6 and #7a should probably be pulled and heard separately.

**Kenyon Leavitt made a motion to approve the consent agenda as listed below with items #6 and #7a being removed and heard separately. Ted Miller seconded this motion and it was unanimously carried. 5-0**

1. Discussion & Possible Action - Approve Agenda
2. Discussion & Possible Action – Approve Minutes from **Planning & Budget Meeting 4-15-08**
3. Discussion & Possible Action – Approve of Minutes from **04/15/08 Regular Board Meeting**
4. Discussion & Possible Action – Approve Bills Paid - **\$451,991.62**
5. Discussion & Possible Action – Approve to Write Off Delinquent Accounts - **Account 6430.3 in the amount of \$43.04 and Account 1537.4 in the amount of \$86.66**
7. Discussion & Possible Action – Approve “Will Serve” Letters
  - b. Falcon Point Subdivision – **76 EDU’s**  
**Contingent upon meeting the Criteria to Ordinance II**

8. Discussion & Possible Action – Approve **Changing Regularly Scheduled Board Meeting on May 20<sup>th</sup> to May 15<sup>th</sup> When Public Budget Hearing Scheduled per NRS**

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

6. Discussion & Possible Action – Approve Purchase Orders Over \$2,500
  - a. Singer Valve Co. - \$56,500.00 – PRV for Bunkerville Bridge

Mike explained that the quoted price listed was received in November or December of 2007 and that prices had increased. With the size increase of one component the price would be increased by \$7,125 for a total purchase order of \$63,625.00.

**Kenyon Leavitt made a motion to approve purchase order for Singer Valve Co. for the PRV for the Bunkerville Bridge in the amount not to exceed \$63,625.00. Cecil Leavitt seconded this motion and it was unanimously carried. 5-0**

7. Discussion & Possible Action – Approve “Will Serve” Letters
  - a. Calais Townhomes – Additional 14 EDU’s

Mike stated that this item had been tabled at the last meeting, but after speaking with the inspector, Kevin Amen, he was informed that Advanced Construction had installed 1” services from the main and a 1” meter would perform as it should.

**Cecil Leavitt made a motion to approve “will serve” request for Calais Townhomes for an additional 14 EDU’s contingent upon meeting the criteria to Ordinance II. Bubba Smith seconded this motion and it was unanimously carried. 5-0**

9. Discussion & Possible Action – Approve Professional Service Agreement with HDR Engineering, Inc. for Design of Virgin River Crossing of Potable Water Lines Installed by Directional Drilling Method

Boomer began by stating that this item had been tabled from the last meeting. Boomer’s background information for the board members included a chronology of events associated with the District planning to horizontally drill the Virgin River, his rating form of the six engineering firms answering the RFP, minutes from Mesquite Farmstead Water Association’s meeting 12/8/81 and the VVWD minutes from 9/4/07 and 12/4/07 and the agreement with HDR for their services. Boomer was asked why the RFP was only for the crossing connecting the Bunkerville side to the Mesquite Commerce and Technology Center. Boomer explained that the District was notified by NDOT after the board approved going out for RFP’s and this project was just added to it and the board approved of this at the 12/4/07 meeting. Boomer also stated that there would be two separate agreements with HDR for these projects.

**Cecil Leavitt made a motion to approve professional service agreement with HDR Engineering, Inc. for design of Virgin River crossing of potable water lines installed by directional drilling methods for the crossings at both Bridge 89 (Bunkerville Bridge) and Mesquite Commerce & Technologies Center. Bubba Smith seconded this motion and it was unanimously carried. 5-0**

10. Discussion – Presentation by Eric Roberts with SH Architecture and District Staff  
Regarding the Expansion of District Administration and Operations Offices

Mike stated that Eric was called away at the last meeting and unable to attend and this item had been tabled. Eric had provided Mike information to give to the board at the last meeting. Eric ran through SH Architecture's analysis of three scenarios in which the District could either upgrade the existing building and site, build on the land in Bunkerville or improvements to warehouse condos and estimated costs of each scenario. Eric further stated that in the 2007 Legislature NRS 338.169 was passed that authorized a public body to construct public work projects by selecting and entering into contracts with construction manager at risk. Eric stated that the District would go out for RFQ's and narrow those down to 3-5 and then request RFP's and at no time would the District be obligated to move forward on any project until they wanted to. There were further comments from Mike Winters and Board Members. Bo Bingham with Bingham & Snow representing the Summit Plaza introduced Wes Davis who provided a brief synopsis of the Mesquite Summit Plaza and stated they would be willing to work out terms. Brad Harold with Virgin Valley Ventures LLC also informed the board of their proposal for 175 Willis Carrier Avenue and features included in their commercial building. Eric stated that he would recommend that the board request RFQ's.

11. Discussion & Possible Action – Consider Recommended Alternatives and Direction to Staff  
Regarding Proposed Administrative and operations Office Facilities

**Cecil Leavitt made a motion to have staff issue a RFQ for the obtaining of information for the building or purchasing of a facility where the office structure**

Ted Miller stated that he would like to make a comment. John Paul stated that was okay, but George called for a point of order and stated that there was a motion on the table and there needed to be a second before questions.

**Kenyon Leavitt seconded Cecil's motion.**

Ted stated that he had conducted a survey around the valley with Overton Power District, Las Vegas Water Authority, Moapa Power and that the District has more square footage per employee than any of these companies do including the City. Ted further stated that the District has six employees and hiring three would only bring us up to nine. Ted stated with other projects in the works that this needed to be tabled until these other projects were completed. Mike then corrected Ted stating that the District currently employs 15 full-time employees and hiring three would bring us up to 18 and we also have offices for our engineer, accountant and IT professionals. There were

further comments on the square footage per employee and Eric Roberts tried to explain that the total square footage was not just office space per employee, but included hallways, restrooms, break

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rooms, computer rooms, storage, etc. Mike further stated that national averages didn't matter at this point, but we were out of room and we should build for the future.

John Paul called for a vote

**Cecil modified his motion directing staff to issue a RFQ for obtaining information for the building of or purchasing of a facility for administrative and operations office facilities for the District per NRS 338.169. Kenyon Leavitt seconded this motion and it passed by a vote of 3-2 with Bubba Smith and Ted Miller opposed.**

12. Discussion & Possible Action – Consideration of a Proposed Independent Review of VVWD Management Policies – Requested by Ted Miller

Ted had distributed a paper at the last board meeting requesting that this be put on this agenda. Ted read from his paper stating that the board is responsible to the public and that the board has not adequately addressed potential problems. Ted read through four incidents of concern to him and stated that the board's inaction violates the public trust and recommended an independent examination of VVWD management policies, procedures and practices conducted by a qualified independent organization or third party. Ted also mentioned that we could use the attorney general's office.

George commented that he had worked for the attorney general's office for eight years and he spoke with that office and they do not handle these situations.

Kenyon questioned what exactly Ted was after here. He stated he realized that decisions had been made by the board that Ted voted against, but there was a majority vote and Kenyon further stated that he was man enough to stand behind his decisions. He stated that everyone was not always going to agree, but the board's responsibility was to procure water and set policies. Kenyon further stated that the District should move forward and not backwards. Cecil commented and stated that the board should be worried about water issues and not to keep rehashing old issues. Bubba commented also stating that the City had used a third party for grievances in the police department and it really seemed to work well, but he didn't see the same situation here or the need for an independent study. Bubba further stated that this board did seem to take comments or disagreements more personally than any other board he serves on and that this board should act as gentleman and respect each other.

**This item died for a lack of a motion.**

13. General Manager's Report

Mike had included a report listing some items of importance that the board should be thinking about. Mike explained that SNWA would be offering to purchase irrigation shares at a much higher price, almost doubling, the price currently charged for an acre-foot of water or a ¾"

meter; and that their leasing prices were also much higher than what the District currently charges. Mike asked the board to determine if they wanted to be competitive with the SNWA in purchasing

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irrigation water and if we are going to be in the market or not. Mike further stated that there was a “cease and desist” order from the BLM included under their correspondence section in the packets. Mike further informed the board that he received a call from the BLM stating that they had received a call informing them that the VVWD was putting up microwave dishes on the antenna at well #30, which Mike stated was totally false. The BLM would not reveal who called them. Mike also distributed a draft of the Administrative Policy and Procedure Manual for the board members review and comments.

#### 14. Hydrologist’s Report

Boomer had included schedules of meetings that he will be attending, one of which he will be submitting written comments to the Legislative Counsel Bureau regarding the adoption of regulations to assess fines and penalties for violations of Nevada Water Law. Boomer also commented that the project with the Ranney Collector at Half-Way Wash was not going to be possible at that location and they are looking at a spot on Riverside and he will be putting on the agenda to purchase 5 acres for this project.

#### 15. Engineer’s Report

Erik had included a written report informing the board that George had contacted the company testing the pipe and George stated that they were procrastinating. Mike Chandler with Bowen & Collins will be forwarding some of the pipe to Utah State for testing. Erik also informed the board that Advanced Diving Services would be diving the Freeway and Airport Tanks for inspection regarding the paint warranty and that the price was under \$2,500 so it did not have to come before the board for approval.

#### 16. Public Comment

There was no public comment at this time.

#### 17. Adjournment

**President John Paul adjourned the meeting at 5:38 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.