

TOPAZ RANCH ESTATES GENERAL IMPROVEMENT DISTRICT

Address: 1490 Albite Road, Arden Square, Suite 8, (Topaz Ranch Estates) Wellington, Nevada, 89444 / Telephone: 775.266.3000

MEETING MINUTES

REGULAR MEETING MINUTES

DATE: Wednesday, November 8, 2023
TIME: 6:00 P.M.
LOCATION: TOPAZ RANCH ESTATES COMMUNITY CENTER
3939 Carter Drive, Wellington, NV 89444

Supporting material and the audio tape is available for public inspection at the TREGID office during regular business hours (8:00 a.m. to 4:00 a.m.), Monday through Friday, except legal holidays. Please make your request to the TRE GID office at the address and phone number above OR by email directed to: TREGID2023@gmail.com

- 1) **CALL MEETING TO ORDER:** Led by Vice Chairman Dave Akola **TIME: 6:02 PM**
- 2) **PLEDGE OF ALLEGIANCE:** Led by Vice Chairman Dave Akola
- 3) **BOARD MEMBERS PRESENT:** Dave Akola, Lisa Sandbo (via phone), Michael Tanner, Sharon Becker
- 4) **STAFF MEMBERS PRESENT:** Jeff Dines, Larry Hathcock
- 5) **INTRODUCTION OF GUESTS:**
- 6) **AGENDA APPROVAL:** For Possible Action: Board action to approve the **November 8, 2023**, Agenda.

Public Comment before Board Action: No Public comment.

Sharon Becker made a motion to approve the Agenda for the November 8, 2023, Regular Meeting. Mike Tanner seconded. Motion carried 4-0.

- 7) **MINUTES APPROVAL:** For Possible Action: Board action to approve the **October 11, 2023**, Meeting Minutes.

Public Comment before Board Action:

Donna Tanner
Fred Farley

Mike Tanner made a motion to approve the amended Minutes of the October 11, 2023, Regular Board Meeting. Sharon Becker seconded. Motion carried 4-0.

- 8) **PUBLIC COMMENT:**

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Fred Farley – Nov of 2023 I informed the GID that my pressure was out of whack at my house. As of June of 2023, there was still high pressure, it was soon resolved by the GID employees. It is now back again.

CONSENT CALENDAR

A. For Discussion Only: Bills Paid for: October 2023

1. Water Bills: \$ 47,572
2. Road Bills: \$ not provided.
3. Bergkamp: \$ 2,122

REPORTS

9) REPORTS: For Discussion Only:

- A. Treasurer's Report: Lisa Sandbo – Restricted: \$294,160 Unrestricted: \$757,342, Deposits: \$340,710, Debits: \$79,638, Cash Accounts: \$382,305, Investment Funds: \$669,197, Grant Revenue: \$270,757, Interest on Investments: \$ 2,668, Customer Payments: \$47,745, Road Tax / Consol Received: \$19,540, Fixed Expenses: \$36,224, Maintenance: \$6,157, Supplies: \$147, Professional & Administrative: \$8,572
- B. Water Operator's Report: Larry Hathcock – Total gallons produced to 10/31/23 – 5,080,400 gallons, Total man hours through 10/31/23 – 219.5 hours, Customer consumption as of 10/31/23 – 4,743,688 gallons. Bulk water consumption as of 10/31/23 – 0 gallons. All 5 bacteriological water samples were taken on 10/11/23 came back negative for total coliforms. Well #6 is online as of 10/30/23. Regularly scheduled PRV vault inspections and maintenance, system maintenance done daily. 10/9/23 Vault Inspections. No major repairs. Future Projects (Short Range) continue to work on the meter replacement program, put together a valve working program to exercise the gate valves throughout the system. Future Projects (Long Range) continue work with Shaw Engineering reviewing information for system mapping and proper abandonment of old 4-inch water mains and continue upgrades to the meter reading equipment as budget allows.
- C. Road Report: Larry Hathcock – Total man hours through 10/31/23 – 102 hours. General Maintenance 10/3/23 – 10/6/23 dug out flood channel between Andesite and Granite, 10/16/23 Backhoe front tires put on, 10/17/23 – 10/19/23 pothole repair on Sandstone, 10/20/23 Bergkamp cleaned and winterized, 10/26/23 Tac pot fires up and sprayed all repairs on Sandstone. Future projects (Short range) – clean and repair damaged ditches, flood channels, and roads throughout the district, repair all road crossings over emergency

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flood channels that were damaged by recent storm, make a list of all TRE GID owned culverts, list all privately owned culverts around the district that are either not maintained or are not of adequate size to accommodate maximum water flow. Future projects (Long range) – continue to work with Shaw engineering to complete repairs and upgrades to the district and its outdated infrastructure, complete and update (as needed) a full log of all roads related system mapping throughout the district, build / obtain an adequate shop and/or office building for GID use in order to sufficiently maintain district equipment. Equipment Repairs – new tires on backhoe, routine regular maintenance on equipment as necessary.

- D. Attorney's Report: no report at this time
- E. Engineer's Report: Cody Black via Mike Tanner – well #6 is online and working well. Well #8 will be due east and straight out from well #6.
- F. FEMA Report: Mike Tanner – we have about 40 pages outlining all of our projects.

ADMINISTRATIVE CALENDAR

10) AGENDA

1. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

Board positions for the remainder of 2023 and 2024. Each position can have a nomination and can be voted on individually or after discussion we can make 1 vote for all five positions. KI

Open for Public Comment before Board action:

Fred Farley – Dave Akola do you care if she takes the Chairman position?

Dave Akola – no I do not have a preference.

Sharon Becker made a motion to place Sharon Becker as the Chairman for the remaining of the term. Mike Tanner seconded the motion. Motion carried 4-0

2. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

Date change to when items for the agenda need to be submitted to the Secretary in order for them to be on the agenda. ***The deadline by which agenda items must be submitted to the Secretary in***

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order for the Secretary to get them approved by the attorney and into the webmaster will be 6:00 p.m. 3 days prior to the Friday posting date, i.e., the Monday of the week before the upcoming meeting. This will allow time for the Secretary to get all agenda items on the agenda and sent to the proper entities to ensure that posting per NRS / Open Meeting Laws is done in a timely manner. KI

Sharon Becker – I'd like to see it where Kaitlyn Insell can just drag and drop the agendas and meetings onto the website after attorney approval as it is a 5-minute ordeal to do so.

Open for Public Comment before Board Action:

Fred Farley – I agree with this change. I would like to be able to comment on a few things every so often.

Sharon Becker made a motion to amend the current deadline to 11:59 p.m. the Monday of the week prior to the upcoming meeting. Mike Tanner seconded the motion. Motion carried 4-0

3. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

Tabled Item #5 from October 11, 2023, Meeting - **Prohibit the use of the Bergkamp pothole machine until someone with a CDL is hired.** Follow up and clarification on the proper licensure per TREGID insurance and NV DMV. SB

Sharon Becker – at the last meeting there was a lengthy discussion as to what type of licensing the employees needed to drive the Bergkamp, I called our insurance company (Alpine) and they stated to follow whatever rules / regulations that the NV DMV has. Next day I called NV DMV after a lengthy conversation the conclusion was made that since this is not a government-maintained road the only licensing the employees need is a Class B license to drive the Bergkamp and to follow the DMV laws. Both our current employees are more than willing to get their Class B licensing. We should reimburse them once they have passed and can show proof of passing.

Open for Public Comment before Board action:

Dave Akola – what happens if we have to drive it on Hwy 208 or Hwy 395? That would require a CDL.

Larry Hathcock – it uses red dye diesel which is illegal to be used on state roads.

Alton Randall – so NV DMV does not require a CDL or class A license. According to Nevada State Law any driver utilizing any heavy equipment does not need a CDL, Class A or Class B license.

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Gerald Clark – it sounds like it was mostly an insurance issue, regardless of that, let's say that the County takes over the GID, does that mean these roads become county-maintained roads?

Dave Akola – no, the County would just become the trustees of the GID.

Fred Farley – if we run red dye diesel on the highways, and it gets into an accident, etc. NHP or DCPD is going to make a report and will be including that information. You should probably ask your insurance company for coverage in this type of event.

Sharon Becker made a motion that we follow the DMV law, that our drivers for the Bergkamp obtain a Class B license, upon completion and proof of their Class B license the GID will reimburse them the expenses for obtaining that license. Dave Akola seconded the motion.

Sharon withdrew her motion to look into things further with the GID insurance.

Agenda item tabled until further notice.

4. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

Annual road report is past due. Discuss how to get it completed and be in compliance with TREGID standing rule (#15) and take possible action thereafter. SB

Sharon Becker – GID road reports are way past due, we need to figure out how to get them current and kept current. I think we should create a committee, as it is a large undertaking, containing 2 board members and three public members. The committee would bring their ideas to the Board during the March meeting, it would be refined by the April meeting, voted upon and finalized by the May meeting, and ready to go by the June meeting.

Open for Public Comment before Board action:

Sandy Offenstein – this has been done in the past with one or two board members, but we also made sure to have someone who had road knowledge.

Larry Offenstein – to address the attorney's (Frank Flaherty) comment, as long as the committee's recommendations go before the Board so that the board can vote on them, there were generally no issues with open meeting laws.

Sandy Offenstein – it sounds like you want to wait rather than get a committee together now. Why not just form the committee and get on it and not put it off for another year?

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Sharon Becker made a motion to form a committee to form a road plan to bring back to the board in March 2024 so we can present a long-term road plan for TRE in June 2024. Mike Tanner seconded the motion. Motion carried 4-0.

5. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

New tires for TRE GID Trucks. SB

Sharon Becker – I spoke with Larry Hathcock and Jeff Dines about the tires on the 350 are down to the wear bars. Larry had a great idea that we needed to put winter tires (studded or otherwise) and would like to buy steel rims so that the tires can be changed from summer to winter tires with no issues. Larry did bring back an estimate from Les Schwab (email was sent to all board members with this quote). We did some research at other tire companies and found Discount Tire. We need to also get some estimates for the 150 as well.

Open for Public Comment before Board action:

Dave Akola made a motion to get studded tires to put on the current rims on the 350 as soon as possible and proceed to get another set of rims / tires for the summer tires over the next 6 months.

Alton Randall – I am wondering how cost effective it is to use studded snow tires on an F350 in the snow, that 350 will wear the studs down very quickly.

Dave Akola made a motion to amend the previous motion to say - to get winter-three peak tires to put on the current rims on the 350 as soon as possible and proceed to get another set of rims / tires for the summer tires over the next 6 months. Sharon Becker seconded the amended motion. Motion passed 4-0

6. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

Hire Susan Hunt as part-time Clerk. Ms. Hunt was interviewed and was the selected applicant. Drug Test and Background Check to be provided. MT

Mike Tanner – I had forwarded the background check to all Board members, was unable to download the drug test information to be sent to the remaining Board members. We took applications for a few months (got 5 or 6 applicants) only 2 of the applicants were interested in this being a part time position and agreed to work part time.

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Sharon Becker – she would be put on a 90-day probationary period according to the Standing Rules. Are we going to have a review after the 90-days period?

Mike Tanner – the new bookkeeper would be monitoring her and reporting back to Board members.

Open for Public Comment before Board action:

Gerald Clark – who interviewed this woman?

Mike Tanner – Lisa Sandbo and myself.

Fred Farley – maybe this new employee can be told about what has been going on so that they may also be able to come up with a solution / prevention to these problems.

Mike Tanner made a motion to hire Susan Hunt as the part time clerk. Sharon Becker seconded the motion. Motion carried 3-1

7. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

Divide Duties of District Operations Manager and upgrade Water Lead Position to District Water Manager. Scope of Work to be amended and agreed upon by Board. MT

Mike Tanner – we have had little to no success in the last 5 to 10 years at keeping a DOM on staff. It seems to me that there is a lot to do, there is a 3-page job description. If we upgraded the water lead position and made it to a District Water Manager and divvying the responsibilities so that we can have someone more dedicated to staying on the roads.

Dave Akola – if the person is just working in the water, I don't think that it is a full-time job, it doesn't take that much effort.

Open for Public Comment before Board action:

Sandy Offenstein – so what you are doing is dividing the duties, you're taking the lead water position and raising them up a little bit, and you're taking the DOM and lowering them down a little bit, so technically it shouldn't cost us anymore than what we are already paying now. We already have these two positions you are just changing the duties.

Fred Farley – what happened to Cam? How are we operating without a DOM on staff?

Sharon Becker – rural water has taken over that position in a way, we are using the licensing from them to run our water sample tests, etc.

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Gerald Clark – When Trevor quit, we needed someone with a license so that we could keep our water flowing and tested. Cam was a friend of mine that I've known for years, and I contacted him, and he was put on a temporary contract until about June, until we could get someone up to speed on being a DOM with a D2 operator's license.

Mike Tanner made a motion to divide the duties of the DOM and upgrade the water lead position to District Water Manager. Lisa Sandbo seconded the motion. Motion carried 3-1.

8. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

At least two Trustees must agree and sign off on any Legal Consultation to be billed over one hour. MT

Mike Tanner – in light of a lot of attorney fees being ran up, I would like to see us where at least 2 Board members need to agree to attorney uses for anything over 1 hour.

Sharon Becker – before anyone contacts the attorney, an email needs to be sent out to the fellow Board members with very specific direct formulated questions with the attorney as the 1st point in contact. This way the attorney would have time to research beforehand. It would cut down the amount of in person / on phone contact time with the attorney. Secondly, once that has happened, I think we should be able to discuss things with him for less than 30 minutes because he had time to research. I would like us to be more specific and direct with the attorney.

Frank Flaherty cautioned that an email discussion among Board members would violate the Open Meeting Law.

Open for Public Comment before Board action:

Larry Offenstein – previous boards have handled this lawyer salary issue by any Board members having a problem, they go through the chairman, the chairman then decides how relevant it is and then takes that to the lawyer.

Lisa Sandbo – if it isn't in the Standing Rules, we aren't doing it that way.

Fred Farley – just to clarify, Frank Flaherty, I think you are doing a fantastic job, you're called by these Board members to help them solve issues. I think it is a great idea to run all attorney things through the Board chairman.

Brad Becker – from day one I've watched this board proceed through all the things that they are responsible for, and I never understood why the chairperson was excluded until now.

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Sharon Becker – if you look at the standing rules (rule #25) it does state that everything is to flow through the chairperson. My only problem with this is that you will get 2 Board members who will always be signing for each other. So, I think that it needs to be a board member and the chairperson.

Frank Flaherty – typically between meetings the point of contact between the Board and the attorney is the chairperson. I just need to know the rules to follow.

Sharon Becker – it allows the person who wants the discussion to at least inform the chairperson that this discussion is going to happen, it is not up to the chairperson to have an opinion as to whether the discussion should happen or not, unless it is frivolous.

Kelly Beshwate – this needs to be run like a company not like a bunch of kindergarteners that want to nitpick at each other.

Mike Tanner made a motion to ensure that at least 2 GID Trustees must agree and sign off for any legal consultation over one hour. Lisa Sandbo seconded the motion. Motion failed 2-2.

Sharon Becker made a motion that at least one trustee and the chairman sign off on any legal counsel to be billed over one hour. Dave Akola seconded the motion. Motion failed 2-2.

Agenda item tabled.

9. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

Previously tabled Agenda Item - Discuss the pro-ration of overhead expenses and adjust/modify the current proration between road expenses and water expenses. DA

Dave Akola – last month I suggested that we change the proration of our expenses from 40%/60% to 25%/75%.

Sharon Becker – this would impact how much time the employees can work on the roads. We were told to run this past a CPA before any action was to be taken.

Open for Public Comment before Board action:

Gerald Clark – couldn't we just swap the current ratio of 40% road and 60% water to 40% water and 60% roads?

Larry Offenstien – I think what the issue here is, is that the bill that we get every month for water use, is only for water. It is set up as a budget because you only have X amount of dollars for the roads that

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come out of the property taxes. We can't use the money the water department gets for water on the roads.

Frank Flaherty – my question for the CPA (Dave Silva), how much flexibility do we have that is legal?

Sharon Becker made a motion to table this agenda item to be brought back in 60 days (January 2024 Agenda). Mike Tanner seconded the motion. Motion carried 3-1.

10. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

Previously tabled Agenda Item - Discuss the need to raise water rates and by how much. Raise the rates starting with the next water bill. Tabled from October meeting. DA

Dave Akola – our last 3 years we have been over budget; it was not broken down for water or roads. Last year we were \$71,000 over budget. All of the GID expenses have gone up, we need to raise the rates.

Mike Tanner – I think that throwing a number out without any research is not our due diligence for the community. I think we need to figure out a percentage charge for over usage. We need to look at our options, do we raise the base rate, do we throw a surcharge at it, do we charge the high usage people?

Lisa Sandbo – there was supposed to be a water rate study done back in August 2023.

Sharon Becker – we need to do a rate study. We need to finish it. POOL/PACT asked if we have thought about tiered rates.

Open for Public Comment before Board action:

Larry Offenstein – we heard a Treasurer's report that basically said we were in good shape.

Brad Becker – of all the reports that are finally getting to us for a better understanding of what is going on, I haven't heard much about bulk water rates.

Dave Akola made a motion to raise the GID base rate by \$20 per month.

Sharon Becker moved to table this agenda item for 60 days (January Agenda) with proper documentation in order to raise the rates and a plan. Dave Akola seconded the motion. Motion carried 4-0.

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11. For Discussion Only:

Status of petition circulated regarding NRS 318.515 and circulated by several residents of TRE. DA

Dave Akola – I want to thank everyone who signed and those who helped circulate it. We were told we needed 20% (251 signatures) of the registered voters in TRE to sign the petition for it to be taken up by the County. When I turned in the petition to the County, we had over 400 signatures on the petition. The County is verifying the signatures at this time, making sure that we have the required number of legal signatures.

Open for Public Comment:

Carter Ruess – has there been a letter drafted and sent to the County Commissioners requesting they take on the TRE GID?

Dave Akola – yes this was done a few months ago, they turned it down but informed us that if we could get 20% of the community's signatures, they would reconsider.

12. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

Direct our Engineer to prepare plans and specifications and bid documents to repair the roads and drainage currently submitted to FEMA in accordance with FEMA requirements. DA

Dave Akola – Can Mike Tanner give Cody Black the pinpoints?

Mike Tanner – I spoke with Cody Black who is not our roads engineer but has been kind enough to give us some consultation here and there, but he is not our engineer, he is Shaw's engineer who oversees our water projects.

Open for Public Comment before Board action:

Donna Tanner – they have scopes of work that FEMA themselves have done, those have to be done before they even go into the queue.

Larry Offenstien – do we have an engineer that is working on the roads now? If not have you gone out for bids for one?

Mike Tanner – we are waiting for the jobs to come out of the queue.

No motion made.

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13. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

Direct our Engineer to prepare plans, specifications and bid documents for the replacement of undersized water mains within TRE. This would include requesting funds from USDA-Rural Development. This should be prioritized to coincide with road repairs scheduled to be completed with FEMA funds. DA

Dave Akola – I've spoken to Cody Black since putting this on the agenda, and he said that we are better off waiting until after we put the drilling and equipment of the next well (Well #8) out to bid and get the contracts for that.

Open for Public Comment before Board action:

Dave Akola moved to table this agenda item until we get the other projects out to bid (February 2024). Mike Tanner seconded the motion. Motion carried 4-0.

14. For Discussion and Possible Action to approve, approve with modifications or conditions, or deny:

Direct our Engineer to prepare plans, specifications and bid documents for drilling an additional well, equipping the well and connecting it to our water system. DA

Dave Akola removed this agenda item.

11) TRUSTEES' REPORTS. None.

12) PUBLIC COMMENT: Not for Board Action: This portion of the meeting is open to the public to speak on any topic within the authority of the Board that is not on tonight's agenda.

Brad Becker – I've requested a few times about a couple of ponding basins near my home be dredged out.

13) ADJOURNMENT: Dave Akola made a motion to adjourn. Sharon Becker seconded. Motion carried 4-0.

TIME: 9:47 pm

Minutes submitted by Board Secretary Kaitlyn Insell

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**A COMPLETE RECORDING OF THIS MEETINGS DISCUSSION CAN BE FOUND AT THE GID
OFFICE**

DRAFT