

CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Regular Meeting
November 14, 2023

DIRECTORS:

Todd Westergard
Mike Nevin
Karen Baggett
Ed James
John Capurro
Ernie Schank
Ty Minor (Zoom)
Tyler Henderson (Zoom)
John Enloe (Zoom)

ABSENT:

Pete Olsen

Staff

Mary Pat Eymann

OTHER:

Kayla Dowty, Engineer
Leo Bergin, Attorney
Scott Fennema, FWM office

GUESTS:

Rich Wilkinson, CVCD

1. CALL THE REGULAR MEETING TO ORDER, DETERMINATION OF QUORUM

President Westergard called the regular meeting to order, quorum present.

2. PUBLIC COMMENT – None

3. APPROVE AGENDA –

No changes to posted agenda.

4. DISCUSS AND APPROVE DRAFT FINANCIAL AUDIT FOR FY2022-2023 – David Schaper, Barnard Vogler

A copy of the draft financial report was provided to the Board and is available at District offices.

- ❖ Director Schank made a motion to approve the Financial Audit for FY 2022-2023; seconded by Director Capurro; motion carried.

5. APPROVE MINUTES FOR OCTOBER 10, 2023, AND SPECIAL MEETING OF OCTOBER 24TH, FINANCIAL STATEMENTS AND CHECKS WRITTEN AS SUBMITTED –

Chairman Westergard stated that for the October 24th meeting Director Schank had zoomed from Hawaii.

- ❖ Director Schank made a motion to approve the minutes and Financial Statements as submitted with the above notation; seconded by Director Henderson; motion carried.

6. WATER MASTERS REPORT AND DISCUSSION – Scott Fennema

A complete copy of the Water Report is available at District Offices or on the internet at troa.net and the SNOTEL report at wcc.sc.egov.usda.gov/reports/SelectUpdateReport.html

7. DISCUSSION AND POSSIBLE ACTION REGARDING FUTURE GRANT REQUIREMENTS AND 2024-2025 GRANT WINDOW – Kayla Dowty

Per the District policy grant applications would be due January 31, 2024. Does it make sense to open the grant window due to the Riverside Drive issues? The proposal from JUB for the conceptual design for the Riverside project is \$60,000.

Discussion:

Director Schank – we have a responsibility to make sure the Martis Creek Agreement is lived up to, to the best of our ability.

It is good for the District to award grants, but we need to make sure the Riverside Dr. issue is addressed, and we are doing all we can for it. Feels that we should do things there rather than spread too much money out in grants.

Director James – Concurs with Director Schank the priority should be on the Truckee, and after those obligations have been met can see what funds are available for offering grants.

Engineer Dowty – It would go far with USACE that we are at least working on a conceptual design. And out of the conceptual design should have a fairly good construction estimate to provide the City of Reno.

Director Westergard – what is the timing as far as what would be asked of the District?

Engineer Dowty – meeting with the City of Reno in early December to see what kind of assurance they can provide. The Keystone bridge replacement is in the same area and crosses over the Riverside Dr. path. Ms. Dowty let the City know that if they do not want to handle the Riverside Dr. improvements prior to the construction of the Keystone Bridge, which is currently scheduled for construction in 2030 that it will get handled as part of the Keystone Bridge. The conceptual design would probably take 2-3 months. By mid-year in 2024 should have a good idea of what the scope is, have some good drawings in hand and a construction estimate. And at that point the Board can consider what the next steps look like. Hoping to proceed with the Riverside Dr project this FY.

Director Westergard – would it be an option to set aside \$60,000 under agenda item #8 today and put off a decision regarding the grants?

Director Schank – has Attorney Bergin had an opportunity to review the proposal from JUB?

Engineer Dowty – will resend the document to Attorney Bergin for review prior to the next meeting.

Future Grant Requirements:

Engineer Dowty - Currently our grant requirements are fairly vague on design requirements. Most of the designs the CVCD does are for a 2.5-year flow event.

Rich Wilkinson – yes, as the Carson River goes by a “living river” concept when it comes to maintenance and repairs.

Engineer Dowty – last year was an unusual year and many of the projects the District funded did not hold up. Do we want to add a minimum flow requirement for the design? Our grant does not specify private vs public lands. Currently it is for both, do we want to change?

Director Schank – are any river projects on private lands?

Rich Wilkinson – No most are on State lands but as far as access it may be via private lands.

Engineer Dowty – Carson is very different than the Truckee River because it is a “living” river. What was ordinary high last year can be very different than what is ordinary high this year. Due to that fact a lot of the projects CVCD brings to the Board are on private property because the ordinary high level moves.

Engineer Dowty – as far as debris removal on the Truckee, we never do debris removal on private property because it is a slippery slope, the District limits the removal to public lands.

This item will be continued at the next meeting.

8. DISCUSSION AND POSSIBLE ACTION OF THE RIVERSIDE DRIVE INUNDATION AND POSSIBLE INVOLVEMENT OF THE DISTRICT –

See Engineer’s Report

Superintendent Report regarding complete information regarding this issue was provided previously and available at District offices.

This item was discussed in the previous agenda item as it pertains to the financial input the District would make.

Attorney Bergin is going to review the JUB proposal, and this will be discussed at the next meeting.

9. DISCUSSION AND POSSIBLE ACTION REGARDING THE REQUEST FOR EMERGENCY FUNDING DUE TO

FLOOD DAMAGE NEAR THE CARSON VALLEY GOLF COURSE. – Director James, Rich Wilkinson (CVCD)

Mr. Wilkinson provided the Board information packet regarding the request for emergency funding, the packet is available at District offices.

CVCD is requesting \$65,000 from the District for an emergency project.

Discussion:

Engineer Dowty – Asked when they are planning on doing the project?

Mr. Wilkinson – As soon as funding is received. Mr. Wilkinson is worried that if they wait until levels get to high, they guarantee an issue.

Director Schank – It seems to me that there should be more long-term solutions from the State.

Mr. Wilkinson – Stated that Senator Titus is putting together a BDR to increase the Clearing and Snagging fund from \$250,000 to \$1,000,000.

Director Westergard – a few problems in his mind: 1. The budget issue as it pertains to the percentage of revenues to the District by the various counties, Douglas Co provided 8% to the monies the District receives. 2. What is our obligation under the statute. 3. Legal issue. Who is responsible if it floods? Who are they going to look at if damage occurs? If the District does give the money now, in the future are we on the hook?

Director Schank – What kind of legal issues do we give ourselves every time we give grant money?

Director Westergard – The Riverside Dr. issue is separate as far as any legal issues as it is part of the Truckee River and covered under the Martis Creek Agreement, which is the responsibility of the District.

Director Westergard – The golf course is privately owned, and he is not putting out any money.

Mr. Wilkinson – working on trying to get the owner of the golf course to assist in the project also. The Levy is owned by multiple people.

Director Westergard – What about USACE?

Mr. Wilkinson – stated that no one will declare ownership.

Director Schank – What precedent are we setting for any county?

Director Baggett - Would the Board be willing to give a smaller amount of money?

Director Capurro – Still have the same issue as far as liability.

Director Schank – If we did give the money can something be written in the contract that protects us legally?

Attorney Bergin – Can add anything to a contract but whether it stands up is anyone's guess.

Attorney Bergin – If the District is going to do it that the money be given to CVCD with no strings as to a specific project it has to be used for. That would avoid liability. And that we get indemnity back from them.

Director Westergard – our relationship with the Sub-District has changed now because it is a full district.

Director Schank – Why don't we give it to the County and let the Count give it to them?

Director Westergard – Is empathetic to the problem and realizes the Carson River is a living river system. Last year the District received approximately \$37,000 from Douglas County. What if we give Douglas County \$37,000 and they can use it as they see fit. Our District is looking for a legal buffer.

Attorney Bergin – What bothers him is that this has a history of failure and wo will back to us for liability? Would prefer to give it to the County and have them indemnify us.

Director Westergard – Think we would have to get a request from the County.

Director James – advised that there is a meeting in Douglas County this week and he can bring up the issue with them at that meeting. We will need an agreement with them to send the money back to them.

Director Baggett – stated that the optics of the District having money in the bank and not contribute could be bad.

Attorney Bergin – We have money that we owe that we must protect the water system. We are not here to protect the landowners we are there to protect the rivers. That is why Mr. Bergin is suggesting that the people taking the money indemnify us. 15 years the District limited the amount of money it would give out to ensure the existence of this entity.

Director Schank – What do we need to do today to stay on track and not hold them up?

- ❖ Director Baggett made a motion to approve the amount of \$37,000 to Douglas County, and that they will indemnify the District, and that this District is not liable; seconded Director Schank; motion carried.

10. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING ENCROACHMENT PERMITS AND REQUESTS – Kayla Dowty

See Engineer's Report

Kayla has a regularly scheduled meeting with USACE which has proved to be very beneficial.

11. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING MAINTENANCE DEBRIS REMOVAL WORK, EMERGENCY DEBRIS/DEPOSIT REMOVAL WORK AND AUTHORIZATION FOR EXPENDITURES FOR SUCH WORK – Kayla Dowty

See Engineer's Report

12. ENGINEER/CONSULTANT REPORT –Kayla Dowty

See Engineer's Report

13. LEGAL COUNSEL REPORT – Leo Bergin

Nothing to report.

14. SECRETARY/TREASURER REPORT – Mary Pat Eymann

Nothing to report.

15. PUBLIC COMMENT - None

16. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS:

- Future Agenda Item Requests:**
1. Agenda item #7 – Grants
 2. Agenda item #8 – Riverside Dr
 3. Agenda item #9 – Follow up on money

Board Comments:

Director James – We should plan next year to have a strategic planning meeting on what is our role and responsibilities on the Carson River.

Director Schank – Find a way to capture the wisdom before the old generation leaves and possible present a master plan on what we would like to see on the Rivers to the Governor.

Director Baggett – Agrees with what Director's James and Schank have said possible by spring.

Director Westergard – Appreciate this Board and the way we do business and discuss and our empathetic and responsive to the people we represent.

17. ADJOURNMENT -

There being no further business the meeting was adjourned.

**Next meeting
REGULAR MEETING
December 12, 2023, at 11:00 a.m.**

Todd Westergard,
President

Mary Pat Eymann,
Secretary/Treasurer