

CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Board Meeting
September 12, 2017

DIRECTORS:

Ernie Schank
John Capurro
Ed James
Mike Nevin
Todd Westergard
Karen Baggett

ABSENT:

Greg Dennis
Pete Olsen
John Enloe

GUESTS:

Lori Williams, Engineer
Ron Penrose, Superintendent
Leo Bergin, Attorney
Brian Casci, FWM
Ty Minor, Lyon County
Matt Setty, NVEMV (engineer)
Staff

1. CALL REGULAR MEETING TO ORDER -

President Westergard called the Regular meeting to order at 10:30 a.m.

2. PUBLIC COMMENT –

Director James introduced Ty Minor the possible new representative for Lyon County. We are just waiting for confirmation from the Governor's office.

3. APPROVE AGENDA –

Director Schank made a motion to approve the Agenda as presented; seconded by Director James; motion carried.

4. APPROVAL OF MINUTES AND CHECKS WRITTEN –

Director Capurro made a motion to approve the July 2017 Minutes and financial statements as submitted and checks written on Bank of America #9437 - #9444 and Nevada State Bank #2774 - #2784, motion seconded by Director Schank; motion carried.

5. FEDERAL WATERMASTER'S REPORT – Brian Casci

A complete copy of the Water Report is available at District Offices or on the internet at troa.net.

Currently letting fish water out of Stampede & Prosser to bring them down to flood control. Releases are being cut back at Tahoe due to the construction at Fanny Bridge. Tahoe reached 6229.0 at its highest this year.

6. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING ENCROACHMENT PERMIT REQUESTS AND PROJECTS – Lori Williams

See Engineer's Report

No new requests have been received.

7. DISCUSSION AND POSSIBLE BOARD ACTION REGARDING POSSIBLE 408 PERMIT REVIEW DELAYS AT THE USACE FLOOD BRANCH DUE TO BUDGET MATTERS– Lori Williams

See Engineer's Report

The letter that was draft to send to USACE is being held at this time based on what was discussed on the calls to USACE.

8. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING EMERGENCY DEBRIS/DEPOSIT REMOVAL WORK, FEMA PROCESS FOR COST RECOVERY AND NEXT STEPS FOR REMAINING WORK TO BE COMPLETED – Lori Williams

See Engineer's Report

The removal work has been completed by the successful competitive bidder DF Drumm. Matt Setty who was the foreman for DF Drumm was introduced by Ms. Williams. Ms. Williams advised that there were aspects of the project that went very well such as Matt's ability to see and visualize how to get things done and also worked very hard on the project. Some of Ms. Williams concerns about the way the project went were things she viewed as being done a little bit on the less than safe side or by questionable means. It was also noted that it was felt that perhaps the contractor was trying to "game" the district by trying to resell the sediment which had clearly been stated had to be disposed of in a landfill. This was finally agreed upon that it would be disposed of properly in the landfill as originally required in the scope of work. Getting thru some of these issues took some time and effort on the part of Ms. Williams. Although the work was completed in a timely manner in many areas it was felt that the contractor was under resourced in types of equipment available and hauling of debris out. The project was completed on time but in the end the various problems noted costing more of Ms. Williams time to ensure that the project was completed in compliance with the requirements originally set forth. There was time that Ms. Williams in fact did not bill to do the District but wanted the board to know about the situation.

Superintendent Penrose stated that the District is obliged to award bids based on price (low bid) and the bid also must be responsive, which becomes subjective. Maybe in the future we have separate line items for different locations and a bid item for mobilization and demobilization a type of overhead expense for contractors. This may help with overall bid evaluations. And ask explanation from bidders on how they intend to do the work, their methodology.

This project has had a lot of time involved for Engineer Williams and Superintendent Penrose and the District may in the future decide if going thru the FEMA process is cost-effective. Because of the fact that the sediment had to be disposed of in a landfill by FEMA requirements perhaps if District did the project they could in fact repurpose the sediment.

Mr. Setty stated that the contractor was not "gaming" the district that part of the problem was when the bid was originally submitted DF Drumm they were quoted one price by the landfill company and when they went to go dump it they were given another price. DF Drumm was trying to get some of its money back this way. He also stated that he had multiple safety certifications and believes he was working safely.

Director James asked Ms. Williams how much of her time she thought would be able to be recouped under the FEMA application. Ms. Williams felt that on the debris removal portion all of her time should be able to be recouped and on the Lake Street Bridge removal probably none of her time due to the fact that the contractor cost was higher for that part of the project. Director James also asked how the District qualified as the owner. Ms. Williams said that we don't have to own but have a legal obligation which we do under the Martis Creek Agreement.

Ms. Williams said that when all is said and done she would definitely be interested in giving DF Drumm future opportunities in doing work for the District.

9. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING FUNDING & AUTHORIZATION FOR THE DEVELOPMENT OF TRUCKEE RIVER FLOW MODELING WHERE MODELING IS CURRENTLY UNAVAILABLE OR UNSATISFACTORY – Lori Williams

See Engineer's Report

Director James asked if there was money in the budget for this project. Yes, there is in the "Projects to be Determined" category that can be used.

- ❖ Director Schank made a motion to approve the development of the Truckee River flow project from upstream of the Kietzke Bridge to Glendale Bridge not to exceed the amount of \$4,000; seconded by Director Capurro; motion carried.

10. DISCUSS OFFICE RENT INCREASE FROM \$1639.00 TO \$1688.17 - Staff

Office staff was contacted by the new owners of the building stating there would be a 3% increase in the rent, from \$1639 to \$1688.17.

- ❖ Director Schank made a motion to approve the increase of the rent to \$1688.17; seconded by Director Baggett; motion carried.

11. ENGINEER/CONSULTANT REPORT – Lori Williams

A complete copy of the Engineer's Report is available at the District Offices or on the CTWCD website.

12. SUPERINTENDENT REPORT – Ron Penrose

The sediment deposition with the City of Reno at the Kayak Park. The City said it is their jurisdiction and that they would handle. The current plan is for them to start removing the sediment the last week in September. It appears that they will be using their own City crews to do this. They do not need a permit from the District as it is considered flood channel maintenance for the District even though the Kayak Park is theirs.

Mr. Penrose is now with the Riverside Condo Association. He met with the condo owners last month they are interested in clearing debris from the River. They own the land but the City has the easement. Mr. Penrose identified the high-water line to them and told them that if they want to remove or trim vegetation they can do so between the ordinary high-water line and the 14,000 cfs line. He also reminded that if anyone was contemplating building a deck or anything in the flood channel they would need to confer with the District first. This was followed up in a letter as well.

Following up on the 408 process Mr. Penrose stated that for a lot of the Federal statutes you have a State agency that is actually enforcing the Federal statute. He is under the opinion that the 408 processes could be done the same way, but it requires the USACE to give up that responsibility. What this would mean on the Truckee River is that the District would take that over and the State of Nevada downstream of the Glendale Bridge. This probably would take an act of Congress to delegate to a local agency. Mr. Penrose will follow up with informal discussions and see what it would take to do this.

13. LEGAL COUNSEL REPORT – Leo Bergin

Nothing to report.

14. SECRETARY/TREASURER REPORT – Mary Pat Eymann

Nothing to report.

15. PUBLIC COMMENT -

- Matt Setty – On behalf of DF Drumm thank the Board and Lori Williams for allowing them to do the work. Mr. Setty takes exception to Ms. Williams comments regarding safety. Mr. Setty stated that he holds various certifications and that the safety was never an issue. Methods don't always look "safe" but his number one responsibility is that everything is safe.

16. BOARD COMMENTS and/or REQUEST FOR AGENDA ITEMS –

Board Comments: None

Future Agenda item requests: Nothing additional

17. ADJOURNMENT -

There being no further business, President Westergard asked for a motion to adjourn the meeting. Director Schank moved to adjourn, Director Capurro, seconded said motion, motion carried.

****The next meeting Tuesday October 10, 2017 at 10:00 a.m.****

Todd Westergard,
President

Mary Pat Eymann,
Secretary/Treasurer