

CARSON CITY STORM DRAINAGE ADVISORY COMMITTEE

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A regular meeting of the Carson City Storm Drainage Advisory Committee was scheduled for 6:00 p.m. on Monday, January 8, 2001 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

PRESENT: Chairperson Russell Plume
Vice Chairperson Howard Anderson
Jay Aldean
Bob Fredlund
Tony Marangi
Delacy Perry
Rob Saunders

STAFF: Larry Werner, City Engineer
John Givlin, Senior Project Manager
Hector Cyre, Consultant
Randy Bowling, Consultant
Katherine McLaughlin, Recording Secretary
(SDAC 01/08/01; Tape 1-0001)

NOTE: Unless indicated otherwise, each item was introduced by Chairperson Plume. A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review and inspection during regular business hours.

A. CALL TO ORDER, DETERMINATION OF A QUORUM (1-0004) - Chairperson Plume called the meeting to order at 6:00 p.m. Roll was called; a quorum was present. Member Perry arrived at 6:02 p.m.

B. APPROVAL OF MINUTES - DECEMBER 11, 2001 (1-0013) - Member Aldean moved to approve the minutes. Member Marangi seconded the motion. Motion carried 6-0-1-0.

C. MODIFICATION OF AGENDA (1-0035) - None.

D. PUBLIC COMMENT (1-0024) - Kermit McMillan, of Fieldman, Rolapp & Associates introduced himself.

E. DISCLOSURES (1-0031) - None.

F. PUBLIC MEETING ITEMS

F-1. DISCUSSION AND POSSIBLE ACTION REGARDING STORM WATER MANAGEMENT FUNDING POLICY ISSUE #3, "STORM WATER FUNDING PHILOSOPHY"; AND POLICY ISSUE #4, "EXTENT, SCOPE, AND LEVEL OF SERVICE" (1-0037) - In response to a question, Mr. Cyre acknowledged that he had authored policy issue #3. He discussed a lawsuit brought against the City of Atlanta challenging the adoption of a storm water funding mechanism which involved a service fee. Mr. Cyre explained that the City of Atlanta had done nothing to develop the rationale behind

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the funding decision and, as a result, found itself with a lack of documentation to support the philosophy. The court's decision pointed out that the city's critical error was in not having developed the thought process indicating the need for storm water management, the purpose of the storm water management program, and a rational decision for funding the program on the basis of a service fee which allocated costs in a certain manner. The rate methodology implemented by the City of Atlanta was not flawed; the process was flawed. Mr. Cyre explained the need to ensure that the thought process of the Committee is well documented regardless of the funding mechanisms recommended by the Committee and selected by the Board of Supervisors. He indicated that one of the more important issues to be addressed is the Committee's philosophy on how to allocate the costs of storm water management among neighbors and business people in Carson City. This is the reason for establishing a policy on funding philosophy.

Mr. Cyre explained that the funding mechanisms outlined in the policy are varied and include taxes, service fees, exactions, and special assessments. The funding mechanisms are responsive to certain characteristics and standards which the courts have derived over the years to determine what constitutes a tax, a service fee, etc. Mr. Cyre indicated that a large part of the courts' decisions are philosophical in content, i.e., taxes have a certain set of characteristics and standards that represent a certain philosophy of government finance. Mr. Cyre explained that the recommendations in policy #3 are based upon the Committee's discussions as reflected in minutes of previous meetings. He provided an overview of his understanding of the Committee's philosophy of storm water management, as follows: that the costs should be distributed as broadly as possible across the community in the sense that everybody pays proportionately to the demands placed on the storm water system; that the mechanisms be sufficient to accomplish this in a fair manner whether it is done through one funding mechanism or through a blending of several funding mechanisms; that an emphasis should be placed on contribution to the problem over and above any benefit derived by individual properties, particularly as a result of a given improvement; that the program should be flexible to reflect different levels and types of service from one part of the community to another or as applied to individual clientele, i.e., the development community during plan review and inspection services related to storm water; and that a dedicated funding source should be identified and utilized.

Member Aldean discussed present funding sources for storm water management, and commented that an explanation will be needed for the increase in the general fund once the utility is formed. Mr. Cyre described the issue as the "windfall effect" and advised that it is typically dealt with in a policy which is separate from the philosophical policy. Member Aldean requested that Mr. Cyre include it in his "checklist" as something to be addressed. Mr. Cyre discussed two ways to address the matter, and provided an example of what was done in Charlotte, North Carolina. Discussion took place with regard to the same, and Mr. Werner advised that since the general fund and gas tax revenues have subsidized the storm water program for years, the "windfall" would be the beginning of a reimbursement for contributions made to storm drainage. In response to a question, Mr. Werner indicated that the Streets Department has spent approximately \$300,000 per year over the last three years on storm drainage work. He acknowledged that the expenditures have been tracked. He advised that the Mayor and some of the Board members have expressed a concern that the storm water management program could be construed as a "back door" method to raise revenues in Carson City for the general fund instead of going to a vote of the people. Mr. Cyre acknowledged that the matter will be included as a policy issue, either by integrating it into another policy paper or presenting it separately.

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Vice Chairperson Anderson inquired as to the funding mechanism for moving water from Ash Canyon through the City. Mr. Cyre indicated that those details have not yet been specifically worked out; however, the funding philosophy issue has a big impact on who will end up paying. For example, if property taxes were to be used as a funding mechanism, only taxable properties would pay. Tax exempt properties, whether owned by the State, the school district, or tax exempt entities, wouldn't participate. If special assessments were to be used, properties would have to be charged in proportion to the direct and special benefit the properties receive from the storm water facilities and services. Exactions would have to be predicated on certain privileges or rights that individual properties realize by benefit of some associated action. Mr. Werner explained that if the program is funded by a utility, a revenue bond could be established and paid back with rates and charges for which everyone would be responsible. He indicated that there has not yet been a plan developed in the policy issues regarding how the storm water program will be established and who will pay for it. Mr. Cyre indicated that the degree to which individuals pay is a function of the design of service fee rates if that is the mechanism chosen, i.e., how to calculate the bill for a commercial property versus a residential property. Policy #3 addresses that issue at a very high, "big overview" level. Mr. Cyre commented that the greatest characteristic of the service fee is its inherent flexibility.

Mr. Cyre acknowledged that policy issue #3 includes tax exempt and government properties. Member Aldean referred to the second paragraph on page 7 of policy issue #3 and read the same into the record. He discussed the derived benefit needed to utilize an ad valorem tax. Mr. Cyre clarified that the policy issue is based on demand, and that benefit is typically construed in the context of special assessments. The reason the section on general benefits which may be recovered through fees was included is that fees are typically based on the cost of services and facilities. Broad consideration of general benefit is allowable for such things as storm water quality or solid waste to ensure public health and safety. Mr. Cyre discussed a Missouri Supreme Court case which addressed the real purpose of a solid waste program. He explained that if a program is set up on the basis of demand or contribution, certain costs of service may be required related to services that incidentally, and not by their own specific purpose, provide a general benefit to everyone. He commented that water quality is the most obvious. Mr. Cyre stated that he wants the Committee to be confident that their recommendation to the Board of Supervisors will designate a given funding mechanism which will generate enough money, that the money will be dedicated to storm water, and that the costs will be allocated fairly around the community.

Member Marangi expressed the opinion that benefits shouldn't be emphasized because of the "fighting" which will most likely result over "who benefits and who doesn't." He indicated that the program should be funded based upon demand and need. Chairperson Plume pointed out that policy issue #3 does not specifically address types of funding mechanisms; it is simply a broad philosophy emphasizing demand rather than benefit. Mr. Cyre requested the Committee's input on the broad philosophy presented, the key components of which are based upon demand, with the secondary consideration of benefit, the suitability of all properties participating, a dedicated funding source, and a result which will be reasonable and proportional in its allocations. He will later present a list of several funding mechanisms and an evaluation for each in the context of the philosophy. The list will include everything from continuing to utilize general funds to service fees, to special service fees for plan, review and inspection, to system development charges, and special assessments in certain cases.

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Vice Chairperson Anderson expressed concern over the work needing to be done in the Ash Canyon area. Mr. Werner indicated that since a certain portion of the work needed in Ash Canyon will generally benefit everyone in the community, a certain portion of general revenues from the storm water utility may be properly allocated to fund a portion of the project. Another portion of the project funding could perhaps be based on the constant contribution of certain property owners, and another based on benefit from special assessment. The policy issue statements will provide the basis for recommending funding allocations to construct needed improvements in Ash and Kings Canyons.

Member Marangi expressed the opinion that the Committee should adopt the portion of policy issue #3 which states that "all properties participate in funding storm water management systems" as its philosophy. Discussion took place regarding how to charge the U.S. Forest Service and undeveloped properties. In response to a question, Mr. Cyre advised that if no change has been made to natural conditions, no charge can be made. A statement would have to be included that everyone who has contributed to the improved storm drainage program would pay. No contribution would be required for land in its natural state. Mr. Cyre indicated that a more appropriate time for the discussion over unimproved land would be during design of rate methodologies for service fees. He advised that in 1999, 55% of all the storm water service fees around the country were based solely on impervious area. The obvious implication is that properties which don't have impervious area in the form of structures, rooftops, asphalt driveways, parking lots, etc. aren't charged. In that case, undeveloped properties, whether they were upland properties owned by the U.S. Forest Service or undeveloped properties on the valley floor, wouldn't be charged if the rate methodology were based on impervious area.

Mr. Cyre discussed considerations for rate methodologies of the other 45% of the country's storm water management programs, including accounting for only gross property area and both the total gross property area and impervious coverage. In that kind of a context, the Committee may have the flexibility for structuring the rates in a manner that charges developed properties as well as undeveloped properties, and there are a number of ways to design the rate structure. The key point is the flexibility inherent in using a service fee as long as the rationale is consistent and reasonable. Mr. Cyre commented that the courts have consistently utilized a concept called judicial deference wherein locally-elected legislative bodies are allowed to make a reasonable judgment on what service fees should be for local utilities and local services. He indicated that if the Committee decides to establish a rate methodology in this community to include both gross property area and impervious area, but not to charge undeveloped land, the rate methodology can be designed accordingly.

Vice Chairperson Anderson pointed out that one of the biggest water problems in the City comes from totally undeveloped land that will probably never be developed. Mr. Werner commented that if the City hadn't allowed development in the undeveloped areas, there wouldn't be a problem. He reiterated that these are issues to be addressed once the policy issues are decided upon. In response to a question regarding public and tax-exempt properties participating financially in the same manner, Mr. Cyre commented that it is a philosophical issue which is key in terms of the kinds of funding mechanisms that will be workable to accomplish their participation. Member Aldean expressed disagreement with the phrase "to the same extent as private, taxable properties." Mr. Cyre advised that the phrase was included to be consistent with the test applied by the courts. Discussion took place regarding the State government's contribution to utilities, and Mr. Cyre advised that many of the rate methodologies adopted across the country have not charged State and federal properties to the same extent for a variety of reasons. He

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provided an example from Fayetteville, North Carolina. Discussion took place regarding possible reactions and arguments from State government and how to bill entities such as the Nevada Department of Transportation (“NDOT”). Member Marangi objected to removing the phrase as it would eliminate a negotiable point. Mr. Cyre advised that the language was extracted from court cases addressing service fees. Member Aldean discussed his experience with billing the City of San Antonio, Texas for their portion of the storm water management program. Member Saunders expressed his agreement with the language as it is presented. He commented that the City would not be locked into anything as the roads will most likely not be taxed anyway. The language will communicate to the citizens that all the State buildings will pay just like everyone else.

Mr. Cyre advised that the staff/consultant team is beginning to get into the issue of the types of mechanisms available to Carson City for developing and applying various funding methods. The project management team will be considering everything from the county acting as a general improvement district, to certain authorities that may exist under the City’s own charter, to flood control law as it generally pertains to counties in the State of Nevada. The consultants and staff may return with additional “massaging” of the policy as those various mechanisms are explored. Mr. Cyre acknowledged that the policies will be resubmitted to the Committee for final approval prior to submitting them to the Board of Supervisors. Mr. Werner acknowledged that the policies will, as a whole, be submitted to the Board of Supervisors. He further acknowledged that the policies will be amendable as the Committee considers the entire picture. Mr. Werner advised that staff will be providing periodic status reports to the Board of Supervisors, but none of the policies will be submitted formally until the full Committee has reviewed and approved them. **Vice Chairperson Anderson moved to adopt policy issue #3 as written. Member Marangi seconded the motion. Motion carried 7-0.**

Member Perry inquired as to whether owners of undeveloped property who are not required to pay storm water management program fees will be able to request assistance from the City in the event of a flood. Discussion took place with regard to the same, and Mr. Werner indicated that the City will not be in a position to guarantee individual protection for any single citizen. Chairperson Plume pointed out that many of the people who worked during the last flood were volunteers. Mr. Werner advised that the programs which provided materials, guidance, transportation, etc. will continue. Mr. Givlin distributed copies of the policies on which the Committee has already taken action.

At the request of Chairperson Plume, Mr. Cyre referred to Policy Issue #4. He indicated that he had made an executive decision in drafting this policy based on his understanding that the scope of the program had been described well enough in policy papers #1 and #2 with regard to mission and program priorities. He expressed the opinion that it would be more meaningful to the Committee members to discuss level of service at the same time costs are discussed. He then reviewed policy issue #4.

Vice Chairperson Anderson indicated that physical infrastructure and extent of systems have been Carson City’s problem in the past. The City “never has considered any water coming at it.” He discussed the original design of his subdivision which included a channel to divert water from the subdivision and convey it somewhere else. The contractor was able to convince the Board of Supervisors to eliminate the drainage, however. Vice Chairperson Anderson commented that the City has never lived by a storm water master plan and, subsequently, the developers have never been made to take into account “what’s coming at them.” He expressed the opinion that the City should get into a true drainage system instead of pretending the

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problem doesn't exist. Mr. Givlin indicated that the process of reviewing policy issues is only part of the storm water management program. Once the Board of Supervisors gets direction from City staff and from the Committee as to a recommendation, another large part of the program will be to develop solutions, define costs, designate funding mechanisms, etc.

Discussion took place regarding determination of the service area boundary, and Member Aldean suggested that the consultants present several different plans for funding prior to establishing the service area. Vice Chairperson Anderson expressed disagreement with policy issue #4 because it doesn't address taking care of the water coming into Carson City from U.S. Forest Service and other undeveloped land. Mr. Cyre diagrammed the urban development in Carson City and his understanding of the drainage pattern, and discussed the possibility of constructing a facility outside the defined service area for the purpose of providing service. He advised that this is what was done in Charlotte, North Carolina and that it is the cheapest way to provide service.

In response to a question, Mr. Cyre diagrammed the City of Provo, Utah, its service area, and its storm drainage facilities. He indicated that the City of Provo is constructing debris dams, which are not intended to provide hydrology control. Mr. Cyre indicated that he doesn't know whether Carson City has the capability to go back and construct regional detention in the canyons. He advised that 6-7 years ago the City of Provo was planning to spend the first large amount of funding outside their service area as a benefit to the service area.

Vice Chairperson Anderson reiterated his disagreement with policy issue #4 as it is stated. His understanding of the policy issue is that the only water which will be taken care of is that which hits rooftops and drains out into the gutter of the street. Mr. Givlin agreed that there is a great deal of flow which needs to be perpetuated. Whether it is done in a well-defined corridor or not, water will still flow through the neighborhoods. Vice Chairperson Anderson acknowledged that the City won't be able to control 100% of the water, but suggested that the City should coordinate building permits and contractor requirements to take care of it. Member Aldean clarified that the recommendation takes more into account than that which is "between curbs." He indicated that it establishes how large the system should be and the area which will be managed. Vice Chairperson Anderson reiterated that the policy should recognize that there is water coming at the City. He indicated that, from a practical standpoint, a certain level of storm has to be considered. The storm has to include more than the water and the gutter; it should include the water that is coming at the City. Member Aldean indicated that the Committee will ensure that the flows coming from the canyons are perpetuated. He advised that Carson City requires any developer to take into account the full upstream watershed. Discussion took place regarding the Silver Oak development, and Member Aldean indicated that the City's requirement wasn't included in the policy because it is already a law in Carson City.

Mr. Cyre reviewed and discussed the recommendations in policy issue #4 sentence by sentence. He discussed the practical and legal limitations on the City's ability to provide service. Discussion took place regarding the City's ability to control storm drainage all the way to the top of the watershed and the City's responsibility for Kings Canyon. In response to a question, Mr. Cyre explained that with regard to local government jurisdictions, the courts have been deciding that if there is public water running in a drainage course, or coming off of municipally owned lands or facilities, or a situation where there are so many properties discharging in common to a water course that it is impractical for the individual properties to

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take responsibility, it is then a public responsibility. That's where the law is going on the issue. The reason the law has evolved to this point is that local governments were building roads and causing the storm water flows to dump into stream channels and ditches that went through private properties without taking discharge into consideration. Mr. Cyre commented that municipal governments are "reaping the wind." Lots of mistakes have been made in road design and water concentration. Another reason is that administrative actions have been taken to approve commercial and subdivision developments which include drainage infrastructure for which it is impossible to require individual property owners to be responsible. Mr. Cyre provided the example of a court case from New Hanover County, North Carolina. He commented that private citizens have been suing local governments on these issues for the last 20-30 years and the courts have come around to the point where they are not letting local government off the hook.

Member Fredlund inquired as to what is being done to address the issue of upstream development of watersheds that affect Carson City. Mr. Givlin advised that the City has begun to develop a storm drainage master plan which identifies each watershed within the community. The hydrology has been done for each watershed, the discharge from each watershed was calculated, and the HEC-1 model showing the routing from these basins is currently being developed. The ultimate outcome is part and parcel to what will be presented to the Committee. The funding mechanisms, the program, and the revenue stream must be created first in order to develop and implement the master plan. The identified improvements will be planned on a basin-by-basin basis. Mr. Cyre referred back to his earlier discussion of recent court decisions affecting local government. He advised that policy issue #4 was drafted in an effort to protect Carson City from the imposition of these types of court burdens. He indicated that he drafted the policy issue in this manner because, in practical terms, it would be very difficult for Carson City to generate enough money to take on everything the courts might actually throw at it.

Mr. Cyre referred to the second sentence in paragraph 2 of the recommendations and read the same into the record. He explained that he drafted this to try to initially minimize the burden on the City. He acknowledged that it may be totally contrary to the concerns previously expressed by Vice Chairperson Anderson. Vice Chairperson Anderson reiterated that it seems to be saying that the City will not take responsibility for nor pay any attention to water coming at it. Mr. Cyre indicated that if water is running in an area where the City doesn't have adequate access through easements or rights of entry, the City should deny responsibility no matter how much water there is. Mr. Cyre acknowledged that he made the statement for legal purposes only. Member Fredlund commented that the Committee needs to look beyond the legal purpose and be prepared for its presentations. Mr. Cyre commented that the City may be able to serve the problem stated by Vice Chairperson Anderson by going in and selectively buying properties in a canyon, putting in a big detention facility but not taking responsibility from the base of that detention facility all the way down to the urban area limits.

Member Fredlund expressed agreement with Mr. Cyre's comments and with his written recommendation, and for the City taking care of its own service area. He expressed concern with regard to how to be responsible for a future development, such as in Kings Canyon. He inquired as to how the City will be prevented from being responsible for that storm water and all those impervious surfaces. Member Aldean explained the City's development ordinance, and advised that a new development in Kings Canyon would be required to put the water back into its original channel at a rate that doesn't exceed the predeveloped rate. The facilities would have to be able to handle the appropriate storm required at that point. Member Fredlund expressed understanding for this requirement. He commented that, because of past issues, the

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Committee members seem concerned over their future position. He inquired as to how policies will be enforced through the Committee. Member Aldean indicated that enforcement is not within the purview of the Committee.

In further answer to Mr. Fredlund's question, Mr. Cyre explained the three basic concepts of water law: common enemy doctrine, civil law doctrine, and reasonable use. He advised that the common enemy doctrine and the civil law doctrine are at "opposite ends of the pole." Reasonable use is in between and is the direction most state water law is gravitating toward. He explained that under common enemy water law, a property owner can do anything to protect himself. If it happens to impact a neighbor, then the neighbor has to protect himself from that common enemy. At the other end of the spectrum, the civil law doctrine states that a property owner cannot do anything to negatively impact another property. This is just as impractical as the common enemy doctrine. Reasonable use indicates that a property owner can do those things which are necessary to protect himself as long as they do not create a hazard to a downstream property owner. Mr. Cyre went on to explain that with regard to neighboring jurisdictions, the courts have indicated that a county or a city can deal with storm water in its physical sense, quantity and quality, in such a manner to protect itself as long as the downstream neighbor is not negatively impacted. He provided the example of a lawsuit between the City of Bixby, Oklahoma and the City of Tulsa, Oklahoma.

Member Aldean commented that the only problem Carson City has outside the county is Clear Creek because of the way it "juts in and out of Douglas County and Carson City." The rest of the watershed is all contained within Carson City. In response to a question, Member Aldean acknowledged that a large development is being considered in the area of Clear Creek; however, there should be no impact to the City.

Mr. Cyre commented that Member Fredlund's earlier questions were very insightful. He indicated that it is the biggest issue which is unresolved by the formation of very effective storm water programs in local governments. If the effect of putting in a very good drainage program in one local government is to dump the water on the next local government, it hasn't solved the problem. Mr. Givlin commented that this is pretty much what is being seen on a national level with the National Flood Insurance Program ("NFIP"). He advised that NFIP rules state that a property owner cannot damage an adjacent or downstream property owner with development in any regulatory flood way or flood plain. From a master plan approach, once all the basins and the drain to the subject area have been identified, the issues of undeveloped land, partially developed land, or developed land which is impacting a downstream area have to be addressed for each basin as part of the master plan and planned accordingly. Mr. Givlin indicated that the City is not ready to face those issues, but that they will need to be discussed in the future as agenda items to be considered by the Committee.

Mr. Cyre requested specific feedback from the Committee members with regard to policy issue #4. Vice Chairperson Anderson expressed concerns with the language in paragraph 1 of page 5. He read a portion of the same into the record. Member Aldean provided his interpretation of the language. Vice Chairperson Anderson expressed the opinion that the facilities should be constructed to assume that there is a water problem to begin with. Member Aldean reiterated that the law is already in place to accommodate this concern. Mr. Cyre reviewed the paragraph and discussed the intent of the language. He commented that it makes sense to designate public water off the roads in a drainage system as the public's responsibility. He suggested that it may be in the City's interest to limit itself to those systems that are in the street, but doing so would disregard exactly the controversy brought up by Vice Chairperson Anderson.

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Member Perry commented that she has the reverse concern on Lassen Drive. She advised that it is in the lowest part of Carson City, all the water drains there, floods her condos and flows into the Lompa property. There is a ditch on the property but the property owner won't allow the City on the property to clean the ditch so that the water can flow freely to Butti Road. Mr. Cyre indicated that this is precisely the problem. Discussion took place regarding a master plan of the area presented to the City by the Lompa family several years ago. Member Aldean commented that policy issue #4 is general enough to allow flexibility. Vice Chairperson Anderson commented that one of the responsibilities of the Committee was to ensure development of a master plan. Mr. Cyre suggested a long-range view, and diagramed an analogy of the City's responsibility using telephone poles and wires. He commented that part of the outgrowth of setting up a good storm water management program will be, over time, acquiring the ability to deal with the rest of the system. It's going to take years.

Member Saunders expressed understanding for Vice Chairperson Anderson's concern within the context of paragraph 1 on page 5. He suggested an additional sentence which would indicate that over time the City should seek to gain practical management control of the extent of the systems to the degree necessary to manage them effectively. Member Aldean suggested a paragraph around the theme of expansion of the system. Vice Chairperson Anderson suggested a sentence requiring compliance with the master plan. Mr. Cyre requested guidance from the Committee to allow him to draft the appropriate language and resubmit it to the Committee at the next meeting. Member Aldean suggested that Mr. Cyre draft the language as suggested by the Committee. Chairperson Plume discussed the process for signing the last two policy papers. He offered to review the redraft and approve it based on the intent suggested by the Committee. **Vice Chairperson Anderson moved to approve policy issue #4 in concept with the modification that a paragraph be included which discusses expansion of the system to meet the concept of the storm water master plan. Member Fredlund seconded the motion. Motion carried 7-0.**

F-2. DISCUSSION AND POSSIBLE ACTION REGARDING THE STATUS REPORT ON THE STORM WATER MASTER PLAN PUBLIC PARTICIPATION (1-3095) - Mr. Bowling commented that the discussion which took place this evening underscored a concern of the project team that the policies need to be given an "acid test." He advised that key stakeholders and other members of the public will be present at the next meeting and may be quizzing the Committee with very detailed questions. He commented that the earlier discussion goes a long way to the Committee internalizing the issues.

Mr. Bowling distributed a draft letter and indicated that it will be mailed to the key stakeholders identified by the Committee at the last meeting. It will provide background on the purpose of the Committee and ultimately that candid comments, observations and opinions of key stakeholders will be important for the Committee to hear and understand. He indicated that the letter will be mailed in order that the key stakeholders will have the opportunity to attend the next meeting. At the request of Member Saunders, Mr. Bowling indicated that he would include a copy of the list of key stakeholders and their affiliations. Mr. Bowling advised that the next meeting is scheduled for February 12th. He discussed providing a status report to the Board of Supervisors at their mid-March meeting. Anticipating that the Board will ask what type of public response the Committee is getting, he suggested scheduling the first public meeting prior to that.

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Mr. Bowling commented that the Committee is mid-way through a number of important policies and this will give the public a chance to see what the Committee has reviewed and the conclusions reached. The Committee will have the opportunity to receive comments, which will then be included in the status report to the Board of Supervisors. Mr. Bowling indicated that he hopes to get support from the newspaper in the form of an article or two as well as a display ad to alert the public.

In response to a question regarding the newspaper column discussed at the last meeting, Mr. Bowling indicated that he had not yet discussed this with the newspaper editor. Member Aldean suggested making this a priority. In response to a question regarding reviewing policy issues at the next meeting, Mr. Cyre advised that the consultants and staff had just talked about the idea of involving the stakeholders and the general public in the next two meetings and then providing a briefing to the Board of Supervisors. The details of the agenda have not yet been worked out. Mr. Bowling commented that the key is to present the information the Committee has reviewed and decided upon over the last few meetings in a form that is clearly understandable by most of the public. He acknowledged that it would be more of an informational meeting than one in which the Committee would have to take action. Discussion took place regarding the format of the meeting, and Mr. Bowling indicated that what has typically worked well over the last couple of years is an open house type format. He referred to the public meetings put on by NDOT at the Community Center with various displays which would explain, in this case, the various policies, pros, cons, discussion, etc. so people can discuss the issues with the Committee members and staff/consultants. Member Perry concurred with this type of format. (Member Aldean left the meeting at 8:28 p.m. A quorum was still present.)

Chairperson Plume discussed the format of the last public meetings conducted by the Committee. He advised that part of the responsibility of the Committee members and City staff was to jot down notes on their interactions with the citizens. Discussion took place regarding whether or not minutes would be needed from the public meeting. Mr. Bowling commented that the key is to provide an opportunity for the public to make comments, either in writing or by speaking to one of the Committee members or staff.

In response to a question regarding the wording of item F-2, Mr. Bowling suggested referring to the program as the storm water management program rather than the storm water master plan. Mr. Givlin indicated that staff and the consultants are hoping to broaden the scope of the public participation and outreach. Vice Chairperson Anderson commented that the master plan which the Committee has been working on is helpful for discussion purposes because it shows the major drainage areas all over town and most people are interested in their own neighborhoods. Mr. Bowling indicated that the key purpose in having the public meeting is to acquaint the public with what the Committee has been doing to review the policies over the last few meetings.

In response to a question, Mr. Cyre indicated that the open house will not be for review of the specific issues. The goal is for people to understand what this Committee is aiming at in trying to arrive at a reasonable and acceptable approach to funding the storm water program. Member Saunders commented that the citizens will most likely want to see dates and maps, something they can understand. He suggested having displays on the freeway, the master plan, basin mapping, and a main display for program development done by the Committee. Member Fredlund suggested bringing in a policy manual or a graph to show the starting point of the Committee in 1998 and the direction taken since that time. Mr. Bowling indicated that the meeting would be informal, with an opportunity for the public to make comments, lots

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of graphic displays, and a flow chart describing the concept of the storm water management program time line.

F-3. DISCUSSION AND POSSIBLE ACTION REGARDING THE STATUS REPORT ON THE FREEWAY DRAINAGE PROJECT (2-0362) - Mr. Givlin advised NDOT is working out right-of-way acquisitions to accommodate the freeway drainage structures, improvements, and water quality basins. Until this is accomplished, there will most likely be nothing new to report to the Committee. He circulated a list of some of the things which have been agreed to between the City and NDOT.

Mr. Givlin advised that he and Chairperson Plume had discussed scheduling another field trip. He displayed and reviewed three sets of plans, including the Shenandoah Detention Basin which he acknowledged is mostly complete. Eagle Basin will be one of the last basins to be constructed and will coincide with freeway construction because the material removed will be used as embankment material. Mr. Givlin discussed the plan for two cross drains, one at Broadleaf and the other at Arrowhead. This project was removed from the original contract and separated into a contract which the City hopes to let sometime in the spring. The project is in a regulatory flood plain, and will reduce the flow within that regulatory flood plain by impounding the water in the basin. Part of it will flow across Carson Street at Arrowhead in the culvert, and part of it will flow down to and across Broadleaf. Two culverts are proposed to bring run off from Eagle Creek Basin directly into the culvert being constructed by the State. Mr. Givlin acknowledged that NDOT will not start this project until the excavation material is needed for the freeway.

Mr. Givlin discussed the Timberline/Combs project, which will include water quality, detention, and conveyance. He described the flow route and, in response to a question, indicated that the box culvert to divert flows at Arrowhead has been completed. He further acknowledged that the culvert east of Highway 395 has been completed with the exception of the actual crossing at 395. He described the culvert which will be installed and the storm water route. Mr. Givlin referred to an additional set of plans depicting a detention basin which was constructed on WNCC property, some check dams constructed in Vicee Canyon, and downstream conveyance. Mr. Givlin acknowledged that the facility on WNCC property will be a detention basin. Discussion took place with regard to the field trip, and Chairperson Plume indicated that he had toured the same areas with Member Fredlund following his appointment to the Committee. Member Saunders requested that schematic maps be provided in lieu of a field trip.

Discussion took place regarding a future phase of design for the freeway, plans for Vicee Canyon, Ash Canyon, Kings Canyon, conveyance through the City, the means by which flows will be routed through Vicee Canyon, and the amount of flow to be conveyed. Mr. Givlin indicated that the City is considering a means by which to perpetuate some of the flow from Vicee Canyon through a low-flow bypass to maximize the storage volume in the basin, thereby reducing the regulatory flow downstream of the detention facility. Mr. Givlin indicated that these are some of the solutions to be considered during the planning process for phase 2. He advised that they will be prioritized in the master plan.

Discussion took place regarding the flow route from Nye Canyon/Silver Oak, and Member Saunders expressed an interest in touring these sites again. Mr. Givlin displayed plans prepared by RCI depicting construction of a 24" pipe from the Vicee Canyon detention basin down Winnie Lane to the existing system just below Mountain Street. In response to a question, Mr. Givlin advised that a 24" pipe exists just below Mountain Street which conveys flows down Winnie Lane to Carson Street and then down Carson Street.

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(Member Fredlund left the meeting at 9:00 p.m. A quorum was still present.) Mr. Givlin indicated that the pipe has a very limited capacity and that it would not be prudent to tie into it. He advised that City staff is considering an alternate route which would involve constructing a pipe system from the Vicee Canyon detention basin to the Ormsby alignment, a City-owned right-of-way. In response to a question, Mr. Givlin described the flow route from Vicee Canyon to the Washington Street system.

Discussion took place regarding a combined field trip/meeting, and Chairperson Plume related a portion of the discussion between himself and Mr. Givlin wherein they agreed that the best time to schedule another field trip is after daylight saving time begins. In response to a question, Mr. Givlin indicated that City staff hopes to have the two cross drains under construction in the near future and, if all goes well, to begin the system for the WNCC campus which will route flows to Silver Oak. In response to a further question, Mr. Givlin indicated that the normal process for freeway construction is to let all the bridge structure contracts and then for the structural fill to be placed. The fill sits there for a year or two to consolidate and, once that process is complete, construction of the bridge structure ramps will begin. Mr. Givlin advised that most of the bridge structures for the first phase are under construction.

F-4. DISCUSSION AND POSSIBLE ACTION ON TENTATIVE SCHEDULE FOR MEETING DATES FOR THE YEAR 2001 (2-0738) - Mr. Givlin distributed a November 17, 2000 memorandum to the Committee members and staff, and reviewed the same. He advised that any of the meetings can be changed, additional meetings can be scheduled, and meetings can be expanded to include field trips and workshops. He discussed moving the March 12th meeting to March 14th, and advised that the first presentation to the Board of Supervisors will be made on Thursday, March 15th. **Vice Chairperson Anderson moved to change the March 12th meeting to March 14th. Member Marangi seconded the motion. Motion carried 5-0.** Chairperson Plume suggested that none of the other meeting dates be changed at this time. Mr. Givlin noted the change in the November meeting date due to the holiday.

G. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-0860) - Member Perry inquired as to whether the Committee will take a position on remapping Carson City so that some of the areas will be removed from the flood plain once the freeway is completed. Chairperson Plume suggested that Member Perry discuss this matter informally with Mr. Givlin, and indicated that the matter could be agendized if necessary.

G-1. FUTURE AGENDA ITEMS (2-0858) - Previously covered.

H. ADJOURNMENT (2-0869) - Member Marangi moved to adjourn the meeting at 9:15 p.m. Vice Chairperson Anderson seconded the motion. Motion carried 5-0.

The Minutes of the January 8, 2001 meeting of the Carson City Storm Drainage Advisory Committee are so approved this 14th day of March, 2001.