

**CARSON CITY STORM DRAINAGE ADVISORY COMMITTEE**

**Minutes of the April 9, 2001 Meeting**

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A regular meeting of the Carson City Storm Drainage Advisory Committee was scheduled for 6:00 p.m. on Monday, April 9, 2001 in the City Hall Capitol Conference Room, 201 North Carson Street, Carson City, Nevada.

**PRESENT:** Chairperson Russell Plume  
Vice Chairperson Howard Anderson  
Tony Marangi  
DeLacy Perry  
Rob Saunders

**STAFF:** Andrew Burnham, Development Services Director  
John Givlin, Senior Project Manager  
Randy Bowling, Consultant  
Hector Cyre, Consultant  
Paul Lumos, Consultant  
Kathleen King, Recording Secretary  
(SDAC 04/09/01)

**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. ROLL CALL AND DETERMINATION OF A QUORUM (1-0001)** - Chairperson Plume called the meeting to order at 6:00 p.m. A quorum was present. Members Aldean and Fredlund were absent.

**B. APPROVAL OF MINUTES - MARCH 14, 2001 (1-0005)** - Member Marangi moved to approve the minutes as written. Member Perry seconded the motion. Motion carried 5-0-2-0.

**C. MODIFICATION OF AGENDA** - None.

**D. PUBLIC COMMENT (1-0014; 1-0321)** - Chairperson Plume solicited comments from Doug Hone, an invited stakeholder, upon his arrival at the meeting. Mr. Hone offered no comment on any non-agendized item.

**E. DISCLOSURES (1-0016)** - Member Perry advised of a recent contact from a Nevada *Appeal* reporter and discussed the information she provided. Vice Chairperson Anderson advised of a contact from the same reporter with the same questions.

**F. CONSENT AGENDA**

**F-1. CONFIRMATION OF ACTION TAKEN BY THE COMMITTEE AT THE MARCH 14, 2001 MEETING REGARDING STORMWATER MANAGEMENT PROGRAM POLICY STATEMENT NO. 5, "PROGRAM LEVEL AND COST OF SERVICE" (1-0036)** - In response to a question, Mr. Givlin explained the process for removing this item from the consent agenda for discussion. Chairperson Plume solicited questions or comments from the Committee, and the revisions to Policy

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Statement No. 5 were reviewed. Discussion took place regarding the action taken at the March 14<sup>th</sup> meeting with regard to policy statement no. 5. In response to a question, Mr. Givlin reviewed the boundaries of the consolidated municipality of Carson City. He discussed the urban services boundary which includes the water tanks to the west of Ash Canyon, the northern and southern boundaries of Carson City, and the east side of the Carson River. In response to a further question, Mr. Givlin advised that the urban services boundary includes all the developed areas within Kings Canyon up to the U.S. Forest Service property line. Vice Chairperson Anderson requested that staff provide a map of the urban services boundary, and Mr. Givlin indicated that he would bring it to the next meeting. The recording secretary pointed out the vote record regarding program issue no. 5 in the March 14<sup>th</sup> minutes, and discussion took place with regard to the same. Mr. Givlin advised that a schedule regarding final review of all the policy statements will be addressed later in the meeting.

**F-2. CONFIRMATION OF ACTION TAKEN BY THE COMMITTEE AT THE MARCH 14, 2001 MEETING REGARDING STORMWATER MANAGEMENT PROGRAM POLICY STATEMENT NO. 6, "FUNDING METHOD" (1-0175)** - Member Marangi expressed a concern regarding the credits policy, and Mr. Cyre read a portion of the subject paragraph into the record. He explained that credits will be conditional upon the storm water system continuing to operate as intended. He acknowledged that the City will have to enforce the conditions; the risk of losing the credit is the incentive to maintain the storm water system. Mr. Givlin discussed the City's Design Criteria Manual, the recommendations contained therein for minimum design criteria, and scenarios under which credits would be awarded. Member Marangi expressed a concern that the City will be responsible for maintenance of additional facilities. Mr. Cyre advised that the details of designing credits have yet to be addressed.

(1-0235) - Doug Hone, owner and operator of several shopping centers in Carson City, advised that he provides maintenance for several sediment basins. Member Marangi discussed the problem of storm water facilities which receive no maintenance. Mr. Cyre reiterated that a crediting mechanism has yet to be developed. He explained that each community designs credits to fit the needs of its storm water program. Typically, if a facility is constructed and dedicated to the City for maintenance, there is no applicable credit. Credits are awarded when facilities are constructed on private property and maintained in compliance with the City's maintenance standards. Mr. Cyre provided examples of credits for other than physical systems, such as education programs. At the request of Chairperson Plume, Mr. Hone introduced himself and advised that he had been invited to the meeting as a stakeholder. **Member Saunders moved to accept the consent agenda with the correction of his vote on policy paper no. 5. Member Perry seconded the motion. Motion carried 5-0-2-0.**

## **G. PUBLIC MEETING ITEMS**

**G-1. DISCUSSION AND POSSIBLE ACTION REGARDING STORMWATER MANAGEMENT PROGRAM POLICY ISSUE PAPER NO. 7, "RATE STRUCTURE" AND PROGRAM POLICY STATEMENT NO. 7 (1-0345)** - Mr. Cyre provided background information on development of this policy paper, and reviewed the same. He read a portion of the "Recommendations" paragraph regarding impervious area into the record. He reviewed and discussed the recommendation for a simplified residential rate, and advised that an analysis of the housing stock in Carson City will be conducted in order to determine the possibility for tiered residential rates. He commented that the cost of implementing the program can be cut almost in half, and the maintenance simplified, by designating a flat

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or tiered residential rate. Mr. Cyre responded to questions regarding the rate methods used by other communities for large residences on large parcels of land, and condominiums/"common wall" properties. He discussed service charge credits, and pointed out that they are distinguished from tax concepts which do not provide for crediting. He advised that other funding mechanisms are identified in the policy paper, but commented that complex rate methodologies which include system development charges, various special service fees, "in lieu of construction" fees, etc. tend to confuse the public.

In response to a question, Mr. Cyre advised that at the time the master account file is developed, technical policies will be produced to address issues such as how to treat condominiums, whether or not to bill tenants or owners, etc. Chairperson Plume commented that the most equitable method seems to be a flat rate for single-family residences, with the possibility of applying tiers for large impervious areas. In response to a further question, Mr. Cyre explained the rationale behind including undeveloped land in the rate methodology. The only properties paying for a rate methodology based strictly on impervious area are those that are currently developed. A master plan for capital improvements is usually done based on future projections of 20-25 years. Undeveloped properties that develop in the future and utilize some of the capacity designed and built according to the master plan, are essentially getting their portion paid for by those properties which were previously developed and had impervious area. Mr. Cyre advised that a system development charge, which is essentially a recapture, can be incorporated into an impervious area rate methodology. One problem with the reasoning behind billing both undeveloped and developed properties is that it speculates all undeveloped properties will develop to a certain degree. Mr. Cyre recommended that the Committee not select this rate methodology unless there is a very compelling reason to bill undeveloped properties. It is easier to have the recapture mechanism in place for those properties which do develop in the future. In response to a question, Mr. Cyre explained that, for a residential development, the developer makes a one-time payment to the utility and the charge is passed to the purchaser. He discussed capitalization charges and, in response to a question, explained the structure of crediting mechanisms. He expressed disagreement with allowing a 100% credit to any property owner because there is "no way that someone can design an on-site system that will totally and completely eradicate any demand they will place on the system."

(1-0740) - Mr. Hone expressed the opinion that a bonus should be built into the system for accomplishing certain objectives which are beneficial to everyone in the City. Mr. Cyre commented that this is one of the reasons so many communities rely on the amount of impervious area as the primary parameter for establishing rates. He discussed best management practices to reduce the amount of pollutants discharged from a property, including porous pavements, grass buffer strips, etc. He commented that designing credits for such things can be very sophisticated. On-site detention, water quality control mechanisms, structures specifically intended to achieve water quality purposes, reductions in impervious area, etc. are the more likely facilities to receive credits. Mr. Cyre discussed other credit mechanisms implemented in other communities, and advised that he tries to work with the "local situation" and the community's design standards. He acknowledged the desire to minimize the proliferation of on-site systems, and discussed the purpose of in-lieu-of-construction fees. He acknowledged that residential credits are usually not applicable and discussed reasons for the same. In response to a question, he indicated that apartment complexes are usually considered as commercial properties.

Mr. Givlin advised that the City's design criteria manual is addressing the proliferation of small systems and mechanisms. Mr. Cyre discussed the practice in some communities of purchasing additional detention

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from developers rather than adding capacity to, or constructing another, regional facility. Discussion took place regarding the responsibility for maintenance in such a case. Mr. Givlin advised that the City prefers construction and maintenance of a regional facility wherever possible.

In response to a question, Mr. Cyre reviewed his recommendation for an impervious area rate methodology which doesn't charge undeveloped properties. If the City wishes to charge undeveloped property, he recommended a combination of impervious area and total property area. In response to a question, Mr. Cyre clarified that undeveloped properties will be charged if they are developed. Discussion took place regarding the governmental entities which will be charged under an impervious area rate methodology. Chairperson Plume pointed out that inclusion of developed land is part of the policy issue presented by Mr. Cyre. He commented that the biggest problem is development which has taken place in the path of the flood water in such places as Ash Canyon. The City cannot therefore expect whoever owns the land to provide compensation for a problem caused by development. Mr. Cyre suggested this is the reason an impervious area rate methodology would work better for Carson City. He discussed impervious area rate methodologies as applied to publicly owned properties such as the State Capitol building and other State offices. He estimated that publicly owned properties make up 22-25% of the total rate base in Carson City. In other words, publicly owned properties will pay 1/4 of the cost of storm water management in this community. He advised of litigation in which he has been involved in several communities over enforcing the payment of storm water charges by publicly owned properties. The requirement has been consistently upheld when the rate methodology has been developed and implemented correctly. In response to a question, Mr. Cyre indicated that federal properties are included. He referred to an executive order issued by the President in the 1980s directing that federal facilities are responsible to pay local utility service charges in a manner commensurate with private properties. Mr. Burnham advised that all state and federal government entities in Carson City, as well as the Washoe Tribe, churches, schools, etc. pay said utility service charges. Mr. Cyre acknowledged that the fee will apply to industrial and commercial properties as well. Discussion took place regarding whether or not the street systems will be included.

Discussion took place regarding the recommendations, whether or not to leave undeveloped lands in the rate methodology structure, the master plan, system development charges, simplified residential rates, and tiered residential charges. Mr. Cyre diagramed the difference in cost of providing storm water systems and facilities for various-sized lots. Chairperson Plume pointed out that the tiered residential charges are simply an additional consideration. Discussion took place regarding the possibility of utilizing property taxes to determine a service charge, and Mr. Cyre explained that the service charge must be reflective of the cost of providing services and facilities not the value of the property. He clarified that the recommendation is for a simplified residential structure, whether or not tiers are involved. In response to a question, he advised that a technical analysis will need to be conducted on use of a flat rate fee for residential properties.

Vice Chairperson Anderson expressed an objection to the sentences regarding repetitive flooding and that there is no large river in the area which poses the risk of massive, life-threatening flooding. Following discussion, Mr. Cyre indicated he would remove the sentences. **Vice Chairperson Anderson moved to accept the program issue as written. Member Perry seconded the motion.** Discussion took place regarding the terminology used to identify the policy papers and program issues. Mr. Givlin suggested the following change to all seven documents: "Program Issue" will be changed to "Program Policy Statement." Chairperson Plume suggested voting on both the Program Policy Statement and the Policy Issue together because they had been discussed together. **Vice Chairperson Anderson amended his motion to adopt**

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**both the abbreviated statement, which is three pages long, and also the policy issue, which is eight pages long, as amended. Member Perry continued her second. Motion carried 5-0-2-0.**

**G-2. DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION RECOMMENDING THAT THE INITIAL METHOD OF FUNDING A MORE EFFECTIVE STORMWATER MANAGEMENT PROGRAM IN CARSON CITY BE A *USER CHARGE* (1-1945) -** Chairperson Plume referred to the resolution included in the agenda materials. Mr. Givlin advised that this item was continued from the last meeting. Mr. Cyre explained and diagramed the process by which the consultants will transmit the Committee's action to the Board of Supervisors, as follows: Transmittal letter, resolution, executive summary, compilation of seven program policy statements, and reports.

Mr. Cyre advised that, by reason of legislation, the easiest way to establish a user charge is for Carson City, in its capacity as a county, to set up a general improvement district. In response to a question, Mr. Cyre explained the reason for the fourth paragraph of the resolution is to accommodate the additional detailed analyses necessary to develop a rate structure. Mr. Givlin noted that there are no clauses contained in the resolution which have not already been reviewed and approved by the Committee in the seven program policy statements. **Member Marangi moved to accept the resolution as written. Vice Chairperson Anderson seconded the motion. Motion carried 5-0-2-0.**

**G-3. DISCUSSION AND POSSIBLE ACTION ON THE PUBLIC INFORMATION/PUBLIC INVOLVEMENT ELEMENT OF CARSON CITY'S STORM WATER MANAGEMENT PROGRAM (1-2171) -** Mr. Givlin referred to the time line/schedule included in the agenda materials. Mr. Bowling reviewed the schedule. Mr. Givlin requested that the Committee members check their schedules and advise him of their availability for the open house tentatively scheduled during the week of May 21 through 25. Discussion took place regarding advertising the open house, the matters to be discussed, the proposed location, and scheduling a field trip prior to the open house. No formal action was taken.

**G-4. STATUS REPORT ON CARSON CITY FREEWAY DRAINAGE PROJECT (1-2490) -** Mr. Givlin reported that the State of Nevada is moving forward with a 60% design for phase 1-B which includes a large portion of the storm drainage work that has been in progress, the water quality basin, and the 25-year capacity basin on the Lompa property. Mr. Burnham advised that NDOT staff anticipates making an offer to Lompa family representatives by August 2001, with the hope of having right of entry by November. Mr. Givlin further reported that along with the 60% design, some of the areas pulled from previous contracts will go back out to bid, including the crossings at Arrowhead and Broadleaf. The work on Silver Oak property that ties into Broadleaf is pending. Utility conflicts remain to be resolved between Carson Street and the freeway along the Arrowhead alignment. It is presently unknown whether the project will be done by the City or by NDOT. The gravel pit basin work will be included in phase 1-B, as well as the Carmine and Northridge overpasses. In response to a question, Mr. Givlin advised that completion of the design is being held up by storm drainage work and rights-of-way/easements needed across Lompa property. In response to a further question, he advised that the drainage system up to and including Highway 50 has already been designed as part of phase 1-A. It has been extended through phase 1-B all the way to Eagle Valley Creek. Member Perry suggested the possibility of utilizing "John Flansberg's ditch" and Lompa property to open a flow route from Highway 50 along Pinion Plaza out to Butti Road. Discussion took place with regard to the same.

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**H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-2755)** - Mr. Cyre thanked the Committee members for their review of all the material presented and the effort which has gone into the process. He expressed appreciation for the experience of working with the Committee. The Committee expressed appreciation for work done by Mr. Cyre, Mr. Bowling, and Mr. Lumos.

**H-1. FUTURE AGENDA ITEMS (1-2735)** - Previously covered.

**I. ADJOURNMENT (1-2780)** - Member Marangi moved to adjourn the meeting at 8:10 p.m. Vice Chairperson Anderson seconded the motion. Motion carried 5-0-2-0.

The Minutes of the April 9, 2001 meeting of the Carson City Storm Drainage Advisory Committee are so approved this \_\_\_\_\_ day of May, 2001.

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RUSSELL PLUME, Chairperson