

Supplemental Information received after the WCAC  
packet was created.

Draft Minutes from 9/14/2020

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WCAC Meeting

10/5/2020 at 4:00 pm

Via Zoom



# Water Conveyance Advisory Committee

Minden Inn  
Minden, NV 89423

<http://www.douglascountynv.gov/>

Regular

~ Minutes ~

**DRAFT**

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Monday, September 14, 2020

4:00 PM

Zoom – Minden Inn

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Douglas County is actively monitoring and managing the COVID-19 level of risk in our community by closing public offices to minimize contact among individuals and to slow the spread of COVID-19. The Water Conveyance Advisory Committee will be conducting its meeting electronically to reduce social gatherings and interpersonal contact. In adherence to Governor Sisolak's Declaration of Emergency and Directive 006 on public meetings, there will be no physical location designated for this meeting.

## Call to Order

Attendee Name	Title	Status
Frank Godecke	Chair	Present
David Hussman	Vice-Chair	Present
Barbara Byington	Member	Present
Sam Taylor	Deputy District Attorney	Present
Jeremy Hutchings	County Engineer	Present
Sam Booth	Planning Manager	Present
Coleen Thran-Zepeda	Clerk	Present
Courtney Walker	Stormwater Program Manager	Present
Russell Scossa	Member	Present
Fred Stodieck	Member	Present
Erik Nilssen	Applicant	Present
Kurt Hildebrand	Public	Present
Barbara Smallwood	Public	Present
Larry Vincent	Applicant	Present
Keith Ruben	RO Anderson Eng	Present
Leah Hoover	RO Anderson Eng	Present
Eric Broesma	Public	Present
Russell Byington	Public	Present

## Public Comment

Frank Godecke: I call the meeting to order and open up to public comment at this time. Is there any public comment coming from people out in cyberspace? I guess there's no public comment coming from the internet.

I wanted to recognize Dennis Jensen, who was a member of this committee since its inception. He passed away in July of this year and he was one of the people along with Russell, who was instrumental in getting this committee formed to help mitigate some of the issues between development and agricultural irrigation. I was just informed that that was created by an ordinance in 1991 and he Served on this committee from that time since that since its founding until January of this year. He didn't re-

apply for that position. I just wanted to recognize him for his service for this committee and he will miss him greatly missed.

Mr. Hussman: Well said Frank. Thank you.

### **Approval of the Agenda**

Frank Godecke: We'll move on to the approval of the agenda. I will open that up for public comment. Hearing none, I'll bring it back to the board for a motion.

Fred Stodieck: I move to approve the Agenda as presented:

Russell Scossa: I second it.

Frank Godecke: All in favor, signify by saying aye. Okay. It's been moved and approved. 5-0.

### **Approval of the minutes**

Frank Godecke: Move on to the Approval of the Minutes. I think the first one that I saw was that it noted that it was Monday, July 10 at the top of the page one and actually, that was a Friday.

Coleen Zepeda: Okay, thank you. I'll fix that.

Frank Godecke: That's the only thing I saw, I don't know. Is there anybody else with any additions or comments on the Minutes?

Russell Scossa: It says David was absent under Title and he was on the phone.

Frank Godecke: Any other corrections or additions, seeing none I'll open it up for public comment? Seeing no public comment. Do I have a motion to approve the minutes?

Russell Scossa: I move to approve the minutes as corrected.

Barbara Byington: I second.

Frank Godecke: Okay. It's been moved by Russell seconded by Barbara. All those in favor, signify by saying aye. Approved 5-0.

**1. For possible action.** Discussion on irrigation, drainage and water facilities which may be impacted by a request to replace an existing dual 30 inch corrugated metal pipe and 100 foot channel reach with a new 3 foot tall by 8 foot wide box culvert on the Martin Slough. The project is located at the intersection of Kingslane Court and US Highway 395 in Gardnerville. The applicant is the Town of Gardnerville. DP 20-0028.

Case Engineer:      Jeremy Hutchings      775-782-9063      [jhutchings@douglasnv.us](mailto:jhutchings@douglasnv.us)

Item #1 was read into the record.

Frank Godecke: Read Item #1 into the record. Barbara, do you need to disclose?

Barbara Byington: Yes, I was just gonna say I cannot be on this one.

Jeremy Hutchings: You may recall, Erik Nilssen at the Town, actually my first day at work here at the county, as the item came up one of the concerns to the board at that point when I think we're here to talk about to show this done is the maintenance of the ditch the culvert where it goes in. Erik's provided an agreement with the Kingslane homeowners association, I believe, Erik that differentiates who's responsible for maintaining what. I think that culvert calls the Town to maintain in that agreement. So

we're recommending it's approved now that we got the maintenance of the culvert figured out. It should be pretty straightforward. Erik, is there anything you want to add to that? I think you already got your agreement in place, correct?

Erik Nilssen: The agreement is signed. The Water Conveyance Advisory Committee had recommended denial of the project based on I think questions on who was doing the maintenance. So, the agreement states that the HOA will do the day to day maintenance keeping the Martin Slough free of branches, debris, things like that. The town will assume the long-term maintenance of the covert and channel improvements as well as the sidewalk and the HOA will also maintain the above ground improvements such as any decorative concrete or pavement. So that's been clarified.

Jeremy Hutchings: Is that going to get recorded Erik? Are you just going to keep a signed copy? I think you gave us a signed copy, I believe.

Erik Nilssen: So, the intent is to record it, but we would do that after the construction. So, we have the signed copy, which gives us the ability to go on to the site, but we would not record that until after the project's done in case there's any changes of limits or scope or any additional improvements not contemplated so that we wouldn't have to record it twice, we would only record at once after project wraps up.

Jeremy Hutchings: Okay. My recommendation was for a recorded copy but we have a signed copy that's good enough now that you have that straightened out.

Sam Taylor: I just wanted to ask Mr. Nilssen, did you provide a copy that was signed by the board and yourself?

Erik Nilssen: I believe that I sent that in. This item is the one that you received was not approved by the town board, but the town Board did approve it at the September 1<sup>st</sup> Town Board meeting. So, it has been signed and I believe I forwarded it to Coleen for your file.

Sam Taylor: If we can just add that to the supplemental that'd be great.

Jeremy Hutchings: And like Eric said, it's just a timing thing their board meeting came after I finished my staff report. So, we had the copy signed by the homeowners association and not by the Town yet, but they approved it shortly thereafter. So, it should be good to go. Yeah.

Sam Taylor: Sorry, I just want to make sure everything's kosher there.

Frank Godecke: So that's it from you. Are there questions from board members with regards to this project?

David Hussman: The last time we saw this, there was some ambiguity about the ownership of the property within the proposed the construction and the map that I have still shows that that the Kingslane property line is approximately south west side of the ditch and the NDOT right of way is northeast of the ditch and that the ditch itself seems to be a no man's land. I just wonder, Jeremy, or whoever, if, if that's been straightened out?

Erik Nilssen: The ditch per the final map is Kingslane HOA property. The assessor doesn't show it correctly but per the final map, it is it is clearly Kingslane property and as a public easement it's like an easement over their property, but they've given us...that's one thing we got their permission to be on it. So, we think we have permission from the Kingslane HOA and also as being a public utility easement we're allowed to be on there.

David Hussman: Very good, thank you.

Frank Godecke: Any other questions from Board members?

Russell Scossa: Yeah, I just wanted. I wanted to make sure one of the things was the actual construction of the pipe is being paid for by the Town and if 100 years from now if that pipe fails, there going to be responsible for replacing it and not the irrigator?

Erik Nilssen: Yes, correct. It's, it's being paid for the most part by a grant from NDOT to install it, but in the future when it needs to be replaced again, the town will replace it.

Russell Scossa: Okay, Thank you.

Frank Godecke: Well, the only question I had is you're replacing to 30 inch culverts right now and it's always you know I hate two culverts side by side because there's always a problem with the player catching in the middle but you're replacing that with a 3x8 foot box culvert and you know, in most circumstances I'm the one that is trying to emphasize larger to increase capacity for flooding. But in this case, I'm going to go the opposite direction and say, you know, sometimes when you get too big of a culvert replacing the smaller culverts it has a tendency to want to silt in, because there's not enough hydrology to keep that pipe clear. I'm not sure. You know, if you've guys have looked at that situation because certainly 3x8 is quite a bit larger in capacity than two 30 inch culverts. I mean, even a 3x6 would probably carry more than two 30-inch culverts and because of the flat bottom and the width of that bottom, it could become a problem with silting in the future and cleaning a 3 foot culvert is not an easy situation by any means. And then you're talking 150 feet I think in length on this thing. So, it's not going to be an easy situation to do to clear that if it gets silted in. So I don't know if you've looked at that that particular issue at all.

Jeremy Hutchings: Are you okay with it especially with the Town and their resources, to maintain that?

Frank Godecke: I'm fine. As long as they can keep that culvert clear. But like I say, it can silt in the bottom and you know I mean if you put a foot or two of silt in the bottom of this culvert, over time it could affect downstream irrigators to the point where they can't get good a good head of water coming down the ditch.

Erik Nilssen: We did not look at a sentiment analysis that wasn't done because it is FEMA floodplain you have to show that you are not going to increase the surface of the water by a foot so we went bigger I think probably to satisfy a floodplain requirements, but we didn't specifically analyze sediment transport, but, I mean, we will clean it. We are obligated to clean it. And you're right, it's not going to be an easy task but specifically, that was not considered.

Frank Godecke: Okay, well, yeah, I know what that flat bottom it could possibly be a problem and I don't know if you could go to say it squash type concrete reinforced pipe. It would give you a little bit more of a rounded bottom that would scour better something that You know, like I say, it's just an issue that like I say, I normally go the other way and say size it bigger size it bigger because we need to get, you know, the flood water, you know, management portion of it in there. But you know when you get to a certain point, you get that problem of sediment. I just want to make sure that that you know that that gets maintain to the satisfaction of the downstream users. So, if they call up and say we got a problem. I want to know that the Town is going to be right on it.

Erik Nilssen: Well, Frank. I can tell you when people have complaints my phone number is pretty easy to find.

Frank Godecke: Alrighty. Are there any other comments from the Board? I'm going to go ahead and open it up for public comment.

Russel Byington: I'm president of Galeppi Land & Livestock, downstream user. In the county's deal under (F) Maintenance. One of the sections, it says if the underground facilities cross private property and the private property owners responsible for maintenance trash tracks and if the underground facilities lay under a street or alley dedicated for public use. The public use is liable for cleaning it yet, they put on their not applicable. Like you're just talking about if that Pipe sticks up and that's part of the problem that is going on now, that ditch has been overgrown by not getting water push through it. It has changed, we're not able to flow we what we used to in history and that ditch has filled in. If we don't have some way to get through that are some rack to keep stuff out of it is going to fill in again.

Jeremy Hutchings: Thanks. I think I had not applicable because we had the Town's agreement with the HOA to perform that maintenance. So, they had someone specifically to point towards for the future maintenance of the facility. So in a sense, it's not applicable because we have that agreement now in place. The other thing I want to know is if we do not get it cleaned in an appropriate time in the rest, and we have to clean it ourselves. Are we able to then send the bill to the Town or to Kingslane?

Frank Godecke: Erik, do you want to address that?

Erik Nilssen: Yeah. I believe that you are able to. I think the codes pretty clear that the downstream owners can enter in and clean and charge the responsible party. You know, obviously the Town would like some notification. We'd like to give it first shot, we've been pretty you know we get calls from agents are pretty responsive, but I believe under code if that situation arose you'd be able to do that.

Frank Godecke: Anything else Russel?

Russel Byington: The other thing is, I'm not sure. The way that box comes in and makes the split to go down the Edna and make the turn to the Martin Slough is lower than this channel. There is a corrugated pipe that comes out of that box and pops up. Is there going to be any protection around it? I see that they're talking about doing something different, but I didn't quite understand if it doesn't allow the rock the debris, the trash and everything else to get in and start backing that up.

Jeremy Hutchings: Can you elaborate a little bit more on exactly what you're talking about?

Russel Byington: Yeah, if you're looking at the map there on the east side at the corner where it turns and it says they're going to put ramps in for cleaning to go in and out in the rest. It kind of shows the drop box of the diversion there from the Martin Slough. Are you seeing there in that northeast corner of the map?

Erik Nilssen: So, the concrete ramps are on the right side of Lumus's sheet, figure 2. Concrete ramps, where the existing box culvert comes out 3x3. I don't understand the question past that. Don't know if you did, Jeremy?

Jeremy Hutchings: Coleen, can you enable share screen share for me, please?

Coleen Zepeda: Go ahead, it should work now.

Jeremy Hutchings shared his screen for attendees to see the map. Discussion between the group.

Russel Byington: Do you see where it says existing irrigation structure? Okay, that is the structure that allows it to either go down the Edna ditch or to come down the Martin Slough. The water can be split

right there. That goes down and underneath and comes back up a metal culvert and comes back up and flows up into a metal culvert to drop into the Martin Slough that is lower than what the Martin Slough is dug right now.

Discussion between the group.

Jeremy Hutchings: So, you're concerned about the maintenance of that little riser pipe there?

Russel Byington: Well, like I say this year, we went in. I'm not sure who we were going to cut the pipe. Somebody had already done so, some of the back flow was there. There's a tree in there and the rest of keeps blocking that up and debris gets up that then that rise has to get even more to get water out of the Martin Slough and out of that irrigation box and into the Martin Slough.

Jeremy Hutchings: Okay.

Russel Byington: So, how are we going to keep that pipe open? How are we going to clean it so on so forth? I understand it's going to be open there's ramps, but are we gonna be able to keep or I see something on that deal where it said dealing with a 30-inch pipe.

Jeremy Hutchings: So, Erik this is all existing, you are not touching this, Erik?

Erik Nilssen: No, so you can see, Jeremy. There's the 3x3 box culvert there and below it is remove existing 30 inch CMP. So, I think the concern is that the CMT is low. So, now it's not coming out of the bottom of the pipe. It's got to bubble up I guess the flow out.

Jeremy Hutchings: It's like a riser structure.

Russel Byington: Correct.

Erik Nilssen: So, the concern is the sentiment that drops out of the box before bubbles up.

Jeremy Hutchings: Yeah, because if he takes that out and fills it in the riser will occur right here in the bubble up here in the box, I guess. So, does your maintenance Erik include that box? If it's sedimented in?

Erik Nilssen: Yeah, it does but if it's a problem we will.

Jeremy Hutchings: So, Russell, Erik's committing to maintaining that box. If it has sediment problems there in the future. Does that answer your question?

Russel Byington: It sure does. I'm trying to make sure we can get water in through there.

Erik Nilssen: I don't believe and you guys know better than me, but I don't believe at this point is the Martin Slough heavily sedimented.

Russel Byington: If you're looking at that stretch you're doing right now from the start of Kingslane, all the way down in front of Cauley's, yes. There was an old would channel in there and everything you see inside of there is sediment because we've not been able to push water through there. That used to be roughly eight foot wide.

Erik Nilssen: Okay, yeah, it'll be improved. It's going to be a concrete channel which will make I think flowing water and cleaning it a lot easier.

Russel Byington: That I agree with. Can we continue it on down pass Cauley's?

Erik Nilssen: On your own dime, sure!

Frank Godecke: Any more public comment, Russell?

Russel Byington: I'm good.

Frank Godecke: Is there any other public comment?

Barbara Smallwood: Chairman Godecke, I'm sorry I've lost my window. Thank you. Thank you all for being there. And thank you for addressing the concerns. I am very concerned I sent a couple folks emails, Sam Taylor, being one of them. When the town, years ago, committed to the water conveyance advisory code. One of the important things was that all the downstream users and everyone retain the ability to do what they were doing with the historic ditches. So, this is very important to me, having helped craft that so many years ago and Erik, do you have to take that back to the town to be sure that the town board members understand what you they're committed to? Are we good with to go with just because they're all together at that point?

Erik Nilssen: I believe it's the signed agreement between us and Kingslane spells out who will maintain what Barbara. If there's a lot of additional concern, but it says that will maintain the channel in that area and that that new culvert coming out of your irrigation boxes are so I would assume that it's clear.

Barbara Smallwood: OK, so the Edna and the Martin there at that split is going to be taken care of in perpetuity by the town?

Erik Nilssen: So, we're not touching the irrigation structure. We won't replace the irrigation structure, the actual box, but we'll make sure it's flowing and keep the sediment out of it.

Barbara Smallwood: Okay. Thank you.

Frank Godecke: Thank you, Barbara. Any other public comment? Hearing none, I guess I'll bring this back to the board for further discussion and or a motion.

David Hussman: I move to accept the map is presented with the understanding that the maintenance agreement has been taken care of.

Fred Stodieck: I second it.

Frank Godecke: All those in favor, signify by saying aye. It passes 4-0, 1 abstention.

Erik Nilssen: Thank you. If I may really quick. I just want to say thank you, Mr. Godecke for making me aware of the Dennis's passing. I just quickly want to tell a story after I interviewed for this job flying up here from Phoenix, or the job is county engineer. I happen to be walking out of the office while Dennis Jensen was walking in and Darcy, the HR director introduced me. She said Erik Nilssen. This is Dennis Jensen, he's on the Water Conveyance Advisory Committee and Dennis this is Erik. He's a finalist for County Engineer. He looked at me and said "Engineer, huh. That's the problem with this county. There's too many engineers and not enough cowboys." And I thought, man. Where the heck am I moving. I'll remember that story. That was my first introduction to Douglas County.

2. **For possible action.** Discussion on irrigation, drainage and water facilities which may be impacted by a request to convert a portion of the existing WM Tholke Ditch from an open channel flow to an underground piped flow condition. The site is located at 1280 Dresslerville Road (APN: 1220-09-302-006). The applicant is the Bently Family, LLC. DP 19-0486.

Case Engineer: Jeremy Hutchings 775-782-9063

[jhutchings@douglasnv.us](mailto:jhutchings@douglasnv.us)

Item #2 was read into record.

Jeremy Hutchings: I'm pulling up here the overall maps there by that four way stop. This is the property, we're talking about right here. Bently's proposed subdivision. I believe it's the Tholke here. That ditch runs basically where this pipe is shown right now. And it then runs under the highway underneath this existing 24-inch pipe there. It looks like it kind of drains down to a retention pond in this area. So they're proposing to pipe part of the ditch, at least. So, a couple of things really the pipe should just be extended all the way down this last I think this detention pond lot is a little bit less than an acre and when you're in those smaller lots you are supposed to pipe that ditch all the way through. So that would help with the maintenance. The other deal. I had a couple recommendations in here, guys. The headwall in here should have a trash track. So, this is a tentative subdivision map. This time we're not at a final design yet on everything to show you just the concept. I had recommendations towards the end of my report for trash rack on the end of it. Mechanical pretreatment by code is required of storm water prior to entering the pond so it would be pretreated prior to discharge outside the site. The rate on the fringe of the floodplain and I think the applicant here is trying to capture some additional lot so on here. So, my other recommendations would be if the downstream pipe is 24 inches...looking through their calcs, I'm not sure if that was appropriately sized for, I think, they had 3 CFS. Although I see one of the comment letters in here. Steve White said they only have 6 CFS. There's a disconnect there. I know there's at least a 24 inch pipe under the highway, which can take more than 6 CFS, but maybe he's talking about further down. We could take a look at that. Mechanical pretreatment will be a recommendation prior to discharge. Piping the pipe through, putting in a 20-foot easement over the pipe, then a trash rack on the upstream side. Maybe another access manhole. So, you can see that pipe they're proposing takes one angle here. They are proposing another overflow here from the pond but that was when this was an open ditch. I think that's required to pipe that through. So maybe at least one more manhole for access and then security for maintenance of the pipe. Either through some HOA or some similar mechanism over the cost for 20 year where it required by code. So, those are my recommendations. If you guys feel like the approval is appropriate. So, what else can you tell. There was an old irrigation ditch over here that got abandoned. This pipe crossing under Dresslerville. There was an irrigation ditch there that got abandoned over the years. There is a small amount of outflow from Sunshine and Rainbows. It comes through into this property that's got to get piped around. Oh, yeah. It's quite a few lots in here. Some low points down here. I know they are going to have to get NDOT approval. If I can answer any questions, or maybe I think I saw somebody from Bently on here. I think I saw Larry on here, or somebody from ROA on here too. I see Leah Hoover and Keith Ruben. I don't know if Keith wants to say anything else that I've missed maybe Keith?

Keith Ruben: No, I think you covered it Jeremy.

Jeremy Hutchings: Oh, maybe a cross section. I thought I had a cross section.

Keith Ruben: I was going to ask a question about the couple of your recommended conditions. One was to upsize the pipe from the 24 inch that we proposed to something that would accommodate a minimum of 33% or 33 CFS. So I'm assuming that's 150% of the existing capacity is what that's based on?

Jeremy Hutchings: I believe so.

Keith Ruben: It looks like the upstream pipe is 24 inch. I wasn't sure what the efficacy of that would be, if that's an upstream constraint.

Jeremy Hutchings: I think the downstream pipes, I'm not sure about upstream Keith, I don't know if that was in the application.

Keith Ruben: On the plans it showed the off-site structure 24-inch pipe. Doesn't it flow under the highway?

Jeremy Hutchings: Yeah, I guess you guys can talk about that. The code is 150%

Keith Ruben: I guess the ditch committee can look at that. We have 24-inch on each side. I don't know why we would upsize this beyond that. That's the question. I'm not an engineer. I don't know.

Jeremy Hutchings: We get to 24 inches, it doesn't make sense to have a huge upsize. I'm just telling you that he's right on practical standpoint, doesn't make any sense. It's just, that's what's in the code.

Frank Godecke: Right, because the code, but the code doesn't really...does it allow for us to have that discretion?

Jeremy Hutchings: Yes, it does.

Frank Godecke: Because, like I say if there's anything under 4-foot diameter has to have 150% capacity.

Jeremy Hutchings: I think it is discretionary for the board.

Discussion on the map.

Jeremy Hutchings: So if you pipe that all the way through this outlet right here, theoretically it would change into some sort of riser structure with a pipe coming out of it tying into the other pipe. But then your maintenance easement produces this piped 20 foot and then talk about it theoretically it makes a lot more sense. Less maintenance, honestly, if it's piped.

Frank Godecke: Does Keith have any more to say right now?

Keith Ruben: I did have one more question. So, I want to ask about the security. I'm not used to seeing that on the conditions, but I understand it is part of the code. And I know that there's also, you know, it says adequate security I think is what the code says here to ensure that happens. We would like to propose, rather limit just to the 20 year bond is going to propose that we form a Property Owners Association for the ongoing maintenance of this pipe structure and that maintenance plan and the initial funding of the property Association come back for review by the ditch committee, rather than posting the security and I propose that before we record the final map.

Jeremy Hutchings: So it would be a single use HOA type of thing.

Keith Ruben: Single use purpose HOA just expressly formed for the perpetual maintenance of those pipes.

Fred Stodieck: In lieu of the 20 year bond.

Frank Godecke: We're an advisory board so we're more inclined to advise to the Planning Commission and the County Commission. What we would like to see happen but ultimately the decision rests with the Planning Commission and the Board of Commissioners as to whether to accept the HOA in lieu of a bond. We could recommend that.

Jeremy Hutchings: I think that's what he's looking for when the project goes forward in its lifespan.

Frank Godecke: Ultimately that decision rests with the Planning Commission and the Board, ultimately.

Keith Ruben: Well, the Planning Commission has already approved this and they've approved it based on your subsequent recommendations. So, you do have say.

Frank Godecke: A horse before the cart.

Keith Ruben: They have so much faith in you guys. They just say whatever they want you just do it.

Jeremy Hutchings: But I don't know if it makes it a big deal either way, as long as that funding mechanism is in place. I mean, it's up to you guys.

Frank Godecke: Right. There has to be some sort of something in there to maintain the pipe, whether it be the bond or whether it be an HOA.

Keith Ruben: I think the HOA gives you more insurance, actually, that this will continue on, rather than a 20-year time limit.

Frank Godecke: Okay. Any other comments Keith?

Keith Ruben: No, I think that's it.

Frank Godecke: So, we've heard from the applicant. We've heard from staff. Are there any questions from the board members? Well, I will go ahead and I think I'll do this during public comment this this thing, this thing that I received as a letter. But I just want to allow the board members to ask any questions that you might want to ask of the applicant or of Jeremy at this point in time.

Coleen Zepeda: Thanks Sam Taylor has a question. I think he wants to make a comment.

Sam Taylor: I'm not too sure about the HOA issue being something that you would want to address, particularly. Making a recommendation for something and then having something like for example the Planning Commission approving the project, subject to whatever the WCAC recommends. I think that alters significantly the calculations made by the Planning Commission. In other words, if the Planning Commission when examining this issue in the first instance would have known that they're proposing an HOA, they might have, you know, modified their approval. So, I'm a little reluctant to say that that's something that would fall under the purview of the WCAC to be tacking on to something that's the PCs already approved.

Keith Ruben: Yeah, well, I'll tell you that was already proposed in our application package.

Sam Taylor: Yeah, but it wasn't presented to the board or the PC was it?

Keith Ruben: Absolutely. That was in our application presented to Douglas County.

Sam Taylor: It was presented Douglas County, but I'm saying what was presented to the PC is what's relevant, Keith.

Keith Ruben: It was in the package that went to staff and went to the PC. I had it in writing, there was no questions that came up as a result of how the ditch was going to be maintained.

Sam Taylor: Keith, what I'm talking about is what was presented to the PC per what Jeremy just said was the bond, it wasn't an HOA. What I'm trying to say is I'm a little nervous about that because the condition that Jeremy had in there was a bond and not the HOA.

Keith Ruben: I understand.

Sam Taylor: Sorry. Is that correct, Jeremy?

Jeremy Hutchings: No, I just said demonstrate securities provided in my staff report.

Sam Taylor: Sorry. My apology. I'm sorry. I misunderstood. Nevermind.

David Hussman: Well on that topic the general comment would be that typically we see these projects before the Planning Commission does. And, you know, because of the holiday it got reversed. So, yeah, I mean if we want to require something that's within our purview, that the Planning Commission didn't see, it makes it kind of awkward, so I guess the recommendation is that we try to keep it, you know, keep the order of the application, the same as we go forward, little late to do that now. So Sam, do you think that it's okay for us to recommend the HOA technique, rather than the bond. Can we do that today?

Sam Taylor: I do. And the reason being is because Jeremy's condition was generic enough to allow for different methods to be employed.

David Hussman: I see. Okay. And you can always point it out to the board when the time for that comes, I suppose. So, I guess. Generally, I like Jeremy's recommendations about the piping it the whole distance to the Centerville Lane and the trash rack. I don't particularly have a problem with the 24 inch size. Looking at that ditch, I would question if this going to carry 30 CFS. I see in the calculations that they calculated the ditch capacity at 22 and that even at that I have not seen that much water in it. Okay, giving them a variance to the 150% capacity.

Fred Stodieck: Does that mean this has to go back to the Planning Commission?

Jeremy Hutchings: Not to the Planning Commission It'll just go forward. I think it will go forward to the Board with the recommendation that it's the HOA, which I think is where you guys are leaning and then the Board can vote on it from there.

Frank Godecke: Barbara, did you have any comments?

Barbara Byington: I am just not sure if when it goes to the board. Will the suggestions we made show up?

Jeremy Hutchings: Yes.

Frank Godecke: Any other questions from the board members? Okay, well I'm going to open it up for public comment and to start with I'm going to go ahead and read a letter that was written to us by Steve White and then will allow other public comment and then we'll bring it back to the board for discussion.

The letter by Steve

"I spoke with Chris Hellwinkel this morning and he was never informed about this meeting or the Planning Commission meeting. How can the county manage to send property tax bills out to the owners, but can't seem to get the notices sent out to these meetings." His concerns are the pipe size, pipe construction and the trash catch. Since the entire ditch is not being piped and the pipe maintenance in the future. He's also concerned about the retention pond being dumped into this ditch. There are already two other retention ponds being dumped into it and it is a small ditch. This ditch can only handle 6 CFS and, in the event of a big thunderstorm the ditch cannot take any more water. He's also concerned about how this retention pond will be constructed. If there are any questions involving this ditch, feel free to call me, Steve White 781-7726.

Frank Godecke: So now I'm going to go ahead and open it up for anybody else that has public comment.

David Hussman: Frank. I was given some public comment, if I may. From Jeff Lawrence who is a property owner immediately downstream. I don't know if he's a water right holder or not but he's concerned, I think, as Steve is about these ditches having to accept this stormwater runoff and concerns about quality as well as capacity and basically said, if it was up to him. He'd say, no, keep the water out of the ditch.

Frank Godecke: Okay. Thank you, David. Is there any other public comment?

Barbara Smallwood: In the town of Gardnerville, the letter thing that sent to Sam Taylor and a few other people and I don't know if Eric's gone now. There, there was a precedent set way back when to take the drainage water in the town because there was no place for the development to extend if there wasn't a way to drain it and we had the county code, Keith is here. Yeah, no, yeah, there he is. So, he knows about this. Anyway, we had the code that the developers have the right to choose which type of flood control, Courtney's here, which type of flood control, they will use to move their project forward and as you well know, money is always an object. So, we ended up with, You can do this, You can do this, You can do this. You can do retention. You can do detention. You can retain you can detain and all those ways to have development go forward. Now this is interesting, and I don't know what the precedent has been set at the water conveyance advisory committee. Do you allow projects to drain into ditches? Have you done that in the past or is this something new? To allow people to get into the ditches outside of the towns where there was historically restricted land use. There was nowhere for it to go. But now you're out in the county. So, it says a different issue than being in the Towns of Minden and Gardnerville where we worked with water conveyance advisory committee to create the code the sand and oil separators, the natural, the retain detain. All the things so development in a constricted area could go forward. But now you're out in the county. Have you allowed historically for projects to drain into ditches?

Keith Ruben: I want to make one point to counterpoint Barbara's comment. This project is not in the "County". This is in GRGID and this project has been annexed into GRGID and they're responsible for the detention pond and its maintenance. The only thing the POA would be responsible for just to make sure everyone's clear, is the pipe. But the potential itself is will be owned and maintained by GRGID.

Barbara Smallwood: Do you have an agreement?

Keith Ruben: It's already been annexed in and was part of the discussion that went on with GRGID a few weeks ago as part of their project review.

Frank Godecke: Any further comments, Barbara?

Barbara Smallwood: No, thank you for listening to me.

Russell Scossa: I'd just like to add to answer some of Barbara's concerns. Yes we have been allowing people, or basically we've been told by the County and the developers that what we're allowing in the ditches is not to be in excess of what was going into those ditches in a storm with them before. And the problem with engineering can do a lot of things, but they can't specifically come to the real nitty gritty when it comes to it's actually a little bit more, or a little bit less. But that's what we're stuck with. We went with the engineering of what we're allowing in the ditches. The problem is, is it's not supposed to be exceeding what would have flown in there off of that property before. And the problem is, is if the downstream user doesn't decide to clean his ditch until the early spring, all winter long there's going to be flooding, because there's not enough capacity in the ditch. So, it's kind of one of those gray areas that we've been using but it kind of comes to each individual owner as to how much he wants to take in my opinion, how big the ditch needs to be through his place. But anyway, hopefully that answers your question, Barbara.

Fred Stodieck: Well theoretically what goes into that pond right now will be more than what came before because this was an open field.

Russell Scossa: Well they're supposed to have a detention or retention to keep the rate going in the ditch.

Fred Stodieck: What normally fell on this would soak in before it ever got to that pond. Now it's going to run it directly to the pond, because it's all in a pipeline.

Jeremy Hutchings: So, but you know this. So, you're right. Post develop flow peaks will be higher. And that's why you dig the hole in the ground so hopefully it mitigates and will let it out. It'll take longer for it to drain off because the ponds full were used to just be in the ground, but what Russell's saying is correct. It's painful right guys, you get a rural community that's developing you've got irrigators and you get developers are trying to build homes for people. The ditches are the natural place to take that run off and what the code allows for is the development to occur. But not unnecessarily burn or harm that downstream user, which is why you got the pretreatment in place and the design storm is actually a lot bigger than you seen any other areas that 4% storm at the 25 years actually pretty large. So there's that. But yeah, you're right. So, after they build more houses, they will get more runoff.

Fred Stodieck: Well, I was also contacted by Jeff and he is a user. This is one of their ditches. It comes around behind next to his house. It doesn't get high enough to get back up on the bluff. It goes right straight behind it. He said, if it was it up to him. He wouldn't allow it to be done because he doesn't want to take the runoff.

Frank Godecke: Okay well we're still in in public comment right now. I haven't closed public comment. So I'm still open for public comment. Is there more public comment out there?

Jeremy Hutchings: I think Coleen put up the noticing, maybe we can talk about that.

Coleen Zepeda: Yes, Frank, can I address the noticing question?

Frank Godecke: Yeah, go ahead Coleen.

Coleen Zepeda: That I did put up to noticing map. So this is the radius that was notified of the planning commission and board meetings, but I looked up the water conveyancing noticing and Chris and Valerie Hellwinkel are on it at an address in Spring Creek. So, if he didn't get that I don't know.

Russell Scossa: But was it sent?

Coleen Zepeda: Yes. There was a lot of mail sent on these last few ones that we've done.

Frank Godecke: Right, because the code right now is it sits basically says that all the downstream user have to be notified prior to WCAC and it is incumbent upon the applicant to determine who all of the downstream users are to submit a list of those downstream users to the county with a self-addressed stamped envelope. So that notice can be mailed to all of those downstream users. And so, you know, I don't know how it was the Hellwinkels got missed. Like Coleen says, there's a large list of downstream users on this particular project.

Russell Scossa: I think it should change so that list will come to us in our packet and we can check with the users to see if they received a notice.

Coleen Zepeda: I'm sharing the list right here. There's 118 people that we've noticed.

Russell Scossa: Well, those are, that's where the planning commission also

Coleen Zepeda: No, this is water.

Jeremy Hutchings: The Planning Commission is almost nothing compared to that.

Frank Godecke: That is way smaller because the radius that she showed probably only includes about maybe a handful of property users and the notice radius so you are looking at maybe a dozen property owners, but with this, this includes any downstream users who may be impacted, even if it was, you know, I mean we've gone through this with the Allerman Ditch and we have 122 users on that system. If it impacts somebody at the bottom of the ditch system, they have to list everybody. It's a State statute.

Frank Godecke: So, Coleen, there's no other public comment?

Coleen Zepeda: Not that I know of. It doesn't look like it.

Frank Godecke: Okay, well I'm gonna go ahead and close public comment. We can bring it back to the board for discussion, like we've been doing right now we're discussing these issues. So, David, you wanted to say something?

David Hussman: No, I think as long as the applicants okay with extending the pipe clear to Centerville Lane, which I'm sure Jeremy is right, it needs to be done, then I think we're okay. The map I have here doesn't necessarily show how the street run off and that gets to the retention basin. Keith, can you weigh in on that?

Keith Ruben: I believe they go through catch basin, David. And then those catch basins are routed to the big retention ponds. So those catch basins will have to have I would guess nudges in them to capture any oil and sediments, whatever else.

David Hussman: Okay. And who would maintain those?

Keith Ruben: Those are maintained by GRGID.

David Hussman: Okay.

Frank Godeck: So, any other comments from the Board?

Russell Scossa: The only other comment I want to make is, yes, I think the 24" pipe is adequate and this is going to be a concrete type to match with both ends and so you don't need a trash rack here. Is there going to be one of the other end?

Jeremy Hutchings: No, there's a pipe open ditch.

Russell Scossa: Okay, and these are basically the downstream users. The pipe maintenance I would think that the single purpose homeowners association...because my question on there basically was in the year 2021 who's going to maintain this ditch? Somebody giving you a 20 year security thing. You can get a maintenance agreement in perpetuity basically you're a lot better off. Otherwise, if I was the downstream owner and this came up and nobody was going to maintain it. I'd be giving that pipe up and going back to an open ditch like before. So that's my concerns that there has to be a longer term than 20 years or whatever that these things are looked at. So, I would think the homeowners association that's going to take in perpetuity the fixing of that ditch as long as there's a homeowners group there would be a better solution.

Frank Godeck: Barbara Byington, do you have any concerns or questions?

Barbara Byington: My concern is the same as I asked earlier, I often would look at things that went to the water board that never made it to the Commissioners and if we're bypassing the Planning Commission, it makes me nervous. Whether or not this will be attached when it goes to the Commissioners.

Sam Taylor: Yeah, because it was made a condition of the approval of the PC in your recommendations being included, it would have to automatically be transmitted to the Board. In other words, the package would be incomplete without it.

Barbara Byington: Okay, I'll watch for it.

Frank Godecke: Are there any other questions or comments from the Board?

Barbara Byington: I worked for the county long enough to be skeptical.

Frank Godecke: David, did you want to make any comments?

David Hussman: No, if there's no more comments, I'm ready to make a motion. If it's okay with you. I move to approve the map as presented with the conditions that we've discussed, meaning a single purpose HOA rather than the 20 year bond for maintenance. That the proposed 24 inch pipe be okayed and that there would be a variance to the 150% capacity. That the pipe be extended all the way to the crossing under Centerville Lane. That there'd be a trash rack on the upstream end of the pipe. Jeremy, Have I covered your recommendations?

Jeremy Hutchings: You need a mechanical pretreatment of the storm water prior to entering the storm pond. And then we recommend the 20-foot easement over the irrigation pipe.

David Hussman: I'll add those last two conditions to my motion.

Frank Godecke: Everybody's heard the motion do I have a second?

Fred Stodieck: I will second it.

Frank Godecke: It's been moved by David Hussman seconded by Fred Stodieck, all those in favor signify by saying aye. Motion carries, unanimously 5-0.

**Administrative**

I guess the final item before an adjournment is reports are correspondence received. Coleen, has there been any correspondence or reports that we need to hear about?

Coleen Zepeda: Nothing that I have received.

Frank Godecke: Well, I'm going to open it up for final public comment. Just, just be on the safe side. Hearing none, this meeting is adjourned.

**Adjournment**

The meeting was adjourned at 5:08 pm.

Respectfully submitted,

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Frank Godecke  
Chair

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Coleen Thran-Zepeda  
Development Coordinator