

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

3:00 P.M.

AUGUST 6, 2019

CONCURRENT MEETING

PRESENT:

Vaughn Hartung, Chair

Bob Lucey, Vice Chair

Marsha Berkbigler, Commissioner

Jeanne Herman, Commissioner

Kitty Jung, Commissioner

Nancy Parent, County Clerk

Dave Solaro, Interim County Manager

Paul Lipparelli, Assistant District Attorney

The Washoe County Board of Commissioners convened at 3:07 p.m. with the Reno City Council and the Reno-Tahoe Airport Authority in concurrent session in the Reno City Council Chamber, One East First Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

19-0609 AGENDA ITEM 3 Public Comment.

Mr. Ray Lake stated he had attended the Reno City Council meeting the prior day at which the moratorium was denied. He believed the decision was a mistake. He thought people were not inclined to act on those types of issues until they had run out of options. He said past City Councils and Commissions had put off dealing with the issue and he thought the incumbents present at the meeting needed to resolve the situation.

Mr. Ryan McCain expressed frustration about the decisions made at the Reno City Council meeting the prior day. He spoke about the lawsuit filed by Lemmon Valley residents against the City of Reno because of the flooding. He asserted the Resolution for a moratorium was wrong. He opined Councilmember Jenny Brekhuis was the only one doing her job. He believed decisions were made to benefit special interests, not the residents.

Mr. Russell Earle, Silver Knolls Community Organization President, expressed disappointment in the denial of the moratorium. He said the flooding was the result of pumping more water into a closed basin than could evaporate. He reviewed the various short-term solutions that had been suggested, including putting a reservoir at American Flats. He asserted a pipeline had to be built and all water treatment plants needed to be upgraded to A+ classification so water could be discharged into the Truckee

River in accordance to Pyramid Lake Indian Reservation restrictions. He acknowledged the solutions to the issue would be expensive but stressed they were necessary. He said builders and developers were partially responsible for the situation but decisions needed to be made before continuing to develop in the North Valleys. He stated Boards needed to stop postponing decisions and implementing temporary measures. He asked whether the plan was to pump water to American Flats. He expressed concerns about mosquitos and the potential issues caused by bacteria in the water. He stated water with an A+ classification would not be objectionable but that was not what would be pumped over.

Mr. Tim Fadda stated the City Attorney should have done his due diligence on the complainants of the court case when the list was received. He said the City of Reno needed to accept that the court case had been lost and they should settle for damages. He indicated many engineers and developers in the area could stop the flooding if they were allowed to work on the issue. He suggested nothing would be done until developers were impacted by a moratorium and felt the outcomes of poor planning. He noted many builders had attended the Reno City Council meeting the prior evening to oppose the moratorium. He said residents opposed building in a flood plain in a closed basin but they were not trying to stop development. The South Meadows area had been used as an example for building in a flood plain, but he contended it was not a closed basin because it had drainage to the Truckee River. He asserted future projects in the North Valleys needed to correct past failures, including building a new storm drain system and upgrading the sewer treatment plant. He advocated for completely stopping the discharge into Swan Lake and treating the water to A+ classification.

Mr. Gordon Gossage advocated for elected officials and stakeholders to receive all available information so they could make informed decisions. He mentioned estimates for resolving the flooding in Lemmon Valley ranged from \$50 to \$100 million and would take approximately five years to implement, though one local expert was certain a less costly solution was possible. He said a feasibility study for the alternative option could be completed for \$45,000. Mr. Gossage suggested approving \$3 million for a temporary solution until a permanent measure was developed. He stated the demand for a moratorium on building was fueled by an inaccurate perception that the City of Reno and Washoe County were not doing anything. Many stakeholders were working on identifying solutions but people outside of elected positions were not informed of those efforts. He asserted further building in the North Valleys would be difficult unless the flooding was resolved. He said the debate about creating affordable housing needed to receive media coverage and be part of all public meetings because the regional population continued to grow by more than 10,000 people per year. He said housing prices would rise steeply if 4,000 homes were not built every year for the next 10 years. He stated growth could not be stopped but could be shifted by stakeholder actions and he urged the Boards to allow all stakeholders to provide information so the community could make decisions based on facts.

Mr. Danny Cleous claimed Reno City Attorney Karl Hall had the opportunity to declassify members of the class action lawsuit prior to the trial. He displayed images of Swan Lake that showed algae and weeds growing on the edge of the

water. He asked whether the Boards wanted to put that water into American Flats. He noted one of the images showed algae growing next to a path on the nature preserve. He expressed frustration about the water being classified as recreational and asked whether members of the Boards would be willing to swim in the lake. He said residents were repeatedly disregarded and told developers would fix things but developers claimed they had paid for the infrastructure. He asked whether members of the Boards had examined the infrastructure. He stated he had invited Reno City Mayor Hillary Schieve to take a look but she had not done so. He offered to prepare lunch for members of any Board who wished to see the conditions around the lake.

Ms. Denise Ross stated she appreciated the presence of the Reno-Tahoe Airport Authority Board of Trustees at the meeting. She said residents of Lemmon Valley were not wealthy but they mattered, yet the City of Reno thought their homes could be taken away. She reminded the Boards that the flooding was not caused solely by nature. She indicated there was a lack of adequate mitigation during most development that occurred since 2002 and the City of Reno's expert testified that flooding was inevitable. She displayed two jars of water collected from Swan Lake and asked whether any Board members would be willing to smell the water they proposed to atomize. She entreated Chair Hartung to help Lemmon Valley residents.

Mr. Sam Dehne spoke about Pan American World Airways, his attendance at local government meetings, the flooding in Lemmon Valley, Burning Man, and the Wildcreek High School project.

Mr. Roger Edwards, North Valleys Citizen Advisory Board Vice Chair, stated it was the Boards' responsibility to set things in motion for the new sewer treatment plant in Stead. He said mitigation projects and water removal needed to be done but the expansion of the treatment plant had to be prioritized because it would take 30 months to complete. He noted all stakeholders were present and urged Board members to vote to begin the process.

Ms. Lori Beach said it was stated at the Reno City Council meeting that homes valued in the high \$200,000s were considered affordable housing. She noted those home prices would not be affordable to the average warehouse worker employed in the valley. She observed the Reno City Council seemed to feel a moratorium was not in the City's best interest. Many developers at the prior day's meeting thought the issue should be viewed as a public/private concern. She suggested information should be shared by working groups comprised of officials and staff from the City of Reno and the County, developers, and the public. She opined the residents of Lemmon Valley should not be expected to live in that atmosphere.

Mr. Ken Krater thanked the Board members for addressing the issues in the North Valleys. He believed the meeting would be the start of real solutions for reducing the level of the lake. He highlighted the significance of the Reno-Tahoe Airport Authority Board of Trustees considering an easement that would allow a pipeline to cross their property. He noted the County had spent an estimated \$7 million to date on

mitigating flooding impacts. He did not think many people realized how much money, time, and effort had been spent on the issue. He listed the precipitation levels for January, February, and March 2017, stating there had not been that much rain in the area since the 1890s. Although the developments from the 1960s and 1970s with no flood mitigation could not be corrected, there were solutions available to mitigate flooding impacts. One developer offered 1,200 acres for an infiltration basin area. He thought multiple solutions would be needed, starting with piping the water north, purchasing or fixing homes, closing some dirt roads, and revegetating.

Mr. Don Tatro, Builders Association of Northern Nevada (BANN) Chief Executive Officer, thanked the Board members for attending the meeting to consider a possible solution. He acknowledged some BANN members had already stepped forward with easements, but he indicated they would be happy to help if there was anything else they could do.

Reno City Vice Mayor Naomi Duerr summarized actions taken at the prior Reno City Council meeting, which included: recommending dewatering Swan Lake to whatever extent possible; reminding staff that, when the sewer plant reached capacity, no more 'will serve' letters would be issued until there was a new plant; and setting up a new Swan Lake United Restoration Committee, made up of Councilmembers, to meet with residents, developers, and technical experts to vet technical proposals and provide the Council with a prioritized action item list. The Reno City Council gave direction to staff, which included: to proceed with plans for doubling the size of the Reno Stead Water Reclamation Facility (RSWRF) without allowing any additional water to be discharged into the lake; to look for land application opportunities for storm water and waste water; to redirect .5 million gallons per day from RSWRF to the Truckee Meadows Water Reclamation Facility; to double enforcement, add staff, and inspect every retention pond in the North Valleys for permit compliance; and to increase the flood storage mitigation ratio by 30 percent. She noted the Council had not enacted a moratorium because they wanted to begin work on the action items right away.

Mayor Schieve requested a motion to limit Councilmember comments to two minutes due to the number of potential speakers. The motion carried.

19-0610 **AGENDA ITEM 4** Approval of the Agenda.

There was no response to the call for public comment.

On motion by Commissioner Berkbigler, seconded by Vice Chair Lucey, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 4 be approved.

19-0611 AGENDA ITEM 5.1 Presentation regarding process for allowing temporary pipeline to cross Reno-Tahoe Airport Authority property.

Jessica Sferrazza, Vice Chair of the Reno-Tahoe Airport Authority (RTAA) Board of Trustees, disclosed that she had a financial relationship with Lifestyle Homes. She noted Lifestyle Homes had a property adjacent to County property, but the Lifestyle Homes property would not be affected by the easement.

Reno City Mayor Hillary Schieve stated public comment would be taken on all presentations as a whole after Agenda Item 5.5.

Dean Schultz, Executive Vice President of the RTAA, displayed a PowerPoint slide titled On-Airport Temporary Use Processes v. Permanent Easement, a copy of which was placed on file with the Clerk.

Mr. Schultz expressed pride in the RTAA's participation in finding a solution for the flooding in the North Valleys. He mentioned there was a plan to install a pipeline from Swan Lake through RTAA property to land owned by Washoe County north of the Reno Stead Airport. He noted approvals for the project could be handled locally without the involvement of the Federal Aviation Authority (FAA) because the development was temporary and would be constructed above ground. Based on the simplicity of the process, he indicated he did not foresee any issues that would cause delays in the implementation of the project.

Mr. Schultz mentioned the RTAA would be willing to work with the City of Reno, the County, and the North Valleys community to address the long-term utility infrastructure needs to support the region. He referred to the list of steps for a permanent easement from the PowerPoint slide and noted they would differ because of the involvement of the FAA. He believed the project could be completed within two to three years if all stakeholders worked collaboratively.

Councilmember Jenny Brekhuis commented the Reno City Council had decided during the prior day's meeting not to go through a study period for the proposal, but she had some questions. She displayed Exhibit A from Agenda Item 5.2 and pointed to the easement that would go through the airport property. She then displayed an exhibit from the Evans Ranch subdivision proposal of a 6,000-acre development which had been approved in Cold Springs. She observed the backbone infrastructure of the development appeared to follow the same easement corridor as the temporary water line being proposed. She expressed surprise because the solution for the flooding, which had come up in a meeting she had not been aware of, appeared to fit another need. She noted a proponent of the Evans Ranch development was Bob Lissner, Owner of Lifestyle Homes. She displayed a letter from the Reno City Clerk notifying the developer of the Regional Planning Commission's decision regarding the Evans Ranch development and pointed out Reno Assistant City Manager Bill Thomas had told her in the past he had an equity interest in the project. She questioned the proposal because she had not seen a report from a scientist confirming that the temporary pipeline was the best solution. She expressed

skepticism about the project. She noted a developer had an obligation to provide the infrastructure for the development. She wondered whether anyone was aware of the provision for the development to open.

Commissioner Jung stated she was not aware of the information presented by Councilmember Brekhus or the science behind the project. She asked Mr. Schultz to define temporary use versus a permanent easement in terms of FAA regulations. She asked whether time was a deciding factor. Mr. Schultz responded that was essentially correct. Commissioner Jung asked what length of time was considered temporary use. Mr. Schultz replied five years or less would be considered temporary. Commissioner Jung clarified the proposed solution could work for up to five years. Mr. Schultz said approximately five years was correct. Commissioner Jung confirmed a permanent easement would last six years or more.

Commissioner Jung asked for clarification about the timeframe for when water could be moved. Mr. Schultz deferred to the City of Reno public works director for a time estimate. Commissioner Jung reiterated the temporary solution could be used for up to five years and, during that time, it would take two to three years to apply for a permanent easement. Mr. Schultz said he would need to provide a response to the timing for the permanent easement at a later time because the RTAA had to coordinate with the City of Reno. He clarified the RTAA would work to ensure the land was available but would not install the utility. Commissioner Jung asked whether the RTAA would donate the land. Mr. Schultz replied they would not necessarily donate the land; it was one of the issues which would need to be addressed as they moved forward with a permanent easement. Commissioner Jung asked whether the land would be donated for temporary use. Mr. Schultz replied the RTAA was not required to receive fair market value for the temporary use of the land by the FAA. Commissioner Jung asked whether the RTAA would expect to receive fair market value for the land for a permanent easement. Mr. Schultz responded that would be one of the requirements.

There was no public comment or action taken on this item.

19-0612 **AGENDA ITEM 5.2** Presentation on project to remove water from Swan Lake for land application and future agricultural use on property owned by Washoe County (APN 079-332-37 and 079-332-36).

John Flansberg, Director of Public Works for the City of Reno, conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Irrigation Project – Swan Lake to American Flat Property; Swan Lake Status Update (2 slides); Pipeline Alignment; Intake and Pump Station Layout; Land Application/Agricultural Use Concept; and Water Quality – Regulatory Input.

Mr. Flansberg reviewed the aerial view of Swan Lake in 2017 prior to the installation of the Hesco barriers. He pointed out an area where the Truckee Meadows Water Authority (TMWA) had electrical infrastructure which would be used to run the

pumps for the proposed project. He said the intake would be extended into the lake and would be submerged approximately four feet below the water surface.

Reviewing the graph of water elevation rates, Mr. Flansberg noted the peak in 2017 was 7/10 of a foot below the Federal Emergency Management Agency's (FEMA's) designated flood plain elevation. He said the first year's evaporation loss was approximately 3,800 to 3,900 acre-feet of water, which was equivalent to just over two feet of elevation. He noted almost 17 inches of rain fell in 2017 in contrast to the yearly average of 7.5 inches. He said the total precipitation for the 2016-2017 water year was approximately 225 percent of an average year. He indicated the 2017-2018 water year experienced more typical precipitation levels of approximately 110 percent, with the lake rising about 1.5 feet; this was followed by another 3,900 acre-feet of evaporation. He said the 2018-2019 water year was another storm year and noted precipitation had almost reached 200 percent as of August 3. He stressed the uncertainty about the expected evaporation and high precipitation volumes throughout the year were concerning. He asked what could be done to reduce the amount of water going into the lake.

Mr. Flansberg mentioned Vince Griffith, President of Reno Engineering Corporation, had helped evaluate the situation to determine what could be done and worked with staff to consider different properties. In response to Councilmember Jenny Brekhus' observation that the alignment of the pipeline followed infrastructure on another planning document, he stated he was not surprised because they followed the alignment of Lemmon Drive. When the pipeline reached the spot where it deviated from Lemmon Drive, it went north into the American Flats property. He reiterated the plan was to connect the intake pipe into the general location where TMWA had an existing well and pump system. The water would be pumped to the American Flats property and used for irrigation. He clarified the water would be disbursed using sprinklers and would not be misted or atomized. The pipe would be laid above ground because excavating to lay pipe underground would require the two to three year process for a permanent easement described by Dean Schultz in Agenda Item 5.1. Laying the pipe above ground provided a faster solution and allowed time to get the pipeline infrastructure installed, prepare the American Flats property, plant crops, and prepare the irrigation system.

Mr. Flansberg reiterated the intake pipe would be submerged approximately four feet into the water so the scum on top would not be picked up. He stated it was possible the irrigation layout would need to be changed because a roadway went through the parcel. The goal was either to sprinkle as much of the property as possible to increase evaporation or to plant a crop and irrigate it using the water from the lake because a crop would absorb more water. He noted staff had confirmed that the Bureau of Water Pollution Control with the Nevada Department of Environmental Protection would not require permits if lake water was used but a change of use permit would need to be filed if effluent was used. He stated the Washoe County Health Department tested the water on a regular basis and had provided a letter indicating there would be no adverse impact on public health.

Reno City Vice Mayor Naomi Duerr asked whether the representative from the Washoe County Health Department who provided the letter was present at the meeting. Mr. Flansberg replied Environmental Health Specialist Supervisor James English provided the letter but he did not know whether or not Mr. English was at the meeting. Vice Mayor Duerr indicated she was supportive of any project that would remove water Swan Lake, particularly if it could be done quickly. She understood TMWA staff sent a letter to City of Reno staff raising concerns about the quality of Swan Lake water. She mentioned the TMWA Board had been evaluating the possibility of injecting A+ water into that aquifer for several years and she expressed concern about how the two projects would intersect. She said the City of Reno had spent approximately \$600,000 on those efforts. She stated the TMWA project contemplated ways to treat, inject, preserve, potentially remove, and use effluent. She wondered how the aquifer would be affected by sprinkling water that contained arsenic and coliform onto soil that contained nitrates as part of the irrigation project.

Mr. Flansberg confirmed that TMWA had sent City of Reno staff a letter outlining some parameters and concerns. He discussed the project with John Enloe, TMWA Director of Natural Resources Planning and Management, and a primary concern was possible over-irrigation, which could potentially migrate down through the soil to a deeper level. He said soil probes would be used to ensure the crop planted there was not overwatered. Vice Mayor Duerr asked what would happen if the soil probes found arsenic in the water after \$3 million was spent on the project. Mr. Flansberg replied the soil probes would be there to ensure the water would not go too deep into the soil. Vice Mayor Duerr asked whether the irrigation would stop if the water was going too deep. Mr. Flansberg answered yes.

Councilmember Jenny Brekhus mentioned Interim County Manager Dave Solaro had introduced the concept of aeration and crop development during the April 29 joint meeting of the Reno City Council and the Board of County Commissioners. She said she had expressed cynicism because the project involved developer responsibility to Lemmon Valley Drive. She thought Mr. Solaro had discussed aerating a different location closer to the lake. She presumed the water would be aerated like it was done in Virginia Lake. She inquired which scientists were consulted for the development of the project and asked what other options were explored. Mr. Flansberg replied Mr. Solaro had considered locations closer to the lake but had asked the City of Reno to take the lead on assessing properties adjacent to the airport. He indicated the property was selected because it stood out among large parcels that could be used for agriculture. He noted the airport property would also have been a good parcel but it would require a longer easement process and there was no guarantee the project would be compatible with airport use. The proposed project was a way to work collaboratively and accomplish something quickly using an accessible location.

Councilmember Oscar Delgado commented that, as a member of the Washoe County District Board of Health, he corresponded with Washoe County District Health Officer Kevin Dick regarding the water quality testing for Swan and Silver Lakes. Mr. Dick had told him sampling of Swan Lake water had been discontinued in 2017.

Councilmember Delgado knew aeration would not be performed until the water quality had been tested and wanted the discrepancy to be clarified. He stated he emailed Mr. Dick during the meeting to explain the need for clarity.

Vice Mayor Duerr stated she sought out additional information from TMWA about the water quality because the Reno City Council had received many public comments regarding poor water quality. She wanted a better understanding of the water quality before they started sprinkling it. She expressed concern because the water samples taken by TMWA in April, May, and June 2019 showed a significant increase in total coliform, which was a combination of bacteria. Samples taken at Compton Street showed 71 units in April, 980 in May, and 2,400 in June. Samples taken at Pompey Way showed 8 units in April, 893 in May, and 1,000 in June. She was not aware the water quality testing had stopped. She asserted the Reno City Council had been assured the water was safe to contact and for use in recreation. She stressed her intent was not to stop the project but she wanted to obtain the correct information on the record and ensure all issues were addressed before moving forward.

Mr. Flansberg displayed a memorandum from the Washoe County Health District (WCHD) dated July 10, 2019. Washoe County Director of Engineering and Capital Projects Dwayne Smith explained the WCHD had taken water samples in the past but the County Community Services Department (CSD) had taken over the sampling and testing in 2017. Water samples were tested for various things including arsenic, nitrates, and coliforms. The water quality results were provided to the County Health District and any other interested parties to ensure there was complete transparency. He indicated the water samples met the water quality standards for recreation. He noted the memorandum displayed by Mr. Flansberg was specific to the evaporation project.

Reno City Mayor Hillary Schieve asked how the water tests could be verified. Mr. Smith replied the water was tested by certified laboratories. He explained there was a chain of custody when the samples were collected and transported to the certified laboratory, which would allow anyone to confirm that the testing occurred. Mayor Schieve asked where the results were. Mr. Smith responded he could provide originals or provide certified copies sent directly from the laboratory. Mayor Schieve asked when the latest testing was performed. Mr. Smith replied it had been done approximately one week prior and noted tests were performed on a monthly basis. Mayor Schieve requested copies of the testing results. Mr. Smith said he would ensure the Council received the results and would confirm that all past test results were posted on the County website. Mayor Schieve asked whether the results were typically posted on the website. Mr. Smith replied everything the County did regarding Lemmon Valley was posted on the website.

Councilmember Devon Reese stated the joint bodies were tasked with protecting the health, safety, and welfare of the community. He noted the Boards did not meet often and needed answers to their questions in real time to be accountable to the citizens they served in their decision-making; those answers came from scientific evidence. He noted Board members needed to have the latest information readily

available when reporters or citizens asked questions. He asked how the information could be made available to everyone from a trustworthy source.

Mr. Smith responded communication had been a concern from the beginning. Part of the job was to inform the community of the efforts taking place to ensure the health and safety of residents. He said studies of the flooding issue were taking place and explained CSD had hired a consultant to review the base flood elevation of Swan and Silver Lakes. The study would confirm that the base flood elevation was correct, provide data the stakeholders could endorse, and ensure the information was accepted by the community. He stated CSD would revisit existing FEMA designated floodplains because the information was old and inaccurate in some areas. He noted there were some failings in the communication process despite the County's best effort to disseminate information to the community. The County had hired a professional consulting firm to help Washoe County, the City of Reno, the Washoe County School District, TMWA, and other stakeholders to communicate effectively with each other and with residents.

Mayor Schieve said Mr. Flansberg reported at a prior meeting that the City of Reno had the equivalent of four full-time employees working on the situation in Lemmon Valley. Mr. Flansberg replied he had the equivalent of at least three full-time employees who worked only on that issue. Mayor Schieve asked Mr. Smith how many employees the County had working on the issue. Mr. Smith replied the County had the equivalent of approximately four full-time employees as well a contract with a local pump company to help maintain pumps. Mayor Schieve noted the amount of manpower showed the magnitude of the issue. She was aware that people were not always satisfied with the efforts of staff. She expressed appreciation for the work staff had done and understood their job was not easy.

Vice Mayor Duerr noted coliform was not dangerous in itself but it was an indicator of possible bacteria. She asked for clarification about where the coliform samples were taken, and wanted a comparison between the samples taken by TMWA and those taken by CSD. Mr. Enloe replied TMWA had not done independent sampling; the data they used were supplied by the County. He mentioned the concern about water infiltrating the aquifer could be mitigated by limiting irrigation. He said County and City of Reno staff had been amenable to helping prevent seepage. He stated the coliform issue related primarily to the misting application of the lake water. Vice Mayor Duerr asked how much coliform was allowable in reclaimed water. Mr. Enloe responded reclaimed water was different because of the source of the water. He said it was disinfected water and typically had less than 2.2 total coliform units for category A water. He confirmed the levels of coliform in the water would be a concern if the water was atomized.

Councilmember Delgado said his questions reflected the concerns of community members. He thanked Mr. Smith for clarifying that CSD was testing the lake water. He noted the presentation had indicated the WCHD was performing the water quality tests and appreciated the updated information.

Commissioner Herman noted there were between four and five feet of water behind the barriers but the irrigation project would only remove six to twelve inches of water the first year. She expressed concern about the condition of the barriers and thought the results were not enough for the \$5.5 million expenditure. She observed crops grew in the summer but she was not aware of any crops that would grow in the region during the winter. She stated the greatest need for removing water was during the winter but the plan was to irrigate during the summer. The proposal had not included reservoirs where water could be stored for use at a later time. She asked when pumping would begin and whether the pipeline was designed to flow in both directions.

Mr. Flansberg answered the pipeline would run in one direction. The intake would go into the lake and the pipeline would go to the American Flats property. He said staff would procure the pipe and issue a contract for a pipe layer as soon as they received approval. They would need to acquire pumps and a contract with a farmer to prepare the site for planting. He explained staff sought approval for several contracts so they could move quickly with the various steps involved in the project. The ideal plan was to prepare everything during the winter and have it in place for the next irrigation season. He said it was not considered a one-year project; he estimated it would be used for two to three years. He thought a long-term solution was to use lake water until the level of the lake was sufficiently reduced, and possibly extend effluent pipe and switch the water source during a future irrigation year. He mentioned winter time storage would be required to expand the reuse system as noted by Commissioner Herman.

Commissioner Jung asked whether winter storage was included in the estimate on which the Boards were styled to act. Mr. Flansberg said storage would need to be some type of reservoir or it could be in the form of A+ water going into the underground aquifer. Commissioner Jung asked for confirmation that there was not yet a plan or cost estimate for winter storage. Mr. Flansberg replied there was not. Commissioner Jung wondered whether they would be ready to move water by winter. Mr. Flansberg responded the plan was to have everything in place for the next irrigation season, which would begin in March or April of the following year. Commissioner Jung asked when the total estimated amount of water was projected to be removed and when a decline in the level of the lake could be expected. She acknowledged the water level was contingent on rainfall and the estimate could disregard possible rainfall. Mr. Flansberg noted the lake was typically highest in April each year and pumping would begin in March or April. The anticipated potential irrigation pumping was in the range of 600 to 1,000 acre-feet of water, which was equivalent to almost one foot in the level of the lake. He mentioned the City of Reno's flow shave project could reduce the lake level by an additional six inches or more by sending some raw sewage to the Truckee Meadows Water Reclamation Facility instead of discharging effluent into Swan Lake.

Commissioner Jung asked about the class of water discharged from the two facilities into the lake. Mr. Flansberg stated the City of Reno plant discharged class A effluent into Swan Lake, which was the same water they used to irrigate Sierra Sage Golf Course and the North Valleys Sports Complex. Mr. Smith said the County infrequently discharged approximately a total of 65 acre feet to the playa area; the water

was treated to Nevada Department of Environmental Protection requirements. He stated the permit was for class C water. Commissioner Jung asked what class of water would be discharged via sprinklers. Mr. Smith replied the County was seeking similar opportunities for land application but the project being discussed was led by the City of Reno. Commissioner Jung asked whether the water would be taken from Swan Lake and what the water quality would be. She expressed frustration about her lack of knowledge about the project and was concerned about spending additional money without having her questions answered. After a brief discussion between Chair Hartung and Commissioner Jung, it was determined that money was not being spent by the County on the agenda item. Mr. Smith indicated Washoe County's participation in the project was to help ensure the water quality continued. County staff would monitor the water quality of Swan Lake and the proposed Washoe County site.

Commissioner Jung inquired whether the \$2.5 million from the sale of water rights listed in the staff report would be used. Interim County Manager Dave Solaro stated the money referenced in Agenda Item 5.5 would not be used for the project being discussed. He explained Agenda Item 5.5 was an affirmation for the use of \$2.5 million on future projects which would be presented for potential approval at the August 27 Board of County Commissioners meeting. Commissioner Jung asked why the \$2.5 million was listed on the agenda. Mr. Solaro responded the item was there to ensure the Board affirmed the use of money from 2017 so staff could plan budgets to present to the Board. It was an affirmation that the Board wanted to use the money for flood-related expenses. Commissioner Jung stated she did not want to use it for that.

Richard Jay, RTAA Board of Trustees member, asked which crops would be grown on the parcel. Mr. Flansberg answered the crop would be selected based on the soil, and alfalfa had been recommended.

Jessica Sferrazza, RTAA Board of Trustees Vice Chair, requested confirmation that the agenda item being discussed was strictly for a temporary easement to have the pipe above ground. Dean Schultz, RTAA Executive Vice President, confirmed the project being discussed was temporary and reiterated the distinctions between temporary and permanent easements. He noted a shorter process could be used because the project was temporary. Ms. Sferrazza requested an explanation as to why growing crops on airport property was prohibited. Mr. Schultz replied it was a concern because growing crops attracted wildlife. Crops were a food source and provided potential cover for animals; small animals would then attract birds of prey which could become an issue for aircraft. Ms. Sferrazza noted the crops could trigger a review by the Federal Aviation Authority (FAA). Mr. Schultz said the FAA would become involved if the RTAA tried to grow crops on airport property.

Jennifer Rose, RTAA Board of Trustees member, referred to Commissioner Jung's earlier question regarding the differences between temporary and permanent easement designations. She inquired whether the easement changed from temporary to permanent when the pipe went into the ground or when a certain time period was exceeded. Mr. Schultz replied there were two aspects of easement

designation. One aspect was the duration, but he clarified there was no specific amount of time for a temporary easement. The second aspect involved the underground installation of the pipe. Either aspect could trigger the involvement of the FAA. Ms. Rose confirmed the agenda item did not commit to anything other than the temporary easement. Mr. Schultz stated that was correct.

There was no public comment or action taken on this item.

19-0613 **AGENDA ITEM 5.3** Recommendation to take action on an Agreement between Washoe County and the City of Reno for the Stormwater Land Application - American Flat Road Site project located on Washoe County property APN 079-332-36 and 079-332-37 for the purpose of land application of water from Swan Lake. Washoe County Manager's Office. (Commission District 5.)

City of Reno Director of Public Works John Flansberg introduced the item and referred to the 'Land Application/Agricultural Use Concept' PowerPoint slide from Agenda Item 5.2 which mapped out the use of the two American Flats parcels. The agreement would authorize the City of Reno to occupy the parcels for irrigation using Swan Lake water.

Interim County Manager Dave Solaro summarized the City of Reno had requested the use of Washoe County land to aid in the evaporation of Swan Lake by diverting water to American Flats for land application. He said the County used the land as open space and prevented growth at that location so it could serve as an airport and air race buffer zone. He indicated the Interlocal Agreement would allow the City of Reno to use the land for the project, the City would have full control of the surface of the land, and the County would reclaim the land upon completion of the project. He noted the City had determined land application would benefit the community. He said staff recommended approval of the agreement with the goal of lowering lake levels in the near future.

Reno City Clerk Ashley Turney reminded the Boards that action and public comment on presentation items would be taken after Agenda Item 5.5. She requested the Boards take questions but no action.

Reno City Vice Mayor Naomi Duerr mentioned water quality issues had been discussed earlier in the meeting. She hoped staff was committed to ensuring the water quality would be appropriate for the use being proposed. She requested clarification about the nature of the project the Boards were voting on. Mr. Flansberg clarified the goal was to put the property to agricultural use, or land application at a minimum. He said sprinkler irrigation would be used for either of those uses. He stated the parcel was very important to the region and staff had spent time researching it. They would ensure the soil probes were in place and they were committed to working cooperatively with the Truckee Meadows Water Authority and Washoe County to ensure nothing detrimental was done to long-term plans.

Vice Mayor Duerr asked whether an area would be leveled to contain the water if the project were to proceed with the land application use instead of growing crops. Mr. Flansberg replied the details of the project had yet to be determined. If the project was approved, staff would consult with farmers and irrigation specialists to fully understand the scope before moving forward.

Mayor Schieve stated she would feel more comfortable following staff's recommendation if the water was tested by a secondary party. She expressed a preference for either the City of Reno or a third party conducting water testing rather than relying on Washoe County to perform the testing. She believed residents would feel more confident relying on samples from different entities. Mr. Flansberg said it was a good idea and suggested testing the water both at the lake and at the end of the pipeline.

Councilmember Jenny Brekhus expressed apprehension about the project. She noted many well-intentioned people in the development field who wanted to get their projects underway had attended the Reno City Council meeting the prior day. She was uncomfortable with the suddenness with which the agriculture use concept was put forward and questioned whether all options were being explored. She questioned why a scientist had not come forward to explain the project to the Boards. She noted Mr. Flansberg was an engineering technician but that was different. She asked whether staff had discussed the project with farmers. Mr. Flansberg responded he was a professional engineer for the State of Nevada, not a technician. He said staff had preliminary conversations with farmers and they had considered different types of irrigation equipment and piping which might be used on the project. He explained pipe installed above ground was very different from pipe installed underground where it would be compacted. Councilmember Brekhus was unsure she would be able to support the project. She expressed concern about the financial aspect of the project. She noted other public works projects appeared to have been forgotten. She observed the flow shave project could also be costly. She envisioned escalating costs for sewer improvements could reach half a billion dollars, which would be paid for by City of Reno sewer rate payers within six to eight years. She voiced concern that financial implications were not being explored.

Mr. Flansberg said staff was proposing the project because they were also concerned. He stated staff was concerned about the elevation of Swan Lake because the levels had not decreased after three years as expected due to exceptional water years. The unpredictability of future winter weather was another concern.

Councilmember Devon Reese said that, while he appreciated some Board members continuing to ask questions, he wanted to take action. He said he would support the project if staff recommended it as a solution. He wanted to ensure the project made an impact. He understood it was a temporary tool to reduce the water level of the lake quickly and would not provide a permanent solution. He asked whether Mr. Flansberg believed the project was appropriate given the circumstances and financial constraints. Mr. Flansberg responded he was in full support of the project. He said the pipeline would provide an additive result each year because it would reduce the water level half a foot or

more each year until the levels were reduced to a comfortable level. He noted the project would also offer the ability to switch from lake water to effluent if the parcel was put to agricultural use, which would expand the City's reuse options. He believed the project was worthwhile.

Mayor Schieve recognized Mr. Flansberg and staff were concerned about the situation. She noted that Board members and staff were not denying there was a problem. She appreciated the work that had gone into developing the project. She asked what assurances staff could offer that the project was the best solution. Mr. Flansberg said staff did not know whether the proposed project was the best plan, but it was a plan which could be acted on quickly. Other options which might provide better long-term solutions would take several years to vet and determine their viability. The proposed project was simple and could make a difference quickly. Mayor Schieve thanked Mr. Flansberg for his honesty. She said staff did not have all of the answers but the project was something they could begin immediately to move the water that was flooding homes. She noted she did not suggest they move bad water to another location.

Vice Mayor Duerr complimented the County for their willingness to donate the land for the project. She thought it demonstrated the beginning of a long-term partnership. She said the City of Reno set up a committee the prior day, which she expected would generate many ideas. She thought the committee might ultimately want to join a County committee in the future. She asked about the acreage of the parcels. Mr. Flansberg said the parcels were approximately 450 acres. Vice Mayor Duerr noted the land was valuable and represented a significant contribution from the County. She said \$3 million was a significant amount of money in terms of the City of Reno's budget. She asked whether the County would want to contribute additional funds toward the project. She recognized the contributions from the County and the Reno-Tahoe Airport Authority (RTAA), who would allow an easement to cross their land, potentially without payment. She acknowledged everyone was making contributions to make the project work. The Reno City Council was discussing with developers what contributions they could make towards making the project work.

Via telephone, Councilmember Neoma Jardon said she valued the time and resources spent by staff over the prior two years to develop an immediate solution. She thought residents wanted to see progress and receive assurances that the water level was going down. She acknowledged there was no guarantee the project would solve the problem but reminded Councilmembers that the Reno City Council had been very progressive in solving issues. She named several successful projects the City of Reno had launched. She urged Councilmembers not to overanalyze the situation because it had been going on too long and it was time to act.

Councilmember Weber expressed appreciation for the opportunity to work with the RTAA and Washoe County and thanked them for their contributions. She thought working together was a great concept and hoped they would work together on future projects.

Chair Hartung asked Mr. Solaro for clarification on whether the County was giving the City of Reno the land or whether they were donating the use of the land. Mr. Solaro responded that Washoe County would donate the use of the land. The County would retain ownership of the land.

Vice Chair Lucey reported Washoe County had expended \$7.5 million and the State of Nevada had expended just under \$1.4 million since 2017 toward the mitigation of Swan Lake. He asked whether the future use of the property would be changed by allowing the City of Reno to utilize the property for the dewatering program. Director of Engineering and Capital Projects Dwayne Smith replied staff did not anticipate any issues that would impair the future use of the land based on temporary use and water quality, which would be tested both at the lake and at the end of the pipe. He said staff would address any issue that arose during the project. Vice Chair Lucey inquired whether there was a clause in the agreement which would allow the County to stop the project and terminate the agreement if an issue arose. Mr. Smith replied there was. Vice Chair Lucey believed County staff would continue to work jointly with City of Reno staff to measure the efficacy of the project. It was not the only project the County was pursuing. Mr. Smith responded County staff would support City of Reno's efforts on the American Flats property project, but would present additional possible projects to the Board of County Commissioners on August 27.

Commissioner Herman observed it would take approximately ten years to get the water down to where the barriers could be removed. Commissioner Jung asked if that was correct. Mr. Smith said it was difficult to provide an estimate. The plan was to reduce the water level as quickly as possible, but progress would be contingent on storm and flood events. He noted there were approximately 2.5 vertical feet of evaporation every year. Coupled with the City of Reno and Washoe County projects, staff wanted to create as much space in the lake as possible. The ultimately goal was keeping the community safe, not just taking the Hesco barriers down. Commissioner Jung asked for a time estimate for when the water would recede enough to remove the Hesco barriers using the average numbers provided by staff. Mr. Flansberg explained there was approximately 2,900 acre-feet of evaporation at the highest lake elevation every year. He said the number staff was unable to provide was the amount that was going back into the lake based on storm water. Commissioner Jung stated an average precipitation for the past ten years was a good estimate. Mr. Flansberg estimated the level of the lake could be down to a manageable level in three to five years if they storm water from normal precipitation years was used for approximation.

5:07 p.m. **The Board recessed.**

5:15 p.m. **The Board reconvened with Commissioner Jung absent.**

Commissioner Berkbigler clarified part of the project being put together by the City of Reno was to stop discharging effluent into the lake. She asked whether any effluent from the City of Reno was going into the lake. Mr. Flansberg replied almost all of the City of Reno's effluent went into irrigation during the summer. He noted their

expansion was limited because they used all of their resources during the summer months. He said the city needed a wintertime storage facility such as the Huffaker Reservoir, which provided storage for the South Truckee Meadows Water Reclamation Facility. Commissioner Berkgigler pointed out the water level of the lake would drop significantly if effluent were no longer discharged into the lake. She thought many Lemmon Valley citizens believed the effluent from the Lemmon Valley and the Stead treatment plants created an increase in the water level of the lake. She thought there would be a much greater decrease than predicted by scientists and engineers if that was the case. She was glad that eliminating the effluent discharge was part of the project. She said staff would present other projects to the County later in the month. She noted the County wanted to make progress on short-term solutions so long-term solutions could be developed.

Mr. Flansberg reported the City of Reno had completed the flow shave project, which would allow them to move some of the inflowing sewage to a forced main and divert it to the Truckee Meadows Water Reclamation Facility. He said the flow shave would run during the winter to help prevent effluent discharge into the lake.

Chair Hartung mentioned the County asked staff for a matrix of possible solutions to the flooding issue. He acknowledged there could be solutions not listed on the matrix but the list included a variety of possibilities. He believed resolving the issue would require a combination of projects such as the one being discussed in Agenda Item 5.3. He asked how possible soil contamination would be addressed and about the condition of the property after the agricultural project was finished. He inquired whether there was a reclamation plan. Mr. Flansberg replied putting the property to agricultural use required dealing with invasive species and planting desirable plants to outcompete the undesirable plants. When the dewatering project was complete and irrigation stopped, the property would go back to a generally native state. He said planting a native seed mix as the final crop might be required. The requirements would depend on the natural state of the property and the native vegetation growing there before the project was to begin. He stated agricultural use would not require the type of reclamation needed for an industrial project.

Chair Hartung inquired about how potential soil contamination would be addressed. Mr. Smith responded testing the water quality would be an important part of the project. Staff would monitor water quality and the project would be halted if a water quality issue were identified. Staff would then address the issue accordingly. He believed soil contamination was not a concern because of the oversight and quality testing built into the project by both the City of Reno and the County.

Vice Chair Lucey stated the Boards had been discussing one project but he noted it was dynamic and not absolute. He said it would be an ever-changing project that would be continually monitored. Mr. Flansberg concurred it was a changing project, providing a hypothetical example of the irrigation configuration needing to be modified because of a road that was not accounted for. He indicated the intent and purpose of using the property for agriculture would remain. Vice Chair Lucey thought it was important to

remain aware the projects could change based on an evaluation of their efficacy. He said they would not understand what would be effective if they did not try something and he believed the City of Reno's project was the best possible beginning. He stated the County could monitor the progress of the project as it evolved and would consider different projects during that time. He noted a number of solutions would need to be considered to continue to mitigate and dewater the lake for a sustainable future.

Chair Hartung wanted to ensure the property would be returned to a natural state. He agreed the project was a piece of the solution and it was better than doing nothing. The goal was to reach a final set of solutions as a great regional partner.

Councilmember Brekhus mentioned the Reno City Council had decided to appeal the jury judgement to the Nevada Supreme Court the prior day. She said one of the contested points during the proceedings was that the County was not party to the lawsuit. She asked whether Chair Hartung's mention of indemnification extended to the City's appeal. Chair Hartung stated the agenda item under discussion involved the use of a piece of property and returning the property to a natural state. He indicated his comments had not extended to anything else.

There was no response to the call for public comment.

The City of Reno made and carried a motion to approve Agenda Item 5.3.

For the Board of County Commissioners, on motion by Commissioner Berkgigler, seconded by Vice Chair Lucey, which motion duly carried on a 3-1 vote with Commissioner Jung absent and Commissioner Herman voting "no", it was ordered that Agenda Item 5.3 be approved.

19-0614 **AGENDA ITEM 5.4** Staff Report: Authorization to award one or more contracts to the best bid in accordance with competitive bidding laws set forth in Chapter 338 of Nevada Revised Statutes (NRS) for flood mitigation and dewatering of Swan Lake by applying water to APN 079-332-37 and 079-332-36 in a total amount not to exceed \$3,000,000. (Sewer Fund)

City of Reno Director of Public Works John Flansberg said the authorization would allow staff to move quickly and give the Mayor the ability to execute contract documents.

Councilmember Jenny Brekhus asked whether an engineer's design was available for the project and whether design consultant services were solicited. Mr. Flansberg responded City of Reno staff was working with engineers in the region but the work had been done in-house.

There was no response to the call for public comment.

The City of Reno made and carried a motion to approve Agenda Item 5.4.

19-0615 **AGENDA ITEM 5.5** Recommendation to affirm the use of funds received from the sale of water rights in fiscal year 2017 (FY17) within the Capital Improvements Fund [in the approximate amount of \$2,500,000] for costs associated with implementation of short term lake management strategies in fiscal year 2020 (FY20). Washoe County Manager's Office. (Commission District 5.)

Interim County Manager Dave Solaro stated this item was specific to the Board of County Commissioners. He explained it involved funds from water rights sold to the Pyramid Lake Piute Tribe in 2017 in response to the flood disasters in January and February of that year. Washoe County had used some of those funds for Federal Emergency Management Agency (FEMA) reimbursable projects with a 25 percent match. He stated the balance of the fund was approximately \$2.6 million. Staff sought affirmation from the Board that the funds could be used for flood mitigation projects which would be presented at the August 27 Board of County Commissioners meeting.

Chair Hartung stated the funds would be used for additional mitigation projects. Mr. Solaro replied that was correct. The funds would be used for programs like the hazard mitigation grant program, the home purchase program which had a 25 percent FEMA match, and other short-term projects which could be done during the summer to prepare for the winter. He said the funds could potentially be used for evaporation projects such as additional land application on other properties or aerosolization of the water. He acknowledged the feedback regarding aerosolization had been significantly negative but it was one of the possible solutions staff was evaluating. He said the projects would be presented to the Board in the future but the \$2.5 million would not be used for the dewatering project discussed during Agenda Item 5.3.

Chair Hartung summarized that proposed projects would be evaluated from a variety of perspectives for efficacy and safety. He asked whether FEMA Pre-Disaster Mitigation Program (PDM) grants were included in the \$2.5 million or whether those grants would be in addition to the water rights funds. Mr. Solaro replied the water rights funds were in the Washoe County capital improvement program and could be utilized to match the PDM grants, but staff had a series of projects to propose to the Board that would utilize the money.

On the call for public comment, Ms. Lori Beach expressed appreciation for the thoughtful projects that would move toward a solution. She explained the flooding into the Swan Lake closed basin which occurred in 2017 had no opportunity to be reabsorbed completely, so even a minor storm created serious concerns. She displayed pictures demonstrating flooding from a recent rainfall. She supported the dewatering project but urged the Boards to reconsider discharging into Swan Lake. She stated she did not support the aeration of lake water. She noted the Commissioners expressed concern about the safety of irrigating with water from Swan Lake but residents had been told the water was safe.

Mr. George Still believed the crop irrigation project was a half measure because the amount of water going into the lake during the winter would be greater than what would be used for irrigation. He understood the need to limit irrigation to protect the aquifer because the effluent was not treated to A+ classification. He believed the primary issue was that effluent water contaminated storm water so it could not go to the Truckee River. He opined treating effluent to grade A+ classification needed to be prioritized.

Mr. Michael Demartini said it was possible the region would experience several more years of heavy rains. He said the project was a good start in fixing the issue but he believed it would only remove some of the effluent. He stated he had proposed other projects to help resolve the flooding issue and City of Reno staff had been cooperative. He said Silver Lake needed to be discussed because Swan Lake was only half of the issue. He noted many properties in the area were irrigated with water similar to the water in Swan Lake without adverse effects.

Mr. Tim Fadda said he called several agencies prior to the meeting and none of them were aware of the meeting. He believed the presence of agency representatives would have been helpful in answering questions. He displayed a document which was not provided to the Clerk. He believed the amount of water going into the lake would continue to exceed the amount being pumped out of the lake by the proposed plan. He expressed concern about the lack of a storm drain system in Lemmon Valley. He urged the Boards to stop approving additional development.

Reno City Clerk Ashley Turney said Mr. Danny Cleous did not wish to speak but had indicated he opposed the pipeline.

Ms. Theresa Kretchman asked why the project was being rushed and wondered whether an impact study had been done to analyze the effect of using class C water. She questioned what would happen to the lake, the property, and the agricultural product in the following three years. She wondered whether she needed to be concerned about her health as a resident of American Flats. She expressed concern about the lack of involvement from the Federal Aviation Authority on the temporary project.

Reno City Mayor Hillary Schieve thanked Vince Griffith, President of Reno Engineering Corporation, for his contributions to the project.

Chair Hartung asked Assistant District Attorney Paul Lipparelli which items required action from the Board. Mr. Lipparelli replied the agenda required the Board to take action on Agenda Items 5.3. and 5.5.

Ms. Turney asked for confirmation that the Reno City Council needed to take action on Agenda Items 5.3 and 5.4. Reno City Attorney Karl S. Hall confirmed that was correct.

For the Board of County Commissioners, on motion by Vice Chair Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 5.5 be affirmed.

19-0616 AGENDA ITEM 6 Public Comment.

Ms. Tonja Brown mentioned she had been invited to appear on the World Jam Global radio show based out of the United Kingdom. She invited Board members to listen to the show on August 17 from 10 a.m. to 12 p.m. She said she would discuss wrongful conviction issues, specifically those cases in which the Washoe County District Attorney's Office played a role.

Ms. Lori Beach thanked the Reno City Council for the joint meeting. She noted they had learned from the developers at the prior day's meeting that things were difficult for everyone. She reminded the Commissioners citizens were the most affected by the situation. She encouraged Board members to work together toward a resolution.

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6:00 p.m. There being no further business to discuss, on motion by Commissioner Berkgigler, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Jung absent, the meeting was adjourned.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

Minutes Prepared by:
Carolina Stickley, Deputy County Clerk