

Minutes
Indian Hills General Improvement District
Board of Trustees Meeting
District Office
3394 James Lee Park Rd. #A
Carson City, NV 89705
January 19, 2022
Regular Board Meeting 6:00 P.M.

Trustees Present: Chairman Garcia, Vice Chairman Clark-Ross, Secretary/Treasurer Eisele, and Trustee Gray.

Trustees Present via Zoom Meeting: Trustee Dunham

Trustees Absent: none.

Staff Present: General Manager Chris Johnson, and Administrative Services Supervisor/Human Resources Brooke Thompson.

Others Present: Residents Dale Morlan, Penny Eisele, Don Gray, and Larry Willens

Others Present via Zoom Meeting: none.

6:00 P.M. - Regular Meeting

1. Call to Order

Request that Cell Phones and Pagers be turned off for recording purposes.
Chairman Garcia called the meeting to order at 6:01PM.

2. Pledge of Allegiance: Led by Trustee Gray.

3. Discussion and possible action to elect officers of the IHGID Board of Trustees for calendar year 2022 – Chairman

a. Election of Chairman

Trustee Garcia nominated Trustee Clark-Ross for Chairman for calendar year 2022. Trustee Eisele seconded. Nomination carried unanimously.

Chairman of the Board for Calendar Year 2022 is Kathryn Clark-Ross.

b. Election of Vice Chairman

Trustee Eisele nominated Trustee Dunham for Vice Chairman for calendar year 2022. Trustee Gray seconded. Nomination carried unanimously.

Vice Chairman for the Board for Calendar Year 2022 is Dale Dunham.

c. Election of Secretary/Treasurer

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Trustee Garcia nominated Trustee Gray for Secretary/Treasurer for calendar year 2022. Trustee Eisele seconded Nomination carried unanimously.

Secretary/Treasurer for the Board for Calendar Year 2022 is Teri Gray.

4. Public Interest Comment: none

5. Approval of Agenda

Trustee Eisele motioned to approve the agenda. Trustee Garcia seconded. Motion carried unanimously.

6. Discussion and possible action regarding Mr. Willens and whether to authorize District Counsel to file a civil action against him for unlawful dumping of motor oil and contamination of district facilities.

District Counsel Zumpft stated before engaging in this conversation he would like to ask the Administrative Supervisor to confirm that pages 11 and 12 in our packet are the notices provided to Mr. Willens of tonight's meeting. Administrative Services Supervisor/Human Resources Brooke Thompson stated yes, that is correct and the top of page 12 shows that Mr. Willens did receive the certified letter, he signed for it.

General Manager Chris Johnson stated that Mr. Willens back in July 2021 spilled a large amount of oil onto Mica Drive. He and his wife washed the oil into the storm drain, into the gutter and down the the street and into storm drain. When our staff realized what happened they tried to contain and clean it, but it had already gone all the way down into NDOT's right of way and into the storm drain. The District called Clean Harbors to come out and clean it up. The Sheriff's office was contacted on July 7th and the Deputy went out on July 8th and spoke with Mr. Willens about it, Mr. Willens admitted to the incident. He was told that he would be responsible for the cleanup and costs involved. Clean Harbors came out and did the cleanup, the invoice total came to \$5,557.50. When we received the invoice, we sent it to Mr. Willens letting him know that he is responsible for the invoice, and he has not responded in anyway. In order to proceed with civil action, we need the board's approval. District Counsel Zumpft stated the action will likely be destruction of property and trespass, the amount in controversy is within the jurisdiction of the justice court, it will be the East Fork Justice Court. In justice court actions the prevailing party is entitled to recover reasonable attorney fees and costs related to the action. So, it begs the conclusion on who wins. Mr. Willens according to Mr. Lufrano admitted to this there is no issue that Mr. Willens caused the spill. He thinks like many people he doesn't want to write the check, we can't make him, but a judge can and that is where we are.

Trustee Garcia stated that they talked about setting precedence before and letting this go or trying to find some way to forgive it would not follow that. They, the Board are responsible for making sure they run a tight ship and that they do not misuse public funds. This is public funds out of necessity, and he sees no recourse except to pursue this. It is unfortunate that we have not had any engagement from Mr. Willens to come up with some agreement. It is not something that he sees they have a choice in.

Trustee Eisele stated he feels the same as Robert stated. If we let this go it is a gift of public funds and we don't have the right to do that.

Secretary/Treasurer Gray stated she sees that fact that he is ignoring all correspondence is not acceptable. She believes he is responsible for this.

Vice Chairman Dunham stated was he cited by the county or given anything else other than this letter and he guesses he did not choose to come tonight. He does not feel there is any other action but to take it to court.

Public comment: Mr. Willens stated excuse me, but I am sitting right here, are you going to give me a chance to defend myself or is he just going to sit here and get whipped. Mr. Willens stated that the board has indicated that he has not responded to the letters or threats. Let's go back to the day, 1978 1979 that is when he moved into this District, in fact in Bill Eisele's present house. Every month he wrote a check to the District for water service for the last 40 years. We are accusing him of something that he did not do. Do you think after 40 years of living in the district he woke up and said this is the morning that he is going to go out and dump oil in the gutter. He woke up and saw a spill. He got a broom, kitty litter and a hose and tried to contain the spill. It was in the middle of the street, and you know the rest of the story. Mr. Willens stated that this reminds him of the movie Caddy Shack they get 15 minutes in the pool, someone brings out a chocolate bar and everyone gets out of pool. Everyone thinks it is a turd, the next day they clean the pool. They didn't know what they were cleaning it up, it ended up being a chocolate bar. The District did not know that it was oil, they didn't know what they needed to clean up, that someone maliciously spilled in the street. Where is the evidence. Is the evidence that the police officer drove over to his house, got out of the car and his feet were stuck in oil. He does not believe that is what happened, all he is guilty of is cleaning up a spill that was not there the night before. The District left him a voice mail, screaming I can't believe you poured oil in the street. He will not talk to someone who is threatening him. You have a police report here that says he admits to pouring the oil onto the street. He does not like to call the officer what he actually is, if something is not true or written down, he will say he is mistaken. The police officer was mistaken from what he heard on the phone call, the phone call that Mr. Willens claims he initiated. The police officer said that Mr. Willens said that he did this, he did not say that because he didn't do anything. All he did was clean up a spill, how the spill got there he does not know. It is not funny this has been going on for seven months now, he got two letters, one from a lawyer saying that he dumped oil in the drain. He does not know what caused the oil spill, all he knows is there was a spill in front of his house in the street.

Board of Trustees further discussion/comment: Trustee Garcia stated he understands that there was no communication or response back from the letters, we have not heard anything from Mr. Willens prior to this. This is the first time we have heard any official response. District Counsel Zumpft stated to his knowledge this is the first response from Mr. Willens.

Chairman Clark-Ross stated can we put this on hold until Mr. Willens talks to Chuck. District Counsel Zumpft stated his suggestion would be to entertain and complete the agenda item and if Mr. Willens wants to reach out to him prior to judgement great, he is all ears he would love to, but he is not going to chase him.

Trustee Garcia stated the responsibility would be the same whether or not Mr. Willens admitted to the spill or not, the liability is the same if he was the individual who washed in down the storm drain. District Counsel Zumpft stated what he heard him say was that he cleaned it up and as he understands the cleanup was washing it down the drain and that is a violation of State and Federal law. Trustee Garcia stated correct, ok so ignorance is no excuse to violate the law. District Counsel Zumpft stated correct, no excuse. Trustee Garcia stated just for better understanding, it is irrelevant who created the spill, Mr. Willens agrees to washing it down and that was an act of contamination.

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District Counsel Zumpft stated as he understands it the oil was not in the storm drain until Mr. Willens pushed it there. Trustee Garcia stated thank you that was his only other question.

Mr. Willens asked how you push oil with water, he put kitty litter on it, had a broom. Do you know what happened the over layment of the street, it looks like to him whatever was spilled in the front drive derogated the top slurry of the sealant on the road, that he believes is the oil source.

Chairman Clark-Ross stated Mr. Willens public comment has been closed. Kathryn asked if they should motion now to do this, can Mr. Willens still contact Chuck and work it out. District Counsel Zumpft stated absolutely.

General Manager Chris Johnson stated if the board decides this evening to table this or deny it Chuck can speak with Mr. Willens, but Chuck cannot take any action without the board approving this item. If this item is approved Mr. Willens can contact Chuck and they can discuss it but if Mr. Willens continues to deny that he is responsible for it, this would give Chuck the ability to proceed.

Trustee Garcia motioned to authorize District Counsel to file a civil action against Mr. Willens for unlawful dumping of motor oil and contamination of district facilities. Secretary/Treasurer Gray seconded. Motion carried unanimously.

Trustee Eisele stated regardless of where the oil came from the responsibility was not for you to clean it up. Your responsibility was to get ahold of the District.

7. Discussion and possible action to authorize the General Manager to join a Douglas County coalition of GID's to pursue State and County funding.

General Manager Chris Johnson stated what you have is a letter that was written by the coalition. Basically, what we are doing is Douglas County has received around eighteen million dollars' worth of grant funds for the covid money. That grant funding was based on population, a lot of population lives in Indian Hills and in other GID's. The GID's have not received any of that grand funding, so the GID's are sending a letter to the County asking the County to consider us in that money since our population is what brought that grant money, we would like to see part of that money. We are just asking for permission to join that coalition and sign off on that letter.

Trustee Garcia stated that he thinks it behooves us to engage, if they don't get Chris engaged and we don't show solidarity to the other Districts we don't stand a chance. He is prepared to make a motion and has a request once the other board members have a change to speak.

Trustee Eisele stated that he agrees with Robert, we need to try.

Secretary/Treasurer Gray stated that she agrees, seek it now and contact them.

Vice Chairman Dunham stated let's go forward with this, let's discuss all the rules and regulations. It would benefit us to get some money, it is a good idea.

Chairman Clark-Ross stated that she also agrees with all that.

Public comment: none

Board of Trustees further discussion/comment: none

Trustee Garcia motioned to authorize the General Manager to join a Douglas County coalition of GID's to pursue State and County funding. Chairman Clark-Ross seconded. Motion passed unanimously.

Trustee Garcia stated that he would like to, when available make a request to join Chris in these meetings as moral support, an observer or to lay whatever weight behind this we can to get what we can out of this coalition. General Manager Chris Johnson stated of course, and it is always a good thing to have a representative from the Board there.

8. Discussion and possible action to approve Indian Drive Sewer replacement as shown in the Indian Hills GID Sanitary Sewer Evaluation.

General Manager Chris Johnson stated so a prelude, there are three items here, item 8 which we are about to discuss, 9 is approval of the design work for the sewer and item 10, should the board decide not to do the sewer work and push back the Indian drive reconstruction project then we will discuss the idea of a maintenance project and the road project next year. Chris stated that he just wanted to make sure the board understands what we are going into for all three items. As you all know you approved the maintenance of Indian drive for this fiscal year as part of the planned road projects. In preparation for that they realized the sewer underneath Indian drive is in pretty bad condition, the flow is not where it should be. Also, to make matters worse there are a couple of areas where that sewer line runs through private property and if not under the corner of someone's house within feet, so there are a number of potentially very bad issues happening here. That is also one of the main lines that takes Sunridge to the sewer plant, so it is an important branch. When the problem was discovered, naturally we said we do not want to tear up a road and come back to do this later. In speaking with Tim, Tim prepared a number of alternative options with estimated costs. Chris stated one of the other problems over there is that on Gregory court the sewer line runs under private property, that needs to be abandoned. The proper thing to do is abandon the lines that go underneath the private property and connect Gregory Court and replace the line. District Engineer Tim Russell stated as Chris indicated we have always known that we had some challenges with the sewer on Indian drive, but no one ever really looked at it. There is a lot of flow that comes there from the northern two-thirds of the Sunridge side, it flows down Mica, comes down Indian and that flow looked like it was backing up. What they discovered when they actually got into this evaluation was that the pipe is very flat, it is not a flow issue it is the slope of the sewer so that is one of the challenges we have. The other as Chris said is the sewer dives and jumps off of Indian and Gregory and into yards, so they looked at what would be the best solution. If we replace the sewer from Mica to Vassar, replace it all the way down Vassar and Princeton we can maximize the slope to the best we can get. It should approve the flows and get it out of people's backyards we do still have a few unknowns about how to make Gregory work, whether or not we can get each of the individual houses to drain into a new line on Gregory is something we still need to evaluate, they were not able to see where the laterals are. They will have to have someone video the sewer line that goes from Gregory to verify a few things, but they are hopeful that they can get everything to flow by gravity if not we will have to think about some individual little lift stations, something along those lines. The goal is to try and fix this and get everything out from under houses and in yards and while we do Indian, and the waterline project lets take care of all this.

Trustee Garcia stated that he remembers this discussion, it was known that there was a slope issue there and it made sense for us to do the sewer at the same time rather than go back and tear up a new road. Robert stated a new element that he was not aware that the sewer is going into people's backyards. Was that known before or is that new. District Engineer Tim Russell stated that it was known but it was never really looked at as to where it went.

Trustee Garcia stated so abandoning those in this proposal, do you cap them or just abandoning them is enough. District Engineer Tim Russell stated typically we go back to the manhole, take the top off fill it with slurry and fill the pipes with slurry, so they don't collapse in the future and then cap them.

Trustee Eisele stated it looks like there are about eight lots on Gregory, would it be better to do one pump station. District Engineer Tim Russell stated yes there are seven lots and potentially. Based on preliminaries and looking at it we think we are ok; we do need to look at it a little further. We hope we can get away with just new pipe, if we need the individual pump stations it would only be one or two, but we need to find out more information.

Secretary/Treasurer Gray said that it makes sense to her that we handle it now, so we don't have a bigger problem later. It would be much more costly down the road.

Vice Chairman Dunham stated that he understands what the problem is and knows we need to take care of it before we put a brand-new road in.

Chairman Clark-Ross stated is this where the new houses are.

District Engineer Tim Russell stated the houses on Azurite no they have their own lift station, that is not related to this issue, and we will not be doing anything on Azurite.

Public comment: none

Board of Trustees further discussion/comment: District Engineer Tim Russell stated his recommendation if this is the route the board decides to go is to authorize to proceed with alternative 4b in the sewer report. Trustee Garcia stated the recommendation from the General Manager Chris Johnson and Engineer Tim Russell is alternative 4b which is everything. General Manager Chris Johnson stated that is correct, that is the only prudent way to proceed otherwise we are going to be going back and doing this other work at a later time.

Trustee Garcia motioned to approve option alternative 4b for the Indian Drive Sewer replacement as shown in the Indian Hills GID Sanitary Sewer Evaluation. Trustee Eisele seconded. Motion carried unanimously.

9. Discussion and possible action to approve a proposal from Lumos and Associates in the amount of \$90,750.00 for additional professional services for Indian Drive Sewer Design.

General Manager Chris Johnson stated so now that item 8 was approved we need to allow Lumos to design the work for us, this proposal is for that sewer design work.

District Engineer Tim Russell stated that they prepared this in coordination with Chris based on option 4b. There are some things that are tied hand and hand with the previously approved work, so they are trying not to double dip here.

Trustee Eisele stated so when you come back to the board, this will be the design with all the information and everything we have to do. District Engineer Tim Russell stated yes.

Secretary/Treasurer Gray stated that it is necessary.

Vice Chairman Dunham stated he has nothing; he agrees to go along with the whole project. We have to do it.

Trustee Eisele asked Tim if there are other utilities in there that we should be looking at.

District Engineer Tim Russell stated no, the only thing we have in there is just the water and sewer. Those are the only ones that we are responsible for. Tim stated that they will contact Southwest Gas and NV Energy as a courtesy.

Chairman Clark-Ross stated how many other places should we be looking at, is that area the worse. District Engineer Tim Russell stated most of the sewer was actually done pretty well, pipe gets old. As long as the pipe is not disturbed by roots or something else, they hold up pretty well. Chairman Clark-Ross stated oh good that makes her feel better. General Manager Chris Johnson stated we do not have as many sewer lines as roads.

Public comment: none

Board of Trustees further discussion/comment: none

Trustee Garcia motioned to approve a proposal from Lumos and Associates in the amount of \$90,750.00 for additional professional services for Indian Drive Sewer Design. Chairman Clark-Ross seconded. Motion carried unanimously.

10. Discussion and possible action to approve a street maintenance project in FY 21-22 in lieu of the planned Indian Drive reconstruction.

General Manager Chris Johnson stated this item was placed on the agenda for the situation had board decided not to do the sewer replacement or to postpone it, this was the alternate option to switch the Indian drive project to next year and do some maintenance this year. Since you approved the sewer maintenance this item is null.

District Engineer Tim Russell stated one thing as an alternative option and to add to this item, is that material prices right now are through the roof, contractors are really busy, it might behoove the district to push back when we bid this out until late fall or early winter to get some stabilization in material available and prices and labor, just another factor to look at.

Trustee Garcia stated it makes sense in his opinion that, this is in lieu of, if we can move forward with the other and not have the pricing issues great. We can always table this and bring it back in the event the direction from Tim and Chris is that we should push it out.

Secretary/Treasurer Gray stated sounds good.

Trustee Eisele stated sound good.

Chairman Clark-Ross stated so you think we will get a stabilization.

District Engineer Tim Russell stated I don't know, in talking with Western Nevada supply they just increased pipe 25% that is on top of the previous increase, they have six suppliers of pipe and four of them are not even taking orders because they are so backed up. Tim stated that he is a little leery that if we put this out to bid in April, May we will get caught there. Before we bid it, he will stay in contact with Western and the contractors to gauge where we are. It is so unknown right now; it is hard to evaluate. We should just keep an eye on it, and he will continue to update the board.

Trustee Dunham stated he has nothing just go forward with the suggestions.

Public comment: Resident Don Gray stated you are talking about doing a little maintenance because it is falling apart on Indian. District Engineer Tim Russell stated if we don't move ahead with the Indian project this fiscal year, we will do a maintenance project on different roads in the district. Indian is so far gone it is not worth putting any work or money into.

Board of Trustees further discussion/comment: none

Trustee Garcia motioned to table this item. Chairman Clark-Ross seconded. Motion carried unanimously.

11. Reports to the Board:

General Manager Report General Manager Chris stated that he would like to acknowledge this staff, this has been the smoothest transition that he could have ever hoped for and that is all because of the professionalism and skill of this staff. They are outstanding, he is honored to work with them. The fact that the last week John was here he was sitting around bored that is all because of the staff and he just wanted to acknowledge them to the board. Chris stated that he has done a lot of training, CPR, AED training, EMS essential management skills training for public sector employees, it is a Pool Pact training a lot of it is stuff he knows but a lot of it has been update. A lot of it that pertains to the district, it is beneficial and then he has OSHA 30. Staff is awesome, they have been doing the SCADA upgrades at the wastewater plant, there were a few hiccups, so staff had to step up. For about a weeklong they had to run the sewer plant manually, they came in on weekends and evenings to run the cycles needed. It is back to fully automotive. With our storm event that came through it was a great experience with plowing for Joe and Chris, he has plenty of plowing experience but on a runway. So, they all received good training on plowing. We just had divers in north tank at the water plant and should get information on that quickly and will proceed with the rehabilitation of valley vista tank, it went out to bid today so we have a lot going on right now.

- 1. Administrative** General Manager Chris Johnson reviewed the administrative report with the board.
 - 2. Water** General Manager Chris Johnson reviewed the water report with the board.
 - 3. Wastewater** General Manager Chris Johnson reviewed the wastewater report with the board.
- b. District Accountant Report** General Manager Chris Johnson reviewed the accountant report with the board.
 - c. Engineer Report** District Engineer Tim Russell stated in addition to the tank painting for the Ridgeview tank, it went out to bid and he will have the bids back to the board next month so the board can hopefully authorize a contract for that. Other than that, just some odds and inns, questions from Chris and/or Matt. The Indian drive stuff has been the main thing.
 - d. Attorney Report** District Council Chuck Zumpft stated he has nothing to report. Chairman Clark-Ross stated you will take care of Mr. Willens right. District Council Chuck Zumpft stated he will take care of him.

Public comment: none

Board of Trustees further discussion/comment: none

12. Discussion and possible action to approve Draft Minutes from the November 17, 2021, Board Meeting.

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Trustee Eisele motioned to approve Draft Minutes from the November 17, 2021, Board Meeting. Chairman Clark-Ross seconded. Motion carried unanimously.

13. Chairman and Trustees Reports, Correspondence

Under this item the Board Members will briefly identify relevant communications received by them before the meeting, or meetings attended, or potential business of the district. No action will be taken on any of these items, but a member may request such item or topic be placed on a future agenda.

Vice Chairman Dunham stated that he wants to bring up an item they discussed before, the brick paver idea with a bench in the parks. The people that we want to acknowledge. Himself being in the masonry business for a long time he will volunteer to help out on that in any way he can. He would like to place that on a future agenda. Trustee Garcia stated the buy a brick program is great.

Chairman Clark-Ross stated that she got Dianne Humble's tree planted by the skate park, and she is getting a plaque made to go by the tree.

General Manager Chris Johnson stated just to clarify Joe and Chris in the parks department planted the tree and did an outstanding job.

Trustee Garcia stated due to a lot of business travel he was not around much at the end of last year, for the foreseeable future there will be no travel for him after the first week in February, which is why he asked to participate more so he will be around.

14. Adjournment

Trustee Eisele motioned to adjourn the meeting. Chairman Clark-Ross seconded. Motion carried unanimously.

Meeting adjourned at 7:12P.M.

FINAL APPROVED MINUTES AS PRESENTED

**Secretary/Treasurer
Teri Gray**

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