



## BEATTY WATER AND SANITATION DISTRICT REGULAR MEETING MINUTES

JULY 21, 2021

Amina Anderson – Board Chair  
Albert Verrilli – Vice-Chair  
Jeannie Ybarra – Secretary/Treasurer

Susie Henderson – Member  
Frank Jarvis – Member

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### ITEM #

### SUBJECT

- 1. CALL TO ORDER** – 5:00 pm. *Amina Anderson not present. Refer to sign in sheet for public attendees.*
- 2. GENERAL PUBLIC COMMENT** – Three-minute time limit per person for matters both on and off the agenda. No action will be taken by the Board. *None.*
- 3. FOR POSSIBLE ACTION** – Approval of the agenda for Beatty Water and Sanitation District Meeting July 21, 2021. *Motion by Jeannie Ybarra to approve the agenda, 2<sup>nd</sup> by Susie Henderson. Approved 3-0.*
- 4. FOR POSSIBLE ACTION** – Approval of the minutes for June 23, 2021. *(Board read minutes prior to the meeting.) Jeannie states to public to raise hand and when acknowledged, state your name and comment in order to keep minutes more in order and detailed as to who is speaking. Motion to approve the minutes by Jeannie Ybarra, 2<sup>nd</sup> by Susie Henderson. Approved 3-0.*
- 5. OFFICE REPORT** – General information and updates from the General Manager, Utilities Services, Inc, and Nye County. No action will be taken by the Board. *Lance Goodman – There was lightning strike at the Arsenic Treatment Plant which took out a pressure transducer, level transducer, and a bit of our SCADA system. Plant was down a few days and we were running off of Indian Springs and Summit. We had Ken and an electrical company come out and do some work as well as replace some parts. The plant is up and running. Albert Verrilli asked if there was any additional grounding. (Lance) There was a surge suppresser that was on and it still was taken out. There were loose connections found as well. Utility Services – None. Nye County – None.*

- 6. FOR POSSIBLE ACTION** –Discussion, Deliberation and Possible Decision on Board member letter of interest from Frank Jarvis and all matters pertaining thereto. *Jeannie reads off letter of interest from Frank Jarvis out loud. Albert: Sounds good to me, all in favor? (All agreed) Approved 3-0.*
- 7. FOR DISCUSSION** – Overview of the “Community Source Water Protection Plan for Public Water Systems in Nye County” and supporting information about Beatty Water and Sanitation District’s source water protection areas and all matters pertaining thereto. *(Presentation power point attached.) Kim Rigdon introduces herself. Works for the NDEP Bureau of Safe Drinking and runs the Source Water Protection Program in Carson City for the State. Jill Sutherland introduces herself. She is an engineer with Resource Concepts, firm in Carson City. What they do, with Kim’s supervision, they provide technical support with the Source Water Protection Program. Raj Solomon introduces himself. Is with NDEP and is the facility manager for BWSA and will be overseeing all regulatory and compliance issues for the system. Kim: Our goal is for you to know what to ask or how to get help. ISWPP (Integrated Source Water Protection Program) is not a mandatory program and everything in the program isn’t something you have to do. It’s for you to have some strategies to have for you to protect the water that you have. Resource Concepts is the buffer between the Utility and the State. They’re great because they can get into the technical detail and tell you if there is going to be an environmental impact from a scientific viewpoint. Kim elaborates on the “Plan” that was completed in 2012 for Nye County. The purpose of the plan is to get a conversation going which worked because Amina had reached out. Understanding who your partners are very important. (Jill takes over presentation.) The source water protection area includes the 3 active wells (Summit, Indian Springs, EW-4) as well as 1 inactive well (Well 1). Jill explains the represented example model in the presentation which test “Time of Travel” in intervals of 2, 5, 10 years. Jeannie asks if there is a breakdown of how far the distance is compared to where the well is and the specified line year mark is. Jill responds with the model would be specific to whatever well the model is ran on. It is based off of the pumping capacity, the screened interval, the local aquifer properties of the well. You want to establish it for a management area boundary. After the conversation with Amina, the highlighted management strategies are more pertinent to Beatty Water. Public*

*education efforts not only for the Utility and community, but for possibly the mining companies, land managers and other partners. Continued coordination with stakeholders not just the local folks, but when you need support can you get support for decision making at the county level at the higher level on what you can and cannot do.*

*Notification from the State for new drilling permits. What Beatty Water has right now is a 5–10-year capture area in the plan. Was told about what they have going on out in the areas and a permit renewal was just done for Bullfrog. Blue areas on the map are pertinent to Bullfrog and your source water protection area is the orange and yellow area. You need to look into the well characteristics: depth, construction, aquifer and from there access what the potential risk is to the well. Summit and Indian Springs are deep wells so contamination on the surface is probably not much of an issue. Lance brought up that there are other drillers on BLM land that are much closer to our area. That leads us to what is all this information good for? It gives you questions to ask. That way the board can be appropriately informed and can confidently make decisions on what steps to take next. (Opens the floor to some discussion on what kind of questions to ask.) Which folks are near our wells? Do we want them to come in and present to us? Do they know they are in a source water protection area? Kim: Other questions that might come up are what kind of partnerships do you have with the land management/community near or around the protection area. You might want as a board to invite them and discuss what are they doing on a regular basis. The communication and dialogue are something that is really important. Jeannie: We should be able to contact the State and find out who the rigs belong to? We kind of know only from process of elimination of who it's not. Does the State have that information? Kim does not know the answer. Mentions another great partnership to have would be the with the Town Advisory, when they receive information, it can be passed on to us. Already going down the right path by having the right people at the meetings and have the source water protection areas laid out as a guideline and making sure the people know what the concerns are. Jeannie: One of our other concerns isn't so much about how close they are to our well heads, but our water mains run across the BLM land we lease and they are parking their heavy equipment right on top of them. That was a big part of it. Mike Young: When you started your presentation you said there wasn't a regulatory requirement, so the town they have this well and they have this*

*protection area that they defined, that's just a picture on a piece of paper? There's no regulation as me as a mining company or whoever that I can't drill in that shape? Kim: Technically no, there's not a regulation. Mike: Well, why not? Kim says that is an excellent question and goes on to explain as to why that is. Local communities all had differing opinions on if they wanted restricted areas in their source water protection. The State decided that they would leave it up to the communities to come up with what they see fit. Doesn't mean you can't make restrictions, just mean the State isn't dictating how that should be done. Jeannie mentions we have a whole binder on the source water protection which includes several items that were added from back in the day. Raj mentions that he has worked a lot with the BLM and when they do their NEPA (National Environmental Policy Act) process a comment can be put in for recommendation for best practice to not take heavy equipment over the water mains or parking rigs on top of them. That could be put in as a condition into the permits. Jeannie mentions to them that Amina probably had more questions, but can listen back and email over any questions she has. Jill says that we can coordinate meetings and do research on planning. Albert asks if they do any active flow rates to use as a mapping device to see if there are other ways to bypass contaminants? Jill mentions that they don't do that, but there are great tools to use on Viewers where you can do several things as well as map overlay. Albert talks about how the mines will be possibly be leasing water out at Sarcobatus Flat and asks if we would be a purveyor? How would NDEP be involved with that if there was any contamination or spills? Where's our liability? Kim says leasing our water rights does not make you a public water system. What makes you a public water system is certain criteria in which you serve 25+ people during a certain amount of time. Making you a purveyor which makes you subject to drinking water law. If you're leasing water that has nothing to do with drinking water but with division of water resources. No more questions were asked.*

- 8. FOR POSSIBLE ACTION** – Discussion and Deliberation and Possible Decision on Will Serve application from Edward Huffman for 1050 Knight Ave., parcel number 018-221-09 for 3 water units and 2 sewer units and all matters pertaining thereto. *Jeannie: What this is basically is that he had already tied into the system and had only paid for 1 sewer, but because of what he had hooked up he needed to pay the extra capital fees.*

*They came in and paid and the service is already there so the only thing to do is approve the Will Serve. Jeannie motions to approve the Will Serve now that he is in compliance. Frank asks before it motions if there can be more clarification and details about what had taken place. Jeannie gave more of the back story and what was initially told. Motion again by Jeannie to approve the Will Serve, 2<sup>nd</sup> by Frank Jarvis. Approved 4-0.*

- 9. FOR DISCUSSION** – Discussion and Update on the proposed process to establish a utility agreement to use the Districts’ water from Oasis Valley for North Bullfrog Mining and all matters pertaining thereto. *Mike Young is the main speaker. Letter of Intent was signed and given back in 2012. Third-party engineering report was given in 2013. Bottom line today we are not prepared to ask you for anything. Ultimately, at the end of everything will ask for another letter of intent. Still very interested in executing another Letter of Intent to lease out water rights. Can not tell us today how much, but will be doing an update to the project data. Once they get the information will come to Beatty Water with a proposal. Back in 2012 was going to build a different size mine and focused on the Mayflower. During that time the process was all in Oasis Valley Basin, resulting in a much higher request. The LOI contains a lot of detailed information. They want to update technical information and where they need water from and come back and due the same process again with Beatty Water. If you look on the map the two locations pin pointed are where the recent pump tests have been done and had initially thought was going to be 150 gpm but was closer to 300 gpm and there was not very much draw down. Plan is to do two additional pump tests, one at each well, at a higher flow rate and higher duration. Permitting will be around 8-10 weeks and pump tests 3-6 weeks. Will be coming back around December to update LOI. Jeannie comments to be clear we are not holding you guys up; we have to wait for your information. Mike says absolutely not, we have additional studies to be done and we know the balls in our court. Albert asks what was the time interval between what they thought the pumping rate was going to be and what is actually is now. Mike says they have been exploring for 10 years, so the expectation came from all the holes the made out there. When they made the two wells that was not the case. Albert mentions if it could have something to do with the recharge and Mike says he doesn’t believe that is the case. He thinks the water has been there, just haven’t properly defined it. Albert mentions the possibility of getting a sample done for*

*future use just to see what quality water is there. Mike says that has been done, was mentioned last time and believes was below the drinking water standard. Sampling will be done through out the pump tests and will share that information with us. Frank asks if the name will be Changing on the Letter Head. Mike says as everyone knows an offer was made, but not much is known yet.*

**10. FOR POSSIBLE ACTION** – Discussion and Deliberation and Possible Decision on ruling for the 25 pre-paid hook-ups originally paid by Ron Smith and Lillian Pernet at 400 S. First. St (Parcel 018-201-68) at the request of Steampunk Enterprises LLC and all matters pertaining thereto. *Jim mentions this is Ed Ringle's property and that Ed told him it was much like Boulder Ridge because it is developed. Jeannie says that she doesn't really understand, that it is two different scenarios. Boulder Ridge has multiple metered hook ups, we are talking about a piece of land that has one hook up. Albert comments that there were some hook ups there before and had some installed by the Water District as well as paying the full capitals and within the asked timeframe so he doesn't see the comparison. Jim says he doesn't know enough to argue. Jeannie: From everything I have seen we are passed the timeframe. They gave him the go ahead in 2008 and here we are 13 years later and nothing happened. Jim: He (Ed Ringle) just bought the property like 2 years ago. Jeannie: But the units we are talking about were bought back in the 90's and split up. From what I read in 2008 he wanted those units, they were given to him and needed to apply for a Will Serve and never did. Frank: So, from the last meeting is this the one that has the actual meter? Jeannie: He has one ¾" meter there so out of the 25 he has one hook up. Frank: Right, but I'm trying to remember from the last meeting... it was said that if you put a meter in, it's developed. Is there a difference? Jeannie: So, he has one meter, one ¾" meter, which is out of the 25 units. Frank: So, does that make a difference too, I know where you're going with it, but where does it say he has to use it within the 90 days? Do you have a policy on that? Jeannie asks for the policies and mentions it is in the Will Serve as well. Asks for a copy of the Letter of Intent as well. Albert mentions that it is possibly in rule 19. Discussion about the process of the Will Serve takes place. Frank says that they put a precedent from years ago. Jeannie gets confused about the whole situation and about Steampunk recently buying the property. DeLee says the property was marketed with the 25 units. Jeannie says she doesn't*

*understand how it was marketed that way if there isn't 25 developed units. There's not even a sewer hookup there. Frank asks if Atomic Inn developed all their units and if we are doing something different now. Jeannie: In my opinion, and this is my opinion only, if he wants to pay to upgrade the meter size for the water side of it and then pay all the capital fees for the sewer. Lance talks about doing a fixture count and actually going out and checking out the sewer and the manhole that is there. Jeannie talks about that this is a whole different conversation than what took place in 2008/2009, now this is Ed as an individual recent owner wants to keep units back in 1980. Frank asks what was the deal made in 08 with Pernet? Jeannie responds with saying she was giving the units, but had to put in a Will Serve and have developed which was not done. Susie mentions he only bought those two years ago so why does any of that apply? You buy the property as it is. Frank says we have a decision now do we want to go along with that or not. I'm not satisfied with that (the Will Serve) that says I have to develop within 90 days. I would think that needs to be in a rule. Teresa mentions she believes its in Rule 19. Jim mentions if we want to table it for now and have Lance look into what he needs to. Frank mentions we could be held liable for our paperwork and Jeannie mentions about the previous attorney already looked into everything. Frank says if that it something we want to look into could it could be expensive. Jeannie says if it's already in our rules, we could take a chance and go with it. As long as I feel that we are doing the same thing for everybody and following our rules. If we start letting things go... Susie says might as well not have any rules to follow. Frank says there's always gray area. There's already been a precedent. Jeannie says yes, by a whole different Board. Frank says its already Beatty Water and I think we should still look into it. Jeannie says well are we setting ourselves up for disaster for when the next developer comes in and wants the same deal. Frank says well I hope we can negotiate some kind of deal if a developer comes in. Jon Delee makes comment that we should update our rules as times change and its not right that capital fees get lost during transfer. We are supposed to be selling water and we are way under capacity of what the system can do. Let's get people in here. We need to make it easier for them to build not harder. Jeannie goes into detail to explain to Delee about general money that comes in and capital money that comes in. Jeannie also goes to mention that she is not apposed to develop at all, she just wants for one person to be held to the same*

*standard that the other is. She mentions how we recently had a customer out of compliance pay their capital fees full, now we are going to give this developer a break for the betterment of the town. It's not fair. So, if we are going to change the rules, it's going to change for everybody and see where the chips fall and see what it does to us in the long run. Carrie Radomski goes to say that you want to have rules and structure but also as customers come in and lay that check down it's clear and concise as to what they are obligated to like what Frank is saying. She says that this is a very unique situation and if a new customer comes in and their realtor says hey this land is developed and it's not, it's their responsibility to check into it. If you are going to consider it this time and allow it that could be your defense because there is documentation on this piece of land and an exception to the rule. Hopefully there's not anymore capitals out there just like this cause that can open a whole other thing. Albert comments in and says that we are not an economic development organization, we are a service organization to protect the water rights in this town, make sure there is delivery, that we have the right standards met and people who paid in their capitals, that's their investment in the whole system. You start down playing the other capitals then you degrade the people's contribution from previous years. You are taking away their capitals because there's more people on the system, you divide it by that larger number, they have less of an interest in it. So no, we are not an economic development corporation. I'm sorry, Ed Ringle does wonderful things in this town and has great plans, but he did not due his due diligence. I can't help that. He's the professional developer. His problem with the flood zone, sometimes you get so much enthusiasm you over step what you are doing, but that can not fall back on the Water District to make those corrections. We need to just be a provider, a purveyor of water, good quality, make sure it's here when needed, fire protection, redo the lines at the best of our ability as we go on, that's our primary goal. Developers just need to be more careful. That's the way it's got to be. If it doesn't pencil out for the capitals and the way we are set up and the rules and how it is right now then it doesn't pencil out. Albert also says he wasn't convinced before and neither was the previous manager, Rob Shirley. He agreed that it was an error of the Board and I agreed with that. It's a mess that wasn't in our making and it would be a mistake to go back and make it again. Jeannie says what if he pays to upgrade the meter and pays the capitals for the sewer? Albert*

*says that seems workable. In my mind that's just a new Will Serve. There is conversation back and forth about the manhole and if there is a line or not. Will be checked and determined. Jeannie mentions about still needing plans along with the Will Serve and approved by the County. Jeannie motions to table, 2<sup>nd</sup> by Susie Henderson. Approved 4-0.*

**11. FOR POSSIBLE ACTION** – Discussion and Deliberation and Possible Decision to review and approve Indebtedness Report along with Capital Improvement Plan and all matters pertaining thereto. *Jeannie explains that this is done once a year. It is a standard report that is filed to the Taxation Department. Included is a breakdown of the amortization schedule and a plan of any new purchases that we may be planning to do but aren't held to it. Jeannie motions to approve the reports. Frank abstained (isn't familiar with the report). Approved 3-0.*

**12. BOARD MEMBER REPORTS/COMMENTS** – General information and updates from board members. Announcements or topics / issues proposed for future workshops and agendas. No action will be taken by the Board. *Jeannie makes a comment that Franks packet will be sent to him about filing your financial statements. All the information will be included in it.*

**13. FOR POSSIBLE ACTION** – Schedule next Board of Trustees meeting date and time. *Scheduled August 18, 2021 @ 5:00 pm.*

**14. GENERAL PUBLIC COMMENT** – Three-minute time limit per person for matters both on and off the agenda. No action will be taken by the Board. *None.*

**15. ADJOURNMENT** – *Motion to adjourn meeting @ 6:41 pm by Jeannie Ybarra, 2<sup>nd</sup> by Frank Javis. Approved 4-0.*

Name: \_\_\_\_\_

Date: August 16, 2021