

CARSON CITY OPEN SPACE ADVISORY COMMITTEE
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A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, September 17, 2007 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Michael Fischer
Tricia Lincoln
Wayne Perock
Howard Riedl

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space / Property Manager
Joel Benton, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the committee's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

CALL TO ORDER, DETERMINATION OF QUORUM (6:01:53) - Chairperson Hartman called the meeting to order at 6:01 p.m. A quorum was present. Member Scott was absent. Member Lincoln arrived at 6:03 p.m.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:02:14) - None.

1. ACTION ON APPROVAL OF MINUTES - August 20, 2007 (6:02:19) - Member Riedl moved to approve the minutes. Member Fischer seconded the motion. Motion carried 4-0-1, Member Perock abstaining.

2. MODIFICATIONS TO THE AGENDA (6:02:48) - None.

3. AGENDA ITEMS:

3-A. DISCUSSION ONLY REGARDING THE TRANSACTION WITH THE POTTER FAMILY, AND STATUS OF THE ORMSBY BOULEVARD OWNERSHIP SOUTH OF KINGS CANYON ROAD (6:02:55) - Chairperson Hartman introduced this item. Mr. Guzman provided background information and reviewed the staff report. He invited Rob Potter to the meeting table, and acknowledged that Mr. Potter had been provided a copy of the report from Silver State Right-of-Way Consulting Manager Dennis Johnson. Copies of the report were included in the agenda materials. (6:06:08) Mr. Potter advised he had received Mr. Johnson's report a couple weeks ago and had reviewed it with his family attorney.

Mr. Guzman explained that the portion of Ormsby Boulevard south of the area presently barricaded is in dispute. Mr. Johnson's review of public records revealed no evidence the City had ever obtained the property through purchase, agreement, dedication, or "any of the typical ways that roads are obtained." Mr. Potter's father was a well-known attorney who agreed with City and State representatives to dedicate the road provided it would be used to construct a bypass. The project subsequently "died" because "the

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people on the west side did not want a bypass in the neighborhood.” “Nothing else happened ... the properties weren’t transferred ... and it hasn’t been an issue until now.” The Potters have not been paying taxes but, at the same time, they have not been enjoying the use of the road. The Assessor’s map depicts the properties separate from each other. Mr. Guzman advised that the City Manager had accepted the finding of Mr. Johnson’s report evidencing no City ownership of the road, and had provided direction to negotiate a purchase price to include the subject and adjacent properties.

Mr. Benton acknowledged having been in contact with Mr. Potter’s counsel, and advised that negotiations over the “disputed strip and ... both sides of it” will begin soon. In response to a question, Mr. Benton advised that a quitclaim deed will be necessary from each of the individuals listed on page 4 of Mr. Johnson’s May 17, 2007 report. Mr. Potter’s counsel has expressed the opinion there should be no difficulty in obtaining the quitclaim deeds.

(6:11:09) Mr. Potter reviewed language in the deed transfer documents, and advised that the property in dispute “isn’t Ormsby Boulevard.” He expressed the opinion that quitclaim deeds would be unnecessary. Chairperson Hartman noted that a policy would have to be issued from a title company at some point in the future. In response to a comment, Mr. Benton explained the provisions of the Deed of Exclusion, which dedicated the land that became the southern portion of Ormsby Boulevard, and how the title became clouded. There is some question as to the point at which the deed transfer took place and those individuals who had interest in the property at that time. Mr. Benton agreed with the consultant’s advice to resolve the title issue as quickly as possible through quitclaim deeds to clear up any question of property interest. Mr. Potter advised that the disputed property is “attached to the property that we’re calling the cemetery because the zoning is different in that area. And so we feel that because the zoning’s different, the appraisal will be favorable to that site.” He expressed support for providing the City “the first opportunity to buy this land as open space ...” He reiterated the opinion the quitclaim deeds would be unnecessary. He noted language in Mr. Johnson’s report that there is no dedication for the property between the barricade and King Street. He suggested including this piece in the negotiations.

Mr. Guzman discussed the importance of ensuring sufficient information about the cemetery property prior to making an offer. He stated, “I don’t want to find us as managers of a cemetery by mistake. If we buy a cemetery, ... we treat it accordingly.” He advised that a consultant will be submitting a proposal in the near future. In response to a question, Mr. Potter advised there are several grave sites on the cemetery property. In response to a question, Mr. Guzman advised of no intent to move the grave sites. If the cemetery property is included, it will be left as an historic monument and identified accordingly. Mr. Potter advised of an historic marker identifying the property as “Pioneer Cemetery.” He provided historic information on the cemetery and referred Mr. Guzman to documentation available at the Cemetery Office. He provided background information on Patricia Potter’s development of “a little cemetery ... off of Potter Drive.” As a condition of that “subdivision,” a “bubble for a cul-de-sac at the end of Ormsby Boulevard” was dedicated “because the road would never go through and that marked the end of the City’s interest.” Mr. Potter referred to Mr. Johnson’s May 17, 2007 report and advised “the only piece of property that Carson City owns right now is the piece of property representing the bubble that we dedicated ... marking the end of the road.” Mr. Guzman acknowledged that he and Mr. Benton would continue negotiating with the Potter family. Chairperson Hartman thanked Mr. Potter for his attendance and participation.

3-B. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS ESTABLISHMENT OF A FULL-TIME OPEN SPACE ASSISTANT POSITION TO BE PAID WITH OPEN SPACE FUNDS (6:19:28) - Mr. Guzman introduced this item, and reviewed the staff report and the attachments. He emphasized that the position will be paid “exclusively with open space funds. It

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doesn't affect the general fund in terms of revenue." Mr. Moellendorf advised of having worked closely with City Manager Linda Ritter in developing the position. He further advised of Ms. Ritter's full support of the position in that it is critical as the City moves forward in land acquisition and management, and in light of the fact that the position is budget neutral.

In response to a comment, Mr. Guzman advised of Vice Chairperson Jacquet's stated preference that funding for the position should primarily be allocated from the Open Space maintenance account. He acknowledged that the position was reviewed by Human Resources Department personnel who compared the salary and responsibilities with similar positions in adjacent counties. The position will be subject to overtime and other similar contractual requirements.

Member Riedl expressed support for the use of consultants, but noted the importance of staff oversight. In addition, he noted the competitive grant climate and the importance of a qualified individual to seek grant funding opportunities. He expressed support for the new position.

In response to a question, Mr. Moellendorf advised that the position is even more critical in light of the federal lands bill. He discussed the present need for the position as well as the possibility of hiring additional park rangers to increase a law enforcement presence for open space properties. He expressed appreciation for Member Riedl's comments, and noted that hiring consultants will continue to be necessary from time to time. He discussed the importance of hiring an individual with sufficient experience in various areas of open space management to efficiently work with consultants. Mr. Guzman advised that there is sufficient administrative support in the Parks Department to accommodate the new position. Member Perock noted the importance of good stewardship of open space property, and commended staff on development of the position.

Chairperson Hartman noted that the committee had always envisioned emphasizing open space property management. He agreed with earlier comments that funding for the position should primarily be allocated from the open space maintenance account and that the land acquisition fund should be left undisturbed as possible. He entertained a motion. **Member Fischer moved to recommend to the Board of Supervisors the establishment of a full-time Open Space Assistant position to be paid with open space funds. Member Lincoln seconded the motion.** Chairperson Hartman noted the discussion with regard to funding for the position, and called for a vote on the pending motion. **Motion carried 6-0.**

3-C. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS IMPROVEMENTS TO THE LOMPA WETLANDS AND ADJACENT PROPERTY BASED ON THE ENHANCEMENT STUDIES CONDUCTED BY WOOD RODGERS AND ASSOCIATES, APNs 2-101-73, 8-931-01, 8-931-02, AND 8-922-11 (6:34:40) - Mr. Guzman advised there was no action necessary on this item. He referred to the budgets included in the agenda materials. He reviewed details of the project phases in conjunction with a map displayed in the meeting room. He noted the importance of pursuing grant funding for the project. He anticipated having issues associated with the project resolved by next month, at which time this item will be reagendaized for action. He reviewed landscape design necessary for the southern portion of the property.

Member Riedl advised of having met with Mr. Guzman and Park Planner Vern Krahn, and expressed support for elimination of the parking lot as part of phase 2. He noted the substantial savings represented by elimination of the parking lot. He requested consideration for linking the north corner of the trail system with the paved multi-use NDOT path. Mr. Guzman advised that Wood Rodgers, Inc. Environmental Program Manager Leslie Burnside had spoken with NDOT representatives, who indicated "it can happen."

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In response to a question, Mr. Guzman provided additional detail on the landscape and sidewalk design for the southern portion of the property adjacent to Northridge Drive. In response to a further question, he provided background information on donation of the land by the present owners, Millard and Bawden. He advised of the property owners' interest in maintaining a rural character, specifically avoiding construction of curb, gutter, and sidewalk. The City will construct an offset, hard surface trail rather than a sidewalk. Mr. Guzman further advised that the project will be designed in conjunction with a Public Works Department street project. He responded to additional questions regarding parking in conjunction with possible future improvements at the Boys and Girls Clubs, and future use of the subject area. In response to a further question, he advised that the current property owners were absolved of any long-term maintenance responsibility upon the City's entering into the agreement with Mr. Raffety. He advised of the property owners' interest in reserving the ability to use the property for mediating potential future projects which may require wetland mitigation. He noted this would provide additional funding for wetlands improvement. Chairperson Hartman requested Mr. Guzman and Mr. Benton to draft a written agreement to ensure the parties' understanding. He noted the importance of also including drainage from Lompa Lane. Mr. Guzman anticipates the Board of Supervisors will take action to accept dedication of the property subject to the conditions and purposes discussed. Chairperson Hartman suggested an agreement would be the most effective means to ensure use of the property as wetlands mitigation. Mr. Benton agreed. Mr. Guzman offered a complete set of plans to any interested committee member. He acknowledged no action was necessary.

3-D. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE ACCEPTANCE OF A DEDICATION OF 30 ACRES OF LAND FROM JIM BAWDEN AND DWIGHT MILLARD AT THE NORTHWEST QUADRANT OF THE INTERSECTION OF NORTHRIDGE DRIVE AND LOMPA LANE, APNs 8-931-01, 8-931-02, AND 2-101-73 (6:48:36) - Mr. Guzman introduced and provided background information on this item. In light of discussion of the previous item, he noted this item would be reagendaized at a future meeting. No formal action was taken.

3-E. UPDATE AND DISCUSSION ONLY REGARDING THE MEXICAN DITCH BRIDGES PROJECT (6:49:51) - Mr. Guzman introduced this item. Open Space Assistant Ann Bollinger reviewed the staff report, discussed her work on the project bids, and reviewed the project time line and contingencies. Chairperson Hartman and the committee members commended Ms. Bollinger on a job well done.

4. FUTURE AGENDA ITEMS (6:52:40) Chairperson Hartman and Mr. Guzman briefly discussed the tentative October agenda. Member Lincoln requested a status report on property in Timberline which was to be dedicated to the City as part of a subdivision.

5. ACTION ON ADJOURNMENT (6:54:00) - Member Fischer moved to adjourn the meeting. The motion was seconded and carried 6-0.

The Minutes of the September 17, 2007 Carson City Open Space Advisory Committee meeting are so approved this 15th day of October, 2007.

STEPHEN D. HARTMAN, Chair