

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the December 17, 2007 Meeting

Page 1

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

PRESENT: Vice Chairperson Dan Jacquet
Michael Fischer
Tricia Lincoln
Wayne Perock
Howard Riedl
Bruce Scott

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space / Property Manager
Will Geddes, 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 AND DETERMINATION OF QUORUM (6:00:47) - Vice Chairperson Jacquet called the meeting to order at 6:00 p.m. A quorum was present. Chairperson Hartman was absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:01:05) - None.

1. ACTION ON APPROVAL OF MINUTES - October 15, 2007 (6:01:18) - Member Perock moved to approve the minutes. Member Riedl seconded the motion. Motion carried 6-0.

2. MODIFICATIONS TO THE AGENDA (6:03:04) - Mr. Guzman advised of the applicant's request to continue item 3-A.

3. AGENDA ITEMS:

3-A. ACTION TO AUTHORIZE THE OPEN SPACE MANAGER TO EXPLORE A LAND CONSERVATION TRANSACTION WITH KAREN JOOST, OWNER OF PROPERTIES LOCATED IMMEDIATELY WEST OF THE WELLINGTON CRESCENT SUBDIVISION AT THE EASTERN TERMINUS OF ASH CANYON ROAD - Deferred.

3-B. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE COOPERATIVE MANAGEMENT AGREEMENT BETWEEN THE BUREAU OF LAND MANAGEMENT CARSON CITY FIELD OFFICE, THE CITY OF CARSON CITY, AND THE FRIENDS OF THE SILVER SADDLE RANCH, PROVIDING FOR THE DAY-TO-DAY OPERATIONS OF THE SILVER SADDLE RANCH ON AN INTERIM BASIS (6:03:23) - Mr. Guzman reviewed the staff report and the final draft agreement attached thereto. He provided background information on the reasons for excluding caretaker provisions from the final draft agreement. He advised that funds to implement the agreement, on the City's behalf, will be allocated from the Open Space

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the December 17, 2007 Meeting

Page 2

Program. In response to a question, he advised of a maintenance line item in the Open Space Program budget which he described as “pretty healthy.” No cost estimate has yet been developed. Mr. Guzman suggested that Parks Division staff will assist with operations. He advised that the item was agendized at the request of the Bureau of Land Management. The item will be agendized before the Carson River Advisory Committee and eventually the Board of Supervisors.

Member Scott inquired as to the timing of the agreement in that the BLM already “has whatever monies are allocated for operation and management.” He expressed concern over not having a caretaker at the Silver Saddle Ranch, and inquired as to whether the Friends of the Silver Saddle Ranch (the “FOSSR”) has insurance to cover responsibilities outlined in the agreement. Mr. Guzman advised that the FOSSR has the ability to carry insurance, as a non-profit organization. “More than anything, they have the interest to do it. They really want to participate.” Mr. Guzman provided background information on the FOSSR’s involvement in development of the agreement. In response to Member Scott’s original question, he advised that the timing coincides with being “at the point where it’s out of staff’s hands.” He and Vice Chairperson Jacquet provided additional background information on development of the agreement.

In response to a question, Mr. Guzman advised that the Open Space Program fund “was created exclusively and especially and we seem to manage wisely enough that we are pretty solvent.” He noted the concern associated with management of additional lands once the federal lands bill is passed. He expressed the belief that Open Space Program staff has demonstrated, through budget and management exercises associated with the federal lands bill process, sufficient capacity to proceed with the federal lands bill proposal including the Silver Saddle Ranch. Mr. Moellendorf noted that the budget situation in the City was considerably different two years ago when work on the subject agreement began. Maintenance and management costs for the Silver Saddle Ranch will have to be allocated from the Open Space Program. Mr. Moellendorf noted the importance of considering the three-party agreement, which includes the FOSSR. He expressed the belief that engaging the FOSSR volunteers in a more active management role will result in effective management and maintenance of the Silver Saddle Ranch. He noted the “great community asset” represented by the Silver Saddle Ranch, and suggested that its successful management may serve as a model for other sites. He noted Lakeview Park, as an example, which is presently undeveloped and serves as a trail head for equestrians and hikers. He noted the importance of working together in light of the BLM also facing budget restrictions. Mr. Moellendorf reviewed historic information on the City’s use of caretakers, and explained reasons for phasing out the caretaker system. He acknowledged the need to ensure proper management of the Silver Saddle Ranch, and suggested the possibilities of increasing park ranger patrol or relying on volunteers.

Member Lincoln inquired as to the time table associated with the federal lands bill. Mr. Guzman advised of hearing “rumor and innuendo” that the process is proceeding well and that a draft is expected shortly. City staff has a meeting scheduled with a Washington lobbyist and congressional delegation representatives. Member Lincoln inquired as to the language of paragraph C(2), on page 4 of the final draft agreement, providing for the BLM to maintain real property as well as to pursue funding for construction of an events pavilion and demolition and replacement of the white house. Mr. Guzman advised that BLM representatives have determined the white house will be more feasible to demolish than to restore. BLM representatives are assuming that they will continue to take care of the real estate. Mr. Guzman advised that a section of the pole barn structure needs to be re-roofed. The farmer, Mickey Andersen, has complained that the irrigation system also needs repair and maintenance. Mr. Guzman expressed the belief that the BLM will continue to allocate funds toward facility improvement even with the knowledge that

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the December 17, 2007 Meeting

Page 3

the facility will likely be transferred to Carson City within the next few years. Vice Chairperson Jacquet advised that the agreement will sunset with the transfer of ownership. He expressed the opinion that replacing the white house and creating a visitors center would be prudent. He suggested that the City would consider these things, but will not be obligated to do so.

Member Scott reiterated concerns over not having an on-site caretaker. He advised that vandalism has occurred at the Silver Saddle Ranch “even with a caretaker.” He discussed concerns over the potential for a vandalism incident causing City representatives to react and appoint a caretaker with funds allocated from the Open Space Program. He noted that both gates are required to be locked each night and unlocked each morning. Mr. Guzman acknowledged the concerns. Vice Chairperson Jacquet discussed the possible alternative of the BLM continuing to provide a caretaker on a volunteer basis; that day-to-day supervision of the caretaker would be the responsibility of the City as authorized in the agreement. In response to a comment, Vice Chairperson Jacquet described the method by which BLM caretakers have maintained a year-round presence at the Silver Saddle Ranch. He advised of times when a caretaker volunteer hasn’t been available. He agreed with Mr. Moellendorf’s comments that managing volunteers “is work ... and there’s always problems.” In response to a comment, Mr. Moellendorf noted that volunteers may be less expensive than full-time employees, but “they don’t come at no cost.” Member Scott expressed a preference to work something out with the BLM. He reiterated concern over incidents occurring at the Silver Saddle Ranch because of no caretaker presence. “No matter how much the sheriff or the Open Space / Park Ranger is out there, ... stuff happens.”

Member Lincoln requested information on the FOSSR; whether their Articles of Incorporation or Bylaws will need to be modified to accommodate their participation in the agreement. She noted that volunteers “come and go. Personalities become an issue and that’s a lot different than the other two government entities that are parties to this.” Mr. Guzman provided background information on involvement of the FOSSR “for a considerable amount of time.” The FOSSR’s main interest is habitat protection and to observe wildlife. “Of all the groups participating at the Silver Saddle Ranch, they are ... the most active and have taken this as a project to the extent that they were successful in obtaining a capacity grant from the National Park Service.” The grant funding will be used to facilitate a charette to design a public participation process to consider future uses of the Silver Saddle Ranch in keeping with promises made by City representatives to the public in conjunction with the federal lands bill process. Mr. Guzman advised that the FOSSR has amended their bylaws to facilitate the subject agreement. He further advised of a FOSSR core group, in addition to 45 to 50 people who consistently donate to the FOSSR or participate in activities. He offered to invite FOSSR representatives to provide a presentation to the committee. Vice Chairperson Jacquet noted that agreement requests the FOSSR to commit to a greater role. He and Mr. Guzman have carefully considered and agree that the FOSSR has the capacity to do so. He advised that the FOSSR is a 501(c)(3) organization.

In response to a question, Mr. Guzman advised of a wetland located within the irrigated fields. In response to a further question, he advised that the isolated 40 acres is a separate project with a separate water source which is paid for by the Public Works Department. Member Riedl expressed appreciation for volunteer groups “willing to pitch in in these times of declining revenues.” He expressed the belief that succeeding in open space maintenance will require relying on a volunteer contingent. He requested staff to agendize a presentation by the FOSSR. He described the final draft agreement as “transitional” and noted it won’t last longer than ten years. He expressed the opinion that the agreement represents a “very positive step.”

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the December 17, 2007 Meeting

Page 4

Mr. Guzman acknowledged that all parties to the agreement have the opportunity to terminate the agreement. He further acknowledged that the Silver Saddle Ranch will revert back to BLM management upon termination of the agreement by any party. Member Scott pointed out a typographical error.

In response to a question, Mr. Moellendorf expressed the opinion that the City can be flexible to work with the other two parties regarding caretaker options. He expressed a willingness to consider Vice Chairperson Jacquet's suggestion of the BLM providing a caretaker with City supervision. He reiterated the legal / liability situation faced by the City with regard to caretakers. He expressed understanding for Member Scott's concerns. Member Lincoln pointed out a typographical error. Member Perock inquired as to whether language should be added to the agreement to cover Member Scott's concerns. Vice Chairperson Jacquet expressed the opinion that provision of a caretaker should continue to be pursued as an express desire of the committee. Member Riedl suggested providing flexibility in the agreement to consider a caretaker should the need arise. Member Scott expressed a preference to include the obligation. Vice Chairperson Jacquet suggested the main focus should be "somebody there to protect the open space." He agreed with Member Scott's earlier concerns to not take on a huge financial responsibility. "With those two side boards, ... we would move ahead with something on a caretaker." Member Scott advised this would satisfy his primary concern. He expressed a preference for the committee to be able to work with Mickey Andersen and Public Works Department staff on the possibility of getting "a little more of that area into good shape from a ranching standpoint ... and a lot of other things that might be more feasible under the agreement as we look forward into a relatively limited but more progressive capability" to allocate funding and manage the Silver Saddle Ranch. He suggested reagendaizing this item for final action with more clarification on the caretaker issue. **Member Scott moved to approve the agreement, in concept, request that the caretaker issue be specifically clarified and addressed in the agreement which may involve specific commitment for utilities and other things that are non-binding from the City's salary / benefits perspective with open space funding. Member Fischer seconded the motion.** Vice Chairperson Jacquet called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 6-0.**

3-C. ACTION TO REVIEW AND RECOMMEND TO THE BOARD OF SUPERVISORS A FUNDING AGREEMENT WITH THE STATE OF NEVADA IN ORDER TO RECEIVE GRANT AWARDS THROUGH THE QUESTION #1 CONSERVATION AND RESOURCE PROTECTION GRANT PROGRAM (6:42:12) - Mr. Guzman reviewed the staff report and the draft funding agreement. At Member Scott's request, he provided additional explanation of the penalty provisions included in the agreement. In response to a further question, he advised that "misuse" is described as a concept, i.e., "to do something contrary to the provisions of open space or to cause an action that will reduce or harm the resource." He reviewed provisions from the Horse Creek Ranch agreement, as an example. He read a portion of paragraph 2 of the Declarations into the record. He acknowledged that paragraph 2 may be revised based upon the purpose for which grant funding is acquired.

With regard to the question of condemnation, Mr. Guzman advised that State representatives have agreed to the City's proposed language revision. He reviewed the provisions of paragraph 5 of the Declarations section. In response to a question, he provided additional explanation of the condemnation provisions. In response to a further question, he advised he is awaiting Chairperson Hartman's comments on the most recent draft agreement. Member Riedl advised that, in a condemnation proceeding, the condemning party has to pay appraised value of the property as well as consider damages. He expressed the opinion that

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the December 17, 2007 Meeting

Page 5

Carson City is “fairly safe as long as they protect any damages that occur from the condemnation. ... Both the City and the State would be well compensated.” Mr. Guzman noted the importance of Question #1 funding to the Open Space Program.

Knowing Chairperson Hartman’s investment in the process, Member Scott expressed a preference to agendize the agreement for action at the appropriate time. In response to a question, Mr. Guzman advised that Question #1 representatives have been provided the most recent draft agreement, but have not yet provided official comments. Mr. Guzman agreed to reagendize this item. He requested the committee members to bring any other suggested revisions to his attention.

4. NON-ACTION ITEMS:

4-A. STATUS REPORT ONLY REGARDING THE OPEN SPACE ASSISTANT POSITION (6:57:58) - Mr. Guzman advised that five applications had been received. Interviews are tentatively scheduled for January 9 and 10, 2008. In response to a question, Mr. Guzman advised that the recruitment period is still open.

4-B. STATUS REPORT ONLY ON OPEN SPACE APPLICATIONS FOR CONSERVATION AND RESOURCE PROTECTION GRANT PROGRAMS (6:59:24) - Mr. Guzman referred to the copy, included in the agenda materials, of the presentation made to the Question #1 review committee. Grant funding was requested for the Serpa, Jarrard, and Mexican Dam, LLC properties. Mr. Guzman expressed the opinion that the Jarrard application was well received. There were concerns expressed over the Serpa property superfund site and V&T right-of-way issues. The Mexican Dam, LLC parcel was also “viewed as a good property.” Mr. Guzman acknowledged the potential willingness of sellers to consider offers on all three properties.

4-C. STATUS REPORT ONLY ON FUTURE COORDINATION WITH THE CARSON RIVER ADVISORY COMMITTEE (7:02:03) - Mr. Guzman advised of a conversation with the Carson River Advisory Committee chair, who discussed development of the committee’s annual work program. He referred to the list of tentative agenda items included in the agenda materials.

4-D. STATUS REPORT ONLY REGARDING THE LAKEVIEW GATED ESTATES TENTATIVE SUBDIVISION MAP (7:01:07) - Mr. Guzman reviewed the December 5, 2007 memo included in the agenda materials. The project is agendized for the December 19th Planning Commission meeting.

4-E. STATUS REPORT ONLY REGARDING THE WETLAND ENHANCEMENT PROJECT WEST OF LOMPA LANE AND NORTH OF NORTHRIDGE DRIVE (7:02:37) - Mr. Guzman provided an overview of the agenda materials pertinent to this item, and a status report on the project. Two grant applications have been submitted, one to the Nevada Division of Environmental Protection “for water quality,” and the other one for trails.

4-F. STATUS REPORT ONLY REGARDING THE NATURAL RESOURCES CONSERVATION SERVICE WATERFALL FIRE AND WHIP GRANTS (7:03:25) - Mr. Guzman reviewed the progress report summary included in the agenda materials.

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the December 17, 2007 Meeting

Page 6

4-G. STATUS REPORT ONLY REGARDING THE OPEN SPACE PROGRAM BUDGET

(7:04:29) - Mr. Guzman reviewed the agenda materials pertinent to this item.

5. FUTURE AGENDA ITEMS (7:05:43) - Mr. Guzman acknowledged that item 3-C would be reagendaized at the appropriate time. Member Perock requested an update on the Horse Creek Ranch conservation easement. Member Lincoln requested an update on the Potter transaction.

6. ACTION ON ADJOURNMENT (7:07:36) - Member Fischer moved to adjourn the meeting. Member Scott seconded the motion. Motion carried 6-0.

The Minutes of the December 17, 2007 Carson City Open Space Advisory Committee meeting are so approved this 28th day of January, 2008.

STEPHEN D. HARTMAN, Chair