

**CARSON CITY OPEN SPACE ADVISORY COMMITTEE**  
**Minutes of the July 26, 2010 Meeting**  
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A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, July 26, 2010 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Vice Chairperson Dan Jacquet  
Member Teri Green-Preston  
Member Tricia Lincoln  
Member Howard Riedl  
Member Bruce Scott

**STAFF:** Roger Moellendorf, Parks and Recreation Department Director  
Juan Guzman, Open Space / Property Manager  
Ann Bollinger, National Resources Specialist  
Kristin Luis, Senior Deputy District Attorney  
Tamar Warren, 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 part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

**CALL TO ORDER AND DETERMINATION OF QUORUM (5:59:26)** – Vice Chairperson Jacquet called the meeting to order at 6:00 p.m. A quorum was present. Chairperson Hartman and Member Fischer were absent. Member Lincoln arrived at 6:04 p.m.

**CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (5:59:46)** - None.

**1. ACTION ON APPROVAL OF MINUTES (5:59:57)** – **Member Riedl moved to approve the minutes of the April 2, 2010 and April 19, 2010 meetings. Member Scott seconded the motion. The motion passed 4-0.**

**2. MODIFICATIONS TO THE AGENDA (6:00:39)** – Vice Chairman Jacquet introduced the item and recognized Mr. Guzman, who suggested that item 3A be continued. He stated that the applicant and the V&T Chairman had been in conversations and it appeared that there was a possibility that a deal could be reached, which was different from what was structured in the staff report. In order for this opportunity to happen, he requested that the item be continued. He also stated that earlier he had consulted with counsel, that if no one was present to testify, the item could be continued without opening it up for discussion. Mr. Guzman suggested reagendaizing the item for the next scheduled meeting, on August 16, 2010. Vice Chairperson Jacquet noted time-sensitive issues with Q1 funding and that the committee was prepared to hold a special meeting, if one were required. He agreed with Mr. Guzman's recommendation, but it was suggested to call for public comments. Hearing none, Vice

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Chairperson Jacquet approved the continuation of item 3A for the August 16, 2010 Carson City Open Space Advisory Committee meeting.

**3. AGENDA ITEMS:**

**3-A. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A JOINT TRANSACTION WITH THE V&T RECONSTRUCTION COMMISSION TOWARDS THE PURCHASE OF JOHN SERPA PROPERTIES INCLUDING APNS 8-541-73, 8-541-92, 8-531-05, 8-531-39, 8-531-40, 10-021-55, 10-011-26, AND 10-011-27, APPROXIMATING 405.57 ACRES – Deferred.**

**3-B. ACTION TO ACCEPT AND FILE THE BUDGET PROGRESS MONTHLY REPORT PREPARED BY THE PARKS AND RECREATION DEPARTMENT (6:03:27) -** Mr. Guzman introduced the item and gave background, which is included in the record. He said that all of the accounts had been updated at this time and the Department was expecting a refund for Horse Creek Ranch. He announced that they had managed to stay in the green for all sections of the budget, and that they had around \$2.3 million that could be used towards buying land. He added that the Horse Creek Ranch refund would allow them an additional \$1.3 million. Mr. Guzman clarified Member Scott's question about seeing the same \$50,000 in two places in the budget, because in one place, it showed the funds had been received and in the other, the funds were ready to be spent. He stated that in the case of Horse Creek Ranch, the funds were allocated specifically to the management of the conservation easement and were a donation by Mr. Fage. Member Scott also asked about a line item, the USDA and RCS fire work for \$242,100, and whether they were in process now for utilizing that money, or whether that was delayed. Mr. Guzman responded that the funds were for the contract with RCI, "a very well-known firm in town," and were being awarded to construct dykes and road improvements as the Phase II portion of the project. Vice Chairman Jacquet asked about the difference between "proposed" vs. "estimated" columns, and Mr. Guzman clarified that the term "proposed" dated back to when it was thought that the economy would have been better, and now that they knew it was not going to be, the figure had been revised. He also added that Chairperson Hartman strongly believed that those numbers were still too high. He stated that the Department would like to meet their main obligations, which were: one bond payment and the running the Open Space Program. Member Lincoln asked why the budget indicated it was for the years 2009-2010, and she wanted to know whether there were any actuals on these numbers. Mr. Guzman said that they did not have the actuals yet, and that he would pass them along to the Committee via e-mail, as soon as he had them. **Member Scott moved to approve the budget as presented, with the clarifications that were heard. Member Riedl seconded the motion, and it passed 5-0.** There were no public comments.

**4. NON-ACTION ITEMS**

**STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF – None.**

**MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION – None.**

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**4-A. UPDATE AND DISCUSSION REGARDING THE PROPOSED KING TO ASH CANYON MULTI-PURPOSE TRAIL, SPONSORED BY MUSCLE POWERED (6:10:40)** – Mr. Guzman introduced the item, and announced that several guests from Muscle Powered, and Genny Wilson, from the US Forest Service, were in the audience. He stated that Ms. Wilson would like to address the item as well, and stated that Ms. Bollinger would have a PowerPoint presentation. Mr. Guzman reported that some members were not able to open the GIS Map System file, and passed along a set of maps for reference. He commented that GIS had set up a site in the name of Muscle Powered, so that they, the Open Space Program and the Forest Service could look at the maps and make annotations to the maps, so that they “all can talk at the same time”. He stated that the files were too large to be sent via e-mail. He also explained that two field trips had taken place. The first one had begun at King’s Canyon and continued north towards a third of the proposed route, to where the proposed route will connect with an existing road called Waterfall Road. “To describe it in one word, it’s just fantastic,” said Mr. Guzman. He mentioned that the road was “incredibly scenic” with tree-lined borders, and that the views were incredible. He said that the route touched rocks, outcrops, and scenic spots bearing beautiful vistas, reaching a waterfall. One of the issues identified by the Forest Service, he said, was the type of crossing at the drainages, some of which had running water and some did not, and would be addressed later by Mr. Chas Macquarie, of Muscle Powered, and Ms. Wilson. He also informed the Committee that a concern of the proposed route was the fact that the route protected historic resources. Any identified spot would be in a database managed by the Forest Service, the City, and the State, through the State Historic Preservation Office (“SHPO”) and the decision whether to stay away from these resource or stay in close proximity, would have to be determined. He also stated that Ms. Wilson would also need to assess other effects such as vegetation, and hoped to continue their partnership with the Forest Service, as they own a portion of the land in question. Mr. Guzman also stated that the Open Space Program was anticipated to fund the project with its improvements, and advised of plans to enter into a management agreement for the long-term maintenance of the site. With that, Mr. Guzman invited questions, and Vice Chairperson Jacquet said he would “love to hear from the Muscle Powered folks and the Forest Service”.

Mr. Macquarie introduced himself and stated that one specific issue that had come up was the crossings of the Ash Canyon and North Kings Canyon creeks that flowed all year round. He said that after scouting the creeks, they had identified certain locations where fairly short structures (around 15 feet) could be built and were less costly and easier to maintain. He said that it was still work in process and that he hoped, after the August 4<sup>th</sup> field visit, they could show these locations to the Forest Service and get “some concurrence.” He stated that the Ash Canyon Creek crossing was within City property and would remain as such even after the land transfer went through. The North Kings Canyon crossing, however, would be on Forest Service property.

In response to a question from Member Lincoln on whether the 15 foot crossings would span all season flow, Mr. Macquarie replied that there were two issues: first, there was the normal flow in the creek, fairly narrow and between 6 inches to a foot deep. If they stay outside the normal high watermark, around 6 feet, then a permit from the US Army Corps of Engineers was not required. The other issue

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was the amount of water the structure could allow to pass underneath without getting swept away. Mr. Macquarie was certain a 15 foot span would definitely pass the 50-year flow, but he was not sure about the 100-year flow, and he would get back to the Committee. Member Riedl mentioned that there was a low-cost bridge on the Flume Trail, spanning Marlette Creek, so if there were high flows it would not be much of a loss, but at times it was a difficult crossing for hikers and bicyclists. He wondered if it was possible to make a bridge, and at the same time make an easier crossing by walking over stonework through the creek. Mr. Macquarie replied that all stonework in the creek would be subject to the Army Corps of Engineers permit process. He also stated that in their investigations they had not found a good place to do stonework. He also stated that there are longevity and habitat issues such as the fish in Ash Canyon Creek, and a riparian habitat. Therefore, from a trail construction and use standpoint, Mr. Macquarie noted the advisability of a wider bridge.

In response to Vice Chairperson Jacquet's question on cost estimates, Mr. Macquarie replied that the materials would cost "a few thousand dollars" but he did not have any detailed cost information. Ms. Bollinger said that they are currently looking to place a 16-foot bridge, with handrails to meet city codes, at Silver Saddle Ranch, for \$6,000. In response to Vice Chairperson Jacquet's question on the scope of the project, Ms. Wilson replied that they are currently working with the group on a "proposed action," and that Muscle Powered had offered to get a lot of the surveys done. She also thought that they would not initiate NEPA until the fall, at the earliest. She stated that they would have to do a botanical survey, and once they receive the final alignment, they would "run it against all of our records." She believed that the area has been surveyed for past projects and that the survey requirements would be minimal. Ms. Wilson cited the Rim to Reno project they had just signed and said that the planning process for that had taken three years. She did not anticipate this project to be as controversial, and was optimistic about finishing the NEPA next summer. She also stated that they would be looking for a lot of help from the volunteers, since they did not have the funding for implementation, and would be reliant on the volunteer group, the city, or a combination of federal and matching dollars. Member Riedl wanted to know how the estimated completion time for the NEPA document coincided with the State Trails Grant Program, and whether this project would make that particular grant cycle. Ms. Wilson replied that the 2010 grant deadline was in January or February, so they would be looking at the 2012 timeframe. Mr. Guzman informed Ms. Wilson that the Vidler Water Company had a resident historian, and the company offers his services, free of charge, to the city. He suggested sending him the scope of the work and having him "walk the route" to scope it out. Ms. Wilson said that was definitely an option; that the Forest Service used third party contractors as well; and that currently more of the work was being done by those contractors, rather than doing them in-house. She considered this trail project "pretty steep" but stated, "There's a lot of room to move around historical, cultural sites. It really has not been an issue. We usually just avoid them and don't have to go through the evaluation process." Member Scott said he appreciated Ms. Wilson being there and acknowledged Muscle Powered as well by saying "it's really important if we can keep this moving because we have a really focused, capable volunteer group here and we'd hate to let them go". He also offered the cooperation of the Committee. Ms. Wilson agreed with Member Scott and said that successful projects had motivated partners on the other side. Member Lincoln asked how long the

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August 4<sup>th</sup> hike would be. Mr. Guzman said that the hike was incredibly difficult, because there was no trail and they were constantly jumping over obstacles. He offered to take Member Lincoln on a partial hike. Vice Chairman Jacquet thanked everyone, and told Ms. Wilson he appreciated hearing that they were looking at the funding in terms of partnership; that the volunteer groups brought a lot to the table, and that it was important to have grassroots support. There were no public comments on this item.

**4-B. UPDATE AND DISCUSSION WITH GENNY WILSON, U.S. FOREST SERVICE RANGER, REGARDING PROJECTS AND ACTIVITIES WITHIN THE CARSON RANGER DISTRICT (6:32:36)** - Mr. Guzman introduced the item and stated that Jeanne Higgins, the new U.S. Forest Supervisor for the Humboldt-Toiyabe National Forest, will be introduced to the Board of Supervisors at the next meeting. Mr. Guzman cited several projects they had completed together and invited Ms. Wilson to speak. She updated the Committee on the management of the National Forest around Carson City. She stated that one of the most controversial projects had been the Sheep Grazing Project. A couple of exclosures were put in, and another was on its way, along with a monitoring protocol to assess the effects of the project. They had received positive comments from the neighbors, as they tried to establish “what kind of difference in the fine fuel load would the Sheep Grazing Project make?” She also said that they had recently had an audit from the regional office, and that this was the only project of its kind on National Forest System lands in the western states. The cost to the agency had been rather small but she still questioned its effectiveness. She felt the project area was too big, and said she would like to focus it down to the areas where they could make a significant difference. She added that the sheep seemed to consume the wheatgrass also, when there at the right time. She characterized the relationship with the City as up and down and considered it up at the time being.

Mr. Guzman asked Ms. Wilson to elaborate on exclosures. Ms. Wilson replied that they were small, caged areas, around 20 by 50 feet, that were fenced in and excluded every animal including wildlife and rodents. However, she thought that rodents may need to be introduced in the future. She also said that in 2008, they had signed a fuels reduction project, called the Clear Creek Project, which included forest and tree thinning and mastication of the brush. She said that they have had access issues going across private properties in order to treat the property boundaries with the mastication. The timber project was deliberately held up for now. As other projects in the district were winding down, she believed companies would be hungry for new timber projects, which would be awarded as stewardship projects, meaning the contractors would get credit for removing small trees, under 8 inches, which balanced against the amount they would have to pay for the larger timber. This project would go out for bid this fall. She said she felt “pretty good” about the barracks project, the process of which was helped by the Board of Supervisors. She further stated that the project was very positive; the contract for the project had already been put together by BLM and that construction would begin this fall. She was hopeful that the barracks would be ready to be moved into by August or September. She thanked the Committee for their help and added that the BLM and the Forest Service really needed that land.

Ms. Wilson also said that the land acquisition program has been moving along well and that the Carson City area had been very successful in obtaining funding. She was very happy to tell the Committee that

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the first spotted owls to ever reproduce in the State of Nevada were found near Carson City. She also reported that they had published the first Motor Vehicle Use Map (MVUM) which shows the designated routes, as the forest is no longer open to everyone. As for the Carson City Landfill, she stated that they were in communication with City staff, and hoped to finish implementation next year. Ms. Wilson also mentioned that the Spooner Summit picnic area was completely reconstructed. Member Scott wanted to know the boundary of the Clear Creek project. Ms. Wilson replied that the boundaries were primarily within Douglas County, although a small portion of it was in Carson City, straddling the north and south sides of Highway 50. Member Scott also wanted to find out whether there were any long term plans for Ash and Kings Creeks, in terms of fuel reductions. Ms. Wilson replied that they had done the salvage that needed to be done there, however, over time the large trees would fall to the ground and as long as the fuel was below 4 feet from ground level, they were less of a threat than a standing or continuous forest cover. She said that their emphasis has been treating the living over the dead material. Member Scott also said that since the grazing offered some potential, he urged as much creativity as possible to try different ways of harvesting more of the fuel without adverse impact to the areas being grazed. Member Scott commented that he would “still like to have a better feel for what we’re going to be looking at in the Borda Meadows, over time”. Ms. Wilson said that she still considered it a wet meadow, and that it was still not at risk of fire. She also stated that they had taken a look at what the city had done on some of the neighboring properties, and noted that the work was very compatible with work they could do on the national forest as far as the in-stream structures and the flooding potential.

In response to a question by Member Lincoln, Ms. Wilson explained that the Clear Creek project was primarily helicopter work, so the progress would not be as quick as Lake Tahoe, but that it was the same kind of treatment. She also wanted clarification on whether the picnic area was on the south side of Highway 50 or where the snowmobiles were, and she was told, yes. In response to a question by Vice Chairperson Jacquet, Mr. Guzman stated that a next step would be to offer the land to the Forest Service, which would trigger the main part of transferring the lands from the City to BLM, and then to the forest service. However, to complete the process, he said, the clearing of the title must be finished, and that the company they were working with would do it at no cost, hence the wait. Mr. Guzman also stated that Ms. Wilson should be informed of the center line of Ash Canyon Road, since a right-of-way must be reserved. Concurrently, he continued, they must enter into a conservation easement for certain lands to be transferred from BLM to the City. He was happy to report that BLM had already held the first meeting to proceed. Lastly, Mr. Guzman told Ms. Wilson that, if any graders were available, the area between Horse Creek Ranch and Spooner could use grading. Ms. Wilson was pleased to announce that they had three student interns, funded by Mr. Ted Borda, who are currently in the data collection phase. Vice Chairperson Jacquet thanked Ms. Wilson for her time.

**4-C. UPDATE REGARDING THE BENTLY CARSON RIVER CANYON TRANSACTION IN COOPERATION WITH THE V&T RAILROAD RECONSTRUCTION COMMISSION, APNS 10-011-24 AND -25 CONTAINING APPROXIMATELY 470 ACRES (6:56:18)** – At Mr. Guzman’s suggestion, the discussion on this item was postponed since there was no

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one from the public present. (7:56:22) Returning to this agenda item, Mr. Guzman said that the Board of Supervisors had approved the committee's recommendation and had authorized the V&T to represent the committee on the Carson River Canyon transaction. He stated that in an offer made to Mr. Bently, a request would have been made for a \$300,000 donation. The Board suggested that Mr. Bently not agree to do so, and that committee would cover the said amount. He also believed that a letter stating this had already gone out to Mr. Bently several days ago. He concluded that it was his hope that the transaction happens before "anything that we may or may not do with Mr. Serpa, too". Mr. Scott commented that it seemed that the process was moving slowly and wanted to know if there was any feedback or if something was holding it back. Mr. Guzman explained that the advice received from the administrators of the Southern Nevada Public Lands Management Act program had been passed on to the Railroad Commission, and that the offer was contingent upon getting a grant. He believed that the monies would not be allocated until late November or early December.

**4-D. UPDATE AND DISCUSSION REGARDING AN OPEN SPACE ALLOCATION OF \$50,000 AS SEED MONEY FOR THE CONSIDERATION OF AN EQUESTRIAN AND PEDESTRIAN BRIDGE OVER THE CARSON FREEWAY IN THE VICINITY OF CLEARVIEW DRIVE** (6:56:42) – Mr. Guzman introduced this item and mentioned that the RTC Chairperson was also interested in the project, which comprised the allocation of \$50,000 in seed money for an equestrian bridge, crossing over the highway. He mentioned that they had a conference call that morning with a representative of an engineering firm on retainer, regarding a feasibility study and a preliminary design to be used to acquire future grants for additional work. Park Planner Vern Krahn had also spoken to NDOT representatives to get suggestions on the best way to use these funds. The suggestion was to come up with a story instead of just a request. Mr. Guzman also stated that he had asked Michael Holloway, the engineer, to speak to Member Scott to ensure "we were on the same page" and that it fulfilled the committee's objective, prior to entering into a contract agreement. He estimated the preliminary work to be completed by the next meeting, on August 16<sup>th</sup>.

Vice Chairperson Jacquet entertained public comment. Beth Scott expressed concern about how the new freeway would affect the ability to access open space. She stated that the bridge was not just for equestrian use, but rather served a multi-use purpose, because there were no sidewalks. She said that the newspaper had called it an equestrian bridge, and that there was no safe way for people and horses to go across the bridges. She gave some historical information on the area, saying that this was the largest equestrian community in Carson City. She believed that the bridge was in every plan with the City, was designated in the Pathways Plan, and that the RTC had unanimously approved it. She also stated that they had taken this up with Senator Harry Reid's office, who was supportive but requested that they also obtain the Mayor's support. She said many of the area residents believe "that the bridge is a go." She believed that a feasibility study was appropriate, because NDOT would not consider the drainage at the Valley View intersection of the freeway, and it has to be done. However, she felt that the funds were intended as seed money for the eventual construction of the bridge.

In response to a question by Vice Chairperson Jacquet about the funds, Mr. Guzman assured that the funds were approved by this Committee. He mentioned that the timing was good now because of the

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road closures and construction happening in the area. Member Lincoln said she remembered voting on the funds, but in a recent conversation she had with “someone who was here at the time”, was reminded that the money had never been given to them. Ms. Scott also reminded everyone that Clearview and Koontz have a lot of traffic and that is why most people did not walk along those roads. Member Lincoln wanted to make sure there was still time to do the feasibility study and Mr. Guzman assured her there was.

Mike Torvinen, a resident of Koontz Lane, gave more historical information regarding the project and stated that the equestrian trail “was on every map except NDOT’s”. He thought it was important to have a dedicated access for the use of the open space, and that a non-motorized crossing might be easier to get approved. He encouraged the Committee to “keep this moving forward”. Member Lincoln pointed out that “it always takes a dedicated group of volunteers for something like this” and thought the King’s and Ash Canyon trails were good examples to follow.

Trudie Arkell, a resident of Carson City who lived in the area, stated that NDOT “did not want anything to do with the equestrian population on the south end of Carson City”, and that it did not consider horseback a mode of transportation. She believed that Valley View was the safest place to cross, and that when she walked with her dog and rode her horse to Prison Hill, she could see the traffic coming from both directions, and she would wait until it was safe to cross with her horse, accessing the entire mountain. She believed “it would be a shame if we lost the fight that we worked so hard for all this time”. She thought that when open space set aside the \$50,000 seed money, “that organization was saying we don’t want these people swept under the carpet”. Member Scott observed that the freeway had effectively provided a barrier north of Fairview, and that hundreds of thousands of dollars in trails and paved walkways have been created and that there was nothing on the south end, and that Valley View had become a more important element in the City’s trails program. He continued that he was proud of the committee’s commitment and was glad to see it moving forward so that “we can get something, hopefully, that will allow serious applications for funding and another review as far as the approval agencies, and ultimately NDOT, are concerned”. He believed that the funding that was in place was for “the two overpasses and the drainage structure to nowhere”. He added that he was glad to see things were moving forward.

Mr. Torvinen offered his time to help in any way. Member Riedl said that he sympathized with those making the public comments, and explained that it was very difficult to work fast, or do things efficiently with NDOT, and encouraged them to “keep on working on it”. He was also concerned about the feasibility study being shelved. He wanted to know if they had something in writing from NDOT. He advised them to look at the right-of-way plan, and have an NDOT buy-in for the feasibility Study. Member Green-Preston wanted to find out how the kids could access BMX trails and the soccer fields, and thought a multi-use trail would be a “better fit for the community”. Mr. Moellendorf agreed with Member Green-Preston that the trail should be for multiple use, especially when there would be no freeway exits from Fairview until Spooner Summit. Vice Chairperson Jacquet asked Mr. Guzman to keep the Committee posted on the developments of the project, and thanked everyone for coming in.

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Ms. Arkell wanted to find out how they could “stay in contact and to show up as needed”. Mr. Guzman said they could call him.

**4-E UPDATE ON THE STATE OF NEVADA QUESTION-1 GRANT REIMBURSEMENT FOR THE HORSECREEK TRANSACTIONS APPROXIMATING \$1.5 MILLION** (8:00:22) – Mr. Guzman introduced the item and relayed that Mr. Kevin Hill, the program administrator, had sent the conservation easement to the Division of Water Resources, which kept the tallies on water rights. He said that the records showed that “Michael Fagen as an individual was the owner of water, and we have a conservation easement with the trust of Michael Fagen.” He also announced that Mr. Fagen had signed a form today stating: “I am Michael Fagen, I am also the trust of Michael Fagen. I own water 6% of the decree of Clear Creek, that is the water that I intend to use most of the water historically pursuant to the conservation easement.” Mr. Guzman said that this would be recorded tomorrow at the County Recorder’s office as well as with the Division of Water Resources, and “we should get a check.” There were no questions regarding this item.

**4-F UPDATE ON THE FULSTONE WETLANDS TRAIL IMPROVEMENT PROJECT** (8:02:42) – Mr. Guzman introduced the item and turned it over to Ms. Bollinger, who reminded everyone that this project had been in design for many years. She said that they were “finally done” with the Fulstone Wetlands and the bid documents plus engineer’s estimates. She commented that the expenses should be covered by the three grants received three years ago. She also listed the improvements which comprised a DG path “most of the way around the wetlands” and that it would not traverse the wetlands on the northeast corner, thus they had approval from NDOT to open a four-foot tall wire fence to connect with the path, travel north and return to the wetlands, to protect as much of the habitat as they could. A picnic table, a bike rack, paved path and landscaping improvements, she added, were also planned, and they would be designed to have Sierra Nevada landscaping, transitioning to Great Basin landscaping as one traveled towards the freeway. She added that all the project elements were complete and now the project was in the hands of public works. She hoped that it would be “on the street” for bidding in August, but all depended on Public Works’ workload. In response to Member Riedl’s question, Ms. Bollinger said that they had received the encroachment easement for “hooking up” to the irrigation system.

**4-G. UPDATE ON THE CLOSURE OF CLEAR CREEK ROAD** (7:31:11) – Mr. Guzman introduced the item and said that Member Lincoln had requested an update. He said that there were no updates on the issue for a while, but that as of recently there were two opinions on the issue. A segment of the Clear Creek community believed that the road should be closed, and another segment believed it should not. He added that those wanting the road closed were gaining momentum. He also stated that a gate would be installed, however, that was contingent upon the agreement of the Washoe Tribe, on whose property the gate would be placed. A resolution to approve the gate had passed, he continued, but one to approve the gate had not. Mr. Guzman said that he had driven on the road and noticed that it did not have a gate. However, he had noticed a “private road” sign on the street. He also commented that the RTC would have an update on this item.

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John Marshall, a resident of Clear Creek Road, began the public comments by saying that his parents had used that road in 1946 to go on their honeymoon. He stated that it was a wonderful access to open space, and that a small contingent who had moved there recently, wanted to prevent access to the public and to all the open space. He explained that the remnants of Old Creek Creak Road, all the way to Spooner Summit, provided an excellent walking, equestrian, and a bicycle path. He believed allowing the closure of the road demonstrated extremely poor taste, and was unaware of the Washoe Tribe's approval of the resolution. Member Lincoln expressed concern over Mr. Marshall's comment that "it would be in poor taste for Open Space to allow the access to be limited there." She proceeded to say that it was not up to the Committee, and that they did not own the road.

Bob Fredlund, another resident of Clear Creek Road, stated that they had private property with public access "and everybody else would like to tell us how to use that." "All the different entities involved in making these decisions," he continued, "happen to be making decisions for private property owners." He called the area a jewel that people were trying to control, which had been around since his mother dropped him off fishing, when she would go shopping. In response to Member Green-Preston's question on his real estate sales and federal funds, Mr. Fredlund confirmed the land was private, with a public easement, and that he was not certain that federal funds were used to initially build that road prior to Highway 50. Vice Chairperson Jacquet wanted to find out whether the concern was that the gate was on tribal land. Mr. Fredlund replied, "The most recent concern is that some residents have got together and asked to put a gate, a controlled access gate, on tribal property. Washoe Tribe representatives have made a statement that if it's not gated, they will fence it." Mr. Fredlund stated that they needed a lot of help, not just from OSAC, but from the City as well. Member Green-Preston wanted to find out who had control over Tahoe Golf Club Road. Mr. Guzman said he would inquire and relay the response to this question. Member Riedl wondered why a public agency would want to maintain access to a private road, and wanted to see Douglas County step up as well.

Mr. Marshall gave a brief history of the property which was deeded by NDOT back to the property owners. He said he agreed to provide a 60-foot easement, but believed that the idea has "died." Mr. Fredlund explained there are certain parts of the property that were deeded easements, through the City recorded maps, that couldn't be taken away. Vice Chairperson Jacquet wanted to find out if the District Attorney's office could help, and the answer was that they would "work collaboratively with Douglas County." Member Scott wanted to clarify the public's right to get to the area.

Mr. Chas Macquarie stated that Muscle Powered's position was for the access to remain open. He gave additional info about several meetings between representatives of the property owners who wanted a gate, the Washoe Tribe, and Muscle Powered. He said that they had suggested having a single gate on the upper end and on the tribal property line, instead of the fence. He also said that he had last heard that the property owners wanted a gate but no motorized, bicyclist or equestrian access, and suggested an action item by OSAC to recommend to the Board of Supervisors that the access to open space stay open.

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Member Green-Preston asked Mr. Guzman to investigate the status of an action taken in 2006 by Governor Guinn, to “take the youth conservation corps and actually work in conjunction with the Great Basin, to reopen that camp and do some ADA retrofit.” She also mentioned that the requirements of the City of Carson and Douglas County to repair the road to the camp made the project cost prohibitive. Vice Chairperson Jacquet agreed that accessing the public land was an important item for Carson City and the public, and concurred with Member Scott, that this should be put on the agenda. He asked Mr. Guzman whether the District Attorney had weighed in on the issue. Mr. Guzman replied that there had been communication with the District Attorney and promised to update the committee on said communication.

**5. FUTURE AGENDA ITEMS.** (8:05:25) - Mr. Guzman stated that the next meeting’s agenda would include a status report on Clear Creek Road, the King’s to Ash Canyon multi-purpose, non-motorized bridge, the \$50,000 open space allocation, and the Serpa project.

Member Lincoln mentioned that she had just received her packet at 4 p.m. today, because when she had gone to pick it up at the pool, it was not open. She asked for her packet to be delivered until Roop Street was no longer under construction. She stated that her husband was the Chairman of the Convention and Visitor’s Bureau and that he had his packets delivered every month. Mr. Moellendorf acknowledged that the pool was now closed on Sundays, and said that a few years ago all packets to Open Space and Parks and Recreation commission members were delivered at individuals’ homes. However, they stopped doing that, he continued, because it took a lot of staff time to do so. He said he preferred not to set a precedent, because every individual on a commission would want their agenda packet delivered at home. He conceded to the fact that the Community Center was not easily accessible at this time, and said that he would look into finding another pick-up location.

**6. ACTION ON ADJOURNMENT** (8:10:37) – Vice Chairperson Jacquet entertained a motion to adjourn. **Member Riedl moved and Member Scott seconded the motion. It carried 5-0,** and the meeting was adjourned at 8:10 p.m.

The Minutes of the July 16, 2010 Carson City Open Space Advisory Committee meeting are so approved this 27<sup>th</sup> day of September, 2010.

STEPHEN D. HARTMAN, Chair