

**CARSON CITY OPEN SPACE ADVISORY COMMITTEE**  
**Minutes of the April 2, 2010 Meeting**  
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A meeting of the Carson City Open Space Advisory Committee was scheduled for 12:00 p.m. on Friday, April 2, 2010 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson Steve Hartman  
Member Michael Fischer  
Member Teri Green-Preston  
Member Tricia Lincoln  
Member Howard Riedl  
Member Bruce Scott

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

**CALL TO ORDER, ROLL CALL AND DETERMINATION OF QUORUM (12:01:52)** - Chairperson Hartman called the meeting to order at 12:01 p.m. A quorum was present. Vice Chairperson Jacquet was absent. Member Riedl arrived at 12:09 p.m.

**CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (12:02:21)** - None

**1. ACTION ON APPROVAL OF MINUTES - February 8, 2010 (12:02:27)** - Member Scott moved approval of the minutes. Member Fischer seconded the motion. Motion carried 5-0-1, Member Lincoln abstaining.

**2. MODIFICATIONS TO THE AGENDA (12:03:09)** - None.

**3. AGENDA ITEMS:**

**3-A. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A PURCHASE AGREEMENT CALLING FOR THE FEE TITLE ACQUISITION OF THE JARRARD RANCH, APPROXIMATING 368.78 ACRES AND LOCATED AT CARSON RIVER ROAD, FOR AN ESTIMATED COST OF \$3.7 MILLION; and 3-B. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF AN ADVANCED FUNDING REQUEST CALLING FOR APPROXIMATELY \$2,775,000 (75% OF THE ACQUISITION COST) OF STATE OF NEVADA QUESTION 1 CONSERVATION GRANTS TOWARDS THE PURCHASE OF THE JARRARD RANCH (12:03:14)** - Mr. Guzman introduced this item, and reviewed the agenda report. He oriented the committee members to the location of the Jarrard Ranch using a displayed aerial map, noting points of public access. He pointed out that portion of the Jarrard Ranch to be offered for sale, and 25 acres to be retained by the Jarrard family. He advised that the City will have first right of refusal on the 25 acres. He further advised that the appraisal "has been adjusted accordingly." He noted the Purchase and Sale Agreement included in the agenda materials, and advised of necessary modifications to "clarify issues. They do not, in any way, substantially change that we are purchasing the property for so much." He

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explained that the agreement provides for the seller to reserve the right to continue using the land, “maintain water rights ..., maintain irrigation, maintain cows, and maintain the pastoral setting that we want for a period of years. That is defined as ‘until the water rights are sold.’” Mr. Guzman explained the advantage in that a manager will not have to be hired.

In response to a question, he explained that Vidler Water Company has an option to purchase the water rights. He further explained that the Purchase and Sale Agreement provides for continual irrigation “for a period of time to allow the buyers to cease their ... pasture operations, their ranching operations. That will last no longer than four years.” Member Fischer expressed concern that “four years from now, it’s going to be a piece of dry land.” Mr. Guzman explained that at the time the Board of Supervisors approved purchase of the Andersen property, a commitment was made to provide irrigation to continue the existing land use “provided ... that the domestic water system of Carson City is not jeopardized by that action.” In response to a question, he advised that the same commitment applies to the Jarrard Ranch. “When we did the Andersen Ranch, we informed the Board that we were intending to irrigate these wetlands that you see in our property, Silver Saddle Ranch, Andersen, and Jarrard. We estimate that we’ll need at least 1,000 acre feet of water ... and one of our consultants believe that we can find a way to do that.” Mr. Guzman advised of three alternatives to provide for the irrigation: potable water, treated effluent, and the Brunswick Canyon spring. In response to a comment, Mr. Guzman advised that the Open Space Program cannot afford to purchase the water rights.

Mr. Guzman acknowledged that the seller retains the right to irrigate as long as he has the water rights. He further acknowledged that the City will be required to “find water” for four years, and that the “seller is a presence for four years from the sale of the water rights.” Member Scott noted that, in consideration of the current real estate market, “potentially the water rights stay on the ranch for a while” which will “give the City time to look at plan B and plan C.”

In response to a question, Mr. Guzman advised that the Open Space Program will fund irrigation. Member Lincoln expressed concern over the time line associated with the water rights being sold to Vidler Water Company. She inquired as to liabilities associated with public access in conjunction with the cattle ranching operation. Chairperson Hartman disclosed that he is employed by Vidler Water Company “and that is an arrangement relative to the water that both the Andersen and the Jarrard families have and are working with the City.” He advised that he will be abstaining from action on this matter, and explained that the four-year period was relative to the grazing issue in order to continue the ranching operation for a period of time. In response to a previous question, Mr. Guzman advised of existing fencing to separate the ranching operation from the equestrian and pedestrian uses. In response to a question, Attorney Chris MacKenzie, representing the Jarrard Children’s Trust, explained that the Jarrard family will provide insurance, but it will not indemnify the City.

In reference to the Boulder, Colorado Open Space Program, Member Scott noted that “their purchase of lands makes them immediately open to all public uses.” He suggested carefully considering “we have access along the River which is a wonderful linkage, but we don’t have the ability to mess with the ranching operation ...” He noted that the ranch operator “is not making a killing and they’re really doing us a favor.” He discussed the importance of “do[ing] the best we can to take care of them and make sure that their life is as straightforward in terms of being able to do their operation as possible.” He noted the wonderful linkage along the River, and the importance of considering “it’s not an open space that everybody can go out and play in at least at this point.”

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In response to a question, Mr. Guzman reiterated that the Open Space Program cannot afford to purchase the water rights. He explained that sale of the water rights is predicated upon “there being a market on the other side.” He advised that the attorney for both the Andersen and Jarrard families “really understands that if Carson City were to have the wherewithal to buy the water, we would. However, at the time that we initiated conversations, that wasn’t an option.” Mr. Guzman advised that the water rights are approximately three to four times more valuable than the land itself. He reiterated that the water rights are committed to an option to Vidler Water Company. Mr. MacKenzie further explained that, presently, Vidler Water Company has an option to purchase the water rights. He advised that, in the meantime, the Jarrard family is interested in an “opportunity of having a place to park those water rights and continue to use them in case Vidler changes their mind ...” He explained there may be a future opportunity for the City to purchase the water rights. Discussion followed, and Mr. MacKenzie advised that the Purchase and Sale Agreement was very closely patterned after the agreement used to purchase the Andersen property. He further advised that Mickey Andersen is running the entire ranching operation on both properties. Mr. Andersen has a three-year agreement with the Jarrard family to continue operation.

Mr. Guzman acknowledged the Purchase and Sale Agreement is the only agreement; there is no secondary agreement with regard to the operation. In response to a question, Mr. MacKenzie explained the provision to transfer the ranching operation. Mr. Guzman further acknowledged safeguards, in the Purchase and Sale Agreement, for Carson City to maintain its rights. Chairperson Hartman noted the importance of retaining the ranching operator who is most familiar with the land.

Member Scott noted a number of options which could conceivably keep “an area like this green or partially green whether the particular water rights that are appurtenant there now were moved or not.” He suggested keeping in mind that “water rights may be a great value but, if you don’t have a place to put them, you’ve got a real problem.” He noted the good fortune of retaining Mr. Andersen as the ranch operator, in consideration of his understanding the River system and the local area. “Finding somebody with the equipment and the willingness to do this kind of a thing is almost a gift.” Member Scott suggested that the purchase “lock[s] this up, ownership-wise, in perpetuity. We don’t quite know how long it’s going to stay operated exactly the way it is now, but from the public’s benefit perspective, it’s a pretty decent window and there’s some time to try to plan for the future. And, hopefully, with the length of the agreement and the obligations under both parties under the agreement, we’ll have some time to plan for succession when that time comes.” He advised of concerns associated with purchasing “the other side of the River. ... I’m happy to keep us on this side.” He noted the “wonderful linkage now from ... almost Mexican Dam ... all the way down through to Morgan Mill with this and the piece that Vidler owns that is subject to a future acquisition by the committee.” He cautioned against installing bollards in such a way as to impede horses and carriages on some of the trails.

In response to a question, Mr. Guzman advised that the Purchase and Sale Agreement provides for no responsibility on the part of the operator in the event of the Mexican Ditch failure. He acknowledged the Open Space Program will be responsible for removing the house and the outbuildings. He responded to additional corresponding questions of clarification. Member Scott reiterated concern regarding the beaver population along the River, and damage to the cottonwood gallery. He offered to provide the name of a trapper.

Mr. MacKenzie advised of having provided Mr. Guzman and Ms. Luis with “redlined changes” to the Purchase and Sale Agreement “based on discussions ...” Mr. MacKenzie reviewed said revisions relative to funding sources and construction of a hiking trail along the River. In response to a question, Mr. MacKenzie discussed the intent to keep the ranching operation open to “whatever is the best opportunity

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for them.” In reference to paragraph 9(j) of the Purchase and Sale Agreement, Mr. Guzman noted the importance of clarifying “we are not irrigating forever; only for the four years.”

Member Lincoln noted frequent flooding in the area and that, by acquiring the property, “we save the City some headaches in terms of those people who would be allowed to build on 40-acre parcels out there and then their homes flooding every 50 or 20 years ...” She further noted that the water is recharged in the area “just by virtue of the River running through it.” She suggested the potential liability is greater than the property tax revenue which will be removed from the tax rolls. Mr. Guzman acknowledged the point, and noted the Open Space Program values represented by the acquisition. He agreed that the benefit of keeping development from the flood plain outweighs the value of property tax revenues.

Mr. MacKenzie commended Mr. Guzman as an asset to the City, and expressed appreciation for his persistence in finding a way to accommodate the transaction. Member Scott requested Mr. MacKenzie to extend to James Jarrard the committee’s appreciation for “getting to this point.” Member Scott recognized and expressed appreciation for Mr. MacKenzie’s efforts in keeping this transaction as a viable possibility. In consideration of the acquisition, Member Scott noted “this is a place where our management of land may well come into being in a way that’s much greater than other properties. This is going to take some active management when we get further down the road, but if we own the property,” Member Scott expressed no concern over careful investment in such things as irrigation systems. He suggested the potential for improving the property, both as a wetland in some areas and as a ranching / farming operation. He further suggested the possibility of future consideration of investing Open Space Program funds in enhancing what will be the City’s open space “in a wonderful opportunity.” He noted the property “is the flood plain of the River,” and acknowledged Member Lincoln’s comments with regard to protecting it.

**Member Scott moved to recommend to the Board of Supervisors approval of a purchase agreement, as modified and discussed today, calling for the fee title acquisition of the Jarrard Ranch, approximately 368.78 acres and located at Carson River Road, for an estimated cost of \$3.70 million. Member Fischer seconded the motion.** Chairperson Hartman entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0-1, Chairperson Hartman abstaining.**

Chairperson Hartman entertained a motion pertinent to item 3-B. Mr. Guzman acknowledged the recommended action pertinent to item 3-B as a “cash flow motion.” He explained the effect of the recommended action, as outlined in the agenda report. **Member Scott moved to recommend to the Board of Supervisors approval of an advanced funding request calling for approximately \$2,775,000, 75 percent of the acquisition costs, of the State of Nevada, Question #1 conservation grants toward the purchase of the Jarrard Ranch. Member Riedl seconded the motion.** Mr. Guzman responded to a question of clarification relative to 75 percent of the acquisition costs. Chairperson Hartman called for a vote on the pending motion. **Motion carried 5-0-1, Chairperson Hartman abstaining.** Chairperson Hartman and the committee members thanked Mr. MacKenzie.

**4. NON-ACTION ITEMS:**

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

**MEMBERS’ ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (12:43:46) -** Member Lincoln inquired as to whether a meeting between the Open Space ambassadors and the City park ranger had taken place.

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**4-A. DISCUSSION AND POSSIBLE ACTION REGARDING THE OPEN SPACE PROGRAM BUDGET ACCOUNTS** (12:42:12) - Chairperson Hartman reviewed requests for information relative to the Open Space Program budget, and provided Mr. Guzman with corresponding documentation. Member Scott requested further breakdown of the “interfund transfer category.” He inquired as to a number of overhead items, such as callback pay, for which there was no previous budget.

**5. FUTURE AGENDA ITEMS** (12:44:29) - Member Riedl requested to agendize a discussion item regarding “how open space can work with the Forest Service and some of the volunteers who want to start constructing these trails.” Member Lincoln requested an update on access to Old Clear Creek Road. Member Green-Preston requested copies of the Carson River Advisory Committee minutes.

**6. ACTION ON ADJOURNMENT** (12:46:08) - Member Fischer moved to adjourn the meeting at 12:46 p.m. Member Riedl seconded the motion. Motion carried 6-0.

The Minutes of the April 2, 2010 Carson City Open Space Advisory Committee meeting are so approved this 26<sup>th</sup> day of July, 2010.

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STEPHEN D. HARTMAN, Chair