

# CARSON CITY OPEN SPACE ADVISORY COMMITTEE

## Minutes of the October 18, 2010 Meeting

### Page 1

A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, October 18, 2010 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson Steve Hartman  
Vice Chairperson Dan Jacquet  
Member Terri Green-Preston  
Member Tricia Lincoln  
Member Bruce Scott

**STAFF:** Roger Moellendorf, Parks and Recreation Department Director  
Juan Guzman, Open Space / Property Manager  
Ann Bollinger, Natural Resources Specialist  
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 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 (6:00:07)** - Chairperson Hartman called the meeting to order at 6:00 p.m. A quorum was present. Members Fischer and Riedl were absent.

**CITIZENS COMMENTS ON NON-AGENDIZED ITEMS (6:00:32)** - None.

**1. ACTION ON APPROVAL OF MINUTES - August 16, 2010 and September 27, 2010 (6:00:40)** - Member Lincoln moved to approve the minutes of the August 16, 2010 meeting. Member Scott seconded the motion. Motion carried 5-0. Vice Chairperson Jacquet moved to approve the September 27, 2010 minutes. Member Lincoln seconded the motion. Motion carried 5-0.

**2. MODIFICATIONS TO THE AGENDA (6:02:04)** - At Mr. Guzman's request, Chairperson Hartman modified the agenda to address item 3-F prior to item 3-A.

**3. AGENDA ITEMS:**

**3-A. ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS REGARDING THE CARRY OVERS FOR THE 2010 - 2011 FISCAL BUDGET FOR THE QUALITY OF LIFE OPEN SPACE DIVISION PROGRAMS (6:07:01)** - Chairperson Hartman introduced this item. Mr. Guzman reviewed the agenda materials, including materials distributed prior to the start of the meeting. He and Mr. Moellendorf responded to questions of clarification relative to the budget line items reflected in the distributed materials. Following discussion, Chairperson Hartman entertained a motion. **Member Scott moved to recommend to the Board of Supervisors the carry-overs, as noted in the agenda materials. Vice Chairperson Jacquet seconded the motion.** Chairperson Hartman expressed appreciation for the materials distributed prior to the start of the meeting. In response to a comment, Mr. Guzman discussed plans to distribute agenda materials electronically. Chairperson Hartman entertained public comments and, when none were forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

## CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the October 18, 2010 Meeting

Page 2

**3-B. ACTION TO AUTHORIZE CHAIRMAN HARTMAN TO SIGN A LETTER DIRECTED TO THE REGIONAL TRANSPORTATION COMMISSION AND THE BOARD OF SUPERVISORS ON BEHALF OF THE OPEN SPACE ADVISORY COMMITTEE, EXPRESSING THE IMPORTANCE OF MAINTAINING PUBLIC ACCESS ON OLD CLEAR CREEK ROAD INTO THE ADJACENT PUBLIC LANDS (6:19:19)** - Chairperson Hartman introduced this item, and Mr. Guzman reviewed the agenda materials. Mr. Guzman advised that Member Riedl had reviewed the revised letter and expressed the opinion that it is acceptable. In response to a question, Member Lincoln suggested revisions to the second and third paragraphs of the letter. Discussion followed, and Member Lincoln expressed support for the letter in that “it does give more weight to the private property owners’ concerns and rights.”

Member Scott advised of having recently read an interesting letter to the editor, and expressed support for authorizing the Chairman to sign the letter and forward it to the Board of Supervisors. Chairperson Hartman entertained public comment.

(6:23:14) Lee Ellson inquired as to whether the rights of the Clear Creek property owners have been addressed or discussed in the context of Nevada’s recreational use statute. Chairperson Hartman acknowledged having discussed the issue of property rights at the last committee meeting and with City staff. He noted the problem with Clear Creek Road “that it’s such an amalgamation of issues. You have some deeded easements; you have some that have been basically returned, in one fashion or another, back to the adjoining land owners; you have those that were dedicated by parcel maps. So it’s not a very clear picture in which any given thing applies.” Chairperson Hartman expressed the belief there is some benefit to the recreational use statute. “The problem is ... most of the homeowners up there [don’t] take any great solace in the fact that they still have the potential of being a named defendant.” Chairperson Hartman expressed the hope that the City can “come to some middle ground.” He acknowledged the difficulties associated with the issues. Mr. Ellson expressed the belief that every state has a recreational use statute, and Chairperson Hartman acknowledged the accuracy of the statement. Mr. Ellson expressed the understanding that recreational use statutes are “designed ... just for this particular situation where the land owner is worried about liability and the public is worried about access.” He expressed further understanding for the various jurisdictions involved, and sympathy for the property owners in not being motivated to assume liability. He suggested that if the liability issue can be resolved, “it may be that the two groups can reach an understanding on some of the other ones also.” Member Lincoln provided background information on the length of time this matter has “been simmering at this committee level ...” She expressed agreement with Member Riedl’s comments, at the last committee meeting, to take action to refer it to the Board of Supervisors. Chairperson Hartman noted the “peculiar situation,” in that most recreational use statutes address more clear circumstances. He suggested any solution will have to involve sufficient funding to fix the road. He expressed appreciation for Mr. Ellson’s attendance and participation.

Member Scott expressed the belief that the committee “owe[s] the RTC and the Board of Supervisors a specific expression of our interest and concern over balancing the maintenance of access with the property rights.”

Chairperson Hartman entertained additional public comment and, when none was forthcoming, a motion. **Member Scott moved to approve the letter, as revised, for the Chairman to execute and to be provided to the Carson City Board of Supervisors and the Regional Transportation Commission. Member Lincoln seconded the motion. Motion carried 5-0.**

## CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the October 18, 2010 Meeting

Page 3

**3-C. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE ISSUANCE OF A LETTER OF RECOMMENDATION REGARDING THE SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT NOMINATION FOR THE U.S. FOREST SERVICE TO PURCHASE 320 ACRES OF LAND OWNED BY HIGH CANYON TAHOE, LLC, LOCATED WITHIN THE CARSON RANGE (6:29:54)** - Mr. Guzman introduced this item, introduced Dominique and Jacques Etchegoyhen, and reviewed the agenda report. Mr. Guzman oriented the committee members to the location of the subject property, using a displayed topographic map.

(6:32:47) Dominique Etchegoyhen narrated displayed slides of the subject property, and Mr. Guzman provided additional clarification regarding its location. Mr. Etchegoyhen acknowledged fewer funds available from the Southern Nevada Public Lands Management Act. “We’re told that there isn’t a lot available right now, but unfortunately we know of a couple projects that may be close to failure and there could be significant funds. So we always want to be poised and ready to take advantage of those opportunities.”

Mr. Guzman advised that there are no Carson City nominations in competition with the subject property. Mr. Etchegoyhen clarified that Legacy Land and Water is specifically applying for SNPLMA funding; however, the [Federal Land Transaction Facilitation Act (“FLTFA”)] was extended by the president. “So the funds that were in the FLTFA account did transfer to the Land and Water Conservation Fund. There are ongoing efforts to have those funds transferred back into the FLTFA account and this is a property that would be able to take advantage of either one of those funding sources.”

Vice Chairperson Jacquet suggested that the location of the subject parcels “fits with the overall strategy in the Carson City Lands Bill where upper parts of the watershed would be owned and managed by the Forest Service and lower elevations managed by Carson City.” Mr. Guzman acknowledged that the parcel will be surrounded by federal land. Mr. Etchegoyhen advised that the U.S. Forest Service would acquire the parcel. Vice Chairperson Jacquet inquired as to the hallmarks of the property in terms of the SNPLMA process. Mr. Etchegoyhen discussed the importance of the property relative to Carson City’s watershed and as a cultural resource. In response to a question, he advised that High Canyon Tahoe, LLC is the current owner.

Chairperson Hartman entertained a motion. **Vice Chairperson Jacquet moved to recommend to the Board of Supervisors the issuance of a letter of recommendation regarding the Southern Nevada Public Lands Management Act nomination for the U.S. Forest Service to purchase 320 acres of land owned by High Canyon Tahoe, LLC, located within the Carson Range. Member Scott seconded the motion.** In response to a question, Mr. Etchegoyhen provided clarification regarding the GPS track and correlating photograph included in the agenda materials. Chairperson Hartman called for a vote on the pending motion; **motion carried 5-0.**

**3-D. ACTION TO APPROVE AN EAGLE SCOUT PROJECT TO BE CONDUCTED BY DION COPOULOS, ON NOVEMBER 2, 2010, FOR THE PURPOSE OF CONSTRUCTING TRAIL IMPROVEMENTS AT THE WATERFALL SITE LOCATED OFF WATERFALL ROAD AT KINGS CANYON (6:45:38)** - Mr. Guzman introduced this item, and reviewed the agenda materials. In response to a question, he explained the importance of building an easily accessible trail. He advised that consideration has been given to the benefits and detriments and the method by which to decommission the existing trail. Mr. Guzman anticipates people will “do a loop; ... getting there our way and then coming back the hard way.” He advised that City staff has agreed to observe use of the trail. “And then we’ll talk again. We’ll reconsider the idea of decommissioning the existing trail.” He advised that rocks will have

## CARSON CITY OPEN SPACE ADVISORY COMMITTEE

### Minutes of the October 18, 2010 Meeting

#### Page 4

to be moved and obstacles placed in order to do so. "One of the difficulties with that is you don't want to create something that attracts people ... to try to use it by making it more difficult."

In response to a question, Mr. Guzman described the dimensions and surface of the trail. He advised that the trail will "look much more like an open space trail than a parks trail." He acknowledged having discussed the trail with Parks Department staff, who have provided the expertise for cleaning the graffiti. He advised that the property is under jurisdiction of the Public Works Department, and that Public Works Department Director Andrew Burnham has expressed a willingness to "participate."

In response to a question, Mr. Guzman clarified the project date as Saturday, November 6<sup>th</sup>. Member Scott expressed support for the trail improvement project, and **moved approval of the project for November 6<sup>th</sup>. Member Lincoln seconded the motion. Motion carried 5-0.**

**3-E. DISCUSSION ONLY REGARDING THE STATUS OF A JOINT TRANSACTION WITH THE V&T RECONSTRUCTION COMMISSION TOWARDS THE POTENTIAL PURCHASE OF JOHN SERPA PROPERTIES, INCLUDING APNs 008-541-73, 008-541-92, 008-531-05, 008-531-39, 008-531-40, 10-021-55, 10-011-23, AND 10-011-27, APPROXIMATING 405.57 ACRES LOCATED IN THE VICINITY OF THE CARSON RIVER CANYON (6:54:00)** - Mr. Guzman introduced this item, and advised of having received word from Division of State Lands Administrator Jim Lawrence "that they have found monies for us to implement this project." Mr. Lawrence will provide written confirmation of the same. Mr. Guzman advised that Mr. Lawrence has scheduled a January 31, 2011 deadline and that no additional extensions will be granted. Mr. Guzman advised of having hired the review appraiser, and noted that one by one, the issues are being resolved.

In response to a question, Mr. Guzman expressed the understanding that the Question #1 program proposes to allocate \$1 million toward the subject transaction. This would be in addition to the \$2.1 million from the Open Space Program and the \$1.5 million from the V&T Reconstruction Commission. "The offer will remain for \$4.6 million." Mr. Guzman recalled that Attorney Scott Heaton clarified that all of the land, including the 30 acres on the west side of Riverview Road, will be included. Mr. Guzman clarified that the appraiser will need to confirm the land value. Chairperson Hartman requested Mr. Guzman to schedule a special committee meeting, as necessary and appropriate. Discussion followed.

**3-F. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE ACCEPTANCE OF APPROXIMATELY 37 ACRES OF LAND FROM THE VIDLER WATER COMPANY LOCATED NORTH OF RIVERVIEW PARK AND SOUTH OF THE EMPIRE RANCH TRAIL ADJACENT TO THE CARSON RIVER (6:02:29)** - Chairperson Hartman advised of an employment relationship with Vidler Water Company, and passed the gavel to Vice Chairperson Jacquet. (6:02:42) Vidler Water Company President Dorothy Timian-Palmer presented the Gift Deed, noting the trail was constructed by Vidler Water Company with assistance from Carson City. Vice Chairperson Jacquet thanked Ms. Timian-Palmer and Vidler Water Company on behalf of the committee and the citizens of Carson City. Ms. Timian-Palmer provided background information on PICO Holdings, Inc. and its belief in the benefits of public / private partnerships. She expressed appreciation for the opportunity to have worked for the City for ten years.

Vice Chairperson Jacquet noted the committee's top priority to acquire open space and ensure public access along the River. "This is a key piece that connects two pieces of existing City-owned public land and also connects to land managed by the BLM. ... With the trail, it's going to be a great amenity." Vice Chairperson Jacquet again thanked Ms. Timian-Palmer and Vidler Water Company. Member Scott

**CARSON CITY OPEN SPACE ADVISORY COMMITTEE**

**Minutes of the October 18, 2010 Meeting**

**Page 5**

commended the gift as “a wonderful addition to Carson.” He advised that he spends a good deal of time riding and walking along the River, and noted the “critical linkage” represented by the gifted property. He thanked Ms. Timian-Palmer and Vidler Water Company for their consideration of Carson City. “Vidler has been there for Carson in a number of ways consistently, and that is really appreciated. ... this is a great example of some of the other things that you’ve also done.”

Vice Chairperson Jacquet entertained a motion. **Member Scott to recommend to the Board of Supervisors acceptance of approximately 37 acres of land from the Vidler Water Company located north of Riverview Park and south of the Empire Ranch Trail adjacent to the Carson River. Member Lincoln seconded the motion.** Vice Chairperson Jacquet entertained public comment; however, none was forthcoming. Mr. Guzman noted the language, in the second paragraph of the Gift Deed, that the property is given “out of love and affection for the GRANTEE ...” He thanked Ms. Timian-Palmer. Vice Chairperson Jacquet called for a vote on the pending motion. **Motion carried 4-0-1, Chairperson Hartman abstaining.** Vice Chairperson Jacquet returned the gavel to Chairperson Hartman.

**4. NON-ACTION ITEMS:**

**STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF (7:00:33)** - Ms. Bollinger reported an incident of vandalism, in conjunction with displayed photographs, along one of the single-track trails near the V&T Trail. She advised that Muscle Powered representatives patched the holes the next day. She expressed appreciation to WNC Vice President of Development and External Affairs Helaine Morres on her offer of assistance following report of the incident. Ms. Bollinger requested any citizen with information on the vandalism to report it to the Sheriff’s Department. Discussion followed, and Member Scott suggested contacting the *Nevada Appeal* to publicize the incident. Chairperson Hartman commended the Muscle Powered members who have built and / or improved the trails. Mr. Guzman reviewed the Project Status Report on the Fulstone Wetlands included in the agenda materials.

**MEMBERS’ ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (7:05:03)** - None.

**5. FUTURE AGENDA ITEMS** - Previously covered.

**6. ACTION ON ADJOURNMENT (7:05:05)** - Member Scott moved to adjourn the meeting at 7:05 p.m. Vice Chairperson Jacquet seconded the motion. Motion carried 5-0.

The Minutes of the October 18, 2010 Carson City Open Space Advisory Committee meeting are so approved this 30<sup>th</sup> day of November, 2010.

---

STEPHEN D. HARTMAN, Chair