

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the April 19, 2000 Meeting

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A special meeting of the Carson City Open Space Advisory Committee was held at 8:00 a.m. on Wednesday, April 19, 2000, commencing at the Carson City Community Development Department, 2621 Northgate Lane, Suite 57, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Deborah Merrill
Dan Jacquet
Ron Pacheco
Don Quilici
Bruce Scott

STAFF: Steve Kastens, Parks and Recreation Director
Vern Krahn, Parks Planner
Juan Guzman, Community Development Senior Planner
Jeff Winston, Consultant
Kathleen King, Recording Secretary
(OSAC 04/19/00; Tape 1-0001)

NOTE: Unless indicated otherwise, each item was introduced by the Chairperson or Vice Chairperson. A tape recording of the proceedings which took place in the Community Development Conference Room is on file in the Clerk-Recorder's Office. This tape is available for review and inspection during regular business hours.

CALL TO ORDER, DETERMINATION OF A QUORUM - Chairperson Hartman called the meeting to order at 8:09 a.m. A quorum of the Committee was present. Member Fischer was absent. Member Scott joined the meeting at 10:45 a.m. Alternate Members Anderson and Robinson were present.

TOUR OF PARCELS UNDER CONSIDERATION AS PART OF THE OPEN SPACE LAND ACQUISITION PROGRAM - The Committee members, staff, and members of the press toured the following parcels:

1. Casey Trust Property - V&T grade, north and west of Silver Oak. Mr. Krahn described the proposal previously presented by Lumos & Associates, as representatives of the Casey Trust. Mr. Guzman described and pointed out the boundaries of the property.

2. Grant Weise, Jr. Trust (Sandy Weise) - Bowl south of Lakeview. Mr. Guzman advised that services would be difficult to install in this area as the nearest water main is located close to the College. He described the boundaries of the property and pointed out the upper portion, recently purchased by Dr. Kent Gabriel who intends to split the property. Mr. Guzman described a plan by the State of Nevada to concentrate development on the south side of Combs Canyon. The areas which are more important for drainage will be left as open space. (Vice Chairperson Merrill joined the meeting at approximately 8:35 a.m.) Discussion regarding the bowl area took place, and Chairperson Hartman pointed out its low visibility. Mr. Guzman advised that Mr. Kastens had negotiated an easement for pedestrian use on the top of the hill. Dr. Gabriel has agreed to follow suit. The tour proceeded to the top of the hill overlooking the bowl area. (Chairperson Hartman left

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the meeting at 8:41 a.m. A quorum was still present although not all in the same vehicle.) Mr. Guzman pointed out the houses on the hill. Mr. Kastens pointed out the pedestrian accesses.

3. Andersen Family Associates - North of and across from hospital. Alternate Member Anderson informed Mr. Winston of zoning requirements and negotiations with the Andersen family.

4. Terrace/Fifth Street Property. This property was viewed, at the request of Member Scott, as a potential trail head. Mr. Kastens inquired as to the history of the headstones on the property. Vice Chairperson Merrill provided background information on the subject and adjacent properties.

5. Bob Fredlund/NBS - Rhodes Street Property (Lower foothills, Carson Range). Mr. Guzman indicated the boundaries of the property and advised that it consists of approximately 78 acres. Most of the zoning is SF12,000 and the proposals he has received indicate development on the crest of the hill. The canyon is a flood designated area. Discussion took place regarding cluster development, the blue line, the need for a master plan amendment, and whether or not purchase should be a consideration.

6. Western Engineering - Moses Street Property (Lower foothills, Carson Range). Mr. Guzman described the property boundaries and discussed proposals previously presented. He explained the value of this property is for trails and linkages.

7. William Moffat, Jr. Property - 741 North Edmonds Drive. Mr. Krahn described the boundaries of the property and explained its importance to the Trails Plan. Mr. Kastens described the route of the linear ditch and the agreement with NDOT for the west side of the freeway. He advised that an easement to the Empire Ranch Golf Course has been secured, and that a right-of-way will be secured all the way along the Mexican Ditch from the Empire subdivision to the dam. In response to a question, Mr. Kastens pointed out the City's property.

8. Carson City Freeway Multi Use Path - Purchase of Path Right of Way Easements from Willing Sellers. This property was toured and discussed in the vehicle.

The meeting was recessed at 10:30 and reconvened in the Community Development Conference Room, Suite 57.

A. ROLL CALL AND DETERMINATION OF A QUORUM (1-0020) - Chairperson Hartman reconvened the meeting at approximately 10:45 a.m. A quorum was present. Member Fischer was absent.

B. MODIFICATION OF AGENDA - None.

C. PUBLIC COMMENT ON NON-AGENDIZED ITEMS - None.

D. DISCLOSURES - None.

E. WORKSHOP

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E-1. DISCUSSION AND ACTION REGARDING THE PROCESS FOR THE CONSIDERATION AND ACQUISITION OF THE PROPERTIES TOURED, AND OTHER PROPERTIES AS PART OF THE OPEN SPACE LAND ACQUISITION PROGRAM, AND OTHER MATTERS RELATED THERETO (1-1816) - Discussion took place regarding further negotiations with Ira Andersen and the possibility of a separate entity to own and manage acquired land. (Chairperson Hartman left the meeting at 11:40 a.m. A quorum was still present.) Member Scott commented that a plan is needed while the Committee is working on hiring a manager. He suggested that the Committee members indicate the parcels on which they wish to focus, consider the proactive approach, and determine a more select group of contacts.

Discussion took place regarding the easement issue between the City Utilities Department and Ira Andersen. Member Scott suggested that the matter be resolved as soon as possible. Vice Chairperson Merrill discussed a recent meeting between Mr. Andersen, City Manager John Berkich, Dorothy Timian-Palmer, former Deputy City Manager Dan St. John, and Development Services Manager Mahmood Azad. By the end of the meeting, City Manager Berkich had committed to handling the matter by a certain date; however, the deadline came and went and the matter has since become more complicated with legal issues. Member Scott advised that since Mr. St. John's departure, he has requested Engineering Manager Andrew Burnham to personally address the issue and attempt to resolve it. Discussion regarding the need to resolve the matter and various methods by which to do so followed.

Vice Chairperson Merrill responded to questions regarding the estimated value of Mr. Andersen's property, and discussion followed regarding Mr. Andersen's plans for the property. Alternate Member Anderson discussed concerns of the adjacent neighbors and their desire that the issue of the property's potential development come to a conclusion. Mr. Winston pointed out the challenge of determining the property's community benefit versus the neighborhood benefit. Vice Chairperson Merrill advised that Ms. Timian-Palmer has agreed to schedule a lunch with herself and Mr. Andersen in the near future.

Member Jacquet discussed the greater purpose of the Committee in representing the entire community. He pointed out the need to define the "agenda" in the context of the big picture, and suggested that the Committee determine the value of the property and possible funding sources, and develop a proposal for Mr. Andersen's consideration. Member Quilici volunteered to participate in the meeting between Vice Chairperson Merrill, Ms. Timian-Palmer, and Mr. Andersen to offer the perspective of a long-time Carson City resident.

Member Scott suggested that the Committee direct a letter to City Manager Berkich requesting that the issue between Mr. Andersen and the Utilities Department be resolved in order to assist the Committee in moving forward in its mission. Vice Chairperson Merrill offered to draft the letter and review it with staff. Mr. Winston suggested postponing the luncheon meeting with Ms. Timian-Palmer and Mr. Andersen until the matter is resolved.

Member Jacquet reiterated the need to define the purpose of the Committee's interest in Mr. Andersen's property. Discussion ensued regarding the hospital's indication to Mr. Andersen that development of medical facilities would be a benefit to the community, ways to dispel this notion, the possibility of developing a working relationship with the hospital, the hospital's development plans, the trail head and possible future access, landscape improvements as a buffer for the neighbors, the value of the property as

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a vista, and the need to evaluate the possibility of acquiring the entire parcel. Mr. Winston summarized the conversation as follows: The Committee has identified the property in the Open Space Master Plan Element as a clear priority; Committee consensus is to move from reactive mode to proactive mode; the Andersen property is one of three or four properties about which the Committee can be proactive; the Committee can negotiate on the Andersen property as long as it is feasible to do so; and if negotiations become unfeasible, the Committee should turn the matter over to Community Development to focus on buffers and trail connections. Mr. Winston pointed out the challenge to determine the progress which can be made. Vice Chairperson Merrill emphasized the need to act quickly because of Mr. Andersen's age and declining health. She discussed the properties over which Mr. Andersen has indicated a willingness to negotiate, and advised that she had indicated to him the Committee's interest in the entire parcel. She further advised that Mr. Andersen was more receptive to purchase of development rights and payments over a long period of time. She reiterated the need to resolve the Utilities Department issue and develop a proposal. Mr. Guzman suggested requesting Mr. Winston to draft a proposal. Alternate Member Anderson suggested the possibility of designating Mr. Andersen's property as a priority for the next purchase cycle of the Southern Nevada Public Lands Management Act. Vice Chairperson Merrill reiterated the need for presenting a range of options to Mr. Andersen.

Member Scott discussed the recent meeting in New York City between Conservation Fund representatives and the owner and accountants of the Sweetwater Ranch. He pointed out that this kind of process is not unusual in negotiations with owners such as Mr. Andersen. Mr. Winston reiterated the need to get the issue between the City and Mr. Andersen resolved and to develop options. Vice Chairperson Merrill suggested a motion that the Committee contact the Conservation Fund to determine their willingness to become a partner in developing a proposal. Mr. Winston concurred with this suggestion as a starting point. Alternate Member Anderson suggested that if the Conservation Fund is brought in as a partner, their representative should be present with the designated Committee member(s) in all dealings with the property owner. Mr. Winston reiterated the need for the Committee to counter the idea that a medical center will be a benefit to the community.

Member Quilici expressed disagreement with the idea of a buffer zone between Mountain Street and a clinic. He pointed out the likelihood that once a clinic is constructed, the developers will, at some point, want to expand it. Alternate Member Anderson provided background information on development of the medical facility zone and its boundaries, and discussed his attempts at building consensus among the property owners to preserve the open space. Vice Chairperson Merrill provided background information on property ownership in the area surrounding the Andersen property. She discussed the City's interest in the success of the hospital, and Member Quilici suggested approaching hospital representatives regarding preservation of 7.9 acres of the Andersen property. Discussion followed regarding the hospital master plan and contacts with the hospital administrator and hospital board members. Committee consensus was to designate Vice Chairperson Merrill and Member Scott as the appropriate contacts for negotiations with Mr. Andersen. Mr. Winston suggested a telephone contact with City Manager Berkich and a follow-up letter to confirm the conversation with bullet points of actions to be taken and deadlines for the same. Discussion took place regarding the boundaries of Mr. Andersen's 8-acre parcel, the blue line, requesting Mr. Winston to develop a proposal, the amount of money available, financing options, and the Southern Nevada Public Lands Management Act.

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Member Scott explained the heavy public use of the Terrace/Fifth Street property as a trail access, and discussion ensued regarding other accesses, the potential cost of the lot, and the owner's interest in the property. Mr. Winston discussed the need to clarify the parcels in consideration on maps and aerial/digital photographs. He suggested utilizing the matrix to evaluate properties, developing a one-page summary for each parcel in each category, and providing a comparative point total. Discussion regarding the evaluation process ensued, and Mr. Winston offered to spend time developing a series of evaluations on properties which the Committee is considering. He suggested that he could collaborate with Carter Schleicher on the evaluations. (Member Pacheco left the meeting at 12:45 p.m. A quorum was still present.)

Vice Chairperson Merrill commented that the Rhodes Street parcel is not as desirable for acquisition other than as a trail head location. She suggested making the Moses Street parcel available to the Tribe as its only value is as an access point. Mr. Guzman advised of four proposals he has received on the Moses Street parcel and one very informal proposal on the Rhodes Street parcel. The Moses Street proposal was for a multi-family development. Mr. Winston suggested that the Committee recommend updating the ordinance prohibiting hillside scarring. He pointed out there is no reason to spend open space funds to prevent an impact that ought not to occur in the first place. He further pointed out that this is one more indication of the need for an open space manager.

Alternate Member Robinson inquired as to Mr. Winston's impression of the properties toured. Mr. Winston made the following comments: The Casey Trust proposal is "brilliant." The Grant Weise property needs to be analyzed for visual considerations. The Moffat property "makes sense" and accomplishes purposes such as visibility and provision of critical trail connections. Member Scott pointed out that the role of the open space program would be as interim caretaker of an area which may be taken over by Parks and Recreation when development occurs. This could potentially generate revenue back to the open space program. Mr. Krahn advised that the Parks and Recreation Commission had supported acquisition of the parcels in relation to trail head development, acquisition and easements.

Mr. Winston inquired as to how revisions to the hillside scarring ordinance would be accomplished. Member Scott suggested that Mr. Winston develop a "not-too-time-consuming proposal" which the Committee could consider presenting to the Board of Supervisors. He expressed the opinion that revisions should be recommended as soon as possible, and suggested that the Committee partially fund development of the ordinance revision and request the City to fund the remainder.

Member Jacquet discussed the differences in philosophy between the Committee being reactive and proactive. He expressed the opinion that the properties listed are low priority and requested input with regard to how proactive the Committee should get. Mr. Winston suggested that one criteria should be a determination of whether development is imminent and pointed out that Mr. Andersen's property is one which is most likely at a crucial stage. He further suggested that the estate planning option be publicized on cable television, the web page, and through the press. Member Scott suggested requesting input at the neighborhood meetings regarding properties in which the citizens are interested. He further suggested scheduling a workshop where each of the Committee members could list and discuss parcels in which they are interested. Vice Chairperson Merrill offered to have the Assessor's Office run a list of every vacant parcel in Carson City. Member Jacquet reiterated a point made at a previous meeting regarding sending a letter to appropriate property owners based on the Assessor's list. Alternate Member Robinson suggested that once letters were sent, willing property owners could discuss their properties under the public

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comments portion of the agenda. Mr. Winston suggested developing a generic brochure on estate planning. Member Scott indicated that he would consult with the Conservation Fund representative regarding his availability for a presentation. Vice Chairperson Merrill requested that Member Scott also express the Committee's interest in scheduling a workshop. Mr. Guzman expressed agreement with a previous suggestion by Mr. Winston to review the open space program with all the City department heads and managers. Mr. Winston suggested that City Manager Berkich could send the invitations.

E-2. DISCUSSION AND ACTION REGARDING THE GENERAL DAY-TO-DAY OPERATION PROCESS, PROCEDURES, AND POLICIES OF THE CARSON CITY OPEN SPACE PROGRAM, AND OTHER MATTERS RELATED THERETO; AND E-3. DISCUSSION AND ACTION REGARDING STAFFING REQUIREMENTS OF THE CARSON CITY OPEN SPACE PROGRAM, AND OTHER MATTERS RELATED THERETO (1-0029) - Mr. Kastens discussed the difficulties which staff is experiencing in becoming more involved in a proactive approach to acquiring open space properties. He requested input from the Committee as to their needs from staff, and discussed the importance of developing a rapport with willing sellers. Vice Chairperson Merrill clarified that her intent was for Mr. Guzman to advise the Committee of potential open space parcels which come to his attention rather than waiting for a proposal to show up at the Planning Commission level. She explained she did not intend for staff to become proactive in locating parcels and approaching property owners. Member Scott pointed out the need to provide specific direction and to develop a "tool box." He clarified that he doesn't expect staff to make contacts with potential willing sellers at this point. Alternate Member Anderson referred to the spreadsheet and expressed a concern that unless the Committee takes a more active role in identifying parcels and owners and initiating contacts, there may be "nothing left on the plate." He advised that he may be interested in applying for the Open Space Manager program and offered to recuse himself from the discussion.

Mr. Kastens advised that he had requested Mr. Winston to check with Douglas County, Colorado regarding updates in their program. Mr. Winston explained that the staff in Douglas County, Colorado is "swamped" and preparing to make "some huge purchases." They have also been successful in securing state grants. He pointed out the difficulty in comparing Carson City with Douglas County, Colorado in that Douglas County's first step was to hire a full-time administrator and they also had approximately three times the budget. He suggested developing the tool box, setting up procedures, and identifying a process for making contacts with property owners. The sooner the Committee can get the word out regarding estate possibilities, the sooner people may be providing "real opportunities." The process of consulting with attorneys, developing a pamphlet and understanding of current tax laws will take time and may not bring fruition for 1-2 years; however, "some of these things are like planting seeds." Chairperson Hartman explained that the Committee had already begun the process to some degree. When he and Mr. Kastens returned from the Lincoln Land Institute, which was specifically regarding conservation easements and tax treatment of pre- and post-mortem estate planning, he provided the package to Ira Andersen, who took it to his counsel in San Francisco. He pointed out that the information may not be appropriate for the general public.

Chairperson Hartman discussed an issue between Mr. Andersen and the City Utilities Department regarding a water easement and commented that until the issue is resolved, Mr. Andersen's property is a "dead issue." He concurred with Mr. Kastens' comments regarding developing and maintaining rapport as Mr. Andersen's issues with the City have to do with trust. Vice Chairperson Merrill commented on the narrow

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window of opportunity for negotiations as the main problem with not having an open space manager at this point. She recommended developing fundamental steps so that when a property owner becomes a willing seller, the Committee is prepared to negotiate. Mr. Winston concurred and suggested a network of professionals with whom the Committee can develop relationships such as accountants, appraisers, attorneys, etc.

With regard to the Andersen property, Mr. Winston commented that he was struck by the need for a planning effort. Vice Chairperson Merrill provided background information on previous negotiations between the Carson City Utilities Department and Mr. Andersen. Mr. Winston suggested that the Committee take ultimate responsibility in each case so that if the City makes a commitment, a Committee member can follow through to ensure the commitment is kept. The Committee or Mr. Kastens will have to administer the program to ensure the critical path. In response to a question, Mr. Winston advised that he could respond fairly quickly as a consultant, within 7-10 days.

Mr. Kastens advised of his meeting with Mr. Krahn and two appraisers on the Moffat property. He explained that the appraisal process is completely foreign to him. Member Scott was present at a meeting with the Moffat representatives and Mr. Kastens expressed appreciation for his understanding and input. Mr. Winston suggested tapping into organizations like the Trust for Public Lands and Member Scott advised that the Conservation Fund has expressed an interest in the Committee's activities. Mr. Winston discussed the benefits of involving the Conservation Fund, including providing overall training and acting as a rapid action tool for inquiries. Discussion ensued regarding the busy schedules of the competent appraisers, and Chairperson Hartman discussed the need to retain four or five appraisers who understand conservation easements. Member Jacquet pointed out that in BLM negotiations, the appraisal is the very last detail. Chairperson Hartman acknowledged that the most complicated negotiations will be the Andersen and Lompa properties. The remainder should be standard and straightforward. Mr. Guzman discussed complications which have arisen with several properties, and Chairperson Hartman emphasized the need to start with appraisals in all the negotiations.

Vice Chairperson Merrill concurred with the idea of beginning negotiations with appraisals. She suggested having a Lincoln Lands Institute representative appraise the Andersen property, with Mr. Andersen's approval, in conjunction with the 3-4 appraisers selected by the Committee. The Committee can then provide a figure to Mr. Andersen and the selected appraisers will get the needed training. Chairperson Hartman recommended having Mike Ford conduct a seminar with certified continuing education credits for appraisers. While Mr. Ford is in Carson City, he could also conduct the appraisal.

Mr. Kastens pointed out the benefits of hiring an open space manager in order that the person would be able to learn the Lincoln Land Institute information and be involved in negotiations. Member Scott commented on his past concerns about hiring an open space manager too early. He discussed the responsibility of the open space manager to work with property owners, agency representatives, etc. regarding property that the City will never own in order to ensure linkages and accesses. He pointed out the benefits of the Committee's active involvement in the Forest Service's planning efforts. Alternate Member Anderson advised of a conversation with Jerry Kier of the Nevada Conservation Corps wherein Mr. Kier indicated the possible availability of 20 bachelor graduates with natural resources backgrounds as short-term interns. The cost to the Committee would be \$5 an hour. Mr. Kastens concurred with the idea, but pointed out the need for someone to interview the interns and train them. Alternate Member Robinson suggested sharing

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the costs of an open space manager with Douglas County, Nevada. Chairperson Hartman advised that Douglas County, Nevada is not yet at a point in their program where they are prepared to hire an open space manager. He explained the status of the open space program in Douglas County and discussion ensued with regard to the same. Member Jacquet concurred with the idea in the long term.

Vice Chairperson Merrill requested staff to obtain the job description for the open space administrator in Douglas County, Colorado and suggested that a subcommittee develop a job description for the Carson City position. **Member Scott moved to direct staff to bring to the next meeting job description recommendations or examples for an open space manager that the Committee can consider proceeding with the possibility of filling the position. Member Jacquet seconded the motion. Motion carried unanimously.**

Mr. Winston recommended leaving the position description general so that the Committee has options when applications are submitted. He further suggested that the process may take 4-6 months and that the Committee should still get organized to move ahead. Vice Chairperson Merrill recommended that Alternate Member Anderson step back from the process of developing a job description if he intends to actively pursue the position. Alternate Member Anderson concurred. Member Quilici requested that the recommendation extend to any member of the Committee who may be considering applying for the position.

F. ADJOURNMENT (2-2720) - Member Quilici moved to adjourn the meeting at 1:20 p.m. Member Scott seconded the motion. Motion carried 4-0.

The Minutes of the April 19, 2000 meeting of the Carson City Open Space Advisory Committee are so approved this _____ day of June, 2000.

STEVE HARTMAN, Chairperson