

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the October 2, 2000 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, October 2, 2000 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Michael Fischer
Dan Jacquet
Ron Pacheco
Bruce Scott

STAFF: Steve Kastens, Parks and Recreation Director
Vern Krahn, Parks Planner
Juan Guzman, Senior Planner, Community Development
Kathleen King, Recording Secretary
(OSAC 10/02/00; Tape 1-0001)

NOTE: Unless indicated otherwise, each item was introduced by Chairperson Hartman. A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review and inspection during regular business hours.

A. CALL TO ORDER AND DETERMINATION OF A QUORUM (1-0002) - Chairperson Hartman called the meeting to order at 6:02 p.m. A quorum was present. Vice Chairperson Merrill and Member Quilici were absent.

B. APPROVAL OF MINUTES (JULY 10, 2000 AND AUGUST 21, 2000) (1-0010) - Member Scott moved to approve the minutes. Member Fischer seconded the motion. Motion carried 5-0-2-0.

C. PUBLIC COMMENT (1-0024) - None.

D. MODIFICATION OF AGENDA (1-0025) - None.

E. DISCLOSURES (1-0027) - None.

F. PUBLIC MEETING

F-1. AWARD PRESENTATION TO LARRY TAYLOR FOR COMMUNITY SERVICE WITH REGARD TO THE OPEN SPACE ADVISORY COMMITTEE AND OPEN SPACE PLAN (1-0029) - Mr. Krahn provided background information on Mr. Taylor's participation in development of the Open Space Master Plan element. He advised that Mr. Taylor provided the majority of the pictures included in the master plan element and all of the pictures included in the related *Capitol City Focus* articles. He presented Mr. Taylor a copy of the Open Space Master Plan element signed by all the Committee members, and thanked Mr. Taylor for all his efforts.

Mr. Taylor expressed appreciation for the tremendous amount of time invested in the master plan by the Committee members. He recognized Member Quilici, Vice Chairperson Merrill, James Henry, and all the

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people involved in getting “this thing started.” Chairperson Hartman expressed appreciation for Mr. Taylor’s photographs as a visualization tool in the process of developing the master plan. Mr. Taylor commented on the seeming willingness of people to lose open space “because they’ve never really seen it.” He indicated that he is happy to provide the photographs to help raise the awareness of some of the citizens as to what it is they have to lose. In response to a question, Mr. Taylor advised that the King Street Gallery often displays his works.

F-2. DISCUSSION AND ACTION REGARDING THE CARSON RIVER ADVISORY COMMITTEE’S RECOMMENDATION OF RIVER PROPERTIES FOR INCORPORATION INTO THE OPEN SPACE PLAN (1-0153) - Mr. Krahn referred to the joint meeting, on July 10th, between the Carson River Advisory Committee (“CRAC”) and the Open Space Advisory Committee (“OSAC”). He referred to the September 26, 2000 memo included in the agenda materials with the attached map. A color version of the map was also displayed, and Mr. Krahn reviewed the CRAC priorities as Mr. Guzman pointed to them on the displayed map.

Mr. Guzman advised of contacting Attorney Andrew MacKenzie, who represents the Andersen trust. He is awaiting a letter from Mr. MacKenzie regarding the possibility of talking with Mr. Andersen about the sale of his land. Mr. Krahn indicated that staff considers the Andersen property as not available at this time. The CRAC designated the Andersen property as a first priority because of open space issues, wildlife habitat, and other recreational possibilities in case it ever becomes available.

Mr. Krahn then reviewed the second priority properties clustered south and east of the Silver Saddle Ranch and Prison Hill area. Mr. Guzman pointed out the location of the clustered properties. These properties were chosen for their contiguity to the Silver Saddle Ranch, the vegetation habitat, and the view shed. Mr. Guzman acknowledged that the properties are being offered by willing sellers. Mr. Krahn indicated the third priority properties located across the River from the second priority properties. These properties are also contiguous to the Silver Saddle Ranch, have valuable riparian habitat, and would provide recreational access along the River and a buffer to off road vehicles. The properties which were not prioritized were not adjacent to the Silver Saddle Ranch and, therefore, not as valuable because of management issues. Mr. Krahn solicited comments and questions from the Committee members.

Chairperson Hartman inquired as to the property west of the Andersen property, and whether it is the piece that was sold to Al Bernhardt. Mr. Guzman advised that some of the property has been sold to Mr. Bernhardt, particularly the westerly frontage of Carson River Road. The rationale behind selling the property was that it doesn’t have the same value. Mr. Guzman acknowledged that the property is located within the flood plain and perhaps in the flood way. Mr. Kastens pointed out Silver Saddle Ranch property in relation to the subject parcel. He indicated that Mr. Bernhardt’s development extends to the Mexican Ditch and, in certain areas, over to the east side of the Mexican Ditch. In response to a question, Mr. Kastens advised that the City has a developed trail to the south end of Hidden Meadows development. Mr. Bernhardt secured an easement which extends from the end of the development, along the ditch to the Silver Saddle property. Mr. Kastens commented that Mr. Bernhardt has been a helpful partner in this development.

Mr. Krahn reviewed Jeff Winston’s recommendations as reflected in the September 27, 2000 memo included in the agenda materials. Member Scott expressed appreciation for the CRAC’s recommendations.

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He suggested encouraging and supporting staff in pursuing a determination as to whether there is a potentially willing seller in the Andersen family, cautioning that it should be approached with careful sensitivity to the needs of the Andersen family. Member Fischer inquired as to Mr. Kastens' vision with regard to the second priority properties. Mr. Kastens indicated that the CRAC is interested in securing as much property as possible along the Carson River. From a management standpoint, acquiring property which is contiguous to the Silver Saddle Ranch is very beneficial. In response to a question, Mr. Kastens advised that \$2 million is currently available to the Committee.

Mr. Guzman referred to discussions at a previous meeting regarding working together with the Bureau of Land Management ("BLM") to facilitate the purchase of these properties. Chairperson Hartman referred to the discussion at the July 10th OSAC/CRAC joint meeting regarding development of protocol. He commented that he prefers the idea of conservation easements; however, a problem may exist with the view shed. Mr. Guzman discussed Mr. Winston's comments regarding the many homes in the area, and discussion took place regarding wetlands in the western portion of the property purchased by Mr. Bernhardt.

In response to a question, Mr. Kastens provided the following suggested motion: **To accept the Carson River Advisory Committee's recommendation for prioritization and, as future potential comes forward, this will be the priority list that the Committee will use for those purposes. Member Scott so moved with the addition that staff continue to facilitate communication between the two committees. Member Jacquet seconded the motion. Motion carried 5-0-2-0.**

F-3. DISCUSSION AND ACTION REGARDING THE OPEN SPACE ADVISORY COMMITTEE'S RECOMMENDATION OF RIVER PROPERTIES LOCATED NORTH AND SOUTH OF LLOYD'S BRIDGE AT THE CARSON RIVER, IN RELATION TO THE BUREAU OF LAND MANAGEMENT'S SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT (1-0553) - Mr. Guzman advised that a telephone call had been received from John Singlaub, of the BLM, advising of a specific period to apply for funds generated through the Southern Nevada Public Lands Management Act ("SNPLMA"). He referred to the application packet, included in the agenda materials, which was prepared and submitted to the BLM. He indicated that the application packet does not cover all of the Andersen property and the BLM has expressed a concern over whether the Andersens are willing sellers. He referred to the Nominated Properties table included in the application materials and advised that the priorities submitted are the same as designated by the CRAC. The application also states that the City is a willing partner in acquiring the priority properties and that, if BLM is not interested in a partnership, the City is willing to facilitate environmental studies as reflected in the memorandum of understanding executed approximately two months ago.

Mr. Guzman indicated that BLM staff has advised him they are interested in fee ownership, particularly under the SNPLMA program. BLM staff has acknowledged that the Andersen property is very desirable and indicated they would like for it to be submitted to the SNPLMA process if there is a willing seller. Chairperson Hartman referred to the discussion at the July 10th OSAC/CRAC joint meeting regarding development of a draft agreement. He commented that the application package relates to the Andersen property but protocol needs to be established regarding funding of the cultural, biological, and environmental assessments.

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Member Jacquet clarified that the two processes are separate. One is an exchange of lands, i.e., public lands located within the boundaries of Carson City and identified in the urban interface plans. The BLM would take the assets from those lands and buy lands or interest in lands on the CRAC priority list. That process is unique and separate from a possible acquisition by the BLM of land through the SNPLMA. Member Jacquet advised that the Committee and staff can proceed in both courses. He provided the example of the Rolling A Ranch in Lyon County which the BLM has nominated through the SNPLMA and through land exchange. Member Jacquet pointed out that proceeding with open space funding requires a very secure agreement, a known process, and some expectation that the funding will be well spent and the result will end in a successful exchange. Member Scott inquired as to the requirements for a wise investment, recognizing that the processes can be long. Member Jacquet indicated that staff has been working closely with the BLM and is aware of the requirements. He recommended a 50/50 split in costs for appraisals, environmental site assessments, evaluations, etc. The open space fund would pay for those processes, and ultimately the land would end up being publicly managed in accordance with the existing Open Space Master Plan element and federal land use plan. The land would not be owned by the City nor would the City be responsible for management. Member Jacquet indicated that the SNPLMA would be the best route since its funding pays entirely for appraisals and staff time.

Member Fischer commented that some of the land owners have indicated a distrust of government. He inquired as to public assurance that the land would remain open. Mr. Kastens advised that, pursuant to the memorandum of understanding between the City and the BLM, a joint determination will be made as to uses, accessibility, etc. A decision by the BLM to close land would have to be submitted to a public process in order to meet their obligation under the memorandum of understanding. Mr. Kastens provided the example of the Silver Saddle Ranch. Member Jacquet agreed that built in safeguards exist, and commented that the BLM acquires land for a purpose. A concern exists that years later the purpose may no longer be clear. He indicated that the only remedy is continued public involvement in the planning process. He commented that the same concerns exist with local government. Chairperson Hartman pointed out that since the property is in a flood way, development will be minimal.

Member Scott inquired as to whether either of the two financing vehicles could be utilized to acquire a less than fee interest conservation easement. He further inquired as to whether the requirements for mineral, cultural, and environmental appraisals are similar for a fee acquisition or an exchange. Chairperson Hartman advised that there is no way to avoid the underlying studies and appraisals because they affect the nature of the ground. He was not aware of the BLM or the Forest Service ever acquiring less than a fee purchase. Member Jacquet advised that the only exception would be active, irrigated farm land. In response to a question regarding the second priority properties, Chairperson Hartman and Mr. Guzman explained that the values indicated are listing prices and/or very rough estimates. Mr. Guzman acknowledged that a developer wouldn't look seriously at a property located in a flood way. Chairperson Hartman indicated that the ability to cluster a development will generate value; however, the only way to cluster is if utilities are present. There are no utilities present on these properties and no likely prospect of finding utilities. There may be ways to work with developers where they would site a property and the Committee could obtain a conservation easement. It would have to be done by appraisal, however, and at that point, flood plain and flood way will have a significant impact on value.

Alternate Member Anderson encouraged the effort to acquire the properties but inquired as to the urgency in doing so. He commented that the properties are probably under the best care while they remain within

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the ownership of the Andersen Trust. Chairperson Hartman expressed the opinion that the Committee should continue to move forward in consideration of the properties and “double track” the process as suggested by Member Jacquet. Mr. Krahn advised that the owners of the second priority properties have contacted realtors and some are willing to sell. He indicated that if one of the properties is sold, the next owner down the line may not have any desire to sell the property to the Committee. He inquired of Member Jacquet as to whether fronted money to an organization such as the Nevada Land Exchange could be recouped at a later time. Member Jacquet assumed that the costs could be recovered. Mr. Krahn suggested that the Committee provide “earnest money” in order to secure a first option on the property while the process moves forward.

Member Jacquet discussed an additional consideration of the amount of value. He pointed out that a “sure thing” with BLM is the local exchange, and that one very nice feature is the land use planning is done. He indicated that national interest will have to be demonstrated in order to leverage SNPLMA funds. The Andersen parcel would qualify; however, some of the more isolated parcels may not. Chairperson Hartman advised that a preliminary estimate of value must be determined prior to assessing the feasibility of any of the three options. Mr. Guzman indicated that the SNPLMA process moves along quickly. Discussion took place regarding staff’s recommended action, and Chairperson Hartman reiterated the need to delineate a protocol and proceed with preliminary estimates of value. Member Pacheco pointed out the need to keep in mind that appraisals will only be good for six months. **Member Fischer moved to proceed with preliminary indication of value on the prioritized lands. Member Scott seconded the motion. Motion carried 5-0-2-0.**

F-4. STATUS REPORT REGARDING THE OPEN SPACE ADVISORY COMMITTEE’S PROPOSAL TO WILLIAM J. MOFFAT FOR PURCHASE OF PROPERTY LOCATED AT 741 NORTH EDMONDS DRIVE, APN 10-032-31 (1-1153) - Mr. Kastens expressed appreciation for Member Scott’s participation in this process. He advised that the letter approved by Mr. Moffat and the Committee was submitted to the District Attorney’s office to draft an official agreement between the City and Mr. Moffat. In the process, the District Attorney’s office asked staff to provide the results of a title search and to conduct a phase 1 ESA. Once these items are completed and the information returned to the District Attorney, the agreement can be completed and submitted to the Board of Supervisors for their approval.

Mr. Krahn advised of the City’s contract with SECOR International. Once staff learned of the possibility of mercury concentrations, SECOR was asked to do a phase 1 analysis. He referred to the October 2, 2000 memo from Jeff Collins of SECOR, and advised that the mercury issue should not be a problem at this point. He indicated that the preliminary title report is complete, and that he is awaiting SECOR’s final report. These documents will then be submitted to the District Attorney’s office so the agreement can be finalized. He hopes to be able to submit the proposal to the Board of Supervisors at either their second meeting in October or their first meeting in November.

In response to a question, Mr. Krahn advised that the transaction is being handled as a charitable donation. Money will be placed in escrow which will close in January 2001 if all goes as planned. Discussion took place with regard to the possibility of earnest money, and Chairperson Hartman pointed out that the Board of Supervisors will have to approve the agreement or an earnest money deposit. Member Fischer suggested

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that the District Attorney's office be made aware of the potential for a request for earnest money. Chairperson Hartman offered the assistance of the Committee in moving the process along.

F-5. UPDATE REGARDING THE OPEN SPACE MANAGER'S POSITION (1-1287) - Mr. Kastens advised that the closing date for applications was September 22nd. He received 21 total applications and, after reviewing them, decided there was no need to extend the application deadline. Applications were received from Colorado, Utah, Oregon, California, and Nevada. He commented that the advertisement in the *Denver Post Metropolitan* newspaper was a good idea.

F-6. DISCUSSION AND ACTION REGARDING THE APPOINTMENT OF OPEN SPACE ADVISORY COMMITTEE MEMBERS ON THE SELECTION COMMITTEE FOR THE OPEN SPACE MANAGER POSITION (1-1318) - Mr. Kastens advised that the City Manager appreciated the offer to participate in the selection process but indicated he is comfortable with allowing staff and the Committee to serve on the selection committee. Mr. Berkich did suggest that John Singlaub, of the BLM, be asked to participate. Mr. Kastens requested two volunteers from the Committee to assist staff in the selection process. Chairperson Hartman volunteered to serve. In response to a question, Mr. Kastens clarified that the Committee members would be asked to review applications and sit on an interview panel. Member Fischer volunteered. Chairperson Hartman requested that staff provide applications to all the Committee members. In response to a question, Mr. Kastens advised that the interviews will be scheduled in two to three weeks in order to provide enough time for the applicants to make travel arrangements if necessary. Mr. Kastens advised that the Board of Supervisors has already approved creation and funding of the position. Discussion took place regarding review and elimination of some of the applications.

Member Scott moved that all the Committee members be provided copies of the applications, that a deadline be established for recommendations to be provided to the two designated Committee members and staff, and that Chairperson Hartman, Member Fischer and staff determine the interviewees based on those recommendations and their thoughts; and that they move forward with the interview process. Member Fischer seconded the motion. Chairperson Hartman suggested designating five business days for review of the applications by the Committee members and making recommendations to Mr. Kastens. He agreed with the suggestion that at least two weeks notice be provided to the potential interviewees in order that they can make travel arrangements. Member Scott requested that the applications be numbered for easier reference. Chairperson Hartman called for a vote on the pending motion. **Motion carried 5-0-2-0.**

F-7. DISCUSSION AND ACTION REGARDING THE OPEN SPACE ADVISORY COMMITTEE'S RECOMMENDATION TO THE BOARD OF SUPERVISORS TO AMEND THE OPEN SPACE ADVISORY COMMITTEE ORDINANCE (SECTION 13.06.040) TO ELIMINATE THE ALTERNATE POSITIONS FROM THE ORDINANCE (1-1459) - Mr. Kastens advised of Vice Chairperson Merrill's probable resignation, and discussed the previous method for filling vacancies. He referred to his September 27, 2000 memorandum included in the agenda materials and reviewed the same. Member Fischer suggested that a District Attorney's representative verify that the City Charter does not allow alternate members. He further suggested that, if Vice Chairperson Merrill resigns, the present alternates be afforded the opportunity to apply for the vacant position. Mr. Kastens verified that the position would be open to the entire community to apply and be interviewed by the Board of Supervisors.

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Chairperson Hartman discussed the importance of “institutional memory” as to the reason for appointing alternates. He advised that he had reviewed the memo and the Charter and agreed that the policy needs to be changed. Alternate Member Robinson clarified that alternate members are appointed to serve the remainder of a departing member’s term. Once that term expires, the alternate member is required to make application the same as any other citizen. Member Jacquet inquired as to whether this has any bearing on the legality of the procedure. Chairperson Hartman indicated that the issue is that no other City board, commission, or committee operates under the same practice. He concurred with the suggestion that a district attorney’s opinion is needed on the matter, either in writing or in person.

Mr. Kastens inquired as to whether the Committee members agree that alternate members are no longer necessary. Member Scott indicated that his “sense of urgency” was related to the master plan element. At this point, natural turnover is probably healthy. Chairperson Hartman expressed a concern over the issue of access and the potential for perceived impropriety. He pointed out that the only way to maintain the current practice is to ensure that every other board, commission, and committee has the same option. Alternate Member Anderson suggested that alternates on other committees “may not be a bad idea.” He agreed that there is a potential issue over the amount of involvement afforded to alternate members. Following discussion regarding recommendations by this year’s Charter Review Committee, Mr. Kastens advised that he will discuss the matter further with the district attorney. Discussion took place regarding public comment, the possibility of changing the Charter to allow alternate members, and the wording of the ordinance regarding term of office and vacancies. Chairperson Hartman suggested continuing the matter until the district attorney renders an opinion. No formal action was taken.

G. ADJOURNMENT (1-2080) - Member Fischer moved to adjourn the meeting at 7:58 p.m. Member Scott seconded the motion. Motion carried 5-0-2-0.

The Minutes of the October 2, 2000 meeting of the Carson City Open Space Advisory Committee are so approved this _____ day of January, 2001.

STEVE HARTMAN, Chairperson