

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the April 16, 2012 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, April 16, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Bruce Scott
Vice Chairperson Tricia Lincoln
Member Margie Evans
Member Teri Green-Preston
Member Donna Inversin
Member Howard Riedl

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space Property Manager
Ann Bollinger, Natural Resources Specialist
Tina Russom, Deputy District Attorney
Kathleen King, Deputy Clerk / 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 A QUORUM (6:01:03) - Chairperson Scott called the meeting to order at 6:01 p.m. Roll was called; a quorum was present.

CITIZEN COMMENTS (6:02:14) - Chairperson Scott entertained public comments. Mr. Guzman introduced Paul Esswein, the newest Open Space Program volunteer. (6:03:16) Mr. Esswein expressed appreciation for the opportunity to be of service to the Open Space Program, and provided background information on his land use planning experience. He advised that Mr. Guzman had requested him to begin inventorying some of the recently acquired properties, and looks forward to spending a few hours per week in Carson City's open space. He acknowledged a limited familiarity with Nevada's noxious weeds, and Member Evans invited him to attend the Weed Warrior training class in May. Chairperson Scott expressed appreciation for Mr. Esswein's efforts and willingness to volunteer. Chairperson Scott entertained additional public comment; however, none was forthcoming.

1. ACTION ON APPROVAL OF MINUTES - February 27, 2012 (6:01:30) - Member Riedl moved to approve the minutes. Vice Chairperson Lincoln seconded the motion. Chairperson Scott entertained committee member and public comments and, when none were forthcoming, called for a vote on the pending motion. Motion carried 6-0.

2. MODIFICATIONS TO THE AGENDA (6:05:43) - Chairperson Scott entertained modifications to the agenda; however, none were forthcoming.

3. MEETING ITEMS:

3-A. POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS TO AUTHORIZE STAFF TO PROCEED WITH A PROGRAM TOWARDS THE ACQUISITION, THROUGH DONATIONS, OF WATER RIGHTS IN THE VICINITY OF MEXICAN DITCH AND

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THE HIDDEN MEADOWS PLANNED UNIT DEVELOPMENT (6:05:52) - Chairperson Scott introduced this item. Mr. Guzman provided background information and reviewed the agenda materials. Chairperson Scott advised that he would participate in discussion of this item, but abstain from action. He explained that the Hidden Meadows Planned Unit Development has a significant portion of land below the Mexican Ditch with attached water rights which were never stripped upon development of the subdivision. He advised of a specific deed transferring the rights-of-way under the streets and the open space park to Carson City, and that there are also water rights underneath the residences below the Mexican Ditch. He clarified "it's not worth spending a lot of money to chase, but if you could accumulate some of them, they might be significant. The goal would be to keep the water in the Mexican Ditch for the general benefit of Carson City and probably, more specifically, the open space area. There are 4.5 or 5 acre feet of water from the right-of-way that is in the process of being transferred right now to a proposed infiltration well at the Carson River Park. This is the old well that's been there for a long time and we're moving water into that and that work has been basically paid for through the work that we do for Carson City in managing their water rights. And the water rights on the park and on the streets have been brought forward into Carson City's name." Chairperson Scott reiterated "it's not cost effective to try to chase the water under the lots," but suggested the possibility that "people might respond to a donation if it was for the benefit of the open space of Carson City." He further suggested developing a value for the water rights which will likely require appraisal "so that we could offer to those people the opportunity to donate water rights to Carson City for the benefit of the Open Space Program at no payment to them ..." He offered RCI's services to accomplish all of the transfers, including payment of the associated costs, "except for the actual hard costs of recording deeds ..." He suggested that the proposal may benefit the Open Space Program, and further proposed requesting the Board of Supervisors to authorize the cost of an appraiser and some minor incidental costs. He clarified "there's not enough value in any given parcel to be worth much, but collectively they might be worth something. There's probably 12 or 13 acres of water rights total."

Chairperson Scott passed the gavel to Vice Chairperson Lincoln, who entertained discussion of the committee members. Mr. Guzman acknowledged the Open Space Program would be under no obligation to purchase the water rights if a property owner was unwilling to donate them. Chairperson Scott acknowledged the water could be used on the Open Space Program properties along the Mexican Ditch. "As a practical matter, ... it would be combined with other Mexican Ditch water and could be utilized as needed. From a technical perspective, the place of use right now on that decreed water is under the subdivision and, if we accumulated enough to make it worthwhile, we could move it to perhaps the Andersen ... or Jarrard parcels that we have purchased. In the short term, ... we would just simply work with the Water Master's Office." Chairperson Scott advised of having spoken with staff of the Water Master's and State Engineer's Offices.

In response to a further question, Chairperson Scott advised that the residents could apply to install a pump in the ditch and lift water to their property. "The cost of that would be significantly larger than the value of the water." Chairperson Scott emphasized the property owners would be under no obligation or pressure. "This is simply an offer if they want to make a donation." Chairperson Scott acknowledged that the property owners could sell the water rights to a private entity once they are aware of them. "The problem is it would cost them more money to transfer them than the water rights are worth."

Vice Chairperson Lincoln entertained additional committee member comments and, when none were forthcoming, public comments. When none were forthcoming, she entertained a motion. **Member Riedl moved to recommend to the Board of Supervisors to authorize staff to proceed with a program**

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toward the acquisition, through donations, of water rights in the vicinity of Mexican Ditch and the Hidden Meadows Planned Unit Development. Member Evans seconded the motion. Motion carried 5-0-1, Chairperson Scott abstaining. Vice Chairperson Lincoln returned the gavel to Chairperson Scott.

3-B. POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE FEE TITLE ACQUISITION OF A 20.25-ACRE PARCEL OWNED BY THE JOOST LAND AND CATTLE COMPANY LOCATED IN THE VICINITY OF ASH CANYON, APN 007-101-55 (6:15:26) - Chairperson Scott introduced this item. Mr. Guzman provided background information and reviewed the agenda materials in conjunction with displayed maps and aerial photographs. Using a displayed map, he pointed out various lands adjacent to the subject land and the new road. Member Riedl recalled the committee's previous recommendation to the Board of Supervisors, and the subsequent complications relative to the Wellington Crescent access and the desire to partner with the Public Works Department to fix the road. Member Riedl commended Deputy Public Works Director Darren Schulz and "everyone at Public Works that has done such a great job on that road." Member Riedl expressed the belief that the road will alleviate a lot of sediment transport that usually ends up on Ash Canyon Road during the winter. He expressed the opinion "this is a wonderful example of how agencies and programs within Carson City can work together to really make something happen that needed to happen." He noted no Wellington Crescent residents were present in the meeting room. In response to a question, Mr. Guzman expressed the opinion that the Wellington Crescent residents are in favor of the transaction proceeding. "... the alignment of the road has been discussed extensively both with the Joost family as well as with the Wellington Crescent [Homeowners Association]. And also the improvements that you saw being built by Public Works have resulted as a compromise between everybody." Mr. Guzman described the transaction "as very difficult," and also commended the Public Works Department.

Vice Chairperson Lincoln noted the transaction will "fairly well deplete our funds for the fiscal year." In reference to item 3-D, Mr. Guzman explained "the monies that specifically will be devoted to this purchase come from the acquisition account with a balance of about \$491,000. When we finish the transaction, the balance will be just around \$10 or \$15,000. ... In addition to the ... cash price for closing the transaction, there will also be closing costs which are less than \$5,000." Mr. Guzman pointed out that the costs associated with the transaction are "incredibly less than ... two years ago. And the ... appraisal was conducted by the same ... firm. So that's in our advantage." Mr. Guzman provided background information with regard to the same, and expressed appreciation to the Joost family. He advised that the acquisition account will "remain low for a considerable amount of time. Toward the end of 2013, we'll have paid a bond and that will bring into [the Open Space Program] coffers about \$300,000 more every year."

Member Evans thanked the Joost family for their generosity, and inquired as to the possibility of paying installments until such time as the bond is paid. After having discussed the possibility with the City's Finance Department Director and the City's bond counsel, Mr. Guzman explained the difficulties associated with a government entity entering into an installment agreement. "The end result was that, for this transaction, those costs were anticipated to be around \$30,000 so we decided ... it's easier to pay cash." Chairperson Scott advised of having been an advocate of paying cash, "saving the costs of ... bond counsel ... and investment counsel ... and basically focusing us on what is going to be the next agenda item which is kind of a workshop to figure out where do we go from here. ... this was another way for us to become more in the management business as opposed to just acquisition and, frankly, ... there would be some discomfort at the Board level if we tried to get them to borrow money so we can buy more land so that we

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potentially could buy more land later on. ... that's really not, historically, where we've tried to focus ourselves. And this is one of those possibilities that, in partnership with Public Works, [which] really has caused this to be able to work and, of course, with the Joosts, who have been ... as good or better partner than anybody we've ever had as far as working ... and being flexible and being easy to work with." Chairperson Scott noted that the parcel is zoned for development "and it's really an inappropriate place for development given the nature of what else is around it at this time." Chairperson Scott expressed the opinion that "it makes sense to ... say this really should be in Open Space."

Vice Chairperson Lincoln expressed the opinion that the subject parcel "meets some of the conversations we've had about fire suppression and the responsibility of the City to have a buffer because we have to protect the homes ... from fire." In response to a question, Mr. Guzman anticipates no property "that will come up all of a sudden; however, [staff] has been ... kicking the tires with some other homeowners and the Board understood that and some of those were mentioned in the work program that you approved last month. ... they include the Potter family at the corner of Ormsby and Kings Canyon and ... also the Collard family and the Andersen Ranch whenever they are interested in pursuing a conservation easement. There was a new opportunity on the Hamm property, in between Timberline and the State Lands and the Board pretty much said, 'Well, unless something extraordinary happens, we don't think you should be buying more property.'" Chairperson Scott advised of having mentioned to the Board of Supervisors the possibility of other tools such as similar to the Casey Trust acquisition. He suggested that now is a better time economically for the Open Space Program to be out of money.

Chairperson Scott entertained comments of Deputy Public Works Director Darren Schulz, who expressed appreciation for the compliments to the Public Works Department. He acknowledged the process, and expressed the opinion that the compliments should be passed onto the Joost family for their patience. He commended the Joost family's partnership through the process. "... we're excited to get it this far and we certainly support the action before you tonight to acquire that parcel to the north."

Chairperson Scott noted that the ongoing improvements touch on this property in a couple places. He suggested entering into an easement so that the Public Works Department is covered for both the ditch on the west side of Wellington Crescent as well as the upper end of the access road. He further suggested covering any portion of the property which has water lines. Mr. Schulz acknowledged the suggestions.

With regard to the Wellington Crescent property, Member Green-Preston inquired as to whether the easement will be abandoned. She expressed concern over emergency vehicle access through the Wellington Crescent property in consideration of fire suppression and staging. Mr. Schulz advised that the easement will be retained by the City forever. "We're just going to close it to public access ... We'll have a gate there and we'll have locks on it. Both [the Public Works Department] and the Fire [Department] will have ... access ..."

Chairperson Scott entertained additional committee member comments and public comments. When none were forthcoming, he thanked Karen and Karla Joost, who were present in the meeting room. Mr. Guzman noted the evaluation form, the map, the updated appraisal, the contract, a preliminary title report, and the plans from the Public Works Department demonstrating the improvements, included in the agenda materials. In response to a question, Chairperson Scott requested that the action reflect the updated purchase price. He again entertained additional committee member and public comments and, when none were forthcoming, a motion. **Member Inversin moved to recommend to the Board of Supervisors the**

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fee title acquisition of a 20.25-acre parcel, owned by the Joost Land and Cattle Company, located in the vicinity of Ash Canyon, APN 7-101-55, at \$390,000.00. Member Green-Preston seconded the motion. Mr. Guzman and Mmes. Joost acknowledged the accuracy of the \$390,000.00 purchase price. Chairperson Scott entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 6-0.** Chairperson Scott again thanked Mmes. Joost.

3-C. POSSIBLE ACTION TO APPROVE STAFF TO MOVE FORWARD WITH PLANNING A WORKSHOP WITH AN OUTSIDE FACILITATOR FOR THE PURPOSE OF DISCUSSING STRATEGIES FOR THE MANAGEMENT OF OPEN SPACE LANDS (6:43:21) - Chairperson Scott introduced this item, and Mr. Guzman reviewed the agenda materials. He advised that Consultant Mark Kimbrough will facilitate the workshop. Chairperson Scott expressed the opinion “this is the way we establish the legacy of ... Open Space ... It’s not buying wilderness. It’s buying property and how do we manage it? How do we make it fit into the bigger picture? How do we make it benefit the citizens of Carson?” Chairperson Scott described the process as “an important transition ... to try to get to that point.”

The committee members discussed possible dates. Mr. Guzman acknowledged the necessity of a quorum, and Chairperson Scott agreed. Following discussion and a consensus of the committee members that a weekday would be preferable to a weekend day, Mr. Guzman advised that staff would research additional dates and contact the committee members by e-mail.

(6:52:24) Mr. Kimbrough described “homework assignments” which would be precede the workshop. Chairperson Scott provided direction relative to the possible workshop dates as well as an outline of the homework assignments “in terms of ... initial input ... substantially prior to the meeting.” He suggested presenting a draft agenda to the committee members to ensure mutual understanding of the direction of the workshop. Vice Chairperson Lincoln suggested including, as part of the workshop, an overview of the Open Space Advisory Committee manual. Mr. Kimbrough advised that part of the homework assignment would include a celebration of the accomplishments.

Chairperson Scott entertained additional committee member comments and public comments. When none were forthcoming, he entertained a motion. **Member Evans moved to approve staff to move forward with the planning for a workshop with an outside facilitator for the purpose of discussing strategies for the management of Open Space lands. Member Inversin seconded the motion.** Chairperson Scott entertained additional committee member comments and public comments. When none were forthcoming, he called for a vote on the pending motion. **Motion carried 6-0.** Chairperson Scott thanked Mr. Kimbrough.

3-D. POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE TENTATIVE 2012-13 BUDGET FOR THE OPEN SPACE PORTION OF THE QUALITY OF LIFE INITIATIVE (6:58:17) - Chairperson Scott introduced this item, and Mr. Guzman reviewed the agenda materials. Chairperson Scott entertained questions or comments of the committee members and, when none were forthcoming, public comments. When none were forthcoming, he entertained a motion. **Vice Chairperson Lincoln moved to recommend to the Board of Supervisors approval of the tentative 2012 / 2013 budget for the Open Space portion of the Quality of Life Initiative. Member Riedl seconded the motion.** Chairperson Scott called again for committee member and public comments. When none were forthcoming, he called for a vote on the pending motion. **Motion**

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carried 6-0. The committee members commended the monthly budget reports. Chairperson Scott noted the importance of including photographs as part of staff's presentation of agenda items.

3-E. POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A PRESENTATION AND PROCLAMATION FOR INVASIVE SPECIES AWARENESS WEEK, MAY 13 - 19, 2012 (7:03:56) - Chairperson Scott introduced this item, and Ms. Bollinger reviewed the agenda materials in conjunction with displayed slides. Member Evans assisted in the presentation, and discussed the purpose of Invasive Species Awareness Week "to ... focus the public on this topic." At Chairperson Scott's request, Member Evans provided an overview of the upcoming Weed Warriors Class. She acknowledged the class spans two half-days, and that she will be available following conclusion of the class to visit noxious weed areas in Carson City.

In response to a question, Member Evans advised that Carson City has a "very big problem with tall white top or perennial pepperweed." She explained the reason it was omitted from the early-detection rapid response "is because we have too much of it to hope to eradicate it from Carson City now. It is our third priority and that is ... we're trying to control and reduce the size of current infestations. So we try to catch any outliers and then we hope to shrink the infestations." Ms. Bollinger advised that the nine noxious weeds included in the presentation are those with "small populations that we can control and eradicate at this point. ... The Carson City Weed Coalition used to have thousands of dollars in grant funds and their funding is also drying up and so they need to really focus ... their efforts."

Chairperson Scott noted the importance of considering issues such as noxious weeds for the upcoming workshop. He entertained additional committee member comments or questions and, when none were forthcoming, thanked Ms. Bollinger and Member Evans for their presentation. He entertained public comment and, when none was forthcoming, a motion. **Member Evans moved to recommend to the Board of Supervisors a presentation and proclamation for Invasive Species Awareness Week, May 13 - 19, 2012. Member Riedl seconded the motion.** Chairperson Scott entertained public comments and committee member comments. When none were forthcoming, he called for a vote on the pending motion. **Motion carried 6-0.**

3-F. DISCUSSION AND UPDATE REGARDING THE LAKE TAHOE NEVADA STATE PARK GENERAL MANAGEMENT PLAN (7:23:53) - Chairperson Scott introduced this item, and Ms. Bollinger reviewed the agenda materials. Mr. Guzman provided an overview of comments provided at the agency and public meetings held in March. Member Inversin advised of having attended the workshop and commended the format. "One of the most exciting things is there's going to start a trial of a shuttle service to Sand Harbor from Incline Village this summer with the plan eventually to have a shuttle service along the whole east side from Spooner all the way up to Incline, maybe even past that." Member Inversin advised of having provided her comments via e-mail, and of having received a response from Jay Howard. "They're really doing due diligence on this."

Mr. Guzman reminded the committee of the Forest Legacy grant application toward purchase of the Benna-Marshall property. He advised the project did not score well enough nationwide to be funded; however, the family has a great interest in selling the land to a public agency. Staff has directed them to the Nevada Division of State Lands, which representatives have expressed an interest but need to identify a funding source. In response to a question, Mr. Guzman advised that the City maintains Ash Canyon Road beyond the water tanks all the way up to the crest of the Open Space property. Chairperson Scott entertained

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additional committee member and public comments or questions. When none were forthcoming, he thanked staff for the update.

(7:33:10) Mark Kimbrough advised that the Incline Village General Improvement District denied the proposed parking facility associated with the plan. He discussed his involvement in development of the trails portion of the plan.

3-G. DISCUSSION AND UPDATE REGARDING THE BLM CARSON CITY DISTRICT RESOURCE MANAGEMENT PLAN (7:30:05) - Chairperson Scott introduced this item, and Mr. Guzman reviewed the agenda materials. Chairperson Scott expressed the opinion that the subject and previous items should be covered in the upcoming workshop. He entertained committee member and public comments or questions; however, none were forthcoming. He recognized Ward 2 Board of Supervisors Candidate Maurice White, who was present in the meeting room.

4. NON-ACTION ITEMS

4-A. STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF (7:35:31) - Mr. Guzman reviewed the "FYI" items included in the agenda materials. (7:38:01) Mr. Guzman advised that he and Ms. Bollinger had been reassigned to the Carson River Advisory Committee.

4-B. MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (7:37:22) - At Member Green-Preston's request, Mr. Guzman agreed to accommodate any interested Carson River Advisory Committee members on the Open Space tour. Mr. Moellendorf advised that the tour is a public meeting and anyone can participate. In response to a question, Ms. Bollinger provided background information on the PBS "America's Heartland" series for which she has been asked to provide an interview. At Chairperson Scott's request, she provided information on the method by which to view the broadcast. Vice Chairperson Lincoln thanked staff for including the article from the *Law Review Journal*, and discussed its value to the Goni Canyon Preservation League, of which she is a member. Member Inversin reported that Muscle Powered is again sponsoring the Bike-to-Work Week / Month in May. Member Green-Preston reported "a lot of dogs off leash," and advised of having been knocked down a couple times. Mr. Guzman agreed to follow up.

5. FUTURE AGENDA ITEMS - Previously covered.

6. CITIZEN COMMENTS (7:44:23) - Chairperson Scott entertained public comment; however, none was forthcoming.

7. ACTION ON ADJOURNMENT (7:44:32) - Vice Chairperson Lincoln moved to adjourn the meeting at 7:44 p.m. Member Riedl seconded the motion. Motion carried 6-0.

The Minutes of the April 16, 2012 Carson City Open Space Advisory Committee meeting are so approved this 18th day of June, 2012.

BRUCE SCOTT, Chair