

CARSON CITY OPEN SPACE ADVISORY COMMITTEE
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A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, February 27, 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 Terri 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 materials 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 (6:01:35) - Vice Chairperson Scott called the meeting to order at 6:01 p.m. Roll was called; a quorum was present. Vice Chairperson Scott advised that Chairperson Dan Jacquet had earlier tendered a letter of resignation. (6:03:31) Vice Chairperson Scott welcomed new members Margie Evans and Donna Inversin.

CITIZEN COMMENTS (6:02:57) - Vice Chairperson Scott noted there were no citizens present in the audience.

1. ACTION ON APPROVAL OF MINUTES - November 21, 2011 (6:03:00) - Member Inversin noted a correction to the minutes. Ms. Russom provided direction relative to the committee's action, and Vice Chairperson Scott entertained a motion. Member Riedl moved to approve the minutes, as amended. The motion was seconded and carried 4-0-2, Members Evans and Inversin abstaining.

2. MODIFICATIONS TO THE AGENDA (6:05:10) - Vice Chairperson Scott entertained modifications to the agenda; however, none were forthcoming.

3. MEETING ITEMS:

3(A) ACTION TO ELECT A CHAIR AND VICE CHAIR FOR THE OPEN SPACE ADVISORY COMMITTEE FOR 2012 (6:05:23) - Vice Chairperson Scott introduced this item and entertained nominations for committee chair. Member Riedl proudly nominated Bruce Scott as committee chair. Member Evans seconded the nomination. Vice Chairperson Scott entertained additional nominations and, when none were forthcoming, Member Riedl moved to close nominations. Member Lincoln seconded the motion. Motion carried unanimously.

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Chairperson-elect Scott entertained nominations for committee vice chair. Following a brief discussion, Member Riedl nominated Member Lincoln as vice chair. Member Green-Preston seconded the nomination. Chairperson-elect Scott entertained additional nominations and, when none were forthcoming, Member Evans moved to close nominations. Member Riedl seconded the motion. Motion carried unanimously. Chairperson-elect Scott noted there were no citizens present in the audience.

3(B) POSSIBLE ACTION TO RECEIVE PUBLIC TESTIMONY AS PART OF THE NATIONAL ENVIRONMENTAL POLICY ACT SCOPING SESSION FOR THE ASH CANYON TO KINGS CANYON PROPOSED TRAIL PROJECT BEING CONDUCTED IN PARTNERSHIP WITH THE U.S. FOREST SERVICE, MUSCLE POWERED, AND CARSON CITY (6:08:31) - Chairperson Scott introduced this item. Ms. Bollinger provided background information and reviewed the agenda materials in conjunction with displayed slides. In response to a question, Mr. Guzman explained that since the project is currently in the scoping process, "the entire range of possibilities must be studied. With the notice of decision, ... [the U.S. Forest Service District Ranger] will have a preferred alternative as to the route." Mr. Guzman anticipates that the route will be outside private lands. The purpose of the scoping process is to assist the District Ranger in determining the correct route.

Ms. Bollinger acknowledged that the public comment period will be closed March 2nd. In response to a further question, she anticipates the USFS District Ranger's decision to follow shortly thereafter. Ms. Bollinger advised that the botanical and archaeological surveys are complete. USFS staff is in the process of completing other surveys, such as relative to wildlife and watershed. Mr. Guzman responded to questions of clarification relative to the trail route, parking, and signage.

Chairperson Scott entertained additional questions or comments and, when none were forthcoming, inquired as to comments the committee would like to convey to the USFS. When none were forthcoming, he recommended conveying the committee's hearty support of the trail project. He requested staff to keep the committee informed relative to "anything we can do to help them move quickly." He commended the volunteer element of the project, and noted the public scoping meeting represented a good indication of the regional interest.

Mr. Guzman noted there were no citizens present in the audience, and Chairperson Scott entertained a motion. **Vice Chairperson Lincoln moved to accept public testimony as part of the National Environmental Policy Act scoping session for the Ash Canyon to Kings Canyon proposed trail project being conducted in partnership with the U.S. Forest Service, Muscle Powered, and Carson City. Member Inversin seconded the motion.** Chairperson Scott suggested adding the committee's hearty support and recommendation of approval for the project. **Vice Chairperson Lincoln so amended her motion. Member Inversin continued her second.** Chairperson Scott entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 6-0.** Ms. Bollinger advised that Jeff Potter was unable to attend the meeting due to illness. Chairperson Scott commended Mr. Potter's volunteer efforts toward the project.

3(C) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS ACCEPTANCE OF THE MONITORING REPORT FOR THE HORSE CREEK RANCH CONSERVATION EASEMENT FOR 2011 (6:20:43) - Chairperson Scott introduced this item. Ms. Bollinger provided background information and reviewed the agenda materials in conjunction with displayed slides. At Vice Chairperson Lincoln's request, Ms. Bollinger agreed to provide a side-by-side

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comparison of this year's photograph's and next year's as part of the next annual monitoring report. In response to a question, Chairperson Scott expressed the opinion that the gophers currently represent no real concern, but suggested continued monitoring.

In response to a question, Ms. Bollinger advised that Mr. Fagen generously established a \$50,000 stewardship account with the conservation easement. Staff will discuss a solution to the head cut issues with Mr. Fagen. By way of explanation, Mr. Guzman discussed the City's affirmative duty, prescribed by statute, to enforce the provisions of the conservation easement. "Mr. Fagen has most of the responsibility for maintenance of the ranch ... and to continue ... practices that are not contrary to the values of the [conservation] easement. ... In practice, ... we go and ... determine what it is that needs to be done and is it appropriate to obtain monies from the stewardship account ... or [Mr. Fagen], or is it third-party and neither [Mr. Fagen] nor [the City] has any responsibility. ... So there is quite a bit of talking in determining who ... is going to pay for what." Chairperson Scott discussed concerns regarding the headcuts, and suggested gently encouraging Mr. Fagen, who he described as a "wonderful partner to the Open Space [Program] ...," to be part of the solution. He further suggested "gradually work[ing] with Mr. Fagen to upgrade the condition of the property ... There's always the potential, in the future when we're well-funded again, that other parts of the meadow might also be subject to conservation easement and maybe we could bring the whole thing together." Chairperson Scott encouraged Open Space Program staff to continue the positive, cooperative approach to partnership with Mr. Fagen.

Member Riedl commended Mr. Fagen on his partnership relative to the monitoring plan. "It appears that he was fully aware and proactive in ... this particular monitoring session." Member Riedl noted the two annual monitoring reports thus far. "And as we do more monitoring, we're going to be able to see trends, where the problem areas are, and begin to program effective measures to rehabilitate those." Member Riedl commended the results of the monitoring report, noting the evidence that Mr. Fagen "continues to be a wonderful steward of the land."

Chairperson Scott entertained additional committee member and staff comments. When none were forthcoming, he entertained a motion. **Member Riedl moved to recommend to the Board of Supervisors acceptance of the monitoring report for the Horse Creek Ranch Conservation Easement for 2011. Vice Chairperson Lincoln seconded the motion.** Chairperson Scott noted there were no citizens present in the audience, and called for a vote on the pending motion. **Motion carried 6-0.**

3(D) DISCUSSION ONLY REGARDING THE OPEN SPACE MASTER PLAN ELEMENT AND THE OPEN SPACE ADVISORY COMMITTEE PROVISIONS, AS OUTLINED IN CARSON CITY MUNICIPAL CODE, CHAPTER 13.06 (6:34:53) - Chairperson Scott introduced this item. Mr. Guzman provided background information and reviewed the agenda materials. In response to a question, he advised that the Open Space Program owns no water rights. "Carson City Utilities owns water rights in general that are ... of municipal quality. Carson City also provides for a yearly permit so the water rights that are of an agricultural nature can be applied to that area. ... The water rights belong to the Andersen and the Jarrard families. When we purchased these lands, the water rights were about five times more valuable than the land so we could not afford the water rights." In response to a further question, Mr. Guzman advised that the respective purchase agreements require one-year notice to be provided to the Open Space Program and "we have to provide them with the ability to continue to farm which means that we will have to find water for them to farm for up to a period of four years." Mr. Guzman anticipates that if the water rights were sold, the Andersen and Jarrard families would not want to continue their farming

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operations. "Then what will happen is that we have to find a source of water for those lands." Mr. Guzman advised of previous discussions regarding the possibility of extending effluent lines to the subject properties. More recently, consultants have been hired, through the Public Works Department, "to work on this specific ... issue to begin to find alternatives to irrigate these lands the most economical way. That is just a subset of the overall function of the Public Works Department of providing water for Carson City."

Mr. Guzman further explained that the Open Space Program has the ability to purchase water rights. "... one of our main grant sources, the Southern Nevada [Public Lands Management Act] can also be used for the purchase of water rights. We have not, up to this point, elected to purchase water rights." Mr. Guzman advised that Vidler Water Company representatives have verbally offered to provide water rights to cover the needs associated with the Andersen and Jarrard properties for a ten-year period at no cost. In response to a question, Mr. Guzman assured the committee members that no one could purchase the water rights and then drill wells. He pointed out, on a displayed map, the land currently owned by the Open Space Program and land yet to be acquired subject to conservation easement. Chairperson Scott clarified that the water rights associated with the Jarrard property could technically be transferred; "practically, that's pretty difficult." He advised that Open Space Program consultants are working on a number of areas to ensure water rights for the open space property. He anticipates the committee's future involvement in water rights matters.

In response to a question, Mr. Guzman discussed the provisions of CCMC Section 13.06.080 relative to the Nevada Open Meeting Law and confidentiality. Following a brief discussion, Chairperson Scott noted that any materials included in the committee's agenda packets would be open to the public. Discussion followed, and Mr. Guzman cautioned the committee members against *ex parte* communications. Chairperson Scott expressed appreciation for the Board of Supervisors' support of the Open Space Advisory Committee's recommendations over the years, provided background information on the origins of the Open Space Program and subsequent open space ordinance, and discussed the current transition from acquisition to management. Chairperson Scott noted there were no citizens present in the audience, and thanked Mr. Guzman for his presentation.

3(E) POSSIBLE ACTION TO ACCEPT THE BUDGET RECAP REPORT FOR THE MONTHS OF DECEMBER 2011, JANUARY 2012, AND THROUGH FEBRUARY 17, 2012 (7:10:08) - Chairperson Scott introduced this item. Mr. Guzman reviewed the agenda materials, as well as the 2013 preliminary budget request which was distributed to the committee members prior to the start of the meeting. Mr. Guzman responded to questions of clarification, and discussion ensued, regarding the hourly / seasonal salaries and foul weather allowance line items. Mr. Moellendorf provided additional clarification. At Member Riedl's request, Mr. Guzman agreed to include the Open Space Program revenues in the budget recap report, as well as a comparison between this year's and last year's figures. Mr. Moellendorf advised that the Open Space Program is "a little bit ahead of revenues compared to the previous year. ... The bad news is we're under budgeted projections."

Chairperson Scott entertained additional committee member questions or comments and additional staff comments. When none were forthcoming, he noted there were no citizens present in the audience and entertained a motion. **Member Riedl moved to accept the budget recap report for the months of December 2011, January 2012, and up to February 17, 2012. The motion was seconded and carried unanimously.**

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3(F) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A WORK PROGRAM OUTLINE FOR THE YEAR 2012 (7:24:15) - Chairperson Scott introduced this item, and Mr. Guzman reviewed the agenda materials. Mr. Guzman, Ms. Bollinger, and Mr. Moellendorf responded to questions of clarification throughout the presentation. Mr. Guzman reviewed the Land Transactions portion of the work program outline in conjunction with displayed slides. In reference to the Joost property land transaction, he acknowledged that the Wellington Crescent access will eventually be terminated. In conjunction with the displayed slides, he provided background information on the details of the Joost property transaction. "As a consequence of this transaction, Mr. Leid was satisfied, Karen Joost was very satisfied, the Wellington Crescent neighbors are satisfied, and Public Works ended up with what they wanted on this piece of ground." In response to a question, Mr. Guzman advised that the purpose of the new road is to facilitate public access. It may be gated to regulate traffic in the event of fire, flood, or snow. Mr. Guzman acknowledged that the road will be maintained. In response to a question, Ms. Bollinger advised that the City will be responsible for maintaining a fuels break between Wellington Crescent and the Joost property.

Mr. Guzman acknowledged that Rob Potter continues to be agreeable to an exchange of properties. Mr. Potter has requested an additional meeting, together with his attorney, James Cavilia. "We'll ... start again in earnest trying to figure out how to ... find value on both sides." Chairperson Scott entertained additional questions or comments of the committee members. Mr. Guzman explained "one of the criteria as to what gets purchased and what doesn't has to do with two things. Number one is urgency. ... The other one is a grant source. ... The property that Mr. Potter owns ... he's trying to sell to us ... and we haven't been able to identify a grant source to be able to work with him more effectively."

Chairperson Scott entertained a motion. **Vice Chairperson Lincoln moved to recommend to the Board of Supervisors for staff to continue work, as presented, with the acknowledgment that the primary activity of the staff relates to the management of lands as opposed to new acquisitions of property. Member Riedl seconded the motion.** Chairperson Scott again noted there were no citizens present in the audience, and called for a vote on the pending motion. **Motion carried 6-0.**

3(G) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE ANNUAL ACTIVITIES REPORT OF THE OPEN SPACE ADVISORY COMMITTEE FOR CALENDAR YEAR 2011 (7:55:35) - Chairperson Scott introduced this item, and Mr. Guzman reviewed the agenda materials. Member Evans requested staff to include the number of volunteer hours donated to the Open Space Program "just to reiterate the buy-in of the community." Chairperson Scott requested that all the committee members sign the report letter. He noted there were no citizens present in the audience, and entertained a motion. **Member Riedl moved to recommend to the Board of Supervisors a report regarding the accomplishments of the Open Space Program for 2011, with the recommendations discussed on the record. Member Green-Preston seconded the motion. Motion carried 6-0.**

4. NON-ACTION ITEMS:

4(A) STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF (8:01:56) - Mr. Guzman reported that Open Space Program staff provided presentations to the Legislative Committee on Public Lands, two meetings of the Rotary Club, and the Carson River Coalition. He noted the number of newspaper articles included in the agenda materials as FYI items.

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4(B) MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (7:59:45)-

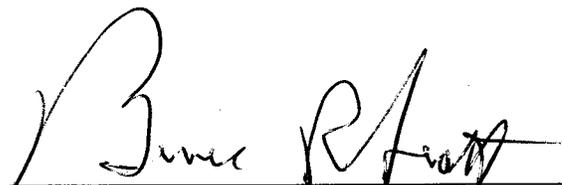
In reference to the informational materials contained in the agenda packets, Member Evans provided a brief overview of the Weed Warriors training schedule. She acknowledged that training is available to anyone interested. Ms. Bollinger advised that she and Member Evans are two of the Weed Warriors educators. Ms. Bollinger and Ms. Evans responded to questions regarding the benefits of the Carson City training location. (8:02:55) At Chairperson Scott's request, Members Evans and Inversin provided background information on their community involvement and interest in serving as committee members. Chairperson Scott welcomed both ladies. Member Inversin thanked Ms. Bollinger for the signage installed on the Mexican Ditch Trail at Fifth Street. In response to a question, Ms. Bollinger offered to discuss with Mr. Moellendorf and Parks and Recreation Director of Operations Scott Fahrenbruch the possibility of installing similar signage on the freeway multi-use path.

Member Riedl thanked the Board of Supervisors for reappointing him, and discussed the emphasis, during his interview, on land management and trail development. He noted the importance of aligning the committee's goals and objectives to that effort while continuing to consider acquisition opportunities. Member Inversin advised that she is the new Muscle Powered president.

Chairperson Scott reviewed details of the Hidden Meadow plat map distributed to the committee members and staff prior to the start of the meeting. He suggested considering contacting the property owners with water rights to offer them the opportunity to donate their water rights to Carson City for the benefit of Open Space "with the only payment being the cost of the transfer and development of some kind of a value by an appraiser so that they could use that in ... receiving a tax benefit. And if this committee was in agreement," Chairperson Scott suggested that RCI would "do all the paperwork and all the contact work in conjunction with staff and do the transfers basically for the cost of recording fees for anybody that would want to volunteer that." He clarified that an appraisal would be necessary "to provide a generic value ... of so many dollars an acre foot for that water. This is a ... relatively early priority on the Carson River." Mr. Guzman offered to agendize the item for discussion and possible action.

5. **FUTURE AGENDA ITEMS (8:11:26)** - Previously covered.
6. **CITIZEN COMMENTS (8:13:12)** - Ms. Russom noted there were no citizens present in the audience.
7. **ACTION TO ADJOURN (8:13:35)** - Vice Chairperson Lincoln moved to adjourn the meeting at 8:13 p.m. The motion was seconded and carried unanimously.

The Minutes of the February 27, 2012 Carson City Open Space Advisory Committee meeting are so approved this 16th day of April, 2012.



BRUCE SCOTT, Chair