

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the March 9, 1998 Meeting

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A regular meeting of the Open Space Advisory Committee was held on Monday, March 9, 1998 in the City Hall Capitol Conference Room, 201 No. Carson St., Carson City, NV at 6:00 p.m.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Deborah Uhart
Mike Fisher
James Henry
Don Quilici
Bruce Scott
Robin Williamson

STAFF: John Berkich, City Manager
Mary Walker, Finance Director
Steve Kastens, Parks and Recreation Director
Walter Sullivan, Community Development Director
Melanie Bruketta, Deputy District Attorney
Juan Guzman, Senior Planner
Vern Krahn, Park Planner
Fran Smith, Recording Secretary
(OSAC 3/9/98 1-0000.5)

NOTE - Unless otherwise indicated each item was introduced by Chairperson Hartman. Individuals speaking are identified following the heading of each item. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

A. CALL TO ORDER - Chairperson Hartman called the meeting to order at 6:00 p.m. A roll call was taken and a quorum was present although Member Henry did not arrive until 6:11 and Member Quilici did not arrive until 6:45 p.m.

B. APPROVAL OF MINUTES - Member Scott moved to approve the Minutes of the January 12, 1998 meeting. Member Fisher seconded the motion. Motion carried 5-0.

Member Scott moved to approve the Minutes of the February 9, 1998 meeting. Member Fisher seconded the motion. Motion carried 5-0.

C. MODIFICATION OF AGENDA - None.

D. PUBLIC COMMENT - None.

E. DISCLOSURES - None.

F. PUBLIC HEARINGS

F-1 DISCUSSION AND POSSIBLE ACTION REGARDING:

- a. Status of Open Space Fund Account and**
- b. The Procedures and Mechanism Available for the City for Using Revenue Bonds**

(1-0015.5) Ms. Walker suggested that the Committee plan well, not be pressured and take their time. She said the Parks Department had a plan with many projects before they went to the Board of Supervisors and it had worked out well. She provided copies of a draft of the Quality of Life funds which was based on the 1/4 cent sales tax. She reviewed it in detail and responded to questions from the Committee. Included in her comments was information on the bonding process which she said would probably be in October. She also cautioned against separate bonding because of the cost. Member Williamson asked how long would the Committee have before they had to spend the bonding funds. Ms. Walker explained the problems that arbitrage presents and cited what had

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happened to New York City and also the City in the 1986 Park bond issue. She commented that the bonding is approximately a four month process and said this relates back to planning she had noted previously. She also said she had asked the City's bond counsel to write a letter outlining the methods of financing and the legal requirements and that she would provide the Committee with copies as soon as it is available. No formal action was taken.

F-2 DISCUSSION AND PRESENTATION BY JOHN SINGLAUB, BUREAU OF LAND MANAGEMENT, AND ALLEN BIAGI (STATE OF NEVADA) REGARDING THE SUBJECT OF MERCURY CONTAMINATION ALONG THE CARSON RIVER - (1-0295.5) Mr. Singlaub said the mercury problem had come to a head because of a land exchange they were trying to put together involving a ranch in Lyon County that straddles the river and includes the area identified by EPA as a Super Fund site which extends from Deer Run Road Bridge downstream. He added that as long as the lands are privately owned or owned by some other non-Federal entity EPA is responsible for the cleanup. If, however, the lands are owned by a Federal entity that agency is responsible. Therefore, if BLM acquired land within the Super Fund site they would acquire the liability. He said the testing they had done in the area did not show particularly harmful levels. He commented that the solution they had come up with in that particular exchange was that they would hope to have a conservation easement or have the owner donate it to the state because the State is trying to piece together the river in terms of parks. He noted this is likely to occur and would keep BLM out of the flood plain itself and they would have the land adjacent and on up. He said EPA has a map showing the affected area and that it is basically in the flood plain and downstream from Deer Run Bridge.

(1-0349.5) Mr. Biagi was not at the meeting but the State was represented by Quint Aninao who felt the issues regarding open space are health concerns and liability. He noted the health concerns EPA has established and said they are primarily for the residential subdivisions and is based on full time exposure. He added that the mercury has not been found in the ground water but rather is in soil. He noted that breathing is apparently not a problem. He said the State of Nevada owns the bed and banks of the river and is liable for that aspect. He also said DRI has done some research and determined that bacteria occurs in wetland areas where there is stagnant water. Member Scott said what had precipitated this item being on the agenda was it had been brought to the attention of the Committee that John Serpa had proposed a land trade and part of that was a piece of the river. He added that CRAC had reviewed the concept and recommended it go forward. He said the question had come up with this Committee as to whether the mercury was an issue and, if so, to what degree. He said the Committee felt before they made a recommendation they should ask about the mercury issue to make sure they do not react without having all the information. Mr. Singlaub said when he first heard of the proposal it did not include the selected lands. He added he had said they would be interested in acquiring those lands but they had a concern about the mercury, not only in the stream, but also because there may have been additional mills on the side of the river that could have mercury contamination. He said he had urged Mr. Serpa to have a hazardous material study of the area to determine what is there. He said that was over a year ago and he had not heard from Mr. Serpa. He felt that a solution could be worked out as with the ranch in Lyon County mentioned previously. Member Fisher asked if it would be the responsibility of EPA if Carson City owned property along the river that had mercury contamination. Mr. Aninao reiterated what he had previously said about the State owning the bed and banks of the river that they are their responsibility. He felt before OSAC acquires any property along the river they should do some sampling to determine if there is a problem and if there is it would depend on what they plan to do with the property because the problem would be intermittent. Member Scott said this Committee has confidence in what CRAC has done and asked if OSAC were to make a recommendation would it cause a problem for CRAC. Chairperson Mark Kimbrough of CRAC said when they were presented with the proposal there was an assumption on their part that BLM knew about this and had dropped it. He noted what they had looked at was that the properties on the river are very valuable because they want to protect the wildlife and habitat. He said the other thing they are trying to do is make the river safe for the public. He added their priorities for purchase are properties above the mercury. Member Scott mentioned the possibility of monitoring the mercury. Mr. Kastens felt that CRAC had not voted in favor of it in an attempt to force BLM to something, but rather it was a message to BLM that according to their plan what this trade would be is an implementation of that plan. Mr. Guzman said if lands are going to be protected from development because of mercury contamination perhaps this Committee should not consider acquisition. Mr. Aninao said it is a question of expense and said if residences were to be built the solution would be to dig out 1-1/2 or 2 feet and replace it with clean material. However, for open space or recreation purposes like bike paths, picnic areas, campgrounds, etc. the exposure level is much higher. Chairperson Hartman felt from the

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bridge down where most of that is going to be high water and there would not be development in the floodway. No formal action was taken.

Member Quilici arrived at 6:45 p.m. during this discussion.

F-4 DISCUSSION AND POSSIBLE ACTION REGARDING SUPPORT FOR A TRADE OF LANDS BETWEEN JOHN SERPA AND THE BUREAU OF LAND MANAGEMENT ON PROPERTIES ALONG THE CARSON RIVER EAST OF DEER RUN ROAD BRIDGE, SOUTH OF U.S. HIGHWAY 50 EAST AT THE CARSON CITY/LYON COUNTY LINE, EAST OF GONI ROAD AND IMMEDIATELY NORTH OF THE INDUSTRIAL AREA AND F-7 DISCUSSION AND POSSIBLE ACTION REGARDING ADOPTION OF A RESOLUTION IN FAVOR OF THE BUREAU OF LAND MANAGEMENT'S LAND EXCHANGE PROGRAM - (1-0653.5) Member Williamson asked if any of the land is city owned. Mr. Kastens said it was his understanding that patented land is under the ownership of the U. S. Government and there are restrictions on its use. On F-4 Member Scott then moved that the Open Space Committee support the concept of the appropriate acquisition subject to the liabilities they have to consider by BLM of Carson River lands in conjunction with the Carson River Advisory Committee recommendations. Member Fisher seconded the motion. Member Scott said his motion was not to do the Serpa proposal but rather that the Committee feels the acquisition of the Carson River lands that have been identified would be a plus. Vice Chairperson Uhart asked if BLM would approach the neighbors to get their input and Mr. Singlaub said they had already done that. Motion carried 7-0.

(1-0725.5) On F-7 Member Scott moved to approve a draft resolution in keeping with the Committee's prior discussion and action earlier this year. Member Fisher seconded the motion. Motion carried 7-0.

F-3 DISCUSSION AND POSSIBLE ACTION REGARDING THE INTERIM MANAGEMENT PLAN FOR THE SILVER SADDLE RANCH - (1-0739.5) Mr. Krahn said Community Development had sent copies of the plan to the Commission and that Mr. Abbott would be discussing it. He added that the interim plan pretty much stands as what the Committee received. Mr. Abbott said they proposed the interim plan to get them through the coming year. He said the main points were they were trying to maintain the status quo until they can get their long range plans developed. He added they were proposing to irrigate the main pasture but not graze it and cut it for hay. He said the reasons for this were it would give their biology and wildlife people a better chance to see what kind of vegetative species would grow there and also if they could get an expansion of the cottonwood habitat along the river. He added they had asked if they could do this in cooperation with the City because they have the water. He said three ranchers who are interested in doing this for BLM have already approached them. He added they would do a sale of the hay to a rancher and then look for a way to split the cost with the City to help reimburse them for the cost of providing the water. He said they are not proposing to remove or destroy any of the structures until a Master Plan is approved and is also approved by SHPO. He noted in the interim they would maintain the structures and cultural features at the ranch. He said there is a caretaker at the ranch who is a fire employee who will stay there during the off season and likely stay when he goes back to work on the fire crew. He commented they have a temporary closure on the west side of the river and this is effective until October 1 when they hope to have their longer range plans for the area completed. He then talked about opening the ranch this year for selected activities and have already authorized CRAC to hold a meeting at the ranch, a Migratory Bird Day is scheduled, and a Public Land Appreciation Day is on their schedule. He said they are doing the Master Plan in cooperation with the City and are using CRAC as their main group to work with. He said the task force consists of himself, their wildlife biologist and a historic archaeologist, Mr. Kastens, Mr. Krahn, and Mr. Sullivan. He added they have also tried to select a citizen representative from each of the advisory committees and those are Mark Kimbrough of CRAC, Don Quilici of this Committee, Charles Wright of the Parks and Recreation Commission, and Mike Drews of HARC. He said they are in the process of selecting a range of reasonable alternatives and have a meeting at the ranch on March 11 with the group. He said they would try to get to what the preferred alternative for the ranch is. It will then be taken to the public in the next few months for their input. He said it was his hope to have a general Master Plan by the end of the year. He noted that Mexican Ditch is an easement across the property so the City is not restricted in their access and are also responsible for maintenance. He also said they are going to have a volunteer project working on protecting the trees from beavers. Member Scott asked if the irrigation issue for the coming summer is settled. Mr. Abbott said they have the support of the City to provide the water and are working on the details to implement the haying operation.

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(1-0931.5) Jay Ahrens of the Utilities Department said there are issues relating to the water which he wanted to explain. He said they had converted the ranch water rights to municipal use and in initial discussions the State engineer had indicated they would not give the City temporary use and that was a big concern. He provided extensive details on what could be done and also talked about the cost of the water. Discussion ensued on the subject and he responded to questions from the Committee. He also said any grants by the Utilities Department require approval by the Board of Supervisors. At this point Mr. Berkich thanked Mr. Abbott, Mr. Singlaub and the others at BLM for their presentation and cooperation. He said the water situation would be resolved and that a payment plan would be sent to the Board and felt this has to be handled as soon as possible. He said commitment from both agencies to do it is important. Member Scott felt that the Committee needed Mr. Quilici, as a member of the Task Force, to keep the Committee informed on their activities. Member Fisher then moved that the Open Space Committee support the interim plan for the Silver Saddle Ranch for 1998. Member Quilici seconded the motion. Motion carried 7-0.

F-5 DISCUSSION AND POSSIBLE ACTION REGARDING THE OPEN SPACE ADVISORY COMMITTEE'S ANNUAL REPORT OF ITS ACTIVITIES TO THE BOARD OF SUPERVISORS PURSUANT TO CARSON CITY MUNICIPAL CODE, SECTION 18.06.090 - (1-1151.5) Mr. Sullivan explained the requirements the Committee needs to comply with in their report. Chairperson Hartman asked if the report to the Board would be written or oral. He suggested that he and Mr. Sullivan get together to discuss the presentation. Member Scott felt it is important that the Committee let the Board know they have been hard working and active and that they appreciate the opportunity to continue making recommendations. Discussion ensued on whether the report should be oral or written. Member Quilici suggested that expenses incurred during the past year be included. Mr. Krahn commented that having this on TV is important. Member Scott moved that Mr. Sullivan prepare a short executive summary and that Chairperson Hartman be authorized to present it to the Board. Member Fisher seconded the motion. Motion carried 7-0.

F-6 DISCUSSING REGARDING THE FUNCTIONS OF THE OPEN SPACE ADVISORY COMMITTEE'S ALTERNATE MEMBER - (1-1239.5) Ms. Bruketta explained that Mr. Jacquet could participate in discussions but could not vote. She read from the Minutes of the February 20, 1997 Board meeting where this had been stated. No formal action was taken.

F-8 DISCUSSION AND POSSIBLE ACTION REGARDING OPEN SPACE ADVISORY COMMITTEE MEMBER ASSIGNMENTS FOR PRESENTATIONS BEFORE CIVIC GROUPS - (1-1303.5) Mr. Krahn said now that the neighborhood meetings have been held Jeff Winston had suggested the Members go out and talk to service groups. He had a list of the local organization which he provided to the Members. He felt they could study it and decide which they would like to appear before and that staff could go along as technical or advisory people. He noted they could supply the Members with questionnaires and visual information which could be part of a presentation. Member Uhart said she had already done the Soroptimists and Member Scott said he had recently met with the Chamber of Commerce Legislative Committee. Mr. Krahn said Member Fisher had already said he would do AARP, the Lions Club, and Rotary. Mr. Morgan said he had a video he felt could be used for those meetings. Member Scott asked about the summary of the neighborhood meetings previously discussed and Mr. Guzman said the information would be sent to Mr. Winston to do the summary. He felt the summary should be available in a couple of weeks. Member Henry said he works with the Carson Sunset Rotary Club and the Builders Association of Western Nevada. He added they are trying more and more to get involved. No formal action was taken.

F-9 DISCUSSION AND PRESENTATION OF INFORMATION REGARDING THE SAN PEDRO NATIONAL CONSERVATION AREA - (1-1417.5) Mr. Krahn had slides of the trip and gave a detailed presentation of where they had been and the work BLM has done to improve the area and also commented on assistance volunteer organizations have provided. He and Mr. Guzman also responded to questions from the Committee. Mr. Singlaub then provided details about a program relating to what they plan to do at the Silver Saddle. Vice Chairperson Uhart commented that what is important to the public is that the agricultural use be retained. Mr. Singlaub agreed and said there are many options. He added that the Nature Conservancy has played a critical role in a lot of the acquisitions. He said some of the things they have done in Arizona is purchase of property and all the rights. He added they played a strong role in putting together the corridor which is very important for migratory birds. He said their source of funding is their state lottery and the Arizona Heritage

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Program funds acquisition of properties some of which stay with the Nature Conservancy. He added that BLM is just one of many players and it is quite a partnership.

F-10 DISCUSSION AND PRESENTATION REGARDING A CLASS ON OPEN SPACE VALUATION ATTENDED BY STEVE KASTENS, PARKS AND RECREATION DIRECTOR - (1-1855.5) Mr. Kastens said he and Chairperson Hartman had attended a seminar on value of land affected by conservation easements while they were in Arizona. He felt it was an excellent class and suggested that Members attend any of these seminars that might be held locally. He felt that Assessor Kit Weaver and some local appraisers could also benefit. He said there had also been a segment on Guidance on Federal Law and Regulations. Member Fisher asked if there is anyone locally who has expertise in conservation easement appraisals and Chairperson Hartman said no. He then talked about the materials that had been presented relating to the IRS code in this area and expressed his feeling that local assessors need to be educated in the field. Mr. Kastens agreed and said it is just as important for potential sellers as it is for the Committee. Mr. Singlaub said they are working on purchasing development rights in Douglas County and are also working on making private lands available in Lincoln County. He commented that they have been meeting with cattlemen, the Farm Bureau, and RCI and discussing establishment of a trust. He said the cattlemen are interested and also people such as Bently who have considerable outside income could donate conservation easements and get a tax benefit. He added they are focusing on Carson Valley because of the threat of development. Member Scott said he wanted to make sure Mr. Schleicher and Mr. Winston get the information on what was being discussed here. No formal action was taken.

G. Internal Communications and Administrative Matters (Non-Action)

3. Staff Reports (Non-Action) - (1-2317.5) Mr. Krahn said he had talked to Mr. Winston about the survey and his recommendation had been to wait a month or two. He explained that Mr. Winston would be collecting the data from what he and Mr. Guzman will be supplying. He added there could also be other issues that come up such as using open space money to add to the opportunity of NDOT putting either viaducts over wetlands or underneath the freeway. Chairperson Hartman said there would be mailings to everyone from now until election day and expressed a concern that the survey would get caught up in that. Vice Chairperson Uhart said she had a concern that the questionnaire is going to be too difficult to fill out and did not believe people would do it. She wanted it to be simple and also did not understand why this should wait for a couple of months before its use. She also noted something that had come up at the Fritsch meeting was that the public had not previously been asked if they were willing to pay for open space but not trod on it. She said the response was that they were willing but there is nothing in the survey relating to that. Member Scott said he did not want to lose the momentum of the process. Mr. Krahn said he could work with Mr. Guzman on this for a couple of weeks and bring a report back to the Committee.

- 1. Consultant Report (Non-Action)** - Chairperson Hartman deferred this until the next meeting.
- 2. Committee Member Reports (Non-Action)** - Also deferred.
- 4. Future Committee Items** - Previously discussed.

H. ADJOURNMENT - There being no further business Member Fisher moved to adjourn. Member Henry seconded the motion. Motion carried 7-0. Chairperson Hartman adjourned the meeting at 8:29 p.m.

The Minutes of the March 9, 1998 meeting of the Open Space Advisory Committee

ARE SO APPROVED 4/6, 1998

/s/

Steve Hartman, Chairperson

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