

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the March 26, 2007 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, March 26, 2007 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Tricia Lincoln
Wayne Perock
Howard Riedl
Bruce Scott

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space / Property Manager
Joel Benton, Senior Deputy District Attorney

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 public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

CALL TO ORDER AND DETERMINATION OF QUORUM (6:00:45) - Chairperson Hartman called the meeting to order at 6:04 p.m. A quorum was present. Member Fischer was absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:05:05) - None.

1. ACTION ON APPROVAL OF MINUTES - February 26, 2007 (6:05:14) - Member Riedl moved to approve the minutes. Member Lincoln seconded the motion. Motion carried 6-0.

2. MODIFICATIONS TO THE AGENDA (6:05:36) - None.

3. AGENDA ITEMS:

3-A. ACTION TO APPROVE A PROPOSAL BY DAN CHILDS TO CONDUCT CREEK REHABILITATION AT THE FULLSTONE WETLANDS, APN 2-101-73, IN ORDER TO FULFILL THE REQUIREMENTS OF AN EAGLE SCOUT PROJECT (6:05:45) - Mr. Guzman introduced this item. Dan Childs introduced himself for the record, and reviewed the proposed project, an outline for which was included in the agenda materials. In response to a question, Mr. Childs advised of a trail which runs through the wetlands. Mr. Guzman advised that City Health Department representatives have informed him the wetlands represent "the biggest mosquito problem in the whole City," and have requested cooperation in mitigating the problem. He described the location of the proposed project, and advised that vegetation at the subject location is very conducive to incubation of mosquito larvae. He further advised that the project will be done under the supervision of Wood-Rodgers Consultant Leslie Burnside, who proposed the solution following the information provided by Health Department representatives. Mr. Guzman explained that the creek at the proposed project location must be excavated by hand, and described the proposed project as "a good fit." Member Perock expressed concern over channelizing the creek and ensuring that only noxious vegetation is removed. Member Scott suggested the deeper channel may serve as adequate habitat for mosquito fish. In response to a question, Mr. Guzman

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advised that the project will not eliminate the need to spray for mosquitos. The habitat will be manipulated in an attempt to alleviate the severity of the problem, and the situation will be monitored thereafter. Mr. Guzman advised that mosquito spraying usually takes place in May and again later in the summer if needed.

In response to a question, Mr. Childs advised that the proposed dates were selected based on his troop members' availability to participate in the project. In response to a question, Mr. Guzman advised there are various types of vegetation on the property. He reiterated that the project will be done under Leslie Burnside's supervision. Member Riedl advised there are cattails on the property, and that a culvert on Northridge Drive checks the elevation so as to prevent erosion. He noted the importance of picking up plastic bottles in and around the creek as these serve as incubators for mosquito larvae. Member Perock commended Mr. Childs on the project, and requested him to take advantage of the educational opportunity. He suggested dividing up the work so that all the participants have an opportunity for an overall experience. Vice Chairperson Jacquet suggested researching the benefits and possible detriments of such a project in a wetlands environment. Member Scott expressed support for hand excavation, and commended the project. He suggested other Eagle Scout projects may be borne out of the project. Chairperson Hartman thanked Mr. Childs and commended him on the project. He provided background information on Ms. Burnside's experience, and expressed support for focusing on the educational aspects of the project. He called for additional questions or comments and, when none were forthcoming, entertained a motion. With thanks to Mr. Childs and Troop #341, **Member Scott moved to approve a proposal by Dan Childs to conduct creek rehabilitation at the Fullstone Wetlands, APN 2-101-73, to fulfill the requirements of an Eagle Scout project.** Member Lincoln suggested amending the motion to indicate that the project will be done under the direct supervision of Consultant Leslie Burnside. **Member Scott so amended his motion. Member Perock seconded the motion.** Chairperson Hartman called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 6-0.**

3-B. STATUS REPORT REGARDING THE USE OF SHEEP FOR FUELS REDUCTION WITHIN THE CARSON RANGE FOOTHILLS (7:04:13) - Mr. Guzman introduced this item, and reviewed the route of two sheep bands using a displayed map. He advised that all clearances have been obtained, and provided direction with regard to public viewing of the sheep bands. In response to a question, he explained that the map approximates the grazing areas. The boundaries will be determined by field staff. Each band will not spend more than two days on lands to be grazed, with the exception of the sheep camps at the Weise property, USFS property, and Millard property. Mr. Guzman advised that all fuels are targeted this year. In response to a further question, he advised of excellent cooperation among the property owners, particularly the federal and state agencies. Nevada Division of Forestry staff will be responsible for watering the sheep. Mr. Guzman advised of a concern that Ms. Bollinger's hours are exhausted. An agreement has therefore been entered into with a private firm in order to continue accessing Ms. Bollinger's services. In addition, a supplemental budget request will be submitted for a permanent position. In response to a further question, Mr. Guzman discussed the timing of the grazing project in connection with the warm weather.

In response to a question, Mr. Guzman advised that, thus far, Open Space Program staff time has been contributed to develop the proposal. Nevada Division of Forestry is covering the costs for Mr. Borda to transport a second sheep band. The U.S. Forest Service is providing personnel to monitor the fuels reduction portion of the project. Mr. Guzman acknowledged that, once the subject project is completed, one band will be moved east to BLM land. He clarified that this is dependent upon certain permits being

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acquired through the BLM. Mr. Borda also has the option to move the sheep to an allotment north of the subject project. Member Scott expressed appreciation for USFS and NDF cooperation, and commended Ms. Bollinger on coordinating the project. In response to a question, Mr. Guzman advised that goat grazing will begin in July. Contracts are in the process of being reviewed and discussions have taken place with regard to appropriate grazing areas. In response to a question by Planning Division Director Walter Sullivan, Mr. Guzman pointed out an area between Lakeview and Division of State Lands property which will be included in the project.

3-C. ACTION TO PROVIDE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS IN REFERENCE TO THE DISPUTED OWNERSHIP OF A SECTION OF ORMSBY BOULEVARD, LOCATED APPROXIMATELY 200 YARDS SOUTH OF ITS INTERSECTION WITH KINGS CANYON ROAD, WITHIN THE POTTER PROPERTY (6:18:15)

- Mr. Guzman introduced this item, and reviewed the staff report. (6:24:19) Rob Potter advised that the area was originally intended to be part of the freeway bypass which is the reason for that portion of the easement on Ormsby Boulevard, from Washington Street to King Street, being 80 feet wide. Once a decision was made that the bypass would not be located on the west side of the City, "everything stopped and so did the paperwork." Mr. Potter provided additional historic information, and expressed a desire to "clean this up and get it done."

Member Perock expressed the hope that the City and the Potter family will be able to negotiate a settlement meaningful to both parties. Member Scott acknowledged public use of the property, and expressed a preference for an eighty-foot right-of-way to not be leading to or within open space. He noted the importance of terminating Ormsby Boulevard and establishing access to the parcels. Mr. Potter described a cul-de-sac created at the end of Ormsby Boulevard which was required of Mrs. Potter in order for adjacent development to take place. "Essentially that terminated Ormsby Boulevard. ... It is a cul-de-sac." In response to a question, Mr. Potter advised that the subject parcel is a little over two acres in size. Chairperson Hartman agreed with pursuing more information on title of the property. He suggested getting a copy of the parcel map which designates the cul-de-sac.

In response to a question, Mr. Potter advised that the western edge of Ormsby Boulevard once served as the delineation between rural and urban Carson City. He expressed the perspective that "the property, once the transfer is established, ... should go to the property that was urban because that's where the line was. So that would put it as part of the property which includes the cemetery. Then the line which would be the west side of Ormsby Boulevard would be the second parcel which is the mountain." Mr. Potter noted the value of both parcels in that they are zoned for residential development.

Vice Chairperson Jacquet noted the expense involved in "unraveling" ownership of the property. He inquired as to whether the City has the ability to negotiate with the Potters to simply "quiet title and move on." Chairperson Hartman advised that the preliminary title report indicates a failure to sign a deed which should be reasonably easy to resolve. He provided an overview of the process involved in quieting title, and advised of the need to ensure "that's all that's out there ... for everybody's sake." In response to a question, Mr. Potter advised that Ted Short was his father's partner and that he doesn't anticipate Mr. Short's heirs making any claims. Chairperson Hartman advised of a conveyance issue without signature on the deed. In response to a question, he suggested that Mr. Guzman obtain the chain of title prior to Mr. Short's ownership, as well as the other pertinent documentation.

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(6:38:00) Mr. Potter inquired as to anything he could do to move this issue along. Mr. Benton advised that the City understands the problem; it's just a matter of "if it's possible to determine what interest in it and then we have to go from there. ... We have to ... exhaust all the fact finding before we can figure out what to do." Chairperson Hartman suggested Mr. Potter may want to retain his own counsel once the facts are known. Member Lincoln expressed appreciation for Mr. Potter's willingness to work with the City and for his patience. Mr. Potter stated, "so far, everything is exactly the way we want it. When my mom sits in the back yard, she's looking up at the hill the way she wants to see it her whole life. So, that part is, ... it already is happening and people are using the hill and that part's good too. The only thing that scares us ... is what if somebody gets hurt on the trail right now. ... I really appreciate you all saying, especially from the City's perspective, that you all own it because I'm going to hang my hat on that one later." Chairperson Hartman thanked Mr. Potter for his patience. Member Scott encouraged Mr. Guzman to "move this thing along if we can" for the benefit of the Potter family and "for everyone."

Chairperson Hartman reiterated the request for Mr. Guzman to get, from the title company, a chain of ownership backwards from Mr. Short's deed. He requested Mr. Potter to provide the deeds pertaining to the cul-de-sac. He thanked Mr. Potter for his attendance and participation.

3-D. DISCUSSION ONLY REGARDING THE COMPLETION OF A CONSERVATION EASEMENT WITH MR. MICHAEL FAGEN AT THE PROPERTY KNOWN AS HORSE CREEK RANCH, LOCATED APPROXIMATELY TWO MILES WEST OF THE PAVED TERMINUS OF KINGS CANYON ROAD, APN 007-051-78 (6:42:09) - Mr. Guzman introduced this item. He advised of having met with members of the Schulz family since the last meeting. He reviewed language added to the draft easement since the last meeting. He advised of having spoken, earlier in the day, with Mr. Fagen, who informed him of a desire to pursue the final lot configuration prior to completing the easement. He reviewed a letter received from the Allison, MacKenzie law firm on behalf Schulz family members.

In response to a question, Chairperson Hartman expressed the concern that the committee not end up in a planning position before the open space portion is resolved. He suggested that Mr. Fagen may wish to appear before the Board of Supervisors prior to going "down the conservation easement road." If Mr. Fagen's plan is not acceptable, "it's a whole different ball game." Chairperson Hartman expressed the opinion that the committee should have advised Mr. Fagen in this way "a long time ago." Discussion followed, and Chairperson Hartman stated that Mr. Fagen knows this committee's opinion of the conservation easement. Mr. Guzman advised of having presented, together with Mr. Fagen, the conceptual drawings for the lodge, the findings, and the baseline analysis to the Board of Supervisors. The Board of Supervisors was agreeable to the lodge, with the understanding that development would follow the City's associated processes. Extensive discussion took place at that meeting regarding public access. Mr. Guzman advised that the item was presented to the Board of Supervisors as a presentation / discussion item. He further advised of discussions with Planning Division Director Walter Sullivan, who emphasized that the lodge is not presently allowed by the zoning ordinance. An amendment will be required to allow for development of the lodge. Mr. Guzman advised that these issues were discussed during the major project review process.

Member Perock expressed concern that approving the conservation easement with the lodge will constitute an "endorsement to something that we should not be meddling in." The committee's position is the conservation easement and open space not the recreation or the lodge. Member Perock expressed discomfort with a direct endorsement. Mr. Guzman advised the position of the Schulz family and their

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advisors is that the easement be very clear in not endorsing development of the lodge. Chairperson Hartman suggested an additional issue directly related to the concern voiced by the Board of Supervisors over public access, which is also an issue of the Schulz family. He reiterated the suggestion that Mr. Fagen may wish to first determine the position of the Board of Supervisors regarding the public access issue. Member Scott advised of a recent meeting with members of the Schulz family and their legal counsel. He expressed excitement over the potential for considering the entire meadow in the form of a conservation easement. He advised of not being “married to the Boulder, Colorado approach where public access is a hundred percent the day that the City acquires it or the ownership transition changes. If you’re going to have an ongoing agricultural operation, you have to make it viable for the person that’s trying to do it.”

Chairperson Hartman called for public comment. (6:55:26) Attorney Joan Wright, of the Allison, MacKenzie law firm, expressed appreciation for Mr. Fagen’s direction. She suggested that “if he wants to slow down that might allow us to work with him and with the Bob Schulz family. Those three properties make up the ownership of most of what you want to preserve.” Ms. Wright suggested a delay may represent an opportunity to come forward with more acreage from all three of the owners. She requested the opportunity to redraft the easement for the benefit of Mr. Fagen, the Schulz family, and to be used as a template in the future. She provided an overview of the existing draft, and discussed the importance of simplicity and consistency. She advised that any lodge reference “will be that at least everyone understands he wants one. And you’re not making any comment and no one’s making any comment with respect to whether that’s a possibility or a probability.” Ms. Wright referred to the letter and advised that the Allison, MacKenzie law firm represents a portion of the Schulz family, which owns approximately 80 percent of the Woods Ranch. Chairperson Hartman offered to provide a copy of the Question #1 conservation easement form to Ms. Wright.

Member Lincoln advised of having met last weekend with members of the Schulz family, who indicated they were trying to set up a meeting with Mr. Fagen. Ms. Wright advised that a meeting took place with members of the Bob Schulz family, but that no meeting has yet taken place with Mr. Fagen. Chairperson Hartman expressed agreement with having as much involvement as possible and ensuring the timing coincides. In response to a question, Mr. Guzman advised that Question #1 funding deadlines have been extended. Provided the work continues, Division of State Lands representatives have indicated no problem. Mr. Guzman noted the relationship between staff and Mr. Fagen toward culminating the conservation easement. The Schulz family and their legal representatives constitute a third party, and Mr. Guzman expressed a willingness to consider their positions. He advised that staff’s interest is with Mr. Fagen because of the amount of time invested to this point. He noted the timing issue associated with the transaction. Chairperson Hartman reiterated the importance of Mr. Fagen appearing before the Board of Supervisors to “find out what’s going to happen.” He expressed the opinion that this committee will likely not approve a conservation easement prior to Mr. Fagen determining the Board of Supervisors’ position. He expressed the hope that everyone can reach a common interest.

Ms. Wright advised that the Schulz family has no interest in interfering with the City’s negotiations with Mr. Fagen. The Schulz family has some interest in ensuring that the lodge is not somehow “piggybacked into that conservation easement.” If the Schulz family can move forward in conjunction with Mr. Fagen “and that helps everybody and you end up with a bigger conservation easement and more property involved and the emerald of that area is all included, I think that’s better for everybody.” Chairperson Hartman thanked Ms. Wright.

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4. NON-ACTION ITEMS:

STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF (6:37:30) - Mr. Guzman introduced Mr. Benton, and Chairperson Hartman welcomed him. (7:14:48) Mr. Guzman advised that Parks and Recreation Director of Operations Scott Fahrenbruch has reorganized and, for a short period of time, the park rangers will be providing reduced coverage. The Open Space Program may eventually be allocating funds toward a park ranger position. Mr. Guzman advised he would be representing the City at the upcoming Carson Water Subconservancy District meeting. He provided a brief overview of the CWSD meeting agenda, and advised there were no items which directly affect the Open Space Program.

MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (7:16:26) - In response to a question, Mr. Guzman advised that the chairs and vice chairs of this committee and the Carson River Advisory Committee are in the process of discussing a working group of the two committees rather than scheduling a joint meeting. In response to a further question, he reiterated that a supplemental budget request is being submitted for a permanent Open Space Assistant position. Vice Chairperson Jacquet reported on a meeting, together with Mr. Guzman, with Utilities Division staff and Mexican Dam Company representatives with regard to maintenance of the road and trail through Silver Saddle Ranch.

5. FUTURE AGENDA ITEMS (7:19:15) - None.

6. ACTION ON ADJOURNMENT (7:19:30) - Member Riedl moved to adjourn the meeting at 7:19 p.m. Member Scott seconded the motion. Motion carried 6-0.

The Minutes of the March 26, 2007 Carson City Open Space Advisory Committee meeting are so approved this 16th day of April, 2007.

STEPHEN D. HARTMAN, Chair