

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the October 15, 2001 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 15, 2001 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman

Vice Chairperson Dan Jacquet

Laura Bird

Michael Fischer

Margaret Robinson

STAFF: Steve Kastens, Parks and Recreation Director

Juan Guzman, Open Space Manager

Vern Krahn, Parks Planner

Kathleen King, Recording Secretary

(OSAC 10/15/01)

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. ROLL CALL AND DETERMINATION OF QUORUM (1-0001) - Chairperson Hartman called the meeting to order at 6:00 p.m. A quorum was present. Members Pacheco and Scott were absent.

B. APPROVAL OF MINUTES - SEPTEMBER 24, 2001 (1-0006) - Member Fischer moved to approve the minutes. Member Bird seconded the motion. Motion carried 5-0.

C. PUBLIC COMMENT (1-0012) - None.

D. MODIFICATION OF AGENDA (1-0022) - None.

E. DISCLOSURES (1-0023) - None.

F. PUBLIC MEETING

F-1. DISCUSSION AND ACTION REGARDING THE PRESENTATION OF THE AMERICAN PLANNING ASSOCIATION, NEVADA CHAPTER, DeBOERS AWARD FOR OUTSTANDING CULTURAL/ENVIRONMENTAL PLAN CONDUCTED AS PART OF THE QUALITY OF LIFE INITIATIVE FOR CARSON CITY TO THE FOLLOWING: CARSON CITY OPEN SPACE ADVISORY COMMITTEE, CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT, CARSON CITY PARKS AND RECREATION COMMISSION; CARSON RIVER ADVISORY COMMITTEE; STEVE KASTENS, PARKS AND RECREATION DEPARTMENT; VERN KRAHN, PARKS AND RECREATION DEPARTMENT; WALTER SULLIVAN, CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT; JEFF

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WINSTON, WINSTON & ASSOCIATES; CARTER M. SCHLEICHER, CSCON, CARSON CITY, NEVADA; ERIC INGBAR, GNOMON, INC.; DAVE MORGAN, NEVADA VIDEO PRODUCTIONS; LARRY TAYLOR, ROVING EYE PHOTOGRAPHY; AND THE QUALITY OF LIFE STEERING COMMITTEE: MICHAEL FISCHER, DEBORAH MERRILL, JAY MEIERDIERCK, PETER LIVERMORE, GEORGE CHAPMAN, DONNA KUESTER, LINDA MARRONE, DOROTHY TIMIAN-PALMER, JOHN BERKICH, SUSAN ROGERS, PHIL WILLIAMSON, MARK KIMBROUGH, JOHN SIMMS, DON QUILICI, RON JOHNS, SUSAN SCHOLLEY, CATHY BLANKENSHIP, STEVE HARTMAN, ANGIE FLUITT, AND JO SAULISBERRY (1-0025) - Chairperson Hartman thanked the citizens in attendance for their involvement in the Quality of Life Initiative and the Open Space Program. Mr. Guzman provided background information on development of the Quality of Life Initiative and the Open Space Master Plan Element. He reviewed the application submitted to the American Planning Association ("APA"), Nevada Chapter, and displayed the Certificates of Appreciation prepared by Parks and Recreation Account Clerk Sharon Wood. He explained the APA's application review and award process, and discussed the significance of the award to Carson City. He thanked the citizens present for their participation and their concern for Carson City, and presented the first Certificate of Appreciation to Mr. Kastens. Mr. Guzman and Mr. Kastens then presented Certificates of Appreciation to Donna Kuester, Linda Marrone, Robin Williamson on behalf of Phil Williamson, Ron Johns, Vern Krahm, Eric Ingbar, Jay Meierdierck, Pete Livermore, Robin Williamson, Chairperson Steve Hartman, Michael Fischer, Vice Chairperson Dan Jacquet, Margaret Robinson, and Laura Bird. Certificates of Appreciation were also presented to the other individuals named in the title of this agenda item; however, they were not present to receive them personally. Mr. Guzman thanked the citizens for their attendance at this meeting, and advised that the presentation will be repeated at the meetings of the Regional Planning Commission, the Board of Supervisors, and the Carson River Advisory Committee. Mr. Guzman discussed the involvement of the Quality of Life Steering Committee, and thanked Supervisor Livermore, Member Fischer, Donna Kuester, and Linda Marrone.

Chairperson Hartman commented on the importance of group and individual involvement in accomplishing the Quality of Life Initiative. He discussed the continued strong support for open space and quality of life in the community. He expressed appreciation for Supervisor Williamson's service to the Committee, for Mr. Ingbar's technical expertise during development of the Open Space Master Plan element, for the guidance provided by City Manager John Berkich, Dorothy Timian-Palmer, and Mary Walker, and for Deborah Merrill's presentation to the Nevada Legislature and her service to the Committee. Member Fischer commented on the experience of putting up Quality of Life Initiative signs with Mr. Kastens and Supervisor Livermore. Chairperson Hartman recessed the meeting at 6:16 p.m. and reconvened the meeting at 6:23 p.m.

F-2. DISCUSSION AND ACTION REGARDING (L-01/02-1) A REQUEST BY SCHULZ INVESTMENTS TO THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS FOR APPROVAL OF A TENTATIVE LAND DIVISION MAP PROPOSING TO DIVIDE A 160-ACRE PARCEL INTO TWO 80-ACRE PARCELS OF LAND LOCATED NORTH OF HIGHWAY 50 WEST, AND APPROXIMATELY 3/4 MILE SOUTH OF SNOWY VALLEY, APN 7-101-11 (1-0265) - Mr. Guzman referred to a displayed map and photographs, and pointed out the subject parcels, Highway 50, the end of Kings Canyon, and the Clear Creek drainage. He advised that Mark Kimbrough

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assisted him in accessing the parcels, and pointed out the route they used. He reviewed the staff report and referred to the land division map distributed prior to the start of the meeting. He explained the purpose of the land division map, and commented that this transaction will enable the U.S. Forest Service to obtain an 80-acre parcel which they have been pursuing for some time. He responded to questions regarding the acreage to be traded and additional property owned by the Schulz family in the same general area. He pointed out the Steidley parcels which the Committee took action to support for round 3 of the Southern Nevada Public Lands Management Act. Chairperson Hartman commented that the trade supports the goals of the open space program. **Member Fischer moved that the Open Space Advisory Committee give its approval for the tentative land division map proposed by Schulz Investments, APN 7-101-11 and L-01/02-1. Member Bird seconded the motion.** Vice Chairperson Jacquet inquired as to whether a recommendation regarding the U.S. Forest Service exchange was necessary, and Mr. Guzman indicated that he would reference the Committee's action in his letter to the Forest Service. **Motion carried 5-0.**

F-3. DISCUSSION AND ACTION REGARDING THE REVIEW OF AN AGREEMENT BETWEEN THE OPEN SPACE PROGRAM AND THE PARKS DIVISION OF THE PARKS AND RECREATION DEPARTMENT TOWARDS THE MAINTENANCE OF CERTAIN OPEN SPACE IMPROVEMENTS AT THE MOFFAT OPEN SPACE PROPERTY IN EXCHANGE FOR AN ACCESS EASEMENT FOR THE CONSTRUCTION OF TRAILS BY THE PARKS DIVISION. THE MOFFAT OPEN SPACE PROPERTY IS LOCATED AT 741 EDMONDS DRIVE, APN 10-032-31 (1-0404) - Mr. Guzman referred to the draft agreement attached to the staff report. Member Robinson referred to Section II and expressed a concern that there is no specific language regarding the routine performance of inspections. She provided suggested revisions to Mr. Guzman. Chairperson Hartman inquired as to the regular Parks Division maintenance schedule, and Mr. Kastens advised that trash collection is done on a daily basis, especially from April to October. He discussed the responsibilities of the trash crew, and indicated that they will visit the site more often than once a month even in the late fall and winter months. Chairperson Hartman provided suggested revisions to the Agreement. Mr. Kastens advised that he has discussed with Mr. Guzman the possibility of general clean up on an annual or bi-annual basis. Chairperson Hartman provided additional revisions, and commented on the importance of the Agreement. Mr. Guzman commented on the fiduciary responsibility aspect of the Agreement. He acknowledged he would make the requested revisions and resubmit the draft agreement for review by the Committee. No formal action was taken.

F-4. DISCUSSION AND ACTION REGARDING THE METHODS USED FOR THE PROTECTION OF OPEN SPACE LANDS IN PERPETUITY; REVIEW OF CHAPTER 13.06 OPEN SPACE AND CHAPTER 21.07 QUALITY OF LIFE (SALES AND USE) TAX OF THE CARSON CITY MUNICIPAL CODE AND RELATED PROVISION OF THE OPEN SPACE ELEMENT TO THE CARSON CITY MASTER PLAN (1-0525) - Mr. Guzman referred to the draft budget prepared by Paul Pugsley, of the Carson Valley Conservation District, which was distributed prior to the start of the meeting, and reviewed the staff report. Member Fischer indicated his preference for requiring a public vote on any proposed change to designated open space lands. He clarified that his comments were not a reflection of distrust of the present Board of Supervisors, but pointed out there will be other elected officials in the future with no institutional knowledge of the Quality of Life Initiative or the Open Space Program. Chairperson Hartman suggested scheduling a joint meeting with the Board of

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Supervisors to discuss this matter. He concurred with Member Fischer's comments that there is no way to know the future, and noted that the matter must be addressed. He suggested that the language of conservation easements and conveyance deeds could address the issue.

With regard to conservation easements, Vice Chairperson Jacquet inquired as to whether the City has authority to donate public assets. Chairperson Hartman indicated that as long as a consideration is involved it would probably be possible. Mr. Guzman advised that the statutes refer to leasing land, selling land, and donating land to Native American tribes and federal or other public agencies, which are not required to be within the same county. He noted that there is very little language in the statutes regarding conservation easements, and advised that he and Mr. Kastens are scheduled to attend a conservation easement seminar on October 23rd. Chairperson Hartman advised that the relevant statute is NRS Chapter 111, and noted that there is very little case law on conservation easements. He explained that donating land to land conservation trusts would not be possible unless a value is returned back, i.e., maintenance for a certain number of years. In response to a further question, Chairperson Hartman advised that a conservation easement could be donated to the State of Nevada if it would be accepted. He discussed the issue of inherent obligations such as with The Nature Conservancy donation of the wetlands. He reiterated that Chapter 111 is very short, but advised that more law is being developed nationwide as a result of conservation easements coming into vogue and being used more as estate planning tools.

Vice Chairperson Jacquet thanked Mr. Guzman for researching the information contained in the staff report. Mr. Guzman advised that he would continue to reagenda this matter from time to time until the Committee arrives at a solution. Vice Chairperson Jacquet concurred with the idea of scheduling a joint meeting with the Board of Supervisors. Member Robinson suggested that this matter could be addressed by the Charter Review Committee. She further suggested that the Board of Supervisors may be interested in having laws which would provide the flexibility to "back out or to change." She referred to the absence of language regarding a super majority of this Committee, and Chairperson Hartman advised that the super majority requirement relative to the Planning Commission is prescribed by statute. He concurred with the possibility of having the Charter Review Committee address this matter. No formal action was taken.

F-5. DISCUSSION AND ACTION REGARDING THE MANAGEMENT AND SITE MASTER PLAN FOR THE MOFFAT PROPERTY INCLUDING THE CHARACTER OF ITS FUTURE OPEN SPACE USE, A SHADE STRUCTURE AND MEMORIAL PLAQUE, GRANTING OF EASEMENTS TO THE PARKS AND RECREATION DEPARTMENT FOR TRAILS, AND OTHER RELATED FACILITIES AS NECESSARY IN ORDER TO FULFILL CONDITIONS OF SALE. THE PROPERTY CONSISTS OF 17 ACRES AND IS BORDERED BY LEPIRE DRIVE TO THE NORTH, HELLS BELLS ROAD AND RATTLESNAKE MOUNTAIN TO THE SOUTH, EDMONDS DRIVE TO THE WEST, AND MEXICAN DITCH TO THE EAST, APN 10-032-31 (1-0859) - Mr. Guzman reviewed the staff report and he and Mr. Kastens responded to questions regarding form board, structure of the bid alternates, and the difference in cost of using pavers and rock. Mr. Guzman advised that hard figures will not be available until the project is bid. Mr. Kastens suggested bidding the project and then determining acceptable costs. Chairperson Hartman requested that staff submit the project to the bid process, and that the base bid and the alternates be submitted for review. Mr. Guzman suggested that the Committee designate three members to review the bid in order to keep to the schedule of having

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the project complete by December. In response to a question, Mr. Guzman indicated that corrections need to be made to the plans and that the architect has committed to revising them within 4-5 days once they are resubmitted. Member Robinson concurred with the suggestion of designating three Committee members to meet with Mr. Guzman. She pointed out that if there are concerns, the plans can be resubmitted to the entire Committee. Chairperson Hartman called for three volunteers; Vice Chairperson Jacquet and Members Fischer and Robinson volunteered. Mr. Guzman advised that approximately \$5,000 of the total budget has been spent for design work. No formal action was taken.

F-6. STATUS REPORT ON THE WETLANDS INVENTORY STUDY FOR CARSON CITY (1-1027) - Mr. Guzman referred to the memorandum from Harding ESE attached to the staff report, and reviewed the staff report. He acknowledged that this project will be the model for wetlands studies in northern Nevada.

G. FUTURE AGENDA ITEMS AND COMMITTEE MEMBER STATUS REPORTS (1-1097) - Mr. Guzman acknowledged that the next Committee meeting is scheduled for November 5th as a joint meeting with the Carson River Advisory Committee. He has asked for Vice Chairperson Clift's input regarding agendizing a presentation on Clear Creek. He asked for Chairperson Hartman's input as well, and provided an overview of the tentative agenda. He advised that he has City and State representatives lined up to present information on Section 404 permits for the next regular Committee meeting. In addition, the item requested by Jon Nowlin to discuss Clear Creek and the parcel of land behind Fuji Park will be agendized for a future meeting.

H. STATUS REPORTS FROM STAFF (1-1052) - Mr. Guzman referred to the correspondence from Jackie Crawford, of the Department of Corrections, the memo from Supervisor Robin Williamson to the Carson River Advisory Committee; the correspondence to Gary Schiff, of the Carson Ranger District; and correspondence from R.D. Meason, and provided brief overviews of each.

I. ADJOURNMENT (1-1158) - Member Fischer moved to adjourn the meeting. Vice Chairperson Jacquet seconded the motion. Motion carried 5-0.

The Minutes of the October 15, 2001 meeting of the Carson City Open Space Advisory Committee are so approved this _____ day of November, 2001.

STEVE HARTMAN, Chairperson