

CARSON CITY PARKS AND RECREATION COMMISSION

Minutes of the December 7, 2010 Meeting

Page 1

A regular meeting of the Carson City Parks and Recreation Commission was scheduled for 5:30 p.m. on Tuesday, December 7, 2010, in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Donna Curtis
Vice Chairperson Steve Lasco
Commissioner Chuck Adams
Commissioner Janice Brod
Commissioner Randy Carlson
Commissioner James Smolenski
Ex-Officio Commissioner Molly Walt
Commissioner Todd Westergard

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Randal Munn, Chief Deputy District Attorney
Tina Russom, Deputy District Attorney
Scott Fahrenbruch, Parks and Recreation Director of Operations
Vern Krahn, Park Planner
Tamar Warren, Recording Secretary

NOTE: A recording of these proceedings, the commission'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 QUORUM (5:33:50) – Chairperson Curtis called the meeting to order at 5:33 p.m. Roll was called; a quorum was present. Commissioner Lehman was absent as excused. Ex-Officio Commissioner Walt arrived at 5:47 p.m.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (5:34:35) – None.

1. ACTION ON APPROVAL OF MINUTES (3:34:46) – Commissioner Smolenski moved to approve the minutes of the November 9, 2010 meeting. The motion was seconded by Commissioner Carlson, and carried 7-0.

2. MODIFICATIONS TO THE AGENDA (5:35:03) – None.

3. AGENDA ITEMS (5:35:06) – Chairperson Curtis recognized Commissioner Carlson, stating that this was his last meeting on the Commission, and that he had served most ably, representing the School Board. She presented a card to him, signed by members of the Commission, and said that she appreciated all his input and hoped that he would apply to fill a future vacancy.

3A. ACTION TO RECOGNIZE PETE LIVERMORE FOR HIS SERVICE ON THE PARKS AND RECREATION COMMISSION. (5:35:52) – Chairperson Curtis invited former Commissioner Pete Livermore, who was leaving the Commission to serve on the Nevada State Assembly, for a presentation. Assemblyman Livermore thanked the Commission, the Parks and Recreation Staff, and the community for allowing him to serve, and cited his tenure as a wonderful time in his life. Chairperson Curtis asked Vice Chairperson Lasco to read a resolution, incorporated in the record, honoring Assemblyman Livermore's service and expressing the Commission's gratitude for his contributions. The resolution, engraved on a plaque and signed by the members of the Commission, was then presented to the former Commissioner. **Commissioner Smolenski moved to recognize Pete Livermore for his service on the Parks and Recreation Commission. The motion was seconded by Vice Chairperson Lasco. and carried 7-0.**

3B. PUBLIC HEARING AND ACTION TO RECOMMEND TO THE PLANNING COMMISSION APPROVAL OF THE CONCEPTUAL LAKEVIEW PARK TRAIL HEAD DESIGN. (5:44:20) – Chairperson Curtis introduced the item, and reminded everyone that it was discussed and presented during the October 5, 2010

CARSON CITY PARKS AND RECREATION COMMISSION

Minutes of the December 7, 2010 Meeting

Page 2

meeting. However, no action was taken because of loss of quorum. She invited the Parks and Recreation Staff not to repeat the presentation, but, to only present their recommendation. She also suggested that commissioners not discuss the item, as they had done so previously, on October 5th, in order to proceed with the public hearing. Mr. Krahn reminded the Commission that the item had also been discussed during the November 3, 2009 meeting, and had included those minutes in the packets. He also referred to additional handouts, distributed as late-material, and incorporated into the record. Mr. Krahn used a PowerPoint presentation to walk the audience through the project site, a natural park comprised of 40 acres, and located at the end of Hobart Road. He stated that it was a non-motorized access area with limited parking, therefore, those accessing the trails were parking on private property. Mr. Krahn then presented what the proposed site would look like, indicating that every effort would be made to save the trees. He referred to the proposed turnaround, which would not look like other turnarounds, to ensure the trees would not be cut. He suggested a split-rail fence to avoid parking on private property, a “mutt mitt” station, a receptacle and “some sort of regulation signage”. Mr. Krahn added that they would be looking at drainage and grading, in addition to allowing a pedestrian and equestrian gate in the turnaround area. He also addressed the cost to the City, stating that they have been working with the Public Works Department and several contractors to come up with cost estimates for design, permits, and construction in-kind matches which would be done by the Public Works Department. Mr. Krahn also said that the Parks and Recreation Department staff would contribute an in-kind match towards labor and installation of amenities. The working budget, according to Mr. Krahn, would be \$24,828, mostly for material costs such as fencing, bear-proof trash cans, boulders, and other amenities. He summarized by stating that the proposed design would eliminate trespassing concerns on private property, improve parking and traffic circulation, but would not address lights, fire-rings, picnic tables, etc. Mr. Krahn referred to the packets and stated that the Nevada All-State Trail Riders (NASTR), had committed funding for the project.

(6:03:49) – Chairperson Curtis thanked Mr. Krahn and invited Gil Yanuck to continue his public comments, that were left unfinished last October, due to loss of quorum. She also suggested that speakers only come forward if they need to add to what had been said. Mr. Yanuck wished to yield to Richard Schneider, who identified himself as a Lakeview resident, not immediately affected by the park, however, he was speaking for the Lakeview Property Owners Association. Mr. Schneider cited specific Carson City municipal codes, which are incorporated into the record. He stated that the project was an equestrian staging area, on a residential street, that violated City codes. He asked “where’s the park”? In response to Chairperson Curtis’ question, Mr. Schneider explained that he had shared the information with Jennifer Pruitt of the Planning Division. When Chairperson Curtis asked Ms. Pruitt to elaborate, she stated that at the October meeting, Mr. Schneider, in passing, had mentioned his concerns to Ms. Pruitt about this particular project, and as it related to zoning. She said that she “had noted to him, in passing, that we would be addressing those, at the time in which this item was before the Planning Division, then would be forwarded up to the Planning Commission, through a special use permit.”

(6:10:41) – Scott Dutcher, who introduced himself as the President-elect of NASTR and a Carson City resident, claimed that he was speaking on behalf of the equestrian group. He stated that their support was for the “continued multi-use classification of this trailhead”. He said they were not proposing, nor would support, turning Lakeview Park into a horse park, but keeping it a simple trailhead that could be used by many groups. He commented on the existence of Hobart Road since the 1870s, with horses and mules being the primary transportation on it for 70 years. He also added that the Federal Government had transferred title to the City in 1967, conditional on its use as recreational property. However, he continued, a locked gate and a chain-link fence forced the public to trespass on Mr. Bickett’s property, and that they wanted to get their trailers off that property. He gave background on NASTR, stating that it was a Carson City-based, non-profit corporation, organized in 1968 for the purpose of preserving historic trails in Nevada by sponsoring and promoting horseback riding on these trails. He opined that this proposal was consistent with the Parks and Recreation Department’s master plan. Mr. Dutcher also confirmed that NASTR had offered the City \$10,000, raised in private donations, “as seed money, to implement your plans for establishing the most basic component of a natural park, which is Parking”. He also offered the services of their volunteer members for maintenance of the proposed parking area and the existing trail on Hobart Road, and a \$5,000 grant to the City, received from the American Endurance Ride Conference. Mr. Dutcher valued the in-kind contributions and donations at \$20,000. He concluded by confirming that horsemen overwhelmingly supported this project, however, that did not make it a horse park, and that it would still be a public park.

CARSON CITY PARKS AND RECREATION COMMISSION

Minutes of the December 7, 2010 Meeting

Page 3

(6:16:24) – Beth Scott introduced herself as being “with Back Country Horsemen of America, and also on the Board of Directors for the Friends of Silver Saddle Ranch”. Ms. Scott explained that she dealt with many similar situations, and questioned the ordinances Mr. Schneider had cited, stating that many sounded like CC&Rs “which only affect the homeowners in the area”. She asked to be furnished with Mr. Schneider’s citations so that she could research them. She stated that this process had been going on for “such a long time”. She urged the Commission to make a decision, so that people could ride the Discovery Trail.

(6:19:57) – Britta Appel, who introduced herself as a member of Back Country Horsemen, also spoke in response to Mr. Schneider’s comments, stating that the park had been there long before the homeowners association. She assumed that the Homeowners Association had taken the property with associated burdens, associated with the original deed. Ms. Appel also stated that the constitutional references for due process and eminent domain, cited by Mr. Schneider, would not apply in this case, because “there is no taking”. She suggested that “quiet enjoyment” was a landlord-tenant issue, and not a constitutional one. Mr. Schneider explained that the quotes and cites were from the Carson City Municipal Code, the Carson City Trail Standards, and the Carson City Pathways Master Plan, and that they all applied to parking in neighborhoods. He added that the problem was the parking of vehicles of commercial nature on residential streets. Mr. Schneider also stated that he would like to see the park used by all residents. He was also concerned that big Sierra trees would be taken out because they were burnt.

(6:25:55) – Patty Hill, introducing herself as the Secretary of Back Country Horsemen, Carson Valley Chapter, explained that they were in support of a trailhead, not a park. She said that they were seeking a place to park their trailers, and ride their horses on the trail. She added that they were working very closely with many horse organizations, BLM, and the Department of Parks and Recreation to ensure open access to public lands. She stated that horse trailers were not commercial vehicles. She also added that she rode the trail herself, but was unaware that she was parking on private property, and felt very bad about it. She said there were no signs prohibiting her from doing so. Ms. Hill also said that they had brought that up in their last meeting, and informed everyone. She stated that they practice “leave no trace”, which meant that they cleaned up after themselves.

(6:28:38) – Mr. Yanuck explained that the property owners association and the trail riders have “a pretty good understanding” about the area being a trailhead. He added that all they had heard was that the trail riders wanted “a place to park and get up the trail”. Mr. Yanuck also suggested getting an opinion from the District Attorney’s office regarding the municipal codes cited by Mr. Schneider, because the riders may be violating a municipal code if they parked “way down the road”, should they not find appropriate parking. He said he wanted to know “whether what you are doing is legal, rather than after the fact”. Ex-Officio Commissioner Walt explained that if this was based on the Master Plan, developed in 2006, these issues would have all been addressed. In response to a question by Mr. Yanuck, Mr. Moellendorf stated that parking on the street with horse trailers was not addressed at the time of the development of the Master Plan. Lakeview Park, he continued, was talked about as being a natural park and a trailhead to the back country, the Forest Service and the State Park system, and individual codes and ordinances were not researched as part of that Master Plan. Chairperson Curtis reminded everyone, that based on Ms. Pruitt’s statement, the expected action would be taking it to the Planning Commission next. Mr. Yanuck explained that there would be a natural limitation to the area due to limited parking space, and would be “first come, first serve”. Commissioner Smolenski opined that the City has tried to address all the concerns on both sides, including parking, and assumed that there would be signage indicating horse trailer only, and car only parking areas. He wondered why these issues have come to a head now, since the park has been there for such a long time.

(6:40:12) – Bruce Kittess, Lakeview resident, observed that the equestrian groups’ trailers were getting larger, and that a turnaround was what started the issue. He stated that they had addressed the parking issue, and had agreed to a turnaround. He gave background on the park, which he said was acquired by Ormsby County, and had been a water park for twenty-five years. He also explained that the Lakeview Property Owners Association was a volunteer group that did not collect dues, but were interested in preserving the neighborhood. “We really don’t have a lot of confidence in Parks and Recreation, because they’ve neglected the property” he added. He also stated that many Lakeview residents owned and liked horses, however, they were surprised to see three equestrian/pedestrian gates. He opined that it was City Staff’s desire to have horses in the park, and that was the point of contention.

CARSON CITY PARKS AND RECREATION COMMISSION

Minutes of the December 7, 2010 Meeting

Page 4

(6:45:35) – Chairperson Curtis stated that she had heard the last two speakers say that “there really aren’t that many problems” and asked for clarification on the term “horses in the park”. Mr. Moellendorf explained that the property spanned forty acres and accommodated multiple uses including mountain biking, hiking, and bird-watching. He added that most of the equestrian use had been up to the trailhead, up to Hobart Road, and into the back country. However, he felt that there was enough room for a novice rider, or someone wanting to warm up their horse before going on the trail, and saw no reason to prohibit that, since it had been going on already. Commissioner Carlson asked whether there was anything that prevented a rider from going anywhere they wanted in the park, even if the south entrance was removed, and Mr. Krahn confirmed there was not. Commissioner Smolenski questioned the need to have three equestrian accesses, and wanted to know if the forty acres were fenced. Mr. Moellendorf clarified that the forty acres blended seamlessly into Forest Service land. He also explained that the current design was the outcome of many meeting with the homeowners, who did not want parking and park-like amenities. Chairperson Curtis agreed with Mr. Yanuck that the design would self-limit the number of people who would use the park. She also invited Mr. Dutcher to address the issue of the three equestrian gates. Mr. Dutcher stated that the three gates were the recommendation of City Staff, and that they had only asked for access onto the road, so that they could move through the park.

(6:53:27) – Dennis Parrish, who identified himself as a resident of Lakeview, said that he was happy with “what was going on” until he heard that there would be entrance for the horses into the park. He approved of the parking, however, since he lived across from the park, he was concerned that if the horses, especially in large numbers, roamed the park, there would be a sanitation issue. He appreciated the riders’ promise that they would clean up, but was aware that the residents had cleaned up in the past. He also stated that, neighbors had seen “horse individuals dumping their trailers out there”. He guessed that it probably was not done by “this group here, because the communication has been great between the horse people and the homeowners”.

(6:55:51) – Dyke Kauffmann, identified himself as being with NASTR, and said that he had attended all the meetings about the project, and was surprised that parking was still an issue. He believed that they’d had more than one compromise, since originally they had requested to have the parking “inside” thinking it would be “less impactful to the residents”. Commissioner Adams stated that Staff had worked hard to come up with a plan to put the parking on the street and not have it “in the loop”, which the residents opposed. He was surprised that “we’re still talking about it”.

(6:57:50) – Laurie Walsh wanted to alleviate Mr. Parrish’s concern, and said that the horsemen just wanted access. She did not believe that very many people would go through all the trouble of hitching up a trailer, driving up to a trailhead, and then limiting themselves to riding within forty acres. She clarified that they could access the Tahoe Rim Trail from the trailhead, which would also allow them access to the Pacific Crest Trail. She explained that they could technically ride from that trailhead to Mexico or Canada. She also said she lived at a trailhead, on Kings Canyon, and has seen up to thirty-four cars parked there when joggers and hikers have come to access the waterfall. Commissioner Carlson identified himself as Ms. Walsh’s neighbor, and he understood what it meant to have a trailhead in his neighborhood. He said that he had lost his house because someone, who in all likelihood, went into the neighborhood from the trailhead, did not take care of a campfire. However, he still appreciated having a trailhead, which he had used thirty years ago to walk up to Lakeview. In fact, he added, he recalled parking his car in the exact place shown in Mr. Krahn’s slide presentation.

(7:01:10) – Marty Schwedhelm, introducing himself as a Lakeview resident, referred to a letter he had sent to Mr. Krahn, which is incorporated into the record. He disputed Mr. Dutcher’s comments by stating that the road in question had become Forest Service property, and the fact that it had been used by equestrians for 140 years had been for transportation, not recreation. He believed that the reason this issue had come to a head was because “the City was being bought to put a project in”. At first, he said, the parking lot was to be inside the park, but the compromise plan was to allow four horse-trailer combination parking spaces, and five or six auto parking spaces. He stated that they were bought into the turnaround as a measure of safety. He stated that the houses came shortly after the City had obtained the property. Mr. Schwedhelm also refuted Mr. Dutcher’s remark that moving the parking inside the park would result in no change. He believed that having parking in a more accessible area would increase use. He also remarked that the signs indicating private property should be facing the road, and that he was in favor of security fencing versus a split-rail fence.

CARSON CITY PARKS AND RECREATION COMMISSION

Minutes of the December 7, 2010 Meeting

Page 5

(7:08:04) – Chairperson Curtis expressed interest in the term “compromise” heard from the last four speakers, representing the Lakeview neighborhood. She was certain that the parking laws in question would be addressed by the Planning Commission, but she wanted to understand the “real issue” at hand. She recognized that there would no longer be parking inside the park, people would not be “wandering around with their horses” there, and they would be going up on the trail. The parking was limited, she added, and the riders would be picking up after their horses. She solicited other objections from the neighborhood that had not yet been addressed, prior to taking action. Commissioner Lasco mentioned that during the October meeting he had requested a status update on the parking situation. Mr. Krahn explained that there would not be any net gain in parking. Chairperson Curtis asked the additional speakers to be brief. Connie Creech, who identified herself as a member of NASTR and a Carson City resident, stated that she frequently rode the Hobart Trail up to the Tahoe Rim Trail and above. She explained that the area use was seasonal, due to snowfall. She clarified that their group did fundraising for the purpose of keeping trails accessible for equestrian use. Ms. Creech also indicated that the Back Country Horsemen and NASTR had purchased signs, installed last fall, to indicate cleaning up after horses. She stated that this issue had been brought up to the Commission in the 1980s, and that they understood the homeowners’ concern and “just wanted to get along with them”.

(7:13:40) – Mary Fischer, a Lakeview resident, believed they needed more trails, and that she had been fighting to get trailheads, such as the one near Franktown. She deemed dog mits important. She also stated that the issue was one of semantics, and by calling the trailhead a park, people would think of a different kind of park, with playground equipment, etc. She said that by calling it a trailhead, there won’t be any pressure down the line for sanitation facilities, tables, etc. Chairperson Curtis reminded Ms. Fischer that the City had definitions, in its plans, of trailheads that did include picnic benches, sanitation facilities, and tables. Chairperson Curtis called for additional Commissioner comments. Mr. Yanuck echoed Chairperson Curtis’ comments regarding the compromises that were “many”. He also said he heard the trail riders explain that they did not want to linger, but simply wanted access. He suggested that the Parks and Recreation Department make a compromise by removing the excess gates, which the trail riders said they did not need. Mr. Moellendorf stated that if removing the two equestrian gates gave the residents a level of comfort, it could be done. However, he added, he did not want to exclude horses from the park, as it would create an enforcement issue. Commissioner Smolenski concurred, and stated that excluding the horses meant fencing the entire park. Mr. Yanuck also expressed concern about fencing the entire park, and added that it would be impossible to exclude people from entering the area anyway. Commissioner Carlson stated that without additional parking, there would not be additional horses. Commissioner Westergard cautioned against eliminating other park uses with the removal of gates. Mr. Moellendorf replied that they could fashion a specific design to ensure pedestrians and hikers could still get into the park.

(7:23:45) – Commissioner Walt moved to recommend to the planning commission the approval of the conceptual Lakeview Park Trailhead design, with the discussed amendment of removing the two equestrian gates. Commissioner Adams seconded the motion. Chairperson Curtis called for further discussion, and when none was forthcoming a vote. The motion carried unanimously.

A five-minute recess was declared by Chairperson Curtis, while the audience cleared the room.

Chairperson Curtis called the meeting back to order at 7:33 p.m.

3C. DISCUSSION ONLY REGARDING TOBACCO USE IN CITY PARKS AND THE HEALTH AND HUMAN SERVICES DEPARTMENT’S TOBACCO USE IN PARKS SURVEY. (7:33:36) – Chairperson Curtis introduced the item. Mr. Moellendorf explained that this issue has come up five years ago for several reasons, such as promoting a healthy lifestyle, setting a good example for the youth, and eliminating litter and maintenance issues. He went on to say that many cities across the country had banned tobacco in parks. He believed Seattle banned tobacco use in parks, but had it revoked later. Mr. Moellendorf cited a recent Health and Human Services Department survey, incorporated into the record, where 88.7% of participants supported tobacco-free parks. However, he added, the person managing the survey had left and could not be here to discuss the details or reasons for the survey. Mr. Moellendorf explained that the City did not condone smoking in parks, and they did recognize it as a maintenance problem, however, because of budget cuts in the last three years, and with the presence of only one park ranger, they would find it more

CARSON CITY PARKS AND RECREATION COMMISSION

Minutes of the December 7, 2010 Meeting

Page 6

difficult to enforce tobacco-free parks. Mr. Moellendorf said he would consider signs, examples of which are incorporated into the record, near playgrounds, asking people not to smoke voluntarily. He understood that certain areas, such as a section of Mills Park near the high school, were areas that were frequented by smokers. However, banning them from smoking there, he believed, would most likely move the problem to another section of the City. Therefore, Mr. Moellendorf recommended to forgo mandatory bans on tobacco use in the parks, and look at voluntary compliance instead. Mr. Fahrenbruch agreed with Mr. Moellendorf on being proactive, and reiterated that it would be difficult to enforce park rules and ordinances due to staffing and budget constraints. He suggested signage, especially near heavily-used playgrounds. In response to Chairperson Curtis' question, Mr. Fahrenbruch said that litter was a problem, and typically the litterers would get a warning, and at times, were cited. Carson City Sheriff Ken Furlong also confirmed the fact that this was not an enforceable ban, and would not be a high priority. "We do want to keep our community safe. Imagine for one moment, I know this is somewhat of an exaggeration, someone calling 911 and saying someone is smoking at the park by the river", he said, adding that the call would not be treated as a priority crime. He acknowledged that the area in Mills Park, near the high school was a problem, and that they had discreetly dealt with it, with the help of the School District. Sheriff Furlong also agreed with Mr. Moellendorf and Mr. Fahrenbruch that moving a problem elsewhere in the City would be counter-productive. Chairperson Curtis inquired about alcohol use in City parks. Mr. Fahrenbruch responded that it was allowed, with no glass containers, except in youth sports complexes such as Governors Field and Edmonds Sports Complex. Mr. Moellendorf suggested that alcohol consumption could result in disruptive behavior and would require enforcement, but stated that the regulation to ban it was done at a "different period of time". He reiterated the fact that with the budget cuts, no new rules could be enforced. Commissioner Brod agreed that it would be unreasonable to enforce a ban, however, she liked the presence of signs as deterrents. Mr. Moellendorf proposed returning with a plan for the signs, and Chairperson Curtis, suggested returning before the warm weather and reviewing it with the Commission. Discussion ensued whether the ban would include all tobacco or just cigarettes, and whether it would be relevant to open space areas. It was agreed to look into all these aspects while formulating the plan. Vice Chairperson Lasco said he would support a trial or a limited signage campaign, however, he was concerned about the signs being targeted for tagging and defacement. He offered to provide signage and visuals to be used for the trial campaign. Sheriff Furlong stated that the low-level plan, implemented at Mills Park last year, indicated no damage. Chairperson Curtis thanked Sheriff Furlong for his time and contribution to the discussion.

4. MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (8:02:00) – Chairperson Curtis introduced the item. Commissioner Smolenski reminded the Commission about the Chamber of Commerce's Annual Holiday Party at the skating rink.

4A. REPORT FROM SCHOOL BOARD LIAISON – None.

5. FUTURE AGENDA ITEMS (8:02:46) – Chairperson Curtis requested discussing the Pony Express Building. Mr. Moellendorf added that at the next meeting, there would be an update on the Tahoe Bikeway Project.

6. ACTION ON ADJOURNMENT (8:03:39) – Commissioner Westergard moved to adjourn. Vice Chairperson Lasco seconded the motion. The meeting was adjourned at 8:03 p.m.

The Minutes of the December 7, 2010 Parks and Recreation Commission meeting are so approved this 1st day of February, 2011.

STEVE LASCO, Chair