

To: Carson City Board of Supervisors

Meeting Date: February 25, 2022

Agenda Title: 5.B For Possible Action: Discussion and possible action regarding current and future funding priorities in Carson City redevelopment areas.

5.C For Possible Action: Discussion and possible action regarding rules, policies or procedures governing special events in Carson City

Good morning, Mayor and Supervisors,

My name is Breana Coons, Market Manager for the Carson Farmers Market. This is my 4th year running the Carson Farmers Market. I worked for the market 6 years prior to me taking it over, making this my 10th year with the Farmers Market. I started with the market because I wanted to be more involved in the community. Since then, I have become passionate about connecting our community with fresh healthy foods and networking local business to residents, restaurants, and visitors.

As a Market Manager I ensure that all businesses follow the Nevada Department of Agriculture laws, State laws and City regulations to ensure the safest place for customers to shop knowing that all our farmers and vendors have been inspected as required. This created nearly a fulltime job 6 months out of the year and nearly part-time in the off season.

I would like to enlighten you with the history of the farmers market, its achievements and other material that I feel would be viable for the discussion for today's meeting.

HISTORY:

The Carson Farmers Market was located at 3rd and Curry Street for 11 years and is now located at 412 N. Stewart Street, East of the Carson Nugget. We operate seasonally starting in June to around the end of September or beginning of October, every Saturday from 8:30 a.m. - 1:00 p.m.

In 2008 the Farmers Market was originally chosen by the city as an anchor to bring people downtown to enjoy the market and neighboring businesses. In 2008 this was a challenging year for the city to start a Market, but it was the staple that the city wanted to boost the community and downtown.

The Farmer's Market is a local growers' market featuring fresh produce, baked goods, onsite food, artisans, local nonprofits, and many other different types of local businesses.

Since our start up in 2008, we have been able to grow and support many businesses. With many businesses coming and going because they have been able to branch off onto their own, we wouldn't have been able to do it without the City's support.

Last year we were able to provide a place for the following:

Farmers/Ranchers-20

Artisans-16

Bakers- 5

Cottage Food-8

Nonprofits-9

Others-5

Letter from Linda Marrone:

CARSON FARMERS MARKET BACKGROUND INFO FROM 2008-2010

I wanted to share an early history of what is now known as the Carson Farmers Market. In March of 2008 I got a call from Tammy Westergard, Deputy Director of Office of Business Development, asking me if I would be interested in starting a Farmers Market that the city wanted to locate in the parking lot at 3rd & Curry streets downtown. I was asked to do this on the recommendation from Ann Louhela and Rick Lattin who were both officers of the Nevada Certified Farmers Market Assoc. and my involvement with the local food movement.

I was paid \$25 an hour for all my work with the FM the first year and that was the most money I made in the ensuing 11 years, plus my husband Ralph Marrone worked with me doing everything that we needed to get done so it was a twofer. The first and second year of the FM the city did not want to charge any vendor fees because 2008 was the start of a big downturn in the economy and gas was \$4 a gallon. Instead, the city offered that back to the vendors as a "gas rebate" if you signed on for the season.

At the same time the city in partnership with the Brewery Arts Center was supporting another function to foster foot traffic and create economic activity in downtown. These are typical investment strategies of healthy communities. This strategy has worked, hands down.

During these 3 years the FM had IT support from the city because Tara Burke, Computer Artistry, worked on all things Redevelopment, FM and the Ice Rink. She had a contract with the OBD. She set up and updated our website plus started our FB account and did the content for our ads in the Nevada Appeal and Edible Magazine. This was all handled through the OBD and we never saw the invoices but knew that there was a budget of around \$5000- \$7000 plus they paid Tara, another \$5000. We had hands on help from Park and Rec on a weekly basis because OBD paid half of Kenny Frasier's, one of their long-time employees, salary. The parking lot is owned by the City, Park & Rec maintains it, Streets cleans it and the Sheriff's Office polices it. Once a lot of people retired and new managers and Supervisors came on board everyone asked, "Why are we doing this for you?" because the City set it up this way. There were no hidden agendas.

When Lee Plemmel came from the Planning Dept. and took over the OBD things pretty much stayed the same. Larry Warner was City Manager at that time and the 3 of us had a sit down in his office and he told Lee that he always saw the funding for the FM as a line item in the budget. Before that happened in 2009 the city gave the FM \$22,000, \$15,000 to run the FM and \$7000 extra because they moved the Brewery Arts programs from Telegraph Street to the north section of our parking lot and we picked up those expenses. That was the last year the BA had activities at the FM. We were still not collecting any vendor fees. From 2010 on, we have received funding of \$15,000.

Everyone has been asking how all this started and that is the answer.

The city wanted a gathering place on Saturday mornings hence, the expense of the restrooms, bands, seating, signage, fencing, pod, water, ice, containers, cups, IT expertise and the list goes on. There is no way that an individual can pay all that money into putting on a FM with just the funds from the vendors. You would be working for way less than minimum wage. It involves countless hours of planning, paperwork and actual boots on the ground at the market each week. It's a 10 month part time with 4 of those being close to full time. The job entails endless hours of paperwork and a juggling act with high stress involved, especially these past two years with COVID.

The first FM started in Carson 25 years ago with the help from Bob McFadden, Candy Duncan and Mary Walker. It began on 3rd Street, then moved to Telegraph Street with the Cities help of closing that street every Saturday morning. Problems arose because Telegraph Street was right next to 2 casinos and 2 late night bars in the area and the towing of cars became a problem. The City then asked Shirley Sponsler, the market manager, if she could move the FM to the Pony Express Pavilion. She said yes but on a Wednesday afternoon not Saturday and the city picked up the cost for her use of the PEP. That FM closed after the 2008 season because of the downturn in the economy it was no longer financially viable. Carson City has had a long history of supporting its Farmers Markets.

Sincerely,

Linda Marrone

This year will be our 14th year that the Carson Farmers Market has been in business. In those 14 years our market has many things to talk about:

ACHEIVEMENTS:

- 26 famers markets in Nevada and we have been voted #1 for many years.
- We were 3 times in the running for one of the top America's Favorite Farmers Market sponsored by Farmers Market Collation.
- 2016-2018 Our market participated with the local USDA and Feds Feed Families in collecting over 3 tons of produce that was donated to local nonprofits that help with feeding the local underserved community,
- In 2014 our market was featured in an article in a National Magazine, Country Woman
- In 2018 we took 1st place in the state for "best market" and we were 1 of 10 farmers markets across us picked by the FMC in partnership with the USFA to be featured and permitted because we demonstrated a high degree of community engagement, innovative thinking, strong leadership and clear community impacts.
- In 2020 and 2021, we were voted 3rd best event in Carson City by the community. In 2021 voted best place to be on Saturday mornings.

- In 2021 our market was mentioned in the Nevada Magazine and Carson Tahoe for being the hub for the freshest produce in Northern Nevada.
- From 2008 – 2021 Carson Farmers Market has been a place for over 350 businesses to thrive.

WHAT FARMERS MARKETS DO FOR THE COMMUNITY:

Farmers Markets enrich the community and continue to provide a safe place for vendors and customers to connect. It provides an opportunity for these valuable vendors to thrive and contribute to our local economy. With the City's support for 13 years now we can continue to provide services that allow for lower fees to get small business started. It also allows our community to go to one safe place to buy healthy products and gives a place for entrepreneurs to start.

Our Farmers Market supports community wellness through local programs by offering them a spot in our market like Muscle Powered which targets physical fitness or Do Drop In that provides services for those in need, along with many more over the years.

Our market provides educational tools through organizations like, UNR Cooperative extension and the Greenhouse Project and monthly newsletters that speak to nutritional wellbeing and an array of agricultural topics.

Our market provides a spot where three different programs are offered to our community. Those Wellness programs are Senior Coupons, SNAP and WIC. We are the only avenue that provides added value for SNAP customers.

We provide the community a place to buy fresh nutritious produce, meat, honey, and eggs directly from the farmer themselves. The market helps increase access with these programs and provide fresh nutritional foods and gives our community a healthy food environment for everyone who shops there.

Farmers markets bring together farmers, producers, and restaurants that support the mission of keeping food a local affair. There are several local restaurants that support our farmers by buying fruits and vegetables and incorporating them into their meals.

Farmers markets foster direct relationships between community members and farmers which can work to create a more fair and sustainable food system. Farmers markets are a hub for connection and collective action around shared values. It also helps keep dollars in our local economy by serving as small business incubators and it spurs spending at neighboring businesses.

Our Farmers Market is #1 in Northern NV. We host on average 1500 people or around 27k people annually each Saturday for 18 weeks, making it unique in terms of consistently supporting local businesses through the attraction of local and out-of-area customers. We are helping the entire business community and providing visitors a reason to return. See attached surveys below.

There is a growing demand for locally grown food, it not only benefits farmers and shoppers it also benefits our community while providing the “hub”. Brings together an incredible number of small businesses, the heart of any city or town.

STUDIES:

In past years the farmers market has conducted surveys to capture information so we know what we are doing is working. See attached data below.

In 2017 Ag Census and recent USDA Arms data, estimates about 2.4 billion in annual sales through farmers markets, but they are also big for small businesses.

A 2010 study of the [Easton Farmers Market](#) in Pennsylvania, for example, found that 70% of farmers market customers are also shopping at downtown businesses, spending up to an extra \$26,000 each week.

In Iowa and Oklahoma, every dollar spent at farmers markets led to an additional \$0.58 – \$1.36 in sales at other nearby businesses.

At the Crescent City Farmers Market in New Orleans, 32% of Market shoppers spend money at nearby businesses, resulting in \$3.2 million in projected gross receipts and an annual contribution of \$151,621 to local sales tax revenue.

FUNDS:

Since 2019, when I took over the market, funds have been provided in the amount of \$25,000. Since 2008 similar funds have been provided to the previous market manager. The city wanted to provide such funds because they knew what it would do for our community. They wanted the market a line item in the budget.

In the 13 years that the farmers market has been provided funds from the city, every penny that the City has provided has been used on its expenses. No money has gone into the pocket of the farmers market, or its employee. See attached document. Community Development has the receipts in more detail.

Below is a brief description of what the funds have been used for:

\$15k for the FM expenses:

- Market Supplies, such as cups, shade structures, tables, signs, medical kit, water containers, chairs, etc.
- Restrooms and wash station for public use. Dumpster.
- Office supplies such as SNAP machine, ink and paper for important information to provide at the market,
- Licensing and insurance
- Marketing, such as newsletters through email subscriber, facebook, Instagram, etc.
- Advertising such as through local companies to get the word out about our market, printed flyers, signs, materials, newspaper, magazines, etc.

- Education to stay up to date on new rules and regulations.

Up to \$5K for advertising which would be used to advertise for the farmers market

\$5k for marketing, which went to Amanda Long with Smart Marketing to manage our facebook, Instagram, website, email marketing and newsletters, digital designs, flyers, posters, newspaper ad graphics. See her attached contract.

The funding received from the city is used for the infrastructure that it takes to run a successful market, advertising, marketing, education, and compliance. The only additional source of funding is vendor booth revenue. Increasing booth rental rates will diminish the likelihood that many vendors will participate and as such will diminish the positive effect the market has on the community.

Carson Farmers Market Mission Statement is to create a sustainable community resource that provides and supports farmers and a healthy community.

If you would like additional information, please let me know, I would be happy to provide it to you. Thank you for your time and attention. We all hope this information renews the cities commitment to the continued support for the farmers market.

Scope of Work

TITLE: Farmers Market Management Services

Managerial Duties and Responsibilities

- Ensure efficient running of the Carson Farmers Market January – December. Oversees the Market applications and acceptance of vendors, preseason, during the market and after the market ends, visit farmers to build relationships and view properties and works with vendors to implement ideas to increase the Market's profitability. Continue throughout the year to look for new vendors and keep up on what's going on and what may affect the market. Attend continuing education classes for market managers and farm conferences to keep up on what's new and what may affect our farmers.
- Provide on-site management for the operations of the Carson Farmers Market. The manager is responsible for communicating with vendors in preparation for market days and setting up and breaking down Market information booth, set up customer tables and water containers, seating for customers near the band, set up band tent and weights. The manager will provide customer service to shoppers and handle emergencies and conflicts that may arise
- Coordinate with various city departments for onsite services before, during and after the close of the market.
 - Community Development Department for general oversight pertaining to the market.
 - Park & Rec for fencing, signage and parking lot cleaning.
 - Streets for sweeping of the parking lot.
- Permits, Licenses & Membership: Maintain all appropriate permits and licenses for the Market including business license, insurance, liability, car insurance and health permit. Manage all on site aid programs such as SNAP, WIC and Senior Coupons.
- Attend the Carson Farmers Market Board meetings, and support the Board as needed. Assist in enlisting market volunteers and/or monetary and/or in-kind contributions to the Carson Farmers Market.
- Supervise events and entertainers.
- Arrange for delivery and placement of portable restrooms and pick-up. Keep restrooms clean and stocked and also keep around restrooms clean as needed.
- Create site layout and assign vendor placement from list of known vendor attendees before Saturday. Arrange for vacant stall spots to be filled at least 48 hours before each market Saturday.
- Authorize the use of electricity at the Market to provide power for vendors.
- Book local musicians to play at the market.
- Ensure that the market area is clean before, during and at the end of the market day.
- Put out Handicap Parking and No Dogs signs.
- Ensure that all facilities, equipment and utilities are in working order.
- Be on site from 6AM – 2PM each Saturday, June – October.
- Make sure operations occur in a timely manner.
- Oversee vendor loading and unloading of vehicles and enforce the off-site vendor parking.
- Set up tents, tables, water, trash cans and other Market Day items, break down all that was set up, and take care of market operations equipment. Store all appropriate items in the conex box located onsite.
- Ensure that vendors are in the correct stalls, market tents and non-profit booths are properly

located, on-site and day-of signage is installed.

- Supervise volunteers, youth and support staff as necessary and oversees the activity booth and assist with activities associated with any special events.
- Keep an eye out for potential safety hazards to customers or vendors.
- Promote and oversee cooking demo's, canning classes and market sampling.
- Enforce Market Procedures and Rules for local food safety guideline.
- Handle emergencies, complaints and customer requests.
- Collect and track market data for the completion of weekly market reports.
- Submit summary of Market expenses and bills yearly.

Infrastructure

\$15k for the FM expenses:

- Market Supplies, such as cups, shade structures, tables, signs, medical kit, water containers, chairs, etc.
- Restrooms and wash station for public use. Dumpster.
- Office supplies such as SNAP machine, ink and paper for important information to provide at the market,
- Licensing and insurance
- Marketing, such as newsletters through email subscriber, facebook, Instagram, etc.
- Advertising such as through local companies to get the word out about our market, printed flyers, signs, sticker materials, newspaper, magazines, etc.
- Education to stay up to date on new rules and regulations.
- Additional misc. items used to run market.

Marketing

- Coordinate with the Marketing Manager, Amanda Long, Smart Marketing Squad, to update website, post on facebook, Instagram and twitter, develop ads for newspaper and other publications.
- Make sure to send all invoices for marketing to the City so they can either send payment to vendors or reimburse approved personnel. Maximum of \$7000.00 is allowed to be sent on Marketing material.
- Prepare month newsletters to keep our community informed of what is going on with the Market.

Advertising

- Advertising funds are to be spent to promote the Farmers Market.
- Make sure to send all invoices for advertising to the City so they can either send payment to vendors or reimburse approved personnel. Maximum of \$3000.00 is allowed to be spent on Advertising material.

Vendors

- Travel to farms and businesses to maintain and build relationships with vendors (with an emphasis on small family farms) and collect required documentation for market participation.
- Make sure vendors have producers' certificates, insurance, sales tax and Health Permits. Ensure that all safety practices and health code requirements are followed by all market vendor members including hand wash station set ups.

- The manager is responsible for keeping the market vendors informed of market happenings, logistics and other important information. The manager works to answer vendors questions and concerns and solving problems and resolving conflicts, as they come up.
- Collect and process vendor fees, reimbursements, and other paperwork.

Customer & Community Relations

- #1 - Maintain public safety
- Provide the highest level of customer service to shoppers.
- Collect items from vendors for weekly Market Basket give-a-way.
- Staff the market information booth and market. Ensure that market signage, literature, merchandise, educational information is properly and attractively displayed at all times during the market day.
- The Market Manager serves as a liaison between the Market and many local organizations, businesses, Carson City and local non-profits. The manager is expected to actively foster these relationships and should be proactive about staying informed and involved with happenings in Carson City and the local food systems as well as national trends.
- Forward all market information to www.carsonfarmersmarket.com for posting and extend all electronic, print and in person outreach activities and presentations to increase attendance at the Carson Farmers Market.

Breana Coons / Owner
dba Carson Farmers Market



Breana Coons
 411 W Caroline Street
 Carson City, Nevada 89703
 775-220-1831
Breana@CarsonFarmersMarket.com

2021 Expense Report

Description	Total	Code
MailChimp/Constant Contact Newsletter/Facebook/Instagram/SmartMarketing	\$1,611.67	Marketing
Carson City Chamber (membership) / sticker for Advertising/ high sierra	\$2,303.25	Advertising
Bank Fee/ Business License/DBA/ City Business License/ Commercial Insurance/ Checks/fees/phone	\$1,562.00	Licenses/Insurance/other
Fee/membership/education	\$40.00	Education
Gas/lunch meetings/end of the year lunch/entertainment	\$3,997.08	Misc Expenses/entertainment
Amazon/ Walmart/Foodservices/ Supplies/ Sign Pro	\$3,200.07	Market Supplies
Office Supplies	\$1,087.58	Office supplies
QuickSpace Restroom Rental/ Dumpster Rental	\$2,136.35	Temp facilities
Day labor throughout the year	\$3,110.00	Day Labor
Total:	\$19,048.00	

Online Marketing Services

Amanda Long, Smart Marketing Squad is presenting the following proposal. The intent of this proposal is to manage social media marketing solution designed for **Carson Farmers Market (aka 3rd & Curry Street Farmers Market), Breana Coons Market Manager.**

- A) Plan** – Page Growth & Engagement; Increase brand awareness.
- B) Channels** – Facebook, Instagram, Email, Website Management.
- C) Online Marketing \$60/hour (Est. 3/hr week). During Farmers Market Season May – September**
 - 1. Social Media Posts + Engagement (comments/messages)
 - 2. Social Media contests (as needed).
 - 3. Assist with running local participation in the Farmers Market Coalition’s Instagram Contest and Poster Contest.
 - 4. Assist with ongoing email marketing, plan and monthly newsletters
 - 5. Assist with weekly trivia and giveaways.
 - 6. Additional Events – FB Event creation, design of flyers, and Posts for events. As needed.
 - 7. Engagement, Event responses, Audience Growth, FB Ad Results.
 - 8. Monthly Facebook Ads – Create and manage FB ads. (Using email list, FB Pixel and local targeting) Ad spend to be reimbursed to Amanda Long by Carson City, under advertising budget.
 - 9. Local newspaper ad graphic design.
- Social Media off season (Est 3.5 hours/mo). October – April**
 - 1. Assistance with weekly social media and email marketing campaigns and content for off-season communications to keep FM top of mind and SEO and social media activity live for exposure.

Start Date: July 1, 2019

Term: June 30, 2020

Total Projected amount: \$5000 (for a full season from July 2019 – June 2020).

This is an agreement that executes the above outlined services and will be valid on a month-to-month basis from the start date. Payments will be made via check.

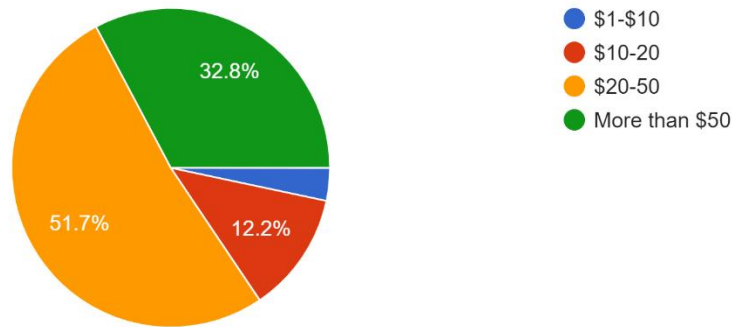
	Carson Farmers Market	Smart Marketing Squad
Name & Title	Breana Coons, Market Manager	Amanda Long, Owner
Sign & Date		



Online and at the market surveys:

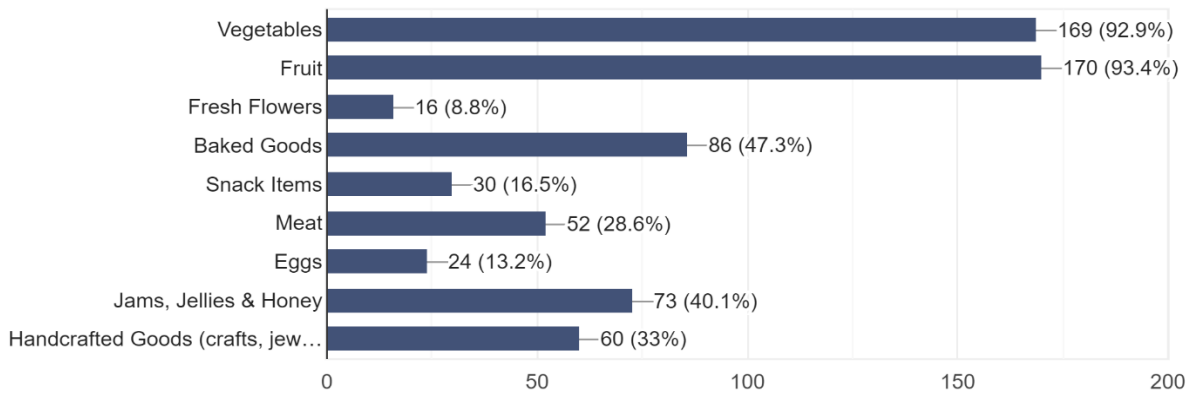
How much do you spend on average at the market?

180 responses



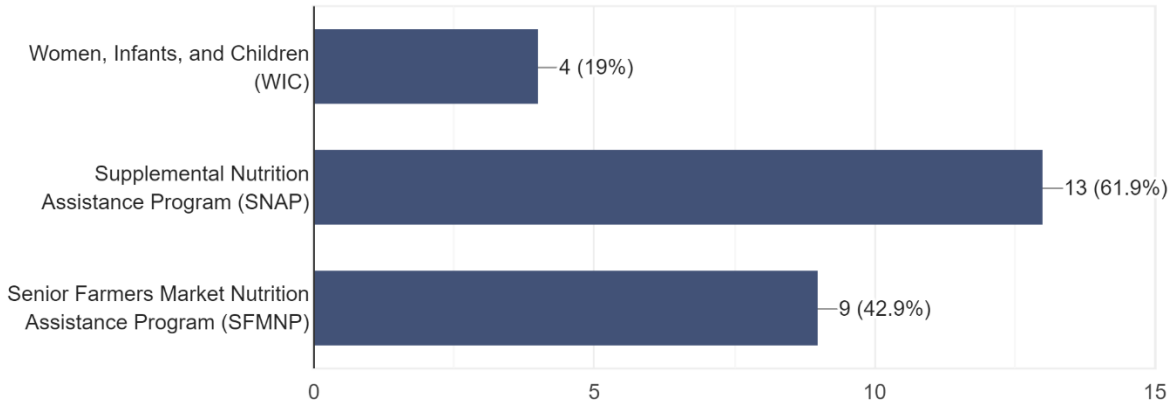
What items do you specifically seek to purchase at the Farmers Market? (Select all that apply)

182 responses



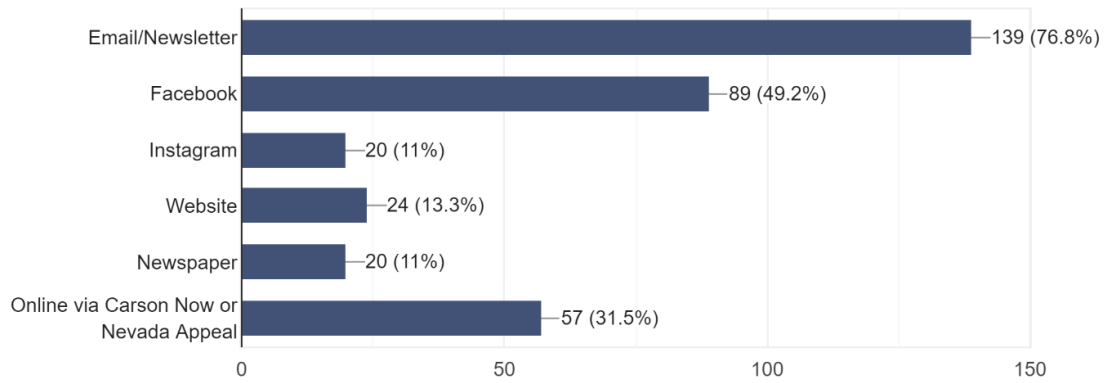
Are you a participant in any of these programs?

21 responses



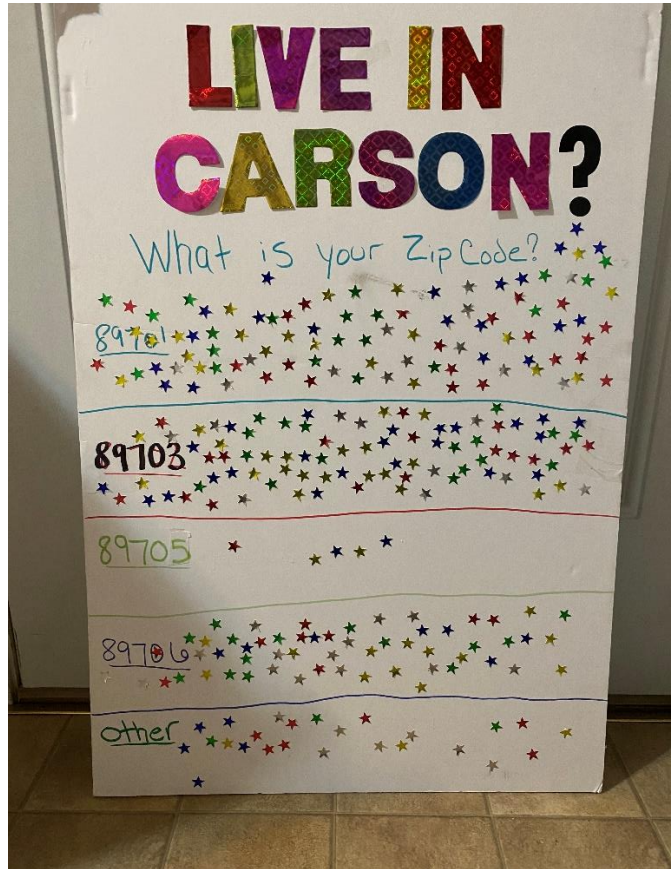
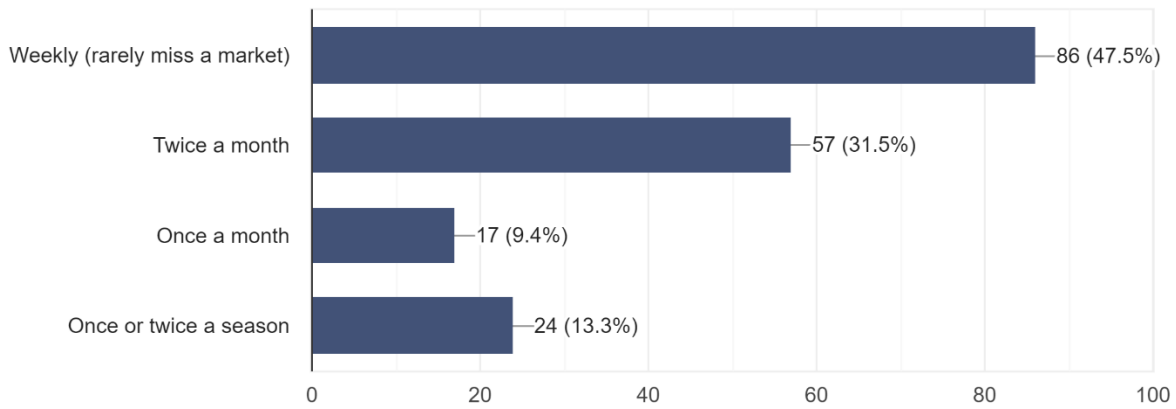
How do you follow along with news, announcements and information about the Carson Farmers Market?

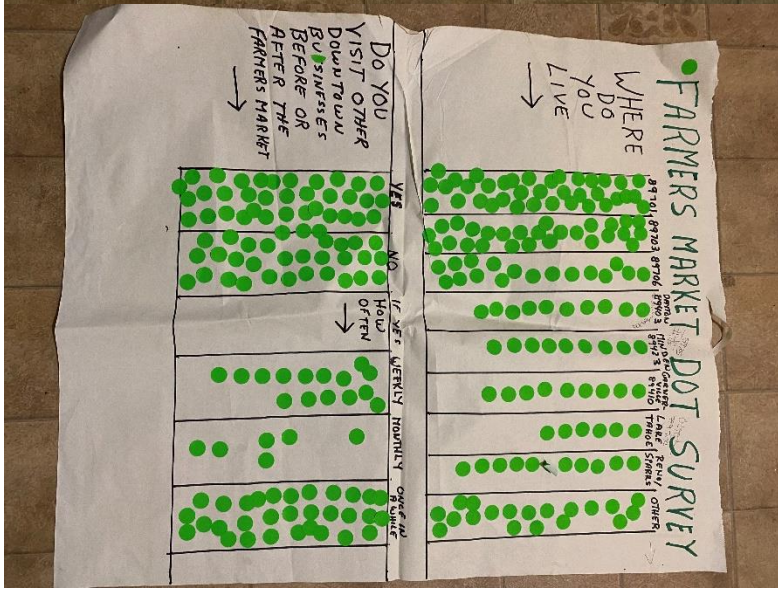
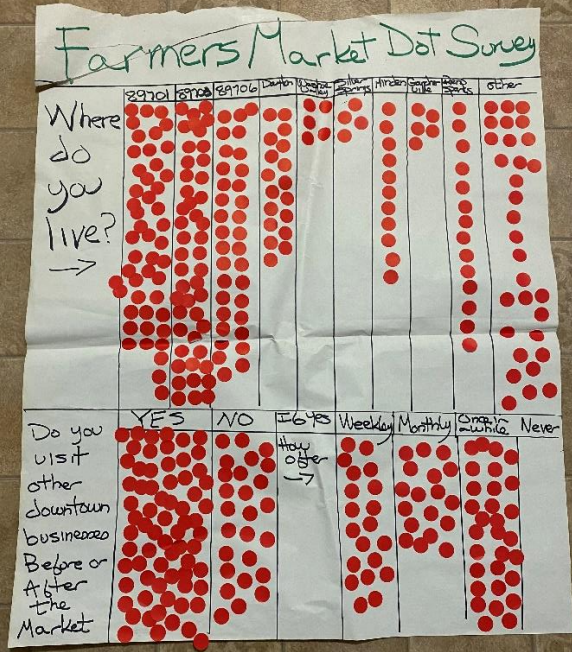
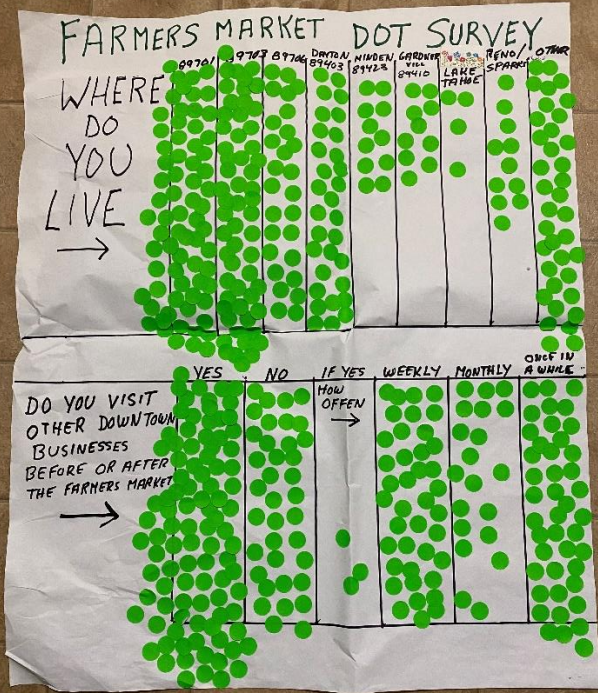
181 responses



How often do you attend the market?

181 responses





From: [Donald Robertson](#)
To: [Public Comment](#)
Subject: Special Workshop
Date: Wednesday, February 23, 2022 9:03:26 AM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

I would like you to address the situation on N. Carson St. The old K-Mart plazawhich has been empty for about 20 years and has become a blighted property. This is part of the greeting that people get when they enter Carson from the north. This is also the main entrance to the college. Now that the south end of town and the downtown area have been refurbished its time to address the north end.

Maybe you could offer some incentives to open business, such as the ones given to the auto dealer several years ago.

Please do some brainstorming to come up with possible tenant, such as a In & Out Burger in the old McDonald's building. Other possible tenants for the larger building may include grocery store (Winco), casino, bowling & rec center, health care, lab services, housewares, furniture, automotive services, ect... Please put your heads together and try and come up with a solution for this area.

I am out of town and can't attend your workshop.

Thank you,
Don Robertson
1606 Turner Ct
Carson City
89703
775-721-7583

From: [Doreen Mack](#)
To: [Public Comment](#)
Subject: Friday's Special Workshop 2/24/2022
Date: Thursday, February 24, 2022 2:54:17 PM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

To The Board of Supervisors
re: Meeting for Special Workshop

I will not be able to attend this meeting, but I will be happy to discuss it with any of you. Here are some of my suggestions.

- **Code enforcement:**

Homelessness...

This needs to be addressed and followed through. I have had public meetings in the past on this and it is not getting any better. The homeless situation is a real threat to our community and downtown. This is not how we want to be represented as a community. This is going to take brainstorming and programs put in place or work with other communities who have established programs and financially compensate them.

- **Future funding priorities on redevelopment area:**

Incentive programs need to be established for business growth in our downtown core. This is for established businesses as well as being a draw to attract new businesses. They need to be encouraged to continue developing our downtown. The City has invested a lot of money in the downtown core, and we need to keep up the motivation. This is an on-going process and a lifetime commitment.

In 2013, when the Downtown 2020 group was formed to renovate downtown, I strongly felt that a strong downtown core would improve our economy and after completion in 2016, it did just that. Then the pandemic hit and created a backlash that affected everyone. There needs to be a fund set up to help with advertising and building improvements to make us a more business friendly town; and we need to be more innovative to new ideas. It is more important now than ever that we help businesses to succeed. It benefits everyone. The pandemic has hit our downtown core hard, and we need to give incentives to encourage growth. Retail shops are a necessity to attract the locals and tourism. We need to get creative and reach outside our community and advertise in other areas for specialty shops. Currently we have an overabundance of hair and nail salons mostly located within a 2 block radius.

- **Rules and procedures on special events**

Special events need to be encouraged. Carson City thrives on them, and there activities that can be done with little effort from the City. Like using the Capital grounds for a local art

show.

- **The City Arts & Culture program:**

Historic Downtown needs to be distinguished as a separate area.

At one time the Downtown 2020 Group had a plan for an arch as you enter the section of town at 5th Street and Williams Street. This should be revisited. Please view rendering attached.

God Bless,

Doreen ~Lofty Expressions

President Downtown 20/20~501c3

Ph: and Fx: 775-885-2444

Web-Site: Loftyexpressions.com

ARCH AT FIFTH AND CARSON STREET

- *Cupolo's represent Capital Building (lighted)
- *Sandstone Base represents old Roundhouse
- *Street Light incorporated in Arch
- *Arch design made of Scrolled Iron (lighted)
- *Date Carson was established (in Center)
- *Nevada State Capital or Historic Downtown (below)



Public Comments re Erosion and Sediment Control for BOS Meeting on Friday February 24, 2022

I am providing a summary of my interpretation of legal requirements, and some questions the requirements raise, based on Carson City Code of Ordinances, Title 12. WATER, SEWERAGE AND DRAINAGE. I have attached the full document as a reference for your edification.

Background

§ 12.18.020. Applicability

This chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulation, and the NPDES municipal stormwater permit and any amendments, revisions or re-issuance thereof. No required permit issued pursuant to this chapter shall relieve a person of the responsibility to secure other permits and approvals required for activities regulated by any other applicable rule, code, act, permit or ordinance.

§ 12.18.070. Responsibility of permittee

2. Preventing damage to adjacent property (No person shall disturb earth on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, or any public or private property without supporting and protecting such property from settling, cracking, or other damage which might result).

4. Promptly removing all soil, miscellaneous debris, materials applied, dumped, or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares or any other non-authorized offsite location, during transit to and from the construction site, or otherwise, where such spillage constitutes a public nuisance, trespass or hazard in the determination of the city engineer or a court of competent jurisdiction.

§ 12.18.080. General requirements.

2. All earth disturbances shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation and should not exceed the erosion expected to occur for the site in its totally undeveloped state.

Discussion

Section 12.18.040.2 states Permit Application. "Permit application shall be consistent with those required submittals for an engineering permit, along with plans, specifications, and project schedules for all construction operations for earth disturbances of more than 1 acre in size or areas greater than 10,000 square feet of new impervious surface or of more than 50 cubic yards of grading."

The Deputy City Attorney said originally, in writing, that no Permit application was required for the Prison Hill projects, and one was only prepared after I filed a formal "Misdemeanor Complaint" in which the Parks Department, Open Space Department and Deputy District Attorney were specifically named. This complaint clearly showed why the erosion control plan and SWPPP were in fact required, according to the City's regulations. Based on my complaint, the Deputy DA provided me with a city-prepared SWPPP which was inadequate in that it did not specify any post-construction BMP's, or maintenance of the roadway after sediment had been

deposited on the road surface from all low points on the OHV western side of hill. I submitted an edited version of the SWPPP and was told by the DA that it wasn't his intent to have me review the SWPPP, document but would pass on my comments to the Parks and Open Space Departments. I also noted that he had not provided any answers to my question about not having prepared a SWPPP for Project 1 (Signs of Change 1 and 2) and have not had a response yet on this issue from the Deputy City Attorney.

In my opinion, the constant use of prison hill as an OHV area is clearly an on-going earth disturbance and causes heavy erosion and sediment transport to occur after rain. The construction of sediment detention basins downstream of all major drainages on the on the west side of the hill (i.e., prior to discharging water towards Golden Eagle Lane), is crucial to stop sediment from reaching the road, and ultimately the Carson River. This is clearly an oversight in the engineering design.

The State culvert under Golden Eagle Lane has been blocked for a very long time and the City and State go back and forth blaming the delay on each other. I suspect that the City and State are colluding to delay cleaning or replacement of the culvert, because the State is happily accepting ALL sediment that is caused by OHV's in their Prison sediment placement area, and it is only a question of time before this gets into the Carson River.

Carson City Code of Ordinances

Title 12. WATER, SEWERAGE AND DRAINAGE

Chapter 12.18. EROSION AND SEDIMENT CONTROL

§ 12.18.010. Definitions

12.18.01.3. "Best management practices (BMPs)" means physical, structural and/or managerial practices that, when used singly or in combination, control site run-off, spillage and leaks, errant dust, waste disposal and drainage from material storage and prevent or reduce the discharge of pollutants directly or indirectly to waters of the State, (United States). BMPs may include schedules of activities, prohibition of practices, design standards and maintenance activities.

12.18.01.6. "Earth disturbance" means any man-made change in the natural cover or topography of land, including all stripping, grading, cut and fill operations, building, paving and other activities, which may result in or contribute to soil erosion or sedimentation of the waters of the State.

12.18.01.8. "Excavation" means any act, by which soil or rock is cut into, dug, mined, quarried, uncovered, removed, displaced, relocated, or stockpiled, including the conditions resulting from excavation.

12.18.01.9. "Filling" means any act by which soil, rock or other construction materials are placed, stockpiled, dumped, or a combination thereof onto the surface of the earth that may be exposed to rain water or wind.

12.18.01.10. "Grading" means any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

12.18.01. 20. "Pollution" means contamination or other alteration of the physical, chemical or biological properties of waters of the State, including change in pH, temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the State that will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreation or to other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

12.18.01.21. "Stripping" means any activity that removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

12.18.01.22. "Storm water" means surface runoff and drainage associated with storm events and snowmelt.

12.18.01.23. "Temporary soil erosion control measures" means interim control measures which are installed during construction and maintained for the purpose of controlling soil erosion until permanent soil erosion control measures are implemented.

§ 12.18.020. Applicability

All persons taking any action or applying for any land development, land division or construction permits and/or approvals shall be required to submit for approval of an erosion and sediment control plan with their application and/or request, or;

Any person who undertakes, or is responsible for undertaking any action, which involves earth disturbance, is ultimately responsible to see that soil erosion and sedimentation as well as the resultant changed water flow characteristics are controlled to the extent necessary to avoid damage to property and to avoid pollution of receiving waters. Nothing in this chapter shall be taken or construed as lessening or modifying the ultimate responsibility of such persons. Nor do the requirements of this chapter imply the assumption of any liability therefore on the part of the city.

The standards, criteria and requirements of this chapter are to be seen as minimum standards that are not necessarily adequate to meet the highly variable conditions that must be covered by effective control measures. Compliance with the requirements of this chapter may not, therefore, of itself discharge such person's responsibility to provide effective control measures.

Erosion and sedimentation that occurs from construction activities within the city shall be prevented from leaving construction sites by providing proper provisions for water disposal and by protecting soil surfaces during and after construction, in order to promote the safety, public health, convenience and general welfare of the community.

No permits shall be issued unless said permits include soil erosion and sediment control measures consistent with the requirements of this chapter and related development standards.

This chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulation, and the NPDES municipal stormwater permit and any amendments, revisions or re-issuance thereof. No required permit issued pursuant to this chapter shall relieve a person of the responsibility to secure other permits and approvals required for activities regulated by any other applicable rule, code, act, permit or ordinance.

§ 12.18.030. Exceptions to applicability.

No erosion and sediment control plan shall be required for the following:

1. Agricultural use of land zoned agricultural.
2. Single family residences with less than 1 acre of disturbed area and/or less than 50 cubic yards of grading.
3. All other land use zones or public areas of less than 10,000 square feet of new impervious surface, and/or less than 50 cubic yards of grading, and/or less than 1 acre of earth disturbance.
4. Where the city engineer agrees, in writing, with the permittee that the planned work and the final structures or topographical changes will not result in or contribute to soil erosion or sedimentation, i.e., the rainfall erosivity factor is less than 5 during the period of construction activity; will not interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way; will not present any hazard to any persons or property; or will have no detrimental influence upon the public welfare or upon the total development of the watershed.
5. Even though no erosion and sediment control plan is required under subsections (1), (2), (3), and (4) of this section, those operations and construction activities which are exempted from submitting an erosion and sediment control plan **must comply with the rules and regulations in this chapter when conditions change such that appropriate controls are necessary to retain soil erosion on the area of earth disturbance.**

§ 12.18.040. Permits and fees.

1. Permit Requirement. Except as exempted by Carson City Municipal Code, no person shall do any earth disturbance, unless the city issues a valid permit. Issuance by city does not exempt the parties from obtaining any other permits required by the State of Nevada or the Federal Government.
2. Permit Application. Permit application shall be consistent with those required submittals for an engineering permit, along with plans, specifications, and project schedules for all construction operations for earth disturbances of more than 1 acre in size or areas greater than 10,000 square feet of new impervious surface or of more than 50 cubic yards of grading.

4. Fees. No separate fees under this Section will be imposed.

§ 12.18.070. Responsibility of permittee. _

During earth disturbance operations the permittee shall be responsible for:

1. Preventing damage to any public utilities or services within the limits of earth disturbance and along any routes of travel of the equipment;
2. Preventing damage to adjacent property (No person shall disturb earth on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, or any public or private property without supporting and protecting such property from settling, cracking, or other damage which might result).
3. Executing the proposed work in accordance with the permitted plans and in compliance with all the requirements of the permit and this chapter;
4. Promptly removing all soil, miscellaneous debris, materials applied, dumped, or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares or any other non-authorized offsite location, during transit to and from the construction site, or otherwise, where such spillage constitutes a public nuisance, trespass or hazard in the determination of the city engineer or a court of competent jurisdiction.

§ 12.18.080. General requirements. _

1. All temporary erosion control facilities and all permanent facilities intended to control erosion from any earth disturbance shall be installed before the work takes place.
2. All earth disturbances shall be conducted in such a manner so as to effectively reduce accelerated soil erosion and resulting sedimentation, and should not exceed the erosion expected to occur for the site in its totally undeveloped state
3. All persons engaged in earth disturbances shall design, implement, and maintain acceptable soil erosion and sedimentation control measures, in conformance with the erosion control technical standards adopted by the city.
4. All earth disturbances shall be designed, constructed and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time.
5. Sediment cause by accelerated soil erosion shall be removed from runoff water to the maximum extent practicable before it leaves the site of the earth disturbance.

6. Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth disturbance area shall be designed to limit the water flow to a non-erosive velocity.

7. Temporary soil erosion control facilities shall be removed and earth disturbance areas graded and stabilized with permanent soil erosion control measures pursuant to standards and specifications prescribed in accordance with the provisions the development standards of Carson City.

8. Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed as soon as possible after final grading or the final earth disturbance has been completed. When it is not possible to permanently stabilize a disturbed area after an earth disturbance has been completed or where significant earth disturbance activity ceases, temporary soil erosion control measures shall be implemented. All temporary soil erosion control measures shall be maintained until permanent soil erosion measures are implemented.

(Ord. 2006-29 § 10, 2006).

§ 12.18.120. Acts resulting in violation of Federal Clean Water Act. _

Any person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, also may be in violation of the Federal Clean Water Act and may be subject to the sanctions of that Act including civil and criminal penalties.

(Ord. 2006-29 § 14, 2006).