

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the July 18, 2005 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, July 18, 2005 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Vice Chairperson Dan Jacquet
Laura Bird
Michael Fischer
Wayne Perock
Howard Riedl

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space Manager
Andrew Burnham, Development Services Director
Kathleen King, Recording Secretary

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's Office, and is available for review during regular business hours.

CALL TO ORDER AND ROLL CALL (1-0007) - Vice Chairperson Jacquet called the meeting to order at 6:00 p.m. A quorum was present. Chairperson Hartman and Member Scott were absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0015) - None.

1. ACTION ON APPROVAL OF MINUTES - April 18, 2005, May 16, 2005, and June 1, 2005 (1-0017) - Member Riedl moved to approve the minutes. Member Fischer seconded the motion. Motion carried 5-0.

2. CHANGES TO THE AGENDA (1-0027) - Mr. Guzman requested Vice Chairperson Jacquet to defer item 3-A, and to address item 3-E prior to item 3-B. (1-0485) At Mr. Guzman's request, Vice Chairperson Jacquet further modified the agenda to address item 3-D prior to item 3-C.

3. AGENDA ITEMS:

3-A. ACTION TO EXPRESS GRATITUDE TO MIKE OTTERSTROM OF BOY SCOUT TROOP #45 FOR ORGANIZING, AS AN EAGLE SCOUT PROJECT, A COMMUNITY PLANTING OF 1,000 TWO-YEAR-OLD JEFFREY PINES AT APN 7-091-49, A 56-ACRE CARSON CITY PROPERTY LOCATED SOUTH OF LAKEVIEW WHICH WAS BURNED IN THE WATERFALL FIRE - Deferred.

3-B. ACTION TO APPROVE AN INTERPRETIVE SIGN PROGRAM PROPOSED BY GIRL SCOUT TROOP #475 FOR THE MOFFAT PROPERTY (1-0358) - Mr. Guzman introduced Erika Knutsen, and distributed a proposed drawing of the carved relief. He reviewed the dimensions of the rock upon which the carving will be done. Ms. Knutsen advised of the Parks Department offer to move the rock onto the hill. In response to a question, she explained the reason for selecting the sites depicted on the proposed carving. Mr. Guzman suggested including a depiction of the Carson River flood plain on the carving, and Ms. Knutsen offered to visit the Moffat property to determine its visibility from the site.

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Member Fischer suggested ensuring that the Ormsby House will still be called by the same name. Ms. Knutsen responded to questions regarding the signage design. Member Perock suggested adding the State Museum to the proposed carving, and Ms. Knutsen agreed to investigate whether or not it is visible from the site. Member Fischer suggested considering metal posts instead of wood for the interpretive signage. Member Bird expressed an interest in seeing exactly where the carved rock will be placed relative to the stairway and the ramp. Mr. Guzman advised of having walked the site with Ms. Knutsen, who expressed a preference for placing the rock just west of the southern bench on the top platform. He suggested meeting at the site. Ms. Knutsen advised of having arranged a meeting with an engineer from Lumos & Associates to determine the stability of the proposed location. Vice Chairperson Jacquet called for public comment and, when none was forthcoming, thanked Ms. Knutsen. **Member Perock moved to approve the proposed interpretive sign with consideration of the recommendations provided at this meeting. Member Fischer seconded the motion. Motion carried 4-1.**

3-C. ACTION TO REVIEW AND RECONSIDER A RECOMMENDATION BY THE OPEN SPACE ADVISORY COMMITTEE TO THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS REGARDING THE MASTER PLAN LAND USE SCENARIOS (1-0903) - Mr. Guzman reviewed the staff report. Member Perock expressed concern that the Committee's recommendation was perceived as being more favorable toward scenario 2 than scenario 1.5. He suggested making clear that the Committee's preference was "more toward infill and a lot of the things for downtown that scenario 1 gave us, but there were concepts in [scenario] 2 that we specifically identified that we would like to carry forward. So there's a mix between the two." Vice Chairperson Jacquet commented that each of the items listed in the staff report appeared accurate according to his recollection. Member Riedl agreed, and inquired as to any information from the Envision process which may influence the Committee. Mr. Guzman advised that the Envision process had led everyone to believe alternatives 1 and 2, with emphasis on scenario 2, should be the City's direction. As a result of the joint meeting between the Planning Commission and the Board of Supervisors, the master plan team has decided to proceed with more careful analysis and development of scenario 2, "not forgetting downtown." The pedestrian plan and the parks, recreation, and trails plan will begin to be incorporated.

In response to a question, Mr. Guzman advised that the Committee's recommendations were explained in detail to the Board of Supervisors. Subsequent direction to the planning team consultants was to incorporate specifically the recommendations of each advisory committee. Mr. Guzman advised that scenario 3 had been eliminated. Member Perock expressed satisfaction with the action taken by this Committee, especially after reading all the public comments received on each of the scenarios. **Member Perock moved to reaffirm the Committee's action. Member Riedl seconded the motion.** Member Bird commented that the motions were well worded and represented the ideas conveyed. Vice Chairperson Jacquet called for a vote on the pending motion; **motion carried 5-0.**

3-D. DISCUSSION AND RECOMMENDATION TO THE BOARD OF SUPERVISORS TO AUTHORIZE AN UNDERSTANDING BETWEEN THE CARSON CITY DEVELOPMENT SERVICES DEPARTMENT AND THE PARKS AND RECREATION OPEN SPACE DIVISION PROVIDING FOR THE MANAGEMENT OF THE CARSON CITY WATERSHED PROTECTION AND RECHARGE LANDS LOCATED WITHIN THE CARSON RANGE (1-0485) - Mr. Guzman reviewed the staff report. Mr. Burnham provided background information on acquisition and management of the subject lands. He advised that the water fund would continue to cover management costs.

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In response to a question, Mr. Burnham advised that water rates were increased last year. He anticipates that sewer rates will also be increased. Member Fischer expressed concern that the general public would perceive Question #18 to be funding management of water recharge areas. In response to a question, Mr. Guzman advised that the language of the ordinance, which was derived from the language of the ballot question, provides for the Open Space Program to oversee lands dedicated to the purpose of open space. "It doesn't get any better than those 5,000 acres." Mr. Guzman advised that the subject lands possess all the characteristics defined in the Open Space Program criteria "and then some." He discussed the importance of devoting considerable time to management, particularly in the process of rehabilitation following the Waterfall Fire. He advised that Senator Reid believes \$750,000 will be allocated to the City, through the Department of Agriculture, for reforestation. Mr. Burnham advised that the Utilities Division will not walk away from its responsibilities over road maintenance, proper watershed management, etc. if a memorandum of understanding is entered into. Member Fischer suggested including in the memorandum of understanding a formula which is easily understood by the general public.

Vice Chairperson Jacquet expressed support for the concept, but a concern over the perception that the lands will become part of the Open Space Program and be subject to the Open Space ordinance. Mr. Burnham advised that the water managers have similar concerns over managing the lands for water resources. He clarified that the missions of the Utilities Division and the Open Space Program are not incompatible. He anticipates construction of one additional water tank in the Kings Canyon area. Other than that, the goal is to continue maintaining existing facilities.

Member Riedl expressed support for the concept, and the opinion that the City has done well on capital improvements for the Open Space Program. He acknowledged the need to take care of the Open Space acquisitions, and noted the efficiency and effectiveness of combining resources. He inquired as to whether the Utilities Division has a long-range plan which could be incorporated into the memorandum of understanding. Mr. Burnham advised of a 20-year plan which includes improvements, such as installing a water line from the Lakeview tanks to the Ash Canyon tanks to the Quill Water Treatment Plant, and line improvements which will be funded by the State. He anticipates construction within a year to two years, and advised that the improvements will be funded by the rate payers. He agreed that long-range plans for water could be incorporated into the memorandum of understanding. In response to a question, he advised that the City has no formalized plan for management of watershed lands other than to continue as management has been done over the last twenty years. In response to a further question, he agreed that exploring a formalized management plan would be reasonable.

Mr. Guzman commented that the Open Space Program is at somewhat of a crossroads, and that "we arrived here" sooner than anticipated. He noted that the Open Space Program has emphasized acquiring more land, and now is shifting into management of the lands. He expressed the opinion the timing is appropriate because of the Waterfall Fire which precipitated many events resulting in rehabilitation rather than purchasing land. He suggested that the effort would be incomplete without continuing to participate in that process.

Member Riedl commented on the importance of developing a plan because the lack thereof could indicate irresponsibility. Member Fischer expressed support for the concept. In response to a question, Mr. Guzman explained that the process is likely to be complicated. He discussed the intent to present the concept to the Board of Supervisors and receive their input prior to proceeding. Mr. Guzman acknowledged he would return to the Committee with a draft memorandum of understanding.

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(1-0808) Joe Childs expressed support for open space and certainty that volunteers would be willing to help manage the lands.

Vice Chairperson Jacquet suggested being cautious about representing the lands in the western foothills as watershed or open space. He noted the importance of specifying the intent for a “long-term scenario of generally open, healthy forest, healthy watershed, not a holding place for the next big dam or channel.” Mr. Burnham advised that the use will “tend more toward open space.” He noted that the lands have been managed benignly over the past twenty years. He reiterated there is no anticipation of large facilities. Vice Chairperson Jacquet inquired as to whether the memorandum of understanding could also consider mutual acquisitions. Mr. Burnham advised of discussions with property owners in the area, and of potential property acquisitions. To the degree that private lands are acquired to ensure water resources, there is a value from the utilities standpoint. **Member Fischer moved to request Mr. Guzman to present the concept to the Board of Supervisors. Member Bird seconded the motion. Motion carried 5-0.**

3-E. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE NOMINATION OF APPROXIMATELY 500 ACRES OWNED BY JOHN SERPA AND LOCATED EAST OF DEER RUN ROAD (APNs 8-531-39 AND -40, 10-011-26 AND -27, AND 10-021-55) AS A LAND ACQUISITION PROJECT IN ROUND 3 OF THE STATE BALLOT QUESTION 1 PROCESS (1-0049) - Mr. Guzman pointed out the subject property on a displayed map, and clarified that the portion which is situated in Carson City actually comprises approximately 370 acres. He explained the purpose of this agenda item to request the Committee’s approval to enter into negotiations with Mr. Serpa toward purchase of the property. He advised that the site has been designated as a Super Fund area. He further advised that the characteristics of the property exceed the Open Space Program criteria, and he reviewed the same. He expressed the hope to appraise the property early, and discussed the intent to submit a very conceptual idea to the Board of Supervisors. He explained that purchase of the property will be more expensive in that more technical studies and investigations will be required. He hopes to apply for Round 4 Question #1 funding in December or January.

Mr. Guzman responded to questions regarding the relationship between the subject property and the City’s effluent bio-remediation project. The Nevada Division of Environmental Protection will require the City to remedy the problem. In response to a question, Mr. Guzman advised that no appraisal work has been done on the site.

Mr. Guzman introduced Nevada Division of Environmental Protection Bureau of Corrective Actions Chief Jim Najima. Mr. Najima explained that the subject property has been designated as a federal lead site by the Environmental Protection Agency. There is no clear delineation of the boundaries of the Super Fund site. Mr. Najima explained that the federal EPA conducted environmental assessments to determine the severity of the problem in the 1980s and 1990s, and also conducted some cleanup at the heavily contaminated sites in Lyon County. He provided five-year reports, past information on the Carson River Super Fund identification, and maps of areas in which the federal EPA conducted sampling.

In response to a question, Mr. Najima explained the reason the federal government had designated the Carson River as a Super Fund site. In response to a further question, he explained there are certain levels of clean up required depending upon how the property will be used. He clarified that, without a site characterization of the real property, it was impossible to determine a cost. Depending upon use of the property, it may be better to “cap it” with a layer of dirt. Mr. Najima discussed a project on which he has

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been working with RCI, and suggested Member Scott would have a better idea of the costs associated with removing mercury. In response to a further question, he reiterated that use of a property determines whether or not analysis is required. He clarified that the brief federal EPA evaluation done in the early 1990s indicates there is no contamination on the subject parcels. In response to a further question, he advised that the federal EPA would require the NDEP Bureau of Corrective Actions to work with the City to conduct a phase 1 or phase 2 property assessment to determine mercury contamination.

Vice Chairperson Jacquet expressed the understanding that leaving the site undisturbed would be the EPA's preferred course of action. In response to a question, Mr. Najima discussed the concern of exposure pathways, i.e., ingestion, injection, or dermal exposure. He suggested that the mercury has most likely sunk to a point where it would not be readily exposed. He agreed there would most likely not be much concern if the parcel is left as open space. He advised of having visited the site earlier in the day and noted the vegetation and very steep topography. In response to a question, Mr. Najima advised that the initial analyses done in the 1990s were very superficial; only the top six inches. The EPA was very selective as to the sampling areas.

Member Perock inquired as to the potential for trails or recreation facilities, and whether development of such amenities would create a problem. Mr. Guzman advised that a trail would most likely be proposed and that possible mercury contamination would be investigated along the proposed alignment. If contamination was discovered, the alignment would be changed or a determination made regarding a remedy. Mr. Guzman advised there are specific areas of contamination on the property, not the entire site. He advised of having reviewed a study conducted by the property owner in 1979 which shows some sampling where mercury was found. Most of the mercury contamination is not in the land being offered for sale, but in lands owned by the State of Nevada, i.e., below the high water mark of the River. Mr. Najima advised that concerns over trail or recreation facility development would depend on the type and extent of development. He offered to leave with Mr. Guzman the results of the EPA's 1990 analysis. He advised that the results indicate there is no high concentration of mercury in the area.

Member Riedl advised of a browns field program through the State, and inquired as to available funding for thorough investigation of the property. Mr. Najima advised of three different funding mechanisms, as follows: through the federal EPA, through the Bureau of Corrections, and through the State revolving loan program. He further advised that the subject property could potentially qualify, and that a Bureau of Corrections staff person could work with City staff.

Vice Chairperson Jacquet called for public comment and, when none was forthcoming, entertained a motion. **Member Fischer moved to request Mr. Guzman to negotiate with Mr. Serpa. Member Bird seconded the motion. Motion carried 5-0.** Vice Chairperson Jacquet thanked Mr. Najima.

3-F. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A DRAFT FUNDING AGREEMENT FOR HORSE CREEK RANCH - QUESTION 1 PROGRAM, CALLING FOR THE REFUND OF \$1,000,000 TO CARSON CITY FOR THE FEE PURCHASE OF HORSE CREEK RANCH (1-1012) - Mr. Guzman reviewed the staff report and the attachments. He discussed the principle of perpetuity included in the language of the funding agreement. Member Perock advised that perpetuity was the intent of the legislation which allowed Question #1 to be presented to the voters. He expressed the hope that the Board of Supervisors have an understanding of this background. Vice Chairperson Jacquet noted that perpetuity is the general theme of open space. He acknowledged

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having been cautioned by the District Attorney that the strict definition of perpetuity is somewhat different in that land uses cannot be forever restricted. Future governing bodies will have authority to make changes. Vice Chairperson Jacquet advised of provisions in the Open Space Ordinance and in Question #1 which require funds generated from the future sales of lands to revert back to the programs. Discussion took place with regard to how a perpetual designation would be removed from a piece of property. Member Fischer suggested agendaizing discussion regarding perpetuity for a future meeting. **Member Fischer moved to recommend to the Board of Supervisors approval of a draft funding agreement for Horse Creek Ranch Question #1 program calling for the refund of \$1 million to Carson City for the fee purchase of Horse Creek Ranch. Member Riedl seconded the motion. Motion carried 5-0.**

3-G. STATUS REPORT ONLY REGARDING THE WATERFALL FIRE LOGGING SALVAGE OPERATIONS BY CARSON CITY AND THE U.S. FOREST SERVICE (1-1152) - Mr. Guzman advised that the USFS bid their project for a third time with “no takers.” The plan is to begin working with fire wood contractors, and determine which areas are flat enough to be logged with tractors. Mr. Guzman advised that the Board of Supervisors agenda includes a request to submit a letter to the USFS, asking them to proceed with salvage operations.

Mr. Guzman advised that the City’s contract was completed under budget. He further advised of being responsible to oversee rehabilitation of the 40-acre park in the Lakeview area. Sierra Pacific Industries is responsible for Vicee, Ash, and Kings Canyons. The Nevada Division of Forestry has issued a letter assigning responsibilities, and Mr. Guzman advised that the work will proceed between now and the winter.

Mr. Guzman explained that the roads are closed to vehicular traffic because of the Sheriff’s ongoing arson investigation. The Sheriff has agreed to allow pedestrian and equestrian use of the area, however. In response to a question, Mr. Guzman advised that the trees visible on USFS land are dead. He described the method by which the USFS entomologist determined which trees would not survive. In response to a question, he provided background information on the drainage and separation work done along Curry Street. He acknowledged the area will also be used as a recreation resource for pedestrians. Member Perock expressed support for identifying roads which can be used for future trails and eliminating those which cause erosion or are duplicate.

Mr. Guzman acknowledged there may be an opportunity to explore the possibility of the City bidding on the USFS contract. He noted that the USFS is very particular about management of their lands, but suggested that if the City receives the \$750,000 from the Department of Agriculture, there may be sufficient funding to do applications on USFS as well as City lands. He advised that the issue is cutting the timber.

Member Fischer expressed concern that the burned trees on USFS property, which are in the process of being destroyed by insects, will adversely affect the City’s rehabilitation process. In response to a question, Member Perock suggested employing political means to pressure the USFS to start moving quicker. He expressed concern over the USFS doing very little or nothing and thereby making the existing situation worse. He expressed further concern over liabilities associated with bark beetles infesting trees on adjacent properties. Mr. Guzman advised that the Board of Supervisors has initiated the process of pressuring the USFS. He agreed to look into the possibility of also utilizing the Washington lobbyists. He provided background information on the efforts invested in developing and putting out the bids.

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In response to a question, Mr. Guzman advised that Carson City is usually compared to Mount Charleston. The unique situation of the City's watershed being directly impacted was the reason Congress stepped in to provide assistance. In response to a further question, Mr. Guzman advised that forest thinning was included in the USFS bids. He responded to additional questions regarding the reasons no bids were submitted in response to the USFS request. Mr. Guzman advised he would transmit to the Committee the letter from the Board of Supervisors to the USFS, and keep the Committee informed. He invited the Committee members to participate in a field trip.

4. NON-ACTION ITEMS:

STATUS REPORTS AND COMMENTS FROM COMMITTEE MEMBERS (1-1465) - Member Perock suggested scheduling a Carson River raft trip in the spring. He expressed an interest in reviewing the City's biomass plan at a future meeting.

STATUS REPORTS AND COMMENTS FROM STAFF (1-1572) - Mr. Guzman reported that Administrative Assistant Laura Beckerdite had announced her retirement. He expressed appreciation for her assistance. He provided background information, and advised that the threat of development on the Andersen / Jarrard property is gone. He reviewed the remainder of the "FYI" items included in the agenda materials, and discussed the importance of inviting the master plan consultants to address this Committee at the next possible opportunity.

FUTURE AGENDA ITEMS FROM COMMITTEE MEMBERS (1-1642) - Vice Chairperson Jacquet requested Mr. Guzman to ask Paul Pugsley to provide a report on the beaver population in the area, specifically the area of the River.

5. ACTION ON ADJOURNMENT (1-1665) - Member Fischer moved to adjourn the meeting at 7:36 p.m. The motion was seconded and carried 5-0.

The Minutes of the July 18, 2005 meeting of the Carson City Open Space Advisory Committee are so approved this 15th day of August, 2005.

STEPHEN D. HARTMAN, Chair