

**CARSON CITY PARKS AND RECREATION COMMISSION**  
**Minutes of the September 7, 2004 Meeting**  
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A regular meeting of the Carson City Parks and Recreation Commission was scheduled for 5:30 p.m. on Tuesday, September 7, 2004 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson Tom Keeton  
Vice Chairperson Donna DePauw  
Donna Curtis  
John Felesina  
Charlene Herst  
Pete Livermore  
John McKenna  
Tom Patton

**STAFF:** Linda Ritter, City Manager  
Scott Fahrenbruch, Acting Parks and Recreation Director  
Vern Krahn, Park Planner  
Mitch Ames, Community Center / Theater Operations Supervisor  
Mark Forsberg, Chief Deputy District Attorney  
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 (1-0009)** - Chairperson Keeton called the meeting to order at 5:30 p.m. Roll was called; a quorum was present. Commissioner Hoffman was absent.

**CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0017)** - None.

**1. ACTION ON APPROVAL OF MINUTES - August 12, 2004 (1-0022)** - Commissioner Herst moved to approve the minutes. Commissioner Curtis seconded the motion. Motion carried 8-0.

**2. CHANGES TO THE AGENDA (1-0033)** - None.

**3. AGENDA ITEMS:**

**3-A. UPDATE ONLY ON THE BOARD OF SUPERVISORS APPROVED USE OF QUALITY OF LIFE INITIATIVE (QUESTION 18) FUNDS TO PAY A PORTION OF THE LEGAL SETTLEMENT COSTS AND JUDGMENT AGAINST THE CITY REGARDING THE CARSON AQUATIC FACILITY IMPROVEMENT PROJECT (1-0036)** - Mr. Fahrenbruch provided background information on this item and reviewed the staff report. He advised that this matter had been "fast tracked" to the Board of Supervisors rather than following the usual procedure of presenting large Quality of Life expenditures to the Commission for review. He further advised of having expressed concerns to City Manager Linda Ritter and Finance Director Tom Minton, who both acknowledged that communication could have been better. He expressed the opinion, however, that the subject expenditure was not in conflict with the spirit of Question #18. The expenditure was appropriate because it was specific to the original project funded through Question #18, the costs being directly associated with construction and physical improvements. Mr. Fahrenbruch advised that if the expenditure had been inappropriate, he would have expressed opposition on behalf of the Parks and Recreation Department. He further advised

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that although the amount of awarded court costs and legal fees is unknown at this time, Ms. Ritter and Mr. Minton have provided assurances that there is no intention to use Quality of Life funds to pay them.

Mr. Fahrenbruch introduced Mr. Forsberg who, in response to a question, provided detailed information on the method by which construction costs are funded under a contract, the issues leading up to the litigation, and the trial. He explained that, at the end of the trial, the jury determined Carson City should convey to American General Development ("AGD") the sum of \$327,000 plus \$6,000 in unpaid invoices. The jury also returned a judgment in favor of Carson City in the amount of \$54,000 on poor workmanship issues which related primarily to the therapy pool. The result was that Carson City owed an approximately \$281,000 net judgment to AGD. Mr. Forsberg explained that once the jury returned its verdict, it was incumbent upon the City to act as quickly as possible to approve payment of the judgment. The City had no choice over the payment. Mr. Forsberg advised that extensive research was conducted into appealing the jury's verdict; however, there were no grounds on which the City could have confidently prevailed. Evidence was presented to support AGD's position as the plaintiff. City staff and District Attorney's office representatives determined that the evidence was not credible, and pursued defense of the litigation with the permission of the Board of Supervisors.

Mr. Forsberg advised that the Board of Supervisors acted promptly to pay the judgment with good reason. He explained that attorneys fees and costs are available, by statute, to the prevailing party in a construction defect case. Whether AGD is entitled to everything they ask for is open to question. The Court has not decided what fees and costs should be awarded to AGD, and the attorneys are in the process of beginning mediation to reach an agreement. AGD's attorneys have not yet filed a motion for attorneys fees. Mr. Forsberg explained that the litigation was very expensive and lengthy. There were many depositions, expert witnesses, and a three-week trial. He advised that District Attorney's office staff will do everything possible to keep the attorneys fees and costs within reasonable limits. In response to a question, Mr. Forsberg explained that, by statute, if the 10% construction costs are improperly retained during the course of the contract, interest accrues on the improperly retained funds. District Attorney's office staff were able to negotiate, with the cooperation of AGD, the minimum amount possible under any interpretation of the point at which the interest began accruing on the applicable sum. He explained that the interest only accrued on the net judgment, not the entire retention which saved Carson City some money.

Commissioner McKenna advised that he was serving as a Parks and Recreation Commissioner at the time Parks and Recreation Department staff decided to remove AGD from the Aquatic Facility project. He expressed the opinion that Parks and Recreation Department and other City staff made good decisions based on the facts that were known at the time. He suggested that the Commission should move on in a positive direction. Vice Chairperson DePauw advised that the City had experienced problems with AGD on past projects. She discussed her participation, as a founding member of the Quality of Life committee, to develop Question #18. In response to a question, Mr. Forsberg explained that the time to appeal before entry of judgment is 30 days. There are things which can occur within that time frame which toll or extend the time. Mr. Forsberg advised that a motion to amend the judgment has been filed which tolls the 30 days. In response to a further question, Mr. Forsberg advised that using Quality of Life funding to pay the judgment was ultimately the decision of the Board of Supervisors. Mr. Fahrenbruch acknowledged that the Aquatic Facility was a Quality of Life project.

In response to a question, Commissioner Livermore expressed understanding that the 10% retention was set aside in the Quality of Life fund. Quality of Life funding was also used to hire Metcalf Builders, Inc. ("MBI"). Commissioner Livermore discussed his recollection of supporting the Aquatic Facility project. He suggested that adding the judgment amount back into the project costs would result in a figure that is

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still below the second bid. He explained that once the judgment was issued and legal counsel advised the City was required to pay it, the Board of Supervisors acted accordingly. Chairperson Keeton commented that no one was questioning payment of the judgment. He suggested that it was too late to debate whether AGD or some other contractor should have been hired.

Ms. Ritter explained that retention is a project cost, and this was the reason for allocating payment of the judgment from the Quality of Life fund. She advised that legal fees will be allocated from a separate fund. In response to a question regarding a recent general fund allocation to the Senior Citizens Center, Ms. Ritter explained that the City is in the process of developing a reimbursement agreement.

Vice Chairperson DePauw expressed the opinion that selection of AGD as the contractor became an issue when the City "had to pay double funding for a project that we shouldn't have had to pay out of Quality of Life funding." She advised of being employed by the California State Lottery, and discussed a situation in which California legislators began allocating funding from the state's general fund and using lottery money to fund the public schools. She advised that this was her concern when AGD was chosen. She stated that the City is "now paying a contractor that we shouldn't have used in the first place," and expressed the opinion that the contractor was "wrongly chosen." She expressed the further opinion that the judgment award should be paid back to the Quality of Life fund; that it should have been allocated from some other funding source. She stated that the "voters do not expect that we should keep paying for contractors' mistakes." The Quality of Life fund was established to address certain projects with certain amounts. Vice Chairperson DePauw expressed understanding for project cost over-runs. She stated that the Quality of Life fund was established for new projects, "not to keep taking care of mistakes that were made because we made a mistake in the first place."

Mr. Forsberg explained that the public bidding process is a "fact of life" for any public entity, and that it generally requires the public entity to accept the lowest responsible and responsive bid. In this case, there is no question that the bid entered by AGD was the lowest and that it was responsive to the published bid documents. Rejecting a bid based on the responsibility of the bidder is a challenging endeavor; something that is not done lightly and often involves litigation. Mr. Forsberg advised that nothing can be done, in hindsight, about the decision to select AGD, nor is it reasonable to conclude that AGD was not a responsible bidder because the City determined that it was. He suggested that opinions about the bidder or the quality of their work are just opinions. The fact is that AGD was the lowest responsible and responsive bidder. Mr. Forsberg noted that this situation centers around the judgment entered by a jury against the City. The reality of the judgment means that the City must now accept, as the truth, that \$327,000 was improperly retained. The judgment had to be paid just as the repairs on the pool, the slide, etc. had to be paid. Mr. Forsberg acknowledged that no one ever anticipated this outcome when starting the Aquatic Facility project; however, for the "multitude of reasons things turned out the way they did, ... there's no way around it." He advised that City and District Attorney's office staff did everything humanly possible to avoid this result and were unsuccessful. "You can't argue anymore about what led up to it."

In response to a question, Mr. Forsberg advised that the final cost of the Aquatic Facility, including the MBI contract and the judgment, is more than what was originally set aside in the Quality of Life fund. Vice Chairperson DePauw expressed concern that Mr. Fahrenbruch was not made aware of the intention to present this matter to the Board of Supervisors prior to presenting it to the Commission. She expressed the opinion that not presenting it to the Commission was disrespectful, and that the Board of Supervisors should have considered asking staff to present it to the Commission for review prior to making a decision. She noted that the Commission Chairperson has the authority to schedule special meetings, when necessary, and expressed the hope that "we never see anything like that happen again." She discussed the role of the

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Commission to represent the citizens. Chairperson Keeton expressed the opinion that there was no intention to disrespect the Commission. Ms. Ritter acknowledged the oversight and that Mr. Fahrenbruch should have been informed prior to agendaizing the Board of Supervisors item. She apologized for the omission.

Commissioner Patton thanked Mr. Forsberg for all the effort invested in the litigation. He advised that the litigation was complex and that Mr. Forsberg worked long and hard. He reviewed the facts and noted that ultimately, on the evidence, the jury decided in favor of the contractor. He explained that the standard on appeal after a trial on the merits is to challenge the jury's decision. Appellate courts are very unlikely to overrule a jury's decision on the evidence. If there is any reasonable basis for a jury to have decided as they did, their decision would be upheld. Commissioner Patton advised that Mr. Forsberg's explanation indicated that appeal would have been a futile effort and would have likely cost the City much more. He acknowledged that "it's a tough pill to swallow." He agreed that since the project was funded by Question #18, the deficit which remains to be paid in light of the judgment and what was necessary to complete the project is appropriate. He expressed support for paying the attorneys fees and costs from a separate funding source.

Mr. Forsberg expressed appreciation for Commissioner Patton's comments. He advised of not having been intimately involved with the project as it progressed. However, in the extensive amount of time spent working on the case, he didn't see any action which was in error by City staff or which would have led to this result. Mr. Forsberg advised that City staff did everything possible, all the way through the contract, to get the project done right. He explained that the City doesn't necessarily have all the power in such circumstances to direct the contractor to do things a certain way. Independent contractors are paid to make decisions to get things done and get to a final product. He reiterated that there was nothing the City did, as an organization, which led to this result. He pointed out that "things go wrong;" things didn't go as expected by the design engineer, during construction, and certainly not during litigation. He advised there was nothing which could have been done at any step along the way to reverse this result. He questioned whether the City could have prevailed in rejecting AGD's bid. He reiterated that it is not something that can be revisited in a productive manner. "General unhappiness with a contractor just isn't sufficient grounds to find them unresponsive or irresponsible."

Commissioner Livermore agreed that rejecting bids requires irrevocable evidence. He pointed out that the project was not to construct a swimming pool from the ground up; it was to retrofit an existing outdoor pool. He advised that there were many unknowns. Regardless of the obstacles which caused delay of the project, he expressed the opinion that the community should be proud of the facility which is unlike any other in the region.

In response to a question, Mr. Forsberg advised that there are general exceptions to the low bidding process in cases where the City would acquire, using public money, a professional service such as for an architect or engineer. When actually receiving bids, there are many more limitations. The focus can be on the bidder and whether their company is responsive to the bid. Bidder responsibility is more subjective and allows the bid publisher to determine whether the company is capable of delivering on the bid. A history of judgments or documented problems with a bidder would provide a shot at disqualifying their company on the responsibility aspect. Other than that, just feeling dubious about a bidder is not sufficient to disqualify them. Mr. Forsberg advised that there were many questions about why the bid was so much lower than the others; however, the lure of saving \$450,000 for "guardians of the public purse strings" is

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powerful. He suggested that it is very difficult for political decision makers to determine that such a large sum of money is not worth saving. He reiterated that absent some very compelling reason not to do so, the lowest responsive and responsible bidder wins the bid.

Mr. Fahrenbruch assured the Commissioners that City staff learns from these experiences. He commended former Parks and Recreation Director Steve Kastens for his outstanding job in overseeing the Aquatic Facility project. He agreed with Mr. Forsberg that there were no mistakes made along the way which contributed to the resulting judgment. He noted that Parks Department staff is in the business of building parks not structures. All projects which are above the bid cap are now contracted out to the Development Services Department, which staff has construction management expertise. Mr. Fahrenbruch reminded the Commissioners that a design/build approach is being considered for the community gymnasium. In so doing, the City won't necessarily have to follow the lowest bid criteria and there will be more quality control over the project.

In response to a question, Mr. Forsberg advised that design/build was not an available option at the time. Commissioner Livermore advised that the City, as a rural community under the Nevada Revised Statutes, is only allowed one design/build project per year. Mr. Forsberg advised that the Nevada Revised Statutes distinguish urban and rural communities by 100,000 or 400,000 in population. He suggested that over time, the numbers may need to change because Carson City is more similar to other urban communities in Nevada.

Commissioner McKenna referred to Mr. Forsberg's earlier comments, and pointed out that the \$450,000 figure had nothing to do with the decision to accept AGD's bid. He advised that AGD was the lowest bidder and there was no way the City could disqualify the company. He noted that the 10% retention and bringing in a new contractor resulted in making the facility available to the community several years earlier than it would have been if the City had waited. He acknowledged that the Quality of Life initiative didn't contemplate this result, but pointed out that "this is what's going to happen" when doing construction as a government entity under Nevada law. Mr. Forsberg acknowledged Commissioner McKenna's point, and advised that the only other available option is to reject all bids. There was no desire to delay the project at the time, however, or go through the bid process "over and over." Chairperson Keeton noted that the Development Services Department construction management program was not in place at the time. Mr. Forsberg advised that a very qualified clerk of the works, who is a very experienced construction manager, inspected the project every day. He further advised that the engineer was also available to provide oversight. He suggested that speculating on the jury's decision would not be useful, and commented that the outcome is "painful for all of us."

Chairperson Keeton called for additional comments or questions from the Commissioners; however, none were forthcoming. Mr. Fahrenbruch expressed appreciation for Ms. Ritter and Mr. Forsberg attending and participating in the meeting.

(1-0792) Linda Marrone expressed agreement with Vice Chairperson DePauw's comments in that the Board of Supervisors and Carson City "lost credibility" with the Aquatic Facility project. She advised that approximately \$1.5 million was set aside for the project, and that it ended up costing over \$3 million. She further agreed that AGD should not have been selected based on the previously incomplete work at Fuji Park and poor workmanship on a project at Carson High School. As a voter and supporter of the Quality of Life Initiative, she expressed the opinion that the Quality of Life fund is "just a trough and, if there's overage ... we can just take from that." She suggested that outside counsel wasn't hired on this case "because we knew it had a place to come from; it wasn't going to come from the general fund." She

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expressed appreciation that the Aquatic Facility project is completed, and the opinion that “there could have been some better choices.” She reiterated that the City had serious problems with AGD on two other occasions.

(1-0833) Craig Hartman expressed agreement with Ms. Marrone’s comments in that the Quality of Life fund is viewed as a “trough.” He suggested that the City is setting a dangerous precedent by “siphoning off money out of that trough for a reason that’s kind of dubious.”

In response to a question, Chairperson Keeton advised that the City is covered by a liability insurance policy for injuries sustained in City-owned facilities. He further advised that the purpose of the 10% retention was completion of the project. It would have been allocated from Question #18 “no matter how we arrived at that particular point.” Chairperson Keeton expressed the opinion that the Board of Supervisors was not wrong to assess the Quality of Life fund for completion of the Aquatic Facility project. He reiterated Ms. Ritter’s assurance that the attorneys fees and costs will be allocated from another funding source. Vice Chairperson DePauw reiterated earlier comments that the cost of the project doubled because of hiring a separate contractor and having to pay the 10% retention to AGD. She agreed that the Aquatic Facility would never have been completed if the City had waited. She reiterated the opinion that the judgment should not have been paid out of the Quality of Life fund, and that the general public had the right to know prior to the Board of Supervisors meeting.

Commissioner Livermore discussed costs as they evolve from the conceptual stage of a project to the engineer’s estimate. He advised that design and approval of the project was submitted to the public hearing process to ensure the public was informed of the project costs. He pointed out that the bids could have been rejected and “we’d be sitting here without an enclosed swimming pool.” He expressed the opinion that the Aquatic Facility could not have been constructed with the amount of money being debated in this meeting because of escalating construction costs. He advised that throughout the entire process there was nothing done that was not in the best interests of the public.

Mr. Forsberg advised that outside counsel did assist with the litigation because District Attorney’s office staff recognized the complexity and value of the case. The policy of the District Attorney’s office is to litigate any case that the staff is competent to litigate. In areas where staff expertise is unavailable, outside counsel is retained. Mr. Forsberg reiterated that opinions of the result of the lawsuit are irrelevant at this point, and criticizing the bidder is unproductive. The fact of the matter is that Carson City was justified only in retaining \$54,000. He expressed the opinion that the jury’s decision should be respected, and that it’s unproductive to spend time characterizing it.

Chairperson Keeton complimented the staff, and commented that “this is in no way a denigration of anyone’s efforts. We know they all gave their very best. Things have changed; we all learn as we go along.” He expressed appreciation to Mr. Forsberg and Ms. Ritter for their attendance and participation. He reiterated that the comments expressed during this meeting should not be construed to criticize the staff or their handling of the project. Commissioner McKenna commented that the whole point of the discussion was that “when you promise the voters something, you better make sure that you’re open and tell the voters why you’re doing what you’re doing, and if it’s a park-related thing, we want to know it first before it goes to the Supervisors.” He suggested there wouldn’t have been “so many angry people” had the matter been presented to the Commission prior to being presented to the Board of Supervisors. He commented that “the angry voters and the angry tax payers come back because it wasn’t explained to them adequately.”

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**3-B. ACTION TO APPROVE A REVISED SCHEDULE FOR QUALITY OF LIFE INITIATIVE (QUESTION 18) FUNDED PROJECTS (1-1013)** - Mr. Fahrenbruch referred to Exhibit B and reviewed the same. He acknowledged that the beginning fund balance was actual to date. In response to a further question, he advised that the \$970,470 figure was based on sales tax collections to date in the current fiscal year. Based on the rate the City is collecting the projected sales tax and interest, Mr. Fahrenbruch estimated that it will take approximately 3½ to 4 months to recover the \$330,000 judgment payment. In response to a further question, he advised that the reserve fund balance is comprised of an amount which is required by law and of carry over from the previous year. He responded to additional questions regarding the miscellaneous expenses line item. Commissioner Livermore requested staff to provide a break down of the miscellaneous expenses line item for review at a future meeting. Commissioner McKenna noted that the \$330,000 judgment is an additional cost of the Aquatic Facility project. Mr. Fahrenbruch agreed that it is an unanticipated expenditure.

Mr. Fahrenbruch provided an overview of Exhibit A, and advised of staff's recommendation that the judgment should not affect the goal of bonding for the Quality of Life projects. He further advised that additional research is being conducted into the community gymnasium, and provided an overview of Exhibit C. He anticipates that narrowing down possible sites and criteria, and determining preliminary costs for the community gymnasium will take a few months. He explained that the community gymnasium issue needs to be resolved in order to determine facilities needs.

Commissioner Livermore referred to Exhibit A and read a portion of the general discussion into the record. He discussed anticipated increases in sales tax revenues once the new Wal-Mart store opens in Carson City. Commissioner McKenna advised that bond rates will begin increasing by January 2005, and suggested that bonding should take place right away. Mr. Fahrenbruch advised that Parks Department staff will be focusing on moving the community gym project forward as quickly as possible. In response to a question, he advised that former Parks and Recreation Director Steve Kastens recommended beginning the projects listed as part of his April 28, 2003 memo as bonding is pursued. He explained that the memo recommends utilizing the Quality of Life funding currently available for the community gym to make further improvements to the Fairgrounds/Fuji Park, Edmonds Park, the Community Center Theater, and the V&T Multi-Use Path and then pursue bond funding. He acknowledged that all but the Fairgrounds/Fuji Park project were included in the Unfinished Projects listed in Exhibit B. In response to a further question, he advised that Exhibit B is the most updated list of pending Quality of Life fund projects.

Commissioner Curtis suggested that staff's recommended action should be "made stronger in terms of issuing the bond." In response to a question, Mr. Fahrenbruch explained the purpose for pursuing bond funding. He explained that Parks Department staff is researching hard costs for the community gymnasium. Commissioner McKenna explained that bonding is done for purposes of cash flow not to cover costs. Sales tax revenues are projected for a period of time and bonds are issued for that amount. Funding can then be spent based on the bond amount. Commissioner Livermore agreed that once the bonds are issued, funding can be allocated to the prioritized projects. Chairperson Keeton called for public comment; however, none was provided.

Commissioner Curtis moved to approve the revised funding schedule for Quality of Life Initiative projects as provided in Exhibit A, and ask that the Board of Supervisors act as soon as possible to pursue bonding for the Quality of Life Initiative projects. Motion died for lack of a second. Following discussion regarding the purpose of this agenda item, **Commissioner Curtis moved to approve the revised funding schedule for Quality of Life Initiative projects as provided in Exhibit A, with the understanding that staff will pursue bonding and report back to the Commission. Vice Chairperson DePauw seconded**

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**the motion.** Mr. Fahrenbruch offered a clarification and, **Commissioner Curtis amended her motion to indicate the projects listed in Exhibit B rather than Exhibit A. Vice Chairperson DePauw continued her second.** Commissioner Livermore expressed the opinion that the motion would be more meaningful if it included the entire language of staff's recommended action. Discussion took place with regard to the same, and **Commissioner Curtis further amended her motion to continue the previously approved action from the Commission to pursue bonding for these projects. Vice Chairperson DePauw continued her second. Motion carried 8-0.**

**3-C. PRESENTATION ONLY BY PROJECT APPLICANTS FOR RESIDENTIAL CONSTRUCTION TAX FUNDING (1-1470)** - Mr. Fahrenbruch reviewed the staff report, and advised that the Commission has, in past years, decided not to allocate funding. Discussion took place regarding the method by which to address this item, and Commissioner Patton requested Chairperson Keeton to modify the agenda to address item 3-D prior to the residential construction tax application presentations. Commissioner Livermore advised that residents of the Long Ranch subdivision have never paid residential construction tax, and expressed the opinion that the Long Ranch Park application should be excluded. Mr. Fahrenbruch advised that the Long Ranch Park application was submitted by Parks Department staff. Chairperson Keeton requested input with regard to addressing item 3-D, and consensus of the Commission was to do so.

(1-1975) Mr. Fahrenbruch provided an overview of the RCT Applications listing included in the agenda materials.

(1-1999) Susan Ballew, President of the Carson City Historical Society, reviewed the application included in the agenda materials. She reviewed progress to date on architectural design of the Carriage House building, and advised that the cost of the structure has been estimated between \$200,000 and \$250,000. She reviewed possible grant funding sources and scheduled fund raisers, advised of Historic Society member and other private donations received to date, and of funding pledges. She requested the Commissioners' consideration of the application.

Mr. Fahrenbruch advised that both of the Community Center applications were carried over from last year. Mr. Ames reviewed the application to purchase music stands and responded to questions regarding the estimated cost. He reviewed the application to purchase foyer curtains for the Bob Boldrick Theater. In response to a question, Mr. Fahrenbruch advised that new theater seating will be funded from a different source. In response to a comment, Mr. Ames advised that a temporary solution to the foyer curtains has been applied. In response to a question, he advised that the unexpended funding listed in the application has since been expended on the wireless microphone project.

Mr. Krahn reviewed the application and phasing plan for Ronald D. Wilson Memorial Park, including the design status of the project. He advised that the requested \$50,000 would augment existing funds to approximately \$175,000. This would provide sufficient funding to complete phase 1A and begin phase 1B. He acknowledged that the entire \$50,000 will be allocated to the construction costs. (1-2255) Donna Wilson expressed appreciation for the progress made on this project. She requested the Commissioners to prioritize this application.

In response to a question, Mr. Krahn advised that initial estimates, in 1998, to complete the park were between \$500,000 and \$600,000. In response to a further question, he explained the arrangement made with Development Services to extend water to the park. He estimated the cost of the park at \$600,000, and advised that a more definite cost will be known once the design phase is complete. He noted that utilizing



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City crews will eliminate material and equipment rental costs. In response to a question, Mr. Krahn advised that Question #18 is another possible funding source as well as the Capital Improvement Projects fund. Commissioner McKenna expressed the opinion that the park should be finished as soon as possible.

Mr. Krahn acknowledged that \$120,000 in residential construction tax funding was previously allocated to this project. In response to a question, Mr. Fahrenbruch advised that there are a couple of projects left in the current round of Quality of Life projects. He discussed the possibility of including Ronald D. Wilson Memorial Park, together with enhancement of existing neighborhood parks, as a priority in the next round of Quality of Life projects. He advised that Question #18 would be a good funding source for some of the parks projects which are compatible with the vision. Commissioner Livermore suggested the possibility of bonding for this project. Mr. Fahrenbruch acknowledged that Ronald D. Wilson Memorial Park had been prioritized by the Commission. He explained that more progress would have been made on the park to date; however, staff was temporarily redirected to the Governor's Field lighting system because of safety issues.

Mr. Krahn reviewed the application for phase 2 of Carson River Park, including funding mechanisms for the project. He advised that the \$75,000 request is to provide matching funds to the Question #1 grant opportunity. He further advised that the application was submitted to the Capital Improvement Projects process, but was denied. He explained that with in-kind match and the dollar amount requested, Question #1 funding would be allocated to the project in the approximate amount of \$153,000. In response to a question, Mr. Krahn advised that funds previously expended on the project can be used as a match throughout the life of Question #1. He responded to additional questions regarding the \$2.5 million Question #1 allocation earmarked for Carson River projects, and the cost estimate included in the agenda materials.

Mr. Fahrenbruch provided an overview of the Governor's Field application, and advised that the fence crowns are not critical at this time. Commissioner Livermore withdrew the application, and advised that the Youth Sports Association would fund the project.

Mr. Fahrenbruch reviewed the application for the Long Ranch Park climbing wall. He referred to descriptive materials which were distributed to the Commissioners and staff prior to the start of the meeting, and advised that the climbing wall would be a nice amenity for the park. He responded to questions regarding liability concerns and coverage requirements.

Mr. Krahn reviewed the Shade Tree Council applications to purchase trees for various neighborhood parks and for the Mills Park Arboretum. He and Mr. Fahrenbruch responded to questions regarding funding allocated to Mills Park over the years. Mr. Krahn responded to additional questions regarding the number of trees which could be purchased with the requested funding, and discussed the long-term goals of the Mills Park Arboretum plan. In response to a question, he advised that projected residential construction tax revenues will be considered during the City's master plan update process. In response to a question, Mr. Fahrenbruch advised that residential construction tax amounts could conceivably be consistent over the next several years.

Vice Chairperson DePauw discussed the deteriorating cottonwood canopy at Mills Park and the need to constantly replace the cottonwoods as they are removed. She commented that aesthetics is only one reason for continually planting new trees in the Arboretum. In response to a question, Mr. Fahrenbruch advised that approximately 95 cottonwoods have been removed from Mills Park over the last five years. Mr. Krahn discussed the number of trees added to the Mills Park Arboretum through Quality of Life funding, NDF

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and RCT grants, and partnerships with various organizations. He responded to questions regarding the types of trees being planted in the Arboretum, and briefly described the Arboretum design. Mr. Fahrenbruch advised that the Mills Park Arboretum Master Plan was approved by the Commission and the Board of Supervisors.

In response to a question, Mr. Fahrenbruch advised that \$5,000 per year is allocated from the general fund for reforestation. Maintenance is funded by other sources. Mr. Fahrenbruch acknowledged that staff will present recommendations for allocation of residential construction tax funding at the October 5<sup>th</sup> Commission meeting.

**3-D. ACTION REGARDING TRAIL ACCESS ISSUES AND INFORMATIONAL WARNING SIGNS ON ROADS AND TRAILS WITHIN THE WATERFALL FIRE BURNED AREA (1-1596)** - Commissioner Patton introduced Ms. Ritter and Reggie Lang, and noted that they are members of the Chamber of Commerce Leadership Class. He introduced U.S. Forest Service Public Information Officer Franklin Pemberton, and reviewed the staff report.

(1-1721) Reggie Lang, Chamber of Commerce Leadership Class President, provided an overview of discussion which took place regarding the Leadership Class project, including installation of educational signage, kiosks, benches, etc.

Ms. Ritter discussed the educational aspect of the signage which would include photographs of what the area looked like prior to the fire and to bring attention to the rehabilitation process. She advised of having discussed with Mr. Krahn possible locations for signage, and that the Leadership Class is interested in the Commission's input regarding design and location. She further advised that U.S. Forest Service and Nevada Division of Forestry staff have indicated a willingness to assist with the project. She requested input from the Commissioners.

Mr. Pemberton agreed that the kiosks would be a great addition to the V&T Trail system, as well as in other areas. He advised that the USFS has developed, through years of experience, fairly simple and durable kiosks which allow for periodic content revision. He advised that USFS staff is researching the availability of State and private forestry grants, as well as existing 2004 funds and staff time, to commit to the project.

Mr. Krahn advised that the BAER Plan included the recommendation for consistent signage. City staff has been working with USFS staff on road signage and other types of signage to indicate which trails are open and what uses are allowed. Working with the USFS to utilize their kiosk design will be beneficial. Mr. Krahn advised that some of the kiosks would be placed on City property and others on USFS property. He responded to questions regarding the method by which the kiosks would be placed, and reviewed staff's recommendation as outlined in the staff report.

Commissioner Patton advised that the purpose for this request is to impart information to the public regarding the rehabilitation efforts, the reasons for closing areas at the present time and the time line for reopening them, with the hope that understanding and compliance will be enhanced.

In response to a question, Mr. Krahn reviewed the materials request list included in the agenda packets. He explained that the information included in the materials request list is part of phase one of the project. The educational element will be done as part of a second phase. He advised that the listed materials have been ordered and that, as soon as they arrive, the signs will be constructed and installed. In response to a question, Commissioner Patton described the kiosk design. Ms. Ritter advised that the Leadership Class

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has yet to determine the preferred design. She requested permission to work with Parks Department staff for guidance on a design which will be consistent with the rest of the City park system. Mr. Lang commented that utilizing the USFS kiosk design will save time. **Commissioner McKenna moved to support a plan regarding trail access issues and informational warning signs on roads and trails within the Waterfall Fire burned area, as discussed and presented. Commissioner Livermore seconded the motion.** Chairperson Keeton called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 8-0.**

**3-E. UPDATE ONLY REGARDING THE COMPREHENSIVE MASTER PLAN AND THE PARKS, RECREATION, AND TRAILS MASTER PLAN (1-3119)** - Mr. Krahn circulated a list of the Commissioners' e-mail addresses and requested them to review and verify the same. He thanked Recreation Superintendent Barbara Singer and Administrative Assistant Liz Teixeira for including the information on the neighborhood meetings in the *Discover Us* and the *Capital City Focus* publications. He reviewed the staff report, and responded to questions regarding efforts to reach the Hispanic community. Commissioner Herst suggested working with Nevada Hispanic Services. Mr. Krahn responded to questions regarding the method by which responses will be provided to inquiries made via the website.

**4. NON-ACTION ITEMS:**

**STATUS REPORT ON QUESTION #18, RESIDENTIAL CONSTRUCTION TAX, AND CAPITAL IMPROVEMENT PROJECTS (1-3368)** - Previously covered.

**STATUS REPORT ON UPDATE OF THE PARKS AND RECREATION ELEMENT TO THE MASTER PLAN (1-3371)** - Previously covered.

**STATUS REPORT ON STATEWIDE BALLOT QUESTION #1 PROGRAM, GRANT APPLICATIONS, AND PROJECTS (1-3373)** - Previously covered.

**STATUS REPORTS AND COMMENTS FROM STAFF (1-3378)** - Mr. Fahrenbruch advised that 21 qualified applications were received for the park ranger positions, and that the application period closed last Friday, September 3<sup>rd</sup>. In response to a question, he provided background information on the position qualifications. He advised that Mills Park was voted the #1 picnic spot as part of the *Nevada Appeal* people's choice awards. He reviewed the "FYI" items included in the agenda materials. (2-0130) Mr. Fahrenbruch reviewed the tentative agenda for the next Commission meeting.

**STATUS REPORTS AND COMMENTS FROM COMMISSIONERS (1-3540)** - Mr. Fahrenbruch and Mr. Krahn responded to questions regarding the Commission's recommendations under item 2-D of the August 12<sup>th</sup> agenda. In response to a question, Mr. Fahrenbruch provided a status report on the boards, commissions, and committees audit. He offered to provide a copy of the audit report to the Commissioners. Commissioner Livermore provided an overview of Internal Auditor Steve Wolkomir's presentation of the audit report to the Board of Supervisors, and discussion took place with regard to the same.

**FUTURE AGENDA ITEMS FROM COMMISSIONERS (2-0158)** - Vice Chairperson DePauw requested staff to agendize discussion regarding motorized scooters for the November Commission meeting. Chairperson Keeton requested staff to agendize discussion regarding the fuels reduction program. Commissioner Curtis requested staff to agendize a status report on Question #1 projects.

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**5. ACTION ON ADJOURNMENT (2-0219)** - Commissioner Herst moved to adjourn the meeting at 8:38 p.m. Commissioner Patton seconded the motion. Motion carried 8-0.

The Minutes of the September 7, 2004 meeting of the Carson City Parks and Recreation Commission are so approved this 5<sup>th</sup> day of October, 2004.

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THOMAS N. KEETON, Chair