

CARSON CITY PARKS AND RECREATION COMMISSION

Minutes of the November 2, 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, November 2, 2004 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Tom Keeton
John Felesina
Charlene Herst
Michael Hoffman
Pete Livermore
John McKenna
Tom Patton

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Scott Fahrenbruch, Parks and Recreation Department Director of Operations
Juan Guzman, Open Space Manager
Vern Krahn, Park Planner
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) - Chairperson Keeton called the meeting to order at 5:34 p.m. Roll was called; a quorum was present. Vice Chairperson DePauw and Commissioner Curtis were absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0038) - Troop 16 Scout Master Marty Schwedhelm introduced himself, for the record, and advised that the Boy Scouts' attendance at the meeting was in partial fulfillment of the requirements for achieving their Communications and Community Citizenship merit badges. Chairperson Keeton welcomed the Boy Scouts.

1. ACTION ON APPROVAL OF MINUTES - September 21, 2004 and October 5, 2004 (1-0015) - Commissioner Livermore moved to adopt the minutes. Commissioner Felesina seconded the motion. Motion carried 7-0.

2. CHANGES TO THE AGENDA (1-0022) - None.

3. AGENDA ITEMS:

3-A. PRESENTATION ONLY REGARDING THE OPEN SPACE PROGRAM'S GOALS AND PURPOSE (1-0056) - Mr. Guzman explained the purpose of this item and narrated a PowerPoint presentation, a copy of which was included in the agenda materials. He reviewed the types of management associated with open space, including noxious weeds, property patrol, litter removal, flood control, etc. He responded to questions regarding the amount of sales tax revenue allocated to the Quality of Life/Open Space Program account each year. At Commissioner Livermore's request, Mr. Guzman explained the process for acquiring open space property. In response to a question, he advised that a willing seller, an appraisal, a phase 1 environmental report, clear title, and a purchase agreement executed through an escrow company are required. The law prohibits using eminent domain to acquire open space property.

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3-B. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE NOMINATION OF PROPERTIES FOR POTENTIAL PURCHASE BY ROUND 2 OF THE STATE BOND QUESTION #1 PROGRAM (1-0279) - In response to a question, Mr. Guzman explained the purpose and provisions of the Southern Nevada Public Lands Management Act ("SNPLMA"). Carson City, Douglas County, and Washoe County took advantage of the funding opportunity during the first three years, and a number of parcels were purchased along the River, including the Bernhard property. Senator John Ensign, a co-author of the SNPLMA, took notice and reminded the northern Nevada counties that the law specifically provides for primary consideration to be given to Clark County. Senator Ensign has requested the northern Nevada counties to draft their own bills.

Commissioner Livermore discussed funding available through the Baca bill to acquire property. Mr. Guzman explained that the Baca bill is enabling legislation which provides for proceeds from the sale of BLM or U.S. Forest Service land to stay within the State or within the county. He acknowledged that a certain time frame is associated with use of the sale proceeds. Commissioner Livermore described a new bill, authored by Lincoln County representatives, which provides for another potential source of federal funding.

Mr. Guzman provided background information on Question #1. He advised that the first round of funding was recently allocated, and Open Space Program projects received over \$1 million. Mr. Guzman reviewed the recommended Round 2 Proposed Acquisitions table included in the agenda materials. He noted that each of the properties listed on the Proposed Acquisitions table was previously approved and recently reconfirmed by the Board of Supervisors. He advised that each of the properties was also previously approved by each of the pertinent advisory committees. He pointed out each of the properties on a displayed map and described their characteristics.

Mr. Guzman explained the purpose of this item and, in response to a question, the proposed funding mechanisms including the \$3.1 million medium-term loan. He advised that the loan will provide all the necessary funds in addition to the most flexibility for matching funds and purchase funds. The Board of Supervisors is in the process of considering the loan. Two public hearings remain, one on November 4th and the other on November 18th. Commissioner Livermore reviewed costs associated with open space property ownership.

In response to a question, Mr. Guzman explained the importance of acquiring the Anderson/Jarrard property. He advised there is very little development potential on the Jarrard portion; some development potential on the Anderson portion. Theoretically, density can be moved from the portion of property affected by the flood zone into the unaffected portion. The property is zoned for 12,000 square foot lots with single family dwellings. Mr. Guzman explained another reason to acquire the property is its strategic significance for trail connectivity and linkage to other recreation facilities. Mr. Guzman advised that the owner is not interested in a conservation easement; therefore, if the City doesn't purchase the property, the owner will seek another buyer. Mr. Guzman acknowledged that zoning restrictions will most likely require the land to remain agricultural; however, there is no guarantee. Commissioner McKenna suggested allowing development where appropriate and leaving the rest as open space. Mr. Guzman explained that the City cannot force a property owner to maintain agricultural or pastoral use. The two choices are to convince an owner to attach a conservation easement or to purchase the property. Mr. Guzman acknowledged that a portion of the property could be developed, but advised that the development would not pay for itself. He advised that one of Commissioner Livermore's concerns is limiting SF12,000 zoning. Overall, communities with open space programs have much higher property values than those which do

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not. In response to a question, Mr. Guzman advised that the Proposed Acquisitions table was created after having analyzed each property using ranking criteria developed by the Open Space Advisory Committee. He noted that the Anderson/Jarrard property ranked very high because of values such as connectivity, preservation of the wetlands, and preservation of the property's character which includes the irrigated meadow. He advised that many uses are allowed in a flood zone, such as camp grounds, utilities, etc. and that there is a real threat in not purchasing the parcel. In order to preserve open space, the best option is purchase; the second best option is conservation easement. Mr. Guzman reiterated that the owner is not interested in a conservation easement, and advised that City staff and the Open Space Advisory Committee are convinced the parcel is important to the Open Space Program.

In response to a question, Mr. Guzman explained that public use of open space property is, for the most part, in the City's best interests. Certain open space property is not conducive to public use such as wetlands, and lands designated for preservation of certain vegetation and wildlife. Mr. Guzman explained that the Open Space Advisory Committee and the Board of Supervisors have wrestled with the issue of perpetuity in conjunction with open space preservation. The Nevada Revised Statutes provide that jurisdictions cannot bind future actions of Boards of Supervisors. The City, through its Open Space Program, is purchasing open space property with the hope that it will be preserved in perpetuity. Mr. Guzman explained the process by which open space property is approved for purchase by the Board of Supervisors. Deeds to properties purchased with open space funds specifically indicate the same. Chapter 13.06 of the Carson City Municipal Code provides for open space property regulations and restrictions.

Commissioner Livermore referred to the map of the Horse Creek Ranch and, in response to a question, Mr. Guzman advised that the property was appraised at \$8,000 per acre. Commissioner Livermore discussed the characteristics of the property, and reviewed the City's proposal to purchase fee title to the hillside portion of the property and to attach a conservation easement to the meadow portion. Chairperson Keeton expressed opposition to purchasing open space property to which the public will not have access.

In response to a question, Mr. Guzman reiterated that the value of the Anderson/Jarrard property lies in its riparian characteristics and in the strategic connectivity to adjacent recreation facilities. He reiterated that the owner is not interested in a conservation easement, nor in selling only a portion of the property. Commissioner Patton agreed with earlier concerns expressed by Commissioner McKenna, and expressed doubt that the property could be developed into some other use because of the riparian characteristics. Mr. Guzman reiterated that the owner is only interested in selling the entire property. He explained that flood plains are regulated by FEMA. Carson City adopted an ordinance which corresponds with FEMA regulations, and provides for development in a flood plain only if the base flood elevation is not raised one foot. Mr. Guzman advised that there are ways to engineer flood plain development. He acknowledged that development is fairly unlikely, but expressed concern that use of the property could be altered in the future. He acknowledged that the property could be developed as a golf course.

In response to a comment, Mr. Guzman reminded the Commissioners of their mission to develop parks and recreation facilities. He commented that the subject item "is peripheral to [the Commission's] interests," and suggested that the Commissioners trust the Open Space Advisory Committee, which has "spent an incredible amount of time studying these properties." He further reminded the Commissioners of their opportunity, as individuals, to provide input to the Open Space Advisory Committee and to the Board of Supervisors.

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Mr. Moellendorf advised that the Carson River Advisory Committee, which was involved in developing priorities for the Question #1 Opportunities Map, listed the Anderson/Jarrard property as their first priority. Mr. Krahn discussed the high priority placed on the River corridor in the Open Space Master Plan element. He advised that the Open Space Advisory Committee “leans very heavily upon the Carson River Advisory Committee for input on the River properties.” Mr. Guzman acknowledged that the public will have access to all City-owned open space property with the exception of Horse Creek Ranch which will have limited public access. He clarified that the City will not own the Horse Creek Ranch conservation easement. In response to a question, Mr. Guzman advised that the only public access allowed on a conservation easement in Carson City is that which was purchased by The Nature Conservancy from Mr. Bently. Mr. Guzman acknowledged that public access will be allowed on the 390 acres of Horse Creek Ranch purchased by the City. **Commissioner Hoffman moved to recommend to the Board of Supervisors the nomination of properties for potential purchase by Round 2 of the State Bond Question #1 Program. Commissioner Herst seconded the motion.** Commissioner Patton expressed concern with regard to no public access under the conservation easement associated with Horse Creek Ranch. He inquired as to the possibility of an alternative to the conservation easement. Chairperson Keeton called for a vote on the pending motion; **motion carried 7-0.**

3-C. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE NOMINATION OF ENVIRONMENTALLY SENSITIVE PROPERTIES LOCATED IN THE VICINITY OF THE CARSON RIVER AND SIERRA FRONT, TO BE PURCHASED BY THE FEDERAL GOVERNMENT AS PART OF ROUND 6 OF THE SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT (1-1091) - Mr. Guzman discussed the importance of considering multiple funding sources in order to provide the Board of Supervisors options for the “best available deal.” He reviewed the staff report and the attached table of properties. He explained the requirement for properties nominated by a non-profit organization to be confirmed by the county. He advised that the property to be nominated by Terra Firma is mercury contaminated and, therefore, a very difficult and expensive nomination. Mr. Guzman advised that Terra Firma representatives have been informed of the need to accommodate the V&T corridor, and that they have acknowledged their support.

Commissioner Hoffman advised that each of the listed properties was desirable to every group represented at the trails workshop held on Saturday, October 23rd. Commissioner Livermore discussed the Douglas County-owned property adjacent to the listed Bently property. In response to a question, Mr. Guzman advised that Douglas County, Washoe County, and Carson City representatives meet as a group, together with non-profit organization representatives, to coordinate nominations. **Commissioner Patton moved to recommend to the Board of Supervisors the nomination of environmentally sensitive properties located in the vicinity of the Carson River and the Sierra Front, to be purchased by the federal government as part of Round 6 of the Southern Nevada Public Lands Management Act. Commissioner Hoffman seconded the motion. Motion carried 7-0.**

3-D. DISCUSSION ONLY REGARDING THE ACTION BY THE BOARD OF SUPERVISORS TO ACCEPT THE PRIORITIZATION OF PROPERTIES AS PART OF THE STATE BOND QUESTION #1 PROGRAM (1-1245) - Mr. Guzman reviewed the staff report, and explained that the reason for addressing priorities “out of order” according to the table attached to the staff report is urgency and opportunity. Discussion took place with regard to the same.

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3-E. ACTION TO MAKE A RECOMMENDATION TO THE PLANNING COMMISSION REGARDING THE ELECTRIC MASTER PLAN ELEMENT TO THE CARSON CITY MASTER PLAN (1-1327) - Mr. Krahn reviewed the staff report and the attachments. He reviewed factual errors contained in Appendix A, and advised that a revised master plan document will be submitted for review by the Planning Commission at their November 17th meeting. He requested input from the Commissioners with regard to the recommendations outlined in the staff report.

Commissioner Livermore advised that the Board of Supervisors approved a new franchise agreement for Sierra Pacific Power Company ("SPPC") in October 2002. The franchise agreement required SPPC to submit a comprehensive master plan within two years. Commissioner Livermore noted that the subject master plan document was submitted "almost two years to the date." He expressed the opinion that the document does not represent a comprehensive master plan. He provided background information on development and construction of the Emerson Drive and Fairview Drive substations. He advised that, following construction of the Emerson Drive substation and prior to construction of the Fairview Drive substation, SPPC representatives assured the City they would construct no new substations until the community had an opportunity to provide input into the comprehensive electric master plan. He explained that, because the Fairview Drive substation parcel was zoned limited industrial, special use permits were not required for construction. Relocation and downsizing of the Fairview Drive substation was negotiated between City and SPPC representatives prior to construction. Commissioner Livermore discussed health concerns associated with living in close proximity to power substations. He acknowledged the need for affordable, reliable electric service for residences, businesses, and government, but expressed the opinion that the community has the right to designate appropriate locations for utility substations. He referred to the map included in the agenda materials, and advised that there are many questions to be answered with regard to the amount of developable land indicated.

Commissioner Livermore advised that the Planning Commission and the Board of Supervisors recently adopted revisions to Title 18, which include the requirement of a special use permit for construction of utility substations in all areas of the City. He noted that the proposed Electric Master Plan element includes language exempting SPPC from the requirement to obtain a special use permit for future construction of utility substations. Commissioner Livermore expressed concern with regard to ensuring that utility substations are constructed to serve Carson City, not neighboring counties. He noted that the maps do not include the freeway bypass or development at the northern and southern portions of town. He pointed out that a large number of corridor transmission lines are proposed for the Edmonds Sports Complex and Governor's Field. He encouraged the Commissioners to provide comments to the Planning Commission either in person, at the November 17th meeting, or in writing.

Mr. Krahn advised that the November 17th Planning Commission item is agendized as a presentation by SPPC representatives. He further advised that SPPC will conduct a series of educational workshops over the next couple of months following the November 17th meeting, after which they will submit a document for adoption by the Planning Commission. He reviewed the comments submitted by the City's master plan consultant Jeff Winston, included in the agenda materials. He expressed the opinion that SPPC should be required to coordinate development of the Electric Master Plan with the City's comprehensive master plan.

Commissioner McKenna referred to the proposed location of the Edmonds substation, and noted that it appears to be indicated within the Moffat Open Space property. The area indicated includes Riverview Park, the Carson River, and possible future open space property. Commissioner McKenna advised of industrial property located on Lepire and Edmonds Drive, and suggested this would be a more appropriate

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location for a substation. Mr. Krahn noted that utility substations include power lines, and expressed concern with regard to the method by which the lines will be routed through adjacent residential areas. Commissioner McKenna pointed out that the Mexican Ditch Trail is also included in the designated area. Commissioner Livermore advised that he has requested City Manager Linda Ritter to develop a technical team to review the draft master plan, and that Planning and Community Development Director Walter Sullivan is working with representatives of other municipalities to acquire sample electric master plan documents. He expressed support for an electric master plan, but noted that the first attempt lacks the necessary substance and detail to correspond with the City's comprehensive master plan. In response to a question, Mr. Krahn advised that Mr. Winston's comments will be forwarded to Mr. Sullivan. Commissioner Livermore advised that the draft plan has also been submitted to the Open Space Advisory Committee and will be submitted to the Carson River Advisory Committee for review and comment. Mr. Krahn advised that the advisory commission and committee comments will be forwarded to the Planning Commission.

Commissioner Hoffman moved to support staff's recommendations and submit the above ideas to the Planning Commission, Planning and Community Development Department, and Sierra Pacific Power Company for their early consideration regarding the Electric Master Plan Element to the Carson City Master Plan. Commissioner Herst seconded the motion. Commissioner Livermore requested staff to reagendaize this item and keep the Commission apprised as additional iterations of the master plan are published. Chairperson Keeton called for a vote on the pending motion; **motion carried 7-0.**

4. NON-ACTION ITEMS:

STATUS REPORT ON QUESTION #18, RESIDENTIAL CONSTRUCTION TAX, AND CAPITAL IMPROVEMENT PROJECTS (1-1781) - Mr. Moellendorf advised that staff will hold an internal discussion and workshop regarding the remaining uncompleted Question #18 projects and attempt to develop a priority ranking. As part of the workshop, staff will attempt to further define the community gymnasium project. Once the priorities are designated, staff will present them to the Commission. Mr. Moellendorf advised that the recommended allocation of residential construction tax funding will be presented to the Board of Supervisors at their first meeting in December. Mr. Krahn provided an overview of the October 28, 2004 memo regarding Ronald D. Wilson Memorial Park, which was included in the agenda materials.

STATUS REPORT ON UPDATE OF THE PARKS AND RECREATION ELEMENT TO THE MASTER PLAN (1-1909) - Mr. Moellendorf provided an overview of the public workshops held during the week of October 18th. He advised that Parks staff is in the process of compiling and transcribing the comments received. The consultant team will return in January to present a summary to the Board of Supervisors. Based on the consultants' schedule, Mr. Krahn discussed the possibility of scheduling the Commission meeting for Wednesday, January 5th.

STATUS REPORT ON STATEWIDE BALLOT QUESTION #1 PROGRAM, GRANT APPLICATIONS, AND PROJECTS (1-1997) - Previously covered.

STATUS REPORTS AND COMMENTS FROM STAFF (1-1999) - None.

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STATUS REPORTS AND COMMENTS FROM COMMISSIONERS (1-2003) - In response to a question, Mr. Fahrenbruch advised that discussions have taken place regarding animal regulations for Riverview Park. Once a recommended policy is developed, it will be agendized for review by the Commission.

FUTURE AGENDA ITEMS FROM COMMISSIONERS (1-2051) - Chairperson Keeton reminded staff of Vice Chairperson DePauw's request to agendize discussion regarding the broken signs and par course at Riverview Park. Commissioner Patton requested staff to agendize additional discussion regarding construction of kiosks near the Waterfall Fire burned area. A brief discussion took place with regard to the same.

5. ACTION ON ADJOURNMENT (1-2121) - Commissioner Livermore moved to adjourn the meeting at 7:32 p.m. Commissioner Herst seconded the motion. Motion carried 7-0.

The Minutes of the November 2, 2004 meeting of the Carson City Parks and Recreation Commission are so approved this 7th day of December, 2004.

THOMAS N. KEETON, Chair