

Tuesday, September 8, 2009

The regular meeting of the Humboldt County Board of Commissioners was called to order on Tuesday, September 8, 2009, at 10:00 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Tom Fransway, Commissioners Chuck Giordano, Dan Cassinelli, Garley Amos Jr. and Mike Bell, District Attorney Russell Smith and/or Deputy District Attorney Angie Elquist, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES-AUGUST 17,

2009: The following motion was made by Commissioner Giordano and passed unanimously:

To approve minutes of the August 17, 2009, as written.

PUBLIC COMMENTS: Chairman Fransway asked for public comment. Mike Meagher, a member of the group NAG that is opposed to the landfill, appeared before the Board and commented on issues with the petition being circulated and people not signing it based on comments apparently made by a member of this body that the landfill was a done deal; he stated that if this is more than a rumor and more complaints are received he will take the matter to the Ethics Commission.

CONSENT AGENDA: The following items were presented under the consent agenda by Administrator Deist for the Board's review/action:

1. **Request for approval of Victims of Crimes Applications:** Requests for approval of applications 010809, 09082 and 09083 were provided to the Board for review. *Recommendation: That the request be approved.*
2. **Acknowledgment of Clerk's Second Quarter 2009 Report:** A copy of the report was provided to the Board for review. *Recommendation: that the Commission acknowledge receipt of the report.*
3. **Request for Approval of Television/Radio Tax Refund:** A copy of the request was provided to the Board for review. *Recommendation: That the request be approved as recommended by the TV/Communication Director.*

Chairman Fransway announced that he would be extending the public comment period until later during the Pershing County Joint Meeting section as he had received a phone call that some people may want to come in regarding Coeur Rochester. The following motion was made by

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Commissioner Bell and passed unanimously:

To accept the Consent Agenda as presented.

SOLID WASTE MATTERS: The most recent aerial photo of the Humboldt County Landfill and Shooting Range area was provided to the Board for viewing.

PUBLIC LANDS PLANNING MATTERS & FORMULATION OF COUNTY POSITION ON BLM, FOREST SERVICE AND THE FEDERAL FISH AND WILDLIFE SERVICE

PROPOSED ACTIONS: Administrator Deist stated that he had nothing on this item.

MISCELLANEOUS REPORTS AND CORRESPONDENCE:

OTHER INFORMATION AND UPCOMING MEETINGS: Administrator Deist discussed a meeting which he and Road Superintendent Garrett had attended with representatives of the Ruby Pipeline, USFWS and Washoe County (see attached). Upcoming meetings and dates of importance were noted.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES THEY SERVE ON: None offered.

CLAIMS FOR EXPENDITURES OF COUNTY FUNDS: The following motion was made by Commissioner Cassinelli and passed unanimously:

To approve the claims for expenditures of County funds as presented.

REQUEST FROM RESPECT TO FORMALLY DECLINE ACCEPTANCE OF PREVIOUSLY APPROVED \$1,000.00 GRANT AWARD: A copy of a letter from RESPECT signed by Lianne Iroz returning the \$1,000.00 donation was provided to the Board for review (see attached). Discussion occurred regarding that the reason for refusal of the funds was the groups' stand on the Jungo landfill issue and that the Board did not feel that there was a correlation between the reason the Board chose to grant the funds and the landfill issue. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To approve their request for the denial of the \$1,000.00 grant.

REQUEST FROM OROVADA FIRE PROTECTION DISTRICT FOR AN ABANDONMENT OF A TEN FOOT PORTION OF DUFFY DRIVE THAT FRONTS ON THE OROVADA FIRE PROTECTION DISTRICT PROPERTY AND SET SAID REQUEST TO PUBLIC

HEARING: A copy of the letter of abandonment and a map of the location were provided to the

Board for review. John H. Milton, III of Desert Mountain Surveying, Gary Bengochea and Dave Black of the Orovada Fire Protection District appeared before the Board. Mr. Milton explained that the request is being made to accommodate the buildings which extend into the right-of-way and detailed what is occurring with the location. Discussion occurred regarding the location of the abandonment. Administrator Deist stated that he had discussed this with Road Superintendent Garrett and he has no concerns. Mr. Bengochea stated that Jean Garvey owns everything around the location and they have no problem with the request and that something needs to be done to bring them into compliance. The following motion was made by Commissioner Giordano and passed unanimously:

To set it to public hearing on the Orovada Fire Protection District abandonment.

LIQUOR BOARD: Sheriff Ed Kilgore convened the County Liquor Board at 10:33 a.m.

LICENSE APPLICATION FOR DENNIS ACORDA - PARADISE SALOON, GRILL AND MERCANTILE: Sheriff Kilgore reviewed the application for liquor license for Mr. Acorda for the Board and recommended approval. The following motion was made by Commissioner Cassinelli, was seconded and passed unanimously:

To grant a liquor license to Dennis Acorda.

LICENSE APPLICATION FOR CHLOE DUFURRENA - SAY WHEN, INC.: Sheriff Kilgore reviewed the application for liquor license for Ms. Dufurrena for the Board and recommended approval. The following motion was made by Commissioner Bell, was seconded and passed unanimously:

To grant Chloe Dufurrena a liquor license for the Say When.

Sheriff Kilgore adjourned the Liquor Board at 10:36 a.m.

REPORT FROM KEN HLADEK, JOIN YOUTH EMPLOYMENT DEVELOPMENT COORDINATOR, ON YOUTH BUILD PROJECT AT 559 MELARKEY STREET:

Ken Hladek, JOIN Youth Employment Development Coordinator appeared before the Board. Mr. Hladek presented a power point presentation regarding the JOIN/NevadaWorks Youth Build 2009 Improvements to property and residence at 559 Melarkey Street which detailed the funding, the goals of the project, the time frame, the participants and before and after photos of the project; he noted that this project was at no cost to the County. After the presentation the Chairman thanked the

participants who were present in the audience.

REQUEST FROM WINNEMUCCA DOMESTIC VIOLENCE SHELTER FOR RELEASE OF COUNTY OWNED PROPERTY LOCATED AT 559 MELARKEY STREET FOR PART OF THEIR MANAGED TRANSITIONAL HOUSING PROGRAM:

A letter from WDVS (Winnemucca Domestic Violence Shelter) Board Chairman Michelle Hammond Urain requesting use of the property for their Managed Transitional Housing Program was provided to the Board for review. Michelle Hammond Urain and Tiffany Stickney appeared before the Board and spoke in support of the request. Discussion occurred regarding the services offered by the group, security issues, the relationship of the group with law enforcement, the difference between "managed transitional housing" and "emergency housing", the number of residents planned for the house, the time frame people remain in the house and the need for an agreement between the group and the County for leasing the property. Ms. Urain requested that the lease be a long term one to assist the group in seeking grant funding. The following motion was offered by Commissioner Giordano and passed unanimously:

To work between the County Administrator and the District Attorney on an agreement between the Domestic Violence Shelter and the County on 559 Melarkey Street.

CONTINUATION OF JULY 6, 2009 PUBLIC HEARING ON A NUISANCE COMPLAINT ALLEGING PROPERTY BELONGING TO ROBERT HAUSLER IS DEFINED AS A POSSIBLE NUISANCE PER HUMBOLDT COUNTY CODE CHAPTER 8.04. THE PROPERTY IS LOCATED ON EDEN VALLEY ROAD, WINNEMUCCA, NEVADA, ASSESSOR'S PARCEL #008-643-04:

A progress report with photographs prepared by Building and Safety Director Bobby Thomas was provided to the Board for review. Property owner Robert Hausler with friend William Evans and Building & Safety Director Bobby Thomas appeared before the Board. Director Thomas reviewed what had occurred on the site and offered his opinion that the property was now in compliance. Complainant Pamala Barber addressed the Board and noted that she was pleased with the progress and stated that it was not a nuisance anymore. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

That the Commission finds no nuisance.

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REVIEW AND POSSIBLY SET TO PUBLIC HEARING A NUISANCE COMPLAINT FILED AGAINST BARBARA NASH AT 170 REEVES DRIVE, MCDERMITT, NEVADA:

A copy of the complaint filed by the McDermitt Community Board with photos, copies of the reports provided by the Building and Safety Department and the Sheriff's Office and a copy of the Notice served on the property owner were provided to the Board for review. Building and Safety Director Thomas commented on some of his concerns. The following motion was made by Commissioner Amos and passed unanimously:

To set to public hearing a nuisance complaint filed against Barbara Nash at 170 Reeves Drive, McDermitt, Nevada.

ROAD MATTERS: Road Superintendent Ben Garrett appeared before the Board.

AWARD OF QUOTE ON SANDER: A copy of a memo from Superintendent Garrett detailing the sander quotes from Utility Truck Equipment, Worthen Equipment, Jordan's Truck & Equipment and Epoke of North America was provided to the Board for review (see attached). Superintendent Garrett reviewed the quotes for the Board and recommended that the quote provided by Utility Truck Equipment of \$13,813.00 with options be accepted. The following motion was made by Commissioner Cassinelli and passed unanimously:

To go along with the Road Superintendent's recommendation for the road sander to purchase the one for \$13,813.00.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett updated the Board on the cape seal project, planned striping, the use of mag chloride with a polymer on some roads in the Grass Valley area, the status of NDOT grindings, the work occurring with Hycroft to mag chloride a portion of Jungo Road, work on railroad crossings, building handicapped access for the new showers at the fairgrounds and patching the jail's parking lot. Superintendent Garrett discussed the meeting which had occurred with the Ruby Pipeline Project representatives and the possible access to wells which are being drilled by the company once they are done with them by the County for road maintenance. Discussion occurred regarding the use of packers behind the graders.

MISCELLANEOUS ROAD RELATED MATTERS: Commissioner Cassinelli commented on tall weeds on Martin Creek Road and Chairman Fransway commented on tall weeds at the corner

of Venus and Jupiter.

PUBLIC HEARING and possible adoption of an Ordinance amending Chapter 2.20 of Humboldt County Code (HCC); Reducing the total number of appointees for membership on the Humboldt County Regional Planning Commission (RPC) from eight (8) to seven (7); providing for the County and City to make alternating appointments of RPC members; and, providing other matters properly related thereto:

A copy of the proposed ordinance and a copy of the Notice of Public Hearing were provided to the Board for review. Chairman Fransway read the title of the item proposed for action. Betty Lawrence, Senior Planning Technician for the Planning Department, appeared before the Board. Discussion occurred regarding the need for the change as it has been difficult to obtain the necessary five members for quorum for meetings but it is possible to obtain four members and how the alternating appointment would be handled by the City and County. Chairman Fransway asked for public comment; none offered. The following motion was made by Commissioner Cassinelli and passed unanimously:

To adopt the ordinance amending chapter 2.20 of Humboldt County Code reducing the total number of appointees from eight to seven on Regional Planning Commission Board.

(Ordinance 09-08-09)

PUBLIC HEARING and possible adoption of an Ordinance amending Chapter 13.12 of the Humboldt County Code (HCC); adopting by reference the household income level established by Nevada Revised Statutes 427A.515 as the maximum allowable yearly household income used to determine eligibility for reduction of landfill assessments for persons over age of sixty-five years; increasing the maximum allowable yearly household income for eligibility for reduction of landfill assessments for persons over age of sixty-five years; and, providing other matters properly related thereto:

A copy of the proposed ordinance and a copy of the Notice of Public Hearing were provided to the Board for review. Chairman Fransway read the title of the item proposed for action. Administrator Deist reviewed the Landfill Committee's discussion regarding the issue noting that the suggestion to raise the amount to meet income levels established by statute had come from the Assessor as this will make the Assessor's job much easier in determining eligibility; he noted that the income level has not been raised since the ordinance was initially

adopted. Chairman Fransway asked for public comment; none offered. The following motion was made by Commissioner Bell and passed unanimously:

To adopt the ordinance to amend Chapter 13.12 of the Humboldt County Code adopting the reference to household income levels established by the Nevada Revised Statutes 427A.515 as the maximum allowable yearly household income used to determine eligibility for reduction of landfill assessments for persons over age of sixty-five years and increasing the maximum allowable yearly household income for eligibility for reduction of landfill assessments for persons over age of sixty-five years.

(Ordinance 09-08-09a)

PUBLIC HEARING and possible adoption of an Ordinance adding Chapter 8.44 to the Humboldt County Code, pursuant to Nevada Revised Statutes 244A.7641 through 244A.7647, to establish an Advisory Committee and to authorize a telephone line surcharge for the enhancement or improvement of telephone systems used in reporting emergencies, and other

related matters: A copy of the proposed ordinance and a copy of the Notice of Public Hearing were provided to the Board for review. Chairman Fransway read the title of the item proposed for action. Sheriff Ed Kilgore and AT&T Account Manager Pat Irwin appeared before the Board. Sheriff Kilgore commented on the request. Discussion occurred regarding the amounts earned, who would be affected and the formation of the advisory committee. Chairman Fransway asked for public comment; none offered. The following motion was made by Commissioner Bell and passed unanimously:

To adopt an ordinance adding chapter 8.44 to the Humboldt County Code pursuant to the Nevada Revised Statutes 244A.7641 through 244A.7647 to establish the advisory committee and authorize a telephone line surcharge for the enhancement or improvement to the telephone system used in reporting emergencies.

(Ordinance 09-08-09b)

PRESENTATION BY COLONEL PETER A. LEE, VICE COMMANDER, 366TH FIGHTER WING, USAF REGARDING THE PROPOSED EXPANSION OF PARADISE EAST AND PARADISE WEST MILITARY OPERATION AREAS, THE DRAFT ENVIRONMENTAL