

Monday, September 21, 2009

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, September 21, 2009, at 9:00 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, Deputy District Attorney Angie Elquist, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES -**

**SEPTEMBER 8, 2009:** The following motion was made by Commissioner Giordano and passed unanimously:

*To approve minutes of the September 8, 2009, meeting as submitted.*

**PUBLIC COMMENTS:** Chairman Fransway asked for public comments. Cleve and Dee Mallory appeared before the Board to discuss the closure of the Bruce Drive exit on US 95 and the ability of the Commission to stop that exit from being taken out. Mr. Mallory noted that he had obtained the minutes of the 2006 meeting at which the Commission had held a vote on the traffic study, that a traffic study had to be done as part of the special use permit or the exit would be taken out, an engineered traffic study was done but the exit was still taken out; today he asked what was wrong with the traffic study, why the Commission did not want it and why it was turned down. Chairman Fransway stated that this Board does not have jurisdiction on Highway 95, that the Commission did not close that road, the Department of Transportation did because of issues with access. Mr. Mallory responded that he understood that the Department of Transportation closed the road; he continued noting that the traffic study was done and approved by the Planning Commission but Mr. Lindeman requested a more extensive study, that it was brought before the Commission to decide if the traffic study would be accepted and it was voted down with Chairman Fransway and Commission Cassinelli voting against it in a tie vote and he again asked why the study was turned down which resulted in the closure of the road. Chairman Fransway commented on requirements for a traffic study being made by NDOT not the Commission and suggested placing this item on a future agenda of either the County Commission or the Regional Transportation Commission so the questions can get answered. Mr. Mallory again asked why Chairman Fransway and Commissioner Cassinelli voted against the

study as that was the final step that took the road out. Chairman Fransway again stated that the item needs to be agendized on a future meeting and that can be done per Mr. Mallory's written request.

Annie Drake asked for clarification as to whether public comment would be taken at the 11:15 a.m. item regarding the response letter from people who have public comments regarding the landfill but not specifically the response letter or if those comments should be offered now. Chairman Fransway stated if the comments relate to the landfill in general they should be addressed to the Commission during public comments, if they relate to the specific item then they should be done at the time of the specific agenda item. Ms. Drake offered a statement in opposition to the Jungo landfill site (see attached). Chairman Fransway asked that the written copy of the statement be included in the record and stated that the people of the community have the right to be heard on this issue and they will be. Judy Meagher spoke in opposition of the Jungo landfill proposal urging caution regarding going into business with this company, noting issues with the Lincoln County contract with the company (submitted to the Clerk at direction of the Chairman and attached), stating that while the County needs businesses to come in this is not the type of business that is needed, noting concerns with the land, water, the area in general and the business practices of Recology. Ms. Meagher continued commenting on concerns with the petition being circulated at the fair and comments received from people that a County Commissioner told them not to bother signing, it is a waste of time, this is a done deal; she noted that it is very wrong to misrepresent this and the allegations were made on the radio regarding Mr. Bell and she asked Commissioner Bell if he in fact did tell people not to sign. Commissioner Bell stated he had never told anybody not to sign the petition ever and commented on the allegations; he also commented on what occurs to people who don't sign the petition. Mrs. Meagher continued commenting on the need for the Commission to gather facts and the need to put the issue to a vote. Tom Brissenden commented on the landfill not being a done deal and questioned doing business with Recology noting corruption issues in the past with the business; he stated that facts should continue to be gathered. Chairman Fransway noted that he had spoken to Lincoln County representatives during the Nevada Association of Counties annual conference regarding their issue. Dee Holzel offered comment on electing the Commissioners to act for the County's best interest and the need for the Commission to consider

all aspects of the issue including economic benefits. Chairman Fransway responded to Ms. Holzel's comments noting the cost for a referendum, the need for resources to oppose the issue if it is determined that the community is against it and that the decision can be made by this Board in what would be the best interest of the community. Fred Baryol stated that the awareness of the size of the project just came recently noting that he could find no advance notice or identification of how large the project would be going back to April of 2007; he commented on the factual information appearing on the Nevadans Against Garbage (NAG) website and showed a chart to the Board of the number of views the website has had since September 6, 2009, he noted that there are currently more than fifteen hundred signatures on a petition which is located at six locations and that the original petition will be presented to the Commission in the future; he discussed why the ideal location for this project would be in California, the number of jobs involved with the project and the number liners proposed. Carra Otto spoke in opposition to the landfill noting the duties of the Board and the County's Mission Statement. Discussion occurred regarding when she had first heard about the proposal. Chairman Fransway closed public comment.

Administrator Deist suggested that due to the time that the Commission move to item four and come back to items two and three later in the meeting. Chairman Fransway stated that item four would be heard at this time.

**LIQUOR BOARD:** Sheriff Ed Kilgore convened the Liquor Board at 9:32 a.m.

**LICENSE APPLICATION FOR ED CASTELLANOS - CLUB 40:** Sheriff Kilgore reviewed the application submitted by Mr. Castellanos for the Board and recommended approval. The following motion was made by Commissioner Bell, was seconded and passed unanimously:

*To approve a liquor license for Ed Castellanos.*

Sheriff Kilgore adjourned the Liquor Board at 9:34 a.m.

Chairman Fransway stated that agenda item three would be handled at this time.

**DESIGNATION OF AREAS FOR PETITION GATHERING AT COUNTY BUILDINGS:**

Copies of the proposed Notices of Designated Areas to Gather Signatures for Petitions for the County Buildings were provided to the Board for review. Administrator Deist stated that this is an annual requirement and noted changes to the locations designated for the Convention Center and the Events Complex. The following motion was made by Commissioner Cassinelli and

passed unanimously:

*To approve the areas as presented.*

**PLANNING MATTERS:** Betty Lawrence, Senior Planning Technician for the Planning Department appeared before the Board.

**LP-09-04 - Approval of the final division of land into large parcel map submitted by Desert Mountain Surveying on behalf of Finance All, LLC to divide property into 12 lots of approximately 40 acres +/- and 1 lot 153.91 acres for a total of 13 lots. Property is located approximately 4.5 miles SW of Pronto, Section 31, T33N, R35E, M.D.B.&M. In Humboldt County, Nevada. Assessor's Parcel #05-441-33:**

A copy of the Planning Staff Report/Memorandum with map recommending approval and a copy of the August 27, 2009 Regional Planning Commission minutes approving the item were provided to the Board for review. John H. Milton, III of Desert Mountain Surveying appeared before the Board. Ms. Lawrence reviewed the application and recommended approval noting that the access jurat is included and that no mineral lease exists on this property so no mineral lease jurat is required. Discussion occurred regarding the properties proximity to the proposed landfill site; Mr. Milton indicated that it was 14 miles east and 5 miles south of the site. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve LP-09-04 submitted by Desert Mountain Surveying on behalf of Finance All LLC.*

**SET TO PUBLIC HEARING RH-09-03 - A zone change request submitted by Desert Mountain Surveying on behalf of John and Jhona Bell to rezone property from M - 3 (Open Land Use District) to NC-R (Neighborhood Commercial/Rural District). Property is located along State Route 8B/S, Main Street, Paradise Valley, NV; Assessor's Parcel #04-531-22, 04-531-23 and .46 acres of 04-531-24:**

The following motion was made by Commissioner Cassinelli and passed unanimously:

*To set to public hearing RH-09-03.*

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

**1. Approval of Intrastate Interlocal Agreement between the Nevada Department of Information Technology and Humboldt County for rack space rental:** A copy of the

proposed Intrastate Interlocal Agreement between Public Agencies was provided to the Board for review. *Recommendation: To authorize the Chairman to sign the agreement.*

**2. Approval of AT&T Transactional Agreement for Courthouse T-1 Line(s):** A copy of the proposed AT&T Transactional Agreement and an e-mail from Assessor Jeff Johnson detailing the costs were provided to the Board for review. *Recommendation: To approve as the item was included in the computer department's budget at budget time and this agreement would implement that process.*

**3. Request for Adjustment to the Humboldt County Real Property Tax Roll:** Request 09-10-21 was provided to the Board for review. *Recommendation: To approve.*

Chairman Fransway asked if anything was contained in either the rack space rental agreement or the T-1 line agreement to cover maintenance. Administrator Deist explained how the rack space rental agreement was handled and stated that legal had reviewed the AT&T agreement and he didn't know that there were any issues. Chairman Fransway noted that maintenance can result in additional costs and he wants to make sure it is covered and he asked that Deputy District Attorney Elquist review the contract to verify that maintenance is covered in the agreement; he suggested the item be brought back later when the question has been answered. The following motion was made by Chairman Fransway and passed unanimously:

*To approve the Consent Agenda with the stipulation that legal look into the maintenance issue on AT&T contract.*

**ADOPTION OF PROCLAMATION DECLARING OCTOBER AS DOMESTIC**

**VIOLENCE AWARENESS MONTH:** A copy of a letter of request from the Winnemucca Domestic Violence Shelter (WDVS) and a copy of the proposed resolution were provided to the Board for review. After discussion the following motion was made by Commissioner Amos and passed unanimously:

*To adopt the proclamation declaring October as Domestic Violence Awareness Month.*

*(Resolution No. 09-21-09)*

**SOLID WASTE MATTERS:** Administrator Deist stated that he had nothing on this item.

**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 stated there would be a special Landfill Committee meeting at 1:30 p.m. today and that the next Commission Meeting would be on October 5<sup>th</sup>.

**REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES THEY SERVE ON:** Chairman Fransway commented on the Nevada Association of Counties (NACO) annual conference and action taken at the Board of Director's meeting regarding a letter addressed to the Governor and the Legislative leadership relative to NACO's concern collectively about the upcoming Legislative session or the possibility of a special session.

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

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

**CONSENT AGENDA CONTINUED - Approval of AT&T Transactional Agreement for Courthouse T-1 Line(s):** Assessor Jeff Johnson appeared before the Board to answer questions regarding the inclusion of maintenance coverage in the contract with AT&T regarding the T-1 line. Assessor Johnson stated that the only potential for additional costs over what is contained in the contract that he is aware of is if there are issues regarding bringing the line in, those would be construction costs and if that were to happen they would come to the County with the additional costs and those would have to be approved before the project progressed any further. Chairman Fransway stated that he would want that issue to be clarified and placed in the agreement. Assessor Johnson agreed to do so.

**ROCHESTER - POTENTIAL RESUMPTION OF MINING:** Provided to the Board was a copy of a letter from MaryKaye Cashman Chief Executive Officer of Cashman Equipment in support of the re-opening of the Coeur Rochester Mine. Cindy Jones, General Manager of Coeur Rochester, Casey Keil, Technical Superintendent at Coeur Rochester and Luke Russell, V.P. of Environmental Services Coeur d'Alene Mines Corporation appeared before the Board. Mr. Russell offered a power point presentation for the Commission detailing Rochester's history, the Rochester reclamation and the stages of the extension of the mine life plan and benefits; he

commented that the project will provide some immediate benefits to the community, that it is due to the current prices that this is a viable project and so they are seeking timely permitting with the regulatory agencies, that the BLM has determined that the plan is complete under 3809 and dialog will be continuing with the BLM on the level of NEPA that would be required with the hope being that it will be a focused environmental assessment. Gene Seidlitz, Winnemucca BLM District Manager, appeared before the Board and commented on the BLM's involvement in the process and the work being done regarding the determination of EA versus EIS including upcoming meetings to discuss the situation. Chairman Fransway commented on his hope that the BLM will work with Coeur to expedite the reopening of the mine and to revisit the decision to require an EIS noting that it did not appear that a final decision has been made yet. Commissioner Cassinelli questioned what Pershing County had to say as the mine is located there. Ms. Jones noted that the mine does employ Humboldt County residents. Director Seidlitz stated that there is a planned meeting with the Pershing County Commission. Commissioner Cassinelli stated that Humboldt County should not be telling Pershing County what to do it should be up to them; he noted that he is not opposed to reopening the mine. Based on a question from Commissioner Bell, Director Seidlitz discussed the impasse with the level of NEPA being required and discussed the process to this point noting his commitment to the process. Chairman Fransway commented on the vested interest in the mine due to the proximity to Humboldt County and noted discussion which had occurred at the recent joint meeting with the Pershing County Commission; he stated that he did not believe a motion was required as the questions have been answered and no final decision has been made and work is continuing on the issue. Commissioner Giordano commented on his support of the project and how the matter could have been handled two weeks ago if it had been placed on the agenda; he asked that if there are items in the future that the Administrator be contacted so the Commission can get on things faster.

**PUBLIC HEARING ON A NUISANCE COMPLAINT AT 170 REEVES ROAD, MCDERMITT, NEVADA, APN #003-072-04:** Provided to the Board for review were a copy of the complaint filed by the McDermitt Community Board with photos, copies of reports from the Building & Safety Department and the Sheriff's Office, proof of service on the property owner, a Notice of Public Hearing and additional photos received from the Community Board.