

Monday, October 19, 2009

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, October 19, 2009, at 9:30 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**

**21, 2009 AND OCTOBER 5, 2009:** The following motion was made by Commissioner Giordano and passed unanimously:

*To approve minutes of the September 21, 2009, meeting as presented.*

Chairman Fransway stated that the Clerk had informed the Board that the minutes for October 5, 2009 were not complete and would be presented at the next meeting.

**PUBLIC COMMENTS:** Chairman Fransway asked for public comments. None were offered.

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

1. **Request for Adjustment to the Humboldt County Real Property Tax Roll:** Requests 09-10-24 and 09-10-25 were provided to the Board for review. *Recommendation: That the requests be approved as recommended by the Assessor and the Treasurer.*
2. **Approval of Applications for Victims of Crime:** Attached was a request for approval of applications 09094 and 091001 for the Boards review. *Recommendation: That the applications be approved.*
3. **Comptroller's first quarter report under NRS 354.290:** A copy of the report was provided to the Board for review. *Recommendation: That the report be approved.*

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

*To approve the Consent Agenda as presented.*

**SOLID WASTE MATTERS:** Administrator Deist stated that there would be a Landfill Committee meeting at 1:30 p.m. today.

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

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

**MISCELLANEOUS REPORTS AND CORRESPONDENCE:**

**OTHER INFORMATION AND UPCOMING MEETINGS:** Administrator Deist stated that the Legislative Committee on Public Lands would be meeting on November 6, 2009 in the County Meeting Room and that they have asked for a report regarding Humboldt County's public lands issues; he asked the Commission to provide some ideas as to what they would like to have included in the report. Upcoming meetings and dates of importance were reviewed. Administrator Deist noted that the attendance of the Commission at the Nevada Geothermal ribbon cutting was not agendaized as it is an invitation only event so it falls under the social side.

**REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND**

**COMMITTEES THEY SERVE ON:** Commissioner Amos discussed the recent Humboldt River Water Basin Authority meeting. Discussion occurred regarding work being done at the Pit Taylor Dam site. Chairman Fransway stated that he had been reappointed to the Public Lands Steering Committee on the National Association of Counties.

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

*To approve the expenditures.*

As members of the public had entered the meeting room Chairman Fransway asked if there was any public comment; none offered.

**REQUEST FOR WAIVER TO THE ATTRITION POLICY FOR A VACANCY IN THE SHERIFF'S OFFICE FOR AN ADMINISTRATIVE CLERK:**

Sheriff Ed Kilgore appeared before the Board. Sheriff Kilgore stated that Renee Norris had retired and that he was seeking to fill the position of civil clerk; he detailed the statutory duties of the position and stated that it is a full time position so having the other clerks in his office absorb the duties would be difficult, that the duties performed are very important to running the office and that there would be no way to reorganize the office to cover the position. Discussion occurred regarding the number of clerks in the office, their duties, what the duties of the Office Manager were and the time frame for hiring. Chairman Fransway asked for public comment; none offered. Commissioner Amos agreed that it is a position that is needed. Commissioner Bell stated that it is a necessary position. Commissioner

Giordano stated that it is needed for the safety and efficiency of the Sheriff's Office. The following motion was made by Commissioner Bell and passed unanimously:

*To approve the request from the Sheriff's Office to waive the attrition policy and fill the Clerk in the civil section.*

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

**SET TO PUBLIC HEARING RH-09-04 - A zone change request submitted by Conn Davis as agent for Vern and Owen Brinkerhoff to rezone 1.26 acres of property from RR-1.25 (Rural Ranchette 1.25 acre minimum lot size) District to NC-R (Neighborhood Commercial/Rural District). Property is located along Grass Valley Road; APN #13-481-06:** Chairman Fransway read the title of the item to be set to public hearing. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To set to public hearing at the next meeting.*

**CONTINUATION OF A PUBLIC HEARING ON A NUISANCE COMPLAINT AT 170**

**REEVES ROAD, MCDERMITT, NEVADA, APN #003-072-04:** Provided to the Board for review were copies of the complaint, the Building & Safety Department inspection report and photos submitted by the Building & Safety Director which were taken of the location on October 16, 2009. Robert Pope, present on behalf of property owner Barbara Nash, appeared before the Board. Mr. Pope addressed the Board regarding the clean up that had occurred on the site and noted that the property is now consistent with other properties in the area, that the issue with the alley mentioned at the previous meeting was not contained in the original complaint but the trailers located in the alley are ready to go to his other property; he provided photos to the Commission for review. Commissioner Cassinelli stated that it looked considerably cleaner to him. Commissioner Bell concurred. Administrator Deist stated that he had viewed the site on Saturday and that the pictures provided by Director Thomas reflect the work that has been done and it is considerably better than what it was and that what is in the alley is loaded on trailers ready to hook up and take out which he would assume would happen in the not to distant future. Mr. Pope stated he would taking it to his other property, probably next month. Chairman Fransway asked for public comment; none offered. Chairman Fransway stated that it appears that there has been major effort on Mr. Pope's part and

noted that none of the complainants were in attendance today, so they must be aware of the progress made; he thanked Mr. Pope for the effort. The Board agreed that the site looked good. The following motion was made by Chairman Fransway and passed unanimously:

*That the Commission finds no nuisance on the property at 170 Reeves Road in McDermitt.*

**INTERVIEWS AND POSSIBLE APPOINTMENT TO THE HUMBOLDT GENERAL HOSPITAL BOARD:**

Provided to the Board for review were letters of request for appointment from Richard Robie, Dr. Richard Ingle, Allen Violette, Garth Amos, Bill Hammargren, Robert Davidson Sr. And William Douglas. Commissioner Bell stated that he would be abstaining from discussion and action on this item as he is an employee of the hospital; he took a seat in the audience. Commissioner Amos stated that he would be abstaining from discussion and action on this item as his son is one of the applicants; he took a seat in the audience. Commissioner Giordano stated for the record that he is the Commission appointee to the Hospital Board but legal counsel has advised that he does not need to abstain from the item. Interviews were conducted with Mr. Robie, Dr. Ingle, Mr. Violette, Mr. Amos, Mr. Hammargren, Mr. Davidson and Mr. Douglas. Following the interviews the Board agreed to continue discussion on the item following the afternoon public comment period.

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

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett reported on the AARA monies and the status of the contract with the State and ongoing road grading. Superintendent Garrett discussed issues with the Shelton Lane fencing project as to the right-of-way as the way it was drawn up the County would be on private property on the north end, so he requested that he be allowed to get the area surveyed before proceeding. The Board reviewed a map of the area. Chairman Fransway questioned whether the easement could be acquired from the property owner. Superintendent Garrett stated that could be a possibility. Administrator Deist concurred with Superintendent Garrett that a survey needed to be done before the fencing occurs; he noted that Paul Miller has expressed concerns on his end as to where the fence might be. Chairman Fransway suggested the item be placed on the next agenda under road matters. Superintendent Garrett stated the cost estimate for the fencing materials is \$4,300.00. Discussion

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occurred regarding the proposed location of the fencing. The Board agreed to place the survey on the next meeting agenda.

**MISCELLANEOUS ROAD RELATED MATTERS:** Discussion occurred regarding the grading projects.

**REVIEW AND POSSIBLE APPROVAL OF PROPOSAL FOR PUBLIC INFORMATION**

**MEETING REGARDING JUNGO LANDFILL:** Administrator Deist stated that since the agenda was posted Mr. Dolan had appealed the Planning Commission's finding related to the revocation of the special use permit which will be heard by this Commission, that as a result of that the holder of the special use permit would not be able to participate in an informational meeting based on the advice of their legal counsel. Administrator Deist noted that he did not know if it would be appropriate for this body to be involved in something like that when the Commission is going to be hearing an appeal regarding the same issue, so while he still believes it is important to have the opportunity for people to listen to both sides and also to listen to the NDEP and what their process is, he believes it needs to be delayed until the appeal process and what follows is complete. Chairman Fransway explained about the appeal being filed and the effect of that; he stated he concurred with staff that the appeal needed to run its course before the proposed public meeting occurs. Discussion occurred regarding the time frame for the appeal.

**PUBLIC COMMENTS:** Chairman Fransway asked for public comment. Cleve and Dee Mallory appeared before the Board. Mr. Mallory stated that he thought at the last meeting it was decided that something was going to be done with the approach out to Bruce Drive and nothing has happened. Chairman Fransway stated that last he had heard the Commission had asked the Mallorys to get with NDOT and they had agreed to waive the fees for the re-application and to his knowledge that had not been pursued at this time. Mr. Mallory stated that he had spoken to Mr. Lindeman after the meeting last time and asked him if he had time to talk and he had said maybe later on; that Mr. Lindeman then asked what he needed to talk about and Mr. Mallory had told him that he was under the impression that he needed to do a permit or do this or that but he wasn't really sure what was expected of him and that Mr. Lindeman had replied that he wasn't going to do a darn thing. Mrs. Mallory stated her belief that the County was going to have Kevin Lee come in, the guy from Elko. Chairman Fransway stated that the Commission would love to have Mr. Lee come in but that would

need to be agendized and he does not think the Commission can proceed until the Mallorys speak with Mr. Lindeman and Mr. Lee and perhaps fill out the application; he asked if the Mallorys had spoken to Mr. Lee. Mr. Mallory stated that he had spoken to Mr. Lee after the meeting two weeks ago and he had said he would be at the meeting today; that he had told him that when he had approached Mr. Lindeman about what they were expected to do, Mr. Lindeman had said he was not going to do anything whatsoever about it; that Mr. Lee had stated he would be at the meeting today to try and smooth things out and figure out something to do. Chairman Fransway asked staff to get a hold of Mr. Lee and get it on the agenda again to discuss what needs to happen as far as NDOT and the reopening of Bruce Drive. Commissioner Giordano suggested that the Mallorys apply for the permit so the Commission has grounds to call Mr. Lee here as he thinks that would be better and there would be better grounds. Commissioner Amos stated it would give the Commission a little more substance. Commissioner Bell stated that was his understanding that this was pending a permit application. Mr. Mallory stated he had approached Mr. Lindeman with that and Mr. Lindeman had said he didn't care that he was not going to do anything about it anyway. Mr. Mallory continued and stated that when he had spoken to Mr. Lee, Mr. Lee had stated that he felt Mr. Mallory would be stupid to apply for that thing that it should be on the County to apply for it. Commissioner Bell stated that was not his understanding. Mr. Mallory continued and said that Mr. Lee stated that the County would eventually adopt that road as one of the County roads, so if the County adopts the road what is wrong with adopting the approach too which made sense to him as eventually the County would adopt that road when it gets up to the County specs. Chairman Fransway stated that he would love to have Mr. Lee and Mr. Lindeman come before the Commission and asked that the Mallorys fill out what paperwork they need to do to make the application between now and a week and call Administrator Deist to get it on the agenda. Mr. Mallory said alright.

Rene Maestrejuan appeared before the Board on behalf of Nevadans Against Garbage and requested that in the interest of public transparency and in the absence of a public hearing she requested that an item be placed on the agenda for the next Commission meeting on November 2<sup>nd</sup> for the answers to the questions she would be asking. Mrs. Maestrejuan offered a question to each member of the Commission, the County Administrator and Deputy District Attorney Elquist (see attached list of questions). Chairman Fransway stated that it would be appropriate that something

be agendized to address the questions posed to the Commissioners and unless action was necessary it could be done as an informational item. Administrator Deist stated that he would want to discuss this with legal counsel prior to agendizing the item given the pending appeal and such so as not to jeopardize or get the County into a legal position that may or may not be advantageous to the County. Deputy District Attorney Elquist agreed with Administrator Deist. Chairman Fransway noted the discussion previously about the appeal regarding the special use permit and stated that depending on what legal counsel advises, the Commission will most likely be addressing the questions at a future date but it may be necessary to wait until such time as the appeal has run its course. Chairman Fransway asked for further public comment; none offered.

**CONTINUED DISCUSSION ON AN APPOINTMENT TO THE HUMBOLDT GENERAL**

**HOSPITAL BOARD:** Chairman Fransway stated that Commissioners Amos and Bell would be abstaining from discussion and action on this item for the reasons stated earlier. Discussion occurred regarding the applicants. After discussion the following motion was made by Commissioner Cassinelli and passed with Chairman Fransway and Commissioners Cassinelli and Giordano voting aye and Commissioners Amos and Bell abstaining:

*To appoint Bill Hammargren to the Board.*

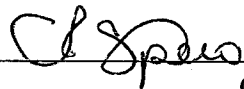
Discussion occurred regarding the term of the appointment only being until the next election in 2010.

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

*To adjourn.*

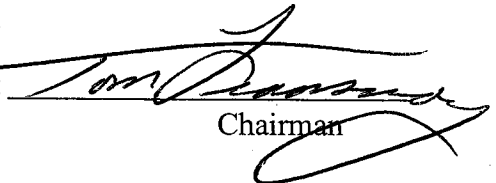
The meeting adjourned at 12:13 p.m.

ATTESTED: \_\_\_\_\_



Clerk

APPROVED: \_\_\_\_\_



Chairman

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**MEMORANDUM**

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**TO: COMMISSIONERS**  
**FROM: ADMINISTRATOR**  
**DATE: October 13, 2009**  
**SUBJECT: CONSENT AGENDA**

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**ACTION:** Approval of the consent agenda is requested pursuant to the following staff recommendations:

1. Request for Adjustment to the Humboldt County Real Property Tax Roll: Attached are requests 09-10-24 and 09-10-25 for your review.

Recommendation: That the requests be approved as recommended by the Assessor and the Treasurer.

2. Approval of Applications for Victims of Crimes: Attached are applications 09094 and 091001.

Recommendation: That the applications be approved.

3. Comptroller's first quarter report under NRS 354.290: The report is attached.

Recommendation: That the report be approved.



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**MEMORANDUM**

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**TO: COUNTY COMMISSIONERS**  
**FROM: COUNTY ADMINISTRATOR**  
**DATE: October 13, 2009**  
**SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS**

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**OTHER INFORMATION:**

1. Legislative Committee on Public Lands: This committee will be here on November 6, 2009 beginning at 10:00 a.m. The Committee would like a report from the County regarding public land issues in Humboldt County. Please provide us with some ideas on what you would like to have included in that report.

**UPCOMING MEETINGS:**

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|---------------------|--------------------------------------|
| 1. October 19, 2009 | Landfill Committee                   |
| 2. October 22, 2009 | Special Commission/Nevada Geothermal |
| 3. October 30, 2009 | County Holiday                       |
| 4. November 2, 2009 | Commission                           |

Good morning.

My name is Rene Maestrejuan.

I am here on behalf of Nevadans Against Garbage. Thank you for having me here before you.

In the interest of government transparency, absent a public hearing, I request that an item be placed on the agenda at the next commissioners meeting on November 2nd for your answers to the questions I will be asking.

I offer the following questions to the board:

**Angie Elquist:**

Under what circumstance would you support hosting a complete Open Public Hearing?

**Mike Bell:**

In the interest of public transparency, could you please clarify the time line previously reported by you, on September 21st related to the Jungo Disposal Site project.

**Dan Cassinelli:**

It has been said that the opposition to this project is limited to a vocal minority. Has the County conducted polling to establish that it is a vocal minority? What number of concerned voters would constitute a significant involvement?

**Tom Fransway:**

Does this board have plans to enter into negotiations between Humboldt County and Jungo Land Investments or Recology regarding the landfill Host Agreement prior to the completion of independent environmental studies including the USGS study funded by Harry Reid?

**Garley Amos:**

You have been quoted in the media that Recology will be hiring 25 employees and they will be earning \$60,000 to \$70,000 per year. Would you please state where you obtained your information?

**Chuck Giordano:**

At the Regional Planning Commission Meeting on October 8th, a question was asked by Bob Edwards to Recology if they would be willing to provide an Environmental Impact Study to that board. Will you require the applicants to comply with the same permitting requirements found with similar projects constructed in California? If not, why?

**Bill Diest:**

When was your first contact with Jungo Land Investment/Recology/Norcal?

I thank you for your time and again I would like to request that we be placed on the agenda for the next commissioners meeting on November 2nd for the responses to our questions.

Thank you.