

Monday, January 4, 2010

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, January 4, 2010, 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 - DECEMBER 8, 2009

AND DECEMBER 14, 2009: The following motion was made by Commissioner Amos and passed unanimously:

To approve minutes of the December 8, 2009, meeting as presented.

Chairman Fransway offered corrections to the December 14, 2009 meeting minutes. The following motion was made by Commissioner Giordano and passed unanimously:

To approve the December 14, 2009 minutes with Chairman Fransway's corrections.

FIX TERM OF CHAIRMAN AND VICE-CHAIRMAN: After discussion the following motion was made by Chairman Fransway and passed unanimously:

To fix the term of Chairman and Vice-Chairman to reflect the year 2010.

ELECTION OF CHAIRMAN: Chairman Fransway nominated Vice-Chairman Cassinelli to serve as Chairman. Commissioner Cassinelli declined the nomination and nominated Commissioner Giordano as the 2010 Chairman noting that he would be facing a campaign this year and that it will be Commissioner Giordano's last year in office due to term limits. Commissioner Giordano accepted the nomination. The following motion was made by Commissioner Cassinelli and passed unanimously:

To elect Commissioner Giordano as Chairman for 2010.

Chairman Giordano took over the meeting from past Chairman Fransway.

ELECTION OF VICE-CHAIRMAN: Commissioner Bell nominated Commissioner Amos to serve as Vice-Chairman. Commissioner Amos accepted the nomination. The following motion was made by Commissioner Bell and passed unanimously:

To elect Commissioner Amos as Vice-Chairman.

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

ANNUAL SERVICE AWARDS PRESENTATION TO COUNTY OFFICIALS AND EMPLOYEES:

Chairman Giordano presented annual services awards to the following County Officials and employees:

35 YEAR CLOCK

District Court - Rosa Sanchez (not present)

20 YEAR PLAQUE

Fairgrounds - Sheree Tibbals

Juvenile - Bill Jones (not present)

Road Department - Tim Chabot

15 YEAR PLAQUE

Buildings & Grounds - M. Lucilla Alvarez (not present)

District Attorney/Child Support - Margaret "Jenny" Wegener

Sheriff - Michael Smock

Sheriff - Jeffrey Lynn

TV/Communications - David "Ric" Grantham (not present)

10 YEAR PLAQUE

Assessor's Office - Monica Miller

Commissioners/Administrator - Bill Deist

Commissioners/Administrator - Karen Bannister

Justice Court - Gene Wambolt

Justice Court - Sherry Mock

Library - Gillian Napier

Library - Lawana Ferrier

Library - Sherry Ranf

Road Department - Roy Tiske

Sheriff - Tony Cantwell (not present)

Sheriff - Lee Dove

Sheriff - Chris Lininger (not present)

Sheriff - Kevin Malone (not present)

Treasurer - Gina Rackley

5 YEAR CERTIFICATE

District Attorney - Letty Norcutt

Justice Court - Debbie Lohr

Justice Court - Ramona Suba

Juvenile Department - Kimra Raabe (not present)

Juvenile Department - Toni Hawk (not present)

Juvenile Department - Robert Kittrell (not present)

Library - Shirley Ruggera

Sheriff - Damon Kuskie (not present)

Treasurer - Jennifer Wilhite

ADMINISTRATIVE REPORT:

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:** Request 09-10-28 was provided for the Board's review. *Recommendation: That the request be approved as recommended by the Assessor and the Treasurer.*

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

To approve Consent Agenda as presented.

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 reviewed upcoming meetings and dates of importance.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner Cassinelli reported on the meeting of the WCVA and discussion which had occurred regarding the race track on Jungo Road.

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

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

CLERK'S OFFICE: County Clerk Tami Rae Spero appeared before the Board.

REQUEST FOR PRE-APPROVAL OF OVERTIME FOR A SIX MONTH PERIOD FOR COUNTY CLERK'S OFFICE EMPLOYEES - INDIGENT COORDINATOR AND DISTRICT COURT

CLERK: Clerk Spero spoke in support of the request for 10 hours of overtime for the Indigent Coordinator and 20 hours of overtime for the District Court Clerk noting that she would return in the future to ask for

additional overtime for the purpose of elections. The following motion was made by Commissioner Amos and passed unanimously:

To approve the request for overtime for a six month period for the County Clerk's Office employees, Indigent Coordinator and District Court Clerk.

NOMINATION OF PERSON FOR THE BOARD OF EQUALIZATION AND CHAIRMAN OF THE

BOARD OF EQUALIZATION: Administrator Deist stated that Terry Miller had agreed to serve another term on the Board of Equalization and Rich Stone had agreed to serve as the Chairman for 2010. The following motion was made by Commissioner Cassinelli:

To appoint Terry Miller to the Board of Equalization and to appoint Rich Stone as Chairman.

Commissioner Fransway noted that the Chairman must nominate the positions. Chairman Giordano nominated Terry Miller to serve another term on the Board of Equalization and nominated Rich Stone as Chairman for 2010. Commissioner Cassinelli offered the following amended motion which passed unanimously:

To concur with the Chairman's nomination to appoint Terry Miller to the Board of Equalization and to appoint Rich Stone as Chairman.

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

PUBLIC HEARING ON RH-09-05: A rezone application submitted by James Felland to change the RR-1.25 (Rural Ranchette - 1.25 acre minimum lot size) to RR-1.25 MH (Rural Ranchette - 1.25 acre minimum lot size with a Mobile Home Combining District overlay) zoning district on property located on Forest Avenue; APN #10-474-18: Provided to the Board for review was a copy of the Planning Department Staff Report recommending approval, a copy of the Notice of Public Hearing and a copy of the application with maps. Ms. Lawrence reviewed the application and recommended approval. Commissioner Fransway commented on the development in the area noting that there is only one single wide trailer in the area; he continued noting that the master plan calls for high density residential and stated that he has a problem with mobile home overlays on high density properties and believes that continuing to put old single wide trailers in those areas is contrary to good planning as it may have the tendency to reduce the assessed value in the area. Ms. Lawrence stated that she believes the age of the mobile home is in the early 1980s noting that without the overlay it must be 1986 or newer and a double wide. Based on a question by Commissioner Fransway, Ms. Lawrence stated that property owners were notified within 300 feet of the

application and that the only concerns voiced were to whether the acreage was going to be reduced to 1.25 acres which is not occurring. Commissioner Fransway stated that he would be opposing the rezone for the reasons he previously stated. Discussion occurred regarding the number of properties developed in the area. Commissioner Fransway asked that a message be sent to the RPC that the Commission would like them to consider not allowing MH overlays in high density residential areas; he suggested the matter be placed on a future agenda. Commissioner Bell asked if this would be discriminating against the individual. Commissioner Fransway responded that it would not be as it is currently zoned 1.25 and he is requesting a zone change to allow the MH overlay. Chairman Giordano asked when the applicant planned on moving the single wide in. Ms. Lawrence stated that it would be in the future not right now. Chairman Giordano commented that there was currently only one single wide in the area. Ms. Lawrence said she did not know but that Commissioner Fransway had viewed the area and stated that; she also noted that she did not know if the trailer would be a single wide or not, just that it would be older than 1986. Commissioner Amos voiced his concern about denying affordable housing and suggested it continue as it has been. Chairman Giordano asked for public comment; none offered. The following motion was made by Commissioner Fransway:

To deny the rezone.

Commissioner Cassinelli asked if the application is denied would the Commission be asking the RPC to take a look at the issue? Commissioner Fransway stated that would need to come forward at another meeting as it would need to be agendaized and the Commission would need to take formal action. Commissioner Cassinelli stated his agreement with that but questioned whether this guy should be the example. Chairman Giordano noted that this is not something the applicant needs right away he is being given notice in advance. Commissioner Cassinelli agreed. Chairman Giordano called Commissioner Fransway's motion to a vote and it passed with Chairman Giordano and Commissioners Cassinelli, Fransway and Bell voting aye and Commissioner Amos voting nay. Chairman Giordano asked that the request to RPC to review the MH overlay be placed on the next agenda.

**SET TO PUBLIC HEARING AN APPEAL OF REGIONAL PLANNING COMMISSION'S (RPC)
OCTOBER 10, 2009 DECISION REGARDING PROPERTY OWNED BY DONALD LYKKE, 3635**

BROWN LANE, WINNEMUCCA, NEVADA 89445: Provided to the Board was a copy of the Letter of Appeal filed by Jack T. Bullock, II of Bullock Law Offices on behalf of Donald Lykke. Deputy District Attorney Elquist asked that this matter be set to public hearing at the second meeting in February as she is trying to contact Mr. Bullock regarding trying to bring the matter back before the RPC on January 14, 2010 as there had been an issue with notice. After discussion the following motion was made by Commissioner

Bell and passed unanimously:

To set to public hearing at the second meeting in February.

PUBLIC HEARING ON AND POSSIBLE ADOPTION OF AN ORDINANCE AMENDING CHAPTER 15.16 OF THE HUMBOLDT COUNTY CODE REGARDING FLOOD DAMAGE PREVENTION 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. Building & Safety Director Bobby Thomas appeared before the Board. Director Thomas reviewed the issue for the Board noting that there is a final map for the re-mapping of the Lambert/Delaney or Little Humboldt Creek area; he discussed what is occurring for notification to the property owners in the general area, the posting of the flood map in the Building Department, the area covered with this ordinance, how new owners/buyers will be notified, that building in the area is still allowed, how flood hazards are mitigated in the construction, the provisions and notification process for people who already live in the area and the importance of that notification so the property owners can get the flood insurance now at the reduced rate. Chairman Giordano asked for public comment; none offered. Discussion occurred regarding what types of property are covered under this ordinance and what requirements the insurance companies could put on home owners. The following motion was made by Commissioner Amos and passed unanimously:

To adopt the Ordinance amending Chapter 15.16 of the Humboldt County Code regarding Flood Damage Prevention and other related matters.

(Ordinance 01-04-10)

REQUEST FOR CONTRIBUTION TO DRUG FREE ALCOHOL FREE SENIOR PARTY:

Deanna Eastman and Michele Eldodt appeared before the Board. Ms. Eastman provided a handout to the Board detailing the budget for the party for 2010. Ms. Eastman spoke in support of the request for a contribution from the County for the party. Discussion occurred regarding the activities which occur and the level of participation. Administrator Deist noted that the Commission has previously supported this activity in the amount of \$2,500.00. Upon a questions from Chairman Giordano, Ms. Eastman stated that the committee would also be approaching the City Council and the WCVA for assistance. The following motion was made by Commissioner Fransway and passed unanimously:

To approve a \$2,500.00 donation.

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

DIRECTION REGARDING THE 2010 MAG CHLORIDE PROGRAM: Provided to the Board was a memo from the Road Superintendent regarding the magnesium chloride bid for 2010 and a report detailing

the magnesium chloride projections for 2010. Superintendent Garrett reviewed the memo and report for the Board noting that the estimated cost of \$132,833.65 would treat 56.769 miles of road way 24 feet wide; that a reduction of 2.6 tons per mile can be achieved by treating 20 feet of roadway instead of 24 feet which would translate to a cost reduction of \$12,890.00 reducing the total estimate to \$119,943.00; that the cost estimate is based on the available quotes so further cuts may be required if pricing escalates. Superintendent Garrett asked the Board's permission to bid the annual dust control project in January as this would allow the county to reserve application dates better suited to Humboldt County. Discussion occurred regarding the effect of treating 20 feet as compared to 24 feet, the inclusion of Water Canyon road, the amount done on Jungo Road, the current prices, what section of South Valley Road is done and what is done on Reins Way. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

To accept the mag chloride application for 2010 and to authorize the Road Superintendent to go out to bid in January as requested.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported on road grading, pipe installation and replacement and cattle guard cleaning.

MISCELLANEOUS ROAD RELATED MATTERS: Discussion occurred regarding the installation of fencing at the airport, equipment operation in the cold and that the road crews are on 8-hour shifts until March 1st.

(Deputy District Attorney Elquist exited the meeting at 11:12 a.m. No legal counsel present)

REVIEW AND POSSIBLE APPROVAL OF A PROCLAMATION FOR UNITED WAY PROCLAIMING JANUARY 29, 2010 AS HUMBOLDT COUNTY EARNED INCOME TAX CREDIT

AWARENESS DAY: A copy of the proposed proclamation was provided to the Board for review. Carol D. Huether, Executive Director of the United Way of the Great Basin appeared before the Board. Ms. Huether presented a power point presentation to the Board regarding 2010 EITC Awareness Day. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

To authorize the Chairman to sign the proclamation.

(Proclamation No. 01-04-10)

REQUEST FROM THE SANTA ROSA DISTRICT PERMITTEES FOR LETTER OF SUPPORT FOR APPEAL OF MARTIN BASIN FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS):

Dave Cassinelli, permittee, Robert Schweigert, a consultant for the permittees and Brad Schultz, Cooperative Extension Agent, appeared before the Board. A Briefing Report was provided to the Commission for review (see attached). Mr. Cassinelli addressed the Board and requested a letter of support from the Commission