

Tuesday, February 16, 2010

The regular meeting of the Humboldt County Board of Commissioners was called to order on Tuesday, February 16, 2010, at 10:00 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Chuck Giordano, Commissioners Garley Amos Jr., Dan Cassinelli, Tom Fransway 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 - FEBRUARY 1, 2010:**

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

*To approve minutes of the February 1, 2010.*

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

**ADMINISTRATIVE REPORT:**

**CONSENT AGENDA:** The following items were presented under the Consent Agenda by Administrator Deist for the Board's review/action (see attached):

1. Acknowledgment of Clerk's Quarterly Report: A copy of the report was provided to the Board for review. *Recommendation: That the Commission acknowledge receipt of the report.*
2. Approval of amended Resolution authorizing Verizon Wireless an option on property in McDermitt for communication site lease with payments to the McDermitt Community Fund: A copy of the amended resolution was provided to the Board for review. *Recommendation: That the Commission adopt the amended resolution.*
3. Appointment of David Allen to the 911 Advisory Committee: Mr. Allen, a representative for AT&T would replace Mr. Perez on the committee as the ordinance requires that the members of the committee be residents of the County, as Mr. Perez is not a resident, the Sheriff has recommended Mr. Allen for appointment. *Recommendation: That the Commission appoint David Allen to the 911 Advisory Committee as recommended by the Sheriff.*

Commissioner Fransway requested that item 2 of the Consent Agenda be heard separately as due to a relationship with Verizon he would be abstaining from discussion and action on that item. The following motion was made by Commissioner Bell and passed unanimously:

- To approve items one and three of the Consent Agenda.*

The following motion was made by Commissioner Bell and passed with Chairman Giordano and Commissioners Amos, Cassinelli and Bell voting aye and Commissioner Fransway abstaining:

*To approve adoption of the amended resolution authorizing Verizon Wireless an option on*

*property in McDermitt for communication site lease with payments to the McDermitt Community Fund.*

*(Resolution No. 02-16-09)*

**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 informed the Board that the appeal filed by Donald Lykke of the Regional Planning Commission's December 10, 2009 action which had been set for public hearing at this meeting had been taken back to the RPC at their February 11, 2010 meeting in an attempt to correct some of the issues which resulted in the appeal therefore no public hearing would be occurring today. A copy of the Biting Fly Report for Outlying Communities in Humboldt County for 2009 prepared by Robin Gray was provided to the Board for review. Administrator Deist noted that he and City Attorney Kent Maher had been invited to participate in discussion with the SB 264 Committee, a committee formed in the 2009 session of the Legislature with the purpose of looking at the powers of local government. Upcoming meetings and dates of importance were reviewed for the Board.

**REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES**

**THEY SERVE ON:** Commissioner Bell discussed a conversation he had with Dr. Stringham regarding his offer to perform the fireman physicals at cost which would result in a cost savings. Chairman Giordano noted that he had been unable to attend a meeting with Governor as it occurred on the same day as a Commission meeting but that he had discussed with Mayor Willis-Putnam what had occurred. Commissioner Fransway discussed a NACO Board of Directors meeting he had attended.

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

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

**COMPTROLLER'S/AUDITORS OFFICE:** Comptroller Bruce Brooks appeared before the Board.

**APPROVAL OF PLAN FOR CORRECTIVE ACTION FOR APPARENT VIOLATIONS REPORTED IN THE AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2009:** Comptroller Brooks explained that during the presentation of the audit report for fiscal year 2008-2009, it was noted that there were two instances where expenditures exceeded appropriations and per NRS 354.6245 the governing body

shall provide the Department of Taxation a plan for corrective action for any apparent violation. Comptroller Brooks continued stating that in both instances, the over expenditures were unique circumstances and more than likely, would not happen again and offered the following plan for corrective action noting that the Commission needs to adopt this plan and direct the Comptroller to forward this plan to the Department of Taxation:

1. Expenditures for the Public Works function in the Regional Transportation Fund are a combination of both County and City projects. Therefore, communications regarding the status of projects undertaken by the City and County is necessary to ensure over expenditures do not occur. The County and City are committed to review their RTC projects prior to the end of the fiscal year. This should ensure expenditures don't exceed appropriations.

2. An over expenditure in the Solid Waste Management Fund occurred. The County will review expenditure details prior to June 30 to ensure compliance.

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

*To adopt the plan of corrective action as forwarded to the Commission by the Comptroller and direct the Comptroller to forward the plan to Department of Taxation.*

**APPROVAL OF INTERLOCAL CONTRACT BETWEEN PUBLIC AGENCIES WITH THE STATE OF NEVADA RELATED TO THE DEFERRED COMPENSATION PROGRAM:**

A copy of the proposed Interlocal Contract was provided to the Board for review. Comptroller Brooks explained why the County joined the State's deferred compensation program a number of years ago and explained this is a State run program through Hartford and that legal counsel has reviewed the agreement and signed off on it. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve the Interlocal Contract between public agencies with the State of Nevada on the deferred compensation program.*

**REQUEST FOR CONTRIBUTIONS:**

**WINNEMUCCA BARREL RACING ASSOCIATION (WBRA) ANNUAL BENEFIT BARREL RACE FOR FEES TO COVER THE TWO DAY EVENT:**

Chairman Giordano stated that he would be abstaining from discussion and action on this item and would turn the meeting over to the Vice-Chairman Amos as his daughter-in-law is involved in this event. Jennifer Montero, secretary for the WBRA appeared before the Board and spoke in support of the request for waiver of the arena fee and concession fee for the annual benefit race which will support the LaRena Bengoa Foundation. Discussion occurred regarding the dates

of the event, other donors for the event, the event location and that the total grant amount would be \$800.00. Commissioner Cassinelli asked legal counsel if he would need to abstain from action on this item as the event is being held in honor of his sister-in-law. Deputy District Attorney Elquist stated the question is would the decision on this item effect him more or less than anybody else, if he would gain or lose anything by this action. Commissioner Cassinelli stated that he did not gain or lose anything with the decision. Deputy District Attorney Elquist agreed and stated that he should just make the disclosure of the relationship for the record. Commissioner Cassinelli disclosed that Bonnie Cassinelli is his brother's wife but that he has nothing to gain from this benefit. The following motion was made by Commissioner Cassinelli and passed with Commissioners Amos, Cassinelli, Fransway and Bell voting aye and Chairman Giordano abstaining:

*To grant the barrel race people \$800.00 for the use of the Indoor Events Center as requested.*

Vice-Chairman Amos turned the meeting back over to Chairman Giordano.

**SENIOR CLASS AT LOWRY HIGH SCHOOL FOR THE COST OF THE INDOOR EVENT**

**CENTER FOR GRADUATION:** Brad Pearson, Senior Class Secretary/Treasurer, Skyler Estes, Senior Class President and Amaya Drake Senior Class Vice-President appeared before the Board. Ms. Estes spoke in support of the request for a grant to cover the cost of the facility and the installation of the floor a total of \$1,500.00. Commissioner Amos stated he believed that was the amount approved last year. Commissioner Cassinelli noted that the class was suppose to assist with the set up. Mr. Pearson stated the class would be assisting with the set up of the chairs and the stage. Chairman Giordano commented that this is a school function and as part of the school's function they are to get the students to graduate and he still has a problem with the school district not sharing in this cost. The following motion was made by Commissioner Bell and passed unanimously:

*To approve \$1,500.00 as a grant.*

**SET TO PUBLIC HEARING A NUISANCE COMPLAINT AT 9195 BUFFALO ROAD,**

**WINNEMUCCA, NV, APN #005-601-08:** A copy of the nuisance complaint with photos, copies of the investigation reports from the Building & Safety Department, the Road Department and the Sheriff's Office and copies of the notification to parties were provided to the Board for review. Complainants Andras Toth and Don Openlander and property renter Chris Workman appeared before the Board. Discussion occurred regarding issues with the site including the use of the excavator, barrels that were actually located on a neighboring property, the zoning of the property and that some of the engine noise had calmed down. Commissioner Fransway suggested that the matter be set to a public hearing and if there is improvement prior

to the hearing perhaps the complaint can be set aside. The following motion was made by Commissioner Fransway:

*To set to public hearing.*

Commissioner Cassinelli questioned what the complaint was noting that it is necessary to warm up vehicles. Mr. Workman commented on how he warms up his truck. Commissioner Fransway stated that if someone is trying to get their sleep and someone can't do that then someone needs to make corrective action because it is a nuisance. Commissioner Cassinelli questioned if everyone in the County is going to be stopped from driving truck or doing a business. Administrator Deist commented that this discussion is more appropriate for a public hearing setting. Chairman Giordano concurred stating that this was going beyond the scope. Chairman Giordano called Commissioner Fransway's motion to a vote and it passed unanimously. Discussion occurred regarding the notice, what would be discussed and what Mr. Workman is going to be doing to abate the potential nuisance before the hearing.

**ADOPTION OF RESOLUTION CHANGING THE SPEED LIMIT OF WESTMORELAND ROAD FROM 35 M.P.H. TO 45 M.P.H. BETWEEN GRASS VALLEY ROAD AND COMMANDER:**

A copy of the proposed resolution was provided to the Board for review. Administrator Deist explained that the resolution carries out the discussion which the Commission had at their February 1, 2010 meeting regarding changing the speed limit back to 45 M.P.H. on Westmoreland Road between Grass Valley Road and Commander. Discussion occurred regarding the title on the resolution. Commissioner Fransway asked that a couple of "whereas" be added as to why the Commission is making this decision and changing their minds; he suggested language to read "*Whereas previous County Commission action of 10/21/1996, specifically parcel map PH-96-148-150, established access restrictions on parceling adjacent to Westmoreland Road to allow for through traffic at higher speeds and Whereas Westmoreland Road was constructed to State standards as a high speed major road.*" The Board offered no opposition to the additions. The following motion was made by Commissioner Fransway and passed unanimously:

*To adopt the resolution changing the speed limit on Westmoreland Road and incorporate the two whereas just mentioned.*

Commissioner Cassinelli confirmed that the speed limit would be 45 M.P.H.

*(Resolution No. 02-16-10a)*

**REQUEST FROM THE DISTRICT ATTORNEY'S OFFICE TO START THE ATTRITION POLICY 120 DAY WAITING PERIOD FROM THE FIRST DAY THE VICTIM/WITNESS ADVOCATE WAS ABSENT, NOT THE DATE OF RESIGNATION:** District Attorney Russell Smith

appeared before the Board. District Attorney Smith stated that the Victim/Witness Advocate had turned in her formal resignation on January 27, 2010 but had been absent since January 1, 2010; he discussed the importance of the position and requested that the 120 day period begin effective January 1<sup>st</sup>. Discussion occurred regarding the length of absence. Administrator Deist commented on the concern of setting a precedence for future requests and the possible effect of approving this request. Commissioner Cassinelli stated he did not have a problem with the request but that it would still be necessary at the end of the time to come back and prove why the position is needed. Commissioner Fransway noted the circumstances are extenuating and he stated that he did not believe it was precedent setting. District Attorney Smith stated he would be coming back before the Board with the request and that would occur about 30 days before the expiration of the 120 days; he discussed his understanding of the procedure. Commissioner Fransway noted that the District Attorney's initial request had been for a waiver and he had withdrawn that request which is a plus and he appreciates that. District Attorney Smith noted that the local domestic violence group has taken over the phone duties of the position for this period of time. Discussion occurred regarding how the position was created, the involvement of grant funds in the position and how the County's financial involvement in the position has increased over time. Chairman Giordano asked that when the District Attorney returns to the Commission to request filling the position that statistical data be provided on how it has benefitted the County. District Attorney Smith stated that would be done and noted he should also be able to discuss what grant funding would be available for the upcoming year. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To give the District Attorney's Office the start time of the attrition policy of January 1, 2010.*

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

**REQUEST TO HAVE ADDITIONAL PAVING ON CODR ROAD (END OF PAVEMENT TO TAKAMARA ROAD):** Provided to the Board was a letter of request dated January 29, 2010 from W. Krys Palulis requesting that Codr Road be paved and a memo from Superintendent Garrett discussing the length of the road, the average daily traffic counts and the estimated cost for the engineering and paving (see attached). Mr. Palulis appeared before the Board. Superintendent Garrett reviewed the memo for the Board; discussion occurred regarding the estimated thickness of the pavement. Mr. Palulis asked that if paving is out of the question due to the expense that the Board, consider until paving becomes more feasible, diverting the hay trucks down North Valley Road; he explained what is occurring with the trucks going by and causing dust and the issue he has with it. Chairman Giordano commented on the amount of paved road in the County.

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Mr. Palulis stated his understanding of where he had moved to. Commissioner Cassinelli noted that the hay trucks have been traveling that road for many years as it is an agricultural area. Mr. Palulis discussed his need to stay in the area. Chairman Giordano discussed the revenue source that is used for roads in Humboldt County noting that the entire County has the same situation so it would be tough to justify paving this road. Mr. Palulis commented on his request to have truck traffic diverted. Discussion occurred regarding the diversion of the traffic, the speed limit on the road, the possibility of including the road on the mag chloride list depending on what the bids come in at, the number of houses on the road, the low traffic counts, the nearest road which has mag chloride applied to it, that instead of treating the entire road the section in front of the houses be considered, having the Superintendent obtain an estimate of the cost for mag chloride and information about Mr. Palulis' property. Commissioner Fransway asked Superintendent Garrett to take a look at the road and obtain information regarding where people live in relation to the road and possibly come up with something related to mag application; he noted that the County cannot justify paving the road based on the traffic counts and the cost. Mr. Palulis asked if a sign could be put up directing commercial traffic to use a different route. The Board agreed that could not be done. Administrator Deist noted that enforcement would be an issue in the area. Chairman Giordano stated that the Sheriff can be asked to have the road patrolled when a deputy is in the area and that might help slow the traffic down. The following motion was made by Commissioner Fransway and passed unanimously:

*To deny the request to pave Codr. Road and ask the Road Superintendent to review any possible mitigation for possible dust palliative.*

Superintendent Garrett discussed the mag chloride bids that are currently out and what has been discussed regarding application in that area.

**REQUEST FROM THE MCDERMITT RESERVATION FOR ROAD WORK RELATED TO COUNTY ROADS ON THE RESERVATION AND PAYMENT FOR SAID WORK:**

A copy of a letter from Chairman Billy A. Bell of the Fort McDermitt Paiute and Shoshone Tribe requesting a collaborative effort with the County to order/purchase street signs for roadways within the Fort McDermitt Indian Reservation was provided to the Board for review (see attached). Superintendent Garrett discussed a meeting which he had attended with the Tribal representative at which funding they had received for their roads was discussed and their request for stop signs and speed limit signs to be placed on roads in areas which would technically be in the County's right-of-way and the need to crack seal some roads in the area within the year and the possibility of a cost share on that work. Chairman Giordano asked what the cost would be to the County. Superintendent Garrett detailed the costs of the signs for the County and for the Tribe.

Administrator Deist suggested as the Chairman of the Fort McDermitt Tribe was not present which would make a decision difficult, that Superintendent Garrett continue to work on this item and that it be brought back once there is a better determination of what is being requested. The Board concurred.

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett stated that the latest inspection report on the Eden Valley Bridge had just been received, so it was too late to get the matter on the agenda but the suggestion is a total replacement of the bridge; he discussed the issues with the bridge and why the suggestion is to replace noting that the estimated life of the bridge is 14 years and discussed some of his plans for the bridge this year and the cost for replacement and his intent to pursue submitting this project for STIP funding. Discussion occurred regarding the bridge including the speed limit, the load limit and flow changes. The Board concurred that Superintendent Garrett should go forward with his plans. Superintendent Garrett stated that an agreement with BLM is close for use of the pit for work on Midas Road with Newmont, discussed cattle guard replacement, crack sealing, grading of roads and pipe installation.

**MISCELLANEOUS ROAD RELATED MATTERS:** Discussion occurred regarding work on Pedrol Lane.

**APPROVAL OF QUOTE FOR PAINTING, SPRAYING LOWER PART OF BUS TO PREVENT CHIPPING, DECAL REMOVAL AND REPAIR OF WEATHER STRIPPING ON THE NEW BOOK MOBILE SO IT IS READY FOR USE:** Provided to the Board was a copy of a quote from Go Nuts LLC for the work requested. Library Director Sheri Allen and Book Mobile Librarian Ginny Dufurrena appeared before the Board. Director Allen stated that the quote from Go Nuts LLC was the only quote received and because the amount exceeds \$10,000.00 approval by the County Commission is required. Commissioner Bell asked if this amount is still within the total amount approved for the book mobile previously. Director Allen confirmed it was. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously.

*To approve getting the work done for the amount indicated in the quote provided.*

Discussion occurred regarding the type of paint used, storage for the vehicle, the need for a power source for the solar panels and the need to do what is necessary to protect the vehicle.

**ADOPTION OF A PROCLAMATION DECLARING FEBRUARY AS NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH:** A copy of the proposed proclamation was provided to the Board for review. Joann Casalez, Director for the Winnemucca Domestic Violence Shelter appeared before the Board and spoke in support of the request. After discussion the following motion was made by Commissioner Amos and passed unanimously:



*To adopt the proclamation declaring February as National Teen Dating Violence Awareness and Prevention Month.*

*(Proclamation No. 02-16-10b)*

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

**ADJOURNMENT:** Chairman Giordano adjourned the meeting at 11:49 a.m.

ATTESTED: *C. Spelo* Clerk APPROVED: *Ch. Giordano* Chairman

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**MEMORANDUM**

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**TO: COMMISSIONERS**  
**FROM: ADMINISTRATOR**  
**DATE: February 9, 2010**  
**SUBJECT: CONSENT AGENDA**

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

1. Acknowledgment of Clerk's Quarterly Report: Attached is the report for your review.

Recommendation: That the Commission acknowledge receipt of the report.

2. Approval of amended Resolution authorizing Verizon wireless an option on property in McDermitt for communication site lease with payments to the McDermitt Community Fund: At your last meeting you adopted a resolution giving Verizon this option. We were contacted by Mr. Macdonald and asked that an amended resolution be adopted as Verizon had requested a slight change in the resolution.

Recommendation: That the Commission adopt the amended resolution.

3. Appointment of David Allen to the 911 Advisory Committee: Mr. Allen, a representative of AT&T will replace Justin Perez on this committee. The ordinance creating this committee requires that the members be residents of Humboldt County. After the appointment of Mr. Perez we found out that while he works here he is not a resident of Humboldt County. As a result he needed to be replaced and the Sheriff has recommended Mr. Allen as the replacement.

Recommendation: That the Commission appoint David Allen to the 911 Advisory Committee as recommended by the Sheriff.

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**MEMORANDUM**


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**TO:** COUNTY COMMISSIONERS

**FROM:** COUNTY ADMINISTRATOR

**DATE:** February 9, 2010

**SUBJECT:** OTHER INFORMATION AND UPCOMING MEETINGS

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**OTHER INFORMATION:**

1. Appeal of RPC action regarding Mr. Lykke: As you will recall this was set to Public Hearing for this meeting, however it has been taken back to the RPC in an attempt to correct some of the issues, which resulted in the appeal. This is will be on the February 11, 2010 RPC agenda.
2. Annual Report from Robin Gray: Attached is Robm's report for the 2009 season.
3. SB 264 Committee: This committee came out of the 2009 Session of the Legislature and the purpose is to look at powers of local government. At their February 18, 2010 meeting they will be discussing the differences between what Cities can do and what Counties can do. City Attorney Kent Maher and I have been invited to participate in this discussion with the Committee.

**UPCOMING MEETINGS:**

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|----------------------|------------------------------------|
| 1. February 16, 2010 | Meeting with Republican Leadership |
| 2. February 18, 2010 | SB 264 Committee                   |
| 3. February 19, 2010 | Meeting with Democratic Leadership |
| 4. February 22, 2010 | NACO Video Conference              |
| 5. February 27, 2010 | Pine Forest WSA group              |
| 6. March 1, 2010     | Commission                         |

RECEIVED  
JAN 29 2010

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Administrator / Commissioners  
Jan 29, 2010

To Whom it may concern:

It would be of great relief for me and my family if Codr Rd, about 11 mi. north of Orovada, would be paved. During dry summer months much dust is kicked up by hay trucks and other traffic making breathing difficult as ~~the~~ wind carries the dust northward to my home at 115 Codr Rd. Less than one mile of pavement to Takamar Rd is desirable as some of Codr Rd is paved already. Please inform me of other sources of influence that may get this done.

Sincerely,

W Krys Palulis

115 Codr Rd, Orovada 89425

WK Palulis

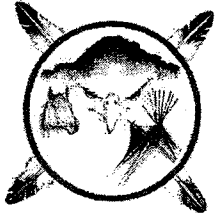
nvbutner@yahoo.com  
(775) 272 3199

To: Humboldt County Board of Commissioners  
From: Ben Garrett, Roads Superintendent  
Date: February 8, 2010  
Subject: Codr Road Pavement

On January 29, 2010 Humboldt County received a request from Mr. Palulis to pave Codr Road, located on the north end of the Orovada area. The road is 2.338 miles in length. The Average Daily Traffic counts 45 at the intersection of Codr and US 95 and 24 at the intersection of Tamura and Codr. The section of roadway from US 95 travelling west for .179 miles is paved. The remainder of the roadway consists of a gravel surface. The estimated cost of engineering and paving the entire roadway ranges from \$1,960,000-\$2,650,000.

I request direction from the board.

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# Fort McDermitt Paiute And Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

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February 10, 2010

Humboldt County Board of Commissioners  
Courthouse, Room 205  
50 West Fifth Street  
Winnemucca, Nevada 89445

Commissioners:

The Fort McDermitt Tribal Council would like to begin a cooperative process between the Fort McDermitt Paiute and Shoshone Tribe and Humboldt County in regards to improvements on the roadways within the Fort McDermitt Indian Reservation.

In your letter signed by John H. Milton, dated February 7, 2008 the Board may grant permission to the Tribe for improvements so long as the County and Tribe come to an agreement. We are not asking to improve the sections now under the County's inventory, rather to coordinate our improvement efforts by erecting new street and road signs, etc. along-side the County's improvements.

The Tribal Council is requesting for a collaborative effort with the County to order/purchase street signs since the County has the resources. If the County agrees, the Tribe agrees to either be invoiced once the signs arrive or pay into the County Treasury before the signs are ordered or purchased.

If the Board has questions or comments on this matter, please address them to me. I plan to be in attendance during your meeting on Tuesday, February 16, 2010.

Sincerely,

*Billy A. Bell*

Billy A. Bell, Chairman  
Fort McDermitt Paiute and Shoshone Tribe

cc: Western Region Office – BIA Roads (Phoenix, AZ)