

Monday, April 5, 2010

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, April 5, 2010, at 9:00 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, District Attorney Russell Smith (who arrived at 9:13 a.m.), Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - MARCH 1, 2010 AND

MARCH 15, 2010: Commissioner Fransway offered corrections to the March 1, 2010 minutes. The following motion was made by Commissioner Fransway and passed unanimously:

To approve the March 1, 2010, minutes as corrected.

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

To approve 15 March, 2010, meeting minutes.

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:

1. Approval of the Community Development Block Grant Quarterly Report: A copy of the quarterly program progress report for January, February and March for the Star City Water Project was provided for the Board's review. *Recommendation: That the Commission approve the report and authorize the Chairman to sign it.*
2. Request for Adjustments to the Humboldt County Real Property Tax Roll: Requests 09-10-29 and 09-10-30 were provided to the Board for review. *Recommendation: That the Board approve the adjustments as recommended by the Assessor and Treasurer.*

Approval of the 2011 Agreement to use Account for Low-Income Housing Welfare Set-Aside Funds by Humboldt County: A copy of the agreement was provided to the Board for review; it was noted that this is an annual agreement that the County enters into and that the funding is utilized in the Indigent Program. *Recommendation: That the Chairman be authorized to sign the attached agreement.*

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

To approve the Consent Agenda as presented by staff.

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 updated the Board on the status of the fence at the Shooting Range. Upcoming meetings and date of importance were reviewed.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Chairman Giordano reported on the Nevada Mining Association meeting he had attended. Commissioner Amos reported on an event he had attended over the weekend put on by the Winnemucca Domestic Violence Shelter regarding Child Abuse Prevention Month and Sexual Assault Awareness Month in Humboldt County; he presented a Certificate of Appreciation to the Board from the organization. Commissioner Fransway reported on a meeting he had attended as part of a group working towards preventing the closure of the College of Agriculture at UNR, a meeting he had attended for SLUPAC and a WSA meeting.

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.

ADOPTION OF RESOLUTION TO AUGMENT 2009-2010 BUDGET OF HUMBOLDT COUNTY

AS IT RELATES TO THE DEBT SERVICE FUND: A copy of the proposed resolution was provided to the Board for review. Comptroller Brooks explained the need for this action as the County's debt has been paid off and noted that at the budget hearings the decision had been made to transfer the remaining funds into the Road Department Fund. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To adopt the resolution to augment 2009-2010 budget of Humboldt County as it relates to the Debt Service Fund.

(Resolution No. 04-05-10)

REQUEST FROM THE CITY OF WINNEMUCCA TO PURCHASE TAX DELINQUENT

PROPERTIES UNDER NRS 361.603: A copy of a letter from the City of Winnemucca detailing their request was provided to the Board for review (see attached). City Manager Steve West and County Treasurer Gina Rackley appeared before the Board. City Manager West spoke in support of the request. Treasurer Rackley reviewed the amounts owed for the properties and noted that she had discussed the sale with legal counsel to verify that it was allowed by statute. Discussion occurred regarding the fencing project at the airport. After discussion the following motion was made by Commissioner Cassinelli and passed

unanimously:

The approve the request from the City of Winnemucca to purchase the tax delinquent properties under NRS 361.603.

APPROVAL OF LEASE AGREEMENT WITH WINNEMUCCA DOMESTIC VIOLENCE SHELTER FOR COUNTY OWNED PROPERTY AT 559 MELARKEY AND 559 ½ MELARKEY STREET:

A copy of the proposed lease agreement was provided for the Board to review. JoAnn Casalez, Director for the Winnemucca Domestic Violence Shelter and Ken Hladek, JOIN Youth Employment Development Coordinator appeared before the Board. Administrator Deist noted that at a prior meeting the Commission had allowed this county owned property to be utilized for a youth training program related to refurbishing the house and that the discussion at that time had been that once completed the building would be leased to the Domestic Violence group for use as a shelter; he noted that the lease agreement has been reviewed by both sides. Discussion occurred regarding the lease amount and the method for payment. Mr. Hladek gave a progress report on the project to the Board. Ms. Casalez stated her appreciation for this action by the Board. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To approve the lease agreement with Winnemucca Domestic Violence Shelter for County owned property at 559 Melarkey and 559 ½ Melarkey Street and to authorize the Chairman to sign the agreement.

The lease agreement was signed by the Chairman.

APPROVAL OF RENEWAL OF LEASE BETWEEN HUMBOLDT COUNTY AND VIETNAM VETERANS OF AMERICA CHAPTER 744 FOR PROPERTY AT 3300 BENGOCHEA CIRCLE:

A copy for the proposed lease agreement was provided to the Board for review. Administrator Deist noted that the first lease with this group had been entered into in 2001 and renewed in 2006 and that the only change in the lease was the dates. Jack Pardick, Treasurer, Bob Jensen, member and Clifford Bemodes, President of the Vietnam Veterans of America Chapter 744 appeared before the Board. Mr. Pardick noted that the mailing address shown in the lease agreement needed to be changed. The following motion was made by Commissioner Fransway and passed unanimously:

To approve.

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

PUBLIC HEARING ON RH-10-01 - A zone change request submitted by Victor and Gloria Beltran

to rezone property from AG-5/TPZ (General Agricultural District 5 acre minimum lot size with an Airport Hazard Combining District - Traffic Pattern Zone overlay) to RR 2.5 TPZ (Rural Ranchette District 2.5 acre minimum with an Airport Hazard Combining District - Traffic Pattern Zone overlay).

Property located at 4895 West Commander; APN #013-312-03: A copy of the Planning Department Staff Report recommending approval, a copy of the application with maps of the area, a copy of the Regional Planning Commission (RPC) meeting minutes of February 11, 2010 at which the request had been approved, a copy of the Notice of Public Hearing and a copy of the proposed ordinance were provided to the Board for review. Chairman Giordano read the title of the item set to public hearing. Applicants were not present and not represented. Mrs. Lawrence reviewed the request and recommended approval. Discussion occurred regarding how the parcel would be split, the access for both parcels and the opposition received at the RPC level. Chairman Giordano asked for public comment. Carrie Johnson spoke in opposition to the reduction and parceling in the area and commented on what is allowed in the area. Chairman Giordano asked for additional public comment; none offered. Commissioner Fransway commented on the current zoning in the area and how the parceling occurred in the area; he stated his concern that splitting the parcel will equate to poor planning and create a problem that has not existed to this point as it was developed as a five acre parcel and also that an access issue will be created. Commissioner Cassinelli asked questions of Ms. Lawrence regarding the parceling of other lots in the area to 2.5 acre parcels. Commissioner Amos commented on the knowledge of the property owners and potential buyers and noted that he hated to get involved with a business deal or stop a sale for the property owners. Chairman Giordano commented on the zoning and parceling in the area and noted that there are only five parcels that are five acres and everything else can be smaller. Commissioner Fransway commented on the difference between zoning and the master plan and noted that zoning takes precedence. Commissioner Cassinelli stated that the neighboring parcel is already zoned 1 1/4 to 2 1/2. Discussion occurred regarding access to the proposed parcel. Commissioner Cassinelli stated he agreed with Commissioner Amos and other lots are already smaller anyway. Commissioner Amos commented on the fact that if people wanted to divide their land they should be able to do it. Commissioner Bell concurred that reducing to 2 1/2 is not changing what is occurring so it would not be an issue to split this parcel. The following motion was made by Commissioner Amos and passed with Commissioners Amos, Cassinelli and Bell voting aye and Chairman Giordano and Commissioner Fransway voting nay:

To approve RH-10-01 a zone change request submitted by the Beltrans to rezone property from AG-5 General Ag District five acre minimum lot size with Airport Hazard Combining District-Traffic Patterns overlay to RR-2.5 Rural Ranchette District 2.5 acre minimum with

an Airport Hazard.

(Ordinance 04-05-10)

VH-10-06 - A Medical Health Hardship Application submitted by Donald R. Lykke requesting to continue residing in an existing RV for approximately 15 months. The property is located at 3635 Brown Lane; APN #013-553-17; Provided to the Board for review was a copy of the Planning Department Staff Report recommending approval, a copy of a letter from Rich & Pam Brown in support of denial of the application, a copy of the application with map and a copy of the Notice of Public Hearing sent out by the Planning Department. Applicant Donald R. Lykke with legal counsel, Jack T. Bullock, II appeared before the Board. Photos of the site were provided to the Board for review. Ms. Lawrence reviewed the history of the issue within the Planning Department; she noted that it did not really meet the health hardship but there are hardships financially and health wise as noted in the letter from Mr. Lykke attached to the application. After Ms. Lawrence's review Commissioner Bell asked if the reason being cited for the medical health hardship fit the criteria as set forth by County Code. Ms. Lawrence responded that it did not meet the traditional health hardship but that the attempt to obtain a conditional use permit had been thrown out and this is what the RPC suggested that he try. Commissioner Bell questioned information provided in the Brown letter and questioned where the hardship was; he continued noting that he had driven by the site and it appeared that the property line is extending into the road easement; he stated that the Commission should address those issues and make sure this is done properly and also noted that those type of 5th wheel/trailer residences are strictly prohibited in the code. Commissioner Cassinelli agreed with Commissioner Bell. Commissioner Amos offered no comment. Commissioner Fransway stated he had viewed the site and commented that the property was very well maintained, that the 5th wheel under discussion was connected to both septic and well, that the plan was to purchase a new mobile home within fifteen months and at that time the 5th wheel and the older single wide trailer would be removed; he continued stating that this is a long term benefit for both the applicant and the residents who live in the area as after fifteen months it will be a very well developed place; he noted that the Board has a letter which states that the applicant has complied with what it takes for a medical hardship to get him through the next fifteen months and that there will be an annual review to verify that he is still conforming with the requirements of a medical hardship. Commissioner Fransway requested that a condition be placed on this application that when the fifteen months has expired and the RV is removed that the existing vacant trailer also be removed. Mr. Bullock stated that would not be a problem. Chairman Giordano noted his understanding that the plan would be not to live in the RV after the fifteen months but that he would still own it and it would be stored on site. Mr. Lykke

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stated he would be storing it on the property. Mr. Bullock noted the only restriction is not to have a 5th wheel hooked up to sewer, water electric. Chairman Giordano noted that the RPC included five conditions and asked Mr. Lykke if he understood those conditions. Mr. Lykke confirmed that he did. Ms. Lawrence noted what would occur if Mr. Lykke proceeded sooner with putting in a new home as to a permit and the allowance of residing in the trailer under that permit. Discussion occurred regarding the removal of the single wide. Commissioner Bell asked if the Commission could still approve the request even though it does not meet the medical requirements under the medical variance. Commissioner Fransway stated that he believes it does. Commissioner Bell noted what the medical variance requirement is per the code. District Attorney Smith stated that he believes that it does not meet it but the other option the Commission would have would be to give the fifteen month extension not based on the medical but just based on the extension that he is living there, he is going to follow the five conditions and in fifteen months he needs to be out of the fifth wheel and all conditions are met; he stated that would be the way to go. Commissioner Bell noted his other concern with the applicant building out into the road easement. Road Superintendent Ben Garrett stated that Mr. Lykke's fence is right on the edge of the right-of-way for Brown Lane with some gravel extending into the right-of-way and that his fence is right on the edge of the right-of-way on the east side as well and on the north side the easement is utility only but the fencing is on the property line and there is no problem. Jerome Fox, a neighbor of Mr. Lykke, spoke in support of the application. The following motion was made by Commissioner Fransway:

To approve VH-10-06 per staff recommendations with the added condition that the single wide on the property now when the new home is placed in fifteen months that it be removed from the property.

Commissioner Bell asked if the motion is excluding the medical hardship. Commissioner Fransway stated that is the medical hardship. Commissioner Bell stated his problem with the motion and his belief that the Commission should go with the District Attorney's recommendation. Commissioner Fransway stated that Commissioner Bell could vote no and indicated that was his motion. Chairman Giordano called the motion to a vote and it passed with Chairman Giordano, Commissioner Amos and Commissioner Fransway voting aye and Commissioner Cassinelli and Commissioner Bell voting nay.

Administrator Deist noted that there was a public hearing scheduled to begin and suggested that items C through F of Planning matters be continued until later in the meeting. Chairman Giordano concurred.

PUBLIC HEARING ON A NUISANCE COMPLAINT AT 4370 SUNNY DRIVE, WINNEMUCCA,

NV: Provided to the Board for review was a copy of the complaint with photos, copies of inspection reports from the Building & Safety Department, Winnemucca Rural Fire Department and the Sheriff's Office and copies of the proof of service on the property owner and the complainant. Neither the property owner, the complainants or their representatives were present at the meeting. Commissioner Bell stated that he had viewed the site on Saturday and there was still some work that needed to be done. Commissioner Cassinelli agreed. Chairman Giordano stated that he had driven by the site and there had been progress but more needs to be done. Commissioner Amos concurred. Commissioner Fransway stated that he believed the property should be found to be a nuisance but agreed that there had been progress on clean up. Commissioner Cassinelli disagreed with declaring the property a nuisance and noted that extensions had been given in the past; he suggested that an extension of two weeks until the next Commission Meeting be given to see if the clean up can be finished. Chairman Giordano asked that the matter be placed on the next agenda. Clerk Spero requested that the Board identify what needs to occur in the clean up so the property owners can be notified. The Board asked that the trailer frame be removed, that the hole be filled in, that the garbage and debris be cleaned up and that the old cars and travel trailer be removed from the property. The following motion was made by Commissioner Bell and passed unanimously:

To put this item on the next agenda and at that time the Board can see if there is any progress in the clean up made within the time given between now and then and the Board will revisit this at the next Commission meeting and decide at that time if it is a nuisance.

Chairman Giordano stated that the Commission would now go back to Planning matters.

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

LP-10-02 - Final approval of a division of land into large parcels map submitted by Desert Mountain Surveying on behalf of CBD Development Group of Northern Nevada, LLC to divide property into 15 lots. The site is located approximately 5+/- miles north of Jungo Road and 10 +/- miles northwest of Pronto, Section 1, T36N, R33E, MDB&M; APN # 05-331-06: Provided to the Board for review were copies of a Memorandum and Staff Report from the Planning Department recommending approval, a copy of the letter of request from the applicant with maps and a copy of the minutes for the March 11, 2010 RPC meeting at which the application was approved. John H. Milton, III of Desert Mountain Surveying appeared before the Board on behalf of the applicant. Ms. Lawrence reviewed the application and recommended approval noting that the road access jurat is included on the map but that no mineral lease or conditional use permit exists on the parcel. After discussion the following motion was made by Commissioner Cassinelli