

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

and passed unanimously:

To approve LP-10-02 per staff recommendations.

LP-10-03 - Final approval of a division of land into large parcels map submitted by Desert Mountain Surveying on behalf of Finance All, LLC to divide property into 15 lots. The site is located approximately 1.5+/- miles north of Jungo Road, Section 19, T36N, R36E, MDB&M; APN #05-361-21:

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 and the mineral lease jurat were included. The following motion was made by Commissioner Bell and passed unanimously:

To approve LP-10-03.

APPEAL OF CONDITION 8 REQUIRING AN ENCROACHMENT PERMIT WITH A PAVED APPROACH APRON OF UH-07-01 CONDITIONAL USE PERMIT FOR N.A. DEGERSTROM, INC. 11505 WEST ROSE CREEK ROAD; APN #05-552-07:

A copy of the application to amend the conditional use permit from N.A. Degerstrom, a copy of the Planning Department Staff Report recommending approval, a copy of the February 11, 2010 RPC minutes at which the amendment was approved and a copy of the Notice of Appeal from N.A. Degerstrom signed by their agent, Quirt Monchamp were provided to the Board for review. Ms. Lawrence reviewed what had occurred at the Planning Commission level with this amendment to an existing Conditional Use Permit and explained how the paved approach condition was added. Road Superintendent Ben Garrett addressed the Board regarding the paved approach requirement including the footage and the approximate cost. Quirt Monchamp with N.A. Degerstrom appeared before the Board. Mr. Monchamp addressed the Board and stated that he would have been better prepared but neither he nor the company had received notification that this item was on the agenda, he became aware of it by reading the local newspaper; he provided some supporting documents to the Board including photos of what is occurring in the area with approaches; he reviewed the photos of approaches and discussed how many commercial approaches are paved and discussed the other requirements in the permit; he responded to the Road Superintendent's concerns about gravel being kicked out onto the roadway. Superintendent Garrett noted that all but the last two photos provided are in the NDOT right-of-way not the County's and that one of the photos is of an area that is not the actual entrance to the roadway it is access that has been cut in, the actual roadway entrance is paved. Mr. Monchamp referred to the original

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encroachment permit. Superintendent Garrett stated his belief that with the additions planned for the property that the traffic flows will increase in the area. Mr. Monchamp stated that due to workforce reduction in Humboldt County the traffic flow is very minimal right now and that there were no restrictions on the number of people who worked in the yard prior; he discussed how some improvements will actually result in a decrease in traffic. Commissioner Fransway noted that none of the photos portray what is located on the property and what is located there are large pieces of equipment which must be moved in and out of the property and with that type of weight you have potential and probable damage to the surface road and the approach so he believes that these are extenuating circumstances that need to be considered and that is what the Road Superintendent has done based on the types of ingress and egress into that particular property. Mr. Monchamp noted a photo of property near Club 40 and what is occurring at that site. Based on a question from Chairman Giordano, Superintendent Garrett explained where the County's responsibility begins on the road and how many businesses are on that section. Commissioner Cassinelli noted Mr. Monchamp's point and asked why no one else had to do this requirement even though the section is not County; he noted the amount of traffic on the NDOT section. Superintendent Garrett stated that NDOT has changed their standards too but people who have been there for years do not have to change, it only occurs if they make a change of usage or request another permit. Discussion occurred regarding what is now required by the County with a change of use. Commissioner Cassinelli stated that as this was a policy put in place by the Commission, the Commission should stick with it. Discussion occurred regarding when the policy was adopted. Superintendent Garrett provided a handout to the Commission entitled "Instructions for Use of Manual of Standard Construction Drawings" and reviewed the handout for the Board as to requirements for driveways for commercial per the standards. The following motion was made by Commissioner Fransway based on the information provided:

To deny the appeal of condition 8 of UH-07-01 per the recommendations from the Road Superintendent.

Commissioner Amos questioned whether a denial would require that the apron be put in. Chairman Giordano confirmed they would be required to put in the paved apron. Commissioner Cassinelli stated that this is the Commission's adopted policy. Chairman Giordano called the motion to a vote and it passed unanimously.

Commissioner Cassinelli noted that at the sod farm where there is an entrance they should be using and one they should not be using and asked if something should be done to make them do that right too as everyone should have to do the same thing; he suggested that the gravel entrance be closed. Superintendent

Garrett agreed. Audience member Paul Miller asked about NDOT's plan to abandon the overpass in the area under discussion. Commissioner Fransway stated he had no information on that.

SET TO PUBLIC HEARING AH-10-01 - An abandonment request submitted by Cleve and Delores Mallory to abandon 731.21 foot portion of Memory Lane, a 30 foot easement, lying north of Bruce Drive, next and within the easterly boarder of APN #006-621-26 and #006-621-27: Chairman Giordano 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 on April 19, 2010.

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

DISCUSSION OF FENCING ON SHELDON LANE AND MATTERS RELATED THERETO:

Commissioner Cassinelli stated that he met with Fred Miller regarding the fencing of Sheldon Lane but he has not yet received an answer from Fred regarding the issue; he stated he had received two phone calls regarding the matter and both parties had suggested that the County fence the whole triangle since the road going down there was abandoned so the whole area should be fenced without any cattle guards and leave all the roads open. Administrator Deist stated that there had been issues with the abandonment as the wrong title was received from the Assessor's Office for the property owner and he noted that they had been unable to find a right-of-way. Commissioner Cassinelli stated as far as he is concerned the road has always been a County road so there are two County roads whether a right-of-way shows or not. Superintendent Garrett stated that as it sits now the other road is not in the County Maintained System. Commissioner Cassinelli clarified that was the one which made the 90 degree angle; Superintendent Garrett agreed and noted the only County right-of-way is in front, a 30 foot one, in front of Leland Miller's place but that is not maintained and puts it right on the edge of the roadway and it follows east to west. Commissioner Cassinelli stated his understanding noting that was done when the County supposedly abandoned this piece of road that didn't get abandoned that the County does not have a right-of-way on, so when the County put that in the agreement the way he understood it was that if there was any of Fred's property there he was going to give that up so the County could put the culvert in, Leland could make that turn with his hay trucks and go down to his place and get into it and that the rest would be abandoned and as a minor road it would be maintained once a year like the rest of them in the County. Administrator Deist noted that minor roads are not required to be maintained. Commissioner Cassinelli stated that this road should be graded once a year and should be put in the County Maintained System as far as he is concerned. Chairman Giordano asked Superintendent Garrett about cattle guards. Superintendent Garrett detailed what occurs with cattle guards and stated there

was a cattle guard that could be traded out on the road at a zero cost to the County. Chairman Giordano asked about the estimated cost of fencing. Superintendent Garrett stated that along Sheldon Lane it would \$4,300.00 with NDF doing the work. Commissioner Cassinelli stated the only problem that could occur if the cattle guard is put in and the fence is put on the right-of-way is if Fred Miller doesn't agree to the exchange then the fence would cause Leland's road to narrow too much for him to get into his place. Superintendent Garrett stated the fence would cut off the area where Leland swings out to go into the gate. Chairman Giordano clarified that Superintendent Garrett's proposal was to gain another ten feet on that right-of-way if the trade went through. Chairman Giordano stated that an agreement still needs to be reached with Fred Miller so he asked if the Commission would agree to set this matter on the April 19th agenda and either include Mr. Miller on that day or have a conversation with him before that. The Board agreed.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported on road grading, crack filling, pipe installation and noted that BLM will be grading Soldier Meadows Road as they are in that area so the County will be grading on Greeley Crossing this year.

MISCELLANEOUS ROAD RELATED MATTERS: Commissioner Cassinelli noted the understanding of Leland Miller that the road is to be graded once a year and asked where that fits in. Superintendent Garrett stated that no work is done on the satellite roads unless they are in the County Maintained System. Chairman Giordano asked that the matter be put on the April 19th agenda under road matters.

REQUEST FROM ED KLEMISH FOR A \$500 GRANT TO CONTINUE THE CHRISTMAS TREE AND LEAVES RECYCLING PROGRAM: Ed Klemish appeared before the Board and spoke in support of the request detailing what the program does, other financial support received and what the funds would be used for. Commissioner Fransway asked if the program is a recognized 501(c)3. Mr. Klemish said it was not, that he just does it as a volunteer but that the Community Garden is involved and they are a 501(c)3. Commissioner Fransway asked that the Community Garden make the request as he did not believe it would be appropriate for the Commission to make this grant unless the applicant is a 501(c)3. Mr. Klemish stated he would see what he could do. Chairman Giordano offered an alternate solution and suggested that next year's request be made through a 501(c)3. Mr. Klemish concurred.

REQUEST FROM THE DISTRICT ATTORNEY'S OFFICE TO DISCUSS THE CONCLUSION OF GRANT FUNDS FOR THE VICTIM/WITNESS ADVOCATE POSITION AND THE COUNTY PICKING UP THIS AS A FULL TIME POSITION AND PRESENTATION ON NUMBERS OF VICTIMS SERVED: District Attorney Russell Smith and Office Manager Nancy Jurad appeared before the Board. District Attorney Smith provided a handout to the Board which detailed the number of people

served by the Witness Victim Advocate for the years 2007, 2008 and 2009; he reviewed the numbers for the Board. District Attorney Smith discussed the grant from the State that has been in place for the last five years to pay for this position noting that it will be ending, how this position has benefitted the community during that time and requested that the County Commission pick up 100% of the cost to bring the Witness/Victim Advocate on as a full time County employee; he noted that the 120 day attrition policy has ended and now is the time to hire. Chairman Giordano asked what the total cost for the position would be. District Attorney Smith stated that was unknown. Administrator Deist stated that numbers can be obtained. Discussion occurred regarding the required office space for the position, the assistance of the Winnemucca Domestic Violence Shelter with the duties and issues with that and what the position does in regards to the District Attorney's Office. Ms. Jurad stated that the Attorney General's Office indicated that the funding was in place for 2010 but that the County would need to take over responsibility in 2011. Chairman Giordano asked that the cost figures be obtained and this matter be set for further discussion at the April 19th meeting; the Board concurred.

APPROVAL OF RESOLUTION SUPPORTING NACO RESOLUTION CALLING FOR THE RESTORATION OF THE COUNTY SHARE OF GEOTHERMAL LEASE REVENUE, CONSIDERATION OF CHANGES TO THE FORMULA USED TO DISTRIBUTE REVENUE FROM GEOTHERMAL LEASES AND EXPANSION OF THE LEASE REVENUE SHARING PROGRAM TO INCLUDE OTHER RENEWABLE ENERGY SOURCES:

A copy of the proposed resolution was provided to the Board for review. Commissioner Fransway detailed this request for the Board noting that the National Association of Counties, the Nevada Association of Counties and the Congressional delegation have been working on getting this in place through 2010 but that it needs to be in place permanently. Discussion occurred regarding the language in the proposed resolution and how to amend it to include "permanently". Administrator Deist suggested that the resolution be amended to read "Now, Therefore, be it resolved that the Humboldt County Board of Commissioners urges that, at a minimum, Congress takes action to further restore the County share of geothermal lease revenues permanently,". The Board agreed. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

To adopt the resolution supporting the Nevada Association of Counties Resolution calling for the restoration of county shared geothermal lease revenue as discussed with the change to include the word permanently.

PUBLIC HEARING ON APPEAL - Filed by Robert E. Dolan and Massey K. Mayo regarding the vote,

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decision and findings by the Humboldt County Regional Planning Commission at their February 11, 2010 meeting regarding the five year extension of the Conditional Use Permit UH-07-05 submitted by Jungo Land and Investment, Inc. to allow them to develop a long term solid waste disposal site approximately 25 miles west of Winnemucca in Desert Valley off Jungo Road; APN #005-411-07:

Provided to the Board for review were copies of the notifications to parties and property owners within 300 feet, the Notice of Public Hearing (both mailed and published), a letter from the Planning Department to Jungo Land & Investment Inc. dated February 16, 2010, a letter from McDonald-Carano-Wilson to the Planning Commission with exhibits dated January 19, 2010, Regional Planning Commission meeting minutes with exhibits for February 11, 2010, the Appeal received by the County Clerk from Robert E. Dolan and Massey K. Mayo on February 18, 2010, a letter from McDonald-Carano-Wilson to the Humboldt County Commission dated February 24, 2010, a memo from the Humboldt County District Attorney to the County Commission dated February 24, 2010, a memo from the Humboldt County District Attorney to the County Commission dated March 3, 2010, a letter from McDonald-Carano-Wilson to the Humboldt County Commission with exhibits dated March 8, 2010, a letter from McDonald-Carano-Wilson to the Humboldt County Commission, the County Clerk and the District Attorney dated March 29, 2010 and a memo from the Humboldt County District Attorney to the County Commission dated April 2, 2010.

Chairman Giordano stated that this matter is quasi-judicial and would be handled as such. District Attorney Smith reviewed the procedure for a quasi-judicial hearing for the Board, the participants and the audience. Appellants Robert E. Dolan and Massey K. Mayo appeared before the Board representing themselves. Respondent Jungo Land and Investment Inc. was represented by John Frankovich of McDonald-Carano-Wilson.

Mr. Dolan offered a copy of a case from U.S. Court of Appeals for the Ninth Circuit 425 F. 3d 1158, Thornton v. City of St. Helens as evidence. Chairman Giordano asked if Mr. Frankovich objected to the admission of the document. Mr. Frankovich responded but did not object. Chairman Giordano stated the evidence was admitted. Mr. Frankovich offered an objection to the submission of the evidence regarding evidence being limited to what was presented to the Regional Planning Commission. Mr. Dolan responded regarding communications sent by Mr. Frankovich to the Commission; he discussed property rights issues in reference to the exhibit provided. Mr. Frankovich continued. Exhibit offered by Mr. Dolan published to the Chairman. Second exhibit identified as 627 F.2d 177 Jacobson, Et Al, vs. Hannifin, Et Al, published to Chairman. Mr. Dolan reviewed the exhibits for the Chairman. Chairman Giordano asked Mr. Frankovich if he objected to the exhibits. Mr. Frankovich responded and offered no objection. Chairman Giordano

stated the exhibits were accepted by the Commission.

Bill Deist, duly sworn, testified under direct examination by Mr. Dolan. Cross examination by Mr. Frankovich. Discussion occurred regarding letters submitted by Mr. Frankovich to the Commission; Chairman Giordano noted that the letters received by the Commission were posted to the agenda on the County's web page and are part of the record. Mr. Deist was excused as a witness.

Mr. Dolan reviewed the second exhibit for the Chairman. Mr. Dolan asked that Mr. Frankovich to stipulate to a fact that at this time there is no development agreement between Humboldt County and his client Jungo Land. Mr. Frankovich responded. Discussion ensued between Mr. Dolan and Mr. Frankovich regarding host agreements and development agreements. Mr. Frankovich stated his objection to anything presented to the Board that was not presented to the Planning Commission.

George McGrath, duly sworn, testified under direct examination by Mr. Dolan. Objection offered by Mr. Frankovich regarding relevancy. Mr. Dolan responded to objection. Chairman Giordano questioned Mr. Frankovich regarding the objection. Mr. Frankovich responded. Mr. Dolan responded. Following discussion Chairman Giordano asked the Commission's opinion. The Commission found the information relevant. Chairman Giordano allowed the questioning to proceed. Continued direct examination by Mr. Dolan of Mr. McGrath. Cross examination by Mr. Frankovich. Mr. Dolan offered an objection and withdrew the objection. Continued cross examination by Mr. Frankovich of Mr. McGrath. Re-direct by Mr. Dolan. Mr. Frankovich offered an objection. Mr. Dolan responded. Mr. McGrath excused as a witness.

Discussion occurred regarding Mr. Dolan and Ms. Mayo's standing to appeal this matter and that by the action taken by the Commission to set this matter to hearing standing had been established. Chairman Giordano directed that the matter proceed.

Jim French, duly sworn, testified under direct examination by Mr. Dolan. After objections offered by Mr. Frankovich the Board agreed that Mr. French could testify but that it should be short and quick. Mr. French addressed the Board regarding three issues regarding study data that he had presented to the RPC at their hearing.

Mr. Dolan stated that he had no other evidence to present with respect to this appeal. Mr. Frankovich offered comment on standing of the appellant in this matter. Mr. Dolan objected and detailed why. Mr. Frankovich stated he wanted to preserve the issue. Chairman Giordano stated it was part of the record and directed that the matter proceed. Mr. Frankovich continued commenting on ability to appeal this matter under County Code; he noted that information was contained in a letter submitted to the Board dated February 11, 2010. Mr. Dolan objected to Mr. Frankovich's statements. Chairman Giordano stated the