

Monday, June 14, 2010

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, June 14, 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 - May 17, 2010**

**REGULAR MEETING:** Chairman Giordano stated that this item would be heard later in the meeting to allow the Commissioners time to review the proposed 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. **Request for Adjustment to the Humboldt County Real Property Tax Roll:** Requests 09-10-39 through 09-10-41 were provided to the Board for review. *Recommendation: That the Commission approve the adjustments as recommended by the Assessor and Treasurer.*
2. **Authorize the Chairman's signature on the contract between UNR, Humboldt County and the City of Winnemucca for staff assistance for the Humboldt Development Authority:** A copy of the proposed contract with UNR for a portion of the Small Business Development Center staff for Humboldt Development Authority which is entered annually was provided to the Board for review. *Recommendation: That the Chairman be authorized to sign the contract.*
3. **Receipt of the Clerk's 1<sup>st</sup> quarter 2010 report:** A copy of the report was provided to the Board for review. *Recommendation: That the Board acknowledge receipt of the report.*

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

*To approve the 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.

**CANVASS OF RETURNS OF THE JUNE 8, 2010 PRIMARY ELECTION:** A copy of the Summary of Vote was provided to the Board for review (see attached). County Clerk Spero reviewed the information

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provided and discussed what had occurred with the need to continue tally on Friday, June 11, 2010 for the Absentee/Mailing ballots as up to seven ballots had been counted twice in Precinct One and that following the continued tally the totals matched. After discussion the following motion was made by Commissioner Bell and passed unanimously:

*To accept the final results of the Primary Election.*

**MISCELLANEOUS REPORTS AND CORRESPONDENCE:**

**OTHER INFORMATION AND UPCOMING MEETINGS:** Administrator Deist updated the Commission on the status of the nuisance complaint at 4370 Sunny Drive noting that a letter had been received from the property owner and a report from the Building Inspector stating that the nuisance had been abated. Administrator Deist informed the Board that per NRS 403.190(3) a private individual may file with the County Recorder a map with a road outlined in black thus making it a minor County Road and that John Delong had filed several of these maps on May 20, 2010 for the area of his ranch; he noted that the County is not required to maintain a minor road. Upcoming meetings and dates of importance were noted.

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

**THEY SERVE ON:** Commissioner Bell discussed a meeting of the Humboldt Development Authority regarding the Winnemucca Futures Project. Commissioner Cassinelli discussed a Nevada Works meeting he had attended. Commissioner Fransway discussed a question regarding unfunded mandates that the Nevada Association of Counties is requesting that local governments place on the General Election ballot; he also updated the Board regarding discussion which had occurred with stakeholders on Winnemucca Mountain regarding their concerns with the bike trail and the options that are being discussed to mitigate those concerns. Chairman Giordano commented on the grand opening of the shooting range and a Home Health meeting he had attended.

**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.*

**REQUEST FROM ROBERTA ROTHWELL TO DISCUSS POSSIBLE LICENSING AND/OR**

**RULES OR REGULATIONS FOR ATV USE ON COUNTY ROADS:** Roberta Rothwell appeared before the Board and requested that the Commission invoke regulations on utility vehicles, quads, dirt bikes and all other modes of motorized transportation also known as ATVs or all terrain vehicles citing issues such as noise, reckless operation, lack of regard for private property, road damages, issues with underaged, unlicensed and uninsured riders and excess speed; she suggested that regulations be invoked including

registration of the vehicles, the requirement that riders be licensed and meet minimum age requirements, that mandatory insurance be required and that identifiable exemptions for such uses as ranching or farming be allowed. Commissioner Fransway stated that this is an action that is long overdue and discussed SB 394 legislation passed by the 2009 Legislature relative to OHVs (Off Highway Vehicles); he continued stating that the County should adopt some sort of an ordinance with teeth in it to allow the Sheriff to enforce laws that need to be enforced as these are unlicensed vehicles which are not street legal and there is no place for them on the County or State roads; he suggested working with stakeholders such as industry, users and others to work on getting this done and suggested that the item needs to be put on a future agenda to find out where to start. Chairman Giordano asked legal counsel about a remark made by Ms. Rothwell that the County can do above what the State's requirements are as a County. Deputy District Attorney Elquist said she would have to review the actual law that was recently passed and she would look into it. Discussion occurred regarding SB 394. Chairman Giordano suggested that the Sheriff be involved in the discussion. Commissioner Bell noted his problem with the use of ATVs without helmets. Chairman Giordano concurred and asked that the item be put on a future agenda for further discussion with all parties who would be involved. The Board concurred.

**REVIEW AND DISCUSSION OF A LETTER FROM DAVID SELESNICK, OWNER, HI DESERT RV REGARDING COMPETITION FROM THE WINNEMUCCA EVENTS CENTER RV PARK:**

Administrator Deist stated that Mr. Selesnick was not able to attend today's meeting and suggested the item be continued until Mr. Selesnick could be present. The following motion was made by Commissioner Fransway and passed unanimously:

*To continue this item to another meeting when Mr. Selesnick can be present.*

**PLANNING MATTERS:**

**SET TO PUBLIC HEARING RH-10-03 - A zone change request submitted by Desert Mountain Surveying as agent for Maximiliano and Maria Herrera to rezone property from RR-13 MH (Rural Ranchette District 13,000 square foot minimum lot size with Mobile Home Combining District overlay) to R-1-6 MH (Single - Family Residential District 6,000 square foot minimum size with Mobile Home Combining District overlay). Property is located at Walther Lane and Turner Lane. APN #10-364-03 and 10-364-04;** 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 RH-10-03 at the next meeting.*

**SET TO PUBLIC HEARING RH-10-05 - A zone change request submitted by Jeremiah Day to rezone**

property from M - 1 TPZ (Industrial with an Airport Hazard Combining District - Traffic Pattern Zone overlay) to NC-R TPZ (Neighborhood Commercial/Rural District with an Airport Hazard Combining District-Traffic Pattern Zone overlay). Property is located at 6985 Rose Creek Road. APN #13-251-01 and 13-251-21 (a reversion to acreage was recorded 5/19/10); Chairman Giordano read the title of the item to be set to public hearing. The following motion was made by Commissioner Bell and passed unanimously:

*To set to public hearing RH-10-05.*

CONTINUED DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - May 17, 2010 REGULAR MEETING: The following motion was made by Commissioner Bell and passed unanimously:

*To approve the minutes as written.*

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

COMMON DRIVEWAYS VERSUS STAND ALONE DRIVEWAYS ON WESTMORELAND ROAD AND MATTERS RELATED THERETO: Provided to the Board for review were a copy of a memo detailing the issue from Superintendent Garrett, a copy of County Commission Meeting minutes for October 21, 1996, a copy of a letter from the Regional Planning Department to Les Martin dated November 5, 1996, a copy of the Martin parcel map and photos of the driveways being discussed. Superintendent Garrett detailed the research he had done on the issue including that in 1996 the Regional Planning Commission had recommended and the County Commission had approved the subdivision on the north side of Westmoreland with conditions for common driveways which would be paved and piped. Commissioner Fransway noted that the recommendation did not come from the RPC it was by action of the County Commission. Superintendent Garrett continued detailing what had occurred with the Richardson property and the installation of an additional driveway at 4595 Westmoreland Dr. by Clinton Richardson prior to 2008 following receiving approval from the Building Department and the Road Department, the request in May of 2010 by Clinton Garrett for an encroachment permit to add an additional driveway at 4655 Westmoreland Drive and the subsequent denial of that request per the conditions set in 1996 and additional attempts to install new driveway approaches in the area; he noted that at some point in the future he would anticipate development of the property directly across the street from the properties being discussed and requested direction from the Board on the issue of common driveways and stand alone driveways. Discussion occurred regarding the requirement to pave the common driveways. Commissioner Bell commented on his understanding that the common driveways were required due to the traffic and speed limit on the road so if

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there will be more development it is even more critical to maintain the requirement. Superintendent Garrett asked how the Board wanted to handle the issue with the Richardson property as it is already installed and Mr. Richardson went through the proper process. Discussion occurred regarding the location of the Richardson driveway compared to the common driveway. Clinton Richardson appeared before the Board and explained the purpose for installing the stand alone driveway including the distance of the walk to the gate due to medical issues and the congestion at the common driveway; he discussed the steps he had taken to get approval for installing the driveway including speaking to a supervisor at Road Department and providing a drawing of the plan after which the person had told him to go ahead; he stated that he did not know that a permit was needed or he would not have proceeded. Commissioner Fransway discussed why the County Commission had made the requirement for common driveways stating that the intention was for Westmoreland Road to be an industrial road with a higher speed limit; he commented that the requirement should have become a deed restriction on the land but apparently it did not; he stated that he did not think it would be responsible for the Commission to allow for individual property access on that road not if it is being used as industrial. Chairman Giordano asked if there was any language which covered medical hardship. Superintendent Garrett stated not to his knowledge. Commissioner Fransway suggested that a legal opinion needs to be obtained as to what the Commission can do as to open it up with the potential for development on the other side which will create an issue and a problem with the amount of access to that high speed road. Commissioner Bell agreed stating that the Commission can't arbitrarily state that someone can when they can't. Superintendent Garrett stated that Mr. Richardson had offered a possible solution suggesting that the pipe be moved down and an extension be placed on it and it will still be a common driveway, his opening will just be wider at that point; he stated it could be done in house. Discussion occurred regarding the location of the common driveway and how the suggestion would work. Mr. Richardson stated that his wife would not be pleased but that he understood and if the Commission wanted him to pull out the stand alone driveway he would. Chairman Giordano stated that Superintendent Garrett's suggestion could be a solution and then the County must stick to the common driveway requirement. A.L. Brinkoetter addressed the Board regarding the situation noting the reason Westmoreland Road was developed as an industrial route to allow trucks to bypass Winnemucca, the need for the higher speed limit, the hazards posed by individual driveways and by the barriers installed by Mr. Richardson, his opposition to any extension due to safety issues. Mr. Richardson responded commenting on issues with safety including problems with OHV usage in the area and his belief that the speed limit and industrial use are not problems with the stand alone driveways. Commissioner Fransway noted that it is outside the law to drive an

unlicensed vehicle on a County road including the shoulder and that an OHV ordinance is going to be addressed in the future but suggested that the County could place signs on the shoulder of Westmoreland to state no OHV or ATV use to help with the problem. Commissioner Fransway stated that as Mr. Richardson is agreeable the stand alone driveway should be removed and the common driveway be reinstated in accordance with Humboldt County road practices. Discussion occurred regarding the traffic count on Westmoreland Road. Commissioner Bell agreed with Commissioner Fransway's suggestion. Commissioner Cassinelli stated that the Commission needs to stick with the policy that was established in 1996. Chairman Giordano noted that had occurred a few meetings ago when the speed limit was increased back to 45 MPH per that policy. The following motion was made by Commissioner Fransway:

*That the Commission directs the Road Superintendent to reinstall the common driveway and once that has been reinstated then remove the private drive and do that to County standards.*

Superintendent Garrett noted that the common driveway is still place. The following amended motion was made by Commissioner Fransway:

*To reinstate the common driveway at 4595 Westmoreland Road in accordance with County standards.*

Superintendent Garrett asked if that would include the extension. Discussion occurred regarding what the extension would do, that it would be a longer culvert, that the wall would be removed and the width of the driveway. Mr. Brinkoetter spoke regarding the increased length of the culvert and requested that the County go back to what is there now which is the same as all the other driveways and eliminate the one that is the hazard. Commissioner Fransway asked the Superintendent if he believed the extension was necessary. Superintendent Garrett responded that the opening is only about sixteen feet so two cars could not pass but if it is extended to between twenty-four and thirty feet then two cars can pass and there are no issues with getting trailers or anything in and out. Commissioner Fransway stated that decision could be left to the discretion of the Road Superintendent. Commissioner Cassinelli concurred noting that what Superintendent Garrett suggested seemed to make it safer. The Clerk read Commissioner Fransway's amended motion. Chairman Giordano called the motion to a vote and it passed unanimously.

**REQUEST FROM DESERT MOUNTAIN SURVEYING AS AGENT FOR PATRICIA D. QUILICI FOR A WAIVER FOR THE PARCEL MAP IMPROVEMENT STANDARDS FOR PARCELS WITHIN 1/2 MILE OF THE CITY AND FOR REQUIREMENT FOR PAVED ACCESS:** Provided to the Board for review was a letter from John H. Milton III of Desert Mountain Surveying detailing the