

Monday, October 18, 2010

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, October 18, 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, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - OCTOBER 4, 2010**

**REGULAR MEETING:** No minutes submitted for approval.

**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. Requests for adjustments to the Humboldt Real Property Tax Roll: Requests 10-11-22 through 10-11-25 were provided to the Board for review. *Recommendation: That the Commission approve these adjustments as recommended by the Assessor and Treasurer.*
2. CDBG Quarterly 2010 Report: Copies of the quarterly program progress reports showing CDBG grant activity for the months of July, August and September were provided to the Board for review. *Recommendation: That the Commission authorize the Chairman's signature on the quarterly reports.*

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

*To accept 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:** Upcoming meetings and dates of importance were reviewed.

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

**THEY SERVE ON:** Commissioner Amos reported on the Humboldt River Basin Water Authority meeting which 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 as presented.*

**REQUEST FROM LAKE COUNTY CALIFORNIA FOR SUPPORT NOT TO HAVE GEOTHERMAL ROYALTY PAYMENTS TO COUNTIES DISCONTINUED:** A copy of a letter from Lake County, California regarding federal geothermal royalties was provided to the Board for review. Administrator Deist noted the letter indicated that the restoration of federal geothermal royalty payments to counties was included in the recently enacted Emergency Supplemental Appropriations Bill of 2010 but the concern now is for 2011; he noted that supporting this request would be consistent with what the Commission has done in the past related to geothermal revenues and if approved a letter would be sent to the Congressional delegation regarding the matter. Discussion occurred regarding when this had been discussed previously. Commissioner Fransway commented that the Nevada Association of Counties and the National Association of Counties are very involved in lobbying to prevent the discontinuation of this and so he would support joining Lake County in what they are trying to do. Commissioners Amos and Bell concurred. The following motion was made by Commissioner Fransway and passed unanimously:

*To send a letter of support for Lake County, California in opposing permanent discontinuation of geothermal royalties to Counties and to actively work through the Nevada Association of Counties, the National Association of Counties and the Congressional delegation to actively oppose any federal effort in that regard.*

**ADOPTION OF RESOLUTION RELATED TO THE REVISION OF THE REGIONAL STREET NAMING COMMITTEE MANUAL:** A copy of the proposed resolution and a copy of the proposed updated Regional Street Naming Committee Manual were provided to the Board for review. Dana Toth of the Planning Department appeared before the Board and reviewed the revisions. Discussion ensued including the renaming of streets required to be approved by the County Commission, the possibility of fees in the future to cover costs for street naming and that legal counsel had assisted in and reviewed the revisions. After discussion the following motion was made by Commissioner Bell and passed unanimously:

*To adopt the resolution adopting the street naming committee manual.*

*(Resolution 10-18-10)*

**REVIEW OF PROPOSAL FROM WALTERS ENGINEERING REGARDING THE WELL AT THE LANDFILL AND DIRECTION ON PROCEEDING:** A copy of the proposal from Walters Engineering was provided to the Board for review. Administrator Deist reviewed the proposal submitted including the

costs associated with the project, contacts made with various individuals regarding the location, the shooting range requirements, the fire suppression requirements and the landfill requirements and a memo from the hydrologist which indicated that the geology at the point of diversion did not look promising; he questioned whether this was something the County wanted to proceed with at this point. Chairman Giordano stated that he had made some phone calls and the shooting range does not believe a well is necessary; he continued noting that the main issue for the landfill would be fire and that has been addressed through Rural Fire and the BLM and the contractor's contract, that he does not believe water would be found or very little and the cost would be significant. Commissioner Bell agreed that it does not look feasible. Commissioner Fransway agreed and noted that it would probably not be good quality water. After discussion the following motion was made by Commissioner Bell and passed unanimously:

*That regarding the landfill well, that we do not proceed.*

Chairman Giordano asked about the water right permit. Administrator Deist stated we would lose it if nothing is done.

**REQUEST TO INSTALL WIND TURBINES AT THE WINNEMUCCA EVENTS COMPLEX:**

Provided to the Board was a copy of a Memorandum of Intent from Planet Safe Systems regarding assisting Humboldt County in achieving their renewable energy goals by securing donors who would donate Aero Wind Energy wind turbines as a site of the County's choosing, a detail of the donation plan, a copy of the project schedule and specifications for the wind turbine proposed. Winnemucca Convention and Visitor's Authority Director Kim Petersen and Kyle C. McCulloch, Project Director for Plant Safe Systems appeared before the Board. Director Petersen addressed the Board regarding the proposal including a proposed site at the Winnemucca Events Complex grounds, the discussion which occurred at the Ag District 3 meeting, the number of units proposed, the energy benefits, the long term cost, the use as an educational tool, the maintenance of the units including cost, other potential locations, noise factors, maximum height, high wind issues and the permits required for installation. Commissioner Fransway commented that while he is interested in the concept he is not interested in the proposed location nor in the County doing the maintenance; he noted that he had discussed the issue with the Communications Director for the County and the units may cause interference issues for the Detention Center. Chairman Giordano stated his interest in the project. Discussion occurred with Mr. McCulloch regarding the location, issues with how close the units can be to the freeway, whether an EIS is required, if there are issues with birds getting caught in the turbines and the possibility of use in other locations. Commissioner Amos suggested the matter be further researched by the Ag District 3 Board and noted the potential benefits for the County; he voice his concern about

problems with interference with the transmission line and the Detention Center. The Board agreed further research is needed. After discussion the following motion was made by Commissioner Amos:

*To continue looking into the wind turbines and to send it back to Ag District 3 to have them do a more extensive study and research and bring their report back to the Commission at their earliest convenience for final approval.*

Commissioner Fransway asked if the motion stated turbines at the events center or turbines on Humboldt County Property. Commissioner Amos stated at the events center noting that is why he is requesting the Ag Board do the study. Chairman Giordano called Commissioner Amos' motion to a vote and it passed with Chairman Giordano and Commissioners Amos, Cassinelli and Bell voting aye and Commissioner Fransway voting nay.

**PUBLIC HEARING ON AN ORDINANCE ADDING CHAPTER 2.50 TO THE HUMBOLDT COUNTY CODE TO PROVIDE A STRUCTURE THAT ALLOWS THE HUMBOLDT COUNTY DEPARTMENTS TO CHARGE FEES TO THE PUBLIC FOR THE SERVICES THEY PROVIDE IN ORDER TO STREAMLINE THE PROCESS (GENERAL FEE ORDINANCE):**

A copy of the proposed ordinance and a copy of the Notice of Public Hearing were provided to the Board for review. Chairman Giordano read the title of the item set to public hearing. Administrator Deist explained that this ordinance would allow a department who wishes to raise fees that aren't mandated by law to bring a resolution to the Board for adoption rather than having to amend an ordinance every time a fee increase is necessary; he noted that prior to leaving Deputy District Attorney Elquist had worked with the departments on this ordinance. Chairman Giordano stated his concern with this as a fee is a tax and a tax should be run through a public meeting process. Administrator Deist noted the resolution would have to be heard before the Commission so it would occur at a public meeting. Commissioner Cassinelli confirmed that the Commission would have to approve the resolution. Administrator Deist concurred. Discussion occurred as to how that would speed up the process, that this would not effect fees which are mandated by law, what the current process is, that the resolution would bring the matter to the Commission and allow for public comment, the risk to leaving the public out of the process. Commissioner Fransway offered comment that the process should be left alone and not streamlined. Administrator Deist noted that neither an unelected official nor an elected official is going to raise or lower fees, it must be done by the Commissioners. County Clerk Spero offered comment regarding that certain fees are not covered either in statute or in code and are necessary in some departments to recover costs to the County such as copy costs and return check fees. Chairman Giordano asked if those types of fees couldn't be added through the current ordinance process and

noted that appearance to the public of government adding fees without input. Commissioner Fransway suggested that maybe this matter should be addressed at budget time as it is a revenue/fiscal issue. Treasurer Gina Rackley addressed to the Board regarding the returned check fee and the lack of authority to charge said fee as well as the ability to cover issues such as an increase in the cost of postage which could affect a fee; she noted that it was the department heads and elected officials who had approached Deputy District Attorney Elquist and requested some assistance in the matter. Chairman Giordano asked if there wasn't a mechanism that could be in an ordinance that would cover issues such as an increase in the cost of postage as that is not controllable without coming to the Commission. Treasurer Rackley stated that she believed that was the intent of the method being presented; she discussed the process set forth in the ordinance. Administrator Deist noted that the ordinance does require the resolution to go through a public hearing process. Clerk Spero noted that it required the notice of public hearing but not the passage notices. District Attorney Smith noted that there are currently several fees being charged in the County for which no legal authority exists to charge but the Commission is aware these fees are being charged such as the cost to copy but if someone challenges the fee there is no legal footing to stand on and that instead of being office policy as it is now, the fee would need to come before the Commission and be heard and the Commission decides if the fee is reasonable so it would actually make it more public than how it is currently handled. Commissioner Fransway stated that it is very important that it goes through all the public hearing hoops and it does, it is not just something that is just drafted by a department head or another elected official, it has to come before the Board and have a public hearing process. Commissioner Bell agreed as the ordinance requires a public hearing. Commissioner Cassinelli stated that as long as the public can participate it is ok. Commissioner Fransway questioned if the lack of certain fees is a defect in statute and if it should be handled through the Legislature as if it is happening in this County it could be happening in other Counties. Treasurer Rackley noted that other Counties have or are adopting this type of process and noted what is currently in statute. Clerk Spero commented on issues with placing fees in statute and it was noted the difficulty of changing those fees at that level. Assessor Jeff Johnson noted that one of his issues is inconsistency such as in what each department charges for copies and he would hope this would lead to consistency across the board as well as give him the ability to explain to the public why a fee is different in Humboldt as compared to say Elko for the same service. Chairman Giordano asked for public comment; none offered. The following motion was made by Commissioner Bell:

*To adopt the ordinance adding chapter 2.50 to the Humboldt County Code and that will provide a structure that allows the Humboldt County Departments to charge fees for the*

*services they provide.*

Commissioner Fransway asked if Commissioner Bell could include in the motion that this is knowing full well that it goes to the public hearing process. Commissioner Bell stated that he would amend the motion as that is what the Board is here for, the public. Commissioner Bell offered the following amended motion and it passed unanimously:

*To adopt the ordinance adding chapter 2.50 to the Humboldt County Code and that will provide a structure that allows the Humboldt County Departments to charge fees for the services they provide knowing full well that this is going to go before the public.*

*(Ordinance 10-18-10)*

**PRESENTATION REGARDING THE VINE PROJECT (VICTIMS INFORMATION NOTIFICATION EVERYDAY):** Sheriff Ed Kilgore and Dee Schaffer with Corporate Solutions who are program managers for the project appeared before the Board. Ms. Schaffer discussed the support for this program, gave an overview of how the notification to victims would work, discussed who could be notified and discussed the benefits of the program. Sheriff Kilgore commented on the importance of the program for keeping victims notified.

**REVIEW OF ISSUES RELATED TO ATV/OHV USE ON COUNTY ROADS FOLLOWING RESEARCH BY THE DISTRICT ATTORNEY'S OFFICE:** Provided to the Board was a copy of an email from Deputy District Attorney Angie Elquist reviewing her research into OHV laws including an outline of relevant statutes and codes. Administrator Deist noted that in a prior Commission meeting a citizen had come before the Board to discuss issues she was having with OHV use in her area and problems resulting from that use; he noted that one of the problems was that there was no way to identify who the users were as there are no identifying items such as a license plate on the vehicles and the question had been whether the County could adopt an ordinance requiring registration and licensing and also how the issue of use on County roads could be dealt with. Administrator Deist continued stating that Deputy District Attorney Elquist had researched the issue and had found that the County could not enact an ordinance which deals with registering and licensing but there is some language dealing with reckless driving of a vehicle. Roberta Rothwell, a resident of Humboldt County, appeared before the Board; she noted that she had previously appeared before the Board and addressed her concerns. Chairman Giordano noted that the information received by the Commission indicates that the County cannot require licensing but he noted that the State Legislature has taken action to require registration but that has not taken effect yet; he suggested that the avenue the County could take would be to be more aggressive from the law enforcement side of it. Sheriff

Ed Kilgore appeared before the Board and agreed noting that the issue is not only in Ms. Rothwell's area but Countywide and as manpower dictates they are responding to the complaints; he stated that he has discussed aggressive enforcement with regards to OHVs with his patrol staff and they are citing when the perpetrator can be found. Chairman Giordano noted the usage of OHVs in the County due to its rural nature. Discussion occurred regarding usage between urban and rural areas and the difference between those areas. District Attorney Smith noted that in the State of Nevada the only place off road vehicles are not allowed is on paved roads but other traffic regulations do apply; it was noted that you can cross a paved road. Commissioner Fransway questioned how a vehicle that is not highway certified, not licensed, not registered and not insured can travel on roads in areas such as the airport subdivision and Tycana subdivision. District Attorney Smith stated that the law allows it at this time. Commissioner Fransway stated they should not be as these are OHVs. Sheriff Kilgore agreed and noted that is where the push is from the State to enact requirements for registration and such but the mechanism is just not in place yet. Discussion occurred regarding irresponsible riding, the continuing diligence of the Sheriff's Office and upcoming legislation.

**REQUEST FROM THE SHERIFF'S OFFICE FOR A WAIVER TO THE ATTRITION POLICY FOR AN UPCOMING VACANCY IN THE PATROL DIVISION:** Sheriff Ed Kilgore appeared before the Board. Sheriff Kilgore explained that a patrol deputy is leaving and with the current staffing numbers in the Sheriff's Office a significant amount of overtime would be incurred to cover the duties of the deputy; he requested permission to proceed with filling the position. Commissioner Cassinelli noted that this would fall under the public safety portion of the attrition policy. Discussion occurred regarding the cost of the overtime that would be incurred if the 90 days was not waived. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

*To grant the request for waiver of the attrition policy for the upcoming vacancy of a patrol officer due to public safety.*

*Chairman Giordano recessed the meeting for lunch at 11:33 a.m. and reconvened at 1:30 p.m.*

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

**FENCING SHELTON LANE:** Superintendent Garrett stated that he and Administrator Deist had met with Fred and Gay Lynn Miller following the survey of the area to be fenced to discuss if Mr. Miller was in agreement with what was being planned. Fred Miller appeared before the Board and reviewed the map of the area to be fenced including the portion of ground he would be giving up and what he would be gaining. Administrator Deist noted that the direction that had been given following Road Superintendent Garrett and Commissioner Cassinelli meeting with Fred Miller was that there would be a cattle guard on the easement

going into Leland Miller's and a cattle guard on the other end and then fence between the two cattle guards; he continued stating that the reason this issue is back before the Commission is because Leland Miller had approached the Chairman and stated his belief that the fence ought to go right down the easement just past his driveway and hook into his fence and that there be no cattle guard on that end so that is why the matter is back before the Commission for direction. Chairman Giordano stated that is how he would like to proceed by fencing off the County's right-of-way right into Leland's drive and leave off the second cattle guard. Superintendent Garrett stated that if that is what is done Leland would lose his access in there as there is a wide turn out that is actually on Fred's property. Chairman Giordano stated his understanding of that but noted that the Commission was asked to solve a problem with the cattle and a simple thing has now turned into a nightmare, if the County fences its easement, Leland will have to deal with it. Discussion occurred regarding what would occur with the turn out. Commissioner Amos stated he would like to see it how it was and if Leland wants his deal fenced off he can do it himself, that the County has done enough and it just needs to be fenced so cattle cannot get on the road. Fred Miller continued reviewing the map. Discussion occurred regarding having two cattle guards or only one cattle guard with additional fencing, the cost of one versus the other, the distance of additional fencing and which would be easier for the County. Superintendent Garrett stated the cattle guard on either end would be easier but either choice could be done. Chairman Giordano stated then he could go along with the cattle guards. Commissioner Fransway agreed. Administrator Deist noted that the minutes from nine years ago do not reflect what the fencing issue was and he believes that Leland will make the argument that he was promised fencing at that point. Commissioner Cassinelli stated that the County's main intent was the safety issue on the road and while that can be done either way the two cattle guards with the fence in between address that and that is what Humboldt County needs to worry about. Administrator Deist agreed that the discussion for the past year or so was relative to safety. Superintendent Garrett reviewed the proposal for Fred Miller with reference to the map. Discussion occurred regarding the amount of property Fred Miller would gain. Fred Miller stated he was in agreement with the proposal. Discussion occurred regarding the need to fence right alongside the road if the fence went all the way to Leland's property and the issue with the turn. Commissioner Amos noted that would complicate matters more and reiterated that two cattle guards with a straight fence was the way to go. The following motion was offered by Commissioner Amos and passed unanimously:

*To put the two cattle guards in and to put the fence on Shelton Lane as presented to the Commission today.*

Superintendent Garrett stated the next step would be to get the legal description from Desert



Mountain and get legal to write up the agreement with Fred and then there is an abandonment that needs to be done. Administrator Deist agreed.

**REQUEST TO TAKE FOREST DRIVE INTO THE COUNTY MAINTAINED SYSTEM:** Provided to the Board for review was a copy of a memo from Superintendent Garrett setting forth the information regarding Forest Drive as to occupancy, right-of-ways and the cost of bringing the road up to County standards with maps of the area (see attached). Road Superintendent Garrett reviewed the map of the area as to County maintained areas and the proposed maintained areas; he noted that the original request was for just bringing Forest Drive in and reviewed which parcels were addressed on Forest and which were addressed on other roads in the area and how that affects the occupancy ratios for Forest; he also noted that the roads are not built on the center of the right-of-way so they will need to be moved but a survey of Forest Drive and Cattle Drive would be needed to determine exactly where the right-of-way is and that it is a dedicated right-of-way but not an accepted one. Superintendent Garrett continued noting that he had met with George Kearns and Commissioner Fransway regarding the request and had then worked up a labor and cost estimate for the project which included drainage ditches/pipes, sign installation, base material and grading for an estimated cost of \$45,984.00. Superintendent Garrett recommended that the roads not be accepted until the necessary work to bring the roads up to standards is completed; he noted since the discussion regarding these roads he has been approached about accepting Cowboy and Brayton into the County Maintained System and while the roads had initially been brought up to County Standards they are no longer to standard but now the occupancy is sufficient so what needs to be considered is if the roads should be accepted at completion of a subdivision or to push the cost onto new residents later on to bring them into the system. Administrator Deist noted that this is an issue that has been discussed before and it does need to be discussed again. Superintendent Garrett stated that the County could do the work for the Forest request but if the County does the work it will take two to three weeks and during that time work on other County roads within the system will not be occurring. Chairman Giordano questioned if the County did the work where would it stop, would the County be doing all the subdivisions that should have been done before any lot was sold. George Kearns who had requested that Forest Drive be accepted into the County Maintained System appeared before the Board. Mr. Kearns stated his understanding that the County could bring the roads up to standards and then would charge the residents for the materials as the County already has the equipment. Commissioner Fransway discussed what the ordinance sets forth regarding occupancy and being brought up to County standards; he stated that what had been discussed is the potential of a General Improvement District for the residents to have the County do the work and the residents pay for it being brought up to standards and the

County bills it back over a certain period of time. Administrator Deist noted what was needed to create an assessment district. Mr. Kearns stated that some of his neighbors want it done and some don't; he again stated his understanding that the County would furnish the equipment and the residents would furnish the materials. Commissioner Fransway asked if the estimate provided by Superintendent Garrett was for the County to do the work. Superintendent Garrett stated it was a cost estimate whether the County did the work or if it was contracted out; he discussed the associated costs. Chairman Giordano stated that if an assessment district is done it would need to be consistent with what was done for the National Avenue project and if any districts are considered in the future they should be consistent. Commissioner Fransway noted that a lot of this would need to be up to the residents and what they find acceptable. Mr. Kearns requested a for sure approximate price to take to the residents and stated his disagreement with the estimated \$45,000.00 amount. Superintendent Garrett discussed the estimated amount. Chairman Giordano noted that if this is done as an assessment district there must be a 51% approval by the property owners and that would include property owners who have no houses on the property. Administrator Deist noted that for an assessment district an engineer's estimate must be obtained per statute and again if the plan is for an assessment district there is a process that must be followed. Commissioner Cassinelli asked if that was the only way it could be done. Administrator Deist noted that without the assessment district there is no guarantee of payment but they can proceed as private citizens and not involve the County. Chairman Giordano agreed that was an option to have the neighbors go in together and hire a contractor to do the work. Superintendent Garrett stated he would meet with a contractor to make sure everything was done correctly. Chairman Giordano noted that if the work is done to County standards and the occupancy is there then the process can move forward. Superintendent Garrett noted that originally Mr. Kearns's request was only for Forest but that Forest does not meet the occupancy requirement without bringing the other ones in. Mr. Kearns discussed what he had been thinking regarding the request. Discussion ensued regarding the drainage issues. Commissioner Cassinelli stated he would like to see something done but he does not know how. Commissioner Fransway stated what should be done is to let Mr. Kearns go and talk to his neighbors and perhaps come back and let the Board know what their feelings are on it and if there is support from the folks out there then the County can see if a special improvement district isn't the way to go and if it is then proceed per statute.

**POSSIBILITY OF OBTAINING RIGHT-OF-WAY FOR A FRONTAGE ROAD BETWEEN DELANEY DRIVE AND BRUCE DRIVE:** Chairman Giordano stated that he had brought this forward and he thought this should have been done years ago but it wasn't and he doesn't want to see access from Bruce Drive onto US 95 as traffic is getting heavier and heavier which is a safety issue and he has thought

the whole thing should have been tied together with a frontage road and he has discussed it with Dave Lindeman of the Nevada Department of Transportation (NDOT). Chairman Giordano stated what he is talking about is from Delaney and along the fence where BLM has the property. David Lindeman the Assistant District Engineer with NDOT for Winnemucca stated he would like to see a backage system of roads that tie the subdivision together and he would like to consider eliminating two of the four approaches as the current policy would require at access to be at least a mile apart so if Delaney and either Artemisia or Lambert were taken and improved at those intersections with left hand turn lanes that would improve the safety of the area quite a bit and improve access for residents with inclusion of a backage road. Discussion occurred regarding Mr. Lindeman's suggestion. The Board viewed a map provided by Superintendent Garrett and discussed the use of the current path used near the fence by US 95 and issues with the how near it is to a highway travel lane and another proposed access which would be lower and further away from US 95. Discussion occurred regarding the right-of-way already held by the County, that the access is on BLM property, how much right-of-way would need to be obtained and access for Norma and Bruce. A representative from BLM (identified as Debbie no last name) commented on the suggestion. Commissioner Cassinelli asked if this road could eventually be tied into the roads to the south such as Artemisia. Superintendent Garrett stated no as that would be a lot more difficult but there are other roads that tie in but some are not developed and all the subdivisions do not all tie together without additional right-of-way acquisition. Discussion occurred regarding how one or two accesses to US 95 would be better and how it will take some more discussion and investigation. Randy Hesterlee District 3 Traffic Engineer for NDOT addressed the Board regarding traffic counts on US 95. Chairman Giordano stated from a safety standpoint he liked access number one as depicted on the viewed maps. Commissioner Bell agreed. Administrator Deist stated that if that was the direction the Commission chose to go then they would need to authorize the Road Superintendent to start working on the right-of-ways. The following motion was made by Commissioner Bell and passed unanimously:

*That the County does proceed with obtaining the right-of-ways for a frontage road between Delaney and Bruce Drive and going with the map that we have here with this 850 feet off of US 95.*

Superintendent Garrett noted that if the BLM does grant right-of-way the County would need to take the road into the County Maintained System. The Board concurred.

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett updated the Board on grading, mowing, pipe installation, the mag chloride work being done by the Ruby Pipeline Project on

a portion of Eden Valley Road and Dutch Flat Road; he noted that when the mag chloride projects are discussed a decision would need to be made as to whether to continue treatments in the future on the roads; he continued discussing the status of the Jungo Road Project and the moving of the guy wire on Memory Lane.

**MISCELLANEOUS ROAD RELATED MATTERS:** Commissioner Amos commented on complaints he had received regarding the condition of Prairie Dog Road. Superintendent Garrett stated it was scheduled for work.

**ADOPTION, REJECTION OR MODIFICATION OF THE FINAL RECOMMENDATIONS BY THE PINE FOREST WORKING GROUP RELATED TO THE ALDER CREEK AND BLUE LAKES**

**WSA:** A copy of the Meeting Report September 21, 2010 Pine Forest WSA Working Group Final Recommendation Meeting (see attached) was provided to the Board for review. Jim Jeffress, Backcountry Lands Coordinator Sportsmen's Conservation Project Trout Unlimited, appeared before the Board on behalf of the WSA Working Group. Mr. Jeffress reviewed what had occurred at the public hearing on October 12, 2010 in Winnemucca and in Denio on October 17, 2010 and stated that no additional issues had been identified. Chairman Giordano asked where in the recommendations the fighting of fires, reseeding and fighting of noxious weeds were addressed. Mr. Jeffress explained how they would be included in the different areas. Chairman Giordano commented on the excellent job done but noted that he did not want to be locked out of saving our WSAs if something goes wrong. Mr. Jeffress discussed a suggestion offered by Kevin Kirkeby that discussion occur with the Northern Nevada Legislators after the election to review the proposed bill draft. Commissioner Fransway commented that this is a grass roots effort that is unprecedented and that he is proud that it happened in Humboldt County and that he believes it has potential statewide; he noted that discussion had occurred regarding once everything was done with the twelve recommendations that the two WSAs could potentially be consolidated into one WSA and perhaps calling it the Pine Forest WSA. Mr. Jeffress stated that is the intent of the working group and the name would be addressed in the bill draft request. Commissioner Bell stated that it is great. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

*That the Humboldt County Commission adopt the recommendation of the Pine Forest Working Group related to Alder Creek and Blue Lake WSAs as final draft written and proceed in the future to work with the Congressional delegation to come up with federal legislation to bring it forward.*

Mr. Jeffress asked that a meeting occur with Administrator Deist, other working group members and

possibly one or two Commissioners and start the process and in preparation for that perhaps he and Administrator Deist draft a letter to the Congressional delegation formally notifying them of the actions today and letting them know the baton is going to be passed to them so to speak. Commissioner Fransway noted that there is a resolution that is being brought forth from the Legislative Committee on Public Lands to the Nevada Legislature so a trip to Carson City may be needed to make sure that gets done.

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

**ADJOURNMENT:** Chairman Giordano adjourned the meeting at 2:34 p.m.

ATTESTED: *[Signature]* Clerk APPROVED: *[Signature]* Chairman

EMERGENCY MEETING

---

**MEMORANDUM**

---

**TO: COMMISSIONERS**  
**FROM: ADMINISTRATOR**  
**DATE: October 12, 2010**  
**SUBJECT: CONSENT AGENDA**

---

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

1. Request for adjustments to the Humboldt County Real Property Tax Roll: Attached are requests 10-11-22 through 10-11-25 for your review.

Recommendation: That the Commission approve these adjustments as recommended by the Assessor and Treasurer.

2. CDBG quarterly 2010 Report: Attached is the quarterly program progress reports showing CDBG grant activity for the months of July, August, and September. The reports must be reviewed at a Commission meeting.

Recommendation: That the Commission authorize the Chairman's signature on the quarterly reports.

---

**MEMORANDUM**

---

**TO: COUNTY COMMISSIONERS**  
**FROM: COUNTY ADMINISTRATOR**  
**DATE: October 12,2010**  
**SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS**

---

**OTHER INFORMATION:****UPCOMING MEETINGS:**

- |                     |                                   |
|---------------------|-----------------------------------|
| 1. October 18, 2010 | Landfill Committee                |
| 2. October 22, 2010 | Meeting with BLM District Manager |
| 3. October 29, 2010 | County Holiday                    |
| 4. November 2, 2010 | Election                          |
| 5. November 8, 2010 | Commission                        |

To: Humboldt County Board of Commissioners  
From: Ben Garrett, Roads Superintendent  
Date: October 7, 2010  
Subject: Forest Drive Improvement Estimate

The Forest Drive area main access is from Germain Drive. Germain Drive and Forest Drive (from Germain to Kimbra) are within the Humboldt County Maintained system. Right-of-Ways dedicated to Humboldt County exist on Forest, Cattle, Brandon and Zachary. None of the roads outside the maintained system, indicated on the attached map, have been brought up to Humboldt County Standard Specifications. The standards require connectivity to a County, City or State maintained roadway with a minimum occupancy of 60%. Brandon and Zachary are within .5 miles from the City limits; however connectivity to the City is not anticipated in the near future.

Addressing the occupancy and connectivity should be our first step. Forest Drive connects to the County Maintained portion of Forest Drive at Kimbra Court. Twelve lots exist from Kimbra to the lot on the northeast corner of Forest and Zachary, of which six are occupied. Of the occupied lots only one is addressed for Forest Drive. Occupancy level of Forest is 50%. Undeveloped corner lots have not been addressed until development. Cattle drive connects to Callahan Drive (County Maintained) and Forest Drive (not maintained). Cattle Drive from Callahan to Forest consists of nine lots with seven occupied and one addressed for Callahan. Occupancy level of Cattle is 78%. Brandon connects to Forest (not maintained) and contains six lots of which five are occupied. Occupancy level of Brandon is 83%. Zachary connects to Forest (not maintained) and contains four lots of which four are occupied. Occupancy level of Zachary is 100%. The street to street lots on Zachary and Brandon were counted twice. Occupancy levels for Zachary and Brandon combined with no duplicate counts is 87%. The entire area contains twenty four lots with sixteen occupied for an occupancy level of 67%.

Property corners on Brandon and Zachary were located during an inspection of the area. One property corner was located on Cattle and on Forest. The absence of a defined Right-of-Way would require a land survey to establish boundaries. Existing roadways range in width from 15 feet to 30 feet (Cattle) with no defined drainage system (roadside ditches, drainage pipes, driveway pipes) in place. Roadways do not appear to be in the center of the Right-of-Way, but a land survey will verify locations. Concrete in the Right-of-Way, vegetation from the work site and other debris must be hauled to the landfill. The existing road signs no longer conform to the MUTCD (Manual for Uniform Traffic Control Devices) and require upgrades for reflectivity. All the roads the proposed area requires a minimum of 6" of base material per Humboldt County Standards.



ROADWAY	LENGTH/ FEET	SURVEY	COST	DRAINAGE DITCHES	COST/ UNIT	EXTENDED PRICE	DRAINAGE PIPES/FEET	COST/ UNIT	EXTENDED PRICE
FOREST DRIVE	2,000	YES	\$1,000	4,000	\$0.78	\$3,120	100	\$25.77	\$2,577
CATTLE DRIVE	1,400	YES	\$1,000	2,800	\$0.78	\$2,184	50	\$25.77	\$1,289
BRANDON CT.	500	NO	\$0	540	\$0.78	\$421	50	\$25.77	\$1,289
ZACHARY CT.	360	NO	\$0	400	\$0.78	\$312	50	\$25.77	\$1,289
	4,260		<u>\$2,000</u>	7,740		<u>\$6,037</u>			<u>\$6,443</u>
	<u>0.807</u>	MILES							

		SIGNS	BASE COST/ UNIT	MATERIAL /TONS	COST/ UNIT	EXTENDED PRICE	ROAD GRADING & SHAPING	COST/ UNIT	EXTENDED PRICE
FOREST DRIVE	2,000	STREET	\$150	1777	\$2.65	\$4,709	2,000	4.90	\$9,800
CATTLE DRIVE	1,400	STREET	\$150	1244	\$2.65	\$3,297	1,400	4.90	\$6,860
BRANDON CT.	500	STREET	\$150	444	\$2.65	\$1,177	500	4.90	\$2,450
ZACHARY CT.	360	STREET	\$150	320	\$2.65	\$848	360	4.90	\$1,764
			<u>\$600</u>	<u>3785</u>		<u>\$10,030</u>			<u>\$20,874</u>

TOTAL COST FOR PROJECT

**\$45,984**

The estimate for the cost of the project includes labor, equipment and material. The project requires approximately 2 weeks completing the requisite work. The estimate does not include drainage pipes at the driveway approaches. The work estimated will meet all the Specifications in the Humboldt County Standards.

I would recommend a site inspection of the work prior to consideration of acceptance in the Humboldt County maintained system.