

Tuesday, January 18, 2011

The regular meeting of the Humboldt County Board of Commissioners was called to order on Tuesday, January 18, 2011, at 9:30 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Garley Amos Jr., Commissioners Mike Bell, Dan Cassinelli, Tom Fransway and Jim French, District Attorney Michael Macdonald, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - DECEMBER 20, 2010**

**AND JANUARY 3, 2011:** Chairman Amos stated the minutes would be handled separately. Commissioner Cassinelli offered an amendment to the minutes of December 20, 2010. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve as amended.*

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

*To approve the minutes of January 3, 2011.*

**PUBLIC COMMENTS:** Chairman Amos asked for public comments. Wayne Beene addressed the Commission to invite them to the Republican Lincoln Day Dinner. No further public comment offered.

**ADMINISTRATIVE REPORT:**

**CONSENT AGENDA:** Administrator Deist stated there was no consent agenda to present.

**SOLID WASTE MATTERS:** Administrator Deist stated that there would be a Landfill Committee meeting tomorrow.

**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:** Administrator Deist noted that the BLM District Manager would be in attendance at the February 7<sup>th</sup> meeting to discuss the issue of direction given to the Bureau of Land Management to designate "wild lands" without Congressional approval, a copy of a resolution in opposition to the practice adopted by the Nevada Association of Counties was provided to the Board for review; a copy of the letter approved at the January 4<sup>th</sup> meeting opposing actions taken by the Public Utilities Commission in regards to the irrigation rate was provided to the Board for review. Administrator Deist noted that after the last Commission meeting former Commissioner Giordano had contacted him to let the Board know that he had been asked to remain on the Home Health Services Board as the Board has been restructured and now does not include a Commissioner from each County, that Mr.

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Giordano had discussed the matter with Commissioner French and there is not a problem with it so unless otherwise directed the assumption will be that Mr. Giordano is Humboldt County's representative. Upcoming meetings and dates of importance were noted.

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

**THEY SERVE ON:** Commissioner French reported on the Humboldt River Basin Water Authority meeting he had attended. Chairman Amos offered comment on the same meeting. Commissioner Fransway stated that he would be attending a January 24<sup>th</sup> Public Lands/Natural Resources meeting at which Sam Routson will be presenting to the group relative to the Public Utilities Commission issue.

**ANNUAL INSPECTION OF THE ADULT DETENTION FACILITY - ENTIRE COMMISSION:**

Chairman Amos stated that the Board would be conducting the annual inspection of the Detention Center following the Commission meeting.

**CLAIMS FOR EXPENDITURES OF COUNTY FUNDS:** Commissioner Amos noted that some of the claim sheets were missing so this item would be tabled until they could be produced again.

**BOARD APPOINTMENTS:**

**A. KINGS RIVER GENERAL IMPROVEMENT DISTRICT:** Administrator Deist informed the Board that three people have requested appointment to this Board - Brian Rookstool, Diana Allen and Juan Lopez. The following motion was made by Commissioner Bell and passed unanimously:

*To appoint Brian Rookstool, Juan Lopez and Diana Allen to the Kings River GID.*

**B. OROVADA FIRE PROTECTION DISTRICT:** Administrator Deist informed the Board that two people had requested appointment to this Board - Ron Cerri and Walter Wilson. The following motion was made by Commissioner Fransway and passed unanimously:

*To appoint Ron Cerri and Walter Wilson to the Orovada Fire District.*

**C. DEBT MANAGEMENT COMMISSION:** Administrator Deist informed the Board that the following members had requested reappointment for a two-year period to the Debt Management Commission - John Moddrell representing the General Improvement Districts and members at large - Richard Robie, Dave Roden and Ron Schrempp. The following was made by Commissioner Milton and passed unanimously:

*To appoint John Moddrell, Richard Robie, Dave Roden and Ron Schrempp to the Debt Management Commission.*

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

*To approve the expenditures as presented.*

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

**VH-10-18 - A variance request submitted by Desert Mountain Surveying on behalf of Wade and Karie A. Tiffany to reduce the required 15' side yard setback in the M - 3 (Open Land Use) zoning district to 5' for an existing residence in order to file a parcel map (PH-10-26) creating 3 lots. The subject property is located at 225 US HWY 40 in Golconda; APN #008-401-02:** A copy of the Planning Department Staff Report recommending approval, a copy of the Notice of Public Hearing and a copy of maps of the area were provided to the Board for review. Mrs. Lawrence reviewed the request and recommended approval. John Milton III present on behalf of Desert Mountain Surveying offered an explanation for the need for the variance. After discussion the following motion was made by Commissioner Bell and passed unanimously:

*That based on the staff report VH-10-18 is approved.*

**REQUEST FROM THE SHERIFF'S OFFICE FOR WAIVERS TO THE ATTRITION POLICY FOR A DETENTION DEPUTY AND FOR A PATROL DEPUTY:** Sheriff Ed Kilgore appeared before the

Board. Sheriff Kilgore spoke in support of the request stating that two deputies had recently left the department. Discussion occurred regarding the current staffing levels in the Sheriff's Office and the public safety issue. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To waive the attrition policy to fill the patrol deputy and detention deputy positions.*

**REQUEST FROM YOUTH AND FAMILY SERVICES FOR A WAIVER TO THE ATTRITION POLICY FOR A DETENTION WORKER POSITION WHICH IS PRESENTLY VACANT:** Chief

Juvenile Probation Officer Ed Sampson appeared before the Board. Mr. Sampson spoke in support of the request noting current staffing levels, the public safety issue and that it was a current budgeted position. After discussion the following motion was made by Commissioner Bell and passed unanimously:

*To approve the request.*

**ADOPTION OF PROCLAMATION TO RECOGNIZE THE MONTH OF FEBRUARY AS NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH:** A copy of

the proposed proclamation was provided to the Board for review as was a letter from Tiffany Stickney Program Coordinator for the Winnemucca Domestic Violence Shelter in support of the action. The following motion was made by Commissioner Bell and passed unanimously:

*To adopt the proclamation to recognize the month of February as National Teen Dating Violence Awareness and Prevention Month.*

(Proclamation No. 01-18-11)

**SET TO PUBLIC HEARING A NUISANCE COMPLAINT AT 7075 ALLEN ROAD ON PROPERTY OWNED BY ROY AND JANET PETERSEN:**

Provided to the Board for review was a copy of the nuisance complaint, the inspection reports provided by the Building & Safety Department and the Sheriff's Office and an updated inspection report provided by the Building & Safety Department indicating that all trash has been picked up and that there is a Hoss trash container on site. Administrator Deist noted that this item had been continued from the previous meeting to allow for confirmation of clean up and that the Clerk had spoken to Hoss Disposal and the trash container had been picked up and service was set for the future. Building & Safety Director Bobby Thomas confirmed from the audience that upon reinspection the site was cleaned up. Property owner Janet Petersen appeared before the Board and stated that clean up had occurred. Both Chairman Amos and Commissioner French confirmed that they had driven by the site and did not see a nuisance. The following motion was made by Commissioner Fransway and passed unanimously:

*That the Commission declines to set a public hearing based on the fact that the nuisance has been taken care of at 7075 Allen Road.*

**JOINT MEETING BETWEEN THE HUMBOLDT COUNTY COMMISSION AND THE WINNEMUCCA CITY COUNCIL:**

Present on behalf of the Winnemucca City Council were Mayor DiAn Willis-Putnam, Councilmen Joyce Sheen, Rich Stone, Doug Cain, Paige Brooks and Jim Billingsley, City Manager Steve West, City Clerk Eddy Davis and City Attorney O. Kent Maher.

*\*the following items were taken in order as placed on the City of Winnemucca's agenda.*

**PRESENTATION BY ASSEMBLYMAN PETE GOICOECHEA REGARDING THE 2011 SESSION OF THE NEVADA LEGISLATURE:**

Assemblyman Pete Goicoechea appeared before the Commission and the Council and discussed the upcoming Legislative session including budget concerns and issues, reapportionment concerns and issues, the potential for program shifts and pushing down to the cities and counties of services previously handled by the State, the effect of term limits on rural leadership and the potential effect of reapportionment on the rural leadership, the possible consolidation of State agencies, concerns about the tax base, concerns about unfunded mandates and the need for the Counties to be actively involved in the upcoming session. Discussion occurred regarding concerns about the College of Agriculture.

**ADOPTION OF REVISED AIRPORT RULES:** A copy of the Winnemucca Municipal Airport Rules and Regulations for the Management, Operation and Use of the Airport Property and Facilities January 2011 as adopted by the Winnemucca/Humboldt Airport Board on January 10, 2011 was provided to the Board for review. Doug Cain offered an update on the action taken by the Airport Board when they ratified the new

rules and regulations. Commissioner Fransway commented on the document being an asset for the airport in the future. Discussion occurred between Councilman Stone and City Attorney Maher about the need for the City Council to take action. A motion was offered by Councilman Sheen to ratify the action taken by the Airport Board to adopt the regulations and passed. Commissioner Fransway commented that the need for rules and regulations at the airport are mandated in some respect because of the receipt of federal funding. The following motion was made by Commissioner Fransway and passed unanimously:

*To adopt the revised airport rules and regulations as submitted.*

**CORRECTION OF ERROR/REVISION TO STREET NAMING MANUAL:** A memo from Dana Toth Planning Department/Street Naming Committee detailing an error was provided to the Board for review. Mrs. Toth appeared before the Board and explained an error she had made when presenting the revisions to the Board and Council in October in stating that the final decision rested with the County Commission when actually the manual states that final approvals are made at the Regional Planning Commission level; she discussed why this had been suggested by legal counsel. No action taken on this item by either the Commission or Council as it was for information only.

Mayor Willis-Putnam adjourned the City Council portion of the meeting at 11:35 a.m.

*Chairman Amos recessed the meeting at 11:35 a.m. to reconvene at 1:30 p.m.*

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

**DISCUSSION AND DIRECTION RELATED TO THE 2011 MAGNESIUM CHLORIDE PROJECT:**

Superintendent Garrett stated that the County had budgeted \$120,000.00 for dust control in the 2010-2011 budget year and estimated cost for treating is \$156,650.00; he offered suggestions including reducing the width of treatment from 20 feet to 18 feet and eliminating roadways treated with an alternative product previously; he requested the Board's permission to bid the County's dust control project to allow him the ability to reserve application dates better suited to Humboldt County's requirements. Discussion occurred regarding the adjustment of application rates. Gary Bengochea representing Nevada First voiced concern about the use of mag on the road at Daveytown due to the slickness. Superintendent Garrett discussed the product used on the road and the issues. Chairman Amos suggested that the list of roads scheduled for mag application be ran by Mr. Bengochea for his input/concerns. The following motion was made by Commissioner Bell and passed unanimously:

*To approve going to bid for the mag chloride dust control project.*

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett discussed flooding issues, pipe installation and grading.

**MISCELLANEOUS ROAD RELATED MATTERS:** Commissioner Fransway inquired about the encroachment of cattle into the Airport Estates. Superintendent Garrett stated that he and the County Administrator had inspected the fence line and found that all fences were intact and that the cattle guards were clear.

**REQUEST TO RETAIN A QUALIFIED INDEPENDENT CONSULTANT TO REVIEW, EVALUATE AND COMMENT ON JUNGO'S APPLICATION TO NDEP FOR A CLASS 1**

**LANDFILL:** District Attorney Macdonald stated that at this point in time he would recommend to the Board that the item be tabled because he and Commissioner French are gathering additional information, that the purpose of this was to hire someone that could assist the Board as it relates to the NDEP hearing that is expected to take place in April; that information is being gathered as to different consulting firms as well discussion and the need to do homework as to the scope of the work that will be involved with this type of project so the Commission can make a decision on how it would like to proceed and what type of information it would like to have for the hearing. Commissioner Bell concurred and offered the following motion:

*To table this item until further notice, until such a time as we need to bring this back up.*

Commissioner Fransway commented on his understanding that NDEP had said based on the litigation that they would not be making any decisions based on this application until the Court decided; he questioned what had changed. District Attorney Macdonald stated that he did not have an answer, that the information received indicated that they intend to have a public hearing possibly in April on the operational permit but he does not know what if anything has changed and that they have been reviewing the permit application. Administrator Deist commented that based on discussion with NDEP staff they have continued to review and they are at the point to move to public input but that no permit will be signed until there is a guarantee that they have the CUP. Commissioner Fransway stated that he believes that puts the County in a vulnerable position to have to fight this on a scientific basis with just two months to go and that is not fair when Jungo has had three years to file the application and the County does not need to be put in an unenviable position anymore then it already has and it seems that when they said they were not going to proceed with any more applications they should have honored that. Commissioner French commented on his concern that the plan by NDEP to schedule this to public hearing in early to mid April indicates that NDEP has developed the position on the permits and that they intend to put that material out to the public and take input before they issue their final decision which completely flies in the face of what was told to this Board when the litigation was initiated against the County, that this thing would be placed "in a drawer" until the litigation is completed in federal court and to say that at this stage in the game roughly a month before the scheduled date

in Judge Reed's court indicates to him that the NDEP has continued moving forward on this contrary to what they said they would do. Commissioner Bell stated that based on the preliminary information provided that he is pretty confident that the person discussed could step up to the plate if the need arose and that his motion would stand as offered. Commissioner Fransway stated that the County needs to find out what NDEP intends to do as he does not want to be put in the position to fight this thing from two different fronts especially when there is not time to prepare, let the litigation proceed. Commissioner Bell stated he thinks there is enough time and he wants an expert, someone at that table should the need arise; he noted that he does not want to set on this too long, he thinks this needs to happen in a quick fashion once all the information is received. Commissioner French commented that there is the need to have the assistance of a consulting firm to actually go to the table with the Commission and to determine where this thing sits with NDEP right now and it is appropriate to ask. Commissioner Bell suggested that Administrator Deist could contact NDEP and get those answers. Commissioner French indicated that he would contact NDEP. Commissioner Bell and Chairman Amos concurred. Chairman Amos called Commissioner Bell's motion to a vote and it passed unanimously.

**FINAL RETREAT PLANNING:** A copy of the proposed agenda was provided to the Board for review. Administrator Deist reviewed the items discussed at the previous meeting for inclusion on the retreat agenda; he suggested that the date for the retreat be changed to January 25<sup>th</sup> as the State of the State speech by Governor Sandoval would occur on the evening of January 24<sup>th</sup> and that might give some indication of where they are headed going into session, additionally due to scheduling conflicts at the exhibit hall a room in the east hall of the convention center has been reserved. Administrator Deist further noted that upon discussion with Gene Bell regarding the negotiation process it has been determined that Mr. Bell will not be working for the County after January 31, 2011, however he would be willing to come to the retreat and give input on the process if the Commission so desired. Commissioner Fransway requested that under planning matters discussion be included regarding filling the Planning Director position. Commissioner French concurred. The Board concurred with the retreat changing to January 25<sup>th</sup> in the Comstock room at the East Hall.

**REVIEW, DISCUSSION AND POSSIBLE DIRECTION REGARDING THE DRAFT PINE FOREST**

**WILDERNESS BILL:** A copy of an e-mail from Mr. Jeffress regarding what has occurred to this point on the draft bill 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 addressed the Board and updated them on the status of the draft Pine Forest Wilderness Bill including contact with the Congressional Offices and contact with Nevada BLM; he noted that the Congress has been on break so he is hopeful that it will begin moving forward now that Congress

is back in session; he stated that, as the Congressional offices have not offered comments yet, he is hesitant to share it because it will change so much, not the content but how it is framed and how it is articulated so he does not want to provide it until he has a full product which he is hopeful will happen toward the end of the month or at least into February. He discussed the steps that have occurred including at the legislative level. Commissioner Fransway commented on the need for the Commission to sign onto the final draft before it goes to a final sponsor noting that he does have comments regarding the bill. Mr. Jeffress suggested that he keep his comments and that when the final product is brought back see if they are addressed and if they are not perhaps they can be discussed at a work session with final action at a later date. Commissioner Cassinelli questioned the need for too many more work sessions as this was all done earlier and noted that we wouldn't want to get it this far and then start to re-do it. Mr. Jeffress said what is being discussed is the language that will go in the bill, how the Congressional delegation will take the collective recommendation to move it through. Discussion occurred regarding the importance of the issues that are being cleaned up and the boundaries that are being changed with this bill. Brad Schultz, Cooperative Extension Agent, commented on the bill. Chairman Amos commented that he needed the local involvement with this matter. Administrator Deist noted that if any of the Commissioners have any comments get them to him so he can get them to Mr. Jeffress. Mr. Jeffress concurred. Commissioner Fransway commented on the similarity of this to a lands bill and the need to make sure that when the Commission signs off on this that it does not get changed as that has happened in other counties. Mr. Jeffress commented on what separates this from a lands use bill. Discussion occurred regarding the bill.

**PUBLIC COMMENTS:** Chairman Amos asked for public comments. Bill Nostro addressed the Board regarding item 11 regarding retaining the consultant and Commissioner Bell stated the item had been tabled and explained why. No further public comment offered.

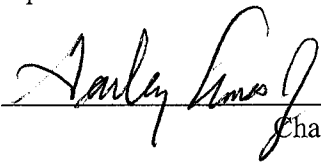
**ADJOURNMENT:** Chairman Amos adjourned the meeting at 2:35 p.m.

ATTESTED: \_\_\_\_\_



Clerk

APPROVED: \_\_\_\_\_



Chairman



## MEMORANDUM

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**TO: COUNTY COMMISSIONERS**

**FROM: COUNTY ADMINISTRATOR**

**DATE: January 12, 2011**

**SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS**

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### OTHER INFORMATION:

1. “Wildland”: Last week I gave you information on this issue. As I mentioned in my cover memo the BLM District Manager will be present to discuss this with at your February 7, 2011 meeting. The NACO Board at their January 10, 2011 meeting adopted the attached resolution in relation to this issue.
2. Letter to the PUC: At the last Commission meeting you authorized the Chairman to send a letter to the PUC regarding the irrigation rate issue. Attached is that letter.
3. Home Health Services Board: After your last meeting former Commissioner Giordano contacted me and let me know that he had been asked to stay on this board. The Board has been restructured and now does not include a Commissioner from each county. It is my understanding that he has discussed this with Commissioner French and there is not a problem with Mr. Giordano continuing on this board. Unless directed other wise we will assume that Mr. Giordano will be our representative.

### UPCOMING MEETINGS:

- |                           |                                     |
|---------------------------|-------------------------------------|
| 1. January 18, 2011       | BLM/Sheldon meeting                 |
| 2. January 19, 2011       | Landfill                            |
| 3. January 20-21, 2011    | Administrator possible annual leave |
| 4. January 24 or 25, 2011 | Commission Retreat                  |
| 5. February 7, 2011       | Commission                          |

# MEMO

To: Humboldt County Commission  
Winnemucca City Council

From: Dana Toth, Planning Dept./Street Naming Committee

Date: January 6, 2011

Re: Street Naming Manual Error

Upon reviewing the manual and board minutes I realized that I misspoke before both the City Council and the County Commission in October when both boards approved the revisions to the Street Naming Committee Manual. I had stated to the boards that the final decisions are made at the County Commission level. The manual actually states that final approvals are made at the RPC level. Angie Elquist suggested this change so that the Regional Street Naming Committee (RSNC) answers directly to a non-fiduciary board thus exempting the committee from open meeting laws. (Open meeting law was apparently being violated as the RSNC had not held public meetings for quite some time. Rather, correspondence was completed via memos with no official meetings or agendas.) This route for decision at the RPC level will allow for an appeal process as any decision made by the RPC is appealable to the appropriate governing body. Also, as stated in the manual and previously noted as a concern, property owners abutting the access route are notified via letters and a mailed notice of public hearing for an initial naming while renamings are additionally published twice in the newspaper to notify the general public in addition to the affected property owners of the name change.

I have attached page 9 of the RSNC Manual as approved in October 2010. Item 4 states final decision is made by the RPC. Item 7 refers to the notice that is published in the newspaper for renamings. Below item 7 there is an example box that needs to be corrected to reflect RPC approval. Other than the example box, the RSNC Manual is correct in its context.

We are currently processing several street naming issues in the county as the Building Department is finding discrepancies with road names while addressing in accordance with the new grid 911 system.