

Monday, February 7, 2011

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, February 7, 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 - JANUARY 4, 2011 AND

JANUARY 18, 2011: The following motion was made by Commissioner Cassinelli and passed unanimously:

To approve the January 4, 2011 minutes as written.

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

To approve the January 18, 2011 minutes.

PUBLIC COMMENTS: Chairman Amos asked for public comment. Ken Hladek expressed his appreciation for the Road Department's maintenance of the County roads in his area. No further public comment 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:** Request 10-11-37 was provided to the Board for review. *Recommendation: That the Commission approve this adjustment as recommended by the Assessor and the Treasurer.*

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

To approve the consent agenda as recommended 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.

2011 LEGISLATIVE MATTERS: POSSIBLE FORMULATION OF COUNTY TESTIMONY/INPUT ON PROPOSED LEGISLATION, RESPONSE TO LEGISLATIVE COMMITTEE REQUESTS,

NACO LEGISLATIVE REQUESTS FOR INFORMATION AND RELATED MATTERS:

Administrator Deist reviewed legislative matters including estimated impact of possible action taken related to Health and Human Services and the transfer of Pre-Sentence Investigative Reports to the County and he

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noted the number of Bills prefiled.

MISCELLANEOUS REPORTS AND CORRESPONDENCE:

OTHER INFORMATION AND UPCOMING MEETINGS: Administrator Deist noted that a copy of the annual Biting Fly/Mosquito Report for 2010 as prepared by Robin Gray was included for the Commission's review and that the amount of revenue received from geothermal proceeds for October 2010 through January 2011 was \$18,675.00. Upcoming meetings and dates of importance were noted. Commissioner Fransway noted that February 16th would be the Nevada Association of Counties legislative reception. Discussion occurred regarding the death of former BLM Winnemucca District Manger Gail Gibbons.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner French discussed a meeting he had with the Shooting Range Committee and their concerns about the direction of development at the landfill and public safety issues; he noted the need to discuss the problem and mitigate it prior to public safety issues arising. Chairman Amos suggested that the matter be brought forth at the next Landfill Committee meeting. Administrator Deist stated that he would contact the landfill operator regarding the concerns. Commissioner Fransway reported on a meeting of the Public Lands & Natural Resources Committee and a presentation by Sam Routson regarding the Public Utilities Commission's actions related to imposing the peak period non-curtailment penalty rate on agricultural producers.

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

To approve the claims for expenditures of County funds.

BOARD APPOINTMENTS:

OROVADA GENERAL IMPROVEMENT DISTRICT: Administrator Deist stated that Charles Knox, Don Mertens and Jason Hill have agreed to serve on the Orovada GID Board and he was recommending their appointment. The following motion was made by Commissioner Cassinelli and passed unanimously:

To appoint Charles Knox, Don Mertens and Jason Hill to the Orovada GID Board.

STATUS REPORT ON HUMBOLDT COUNTY RECYCLE PROGRAM AND MATTERS

RELATED THERETO: Administrator Deist reviewed the history of the recycle grant program administered by the Landfill Committee; he noted that proposals have been requested for the 2011 year and that they are due by February 11, 2011 and that following review by the Landfill Committee and the awarding of the grant the County Commission will be notified who the recipient of the grant is. Commissioner Fransway voiced

his support for recycling and noted for the record that his company uses the recycling services at the landfill but stated that he would not be abstaining from discussion and action on the matter; he continued comment noting that the experience to be very good and stated his hope that the program continues and grows. Commissioner French questioned why the language had been changed in the Request for Proposal to allow for profit businesses. Administrator Deist responded that the language had always included for profit or Delong Construction as the landfill operator would not have been allowed to receive the grant. Chairman Amos noted that the decision of the Landfill Committee would be made at their February 22nd meeting. Chairman Amos asked for public comment. Annie Drake addressed the Board and questioned whether the Community Garden had been contacted regarding the proposal submission. Administrator Deist stated that they would have been mailed a RFP packet but that he would check on that. Chairman Amos noted that the Request for Proposals would have also been published but he asked Administrator Deist to contact the Community Garden folks and make sure they know about the grant proposal. Lianne Iroz and Tammy Vetter approached the Commission for additional public comment. Chairman Amos noted that it is time for an agenda public hearing but that he would take additional comments later in the meeting as time allows.

PUBLIC HEARING ON APPLICATIONS 80309 AND 80310 MADE BY NEVADA LAND AND RESOURCE COMPANY, A NEVADA CORPORATION, TO THE STATE OF NEVADA DIVISION OF WATER RESOURCES PROPOSING TO CHANGE EXISTING PERMITS 71716 AND 71715, RESPECTIVELY BY CHANGING THE POINT OF DIVERSION AND PLACE OF USE FROM LOCATIONS IN HUMBOLDT COUNTY TO LOCATIONS IN LANDER COUNTY. BOTH THE PROPOSED AND EXISTING POINT OF DIVERSION AND PLACE OF USE REMAIN WITHIN THE BUFFALO VALLEY HYDROGRAPHIC BASIN (131):

Provided to the Board for review was a copy of the letter of notification from the State of Nevada Division of Water Resources regarding the proposed change, a copy of NRS 533.363(4) which set forth the requirement of the County Commission to hold this hearing and make a recommendation, a copy of a map of Nevada Land & Resource Company's Water Rights in Buffalo Valley Existing and Proposed Locations and a copy of the Notice of Public Hearing. Administrator Deist reviewed the requirement for a public hearing and the need for the Commission to make a recommendation to the State Engineer; he noted that the recommendation is not binding. Chairman Amos asked for public comment; none offered. Commissioner French confirmed that this transfer involves the same owner and that the rights remain agricultural. Administrator Deist stated yes. The following motion was made by Commissioner Fransway and passed unanimously:

To recommend approval of applications 80309 and 80310 to change the point of diversion and place of use in Buffalo Valley Water Basin from points in Humboldt County to proposed points in Lander.

Chairman Amos allowed additional public comment. Lianne Iroz and Tammy Vetter representing RESPECT appeared before the Board. Mrs. Vetter commented that she was glad grant funding was provided for recycling noting the importance of dealing with garbage responsibly and commenting on RESPECT's wish to help the community become more aware of not only illegal dumping but how to properly deal with waste within the community. Mrs. Vetter noted that the county is currently being sued by Recology and asked if the company was to put in a bid for the grant where would the County stand on doing business with an entity that it is being sued by. District Attorney Macdonald stated it is difficult to assess when it is speculation as to what may or may not happen and he cannot research something that has not occurred yet and so it would be looked at if it came up in the future. Mrs. Iroz asked if the Commissioners' would take that into consideration. Chairman Amos stated that depending on what the bids are that come in is what matters but that he is not at liberty to discuss it and he will not discuss the Recology issue because of lawsuit; he noted that the Commission hears the concerns and he is sure it would probably be taken into consideration when the bids come in. Commissioner Cassmelli stated that it would be up to legal and the District Attorney had given his answer. Commissioner Bell agreed that it is a legal issue and agreed with the District Attorney that it is mere speculation. District Attorney Macdonald noted that there is a process that is followed for the grant process and that would be looked at as well as anything else that is relevant as it relates to the criteria in awarding the grant but at this point it is speculation and he will assist the Commission and the Administrator's Office in any way he can once proposals are received. Mrs. Iroz inquired if any proposals had been received. Administrator Deist stated that the proposals are due on the 11th and he has not seen any to this date. Discussion occurred regarding how the proposal packets were provided. Commissioner French asked if the Committee would be faced with deciding to award the grant at the February 22nd meeting absent the necessary information. Administrator Deist stated that traditionally the Landfill Committee has made the decision to award at that meeting but if there are legal concerns he is sure the Committee would set the decision aside until they are resolved. DeeDee Delong representing Delong Construction, the landfill operator, addressed the Board and thanked them for their support for the recycling program noting the need to extend the life of the landfill and for conserving the resources of the earth; she noted she had been in the audience during the discussion regarding the shooting range committee's concerns and she would look into the issue.

SET TO PUBLIC HEARING AN ALLEGED NUISANCE LOCATED AT 4650 W. WINNEMUCCA BLVD FOR PROPERTY OWNED BY ROBERT AND BEVERLY SHELL:

Provided to the Board for review was a copy of the nuisance complaint with photos and a copy of the inspection report prepared by the Building & Safety Department. Administrator Deist stated that this matter is a set to public hearing and noted the items provided to the Board for review. Commissioner Bell stated that he had driven by the location and had no problem proceeding to public hearing. Chairman Amos concurred. The following motion was made by Commissioner Bell and passed unanimously:

To set to public hearing.

PRESENTATION BY GENE SEIDLITZ, WINNEMUCCA DISTRICT MANAGER OF THE BLM, REGARDING SECRETARY OF THE INTERIOR KEN SALAZAR'S ORDER #3310 REGARDING "WILD LANDS":

Gene Seidlitz Winnemucca District Manager Bureau of Land Management appeared before the Board. Manager Seidlitz addressed the Board and detailed Secretarial Order 3310 issued on December 23, 2010 by Secretary of the Interior Ken Salazar which designates appropriate areas with wilderness characteristics under the BLM's jurisdiction as "Wild Lands" so to manage them to protect their wilderness values; he noted that since the order was entered several entities have passed resolutions not favoring the order including the Nevada Association of Counties, Esmeralda County and Nye County and there is Congressional interest but letters supporting the action have been sent from wilderness activist groups and advocates. Mr. Seidlitz reviewed the background of what led to the entry of the order, the process used to create the order, what the current guidance on the order is and what this means for the Draft Resource Management Plans for which the comment period has ended. Discussion occurred between Commissioner French and Manager Seidlitz regarding the time frame for implementation of a Wild Lands designation and the use of the Land Use process to give the Wild Lands designation, the characteristics of the designation, the type of criteria they would be managed for and how it would be analyzed and addressed as to those characteristics. Commissioner Cassinelli voiced concern about the time to do something as simple as renew a permit and Commissioner French voiced concern about appealable points. Manager Seidlitz commented on the importance of documentation for the BLM as to what is done and the need for everyone to have a voice in the process. Commissioner Fransway discussed the anxiety relative to this order, actions taken by the Senate Western Caucus and the Western Congressional Caucus along with several western state associations including the Nevada Association of Counties and the Western Interstate Region in opposition to the order, his concern that this is another designation which will affect the multiple use of public lands and local economies; he noted a meeting that is occurring in Salt Lake City on the 10th relative to this matter

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and discussed the importance of having concurrence amongst the local governments and the need to be at the table from the beginning and to support NACO in their actions. Discussion occurred regarding whether the Commission should take action in support of NACO's resolution. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

That Humboldt County support the Nevada Association of Counties in opposition to Interior Secretary Salazar's Order #3310.

Manager Seidlitz stated he would keep in touch regarding the matter and if a formal presentation is necessary to let him know.

UPDATE ON THE WINNEMUCCA MOUNTAIN BIKE TRAIL PROJECT: Lynn Zonge, CPESC, of Resource Concepts Inc., Jerry Keir, Executive Director of Great Basin Institute, Kevin Hill with Division of State Lands Coordinator for Question 1 Program and Nick Brancato crew coordinator for the Nevada Conservation Corp appeared via teleconference. Gene Seidlitz the Winnemucca District Manager for the BLM appeared before the Board. Ms. Zonge detailed the status of the project. Manager Seidlitz commented on the public comment period for the preliminary environmental assessment. Commissioner Fransway discussed some of the issues with concerns voiced by those who own mining claims on the mountain and the resolution agreed to which resulted in a change to the trail route. Discussion occurred regarding the environmental impact assessment. Commissioner Fransway noted that the BLM and Humboldt County have a memorandum of understanding all worked out and commented that they want to see a trail built this year; he noted for Manager Seidlitz that anything that could be done to move this along would be much appreciated. Manager Seidlitz stated that the BLM is committed to the project and stated that the project pending litigation should be ready for construction late spring/early summer 2011; he discussed some of the issues identified in the assessment. Mr. Keir commented on the need to expedite the process due to the time frame of the grant. Manager Seidlitz stated the commitment was there. Mr. Hill offered comment on that issue as well noting that an extension of the funding does not look like a possibility at this point.

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

2011 ROAD PROJECTS PROPOSALS: Provided to the Board for review was a memo from the Road Superintendent regarding surface treatment for 2011(see attached). Superintendent Garrett reviewed the memo for the Board and requested permission to join the City of Winnemucca in the bid for the 2011 surface treatment project as that will result in cost savings. Discussion occurred regarding Leonard Creek Road repairs and the time frame over which the surface treatment project will extend. After discussion the following motion was made by Commissioner Bell and passed unanimously:

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To allow the Road Superintendent to bid the 2011 surface treatment project with the City of Winnemucca.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett discussed grading, pipe cleaning, cleaning and repair of cattle guards and crack sealing.

MISCELLANEOUS ROAD RELATED MATTERS: Commissioner French discussed some concerns voiced by the Shooting Range Committee based on comments they had received about chuck holes between the turn in to the landfill and the turn in to the range and asked if the holes could be filled in prior to the planned overlay. Superintendent Garrett replied yes and more permanent patching will occur in the summer. Commissioner Fransway asked who maintained the road between Airport Road and the airport. Superintendent Garrett stated it was maintained by the State up to the cattle guard. Commissioner Fransway commented on an issue with a drop off at the cattle guard and suggested that it be brought to RTC to see if it could be repaired. Superintendent Garrett stated he would take a look at it. Commissioner Cassinelli noted that John DeLong had offered his thanks for the cleaning of the cattle guards.

(District Attorney Macdonald departed the meeting and was replaced by Deputy District Attorney Gary Millward)

ADOPTION/MODIFICATION OF THE RETREAT DIRECTION: Provided to the Board for review was a memo from the Administrator regarding retreat direction and a break out of the retreat direction related to planning matters, fiscal review and budget direction, 2011 Legislative session/protocol/commission process, road matters/review/discussion/proposals, negotiation process overview, attrition policy review and possible revision (see attached). Administrator Deist reviewed the direction offered at the retreat noting an issue with the addition of the Planning Director position as one thing not discussed is that this position is part of the cost share agreement with the City so they would need to be involved in the decision. Chairman Amos suggested that meeting occur with the City prior to adoption of the retreat direction. Administrator Deist suggested that the direction could be adopted with clarification that discussion needs to occur with the City regarding the item. Public comment was offered by Kerry Hawkins who objected to the procedure for adopting the retreat direction given the items being considered and offered the opinion that the item was phrased overly broad for an agenda and that it would be a violation of the Open Meeting Law to take action on the item. Administrator Deist disagreed. Mrs. Hawkins stated her disagreement with that and questioned how the public would know what the Commission is taking action on. Administrator Deist suggested the item be tabled for further discussion with District Attorney Macdonald. Mrs. Hawkins continued commenting on the need for the agenda to be specific for public review. The following motion was made

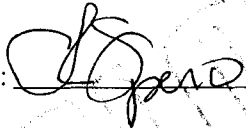
by Commissioner Cassinelli and passed unanimously:

To table the retreat direction.

PUBLIC COMMENTS: Lianne Iroz addressed the Commission and asked for clarification on who makes the decision on the bids for the recycling grant. Administrator Deist stated it would be the Landfill Committee. Mrs. Iroz continued and asked if there is an issue with Recology putting in a bid does it come to the County Commission for direction as for example if someone on the Committee had concerns with making a decision.. Administrator Deist noted who made up the Landfill Committee and stated if there was an issue it would probably be referred to legal for advice to the committee before making a decision. Mrs. Iroz asked what would the process be after that if there is an issue. Administrator Deist responded that right now the Landfill Committee could make a decision. Mrs. Iroz inquired again as to what the procedure would be if there is an issue. Administrator Deist responded that it would depend on the issue but it could be referred to legal who could offer advice and it could be brought back to the committee; he noted the comments made by the District Attorney earlier regarding the difficulty in speculating. Chairman Amos asked for additional public comment; none offered.

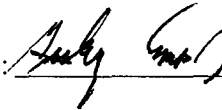
ADJOURNMENT: Chairman Amos adjourned the meeting at 11:27 a.m.

ATTESTED:



Clerk

APPROVED:



Chairman

MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: February 1, 2011
SUBJECT: CONSENT AGENDA

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

1. Request for Adjustment to the Humboldt County Real Property Tax Roll: Attached are requests 10-11-37 for your review.

Recommendation: That the Commission approve this adjustment as recommended by the Assessor and Treasurer.

MEMORANDUM

TO: COUNTY COMMISSIONERS

FROM: COUNTY ADMINISTRATOR

DATE: January 12, 2011

SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS

OTHER INFORMATION:

1. Biting Fly Report for 2010: Attached is Robin Gray's annual report covering last year.
2. Geothermal Revenue: We have once again started receiving this revenue. From October 2010 through January 2011 we received \$18,675.00.

UPCOMING MEETINGS:

- | | |
|----------------------|----------------------------|
| 1. February 9, 2011 | Management Team |
| 2. February 21, 2011 | County Holiday |
| 3. February 22, 2011 | Commission |
| 4. February 22, 2011 | Special Landfill Committee |

To: County Commission
From: Ben Garrett, Roads Superintendent
Date: February 2, 2011
Subject: Surface Treatment 2011

In 2009 Humboldt County began a surface treatment program to extend the useful life of the existing paved infrastructure. Approximately 20 % of the Maintained pavement was treated. The initial plan called for treatment of the entire infrastructure for 5-6 years with funds from the RTC fund. In 2010 the County's fund balance was approximately \$1.5 million. The County set aside money to cover shortfalls in the funding for the Jungo Road paving project and the replacement of the Eden Valley Bridge. The Jungo project received additional funding and the Eden Valley Bridge is not scheduled until 2013-2014. With the revenue from this year our fund balance in the RTC fund is approximately \$2.1. The estimated cost of the proposed project is \$1.65 million, leaving approximately \$500,000 in the County's share of the RTC fund.

In 2009 we bid the project with the City of Winnemucca. By combining the projects, the total project cost was below the estimate. I anticipate similar savings if the 2011 project is approved.

I request approval from the Board to bid the 2011 Surface Treatment Project with the City of Winnemucca.

ASPHALT RUBBER OVERLAY
 MICRO= M CAPE=CA CAPE=ARC = OV CHIP=CH
 TYPE II=SL DOUBLE CHIP=DCH

0629

TREAT-
MENT

STREET NAME	BEGIN DESCRIPTOR	END DESCRIPTOR	(FEET) WIDTH	(FEET) LENGTH	SQ. FT.	SQ. YD.	COST ESTIMATE	TREAT- MENT	TREAT- MENT
NORTH SIDE OF WINNEMUCCA									
Thru loop back to Sage Heights Rd	Hwy 95		26	1,880	48,880	5,431	\$11,514	CH	2011
Cattleguard @ Desert Gem		End of Pavement	28	42,240	1,182,720	131,413	\$919,893	ARC	2011
Jungo Rd		End of Pavement	26	5,864	152,464	16,940	\$71,827	DCH	2011
Utch Flat Rd	US 95	End of Pavement	26	2,560	66,560	7,396	\$51,769	ARC	2011
National	SR 795	City Limits	26	4,589	119,314	13,257	\$28,105	CH	2011
Patrice Lane	E. National	End of Pavement	26	1,426	37,076	4,120	\$8,733	CH	2011
Desert Avenue	E. National	Maxine Dr	26	1,262	32,812	3,646	\$7,729	CH	2011
William Avenue	E. National	Maxine Dr	26	1,252	32,552	3,617	\$7,668	CH	2011
Maxine Dr	William Avenue	Jacqueline Ct.	26	2,471	64,246	7,138	\$15,134	CH	2011
Jacqueline Ct.	Maxine Dr	End of Pavement	26	427	11,102	1,234	\$2,615	CH	2011
							\$1,124,988		

PARADISE VALLEY

North St	2nd West	Main st	24	591	14,184	1,576	\$3,341	CH	2011
West St	Bridge St	1st North	24	322	7,728	859	\$1,820	CH	2011
Edge St	Chimney Dam Rd	School	24	628	15,072	1,675	\$7,101	DCH	2011
Imetery Rd	Lamance Creek	Cattleguard	24	332	7,968	885	\$3,754	DCH	2011
Chimney Dam Rd	Martin Creek Rd	Main st	24	14,916	357,984	39,776	\$278,432	ARC	2011
Key Summit Rd	Chimney Dam Rd	End of Pavement	24	15,053	361,272	40,141	\$85,100	CH	2011
Lamance Creek Rd	Bridge St	Cemetery Rd	24	1,378	33,072	3,675	\$15,581	DCH	2011
Main St	SR 290	1st North	24	380	9,120	1,013	\$4,297	DCH	2011
West St	Bridge St	1st North	24	332	7,968	885	\$1,877	CH	2011
							\$401,302		

RETREAT DIRECTION
2011

1. Planning Matters
 - Revise Ordinance so Commission has final say on Conditional Use Permits
 - Revise Language so does not have to be unanimous vote to deny of approve
 - Look at Community Development Ordinances and Policy and Procedures to guide planning department as to what can be elevated to the Commission.
 - Look at rezoning some or all of M-3 to MAR to raise minimum lot size. Look at this in relation to distance from population centers.
 - Pursue position of Planning Director
2. Fiscal Review and Budget Direction
 - Taxes to remain at the current level
 - Allocate the tax dollars the same way as in the past
 - Retain the 60% ending fund balance goal
 - Department Requests equal revenue as close as possible
 - Add Planning Director and whatever the State gives us
3. 2011 Legislative Session/protocol/Commission process
 - United front
 - Open Communication
 - Utilize Staff to get message/communication out
4. Road Matters/review/discussion/proposals
 - Continue to discuss when/how to bring roads into the maintained system
5. Negotiation process overview
 - County Administrator will be lead negotiator with Chairman or Vice-Chairman observing. Use of other staff will be up to the Administrator
 - Retain Gene Bell for advise
6. Attrition Policy review and possible revision
 - Remove the attrition policy
 - Attempt to hold the number of employees at current level

- Invite Department Heads (Elected and Appointed) to address the Commission on a quarterly or some other basis.

CONFIDENTIAL