

Monday, April 18, 2011

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, April 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.

A moment of silence was offered in respect for the passing of University of Nevada Reno President Milton Glick.

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - APRIL 4, 2011**

**REGULAR MEETING:** Administrator Deist stated that no minutes were available for approval and they will be presented at the next meeting.

**PUBLIC COMMENTS:** Chairman Amos 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. Authorization of the Chairman's Signature on the Interlocal Agreement with Health and Human Services for the Medicaid Match: A copy of the agreement was provided to the Board for review. *Recommendation: That the Commission authorizes the Chairman to sign the agreement. (Agreement signed and attested same day)*
2. Authorize the Chairman's Signature on the Interlocal Agreement with Health and Human Services for the Court Master related to Child Support: A copy of the agreement was provided to the Board for review. *Recommendation: That the Commission authorizes the Chairman to sign the agreement (Agreement signed and attested same day).*
3. Appointment to the Orovada Fire Protection District: A copy of a letter from Randy McClintick requesting appointment was provided to the Board for review. *Recommendation: That the Commission appoint Randy McClintick to the Orovada Fire Protection District.*

Commissioner Fransway pointed out a typo in the agreement for item two and asked that it be corrected. The following motion was made by Commissioner Bell and passed unanimously:

*To approve the Consent Agenda as presented by staff with one change as recommended by Commissioner Fransway.*

**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 informed the Board that he was working with Cooperative Extension Agent Schultz on the response on the Martin Basin EIS.

**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 updated the Board on Legislative matters including that letters had been sent to the Legislators regarding the Cooperative Extension matter with a response received from Assemblyman Ellison, that a conference call had occurred with the Speaker which included discussion on AB 449 and about a press conference related to the change in the budget process; he noted that there would be a meeting on April 19<sup>th</sup> between the Counties, the Speaker and the Governor related to AB449 and Commissioner Bell, as the County's representative on the Development Authority, would be attending.

**MISCELLANEOUS REPORTS AND CORRESPONDENCE:**

**OTHER INFORMATION AND UPCOMING MEETINGS:** Administrator Deist noted that Sondra Schmidt had accepted the comptroller position and would begin work on April 27<sup>th</sup> and detailed who had been sent letters related to the issue with Cooperative Extension. Upcoming meetings and dates of importance were noted.

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

**THEY SERVE ON:** Commissioner French reported on a meeting he had attended in the Orovada area related to cutthroat trout and also a Nevada Works meeting. Commissioner Bell commented on the Winnemucca Futures Project Report which had been released and noted that the project is moving forward. Commissioner Fransway reported on a trip he had made to Carson City related to a Natural Resource Committee meeting at which testimony was given by local residents Sam Routson and Gary Bengochea related to IS2 dealing with Sierra Pacific imposing the peak period non-curtailment penalty rate on agricultural producers and a hearing he would be attending on Wednesday related to SCR 1. Chairman Amos reported on a Humboldt River Water Basin Authority meeting he had attended.

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

4/18/2011

Page 2 of 9

*To approve the claims for expenditures of County funds as presented by staff.*

**PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 15.04 OF THE HUMBOLDT COUNTY CODE BY ADOPTING THE 2006 INTERNATIONAL BUILDING CODE, 2006 INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION OF THE UNIFORM MECHANICAL CODE, 2006 INTERNATIONAL FIRE CODE, 2006 UNIFORM PLUMBING CODE, 2005 EDITION OF THE NATIONAL ELECTRICAL CODE, WITH CHANGES, MODIFICATIONS, APPENDICES AND SUPPLEMENTS:**

Provided to the Board for review were copies of a memo from Building & Safety Director Thomas detailing the request, the proposed ordinance and the Notice of Hearing. Building & Safety Director Bobby Thomas appeared before the Board. Chairman Amos read the title of the item set to public hearing. Director Thomas reviewed the changes proposed. Discussion occurred regarding cargo containers and sign permit fees. Chairman Amos asked for public comment; none offered. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve the ordinance amending Chapter 15.04 of the Humboldt County Building Code by adopting the 2006 International Building Code, 2006 International Residential Code, 2006 Edition of the Uniform Mechanical Code, 2006 International Fire Code, 2006 Uniform Plumbing Code and the 2005 Edition of the National Electrical Code as presented by the Building Inspector.*

*(Ordinance 04-18-11)*

**SHERIFF'S OFFICE:** Sheriff Ed Kilgore appeared before the Board.

**REQUEST FOR A WAIVER TO THE ATTRITION POLICY FOR A PATROL DEPUTY:** Sheriff Kilgore stated that he has had a patrol deputy leave to return to Oregon and he was requesting a waiver of the attrition policy to fill the position. Commissioner French noted that this is a public safety position. The Sheriff and Board concurred. The following motion was made by Commissioner Bell and passed unanimously:

*To grant the waiver to the attrition policy for the Sheriff.*

**REQUEST FOR A WAIVER TO THE ATTRITION POLICY FOR THE DETENTION CENTER**

**COOK:** Sheriff Kilgore stated that the current Detention Center Cook will be leaving the position and he requested a waiver of the attrition policy to fill the position. Discussion occurred regarding the duties of the position, the requirements for preparing meals for the inmates and that this position also prepares meals for the Juvenile facility. After discussion the following motion was made by Commissioner Bell and passed unanimously:

4/18/2011

Page 3 of 9

*To grant the request for the waiver of the attrition policy for the Detention Center Cook.*

**LIQUOR BOARD:** Sheriff Ed Kilgore as Chairman of the Humboldt County Liquor Board called the Board to order at 10:28 a.m.

**APPLICATION FOR THE PILOT TRAVEL CENTER WHICH PREVIOUSLY HAD A LIQUOR LICENSE UNDER THEIR FORMER MANAGER'S NAME:**

Sheriff Kilgore reviewed the application for license from the Pilot Travel Center for their new manager, Mewael Cumbarly noting that one reference letter had been received and that the fingerprints had been processed and indicated no criminal history. Sheriff Kilgore recommended that the Board grant a liquor license to Mr. Cumbarly for Pilot Travel Center. The following motion was made by Commissioner Fransway and passed unanimously:

*To grant a liquor license to Mr. Cumbarly for Pilot Travel Center.*

As no further business was set to come before the Liquor Board a motion to adjourn was offered by Commissioner Bell and passed unanimously. The Liquor Board meeting adjourned at 10:31 a.m.

**ADOPTION OF A PROCLAMATION REGARDING NEVADA WILD FIRE AWARENESS WEEK MAY 1 - 8, 2011:**

A copy of the proposed proclamation was provided to the Board. Present before the Board on behalf of the Bureau of Land Management were Carmen Thomason, Fire Prevention, Mitigation and Education Specialist and Jeff Johnson, Supervisory Fire Management Specialist. Commissioner Fransway offered two proposed amendments to the proclamation related to open burning and the need to notify Dispatch. Administrator Deist recommended the adoption of the proclamation as amended. The following motion was made by Commissioner Bell:

*To adopt the proclamation regarding Nevada Wild Fire Awareness Week May 1 - 8, 2011 as proposed with amendment.*

*(Proclamation No. 04-18-11)*

Discussion occurred regarding the tough fire season anticipated and who is involved on behalf of the BLM. Commissioner French inquired about the status of the Single Engine Air Tanker operations at the local airport. Specialist Johnson stated that he was not sure and would have to check on the status and have someone contact Commissioner French. Commissioner French noted how crucial the program was and requested that the matter be brought before the Commission if it were to look like it might be moved. Commissioner French asked about support in the BLM's budget for rehab programs. Specialist Johnson discussed how the programs were handled and funded. Chairman Amos called Commissioner Bell's motion to a vote and it passed unanimously. Specialist Thomason detailed what events would be

4/18/2011

Page 4 of 9

occurring during the week of May 1 - 8 related to Wild Fire Awareness Week.

**REVIEW OF NUISANCE ORDERED ABATED AT 4650 W. WINNEMUCCA BLVD. ON PROPERTY OWNED BY ROBERT AND BEVERLY SHELL:**

Photos of the site taken by Building & Safety Director Bobby Thomas were provided to the Board for review. Property owner Robert Shell and Building & Safety Director Thomas appeared before the Board. Director Thomas reviewed the condition of the property including that the area needs to be kept picked up and contained so as not to create a fire hazard, that the bags of broken glass are zero hazard but there should not be significant accumulation allowed, that he could find no evidence of a fire pit just burn barrels and he had warned them to be cognizant of what was being burned to reduce odors. Commissioner Cassinelli asked about the installation of a site obscuring fence. Mr. Shell discussed the business he is doing from the site, what had occurred as far as clean up and his direction to the person living at the site not to haul anymore stuff in. Commissioner Fransway stated that he did not see an improvement, that the nuisance needs to be addressed as the property is an eyesore so he would like to see the complaint referred to the District Attorney to determine how the Commission should proceed. Commissioner French stated he had viewed the site and what has been done so far does not meet expectations, the property is an eyesore and he believes Mr. Shell can do better; he continued noting that it appears that scrap is still being hauled in and commented on the need to be a good neighbor. Mr. Shell discussed the condition of the property and what is currently on site. Commissioner Bell commented that the front of the property was not too bad but questioned the amount of stuff in the back fence area. Commissioner Cassinelli commented on the need to screen the site if this type of business is being done at the address. Discussion occurred regarding the items being brought into the site by the tenant. Commissioner Fransway suggested that a motion be made saying that the nuisance has not been abated and to refer it to the District Attorney to see where the Commission goes from here. Commissioner Cassinelli noted that it would never be abated if items continue to be hauled in. Commissioner Fransway agreed but commented that the County has never gone to this point with a nuisance; he asked the District Attorney if the motion would be sufficient. District Attorney Macdonald stated that he had no objection to the motion and would look into the options and present them to the Board; he noted that this is the first time the property owner has appeared before the Board regarding the issue and asked what his plan is to abate the nuisance, if he is satisfied with the condition of the property, what he intends to do to prevent additional materials from coming into the location and how long he thinks it will take. Mr. Shell commented on his business of building storage sheds and renovating the buildings on the property and issues with the tenant; he asked if the storage of

4/18/2011

Page 5 of 9

the tires was acceptable. Commissioner Cassinelli wondered if you could store that many. Commissioner Fransway suggested that individual items not be discussed as it is an issue with the whole property. The following motion was made by Commissioner Fransway:

*That the nuisance at 4650 West Winnemucca Boulevard has not been abated and the Commission refers the matter to the District Attorney for a recommendation on how to proceed.*

Mr. Shell asked for direction on what exactly needs to be done. Administrator Deist suggested that with the motion on the floor he believes Mr. Shell could meet with the District Attorney regarding the matter. Commissioner Bell concurred and noted that the nuisance needs to be abated as it is not. Chairman Amos called Commissioner Fransway's motion to a vote and it passed unanimously.

**ACCEPTANCE OF A DEED FOR PROPERTY FROM THE MCDERMITT COMMUNITY FUND FOR THE BENEFIT OF THE COMMUNITY OF MCDERMITT TO FACILITATE THE EXPANSION OF THE MCDERMITT FIRE STATION:** Provided to the Board was a letter from

William Macdonald, legal counsel for the McDermitt Fire District Board, explaining the request and copy of the proposed deed. William Macdonald appeared before the Board. Administrator Deist reviewed the purpose of the request which had been discussed previously noting that a small portion of the expanded McDermitt Fire Station will encroach on to a piece of property owned by the McDermitt Community Fund a Nevada Non-Profit Corporation, that the corporation is deeding the portion to the Community of McDermitt for the benefit of the community and that all other public areas in the Community Hall/Fire Station area are titled in the name of the County for the benefit of the Community so with this deed the one remaining parcel will transfer into the County's title. Mr. Macdonald spoke in support of the request. The following motion was made by Commissioner Bell and passed unanimously:

*To accept the deed from the McDermitt Community Fund for the benefit of the community of McDermitt to facilitate the expansion of the McDermitt Fire Station and also authorize the Chairman to sign.*

*(Deed signed and attested this day)*

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

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett reported on flooding issues in the County, grading and noted that the magnesium chloride application was scheduled for next week weather permitting.

**MISCELLANEOUS ROAD RELATED MATTERS:** Superintendent Garrett stated that he had

received a letter and a book from the Summit Lake Tribe the day after the Commission's action on denying the request to allow them to have certain County roads in their system and they were requesting input on their 20 year transportation plan; he asked if he should bring it to the Commission or if he should prepare the input for the Board's consideration. Commissioners Fransway and Bell suggested a recommendation be prepared and brought before the Board. Commissioner Bell asked about the Tribe's response to the Board's denying their request. Superintendent Garrett stated that the transportation plan assumes that the County would grant the requested right-of-ways so one of the comments would be that those right-of-ways were not granted. Discussion occurred regarding the Commission's previous action related to the right-of-ways. Administrator Deist suggested that the Road Superintendent prepare recommendations and bring them to the Board for response.

Commissioner Cassinelli noted that the road called Cousins Lane or Case Lane is pretty rutted up again and asked if it could be graded at some point. Superintendent Garrett stated when the moisture is right it would be done.

**THE COMMISSION WILL ATTEND A MEETING WITH NV ENERGY TO BE HELD AT ORMACHEA'S DINNER HOUSE, 180 MELARKEY STREET, WINNEMUCCA, NV:**

Chairman Amos recessed the meeting at 11:28 a.m. to reconvene at Ormachea's Dinner House for the NV Energy presentation and stated that the meeting would reconvene following the presentation in the County Meeting Room at 1:45 p.m.

**POSSIBLE ACCEPTANCE OF A CONSERVATION EASEMENT ON THE ALDER CREEK RANCH AND DISCUSSION WITH KEVIN HILL, DIVISION OF STATE LANDS COORDINATOR - QUESTION 1, REGARDING PROCESS AND COUNTY RESPONSIBILITIES:**

Provided to the Board were copies of an e-mail from Todd Plimpton detailing the request for Humboldt County to accept the Question 1 easements for Alder Creek Ranch, LLC who he represents and a copy of a presentation entitled "Conservation and Resource Protection Grant Program - Nevada Division of State Lands - Question 1". Ken Winder, Todd Plimpton and Buck Johnson, owner Alder Creek Ranch, appeared before the Board. Kevin Hill State Coordinator for Question 1 joined the meeting via teleconference. Mr. Plimpton detailed the request for the County to accept the conservation easement on the Alder Creek Ranch as this will allow local oversight as well as allowing the local land owner to work directly with local elected officials and representatives. Mr. Winder offered comments in support of the request. Coordinator Hill commented that Humboldt County would have very little liability. Commissioner Cassinelli asked for confirmation that the property would be maintained as a

ranch and that the owner would continue to maintain it and not allow it to be overrun with noxious weeds or anything like that. Mr. Winder confirmed that the property would be maintained as a cattle/alfalfa ranch and that this program encourages good stewardship of the land. Discussion occurred regarding pivots, the house on the property, that any lands received in an exchange through the Pine Forest proposal would eventually be included, that the easement stays with the land in perpetuity, that there is no loss of tax revenue, that the benefit is the funds received can be reinvested into the ranch and that all conditions stay with the land. Commissioner Bell asked District Attorney Macdonald if he was satisfied with the proposal presented. District Attorney Macdonald confirmed he was. Administrator Deist asked if the County would be able to review the final document. Mr. Plimpton confirmed they would and that he would stay in contact with the District Attorney during the process. Coordinator Hill commented on how conservation easements are used and how they can be tailored to the individual landowner; he noted other Counties who are easement holders. Discussion occurred regarding the status of the Question 1 funding. The following motion was made by Commissioner Fransway and passed unanimously:

*To draft an agreement of acceptance for the conservation easement for Alder Creek Ranch and include a hold harmless clause for any future County liability and bring it back to the Commission for review and acceptance.*

**POSSIBLE APPROVAL OF MINOR ADJUSTMENTS TO COUNTY MEDICAL INSURANCE PLAN AS RECOMMENDED BY THE INSURANCE COMMITTEE:**

Administrator Deist reviewed the adjustments being recommended by the Insurance Committee after their review of the proposal. The following motion was made by Commissioner Bell and passed unanimously:

*To approve the minor adjustments to the County medical insurance plan as recommended by the Insurance Committee.*

**SET TO PUBLIC HEARING AN AMENDMENT TO HUMBOLDT COUNTY CODE CHAPTER 17.68.150 RELATED TO COMMISSION OVER TURNING DECISIONS OF THE REGIONAL PLANNING COMMISSION BY A UNANIMOUS VOTE OF THE COMMISSION:**

Administrator Deist stated this item was based on discussion at the Commission retreat which indicated the Board wanted to see the unanimous vote changed to majority vote; he noted that he did not know if the matter could be set to public hearing today as a proposed ordinance has not been prepared and a copy of that document must be available in the Clerk's Office for review by the public once publication begins so he would suggest that today the Board direct the District Attorney to prepare the ordinance and it be set at the next meeting. Commissioner Fransway commented on why the change to majority should be made.

District Attorney Macdonald stated he could put something together for the Board's review and bring it to the Board for setting at the next meeting. Discussion occurred as to the change and why a proposed ordinance must be available. The following motion was made by Commissioner Fransway and passed unanimously:

*That the District Attorney draft an amendment to Ordinance 17.68.150 and bring it back so the Commission can set it to public hearing at the next meeting.*

**PUBLIC COMMENTS:** Chairman Amos asked for public comments. Commissioner Fransway requested that Chairman Amos attend the upcoming SLUPAC meeting as the alternate as he will be attending a POOL/PACT meeting on that day. No further public comment offered.

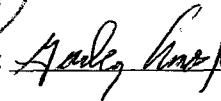
**ADJOURNMENT:** Chairman Amos adjourned the meeting at 2:37 p.m.

ATTESTED:



Clerk

APPROVED:



Chairman

**MEMORANDUM**

---

**TO: COMMISSIONERS**  
**FROM: ADMINISTRATOR**  
**DATE: April 12, 2011**  
**SUBJECT: CONSENT AGENDA**

---

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

1. Authorization of the Chairman's Signature on the Interlocal Agreement with Health and Human Services for the Medicaid Match: Attached is the agreement. We enter into this agreement every two years.

*Recommendation: That the Commission authorizes the Chairman to sign the agreement.*

2. Authorize the Chairman's Signature on the Interlocal Agreement with Health and Human Services for the Court Master related to Child Support: Attached is the agreement. This is a program that has been utilized for a period of time.

*Recommendation: That the Commission authorizes the Chairman to sign the agreement.*

3. Appointment to the Orovada Fire Protection District: Attached is a letter from Randy McClintick requesting appointment to this Board.

*Recommendation: That the Commission appoint Randy McClintick to the Orovada Fire Protection District.*

---

**MEMORANDUM**

---

**TO: COUNTY COMMISSIONERS**

**FROM: COUNTY ADMINISTRATOR**

**DATE: April 13, 2011**

**SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS**

---

**OTHER INFORMATION:**

1. Comptroller: Sondra has accepted the position and will begin work the last week of the month.
2. Letter regarding cuts to Extension: This letter was prepared and sent to our Assemblyman and Senator, the Chancellor, the Chairman of the Board of Regents and the rural Regent.

**UPCOMING MEETINGS:**

1. April 20, 2011                      Infrastructure Committee
2. April 21 -25, 2011                Administrator Annual Leave
3. April 28, 2011                      HCEA Negotiations
4. May 2, 2011                         Commission