

Tuesday, January 17, 2012

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, January 17, 2012, at 9:30 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Mike Bell, Commissioners Jim French, Dan Cassinelli, Tom Fransway and Garley Amos, District Attorney Michael Macdonald, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

PUBLIC COMMENTS: Chairman Bell asked for public comments. Rudy Herndon of the Humboldt Sun informed the Board that John Carpenter would be hosting a discussion in Elko related to sage grouse on March 3, 2012. No further public comment offered.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - DECEMBER 19, 2011 AND JANUARY 3, 2012: No minutes presented for consideration.

ADMINISTRATIVE REPORT:

CONSENT AGENDA: The following items were presented under the consent agenda by Administrator Deist for the Board's review/action:

1. Approval of the CDBG quarterly report: A copy of the CDBG quarterly report was provided to the Board for review. *Recommendation: That the Commission authorize the Chairman to sign the report.*

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

To approve the consent agenda as presented.

SOLID WASTE MATTERS: Administrator Deist noted that a Landfill Committee meeting was scheduled for 3:30 p.m. this afternoon.

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: Administrator Deist noted that a report had been provided to the Board updating them on the progress of going digital in the Quinn River TV District; he informed the Board that the Library Board had requested to discuss the bookmobile issue at the upcoming retreat. Upcoming meetings and dates of importance were noted.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner Cassinelli discussed a Cattlemen's update meeting he had attended

1/17/2012

Page 1 of 7

where a study related to cheatgrass had been discussed. Administrator Deist noted that Brad Shultz will be doing a presentation regarding the issue at the first Commission meeting in February. Chairman Bell reminded the Board about the video conference on January 18th related to sage grouse that had been agendized.

ANNUAL INSPECTION OF THE ADULT DETENTION FACILITY: Chairman Bell stated that the entire Commission would be conducting the annual inspection of the Adult Detention Facility later in the afternoon.

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

To approve the expenditures.

DEVELOPMENT OF RECOMMENDATIONS TO THE GOVERNOR FOR APPOINTMENT OF A HUMBOLDT COUNTY REPRESENTATIVE TO THE STATE LAND USE PLANNING ADVISORY COMMITTEE (SLUPAC): Administrator Deist noted that Commissioner Fransway had informed the Commission of his resignation from the State Land Use Planning Advisory Committee at the prior Commission meeting and that the process would be for the Commission to submit three names to the Governor for his consideration for appointment as the Humboldt County representative to the committee. Commissioner Fransway noted that Commissioner Amos had been the alternate to the committee and suggested that his name be submitted. Commissioner Amos agreed to the submission. Commissioner Cassinelli suggested Ron Cerri and stated he would contact Mr. Cerri to determine his interest. Commissioner Fransway suggested that Commissioner French might be interested in committee. Commissioner French concurred. The following motion was made by Commissioner Fransway and passed unanimously:

To submit the names of Commissioner Amos as the Commission's first, Commissioner French as the Commission's second and Ron Cerri as the Commission's third choice.

ADOPTION OF A PROCLAMATION DECLARING JANUARY 2012 AS NATIONAL RADON ACTION MONTH IN HUMBOLDT COUNTY, NEVADA: A copy of the proposed proclamation had been provided to the Board for review. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

To adopt the proclamation declaring January 2012 as National Radon Action Month in Humboldt County.

(Resolution No. 01-17-12)

COMPTROLLER/AUDITOR'S OFFICE: Comptroller Sondra Schmidt appeared before the Board.

APPROVAL OF PETITION AND RESOLUTION FOR EXEMPTION FOR WINNEMUCCA

RURAL FIRE DISTRICT: A copy of the proposed resolution was provided to the Board for review. Comptroller Schmidt explained the need for this action and requested approval as has occurred in past years. The following motion was made by Commissioner Amos and passed unanimously:

To approve the petition and resolution for exemption for Winnemucca Rural Fire District.

(Resolution No. 01-17-12a)

APPROVAL OF PETITION AND RESOLUTION FOR EXEMPTION FOR QUINN RIVER

TELEVISION DISTRICT: A copy of the proposed resolution was provided to the Board for review. Comptroller Schmidt explained the need for this action and requested approval as has occurred in past years. The following motion was made by Commissioner French and passed unanimously:

To approve the petition and resolution for exemption for Quinn River Television District of Humboldt County.

(Resolution No. 01-17-12b)

APPROVAL OF PETITION AND RESOLUTION FOR EXEMPTION FOR HUMBOLDT FIRE

PROTECTION DISTRICT: A copy of the proposed resolution was provided to the Board for review. Comptroller Schmidt explained the need for this action and requested approval as has occurred in past years. The following motion was made by Commissioner Cassinelli and passed unanimously:

To approve petition and resolution for Humboldt Fire District.

(Resolution No. 01-17-12c)

APPROVAL OF PETITION AND RESOLUTION FOR EXEMPTION FOR DENIO TV

DISTRICT: A copy of the proposed resolution was provided to the Board for review. Comptroller Schmidt explained the need for this action and requested approval as has occurred in past years. The following motion was made by Commissioner Cassinelli and passed unanimously:

For approval for the Denio TV District.

(Resolution No. 01-17-12d)

REQUEST FROM THE LIBRARY FOR A WAIVER TO THE ATTRITION POLICY FOR A LIBRARY ASSISTANT POSITION WHICH IS CURRENTLY VACANT:

Library Director Sheri Allen appeared before the Board and explained the request stating that following a retirement staff had been shifted to cover different positions and that this position is part-time to begin. Upon questioning by

Commissioner Fransway Director Allen explained that the Library is down in employee numbers and the level it is at now has been determined to be the minimal staffing level. After discussion the following motion was made by Commissioner French and passed unanimously:

To approve the request from the Library for a waiver to the attrition policy for a library assistant position which is currently vacant.

REVIEW OF PREVIOUS NUISANCE COMPLAINTS:

ALLEGED NUISANCE COMPLAINT ON PROPERTY BELONGING TO MICHAEL MONTGOMERY LOCATED AT 150 MANSELL STREET, GOLCONDA, NEVADA, ASSESSOR'S PARCEL NUMBER 08-181-07: A copy of the nuisance complaint and investigative report were provided to the Board for review. Neither the property owner nor a representative was present. Complainant Fred Barnes was present. Administrator Deist reviewed what has occurred noting that no action has been taken by the property owner to abate the alleged nuisance per an inspection by the Building Department. Complainant Barnes confirmed that no action had been taken. The following motion was made by Commissioner Amos and passed unanimously:

To adopt a resolution declaring a nuisance at 150 Mansell Street, Golconda, Nevada, Assessor's Parcel 08-181-07 and ordering the property owner to have it abated, cleaned up.

Discussion occurred regarding the time frame for abatement would be thirty days from adoption of the resolution.

(Resolution No. 01-17-12e)

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

CONTINUATION OF PUBLIC HEARING ON TH-11-04 - A text amendment to Chapter 17.20 AG District of the Humboldt County Code to add recreational vehicles as a permitted use with the re-lettering to reflect the addition of recreational vehicles; amend home occupations to reflect home based businesses:

CONTINUATION OF PUBLIC HEARING ON TH-11-08 - A text amendment to Chapter 17.44 M - 3 District of the Humboldt County Code to add recreational vehicles; to amend home occupations to reflect home based businesses: Provided to the Board was a memo from the Regional Planning Department explaining the proposed amendments (see attached) including copies of the current code, copies of prior meeting minutes and maps of the areas involved. Chairman Bell read the title of the item

1/17/2012

Page 4 of 7

set to public hearing. Mrs. Lawrence reviewed the memo for the Board. Commissioner Fransway commented that he had no problem with the language as to recreational vehicles on lots above five acres but voiced his concern on an RV being approved as a permanent dwelling on five acres or less. Mrs. Lawrence discussed how the issue is currently in code. Commissioner Fransway stated he would like to see it stipulated that RVs are not allowed as permanent dwellings on acreage below five acres as he thinks that will open it to RVs being out all over. Chairman Bell concurred. Mrs. Lawrence noted that they are now but noted that the properties zoned AG 5 are quite a ways out of town. Administrator Deist discussed the intent in 2007 in the creation of the RR-5 zoning to use that in the more urban settings in place of the AG-5 zoning and while that worked for some property owners others disagreed and wanted their zoning to remain AG-5. Commissioner Fransway stated that it still should not affect RR-5 or AG-5 where it is five acres or less. Discussion occurred regarding how the language would read, if notification of the change would have to occur as it was a change to usage and if parcels could be "grand fathered" in. Commissioner Fransway noted he believes it is bad planning to allow RVs as permanent single family dwellings on parcels five acres and less but clarified that he would be okay with allowing recreational vehicles on M - 3 and AG-5 zoned parcels above five acres. Discussion occurred regarding to what had occurred with the creation of the RR-5 zoning and how that had been the attempt to deal with this issue previously but property owners in the Airport Subdivision area had opposed the change. Administrator Deist suggested that the Board has two options to consider, either adopting the amendments as presented or sending the matter back and requesting that the RPC come back to the Board with another amendment that would prohibit a recreational vehicle in an AG-5 zoning. Commissioner Amos commented on the need to consider the issues in the area such as part time employment and the lack of available housing. Commissioner Fransway noted that is a temporary situation not permanent; discussion ensued regarding what is allowable temporarily and what that time frame is. Commissioner Amos stated he thought the Board should go with the Planning Department's recommendation rather than open up a can of worms. Commissioner French stated he did not see a problem in sending the matter back to ask for a clarification or to address the issue. Commissioner Fransway clarified that on M - 3 and AG-5 anything five acres and below should not allow a RV as a permanent dwelling. After the discussion Commissioner Fransway suggested the matter be sent back to the RPC to figure out noting that the ones that are currently out there could be grand fathered in, he just did not want the problem to continue and grow to where there are issues. Chairman Bell asked for public comment. None offered. The following motion was made by Commissioner Fransway and was passed unanimously:

1/17/2012

Page 5 of 7

To deny TH-11-04 and TH-11-08 as presented and send it back to the Planning Commission with direction that has been provided.

AUDIT SERVICES: Andree Rose and Tara Stoker of Drake Rose & Associates appeared before the Board.

TERMINATION OF AGREEMENT WITH KAFOURY, ARMSTRONG AND CO. (IF ANY):

Administrator Deist stated that it his belief as well as the District Attorney's that there is no agreement with Kafoury and he had conversation with a representative at Kafoury who also felt there was no agreement but he requested that a motion be made for the record terminating an agreement if any. The following motion was made by Commissioner Cassinelli and passed unanimously:

That Humboldt County terminates any and all agreements with Kafoury Armstrong and Company.

APPROVAL OF LETTER OF ENGAGEMENT WITH DRAKE ROSE AND ASSOCIATES FOR THE AUDIT FOR THE YEAR ENDING JUNE 30, 2012 AND AUTHORIZE THE CHAIR TO

SIGN: A copy of the of letter of engagement from Drake Rose & Associates was provided to the Board for review. Administrator Deist commented on the outstanding long working relationship the County has had with Ms. Rose and staff who are now with Drake Rose and he encouraged the Commission to authorize the Chairman to sign the letter of engagement. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

To approve the letter of engagement with Drake Rose and Associates for the audit year ending June 30, 2012 and authorize the chair to sign.

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

APPROVAL OF STIP PROJECTS FOR 2012 INCLUDING PRIORITIZATION OF PROJECTS:

Provided to the Board for review was a memo from Superintendent Garrett detailing the possible STIP submittals for 2012. Dave Lindeman of NDOT appeared before the Board. Superintendent Garrett reviewed the rankings of the items previously submitted noting that the SR 140-US 95 acceleration lane had been completed, that the Eden Valley Bridge project is currently in design under the Federal Highway Bridge Replacement program but the recommendation is to leave it ranked high on the STIP listing to show priority, that the re-design of the 173 Interchange on I-80 is currently in NDOT's annual work plan, that discussion had occurred at a previous meeting about adding an acceleration lane at US 95 and Reinhart to the projects and the potential of moving the Jungo Road Gravel Project up the ranking due to the increased traffic related to the mine. Discussion occurred regarding the importance of Jungo Road,

1/17/2012

Page 6 of 7

the road maintenance agreement with Hycroft for Jungo, the issues with the Eden Valley Bridge, the need to leave it as a high ranking to identify its priority level, the inclusion of the acceleration lane at US 95 and Reinhart as a higher priority in an effort to qualify for safety funds. Discussion occurred regarding Pershing County and Washoe County being involved in the Jungo Road improvement project and perhaps indicating in the submittal that the County's primary interest is to the County line but ideally it would go clear to Gerlach. After discussion the following motion was made by Commissioner Fransway and passed unanimously:


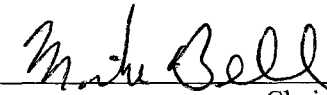
To leave 173 where it is, exchange the completed 140/US 95 project with the US 95/Reinhart acceleration lane and if and when Eden Valley becomes completed move Jungo #3 to replace Eden Valley and stipulate that the first choice would somehow be within Humboldt County and leave the rest the same.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett updated the Board on road grading, on the status of the repairs to the crack sealer and the plan to proceed with sealing once the weather improves, cattle guard replacement and that the BLM had informed him that the right-of-way for the frontage road at Delaney was going to the NEPA comment period in February.

MISCELLANEOUS ROAD RELATED MATTERS: Based on a query from Commissioner French, Superintendent Garrett updated the Board on the status of the repairs and costs associated with the bookmobile.

PUBLIC COMMENTS: Chairman Bell asked for public comments. Commissioner Fransway informed the Board of a problem he had been contacted about by the Wilkersons in the McDermitt area relative to feral dogs and discussed the suggestions he had provided as well as his referral of the matter to the Sheriff.

ADJOURNMENT: Chairman Bell adjourned the meeting at 11:45 a.m.

ATTESTED:  Clerk APPROVED:  Chairman

MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: January 10, 2012
SUBJECT: CONSENT AGENDA

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

1. Approval of the GDBG quarterly report: Attached is the report for your review.

Recommendation: That the Commission authorize the Chairman to sign the report.

MEMORANDUM

TO: COUNTY COMMISSIONERS
FROM: COUNTY ADMINISTRATOR
DATE: January 10, 2012
SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS

OTHER INFORMATION:

1. Update on progress on Quinn River TV District upgrades. Attached is a report updating the progress in going digital for this district.

UPCOMING MEETINGS:

- | | |
|---------------------|------------------------------|
| 1. January 17, 2012 | Street scape meeting |
| 2. January 18, 2012 | Sage Grouse Video Conference |
| 3. January 25, 2012 | Newmont Breakfast |
| 4. January 30, 2012 | Retreat |
| 5. February 6, 2012 | Commission |

MEMO

January 10, 2012

To: Humboldt County Commissioners

CC: Bill Deist/County Administrator

From: Regional Planning Department

Re: TH-11-04 and TH-11-08

The following text amendments were tabled at the January 3, 2012 County Commissioner's meeting for further research:

TH-11-04 An ordinance amending Chapter 17.20 (AG) of the Humboldt County Code to add recreational vehicles as an allowed use with re-lettering to reflect addition of recreational vehicles; amend home occupations to reflect home base businesses.

TH-11-08 An ordinance amending Chapter 17.44 (M-3) of the Humboldt County Code to add recreational vehicles as a permitted use and re-letter to allow for addition; to amend home occupations to reflect home base businesses.

Chapters 17.20 (AG District) and 17.44 (M-3 District) did not reflect recreational vehicles as allowed uses for dwelling units. **Chapter 17.16.750 (definition of recreational vehicle) states:** "A recreational vehicle may be a habitable dwelling in the M-3 and AG-5 zoning district when it meets habitable space (room) standards as defined in the Uniform Building Code and sewer and water requirements in the Uniform Plumbing Code. " Anyone utilizing a recreational vehicle as a dwelling unit in the M-3 and AG-5 zoning district is required to obtain a building permit. The assessor's office has also verified that if the RV is no longer registered with DMV it is assessed as personal property.

Commissioner Fransway voiced concern that the copy of Chapter 17.20 he had is not the same as the ordinance which is being amended. The following is a brief history and should explain the discrepancy:

TH-97-04 Delete Chapter 17.18 A (Agricultural District) and amend Chapter 17.20 AG (General Agricultural District)

The Regional Planning Commission agreed that the amended Chapter 17.20 should be amended to state "The following uses are permitted uses in the AG general agricultural district except the AG-5 general agricultural district, which shall allow and prohibit those uses as regulated by Chapter 17.23, RR rural ranchette zoning district." The Regional Planning

Commission at their 7/17/97 meeting approved the amendment. The Humboldt County Commissioners, at their 8/18/97 approved the amendment.

TH-06-05 Staff felt that the addition of the verbiage approved through TH-97-04 was contradictory to the intent of the AG district. That it can cause undue hardship on property owners. This amendment would delete the verbiage: "The following uses are permitted uses in the AG general agricultural district except the AG-5 general agricultural district, which shall allow and prohibit those uses as regulated by Chapter 17.23, RR rural ranchette zoning district." approved through TH-97-04.

The Regional Planning Commission at their 8/29/07 meeting approved the amendment to remove the verbiage. The Humboldt County Commissioners at their 9/4/07 meeting tabled the item for further research.

Staff submitted a memo to the County Commissioners dated 8/29/07 asking the board to reconsider deleting the verbiage. The Humboldt County Commissioners at their 9/4/07 meeting approved the removal of the verbiage: "The following uses are permitted uses in the AG general agricultural district except the AG-5 general agricultural district, which shall allow and prohibit those uses as regulated by Chapter 17.23, RR rural ranchette zoning district."

TH-07-01 Add RR-5 to Chapter 17.23 RR Rural Ranchette zoning district. This amendment was requested by the County Commissioners.

The Regional Planning Commission at their 9/13/07 meeting approved the addition of RR-5 to the RR zoning district. The Humboldt County Commissioners at their 10/1/07 meeting approved the amendment to add RR-5 as a zoning designation to the RR zoning district.

RH-07-17 A rezone request by the Humboldt County Commissioners to change the AG-5 (General Agricultural – 5 acre minimum lot size) to the RR-5 (Rural Ranchette – 5 acre minimum lot size) on properties located in Airport Residential Estates, ZBS Subdivision and Tycana Subdivision.

The Regional Planning Commission at their 9/13/07 meeting voted to deny the rezone. The Humboldt County Commissioners at their 10/1/07 meeting denied the zone change for Airport Residential Estates and to table the decision on the rezone for ZBS Subdivision and Tycana Subdivision until their 10/15/07 meeting. The Humboldt County Commissioners at their 10/15/07 meeting approve the rezone from AG-5 to RR-5 for ZBS and Tycana Subdivisions.

The following items are attached for reference:

Definition of a Recreational Vehicle (17.16.750)
Chapter 17.20 AG General Agricultural District ordinance
Chapter 17.44 M-3 Open Land Use District ordinance
HCC minutes from 8/18/97
Amended ordinance (Chapter 17.20) approved 8/18/97
HCC minutes from 9/05/06
HCC minutes from 9/04/07
HCC minutes from 10/01/07
HCC minutes from 10/15/07
Map reflecting AG-5 zoned property
Map reflecting RR-5 zoned property
Map reflecting M-3 zoned property

UNOFFICIAL