

Monday, November 26, 2012

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, November 26, 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 Jr., District Attorney Michael Macdonald, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

**PUBLIC COMMENTS:** Chairman Bell asked for public comments. David Selesnick owner of Hi-Desert RV Park addressed the Board regarding the proposal for temporary housing of RVs at the events complex. Chairman Bell noted that the matter would be discussed under agenda item 3. Mr. Selesnick indicated that he would address the Board at that time. Chairman Bell asked for further public comment. None offered.

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - OCTOBER 1, 2012  
REGULAR MEETING, OCTOBER 15, 2012 REGULAR MEETING AND NOVEMBER 13, 2012**

**REGULAR MEETING:** Only the October 1, 2012 meeting minutes were presented for discussion and action. Chairman Bell asked for corrections/additions for the minutes of October 1, 2012; Commissioner Fransway asked that the total amount of savings from the change orders for the Dispatch Center Project be included in the minutes. The Board concurred. The following motion was made by Commissioner Amos and passed unanimously:

*To approve October 1<sup>st</sup> with correction.*

**ADMINISTRATIVE REPORT:**

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

1. Adoption of Proclamation declaring January as National Radon Action Month in Humboldt County:

A copy of the proposed proclamation and an e-mail of request from Jamie Roice, Radon Education Coordinator with the University of Nevada Cooperative Extension were provided to the Board for review. It was noted that this action has been taken in prior years. *Recommendation: That the Commission adopt the proclamation.*

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

*To approve the consent agenda as presented.*

*(Proclamation No. 11-26-12)*

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**SOLID WASTE MATTERS:** Administrator Deist stated that he had nothing on this item.

**PUBLIC LANDS PLANNING MATTERS & FORMULATION OF COUNTY POSITION ON BLM, FOREST SERVICE AND THE FEDERAL FISH AND WILDLIFE SERVICE PROPOSED ACTIONS:** Administrator Deist stated that he had nothing on this item.

**MISCELLANEOUS REPORTS AND CORRESPONDENCE:**

**OTHER INFORMATION AND UPCOMING MEETINGS:** Administrator Deist commented on discussions which had occurred with Jim Jeffress regarding the Pine Forest Bill and the status of that Bill; he noted that he would be discussing with the Chairman a letter to be sent to Congressman Amodei and Senator Heller which among other things would address the County's support of the Bill.

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

**THEY SERVE ON:** Commissioner Fransway commented on the decision by the Public Lands Committee to have a special meeting related to the situation with the Cooperative Extension.

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

*To approve the claims the expenditures as presented.*

**DISTRICT ATTORNEY'S OFFICE:** District Attorney Michael Macdonald appeared before the Board.

**REQUEST FOR A WAIVER TO THE ATTRITION POLICY FOR A LEGAL SECRETARY POSITION WHICH WILL BE VACANT IN DECEMBER:** District Attorney Macdonald explained

that legal secretary Letty Norcutt had been elected to the Justice of the Peace position and would be leaving his office December 10, 2012; he spoke in support of the request. After discussion the following motion was made by Commissioner Amos and passed unanimously:

*To waive the attrition policy.*

**REVIEW AND APPROVAL OF AGREEMENT WITH NEW VISION DEVELOPMENT, LLC REGARDING RENTAL OF RV SPACES AT THE WINNEMUCCA EVENTS COMPLEX:**

District Attorney Macdonald went over several questions which came to mind while reviewing the proposal to allow temporary RV spaces at the events complex for the period of December 1<sup>st</sup> through June 15<sup>th</sup> for temporary workers prior to the opening of the man camp on East Winnemucca Boulevard including when space rentals offset by in-kind contributions would be due, how utilities would be calculated, as to insurance or bonding related to the construction of /improvements for the water/sewer line, who the contact person within the County and/or Ag District 3 would be for the developer to work with and who is responsible for pulling necessary permits. District Attorney Macdonald continued stating

that he intended to include language restricting sub-letting and use of the spots by individuals not associated with the developer and the need to maintain a responsibility for any liabilities or damages caused by the individuals using the premises; he noted that he had discussed these issues with the Administrator but had not discussed it with anyone from Ag 3 or Mr. Means from New Vision. Commissioner Fransway commented on the action taken by the Commission previously related to this issue noting that the Commission did not want to compete with private enterprise and that the date this expires is June 15, 2013; he suggested that the bond/insurance questions should be submitted to POOL/PACT to obtain their input. Administrator Deist suggested that the Commission authorize the District Attorney and County Administrator to work with Ag 3 and the developer to get an agreement drafted to bring forward before the Commission on the 10<sup>th</sup> or for Chairman's signature whichever is the Board's desire. The Board agreed that it needed to come back to the full Board for review. Discussion occurred regarding the value of the in-kind work and the sewer units. Dave Selesnick of Hi-Desert RV Park appeared before Board to offer public comment. Mr. Selesnick stated that he was not opposed to the proposal on a temporary basis but voiced concern that the compensation agreement sets precedence so he asked the Board to only consider this type of allowance under special circumstances including natural disaster situations. Commissioner Fransway noted that should be included in the agreement so it is clear. Commissioner Cassinelli commented that this could not be long term anyway due to the need for the facility to accommodate the events that occur there including the Silver State Rodeo. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

*To continue this item and that the Board asks the District Attorney to work with staff to be involved in the drafting of an agreement and bring it back on the next agenda.*

**COMMUNICATION/DISPATCH CENTER CHANGE ORDER APPROVAL PROCESS AND ALLOWING THE COUNTY ADMINISTRATOR AND THE CHAIRMAN TO APPROVE CERTAIN CHANGE ORDERS UP TO \$5,000.00:**

Administrator Deist noted that this process has been used on prior projects and explained how it has worked in the past. Commissioner Fransway asked that any change orders approved under this process be brought before the Board for review at the next Commission meeting. Administrator Deist confirmed that would be done. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To authorize the approval of change orders up to \$5,000.00 by the Administrator and with the signature of the Chairman.*

Discussion occurred as to how the reporting would occur.

**PRESENTATION BY ELKO COUNTY COMMISSIONER DEMAR DAHL REGARDING THE AMERICAN LANDS COUNCIL AND MATTERS RELATED THERETO:**

Demar Dahl appeared before the Board on behalf of the American Lands Council and discussed how the Council was formed, its purpose, a Nevada Bill to bring local control to federal lands which is being proposed, what is being done with the proposal, the benefits and others States that have similar bills. Discussion occurred regarding the proposal including the effect it would have on PILT funding. Mr. Dahl noted that each County is being approached for a contribution of \$5,000.00 to support the effort. Chairman Bell stated that this matter would need to be continued until later in the meeting as it was time for a public hearing.

**PUBLIC HEARING ON A NUISANCE COMPLAINT FILED AGAINST PROPERTY BELONGING TO RICHARD AND YVONNE LEADER. THE PROPERTY IS LOCATED AT 8655 HUNT AVENUE WINNEMUCCA, NEVADA, ASSESSOR'S PARCEL #010-423-17:**

A copy of the complaint with photos and a copy of the investigative report from Building & Safety Director Bobby Thomas were provided to the Board for review. Chairman Bell read the title of the item set to public hearing. Lee Rogers, complainant appeared before the Board and explained the issue with an internet broadcasting tower/receiver on the Leader's property which interferes with the ability of other residents in the area to connect to the internet; he requested that the equipment be removed and noted complaints sent to the Humboldt County Communications Department and the FCC. Commissioner French asked the District Attorney if the County has any legal jurisdiction in this matter. District Attorney Macdonald explained that the signal issue falls to the FCC but that the County would have jurisdiction over business license requirements and zoning requirements. Chairman Bell commented on the use of certain frequencies and questioned whether the County should have an ordinance dealing with the issue. Mr. Rogers continued discussing the issues he was experiencing. Property owner Richard Leader and Jeff Sealy of 5D Networks appeared before the Board. Mr. Leader addressed the Board regarding the purpose of the receivers, the issues they had with prior internet providers, that he was not providing commercial internet service and the steps he had taken, once he had been contacted by the Building Department, as to removing the tower. Mr. Sealy and Chairman Bell discussed the manner in which the internet service was being provided. Mr. Sealy stated that he was not charging for the service. Chairman Bell suggested that the system be turned off and that an independent third party look at it to determine if there is a problem. Discussion occurred regarding how much authority the County had in this situation, the lack of an ordinance that addresses the issues identified, whether a business license is required, the need to determine what is causing the interference, how that can be determined, who would

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be responsible for obtaining the independent third party for investigation, the preference by the Board to have Paul Burkholder, Communications Director look into it at this time, the need to have this matter brought back once it is looked at and the hope that the residents could work together to deal with the issue. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

*To continue the hearing on parcel 010-423-17 until a future date.*

**REQUEST FROM DRUG-FREE GRADUATION COMMITTEE FOR MONETARY SUPPORT**

**FOR THIS ANNUAL EVENT:** Kathy Brumm and Deanna Eastman representing the Drug-Free Graduation Committee appeared before the Board. Mrs. Eastman spoke in support of the request for monetary support for the annual event; she provided a copy of the budget for the event to the Board for review. Discussion occurred regarding the event, what the funds are used for and the benefit of the event to the community. After discussion the following motion was made by Commissioner French and passed unanimously:

*That the Board grants the \$2,500.00 as per last year's request and in addition to that approves a grant to cover the costs of the rental of the County facilities that the event will be held in.*

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

**AWARD OF MOWER QUOTE:** Provided to the Board for review was a memo from the Road Superintendent detailing the quote solicitation for the purpose of purchasing a roadside mower and offering the recommendation to purchase the Diamond Mower with all the options for a cost of \$49,143.00 (see attached). Superintendent Garrett reviewed the quotes received from Diamond Mowers and Metroquip and spoke in support of his recommendation. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

*To award the bid as presented by the Road Foreman as recommended to Diamond.*

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett reported on road grading, gravel being placed on Jungo and noted that due to the time change the department's shifts have went to eight hours, five days a week.

**MISCELLANEOUS ROAD RELATED MATTERS:** Discussion occurred regarding signs in the Grass Valley area which are being tagged with graffiti.

**POSSIBLE AWARD OF BID FOR THE PARADISE VALLEY WEED DISTRICT NEW**

**BUILDING:** Provided to the Board for review was the bid proposal submitted by Sonoma Construction

and a memo from the County Administrator explaining that the one bid received had been for \$116,702.00 which was \$58,202.00 more than the amount budgeted of \$50,000.00 and the grant received of \$8,500.00. Road Superintendent Ben Garrett, Tom Cassinelli of the Paradise Valley Weed District Board and Daryl Reirsgard, the Paradise Valley Weed District Coordinator appeared before the Commission. Superintendent Garrett reviewed the bid solicitation noting that the cost was higher than expected but that there was not much that could be cut from the project. Mr. Reirsgard discussed the grants available, the planned rental agreement with the Forest Service and other possible funding support. Discussion occurred as to the amount of bid and it was noted that there had not been a firm cost estimate in place when the Commission had initially budgeted \$50,000.00 for the project. Discussion occurred as to where the additional funds would come from in the County's budget and the possible future sale of the current facility. After discussion the following motion was made by Commissioner French:

*That the Commission accepts the bid for the Paradise Valley Weed District storage building in the amount of \$116,702.00 as presented.*

Administrator Deist asked if the motion could also include that the difference between what is currently budgeted and the actual amount would come from the County too.

The following amended motion was made by Commissioner French and passed unanimously:

*That the Commission accepts the bid for the Paradise Valley Weed District storage building in the amount of \$116,702.00 as presented and that the \$116,702.00 exceeds the original proposal by \$58,202.00 and that amount will be covered by the County.*

**CONTINUED PRESENTATION BY ELKO COUNTY COMMISSIONER DEMAR DAHL REGARDING THE AMERICAN LANDS COUNCIL AND MATTERS RELATED THERETO:**

Demar Dahl again appeared before the Board on behalf of the American Lands Council. Discussion occurred regarding the proposal of the State's taken back federal lands including the operating costs, the good working relationship locally between the County, the BLM and the Forest Service, the potential negative impact on the County's fiscal situation, the effect on conservation easements, the concerns about litigation as to liability and costs, the number of Counties currently pursuing the plan, the ability of the Commission to delay the decision on the financial request until budget time and that NACO has taken no action relative to the issue. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

*To delay the decision on the \$5,000.00 and to discuss the matter at budget time or before.*

*Chairman Bell recessed the meeting at 12:18 p.m. to reconvene at 1:30 p.m.*

**PRESENTATION BY GENESIS HOME HEALTH SERVICE REGARDING A PROCLAMATION DECLARING NOVEMBER AS NATIONAL HOME CARE MONTH:**

A copy of a handout detailing Genesis Home Health Service and a copy of the proposed Proclamation were provided to the Board for review. Paula Price, Chief Operating officer and Kayla Cummings Director of the Winnemucca Office of Genesis Home Health Service appeared before the Board. Ms. Price read the proposed proclamation for the Board and discussed the program. The following motion was made by Commissioner Fransway and passed unanimously:

*To adopt the resolution proclaiming the month of November as "National Home Care Month".*

*(Proclamation No. 11-26-12a)*

**PRESENTATION BY NEVADA STATE HEALTH DIVISION REGARDING SERVICES PROVIDED IN HUMBOLDT COUNTY INCLUDING BUT NOT LIMITED TO THE COMMUNITY HEALTH NURSING PROGRAM, ENVIRONMENTAL HEALTH AND THE MERGER BETWEEN MENTAL HEALTH AND PUBLIC HEALTH:**

Mary Wary, Deputy Administrator with the Nevada Health Administration, Lorje Savoie, Public Health Nurse and Cindy Ulch with Environmental Health Services appeared before the Board. Ms. Wary provided some documentation related to statistics in Humboldt County to the Board. Nurse Savoie reported on the statistics for the local community health clinic. Ms. Ulch discussed statistics related to the environmental health program. Ms. Wary discussed the STD/Tuberculosis program, mental health services, the merger between mental health and public health and revenue collection.

**LIQUOR BOARD REVIEW/APPROVAL OF THE CHANGE OF LICENSE FOR THE WATERHOLE #1 IN GOLCONDA:**

Sheriff Ed Kilgore appeared before the Board. Sheriff Kilgore as Chairman of the Liquor Board called the board to order at 2:06 p.m. Sheriff Kilgore reviewed the request for a liquor license for Michael Bewley for Mike's Waterhole in Golconda stating that the finger print verification from the FBI has not yet been received but that everything else was positive so he could see no reason to hold up the process. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve the liquor license.*

Sheriff Kilgore adjourned the liquor board at 2:08 p.m.

**PLANNING MATTERS:**

**REVIEW OF DRAFT FOR HUMBOLDT COUNTY CODE CHAPTER 17.58 AIRPORT**

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**COMPATIBLE LAND USE OVERLAY ZONING ORDINANCE:** Betty Lawrence, Senior Planning Technician for the Planning Department, City Manager Steve West, Regional Planning Commission (RPC) member Ray Olsen and Leon Franklin of the Airport Board appeared before the Commission. Mrs. Lawrence explained what has occurred in 2002 when the current ordinance was adopted without proper notification and the need to go through the process again; she noted some minor changes to the ordinance being proposed at this time and requested that the County Commission review the document and offer any suggestions prior to the hearing before the RPC due to the number of property owners that need to be notified. City Manager West discussed the need for an ordinance like this for assurances and grants. Discussion occurred regarding the matter and the Board directed that the item be placed on the December 10<sup>th</sup> agenda for the Board to provide input. Discussion occurred regarding the potential impact on a portion of Pershing County and the need for the District Attorney to follow up on that.

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

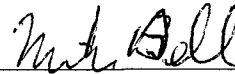
**ADJOURNMENT:** Chairman Bell adjourned the meeting at 2:30 p.m.

ATTESTED:



Clerk

APPROVED:



Chairman



**MEMORANDUM**

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**TO: COMMISSIONERS**  
**FROM: ADMINISTRATOR**  
**DATE: December 26, 2012**  
**SUBJECT: CONSENT AGENDA**

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

1. Adoption of Proclamation declaring January as National Radon Action Month in Humboldt County:  
Attached are the request and the Proclamation. You have adopted a similar proclamation the last several years

Recommendation: That the Commission adopt the attached proclamation.

HUMBOLDT COUNTY  
ADMINISTRATOR

To: Humboldt County Board of Commissioners  
 From: Ben Garrett, Roads Superintendent  
 Date: November 14, 2012  
 Subject: Mower Purchase

The Humboldt County Board of Commissioners approved the solicitation of quotes for the purpose of purchasing a Roadside Mower at the September 20, 2012 meeting. Several options were considered. The purchase of an agricultural style tractor with mower attachments proved to be the most versatile option. The mid-mount boom allows for the addition of a rear mounted rotary mower. Both mowers are necessary to meet the challenges of varied terrain and vegetation types within the Maintained Road System. The County currently has a rear mounted mower, which can be adapted to any tractor with a Class II 3 point hitch. All the side mowers require an auxiliary hydraulic system and pump.

The Road Department solicited quotes from all the known manufacturers of industrial mowers. All pricing includes installation on the tractor of our choosing; however the tractor will be bid separately. The know manufacturers are Diamond Mower, Alamo Mower and Tiger Mower.

**Quote #1: Diamond Mowers (factory direct)**

20' Mid-mount boom mower with 50" Rotary Mower and Rear Transport Cradle, Auxiliary Hydraulic System, Tractor Replacement Window, and Wheel Counterweights:	\$26,700
4 Function Joy Stick Hydraulic Controls:	\$ 7,000
Deck Rotator for Rotary Mower:	\$ 2,200
Hydraulic Oil Cooler for Auxiliary System:	\$ 1,300
Hydraulic Actuator at Boom Arm Pivot Point:	\$ 5,800
<b>Mower Total w/ Options:</b>	<b>\$43,000</b>
<b>Installation and Freight:</b>	<b>\$ 6,143</b>
<b>Grand Total:</b>	<b>\$49,143</b>

**Quote #2: Tiger Mower (Metroquip in Boise)**

22' Mid-mounted TIGER Boom Mower with 50" Rotary Mower Head, Transport Cradle, Auxiliary Hydraulic System, 4 Function Joy Stick Controls, Tractor Replacement Window, Auxiliary Hydraulic Cooler, Wheel Counterweights, One Way Transport and Installation:	<b>\$49,990</b>
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**Quote #3: Alamo Mower**

20' Versa Boom Mower Mid-mount with Joystick Controls:	\$43,402
50" Rotary Mower Head with Hydraulic System:	\$10,934
Installation:	\$ 7,115
Freight:	\$ 3,780
<b>Total:</b>	<b>\$65,231</b>

I would recommend the purchase of the Diamond Mower with all the options for \$49,143. The rotating deck and the Actuator are not offered by either Tiger or Alamo.