

Monday, January 7, 2013

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, January 7, 2013, 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, Garley Amos Jr. and Marlene Brissenden, District Attorney Michael Macdonald, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

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

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - NOVEMBER 26, 2012 AND

DECEMBER 10, 2012 REGULAR MEETINGS: Chairman Bell asked for corrections/additions for the minutes of November 26, 2012; none offered. The following motion was made by Commissioner Amos and passed with Chairman Bell and Commissioners French, Cassinelli and Amos voting aye and Commissioner Brissenden abstaining as she was not a member of the Board at the meeting:

To approve November 26, 2012 minutes.

Clerk Spero informed the Board that former Commissioner Fransway had contacted her and requested additional language for item 10 related to the update on the Winnemucca Mountain Hike/Bike Trail Project and the ending fund balance for that project. After discussion the following motion was made by Commissioner French and passed with Chairman Bell and Commissioners French, Cassinelli and Amos voting aye and Commissioner Brissenden abstaining as she was not a member of the Board at the meeting:

To approve the December 10th meeting minutes with corrections from Commissioner Fransway.

FIX THE TERM OF THE CHAIRMAN AND VICE-CHAIRMAN: Administrator Deist explained that Statute requires the terms of the Chairman and Vice-Chairman be fixed and the Commission has set the term at one (1) year in the past. The following motion was made by Commissioner Cassinelli and passed unanimously:

To fix the term at one year.

ELECTION OF CHAIRMAN: Commissioner Cassinelli nominated Commissioner French for the position of Chairman. The following motion was made by Commissioner Cassinelli:

To elect Commissioner French as Chairman for 2013.

As no further nominations were offered, Chairman Bell called Commissioner Cassinelli's motion to a vote and it passed unanimously.

ELECTION OF VICE-CHAIRMAN: Chairman Bell offered the following motion and it passed unanimously:

To elect as Vice-Chairman Dan Cassinelli.

Chairman Bell offered his appreciation to the Board related to his term as Chairman and welcomed Commissioner Brissenden to the Board and turned the meeting over to Chairman French.

ANNUAL SERVICE AWARDS PRESENTATION TO COUNTY OFFICIALS & EMPLOYEES: Chairman French

presented service awards to the following employees:

<u>30 YEAR PLAQUE</u> -	Juvenile	-	Sam Matheny
<u>25 YEAR PLAQUE</u> -	Building & Safety	-	Karen Johnson
	County Clerk	-	Laura Lecumberry (not present)
	Juvenile	-	Ed Sampson
<u>20 YEAR PLAQUE</u> -	Assessor	-	Jeff Johnson (not present)
<u>15 YEAR PLAQUE</u> -	Convention Center/	-	Tony Sanchez (not present)
	Fairgrounds	-	Ramon Vaca (not present)
	District Attorney	-	Nancy Jurad
	Juvenile	-	Tim Grady
			Colette Hansen
			Michele Scovil
	Road Department	-	Sonny Bengoa (not present)
	Sheriff's Office	-	Jacqueline Lynn (not present)
<u>10 YEAR PLAQUE</u> -	County Clerk	-	Jody Clark (not present)
	District Attorney	-	Sonia Ramirez
	Juvenile	-	Paula Bannon
	Road Department	-	Allen Armstrong (not present)
		-	Don Johnson (not present)
		-	Tricia Baker (not present)
		-	Darrin Quilici (not present)
	Sheriff's Office	-	Angel Cardenas (not present)
		-	Lincoln Fay (not present)
		-	David Milton
<u>5 YEAR CERTIFICATE</u> -	Building & Safety	-	Chris Bryant
	Buildings & Grounds	-	Enoc Gaitan (not present)
	Justice Court	-	Annette Petro
	Juvenile	-	Jennifer Mastin (not present)
	Public Defender	-	Matt Stermitz
		-	Maureen Macdonald
	Sheriff's Office	-	Don Darlington (not present)
		-	Curtiss Kull
		-	Damon Kuskie (not present)
		-	Kathleen Wagner (not present)
		-	Hellie Casey (not present)
		-	Phillip Smith
		-	Matthew Formby (not present)
		-	Edwin Kilgore

ADMINISTRATIVE REPORT:

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

1. Pre-Approval of overtime for Clerk's Office: A copy of the Clerk's request for pre-approval of 10 hours overtime for the Indigent Coordinator and 20 hours overtime for the Court Clerk was provided to the Board for review. It was noted that this request is made every 6 months by the Clerk. *Recommendation: That the Commission*

approves the request.

2. Adjustment to Humboldt County Tax Roll: Requests for parcel numbers 13-395-24/Dufurrena and 13-372-06/Baum were provided to the Board for review. *Recommendation: That the requests be approved as recommended by the Assessor and Treasurer.*

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

To approve the consent agenda as presented.

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 noted an upcoming training being presented by POOL/PACT related to the open meeting law, ethics and positive governance and upcoming meetings and dates of importance were noted for the Board.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES THEY SERVE ON: No reports offered.

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 as presented.

DETERMINATION OF COMMISSION ASSIGNMENTS FOR 2013: After discussion the following appointments/committee assignments were agreed upon:

Commissioner Jim French - Nevada Works Board, Nevada Association of County Officials (NACO) Board of Directors, Landfill Committee, alternate to the Humboldt River Basin Water Authority

Commissioner Dan Cassinelli - Winnemucca Convention and Visitors Authority, The Humboldt Foundation, Regional Transportation Commission, Board of Equalization and alternate to NACO Board of Directors.

Commissioner Garley Amos Jr. - Water Canyon Advisory Committee, Landfill Committee, Welfare & Indigent Services Committee, Humboldt River Basin Water Authority, Regional Transportation Commission and alternate to NACO Board of Directors.

Commissioner Mike Bell - Humboldt Development Authority, Local Emergency Planning Committee and alternate to NACO Board of Directors.

Commissioner Marlene Brissenden - Debt Management Commission, Hospital Board and alternate to NACO Board of Directors.

The Board as a whole serves as the Building Board of Appeals, Humboldt County Fire Protection District, Board of Health and Liquor Board.

Comptroller Sondra Schmidt was appointed to be the County's representative for POOL/PACT.

After review and discussion the following motion was made by Commissioner Bell and passed unanimously:

To approve the appointments as stated.

APPROVAL OF CABLE TELEVISION FRANCHISE TRANSFER/RENEWAL BY ADOPTION OF A JOINT RESOLUTION WITH THE CITY OF WINNEMUCCA:

A copy of the proposed joint resolution and a letter for City Attorney Kent Maher detailing the issue had been provided to the Board for review. Administrator Deist reviewed material provided to the Board related to the renewal of the local cable television franchise agreement with CalNeva Broadband LLC and recommended approval. The following motion was made by Commissioner Bell and passed unanimously:

To adopt the resolution as presented.

(Joint Resolution 2012-01)

NUISANCE COMPLAINTS:

SET TO PUBLIC HEARING - A nuisance complaint filed against Tomas Barajas and Hortencia Godinez at 3110

Artemisia Way: A copy of the nuisance complaint filed by Lisa Robertson and other area residents and copies of investigation reports provided by the Building & Safety Department, Winnemucca Rural Fire Department and the Humboldt County Sheriff's Office were provided to the Board for review. Chairman French read the title of the item to be set to public hearing. The following motion was made by Commissioner Bell and passed unanimously:

To set to public hearing a nuisance complaint filed against Tomas Barajas and Hortencia Godinez.

It was noted that the public hearing would occur at the Commissioners' January 22nd meeting.

CONTINUED HEARING ON NUISANCE COMPLAINT FILED AGAINST PROPERTY BELONGING TO RICHARD AND YVONNE LEADER. THE PROPERTY IS LOCATED AT 8655 HUNT AVENUE WINNEMUCCA, NV. APN #010-723-17:

A copy of the nuisance complaint filed by Lee Rogers along with associated paperwork and a copy of a memo from Communications Director Paul Burkholder were provided to the Board for review. Administrator Deist noted that this is a continued hearing from a prior meeting and that the report requested at that meeting had been received from Director Burkholder. Communications Director Paul Burkholder appeared before the Board and discussed the interference. Commissioner Bell commented on the fact that the frequency in question was unlicensed which tends to create interference and that he tends to agree with the comments made by Director Burkholder in his report and questions how the Commission can make a nuisance determination based on the information presented; he discussed his understanding of the issue and offered suggestions for how the residents could deal with those issues amongst themselves. Commissioner Cassinelli agreed that he wants to stay away from declaring a nuisance as well.

Complainant Rogers addressed the Board regarding his plan for a solution to the problem that he had submitted to the Board for consideration as well as his belief that the omni directional antennas are the nuisance and that the Commission should address the use of those. Discussion occurred regarding the changes done by the Leaders to the equipment used, that Mr. Sealy had obtained a county business license, Mr. Roger's claims that there is still interference and his preference that they remove the omni device and go point to point, that the usage of an unlicensed frequency is not violating FCC Rules and is not illegal, the ability of Mr. Rogers to take his complaint to the FCC or the Attorney General and the Commission's belief that the County does not have jurisdiction to address the problem. Mr. Roger commented that he had provided information to the District Attorney regarding claims of unfair business practices. Commissioner Cassinelli suggested that Mr. Rogers contact the Attorney General regarding the claims. Mr. Rogers offered the opinion that the County would need to create a tower plan sooner or later. Commissioner Bell stated his understanding as to the problem but noted that from the Commissioners' perspective the decision must be defensible and at this point there is nothing to stand on. Chairman French stated that the issue is that the County doesn't have jurisdictional authority to address the problem. District Attorney Macdonald commented on the ability of the County to enact an ordinance addressing something that is lawful under the FCC's regulations. Discussion occurred regarding submission of a Bill Draft Request to the Legislature related to the issue. After discussion the following motion was made by Commissioner Bell and passed unanimously:

That the Commission is unable to declare a public nuisance on Assessor's parcel number 010-423-17.

APPROVAL OF AMENDMENTS TO THE HUMBOLDT COUNTY PERSONNEL POLICIES: Administrator Deist commented on the changes being proposed. Chairman French noted that as the County's website had been down he had been unable to download the amendments and review them; he asked that the item be tabled until the next meeting to give the Board time to review the changes and commented on the need to discuss the availability of Commission packet materials when the website is not available. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To table this matter until the next meeting.

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

APPROVAL OF DISPOSAL OF SURPLUS EQUIPMENT: A listing of items proposed to be disposed of was provided to the Board for review (see attached). Superintendent Garrett reviewed the list for the Board noting that the senior van is going to be kept for a while as a back up to the book mobile. Commissioner Bell asked that the Hospital be contacted to see if they would be interested in obtaining the travel trailers; he offered to contact Pat Songer regarding the issue. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To approve the auction of equipment as listed but before proceeding check with the hospital and if they want the trailers remove them.

DISCUSSION WITH THE NEVADA DEPARTMENT OF TRANSPORTATION REGARDING SPEEDING ON MAIN STREET IN PARADISE VALLEY:

Paradise Valley resident Kevin Kern, Nevada Department of Transportation (NDOT) Assistant District 3 Engineer Dave Lindeman and NDOT District 3 Engineer Joe Ramirez appeared before the Board. Chairman French asked why the speed limit survey that had been discussed had not been done. Mr. Ramirez responded and explained the traffic investigation that had occurred at the site, the possibility that a speed survey could result in an increase in the speed limit and that there are sufficient signs at the location; he discussed a meeting that had occurred in Paradise Valley with the community group. Mrs. Kern commented on the meeting and her suggestions for changes in the type/language of the signs posted. Mr. Ramirez stated NDOT's opinion that this is an enforcement issue. Commissioner Cassinelli noted that the Sheriff's Office has been out in the area. Mrs. Kern suggested that another 25 mph sign be posted going out of town. Discussion occurred regarding parking a Sheriff's Office vehicle in the area as a warning, that the problem is an enforcement issue, the issues which could occur with a speed study and the need to discuss the matter with the Sheriff and the Nevada Highway Patrol. Chairman French suggested that the County contact NHP and request additional coverage in the area be included in their schedule. Administrator Deist stated that he would discuss the matter with the Sheriff.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported that the primary focus recently had been on snow removal; he discussed a pre-construction meeting related to the Paradise Valley Weed District building. Commissioner Cassinelli inquired if the planned site for the building was within the sewer district as he had heard it was not. Superintendent Garrett stated his belief that it was within the district. Paradise Valley Sewer District Board member Kevin Kern concurred from the audience.

MISCELLANEOUS ROAD RELATED MATTERS: None offered.

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

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

PUBLIC HEARING ON RH-12-14: A zone change application submitted by Michelle Borchert for Washoe Fuel Inc., to change the zoning from C (Commercial District) to M - 1 (Industrial District). Subject property is located at 4135 W. Winnemucca Boulevard; APN #013-042-29:

Provided to the Board for review was a copy of the Notice of Public Hearing, a copy of the Planning Department Staff Report recommending approval and a copy of a map of the area. Mrs. Lawrence reviewed the application for the Board and recommended approval. Chairman French asked if there had been any opposition. Mrs. Lawrence responded that there had not been any opposition. Chairman French asked for public comment. None offered. Chairman French asked for questions/comments from the Board. None offered. The following motion was made by Commissioner Bell and passed unanimously:

To approve the zone change application submitted by Michelle Borchert of Washoe Fuel Inc. changing

zoning from C to M - 1.

(Ordinance 01-07-13)

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

APPOINTMENT OF LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) BOARD MEMBERS:

Humboldt County Emergency Response Coordinator Andy Murdock appeared before the Board. Sheriff Kilgore commented on the need for the appointments and the appointment of Andy Murdock as the Coordinator. A list of the current appointees and requested appointments was provided to the Board for review. Current appointees as follows: Elected Officials - Winnemucca City Councilman Doug Cain, Humboldt County Sheriff/LEPC Director Ed Kilgore, Law Enforcement representatives - Winnemucca Police Chief Eric Silva, Humboldt County School District Resource Officer Jeff Dawson, Utilities - Donald W. Hogue, Mining representative - Bill Swindle, Media representative - Rodd William Stowell of KRNA Radio, Local Environment representative - Humboldt County Building Inspector Bobby Thomas.

New appointees as follows: Elected Officials - County Commissioner Mike Bell, Law Enforcement representatives - Lt. Tom Ames, Nevada Highway Patrol, Medical/Haz-Mat representative - Pat Songer, Medical representative - Lori Savoie, Community Health Nurse, Fire Department representatives - Alan Olson, City of Winnemucca Fire Department Chief, Humboldt County Rural Fire Department Chief Ron Schrempp (also the Ag/Chemical representative), Transportation representative - County Road Superintendent Ben Garrett, Disaster Services representative - Stan Rorex, American Red Cross/Civil Air Patrol.

Unfiled appointments include - Transportation representative for the State of Nevada Department of Transportation and Union Pacific Rail Road, Media representative for Humboldt Sun and Chemical Producers representative from Cyanco.

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

To adopt the list as presented including himself for the LEPC Board.

LIQUOR BOARD - Review/approval of change of licensee for the Pilot Travel Center: Sheriff Kilgore called the Humboldt County Liquor Board to order at 1:52 p.m. Sheriff Kilgore reviewed the application for a liquor license for Carlos Morales as manager of the Pilot Travel Center and recommended approval of the license change. The following motion was made by Commissioner Cassinelli and passed unanimously:

To grant a liquor license to Carlos Morales with the Pilot Travel Center.

Sheriff Kilgore adjourned the Liquor Board meeting at 1:54 p.m.

RETREAT PLANNING: Administrator Deist commented on the retreats held in the past and asked if the Commission wished to hold one this year and if so when and where that would occur. After discussion the Board agreed to hold the retreat on Monday, January 28th at the Extension building meeting room at the Events Complex. Administrator Deist stated that he would check on the availability of the room. Discussion occurred regarding items to be on the agenda.

Chairman French asked for planning issues including discussion related to MAR and M - 3 zoning and subdivision issues with large parcel maps and notification as to access. Commissioner Brissenden asked about developing an organizational chart and having in on the County's website as is done in other Counties. Administrator Deist stated that there is an organizational chart and he would look into having it placed on the County's website. Chairman French asked that an item related to budget development be included also. Administrator Deist noted that a final retreat direction item would be brought forward at the January 22nd meeting.

BOARD APPOINTMENTS:

FIRE DISTRICTS:

PARADISE VALLEY FIRE DISTRICT: A request for appointment had been received from Daniel Ferraro. The following motion was made by Commissioner Cassinelli and passed unanimously:

To appoint Daniel Ferraro to the Paradise Valley Fire District to Dennis Deputy's seat.

PUEBLO FIRE DISTRICT: A request for re-appointment had been received from Hank Dufurrena. The following motion was made by Commissioner Amos and passed unanimously:

To re-appoint Hank Dufurrena to Pueblo Fire District.

Administrator Deist noted that no requests for appointment had been received for the Denio Television District Board and that a request may be made to the Commission to dissolve the Board.

GOLCONDA WATER DISTRICT BOARD: Requests for re-appointment had been received from Valerie Whitehead, Hope Harbach, Jewell Hayden and Frank Tinoco and a request for appointment had been received from Cliff Hayden III. The following motion was made by Commissioner Bell and passed unanimously:

To re-appoint Valerie Whitehead, Hope Harbach, Jewell Hayden and Frank Tinoco and to appoint Cliff Hayden III.

WINNEMUCCA CONVENTION & VISITORS AUTHORITY (WCVA): Requests for reappointment to the WCVA had been received Terry Boyle, Don Stoker and Rodd William Stowell. The following motion was made by Commissioner Amos and passed unanimously:

To re-appoint Terry Boyle, Don Stoker and Rodd Stowell to the WCVA Board.

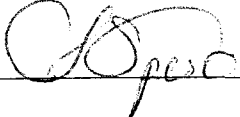
BOARD OF EQUALIZATION: Administrator Deist informed the Board that a letter of resignation had been received from Terry Miller for his position on the Board of Equalization and that Jim Bidart had applied for appointment to fill out that term. The following motion was made by Commissioner Amos and passed unanimously:

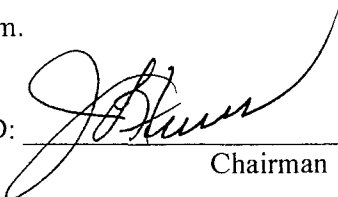
To appoint Jim Bidart for the remainder of the term of Terry Miller for the Board of Equalization.

PUBLIC COMMENTS: Chairman French asked for public comments. Matt Zietlow, Environmental Manager, and Marigold Mine appeared before the Board to discuss Marigold Mine's expansion project and to request a letter of support. Discussion occurred regarding the project and Mr. Zietlow offered to come back to a future meeting and make a formal

presentation. The Board concurred with the suggestion. Chairman French asked for further public comment. None offered.

ADJOURNMENT: Chairman French adjourned the meeting at 2:31 p.m.

ATTESTED:  Clerk

APPROVED:  Chairman

CONFIDENTIAL

MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: January 3, 2013
SUBJECT: CONSENT AGENDA

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

1. Pre-approval of overtime Clerk's Office: Attached is the request from the Clerk regarding the Indigent Coordinator and the Court Clerk.

Recommendation: That the Commission approve the request.

2. Adjustment to Humboldt County Tax Role: Attached is the request.

Recommendation: that the request be approved as recommended by the Assessor and Treasurer.

MEMORANDUM

TO: COUNTY COMMISSIONERS

FROM: COUNTY ADMINISTRATOR

DATE: December 6, 2012

SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS

OTHER INFORMATION:

1. Training: On January 23, 2013 at 3:00 p.m. in our meeting room Wayne Carlson will be presenting training related to open meeting law, ethics, and positive governance. This is a joint training between the School District, City of Winemucca, and the County. I would strongly encourage each of you to attend this training. We have not had this for an extended period of time and I feel it would be beneficial for all of us to attend. I will be asking for a commitment at the meeting so we can let Wayne know how many will be there.

UPCOMING MEETINGS:

- | | |
|---------------------|-------------------------------------|
| 1. January 8, 2013 | Newmont Breakfast |
| 2. January 9, 2013 | Management Team |
| 3. January 10, 2013 | NACO Public Lands |
| 4. January 11, 2013 | NACO Legislative |
| 5. January 16, 2013 | Negotiations with HCLEA (tentative) |
| 6. January 21, 2013 | County Holiday |
| 7. January 22, 2013 | Commission and Landfill |

Items to be put up for Auction/Humboldt County

Unit #	Year	Make	Model	Vin #	Mileage	Lic #	Department
13	1990	Chevy	C 1500	1GCDC14Z2LE261404	110580	25955	Building & Grounds
HA41	1999	Ford	Bus	1FDSE30L0XHA66352		48552	Senior Citizens
72	1997	Chevy	C 3500	1GCGC34F0VZ145418	160722	15015	Fairgrounds
74	1994	GMC	K 3500	1GTHK314F9RE510635	162294	28642	Fairgrounds
103	1994	Chevy	S10 Blazer	1GNDT13W4R2175147	190919	29140	Road Dept
106	1993	Chevy	S10 Blazer	1GNDT13WXP2144062	123000		Road Dept
157	1983	Kenworth	W900	1XKWD89X8DS311958	515740	14987	Road Dept
278	1975	Ferree	Trailer	755515		41941	Road Dept
287	1999	Nomad	19' Trailer	1SN200J2XX8000586		18153	Road Dept
288	1999	Nomad	19' Trailer	1SN200J24X8000583		15003	Road Dept
290	1999	Nomad	19' Trailer	1SN200J22X8000579		27158	Road Dept
298	1997	Noman	26' Trailer	1SN200M24VB000768		24275	Road Dept
302	1988	J Deere	610 C	T0610CG740221	302	48593	Road Dept
383	1994	Tiger	6640 Mower	BD53308	2366	28752	Road Dept
405	2001	Ford	Expedition	1FMPU16L21LA53630	213711	39508	Sheriff's Dept
409	1999	GMC	Yukon	1GKEK13R1XR516054	207449	36717	Sheriff's Dept
412	2003	Ford	Expedition	1FMPU16L13LB32273	178814	48550	Sheriff's Dept
424	2002	Ford	Expedition	1FMPU16L22LA40264	180843	42168	Sheriff's Dept
426	1997	Ford	F 250	1FDHF26H9VEB26499	193781		Sheriff's Dept
427	1991	Chevy	Caprice	1G1BL5173KR173916	144614	26600	Sheriff's Dept
511	1994	GMC	Jimmy	1GKDT13W5R0512711	152617	24940	Juvenile Dept
Pershing	1998	Ford	Taurus	1MEFM50U4XG603936			Juvenile Dept