

Monday, September 16, 2013

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, September 16, 2013 at 9:30 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Jim French, Commissioners Dan Cassinelli, Garley Amos Jr., Mike Bell and Marlene Brissenden, District Attorney Michael Macdonald, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

PUBLIC COMMENTS: Chairman French asked for public comments. Robert E. Dolan appeared before the Board and noted for the Board that the amendment to Humboldt County Code 13.12.280 that had been approved by the voters at the General Election in November of 2010 had not yet been effectively codified into the printed Code and he urged the Commission to update the Code to reflect the change. Administrator Deist stated that the codification is being worked on by the District Attorney. District Attorney Macdonald noted that ultimately the code will be on the County's website.

Tom Brissenden, Chairman of the Board of Directors for the Senior Center appeared before the Commission and reported on the upgrade to the kitchen/dining area at the Senior Center facility and requested that the County waive the fire code review fee. Administrator Deist indicated that he would put the request on a future agenda for discussion and possible action.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - AUGUST 19, 2013 REGULAR MEETING AND THE SEPTEMBER 3, 2013 REGULAR MEETING: Chairman French asked for corrections/additions for the minutes of August 19, 2013; none offered. The following motion was made by Commissioner Brissenden and passed unanimously:

To accept the minutes as approved for August 19, 2013.

No minutes were presented for discussion/approval for the September 3, 2013 regular meeting.

ADMINISTRATIVE REPORT:

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

1. Request for refund of Television/Radio Assessment: Copies of requests from Clifton and House were provided to the Board for review. *Recommendation: That the Commission approve the request.*
2. Approval of renewal of agreement with the State of Nevada regarding the Deferred Compensation Program: A copy of the agreement which had been originally signed in 2010 was provided for review. *Recommendation: That the Commission authorize the Chairman to sign the*

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attached agreement.

3. Renewal of Lease with Union Pacific Railroad for Communication site on Winnemucca Mountain: A copy of the current lease that is being requested to be renewed was provided to the Board for review. *That the Commission authorize renewal of the lease and the Chairman's signature on said lease.*
4. Approval of Amendment #1 to Interlocal Contract for County Match: A copy of the amendment was provided to the Board for review. *Recommendation: That the Commission authorizes the Chairman to sign the amendment.*

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

To approve the consent agenda as presented by staff.

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

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

MISCELLANEOUS REPORTS AND CORRESPONDENCE:

OTHER INFORMATION AND UPCOMING MEETINGS: No information offered.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner Brissenden reported on the Red Cross Real Heroes banquet and the NACO conference that she had attended. Chairman French discussed the recent NACO Conference.

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

To approve the claims for expenditures.

AUTHORIZATION TO RETAIN SERVICES OF A SURVEYOR AND APPRAISER TO POTENTIALLY OBTAIN LAND NEXT TO THE TRAP RANGE: Administrator Deist noted that a

letter had been received from Chris Miller back in May regarding his property, which abuts the trap range out on east 2nd Street, which had expressed concerns about a possible trespass on the property. Administrator Deist informed the Board that he and the District Attorney had been meeting with Mr. Miller and/or his attorney since that time. District Attorney Macdonald explained to the Board that Mr. Miller's issue is with the shot fall from the range which encroaches onto his property as well as issues with the roads in the area; he stated that the Miller's position is that they would like the County or the trap club to pay for any appraiser and/or surveyor that is needed to rectify the problems and that discussions

have occurred regarding the County either purchasing or leasing additional land for the range. District Attorney Macdonald noted issues with leasing as opposed to purchasing the property by the County but explained that either leasing or purchasing of property by the County would require an appraiser; he informed the Board that he had asked members of the trap club to determine the maximum distance for the shot fall area as well as the proper safe zone/buffer distance for the area and he contemplates discussing those distances with the Millers prior to bringing an appraiser in so the boundaries being discussed are clear. It was noted that the trap club's lease with the County is coming due this year. Chairman French asked if there has been a formal survey marking the corners of the property. District Attorney Macdonald stated that there has not been a formal survey. Chairman French asked when the trap club would be doing the study. District Attorney Macdonald responded that it is currently being worked on. Chairman French asked if the trap club intends to renew their lease on the present location. District Attorney Macdonald stated that he believed so. Commissioner Bell asked if there was an estimate of how much land is needed. District Attorney Macdonald stated that the indication from the Millers is that they do not want to sell the County any more property than needed and a rough estimate would be 10 to 15 acres. Administrator Deist indicated that would be the reason for this request so an appraiser and surveyor can be obtained to help determine the size and costs. Chairman French asked about the Millers' claim in their letter about a County gravel pit encroaching on the property. District Attorney Macdonald explained that would be another reason for the survey though it does not appear the pit activity has encroached but there may be surface disturbance. Administrator Deist stated that if there is disturbance that it was not done by the County. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To provide a surveyor and appraiser to check on the property next to the trap range.

REVIEW AND POSSIBLE APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE BLM REGARDING THE DEVELOPMENT OF THE ENVIRONMENTAL ASSESSMENT (EA) FOR THE PROPOSED KINGS RIVER VALLEY CLAY MINE PROJECT:

Provided to the Board for review was a letter from Derek Messmer Field Manager Humboldt River Field Office of the BLM and a copy of the proposed Cooperating Agency Memorandum of Understanding for Development of the Western Lithium Corporation-Kings Valley Clay Mine Project Environmental Assessment between Winnemucca District Office, Humboldt River Field Office Bureau of Land Management, United States Department of Interior and Humboldt County. Administrator Deist referred the Board to the letter and the proposed MOU. The Board agreed that they wanted cooperating status. The following motion was made

by Commissioner Bell and passed unanimously:

To approve the MOU with the BLM regarding the development of the EA for the Kings River Valley Clay Mine Project.

REVIEW AND POSSIBLE APPROVAL OF LEASE OF COUNTY PROPERTY TO RUBY

RADIO OF HUMBOLDT COUNTY: Provided to the Board for review was a letter from Ruby Radio of Humboldt County, LLC regarding an offer to lease county owned property on Winnemucca Mountain and including photos and an aerial view of the proposed site and a copy of an e-mail from Ric Grantham of the Communications Department offering some suggestions for items to be added to the lease agreement. Ken Sutherland President/CEO of Ruby Radio Corporation appeared before the Board and spoke in support of his official request to enter into a long term lease on 1.66 acres of undeveloped land on Winnemucca Mountain to use for the development of a radio tower site for the FM station(s) owned by Ruby Radio Corporation and for the ability to expand the new tower site at a later date to accommodate future tenants. Chairman French referred to the e-mail from Mr. Grantham and his concern related to the side of land being leased; he asked Mr. Sutherland to explain that part of the request. Mr. Sutherland explained that one of plans for the future is to expand into a commercial tower site and the amount of land requested is what would be needed for that; he discussed what would occur with that type of site including the need for filtering. Administrator Deist suggested that the filtering requirements should be included in any lease. Mr. Sutherland concurred. District Attorney Macdonald stated that he did not have sufficient information at this point to determine the process for the County to lease this property so today's purpose was just to determine what the Board's pleasure is with this type of proposal so he would know whether to pursue the necessary research. Discussion occurred regarding the amount of land being requested, what the fee would be for the lease, the length of the lease and the concerns about the amount of acreage. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

To move forward with getting the details of this lease together and then to bring it back before the Board for discussion.

UPDATE FROM NEVADA RURAL HOUSING AUTHORITY ON THEIR HOME AT LAST

AND OTHER NRHA PROGRAMS: D. Gary Longaker, Executive Director, Nevada Rural Housing Authority and Eddie Hult, Real Estate Director of NRHA appeared before the Board. Handouts related to Nevada Rural Housing Authority were provided to the Board for review. Mr. Longaker addressed the Board and explained what NRHA provides to the community including studies, programs and projects.

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Discussion occurred regarding the housing study done by NRHA.

MCDERMITT FIRE PROTECTION DISTRICT: Gary Wilson McDermitt Fire District Board member appeared before the Board.

REPAYMENT PLAN FOR THE LOAN FROM COUNTY DUE DECEMBER 2013: Mr. Wilson addressed the Board and explained what the amount of the loan had been, what has been spent and how much had been accrued for use to pay back the loan; he indicated that he believes there will be a \$6,000.00 shortfall as to the amount that is due to the County in December. Administrator Deist explained that the issue is that the loan was done as an interfund loan and by law that type of loan must be paid back within a year; he suggested that the easiest way to deal with the issue is to convert the loan to a grant. Discussion occurred between the Chairman and the District Attorney as to whether that was the only option available. Chairman French asked that this item be placed on a future agenda by the December 6th meeting so that any avenues available may be explored.

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

SAVAGE DRIVE ACCESS ISSUES: Provided to the Board for review was a map depicting the right-of-ways and road ways for the roads being discussed and a memo from Superintendent Garrett detailing the Savage Drive area road construction cost estimate. Savage Drive residents Ron Moser, Victoria Dupuis and Deborah Neilson appeared before the Board. Superintendent Garrett reviewed the memo provided noting that he had evaluated several different options and routes including right-of-ways and access permits as to Route #1 - Western Horizon Drive to State Route 290, Route #2 - Sage Brush Drive to Winchester Drive to Godchaux Drive to State Route 290, Route #3 - Savage Drive to Mountain View Drive, Route #4 - Western Horizon Drive to Paradise Ranchos Drive to US 95 and offering a cost estimate for Route #2 of \$63,721.20 as that appears to be the most viable of the options. Discussion occurred regarding the right-of-ways and those that would require acquisition on the different routes as well as the benefits of the proposed route #2 as opposed to the other options and the negatives of the proposed route. Mr. Moser & Ms. Dupuis spoke in support of Route #1 due to the sub-compactness, the distance/time of travel to US 95 and the impact on the community. Mr. Moser explained what has already occurred as to the proposed Route #1 and stated that the community would make do with what they have in order for that route to be put in and put in right. Mrs. Neilson stated that the community believes that the Western Horizon route would be the best long term benefit to the community. Chairman French noted the need to secure the right-of-way from Nevada First Corporation for a portion of that route. Superintendent Garrett commented that route #1 would be more expensive to build. Discussion occurred

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regarding the proposal. Superintendent Garrett noted that the cost of the project would require a bid process, that the amount he had set forth was only an estimate and that something that needs to be considered is that there are many more situations like this in the County. Commissioner Cassinelli asked if the plan was for the County to pick of the cost of this proposal or if the residents would. Mrs. Neilson responded that the residents do not believe that the burden should fall on them as when the area was developed the developer did not follow through and that when they had purchased the properties they had access. Mr. Moser noted that there were street signs and addresses assigned. Ms. Dupuis noted that there are a number of residents in the area who have been paying their county taxes and that they have never asked the County to maintain a single road, they have handled it themselves for many years. Commissioner Amos noted that they are not County roads and that the County does not maintain non-county roads. Discussion occurred regarding the number of residents/residences in the area and the continuing growth. Administrator Deist noted that while there is no doubt that the residents in the area have paid property taxes; there are no property taxes that go to the Road Department. Chairman French concurred but noted that there is an expectation that County services will be provided. Chairman French asked that if the County chose to move forward on either proposal, when would be the soonest work could begin on the project. Superintendent Garrett stated mid to late November would be the very earliest; he commented on the occupancy level in the area noting that it does not meet the 60% requirement currently identified in the County Maintained Road requirements. Discussion occurred regarding the occupancy requirement. Chairman French commented that it appeared option one is the preferred choice by the residents in the area and that the issues with that option include the increased cost and the need to obtain right-of-ways. Mr. Moser concurred and said that the residents would be willing to wait and could begin doing some of the work needed in the mean time as they are willing to help, they just cannot do this on their own. Chairman French asked Gary Bengochea whether there would be any issues with obtaining those right-of-ways. Mr. Bengochea responded (from the audience) that he has to wait until the sale of Nevada First Corporation closes and that may be 3 to 5 months. Commissioner Cassinelli noted that they could not begin working on the road until the County has obtained the right-of-ways. Mrs. Neilson asked if they could begin on the areas where the County has the right-of-way. Chairman French pointed out the risks if NFC does not grant the right-of-way on that portion of the road discussed. Superintendent Garrett noted language in County Code relative to private property owners maintaining roads for their own access. Discussion occurred regarding the ability to get started on the project. Chairman French commented on the ability to abate some of the costs to the taxpayers by

allowing the residents to get a jump start on the 30 foot right-of-way and the request to NFC to move forward with the 30 foot right-of-way easement grant. Commissioner Cassinelli suggested that the 30 foot is sufficient to get in and out on so that might work and then the residents would be doing the work. Mr. Bengochea commented from the audience about contacting the buyer to discuss the possibility of getting a guarantee that the right-of-way will be granted. Chairman French stated that it appears that the property owners/residents are willing to move forward with upgrades with the understanding that if the request for right-of-way falls through that other options will need to be looked at and the County will move forward with the request to obtain the right-of-way from NFC. After discussion related to just using the 30 foot right-of-way and the access point to 290 rather than pursuing further improvements, Mr. Bengochea commented (from the audience) that the same issue exists with the access to 290, that it is permitted as a private driveway for the purpose of moving cattle not a roadway. Administrator Deist noted that would be a legitimate concern and suggested that NDOT be contacted regarding the matter before the residents proceed. Superintendent Garrett stated that he has discussed the issue with NDOT. Ms. Dupuis commented that as a community the residents want to help as much as they can but they cannot afford to build a full fledged good quality road from scratch, that their proposal is that the residents will get started on brush clearing and filling in dirt but they are still looking to the County for help to build the road. Chairman French agreed but stated that there are still questions to be answered. Mr. Bengochea commented from the audience that the County should work on acquiring the necessary easements from the BLM now. Chairman French stated that the County would make contact when the right-of-way was in place. Administrator Deist stated that he would let Mr. Moser know via e-mail once the permit and right-of-way issues are accomplished and once legal has been checked with. Discussion occurred regarding making sure that access can occur on 290 and about making a formal request to the BLM for an easement for Browning.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett report on the chip seal project, the work done with Hycroft out on Jungo past the tracks as well as the County's work on Jungo, the planned test for an alternative to mag chloride that will be done on Jungo, flood damage repair on various County roads, preparations on roads used for the potato harvest and road grading. Discussion occurred regarding the condition of Jungo Road.

MISCELLANEOUS ROAD RELATED MATTERS: None offered.

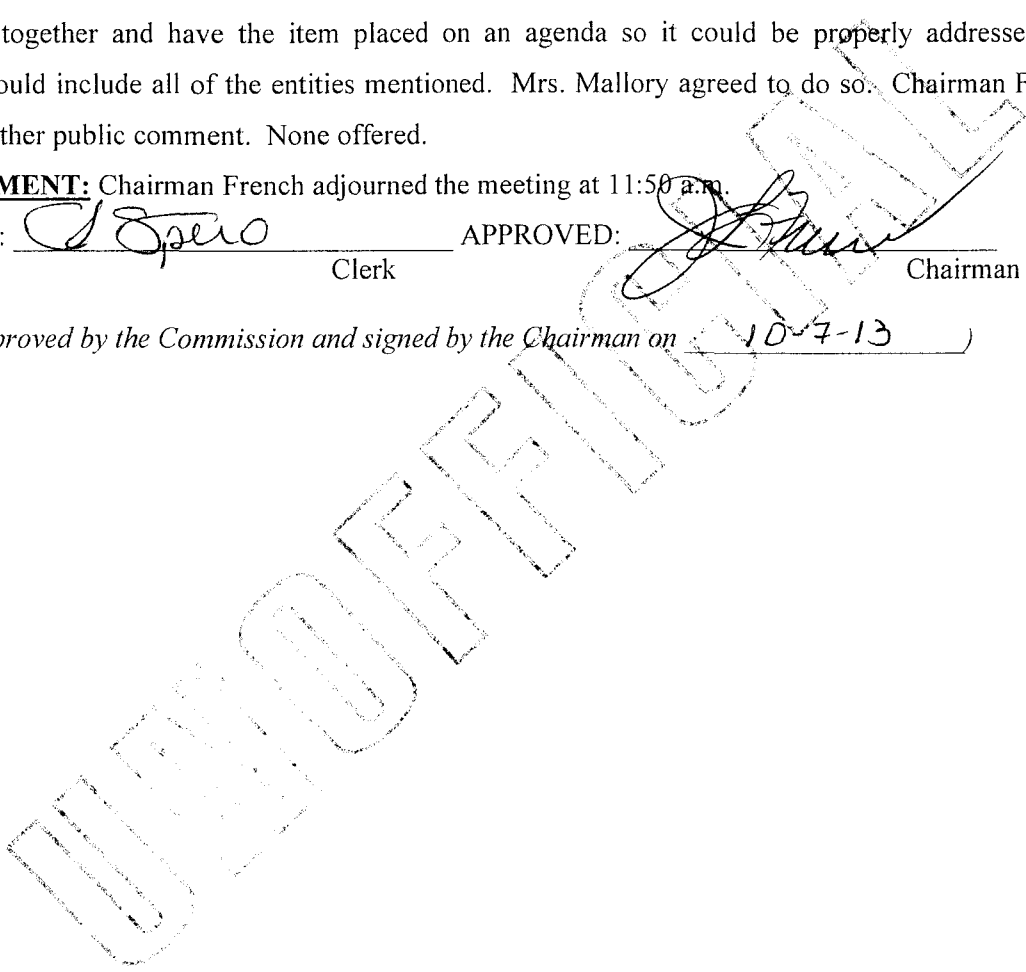
PUBLIC COMMENT: Chairman French asked for public comment. Cleve & Delores Mallory appeared before the Board and commented on the Mayhew Road project being done by the County in the Delaney

subdivision and explained why it would not benefit the residents of the area; they spoke in support of the County putting Bruce Drive back in and bringing it up to County standards as well as getting the approach to US 95 for Bruce Drive re-opened. Chairman French suggested that the Mallory's get the information together and have the item placed on an agenda so it could be properly addressed and discussion could include all of the entities mentioned. Mrs. Mallory agreed to do so. Chairman French asked for further public comment. None offered.

ADJOURNMENT: Chairman French adjourned the meeting at 11:50 a.m.

ATTESTED: *[Signature]* Clerk APPROVED: *[Signature]* Chairman

(Minutes approved by the Commission and signed by the Chairman on 10-7-13)



MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: September 9, 2013
SUBJECT: CONSENT AGENDA

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

1. Request for refund of Television/Radio Assessment: Attached are two requests for your review.

Recommendation: That the Commission approve the request.

2. Approval of renewal of agreement with the State of Nevada regarding the Deferred Compensation Program: This is a renewal of an agreement signed in 2010 and is attached.

Recommendation: That the Commission authorize the Chairman to sign the attached agreement.

3. Renewal of Lease with Union Pacific Railroad for Communication site on Winnemucca Mountain: Attached is the current lease they are asking to renew.

Recommendation: That the Commission authorize renewal of the lease and the Chairman's signature on said lease.

4. Approval of Amendment #1 to Interlocal Contract for County Match: This is the county match program with the state and s attached.

Recommendation: That the Commission authorizes the Chairman to sign the amendment