

Monday, May 5, 2014

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, May 5, 2014 at 10:00 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Dan Cassinelli, Commissioners Garley Amos Jr., Mike Bell, Jim French and Marlene Brissenden, District Attorney Michael Macdonald, Administrative Assistant Brenda Willey and Clerk of the Board Tami Rae Spero. Administrator Bill Deist appeared via teleconference.

PUBLIC COMMENTS: Chairman Cassinelli asked for public comments. Comptroller Sondra Schmidt reviewed information received from the State related to the revised numbers for Net Proceeds for 2014-2015 which shows a significant reduction in the amount to be received. Discussion occurred regarding the issue. Chairman Cassinelli asked for additional public comments. District Attorney Macdonald introduced Gabrielle Carr, a new Deputy in his Office.

DISCUSSION & ACTION ON CORRECTION APPROVAL OF MINUTES - APRIL 21, 2014 REGULAR MEETING MINUTES AND MARCH 24, 2014 BUDGET HEARING MINUTES: No minutes submitted for action.

ADMINISTRATIVE REPORT:

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

1. Appointment to the Paradise Valley Sonoma Conservation District Board: Provided to the Board was a letter from Frankie R. Peterson, Secretary for the PVSCD informing the Commission that per NRS 548.283 the County Commission is allowed a representative on the District Board who would have voting privileges. Discussion occurred regarding whether Chairman Cassinelli or Commissioner Brissenden should be appointed. After discussion the following motion was made by Commissioner Amos:

To appoint Commissioner Brissenden to the Paradise Valley Sonoma Conservation District Board.

Commissioner Bell questioned whether the item was being pulled down out of the consent agenda or whether the motion should wait until all items were presented. Chairman Cassinelli stated that item one was being pulled off the consent agenda and called Commissioner Amos motion to a vote. Said motion passed unanimously.

2. Appointment to the Paradise Valley Weed Board: Provided to the Board for review was a letter requesting appointment to the Paradise Valley Weed Board from Maxl Willis.

3. Approval of Agreement between Humboldt County and Washoe Legal Services: Provided to the Board

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for review was a copy of the proposed agreement for provision of legal services.

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

To approve the consent agenda.

SOLID WASTE MATTERS: Administrative Assistant Willey stated that she 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: Administrative Assistant Willey stated that she had nothing on this item.

MISCELLANEOUS REPORTS AND CORRESPONDENCE:

OTHER INFORMATION AND UPCOMING MEETINGS: Administrative Assistant Willey stated that she had nothing on this item.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES THEY SERVE ON:

Commissioner Brissenden reported on the Hospital Board meeting and asked the District Attorney about the status of the ballot questions related to the membership of the Hospital Board. District Attorney Macdonald reviewed the status noting that the draft language should be presented at one of the next two meetings. Commissioner French reported on his attendance at the Nevada Association of County Officials Board of Directors meeting including the progress of the Public Lands Task Force. Discussion occurred regarding the process including the need for a public hearing.

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

To approve the expenditures.

REQUEST FOR CONTRIBUTION OF \$5,000 TO OFFSET EXPENSES FOR THE SILVER

STATE INTERNATIONAL RODEO: No one appeared to discuss this item. Administrative Assistant Willey noted that the Commissions' contribution line item was over budget. Administrator Deist commented that the line item being over budget was not unusual and would not be an issue; he noted that the amount provided in the prior year for this event was \$5,000.00. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To support the event.

SET TO PUBLIC HEARING - A resolution renewing to Southwest Gas Corporation, its successors and assigns, the right , privilege and franchise to construct, maintain and operate upon, over, along, across and under the public roads in certain portions of Humboldt County, Nevada, pipes, pipelines and a natural gas distribution system together with all necessary or desirable appurtenances, for

the purpose of supplying natural gas to said County, its successors, the inhabitants thereof, and persons and corporations, prescribing certain rights, duties, terms and conditions in response thereto: Chairman Cassinelli read the title of the item set to public hearing. The following motion was made by Commissioner Bell and passed unanimously:

To set to public hearing.

Administrative Assistant Willey noted that statute allows for the County to bill the cost of publication of the notices to Southwest Gas. The following motion was made by Commissioner Bell and passed unanimously:

To bill Southwest Gas for any costs in association with the publication of the required notices.

DISCUSSION AND ACTION ON COVERING THE COSTS OF MIKE BAUGHMAN TO PRESENT THE PRELIMINARY DRAFT OF THE REPORT ENTITLED "CONGRESSIONAL TRANSFER OF PUBLIC LANDS TO THE STATE OF NEVADA: A REPORT OF THE NEVADA LAND MANAGEMENT TASK FORCE TO THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS": Provided to the Board was an e-mail from Mike Baughman detailing the request and estimating the cost for at \$672.04. Commissioner French noted that if the Commission chooses not to approve covering the necessary costs the presentation could be done by him or via video conferencing but he spoke in support of having Dr. Baughman do the presentation. The Board concurred. The following motion was made by Commissioner Amos and passed unanimously:

To approve up to \$700.00 for Dr. Baughman to come up and do the presentation.

(Administrator Deist disconnected from the meeting at 10:34 a.m.)

SET TO PUBLIC HEARING A NUISANCE COMPLAINT AT 3105 VALLEY WAY, WINNEMUCCA, NEVADA: Provided to the Board was a copy of the nuisance complaint filed by Jose Mendoza and other residents of the area and copies of the investigative reports done by the Building & Safety Department and the Sheriff's Office on property located at 3105 Valley Way and owned by Wade Mussi. The following motion was made by Commissioner Bell and passed unanimously:

To set to public hearing at the next meeting.

REQUEST FOR APPROVAL TO PURCHASE THE 2003 INGERSOLL RAND VR843 TELEHANDLER FORKLIFT FROM BOBCAT WEST IN THE AMOUNT OF \$32,500.00:

Provided to the Board was a memo from WCVA Director Kim Petersen detailing the bids received from Bobcat West, Cashman Cat and US Rents and recommending approval of Bobcat West's bid for a 2003

Ingersoll Rand VR843 telehandler forklift in the amount of \$32,500.00. WCVA Director Kim Petersen and Road Superintendent Ben Garrett appeared before the Board. Director Petersen noted that this item is included in the budget and explained what the equipment would be used for. After discussion the following motion was made by Commissioner French and passed unanimously:

To approve the bid for purchase of the 2003 Ingersoll Rand VR843 telehandler forklift from Bobcat West for \$32,500.00.

Commissioner French requested that the Commission revisit item 5 related to the presentation by Dr. Baughman; he suggested that an evening meeting be considered. Discussion ensued. Commissioner French will contact Dr. Baughman and see if an evening meeting would be possible.

ROAD MATTERS: Road Superintendent Garrett appeared before the Board.

BID AWARD SURFACE TREATMENT BID 2014: Provided to the Board for review was a memo from Superintendent Garrett reviewing the Surface Treatment Bid for 2014 received from Valley Slurry, Intermountain Slurry and Sierra Nevada Construction. Superintendent Garrett reviewed the bids which had been solicited by the City and the County through a joint project and recommended that the bid be awarded to Intermountain Slurry for the asphalt rubber with a fog seal treatment for the base project cost of \$356,545.26. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To award the bid for the surface treatment to Intermountain Slurry.

BIRD LANE SUBDIVISION: Provided to the Board for review was a copy of a letter from Bob Davidson requesting that the maintenance of Bird Lane and Teal Road, an aerial image of the area, a memo to the County Commission from former Road Superintendent John Russum dated March 11, 2008 regarding the inspection of JB Estates, a letter to Louis Kelly dated March 27, 2008 detailing what would need to be accomplished for the subdivision roads to be accepted into the County Maintained Road System and a copy of the Commission minutes from April 7, 2008 at which the issue was discussed. Superintendent Garrett reviewed the information provided noting that as of this date the roads had not been brought up to standards and are currently in terrible shape. Robert Davidson appeared before the Board and discussed the problems the tenants had with the roads, that the developer keeps promising to do something but nothing occurs and the public safety issues with the condition of the road. Missy Black, a resident of the area commented on the discussion that has occurred with the developer and yet nothing has been done. Chairman Cassinelli stated that the Commission must stick to the policy and the road has not been brought up to standards. Commissioner French asked what needs to be done to bring the road up

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to County standards. Superintendent Garrett reviewed the condition of the road. Commissioner Bell noted that there would not be an issue with accepting it, if it is brought up to standards. Chairman Cassinelli asked District Attorney Macdonald if there is anything the Commission can do relative to the developer not addressing the road issues. District Attorney Macdonald stated that the issue is between the property owners and the developer; he noted that this is an ongoing issue in the County in many areas. Discussion occurred regarding what is in place with new developments to ensure the developer's responsibility is completed. Commissioner Amos suggested that the matter be discussed at the next retreat and that the discussion include the Planning Commission. Discussion occurred regarding a requirement that the roads be completed prior to the selling of parcels. Mr. Davidson asked the Commission to write a letter to the developer regarding the problem. District Attorney Macdonald stated that all the County could indicate would be that they have accepted the roads into the maintained system because you still have to comply with the requirement to bring the roads up to county standards; that he does not believe the County is in a position to force improvements out there upon the developer or the property owners, it is between those two parties to bring it up to the required standards. Mr. Davidson asked how they would do that, would they need to hire an attorney and go into court. District Attorney Macdonald said possibly and again noted that any letter from the County could only address what he had indicated previously. Mr. Davidson asked if the Commission could write that letter. District Attorney Macdonald stated that the Road Superintendent could write the letter about the need to meet county standards but that does not, in itself, indicate any obligation on the developer's or the property owner's part to make those improvements; the County does not care who makes those improvements. Mr. Davidson questioned the obligation related to the public safety issue. Superintendent Garrett noted that there are many roads in the County in similar condition. Chairman Cassinelli asked the Board's opinion on Superintendent Garrett writing a letter to the developer as discussed by the District Attorney. The Board's consensus was to have the Road Superintendent write a letter to the developer.

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported on the status of the annual mag chloride project and noted that the chip seal project is scheduled for mid July.

MISCELLANEOUS ROAD RELATED MATTERS: Discussion occurred regarding Herschell Road.

REQUEST FROM THE HUMBOLDT COUNTY RECORDER FOR APPROVAL OF THE AGREEMENT/CONTRACT BY AND BETWEEN HELION SOFTWARE INC. AND HUMBOLDT COUNTY FOR IMPLEMENTATION OF THE NEW RECORDING SYSTEM WHICH HAS BEEN APPROVED FOR THE 2014-2015 BUDGET YEAR: A copy of the proposed

agreement/contract between Helion Software Inc. and Humboldt County was provided to the Board for review. Recorder Mary Ann Hammond and Deputy Recorder Debbie Engstrom appeared before the Board. Recorder Hammond detailed the request for the Commission. Deputy Recorder Engstrom commented on the benefits of the new system. After discussion the following motion was made by Commissioner Amos and passed unanimously:

To approve the agreement/contract by and between Helion Software Incorporated and Humboldt County for the new recording system.

STAR CITY WATER SYSTEM PURCHASE/SALE: Tom Swanger of the Star City Property Owners Association and Walt Curtis representing the Star City homeowners appeared before the Commission. Mr. Swanger explained that the Association has a buyer for the system but that they cannot sell it as a non-profit organization and if they sold it the buyer would have to re-pay the loan and grant monies received; he continued suggesting that if they transfer the system to the County then the County can sell the system without that requirement. Mr. Swanger stated that the loan would still have to be paid even with the sale. Discussion occurred regarding the loan and grant amounts. Mr. Swanger stated that the Association only wants the loan paid off they do not want to make any profit. Chairman Cassinelli stated that he did not believe the County should get into operation of water systems but if the plan was to sell it immediately that might work. Commissioners French and Brissenden asked for input from legal counsel. Commissioner French noted his concerns as to whether it was ethical to extinguish the grants out of what was intended and that he would like to know what the legal ramifications and obligations would be, whether this is a normal process, whether this would set some sort of precedence, how and who would shoulder the responsibilities and would there need to be a sub-lease to the purchaser until the sale is completed. Discussion occurred regarding giving the District Attorney time to research the issue. Mr. Swanger noted that the City of Winnemucca had been contacted regarding this proposal but that they were not interested. The Board's direction was to have the District Attorney research the matter and then bring it back to the Commission.

Chairman Cassinelli recessed the meeting at 11:42 a.m. to reconvene at 1:30 p.m.

Administrator Deist rejoined the meeting via teleconference at 1:26 p.m.

CONTINUED DISCUSSION AND ACTION ON ITEM 5 RELATED TO PRESENTATION BY

MIKE BAUGHMAN: Chairman Cassinelli noted that a possible evening meeting is being discussed for the presentation by Dr. Baughman and suggested that additional funds may be necessary for the cost of a room. After discussion the following amended motion was made by Commissioner Amos and passed

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unanimously:

To approve up to \$1,000.00 for Dr. Baughman to come up and do the presentation.

DESERT LAND ENTRY APPLICATION PROCESS PRESENTED BY THE BUREAU OF LAND

MANAGEMENT: Victor Lizano, Associate Winnemucca District Manager for the BLM currently acting as Field Manager for the Humboldt River Field Office appeared before the Board. Field Manager Lizano discussed the history/background of the Desert Land Entry Application process and the status of the Eggers' application including the classification process, the appeal time line and the NEPA requirements; he noted that the process is at the preliminary classification process and that no decisions have been made as to classification, that no scoping letters as to the EA have been sent out and no form of decision in any matter in terms of the value the DLE applications. Chairman Cassinelli asked about protests. Field Manager Lizano stated that protests are coming in and discussed the process for handling those protests. Commissioner French asked at what point does the BLM involve the upstream users and those having AUMs; he noted that much of the AUMs involved are the users' winter grazing grounds. Field Manager Lizano confirmed that what was being referred to is the grazing notification prior to the allowance for entry to occur and stated that said notification will be occurring between the proposed classification and the initial classification; he reviewed the process for the notification and how compensation is determined. Commissioner French stated his hope that the BLM would sit down with the land users and explain the process and how they will be made whole. Field Manager Lizano stated that he is always available for discussion but noted that he cannot address the "what ifs" as there has been no initial decision yet. Discussion occurred regarding the need for communication and the NEPA process. Commissioner French commented on the impression given that this application was a low priority which took everyone out of the loop so those effected were not fully involved though they want to be involved and the importance of better communication. Commissioner Bell concurred with Commissioner French's comments. Commissioner Amos stated that there should be no taking without compensation. Field Manager Lizano noted that the process is not complete but at the end of it, if that is a decision that needs to be made, as to compensation, it will be made. Commissioner Brissenden noted her agreement that if AUMs are taken, compensation needs to occur. Commissioner Amos asked why a land transfer would be allowed when other people are using the land; he stated that it wasn't right, it isn't the American way. Field Manager Lizano noted that he did not hear a question so he could not respond but noted that overall the relationship between Humboldt County and the BLM is a strong one and he was sorry that the Commission feels that information is not being shared and offered at any time to set up a meeting to go

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through the process, procedures and regulations, no secrets, transparent, open information; he commented on what would occur in the future noting that the BLM meets with the County every Friday so at that point in time information can be shared with the Chairman if that is so desired but he stated that anyone is welcome to come to the BLM Offices and they will be walked through the process. Discussion occurred regarding the prior action of the Commission related to the Egger's request for a letter of support. Chairman Cassinelli asked for public comment. Don Brumley stated that he would be an affected permittee and voiced his concerns related to the loss of grazing lands and stated his intent to fight the action. Chairman Cassinelli asked how the BLM looks at these requests when there are grazing lands involved, is it required or can they just deny the request. Discussion ensued between Chairman Cassinelli and Field Manager Lizano regarding the issue including Field Manager Lizano's explanation as to the BLM needing to balance the multiple use mandate provided for by Congress through the Federal Land Policy Management Act and the need to offer due diligence when processing this type of application. Commissioner Bell asked how it is determined who trumps whom. Field Manager Lizano explained that is why the analysis takes place. Commissioner French commented on the language of regulations and need for transparency for all the users which has not appeared to have occurred. Field Manager Lizano noted that while the BLM has had the application for a while, they have just begun processing it; he noted the steps that would be taken including the notice that will be provided. Discussion occurred regarding what would occur if multiple parties applied for a piece of ground. Commissioner Amos noted the potential benefit to the County of the sale but stated that is not what he wants to happen. Chairman Cassinelli stated that those people concerned with this application must contact the BLM. Mr. Brumley commented on the desire to purchase allotments. Ron Cerri, Chairman of the Cattleman's Association, appeared before the Board and commented on the value of AUMs, his lack of support for the change of use and water table concerns related to the number of pivots that could be installed. Discussion occurred regarding what had occurred at the meeting in 2012. Chairman Cassinelli noted that the Commission is not taking sides; they are trying to represent everyone and resolve this issue. Mr. Cerri asked Field Manager Lizano about what could have occurred to mitigate the losses for the permittees/current users if they had been involved early on in the process; he stated that he believes the conflict could have been avoided if permittees had been aware of what was happening and if the applicants and the permittees had discussed the proposal. Field Manager Lizano clarified that no decision or action has taken place at this point so when mitigation is brought up, right off the bat, the assumption is there that the environmental analysis and the outcome is known but there is not enough information at this point in time to address

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To: Humboldt County Board of Commissioners
From: Ben Garrett, Roads Superintendent
Date: April 22, 2014
Subject: Surface Treatment Bid 2014

The City of Winnemucca and Humboldt County solicited bids through a joint project. Combining the projects into one contract reduces the unit cost for each agency. The contract estimate for both agencies was \$1,033,000. We received three bids; Valley Slurry \$1,142,022.95, Intermountain Slurry \$986,575.28, and Sierra Nevada Construction \$1,158,419.42.

The proposed base project includes the McDermitt area, 2 roads in Orovada and Bottle Creek Road. The original base estimate for the County's portion of the contract was \$384,760. The bids included Asphalt Rubber Chip Seal with a Fog Seal. Asphalt Rubber Chip pricing ranges from \$2.78 per square yard to \$3.40 per square yard. An Asphalt Rubber Chip with a Fog Seal will extend the life expectancy an additional 8-10 years.

Humboldt County's share of the bid ranges from \$356,545.26 to \$437,227.50 on the base bid to include both an Asphalt Rubber Chip and a Fog Seal. The low bid was Intermountain Slurry Seal.

I would recommend the Asphalt Rubber with a Fog Seal treatment bid award for the base project for the cost of \$356,545.26 from Intermountain Slurry.