

Monday, August 18, 2014

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, August 18, 2014, at 9:30 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, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

PUBLIC COMMENTS: Chairman Cassinelli asked for public comments. Lewis Trout addressed the Commission and requested that, at the first meeting following the November 4th General Election, the person elected to the Hospital Board, Seat E be appointed to the seat as it is currently vacant. Chairman Cassinelli asked for additional public comments; none offered.

DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - JUNE 2, 2014, JUNE 16, 2014, JULY 7, 2014, JULY 21, 2014 AND AUGUST 4, 2014: Chairman Cassinelli asked for corrections/additions for the minutes of June 2, 2014; Commissioner Brissenden offered a grammar correction on page 9. The following motion was made by Commissioner Amos and passed unanimously:

To approve the June 2, 2014 minutes of the Commission with corrections.

Chairman Cassinelli asked for corrections/additions for the minutes of June 16, 2014; none offered. The following motion was made by Commissioner Bell and passed unanimously:

To approve the June 16, 2014 minutes as presented.

No further minutes offered for approval.

ADMINISTRATIVE REPORT:

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

1. Adjustment to the Humboldt County Real Property Tax Roll: Requests from the Maga Living Trust & Lutzow were provided to the Board for review. *Recommendation: That the Commission approve the requests as recommended by the Assessor and Treasurer.*
2. Clerk's Quarterly Report: A copy of the Clerk's Second Quarter 2014 report was provided to the Board for review. *Recommendation: That the Commission acknowledge receipt of the report.*

The following motion was made by Commissioner French 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

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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 reviewed correspondence that he had received from the Nevada Association of Counties (NACO) regarding the 2015 Legislative Session and requesting input regarding any local Bill Draft Requests. Discussion occurred regarding a date and time for the first meeting with the POOL/PACT HR contact related to the County Administrator recruitment process. Upcoming meetings and dates of importance were noted.

REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES

THEY SERVE ON: Commissioner Amos reported on a meeting of the Humboldt River Basin Water Authority that he had attended.

Administrator Deist suggested that as it is time for specific items on the agenda that the Administrative Report be tabled until later in the meeting. Chairman Cassinelli concurred.

REVIEW, INTERVIEW OF APPLICANTS AND POSSIBLE APPOINTMENT TO THE REGIONAL PLANNING COMMISSION FOR A TWO YEAR TERM:

Requests for appointment to the Regional Planning Commission from Ken Hladek and Matthew Hilbish were provided to the Board for review. Ken Hladek appeared before the Board and was interviewed. Discussion occurred regarding the non-appearance of the second candidate. Administrator Deist attempted to contact Mr. Hilbish but, as there was no answer, left a message. Chairman Cassinelli stated that the item would be tabled until later in the meeting to see if Mr. Hilbish responds. The Board concurred.

PUBLIC HEARING ON A NUISANCE COMPLAINT ALLEGING THAT PROPERTY BELONGING TO ROBERT AND KAREN NORRIS IS DEFINED AS A POSSIBLE NUISANCE PER HUMBOLDT COUNTY CODE, CHAPTER 8.04. THE PROPERTY IS LOCATED AT 4345 CENTER STREET, WINNEMUCCA, NEVADA, APN 3638-32-151-004:

Provided to the Board for review was a copy of the Notice of Public Hearing. The Board had previously received for review the complaint filed by Christy Yetter and the investigation reports filed by the Building Department and the Sheriff's Office. Property owners Robert and Karen Norris appeared before the Board. Complainant Christy Yetter was not present. Administrator Deist informed the Board that information had been provided by the Building Official indicating that the nuisance had been addressed. Mr. Norris stated his intention to remove the trailer from the property noting issues he has had with vandalism and theft at the site. Chairman Cassinelli asked for public comment; none offered. The following motion was made

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Commissioner French and passed unanimously:

To declare the nuisance abated.

CONTINUED REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES THEY SERVE ON: Commissioner Amos and Chairman Cassinelli discussed a BLM permittees tour they had taken in the Argenta/Lander area.

SET TO PUBLIC HEARING ALLEGED NUISANCE COMPLAINTS AND REVIEW OF OTHER ALLEGED NUISANCE COMPLAINTS PREVIOUSLY BEFORE THE COMMISSION:

SET TO PUBLIC HEARING A NUISANCE COMPLAINT AT 4225 RAINBOW ROAD ON PROPERTY OWNED BY TONY L. AND MARY I. DUREN: Provided to the Board for review was a copy of the nuisance complaint filed by Ismael Martinez and other residents, copies of the investigative reports filed by the Building Official and the Sheriff's Office and a copy of the posting notice. Chairman Cassinelli read the title of the item to be set to public hearing. The following motion was made by Commissioner French and passed unanimously:

To set to public hearing.

SET TO PUBLIC HEARING A NUISANCE COMPLAINT AT 4195 TURNER LANE ON PROPERTY OWNED BY BILL AND MURIEL ELLIOTT: Provided to the Board for review was a copy of the nuisance complaint filed by Sheila Filippe, copies of the investigative reports filed by the Building Official and the Sheriff's Office and a copy of the notices. Chairman Cassinelli 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 complaint at 4195 Turner Lane.

REVIEW OF PROGRESS TOWARD ABATEMENT OF NUISANCE COMPLAINT AT 4335 CENTER STREET ON PROPERTY OWNED BY ALFRED MONTES DE OCA OR SET TO PUBLIC HEARING IF PROGRESS IS NOT MADE: Administrator Deist informed the Board that the Building Official had reviewed the site and found that the nuisance had been cleaned up. The following motion was made by Commissioner Brissenden and passed unanimously:

That the nuisance complaint has been abated at 4335 Center Street on property owned by Alfred Montes De Oca.

REVIEW OF PROGRESS TOWARDS ABATEMENT OF A NUISANCE AT 4715 WEST THOMAS CANYON ON PROPERTY OWNED BY JESSE W. PEARSON: Property owner, Jesse Pearson and complainant, Clarence McComb appeared before the Board. Mr. McComb indicated that

90% of the problem had been taken care of and that the property owner had made pretty good progress. Commissioner Bell suggested that the Commission not abate the nuisance until all the vehicles are gone. Commissioner French suggested that the matter be held over for one more meeting. Mr. Pearson explained what is occurring with the remaining vehicles. Commissioner French offered the following motion and it passed unanimously:

To review the matter one more time at the next Commission meeting to assess if the property owner has done what needs to be done.

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

To approve the expenditures as presented.

QUARTERLY INSPECTION OF ADULT DETENTION FACILITY: Administrator Deist noted that Commissioner Amos would be performing the quarterly inspection at the jail following today's meeting.

Winnemucca Rural Fire Chief Ron Schrempp addressed the Board regarding the issue with nuisance complaints and the need to be cautious in the manner of clean up due to the fire situation at this time. The Board concurred.

PLANNING MATTERS:

PUBLIC HEARING ON TH-14-01: Adding a new Section 100 to Title 17 , Zoning, Chapter 10 General Provisions to the Humboldt County Code to prohibit medical marijuana establishments in any zoning district within the unincorporated areas of Humboldt County and amending the prohibited uses listed in all commercial and industrial zoning districts, specifically Humboldt County Code sections 17.28.050 for NC-R Neighborhood Commercial/Rural District, 17.30.050 for GC General Commercial District, 17.32.050 for CH Highway Commercial District, 17.36.050 for M-L Light Industrial District, 17.40.050 for M - 2 Heavy Industrial District to add medical marijuana establishments as a prohibited use, and other matters properly related thereto: Provided

to the Board for review was a copy of the proposed ordinance, a copy of the Notice of Public Hearing and a copy of the motion passed by the Regional Planning Commission (RPC) relative to this proposed ordinance at their August 14, 2014 meeting. Chairman Cassinelli read the title of the item set to public hearing. District Attorney Macdonald reviewed the process including the action taken by the Planning Commission. Lewis Trout, RPC Chairman addressed the Board concurring with the District Attorney's review and discussing the motion made at the RPC meeting and different opinions of the members of the RPC on the subject; he noted that there was a consensus by the group that procedurally the RPC

subcommittee on ordinances should have the opportunity to review the entire ordinance and make whatever modifications or changes that they feel is appropriate and then report back to the RPC who would then review and report to the County Commission following the process. Discussion occurred related to what the results could be of that process. Commissioner Brissenden asked about the August 15th cutoff date and actions that could be taken by the State. District Attorney Macdonald addressed the allowances under statute and the State's process for licensing, noting that it is ultimately up to the Commission to determine what restrictions should be placed on medical marijuana establishments in Humboldt County so that can be considered in the State's licensing process and that without action there are no restrictions. Commissioner French asked about the application process and whether the approvals are annual or in perpetuity so, if the County misses the opportunity with this "window", can the matter be revisited down the road. District Attorney Macdonald stated that the County is able to act at any time but the issue is that, if an application is made while there are no restrictions, then the license may be approved with no local restrictions; he noted that the City has taken no action on this matter at this time but that the issue is being worked on. Mr. Trout commented on the types of facilities identified in the statute and discussion ensued. Chairman Cassinelli asked for public comment. Shar Rynerson spoke in support of allowing the facilities in Humboldt County noting the benefits of local establishments due to safety concerns and commenting on the benefits of medical marijuana. Commissioner French commented that the law prohibits pharmacies from dispensing medical marijuana. Ms. Rynerson continued commenting on why a local dispensary is preferable, the different strains of medical marijuana and the different benefits of those strains. Commissioner French noted concerns about crime in the areas when the dispensaries are located. Ms. Rynerson explained how medical marijuana is recommended by physicians. Justin Hernandez addressed the Board and discussed the inability of pharmacies to provide medical marijuana due to federal restrictions; he continued commenting on the medical benefits of using medical marijuana. Shelly Noisington commented on the benefits of medical marijuana and the risks discussed noting the security at the dispensaries. Chairman Cassinelli suggested that the matter be turned back over to the RPC for discussion as there was not sufficient time allowed on today's agenda to provide sufficient public comment/input. Mr. Hernandez noted that if the community does not allow a regulated medical marijuana dispensary it is promoting the black market trafficking of marijuana in the community which is not something that is wanted. Commissioner French observed that whatever the counties move forward with as to medical marijuana there is still a risk that the Federal government could come in and override that plan as it is still against the law federally. The following motion was made by Commissioner Bell

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and passed unanimously:

To go with the RPC's recommendation that this be continued to a later date and to allow the RPC to vet what was discussed today.

SET TO PUBLIC HEARING TH-14-02: A text amendment to increase the maximum height of a fence or wall from six (6) feet to seven (7) feet in Humboldt County Code Chapter 17.10 General Provisions, Chapter 17.20 AG General Agricultural District and Chapter 17.44 M - 3 Open Land Use District and to increase the maximum height of a fence, wall or other obstruction above street level within twenty feet of an intersection on any corner from three (3) feet to four (4) feet in

Chapter 17.44 M - 3 Open Land Use District: Chairman Cassinelli 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 TH-14-02.

Chairman Cassinelli indicated that the Commission would proceed to item 8 on the agenda as the presenter was here.

PRESENTATION BY LYON COUNTY COMMISSIONER VIRGIL ARELLANO REGARDING "PASS BILLS CREATE JOBS" SOCIAL MEDIA CAMPAIGN IN SUPPORT OF H.R. 5205:

Lyon County Commissioner Virgil Arellano appeared before the Board and discussed H.R. 5205; he requested support in going forward with promoting a social media campaign related to the matter. Discussion occurred regarding how to proceed. The Board agreed that a resolution in support would be brought forward at the September 2nd Commission meeting. Discussion regarding the campaign occurred.

APPROVAL OF AGREEMENT FOR PROVISION OF LEGAL SERVICES BETWEEN WASHOE LEGAL SERVICES AND HUMBOLDT COUNTY:

A copy of the proposed agreement was provided to the Board for review. Administrator Deist noted that a similar agreement had been approved at the May 5th Commission meeting but that it had never been signed by Washoe Legal Services. After discussion the following motion was made by Commissioner Bell and passed unanimously:

To approve the agreement between Washoe Legal Services and Humboldt County and to authorize the Chairman to sign.

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

REPORT OF PENDING ROAD DEPARTMENT PROJECTS: Superintendent Garrett reported on the chip seal project set to begin in September, the Herschell Road project set to begin next Monday, mag chloride applications scheduled for Jungo and Tamura Roads, patching on the Cordero Mine Road, prep

work being done for the chip seal project, grading and mowing. Discussion ensued regarding the condition of the Cordero Mine Road and the cost to repair given the limited traffic counts. Discussion occurred regarding the status of the bookmobile. Chairman Cassinelli commented on a discussion he had with Jack Sherman who lives out off of Paradise Ranchos on that road that was put in over to 290, over where the mailboxes sit up by Highway 95 and Mr. Sherman stated the name of the road when he purchased his property was 4 Mailbox Road so they did have a name on that little trail down in there. Discussion occurred regarding the location of the road being referred to (*currently being considered by residents as a part of Browning*). Chairman Cassinelli asked that the name be noted in case anything ever came up related to the road. Chairman Cassinelli asked about the status of the cattle guard on that end going on to 290. Superintendent Garrett stated that he is waiting for the right-of-way and explained what would happen when that is granted.

CONTINUED REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES THEY SERVE ON: Commissioner Brissenden discussed the 150 year celebration at the 96 Ranch. Chairman Cassinelli commented on discussion that had occurred at the NACO meeting related to the Reid/Heller Bill comments; discussion ensued.

CONTINUED REVIEW, INTERVIEW OF APPLICANTS AND POSSIBLE APPOINTMENT TO THE REGIONAL PLANNING COMMISSION FOR A TWO YEAR TERM: Discussion occurred regarding proceeding with the appointment to the RPC. The following motion was made by Commissioner Amos and passed with Chairman Cassinelli and Commissioners Amos and Bell voting aye and Commissioners French and Brissenden voting nay:

To approve Ken Hladek for the vacant spot on the RPC Board.

PUBLIC COMMENT: Chairman Cassinelli asked for public comment. Lewis Trout asked for clarification of the Commission's direction provided earlier as to the ordinance related to medical marijuana establishments. District Attorney Macdonald stated that he saw today's direction to be that additional work will be done on the ordinance including the required public meetings posted as required. Chairman Cassinelli noted that the Commission is not trying to put the whole thing on the RPC. Discussion occurred regarding the process. District Attorney Macdonald stated that it was not appropriate to continue discussion on this matter as action had been taken during the agendaized portion earlier and suggested that discussion occur on a future agenda. Chairman Cassinelli asked for further public comment. Administrator Deist read a letter to the Commission notifying them of his resignation at the end of the pay period for January 1, 2015. Discussion occurred regarding the process for hiring a new

MEMORANDUM

TO: COMMISSIONERS
FROM: ADMINISTRATOR
DATE: August 12, 2014
SUBJECT: CONSENT AGENDA

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

1. Adjustment to the Humboldt County Real Property Tax Role: The requests are attached for your review.

Recommendation: That the Commission approve the request as recommended by the Assessor and Treasurer.

2. Clerk's quarterly report: Attached is the report as submitted by the Clerk.

Recommendation: That the Commission acknowledge receipt of the report.

MEMORANDUM

TO: COUNTY COMMISSIONERS

FROM: COUNTY ADMINISTRATOR

DATE: August 15, 2014

SUBJECT: OTHER INFORMATION AND UPCOMING MEETINGS

OTHER INFORMATION:

1. NACO Legislative Session: Attached is an e-mail I received from NACO regarding the 2015 Session and seeking input regarding any local BDRs. I am not aware of any from Humboldt County, however if you are please let us know.
2. Special Commission: Please look at your calendars so we can pick a date for this meeting. The week of August 25th is what we are looking at. This would be the first meeting with POOL/PACT HR regarding step 1 in the recruitment process. If we can pick a date I can check with Jeanne to make sure of her availability.

UPCOMING MEETINGS:

1. August 19, 2014 IT Ordinance Committee
2. September 1, 2014 County Holiday
3. September 2, 2014 Commission

**NOTICE OF PUBLIC HEARING
ON INTENTION TO PASS ORDINANCE**

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PUBLIC HEARING:

10:30 a.m. Monday, August 18, 2014
County Courthouse
Commission Meeting Room #201
50 W. 5th St.
Winnemucca, NV 89445

SUMMARY: An ordinance prohibiting medical marijuana establishments in any zoning district within the unincorporated areas of Humboldt County.


BILL NUMBER 07-21-14a

An ordinance adding new Section 100 to Title 17 Zoning, Chapter 10 General Provisions to the Humboldt County Code to prohibit medical marijuana establishments in any zoning district within the unincorporated areas of Humboldt County, and amending the prohibited uses listed in all commercial and industrial zoning districts, specifically Humboldt County Code sections 17.28.050 for NC-R Neighborhood Commercial/Rural District, 17.30.050 for GC General Commercial District, 17.32.050 for CH Highway Commercial District, 17.36.050 for M-L Light Industrial District, 17.38.050 for M-1 Industrial District and 17.40.050 for M-2 Heavy Industrial District, to add medical marijuana establishments as a prohibited use, and other matters properly related thereto.

Copies of the proposed ordinance are available for public inspection at the office of the County Clerk, County Courthouse, 50 W. 5th St. #207, Winnemucca, NV 89445.

DATED: July 21, 2014

(COUNTY SEAL)



TAMI RAE SPERO, Humboldt County
Clerk and Ex-Officio Clerk of the Board
of County Commissioners of Humboldt
County, Nevada

Publish: August 8, 2014 (1t)

NOTICE TO PERSONS WITH DISABILITIES: Members of the public who are disabled and require special assistance or accommodations at the hearing are requested to notify the COUNTY ADMINISTRATOR in writing at the Humboldt County Courthouse, Room 205, Winnemucca, Nevada 89445, or by calling (775) 623-6300 or TDD# 623-6249 at least two (2) days in advance of the meeting.

Legal Number 026138

AFFIDAVIT OF PUBLICATION

Tera Robison, Office Asst., for The Humboldt Sun, a twice weekly newspaper published in Winnemucca Humboldt County, Nevada, duly swears that the following

HU CO CLERK HEARING BILL# 07-21-14A

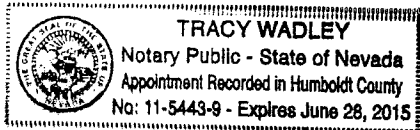
a printed copy of which is affixed, was published 1 time(s) commencing 08/08/14 and ending 08/08/14

Tera Robison signature and name

State of Nevada County of Humboldt Signed and sworn to before me by

Tera Robison on August 8, 2014

Tracy Wadley signature



Legal No. 26138 NOTICE OF PUBLIC HEARING ON INTENTION TO PASS ORDINANCE PUBLIC HEARING 10:30 a.m. Monday, August 18, 2014 County Courthouse Commission Meeting Room #207

50 W. 5th St. Winnemucca, NV 89445

SUMMARY: An ordinance prohibiting medical marijuana establishments in any zoning district within the unincorporated areas of Humboldt County.

BILL NUMBER 07-21-14a. An ordinance adding new Section 100 to Title 17 Zoning, Chapter 10 General Provisions to the Humboldt County Code to prohibit medical marijuana establishments in any zoning district within the unincorporated areas of Humboldt County, and amending the prohibited uses listed in all commercial and industrial zoning districts, specifically Humboldt County Code sections 17.28.050 for NC-R Neighborhood Commercial/Rural District, 17.30.050 for SC General Commercial District, 17.32.050 for CH Highway Commercial District, 17.36.050 for M-L Light Industrial District, 17.38.050 for M-1 Industrial District and 17.40.050 for M-2 Heavy Industrial District, to add medical marijuana establishments as a prohibited use, and other matters properly related thereto.

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TAMI RAE SPERO, Humboldt County Clerk and Ex-Officio Clerk of the Board of County Commissioners of Humboldt County, Nevada

Publish: August 8, 2014 (1)

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