



SUMMARY MINUTES
BOARD OF SUPERVISORS
707 NEVADA STREET, SUSANVILLE
OCTOBER 21, 2008

9:30 A.M. CALL TO ORDER

PRESENT: Supervisors Jack Hanson, Bob Pyle, Jim Chapman, Lloyd Keefer and Brian Dahle; County Counsel Craig Settlemyre, County Administrative Officer (CAO) John Ketelsen, Personnel Director/Risk Manager Ron Vossler and Deputy Clerk of the Board Susan Osgood.

CLOSED SESSION: Chairman Hanson announces that no closed session was held. Following the flag salute, the invocation is offered by Chairman Hanson.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS: Supervisor Chapman requests the meeting be adjourned in memory of Dan Douglas' sister Candy Feist.

ACTION: Approve agenda as posted.

MOVED BY: Keefer

SECONDED BY: Dahle

UNANIMOUS: Yes

PUBLIC COMMENT

- 1) Vicki Lozano: Speaking as the Girl Scout Service Leader, states they have had no place to meet since Diamond View School closed. Asks the Board of Supervisors for help in making the Camp Fire Girls building available for the Girl Scout's use. Supervisor Chapman states Deputy Public Works Director for Facilities Peter Heimbigner is working with County Counsel on this issue and hopes it will be resolved soon.
- 2) Noelle Haller Riggs: Asks when a decision will be made on the ordinance regarding manufactured housing. CAO Ketelsen reports that it should come back to the Board soon and he will make sure she is advised.
- 3) Lassen County Director of Alcohol and Other Drug Programs Lyle Dornan: Reports on teen deaths due to overdoses; presents educational bookmarks to the Supervisors that will be distributed. States his department is starting a media campaign in conjunction with other entities in the County; will be asking pharmacists to distribute information in prescription bags to "Lock up Medications". Thanks Supervisor Pyle for his donation to the Friday Night Live program.
- 4) Emergency Services Officer Chip Jackson: Reports the U.S. Department of Agriculture granted a Secretarial disaster designation for the County of Lassen and contiguous counties of Modoc, Plumas, Shasta and Sierra due to the agriculture losses caused by drought beginning January 1, 2008 and continuing. Application deadline for loans is June 8, 2009; information will be sent to the media.

UNAGENDIZED BOARD REPORTS

Supervisor Chapman: States he is still concerned with local gasoline prices being much higher than other areas; asks CAO Ketelsen about writing a letter to the Attorney General for his opinion.

Supervisor Keefer: 1) Received call from Recreation Outdoors Coalition (ROC) Chairperson Sylvia Milligan who was asking for the status of the Off Highway designation and where the County is in the process. States Public Works Director Larry Millar stated some road projects have taken a priority but they will start working on this again and bring information back to the Board. 2) Believes all Supervisors received letter from Barbara White regarding speeding and enforcement on Johnstonville Road. The California Highway Patrol (CHP) was informed and responded that the traffic study work is not up to date. Requests that Public Works Director Larry Millar report at the next meeting on the traffic study and what will be done. 3) Attended Air Board meeting that was also attended by Supervisors Pyle and Hanson. Peer review project was completed; thought it was a good review of where Lassen County is at this point in time with Air Board regulations, which is

very complicated. We do not have staff who could take that to the next level; suggests there may be someone who would have experience and could work on a part time or short term contract basis. They should look at peer review and develop a plan of action to address problems; could give an idea what should be worked on first and how things should be organized for the future. Funding will be a big issue; need to get started. The Air Board Director has been requested to bring estimated costs to the next meeting.

Supervisor Pyle: 1) Concurs with Supervisor Keefer on Air Board that funding will be the main issue. Reports Governor Schwarzenegger wants counties to increase fees or charge \$4.00 on each vehicle registration and states he will not support a tax or fee. The City and County would have to pay for this and the money is not there. Would have to find out if there is someone with expertise to contract or will have the State "down our throat". Local people that hold permits need to be protected. 2) Will meet with Sylvia Milligan Friday afternoon to talk about roads and trails. 3) Will also attend a Lassen County Children and Families Commission meeting. Supervisor Hanson states County activities could be in jeopardy. Supervisor Dahle wants to make sure businesses involved are kept informed; they may want to pay more money to keep this local rather than turn it over to the State.

Supervisor Hanson: Recognizes Supervisor Keefer for taking lead on the Air Board. Need to be up to date and current; thinks some of the permitted people with their ideas and expertise should be enlisted to assist the Air Board.

RECOGNITION COMMITTEE PRESENTATION

Chairman Hanson presents Certificates of Recognition and awards to: Cynthia Raschein (Public Works - Transportation) for 10 years of service and Carole Dustin (Assessor's office) for 35 years of service to the County. David Farano (Health & Social Services - LassenWORKS) was unable to attend the meeting and will receive his award at a later date.

ALCOHOL AND DRUG ADVISORY BOARD - VACANCY

ACTION: Appoint Eileen Searcy to fill vacancy on the Alcohol and Drug Advisory Board.

MOVED BY: Chapman **SECONDED BY:** Dahle **UNANIMOUS:** Yes

CONSENT CALENDAR

ACTION: Take the noted action on the following Consent Calendar items:

MOVED BY: Keefer **SECONDED BY:** Dahle **UNANIMOUS:** Yes

COUNTY CLERK ITEM - MINUTES

Approve Minutes of October 14, 2008.

COUNTY CLERK / COUNTY COUNSEL ITEM - CONFLICT OF INTEREST CODES

Receive and file Report on District Conflict of Interest Codes compliance.

SHERIFF'S DEPARTMENT ITEM - TRAVEL

Approve travel authorization request for two Correctional Officers to attend the Basic Law Enforcement Academy at Butte College Police Academy January 5 through June 11, 2009. The total cost for two officers is estimated to be \$24,850, to be paid from account number 131-1312-3002901 with partial reimbursement from State POST.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Susanville City Council, Susanville Community Development Agency, Susanville Municipal Energy Corporation meeting agenda for October 15, 2008.

**COUNTY ADMINISTRATIVE OFFICE
RESOLUTION**

Personnel Director / Risk Manager Ron Vossler presents information on the proposed resolution authorizing Elected and Appointed Department Heads to determine access to the public during the period of December 23, 2008 through January 2, 2009. The matter was presented because the holiday schedule this year has two Fridays in a row (December 26, 2008 and January 2, 2009) with holidays the day before them. It is anticipated that many employees will request leave on those Fridays. Adoption of the resolution would allow the CAO to make determinations based on Department Head request for closure to the public. County code specifies offices would be open Monday through Friday unless there is a holiday or unless they have received approval from the Board of Supervisors. Some offices cannot be closed. No employee will be required to take leave if the resolution does pass and an office is closed. This would not be called a no-work day, this would affect access to the public. Closures will be announced to the public in advance. Discussion is held. Supervisor Chapman would like input from Department Heads on who will be open or closed; requests the information be provided at the November 18 meeting. Requests the Resolution be re-agendized for November 18.

ACTION: Additional information and the resolution will be brought back to the Board on November 18, 2008.

TITLE III REQUEST

Assistant to the CAO Julie Morgan reports on Title III request from the Lassen County Office of Education for the 2007/2008 Outdoor Education program. Public comment has been posted and 45 days has passed; would like to receive any public comment and then ask the Board to allocate the funds.

Supervisor Dahle asks Ms. Morgan how the Title II and III programs might be affected because of the reauthorization of the Secure Rural Schools funding. Ms. Morgan responds that she did see information this morning from the U. S. Forest Service website; she will need to review the information and bring it back to the Board. Discussion is held.

ACTION: Allocate Title III funds to the Lassen County Office of Education in the amount of \$86,052 for the 2007/2008 Outdoor Education/Youth Camp Program for forest-related educational opportunities.

MOVED BY: Dahle

SECONDED BY: Keefer

UNANIMOUS: Yes

RESOLUTION

County Counsel Settlemyre reports LAFCO has tentatively approved an annexation of some territory to the Herlong Public Utility District and that requires that there be an approved tax exchange resolution. Lassen County and the school entities are the only agencies involved. School entities are prohibited by the Revenue and Taxation Code from engaging in any actual negotiations so the tax exchange in this resolution is zero. There is no exchange of responsibilities in terms of services.

ACTION: Adopt Resolution No. 08-047 pertaining to Tax Revenue Exchange for Annexation to the Herlong Public Utility District.

MOVED BY: Dahle

SECONDED BY: Keefer

UNANIMOUS: Yes

SUSANVILLE - WENDEL RAILROAD LINE

County Counsel Settlemyre reports on draft of option agreement between Lassen County and Jim Dobbas, Inc. Jim Dobbas, Inc. has a contract with Union Pacific Railroad for the removal of the rails, ties and other fixtures and appurtenances including bridges. Mr. Dobbas, president of the company, is still willing to work with Lassen County. Prior information presented to the Board stated Mr. Dobbas has offered to transfer the title of the bridges to the County and they could stay in place providing the County would take care of the road and highway crossings for both County roads and Highway 395. Highway 36 has already been taken care of. This option agreement

provides a way to keep the opportunity open to acquire the bridges while continuing to work on finding a suitable funding source for acquiring the right-of-way for a public purpose (public trails, utility easements, etc.). This would not constitute a gift of public funds because the County is getting something in return which is the right to acquire this property. County Counsel discusses the Dobbas contract with the railroad. Recommendation is to approve the option agreement granting authority to the CAO to conclude the negotiations. Further discussion is held. CAO Ketelsen states the concept as previously presented was to make an assignment of the obligation that Dobbas had with the railroad in which case the County could have been forced to remove the bridges at the County's cost. County Counsel Settlemire has turned that into an option which is a better approach; exposure is limited to only taking out the crossings, some of which have already been removed.

ACTION: Approve the Option Agreement with Jim Dobbas, Inc., for Lassen County to obtain ownership of bridges located on the Susanville - Wendel railroad line, thereby preserving the bridges while efforts are made to secure funding and identify a purchaser of the right-of-way for public purposes; and authorize the CAO to execute the same on behalf of the County.

MOVED BY: Dahle

SECONDED BY: Chapman **UNANIMOUS:** Yes

INFORMATION FOR THE BOARD

CAO Ketelsen: 1) States information is in the Passaround File on a scheduled "Rule Making Workshop" on AB 885 presented by Water Board staff on December 11, 2008 at 7:00 p.m.. The location will be in Susanville and will be announced. Will ask Deputy CAO for Health and Social Services Kevin Mannel and Environmental Health Director Doug Ames to appear before the Board of Supervisors with a report before that date. 2) Presents information on SB 375 (Steinberg) stating it will impact Lassen County the most at the Transportation Commission. There is going to be some impact on the plans the Board adopts requiring the Board to coordinate with the housing needs and other plans that are in effect. Further discussion is held.

PUBLIC HEARING - USE PERMIT #2008-033, STANDIFORD APPEAL

The public hearing is opened at 10:45 a.m. on Use Permit #2008-033, Standiford, Appeal of the Planning Commission's disapproval that would allow for the placement of a 294 square foot engineered sign located at 702-900 Johnstonville Road, Johnstonville. Chief Planner Maurice Anderson presents staff report and a detailed history regarding the appeal. Notes that the 294 square foot sign meets the size requirement but there is still an outstanding issue of the 300' limitation between non-appurtenant signs per the ordinance. The Planning Commission denied the use permit with the findings that the sign is an overburden and creates negative visual impacts in the surrounding area, and that there is a sign already in place at the project site.

SPEAKING TO OPPOSE THE APPEAL

Big Sky Discount Storage Manager Andy Koslowski: States the sign is non-appurtenant; the parcel where the project is slated is separate and fenced off with a residential unit and a barn and does not have any storage units on it. It would be a direct effect on Big Sky Discount Storage.

SPEAKING IN FAVOR OF THE APPEAL

Lyle May (owns sign business at 2850 Main Street, Susanville): Presents photos of area within 200' of the project site. States the area is not known for its aesthetic quality as it has been an industrial area for 40 years. States the Skyline Self Storage and Big Sky Self Storage names are often confused and their close proximity adds to the problem. The proposed sign would give Mr. Standiford the opportunity to let people know there are storage units on the Johnstonville side of the railroad tracks.

Jim McCarthy, 2200 Main Street, Susanville: Feels with more development in the Johnstonville Road area, these type of issues will be coming up more often. States Mr. Standiford does nice

projects; asks the Board to look at numbers that are a little more realistic than the 300' requirement between signs.

Skyline Self Storage Manager Shirrel Mannel: States they are not trying to take business away from anybody but wants to have a sign that identifies where they are located. States many people have been confused about where to find Skyline Self Storage on Johnstonville Road and that they received a lot of compliments when the painted truck was used as a sign.

Larry Standiford, Skyline Self Storage: States the Planning Commission vote was 2 to 2 with one abstention, so he feels as if he "sort of won" but does get to present his case to the Board. Feels he did due diligence on Skyline Self Storage and knew that the area needed a high tech storage facility and built the best he could build. Found there was a problem with people mistaking Skyline with their competitor Big Sky that is located close by and that is when he used the trailer with the sign on the side. Feels staff was more concerned with the compliance issue of 300' between signs. Feels there is a lot of non-compliance on that street and does not think it has been fairly applied; feels they have met all the criteria for a sign at that location.

The Public Hearing is closed at 11:08 a.m.

Supervisor Keefer: Impressed with the facility Mr. Standiford built; thinks it is a modern facility and thinks there is demand for that in the area. He does not feel the 300' distance is as big an issue as the number of signs someone would need to advertise their business. States both facilities currently have adequate signs for their facility at their entrance.

Supervisor Dahle: States he had a hard time finding Skyline because of the close association with the name Big Sky and their close location. Thinks there is some justification in having the secondary sign so people who are looking for them can find them.

Supervisor Chapman: States when a business is opened the owner goes through legal processes and should choose a name where there is no confusion with another; realizes Skyline was started out on Skyline Drive and that made sense. Feels people wanting to do business with Skyline will find out where they are located. States the large size of the sign makes it more like a billboard; feels a smaller sign would eliminate the confusion. Believes the reputation of a business makes the difference.

Supervisor Pyle: Feels local government should help small business to be successful and encourage small businesses to come to our community. Does not think Mr. Standiford's second sign would hurt his competitor; will support the sign.

Extensive discussion is held.

Mr. Standiford states that if it is not too late, he would like to pull his application and refer it back to the Planning Commission. The big sign could be re-designed to something that might be more agreeable.

Supervisors agree that businesses need to be allowed to advertise appropriately. Supervisor Keefer questions what would be "enough" signs within a short distance and how big should they be. Feels Mr. Standiford's sign may be overbearing; there are some other options to be looked at so neighbors don't think a sign is onerous and that it does not impact another business. Supervisor Dahle states he is in favor of passing the sign but suggests there may not be enough support. Suggests bringing a smaller sign back to the Planning Commission might work better. Supervisor Chapman appreciates Mr. Standiford's willingness to re-evaluate the size of the sign.

It is moved by Supervisor Pyle and seconded by Supervisor Dahle to approve the appeal.

Further discussion is held regarding Mr. Standiford's options. Supervisor Dahle suggests amending the motion to be for a 220 square foot sign; Mr. Standiford states it would make more sense to cut it to a 160 square foot sign. Supervisor Pyle amends his motion. Mr. Anderson states he would like the Board to address and make a finding on the 300' distance between signs. Supervisor Chapman states the Planning Commission only had the option of looking at the 288 square foot sign; feels the Board owes it to the Planning Commission to give them the opportunity to look at the requested change. It is possible they would handle it and there would be no further need to come back to the Board of Supervisors.

County Counsel Settlemyre states the action would be: 1) approve the application which is approving the appeal as applied for; 2) disapprove the application which is to turn it down entirely and would allow the Planning Commission's decision to stand which denies the application; or 3) the Board can modify the size of the sign to 160 square feet. States Mr. Anderson is asking whether or not the 300' distance requirement in the County code for non-appurtenant sign applies in this situation. He states there was evidence in the form of testimony indicating that this sign is less than 300' from other signs on the same side of the County road; there has been no rebuttal to that. Is concerned there is no evidence in the record to support approval of the sign. Supervisor Hanson states that is his issue. Supervisor Pyle withdraws his motion; Supervisor Dahle withdraws his second and suggests the matter be sent back to the Planning Commission.

CAO Ketelsen states the application would be for a use permit and if the applicant wants to insist upon locating it within the 300', then he would have to combine it with an application for a variance as well.

ACTION: Chairman Hanson states the Board will not take any action on this item. The Applicant has requested he be able to withdraw his application to revise it.

INFORMATION FOR THE BOARD – Continued

CAO Ketelsen: 3) Reports that Lassen Municipal Utility District will host a Brown Act Program November 6, 2008, 10:00 a.m. - 3:00 p.m. to be held in their board room at 65 S. Roop Street, Susanville.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 11:57 a.m. in memory of Candy Feist.

Chairman of the Board of Supervisors

ATTEST:

Susan Osgood, Deputy Clerk of the Board