

**CITY COUNCIL MINUTES  
REGULAR MEETING  
SEPTEMBER 3, 2019**

The Winnemucca City Council met in regular session on Tuesday September 3, 2019 at 2:00 p.m. in the City Hall meeting room. Present: Mayor Richard Stone; Council members Mike Owens, Theresa Mavity, Vince Mendiola, Jim Billingsley and Paige Brooks; and, City Manager/Engineer Alicia Heiser, City Attorney Kent Maher and City Clerk Lorrie Haaglund.

**CALL TO ORDER:**

Mayor Stone called the meeting to order at 2:00 p.m.

**PUBLIC COMMENT-PERSONAL COMMUNICATION-CORRESPONDENCE:**

Lee Bosch, representing Winnemucca Ducks Unlimited, reported their successful golf tournament had 70 people participate with three teams from out of town. The event raised \$6,684. Bosch thanked the City for the tournament fee waiver, noting the City's generosity contributed to the tournament's success.

Winnemucca resident Shelly Kylo commented on the ten-day quarantine at the City animal control facility of her dog for a biting incident. Kylo said other jurisdictions allow home quarantine of dogs which are current on their rabies vaccinations and questioned why her dog was required to be confined at the animal control shelter. Kylo requested the following issues be addressed by the City: (i) lack of adequate space at the animal control facility for quarantined dogs to exercise; (ii) unsanitary conditions at the animal control facility; (iii) air borne disease control measures; (iv) staffing issues at the animal control facility; and, (v) the only alternative to shelter quarantine confinement is Zimmerman's veterinary clinic which is not compliant with state regulation.

Joe Miller and Donovan Walker, Winnemucca District BLM representatives, reported that BLM is considering some changes to their Winnemucca SEAT base operation, including: (i) working on combining the three BLM leases pertaining to the Winnemucca Municipal Airport use; (ii) considering a large investment into the BLM facilities at the Winnemucca Airport; (iii) trying to be more environmentally conscious by capturing fire retardant, fuel spills and the wash down from their aircraft; and, (iv) in the next year or two, making their operation more efficient for the community and region, and more sustainable for the future. Miller and Donovan will work with the Airport Board to formulate the best plan possible for the future. Donovan commented there are 500 to 800 aircraft missions flown out of the Winnemucca Airport, which may be the number one aviation priority for BLM.

**MINUTES:**

There were no minutes for approval.

**WARRANTS-EXPENSES:**

The payments for warrants and expense reports were reviewed and Council member Owens moved for approval as submitted. Motion carried unanimously with Council member Billingsley abstaining from voting on Jim Dandy Productions warrants as he is the owner of the business.

**PROCLAMATIONS-AWARDS-PRESENTATIONS:**

There were no proclamation or awards.

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**BUSINESS ITEMS:**

**BUSINESS IMPACT DETERMINATION**

After review and consideration of the effect each item could potentially have on a “business,” as the term is defined by statute, the Council agreed and Council member Owens moved to make a finding that no item on the agenda appears to impose a direct and significant economic burden on a business or appears to directly restrict the formation, operation or expansion of a business. Motion carried unanimously.

**VARIANCE REQUEST / VW-19-04 / INCREASE FRONT YARD FENCE HEIGHT / SALVATORI**

Betty Lawrence, Planning Department, presented a variance application submitted by Kurt and Donna Salvatori to increase the allowed fence height in the front yard (Melarkey Street) setback from 3’ to 6’ to construct a privacy fence at 120 W. Minor Street. No comments or objections were received by the planning department. The fence will not obstruct visibility. Council member Brooks moved to approve, based on staff findings and recommendations, the variance request to increase the allowed fence height in the front yard (Melarkey Street) setback from 3’ to 6’ at 120 W. Melarkey Street. Motion carried unanimously.

**STREET-LAWN USE REQUEST / “WALK A MILE IN HER SHOES” EVENT / WINNEMUCCA DOMESTIC VIOLENCE SERVICES**

Rose Rodriguez, Winnemucca Domestic Violence Services representative, presented a request from WDVS to use the City Hall lawn and City streets for their sixth annual “Walk A Mile In Her Shoes” event on September 27, 2019 from 5:00 p.m. to 6:00 p.m., beginning at the City Hall lawn and then along Winnemucca Blvd., Bridge Street and back to City Hall. Councilman Brooks moved to approve the use of the City Hall lawn and City streets for the sixth annual “Walk A Mile In Her Shoes” event on September 27, 2019 as requested. Motion carried unanimously.

**SENIOR CENTER REQUEST TO EXTEND CURRENT LEASE**

City Manager Heiser explained that in order for the Senior Citizens of Humboldt County to receive the funding needed for Phase 3 of the Senior Center expansion, the Senior Citizens must show that the property upon which the project is to be constructed must be owned by the nonprofit or in a long-term lease of at least 40 years. The original lease from the City for the Senior Center property was for 40 years, ending on October 31, 2022. The Senior Citizens would like to extend the lease for another 40 years to ensure eligibility for construction funding grant money from the Pennington Foundation. Patricia Tindall, Director of Humboldt County Senior Center, commented they are anticipating \$769,740 from the Pennington Foundation which will fund 68% of the Phase 3 Expansion of the Senior Center. Council member Brooks moved to renew the Senior Center lease as requested and to direct staff to prepare the appropriate documents. Motion carried unanimously.

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**PUBLIC HEARING-ORDNANCE ADOPTION / AN ORDINANCE TO AMEND THE CITY ZONING CLASSIFICATIONS TO DEFINE LOCATIONS IN THE CITY WHICH PROHIBIT AND ALLOW MARIJUANA ESTABLISHMENTS**

Mayor Stone reported that the Winnemucca Indian Colony consultants have been in contact with the City and communicated with the City Attorney. Stone said the Colony is receptive to some of the City's concerns such as where a Colony dispensary and growing facility may be located. Stone said he received the information late last week and has not had adequate time to review it. There is a list of seven or eight options the Colony is proposing. Stone questioned if the Council wants to look at the options to see what is being offered, not that it will affect the City ordinance adoption process, but it may affect the regulatory ordinance. Council member Brooks said she would like to see everything that is on the table. City Attorney Maher suggested reconvening the marijuana research committee so that they can review the Colony proposals and come back to the Council with a recommendation. The Colony proposals will not impact the zoning classification proposal, however, depending on what the Council decides to do, there could be modifications to the licensing and regulatory ordinance. Maher suggested this is a good time to consider the proposals. Council member Billingsley asked if the Colony is looking for an exclusive to be the only dispensary in the City. Maher said no, they are requesting such things as being able to use City water and sewer services that are available and they want agreements for the use. They are not requesting anything financial from the City. Maher explained if the Colony acquires private property, they will make application to have it converted to trust land or reservation land and if they have the support of the municipality, the process goes much faster. Billingsley asked if the Colony representatives are requesting the City to eliminate any other marijuana dispensaries. Maher said they are concerned about competition, not eliminating it, and they are offering proposals to restrict the number of facility locations. The City zoning is already restrictive because a dispensary can only be located in certain industrial or commercial zoning areas. The Colony is looking at it from an economic perspective and not diluting the market with multiple facilities. Stone said the advantage to the City is that there is the possibility their proposed dispensary at the corner of Highland Drive and Hanson Street could be moved to a commercial area. Council member Owens moved to table agenda items 5 and 6 until staff and the marijuana committee can review the Colony proposals and bring back a recommendation to the Council. Motion carried with Council members Owens, Mavity, Mendiola and Brooks voting aye and Council member Billingsley voting nay.

**COMBINE CITY CLERK AND CITY TREASURER POSITIONS / REINSTATE DEPUTY CLERK-TREASURER POSITION**

Mayor Stone commented that the City Treasurer position is now vacant. Stone said the City Attorney, the City Manager and Mayor believe that combining the offices will be a more effective and efficient way to run the office. The offices were split into two separate positions in 2013 and the front office has been somewhat fragmented especially when there is short staffing because the personnel were not always able to perform functions of the other positions. Stone said it is believed having a Clerk-Treasurer position and a Deputy Clerk-Treasurer position with all staff working under one supervisor and all staff being cross trained will smooth things out in the office. Council member Mavity moved to approve combining the offices of City Clerk and City Treasurer as recommended. Motion carried unanimously.

**2019 MILL AND OVERLAY PROJECT**

City Manager Heiser reported receiving only one bid in the amount of \$801,270 from Hunewill Construction which includes Bid Addendum #1. The bid called for a 2" mill and a 2" overlay but

a 3/8" chip seal already exists on the roads; Addendum #1 amends the bid specs to require a 2½" mill with a 2" overlay. The engineer's estimate for this RTC project was \$915,950. With the bid coming in less than the project estimate, there should be sufficient RTC funds to complete the Kluncy Canyon chip seal project and some of the curb and gutter project. The bid, if approved by the City, will be submitted to the RTC at their next meeting and construction will begin after RTC approval. Council member Owens moved to accept the Hunewill bid for the 2019 mill and overlay project in the amount of \$801,270. Motion carried unanimously.

### **BODE HOWARD MEMORIAL POOL**

City Manager Heiser reported she is currently working on the request for proposals (RFP).

### **STAFF-COUNCIL REPORTS**

City Manager Heiser reported: (i) the Railroad Springs pipeline project is still waiting on the Interdisciplinary Design Team meeting to be scheduled and Marlin Paris, from Mark Amodei's office, met with BLM last week and offered to help the City with the process; (ii) receiving comments from NDEP on the well #8 proposal asking for additional testing on the ground water to make sure the pumping discharge is not contaminating the land and for more details on the well itself; (iii) there are no updates on the Airport property acquisition project and the grant may be closed out without completing the property purchase transaction; (iv) construction has begun on the Airport Heavy aircraft apron expansion and reconstruction project; (v) Hunewill will be starting on the Second Street storm drain project once the school district projects are completed; (vi) the City will be joining with the County to complete the planned Kluncy Canyon RTC chip seal project which will be going out to bid next spring and if the City is unable to join with the County, the chip seal may have to be done with the chip sealing of the mill and overlay project which was awarded today; and, (vii) the curb and gutter RTC project will be completed in phases with the first phase starting sometime in the fall. City Attorney Maher reminded in relation to the chip-seal project there is another option under the current law which allows any project under \$100,000 to be solicited by obtaining two proposals from two different persons capable of performing the project without going out to bid.

Council member Mavity asked about the pool and staffing issues, noting the pool has not been open since last Thursday because there are no lifeguards. City Manager Heiser said the Winnemucca Boys & Girls Club (WBGC) received some applications for pool manager, but nothing has worked out so far. WBGC director Peters and Letty Norcutt have been filling in as lifeguards.

Council member Mendiola reported on the Humboldt Development Authority meeting and the Explore the Future group trip to Reno. The next Winnemucca Futures is in the planning stages. Mendiola reported on the NNRDA and some of their changes. Mendiola commended City Attorney Maher for the work he has done on the bylaws and other documentation for NNRDA.

Council member Brooks reminded of the Lithium mine tour on September 4, 2019 and the Dutch Oven Cook-off on September 14, 2019.

Police Chief Dalley reported that the police department is operating smoothly. The PD will be participating in an active shooter tabletop on September 11, 2019. There is no word on the grant for the School Resource Officer.

Mayor Stone presented the youth awards at the Tri-County Fair. On August 22, 2019 the Department of Taxation met with Stone, City Manager Heiser and City Attorney Maher to discuss the Department concerns about the Tribal cannabis operations. Stone and Heiser met with the potential owner/operator of the Grocery Outlet. On Tuesday September 10, 2019 the police department will be swearing in a department chaplain. Stone commented that former Deputy City Clerk-Treasurer Linda Barton is temporarily helping in the Clerk's office to do some training.

**PUBLIC COMMENT:**

Winnemucca resident Suzan Loda commented that she was glad the City has agreed to talk to the Tribal leaders about their planned marijuana dispensary.

The meeting was adjourned at 3:08 p.m.

Respectfully submitted,

Lorrie Haaglund  
City Clerk

**PASSED AND ADOPTED:** September 17, 2019

**VOTE OF COUNCIL:**

**AYES:** Owens, Mavity, Mendiola, Billingsley, Brooks  
**NAYS:** \_\_\_\_\_  
**ABSTAIN:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_

**APPROVED:**

**ATTEST:**

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Richard Stone  
Mayor

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Lorrie Haaglund  
City Clerk