

**CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 17, 2019**

The Winnemucca City Council met in regular session on Tuesday September 17, 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:

Lewis Trout, who said he is representing American Legion Post 5, commended Leon Franklin for his military service and acceptance of the proclamation which will be presented in honor of POW/MIA Remembrance Day.

MINUTES:

The August 20, 2019 regular City Council minutes were reviewed and Council member Brooks moved for approval as submitted. Motion carried unanimously.

The September 3, 2019 regular City Council minutes were reviewed and Council member Mendiola moved for approval as submitted. Motion carried unanimously.

WARRANTS-EXPENSES:

The payments for warrants and expense reports were reviewed and Council member Mavity 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:

Mayor Stone presented the POW/MIA Recognition Day proclamation to Leon Franklin and declared Friday, September 20, 2019 as POW/MIA Recognition Day in Winnemucca Nevada. Council member Owens commented he has worked with Franklin for several years and thanked Franklin for all he has done and continues to do for this community and the nation.

Mayor Stone presented Winnemucca Volunteer Fire Department (WVFD) member Dustin Christean with a 10-year service certificate and expressed appreciation for the WVFD and its importance to the community. Fire Chief Dendary presented Christean with a 10-year service recognition plaque and thanked him for his WVFD service.

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-19-05 / BUILDING HEIGHT INCREASE / NAGRA

City Manager Heiser presented a variance application submitted by Karandeep (Kenny) Nagra to increase the maximum building height allowance to 53' 6³/₄" for the proposed four-story hotel at 740 West Winnemucca Boulevard. The current Winnemucca Municipal Code, which was adopted before the City acquired a ladder truck, has a maximum building height of thirty-five feet. Heiser, Fire Chief Dendary and the WVFD members don't see any issues with the increased building height. City Attorney Maher said, if the variance is approved, the findings should include the comments in the variance application, which provide more detail than the staff analysis and support justification for the variance. Council member Billingsley moved to approve, based on staff findings and analysis, the application and staff recommendations, the variance request to increase the maximum building height allowance to 53' 6³/₄" for the proposed four-story hotel at 740 West Winnemucca boulevard. Motion carried unanimously.

STREET USE REQUEST / HOMECOMING PARADE / LOWRY HIGH SCHOOL

Mayor Stone presented a request to use Bridge Street and Highland Drive for the annual Lowry High School homecoming parade on Monday September 23, 2019 beginning at 6:00 p.m. at Spare Time Bowl and ending at the Lowry High School football field parking lot. Council member Brooks said the only request is to not throw candy after dark. Council member Brooks moved to approve the request to use Bridge Street and Highland Drive for the Lowry High School Homecoming Parade on Monday, September 23, 2019 as presented. Motion carried unanimously.

PUBLIC HEARING—ORDINANCE ADOPTION / ZONING CLASSIFICATIONS AMENDMENT TO DEFINE LOCATIONS WHICH PROHIBIT AND ALLOW MARIJUANA ESTABLISHMENTS

Mayor Stone called for public comment on the proposed ordinance to amend City zoning classifications to define locations in the City which prohibit and allow marijuana establishments.

Suzan Loda, resident of Winnemucca, asked the City Council to not allow the sales and cultivation of marijuana in the City. Loda commented that the City of Reno has recently seen an increase of accidents with drivers under the influence of THC. Colorado reports babies being born with THC in their systems. Loda cited incidents of people buying into the myth and hype of the use of cannabis products. Loda said most County residents, the majority of which live in the City, voted against the State initiative that legalized marijuana in Nevada, and to allow marijuana here does not represent the views of the constituents. Since the long term effects of marijuana use have not been documented, it is a big risk with the health and safety of Winnemucca to allow its use. Loda also listed several negative financial and social effects on the community. Loda asked the Council to rescind their decision to allow marijuana cultivation and sales in Winnemucca.

Mike Quilici, resident of Winnemucca, reminded that once the decision is made, there is no going back.

Rendal Miller, resident of Winnemucca, commented that the State vote was to legalize or not legalize marijuana. It was legalized, it is here now and there is no going backwards. Having a

dispensary here will be a good thing; it will limit the amount of marijuana being sold on the black market where people don't know what they are getting. The proposed ordinance will concentrate the sales to one or two locations. The State has strict guidelines for testing; if the product does not meet the guidelines, it can't be sold. Miller said marijuana is here, it is time to make the best that we can to do what we can with it.

Council member Owens said he hasn't hidden his feelings about marijuana, and agrees with Loda, but disagrees with Miller's comment that if it passed, it's here. If it was here, it wouldn't be in front of the Council, it would have already been approved. This Council still must approve it; so, it isn't inevitable. The decision the City makes today will put the community onto a course that can't be undone. Owens does not believe marijuana is something the community needs and there are not enough resources in the community to handle the amount of blowback when the drug gets out on the streets. Council member Brooks said she agreed with Owens.

Council member Billingsley said the decision is not something the City decided haphazardly to do, there was a lot of research done. For all the negative stories out there, there are also positive stories. It is coming one way or another. The best way to approach this is to have as much as possible of a hands-on approach for regulation. If the Colony has it, there will be no regulation by the City. Billingsley urged the Council to do what's in the best interest for the City because its coming and will be here.

Council member Mavity said she is not a proponent of marijuana but has the same sentiment as Council members Billingsley and Mendiola; having control and regulation over what is coming is in the best interest of public safety for the citizens. Mavity doesn't believe it is going away and prefers to take the effort and time to regulate it and make it as safe as possible when it's here.

Council member Billingsley moved to adopt proposed Ordinance 825 to establish zoning regulations for marijuana establishments in the City. Motion carried with Council members Mavity, Mendiola and Billingsley voting aye and Council members Owens and Brooks voting nay.

PUBLIC HEARING-ORDINANCE ADOPTION / LICENSING AND REGULATION OF MARIJUANA ESTABLISHMENTS

Mayor Stone called for public comment on the proposed ordinance to implement licensing requirements for marijuana establishments.

Winnemucca resident Mike Quilici questioned the land trade he understands the Colony is proposing with the City. City Attorney Maher explained there is no land trade, the Colony has asked for City support in the event they purchase private land and undertake the process to convert it into Tribal land.

Winnemucca resident Suzan Loda commented that the Council does not have that much control. Mayor Stone said the State regulations control almost everything, but the City does have the ability to have law enforcement involvement, such as access to premises security cameras. Council member Billingsley noted there are currently only two licenses approved for the City with the possibility of one additional license if the County requests it.

Council member Mavity moved to adopt proposed Ordinance 826 to establish licensing regulations for marijuana establishments in the City. Motion carried with Council members

Mavity, Mendiola and Billingsley voting aye and Council members Owens and Brooks voting nay.

CONFIRMATION OF MAYOR APPOINTMENT OF CLERK-TREASURER / POSITION AND SALARY RANGE SCHEDULE AMENDMENT TO INCLUDE THE CLERK-TREASURER AND DEPUTY CLERK-TREASURER POSITIONS AND SALARIES

Council member Owens moved to confirm the Mayor's appointment of City Clerk Lorrie Haaglund as the City Clerk-Treasurer. Motion carried unanimously.

Council member Mavity moved to update and amend the City position and salary range schedule to include the Clerk-Treasurer and Deputy Clerk-Treasurer positions and salaries as presented. Motion carried unanimously.

BODE HOWARD MEMORIAL POOL

City Manager Heiser reported the request for proposals (RFP) to solicit professional consulting services is almost complete. Heiser will submit it to City Attorney Maher for review. The RFP will be advertised and sent to the five firms which have been contacted by the City.

STAFF-COUNCIL REPORTS:

City Manager Heiser reported: (i) there is no update from BLM on the Railroad Springs pipeline project; (ii) the NDEP permit applications were resubmitted and the results of water samples will be submitted to NDEP when received; (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) the first test strip of the Airport heavy apron expansion and reconstruction project did not pass inspection but construction is progressing; (v) Hunewill will be starting on the Second Street storm drain project soon; (vi) there is money available in the sewer budget to finish the Alleys sewer project that was bid and awarded last year; the project will start in the near future; (vii) the City still plans to join with the County for the chip seal project(s) which are planned for the spring; (viii) Hunewill will be starting the Potato Road/Fountain Way/Railroad Street mill and overlay project before the end of October if the weather permits; and, (ix) the curb and gutter project will be completed with excess funds after the mill and overlay project and the Kluncy Canyon chip seal project are completed.

Council member Owens reported on the September Airport Board meeting and the RTC meeting. Owens attended the Lithium mine tour.

Council member Mavity attended the Lithium mine tour.

Council member Mendiola reported on the Humboldt River Basin Water Authority and Paradise Sonoma Conservation District meetings.

Council member Billingsley reported on the Humboldt Foundation meeting.

Council member Brooks reported on the Main Street Project meeting.

Mayor Stone attended the Lithium mine tour. Stone reminded that next week is the League of Cities conference and the Walk A Mile In Her Shoes event will be held September 27, 2019.

PUBLIC COMMENT:

There was no public comment.

The meeting was adjourned at 3:10 p.m.

Respectfully submitted,

Lorrie Haaglund
City Clerk

PASSED AND ADOPTED: October 8, 2019

VOTE OF COUNCIL:

AYES: Owens, Mavity, Mendiola, Billingsley, Brooks
NAYS: _____
ABSTAIN: _____
ABSENT: _____

APPROVED:

ATTEST:

Richard Stone
Mayor

Lorrie Haaglund
City Clerk