

**CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 21, 2021**

The Winnemucca City Council met in regular session on Tuesday, September 21, 2021, at 2:00 p.m. in the City Hall meeting room; the meeting was also accessible via teleconference and videoconference. Present (in the meeting room): Mayor Richard Stone; Council members Mike Owens, Theresa Mavity, Vince Mendiola, Jim Billingsley and Pam Coats; City Manager Alicia Heiser, Administrative Assistant Brandy Grimm, City Attorney Kent Maher, Police Chief Dave Garrison and Police Captain Mike Rangel. Present (via video conference): Beth Dunning, Nevada Rural Housing Authority, and Jan Morrison, Humboldt County Development Officer.

CALL TO ORDER:

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

PUBLIC COMMENT-PERSONAL COMMUNICATION-CORRESPONDENCE:

There was no public comment, personal communication, or correspondence.

MINUTES:

The minutes of the September 7, 2021 regular City Council meeting were reviewed and Council member Owens moved for approval as submitted. Motion carried unanimously.

WARRANTS-EXPENSES:

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

PROCLAMATIONS-AWARDS-PRESENTATIONS:

There were no proclamations, awards or presentations.

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 Mavity 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-21-03 / MOUNTAIN DESERT MOBILE HOME PARK / BOAVIDA

City Manager Heiser explained the request from Boavida Homes, LLC to decrease the required distance between structures from 15 feet to 10 feet in the Mountain Desert Mobile Home Park at 4200 Maslona Drive because mobile homes are larger than they used to be and the change will allow better utilization of the existing spaces. Heiser stated that 10 feet is the minimum distance allowed by the fire code.

Council member Owens moved to approve the request from Boavida Homes, LLC to decrease the required distance between structures from 15 feet to 10 feet in the Mountain Desert Mobile Home Park at 4200 Maslona Drive, APN 16-0321-11, based on staff recommendations and findings. Motion carried unanimously.

STREET CLOSURE REQUEST / SIXTH STREET / WEDCO

Mike Meckley, branch manager of Wedco, requested temporary closure of Sixth Street in front of the Wedco business on October 20, 2021 from 9:00 a.m. to 4:00 p.m. to accommodate an ABB roadshow (a trade show). Council member Owens asked if Open Loop Energy located next to Wedco will be affected by the closure. Meckley stated the closure is primarily in front of Wedco and will not block the other business.

Council member Owens moved to approve the requested temporary closure of Sixth Street in front of Wedco on October 20, 2021 from 9:00 a.m. to 4:00 p.m. Motion carried unanimously.

SEWER-DRAINAGE EASEMENT REQUEST / WINNEMUCCA MANOR / NRHA

City Manager Heiser explained that Nevada Rural Housing Authority (NRHA) is currently conducting a renovation and expansion project at Winnemucca Manor/Village. The sewer lateral for the Manor runs across the front of the Senior Center property before connecting to the City sewer main, and there is a storm drain outfall that collects runoff from the Manor property and drains onto the Senior Center property, which is owned by the City. NRHA is requesting a 15-foot-wide easement from the City for the sewer lateral and the storm drain outfall.

Council member Mendiola moved to approve the request from Nevada Rural Housing Authority for a 15-foot in width sanitary sewer and drainage easement. Motion carried unanimously.

ACCESS REQUEST / CITY-COUNTY PROPERTY / NRHA-MCGINLEY AND ASSOCIATES

City Manager Heiser explained that Nevada Rural Housing Authority (NRHA) has identified the jointly owned City and County parcels adjacent to Highway 95 North (APNs 10-0213-01 and 10-0213-02) as a potential site for a moderate-income housing development. Historically, a portion of the properties was used as a landfill, and there is some unidentified waste on the property. NRHA obtained funding from the Nevada Brownfields program to perform Phase I and Phase II Environmental Site Assessments (ESAs) on the property. The NRHA contractor, McGinley and Associates, will perform the ESAs and they are requesting access to the site. The results of the ESAs will be of benefit even if NRHA does not move forward with a housing development at the site. Humboldt County denied the access request at the last meeting of the County Commission due to resident resistance to an apartment complex going in the area. Beth Dunning with NRHA said they have already received the Brownfields grant for the assessments and there will be no cost to the City and County. She also stated it is a benefit regardless if NRHA moves forward with the project or not. Council member Mendiola asked if residents in the area were the only reason the County did not approve the request or if they have other concerns as well. Heiser stated she met with some of the neighbors and most of them did not want an apartment complex in the area. She is not sure if there is concern with the material that could potentially be found or not. Dunning stated that she listened to the Commission meeting and believes the County does not want to move forward in case there is an issue and because of the potential cost of cleanup.

Jan Morrison, County Economic Development Officer, commented that the newly formed regional development authority is working with Pershing County and the other three entities to

secure more Brownfields grants for future projects, and because it is a Brownfields assessment project there are also funds to help mitigate contamination if a cleanup is necessary. Dunning added that once sites are identified, the State of Nevada has been good at helping with cleanup and assisting owners in finding funding.

Mayor Stone noted that not addressing the site conditions could be a liability and suggested the City approve the access request and ask the County to reconsider their position. Owens thinks there should be a joint meeting with the County so both entities can discuss the matter further. Billingsley stated that it comes down to not knowing what is on City-owned property. Coats confirmed the City will be out no money for the assessment but there are possible expenses for the cleanup, if necessary, pending the types of grants that are available. City Attorney Maher reiterated that McGinley is only asking permission for access and nothing more at this time.

Council member Coats moved to grant McGinley and Associates access to the jointly owned City and County parcels (APNs 10-0213-01 and 10-0213-02) to complete the Phase I and Phase II Environmental Site Assessments on the property as requested. Motion carried with Council members Mavity, Mendiola, Billingsley and Coats voting aye and Council member Owens voting nay.

NDOT EQUIPMENT STAGING REQUEST / CITY PROPERTY

City Manager Heiser explained that NDOT has a project from Melarkey Street at I-80 to the Nevada-Oregon border, which includes improvements to the Melarkey bridge. NDOT is asking for permission to stage equipment on City property during the project. The property will be returned to its pre-construction condition at NDOT expense. Council member Mavity asked about the length of the project, Heiser stated there is currently no timeframe, but she believes the section in the City will be done fairly quickly and Bridge Street will remain open.

Council member Owens moved to approve the request by NDOT for permission to stage equipment on City property for NDOT Project B-223. Motion carried unanimously.

K9 DONATION ACCEPTANCE

Police Chief Garrison stated the Winnemucca Police Department (WPD) received an offer from the American Society of Canine Trainers (ASCT) to donate a narcotics detection K9. Deputy Chief Rangel said the dog was previously with the Vacaville, California police department and the ASCT took the dog back due to handler and internal department issues. Garrison presented statistics showing the success the current WPD K9 has had since August 2020, including seizure of 239 grams of schedule 1 narcotics. In 2019 before a K9 was on staff, the total seizure was 30 grams. The retail purchase cost of a narcotics detection K9 is between \$10,000 and \$15,000 and the department will receive the new dog for free. A current vehicle will need to be updated to accommodate the K9, and the funds to update the vehicle have been donated so the budget impact will only be for overtime and handler related costs. Council member Coats asked why Vacaville got rid of the dog. Rangel said it was solely due to handler issues and not issues with the dog. The ASCT took the dog back to maintain her certifications while looking for another home. WPD Officer Jimmi Santos stated they have been getting regular updates on the dog, and the trainer will be able to meet WPD Officer Brown, the prospective handler, to introduce him to the dog to determine if he and the dog will be a good match. Council member Mendiola asked about the actual cost to the City. City Manager Heiser explained that it is one-half hour of overtime per day which comes to about \$8,200 annually, plus potential costs of food. Santos commented that she had been providing food for the current dog as a personal choice because she has other dogs. Big R has offered to donate food and kennels.

Council member Coats moved to approve acceptance of a donated narcotics detection K9 from the ASCT. Motion carried unanimously.

PROXIMITY LOCKS INSTALLATION PROPOSAL / CITY HALL-POLICE DEPARTMENT

City Manager Heiser stated that on February 6, 2021 POOL/PACT performed a site safety/security assessment at city hall, the police department, and the swimming pool. One item that was identified was inadequate access control. An option to address the issue is to install proximity locks with motion sensors and card reader systems at all exterior doors. This will allow the City to activate and deactivate access cards as well as maintain a record of who is accessing the buildings. The proposed cost from Capital Glass is \$13,999 for city hall and \$32,710 for the police department. The cost can be covered using either CARES Act Funds or ARPA Funds because it is a public safety expense.

Council member Owens moved to approve the proposal from Capital Glass to install proximity locks with motion sensors and card readers at city hall at a cost of \$13,999 and the police department at a cost of \$32,710 for the total sum of \$46,709. Motion carried unanimously.

PERS CRITICAL NEED DESIGNATION LAW ENFORCEMENT POSITION

City Manager Heiser explained that on October 8, 2019, the City Council designated a Category 1 Peace Officer patrol position as a critical need position. This allowed the City to hire Tom Merschel, a PERS retiree, as a full-time officer to fill a school resource officer position. The critical need designation only applies for two years. To be re-designated, the City Council must consider the statutory criteria and make new findings in an open public meeting as to whether the position continues to meet the critical need criteria established by law, which are identified in the critical need application in the meeting packet and include: 1) history of the rate of turnover for the position; 2) number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted; 3) length of time the position has been vacant; 4) difficulty in filling the position due to special circumstances, including special education or experience required for the position; and, 5) history and success of the efforts to recruit for the position, including advertising, out-of-state recruitment and all other efforts made

Council member Billingsley questioned if PERS will agree that the City meets the requirements of searching outside of the department for recruitment. Chief Garrison stated that not only is there lack of interest and experience within the agency for this specialized position, but the department has also advertised outside the department via social media and other law enforcement websites without success. Garrison believes this satisfies the critical need requirement. Stone verified that this is the last two years that Officer Merschel is eligible for a critical needs designation.

Council member Mavity moved to approve the request to re-designate the Category 1 Peace Officer patrol position with a critical need status based on the findings in the critical needs application as presented and explained. Motion carried unanimously.

CORONAVIRUS RELIEF FUND USE

City Manager Heiser said at the last meeting the estimated remaining balance of Cares Act funds was about \$38,500. The approval today of \$46,000 plus for the proximity lock system will

use the remaining balance of the funds; the balance of the funds can be reallocated from the estimated \$60,000 earmarked for PPE and disinfection expenses.

The first ARPA funds project is the Well 6 arsenic study and hydraulic model.

No action was taken.

BODE HOWARD MEMORIAL POOL

City Manager Heiser reported no updates, and options continue to be explored the recreation department is doing a good job of maintaining and running the current facility.

No action was taken.

STAFF-COUNCIL REPORTS

City Manager Heiser reported: 1) the selection and installation of a pump for Well 8 and the pump house construction is proceeding; 2) the West-Side curb and gutter project is nearly done; 3) the East-Side curb and gutter project will be advertised for bids in late fall or early winter; 4) discussions are continuing on a transloading facility at the Airport Industrial Park (AIP); 5) an AIP committee formed by HDA is expected to start the marketing of the Loon site; 6) BLM recently increased efforts to complete a proposed \$2.5M expansion at the Airport and amendment(s) to the existing BLM lease(s) at the airport are expected soon; 7) the design of Hardgrave Lane project is nearly finished and will be put out to bid soon; 8) a recent uptick in development on Ada Vista Lane has made extending water and sewer infrastructure in the area a higher priority and the project design has started and is expected to go out to bid this fall; 9) if the Aquatic Center is not approved as an eligible ARPA expense, the City could use some ARPA funding to finish the development of the Recreation Complex--there is no answer yet from the State if it will be an eligible ARPA expense; 10) the AARP grant funds for the Community Garden were received and items will be purchased in accordance with the grant; 11) the Public Works Department now has a method for draining Tank 1C for the upcoming painting project which will be advertised in the near future; and, 12) staff will soon be working with Shaw Engineering on the Well 6 blending project and hydraulic modeling.

Council member Owens reported he: 1) attended the last airport board meeting, and the GA apron hardstand project is delayed due to lack of rebar for the project; and, 2) attended the Regional Transportation Commission meeting yesterday and the revenue received from the 5-cent diesel tax has been more than originally anticipated. Owens questioned how the old Armory building is working out for public works. Heiser stated it is going well and they are still waiting on internet service in order to move the SCADA system equipment.

Council member Mavity asked about the Tribal land development near Hanson Street. Mayor Stone said things are moving along and there is a ground-breaking scheduled for their recreation center and the Council is invited. The recreation center and housing are being built off Hanson behind the water tanks. The developer, Rez Builders, is working with the City to connect water and sewer, and that has gone smoothly.

Council member Mendiola reported he attended the Humboldt River Basin Water Authority (HRBWA) meeting and they have renewed the contract with their Executive Director Jeff Fontaine until June 2022, and they are participating in a cloud seeding program with the Desert Research Institute estimated to cost \$120,000 which will be contributed to by the Pennington

foundation (\$60,000), other Nevada counties (\$3,500 each), Nevada Mining Association, and Marigold Mine (\$10,000). Owens also attended the HDA meeting.

Council member Billingsley reported that he attended the WCVA meeting, and that Kent Maher is replacing Bill Macdonald as the legal counsel for WCVA.

Council member Coats reported she attended the FCC meeting and will attend a Behavioral Health roundtable on September 29 from 10 a.m. to 3 p.m.

City Attorney Maher reminded the Council to review information he sent from POOL/PACT regarding taking a stand as a public body regarding mask and vaccine mandates.

Police Chief Garrison reported he has had multiple calls regarding a Lights Over America lantern festival being advertised on social media and the packages are being sold for an event supposedly scheduled on Winnemucca Mountain. Upon review, Garrison stated it appears to be fraudulent and he will be putting out a press release notifying the public of the suspected scam.

Mayor Stone reminded that the free drive-thru flu shot clinic is September 29 from 4:00-8:00 p.m. at the Winnemucca Event Center. The annual Mayor's Ball is October 22, 2021.

PUBLIC COMMENT:

There were no comments.

Mayor Stone adjourned the meeting at 3:38 p.m.

Respectfully submitted,

Brandy Grimm
Administrative Assistant

The federal mandated non-discrimination statement is set out in entirety on the publicly posted meeting agenda for this meeting and is incorporated by reference pursuant to 41 CFR part 60, and is available in the City Clerk Office, 90 W Fourth St, Winnemucca, NV.

PASSED AND ADOPTED: October 5, 2021

VOTE OF COUNCIL:

AYES: Mavity, Mendiola, Coats

NAYS: _____

ABSTAIN: _____

ABSENT: Owens, Billingsley

APPROVED:

ATTEST:

Richard Stone
Mayor

Ruth Fitzpatrick
City Clerk