

**CITY COUNCIL MINUTES
REGULAR MEETING
DECEMBER 14, 2021**

The Winnemucca City Council met in regular session on Tuesday, December 14, 2021, at 2:00 p.m. in the City Hall meeting room which had restricted public access due to the Nevada Executive Department Directives; the meeting was 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 and Police Chief Dave Garrison; and, Tyler Carpenter, Chad Peters, Steve Kuhn, Jeff Miller and Shane Terry. Present (via teleconference): Gina Rackley, Jan Morrison, Rendal Miller, Heather Frydendall, Dawn Principe and Jessica Koepke.

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 November 23, 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) because he is the owner of the business.

PROCLAMATIONS-AWARDS-PRESENTATIONS:

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

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.

SIXTH JUDICIAL DISTRICT COURT REPORT

The presentation was postponed.

DONATION REQUEST / LOWRY SOBER GRADUATION PARTY

The 2022 Lowry Senior Class, represented by Tyler Carpenter and Chad Peters, requested a \$2,500 donation for the sober graduation party to be held June 9, 2022 from 9 pm to 3 am at the Boys and Girls Club.

Council member Billingsley moved to approve the request for a \$2,500 donation for the sober graduation party. Motion carried unanimously.

VARIANCE REQUEST / SIGN HEIGHT / HUMBOLDT FORD

Mayor Stone stated that property owner BVMH Properties III, LLC, requested to increase the allowed sign height at the property line from 36 feet to 60 feet 7.75 inches and the allowed sign size from 160 square feet to 200 square feet at Humboldt Ford, 3305 Potato Road; Assessor's Parcel No. 15-0251-22. Council member Mavity disclosed that her husband is an employee of BVMH Properties, dba Humboldt Ford, however the variance request has nothing to do with her husband and her relationship does not impact her decision in this matter.

City Manager Heiser stated that BVMH Properties III, LLC, has plans for extensive improvements of the Humboldt Ford property. The original plans showed the sign location in the Potato Road right-of-way. BVMH Properties has indicated that the final placement of the sign will not be in the ROW and will be at a location approved by the City.

Council member Owens moved to approve the variance request based on staff findings and recommendation. Motion carried unanimously.

MASTER PLAN AMENDMENT REQUEST / N BRIDGE ST / SMITH TRUST

Mayor Stone explained the request from Desert Mountain Surveying as agent for the property owner, Randolph L. Smith Family Trust, to amend the COMM (Commercial) Master Plan designation to MDR (Medium Density Residential) for property located at the end of N. Bridge Street; Assessor's Parcel No. 15-0491-09.

Council member Owens moved to introduce and set for public hearing the ordinance to amend the COMM (Commercial) Master Plan designation to MDR (Medium Density Residential) for APN 15-0491-09. Motion carried unanimously.

ZONE CHANGE REQUEST / N BRIDGE ST / SMITH TRUST

Mayor Stone explained the request from Desert Mountain Surveying as agent for the property owner, Randolph L. Smith Family Trust, to change the G-C (General Commercial) zoning designation to R-1-9 (Single Family Residential 9,000 sf minimum lot size) for property located at the end of N Bridge Street; Assessor's Parcel No. 15-0491-09

Council member Mendiola moved to introduce and set for public hearing the ordinance to change the G-C (General Commercial) zoning designation to R-1-9 (Single Family Residential 9,000 sf minimum lot size) for APN 15-0491-09. Motion carried unanimously.

MASTER PLAN AMENDMENT REQUEST / E SECOND ST / AHARONI

Mayor Stone explained the request from Desert Mountain Surveying as agent for property owners Michael Aharoni and Bonnie Aharoni to amend the IND (Industrial) Master Plan designation to MDR (Medium Density Residential) for property is located off E Second Street; Assessor's Parcel No. 15-0363-02.

Council member Mavity moved to introduce and set for public hearing the ordinance to amend the IND (Industrial) Master Plan designation to MDR (Medium Density Residential) for APN 15-0363-02. Motion carried unanimously.

ZONE CHANGE REQUEST / E SECOND ST / AHARONI

Mayor Stone explained the request by Desert Mountain Surveying as agent for property owners Michael Aharoni and Bonnie Aharoni to change the AG-5 (General Agriculture 5-acre minimum lot size) zoning designation to E (Estate) for property located off E Second Street; Assessor's Parcel Nos. 15-0442-01 and 15-0442-02.

Council member Owens moved to introduce and set for public hearing the ordinance to change the AG-5 (General Agriculture 5-acre minimum lot size) zoning designation to E (Estate) for APNs 15-0442-01 and 15-0442-02. Motion carried unanimously.

ZONE CHANGE REQUEST / E SECOND ST / AHARONI

Mayor Stone explained the request by Desert Mountain Surveying as agent for property owners Michael Aharoni and Bonnie Aharoni to change the AR (Agricultural Residential) zoning designation to E (Estate) for property located near E Second Street; Assessor's Parcel No. 15-0363-02.

Council member Mendiola moved to introduce and set for public hearing the ordinance to change the AR (Agricultural Residential) zoning designation to E (Estate) for APN 15-0363-02. Motion carried unanimously.

PUBLIC HEARING / ORDINANCE ADOPTION / BUSINESS LICENSE ADMINISTRATION

Mayor Stone presented the proposed ordinance to amend certain administrative provisions of the business license application issuance procedure and application renewal filing times, due dates and dates when non-filing penalties apply as regulated by Title 5 of the Winnemucca Municipal Code. Stone called for public comment; there was none.

Council member Owens moved to adopt the ordinance to amend the business license administrative provisions as presented. Motion carried unanimously.

DISPENSARY LICENSE DENIAL REVIEW

City Manager Heiser stated an application for a marijuana dispensary was submitted by Miller Law as agent for TRNVD670, LLC dba The Gold Leaf. The application has been reviewed and denied because information submitted as part of the application package indicated that the front door of the proposed dispensary is 993 feet from the nearest parcel line of the Learning Ladder property. Winnemucca Municipal Code Section 5.32.070(8)(d) requires a "...1,000 feet separation from a public or private school, preschool through twelfth grade...", and the distance is to be "...measured in a straight line from the front door of the marijuana establishment to the closest parcel line, as shown on the Humboldt County Assessor records." Based on the information available to the City, the application was denied by administration because the Learning Ladder is a preschool, and the 1,000 feet separation requirement has not been met.

Mayor Stone said he communicated with the state Cannabis Compliance Board (CCB) and the state Department of Health questioning whether Learning Ladder is considered a pre-school or a day care facility, and no clarification was provided by either agency.

City Attorney Maher stated that if Learning Ladder is considered a pre-school by the Council then the 1,000 feet separation rule applies per state law and local ordinance.

Mayor Stone noted that in Las Vegas apparently there have been allowances for properties closer than 1,000 feet. Stone spoke with Ann Miller, Learning Ladder education director, and Heather Frydendall, Learning Ladder owner, and they both consider Learning Ladder a preschool, but neither has objection to the dispensary location due to the railroad track separation and the travel distance (more than one mile) from the proposed establishment to their building.

Council member Mendiola said his opinion is that it is a childcare center and not an official school. Council member Owens remarked that because they are closed in the summer and during holidays the facility should be considered a school. Council member Mavity suggested that although the Learning Ladder functions as a school there is a gray area because the licenses are for a childcare facility. Council member Coats asked Frydendall about their licensing. Frydendall said they are licensed through the state as a childcare facility.

Rendal Miller with Miller Law stated that the state has approved the location, and the only preschools that qualify as schools are public preschools, not private preschools. The Learning Ladder is a private facility.

Heiser said state cannabis licensing approval is dependent on local licensing approval.

Council member Billingsley moved to determine that the Learning Ladder is not considered a preschool. Motion carried with Council members Mavity, Mendiola, Billingsley and Coats voting aye and Council member Owens voting nay.

FY 2020-2021 FINANCIAL AUDIT REPORT

Andree Rose with Drake Rose and Associates presented the FY 2020-2021 financial audit report, noting there has been a great deal of progress with the budget over the last few years, and there are no statutory violations or significant deficiencies noted in the audit report.

Council member Coats moved to accept the audit of the City financial statements as presented. Motion carried unanimously.

DAMAGES CLAIM REQUEST / FOX

Mayor Stone reported a claim was submitted on behalf of Michael Fox for damages allegedly resulting from an incident that occurred on September 28, 2021 when Fox was temporarily detained by city police officers. There was no dollar amount requested for the damages.

City Attorney Maher stated that the claim submittal is a formal state law requirement which is supposed to precede any legal action.

Council member Owens moved to decline the claim for damages as presented. Motion carried unanimously.

AIRPORT LEASE PROPOSAL / BLM BASE SEAT

City Manager Heiser stated that BLM provided a revised "General Clauses" for the proposed BLM SEAT Base lease, which allow for acquisition of leasehold interests in real property at or below the simplified lease acquisition threshold (SLAT). The proposed annual payment of \$40,000 is the amount compared to the SLAT, and because this is a proposed land lease with predominantly outdoor operations at an amount well-below the SLAT, the BLM is agreeable with not including the mandatory federal contractor Covid-19 vaccination terms of Executive Order 14042.

Heiser said Armstrong Consultants suggested at the December 13, 2021 Airport Board meeting that a meeting between the City, BLM, Armstrong and the associated attorneys be scheduled to clarify whether the Executive Order will still apply to the lease and to discuss the city concerns related to quality control for administering the project. Council member Owens stated that Heiser will be doing most of the work and the city will not receive any administrative fees for her services. Heiser agreed but noted that the improved SEAT Base will add value to the Airport.

Council member Owens moved to postpone the lease proposal and to see if the lease can be revised for 6-year term rather than a 30-year term to be under the simplified acquisition threshold for Executive Order 14042. Motion carried unanimously.

PROPERTY STATUS DETERMINATION / K9 POLICE DOG

Police Chief Garrison stated with the resignation of K9 Officer Santos in November, the City needs to decide the next steps for K9 Officer Polly, the dog handled by Santos. Garrison said since the departure of Santos the dog has exhibited signs of separation anxiety and he believes that it is in the dog's best interest to stay with Santos, who has offered to purchase the dog for \$4,500.

Council member Mendiola asked if it common for K9s to go with their handlers if they leave employment. Garrison stated some agencies retain the dogs, but it is more common for the dogs to go with their handlers upon leaving employment. The Chief also reminded that the funds to purchase the dog were donated to the city.

Dawn Principe, a local resident, stated that because the funds to purchase the dog were donated, she believes the only money the city should receive is the money actually spent on the dog and that the city should provide an itemized statement to determine the purchase price. Principe believes the public is in favor of Santos keeping the dog.

Council member Mavity believes it is a reasonable request to determine the city-paid expenses for the dog's services.

Mayor Stone noted the only decision today is only to determine whether or not the dog is still of use to the city and the appropriate way to release the dog from city ownership.

Council member Billingsley moved to find that the city has no further use for the K9 dog Polly and to offer the dog for sale to former employee Santos, pending a determination of city-paid expenses for the dog's services, for the sum of the city-paid expenses for the dog's services not to exceed \$4,500. Motion carried unanimously.

TRAFFIC CONTROL PROPOSALS

City Manager Heiser reported she has received requests from members of the public to reduce the speed limit from 35 mph to 25 mph on a section of Water Canyon Road as the area has become more residential, and to make the intersection of Water Canyon Road, Highland Drive, and Hanson Street a three-way stop.

Police Chief Garrison stated if the city does not want a 3-way stop at that intersection, there is equipment, such as radar speed signs or flashing yellow lights, that can be installed to capture the attention of drivers and make the intersection safer.

Council member Mendiola moved to authorize reduction of the speed limit on Water Canyon Road from Highland Drive to the cattle guard from 35 mph to 25 mph. Motion carried unanimously.

LEASE AGREEMENT RENEWAL / POSTAGE METER / PITNEY BOWES

City Manager Heiser stated that the Pitney Bowes lease agreement for the postage equipment in the Clerk-Treasurer's office is up for renewal. The proposed lease renewal is for a five-year term at a fee of \$80.74 per month plus postage.

Council member Coats moved to approve the Pitney Bowes lease renewal for the postage equipment in the Clerk-Treasurer's office as presented. Motion carried unanimously.

CORONAVIRUS RELIEF FUND USE

City Manager Heiser reported the November report was submitted to the state with \$20,210 in eligible expenses. There is about \$66,000 remaining in CARES Act funds which are allocated as follows: \$6,300 for wastewater testing December; \$7,100 to update the City phone system; \$5,000 for filters for various air purifiers; \$6,800 for the City single audit related to CARES Act administration; and, \$20,000 for the website and app development which is still under development. The server upgrade project will not be completed by the end of the year so CARES Act funds will not be used. There will be remaining funds and Heiser recommends making a contribution to HGH for the purchase of a tent for their Regeneron clinic and other Covid testing related expenses through the end of the year.

Heiser stated received the reporting requirements for ARPA funding and the first report will be due April 30, 2022. The City will only be required to submit annual reports at the end of April every year following.

No action was taken.

BODE HOWARD MEMORIAL POOL

City Manager Heiser reported the pool boiler repair are working, and the boiler is running well. The pool will be closed for the Christmas holiday.

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 East-side curb and gutter project will be advertised for bids soon; 3) no new updates at the Airport Industrial Park (AIP); 4) an AIP committee formed by HDA is expected to start the marketing of the Loon site; 5) 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; 6) the design of the Hardgrave Lane project is finished and will be put out to bid this winter; 7) the Ada Vista Lane water-sewer infrastructure project design is almost finished and is expected to go out to bid soon; 8) the City can use some ARPA funding for development of the Recreation Complex planned projects which include outdoor lighting, an urban pond, an amphitheater and a fourplex; 9) the AARP grant funds for the Community Garden project were used in accordance with the grant and the final report has been submitted; 10) the Tank 1C interior painting project has been awarded to Resource Development Company and will begin in the spring, and an inspection services proposal will be presented at the next Council meeting; and, 11) Shaw Engineering is done with the hydraulic model and they are working on the design for blending of Well 6 for arsenic remediation.

Council member Owens 1) thanked the City Manager and city staff for the exceptional financial audit, 2) would like to see Recreation Director present future recreation plans, 3) would like to start receiving quarterly building permit reports, 4) attended the last RTC and Airport Board meetings, and 5) participated in the Parade of Lights.

Council member Mendiola reported attending the Paradise Sonoma Conservation District meeting.

Council member Billingsley reported participating in the Parade of Lights.

Police Chief Garrison reported 1) the department is down two police officers, 2) applicant testing is scheduled for January 15, 2022, and 3) Administrative Assistant Heather Elder procured a \$75,749 grant for purchase of a 3D laser scanner to be used for crime scene processing and accident reconstruction. The purchase is a step to reduce the use of the Washoe County Crime Lab.

PUBLIC COMMENT:

There were no comments.

Mayor Stone adjourned the meeting at 4:38 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: January 4, 2022

VOTE OF COUNCIL:

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

APPROVED:

ATTEST:

Richard Stone
Mayor

Ruth Fitzpatrick
City Clerk