

**CITY COUNCIL MINUTES
REGULAR MEETING
OCTOBER 7, 2014**

The Winnemucca City Council met in regular session on Tuesday, October 7, 2014 at 2:00 p.m. in the City Hall meeting room. Present: Mayor Di An Putnam, Councilmen Doug Cain, Ken Tipton, Jim Billingsley and Paige Brooks. Absent: Councilman Mike Owens. Staff present: City Manager Steve West, City Attorney Kent Maher and City Clerk Lorrie Haaglund.

CALL TO ORDER:

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

APPROVAL OF MINUTES:

The minutes of the September 23, 2014 regular City Council meeting minutes were reviewed and Councilman Tipton moved for approval as submitted. Motion carried unanimously.

APPROVAL OF WARRANTS:

The warrants were reviewed and Councilman Cain moved for approval as submitted. Motion carried unanimously.

PROCLAMATIONS / EMPLOYEE AWARDS:

There were no proclamations or awards.

PUBLIC / PERSONAL COMMUNICATION / CORRESPONDENCE:

There were no public or personal communications or correspondence.

DISCUSSION / ACTION ON ITEMS OF BUSINESS & OTHER REPORTS:

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 that no item on this 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. Councilman Cain 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-14-12 / FRONT YARD SETBACK REDUCTION / SILVER STATE PETROLEUM, INC.

Betty Lawrence, Humboldt County Planning Department, presented a variance request submitted by Ron Van De Pol for Silver State Petroleum, Inc. to decrease the required 20' front yard setback to 10' at 420 and 340 E. National Avenue. No comments or correspondence from the public was received. The request was made to allow construction of a new building and to

bring the existing buildings into compliance, as they are close to the property line. City Attorney Maher noted there is no access behind the buildings. Councilman Brooks moved to approve, based on staff findings and recommendations, variance VW-14-12 to decrease the required 20' front yard setback to 10' at 420 and 320 E. National Avenue. Motion carried unanimously.

VARIANCE REQUEST VW-14-13 / INCREASE BUILDING HEIGHT / LARIOS ARMS PHASE II / NV RURAL HOUSING AUTHORITY

Betty Lawrence, Humboldt County Planning Department, presented a variance request submitted by Nevada Rural Housing Authority to increase the maximum allowed building height from 35 feet, or 3 stories, to 42 feet for the construction of Phase II of the Larios Arms Senior Apartment complex at 242 W. Minor Street. Mayor Putnam asked if the building construction is similar to the Phase I complex. Lawrence replied yes. Fire Chief Olsen said he has some general concerns with the increase of building heights due to the fire-fighting limitations of City equipment. Councilman Brooks asked if the fire department had experienced any problems with the Phase I building. Olsen said they had one unit fire located on the third floor but that it was contained to the apartment. City Attorney Maher asked if the plans included sprinklers in the attic. Olsen replied yes, they are required for any structures above 35 feet; but he still has concerns. City Manager West explained that hopefully next year the City will obtain a grant for a pumper ladder truck, which may eliminate some of the concern. Councilman Billingsley asked if the City should consider changing the sprinkler ordinance after the City has the ladder truck. Councilman Cain stated a ladder truck will only give access to one more floor. Putnam suggested instead of changing the ordinance, the maximum allowed height should only be changed by variance until there are an abundance of requests. Lawrence noted the height restriction ordinance also applies to residences. Billingsley said the City should be mindful to not be too restrictive with commercial buildings, and possibly discourage business from locating in Winnemucca. Lawrence suggested if the time comes to consider changing the ordinance, the Council may want to change only commercial and industrial height restrictions. Olsen said the Fire Department is willing to work with anyone. Councilman Cain moved to approve, based on staff findings and recommendations, variance VW-14-13 to increase the maximum allowed height from 35 feet, or 3 stories, to 42 feet for the construction of Phase II of the Larios Arms Senior Apartment complex at 242 W. Minor Street. Motion carried unanimously.

VARIANCE REQUEST VW-14-13 / TO REDUCE THE REQUIRED 51 PARKING SPACE TO 41 / LARIOS ARMS SENIOR APARTMENT PHASE II / HULT-NV RURAL HOUSING AUTHORITY

Betty Lawrence, Humboldt County Planning Department, presented a variance request submitted by Nevada Rural Housing Authority to reduce the required 51 parking spaces to 41 parking spaces for Phase II of the Larios Arms Senior Apartment complex at 242 W. Minor Street. Mayor Putnam asked Lawrence if this request is similar to the one granted on Phase I. Lawrence replied yes. Councilman Tipton moved to approve, based on staff findings and recommendations, variance VW-14-13 to reduce the required 51 parking spaces to 41 parking spaces. Motion carried unanimously.

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WATER-SEWER WILL-SERVE COMMITMENT REQUEST / LARIOS ARMS PHASE II / NV RURAL HOUSING AUTHORITY

City Manager West stated the water and sewer ordinances require developers to obtain commitments for water and sewer service from the City. Staff recommends approval of a commitment to provide utility services for the 30 unit complex. Councilman Brooks moved to approve the water and sewer utility will-serve commitment for the Larios Arms Senior Apartments Phase II. Motion carried unanimously.

ENCROACHMENT PERMIT REQUEST / EMERGENCY DOORWAY EXIT / BROWN

City Manager West stated the request is for an emergency exit to be constructed on the alley side of the Brown's Bar M building at 245 S. Bridge Street. The drawing submitted by the building owner shows an encroachment of 4½ feet on the 30 foot alley, leaving about 25 feet of clearance which is adequate for truck traffic; the 4½ feet includes bollards, which are required to prevent someone from parking and blocking the exit. Councilman Tipton moved to approve the encroachment permit request at 245 S. Bridge Street. Motion carried unanimously.

BRIDGE STREET IMPROVEMENTS PROPOSAL / DOWNTOWN BUSINESS ASSOCIATION

Dana Brown and Jacy Jackson, representing the Downtown Business Association (DBA), presented a slide show depicting the results of a proposed downtown building resurfacing and painting project, which the association believes will make a huge difference in the appearance of Bridge Street businesses. Jackson stated the association will probably need help with the cost of the paint. The DBA is also proposing purchasing signs for each building with information about the history of the building. They are working on a historical walking tour and the signs will help with current information as well as historical construction dates of the buildings. They are working with the Humboldt County Museum to put together a collage of the history of the downtown buildings for a display. Jackson stated the flower pot project has been fairly successful. Mayor Putnam said the City budgeted \$6,500 for downtown improvements and had recently purchased new trash containers, and has discussed removal and replacement of the trees in the downtown area. The drip system and electrical system are in disrepair and cannot be easily repaired. Putnam suggested the association could help take care of the watering of the planned flower pots, otherwise, it will require City employees using the City water truck, thereby taking them away from their regular duties. Jackson said the DBA wanted to get started immediately on the downtown painting project and they were hoping the City will match what the DBA has already raised. Putnam reiterated that the City budget is limited to \$6,500 to enhance the downtown area, and she would like to see it used to remove and replace the trees and provide flower pots. Councilman Billingsley said the responsibility for the downtown buildings belongs to the owners. Jackson stated most of them are willing and when they get going they don't want half to be painted while other buildings are not; they want to give them some incentive. City Manager West said it is a good idea and reminded the DBA they will have to hire a licensed contractor to paint commercial buildings. Putnam commended the DBA efforts.

OVERHEAD POWER SERVICE AUTHORIZATION / KLUNCY CANYON ROAD / SAMPLE

City Manager West said there is one overhead power line located north of Kluncy Canyon Road and east of the High School (in addition to the high voltage transmission line that traverses the

area), which was installed prior to the City development standards ordinance. Later subdivisions were required to have underground power. The power facilities in the area are a mixture of overhead and underground power. To be consistent, the staff recommendation is to deny the request. Cory Hawkins, an NV Energy representative, indicated an intermediate or drop pole, located at the corner of Kluncy Canyon Road and the property owner's easement, seems appropriate as a short extension of the overhead line. Hawkins explained that to run underground power entirely along Kluncy Canyon Road to the lot will be cost prohibitive. Councilman Brooks moved to approve the installation of one pole to be used as an intermediate drop pole (located in line with the existing Kluncy Canyon Road power line) with the remainder of the electrical service to be underground. Motion carried unanimously.

MEDICAL MARIJUANA ESTABLISHMENTS ZONING RECOMMENDATIONS

Mayor Putnam said the County Commission voted to prohibit medical marijuana dispensaries in Humboldt County. Putnam said on certain issues, such as zoning, it is best for the City and County to be the same; past experience has shown that if the City ordinance is different than the County it becomes confusing. Councilman Cain asked why, if Humboldt County prohibits the establishments, the City has any participation, because the City is within Humboldt County. City Attorney Maher said the City is a separate jurisdiction within the County, and the City has its own planning and zoning ordinances. There were questions on whether the local jurisdictions could have their own criteria for such establishments. Maher advised that state law prohibitions cannot be changed, for instance, the required distances from schools where the dispensaries may conduct business. Maher noted that due to the mandatory distance restrictions, there are very few areas within the City where the facilities can be legally located. Betty Lawrence, Humboldt County Planning Department, said dispensaries are prohibited from operating within 1000 feet of schools, churches, and parks. When all areas within the limiting distances are mapped, the only potential places for the dispensaries are in the Wal-Mart area, on East Winnemucca Boulevard, on East National Avenue and US Highway 95. Maher said the uses are only allowed in commercial and industrial zoning districts. Lawrence stated the State received no applications from Humboldt County, and the period for submitting an application has closed. City Manager West said based on the fact there are very limited areas in the City which would allow such uses, and the fact there are no applicants, there is little, if any, effect of a prohibition on local citizens. Putnam remarked that given the population of Winnemucca, coupled with the cost to build a facility, and the substantial cost for the initial licensing and permit fees, Humboldt County does not appear to be a prime place for a medical marijuana establishment. Lawrence stated the County Commission at their November meeting will introduce the County ordinance prohibiting medical marijuana establishments within Humboldt County. The consensus of the Council was that it is appropriate for the City to follow suit and move forward with an ordinance introduction on a future agenda.

STAFF / COUNCIL REPORTS

City Manager West reported Hunewill Construction has not yet started the River Crossing Rehabilitation Project but he anticipates work will begin in the next couple of weeks. Staff is still working with NDOT on certain design issues on E. Winnemucca Boulevard. The Recreation Complex Phase I Project notice of award has been issued and the required bonds were received; when the insurance certificate is received, the contract will be signed and the notice to

proceed issued. Staff is currently working on bid packets for the Recreation Complex Phase I Landscaping Project and the Phase I Accessory Building and Masonry Sign Project.

Councilman Tipton attended the Mayor's Ball.

Councilman Billingsley attended candidates' night and the Mayor's Ball.

Councilman Brooks attended candidates' night and has NNRC next week.

Mayor Putnam distributed a copy of the current statewide county sales tax summary sheet and noted there are five counties which have a 6.85% sales tax, and all others are higher. Carson City and White Pine counties have a recreational tax. It is important to let people know that if the recreation tax passes and the Humboldt County tax goes to 7.1%, it is still among the lowest sales tax rates in the state. There are still a lot of misconceptions regarding the tax and the public should be educated before they vote. Putnam performed a swearing-in of Jerod Oscarson as a new reserve officer. Oscarson is a paramedic, which will enhance the capabilities of the police department.

PUBLIC-PERSONAL COMMUNICATION-CORRESPONDENCE:

Teresa Mavity, Humboldt Chamber of Commerce, reminded the Council that the annual Hops and Grapes event will be this Saturday, October 11. Tickets are still available.

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

Respectfully submitted,

Lorrie Haaglund
City Clerk

PASSED AND ADOPTED: October 7, 2014

VOTE OF COUNCIL:

AYES:	Councilmen	<u>Cain, Tipton, Billingsley, Brooks</u>
NAYS:	Councilmen	_____
NOT VOTING:	Councilman	<u>Owens</u>
ABSENT:	Councilman	_____

APPROVED:

ATTEST:

Di An Putnam
Mayor

Lorrie Haaglund
City Clerk