

**CITY COUNCIL MINUTES  
REGULAR MEETING  
March 23, 2010**

The Winnemucca City Council met in regular session on Tuesday, March 23, 2010 at 2:00 p.m. in the City Hall meeting room. Present: Mayor Di An Putnam, Councilmen Richard Stone, Doug Cain, Joyce Sheen, and Paige Brooks. Absent: Councilman Patty Herzog. Staff present: City Manager Steve West, City Attorney Kent Maher and City Clerk Eddy Davis.

**CALL TO ORDER**

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

**APPROVAL OF MINUTES:**

The March 9, 2010 regular City Council meeting minutes were presented for review and Councilman Sheen moved for approval as submitted. Motion carried unanimously.

The March 15, 2010 special planning meeting minutes were presented and Councilman Cain moved for approval as submitted. Motion carried unanimously.

**APPROVAL OF WARRANTS:**

The warrants were presented for review and Councilman Sheen moved for approval as submitted. Motion carried unanimously.

**PROCLAMATIONS / EMPLOYEE AWARDS:**

There were no proclamations or awards.

**PUBLIC / PERSONAL COMMUNICATION / CORRESPONDENCE**

Kim Petersen, Winnemucca Convention and Visitors Authority (WCVA) Director, and WCVA board member Don Stoker presented a donation of \$10,000 to the City to assist with City costs incurred during special events in the community. Stoker added this type of donation from the WCVA might be on-going each year. Mayor Putnam thanked Petersen and Stoker, adding this cooperative spirit is what Winnemucca is all about.

**DICUSSION / ACTION ON ITEMS OF BUSINESS & OTHER REPORTS:**

**BUSINESS IMPACT DETERMINATION**

City Attorney Maher and the Council reviewed and discussed briefly the agenda items and 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 Sheen moved to make a finding 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. Motion carried unanimously.

**REZONE REQUEST RW-10-02 / CITY OF WINNEMUCCA**

Mayor Putnam noted that this rezone request was prompted to facilitate more senior housing on City property near the Senior Citizen Center. Councilman Stone moved to set to public hearing at the next available Council meeting rezone request RW-10-02 to change R-1-6 (Single Family Residential District-6,000 sf minimum lot size) zoning district to R-3 (Multiple Family Residential) zoning district on property located off Minor Street, APN 016-171-06, for the City of Winnemucca. Motion carried unanimously.

**PERMANENT STREET CLOSURE REQUEST / WEST END OF RAILROAD STREET**

Mayor Putnam said a letter was received from Robert Wagoner asking that a short portion at the west end of Railroad Street be closed. Wagoner stated a safety hazard exists to children that play in the area and to his property where he resides at the corner of Railroad and Garrison Streets. Putnam said this street has been utilized as long as she can remember and that perhaps a speed limit sign would help. City Manager West said the portion of the street in question is on City owned property. City Attorney Maher suggested it may be appropriate to contact the railroad to see if the street could be straightened out and squared up to meet Garrison Street, as the railroad owns the property across the street from Wagoner. Councilman Stone added that a police patrol car was assigned to monitor traffic in the area and found it to be minimal. West said high school students utilize this street in order to cross over Garrison to a dirt road leading under the Hanson Street overpass. The possibility of widening this portion of the street could be reviewed, or possibly dirt barricades might be in order to help deter unnecessary traffic to the underpass. Putnam said she feels it would be costly to widen the street at this time. Councilman Brooks suggested the placement of street signage or speed bumps is appropriate. The consensus of the Council was to not close the west end portion of Railroad Street. Staff was directed to research options to make it as safe as possible for traffic and pedestrian use.

**SERVICE PLAN AGREEMENT / SOLAR BEE ESP**

Mayor Putnam reviewed the three options for the renewal of the maintenance and support agreement for the Solar Bee equipment at the sewage treatment plant. Option 1 provides for a first year cost of \$9,150 which will be re-quoted on an annual basis; Option 2 offers a fixed annual cost of \$9,615 for a period of three years totaling \$28,845; and, Option 3 offers a one-time cost covering a three year period in the amount of \$26,408. Staff recommends Option 2 for the fixed annual sum of \$9,615 over the next three years effective April 1, 2010, or \$28,815 in total. Councilman Sheen asked if the City would need this contract for three more years. City Manager West said he is sure it is needed. Sheen added that the City should choose Option 3 with a one-time cost (covering 3 years) in the amount of \$26,408, which saves money when compared to Options 1 and 2. West said he didn't like getting too far ahead on maintenance contract payments as they are difficult to track; however, the service has been good with this company and he does not have a problem with Option 3. Councilman Sheen moved to authorize the City Manager to sign the contract with Solar Bee ESP, accepting Option 3 with a one-time cost of \$26,408 for a term of three years beginning April 1, 2010. Motion carried unanimously.

### **ACCEPTANCE OF GRANT AWARD / NEVADA STATE OFFICE OF ENERGY (NSOE)**

City Manager West said the Notice of Sub grant Award for Recovery Act (EECBG) funding from the State of Nevada Energy Office provides for the new mechanical systems in the East and West Halls of the Convention Center and the City street light retrofit project on Winnemucca Blvd. The total amount of the award is \$759,000. West said it is his understanding that the monies are interchangeable between the projects. Most of the matching funds will come from the WCVA for the convention center projects, and the City will fund only the match on the street light retrofitting project. Staff recommends approval of this award subject to review of grant documents by the City Attorney. Councilman Sheen moved to accept the grant award from the Nevada State Office of Energy (NSOE) in the amount of \$759,000, subject to review of contract documents by the City Attorney. Motion carried unanimously.

### **STUART STREET DRAINAGE CONTROL PROJECT**

Mayor Putnam explained the surveying process has been completed for the drainage issues associated with the John and Connie O'Brien property and the Stuart Street runoff. The survey maps were used to develop three possible solutions to address the drainage problems. All three options require extension of the 36 inch storm drain located on Stuart Street (that leads west under Kirkway Drive). Option R-1 provides for installing pipe (supply cost estimate-\$65,625) crossing diagonally through the O'Brien property, fairly close to the original drainage channel alignment but avoiding the O'Brien improvements. Option R-2 provides for pipe installation (supply cost estimate-\$70,000) across the southwest corner of the O'Brien property. Both options 1 and 2 require grant of an easement to the City to allow construction across the O'Brien property. The routes across the O'Brien property allow maximizing the flow capacity of the storm drain pipeline due to their increased slopes. Option R-3 provides for pipe installation (supply cost estimate-\$80,500) around the O'Brien property, following the Stuart Street fence line south and then making a 90 degree turn east along the O'Brien southerly property line. City Manager West said the Public Works personnel could install the new piping for the selected route. The natural channel cannot be followed due to the buildings/improvements that have been erected. An easement is required for Options R-1 or R-2. If Option R-3 is chosen, a 90 degree turn is required and at least 11% of the pipeline capacity is lost due to the turn. West said it is not fair, in his opinion, that the taxpayers pay the entire cost of Option R-3. West believes if the O'Briens do not grant an easement required for either of the options providing a route closer to the original channel, that they should at least pay the difference in pipe cost between Option R-1 and R-3 (approximately \$15,000). West feels this it is appropriate due to the fact that the O'Briens diverted the original drainage channel at their south property line, which resulted in substantial flooding impact to the Stuart Street property owners. Councilman Sheen said she is more worried about potential flooding damage to private homeowners in the area than she is with the cost to the City. West restated that the original channel alignment offered much better protection to the homeowners along Stuart Street.

Connie O'Brien said she and her husband were taxpayers and also absorbed \$10,000 in damages from the flooding that occurred last year. It is to the advantage of everyone that the pipe be installed around their property, since it will benefit everyone in the future. Putnam said the City needs to select the best option to protect all taxpayers. It is understood that an easement across the O'Brien property will negatively impact the ability to subdivide in the future.

Putnam noted that the original channel handled the drainage flow crossing the O'Brien property before any development was made. The drainage issues need to be addressed to the best ability today in order to protect the downstream property owners. Councilman Cain asked O'Brien if there was any chance of crossing their property with a drainage pipe. O'Brien said they did not want to do that. Sheen stated if the easement isn't granted, the City has only one practical choice. Councilman Stone added flood waters could still exceed the capacity of any pipe that is installed. West reminded the Council that the original channel was in place through this property to handle the drainage waters (as shown in the 1990 USGS flood study) when the O'Brien's purchased the property and that they are legally obligated to maintain the flood water path. West had hoped the O'Brien's would either grant the needed easement or at least assist with the cost of this project. Councilman Brooks expressed concern for the property owners below the O'Brien property that experienced damage caused by the excessive runoff. Brooks said approving a proposal that may not completely solve the problem is difficult. Brooks expressed a preference for fixing the problem by working with the natural drainage alignment through the O'Brien property.

Putnam said the City should attempt to minimize the drainage problems and provide the best prevention possible given the limitations. O'Brien commented that she feels the problem can be solved by constructing the pipeline around their property, and believes crossing their property is not an absolute necessity. The property owners below them facing Stuart Street already have a 36 inch drain in place to help deter flooding. Stone said his discussion with John O'Brien revealed that he (O'Brien) believes his property will be devalued if a drain pipe is constructed across the property. Sheen asked O'Brien if they were aware at the time they purchased their property if there were natural drainage channels on their property. O'Brien said they had noted the channels were there, but the flooding event that occurred last year was unusual. Councilman Cain moved to approve Option R-3 at an estimated cost to the City of \$80,500 to construct a drainage system around the O'Brien property, following the bidding process for materials within the fiscal year 2010 budget. Motion carried unanimously.

**AIRPORT WATER SYSTEM CONNECTION REQUEST / GOLD COUNTRY WATER CO.**

Mayor Putnam referred to the letter from Mark Foree, President of the Gold Country Water Company, asking to move forward with the construction of water connection between the Gold Country water system and the City Airport water system with the City sharing 50% of the estimated \$40,000-\$50,000 in construction costs. City Manager West said this connection will be beneficial to both parties; however, because of the water quality problems that recently surfaced with the Gold Country water system, the City should require that a double check valve assembly be installed to make sure Gold Country water doesn't flow back into the airport system. If this is agreed upon, West said he felt comfortable with connecting to their system. A two-way flow meter system should also be installed. Gold Country will also benefit by acquiring additional fire flow with this connection. This project is not part of the current fiscal year 2010 budget. Councilman Sheen moved to proceed with the water system connection project with the Gold Country Water Company and the water system at the Airport, directing staff to determine the proper funding source for the City's estimated 50% share of project costs in the amount of \$20,000-\$25,000. Motion carried unanimously.

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### **TAX DELINQUENT PROPERTY PURCHASE / AIRPORT**

City Manager West said two properties located in airport runway clear zone are scheduled to be auctioned by Humboldt County for the delinquent taxes. Pursuant to NRS 361.603 the City is allowed to purchase tax delinquent property for the sum of the tax delinquency. Staff recommends pursuing purchase of the properties. Councilman Stone moved to authorize staff to notify Humboldt County of the City interest in acquiring two properties located in the airport clear zone for the delinquent tax purchase prices of \$1,093.78 and \$922.56, respectfully. Motion carried unanimously.

### **PRELIMINARY DESIGN SERVICES / PUBLIC SAFETY COMPLEX POLICE STATION REMODEL PROJECT**

City Manager West presented the proposal of Hershenow & Klippenstein Architects to provide services to design the remodel of the police station portion of the public safety complex and to complete the conceptual site planning for the remainder of the complex. The associated fee of \$54,000 is split between a fixed fee of \$48,000 for the police station remodel and \$6,000 for time and materials to provide the conceptual site planning. The fee is close to what was expected. The first phase of the project will include working on the conceptual designs with staff. Changes can and will occur as the project moves forward. Staff recommends acceptance of the proposal. Councilman Stone moved to accept the proposal from Hershenow & Klippenstein Architects for the sum of \$54,000 to provide services to design the police station remodel and conceptual site planning of the public safety complex located at 500 E. Winnemucca Blvd. Motion carried unanimously.

### **PRELIMINARY DESIGN SERVICES / PUBLIC SAFETY COMPLEX FIRE STATION CONSTRUCTION PROJECT**

Mayor Putnam reviewed the design service proposal for a new fire station submitted by Hershenow & Klippenstein Architects. Putnam said the project needs to be shovel ready if grant funding is pursued. Putnam asked fireman Cameron Drake if he knew of any other design firms that have designed fire stations and, if so, do they have competitive pricing. Fireman Hal Phillips said he has researched this on the internet and has found there are other agencies providing such services. Putnam felt a problem with the proposal from Hershenow & Klippenstein was that there seemed to be a duplication of services because the proposal for the police station remodel already included the conceptual design of the property, noting it might be in the City's best interest to hire another firm that has designed fire stations. Councilman Stone agreed. Putnam added that she is working with Senator Reid's office to pinpoint when other grant funding will become available. The federal government allots grant funding in groupings that become available throughout the year. The City has already established some key points which will facilitate obtaining grant funding. Councilman Sheen asked if the \$54,000 that will be expended toward design services for the police station was the last expenditure the City will need before the project goes out to bid. City Manager West answered yes and said they will probably have the construction bid documents in about three months. Fireman Don Stoker feels the current fire station on Bridge Street is meeting the needs of the fire department and the community, and does not believe a new fire house is advisable. Stoker said the current facility is visual to the community and the concept of expanding the building is a possibility. Putnam

added that the current fire station still needed some attention if a new one is not built. Fire Chief Walt Johnstone said he has wanted to see a new fire station for over 20 years but has seen many delays in making that a reality. Johnstone feels there should not be any remodel or additions to the current fire station. As a taxpayer, Johnstone feels a new fire station is needed. Things are quickly changing with fire services, and training will almost become prohibitive in the current structure. Training issues need to be accommodated in a new fire station. Something should be designed that is feasible, decent, and usable. Putnam replied that the City wants to plan for the future to benefit the community, much like other communities have done using available grant funding opportunities. Phillips stated that as a younger taxpayer, he wants to see a new fire station built that will last for the next 100 years. Training requirements are increasing and those requirements need to be properly accommodated. It was decided that the Council and staff will continue to work with the firemen on finding grant funding for a new fire station. Staff will research the possibility of reducing the scope of the architect's planning proposal to provide only the preliminary information needed for grant submittals.

**REQUEST TO TERMINATE CITY EMPLOYEE 457 RETIREMENT PLAN / LIFE INSURANCE COMPANY OF THE SOUTHWEST (LSW)**

This item was postponed.

**REQUEST FOR REIMBURSEMENT OF LOST REVENUES / GOLF PRO**

Mayor Putnam referred to Golf Pro Mike Kieser's request for reimbursement of lost revenues he incurred when the golf course was closed early in October 2008 to allow for construction to begin on the golf course irrigation project. Kieser provided an analysis of his annual revenue and expenditures for the period between 2005 and 2009. Putnam noted the month of October was chosen for construction closure because it is typically the slowest month of the golf season. Kieser said that first and foremost, he did not want to make this request, but economics have forced him to do so. Because the course was closed early, he lost potential revenues that month, which was a big hit for him. Keiser added he had thought he would make up for the lost revenue over time, but has been unable to do so. Putnam pointed out that a lot of time has passed (17 months) since the closure and today's request. Putnam asked Kieser if he had kept the clubhouse open in October 2008 because the golf course was all that was closed. Kieser replied he felt it was not worth it to do so. Councilman Sheen noted that there were times when the golf course had stayed open past the usual season closing date and that Kieser had likely gained some revenues during those times. Kieser said it all depends on the weather. After the first of November, foot traffic slows down and there is little or no business in the clubhouse. Putnam said she did not want to see a precedent set by supplementing a private business. Councilman Brooks agreed. Putnam noted that businesses along Winnemucca Blvd. experienced times when business volume slowed down due to street reconstruction, but none of them have been reimbursed by the City for lost revenues. Sheen suggested that if the City were to contribute, the City shouldn't make up the total loss but only contribute to a portion of it. Councilman Stone noted everyone will benefit from the improvements made to the golf course (new irrigation system) as well as the many maintenance improvements recently made to the clubhouse. Putnam acknowledged the importance of Kieser's business to the community. City Manager West said this was a difficult situation. The answer should be derived by a give and take process from both parties. The golf course had to be shut down early that year in order to

complete the irrigation project on time. The difference between Kieser's relationship with the City and that of businesses on Winnemucca Blvd. is that Kieser has a contractual relationship with the City. West suggested a compromise by offering \$2,000, which is about 50% of the projected lost revenue. Councilman Sheen moved to reimburse Golf Pro Mike Kieser the sum of \$2,000 in recognition of the loss of business he incurred during the early closure of the golf course in October 2008. Motion carried unanimously.

#### **REQUEST FOR PORTION OF STREET ABANDONMENT**

City Attorney Maher said approval of this request will allow for the abandonment of a piece of City owned land (a small portion of Lay Street) to be transferred to the abutting property owners and result in straight property lines for mapping purposes, which is all related to the requested Wiltsie-Williams property sale. The portion of land proposed to be abandoned is approximately 120 feet in length and maybe 10 feet in width, and it is located near the corner of West First Street and Lay Street and extends to the easterly boundary of the Interstate 80 (I-80) right of way. There must be publication and mailing of notices and a public hearing before the abandonment can be ordered. If approved, the surveyor has agreed to include the abandoned property in the maps being prepared for the Wiltsie-Williams land sales, thus eliminating the necessity of having two sets of maps. Councilman Sheen moved to proceed with the process to abandon the 10 feet (approx.) in width portion of the southerly side of Lay Street between West First Street and Interstate 80 right of way adjacent to Block 5 of Lower Town to the City, APNs 15-141-03 and 15-141-08, on behalf of the City of Winnemucca. Motion carried unanimously.

#### **STAFF / COUNCIL REPORTS**

Councilman Stone said that the WCVA sponsored Rural Roundup was scheduled for this week and all are invited to attend.

Councilman Cain said the Winnemucca Community Garden is holding a function on March 29 to commemorate Earth Day. Everyone should have received an email inviting them to attend.

Councilman Brooks explained that she voted to allow the Police Department to occupy the building located at the Public Safety Complex on Winnemucca Blvd. based on public safety as a whole, and she wanted the fire department to know that their department was no less important than any other.

Mayor Putnam read a letter of resignation, effective March 31, 2010, from Councilman Herzog. City Attorney Maher explained the statutory procedure to follow in order to select a replacement for the vacant seat. Maher said a notice of vacancy ad will be published in the March 30 and April 2 editions of the Humboldt Sun anticipating applications will be received until 5 p.m. on Monday, April 5. The applications can be reviewed and considered at the April 6 Council meeting. A proclamation commemorating Herzog's service on the Council will be read at that meeting. The Wine Walk is scheduled to take place on March 24. The Winnemucca Grammar School Blue Ribbon celebration will take place on April 2.

Humboldt Sun reporter Jennifer Anderson will be out on maternity leave. Rudy Herdon will take her place reporting on the City Council meeting.

