

**CITY COUNCIL MINUTES
REGULAR MEETING
DECEMBER 16, 2014**

The Winnemucca City Council met in regular session on Tuesday, December 16, 2014 at 2:00 p.m. in the City Hall meeting room. Present: Mayor Di An Putnam, Councilmen Mike Owens, Theresa Mavity, Ken Tipton, Jim Billingsley, and Paige Brooks. 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 November 18, 2014 regular City Council meeting were reviewed and Councilman Brooks moved for approval as submitted. Motion carried unanimously.

The minutes of the November 24, 2014 joint City Council meeting minutes were reviewed and Councilman Mavity moved for approval as submitted. Motion carried unanimously with Councilmen Tipton and Owens abstaining from voting as they were not in attendance at the meeting.

APPROVAL OF WARRANTS:

The warrants were reviewed and Councilman Owens moved for approval as submitted. Motion carried unanimously with Councilman Billingsley abstaining from voting on warrants for Jim Dandy Productions as he is the owner of the business.

PROCLAMATIONS / EMPLOYEE AWARDS:

There were no proclamations or employee awards.

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 Tipton 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.

HASKELL STREET TRAFFIC CONTROL PLAN / HOSPITAL CONSTRUCTION PROJECT

Mayor Putnam reviewed the map of the proposed traffic control plan for the Humboldt General Hospital Phase 3 construction project and noted the construction period will be slightly over a year beginning January 2015 and ending February 2016. The proposed traffic plan includes reducing Haskell Street to two travel lanes and temporarily eliminating the center turning lane and parking lanes. There will be no pedestrian walk way on the construction side of the street but the contractor will provide adequate signage explaining the new walkway patterns. City

Manager West noted on the rare occasions when trucks will be using the exits pulling out into the temporary traffic lanes, flaggers will be provided and the City will be given notice ahead of time. Councilman Brooks asked if the area will be lighted at night. West stated it is not necessary since the intersections on both ends of the project have street lights. Councilman Tipton moved to approve the Humboldt General Hospital construction project traffic control plan for Haskell Street for the duration of the proposed construction phase. Motion carried unanimously.

CITY STREETS USE REQUEST / KAIA FIT CHRISTMAS RUSH 1 MILE/5K BENEFIT FUN

Amber Gourley and Rebecca Gray, representing KAIA Fit, requested approval to hold a 1 mile/5k walk/run to raise money for local family Christmas dinners. The race will begin and end at Premier Salon and Spa (3013 Potato Rd) on Saturday, December 20, 2014. Registration begins at 8:30 a.m., the cost is \$10, and the race starts at 9:00 a.m. The race will use the same route as the Veteran's Day run. Gourly commented the Police Department was aware of the event and will help with traffic control. The event will offer chances to win door prizes and pictures with Santa. Councilman Owens moved to approve the request as presented. Motion carried unanimously.

ACCOUNTING SERVICES AGREEMENT / DRAKE ROSE AND ASSOCIATES

Mayor Putnam stated that Drake Rose and Associates are proposing a five year professional accounting services agreement with the City to provide the City audit services. Drake Rose has performed the City audits for a number of years and has done an excellent job. They work extremely well with City staff and have been very timely in presenting the audits. Andree Rose and Kim Plummer, representing Drake Rose and Associates, were present. Councilman Owens asked if the City had always had a five year contract with them. City Attorney Maher stated that the last time it was a three year contract. Councilman Billingsley asked if the fee structure outlined in the proposal was consistent with the increases in the past. Rose stated yes and that they will continue to work with and utilize staff to keep the costs low. Rose stated the compliance audit is not always applicable every year and if a compliance audit is not required, that amount will be removed. Rose explained a compliance audit is required if the threshold for federal financial assistance is met and this year that amount is \$750,000; only when the City receives federal grants does it apply and a compliance audit requires additional reporting as well as additional compliance work. Rose noted GASB 68 is a new standard and currently there is no practical implementation but there will be by the end of the year. Rose said the new standard applies to retirement liability and is currently being reviewed by PERS to determine how the rules will apply; it is uncertain how the rules will affect the audit. Councilman Mavity moved to approve the five year professional accounting services agreement as presented with Drake Rose and Associates to provide the City audit services. Motion carried unanimously.

ENVIRONMENTAL ASSESSMENT AGREEMENT / SEWER PROJECT / BLM

Mayor Putnam explained the proposed agreement relates to the property located on Jungo Road that the City is trying to acquire from BLM for the new wastewater treatment facility. The BLM Recreation and Public Purposes (RP&P) lease process requires an environmental assessment and this agreement establishes the criteria which must be followed. City Manager West stated this agreement will allow the City to hire a private contractor for the professional services. Occasionally, the BLM provides environmental assessment work, but the timeline for the sewer project does not permit using BLM services. Staff recommends approval of the agreement with BLM. City Attorney Maher explained that the completed environmental

assessment is needed for the agency Record of Decision to be processed, which in turn will facilitate transfer of the property to the City. Councilman Owens moved to approve the agreement with the BLM in order to provide the required environmental assessment for the City land acquisition application. Motion carried unanimously.

ENVIRONMENTAL SERVICES AGREEMENT / SEWER PROJECT / STANTEC INC.

Mayor Putnam explained the next step in satisfying the requirements of BLM for acquiring the proposed sewer project property on Jungo Road is to hire the services for the environmental assessment. Stantec Consultants presented a proposal in the amount of \$97,500 to prepare the environmental site assessment and cultural resources survey on the BLM property. City Manager West stated that this is part of BLM's Recreation and Public Purposes Lease application process. The City eventually hopes to acquire ownership of the land and is following the procedure to obtain ownership of the land; there is no way around providing an environmental assessment report. Ben Veach, representing Stantec Inc., stated they have a fairly good idea what the scope of the work will be, but until they meet with the BLM and see what exactly is required they don't know for sure. Veach said the \$97,500 is a liberal amount, and the fees should be less than that sum. Putnam asked if the one year time period is standard, and Veach answered yes. Veach said the City could decide to not hire someone to do this work and rely on the BLM, but that will be a much longer process. If the agreement is approved, Stantec will have their first meeting on Thursday with the BLM and move forward immediately. Councilman Billingsley asked if the amount of this agreement will be paid out of the sewer fund. West replied yes. Councilman Brooks moved to authorize the City Manager to sign the Professional Services Agreement with Stantec Consultants to prepare the environmental site assessment and cultural resources survey on the BLM property on Jungo Road in the amount of \$97,500. Motion carried unanimously.

ENGINEERING SERVICES AGREEMENT / SEWER PROJECT / CAROLLO ENGINEERS

Mayor Putnam stated the City has been working with Carollo Engineers for the past two years to determine the wastewater treatment and effluent disposal options. Lisa Freestone, representing Carollo Engineers, presented a summary of the progress made during this period. Freestone reported that beginning in May 2013, they first looked at the condition of the plant and the possibility of piping the effluent and disposing of it using irrigation pivots. Site availability was looked at, as were the City and NDEP goals. In July and September 2013, Putnam, City Manager West and representatives from Carollo Engineers attended meetings with NDEP, and in November 2013 Carollo submitted a draft Facilities Plan to NDEP. A presentation was made to the City Council at the December 2013 meeting. In January 2014 comments were received from NDEP. A revised draft Facilities Plan was submitted and in March 2014 comments were received back from NDEP. Carollo and City staff evaluated the treatment alternatives to address the NDEP comments. Carollo proposed to construct a new treatment facility and a revised Facilities Plan was submitted to NDEP in August 2014 and NDEP approval was received in November 2014 to move forward with the proposed wastewater treatment plant. Total estimated project cost is \$24,100,000. Freestone introduced Kevin Love who will be the project manager overseeing the project. Love has designed two plants similar to the one proposed for the City, and has been involved in the CMAR (Construction Manager at Risk) process on the prior projects. West said the City is faced with doubling the sewer rates because of the cost of the project. Winnemucca sewer service rates are currently on the low side of the rates for comparable public entities, and will be about average after doubling the fees. Councilman Billingsley asked if it would be possible to phase-in the rate increase over a period of time. The Council agreed phasing will be best, but no longer than a two year period will work. Councilman

Owens asked if there was any concern about how long it may take to get the land from the BLM, and if Carollo's planning and NDEP's requirements will all mesh. West said he has been working closely with the BLM staff and they have indicated that they can meet the proposed start of construction date. Freeman stated they anticipate having a 30% design in February 2015. In February and March they will be working with the City on the selection of a CMAR for the project. During this time Carollo will be evolving the design to 60% with a 90% design ready by November 2015. Final contracts will be delivered in 2016 with the final notice to proceed in July 2016. Construction is anticipated to take upwards of 18 months with final completion anticipated in April 2018. Love gave an overview of the CMAR process. He stated that the CMAR process selects a contractor based on several criteria, not just price. A CMAR gives a professional approach to product delivery. Selection is typically made soon after the design professional is selected. Having a CMAR promotes public confidence and trust in the contracting and bidding procedures. The CMAR provides a guaranteed maximum price. CMAR advantages are qualifications based contractor selection, collaborative budget control, value engineering/constructability and schedule control. The CMAR will solicit bids from the subcontractors to determine the total project cost. Owens questioned if there will be potential CMARs available in this area for the project, as a project of this size will require a very experienced contractor. Putnam believes the CMAR method will make a huge difference in the quality of the construction work on the project. Councilman Owens moved to accept and direct City Manager West to sign the agreement for design engineering services for the wastewater treatment plant and effluent disposal facilities project in the amount of \$1,586,168 as presented. Motion carried unanimously.

ZONING DISTRICT RECLASSIFICATION / MEDICAL MARIJUANA ESTABLISHMENTS PROHIBITION

Mayor Putnam stated this is an ordinance proposal to amend Winnemucca Municipal Code (WMC) Title 17 to prohibit medical marijuana establishments in any zoning district within the incorporated area of the City. Putnam noted that the Regional Planning Commission (RPC) recommended that the City reject the proposed amendments prohibiting medical marijuana establishments in the City and reconsider the previously submitted RPC recommendations regarding such establishments. City Manager West reminded that state law prohibits marijuana establishments within a certain distance of schools, public meeting places, churches, etc., and taking all the excluded areas into consideration, nearly all of the City is restricted from having the establishments. Putnam noted that there have been no applicants for licensing such facilities in this area. There was no public comment. Councilman Owens moved to approve Bill No. 11-18-2014 - Ordinance No. 801 prohibiting medical marijuana establishments in every zoning district within the City of Winnemucca. Motion carried unanimously.

PRE-FABRICATED RESTROOM BUILDING BID / RECREATION COMPLEX PROJECT

City Manager West stated the City received a single bid, from the Public Restroom Company (located in Minden, Nevada) in the amount of \$138,950, to supply a prefabricated restroom building for the Recreation Complex project. There will be an additional \$6,450 in construction costs (by another contractor) to construct the required foundation. City Attorney Maher stated there is a five year warranty on the building. Councilman Tipton asked if the maintenance of the restroom will be the City responsibility. West stated yes. Councilman Owens moved to accept the bid from the Public Restroom Company in the amount of \$138,950 to supply a prefabricated restroom building for the Recreation Complex project. Motion carried unanimously.

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ORDINANCE INTRODUCTION / RECREATION FEES INCREASE

Mayor Putnam explained the proposed ordinance will increase the use fees for City recreational facilities. Councilman Billingsley moved to introduce the ordinance and set it for public hearing at the January 6, 2015 Council meeting. Motion carried unanimously.

ENGINEERING SERVICES AGREEMENT / AIRPORT / ARMSTRONG CONSULTANTS

Mayor Putnam stated that the City has had been working with Armstrong Consultants for the past 10 years with great results. The Airport Board recently completed the FAA required consultant selection process and Armstrong Consultants was chosen to provide engineering services for the next five-year period. City Manager West stated Armstrong Consultants specializes in the design of airports. Typically, the City enters into a general agreement for the services followed by amendments for each FAA project. The FAA typically pays for 92.75% of the project cost, with the City and County splitting the remaining local match of 6.25%. Councilman Owens moved to approve the agreement for professional engineering services with Armstrong Consultants, Inc. as presented. Motion carried unanimously.

ORGANIZATION STRUCTURE / POLICE DEPARTMENT / RECREATION DEPARTMENT

Police Chief Silva presented a proposal to create a Police Lieutenant position, in lieu of replacing the vacant Detective Sergeant position. Silva said the Detective Sergeant duties include many administrative assignments in conjunction with the normal duties of supervising the Detective Division. The Detective Sergeant position is a non exempt position. The Lieutenant position will be an exempt position, which will provide management the ability to fill or vacate the position as needed, and the position will not be eligible for overtime compensation. The position will be appointed using the same process as the Police Captain position. Creating a Lieutenant position will also provide Sergeants another level of leadership to strive for. Silva stated that law enforcement trainings designed for executive or administrative staff do not allow Sergeants to attend. Creating the Lieutenant position will allow the WPD to send and train the next generation of leadership to such programs as the FBI National Academy and the Rural Executive Management Institute. Captain Dalley has been accepted to the FBI National Academy which is a top notch 10 week executive police training course with all expenses paid held in Quantico, Virginia. Councilman Billingsley asked if the creation of the position will increase the City costs. Silva stated he doesn't believe so as the cost of the position will be offset by the Chief, Captain or Lieutenant positions absorbing overtime hours. Silva said management will have flexibility to appoint or hire for the position, which enables looking at current employees or outside the department for qualified individuals. Mayor Putnam stated that what she likes about this position is that it brings three people into the administration function and allows employees something to work towards and ways to better themselves in order to move up in the organization. This person will be able to fill in just about anywhere. Councilman Brooks moved to approve the creation of a Police Lieutenant position in lieu of filling the current vacant Detective Sergeant position. Motion carried unanimously.

Mayor Putnam introduced Winnemucca Boys & Girls Club representatives Rusty Barr and Ray Parks. The City Recreation Director announced that he will be retiring in early February and Barr indicated the Winnemucca Boys and Girls Club Board of Directors is proposing to enter into a management agreement with the City to manage the City recreation programs. The Winnemucca Boys & Girls Club is a self-functioning organization run by a board of directors. The Phase Two (building) project cost is approximately about 9.6 million dollars and out of that amount, 6 million dollars has been secured and major commitments are still coming in. The 6

million dollars includes an \$800,000 endowment gift for sustainability. They have a million dollar commitment towards Phase III and things are moving right along. The proposal is to have the City make an annual payment to the non-profit organization in an amount approximately equal to what the City is currently paying for the Recreation Director position. In addition to overseeing the overall management of the City's current recreation programs, they will also be responsible for all staff expenses. The City will be responsible for the lawn care and snow removal for the new Recreation Complex. The Boys & Girls Club will also purchase a new mower for the City for the Recreation Complex grounds care. The Boys & Girls Club will undertake a comprehensive executive director search and hiring process. The Boys & Girls Club will give monthly reports to the City. The agreement between the Boys & Girls Club and the City will have a one year term with renewable options. Councilman Mavity stated other organizations, such as YMCAs in other locations, have taken over the City's recreation programs and been very successful. Mavity questioned if a City representative would always be included on the board of directors. Barr said there would not necessarily need to be one as the management agreement would be a way to hold the board of directors responsible. Parks asked City Attorney Maher if he would be the one to draft the contract with Maher answering yes. Parks stated he believes this will significantly enhance recreation for Winnemucca. Parks also said he wants the school district to get on board possibly with some of the maintenance. Barr said, depending on the contract, they will have an architect on board by the end of January with construction beginning in June or July 2015 with a planned opening in the fall of 2016. Mayor Putnam stated she felt the Boys & Girls Club / Recreation Center was off to a good start. Councilman Owens moved to approve the concept of Boys & Girls Club assuming the recreational management services for the City and to direct staff to move forward with the preparation of a management agreement between the City and the Boys & Girls Club. Motion carried unanimously.

UTILITY EASEMENTS ACCEPTANCE / E. WINNEMUCCA BOULEVARD

City Attorney Maher explained utility easements from the property owners, Sheppard and Andrews, along the western boundary lines of their properties located between East Winnemucca Boulevard and Fairgrounds Road are required in order for the construction of a proposed storm drain pipeline. Councilman Brooks moved to accept the easements offered by Sheppard and Andrews along the western boundary lines of their properties between East Winnemucca Boulevard and Fairgrounds Road. Motion carried unanimously.

2015 CITY COUNCIL MEETING SCHEDULE

Mayor Putnam presented the draft 2015 City Council meeting calendar for 2015. There will be two meetings per month with the exception of July and December where there is only one meeting scheduled. On the months that contain four Tuesdays, the meetings will be held on the first and third Tuesdays of the month. On the months that contain five Tuesdays, the meetings will be held on the second and fourth Tuesdays of the month. Councilman Mavity moved to accept the 2015 City Council meeting schedule as presented. Motion carried unanimously.

STAFF-COUNCIL REPORTS

City Manager West reported the Nevada Supreme Court recently ruled against an NV Energy request for reimbursement from government entities based on the argument they were doubled taxed; taxed on the raw coal and taxed on the electricity produced. If NV Energy's claim had prevailed, the City would have been responsible to pay approximately one million dollars back to NV Energy. The Fire Station project is nearing completion with the delivery of furniture today.

The City will schedule a grand opening for the first part of January. West made a brief presentation regarding his concerns about the status of the City's fund balances and the decreasing sales tax revenues.

Councilman Billingsley will attend the WCVA meeting tomorrow.

Councilman Brooks attended the Frontier Coalition meeting.

Mayor Putnam attended the County Commission meeting and spoke on behalf of a name change of the west hall of the Convention Center to the Joe Mackie Hall. City Manager West and the Mayor attended the County Commission meeting to express their concerns the City has with having no input in dispatch decisions, in spite of the City contributing to 40% of the costs of dispatch.

PUBLIC-PERSONAL COMMUNICATION-CORRESPONDENCE:

There were no public or personal communications or correspondence.

The meeting was adjourned at 4:50 p.m.

Respectfully submitted,

Lorrie Haaglund
City Clerk

PASSED AND ADOPTED: January 6, 2015

VOTE OF COUNCIL:

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

APPROVED:

ATTEST:

Di An Putnam
Mayor

Lorrie Haaglund
City Clerk