

**CITY COUNCIL MINUTES
REGULAR MEETING
JULY 12, 2016**

The Winnemucca City Council met in regular session on Tuesday, July 12, 2016 at 2:00 p.m. in the City Hall meeting room. Present: Councilmen Paige Brooks (who acted as Mayor Pro Tem), Mike Owens, Ken Tipton, Jim Billingsley and Paige Brooks. Absent: Mayor Di An Putnam and Councilman Theresa Mavity. Staff present: City Attorney Kent Maher, City Manager Steve West and City Clerk Lorrie Haaglund.

CALL TO ORDER:

Mayor Pro Tem Brooks called the meeting to order at 2:00 p.m.

PUBLIC COMMENT - PERSONAL COMMUNICATION - CORRESPONDENCE:

Pat Gray, Humboldt Development Authority representative, provided an update on the proposed Nevada Institute of Science (NIS) aquaponics project. The goal of the project is to teach, develop and equip people with the knowledge, experience and tools to build and operate a state-of-the-art aquaponics facility that can provide a heavy production method of quality, disease free protein, fruits and vegetables. The one million square feet NIS facility is proposed to be located on a 3,640 acre ranch northeast of Winnemucca, and it will serve as a hands-on experimental learning and research opportunity for NIS students and faculty which is anticipated to produce millions of pounds of fresh organically grown fish, prawns, fruits and vegetables. It will also provide UNR with an experimental station for its continued research involving sheep. Mayor Pro Tem Brooks reported that the City wrote a letter of support for this project.

MINUTES:

The June 21, 2016 regular City Council meeting minutes were reviewed and Councilman Billingsley moved for approval as presented. Motion carried unanimously.

WARRANTS:

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

PROCLAMATIONS - AWARDS:

Mayor Pro Tem Brooks presented a proclamation to Nancy Flowers, representing Barrick Turquoise Ridge, and Stephanie Johnson, representing Winnemucca Domestic Violence Services, declaring July 15, 2016 as "Walk a Mile in Her Shoes" Day.

Mayor Pro Tem Brooks presented a proclamation to Cassandra Kuretich and Jena Owen, representing Relay for Life, declaring July 30 through August 5, 2016 as "Paint the Town Purple" Days.

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BUSINESS ITEMS - 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 and Councilman Owens 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.

REGIONAL PLANNING COMMISSION REAPPOINTMENT / WHITE

Mike White requested reappointment to the Regional Planning Commission for a four year term (July 1, 2016 thru June 30, 2020). White said he has enjoyed his time on the RPC, has learned a lot, and is excited to continue his service. City Manager West said he has been very impressed with White's service on the board. Betty Lawrence, Planning Department, agreed with West's comments. Councilman Brooks moved to confirm the reappointment of Mike White to the Regional Planning Commission for a four year term beginning July 1, 2016 and ending June 30, 2020. Motion carried unanimously.

STREET CLOSURE REQUEST / BUCKAROO DUTCH OVEN COOK-OFF

Melanie Erquiaga, representing Nevada Outdoor School, requested closure of the southbound lane of Bridge Street adjacent to the Riverside Park for the 8th Annual Buckaroo Dutch Oven Cook-off fundraiser from 6:00 a.m. until 4:00 p.m. on Saturday August 20, 2016. Erquiaga said this event is the premier Dutch oven event for northern Nevada and teams will be participating from Reno, Burley, Idaho and Salt Lake City, Utah. The event has grown from four teams in the beginning to 20 teams last year. City Manager West requested they submit a copy of their special event insurance to the City. Councilman Billingsley moved to approve the street closure request and the use of the public works signs, safety cones and power box supply for the August 20, 2016 annual Buckaroo Dutch Oven Cook-off at Riverside Park. Motion carried unanimously.

SPECIAL USE PERMIT APPEAL / NEW FRONTIER DEVELOPMENT

City Attorney Maher explained the appeal process and the background of the special use permit, noting it was initially approved a number of years ago and an extension was requested and approved. New Frontier Development has now requested an additional extension which was heard and approved by the Regional Planning Commission. Two appeal letters have been filed with the City Clerk. Maher explained that this first meeting is not a public hearing and the Council must determine today if (i) legal grounds for an appeal have been established and (ii) whether the appellants have satisfied the legal definition of an aggrieved person. Should the Council decide that neither of these requirements is satisfied, the RPC's action will stand. If the Council ultimately determines that both of these requirements are met, the Council will set the appeal for public hearing. Maher also explained that the findings which govern the issuance of a special use permit must be considered, and they are summarized as follows:

- 1.) The site for the use is adequate in size and shape to accommodate the use and all zoning requirements have been complied with.
- 2.) The streets and highways are adequate in width and pavement type to carry the quantity and kind of traffic generated by the use.

- 3.) The use does not have an adverse effect on abutting property.
- 4.) All necessary permits and licenses from the state and city were obtained, and copies of the permits or proof that no permits are required were provided to the Planning Department.
- 5.) The applicant provided the Nevada Department of Transportation with a traffic study by a certified engineer and obtained an encroachment permit for access on E. Winnemucca Blvd.
- 6.) The special use permit approval was based upon the facts as found in the application. No changes occurred, such as property ownership or deviation of the use other than the limited use associated with the application, without notification to the Planning.
- 7.) The permitted activity, a temporary housing facility for construction workers, commenced within twelve months of the date of final permit approval.
- 8.) The application is subject to an annual review.
- 9.) The site plan for the entire project was approved.
- 10.) A parcel map for separating the acreage on the parcels used for the project was filed.
- 11.) There is no interference with the peace, contentment or general welfare of the area.

After discussion between the City Attorney and the City Council members regarding the Council's function today it was determined that the first letter of appeal (from Terry Boyle) appears to be deficient because no specific grounds for the appeal are provided. Maher stated that if grounds for an appeal exist, they must be stated in the appeal (letter) filed with the City Clerk. The three allegations or comments of the second appeal letter (from Kenny Nagra) also failed to set forth any grounds for an appeal. The Council noted that there had been no failure to comply with the planning and zoning requirements of the special use permit and therefore there is nothing to appeal. The Council concluded that the appellants' letters included only opinions and that they failed to present any supportive facts. Councilman Owens felt that based upon the background information provided on the RPC approval (including the RPC meeting minutes) and a review of the appeal letters, this does not seem to meet the requirements of an appealable issue. Mayor Pro Tem Brooks commented that in her review of the minutes from the RPC meeting she doesn't see any grounds to move forward with the appeal. Adua Boyle (spouse of Terry Boyle) commented there was a tremendous amount of information provided at the RPC meeting that was not included in the minutes. Maher stated that written minutes are not a verbatim record of the meeting, they include the substance of what occurred at the meeting, and only the audio recording of the meeting will be word for word. Terry Boyle said the RPC meeting was not recorded. Betty Lawrence, Planning Department, said there was an issue with the recording equipment and that only the last 20 minutes of the meeting was recorded. Councilman Owens moved to find there are no grounds for an appeal and that neither of the appeal letter authors satisfies the definition of an aggrieved party. Motion carried unanimously.

AIRPORT TAXIWAY-WIND CONE PROJECT / FAA GRANT AGREEMENT

City Manager West stated the grant funding proposal is for an amount up to \$1.2M, which requires a local match of approximately \$81,000 (6.25%). The local match amount was included in the FY 16/17 budget. West said staff recommends that the Council accept the Grant Agreement offer and authorize the Mayor Pro Tem to sign the Agreement. The action must include a commitment on the local match, which is normally shared equally with the County. Councilman Billingsley moved to formally accept the \$1.2M grant offer and to confirm the City commitment for its share of the \$81,000 local match. Motion carried unanimously.

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PUBLIC WORKS PICKUP TRUCK BID AWARD

City Manager West said DeLong Ford submitted the only bid in the amount of \$31,281 to supply a 2016 half-ton pickup truck for the Public Works Department. The funding for this purchase was included in the FY 16/17 budget. Councilman Owens moved to accept the bid from DeLong Ford in the amount of \$31,281 to supply a 2016 half-ton pickup. Motion carried unanimously.

SHEPPARD WELL PURCHASE

City Manager West reported that Red Sheppard rejected the City's initial offer to purchase his well and water rights for \$88,000 (his asking price of \$100K minus the \$12K cost of cleaning and inspecting the well). Sheppard is requesting the original purchase price of \$100,000, and agreed to the conditions of providing the City an easement from the Hanson Street right-of-way to the well site, and an easement for a permanent well building. West asked if the City wanted to accept the \$100,000 purchase price and proceed with the inspection and cleaning of the well at City cost (\$12,000). West said the actual condition of the well will not be known until the inspection work is completed, but the cost of inspection and cleaning represents a fairly small risk on the City's part. Typically, wells of the age of the Sheppard well are in good shape, and water rights are hard to obtain in this closed basin. West said there will be substantial savings with the purchase of an existing well, compared to drilling a new well, and this well is in an ideal location for the City system. West believes this is a reasonable offer and something the City should seriously consider. Councilman Tipton believes, for the benefit of the City, the inspection should be initiated. Councilman Tipton moved to approve the well and water right purchase proposal for \$100,000 subject to the stipulations listed in the written proposal. Motion carried unanimously.

STAFF-COUNCIL REPORTS

City Manager West reported that the wastewater sewer plant project is underway and that grading work began on July 5. City Manager West, Paul Miller (owner of property adjacent to the sewer plant who proposes to use the effluent water) and John Milton (Desert Mountain Surveying water rights surveyor) will go to Carson City to meet with State Division of Water Resources regarding the effluent disposal pivots and the well for the sewage treatment plant. The City previously submitted a point of diversion change application for the wastewater well permit, but approval has not yet been received. The delay is impacting the construction work, as water has to be hauled in from Cyanco. The cemetery road project has been completed. Newmont Mining has agreed to donate a boom truck to the City, which will reduce the sewer project cost by \$40,000. The Cemetery and Fire House landscaping have been completed. The Cemetery water had to be turned off to accommodate the paving work and there are large patches of clover in the grass that the City crew is attempting to kill, resulting in large dead spots that will need to be reseeded. The recreation complex soccer field turf is finally filling in and it is believed the fields will be open for play as planned on August 1 without risking permanent damage.

Councilman Owens praised the Public Works Department on their quick response and solution to the standing water problem on the Pioneer Park basketball court. Owens attended the RTC meeting and Airport Board meeting. Owens attended the Chamber meeting today and said Chad Peters, Executive Director of the Boys & Girls Club, was the featured speaker and did an excellent job in dispelling the notion that the City is financially backing the Boys & Girls Club.

