

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
JULY 20, 2022**

1. INTRODUCTORY ITEMS

Mayor Roy Edgington called the meeting to order at 05:00 PM at Fernley City Hall, 595 Silver Lave Blvd., Fernley, NV 89408.

1.1. Roll Call

Present: Mayor Roy Edgington, Councilman Lau, Councilwoman McKay, Councilman Torres, Councilwoman Zoberski, Councilman Lacy, Acting City Manager Patrick Marsh, Public Works Director Dave Whalen, Planning Director Tim Thompson, Director of Finance Denise Lewis, City Attorney Brandi Jensen, HR Manager Jackie Moxley, Assistant to the City Manager Trisha Connor, City Engineer Derek Starkey, Deputy City Clerk Brenda Gosser, Administrative Specialist Tiffany Wood.

1.2. Public Forum

Tammy Dittman, Fernley Resident, asked about a sign ordinance for the city limits because the City may need to start controlling that.

1.3. (For Possible Action) Approval of Agenda

Motion: MOVE TO APPROVE THE AGENDA. **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Ray Lacy. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilman Lacy, Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay.

2. CONSENT AGENDA

Motion: MOVE TO APPROVE THE CONSENT AGENDA. **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Ray Lacy. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilman Lacy, Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay.

2.1. (Possible Action) Approval of Voucher Report

2.2. (Possible Action) Approval of Minutes from July 6, 2022

2.3. (Possible Action) Approval of Business Licenses

2.4. Possible Action to Approve two Community Development Block Grant Agreements for FY2022/23.

2.5. Possible Action to Approve the Will-Serve for American Battery Metal Corporation Lab/Office T1 of 2.48 ERC's for Water and 8.66 ERC's for Sewer for Lyon County Parcel 021-071-45 located at 395 Logan Lane, Fernley, NV 89408.

2.6. Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with Fernley Fremont Investors, LLC, APN 021-311-30, TCID serial number 1056-1-F in the amount of 6.03 acre-feet."

2.7. Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with CRE of Nevada, LLC, APN 020-151-19, TCID serial number 1039-A-2 in the amount of 9.27 acre-feet.

2.8. Possible action to approve the award of the 2022-2023 Annual Chemical Supplier Contract to Thatcher Company of Nevada, Inc.

2.9. Possible action to approve a contract for on-call inspection services and engineering support services with NCE.

2.10. Possible Action to approve Amendment 2 to the One Nevada Agreement on Allocation of Opioid Recoveries.

2.11. (Possible Action) to authorize the transfer of salary and benefit budget appropriations totaling \$82,552 for the development coordinator position from the planning department to the City manager's department.

2.12. Possible Action to Approve the Will-Serve Request from Genica NV, LLC for 61 ERC's for Water and 61 ERC's for Sewer for 61 homes for Donner Trails Phase 12B for Lyon County Parcel 021-201-57 located in Fernley, NV 89408

2.13. Possible Action to purchase one (1), Ford F250, 4wd pickup truck with utility body from Corwin Ford for the City of Fernley's Parks Department for an amount of \$50,543.25 plus a 4% contingency of \$2,112 for a total of \$52,655.25.

2.14. Possible Action to purchase one (1), Ford F250, 4wd pickup truck with utility body from Corwin Ford for the City of Fernley's Wastewater Department for an amount of \$50,543.25 plus a 4% contingency of \$2,112 for a total of \$52,655.25.

2.15. Possible Action to purchase one (1), Ford F150, 4wd pickup truck from Corwin Ford for the City of Fernley's Water Treatment Facility for an amount of \$36,528.25 plus a 4% contingency of \$1,461.13 for a total of \$37,989.38.

2.16. Possible Action to purchase one (1), Ford F250, 4wd pickup truck with utility body from Corwin Ford for the City of Fernley's Utilities Department for an amount of \$50,543.25 plus a 4% contingency of \$2,112 for a total of \$52,655.25.

2.17. For Possible Action to Approve the purchase of two new replacement air compressors with appurtenances from Atlas Copco for the City of Fernley's Water Treatment Facility.

2.18. Possible action to approve the purchase of eight Hach turbidity analyzers and appurtenances for a total of \$61,930.74 for the water treatment plant operations.

2.19. Possible Action to purchase one (1), Elgin Regen X Regenerative Air Sweeper from Velocity Truck Centers for the City of Fernley's Streets and Storm Drains Department for an amount of \$312,960, plus a 3% contingency of \$9,388.80, for a total of \$322,348.80.

2.20. Possible action to amend the contract between the City of Fernley and Walther Law Offices PLLC for Public Defender Services not to exceed \$120,000 a year beginning FY2022-23.

3. REPORTS

Ed Kilgore, Undersheriff of Lyon County Sheriff's Office, spoke about National Night Out on Aug. 2nd this year. He provided a report from the department.

Councilman Lacy mentioned that citizens on Hardie Ln. have complained about speeding and requested the Sheriff's department put up a trailer.

Mayor Edging asked about the status of the jail because of the new law.

Ed Kilgore reported the time spent in jail has been reduced and is working out.

Trisha Connor, Assistant to the City Manager, said the Public Safety Meeting will be in the chambers tomorrow night,

July 21, 2022, at 6pm.

Patrick Marsh, Acting City Manager, mentioned the Fire Department would be presenting at the Safety Meeting. He reported Coffee with the Mayor would be Thursday, Aug. 5th for all residents to discuss concerns and learn about the city. He mentioned there is a problem with vandalism in the parks which costs the city a lot of money and encouraged the community to report vandalism to the police department.

Councilwoman Felicity Zoberski asked if the school district had been contacted about vandalism and PSA's. She thanked everyone who attended the workshop about development.

Councilman Stan Lau asked about the junk collecting in people's yards and the coding in place that prohibits it that would be enforced.

Councilwoman McKay spoke about the previous safety meeting and said it was very informative.

4. PROCLAMATIONS BY THE MAYOR

There were none.

5. PUBLIC HEARINGS

5.1. Presentation, discussion, and possible action on the 2023-2024 Community Development Block Grant (CDBG) Program update, priorities, and citizen participation process.

Assistant to the City Manager, Trisha Connor, presented the CDBG grant overview that the city applied for.

Mayor Edgington opened the item for Public Input. There were none.

Motion: MOVE TO ACCEPT THE ANNUAL CDBG PROGRAM OVERVIEW PRESENTATION PRIORITIES AND SUPPORT THE CITIZEN PARTICIPATION PROCESS. **Action:** Approve, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Ray Lacy. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilman Lacy, Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay.

5.2. Reading and Public Hearing, Bill #309 – ZMA22004 & TSM22003, Continued from 06/01/2022

Consideration and possible action on a Zoning Map Amendment and a Tentative Subdivision Map request for a site consisting of one (1) parcel of land approximately 30.15 acres in size, located at 900 Vonnie Lane, Fernley, NV (021-471-05).

- 1. A Zoning Map Amendment request associated with ZMA22004, to change the zoning on a single parcel of land from SF20 (Single Family, 20,000 sq. ft. minimum lot size) to SF6 (Single Family, 6,000 sq. ft. minimum lot size).**
- 2. A Tentative Subdivision Map request associated with TSM22003, to allow for the development of a 79-lot residential subdivision, located within the SF6 (Single Family, 6,000 sq. ft. minimum lot size zoning district).**

Planning Director Tim Thompson presented an overview of Bill # 309 that was continued from the council meeting held 06/01/2022.

City Engineer Derek Starkey clarified there is an existing connection site relay at the end of Red Rock rd and a

potential access for sewer that the applicant would have to develop more infrastructure for.

Councilwoman McKay disclosed that she is a member of the same rotary club as the individuals involved in the proposed project, though it would not influence her decision.

Clayton Trap presented on behalf of Phelps Engineering for the project.

Tom Howell on Vonnie Lane said they own the road, not the city, and asked the council to follow the code and listen to the planning commission. He mentioned that he was in Fernley in 1992 and explained that lots went from 5 acres to 20 sqft. from the last time that project was brought to the council. He said if Vonnie was paved it would bring massive amounts of traffic and take down the trees, changing the landscape dramatically.

A 10 minute break was taken at this time.

Don Tibbles from Desert Rose RV Park, spoke about Vonnie Lane and how it is a private road. The residents there have not waned development around them. The power line down there is a huge concern, as well as the Vonnie lane recommendation to pave it, which will increase traffic. He said the power line carries power on the outside of the line which creates a halo around it that pops and crackles.

Tom Earhart from Vonnie Lane said he had a legal document that bound him to maintain that road as a private citizen. He went on to say easement is different from ownership of the road.

Paul Person from Vonnie Lane said they have kicked the horse plenty and said it is in fact a private road. His property extends to the center of Vonnie Lane, and there are other issues such as the power line access that would cut into this project. He estimated the project would bring at minimum 80 vehicles per day on Vonnie Lane. From his experience in law enforcement, he said the rapid growth would devastate the lifestyle in the city. He said there are numerous issues.

Sherri Earhart from Vonnie lane said it is a private road and asked how zoning would impact the current owners' lots. She said the high density project would not fit with the rural area set up for farming equipment.

Richard Hettinger from Pepper Lane said the development would put houses right up against the fences of his backyard. He reminded the council they serve the people of Fernley. He said it is common sense for the project to end from the complaints of the citizens. It would change the community drastically.

Bryan Bishop Reese, a Reno resident that built the Donner Trails development. He bought this property and would like to use it how he envisioned, which was for building homes. He said he built homes when Fernley was struggling and prepaid water and sewer to help the city. He said he is not a big developer wanting to disrupt the community.

Donna Bowen from Nevada Prime Real Estate, said they were the number 1 real estate office in Fernley in 2021. She said her neighbors are deciding to sell because of this project and her property has a view of the city lights at night but that would be obstructed by the development without a buffer zone.

Debbie Skinner said the development looks beautiful though the LA easement is a huge problem. There is not enough access to the 6,000 sqft. lots.

Michael Cook, a resident of the Golf Course, said people would be coming into divot drive to get to the back of their houses, which is dangerous for that area.

Motion: BASED ON THE INFORMATION RECEIVED AND WRITTEN MATERIALS AND AT THE PUBLIC HEARINGS ON THIS MATTER I MOVE TO DENY BILL #309 AS AN ORDINANCE FOR ZONING MAP

AMENDMENT REQUEST ASSOCIATED WITH ZMA22004 BECAUSE I HAVE DETERMINED THAT THE PROPOSED CHANGES ARE DETRIMENTAL TO THE PUBLIC'S HEALTH SAFETY AND GENERAL WELFARE AND I AM UNABLE TO MAKE THE FOLLOWING REQUIRING ZONING MAP AMENDMENTS. I AM UNABLE TO MAKE FINDING Z2 AS IT RELATES TO THE DENSITY OF THE SURROUNDING AREAS. **Action:** Deny, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Ray Lacy. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilman Lacy, Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilwoman McKay.

Motion: BASED ON THE INFORMATION RECEIVED AND WRITTEN MATERIALS AND AT THE PUBLIC HEARINGS ON THIS MATTER, I MOVE TO DENY THE TENTATIVE SUBDIVISION MAP ASSOCIATED WITH TSM22003 BECAUSE I HAVE DETERMINED THAT THE PROPOSED CHANGES ARE DETRIMENTAL TO THE PUBLIC'S HEALTH, SAFETY AND GENERAL WELFARE; AND I AM UNABLE TO MAKE THE FOLLOWING REQUIRED TENTATIVE SUBDIVISION MAP FINDINGS TM4, TM7, TM9 BASED UPON PUBLIC SERVICES AND INFRASTRUCTURE RECOMMENDATIONS AND COMMENTS BY REVIEW BODIES. **Action:** Deny Tentative Map **Moved by:** Councilman Albert Torres, **Seconded by:** Councilman Ray Lacy. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilman Lacy, Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilwoman McKay.

A 10 minute break was taken at this time.

6. ORDINANCES

There were none.

6.1. (Possible Action) First Reading, Introduction of Bill #310 (ANX22001) – Consideration and introduction of Bill #310 as an ordinance for an annexation request to annex approximately 685.51 acres into the City of Fernley, generally located southeast of Interstate 80, east of Nevada Pacific Parkway, and west of the Fernley Wildlife Management Area (APN: 021-201-01). Upon annexation, the zoning shall convert from the Lyon County zoning designation of M-1 (General Industrial) to a City of Fernley zoning designation of I (Industrial).

Planning Director Tim Thompson explained the proposed annexation to the Council.

Motion: MOVE TO INTRODUCE BILL #310 AND SET THE PUBLIC HEARING FOR THE AUGUST 3RD CITY COUNCIL MEETING. **Action:** Approve, **Moved by** Councilwoman Fran McKay.

6.2. (Possible Action) First Reading, Introduction of Bill #313 (ZMA22005) – Consideration and introduction of Bill #313 as an ordinance for a Zoning Map Amendment request from Mark IV Capital to change the zoning of two parcels of land (APN's 021-211-02 & 021-211-03) from RR1 (Rural Residential, 1-acre minimum lot size) to I (Industrial).

Planning Director Tim Thompson presented the proposed zoning map amendment.

Motion: MOVE TO INTRODUCE BIL #313 AND SET THE PUCLIC HEARING FOR AUGUST 3RD 2022 CITY COUNCIL MEETING. **Action:** Introduce Bill #313, **Moved by** Councilwoman Felicity Zoberiski.

7. STAFF REPORTS

7.1. Possible Action to Discuss and Approve the Owner-Construction Manager At Risk Pre-Construction Agreement for the Community Response & Resource Center to Core Construction, in the amount not-to-exceed \$94,500.00

Assistant to the City Manager, Trisha Connor, introduced the item and notified council that Kristen Killmer and Travis Coombs would be available via Zoom for any questions.

Motion: I MOVE TO APPROVE THE OWNER CONSTRUCTION MANAGER AT RISK PRE CONSTRUCTION AGREEMENT WITH THE COMMUNITY RESPONSE AND RESOURCE CENTER BETWEEN THE CITY OF FERNLEY AND CORE CONSTRUCTION IN THE AMOUNT NOT TO EXCEED \$94,500. **Action:** Approve, **Moved by** Councilwoman Felicity Zoberiski, **Seconded by** Councilman Ray Lacy. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilman Lacy, Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilwoman McKay.

7.2. Possible action and discussion regarding the recruitment of the City Manager position, including, but not limited to, job description, ordinances, job title, organizational chart, etc.

Jacki Moxley HR Specialist provided an update for the recruitment of the City manager on the City website.

8. RESOLUTIONS

There were none.

9. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS:

9.1. For possible action and discussion requesting a future agenda item to schedule a workshop with Verdunity, Inc (Councilwoman McKay)

Councilwoman McKay requested to see this item on the agenda after September.

Motion: MOVE TO PUT A FUTURE AGENDA ITEM AFTER SEPTEMBER REGARDING THE PRESENTATION THAT WE RECEIVED AT THE LAST MEETING FROM VERDUNITY INC.

Action: Approve, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Albert Torres.

Vote: Passed, **Summary:** Yes 5. **Yes:** Councilman Lacy, Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay.

9.2. For possible action and discussion regarding a future agenda item to explore residential recycling in the City of Fernley. (Councilman Lacy)

Councilman Lacy mentioned the contract for garbage companies coming up for the city and how citizens have expressed interest in having a recycling program. He requested to have this item in September

Acting City Manager Patrick Marsh asked to have the item heard later than September.

Councilman Lacy suggested having the item heard in October.

Councilman Lacy moved to direct staff to look into recycling when contracts are brought back for review.

Motion: MOVE TO DIRECT STAFF TO LOOK AT WHEN A CONTRACT COMES ABOUT, THAT WE LOOK INTO RECYCLING. **Action:** Approve, **Moved by** Councilman Ray Lacy, **Seconded by** Councilman Albert Torres.

Vote: Passed, **Summary:** Yes 5. **Yes:** Councilman Lacy, Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay.

10. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilman Lau requested to see the council and staff give the citizens more water for their lawns. He would like to see citizens 500 more gallons to 1000.

11. PUBLIC FORUM

Debbie Skinner thanked the council for their time and efforts and requested the council be mindful of their microphones so the audience can hear.

Tammy Dittmann thanked Mike Thompson for the sign ordinance.

Councilwoman Zoberski asked if there was a time limit for people to speak for a tentative map request.

City Attorney Brandi Jensen said there is 10 minute time limit in the city ordinance.

12. ADJOURNMENT

The next council meeting will be August 5, 2022. The FSCAC will meet Aug. 12, 2022 at 9am in the chambers. The safety meeting will be held tomorrow night, 7/21/22, at 6pm.

There being no further business to come before it, the Fernley City Council meeting adjourned at 7:43PM.

Approved by the Fernley City Council on 8/3/22, by a vote of:

AYES 4 NAYS: 0 ABSTENTIONS: 0 ABSENT: 1

Kim Swanson

ATTEST: City Clerk Kim Swanson

Roy Edgington

Mayor Roy Edgington