

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
AUGUST 17, 2022**

Mayor Roy Edgington called the meeting to order at 05:02 PM at Fernley City Hall, 595 Silver Lave Blvd., Fernley, NV 89408.

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Mayor Roy Edgington, Councilwoman McKay, Councilman Lacy, Councilman Torres, Councilman Lau, Councilwoman Zoberiski, Acting City Manager Patrick Marsh, City Attorney Brandi Jensen, Deputy City Attorney Aaron Mouritsen, Assistant to the City Manager Trisha Connor, Public Works Director Dave Whalen, Planning Director Tim Thompson, City Engineer Dereck Starkey, Director of Finance Denise Lewis, City Clerk Kim Swanson, Administrative Specialist Tiffany Wood.

1.2. Public Forum

Becky Howlit from the Fernley 4th of July Committee thanked the City Council for the donations for the fireworks. She said 3 council members donated extra and the committee wanted to recognize them individually with Certificates of Appreciation.

1.3. (For Possible Action) Approval of Agenda

Discussion to move 7.3 and 7.4 to after the consent agenda due to the consultants that were there.

Motion: APPROVE THE AGENDA WITH 7.3 AND 7.4 MOVED UP AND ITEM 6.1 REMOVED. **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Ray Lacy. **Vote:** Passed, **Summary:** Yes 5, No 0, Abstained 0. **Yes:** Councilman Lacy, Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilwoman McKay.

2. CONSENT AGENDA

2.1. (Possible Action) Approval of Voucher Report

2.2. (Possible Action) Approval of Minutes

2.3. (Possible Action) Approval of Business Licenses

2.4. Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with Jewell F. McCullar, Jr. & Jenni L. McCullar, Trustees of the McCullar Family Trust, APN 020-354-04, TCID serial number 1054-1-D in the amount of 22.05-acre feet.

2.5. Possible Action to Approve the Will-Serve Request from Norman Ventures NV, LLC (GNCU) for .3 ERC's for Water and 1.1 ERC's for Sewer for Great Nevada Credit Union TI for Lyon County Parcel 021-232-67 located on East

Newlands Fernley, NV 89408

2.6. Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with Greg Ackerman and Rhonda Ackerman, APN 020-125-19, TCID serial number 1028-3-26 in the amount of .79 acre feet.

2.7. Possible action to amend the contract between the City of Fernley and the Senior Municipal Court Judge. Services not to exceed \$45,000 a year beginning FY2022-23.

2.8. Possible Action to award a contract for copying and printing services to Pacific Office Automation for lease and use of six (6) multifunctional copiers/printers, supplies, and maintenance. The standard operation rate lease of \$1,979.46 per month plus all black and white and color copies are billed at a flat rate of \$1,290.00 per month for a total lease price of \$3,269.46 per month.

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 Zoberiski, Councilman Lau, Councilman Torres, Councilwoman McKay.

Item 7.3 was heard next.

3. REPORTS This item is for various public entity representatives to provide general information to the Council and public. No action will be taken.

This item was heard after item 7.4

Lt Mitch Brantingham from the Lyon County Sheriff's office said they have the radar trailer live on Hardie Lane now. On August 4th, he said one deputy was involved in a shooting in Wadsworth though the incident was resolved. There is a pending administrative investigation for that officer, which is standard procedure.

Chief Jason Nicol from the Lyon County fire department said the last couple of weeks were chaotic with fire events. He said he could not be more pleased with inter-agency cooperation and relationships. He said the Sept. 11th commemoration will be held on Sunday at the Fire Station at 1pm. The state fire marshal will be celebrating fire prevention on October 8th at the out-of-town park. He also mentioned the Fire Station parking lot had developed a sink hole and was undergoing repair.

3.1. Reports by City Staff, City Council and the Mayor, including but not limited to monthly statistical reports by city departments.

Councilman Lau reported that the Senior Center lunches are very good and only \$2. He said Cottonwood Lane was up for bidding.

Councilman Torres said FSCAC will start meeting every other month. Next meeting in October.

Patrick Marsh, Acting City Manager, reported that the Arts and Culture Taskforce is accepting submissions until Sept. 15th. Coffee with the mayor is August 25th from 6 to 8 pm in the Chambers. The Arts and Culture Taskforce is meeting on

Wednesday, Aug. 31st at 6pm. The Economic Development page on the city website shows ongoing projects with information for the public.

Mayor Edgington reported the city received a grant for 25 million dollars to build the Nevada Pacific Parkway connection road from I-80 to Highway 50. Private entities will pay for half of the 52 million dollar project. The opioid crisis settlement for billions of dollars will grant Fernley about \$800.00.

Item 5.1 was heard next.

4. PROCLAMATIONS BY THE MAYOR

There were none.

5. PUBLIC HEARINGS

5.1. Public Hearing: Discussion and possible action to approve the Bill Draft Request (BDR) language for submission to the Legislative Council Bureau regarding the Planning Commission.

Nick Vander Poel with Flynn Guidici explained the bill draft request for the City.

Mayor Edgington opened the item for public comment.

There were none.

Motion: I MOVE TO APPROVE THE BILL DRAFT REQUEST LANGUAGE FOR SUBMISSION TO THE LEGISLATIVE COUNCIL BUREAU REGARDING THE PLANNING COMMISSION. **Action:** Approve, **Moved by** Councilman Torres, **Seconded by** Councilman Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilman Lacy, Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay.

6. ORDINANCES

6.1. (For possible action) Second Reading and Public Hearing, Bill #312 (ZMA22006)

Consideration and possible action on a Zoning Map Amendment request to change the zoning from SF6 (residential single-family - 6,000 square feet), SF12 (residential single-family - 12,000 square feet), and C1 (neighborhood commercial) to MDR14 (medium density residential - 14 dwelling units per acre) on a site ±31.15 acres in size generally located south of Main Street and west of Miller Lane, Fernley, NV. (APN: 021-041-09)

This item was removed.

7. STAFF REPORTS

7.1. Discussion and Possible Action on the Court Efficiency Study

Judge Lori Mathews introduced the court staff who presented the efficiency study.

Aaron Mouritsen presented the portion of the efficiency study that focused on the

City Attorney's Office role in court.

Motion: APPROVE THE EFFICIENCY STUDY FOR THE COURT AND THE CITY ATTORNEY'S OFFICE. **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Felicity Zoberski. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay. **Absent:** Councilman Lacy.

7.2. Discussion and Possible Action regarding the City Attorney's Office Efficiency Study

City Attorney Brandi Jensen responded to the efficiency study for the court and the attorney's office.

Item 8 was heard next.

7.3. Presentation, Discussion, and Possible Action regarding the City of Fernley Access Management Policy

Devin Moore presented the Access Management Policy for the roadways in Fernley.

City Engineer Derek Starkey said there would be some projects that were grandfathered in to old policies and he will be working on bringing new projects into compliance with the new guidelines.

Motion: MOVE TO APPROVE THE CITY OF FERNLEY'S ACCESS MANAGEMENT POLICY. **Action:** Approve, **Moved by** Councilman Lau, **Seconded by** Councilman Lacy. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, **Absent:** Councilman Lacy.

7.4. Possible Action to authorize the Special City Attorney for Water Matters (Taggart & Taggart, Ltd.) to intervene on Fernley's behalf in litigation filed in the Tenth Judicial District of the State of Nevada entitled "In the Matter of the Submission of a Contract for Judicial Determination of Validity and Authority of the Board of Directors of the Truckee-Carson Irrigation District to Enter into Such Contract as Provided for by NRS 539.305" (Case No. 22-10DC-0868) and to take all actions and file all pleadings properly related thereto.

Water Rights Attorney Dave Rigdon presented the terms of Taggart & Taggart, Ltd for water matters about the TCID contract. He announced Tuesday August 23rd in the afternoon as the set court date.

Motion: I MOVE TO AUTHORIZE TAGGART & TAGGART, LTD. TO INTERVENE ON FERNLEY'S BEHALF IN LITIGATION FILED IN THE TENTH JUDICIAL DISTRICT OF THE STATE OF NEVADA ENTITLED 'IN THE MATTER OF THE SUBMISSION OF A CONTRACT FOR JUDICIAL DETERMINATION OF VALIDITY AND AUTHORITY OF THE BOARD OF DIRECTORS OF THE TRUCKEE-CARSON IRRIGATION DISTRICT TO ENTER INTO SUCH CONTRACT AS PROVIDED FOR BY NRS 539.305' (CASE NO. 22-10DC-0868) AND TO TAKE ALL ACTIONS AND FILE ALL PLEADINGS PROPERLY RELATED THERETO. **Action:** Approve, **Moved by** Councilman Albert Torres, **Seconded by** Councilman

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

Tom Shrock, Fernley resident, was concerned about the aquifer below his property.

Mike, a Fernley resident spoke about the immense impact the canal project will have on the well-being of his farm and income. He questioned whether the vote that took place in Fallon was legal.

Deborah Bement mentioned equal protection under the law and believed Fernley is not getting that equal treatment. She continued that there are no provisions in place for damage to residents should the project go unchallenged.

Beur Cook said he walks the canal and would not like to see them ruin the ecosystem around the canal by cementing the bottom.

David Stix from the Board of TCID for the work on the Truckee Canal provided background information about the project. He said he was sorry to be part of the organization but wanted to say the project would be downsized.

Feofaaki Otuafi, Fernley resident for 37 years, said he does not know what will happen to life here from the impact of the project. He would like to see something done about the canal project and said they trust the council to make the right decision for Fernley.

Deborah Bement responded to David Stix that she does not believe the issue is resolved because the terms were changed and believed the ballot should be challenged.

Steven Mackey bought his place 20 years ago with the hopes of retiring with a garden and an orchard but is dismayed to find the canal project could change all of that.

Fernley Resident from Country Drive said they only got half the water they were promised and wanted to know what would happen to them if water is cut off from them.

Water Rights Attorney Dave Riggdin spoke to all those that gave public comment and urged them to contact the court to sign up to attend the hearing.

A ten-minute break was taken at this time.

Item 3 was heard next.

8. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

There were none.

9. PUBLIC FORUM

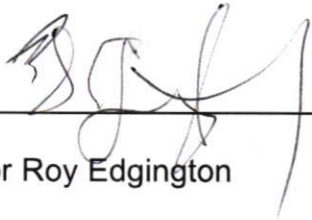
There were none.

10. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 07:59 PM.

Approved by the Fernley City Council on September 7, 2022, by a vote of:

AYES: 4 NAYS: 0 ABSTENTIONS: 0 ABSENT: 1



Mayor Roy Edgington



ATTEST: City Clerk Kim Swanson