

MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
DECEMBER 21, 2022

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Councilman Lau, Councilwoman Zoberski, Councilman Hanan, Councilman Torres, Councilwoman McKay, City Attorney Brandi Jensen, Deputy City Manager Lydia Altick, Deputy City Attorney Aaron Mouritsen, Associate Planner Shay League, City Engineer Derek Starkey, City Treasurer Denise Lewis, Building Official Charity Birkel, Building Inspector Donald Filiipo, City Clerk Kim Swanson, Legal Counsel David Rigdon, Administrative Specialist Sandy Harris, Administrative Specialist Bailie Scott, Public Works Director Dave Whalen, Assistant to the City Manager Trisha Conner, Deputy City Treasurer Thomas Lukas, and Development Services Coordinator Alex Martinez Lopez.

1.2. Public Forum

Cal Eilrich, former City Councilman stated the water bond was supposed to be based on a temporary tax assessment. He would like to know when it will be taken off of everyone's tax bills.

Jan Gaumont, Fernley resident stated that the price of City utilities is too much.

John Reichlein, Fernley resident requested a regular update on the situation with the canal.

Ray Lacy, former City Councilman stated his concerns about items 9.1,9.2,9.3 and asked how these items would be implemented.

Bill Willsie, Fernley resident stated that he came tonight to get reacquainted.

Patrick Marsh requested that his public comment time be extended to 5 minutes. Mayor McIntyre approved the extension of Patrick's public comment. Patrick Marsh stated his concerns regarding the way his position was handled. He requested an investigation be held to look into Councilman Torres and felt that Councilman Torres be suspended immediately. Mr. Marsh also stated that he would be appealing the Mayor's decision.

Break 5:27PM - 5:28 PM

Resident at 322 Vine St. west of the proposed Sherwood apartments, stated he was opposed to the project and asks that the developers put in a barrier at the end of his easement to stop foot and vehicular traffic.

1.3. (For Possible Action) Approval of Agenda

The mayor requested to remove items 9.1, 9.2, 9.3, table item 7.2 and move item 7.4 to after 3.1.

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

2. CONSENT AGENDA

- 2.1. (Possible Action) Approval of the Voucher Report
- 2.2. (Possible Action) Approval of Minutes
- 2.3. (Possible Action) Business Licenses
- 2.4. Possible Action to Approve Amendment No. 1 to the existing Lumos and Associates, Inc. (Lumos) Contract for Engineering Services, for the US 50A/95A Sewer Improvement and Sage Force Main Valve Installation Project, in an amount not to exceed \$35,010.
- 2.5. Possible Action to authorize the execution of water right banking agreement with Lisa Bergman and Joseph M. Bergman, APN 021-303-25 TCID serial number 1058-1-B-2 in the amount of 22.50 acre-feet.
- 2.6. Possible Action to authorize the execution of water right banking and dedication agreement with Angela F. Lewis, APN 020-383-03 TCID serial number 1065-1 in the amount of 2.025 acre feet.
- 2.7. Possible Action to Approve a will-serve commitment for The Meadows at Inglewood Building H Unit 100 (Hair Salon) of .39 ERC's for Water and 1.38 ERC's for Sewer for Lyon County Parcel 020-341-11 located at 1044 Inglewood Drive Build H Unit 100, Fernley, NV.
- 2.8. Possible Action to Adopt Resolution 22-021, appointing Albert Torres as Mayor Pro Tem for a one-year term expiring December 2023.
- 2.9. Possible Action to accept a donation of 1,200 cubic yards of asphalt grinding material from Mr. Russ Ferretto to be used to improve road and walking surfaces at the City of Fernley's Out of Town Park.
- 2.10. Possible Action to reappoint Mr. Cody Wagner to the Fernley Planning Commission

Mayor McIntyre commented that 2.8 should reflect that he is appointing Albert Torres as Mayor Pro Tem for a two-year term, not a one-year term.

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

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

Lt. Brantingham with the Sheriff's Department provided a monthly update. He brought a K-9 handler, Deputy Brian Carl, as well as K-9 Aries to introduce them to the council. He stated that the Sheriff's Office is in a period of transition.

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

Councilman Hanan wished everyone happy holidays, merry Christmas and happy Hannukah. He stated that there will be a ceremony tomorrow for lighting the menorah.

Councilwoman Zoberski wished everyone happy holidays.

Councilman Lau wished everyone happy holidays.

Councilman Torres thanked the FSCAC members for this past year. He stated that from the start to now, it has grown by leaps and bounds. He thanked the council for selecting him as Mayor Pro Tem. He commented that he was named the VP of NV NAMI. NV NAMI assists with mental health for rural residents.

Councilwoman McKay wished everyone a Merry Christmas and a Happy New Year. She commented that she appreciates City Hall being closed on January 2nd.

Mayor McIntyre wished everyone a Merry Christmas and Happy New Year. He reminded everyone that City Hall will be closed December 23, 26, and January 2nd in observance of the holidays.

Item 7.4 was heard at this time.

4. PROCLAMATIONS BY THE MAYOR

Mayor McIntyre presented a proclamation for National Radon Awareness month.

5. PRESENTATIONS

5.1. Presentation, discussion and possible action to approve the Annual Comprehensive Financial Report for the year ended June 30, 2022. Presentation by Hinton Burdick, CPAs and Advisors.

Jennifer Frank, partner with Hinton Burdick CPA, presented an overview of the City's audit. She went over the changes in debt, revenue, and expenditures for the last year. Jennifer also provided a comparison of revenues vs expenditures of the last 5 fiscal years.

Motion: MOVE TO APPROVE THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE YEAR ENDING JUNE 30, 2022 **Action:** Approve. **Moved by:** Councilman Hanan, **Seconded by:** Councilman Lau. **Vote:** Passed, **Summary:** Yes 5, **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

6. PUBLIC HEARINGS

6.1. (For Possible Action) Public Hearing - T1V22002

Consideration of a type 1 vacation request (T1V22002) by 290 Logan, LLC to abandon the public street right of way known as "Shinook Court", located at approximately 290 Logan Lane (APNs: 021-071-37, 021-071-38, 021-071-39, and 021-071-40) to facilitate development of a project with the working title of Logan Lane Commercial.

Assistant Planner Shay League presented T1V22002 to the City Council.

Motion: MOVE TO APPROVE THE TYPE 1 VACATION REQUEST IN ORDER OF ABANDONMENT ASSOCIATED WITH T1V22002 TO. **Action:** Approve. **Moved by:** Councilwoman Zoberski, **Seconded by:** Councilman Hanan. **Vote:** Passed, **Summary:** Yes 5, **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

Mayor McIntyre opened the item for public comment.

No comments were made at that time.

Mayor McIntyre closed the public comment.

6.2. (For Possible Action) Public Hearing - DA22002

Consideration and possible action on Bill #323, as an ordinance associated with DA22002, to authorize the City of Fernley to enter into a development agreement with Fernley Sherwood QOZB, LLC regarding the details of 316 multi-family residential units on a site ±26.25-acres in size, known by the project name Sherwood Villages, and generally located north of Fremont Street, south of US Interstate 80, west of Wildwood Drive, and east of Vine Street, Fernley, NV (APNs: 021-092-05, 021-092-23, 021-092-26, 021-092-27, 021-092-46, 021-092-47, 021-092-54, and 021-092-55).

Assistant Planner Shay League provided a presentation for Bill#323. She stated the APN numbers may change if vacation is assigned to the developer.

Clayton Trapp, Applicant, provided a presentation for Bill#323. He stated that out of the total parcels, there are 2 lots on the north and 2 on the south have not been obtained for a right of way easement.

Councilwoman Zoberski stated that she is concerned about having checkerboard sidewalks and a safe area for the residents and children to walk.

Motion: I MOVE TO ADOPT BILL # 323, AN ORDINANCE AUTHORIZING THE CITY OF FERNLEY TO ENTER INTO A DEVELOPMENT AGREEMENT (DA22002) WITH FERNLEY SHERWOOD QOZB, LLC, BASED ON THE ANALYSIS AND FINDINGS AS LISTED IN THE STAFF REPORT. **Action:** Approve. **Moved by:** Councilman Lau, **Seconded by:** Councilman Torres. **Vote:** Passed, **Summary:** Yes 4, No 1, **Yes:** Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan, **No:** Councilwoman Zoberski.

Mayor McIntyre opened the item up for public comment.

No public comments were presented at that time.

Mayor McIntyre closed public comment.

6.3. (For Possible Action) Public Hearing - MPA22003, ZMA22008, and DA22003

Consideration and possible action on a master plan amendment, zoning map amendment, and development agreement for a site ±83.9-acres in size and generally located north of Farm District Road at the intersection of Clearwater Parkway (APN: 020-341-18) by request of Clements Ranching, LLC to facilitate the development of a project known as Clements Ranch.

1. A master plan amendment request (MPA22003) to certify Resolution #22-018 as a resolution to amend the City of Fernley Comprehensive Master Plan land use on a ±15.5-acre portion of the project site from Single Family Residential (SFR) to Mixed Residential (MR).
2. A zoning map amendment request (ZMA22008) to adopt Bill #318 as an ordinance to amend the zoning on a ±68.4-acre portion of the project site from RR1 (Residential - Rural, 1-acre minimum) to SF6 (Residential - Single Family, 6,000 square feet minimum) and to amend the zoning on a ±15.5-acre portion of the project site from RR1 to MDR14 (Medium Density Residential, 14 dwelling units per acre maximum).
3. A development agreement request (DA22003) to adopt Bill #320 as an ordinance authorizing the City

of Fernley to enter into a development agreement with Clements Ranching, LLC to guarantee specific development standards for this project.

Associate Planner Shay League provided a presentation of the project.

Matt Clements, applicant, provided a history of the Clements Ranch. He stated that the current water situation has made farming difficult and that has led them to looking into wise development.

Derek Kirkland Wood Rogers, applicant representative, provided a presentation of the project on the applicant's behalf.

Mayor McIntyre called for public input.

Cal Elrich stated that the developer negotiated with him. He is glad this project is happening with the Clements because they care about the community. Mr. Eilrich supported the project.

Lowell Patton Fernley Builders Association stated that this area does not conform with the City's master plan. Changing the zoning brings the area into compliance with the City's Master Plan.

Councilwoman McKay commented that she is sorry to see this land be developed, but she understands the need for it. She stated that development agreements are important for these developments, because if the developer decides to sale, the new owner will still have to follow the development agreement.

Motion: I MOVE TO APPROVE THE MASTER PLAN AMENDMENT ASSOCIATED WITH MPA22003, THE ZONING MAP AMENDMENT ASSOCIATED WITH ZMA22008, AND THE DEVELOPMENT AGREEMENT ASSOCIATED WITH DA22003, BASED ON FINDINGS MP1 THROUGH MP3, FINDINGS Z1 THROUGH Z3, APPROVAL CRITERIA D1 AND D2, AND THE FACTS SUPPORTING THESE FINDINGS AND APPROVAL CRITERIA AS SET FORTH IN THE STAFF REPORT. AS AN EXTENSION OF THESE APPROVALS, I FURTHER MOVE TO CERTIFY RESOLUTION 22-018, AND ADOPT BILLS 318 AND 320 AS GENERAL ORDINANCES. **Action:** Approve. **Moved by:** Councilman Hanan, **Seconded by:** Councilman Lau. **Vote:** Passed, **Summary:** Yes 5, **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

Break 7:22 PM - 7:37 PM

7. STAFF REPORTS

7.1. (Possible Action) to approve a contract with Headway Transportation, LLC for professional transportation engineering services for the Community Response & Resource Center project in the amount not-to-exceed \$22,000.

Trisha Conner, Assistant to the City Manager, reported that the Community Response and Resource Center will require a traffic study. She requested proposals for this project and recommended entering into a contract with Headway Transportation, LLC for transportation engineering services.

Motion: MOVE TO APPROVE THE CONTRACT FOR PROFESSIONAL TRANSPORTATION ENGINEERING SERVICES WITH HEADWAY TRANSPORTATION, LLC FOR THE COMMUNITY RESPONSE AND RESOURCE CENTER FOR AN AMOUNT NOT TO EXCEED \$22,000 **Action:** Approve. **Moved by:** Councilman Hanan, **Seconded by:** Councilman Lau. **Vote:** Passed, **Summary:** Yes 5, **Yes:** Councilwoman Zoberski, Councilman Lau,

Councilman Torres, Councilwoman McKay, Councilman Hanan.

7.2. (Possible Action) Acceptance of City Council budget priorities for FY 2023-2024.

This item was tabled and will be presented at a future meeting.

7.3. (Possible Action) To consider cancelling the January 4th City Council Meeting.

Councilwoman McKay requested to cancel the January 4, 2023 City Council meeting.

Motion: MOVE TO APPROVE CANCELING THE JANUARY 4, 2023 CITY COUNCIL MEETING. **Action:** Approve.

Moved by: Councilman Lau, **Seconded by:** Councilwoman Zoberski. **Vote:** Passed, **Summary:** Yes 5,

Yes: Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

7.4. For Possible Action: Possible action to authorize the Special City Attorney for Water Matters (Taggart & Taggart, Ltd.) to file a writ petition with the Nevada Supreme Court seeking reversal of a December 14, 2022 order issued by the Tenth Judicial District Court of Nevada in Case No. 22-10DC-0860, which denied Fernley's request to intervene in said case, and to take all actions properly related thereto.

This item was heard after Item 3 Reports.

Dave Rigdon with Taggart & Taggart provided an overview of the project. He commented that the Tenth Judicial District Court judge denied the City of Fernley's petition. At this point the only course of action that is left is to file a petition with the Supreme Court to seek to have the local judge's decision reversed.

Mayor McIntyre opened this item up for public comment.

Davie Stix stated that he is in favor of this item.

Lowell Patton stated he is in favor of this item.

Mayor McIntyre closed the public comment.

Motion: MOVE TO APPROVE AUTHORIZATION FOR SPECIAL CITY ATTORNEY FOR WATER MATTERS DAVID RIGDON WITH TAGGART AND TAGGART TO FILE A WRIT PETITION WITH THE NEVADA SUPREME COURT SEEKING REVERSAL OF THE DECEMBER 14, 2022 ORDER. **Action:** Approve. **Moved by:** Councilwoman McKay, **Seconded by:** Councilman Lau. **Vote:** Passed, **Summary:** Yes 5, **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

8. RESOLUTIONS

8.1. Discussion and possible action to approve resolution 22-020 to accept the public improvements including roadway, water, and storm drain infrastructure for the Nelson Meadows Phase 2 project.

City Engineer, Derek Starkey provided an overview of resolution 22-020. This resolution is to accept public improvements, including roadway, water and storm drain infrastructure for phase 2 of Nelson Meadows.

These improvements are currently under the 1 year warranty. At the 1 year mark, the infrastructure will be inspected, repairs will be made if needed, and they will turn the infrastructure over to the city.

Motion: MOVE TO APPROVE RESOLUTION 22-020 TO ACCEPT THE PUBLIC IMPROVEMENTS INCLUDING ROADWAY, WATER, AND STORM DRAIN INFRASTRUCTURE FOR THE NELSON MEADOWS PHASE 2 PROJECT.

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

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

9. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS:

9.1. (Possible action) A request for a future agenda item to adopt a moratorium on water connection fees, sewer connection fees, and water usage fees for years 2023 and 2024, as well as reviewing the Comprehensive Study. (Councilman Hanan)

This item was removed from the agenda.

9.2. (Possible action) A request for a future agenda item to designate streets that off-highway vehicles are permitted to access. (Councilman Hanan)

This item was removed from the agenda.

9.3. (Possible action) A request for a future agenda item to create a Noise Ordinance for the City of Fernley (Councilman Hanan)

This item was removed from the agenda.

10. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilwoman McKay requested that extending notification requirement boundaries for developments be increased to more than 300 feet.

11. PUBLIC FORUM

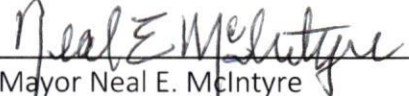
Councilwoman Zoberski thanked the sheriff's department for showing up, bringing their gear, and K-9 Aries.

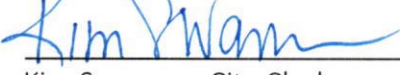
12. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 07:48 PM.

Approved by the Fernley City Council on January 18, 2023 by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre


Kim Swanson, City Clerk