

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
APRIL 5, 2023**

Mayor Neal E. McIntyre called the meeting to order at 5:00 PM at Fernley City Hall, 595 Silver Lace Blvd., Fernley, NV 89408

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Mayor Neal E. McIntyre, Councilman Ryan Hanan, Councilwoman Felicity Zoberski, Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay. Deputy City Manager Lydia Altick, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, Building Official Charity Birkel, Senior Planner Shay League, City Attorney Brandi Jensen, Deputy City Attorney Aaron Mouritsen, City Treasurer Denise Lewis, Deputy Finance Director Thomas Lukas, Public Works Director Dave Whalen, Administrative Specialist III April Homme.

1.2. Public Forum

No public input

1.3. (For Possible Action) Approval of Agenda

Motion: MOTION TO APPROVE AGENDA WITH THE REMOVAL OF ITEM 7.4. **Action:** Approved, **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, Councilman Ryan Hanan.

2. CONSENT AGENDA

2.1. (Possible Action) Approval of the Voucher Report

2.2. (For Possible Action) Approval of Minutes

2.3. (Possible Action) Approval of Business Licenses

2.4. Possible action to approve a contract with Lumos & Associates for engineering design and construction services for the installation of a new flashing beacon for the crosswalk at the intersection of Farm District Road and Jasmine Lane.

2.5. Possible Action to Approve a ratification of the Change Order for the contract for environmental consulting services with Resource Concepts, Inc. for the Community Response & Resource Center in the amount of \$5,000 for an amended total of \$30,000.

2.6. (For Possible Action): Approve panel of substitute Municipal Judges.

Motion: MOTION TO APPROVE CONSENT AGENDA AS WRITTEN. **Action:** Approved, **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, Councilman Ryan 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.

Chief Deputy Mitch Branningham, Lyon County Sheriff's Office, gave a report for the month of March 2023. In reviewing the statistical comparison for two months, the statistical numbers were almost identical in every statistical category except for a couple. There was an increase in the number of civil papers that were served, 95 in March and 43 in February; an increase in non-criminal calls, 200 in March and 146 in February; and an increase in criminal calls, 87 in March and 73 in February. The sheriff's department held a meeting on Thursday, March 30th, with the Fernley City Schools Administrators. They talked about the safety of our schools and some programs that they can do differently to make our schools a safer place for our kids. In the coming days, there will be a joint release from the sheriff's office and school district on more information. He thanked Ray Lowery and his crew for their help last week with the incident at the golf course. On Tuesday, April 11, 2023, the department will launce "Handle With Care". This is a program where if a child is involved in a traumatic incident outside of school, it is the process for law enforcement to notify the school of what has happened with that child. Sheriff Pope has hired 13 new deputies already this year and 8 are already in field training. The department is working on Donate Life Month with the donor network and is encouraging people to sign up to be organ donors. Sergeant Gab Santos was introduced.

The Council thanked the Sheriff's department for all their hard work and dedication to Fernley. Councilwoman Zoberski asked that the Council be updated on how the schools and the sheriff's department are working together and how the information is getting out to the public.

North Lyon County Fire Department Chief Jason Nichol stated that statistics have not changed much from last report. Over the course of the last few days we have had several suspicious outhouse fires. Public Works Director Dave Whalen stated that the outhouses were city owned and are about \$2500.00 to replace. The City's insurance deductible is \$2000.00.

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

Building Official Charity Birkel informed council that Bailee Scott had accepted the position as Building Inspector 1 in the Building Department.

Deputy City Manager Lydia Altick made a public announcement in regards to the Mayor's Clean Sweep, on Saturday, April 29, 2023, at 8:00 am at the Out Of Town Park, and the Easter Egg Hunt on Sunday, April 9, 2023, starting at 1:00 at the Out of Town Park. The Mark IV raise grant project pre-award letter has been submitted to the Federal Railroad Administration.

Ward 1 - Councilman Ryan Hanan thanked the staff and wanted to highlight this month Building Official Charity Birkel and Deputy City Attorney Aaron Mouritsen for working so diligently for the past four (4)

months to get an issue rectified in Ward 1.

Ward 4 - Councilman Albert Torres gave a reminder of the upcoming Senior Citizens Advisory Committee on April 14, 2023 at 9:00 am in Council Chambers.

Ward 5 - Councilwoman Fran McKay gave a reminder of the Easter Egg Hunt at Out of Town Park on Sunday.

Mayor Neal McIntyre stated that the City Budget workshop will be Thursday April 6, 2023, at 5:00 pm, and if needed, again on April 7, 2023, at 5:00 pm. The Mayor's Clean Up is scheduled for April 29, 2023, from 8:00 am - 12:00 pm, volunteers will meet at the Out of Town Park gazebo. He thanked the Fernley ACES for the success of the comedy night at the FCTA-sponsored event. FCTA has many events coming up and they will be posted on the website. The Mayor also responded to Councilman Lau in regards to zeroscape in Fernley stating that he is working on the zeroscape with Bryce Alstead who headed the zeroscape project in Las Vegas. He also responded to former Mayor Goodman in regards to the C-tax and wanted the citizens to know that he has talked with congressmen, senators, legislators and also the Governor of the State of Nevada about Fernley getting its fair share of the C-Tax. He also reported on the Tri Center.

3.2. State of Nevada Legislative update.

Nick Vanderpool, Flynn Guidici Government Affairs, reported that there are significant changes to language in the legislature. April 14 is the deadline to get bills out of committee in the first house and April 25th is the deadline to pass the first house. Senate Bill 18 which is the City of Fernley bill, passed out of committee today (April 5) unanimously and will now go to the floor for a vote. Senate Bill 90 designates the wild horse as the official animal in the State of Nevada. Senate Bill 432 will look at sharing the revenue as it specifically pertains to the Tesla deal and looking at sharing the abates that were offered. There are approximately 150 bills that they are tracking for the City of Fernley.

4. PROCLAMATIONS BY THE MAYOR

The Mayor presented two proclamations: (1) Sexual Assault Prevention month is April 2023 in the City of Fernley, and (2) Child Abuse Prevention month is April 2023 in the City of Fernley.

5. PRESENTATIONS

5.1. Presentation by Lyon County Human Services on Child Abuse Prevention Month

Shayla Holmes, Lyon County Human Services, gave a report on child abuse and updates on services and stats in the region. They are working actively with Big Brothers/Big Sisters here in Fernley and the school district. Fernley needs more interested adults for the Big Brothers/Big Sisters program. They are having a campaign going on this weekend with Pinwheels.

Jenna Dikes, Children Services Division Manager Lyon County, reported on the services that they provide.

Candice Mortenson, Lyon County Division of Child and Family Services, reported that on March 6, 2023, Lyon County became its own district office through the State of Nevada Division of Child and Family Services. She also reported that there are not enough foster homes in Lyon County and that the children

are being sent to other counties or being housed in hotels and with staff. She explained the process of becoming a foster parent.

Councilwoman Zoberski asked if senior citizens and high school kids could be volunteers as Big Brother Big Sisters and was informed that there are pilot programs in the process.

Councilman Hanan thanked them for educating the public on this situation in Lyon County.

5.2. Presentation and discussion regarding the City's quarterly financials.

Deputy Finance Director, Thomas Lukas, gave a presentation of the quarterly financials for the City of Fernley as of December 31, 2022.

Mayor McIntyre called for a break: 6:24 PM - 6:39 PM

6. ORDINANCES

6.1. First reading and introduction of Bill # 325 an ordinance amending Title 16 Chapter 1 of the Fernley Municipal Code, parking and storage of junk vehicles.

Building Official Charity Birkel presented the first reading of Bill #325. The changes requested have been made to allow for one (1) antique vehicle.

Councilman Torres expressed concern about 4th amendment infringements. He would also like to cover exemptions for construction companies. He would also like to see clarification on junk vehicles and equipment along with lot size.

Deputy City Attorney Mortensen clarified 4th amendment and how it would not be affected by this Bill. He also stated that the NRS Statute is not changing. The city can pass laws as long as they are not in conflict with what the NRS states. They can be more restrictive than the NRS but not less than restrictive.

Councilwoman Zoberski would like to know what the process is in notifying the public of changes to the ordinance. She suggested having a workshop to inform the public and get their input before adopting.

Councilwoman McKay agreed with a public workshop.

Councilman Lau was opposed to a workshop. He believes this bill is not about agriculture or business properties but it is about residential.

Councilman Hanan expressed concerns about certain exemptions that may create other problems and agrees that a public workshop would be good to work out the specific details.

Mayor Neal McIntyre stated he would like to bring this back to council and discuss having a workshop.

7. STAFF REPORTS

7.1. (For Possible Action) Discussion and possible action regarding a change in public noticing procedures for development within the City of Fernley. (Councilmember McKay)

Senior Planner Shay League presented a report regarding current notice procedures to the public.

Councilwoman McKay would like to increase the radius boundary for notification.

Motion: MOVE TO DIRECT STAFF TO PREPARE A REPORT COMPARING OTHER RURAL COMMUNITIES WHAT THEIR FOOTAGE IS AND BRING IT BACK AS A STAFF REPORT AS SOON AS POSSIBLE FOR FURTHER COUNCIL DISCUSSION AND DIRECTION. **Action:** Approved, **Moved by:** Councilwoman McKay, **Seconded by:** Councilman Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski, Councilman Ryan Hanan.

7.2. Discussion and possible action regarding the location and removal of the Old School House located on the Fernley Depot property.

Deputy City Manager Lydia Altic requested from City Council direction as to the use of the Old School House, including relocation and reuse, donating the building, and demolition and the costs associated with each option. The Old School House is located on the Fernley Depot property and is not included in the scope of the Community Response & Resource Center and the Fernley Depot development. Options presented were to work the use of the building into the scope of the work of the CRRC, donate the building back to the Dayton community, relocate the building somewhere else or demolish it.

Motion: MOTION TO DIRECT STAFF TO DONATE THE BUILDING IN THE FISCAL YEAR 2024 AND BUDGET THE COST OF DONATING THE OLD SCHOOL HOUSE INTO THE FISCAL YEAR 2024 BUDGET. **Action:** Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilwoman Felicity Zoberski. **Vote:** Passed. **Summary:** Yes 4. No 1. **Yes:** Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilman Ryan Hanan, **No:** Councilwoman Fran McKay.

7.3. (Possible action) Discussion on the recruitment process for city manager including but not limited to:

- 1. Possible Action to approve a contract with Bakertilly not to exceed \$25,000.00**
- 2. Direct staff to recruit a City Manager in an alternative path**

Mayor Neal McIntyre asked that the recommended motion be changed to "approve staff to move forward with drafting a contract for the recruitment services for City Manger with Bakertilly not to exceed \$25,000." He stated that he had reached out to three different firms to give a proposal for finding a City Manger. The first one he called was retired and no longer doing it. The second one he emailed and did not receive a response. Bakertilly was the only one who gave a proposal.

Bakertilly gave a presentation on their background and specifics on their services and the process.

Councilman Ryan Hanan asked that a link be added to the City website to go directly to Bakertilly.

Councilwoman Felicity Zoberski asked about status reports and was informed that they are sent weekly.

Motion: MOTION TO APPROVE STAFF TO MOVE FORWARD WITH DRAFTING A CONTRACT FOR THE RECRUITMENT SERVICES FOR CITY MANGER WITH BAKERTILLY NOT TO EXCEED \$25,000. **Action:** Approved, **Moved by:** Councilwoman Fran McKay, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman

Albert Torres, Councilwoman Fran McKay, Councilman Ryan Hanan.

7.4. Discussion and Possible Corrective Action on payment of city attorney merit increase to city attorney staff.

Item removed from agenda

8. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

8.1. (For possible action) Discussion regarding a future agenda item to place a stop sign at the corner of Raptor and Jenny's and other streets that might be of concern. (Councilman Lau)

Councilman Stan Lau would like stop signs on Raptor and Jenny's Lane.

Councilman Ryan Hanan wanted to know if Public Works have any concerns with other streets that could be put into this action. Would like to have PW look at the streets that are a concern at this time.

Public Works Director Dave Whalen stated that PW does not have any other concerns at this time and PW can put up stop signs.

Councilwoman Fran McKay would like to see a 4 way stop at Jenny's Lane and Rosewood and change the 4 way stop on Rosehip and Rosewood to just a stop on Rosehips.

Motion: MOTION TO APPROVE A 4-WAY STOP SIGN ON JENNY'S LANE AND RAPTOR, AND A 4-WAY STOP ON ROSEWOOD AND JENNY'S LANE, AND CHANGE THE 4-WAY STOP ON ROSEWOOD AND ROSEHIP TO JUST A STOP ON ROSEHIP. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, Councilman Ryan Hanan.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None

10. PUBLIC FORUM

Fernley Resident James Roberts praised the council for working together. He expressed concern in regards to item 6.1 definitions.

Fernley Resident Laura Griffin stated that she would like to see a public workshop before item 6.1, Bill #325 is passed.

Fernley Resident Becky would like to see townhall or workshop for the public in regards to Bill #325.

Fernley Resident Lewie Brye stated that he has been dealing with the NRS rules for 12 years. He would like to have a workshop to clarify state and city ordinances.

Mary Bonno (Zoom) stated that she sent an email with her concerns because the public input form on the website was not working. She is that Bill #25 ordinance amending Title 16, Chapter 1 will violate her the 4th amendment rights.

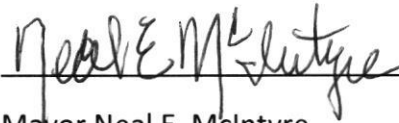
Councilwoman Felicity Zoberski stated she would like to hear approval of new business licenses from the consent agenda at future council meeting.

11. ADJOURNMENT

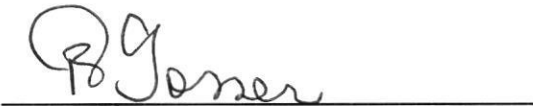
There being no further business to come before it, the Fernley City Council meeting adjourned at 8:23 pm.

Approved by the Fernley City Council on May 3, 2023, by a vote of:

AYES 4 NAYS: 0 ABSTENTIONS: 0 ABSENT: 1



Mayor Neal E. McIntyre



City Clerk Kim Swanson

Public Comment 4/5

Sandy Harris

From: Mary Bonno <marybonno@gmail.com>
Sent: Wednesday, April 5, 2023 3:08 PM
To: Sandy Harris
Subject: comments for tonight's meeting

Good afternoon. My name is Mary Bonno-Hasting, and my husband Roy and I own Hasting Heritage Farm here in Fernley. The link for the public comments form was not working, and I wanted to be sure that you "hear" what I have to say in reference to Bill NO. 325.

My husband and I moved here from Reno for the same reason many of our neighbors did; small town life with the ability to use our property in the way we choose, without over regulation and ridiculous numbers of codes and rules that come along with HOAs and stuffy neighbors. Ours is a nice small town, one that still remembers and celebrates the agricultural and mining roots of Nevada's founding. We like our small town life.

The adoption of Bill number 325 would negate many of the primary reasons we live in a small town. Nevada has always been a refuge for those of us that value our constitutional rights and the freedoms that come along with them. Our freedom to use our land as we wish, as long as we are not placing our neighbors in actual danger is a primary concern. That means I can grow whatever plants I choose to grow, I can use old trailers as livestock shelters and chicken coops, I can keep my broken truck until I have the time and money to fix it, and I can let my neighbors do the same. None of us has the right to choose how our neighbors live, nor do we have a right to decide how they can use their own property.

I escaped the hells of Homeowner Associations when I found my piece of heaven in Fernley. There is absolutely no reason, nor should anyone have the right, to turn our little town into a giant HOA managed neighborhood. If the individuals that choose to purchase new homes or build new homes in HOA managed neighborhoods, that is their right. It is NOT their right to impose those rules on those of us who do not choose that way of life.

I am firmly against Bill number 325, because the entire thing smacks of HOA power grabs and government overreach. Giving the city, in the form of new codes, new ways to intrude into our personal lives and personal freedoms, giving a city department a "right" to traverse my property looking for "violations," otherwise known as "revenue options," when there is no hazard or danger, starts us on the slippery slope toward revocation of additional individual rights and freedoms. This is written in a way that allows a city employee the right to my property, without warrant, to search for anything they deem to be code violations. This is a direct affront to my right to pursue happiness, my neighbor's right to pursue happiness, and our right to protect ourselves from warrantless search and seizure, rights that are guaranteed to me in the United States Constitution, and in the Nevada Constitution.

Additionally, these proposed amendments will have unfair and disproportional ramifications for those in our town that are already struggling in our horrible economy. The lower income, elderly, and otherwise disadvantaged will be bearing the brunt of these proposed changes...the elderly and retired on a fixed income, the large family living in a small space, and the disabled veterans with little extra income are those most likely to have multiple vehicles waiting for the money to repair, they are those most likely to use whatever they can find cheaply (or free) to house chickens or use for household storage, and are those most likely to be physically unable to pull the stubborn mesquite that never really goes away. Where will they take the vehicles, and at what cost? Will the city be there to help an old veteran move derelict vehicles? Will the city pay the disposal fees? Or will those developers who are building the new multifamily and single residential neighborhoods under the HOA standards and rules....will they pay for those changes you are demanding of others? Doubtful. These newcomers who left areas that regulated them to death to come to the free state of Nevada...will they pay for the lawn care and vehicle removal? Doubtful.

I insist that the council members think long and hard about who these changes will benefit and who will face the burdens. Your positions on the board are temporary. Our rights as citizens are permanent. We do not choose to have our little town managed by a city council that dreams of being an HOA and deems they have the power to remove our rights and freedom to live how we choose, in order to placate those who are not part of our community. If the council wants our entire town to fall under the HOA, that needs to be a ballot question for the citizens to vote on, not a council agenda item. Let the newcomers choose how they want to live in their own little communities under their own HOA rules. They should not be permitted to choose how I live on my property that does NOT fall under HOA oversight.

Sent from Mail for Windows