

**MINUTES OF THE
FERNLEY CITY COUNCIL WORKSHOP MEETING
JULY 17, 2023**

Mayor Neal McIntyre called the meeting to order at 05:00 PM at Fernley City Hall, 595 Silver Lace Blvd., Fernley, NV 89408.

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Mayor Neal McIntyre, Councilman Ryan Hanan, Councilwoman Felicity Zoberiski, Councilman Albert Torres, Building Official Charity Birkel, Planning Director Michele Rambo, City Attorney Aaron Mouritsen, Permit Technician Jessica Murdock, Building Inspector I Bailie Scott, Building Inspector Michael Moore, City Clerk, Kim Swanson, Administrative Specialist I Sandy Harris

Absent: Councilwoman Fran McKay, Councilman Stan Lau.

1.2. Public Forum

None at this time

1.3. (For Possible Action) Approval of Agenda

Motion: MOVE TO APPROVE AGENDA. **Action:** , **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilwoman Felicity Zoberiski. **Vote:** Passed, **Summary:** Yes 3 **Yes:** Councilwoman Zoberiski, Councilman Torres, Councilman Hanan. **Absent:** Councilwoman McKay, Councilman Lau.

2. PUBLIC HEARING

2.1. For Possible Action. Discussion regarding amending Title 16, Chapter 1 of the Fernley Municipal Code, Parking and storage of junk vehicles.

City Attorney Aaron Mouritsen gave an update on the changes AB316 has created, he stated that the legislature has passed a change to the NRS that will drastically affect the way the City's approach to this item. The change goes into effect October 1, 2023 and it amends NRS 487.290. Mr. Mouritsen stated that the City will need to remove this section or replace it with something else, since the this change will make the current section of the code invalid. AB316 takes section 487.290 and makes it so people cannot have more than two unregistered vehicles on a parcel of land. NRS 487.290 is now amended under AB316 to include a section on what local authorities, like cities, are allowed to do. This limits the city's restrictions. First, AB316 limits the amount of unregistered vehicles that are on a property, if more than 2 a civil fine up to \$100.00 a day can be assessed until the issue is repaired. Second, it makes it so it is no longer a criminal penalty as a misdemeanor offense, but a civil penalty. Currently, under the City of Fernley code, this violation is a misdemeanor and it would have to be revised to a civil offense under AB316. Mr. Mouritsen also stated that this bill gives the local municipality the authority to adjust that penalty. Which means that the City can do something different than \$100.00 as the penalty per day. However, the new City code will have to align with what NRS says about having more than 2 unregistered vehicles on a property. Mr. Mouritsen noted that NRS487 does have 6 exceptions to the code and that the City code would have to take

into account these exceptions. He summarized that the city is more restricted in what can be done with unregistered vehicles, and that it could change the penalty, but it would still be a civil matter.

Building Official Charity Birkel presented a slide show explaining definitions and the different code sections. She gave out a handout so attendees could take notes and write down ideas and suggestions. She asked that the handouts be returned so once both workshops are completed, they can get together with a working group and go through all the suggestions and recommendations that are received from the audience at the workshops taking into account the AB316 and NRS changes. The 4th Amendment was reviewed and clarified as to what the city can and cannot do.

Public Comment:

Fernley resident Delores Oberg stated that she would like to have no code and go by the Nevada State Law. The definition of junk has so many variables, especially if it is an income-producing way of living.

Fernley resident Dana Uhlhorn stated that he would like to see more exceptions for people who restore vehicles. One of the things that stops people from removing junk vehicles is that they have to be titled and when you buy a vehicle for parts it may not come with one. This ordinance will fine residents that want to get rid of the vehicle, but can't because they can't get a title. He suggested finding a way to allow DMV or Sheriff to come and verify that it is not stolen and then be issued some kind of a title so it can be taken away.

Fernley resident Becki Howlett stated she was concerned about the "concrete" on land.

Fernley resident Louie Parale wanted it clarified that there is a difference between unregistered and junk cars, stating that there are two issues: registered cars and junk cars.

Fernley resident MaryJo Bonno (zoom) would like to know how complaints are handled.

Fernley resident Jon Ringard would like to know how many complaints are put through each Ward; where do the penalty funds go; how much penalty funds have been collected; would like to change penalty amount; can penalty funds go to a fund to help remove vehicles that people want removed. He suggested changing penalty to \$100 per incident.

Councilwoman Zoberski asked for clarification on exemption for shops and also the penalties.

City Attorney Mouritsen stated that there are a couple of exemptions that might apply: 1) premises used by dealers, manufacturer or distributor or rebuilder, 2) premises used for farms, ranch, miner or repair shop, 3) classic and historic significant vehicles and horseless carriages.

Building Official Birkel stated that as far as the city goes there is nothing written about penalties, that is something that is going to have to be worked through. However, the legislation that was just passed states that it is up to \$100 a day, per vehicle, but it doesn't mean that is what the city has to do. She explained the purpose of the three strike penalties. She said the current policy her department takes the complaint, goes and gives the violator a yellow tag telling them that the vehicle has to be removed and an agreement is reached to move the vehicle. Current policy allows 15-day increments for the violation to be remedied, then the department visits the site 15 days later, and then 15 days later, at which point violators receive a citation.

Councilman Hanan stated that he did some research with DMV and there is a form called a VP018 that is an affidavit of non-operation. He asked if a registered non-operational vehicle classify as a registered vehicle.

He stated that there is a difference between taking a vehicle and restoring it, and parking a vehicle in front of your house or on your property and letting it decay and letting materials from that vehicle leak into the ground and contaminate the soil and create a hazard. He suggested that the intent is to accomplish something that does not affect the restoration of vehicles. Councilman Hanan asked that staff look at the loop-holes in 316 and to see if the city can find an area in town in a commercial district, a sort-of co-op, where people can jointly put those vehicles on a piece of property, and they obtain a license from the city to do that. He stated that the intention is to get into compliance and that dealing with the City of Fernley is going to be a lot easier than having to deal with the state, county or DMV, who may levy the maximum fine, and not give a grace period. The City will have much more flexibility within the municipal code to work with an individual for a lengthy period of time. He agreed with the comment of putting money into a fund to help people to deal with vehicles if they are not capable financially of having them removed.

City Attorney Mouritsen referenced 487.290, stating it has two license exceptions. That is 487.50, which is in regards to certain vehicles that are in the process of being scrapped or wrecked, and 487.410, which is for salvageable vehicles. He said that in 487.290 does not count as registered, but will have to look further into it.

Councilman Torres stated that these bills were passed by those that live in metropolitan areas without realizing the impact they were going to have on the rest of rural Nevada and leaving this in the state's hands will cause a disservice to the citizens of Fernley. In regards to lot size, he asked that there be an amendment to this law in session in two years.

Mayor McIntyre thanked the public for their comments.

3. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None at this time.

4. PUBLIC FORUM

None at this time.

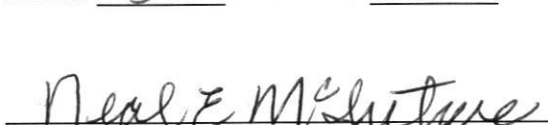
5. ADJOURNMENT

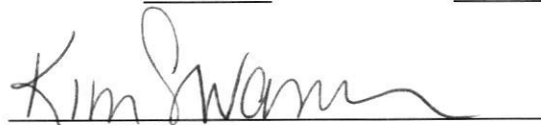
The next City Council meeting will be Wednesday, July 19, 2023, at 5:00 PM.

There being no further business to come before it, the Fernley City Council Workshop meeting adjourned at 6:13 PM.

Approved by the Fernley City Council on August 2, 2023, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre


ATTEST: City Clerk Kim Swanson