

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
OCTOBER 18, 2023**

1. INTRODUCTORY ITEMS

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

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Mayor Neal E. McIntyre, Councilman Ryan Hanan (Zoom), Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Alber Torres, City Manager Ben Marchant, Deputy City Manager Lydia Altick, City Attorney Aaron Mouritsen, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, Deputy Finance Director Jennie Carrick, Building Official Charity Birkel, Planning Director Michele Rambo, Public Works Director Barry Williams, Deputy Public Works Director Olivia John, City Engineer Derek Starkey. **Absent:** Councilwoman Fran McKay.

1.3. Public Forum

There was none.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA WITH THE REMOVAL OF ITEM 6.1. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilwoman Felicity Zoberski. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan.

2. CONSENT AGENDA

2.1. (Possible Action) Approval of Voucher Report

2.2. (Possible Action) Approval of Minutes

2.3. (Possible Approval) Approval of Business Licenses

City Clerk Kim Swanson read the new approved business licenses.

2.4. Possible action to authorize the execution of the water rights banking and dedication agreement with Christopher Madsen, APN 020-371-05 TCID serial number 1057-17 in the amount of 3.08-acre feet.

2.5. Possible action to ratify a contract with J-U-B ENGINEERS, Inc. to provide engineering design services for the water main relocation on the NDOT 3935 I740 Bridge project in an amount not to exceed \$49,700.

2.6. Possible Action to Approve the 2023/2024 Annual Material Supplier Contract

2.7. (For Possible Action) Approval of a Memorandum of Understanding (MOU) between the City of Fernley and the Fernley Community Foundation concerning the collection and distribution of donations to the Community Response and Resource Center.

2.8. (Possible Action) to approve the liquor license for Silverado Gas and C Investments, LLC dba Silverado Chevron.

2.9. (Possible Action) to approve the liquor license for Silverado Casino Investments, LLC dba Silverado Casino.

Motion: I MOVE TO APPROVE THE CONSENT AGENDA. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilwoman Felicity Zoberski. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, 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.

Chief Deputy Mitch Brantingham, Lyon County Sherriff's office, announced that there are 11 upcoming county-wide events that the Sherriff's department will be participating in, four of those events are in Fernley. The K9 units will be participating in the regional competition in Carson City. The Department has been meeting with code enforcement on problem properties. The department is providing proper security for code enforcement officers. Chief Deputy gave an update on the recapture of Cory Tyler, who was arrested on September 29, 2023, and escaped. Cory was recaptured on October 11, 2023, along with another wanted subject, Bradlee Morris.

Councilman Albert Torres asked for confirmation that the City Marshall was also working with code enforcement.

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

City Manager Ben Marchant announced the upcoming Spooktacular event at City Hall.

Councilwoman Felicity Zoberski thanked the Boys & Girls Club for the invitation to the awards banquet. On Friday the Fernley Aces haunted house will open.

Councilman Stan Lau also thanked the Boys & Girls Club for an amazing night,

Councilman Albert Torres thanked Charity Birkel for the code enforcement work on a few houses, and Derek Starkey for details on the major projects going on. He also reported that we have a definite yes to move the schoolhouse back to Dayton with no cost to the city.

Mayor Neal E. McIntyre asked for prayers for Councilwoman Fran McKay. She has fallen ill and will not be attending any meetings until further notice. He reported that he had the opportunity to sit on the APA panel. It was a good meeting.

4. PROCLAMATIONS BY THE MAYOR

There was none.

5. ORDINANCES

5.1. Consideration and possible action to Introduce Bill #334, an Ordinance to amend Title 32, Chapter 09 of the Fernley Municipal Code to include requirements and standards related to the dedication of water rights and facilities for residential subdivision and parcel maps, construction of new homes and industrial and commercial buildings. Specifically, adding sections for (1) a purpose statement regarding payment in lieu of dedication of water rights; (2) list of qualified appraisers; and other matters properly related thereto.

City Engineer Starkey introduced Bill #334. City Council directed staff to update the City's Municipal to clarify that the City would not be selling water rights outside of what is already allowed by the Municipal Code. Staff worked with the City's water rights attorney to draft language for the code that would achieve the goal of the Council. Staff is also proposing to add a separate section for the procedures for obtaining appraisals of real property. Doing so will help add clarity to the code by separating that language into its own section. The Bill will come back on November 1, 2023, with specific language.

5.2. Consideration and discussion to introduce and conduct First Reading of Bill #332, an Ordinance to amend Section 32.07.020 (Accessory Dwellings) of the City of Fernley Development Code to conform with NRS Section 278.253 regarding tiny houses.

Planning Director Rambo gave the first reading of Bill #332. Based on directions received from both the City Council and Planning Commission staff has prepared an amendment to Section 32.07.020 (Accessory Dwellings) allowing tiny homes on permanent foundations as accessory dwelling units. At their meeting on September 13, 2023, the Planning Commission voted to recommend approval of Bill #332 as presented. This Bill will come back on November 1, 2023, for adoption.

5.3. Possible action to introduce Bill #337, modifying franchise fees for Commercial Mobile Radio Services, Telecommunication Companies, and Electric Energy Providers offering services within the city of Fernley.

City Clerk Swanson reported that Staff conducted the necessary steps to prepare a Business Impact Statement for a proposed increase in Franchise Fees for public utilities providing services within the City of Fernley. If Bill 337 is introduced, the second reading will occur on November 1st. If adopted, the new franchise fees will be effective February 1, 2024. Included in this BIS and pursuant to NRS 354.59889, is an automatic 1% increase to Commercial Mobile Radio Services to be effective February 1, 2026. After February 1, 2026, all franchise fees will be capped at the 5% maximum amount allowed pursuant to NRS.

Motion: I MOVE TO INTRODUCE BILL #337 MODIFYING FRANCISE FEES FOR CERTAIN COMPANIES PROVIDING SERVICES WITH THE CITY OF FERNLEY. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilwoman Felicity Zoberski. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan.

6. STAFF REPORTS

6.1. Possible action to revise FMC 2.02.07 - Temporary absence or vacancy; acting city manager.

Removed from agenda.

7. PRESENTATIONS

7.1. Presentation by City Engineer to update the City Council on the completion of recent capital improvement projects.

Derek Starkey, City Engineer, presented an update on the completion of recent capital improvement projects and a review of upcoming projects.

Councilwoman Felicity Zoberski thanked Derek Starkey for the presentation and all the work that had been put in.

Councilman Albert Torres stated that he would like the completed projects posted on the City website and Facebook page.

Councilman Stan Lau thanked Derek Starkey and staff.

Mayor Neal E. McIntyre asked that when the all-abilities park is started, that a sign be posted to notify the residents of the work.

Councilman Ryan Hanan thanked public works, engineering and everyone at city hall who has been working on these projects.

8. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilman Albert Torres requested they pull the city's attorney contract with North Lyon Fire District. In order to cancel the contract, the city needs to give 30 days' notice and pay back money pro-rated on that. We have not hired a deputy city attorney yet, and Mr. Mouritsen is doing the work by himself, and there are issues at North Lyon Fire Protective District that we need to protect our employee and the city from being brought into litigation.

9. PUBLIC FORUM

James W Roberts, Fernley resident, stated that he was impressed with Derek Starkey's presentation. The city benefits from his work and he is very pleasant.

10. ADJOURNMENT

The next meeting will be November 1, 2023, at 5:00pm.

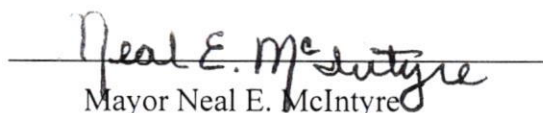
There being no further business to come before it, the Fernley City Council meeting adjourned at 5:44pm.

Approved by the Fernley City Council on November 1, 2023, by a vote of:

AYES 4 NAYS: 0 ABSTENTIONS: 0 ABSENT: 1



ATTEST: City Clerk Kim Swanson


Mayor Neal E. McIntyre