

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
NOVEMBER 1, 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. Pledge of Allegiance

1.2. Roll Call

Present: Mayor Neal E. McIntyre, Councilman Ryan Hanan, Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, City Manager Benjamin Marchant, City Attorney Aaron Mouritsen, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, Building Official Charity Birkel, Planning Director Michele Rambo, Public Works Director Barry Williams, City Engineer Derek Starkey. Councilwoman Fran McKay joined via zoom at 5:08 pm

1.3. Public Forum

Fernley resident, Kris Nicholl stated she would like more background history on Item 7.1 in regard to the City Attorney and the North Lyon County Fire Protection District and hopes that this does not lead to a broken relationship between the City and the fire department.

Fernley resident, Mary Bonno (zoom) expressed concerns about the rezoning of nearly 2,200 acres for some commercial type developments. The water requirement exceeds the amount of water that the developer owns by about 3 times and also exceeds the maximum amount of water that can come through our waste-water treatment facility by almost 3 times as well. How is the city going to get extra water? It is about 5 million gallons per day.

1.4. (For Possible Action) Approval of Agenda

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

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 approval of new business licenses.

2.4. Possible action to approve a contract to lease City of Fernley surface water to Craig Travis for irrigation in the Swingle Bench area for a term of 2 years starting January 1, 2024.

2.5. (Possible Action) to Participate in the Masters Pharmaceutical, LLC., Opioid Settlement in the District Court Case entitled: "State of Nevada v. McKesson Corporation, et al.," Case Number A-19-796755-B, filed in the Eighth Judicial District Court, Clark County, Nevada, and to release any

and all claims against all released entities and agree to the Masters Pharmaceutical, LLC Settlement in the Net Allocation Amount of \$86.92 to the City of Fernley and take all actions properly related thereto.

2.6. Possible action to appoint Jake VanderHeiden to the Fernley Planning Commission.

Mayor Neal E McIntyre welcomed Jake VanderHeiden to the Fernley Planning Commission.

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

Councilwoman Fran McKay joined via Zoom at 5:08 pm.

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, LCSO reported that the department participated in 20 trunk or treat events in the county. The department also participated in the K9 Expo on October 21, 2023, in Carson City. One of the Lyon County dogs took 1st place in the agility event, 1st place in tracking; as an agency, they took 2nd overall. There are going to be changes to the body cam system around the 1st of the year which will improve the system and functionality. Also, around the 1st of the year, the department's new software for scheduling should go live. The department is getting deputies from the academy and back from training. Staffing is going up. The department is working on efficiency with background checks for business licenses.

Fire Chief Jason Nicholl, NLCFPD, gave a review of the fire and medical activity since 1st of the month. Response times were reviewed, and the department is currently working with dispatch and in-house to improve response times. Port-a-john arsons are still a problem. The department is sponsoring a new program for the vulnerable population. This program is by word of mouth only. The department will go to the home and do a fire-life-safety inspection of the home, where they will give advice on trip hazards, where they store their medications, as well as defensible space around the home. There are 3 open positions on the wildland team, and they will be advertising those positions within the next two weeks. They are working with other agencies on emergency management training that involves mass casualties, such as an active shooter. They were able to secure a grant large enough to supply additional body-armor and equipment for those types of situations. The cadet program is at 14 cadets right now, with 3 or 4 on the waiting list.

Councilman Ryan Hanan asked the Fire Chief if he had an opinion on rural areas that don't have water infrastructure. Fire Chief Jason Nicholl stated that as the city makes development decisions, water considerations should be a key component. Councilman Albert Torres asked about manning additional stations.

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

Charity Birkel, Building Official, gave the monthly building statistics. The department had a total of 136 applications submitted, 11 were new single dwellings, the majority were solar. There was a new commercial structure submitted for Panda Express. 123 permits and 80 of those were for solar, 2 commercial structures. Total valuation for submitted permits was \$7,883,000; total permit fees collected were \$118,496.76. 1,372 building inspections, 7 for business licenses. 66 complaints filed with code

enforcement, 20 of those issues have been abated. 23 are still in process. There were 20 vehicles tagged and 5 of those were towed.

Councilwoman Fran McKay announced that the Fern 45 starts November 2, 2023.

Councilman Ryan Hanan thanked the staff for all the great reports that he is getting from the public in regard to the great job the staff is doing.

Councilwoman Felicity Zoberski welcomed Jake VanderHeiden to the Fernley Planning Commission and thanked staff for the success of Spooktacular.

Councilman Albert Torres gave a shout out to the staff for the amazing job for spooktacular. The FCTA is now accepting grant applications for round two of the fiscal year 2023/2024. All applications must be submitted via email to FCTA@cityoffernley.org or in person at City Hall by 5:00 pm on Thursday November 30, 2023. The FCTA Board will review and make grant selections at the December 11, 2023, meeting. If anyone has questions, they can contact the City Manager's office at 775-784-9858 or email April Homme at ahomme@cityoffernley.org.

Mayor Neal McIntyre stated that the water is in the canal. Congressman Amodei will be in Fernley around November 20, 2023, giving a federal update. He will release further details. He reported that Spooktacular had over 3,500 goblins, ghouls and super-hero's walk-through City Hall, enjoy the bounce house and music from Biggest Little Radio station 101.3. He read the list of sponsors and volunteers.

4. PROCLAMATIONS BY THE MAYOR

Mayor Neal McIntyre read the proclamation and proclaimed November 1, 2023, to be "Extra Mile Day".

5. ORDINANCES

5.1. Initiation and First Reading of Bill #338, an Ordinance conditionally adopting Phase 1 of the Victory Logistics District Planned Development (PD23001), including a Change of Zone from Industrial (I) and General Commercial (C2) to Planned Development and approval of a development standards handbook. The Planned Development consists of approximately 2,174 acres generally located south of Interstate 80 and east of Nevada Pacific Parkway (APNs 021-201-01 and -16; 021-211-02, -03, -04, and -06; 021-242-11 and -17; 021-251-25; 021-261-43 and -44).

Michele Rambo, Planning Director, presented the first reading of Bill #338 and stated that they will have the main discussion on November 15, 2023, which will include the big water and sewer numbers.

5.2. Initiation and First Reading for Bill #335, an Ordinance to repeal and replace Section 32.06.140 (Planned Development) of the City of Fernley Development Code.

Michele Rambo, Planning Director, presented the first reading of Bill #335 and stated that they will have the main discussion on November 15, 2023.

6. PUBLIC HEARINGS

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

Kim Swanson, City Clerk, presented Bill #337.

There was no public input.

Aaron Mouritsen, City Attorney, stated that Councilwoman Fran McKay is having technical issues with Zoom and will not currently be included in the quorum for purposes of voting and discussion.

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

6.2. Consideration and possible action to Adopt 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.

Derek Starkey, City Engineer, City Council directed staff to update the City's Municipal Code in order 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. The 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.

There was no public input.

Mayor Neal McIntyre called for a recess to address technical issues with Councilwoman Fran McKay - 5:58 pm-6:07 pm.

Motion: MOVE TO ADOPT 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. **Action:** Approved. **Moved by:** Councilman Torres, **Seconded by:** Councilman Lau. **Vote:** Passed. **Summary:** Yes 5. **Yes:** Councilman Hanan, Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay.

7. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

7.1. Possible action requesting a future agenda item to amend the interlocal contract dated July 2020, between the City of Fernley and North Lyon County Fire Protection District, specifically Section 6 regarding legal services. (Councilman Torres)

Councilman Albert Torres would like to agendize amending our contract between the City Attorney and North Lyon County Fire Protection District. One reason is the city does not currently have a Deputy City Attorney. He stated any additional workload that can be cut back would be a great help to Mr. Mouritsen and his staff. If the City were to get a Deputy City Attorney hired, then maybe we would look at reopening that contract. The second reason is to keep the city of Fernley and its citizens out of any possible litigation, because Mr. Mouritsen is part of the legal counsel for the Fire District, the City of Fernley can possibly be brought into a future lawsuit. It is our job to protect our employees and our taxpayers.

Motion: I MOVE TO ADD A FUTURE AGENDA ITEM TO AMEND THE INTERLOCAL CONTRACT DATED JULY 2020, BETWEEN THE CITY OF FERNLEY AND NOTH LYON COUNTY FIRE PROTECTION DISTRICT, SPECIFICALLY SECTION 6 REGARDING LEGAL SERVICES FOR REASONS STATED. **Action:** Denied. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilwoman Felicity Zoberski. **Vote:** Failed, **Summary:** Yes 2, No 3. **Yes:** Councilwoman Zoberski, Councilman Torres, **No:** Councilman Lau, Councilwoman McKay, Councilman Hanan.

8. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilman Hanan would like an agenda item to discuss downtown and our relationship with NDOT and our goals.

Councilwoman Fran McKay stated that she would like to see lighting on Farm District Road.

9. PUBLIC FORUM

Teresa Morros would like to see what direction Main Street America and City of Fernley are going and have accountability for NDOT.

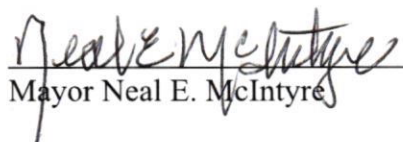
10. ADJOURNMENT

The next City Council meeting will be November 15, 2023, at 5:00 PM.

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:23 pm.

Approved by the Fernley City Council on November 15, 2023, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0



Mayor Neal E. McIntyre



ATTEST: City Clerk Kim Swanson

[illegible]

Sandy Harris

From: noreply@civicplus.com
Sent: Tuesday, October 31, 2023 4:36 PM
To: City Clerk
Subject: Online Form Submittal: Public Input Form

If you are having problems viewing this HTML email, click to view a [Text version](#).

Public Input Form

The Public may comment on any matter that is not specifically included on an agenda as an action item or comment on a specific agenda item. Items not included on the agenda for which you are submitting a comment, cannot be acted upon other than to place them on a future agenda. Additionally, if you wish you can comment in person at the meeting or use the Raise your Hand feature in Zoom (*9 if you are participating via phone). Public comments are limited to three (3) minutes. Public Comments submitted prior to 4:00 pm the day of the meeting will be provided to City Council and added to the record but WILL NOT BE READ during the live meeting. Any public input received after 4 pm the day of the meeting will be included in the record but may not reach council members before action is taken.

Submitted by: * Patricia Rogers
Email Address: teepee2455@yahoo.com
Phone Number: 7758134138

Address: 219 Mary Lou Lane
Meeting(s): City Council

where your
concern should
be expressed: *

Meeting Date(s): * November 1, 2023

Comments: * City of Fernley council members and staff: Thank you for your hard work and concern for the community of Fernley. I respectfully ask that the council consider reseeding the Green Valley Dog Park. The City's website says the dog park project is completed, however the condition of the grass has suffered since the project began and has not been restored to how it was before the City started the project. Many residents used to enjoy this dog park and now, due to the condition of the grass, it has actually become a health hazard for the dogs due to the severe weed infestation and risk of foxtails and other burrs such as goat heads getting lodged in dogs' ears, eyes, nose, and paws. Thank you for the gazebo at the park and please restore the grass to its condition prior to starting this project. You can review the pictures on the city's website of the park's grass condition prior to beginning this project and then survey the current condition and you will see why all of the reviews on facebook, yelp, google and nextdoor are very negative about the park's current condition. Thank you again for your attention and diligence to restore this well used and much needed community asset to its pre project condition.

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:
<http://www.cityoffernley.org/Admin/FormHistory.aspx?SID=8554>

The following form was submitted via your website: Public Input Form

Submitted by:: Patricia Rogers

Email Address: : teepee2455@yahoo.com

Phone Number:: 7758134138

Address: : 219 Mary Lou Lane

Meeting(s) where your concern should be expressed:: City Council

Meeting Date(s):: November 1,2023

Comments: : City of Fernley council members and staff:

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Thank you again for your attention and diligence to restore this well used and much needed community asset to it's pre project condition.

Additional Information:

Form submitted on: 10/31/2023 4:36:01 PM

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Form Address: <http://www.cityoffernley.org/Forms.aspx?FID=175>