

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
DECEMBER 20, 2023**

Mayor Neal E. McIntyre called the meeting to order at 5:00 pm.

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, Councilwoman Fran McKay, City Manager Ben Marchant, Deputy City Manager Lydia Altick, City Attorney Aaron Mouritsen, Deputy Finance Director Jennie Carrick, Building Official Charity Birkel, Planning Director Michele Rambo, Public Works Director Barry Williams, City Engineer Derek Starkey, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris.

1.3. Public Forum

None

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **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 Voucher Report

2.2. (Possible Action) Approval of Minutes

2.3 . (Possible Approval) Approval of Business Licenses

City Clerk Kim Swanson read the approved business licenses.

2.4 . (Possible Action) Possible action regarding a surveying contract with DOWL, LLC to set per-item rates for reviews of planning applications with a map component.

2.5. Possible action to approve a contract with F.W. Carson Construction for the Villa Park Water and Sewer Replacement Project in the amount not to exceed \$2,988,447.10 with a 3% contingency of \$89,660.00 for a total amount of \$3,078,107.10.

2.6. Possible action to approve: a letter to the Nevada Department of Emergency Management certifying that the 2022 Emergency Operations Plan was reviewed by City staff; a Cybersecurity Incident Response Plan; and the Vulnerability Assessment and Emergency Response Plan.

Motion: I MOVE TO APPROVE THE CONSENT AGENDA. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **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

Chief Deputy Mitch Brantingham, LCSD, gave an update on the staffing in the Fernley area. The total patrol officers allotted for Fernley is 20. He gave an update on the CCW process. The department would like to see more CCW holders. The department is extending the time period for renewals of CCW's to 364 days. Processing times are around 90 to 120 days. Shop-With-A-Sheriff had 42 kids. On Sunday, December 17, 2023, there was a strong-arm robbery, and the suspect was identified and will be in custody shortly.

Councilwoman Felicity Zoberski asked if the CCW went into a database. Chief Deputy stated that it is in a State and National database.

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

Councilman Torres stated that he wants it on the record that the City of Fernley Code Enforcement, Fernley Intermediate School and the Sheriff's department are all working together on getting the squatter off the property that is south of Fernley Intermediate School. Charity Birkel, Building Official, stated that there has been contact with the person, and she is waiting for Lyon County Human Services to get housing. She has 15 days to vacate the property. Councilman Torres also announced that he has been selected to the Nevada League of Cities Executive Board. Next year he will be the Secretary/Treasurer, in 2025 he will be Vice-President, and 2026 the President.

Councilman Ryan Hanan asked about the permit under review process, specifically for Panda Express. Charity Birkel, Building Official, stated in regard to Panda Express, they are awaiting corrections back from Panda Express. Panda Express has received all the comment letters from all of the departments.

Mayor Neal McIntyre announced that they have interviewed for City Treasurer Finance Director. City Hall will be closed December 25, 26 and January 1. He thanked everyone for their hard work at putting together the Christmas lunch. Wreaths Across America was a very successfully attended event. He congratulated Councilman Torres for his selection to the Board of the Nevada League of Cities.

4. PROCLAMATIONS BY THE MAYOR

None

5. ORDINANCES

5.1. (For Possible Action) Introduction and First Reading of Bill #342, an Ordinance establishing a Development Agreement (DA22001) between the developer (Mark IV Capital) and the City of Fernley in association with Phase 1 of the Victory Logistics District Planned Development relating to improvements of utilities, public services, and other related items.

Michele Rambo, Planning Director, presented the first reading and stated that it will be brought back for the second reading on January 17, 2024.

Councilman Ryan Hanan asked if there are changes made, will it re-set the clock on these presentations. Director Rambo stated that it could depending on when the planning department gets the changes put in place. The Planning Commission required in their motion that any changes go back to them for review. The current version in the agenda packet is the version the Planning Commission recommended approval. Today the department got changes the applicant wants to make, so the department will be working on them to get them back to the Planning Commission.

6. STAFF REPORTS

6.1. (For possible action) Approval of the Mayor's appointments to various Boards and Committees.

Mayor Neal McIntyre went through the current appointments and changes to various Boards and Committees. Charity Birkel, Building Official, stated that there is no Code Enforcement Committee at this time but would like to get one set up.

Mayor Neal McIntyre stated that last year he made Mayor Pro Tem a 2-year term, and Councilman Torres will continue to Mayor Pro Tem.

Motion: I MOVE TO APPROVE THE MAYOR'S APPOINTMENT TO VARIOUS BOARDS AND COMMITTEES AS PROPOSED. **Action:** Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

6.2. Possible action to consider canceling the January 3rd City Council meeting.

Motion: I MOVE TO CANCEL THE JANUARY 3, 2024, COUNCIL MEETING. **Action:** Approved. **Moved by:** Councilwoman Fran McKay, **Seconded by:** Councilwoman Felicity Zoberski. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

7. RESOLUTIONS

7.1. For Possible Action: To approve a resolution to adopt the Regional Hazard Mitigation Plan for FEMA approval as prepared by Lyon County in coordination with the City of Fernley and other regional jurisdictions.

Taylor Allison, Lyon County Emergency / Communications Manager, gave a presentation on the 2023 Lyon County Regional Hazard Mitigation Plan.

Motion: I MOVE TO APPROVE RESOLUTION #23-017 ADOPTING THE REGIONAL HAZARD MITIGATION PLAN. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

8. PUBLIC HEARINGS

8.1. For Possible Action) Second Reading and Adoption of Bill # 341, amending Section 2.02.07 of the City of Fernley Municipal Code modifying the appointment of a City Manager in the long term absence of a City Manager.

Aaron Mouritsen, City Attorney, gave a presentation on the changes to the current code language and the proposed new language. The term "may" in the current code will be changed to "shall" in the new proposed language.

No public input at this time.

Motion: I MOVE TO ADOPT BILL #341, AMENDING SECTION 2.02.7 OF THE CITY OF FERNLEY MUNICIPAL CODE MODIFYING THE APPOINTMENT OF A CITY MANAGER IN THE LONG TERM ABSENCE OF A CITY MANAGER. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilwoman Fran 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 to request a future agenda item to compare our water rates with other surrounding cities water rates. (Councilwoman McKay)

Councilwoman Fran McKay would like to direct staff to get comparisons from other cities water rates. Councilman Torres as when the next water rate assessment report would be. Barry Williams, Public Works Director, stated that it is scheduled to start after July of 2024.

Councilman Ryan Hanan would like to add the connection fees and how they affect the rates, and if staff would propose increasing those fees to help stabilize the overall rate of the water.

Motion: I MOVE TO DIRECT STAFF TO LOOK AT OTHER CITIES AT WHAT THEY ARE CHARGING FOR WATER RATES AND ALSO WHAT THEY ARE CHARGING FOR THEIR CONNECTION FEES.

Action: Approved. **Moved by:** Councilwoman Fran McKay, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

10. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilman Ryan Hanan would like to add our need for a nuisance ordinance, what it is and what it entails, and why we need it or do not need it.

11. PUBLIC FORUM

James W. Roberts, Fernley Resident, thanked the council for the excellent job they are doing working together and what they are doing for the City.

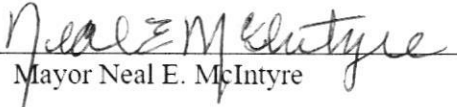
12. ADJOURNMENT

The next meeting will be Wednesday, January 17, 2024, at 5:00 pm.

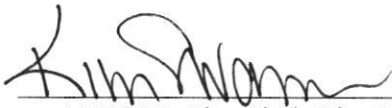
There being no further business to come before it, the Fernley City Council meeting adjourned at 6:09 pm.

Approved by the Fernley City Council on January 17, 2024, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0



Mayor Neal E. McIntyre



ATTEST: City Clerk Kim Swanson