

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
JANUARY 17, 2024**

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 Benjamin Marchant, 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, Senior Planner Shay League, PW Director Barry Williams, Deputy PD Director Olivia John, City Engineer Derek Starkey.

1.3. Public Forum

Tammy Dittman, Fernley resident, stated that she attended the Public Visioning Open House at the Senior Center on January 16, 2024, and it was very good, but she has a concern that nothing will happen with the citizens' input. She would like to have a No Air Brakes, No Jake Brakes sign going from Silver Springs on 95A to Southwest Meadows.

1.4. (For Possible Action) Approval of Agenda

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

Motion: I MOVE TO APPROVE THE AGENDA AND PULL ITEM 5.2. **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

Kim Swanson read the new business licenses.

2.4. Possible action to authorize the execution of the water rights banking and dedication agreement with Joanne Kuylen Stursa and Gleen Stursa, APN 021-303-57 TCID serial number 1058-1-1-A in the amount of 4.96 acre-feet.

2.5. Possible action to authorize the execution of the water rights banking and dedication agreement with Joanne Kuylen Stursa and Gleen Stursa, APN 021-303-56 TCID serial number 1058-1-1-C in the amount of 4.815 acre-feet.

2.6. Possible action to authorize the execution of the water rights banking and dedication agreement with John Edwin Picetti and Sherry Kim Picetti, APN 021-291-01 TCID serial number 1051-2 in the amount of 14.175 acre-feet.

2.7. Possible action to authorize the execution of the water rights banking and dedication agreement with John Edwin Picetti and Sherry Kim Picetti, APN 020-417-06 TCID serial number 1019-C-C-C in the amount of .14 acre-feet.

2.8. Possible action to approve a contract with the Nevada Department of Transportation for the reimbursement of construction costs required to relocate an existing water main within the NDOT 3935 I740 Bridge project.

2.9. Possible action to approve a contract with Construction Materials Engineers, CME, in an amount not to exceed \$169,690.00 for special inspection and testing services for the Community Response and Resource Center Phase I.

2.10. Possible Action to accept the public improvements including roadway, water, storm drain and sewer infrastructure for The Meadows at Inglewood – “Connector Road” project.

2.11. Possible action to approve amendment A to the TSK Architects contract for the Community Response and Resource Center for an amount not to exceed \$63,455 for additional engineering design services.

2.12. Possible action to approve the Mayor's appointment of Robert C Flores to the Fernley Planning Commission for a 4-year term expiring December 31, 2028.

2.13. Possible action to approve the Mayor's reappointment of Jennie McCullar to the Fernley Planning Commission for a 4-year term expiring December 31, 2028.

Motion: I MOVE TO APPROVE THE CONSENT AGENDA AS PRESENTED. **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.

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 Sheriff's Department, went over the Sheriff's Department Annual Report for 2023. It will be available to the public through the County Commission as well as the Sheriff's office social media outlets, or they can contact the Sheriff's Department directly for the report. All the budgeting for the Sheriff's department runs through the Comptroller's office, and they have a full audited report of the department's accounts.

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

Benjamin Marchant, City Manager, thanked PW Director Barry Williams and his staff for the work during the storm. He also recognized Michele Rambo, Planning Director, and the staff for the great work on the Public Visioning Open House.

Mayor Neal E. McIntyre stated that the input collected at the Public Visioning Open House will be put in a plan. It gives the citizens input on what they want to see because, ultimately, this is their town.

4. PROCLAMATIONS BY THE MAYOR

Mayor Neal E. McIntyre proclaimed January 2024 as National Radon Month.

5. PRESENTATIONS

5.1. Presentation, discussion and possible action to approve the Annual Comprehensive Financial Report for the year ended June 30, 2023. Presentation by Hinton Burdick, CPAs and Advisors.

Jennifer Frank, Hinton Burdick, CPAs and Advisors, presented the Annual Comprehensive Financial Report for the year ended June 30, 2023, via Zoom. The Independent Auditors Report reported an unmodified or "clean opinion" for the fiscal year 2022/2023. The Report on Compliance and on Internal

Control over Financial Reporting reported no material weaknesses or significant deficiencies. The Report on State Compliance reported no findings.

Motion: I MOVE TO ACCEPT THE REPORT AS STATED. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan

5.2. Presentation by (Tracy) Jocelyn Runnels, Rural Community Navigator with Nevada Volunteers presenting an AmeriCorps VISTA outreach and resource-sharing strategy to build capacity across Nevada

This item pulled.

6. STAFF REPORTS

6.1. (For Possible Action) Consideration and possible action to conditionally approve TSM 22002, a Tentative Subdivision Map submitted by Mark IV Capital for multiple parcels totaling approximately 2,174 acres generally located south of Interstate 80, east of Nevada Pacific Parkway, and north of US 50A.

Shay League, Senior Planner, presented. Mark IV Capital is going through the approval process for multiple applications to develop Phase I of the Victory Logistics District, an industrial development proposed for the east side of Fernley consisting of 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. A Planned Development and associated handbook have previously been approved by the City Council and a Development Agreement is currently being negotiated. At the Planning Commission meeting in December, they voted to recommend approval of this Tentative Subdivision Map to the City Council.

Dave Snelgrove, representative for Victory Logistics, gave a brief presentation and recap of the project.

Motion: I MOVE TO APPROVE TSM 22002 AS PRESENTED BY STAFF, BASED ON THE FINDINGS AND CONDITIONS OF APPROVAL OUTLINED IN THE STAFF REPORT. **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.

6.2. Possible action to confirm the mayor's appointment of Robert Carson as City Treasurer/Finance Director, pursuant to NRS 266.405, and approval of a compensation package.

Mayor Neal E. McIntyre introduced Robert Carson as City Treasurer/Finance Director.

Motion: I MOVE TO CONFIRM THE MAYOR'S APPOINTMENT OF ROBERT CARSON AS CITY TREASURER/FINANCE DIRECTOR AND APPROVAL OF THE COMPENSATION PACKAGE. **Action:** Approved. **Moved by:** Councilwoman Felicity Zoberski, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

6.3. Possible action to approve the FY 2024/2025 Budget Calendar.

Motion: I MOVE TO APPROVE THE CALENDAR AS PRESENTED. **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.

7. RESOLUTIONS

7.1. Discussion and possible action to approve resolution 24-001 to accept the public improvements including roadway, water, and sewer infrastructure for the Donner Trails 12B subdivision.

Derek Starkey, City Engineer, presented. Staff is seeking Council approval of a resolution to accept the roadways and utility infrastructure for the Donner Trails 12B Subdivision. The improvements were completed and are currently under a one-year warranty period. NRS 278.390 requires the local planning commission or the governing body to accept roadway right of way improvements by resolution.

Motion: I MOVE TO APPROVE RESOLUTION 24-001 TO ACCEPT THE PUBLIC IMPROVEMENTS INCLUDING ROADWAY, WATER AND SEWER INFRASTRUCTURE FOR DONNER TRAILS 12B. **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.

7.2. Discussion and possible action to approve resolution #24-002 to accept the public improvements including roadway, water, sewer, and storm drain infrastructure for the Friendly Five Village 1 subdivision.

Derek Starkey, City Engineer, presented. Staff is seeking Council approval of a resolution to accept the roadways and utility infrastructure for the Friendly 5 Village 1 Subdivision. The improvements were completed and are currently under a one-year warranty period. NRS 278.390 requires the local planning commission or the governing body to accept roadway right of way improvements by resolution.

Motion: I MOVE TO APPROVE RESOLUTION 24-002 TO ACCEPT THE PUBLIC IMPROVEMENTS INCLUDING ROADWAY, WATER, STORM DRAIN AND SEWER INFRASTRUCTURE FOR FRIENDLY 5 VILLAGE 1 SUBDIVISION. **Action:** Approved. **Moved by:** Councilwoman Fran McKay, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

7.3. Discussion and possible action to approve resolution 24-003 to accept the public improvements including roadway, water, storm drain and sewer infrastructure for the Cook Ranch Phase 3 subdivision.

Derek Starkey, City Engineer, presented. Staff is seeking Council approval of a resolution to accept the roadways and utility infrastructure for the Cook Ranch PH 3 Subdivision. The improvements were completed and are currently under a one-year warranty period. NRS 278.390 requires the local planning commission or the governing body to accept roadway right of way improvements by resolution.

Motion: I MOVE TO APPROVE RESOLUTION 24-003 TO ACCEPT THE PUBLIC IMPROVEMENTS INCLUDING ROADWAY, WATER, STORM DRAIN AND SEWER

INFRASTRUCTURE FOR COOK RANCH PH 3. **Action:** Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

8. PUBLIC HEARINGS

8.1. (For possible action) Consideration of a type I vacation request (T1V23002) and associated order of abandonment by Phelps Engineering Services on behalf of Richard Jackson to abandon the right-of-way known as "Hartsock Avenue", located at approximately 590 West Main Street (APN: 021-171-02).

Shay League, Senior Planner, presented due to a previous mapping anomaly, a portion of the intended "Hartsock Avenue" is perceived as possibly being a public right-of-way. The developer is requesting we abandon this right-of-way, so they may develop this and the neighboring parcel.

Public input - none

Motion: I MOVE TO ADOPT FINDING T1V(1) AND APPROVE THE TYPE I VACATION REQUEST AND ORDER OF ABANDONMENT ASSOCIATED WITH T1V23002. **Action:** Approved. **Moved by:** Councilwoman Felicity Zoberski, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed. **Summary:** Yes 5. **Yes:** Councilman Ryan Hanan, Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay.

9. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

Mayor Neal E. McIntyre introduced Robert Flores, the new member of the Planning Commission.

9.1. Possible action to request a future agenda item to discuss the need for a nuisance ordinance. (Councilman Hanan)

Councilman Ryan Hanan would like to have code enforcement do a presentation of what a nuisance ordinance is. If we do need one and explain the pros and cons and any other things regarding this.

Charity Birkel, Building Official, stated the process has started in reaching out to staff members to gather information. She will bring forward the 2024 code book around August and that might be a good time to start looking at them one at a time. There are a lot in the administrative chapters of the code books that they want to adopt to suit their needs.

Councilman Albert Torres questioned whether we need a new nuisance ordinance or do a review of the codes and revise the ones as needed.

Aaron Mouritsen, City Attorney, stated that the last comprehensive review of the codes was in 2014 or 2015 by Taggart & Taggart.

Felicity stated that she would like to see drafting from what we already have and redefining it.

Motion: I MOVE TO HAVE STAFF ADDRESS THE CURRENT CODE AND SEE WHAT WE NEED TO BRING IT UP TO DATE, IT NEEDS TO BE REVIEWED AND BRING THOSE RECOMMENDATIONS TO THE COUNCIL. **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.

10. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilman Stan Lau requested to have staff look into the taking over of the Lyon County swimming pool into the City of Fernley. Would also like to see about getting the Lyon County Sheriff's Dept a dog. Deputy Chief Mitch Brantingham stated that the department is in the process of getting a dog for drug detection and firearms dog. The cost of the dog was \$12,000.00 and the training \$6,500.00.

11. PUBLIC FORUM

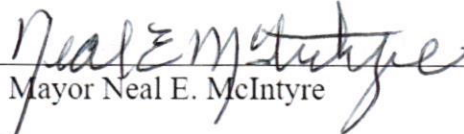
Tammy Dittman, a Fernley resident, stated that with the nuisance ordinance she recommends that the council look back in the files and see what happened on one of them.

12. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:35 pm.

Approved by the Fernley City Council on February 7, 2024, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre


ATTEST: City Clerk Kim Swanson

[illegible]