

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
FEBRUARY 21, 2024**

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, City Attorney Aaron Mouritsen, City Treasurer Robert Carson, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, Building Official Charity Birkel, Planning Director Michele Rambo, Senior Planner Shay League, Public Works Director Barry Williams, Deputy Public Works Director Olivia John, City Engineer Derek Starkey.

1.3. Public Forum

Tammy Dittman, city of Fernley resident, requested that Chisholm Trail be stripped due to traffic issues.

Christopher Baughman, Fernley BMX Track President and Track Operator, introduced the current board members. He explained what BMX is and what it means to the City of Fernley. The current location is maxed out on the size of the events that they can bring in, which limits the amount of revenue brought to the city. He would like a meeting with the mayor and other members of the city.

Mary Bonno (Zoom) stated there should be no reason to increase the tax base, and there should be no annexation unless the city can provide services for all the residents, and that means water, sewer, fire, and police. There should be no annexation of any additional parcels. There should be no new construction unless the services covered for the current citizens first and also have services required for whatever new things are added before the council approves them. She inquired why comments that are received by 4pm cannot be read aloud.

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:** Councilman Hanan, Councilwoman Zoberski, Councilman Lau, Councilman Torres, 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 new business licenses.

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:** Councilman Hanan, Councilwoman Zoberski, Councilman Lay, Councilman Torres, Councilwoman McKay.

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, reported that there are a couple of process additions. Our citizens can now access sheriff's records on-line, for obtaining reports or other information which they would have to come to the office and request it. The request can be made through [LCSNV.com/records-request](https://lcsnv.com/records-request). Crash reports can be obtained through crashdocs.org. School Resource Officer (SRO) Deputy Eric Mendoza started at the schools. The deputies will be attending an officer's wellness training. The Department is running a program where members of the Sheriff's command staff work swing shifts in different parts of the county.

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

City Manager Marchant, reported on the tour of the city with LT Governor Anthony, NDOT Director Thomason and Assemblyman Koenig. They had discussions about the growth interest, public hearings the city has had for taking input on how the citizens want to see the city grow, and the areas north of the interstate and south and west of Sage and 95A. One of the major problems impacting the ability to grow is the traffic problems. It was a very productive use of time and grateful for the attention received from the representative at the state level to become more familiar with Fernley's challenges and opportunities. He also reported on the Governor's Round Table on affordable housing. Public transportation was discussed and how it could greatly enhance the affordability of places. The Fernley Chamber of Commerce hosted their first quarterly luncheon where Senator Titus and Assemblyman Koenig spoke about their experiences in the legislature.

City Clerk, Kim Swanson, reported that the candidate filing period begins March 4th and runs through March 15th. It is a completely on-line process. The seats open are Ward 2, 4 and 5.

Council woman Felicity Zoberski congratulated the Fernley High School boys for the season they have had and also the girls and wished them good luck. The new gym at the high school is phenomenal.

Councilman Torres thanked the staff for the birthday party for everyone who had a birthday in February. John Picetti passed away and his service will be March 9th at 11:00 am at the Fire Department.

Mayor Neal E. McIntyre stated that the high school gym is beautiful. He attended the regionals that the Fernley boys and girls were playing in. The meeting with the LT Governor went well. The Mayor is asking all our top politicians to come to Fernley and see our situation, see where we need help and see what they can do to help us. The Mayor has a meeting with the Governor next week. The State of the City will be Wednesday, February 28th, at 5:30 pm at Senior Center.

4. PROCLAMATIONS BY THE MAYOR

Mayor Neal E. McIntyre read the proclamation acknowledging the 2023 Pop Warner 12U Cheerleading Squad.

5. PRESENTATIONS

5.1. (For possible action) A presentation on Opioid Settlement Funds and how the City can spend the Opioid Settlement Funds

City Attorney, Mouritsen, gave a presentation on some of the options for how the City can spend the Opioid Settlement Funds: (1) Join with the North Lyon County Fire Protection District's Narcan purchase program; (2) Educational Programs to local schools on drug/alcohol abuse; (3) Purchase a billboard on opioid addiction/resources; or (4) Join with Lyon County Human Services and contribute

to their Opioid Settlement Fund Use Program. These are not the only 4 options that the city is limited to. He will reach out to Community Chest and some other local providers to see if they can come in and give a presentation as to what kind of educational programs they provide. He will reach out to Lyon County Human Services and the fire district to give presentations.

Councilman Torres stated that we have to make sure we don't over commit ourselves and does not want to duplicate what the county is doing and keep it local in Fernley.

Councilwoman Zoberski would like to create something long-term. A Community Healing Fund so that we would be able to go get grants and partner with Rural Nevada or Community Chest.

Councilwoman Fran McKay would like to keep it local and split funding/programs between the schools and the fire department.

Councilman Ryan Hanan stated that he is in favor of option 2 and option 4.

Public input:

Bill Snyder, fire department employee appreciated the sentiment of helping the fire department off-set the cost of Narcan. The department responds to overdoses regularly. In his opinion he thinks more prevention needs to be done to get in front of the problem and more human resources.

6. ORDINANCES

6.1. (For Possible Action) First Reading of Bill # 344, amending Title 2, Chapter 09, Article 1 (Planning Commission) of the Fernley Municipal Code to allow the Mayor to appoint an alternate member to the Planning Commission.

Michele Rambo, Planning Director, reported that during the recruitment to fill the latest vacancy on the Planning Commission, the Mayor expressed interest in appointing an alternate member. This alternate would be available to sit on the Planning Commission when another member is absent from a meeting or when another vacancy occurs. Upon review of NRS 268.110 and the required number of commissioners, the City Attorney determined that there was nothing prohibiting the proposed alternate. However, the Fernley Municipal Code would need to be modified to accommodate this additional member. The staff has prepared the needed amendment to the Fernley Municipal Code by simply adding a statement allowing the Mayor to appoint an alternate. This amendment is the same as the proposed amendment to the Planning Commission bylaws.

7. PUBLIC HEARINGS

7.1. (For Possible Action) Discussion and possible adoption of Bill # 343 regarding the annexation (ANX23001) of certain lands to the City of Fernley; lands more specifically described as APN: 021-581-07, on a site approximately 155.66-acres, owned by Garden on Green Bay LLC, located north of the Interstate 80 / Exit 50 interchange; into the incorporated city limits, pursuant to NRS 268.670 (Contiguous Voluntary Annexations); and other matters related thereto.

Shay League, Senior Planner, presented this item. The council passed a resolution of intent to annex this parcel on November 15, 2023. That resolution was forwarded to the Lyon County Board of Commissioners; the board did not respond to our resolution. Because this parcel is contiguous with the City of Fernley boundaries, staff asked the applicant to submit a petition to annex, which will allow Fernley to annex without input from Lyon County. Once the petition of annexation is recorded with Lyon County, and if Council passes this ordinance, and once the annexation map is recorded with Lyon County, then the parcel will be annexed into the City of Fernley.

Councilman Albert Torres wanted it clarified that once a developer comes in, they have to bring their own water rights. We would not be approving an additional draw on the water we have; it would be water that is available for purchase to the public.

City Engineer Derek Starkey reported that we are not maxed out on water treatment facility. When we do get new developments, we must show to the State of Nevada, Department of Environmental Protection Agency (EPA), through water and sewer modeling, that we have a system that is adequate to support it. The EPA will not allow us to approve and construct projects that we can't serve safe water to.

Barry Williams, Public Works Director, stated that the city averages 3 to 3 1/2 million gallons per day in the winter months, an average 7 million gallons per day in the summer months. The current maximum capacity of the plant is 20 million gallons per day.

Public input:

Mary Bonno (Zoom) felt that our water plant cannot handle additional growth. There will be additional pulls on electricity, for the sheriff, the fire department, the schools, and additional pulls on the roads.

Motion: I MOVE TO ADOPT THE FINDINGS RELATED TO CONSIDERATIONS OF APPROVAL AX1 THROUGH AX4 AS PRESENTED IN THE STAFF REPORT. I FURTHER MOVE TO ADOPT BILL # 343 TO ANNEX APN: 021-581-07 INTO THE CITY OF FERNLEY, CONVERT THE ZONING OF SAID PARCEL FROM RR5 TO GR20, AND PROHIBIT DEVELOPMENT ON THIS PARCEL UNTIL THE NORTH FERNLEY AREA PLAN IS COMPLETE. **Action:** Approved. **Moved by:** Councilman Ryan Hanan. **Seconded by:** Councilman Stan Lau. **Vote:** Passed. **Summary:** Yes 5. **Yes:** Councilman Hanan, Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay.

8. STAFF REPORTS

8.1. Discussion and Possible Action to approve the City of Fernley's Maximum Allowed Operating Property Tax Rate to be Levied for Fiscal Year 2025 and for Submission to the State Department of Taxation.

Robert Carson, City Treasurer, presented this item. In February of each year, the State Department of Taxation provides a maximum allowed property tax rate, and the City must submit in writing the property tax rate the City proposes to levy for the upcoming fiscal year. The City's current tax rate for FY 2024 is set at .6748. The maximum allowed property tax rate provided by the state for fiscal year 2025 is .6757. Staff is required to provide the tax rate for fiscal year 2025 to the department of taxation upon approval of Council.

Motion: I MOVE TO APPROVE THE CITY OF FERNLEY'S MAXIMUM ALLOWED OPERATING PROPERTY TAX RATE OF .6757 TO BE LEVIED FOR FISCAL YEAR 2025 AND FOR SUBMISSION TO THE STATE DEPARTMENT OF TAXATION. **Action:** Approved. **Moved by:** Councilwoman Fran McKay. **Seconded by:** Councilman Stan Lau. **Vote:** Passed. **Summary:** Yes 5. **Yes:** Councilman Hanan, Councilwoman Zoberski, Councilman La, Councilman Torres, Councilwoman McKay.

8.2. Discussion and Possible Action to designate Hinton Burdick CPAs & Advisors as the Independent Audit Firm to perform the City's Annual Financial Audit for the Fiscal Year ending June 30, 2024.

Robert Carson, City Treasurer, presented that per NRS 354.624, the governing body of each local government must designate an auditor on an annual basis and shall provide an annual audit of its financial statements. The auditor must be designated no later than three months before the close of the fiscal year for which the audit applies. For the City, that is March 30, 2024. We still have two years on the contract with Hinton Burdick CPAs & Advisors.

Motion: I MOVE TO DESIGNATE HINTON BURDICK CPAs & ADVISORS AS THE INDEPENDENT AUDIT FIRM TO PERFORM THE CITY'S ANNUAL FINANCIAL AUDIT FOR THE FISCAL YEAR ENDING JUNE 30, 2024. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed. **Summary:** Yes 5. **Yes:** Councilman Hanan, Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay.

9. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

None at this time.

10. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilman Torres would like to have a signed letter of commitment from the Main Street Group. If we don't have a letter of commitment, request that it is added to the agenda.

11. PUBLIC FORUM

Mike Moore, Fernley BMX, requested to have a meeting with the city to get the track up and running. The property is owned by the City and was very thankful for the help. They need some dirt moved. They are not asking for money. They would like to make the track bigger, and it needs some work to be competitive with other tracks.

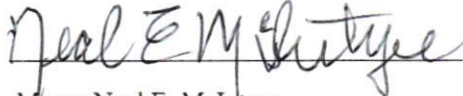
The next meeting will be March 6, 2024, at 5:00 pm.

12. ADJOURNMENT

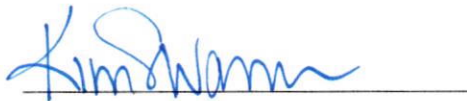
There being no further business to come before it, the Fernley City Council meeting adjourned at 6:25 pm.

Approved by the Fernley City Council on March 6, 2024, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0



Mayor Neal E. McIntyre



City Clerk Kim Swanson

When recorded, mail to:
City Clerk
City of Fernley
595 Silver Lace Boulevard
Fernley, NV 89408

**BILL #343
CITY OF FERNLEY
ORDINANCE # 2024-001**

AN ORDINANCE FOR THE ANNEXATION (ANX23001) OF CERTAIN LANDS TO THE CITY OF FERNLEY; LANDS MORE SPECIFICALLY DESCRIBED AS ASSESSOR PARCEL NUMBER 021-581-07, ON A SITE APPROXIMATELY 155.6 ACRES OWNED BY GARDEN ON GREEN BAY LLC, LOCATED NORTH OF THE INTERSTATE 80 / EXIT 50 INTERCHANGE; INTO THE INCORPORATED CITY LIMITS, PURSUANT TO NRS 268.670 CONTIGUOUS VOLUNTARY ANNEXATIONS; AND OTHER MATTERS PROPERLY RELATED THERETO.

THE CITY COUNCIL OF THE CITY OF FERNLEY, hereinafter "the Council," DO HEREBY ORDAIN:

SECTION 1: The property described in Exhibit "A" and shown in Exhibit "B", which is attached hereto and incorporated herein by reference, situated in the County of Lyon, State of Nevada, shall become and hereafter shall be a part of the City of Fernley and shall be embraced within the corporate limits of this said City.

SECTION 2: Upon annexation, the zoning shall convert from the Lyon County zoning of RR5 (Single-Family Residential) to a City of Fernley zoning of GR20 (General Rural-20 Acre Minimum).

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law and to record the plan certified herein as provided by law.

SECTION 5: This ordinance shall become effective upon passage, approval, and publication.

SECTION 6: The provisions of this ordinance shall be liberally construed to effectively conduct its purposes in the interest of public health, safety, welfare, and convenience.

SECTION 7: If any subsection, phrase, sentence, or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 8: The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

BILL #343 BEING HEREBY PROPOSED on the 7th day of February 2024.

BILL #343 BEING HEREBY PASSED, APPROVED and ADOPTED this 21st day of February 2024, by the following vote of the Council:

Ayes: 5 Nays: 0 Abstentions: 0 Absent: 0

FERNLEY CITY COUNCIL

By: Neal E. McIntyre Date: 2/23/2024
Neal E. McIntyre, Mayor

Attest By: Kim Swanson Date: 2/23/2024
Kim Swanson, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

APN 021-581-07

Parcel 2 as shown on Map of Division into Large Parcels, for Johnson et al, Land Map No. 128, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on July 25, 1990, as File No. 1415467, Official Records.

Pursuant to Assembly Bill No. A.B. 440, on October 1, 2005, said land is now located in Lyon County, State of Nevada.

APN: 021-581-07

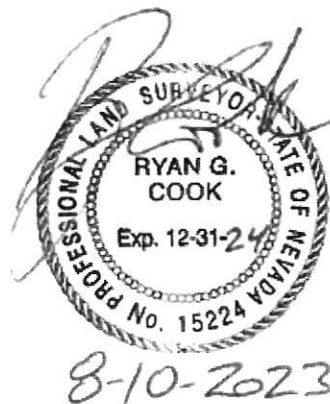
Description Prepared By:

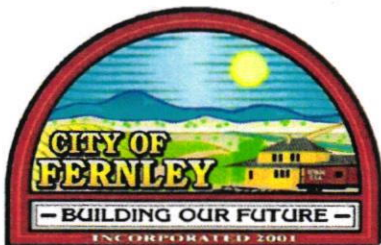
Ryan G. Cook, PLS 15224

Summit Engineering Corporation

5405 Mae Anne Ave., Reno, NV 89523

775-747-8550





Official Public Comment Sign-in Sheet for the Record

FCC 2/21/2024

[illegible]

Sandy Harris

From: noreply@civicplus.com
Sent: Wednesday, February 14, 2024 9:03 AM
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:* Bill Twilley
Email Address: billtwi1957@gmail.com
Phone Number: 17752198400
Address: 1080 Winnies Lane
Meeting(s) where your concern should be expressed:* Fernley City Council
Meeting Date(s):* February 21

Comments: * I thank you for your response to my prior concerns. And after sitting in on the last meeting I noticed something. Everyone stoop for the pledge of elegance which is good. What I noticed was the flag that is supposed to represent the nation at its best, is a bit gray and dull. Maybe it is time to have all the flags in Fernley retired and replaced with the bright red, white and blue. It's easy to stop seeing when you do it all the time. I know most official locations rotate them out by use of the Veterans and boy scouts. And It's published in the local social media. Good PR Thank you.

* 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=8724>

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

Submitted by:: Bill Twilley

Email Address: : billtwi1957@gmail.com

Phone Number:: 17752198400

Address: : 1080 Winnies Lane

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

Meeting Date(s):: February 21

Comments: : I thank you for your response to my prior concerns. And after sitting in on the last meeting I noticed something.

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Thank you.

Additional Information:

Form submitted on: 2/14/2024 9:03:17 AM

Submitted from IP Address: 172.221.32.23

Referrer Page: No Referrer - Direct Link

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