

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
MARCH 6, 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, City Manager Ben Marchant, Councilman Ryan Hanan, Councilwoman Felicity Zoberiski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, City Attorney Aaron Mouritsen, City Treasurer Robert Carson, Building Official Charity Birkel, Senior Planner Shay League, Public Works Director Barry Williams, Deputy PW Director Olivia John, City Engineer Derek Starkey.

1.3. Public Forum

None at this time

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 Zoberiski, 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 new business licenses.

2.4. Possible Action to Approve the Will-Serve Request from ERGS Fernley, LLC for River Ranch Phase 1 for 20.62 ERC's for Water and 55.62 ERC's for Sewer for Lyon County Parcel 021-281-15 located at 501 River Ranch Rd Fernley, NV

2.5. Possible Action to Approve the Will-Serve Request from TREX for 0.35 ERC's for Water and 1.34 for Sewer for Lyon County Parcel 021-241-08 located at 2275 E. Newlands Dr. Drive Fernley, NV 89408.

2.6. (For Possible Action) Discussion and possible action to approve Resolution 24-004, an amendment to Section 2-1 (Membership) of the Planning Commission Bylaws to allow the mayor to appoint an alternate member to the Planning Commission.

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

Deputy Chief Mitch Brantingham, Lyon County Sheriff's Department, addressed the issue of last week's phone outages. During the phone line outage, the calls were forwarded to Carson City. The phone provider that services the system is Frontier. Frontier works from an optic line that runs through Mason Valley several miles away from the Sheriff's office. Frontier is the only phone provider in the valley that can support 911 communications. This has hindered the ability to go to another company and that system continues to fail and there is no response from Frontier to update the infrastructure. Cutting the optics into the dispatch center is a multi-million dollar project. The department is looking for other solutions, such as a mobile command post to set up in another location, so if things fail, they can move to another location or to a mobile system that will shorten that time. They are also looking at bigger dispatch centers so as not to continue putting the burden on Carson City. Deputy Chief reported that the response times. The department has shut off weather alerts on the app.

Councilman Ryan Hanan thanked Carson City for their 911 collaboration and asked about the fire across from the 76 Station.

Deputy Chief stated that during the fire across from the 76 Gas station an open fuel source was detected. The Sheriff's department, fire department, emergency management, and several different entities from NV Energy, and the gas line companies that operate in that area were on scene for several hours to get the flow of fuel stopped and contained to be sure that there was no additional spark.

Mayor Neal E. McIntyre stated that he had met with public relations from Kender Morgan. They worked all week on the line to get it repaired.

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

Ben Marchant, City Manager, called on all citizens to get more engaged in Fernley. Starting on Thursday, March 28, from 6:00 - 8:00, the city is offering a 9-week Citizens & Leadership Academy course. Sign-up is also available on the City's website.

Councilman Ryan Hanan congratulated the Mayor on the State of the City address. He encouraged citizens to reach out to local businesses for fence and wind damage repair.

Councilman Albert Torres reminded the citizens of John Picetti's services on March 9th at 11:00 at the Fire Department.

Councilwoman Fran McKay suggested that anyone who suffered damage from the windstorm call their insurance companies and congratulated the Fernley Bowling Team.

Mayor Neal E. McIntyre thanked everyone who came out for the State of the City. He also stated that this is the second year in a row that the bowling team has won the State Title. The

Mayor invited the citizens to come have Coffee with the Mayor at 9:30-10:30 at Black Bear Diner on Saturday, March 9th.

4. PROCLAMATIONS BY THE MAYOR

None at this time.

5. PRESENTATIONS

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

Derek Starkey, City Engineer, gave the 4th quarter CIP project update on the Main Street Beautification, Shadow Lane reconstruction, Green Valley All-Abilities Park, Villa Park reconstruction, water treatment plant and the Community Response and Resource Center.

5.2 Presentation and discussion regarding the City's quarterly financial report.

Robert Carson, City Treasurer, presented the unaudited quarterly financials as of December 31, 2023. He went over the cash trends for the general fund and enterprise funds, cash and investment breakdown, budget vs actual general fund, budget vs actual water enterprise fund, and budget vs actual sewer enterprise fund.

Councilman Albert Torres stated that he would like to see the percentage rate for previous years' expenditures for the General fund for the 2024/2025 and 2025/2026 budgets raised a few points.

Councilman Ryan Hanan asked what the percentage rate is for the investments; Robert Carson stated that for the past few months they have been paying around 4 1/2% to 5% and the Sweep Account is a set rate at 4.9%.

6. PUBLIC HEARINGS

6.1. (For Possible Action) Discussion and possible to adopt 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.

Shay League, Senior Planner, presented 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 in the event that 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. This will aid in the overall efficiency of the Planning Commission, especially for more complex projects where a super-majority is required.

Mayor Neal E. McIntyre asked for public input and there was none.

Motion: I MOVE TO ADOPT BILL #344, AN AMENDMENT TO TITLE 2, CHAPTER 09, ARTICLE 1 OF THE FERNLEY MUNICIPAL CODE AS PRESENTED BY STAFF. **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. STAFF REPORTS

7.1. Possible action to approve the Mayor's appointment of Tessa Garvin as an alternate member of the Fernley Planning Commission.

Motion: I MOVE TO APPROVE THE MAYOR'S APPOINTMENT OF TESSA GARVIN AS AN ALTERNATE MEMBER OF THE FERNLEY PLANNING COMMISSION. **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.

8. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilwoman Fran McKay stated that she would like to have a new adjustable microphone for the podium.

Councilman Ryan Hanan would like to know when the water rate study would be done, and lighting on Farm District Road. He would also like to have the staff work on a priority list of projects.

Barry Williams, Public Works Director, stated that the water rate comparison will be on the April agenda. The water rate analysis begins on July 1, 2024. Those comparisons will also be made in that study as well.

Derek Starkey, City Engineer, stated that the city is working with NDOT on the corridor studies that includes Farm District Road. The studies are good planning documents that take an initial assessment of what is there and what needs to be there, so we are talking about safety improvements, pedestrian improvements and lighting. It is a long-term process.

9. PUBLIC FORUM

Robert Flores, Fernley resident, stated that he has safety issues with the railroad tunnel and would like to see reflector lights. Also, the off-ramp to West Fernley is poorly lit, and the on-ramp of East Fernley going west is also poorly lit.

Joy Edge, Fernley resident, and crosswalk guard at Fernley Elementary School stated that they would like to get a flashing light displaying the speed a car is going in the School Zone. She is having a fund raiser to purchase the sign and would like the city of Fernley to put it in. She did approach the school and they said no.

Councilwoman Felicity Zoberski stated that the Sheriff's department had a speed sign that they were moving around to different neighborhoods and suggested that until they can purchase theirs, maybe we could work something out with the Sheriff's department to get it put on Hardies Lane in the school zone every so often.

Tessa Garvin, Fernley resident, stated that she noticed that there was no adequate turning to go into the school or out of the school. She also stated she was having an issue with the link to register for the Citizens & Leadership Academy.

Teresa Morros, Fernley resident, (Zoom) stated that she would pitch the idea of the speed signal to the PTA.

Ben Marchant, City Manager, stated that much of this can be handled at the staff level where Mr. Williams, Mr. Starkey and himself can open the avenue of conversation with the School District and support this as a public safety issue.

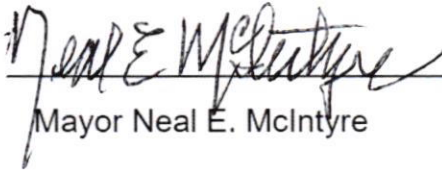
The next meeting will be March 20, 2024, at 5:00 pm.

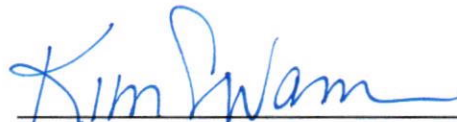
10. ADJOURNMENT

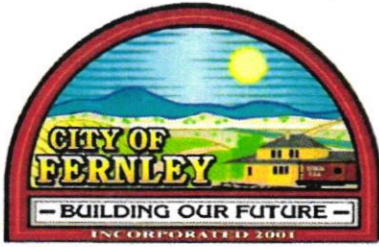
There being no further business to come before it, the Fernley City Council meeting adjourned at 6:29

Approved by the Fernley City Council on March 20, 2024, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre


ATTEST: City Clerk Kim Swanson



Official Public Comment Sign-in Sheet for the Record

FCC 3/6/2024

[illegible]

RESOLUTION # 24-004

A JOINT RESOLUTION OF THE FERNLEY CITY COUNCIL AND FERNLEY PLANNING COMMISSION, STATE OF NEVADA, AMENDING THE BYLAWS FOR THE FERNLEY PLANNING COMMISSION TO ALLOW FOR THE APPOINTMENT OF AN ALTERNATE MEMBER

WHEREAS, in accordance with Nevada Revised Statutes (NRS) 278.050, the Fernley Planning Commission shall adopt rules for transaction of business; and

WHEREAS, in accordance with Fernley City Council "Rules of Procedure", adopted by Resolution # 17-011 on June 7, 2017, the roles and operating guidelines for the various Fernley City Council advisory boards shall be adopted by a majority of the Council; and

WHEREAS, the Fernley Planning Commission recognizes and agrees that their bylaws need to be amended to update them as a matter of order; and

WHEREAS, the Fernley Planning Commission believes amending their bylaws to allow for the appointment of an alternate member will help the Commission to conduct its affairs in a timely and efficient manner; and

WHEREAS, the bylaws do not create substantive rights for third parties or participants in proceedings before the Commission; and now therefore,

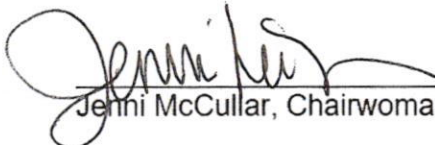
BE IT RESOLVED BY FERNLEY CITY COUNCIL AND FERNLEY PLANNING COMMISSION, that attached "Exhibit A" is hereby adopted for the City of Fernley, Nevada.

RESOLUTION PASSED, APPROVED, AND ADOPTED the 14th day of February, 2024 by the Fernley Planning Commission, City of Fernley, State of Nevada.

Aye: 6 Nay: 0 Abstention: 0 Absent: 1

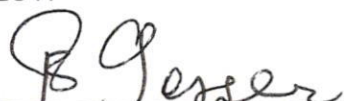
ACKNOWLEDGED AND APPROVED:

DATED:


Jenni McCullar, Chairwoman

2/14/2024

ATTEST:

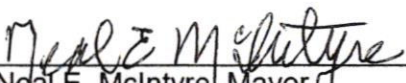

Brenda Gosser, Deputy City Clerk

2/14/2024

RESOLUTION PASSED, APPROVED, AND ADOPTED the 6 day of March, 2024 by the Fernley City Council, City of Fernley, State of Nevada.

Aye: 5 Nay: 0 Abstention: 0 Absent: 0

ACKNOWLEDGED AND APPROVED:



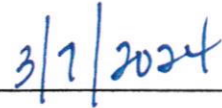
Neal E. McIntyre, Mayor

ATTEST:

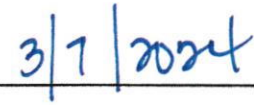


Kim Swanson, City Clerk

DATED:



3/7/2024



3/7/2024

BILL #344
CITY OF FERNLEY
ORDINANCE # 2024-002

AN ORDINANCE 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, AND OTHER MATTERS RELATED THERETO.

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

Section 1. Title 2, Chapter 09, Article 1 is hereby amended as follows:

ARTICLE I. - PLANNING COMMISSION

Sec. 2.09.01. - Establishment.

The planning commission ("the commission") is hereby established, pursuant to NRS 268.110 and 278.030 et seq.

Sec. 2.09.02. - Membership and guidelines for appointment.

Pursuant to NRS 268.120, the commission shall consist of the mayor, the city attorney, the city engineer, ex officio, and seven other members to be appointed by the mayor, not more than two of whom shall be nonresidents of the city. The mayor shall appoint the seven members with the advice and consent of the council, and fill any vacancies, subject to the following guidelines:

- (1) While not strictly limited to wards, precincts or other political districts, the members should be chosen with geographical diversity in mind. They should represent the city as a whole, but may be selected from different portions of the city and (as limited by NRS 268.120) from the unincorporated lands surrounded by the city, to help assure proper consideration of the entire area.
 - a. The mayor may also appoint an alternate member to sit on the Planning Commission when another member is absent or a vacancy occurs.
- (2) Although no specific education, background or employment is required, the commission should represent diverse interests throughout the city. No one occupation, field or industry should be over-represented or allowed to dominate the commission.
- (3) Pursuant to NRS 278.040, no city or county official or employee shall hold a position on the commission. While there is no specific prohibition of any other public officer or governmental agent or employee holding a position on the commission, the nature of that office and its potential for undue influence and conflicts of interest should be carefully reviewed in the consideration of such an official as a candidate for the commission.

Sec. 2.09.03. - Terms of office.

The commissioners' terms shall be staggered four-year terms, as provided in NRS 268.120(2).

Sec. 2.09.04. - Removal.

Pursuant to NRS 278.040, a commission member may be removed, after public hearing, by a majority vote of the city council for just cause.

Sec. 2.09.05. - Compensation and expenses.

The council may provide by resolution for compensation, expenses and subsistence allowances to the commission members, subject to the limitations of NRS 278.040.

Sec. 2.09.06. - Regulations.

The commission may adopt bylaws, rules or regulations for its operations, subject to approval by the city council.

Secs. 2.09.07—2.09.10. - Reserved.

- Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 3.** The City Clerk is instructed and authorized to publish the title of this ordinance as provided by law.
- Section 4.** This ordinance shall become effective upon passage, approval, and publication.
- Section 5.** The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.
- Section 6.** In any subsection, phrase, sentence, or portion of this ordinance 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 7.** 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 #344 BEING HEREBY PROPOSED on the 21st day of February, 2024.

BILL #344 BEING HEREBY PASSED, APPROVED, and ADOPTED this 6th day of March, 2024, by the following vote of the Council:

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

FERNLEY CITY COUNCIL

By: Neal E. McIntyre
Neal E. McIntyre, Mayor

Date: 3/7/2024

Attest By: Kim Swanson
Kim Swanson, City Clerk

Date: 3/7/2024