

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
MARCH 20, 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 Zoberiski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fan McKay, City Manager Ben Marchant, Deputy City Manager Lydia Altick, 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, City Treasurer Robert Carson.

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 Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed. **Summary:** Yes 5. **Yes:** Councilwoman McKay, Councilman Torres, Councilman Lau, Councilwoman Zoberiski, 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 Award a Contract for Construction for the FY 23/24 PMP Maintenance Project to: Sierra Nevada Construction, Inc (SNC) in an amount not to exceed \$1,321,007.00 plus a 3% contingency of \$39,630.21.

2.5. Possible Action to Approve the City of Fernley Annual Road and Street Mileage Report to be submitted to the Nevada Department of Transportation (NDOT).

2.6. Possible action to approve \$35,000 of additional funding for the Bureau of Land Management (BLM) to fund Cadastral survey work on parcels 9 and 10 of the Fernley Lands Bill Conveyance Phase 2.

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 McKay, Councilman Torres, Councilman Lau, Councilwoman Zoberski, 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, reported that they had a few high-profile cases over the last few weeks and arrests were made. There have been several drug arrests also. There were three more officers assigned to Fernley, Deputy Masterson, Deputy Foster and Deputy Cornet. There will be a total of 16 deputies assigned to Fernley for the summer rotation.

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, announced that the Citizens Leadership Academy would begin on Thursday, March 28th at 6:00 pm at City Hall. The budget work session is scheduled for April 4th and 5th with the City Council.

Lydia Altick, Deputy City Manager, announced that Wednesday, March 27th at 1:00 pm is the groundbreaking for the Community Response and Resource Center.

Kim Swanson, City Clerk, reported that candidate filing closed on March 15th. Councilwoman Zoberski and Councilman Torres are unopposed, so they are automatically re-elected for another four-year term. There are four candidates running for Ward 5.

Councilman Torres gave an update on the Congressional City Conference in Washington, DC, which he attended with the Nevada League of Cities. Some items covered were water infrastructure, environmental protection, workforce development, cybersecurity, and broadband expansion for the rural areas. Also discussed was the continuous threat of a government shutdown. The \$2,000,000.00 federal allocation for the City of Fernley that we were told we were not going to get is being re-worded and sent back to the Floor and re-presented. Senator Amodei is hopeful that with the re-wording that it will be allocated, and it will go towards the CRRC. Senator Amodei also offered assistance with the continuing effort to control further lining of the canal by BOR. The water infrastructure environmental protection was a specific issue for Fernley. They are trying to get continued federal grants for more mental health services.

Mayor Neal E. McIntyre reported that he gave a talk at the Retired Public Employees of Nevada and went over his State of the City speech. Also, he and Councilman Torres attended the Mayors' Round Table. They discussed the Governor's three-year plan on the policy matrix.

4. PROCLAMATIONS BY THE MAYOR

The Mayor presented a proclamation to the Fernley High Lady Vaqueros Basketball team and the Fernley High School Boys Basketball team.

5. ORDINANCES

5.1. First reading and introduction of Bill # 345 an ordinance amending Title 16 (Nuisances) Chapter 1, Section 16.01.05 of the Fernley Municipal Code, Notification.

Charity Birkel, Building Official, presented the first reading and introduction of Bill #345. The current language in section 16.01.05 requires notifications for code enforcement to be sent via certified mail and return receipt. In addition, this section of the code requires code enforcement staff to give them 15 days to abate the condition. The changes that are being recommended are to remove the requirement for mail having to be sent certified, and the second change is to allow the code enforcement staff the ability to determine the amount of time given to the violator for the abatement of the condition.

5.2. 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 the Victory Logistics District Planned Development relating to improvements of utilities, public services, streets, and other related items.

Aaron Mouritsen, City Attorney, introduced and gave the first reading of Bill #342. The property owner, Mark IV Capital, and the City of Fernley have negotiated a Development Agreement to accompany the development of the Victory Logistics District Planned Development. This agreement outlines requirements for both the developer and the City to follow as the project develops over the next 20 years. Items discussed include a new fire station, future potential wastewater infrastructure, streets, and an existing well. In general, a Development Agreement is a contract between a local governmental body (the City of Fernley) and a landowner/developer (Mark IV Capital) detailing the obligations of both parties for the development of the property. The proposed agreement outlines the timing and extent of public improvements to be installed by the Master Developer. It also provides the city with assurances that public services and infrastructure will be sufficient to protect the health, safety, and welfare of residents as the project grows.

6. STAFF REPORTS

6.1. Discussion and possible action to direct staff to negotiate a water right lease agreement for groundwater rights owned by the City of Fernley with NV Energy for the Sierra Solar Project and other matters properly related thereto.

Derek Starkey, City Engineer, presented this item. NV Energy representatives have approached staff with a request to lease water rights from the City in order to construct and operate its Sierra Solar Project. Staff is presenting the information to the City Council and requesting direction to begin negotiations on a water right lease with NV Energy.

Jennifer Shawhan, presented on behalf of NV Energy. The Sierra Solar Project is located approximately 20 miles northeast of the City of Fernley and will construct an approximate 400-Megawatt (MW) photovoltaic solar generation facility and a 400-MW, 1600-MW-hour energy storage system, on approximately 3,079 acres of private land. Construction is anticipated to start in January of 2025. Water is needed for dust control during construction of the facility as well as long term operation of the 10,000 square foot operation and maintenance building.

Approximately 200-acre feet annually is needed during construction of Phase 1. Construction is anticipated to last 2 years and 3 months. Approximately 9000 gallons/month, or 0.30 acre-feet annually is needed for ongoing operations and maintenance.

Motion: I MOVE TO DIRECT STAFF TO NEGOTIATE A WATER LEASE AGREEMENT WITH NV ENERGY FOR THE SIERRA SOLAR PROJECT. **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.

7. RESOLUTIONS

7.1. Discussion and possible action to approve Resolution 24-006 to adopt updates to Chapter 3 of the City of Fernley Design Standards.

Derek Starkey, City Engineer, presented this resolution to adopt updates to Chapter 3 of the City of Fernley Design Standards. Chapter 3 covers design requirements for street infrastructure. The design standards are the minimum standards that the City of Fernley requires for any infrastructure it will eventually own, operate and maintain. The City of Fernley Design Standards were last updated in 2008. The design standards provide requirements for material and equipment selection, requirements for design reports used to design and construct the infrastructure, minimum and maximum dimensions and spacing requirements, etc. Design standards are critical to ensure the City's infrastructure is constructed to be safe and reliable. Standardizing and clarifying design requirements and materials also helps the development community to understand how projects need to be designed and built.

Councilwoman Fran McKay asked about the streetlights and crosswalks.

Engineer Starkey stated that they specifically added lighting at crosswalks to be more consistent.

Motion: I MOVE TO APPROVE RESOLUTION 24-006 TO ADOPT UPDATES TO CHAPTER 3 OF THE CITY OF FERNLEY DESIGN STANDARDS. **Action:** Approved. **Moved by:** Councilwoman Fran McKay, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

8. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None at this time.

9. PUBLIC FORUM

James W. Roberts, Fernley resident, thanked Derek Starkey for his hard work and dedication.

Lyon County Commissioner Jacobson announced that the Fernley High School Career Fair is March 27th starting at 8:00 am until 10:45. April 27th, the Boys & Girls Club will be having a new signature event. It will be held 3:00 pm - 6:00 pm at the Boys & Girls Club. There will be 4 rooms to visit

representing 4 different countries with food and beverages from those countries being served. It is a 21+ event.

The next City Council meeting will be Wednesday, April 3, 2024, at 5:00 pm.

10. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:06 pm.

Approved by the Fernley City Council on April 3, 2024, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre


ATTEST: City Clerk Kim Swanson

**CITY OF FERNLEY
RESOLUTION 24-006**

**A RESOLUTION OF THE CITY OF FERNLEY TO MODIFY CHAPTER 3:
STREETS OF THE CITY OF FERNLEY PUBLIC WORKS DESIGN
STANDARDS.**

WHEREAS, it is a function of the City of Fernley to operate and maintain public roads, water, sewer, and storm drain infrastructure; and

WHEREAS, the Fernley City Council desires to have up to date and relevant design standards for the design and construction of the roads, water, sewer, and storm drain infrastructure that the City will accept, operate, and maintain; and

WHEREAS, Chapter 3 of the City of Fernley Design Standards has not been updated since 2008.

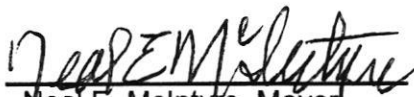
NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Fernley, to adopt the proposed revisions to Chapter 3 of the City of Fernley Public Works Design Standards dated March 20, 2024

PASSED, APPROVED, AND ADOPTED this 20th day of March 2024, by the following vote of the Council:

AYES: 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0

FERNLEY CITY COUNCIL

Date: March 20, 2024

By: 
Neal E. McIntyre, Mayor

Attest: 
City Clerk, Kim Swanson

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