

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
APRIL 3, 2024**

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

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

Emma Holstein sang the National Anthem.

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, Deputy City Manager Lydia Altick, City Attorney Aaron Mouritsen, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, City Treasurer Robert Carson, Building Official Charity Birkel, Planning Director Michele Rambo, Senior Planner Shay League, Public Works Director Barry Williams, 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:** 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.

2.4. Possible Action to Approve the Will-Serve Request from Home 2 Suites Hotel (irrigation only) for 1.51 ERC's for Water and 0 for Sewer for Lyon County Parcel 021-232-53 located at 305 Stanley Dr. Fernley, NV 89408

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.

Deputy Chief Mitch Brantingham, Lyon County Sheriff's Department reported the stats for the month of March. The deputies took 177 reports for various investigations around the city of Fernley. Six of those were for driving while under the influence, 11 narcotics cases and 10 domestic violence cases. The traffic enforcement team issued

75 citations. The Sheriff's Department has a new program in the patrol division and detention facility. The tablet system is now in the department's vehicles and allows them to facetime directly with a mental health clinician in a mental health crisis. April is awareness month for Donate Life Month and Child Abuse Awareness month. April 15-19 is Dispatch Appreciation week.

Councilman Albert Torres thanked the department for taking part in the tablet program. There are only three agencies left in the 13 counties to get on the tablet program.

Councilman Ryan Hanan wished Deputy Chief Brantingham a happy belated birthday.

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

City Manager, Ben Marchant, invited the public to attend the city's preliminary budget work session on April 4, 2024.

City Clerk, Kim Swanson, read a "Thank you" letter from Anne Paine in regard to the pickleball court.

Councilman Lau, reported that he attended the NNDA meeting and it was very informative. The topics covered were economic developments coming to Nevada.

Councilman Albert Torres reminded the public that the Senior Citizens Advisory Committee meeting is April 12 at 9:00 am.

Mayor Neal McIntyre reported that he went to Cottonwood Elementary school for the 4th grade business proposals. Each student presented what their business was, what it would cost, and how much the citizens would have to pay to use the business.

4. PROCLAMATIONS BY THE MAYOR

Mayor Neal McIntyre presented the proclamations for Child Abuse Prevention Awareness Month and Autism Awareness Acceptance Month.

5. PRESENTATIONS

5.1. Utility Rate Comparison Presentation

Public Works Director Barry Williams presented the utility rate comparisons with the City of Fallon, Carson City and Truckee Meadows Water Authority (TMWA).

Councilwoman Fran McKay asked how Fernley compared to other areas.

Public Works Director Barry Williams stated that compared to the city of Fallon, Fernley is within \$.61 per 1,000 gallons; Carson City, Fernley is about \$1.05 higher per 1,000 gallons; and TMWA, Fernley is \$3.84 cheaper depending on the area you live in. In regard to connection fees, Fernley is about \$869 higher than Fallon; Carson City, Fernley is \$4,129 higher; and for TMWA that varies around \$.61 higher depending on what area.

Councilman Ryan Hanan would like recommendations on stabilizing the costs.

Councilman Stan Lau stated that we are making the people who live here pay for the people that might come here.

Councilman Albert Torres stated that it is not fiscally or ethically responsible to go backwards and reduce the water rates. We can discuss a freeze for 12 to 18 months.

6. ORDINANCES

6.1. Introduction and first reading of Bill # 346, regarding a petition to annex APN: 021-581-08 into the City of Fernley. This bill is associated with case file ANX24001 and was submitted by Summit Engineering on behalf of Lansing Companies for a parcel ±177.7-acres in size and generally located west of Duffy Drive, east of Truck Inn Way, and northwest of Nevada Pacific Parkway at Interstate 80.

Senior Planner Shay League presented that his parcel is contiguous to City of Fernley boundaries and the applicant has filed a petition of annexation. The subject parcel is directly north of the 155.6-acre parcel the applicant recently annexed, and both parcels are intended to be developed as a project with the working name of "Nevada Pacific Industrial Park". The parcels are located within the North Fernley Future Development Area. During the March 13, 2024, Planning Commission meeting, the Commission voted unanimously to recommend the Council adopt this ordinance and approve the annexation request.

7. PUBLIC HEARINGS

7.1. (For Possible Approval) Second Reading and possible adoption 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.

City Attorney Aaron Mouritsen introduced Chris Molina, outside council.

Chris Molina stated that 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. In this instance, there are four main issues covered in the Development Agreement: **(1) Fire:** Section 4.1 of the proposed Development Agreement outlines the requirements for the developer related to the location of the station and the timing of which it must be completed; **(2) Sewer:** Section 4.2 of the Development Agreement outlines the obligations of both the City of Fernley and the developer if it becomes necessary to increase capacity; **(3) City of Fernley Well No. 9:** The state has determined that the well would need to be relocated by the developer before any permits are issued for the originally proposed railroad track. The developer has instead chosen not to extend the railroad spur to avoid moving the well as would be required. Section 4.3 of the Development Agreement outlines the requirements for the developer if this was to change in the future; and **(4) Traffic:** Section 5.6(a) of the Development Agreement requires that the extension be "substantially complete, dedicated to the City, and open to the public" by the time the project reaches the "Traffic Milestone", defined as 1,640 PM peak hour trips. This equates to approximately 35 percent of the projected peak traffic flows. Section 5.6(b) of the Development Agreement allows for the City to require future updates to the traffic study if things change substantially from the assumptions made in the original Master Traffic Study as development occurs.

Public input:

Scott Barnes, Mark IV Capital, introduced the local Mark IV team and thanked all the staff for all of their hard work over the past year. Mark IV is thrilled to be here and are looking forward to building a world class industrial and logistical park that we all will be proud to be associated with.

Motion: I MOVE TO ADOPT 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 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.

7.2. Discussion and possible action to adopt 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 this item. The current language in section 16.01.05 required 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 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.

There was no public input.

Motion: I MOVE TO APPROVE BILL #345 AS PRESENTED BY STAFF, A GENERAL ORDINANCE TO AMEND TITLE 16 (NUISANCES) CHAPTER 1, SECTION 16.01.05 OF THE FERNLEY MUNICIPAL CODE.

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.

Break 6:08 pm – 6:12 pm.

7.3. (For Possible Action) Consideration and possible action regarding Resolution 24-005 for a master plan amendment application (MPA24001) submitted by Priority Engineering on behalf of VIA Real Estate to change the designated land use from Multi-Family Residential (MFR) to Commercial (C) at 1200 Fremont Street (APN: 021-271-03).

Shay League, Senior Planner, presented that the applicant is requesting City of Fernley amend the designated land use for this parcel from Multi-Family Residential (MFR) to Commercial (C). The zoning of this vacant parcel is General Commercial (C2), which is not an equivalent zone of the MFR land use designation. The applicant hopes to develop a Tractor Supply at this site and has submitted a conditional use permit application. The conditional use is scheduled for a public hearing at the April Planning Commission.

Public Input:

Kirt Anderson, Priority Engineering (Zoom), along with Allan Kirchhoff, 7B Development, and John Bath from Tractor Supply Company, thanked the staff for all their work.

Motion: I MOVE TO CERTIFY RESOLUTION 24-005 AS ADOPTED BY FERNLEY PLANNING COMMISSION AND APPROVE THE MASTER PLAN AMENDMENT APPLICATION ASSOCIATED WITH MPA24001. I FURTHER MOVE TO ADOPT FINDINGS A, B, AND C, AND THE FACTS SUPPORTING THESE FINDINGS, AS SET FORTH IN THE STAFF REPORT. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilwoman Fran McKay. **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

Tammy Dittman, Fernley resident, asked if there is anything the residents should know about Councilman Stan Lau's comment that the sewer was shot. Mayor stated to her that the sewer is not shot.

Becki Howlett, Fernley 4 of July, reminded everyone that the next meeting is Tuesday April 9, 6:45 pm at the Senior Center. They will be discussing who the Grand Marshall will be. Nominations are due by Monday, April 8. Also,

on April 20th there will be a spaghetti dinner at the Senior Center 5pm-9pm. Adult tickets are \$15 and children under 8 are \$8. There will be live music at the Fourth of July celebration at the Park from 8 to midnight and will take a break during the fireworks and there will be camping.

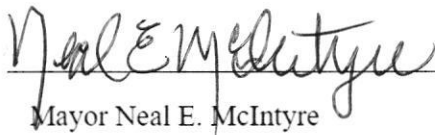
The next meeting will be Thursday, April 5, 2024.

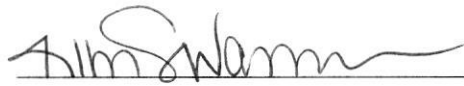
10. ADJOURNMENT

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

Approved by the Fernley City Council on April 17, 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
ORDINANCE # 2024-003

AN ORDINANCE AMENDING TITLE 16 (NUISANCES) CHAPTER 1, SECTION 16.01.05 OF THE FERNLEY MUNICIPAL CODE, REGARDING THE NOTIFICATION PROCESS.

THE CITY COUNCIL OF THE CITY OF FERNLEY, hereinafter "the Council" DOES ORDAIN: That Section 16.01.05 of the Fernley Municipal Code is amended as follows:

Section 16.01.05

Upon receipt of a complaint alleging a violation of this title, the code enforcement officer shall determine the validity of the complaint. If the complaint is determined to be valid, the code enforcement officer shall deliver by personal service or by USPS mail, to the property owner or tenant, a notice of the alleged violation and the date by which the condition must be abated. The owner or tenant will be given a period of time determined by the officer. In no case will this time be less than 3 days unless the violation is creating a safety hazard. The notice must also inform the owner or tenant that they may:

- (1) Request a hearing.
- (2) If they do not prevail at the hearing, appeal to the council.

PROPOSED on the 20th day of March 2024

PASSED, APPROVED and ADOPTED this 3rd day of April 2024 by the following vote of the Council:

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

FERNLEY CITY COUNCIL

By: Neal E McIntyre Date: 4/3/2024
Neal E. McIntyre, Mayor

Attest:

By: Kim Swanson Date: 4/3/2024
Kim Swanson, City Clerk

BILL #342
CITY OF FERNLEY
ORDINANCE # 2024-004

AN ORDINANCE AUTHORIZING THE CITY OF FERNLEY TO ENTER INTO A DEVELOPMENT AGREEMENT (DA22001) WITH MARK IV CAPITAL IN ASSOCIATION WITH PHASE 1 OF THE VICTORY LOGISTICS DISTRICT PLANNED DEVELOPMENT RELATING TO IMPROVEMENTS OF UTILITIES, PUBLIC SERVICES, STREETS, AND OTHER RELATED ITEMS LOCATED GENERALLY SOUTH OF INTERSTATE 80 AND EAST OF NEVADA PACIFIC PARKWAY, APN(S): 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.

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

Based on the provisions set forth in Nevada Revised Statutes and the City of Fernley Development Code, the Council does hereby authorize the City of Fernley to enter into a Development Agreement with Mark IV Capital, as attached.

The Development Agreement involves Phase 1 of the Victory Logistics District Planned Development approved pursuant to Chapter 278 of Nevada Revised Statutes. Current APN's: 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.

BILL # 342 BEING HEREBY PROPOSED on the 20 day of March, 2024.

BILL #342 BEING HEREBY PASSED, APPROVED and ADOPTED this 3 day of April, 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: 4/3/2024

Attest By: Kim Swanson
Kim Swanson, City Clerk

Date: 4/3/2024

CITY OF FERNLEY
RESOLUTION # 24-005

A RESOLUTION OF THE FERNLEY PLANNING COMMISSION, CERTIFIED BY THE FERNLEY CITY COUNCIL, STATE OF NEVADA, ASSOCIATED WITH CASE NUMBER MPA24001, TO CHANGE THE DESIGNATED LAND USE ON A ±5.14-ACRE PARCEL FROM MULTI-FAMILY RESIDENTIAL (MFR) TO COMMERCIAL (C). THE PARCEL IS APPROXIMATELY LOCATED AT 1200 FREMONT STREET (APN: 021-271-03).

WHEREAS, the 2018 Fernley Comprehensive Plan was adopted by Resolution of the Planning Commission August 8, 2018, and certified by the City Council on August 15, 2018; and

WHEREAS, Nevada Revised Statutes 278.210 specifies that master (comprehensive) plans and amendments must be adopted by resolution of the Planning Commission; and

WHEREAS, the proposed amendment is consistent with or supports community goals LU.1.3, LU.1.4, LU.1.12, PSF.1.1, and PSF.3.3 of the City of Fernley Comprehensive Plan;

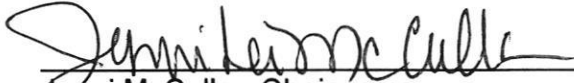
BE IT RESOLVED BY FERNLEY PLANNING COMMISSION, AND CERTIFIED BY FERNLEY CITY COUNCIL, that based on the discussion and findings provided in the staff report and public testimony presented at the March 13, 2024, and April 3, 2024 public hearings, that the land use classification of Commercial (C) for this parcel be adopted as part of the City of Fernley's Comprehensive Plan.

BE IT FURTHER RESOLVED by request of the property owner and applicant, that the land use classification change will not be adopted unless and until the parcel is sold from Relief Springs, LLC to the client of VIA Real Estate, LLC.

RESOLUTION PASSED, APPROVED, AND ADOPTED this 13th day of March, 2024, by the Fernley Planning Commission, City of Fernley, State of Nevada.

Aye: 7 Nay: 0 Abstention: 0 Absent: 0

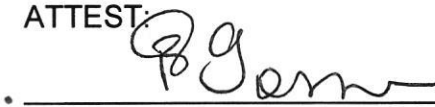
ACKNOWLEDGED AND APPROVED:


Jenni McCullar, Chairwoman

DATED:

3/13/2024

ATTEST:

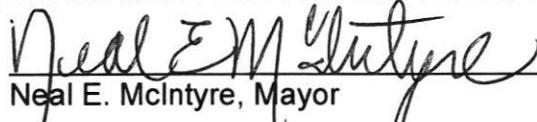

Brenda Gosser, Deputy City Clerk

3/13/2024

RESOLUTION PASSED, APPROVED, AND CERTIFIED this 3rd day of April, 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

DATED:

4/3/2024

ATTEST:


Kim Swanson, City Clerk

4/3/2024

Official Public Comment Sign-in Sheet for the Record

FCC 04/03/2024

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