

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
JULY 3, 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: Councilman Torres, Councilman Hanan, Councilman Lau, Councilwoman Zoberski, City Manager Ben Marchant, Deputy City Manager Lydia Altick, City Attorney Aaron Mouritsen, Deputy City Clerk Brenda Gosser, 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. **Absent:** Councilwoman McKay.

1.3. Public Forum

Cody Wagner, Chair of Fernley Community Foundation thanked Council and staff for the continued work on the CRRC project and made comments on the old school-house project and the grant for the early learning center.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA WITH THE REMOVAL OF 5.1, 5.2 AND 5.3.

Action: Approved. **Moved by:** Councilwoman Felicity Zoberski, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan. **Absent:** 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

Deputy City Clerk Brenda Gosser read the list of new business licenses.

2.4. Possible Action to ratify a contract with Schell Creek Construction for construction services for the In Town Park Gazebo an amount not to exceed \$28,919.00.

**2.5. Possible action to authorize the execution of the water rights banking and dedication agreement with Daniel Douglass, APN 020-151-05 TCID serial number 1001-W in the amount of
4.185 acre-feet.**

2.6. Possible Action to Approve the Will-Serve Request from Friendly 5 Village 2 for 52.16 ERC's for 52 Water Connections and for 52 Sewer Connections and Irrigation for Lyon County Parcel 021- 303-66 located at 0 Farm District Rd. Fernley, NV

2.7. (Possible Action) to participate in the settlement among the Settling States, the Participating Subdivisions, and Kroger in the District Court Case entitled: "State of Nevada v. McKesson Corporation, et al., Case Number A-19-796755-B," filed in the Eighth Judicial District Court, Clark County, Nevada, and to release any and all claims against all released entities and agree to the Kroger Settlement in the Net Allocation of \$158.62 to the City of Fernley and take all actions properly related thereto.

2.8. Possible action to authorize the execution of the water rights banking and dedication agreement with David Burns and Marlo Burns, APN 021-132-54 TCID serial number 1036-B in the amount of 2.925 acre feet.

2.9. (Possible Action) to approve the liquor license for The Nest.

2.10. Possible Action to approve an interlocal agreement between the City of Fernley and Nevada State Parks for the removal and transport of the Schoolhouse located at the Fernley-Lassen Train Depot/Community Response and Resource Center Property.

2.11. Possible Action to Ratify a Contract for Hansford Economic Consulting to provide a Water and Sewer Utility Rate Study Update for an amount not to exceed \$44,000.

Motion: I MOVE TO APPROVE THE CONSENT AGENDA WITH 2.12 PULLED FOR

DISCUSSION. Action: Approved. Moved by: Councilman Ryan Hanan, Seconded by: Councilman Stan Lau. Vote: Passed, Summary: Yes 4, No 0, Abstained 0. Yes: Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, No: None, Absent: Councilwoman McKay, Abstain: None.

2.12. Possible Action to approve a contract for Nevada Structure Movers for the removal and relocation of the schoolhouse building located at the Fernley-Lassen Train Depot/Community Response and Resource Center property for an amount not to exceed \$25,000.

Councilman Hanan inquired about and Public Works Director Barry Williams explained the reimbursement process.

Motion: I MOVE TO APPROVE ITEM 2.12. Action: Approved, Moved by: Councilman Ryan Hanan, Seconded by: Councilman Stan Lau. Vote: Passed, Summary: Yes 4, No 0, Abstained 0. Yes: Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, No: None, Absent: Councilwoman McKay Abstain: None.

3. REPORTS - this item is for various public entity representatives to provide general information to the Council and public. No action will be taken.

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 announced that City Hall would be closed on Thursday July 4 and that Main Street would be closed for the parade; he also read the list of July events sponsored

by the Fernley Convention and Tourism Authority.

Councilman Torres reported that the Masons will be hosting the 4th of July pancake breakfast before the parade and that the Fernley Senior Citizens Advisory Committee will have a booth at the 4th of July festival and thanked Public Works Director Williams and staff for their work on moving the school-house.

Councilwoman Zoberski reported that 10U, 12U and the senior's softball All-Starts will be competing in the State competition.

Councilman Hanan wished everyone a safe holiday.

Mayor McIntyre announced that Mayor Edgington will be the Grand Marshall of the parade and commented on the 4th of July festivities to come.

4. PROCLAMATIONS BY THE MAYOR

There were none.

5. CLOSED PERSONNEL SESSION

5.1. Possible Action to enter into a Closed Personnel Session

This item was pulled from the agenda.

5.2. CLOSED SESSION Pursuant to NRS 241.030(1) to consider the character, professional competence and qualifications of Jennie Carrick, Deputy City Treasurer

This item was pulled from the agenda.

5.3. Return to Open Meeting for Discussion and Possible Action on Closed Personnel Session for Jennie Carrick, Deputy City Treasurer; Pursuant to NRS 241.030(1); including, but not limited to giving advice to staff or no action regarding Jennie Carrick, Deputy City Treasurer.

This item was pulled from the agenda.

6. PRESENTATIONS

6.1. Presentation by Kimley-Horn on the status of both the North Fernley and Southwest Fernley Area Plans.

Devon Moore and Blake Young from Kimley-Horn gave a project status update.

Councilman Torres thanked the presenters and voiced concerns over water availability.

Councilwoman Felicity inquired about commercial zoning for the north area plan and inquired as to the Port of Nevada project impact has been taken into consideration. She asked if the south area plan has considered the floodplain and related questions.

Councilman Torres stated a concern over funding sources for developers to come to Fernley.

Councilman Hanan proposed having centralized areas where residents can get anything they need without having to travel all over.

Councilwoman Zoberski stated a need to maintain the rural feel to Fernley and making sure that open spaces are incorporated into the area plans.

Mr. Moore and Mr. Blake answered questions.

6.2. Presentation by City Engineer on Quarterly Capital Project Updates

City Engineer Derek Starkey presented an update on capital projects, including slurry seal projects, Shadow Lane reconstruction, Green Valley Park, Villa Park reconstruction, water treatment plan, the community response and resource center, as well as other projects in progress.

Councilman Hanan asked if the City is using any CARES or ARPA funds for Shadow Lane. Mr. Starkey stated that all remaining CARES funding will be used in the community response and resource center.

7. STAFF REPORTS

7.1. (For Possible Action) Consideration and possible action to appeal the decision from the City Engineer denying the request to drill a new private well at 1155 Jessica Lane.

City Engineer Starkey introduced this item, he stated that based on municipal code, connection to municipal utilities is required when the connection to such is attainable. He mentioned that based on the code, an applicant can appeal the decision of staff to City Council.

Lynn Holland, resident at 1155 Jessica Lane stated that she bought the property with the intent of remaining off municipal utilities and having the monthly utility bills would cause a hardship.

Katie Gillespie, realtor and representative for applicant, asked if there are guidelines for re-drilling wells, requirements for utility connections, and other questions.

Mr. Starkey answered questions. Discussion ensued.

Senior Planner Shay League stated she would provide zoning and parcel division information to applicant later.

Councilwoman Zoberski asked about the status of the current well.

Councilman Lau inquired about costs of drilling a new well and compared it to the cost of connecting to municipal water.

Councilman Hanan inquired about water rights.

Councilwoman Zoberski asked if approving this item would cause any issues to city infrastructure.

Motion: I MOVED TO OVERTURN THE DECISION PER CODE AND ALLOW APPLICANT TO

DRILL A NEW WELL. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilwoman Felicity Zoberski. **Vote:** Tied, **Summary:** Yes 2, No 2, Abstained 0. **Yes:** Councilwoman Zoberski, Councilman Torres, **No:** Councilman Lau, Councilman Hanan, **Absent:** Councilwoman McKay, **Abstain:** None. Mayor McIntyre voted to break the tie vote on this item. **Summary:** Yes 3, No 2. **Yes:** Councilwoman Zoberski, Councilman Torres, Mayor Neal E. McIntyre. **No:** Councilman Lau, Councilman Hanan, **Absent:** Councilwoman McKay. **Motion passed.**

Break 6:44 - 6:56

7.2. Discussion and possible action to approve a contract with Farr Construction dba Resource Development Corporation in an amount not to exceed \$4,096,995.00 for construction of the New Treated Water Reservoir; and a contract with Construction Materials Engineers to provide special inspections and material testing during construction in an amount not to exceed \$38,380.00.

City Engineer Starkey presented this item. He stated that construction costs were higher than the budgeted amounts due to underground piping and the new water tank design.

Councilwoman Zoberski inquired about the design of the new water tanks. Mr. Starkey answered the question.

Motion: I MOVE TO APPROVE THE CONTRACT WITH FARR CONSTRUCTION DBA RESOURCE DEVELOPMENT CORPORATION IN AN AMOUNT NOT TO EXCEED \$4,096,995.00 FOR CONSTRUCTION OF THE NEW TREATED WATER RESERVOIR; AND A CONTRACT WITH CONSTRUCTION MATERIALS ENGINEERS TO PROVIDE SPECIAL INSPECTIONS AND MATERIALS TESTING DURING CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$38,380.00. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 4, No 0, Abstained 0. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, **No:** None, **Absent:** Councilwoman McKay, **Abstain:** None.

7.3. For possible action to direct staff to apply for an Economic Development Agency Public Works and Economic Adjustment Assistance Programs grant for \$3.6M to fund the Early Learning Center project located at the Community Response & Resource Center site.

Deputy City Manager Lydia Altick presented this item.

Councilwoman Zoberski asked if there is a limit as to how many projects/grants can be applied for. City Manager Marchant stated that these grants are meant for economic development and that there are many opportunities to pursue these grants.

Motion: I MOVE TO DIRECT STAFF TO APPLY FOR EDA PUBLIC WORKS AND ECONOMIC ADJUSTMENT ASSISTANCE PROGRAMS GRANT FOR \$3.6M TO FUND THE EARLY LEARNING CENTER PROJECT LOCATED AT THE COMMUNITY RESPONSE & RESOURCE CENTER CAMPUS SITE. **Action:** Approved, **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 4, No 0, Abstained 0. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, **No:** None, **Absent:** Councilwoman McKay, **Abstain:** None.

8. PUBLIC HEARINGS

8.1. A workshop to review and discuss revisions to Chapter 32.01 (General Provisions) and Chapter 32.02 (Definitions and Interpretations) of the City of Fernley Development Code.

Planning Director Michele Rambo presented chapter 32.01.

Councilman Torres asked if the process remains the same and if the code updates are mostly grammatical. Ms. Rambo answered the questions.

There was no public comment on chapter 32.01.

Councilman Hanan asked when the final will be presented to Council and if the updates can be made available to the public. Ms. Rambo stated it has been available since the updates began being proposed and that the final would be presented sometime next year.

Planning Director Rambo presented chapter 32.02 and summarized what would be presented in August for the following 2 chapters.

Councilman Torres inquired on clarification on what would be changing for the specific applications regarding the decision-making bodies.

There was no public input on chapter 32.02.

8.2. (For Possible Action) Consideration, discussion, and possible action to approve Bill #350, an Ordinance amending Title 32, Chapter 3, Section 090 (Modifications and Appeals) of the Fernley Development Code to create a process to waive certain development standards in certain parts of town to aid in development and redevelopment efforts.

Planning Director Michele Rambo presented this item. She stated that certain development standards are not applicable in all instances and to all properties and that this waiver would be specific to the parts of town listed in the staff report.

Councilman Torres asked if there is any type of waiver currently.

Councilman Hanan asked how would staff address the no parking issue and what the fee would be if any.

Councilwoman Zoberski asked questions regarding landscaping and curb/gutter/sidewalk on the industrial area.

Planning Director Rambo answered the questions.

Senior Planner League expanded on reasons for the request of this

waiver. There was no public input.

Motion: I MOVE TO APPROVE BILL #350, AN ORDINANCE AMENDING TITLE 32, CHAPTER 3,

SECTION 090 (MODIFICATIONS AND APPEALS) OF THE FERNLEY DEVELOPMENT CODE AS PRESENTED BY STAFF AND SUBJECT TO THE FINDINGS OUTLINED IN THE STAFF REPORT. **Action:** I move to approve Bill #350, an Ordinance amending Title 32, Chapter 3, Section 090 (Modifications a, **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 4, No 0, Abstained 0. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, **No:** None, **Absent:** Councilwoman McKay, **Abstain:** None.

8.3. (For Possible Action) Discussion and possible action regarding Bill #351 as it pertains to a proposed development code text amendment (CA24004) to Fernley Municipal Code §32.03.050(c) to extend the submission requirement for a Temporary Use Permit for a special event—from seven days to thirty days—prior to the requested start date.

Senior Planner League presented this item, stating that several application processes can be combined into one, but a longer period would need to be needed to finalize the permit.

Councilman Hanan agreed that this is a needed change and gave an example of a recent event that could have benefited from having the extra time.

Councilwoman Zoberski expressed concern that the length of time needed for the permit could be an issue for some of the sports leagues because they may not receive notice that far in advance that an event will be happening.

Mayor McIntyre asked if parades and sendoffs require a temporary use permit.

Ms. League and City Attorney Aaron Mouritsen commented on exemptions that could be approved in certain instances.

Motion: I MOVE TO PASS, APPROVE, AND ADOPT BILL #351, AND THE RELATED CODE AMENDMENT ASSOCIATED WITH CA24004, AS PRESENTED BY STAFF TO ALSO INCLUDE A PROVISION FOR AN EXEMPTION WHEN WARRANTED. **Action:** Approve, **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 4, No 0, Abstained 0. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, **No:** None, **Absent:** Councilwoman McKay **Abstain:** None.

9. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

9.1. Possible action requesting a future agenda item for council to retrain on open meeting law. (Councilwoman McKay)

City Attorney Mouritsen explained that training could be set up as early as next month if that was the Council's direction.

Councilman Hanan asked how often this training needs to be done.

Councilman Torres suggested waiting until December until the new council person takes the seat.

Motion: I MOVE TO INSTRUCT THE MAYOR TO INSTRUCT STAFF TO SET UP THE OPEN

MEETING LAW TRAINING AFTER THE ELECTION. **Action:** Approved, **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 4, No 0, Abstained 0. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, **No:** None, **Absent:** Councilwoman McKay, **Abstain:** None.

10. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilwoman Zoberski requested a workshop with CRRC and the architects to be open to the public, to cover future phases of the project.

11. PUBLIC FORUM

There was none.

12. ADJOURNMENT

Being no further business to come before it, the Fernley City Council meeting adjourned at 7:50 pm.

Approved by the Fernley City Council on July 17, 2024, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0



Mayor Neal E. McIntyre



ATTEST: City Clerk Kim Swanson