

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
SEPTEMBER 4, 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, Deputy City Attorney 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, Deputy Public Works Director Olivia John, City Engineer Derek Starkey.

1.3. Public Forum

Tim Bickerton, Fernley resident, pointed out the flaw of including fees that have no relevance to off-city property events. The old fee of \$115 would seem to be more than adequate for minimal consideration and city assistance of any kind that is necessary for these events put on by small businesses for our community. We hope the Council will reject this proposal and send it back to city staff for revision.

Steve McKillop, Fernley resident, asked that the City Council consider any type of support for the Southwest Meadows Community Park. There are 240 homeowners in that vicinity, but it serves the greater Fernley community. We don't have kids, but we fully support the changes and the future of the park considering the growth that the city expects in the Southwest Meadows master plan.

Sara Thomas, Fernley Poolside Farmers Market, commented about the event fees that were increased recently. She received an email in May saying that in 2 weeks the fees were going up and that the fees would be changing from \$100 to \$520. On August 14, 2024, the City Manager sent out a letter breaking down the fees. About \$115.00 of that \$520.00 pertains to the Fernley Poolside Farmers Market. When the Council was first given the agenda, April 17, 2024, it was not broken down, and it was skipped over. She attended that meeting via Zoom, and it didn't look like any special use permit fees were being raised. In today's agenda, you can see those fees broken down and what they're going for. She asked that the Council change it because it's running small events out of Fernley. The number one biggest complaint in Fernley is that there are no events for anybody to participate in or go to, and there's nothing to do in Fernley. She asked that the Council lower those fees or consider lowering them.

Mike McMordie, McHoppers Brew Company, spoke about the fees that were imposed for special use permits or temporary use permits. Same as the Farmers Market, they asked for information and didn't get it. On July 1st, he sent out a letter shortly after that to the Council. Councilwoman Zoberski and Councilman Torres promptly responded and that was the first response he had received from the city on this item. Mr. Marchant did send some information on it, but the way he broke it down was that the \$500.00 fee was for six hours of city time. That doesn't coincide with what was published to the city saying that it's only 3.2 hours of city time, and \$260.00 of it is used for the park system. No one could tell us what the breakdown or the schedule of values of this fee was when we went in to ask for it. We were told that these fees were equal to what was going on throughout the rest of our area, which is not true. You go to Carson City and you pay a \$52.00 fee with a \$10.00 fee, it's \$20.00 if you want to serve alcohol. Most of these areas break it down into a fee schedule. Yerington does the same. They charge you \$10.00 for special use not \$500.00. These events are all proactive to help small businesses bring stuff

to Fernley. We're not opposed to doing our part and paying for what we use but when we are doing it on our property, and we're paying our own taxes, cleanup fees, and electricity for it, and the city doesn't have to do anything, there's no reason why the city should be charging \$520.00. We want to bring more events to Fernley. We want business and small business to succeed, and we just ask for you to help us out to do that.

David Thomas, Fernley resident, stated the fees are affecting businesses, and the city failed to do a business impact study.

Lori Tibias, Fernley resident, stated that she and her husband have been in Fernley since 2016 and the events that have been held in this community have not only improved and grown, but they've helped grow our community. They are part of the farmers market and events at McHoppers. We have seen this community grow from these events and small businesses that are now very successful started from those events. We have a lot of cottage food people in the community that we want to follow the rules and the laws and pay our fees. Please understand that there is overhead for small businesses just like it is for large businesses. She believed these fees are too high to support people who are trying to start businesses. It would be nice to continue to encourage these events so that we are known for some strong events that people come to Fernley for.

Don Maguin, Fernley resident, asked why the swings were gone at the In Town Park. He had seen on Facebook that the city is going to put some money into the park and thought that was cool.

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 Zoberski, 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 The Meadows at Inglewood, LLC for 0.25 ERC's for Water and 1.30 ERC's for Sewer for United Federal Credit Union Lyon County Parcel 020-342-21 located at 1035 Inglewood #100 Bldg J Fernley, NV 89408

2.5. Possible action to approve a contract with Shaw Engineering for on-call engineering services.

2.6. Possible Action to purchase new floating surface aerators for the East Wastewater Treatment Plant for an amount not to exceed \$350,000.

2.7. Possible Action to purchase one (1), mini paver for the City of Fernley's Streets and Storm Drains Department for an amount not to exceed \$70,000.

2.8. Possible Action to purchase one (1), heavy equipment trailer for the City of Fernley's Water Distribution Department for an amount not to exceed \$50,000.

2.9. Possible Action to purchase one (1), 1/2-ton pickup truck for the City of Fernley's Utilities Department for an amount not to exceed \$48,611.

2.10. Possible Action to purchase one (1), 1/2-ton pickup truck for the City of Fernley's Water Distribution Department for an amount not to exceed \$52,611.

2.11. Possible Action to purchase one (1), 1/2-ton pickup truck for the City of Fernley's Water Treatment Plant for an amount not to exceed \$50,000.

Motion: I MOVE TO APPROVE THE CONSENT AGENDA AS PRESENTED. **Action:** Approved.
Moved by: Councilman Hanan, **Seconded by:** Councilman 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.

Harmon Baines, Director of Operations for Lyon County School District, updated the council on a couple of things. The first thing was Fernley's schools' enrollments and capacities. The city has significantly grown over the past decade with that, so has Fernley's schools and their enrollments. We have not seen a crazy spike up that we initially saw several years ago. It's been steady for the past 2 to 4 years now, and because of that, we have capacity in all our schools in Fernley. We have room to grow. This room for growth has a lot to do with the strategic decisions that the district leadership and the Board of Trustees have made over the better part of a decade now, beginning with the East Valley Elementary School edition that resulted in 10 classrooms, faculty space, restrooms and approximately space for about 200 to 250 new kids. Most recently is the Fernley High School gymnasium and the cafeteria that was opened this past spring. Along with several other strategic decisions throughout the district, this has allowed the ability to have capacity throughout our schools. The second item is the 10-year facilities masterplan. This masterplan is something that the district has done several times over the past couple of decades. It's going to take about 10 to 12 months to complete this 10-year master facilities plan. There are several things that the master facilities plan looks at throughout the district. All 4 major attendance areas are going to hold community meetings. In these meetings we're going to talk about: does the city want more opportunities for career and technical education or work-based learning? Or are we focused on further education? So, these are the types of open conversations that we plan to have in each of our attendance areas several times over the next 8 to 12 months. The first meeting for the City of Fernley is September 17, 2024, from 4 pm to 6 pm, at Fernley High School and everyone is welcome.

Mayor McIntyre inquired about the enrollment numbers for the Fernley City Schools. Mr. Baines stated that they would have better data on that in about two weeks.

Councilwoman Zoberski asked to have the September 17th community meeting put on the city's website and reader board. She also asked to have bus transportation discussed at the meeting.

Chief Deputy Mitch Brantingham, LCSD, stated that it has been a busy couple of weeks for the Sheriff's office with the first week of school, the summer winding down, burning man, and Labor Day weekend. Deputy Holland got introduced into our school system, with her first call for service coming in at about 7am before school even started on Tuesday morning. Deputies are working school zone enforcement. The shifts were divided to get deputies out to the various school zones. The inmate crew that participated in the clean sweep event reported that it was a great event and were happy to be able to participate. The department is trying to expand that work group program from the jail and is always taking requests coming into the sheriff's office. If there's a project that you need done in your wards, we could get an inmate work group to help with those things. A couple of deputies are currently at the Academy, and they should be coming back in mid-November. DUI enforcement has been an issue. The last statistics pulled at the end of the summer, showed between 5% and 10% of all the department's calls for service and criminal reports were DUI related. The department has trunk or treat events coming up. They are asking if people in the community or different community events have a trunk or treat event that they're hosting, reach out to the department, we want to participate in your event. The trunk or treats is one of our favorite things that we get to do and go out and interact with kids and people in a more positive interaction. He did have the opportunity to attend the Emergency Response Briefing for Burning Man in Reno. The department tries to keep the officers in Fernley so that they can respond to those things that are going on here within the city instead of out on the Playa. The department is still responding periodically to some of the trash complaints.

Councilwoman Zoberski stated that the council very briefly talked about reinstating our community service program when they were doing the budget workshops. She asked if the work programs included just inmates

and have there been any discussions with the court about reinstating a community service type work crew for things like this.

Chief Deputy Brantingham stated that those discussions haven't been with the courts. The department has very specific criteria for inmates that we're allowed to use for the work crews. They must meet certain criteria, to make sure that we're protecting the public. We also must be somewhat careful with how we interact with the inmate work crews with the public in general, particularly if there are juveniles involved and things like that. That has been a limiting factor in some of those things, but for the most part, the sheriff has tasked us with getting the inmate workers out and getting them to work in the communities. It's been more of an independent assignment from Sheriff Pope than it has been anything else.

Captain Joe Mendoza, NLCFD, reported that the department has brush trucks out on out of district assignments in California helping with the suppression out there. We have a Fire Chief that's out on assignment as well and is assisting with an incident in another state. The Fernley fire department is out there doing our part to help our nation and the fire issues that we have out there. The guys here that stayed behind are doing a tremendous job. Some are working 10 days straight to make sure that we're providing a minimum staffing requirement to make sure that Fernley is safe, and the services are delivered appropriately.

Sheriff Pope, LCSD, reported that the department is down 7 positions but is working through the hiring process. The dispatch center is currently down 2 positions. Our control room operators and all our civilian staff are 100% staffed, and they're working hard, and they're ready to go. There is a golf tournament coming up on September 7th in Dayton that is a partnership with the 1st responder's benefit. Proceeds of that golf tournament go to the Shop-With-A-Sheriff program and our K9 division. Our Shop-With-A-Sheriff program takes place at Walmart in Fernley. Last year, the department was able to give 42 kids in need \$300 gift cards. We're going to try and go for 45 kids this year, so we're looking at about \$14,000. Hopefully, the golf tournament gets us halfway there. Response times are down. The Fernley substation is closed for lunch from 12:00 to 1:00. If we do have one of our stations and/or administrative assistants call in sick, there is a floater that can fill in.

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, reminded everyone of the upcoming events. On Wednesday, September 11th, the Northern Nevada Veterans Coalition is hosting a 9/11 memorial ceremony at the Out of Town Park from 9 am to 10 am. Also on Wednesday September 11th, from 11 am to 1 pm, in the Council Chambers there will be an Assembly Legislative Listening Tour. Assemblyman Koenig, and three other assemblymen, will be here to listen to Fernley's concerns and priorities that they can take back to the legislature. The Fernley Cultural and Tourism Authority (FCTA) is sponsoring the Grand Slam Tournament on September 14 and 15, at the Out of Town Park.

Mayor Neal McIntyre stated that there were approximately 20 people for the Mayor's Clean Sweep at Green Valley Park and about a dozen at the Fernley Cemetery, along with the Fernley Senior Citizens Advisory Committee (FSCAC). September 13th is the Mayors Corner at Yogurt Beach. He is having the Mayors Corner in each of councils' wards. This is an opportunity to come and voice your opinion and ask questions about anything that has to do with the city.

4. PROCLAMATIONS BY THE MAYOR

None at this time.

5. PRESENTATIONS

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

Robert Carson, City Treasurer, presented the unaudited quarterly financial as of June 30, 2024, stating these are not final numbers for the fiscal year 2024.

5.2. Discussion and possible action regarding a request from Kimberly Barney pertaining to sidewalks at 790 E. Main Street.

Michelle Barney and Kim Barney, Battle Born Equity Group, a family-owned investment company, requested a waiver pertaining to sidewalks at 790 E. Main Street. They gave a brief history of the project since they purchased the building in May 2016. The intent was to lease the building in July 2024. As soon as they signed up, saying the business was coming soon, they were contacted by the city of Fernley, stating that they needed to have a pre-planning meeting. The meeting was conducted, and many items were brought up throughout the meeting and most of those items were addressed. So, the outstanding issues that were brought up was the parking lot again, which was an item that had been addressed. They inquired if the parking requirements have changed. If the code has changed. Landscaping was another item addressed and the requirement to have sidewalks, gutters, which includes grading sidewalks, along Main Street in front of the building. This is a sidewalk to nowhere. This property is on a half a mile stretch on Main Street that has no sidewalks. There are no sidewalks to the left, and there are no sidewalks to the right. There's no clear plan from the city on when and if sidewalks will ever exist there. Some of the small businesses nearby are willing to put sidewalks in. There is a city park on Main Street with no plan to ever have a sidewalk in front of it. They have received inconsistent guidance and unclear next steps. Jeffrey Graham, who's listed as the person you're supposed to reach out to before getting any NDOT permit, stated this is not an NDOT requirement. City Manager Ben Marchant stated that NDOT is the only one requiring this, so there's just been so much back and forth. There has been no guidance on waivers or next steps. We are asking that the city approve All Points Grill opening before the sidewalks are complete.

Councilman Torres asked City Attorney Mouritsen that in order for a waiver to be granted, they would have to apply for that waiver correctly, ask for it to be agendaized, and then bring it back to council for a waiver on whether we allow them to open or not without sidewalks.

City Attorney Mouritsen stated that the process would be to apply through planning. If planning grants it, then they're good to go. If planning denies it, then they would appeal to planning commission, and then, based upon the result from planning commission it could be appealed to council.

Ms. Barney stated that they had reached out to the city manager to ask for a waiver. Planning Director, Michelle Rambo replied back, saying that they are outside of the waiver area. We sent that information to Planning Commissioner Cody Wagner, and he said that he did not believe this was for the planning commission. This goes back to we don't know the next step.

Planning Director Rambo stated that was correct. When the City Council approved the waiver process a few months ago, there was a delineated outline of the downtown area, focused around 95 A and Main Street intersection, and this area is outside of that area.

Councilman Torres stated that changes are made all the time and they're in the middle of doing it again. Some of our planning issues we have made amendments to the ordinances and codes. So why would we not be able to open that up and allow a waiver in that section.

City Attorney Mouritsen stated that absolutely could occur. If you wanted to make a change to that waiver process, then you could direct staff in future agenda items to bring that back with an extension on that waiver.

Councilman Lau agreed with Councilman Torres. He did not see a problem with voting at the next meeting to give a waiver.

Councilman Zoberski expressed concern that if the city is giving out waivers and then NDOT comes in and says this waiver is null and void what happens next.

Councilman Hanan expressed concern for equal treatment. If a waiver is issued, then the place next door is going to want a waiver and then the person next to them is going to want a waiver. We need something that helps our business and is easy on the pocketbook. I would be more willing to look at a long-term waiver.

Mayor Neal McIntyre called for a break 6:45 pm - 6:59 pm.

Motion: MOVED TO GO AHEAD AND GRANT THE WAIVER ON BEHALF OF THE CITY ALLOWING THEM TO GO DIRECTLY TO NDOT, **Action:** Approved. **Moved by:** Councilman Torres, **Seconded by:** Councilwoman McKay.

City Attorney Mouritsen stated that for this to occur, there must be something to waive. The process would be to apply, and say they are not going to do curb, gutter and sidewalk. At that point, Michelle Rambo would bring it to the Planning Commission, but she would recommend denial, but it is up to the planning commission to determine whether they want to approve it, even without the curb, gutter and sidewalk. If the Planning Commission says, no, we're not going to allow it, that would allow them to appeal it to council. The council could then waive it at that point in time. Currently, there is no action to waive.

Councilman Torres stated that they've been told that they can't open unless either we get this waived or we wait the entire timeline. They've been told that the recommendation from the Planning Commission would be denial.

City Attorney Mouritsen stated that's different than having been denied by the Planning Commission.

Councilman Torres rescinded his motion and Councilwoman McKay rescinded her second.

Councilman Torres stated they will be on the October Planning Commission meeting and then come back to Council .

6. STAFF REPORTS

6.1. (For Possible Action) Staff presentation regarding the specifics of fees for the special event temporary use permit.

Shay League, Senior Planner, presented this item. The report was prepared to address a request by Councilwoman Zoberski who asked for information regarding the fee structure for the special event temporary use permit. Planner League stated that a business impact statement does not apply to items addressed through NRS278. She explained that an applicant pays a \$520 fee, which consists of a \$500 deposit and a \$20 technology fee. Items deducted from the deposit as applicable include: \$80/hour staff processing time; \$15 Public Works administrative fee; \$50 - \$250 Public Works event fee; and possible future \$25 review fee for North Lyon County Fire Protection District. When in excess of \$100, the remaining unused deposit is refunded to the applicant. What is new is that we were asking people to pay them upfront as one lump sum and refunding the remainder of it. As it stands now, that \$270 fee would be applicable to all special use permits that are not otherwise waivable. This meeting is not to approve these fees. This is too direct staff to bring any changes that Council would like to see forward.

Councilman Hanan asked if there was a way to show what the cost was last year and the cost is today, using the Farmers Market as an example. It seems that there needs to be a sheet to look at and say, this is what I'm doing and go down and check boxes to figure out what you're going to pay.

Shay League, Senior Planner, explained that this was designed so that fees would be waivable in conjunction with having a government sponsor and so the temporary use planning fees are not applicable, but if they were, if they were to pay them last year, it would have been \$100 for the temporary use permit. That difference now would be \$80 per hour of staff time. That was in conjunction with the fee that was brought before the Council to move from a set fee to staff time and, they would also need to pay a business licensing permit for the event organizer plus each of the vendors. That also gets complicated, though, because again, that is waivable in the case of nonprofits. So, our fees are waivable for nonprofits and governmental agencies, the business license fees are waivable just for nonprofits.

Barry Williams, Public Works Director, stated that these are not new fees. These are a culmination of fees that will be paid anyway by an applicant. Instead of an applicant having to go to the Fire Department, pay a review fee, go to the clerk's office and have to pay a fee, Public Works Department, all these different departments, a person only has to go to one place to pay the fees.

Michele Rambo, Planning Director, stated this whole thing started because we had been getting complaints from the special events people that they were having to go to each different department and take the time to walk around the application and get signatures from everybody. This was a way to consolidate the process and make it simpler for everybody. We took several applications and combined them into one application. Now there is one application instead of 3 or 4 different applications. Along with that, we just added all those fees together. They pay basically the same amount except for the technology fee, which is new. Instead of having to write four different checks, they write one check. As far as park fees, if a park is not being used, the applicant will not be charged. If they do not need a liquor license, they will not pay for it. There are lots of different combinations of fees that could happen, and we are working right now on our application to separate those out. As they fill out that application, we can adjust exactly which fees apply to them, and which do not.

Councilwoman Felicity Zoberski inquired about events like the Farmers Market that can pay for the permit to last for 17 events how that would work for the different business licenses coming in, and different vendors all the time. I think this must come back so that we have an actual outline of our fee schedules, because the reimbursement portion does not make sense, especially for private events.

Shay League, Senior Planner, stated that for the event itself we issue one permit, and that does not include business licensing, which is why with the complexities that were raised is the reason that we have not rolled those together yet. The event holders themselves would pay \$270, and then as part of that process for the seventeen events, or however many they have up to 30, we require a site plan for public safety purposes. Each vendor generally ends up paying about \$25 per event or per business license if they don't already have an existing business license with the city. To address them going out and making connections with fire and police, we do for them. The \$80 per hour is a direct call back to a prior fee schedule that we had. \$80 per hour was set to be any miscellaneous staff time for engineering and planning. It was extended to legal as well, so that is where that \$80.00 an hour came from. It's not that we're resistant to adjusting it, it's that's where it came from.

Michele Rambo, Planning Director, stated that when we redid the planning fee schedule back in April, it was changed to a deposit-based system. It is \$80 an hour charged for staff time for every project. You have a deposit that you pay, and then any staff time that was not used we reimburse for that and that goes across the board for all projects. \$80 an hour was the amount set in that resolution for staff time.

Councilman Albert Torres asked if we were charging for the sheriff's office to be present, or does the event holder have to do that? He also asked if the fees had increased since April.

Shay League, Senior Planner, stated that the sheriff's office is notified through the liquor license process, and in some cases coordinated with for use of the park depending on what kind of event that is going to be held. We coordinate with the sheriff's office and there is not any money collected for that. Regarding the fees since April, the planning fee went from \$100 to \$80 per hour, and we also added the additional \$20.00 for the development team in general to support our efforts at getting an actual online presence. So, people don't have to come down and fill out applications so we added a \$20 fee, and that's for all of our applications.

Michele Rambo, Planning Director, stated that applicants are paying roughly the same amount, minus the \$20 technology fee.

Councilwoman Fran McKay asked who determines how many hours it takes to review an application.

Michele Rambo, Planning Director, stated that they keep track of all our time. So, if it takes us an hour to review a plan, we keep track of that hour. It's all done with finance in the computer system. Shay League, Senior Planner, stated that the complexity of the event would affect the time it takes to process it.

Barry Williams, Public Works Director, explained that we've had events that provided an application that we were able to review within 20 minutes, and the majority of our events can sometimes go anywhere from 30 days to and beyond 30 days for review, depending on the complexity of it. In that case and with

this fee schedule, the applicant will pay less than before. For example, for the park, if they were to pay the \$520 and the review time took more than 30 days then the \$80 an hour would not apply. They would just pay \$520. They could have ended up paying close to \$900 or \$1,000 for review as opposed to the flat \$520.

Public Comment:

David Thomas, Fernley resident, stated that numerous things stated by staff are completely incorrect. Also, an impact study wasn't done, which is required because it impacts a business. Put this back on the agenda and get it resolved. We can all work together, or we can go to a courtroom, and we can work it out that way.

Tim Bickerton, Fernley resident, voiced his concerns over several different parts of the process.

Sky Long, Vice-President of the Fernley Arts, Culture and Events Squad, wanted to clarify when they co-brand with somebody, especially a business. They do give back to our organization for a nonprofit, and then we roll it into the next event, and we are starting to be able to provide free classes and programs. We have a lot of things in the works. When we co-brand, we are marketing.

Lorie Tibias, Fernley resident, offered ideas to enhance this process and grow events in Fernley.

Mike McMordie, McHoppers Brew Company, stated this is what he asked for, a list of what he is paying. He stated this discussion was a step in the right direction and appreciated the time and consideration.

Sara Thomas, Fernley Poolside Farmers Market, stated that a lot of what was stated earlier was not true. Last year I did not pay for a permit. It was waived because I complained of other events in town that do not have to follow the rules. The Meadows cannot put on other events. That's against the rule of the landowner with their lease agreement. I've gotten no TUP this year, either. It has not been sent to me yet and I have 4 more weeks left.

Motion: I MOVE FOR STAFF TO ITEMIZE EVENT PERMITTING FEES AND HAVE THE EVENT FEE NO MORE THAN \$270.00, WITH NO LARGE DEPOSIT FEE ON PRIVATE PROPERTY, NO \$80.00 AN HOUR FEE, JUST A FLAT \$100.00 FEE AND PLAN FOR A FUTURE STRATEGIC PLANNING MEETING TO DISCUSS THESE FEES AND KEEP THEM REASONABLE. **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.

Motion: I MOVE TO HAVE STAFF TO GO BACK AND CREATE MORE OF A CHECKLIST WITH THE FEES, OPPOSED TO THE REIMBURSABLE STRUCTURE OF THE FEES. **Action:** Approved. **Moved by:** Councilwoman Felicity Zoberski, **Seconded by:** Councilman Stan Lau. **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 resolutions 24-015 updating the development review fees for the engineering department.

Derek Starkey, City Engineer, stated that this resolution is to update the fees for engineering development reviews. The current fees have been the same for 5 years and examining the fees this year with our consultants, there have been some increases at the State level. Staff worked with the consultant to create new fees to better address new development trends and needs. Engineer Starkey summarized the fees.

Motion: I MOVE TO APPROVE RESOLUTION 24-015 UPDATING THE FEES FOR THE ENGINEERING DEPARTMENT. **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.

8. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilwoman Felicity Zoberski proposed a modification to the ordinance to allow for waivers or deferral in the development code regarding curbs, gutters and sidewalks.

9. PUBLIC FORUM

Michelle Barney, Battle Born Equity Group, confirmed that her issue would be put on the Planning Commission agenda.

Don Maguin, Fernley resident, asked what the difference was in the trucks that are being purchased. Barry Williams, Public Works Director, explained that each of the trucks has its own specifications and no two trucks are alike.

James W. Roberts, Fernley resident, commended the council and staff.

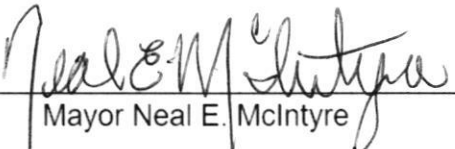
The next meeting will be September 18, 2024.

10. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 8:30 pm.

Approved by the Fernley City Council on September 18, 2024, by a vote of:

AYES 4 NAYS: 0 ABSTENTIONS: 0 ABSENT: 1



Mayor Neal E. McIntyre



ATTEST: City Clerk Kim Swanson

CITY OF FERNLEY
RESOLUTION #24-015

**A RESOLUTION OF THE CITY OF FERNLEY TO ADOPT THE UPDATED
ENGINEERING REVIEW FEES.**

WHEREAS, it is a function of the City of Fernley to have a third party provide development reviews, water and sewer modeling, and other various on-call engineering support for the planning and engineering departments; and

WHEREAS, the City Council desires to provide through reviews of development projects and various on-call planning and engineering support; and

WHEREAS, the current fee schedule rates have changed since the last renewal in 2019; and

WHEREAS, adoption of the Engineering Review Fees for Development Reviews and On-Call Engineering Support are required to continue providing reviews since 2019; and

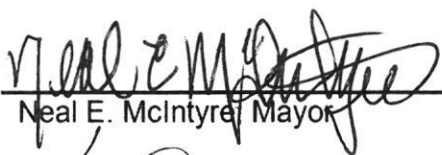
WHEREAS, The Fernley City Council, on September 4, 2024, held a public meeting and approved Resolution 24-015; and

NOW, THEREFORE, BE IT RESOLVED, that the Fernley City Council adopts the updated Engineering Review Fees;

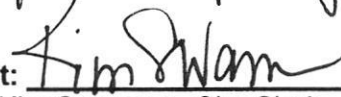
BE IT FURTHER RESOLVED, that the Fernley City Council updates the updated Engineering Review Fees.

**RESOLUTION PASSED, APPROVED, AND ADOPTED this 4th day of
September 2024, by the following vote of the Fernley City Council:**

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

By: 
Neal E. McIntyre, Mayor

Date: 9/4/2024

Attest: 
Kim Swanson, City Clerk

Date: 9/4/2024

“EXHIBIT A”

DEVELOPMENT SERVICES FEE SCHEDULE (EFFECTIVE SEPTEMBER 4, 2024)

Engineering & Miscellaneous Fees

Fee Description	Fee
<u>Engineering Fees</u>	
Floodplain Development Permit	\$2,500 deposit + Actual Cost
Final Improvement Plans Review	\$3,000 + \$100/lot
Industrial Discharge permit	\$800
Annual renewal	\$400
Lab Testing for permit	Actual Cost
Grading and Improvement Fees	
Grading Permit Engineering Review Fee	
1. 50 cubic yards or less	No Permit Required
2. 51 to 100 cubic yards	\$400
3. 101 to 1,000 cubic yards	\$800
4. 1,001 to 10,000 cubic yards	\$1,500
5. 10,001 to 100,000 cubic yards	\$2,000
6. 100,001 to 200,000 cubic yards	\$3,000
7. 200,001 or more cubic yards	\$4,500
Grading Permit Fee	
1. 50 cubic yards or less	No Permit Required
2. 51 to 100 cubic yards	\$100
3. 101 to 1,000 cubic yards	\$250
4. 1,001 to 10,000 cubic yards	\$400
5. 10,001 to 100,000 cubic yards	\$950
6. 100,001 to 200,000 cubic yards	\$1,500
7. 200,001 or more cubic yards	\$1,500 for first 200,000 cubic yards plus \$40 for each additional 10,000 cubic yards or fraction thereof.
Multi-Family Civil Improvement Fees (Onsite and Offsite Plan Review):	
1. Permit Application Fee/Plan Filing Fee	\$100
2. Plan Review Fees:	
Less than or equal to 1.99 acres	\$3,000
2-14.99 acres	\$6,000

15+ acres	\$7,500
Commercial and Industrial Civil Improvement Fees (Onsite and Offsite Plan Review):	
Less than or equal to 0.99 acres	\$2,500
Greater than or equal to 1 acre	\$4,500
Offsite/Public Improvements Only:	
Plan Review	\$2,500
Inspection Fees (Improvement Cost from Engineer's Estimate)	
\$0 – \$50,000	3.00%
\$50,001 – \$100,000	2.75%
\$100,001 – \$200,000	2.50%
\$200,001 – \$300,000	2.25%
Over \$300,000	2.00%
Costs incurred over the base inspection fee	Actual Cost
Encroachment Permit Fees:	
1. Permit Fee	\$300
2. Inspection Fee:	
Cut/Excavation	
1 – 100 square feet (minimum charge)	\$125
Over 100 square feet	\$125 + \$0.50/square-foot over 100 square feet
3. Nonprofit Utilities	Required to obtain a permit, exempt from required permit and inspection fees, and required to have all work tested and inspected at their cost.
4. For Profit Utilities	Required to obtain a permit but are exempt from the bonding requirements of the City's encroachment permit.
5. Blanket permits for PUC regulated utilities (for one year)	\$3,200 (Due and payable by December 31 st of each year)
6. Encroachment Permit Extension Fee (before expiration date)	\$20
7. Encroachment Permit Extension Fee (after expiration date)	\$125
Encroachment Permit Refundable Cash Bond	\$500 + \$10/square-foot over 100 square feet
Tenant Improvement Plan Review	\$300

Single Family Residential Plan Review (water/sewer connections and drainage)	\$50
ERC Calculation Sheet Review and Processing Fee	\$300
Bac-T Test Each (City will sample and submit to lab but the cost of testing will be borne by the applicant/contractor)	\$200
Working Without a Permit	Anyone performing work without a permit shall be charged triple the amount of the original permit and inspection fees for the first offense. For the second offense, the penalty shall be quadrupled. Further violations may result in civil prosecution as damage to public property.
Vehicle Towing	Actual Cost
Other Inspection Fees	Actual Cost
Water and Sewer Modeling:	
Water Pressure/Flow Check	\$160/hr.
Water Discovery/Preliminary Modeling	\$1,000
Sewer Discovery/Preliminary Modeling	\$1,000
Water Modeling w/ NAC report and BSDW submittal (main extensions only)(includes NDEP App Fee)	\$5,000
Water Modeling w/ NAC report and BSDW submittal (NO main extensions) (includes NDEP App Fee)	\$2,300
Sewer main extension with modeling and BWPC submittal	\$1,100
Water System Special Projects (booster station, tanks, pressure regulation stations, etc.)	\$2,500 deposit + Actual Cost
<u>Miscellaneous Fees</u>	
Miscellaneous Engineering/Planning Time	\$160/hr.
Miscellaneous Consultant Engineering Time	\$140/hr.
GIS Printing Fees	Actual Cost of Production/Printing
Reimbursement Agreement	\$2,500
Noticing Fee	\$300
Surveyor Fee	Actual Cost

Fcc - 9/4/2024



Sandy Harris

From: noreply@civicplus.com
Sent: Monday, September 2, 2024 11:02 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 board members 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 board members before action is taken.

Submitted by:* Christy Womack

Email Address: freedomespressocrw@yahoo.com

Phone 775-233-0333

Number:

Address:

Meeting(s) 9/4/24

where your
concern should
be expressed:*

Meeting 9/04/2024

Date(s):*

Comments: * I want to vote for All Points Grill to move into the old Pizza Shack as we continue to work with the City manager and DOT to help provide funding to have sidewalks, Curbing and gutters put in on our side of the main st. I think we need to come together and do a lot more research as to what state funds are available like CDBG and other grants to help small business in our community to continue to survive and grow. Small business are the heart and backbone of our community and these types of expenses will continue to shove small business out. Small business in our community sponsor and donate to a lot of organizations around town and with out them these other organizations also will to not survive as Corporate companies in our community do not invest or give back to our community.

* indicates required fields.

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<http://www.cityoffernley.org/Admin/FormHistory.aspx?SID=9176>

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

Submitted by:: Christy Womack

Email Address: : freedomespressocrw@yahoo.com

Phone Number:: 775-233-0333

Address: :

Meeting(s) where your concern should be expressed:: 9/4/24

Meeting Date(s):: 9/04/2024

Comments: : I want to vote for All Points Grill to move into the old Pizza Shack as we continue to work with the City manager and DOT to help provide funding to have sidewalks, Curbing and gutters put in on our side of the main st. I think we need to come together and do a lot more research as to what state funds are available like CDBG and other grants to help small business in our community to continue to survive and grow. Small business are the heart and backbone of our community and these types of expenses will continue to shove small business out. Small business in our community sponsor and donate to a lot of organizations around town and with out them these other organizations also will to not survive as Corporate companies in our community do not invest or give back to our community.

Additional Information:

Form submitted on: 9/2/2024 11:02:28 AM

Submitted from IP Address: 71.89.226.43

Referrer Page: <http://m.facebook.com>

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

Sandy Harris

From: noreply@civicplus.com
Sent: Wednesday, September 4, 2024 3:51 PM
To: City Clerk
Subject: Online Form Submittal: Public Input Form

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Public Input Form

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Submitted by:* Jaimie Daniels
Email Address: jaimiers@gmail.com
Phone 7753367214
Number:
Address: 1865 Highland Dr
Meeting(s) City council meeting
where your
concern should
be expressed: *
Meeting 9/4/24
Date(s): *
Comments: *

I have comments regarding two issues at tonight's meeting: 1. Regarding sidewalks on Main Street by the former Pizza Shack building which will soon house All Points Grill, they should be exempt from putting in a cost prohibitive sidewalk. The use of the building remains the same as it was before (restaurant), the building remains the same, the zoning has not changed. This should not be a requirement to allow them to open when it's been the very same type of business before. This is an amazing part of Fernley, we need more gathering and event spaces and more restaurants, and All Points checks these boxes in this new location. They should get a waiver to open without adding sidewalks, there is plenty of parking and access as-is. 2. My second comment is regarding special event permit fees. The jump in fees is astronomical and should be reconsidered. Fernley is finally starting to have more events and more businesses are hosting events of their own, which is great for Fernley. People will be more likely to stay in town, to eat here, to shop here, to buy gas here, and to book hotel stays here. It helps to build a sense of community and belonging for Fernley residents. It's a benefit to everyone when we have events here and we should encourage businesses and organizations to host these events, not price them out of hosting events. These fees shouldn't apply when businesses are hosting these events in their own parking lots on private property, either, or should be greatly reduced. These high fees are only going to discourage events and reduce what Fernley has to offer. It's a short-sighted move to increase those fees so sharply. Please reconsider this increase. Thank you.

* indicates required fields.

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<http://www.cityoffernley.org/Admin/FormHistory.aspx?SID=9181>

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

Submitted by:: Jaimie Daniels

Email Address: : jaimiers@gmail.com

Phone Number:: 7753367214

Address: : 1865 Highland Dr

Meeting(s) where your concern should be expressed:: City council meeting

Meeting Date(s):: 9/4/24

Comments: : I have comments regarding two issues at tonight's meeting:

1. Regarding sidewalks on Main Street by the former Pizza Shack building which will soon house All Points Grill, they should be exempt from putting in a cost prohibitive sidewalk. The use of the building remains the same as it was before (restaurant), the building remains the same, the zoning has not changed. This should not be a requirement to allow them to open when it's been the very same type of business before. This is an amazing part of Fernley, we need more gathering and event spaces and more restaurants, and All Points checks these boxes in this new location. They should get a waiver to open without adding sidewalks, there is plenty of parking and access as-is.

2. My second comment is regarding special event permit fees. The jump in fees is astronomical and should be reconsidered. Fernley is finally starting to have more events and more businesses are hosting events of their own, which is great for Fernley. People will be more likely to stay in town, to eat here, to shop here, to buy gas here, and to book hotel stays here. It helps to build a sense of community and belonging for Fernley residents. It's a benefit to everyone when we have events here and we should encourage businesses and organizations to host these events, not price them out of hosting events. These fees shouldn't apply when businesses are hosting these events in their own parking lots on private property, either, or should be greatly reduced. These high fees are only going to discourage events and reduce what Fernley has to offer. It's a short-sighted move to increase those fees so sharply. Please reconsider this increase.

Thank you.

Additional Information:

Form submitted on: 9/4/2024 3:51:19 PM

Submitted from IP Address: 172.56.168.205

Referrer Page: No Referrer - Direct Link

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

Sandy Harris

From: noreply@civicplus.com
Sent: Wednesday, September 4, 2024 4:24 PM
To: City Clerk
Subject: Online Form Submittal: Public Input Form

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Public Input Form

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Submitted by:*	Ted Campisi
Email Address:	Wgranpa@sbcglobal.net
Phone Number:	(775)997-3014
Address:	1073 Stirup Ct
Meeting(s) where your concern should be expressed:*	Side walks on E Main St & social even permits
Meeting Date(s):*	09/04/2024
Comments: *	All Points grill should be allowed to open, and the social event permit fee's are unfairly overcharged for our small town events. Especially if they were raised, from \$50.00 to \$500.00.

* indicates required fields.

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<http://www.cityoffernley.org/Admin/FormHistory.aspx?SID=9183>

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

Submitted by:: Ted Campisi

Email Address: : Wgranpa@sbcglobal.net

Phone Number:: (775)997-3014

Address: : 1073 Stirup Ct

Meeting(s) where your concern should be expressed:: Side walks on E Main St & social even permits

Meeting Date(s):: 09/04/2024

Comments: : All Points grill should be allowed to open, and the social event permit fee's are unfairly overcharged for our small town events. Especially if they were raised, from \$50.00 to \$500.00.

Additional Information:

Form submitted on: 9/4/2024 4:24:09 PM

Submitted from IP Address: 104.3.224.77

Referrer Page: <http://m.facebook.com>

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