

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
MARCH 5, 2025**

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, Councilman Joe Mendoza, City Manager Ben 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, Public Works Director Barry Williams, Deputy Public Works Director Olivia John, City Engineer Maria Paz Fernandez, Utilities Director Seong Kim.

1.3. Public Forum

Tammy Dittman, Fernley resident, thanked city staff for the information she requested regarding the hydrants. She still has concerns as to when the city is going to start inspecting the hydrants. Ben Marchant, City Manager, stated that the city doesn't perform physical inspections anymore because we have an automated data system that tracks pressures on all the hydrants. We get that information daily and that is why we don't need to do inspections of that nature. For opening and exercising valves, that is routine maintenance between the city and the fire department

Gabe Leija, Fernley Softball Little League, stated that they are frustrated with the new process for the field reservations. He would like to see a more cohesive and well-organized process.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

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

Kim Swanson, City Clerk, read new business licenses.

2.4. Possible Action to Approve the Will-Serve Request from Panda Express for 2.21 ERCs for Water and 8.76 ERCs for sewer for Lyon County Parcel(s) 021-232-71, located in Fernley, NV.

2.5. Discussion and Possible Action to approve a Final Subdivision Map (FSM2019-001) for Hardie Lane Townhomes/Shadow Hills for the development of a 66-lot townhome

subdivision on a site approximately ± 6.42-acres in size generally located at 905 Hardie Lane (APN: 021-121-19).

2.6. Discussion and Possible action to enter into a time and materials contract with Wood Rodgers, not to exceed \$398,195, for a period of one and a half years, ending in June 2026, to complete a corridor action plan for three corridors within the City of Fernley.

2.7. Discussion and possible action to approve a contract with Schell Creek Construction for an amount of \$395,000.00 for In Town Park Phase 1 Project

2.8. Discussion and Possible Action to appeal the decision of Judge Du regarding litigation with the Bureau of Reclamation (BOR) relating to the Truckee Canal.

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, Councilman Hanan, Councilman Mendoza.

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

Chief Deputy Mitch Brantingham, Lyon County Sheriff's Department, reported that on Saturday, March 1st, they worked with an inmate work crew, the Desert Pigs, Waste Management and the city on a cleanup out of the BOR property next to the Veterans Cemetery. The fallout from this is there are homeless people in campers popping up in different places around the community. LCSO are actively issuing trespass warnings and starting the citation arrest process. He introduced Sergeant Mark Kosak. Sergeant Kosak's focus is going to be working in the schools here in Fernley. There are two deputies over in the academy from the Fernley squad. He reported on a traffic stop in Fernley, and during that stop they identified drugs over a hundred grams of methamphetamine and a large amount of cash. She was taken into custody.

Mayor Neal E. McIntyre thanked them for the cleanup.

Councilman Ryan Hanan thanked them for their help at the Veterans Cemetery cleanup and welcomed Sergeant Kosak.

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, reported that the city is hosting its 2025 Citizens Leadership Academy. It starts on Thursday, March 6th, at 6 pm at the library.

Councilman Ryan Hanan encouraged everyone to subscribe to the Fernley Reporter.

Councilman Albert Torres stated that the Fernley High School/Junior High rodeo will be March 14th through the 16th at the Out-of-Town Park fairgrounds. He also thanked everyone for their participation in the cemetery cleanup. The Desert Pigs are on Facebook, if you want to volunteer for one of their events.

Mayor Neal E. McIntyre thanked the staff and Council for helping with the State of the City. The Mark IV groundbreaking was a fantastic event, and he thanked Mark IV for being such a great partner to the City of Fernley. He also participated in the Nevada Military Service Alliance Gala.

3.2. State of Nevada Legislative update

None

4. PROCLAMATIONS BY THE MAYOR

Mayor Neal E. McIntyre read a letter from Heather Juliet about her ordeal and respectfully requested the city honor these two men for their life-saving efforts. The Mayor presented Chris Brown and Kyle Brown certificates for their heroism and acts of courage. Their actions undoubtedly prevented a potential tragic outcome.

5. PRESENTATIONS

5.1. Discussion and possible action on presentation by Outside Legal Counsel, Chris Molina, Esq., regarding Special Assessment Districts

5.2. Discussion and possible action on presentation by Outside Legal Counsel, Chris Molina, Esq., re: Impact Fees

Chris Molina, Outside Legal Counsel, via Zoom, combined both presentations for 5.1 and 5.2. He presented the basics and some different concepts of Special Assessment Districts (SAD) and Impact Fees. Impact fees are charged on developers to help fund additional public services, infrastructure, and transportation facilities required because of new development. Special Assessment Districts create a tax on individuals within a defined area who benefit from the infrastructure improvement. The concept of impact fees is that the developer pays for the impact of new development. The idea of special assessment districts is that the beneficiary of the improvements pays for the infrastructure. This is a situation that the city of Fernley is facing right now. Impact fees are typically used for things like highways and roads when there are new demands on transportation networks, they can also be used to fund municipal services. Impact fees are a one-time charge, imposed as a condition of approval. It's straightforward as to what developers are going to have to pay. Drawback to impact fees is that you can't use them to improve the existing infrastructure, and if the fees are not used, then they must be refunded. Impact fees are not likely to provide all the funding necessary for an infrastructure project because they do not provide a consistent revenue stream. SADs can be used to help improve existing development. You can use SADs to increase property values that you know owners are willing to pay because they benefit from those. Unlike impact fees, SADs can be used for a broad range of infrastructure projects. It's basically a tax added to the tax bill for property owners within a defined area. If you're going to do a special assessment district for a street project, then the assessments could be based on street frontage. Another way that you could do the assessments is through tiered assessments. You can tailor the cost of the improvements to the property owners that benefit most. The downside to SADs is that you need buy-ins from property owners. A lot of property owners see the benefits of collectively investing in infrastructure. SADs can provide a significant source of revenue because it's collected annually through property taxes.

Councilman Torres stated we want to put the least amount on the backs of the current residents of the City of Fernley. If we put an impact fee on a certain development, it doesn't matter what type, and then in another area, are we able to implement a SAD for sidewalk, curb and gutter that they don't currently have. Is there anything statutory where we would not be able to do that?

Chris Molina stated no, but the impact fees are not going to be geographically limited like the special assessment district. So, any new development that fits within that ordinance is going to have to pay the impact fee. You could include vacant land in a special assessment district. That might change how the assessment is levied, but the key is finding a way to use both tools and to balance each other out. His recommendation to the city Council would be to direct staff to engage consultants and engineering firms, to develop the impact fee studies that would be necessary to come up with those fee schedules.

Motion: I MOVE TO REQUEST STAFF DO THE NECESSARY LEGWORK TO SEE HOW WE CAN IMPLEMENT BOTH OF THESE PLANS IN THE NEAR FUTURE AND HAVE SADS AS WELL AS IMPACT FEES. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

6. STAFF REPORTS

6.1. Discussion and Possible Action to designate Hinton Burdick CPAs & Advisors as the Independent Audit Firm to perform the City's Annual Financial Audit for the Fiscal Year ending June 30, 2025.

Robert Carson, City Treasurer, stated this is an annual process per NRS. The governing body is required to designate our auditor and provide that information to the Department of Taxation. The past few years we've had Hinton Burdick CPAs & Advisors as our external auditors. The estimated cost is \$61,285 plus an additional \$3,500 for two major programs on a single audit. This is the last year of our contract.

Motion: I MOVE TO DESIGNATE HINTON BURDICK CPAs & ADVISORS AS THE INDEPENDENT AUDIT FIRM TO PERFORM THE CITY'S ANNUAL FINANCIAL AUDIT FOR THE FISCAL YEAR ENDING JUNE 30, 2025. **Action:** Approved. **Moved by:** Councilman Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

7. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilwoman Zoberski would like a future agenda item to discuss the interlocal agreement with the fire department.

8. PUBLIC FORUM

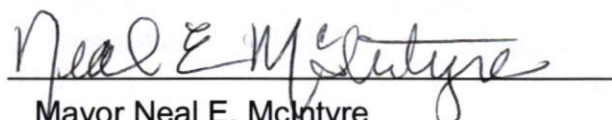
Tammy Dittman, Fernley resident, stated, Page 6 of the Public Works Department Fire Hydrant Maintenance Program, dated February 2015, addresses inspections. From her understanding, when there's a fire and the hydrant's been opened, the city is supposed to be checking for flow. She also mentioned the time change on Sunday, March 9th.

9. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:17 pm.

Approved by the Fernley City Council on March 19, 2025, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre


ATTEST: City Clerk Kim Swanson

