

**MINUTES OF THE  
FERNLEY CITY COUNCIL MEETING  
JULY 18, 2018**

Mayor Edgington called the meeting to order at 5:01 pm at Fernley City Hall, 595 Silver Lace Blvd, Fernley, NV.

**1. INTRODUCTORY ITEMS**

**1.1 Roll Call.**

**Present:** Mayor Roy Edgington, Councilman Dan McCassie, Councilwoman Sue Seidl, Councilwoman Shari Whalen, Councilman Stan Lau, Councilwoman Fran McKay. City Manager Daphne Hooper, City Attorney Brandi Jensen, Public Works Director Dave Whalen, City Clerk Kim Swanson, City Treasurer Denise Lewis, City Engineer Derek Starkey, Building Official Roger Colson, GIS/Water Rights Manager Jennifer Derley, Deputy City Attorney Brent Kolvet, Planning Director Tim Thompson, Assistant to the City Manager Colleen Unterbrink, City Engineer Derek Starkey, Associate Planner Melinda Bauer.

**1.2 Public Comment**

John Reichlein, Fernley resident asked how the new fuel tax would affect the City of Fernley if passed. He stated the City purchases diesel fuel from Interstate Oil Company. He also asked City Council if there were any updates on C-TAX.

**1.3 Approval of the Agenda**

**Motion:** MOVE TO APPROVE THE AGENDA AS SUBMITTED, **Action:** Approve, **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilman Stan Lau. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie,

Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

## **2. Consent Agenda:**

**2.1. (Possible Action) Approval of Voucher Report**

**2.2. (Possible Action) Approval of Minutes from May 16th and May 21th**

**2.3. (Possible Action) Approval of Business Licenses**

**2.4. Possible Action to purchase one (1) 3/4-ton, crew cab, 4wd pickup truck from Jones West Ford for the City of Fernley's Parks Department in an amount not to exceed \$30,384 plus a six (6) percent contingency of \$1823.04.**

**2.5. Possible Action to purchase one (1) 3/4-ton, crew cab, 4wd pickup truck from Jones West Ford for the City of Fernley's Fleet Department in an amount not to exceed \$30,627 plus a five (5) percent contingency of \$1531.35.**

**2.6. Possible Action to purchase one (1) 3/4-ton, Crew cab, 4wd pickup truck from Jones West Ford for the City of Fernley's Animal Control Department in an amount not to exceed \$31,763 plus a two (2) percent contingency of \$635.26.**

**2.7. Possible action to approve a contract with Farr West Engineering for the continued implementation and hosting of the Strategic Asset Management programs (MapOptix and VueWorks) in an amount not to exceed \$37,000.**

**2.8. Possible action to approve the liquor license for Raley's Supermarket.**

**2.9. Possible action to approve a Stipulation and Order Dismissing the Simoncini Water Rights Lawsuit**

Councilwoman Shari Whalen disclosed she is married to the Public Works Director Dave Whalen.

**Motion:** MOVE TO APPROVE THE CONSENT AGENDA AS SUBMITTED, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Sue Seidl.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

**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.**

Mayor Edgington read the Lyon County Sheriff's Office monthly call report for June into the record.

City Manager Hooper announced the groundbreaking for Polari's on August 9<sup>th</sup> at 9:30 a.m. on site. She also reminded everyone of the Master Plan Workshop on July 25<sup>th</sup> at 5:00 p.m.

Planning Director Thompson reviewed the applications the department received. He stated the final draft for the Master Plan will be heard by the Planning Commission on August 8<sup>th</sup>.

Councilwoman Fran McKay reported the Relay for Life event went well. She also attended the Northern Nevada Business Weekly Monthly Meeting.

Councilwoman Whalen reported Mayor Edgington as well as other City delegates took a field trip and looked at different housing types being built in other cities in preparation for the Master Plan Workshop. She felt it was an informative and productive day. Councilwoman Whalen thanked staff for their work on Cedar Street.

Mayor Edgington reported the field trip for different housing types was very informative.

#### **4. (POSSIBLE ACTION) MAYOR TO APPOINT PLANNING COMMISSIONER**

City Clerk Swanson administered the oath to Mr. Williams.

**Motion:** MOVE TO APPROVE THE APPOINTMENT OF BARRY WILLIAMS SR TO THE CITY OF FERNLEY PLANNING COMMISSION, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Shari Whalen. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

## 5. PRESENTATIONS

### 5.1. Discussion and possible action to approve Resolution 18-010, providing for the transfer of the City's 2018 Private Activity Bond Volume Cap to the Nevada Rural Housing Authority.

Diane Arvizo, Director of Home Ownership Programs with Nevada Rural Housing Authority presented an overview of an exclusive program for homeowners in the rural areas. Ms. Arvizo shared the program started with two option programs and now there are 20 of programs available. Ms. Arvizo announced the program has assisted more than 7,400 families, which 437 are families in Fernley.

**Motion:** I MOVE TO APPROVE RESOLUTION 18-010, PROVIDING FOR THE TRANSFER OF THE CITY'S 2018 PRIVATE ACTIVITY BOND VOLUME CAP TO THE NEVADA RURAL HOUSING AUTHORITY, **Action:** Approve, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Stan Lau. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

## 6. PUBLIC HEARING

### 6.1 Public Hearing, RA 2018-001

**Consideration and possible approval of a request to abandon a portion of a public right-of-way, identified as Wild Flower Lane as shown on the Official Plat of Silverland Estates Phase 2, filed in the Office of the County Recorder of Lyon County, State of Nevada, on March 2, 2006, as Document Number 376480, Official Records, APN (s): 022-402-02, 03, 022-403-01, 02, and 03.**

Assistant Planner Melinda Bauer presented the request to abandon a portion of a public right-of-way, identified as Wild Flower Lane. The proposed right-of-way abandonment is not necessary to provide access to adjacent parcels. Ms. Bauer stated the applicant also submitted a merger and re-subdivision of lots 13-17, creating three (3) parcels. She asked City Staff to recommend the approval of the public right-of-way abandonment request.

Councilwoman Seidl asked City staff to notify the Department of Taxation with Lyon County of the abandonment. Planning Director Tim Thompson explained the process of the abandonment will be recorded with Lyon County Assessor's Office.

Mayor Edgington called for public comment.

There were none.

**Motion:** MOVE TO APPROVE THE PUBLIC RIGHT-OF-WAY ABANDONMENT REQUEST AS OUTLINED BY STAFF, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Fran McKay. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

## 6.2 Public Hearing, RTA 2018-001

**Consideration and Possible Action to approve a Reversion to Acreage map to combine two parcels, one parcel ± 15.17 acres and one ± 1.71 acres, creating one parcel approximately 16.88 acres in size in the NR-2 zoning district located at 610 and 660 Westerlund Lane, Fernley, NV (APN(s): 021-103-45 & 14).**

Assistant Planner Melinda Bauer presented the request to merge two parcels, 610 Westerlund Lane and 660 Westerlund Lane. She explained on February 21, 2018 there was a zone change on 660 Westerlund Lane from RR-1 (Rural Residential, 1 Acre Minimum Parcel Size) to NR-2 (Multiple Residence 8,000 SF) and the land use classification from Residential High Density to Residential Multi-Family bringing both the zoning and land use into conformance with 610 Westerlund Lane. Ms. Bauer stated the two parcels are part of a proposed apartment complex. Staff is recommending the approval of the Reversion to Acreage, RTA 2018-001, Bauer stated.

Nathan Robison, Civil Engineer was available for questions. Mayor Edgington called for public input. There was none.

**Motion:** MOVE TO APPROVE REVISION TO ACREAGE, RTA 2018-001 COMBINING TWO PARCELS INTO A SINGLE 16.88 ACRE PARCEL, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Fran McKay. **Action:** Approve, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

## 7. STAFF REPORTS

### 7.1. Discussion and Possible Action on the Hearing of Revocation for BL17-5371 issued to Federal National Mortgage Association pursuant to Fernley Municipal Code 10.01.19 Denial, probation, suspension, revocation of standard business license; grounds; procedure; immediate suspension; cease and desist orders.

City Clerk Kim Swanson presented the evidence for the revocation against Clarence Moses Willis. She outlined the Fernley Municipal Code for each violation and provided the supporting information. Ms. Swanson recommended that City Council approve the revocation against Mr. Willis.

**Motion:** MOVE TO REVOKE BL17-5371 ISSUED TO FEDERAL NATIONAL MORTGAGE ASSOCIATION FOR FAILURE TO COMPLY WITH PROVISIONS OF FMC TITLE 10, CHAPTER ONE, BUSINESS AND LICENSE REGULATIONS, **Action:** Approve, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilwoman Sue Seidl. **Action:** Approve, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

Mayor Edgington asked City Clerk Swanson to notify the State of Nevada Business License Division regarding this revocation.

### 7.2. Introduction Bill #267, ZMA 2018-002

**First Reading Consideration and possible action to introduce Bill # 267, an Ordinance for a zoning map amendment request from Fernley Swimming Pool District to change the zoning from NR-1 (Single-Family 6,000 SF) to PF (Public Facility) on a site ± 4.97 acres in size located at 300 Cottonwood Lane, Fernley, NV. (APN: 021-131-10).**

Assistant Planner Melinda Bauer presented Bill #267, ZMA 2018-002 a request from the Fernley Swimming Pool District. Currently, the parcel has a designation as NR-1 (Single-Family 6,000 SF) and the comprehensive land is PF (Public Facility). Ms. Bauer stated changing the zoning would bring the parcel into conformance with the land use designation of Public Facilities. The public facility use is considered compatible with all adjacent land uses, Bauer stated. Ms. Bauer reported at the Planning Commission Board Meeting on June 13<sup>th</sup>, ZMA 2018-002 was approved by the board.

Councilman McCassie asked if there are any future plans for the Public Facility. Assistant Planner Bauer stated she was not aware of any other plans.

Matt Elwing Fernley Swimming Pool Director, stated that they are seeking this rezoning to be in compliance with the Master Plan.

**Motion:** MOVE TO INTRODUCE BILL #267 AND SET THE PUBLIC HEARING FOR THE AUGUST 1, 2018 CITY COUNCIL MEETING, **Moved by** Councilman Stan Lau,

## 8. RESOLUTIONS

### 8.1. Discussion and possible action to adopt Resolution #18-008 approving the amended City of Fernley Fraud Policy.

City Treasurer Denise Lewis explained the City Council approved the City of Fernley Fraud Policy on September 20, 2017. At that time the Fraud Policy did not include the language for the fraud hotline. The fraud hotline was implemented on June 27, 2018. Ms. Lewis explained the new language has been included in the policy and employees have the option to report any concerns regarding fraudulent activity within the workplace. Ms. Lewis requested the adoption of Resolution #18-008 approving the amended City of Fernley Fraud Policy.

**Motion:** MOVE TO ADOPT RESOLUTION #18-008 APPROVING THE AMENDED CITY OF FERNLEY FRAUD POLICY, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Fran McKay, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

## 9. ADDRESS REQUEST (S) FOR FUTURE AGENDA ITEMS.

Councilwoman McKay requested a future agenda item to hear an update on the marijuana industry in the State.

## 10. Public Comment

Tammy Dittman, Fernley resident, asked if the City could fix the sound system in the council chambers as it is difficult to hear the council members when they speak. City

Manager Daphne Hooper stated the City Council will soon hear an item regarding the council room sound upgrade.

**ADJOURNMENT**

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:18 pm.

Approved by the Fernley City Council on August 15, 2018 by a vote of:

AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_ ABSTENTIONS: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
**Mayor Roy Edgington**

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**ATTEST: City Clerk Kim Swanson**