

**MINUTES OF THE  
FERNLEY CITY COUNCIL MEETING  
JUNE 7, 2017**

Mayor Edgington called the meeting to order at 5:02 pm at Fernley City Hall, 595 Silver Lace Blvd, Fernley, NV.

**1. INTRODUCTORY ITEMS**

**1.1. Roll Call**

**Present:** 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 Treasurer Denise Lewis, City Clerk Kim Swanson, Senior Planner Tim Thompson, City Engineer Derek Starkey, Deputy Public Works Director Ozzie Henke, Deputy City Attorney Brent Kolvet, Human Resource Director Shannon McKnight

**1.2. Public Comment**

Rick Lynn, Pastor Grace Baptist Church, thanked everyone for their dedication to our City. He understood the motivation behind the word change in the ordinance due to the complex issues that face the City. He stated asking churches to get a business license even at no cost crosses lines. He offered a compromise which would be beneficial to the City, churches, and other non-profit organizations by creating a “simple” church and non-profit registry. This could include the organization name, address, contact person, and contact phone number only.

**1.3. Approval of The Agenda**

City Manager Hooper requested to move Item 9.2 to be heard immediately after Reports.

**Motion:** MOVE TO APPROVE THE AGENDA MOVING ITEM 9.2 TO BE HEARD AFTER REPORTS. **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**

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

**2.4. Possible Action to Approve a Request to Waive the Liquor License Fee for The Annual Fernley 4th Of July Celebration to Be Held at The Out of Town Park.**

**2.5. Possible Action to Approve Amendment No. 1 To Cooperative Agreement No. R153-14-010 For the Farm District Multi-Use Path Phase 2 Project.**

**2.6. Possible Action to Approve Change Order Number One for The Northeast Tank Recoat Project to Farr Construction Dba Resource Development Corporation in An Amount Not to Exceed \$382,700.**

**2.7. Possible Action to Authorize the Execution of The Assignment and Assumption of Beneficial Interest in Water Rights Between Picetti Family Trust and Trident Plus, LLC In The Amount Of 5.12 Acre Feet.**

**2.8. Possible Action to Approve Resolution #17-009 Authorizing the Opening of Bank Accounts with Nevada State Bank.**

**2.9. Possible Action to Approve the Revised Job Description for The Building Inspector I / II / III Series.**

Mayor Edgington requested to remove Item 2.9 from the Consent Agenda for further discussion. Councilman McCassie requested to remove the Business License for Hwy 420 Smoke Shop from the Consent Agenda for discussion.

Councilwoman Whalen disclosed that she is married to the Public Works Director Dave Whalen, she did not see a conflict of interest so she will vote on the all matters before the City Council tonight.

**Motion:** MOVE TO APPROVE THE CONSENT AGENDA REMOVING ITEM 2.9 AND THE BUSINESS LICENSE FOR HWY 420 SMOKE SHOP. **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.

Councilman McCassie stated the name “Hwy 420 Smoke Shop” references marijuana. He felt we are giving the perception that we already have a marijuana store in the City.

City Attorney Jensen stated legally we do not have any authority to control a name of a business. City Attorney Jensen explained as long as the business owner meets all the requirements in the Municipal Code for business licenses, as well as having their background check completed through the City Clerk’s Office. Mr. McCassie stated a background check is not required because it’s a retail store. He was concerned of the perception with the business name as a marijuana store and the products they have for sale. City Attorney Jensen stated unless the owner has not met all the code requirements, the City is unable to stop the business from using that name.

Councilwoman Whalen asked for clarification with the new business licenses for approval. The list of new businesses licenses posted online did not list the Hwy 420 Smoke Shop. City Manager Hooper agreed with City Attorney Jensen that business license approval is on the agenda and the Council can approve any and all the business licenses mentioned in both lists provided to the Council and the Mayor.

The business license approval for Hwy 420 Smoke Shop was tabled until further documentation regarding the list of business licenses being approved was available. In the meantime, Consent Agenda Item 2.9 was discussed.

Mayor Edgington stated he agreed with the Building Inspector I, II, & III job description, but would like to make sure at some point the International Maintenance Code which includes property maintenance be a requirement for the new inspector.

Councilwoman Seidl agreed the new inspector using the International Maintenance Codes for Code Enforcement should be knowledgeable with the code.

**Motion:** MOVE TO APPROVE ITEM 2.9 WITH ADDITION FOR THE BUILDING INSPECTOR I, II, & III, WITH THE REQUIREMENT THAT THE INSPECTOR BE CERTIFIED IN THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITHIN

EIGHTEEN MONTHS. **Moved by:** Councilwoman Seidl, **Seconded by:** Councilman McCassie.

Human Resource Specialist, Shannon McKnight, stated she went through a very extensive process with Mr. Kabele of what he felt the necessary requirements would be, and the necessary certifications with a specific time frame to accomplish those. Ms. McKnight pointed out under qualifications in the job description there are specific pieces of residential and commercial combination of an inspector's license.

Councilwoman Seidl explained the difference of Building Code standards and International Property Maintenance Codes. She felt it was important for the new inspector to know the International Property Maintenance Codes that is what is being enforced.

Councilwoman Whalen asked if it was important to approve the item tonight. She asked if 18 months is a reasonable time frame to get the IPMC certification.

City Manager Hooper stated there is language in the current job description relating to Code Enforcement. Her recommendation was to move forward with approving the job description. She stated further discussions can take place specifically regarding the certification requirements for the IPMC.

Councilwoman Whalen stated she was not in favor of the proposed modification to the job description. She would however support the motion if it was amended to give latitude with the timing for implementation. Councilwoman Seidl did not want to modify her motion.

**Vote:** Motion carried (**summary:** Yes = 3, No = 2) **Yes:** Councilman Dan McCassie, Councilwoman Fran McKay, Councilwoman Sue Seidl, **No:** Councilwoman Shari Whalen, Councilman Stan Lau.

The business license for Hwy 420 Smoke Shop was re-opened. City Clerk Swanson explained the reason for the discrepancy was the reports were printed at different times. The City Council was given a new report that named Hwy 420 Smoke Shop for approval.

**Motion:** MOVE TO APPROVE BUSINESS LICENSE FOR HWY 420 SMOKE SHOP.  
**Moved by** Councilwoman Sue Seidl, **Seconded by** Councilman Stan Lau.

**AMENDED MOTION:** MOVE TO THE BUSINESS LICENSES AS READ INTO THE RECORD BY MAYOR EDGINGTON. **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilman Stan Lau. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4, No = 1) **Yes:** Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl. **No:** Councilman Dan McCassie,

**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.**

Councilman Lau reminded everyone of fire season. He urged everyone to cut the weeds around their homes.

Mayor Edgington also reminded everyone of fire season.

City Manager Hooper provided the Legislative update. She stated the session ended on Sunday and some of the bills that were being tracked for the City died. She stated the lobbyist will make a report to City Council at the June 21<sup>st</sup> meeting.

County Commissioner Mortenson reported on the marijuana issue faced with the county and city.

Sheriff McNeil reported the Lyon County Commissioners approved the Open Container Ordinance much like the City of Fernley just passed. He reported the School Resource Officer for Fernley High School decided to retire. He stated the position will be filled before the new school year begins. He also reported on the traffic impacts on new housing developments. He encouraged the City Council to factor in the traffic impacts/plans to minimize the complaints. Sheriff McNeil also updated the City Council on the Wigwam robbery incident and the recent graffiti.

**3.2. 2017 State of Nevada Legislative Update**

City Manager Hooper reported this under Item 3.1.

#### 4. PROCLAMATIONS AND/OR EMPLOYEE RECOGNITION

Mayor Edgington presented a proclamation recognizing the month of June as Alzheimer's and Brain Awareness month in the City of Fernley.

#### 5. PRESENTATIONS

##### 5.1. Discussion and Possible Action to Accept the Renewal Proposal from Nevada Public Agency Insurance Pool (POOL) And Approval for Payment from Fiscal Year 2017-2018 Funds.

City Manager Hooper introduced Tina Peterson and Wayne Carlson. She stated the payment amount requested for approval was included in the budget. Tina Peterson with A&H Insurance and Wayne Carlson with POOL PACT presented the Proposal from Nevada Public Agency Insurance Pool.

Wayne Carlson explained the Cyber Assessment program and stated it could be completed when the City is ready to have it done. After completed, a report will be submitted to the City.

**Motion:** MOVE TO ACCEPT THE RENEWAL PROPOSAL FROM NEVADA PUBLIC AGENCY INSURANCE POOL (POOL) AND APPROVE THE PAYMENT IN THE AMOUNT OF \$183,322.02 FROM THE FISCAL YEAR BUDGET 2017/2018 BUDGET.

**Action:** Approve, **Moved by** Councilwoman Sue Seidl, **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.

##### 5.2. Presentation and Discussion Regarding Quarterly Financials.

City Treasurer Lewis presented the Quarterly Financial Report.

#### 6. INTRODUCTORY ITEMS

##### 6.1. Introduction: Bill #257

**Discussion and possible action to introduce Bill# 2017-257 establishing the rules and regulations of the Fernley Desert Memorial Gardens Cemetery.**

- A. *Discussion with City Council and Staff*
- B. *Public Input*
- C. *Additional discussion with City Council and Staff*
- D. *Council Action or Direction to Staff*

Public Works Director Whalen explained that additional changes and comments were added to the original version.

Mayor Edgington called for Public Input. There was none.

**Motion:** MOVE TO INTRODUCE BILL# 2017-257 ESTABLISHING THE RULES AND REGULATIONS OF THE FERNLEY DESERT MEMORIAL GARDENS CEMETERY.

**Moved by** Councilwoman Sue Seidl

**6.2. Introduction: Bill #258**

ZMA 2017-001 - Discussion and Possible Action to introduce Bill #258 as an ordinance for a zoning map amendment to change the zoning on real property owned by Clements Ranching LLC on 90.66 acres located at 3000 & 3040 Farm District Road Fernley, NV.; and providing other matters properly relating thereto.

- A. To change the zoning on ± 5 acres from RR-4 and RR-5 to RR-1 (1-acre minimum lot size) to coincide with the Parcel Map TPM 2017-001 submitted 3/28/2017 (APN: 021-341-14), and
- B. To change the zoning on ± 1.1 acres from RR-4 and RR-5 to RR-1 (1-acre min lot size) to coincide with BLA 2017-001 submitted 03/28/2017 (APN 021-341-08 & 14), and
- C. To change the zoning on ± 1.3 acres from RR-4 and RR-5 to RR-½ (½-acre min. lot size) to coincide with the BLA 2017-001 (APN: 021-341-14)

- 1. *Discussion with City Council & Staff*
- 2. *Public Input*
- 3. *Additional Discussion with City Council & Staff*
- 4. *Council Action or Direction to Staff*

Planning Director Thompson explained the ZMA to change the zoning on real property for the property located at 3000 & 3040 Farm District Road. 6:58pm Councilman McCassie left the room. Mr. Thompson explained the requirements the trustees of this

property have required. He stated staff has been able to make all the applicable findings. 7:03pm Councilman McCassie returned.

Mayor Edgington called for public input. There was none.

**Motion:** MOVE TO INTRODUCE BILL #258 A GENERAL ORDINANCE FOR A ZONING MAP AMENDMENT TO CHANGE THE ZONING ON REAL PROPERTY OWNED BY CLEMENTS RANCHING LLC ON 90.66 ACRES LOCATED AT 3000 & 3040 FARM DISTRICT ROAD FERNLEY. **Moved by** Councilman Stan Lau.

## 7. PUBLIC HEARINGS

### 7.1. Second Reading, Public Hearing: Bill 251

**Discussion and Possible Action to adopt Bill 251, an ordinance modifying Fernley Municipal Code Title 3 Business License Regulations, 3.01.02 Definitions including; Residential Landlords, Multifamily Dwellings, Peddlers & Solicitors, Recreational Vehicle Park, Title Loans, 3.01.17 adding Probationary Status**

- A. Discussion with City Council & Staff*
- B. Public Input*
- C. Additional Discussion with City Council & Staff*
- D. Council Action or Direction to Staff*

City Clerk Swanson reviewed the Bill as introduced. Councilman McCassie disclosed that he has two business licensed with the City of Fernley.

Councilwoman Seidl felt there were flaws in the requirements that states 501(c)3 organizations are considered businesses. Councilwoman Whalen suggested instead of “business registration” using “non-profit registration.” Councilwoman Whalen stated the City has an obligation to our community members to keep track of business and non-profit and to make sure the land use is compatible. She stated she would support the language as proposed. Councilman McCassie stated this was about public safety. He wanted language that was not abusive. Councilman Lau also felt it was a public safety issue and felt it was an easy registration.



Deputy City Attorney Kolvet explained there was a misconception among community members that if a non-profit registers the license can then be revoked. He stated there is no enforcement mechanism in the code regarding this.

There was discussion regarding the requirements for Non-Profit organizations to obtain a business license. Planning Director Thompson suggested issuing an activity license instead of a business license.

Mayor Edgington called for public input.

Mayor Edgington read letters into record from New Beginning Church and Reverend Mike Patterson from Gift of Grace Lutheran Church.

Reverend Mike Patterson, Gift of Grace Lutheran Church, urged the City Council to vote against requiring a registration.

Deputy City Attorney Kolvet reminded City Council the registration requirement was removed during introduction. He stated if City Council wants something different a new bill would need to come back.

Councilwoman Whalen inquired if the bill is approved tonight as is, can additional discussion take place with the churches to modify registration language. Attorney Kolvet agreed work on modifying language could take place.

**Motion:** MOVE TO ADOPT BILL 251, AN ORDINANCE MODIFYING FERNLEY MUNICIPAL CODE TITLE 3 BUSINESS LICENSE REGULATIONS, 3.01.02 DEFINITIONS INCLUDING; RESIDENTIAL LANDLORDS, MULTIFAMILY DWELLINGS, PEDDLERS & SOLICITORS, RECREATIONAL VEHICLE PARK, TITLE LOANS, 3.01.17 ADDING PROBATIONARY STATUS, **Action:** Approve, **Moved by** Councilwoman Shari Whalen, **Seconded by** Councilman Stan Lau. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4, No= 1). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen. **No:** Councilwoman Sue Seidl.

Councilwoman Whalen stated the point of contact for further discussions will be the City Clerk.

## 7.2. Second Reading, Public Hearing: Bill #255

**Discussion and Possible Action to adopt Bill #255 as an ordinance authorizing the City of Fernley to enter into a Development Agreement (DA 2015-003) with BC Ranch Development, LLC. DA 2015-003 includes, but is not limited to: Conditions of Approval (per Attachment “B”); to extend the period of time for Final Map approval of BC Ranch Planned Development and Tentative Subdivision Maps (PD 05-02) dividing a +/- 908 acre parcel into 2,179 Single Family Parcels zoned NR-3, 1010 Multi-Family Units zoned NR-2, 39.68 acre Commercial Site zoned C-2, an approximate 11.74 acre School Site zoned PF and approximately 180.91 acres of Open Space, located west of HWY 95A; original APN’s: 21-531-001, 004, 005, 006, 007, 22-081-001, 002, 22-082-001, 002 & 003, current APN’s: 21-531-11, 13, 14, 15, 16, 17, 21-161-11, 22-501-01 through 16, 22-502-01 through 35, 22-503-01 through 34, 22-504-01 through 08, 22-505-01 through 07, 22-506-01 through 14, and 22-511-01 through 29.**

- A. Discussion with City Council & Staff*
- B. Public Input*
- C. Additional Discussion with City Council & Staff*
- D. Council Action or Direction to Staff*

Planning Director Thompson explained some Development Agreements could last up to 25 years. The purpose of a Development Agreement is to have a mechanism to protect prior approvals as time goes. Planner Thompson explained this DA will extend the time frame to 2027 giving the developer 10 years. He also stated there are 139 lots that have been recorded. These lots did not dedicate water or pay in – lieu of fees for water however, there are well serves on the lots. Planner Thompson stated this agreement contains a payment mechanism that will start in 2018. The developer will pay the City \$78,000. per year which will make the City whole again on the 139 will serves in their possession. He stated if development does not occur in the next ten years, the handbook requires the developer to abandon the handbook and revert all lots back to acreage and all approvals will cease.

Mayor Edgington call for public input. There was none.

**Motion:** MOVE TO ADOPT BILL #255 AS AN ORDINANCE AUTHORIZING THE CITY OF FERNLEY TO ENTER INTO A DEVELOPMENT AGREEMENT (DA 2015-003 WITH BC RANCH DEVELOPMENT, LLC SUBJECT TO FINDINGS A THROUGH E AS LISTED IN THE STAFF REPORT. **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.

### 7.3. Second Reading, Public Hearing: Bill #256

**Discussion and Possible Action to adopt Bill #256 as an ordinance for a zoning map amendment to change the zoning on real property owned by DB Fernley Investments LTD to incorporate the Planned Development overlay zoning district on approximately 908 acres generally located west of HWY 95A and south of Sage Street Fernley, NV.; and providing other matters properly relating thereto.**

- A. *Discussion with City Council & Staff*
- B. *Public Input*
- C. *Additional Discussion with City Council & Staff*
- D. *Council Action or Direction to Staff*

Planning Director Thompson explained the legal description, the boundary map and the plan pursuant to the planned development will be recorded and will become effective. He stated this is a clean-up item which should have been completed a long time ago.

Mayor Edgington called for public input. There was none.

**Motion:** MOVE TO ADOPT BILL #256 A GENERAL ORDINANCE FOR A ZONING MAP AMENDMENT TO CHANGE THE ZONING ON REAL PROPERTY OWNED BY DB FERNLEY INVESTMENTS LTD TO INCORPORATE THE PLANNED DEVELOPMENT OVERLAY ZONING DISTRICT ON APPROXIMATELY 908 ACRES SUBJECT TO FINDINGS A THROUGH E AS LISTED IN THE STAFF REPORT. **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.

## 8. RESOLUTIONS

**8.1. Discussion and Possible Action to Adopt Resolution #17-010 Establishing the Rules of Decorum and Discussion and Possible Action to Adopt Resolution #17-011 Establishing the Rules of Parliamentary Procedure for City Council.**

**A. Discussion and Possible Action to Adopt Resolution #17-010 establishing the rules of Decorum.**

City Attorney Jensen explained the rules of Decorum are used to ensure that debates proceed in a civil and timely manner. She continued with Parliamentary Procedure is a rule that defines how particular situations are handled during the meetings. She explained this is another part of the update to Fernley Municipal Code Title One.

Councilwoman Seidl inquired about the language in number 2, letter G, expelling a member from the meeting. City Attorney Jensen explained this would be used in a very rare instance, where someone would need to be removed in order to continue to conduct business.

Councilwoman Whalen stated she was elected to vote and this language gives the Mayor the right to remove her from a meeting leaving her constituents without a voice. Mayor Edgington reminded everyone what happen a few years ago, during the Legislative Session. City Manager Jensen suggested adding language that would be used in serious occurrences.

**Motion:** MOVE TO ADOPT RESOLUTION 17-010 ESTABLISHING THE RULES OF DECORUM INCLUDING THE BRACKETED INFORMATION AND THE LANGUAGE CHANGE ON "G" ON PAGE 3 OF THE RESOLUTION, **Action:** Approve, **Moved by** Councilwoman Fran McKay, **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.

**Motion:** MOVE TO CONTINUE THE MEETING UNTIL 10PM. **Action:** Approve, **Moved by** Councilwoman Shari Whalen, **Seconded by** Councilwoman Sue Seidl. **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0). **Yes:** Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl. **No:** Councilman Dan McCassie.

**B. Discussion and Possible Action to Adopt Resolution #17-011 establishing the rules of Parliamentary Procedure.**

Special Attorney Becky Bruch and City Attorney Jensen answered questions from the Council. Councilwoman Whalen inquired about appointing the city attorney as the parliamentarian. She asked how it was done in other jurisdictions. Special Attorney Bruch explained the parliamentarian could be whomever the council chooses.

Councilwoman Whalen inquired about the Mayor announcing when a councilmember leaves the room. City Attorney Jensen explained it needs to be noted on the record when a councilmember leaves and when they return. She stated the reason is Open Meeting Law and if the vote on an item would be debated. She stated if the item is an action item and the Council will vote, the Mayor needs to announce if a councilmember has left the room. If it is a presentation, requiring no vote an announcement does not need to be made.

Special Attorney Bruch inquired about the time limit the City Council wants to set for individual speakers at public hearings. It was decided Public Comment for Public Hearings would be reduced to 3 minutes. Councilwoman Seidl stated she was not in favor of the first sentence of #4 under Public Hearings. Councilwoman Whalen agreed.

**Motion:** MOVE TO ADOPT RESOLUTION #17-011 ESTABLISHING THE RULES OF PARLIMENTARY PROCEDURE. **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilman Stan Lau.

**Amended Motion:** MOVE TO ADOPT RESOLUTION #17-011 ESTABLISHING THE RULES OF PARLIMENTARY PROCEDURE, INCLUDING THE CHANGES THAT WERE MADE DURING THE DISCUSSION, **Action:** Approve, **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilman Stan Lau. **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0). **Yes:** Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl. **No:** Councilman Dan McCassie.

**Break**

## 9. STAFF REPORTS

### 9.1. Discussion and Possible Action Regarding Future and Current Bike and Pedestrian Projects in The City of Fernley As Well As Funding Options and Holistic Bike and Pedestrian Planning.

City Engineer Starkey stated there were no changes to the staff report. He entertained questions from the City Council.

Councilwoman Seidl inquired about the bike path on Farm District Road and if there are plans to extend it to the round-a-bout. City Engineer Starkey stated that was an NDOT project. He said there were a few different options for completion. Councilwoman Whalen shared information regarding this and felt it would be easier if the bike path was completed in house rather than asking NDOT to complete it.

Councilwoman Whalen inquired how the City is going to pay to improve the Pedestrian and Bike Path facilities. She stated the City has not applied for federal or state money in several years. Councilwoman Whalen stated extending the bike path should be a priority for the City. She suggested looking for state and federal money. She asked for further discussion with City Council regarding this.

Updating the Regional Bike Master Plan for the City was discussed.

Councilwoman Whalen inquired if the Safe Routes to School Plan and the Bike Master Plan were requirements for development. Planning Director Thompson explained it would depend on how the plans were adopted by the City. He stated it could easily be updated with a resolution to have the developers make bike and pedestrian facility improvements through the development process.

**Motion:** MOVE TO DIRECT STAFF TO BRING BACK A COST ESTIMATE AND RECOMMENDATIONS FOR EXTENSIONS FOR BIKE AND PEDESTRIAN FACILITIES FROM THE ROUND-A-ABOUT SOUTH TO THE EXISTING MULTIUSE PATH ON FARM DISTRICT, PURSUE STATE, FEDERAL OR OTHER APPROPRIATE GRANT FUNDING TO IMPROVE BIKE AND PEDESTRIAN FACILITIES ON AN ANNUAL BASIS AND DIRECT STAFF TO PRESENT ON THE FERNLEY PORTION OF THE REGIONAL NDOT BIKE MASTER PLAN AND TO PROVIDE RECOMMENDATIONS FOR IMPLEMENTATION AND ADOPTION BY RESOLUTION OF ANY APPROPRIATE

PLANS FOR IMPROVEMENT OF BIKE AND PEDESTRIAN FACILITIES, INVITE NDOT TO PRESENT AND STAFF TO UPDATE CITY COUNCIL IF A RESOLUTION IS NEEDED TO IMPLEMENT THIS IN THE INTERIM UNTIL THE TRANSPORTATION MASTER PLAN IS COMPLETED. **Action:** Approve, **Moved by** Councilwoman Shari Whalen, **Seconded by** Councilwoman Sue Seidl. **Vote:** Motion passed (**summary:** Yes = 5). **Yes:** Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl, Councilman Dan McCassie.

**9.2. Discussion and Possible Action to Award a Contract for A Preliminary Engineering Report (PER) To AECOM For Surface Water Route Alternatives to Convey Surface Water to The Water Treatment Plant (WTP).**

This item was heard after Reports.

Public Works Director Whalen explained in 2015 the discussion began on the capabilities of the Water Treatment Plant. He stated in 2016 it was discovered that the plant had some diverse capabilities to treat surface water with minimal upgrades. He stated in May of 2017 the City signed an agreement with TROA for upstream storage. He explained there have been potential routes identified for the surface water over to the water treatment plant. Director Whalen stated this is not an easy task. He explained AECOM was chosen from the list of qualified professionals and they have a background with pipes and pumping.

Councilwoman Whalen inquired about the not to exceed amount. Tom Guinn representing AECOM explained the three alignments which will list property constraints, costs, operation and maintenance considerations. He stated the City will pick the alignment that is preferred.

**Motion:** MOVE TO AWARD AECOM THE CONTRACT TO PERFORM A PRELIMINARY ENGINEERING REPORT (PER) FOR EVALUATION OF ALTERNATIVES TO CONVEY SURFACE WATER TO THE WATER TREATMENT PLANT (WTP), **Action:** Approve, **Moved by** Councilwoman Sue Seidl, **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.

### **9.3. Possible Action to Approve Resolution #17-006 Regarding Sage Valley Retention Basin**

**Motion:** MOVE TO CONTINUE THE MEETING PAST THE 10:00 PM DEADLINE AND PROCEED WITH THE REMAINDER OF THE AGENDA. **Action:** Approve, **Moved by** Councilwoman Shari Whalen, **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.

City Engineer Starkey explained the retention Basin is in the sage valley subdivision. He stated the basin was originally part of a large parcel. He explained if the City takes over the retention basin it will function as originally designed.

Councilwoman Whalen inquired if the people in the area were aware that the Sage Valley residents will get a bill to take care of the cost of maintenance.

Deputy City Attorney Kolvet stated that is another issue that will be brought back before City Council at another time.

John Reichlein, Fernley resident, submitted pictures stating the property has not been touched. He inquired what the cost will be to him and his neighbors.

Councilwoman Seidl inquired if this basin is up to City standards. Director Starkey stated no but the most expensive part of taking it over is the fencing. Councilwoman Whalen wanted staff to defer on fencing until revisions to the code can be made.

**Motion:** MOVE TO APPROVE RESOLUTION #17-006 ACCEPTING THE PUBLIC IMPROVEMENTS INCLUDING THE RETENTION BASIN LOCATED 1000 SAGE STREET, APN 021-522-07 AS OFFERED FOR DEDICATION BY THE FINAL PARCEL



MAP FOR JANICE MAE GOODWIN TRUST DATED JANUARY 9, 1992, RECORDED MARCH 6, 2017 AS DOCUMENT NO. 561866 AND DEFER FENCING THE BASIN UNTIL CODE REQUIREMENTS FOR STORM DRAINS ARE UPDATED. **Action:** Approve, **Moved by** Councilwoman Shari Whalen, **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.

#### 10. PUBLIC COMMENT

There was none.

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

Councilwoman McKay requested a presentation on an upcoming agenda from the Oregon California Trails Association regarding their annual clean up on September 30<sup>th</sup>.

Councilwoman Whalen requested future agenda items regarding a Blight and Code Enforcement Task Force and the creation of a CIP Committee.

#### ADJOURNMENT

There being no further business to come before it, the Fernley City Council Meeting adjourned at 10:11 pm.

Approved by the Fernley City Council on July 19, 2017 by a vote of:

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

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**Mayor Roy Edgington**

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**ATTEST: City Clerk Kim Swanson**

DRAFT