

Fernley City Council Agenda

July 5, 2017

Mayor Edgington called the meeting to order at 5:00 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, City Treasurer Denise Lewis, City Clerk Kim Swanson, Public Works Director Dave Whalen, Senior Planner Tim Thompson, Deputy City Attorney Brent Kolvet, Assistant to the City Manager Colleen Unterbrink, Building Official Rick Kabele, Associate Engineer Jessica Dover.

1.2. Public Comment

Bill Meyer, Fernley resident, stated the foundation met last week. He stated he was in favor of the foundation and only wanted good news spread.

1.3. Approval Of The Agenda

Motion: MOVE TO APPROVE THE AGENDA AS PRESENTED, **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.

Motion: MOVE TO ADDRESS REPORTS BEFORE HEARING THE CONSENT AGENDA, **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 Business Licenses

2.3. 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.

2.4. Possible Action To Approve A Contract For Engineering Services For The Cedar Street Sewer Rehabilitation Project, To A.M. Engineering, In An Amount Not To Exceed \$65,950.

2.5. Possible Action To Approve The Acquisition Of Two (2) Temporary Construction Easements (TCEs) And One (1) Permanent Easement (PE) Located At APN: 020-041-65 (295 East Main Street), From T&N Fernley, LLC, In The Amount Of \$3,900.

2.6. Possible Action To Approve The Purchase Of A Z997R Commercial Mower From Renner Equipment For An Amount Not To Exceed \$28,010.70

2.7. Possible Approval Of A Contract For Water Rights Services To Stanka Consulting In An Amount Not To Exceed \$25,000

2.8. Possible Action To Approve Contract With Kenneth V. Ward For Public Defender Services Not To Exceed \$60,000.

2.9. Possible Action To Approve A Contract For Engineering Services For The FY 17/18 PMP Assessment, Analysis And Final Report, To Lumos And Associates, Inc., In An Amount Not To Exceed \$56,600.

2.10. Possible Action To Approve Resolution 17-013, Providing For The Transfer Of The City's 2017 Private Activity Bond Volume Cap To The Nevada Rural Housing Authority.

2.11. Possible Action To Purchase A Vehicle 2017 Ford Escape In An Amount Not To Exceed \$22,500.00 For Building Inspection Services

Councilwoman Whalen disclosed she is married to the Public Works Director Dave Whalen. She also stated she understood the urgency of the Cedar Street project, but she is disappointed because the City is not having a discussion at this time regarding road reconstruction after the Cedar Street project.

She would like to discuss at a later date because she is concerned with the road being fixed.

William Shuttuck, Fernley resident requested item 2.10 be discussed separately from the Consent Agenda.

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

Motion: MOVE TO APPROVE ITEM 3 TO BE HEARD BEFORE ITEM 2, **Action:** Approve, **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilman Stan Lau.

Amended Motion: REMOVE ITEM 2.10 TO BE HEARD SEPARATELY, **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.

Item 7.1 was heard after the Consent Agenda.

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.

Chief Huntley reported the brush fire on Englewood Drive during the fireworks show on July 4th. The fire covered three acres. The firework show was discontinued due to the fire.

He explained the Earthstone Fire is active and the Silver Springs Elementary School has been opened as an evacuation center. There has been a health advisory issued for Lyon county due to the smoke. He stated cell phone service has also been effected by this fire.

Sheriff McNeil reported the department is busy dealing with floods and fire. He reminded everyone, that playing with fireworks is a misdemeanor and anyone who is caught will be punished.

Councilman McCassie reported the Fernley High School Band will be home this evening. To show support, people can meet at the corner of Main Street & 95A at 1:00 am.

Councilwoman Seidl reported the Fernley Fire Department needs more help next year with the firework display.

City Manager Hooper reported interviews are scheduled for the Building Inspector, and there's a vacancy for Deputy City Treasurer.

Building Official Kabele reported the annual status for the Building Department.

Public Works Director Dave Whalen reported the Deputy Public Works Director Position is open until August 4th. He reported the Seasonal positions have been filled for this year.

Councilwoman Whalen reported on the Relay for Life event to be held this weekend. She challenged everyone to beat her thirteen miles, and she would buy the winner dinner. She also reported that the Fernley Youth Softball league held a tournament honoring Jamie King. She stated team “King” won second place in the tournament.

4. PRESENTATIONS

4.1. Presentation by Nevada Rural Housing Authority (NRHA)

This item was heard after 7.1

Diane Arvizo with Nevada Rural Housing Authority, addressed the City Council. She stated the mortgage certificate program is the first one in the state and has won an award.

Mayor Edington called for public input regarding agenda item 2.10.

William Shattuck, Fernley resident, inquired if there are other ways for this money to be utilized. He stated this program is a great asset.

City Treasurer Denise Lewis stated she wanted the City Council members to know these monies are not City money. She stated they are State funds.

Motion: MOVE TO APPROVE RESOLUTION 17-013, PROVIDING FOR THE TRANSFER OF THE CITY’S 2017 PRIVATE ACTIVITY BOND VOLUME CAP TO THE NEVADA RURAL HOUSING AUTHORITY, **Action:** Approve, **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilwoman Fran McKay. Motion passed unanimously.

4.2. Presentation by Court Appointed Special Advocates (CASA)

Caroline Panches, Executive Director for Lyon County court appoint special advocate (CASA) organization explained what a court appointed special advocates.

5. PROCLAMATIONS AND/OR EMPLOYEE RECOGNITION

There was none.

6. PUBLIC HEARINGS

6.1. Public Hearing, RA 2017-001 - Consideration And Possible Approval Of A Request From ADH Properties, LLC To The City Of Fernley For The Abandonment Of Public Right-Of-Way Generally Located South Of The Intersection Of U.S. HWY 50A And Inglewood Drive, Fernley, NV.

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 presented the project and recommended approval by the City Council. He stated the City is giving back to the developer. Mr. Thompson answered questions from City Council.

Mayor Edgington opened public input.

There was none.

Motion: MOVE TO APPROVE THE PUBLIC RIGHT OF WAY ABONDONMENT AS RECOMMENDED BY STAFF, **Action:** Approve, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Stan Lau. Motion passed unanimously

6.2. Discussion and Possible Action to Adopt Bill #257. Discussion and Possible Action to Adopt Bill #257 as an Ordinance 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 this is the reading of Bill 257. He stated there has been some language clean up.

Mayor Edgington opened public input.

There was none.

Motion: MOVE TO ADOPT BILL #257 AS AN ORDINANCE ESTABLISHING THE RULES AND REGULATIONS OF THE FERNLEY DESERT MEMORIAL GARDENS CEMETERY. **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.

6.3. Second Reading, Public Hearing – Bill #258

ZMA 2017-001 - Discussion and Possible Action to adopt 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)

Planning Director Thompson reviewed the zoning map amendment. He stated that there is no master plan amendment required. Mr. Thompson explained the zoning is coming into conformance with the underline land use designations. Staff recommends approval for each of the 3 items, adopting findings A-E.

Mayor Edgington opened public input.

There was none.

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

Motion: MOVE TO ADOPT BILL #258 A GENERAL ORDINANCE FOR A ZONING MAP AMENDMENT REQUEST ASSOCIATED WITH ZMA 2017-001 ADOPTING FINDINGS A-E AND THE FACTS SUPPORTING THESE FINDINGS AS SET FORTH IN THE STAFF REPORT., **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.

7. RESOLUTIONS

7.1. Discussion And Possible Action To Adopt Resolution #17-014 Regarding Penalty Fees For False Alarms Within The City Of Fernley City Limits.

City Manager Hooper presented a resolution of the fee schedule used in Lyon County. A contract will be brought forward with the administrator also used by the County.

Councilman McCassie disclosed he has a business with an alarm.

Motion: To Adopt Resolution #17-014 Regarding Penalty Fees For False Alarms Within The City Of Fernley City Limits, **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilman Stan Lau.

Councilwoman Whalen inquired about the late fee described in the resolution. She felt the late fee was steep. City Manager Hooper stated education would be addressed in the contract.

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.

8. STAFF REPORTS

8.1. Discussion And Possible Action To Provide Direction To Staff Regarding The Potential Conveyance Of Federal Land, As Established In The Federal Lands Bill, For Economic Development By Artisan Homes

City Manager Hooper explained Federal Lands Bill allowing the City to access the lands for economic development purposes. Approached by Artisan Homes to potentially move through the federal process for 2 parcels near Sage Valley. She asked the Council if they would like staff to proceed with the process and move forward.

Councilwoman Seidl felt the City should establish the land it wants first, before giving it to developers. She felt this is in the best interest of the City.

Mayor Edgington stated it was the intention of the City Council to better the community but not at the expense of the community.

Councilwoman Whalen had concerns regarding this. She stated there were a lot of issues for development in this area. City Manager Hooper explained the City would need to establish a contract with the developer making sure the City would not acquire any of the cost and that all requirements are met. She also stated the City would need to look at what it means for long-term maintenance, and our infrastructure.

Planning Director Tim Thompson explained that the City has the money to update the Master Plan and it would be prudent to get through the process whether this plan is in the City's future. The area has a low-density land use, and he is concerned with 2500 more properties and the long-term impact to the City's infrastructure and ability to provide services to those residences.

Councilwoman Seidl stated this might be the answer to the infrastructure problems out there, and it would need to be fixed. She is in support moving forward with the understanding the City gets its Master Plan done.

Doug Flowers representing the developers, he stated he understands that the City has a lot of good questions. He explained before they could move forward in the planning process, the developer would need to come into agreement that the City would be able to acquire the land from the City after all requirements are met. Under NRS 268 the City cannot enter into exclusive arrangements to sell the property. It has to be put out for public auction unless the City makes a finding that the project and land of issue are being transferred to a private developer in connection with economic development.

Councilwoman Whalen asked how 2500 new homes are economic development in our community, and how is it a benefit to the community. Doug Flowers stated they are only at the stage of making it a developable land. Artisian Community is a residential developer. Everything is based on Artisian being the developer for the project, or whether or not there is a master plan community. There is a lot of acreage and depending on the purpose use, it could be used for industrial, retail, or commercial use. Councilwoman Whalen stated there is final map lots throughout Fernley that are ready to be built on and wanted to know is Artisian Homes looking at this project. Mr. Flowers stated there are a lot of single families final map lots everywhere but, they are really not a prototype that most developers are looking for.

City Manager Hooper stated staff would work with the developer and come up with an agreement. Nothing would move forward until the Council approves of it, she stated.

Councilwoman Whalen asked if there was any discussion about water for the land. Mr. Flowers stated he is not aware of any discussion acquiring water rights for the property.

Councilwoman McKay stated she is not in favor of the economic development by Artisan Homes, she would like to see more discussion before the Council makes the decision.

Motion: MOVE TO DIRECT STAFF TO PROCEED WITH THE CONVEYANCE PROCESS FOR FEDERAL LAND, FOR ECONOMIC DEVELOPMENT BY ARTISAN HOMES, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Seidl. **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Sue Seidl. **No:** Councilwoman Shari Whalen.

8.2. Discussion And Possible Action To Authorize The Purchase Of Property Surrounding The Depot, Specifically A.P.N. 021-103-43 And A.P.N. 021-103-42.

City Manager Hooper explained the sale of the property behind the depot. Discussion followed regarding the purchase of the property for \$950,000.

City Manager Hooper stated there will be a convention center and more.

Councilwoman Whalen stated the City is spending all the money to purchase a piece of land, and needs to talk about where the money is going to come from to maintain the property. City Manager Hooper stated the City cannot support this by itself. The vision is a partnership.

Cody Wagner, Fernley Community Foundation stated this was going towards a great cause, he stated this project benefits the current residents. He stated there are more developers coming into Fernley and the City should have them contribute in support of the community. The Fernley Community Foundation has started making partnerships with business in the community.

Bill Meyer, Fernley resident, stated unless the property is acquired the depot will not be able to be used without legal parking.

Motion: MOVE TO AUTHORIZE THE CITY MANAGER AND MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO COMPLETE THE PURCHASE OF THE VACANT PROPERTY SURROUNDING THE DEPOT IN AN AMOUNT NOT TO EXCEED \$950,000 WITH THE CLOSING DATE OF AUGUST 3, 2017,

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.

9. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS:

These items will be discussed by Mayor and City Council to possibly be placed on a future agenda.

9.1. Discussion And Possible Action To Request A Future Agenda Item Regarding The Next Steps For AB379 Parks Trails And Open Space District (Councilwoman Whalen's Request)

Councilwoman Whalen stated recent legislation allows the City to create a parks and recreation district.

Motion: MOVE TO DIRECT STAFF ON THE NEXT STEPS FOR AB379 PARKS AND TRAILS AND OPEN SPACE DISTRICT, **Action:** Approve, **Moved by**

Councilwoman Shari Whalen, **Seconded by** Councilman Dan McCassie. **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 Whalen requested a future agenda item to discuss acquiring the Union Pacific Railroad property immediately adjacent to the Main Street art park.

ADJOURNMENT

There being no further business to come before it, the Fernley City Council Meeting adjourned at 7:33 pm.

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

AYES: _____ NAYS: _____ ABSTENTIONS: _____ ABSENT: _____

Mayor Roy Edgington

ATTEST: City Clerk Kim Swanson