

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
DECEMBER 20, 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 Shari Whalen, Councilman Stan Lau, Councilwoman Fran McKay. City Manager Daphne Hooper, Deputy City Attorney Brent Kolvet, Public Works Director Dave Whalen, City Treasurer Denise Lewis, City Clerk Kim Swanson, Planning Director Tim Thompson, Building Official Rick Kabele, City Engineer Derek Starkey, Deputy Public Works Director Barry Williams, Assistant to the City Manager Colleen Unterbrink. **Absent:** Councilwoman Sue Seidl.

1.2. Public Comment

There was none.

1.3. Approval of the Agenda

City Manager Hooper requested item 6.2 be heard after item 1.3

Motion: MOVE TO APPROVE THE AGENDA, MOVING ITEM 6.2 TO BE HEARD AFTER ITEM 1.3, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Fran McKay. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4, Absent =1). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, **Absent:** 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 appoint representatives to various Boards and Commissions:

2.4. Possible Action to approve Resolution 17-021 appointing Councilwoman Seidl as Mayor pro tem for a one-year term expiring December 31, 2018.

2.5. Possible Action to approve a Contract for Engineering Services and Construction Management for the FY 17/18 PMP Maintenance Project, to Lumos and Associates, Inc., in an amount not to exceed \$78,500.

2.6. Possible Action to award two (2) Contracts, and one (1) Amendment to an Existing Contract, for the Construction and associated Construction Services for the Miller Lane Pipe Bridge Rehabilitation Project:

1.) Award of Contract for Construction to King Construction, in an amount not to exceed \$113,544.00, plus a 5% contingency of \$5,677.20.

2.) Approve Amendment A, to extend the existing Pipe Bridge Rehabilitation Design Project Contract with Hyytinen Engineering, LLC (Hyytinen), and to approve additional funds for Construction Services, in an amount not to exceed \$7,200.00.

3.) Award of Contract for Construction Services to Lumos and Associates, Inc., in an amount not to exceed \$27,125.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4, Absent =1). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, **Absent:** 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.

City Manager Hooper reported City Hall would be closed on Monday & Tuesday for the Christmas Holidays. She will be on vacation the week of the 25th.

Councilwoman McKay reported on the Wreaths Across America event. She also reported Christmas baskets were distributed from the excess food received from Thanksgiving donations.

Councilwoman Whalen reported on recent activities in the Fernley Schools. She was happy to see the middle school and high school bands march in the Christmas parade. She felt the fireworks should take place every year. She also reported the art display in the City Hall lobby is from the High School Art Department.

Mayor Edgington shared he received the annual report from the Judicial Court. He stated the report is in his office if anyone would like to look at it. Mayor Edgington also reported on a STEM Activity he attended at Cottonwood Elementary School. He thanked the staff for all their work this year.

4. PRESENTATIONS

4.1. Presentation, Discussion and Possible Action to approve the Annual Financial Audit Report for the year ended June 30, 2016. Presentation by Hinton Burdick, CPAs and Advisors.

City Treasurer Lewis introduced Mike Spilker from Hinton Burdick, CPAs and Advisors who performed the annual audit.

Mr. Spiker thanked the City for the opportunity of working for them. Mr. Spiker stated the audit of the financial statements are required for all local governments. The area's they look at are the City's controls over financial reporting and compliance. An unmodified or "clean opinion" on the financial statement was issued. He stated there were no findings related to the audit this year which is rare for a governmental agency.

Councilwoman Whalen inquired about revenues exceeding expenditures. Mr. Spiker explained the net operating revenue should be sufficient to provide overtime for deterioration of the system and the water and sewer assets. He explained operating expenses include depreciation expense. He also explained the City needs to have positive operating revenue in order to cover all the expenses. Ms. Whalen also asked for clarification on the cash policy. City Manager Hooper explained the policy and challenges that the City is working on.

Mr. Spiker answered questions from the City Council regarding the Audit.

Motion: I MOVE TO APPROVE THE ANNUAL FINANCIAL AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2016. **Action:** Approve, **Moved by:** Councilwoman Fran

McKay, **Seconded by:** Councilman Stan Lau. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4, Absent = 1). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, **Absent:** Councilwoman Sue Seidl.

5. PRESENTATION AND DISCUSSTION:

5.1.TSM 2017-002, Public Hearing

Consideration and possible action on a Tentative Subdivision Map request from Bailey & Associates to allow for a 35-lot single family residential subdivision (Eagle Meadows) on a site approximately 25.11 acres in size in the E-1 (1st Estates Residential 12,000 square feet minimum lot size) zoning district, generally located south of Shadow Ln, west of HWY 95A, north of Curtis Place, and east of Miller Ln, Fernley, NV. (APN: 021-132-67).

Senior Planner Thompson stated the project was abandoned and the Tentative Map has expired. He stated there is infrastructure in the ground. He explained Rose Lane has been designated as a collector street. There are a limited number of driveways on this roadway and a few of them are shared. He stated the parcels will be accessed from either the cul-de-sac or the road to the north. Mr. Thompson explained the City Engineer has worked with the developer regarding the infrastructure prior to the City staking ownership. Mr. Thompson explained there was also concern regarding drainage and open channels. He stated the intent is to get thru the tentative map process with the conditions of approval that will allow staff to continue to work with the developer on refining the overall plan. He stated this will give the developer some certainty to move forward with the project. He stated the applicant was present.

Councilwoman Whalen disclosed that she has family and friends who resident in this neighborhood. She stated she will not benefit from this project so she will have discussion and vote on this item. She expressed concerns regarding the infrastructure which is a decade old, the condition of the roads, the condition of the water and sewer that is in place and the lift station and the retention basin. She felt the project should not be approved unless the storm drains and retention basin issues are mitigated.

City Engineer Starkey explained the basin is a larger basin due to a large portion of the subdivision being situated in a FEMA Flood Plain. Councilwoman Whalen felt the basin

could be constructed to be an amenity in the subdivision rather than an eyesore. She stated the applicant needed to come up with a better solution. City Engineer Starkey stated changing the mapping of the site would lessen the size and the number of lots available.

John Bailey, Bailey and Associates stated if major changes need to be made the project will not move forward. Mr. Bailey explained the sewer lift station needs repair but it will be a really nice neighborhood once it is built out. He stated one of the requirements is to fence the retention pond. Councilwoman Whalen stated fencing the detention basin is not a solution for the basin. She was concerned about the long-term maintenance issue for the City. She stated the infrastructure was constructed by an applicant who did not have a final map. Mr. Bailey stated everything has met code and he did not feel the City should make him change anything. Councilwoman Whalen stated it is the responsibility of City Council to make sure this piece of infrastructure more agreeable to the neighbors that live in that area.

Deputy City Attorney disclosed that he has property is located across from the retention basin. He added in the principle of law the City has the ability to attach conditions to a subdivision map or any other map, even though there are improvements in place.

Councilwoman Whalen stated the applicant is trying to pick up a project that collapsed when the economy died. She did not want to make the road and the water and sewer infrastructure an issue if both parties can come to an agreement with the retention basin adding the City does want to see good development.

Senior Planner Thompson suggested to continue this item to the second meeting in January. This would give him time to work with the applicant and work thru some of these issues and come up with some solutions that will satisfy some concerns.

Mr. Bailey stated he was not happy with the month-long delay.

Motion: MOVE TO CONTINUE TSM 2017-002 TO THE NEXT POSSIBLE HEARING SPECIFICALLY TO ADDRESS THE RETENTION BASIN ISSUE. **Moved by** Councilwoman Shari Whalen, **Seconded by** Councilman Stan Lau.

PUBLIC INPUT.

Joe Mortenson, 680 Miller Lane, stated the Truckee Carson Irrigation District pumps water to irrigate the properties south of his property. He also felt that he is in a safe area for potential floods. He stated he has had trouble with the basin with people riding their ATVs in the area around it. He stated installing a masonry fence on three sides of the basin would help. Mr. Mortenson pointed out this ground of this property absorbs water very quickly.

Deputy City Attorney Brent Kolvet reminded City Council under State law there are time limits for Tentative Maps. He stated unless the applicant agrees to move this item to the second meeting in January it will need to be brought back before City Council at the first meeting in January.

Councilwoman Whalen asked staff to consider this project and give it special treatment since the applicant stated prolonging the approval of the Tentative Map is a hardship to his development.

Senior Planner Thompson reviewed the viable options. Continue to the 1st meeting in January, the applicant can waive the 60-day time period and hear the item at the second meeting in January or City Council can deny the application.

Councilwoman McKay asked the Deputy City Attorney if we could approve the Tentative Map with conditions that the applicant will return with a solution regarding the retention basin. Deputy City Attorney Kolvet stated approving with conditions was an option.

Councilwoman Whalen agreed with Councilwoman McKay. She stated if there is mitigation to allow for long term maintenance, it should be esthetically pleasing and meet the operational criteria for the storm drain system in the area. Councilwoman Whalen resided her motion.

Break 7:08 – 7:22

Motion: I MOVE TO APPROVE THE TENTATIVE SUBDIVISION MAP ASSOCIATED WITH TSM 2017-002 TO ALLOW FOR A 35-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION, ADOPTING FINDING A-H, AND THE FACTS SUPPORTING THESE

FINDINGS AS SET FORTH IN THE STAFF REPORT AND SUBJECT TO THE CONDITIONS OF APPROVAL 1-25 AS LISTED IN THE STAFF REPORT WITH AN ADDITIONAL CONDITION REGARDING THE RETENTION BASIN AT THE NORTHWEST CORNER OF THE PROPERTY AS FOLLOWS: THE RETENTION BASIN SHOULD BE MODIFIED TO PROVIDE APPROPRIATE BASIN ACCESS, AND EASY MAINTENANCE, IT SHOULD BE MODIFIED TO BE ESTHETICALLY PLEASING, IT SHOULD BE MODIFIED TO BE OPERATIONALLY SUITABLE TO MEET CAPACITY REQUIREMENTS, THAT ARE OUTLINED IN THE DRAINAGE REPORT, IT COULD POSSIBLY BUT DOES NOT HAVE TO INCLUDE A REALIGNMENT OF LOT LINES IN THE AREA OF THE BASIN.

Councilwoman Whalen added this did not need to come back before City Council for action. She stated City Council will see the map when it comes back for Final Map.

Moved by: Councilwoman Shari Whalen, **Seconded by:** Councilwoman Fran McKay.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4, Absent =1). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, **Absent:** Councilwoman Sue Seidl. **Action:** Approve.

6. STAFF REPORTS

6.1. Discussion and Possible Action regarding the City of Fernley's projects and initiatives identified in the Western Nevada Development District's Comprehensive Economic Development Strategy.

Assistant to the City Manager Unterbrink presented the annual update that included the goals, strategies, City projects, and initiatives. She stated staff is seeking approval.

Councilwoman Whalen inquired if the Community Center could be listed as the #1 priority. City Manager Hooper asked if the projects that City Council has already identified as priority could be moved up, and the projects that will take longer to complete be moved down the list.

Councilwoman Whalen felt her top five priorities were Community Multi-Use Facility-Convention Center, Depot, and Main Street Revitalization, Out of Town Park, Nevada Pacific Parkway Extension.

Motion: MOVE TO APPROVE THE UPDATE TO THE WESTERN NEVADA DEVELOPMENT DISTRICT (WNDD), COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY AND PRIORITIZE THE TOP 5, COMMUNITY MULTI-USE FACILITY-CONVENTION CENTER, FERNLEY RAILROAD DEPOT, AND MAIN STREET REVITALIZATION, OUT OF TOWN PARK, NEVADA PACIFIC PARKWAY EXTENSION. **Action:** Approve, **Moved by:** Councilwoman Shari Whalen, **Seconded by:** Councilwoman Fran McKay. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4, Absent =1). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, **Absent:** Councilwoman Sue Seidl.

6.2. Discussion and possible action to approve an interlocal agreement between the City of Fernley and Lyon County regarding the Depot Property.

This item was heard after item 1.3

City Manager Hooper stated the County has secured funding to start the process on the construction of the Lyon County Senior Center, and Human Services office complex. Ms. Hooper also stated there are requirements from the foundation requiring Lyon County to have a long-term plan in place before any money could be funded and the building process could start.

Jeff Page, Lyon County Manager, stated the foundation wanted some assurance that the agreement was created to who owns the building and who owns the land and this will not be a question in 50 years.

Councilwoman Whalen disclosed that she is married to the Public Works Director Dave Whalen. She also disclosed that Edrie LaVoie, Lyon County Director of Human Services is her mother.

Mayor Edgington disclosed that he is a member of the Lyon County Advisory Board.

Motion: MOVE TO APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FERNLEY AND LYON COUNTY REGARDING THE DEPOT PROPERTY, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Dan McCassie.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen. **Absent:** Councilwoman Sue Seidl.

7. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS.

There were none.

8. PUBLIC COMMENT

There was none.

ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 7:35 pm.

Approved by the Fernley City Council on January 17, 2018 by a vote of:

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

ATTEST: City Clerk Kim Swanson

Mayor Roy Edgington