

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
MARCH 21, 2018**

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, Councilwoman Sue Seidl, Councilman Dan McCassie, Councilwoman Shari Whalen, Councilman Stan Lau, Councilwoman Fran McKay. City Manager Daphne Hooper, City Attorney Brandi Jensen, Public Works Director Dave Whalen, City Engineer Derek Starkey, Deputy City Attorney Brent Kolvet, Deputy City Treasurer Kari Darden, City Clerk Kim Swanson, Planning Director Tim Thompson, Deputy Public Works Director Barry Williams.

1.2. Public Comment

John Reichlein, Fernley resident, expressed his concerns regarding problems he and other residents are having in Sage Estates subdivision.

1.3 Approval of the Agenda

City Manager Hooper requested to move Item 5.3 to be heard before Item 5.1. **Motion:** MOVE TO APPROVE THE AGENDA MOVING ITEM 5.3 TO BE HEARD BEFORE 5.1, **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.

2. CONSENT AGENDA:

2.1 (Possible Action) Approval of Voucher Report

2.2 (Possible Action) Approval of Business Licenses

2.3 Possible Action to award two (2) Contracts for the Construction and associated Construction Services for the Cedar Street Sanitary Sewer Rehabilitation Project:

1.) Award of Contract for Construction to Aspen Developers Corporation, in an amount not to exceed \$454,297.00, plus a 5% contingency of \$22,714.85.

2.) Award of Contract for Construction Services to Lumos and Associates, Inc., in an amount not to exceed \$21,065.00.

2.4 Possible Action to approve repair and rehabilitation of municipal pumping equipment at Well 9 from Carson Pump not to exceed \$27,680.

2.5 Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with John Lyon and Babe Lyon, Trustees of the John and Babe Lyon family Trust, APN 021-051-27, TCID Serial Number 1002-I in the amount of 2.02-acre feet.

2.6 Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with RB Sage Ranch, LLC, a Nevada limited liability company, APNs 020-195-10, 020-383-05, 021-111-07, 020-173-01, 020-233-18, 020-232-11, 020-232-01, 020-311-01 and 020-293-06, TCID Serial Numbers 1026-A-50, 1065-1-A, 1021-1-F, 1015-58, 1024-B-16, 1024-B-19, 1024-A-74, 1045-A-1 and 1045-74 in the total amount of 12.29-acre feet.

2.7 Possible approval of a contract with Farr West Engineering for plan review, site inspection in an amount not to exceed \$75 per hour and mileage to inspection sites.

Motion: MOVE TO APPROVE THE CONSENT AGENDA WITH THE EXPECTATION OF ITEM 2.7 TO BE HEARD SEPARATELY, **Moved by** Councilwoman Sue Seidl
Seconded by Stan Lau

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

Councilwoman Whalen expressed concern regarding Item 2.3, spending almost \$90,000 to asphalt patch Cedar Street. She was concerned about the condition of the road after the sewer line is replaced. She also had a concern with the language on Item 2.4 Well 9 repair and rehabilitation. The agenda language should have been clearer that it is a ratification of work already completed, and not an approval for work to be done.

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. **Action:** Approve,

Item 2.7 was heard after Item 5.3

Councilwoman Seidl has a concern that the City is plugging the gap for the building official resigning. She stated she was confused because the Farr West Engineering contract is for a year and felt the item should have been put out to bid.

City Manager Hooper explained the contract is for processing plan reviews and commercial and industrial inspections. City Manager Hooper also explained Professional Services Contracts are not required to be put out to bid. She further explained the one-year time frame is to give the City time to keep things going while they are looking for a new building official.

Mayor Edgington stated Farr West is currently doing this for the County since the County lost their building official.

Councilman McCassie inquired what percentage is passed on to the builder of the \$75.00 per hour. City Manager Hooper stated there are some costs that are absorbed and \$75/hour is a standard rate for the City. She also explained there is a salary savings in the budget due to the vacancy that will off-set some of the cost of the contract.

Councilwoman Whalen stated she would be comfortable setting a not to exceed amount for this year and setting an amount for mileage.

Councilwoman Seidl felt it was important to fill the building official position. She suggested approving the contract for 60 days and try to fill the position.

Motion: MOVE TO APPROVE THE CONTRACT FOR PLAN REVIEW AND SITE INSPECTIONS IN THE AMOUNT NOT TO EXCEED \$75 PER HOUR AND .55 PER MILE TO INSPECTION SITES TO FARR WEST ENGINEERING WITH THE TOTAL CONTRACT AMOUNT NOT TO EXCEED THE EQUIVALENT OF THE REMAINING SALARY SAVINGS FOR THIS FISCAL YEAR IN THE BUILDING OFFICIAL POSITION,

MOVED BY COUNCILWOMAN SHARI WHALEN, **SECONDED BY** COUNCILMAN STAN LAU.

Councilwoman McKay pointed out the contract from Farr West states .54 per mile.

AMENDED MOTION: MOVE TO APPROVE THE CONTRACT FOR PLAN REVIEW AND SITE INSPECTIONS IN THE AMOUNT NOT TO EXCEED \$75 PER HOUR AND .54 PER MILE TO INSPECTION SITES TO FARR WEST ENGINEERING WITH THE TOTAL CONTRACT AMOUNT NOT TO EXCEED THE EQUIVALENT OF THE REMAINING SALARY SAVINGS FOR THIS FISCAL YEAR IN THE BUILDING OFFICIAL POSITION.

Action: Approve, **Moved by** Councilwoman Shari Whalen, **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.

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 announced the City Clean Sweep is on Saturday, April 21th. Budget meetings are scheduled for April 5, 6 & 9 at 5:00pm. The Candidates Workshop will be held on Thursday, March 22nd. She also reported the City launched its new website.

City Attorney Brandi Jensen reported on the success of the domestic violence taskforce for the City of Fernley.

Councilwoman Whalen reported recent activities that are taking place in area schools.

Councilman McCassie announced longtime resident and fire chief Martin Jensen passed away.

Councilwoman Seidl reported on the Lyon County RTC Budget meeting.

Mayor Edgington reported March is Meals on Wheels month for the Senior Center.

4. PROCLAMATIONS AND/OR EMPLOYEE RECOGNITION

Mayor Edgington read a proclamation into the record for Girl Scouts 106th Birthday.

5. STAFF REPORTS

5.1 Discussion and Possible Action to accept the donation of two retention basin parcels located in the Southwest Meadows Subdivision at 152 Walnut Drive, APN: 022-461-08 and 1745 HWY 95A, APN: 022-132-12 from the Southwest Meadows Landscape Maintenance Association.

This item was heard after 2.7.

Deputy Public Works Director Williams gave a brief outline of the retention basins (see attached power point). He reported the maintenance costs will be minimum since the ponds are currently in great shape.

Councilwoman Whalen was concerned there is a good chance that the Southwest Meadows Subdivision will still end up paying for the maintenance of the retention basins through a potential Enterprise Fund.

Motion: MOVE TO APPROVE THE ACCEPTANCE OF TWO RETENTION BASIN PARCELS LOCATED IN THE SOUTHWEST MEADOWS SUBDIVISION AT 152 WALNUT DRIVE, APN: 022-461-08, AND 1745 HWY 95A, APN: 022-132-12 FROM THE SOUTHWEST MEADOWS LANDSCAPE FACILITY MAINTENANCE ASSOCIATION,

Action: Approved, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Sue Seidl.

Councilwoman Whalen stated there will be no cost to the City for the transfer of land. Deputy Public Works Director Williams confirmed there would be no cost.

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 Discussion and Possible action to approve Amendment A, for additional funding for the existing Stanka Consulting Contract, in an additional amount not to exceed \$7,000.

Water Rights/GIS Manager Derley explained the original contract was reduced to 25,000. She explained there is more work that is needed to be done than anticipated so she is asking for an amendment for add an additional \$7,000. This will be used for ERC data analysis, a requirement from Nevada Division of Water Resources every three years.

Motion: MOVE TO APPROVE AMENDMENT A, FOR ADDITIONAL FUNDING FOR THE EXISTING STANKA CONSULTING CONTRACT, IN AN AMOUNT NOT TO EXCEED \$7,000, **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.

5.3 Discussion and Possible action to accept the Technical Memorandum for the Truckee Canal Diversion and Conveyance Alignment Analysis and award a contract to AECOM for engineering services related to the canal outtake structure, pump station and pipeline final design to divert surface water from the Truckee Canal to the Water Treatment Plant (WTP), in an amount not to exceed \$407,385.

This item was heard after Proclamations

Water Rights/GIS Manager Jennifer Derley, introduced Tom Guinn with AECOM reviewed the Truckee Canal Diversion and Conveyance Alignment Analysis (see attached power point).

Motion: MOVE TO ACCEPT THE TECHNICAL MEMORANDUM FOR THE TRUCKEE CANAL DIVERSION AND CONVEYANCE ALIGNMENT ANALYSIS AND DIRECT STAFF TO MOVE FORWARD WITH PURSUING AN AUTHORIZATION REQUEST FROM BOR OF ALIGNMENT 3 TO CONVEY SURFACE WATER TO THE WATER TREATMENT PLANT, **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. **Action:** Approve.

Councilwoman Shari Whalen inquired about the status of the surface water quality. Public Works Director Whalen stated much of the work will be completed in-house. He will continue the studies with the data collected, then the data will be presented to the Bureau

of Safe Drinking Water. He stated in the future the City will be consulting with CDM Smith regarding the flash mix improvements, and source water studies.

Motion: MOVE TO AWARD AECOM THE CONTRACT FOR ENGINEERING SERVICES RELATED TO 50% AND 90% DESIGN DOCUMENTS, EFFICIENCY STUDY, ASSISTANCE WITH SUBMITTAL OF AN AUTHORIZATION REQUEST TO BOR, 100% DESIGN DOCUMENT, ADVERTISING/BIDDING FOR CONSTRUCTION AND CONSTRUCTION NOTICE TO PROCEED, IN AN AMOUNT NOT TO EXCEED \$407,385, **Moved by** Councilwoman Shari Whalen, **Seconded by** Councilman Stan Lau.

Councilwoman Shari Whalen stated when the Water Treatment Plant was built the City Council at the time felt they were misled on the cost of the plant and the subsequent cost of the water conveyance infrastructure. She felt it was important to state that there will be another contract come forward for on site improvements from a different consultant.

Public Works Director Dave Whalen explained the City Council, within the past year, received the technical memorandum or Preliminary Engineering Report (PER) from CDM Smith with what improvements may or may not be needed at the Water Treatment Plant.

Mayor was not comfortable working without a contingency fund.

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. **Action:** Approve.

6. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS:

6.1 Discussion and Possible Action regarding a future agenda item directing staff to draft an ordinance for development on slopes, hilltops and ridges. (Mayor Edgington's request)

Mayor Edgington stated there is a holding place in the Master Plan for an actual rule for this.

Planning Director Thompson further explained the request.

Councilwoman Whalen suggested discussing the existing requirements, practices and governing documents.

City Manager Hooper stated this will be a priority with the Development Team.

6.2 Discussion and Possible Action regarding hiring a consultant to prepare a fiscal impact analysis methodology for evaluation of land use. (Mayor Edgington's request)

Mayor Edgington explained other jurisdictions have methodology for evaluation of land use.

Planning Director Thompson explained it is important the Council understands the fiscal impact the City will have with the decisions that they make. In other jurisdictions developers are required to provide a Fiscal Impact Analysis providing the fiscal impact that the project has on the City.

Councilwoman Seidl inquired how much it would cost to hire a consultant. Mr. Thompson stated approximately \$70-\$75,000 per contract.

Councilwoman Whalen has a concern with the City spending money to develop a model to input data into when it is the developer's responsibility to create a Fiscal Impact Analysis.

City Manager Hooper suggested this item warrant further discussion.

Motion: MOVE TO BRING BACK A FUTURE AGENDA ITEM TO DISCUSS REQUIREMENTS FOR A FISCAL IMPACT ANALYSIS EVALUATION OF LAND USE.

Moved by Councilwoman Shari Whalen, **Seconded by** Councilman 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. **Action:** Approve.

7. Public Comment

Paul Person, Fernley resident stated Mr. McCassie made a motion in January regarding Sage Valley Estates flood issues. He is asking for an update regarding the flood relief issues.

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

There was none.

ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 7:04 pm.

Approved by the Fernley City Council on April 18, 2018 by a vote of:

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

ATTEST: City Clerk Kim Swanson

Mayor Roy Edgington