

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING**

JANUARY 20, 2021

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

Mayor Edgington explained this meeting was broadcasted by Zoom. He explained how to access Zoom and how to ask questions during the appropriate time.

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Mayor Roy Edgington, Councilman Ray Lacy, Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski, City Manager Daphne Hooper, Deputy City Manager Michael Toombs, City Attorney Brandi Jensen, City Engineer Derek Starkey, City Treasurer Denise Lewis, Deputy City Treasurer Thomas Lukas, Planning Director Tim Thompson, Building Official Shawn Keating, Public Works Director Dave Whalen, City Human Resources Specialist Shannon McKnight, City Clerk Kim Swanson, Deputy City Clerk Brenda Gosser, Clerk Administrative Specialist II April Homme.

1.2. Public Forum

City Clerk Swanson read into record comments from Fernley resident John Reichlein. (see attached)

1.3. (For Possible Action) Approval of the Agenda

Motion: MOVE TO APPROVE THE AGENDA MOVING ITEM 6.1 TO BE HEARD BEFORE PUBLIC HEARING ITEM 4. **Action:** Approve, **Moved by** Councilman Stan Lau.

Seconded by Councilman Ray Lacy, **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski.

2. CONSENT AGENDA:

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

2.2. (Possible Action) Approval of Business Licenses

2.3. (Possible Action) Approval of Minutes Meeting January 6, 2020.

2.4. Possible Action to award a contract for the City of Fernley Surface Water Treatability Study to CDM Smith in the not to exceed amount of \$112,500.

2.5. Possible Action to award a contract for an update to the City of Fernley Water Conservation Plans to Resource Concepts Inc. (RCI) in the not to exceed amount of \$22,165.

2.6 Possible Action to award a 2-year Land Lease agreement to the Board of Regents of the Nevada System of Higher Education on behalf of the University of Nevada, Reno Fernley 4-H Gardening Club (Lyon County Extension office) for approximately 0.870 acres of open space property at the northwest corner of Rainbow Lane and Farm District Road.

Motion: MOVE TO APPROVE THE CONSENT AGENDA, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Ray Lacy **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski.

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.

Sheriff Hunewill provided the December monthly stats for Lyon County Sheriff's Department. Sheriff Hunewill announced Lieutenant Baltus will be retiring in February and Sergeant Ryan Powell is acting Lieutenant.

Shayla Holmes, Lyon County Human Services Director reported on the current Lyon County homeless status. Ms. Holmes stated Lyon County has scheduled a Homeless

Outreach Event on January 29, 2021 and COVID safety protocols will be utilized during this event.

Councilwoman Zoberski inquired how to volunteer for the outreach scheduled January 29, 2021.

Shayla Holmes stated Heather Benson, Lyon County Adult Services Division Manager is the contact for the outreach event and she can be contacted at hbenson@lyon-county.org or 775-577-5009 extension 3302. Ms. Holmes will email council members Heather Benson's contact information.

Councilwoman McKay requested a copy of the Power Point presentation.

Nick Vander Poel with Capitol Partners provided the State of Nevada Legislative updates.

Mayor Edgington provided the report for North Lyon County Fire and included photos of the new fire engines.

City Manager Daphne Hooper reported Arts and Culture Task Force meeting is scheduled for January 25th at 6:00 pm. The Citizens Academy is scheduled to start February 11th and will be held every Thursday until March 11th from 6:00 pm to 7:00 pm. The Citizens Academy is via zoom and you can sign up on the City of Fernley website. The 4th of July Committee is meeting tonight at 6:45 pm and they are looking for volunteers. The FCTA meeting is scheduled February 8th at 6:00 pm. Rules and bylaws will be discussed. The City is currently working on the budget. Staff is required to submit budgets by January 29, 2021. The action plan for the Strategic Plan will be presented to council in February for final approval. The City has three positions open, associate planner, deputy city engineer, and deputy city attorney.

Councilman Lacy requested staff contact the 4th of July Committee and request to change the Wednesday meeting day to have council representation.

Councilwoman Fran McKay read a letter from Fernley resident Mark Jenkin. (see attached)

Mayor Edgington stated the City is working with the county to help with the call center for COVID immunizations.

Item 6.1. was heard at this time.

4. PUBLIC HEARINGS

- a. Discussion with City Council & Staff
- b. Public Input
- c. Additional Discussion with City Council & Staff
- d. Council Action or Direction to Staff

4.1 Public Hearing, Resolution 20-018, MPA20001 & TSM20002 (FOR POSSIBLE ACTION) [CONTINUED FROM NOVEMBER 18, 2020 CITY COUNCIL MEETING] Consideration and possible action on a Master Plan Amendment and Tentative Subdivision Map requests from Lansing Reno, LLC on a site approximately 78.84 acres in size generally located south of South Fork Road, north of Desert Shadows Lane, east of High Desert Drive, and west of Partridge Road, Fernley, NV. (APN: 021-301-46). This item was heard after 6.1

1. Consideration and possible action on Resolution 20-018, a Master Plan Amendment request to change the land use designation from Rural Residential (RR) to Single Family Residential (SFR).
2. Consideration and possible action on a Tentative Subdivision Map request to allow for a 286-lot single-family residential subdivision.

Planning Director Tim Thompson provided a description of the properties and the zoning proposed.

Planning Director Tim Thompson stated based upon the inability to meet several of the findings, and an area plan, both requests are premature at this time and denial is recommended. The Findings for both the Master Plan Amendment and Tentative Subdivision Map were read into record. (see attached)

Councilman Lacy commented the plan was approved previously and we should be able to come up with a solution to allow this development.

Councilwoman Zoberski stated the Master Plan clearly states an area plan is required. There should be a solution to get an area plan completed as the City does not want to take away any infrastructure from our existing residents to support a new development.

Councilman Lau inquired about the stability of the bridge and stated it was inadequate.

Stacie Huggins with Wood Rodgers representing the applicant presented a power point presentation. (see attached)

Councilman Torres inquired about the property lines for the South Fork lots that back up to the canal.

Stacie Huggins stated the lots to the north are fifteen feet from back of house to the easement line.

Discussion followed regarding accessing the bridge. Planning Director Thompson read an email from the Fire District stating they do not recognize Desert Shadows as an emergency access road.

Mayor Edgington clarified that per code two access points are required and that the other bridges are not adequate. The secondary access is 95A and this would cause a significant response delay.

Councilwoman Zoberski inquired if the Ricci Tank would be utilized for the additional homes and would this effect the current residents.

City Engineer Starkey stated there would be a secondary tank which would be a benefit to the existing system.

John Krmptic, professional planner, stated if this project is approved, major infrastructure issues including, sewer and storm drains would be resolved. He added all the thresholds will be met and would have to be endorsed by the City. In good faith the developer agrees to pave ½ mile of Desert Shadows.

Councilwoman Zoberski asked if BOR and TCID had seen the updated plan revisions.

Stacie Huggins with Wood Rodgers stated the updated plans have not been reviewed by TCID, however the revisions were made based upon what BOR and TCID requested.

Planning Director Thompson addressed concerns and possible issues regarding the infrastructure, legal access, and the City's liability.

Mayor Edgington inquired as to how much time is needed for an area plan. Planning Director Thompson stated this could potentially be completed in six months.

Will Roberts VP of Acquisition Lansing Company stated the applicant Greg Lansing is a vested member of the community and committed to the future of Fernley as part of the community.

City Clerk Kim Swanson read into record chat question from resident Kelly Brye.

City Engineer Derek Starkey stated it would probably be about two million dollars to replace the bridge.

Motion: 1. MOVE TO CERTIFY THE PLANNING COMMISSION'S DENIAL OF RESOLUTION 20-018, A MASTER PLAN AMENDMENT REQUEST, ASSOCIATED WITH MPA20001, BASED ON FINDINGS MP1 THROUGH MP3 AND THE FACTS SUPPORTING THOSE FINDINGS AS SET FORTH IN THE STAFF REPORT. **Action:** Approve, **Moved by** Councilman Stan Lau. **Seconded by** Councilwoman Felicity Zoberski, **Vote:** Motion carried by roll call vote (summary: Yes = 3, No = 2). **Yes:** Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski **No:** Councilman Albert Torres, Councilman Ray Lacy.

Motion: 2. MOVE TO DENY THE TENTATIVE SUBDIVISION MAP REQUEST, ASSOCIATED WITH TSM20002, BASED ON FINDINGS TM1 THROUGH TM11 AND THE FACTS SUPPORTING THESE FINDINGS AS SET FORTH IN THE STAFF REPORT. **Action:** Approve, **Moved by** Councilwoman Felicity Zoberski. **Seconded by** Councilman Stan Lau, **Vote:** Motion carried by roll call vote (summary: Yes = 3, No = 2). **Yes:** Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski **No:** Councilman Albert Torres, Councilman Ray Lacy.

Break 7:59 pm – 8:19 pm

5. ORDINANCES - INTRODUCTION ONLY

5.1. First Reading, Introduction Bill #292 – DA20002 (Red Hawk Ranch)

Discussion and possible action authorizing the City of Fernley to enter into a Development Agreement (DA20002) with Relief Springs, LLC, to establish specific adjacency standards for future development in compliance with the Adjacency Standards set forth in §32.09.030 of the Fernley Municipal Code, and providing other matters properly related thereto for a site approximately 129.94 acres in size

generally located south of Main Street, east of Stock Lane, west of Miller Lane, and north of the existing Miller Meadows Subdivision, Fernley, NV. (APN 021-041-07, 021-041-08, and 020-041-10)

Councilwoman McKay disclosed the developer gave a contribution to her City council campaign and it will not affect her decision.

Planning Director Thompson presented this item stating this is the first reading of and ordinance to enter into a Development Agreement with Relief Springs.

Motion: MOVE TO INTRODUCE BILL #292 AND SET THE PUBLIC HEARING FOR THE FEBRUARY 3, 2021 CITY COUNCIL MEETING, **Moved by** Councilman Stan Lau.

5.2. First Reading, Introduction Bill #293 - ZMA20001 Consideration and possible action to Introduce Bill #293 as an ordinance for a Zoning Map Amendment request from Relief Springs, LLC Series C for a site consisting of three parcels totaling ±129.94 acres in size generally located south of Main Street, east of Stock Lane, west of Miller Lane, and north of the existing Miller Meadows Subdivision, Fernley, NV.

1. To change the zoning on two parcels totaling ±95.30 acres from SF12 (Single-Family Residential, 12,000 sq. ft minimum lot size) to SF6 (Single-Family Residential, 6,000 sq. ft minimum lot size). (APN's 021-041-07 and 021-041-10)
2. To change the zoning on a ±34.64-acre parcel from SF12 and C1 to MDR14 (Medium Density Residential, 14 dwelling units per acre). (APN 021-041-08)

Planning Director Thompson presented this item stating this is the first reading of an ordinance for a Zoning Map Amendment from Relief Springs, LLC to change the zoning on the above parcels.

Mayor Edgington opened this item for public comment.

Valerie Roberds Fernley resident read into public record her comments via zoom. (see attached)

April Homme City Clerk Administrative Specialist read into record public comments from Fernley residents Steve Muzinich, Ray and Tosha Lowrey, LeRoy Goodman, Joe Reisenauer, Eric Lombardi, Marguerite David, William Pedersen, Marilyn and Jeff Birch. All public comments that were submitted are attached to the minutes.

Motion: MOVE TO INTRODUCE BILL #293 AND SET THE PUBLIC HEARING FOR THE FEBRUARY 3, 2021 CITY COUNCIL MEETING, **Moved by** Councilman Stan Lau.

This item was heard after Item 3, Reports.

6. STAFF REPORTS

6.1. (For possible action) Authorize Taggart & Taggart, Ltd. to initiate and prosecute on behalf of the City of Fernley all legal actions required to overturn the Record of Decision for the Truckee Canal Extraordinary Maintenance project approved by the United States Bureau of Reclamation on December 15, 2020.

David Rigdon with Taggart & Taggart reported on this item. He stated their efforts were unsuccessful. On December 15th a record of decision was issued by the Bureau of Reclamation approving an alternative to concrete the canal. If this project moves forward it will have substantial negative impacts on the City of Fernley. The alternative is to file legal action to overturn the Bureau of Reclamation's decision.

Motion: MOVE TO AUTHORIZE TAGGART & TAGGART, LTD. TO FILE AND PROSECUTE ALL LEGAL ACTIONS REQUIRED TO OVERTURN THE BUREAU OF RECLAMATION'S DECEMBER 15, 2020 RECORD OF DECISION FOR THE TRUCKEE CANAL EXTRAORDINARY MAINTENANCE PROJECT. **Action:** Approve, **Moved by** Councilman Albert Torres, **Seconded by** Councilman Ray Lacy **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski.

Mayor Edgington stated he regrets the City must proceed with this action; however, Council and the Mayor support the action.

Item 4.1 was heard after this item

6.2. (For possible action) Direct staff to move forward with an ordinance regarding Off Highway Vehicles.

City Attorney Brandi Jensen offered help to translate the legal language for the ordinance.

Motion: MOVE TO DIRECT STAFF TO BRING BACK AN ORDINANCE REGARDING THE REQUIREMENTS FOR OFF-HIGHWAY VEHICLES WITHIN THE CITY OF FERNLEY. **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Albert Torres **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski.

6.3. (For possible action) Update on City of Fernley COVID-19 response including City Hall reopening, funding for state and local governments, local business re-opening plans, and local events.

City Manager Daphne Hooper provided COVID-19 updates and stats. The State of Nevada is receiving limited doses of vaccines each week. A call center will be set up for the Quad County. The City of Fernley will designate staff and help assist with the call center. Raley's in Yerington is providing COVID Vaccines for seventy and older. For more information call 775-463-1933. The City has received formal notification from the State that the Cares Act Funding has been extended. A staff report will be provided to City Council at the February meeting for review and approval of the remaining funds.

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

Councilwoman Zoberski requested the Staff communicate with NDOT to discuss the City's new developments. City Manager Hooper stated staff will reach out to NDOT and stated this does not need to be a future agenda item request.

8. PUBLIC FORUM

There was none

Mayor Edgington announced the next Fernley City Council meeting is scheduled for Wednesday, February 3rd 2021 at 5:00 pm via Zoom. The FCTA meeting is scheduled for February 8th at 6:00 pm via Zoom.

ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 9:00 pm.

Approved by the Fernley City Council on February 17, 2021 by a vote of:

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

ATTEST: City Clerk Kim Swanson

Mayor Roy Edgington