

**Minutes of the
Fernley City Council Meeting
December 15, 2021**

Mayor Pro Tem Albert Torres 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 Pro Tem Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Felicity Zoberski, Councilwoman Fran McKay, City Manager Daphne Hooper, Assistant to City Manager Trisha Conner, City Attorney Brandi Jensen, City Engineer Derek Starkey, Public Works Director Dave Whalen, Deputy City Treasurer Thomas Lukas, Planning Director Tim Thompson, Building Official Billy Staten, City Clerk Kim Swanson, Deputy City Clerk Brenda Gosser. **Absent:** Mayor Roy Edgington.

1.2. PUBLIC FORUM

There was no public comment.

1.3. (For Possible Action) Approval of the Agenda

Daphne Hooper requested to pull 2.10 off the Consent Agenda and hear it as a regular item following the Consent Agenda.

Councilwoman Fran McKay requested to move item 2.4 to the next agenda because it is the mayor's agenda item.

Motion: MOVE TO APPROVE THE AGENDA WITH ITEM 2.10 BEING PULLED OFF THE CONSENT AGENDA TO BE HEARD IMMEDIATELY FOLLOWING THE CONSENT AGENDA, AND MOVE ITEM 2.4 UNTIL THE NEXT MEETING. **Action:** Approve, **Moved by** Councilman Lau, **Seconded by** Councilman Lacy. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilwoman Fran McKay, Councilwoman Felicity Zoberski, Councilman Stan Lau.

2. CONSENT AGENDA:

2.1. (Possible Action) Approval of Voucher Report

2.2. (For Possible Action) Approval of the Minutes from November 17, 2021 & December 1, 2021.

2.3. (Possible Action) Approval of Business Licenses.

2.4. (For possible action) Adoption of Resolution 21-013, appointing Ray Lacy as Mayor Pro Tem for a one-year term expiring December 2022.

2.5. (For possible action) Appoint representatives to various Boards and Committees.

2.6. (For Possible Action): Approval to change the job title and job description of the Court Specialist II to Lead Court Specialist and approval to reclassify the Court Specialist I to Lead Court Specialist.

2.7. (For Possible Action) Approval of the American Rescue Plan Act sub-award agreement between the City of Fernley and Lyon County Human Services to respond to the negative economic impacts of the COVID-19 public health emergency in the amount of \$62,280.00.

2.8. (For Possible Action) Possible Action to Approve a contract for Public Defender Services to Walther Law Office PLLC an amount not-to-exceed \$6,666.66 a month, January 1, 2022, through June 30, 2024.

2.9. (For possible action) Reappoint Mrs. Jan Hodges and Mr. Barry Williams, Sr. to the Fernley Planning Commission.

2.10. Approve Fernley Municipal Court Marshal job description and authorize staff to begin the recruitment process.

2.11. Possible Action to Approve the Will-Serve Request from The Meadows at Inglewood, 1030 Inglewood Dr. Unit #100-105 for .18 ERC's for Water and .72 ERC's for Sewer for Lyon County Parcel 020-341-11 located at the at 1030 Inglewood Drive Unit #100-105, Fernley, NV 89408.

2.12. Possible Action to Approve the Will-Serve Request from The Meadows at Inglewood, 1046 Inglewood Dr. Unit #100 for 0.56 ERC's for Water and 2.97 ERC's for Sewer for Lyon County Parcel 020-341-01 located at the at 1046 Inglewood Drive Unit #100, Fernley, NV 89408.

2.13. Possible Action to Approve the Will-Serve Request from The Meadows at Inglewood, 1046 Inglewood Dr. Unit #110 for .93 ERC's for Water and 5.1 ERC's for Sewer for Lyon County Parcel 020-341-01 located at the at 1046 Inglewood Drive Unit #110, Fernley, NV 89408.

2.14. Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with Gary and Jane Capurro 2000 Revocable Trust, APN 007-111-30, TCID serial number 379 in the amount of 42.39-acre feet.

2.15. Possible Action to purchase one (1), 2022 Police Interceptor Utility AWD Base from Capital Ford of Carson City as well as Upfitting from Sierra Electronics for an amount of \$52,364.79 with a 5% contingency of \$2,618.23 for a total amount not to exceed \$54,983.02.

2.16. Possible Action to Ratify the Contract for Construction Services for Emergency Repair Work associated with the US 50A/95A Sewer Improvements and Sage Force Main Valve Installation Project, to A&K Earth Movers, Inc., in an amount not to exceed \$578,850, plus a 5% contingency of \$30,000.

Motion: MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 2.10 PULLED OFF THE CONSENT AGENDA TO BE HEARD IMMEDIATELY FOLLOWING THE CONSENT AGENDA, AND MOVE ITEM 2.4 UNTIL THE NEXT MEETING. **Action:** Approve, **Moved by** Councilman Lau, **Seconded by** Councilwoman Zoberski. **Vote:** Passed (**summary:** Yes = 4, No = 1). **Yes:** Councilman Albert Torres, Councilwoman Fran McKay, Councilwoman Felicity Zoberski, Councilman Stan Lau. **No:** Councilman Ray Lacy

Item 2.10 was heard at this time.

Kathy Bennet Court Administrator explained that the Court Marshal job description needed to be updated. The required certifications should be listed as Nevada Category 1 post certification with the option to obtain or retain the certification within 1 year of employment. The applicant must retain that certification for the duration of employment with the city. There will be a psychological evaluation required, a law enforcement background check and a stress analysis polygraph required for the position.

Motion: MOVE TO APPROVE AGENDA ITEM 2.10 AS PRESENTED WITH THE CHANGES. **Action:** Approve, **Moved by** Councilwoman McKay, **Seconded by** Councilman Lau. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5) **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilwoman Fran McKay, Councilwoman Felicity Zoberski, Councilman Stan Lau.

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 announced that on December 13th the FCTA Board awarded grants to the following organizations: The Nevada Old Timer's Club, Nevada Veteran's Coalition, Fernley BMX, Fernley Aces, Fernley 4th of July, Fernley Junior High and High School Rodeos. The amounts are available on the City of Fernley Website. Wreaths across America is scheduled for Saturday December 18th at the Veteran's Cemetery. Covid walk-in clinic will be Monday, December 20th from 11 to noon at City Hall in the Council Chambers. The Fernley Citizen's Leadership Academy will be starting on January 20th to March 3rd, every Thursday from 6-8pm. Contact the City Manager's Office to register. City Hall will be closed December 23rd and 24th, and 31st.

4. PROCLAMATIONS BY THE MAYOR

Mayor Pro Tem Torres read a proclamation proclaiming January 2022 as National Radon Action Month in the City of Fernley, Nevada.

Test kits are available at the City Clerk's Office for pick-up starting in January.

5. PRESENTATIONS

5.1. Presentation, Discussion and Possible Action to approve the Comprehensive Annual Financial Report for the year ended June 30, 2021. Presentation by Hinton Burdick, CPAs & Advisors.

Mike Silker presented the fiscal year report for the City of Fernley. He thanked the City of Fernley staff for the opportunity to work with them and perform the audit. The results revealed there are no interior weaknesses or significant deficiencies to report. Only a handful of agencies result without any finding or recommendations. There were no findings in the compliance report for the state. Fiscal year 2021 the city expended more than \$750,000 in Federal Funding, so the city is required to have a federal city Audit. There were no findings in the report of compliance of the city with the Federal Grants. The city's net positions increased by 12.5 million for the fiscal year 2021. 9.3 was from business activities and 3.2 was from government activities. Total revenues were 34.9 million. The cost of all of the city's programs was 22.4 million. Capital assets increased by 1.7 million. The net service payments are similar to fiscal year 2021 at 5 million. Business activities is 3.74 million. 2.8 million were expended for CARES ACT

expenditures. The general fund for the city is about 10 million with 9.5 million restricted for specific uses. Actual expenditures were nearly 3.8 million less than the budget, most was public works budget for Fiscal Year 21. Over 5 years the revenues have increased at 44% and expenditures increased about 41%.

Denise Lewis Financial Director thanked Mike and the rest of the Hinton Burdick team for working with them as well as the staff for putting together this report.

Motion: MOVE TO APPROVE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30TH, 2021. **Action:** Approve, **Moved by** Councilwoman McKay, **Seconded by** Councilman Lacy. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5) **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilwoman Fran McKay, Councilwoman Felicity Zoberski, Councilman Stan Lau.

5.2. Presentation and Discussion Regarding the City's Quarterly Financials.

Thomas Lukas Deputy Finance Director presented the quarterly financials ending September 30th, 2021.

6. ORDINANCES – INTRODUCTION ONLY

6.1. First Reading, Introduction of Bill 305, an ordinance modifying Title 2, Administration, Chapter 7, Elections, Section 2.07.09, Ward Boundaries, of the Fernley Municipal Code by changing the boundaries of Fernley Election Wards 1, 2, 4 and 5.

Kim Swanson City Clerk explained the proposed changes to the ward boundaries. She stated the area West of Miller and North of the Canal is to be moved to Ward 1. A section from Ward 5 including Wrangler Ln., Brook Ln., Chuck Wagon, Reese River, and River Ranch Rd. is added to Ward 4. Those changes bring the population within 1% of each voting district. The proposed changes align with Lyon County commissioner precincts and Lyon County Schoolboard Trustees. The Bill will come back for adoption and public hearing on January 5th.

Nikki Bryan Lyon County Clerk noted that these proposed boundaries are the best solution to balance with the entities City Clerk Swanson mentioned.

Councilwoman Zoberski expressed discontent with the current proposal because she formed relationships with the constituents in those areas. She would consider dividing out a different section. She would like to look at more options.

County Clerk Bryan explained it is hard for her to see how to switch out that piece while maintaining the balance with NRS guidelines and needs of the precincts and schoolboards.

Motion: MOVE TO INTRODUCE BILL #305 AS AN ORDINANCE MODIFYING TITLE 2 ADMINISTRATION SECTION 2.0704 WARD BOUNDARIES CHANGING THE ELECTION BOUNDARIES OF WARD 1, 2, 4, AND 5 AND OTHER MATTERS PROPERLY RELATED THERETO. **Action:** Introduced, **Moved by** Councilwoman McKay.

7. ORDINANCES – ADOPTION

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

7.1. Second Reading, Public Hearing, Zoning Map Amendment – ZMA21002 & Tentative Subdivision Map – TSM21002 (FOR POSSIBLE ACTION).

Tim Thompson Planning Director explained the Zoning Map Amendment and Tentative Subdivision Zoning Map. The Planning Commission voted to deny both items by unanimous vote on November 10th. He displayed the vicinity map. The request was to change the zoning from RR1 to SF9. This proposal would result in 18 new single-family homes. There will be a retention basin included with the proposal. The new access would extend to the west onto the city owned parcel so the intersection would line up with Rainbow Ln. Staff suggests that the retention basin be put on the city owned property as the city acquired this property years ago for a project that was not realized, also it would provide access onto that city property. Emergency access is part of the proposal.

Councilman Lau asked why the Planning Commission turned the project down.

Tim Thompson explained that they were concerned about the size of the lots and adjacent properties. They found the zoning was not compatible with the existing surrounding zoning.

Derek Kirkland with Wood Rogers represented the applicant, Doug Barker, and presented the proposed project. Mr. Kirkland noted the applicant is not planning to build to the capacity allowed by the master plan of dwellings per acre, rather sticking to the low end outlined in the master plan. This ensures the lowest density possible. There are other SF9 parcels in the area. Landscaping around the project and common areas were outlined in the plan. The buffer was increased to 26 feet after the Planning Commission meeting and there will be an irrigation ditch there. He suggested they remove the pedestrian path should the council prefer. He stated the plan is for manufactured type housing which is becoming popular as it involves similar construction as stick built. The homes proposed are 1900 to 2400 sq ft. with a pit foundation and garages.

Councilwoman McKay expressed concerns about the traffic issues.

Public Input

Gandy Yohan Fernley resident stated Farm District Road should be kept pristine and the modular home projects would not help keep the district looking nice. He said this type of project detracts from the whole area.

Tracy Sibson Fernley resident said she lives directly east from the development and noticed that the presentation is different from the one given at the Planning Commission. Barker lane is her private driveway which the project has proposed to have an outlet next to it which is treacherous to navigate with the school right across the street. She is concerned because she feels the modulares would diminish her property value and the property to the east of her. The plan to put a road on the city property was a surprise to her and she would like to see a sturdier structure around the ditch than a wooden fence.

Hailey Longfield Fernley resident liked the idea of improving the front two properties however it would cast the appearance that the whole development would be stick built when they are modulares. She also felt the zoning should be kept RR1.

Dina Lopez Fernley resident wanted to clarify that the plan stated manufactured homes, not modulares, and expressed concern about the property values on Farm District. She cited that it is harder to finance a manufactured home opposed to stick built which does bring down the value. The Rainbow intersection by the school would also be more dangerous. She said in her opinion that the zoning should not change.

Councilwoman Zoberski asked if stick-built houses could be an option.

Doug Barker, project applicant, pointed out that the city has brought more jobs to Fernley, but people struggle to find a place to live to fill those jobs. Attainable housing appears to be difficult to secure. He said stick-built houses would not accommodate those looking for housing and will not be possible for this project.

Motion: MOVE TO ADOPT BILL #301 TO APPROVE THE ZONING MAP AMENDMENT ASSOCIATED WITH ZMA21002 BASED ON FINDING Z1 THROUGH Z3 AND THE FACTS SUPPORTING THOSE FINDINGS AS THEY ARE SET FORTH IN THE STAFF REPORT. **Action:** Approve, **Moved by** Councilman Lau, **Seconded by** Councilman Lacy. **Vote:** Motion carried by split roll call vote (**summary:** Yes =3, No = 2). **Yes:** Councilman Ray Lacy, Councilwoman Felicity Zoberski, Councilman Stan Lau. **No:** Councilman Albert Torres, Councilwoman Fran McKay.

Motion: MOVE TO APPROVE THE TENANT SUBDIVISION MAP ASSOCIATED WITH TSM 21002 BASED ON THE FINDINGS OF TM1 THROUGH TM11 AND THE FACTS SUPPORTING THE APPROVAL AS SET FOR IN THE STAFF REPORT AND SUBJECT TO THE CONDITIONS OF APPROVAL 1 THROUGH 33 AS LISTED IN THE STAFF REPORT. **Action:** Approve, **Moved by** Councilman Lau, **Seconded by** Councilman Lacy. **Vote:** Motion carried by split roll call vote (**summary:** Yes =3, No = 2). **Yes:** Councilman Ray Lacy, Councilwoman Felicity Zoberski, Councilman Stan Lau. **No:** Councilman Albert Torres, Councilwoman Fran McKay.

Break 6:53 – 7:05

8. STAFF REPORTS

8.1. (For possible action) Acceptance of Annual Report and approval of City Council priorities for FY 2022-2023.

Daphne Hooper City Manager reported Council priorities are integral to build the city's strategic plan and budget. She requested that the council establish priorities to continue to focus on the current city projects. The big emergency response plan is under revision. The cyber plan is finished, and utility plan will be resubmitted through the year. The title 6 plan is finished, and staff has been trained.

Motion: MOVE TO APPROVE ACCEPT THE ANNUAL REPORT AND APPROVE THE CITY COUNCIL PRIORITIES FOR FISCAL YEAR 2022/2023 OF CONTINUING THE PRIORITIES ESTABLISHED IN THE 2021/2026 STRATEGIC PLAN AND OTHER LONG-RANGE PLANS, WHICH WILL BE INCORPORATED INTO THE DEPARTMENTAL BUDGETS AND WORKPLANS. **Action:** Approve, **Moved by** Councilman Lau, **Seconded by** Councilman Lacy. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilwoman Fran McKay, Councilwoman Felicity Zoberski, Councilman Stan Lau.

8.2. Consideration and Possible Action to approve a Professional Services Contract with House Moran Consulting, Inc. in an amount not to exceed \$20,000 for the purpose of conducting an Impact Fee Program Feasibility Study.

Daphne Hooper City Manager asserted that it is important to gage the growth of the city to determine how we will pay for continued growth and development. She continued that a feasibility study should be implemented to assess the growth and determine what the fees might be.

Motion: MOVE TO APPROVE THE PROFESSIONAL SERVICES CONTRACT WITH HOUSE MORAN CONSULTING, INC. IN AN AMOUNT NOT TO EXCEED \$20,000 AS PRESENTED. **Action:** Approve, **Moved by** Councilman Lau, **Seconded by** Councilwoman McKay. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilwoman Fran McKay, Councilwoman Felicity Zoberski, Councilman Stan Lau.

8.3. Staff Report, Tentative Subdivision Map – TSM21003 (FOR POSSIBLE ACTION).

Tim Thompson Planning Director explained the tentative subdivision map is for Phase 6 of the Green Valley Ranch Subdivision. He said it was approved by Planning Commission unanimously and that the project would connect to the city sewer and water. It was zoned SF6 for a proposal of 54 lots. The applicant will provide landscaping.

Mark Nueffer represented the applicant for the project. He stated the lots are the same size as the other lots on the previous Green Valley Ranch phases that have already been

approved. He asked for approval from the City Council and agreed with the recommendation of approval from the Planning Commission.

Motion: MOVE TO APPROVE THE TENTATIVE SUBDIVISION MAP ASSOCIATED WITH TSM21003, BASED ON FINDINGS TM1 THROUGH TM11 AND THE FACTS SUPPORTING THE APPROVAL CRITERIA AS SET FORTH IN THE STAFF REPORT AND SUBJECT TO THE CONDITIONS OF APPROVAL 1 THROUGH 25 AS LISTED IN THE STAFF REPORT. **Action:** Approve, **Moved by** Councilwoman McKay, **Seconded by** Councilman Lau. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilwoman Fran McKay, Councilwoman Felicity Zoberski, Councilman Stan Lau.

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

Councilman Lau would like redevelopment to be in the forefront of Council members minds.

10. PUBLIC FORUM

There were none.

There being no further business to come before it, the Fernley City Council meeting adjourned at 7:30 PM.

Approved by the Fernley City Council on January 19, 2022, by a vote of:

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

Mayor Roy Edgington

ATTEST: City Clerk Kim Swanson