MINUTES OF THE
FERNLEY CITY COUNCIL MEETING

OCTOBER 16, 2019

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 Edgington, Councilman Ray Lacy, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, City Manager Daphne Hooper, City Attorney Brandi Jensen, Public Works Director Dave Whalen, City Treasurer Denise Lewis, Building Official Shawn Keating, Planning Director Tim Thompson, Assistant Planner Olivia John, Assistant to the City Manager Colleen Unterbrink, Deputy City Attorney Brent Kolvet, City Clerk Kim Swanson, Deputy City Clerk Brenda Gosser, City Engineer Derek Starkey.

1.2. Public Comment
John Reichlein, Fernley resident, spoke about several items on the agenda.

Louise Inman, Fernley resident, inquired if the City was going to get a hospital.

William Schattuck, Fernley resident, expressed concerns regarding the residential development located at Chisholm Trail.

Brent Hanson, Waste Management stated the company is excited in being a part of the community and participating in many upcoming events.

1.3. (For Possible Action) Approval of the Agenda
Motion: MOVE TO APPROVE THE AGENDA AS SUBMITTED, Action: Approve, Moved by Councilwoman Fran McKay, Seconded by Councilman Stan Lau. Vote:

10/16/2019 FCC
Motion carried by unanimous roll call vote (summary: Yes = 5). Yes: Councilman Albert Torres, Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay.

2. CONSENT AGENDA:
2.1. (Possible Action) Approval of Voucher Report.
2.2. (Possible Action) Approval of Minutes from October 2, 2019
2.3. (For Possible Action) Approval of Business Licenses
Motion: MOVE TO APPROVE THE CONSENT AGENDA AS SUBMITTED. 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 Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay.

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.

North Lyon County Fire Protection District Chief Nichols reported the stats for the month of September. He was happy to announce the response times have decreased.

Councilman McCassie requested an update on the Interlocal Ambulance Agreement.

City Manager Hooper reported there will be mandatory meeting on October 17th for FCTA Grant Applicants. She stated there would be a volunteer meeting on the 24th for Spooktacular. City hall will close at 3pm on October 31st to prepare for Spooktacular. Spooktacular will be held from 4 – 7 on October 31st. She will attend the Annual City Manager Conference from October 19th through October 23rd.

Building Official Keating reported the stats for the Building Department for the month of September. He stated the Residential Rubbish Clean-up Days were a success.
Mayor Edgington reported he attended the Lyon County Bond Debt Meeting. He reported the last two Sundays were very successful Residential Rubbish Clean-up days. Mayor Edgington thanked staff and all volunteers for their work.

Councilman Lacy reminded everyone of Neighborhood Watch Meeting.

Councilman McCassie spoke about the Residential Clean-up

Councilman Torres thanked everyone who took part in the Residential Clean up.

Councilwoman McKay thanked everyone who took part in the Residential Clean up. She stated there was positive feedback from the community regarding the clean-up. She reminded everyone of the tailgate party for the Vaquero Home Football Game.

Shayla Holmes and Heather Benson, with Lyon County Human Services provided a PowerPoint and explained the services that are provided in Fernley for domestic violence victims.

Chad Pace, Lyon County Domestic Violence Prosecutor stated nearly half of the calls to 911 in the month of September were domestic violence. He stated this is a problem in our community. He said this is the most common crime that is charged by the District Attorneys Office. He explained domestic violence is a problem across the country.

4. PROCLAMATIONS BY THE MAYOR
There were none.

5. 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

5.1. Public Hearing, TSM 2019-001 & DR 2019-004
A Tentative Subdivision Map and Design Review request from Fernley Land Investments, LLC to allow for a residential development in the NR-2 (Multiple Residence) zoning district on a site approximately ± 13.9 acres in size, generally located at the southern terminus of Chisholm Trail, Fernley, NV. (APN: 021-272-19)
A. Consideration and possible action on a Tentative Subdivision Map (Sunrise Trails) request to allow for a 202-lot single family attached duplex and townhome subdivision.

B. Consideration and possible action on a Design Review request to allow for a 202-lot single family attached duplex and townhome development.

Assistant Planner John presented the project which is a 202-lot single family attached duplex and townhome development. She stated the project will be completed in two phases. She recommended the City Council approves this item based on the conditions and findings listed in the Staff Report.

Councilman McCassie inquired about the traffic study and the second egress into the development. Assistant Planner John stated the applications would answer those questions.

Derek Kirkland with Wood Rodgers presented the request for Tentative Map explaining details and demographics of the townhomes and duplexes.

City Engineer Starkey explained the need to improve the intersection at Freemont instead of the intersection at Chisholm Trail at this time.

Paul Slagie Project Engineer explained the traffic study and felt the suggested improvements were a benefit to the City of Fernley.

The traffic study was discussed in length.

Mr. Kirkland stated the developer is proposing to pay a mitigation fee of $50,500 for Freemont Lane improvements with the first final map. He stated this amount is the engineers estimate to improve the entire west section of the intersection.

Mayor Edgington called for public input.

William Shattuck, Fernley resident, stated the price for the townhomes would cost approximately $200,000 per unit.

John Reichlein, Fernley resident, stated he did not hear anything about local people being involved in the project.

Louise Inman, Fernley resident, inquired if the traffic study involved samples from Hwy95 from Walmart and coming off the Interstate 80.
Dana Uhlhorn, Fernley resident stated the traffic in this area is already unacceptable in between 4pm-6pm.

Planning Director Thompson stated there is a proposed amendment to condition #12 which specifically deals with traffic improvements. Director Thompson reminded everyone Fremont is not a City intersection; this intersection belongs to NDOT. He stated the applicant is willing to give the City $50,500 to improve the Fremont Intersection. The proposed amendment to the condition reads “The developer shall provide a one-time mitigation fee of $50,500 payable to the City of Fernley with the first final map. The traffic mitigation fee may be used by the City of Fernley for restriping of the west Fremont Street approach to add a free right turn lane on the US 95A as identified on page 15 of the traffic study prepared by Slagie Engineers for the project dated June 2019, or they City many choose to utilize the fee towards a larger project in the future should additional development in the area require additional traffic improvements”.

Break 6:54 – 7:06

Motion: MOVE TO TABLE THIS ITEM DUE TO ISSUES WITH THE DEVELOPMENT. Moved by Councilman Dan McCassie. Motion died due to lack of a second.

Motion: MOVE TO APPROVE A TENTATIVE SUBDIVISION MAP (TSM 2019-001) ADOPTING FINDINGS 1 THROUGH 8 AND THE FACTS SUPPORTING THESE FINDINGS AS SET FORTH IN THE STAFF REPORT AND SUBJECT TO THE CONDITIONS OF APPROVAL 1 THROUGH 27 AS LISTED IN THE STAFF REPORT, WITH THE AMENDMENT TO CONDITION 12 AS READ INTO THE RECORD BY PLANNING DIRECTOR THOMPSON “THE DEVELOPER SHALL PROVIDE A ONE-TIME MITIGATION FEE OF $50,500 PAYABLE TO THE CITY OF FERNLEY WITH THE FIRST FINAL MAP. THE TRAFFIC MITIGATION FEE MAY BE USED BY THE CITY OF FERNLEY FOR RESTRIPing OF THE WEST FREMONT STREET APPROACH TO ADD A FREE RIGHT TURN LANE ON THE US 95A AS IDENTIFIED ON PAGE 15 OF THE TRAFFIC STUDY PREPARED BY SLAGIE ENGINEERS FOR THE PROJECT DATED JUNE 2019, OR THEY CITY MANY CHOOSE TO UTILIZE THE FEE TOWARDS A LARGER PROJECT IN THE FUTURE SHOULD ADDITIONAL DEVELOPMENT IN THE AREA REQUIRE ADDITIONAL TRAFFIC IMPROVEMENTS”. Action: Approve,
Moved by Councilman Stan Lau, Seconded by Councilman Ray Lacy. Vote: Motion passed (summary: Yes = 4, No = 1, Abstain = 0). Yes: Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay. No: Councilman Dan McCassie.

Motion: MOVE TO APPROVE A DESIGN REVIEW (DR 2019-004) ADOPTING FINDINGS 1 THROUGH 6 AND THE FACTS SUPPORTING THESE FINDINGS AS SET FORTH IN THE STAFF REPORT AND SUBJECT TO THE CONDITIONS OF APPROVAL 1 THROUGH 23 AS LISTED IN THE STAFF REPORT. Action: Approve, Moved by Councilman Stan Lau, Seconded by Councilman Albert Torres. Vote: Motion passed (summary: Yes = 4, No = 1, Abstain = 0). Yes: Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay. No: Councilman Dan McCassie.

5.2. Public Hearing (For possible action); Adoption of Bill #277 modifying the water rights dedication provisions of FMC 32.39.010.

Dave Ridgon Special City Attorney explained Outside legal counsel and City Staff reviewed the current water rights dedication ordinance and suggested changes to clarify certain provisions in the ordinance and provide for separate dedication rates for surface and ground water based on a firm yield analysis study performed in 2016 by Precision Water Resources Engineering.

Mayor Edgington opened public input.

Motion: I MOVE TO ADOPT BILL # 277, AN ORDINANCE AMENDING AND REVISING THE PROVISIONS OF FMC 32.39.010 RELATED TO WATER DEDICATION RATES AND AUTHORIZE STAFF TO PUBLISH THE DRAFT ORDINANCE PURSUANT TO THE REQUIREMENTS OF NRS 266.115, 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 Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay.
6. STAFF REPORTS

6.1. For possible action. Consider and possibly approve retaining Steven M. Silva, of the law firm Blanchard Krasner & French, to serve as outside counsel for the Lyon County Redevelopment Lawsuit and the Redevelopment Agency.

City Attorney Jensen introduced Steven Silva. Mr. Silver stated he is experienced in inter-governmental conflicts as well as redevelopment agencies planning issues and eminent domain.

Motion: MOVE TO APPROVE RETAINING STEVEN M. SILVA, OF THE LAW FIRM BLANCHARD KRASNER & FRENCH, TO SERVE AS OUTSIDE COUNSEL FOR THE LYON COUNTY REDEVELOPMENT LAWSUIT AND THE REDEVELOPMENT AGENCY, Action: Approve,Moved by Councilwoman Fran McKay, Seconded by Councilman Stan Lau. Vote: Motion carried by unanimous roll call vote (summary: Yes = 5). Yes: Councilman Albert Torres, Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay.

6.2. For possible action. Consider and possibly approve authorizing outside counsel to take all action deemed reasonable in relation to that action known as Lyon County v. City of Fernley, et al., including but not limited to the filing of any responsive motion, answer, and the filing of such counter-claims as appropriate.

Mr. Silva explained this item is requesting formal authorization to response to the litigation.

Motion: MOVE TO APPROVE AUTHORIZING OUTSIDE COUNSEL TO TAKE ALL ACTION DEEMED REASONABLE IN RELATION TO THAT ACTION KNOWN AS LYON COUNTY V. CITY OF FERNLEY, ET AL., INCLUDING BUT NOT LIMITED TO THE FILING OF ANY RESPONSIVE MOTION, ANSWER, AND THE FILING OF SUCH COUNTER-CLAIMS AS APPROPRIATE, Action: Approve, Moved by Councilwoman Fran McKay, Seconded by Councilman Albert Torres. Vote: Motion carried by unanimous roll call vote (summary: Yes = 5). Yes: Councilman Albert Torres, Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay.
6.3. Discussion and possible action to introduce Bill #278, an Ordinance modifying the Fernley Municipal Code, Section 10, Business License Regulations.

City Clerk Swanson presented the changes requested that were being requested modifying Fernley Municipal Code, Section 10, Business License Regulations.

Councilman Ray Lace disclosed that he owns a business in the City of Fernley. Councilman Dan McCassie disclosed that he owns a business in the City of Fernley. Councilman Stan Lau disclosed that he owns a business in the City of Fernley.

MOTION: MOVE TO INTRODUCE BILL #278, AN ORDINANCE MODIFYING THE FERNLEY MUNICIPAL CODE, SECTION 10, BUSINESS LICENSE REGULATIONS BY ADDING DEFINITIONS FOR DISTRIBUTION FACILITY, MANUFACTURING PLANT, AND SQUARE FOOTAGE; ADDING PROVISIONS PERTAINING TO ENFORCEMENT OF UNLICENSED BUSINESSES; ADDING SQUARE FOOTAGE AS ANOTHER WAY TO CALCULATE LICENSE FEES FOR BUSINESS IDENTIFIED AS INDUSTRIAL, WAREHOUSE, DISTRIBUTION AND MANUFACTURING; BY REMOVING THE GRACE PERIOD FROM THE BUSINESS LICENSE FEE SCHEDULE; AND UPDATING PROVISIONS PERTAINING TO MULTIPLE ENTERPRISES LICENSED AS ONE,

Moved by: Councilwoman Fran McKay.

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

There were none.

8. PUBLIC COMMENT

Tammy Dittman, Fernley resident, was concerned about the crosswalks in Fernley not being lite at night.

ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 7:42
Approved by the Fernley City Council on November 20, 2019 by a vote of:

AYES: 5  NAYS: 0  ABSTENTIONS: 0  ABSENT: 0

ATTEST: City Clerk Kim Swanson

Mayor Roy Edgington