

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
JUNE 16, 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 in person and broadcasted via 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 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, Assistant Planner Brian Nava, Public Works Director Dave Whalen, City Clerk Kim Swanson, Clerk Administrative Specialist II April Homme.

Absent: Councilwoman Fran McKay

1.2. Public Forum

Alex Stemkovsky inquired if he could comment regarding American Battery.

Mayor Edgington and City Manager Hooper informed Mr. Stemkovsky his comment would be heard during item 4.1 CUP21003.

There were no additional public comments.

1.3. (For Possible Action) Approval of the Agenda

Motion: MOVE TO APPROVE THE AGENDA. **Action:** Approve, **Moved by** Councilman Stan Lau. **Seconded by** Councilwoman Felicity Zoberski, **Vote:** Motion carried by vote

(summary: Yes = 4). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Felicity Zoberski. **Absent:** Councilwoman Fran McKay

2. CONSENT AGENDA:

2.1. (Possible Action) Approval Of Voucher Report Documents:

2.2.(Possible Action) Approval of Business Licenses Documents:

2.3.(Possible Action) Approval of Minutes from June 02, 2021 Documents:

2.4. (For Possible Action): Possible Action to Approve the renewal of the City's accounting and ERP software package with Caselle, Inc. for FY2021-2022 in the amount not to exceed \$34,700.00.

2.5. (For Possible Action): Approval of contract with Taggart & Taggard, Ltd. for water resources legal services in an amount not to exceed \$160,000.00 for FY2021-2022.

2.6. Possible Action to Award a Contract for Engineering Services for the Northern Nevada Regional Travel Demand Model (TDM), to WSP USA, Inc. in an amount not to exceed \$58,630.

2.7. Possible Action to approve a request to waive the Liquor License Fee for the Annual Fernley 4th Of July Celebration to be held at the Out Of Town Park.

Motion: MOVE TO APPROVE THE CONSENT AGENDA. **Action:** Approve, **Moved by** Councilman Stan Lau. **Seconded by** Councilman Ray Lacy, **Vote:** Motion carried by vote (summary: Yes = 4). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Felicity Zoberski. **Absent:** Councilwoman 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.

Fire Chief Jason Nicholl presented the North Lyon County Fire Department semi-annual stats. Chief Nicholl stated the three new fire fighters will start mid-July.

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 the Poker Walk was a success. City Manager Hooper thanked staff and the businesses for their hard work with the event. Movies in the Park begins at sundown this weekend at the Out-of-Town Park and is free to the public. The Fernley Convention and Tourism Authority awarded \$40,000 in grants to local events occurring this year. The events will be posted on the City of Fernley website, reader board and social media. The City of Fernley is advertising positions previously approved by the council. The Sheriff's office has appointed Lieutenant Powell as the permanent Lieutenant for the Fernley sub-station.

Building Official Shawn Keating provided the Building Department May monthly stats.

Councilman Lacy encouraged the community to take advantage of the grants provided by the Lyon County Fair Tax Board.

Councilwoman Zoberski reported The Community Art Project is scheduled for Saturday at 6:00 p.m. at the Fernley Golf Course.

Mayor Edgington reported the 4th of July Committee is looking for volunteers and donations. Mayor Edgington thanked the City Council for waiving the liquor license fee for the 4th of July Committee.

Mayor Edgington reported he and two other members will be attending the League of Cities annual meeting held in Elko.

3.2. State of Nevada Legislative Update

Nick Vander Poel with Capitol Partners provided an overview of the 2021, 81st Nevada Legislation. (see attached)

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, Conditional Use Permit – CUP21003 (FOR POSSIBLE ACTION)
Consideration and possible action on a Conditional Use Permit, pursuant to Nevada Revised Statutes 278.147, to allow a facility where an explosive, a highly hazardous substance, or other hazardous substances are used, manufactured, processed, transferred or stored and the construction of 3 individual buildings totaling approximately 100,000 square feet (Lithium-Ion Battery Recycling Pilot Plant) in the I (Industrial) zoning district on a site approximately 12.44 acres in size located at 345 Winston Lane, Fernley, Nevada. (APNs: 021-071-45)

City Attorney Brandi Jensen disclosed there is a potential conflict of interest on this matter as the emergency access may run through property owned by her family therefore, she will not be discussing any emergency access issues on this item.

Councilwoman Zoberski disclosed she is a member of the Fernley Rotary Club, and a member of American Batteries is also on the board however this will not affect her decision regarding this item.

City Planning Director Thompson provided history and information for American Battery Metals Corporation lithium-ion battery recycling pilot plant, CUP21003. Conditions of Approval, vicinity map, and onsite chemical inventory can be accessed via City of Fernley Website posted to the June 16th Fernley City Council Meeting Agenda.

Councilman Torres inquired if the Fire Department had a more in depth understanding of the chemicals that will be stored.

Planning Director Thompson stated yes, the Fire Department has the knowledge, and the Fire Chief and Marshal were available for any questions.

Project Manager Chuck Leber presented a power point presentation. Mr. Leber provided a detailed description of the production process and facility. Mr. Leber stated the only reason they are required to apply for the conditional use permit is due to the thirty thousand gallons of hydrogen peroxide that will be stored on site. He stated there are no

NRS 278.147 related explosives associated with or stored on site. Mr. Leber further described the containment area and stated all staff will be trained thoroughly. Mr. Leber explained the importance of a battery recycling plant which is intended to relieve the landfill of environmental impacts. He stated as per the conditions of approval, American Batteries will provide improvements to the North frontage of Logan Lane.

Discussion ensued and Mr. Leber answered councilmember questions regarding the process, access to annual EPA reports, secondary access, and infrastructure.

City Building Official Shawn Keating stated the building department and staff have been working closely with the applicant to ensure compliance with all codes to mitigate hazards.

Fire Chief Nicholls stated the Fire Department will have full access to the plant process to prepare an emergency response plan. There is a yearly hazardous permit and inspection required to ensure plant compliance.

Mayor Edgington called for public comment at this time.

Public Forum

Alex Stemkovsky commented via zoom and stated he was in favor of the American Batteries project. He stated this project will help with the environment and economy.

Kyle Chisholm Fernley Business Owner, Developer and Logan Land Property owner provided comments via zoom and stated he was in favor of the American Batteries project however he had concerns regarding a couple of the conditions of approval. These comments and concerns were provided to City Council prior to the meeting.

Mayor Edgington called for any additional public comment in the audience and via zoom.

City Manager Hooper stated Mr. Fuller was online via zoom chat, however, was not responding.

Mayor Edgington called for a fifteen-minute break to work out technical issues to allow Mr. Fuller to comment.

Break 6:40 p.m. – 6:55 p.m.

City Clerk Kim Swanson read into record comment from Fernley resident Mr. Fuller inquiring if the proposal were to pass are there scheduled permits or conditional use processes which need to be passed prior to building erection.

Planning Director stated yes, this project would be subject to acquire NDEP air quality permits and all state permitting required.

There being no further comment Mayor Edgington closed public comment.

Motion: MOVE TO APPROVE THE CONDITIONAL USE PERMIT ASSOCIATED WITH CUP21003, ADOPTING FINDING CU1 THROUGH CU8 AND THE FACTS SUPPORTING THESE FINDINGS AS SET FORTH IN THE STAFF REPORT AND SUBJECT TO THE CONDITIONS OF APPROVAL 1 THROUGH 31 AS LISTED IN THE STAFF REPORT. **Action:** Approve, **Moved by** Councilman Stan Lau. **Seconded by** Councilman Ray Lacy, **Vote:** Motion carried by vote (summary: Yes = 4). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Felicity Zoberski. **Absent:** Councilwoman McKay

5. STAFF REPORTS

5.1.(For Possible Action) Selection and Approval of the artwork for the Signal Box Art Painting Project and direction to staff to move forward in submitting the NDOT Right-of-Way Occupancy Permit.

City Manager Daphne Hooper presented this item. City Manager Hooper stated there are 4 utility boxes that have been identified for this project. Three artist submissions have been received. City Manager Hooper explained the options to Council and requested direction.

Discussion ensued.

Motion: MOVE TO USE ARTWORK PROPOSED BY THE THREE ARTISTS SELECTED AND FOR THE SIGNAL BOX ART PAINTING PROJECT. I DIRECT STAFF

TO ATTAIN THE FOURTH SIGNAL BOX ARTWORK BY 30 DAYS. I DIRECT STAFF TO MOVE FORWARD IN SUBMITTING THE RIGHT-OF-WAY OCCUPANCY PERMIT TO NDOT WITH THE SELECTED ARTWORK BY CHAD RICE FOR 95 AND MAIN.

Action: Approve, **Moved by** Councilman Felicity Zoberski. **Seconded by** Councilman Ray Lacy, **Vote:** Motion carried by vote (summary: Yes = 4). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Felicity Zoberski. **Absent:** Councilwoman McKay

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

City Manager Hooper reported the City is continuing with the Governors current directive. Mask are required for those not vaccinated. The City will continue to monitor any updates. A plan will be submitted to City Council in July for the Federal Funds.

Mayor Edgington inquired about the process and structure of the Federal Funds.

City Manager Hooper explained the process and stated there will be a special session scheduled to discuss the requirements and disbursements. City Manager Hooper stated the state gathers data from surveys and makes recommendations.

Mayor Edgington requested the funds be utilized for a community center and a building for non-profits such as the food bank. He encouraged the public to submit the survey received.

6.ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS:

6.1. Discussion and possible action regarding a future agenda item addressing the traffic and speed limit on Cottonwood Lane. (Councilwoman Zoberski's request)

Councilwoman Zoberski presented her concerns regarding the speed limit and asked for recommendations how to move forward.

Councilman Torres suggested reducing the speed limit by a resolution and a change to the City Municipal Code with the direction from the City's Legal Department. Councilman Torres stated the truck weight limits may be difficult to reduce as it is based on industrial standards.

City Engineer Derek Starkey stated the current design for the Cottonwood Project is at 90 % completion. The amount of truck traffic is average. Changing the speed limit is possible at the direction of council. Relocating the school zone would require further discussion and direction.

Motion: MOVE TO DIRECT STAFF TO LOOK AT A SPEED REDUCTION ON COTTONWOOD LANE BASED ON NDOT GUIDELINES. **Action:** Approve, **Moved by** Councilwoman Felicity Zoberski. **Seconded by** Councilman Stan Lau, **Vote:** Motion carried by vote (summary: Yes = 4). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Felicity Zoberski. **Absent:** Councilwoman McKay

6.2. Discussion and possible action regarding a future agenda item relating to installing cameras at the parks. (Councilman Lacy's request)

Councilman Ray Lacy stated his concerns regarding the parks being vandalized and requested more cameras at the parks.

City Public Works Director Dave Whalen reported there are currently twelve cameras at the Out-of-Town Park and four cameras at the In-Town Park. Public Works Director Whalen stated most of the culprits are juveniles and apprehending and prosecuting is difficult. The City does have money in budget to add additional cameras.

Councilman Lau inquired about the quality of the park's cameras resolution.

Public Works Director Whalen stated the park's cameras resolution are very good however locating the offenders is a difficult task.

Zoberski inquired if the City had signs posted stating there are cameras on the premises.

Public Works Director Whalen stated yes, however more could be posted.

City Manager Hooper stated although the cameras are helpful, educating our community to take pride in our community and utilizing our neighborhood watch will continue.

There was no motion on this item. Item closed.

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

There was none.

8.PUBLIC FORUM

There was none.

ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 7:23 p.m. The next City of Fernley Council meeting is scheduled for July 7, 2021 at 5:00 p.m.

Approved by the Fernley City Council on July 07, 2021, by a vote of:

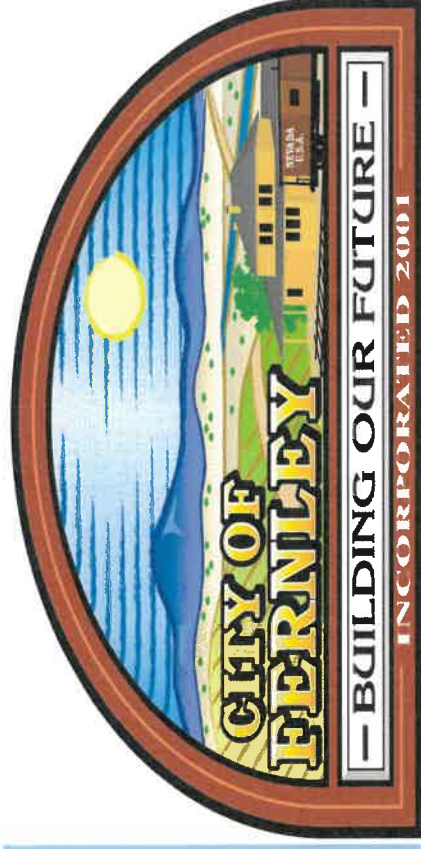
AYES: 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0



ATTEST: City Clerk Kim Swanson

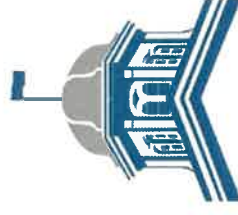


Mayor Roy Edgington



2021 81st Nevada Legislature
Overview
June 16, 2021

Mendy Elliott and Nick Vander Poel
Capitol Partners



Capitol Partners
Community and Government Relations
www.CapitolPartners.us

Legislative Overview

- **Bill Draft Requests:** 1,181
- **Total Bills Introduced:** 958
- **Assembly Introduced:** 495
- **Senate Introduced:** 463
- **Total Bills Passed:** 534
- **Total Bills Signed:** 530
- **Total Bills Vetoed:** 4
- **Assembly Bills Passed:** 272
- **Senate Bills Passed:** 262
- **Bill Passed as a percentage:** 55%
- **Registered Lobbyists** 705

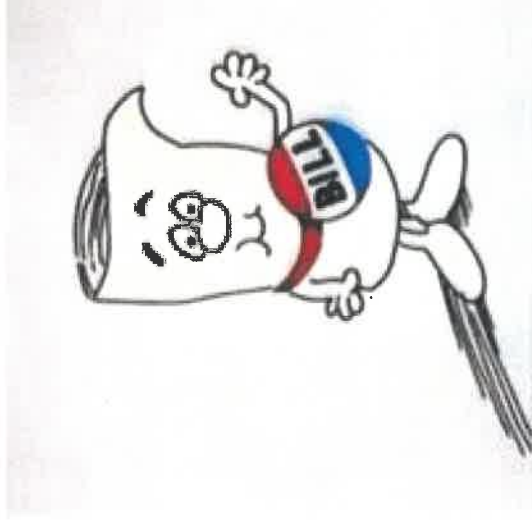


2021 Nevada Legislature Takeaway

- February 1, 2021 – Session Begins
- Limited Access – Building opened April 15
 - ZOOM meetings with Legislators
 - Testifying either virtually or phone
 - Think outside the box to engage
- June 1, 2021 – Sine Die

2021 Nevada Legislature Priorities

- Employment Law
- Criminal Justice Reform
- Renewable Energy
- Housing (Affordable / Tenants)
- Planning
- Cannabis



Local Government Engagement

- NV League of Cities weekly meetings
- Joint meetings with the NV League of Cities and NACO
- Other City Partners (Chambers & Associations)
- Rural Caucus meetings

Planning / Zoning

- AB 3 – Digital maps (League of Cities BDR)
- AB 87 – Abandonment procedures
- AB 211 – NDOW tentative map review
- SB 138 – Minor modifications in Planned Unit Developments (PUDs)
- SB 150 – Tiny Houses
- SB 297 – Community Gardens / Urban Farms

Housing

- SB 12— Tax Credit Projects
- SB 311 – Public / Private Partnership for Development (NRHA)
- AB 486 – COVID eviction process and rental assistance

Economic Development

- SB 283 – NRS update to C-PACE (Property Assessed Clean Energy)
- SB 298 – Inland Ports (died)
- SCR 11– Innovation Zones Study

Criminal Justice Reform

- AB 42 – Municipal court jury trials for certain domestic violence cases
- AB 116 – Decriminalization of traffic violations
- AB 424 – Pretrial release hearings
- SB 219 – Driver license suspensions

Cannabis

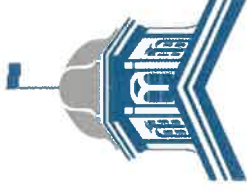
- AB 341 – Consumption Lounges
- AB 400 – Per se amounts of related to DUI
- SB 168 – Cannabis Curbside Pickup

CONCLUSION & NEXT

- Special Sessions
 - ARP Federal Dollars (SB 461)
 - Redistricting
- Interim – Regulatory and implementation

Questions?

Mendy Elliott and Nick Vander Poel
Capitol Partners



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*It is always an honor to represent the Citizens, City Council and Staff of the City of Fernley.
Thank you!*