

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING**

MARCH 20, 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 Roy Edgington, Councilman Ray Lacy, Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay. City Manager Daphne Hooper, City Attorney Brandi Jensen, Public Works Director Dave Whalen, City Clerk Kim Swanson, Planning Director Tim Thompson, Human Resource Specialist Shannon McKnight, Assistant Planner Melinda Bauer. **Absent:** Councilwoman Sue Seidl.

1.2. Public Comment

Debbie Skinner, Fernley resident, inquired if Item 7.2 would be opened to public comment before it is voted on. Mayor Edgington stated it is a Public Hearing.

1.3. Approval of the Agenda

Motion: MOVE TO APPROVE THE AGENDA, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Ray Lacy. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay. **Absent:** Councilwoman Sue Seidl
Action: Approve,

2. CONSENT AGENDA:

3/20/2019 FCC Meeting

2.1. (Possible Action) Approval of Voucher Report.

2.2. (Possible Action) Approval of Minutes

2.3. (Possible Action) Approval of Business Licenses

2.4. Possible Action to reappoint Cody Wagner to the Fernley Planning Commission for another term.

Motion: MOVE TO APPROVE THE CONSENT AGENDA AS SUBMITTED, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Fran McKay.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay. **Absent:** Councilwoman Sue Seidl

3. PROCLAMATIONS BY THE MAYOR

Mayor Edgington proclaimed April 2nd as National Service Recognition Day.

4. REPORTS This item is for various public entity representatives to provide general information to the Council and public. No action will be taken.

4.1. Reports by City Staff, City Council and the Mayor, including but not limited to monthly statistical reports by city departments.

Lieutenant Pete Baltes stated he was new commander for the Fernley Substation. He reported the new Sheriff Frank Honeywill recognizes that Fernley is an integral part of the county and he values the citizens that live here. Lieutenant John Smith is now Captain Johnny Smith. He introduced new Sargent Jeff Miller. Commander Baltes reported the stats for the month of February. He reported that a representative from the Lyon County Sheriff's Department will be present at every city council meeting. Commander Baltes reported a full-time secretary for the Fernley substation has been hired and will be on board by 3/25.

City Manager Hooper reported the Citizens Academy will be held tomorrow night, The Mayor's Clean-up will be held on April 27th, City Council Retreat will be held April 11th & 12th at Desert Lakes Golf Course. She reported Budget Hearing are scheduled for April 4, April 5th and April 8th.

Councilman Lau reported he attended the Regional Transportation Commission Meeting today in Yerington.

Mayor Edgington reported a roundtable meeting with Senator Rosen. April 28th is Local Government Day at the Legislature. He stated he is looking for places to clean the day of the Mayors Clean up. Veterans Cemetery was given a donation of trees.

4.2. 2019 State of Nevada Legislative Update

City Manager Hooper reported the updates from Capitol Partners. She reported Capitol Partners will be at the next meeting to give their report.

5. PRESENTATIONS

5.1. Presentation by Truckee River Irrigation District (TCID) on the 2019 Water Season.

A representative from TCID was not available.

6. STAFF REPORTS

6.1. Discussion and Possible Action to approve the City Manager, Daphne Hooper's annual employment performance, established goals, and the City Council and Mayor's satisfaction with the City Manager's employment performance and general performance as the City Manager. B. Discussion and Possible Action to approve the City Manager Daphne Hooper's salary.

Human Resource Specialist Shannon McKnight reviewed the evaluation scores for City Manager Hooper.

City Manager Hooper reviewed her 4 goals for the upcoming year.

Motion: MOVE TO APPROVE THE CITY MANAGER, DAPHNE HOOPER'S EVALUATION, **Action:** Approve, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Stan Lau. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay. **Absent:** Councilwoman Sue Seidl

Motion: MOVE TO APPROVE A SALARY INCREASE EQUAL TO THAT OF THE OTHER EMPLOYEES FOR THE CITY MANAGER, DAPHNE HOOPER EFFECTIVE JULY 1, 2019, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Ray Lacy. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay.

6.2. Discussion and Possible Action to approve the City Attorney, Brandi Jensen's past year's employment performance, and the City Council and Mayor's satisfaction with the City Attorney's employment performance including but not limited to: A. City Attorney Contract Compliance B. General Performance as the City Attorney C. Compensation

Human Resource Specialist Shannon McKnight reviewed the evaluation scores for City Attorney Jensen.

City Attorney Jensen addressed City Council and presented her accomplishments over the last year.

Motion: MOVE TO APPROVE THE CITY ATTORNEY, BRANDI JENSEN'S EVALUATION. **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Fran McKay. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay. **Absent:** Councilwoman Sue Seidl

Motion: MOVE TO APPROVE THE CITY ATTORNEY, BRANDI JENSEN'S SALARY INCREASE EQUAL TO THAT OF THE OTHER EMPLOYEES EFFECTIVE MARCH 9, 2019. **Action:** Approve, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Ray Lacy. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay. **Absent:** Councilwoman Sue Seidl

7. 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

7.1. Public Hearing, SUP 2019-001 (Sims Metal Management)

Consideration and possible action on a Special Use Permit request from Sims Metal Management, to allow for General Industrial use (metal recycling facility) on a site ± 10.06 acres in size in the M-1 (General Industrial) zoning district, located at 175 Lyon Drive, Fernley, NV. (APN: 021-261-42).

Assistant Planner, Melinda Bauer, presented the Special Use Permit for Sims Metal which would allow for a development of a metal recycling facility. She explained the equipment and machinery will be enclosed for protection. She explained this is an approved use in the M1 Zoning District with a Special Use Permit (see attached).

Applicant Gabby Olson with Sims Metal Management, a global recycling group stated the company is a metal processor. She explained the company is the world's leading publicly listed metal trader. She stated the company wants to be a part of the community.

Greg Evangelatos, professional city planner, spoke in favor of the project. He stated the average pay is \$20/hour with approximately 30 people being employed. Mr. Evangelatos explained there is approximately a 20 million investment. He stated the noise level has been addressed and the distances between the facility and residential are far enough away.

Brian Newman explained the noise and vibration.

Vistas Patel, vice president Sims Metal, stated he shreds approximately 60,000 tons per month. He stated his shredders sit on springs boxes so there is no vibration to the ground. He also explained there are buildings around the shredder which compacts the noise.

Gabby Olsen stated there are approximately 12 trucks per day without shredder. That will at least double once the shredder is in operation.

Mayor Edington opened public input.

Debbie Skinner, Fernley resident, stated the City Council is sending mixed signals to developers regarding businesses.

Mikael Zolyniak Nevada Highway Patrol inquired if the business would run at night. Vistasp Patel, vice president Sims Metal stated currently this business not scheduled to run at night because the businesses volume is not there.

Motion: MOVE TO APPROVE SPECIAL USE PERMIT REQUEST ASSOCIATED WITH SUP 2019-001, TO ALLOW FOR GENERAL INDUSTRIAL USE FOR THE CONSTRUCTION OF A METAL RECYCLING FACILITY ADOPTING FINDINGS (A) THROUGH (G) AND THE FACTS SUPPORTING THESE FINDINGS AS SET FORTH IN THE STAFF REPORT AND SUBJECT TO THE CONDITIONS OF APPROVAL 1 THROUGH 25. **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Ray Lacy. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay. **Absent:** Councilwoman Sue Seidl

Break 6:34 - 6:50

7.2. Discussion and possible action to adopt Bill #274, an ordinance modifying Title 26 Taxation, Chapter 3 Transient Lodging Tax of the Fernley Municipal Code, by increasing the assessment of the Transient Lodging Tax to eleven percent (11%) and eliminates the ten (10) day late payment grace period.

City Manager Hooper explained this is the second reading for Bill #274. A Business Impact Statement was completed, and the bill was introduced on March 6th.

Mayor Edgington call for public input.

Debbie Skinner, Desert Rose RV Park, was concerned with the proposed removal of the grace period. She wanted to be notified with the room tax events were taking place, so she could help advertise and promote for them. She was also concerned about the businesses that allow overnight parking that do not pay TLT.

City Manager Hooper stated her office would remind the event holders that there are various locations within the City that should be promoted. She stated she would also notify businesses that money is collected from of upcoming events. She stated parking is not identified in this ordinance, so it will need to come back before City Council. Overnight

City Manager Hooper explained the removal of the grace period was recommendation by city treasurer.

Motion: MOVE TO ADOPT BILL #274, MODIFYING THE CITY OF FERNLEY MUNICIPAL CODE TITLE 26 TAXATION, CHAPTER 3 TRANSIENT LODGING TAX, BY INCREASING THE TRANSIENT LODGING TAX TO 11% EFFECTIVE JULY 1, 2019 AND ELIMINATES THE TEN-DAY LATE PAYMENT GRACE PERIOD., **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Fran McKay. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 4). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay. **Absent:** Councilwoman Sue Seidl

8. RESOLUTIONS

8.1. Discussion and possible approval and adoption of Resolution #2019-003 to modify the allocation of the transient lodging tax revenue.

City Manager Hooper explained the current distribution for the transient lodging tax. She suggested putting the additional revenue towards the building fund rather than distributing it for grants.

Councilman Lau felt the 60/40 split would be a better option for the city. Councilwoman McKay agreed.

City Manager Hooper stated with the 60/40 split the City could maintain the same levels of funding that the City has now. She stated this amount would not be impactful to the grants that are currently given.

Motion: MOVE TO APPROVE AND ADOPT RESOLUTION #2019-003 THAT MODIFIES THE ALLOCATION OF THE TRANSIENT LODGING TAX REVENUE AS FOLLOWS: 60% FOR THE CONVENTION/CIVIC CENTER AND 40% TO THE DISBURSEMENT OF FUNDS. **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Ray Lacy. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 4). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay. **Absent:** Councilwoman Sue Seidl.

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

Councilman Lau reported that the Fernley Acres had an art show that was very impressive.

10. PUBLIC COMMENT

There was none.

ADJOURNMENT


There being no further business to come before it, the Fernley City Council meeting adjourned at 7:21 pm.

Approved by the Fernley City Council on April 3, 2019 by a vote of:

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



ATTEST: City Clerk Kim Swanson



Mayor Roy Edgington

FINDINGS

Special Use Permit

The City Development Code Chapter 21.060 establishes the findings the Planning Commission shall make to recommend approval or denial to the City Council for this Special Use Permit. All findings shall be made to recommend approval to the City Council. The findings and staff's evaluation are outlined below:

Findings		Staff Analysis
A.	The proposed use at the specified location is consistent with the applicable zoning district.	The proposed General Industrial use (metal recycling facility) is an approved use in the M-1 zoning district with an approved Special Use Permit.
B.	The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both, to mitigate such impacts.	The first phase will have no major noise generators. In the second phase equipment and machinery will be enclosed by metal shelter for protection from the elements, provision for security and safety, and for noise mitigation. The site will have landscaping strategically located as well as a minimum 8-foot chain link fence with slats. The property will have access from industrial Drive with two driveway cuts meeting spacing requirements per the City of Fernley Design Standards. Because of the amount of pick-up and drop-off a clear internal circulation plan is provided in this yard.
C.	The proposed use incorporates roadway improvements, traffic control devices, or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets.	The proposed use is conditioned to make any necessary improvements to the existing access (Industrial Drive) to reduce or eliminate development impacts on surrounding neighborhood streets.

D.	<p>The proposed use incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed special use on adjacent properties.</p>	<p>The proposed use is conditioned to incorporate features to minimize adverse effects, including visual impacts and noise, of the proposed special use on adjacent properties to the approval of the Administrator. All yards will be screened with a minimum 8-foot tall chain link fence with slats. Equipment and machinery will be installed in a manner which will mitigate noise levels per accepted industry standards. The primary focus of this enterprise is to acquire, process and move these materials offsite as quickly as possible. All of these functions will occur within the gated, screened and secure area.</p>
E.	<p>The project is not located within an identified archeological or cultural study area, as recognized by the City. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report.</p>	<p>Per the Deputy Historic Preservation Officer for the State of Nevada, there are no recorded identified cultural or archeological sites located within this property.</p>
F.	<p>The proposed special use complies with all applicable development and public facility standards as required by this development code or other City ordinances.</p>	<p>The proposed project as conditioned complies with the design standards and regulations as set forth in the city's development code, unless in conflict with the local, state or federal regulations, in which case the more stringent regulation will take precedence.</p>
G.	<p>The proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.</p>	<p>Project design complies with all design standards and codes and conditioned so as to not result in any detriment or damage in any material manner.</p>

