

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING**

APRIL 3, 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 Sue Seidl, Councilwoman Fran McKay, City Manager Daphne Hooper, Deputy City Attorney Brent Kolvet, Planning Director Tim Thompson, Public Works Director Dave Whalen, City Clerk Kim Swanson, Water Attorney Paul Taggart.

1.2. Public Comment

Mayor Edgington stated that a letter was received from David Thomas regarding redevelopment and that all members of City Council have received a copy of it (see attached).

1.3. Approval of the Agenda

City Manager Hooper requested that Item #7 be heard before Item #6.

Motion: MOVE TO APPROVE THE AGENDA WITH ITEM 7 BEING HEARD BEFORE ITEM 6, **Action:** Approve, **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilman Stan Lau. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Sue Seidl.

2. CONSENT AGENDA:

2.1. (Possible Action) Approval of Voucher Report.

2.2. (Possible Action) Approval of Minutes from March 14, 2019

2.3. (Possible Action) Approval of Business Licenses

2.4. Possible Action to Approve the Will-Serve from Silver Polaris for 6.03 ERC's for Water and 18.6 ERC's for Sewer for Lyon County Parcel 021-242-18 located at 1755 Nevada Pacific Parkway.

2.5. Possible Action to Approve the Will-Serve from Mick Casey for the Donner Meadows Subdivision Project for 14 ERC's for Water and 14 ERC's for Sewer for Lyon County Parcels 022-251-01, 022-251-08 - 13, 022-081-03 – 05, 022-082-04 – 05, 022-252-01 – 02 located at Meadows Lane.

2.6. Possible Action to Approve the Will-Serve from Loves Travel Stop for 0.48 ERC's for Water and 1.45 ERC's for Sewer for Lyon County Parcel 021-061-23 located at 825 Commerce Center Drive.

2.7. Possible Action to Approve the Will-Serve from Fernley Hampton In for 13 ERC's for Water and 38 ERC's for Sewer for Lyon County Parcel 021-272-37 located at 1205 Penny Lane.

2.8. Possible Action to Approve City of Fernley Filing an Amicus Brief with Nevada Supreme Court Regarding Public Trust Doctrine.

2.9. Possible Action to award a Contract for structural design services to Hyytinen Engineering, LLC. for an amount not to exceed \$14,600.

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

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5). Yes: Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Sue Seidl.

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.

Steve Carr, Interim Chief from North Lyon County Fire Department, stated there have been 780 responses since the first of the year. They have been busy working on business license inspections and the process for hiring a new chief is moving forward.

Sgt. Jeff Miller from Lyon County Sheriff's Office stated that a full-time secretary will start on April 8th and the Fernley Substation will be open Monday thru Friday 8-5; closed 12-1 for lunch. He reported the stats for the month of March.

City Manager Daphne Hooper stated that budget hearings will be held tomorrow and Friday at 5pm and Monday, April 8th if needed. She reported that staff/council retreat will take place at the Golf Course next Thursday and Friday.

Councilwoman Fran McKay spoke of her experience with legislature proceedings and stated that sign ups for Relay for Life have begun.

Mayor Roy Edgington stated the Engineering Department has hired 2 Project Managers; April 25th is bring your kids to work day and asked Council for support; and the Mayor's Clean-up will be April 27th, interested individuals will meet at out of town park. Stericycle will take TVs and hazardous waste at their location. Mr. Edgington stated he attended the dedication for the Veterans' Memorial that is being built at the Sparks Marina, where 890 veteran names from all over Nevada (1864-present) will be placed.

3.2. 2019 State of Nevada Legislative Update

City Manager Daphne Hooper read through the legislative report to give a legislative update.

4. PROCLAMATIONS BY THE MAYOR

Mayor Roy Edgington read a proclamation recognizing April as Child Abuse and Neglect Prevention Awareness Month.

Steve Rye, Lyon County District Attorney acknowledged receipt of the Proclamation and thanked the Mayor and Council. Mr. Rye made a presentation which included statistics, the scope of the issue, and the impact on stakeholders. Candy Mortensen, Supervisor with the Division of Child and Family Services, spoke of the work the Division does and

stated a lack of foster parents in Lyon County. Kelsey Mayer, with Lyon County CASA program, summarized what the program does, their main goal and outcome statistics. Mr. Rye stated the use of pinwheels and the color blue to represent Child Abuse awareness and prevention.

5. PRESENTATIONS

5.1. Presentation by Mayor Edgington to Sheriff Hunewill as Fernley Chief of Police, Pursuant to NRS 266.530.

Mayor Roy Edgington presented Sheriff Frank Hunewill a badge to commemorate his assignment as Police Chief.

6. STAFF REPORTS

6.1. Discussion and Possible Action to Approve the Interlocal Agreement Between the City of Fernley and Lyon County, Nevada

Heard after item 7.

City Manager Daphne Hooper presented this item and stated that the City and the County have been in discussion about a land transfer with the intent of the County building a Senior Center and Human Service offices on the location behind the Depot. She stated that the County Commission has already adopted the agreement, which includes the land transfer and demolition of the existing building, joint use and maintenance agreement, and a boundary line adjustment.

Councilman Dan McCassie, Councilwoman Sue Seidl and Councilwoman Fran McKay posed concern over a rushed demolition of the current Senior Center and discussion ensued. Councilman Ray Lacy joined in the concern, noting an issue with not having enough community gathering facilities in the City.

Motion: MOVE TO INCLUDE A CONDITION OF THE TRANSFER OF THE PROPERTY THAT THE CITY SHALL RETAIN A REVERSIONARY INTEREST ON THE PROPERTY WHICH WOULD CAUSE THE PROPERTY TO REVERT TO THE CITY IF THE PROPERTY CEASES TO BE USED BY LYON COUNTY FOR A SENIOR CENTER/HUMAN SERVICES FACILITY OR OTHER PUBLIC USE, **Action:** Approve,

Moved by Councilwoman Sue Seidl, Seconded by Councilman Ray Lacy. Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Sue Seidl.

Motion: MOVE TO CONTINUE THIS ITEM FOR A PERIOD OF TWO WEEKS TO BE HEARD AT THE APRIL 17, 2019 CITY COUNCIL MEETING AND DIRECT STAFF TO COME BACK WITH RECOMMENDATION OF DEMOLITION OR NOT. **Action:** Approve, **Moved by Councilwoman Fran McKay, Seconded by Councilwoman Sue Seidl. Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Sue Seidl.

7. RESOLUTIONS

7.1. Discussion and possible approval and adoption of Resolution #2019-003 declaring the intent of the City of Fernley to transfer ownership of real property between the City of Fernley and Lyon County.

This item was heard before item 6.

City Manager presented this item and stated that the City of Fernley has an intent to move forward with the process.

Motion: MOVE TO APPROVE AND ADOPT RESOLUTION 2019-004, **Action:** Approve, **Moved by Councilwoman Sue Seidl, Seconded by Councilman Ray Lacy. Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Sue Seidl.

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

There was none.

9. PUBLIC COMMENT

There was none.

ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:19 pm.

Approved by the Fernley City Council on May 1, 2019 by a vote of:

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



ATTEST: City Clerk Kim Swanson



Mayor Roy Edgington

Kimberly Swanson

From: dave t <datengineering@yahoo.com>
Sent: Monday, March 18, 2019 9:27 AM
To: Frank Hunewill; Brandi Jensen; Daphne Hooper; Ray Lacy; Stan Lau; Sue Seidl; Dan McCassie; Fran McKay; Roy Edgington; stanton.tang@kolotv.com; jmhart@mynews4.com; jpage@lyon-county.org; Kimberly Swanson; peterson.bridget@lyoncsd.org; villines.holly@lyoncsd.org; kimberlacrabtree@gmail.com; nmcintyre2021@gmail.com
Subject: Re: City of Fernley.....Cease and Desist Immediately

Good Day all,

The Final draft of the City of Fernley Redevelopment Agency, Redevelopment Plan for Redevelopment Project Area No. 1, page 79 of 120 as labeled, Table 4.7 clearly shows;

1. That, Scenario 1 will generate \$60,689,338.19 in total revenues, with no new construction over the life span of 30 years as calculated
2. That, the actual Discretionary funds made available to be used for actual improvements in Scenario 1 will be \$4,096,530.33 or an actual return of improvement per dollar generated of \$0.0675, or 6.75 percent of every dollar.
3. That, the total expenses for Scenario 1 are \$12,289,590.98. or 20.25 percent of generated funds, and an effective .73062 of the 2.52 retained for the agency as described on page 72 of 120, Bullet 2.
4. That, Scenario 2 will generate \$68,642,769.35, actual improvement funds of \$4,633,386.93 or 6.749 percent of every dollar, and total expenses of \$13,900,160.79 or 20.2499 percent of generated funds, or an effective tax of .7306199 of the 2.52 retained by the agency.
5. That, Scenario 3 will generate \$172,510,604.04, actual improvement funds of \$11,644,465.77 or 6.749 percent of every dollar, and total expenses of \$34,933,397.32 or 20.25 percent of generated funds, or an effective tax of .73062 of the 2.52 retained by the agency.
6. That, Scenario 4 will generate \$348,712,223.11, actual improvement funds of \$13,076,708.37 or 3.75 percent of every dollar, and total expenses of \$39,230,125.10 or 11.25 percent of generated funds, or an effective tax of .4059 of the 2.52 retained by the agency.

My questions to the City of Fernley, Council, and Mayor are these;

1. How much Taxable growth has occurred to date since 2017? \$1.5m, \$20m, \$50m? I'm pretty sure it's over 100 Million.
2. How is an actual return of 3.75 cents per dollar going to improve property values?
3. How is the remaining 2.1140 of the 2.52 retained by the agency going to be allocated?

4. Why should the City of Fernley receive 2.1140 of the 3.608 when it currently gets .6713 of the 3.608?
5. As the Hardy Lane project cost 10 million dollars and is approximately 1 mile long. What will the 4, 4.6, 11.6 or 13 million dollars get us as a community, that will increase any property values, at all?

In conclusion, the facts of this matter are clear.

The City of Fernley has no intention of redeveloping anything, 3.75 cents on the dollar, will yield little to no actual physical improvement, that could, if properly funded, actually generate higher property values in the City.

The City clearly wishes to keep the bulk of the retained agency funds for the City of Fernley as a business entity. Which will, in turn, not be used per the purposes of redevelopment under NRS Chapter 279 inclusive, but for the infrastructure and employment of more City staff as some perversion of a c-tax owed the city, for its inability to this day, to appoint a Police Chief as outlined and expected in NRS Chapter 266 inclusive to receive such funds as c-tax.

City of Fernley employee's, council, the Mayor and Dr. Steinman have all stated, that, property taxes will not go up. When in fact, under the adopted rules, the City acting as the governing body of the RDA, can raise, incrementally, the Property Taxes of all properties within the "redevelopment areas" anytime it sees fit, and can do so without putting it on a ballot for voters to decide. These false statements of no property tax increases are constructive fraud, and as defined by NRS on point, Deceptive Trade practices.

I, David Thomas, Hereby demand the City of Fernley to;

1. Stop this madness, via the Mayors ability to veto, and return the city councils choices for up to 5 days after.....NRS 266.200 [3.]
2. Stop utilizing, constructive fraud, and deceptive trade practices. Disclose all plans in all redevelopment areas. As required by NRS 279 inclusive. As well as the RDA's ability to raise taxes as "it" or rather the controlling members "the city" sees fit, to accomplish the goals of the "redevelopment" or more accurately, of the City.
3. Stop, digging in the pockets of property owners and employ a police chief so we can get our fair share of the c-tax.
4. Stop, digging in the pockets of property owners and request our fair share of the county's road fund to accomplish the same "redevelopment" objectives of revitalizing and upgrading main street and residences.
5. Start working proactively, for your constituents, not reactively, against them.
6. Read this letter in its entirety, at the next City Council Meeting.

To a new governing body, mayor, and City Manager,

David Thomas for Mayor 2019

Thats, right, its recall time, Ladies and Gentleman.