

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
MARCH 2, 2022**

Mayor Edgington called the meeting to order at 5:01 PM, at Fernley City Hall, 595 Silver Lace Blvd, Fernley, NV.

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Mayor Roy Edgington, Councilwoman Ward 2 Zoberski, Councilman Ward 3 Lau, Councilman Ward 1 Lacy via telephone, Councilwoman Ward 5 McKay, Councilman Ward 4 Torres
City Manager Daphne Hooper, Deputy City Manager Patrick Marsh, City Attorney Brandi Jensen, Deputy City Attorney Aaron Mouritsen, Legal Secretary Wendy Mello, Legal Secretary Mary Wilson, Building Official Billy Staten, Director of Finance Denise Lewis, Planning Director Tim Thompson, Assistant Planner Nikhil, Assistant Planner Shay League, Public Works Director Dave Whalen, Attorney David Rigdon, and Human Resource Manager Shannon McKnight.

Absent: None.

1.2. Public Forum

David Stix Jr., representing TCID: Would like to talk about the future of our community, the natural resources, and his disgust and disappointment with a certain group of people in our community that stand to benefit the most from Fernley's growth. That group includes anyone in building, realtors, and any group that benefits from growth. The Stix' family is standing next to the City in the lawsuit that challenges NEPA. His goal is to talk through the City Council to the development community. They need to stand up. The future of our community is at risk and he thinks the main thing that sent him to the City Council tonight, is that a close friend of his who is a retired builder looked at a 5 acre parcel in Fernley and knew the consequences and the issues shaping Fernley with the canal and the lining of the canal. His friend asked the realtor what the issue was with the water and the realtor told his friend it was okay. They came to a compromise and the bottom of the canal would be left open for recharge. This was a lie and are the things that we need to bring to light. The developmental community needs to stand up, needs to speak, and needs to start looking out for the long-term of this community, because the short-term future may look bright, but when they line the canal it's going to be bleak. I don't have to be here tonight and I don't have to be on the side with Fernley. The latest recommendation is to line the canal. His ranch is at the end of Farm District road. This recommendation would result in his water rights being worth a lot of money, but that's not why he is here. He is here because he has an involvement with this community and wants to see the future thrive for his kids and his grandkids. It's time for the development community to stand up and help us out. If not monetarily by creating a big voice. He stated that he was taken down by the development community when he was beaten in office for the mayor when he lost his position, and knows what they are capable of. Right now they are doing very well and need to help us out.

Jason Nickel has been involved in government for a long time, and has been exposed to a great number of public employees. He would like to speak directly to items 5.1 and 5.2 on tonight's agenda. In his time in government, he has met good public employees that work hard and are stellar at their job. He can say

without reservation that you have two of them in these two fine women. They are powerful, strong, smart, they don't put up with too much crap. They are constantly making decisions in the best interest in the City of Fernley and Fernley's residents. It is his honor and privilege to work beside these two women and they are two of the finest civil servants that he has had the opportunity to work with. In your deliberations and time that you will be spending with them tonight, I encourage you to realize the thousands of things that they do for the benefit of the citizens and the city and for the fire district that you will never know, see, or hear about. He encourages the council to give them the latitude they need to do their job without interference, and on a selfish note, I encourage you to reach as far as possible in compensation. These women deserve more than what they get. They are that good and I am proud to be compatriots with them and I hope my testimonial to you will help their benefit and their evaluation.

Nick Vander Pole emailed a letter to City Council in support of City Manager Daphne Hooper, and City Attorney Brandi Jensen's evaluations.

Ron McGuiness emailed a public comment to City Council to let them know he is opposed to the city taking over the racetrack.

1.3. (Possible Action) Approval of Agenda

City Manager Daphne Hooper requested that item 2.3 be pulled off the agenda and be brought to the next meeting.

Motion: MOVE TO APPROVE THE AGENDA WITH ITEM 2.3 PULLED AND BROUGHT BACK TO THE NEXT MEETING. **Action:** Approve, **Moved by** Councilman Ward 4 Albert Torres, **Seconded by** Councilman Ward 1 Ray Lacy. **Vote:** Passed, **Summary:** Yes 5, No 0, Abstained 0. **Yes:** Councilman Ward 1 Lacy, Councilwoman Ward 2 Zoberski, Councilman Ward 3 Lau, Councilman Ward 4 Torres, Councilwoman Ward 5 McKay, **No:** None, **Abstain:** None.

2. CONSENT AGENDA

Item 2.3 was pulled.

2.1. (Possible Action) Approval of Voucher Report

2.2. (Possible Action) Approval of Business Licenses

2.3. Possible Action to approve the job description and wage scale for the Development Services Coordinator.

2.4. Possible Action to Approve the Will-Serve Request from Friendly 5 Ranch Subdivision Village 1 for 77.3 ERC's for Water and 75 ERC's for Sewer for 75 Single Family Residential lots and irrigation for Lyon County Parcel 021-303-09, -47, -49, -52, -54 located at Farm District Rd. between Jessica Ln and Country Rd. Fernley, NV 89408

Councilwoman McKay pointed out that Item 2.4 is supposed to say between Farm District Rd. and Country Ranch Rd.

2.5. Possible Action to Approve the Will-Serve Request from Mark IV Capital (Victory Logistics Build A Irrigation) for 1.25 ERC's for Water and 0 ERC's for Sewer for landscaping at building A, Lyon County Parcel 021-242-22 located at 1895 Duffy Road, Fernley, NV 89408

2.6. Possible Action to Approve the Will-Serve Request from The Meadows at Inglewood, 1032 Inglewood Dr. Unit #110- 115 for .35 ERC's for Water and .94 ERC's for Sewer for Lyon County Parcel 020-341-01 located at 1032 Inglewood Drive Unit #110-115, Fernley, NV 89408

Motion: MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 2.3 BEING PULLED.

Action: Approve, **Moved by** Councilman Ward 3 Stan Lau, **Seconded by** Councilman Ward 1 Ray Lacy. **Vote:** Passed, **Summary:** Yes 5, No 0, Abstained 0. **Yes:** Councilman Ward 1 Lacy, Councilwoman Ward 2 Zoberski, Councilman Ward 3 Lau, Councilman Ward 4 Torres, Councilwoman Ward 5 McKay, **No:** None, **Abstain:** None.

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

Mayor Edgington reported that he talked to Sheriff Hunewill. The Sheriff's Department has had staffing problems so the Mayor will read the sub-station report.

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

City Manager Daphne Hooper: March 3rd graduation for leadership academy with presentations from the Fire District, Sheriff's Office, School District and Human Services, as well as a couple of other folks. Community meetings for the Fernley Community Economic Development Strategy. They will be held March 11 from 5-8 PM and March 12th from 10 AM - 1 PM, located at City Hall. Flyers are available at the front of the Chambers. Daphne welcomed the new employees Maintenance Worker in Streets Javier Jimenez, Municipal Court Marshal Daniel Lynch, and a Water Treatment Plant Chief Operator Patrick Sparks.

Building Official Billy Staten provided the monthly stats for the Building Department for the month of February.

City Clerk Kim Swanson informed everyone that the candidacy filing starts Monday and runs through March 18th. Seats up for election are Ward 1, Ward 3, and Mayor.

Mayor Edgington reported that it is National Reading week. He read to 2nd graders at East Valley Elementary. Encourage kids to read. He said a meeting on the comprehensive strategy area for downtown March 11th from 5-8 PM at City Hall, March 12th from 10 AM-1 PM. Property Owner's meeting will be held March 18th from 5-8 PM and 19th from 10 AM- 1 PM. STEM judging is tonight during the current meeting, but they will be hosting an event tomorrow.

Councilman Torres reported the Fernley Senior Citizen Advisory Committee will be meeting March 11th at 9 AM in the City Council Chambers.

Councilwoman Zoberski reported the Chamber has the Speak Easy Galla coming up on March 19th at 5:00 PM. Tickets are still available. It is a fancy and fun event. There will be awards handed out.

4. PROCLAMATIONS BY THE MAYOR There were none

5. STAFF REPORTS

5.1. 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**

Shannon McKnight provided an overview of the evaluation process and scores.

Motion: MOVE TO APPROVE THE CITY ATTORNEY, BRANDI JENSEN'S EVALUATION .
Action: Approve, **Moved by** Councilwoman Ward 5 Fran McKay, **Seconded by** Councilman Ward 4 Albert Torres. **Vote:** Passed, **Summary:** Yes 5, No 0, Abstained 0. **Yes:** Councilman Ward 1 Lacy, Councilwoman Ward 2 Zoberski, Councilman Ward 3 Lau, Councilman Ward 4 Torres, Councilwoman Ward 5 McKay, **No:** None, **Abstain:** None.

Motion: MOVE TO APPROVE A 2% INCREASE FOR THE CITY ATTORNEY, BRANDI JENSEN, EFFECTIVE MARCH 19, 2022, AND ALLOW HER TO CONTINUE WITH HER FLEXIBLE WORK SCHEDULE. **Action:** Approve, **Moved by** Councilwoman Ward 5 McKay, **Seconded by** Councilman Ward 4 Torres. **Vote:** Passed, **Summary:** **Yes:** Councilman Ward 1 Lacy, Councilwoman Ward 2 Zoberski, Councilman Ward 3 Lau, Councilman Ward 4 Torres, Councilwoman Ward 5 McKay, **No:** None, **Abstain:** None.

5.2. A. 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 City Manager Daphne Hooper's salary.

Human Resource Manager Shannon McKnight provided an overview of the evaluation process, and City Manager Daphne Hooper's score.

City Manager Daphne Hooper presented the status of current goals and the goals for the upcoming year.

Mayor Edgington read a letter that was submitted from Stan Thomas at EDAWN. Mayor said he has seen her ability to change gears. She is usually right and I just didn't see it. She is the face of the city and he is proud of her work and ethics.

Motion: MOVE TO APPROVE THE CITY MANAGER, DAPHNE HOOPER'S EVALUATION.
Action: Approve, **Moved by** Councilwoman Ward 5 Fran McKay, **Seconded by** Councilwoman Ward 2 Felicity Zoberski. **Vote:** Passed, **Summary:** Yes 3, No 2, Abstained 0. **Yes:** Councilwoman Ward 2 Zoberski, Councilman Ward 3 Lau, Councilwoman Ward 5 McKay, **No:** Councilman Ward 1 Lacy, Councilman Ward 4 Torres, **Abstain:** None.

Motion: MOVE TO APPROVE A WAGE INCREASE EQUIVALENT TO WHAT THE OTHER EMPLOYEES RECEIVE FOR THE CITY MANAGER, DAPHNE HOOPER, EFFECTIVE, JULY 1ST, 2022. **Action:** Approve, **Moved by** Councilwoman Ward 5 McKay, **Seconded by** Councilman Ward 3 Lau. **Vote:** Passed, **Summary:** Yes 3, No 2, Abstained 0. **Yes:** Councilwoman Ward 2 Zoberski, Councilman Ward 3 Lau, Councilwoman Ward 5 McKay, **No:** Councilman Ward 1 Lacy, Councilman Ward 4 Torres, **Abstain:** None.

Councilman Torres asked if there is any way to readdress the evaluations every 6 months instead of waiting for a year. This will be discussed during item 8, address request(s) for future agenda items.

Human Resource Manager Shannon McKnight stated that Council can discuss any issues with any of the appointed positions being that they are the appointed positions' supervisor.

5.3. (For possible action) Approval to include \$30,000 total for Fireworks for July 2022. (Mayor Edgington)

Mayor Edgington asked for this item to be placed on the agenda. The 4th of July committee was offered the

same price as last year for fireworks with no increase if they can lock in the contract within 60 days. He is asking the Council to support providing \$30K to the 4th of July Committee for the 2022 fireworks.

Motion: MOVE TO INCLUDE \$17K TOTAL FOR FIREWORKS FOR JULY 2022. **Action:** Approve, **Moved by** Councilman Ward 4 Albert Torres, **Seconded by** Councilman Ward 3 Stan Lau. **Vote:** Passed, **Summary:** Yes 5, No 0, Abstained 0. **Yes:** Councilman Ward 1 Lacy, Councilwoman Ward 2 Zoberski, Councilman Ward 3 Lau, Councilman Ward 4 Torres, Councilwoman Ward 5 McKay, **No:** None, **Abstain:** None.

5.4. Possible action to approve City of Fernley Election Sign Policy

City Clerk, Kim Swanson, presented the sign policy.

Motion: MOVE TO APPROVE THE CITY OF FERNLEY ELECTION SIGN POLICY AND AMEND THE POLICY ON PAGES 1 AND 3 TO ALLOW THE CAMPAIGN SIGNS TO BE POSTED 60 DAYS PRIOR TO THE MAIL - IN BALLOTS BEING DISTRIBUTED. THIS DATE WILL BE DEFINED BY THE PRIMARY ELECTION, AS THE DATE TO MAIL - IN, BALLOT MAILINGS. **Action:** Approve, **Moved by** Councilman Ward 4 Albert Torres, **Seconded by** Councilman Ward 3 Stan Lau. **Vote:** Passed, **Summary:** Yes 5, No 0, Abstained 0. **Yes:** Councilman Ward 1 Lacy, Councilwoman Ward 2 Zoberski, Councilman Ward 3 Lau, Councilman Ward 4 Torres, Councilwoman Ward 5 McKay, **No:** None, **Abstain:** None.

6. RESOLUTIONS

6.1. Discussion and possible action to approve resolutions 22-005, 22-006, 22-007 and 22-008 increasing the wastewater and water utility rate schedules and connection fees.

Public Works Director Dave Whalen discussed the effect that inflation has had on the cost of supplies and his experience with the Water Treatment Plant, since working for the City of Fernley. He provided an overview of the current water and sewer infrastructure and discussed what infrastructure will be needed in the future. Every year staff takes a diligent look at the infrastructure and the current funds available to maintain it.

Katheryn Hansford of Hansford Economic Consulting presented the findings of her study. These findings included a suggested fee schedule to maintain and provide the needed infrastructure for City water and sewer services.

Motion: MOVE TO APPROVE RESOLUTIONS 22-005, 22-006, 22-007 AND 22-008, INCREASING THE WASTEWATER AND WATER UTILITY RATES SCHEDULES AND CONNECTION FEES ACCORDINGLY. THE COUNCIL WILL REVIEW THE RATES EVERY 2 YEARS AND THE STAFF WILL REVIEW THE RATES EVERY YEAR. **Action:** Approve, **Moved by** Councilwoman Ward 2 Felicity Zoberski, **Seconded by** Councilwoman Ward 5 Fran McKay. **Vote:** Passed, **Summary:** Yes 3, No 2, Abstained 0. **Yes:** Councilman Ward 1 Lacy, Councilwoman Ward 2 Zoberski, Councilwoman Ward 5 McKay, **No:** Councilman Ward 3 Lau, Councilman Ward 4 Torres, **Abstain:** None.

Bill Meyer a Fernley resident, pointed out that this conversation took place 10 or 15 years ago and the City discussed selling the utilities. If we went that route and decided to sell it because we couldn't keep up with inflation, then someone would buy it to make more money off of the people of Fernley. If you make a deal for the seniors, then everyone else will pick up the slack. The rates must go up. It's a double-edged sword.

Ann Payne, a Fernley resident, asked if there had been any other studies or models done? What if the developers pay more in the connection fees? Would that help the residents?

Kathryn Hansford stated the connection fees must be justified with costs.

Councilman Lacy moved to look at a discount rate for seniors and for seniors to receive a 3K gallon credit on their bill each month, after it is determined who will qualify as a senior. Councilman Lau seconded the motion. After a brief discussion, Councilman Lau withdrew his second and the motion died.

7. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

7.1. Discussion and possible action requesting a future agenda item addressing updating the Master Plan for retention ponds and parks. (Mayor Edgington's request)

Mayor Edgington reported retention ponds have been maintained by residents before and then given back to the city. If HOA's cannot maintain the retention ponds and the ponds are given to the City, the City should receive the HOA fees to maintain the retention ponds.

Motion: MOVE TO APPROVE A FUTURE AGENDA ITEM TO ADDRESS AND UPDATE THE MASTER PLAN FOR RETENTION PONDS AND PARKS. **Action:** Approve, **Moved by** Councilman Ward 3 Stan Lau, **Seconded by** Councilman Ward 1 Ray Lacy. **Vote:** Passed, **Summary:** Yes 5, No 0, Abstained 0. **Yes:** Councilman Ward 1 Lacy, Councilwoman Ward 2 Zoberski, Councilman Ward 3 Lau, Councilman Ward 4 Torres, Councilwoman Ward 5 McKay, **No:** None, **Abstain:** None.

7.2. Discussion and possible action requesting a future agenda item regarding future ideas for the Fernley Depot.

Motion: MOVE TO APPROVE A FUTURE AGENDA ITEM TO DISCUSS THE FUTURE DIRECTION OF THE DEPOT AS VARIOUS REPORTS COME IN. **Action:** Approve, **Moved by** Councilwoman Ward 5 Fran McKay, **Seconded by** Councilman Ward 3 Stan Lau. **Vote:** Passed, **Summary:** Yes 5, No 0, Abstained 0. **Yes:** Councilman Ward 1 Lacy, Councilwoman Ward 2 Zoberski, Councilman Ward 3 Lau, Councilman Ward 4 Torres, Councilwoman Ward 5 McKay, **No:** None, **Abstain:** None.

8. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilman Torres would like to be able to readdress not only Ms. Hooper's evaluation, but as a general practice of the evaluation that this Council does at 6 month intervals, including a 360 evaluation as well.

9. PUBLIC FORUM

There were none.

10. ADJOURNMENT

The next Fernley Senior Citizen Advisory Committee will be held on March 11th, at 9:00 AM in the City Council chambers.

The next Fernley City Council meeting will be held on March 16th, at 5:00 pm, in the City Council chambers.

There being no further business to come before it, the meeting adjourned at 8:23 PM.

Approved by the City Council on April 6, 2022, by a vote of:

AYES: 4 NAYS: 0 ABSTENTIONS: 0 ABSENT: 1


ATTEST:


Roy Edgington, Mayor

Kimberly Swanson

3/2
Public Comment

From: Albert Torres
Sent: Monday, February 28, 2022 7:47 AM
To: Kimberly Swanson
Subject: Fwd: Fernley sand box.

Please add to Public Comment.
Albert

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Ron McGinnis <ronedmcg@sbcglobal.net>
Sent: Monday, February 28, 2022 7:42:35 AM
To: Albert Torres <atorres@cityoffernley.org>
Subject: Fernley sand box.

Albert I have Been riding and racing the Sandbox for years now but the new track at 95a is a better location and just a better track period. The city wasting tax dollars on the old track is absolutely ridiculous. Let's get the water bills in this city under control first and not waste time and money on something that is not needed. The city has no business with this. Every other track is private with the exception of state parks. It will need to be fenced and facilities put in and people to run it. This is not the city's job.

Thanks for listening
Ron McGinnis

Sent from my iPhone

opposed to the City taking
over the race track

3/2
Public Comment

Flynn Giudici
Government Affairs, LLC
708 N. Center Street
Reno, NV 89501
775-200-9682



March 1, 2022

Fernley City Council
595 Silver Lace Blvd
Fernley, NV 89408

VIA EMAIL

RE: Agenda Items 5.1 & 5.2

Dear Mayor Edgington and City of Fernley Council Members,

We wanted to take this opportunity to provide public comment on Agenda Items 5.1 and 5.2. Working with local governments across the Silver State, you engage individuals like yourselves but also staff at all levels who are constantly bombarded with various requests and projects, some fun and some not. There is a constant demand but there are also opportunities to recognize them for all the hard work that they perform for their respected jurisdictions.

As you have a discussion to review both Mrs. Hooper and Mrs. Jensen, we wanted to take the opportunity to highlight that their drive, work integrity, transparency and attentive demeanor is by far some of the best in Nevada that we work with.

From private entities engaging the City of Fernley to being available to us at all hours of the day during each legislative session, both of their thoughtful attention and detail to matters before or impacting the City of Fernley should be recognized.

The general public usually does not have an opportunity to see the amount of dialogue that happens on various matters, and we felt that it was important to let you know that it is an absolute privilege to work with each of them on array of matters. They are both always prepared and their willingness to provide us with recommendations has been essential to our ability to effectively represent the citizens of Fernley during the legislative sessions.

With the City of Fernley's growth, it takes your leadership but also a staff who can conduct the day to day business. The City of Fernley is fortunate to have both Mrs. Hooper and Mrs. Jensen.

Thank you for your time,


Nick Vander Poel
Principal

Nick Vander Poel
Mundy Elliott

Wanted to support
Mrs Hooper
Mrs Jensen
in their
evaluations.