

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
MARCH 1, 2023**

Mayor Neal E. McIntyre called the meeting to order at 05:02 PM at Fernley City Hall, 595 Silver Lace Blvd., Fernley, NV 89408.

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Mayor Neal E. McIntyre, Councilman Ryan Hanan, Councilwoman Felicity Zoberski, Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay. Staff: Deputy City Manager Lydia Altick, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, Building Official Charity Birkel, Associate Planner Shay League, City Attorney Brandi Jensen, City Treasurer Denise Lewis, City Engineer Derek Starkey, Public Works Director Dave Whalen

1.2. Public Forum

John Reichlein inquired if the city received credit for the \$8,900.00 Southwest Gas bill as a result of the Nevada Supreme Court decision of last year. Regarding contingencies, item 2.4 has a 10% contingency. He inquired how many times the contingencies are actually used and if there are any records on that.

1.3. (For Possible Action) Approval of Agenda

Motion: MOVE TO APPROVE THE AGENDA. **Action:** Approved, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Fran McKay. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilman Ryan Hanan, Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay

2. CONSENT AGENDA

2.1. (Possible Action) Approval of the Voucher Report

2.2. (For Possible Action) Approval of Minutes

2.3. (Possible Action) Approval of Business Licenses

2.4. Possible Action to Approve the award of a contract to Artistic Fence Co., Inc. to furnish and install an automatic sliding gate at the City of Fernley's East Wastewater Treatment Facility for an amount of \$26,862 plus a 10% contingency of \$2,686.20, for a total amount not to exceed \$29,548.20.

2.5. (Possible Action) To participate in the Wal Mart Settlement Agreement in Re National Prescription Opiate Litigation MDL Number 2804, release all released claims against all released entities and agree to the Wal Mart Settlement and take all actions properly related thereto.

2.6. Possible Action to award a 2-year Land Lease agreement (2023-2024) to the Board of Regents of the Nevada System of Higher Education on behalf of the University of Nevada, Reno Fernley 4-H Gardening Club (Lyon County Extension office) for approximately 0.870 acres of open space property at the northwest corner of Rainbow Lane and Farm District Road

2.7. Possible Action to authorize the Special City Attorney for Water Matters (Taggart & Taggart, Ltd.) to file a lawsuit in the appropriate Nevada district court to overturn Truckee Carson Irrigation District ("TCID") Resolution No. 2023-01 (fixing the rate of assessment and levy upon the lands of the District to meet contractual obligations to the United States) approved and adopted at the meeting of the TCID Board of Directors on February 7, 2023, and to take all actions properly related thereto.

Motion: MOVE TO APPROVE THE CONSENT AGENDA. **Action:** Approved, **Moved** by Councilman Lau, **Seconded** by Councilman Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilman Hanan, Councilwoman Zoberski, Councilman Lau, Councilman Torres, 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.

Chief Deputy Mitch Branningham, Lyon County Sheriff's Office, started by recognizing the loss of life in the recent air crash of a medical transport plane in Stagecoach. The next incident he discussed was the response to Silverland Middle School regarding a student with a weapon. The incident was handled quickly and the school was not put in lockdown. The Department and school had a standard review of procedures for these types of incidents and found all procedures were followed. The department and school had a meeting to go over procedures to make sure they had a safety plan in place. Chief Deputy Branningham reviewed the monthly stats for February.

Councilman Albert Torres asked about the new personnel in the Sheriff's Department. Chief Deputy Branningham responded saying there are two new Sheriffs that are being assigned to Fernley; Sgt. Bill McDaniel is transferring from Dayton, and Sgt. Gabb Santos will be sworn in on March 13. After Sgt. Gabb Santos' swearing in will be introduced at the City Council meeting.

Mayor McIntyre and all councilmembers thanked the sheriff's department for a job well done. Councilwoman Felicity Zoberski asked if the City could do something for the crash victims. Deputy Branningham stated he would relay details as they become available.

North Lyon County Fire Department Chief Nichol stated on Friday, March 3, at 5:00 there will be a memorial for the flight crew at Carson Tahoe Hospital helipad. He thanked sheriff's department for all their efforts that night. He reported the stats for the month of February.

Mayor McIntyre reported he on a fire call with the Chief. He stated it was organized chaos, and the fire was out in about 5 minutes. Kudos to the Chief and crew.

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

Building Official Charity Birkel provided the monthly Building Department stats. She also reported that the Building Department did a presentation at Fernley High School.

Deputy City Manager Altick gave an update on hiring employees in 2023.

Ward 4 - Councilman Torres reported that he was able to accompany Fernley Senior Citizens Advisory Committee members Sharon Holley, Jackie LaVoie and Thomas Burrous to tour the Legislative building on both the State and Assembly sides. The plan is to have the Advisory Committee attend a tour of the State Capital. Councilman Torres stated there was an issue that department heads are not communicating with council members. One example is the City Managers' position. It has not been communicated as to when the Council Interviews will be. I want this on the record so the Mayor understands that I am not singling him out or attacking him as the new Mayor. I do believe from the decisions that are being made that there are too many people trying to influence the direction that he is going, and that I have seen, and I don't appreciate it, and it needs to be public, because we as the City of Fernley always tout ourselves as being transparent and open to the public. He continued, if he does not know what's going on because no one is communicating with Council, how will citizens know what's going on? These are very serious questions that need to be addressed. A City Council meeting open to the public is where these issues need to be addressed.

Mayor McIntyre responded to Councilman Torres in regards to communication, and will see that communications is better with the Council. He agreed that staffing is also an issue. He gave an update on the hiring of a new City Manager. He asked the Council how many qualified candidates would the City Council like to interview.

The consensus was the Council wanted the top three candidates brought forward for interviews.

3.2. State of Nevada Legislative update.

Nick Vanderpool, Flynn Guidici Government Affairs, (Zoom) gave an update on the legislature. Due to weather, it was shut down for 3 days, and resumed today, March 1, 2023. Presentations are being rescheduled for next week with Fernley's presentation taking place on March 6th. Nevada League of Cities, Executive Director Wesley Harper, submitted his letter of resignation. As of February 24, 2023, there are 1,093 bill draft requests, of which 224 bills are for the city of Fernley. Bill introductions are due March 20, 2023, and need to pass the committee by April 14, 2023.

Nick Vanderpool will work with staff to identify specific issues, compile more complex reports and will reach out to Aaron Mouritsen as needed.

4. PROCLAMATIONS BY THE MAYOR

There were none.

Mayor Neal McIntyre requested a break.

Break 6:02 PM - 6:15 PM

5. PRESENTATIONS

5.1. Presentation by Hansford Economic Consulting (HEC) LLC regarding preparation of the 2021 Water and Sewer Rate Study

Public Works Director Whalen gave a brief overview in regards to funds running in the red for the past decade. Would like to have discussions during budget meetings regarding the aging infrastructure of the water and sewer plants, priorities, and the 5 year Capital Improvement Plan. Also, consideration of the expansion of the plants due to the steady growth of the city. He informed council that staff is always looking for state and federal funding.

Kathryn Hansford, Hansford Economic Consulting (HEC) LLC, gave a slide show presentation on the 2021 water and sewer rate study.

Councilman Lau stated that the spending needs to get under control, and water rates need to be lowered. He stated there is no Capital Improvement Plan.

Councilwoman McKay stated people have ways of conserving and there are programs through the County to help those citizens. When the study was done there were very few apartments, now we have more. Our water system is old and will fall apart and will cost a lot of money to replace and we cannot take money out of the general fund to update.

Councilman Torres stated that there are other ways to increase revenue besides raising rates.

Councilman Ryan Hanan stated he would like to have a conversation about revenue streams, impact fees and connection fees. He stated the city does have ARPA Cares Act money remaining that can be spent. He would like to see updated numbers, including apartments.

Mayor McIntyre thanked Dave Whalen and Kathryn Hansford. He stated he believes the city needs to continue reserving funds as planned.

7:15 - 7:17 Councilman Albert Torres left the room

5.2. Presentation by Marty Johnson of JNA Consulting regarding the City's water and sewer bond issuances and refunded bonds; and discussion regarding the water bond ancillary fee.

City Treasurer Lewis introduced Marty Johnson of JNA Consulting.

Mr. Johnson gave a presentation regarding the City's water and sewer bond issuances and refunded bonds and the water bond ancillary fee. He explained how the bonds and repayment terms work.

6. ORDINANCES

6.1. First Reading, Introduction of Bill # 324 and ZMA22009 in support of the River Ranch Apartment Complex

Associate Planner Shay League gave first reading introduction of Bill #324 and ZMA22009 in support of the River Ranch Apartment Complex. Staff will bring forward the adoption of the bill on the March 15, 2023, Council Meeting agenda.

7. STAFF REPORTS

7.1. Discussion and possible action regarding the scope of proposed playground improvements and budget options, including increased funding or grant funding from the Land and Water Conservation Fund, for an all-abilities playground located at Green Valley Park

City Engineer Starkey presented options for the Green Valley All-Abilities playground. The project was requested during the FY2022/2023 budget hearings. Staff has worked with a designer to adjust the initial designs of the park to match the \$200,000 budget and are looking for Council's approval on the proposed design before moving forward with finishing the design, bidding, and construction of the park. There are two options for adding funding, including requesting additional funding in the FY2023/2024 budget or pursuing grant funding. There is currently a grant opportunity available for 50:50 matching funds for park and trails project through the Land and Water Conservation Grant. The deadline for applying is the end of March and if successful funding will be awarded in the Fall of 2023. The benefit to this option is that there is no impact on the city's budget since the existing \$200,000 could be leveraged as matching funds.

Councilwoman McKay stated that she thinks this is a good idea.

Councilman Lau stated costs are up and this would mean this is a million dollar park. \$700,000 has already been put into this park.

Councilwoman Zoberski liked the idea and wanted to put in for the grant and more equipment.

Councilman Torres approved but wanted to go after the grant for more equipment. The city does not have an all-abilities park for our disabled citizens and we need one.

Councilman Ryan Hanan is all for the project.

Motion: I MOVE TO APPROVE STAFF TO PROCEED WITH THE PROJECT AS PRESENTED WITH THE CURRENT BUDGETED AMOUNT OF \$200,000 AND I MOVE TO APPROVE STAFF TO PURSUE ADDITIONAL FUNDING WITH THE UPCOMING BUDGET CYCLE FOR FISCAL YEAR 23/24 AND I MOVE TO DIRECT STAFF TO PURSUE GRANT FUNDING TO INCREASE THE BUDGET FOR THE PROJECT. **Action:** Approved, **Moved by** Councilwoman McKay, **Seconded by** Councilman Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

7.2. Discussion and Possible Action to approve the City of Fernley Maximum Allowed Operating Property Tax Rate to be Levied for Fiscal Year 2024 and for Submission to the Department of Taxation.

City Treasurer Lewis reported that each February the city receives their revenue projections from the state. This is the rate that is used to calculate property tax revenue the city receives. Upon request from past council, this request is being brought forward to you for council approval. The city's current tax rate for FY23 is set at .635. The maximum allowed by the State of Nevada for FY24 is .6749.

Motion: I MOVE TO APPROVE THE CITY OF FERNLEY'S MAXIMUM ALLOWED OPERATING PROPERTY RATE OF .6749 TO BE LEVIED FOR FISCAL YEAR 2024 AND FOR SUBMISSION TO THE DEPARTMENT OF TAXATION. **Action:** Approved, **Moved by** Councilman Albert Torres, **Seconded by** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Felicity Zoberiski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, Councilman Ryan Hanan.

8. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

8.1. Possible action to request a future agenda item for changes to Fernley Municipal Code Title 2, Chapter 2 relating to the City Manager. (Councilwoman McKay)

Councilwoman McKay requested this be a future agenda item because terms need to be clarified. Technically, according to NRS, we do not have to have a City Manager, so we may need to change the title, to conform to the correct NRS statute. She would like to have a complete review with suggested changes for complete clarification.

Mayor McIntyre expressed concern in regards to the posted position of City Manager.

City Attorney Jensen clarified that the City is not required to have a City Manager. In regards to the posting for the City Manager position, Bill 317 was attached to the posting so applicants would know how it is structured at the City of Fernley. The current municipal code refers to both titles; City Manager and Chief Administrative Officer. She had recommended that the title of Chief Administrative Officer be used but the Council chose to stick with the City Manager description.

Councilman Albert Torres said that according to 2.0, the correct steps to assign Active City Manager were not taken. We need clarification of exact procedures and duties.

Motion: I MOVE TO BRING TO THE COUNCIL FOR REVIEW THE ENTIRE FERNLEY MUNICIPAL CODE TITLE 2, CHAPTER 2, RELATING TO THE CITY MANAGER. **Action:** Approved, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Felicity Zoberiski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, Councilman Ryan Hanan.

8.2. Possible action to request a future agenda item which will establish residency requirements for City Boards and Commissions. (Councilwoman McKay)

Councilwoman Fran McKay would like clarification as to residency for any board or committee member. She would like any board or committee member to be an established resident of Fernley.

Councilman Stan Lau agrees with Councilwoman Fran McKay.

City Attorney Jensen stated that NRS states that there can be no more than two 2 members serving on the Planning Commission who can live outside the city limits, but has not reviewed the Planning Commissions bylaws.

Associate Planner Shay League stated that after reviewing the Planning Commission bylaws that being a resident of Fernley is a requirement in the bylaws.

Motion: I MOVE TO BRING FORWARD PLANNING COMMISSION BYLAWS .
Action: Approved, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Stan Lau.
Vote: Passed, **Summary:** Yes 5. **Yes:** Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, Councilman Ryan Hanan.

Motion: MOTION TO BRING FORWARD REQUIREMENTS OF RESIDENCY FOR OTHER BOARDS AND COMMISSIONS. **Action:** Approved, **Moved by** Councilwoman Fran McKay, **Seconded by** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, Councilman Ryan Hanan.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilman Lau requested a future agenda item to find grants to help residents Zero Scape lawns.

Councilman Ryan Hanan requested a future agenda item to continue the discussion on decreasing the water rates.

Motion: MOTION TO EXTEND MEETING BEYOND 9PM. **Action:** Approved, **Moved by** Councilman Ryan Hanan, **Seconded by** Councilman Albert Torres.
Vote: Passed, **Summary:** Yes 5. **Yes:** Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, Councilman Ryan Hanan.

10. PUBLIC FORUM

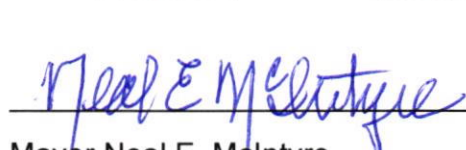
There are none.

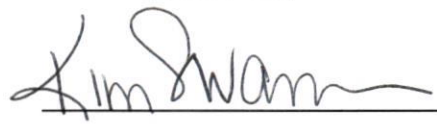
11. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 9:08.

Approved by the Fernley City Council on April 5, 2023, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre


Kim Swanson, City Clerk