

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
MAY 1, 2024**

Mayor Neal E. McIntyre called the meeting to order at 5:00 pm.

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Mayor Neal E. McIntyre, Councilman Ryan Hanan, Councilwoman Felicity Zoberiski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, City Manager Ben Marchant, Deputy City Manager Lydia Altick, City Attorney Aaron Mouritsen, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, City Treasurer Robert Carson, Building Official Charity Birkel, Planning Direct Michele Rambo, Senior Planner Shay League, Public Works Director Barry Williams, Management Analyst Casey Kasten, HR Manager Mitzi Carter.

1.3. Public Forum

John Reichlein, Fernley resident, stated that he was very pleased with the Council's decision to support Resolution 24-011, Opposing the Post Office's decision to change the sorting to Sacramento. He also expressed his concern that we are being over optimistic in regard to water.

Tom Bird, Fernley resident, expressed concern about the cars running the stop signs on Reese River and River Ranch and asked the Council to look into getting additional stop signs with flashers.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA WITH THE EXCEPTIONS OF 2.8 TO BE PULLED FOR DISCUSSION, AND ITEMS 6.3, 6.4, 6.5 AND 7.3 PULLED. **Action:** Approved. **Moved by:** Councilwoman Fran McKay, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

2. CONSENT AGENDA

2.1. (Possible Action) Approval of Voucher Report

2.2. (Possible Action) Approval of Minutes

2.3. (Possible Approval) Approval of Business Licenses

City Clerk Kim Swanson read the new business licenses.

Councilman Ryan Hanan stated that he would like to know what the percentage of growth business licenses is, how many we have and what kind.

2.4. Possible Action to Approve the Will-Serve Request from City of Fernley for The Community Resource and Response Center for 3.1 ERC's for Water and 12.5 ERC's for Sewer for Lyon County Parcel 021-103-56 located at 695 E. Main St. Fernley, NV 89408

2.5. Possible action to authorize the execution of the water rights banking and dedication agreement with Betty Jackson under The Betty M. Jackson Trust Agreement, APN 021-071-03 TCID serial number 1008-4 in the amount of 112.005 acre feet.

2.6. Possible action to authorize the execution of the water rights banking and dedication agreement with Demar Dahl, LLC, APN 021-101-15 TCID serial number 1020-6 in the amount of 7.92 acre feet.

2.7. Possible action to authorize the execution of the water rights banking and dedication agreement with Theodore H. Davey & Marsha G. Davey, APN 020-353-26 TCID serial number 1054-1-H-1 in the amount of 5.22 acre feet.

2.8. Possible Action to nominate Councilman Albert Torres as the Lyon County Local Emergency Planning Committee Elected Local Official representing Fernley.

2.9. (Possible Action) to approve the liquor license for Family Dollar Inc # 30149.

Motion: I MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 2.8 PULLED FOR DISCUSSION.

Action: Approved. **Moved by:** Councilman Lau, **Seconded by:** Councilman Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

Discussion for Item 2.8

Mayor McIntyre stated that during this emergency planning, Councilman Torres was involved with putting it together and after talking with Deputy City Manager Lydia Altick, Councilman Torres was asked if he wanted to be on this committee. He accepted and that is why it was on the agenda. He stated that he understands everybody's concerns and will be more forthcoming, to get the council's input when it comes to appointments to these different committees.

Councilman Stan Lau stated that he would like to have others involved.

Councilman Albert Torres stated that he did not put himself in for this position, that he was asked to sit in this position due to 25 years of writing emergency operation plans and also working with the Deputy City Manager and the prior Deputy City Manager on all the emergency operation plans.

Motion: I MOVE TO APPROVE ITEM 2.8 FROM THE CONSENT AGENDA. **Action:** Approved. **Moved by:** Councilwoman Fran McKay, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

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 Brantingham, LCSD, gave the April stats for Fernley. The department took in 152 cases. Five (5) of those were DUI's which is down from where they were the prior month; eight (8) were domestic battery reports; and 48 traffic citations were issued in the city. There is a new deputy, Danny Harlow. This is police week. On April 24th the Memorial Run left Las Vegas carrying the baton with over 150 Nevada peace officers' names on it that were lost in the line of duty. They leave Las Vegas, and it's run by foot and handed off in a relay fashion all the way up to the Memorial in Carson City. That baton is set to hit the memorial about 1:30 pm on May 2. May 1st at 7:00 pm in downtown Reno on South Virginia Street, the Reno Arch will turn blue and there will be a ceremony May 3rd at 10:00 am at Idlewild Park.

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

City Manager Marchant, gave a shout out to the human resource director, who completed the POOL/PAC certification in HR. The Small Business Resource Fair was a success. The Citizen's Academy is going strong with tomorrow's session covering City Attorney, City Council, Mayor and City Manager. There has already been a request to do it again in the fall.

Councilman Hanan thanked the city staff and NDOT for their participation in the roundabout cleanup. Also, the underpass on 95A from Walgreens over the hill of the roundabout underneath the overpass has been painted. There was a tour with the Citizens Leadership Academy of the water treatment plant.

Councilwoman Zoberski reported that the little league will be having their first home run derby on Sunday, May 5, at the In Town Park.

Councilman Torres reported that the FCTA is now accepting applications for the first grant cycle of fiscal year 2024/2025 until May 31. All applications can be submitted via email to fcta@cityoffernly.org, by mail or in person at City Hall by 5:00 PM on Friday, May 31. Applications received after 5 PM on the 31st will not be considered. These funds are for projects, events and/or activities that will promote tourism in Fernley during the period of July 1, 2024, through December 31, 2024. The information to apply is posted on the City of Fernley website, Newsflash and under the Government tab City Boards and Commissions, Fernley Convention and Tourism Authority page. There is a mandatory applicant meeting workshop on Tuesday, May 17th., 6 PM here in the Council Chambers if you cannot attend, please contact the City Manager's office. The FCTA Board will review grant applications and make grant selections during their June 17, 2024, meeting. Applications without representation will not be considered for funding. Please read the FCTA grant guidelines prior to completing the FCTA grant. The goal is to get that seed going, get those events going to where you become self-sustainable.

Councilwoman McKay reported that she had attended the 4th of July meeting, and they are still looking for vendors. If anyone is interested contact Becki Howlett (775-434-5231). She recently attended the Ace's baseball game, courtesy of Greater Nevada Credit Union. Let's be sure and support our local Triple A team.

Mayor McIntyre announced the next "Coffee with the Mayor" will be May 24th at the golf course 6 pm - 8 pm.

4. PROCLAMATIONS BY THE MAYOR

Mayor Neal E McIntyre presented the following proclamations:

Youth Law Awareness

Building Safety Month

Municipal Clerks Week - May 5th - 11th.

5. ORDINANCES

5.1. (For Possible Action) Introduction and First Reading of Bill #347, an Ordinance amending Title 32, Chapter 3, Section 090 (Modifications and Appeals) of the Fernley Development Code to create a process to waive certain development standards in certain parts of town to aid in development and redevelopment efforts, and other matters related thereto.

Michele Rambo, Planning Director, stated that this is the first reading of a proposed new process to potentially help with some of our redevelopment efforts, especially in the downtown area. As currently written, the City of Fernley Development Code tends to discourage development or redevelopment in three focused areas of the City, including the downtown core. Many attempts to locate businesses in these areas have failed due to the overburdensome nature of the codes related to parking, landscaping, and street improvements. There is currently no mechanism to provide relief for these requirements when it makes sense to do so. Therefore, the City of Fernley Planning Department and Engineering Department

have worked together to create the proposed waiver process. At their meeting of April 10, 2024, the Planning Commission unanimously voted to recommend that the City Council adopt Bill #347. We will be discussing this in much more detail at the next City Council meeting on May 15th.

5.2. (For Possible Action) Introduction and first reading of Bill # 349, regarding a proposed development code text amendment (CA24004) to Fernley Municipal Code §32.03.050(c) to extend the submission requirement for a temporary use permit from seven days prior to thirty days prior to the requested date of the start of the proposed temporary use.

Shay League, Senior Planner, presented the first reading for a staff-requested amendment to the municipal code that will change the required submission date of a temporary use permit application from seven to thirty days prior to the start of the requested temporary use. The process as it currently exists is cumbersome; the Planning Department wants to cut down the amount of running around, additional fees, and chaos required to hold a special event in Fernley. To allow time for routing through all these separate departments and agencies, rather than require our citizens and community stakeholders to do it, we need more time than the 7 days we allot for the other types of temporary use permits that only the Planning Department processes. The Planning Commission voted unanimously to recommend the City Council approve this amendment on April 10, 2024.

6. STAFF REPORTS

6.1. (For Possible Action) Discussion and Possible action to approve the agreement for the installation of public art during the Murals, Music & Margaritas Festival, and the allocation of \$ funds from the Arts and Culture budget.

Casey Kasten, Management Analyst, introduced Mr. Eric Brooks representing Fernley ACES. The Fernley Aces (Arts & Culture Event Squad) has identified several walls to install the murals that are on City property at In-Town Park. Staff is requesting Council approve the public art agreement and installation of the proposed public art during the Murals, Music, & Margaritas Festival, and the allocation of funds from the Arts and Culture budget.

Erik Brooks, gave a presentation for the Fernley ACES (Arts and Culture Event Squad). They have identified several locations, and he shared the proposed art for each location. The ACES are also requesting \$8,000 from the City of Fernley Arts and Culture budget to help pay for the artists and additional mountain murals on the Highway 95A west-facing sound wall. Homeowners have been contacted and signed agreements to allow the art to be installed on their property.

Motion: I MOVE TO APPROVE THE INSTALLATION OF THE PROPOSED PUBLIC ARTWORK AND AGREEMENT WITH FERNLEY ACES (ARTS & CULTURE EVENT SQUAD) FOR THE MURALS, MUSIC & MARGARITAS FESTIVAL AT IN-TOWN PARK. AND I MOVE TO APPROVE THE ALLOCATION OF \$8,000. FROM THE ARTS AND CULTURE BUDGET FOR THE EVENT. **Action:** Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

6.2. (For Possible Action) Discussion and possible action to approve a lease for groundwater in the Brady Hot Springs basin with NVEnergy and other matters properly related thereto.

Barry Williams, Public Works Director, presented the water lease agreement between the City of Fernley and Nevada Energy. The lease with NVEnergy is for groundwater rights in the Brady Hot Springs Basin. The lease is for construction water as well as ongoing water for the operation and maintenance of their facility. NVEnergy representatives contacted the City of Fernley in February of 2024 to discuss a potential

lease of water for their Sierra Solar Project. The Sierra Solar Project is located approximately 20 miles northeast of the city and will construct an approximate 400-Megawatt (MW) photovoltaic solar generation facility and a 400-MW, 1600-MW-hour energy storage system, on approximately 3,079 acres of private land. Construction is anticipated to start in January of 2025. Water is needed for dust control during construction, as well as long term operation of the 10,000 square foot operation and maintenance building. Approximately 200-acre feet annually are needed during construction of Phase 1. Construction is anticipated to last 2 years. Approximately 9000 gallons/month, or 0.30 acre-feet annually is needed for ongoing operations and maintenance. The major change to the lease agreement is under Item 2. The original lease agreement had an annual payment of \$10,000.00 per year, the new amount would be \$167,000 per year, based on a 250-acre fee annual of water at a rate of \$668 per acre foot, and all the other changes are minor wording changes.

Councilwoman Zoberski asked what the term of the lease will be and how long the first phase will last.

Barry Williams stated the first phase of the construction is anticipated to last about 2 years, approximately 2 years and 3 months, so it will go up 3% annually from the time that the water rights are approved, and once the construction is completed, they'll have to come to us or enter into a new lease agreement for the water needed for the ongoing operation and maintenance.

Jennifer Shawhan, project manager at NV Energy, stated that for construction they are looking at a quantity of 250-acre feet over the course of the year, but for ongoing operation you're looking at point .003- acre feet a year which is 9,000 gallons a month, and that's just to support internal toilets and handwashing.

Councilman Hanan stated that he had attended a meeting less than 2 week ago and was informed that ongoing water was not a need.

Jennifer Shawhan stated if ongoing water is needed a separate lease agreement would also be needed. It would not be covered in this agreement.

Motion: I MOVE TO APPROVE A LEASE FOR GROUNDWATER RIGHTS IN THE BRADY HOT SPRINGS BASIN WITH NVENERGY. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

6.3. (For Possible Action) Discussion and Possible Action to approve the 2024 City of Fernley Compensation Plan

Item pulled

6.4. (For Possible Action) Possible action to approve new positions of Utility Director, Animal Services Program Manager, Planning Technician, and Associate Planner

Item pulled

6.5. (For Possible Action) Possible action to approve updated job descriptions and reclassifications.

Item pulled

7. RESOLUTIONS

7.1. (For Possible Action) Consideration and Discussion of Resolution #24-008, a Resolution to establish the Capital Improvements Advisory Committee pursuant to NRS 278B.150, and other matters related thereto.

Planning Director Rambo stated this item was discussed in past meetings. The city is in the very early stages of putting impact fees in place. The first step is to create this Capital Improvement Advisory Committee and, per NRS this is the resolution that will accomplish that. It is also in conjunction with an item later tonight on the agenda.

Motion: I MOVE TO APPROVE RESOLUTION #24-008 TO ESTABLISH THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE PURSUANT TO NRS 278B.150 AS PRESENTED BY STAFF. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

7.2. (For Possible Action) Discussion and possible action to adopt Resolution #24-010 accepting the roadways and infrastructure constructed for the Nevada Commerce Center Project.

City Manager Marchant stated staff is seeking Council approval of a resolution to accept the roadways and utility infrastructure for the Nevada Commerce Center project. The new roadways are a new portion of Commerce Center Drive.

Motion: I MOVE TO APPROVE RESOLUTION 23-010 TO ACCEPT THE PUBLIC IMPROVEMENTS INCLUDING ROADWAY, WATER, STORM DRAIN AND SEWER INFRASTRUCTURE FOR NEVADA COMMERCE CENTER. **Action:** Approved. **Moved by:** Councilwoman Fran McKay, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

7.3. (For Possible Action) Discussion and possible action to adopt Resolution 24-013 amending the City of Fernley Personnel Policy Manual.

Item pulled

8. PUBLIC HEARINGS

8.1. (For Possible Action) Discussion and possible action to approve Bill #348, an Ordinance to amend Title 2, Chapter 9, Article 1 (Planning Commission) of the City of Fernley Development Code authorizing the Planning Commission to act as the Capital Improvements Advisory Committee pursuant to NRS 278B.150, and other matters related thereto.

Planning Director, Rambo explained The City of Fernley is expecting to see some significant growth in the coming years and is considering options for funding extensions and upgrades to City infrastructure and services to serve existing and future residents. One way to fund these projects is to establish one or more developer-paid impact fees. NRS 278B.150 requires that a Capital Improvements Advisory Committee be established as the first step in the impact fee process. It also allows the Planning Commission to serve as the committee. This amendment to the Planning Commission section of code authorizes the commission to serve in this additional capacity.

Councilwoman Felicity Zoberski asked if there would be an engineer present at these meetings.

Ben Marchant, City Manager, stated that Shaw Engineering will be working with the Planning Commission in the absence of the City Engineer and Associate Engineer to handle any engineering questions.

There was no Public input.

Motion: I MOVE TO APPROVE BILL #348, AN ORDINANCE TO AMEND TITLE 2, CHAPTER 9, ARTICLE 1 (PLANNING COMMISSION) OF THE CITY OF FERNLEY DEVELOPMENT CODE AUTHORIZING THE PLANNING COMMISSION TO ACT AS THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE PURSUANT TO NRS 278B.150 AS PRESENTED BY STAFF. **Action:** Approved, **Moved by:** Councilman Albert Torres, **Seconded by:** Councilman Stan Lau. **Vote:** Passed,

Summary: Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None at this time.

10. PUBLIC FORUM

John Reichlein, Fernley resident, stated that Sage was paved last year, and it is already crumbling. What kind of repairs are available in specific places or does that whole thing have to be redone?

Councilwoman Felicity Zoberski stated that the application on the FCTA page cannot be submitted online and would like some directions as far as how they get submitted if they can't be submitted online.

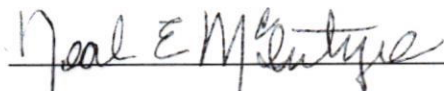
The next meeting will be May 15, 2024, at 5:00 pm.

11. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:34 pm.

Approved by the Fernley City Council on 5/15/24, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0



Mayor Neal E. McIntyre



ATTEST: City Clerk Kim Swanson

WATER LEASING AGREEMENT

THIS WATER LEASING AGREEMENT ("Agreement" or "Lease") is made and entered by and between the CITY OF FERNLEY, a political subdivision of the State of Nevada, ("Fernley" or "Lessor"), and Sierra Pacific Power Company, a Nevada corporation d/b/a NV Energy ("NV Energy" or "Lessee"). NV Energy and Fernley are collectively referred to as the "Parties".

WHEREAS, Fernley is a municipal subdivision of the State of Nevada created and organized pursuant to Nevada Revised Statutes ("NRS") Chapter 266; and

WHEREAS, Fernley owns certain water rights located in the Brady Hot Springs basin identified as Nevada Division of Water Resources Permit No. 80184; and

WHEREAS, NV Energy is a public utility defined in NRS § 704.020 engaged in providing electric service to the public in portions of fourteen northern Nevada counties, including the communities of Carson City, Minden, Gardnerville, Reno, Sparks, and Elko;

WHEREAS, NV Energy wishes to lease a portion of the water rights that are the subject of Permit No. 80184, and divert said leased water for the construction and operation of Sierra Solar photovoltaic and battery energy storage system (the "Sierra Solar Facility") located in the Brady Hot Springs basin; and

WHEREAS, Fernley has sought and obtained a valuation of the lease value of the water rights in question and the Parties have agreed that the valuation represents the fair market value of the water rights; and

NOW, THEREFORE in consideration of the mutual promises contained herein, and for other good and valuable consideration the receipt of which is hereby acknowledged, the parties agree as follows:

A. GENERAL PROVISIONS

1. Fernley hereby leases to and authorizes NV Energy the use of 1.5 cfs, not to exceed 250 acre-feet/annually of water, from Permit 80184 to provide water for construction of the Sierra Solar Facility (the "Temporary Permit"). Fernley, in cooperation with NV Energy, will submit the required application(s) to the Nevada Division of Water Resources ("NDWR") to temporarily change the point of diversion, place of use, and manner of use of Permit 80184.

2. The term of the lease for water rights under this Lease shall commence upon the approval by the NDWR of the temporary change applications and issuance of the Temporary Permit. No later than thirty (30) days after approval of the Temporary Permit and on an annual basis thereafter while this Lease is in effect, NV Energy shall annually pay Fernley the sum of One Hundred and Sixty-Seven Thousand and No/100ths Dollars (\$167,000.00) (which is based on 250 acre-feet/annually of water at the rate of \$668 per acre-foot) (the "Lease Payment") for the lease and use of the water rights. NV Energy acknowledges that the Lease Payment represents the fair market value. NV Energy shall be entitled to any refund of the Lease Payment for unused water. Said Lease Payment shall increase at a rate of three percent (3%) annually.
3. In addition to the Lease Payment, NV Energy agrees to reimburse Fernley for all engineering and legal costs incurred by Fernley related to the drafting, preparation, and approval of this Lease and with the preparation, submittal, and approval of the change applications filed with the NDWR. Fernley will provide monthly invoices of said costs to NV Energy. NV Energy agrees to pay the invoiced charges within 30 days of receipt.
4. NV Energy acknowledges that the diversion and use of the leased water is subject to the terms of the permits issued by the NDWR and all applicable federal, state, and local regulations. NV Energy agrees to fully comply with such terms and regulations when diverting and placing the water to use.
5. NV Energy acknowledges that NDWR is not required to approve the change applications, and Fernley makes no representation or guarantee regarding the likelihood of approval.
6. Lessee shall divert and place the leased water to beneficial use only from the point of diversion and at the place of use designated in the permits issued by NDWR.
7. In the event NDWR denies the issuance of the Temporary Permit, or the leased water cannot otherwise be used for the purposes intended herein, NV Energy shall not be responsible for any Lease Payment and this Agreement shall immediately terminate. However, NV Energy shall remain obligated to reimburse Fernley for its legal and engineering costs pursuant to the provisions of Section A(3) above.

B. TERM OF LEASE / RENEWAL

1. The term of the lease for the water rights under this Lease shall begin on the day the NDWR approves the change applications for the Temporary Permit and shall terminate on the date that the Sierra Solar Facility achieves final completion in accordance with NV Energy's construction contract for the construction of the Sierra Solar Facility.

2. NV Energy may terminate this Lease at any time upon ten (10) days prior written notice to Fernley at the sole discretion of NV Energy.
3. This Lease may be renewed by mutual agreement of the Parties.

C. ADDITIONAL TERMS

1. Governing Law. This Lease shall be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of Nevada applicable to agreements made and to be performed wholly within the State of Nevada.
2. Venue. Any action or proceeding concerning the rights or responsibilities of the parties to this Lease shall be heard and entertained in the State district court in Lyon County, Nevada.
3. Notice. Any notice required pursuant to this Lease shall be sent via certified mail to the address listed below. Each party is responsible for informing the other party of any change in address.

NV Energy

Attn: General Counsel
6226 W. Sahara Avenue, M/S 03.
Las Vegas, NV 89146

City of Fernley

City Manager
595 Silver Lace Boulevard
Fernley, NV 89408

With a required copy to:

Attn: Vice President, Renewables/Origination
7155 Lindell Road, M/S B13RE
Las Vegas, NV 89118

4. Entire Agreement. This Lease (including any exhibits attached hereto) constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto, without limitation. This Lease may not be modified, changed or supplemented, nor may any obligations hereunder be waived, except by written instrument signed by the Party to be charged or by its agent duly authorized in writing or as otherwise expressly permitted herein. The Parties do not intend to confer any benefit hereunder on any person, firm or corporation other than the parties hereto.
5. Incorporation of Recitals. The recitals set forth above are incorporated into this Lease by this reference.

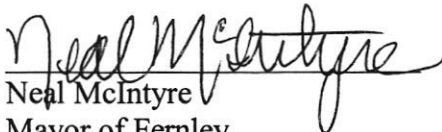
6. Limitation of Liability. UNDER NO CIRCUMSTANCES WILL EITHER PARTY BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL OR PUNITIVE DAMAGES INCURRED OR SUFFERED BY THE OTHER PARTY ARISING OUT OF OR IN CONNECTION WITH THIS LEASE (INCLUDING WITHOUT LIMITATION, LOST REVENUE, LOSS OF INCOME OR LOSS OF BUSINESS ADVANTAGE), EVEN IF SUCH PARTY OR AN AUTHORIZED REPRESENTATIVE OF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE. THE FOREGOING LIMITATION OF LIABILITY SHALL REMAIN IN FULL FORCE AND EFFECT REGARDLESS OF WHETHER EITHER PARTY'S REMEDIES HEREUNDER ARE DETERMINED TO HAVE FAILED OF THEIR ESSENTIAL PURPOSE.
7. Waiver of Jury Trial. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS LEASE. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.
8. Attorney's Fees and Costs. In the event that any Party shall commence any lawsuit, action, or other administrative or judicial proceeding arising from, or concerning, this Agreement whether such lawsuit, action, or proceeding involves causes of action in contract or in tort, at law or in equity, the prevailing Party shall be entitled to recover all costs and expenses associated with such lawsuit, action, or proceeding, including, without limitation, reasonable attorney's fees, expert or consultant fees, and costs. The prevailing Party shall be determined by the court based upon an assessment of which Party's major arguments made or positions taken in the lawsuit, action, or proceeding could fairly be said to have prevailed over the other Party's major arguments or positions.
9. No Waiver. No waiver of any breach of any provision contained in this Agreement shall be deemed a waiver of any preceding or succeeding breach thereof or of any other agreement or provision. No extension of time for performance of any obligation or act shall be deemed an extension of time for performance of any other obligation or act.
10. Additional Acts. The Parties agree to do and perform such further reasonable or necessary acts and to execute and deliver such additional agreements and instruments as the other may reasonably require to ensure the performance of each of the Parties respective obligations under this Agreement.
11. Time is of the Essence. Time is of the essence with respect to each and every particular of this Agreement.

12. Severability. If any portion or provision of this Lease is held by a court of competent jurisdiction to be invalid, void, or unenforceable, then such invalid, void or unenforceable portions or provisions shall be deemed severed from this Lease, and the remaining portions or provisions of this Lease shall continue in full force and effect.
13. Counterparts. This Lease may be executed in multiple counterparts, each of which shall be deemed an original.

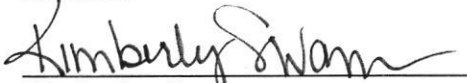
[Signature page follows]

CITY OF FERNLEY

This Water Leasing Agreement was approved by vote of the Fernley City Council on the 1st day of May, 2024.


Neal McIntyre
Mayor of Fernley

Attested:


Kimberley Swanson
City Clerk

NV ENERGY

Agreed on this 1 day of May, 2024

By:


Jimmy Daghlion
Vice President, Renewables/Origination

RESOLUTION # 24-008

A RESOLUTION OF THE FERNLEY CITY COUNCIL CREATING A CAPITAL IMPROVEMENT ADVISORY COMMITTEE IN ACCORDANCE WITH NRS 278B.150.

WHEREAS, the City of Fernley desires to develop future infrastructure to benefit the residents of the City; and

WHEREAS, the City of Fernley intends to impose impact fees for new development; and

WHEREAS, before imposing any impact fee, NRS 278B.150 requires the creation of a Capital Improvement Advisory Committee; and

WHEREAS, NRS 278B.150 allows the Planning Commission to serve as the Capital Improvement Advisory Committee with the stipulation that at least one member represent the real estate, development, or building industry; and

WHEREAS, the Capital Improvement Advisory Committee is subject to the same bylaws as the Planning Commission; and now therefore,

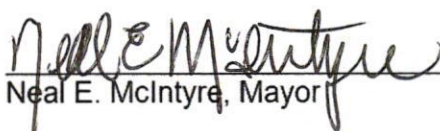
BE IT RESOLVED BY FERNLEY CITY COUNCIL that effective immediately there is hereby established a City of Fernley Capital Improvement Advisory Committee.

RESOLUTION PASSED, APPROVED, AND ADOPTED the 1st day of May, 2024 by the Fernley City Council, City of Fernley, State of Nevada.

Aye: 5 Nay: 0 Abstention: 0 Absent: 0

ACKNOWLEDGED AND APPROVED:

DATED:


Neal E. McIntyre, Mayor

5/1/2024

ATTEST:


Kim Swanson, City Clerk

5/1/2024

Lyon County APN:

RECORDING REQUESTED BY:

City of Fernley
595 Silver Lace Blvd
Fernley NV 89408

Main Recorded Documents to:

City of Fernley
595 Silver Lace Blvd
Fernley NV 89408

**RESOLUTION #24-010 FOR ACCEPTING
NEVADA COMMERCE CENTER PUBLIC IMPROVEMENTS THAT
INCLUDES ROADWAYS, WATER, SEWER, AND STORM DRAINS**

**FINAL MAP OF
RECORDED FEBRUARY 14, 2024, DOCUMENT NUMBER 678563 and
DEED OF DEDICATION DOCUMENT NUMBER 280743.**

WHEREAS, it is a function of the City of Fernley to operate and maintain public roads and public water, sewer, and storm drain infrastructure; and

WHEREAS, a portion of Commerce Center Drive, is offered for dedication by Final Parcel Map for PW Fund B Development, LLC, Document Number 678563, recorded on February 14, 2024 (the "Final Parcel Map"); and

WHEREAS, a portion of Commerce Center Drive, is offered for dedication by Document Number 280743, recorded on August 8, 2002; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall remain open and the governing body or planning commission may by resolution at a later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS, said streets have been constructed and meet current City standards; and

WHEREAS, The City Council finds that it is in the best interest of the public to accept said streets and public water, sewer, and storm drain infrastructure.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Fernley, pursuant to the authority of NRS 278.390, that Commerce Center Drive as shown on the Final Parcel Map is hereby accepted, and the Public Works Department is directed to open the roads for public use and maintenance.

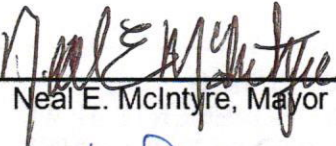
BE IT FURTHER RESOLVED, and hereby ordered, that the City of Fernley, Public Works Department shall record this resolution in the Office of the Lyon County Recorder.

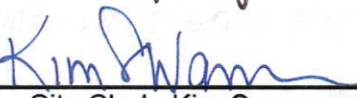
PASSED, APPROVED, AND ADOPTED this 1st day of May 2024, by the following vote of the Council:

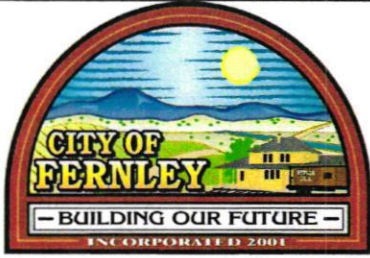
AYES: 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0

FERNLEY CITY COUNCIL

Date: August 2, 2023

By: 
Neal E. McIntyre, Mayor

Attest: 
City Clerk, Kim Swanson



City of Fernley CITY MANAGER'S OFFICE

Memorandum

To: Mayor and City Council
From: Benjamin Marchant, City Manager
Date: April 30, 2024
Re: Updates to Agenda Items 6.3 and 7.3

Agenda Item 6.3 City of Fernley Compensation Plan

The City of Fernley Compensation Plan table is being modified as follows:

Remove "Water Treatment Plant Shift Operator". This is the same as the Shift Operator, Lead position.

Water Treatment Plant Supervisor wage scale is modified to be 5% lower than Water Treatment Plant Chief consistent with the hierarchy of the two positions.

A new table showing the changes is attached to this memo.

Agenda Item 7.3 City of Fernley Personnel Policy Manual

Revision to section 5.5.1.6 (page 80, attached)

~~Strikeout "Time paid but not worked, including sick leave, holidays, compensatory time off, and annual leave, does not count toward hours worked for the purpose of computing overtime hours."~~

Replace with "Sick leave does not count toward hours worked for the purpose of computing overtime hours."

This is consistent with the current practices and the collective bargaining agreement.

Revision to section 6.3.1.1 (page 93, attached)

~~Strikeout "Sick leave is not accrued for any other paid hours such as annual leave, compensatory and/or catastrophic leave."~~

This is inconsistent with current practice and other provisions within the policy.

2024 Compensation Plan

Non-exempt Positions	Starting Salary Based on Market*	Step 1	Step 2	Step 3	Step 4	Step 5	Max Salary
Accounting Technician (Payroll)	\$ 51,542.40	\$ 24.78	\$ 27.01	\$ 29.25	\$ 31.50	\$ 33.75	\$ 70,200.00
Administrative Specialist I	\$ 41,204.80	\$ 19.81	\$ 21.52	\$ 23.23	\$ 24.94	\$ 26.65	\$ 55,432.00
Administrative Specialist II	\$ 46,571.20	\$ 22.39	\$ 24.21	\$ 26.03	\$ 27.85	\$ 29.67	\$ 61,713.60
Administrative Specialist III	\$ 48,006.40	\$ 23.08	\$ 25.16	\$ 27.25	\$ 29.33	\$ 31.41	\$ 65,332.80
Executive Administrative Assistant	\$ 61,626.24	\$ 29.63	\$ 32.79	\$ 35.95	\$ 39.11	\$ 42.28	\$ 87,942.40
Animal Control Assistant	\$ 39,478.40	\$ 18.98	\$ 20.68	\$ 22.37	\$ 24.07	\$ 25.76	\$ 53,580.80
Animal Control Officer I	\$ 40,164.80	\$ 19.31	\$ 21.38	\$ 23.45	\$ 25.52	\$ 27.59	\$ 57,387.20
Animal Control Officer II	\$ 49,524.80	\$ 23.81	\$ 25.90	\$ 27.99	\$ 30.07	\$ 32.16	\$ 66,892.80
Assistant Planner	\$ 60,504.00	\$ 29.09	\$ 31.34	\$ 33.59	\$ 35.84	\$ 38.10	\$ 79,248.00
Associate Planner	\$ 72,660.00	\$ 34.93	\$ 37.87	\$ 40.81	\$ 43.75	\$ 46.68	\$ 97,094.40
Associate Engineer	\$ 62,088.00	\$ 29.85	\$ 31.84	\$ 33.83	\$ 35.81	\$ 37.80	\$ 78,624.00
Building Inspector I	\$ 51,147.20	\$ 24.59	\$ 26.57	\$ 28.55	\$ 30.53	\$ 32.51	\$ 67,620.80
Building Inspector II	\$ 54,267.20	\$ 26.09	\$ 28.49	\$ 30.89	\$ 33.29	\$ 35.69	\$ 74,235.20
Building Inspector III	\$ 56,596.80	\$ 27.21	\$ 29.54	\$ 31.87	\$ 34.21	\$ 36.54	\$ 76,003.20
Development Coordinator	\$ 49,441.60	\$ 23.77	\$ 26.53	\$ 29.30	\$ 32.06	\$ 34.82	\$ 72,425.60
Fleet Foreman	\$ 61,672.00	\$ 29.65	\$ 32.39	\$ 35.15	\$ 37.89	\$ 40.63	\$ 84,510.40
General Services Foreman (Facilities)	\$ 64,480.00	\$ 31.00	\$ 33.92	\$ 36.85	\$ 39.77	\$ 42.69	\$ 88,795.20
GIS Technician I	\$ 53,060.80	\$ 25.51	\$ 27.89	\$ 30.26	\$ 32.64	\$ 35.01	\$ 72,820.80
GIS Technician II	\$ 54,184.00	\$ 26.05	\$ 28.40	\$ 30.76	\$ 33.11	\$ 35.46	\$ 73,756.80
Information Technology Specialist	\$ 63,377.60	\$ 30.47	\$ 33.47	\$ 36.47	\$ 39.46	\$ 42.46	\$ 88,316.80
Legal Secretary I	\$ 44,803.20	\$ 21.54	\$ 23.57	\$ 25.60	\$ 27.62	\$ 29.65	\$ 61,672.00
Legal Secretary II	\$ 50,148.80	\$ 24.11	\$ 26.35	\$ 28.58	\$ 30.82	\$ 33.05	\$ 68,744.00
Maintenance Helper	\$ 35,713.60	\$ 17.17	\$ 18.28	\$ 19.39	\$ 20.49	\$ 21.60	\$ 44,928.00
Maintenance Worker I	\$ 38,792.00	\$ 18.65	\$ 20.24	\$ 21.84	\$ 23.43	\$ 25.02	\$ 52,041.60
Maintenance Worker II	\$ 44,699.20	\$ 21.49	\$ 23.27	\$ 25.05	\$ 26.83	\$ 28.61	\$ 59,508.80
Management Analyst	\$ 64,168.00	\$ 30.85	\$ 33.80	\$ 36.76	\$ 39.71	\$ 42.66	\$ 88,732.80
Mechanic	\$ 51,563.20	\$ 24.79	\$ 26.82	\$ 28.85	\$ 30.88	\$ 32.91	\$ 68,452.80
Meter Technician	\$ 45,032.00	\$ 21.65	\$ 23.59	\$ 25.53	\$ 27.46	\$ 29.40	\$ 61,152.00
Meter Technician/Backflow	\$ 49,691.20	\$ 23.89	\$ 25.83	\$ 27.77	\$ 29.70	\$ 31.64	\$ 65,811.20
Parks Foreman	\$ 55,120.00	\$ 26.50	\$ 28.85	\$ 31.21	\$ 33.56	\$ 35.91	\$ 74,692.80
Permit Technician	\$ 50,668.80	\$ 24.36	\$ 26.34	\$ 28.32	\$ 30.29	\$ 32.27	\$ 67,121.60
Planning Technician	\$ 54,808.00	\$ 26.35	\$ 29.01	\$ 31.67	\$ 34.33	\$ 37.00	\$ 76,960.00
Project Manager	\$ 78,915.20	\$ 37.94	\$ 41.69	\$ 45.44	\$ 49.18	\$ 52.93	\$ 110,094.40
Senior Maintenance Worker	\$ 51,064.00	\$ 24.55	\$ 27.68	\$ 30.81	\$ 33.94	\$ 37.07	\$ 77,105.60
Shift Operator (WD, WTP)	\$ 51,126.40	\$ 24.58	\$ 26.89	\$ 29.20	\$ 31.50	\$ 33.81	\$ 70,324.80
Shift Operator, Lead	\$ 56,000.00	\$ 26.92	\$ 29.44	\$ 31.96	\$ 34.48	\$ 37.00	\$ 76,960.00
Streets Foreman	\$ 59,716.80	\$ 28.71	\$ 31.39	\$ 34.07	\$ 36.74	\$ 39.42	\$ 81,993.60
Utility Operator	\$ 49,275.20	\$ 23.69	\$ 25.83	\$ 27.97	\$ 30.11	\$ 32.25	\$ 67,080.00
Vector Control/Weed Abatement Technician	\$ 40,851.20	\$ 19.64	\$ 21.75	\$ 23.85	\$ 25.96	\$ 28.06	\$ 58,364.80
Wastewater Foreman	\$ 63,980.80	\$ 30.76	\$ 33.43	\$ 36.09	\$ 38.76	\$ 41.42	\$ 86,153.60
Water Treatment Plant Shift Operator	\$ 56,000.00	\$ 26.92	\$ 29.44	\$ 31.96	\$ 34.48	\$ 37.00	\$ 76,960.00
Water Distribution Foreman	\$ 64,771.20	\$ 31.14	\$ 34.34	\$ 37.54	\$ 40.74	\$ 43.94	\$ 91,395.20
Water Treatment Plant Chief	\$ 65,561.60	\$ 31.52	\$ 34.77	\$ 38.02	\$ 41.26	\$ 44.51	\$ 92,580.80
Water Treatment Plant Supervisor	\$ 62,373.53	\$ 29.99	\$ 33.06	\$ 36.13	\$ 39.20	\$ 42.27	\$ 87,921.60

** Municipal Court adopted a separate independent wage scale for the positions in the Municipal Court in 2023.

Court Clerk	\$ 49,300.16	\$ 23.70	\$ 26.41	\$ 29.12	\$ 31.49	\$ 33.86	\$ 70,428.80
Lead Court Clerk	\$ 52,488.80	\$ 25.24	\$ 28.12	\$ 31.00	\$ 33.53	\$ 36.05	\$ 74,984.00
Court Marshall	\$ 50,435.84	\$ 24.25	\$ 27.02	\$ 29.79	\$ 32.22	\$ 34.64	\$ 72,051.20
Court Administrator	\$ 82,700.80	\$ 39.76	\$ 43.17	\$ 46.58	\$ 49.99	\$ 53.40	\$ 111,072.00

differential, hazard duty pay, and longevity pay. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned unless the correct overtime amount cannot be determined until after the regular pay period. Employees who earn overtime may, with the approval of the Department Head, elect to receive compensatory time off in lieu of overtime pay.

Requests for compensatory time off in lieu of overtime must be made in writing and, once approved, will be placed in the employee's payroll file. Compensatory time will be earned at the rate of one and one-half hours off for each overtime hour worked. Employees who elect compensatory time off may accrue up to 40 hours. When an employee has exceeded the maximum number of hours specified, the excess hours will be paid out as overtime.

3. Should an employee bid to a new position, the City of Fernley may pay an employee for compensatory time earned and not used, or schedule use at its discretion.
4. Upon mutual agreement between the employee and the supervisor, an employee may work additional time during the same work week and take off the same time during the regular workday; however, if the employee does not take the time off during the same work week, then overtime shall be paid. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned. If there is an omission of overtime on the timesheet, then the employee must report the omission by the following timesheet.
5. In cases of emergencies or safety issues, an employee will be expected to address the concern and overtime will not need advanced approval, however the employee must notify the supervisor as soon as reasonably possible.
6. Sick leave does not count towards hours worked for the purpose of computing overtime hours.
7. If a non-exempt employee feels s/he has been improperly paid for overtime under the FLSA or state law, it is the responsibility of the employee to seek correction by reporting any error to the Human Resource Manager. An investigation will be conducted on a timely basis and **City of Fernley** will act to correct any errors as soon as practicable.

5.5.2. Callback, Call Out, Call In and scheduled overtime defined:

1. **Callback** overtime is defined as overtime worked as a result of an emergency and called to return to duty within 12 hours after one's regular working hours. Such callback shall be PERS compensable as defined in NRS Chapter 286.

"Emergency" means a sudden, unexpected occurrence that involves clear and imminent danger and requires immediate action to prevent or mitigate the endangerment of lives, health, or property. Such an emergency must be declared by the governing body or chief administrative officer of the public agency.

2. **Call Out** pay is defined as compensation earned for returning to duty after the employee has completed his/her regular shift and is officially ordered to report to work by the Department Head or designee with less than 12 hours' notice to respond, or more than 1 hour after his/her regularly scheduled work, except for any employee who is (1) not required to leave the premises where he/she is residing or located at the time of

6.3. Sick Leave

6.3.1. Policy

1. Accrual

The **City of Fernley** expects each employee to be available for work on a regular and reliable basis. The **City of Fernley** will monitor attendance and leave use whether or not the employee has accumulated leave balances remaining in his/her sick leave account.

- Employees will accrue sick leave at the rate of ten (10) hours each month worked beginning on the date of hire.
- Sick leave hours are earned and credited to the employee on a biweekly basis, coinciding with pay periods, except for the third pay period of the month.
- Unused sick leave will be credited to the employee's sick leave balance to a maximum accrual of 840 hours. Sick leave accrual will cease when the employee's total year-end balance reaches 840 hours, until the balance falls below 840 hours.

2. Use of Sick Leave

Sick leave is for use in situations in which the employee must be absent from work due to:

- His/her own physical illness or injury.
- His/her own exposure to contagious diseases or when attendance at work is prevented by public health requirements.
- The need to provide medical care for an ill or injured family member within the third degree of consanguinity or affinity, or an individual who is dependent on the employee and who resides in the employee's household. Medical or dental appointments for the employee; provided that the employee makes a reasonable effort to schedule such appointments at times which have the least interference with the workday.
- Any disability.

Employees who are absent from work due to sick leave shall be at their residence, a medical facility, their health care provider's office, or shall notify their supervisor of their whereabouts when using sick leave.

Employees will also be required to use sick leave concurrently with FMLA leave.

3. Abuse of Sick Leave

Use of sick leave for purposes other than those listed above is evidence of abuse of sick leave. Abuse of sick leave may cause for disciplinary action, up to and including termination. If the **City of Fernley** suspects abuse, they may require substantiating evidence which may include, but is not limited to, a certificate from a health care provider.

Hello,. My name is Tom Bird I live at the corner of Reese River and River Ranch Roads. As you can see by my silver hair I am a senior, I am a concerned senior. I have lived in Fernley 5 years, Lyon County since 2003 and am a 4th generation Nevadan.

I am here today to bring to your attention the issue of multiple drivers a day running the stop sign on River Ranch going west bound onto Reese River. I have witnessed several near misses while backing out of my drive way to leave my home from vehicles traveling from Reese River on to River Ranch, or vice a versa. We, also walk our dog in my neighborhood sidewalks, as do many of my neighbors. There are 5 senior households residing at this intersection. Many of the neighbors that walk the sidewalks to our mail cluster from these streets have different mobility disabilities and use mobile chairs, walkers, canes and several have hearing impairments from mild to severe. I am concerned for all our safety. As seniors, we need to exercise and/or walk daily to maintain our health.

I am here today to ask that the public works department, or whomever is responsible, please look into adding additional stop signs east and west on Reese River at the intersection, possibly with flashers, to slow the vehicles and accentuate the stop sign. When the River Ranch Apartments are completed and with that added congestion using these two roads to possibly get to Farm District Road or the other highways, it is a matter of time, before one of my good neighbors or their vehicles experience an accident.

I am willing to assistant in any way I can to help address this most urgent and life potently threatening issue that occurs several times a day in front of my home. I will share this report and my contact information with this body.

Thank you, for your time . I look forward to working with the good people of Fernley to mitigate this issue.

Thomas Bird
544 River Ranch Road
Fernley NV 89408
775-849-1498
Tbird15345@aol.com