

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
JUNE 5, 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 Zoberski, 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 Director Michele Rambo, Senior Planner Shay League, Public Works Director Barry Williams, Deputy Public Works Director Olivia John, City Engineer Derek Starkey.

1.3. Public Forum

None at this time.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA. **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.

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.

Mayor Neal E. McIntyre called for a break - 5:06 - 5:09.

2.4. Possible Action to approve a Transfer Agreement between the Nevada Department of Transportation and the City of Fernley, to relinquish certain portions of Duffy Road to the City of Fernley.

2.5. Possible action to approve a Settlement Agreement and Release of all claims between the City of Fernley and Rachel Endel in the amount of \$35,000.

2.6. (Possible Action) to approve the service and license agreement with CivicPlus to provide annual support, maintenance, and hosting of the City's website in the amount of \$31,870.31 for FY2024-2025.

Motion: I MOVE TO APPROVE THE CONSENT AGENDA. **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.

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 Brantingham, LCSD, gave a brief report on a couple of calls for services. Deputy Steve May transferred to Silver Springs. There will be additional staffing for the June 6th prom and the department is actively working the 4th of July traffic control.

Nick VanderPoel, Flynn Giudici, Government Affairs stated that he didn't have a lot to report, that they are just waiting for next Tuesday, so we know who is potentially going forward as it relates to the Legislature. Tomorrow, June 6, is the Economic Forum, where the economists will be getting together discussing the state's revenues and where we stand in terms of budget, and conversations with the Governor's office are pretty baseline at this point, pretty conservative budgets. It will give us a glimpse into how much revenue the state has generated. There were multiple meetings with legislators, specifically the minority leaders, relating to supporting contracts for licensed professionals. It allows individuals that move to Nevada to get into the workforce a lot quicker. It ranges across the board from physical therapy to counselors to social workers.

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

Ben Marchant, City Manager, reported that the Governor is hosting a roundtable on economic development next Wednesday and the Mayor and himself will be attending in Las Vegas. The Fernley Cultural and Tourism Agency board will be reviewing grant applications that have been received for the July through December grant cycle and will be making grant selections during the June 17th meeting. City Hall will be closed on June 19th in observance of Juneteenth National Independence Day.

Kim Swanson, City Clerk, reported that there is early voting for 2 more days, Thursday and Friday, and election day is on Tuesday.

Lydia Altick, Deputy City Manager, reported that she attended the Main Street America Now 2024 Conference and Leadership Workshop. She will be bringing ideas from the workshop to the Fernley Main Street board but will also be incorporating many of the strategies into our community engagement endeavors. As an example, we finished conducting a Main Street Small Business survey and we plan on sharing the results of that survey with the community very soon. The CRC project is streaming live on YouTube. The city has submitted 3 CPF requests to Congressman Amodei, Senator Cortez Mastoe and Senator Rosen offices. We have received notice from Congressman Amodei's office that out of the 3 projects submitted, one has moved forward to the Department of the Interior and that project provides modifications at the city's water treatment plant to integrate surface water treatment from the Truckee Canal and was for \$3,000,000.00. Raise Grant is progressing. Design and permitting will occur over the next 12 to 18 months, and construction is scheduled to begin February 2026, and will take 3 years to complete. The monthly community development update is available on the city website.

Councilman Torres thanked Ms. Altick for getting the letter of commitment from the Fernley Main Street group. It was very well written and thankful that they are on board with getting this done.

Derek Starkey, City Engineer, gave an update on street projects. The annual pavement maintenance project is going on this week and will impact the neighborhoods of Green Valley and the Ponderosa subdivision. The slurry seal portion of it is ongoing all week and possibly into the next week. There will also be some night work happening on Farm District Road and the entrance of the Out-of-Town Park for the Villa Park reconstruction project. That will be the evenings of June 9th and 10th.

Councilman Torres reminded everyone that the Fernley Senior Citizens Advisory Committee meeting is on June 14. He thanked everyone involved for the ribbon cutting ceremony at Green Valley All Abilities Park, and a special shout out to Kari Weitzel for the great job she did in the engineering office.

Councilwoman McKay stated that June is the National Public Works month. She thanked Barry Williams and his crew for all the work they do. The 4th of July committee still needs volunteers at the park. The official deadline has passed but will still take sponsors.

Mayor McIntyre stated that the City Council Meeting for June 19th meeting has been canceled, and the next meeting will be July 3rd. He stated that the report he received from Nick VanderPoel on how Nevada's incorporated cities fared over the last 3 years, shows Fernley is 3rd with the biggest city change percentage with the change at 8.1%. As of 2023, Fernley's population was 24,744, our population has changed by 1,846 residents, and we are at almost 25,000.

Becky Howlett, Fernley 4th of July, stated that the pancake breakfast with the Masons is from 7:00 am to 10:00 am, the parade starts at 10:00 am, and 1:00 pm is the flag raising at the park. The DJ will play until 8:00 pm and then there will be live music from 8:00 pm until midnight. The ACES will be running a bar, there will be a pie eating contest, diving for dollars for the smaller kids contest, and a greased pig contest; there will be a staycation raffle for one night at the Atlantis with a \$150.00 dining gift card. They are still looking for donations. The Grand Marshal this year is Roy Edgington.

4. PROCLAMATIONS BY THE MAYOR

None at this time.

5. PRESENTATIONS

5.1. For discussion and possible action to accept the renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment of \$342,457.19 with a deductible of \$2,000.00 per claim from fiscal year 2024–2025 funds.

Tina Peterson with LP Insurance and Stephen Ramero from POOL/PAC gave a presentation. The coverage typically does not change from year to year. What does change is exposure. Ms. Peterson stated that she appreciated City Manager Ben Marchant was at the Board meeting for POOL/PACT this year. The membership increases over re-insurance costs this year was 2.5%. The re-insurance market provided a 1% increase to the pool. The City Manager, Ben Marchant, has enrolled in the Enterprise Risk Management Excellence program.

Councilman Hanan asked is the deductible of \$2,000.00 is the only option. He also asked how many claims were made last year. For next year, he would like to see a spreadsheet with 5,000, 10,000, 15,000, 20,000 and a number of how many claims we have had.

Stephen Ramero stated that deductible options are what you want to take on as a deductible. What you can financially take on for each loss, whether it be a liability, auto or a property loss.

City Attorney, Mr. Mouritsen stated that he believed there was 1 claim last year, but he will confirm it and get back to Mr. Hanan.

Motion: I MOVE TO ACCEPT AND RENEW A PROPOSAL FROM NEVADA PUBLIC AGENCY INSURANCE POOL AND APPROVAL FOR PAYMENT OF \$342,457.19 WITH A DEDUCTIBLE OF \$2,000.00 PER CLAIM FROM FISCAL YEAR 2024/2025 FUNDS. **Action:** Approved. **Moved by:** Councilwoman Fran McKay, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

5.2. Presentation and discussion regarding the City's quarterly financial report.

Robert Carson, City Treasurer, presented the city's unaudited quarterly financial report.

6. ORDINANCES

6.1. (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.

Planning Director Rambo stated that the first reading was on May 1st, with the second reading scheduled for the following meeting. However, it didn't make the following meeting, so per Nevada law you have to have a second reading within 30 days of the first reading. Bill was introduced as an ordinance and will be back before City Council on July 3rd.

6.2. (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, stated that this is a re-first reading and will be brought back at the July 3rd meeting.

7. STAFF REPORTS

7.1. EMERGENCY ITEM: Possible Action to declare a Special Election in Ward 5 for July 23, 2024, with Early Voting to be held on July 20th and 21st.

Aaron Mouritsen, City Attorney, explained there was an error in the ballot in regard to Ward 5. The Lyon County Clerk's office was notified of this error because they handle the ballots. A lawsuit was filed in the 3rd judicial district in front of Judge Schlegelmilch and he vacated the

current primary election that we have for the 4 candidates in Ward 5. However, NRS 293C.710 requires that the city council is the one to call a special election. The judge was unable to order a special election on his own, so he declared an emergency in this case, which allowed us to put it on the ballot at this time. City Attorney Mouritsen requested the city council approve the special election for Ward 5 with same candidates and dates as laid out by the Mayor.

Councilman Albert Torres wanted to make it clear to the public that it was not the city of Fernley clerk's office that made this mistake.

Mr. Mouritsen stated that Lyon County Clerk's office handles all the elections for the city of Fernley and the city had no part in preparing those ballots.

Motion: I MOVE TO DECLARE A SPECIAL ELECTION FOR WARD 5 FOR JULY 23, 2024, WITH EARLY VOTING TO BE HELD JULY 20TH AND 22ND. **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.

7.2. (For possible action) Discussion to approve a contract with PacStates for Business and Technical Discovery for the City's Information Technology Department (IT) not to exceed \$16,500.00.

Ben Marchant, City Manager, reached out to three companies for a quote. This quote is to do an assessment and review of the city's entire IT infrastructure, staffing, policies, machines; and a strengths and weakness analysis and provide recommendations on how better to manage and operate the IT support. The city already uses PacStates on a number of telephones, IT and fiber and internet issues.

Motion: I MOVE TO APPROVE THE CONTRACT WITH PACSTATES IN THE AMOUNT OF \$16,500.00. **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.

8. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

8.1. Possible action requesting a future agenda item to have an outside source complete a Class and Compensation Study. (Councilwoman Zoberski)

Motion: I MOVE TO REQUEST A FUTURE AGENDA ITEM TO HAVE AN OUTSIDE SOURCE COMPLETE A CLASS AND COMPENSATION STUDY. **Action:** Approved. **Moved by:** Councilwoman Felicity Zoberski, **Seconded by:** Councilwoman Fran McKay. **Vote:** Passed, **Summary:** Yes 4, No 1. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, **No:** Councilman Hanan.

8.2. Possible action requesting a future agenda item to look at the City of Fernley Master Plan. (Councilwoman Zoberski)

Motion: I MOVE TO REQUEST A FUTURE AGENDA ITEM TO LOOK AT THE CITY OF FERNLEY MASTER PLAN AS A WHOLE ALONG WITH THE PARKS MASTER PLAN. **Action:** Approved. **Moved by:** Councilwoman Felicity Zoberski, **Seconded by:** Councilman Ryan

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

8.3. Possible action requesting a future agenda item to have our independent auditors do a presentation on fund balance and budgeting. (Councilman Torres)

Motion: I MOVE TO REQUEST A FUTURE AGENDA ITEM TO HAVE OUR INDEPENDENT AUDITORS DO A PRESENTATION ON FUND BALANCE AND BUDGETING. **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.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilwoman Fran McKay requested a future agenda item for retraining on open meeting law.

10. PUBLIC FORUM

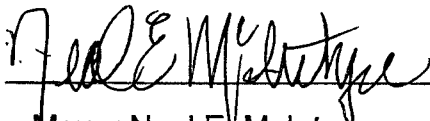
Scott Barnes, Vice President of entitlements for Mark IV Capital and developing the Victory project, introduced Rick Nelson, the new Senior Vice President.

11. ADJOURNMENT

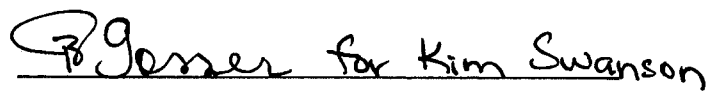
Being no further business to come before it, the Fernley City Council meeting adjourned at 6:13 pm.

Approved by the Fernley City Council on July 3, 2024, by a vote of:

AYES 4 NAYS: 0 ABSTENTIONS: 0 ABSENT: 1



Mayor Neal E. McIntyre



ATTEST: City Clerk Kim Swanson