

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
AUGUST 7, 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 Albert Torres, Councilwoman Fran McKay, Deputy City Manager Lydia Altick, Deputy City Attorney Brandi Jensen, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, City Treasurer Robert Carson, HR Manager Mitzi Carter, Building Official Charity Birkel, Planning Director Michele Rambo, Public Works Director Barry Williams, City Engineer Derek Starkey, IT Coordinator John Clevin. Councilman Stan Lau arrived at 5:09 pm

1.3. Public Forum

Mayor McIntyre stated that for anybody that is here for the Green Valley Park or any of the parks, and wished to make a comment, this is the time to do it. The council can address some of your concerns, but cannot deliberate, nor can a decision be made at this time. We would like to hear from you, and Mr. Williams, our Public Works Director, will do a presentation at the August 21st meeting.

Scott Barnes, Vice President Mark IV Capital introduced new hire Paul Kenny, Vice President Development.

Tammy Dittman, Fernley resident, asked the Council that maybe the Southwest plan should be altered to accept that airport because it's going to be a little hard to move an airport, and there's a lot of money that the individual has put down to buy out the last person.

Levon Tilster, Fernley resident, asked why the water had been turned off at the Green Valley Dog park, and that it had not been maintained.

Barry Williams, Public Works Director, stated that the water has not been shut off, and it is being watered on a regular schedule in the early morning hours. Grooming has not been done due to scheduling. Maintenance is very difficult in a small area like that when it's heavily used. The dog park was just reseeded, and it was very hard to keep people off it while the seed took, but people ignored the requests, and that grass died again.

Mike McMordie, co-owner of McHoppers, spoke about the increase in special use permits. He expressed how prohibitive it is for them to bring special events to Fernley. McHoppers works very hard to bring different events and this affects them financially. The biggest problem is, we don't know what the city is giving us for this \$520.00 fee, especially when it's in our parking lot and we are taking the liability and doing the cleanup.

5:09 - Councilman Stan Lau arrived.

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

Kim Swanson, City Clerk, read the new business licenses.

2.4. Possible action to approve a contract with DOWL Reno, NV for the continued implementation and hosting of the Strategic Asset Management programs (ArcGIS Online and Vue Works) in an amount not to exceed \$50,000.

2.5. Possible action to authorize the execution of the water rights banking and dedication agreement with Veronda, LLC, APN 020-251-12 TCID serial number 1041-5-A in the amount of 4.5 acre feet.

2.6. Possible action to approve a contract for on call inspection services and engineering support services with NCE.

2.7. Possible discussion and approval of the Memorandum of Understanding between COF and IBEW 1245 Adopting Compensation Plan

2.8. Possible Action to purchase one (1), 1 and ½-ton pickup truck with service box and crane for the City of Fernley's Fleet Department for an amount of \$106,565, with a contingency of \$31,969.50, not to exceed \$200,000.

2.9. Possible Action to purchase one (1), 1-ton pickup truck with service body for the City of Fernley's Parks Department for an amount not to exceed \$70,000.

2.10. Possible Action to purchase one (1), 1-ton pickup truck with contractor body for the City of Fernley's Streets and Storm Drains Department for an amount not to exceed \$80,000.

2.11. Possible Action to purchase one (1), 3/4-ton pickup truck with service body for the City of Fernley's Wastewater Department for an amount not to exceed \$75,437.

2.12. Possible Action to approve a contract with VIA Real Estate LLC and Lyon County to resolve a title issue involving a portion of Fremont St. adjacent to APN #021-271-03 and related matters

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

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, reported that there is a new school resource officer for the 2025/2025 school year. Deputy Melody Holland will start in Fernley on August 17. The National Night Out event was on August 6th at the Out of Town Park. He thanked the Mayor for coming out and cooking hot dogs for everybody. He thanked the Council for also being present at the event. The event has really started to grow over the last couple of years. He reported that there have been extra patrols in some areas regarding traffic complaints. There have been pursuits in the City lately and he reviewed the policies in place. The main concern is does the threat to the public outweigh the risk that the pursuit puts on the public. The Nevada State Police did come out and are conducting an investigation. They're still identifying crashes around town where people's vehicles were hit, or people were almost struck by that suspect. If people did have property damage from that vehicle, were almost hit by that vehicle, or they saw something going on, the Sheriff's department is asking them to contact Nevada State Police and provide that information so that they can try and get that entire investigation wrapped up.

Councilwoman Felicity Zoberski thanked the department for the National Night Out. She asked about getting updates from the School Resource Officer on what they are seeing and what parents can look out. She asked about the school zone flashers because they are on in a couple of places.

Barry Williams, Public Works Director, stated that the flashers are being tested at the moment, but will be back on schedule at the beginning of the school year.

Councilman Ryan Hanan thanked the department for the National Night Out event. He also thanked the department for the targeted approach that they are taking to people's complaints.

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

Lydia Altick, Deputy City Manager, stated that the Fernley Convention Tourism Authority (FCTA) has the following events: The Fernley BMX State Qualifier on August 11th, and Fernstock at the Fernley Boys and Girls Club teen center on August 17th. You can also check the City of Fernley website for more information.

Councilman Albert Torres stated that the Fernley Senior Citizens Committee meeting will be held Friday, August 9th at 9AM in Council Chambers.

Councilman Ryan Hanan thanked the Code Enforcement Team for the handling of an incident in his ward. The Code Enforcement Team worked diligently with the Sheriff's Department, the Fire Department, Lyon County Health and Human Services, and other city staff. They did a tremendous job, and that issue has been mostly resolved about 99%.

Mayor Neal McIntyre gave a shout-out to the Lyon County Fire Department. Heather and Hayley McDonald came in and wanted to thank the Fire Department for their act of kindness for taking care of their little puppy, Blue. Unfortunately, Blue passed away, but they went over and above trying to save this little puppy, so that she publicly wanted me to give a shout-out to the fire department. The Mayor's Cleanup will be on August 24th starting at 8:00 AM at the city cemetery

for any of those that would like to participate and help clean up the cemetery. September 13th is the Mayor's Corner at Yogurt Beach, from 6:00 pm - 8:00 pm, for anyone that wants to come and ask questions or get updates. It is an open forum.

4. PROCLAMATIONS BY THE MAYOR

None

5. PRESENTATIONS

5.1. A presentation of public online survey results gathered as part of the North Fernley and Southwest Fernley Area Plan process.

Michele Rambo, Planning Director, presented the survey that was put online for the public.

Blake Young, Kimley-Horn, stated wants to make sure that they are providing as many options as possible. So then, when they come forth with alternatives, they can get some direct feedback not only from the Council, but from the community as well. Kimley-Horn will be meeting at the Senior Center tomorrow night to get more feedback from the community on the revised North area plan. This is specific to the North Area plan. They will not be going through the Southwest Area plan just yet.

Councilwoman Felicity Zoberiski asked how many people filled out the survey. Blake Young replied that there were 133 people who completed the survey.

Councilman Albert Torres stated that Fernley has approximately 25,000 people and only 133 answered the survey. That is the bad thing about surveys. We want everybody to have input, and it's usually the same 2% or 3% that volunteer as well as answer surveys.

Councilwoman Fran McKay stated that it is obvious that a lot of people don't know a lot about our city. How many of these people realize that the majority of our major roads are not city property? It just seems like our public isn't totally informed about the city and the status of our city.

Mayor Neal McIntyre stated we do not get a good turn when it comes to surveys and things like that. We must figure out a better way to get the information out to the public so that we can get better participation from the city.

5.2. (For Possible Action) Approval of a contract with Video Wall Solutions for Acoustic Treatment of City of Fernley City Council Chamber not to exceed \$91,005.00.

John Cleven, IT Coordinator, presented along with Michael Petraka from Video Wall Solutions. Parts of the City Council Chamber's sound system have gone beyond its useful life, are no longer supported, and are beginning to fail. This quote proposes to replace and update the obsolete equipment and add acoustical panels around the room to optimize the sound. It is a 4-step process. These improvements will be funded between Capital Improvements for Facilities and Municipal Court Capital improvements. The quote includes options to add screen printing for some decorative panels to accent the room at the City Council's discretion.

Michael Petraka explained the only thing being replaced, outside of adding panels, are the microphones, which you can fine tune better as far as sound is concerned. All the other devices that are currently in place will integrate into the same system. The combination of microphone

tuning, the system programming and the acoustic panels is a holistic approach to solving the issues.

Councilman Albert Torres asked where the funding for this was coming from. Robert Carson, City Treasurer, stated that a portion will come out of the special revenue fund, the court facilities fee fund, and the remainder will be covered by realized budget savings in the general fund.

Motion: I MOVE TO APPROVE THE CONTRACT WITH VIDEO WALL SOLUTIONS FOR ACOUSTIC TREATMENT OF CITY OF FERNLEY CITY COUNCIL CHAMBER FOR AN AMOUNT NOT TO EXCEED \$91,005.00 **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.

6. PUBLIC HEARINGS

6.1. (For Possible Action) Discussion, consideration, and second reading of Bill #352, an Ordinance amending Title 32, Chapter 3, Section 060 (Land division applications) of the Fernley Development Code to create Subsections g(1)(b)(4) and g(1)(b)(5) to separate unrelated portions of parcel and lot design standards.

Michele Rambo, Planning Director, stated staff was recently contacted about a potential future project, which generated a review of Section 32.03.060 of the Development Code (specifically Section 32.03.060(g)(1)(b) – Parcel and lot design). During this review, it was discovered that street frontage and access standards were located under the heading of "Lands subject to known hazards", a completely unrelated subject. It appeared to staff that these frontage and access standards were probably meant to be a separate subsection, but either during editing or formatting the subsection heading was lost. With the current format, staff can technically only enforce these standards if the parcel has a known hazard. Therefore, staff have prepared this Code Amendment to separate these road standards into their own section so they can be applied to all parcels as they should have been originally. In addition to street frontage and access standards, one additional item currently found under "Lands subject to known hazards" does not seem to fit: building placement on city or county lines. Therefore, another subsection was created to separate this requirement. In addition, a requirement that parcel lines not go through buildings (unless built as a condominium, duplex, or other multi-unit building). Staff are proposing minor formatting changes to fix this error. The Planning Commission considered this item at their meeting of July 10, 2024, and voted to recommend that the City Council approve Bill #352.

There was no public input.

Motion: I MOVE TO APPROVE BILL #352, AN ORDINANCE AMENDING TITLE 32, CHAPTER 3, SECTION 060 (LAND DIVISION APPLICATIONS) OF THE FERNLEY DEVELOPMENT CODE AS PRESENTED BY STAFF AND BASED ON THE FINDINGS FOUND IN THE STAFF REPORT. **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. STAFF REPORTS

7.1. (For Possible Action) Discussion and possible direction to staff regarding how the City Council would like to address the airport currently located within the Southwest Fernley Area Plan.

Michele Rambo, Planning Director, presented that as progress has been made with the Southwest Fernley Area Plan, the future of the current airport has become a topic of discussion. During discussions with stakeholders within the Southwest Fernley Area Plan, it was brought to the City's attention that the airport currently located along US Highway 95/50 is looking to expand both its operations and the length of the runway. However, surrounding property owners have expressed their dislike of this plan to the City staff and Kimley-Horn (the consultant working on the project). Therefore, staff is looking for direction from the City Council on what they would prefer to see in the Area Plan. Several ideas have been discussed: (1) leave the airport the way it is in the area plan with the possibility of future expansion; (2) Encourage the airport to move to a different part of town; or (3) expand the airport footprint to allow for future growth of the airport. The City Land Use Attorney does not recommend Option 3. Showing the expanded airport over other property that they do not currently own is considered a pre-condemnation. Another item to consider is the parcel is not privately owned by the airport. The airport sits on BLM land that is in the City of Fernley's Lands Bill. Once the property is transferred, the city can choose what to use it for. This gives the city the ability to determine the future of the site vs. private property. Also, the airport doesn't own all the properties needed for the proposed expansion.

Chris Molina, Fernley outside council, explained his concerns with Option 3 and pre-condemnation damages.

Motion: I MOVE TO APPROVE OPTION 1 TO LEAVE THE AIRPORT THE WAY IT IS IN THE AREA PLAN. **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.

Mayor Neal E. McIntyre called for a break 7:01 pm - 7:14 pm.

7.2. (For Discussion and Possible Action) Regarding Wage and Compensation Study quote in the amount of \$21,250.00.

Mitzi Carter, HR Manager, presented. The most recent wage and compensation study for the City of Fernley was completed in November 2023. The study was based on the most current available compensation plans for organizations of comparable size and functions. The number of similarly sized and functioning organizations in northern Nevada is limited. Twelve organizations selected for comparison included the cities of Carson, Elko, Reno and Sparks, along with the counties of Churchill, Douglas, Humboldt, Lyon, Nye, Pershing, Storey and Washoe. All the information is publicly available at no cost. Determining variations in job titles, job duties and tenure required additional research to ensure that each position appropriately matches the comparisons. On June 6, 2024, City Council requested to discuss an external wage and compensation study on a future agenda. Quotes for a wage and compensation study were requested from outside vendors. Pontifex Consulting Group, LLC, came in at \$21,250. They offer to provide a full-service compensation study to include comparable organizations approved by the city of Fernley. Baker Tilly quote has not yet been received.

Councilman Albert Torres stated his concern about Fernley being compared to Reno and Sparks when their population and budgets are 3 or 4 more times that of the City of Fernley. It doesn't seem like a justifiable comparison. He would like to see comparisons with like cities and like

sizes of employees. Mitzi Carter, HR Manager, stated that she could offer numbers without those cities and Washoe County in there.

Councilwoman Fran McKay agreed with not using Reno and Sparks as a comparison.

Councilwoman Felicity Zoberiski stated that she went to Pontfex's website, and they also do compensation and benefit plan audits, and asked if they do those audits on places that do inside wage studies and would like that to be part of the quote as well.

Councilman Ryan Hanan stated that the Economic Development Authority of Western Nevada's presentation on the State of the State of Nevada, the State of the Economy, they indicate that this year the average salary in Northern Nevada, which includes Fernley, is about \$74,000. per person. When we look at the wage studies that we've done and what we're paying our employees, at least half of the employees here are not making that.

Motion: I MOVE TO APPROVE THE QUOTE FROM PONTIFEX CONSULTING GROUP, LLC, AND DIRECT STAFF TO DRAFT A CONTRACT WITHOUT USING RENO AND THE CITY OF SPARKS AS A COMPARISON. **Action:** Approved. **Moved by:** Councilman Torres, **Seconded by:** Councilwoman McKay. **Vote:** Passed, **Summary:** Yes 4, No 1. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilwoman McKay, **No:** Councilman Hanan.

Mayor Neal E. McIntyre stated that he believes in the staff and vetoed the vote.

Councilman Albert Torres stated that the Mayor could not veto the vote because it passed with a supermajority.

Deputy City Attorney Brandi Jensen clarified that the Mayor could veto it, but it's already been done by a supermajority, so they can call for the vote again, and if there's another supermajority of a 4 to 1 that it still passes.

Councilman Albert Torres called for the vote again.

Motion: I MOVE TO APPROVE THE QUOTE FROM PONTIFEX CONSULTING GROUP, LLC, AND DIRECT STAFF TO DRAFT A CONTRACT WITHOUT USING RENO AND THE CITY OF SPARKS AS A COMPARISON. **Action:** Approved. **Moved by:** Councilman Torres, **Seconded by:** Councilwoman Fran McKay. **Vote:** Passed, **Summary:** Yes 4, No 1. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilwoman McKay, **No:** Councilman Hanan.

8. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

8.1. Possible Action requesting a future agenda item to discuss Temporary Use Permits and the fees associated with them and the effect they have on the businesses that hold events in Fernley. (Councilwoman Zoberiski)

Councilwoman Felicity Zoberiski stated is important to make this a future agenda item and bring this back to council so that temporary use permits can get ironed out and the breakdown of fees associated with it.

Motion: I MOVE TO BRING THE TEMPORARY USE PERMITS AND FEES ASSOCIATED WITH THEM BACK TO COUNCIL AS AN AGENDA ITEM. **Action:** Approved. **Moved By:** Councilwoman Felicity Zoberiski, **Seconded By:** Councilwoman Fran McKay. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilwoman Felicity Zoberiski requested to have the Community Foundation and the community come in and discuss where we are at with CRC. Something like a community public meeting and not necessarily as much with the architects as it is with our Community Foundation and community and what their goals are and what our plans are.

10. PUBLIC FORUM

Cody Wagner, stated that in the last 2 weeks he has been working on executing a large gift to the CRC, potentially the largest individual donation towards the city in our history. He is really looking forward to presenting that in 2 weeks. Along with that presentation, he would like to give the history of the project.

Desiree Young/Joshua Fleck, Fernley residents, expressed their opposition and concerns regarding the application requested for rezoning map, amendment and conditional use permit for the storage facility on Farm District Road. They ask that the Council do some investigation and get more information before a decision is made. This would potentially impact not only the traffic, but the safety of the surrounding residents.

Tammy Ditman, Fernley resident, thanked Councilman Torres for his comment about the veto because it's not just him feeling that way, it's also the residents feeling that way. She talked to other people and it was felt that the people they voted for in their districts are no longer being heard because of their decisions being vetoed.

James W. Roberts, Fernley resident, thanked the council for doing a good job and admired the way they function and the staff as well. He also thanked the Sheriff's department for doing a great job as a police force for the city. He also commented on the architect that designed the chambers and the hazards of the airport.

Councilman Stan Lau left at 7:55 pm.

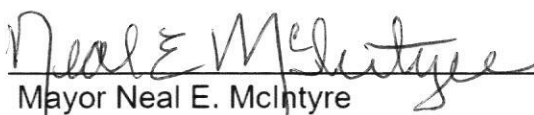
The next meeting will be August 21, 2024.

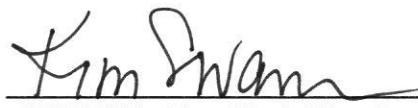
11. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 8:00 pm.

Approved by the Fernley City Council on August 21, 2024, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre


ATTEST: City Clerk Kim Swanson

Please sign in

FCC - 8/7/2024

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