

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
AUGUST 21, 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, Planning Director Michele Rambo, Public Works Director Barry Williams, Deputy Public Works Director Olivia John.

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. There have been 45 new business licenses applied for in the last 3 months.

2.4. Possible Action to Approve Amendment No. 1 to Existing Contract with Lumos & Associates for Engineering Services for Fernley Industrial Park Rehabilitation Project

2.5. Possible action to approve a renewed Interlocal Agreement with Lyon County for a five-year term through June 30, 2029 for Emergency Management Services.

2.6. Possible Action to approve the liquor license for The Canal Wine Lounge LLC.

2.7. Possible Action and Adoption of the final subdivision map (FSM22002) for Legacy Trails (also known as Friendly 5), Phase 2.

Motion: MOVE TO APPROVE THE CONSENT AGENDA AS PRESENTED. **Action:** Approved. **Moved by:** Councilman Hanan, **Seconded by:** Councilman 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.

Sergeant McDaniel, Lyon County Sheriff's Department, reported the new School Resource Officer, Deputy Holland, had started in the schools. The pursuit on August 20th ended with no damage to vehicles or human beings. There were about 28 grams of methamphetamine recovered. This person has been arrested for methamphetamine 3 times in about a month. The department will have a work crew at the Mayor's Clean Sweep.

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

Councilwoman Felicity Zoberski attended the Fernley Senior Citizens Advisory Committee meeting on Friday, August 9th. It is extremely enlightening and organized. The Mayor's Clean Sweep was discussed and possibly getting some of the different youth sports leagues together with the seniors.

Councilman Albert Torress wished Scott Barnes from Mark IV Victory Logistics a Happy Birthday.

Councilwoman Fran McKay stated that she received an invitation from Nick VanderPoel, the city's legislative representative, to join in for a policy discussion with Assembly members Dr. Gregory Koenig, Gregory Hafen, Ken Gray, Toby Yurek and Bert Gurr, as they delve into the pressing issues facing our community and explore solutions that matter to you. It will be held at Fernley City Hall on September 11, 2024, 11:30 am to 1:00 pm. The 9-11 celebration will be at the Out-of-Town Park from 9:00 am to 10:30 am. There will also be an open house with Wood Rogers on August 22nd at 4:00 pm.

Mayor Neal E. McIntyre reminded everyone that the Mayor's Clean Sweep is on Saturday, August 24th. We will meet at Green Valley Park at 7:30 am to clean the park and disperse over to the Fernley Cemetery. The Mayor's Corner will be held on September 13th from 6:00 pm to 8:00 pm at Yogurt Beach.

4. PROCLAMATIONS BY THE MAYOR

None at this time.

5. PRESENTATIONS

5.1. Possible action to accept a \$100,000 donation from the Fernley Community Foundation for the Community Response and Resource Center.

Cody Wagner, Chair of the Fernley Community Foundation, presented a check for \$100,000.00 to the City of Fernley. He felt it was appropriate to recognize the history of the donor. Margaret Joy Hideck was born March 27, 1947, in Los Angeles. She graduated from West Covina High School and later from the University of Arizona, with a degree in microbiology. As an adult, she spent time in Washington, Oregon, California, and later in South Lake Tahoe. Most of her career was in the medical field, but she was also heavily involved with volunteering in activities with her children and church. In 2008, she married her soulmate and best friend, Nick Hideck. The couple relocated to Fernley in 2016, to be closer to her daughter, Jen Garrett and her family. Nick lost Joy in 2021, but her spirit has lived on through her amazing family and their tremendous contributions to our community. Several weeks ago, Nick Hideck made the largest individual donation in our Foundation's history of \$50,000.00 to honor his late wife Joy, and to remember her legacy with naming the classroom currently being constructed "In Memory of Joy Hideck". Tonight, we will pass this donation through to the city to be dedicated to construction costs. We are also very proud to culminate seven years of work as a foundation, to donate our own \$50,000 to the project as well for classroom naming rights, bringing the total donation up to \$100,000. Many of our donors and volunteers are here in the audience tonight, and we would like to thank them. The Foundation only asks for reciprocity to ensure that we work together to ensure that each donation is honored outside a classroom with a brick, which is a project the foundation has worked on with the city's collaboration for seven years now. Mr. Wagner then gave a presentation on the background of the foundation and how they got to this process.

Mayor Neal E. McIntyre thanked Cody Wagner for the presentation and for being so consistent on getting this project going since 2017. He appreciates all his work done on it

Councilwoman Felicity Zoberski stated that she thought it would be a good idea to do a collaborative meeting with the Community Foundation and Council, so that they can agendize the different ideas as far as some of the metal buildings. Also, going forward, we should have a Community Foundation/Council meeting about what the gym would look like and have it be a separate building from The Boys and Girls Club. There are so many organizations in the city that would utilize it other than The Boys and Girls Club,

ACES, nonprofits, Rotary and Lions. We have so many different groups as well as tournaments for adults and youth that would be able to use it.

Motion: I MOVE TO ACCEPT THE \$100,000.00 DONATION FROM THE FERNLEY COMMUNITY FOUNDATION FOR THE COMMUNITY RESPONSE AND RESOURCE CENTER. **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. For Possible Action: Presentation and Discussion about Green Valley Park

Olivia John, Deputy Public Works Director, gave a presentation on Green Valley Park and the status of the dog park. She stated drainage is a major issue there with the hard packed soils. When the area is irrigated, water tends to puddle because of water infiltration issues with the hard packed soil, and it's causing muddy areas. It becomes a major issue when we use sprinklers more often. The sprinklers are set right now for early in the morning or late in the evening, for 10 to 15 min at a time and that way it's not being used during the day when people are in there. Overuse is a major issue, especially with the increase in our population, which means there are more dogs using the park. Since the park has been split in half, it's causing the dogs to populate in certain areas and causing more overcrowding and issues. They tend to have the same potty areas, which is causing issues with killing the grass as well. There's a lack of amenities as well. There are amenities for humans, but not for dogs. The other issue is waste and debris from overcrowding and more people using the park. There are issues with a lot of trash, animal waste that's not being cleaned up, and a lot of the people are tending to leave a lot of furniture around. We're constantly cleaning up. Some suggested improvements, rest and rotation for these two sections, basically when the lawn is seeded and we're watering actively the section is closed off for a month. Resurfacing is another option.

Mayor Neil E. McIntyre stated that no matter what they choose to do the park it will have to be closed and that will be the difficult part.

Councilwoman Felicity Zoberski stated there had been kind of a neighborhood group that was willing to take on and pair with the city with some of the maintenance.

Councilman Ryan Hanan stated that doing it in stages is more viable than doing it all at once. He would like to see Adopt-A-Park. The people that are really into this park would be willing to step forward through some partnership with the city so that we can communicate when there are issues to resolve.

Councilman Albert Torres stated that with the last two groups we enacted the ability for them to adopt our park, which is part of our regular code, as soon as the city said "yes", we haven't heard from them at all. Would like to get some communication out to the people around the park to see what it is that they would like to see and with the information move forward.

Public Comment:

Yvonne Filster, Fernley resident, stated that the idea of having the park part DG and part grass is amazing. She also inquired about other dog parks in the city.

Barry Williams, Public Works Director, stated that there is a dog park at the Out-of-Town Park, and a designated area that is open at the In-Town Park.

6. STAFF REPORTS

6.1. For Possible Action: Discussion and possible action to authorize Taggart & Taggart, Ltd. to file an appeal of the District Court's ruling in Tenth Judicial District Court Case No. 22-10DC-0868 (In the Matter of the Submission of a Contract for Judicial Determination of Validity and Authority of the Board of Directors of the Truckee-Carson Irrigation District to Enter into Such Contract as Provided for by NRS 539.305) and other matters properly related thereto.

David Rigdon, Taggart & Taggart outside attorney for water issues, stated that a month ago they came and gave a presentation on the status of various litigation that they had going on with respect to the Truckee Canal. One of the items they had mentioned was the TCID petition case where TCID filed a petition asking the Court to validate their repayment contract with the United States to repay the United States the \$35,000,000.00 cost of the project. There was a public hearing that was held in front of the Judge in Fallon on August 2, 2024. Taggart & Taggart presented the arguments in our case. There were numerous people in the audience and several dozen written objections that were filed by members of the public objecting to the Court validating that order. The Court heard all that and went ahead and validated the order anyway. Taggart & Taggart believe the court was wrong, but they served a very valuable purpose by coming down and getting those objections on the record because it will help on the appeal. All those objections will be in the record before the Nevada Supreme Court if the City Council approves the appeal. The Judge issued a written order on August 14th confirming the oral ruling on August 2nd and has 30 days from that date to appeal to the Nevada Supreme Court under a ruling called Hansen versus Ethics Commission.

MOTION: I MOVE TO AUTHORIZE TAGGART & TAGGART, LTD. TO FILE AN APPEAL OF THE DISTRICT COURT'S RULING IN TENTH JUDICIAL DISTRICT COURT CASE NO. 22-10DC-0868 IN THE MATTER OF THE SUBMISSION OF A CONTRACT FOR JUDICIAL DETERMINATION OF VALIDITY AND AUTHORITY OF THE BOARD OF DIRECTORS OF THE TRUCKEE-CARSON IRRIGATION DISTRICT TO ENTER INTO SUCH CONTRACT AS PROVIDED FOR BY NRS 539.305 AND OTHER MATTERS PROPERLY RELATED THERETO. **Action:** approved. **Moved by:** Councilman Albert Torres, **seconded by:** Councilman Hanan. **Vote:** Passed, **summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

7. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None

8. PUBLIC FORUM

Becky Howlett, Fernley resident, stated that at the last meeting the Council discussed the baffles to help with the sound in the Chambers. The Senior Center has them all over their walls.

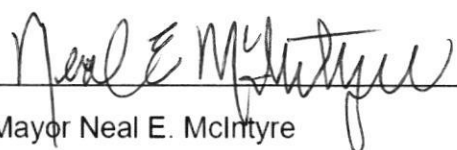
The next meeting will be September 4, 2024.

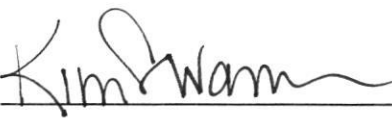
9. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:28 pm.

Approved by the Fernley City Council on September 4, 2024, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre


ATTEST: City Clerk Kim Swanson