

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
SEPTEMBER 18, 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, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Frank McKay, City Manager Ben Marchant, City Attorney Aaron Mouritsen, HR Manager Mitzi Carter, 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, Senior Project Manager Salvador Pleitez, Councilwoman Felicity Zoberski arrived at 5:23pm.

1.3. Public Forum

Mayor Neal E. McIntyre commented that he was very disappointed in the attacks that have been made on city staff when they are doing their job by following ordinances and codes set by the City Council. The City Council can change these codes or ordinances to better meet the needs of the community, and that's their job. He encouraged the public to direct their comments and concerns directly to the City Council without attacks on the integrity or character of staff. He values the input from the public. He encouraged the residents to bring their concerns forward so that we may better address the issues.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA AS PRESENTED. **Action:** Withdrawn.

Motion: I MOVE TO APPROVE THE AGENDA WITH ITEM 5.1 MOVED TO THE FRONT OF ITEM 3.

Action: Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 4. **Yes:** Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan, **Absent:** Councilwoman Zoberski.

City Attorney Mouritsen stated that NRS. 266 requires that Item 5.1 be passed unanimously by the entirety of council. It would be better to table this until Councilman Zoberski arrives.

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.

2.4. Possible action to approve the Mayor's appointment of Julianne Holt as an alternate for the Fernley Planning Commission.

Motion: I MOVE TO APPROVE THE CONSENT AGENDA. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 4, **Yes:** Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan, **Absent:** Councilwomen Zoberski.

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, started by thanking Fernley Animal Control who were able to help at the office when a newborn kitten was left on the counter. Mug Shot Monday is going to be modified due to a decision by The 9th Circuit Court in Arizona which governs us here in Nevada as well as Arizona. In Arizona, they were doing a similar program, but they were posting more private information from citizens on their site. We are anticipating that this case goes to the Supreme Court. Deputy Holland reports that things are going well at the schools. The department will be participating in the following events: the NAMI Walk on October 12, at the Out of Town Park; Silver Springs Founders Day on October 12th. Sheriff Pope is going to be their Grand Marshal in that parade; Dayton Valley Days; and Spooktacular, October 31. The department also participated in the 9/11 Memorial at the Out of Town Park.

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, stated that Spooktacular will be held October 31st, and the city is still welcoming donations and volunteers. The girls' softball grand slam tournament has two more tournaments coming up on October 5th and 6th and October 26th and 27th. The City Clerk will be open for early voting from October 19th through November 1st here at City Hall. You can go to the City News flash contact, and you can contact the City Clerk's office for more information. He also recognized a couple of employees for some outstanding accomplishments. Our new Animal Services Assistant completed customer service in the shelter training; Goldie Henderson acquired a notary; and Bailey Scott has also obtained her B1 Certification for building inspection. He also read a letter received from Freedom Forever expressing their gratitude to the city of Fernley's building department.

Councilwoman McKay reported that the special meeting for the builders and developers was canceled due to the city council special meeting tomorrow and will be rescheduled. She also congratulated City Attorney Mouritsen on becoming an instant parent last Monday.

Councilman Torres expressed his congratulations to City Attorney Mouritsen.

Councilman Lau expressed his congratulations to City Attorney Mouritsen.

Councilman Hanan expressed his congratulations to City Attorney Mouritsen. He stated he attended the 9/11 ceremony and is very proud of the City of Fernley, local law enforcement services and the Nevada Veterans Coalition for the amazing presentation. It's good to see the community come together. He also attended the Canal Wine Lounge grand opening, and encouraged everyone to go check it out. It's at the Meadows shopping Center. Squeeze Inn is doing a soft opening all week, and they are doing their grand opening this weekend. We're very excited to have them both in Fernley.

Mayor McIntyre congratulated City Attorney Mouritsen. He added he gave a speech at the 9/11 Memorial ceremony. He read a letter addressed to members of the Fernley City Council from Greg Evangelos and Todd Perdula. Mr. Evangelos and Mr. Perdula thanked the members of the city staff and elected officials. Recently, an application was filed with the City of Fernley relating to the potential construction and occupancy of Tractor Supply. This letter is to commend all the various parties who facilitated this process.

Councilwoman Felicity Zoberski arrived at 5:23.

Councilwoman Zoberski reported that the 12U girls and the 14U girls walked away with the championship from the Fernley Youth Softball Tournament held at the Out of Town Park.

Item 5.1 was heard after Reports

4. PROCLAMATIONS BY THE MAYOR

Mayor Neal E. McIntyre read the proclamation for Constitution Week.

5. ORDINANCES

5.1. For possible action — Discussion and possible action on an ordinance providing for the issuance of the City of Fernley, Nevada, General Obligation (Limited Tax) Water Refunding Bond

(Additionally Secured by Pledged Revenues), Series 2024, in an aggregate principal amount not to exceed \$30,000,000; providing the form, terms and conditions thereof and covenants relating to the payment of the Bond; and providing for adoption of the ordinance as if an emergency exists.

Robert Carson, City Treasurer, stated that there is no presentation tonight. A few weeks back we heard the resolution to authorize the sale of these bonds. This will be the ordinance and it will be issued in one reading instead of two, due to the sensitivity of interest rates.

Councilman Torres asked about selling the bonds and what we would be doing with the money.

Marty Johnson, JNA Consulting, stated that the money is going to be used to pay off the city's 2015 bonds. We are refinancing based on current rates we expect that we will save approximately \$1.2 million over the life of the bonds. This is a deal that we are doing through the State of Nevada. The city will sell their bonds to the State and that interest rate will be locked in on October 16th.

Mayor called for public input. There was none.

Motion: I MOVE TO APPROVE THE 2024 BOND ORDINANCE. **Action:** Approved. **Moved by:** Councilman Torres, **Seconded by:** Councilman Hanan. **Vote:** Passed, **Summary:** Yes 5, **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

5.2. Introduction and first reading of Bill #354, regarding a proposed zoning map amendment (ZMA24003) submitted by Wood Rodgers on behalf of Douglass Development to request a zone change from Neighborhood Commercial (C1) to General Commercial (C2) on a parcel ±5.00-acres in size and generally located north of Farm District Road between Camille Drive and Jenny's Lane (APN: 020-351-08).

Shay League, Senior Planner, presented the introduction and first reading of Bill #354. In April 2005, City Council approved a 10-acre project named "Farm District Commercial". Though infrastructure for this project was constructed, the project was ultimately abandoned due to the recession of 2008. The initial project approval has expired. The current applicant, Douglass Development, purchased this 5-acre portion of the former project in May 2023; the remaining 5-acres of the former project are owned by a separate investor. All 10 acres of this former project, to include the applicant's 5-acre parcel, are zoned C1. The applicant has requested to rezone their 5-acre parcel from C1 to C2. The land use designated in the Master Plan is Commercial. The "mini warehouse" use is not currently permitted within the C1 zone, so a zoning map amendment is still necessary for this project to move forward without first completing a code amendment. If the Planning Commission and Council desire quick approval for this project, staff advise an interim measure whereby the zoning map is approved but is also conditioned to only allow the "mini warehouse" use. The addendum to this bill was provided to council. There are 3 conditions of approval listed in the staff report for this item, but we determined that they should be included in the bill itself to ensure that it gets recorded at the Lyon County Recorder's office alongside the bill.

6. PRESENTATIONS

6.1. Compensation Study Presented by Pontifex Consulting Group, LLC

Peter Ronza, Pontifex Consulting Group, presented the highlights of the study. He explained the minimum and maximum value for the skill sets for the employees at the city of Fernley in relation to competitive labor market, where you go to attract and retain. Once you know the minimum and maximum, then you go into the individual people and look at their longevity, experience, productivity, performance, certifications, licenses, etc., and then you can determine within that minimum and maximum where the actual employee falls.

Councilman Albert Torres stated that they asked to have the cities of Reno and Sparks to be excluded from the comparison because we don't compete with either the population or general funds. Washoe County has a general fund budget of 350 million dollars. How does Washoe County, with a \$350 million-

dollar general fund budget compare to the city of Fernley with a \$20 million dollar general fund budget? We don't have the size, the infrastructure, the income, and the responsibilities.

Peter Ronza stated that it depends on your compensation philosophy as to why this would be added to the list. The problem with comparable groups is you can structure them over in a variety of ways depending on your philosophy. You can go by population, you can go by service area, you can go by a variety of reasons. You can't ignore your neighbors, and we call that commutable distance, because if you do have a comparable that is larger than you, but they are close enough that an employee would not have to move, would not have to take their kids out of school, you're not going to pay what that institution pays, but you need to know what they're paying so you can get that sweet spot.

Councilman Torres asked if different requirements, education and degree certifications were compared.

Peter Ronza stated that they compared job description to job description, because that's the only way you can do a compensation study. When you're looking at scope, when you're looking at directors, when you're looking at managers and supervisors, we do look at scope of authority. The other side of that is another entity could have a position that is responsible for a certain function, and they may have their own reasoning behind having that kind of a requirement. What we look at when we look at the job description is, is that requirement over and above what would be necessary for that job. Requirements are only one part of that equation, though you have to look at the scope of authority, especially with management, supervisory director jobs, and the responsibilities and duties. If they don't match up, they are not going to be included in this study.

Councilman Torres asked staff if they're given directions by council to look at like entities and take out Reno and Sparks why would we put in another entity with the same average with Washoe County? All you did was change titles, but the money's the same.

Mayor stated that the reason he believes Reno, Sparks and Washoe County, all 3 should be used. These are who we're losing people to, regardless of what their budgets are.

Ben Marchant, City Manager, stated that Washoe County was not added, it was included in the wage study that was done last fall. Reno and Sparks were specifically asked to be removed, that one was not.

Councilwoman Zoberski stated we gave him that list to make the comparison to do that job. We pretty much directed them to do the same wage comparison that we did inside because Reno and Sparks are the main contributors to Washoe County. You can see how that would be confusing as a council. When she saw the compensation study that was done from the outside, it was disappointing because Washoe County was in there. The biggest contributors to Washoe County's budget are Reno and Sparks. It felt like the same study we did on the inside. It came out as a total waste of \$20,000, because we asked to remove those cities because their budgets were so much larger than ours, it was so that we could see the difference. She thanked Pontifex Consulting for the presentation and compensation study that they did. She stated she was not upset about the way the compensation study was presented, she was disappointed in the list that they were given to perform the compensation study.

Councilman Hanan stated we don't have the ability to operate without functioning departments, so adjustments must be made to retain staff. Other communities are expressing the same frustration that they don't have the ability to do the same things that Reno, Sparks or Carson City do, but they don't have a choice, so they're having to make difficult decisions to retain staff. The bigger discussion is how do we make those accommodations to employ people that are qualified to do the job and at the same time balance our budget. This year we were lucky enough to do that.

Councilwoman Fran McKay stated that she doesn't believe most of the reason employees leave is because the pay is better in Reno and Sparks, it has to do with management of departments. We have many people in our employ that have been here a long time, regardless of the pay they were receiving. They have stayed because they like their jobs.

Councilman Stan Lau thanked Pontifex stating they did a great job, whatever you compared. It's Nevada.

7. PUBLIC HEARINGS

7.1. A workshop to review and discuss revisions to Chapter 32.3 (Administration) of the City of Fernley Development Code.

Michele Rambo, Planning Director, requested to table this item indefinitely.

Mayor McIntyre called for public input and there was none.

Motion: MOVE TO POSTPONE THIS ITEM INDEFINITELY. **Action:** Approved, **Moved by:** Councilwoman McKay, **Seconded by:** Councilman Hanan. **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 to request a future agenda item proposing a modification to the ordinance to allow for waivers or deferral in the Development Code regarding curbs, gutters and sidewalks. (Councilwoman Zoberski)

Motion: I MOVE TO BRING THIS ITEM BACK AS A FUTURE AGENDA ITEM TO PROPOSE A MODIFICATION TO THE ORDINANCE TO ALLOW FOR WAIVERS OR DEFERRAL IN THE DEVELOPMENT CODE REGARDING CURBS, GUTTERS, AND SIDEWALKS. **Action:** Approved. **Moved by:** Councilwoman Felicity Zoberski, **Seconded by:** Councilwoman Fran McKay. **Vote:** Passed, **Summary:** Yes 4, No 1. **Yes:** Councilwoman Zoberski, Councilman Torres, Councilwoman McKay, Councilman Hanan, **No:** Councilman Lau.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilwoman Fran McKay inquired about getting streetlights at crosswalks. Secondly, in West Newlands there is a double yellow line, which is illegal to cross, all the way down the street almost to Flint Street. Anybody coming out of Silverado and wanting to go to the traffic light is violating the law.

Mayor McIntyre stated that he would contact NDOT on both issues.

10. PUBLIC FORUM

Tammy Ditman, Fernley resident, asked to have an accounting of the cost and budget of the resource center along with what has been given and what is remaining, put on the next agenda.

Ben Marchant, City Manager, stated that at the City Council's request there will be a public work session on Wednesday, October 16th from 4 pm to 5 pm, specifically to talk about the history and progress of the CRC.

Julianne Holt (Zoom) asked for clarification on Item 2.4. The Mayor stated that approval for the appointment of Julianne Holt as an alternate for the Planning Commission was approved.

Councilwoman Felicity Zoberski asked if the City got a copy of the It was for their 5-year master-plan presentation that Lyon County School district did on September 17th or if we could obtain a copy of that presentation.

Mayor McIntyre stated that he attended the Lyon County School Districts presentation at the high school, and he would see about getting a copy of the presentation for the Council.

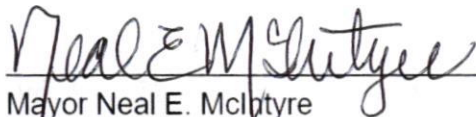
The next meeting will be October 2, 2024, at 5:00 pm.

11. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:19 pm.

Approved by the Fernley City Council on October 2, 2024, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0



Mayor Neal E. McIntyre



ATTEST: City Clerk Kim Swanson

Agenda Item 5.2 Addendum

Conditions of Approval for ZMA24003

Staff to incorporate the below conditions for ZMA24003 in Bill #354 by recommendation of Planning Commission.

1. This zoning map amendment shall not be effective until the developer completes each of the following:
 - a. Obtains a civil permit for the public infrastructure as required by the conditional use permit process;
 - b. Obtains the necessary building permits to construct the mini-warehouse as approved through a conditional use permit as required under the C2 zoning;
 - c. Begins construction on the site.
2. This zoning map amendment shall expire if a conditional use permit is not issued within 6 months of approval of the zoning map amendment.
3. This zoning map amendment shall expire when the conditional use permit mentioned herein expires and is eligible for the same extensions of time as the conditional use permit.

Please sign in

FCc 9-18-2024

[illegible]