

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
AUGUST 2, 2017**

Mayor Edgington called the meeting to order at 5:00 pm at Fernley City Hall, 595 Silver Lace Blvd, Fernley, NV.

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Mayor Roy Edgington, Councilman Dan McCassie, Councilwoman Sue Seidl, Councilwoman Shari Whalen, Councilman Stan Lau, Councilwoman Fran McKay. City Manager Daphne Hooper, City Attorney Brandi Jensen, City Treasurer Denise Lewis, City Clerk Kim Swanson, Public Works Director Dave Whalen, Assistant to the City Manager Colleen Unterbrink, City Engineer Derek Starkey, Building Official Rick Kabele.

1.2. Public Comment

Kelly Brye, Chamber of Commerce President, apologized for the incorrect letter from the Mayor that was printed in the new Chamber Directory. He stated copies have been removed from businesses and new directories have been printed.

Dana Uhlhorn, Fernley Chamber of Commerce, echoed President Brye's comments and stated he is very proud of the Chamber and proud to live in the City of Fernley.

1.3. Approval of The Agenda.

City Manager Hooper requested to pull Consent Item 4.2, stating Chamber of Commerce President Brye addressed the City Council during Public Comment.

Motion: MOVE TO APPROVE THE AGENDA REMOVING ITEM 4.2, **Action:** Approve, **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilman Stan Lau. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Councilman Dan McCassie,

Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

2. CONSENT AGENDA:

2.1. (Possible Action) Approval of Voucher Report

2.2. (Possible Action) Approval of Business Licenses

2.3. Possible Action To Approve The Acquisition Of (1) Right-Of-Way Take, (1) Permanent Easement And (1) Permission To Construct Located At APN: 020-131-02 (450 Hardie LN), From Lyon County School District, In The Amount Of \$60,300.

2.4. Possible Action To Authorize The Execution Of The Assignment And Assumption Of Beneficial Interest In Water Rights From Kim And Susan McCreary To Michael A. And Claudia C. Casey In The Amount Of 44.775 Acre Feet.

2.5. Possible Action to Approve the Acquisition of the Following Temporary Construction Easements (TCEs):

a) APN: 020-061-22 (176 Hardie LN), Evans, in the amount of \$1,000

b) APN: 020-061-21 (170 Hardie LN), Bridgewater Investments, LLC, in the amount of \$1,000

c) APN: 020-061-20 (150 Hardie LN), Singh and Grewal, in the amount of \$1,000

d) APN: 020-061-23 (180 Hardie LN), Bush and Donohue, in the amount of \$1,000

e) APN: 020-041-64 (100 Hardie LN), Palmer, in the amount of \$2,000

f) APN: 020-082-19 (355 Hardie LN), Sagar Energy Corp., in the amount of \$1,000

2.6. Possible Action to Approve the Software Assurance Update for the City's Financial Software Package

2.7. Possible Action To Approve A Request To Waive The Liquor License Fee For The National Senior Pro Rodeo To Be Held At The Out Of Town Park, August 10th Through August 13th.

Motion: MOVE TO APPROVE THE CONSENT AGENDA AS SUBMITTED, **Moved by** Councilman Stan Lau, **Seconded by** Councilwoman Sue Seidl.

Councilwoman Whalen disclosed that she is married to Public Works Director Dave Whalen.

Action: Approve, **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5).

Yes: Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

3. REPORTS This Item Is For Various Public Entity Representatives To Provide General Information To The Council And Public. No Action Will Be Taken.

Ed Kilgore, Lyon County Sheriff's Department reported the monthly stats for the month of July. He also reported the Sheriff's Office 2016 Crime Report (see attached).

Michael Oakes, North Lyon County Fire Protection District, reported the department has responded to 1,403 calls year to date and 261 calls in July. He stated July was a busy month with the department being called to help with mutual aid to other agencies. He reported an arsonist has been identified in Fernley. This person may also be responsible for other fires in the City.

3.1. Reports By City Staff, City Council And The Mayor, Including But Not Limited To Monthly Statistical Reports By City Departments.

City Manager Hooper reported the City received a notice to proceed from CDBG in the amount of \$300,907.00 for the sewer line and the ancillary building. She thanked the front line staff, and the Utility Department for handling inquires related to the letter that was mailed to utility customer's regarding the ancillary fee. Ms. Hooper also thanked the field crew, and partnering agencies who helped with the cleanup from the recent storm. She also thanked Colleen Unterbrink, Deputy City Attorney Brent Kolvet, and Tim Thompson for their work with the purchase of property adjacent to the Fernley Depot.

Rick Kabele, Building Official reported the Building Department stats for the month of July.

Councilwoman McKay reported the Fernley High School Music Boosters received \$10,000 from NV Foundation.

Councilman Lau thanked the staff for the basketball court at the In Town Park. He also thanked City Engineer Derek Starkey on his work on Hardie Lane.

Councilwoman Whalen mentioned she was excited to hear that Senior Staff is talking about developing an succession plan. She also stated that the Ancillary Fee was the right thing for the City Council to do. She acknowledged it was a painful decision but it was the

responsible thing for the City to do. Ms. Whalen stated she has a challenge for the community. Before getting on Facebook and spilling off negativity, do your own research. Be positive and don't overact.

Councilwoman Seidl commented on the letter that was printed in the Chamber Directory. She stated this should have no reflection on the Mayor.

Mayor Edgington reported about a letter he received from TCID. He also spoke about the issue of the letter that was printed in the Chamber of Commerce Directory. He was very disappointed with our community members and what was said on Facebook. He informed everyone that anything that goes through the Mayor's office is also double checked and verified. Mr. Edgington spoke about a comment made "He must have completed his education in Fernley." Mayor Edgington stated he was very proud of our education system.

4. PRESENTATIONS

4.1. Presentation by Oregon-California Trails Association

Jon Nowlin, with the Oregon-California Trails Association presented a brief history of the Fernley Swales on the Truckee River route of the California Trail.

Louise Inman, Fernley resident, stated the Donner Party also went through the Fernley Swales.

4.2. Presentation by Fernley Chamber of Commerce

This item was addressed during public comment.

4.3. Presentation, Discussion, And Possible Action To Submit A Grant Application For Round 2 Of The Community Development Block Grant Program For 2017, Including The Citizen Participation Process.

Assistant to the City Manager Unterbrink explained the CDBG program received an increase in funds for 2017, along with de-obligated funds for the year. The total amount for both is a little over \$500,000. Therefore, CDBG is offering a Round 2 of funding. She

explained the grant process which requires citizen input. She presented a summary of past projects the City has been awarded.

Mayor Edgington opened Public Input. There was none.

Councilwoman Whalen stated she wanted to use CDBG funds to fix Cedar Street. She preferred the language include vision and design. If the City can only do one, she wants vision.

Councilwoman McKay explained her and the Mayor went to the Gardnerville Community Building to get some ideas. She felt having a Civic Center/Multi-Purpose Building would be more beneficial than a Convention Center that would not be used as much.

Mayor Edgington stated he wanted to get community buy in.

Motion: MOVE TO APPROVE AND ACCEPT THE CITIZEN PARTICIPATION PROCESS AND POTENTIAL DESIGN OF THE CIVIC COMMUNITY CENTER CONCEPT, AND THE AREA INCLUDING THE NEW PROPERTY PURCHASED,

Action: Approve, **Moved by** Councilwoman Shari Whalen, **Seconded by** Councilwoman Sue Seidl. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

5. PROCLAMATIONS AND/OR EMPLOYEE RECOGNITION

Mayor Edgington recognized the Public Works Director, Dave Whalen, and staff who assisted in cleaning up after recent storm activity.

6. RESOLUTIONS

6.1. Discussion and Possible Action to Approve Resolution #17-015 And The City Of Fernley Fraud Policy.

City Treasurer Lewis presented the Fernley Fraud Policy. Discussion followed regarding the assignment of documents.

Councilwoman Whalen stated at times the City Council assigns duties to the City Treasurer, and if she commits fraud is the City Council responsible and if someone from

the Finance department commits fraud is Denise responsible. Ms. Whalen explained she didn't understand this section in the policy and asked for clarification.

City Attorney Jensen stated from her experience, one person would be responsible for the fraud program and another be in charge for other policies within the organization.

Councilwoman Seidl inquired about training. City Manager Hooper stated there is a mechanism in place to train the employees.

City Manager Hooper clarified the process that Human Resources follows if fraud is reported. Ms. Hooper stated Human Resources is the facilitator through the process, not the decision maker.

City Treasurer Lewis stated most Fraud Policies fall under Risk Management.

Motion: MOVE TO APPROVE PAGE 4 WITH THE CHANGE OF ELIMINATING THE SECTION ON OTHER IRREGULARITIES AND CHANGING THE SECTION ON ADMINISTRATION TO MAKE IT SAY FINANCE IS RESPONSIBLE FOR THE ADMINISTRATION REVISION, INTERPRETATION AND APPLICATION OF THIS POLICY. **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilwoman Shari Whalen.

1ST Motion: MOVE TO INCLUDE CITY ATTORNEY COMMENTS, IF FOR SOME REASON HUMAN RESOURCES IS THE SUBJECT OF THE INVESTIGATION THAN IT WILL GO THROUGH THE CITY MANAGER AND/OR THE MAYOR. **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilwoman Shari Whalen

2ND Amended Motion: STRIKING THE LAST PARAGRAPH UNDER RESPONSIBILITY ON PAGE 2. **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilwoman Shari Whalen

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl. **Action:** Approve

City Treasurer Lewis asked to include the procedures for employees to use to report fraud. City Attorney Jensen asked to review the procedures before Council would approve.

Councilwoman Sue Seidl stated the City has two attorneys who work for the City of Fernley, and she felt the City should not have any outside attorney's contacted for City fraud investigations.

Motion: MOVE TO REMOVE #9 ON PAGE 5 REGARDING INQUIRIES FROM AN ATTORNEY OR ANY OTHER CONTACTS FROM OUTSIDE OF THE CITY, AND ALL INCIDENTS ARE REFERRED TO OUR LEGAL DEPARTMENT. **Moved by** Councilwoman Sue Seidl, **Action:** Motion failed, **NO SECOND.**

Councilwoman Whalen explained she felt Human Resources or an outside attorney should be contacted if our legal team is out of the office. City Council should have confidence in our Human Resource Department if they receive an incident report that they would contact our legal team.

Motion: MOVE TO BRING BACK THE EDITED VERSION INCLUDING THE FRAUD HOTLINE, **Action:** Approve, **Moved by** Councilwoman McKay, **Seconded by** Councilwoman Whalen. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5) **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl.

7. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS:

These items will be discussed by Mayor and City Council to possibly be placed on a future agenda.

7.1. Discussion And Possible Action To Request A Future Agenda Item Regarding The City Of Fernley Hosting An Open House For The Legislators. (Councilman Lau's Request)

Councilman Lau wanted to host an open house to show the legislators the industrial area, shrinking agriculture area and other needs the City has. Councilwoman Whalen felt the open house would be more successful if it was done before the next session.

Motion: MOVE TO BRING BACK AN AGENDA ITEM REGARDING THE CITY OF FERNLEY HOSTING AN OPEN HOUSE WITH THE LEGISLATORS, **Moved by** Councilwoman Sue Seidl, **Seconded by** Councilman Stan Lau.

Councilwoman Whalen wanted the language to be broader and requested the motioner say hosting legislators.

Motion amended: MOVE TO BRING BACK A FUTURE AGENDA ITEM REGARDING REACHING OUT TO THE LEGISLATORS AND EDUCATING THEM ON THE BENEFITS OF THE CITY OF FERNLEY. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Councilman Dan McCassie, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Shari Whalen, Councilwoman Sue Seidl. **Action:** Approve

8. PUBLIC COMMENT

Josh Anderson, Fernley resident, apologized to the Mayor and City Council for the error in the Chamber Directories. He stated he worked for the Company who published the Chamber Directories and he is partly responsible for errors in the letter.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS.

Councilwoman Whalen requested a future agenda regarding the possibility of a homeless forum and the City providing support to it.

Councilwoman Whalen requested a future agenda item regarding the Preservation of the Fernley Sand Swales and possible annexation of the easement.

Councilwoman Seidl requested a future agenda regarding policies and the things the City can do to keep Fernley cool.

ADJOURNMENT

There being no further business to come before it, the Fernley City Council Meeting adjourned at 7:24 pm.

Approved by the Fernley City Council on September 6, 2017 by a vote of:

AYES: _____ NAYS: _____ ABSTENTIONS: _____ ABSENT: _____

Mayor Roy Edgington

ATTEST: City Clerk Kim Swanson