

**MINUTES OF THE  
FERNLEY CITY COUNCIL MEETING  
MARCH 1, 2017**

Mayor Edgington called the meeting to order at 5:02 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, Public Works Director Dave Whalen, City Treasurer Denise Lewis, City Clerk Kim Swanson, Senior Planner Tim Thompson, City Engineer Derek Starkey, Building Official Rick Kabele, Assistant Planner Melinda Bauer.

**1.2 Public Comment**

Harold Mitchell, Fernley resident, expressed concern over the potholes in the City streets and gutters that need to be cleaned up and repaired. He was also concerned over the increase in water rates and the strain it will have for him on his limited income.

**1.3 Approval Of The Agenda**

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

**2. CONSENT AGENDA:**

**2.1 (Possible Action) Approval Of Voucher Report.**

**2.2 (Possible Action) Approval Of 02/01/2017 FCC Minutes**

### **2.3 (Possible Action) Approval Of Business Licenses**

**Motion:** MOVE TO APPROVE THE CONSENT AGENDA AS SUBMITTED, **Action:** Approve, **Moved by** Councilman Stan Lau, **Seconded by** Councilman Dan McCassie.

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

**Motion passed unanimously.**

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

Sheriff McNeil reported on the monthly stats report for the month of February.

Sheriff McNeil stated that tentatively the Fernley Substation will be opening Monday - Friday, after the new part-time employee is completely trained. Sheriff McNeil updated the City Council on the two bills regarding law enforcement that are currently before the legislature. He also spoke about Public Safety Fair Share in Lyon County and stated Fernley is getting their "Fair Share."

Lyon County Commissioner Joe Mortensen reported on the Legislation that the County is tracking. He reported on 28 miles of riverfront property along East Walker River for future development. He stated National Fish and Wildlife Foundation is interested in deeding three ranches along this property to turn into a park. He stated there is some concern of residential development and long term effects.

#### **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 public workshops for the Commercial Water Rates were held. She reported the Citizen's Academy was a success with 28 people graduating. The next Citizen's Academy will be held in September. City Manager Hooper reminded everyone that the Mayor's Cleanup is fast approaching. She also announced that a special meeting for Fernley Convention and Tourism Authority will be held.

Building Official Kabele reported on the monthly stats for the Building Department for February.

Councilwoman Whalen reported on the STEM Festival held at Fernley High School. She also reported on the Arts & Culture Commission meeting that was held last week. She reported they

are finalizing their Mission, Vision, and Values statement. Councilwoman Whalen reported for the 1<sup>st</sup> time in fifteen years, the Fernley High School Boys Varsity Basketball Team made it to the State Tournament.

Councilman McCassie reported on the Animal Control officer handling an animal call before 8:00am. He stated she took care of two horses and getting them back to their owner.

Councilman Lau reported on the STEM Festival.

Councilwoman Seidl reported on the STEM Festival. She spoke about an invention by a 5<sup>th</sup> grade class titled "No more stagnant water". She reported this invention won 1<sup>st</sup> place. She suggested the City partnering with these students to test their product.

Councilwoman McKay reported on the STEM Festival stating overall the projects were great.

Mayor Edgington reported on the STEM Festival. He also reported on the Mayors Day at Legislator. He stated 12 out of 18 Mayors were in attendance. He reported other Mayors in rural areas are having similar issues.

### **3.2 2017 Legislative Update**

City Manager Hooper reported on the presentation made to the joint committee. City Manager Hooper stated she was asked to present about the streets and the roads and the impacts the Property Tax Abatements have on the City. She stated there are significant impacts to our budget. She stated our BDR has not dropped as a bill yet but she continues to monitor.

There was a short break after this item.

## **4. PRESENTATIONS**

### **4.1 Presentation And Discussion Regarding The City's Quarterly Financials.**

City Treasurer Denise Lewis presented the City's Quarterly Financials. She stated the bond payments are coming due. She explained the Residential Construction Tax and other taxes imposed by the City.

Councilwoman Whalen asked for clarification on the IT budgeting, and the annual leave cash out. City Manager Hooper gave an explanation.

**Break 6:19-6:34**

## **5. PUBLIC HEARINGS**

**5.1 Consideration Of And Possible Action To Introduce Bill # 250, An Ordinance For A Zoning Map Amendment Request Associated With ZMA 2016-006, To Change The Zoning From C-1 (Limited Commercial) To C-2 (General Commercial) On A Site Approximately 10.06 ± Acres In Size Located At 1B &1A Inglewood Drive, Fernley, NV. APN(S) # 020-341-01 And 020-342-01.**

This item was heard after Item 5.2

Assistant Planner Melinda Bauer presented Bill #250 as a Zoning Map Amendment for an introduction.

Councilwoman Seidl asked Assistant Planner Bauer to make sure the language of the Bill is correct when it comes before Council for adoption.

Councilwoman McKay inquired if there were any comments from surrounding neighbors. Assistant Planner Bauer stated notices were sent in accordance with NRS and no comments were received.

Mayor Edgington called for public input. There was none.

**Motion: MOVE TO INTRODUCE BILL #250 AND SET THE PUBLIC HEARING FOR THE MARCH 15, 2017 CITY COUNCIL MEETING, ALONG WITH THE WORD CHANGES. Moved by: Councilman Lau. Motion passed unanimously.**

**5.2 Discussion And Possible Action To Adopt Bill 249 Replacing Title 10, Chapter 2 In Its Entirety, Redacting The Prohibition Of Medical Marijuana Establishments; Delayed Processing Of Applications Of Recreational And Medical Marijuana Establishments; And Other Matters Properly Related Thereto.**

**This item was heard after the break.**

City Manager Hooper explained this bill was introduced on February 1, 2017. She stated this bill will remove the prohibition of Medical Marijuana establishments in the City of Fernley. She explained since the passage of recreational marijuana the City is trying to determine the next steps. She stated if the City wants to move forward with a marijuana dispensary the first step is to remove the prohibition. She stated the next step is to come back with zoning regulations and business licensing fees.

Sheriff McNeil explained there are several issues with recreational marijuana which will hopefully be codified by the Legislative Counsel Bureau. His concern were the drivers under impairment traveling into and through our community to get the marijuana. Sheriff McNeil stated the responsible approach would be for the City to determine the placement of a future facility by zoning regulations. He said this would shut down any home grows within a 25-mile radius. He explained this would work for public safety in keeping it regulated. He stated that City Council needs to take the responsible approach to develop sound legislation.

Councilwoman Seidl stated she argued in the past to have a medical marijuana facility in the City to avoid unregulated growing.

Councilwoman Whalen stated she was frustrated. She felt the voters who voted for this expected to make marijuana legal. She did not feel that the voters understood that they were making marijuana legal for large corporations to make money. She expressed she was not opposed to repealing the prohibition but she felt she was taking away rights for people to grow a marijuana plant in their home for their own recreational purposes.

Mayor Edgington called for public input.

Tim Bickerton, Fernley resident, wanted the City Council to consider the revenue. He stated marijuana facilities were a reality did not want the Council to put it on the back burner. He wanted the people who are interested in running this type of business work with the City to accomplish it.

Ed Alexander, Chairman of Independent Laboratory Advisory Committee. He explained Governor Sandoval appointed this committee to deal with the regulatory language of the law. He stated the marijuana industry is a revenue generator that the City needs to be very cognizant of. He stated critical services will be impacted and if the City is not participating in the industry then they are not reaping any benefits of it. He stated in addition to gaming, marijuana is the most highly regulated industry in the state. He explained he also holds 5 licenses to operate facilities in the State of Nevada. He stated everything has been done to ensure that the product that is being provided is safe, regulated and sufficiently taxed to pay for unintended consequences.

Councilwoman Whalen expressed a concern that with the increase of law enforcement needed to regulate the facilities the revenue would be a wash. Mr. Alexander pointed out that Colorado has funded 48 million dollars in school constructed based on their medical marijuana program. He invited anyone who wanted to tour his facilities to call him.

Councilwoman Seidl inquired about the City getting an allocation for a marijuana facility. Mayor Edgington stated it is being worked on.

Mayor Edgington stated he was concerned about having enough staff to implement this. He was in favor of working with the County to get an establishment in Fernley.

**Motion:** MOVE TO ADOPT BILL 249 REPLACING TITLE 10, CHAPTER 2 IN ITS ENTIRETY, REDACTING THE PROHIBITION OF MEDICAL MARIJUANA ESTABLISHMENTS; DELAYED PROCESSING OF APPLICATIONS OF RECREATIONAL AND MEDICAL MARIJUANA ESTABLISHMENTS; AND OTHER MATTERS PROPERLY RELATED THERETO. **Moved by** Councilwoman Fran McKay, **Seconded by** Councilwoman Sue Seidl.

Councilwoman Whalen stated there was a discussion regarding modifying the language when the bill was introduced. City Manager Hooper stated dispensaries were changed to establishments and she did not remember any other language being changed. She explained this ordinance removes the prohibition. She stated staff will come back with a new ordinance that has all new regulations. In the meantime, if an application is submitted it will be held until the regulations are established.

**Action:** Approve, **Motion passed unanimously.**

## **6. STAFF REPORTS**

### **6.1 Discussion And Possible Action To Approve The City Attorney's Past Year's Employment Performance, And The City Council And Mayor's Satisfaction With The City Attorney's Employment Performance Including But Not Limited To: City Attorney Annual Evaluation.**

Shannon McKnight, Human Resources presented the City Attorney's Annual Evaluation. She stated City Attorney Jensen received an average score of 4.41.

City Attorney Jensen presented an overview of the daily duties, accomplishments and goals for the City Attorney's handles.

Councilwoman Whalen disclosed that she is a close friend of the City Attorney. Councilwoman Seidl stated she had a problem with the evaluation form. She stated the inaccuracies in the form brings down her total score. She felt her overall score should be much higher.

Councilwoman Whalen inquired about a pay raise. City Attorney Jensen stated that she will not take a pay increase unless the entire staff gets a pay raise. Councilwoman Whalen inquired if it was in the best interest of the City to continue with the City Attorney's contract.

Legal brief 7:49 – 7:57

**Motion: MOVE TO APPROVE THE CITY ATTORNEY'S ANNUAL EVALUATION, Action: Approve, Moved by Councilman Stan Lau, Seconded by Councilwoman Fran McKay.**

Mayor Edgington opened public input.

Kim McCreary, Fernley resident, stated that Mrs. Jensen was always available.

Councilwoman Whalen wanted to put on the record that the City Attorney was an asset to the City and felt she needed a pay raise.

**Motion passed unanimously.**

**6.2 A. Discussion And Possible Action To Approve The City Manager's Annual Employment Performance, Established Goals, And The City Council And Mayor's Satisfaction With The City Manager's Employment Performance And General Performance As The City Manager.**

Shannon McKnight, Human Resources presented the City Manager's Annual Evaluation. She stated City Manager Hooper received an average score 4.58.

City Manager Hooper reviewed her accomplishments for the prior year, including the budget process, working on revenue plans, Water and Sewer Rate Study, Classification and Compensation Study, Citizens Academy etc. She also reviewed the areas that she will work to

improve over the next year and her goals for the upcoming year include, developing an action plan, a comprehensive revenue plan, and development and implement a water resource plan.

Councilwoman Seidl stated City Manager Hooper is doing a great job. She felt criteria needs to be set for the \$5,000 bonus.

Councilman McCassie felt City Manager Hooper was doing a great job. Councilwoman McKay stated City Manager Hooper was doing a fabulous job.

Mayor Edgington stated he is learning to trust the process. He wanted City staff to understand that if there is an issue, they should see the City Manager Hooper before approaching the Council or the Mayor.

**Motion:** MOVE TO APPROVE THE CITY MANAGER'S ANNUAL EVALUATION AND APPROVE A \$5000 BONUS TO BE PAID TO THE CITY MANAGER, **Action:** Approve, **Moved by** Councilwoman Sue Seidl. **Seconded by** Councilman Stan Lau.

Mayor Edgington called for public comment.

Kim McCreary, Fernley resident, stated her door is always open and she is always available.

Councilwoman Whalen stated she appreciated City Manager Hooper as our City Manager. She stated she was not in favor of a bonus, instead her base salary should be appropriate for her level of responsibility. She felt her salary should be adjusted during the budget.

**Motion passed unanimously.**

## **7. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS:**

### **7.1 Discussion And Possible Action For A Future Agenda Item Regarding The Court Repair And Modification At The In-Town Park. (Councilwoman Whalen's Request)**

Councilwoman Whalen explained this item would talk about the condition of the In-Town Park in general.



**Motion:** MOVE TO APPROVE A FUTURE AGENDA ITEM TO DISCUSS THE IN-TOWN PARK AS A WHOLE. **Action:** Approve, **Moved by** Councilwoman Shari Whalen, **Seconded by** Councilwoman Sue Seidl. **Motion passed unanimously.**

**7.2 Discussion And Possible Action For A Future Agenda Item To Present An Update On The Convention Center Fund Including Previous Council Action And All Associated Information. (Councilwoman Whalen's Request)**

Councilwoman Whalen explained she wanted to make sure all councilmembers were on the same page as far as the convention center was concerned. She stated there was a Planning Study done. She wanted it to be heard by the City Council.

**Motion:** MOVE TO HEAR ABOUT THE CONVENTION CENTER PLANNING STUDY THAT WAS COMPLETED AT AN UPCOMING CITY COUNCIL ITEM. **Action:** Approve, **Moved by** Councilwoman Shari Whalen, **Seconded by** Councilwoman Sue Seidl. **Motion passed unanimously.**

**8. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS.**

Councilwoman Seidl requested a future agenda item to discuss all aspects of the City Manager's bonus, and her salary for next year.

Councilwoman Seidl requested a future agenda item to discuss changes to the evaluation form used for statutory employees.

Councilwoman Seidl requested a future agenda item to discuss costs for the Water and Sewer Enterprise Fund for the coming year.

**9. PUBLIC COMMENT**

There was none.

There being no further business to come before it, the Fernley City Council meeting adjourned at 8:44 pm.

Approved by the Fernley City Council on April 5, 2017 by a vote of:

AYES: 5      NAYS: 0      ABSTENTIONS: 0      ABSENT: 0

  
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**ATTEST: City Clerk Kim Swanson**

  
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**Mayor Roy Edgington**