

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING**

MARCH 3, 2021

Mayor Edgington called the meeting to order at 5:03 pm at Fernley City Hall, 595 Silver Lace Blvd, Fernley, NV.

Mayor Edgington explained this meeting was broadcasted by Zoom. He explained how to access Zoom and how to ask questions during the appropriate time.

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Mayor Roy Edgington, Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski, City Manager Daphne Hooper, Deputy City Manager Michael Toombs, City Attorney Brandi Jensen, City Engineer Derek Starkey, City Treasurer Denise Lewis, Deputy City Treasurer Thomas Lukas, Planning Director Tim Thompson, Building Official Shawn Keating, Public Works Director Dave Whalen, City Human Resources Specialist Shannon McKnight, City Clerk Kim Swanson, Deputy City Clerk Brenda Gosser, Clerk Administrative Specialist II April Homme. **Absent:** Councilman Ray Lacy

1.2. Public Forum

City Clerk Swanson read into record comments from Fernley resident Leroy Goodman.
(see attached)

Nate Helton Regional Representative with Senator Jacky Rosen's Reno District Office introduced himself and stated he can be contacted at 775-560-1671 or at nate_helton@rosen.senate.gov

City Clerk Swanson read into record comments from Fernley resident John Reichlein. (see attached)

City Clerk Swanson read into record comments via chat from Fernley resident Vida Keller regarding public attendance for meetings.

1.3. (For Possible Action) Approval of the Agenda

Motion: MOVE TO APPROVE THE AGENDA WITH 5.1 AND 8.2 PULLED TO BE HEARD AT A LATER DATE **Action:** Approve, **Moved by** Councilman Stan Lau. **Seconded by** Councilman Albert Torres, **Vote:** Motion carried by Roll call vote (summary: Yes = 4). **Yes:** Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski. **Absent:** Councilman Ray Lacy,

2. CONSENT AGENDA:

2.1. (For Possible Action) Approval of Voucher Report.

2.2. (Possible Action) Approval of Minutes Meeting January 20, 2021 and February 17, 2021.

2.3. (Possible Action) Approval of Business Licenses

2.4. (For Possible Action) Possible Action to approve the contract with Management Partners to conduct an efficiency study for the City's Development Review Process.

2.5 Possible Action to Approve the Will-Serve for TMAI Building A Unit 110 - Carniceria of .36 ERC's for Water and 1.38 ERC's for Sewer for Lyon County Parcel 020-341-01 located at 1030 Inglewood Drive Build A Unit 110- Carniceria, Fernley, NV.

2.6 Possible Action to Approve the Will-Serve Request from The Meadows at Inglewood, Events Center for 2.15 ERC's for Water and 6.9 ERC's for Sewer for Lyon County Parcel 020-341-11 located at the at 1045 Inglewood Drive, Fernley, NV 89408

2.7 Possible Action to Approve the Will-Serve Request from TMAI Building A Unit 100 – Yogurt Beach for .53 ERC's for Water and 1.7 ERC's for Sewer for Lyon County Parcel 020-341-01 located at the at 1030 Inglewood Drive Unit 100, Fernley, NV 89408

2.8. (For possible action) Approve an agreement with D.L.G. Associations, LLC providing for a 15-year extension (to February 21, 2036) of a 1996 Agreement concerning the conveyance and utilization of water rights originally dedicated to Fernley in association with the development of the Desert Lakes Golf Course subdivision

2.9 (For Possible Action): Possible Action to amend the Joint Contract with Mouritsen Law PLLC and the Law Offices of Kenneth V. Ward for Public Defender Services not to exceed \$80,000.

2.10 Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with Edward W. King and Jaynee R. King as Trustee of the King Family Trust, APN 021-151-17, TCID serial number 1039-A-3 in the amount of 9-acre feet.

2.11 Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with Cottonwood Self Storage, LLC, a Nevada limited liability company, APN 020-383-03, TCID Serial Number 1065-1 in the total amount of 1.0-acre feet.

Motion: MOVE TO APPROVE THE CONSENT AGENDA, **Action:** Approve, **Moved by** Councilwoman Fran McKay. **Seconded by** Councilwoman Felicity Zoberski **Vote:** Motion carried by Roll call vote (summary: Yes = 4). **Yes:** Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski. **Absent:** Councilman Ray Lacy.

3. REPORTS This item is for various public entity representatives to provide general information to the Council and public. No action will be taken.

Commander Kilgore with Lyon County Sherriff's office stated he was available for any questions. Mayor Edgington reported the February stats for Lyon County Sheriff's office.

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 TCID water user meeting is scheduled for Tuesday March 16th at 6:00 p.m. via zoom. The City has created a community development report

to provide current project updates. The report can be accessed from the City of Fernley website and will be updated monthly. COVID 19 Cares Program is accepting applications for assistance and you may contact Lyon County Human Services at (775) 577-5009. Citizens Leadership Academy will be reporting on building and planning at this week's meeting. If you are interested in attending, you may contact the City Manager's office at (775) 784-9858.

Mayor Edgington reported on his meeting with the Rural Caucus.

Councilwoman McKay reported on the dedication of the new fire trucks.

3.2. State of Nevada Legislative Update

City Manager Hooper reported the deadline for bill draft is March 19th, 2021. The City is monitoring the Innovation Zones and new bills.

4. PROCLAMATIONS BY THE MAYOR

There were none.

5. PRESENTATIONS

Mayor Edgington presented Lt. Baltes with a retirement plaque and thanked him for his years of service and dedication with Lyon County.

5.1. Presentation on JOIN by Bonnie Smith, Regional Manager end of February.

Item pulled to be heard at a future date.

6. ORDINANCES - INTRODUCTION ONLY

There is no public comment for these items and no action will be taken by the Council at this time. If you wish to speak on these items, please attend the meeting where the Final Action will be determined and submit a Public Comment Card to the Clerk.

6.1. (For Possible Action): Introduction of Bill #295, as an Ordinance modifying Fernley Municipal Code Title 2, Chapter 9, Article IV Fernley Convention and Tourism Board in Section 2.09.35 Budget, to allocate the Disbursement of funds to 40% and Convention/Civic Center to 60%.

City Manager Daphne Hooper presented.

Motion: MOVE TO INTRODUCE BILL #295, AS AN ORDINANCE MODIFYING FERNLEY MUNICIPAL CODE TITLE 2, CHAPTER 9, ARTICLE IV FERNLEY CONVENTION AND TOURISM BOARD IN SECTION 2.09.35 BUDGET, TO ALLOCATE THE DISBURSEMENT OF FUNDS TO 40% AND CONVENTION/CIVIC CENTER TO 60% AND SET THE PUBLIC HEARING FOR THE MARCH 17, 2021 CITY COUNCIL MEETING. **Moved by** Councilman Albert Torres.

7. STAFF REPORT

7.1. A. Discussion and Possible Action to approve the City Manager, Daphne Hooper'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.

B. Discussion and Possible Action to approve the City Manager Daphne Hooper's salary.

Shannon McKnight City Human Resources provided the evaluation scores.

City Manager Hooper provided a power point of previous years goals achieved and future goals.

Councilmembers and Mayor Edgington thanked City Manager Hooper.

Motion A: MOVE TO APPROVE THE CITY MANAGER, DAPHNE HOOPER'S EVALUATION, **Action:** Approve, **Moved by** Councilwoman Fran McKay. **Seconded by** Councilman Stan Lau: Motion carried by Roll call vote (summary: Yes = 4). **Yes:** Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski. **Absent:** Councilman Ray Lacy.

Motion B: MOVE TO APPROVE THE CITY MANAGER SALARY IN ACCORDANCE WITH THE CITY STAFF INCREASE EFFECTIVE JULY 1, 2021, **Action:** Approve, **Moved by** Councilwoman Fran McKay. **Seconded by** Councilwoman Felicity Zoberski: Motion carried by Roll call vote (summary: Yes = 4). **Yes:** Councilman Albert Torres,

Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski.
Absent: Councilman Ray Lacy.

7.2. Discussion and Possible Action to approve the City Attorney, Brandi Jensen'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: A. City Attorney Contract Compliance B. General Performance as the City Attorney C. Compensation.

Shannon McKnight City Human Resources provided the evaluation scores.

Brandi Jensen provided a power point presentation.

Shannon McKnight, Human Resources reported the 2% increase is effective the very next pay period.

Motion A: MOVE TO APPROVE THE CITY ATTORNEY, BRANDI JENSEN'S EVALUATION, **Action:** Approve, **Moved by** Councilwoman Fran McKay **Seconded by** Councilman Stan Lau : Motion carried by Roll call vote (summary: Yes = 4). **Yes:** Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski. **Absent:** Councilman Ray Lacy.

Motion B: MOVE TO APPROVE A 2% COLA INCREASE FOR CITY ATTORNEY BRANDI JENSEN EFFECTIVE MARCH 20, 2021, **Action:** Approve, **Moved by** Councilwoman Felicity Zoberski. **Seconded by** Councilman Stan Lau: Motion carried by Roll call vote (summary: Yes = 4). **Yes:** Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski. **Absent:** Councilman Ray Lacy.

7.3. (For possible action) Update on City of Fernley COVID-19 response including City Hall reopening, funding for state and local governments, local business re-opening plans, and local events.

City Manager Hooper provided current COVID updates. The City is opening facilities on a limited basis. Facility use applicants must submit a safety plan for City and State review.

The City anticipates potential in person meetings by the end of month pending construction completion. The City continues to work with funding opportunities and will monitor the Governor Directives.

Councilman Torres requested we have open meetings beginning April 7th.

City Manager Hooper stated in person meetings are possible pending the audio-visual equipment completion.

Councilwoman Zoberski requested updates on the City of Fernley food bank and clarification on the open positions posted on the website.

City Manager Hooper stated she would follow up with the food bank status and that Human Resources monitors and updates the website for open positions.

8. 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.

8.1. Discussion and possible action regarding a future agenda item to form a Transit Program for the City. (Councilwoman McKay's request)

Councilwoman McKay stated it is time to start looking into transit as our community continues to grow so will the need.

Councilman Torres inquired if transit was included in The City Transportation Masterplan and questioned the funding source.

Derek Starkey City Engineer stated transit and future transit was discussed in the City's Masterplan. There are feasibility studies for the next five years.

Discussion ensued.

After discussion, City Manager Hooper identified options and stated the City will work with partnering agencies.

Councilwoman Zoberski reported Lift and Uber have partnered with nonprofit agencies to provide free rides.

Mayor Edgington recommended City Manager Hooper provide transit data in the next month for further discussion.

8.2. Discussion and possible action regarding a future agenda item to restore water at 330 Garden Lane (Councilman Lacy's request)

Item pulled to be heard at a future date.

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

There were none.

10. PUBLIC FORUM

Lyon County Sheriff Kilgore thanked the City for recognizing Lt. Baltes.

Mayor Edgington announced the next Fernley City Council meeting is scheduled for Wednesday March 17, 2021 pm at 5:00 p.m. via Zoom.

ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:43 p.m.

Approved by the Fernley City Council on March 17, 2021 by a vote of:

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

ATTEST: City Clerk Kim Swanson

Mayor Roy Edgington

From: John Reichlein
Sent: Saturday, February 27, 2021 4:57 PM
To: City Clerk
Subject: City & Bureau of Reclamation

Fernley City Council
595 Silver Lace Blvd.
Fernley, Nevada 89408
c/o Daphne Hooper,
City Manager

February 27, 2021

Mayor Edgington & City Council Members,

Greetings! My note to you today is a result of a continuing concern about an issue cited in last month's Agenda, namely the City's dispute with the Bureau of Reclamation regarding the lining of the Truckee Canal. It appears from the Agenda's "Staff Report"- No. 6, that given the impasse that has existed between the City and the Bureau, a legal firm has been recruited in an attempt to overcome that recalcitrant agency's December 15, 2020, "Record of Decision . . ." This effort follows on the heels of the recent appointment by the City of several individuals (including "Special City Water Attorney, David Rigdon") whose objectives include keeping the Council and Fernley residents informed of all of the related developments. I would like to conclude, therefore, that recent developments from the efforts of both the legal firm and the City appointees will continue to be made available to Fernley residents via your next Agendas and the "City's Newsletter" (an example is available under the above cited "Staff Report"- No. 6, "City Council Agenda Report").

Some of you who were present during 2013 will recall that during that year's 1st Congressional Session, Rep. Mark E. Amodei introduced H.R. 1170 (Dec. 16, 2013). His report (#113-297) included language that was intended to convey "9,407 acres of Federal Land, by quit claim deed, to the City of Fernley." It seems that despite this early effort, the amended H.R. 2954, and the subsequent Senate Bill 1983 (the "Fernley Economic Self-Determination Act"), sponsored in 2014 by Dean Heller, there have been road blocks. What is interesting to me is the language in Title III, Section 302 of Heller's bill, that seemed to provide some room for the city to negotiate with the Federal Bureau. When it is stated, in Section 302, that the [Act] "Permits the city and the Bureau of Reclamation to retain easements or rights-of-way on such federal land, including easements or rights-of-way necessary to carry out the operation and maintenance of the Truckee Canal or the Newlands Project", the operational words include "retain easements or rights-of-way on such federal land" and "retain easements or rights-of-way necessary".

Looking forward to your next reports.

John Reichlein

Public Comment
FCC 03/03/2021

From: Leroy Goodman
Sent: Friday, February 26, 2021 1:34 PM
To: City Clerk <cityclerk@cityoffernley.org>
Subject: March 3, 2021 Agenda

I would like to urge the City Council and the Mayor to re-open council meetings to the public. This is agenda item 7.3. It is time for the meetings open for attendance on a limited basis. Thanks, hope all is well with you! LeRoy Goodman