

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
JUNE 02, 2021**

Mayor Edgington called the meeting to order at 5:01 pm at Fernley City Hall, 595 Silver Lace Blvd, Fernley, NV.

Mayor Edgington explained this meeting was in person and broadcasted via 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 Ray Lacy via Zoom (*Mr. Lacy was not audible and not able to vote he was counted absent until 5:27 p.m.*), Councilman Albert Torres, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberiski, City Manager Daphne Hooper, Deputy City Manager Michael Toombs, City Engineer Derek Starkey, City Treasurer Denis Lewis, Deputy City Treasurer Thomas Lukas, Planning Director Tim Thompson, Assistant Planner Brian Nava, Public Works Director Dave Whalen, City Clerk Kim Swanson, Clerk Administrative Specialist II April Homme.

1.2. Public Forum

Kathy Callen Fernley resident commented on traffic and speed limit concerns on Cottonwood Drive. Ms. Callen requested these items be placed on a future agenda.

1.3. (For Possible Action) Approval of the Agenda

Motion: MOVE TO APPROVE THE AGENDA. **Action:** Approve, **Moved by** Councilman Stan Lau. **Seconded by** Councilwoman Felicity Zoberiski, **Vote:** Motion carried by vote (summary: Yes = 4). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, 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 May 19, 2021.

2.3. (Possible Action) Approval of Business Licenses

2.4. Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with Mike and Debra Smith, APN 021-082-32, TCID serial number 1014-6 in the amount of 13.635-acre feet.

2.5. Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with Nancy D. Ausano, APN 021-37-104, TCID serial number 1081-A-1 in the amount of 18.42-acre feet.

2.6. Possible Action to Ratify Change Order No. 1 to Sierra Nevada Construction, Inc. (SNC) Contract for Construction for the FY 20/21 PMP Maintenance Project, in an amount not to exceed \$106,846.72.

Mayor Edgington requested the Clerk call Councilman Lacy to resolve zoom technical issues. Mr. Lacy could be seen on the screen but not heard. Councilman Lacy was counted as absent.

Motion: MOVE TO APPROVE THE CONSENT AGENDA, **Action:** Approve, **Moved by** Councilman Stan Lau. **Seconded by** Councilwoman Fran McKay, **Vote:** Motion carried by 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.

There were no public entity reports.

City Staff Reports were heard at this time.

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 FCTA Board Meeting is scheduled June 14th at 6:00 p.m. to review grant applications. The first Annual Poker Walk is scheduled for June 11th from 4:00 p.m. to 7:00 p.m. Registration will be at the corner of Silverlace Blvd. and Main St. at the new clock plaza. The city is finishing open enrollment for employee health benefits. Newly hired City staff includes a Building Inspector, and 2 employees in the Streets Division. The Nevada League of Cities 2021 Conference is scheduled for June 16th through the 18th in Elko.

Mayor Edgington stated he could see Councilman Lacy on screen however he could not be heard.

City Manager Hooper stated the audience could hear Mr. Lacy and the City IT department would work on the issue.

Mayor Edgington reported the 4th of July Committee has submitted the required documents and the parade, open picnic area, and the fireworks are scheduled to occur.

Councilman Lau reported the city has a new brewery coming to town.

Councilwoman McKay reported she will not be able to attend June 16th Lyon County Board Tax meeting at 10:00 a.m. and had asked Councilman Torres to attend in her absence.

Mayor Edgington stated he would attend the meeting if Councilman Torres was unable to attend.

3.2. State of Nevada Legislative Update

Nick Vander Poel with Capital Partners reported the 81st legislation has concluded and finished on time. The AB116 Bill decriminalizing traffic tickets may have an impact on the budget. Capital Partners will work with the City Attorney, Staff and the Judge regarding the logistics of this bill. Another bill that passed was to allow jurisdictions that have cannabis dispensaries to apply for cannabis consumption lounges. There will be forty licenses allocated on a first come first serve basis and the city will need to determine if

they are interested in applying. The bill that relates to pretrial release within forty-eight hours also passed. Capital Partners will work with the Judge and the concerns regarding individuals taken in on a Friday under this law the Judge would have to hear a pre-trial by Sunday. Capital Partners will provide a detailed report to Council and Staff at the next council meeting.

Mayor Edgington asked if there was a date scheduled for special session.

Nick Vander Poel reported the state should be receiving the American Cares Act Funds. The State is determining if a special session needs to be set as it relates to allocate these funds. It is not determined if a special session will be set for this matter. A special session is anticipated late September or early October for redistricting.

At 5:27 p.m. Mayor Edgington stated for the record, Councilman Ray Lacy was now in attendance.

4. PROCLAMATIONS BY THE MAYOR

There were none.

5. PRESENTATIONS

5.1 Presentation and discussion regarding the City's quarterly financials.

City Deputy Treasurer Thomas Lukas presented the City's quarterly financials.

6. PUBLIC HEARINGS

a. Discussion with City Council & Staff

b. Public Input

c. Additional Discussion with City Council & Staff

d. Council Action or Direction to Staff

6.1. Discussion and possible action to adopt Resolution #21-002 authorizing temporary inter fund loans from the General Fund to the Grants Fund for Fiscal Year 2021-22.

City Treasurer Denise Lewis presented this item. Ms. Lewis stated this resolution is done every year in June as required by the State of Nevada. Most city grants are on a reimbursable basis and the city must use General Fund monies to make the payments. When the city is reimbursed by the Grantor the money is returned to the General Fund. This resolution allows for this to happen.

Councilwoman Zoberski asked for clarification on the amount the city can spend.

City Treasurer Lewis stated the amount is around \$500,000.

City Manager Hooper stated the grant funds are not tied to our fiscal year budget therefore we need to have a mechanism in place to spend funds. Most grants the city applies for are reimbursable and this is the mechanism in place to allow the city to Pay back the General Fund after reimbursement from the Grantor.

City Treasurer Lewis stated the grants are ongoing and we are allowed to do an automatic augment at the end of the fiscal year to reflect the actual numbers.

PUBLIC INPUT

There was none.

Motion: MOVE TO ADOPT RESOLUTION #21-002 AUTHORIZING TEMPORARY INTER FUND LOANS FROM THE GENERAL FUND TO THE GRANTS FUND FOR FISCAL YEAR 2021-22. **Action:** Approve, **Moved by** Councilwoman Fran McKay. **Seconded by** Councilman Stan Lau, **Vote:** Motion carried by unanimous vote (summary: Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski.

7. STAFF REPORTS

7.1. For Possible Action: Acceptance of the renewal proposal from Nevada Public Agency Insurance Pool and approval for payment for fiscal year 2021-2022 funds.

Tina Peterson with LP insurance presented the insurance renewal item. Ms. Peterson provided a hard copy report to City Council. Ms. Peterson stated there were not many changes to coverages for this year's proposal. The only change was a fluctuation increase

in payroll. The ensure to value increased slightly. The rates did not increase, and it was the overall exposure that increased. Ms. Peterson explained the coverage and the shared limit structure.

City Attorney Brandi Jensen stated every time the city avoids litigation it prevents the rates from increasing. The city liability has decreased by \$100,000.00 a year.

Ms. Peterson stated the City of Fernley was the only entity with zero claims for the year.

Motion: MOVE TO ACCEPT THE RENEWAL PROPOSAL FROM NEVADA PUBLIC AGENCY INSURANCE POOL AND APPROVE PAYMENT FOR FISCAL YEAR 2021-2022 FUNDS IN THE AMOUNT OF \$240,283.20. **Action:** Approve, **Moved by** Councilman Stan Lau. **Seconded by** Councilwoman Fran McKay, **Vote:** Motion carried by unanimous vote (summary: Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberiski.

7.2. (For possible action) Direction to staff regarding the Northern Nevada Veterans Memorial Cemetery expansion project and whether to authorize the State of Nevada Public Works Administration to utilize approximately 2.5 acre-fee of City-owned water rights to meet the water dedication requirement established in FMC 32.09.035 for this project.

City Manager Hooper presented this item and stated the Veterans Cemetery is expanding and the funding the cemetery has does not cover the cost to purchase water rights. Ms. Hooper requested direction from council to allow to move forward with the process to waive the required 2.5 acre-feet of water rights for dedication. Developers are asked to dedicate or provide water rights to the city to ensure the city has enough moving forward. This will allow the city to provide a resolution to formalize the process.

Motion: MOVE TO AUTHORIZE THE STATE OF NEVADA PUBLIC WORKS ADMINISTRATION TO UTILIZE APPROXIMATELY 2.5 ACRE-FEE OF CITY-OWNED WATER RIGHTS TO MEET THE WATER DEDICATION REQUIREMENT ESTABLISHED IN FMC 32.09.035 FOR THIS PROJECT. **Action:** Approve, **Moved by** Councilman Albert Torres. **Seconded by** Councilwoman Felicity Zoberiski, **Vote:** Motion

carried by unanimous vote (summary: **Yes** = 5). Yes: Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski.

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 reopening plans, and local events.

City Manager Hooper reported the state is now open without restrictions other than masks required for those who are not vaccinated. The city will continue to monitor and update staff and the community. The final interim regulations have been published for the ARCA Funds and staff is meeting to review. The City Manager's office will update council and provide a plan.

Mayor Edgington encouraged the community to contact Human Services if assistance is needed as they still have funds available.

City Manager Hooper stated the eviction moratorium has ended and families and landlords could be impacted. Ms. Hooper suggested people in need reach out to Shayla Holmes with Human Services. The requirements are less restrictive than the standard application for standard assistance. The Boys and Girls Club are waiving fees for the summer.

Councilwoman Zoberski asked if approval was needed to spend the ARCA Funds.

Ms. Hooper stated reports will have to be provided to the Treasury and the City Auditors will review to ensure the city is compliant.

8. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS:

8.1. Discussion and possible action requesting a future agenda item regarding forming a Fernley Senior Citizen Advisory Committee (Councilman Torres' Request)

Councilman Torres stated the reason he asked for this item is to form an advisory committee. History has shown seniors are the largest group of volunteers with an

education, knowledge, and life skills they can pass on and they are an underutilized asset. Each council member would choose a representative and an alternate from their ward to sit on the advisory Committee. The mayor would choose two committee members and an alternate. A member from the council would be the liaison between the council and the advisory committee.

Councilwoman McKay stated she was in favor of this item.

City Attorney Brandi Jensen asked if this board would be advising the City Council.

Councilman Torres stated the liaison would bring the items to City Council. The resolution he proposed follows the rules of open meeting laws and general processes. The advisory is not allowed to take any action outside of their guidelines. Councilman Torres provided City Manager Hooper a copy of his plan.

City Attorney Jensen stated any committee that advises the council would have to follow the open meeting laws and the meeting would be required to go through the clerk's office.

Councilman Lau stated he was in favor of this item.

Councilwoman Zoberski asked if it would be possible to have a rotating schedule for the liaison.

City Manager Hooper clarified she did not provide the information received by Torres as tonight's agenda is to determine whether council wants to move forward. If council chooses to move forward a staff report and information will be provided to determine exactly what is needed.

Motion: MOVE TO MOVE FORWARD WITH THE RESOLUTION AND PLAN REGARDING FORMING A FERNLEY SENIOR CITIZENS ADVISORY BOARD COMMITTEE. **ACTION:** Approve, **MOVED BY** Councilman Albert Torres. **Seconded by** Councilman Ray Lacy, **Vote:** Motion carried by unanimous vote (summary: Yes = 5). **Yes:** Councilman Albert Torres, Councilman Ray Lacy, Councilman Stan Lau, Councilwoman Fran McKay, Councilwoman Felicity Zoberski.

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

Councilwoman Zoberski requested council discussion regarding Cottonwood Lane traffic and speed limits.

Councilman Ray Lacy requested the ARCA funds be utilized for cameras at the parks. Item 8.1 was heard at this time.

10. PUBLIC FORUM

Lewis Cavalier Fernley resident, commented on the CC&R's for Brush Drive and his concerns regarding the selling of Nancy D. Ausano's water rights.

ADJOURNMENT

Mayor Edgington announced the FCTA meeting is scheduled for June 14th at 6:00 p.m. and the Fernley City Council meeting is scheduled for Wednesday June 16th at 5:00 p.m.

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:01 p.m.

Approved by the Fernley City Council on June 16, 2021, by a vote of:

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

ATTEST: City Clerk Kim Swanson

Mayor Roy Edgington