

**MINUTES  
CITY OF FALLON  
55 West Williams Avenue  
Fallon, Nevada  
August 16, 2016**

The Honorable City Council met in a regularly scheduled Council meeting on the above date in the Council Chambers, 55 West Williams Avenue, Fallon, Nevada.

**Present:**

Mayor Ken Tedford  
City Councilman, Robert H. Erickson  
City Councilwoman, Kelly Frost  
City Councilman, James D. Richardson  
City Engineer, Michael E. Miller  
Police Captain, Ron Wenger  
Deputy City Clerk, Elsie Lee  
Deputy City Attorney, Leonard E. Mackedon

The meeting was called to order by Mayor Tedford at 7:00 p.m.

Mayor Tedford led the Pledge of Allegiance.

Mayor Tedford inquired if the agenda had been posted in compliance with NRS requirements.

Deputy City Clerk Lee advised that the agenda was posted in compliance with NRS 241.

**Approval of Warrants**

- A) Accounts Payable
- B) Payroll
- C) Customer Deposit

Mayor Tedford inquired if there were any comments regarding the accounts payable, payroll and customer deposit warrants.

No comments were noted.

Councilwoman Frost motioned to approve the accounts payable, payroll and customer deposit warrants and authorize the Mayor to sign the same; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

**Public Comments**

Mayor Tedford inquired if there were any public comments. He noted that comments are to be general in nature, not relative to any agenda items. No action may be taken on a matter

raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken.

No public comments were noted.

**Public Hearing on Bill No. 773: An Ordinance amending Title 2, Administration and Personnel, of the City of Fallon Municipal Code, for the purpose of adding a new chapter thereto, Chapter 2.06, the Judicial Branch, for the purposes of codifying provisions relating to the Judicial branch of the government of the City of Fallon and the appointive office of Municipal Court Judge, and to make the City of Fallon Municipal Court a court of record, and for other matters properly related thereto**

Mayor Tedford read the bill title into the record: “An Ordinance amending Title 2, Administration and Personnel, of the City of Fallon Municipal Code, for the purpose of adding a new chapter thereto, Chapter 2.06, the Judicial Branch, for the purposes of codifying provisions relating to the Judicial branch of the government of the City of Fallon and the appointive office of Municipal Court Judge, and to make the City of Fallon Municipal Court a court of record, and for other matters properly related thereto.”

Deputy City Attorney Leonard Mackedon explained that the proposed ordinance codifies what is already in existence, the Fallon Municipal Court, and makes it official in a sense that it will go into Fallon Municipal Code. Previously, the Municipal Court has not operated as a court of record and this ordinance would allow them to operate as a court of record and would simplify appeals taken to District Court.

Mayor Tedford inquired if the Council had any comments or questions.

Deputy City Attorney Leonard Mackedon noted that Councilwoman Frost had a question about the bonding language in the ordinance. The bonding would be set by the Council itself, but under these circumstances, he did not think a bond was necessary for a Municipal Judge.

Mayor Tedford asked Deputy City Attorney Leonard Mackedon if he had thought about a bond amount.

Deputy City Attorney Leonard Mackedon replied that bonds are required for various elected officials; he believed the public administrator had a \$10,000 bond. The types of transactions that occur in Municipal Court do not need a bond; he felt the risk was very low. They have been operating without a bond. That bond provision is part of the required statutory language. He did not feel there was enough liability to require a bond.

Mayor Tedford suggested that we look at what other Municipal Courts do for bonds for their judges.

Deputy City Attorney Leonard Mackedon stated that a bond amount, if any, could be set at a later date if required.

Councilwoman Frost stated that she would be interested in what other municipalities are doing and their rationale for that.

Deputy City Attorney Leonard Mackedon will follow up with that information.

Mayor Tedford opened the meeting to a public hearing and inquired if there were any public comments.

No public comments were noted.

**Consideration and possible adoption of Bill No. 773 as Ordinance No. 754: An Ordinance amending Title 2, Administration and Personnel, of the City of Fallon Municipal Code, for the purpose of adding a new chapter thereto, Chapter 2.06, the Judicial Branch, for the purposes of codifying provisions relating to the Judicial branch of the government of the City of Fallon and the appointive office of Municipal Court Judge, and to make the City of Fallon Municipal Court a court of record, and for other matters properly related thereto**

Mayor Tedford read the bill title into the record: "An Ordinance amending Title 2, Administration and Personnel, of the City of Fallon Municipal Code, for the purpose of adding a new chapter thereto, Chapter 2.06, the Judicial Branch, for the purposes of codifying provisions relating to the Judicial branch of the government of the City of Fallon and the appointive office of Municipal Court Judge, and to make the City of Fallon Municipal Court a court of record, and for other matters properly related thereto." He stated that we are making the Fallon Municipal Court a court of record and must put it in Fallon Municipal Code.

Mayor Tedford inquired if the Council had any comments or questions.

No comments were noted.

Mayor Tedford inquired if there were any public comments or questions.

No comments were noted.

Councilman Erickson motioned to adopt Bill No. 773 as Ordinance No. 754: An Ordinance amending Title 2, Administration and Personnel, of the City of Fallon Municipal Code, for the purpose of adding a new chapter thereto, Chapter 2.06, the Judicial Branch, for the purposes of codifying provisions relating to the Judicial branch of the government of the City of Fallon and the appointive office of Municipal Court Judge, and to make the City of Fallon Municipal Court a court of record, and for other matters properly related thereto, with the issue of setting a bond to be deferred upon hearing back from the City Attorney's Office; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

**Public Hearing on Bill No. 774: An Ordinance amending Title 2, Administration and Personnel, of the City of Fallon Municipal Code, for the purpose of re-codifying provisions relating to salaries of elected officers of the City of Fallon that were previously mistakenly removed from published copies of the City of Fallon Municipal Code, and for other matters properly related thereto**

Mayor Tedford read the bill title into the record: "An Ordinance amending Title 2, Administration and Personnel, of the City of Fallon Municipal Code, for the purpose of re-codifying provisions relating to salaries of elected officers of the City of Fallon that were previously mistakenly removed from published copies of the City of Fallon Municipal Code, and for other matters properly related thereto."

Deputy City Attorney Leonard Mackedon explained that this is a housekeeping bill; back in time we had this ordinance in place and part of the Fallon Municipal Code and during some revisions that occurred, this language was removed from the code; it was never removed or amended by action of the Council itself so theoretically it has been in place but it is proper form to re-adopt the ordinance to get it re-codified. It is really a housekeeping re-codification; the ordinance remains in place.

Mayor Tedford inquired if the Council had any comments or questions.

No comments were noted.

Mayor Tedford opened the meeting to a public hearing and inquired if there were any public comments.

No public comments were noted.

**Consideration and possible adoption of Bill No. 774 as Ordinance No. 755: An Ordinance amending Title 2, Administration and Personnel, of the City of Fallon Municipal Code, for the purpose of re-codifying provisions relating to salaries of elected officers of the City of Fallon that were previously mistakenly removed from published copies of the City of Fallon Municipal Code, and for other matters properly related thereto**

Mayor Tedford read the bill title into the record: "An Ordinance amending Title 2, Administration and Personnel, of the City of Fallon Municipal Code, for the purpose of re-codifying provisions relating to salaries of elected officers of the City of Fallon that were previously mistakenly removed from published copies of the City of Fallon Municipal Code, and for other matters properly related thereto."

Mayor Tedford inquired if the Council had any comments or questions.

No comments were noted.

Mayor Tedford inquired if there were any public comments or questions.

No comments were noted.

Councilman Richardson motioned to adopt Bill No. 774 as Ordinance No. 755: An Ordinance amending Title 2, Administration and Personnel, of the City of Fallon Municipal Code, for the purpose of re-codifying provisions relating to salaries of elected officers of the City of Fallon that were previously mistakenly removed from published copies of the City of Fallon Municipal Code, and for other matters properly related thereto; seconded by Councilman Erickson and approved with a 3-0 vote by the Council.

**Public Hearing: Resolution 16-28: A Resolution Authorizing An Installment Purchase Agreement In An Amount Not To Exceed \$440,000 For The Purpose Of Acquiring A Street Sweeper, Two (2) Garbage Trucks And A Forklift To Be Used By The City's Sanitation Enterprise; Directing The Officers Of The City To Forward Materials To The Department Of Taxation Of The State Of Nevada; Providing Certain Details In Connection Therewith; Authorizing The City Staff To Negotiate An Installment Purchase Agreement In The Maximum Amount Not To Exceed \$440,000; And Providing The Effective Date Hereof**

Mayor Tedford read the resolution title into the record: "A Resolution Authorizing An Installment Purchase Agreement In An Amount Not To Exceed \$440,000 For The Purpose Of Acquiring A Street Sweeper, Two (2) Garbage Trucks And A Forklift To Be Used By The City's Sanitation Enterprise; Directing The Officers Of The City To Forward Materials To The Department Of Taxation Of The State Of Nevada; Providing Certain Details In Connection Therewith; Authorizing The City Staff To Negotiate An Installment Purchase Agreement In The Maximum Amount Not To Exceed \$440,000; And Providing The Effective Date Hereof."

Deputy City Attorney Leonard Mackedon explained that the City is in need of replacing the street sweeper, two garbage trucks and a forklift to be used by the Sanitation Enterprise. This

resolution would allow the City, working through Nevada State Bank to obtain financing, to purchase these needed items.

Mayor Tedford inquired if the Council had any comments or questions.

Councilman Richardson asked if the funding source would be the Sanitation Enterprise Fund.

Deputy City Attorney Leonard Mackedon stated that repayment would come from the Sanitation Enterprise Fund and budget projections show the payments would be made.

Councilman Richardson inquired as to the length of payments.

Deputy City Attorney Leonard Mackedon replied that the amortization would be six years. Medium term financing allows for ten years.

Councilman Erickson explained that the City has paid off two loans on equipment of a similar nature in the last two years. That had an annual payment combined of over \$47,000 and now that debt service is paid off. We now need to replace that equipment; we are not looking at creating a new monthly (increased annual debt service) obligation.

Mayor Tedford opened the meeting to a public hearing and inquired if there were any public comments.

No public comments were noted.

Councilman Erickson motioned to adopt Resolution No. 16-28: A Resolution Authorizing An Installment Purchase Agreement In An Amount Not To Exceed \$440,000 For The Purpose Of Acquiring A Street Sweeper, Two (2) Garbage Trucks And A Forklift To Be Used By The City's Sanitation Enterprise; Directing The Officers Of The City To Forward Materials To The Department Of Taxation Of The State Of Nevada; Providing Certain Details In Connection Therewith; Authorizing The City Staff To Negotiate An Installment Purchase Agreement In The Maximum Amount Not To Exceed \$440,000; And Providing The Effective Date Hereof; seconded by Councilwoman Frost and approved with a 3-0 vote.

**Public Hearing: Resolution 16-29: A Resolution Authorizing An Installment Purchase Agreement In An Amount Not To Exceed \$200,000 For The Purpose Of Acquiring Covered Roll-Offs, Dumpsters, Waste-Wheelers And A Collection Trailer To Be Used By The City's Sanitation Enterprise; Directing The Officers Of The City To Forward Materials To The Department Of Taxation Of The State Of Nevada; Providing Certain Details In Connection Therewith; Authorizing The City Staff To Negotiate An Installment Purchase Agreement In The Maximum Aggregate Principal Amount Not To Exceed \$200,000; And Providing The Effective Date Hereof**

Mayor Tedford read the resolution title into the record: "A Resolution Authorizing An Installment Purchase Agreement In An Amount Not To Exceed \$200,000 For The Purpose Of Acquiring Covered Roll-Offs, Dumpsters, Waste-Wheelers And A Collection Trailer To Be Used By The City's Sanitation Enterprise; Directing The Officers Of The City To Forward Materials To The Department Of Taxation Of The State Of Nevada; Providing Certain Details In Connection Therewith; Authorizing The City Staff To Negotiate An Installment Purchase Agreement In The Maximum Aggregate Principal Amount Not To Exceed \$200,000; And Providing The Effective Date Hereof."

Deputy City Attorney Leonard Mackedon explained that the City needs to purchase covered roll-offs, dumpsters, waste wheelers and a collection trailer to be used by the Sanitation

Enterprise. Some of these items are replacements for existing equipment. The covered roll-offs are new equipment to accommodate the new contract with the Churchill County School District to provide sanitation services to their facilities, which will increase revenue for the Sanitation Enterprise Fund. We divided these two installment purchase agreements because the items have different useful lives and we anticipate being able to amortize this purchase over ten years rather than the previous items for six years.

Mayor Tedford inquired if the Council had any comments or questions.

Councilman Richardson asked if we are replacing the green waste wheelers with blue waste wheelers because the garbage truck is breaking them.

Mayor Tedford explained that we are upgrading from green to blue and changing them out as they are individually replaced due to cracking or other damage from age, not from a defect. The garbage truck is fine with them. We are replacing them over time, not all at once.

Mayor Tedford opened the meeting to a public hearing and inquired if there were any public comments.

No public comments were noted.

Councilman Richardson motioned to adopt Resolution No. 16-29: A Resolution Authorizing An Installment Purchase Agreement In An Amount Not To Exceed \$200,000 For The Purpose Of Acquiring Covered Roll-Offs, Dumpsters, Waste-Wheelers And A Collection Trailer To Be Used By The City's Sanitation Enterprise; Directing The Officers Of The City To Forward Materials To The Department Of Taxation Of The State Of Nevada; Providing Certain Details In Connection Therewith; Authorizing The City Staff To Negotiate An Installment Purchase Agreement In The Maximum Aggregate Principal Amount Not To Exceed \$200,000; And Providing The Effective Date Hereof; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

### **Consideration and possible adoption of Resolution No. 16-30: A Resolution Clarifying the Purpose of the Electrical Fund of the City of Fallon, Nevada**

Mayor Tedford explained that this resolution would clarify by resolution, the purpose of the use of our electric fund. He read the summary into the record: "The City of Fallon ("City") created the Electrical Fund ("Fund") pursuant to an ordinance passed February 6, 1912. The city adopted resolutions on May 31, 1996 ("1996 Resolutions") to reestablish the fund in compliance with Assembly Bill 224, which became effective July 1, 1995. The 1996 Resolutions stated that the purpose of the fund was to "provide for the full service electrical distribution, street lighting, traffic signals and other ancillary activities which are related to or otherwise benefit the City's Electric Enterprise." This resolution clarifies the purpose of the Fund and the permissible activities that are related to and otherwise benefit the Fund in compliance with NRS 354.612(1)(a). It is in the best interest of the City, to serve the needs of its residents, that the Fund uses its resources to promote sustainable growth that allows the City to maintain a properly functioning and efficient Electric Enterprise. Maintaining and growing the number of the City's ratepayers benefits the City's Electric Enterprise. The use of the Fund's resources to promote the City's economic development is related to the purpose of the Fund and benefits the City's Electric Enterprise. The use of the Fund's resources to promote economic development and a quality lifestyle improves the retention and expansion of the City's ratepayers, benefitting the City's Electric Enterprise."

Mayor Tedford added that it is very important that we identify all of our funds, as we will do in the future, and the Electric Fund is the one before the Council tonight.

Mayor Tedford inquired if the Council had any comments or questions.

Councilwoman Frost asked if this will satisfy the Nevada Department of Taxation

Mayor Tedford noted that we will send it to them if this resolution is adopted tonight.

Councilman Erickson stated that it conforms to our meeting with them earlier this year.

Mayor Tedford concurred that this follows along with the meeting that we had with Nevada Department of Taxation and Proctor Hug, Esq. and we think this will be acceptable per our discussions with them.

Mayor Tedford inquired if there were any public comments or questions.

No comments were noted.

Councilwoman Frost motioned to adopt Resolution No. 16-30: A Resolution Clarifying the Purpose of the Electrical Fund of the City of Fallon, Nevada; seconded by Councilman Richardson and approved with a 3-0 vote by the City Council.

### **Public Comments**

Mayor Tedford inquired if there were any public comments.

No public comments were noted.

### **Council and Staff Reports**

Deputy City Attorney Leonard Mackedon: No comments were noted.

Deputy City Clerk Lee: No comments were noted.

Captain Wenger: No comments were noted.

City Engineer Miller: City crews have been repainting crosswalks throughout the City and the pedestrian crossing at Merton Drive and Taylor Street is now operational. The Community Development Block Grant (CDBG) Board is reviewing all submitted documents for the Fallon Theatre grant award and funds should be forthcoming. We received the final draft of the historical report for The Douglass; we will submit that to the Nevada State Historical Preservation Office. We anticipate a grant award notice later this week from the Federal Aviation Administration for our airport project.

Councilwoman Frost: Commended the City crews for painting the crosswalks and installing the pedestrian crossing. Mr. Lords at Churchill County High School is very happy with the response of naming Greenwave Circle and using 1 Greenwave Circle as their address. He will be contacting the City soon. She had a ride along with the Fallon Police Department a couple of weeks ago and she was impressed with Officer Decker and his professionalism.

Councilman Richardson: No comments were noted.

Councilman Erickson: No comments were noted.

**Executive Session**

Mayor Tedford tabled the executive session, as it was not needed at this time.

**Adjournment**

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 7:38 p.m.



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Mayor Ken Tedford

Attest:



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Gary C. Cordes, City Clerk/Treasurer