

**MINUTES  
CITY OF FALLON  
55 West Williams Avenue  
Fallon, Nevada  
December 19, 2017**

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 Pro Tempore, Robert H. Erickson  
City Councilwoman, Kelly Frost  
City Councilman, James D. Richardson  
City Engineer, Michael E. Miller  
Police Chief, Kevin Gehman  
City Attorney, Michael F. Mackedon  
Deputy City Clerk, Elsie M. Lee  
Deputy Public Works Director, Ryan A. Swirczek

The meeting was called to order by Mayor Pro Tempore Erickson at 7:00 p.m.

Mayor Pro Tempore Erickson led the Pledge of Allegiance.

Mayor Pro Tempore Erickson 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.

Mayor Pro Tempore Erickson noted for the record that Mayor Tedford and Legal and Administrative Director Erquiaga are both in Utah attending the Utah Associated Municipal Power Systems (UAMPS) Annual Board Meeting.

**Approval of Council meeting minutes for November 21, 2017**

Mayor Pro Tempore Erickson inquired if there were any additions or corrections to the minutes for November 21, 2017.

No additions or corrections were noted.

Councilman Richardson motioned to approve the Council meeting minutes for November 21, 2017 as submitted, seconded by Councilwoman Frost and approved with a 2-0 vote by the Council.

**Approval of Warrants**

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

Mayor Pro Tempore 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 or his designee to sign the same; seconded by Councilman Richardson and approved with a 2-0 vote by the Council.

### **Public Comments**

Mayor Pro Tempore Erickson 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.

### **Consideration of application by Darity Openshaw for a retail liquor license for Lighthouse Laser & Medical Spa to be located at 625-B West Williams Avenue**

Deputy City Clerk Lee explained that Darity Openshaw, owner of Lighthouse Laser & Medical Spa, has made application for a retail liquor license for Lighthouse Laser and Medical Spa to be located at 625-B West Williams Avenue. A retail liquor license is a privileged license that allows the licensee to sell alcoholic beverages from a fixed and definite place of business for consumption off of the premises only. The application has been reviewed by Chief Gehman, City Engineer Miller, Deputy City Clerk Lee, and Legal and Administrative Director Erquiaga and has been recommended for approval.

Mayor Pro Tempore Erickson inquired if the Council had any questions for Chief Gehman, City Engineer Miller, or Deputy City Clerk Lee.

No questions were noted.

Mayor Pro Tempore Erickson inquired if the Council had any comments or questions for Ms. Openshaw.

Councilman Richardson asked Ms. Openshaw to describe what kind of business she operates.

Ms. Openshaw explained that her office performs laser hair removal, injects Botox and Juvederm, skin care, and massage.

Councilman Richardson noted that it was along the lines of a beauty salon.

Ms. Openshaw answered affirmatively. She wants to sell wine because guests want to give it with gift cards or after they have just relaxed with a treatment, they sometimes want to go home and have some wine. She stated that she thought it would be a good pairing.

Councilwoman Frost asked if she planned to allow wine tasting at the business.

Ms. Openshaw stated that she does not think she will; she has a couple of young receptionists so it would make her feel more comfortable if it remained in the closed container for now – unless she has all over 21 staff at some point. Ms. Openshaw stated that she did ask, in her meeting with City staff, if she personally wanted to pour an over 21 guest a glass of wine – she said that she would do that unless she was not allowed to do that – sometimes they do spa days for couples and it lasts over four hours and in that case, she would want to give them some champagne at no charge. She noted that she wanted to be honest in her intentions. Other than that instance, it would probably never come up.

Mayor Pro Tempore Erickson appreciated Ms. Openshaw's frankness. If she is planning to do that, or even contemplating that in the future, perhaps an on-premise and off-premise license would better serve her plans.

Ms. Openshaw stated that she thought an on-premise license would only be necessary if she were charging for alcohol. When she worked at Bellissima Salon, they would often give their guests a beer or glass of wine while they were getting a haircut or other service. Adding that she was not trying

to get anyone in trouble, but she thought that was why they were allowed to serve it since it was complimentary.

City Attorney Mackedon stated that those things happen in life and if there is no complaint then you are okay. As Mayor Pro Tempore Erickson suggested, you could have both licenses and that would eliminate any question. Charging or not charging is not a legal distinction; because you are charging for your services. He suggested that she could come back and apply for the on-premise license.

Mayor Pro Tem Erickson suggested that she visit with Chief Gehman about this and we can act on the matter before the Council tonight so she is not delayed. If she would like to come back and apply for the on-premise license, in this case, since it is just expanding on what she was doing, we could probably waive the fee for it.

City Attorney Mackedon clarified that we are not trying to get her to get an extra license if she does not feel she needs one.

Ms. Openshaw stated that she understood.

Mayor Pro Tem Erickson noted that if there was an incident and alcohol was involved, if she had a license she would be on much better ground.

City Attorney Mackedon concurred.

Mayor Pro Tem Erickson inquired if Chief Gehman had anything to add.

Chief Gehman stated that he did not; she presented information for the background review and they performed a cursory look into that and did not find anything that would suggest she would be unsuccessful in holding a license.

Mayor Pro Tempore Erickson inquired if there were any public comments or questions.

No comments were noted.

Councilwoman Frost motioned to approve the application by Darity Openshaw for an off-premise retail liquor license for Lighthouse Laser & Medical Spa to be located at 625-B West Williams Avenue; seconded by Councilman Richardson and approved with a 2-0 vote by the Council.

### **Presentation of the Police Department Report for October 2017**

Chief Gehman presented the October monthly report. He added that the October incidents and activities were primarily in line with previous months with no exceptional variances.

- Staff participated in 80 hours of training.
- Detective Frandsen provided the indoctrination lecture to newly stationed Navy personnel.
- Police Explorers participated in the drive through flu shot clinic beside Boomer's Bar, a prescription drug collection event, and two 'trunk-or-treat' events for Halloween.
- Through the welfare assist account, we provided one bus ticket and three persons with lodging.
- The citizen survey results were mostly positive.

Mayor Pro Tempore Erickson inquired if the Council had any comments or questions.

No comments were noted.

Mayor Pro Tempore Erickson thanked Chief Gehman for the report.

### **Public Comments**

Mayor Pro Tempore Erickson inquired if there were any public comments.

No public comments were noted.

## **Council and Staff Reports**

Deputy Public Works Director Swirczek: No comments were noted.

Deputy City Clerk Lee: No comments were noted.

Chief Gehman: No comments were noted.

City Engineer Miller: No comments were noted.

City Attorney Mike Mackedon: Wished everyone a Merry Christmas and noted that the decorations around town look very nice.

Mayor Pro Tem Erickson agreed, adding that it is an exceptionally beautiful Christmas tree this year.

Councilwoman Frost: Wished everyone a Merry Christmas.

Councilman Richardson: Wished everyone a Merry Christmas.

Mayor Pro Tempore Erickson: Reminded that the Christmas luncheon at the William N. Pennington Life Center will take place on Thursday, December 21 where the Mayor, Council, and City staff serve the meal and give holiday greetings.

Mayor Pro Tem Erickson stated that he and Mary Beth wished everyone Merry Christmas and Happy New Year.

## **Executive Session**

Mayor Pro Tempore Erickson tabled the executive session, as it was not needed at this time.

## **Adjournment**

There being no further business to come before the Council, Mayor Pro Tempore Erickson adjourned the meeting at 7:15 p.m.

Attest:

  
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Elsie M. Lee, Deputy City Clerk/Treasurer

  
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Mayor Pro Tempore Erickson