

**MINUTES
CITY OF FALLON
55 West Williams Avenue
Fallon, Nevada
May 15, 2018**

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, Kris Alexander
City Clerk, Gary C. Cordes
City Attorney, Michael F. Mackedon
Deputy City Attorney, Leonard E. Mackedon
Legal & Administrative Director, Robert Erquiaga
Deputy City Clerk, Elsie M. Lee
Deputy Public Works Director, Ryan A. Swirczek
Deputy Public Works Director, Brian A. Byrd
Deputy Public Works Director, Adrian Noriega
Director of Tourism & Special Events, Jane Moon
Marketing Communications Coordinator, Kaitlin Ritchie

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.

City Clerk Cordes 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.

Mayor Tedford stated the following: "Before moving on to public comments, I want to take a moment to discuss the process for Agenda items 5 and 6 tonight. Agenda item 5 is for possible introduction of an ordinance only. If the ordinance is introduced, which occurs if any single Councilperson introduces it, a public hearing will be set for June 19, 2018 in Agenda item 6 and no further action can or will be taken at this meeting. At the public hearing on June 19, 2018, which will be properly noticed and advertised, the Council will take comment and then consider possible adoption of the ordinance as introduced or amended. If you intend to comment on the merits or contents of the proposed ordinance, or whether the Council should adopt it or not, those comments should be made at the June 19, 2018 Council meeting or submitted in writing to the City Clerk's Office prior to that meeting. The Council will have no discussion and no action will be taken tonight on the proposed ordinance other than as I previously described. With that in mind, if you still intend to comment tonight, please do so in Agenda item 4, Public Comments, and please keep your comments as brief as possible, keeping in mind that no action will be taken on the proposed ordinance tonight."

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.

Introduction of Bill No. 780: An ordinance amending the Fallon Municipal Code to prohibit marijuana cultivation facilities, marijuana testing facilities, marijuana product manufacturing facilities, marijuana distributors, retail marijuana stores (non-medical), medical marijuana independent testing laboratories, medical marijuana cultivation facilities, and facilities for the production of edible marijuana products or marijuana-infused products in the City of Fallon, and for other matters properly related thereto. (This agenda item is for possible introduction of the proposed ordinance only. If introduced, a public hearing will be set in the next agenda item and no further action can or will be taken at this meeting. At the public hearing, which will be properly noticed and advertised, the City Council will take comment and then consider possible adoption of the ordinance as introduced or amended.)

Councilwoman Frost introduced Bill No. 780: An ordinance amending the Fallon Municipal Code to prohibit marijuana cultivation facilities, marijuana testing facilities, marijuana product manufacturing facilities, marijuana distributors, retail marijuana stores (non-medical), medical marijuana independent testing laboratories, medical marijuana cultivation facilities, and facilities for the production of edible marijuana products or marijuana-infused products in the City of Fallon, and for other matters properly related thereto.

Setting of public hearing date for Bill No. 780: An ordinance amending the Fallon Municipal Code to prohibit marijuana cultivation facilities, marijuana testing facilities, marijuana product manufacturing facilities, marijuana distributors, retail marijuana stores (non-medical), medical marijuana independent testing laboratories, medical marijuana cultivation facilities, and facilities for the production of edible marijuana products or marijuana-infused products in the City of Fallon, and for other matters properly related thereto. (For possible action. This agenda item is for the setting of a public hearing date only. At the public hearing, which will be properly noticed and advertised, the City Council will take comment and then consider possible adoption of the ordinance as introduced or amended. No further action can or will be taken at this meeting.)

Mayor Tedford set the date for the public hearing: June 19, 2018 at 7:00 p.m.

Consideration of application by Eric Lundstrom for a retail (off premise) liquor license for Safeway, Inc., located at 890 West Williams Avenue

Legal and Administrative Director Erquiaga advised that this action reflects a change in manager at this Safeway store. Eric Lundstrom, manager of Safeway, Inc., has made application for a retail liquor license for Safeway, Inc. to be located at 890 West Williams Avenue. 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 Tedford inquired if the Council had any questions for Chief Gehman, City Engineer Miller, Deputy City Clerk Lee, or Legal and Administrative Director Erquiaga.

No questions were noted.

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 approve the application by Eric Lundstrom for a retail liquor license for Safeway, Inc. to be located at 890 West Williams Avenue; seconded by Councilman Erickson and approved with a 3-0 vote by the Council.

Consideration of application by Calvin Bushek, Treasurer of the Fallon Lions Club Charity Corp, a local service organization that meets within the City of Fallon, for a drinking establishment (on premise) liquor license for events within the City of Fallon

Deputy City Clerk Lee explained that Calvin Bushek, Treasurer of the Fallon Lions Club Charity Corp., has made application for a drinking establishment liquor license to sell alcohol at to-be-determined events within the City of Fallon, beginning with the Navy Appreciation Day event on June 2, 2018 at Oats Park, 215 West Park Street. A drinking establishment liquor license is a privileged license that allows the licensee to sell alcoholic beverages from a fixed and definite place of business for consumption upon 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.

Legal and Administrative Director Erquiaga clarified that the Lions Club does not have their own location, they currently meet at the William N. Pennington Life Center. There is no fixed and definite place of business as they intend to sell at a number of events within the City of Fallon. All future events where they would sell in parks or public locations will be accompanied by a special event application, so we will be aware of where they are serving.

Mayor Tedford inquired if the Council had any questions for Chief Gehman, City Engineer Miller, Deputy City Clerk Lee, or Legal and Administrative Director Erquiaga.

No questions were noted.

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 approve the application by Calvin Bushek, Treasurer of the Fallon Lions Club Charity Corp, a local service organization, in order to sell alcohol at events within the City of Fallon; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

Consideration of application by Shellie Snow-Oney for a drinking establishment (on premise) liquor license for The Rusty Canteen LLC, a mobile bar and beverage service, based at 755 Wood Drive

Deputy City Clerk Lee explained that Shellie Snow-Oney, owner of The Rusty Canteen LLC, a mobile bar and beverage service, has made application for a drinking establishment liquor license for The Rusty Canteen LLC, based at 755 Wood Drive. A drinking establishment liquor license is a privileged license that allows the licensee to sell alcoholic beverages from a fixed and definite place of business for consumption upon 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 Tedford inquired if the Council had any questions for Chief Gehman, City Engineer Miller, Deputy City Clerk Lee, or Legal and Administrative Director Erquiaga.

No questions were noted.

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

Councilman Richardson inquired as to how this license request was different from the previous license request.

Legal and Administrative Director Erquiaga stated that the applicant may elect to serve at private events on private property. They will not have a storefront. They will serve from the trailer itself during these events.

Councilman Richardson noted that there is a coffee business that has a trailer that parks kind of anywhere and serves to the public. He asked if that was the intent of this ownership.

Mayor Tedford stated that this was vetted, and they will not be allowed to serve similar to an ice cream truck or coffee trailer. This will be set up at specific events.

Councilman Richardson clarified that this trailer would only serve at specific events, like private parties, and not sell to anyone on the street.

Mayor Tedford allowed public comments or questions.

Ms. Shelley Snow-Oney of 755 Wood Drive explained that was correct; they would only sell at specific events. They would serve at weddings, retirement parties, and corporate events. They had no intention of setting up on a corner and selling.

Councilman Richardson motioned to approve the application by Shellie Snow-Oney for The Rusty Canteen, LLC, a mobile bar and beverage service, based at 755 Wood Drive for a drinking establishment liquor license; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible approval of renewed Interlocal Cooperative Agreement with Churchill County Establishing the Churchill Economic Development Authority

Legal and Administrative Director Erquiaga explained that the City and Churchill County entered into an interlocal cooperative agreement establishing the Churchill Economic Development Authority (CEDA) on May 21, 2008 and that agreement had a term of ten years. The Churchill County Board of Commissioners approved and executed the renewed agreement. No changes have been made to the agreement, CEDA's mission remains the same, which is to promote the general improvement of social, economic and business conditions within the City of Fallon, as well as efforts to bring new business activity to the City and Churchill County. This was added to the agenda without CEDA Executive Director Mr. Nathan Strong, thinking that this would be a short agenda item during a lengthy Council meeting, which did not materialize tonight. If approved by the Council, this would be another ten-year term.

Mayor Tedford stated that he was discouraged. CEDA is an apolitical organization yet they are hosting a political debate tonight. He believed in CEDA's mission to bring business to Fallon. Instead of spending time on political debates, he would have preferred time spent bringing business to Fallon.

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 approve the renewed Interlocal Cooperative Agreement with Churchill County Establishing the Churchill Economic Development Authority for a ten-year period; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible action to approve a construction contract with A&K Earth Movers of Fallon, Nevada, in order to complete the Fallon Youth Center Site Development project in the amount of One Million Two Hundred Twenty-Seven Thousand Dollars (\$1,227,000) CH-2018-153

Deputy Public Works Director Byrd explained that the approval of a contract to A&K Earth Movers would allow for the future site of the Fallon Youth Center to be developed and prepped for the construction of a new facility. This project consists of an electrical distribution system, reinforced building pad, curb and gutter, roadway, water lines, sewer lines, and sidewalk that will extend around the property line. This project was released for public bid on April 13, 2018 and advertised in the Lahontan Valley News in accordance with NRS 338.1385. A pre-bid meeting was held on April 25, 2018. Two bids were received and publicly opened by the City of Fallon on May 7, 2018. With approval, construction would start in June with a 90-day schedule.

With contributions from both the City of Fallon and Churchill County, the William N. Pennington Foundation has graciously funded the majority of this project.

Mayor Tedford noted that this was a great project. This is what we do, we serve the people with projects like this. He thanked the William N. Pennington Foundation for making this possible.

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 approve a construction contract with A&K Earth Movers of Fallon, Nevada, in order to complete the Fallon Youth Center Site Development project in the amount of One Million Two Hundred Twenty-Seven Thousand Dollars (\$1,227,000) CH-2018-153; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible approval of a construction contract with A&K Earth Movers of Fallon, Nevada in order to complete the Fallon Municipal Airport Reconstruct Center Aprons and Connectors project, PWP-CH-2018-063, in the amount of Five Hundred Eighty-Nine Thousand Dollars (\$589,000.00), contingent upon final approval of FAA grant funding

Deputy Public Works Director Byrd explained that the City has been tentatively approved for an FAA grant to complete the Fallon Municipal Airport Reconstruct Center Aprons and Connectors project. This project was previously designed by Atkins North America, Inc. The project was advertised during the week of April 9, 2018 and a mandatory pre-bid meeting was held on May 1, 2018, at which two potential bidders were in attendance. Two bids were received and opened on May 9, 2018. FAA procedures provide final grant approval only after bid opening and contract award approval by the City Council. City staff recommends approval of a construction contract with A&K Earth Movers, contingent upon final approval of FAA grant funding. This project will be funded by the FAA (93.75%) and the City of Fallon Airport Fund (6.25%). Pursuant to that formula, the City's share would be \$36,812.50.

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.

Councilwoman Frost motioned to approve a construction contract with A&K Earth Movers of Fallon, Nevada in order to complete the Fallon Municipal Airport Reconstruct Center Aprons and Connectors project, PWP-CH-2018-063, in the amount of Five Hundred Eighty-Nine Thousand Dollars (\$589,000.00), contingent upon final approval of FAA grant funding; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

Consideration and possible approval of a Professional Services Contract with Atkins North America, Inc. for construction administration support services relating to the Fallon Municipal Airport Reconstruct Center Aprons and Connectors project, PWP-CH-2018-063, in an amount not to exceed Ninety-Six Thousand Seven Hundred Twenty Dollars (\$96,720.00), contingent upon final approval of FAA grant funding

Deputy Public Works Director Byrd explained that the City has been tentatively approved for an FAA grant to complete the Fallon Municipal Airport Reconstruct Center Aprons and Connectors project. The project was previously designed by Atkins North America, Inc. This follow-on professional services contract is needed to provide construction support services, inspection, and materials testing during the construction phase of the project, which are required by the FAA. Atkins North America, Inc. was previously awarded an open-ended contract to provide a variety of engineering services for the airport and this particular contract would be Task Order Number 5. City staff recommends approval of a Professional Services Contract with Atkins North America, Inc., contingent upon final approval of FAA grant funding. This project will be funded by the FAA (93.75%) and the City of Fallon Airport Fund (6.25%). Pursuant to that formula, the City's share would be \$6,045.00.

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 approve a Professional Services Contract with Atkins North America, Inc. for construction administration support services relating to the Fallon Municipal Airport Reconstruct Center Aprons and Connectors project, PWP-CH-2018-063, in an amount not to exceed Ninety-Six Thousand Seven Hundred Twenty Dollars (\$96,720.00), contingent upon final approval of FAA grant funding; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible adoption of Resolution No. 18-11: A resolution authorizing a temporary interfund loan from the Water Treatment Enterprise Fund to the Airport Fund in the amount of Ninety-Seven Thousand Dollars (\$97,000.00)

City Clerk Cordes explained that this resolution was necessary because the Airport Fund does not have sufficient cash on hand. When the FAA reimbursement comes through, the funds will be returned to the Water Treatment Enterprise Fund. In order to make a proper interfund loan, the City must comply with NRS 354.6118 and NAC 354.290. He recommended adoption of Resolution No. 18-11.

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

Councilman Erickson noted for the record that this was sort of a renewal of the original \$97,000 loan we did a year ago.

City Clerk Cordes replied affirmatively, we took the advice of the FAA to fast-track the engineering of this project due to extra funding that was available and, after the work was done, it was discovered that their budget had changed significantly and there was no additional funding available for the City in that specific budget cycle but it would be available in the next budget cycle. So, in order to have enough cash on hand, we arranged for the temporary interfund loan.

We were assured that we will receive the funding soon but the temporary interfund loan will expire tomorrow, which is the reason we are here tonight – to renew it.

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

No comments were noted.

Councilman Erickson motioned to adopt Resolution No. 18-11: A resolution authorizing a temporary interfund loan from the Water Treatment Enterprise Fund to the Airport Fund in the amount of \$97,000.00; 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.

No public comments were noted.

Council and Staff Reports

City Attorney Mike Mackedon: No comments were noted.

Deputy City Attorney Leonard Mackedon: No comments were noted.

City Clerk Cordes: No comments were noted.

Captain Alexander: No comments were noted.

Legal and Administrative Director Erquiaga: No comments were noted.

Deputy City Clerk Lee: No comments were noted.

Tourism Director Moon: No comments were noted.

Marketing Communications Coordinator Ritchie: No comments were noted.

Deputy Public Works Director Swirczek: No comments were noted.

Deputy Public Works Director Byrd: No comments were noted.

Deputy Public Works Director Noriega: No comments were noted.

City Engineer Miller: No comments were noted.

Councilwoman Frost: Heard lots of great comments about the Regional Baseball and Softball Tournaments that took place in Fallon last week.

Councilman Richardson: Echoed Councilwoman Frost's comments.

Councilman Erickson: No comments were noted.

Executive Session

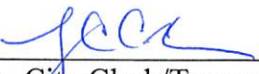
Mayor Tedford tabled the executive session, as it was not needed at this time.

Adjournment

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 8:08 p.m.



Mayor Ken Tedford

Attest: 

Gary C. Cordes, City Clerk/Treasurer