

**MINUTES  
CITY OF FALLON  
55 West Williams Avenue  
Fallon, Nevada  
October 3, 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 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

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

Mayor Tedford led the Pledge of Allegiance.

Mayor Tedford requested a Moment of Silence for the victims and families affected by the recent tragedy at the Route 91 event in Las Vegas.

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.

## **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.

At this time, Mayor Tedford adjusted the order of the agenda items.

### **Public Hearing on Bill No. 777: An Ordinance amending Title 9, Public Peace, Morals and Welfare, of the City of Fallon Municipal Code, for the purpose of repealing Chapter 9.54, Curfew, in its entirety and for other matters properly related thereto**

Mayor Tedford read the proposed ordinance title into the record: Bill No. 777: An Ordinance amending Title 9, Public Peace, Morals and Welfare, of the City of Fallon Municipal Code, for the purpose of repealing Chapter 9.54, Curfew, in its entirety and for other matters properly related thereto.

Legal and Administrative Director Erquiaga advised that this is a scheduled and properly noticed public hearing. This leads to the next agenda item where the bill will be considered for possible adoption.

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, as this was a public hearing.

No public comments were noted.

### **Consideration and possible adoption of Bill No. 777 as Ordinance No. 758: An Ordinance amending Title 9, Public Peace, Morals and Welfare, of the City of Fallon Municipal Code, for the purpose of repealing Chapter 9.54, Curfew, in its entirety and for other matters properly related thereto**

Legal and Administrative Director Erquiaga advised that this is the action item for the previous hearing. It has been properly noticed. This is the appropriate time to ask the Council to repeal Chapter 9.54 in the form of this ordinance.

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

Councilman Richardson confirmed that Churchill County does not have a curfew or any laws relating to that.

Legal and Administrative Director Erquiaga replied affirmatively; Churchill County does not have a curfew.

Councilman Richardson noted that he introduced this ordinance. There were issues identified with the curfew, there might be some constitutional issues, and additionally, the curfew does not even exist in Churchill County. That is why he proposed that Chapter 9.54 be repealed.

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

No public comments were noted.

Councilman Richardson motioned to adopt Bill No. 777 as Ordinance No. 758: An Ordinance amending Title 9, Public Peace, Morals and Welfare, of the City of Fallon Municipal Code, for the purpose of repealing Chapter 9.54, Curfew, in its entirety and for other matters properly related thereto; seconded by Councilman Erickson and approved with a 3-0 vote by the Council.

**Consideration and possible approval of election of officers of the Fallon/Churchill Volunteer Fire Department: Fire Chief – Mike Rice; First Assistant Fire Chief – Randy Sharp; Second Assistant Fire Chief – Jared Dooley; and Third Assistant Fire Chief – Chris Rogne**

Mayor Tedford noted that Fallon/Churchill Volunteer Fire Department elections were held on September 13, 2017 and must be considered and approved by the City Council. He listed the following results into the record:

- Fire Chief – Mike Rice
- First Assistant Fire Chief – Randy Sharp
- Second Assistant Fire Chief – Jared Dooley
- Third Assistant Fire Chief – Chris Rogne

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 public comments were noted.

Councilman Erickson motioned to approve the election of officers of the Fallon/Churchill Volunteer Fire Department: Fire Chief – Mike Rice; First Assistant Fire Chief – Randy Sharp; Second Assistant Fire Chief – Jared Dooley; and Third Assistant Fire Chief – Chris Rogne; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

**Administration of the Oath of Office for Fire Chief – Mike Rice; First Assistant Fire Chief – Randy Sharp; Second Assistant Fire Chief – Jared Dooley; and Third Assistant Fire Chief – Chris Rogne**

Mayor Tedford administered the Oath of Office to Fallon/Churchill Volunteer Fire Department Fire Chief Mike Rice, First Assistant Fire Chief Randy Sharp, Second Assistant Fire Chief Jared Dooley, and Third Assistant Fire Chief Chris Rogne.

**Public Hearing on Bill No. 778: An Ordinance amending Title 9, Public Peace, Morals and Welfare, of the City of Fallon Municipal Code, for the purpose of repealing Chapter 9.02, Interference With Police Officers, in its entirety and for other matters properly related thereto**

Mayor Tedford read the proposed ordinance title into the record: Bill No. 778: An Ordinance amending Title 9, Public Peace, Morals and Welfare, of the City of Fallon Municipal Code, for the purpose of repealing Chapter 9.02, Interference With Police Officers, in its entirety and for other matters properly related thereto.

Legal and Administrative Director Erquiaga advised that this is a scheduled and properly noticed public hearing. This leads to the next agenda item where the bill will be considered for possible adoption.

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, as this was a public hearing.

No public comments were noted.

**Consideration and possible adoption of Bill No. 778 as Ordinance No. 759: An Ordinance amending Title 9, Public Peace, Morals and Welfare, of the City of Fallon Municipal Code, for the purpose of repealing Chapter 9.02, Interference With Police Officers, in its entirety and for other matters properly related thereto**

Legal and Administrative Director Erquiaga advised that this is the action item for the previous hearing. It has been properly noticed. The same language in a Carson City ordinance was previously declared unconstitutional by the Nevada Supreme Court. The Fallon Police Department has not used the portion of 9.02 since the moment it was declared unconstitutional; and had not used it previously at a time that could be recalled by Legal and Administrative Director Erquiaga. There are plenty of provisions in NRS that cover the relevant provisions that we would be concerned with enforcing, such as actively resisting an arrest or filing a false police report. The language in 9.02 was overly broad and difficult to understand what the violation of the ordinance could be. This is the appropriate time to ask the Council to repeal Chapter 9.02 in the form of this ordinance.

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

Councilman Erickson noted that he introduced this bill and as Legal and Administrative Director Erquiaga pointed out; there are constitutional difficulties with our ordinance as it is structured today, and the matters that would come for law enforcement to deal with are also covered by NRS so therefore, it no longer serves the City and should be repealed.

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

No public comments were noted.

Councilman Erickson motioned to adopt Bill No. 778 as Ordinance No. 759: An Ordinance amending Title 9, Public Peace, Morals and Welfare, of the City of Fallon Municipal Code, for the purpose of repealing Chapter 9.02, Interference With Police Officers, in its entirety and for other matters properly related thereto; seconded by Councilwoman Frost 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.

City Engineer Miller: No comments were noted.

Legal and Administrative Director Erquiaga: No comments were noted.

Deputy City Clerk Lee: No comments were noted.

Deputy Public Works Director Swirczek: No comments were noted.

Deputy Public Works Director Byrd: No comments were noted.

Councilwoman Frost: Appreciated the painting of large 25 MPH speed limit markings on North Taylor Street. They look sharp and crisp and she hoped they would slow drivers down.

Councilman Richardson: No comments were noted.

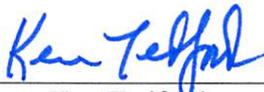
Councilman Erickson: Complimented Deputy Public Works Director Swirczek, Deputy Public Works Director Byrd and the City crews for their job on the recent water leak repair. They did great work.

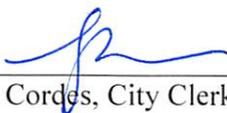
### **Executive Session**

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 7:27 p.m.

  
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Mayor Ken Tedford

Attest:   
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Gary C. Cordes, City Clerk/Treasurer