

**MINUTES  
CITY OF FALLON  
55 West Williams Avenue  
Fallon, Nevada  
June 3, 2019**

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 Clerk, Gary C. Cordes  
City Attorney, Michael F. Mackedon  
Deputy Public Works Director, Ryan A. Swirczek  
Deputy Public Works Director, Adrian Noriega  
Police Chief, Kevin Gehman  
Deputy City Attorney, Leonard E. Mackedon  
Legal & Administrative Director, Robert Erquiaga  
Deputy City Clerk, Elsie M. Lee  
Director of Tourism & Special Events, Jane Moon  
Public Works Director, Brian A. Byrd  
Marketing & Communications Coordinator, Kaitlin Ritchie  
Deputy City Attorney, Trent deBraga  
City Engineer, Derek Zimney

The meeting was called to order by Mayor Tedford at 9:00 a.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.

Mayor Tedford noted for the record that Councilman Richardson was not present today.

**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.

Ms. Lori Rodriguez of 7805 Tamara Drive, Reno, Nevada 89506, read a prepared statement into the record: "I would like to read to you an edited version of a proposal I presented to the NDOT Board on May 13. I am bringing this to your attention as you would be part of this project and it is important that you are involved from the beginning. The addition of a third lane to the I-80 has been a topic of discussion but the real issue is how to move people to TRIC. I would like to propose a monorail. Since we are targeting one specific location, this would make perfect sense. Elevated trains using the latest technology are non-polluting, fast, and quiet. In some areas they are being built on the sides of and in the centers of existing freeways. Passenger cabs can be added as the demand grows and the trains are proving to be profitable. I see this project in three phases with the first being from Sparks to TRIC. The second would be from Fernley to TRIC. The third would be from Fallon to Fernley. Stations with adequate parking would be needed just as airports have now and revised bus routes to accommodate riders would be nice. The present employers at TRIC already have 94 shuttles in operation. I envision these vans to be centered at the TRIC station to ferry people to their workplaces. This would reduce the operating costs for the employers encouraging them to keep the vanpools. Using the approximate \$400 million budget projected for the third lane build, I think a miniscule amount could be allocated for a feasibility study of a monorail. Many of the major costs in building these systems is literally moving mountains. We don't have that problem with the corridor. Also, construction companies should have verifiable experience building elevated trains as a requirement to submit a bid. We need to make changes starting now because if we don't start now – then when? It is so easy to fall back on the same old same old. If countries all over the world are building these – so can we. I am speaking about this idea at the nine different county commission and city council meetings in the area to see if there is interest for this endeavor. We have nothing to lose by researching this mode of travel and everything to gain. My original presentation to NDOT also included high speed train proposals for the I-11 and I-15. But today I am speaking specifically about the I-80. If you and your constituents would support a feasibility study for a monorail, I encourage you to go to the NDOT Board meetings and contact the director's office, the Governor's office, and Kate Wilson in the Lieutenant Governor's office. We can make a difference if we let our representatives know that we would like to see this happen. We need to be determined, patient and involved from the start. Only then can we see this project become what we want it to be for now and in the future. Thank you."

Mayor Tedford thanked Ms. Rodriguez for her comments. He inquired if there were any further public comments.

No public comments were noted.

### **Approval of Council meeting minutes for April 1, 2019**

Mayor Tedford inquired if there were any additions or corrections to the minutes for April 1, 2019.

No additions or corrections were noted.

Councilman Erickson motioned to approve the Council meeting minutes for April 1, 2019 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 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 Erickson and approved with a 2-0 vote by the Council.

## **Consideration and possible approval of an application by Ciera Coatney to operate a daycare and overnight stay facility for dogs and cats in an LI zone at 1919 Grimes Street, Fallon, Nevada**

Legal and Administrative Director Erquiaga explained that Ciera Coatney has made application to operate a daycare and overnight stay facility for dogs and cats in a Light Industrial (LI) zone at 1919 Grimes Street, Fallon, Nevada. The City's LI zone has certain designated permitted uses, which do not include a daycare or overnight stay facility for dogs and cats but allows other uses as approved by the City Council. The surrounding properties are zoned LI, R1-5000, or are not within the City of Fallon. An aerial photo and zoning map of surrounding properties has also been provided. If approved, Ms. Coatney would be renting the building from the Goings family, as they own the property; they have also signed off on the application and are in favor of the proposed use. City Engineer Zimney has met with Ms. Coatney on a couple of occasions to discuss this matter. Both she and City Engineer Zimney could answer any questions that the Council may have.

Mayor Tedford inquired if the Council had any comments or questions for Legal and Administrative Director Erquiaga.

No comments were noted.

Mayor Tedford inquired if the Council had any comments or questions for City Engineer Zimney or Ms. Coatney.

Councilman Erickson complimented Ms. Coatney on her business plan that was submitted. He advised that he had a few questions for Ms. Coatney. He stated that her plan indicated that she would have approximately 22 kennels inside the building.

Ms. Coatney clarified that she would now have 15 small kennels.

Councilman Erickson noted the small kennels and asked if she was restricting her operation to small dogs.

Ms. Coatney replied affirmatively; just small dogs and cat condos.

Councilman Erickson asked how many cat condos would be installed.

Ms. Coatney replied possibly 5-10 cat condos.

Councilman Erickson noted that her second plan of operation would be to have a doggie daycare.

Ms. Coatney replied affirmatively; a drop-in doggie day care.

Councilman Erickson asked her what the maximum number of dogs she would accept per day would be.

Ms. Coatney said that she would not take in any more than 15 dogs per day. She explained that she would have to balance that number with the number of dogs she had boarded with her at the time; so, it would fluctuate day by day, but she would not allow more than 20 animals in the building at one time.

Councilman Erickson inquired as to her hours of operation.

Ms. Coatney replied 8:00 a.m. to 6:00 p.m.

Councilman Erickson confirmed 8:00 a.m. to 6:00 p.m. for the daycare and overnight for the dogs.

Ms. Coatney replied affirmatively.

Councilman Erickson looked at the building and noted that Ms. Coatney's business would occupy approximately 800 square feet with the front entrance on Grimes Street; she would occupy about the front 30 feet of the building. He asked Ms. Coatney if that was correct.

Ms. Coatney replied that she would occupy the first parcel. She believed it to be 30 feet from the front wall to the rear wall of her business suite. She added that Mr. Jeff Goings, one of the owners of the property, was supposed to be here but he was called away by his business.

Councilman Erickson inquired as to the type of wall that separated her suite from the other suites in that building.

Ms. Coatney explained that the first section is open and then there is an office area separating her suite from the next suite. Everything would be soundproofed with acoustic sound panels.

Councilman Erickson referred to Ms. Coatney's business plan regarding her intent to maintain cleanliness, which according to his understanding, is considered best practices in kennel operation. He noted that that she planned to dispose of the waste by bagging it and putting it in a dumpster.

Ms. Coatney replied affirmatively; she has done more research and the best route would be to triple bag it, store it, and take it to a landfill instead of the trash because she would eventually have to share that trash can with other tenants. She noted that the other suites are vacant at this time.

Councilman Erickson confirmed that her alternate plan is to triple bag it, store it inside the building, and then, on a regular basis, remove it and take it directly to a landfill or transfer station.

Ms. Coatney stated that she will do whatever the Council would approve. She added that she could make it so that the odor is controlled. She works at a kennel facility now that is out of town so she would not be able to do it the way they do, because they own their own land. She asked for recommendations from the Council on how they would like her to approach that. She did not believe flushing it would be appropriate due to the volume throughout the day. She could install odor containers and take it to a landfill with biodegradable or polymer bags.

Councilman Erickson stated that she should work with the City's Public Works Department and the City Engineer to determine the best practices to dispose of the waste.

Ms. Coatney stated that she was willing to adapt to any waste disposal requirements.

Councilwoman Frost also complimented Ms. Coatney on her business plan, noting that she did a lot of research and seemed well prepared. She wanted to clarify and confirm that Ms. Coatney would install additional sound barriers.

Ms. Coatney replied affirmatively and explained that the building is well insulated as it is, but since she plans to offer boarding and not just daycare, and understanding she is in the City limits, she noted that there are many different types of sound barriers. There are sound panels that are installed from the top of the ceiling to control the vibrations of sound throughout the day and night. Specifically, for night, she planned to put up sound pads on the kennels or put them on the walls anyway. She stated that there are many different ways she could soundproof the building. There is a building next door to her location, also owned by the Goings family, that has been soundproofed and double insulated because there is a pet grooming shop there. She added that Mr. Goings was agreeable to any manipulation for soundproofing that is necessary.

Councilwoman Frost asked if the dogs and cats would be in separate rooms.

Ms. Coatney stated that they would be in separate kennels.

Councilwoman Frost asked if they would see each other with that type of setup.

Ms. Coatney stated that they would have fence play throughout the night; that means they would see each other through the kennels. Or she may individually soundproof each kennel when she left at night. But, throughout the day it would be open play; she would screen behaviors as they come in.

Councilwoman Frost asked if someone would be onsite with the animals at night.

Ms. Coatney said no; after 6:00 p.m. there would not be anyone with the animals that stay overnight. She will install security cameras that would be a perk for the clients to allow them to log in and check on their animals at night. But there would not be anybody there from 6:00 p.m. to 8:00 a.m.

Councilwoman Frost asked if noise complaints were received during the night, would Ms. Coatney go back to the location and follow up.

Ms. Coatney replied affirmatively; and stated that she planned on making this business her baby so she would definitely be available at any time to address any issues.

Mayor Tedford concurred with the Council regarding her business plan, it was very good. He asked Ms. Coatney to confirm her exact location on the aerial photo and map provided by City Engineer Zimney.

Ms. Coatney pointed out her location.

Mayor Tedford referred to the garbage issue of a shared container and disposal of waste. He noted that after discussions with Public Works and City Engineer Zimney, it may be their recommendation that she have her own container.

Ms. Coatney advised that she found a product that looks like a regular residential trash can that controls odor through the application of a powder that breaks down the enzymes. She could provide her own containers if that would help with the odor control.

Mayor Tedford stated that we need to consider the surrounding neighborhood and her customers. That current receptacle is right by her front door where people would enter and exit. He recommended that she meet with Public Works and see what they recommend. We do not usually have individual access to the landfill; but maybe it would be necessary on her behalf, he was not sure. Usually, individuals access the transfer station, but this is a unique situation and Public Works would work with her on the best way to handle it. We usually pick up residential and business garbage in the City, you do not have to bring it to us; they will probably try to work toward that for you. Before you go out and buy something, please talk to Public Works first. Mayor Tedford asked if the camera system would have sound as well.

Ms. Coatney stated that the system is not installed yet, but she planned to install motion-activated cameras with sound. She worked at a kennel in Sacramento that alerted her through her phone when a certain sound level was reached in the kennels.

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

No public comments were noted.

Councilman Erickson stated that, when the application was received, questions had been raised about the impact on the residential area behind the location. Transitional zoning is always very difficult, because one person's rights could impose a burden or a nuisance on another person's rights. He took those concerns from a noise disruption standpoint and the practices of an operation that would create some type of an odor that could be offensive to some of the neighborhood. When he visited the site, the property from Grimes Street to the alley was approximately 147 feet, there is a 26-foot setback and Ms. Coatney would occupy the first 30 feet of that building. That gives almost 100 feet of buffer between the south wall of Ms. Coatney's suite and the alley, which is about 20 feet wide; so, there is about a 120-foot setback. He appreciated the comments about soundproofing the building and also about installing the camera system which he has learned from family members is, in more urban areas, a standard perk in kennel operations so that if you are in Hawaii you can go online and watch your dog in Sacramento to make sure it is being well-cared for and is having fun. Given those parameters, he would like to hear Councilwoman Frost's comments before moving forward.

Councilwoman Frost felt we should create a nice balance between business-friendly in our community but we also need to protect the rights of the neighbors so their lives are not being disrupted by the possible noise and odors as well. She believed that Ms. Coatney had a great plan and the sound paneling and cameras make her feel a lot better. She was also happy to hear that the cameras would also pick up noise so if there are any problems, Ms. Coatney could get there and deal with the situation. She requested that Ms. Coatney continue to monitor that and be a good neighbor in that area so the residents would not be bothered by any problems with the business.

Councilwoman Frost motioned to approve an application by Ciera Coatney to operate a daycare and overnight stay facility for dogs and cats in an LI zone at 1919 Grimes Street, Fallon, Nevada; amended by Councilman Erickson to be restricted to Suite C and any further expansion plans must return to the Council for consideration; Councilwoman Frost concurred with the amendment. Councilwoman Frost motioned to approve an application by Ciera Coatney to operate a daycare and overnight stay facility for dogs and cats in an LI zone at 1919 Grimes Street, Suite C, Fallon, Nevada and any further expansion plans must return to the Council for consideration; seconded by Councilman Erickson and approved with a 2-0 vote by the Council.

### **Agreement between City of Fallon and Farr West Engineering**

City Attorney Mike Mackedon explained that these next two agenda items are companions to each other, although there is a reason for having separate contracts for each particular scope of work. The proposed action authorizes the Mayor to execute a contract with Farr West Engineering to consult and advise on matters related to the vested proof of City water right appropriations and that refers to the existing certificates of appropriation or permits that the City presently has in support of its appropriation of water from the Basalt Aquifer. Also, the development of data in preparation for a consumptive use profile and water right dedication analysis. The services to be rendered will evaluate the possibility of increasing appropriation of

waters from the Basalt Aquifer and to augment the City's water supply and to augment the water supply from existing water permit certificates to reflect actual consumptive use. The Basalt Aquifer is the sole source of water for all of the City's wells. Depending on the particular analysis that one might look at, it is a confined aquifer and pretty much unrelated to the other aquifers that are present in this valley. The reference to the development of data in preparation for a consumptive use profile and water right dedication analysis, specifically means that, as to the existing permitted rights that we have, we intend to have Farr West Engineering assist our staff in doing a consumptive use analysis to determine the amount of water that we are actually using and when that is completed, you will see that we are actually using far less than we are permitted. That being the case, we would be eligible to increase the number of units, or consumers, for each permit. It is a not relatively technical procedure, but it is very important to us now because there is a limited water supply and we want to be able to use all that is rightly available to the City. The City has already done a great deal of work on this, the fiscal impact is \$16,000 relating to this particular scope of work; we may come back before the Council if there is additional information that we need to follow up on to satisfy the objectives here, but we are fairly comfortable, and Farr West is comfortable, that at this point they can accomplish what we need within that financial limit. He recommended approval of this agreement and authorization for the Mayor to execute the contract.

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.

Mayor Tedford recommended a motion to retain Farr West Engineering to render services that would evaluate the possibility of increasing the appropriation of water from the Basalt Aquifer to augment the City's water supply and to augment the water supply from existing water permit certificates to reflect our actual consumptive use, in an amount not to exceed \$16,000.00.

Councilman Erickson motioned to approve an agreement between the City of Fallon and Farr West Engineering to render services that would evaluate the possibility of increasing the appropriation of water from the Basalt Aquifer to augment the City's water supply and to augment the water supply from existing water permit certificates to reflect our actual consumptive use, in an amount not to exceed \$16,000.00 and authorize the Mayor to sign the same; seconded by Councilwoman Frost and approved with a 2-0 vote by the Council.

### **Agreement between City of Fallon and Farr West Engineering**

City Attorney Mike Mackedon explained that the proposed action authorizes the Mayor to execute a contract with Farr West Engineering to evaluate and analyze the Basalt Aquifer itself for the purpose of developing information useful to the City to determine whether it is possible under existing conditions and existing rules of the State Engineer to access the aquifer for additional appropriation of water. If that is possible at all, we are going to need information from a hydrogeologist confirming that. In addition to that objective, the hydrogeologist would be providing technical knowledge to the City to increase the amount of information we have about the Basalt Aquifer. Although we know a lot, for the purpose of defending the Basalt Aquifer as a water resource, should other appropriators seek to develop water from that aquifer and other matters, this hydrogeologist by the name of Kurt Swanson would be responsible for that. He added that the City would be able to use this as an archive of technical data for City

staff. He recommended approval of this agreement and authorization for the Mayor to execute the contract.

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.

Mayor Tedford recommended a motion to retain Farr West Engineering to summarize and produce all relevant data regarding the Basalt Aquifer's production capacity and sources and extend a recharge to the aquifer for the purpose of protecting the Basalt Aquifer as a water resource and for possible further development of the water supply for the City from that Basalt Aquifer, in an amount not to exceed \$24,000.00.

Councilwoman Frost motioned to approve an agreement between the City of Fallon and Farr West Engineering to summarize and produce all relevant data regarding the Basalt Aquifer's production capacity and sources and extend a recharge to the aquifer for the purpose of protecting the Basalt Aquifer as a water resource and for possible further development of the water supply for the City from that Basalt Aquifer, in an amount not to exceed \$24,000.00 and authorize the Mayor to sign the same; seconded by Councilman Erickson and approved with a 2-0 vote by the Council.

### **Public Comments**

Mayor Tedford inquired if there were any public comments.

No public comments were noted.

### **Council and Staff Reports**

Mayor Tedford inquired if there were any Council or staff reports.

Councilman Erickson complimented the staff at the City's animal control facility; it was very clean and well-maintained. He added that the alley behind the property located at 1919 Grimes Street has developed some holes that need to be filled.


### **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 9:41 a.m.

  
\_\_\_\_\_  
Mayor Ken Tedford

Attest:   
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Gary C. Cordes, City Clerk/Treasurer