

**MINUTES  
CITY OF FALLON  
55 West Williams Avenue  
Fallon, Nevada  
August 19, 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, James D. Richardson  
City Councilwoman, Kelly Frost  
City Councilwoman, Karla Kent  
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  
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.

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

**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.

## **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 Kent 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.

## **Consideration of application by Megan Parrish-Chenoweth for a cabaret license for The Twisted Branch to be located at 355 West First Street/111 South Taylor Street**

City Engineer Zimney explained that Megan Parrish-Chenoweth, general manager/owner of The Twisted Branch, has made application for a cabaret license for The Twisted Branch, to be located at 355 West First Street/111 South Taylor Street. A cabaret license is a privileged license that allows the licensee to provide live entertainment or dancing at the establishment. The application has been reviewed by Chief Kevin Gehman, City Engineer Derek Zimney, Fire Marshal Mitch Young, and Deputy City Attorney Leonard Mackedon and has been recommended for approval.

Mayor Tedford inquired if the Council had any questions for City Engineer Zimney, Chief Gehman, or Deputy City Attorney Leonard Mackedon.

Councilwoman Kent asked if it was a requirement for cabaret licensees to end their events at 10:00 p.m.

City Engineer Zimney stated, for this specific application, it was recommended that outside music be required to end at 10:00 p.m.

Mayor Tedford stated that the Council could put limitations on a cabaret license and those recommendations could come from staff; but Council could make them more stringent, less stringent, or add any that they want to add.

Councilwoman Frost inquired as to the occupancy limit for inside the building and outside the building.

City Engineer Zimney stated that his understanding was that the owner, Ms. Parrish-Chenoweth, has worked with Fire Marshal Young and come up with occupancy numbers. He did not have those numbers as of yet.

Councilwoman Kent stated that she had heard of some citizens complaining about late night music. She asked City Engineer Zimney if he was aware of that.

City Engineer Zimney stated that he was unaware of any complaints.

Councilman Richardson asked City Engineer Zimney if the City had received any calls or correspondence concerning this cabaret license hearing.

City Engineer Zimney stated that he did not receive any calls or correspondence.

Mayor Tedford clarified for the record that this was not a hearing process, just an application process, so notices do not go out.

Deputy City Attorney Leonard Mackedon explained that this is slightly different than a variance where the neighborhood within a certain amount of feet would be notified. This is a straight application from the business owner and the only notice to the public would be the agenda itself.

Councilwoman Kent asked if citizens do call in and complain, would they take precedence over the cabaret license.

Deputy City Attorney Leonard Mackedon explained that it would be up to the Council to weigh the veracity of the complaint versus the benefit to a business owner. The Council always has the authority to revoke the license in the event that anything becomes a nuisance. That is what becomes the carrot for the Council and the stick for the business owner.

Mayor Tedford added that the Chief could also speak to that, but generally what has happened in the past is, if there are complaints anywhere that someone holds a privilege license, like liquor or cabaret, the police go and tell them that they have to quit doing what they are doing and then they quit doing it. If complaints are received over and over again, then they show up here and the Council either alters what they are doing or revokes what they are doing. He did not remember a time when a license holder did not comply with the police recommendation to do something different, something that does not affect the neighborhood.

Chief Gehman concurred with Mayor Tedford. If there is a complaint, officers will go and visit and if they do not do something to mediate the concern then we can always bring the recommendation back to Council but, as the Mayor stated, for the most part, businesses take immediate corrective action. If it does become an area of engagement with the community over there, then officers will visit, perhaps do some limitations and ask for some compliance. In the past, that has occurred and worked out fine.

Mayor Tedford inquired if the Council had any comments or questions for Ms. Parrish-Chenoweth.

Councilwoman Frost asked Ms. Parrish-Chenoweth what her occupancy limits were.

Ms. Parrish-Chenoweth stated that, inside the building: standing room is 150, with chairs and tables it is 56. The outdoor occupancy is 50 for the outdoor area, not specified for standing or with chairs and tables.

Councilwoman Frost asked where she would be pointing the speakers in her music area, since it is behind the shed in the back, more on the south side of the property. Most of the residential areas are on the south side, would she be pointing the speakers north.

Ms. Parrish-Chenoweth stated that she would probably aim the speakers toward the south because that is where the 355 West First Street building is, but the majority of the music is acoustic. If anyone rents the space, it is listed in the contract that they have to start picking up at 9:30 p.m. and the music is off at 10:00 p.m. That is the same rule as when she hosts on the property as well.

Councilwoman Frost confirmed that she would not have a five-piece heavy metal band blasting the neighborhood.

Ms. Parrish-Chenoweth stated that this definitely was not a venue that would host that type of music.

Mayor Tedford noted that, off the alley, on the east side, you have lots of residents, not just south. The south is really further because of the vacant lot. Northwest, there is a small residential space next door to Jack-in-the-Box, and on the west side, Ms. Parrish-Chenoweth's building blocks the noise and then Taylor Street blocks the rest of the noise before it gets to that residential side, around Russell Street. He noted that the City hosts concerts in Oats Park, and the

residents along West Park Street and Court Street sit out on their front lawns to listen to the concert. We shut those down at 9:30 p.m. But the further we get from the park, the more complaints we generate due to the speakers, there is also some type of sound vortex to Ideal Mobile Home Park at 750 East Stillwater Avenue and even they can hear the music.

Councilwoman Frost asked if the plan was to have music on just Friday and Saturday nights.

Ms. Parrish-Chenoweth stated that it would mostly be just on Fridays, especially with the farmers market, it could be a nice tie-in to the event, and it ends at 8:00 p.m. This would be seasonal, no outdoor music during winter.

Mayor Tedford reminded that the police department is only a call away if she could not control the people or the music. We have had things occur at the park for our concerts too and the police department is good at diffusing situations.

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

No comments were noted.

Councilwoman Frost motioned to approve the application by Megan Parrish-Chenoweth for a cabaret license for The Twisted Branch to be located at 355 West First Street/111 South Taylor Street with the following restrictions: outside entertainment to be shut down by 10:00 p.m., occupancy to be monitored through a Twisted Branch Special Event Contract that specifies those occupancy rates for both inside and outside the venue as set forth by the Fire Marshal; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

### **Presentation of the Police Department Report for June 2019**

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

- Staff participated in several hours of training.
- Detective Decker provided the indoctrination lecture to newly stationed Navy personnel.
- VIPS donated multiple hours.
- The citizen survey results were positive.

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

No comments were noted.

Mayor Tedford thanked Chief Gehman for the report.

### **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.

Councilwoman Frost thanked Deputy Public Works Director Swirczek's crew for the freshly painted crosswalks, especially around the schools. She also appreciated the efforts of City public works crews and staff during the Community Reunion weekend; it was a major success and an important event for our community.

Councilwoman Kent heard many positive comments about the Community Reunion events.

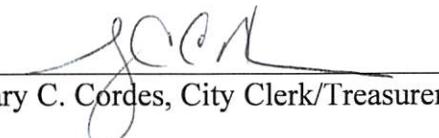
**Executive Session**

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 9:17 a.m.

  
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Mayor Ken Tedford

Attest:   
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Gary C. Cordes, City Clerk/Treasurer