

**MINUTES
CITY OF FALLON
55 West Williams Avenue
Fallon, Nevada
October 7, 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 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.

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.

Mr. Geoff Knell of 261 Serpa Place stated that he has lived in Fallon for almost 21 years and he has not received cooperation in stopping the speeding traffic on his street. The radar

trailer does not stop them. He has witnessed City employees speeding when he walks his dog around the City and when he preaches around the City. He has asked the City Engineer to add a sign advising of the speed limit “at all times” instead of “when children are present” on Serpa Place. People speed to go to the hospital. It has become a main thoroughfare since the Diamond Creek subdivision was built. He stated that drivers roll through stop signs and bicyclists roll through stop signs and he was tired of the lack of enforcement. He says people lie to him and he is tired of it. He just returned from Henderson, where drag queen story hour was taking place. He stated it was men on the sex offender list dressed up as women and they promote the LBGTQ, which is death – slow suicide. It was all done for political motives. This is not a conspiracy, this is fact. He wanted to give a heads up that drag queen story hour was coming here and political parties, especially the Democrats, are the ones advancing this agenda. Like Kelli Kelly, who is running for Churchill County Commission District 3; she is trying to look good on the surface, but deep down she has motives. He preaches at the high school and he knew he was labeled as a crazy man, but he cares about people and loves people. The LBGTQ is a political movement and it is here, and it is by design. They want to take power from Nevada and limit his freedom of speech. They want to eliminate the word of God at all schools. Homosexuality and promiscuity are damaging our country. The LBGTQ is a political movement and it kills, and it causes emotional and financial stress. Senate Bill 788 would restrict his freedom of speech; he could be sued, or he could be put in jail for telling the truth. Other potential bills are even worse, they would not allow him to say the name “Jesus Christ” without being put in jail. He wanted to hold every City official accountable – County and State officials too. They need to stop this foolishness. He asked Councilwoman Frost why she did not knock on his door. The only way someone new comes into this is when someone has to die, like Willis Swan, and that is pretty sad. Nobody cares. He did not know how long Councilwoman Frost’s term was, but he wanted her to know that he is a sweet guy. He does not like the way the United States is headed; he is a veteran and he believed in the Pledge of Allegiance and the Constitution.

Mayor Tedford thanked him for his comments.

Approval of Council meeting minutes for June 3, 2019

Mayor Tedford inquired if there were any additions or corrections to the minutes for June 3, 2019 Council meeting minutes.

No additions or corrections were noted.

Councilwoman Frost motioned to approve the Council meeting minutes for June 3, 2019 as submitted, seconded by Councilman Richardson, Councilwoman Kent stated she would abstain, 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 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.

Public hearing for discussion of possible projects to be funded through the Community Development Block Grant Program for fiscal year 2020-2021

Public Works Director Byrd explained that the purpose of this public hearing is to give citizens an opportunity to discuss the proposed projects submitted to date and to suggest further ideas. The projects listed will be heard at a third and final hearing, which will be held to discuss, approve and rank applications prior to submittal to the State. The CDBG Program is administered by the Department of Housing and Urban Development and is Authorized by Title I of the Housing and Community Development Act. The primary objective of the Community Development Block Grant Program is the development of viable communities by providing decent housing, suitable living environments, and expanding economic opportunities principally for persons of low and moderate income. The Governor's Office of Economic Development anticipates the amount of 2020 allocations at \$3,336,990 for rural Nevada. The projects discussed during this public hearing could be eligible for evaluation and ranking by the City Council during the third and final CDBG hearing. A Notice of Public Hearing, which was posted on or before September 23, 2019, included a new Fixed Base Operator facility at the Fallon Municipal Airport. To date, a new Fixed Base Operator facility is the only project listed as a priority for application.

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.

Mr. Geoff Knell of 261 Serpa Place asked if this grant request was for public housing.

Mayor Tedford stated that it was not.

Mr. Knell said thank you.

No further public comments or questions were noted.

Consideration and possible approval of a professional services contract with Frank Woodliff, III, AIA, for preliminary and design development work, construction drawings, and bidding and job observation for a new Fixed Based Operations facility at the Fallon Municipal Airport for the total fixed fee of Thirty-Seven Thousand Eight Hundred Eighty Dollars (\$37,880.00)

Legal and Administrative Director Erquiaga explained that City staff sought and received the attached proposal from Frank Woodliff, III for architectural services for the construction of a new Fixed Based Operations ("FBO") facility at the Fallon Municipal Airport. This has been a goal for a while now. After discussions with Mayor Tedford and Churchill County Commission Chairman Pete Olsen, this idea moved toward reality. A new FBO facility would provide meeting space, 24-hour access to restroom facilities, areas for pilots to develop flight plans and check weather conditions, and office space for the Fixed Based Operator. We discussed a potential CDBG application and to speed up the process, we sought out this proposal. The new facility would serve as the hub for economic development meetings and opportunities and would provide a positive first impression for people utilizing the airport and the new meeting space.

This proposal is broken down into three categories. The actual design of the building with the architectural fees for phase 1, this is required for us to meet the CDBG application guidelines and would be a good stopping point in the project, as we make the application to CDBG and, hopefully it is successful, and then we would be able to engage Mr. Woodliff for the rest of this proposal which includes proceeding with full construction documents and drawings for phase 2, and ultimately phase 3, seeing this project through construction. We have had very good conversations with Chairman Olsen and Churchill County Manager Jim Barbee about this project and they are fully committed to it and intend to take it before the Churchill County Board of Commissioners soon to evaluate sharing costs, as Chairman Olsen and Mr. Barbee are committed to splitting the fees with the City, and we are hopeful the rest of the Board will see the same value in this project. The cost before the Council today is \$37,880.00 and that amount would be split with Churchill County if the Commissioners are on board with that.

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

Councilman Richardson noted that it is a good idea to move forward with this proposal as a companion to a CDBG request and it shows a partnership with Churchill County too.

Legal and Administrative Director Erquiaga concurred with both of those points. Adding a full design that CDBG can see, visualize the facility, and the areas of opportunity this would bring, especially for economic development related functions. We did the same thing with the Front Street reconstruction project; we had a solid design that we were able to present and that certainly makes a difference. Churchill County's participation certainly helps, even if it is just financial; we have not yet discussed in detail with Churchill County what their desire is in the CDBG cycle but we will have that conversation, to see if they would like to submit a joint application with us. In either case, they are committed to this project.

Councilwoman Frost inquired as to the estimate of the square footage of the facility.

Legal and Administrative Director Erquiaga stated that we are starting at an approximately 2,000 square foot range, but that may be adjusted as the design stage progresses.

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

Mr. Geoff Knell of 261 Serpa Place stated that he was in support of this project. He worked around aircraft for many years. He asked if there were plans to redo the runway to accommodate heavier, commercial aircraft.

Mayor Tedford advised that we have been discussing that for years and all our consultants tell us we are pretty limited as to what will land here; even if we extended the runway, we would probably not get anything larger than what lands there now. So, it probably will not happen.

No further public comments were noted.

Councilman Richardson motioned to approve a professional services contract with Frank Woodliff, III, AIA, for preliminary and design development work, construction drawings, and bidding and job observation for a new Fixed Based Operations facility at the Fallon Municipal Airport for the total fixed fee of Thirty-Seven Thousand Eight Hundred Eighty Dollars (\$37,880.00); seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible approval of a Consulting Agreement for professional services with Erickson Consulting, LLC for financial and other consulting services in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) per month

Legal and Administrative Director Erquiaga explained that City staff has been in discussion with Bob Erickson of Erickson Consulting, LLC regarding potential consulting on

matters concerning the financial affairs of the City of Fallon and the proprietary enterprises owned and operated by the City of Fallon. Mr. Erickson has been either directly or indirectly involved in the government and financial operations of the City of Fallon and its proprietary enterprises for the past 30+ years, having served as Mayor, City Councilman, a lobbyist, and a member of the City's Audit Committee, among other roles. Mr. Erickson has a strong banking/financial background and, through his decades of experience at the City, has developed a knowledge and understanding of the City's financial affairs that is second to none. If approved, Mr. Erickson would provide consulting services at the direction of the Mayor and City Council on important matters relating to budgets, audits, budget augmentations, operations and management of the City's proprietary enterprise funds, Nevada tax law, and any other matter deemed appropriate.

City Attorney Mike Mackedon stated that the Council has had an opportunity to review the proposed agreement and the Request for Council Action in the agenda packet was prepared by Legal and Administrative Director Erquiaga. The discussion portion of that form is very satisfactory in terms of a general description. He wanted to emphasize certain aspects of the agreement that are important for the Council to consider as they make a decision regarding this agreement. First, this is an agreement for professional services which means it does not require a bid. This is not the type of contract that would require a bid – a bid would not even be allowed. There are not a lot of people that are well acquainted or prepared to speak on matters that Mr. Erickson would be giving advice about. Public finance, as opposed to commercial finance or private finance, is a rather narrow field. In this case, there would be no one that would be qualified like Mr. Erickson. The agreement presented today is between the City of Fallon and Erickson Consulting, LLC which is a limited liability company that Mr. Erickson has formed so that he can function as a consultant. Paragraph 8 acknowledges that services contemplated by this agreement require his personal attention, owing to the particular background for which his knowledge and expertise that the City is relying on. This agreement is for two years and can be terminated without cause on five days' notice without penalty to anyone. The only requirement would be that the City would compensate Mr. Erickson for any work performed or any expenses incurred up to the moment of termination. It is also important for the record to reflect that Mr. Erickson, who has been a Mayor of this City, a City Councilman for many years, a lobbyist for the City, a member of the City's Audit Committee, and at one point in time, an interim Churchill County Commissioner – so he has intimate knowledge of the affairs of this City. Having said that, and reminding the Council that he had been a Mayor and City Councilman and only recently retired from that position, owing if nothing else, to term limits; he would not be acting nor should he be considered as returning in the capacity of a Councilman. We have a Council, and they are all elected. Mr. Erickson is here to give expert advice as it is needed. The agreement provides for basic services, it is not specific because it is very hard to identify in contract form what the precise nature of advice and consulting that is needed at a particular time, but he believed the agreement was well written in terms of giving a definition of basic services and Mr. Erickson's company would be paid a retainer, \$2,500.00 per month, for services. There is a provision in the agreement for more extraordinary services, anticipating an occasion where we may require Mr. Erickson to travel or to attend meetings or conferences with a Council member or on behalf of the Mayor, though not in the equivalent position of an elected representative; but that travel is a possibility and in that case Mr. Erickson would be paid by the hour at \$150.00 per hour, which is a reasonable rate for this type of consulting service. Any extraordinary services or expenses would be approved by Mayor Tedford.

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 Kent motioned to approve a Consulting Agreement for professional services with Erickson Consulting, LLC for financial and other consulting services in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) per month; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

Presentation of the Police Department Report for July 2019

Chief Gehman presented the July monthly report. He added that the July 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.
- Volunteers in Police Services donated over 38 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 participated in the Cowboy Fast Draw Shoot last weekend; she congratulated John Riley on his first-place finish and Ryan Swirczek on his third-place finish.

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 9:40 a.m.

Attest:



Gary C. Cordes, City Clerk/Treasurer



Mayor Ken Tedford