

**MINUTES
CITY OF FALLON
55 West Williams Avenue
Fallon, Nevada
November 4, 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
Police Captain, Kris Alexander
Deputy Public Works Director, Adrian Noriega
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.

No public comments were noted.

Approval of Council meeting minutes for July 1, 2019, July 9, 2019, and July 15, 2019

Mayor Tedford inquired if there were any additions or corrections to the minutes for July 1, 2019, July 9, 2019, and July 15, 2019.

No additions or corrections were noted.

Councilwoman Kent motioned to approve the Council meeting minutes for July 1, 2019, July 9, 2019, and July 15, 2019 as submitted, seconded by Councilman Richardson and approved with a 3-0 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 Richardson and approved with a 3-0 vote by the Council.

Presentation of Proclamation for No-Shave November 2019 to support research, awareness, and treatment of prostate and testicular cancer

Mayor Tedford read the following proclamation into the record:

“WHEREAS, among American men, prostate cancer is both the second most commonly diagnosed cancer and the second-leading cause of cancer deaths. Although prostate cancer incidence and mortality rates have declined over the past two decades, it is estimated by the American Cancer Society that there will be 174,650 men with newly diagnosed prostate cancer and 31,620 deaths from prostate cancer in 2019; and

WHEREAS, during National Prostate Cancer Awareness Month, we remember those lost to prostate cancer, offer our support to patients and their families, and highlight our commitment to better prevention, detection, and treatment methods; and

WHEREAS, the City of Fallon, Mayor and City Council has indicated a desire to help support the treatment and awareness of Prostate and Testicular Cancer by promoting a program entitled No-Shave November.

NOW, THEREFORE, I Ken Tedford, Mayor of the City of Fallon, Nevada, do hereby proclaim November 2019 as:

NO-SHAVE NOVEMBER

And by this action, let it be known that the City of Fallon, Mayor and City Council support research, awareness, and treatment of prostate and testicular cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Fallon this 1st day of November 2019.

/s/ Ken Tedford, Mayor

Attest: /s/ Gary C. Cordes, City Clerk”

Mayor Tedford added that this is especially important to him, as he knows men who have been affected by these cancers. Photographs of the Mayor and Council with the display proclamation were taken for the newspaper.

Consideration and possible action to initiate procedures for the deannexation of 11.51 acres, more or less, from the City of Fallon, located at 100 Airport Road, at the request of the property owners, Greg and Eve Holmes

Legal and Administrative Director Erquiaga explained that this is a request to deannex property on Airport Road. What staff is asking the Council to do is give us direction to initiate those procedures which are quite lengthy. If the Council gives staff the go ahead today, we will notify the Churchill County Commission, who in turn must notify the Churchill County Planning Commission, ultimately both of those bodies must take action on the matter and essentially report back to the City Council, who after proper publication, can ultimately make a decision on whether to deannex the property. The letter from Mr. and Mrs. Holmes is included in the agenda packet as well as a survey map that was conducted by Lumos & Associates. We are just asking for a motion to direct us to initiate these proceedings. As staff, we think the request is appropriate. The conditions of the annexation agreement from when the property was annexed would be difficult if not impossible for the Holmes’ to comply with. The original annexation involved other parcels, a common owner at the time, he had a long-term plan to develop some nice one-acre City lots and that is not at all the Holmes’ desire. They intend to build a single-family residence for themselves on the acreage.

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.

Councilwoman Kent motioned to direct City staff to initiate procedures for the deannexation of 11.51 acres, more or less, from the City of Fallon, located at 100 Airport Road, at the request of the property owners, Greg and Eve Holmes; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Public hearing for Bill No. 782: An ordinance providing for the annexation of 7.35 acres, more or less, located at 1044 South Allen Road, owned by Gallagher Safe Storage, LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto

Legal and Administrative Director Erquiaga stated that this item was posted as a public hearing. This would represent an opportunity for the public to make comment or to provide either written comment or other comment prior to this hearing. None of that has been provided; the City has received no comment on the proposed ordinance. This ordinance was introduced at the October 21, 2019 City Council meeting and notice was published in the Lahontan Valley News on October 23, 2019. The proposed ordinance, if adopted, would involve the annexation of approximately 7.35 acres located at 1044 South Allen Road. This item represents the opportunity for public comment and the next agenda item is the item where the Council can discuss and then ultimately take action.

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.

Consideration and possible adoption of Bill No. 782 as Ordinance No. 763: An ordinance providing for the annexation of 7.35 acres, more or less, located at 1044 South Allen Road, owned by Gallagher Safe Storage, LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto

Legal and Administrative Director Erquiaga stated that this is the item for potential Council action. The annexation agreement that is included in the agenda packet has not changed since the City Council meeting on October 21, 2019. The draft ordinance is also included, he and the City Attorney's Office made a couple of amendments, only related to some of the legal requirements we must undertake pursuant to the statute, but the substance of the ordinance, especially as it relates to the annexation itself, has not changed at all.

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

Councilwoman Frost clarified for the record that this would be zoned C-2.

Legal and Administrative Director Erquiaga replied affirmatively.

Councilwoman Frost inquired, if approved, how long the process would take.

Legal and Administrative Director Erquiaga explained that we would notify Churchill County and the Nevada Department of Taxation, probably the longest lead item would be the final publication. Once an ordinance is passed, we must publish it again in the newspaper and, by statute, the ordinance would technically take effect 20 days after publication. We are prepared to undertake that publication and move that process along so by the time that twenty days expires, we will have accomplished the other notices to Churchill County and the Nevada Department of Taxation.

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

No public comments were noted.

Councilwoman Kent motioned to adopt Bill No. 782 as Ordinance No. 763: An ordinance providing for the annexation of 7.35 acres, more or less, located at 1044 South Allen Road,

owned by Gallagher Safe Storage, LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

Public hearing for discussion of possible project(s) to be funded through the Community Development Block Grant Program for fiscal year 2020-2021 and consideration and possible approval and ranking of project application(s) to be submitted through the CDBG program

Public Works Director Byrd explained that the recommended Council action is to discuss public input received on possible projects for the Community Development Block Grant (CDBG) Program for fiscal year 2020-2021 and approve and rank project applications to be submitted through the CDBG program. The City proposes to submit one or more projects to be funded through the CDBG program for fiscal year 2020-2021. This agenda item allows discussion on public input that was received pertaining to the construction of a new Fixed Base Operation (FBO) facility at the Fallon Municipal Airport as well as request approval for the FBO facility to be the project selected for application through the CDBG program. 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 CDBG 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. This Public Hearing is the third and final hearing in the CDBG process. A Public Hearing Notice, which was posted on October 21, 2019, referenced the Fixed Base Operation facility as the only project listed as a priority for application.

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

Councilman Richardson asked if this was a ranking action or an approval action.

Public Works Director Byrd stated that it was a combination of both since there is only one project it would be both the ranking of it being the number one priority and approving it for us to continue with the application process.

Councilman Richardson clarified that the project could be submitted after that.

Public Works Director Byrd said yes.

Councilwoman Frost asked if there was an estimate as to how much we would request in that application if it were to move forward.

Public Works Director Byrd stated \$500,00.00.

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

No public comments were noted.

Councilman Richardson motioned to approve the Fixed Base Operation Facility project at the Fallon Municipal Airport, as outlined, for submission as well as rank the Fixed Base Operation Facility project as priority; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible approval of an amended Engagement Letter with Eide Bailly to provide for additional audit fees in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) in order to complete the single audit of the City's major federal award programs compliance

Legal and Administrative Director Erquiaga explained that this item is seeking the Council's approval of additional audit fees. Eide Bailly are the auditors appointed by the City Council on March 4, 2019 to conduct the fiscal audit. Discussion was held at that meeting about the impending necessity for this single audit but no conversation at that time was held about the additional fees. That was deferred until Eide Bailly was actually here and certain that the single audit would have to proceed. Eide Bailly was here the last couple of weeks completing their field work and they have identified the necessity for that single audit, and they have identified additional fees in the amount of \$4,500.00 to complete it. We are asking the Council to approve the amended Engagement Letter. The need for that single audit was triggered by the City's impressive success in getting grants from the federal government for several projects and since we met the threshold, we have to undertake this additional audit.

Mayor Tedford stated that we should allow for this the next time we do the audit request.

Legal and Administrative Director Erquiaga stated that could be added next time.

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.

Councilwoman Frost motioned to approve an amended Engagement Letter with Eide Bailly to provide for additional audit fees in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) in order to complete the single audit of the City's major federal award programs compliance; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

Consideration and possible approval of a Permit for Use of Fallon Rail Freight Loading Facility Newlands Project, Nevada granting permission for Premier Chemical, LLC to use the Fallon Secured Rail Freight Loading Facility

Legal and Administrative Director Erquiaga stated that this is a renewed permit with Premier Chemical, LLC (Premier) to use the Fallon Secured Rail Freight Loading Facility. If approved, this would carry a two-year term and the revenue remains the same.

City Attorney Mike Mackedon stated that this represents the continuation of an original lease that goes back to 1990 in the City of Fallon. Very little has changed except now there is a two-year term which gives the Mayor and Council an opportunity to review the permit every two years. There is one financial change and that is Premier must pay at least \$12,000.00 in accumulated payments each year.

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

Councilwoman Frost asked if there had been any major complaints about Premier operating the freight yard in recent years.

City Attorney Mike Mackedon stated that Public Works or perhaps the City Clerk's Office may know of anything that has occurred recently, but in the past, to his knowledge, there were complaints about how operations were taking place at the freight yard and the City had responded on each occasion by seeing what the complaint was about and then contacting the

company. Premier is the permittee, but they have a contract with Hert Trucking and the trucking company has an obligation within this permit and on every occasion, they have responded with improved operations and he had not personally been made aware of any recent complaints.

Mayor Tedford noted that historically, there had been complaints and we had responded to them very quickly and Premier had also been responsive, but lately there have not been any complaints. If we do receive them, we will respond quickly just as we have in the past.

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

No public comments were noted.

Councilwoman Frost motioned to approve a Permit for Use of Fallon Rail Freight Loading Facility Newlands Project, Nevada granting permission for Premier Chemical, LLC to use the Fallon Secured Rail Freight Loading Facility; seconded by Councilwoman Kent 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

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

Councilwoman Frost thanked the Fallon Police Department for the escort out of town for the Churchill County High School Tennis Team as they traveled to compete in the 3A State Tournament. She added that Alvaro Trillo, a senior, finished third in the tournament in the boys' singles event which is a pretty amazing accomplishment so she would like to congratulate him.

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 9:36 a.m.



Mayor Ken Tedford

Attest: 

Gary C. Cordes, City Clerk/Treasurer