

**MINUTES  
CITY OF FALLON  
55 West Williams Avenue  
Fallon, Nevada  
April 20, 2020**

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  
Legal & Administrative Director, Robert Erquiaga

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.

Legal and Administrative Director Erquiaga advised that the agenda was posted in compliance with Governor Sisolak's Declaration of Emergency Directive 006, the agenda was posted on the City's website and the State of Nevada's public notice website. All the supporting material was posted on both of those websites as well.

Mayor Tedford explained for the record that we are holding a different kind of meeting than how we have held meetings through all these years. It is just Mayor and Council along with Legal and Administrative Director Erquiaga and Valerie Swirczek taking minutes in the Council Chambers today. No other staff will be in the Chambers. Legal and Administrative Director Erquiaga will handle agenda item 6 and we have an open phone line to the public so they can listen in and make public comments. This is new so we will try to do the best we can under the circumstances that we are dealt with due to COVID-19 and distancing requirements as required by the CDC, our Governor, and our President.

**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.

Mayor Tedford added that if someone is trying to make a comment and somehow this system that we have in place is not cooperating, they can call the City Clerk's Office at 775-423-5104 and they will get a message to us that someone is trying to make a comment and we will address it.

### **Approval of Council meeting minutes for April 6, 2020**

Mayor Tedford inquired if there were any additions or corrections to the minutes for April 6, 2020.

No additions or corrections were noted.

Councilwoman Frost motioned to approve the Council meeting minutes for April 6, 2020 as submitted, seconded by Councilwoman Kent 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.

Councilman Richardson motioned to approve the accounts payable, payroll and customer deposit warrants and authorize the Mayor to sign the same; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

### **Consideration and possible approval of an application for a zone change submitted by MyWay Investments, LLC for three parcels of land located on Kaiser Street, Fallon, Nevada identified as APN #001-251-59, 001-251-60 and 001-251-61, from their current zoning of R-1 Single-Family Residence District to C-1 Limited Commercial District**

Legal and Administrative Director Erquiaga explained that MyWay Investments, LLC submitted an application for a zone change on March 12, 2020 for the three parcels of land identified in the agenda title. The parcels were previously zoned C-1 and R-C, but that zoning was changed to R-1 at the June 20, 1995 City Council meeting upon the request of the previous owner of the parcels. MyWay is seeking a zone change for all three parcels from R-1 Single-Family Residence District to C-1 Limited Commercial District. The parcels are surrounded by property zoned R-2 Limited Multiple Residence District, LI Light Industrial District, C-1 Limited Commercial District and C-2 General Commercial District. Notice of the application for a zone change and of the time and place of this public hearing was mailed on March 31, 2020 to the applicant and to all property owners within a radius of three hundred feet (300') of the exterior limits of the parcels proposed for change. Notice was also published in the Lahontan Valley News on April 8, 2020. The agenda packet contains a number of materials, including the actual request letter from MyWay Investments, a copy of a zoning map to give the Council an idea of those surrounding parcels and their zones, a copy of the letter that was mailed to the

surrounding property owners, a list of which property owners the letter went to, and a copy of the proof of publication in the Lahontan Valley News. We allowed people to make comment by contacting him or Deputy City Clerk Lee. We received one call from Mr. Elbert Bergmans; he called in and spoke with City Engineer Zimney on April 10 and then Mr. Bergmans spoke with Legal and Administrative Director Erquiaga. Mr. Bergmans wanted the Council to know that he was opposed to the rezone. He was worried that a commercial zoning would impact his single-family residence. He lives in the group of single-family residences that would be just west of the top parcel that happens to be zoned C-1 but contains single-family residences. Legal and Administrative Director Erquiaga added that he spoke to another citizen that was not necessarily for or opposed, she just wanted to make sure she knew what was occurring. That was the extent of comment the City received.

Mayor Tedford provided an overview of how the City has handled zone changes in the past. We are very careful in how we do these. We do not do them very often; City staff usually talks to the individuals and discusses in a positive or negative manner should they consider coming to Council. Years ago, the US Supreme Court handed down a decision on spot-zoning, whether a Council could move a zone into one that was not like surrounding zones; so, the Council stayed away from zone changes. In the past years, the US Supreme Court has really weakened that original decision that they made many years ago. But still, zone changes do not come to us very often. As Legal and Administrative Director Erquiaga stated previously, surrounding this property are most of our zones, kind of a smorgasbord. Even the property the gentleman discussed that he lived in, is C-1 even though R-1 use is within a C-1. The LI zoning used to be M-1 but we created LI zoning because it certainly was not for heavy industrial use. It was for a limited industrial use, so the Council saw a vision for that zoning years ago. Even under the original version of the US Supreme Court decision for spot zoning, this is not it because of all the zonings that surround this. He stated that he was comfortable with it today, as he would have been with it years ago under that ruling. He wanted to provide an idea of how zone changes were looked at: very careful not to do them unless they were certainly required and even then, very carefully.

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

Councilwoman Frost confirmed that the parcels were originally zoned C-1 and R-C.

Legal and Administrative Director Erquiaga replied affirmatively.

Councilwoman Frost asked which parcels had the original zoning.

Legal and Administrative Director Erquiaga stated that the largest parcel, which is furthest south, was originally zoned R-C and the other two were originally zoned C-1.

Councilwoman Frost stated that she had driven around that neighborhood to look at what was already there and she thought the requested zoning was appropriate because it was previously zoned C-1 and R-C, and looking at what is in the area, it would be a very appropriate zone change.

Mayor Tedford called for a brief recess at 9:13 a.m.

Mayor Tedford returned the meeting to an open session at 9:15 a.m.

Councilwoman Kent inquired as to the definition of R-C zoning.

Legal and Administrative Director Erquiaga explained that R-C zoning is a transitional zone, from residential to commercial districts, so it allows a little more in the line of commercial than what would be allowed in a residential zone, but not as much as what would be allowed in a C-1 or C-2 zone. It is oftentimes used as a transition from a residential district to a commercial district.

Mayor Tedford added that R-C is a step down from R-1, which is strictly single-family dwellings. You could have other things in R-C that are not allowed in R-1.

Councilwoman Kent asked if the person that complained lived in the C-1 zone that is next to the parcels requesting the zone change.

Legal and Administrative Director Erquiaga replied affirmatively.

Mayor Tedford stated, with due respect to the person that complained there, he did not think it would have an effect on them. If he did, he would be more hesitant. He asked Legal and Administrative Director Erquiaga for his thoughts.

Legal and Administrative Director Erquiaga noted that the potential use identified in the request by MyWay Investments are in line with what is occurring in that neighborhood. When you think about the other side of those residences, with LI zoning, the potential for something to occur over there that would be more impactful to a single-family residence would be much higher than what would occur in the C-1 zone, if approved. Even more specifically, if they get the zone change, they are free to do anything under C-1, but the request is to do some storage sheds and possibly some apartments or multi-family dwellings. That does seem to be in line with the activities that are occurring in and around that neighborhood and specifically those houses.

Councilwoman Frost confirmed that access to these parcels is only off Kaiser Street, there is no access from Grimes Street.

Legal and Administrative Director Erquiaga stated that was correct.

Mayor Tedford noted that there are C-2, LI, R-2, and C-1 surrounding these parcels. The R-1 is within the C-1 surrounding it. Even though the gentleman is living in R-1, he is in a C-1 area. He inquired if there were any public comments or questions.

Mr. Milton Wallace of 1205 Rancho Drive stated that he just wanted to reiterate that on the original zone change in 1995, it was the intent of his mother and her brother, Marshall Perry to build a single unit apartment complex on the large parcel in the back. When they did the parcel map, they were going to develop commercial in the front and have the apartment project in the back. That was the original plan. They now have three people looking at the property and they want to do a good project for the City, plus he did not think anyone around the neighborhood would object to it once it was done. He did not have any further comments.

Mayor Tedford thanked him for his comments.

Councilwoman Frost motioned to approve an application for a zone change submitted by MyWay Investments, LLC for three parcels of land located on Kaiser Street, Fallon, Nevada identified as APN #001-251-59, 001-251-60 and 001-251-61, from their current zoning of R-1 Single-Family Residence District to C-1 Limited Commercial District; 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.

No Council or staff reports were noted.

**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 9:22 a.m.

Attest:   
Sean Richardson, City Clerk-Treasurer

  
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Mayor Ken Tedford