# AGENDA CITY OF FALLON – CITY COUNCIL 55 West Williams Avenue Fallon, Nevada June 15, 2020 – 9:00 a.m.

The Honorable City Council will meet in a regularly scheduled meeting on June 15, 2020 at 9:00 a.m. in the City Council Chambers, 55 West Williams Avenue, Fallon, Nevada.

Items on the agenda may be taken out of order. The Council may combine two or more agenda items for consideration. The Council may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Unless otherwise allowed by the City Council, public comments by an individual will be limited to three minutes.

- 1. Pledge of Allegiance to the Flag.
- 2. Certification of Compliance with Posting Requirements.
- 3. Public Comments: 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. (For discussion only)
- 4. Consideration and approval of Council meeting minutes for May 18, 2020, May 20, 2020, and June 1, 2020. (For possible action)
- 5. Approval of Warrants: (For possible action)
  - A) Accounts Payable
  - B) Payroll
  - C) Customer Deposit
- 6. Consideration and possible approval of a proposed parcel map submitted by the Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009, creating two (2) new parcels on South Maine Street and setting the zoning for the new parcels as C-2, General Commercial District, adjusting the boundaries of an existing parcel fronting East Center Street and South Nevada Street, and dedicating a non-exclusive public access and public utility easement to the City of Fallon for portions of the alley running north-south connecting East Williams Avenue and East Center Street and located between South Maine Street and South Nevada Street. (For possible action)
- 7. Consideration and possible approval of an application by the Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009, to vacate a portion of the alley running north-south connecting East Williams Avenue and East Center Street and located between South Maine

Street and South Nevada Street in favor of a non-exclusive public access and public utility easement. (For possible action)

- 8. Consideration and possible approval of a Professional Services Contract with Atkins North America, Inc. for completion of a cultural resources survey for the Fallon Municipal Airport, in an amount not to exceed Twenty-Nine Thousand Nine Hundred Forty-One Dollars (\$29,941.00). (For possible action)
- 9. Presentation of the Police Department Report for May 2020. (For discussion only)
- 10. Public Comments (For discussion only)
- 11. Council and Staff Reports (For discussion only)
- 12. Executive Session (closed):

Discuss Litigation Matters (For discussion only)(NRS 241 et.seq.)Negotiations with Operating Engineers Local Union No. 3(For discussion only)Negotiations with Fallon Peace Officers Association (For discussion only)

Pursuant to Governor Sisolak's Declaration of Emergency Directive 006 entered on March 22, 2020, and extended by Emergency Directive 016 entered on April 29, 2020, by Emergency Directive 018 entered on May 7, 2020, and by Emergency Directive 021 entered on May 28, 2020, this agenda has been posted on or before 9:00 a.m. on June 10, 2020 to the City's website (https://fallonnevada.gov) and the State of Nevada public notice website (https://notice.nv.gov/). Members of the public may request the supporting material for this meeting by contacting Elsie M. Lee, Deputy City Clerk, at (775) 423-5104 or <u>elee@fallonnevada.gov</u>. The supporting material for this meeting is also available to the public on the City's website (https://fallonnevada.gov) and the State of Nevada public notice.nv.gov/).

buttfor Elsie M. Lee

NOTICE TO PERSONS WITH DISABILITIES: Reasonable effort will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call the City Clerk's Office at 423-5104 in advance so that arrangements may be conveniently made.

# June 15, 2020

# Agenda Item 4

Consideration and approval of Council meeting minutes for May 18, 2020, May 20, 2020, and June 1, 2020. (For possible action)

## MINUTES CITY OF FALLON 55 West Williams Avenue Fallon, Nevada May 18, 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 Police Chief, Kevin Gehman Deputy City Attorney, Trent deBraga

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, and as extended by Directives 016 and 018, the agenda and the supporting materials were posted on the City's website and the State of Nevada's public notice website on or before 9:00 a.m. on May 13, 2020.

### **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 April 20, 2020

Mayor Tedford inquired if there were any additions or corrections to the minutes for April 20, 2020.

No additions or corrections were noted.

Councilwoman Frost motioned to approve the Council meeting minutes for April 20, 2020 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 Kent 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.

### Nevada Census 2020 update by Regional Coordinator Garrett R. Kalt

Mayor Tedford explained that Mr. Kalt was unable to attend this meeting so this agenda item would be withdrawn. He added that the census was going well. He believed that we were in second place in the total response rate for cities in Nevada. We are less than 1% behind Henderson so we need to get the word out because he challenged the Mayor of Henderson to a friendly competition, so we need to be first. Fallon is doing well in census response and we hope to do even better. This spurred some other friendly competitions; Fernley has now challenged Mesquite. The census response just takes a few minutes, so it is easy to do to help our City.

Possible introduction of Bill No. 783: An ordinance adding a new Chapter to Title 9, Subtitle II – Offenses Against the Person, of the City of Fallon Municipal Code in order to establish a City misdemeanor offense of "Battery Which Constitutes Domestic Violence," along with corresponding penalties, and for other matters properly related thereto. (This agenda item is for possible introduction of the proposed ordinance only. If introduced, a public hearing on the proposed ordinance will be set for June 1, 2020 at 9:00 a.m. and no further action can or will be taken at this meeting. At the public hearing, which will be properly noticed and advertised in the Lahontan Valley News, the City Council will take comment and then consider possible adoption of the ordinance as introduced or amended.)

Legal and Administrative Director Erquiaga explained that we are asking a member of the Council to consider introducing Bill No. 783. If introduced and ultimately passed, it would create a separate and local offense of domestic battery. This would provide Deputy City Attorney Trent deBraga, Deputy City Attorney Leonard Mackedon, and himself, an important additional tool in Municipal Code to properly analyze and handle domestic battery cases that we see. As the Council knows, Municipal Court oversees misdemeanors that occur within the City and we typically run into either first or second offense misdemeanor domestic batteries. We spent quite a bit of time discussing this issue and how best to proceed with misdemeanor domestic battery prosecutions in light of the Nevada Supreme Court's decision where they declared a domestic battery, even a misdemeanor, as a serious offense, which entitles somebody to a jury trial if they are charged with the offense. This additional tool will provide us the ability to really evaluate cases that could fall

into a couple of different categories wherein if charged with the local offense, we would be able to proceed with a trial just by Judge which was our typical practice in Municipal Court. It has become more apparent that we need this additional offense, or this additional tool, considering our current circumstances. It is hard to foresee when we would be able to call a jury pool and bring them into a courtroom. Every court in America is struggling with that right now. In discussing this with Deputy City Attorney deBraga, there are a series of domestic battery cases that are getting stacked up on the docket that really have no hope of getting resolved anytime soon. As we talked about that being six months or a year out, we do not believe that justice delayed to that extent is a positive or gives us the ability to properly intervene in the appropriate circumstances. Ultimately, if this ordinance is passed, this will give us the ability to proceed to charge cases under our Municipal Code versus the State Statute and we do believe that in the right circumstances there are cases that would be the right fit for the Municipal Code and we would be able to get those adjudicated in a more timely manner than those waiting for jury trials. This would not take away our ability to have a jury trial and we do not intend for it to be that. Right from the start, when we discussed this and the Supreme Court's decision with Mayor Tedford we intended to carry out our duty that the Supreme Court laid on us to have jury trials and we still intend to do that in the right circumstances and when it is safe to do so. In the interim, this gives us that other opportunity. As Mayor Tedford mentioned, this was just for introduction. If it does get introduced, we will have a public hearing and the ability to discuss it further as well as to take public comment at that time. Both he and Deputy City Attorney deBraga were available to take any questions about the proposed ordinance.

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

Councilwoman Kent confirmed that it is the prosecuting attorney that determines what level the person would be charged with.

Legal and Administrative Director Erquiaga explained that it really could be both. The arresting officer and the Police Department would have the initial review, so if they were to respond to an alleged domestic battery they would have a choice, if this was available, to either charge under the Municipal Code or the State Statute. But ultimately, the decision on what charge would proceed in court would be up to the prosecuting attorney.

Councilwoman Kent asked Chief Gehman what his feelings on this proposed ordinance were.

Chief Gehman stated that under current circumstances it was probably appropriate. It gives more options for a prosecution to get handled quicker than maybe sitting on a docket until we have time to do a jury trial. He thought Legal and Administrative Director Erquiaga was right on with his analysis of being able to mete out justice when someone gets charged with domestic violence that we can bring that to a fruition and introduce whatever services or incarceration if that is required. He believed this would give us an additional option that we would not otherwise have for quite some time.

Councilman Richardson commented on the arresting officer on the scene. In his opinion, he did not think the decision on what to charge should be made at that time. Ultimately, it should be the prosecuting City Attorney because the officer on the scene would only have so much information and to make a determination what route that this charge would be at that time was premature.

Legal and Administrative Director Erquiaga agreed, if the officer on the scene makes an arrest, which State law requires under certain circumstances, they have to make an election at that point of which charge to list it under, so this would give them the ability to cite either under the

Municipal Code or State Statute. We took the extra step in the ordinance – it is probably redundant or overkill – but the ordinance does contain a provision that if you get arrested under the Municipal Code that you are not to be admitted to bail prior to 12 hours. There is a State Statute that covers that and it would apply if the Council adopted the ordinance but we thought that it was important; the point being, no matter which option the officer selects in the field, the initial proceedings would be no different, and then by the time it gets to the prosecutor's office, he or Deputy City Attorney deBraga would certainly be the ultimate decider on which we would proceed with. So, no matter what the officer arrested them under, and that would be true for really any offense, we would still have the ability to either amend or dismiss or change the charge, as necessary. Domestic battery is a little more complicated because the law requires officers in the field to arrest people if certain circumstances are met. It also requires us as prosecutors to move forward if certain circumstances are met. So, our hands are more tied in these offenses than others, but in any event, it is ultimately going to be the prosecutor's decision.

Councilman Richardson thanked Legal and Administrative Director Erquiaga, he wanted to make that clear and put it on record that it would be a thorough vetting process. He added that the ordinance covers that and explains it very well. It is a little bit of overkill, but we want to make sure we have all the options and we are meeting all the requirements.

Legal and Administrative Director Erquiaga concurred, adding that we certainly did not want to provide any loopholes where somebody might be able to be admitted to bail sooner just because Municipal Code was chosen versus the State Statute. We were concerned enough with that to put it into the ordinance and make that clear.

Mayor Tedford asked which other cities have put this tool in their toolbox.

Legal and Administrative Director Erquiaga stated that Las Vegas, North Las Vegas, and Henderson adopted this ordinance or one very similar to it. Their discussion was somewhat similar to ours today. Theirs were a bit more reactionary, not in a negative way, they were looking at dockets that had hundreds if not thousands of domestic batteries pending and to find out that Municipal Courts had to hold jury trials when their facilities were not equipped, they had never done it before, and it is not just a matter of flipping a switch. The day the Supreme Court decision was issued, Deputy City Attorney deBraga was at a prosecutor's conference and he forwarded the information. Later that day, he, Mayor Tedford and Public Works Director Byrd, and Deputy Public Works Director Swirczek were in the Municipal Courtroom looking at it from a facility standpoint. Then you think about what it takes logistically to even impanel a jury, whether it be the systems that are involved, actually getting people to show up, and walking through that process. It was a lot, so he believed those cities were reacting a bit more to that portion of things. In the meantime, we have put in that effort, we have some designs underway where we could potentially make some improvements to better seat and serve a jury. We have worked with District Court; Judge Stockard and Sue Sevon have been really awesome to work with as far as the actual impaneling of a jury. We have assisted them with a bit of a software upgrade, and they are prepared to call jury panels for us. Of course, for them, deciding who lives in the City versus the County was a new aspect, so that required a software change and it will require some process that we will learn a bit more of when we actually have one go forward as to how we identify those people. There is a lot that goes into it and we are prepared to proceed when it is safe to do so. We are prepared to try trials by jury in the cases that it is appropriate. That is a testament to Mayor Tedford's response and getting us prepared to do that. In not running from our duty, we felt we had an obligation to keep these cases and to do what was required and we still intend to do that.

Councilwoman Frost confirmed for the record that this ordinance would not preclude someone from being charged with a felony if it is a very serious domestic violence incident.

Legal and Administrative Director Erquiaga stated that was definitely correct. There are a couple of ways you could get charged with a felony as a domestic battery and this ordinance would not change any of those. If you ultimately get convicted of this offense as a Municipal Code violation it is also enhance-able. So, as you get perhaps a second, or a third, which becomes a felony – a third offense domestic battery – this ordinance would certainly qualify as a previous conviction for those purposes. We are not establishing a loophole as it relates to enhancement either. There are certain offenses, whether domestic battery by strangulation, if a weapon is threatened or used; those would become felonies right away and they would not even come through the Municipal Court and this does nothing to change that.

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

No public comments were noted.

Councilman Richardson introduced Bill No. 783: An ordinance adding a new Chapter to Title 9, Subtitle II – Offenses Against the Person, of the City of Fallon Municipal Code in order to establish a City misdemeanor offense of "Battery Which Constitutes Domestic Violence," along with corresponding penalties, and for other matters properly related thereto.

# Presentation of the Police Department Report for April 2020

Chief Gehman presented the April monthly report. He added that the April incidents and activities were far lower as a result of the lockdown, with fewer personal interactions there were far fewer needs for police services.

- Travel, training, and community engagement events did not take place, as they were restricted.
- Our staff was still operating at a high level with the activities they did have, based on our citizen survey results.

Mayor Tedford inquired if the Council had any comments or questions. No comments were noted.

Mayor Tedford asked that the pages of the submitted report be numbered. He asked Chief Gehman to refer to the page that contains the Crime Summary. He inquired as to what the light pink bar in the graph represented.

Chief Gehman explained that it represented domestic battery; there were 3 in March and 2 in April.

Mayor Tedford thought that number would rise with the Stay at Home order. He asked Chief Gehman to explain that.

Chief Gehman stated that he would have to go back and do an analysis, but he knew that after they receive these numbers, the patrol captain goes through them and double checks them, so he assumed they were accurate. Now all the calls they received that may have been seen through their pass on summaries, may not have risen to the level of domestic violence, it could have been a family dispute or something that would not have risen to that level.

Mayor Tedford still thought that would have increased with everybody staying home.

Chief Gehman stated that was their expectation as well. They have seen an increase in calls that would be more like home-based issues, if he could leave it at that and not get too descriptive. He added that he would be interested to see what May looks like. April may have been sort of a honeymoon stage where the lockdown did not feel that deep yet.

Mayor Tedford stated that he hoped they would not increase; these low numbers were encouraging. He also complemented the department on their rate of citations versus warnings. People do not seem to believe that; they think we give everyone citations every time. Going back many years to Chief Carr's time, he used to tell the low percentage of citations versus the high percentage of warnings and people would just not believe it. Mayor Tedford also reminded the Council that the Animal Shelter Report shows City and County animals and that is actually where they pick the animal up. Churchill County Commission Chairman Jim Regan, many years ago, after looking at the report asked if the animals were stamped "City" and "County," and it was determined that it was the jurisdiction where the animals were picked up. The Police Department assured us the animals were not stamped. Laughter from the Mayor.

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 Kent asked if the City would move into Phase 2 automatically after being in Phase 1 for 14 days; or are we required to return to the Governor, state our case, and be approved to move into Phase 2.

Mayor Tedford stated he would like Legal and Administrative Director Erquiaga to answer this and added that he thought it was whatever the Governor decides is Phase 2. If he were asked, we would go to Phase 2 right now, this minute, but it was not his call. The Governor seemed to indicate that he would reassess it in 14 days when he made his speech, but he said we are one State united in that same speech which meant something to his ears, that 17 counties had to be able to meet the three parameters of: having enough hospital beds for a surge, being able to perform contact tracing, and sufficient PPE in storage. We met all three of those things by 1:00 p.m. Friday, after that speech, which was about two weeks ago. Then we found out that it did not matter that we met it because Governor Sisolak gave a speech the night before saying we were one State united, 17 counties, which was a little frustrating for us because we thought once it was confirmed that we met those three things we would be allowed to open up. Then another parameter popped up, confirmed cases must remain in a downward trend. We know we will have more cases, as testing is increasing. COVID-19 testing is taking place at the Churchill County fairgrounds and it is voluntary and open to the public in a drive-through format. The City is helping them out there too. We are following all the rules we are supposed to be following so that we can show we are compliant.

Legal and Administrative Director Erquiaga added that the Governor will wait at least 14 days and look at all those factors. We have been paying as close attention as we can, even that phone call with the Local Empowerment Advisory Panel (LEAP) Committee last Friday afternoon that he and Mayor Tedford sat in on, at this time there is hesitation to provide a date or even describe what Phase 2 will look like until they are able to sit down with the experts.

Mayor Tedford noted that Governor Sisolak advised of the formation of the LEAP Committee and only talks to counties, not cities. The LEAP Committee consists of Eureka County

Commission Chairman J.J. Goicoechea, Clark County Commission Chairwoman Marilyn Kirkpatrick, Washoe County Commission Chairman Bob Lucey and State-appointed officials. They were to study how we could reopen and analyze the report Churchill County submitted confirming we met all the parameters set forth to begin Phase 1. If they accepted it, it would be forwarded to the Governor's Office for final approval. Churchill County did all that and it was accepted. All the other counties were to submit their reports so we could all move toward Phase 1 and open as one State. Then we learned the LEAP Committee must meet with the MAP Committee, which is the Governor's medical team, and assess every county. Clark and Washoe counties are the largest and have the highest numbers of cases; but we do not have that problem out here. Wesley Harper, the Executive Director of the Nevada League of Cities, has been trying to get a meeting with the Governor but has been unable to secure a meeting. He finally did get a LEAP conference call set up with Mayors, Sheriffs, and County Commissioners. The Police Chief was not invited, but we invited him. Law enforcement was not addressed at all during the conference call. The LEAP Committee gave a presentation of where they were at the time, but it was just throwing a bone to the cities.

Legal and Administrative Director Erquiaga added that there were not many specifics outlined during the call.

Mayor Tedford noted that we do not really know what is going on until the Governor gives a speech. We receive a printout of his remarks afterward and then we figure out what he said in the printout. The rumor mill is that casinos will open June 1, and we do not know to what degree they would reopen. We do not know if it would include restaurants, slot machines, or table games and how the distancing protocols would be implemented. We are hoping we can enter Phase 2 at the end of the month, but we do not know.

### **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 9:52 a.m.

Mayor Ken Tedford

Attest:

Sean C. Richardson, City Clerk-Treasurer

### MINUTES CITY OF FALLON 55 West Williams Avenue Fallon, Nevada May 20, 2020

The Honorable City Council met in a special 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 City Clerk-Treasurer, Sean C. Richardson

The meeting was called to order by Mayor Tedford at 2:00 p.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, and as extended by Directives 016 and 018, the agenda and the supporting materials were posted on or before 9:00 a.m. on May 15, 2020 to the City's website and the State of Nevada's public notice website.

**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.

### Public Hearing on the Tentative Budget for Fiscal Year Ending June 30, 2021

Legal and Administrative Director Erquiaga explained that this was the time set for a public hearing on the tentative budget. As the Council is aware, the City submitted a tentative budget to the Nevada Department of Taxation on April 15, 2020. At that time, we set up a notice of public hearing giving the public an opportunity to comment on the budget. We published a notice in the Lahontan Valley News and the agenda was posted as a typical agenda would be. We have not received any comment. No written comment has been submitted to the City Clerk's Office or anyone else at the City regarding the budget. This meeting is available on the phone and is also open to the public, although it was noted that there was no one in attendance. Typically, this would be the opportunity

to allow the public to weigh in and we could have discussion on the budget itself either in this item or in the next agenda item. The next agenda item actually contemplates potential Council 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 a Final Budget for Fiscal Year Ending June 30, 2021

Legal and Administrative Director Erquiaga explained that what was presented to the Council was the work product of former City Clerk Gary Cordes and current City Clerk Sean Richardson. This has been a unique budget experience. We went through a City Clerk transition in the middle of the process and both Gary Cordes and City Clerk Richardson deserve a lot of credit, especially Gary Cordes for putting in a lot of hard work to get us to this tentative budget and then City Clerk Richardson for picking things up so quickly and being able to work with Gary Cordes while he was still here and put together this budget for the Council's consideration. The COVID-19 situation is ongoing and we have tried to take into account, during every step of this budget from the Mayor on down, to analyze to our best effort and use the best information we have available to us now, to come up with the best tentative budget that we could. We are asking the Council to approve the tentative budget as was submitted to the Nevada Department of Taxation without change. He believed the fiscal year we are about to enter would be one of the most challenging in the history of the City. He will be discussing revenues and expenses quite often with the Mayor and City Clerk Richardson, especially as we spend the next several months trying to get a grip on what our revenues will look like. He noted that City Clerk Richardson is present to answer any questions the Council might have. The highlight of this process - although it has been difficult and the unknowns are very scary - the process itself has been very rewarding working with Mayor Tedford, City Clerk Richardson, and with Gary Cordes. It has been a very rewarding process to get us to this point today.

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

Councilman Richardson asked if we anticipated receiving any federal assistance at our level.

Legal and Administrative Director Erquiaga stated that was one of the topics that we discuss and monitor every day. We are hopeful. We did not go into this budget process counting on any federal assistance, we may be in a world of hurt if we did that, but he and Mayor Tedford have been on innumerable phone calls, and we are utilizing our consultants - especially the Porter Group - we get updated information at least weekly if not more often, on every federal avenue available and we are hopeful that some of those will come through for us. Whether they be grant programs or opportunities or direct assistance - and that has been the latest focus - on the potential for direct assistance in what might be the next stimulus package that makes it through Congress. We spend a lot of time with the Porter Group. He and Mayor Tedford were fortunate to speak with both of our Senators last Friday and they both understand and are really solid advocates for cities like ours that are not populations with 500,000 or more, who received direct assistance the first go-around. They also understand how difficult it is for a city like ours that is well-managed. The narrative that is developing in Congress and is unfortunate in that, for whatever reason, it is being told or repeated that a lot of cities are mismanaged and any direct assistance to them would just be a bailout. That would not be the case for us, and both of our Senators are working hard to hopefully get direct assistance to us. We are paying attention, and we are going to try every angle and every aspect. We have good people around us and we have Mayor Tedford in every day taking those calls and having those conversations and he believed we were going to be busy running down every single one of those leads. He hoped that more than one would come to fruition because they would be a big help.

Councilwoman Kent confirmed that they would be approving the final budget in this agenda item.

Legal and Administrative Director Erquiaga replied affirmatively.

Councilwoman Kent stated that she was new to this budget process and that it must have been difficult to project revenues and get the departments to do their expense cutting. She asked if grants that we know we have coming in for this fiscal year get included in this budget, like the one for Front Street.

Legal and Administrative Director Erquiaga explained that it would depend on the timing of when those grants are realized and when they are received. If we have approved grants, they typically make the budget more in the form of an augmentation, because it depends on the timeline of when they get approved and when the cash is actually received. Gary Cordes and City Clerk Richardson paid attention to this and have some ideas of what may come to fruition that have been considered in the budget.

City Clerk Richardson explained that if we budget grant revenue there is the other side, the expenditure, that is automatically in there. In this budget, we did not really have much grant carryover except the emergency management grant which he believed has been a year in/year out \$28,000 so you would see that in the General Fund but some of the other ones you will not see in there and as we use them, we would augment the budget on the revenue side and on the expenditure side, but right now they are not on either side. There are a couple of ways to do that.

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

No public comments were noted.

Councilman Richardson motioned to adopt a final budget for fiscal year ending June 30, 2021; seconded by Councilwoman Frost 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.

Councilwoman Frost thanked City Clerk Richardson, Gary Cordes, and Mayor Tedford for their hard work on preparing the tentative budget, especially in these times.

Mayor Tedford thanked Councilwoman Frost for her comment; we still have a lot of hard work ahead of us in these unprecedented times.

### Adjournment

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 2:10 p.m.

Mayor Ken Tedford

Attest:

Sean C. Richardson, City Clerk-Treasurer

## MINUTES CITY OF FALLON 55 West Williams Avenue Fallon, Nevada June 1, 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 Police Chief, Kevin Gehman Deputy City Attorney, Leonard Mackedon Deputy City Attorney, Trent deBraga

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, and as extended by Directives 016, 018, and 021, the agenda and the supporting materials were posted on the City's website and the State of Nevada's public notice website on or before 9:00 a.m. on May 27, 2020.

# 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 May 4, 2020

Mayor Tedford inquired if there were any additions or corrections to the minutes for May 4, 2020.

No additions or corrections were noted.

Councilwoman Kent motioned to approve the Council meeting minutes for May 4, 2020 as submitted, seconded by Councilwoman Frost 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.

Public Hearing for Bill No. 783: An ordinance adding a new Chapter to Title 9, Subtitle II – Offenses Against the Person, of the City of Fallon Municipal Code in order to establish a City misdemeanor offense of "Battery Which Constitutes Domestic Violence," along with corresponding penalties, and for other matters properly related thereto

Mayor Tedford inquired if there were any public comments or questions, as this was a public hearing.

No public comments were noted.

Mayor Tedford inquired if the Council had any comments or questions, both Deputy City Attorney Trent deBraga and Deputy City Attorney Leonard Mackedon are present today, as well as Legal and Administrative Director Erquiaga and Chief Gehman.

No comments were noted.

Consideration and possible adoption of Bill No. 783 as Ordinance No. 764: An ordinance adding a new Chapter to Title 9, Subtitle II – Offenses Against the Person, of the City of Fallon Municipal Code in order to establish a City misdemeanor offense of "Battery Which Constitutes Domestic Violence," along with corresponding penalties, and for other matters properly related thereto

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

Councilman Richardson asked if any comments or correspondence related to this item had been received.

Legal and Administrative Director Erquiaga stated that no comments had been received.

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

No public comments were noted.

Councilman Richardson motioned to adopt Bill No. 783 as Ordinance No. 764: An ordinance adding a new Chapter to Title 9, Subtitle II – Offenses Against the Person, of the City of Fallon Municipal Code in order to establish a City misdemeanor offense of "Battery Which Constitutes Domestic Violence," along with corresponding penalties, and for other matters

properly related thereto; seconded by Councilwoman Frost 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.

Councilman Richardson commended the Churchill County School District on their efforts for graduation, they did a good job. Not knowing exactly how long it would take, it went smoothly and was well organized. He believed most people enjoyed how it went and the students had a great graduation. It was recorded and posted on YouTube so it can be watched by everyone. He wanted to let the school district know that he appreciated what they did.

Mayor Tedford thanked Chief Gehman for the support during graduation with officers and he will also thank public works in his next meeting for their support efforts with cones and traffic barricades. He was glad it went so well, and Councilman Richardson got to enjoy the graduation from the air-conditioned cab of his truck – a first for many people.

### **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 9:09 a.m.

Mayor Ken Tedford

Attest:

Sean C. Richardson, City Clerk-Treasurer

# June 15, 2020

# Agenda Item 6

Consideration and possible approval of a proposed parcel map submitted by the Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009, creating two (2) new parcels on South Maine Street and setting the zoning for the new parcels as C-2, General Commercial District, adjusting the boundaries of an existing parcel fronting East Center Street and South Nevada Street, and dedicating a non-exclusive public access and public utility easement to the City of Fallon for portions of the alley running north-south connecting East Williams Avenue and East Center Street and located between South Maine Street and South Nevada Street. (For possible action)

### CITY OF FALLON REQUEST FOR COUNCIL ACTION

Agenda Item No. 6

DATE SUBMITTED: June 8, 2020

AGENDA DATE REQUESTED: June 15, 2020

TO: The Honorable City Council

FROM: Robert Erquiaga, Legal and Administrative Director

SUBJECT TITLE: Consideration and possible approval of a proposed parcel map submitted by the Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009, creating two (2) new parcels on South Maine Street and setting the zoning for the new parcels as C-2, General Commercial District, adjusting the boundaries of an existing parcel fronting East Center Street and South Nevada Street, and dedicating a non-exclusive public access and public utility easement to the City of Fallon for portions of the alley running north-south connecting East Williams Avenue and East Center Street and located between South Maine Street and South Nevada Street. (For possible action)

TYPE OF ACTION REQUESTED: (Check One)

() Resolution	() Ordinance
(X) Formal Action/Motion	() Other

RECOMMENDED COUNCIL ACTION: Motion to approve the proposed parcel map submitted by the Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009, creating two (2) new parcels on South Maine Street and setting the zoning for the new parcels as C-2, General Commercial District, adjusting the boundaries of an existing parcel fronting East Center Street and South Nevada Street, and accepting the dedication of a non-exclusive public access and public utility easement to the City of Fallon for portions of the alley running north-south connecting East Williams Avenue and East Center Street and located between South Maine Street and South Nevada Street.

DISCUSSION: The Robert R. Kent and Muriel S. Kent Trust has submitted a proposed parcel map for property owned by the Trust on South Maine Street. If approved, the parcel map would create two (2) new parcels on South Maine Street and adjust the boundaries of an existing parcel owned by the Trust that fronts East Center Street and South Nevada Street. The parcel map would also dedicate a non-exclusive public access and public utility easement to the City of Fallon for portions of the alley running north-south connecting East Williams Avenue and East Center Street and located between South Maine Street and South Nevada Street. In order to properly accomplish the dedication, the City would need to vacate a portion of the alley in favor of the easement, which the Council will be asked to consider in the next agenda item.

The existing parcel owned by the Trust on South Maine Street has multiple structures, which are each served by separate utility connections. The structures have been in existence and connected to City utilities for many years. The proposed parcel map would create two (2) new parcels, for a total of three (3) parcels on South Maine Street, so that the existing structures will now occupy separate parcels. All three (3) parcels would extend east beyond the alley in order to provide the off-street parking required by the Fallon Municipal Code.

The existing parcel, and the property surrounding the existing parcel, are all zoned C-2, General Commercial District.

FISCAL IMPACT: N/A FUNDING SOURCE: N/A PREPARED BY: Robert Erquiaga, Legal and Administrative Director MIKE PAVLAKIS KAREN A. PETERSON JAMES R. CAVILIA CHRIS MACKENZIE RYAN D. RUSSELL JOEL W. LOCKE JUSTIN TOWNSEND KYLE A. WINTER JENNIFER MCMENOMY

DANIEL S. JUDD CHELSEA D. BIBB



ATTORNEYS & COUNSELORS AT LAW

DECEIVED N MAY 29 2020 CITY OF FALLON GEORGE V. ALLISON JOAN C. WRIGHT PATRICK V. FAGAN CHARLES P. COCKERILL OF COUNSEL

ANDREW MACKENZIE (1941-2018) MIKE SOUMBENIOTIS (1932-1997)

May 28, 2020

City of Fallon City Counsel 55 West Williams Avenue Fallon, NV 89406

City of Fallon City Clerk 55 W. Williams Ave., Ste. A Fallon, NV 89406

## Re: <u>The Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009,</u> <u>Application to Vacate an Alley</u>

Dear City Counsel:

This law firm represents the Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009 ("Kent"). Please accept this correspondence as the Kent's written application to vacate an alley within the City of Fallon pursuant to Fallon Municipal Code ("FMC") Section 13.12.010. Pursuant to the Code, I have copied the Fallon City Clerk/Treasurer's office for filing of this application to be kept in the permanent files of the City of Fallon.

For purposes of background, a final map has been created and submitted to the City of Fallon as a Merger and Resubdivision Parcel Map to re-subdivide the existing parcels APN 001-541-27 and 001-541-28 and the alley parcels owned by Kent (Docs. BK 36, PG 336 & BK 39 PG 413) and the City of Fallon (BK 39 PG 414). The proposed parcels 1, 2 & 3 have a combined area easterly of the alley large enough for the requirements of the one (1) parking space for every two-hundred and fifty square feet of building area. This would also require a reciprocal parking and access easement to be put into place with the map over the areas of Parcels 1, 2 & 3 easterly of the existing alley travel way. This area was combined into the three parcels in order to create an even easterly line that would not jog for each parcel to have the required parking and building areas.

The Kent's request that the City of Fallon sign off on the map as an owner and relinquish its interest in the City parcel created by Doc. BK 39 PG 414, in favor of a non-exclusive public access easement on the existing travel way of the alley. By merging the parcels and establishing a permanent non-exclusive easement over the entire width of the existing alley, all questions regarding ownership of the various portions of the alley will be settled. Additionally, by providing adequate on-site parking for each of the three commercial parcels that front on S. Maine St., those currently non-conforming uses becoming conforming under the City's Code. On behalf of the Kent's, enclosed herewith please find a demonstrative map depicting the entire transaction set forth above, including both the vacation of the subject alley and the attendant dedication of the permanent non-exclusive easement over the entire width of the existing alley.

Request is made pursuant to FMC 13.12.020 that the City of Fallon Clerk forthwith publish notice of this application for a period of two successive publications. Thereafter, request is further made that the City Council, at its next regular meeting after the completion of publication, proceed to hear, consider, and approve this application.

Should you have any questions please do not hesitate to contact me.

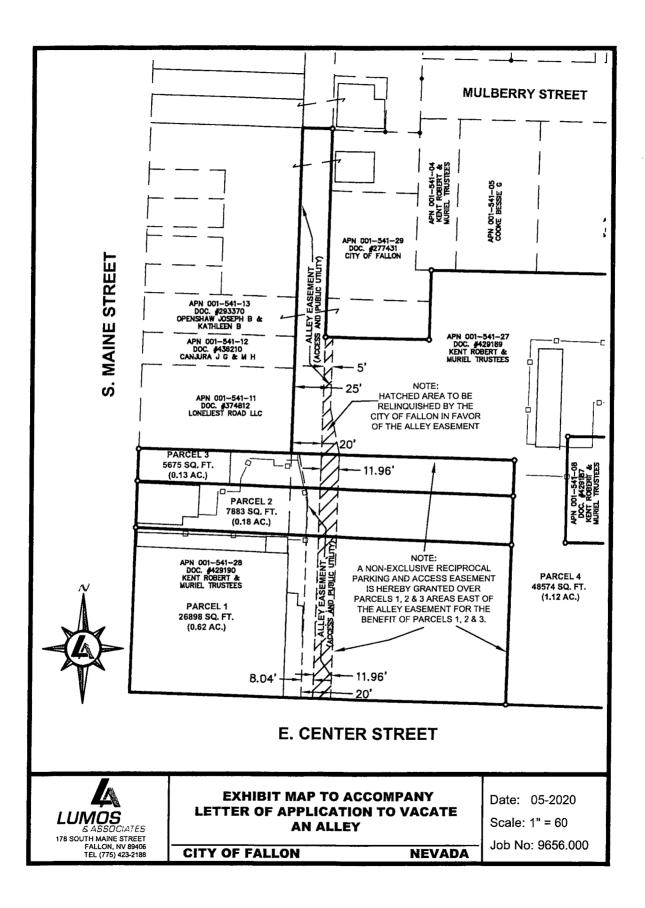
Sincerely,

Ryan D. Russell, Esq.

Encl.

CC: Leonard E. Mackedon, Esq. Client

4838-2399-3277, v. 1



# June 15, 2020

# Agenda Item 7

Consideration and possible approval of an application by the Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009, to vacate a portion of the alley running north-south connecting East Williams Avenue and East Center Street and located between South Maine Street and South Nevada Street in favor of a non-exclusive public access and public utility easement. (For possible action)

## CITY OF FALLON REQUEST FOR COUNCIL ACTION

Agenda Item No. <u>7</u>

DATE SUBMITTED: June 8, 2020

AGENDA DATE REQUESTED: June 15, 2020

TO: The Honorable City Council

FROM: Robert Erquiaga, Legal and Administrative Director

SUBJECT TITLE: Consideration and possible approval of an application by the Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009, to vacate a portion of the alley running northsouth connecting East Williams Avenue and East Center Street and located between South Maine Street and South Nevada Street in favor of a non-exclusive public access and public utility easement. (For possible action)

TYPE OF ACTION REQUESTED: (Check One)

() Resolution	() Ordinance
(X) Formal Action/Motion	() Other

RECOMMENDED COUNCIL ACTION: Motion to approve the application by the Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009, to vacate a portion of the alley running north-south connecting East Williams Avenue and East Center Street and located between South Maine Street and South Nevada Street in favor of a non-exclusive public access and public utility easement as depicted in the "Exhibit Map to Accompany Letter of Application to Vacate an Alley" dated 05-2020.

DISCUSSION: The Robert R. Kent and Muriel S. Kent Trust submitted the attached application dated May 28, 2020 to vacate a portion of the alley running north-south connecting East Williams Avenue and East Center Street and located between South Maine Street and South Nevada Street. Pursuant to Fallon Municipal Code Section 13.12.020, the City published proper notice of the application and of the date, place and time of this hearing in the Lahontan Valley News on June 3, 2020 and June 10, 2020. A copy of the Proof of Publication is attached to this agenda item. City staff has met and conferred with the attorneys representing the Trust and are recommending approval of the application and vacation of the portion of the alley in favor of the access and public utility easement as depicted in the "Exhibit Map to Accompany Letter of Application to Vacate an Alley" dated 05-2020.

FISCAL IMPACT: N/A FUNDING SOURCE: N/A. PREPARED BY: Robert Erquiaga, Legal and Administrative Director MIKE PAVLAKIS KAREN A. PETERSON JAMES R. CAVILIA CHRIS MACKENZIE RYAN D. RUSSELL JOEL W. LOCKE JUSTIN TOWNSEND KYLE A. WINTER

JENNIFER MCMENOMY DANIEL S. JUDD CHELSEA D. BIBB



ATTORNEYS & COUNSELORS AT LAW

DECEIVED N MAY 29 2020 CITY OF FALLON GEORGE V. ALLISON JOAN C. WRIGHT PATRICK V. FAGAN CHARLES P. COCKERIL OF COUNSEL

ANDREW MACKENZIE (1941-2018) MIKE SOUMBENIOTIS (1932-1997)

May 28, 2020

City of Fallon City Counsel 55 West Williams Avenue Fallon, NV 89406

City of Fallon City Clerk 55 W. Williams Ave., Ste. A Fallon. NV 89406

# Re: <u>The Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009,</u> <u>Application to Vacate an Alley</u>

Dear City Counsel:

This law firm represents the Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009 ("Kent"). Please accept this correspondence as the Kent's written application to vacate an alley within the City of Fallon pursuant to Fallon Municipal Code ("FMC") Section 13.12.010. Pursuant to the Code, I have copied the Fallon City Clerk/Treasurer's office for filing of this application to be kept in the permanent files of the City of Fallon.

For purposes of background, a final map has been created and submitted to the City of Fallon as a Merger and Resubdivision Parcel Map to re-subdivide the existing parcels APN 001-541-27 and 001-541-28 and the alley parcels owned by Kent (Docs. BK 36, PG 336 & BK 39 PG 413) and the City of Fallon (BK 39 PG 414). The proposed parcels 1, 2 & 3 have a combined area easterly of the alley large enough for the requirements of the one (1) parking space for every two-hundred and fifty square feet of building area. This would also require a reciprocal parking and access easement to be put into place with the map over the areas of Parcels 1, 2 & 3 easterly of the existing alley travel way. This area was combined into the three parcels in order to create an even easterly line that would not jog for each parcel to have the required parking and building areas.

The Kent's request that the City of Fallon sign off on the map as an owner and relinquish its interest in the City parcel created by Doc. BK 39 PG 414, in favor of a non-exclusive public access easement on the existing travel way of the alley. By merging the parcels and establishing a permanent non-exclusive easement over the entire width of the existing alley, all questions regarding ownership of the various portions of the alley will be settled. Additionally, by providing adequate on-site parking for each of the three commercial parcels that front on S. Maine St., those currently non-conforming uses becoming conforming under the City's Code. On behalf of the Kent's, enclosed herewith please find a demonstrative map depicting the entire transaction set forth above, including both the vacation of the subject alley and the attendant dedication of the permanent non-exclusive easement over the entire width of the existing alley.

Request is made pursuant to FMC 13.12.020 that the City of Fallon Clerk forthwith publish notice of this application for a period of two successive publications. Thereafter, request is further made that the City Council, at its next regular meeting after the completion of publication, proceed to hear, consider, and approve this application.

Should you have any questions please do not hesitate to contact me.

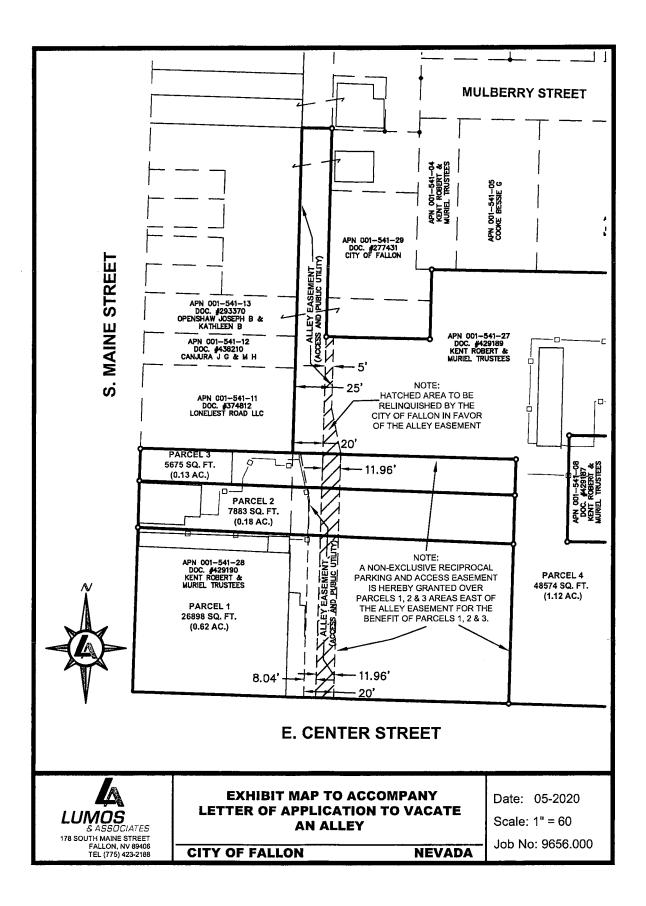
Sincerely,

Ryan D. Russell, Esq.

Encl.

CC: Leonard E. Mackedon, Esq. Client

4838-2399-3277, v. 1





580 Mallory Way, Carson City, NV 89701 P.O. Box 1888 Carson City, NV 89702 (775) 881-1201 FAX: (775) 887-2408

### Customer Account #: 1066221

### Legal Account

CITY OF FALLON, 55 W. WILLIAMS AVE. FALLON, NV 89406 Attn: Nicole Dooley

Jody Mudgett says: That (s)he is a legal clerk of the Lahontan Valley News, a newspaper published Wednesday at Fallon, in the State of Nevada.

Copy Line Alley Vacation Notice

PO#:

#### **Ad #:** 0000586273-01

of which a copy is hereto attched, was published in said newspaper for the full required period of **2** time(s) commencing on **06/03/2020**,

and ending on ne/10/2020 all days inclusive.

dig hudf

Signed: \_\_\_\_\_ Date: 06/10/2020 State of Nevada, Carson City

This is an Original Electronic Affidavit. Price: \$ 138.86

**Proof and Statement of Publication** 

Ad #: 0000586273-01

#### City of Fallon Notice of Public Hearing on Application to Vacate an Alley

Notice is hereby given that the Honorable City Council of the City of Fallon will hold a Public Hearing on Monday, June 15, 2020 at 9:00 a.m. in the City Council Chambers, City Hall, 55 West Williams Avenue, Fallon, Nevada 89406, to consider an application by the Robert R. Kent and Muriel S. Kent Trust, dated July 17, 2009 to vacate a portion of the alley running north-south connecting East Williams Avenue and East Center Street and located between South Maine Street and South Nevada Street in favor of a non-exclusive access and public utility alley easement.

Notice is hereby further given that copies of the Application have been deposited with the City Clerk, City Hall, 55 West Williams Avenue, Fallon, Nevada 89406, for public examination and distribution upon request. Members of the public may request a copy of the Application by contacting Elsie Lee, Deputy City Clerk, at (775) 423-5104 or <u>èlee@fallonnevada.gov</u>. All persons interested may attend the Public Hearing and make objections, if any they have, to the allowance of the Application.

Date: June 3, 2020 and June 10, 2020

Sean Richardson City Clerk-Treasurer

Pub: June 3, 10, 2020 Ad#0000586273

# June 15, 2020

# Agenda Item 8

Consideration and possible approval of a Professional Services Contract with Atkins North America, Inc. for completion of a cultural resources survey for the Fallon Municipal Airport, in an amount not to exceed Twenty-Nine Thousand Nine Hundred Forty-One Dollars (\$29,941.00). (For possible action)

### CITY OF FALLON REQUEST FOR COUNCIL ACTION

Agenda Item No. 8

DATE SUBMITTED: June 8, 2020

AGENDA DATE REQUESTED: June 15, 2020

TO: The Honorable City Council

FROM: Brian Byrd

SUBJECT TITLE: Consideration and possible approval of a Professional Services Contract with Atkins North America, Inc. for completion of a cultural resources survey for the Fallon Municipal Airport, in an amount not to exceed Twenty-Nine Thousand Nine Hundred Forty-One Dollars (\$29,941.00). (For possible action)

TYPE OF ACTION REQUESTED: (Check One)

() Resolution	() Ordinance
(X) Formal Action/Motion	() Other

RECOMMENDED COUNCIL ACTION: Motion to approve a Professional Services Contract with Atkins North America, Inc. for completion of a cultural resources survey for the Fallon Municipal Airport, in an amount not to exceed Twenty-Nine Thousand Nine Hundred Forty-One Dollars (\$29,941.00).

DISCUSSION: The City of Fallon received Thirty Thousand Dollars (\$30,000.00) in CARES Act funding for the Fallon Municipal Airport ("FLX"). The last cultural resources survey at FLX was completed in 2009 and is now more than ten (10) years old. As such, the prior survey is technically out of date and a new survey is required in order for the City to continue receiving FAA grants to complete airport improvement projects. This professional services contract with Atkins North America, Inc. ("Atkins") would result in the completion of a cultural resources survey with Atkins utilizing the services of Broadbent and Associates, Inc. Atkins was previously awarded an open-ended contract to provide a variety of engineering services for the airport and this particular contract would be Task Order Number 10.

City staff recommends approval of a Professional Services Contract with Atkins. This project will be funded by the FAA, utilizing CARES Act funds, at One Hundred Percent (100%).

FISCAL IMPACT: \$29,941.00 - FAA grant utilizing CARES Act funds FUNDING SOURCE: FAA grant utilizing CARES Act funds PREPARED BY: Brian Byrd, Director of Public Works

# CITY OF FALLON AND ATKINS NORTH AMERICA, INC. (ENGINEER)

# TASK No. 10

# ENVIRONMENTAL SERVICES FOR THE CLASS III CULTURAL RESOURCES SURVEY AT THE FALLON MUNICIPAL AIRPORT

## 1. DESCRIPTION OF PROJECTS

The City of Fallon intends to construct several improvement projects in the next 5 years at the Fallon Municipal Airport. As part of the requirements to fulfill the FAA assurances, a cultural resources survey must be performed minimally on a ten-year basis. The prior survey was conducted in 2009 and is technically out of date. This new survey will encompass the entire airport as the Indirect Area of Potential Effect with emphasis on the area surrounding the airfields pavements.

### 2. SCOPE OF WORK

Provide an intensive cultural resource survey for the 300 acres at Fallon Municipal Airport. This report will cover the projects outlined in the 2021-2025 ACIP as submitted to the FAA.

See Attachment A for the Hourly Rate Fee Schedule, Attachment B for the detailed scope of work, and Attachment C for a breakdown of the fee estimate.

# 3. FEES AND METHOD OF PAYMENT

Construction Management services for this project will be performed on a time and expense basis for a fee not-to-exceed \$29,941.00 of which the FAA share is 100% or \$29,941.00 and the City's share is 0.0% or \$0.00. See the itemized fee estimate, Attachment C. Invoices will be submitted monthly for work completed the previous month.

Time and Materials charges shall be based upon the 2020 Fee Schedule set forth in Attachment A.

Services for this task will be performed as stated herein and under the Agreement for Engineering Services dated January 4, 2016. This task shall also amend the terms and conditions in the Agreement for Engineering Services to incorporate applicable grant assurances required by the Federal Aviation Administration.

Dated	, 2020
ATTEST:	City of Fallon, Nevada:
Ву:	By: Ken Tedford Mayor
ATTEST:	ATKINS NORTH AMERICA, Inc.
Ву:	By: Kash Hadipour Project Director

# **ATTACHMENT A**

### ATKINS NORTH AMERICA, INC. 2020 HOURLY RATE FEE SCHEDULE

OFFICE PERSONNEL	
Project Principal	\$300.00/hr.
Group Manager	\$215.00/hr.
Project Manager	\$150.00/hr.
Associate Project Manager	\$140.00/hr.
Senior Project Engineer	\$170.00/hr.
Project Engineer	\$120.00/hr.
Staff Engineer	\$100.00/hr.
Designer	\$95.00/hr.
Intern	\$45.00/hr.
Clerical	\$75.00/hr.
Project Controls	\$150.00/hr.
Hydrologist	\$120.00/hr.
SURVEY PERSONNEL	
Survey Group Manager	\$165.00/hr.
Survey Project Manager	\$120.00/hr.
Senior Survey Technician	\$110.00/hr.
Survey Technician	\$90.00/hr.
* Survey crew rates include all standard survey equipment	
CONSTRUCTION INSPECTION PERSONNEL	1 h
Construction Manager	\$150.00/hr.
Sr. Inspector	\$120.00/hr.
Sr. Inspector (Overtime)	\$150.00/hr.
Inspector's Truck	\$48/day
EQUIPMENT	
Mileage	\$0.575/mi.
OUTSIDE SERVICES	Cost + 10%

### NOTES:

Time spent on projects in litigation, in depositions and providing expert testimony will be charged at the standard rate times 1.5. Personnel rates shown in the above fee schedule apply to project charges during calendar year 2019. On January 1<sup>st</sup> of each subsequent year, labor rates invoiced on projects may be increased to reflect annual cost of labor increases not to exceed 3.5%.

# **ATTACHMENT B**

# TASK No. 10

# ENVIRONMENTAL SERVICES FOR THE CLASS III CULTURAL RESOURCES SURVEY AT THE FALLON MUNICIPAL AIRPORT

# A. ENVIRONMENTAL SERVICES

During the Project, it will be necessary to provide contract administration, site survey, records research, and coordination with the State Historical preservation Office. Please see the attached scope and fee from our sub-consultant Broadbent.



April 28, 2020

Project No. 18-02-172

Brian Fitzgerald Senior Engineer II, Aviation Atkins Global 10509 Professional Circle, Suite 102 Reno, NV 89521

Re: Revised Cultural Resources Services Estimate – Fallon Municipal Airport

Mr. Fitzgerald,

Broadbent & Associates, Inc. (Broadbent) presents this revised estimate to Atkins Global (Atkins) for cultural resources services for the Fallon Municipal Airport. This revision is based on our discussion of the project scope on April 24, 2020. The costs reflect our Cultural Resources Management (CRM) service rates for 2020 (attached).

### Scope of Work

The Fallon Municipal Airport occupies 450 acres outside of Fallon, NV. Atkins proposes to complete multiple improvement projects on the airport property, phased from 2021 to 2025. To expedite the environmental review process, Broadbent will conduct a single intensive cultural resources inventory within a direct Area of Potential Effects (APE) that encompasses all anticipated phases of work.

We recommend that the direct APE for the development is the area within the airport exclusion fence, approximately 300 acres. The indirect APE is the airport property boundary, which extends outside the fence line. Prior to conducting fieldwork, Broadbent will complete an existing literature review using the Nevada Cultural Resources Information System (NVCRIS) to identify previously recorded sites and surveys completed within a one-mile radius of the direct APE. A 2009 survey report covering part of the airport property between the current runways and the Carson River has been provided by Atkins.

A preliminary review of NVCRIS data indicates that few resources have been previously identified around the airport property. However, due to the proximity of the Carson River, Rattlesnake Hill, and the City of Fallon, it is possible that both prehistoric and historic resources are present. Additionally, airport buildings over 50 years old are expected to be present on the property.

Fieldwork will be completed by two SOI-qualified archaeologists. The Field Director will coordinate with the airport to ensure safe access to the property. Due to ongoing social distancing requirements during the COVID-19 pandemic, the archaeologists will travel in separate vehicles and will not be lodged overnight in Fallon. While conducting survey, the archaeologists will use appropriate PPE and maintain social distancing. We anticipate that the fieldwork will be completed within three working days, inclusive of travel between the project area and Reno.

For the purposes of this cost estimate, we have assumed that five archaeological resources and 12 architectural resources will be encountered. Because archaeological and architectural resource classes have different reporting requirements, two positive inventory reports will be produced and submitted to the FAA for review.

In summary, Broadbent makes the following assumptions in preparing this estimate:

- Both an Archaeological Inventory Report and an Architectural Inventory Report will be required
- No more than five archaeological resources will be identified
- No more than 12 historic architectural resources will be recorded
- No artifacts will be collected
- The survey area will not exceed 300 acres
- The crew will consist of two SOI-qualified archaeologists
- The crew will travel daily between Reno and Fallon using individual vehicles

### Cost Estimate

Our team proposes to complete this scope of work on a time and materials basis not to exceed \$25,910.00. The Project has been broken down into three standard tasks:

Project Phase	Estimate
Background Research	\$1,470.00
Cultural Resources Inventory	\$7,610.00
Archaeological and Architectural Reporting	\$16,830.00
TOTAL PROPOSED ESTIMATE	\$25,910.00

#### **Project Personnel**

This project will require personnel with experience with architectural and archaeological resources in the region. Given this, Broadbent will assign Ms. Margo Memmott, Senior Archaeologist and Architectural Historian, as Principal Investigator and Mr. Alain Pollock, Project Archaeologist, as Project Manager and Field Supervisor for this project. Ms. Memmott will provide project quality control and review of the architecture report. Ms. Kaitlyn Mansfield, Senior Staff Archaeologist, will assist with archival review and report writing and Mr. Jeramie Memmott, Project Scientist, will serve as GIS Manager and Cartographer for the project.

### **Proposed Schedule**

To be finalized in consultation with Atkins, the Airports, and the FAA, Broadbent proposes the following work schedule and deliverables for the Fallon Airport:

Deliverables	Hard Copy	Electronic Copy	Business Days
Field Authorization and Archival Review	-	-	Initiated immediately post-Notice to Proceed (NTP)
Fieldwork	-	-	Initiated no more than 15 days after completion of archival review
End-of-Field Letter	x	x	5 days after completion of fieldwork
Draft Technical Reports (2)	×	x	60 days after completion of fieldwork
Final Technical Reports (2)	x	x	
Final Copy of IMACS Forms	x	x	20 days after receipt of any comments or corrections from reviewing agency
GIS products	-	x	

The estimates presented above are based on our team's current knowledge of the airport property area, and our review of existing records available through the NVCRIS database. A change order request may be made if the project scope changes, if inclement weather interrupts fieldwork, or in the event that extensive cultural resources are located.

Broadbent is committed to the establishment of a safe and healthy working environment. Our Health, Safety, Security, and Environmental (HSSE) program meets or exceeds the needs of Atkins.

Broadbent will make every effort to assist Atkins in complying with Section 106 of the National Historic Preservation Act (NHPA) and other cultural resources laws as regulated by governmental agencies. However, Atkins is solely responsible for their compliance with these laws. Our services will be performed in accordance with generally accepted practice at the time work commences. Results and recommendations will be based on data obtained by permitted archaeological field personnel from the area investigated and review of available records and historical data. No warranty expressed or implied is made.

We appreciate the opportunity to provide cultural resource services to Atkins, and we look forward to working with you. If you have questions or comments, please contact me at 775-322-7969 or apollock@broadbentinc.com.

Sincerely, BROADBENT AND ASSOCIATES, INC.

Wan holly

Alain Pollock, M.A., RPA Project Archaeologist

#### ATTACHMENT "C"

#### FALLON MUNICIPAL AIRPORT

#### CULTURAL RESOURCES SURVEY

#### ENVIRONMENTAL SERVICES FEE ESTIMATE

5/21/2020

#### C. ENVIRONMENTAL SERVICES

Provide an intensive cultural resource survey for the 300 acres at Fallon Municipal Airport. This report will cover the projects outlined in the 2021-2025 ACIP as submitted to the FAA.

#### **1. PROJECT ADMINIATRATION**

Provide project administration through the course of the project and act as a liason between the City of Fallon, the FAA, and the sub-consultant for the duration of the project.

Project Manager Project Engineer	hrs. @ hrs. @	\$150 /hr. = \$120 /hr. =	\$ \$	1,200.00 240.00	
	-				\$ 1,440.00

#### 2. CLASS III CULTURAL RESOURCES SURVEY

Sub-consultant Broadbent will conduct the survey for the 300 acres indirect Area of Potential Impact within the fence line of the airport. This will cover the proposed projects outlined in the 2021-2025 ACIP as submitted to the FAA.

Broadbent	1 /ls =	\$ 28,501.00	
		;	\$ 28,501.00

FAA SHARE 100%	\$29,941.00
ENVIRONMENTAL SERVICES TOTAL	\$29,941.00
SUMMARY OF ENGINEERING SERVICES FEE	

CITY OF FALLON'S SHARE 0.00%

\$0.00

# June 15, 2020

# Agenda Item 9

Presentation of the Police Department Report for May 2020. (For discussion only)

# CITY OF FALLON REQUEST FOR COUNCIL ACTION AGENDA ITEM NO. 9

## DATE SUBMITTED: 6/05/20 AGENDA DATE REQUESTED: 6/15/20

TO: Mayor and Council

FROM: Kevin Gehman, Chief of Police

SUBJECT: Fallon Police Department Monthly Report for May 2020

TYPE OF ACTION REQUESTED: (Check One)
() Resolution () Ordinance

() Formal Action/Motion (x) Other (Specify) <u>Review Only</u>

**RECOMMENDED COUNCIL ACTION:** For review only

DISCUSSION/ANALYSIS: (Attachment, if necessary)

FISCAL IMPACT: None

**FUNDING SOURCE:** 

**EXPLANATION OF IMPACT:** 

**ALTERNATIVES:** 

Prepared By: Wendy J. Mello	war	Date 6,5,20
Reviewed By: Chief Kevin Gehman		Date 6 15 120

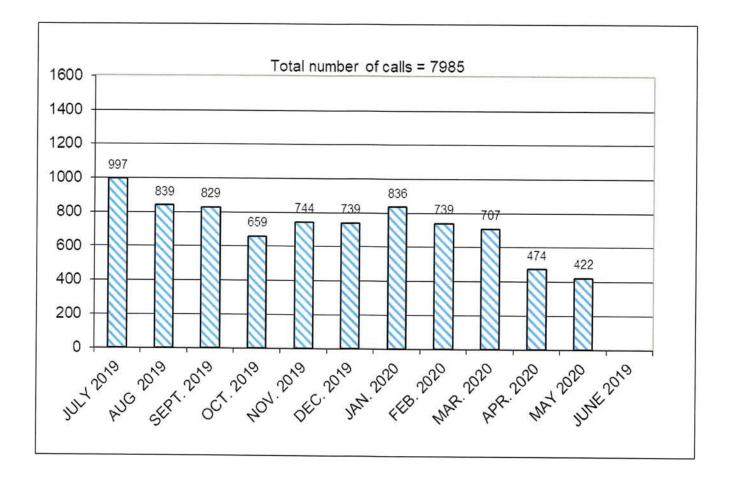
### Presented by Kevin Gehman

# MONTHLY ACTIVITY REPORT

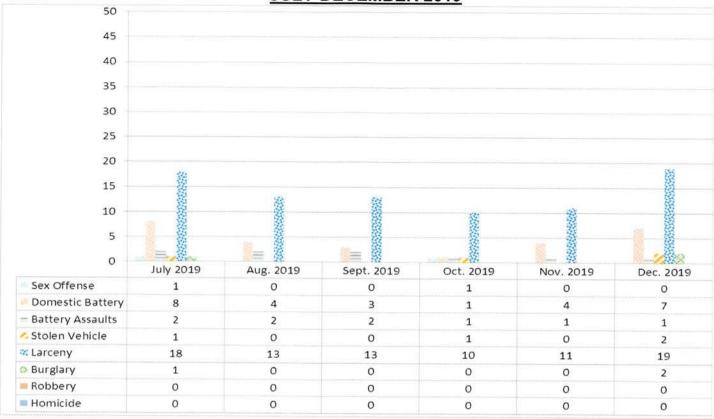


# MAY 2020

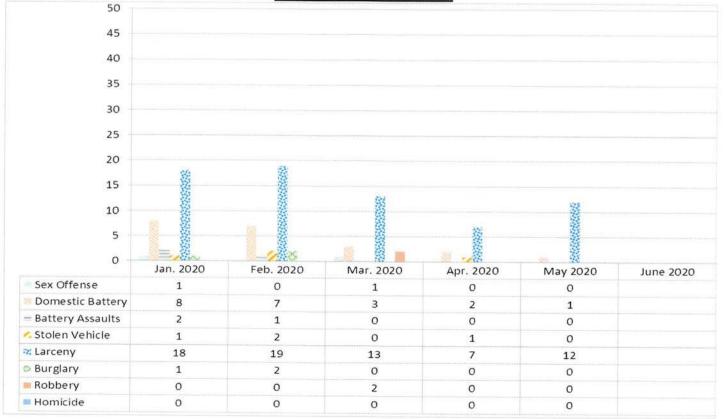
2019/2020 Calls for Service/Total Incidents Reported

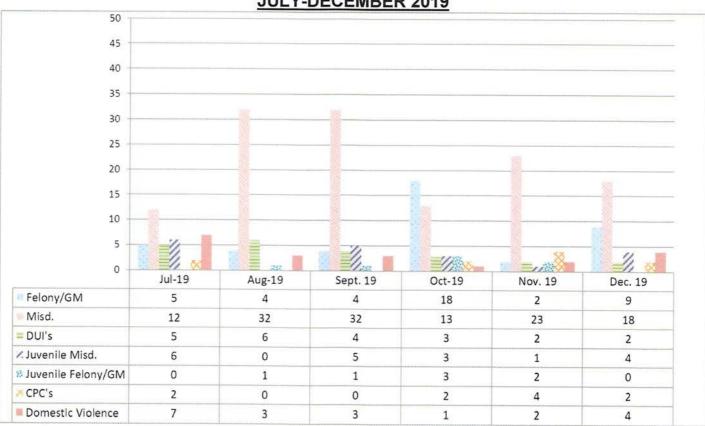


# 2019/2020 CRIME SUMMARY JULY-DECEMBER 2019



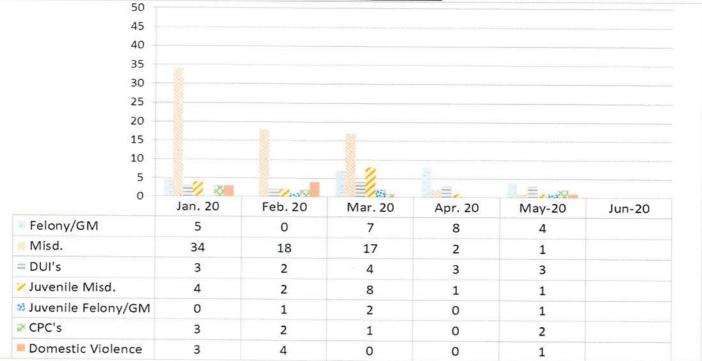
# JANUARY-JUNE 2020



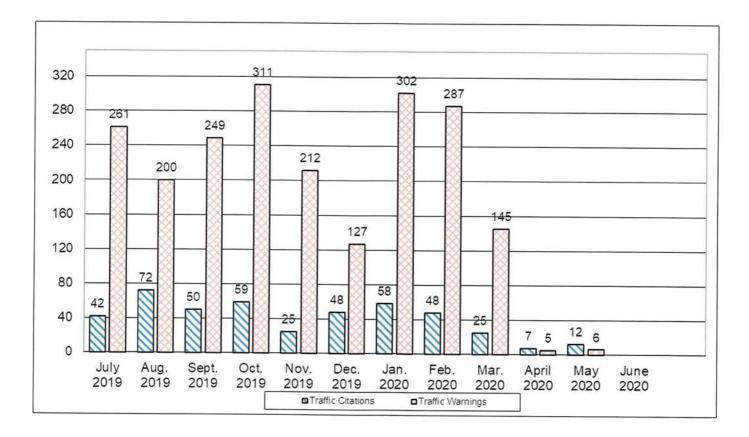


# 2019/2020 ARREST SUMMARY JULY-DECEMBER 2019

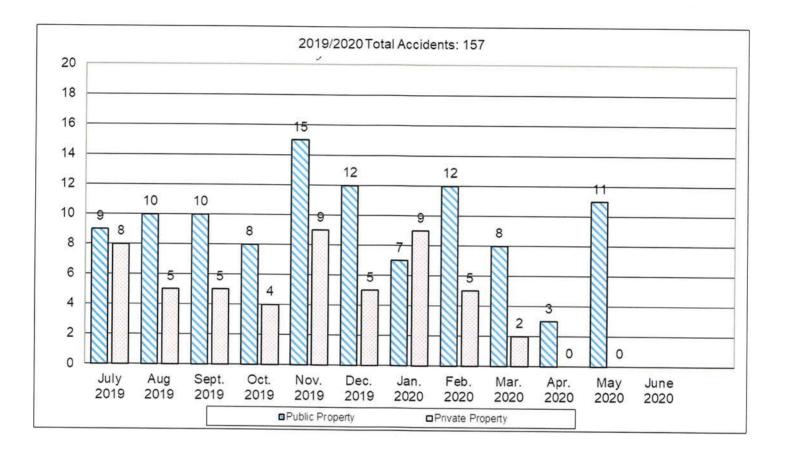
# JANUARY-JUNE 2020



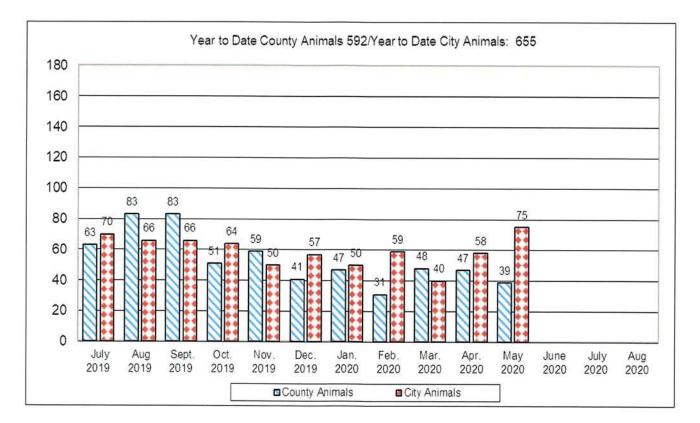
# 2019/2020 MOVING CITATIONS & TRAFFIC WARNINGS



# 2019/2020 TRAFFIC ACCIDENTS



# 2019/2020 ANIMAL SHELTER SERVICE



# Fallon Police Department Citizen Survey Results May 2020

# When you contacted the Police Department, how satisfied were you with the ability of the dispatcher or employee that assisted you?

<u>VERY</u> <u>SATISFIED</u>	<u>SATISFIED</u>	DISSATISFIED	NO OPINION
9	1		

### Were you satisfied with the courtesy and concern shown by the dispatcher or employee?

VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
9	9		

# Are you satisfied with the Police Department's response time?

<u>VERY</u> SATISFIED	<u>SATISFIED</u>	DISSATISFIED	NO OPINION
10			

### Regarding your most recent contact, please rate the Officer in the following areas: Officer name(s)\_Dispatcher Calkins, Officer Bernard x3 & Officer Ugalde

	VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
Concern	8	1		
Courtesy	9			
Knowledge	9			
Problem Solving Ability	9			
Professional Conduct	9			

### Overall, how satisfied are you with the Fallon Police Department?

VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
10			

# Fallon Police Department Citizen Survey Comments May 2020

Glad to have the car removed from the alley so promptly. Great follow-up, same evening, much appreciated.

Thank you to all connected with the Fallon PD!

I cannot remember the officer's names, but they came to my house around 3:20a.m. on May 8<sup>th</sup>. There were amazing and came out to my house very quickly. I appreciate all their help. It was a scary situation for me. Thank you.

So grateful for you all! Keep doing an awesome job! Thank you!

Officer Bernard was very patient with our situation. Courteous and caring.

Through no fault of her own, no place to sit in the waiting area, I thought I'd been forgotten.

I was very concerned that my car was locked, and my dog was inside. Fortunately, my cell phone was in my pocket. I tried to get Fallon Auto Mall (3 times) but Siri and I didn't understand each other. My other option was the police who showed up immediately. I couldn't call my granddaughter because I had her keys in my purse which also was inside the car. Now I have learned a very valuable lesson, one set of keys at home, dog will not be left in the car and purse will be with me. Thanks to your kind officer.

# Fallon Police Department Activities / Special Events May 2020

# **PUBLIC RELATIONS**

May 7, 2020: The Fallon Police Department assisted in a drive-by birthday parade for an eleven-year old male juvenile where they led over thirty vehicles past a local residence.

May 29, 2020: Officers Groom, Ugalde and Jacobs provided law enforcement presence for the Churchill County High School graduation.