

AGENDA
CITY OF FALLON – CITY COUNCIL
55 West Williams Avenue
Fallon, Nevada
May 14, 2021 – 9:00 a.m.

The Honorable City Council will meet in a special meeting on May 14, 2021 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. Hearing pursuant to FMC 5.08.170 to consider suspension or revocation of the liquor license of Leah Vahl at Leah's Bar, 165 S. Maine Street, Fallon, Nevada for non-payment of utility bills.
(For discussion and possible action)
4. Council and Staff Reports **(For discussion only)**
5. 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, by Emergency Directive 021 entered on May 28, 2020, by Emergency Directive 026 entered on June 29, 2020 and by Emergency Directive 029 entered on July 31, 2020, this agenda has been posted on or before 9:00 a.m. on May 11, 2021 at City Hall, to the City's website (<https://fallonnevada.gov>) and to 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 elee@fallonnevada.gov. 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 website (<https://notice.nv.gov/>).


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.

May 14, 2021

Agenda Item 3

Hearing pursuant to FMC 5.08.170 to consider suspension or revocation of the liquor license of Leah Vahl at Leah's Bar, 165 S. Maine Street, Fallon, Nevada for non-payment of utility bills. **(For discussion and possible action)**

May 14, 2021

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 3

DATE SUBMITTED: May 10, 2021

AGENDA DATE REQUESTED: May 14, 2021

TO: The Honorable City Council

FROM: Michael Mackedon, City Attorney

SUBJECT TITLE: Hearing pursuant to FMC 5.08.170 to consider suspension or revocation of the liquor license of Leah Vahl at Leah's Bar, 165 S. Maine Street, Fallon, Nevada for non-payment of utility bills. **(For discussion and possible action)**

TYPE OF ACTION REQUESTED: (Check one)

- | | |
|----------------------------------------------------------|------------------------------------|
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Other |

RECOMMENDED COUNCIL ACTION: Motion to suspend or revoke the liquor license of Leah Vahl at Leah's Bar, 165 S. Maine Street, Fallon, Nevada, for non-payment of utility bills.

DISCUSSION:

Pursuant to FMC 5.08.170 a hearing must be held before the city council can take action to suspend or revoke a licensee's liquor license. If it appears to the satisfaction of a majority of the city council, at the time of hearing, that the licensee failed to pay their utility bill when due, the city council can revoke or suspend the licensee's liquor license.

FMC 5.08.170(D) provides that if the licensee fails to file a written answer within 5 days after being served with the complaint and fails to show up for the hearing the city council shall order the license revoked.

If the licensee shows up at the hearing and the city council determines suspension of the liquor license is appropriate, the suspension of the liquor license must be for a minimum period of thirty (30) days from the date of the entry of the city council's order.

In the event the license is revoked, no license shall be issued to the licensee for the operation of an establishment where alcoholic beverages are sold for a minimum period of one (1) year from the day of the entry of the council's order. The licensee may apply for a liquor license after the expiration of the revocation term.

Ken Tedford
MAYOR



James D. Richardson
Councilman

Kelly Frost
Councilwoman

Karla Kent
Councilwoman

May 10, 2021

VIA Personal Delivery

Leah Vahl
LEAH'S BAR
165 S. Maine Street
Fallon, Nevada 89406

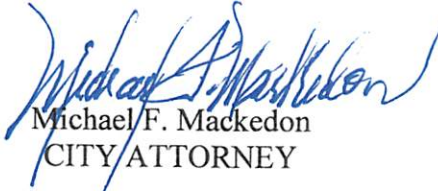
Re: Hearing pursuant to FMC 5.08.170 for suspension and/or revocation of liquor license for non-payment of utility bills.

Dear Ms. Vahl,

NOTICE IS HEREBY GIVEN, pursuant to Fallon Municipal Code 5.08.170(C), that the hearing for the suspension and/or revocation of your liquor license at Leah's Bar, 165 S. Maine Street, Fallon, Nevada is set for **Friday May 14, 2021 at 9:00 a.m. at the City Council Chambers located at 55 W. Williams Avenue, Fallon, Nevada.**

Failure to appear at the time and place designated above may result in your liquor license being revoked.

Best regards,


Michael F. Mackedon
CITY ATTORNEY

Ken Tedford
MAYOR



James D. Richardson
Councilman

Kelly Frost
Councilwoman

Karla Kent
Councilwoman

April 23, 2021

VIA Personal Delivery

Leah Vahl
LEAH'S BAR
165 S. Maine Street
Fallon, Nevada 89406

Re: Complaint and Possible Suspension or Revocation of Liquor License.

Dear Ms. Vahl,

Pursuant to Fallon Municipal Code ("FMC") 5.08.160, your liquor license may be suspended or revoked by the city council for failure to pay your utility bills from the City of Fallon when due. *See* FMC 5.08.160(I). This letter serves as a complaint against you and to notify you that you will have **five (5) days** from the date of the service of this complaint to file a written answer to the complaint, under oath, with the City Clerk located at 55 W. Williams Avenue, Fallon, Nevada. *See* FMC 5.08.170(B).

A liquor license in the City of Fallon is a privileged license that may be suspended or revoked by the city council when it appears to the satisfaction of a majority of the city council that the licensee has failed to pay their utility bill when due. According to the City of Fallon Clerk's Office, you-as the licensee-have failed to pay your utility bills when due. Specifically, you are in arrears on your utility bills in the amount of \$6,575.26 as of the date of this letter. Since April 30, 2020, you have paid a total of \$600 towards your utilities.

You will have five (5) days from the date of the service of this complaint to file with the City Clerk a written answer to the complaint, under oath. *FMC 5.08.170(B)*. The city council will set a date and time for a hearing and the notice of the hearing will be served upon you. *FMC 5.08.170(C)*. If you fail to file a written answer within five (5) days after service of this complaint or if you fail to appear at the place and time designated for the hearing, the city council will order your liquor license revoked. *FMC 5.08.170(D)*.

In the event the city council suspends your license, the suspension shall be for a minimum of thirty (30) days from the date of the entry of the city council's order. If your license is revoked, no license shall be issued to you-as licensee- for the operation of an establishment where alcoholic beverages are sold for a minimum period of one (1) year from the day of the entry of the city council's order. *FMC 5.08.180.*

Best regards,



Michael F. Mackedon
CITY ATTORNEY

Report Criteria:

Customer.Customer number = [REDACTED]

4.0050.10 VAHL, LEAH 165 SOUTH MAINE STREET 1ST MTR

Account Summary:

Period	Electric	Water	Sewer	Sanitation	UEC	WT	SrvChg	Pnty	Billings	Billing Adjustments	Payments	Other	Balance
03/31/2020													974.97
04/30/2020	71.65	16.65	35.00	207.00	.16	22.48	-	-	352.94	-	-	-	1,327.91
05/31/2020	62.28	15.75	35.00	207.00	.13	22.48	-	-	342.64	-	-	-	1,670.55
06/30/2020	166.14	20.35	35.00	207.00	.43	22.48	-	-	451.40	-	200.00 -	-	1,921.95
07/31/2020	306.52	20.48	35.00	207.00	.84	22.48	-	-	592.30	-	-	-	2,514.25
08/31/2020	315.61	17.46	35.00	207.00	.88	22.48	-	-	598.41	-	-	-	3,112.66
09/30/2020	317.65	17.78	35.00	207.00	.87	22.48	-	-	600.78	-	-	-	3,713.44
10/31/2020	174.42	21.53	35.00	282.00	.46	22.48	-	-	535.89	-	-	-	4,249.33
11/30/2020	183.52	20.67	35.00	282.00	.48	22.48	-	-	544.15	-	200.00 -	-	4,593.48
12/31/2020	210.80	21.53	35.00	282.00	.56	22.48	-	-	672.37	-	-	-	5,165.85
01/31/2021	174.28	24.31	35.00	282.00	.46	22.48	-	-	538.63	-	-	-	5,704.38
02/28/2021	168.18	21.63	35.00	282.00	.44	22.48	-	-	529.73	-	-	-	6,234.11
03/31/2021	180.53	20.67	35.00	282.00	.47	22.48	-	-	541.15	-	-	-	6,775.26
04/30/2021	-	-	-	-	-	-	-	-	-	-	200.00 -	-	6,575.26
Totals:	2,331.58	238.79	420.00	2,934.00	8.16	269.76	-	-	6,200.29	-	600.00 -	-	