

**MINUTES
CITY OF FALLON
55 West Williams
Avenue Fallon, Nevada
January 18, 2022**

The Honorable City Council met in a regularly scheduled meeting on the above date in the Council Chambers, 55 West Williams Avenue, Fallon, Nevada.

Present:

Mayor Ken Tedford
City Councilman James Richardson
City Councilwoman Kelly Frost
City Councilwoman Karla Kent
Deputy City Attorney Trent deBraga
Public Works Director Brian Byrd
Deputy Public Works Adrian Noriega
City Engineer Derek Zimney
Deputy City Clerk-Treasurer Mike O'Neill
Deputy City Clerk-Treasurer Elsie Lee

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.

Deputy City Clerk-Treasurer Elsie Lee advised that the agenda was posted in compliance with the NRS requirements.

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 comments were noted.

Approval of Warrants

- A) Accounts Payable
- B) Payroll
- C) Customer Deposit

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

Public hearing for discussion of possible project(s) to be funded through the Community Development Block Grant Program, for fiscal year 2022-2023 and consideration and possible approval and ranking of project application(s) to be submitted through the CDBG program.

City Engineer Derek Zimney stated that the purpose of this public hearing is to discuss public input received on possible project(s) for the Community Development Block Grant Program for fiscal year 2022-2023 and approve and rank project application(s) to be submitted through the CDBG program. The City proposes to submit one of more projects to be funded through the Community Development Block Grant Program, for fiscal year 2022-2023. The purpose of this agenda item is to discuss comments received on potential applications and approve and rank applications prior to submittal to the State. Proposed projects and estimated funding are listed below. The single project that we have really zoned in is Court Street and Sidewalk ADA Improvement project for \$575,000.00, this is a rough engineer estimate. The CDBG Program is administered by the Department of Housing and Urban Development and is authorized by Title 1 of the Housing and Community Development Act. The primary objective of the Community Development Block Grant Program is the development of viable communities by providing decent housing, suitable living environments, and expanding economic opportunities principally for persons of low and moderate income. The Governor's Office of Economic Development anticipates the amount of 2022 allocations at \$3,600,000.00 for rural Nevada. This Public Hearing is the third and final hearing in the CDBG process. A Public Hearing Notice, which was posted on October 13, 2021, referenced projects proposed to date.

Mayor Tedford asked if there were any questions from the Council or public.

Mayor Tedford stated that this is a good project. If we can be approved, it would really clean up that area of town and our long-term problem. As you know, Court Street is a drainage issue also, and probably why that street hasn't been done after Broadway and the portion of Sherman. I think this remains the only street that lacks this major of a street project, with sidewalk and ADA improvements.

No further comments were noted.

Public hearing to establish fair market value for Parcels B (portion), E, F, and J of the New River Business Park at \$576,625.00, \$563,361.75, \$58,806.00, and \$112,700.00, respectively; and for other matter properly related thereto.

Deputy City Attorney Trent deBraga stated that the City of Fallon owns a portion of Parcel B, E, F, and J located at the New River Business Park. Pursuant to NRS 268.059, the City of Fallon is required to obtain an independent appraisal of its property before it can be offered for sale. If the City Council holds a public hearing on the matter of the fair market value of the real property, only one independent appraisal is required before it is offered for sale. In 2021, Cindy Fogl with JOHNSON|PERKINS|GRIFFIN conducted an appraisal of the New River Business Park and determined the fair market value of each parcel as of December 20, 2021, to be as follows:

- Portion of Parcel B consisting of approximately 461,300 square feet valued at \$1.255/square foot for a total value of \$576,625.
- Parcel E consisting of approximately 417,305 square feet valued at \$1.35/square foot for a total value of \$563,361.75
- Parcel F consisting of approximately 43,560 square feet valued at \$1.35/square

foot for a total value of \$58,806.00

- Parcel J consisting of approximately 98,000 square feet valued at \$1.150/square foot for a total value of \$112,700.00

Ms. Fogl's qualifications as well as the appraisal are attached to this agenda. NRS 268.059 requires the appraisal to have been prepared not more than 6 months before the date on which the real property is offered for sale. JOHNSON|PERKINS|GRIFFIN was chosen as the qualified appraiser because it conducts the City of Fallon's annual appraisal of the New River Business Park to determine the fair market value and City's staff had confirmed there were no local commercial appraisers.

Councilwoman Frost asked if the appraisal is good for the lifetime, of the possible agreement with Dickson, or does it have to be redone occasionally.

Deputy City Attorney Trent deBraga stated that the statute isn't entirely clear with that. It just states that you have to have the appraisal before offering it for sale. The agreement, which will be on the next agenda item, is a 3-year agreement with the Dickson Commercial Group. That is the proposal, and essentially in that agreement, there is a provision where we can change the price, if necessary. To answer your question, these will be the fair market value for at least the next 3 years. The City of Fallon does an annual evaluation of the Business Park and if it does fluctuate, we will most likely reassess at that time.

Councilwoman Frost stated, for the record, if we believe the value of the land has gone up, we can always ask for more than the appraised value, but we aren't able to take less.

Deputy City Attorney Trent deBraga stated that was correct. The statute requires a floor, if you will, once the fair market value is established. The City can't sell for less than that, it can sell for the appraised value or higher, if we desire.

Councilwoman Frost thanked Mr. deBraga.

Councilwoman Kent asked why we perform an annual appraisal of the New River Business Park.

Deputy City Attorney Trent deBraga stated that we usually perform an annual appraisal for audit purposes, and we like to know what it is worth. Generally speaking, it is for audit purposes.

Councilwoman Kent asked about the parcels that currently have businesses on them now. Are those parcels owned by the businesses, or is that still property owned by the City?

Deputy City Attorney Trent deBraga stated that the parcels currently occupied by businesses are no longer owned by the City, they are owned by the private individuals who purchased them.

Councilman Richardson asked if these parcels are the remaining parcels available now.

Deputy City Attorney Trent deBraga stated that yes, they are.

Councilman Richardson stated that 5 parcels are left.

Mayor Tedford stated that these parcels can be split up.

Deputy City Attorney Trent deBraga stated that these are the existing parcels, but they can always be parceled out. As of today, these are the existing parcels.

Councilman Richardson stated that we could have perspective buyers like a parcel, but only need 2 acres, or however many feet. They can come back, parcel that at, and then have it reappraised.

Deputy City Attorney Trent deBraga stated that they could parcel if they desire, subject to approval of course.

Mayor Tedford stated that he thinks there is about 24 acres left. They can be anywhere from 1-5-acre parcels. All that land, just so you know, must be owned. There is no land out there that can be leased.

Mayor Tedford inquired if there were any public comments
No comments were noted.

Possible action to approve the Owner-Agency Agreement and Commission Schedule with the Dickson Commercial Group, Inc. for purposes of listing and selling Parcels B (portion), E, F, and J of the New River Business Park.

Deputy City Attorney Trent deBraga stated that the Dickson Commercial Group is a full service commercial real estate firm based in Reno, Nevada. The proposed agreement and commission schedule would allow the Dickson Commercial Group to market and list the New River Business Park in order to procure parcels above the fair market value which is permitted by NRS 266.267. The listing values of the parcels involve an approximate 10% increase for the appraised values submitted by JOHNSON|PERKINS|GRIFFIN. If approved, the Dickson Commercial Group's commission will be 5% of the gross sales price if they are the only agent, or 2.5% if there is a cooperating agent involved, with the other 2.5% being paid to the cooperating agent. The appraised values compared to the listing values are as follows:

- Portion of Parcel B appraised at \$576,625.00 and to be listed at \$635,000.00
- Parcel E appraised at \$563,361.75 and to be listed at \$620,000.00
- Parcel F appraised at \$58,806.00 and to be listed at \$65,000.00
- Parcel J appraised at \$112,700.00 and to be listed at \$124,000.00

As I mentioned earlier, the appraised values set the floor, but the statutes do allow the City to list and sell the property higher than the appraised value.

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

Councilwoman Frost asked Trent if he has examined the contract with Dickson. Is this a general contract used by most agencies?

Deputy City Attorney Trent deBraga stated that this a standard contract. The City Attorney's office did go through it and made some changes. For instance, one of the changes made, was made to page 3 of the agreement where it talks about the Commission. Usually, when a buyer is procured, ready, willing, and able, to buy the property of the price, and under the terms, usually the Commission gets locked in. We have CC & R's on our Business Park, some additional language that was added to that was regarding the Dickson Group procuring a buyer. We put in language that it would have to be approved by the City in order to meet what we are looking for, and comply with our CC & R's. Generally speaking, this is standard but the City did make some additions and revisions.

Mayor Tedford stated that there isn't any agreement that these attorneys review that they don't like to tweak in some way or another. This one is no different.

Councilwoman Frost stated that she appreciates their tweaking.

Mayor Tedford agreed.

Mayor Tedford inquired if there were any public comments.

No comments were noted.

Councilwoman Frost motioned to approve the Owner-Agency Agreement and Commission Schedule with the Dickson Commercial Group, Inc. for purposes of listing and selling Parcels B (portion), E, F, and J of the New River Business Park.; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

Fallon Police Department Monthly Report for December, 2021.

Captain Frandsen greeted the Mayor and Council. This is the December Report for the

Police Department, which is also a part of the agenda. Bear with me, this is the first time presenting this report. As you can see on page #1, the total calls of service for the month of December were 1,273, about double from last year. However, we implemented a program where we wanted the Officers getting out of their cars and checking on businesses at night. That is why there is an addition to those cases. Approximately, 600 additional cases of Officers out checking doors, finding doors unlocked, and things of that nature. Walk and talks are also included in this number. This is Officers getting out and talking to members of the community and is the big jump there. The Crime Summary is on the following page. December of this past year was down from previous fiscal year. Approximately half, as you can see. We had 19 larcenies in December of 2020 versus 8 in December of 2021. The batteries and the domestic batteries are comparable, but down a little as well. Arrest Summary – our arrests were up this past December from the last year. Double, it appears, 13 between the misdemeanors and the felonies. If you look here, it shows 23, but if you look at the back page, Chief Alexander has a breakdown of the arrests. He shows, of the 11 felony arrests, 6 of the arrests were made on felony warrants. These were previously investigated cases where we submitted warrants requested to the District Attorney’s Office. Those warrants were issued, and at some point, we came across the suspect of that crime. 2 of those felony warrants were because of Parole and Probation violations. This happened to be the same person that was arrested twice. The 12 misdemeanor arrests were all warrant arrests. These don’t include the warrants where they were DUI’s and things of that nature that aren’t listed but are also misdemeanors.

Councilwoman Kent asked what CPC stands for.

Captain Frandsen stated that CPC stands for Civil Protective Custody. This is when an individual has gone out and probably had too much to drink, at any given time, and is unable to care for themselves. We take them into Civil Protective Custody. They are booked into the County jail, with no criminal charges, until they are sober enough to be released on their own. Juvenile Arrests and Misdemeanors – You can see that there were 5 arrests of juveniles this past December, compared to 1 in December of last year. So, we arrested 4 additional juveniles this year, in December. Traffic Warnings and Citations are up from last year. You can see, the warnings were 109, and there were 22 warnings issued December of 2021. Citations also jumped dramatically from 30, in 2021, from 4 the previous December. Traffic Accidents, on the next page, were up from this time last year. Private Property Accidents were up by 6 and Public Accidents were up by 5. When we say public, it means any public street. Private property is meaning parking lots like, Safeway, Walmart, and things of that nature. Animal Calls for the Shelter – December of 2021 are up from the previous year as well, by about 20 within the City and County. We took in a lot more animals in December this year than we did the year before that, less from the Tribal Agencies. Citizen Surveys that were sent out for the month of December and we received 7 of them back. Most were “very satisfied,” and there was 1 with “no opinion.” As far as that goes, I believe our citizens are happy with the service we are providing them. “Very satisfied,” for that matter. Some of the comments from the Citizen Surveys; 70-year-old female resident said that our Officers showed great compassion on her call, for service and understanding; our dispatchers are courteous; the staff performed excellent; one citizen is a brand-new foster mom and the Officer that responded to her call says “Officer Chris.” That could be 1 or 2 people. It could be Sgt. Decker or Chris Bloomfield. They helped her feel a lot better after their conversation. Our citizens think that our department is being run smoothly. Some of the things we did over the month of December were providing lodging for 1 person, who came in asking for assistance. Detective Goodrick did an indoctrination for the Navy, I-Division. Is everyone aware of what

I-Division is? Once a month, for both commands, NSAWC and the Base, we go out and talk to the incoming sailors. We provide about a 60-minute presentation about Nevada, the City of Fallon, the things that we offer and provide, and things not to do, to keep them out of trouble. It is a successful program that the City provides to the Navy. They are always happy to have us come out there and do that for their sailors. I think it is a great program and it is done through the Detective Division. Our volunteers, of which we have 3, provided 94 hours of volunteer hours to the City of Fallon in December. This included the Helping Hands Program, Domestic Violence meetings, the Christmas Tree Lighting ceremony, as well as the Serpa assignment that happened in December. Other public relations that we were involved in December; December 3rd, Detective Goodrick conducted robbery training at the Churchill County Federal Credit Union. He conducted a presentation on what to do if ever a robbery were to occur; December 3rd, Officers provided foot-patrol during the Christmas Tree Lighting; Several of us were involved in the annual First Responder's Food Drive, where we collected over 10,000 pounds of food items that were donated to Out-of-Egypt, and we also won that competition; December 8th, Officer Jacobs provided a tour of the Police Department to a Preschool class; Officer Bloomfield and Officer Groom, on the 10th, provided Traffic Control for the Fountain Dye of the Middle School Boys' Basketball teams; December 11th, Officer Bloomfield assisted Santa's Elves with photographs; On the 14th of December, Sgt. Perez and Officer Jacobs provided Traffic Control on S. Maine Street for the Oasis Academy Basketball Team; On December 22nd, the Chief, Captain Wenger, Executive Secretary Emily Rasmussen, and Sgt. John Riley, served lunch at the Pennington Life Center, which is an annual event; On December 22nd, Officer Bernard went Christmas Caroling; The 29th, Sgt. Babiarcz was waved down by a citizen who's son wanted to meet a Police Officer, and he stopped to speak to the young man and gave him a tour of his car. We went over the breakdown of the arrests. It says that we have 36 total arrests, but if I look at this number, it appears, to me, the number would be 23. 11 felony arrests and the 12 misdemeanors. I am assuming the others would be the DUI arrest, and things of that nature. These are all warrant arrests that the Chief is talking about here. Breakdown of our Theft Reports – it looks like the larcenies are down from the year before, stolen wallet, stolen package from doorstep, stolen bicycle, generator, probably from the back of a pickup truck, stolen property from Walmart, a purse, and a catalytic converter from last month.

Mayor Tedford asked if there were any questions.

No Comments were noted.

Mayor Tedford stated that Captain Frandsen did just fine for his first time.

Captain Frandsen stated that he appreciates that and would love any pointers.

Mayor Tedford inquired if there were any public comments.

No comments were noted.

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 comments were noted.

Council and Staff Reports

Mayor Tedford inquired if there were any Council or staff reports.
No comments were noted.

Executive Session

Mayor Tedford tabled the executive session, as it was not needed at this time.

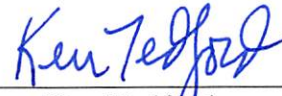
Adjournment

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 9:28 a.m.

Attest:



Sean C. Richardson, City Clerk-Treasurer



Mayor Ken Tedford