

AGENDA
CITY OF FALLON – CITY COUNCIL
55 West Williams Avenue
Fallon, Nevada
August 2, 2022 – 9:00 a.m.

The Honorable City Council will meet in a regularly scheduled meeting on August 2, 2022 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. Approval of Warrants: **(For possible action)**
 - A) Accounts Payable
 - B) Payroll
 - C) Customer Deposit
5. Consideration and possible approval and adoption of Resolution 22-08: A resolution of the City Council of Fallon, Nevada providing for the transfer of the City’s 2022 Private Activity Bond Volume Cap to the Nevada Rural Housing authority; and other matters related thereto. **(For possible action)**
6. Public hearing for Bill No 788: An Ordinance amending the City of Fallon Municipal Code, Title Five “Business Licenses and Regulations,” to add Chapter 5.56 entitled “Shopping Carts” which provides for the regulation of shopping carts within the City of Fallon; declares the presence of shopping carts public nuisances in certain situations; requires businesses that provide shopping carts to create a shopping cart retrieval procedure; provides for the retrieval and impounding by the City or its agents of shopping carts in certain situations. **(For discussion only)**
7. Consideration and possible adoption of Bill No 788: An Ordinance amending the City of Fallon Municipal Code, Title Five “Business Licenses and Regulations,” to add Chapter 5.56 entitled “Shopping Carts” which provides for the regulation of shopping carts within the City of Fallon; declares the presence of shopping carts public nuisances in certain situations; requires businesses that provide shopping carts to create a shopping cart

retrieval procedure; provides for the retrieval and impounding by the City or its agents of shopping carts in certain situations. **(For possible action)**

8. Public meeting for discussion of possible state Community Development Block Grant Applications for fiscal year 2023-2024. **(For discussion only)**
9. Public Comments **(For discussion only)**
10. Council and Staff Reports **(For discussion only)**
11. Executive Session (closed):
 - Discuss Litigation Matters **(For discussion only)** (NRS 21 et.seq.)
 - Negotiations with Operating Engineers Local Union No. 3 **(For discussion only)**
 - Negotiations with Fallon Peace Officers Association **(For discussion only)**

This agenda has been posted on or before 9:00 a.m. on July 28, 2022 at City Hall, District Court Building, Churchill County Office Complex, Churchill County Public Library and posted 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, City Clerk's Office, City Hall, 55 West Williams Avenue, Fallon, Nevada, 775-423-5104. 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 775-423-5104 in advance so that arrangements may be conveniently made.

August 2, 2022

Agenda Item 5

Consideration and possible approval and adoption of Resolution 22-08: A resolution of the City Council of Fallon, Nevada providing for the transfer of the City's 2022 Private Activity Bond Volume Cap to the Nevada Rural Housing authority; and other matters related thereto. **(For possible action)**

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 5

DATE SUBMITTED: July 27, 2022

AGENDA DATE REQUESTED: August 2, 2022

TO: The Honorable City Council

FROM: Nevada Rural Housing

SUBJECT TITLE: Consideration and possible approval and adoption of Resolution 22-08: A resolution of the City Council of Fallon, Nevada providing for the transfer of the City's 2022 Private Activity Bond Volume Cap to the Nevada Rural Housing authority; and other matters related thereto. (For possible action)

TYPE OF ACTION REQUESTED: (Check One)

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

RECOMMENDED COUNCIL ACTION: Motion to approve and adopt Resolution 22-08: A resolution of the City Council of Fallon, Nevada providing for the transfer of the City's 2022 Private Activity Bond Volume Cap to the Nevada Rural Housing authority; and other matters related thereto.

DISCUSSION: Mr. William Brewer, of the Nevada Rural Housing Authority ("NRHA"), has submitted a request for the City to transfer its 2022 private activity bond volume cap to the NRHA. The NRHA promotes, provides and finances affordable housing opportunities for rural Nevadans. The City has annually approved the request from the NRHA. If approved, the attached resolution and transfer certificate will be executed and delivered to the Nevada Department of Business and Industry.

FISCAL IMPACT: N/A.

FUNDING SOURCE: N/A.

PREPARED BY: Elsie Lee, Deputy City Clerk

RESOLUTION NO. 22-08

RESOLUTION OF THE CITY COUNCIL OF FALLON, NEVADA PROVIDING FOR THE TRANSFER OF THE CITY'S 2022 PRIVATE ACTIVITY BOND VOLUME CAP TO THE NEVADA RURAL HOUSING AUTHORITY; AND OTHER MATTERS RELATED THERETO

WHEREAS, pursuant to the provisions of Chapter 348A of the Nevada Revised Statutes ("NRS") and Chapter 348A of the Nevada Administrative Code ("NAC"), there has been allocated to the City of Fallon, in Churchill County, Nevada (the "City," "County" and "State," respectively), the amount of \$498,135.64 in tax-exempt private activity bond volume cap for year 2022 (the "2022 Bond Cap"); and

WHEREAS, the Nevada Rural Housing Authority (the "NRHA"), has requested that the City transfer its 2022 Bond Cap to the NRHA for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income ("*Single Family Programs*"); and

WHEREAS, the City is a local government as defined by NAC 348A.070; and

WHEREAS, Section 348A.180 of the NAC provides a procedure whereby the City may, by resolution, transfer to any other local government located within the same county, all or any portion of its 2022 Bond Cap; and

WHEREAS, pursuant to NRS 315.983(1)(a), the NRHA is an instrumentality, local government and political subdivision of the State; and

WHEREAS, the NRHA is located within the County, pursuant to NRS 315.963, which defines the NRHA's area of operation as "any area of the State which is not included within the corporate limits of a city or town having a population of 150,000 or more."

NOW, THEREFORE, the City Council of the City does hereby find, resolve, determine and order as follows:

Section 1. Recitals. The recitals set forth herein above are true and correct in all respects.

Section 2. Transfer of Private Activity Bond Volume Cap. Pursuant to NAC 348A.180, the City hereby transfers its 2022 Bond Cap in the amount of \$498,135.64 to the NRHA for its Single Family Programs.

Section 3. Use of 2022 Bond Cap. The NRHA will use the 2022 Bond Cap for single family purposes in calendar year 2022 or carry forward any remaining amount according to the Internal Revenue Code of 1986, as amended, for such purposes.

Section 4. Representative of City. Pursuant to NAC 348A.180(1), the Director of the State of Nevada Department of Business and Industry (the “Director”) may contact Sean Richardson, City Clerk Treasurer, City of Fallon, regarding this Resolution at (775) 423-5104 or by email at ELee@FallonNevada.Gov or in writing at 55 West Williams Avenue, Fallon, Nevada 89406.

Section 5. Additional Action. The Mayor and Clerk of the City are hereby authorized and directed to take all actions as necessary to effectuate the transfer of the 2022 Bond Cap, and carry out the duties of the City hereunder, including the execution of all certificates pertaining to the transfer as required by NAC Ch. 348A.

Section 6. Direction to the NRHA. The NRHA shall notify the Director in writing as soon as practicable of the occurrence or nonoccurrence of any term or condition that would affect the disposition of the 2022 Bond Cap.

Section 7. Representative of the NRHA. Pursuant to NAC 348A.180(3), the Director of Business and Industry may contact Diane Arvizo, Director of Homeownership Programs of the NRHA regarding this Resolution at (775) 886-7900 or by email at Diane@NVRural.Org or in writing at Nevada Rural Housing Authority, 3695 Desatoya Drive, Carson City, Nevada 89701.

Section 8. Obligation of the City. This Resolution is not to be construed as a pledge of the faith and credit of or by the City, or of any agency, instrumentality, or subdivision of the City. Nothing in this Resolution obligates or authorizes the City to issue bonds for any project or to grant approvals for a project or constitutes a representation that such bonds will be issued.

Section 9. Enforceability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution. This Resolution shall go into effect immediately upon its passage.

ADOPTED, SIGNED AND APPROVED this ____ day of _____, 2022.

CITY OF FALLON, NEVADA

By _____
Ken Tedford, Mayor

ATTEST:

By _____
Sean Richardson, City Clerk Treasurer

CERTIFICATE OF TRANSFER OF VOLUME CAP

I, Sean Richardson, am the duly chosen and qualified Deputy City Clerk/Treasurer of the City of Fallon, Nevada (the "*City*") and in the performance of my duties as City Clerk do hereby certify to the Office of Business Finance and Planning in accordance with Section 348A.260 of the Nevada Administrative Code ("*NAC*"), that the 2022 private activity bond volume cap allocated to the City in the amount of \$498,135.64 has been transferred as follows:

\$498,135.64 has been transferred pursuant to NAC 348A.180 from the City, a local government, located in Churchill County to the Nevada Rural Housing Authority, a local government, located within Churchill County for the purpose of providing a means of financing the costs of single family residential housing that will provide decent, safe and sanitary dwellings at affordable prices for persons of low and moderate income.

This certificate is being filed within five (5) days of the transfer being made in accordance with NAC 348.260.

CITY OF FALLON, NEVADA

By _____
Sean Richardson, City Clerk Treasurer

cc: Diane Arvizo, Nevada Rural Housing Authority



June 8, 2022

Ken Tedford, Jr.
Mayor, City of Fallon
55 W. Williams Ave.
Fallon, NV 89406

Re: Request for Private Activity Bond Cap

Dear Mayor Tedford:

The *feeling of home* has gained so much power and impact over the past two years, hasn't it? It's where we've all sought hope, comfort, and a sense of belonging during some truly challenging times, and it's what we've aimed to help build in your community with your support. Each year, your county transfers all or a portion of its unused Private Activity Bond Cap (PABC) to Nevada Rural Housing Authority (NRHA), resulting in our continued success operating Home At Last™, the award-winning, single-family housing program created exclusively for rural homebuyers.

Transferring unused PABC to NRHA does not obligate the County in any way – it simply provides us with an additional financing tool to ensure we can continue offering affordable homeownership programs like the Mortgage Credit Certificate (MCC), offered exclusively through NRHA.

Please accept this letter as our request to schedule this action (or consent) item for the City Council meeting being held on July 18, 2022. A draft of the resolution and transfer certificate required by the State of Nevada is attached for your use in preparing this item for the agenda.

Within five (5) days of approval, please email the executed documents to Diane@NVRural.org and mail the originals to:

Attn: Carrie Foley
State of Nevada, Department of Business & Industry
3300 W. Sahara Ave., Suite 425
Las Vegas, NV 89102

If you have any questions about the transfer or this request, please consult your counsel or NRHA's bond counsel, Ryan Bowen at (312) 845-3277.

With Sincere Gratitude,

William L. Brewer
Executive Director

Enclosures: 3 (Resolution, Transfer Certificate, Program Report)



3695 Desatoya Drive, Carson City, NV 89701 • P: 775-887-1795 • F: 775-887-1798
TDD: 800-545-1833 ext. 545 • nvrural.org • Diane@nvrural.org
This institution is an equal opportunity provider and employer.









The Nevada Rural Housing Authority's mission is to promote, provide and finance affordable housing opportunities for all rural Nevadans.

Home At Last™ homeownership programs – from mortgage tax credits, down payment assistance, low-rate mortgage options, to homebuyer education – provide rural Nevadans with access to affordable credit and an opportunity to achieve successful and sustainable homeownership, which is a key component to economic development. Nevada Rural Housing Authority recognizes the tremendous value in working together with our local communities *and* your commitment to helping to ensure every Nevadan has a home they can afford – it's part of what makes rural Nevada a great place to live!

**Program Impact for
City of Fallon
\$31 Million
in Mortgages Provided**



The Christy Family – Home At Last in Rural Nevada

-  **\$4.9 Million in Private Activity Bond Cap transfers from the City to NRHA since 2006**
-  **\$320,000 Million in estimated Federal Tax Savings to homeowners in the City since 2006**
-  **\$929,786 Million in Down Payment Assistance to homebuyers in the City since 2006**
-  **177 homeowners in the City through the Home At Last™ program since 2006**

**Home At Last™ Program
Performance Since 2006**



\$2.2 Billion
Mortgages Provided

10,375
Homeowners Assisted

\$60 Million
Down Payment Assistance Provided

\$35.6 Million
Estimated Tax Savings to Homeowners
Reinvested in Local Communities



Nevada Rural Housing Authority is an equal opportunity provider and employer.

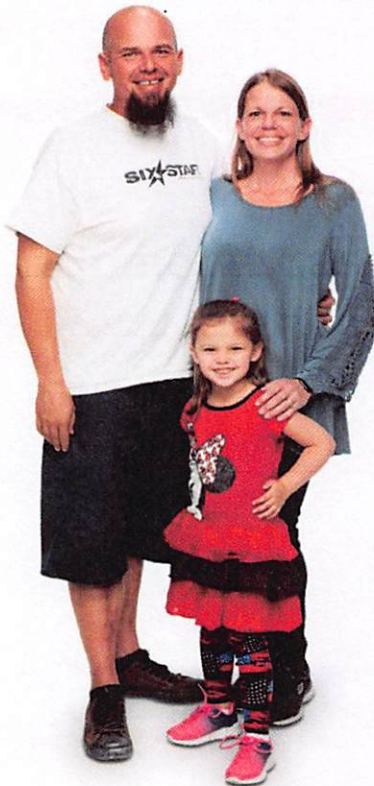
Home At Last™ City of Fallon



As a nationally recognized award-winning homeownership program, Home At Last™ provides unprecedented access to a wider range of affordable credit options, resulting in doors being opened for more rural Nevadans to own a home. A transfer of private activity bond cap to Nevada Rural Housing Authority benefits our local communities by providing affordable single-family home financing to low- and moderate-income households.



Home At Last™ University (HAL U, for short), is a nationally recognized program that provides homebuyers, lenders, and real estate professionals with 24/7 online access to required homebuyer education and program training. During the pandemic, HAL U prepared thousands of homebuyers, and trained hundreds of lenders and real estate professionals. HAL U has expanded its reach to assist rural Nevadans by providing the HUD required Housing Choice Voucher (Section 8) briefings to tenants who are unable to meet with a case worker in person.



"The feeling is unreal ... it's our dream home and really a dream come true for our entire family, and that is thanks to Home At Last™" – The Davis Family

Pursuant to NRS 315 et. seq., the Nevada Rural Housing Authority (NRHA) operates under the oversight of a board of commissioners appointed by the Nevada Association of Counties and the Nevada League of Cities and Municipalities, and is defined as an instrumentality, local government and political subdivision of the State of Nevada, exercising public and essential governmental functions. NRHA's area of operation is defined as communities with population below 150,000.



Nevada Rural Housing Authority is an equal opportunity provider and employer.

August 2, 2022

Agenda Item 6

Public hearing for Bill No 788: An Ordinance amending the City of Fallon Municipal Code, Title Five “Business Licenses and Regulations,” to add Chapter 5.56 entitled “Shopping Carts” which provides for the regulation of shopping carts within the City of Fallon; declares the presence of shopping carts public nuisances in certain situations; requires businesses that provide shopping carts to create a shopping cart retrieval procedure; provides for the retrieval and impounding by the City or its agents of shopping carts in certain situations. **(For discussion only)**

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 6

DATE SUBMITTED: July 27, 2022

AGENDA DATE REQUESTED: August 2, 2022

TO: The Honorable City Council

FROM: Trent deBraga, Deputy City Attorney

SUBJECT TITLE: Public hearing for Bill No 788: An Ordinance amending the City of Fallon Municipal Code, Title Five “Business Licenses and Regulations,” to add Chapter 5.56 entitled “Shopping Carts” which provides for the regulation of shopping carts within the City of Fallon; declares the presence of shopping carts public nuisances in certain situations; requires businesses that provide shopping carts to create a shopping cart retrieval procedure; provides for the retrieval and impounding by the City or its agents of shopping carts in certain situations. **(For discussion only)**

Resolution Ordinance
 Formal Action/Motion Other

POSSIBLE COUNCIL ACTION: None in this agenda item, it is for public hearing for Bill No. 788 only.

DISCUSSION: Bill No. 788 was introduced at the City Council’s properly noticed special meeting on June 29, 2022. Notice of the deposit of copies of the proposed ordinance and the public hearing date was duly published in the Lahontan Valley News on July 21, 2022. The proposed ordinance, as introduced, and Proof and Statement of Publication of the Notice of Deposit of Copies and Public Hearing to Adopt Bill No. 788 are attached to this coversheet. This agenda item represents the public’s opportunity to comment on the proposed ordinance and to present relevant information and materials to the Council.

PREPARED BY: Trent deBraga, Deputy City Attorney

FISCAL IMPACT: None

FUNDING SOURCE: N/A

Bill No. _____

Ordinance No. _____

An Ordinance amending the City of Fallon Municipal Code, Title Five "Business Licenses and Regulations", to add Chapter 5.56 entitled "Shopping Carts" which provides for the regulation of shopping carts within the City of Fallon; declares the presence of shopping carts public nuisances in certain situations; requires businesses that provide shopping carts to create a shopping cart retrieval procedure; provides for the retrieval and impounding by the City or its agents of shopping carts in certain situations; and other matters properly related thereto.

WHEREAS, damaged, dismantled, and/or abandoned shopping carts on public or private property create conditions that promote blight and deterioration within the City;

WHEREAS, the City Council believes that such shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic; and

WHEREAS, after discussion and consideration, the City Council finds that establishing regulations concerning the abandonment and recovery of shopping carts is in the best interest of the City and will promote the health and welfare of the citizens and the general public.

Therefore, the City Council of the City of Fallon, Nevada, do ordain as follows:

SECTION ONE: that Title Five "Business Licenses and Regulations" be amended, adding Chapter 5.56 which shall read as follows:

Chapter 5.56 "Shopping Carts"

5.56.010 – Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "City" means the City of Fallon.
- B. "Premises" means the interior of a business establishment, and all exterior landscaped areas, pedestrian areas and sidewalks adjacent to a business establishment, and the designated parking lot area provided by a business establishment for its customers to park their automobiles or other means of transportation while they patronize the business establishment. The premises includes the entire parking area used by a multi-store complex or shopping center wherein such business establishment is located.
- C. "Private property" means all real property in the city, but excluding public property.

- D. "Public property" means all real property owned, leased or occupied by the city, all real property in which the city has a possessory interest, and any easement granted to the city for public purposes, including, without limitation, public streets, parks, alleys, sidewalks, flood control channels, and any other real property within the city owned, leased or occupied by any governmental entity.
- E. "Shopping Cart" means a basket, or similar device, that is mounted on wheels and is generally used by customers and patrons in retail or wholesale business establishments for the purpose of transporting goods of any kind within the premises thereof. The term includes any constituent part of a shopping cart, as well as a shopping cart that is dismantled or not in working order.
- F. "Shopping cart owner" means, with respect to any shopping cart:
 - a. The legal owner of such shopping cart;
 - b. the owner or operator of a business establishment that is authorized by the legal owner of such shopping cart to provide such shopping cart for use by customers and patrons at the premises of the business establishment; and
 - c. The authorized agents and employees of the persons listed in subsections (a) and (b).

5.56.020 Shopping carts on public property and private property declared a nuisance

A shopping cart placed, located, left, situated or found upon any public property or any private property (excluding the premises at which the shopping cart owner provides such shopping cart for use by customers), is a public nuisance, which the city or its authorized agents may abate in accordance with this chapter and applicable law.

5.56.030 Shopping cart owners to implement shopping cart management and retrieval plan

Shopping cart owners shall provide to the City a shopping cart plan which shall enumerate its plans to manage and retrieve shopping carts. Shopping cart management plans shall provide for, at a minimum, the following:

- A. Measures to contain its shopping carts within the premises of its business establishment and/or to prevent any unauthorized person from removing one or more shopping carts from such premises. Permitted measures include any or all of the following:
 - a. A wheel locking mechanism installed on all shopping carts and used in conjunction with an electronic barrier along the perimeter of the premises, which is activated when a shopping cart crosses the electronic barrier;
 - b. A physical barrier, such as bollards, restricting shopping carts to a specific area of the premises;
 - c. A mechanical system requiring a reasonable deposit to use a shopping cart;
 - d. Shopping carts equipped with a protruding arm or similar device prohibiting a cart from being removed from the interior of a business establishment; or
 - e. Any other similar method that prevents the removal of shopping carts from the premises.

- B. Measures to retrieve shopping carts from public and private property. A shopping cart owner is exempt from the requirements of subsection "A" of this Section during any period of time in which such shopping cart owner implements, enforces and utilizes measures for retrieving shopping carts from public property daily and returning such shopping carts promptly to the shopping cart owner. Permitted measures include any or all of the following:
- a. Entering into a written contract with a cart retrieval service requiring the daily retrieval of shopping carts from public and private property, and the return of such shopping carts to the shopping cart owner;
 - b. Daily retrieval by the shopping cart owner of its shopping carts from public and private property; or
 - c. Any other similar method that results in the daily retrieval of shopping carts from public and private property.

5.56.040 Retrieval and impoundment by the City

The City may retrieve and impound any shopping cart located on public or private property. A shopping cart recovered by the City will be released to the owner, or designee, upon payment to the City of a recovery fee of fifteen dollars (\$15.00) per shopping cart.

5.56.050 Disposal of abandoned shopping carts

A Shopping cart impounded shall be held for a period of not more than thirty (30) days to allow for retrieval by the shopping cart owner. In the event the shopping cart is not reclaimed by the owner within such thirty (30) days period of impoundment, the City shall sell or dispose of the same. The City may impose, pursuant to this chapter, storage fees and costs of five dollars per day (\$5.00/day) per cart impounded by the City.

SECTION TWO: If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

This ordinance shall become effective after its passage, approval and publication as required by law.

Proposed by: _____

Passed and adopted this ____ day of _____, 2022.

Those voting
"aye": _____

Those voting

"nay": _____

Those absent:

Those

abstaining: _____

KEN TEDFORD
Mayor

ATTEST: _____

SEAN RICHARDSON
City Clerk-Treasurer

**legals-
churchill co.**

**legals-
churchill co.**

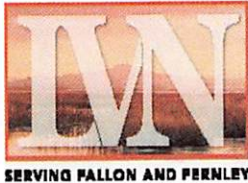
**City of Fallon
Notice of Deposit of Copies and
Public Hearing to adopt Bill No. 788**

Notice is hereby given that the Honorable City Council of the City of Fallon will hold a Public Hearing on Tuesday, August 2, 2022 at 9:00 a.m. in the City Council Chambers, City Hall, 55 West Williams Avenue, Fallon, Nevada 89406, to consider possible adoption of Bill No. 788.

Bill No. 788, if adopted as an Ordinance, will accomplish the following: An Ordinance amending the City of Fallon Municipal Code, Title Five "Business Licenses and Regulations," to add Chapter 5.56 entitled "Shopping Carts" which provides for the regulation of shopping carts within the City of Fallon; declares the presence of shopping carts public nuisances in certain situations; requires businesses that provide shopping carts to create a shopping cart retrieval procedure; provides for the retrieval and impounding by the City or its agents of shopping carts in certain situations.

Notice is hereby further given that copies of Bill No. 788 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 Bills by contacting Elsie Lee, Deputy City Clerk, at (775) 423-5104 or elee@fallonnevada.gov.

**Pub Date: July 21, 2022
Ad # 25984**



Lahontan VALLEY NEWS

AND FALLON EAGLE STANDARD

Proof and Statement of Publication
AD #: 25984

PO Box 648, Carson City, NV 89702
580 Mallory Way, Suite 200, Carson City, NV 89701
(775) 881-1201 FAX: (775) 887-2408

Customer Account #: 2263

Legal Account
CITY OF FALLON

55 W. WILLIAMS AVE.
FALLON, NV 89406

Jodi Lynn Dark says:
That she is a legal clerk of the
Lahontan Valley News
a newspaper published Wednesday at
Fallon, in the State of Nevada.

Copy Line
7/21 LVN Public Hearing/adopt Bill No. 788

PO #:
AD #: 25984
of which a copy is hereto attached, was published
in said newspaper for the full required period of 1
time(s) commencing on 7/21/2022
and ending on, 7/21/2022
all days inclusive.

Signed:
Jodi Lynn Dark

Statement:

Date	Amount	Balance
7/21/22	111.50	111.50

August 2, 2022

Agenda Item 7

Consideration and possible adoption of Bill No 788: An Ordinance amending the City of Fallon Municipal Code, Title Five “Business Licenses and Regulations,” to add Chapter 5.56 entitled “Shopping Carts” which provides for the regulation of shopping carts within the City of Fallon; declares the presence of shopping carts public nuisances in certain situations; requires businesses that provide shopping carts to create a shopping cart retrieval procedure; provides for the retrieval and impounding by the City or its agents of shopping carts in certain situations. **(For possible action)**

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 7

DATE SUBMITTED: July 27, 2022

AGENDA DATE REQUESTED: August 2, 2022

TO: The Honorable City Council

FROM: Trent deBraga, Deputy City Attorney

SUBJECT TITLE: Consideration and possible adoption of Bill No 788: An Ordinance amending the City of Fallon Municipal Code, Title Five “Business Licenses and Regulations,” to add Chapter 5.56 entitled “Shopping Carts” which provides for the regulation of shopping carts within the City of Fallon; declares the presence of shopping carts public nuisances in certain situations; requires businesses that provide shopping carts to create a shopping cart retrieval procedure; provides for the retrieval and impounding by the City or its agents of shopping carts in certain situations. **(For possible action)**

Resolution Ordinance
 Formal Action/Motion Other

POSSIBLE COUNCIL ACTION: Motion to adopt Bill No 788: An Ordinance amending the City of Fallon Municipal Code, Title Five “Business Licenses and Regulations,” to add Chapter 5.56 entitled “Shopping Carts” which provides for the regulation of shopping carts within the City of Fallon; declares the presence of shopping carts public nuisances in certain situations; requires businesses that provide shopping carts to create a shopping cart retrieval procedure; provides for the retrieval and impounding by the City or its agents of shopping carts in certain situations.

DISCUSSION: This agenda item represents the Council’s opportunity to consider the proposed ordinance as they see fit. The Council is free to adopt Bill No. 788 as introduced or amend it, in any respect, prior to its adoption. The proposed ordinance, as introduced, is attached to this coversheet.

PREPARED BY: Trent deBraga, Deputy City Attorney

FISCAL IMPACT: None

FUNDING SOURCE: N/A

An Ordinance amending the City of Fallon Municipal Code, Title Five "Business Licenses and Regulations", to add Chapter 5.56 entitled "Shopping Carts" which provides for the regulation of shopping carts within the City of Fallon; declares the presence of shopping carts public nuisances in certain situations; requires businesses that provide shopping carts to create a shopping cart retrieval procedure; provides for the retrieval and impounding by the City or its agents of shopping carts in certain situations; and other matters properly related thereto.

WHEREAS, damaged, dismantled, and/or abandoned shopping carts on public or private property create conditions that promote blight and deterioration within the City;

WHEREAS, the City Council believes that such shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic; and

WHEREAS, after discussion and consideration, the City Council finds that establishing regulations concerning the abandonment and recovery of shopping carts is in the best interest of the City and will promote the health and welfare of the citizens and the general public.

Therefore, the City Council of the City of Fallon, Nevada, do ordain as follows:

SECTION ONE: that Title Five "Business Licenses and Regulations" be amended, adding Chapter 5.56 which shall read as follows:

Chapter 5.56 "Shopping Carts"

5.56.010 – Definitions.

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- B. "Premises" means the interior of a business establishment, and all exterior landscaped areas, pedestrian areas and sidewalks adjacent to a business establishment, and the designated parking lot area provided by a business establishment for its customers to park their automobiles or other means of transportation while they patronize the business establishment. The premises includes the entire parking area used by a multi-store complex or shopping center wherein such business establishment is located.
- C. "Private property" means all real property in the city, but excluding public property.

- D. "Public property" means all real property owned, leased or occupied by the city, all real property in which the city has a possessory interest, and any easement granted to the city for public purposes, including, without limitation, public streets, parks, alleys, sidewalks, flood control channels, and any other real property within the city owned, leased or occupied by any governmental entity.
- E. "Shopping Cart" means a basket, or similar device, that is mounted on wheels and is generally used by customers and patrons in retail or wholesale business establishments for the purpose of transporting goods of any kind within the premises thereof. The term includes any constituent part of a shopping cart, as well as a shopping cart that is dismantled or not in working order.
- F. "Shopping cart owner" means, with respect to any shopping cart:
 - a. The legal owner of such shopping cart;
 - b. the owner or operator of a business establishment that is authorized by the legal owner of such shopping cart to provide such shopping cart for use by customers and patrons at the premises of the business establishment; and
 - c. The authorized agents and employees of the persons listed in subsections (a) and (b).

5.56.020 Shopping carts on public property and private property declared a nuisance

A shopping cart placed, located, left, situated or found upon any public property or any private property (excluding the premises at which the shopping cart owner provides such shopping cart for use by customers), is a public nuisance, which the city or its authorized agents may abate in accordance with this chapter and applicable law.

5.56.030 Shopping cart owners to implement shopping cart management and retrieval plan

Shopping cart owners shall provide to the City a shopping cart plan which shall enumerate its plans to manage and retrieve shopping carts. Shopping cart management plans shall provide for, at a minimum, the following:

- A. Measures to contain its shopping carts within the premises of its business establishment and/or to prevent any unauthorized person from removing one or more shopping carts from such premises. Permitted measures include any or all of the following:
 - a. A wheel locking mechanism installed on all shopping carts and used in conjunction with an electronic barrier along the perimeter of the premises, which is activated when a shopping cart crosses the electronic barrier;
 - b. A physical barrier, such as bollards, restricting shopping carts to a specific area of the premises;
 - c. A mechanical system requiring a reasonable deposit to use a shopping cart;
 - d. Shopping carts equipped with a protruding arm or similar device prohibiting a cart from being removed from the interior of a business establishment; or
 - e. Any other similar method that prevents the removal of shopping carts from the premises.

- B. Measures to retrieve shopping carts from public and private property. A shopping cart owner is exempt from the requirements of subsection "A" of this Section during any period of time in which such shopping cart owner implements, enforces and utilizes measures for retrieving shopping carts from public property daily and returning such shopping carts promptly to the shopping cart owner. Permitted measures include any or all of the following:
- a. Entering into a written contract with a cart retrieval service requiring the daily retrieval of shopping carts from public and private property, and the return of such shopping carts to the shopping cart owner;
 - b. Daily retrieval by the shopping cart owner of its shopping carts from public and private property; or
 - c. Any other similar method that results in the daily retrieval of shopping carts from public and private property.

5.56.040 Retrieval and impoundment by the City

The City may retrieve and impound any shopping cart located on public or private property. A shopping cart recovered by the City will be released to the owner, or designee, upon payment to the City of a recovery fee of fifteen dollars (\$15.00) per shopping cart.

5.56.050 Disposal of abandoned shopping carts

A Shopping cart impounded shall be held for a period of not more than thirty (30) days to allow for retrieval by the shopping cart owner. In the event the shopping cart is not reclaimed by the owner within such thirty (30) days period of impoundment, the City shall sell or dispose of the same. The City may impose, pursuant to this chapter, storage fees and costs of five dollars per day (\$5.00/day) per cart impounded by the City.

SECTION TWO: If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

This ordinance shall become effective after its passage, approval and publication as required by law.

Proposed by: Councilwoman Frost

Passed and adopted this _____ day of _____, 2022.

Those voting

"aye": _____

Those voting
"nay": _____

Those absent:

Those
abstaining: _____

KEN TEDFORD
Mayor

ATTEST: _____
SEAN RICHARDSON
City Clerk-Treasurer

August 2, 2022

Agenda Item 8

Public meeting for discussion of possible state Community Development Block Grant Applications for fiscal year 2023-2024. **(For discussion only)**

FALLON

Incorporated 1908

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 8

DATE SUBMITTED: July 26, 2022

AGENDA DATE REQUESTED: August 2, 2022

TO: The Honorable City Council

FROM: Derek Zimney

SUBJECT TITLE: Public meeting for discussion of possible state Community Development Block Grant Applications for fiscal year 2023-2024.**(For discussion only)**

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

DESCRIPTION: The purpose of this public meeting is to provide information about the CDBG program, past projects that have been funded in the City of Fallon, how to apply, eligibility requirements, how and where funds can be used, and to give citizens an opportunity to make their comments known regarding what types of eligible activities the City of Fallon should apply for under the State CDBG program. A second public hearing will be held on September 6, 2022 in order to discuss proposed projects submitted to date. A final hearing will be held prior to February 18, 2023 to discuss, approve and rank applications prior to submittal to the State.

FISCAL IMPACT: N/A

FUNDING SOURCE: N/A

PREPARED BY: Derek Zimney, City Engineer

DATE: July 26, 2022

TO BE PRESENTED TO THE COUNCIL BY: Derek Zimney

SUMMARY OF GRANT PERFORMANCE, August 2022

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Since 1982, the City of Fallon has received twenty-five Community Development Block Grants (CDBG). A brief description and status of these grants is found below.

- a. In 1982, a grant (CDBG/82/015) was received in the amount of \$10,000. The project provided access to City Hall for the handicapped which was not previously available. The project was successfully closed out in May, 1984.
- b. In 1988, a grant (CDBG/88/085) was received in the amount of \$33,000. The project involved the construction of a new restroom and the remodeling of another ADA accessible restroom within City Hall. \$22,369.13 of the grant was used and the remaining funds were returned. The project was successfully closed out in November, 1990.
- c. In 1991, a grant (CDBG/91/135) was received in the amount of \$137,000. This grant was utilized to replace a water line in the downtown business area of Fallon. The project was successfully closed out in 1996.
- d. In 1993, a grant (CDBG/93/345) was received in the amount of \$61,637. This grant was utilized to replace a water transmission line running down North Maine Street. The project was successfully closed out in 1999.
- e. In 2000 a housing grant (CDBG/00/HS/002) was received in the amount of \$52,852.00. The project involved the rehabilitation of substandard housing. \$8,194.63 of the grant was used and the remaining funds were returned. The project was successfully closed out in 2005.
- f. In 2003, a grant (CDBG/03/PCB/004) was received for a feasibility study in the amount of \$20,000.00. The project evaluated the feasibility of providing water and sewer service to areas immediately South of Fallon. The project was successfully closed out in 2010.
- g. In 2004, a grant, (CDBG/04/ED/004), was received on behalf of the Nevada Micro-enterprise Initiative in the amount of \$50,000.00. The funds were used as operating funds to assist small businesses in Nevada. \$37,228.99 of the grant was used and the remaining funds were returned. The project was successfully closed out in January, 2012.
- h. In 2004, a grant, (CDBG/04/ED/005), was received on behalf of the Nevada Micro-enterprise Initiative in the amount of \$70,000.00. The funds were used as loan funds to assist small businesses in Nevada. \$35,000.00 of the grant was used and the remaining funds were returned. The project was successfully closed out in January, 2012.

- i. In 2004, a grant, (CDBG/04/020), was received on behalf of Community Business Resource Center (CBRC) in the amount of \$160,000.00. The funds were used for general operating costs. CBRC provides technical assistance and training for small businesses. The project was successfully closed out in January, 2012.
- j. In 2004, a grant, (CDBG/04/007), was received on behalf of Churchill Association for Retarded Citizens (Fallon Industries) in the amount of \$168,000.00. The grant was amended in 2005 with an additional \$20,000.00. The project is being used to provide additional facilities for the Churchill Association of Retarded Citizens. \$26,000.00 of the grant was de-obligated and the remaining funds are being used. The project was successfully closed out on May 21, 2010.
- k. In 2007, a grant, (CDBG/07/PF/006), was received on behalf of the Coalition of Senior Citizens in the amount of \$130,000.00. The project remodeled their facility at 310 East Court Street. Of the grant total, \$7,212.00 was de-obligated and returned to CDBG, while the rest was used. The project was successfully closed out on May 21, 2010.
- l. In 2007, a grant, (CDBG/07/PCB/004), was received on behalf of the Churchill Economic Development Authority in the amount of \$50,000.00. The project is a Hometown Competitiveness (HTC) program designed to help build leadership in the community. Of the grant total, \$8,561.05 was de-obligated and returned to CDBG, while the rest was used. The project was successfully closed out on May 6, 2010.
- m. In 2008, a \$250,000.00 grant, (CDBG/08/AQ/001), was received of behalf of Churchill Council on Alcohol and Other Drugs, which is doing business as New Frontier Treatment Center. The project will help acquire a new building from which to operate the treatment center. The project was successfully closed out in 2008.
- n. In 2009, a grant, (CDBG/09/PF/009), in the amount of \$100,000.00 was received for playground equipment installation at Oats Park. Of the grant total, \$4,223.00 was de-obligated and returned to CDBG, while the rest was used. The project was successfully closed out on August 3, 2010.
- o. In 2010, a grant, (CDBG/10/PF/013), in the amount of \$350,000.00 was received for the construction of a multi-purpose building in Venturacci Park. All grant funds for this project have been used. The project is completed and operational on a daily basis. The project was successfully closed out on January 2, 2013.
- p. In 2011, a grant, (CDBG/11/PF/11), in the amount of \$100,000.00 was received for the construction of various sidewalks and ADA ramps in the southeast quadrant of the City. All grant funds were used and the project was successfully closed out on April 29, 2013.

- q. In 2011, a grant, (CDBG/11/PF/12), in the amount of \$100,000.00 was received for the landscape renovations in Oats Park. The park was regraded and new sod laid. All grant funds were used and the project was successfully closed out on April 29, 2013.
- r. In 2013, a grant, (CDBG/13/PF/04,), in the amount of \$135,000.00 was received for ADA improvements at the Outdoor Pool. Major interior improvements were made to the building as well as the creation of additional ADA access. All grant funds were used and the project was successfully closed out on August 13, 2014.
- s. In 2014, a grant, (CDBG/14/PF/08), in the amount of \$112,500.00 was received for ADA improvements at the Outdoor Pool, Phase 2. \$9,297.55 was de-obligated and returned to CDBG, while the rest was used. The project was successfully closed out November on 6, 2015.
- t. In 2016, a grant, (CDBG/16/AQ/06), in the amount of \$300,000.00 was received as a pass-thru grant to Fallon Community Theatre for the purchase of Fallon Theatres, 71 South Maine Street. The project was successfully closed out February 28, 2017.
- u. In 2016, a grant, (CDBG-16/2-PS-20), in the amount of \$29,568.00 was received as a pass-thru grant to Fallon Food Hub for the purchase of equipment to expand capacity to process food for the area. The project has been officially closed.
- v. In 2017, a grant, (CDBG-17-AQ-02), in the amount of \$107,000.00 was received as a pass-thru grant to Fallon Food Hub for the purchase of 495 South Maine Street. The project is currently underway. The project is closed out.
- w. In 2019, a grant, (CDBG-19-PF-04), in the amount of \$630,444 was received for reconstructing portions of Front Street. The project included a full roadway reconstruction as well as the installation of curb, gutter and sidewalk. This project was completed in 2021 and in the process of being closed.
- x. In 2021, a grant, (CDBG-21-PF-04), in the amount of \$885,462.50 was allocated for reconstructing portions of North Broadway and North Sherman Street. The project includes a full roadway reconstruction as well as the installation of curb, gutter and sidewalk. This project is out to bid and is expected to be completed in 2022/2023.
- y. In 2022, a grant, (CDBG-22-PF-08), in the amount of \$405,045 was allocated for reconstructing a portion of Court Street. The project includes a full roadway reconstruction as well as the installation of curb, gutter and sidewalk. This project is in the Environmental and Civil design phase and is expected to be completed in 2023.

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