

**MINUTES
CITY OF FALLON
55 West Williams Ave
Fallon, Nevada
August 16, 2022**

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

Present:

Mayor Ken Tedford
Councilman James Richardson
Councilwoman Kelly Frost
Councilwoman Karla Kent
Chief of Staff Bob Erickson
City Attorney Mike Mackedon
Deputy City Attorney Trent deBraga
Deputy City Attorney Sean Rowe
City Clerk-Treasurer Sean Richardson
Public Works Director Brian Byrd
Public Works Adrian Noriega
Deputy City Clerk Elsie Lee
Deputy City Clerk Michael O'Neill
City Engineer Derek Zimney
Chief of Police Kris Alexander
Director of Tourism Jane Moon

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 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.

Abolghasse Abraham Sadegh a current resident at the Fallon Lodge greeted the Council. I have two items that I would like to talk about. The first one, I have been profiled and persecuted by our Police Department, and it has to do with my faith. After 12 years I returned to Iran in 1925, experienced the (inaudible) and the present one, and under the present one I

realized the religion to which I was born (inaudible) is a cult of personalities. My father in-law was uh, a Minister of Churchill (inaudible) and his daughter and I met at the University of Texas, and we got married. So, this one page is what represents my faith. Its book is called The Koran or Koran and in chapter 112, the name unity I have quoted here. In the name of God, the compassionate and merciful, it is saying and directing (inaudible) or anyone. Say, is God the one God, the Absolute, He gets not or was he begotten, and there is none comparable to him? In the face of current knowledge of the universe. For example, our galaxy, it takes 200-225 million years for the solar system to rotate around the center of the universe. There are billions of stars and ours is an average one. So, uh...uh considering the present knowledge with billions of (inaudible) galaxy continuing to believe that Jesus is God is idolatry. We should refer to God not as He but rather "it" nor is it either he or she. Believing in God is optional, believing in humanity is not. We are judged not by not how we perceive ourselves but what goes on in our hearts according to the human beings. (Inaudible) which is (inaudible) for my faith that I call the University of (inaudible). The mighty embraces the whole of humanity, from a-z and including (inaudible) a religion that started in Iran, 5 years ago or...fi...five thousand years ago. Also, in uh, it is time for each of us to accept the responsibility of being the savior, by fighting injustice and helping oneself and others, and doing no harm. Furthermore, our ultimate objective in this phase of our existence should be creating a paradise on earth for us, as it already is for all others in the (inaudible) of life, you are a vital part of. All we need, as a beacon of light, on this journey is the final phrase in the Pledge of Allegiance, one nation under God indivisible with liberty and justice for all. The fundamental aspect of the paradise is for every child, anywhere, to reach its fullest potential, creating their required environment across the globe. It is an ongoing responsibility both individually and collectively. Also, our every word and deed should be considered regarding the impact of our children everywhere in perpetuity. And, uh, the second part of my uh, what I would like to present today uh, to the Council, has to do with our military budget. Our military budget. I will talk about that...I...I...I will talk about that, yep, just a second actually. Our military budget is 801.1 billion dollars. The word billion is very misleading, as you know. 1 billion means 1 million. So, for each billion we can build 1,001-million-dollar homes. And our uh, military budget is more than the next 10 countries combined, including, uh, China, which is 293 billion, uh and then Russia which is less than England, it's 5 billion. More incredible than that, is that our total military budget is the 38% of the total military budget of the entire world. I do not believe that we need uh, as a matter of fact, pre...president of uh, president, or not president one of the uh...uh, professors at the University of California and Berkley, wrote 4 books about the fact that we are on the wrong, in term of trying to build a military, empire. We cannot afford it; we will fall to pieces ultimately. So, the first one he called throwback, was actually a CIA term meaning what we do in other countries will come back and haunt us and others specifically, uh...uh until the last one, that is at the end of the republic and after that he died. In uh...and uh, re...regarding, again, regarding the military we...we can reduce it, it seems to me, by ½ and be defensive, our responsibility as Christians, is uh, Matthew 5:9, blessed are the peace makers, for they shall be called children of God. We need to abide by that. I wrote a letter to President Clinton saying our policy should be based on Christ's 2 commandments. That uh, love your god with all your soul, with all your heart, with all your mind, with all your uh...existence. And then love others as yourself. Thank you.

Mayor Tedford inquired if there were any further public comments.

No further 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 Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible adoption of Resolution No 22-09, a Resolution authorizing the Red Mesa Tapaha Solar Project Amended and Restated Transaction Schedule under the Power Supply Agreement with Utah Associated Municipal Power Systems.

City Clerk-Treasurer Sean Richardson greeted the Council. For the last several years, UAMPS, on behalf of its members have been investigating and consulting for the Red Mesa Tapaha Solar Project Amended and Restated Transaction Schedule under the Power Supply Agreement with Utah Associated Municipal Power Systems. This is a 66-megawatt solar generation facility located on the Navajo Nation Reservation in southeastern Utah. UAMPS is now prepared to enter into an amended 25-year Power Purchase Agreement “PPA” with the Navajo Tribal Utility Authority Generation – Utah, LLC on behalf of UAMPS members electing to participate in the project. The PPA has a price of \$37.00/MW with no price escalators. The City Council previously adopted resolution 19-21 on August 5, 2019, which was a PPA with a price of \$23.15/MW with an escalator of 2% each year. Then, due to COVID, supply chain issues, and increased costs, UAMPS renegotiated with the Navajo Tribal Utility Authority to the terms in the current PPA. City staff has met and discussed this project several times and recommends moving forward with this agreement. The facility is scheduled to become operational in March 2023. If approved, the attached Red Mesa Tapaha Solar Firm Power Supply Agreement Transaction Schedule would give the City of Fallon an entitlement of share of 1 MW. If there are any questions, I would be glad to answer them.

Mayor Tedford inquired if there were any questions from Council.

Councilwoman Frost stated that she has a couple of questions. If we were to go out and try to purchase this in the open market today, how much would it possibly cost us?

City Clerk-Treasurer Sean Richardson stated that UAMPS did speak about that a little bit as they went back and renegotiated. UAMPS and members of UAMPS both said that \$37.00/MW, right now is pretty much what the market is currently. If we were to move forward with another project, very similar, it would most likely be more than that. So, this is market right now and the market is increasing daily.

Councilwoman Frost inquired if the \$37.00/MW would be good for the next 25-years.

City Clerk-Treasurer Sean Richardson stated that is correct. That is a fixed cost for a firm project. And yes, it is for a 25-year term.

Councilwoman Frost stated that being a solar project, it would qualify for renewable credits.

City Clerk-Treasurer Sean Richardson confirmed that it would be eligible for

renewable credits.

Councilwoman Frost thanked City Clerk-Treasurer Sean Richardson.

Mayor Tedford stated, for the record, we aren't sure that we need renewable credits. I am not sure if in the future if that might change. Which is a good reason why we should be in some of these projects. Right now, we don't think we need renewable credits. If Sean or Trent can come to the podium to confirm his statements.

Deputy City Attorney Trent deBraga confirmed Mayor Tedford's statement. So, I think back in 2019 when the Legislature passed Legislation, they created an exemption in the renewable energy portfolio standards. So, right now, the way it is worded, unless an energy provides over a million-megawatt hours in a calendar year, you are exempt from the renewable energy standard. I think in 2021, the City of Fallon provided approximately 92,100/MW, which is not even 10% of the standard. Of course, we are always at the mercy of the Legislature, and that could change, but as of now, we are exempt from having any renewable portfolio standards.

Mayor Tedford stated that it is the City's belief, that we should just push forward with these renewable energy units when we can get them in case that changes. Are there any public comments or questions?

No further comments were noted.

Councilwoman Kent motioned to approve and adopt Resolution No 22-09, a Resolution authorizing the Red Mesa Tapaha Solar Project Amended and Restated Transaction Schedule under the Power Supply Agreement with Utah Associated Municipal Power Systems, seconded by Councilwoman Frost, and approved with a 3-0 vote by the Council.

Consideration and possible action to approve a construction contract with Sierra Nevada Construction of Sparks, Nevada, in order to complete the 2022 Preventative Maintenance project, PWP-CH-2022-405, in the total amount of Seven Hundred Seventy-Four Thousand and Seven Dollars (\$774,007).

Public Works Director Brian Byrd greeted the Council. This project is a continuation of a multi-phased approach to preventative street maintenance and rehabilitation throughout the City. Slated for the Fall of 2022, this phase of our preventative maintenance plan would allow for the application of 1,931,293 square feet of crack and slurry seal. The application of pavement crack seal and Type II rapid setting slurry to existing pavements will aid in filling cracks and voids, creating a weather-tight seal and providing color and texture to surfaces while prolonging life expectancy. Working with Lumos & Associates, the City of Fallon has performed a conditions assessment survey of existing City streets. The data compiled from that survey was used to classify existing pavements into two categories based off the applicable pavement preservation techniques. The scope of this project includes portions of approximately 50 streets throughout the City that were deemed appropriate for a crack and slurry seal application. This project was released for public bid on July 14, 2022 and was advertised in the Lahontan Valley News in accordance with NRS 338.1385. 2 bids were received and opened on August 4, 2022, as further described in the attached documents. Again, this is just a continuation of our Preventative Maintenance Plan and working with Lumos & Associates, we identified these streets as the next applicable project from our priority list. We are excited and have doubled what we did in the Spring of this year. This will be one of the first years, with this approach, that we will be able to grab 2 projects and it is

exciting. By the end of the calendar year, we will have applied this technique to nearly 3 million square feet of City streets.

Mayor Tedford stated that this is a good project and really the most streets that we have ever done.

Public Works Director Brian Byrd stated that he is excited about the unit cost pricing. It is pretty similar to what we received in the Spring. The 21-22 project and SNC does great work, they are familiar with our internal processes of public outreach and notification, and we are excited to be able to accomplish this.

Councilwoman Frost asked if we are hoping, in the future, to continue to carry on the Fall/Spring maintenance, if we can afford it.

Public Works Director Brian Byrd stated that we would as resources allow and is probably the best approach. When we have time, and we can bid it early enough, we can have it crack sealed and slurry sealed all in one season. Previous years, we have cracked sealed, let that set over the Winter, then, come back in the Spring and slurry over the top of it. This is equally as effective.

Mayor Tedford stated that it should be noted, this is only for streets that have the ability to be crack sealed and slurred. You know, A Street, Broadway, and Sherman are all major rebuilds. As you know, N Front Street, that whole project, was a major rebuild. N Whitaker, Rancho, those are major rebuilds, and are all coming. So, this is really prolonged the life of some of our streets, that could have this done. Any more questions for Brian from the Council or public?

Councilwoman Kent stated that with all the rebuilds we have had slated and with all the street repairs, we are making a lot of progress, and I hear a lot less pothole issues.

Mayor Tedford inquired if there were any further comments from the public or Council.

No further comments were noted.

Councilwoman Frost motioned to approve a construction contract with Sierra Nevada Construction of Sparks, Nevada, in order to complete the 2022 Preventative Maintenance project, PWP-CH-2022-405, in the total amount of Seven Hundred Seventy-Four Thousand and Seven Dollars (\$774,007), seconded by Councilman Richardson, and approved with a 3-0 vote by the Council.

Consideration and possible approval of a professional services contract with J-U-B Engineers, Inc. for engineering design services for the Reconstruct Taxi Lanes & Entrance Road, Relocate Taxiway G, Runway 3 Safety Area Erosion Control Improvement Project in an amount not-to-exceed One Hundred Eighty-Nine Thousand Two Hundred Dollars (\$189,200), of which the FAA share would be 93.75% or One Hundred Seventy-Seven Thousand Three Hundred and Seventy-Five Dollars (\$177,375) and the City's share would be 6.25% or Eleven Thousand Eight Hundred and Twenty-Five (\$11,825).

Public Works Director Brian Byrd stated that consideration and possible approval of a professional services contract with J-U-B Engineers, Inc. for engineering design services for the Reconstruct Taxi Lanes & Entrance Road, Relocate Taxiway G, Runway 3 Safety Area Erosion Control Improvement Project, as it's next Airport Capital Improvement Project. If approved, J-U-B would complete the engineering and design and bidding services for the project would then be submitted to the FAA for approval. If approved the FAA portion would be reimbursable when a grant is received for

construction costs in the Summer of 2023. This project was identified in our Capital Improvement Plan for 2022. Typically, the FAA will fund the design of the project in one fiscal year and once that design is approved, the City will apply for the actual construction phase of the project in the next cycle. This is typically how the FAA projects work. For 2 years in a row the FAA had funded projects at 100%. Unfortunately, they are back to the norm at the 93.75%. We also have in attendance today, David Myers and Mike Wilhelm with J-U-B, and they have both done an incredible job representing the City of Fallon and helping us program these projects.

Councilwoman Frost wanted to confirm that the FAA has already given approval of this grant and the City would be reimbursed once the engineering report has been completed.

Public Works Director Brian Byrd stated that was correct.

Mayor Tedford stated that nothing is for sure until it is completed. I just don't count on anything until it is all complete.

Public Works Director Brian Byrd stated that he has learned that lesson in his 5 years working here.

Mayor Tedford inquired if there were any comments or questions from the public or Council. We have been disappointed with the FAA lately with some of our projects we thought were completed. Somehow, the money evaporated. I am hoping that doesn't happen on this project. It is much like that advertisement, "This isn't your daddy's FAA."

Councilwoman Frost asked if we had anything in writing giving us approval.

Mayor Tedford stated that he thought we had writing on the prior projects as well. During a virtual meeting I noticed that the grants we thought we had, disappeared. I think it surprised J-U-B as well. We compete against Southern Nevada for grants, where before we didn't use to.

Councilwoman Frost stated that it is still a necessary project to move forward for the Airport.

Mayor Tedford agreed. We still have to pursue them like we have done before, and it is a good project. Are there any further comments or questions from the public or Council?

No further comments were noted.

Councilman Richardson motioned to approve a professional services contract with J-U-B Engineers, Inc. for engineering design services for the Reconstruct Taxi Lanes & Entrance Road, Relocate Taxiway G, Runway 3 Safety Area Erosion Control Improvement Project in an amount not-to-exceed One Hundred Eighty-Nine Thousand Two Hundred Dollars (\$189,200), of which the FAA share would be 93.75% or One Hundred Seventy-Seven Thousand Three Hundred and Seventy-Five Dollars (\$177,375) and the City's share would be 6.25% or Eleven Thousand Eight Hundred and Twenty-Five (\$11,825), seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible action to approve a construction contract with Herback General Engineering of Minden, Nevada, in order to complete the Sherman Street & North Broadway Street Rehabilitation project, PWP-CH-2022-408, in the amount of Three Million Three Hundred Thousand One Hundred Eighty-Six Dollars and Twenty-Five Cents (\$3,300,186.25).

Public Works Director Brian Byrd stated that on April 5, 2021, the City of Fallon received communication from the Governor's Office of Economic Development

indicating an award of \$885,463 of Community Development Block Grant Funding for the 2021 grant cycle. Since the time of award, the City has worked diligently to complete the design, advertise, and bid the project in accordance with Nevada Revised Statutes as well as the Code of Federal Regulations. As advertised, the project consists of a full reconstruction of Sherman Street from East Williams Avenue to Augusta Lane, as well as specified portions of North Broadway Street. The project generally includes demolition and removal of the existing roadway, landscaping, paving, sanitary sewer, storm drains, and waterlines. Construction elements of the project include: The installation of curb, gutter, sidewalk, paving sanitary sewer, street lighting, storm drain manholes, on street parking, and landscaping improvements. This project was released for public bid on July 14, 2022 and was advertised in the Lahontan Valley News in accordance with NRS 338.1385. A pre-bid meeting was held on July 22, 2022. 1 bid was received and opened on August 4, 2022, as further described in the attached documents. This is another project that we are really excited to accomplish. It is a big ask, but the impact that it will have in that area of the community, is huge. The County has indicated and evaluated how much they will be able to participate in helping fund the project because obviously, the County Road Department being on N Broadway, impacts that road in a negative way. So, they are willing to help fund a portion of it. So, we are working through that process right now.

Councilwoman Frost stated that this is a very necessary project. We haven't worked with Herback before but from my understanding they have a very good reputation, especially in Douglas County. Is that correct?

Public Works Director Brian Byrd stated that was correct. Herback targets public works projects quite a bit and they do a significant amount of federal work, which is important to us because with the CDBG being involved the Federal Grant process is relatively cumbersome. Having someone in their office that is familiar with payroll and public works is critical. Lumos & Associates also does a great job in helping us navigate through the process.

Councilwoman Frost stated that we always get a little nervous with only 1 bid. Is this well within the engineering estimate of the cost?

Public Works Director Brian Byrd stated that it is. When we came to the Council and asked to fund the design of this project, Lumos & Associates estimated that project to be approximately 2 and ½ million dollars, and that was 18 months ago. So, with the escalation that we have been witnessing is what got the price to 3.2 million, it is typical. It is a good bid for the market. If it wasn't, I would bring you a recommendation to reject the only bid. Lumos & Associates performs engineer's estimate with more real time data before the bid occurs and they had it at, I believe 3.2 million. So, yes. Although, it is more than what we expected when we started the process, but it is what we expected as we got further down the road. The design became more complicated, and we started to identify the existing conditions. The vehicle access is going to be improved immensely, but the pedestrian access around EC Best, and all the folks heading north, especially with the Diamond Creek Development, is moving forward with more housing, it is critically important that we get the curb, gutter, and sidewalk there so people can safely walk through that area.

Councilwoman Frost stated that she has heard lots of concerns regarding pedestrian safety from Williams to the Diamond Creek area.

Public Works Director Brian Byrd stated that it is another project to be excited about.

Mayor Tedford inquired if there were any further comments from Council or public

comment.

No further comments were noted.

Councilwoman Kent motioned to approve a construction contract with Herback General Engineering of Minden, Nevada, in order to complete the Sherman Street & North Broadway Street Rehabilitation project, PWP-CH-2022-408, in the amount of Three Million Three Hundred Thousand One Hundred Eighty-Six Dollars and Twenty-Five Cents (\$3,300,186.25), seconded by Councilwoman Frost and approved with a 3-0 vote by the Council

Fallon Police Department Monthly Report for July, 2022.

Chief of Police Kris Alexander presented the July monthly report.

- Total calls for service were 800.
- Crime Summary Report's highest category continues to be petit larceny. Unfortunately, I would like to point out on the bottom of that category, we did have one domestic-related homicide last month.
- Misdemeanor arrests continue to dominate the category. 9 Felony and Gross Misdemeanor arrests. 2 arrested for Civil Protected Custody and 1 arrested for a Domestic Violence related incident.
- 203 traffic stops resulted in 21 traffic citations being issued.
- 13 public property accidents and 8 private property accidents.
- Animal Control took in 45 County dogs, 42 City dogs, and 6 dogs from Tribal entities.
- Citizen Survey Results were mostly "Very Satisfied". He added that he would like to point out the 1 in the "Dissatisfied" category. This had to do with a parking issue. When our officers arrived on scene the vehicles were no longer on scene, it was an out-of-state plate, and we could not identify who the vehicle belonged to. This also turned into a complaint about her neighbor and was resolved with the officers that were on scene. Comments included that the officers were very concerned and were able to look past the immediate problems and address the bigger situation. The comment stated: Thanks to all officers involved. Kudos to Detective Goodrick who did a fantastic job in answering questions, expressed empathy, and very positive. I would like to point out that all our family's interactions with the Fallon Police Department are very professional and reassuring. Thank you for your protection, service, and communication, it was very kind. Chief Alexander stated that there was an issue with tumbleweeds piling up on a citizen's property, and report of an abandoned vehicle that had already left the area.
- No assistance or lodging was provided.
- No indoctrination trainings took place at NAS Fallon.
- 141 volunteer hours were donated by the Volunteer in Police Services and 29 hours training. Training included, Domestic Violence meeting, VIN inspections, and Fallon Community Day.
- Officers provided services for the 4th of July Parade and foot patrol for the 4th of July Block Party with no incidents. July 15th and 19th traffic control was provided for fountain dyeing events on Maine Street. Officer Jacobs on July 21st had lunch with kids at the Venturacci Park. Sergeant Riley, Detective Goodrick, PSA Melissa Fecht, and the Volunteer in Police Services volunteered their services during the

Social Services Community Day. School supplies were handed out during that very successful event.

- 29 total arrests were made. Of the 8 Felony arrests, 3 of them were warrants. Of the 13 Misdemeanor arrests, 9 were for Misdemeanor warrants. The 3 biggest arrests were for catalytic convertors and 2 were for stolen bicycles.

Councilwoman Frost asked if we could follow up with the person that was having the tumbleweed problem. I know that isn't your department, but could you contact them? I know after the great tumbleweed storm that we had, it was a big problem.

Chief Alexander stated that he would make contact.

Mayor Tedford asked if there were any further comments or questions.

No further 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 reports were noted.


Executive Session

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

Adjournment

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 9:38 a.m.

Attest:


Sean C. Richardson, City Clerk-Treasurer


Mayor Ken Tedford