

**MINUTES
CITY OF FALLON
55 West Williams Ave
Fallon, Nevada
October 4, 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
City Attorney Mike Mackedon
Deputy City Attorney Trent deBraga
Deputy City Attorney Sean Rowe
Public Works Director Brian Byrd
Public Works Adrian Noriega
Deputy City Clerk Elsie Lee
Deputy City Michael O'Neill
City Engineer Derek Zimney
Captain Ron Wenger
Captain John Frandsen

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.

Geof Knell of 261 Serpa Place greeted the Council. You all know me, the Council, ha ha. Umm, what a day to be alive. It's amazing. We gotta' a lot of activity going on, especially here. Ya' know if North Korea fired another missel in Japan, it would get people panicking. Ya' know the Bible says we need wars and rumors of wars. Oh, the tension. Um in Matthew 24 it talks about the great tribulation and comings of war. From the signs there are to come. You are definitely seeing it, you are definitely seeing it. It's scary. Ya' know I went on a walk

with my Lucy today and find trash on the sidewalk, in the curbs. Saw a C-130 flyin' around this morning, really low. And I talked to one of the neighbors and they said they seen a plane high up in the air. Well, when I bought my house here, I saw (inaudible) and they will fly over your house. Amazing. The Word of God, it needs to be preached and people need to be warned of the coming and (inaudible) when the great tribulation arrives. Ya' know when people want to (inaudible) II Timothy Chapter 6, they talk about the rou...the love of ways is the route of all kinds of evil. And that seems to be really what is goin' on today. I want to encourage you that I hope you prayed ahead of time. To make a decision 'cause it's not all about money it's the principle behind it. So, please look at these projects on the agenda and just focus, and do the right thing, and do the righteous thing. I'm not sayin' it's all bad, I'm just sayin' you need to focus on it 'cause the devil comes to lie, murder, and destroy, that's John Chapter 10. They lie, murder, and destroy. So, be aware of that, okay? Let's do the righteous thing. 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 approval of an application by Manpreet Arora for a retail liquor license for MJ Stores Inc., dba Manny's Mart to be located at 1430 W. Williams Avenue.

Deputy City Clerk Elsie Lee stated that Manpreet Arora, owner of MJ Stores, Inc. dba Manny's Mart has made an application for a retail liquor license for MJ Stores, Inc. dba Manny's Mart, to be located at 1430 W Williams Avenue. A retail liquor license is a privileged license that allows the licensee to sell alcoholic beverages from a fixed and definite place of business for consumption off the premises only. The application has been reviewed by Police Chief Kris Alexander, Deputy City Clerk Elsie Lee, City Engineer Derek Zimney, and Deputy City Attorney Trent deBraga and has been recommended for approval.

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

Mr. Geoff Knell of 261 Serpa Place stated that he would like to read out of I Corinthians Chapter 6, verse 9. Wow, it's such small print. Do you not know that the unrighteous will not inherit the Kingdom of God? Do not be deceived, neither fornicators, nor idolaters, nor adulterers, nor homosexuals, well it's sexually immoral, nor sodomizers, nor thieves, nor governments of war, nor drunkards, nor revelers, nor (inaudible) will inherit the Kingdom of God. Think about it.

Mayor Tedford inquired if there were any further public comments.

No further comments were noted.

Councilman Richardson motioned to approve the application by Manpreet Arora

for a retail liquor license for MJ Stores Inc., dba Manny's Mart to be located at 1430 W. Williams Avenue; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible approval of a Final Subdivision Map and Development Agreement for Phase 6 of Country Air Estates.

City Engineer Derek Zimney stated that this map and agreement would allow for the construction of fourteen (14) new single-family lots, and one lot to be dedicated to the City of Fallon for storm water infiltration. On December 20, 2021, the City of Fallon City Council approved a Tentative map for 39 lots to be completed the Country Air subdivision. This is the first phase of three planned to construct improvements. This map and agreement have been reviewed by City Engineer Derek Zimney, Public Works Director Brian Byrd, Chief of Staff Bob Erickson, Deputy City Attorney Sean Rowe, and Deputy City Attorney Trent deBraga. The proposed final map has been submitted to the Nevada Department of Environmental Protection and Nevada Division of Water Resources.

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

Councilwoman Frost stated that she wanted to confirm, for the record, that Nevada Department of Environmental Protection will give final approval, once all the infrastructures are complete with actual water and sewer. Is that correct, that they will come out and expect that, or how does that work?

City Engineer Derek Zimney stated that we will be submitted the as builds to them, but the design is completely approved and went through their process on it. We will confirm through our inspections that everything is done correctly.

Councilwoman Frost wanted to confirm that once all the infrastructures in the homes are completed, that we receive a Certificate of Occupancy. Is that correct?

City Engineer Derek Zimney stated that was correct. The Public Works Department and I, before they can market any of the homes, review it. They must finish the streets and all the infrastructures shown on the civil plans. We have discussed with them, regarding wanting to start the foundations once the gratings are up, but they will not be able to sell anything until we have inspected all the improvements.

Councilwoman Frost inquired about the tentative map. I know on the tentative map that came forward, we had a lot of discussion about the landscaping and the retention pond. Have we come up with a good plan for that?

City Engineer stated that it will look like a backyard. It is going to be a 6-foot fence with a large equipment gate. The fence will be like everyone else's, about 4-feet behind so there is room for utilities. Behind the sidewalk they have agreed to do some landscaping to our preference at the time, to fill that gap with some weed-resistant fabric, so weeds won't grow there. Ken Gearheart, the Developer, is present today if you have any questions for him.

Councilwoman Kent inquired if there is a timeframe, for phase one to be completed, when we are approving a final map.

City Engineer Derek Zimney stated that a final map is good for four years.

Councilman Richardson stated that in the packet there are pictures of model homes. How many different models and styles will be built on these lots?

City Engineer Derek Zimney stated that they submitted 3 house plans to the

Building Department. We have completed a review on them. I did the coversheets that had some material on them, showing the square footages and give a basic layout, to give you an idea of what the houses will be looking like in that area.

Councilman Richardson stated that there will be 3 different style homes occupying these lots for confirmation.

City Engineer Derek Zimney confirmed Councilman Richardson's statement.

Mayor Tedford asked City Engineer Derek to confirm Councilwoman Kent's question regarding the timeframe for phase I completion.

City Engineer Derek Zimney stated that he has had discussions with Ken Gearheart regarding this timeframe. Ken is working with A&K and he has said that they are going to start this winter. That is the timeframe that has submitted to me. Hopefully, within a year we will see some new homes over there.

David Hall, a representative for JKG Builders addressed the Council. Our intent is to start moving dirt this winter. It depends on the timeframe for A&K Builders. We would like to see homes move-in-ready by mid-spring, or the beginning of summer. That is probably what we would expect but this is also contingent on the market. So, that is about the best that we could guess at this time.

Mayor Tedford thanked Mr. Hall. Are there any further questions or comments? Does anyone have any questions on the development agreement for Mike or Trent? Are there any public comments?

Mr. Geoff Knell of 261 Serpa Place addressed the Council. We have to look at the future and what we are seeing today. Most likely you are going to authorize everything. Luke 21 talks about when Jesus Christ returns, will be like the days of Noah. People marrying and giving in marriage, like it is totally normal. It also says, are the days of lot, building. Ju...just doing as usual. The book of Isiah, the Jews made a mistake (inaudible) after 9-11. Our politicians said we will rebuild but they rejected God. We are relying on ourselves and not on the Holy Spirit. We need to wake up. The decision making, we have goin' today, we...we're doing what the biblical prophesies are coming to fruition. Be careful, be careful.

Mayor inquired if there were any further public comments.

No further comments were noted.

Councilwoman Kent motioned to approve the Final Subdivision Map and Development Agreement for Phase 6 of Country Air Estates; seconded by Councilwoman Frost and commented that she thinks this will be a good subdivision for our community and will provide nice homes and approved with a 3-0 vote by the Council.

Consideration and possible approval of a Tentative Subdivision Map for Sage Landing Subdivision.

City Engineer Derek Zimney stated that this map would be the first step in creating one hundred and thirty-two (132) new multi-family dwellings in the proposed subdivision located on the parcel identified as APN 001-731-09. This parcel was annexed in 1976 and has not been developed. This multi-family development is planned to be parceled in the Final Map stage and units sold as individual town homes. This map has been reviewed by City Engineer Derek Zimney, Public Works Director Brian Byrd, Chief of Staff Bob Erickson, Deputy City Attorney Sean Rowe, and Deputy City Attorney Trent deBraga. Letters of intent and copies of the proposed tentative map have been submitted to the Nevada Department of Environmental Protection, Nevada Division of Water Resources,

Truckee-Carson Irrigation District, Churchill County, and the Churchill County School District. Those letters and responses from each agency are attached. One issue brought to our attention by Churchill County, was similar road names. At this point, they have suggested the following: Hidden Stream Loop, Gold Finch Court, Pepperwood Lane, and Mountain Ash Drive. These road names can be changed by the Council and will need to be approved by the City Council and County prior to the final map. One other thing that has come up and the City Attorney would like to discuss is the TCID easement.

City Attorney Trent deBraga thanked City Engineer Derek Zimney. As depicted on the tentative map on the southeast corner of the map there is a 25-foot irrigation maintenance easement. For my review of the records, it looks like, in 1906 this easement was granted to the United States of America, most likely. You will see on the tentative map that there are approximately 7 lots that encroach into the easement. The tentative map does indicate that the easement will be vacated, and City staff is aware of this, and we are acting under the assumption that this easement will be vacated prior to the final map. So, we won't have any issue. We wanted to state, for the record, it is not to be seen as an endorsement by the City, that we are allowing an encroachment into this easement. We are confident and do believe, that this will be vacated prior to the final map stage.

Mayor Tedford thanked City Attorney Trent deBraga. I have that and the road names. I think the process is that the County doesn't approve those, but they do recommend them. I think there is an opinion there, and I have been following the email, and it does appear they have an opinion. I don't think those need to be done today but need to be done prior to the final map. I think we can clear up those last three or four street names before the final map. Unless the Council has some suggestions to those proposed names? I think we can get that done before the final map stage. Get with Derek if you have a name that you like. We can go through the email chain and fix those last three or four.

City Engineer Derek Zimney stated that the developers are present and would like to introduce their project.

Councilwoman Frost stated that she had a few questions still for Derek. This looks like a nice project for our community, but I did want to discuss parking. How many parking spaces are there per unit?

City Engineer Derek Zimney stated that they have far exceeded our code. Every unit has a two-car garage and two parking spaces elsewhere. Most of them are parked in front of the garage, but they have put parking in other available spaces. This was a concern that City staff had, and we were happy that they were able to get that in there for us.

Mayor Tedford stated that the pictures reflect the car spaces in front of the garage. Those spaces block the garage. This picture here, (holding up paper to City Engineer Derek Zimney) where the car is parked in front of the garage. How do you count that spot? Do you count that?

City Engineer Derek Zimney stated that he does count that as a spot.

Mayor Tedford inquired how he counts that as a spot if it blocks the garage. How does that car get out of the garage if that car is parked there? That isn't a public parking space, is it? A public car can't park there because a car parked in the garage can't leave the garage. City Attorney Trent deBraga does all the cross easements and that grey car is blocking that garage door. So, when this picture hit my desk, I asked if this was a public parking space.

City Engineer Derek Zimney stated that it appears the car Mayor Tedford is

speaking on, is driving. I will have to look into it.

Mayor Tedford inquired how the car can be depicted as a moving vehicle in a still photo. We have had fun with this spot in my senior staff meeting. I don't know how you tell if that is driving unless it has swooshes behind it. Let's take the white car in the driveway. Is that a public parking spot parked in the driveway? Is that a public parking spot in front of the garage?

City Engineer Derek Zimney stated that he believes those spaces would be reserved for the homeowner.

Mayor Tedford stated that space cannot be counted as a public spot. I tell you this part serious and part in jest because I am not sure what you have counted as a space and what you haven't counted as a public space. On this particular photo, I don't know what is public and what is private. Plus Harrigan Road, that goes by this on this other photo, if you look at it, one of the problems when you are doing a project with a city of our size, is that we know the City. In bigger places, where people do projects, they don't know the cities quite as well. Or, so they tell me, my friends in Reno. Harrigan Road is going by the front doors of these condominiums, and don't get me wrong, it is a good project for Fallon, there is a spot of what is to be Harrigan Road, those cars are on the front doors. I don't see any on-street or off-street parking on Harrigan. I only see Harrigan Road. And, as you know, on the east side of Harrigan, at that section, there isn't any parking. As you come on the north end of Harrigan and the north end of Stillwater you have parking on the west side not on the east side. When you cross Harrigan, there is no parking. So, I don't see on Harrigan here, on the front doors, where people can go to the front doors. Everyone here is going to have to direct them to their back door to visit. Which, people don't often do here, they go to people's front doors. That was my other question. Where is the on-street parking, or off-street parking at a front door? Have you given parking at the backdoor any thought?

City Engineer Derek Zimney stated that their parking on Harrigan Road would be at their back doors.

Mayor Tedford stated that he understands where the resident's parking is. It is wonderful to have garage parking for a condominium. I think that is great, and the two garage spots for the condominium is great too. I think that is wonderful. I am talking about people who go to visit, their friends. People go and visit their friends here in Fallon. Where are they going to park? Are they going to block their garage door, like in the picture I showed you?

City Engineer Derek Zimney stated that they could park in the side spaces between the buildings.

Mayor Tedford inquired if they are all going to be directed to not park on the street. If you go to other projects in Fallon, they park on the street. We are known to be a City of wide streets. Except that piece of Broadway between Center and Williams because they can park on both sides of the streets to go and visit somebody. That's two of my queries. The parking for the residents I think is awesome, I think it is great, and probably above average.

City Engineer Derek Zimney stated that it is unique due to Harrigan being an NDOT road. They have agreed to install curb, gutter, and sidewalk along Harrigan for this project. Of course, along Front Street there would be a small amount but that obviously would not be able to accommodate everyone. The Municipal Code requires 1.5 parking spaces per unit. This particular project has provided much more spaces than that.

Mayor Tedford stated that he is aware of the 1.5 space requirement. 1.5 is a woeful

number.

City Engineer Derek Zimney agreed. Given the density and the number of homes, we do feel like they have put in a good amount of effort to accommodate for some guest parking spaces throughout the project.

Mayor Tedford inquired if City Engineer Derek Zimney believes that guest parking side spaces, we see here. Do you think, that in itself, that area, is going to be enough parking for that condominium parking? Granted, they are going to have to tell their friends that they are going to have to go to the backdoor, which is different here. You have reviewed the plans. I try to picture this in my mind, and I have walked all these places throughout my life, and you try to look at it in your mind, and ask yourself: Is this going to be adequate? Or are we creating a mess, making the residents upset that we have allowed this layout? So, that is also a responsibility that you have as well. When you don't have parking on a street it becomes more reliant on the property to absorb that. We cannot create that on that street because Harrigan is not our road. If you feel comfortable with that through your assessments. I don't know if you can count the areas at the end of someone's parking lot. What it means is that they have storage in the garage, and they are parking in the street because they didn't want to rent a storage unit. So, they are parking in the street. They park in their driveway, and they park their third car in the street when they come home at night. That is all that means. If you can tell me this is good enough through this tentative map. If not, they will need to work on this tentative map before it comes for the final map. They think it is going to work but it ends up being ours for the residents that live in Fallon, Nevada.

City Engineer Derek Zimney stated that he believes that residents will have sufficient parking but for large parties or special events things might be different.

Mayor Tedford stated that is unusual not having street parking. I guess that is where I am heading. It is just unusual that there is no street parking here for them. Even if we are at 1 and a ½ and we could argue that it needs to be 2:1, or whatever, there is just no street parking for the residents other than Front Street. That is our street. So, we know that they can use that street for parking. There is no street parking on E Stillwater either because it has that railing, and there is very little room there.

Councilwoman Frost stated that NDOT won't allow street parking on the State Highway. Isn't that pretty much their policy?

Mayor Tedford stated that it isn't necessarily a no, that they allow parking on the State Highway, but it hasn't been asked and it isn't very wide there. Derek, there may be a right-of-way there, I don't know that. I have never even thought of that, until right this second. There is right-of-way there, I just don't know how wide it is. At this point, we just haven't asked them to do that, or anyone else on the other side either. Which isn't fair. And to be quite honest and transparent, it isn't very fair and we haven't asked anyone on the other side to do it, which makes it hard to ask NDOT for this one.

Councilwoman Frost stated that if NDOT is putting curb, gutter, and sidewalk in that maybe we would be able to ask them about street parking.

City Engineer Derek Zimney stated that he thinks they will bring that up as a point of discussion. Where that lies, if there would be enough parking space along Harrigan between the existing lanes and the homes there.

Mayor Tedford stated that there is now a stop sign there, where you used to just drive through there. So, it is much safer. That is an interesting thought whether NDOT would allow one to happen there. We can always ask the questions.

City Engineer Derek Zimney agreed.

Councilwoman Frost stated that she thinks it needs to be asked, for sure.

Councilman Richardson states that when he looks at the map it appears the parking in front of the garage would be resident parking. That can't be considered public parking. A neighbor is not going to park in front of someone's garage. Or someone in another building, having a party, is not going to be allowed to park in front of someone's garage. Certainly, if nothing is labeled there will have an issue with the residents and signs are going to go up, "Resident Parking Only."

Mayor Tedford stated that we have been through that, and we aren't going to allow that to happen.

Councilman Richardson inquired if we take those spaces out, would we still be within the ordinance.

City Engineer Derek stated that they still would be.

Councilman Richardson confirmed that we would still be over the ordinance amount. So, it wouldn't be an issue if signs went up, "Resident Parking Only" because people could be calling and having parking disputes. As long as they are within the ordinance and have ample parking, I don't have an issue with it.

Councilwoman Frost stated that she is going to move away from the parking issue. I see the storm water retention area is a little different than what we have had in the past with many of our subdivisions, where it is an open area. To my understanding, they will have a Homeowner's Association that will be responsible for the upkeep of the retention area, walkways, and the landscaped areas.

City Engineer Derek Zimney confirmed. Correct, their HOA will take on the infinite maintenance and landscaping as part of their Homeowner's Association. That will be the HOA's responsibility to keep up on that maintenance and functioning of the complex.

Councilwoman Frost inquired if City Engineer Zimney is confident that the retention area will handle the occasional downpours we experience, and that they won't cause flooding.

City Engineer Derek Zimney confirmed. They submitted a Storm Water Report for a 100-year storm and proved that they could handle the capacity of a very large storm.

Councilwoman Frost thanked City Engineer Derek Zimney.

Mayor Tedford inquired if there were any further questions for City Engineer Derek Zimney.

No further comments were noted from the Council.

Brenden Monette, the Land Acquisition Development Manager for Summit Building Group for the Northern Nevada Region, greeted the Council. This is Clayton Chap, he is with our Engineering staff, and we have several other members of our staff internally, and third-parties as well. You guys have the tentative map that we have submitted. So, you are pretty familiar with the project. I will keep this brief since we have had some topics around parking. I would like to address that portion, just a little bit. We've known, from the very beginning, with the City of Fallon, that parking is going to be a hot topic, or a point of discussion, and we've spent considerable time, energy, and resources to ensure that this community can handle adequate parking. While I realize that parking in front of the residents is not necessarily public parking. We have drafted a CC & R and have several styles of these communities, in rural communities, that are very similar to Fallon's. And, through those CC & R's this would be managed very strictly and enforced. So, parking, to us, is not really an issue. We have taken it upon ourselves to purposely keep all of the parking off of the existing roadways. We don't want our

residents parking on E Front Street or Harrigan. Some of that is a safety issue but it's also an impact to the City of Fallon. It is within our scope, as a firm, to do the best that we can to provide the best product. Not just for the City but also for the end-user. So, we keep that in mind and have done extensive research internally and studies on parking impact, and we have also taken national studies that have been done in densities similar to this. The magic number for high-populated, metropolitan areas is 1.8. That is their parking requirements. So, we are talking about apartment complexes that are much denser than what we are dealing with. So, we initially heard a magic number of 2 parking spots per unit. Even though the requirement is only one and a half, we were okay with that number, and we were willing to make it work. And, for the crash density, to be sure that we make that because we are very concerned about our end-users. As this project evolves, we will hold a very small number of units for personal use, and we are going to feel the impact of whatever we develop. So, we will be sure that the end-user isn't going to be impacted and parking certainly falls under that category. So, we feel that our parking is adequate for the subdivision. I don't know if it is in the agenda, but we have a draft of our CC & R's, that we have submitted to City staff and has been reviewed. They are draft copies so, there might be some slight modifications and changes to those, but in large, they do represent our standing CC & R's that our HOA will enforce, and parking is very highly addressed in that document. So, it is something that we feel will be adequate and managed very well. So, with that, if you don't have any further questions, we feel confident, as a development firm, that we very much care about the residents. With us today, in the audience, is probably the owners of the properties that are mostly impacted, and we have gone out of our way to make sure that we do everything that we can. We do understand that this is a higher density, this is not a project that the City of Fallon has seen, and it is a little disruptive to the market. At the end of the day, our goal, is to provide the best quality of housing product and to substantiate a housing need that the City of Fallon has, and with this product, I think we are doing that. We put together a few display boards, we can also show those to the audience. We actually have a full presentation, but we are used to, maybe a little bit more updated technology in our Council meetings.

Mayor Tedford laughed and stated that we are not.

Brenden Monette stated that this is refreshing. We put together some boards that are just most current of our renders of what the site's end purpose will look like, more or less. The esthetic, overall design, and the site layout are all captured here and are provided in the tentative map. The site map, I will add, is not the most current copy. It is as far as they layout, but we have restructured the phasing a little. So, ignore that top portion. This represents the best take of what we think will fit best with this community. Like I have said, it is a modern farmhouse esthetic. Our initial renders, early on, were a much more modern concept. Which, after reviewing the site and really getting the feel of the City of Fallon, and probably a several hundred thousand dollars in engineering design work, we nixed all of the elevations that we had because we didn't really feel it was appropriate for the City of Fallon. This was our second take of our exterior elevations which will be a big value to add to the City of Fallon. So, that is what we have, as far as a presentation. Again, we appreciate your time. I will add that we have taken a considerable amount of time, energy, and financial resources to get this product where it is. This is not, by any means, a normal tentative map that we would submit to our other markets. We are probably on our 6th or 7th rendition of our site map and that had to do a lot with negotiation with City staff members but also internal review to come up with the best possible product that we thought would suit the City of Fallon and the residents that

are needing this type of housing.

Mayor Tedford inquired if the grey car in the picture was moving (followed with laughter).

Brenden Monette stated that the renders have a video presentation that accompanies it and there are vehicles that are moving. So, that grey one is moving. If y'all had a tv you would see a vehicle that is actually moving and there are little people that are actually walking, and that would more clearly define that. We have done our best, and we are very sympathetic to the City of Fallon and the environment that exists here. We do a lot of our developments in rural areas that are very similar in climate to Fallon, Nevada. So, we are very understanding of the needs to the community, and we have yet to have any issues, with this type of product, that we have had in other environments. We know that each City is unique and has its own challenges and things to work with but we are very confident in what we have presented today to the City of Fallon, and their residents.

Mayor Tedford stated that he appreciates them coming. Does the Council have any questions?

Councilwoman Frost stated that she appreciates the little walking areas that have been put into the project. It isn't just building upon building, and I think the residents will really appreciate some of those amenities that you are going to offer. I think our market in Fallon is going to be very open to a project like this.

Brenden Monette stated that he appreciates Councilwoman Frost's comments.

Mayor Tedford stated that we will iron out these difficulties before we get to the final map stage.

Councilwoman Kent inquired if she was correct with her understanding that some of these condos would be sold, and that some would be available to rent.

Brenden Monette stated that much of that depends on the market. We typically like to hold a small percentage. It is part of our long-term development growth.

Councilwoman Kent inquired if they are sold intermittently throughout the project.

Brenden Monette stated that they typically reserve a building that is offset from the property. That way, if it is a rental property, it isn't impacting the rest of the community as much for the long-term residents, that are owners. We try to separate that portion. It depends on how we structure the deals. A lot of the properties that are held have to do with our private funding that initiate the project and take care of civil infrastructure, and just part of our financing. We finance these a little bit more disruptive than a normal developer would and that is just what a lot of that comes from. Yes, typically they are separated from the majority of the community. We don't necessarily integrate them, but it just depends. We have done it both ways and we certainly are not opposed to one way or another.

Mayor Tedford thanked Brenden Monette. Are there any public comments?

Mark Gonzales of 433 Harrigan Road addressed the Council. We are the affected neighbors. We have met Brenden before, and we are comfortable with him and his sincerity about the impact. My question is for all of you. I am in the trucking business, and besides the trucking business, I am in the racing business. My truck comes and goes at odd hours. My racecar, on the weekends, when it is loaded on the trailer, is very loud. We may end up with 2 or 300 neighbors that we didn't have a few months ago and will I be standing in front of you all in 2 or 3 years being told, that what I have been doing for the last twenty years is not acceptable because my 2 or 300 new neighbors don't approve of my activities. So, that is more of a question for you, than it is for Brenden.

Mayor Tedford stated that Mark was there first and doesn't think that he will be

standing there in the future.

Mr. Gonzales stated that it is a concern of his. And, again in talking with Brenden, we have found him to be sincere about the impact on the neighborhood. And, while obviously we would rather see farmland over there, but I do understand that the world moves on and these things happen.

Mayor Tedford stated that he often tells people that when he moved to this corner on Broadway to Center and Bailey his only real neighbor was Sam Mori and everything west of town was fields. That is Bailey and Center, so things change.

Mr. Gonzales stated that he understands. That is just my only concern. We have had conversations with Brenden before and I have found him to be sincere on the impact. As sincere as one can be with 2 or 300 people 12 feet from your fence.

Mayor Tedford stated that things may change, and that the faces up there may change, but that is generally been the philosophy of the City. You know, these people have been part of the City and have been here and it doesn't matter what grows up around them, those people have been there before them.

Mr. Gonzales stated that is what he was hoping to hear. My wife and I have no other complaints. Good enough, thank you.

Mayor Tedford inquired if there were any further public comments.

Geoff Knell of 261 Serpa Place greeted the Council. It is nice to see a fresh face in here, thank you. I'd like to read outta' I Peter Chapter 5 verse 8, it says, be sober, be vigilant because your adversary, the devil walks about like a roaring lion seeking out who he may devour. You see the direction that we're going? My personal testimony is when I bought my house in 1990 on Serpa Place, and uh, the realtor lady, well...well she died of cancer and that...that's a tragedy, she said you really want to buy this house? And she gave me the strangest look, ca...'cause we didn't have the subdivision that is next to us, it was all open field. Former alfalfa fields. Now I understand since the...uh, uh Diamond Creek Housing was built, now it is called something else. The (inaudible) has increased. People are fast, my wife and I walked our foster kids to the bus stop across the street and we almost get run over. I guess my point is, how we gonna' manage the fast pace of people that are self-righteous and don't give a hoot because they have to get to one point to another, really fast? Where is the increase of operational cost of law enforcement? Or, how about crystal meth factories? If you...you put these buildings up continuously? Now, I remember John Tewell, back when I ran for Mayor in 1999. He said he doesn't want factories, big factories, he doesn't want uh...lows coming in and stuff this way. Ya' know, he was very adamant about it. Ya'...ya' know, what direction are we goin'?' We...we...were building like crazy but how are we gonna' manage it? The way people are so greedy and all kinds of stuff. The litter. Is there gonna' be a park next by? Ya' know, all kinds of stuff. Ha...ha...have you really thought about it? Now, I'm thinkin' about movin' but I like small towns because wh...whe...when I was in the Navy in places with the uh roadways and prostitution and all that stuff. You're fancying evil, pretty much. Is there gonna' be a church nearby? I...you're thinking more about the dollar signs than the reality of the damage that can happen of people that can be unruly and ungodly. Think about it.

Mayor Tedford inquired if there were further public comments.

Bruce Breslow the Executive Director of Churchill Fallon Economic Development greeted the Council. As you remember, we have done two housing studies in the four years trying to nail down the amount we are underserving the community, as far as being able to have people come and live here, in a quality unit. Historically, we have had 12

new housing units over a 12-year period. 25% of the people at the base commute at a different county, to work here. They don't have an opportunity to live here. So, we went on the search for developers. The assessment and the study showed we need a little more than 500 new units a year, over the next 5 years, just to make our current needs. So, DR Horton came to town. First publicly traded home builder to come to the community. I took a phone call 2 and ½ years ago from Brent and Brenden Monette. They reminded me because I didn't remember. They were two-year-old twins standing in my cul-de-sac in Sparks while my 4-year-old played street hockey in front of my house, and their older brother was playing with my son. They were building in Idaho, and they heard there might be a good opportunity to come to Fallon and take a look around and look at some opportunities because they want to come back and build some product in Nevada. One of the twins lives in Sparks, and we started working with them. They looked at many, many sites, in many locations within the County and within the City and they settled on this one. It had some challenges, with how narrow it is, but the property owner, fully involved in this project and worked with them and they worked with them and the City staff. One of the things that was unique, that I had to keep reminding them, is you have to look up the size of a Ford F-150 and you need to make sure your driveways are deep enough to park a Ford F-150, in the garage and in the driveway. And, I don't have to do that in other cities, but they accommodated that. There's enough parking, according to City code for the residents and the guests of the residents. If you have a typical apartment complex you just spread-out open space parking, you don't have parking garages typically in an apartment complex. So, you have two car garages, and you have enough room in the driveway for 2 guests. Plus, additional guest parking. I'm very proud of this project because we have come a long way, it is obviously up to you all to see approvals and any other questions or changes that you want but I am finally happy to be standing in front of you all with a project that will be really good for the community. Thank you.

Mayor Tedford inquired if there were any further public comments.

Lisa Gonzales of 433 Harrigan Road addressed the Council. I would like to address Mr. Knell. There is a church over on Stillwater and Discovery. So, there are spiritual needs. When this whole project first started, I was a little bit lukewarm about it. Okay, maybe a little bit more than lukewarm. We've met with the developer, and we are totally comfortable with it.

Mayor Tedford thanked Mrs. Gonzales and inquired if there were any further public comment.

Brandon Monette addressed the Council. I want to address some of the parking items really quickly. The development does provide two stalls that are garage space and two stalls that are driveway base, for the residents that live in that unit. The way the lot is recorded includes that driveway. So, the debate whether or not there is enough space for guests that are invited by that person is whether or not the wife parks in the garage or in the driveway. Or, you are going to have to do what I have to do, and that is if I park on our driveway, in our single family home, she tells me I need to move right away, and I move it. We have several projects that are a near identical floor plan like this, where this is considered a rear load project, and in most of our developments we don't have driveways. So, they are denser than this project is. Typically, our density for townhouse projects throughout our townhouse developments are around 12-13 units per acre. This is far under that amount in accommodation for that additional parking and driveway access. While these are considered, under your code, a multi-family project they are considered by the International Residential Building Code as a single-family dwelling unit, classified as

a townhome. They require separation through a 2-hour party wall and so the esthetic and the design and the desire of the development, is to create a single-family type feel of the product, where it is a denser project, but people do have ownership over those driveways, and they have the ability to invite guests and have them park in their driveway. In factoring for this, most of our developments have about 2.5 parking stalls per unit. So, what that means is that we are allowing for signage and enforced guest parking stalls throughout the community that are what we call pocket stalls. So, sort of what you see here are those parking spots that do allow easy convenient access that are connected to front doors through interconnected walkways and allow for people to traffic through the entire project in a circular manner but also directly two doors from the nearest guest parking spots. We currently own and hold some of those developments and we currently have built, established, and sold these types of developments. In both cases we manage the HOA's long-term, and it is under the covenants and restrictions of the HOA, to govern that, and to govern parking enforcement and concerns. We do field calls. So, when people park in the drive aisles, which are indicated as fire lanes, we do signage for that, that there is no parking for fire access and for garbage removal, and so forth. We do post violation notices and if they do not remove within the time period of the CC & R's than we do involve the City to tow. So, that is where the City gets involved but it is typically lead by the HOA and the enforcement. The benefit of these types of HOA communities, is that we take care of all of the interior and exterior. So, the interior of our properties is maintained by the HOA and a reserved study is run for each individual project based on market conditions, market cost for long-term capital costs for capital expenditures, and the expected inflation of those prices over a long period of time for that capital expenditure time life of exteriors and roadways, and so forth. In this case, we pay for them. So, where these are not public streets, they are private drive aisles, we maintain them. So, you collect the same tax basis for each one of these lots, as you would if it was a public street, but you don't have the burden of that on the City of Fallon. Which we think is an extremely important factor for a small city that is incurring this type of growth. It provides value to you and value to us. The residents do pay HOA dues. Those dues are usually around \$90 a month for this type of community. That reserve does allow for us to cover all of the exteriors of the building. So, the insurance of exterior basically stud out, where we cover soffit siding and facia, roof replacement, and we cover ground maintenance and removal, and any long-term capital expenditures – slurry seal, everything that goes with the stuff you hate to maintain long-term. So, that's just a couple points to clarify that, and just to kind of illustrate the purpose behind the HOA in this type of development. We do enforce these kinds of things and from the onset of the project, we do signage for guest parking spaces to accommodate a regulation and a law that people can't just park there forever and claim it as a spot of their own, it is reserved as guest parking so there is always adequate guest parking. So, if somebody has a party, or something like that, and their two parking stalls become occupied, they do have additional parking for overflow. There is no intention from the developer to have parking to be allowed on Harrigan Road. It would be our desire that is avoided altogether so that question being asked is probably irrelevant. We feel that we've adequately designed a project that will harbor and maintain all interior parking, including Front Street. Now, Front Street may have some over-spill parking just because it is a wider street, but we are perfectly comfortable posting signs on Harrigan that state, "No Parking". So, that is something that we are willing to do. So, thank you for your time.

Mayor Tedford stated to Brandon Monette that it may be irrelevant for them, but it

might not be irrelevant to this Council. So, maybe you all should know that. I guess I should remind everyone, this is on the agenda for a tentative map, not a final map. The one prior was a final map. So, this map is coming back. Any other public comment?

Dan Munoz addressed the Council. You will have to excuse me because sometimes I stutter, I am not quite as elegant as that guy. We've both been in this town since we were both little kids playing basketball at West End, and we both care about this town. Hopefully, our reputation as builders, is what we build makes a difference in this town. This is something that I got involved with. I was a little hesitant at first, until I saw what these guys do, and I think it is going to be...and I will step back just a little because our philosophies as builders in 2000, we were struggling with what to do and Andy, my son and I said, we aren't going to do anything except things that don't make a difference, for the better. These guys came along, and we checked them out, and I am proud to be part of this. I think this is going to be a real benefit for our community. I think that more of these will come to the community and make it a better community. Hopefully, you think the same way. On top of that, I've talked to these guys, I've said, if you are going to be a part of this community, you need to buy from this community, be involved in getting the drywall from this community, or buy the concrete from this community, or whatever else is needed on this project, and they are willing to do that. So, hopefully, we have an eye, and we will solve all the rest of the problems along the way.

Mayor Tedford thanked Mr. Munoz and inquired if there were any further public comment.

Geoff Knell addressed the Council. I'll be quick. I'm just really concerned 'cause I don't want to end up like San Francisco, Los Angeles, New Orleans. I've been to those cities, and I've preached in them. If we expand way too big it's gonna' control what people do, okay. I don't want to become that. That's why I'm livin' here, it's small. We expand and expand and see what th...the, the other cities have become. Especially with the political philosophies and ideologies. Just be careful, okay. Thank you.

Mayor Tedford inquired if there were any further public comment.

No further comments were noted.

Councilman Richardson motioned to approve the Tentative Subdivision Map for Sage Landing Subdivision; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

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.

Mr. Geoff Knell of 261 Serpa Place greeted the Council. Nevada Revised Statute is 207, I think 243, is regarding trespassing on um, property. I got 86'd again for not trespassing at all. Now, I'm tryin' to work with your Council and Chief of Staff, whatever, and get something done because if th...the policy of this law is being used incorrectly. It defies my 1st Amendment right. That's what it does, it violates my 1st Amendment right. I don't trespass on the property, but I still get nailed with it, a warning. It needs to be redefined. If you're on the property and the business owner, or whatever the home, gi...gi...give that warning, but when you're on the government sidewalk it does not apply and should not be offered. It's frustrating. It's very frustrating. I would like to go through the system and get it straightened out. But nope,

I have to go up the chain of command and get something else done. It's frustrating. 'Cause people who do not like the Word of God to be preached, and warned, of our culture and society of what that business is performing. Say for instance, you have a bar, and it does a drag queen story hour, all of the sudden I can get labeled for preaching out in front of men dressed up as women and do triple x entertainment. Triple x. This is serious. Anybody can go out there in front of a business or whatever and do it. Okay. Trespassing is a whole other category but this 86 is not allowing the 1st Amendment to proceed. So, I want to ask you for your cooperation, to get it straightened out and say it is not a trespass when yo...yo...you're not on the property. Just 'cause they don't like it. So, I can go right down S Maine Street and you got these small little businesses that you gave their liquor licenses to, and I can preach, but the owners don't like it, I get an 86. That's uncalled for. Okay, that's it. Thank you.

Mayor Tedford addressed Mr. Knell and stated that as he has explained to him during their conversation after the last Council meeting. You are allowed to preach, and you are allowed to say what you like, on the public sidewalk. I agree with you, you can do that. Where someone can serve an 86 letter to you, is when you step off, and you know that, when you step off of the public sidewalk. I don't know the details of your case, of when you get 86'd at various places but you're allowed to do, on a public property, like a sidewalk, to say what you are preaching. When you step onto private property, you are not allowed to, and then someone can serve an 86 letter on you. Then, they call Kris' office, the PD, to have you removed under their 86 letters. That is not something that we interpret, an 86 letter. PD just goes to enforce the 86 letter that you received from some private group, not from the City. Your argument then is to bring an action, you, Geoff, whatever that private group is, in a Court of Law. Don't interrupt me, to interpret that 86 letter. It isn't something that the City writes, they don't write an 86 letter. We don't have anything against you, we don't say that you can't preach on a sidewalk, it is the private group that said you were preaching or doing whatever on a private property. The police are the ones that are enforcing that private 86 letter. That's as far as I know our obligation is for the police to enforce an 86 letter. Kris, correct me if I am wrong, but that's as far as the police responsibilities are concerned.

Chief Kris Alexander stated that Mayor Tedford was correct.

Mayor Tedford stated inquired if this is the City Attorney's opinion.

City Attorney Mike Mackedon stated that Mayor Tedford was correct. What I think may have happened in a particular case involving Mr. Knell, is he received an 86 letter from a private property that has indicated that he will be removed if he came onto their property. To my knowledge, that letter was served, but he has not violated that. So, the City has had no action. His objection, or he seems to believe, that because he received the letter and he was not on private property, that the City has some responsibility or that there is some other way to interpret this. He is correct, in the sense that, until he goes on...and there is a time and place, and he has a very expansive view of the 1st Amendment, as we well know but in this particular case, he is correct. If he doesn't enter on the property, the 86 letter has no meaning to us, or won't be enforced. If it is enforced, and he thinks it is improper, you are quite correct, it is a civil matter and he can take that up, as is his right, with the courts in a civil case, where his complaint is that his civil rights have been abridged.

Mayor Tedford asked Mr. Knell, if that is where we are at.

Mr. Knell stated that according to law enforcement here, it is facilitated. But it...it...it's understand...it's not trespassing. It's a trespassing law in the wording in there, I...I...I could bring out the Nevada Revised Statutes it has to be on the property.

Mayor Tedford confirmed Mr. Knell's statement. Until you are, you aren't 86'd.

Mr. Knell stated that Mayor Tedford was correct, but it should not be facilitated because

he did not trespass.

Mayor Tedford stated that the City is not involved. The City doesn't carry the burden for you. That's your 1st Amendment right, we don't carry that burden for you.

Mr. Knell confirmed Mayor Tedford's statement. 'Cause they don't like what is being said, it's...they bring it up...or.... or...well...the officer...

Mayor Tedford interjected and stated that it is a 1st Amendment right. That is not our burden.

Mr. Knell confirmed Mayor Tedford's statement. But to trespass, I'm tryin' to get a clear and understanding, in there it says, you have to be on the property. And I'm not on the property. It's...it's a heckler sayin' they want to control the environment. Now, I can bring up the uh, the Supreme Court Justice decision, they don't have control...they don't.

Mayor Tedford explained that PD is not enforcing the 86 letter because he has not gone on their property.

Mr. Knell stated that Mayor Tedford is saying it, but it should not be facilitated because it is not a trespass.

Mayor Tedford stated to Mr. Knell that if he feels like his 1st Amendment right is being violated that he can get an attorney and take that organization to court. It does not involve the City of Fallon. It doesn't involve us here, that is what I am trying to tell you. It doesn't involve the City, it doesn't involve the City Attorney.

Mr. Knell inquired about going to Las Vegas. I don't get 86'd. I go to Henderson and preach; I don't get 86'd. I go to Reno and Sparks, Mr. Mayor, and I don't get 86'd. I don't get it, I'm sayin' this 'cause...

Mayor Tedford explained that this is why he tried to have a conversation with Mr. Knell. The City didn't 86 you. The City of Fallon didn't 86 you. Some organization did. So, your beef is with that organization.

Mr. Knell confirmed Mayor Tedford's statement. The visual for the police officers is that I'm not on the property, to designate it, it's not trespass. They don't like what's being said.

Mayor Tedford stated that Mr. Knell is not understanding him. The City of Fallon didn't 86 you, okay? The City of Fallon did not 86 you out of this building.

Mr. Knell addressed Mayor Tedford. If that is the way it is gonna' be, alright.

Mayor Tedford stated that it is the way it is.

Mr. Knell stated that it is unacceptable. It is. Everybody on the store front, okay? I get 86'd.

Mayor Tedford stated that he can walk the streets of Maine Street. I don't care, and you do. On the corner, that is a City park, we don't 86 you from that park. That's a City of Fallon Park that you preach at, we don't 86 you. Okay? Some other organization did. That's why PD showed up but that wasn't us. That is what I tried to tell you the other day, we spent quite a bit of time on that. I am telling you, with the City Attorney here now, he can't help you because we didn't do it. You need your attorney to talk to their attorney.

Mr. Knell stated that he would like to sit down and actually look at the law. It says on the land or building. You can't distinguish in between the 2, Mr. Mayor. It...it...it...it, that's what interferes with the 1st Amendment.

Mayor Tedford stated that he will be protected on the public sidewalks. You can go on their sidewalk; he will protect you on the sidewalk and so will the Chief. I'm ordering them to do that. You can go on their sidewalk; you just can't go on their grass.

Mr. Knell stated yes, yes, Mr. Mayor. The actual business, they want to do it 'cause they don't like what is said and there is no trespass. And tha...tha...that's the misconception. I'm not on their property. The law says specifically, land or building. It is in subsection e,

subsection e, read it. This is frustrating.

City Attorney Mike Mackedon stated that if Mr. Knell is referring to the Nevada Revised Statute, and in order for that to change, he would have to go to the Nevada Legislature, not to the City Council for that. We do understand that you can be on the public sidewalk and speak, it is a privilege that we are all allowed. And, you were, as far as I understand, on the public sidewalk you got a notice from a private group that you are not welcome if you come onto their property, and if you do, you will be in trespass. That is what occurred, I believe, no one here including the Mayor, are arguing that you were in trespass. You were not in trespass.

Mr. Knell interrupted. (Inaudible) it is not applicable.

Mayor Tedford apologized to Mr. Knell for not understanding him.

Mr. Knell stated he was thankful to the Council for listening. I am going to fight this.

Mayor Tedford inquired if there were any further comments.

No further 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.

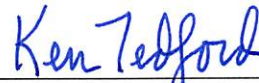
Adjournment

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 10:23 a.m.

Attest:



Sean C. Richardson, City Clerk-Treasurer



Mayor Ken Tedford