

AGENDA
CITY OF FALLON – CITY COUNCIL
55 West Williams Avenue
Fallon, Nevada
April 4, 2023 – 9:00 a.m.

The Honorable City Council will meet in a regularly scheduled meeting on April 4, 2023 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. Consideration and possible approval of Council Meeting Minutes for March 13, 2023. **(For possible action)**
5. Approval of Warrants: **(For possible action)**
 - A) Accounts Payable
 - B) Payroll
 - C) Customer Deposit
6. Possible adoption of Resolution No. 23-05: A resolution establishing the mobile vendor license fee. **(For possible action)**
7. Public hearing for Bill No. 793: An ordinance providing for the annexation of 0.54 acres, more or less, located at 575 Babb Place, owned by HSKS LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto. **(For discussion only)**
8. Consideration and possible adoption of Bill No. 793 as Ordinance No. 775: An ordinance providing for the annexation of 0.54 acres, more or less, located at 575 Babb Place, owned by HSKS LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto. **(For possible action)**
9. Fallon Police Department Monthly Report for February 2023. **(For discussion only)**
10. Public Comments **(For discussion only)**

11. Council and Staff Reports (**For discussion only**)

12. Executive Session (closed):

- Discuss Litigation Matters (**For discussion only**) (NRS 241 et.seq.)
- Negotiations with Operating Engineers Local Union No. 3 (**For discussion only**)
- Negotiations with Fallon Peace Officers Association (**For discussion only**)

This agenda has been posted on or before 9:00 a.m. on March 30, 2023 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.

April 4, 2023

Agenda Item 4

Consideration and possible approval of
Council Meeting Minutes for March 13, 2023.
(For possible action)

FALLON

Incorporated 1908

**MINUTES
CITY OF FALLON
55 West Williams Ave
Fallon, Nevada
March 13, 2023**

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

Present:

Mayor Ken Tedford
Councilwoman Kelly Frost
Councilwoman Karla Kent
Councilman Paul Harmon
Chief of Staff Bob Erickson
Deputy City Attorney Trent deBraga
Public Works Director Brian Byrd
City Clerk-Treasurer Sean Richardson
Deputy City Clerk Elsie Lee
Deputy City Clerk Michael O'Neill
Captain Ron Wenger
Captain John Riley
City Engineer Derek Zimney
Director of Tourism Jane Moon

The meeting was called to order by Mayor Ken Tedford at 9:00 a.m.

~~Mayor Ken Tedford led the Pledge of Allegiance.~~

Mayor Ken Tedford inquired if the agenda had been posted in compliance with NRS requirements.

City Clerk-Treasurer Sean Richardson advised that the agenda was posted in compliance with the NRS requirements.

Public Comments

Mayor Ken 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.

Consideration and possible confirmation of Ronald Wenger as Chief of Police.

Mayor Tedford stated that he would like to offer Ron's name, as my appointment, to the Council for confirmation as Chief of Police. I would like to read some background on Ron.

Ron was born and raised the son of a United States Air Force Chief Master Sergeant Don Wenger and Emma. The family moved several times; to include Sault Sainte Marie Michigan, Orlando Florida, Sacramento California, and Ron's hometown, Merced California. Ron has three siblings, Annette Lindquist of Texas, Bryan Wenger of California, and Janice Goodman of Missouri. On January 1, 1980, Ron enlisted in the United States Coast Guard. After finishing tech school, Ron was stationed at Loran Station Fallon Nevada at the end of Soda Lake Road. Many of you remember this station, it was out here for years. In mid-1983 Ron was accepted into the Fallon Police Reserve Program, working many hours to earn a level one reserve officer designation, which at the time, allowed him to work a uniformed position and fill shift vacancies within the patrol division. In July of 1984, Ron was hired full-time as a paid reserve officer in the shift rotation of the patrol division. Ron completed his enlistment with the Coast Guard in January of 1985. In March of 1985 Ron was hired as a full-time patrol officer with the police department and worked patrol until June of 1989, when he had to resign to move home to help care for his terminally ill father. During that time, from January of 1990 to June of 1995, Ron worked as a deputy Sheriff with the Mariposa County Sheriff's Office. After his father's passing, Ron began a relentless mission of returning to the town and department he loved. In June of 1995 a position became available at Fallon PD and Ron jumped at the chance, starting over again in the patrol division. A short time later in 1996, Ron was promoted to Corporal and was transferred into the detective's division where he served until his promotion to Patrol Sergeant from 2001 to 2013. On July 1, 2013, Ron was promoted to his current position, Captain, where he served the patrol division until February of 2022 when he was reassigned to serve the support services division of the department. During his time as Captain, he attended the FBI National Academy and graduated from Session 257. Ron has accumulated thirty-eight and a half years in law enforcement service, thirty-three with the Fallon Police Department, as well five additional years in the United States Coast Guard. Ron is happily married to Katrena, who's here, his wife of thirty-one years. Ron and Katrena feel blessed to have raised their three children, Rachelle, Colton, and Justina in Fallon. Their children have blessed them with nine grandchildren, Ryan and Harley Gomes, Easton, Weston and Tulsa Wenger, Zoe, Kruz, Swayze and Jozie Thomson. With that, I will leave it open for questions for Ron, that the Council may have. I know that you have all met with him, and that Ron has been here for a while. I know that you all know him.

No comments were noted.

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

No comments were noted.

Mayor thanked everyone for coming today.

Councilwoman Kent motioned to confirm Ronald Wenger as Chief of Police; seconded by Councilman Harmon and approved with a 3-0 vote by the Council.

Mayor Tedford stated that we will move forward to the next agenda item before the Official Oath is administered.

Consideration and possible action to establish the salary of Ronald Wenger as Chief of Police at One Hundred Twenty-Seven Thousand Four Hundred Eighty-Eight Dollars (\$127,488.00) per year.

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

No comments were noted.

Councilman Harmon motioned to establish the salary of Ronald Wenger as Chief of

Police at One Hundred Twenty-Seven Thousand Four Hundred Eighty-Eight Dollars (\$127,488.00) per year; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

Mayor Tedford administered the Official Oath to Ronald Wenger.

Public Comments

Mayor Tedford inquired if there were any public comments.
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 9:21 a.m.

Mayor Ken Tedford

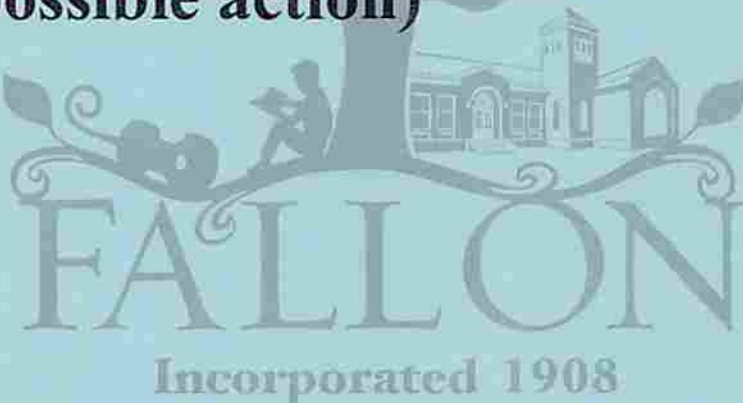
Attest:

Sean C. Richardson, City Clerk-Treasurer

April 4, 2023

Agenda Item 6

Possible adoption of Resolution No. 23-05: A resolution establishing the mobile vendor license fee. **(For possible action)**



**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 6

DATE SUBMITTED: March 28, 2023

AGENDA DATE REQUESTED: April 4, 2023

TO: The Honorable City Council

FROM: Trent deBraga, Deputy City Attorney

SUBJECT TITLE: Possible adoption of Resolution No. 23-05: A resolution establishing the mobile vendor license fee. **(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 – Review & Discussion |

RECOMMENDED COUNCIL ACTION: Motion to approve Resolution No. 23-05: A resolution establishing the annual mobile vendor license fee at \$100.

DISCUSSION: On March 21, 2023, the City Council adopted Bill No. 792, as amended, as Ordinance No. 774. Ordinance No. 774 amended the City of Fallon Municipal Code, Title Five, "Business Licenses and Regulations," by adding Chapter 5.60 entitled "Mobile Food Vendors" which provides for the regulation and licensing of mobile food vendors within the City of Fallon. Section 5.60.060 of Ordinance No. 774 provides that the annual mobile vendor license shall be established by resolution of the City Council. This is the opportunity for the City Council to establish the annual mobile vendor license fee. The fee established by the City Council will remain in effect unless amended at a later date by the City Council.

PREPARED BY: Trent deBraga, Deputy City Attorney.

RESOLUTION 23-05

A RESOLUTION ESTABLISHING THE MOBILE VENDOR LICENSE FEE

WHEREAS, on March 21, 2023, the City Council adopted Bill No. 792, as amended, as Ordinance No. 774; and

WHEREAS, Ordinance No. 774 amended the City of Fallon Municipal Code, Title Five, "Business Licenses and Regulations," by adding Chapter 5.60 entitled "Mobile Food Vendors" which provides for the regulation and licensing of mobile food vendors within the City of Fallon; and

WHEREAS, Section 5.60.060 of Ordinance No. 774 requires each mobile vendor to pay an annual license fee; and

WHEREAS, Section 5.60.060 of Ordinance No. 774 provides that the annual mobile vendor license fee shall be established and amended from time to time by resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FALLON that the annual mobile vendor license fee shall be one hundred dollars (\$100.00).

BE IT FURTHER RESOLVED that the annual mobile vendor license fee established herein shall remain in effect unless amended by resolution of the City Council.

APPROVED AND ADOPTED by the City Council of the City of Fallon, Nevada this ____ day of _____, 2023.

AYES: _____.

NAYS: _____.

ABSENT: _____.

ABSTAIN: _____.

KEN TEDFORD
Mayor

ATTEST: _____
SEAN RICHARDSON
City Clerk/Treasurer

April 4, 2023

Agenda Item 7

Public hearing for Bill No. 793: An ordinance providing for the annexation of 0.54 acres, more or less, located at 575 Babb Place, owned by HSKS LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto. **(For discussion only)**

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**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 7

DATE SUBMITTED: March 28, 2023

AGENDA DATE REQUESTED: April 4, 2023

TO: The Honorable City Council

FROM: Trent deBraga, Deputy City Attorney

SUBJECT TITLE: Public hearing for Bill No. 793: An ordinance providing for the annexation of 0.54 acres, more or less, located at 575 Babb Place, owned by HSKS LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto.
(For discussion only)

TYPE OF ACTION REQUESTED: (Check One)

Resolution Ordinance
 Formal Action/Motion Other

RECOMMENDED COUNCIL ACTION: None in this agenda item, it is for the public hearing for Bill No. 793 only.

DISCUSSION: Bill No. 793 was introduced at the City Council's properly noticed regular meeting on March 21, 2023. Notice of the deposit of copies of the proposed ordinance and the public hearing date was duly published in The Fallon Post on March 24, 2023. 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. 793 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

THE FALLON POST



Legal Notice Account
Nicole Dooley
City of Fallon
55 W. Williams Ave.
Fallon, Nevada 89406

Rachel Dahl says:
That she is the legal clerk of
The Fallon Post, a newspaper published
Friday in Fallon, in the State of Nevada

Copy Line:
**NOTICE OF DEPOSIT OF COPIES AND
PUBLIC HEARING TO ADOPT BILL NO.
793**

Ad #: 6063
of which a copy is hereto attached, was
published in said newspaper for the full
required period, on March 24, 2023, all
days inclusive.

Signed: _____
Date: March 28, 2023 State of Nevada,
Fallon

This is an original electronic affidavit.
Price: \$42.72

NOTICE OF DEPOSIT OF COPIES AND PUBLIC HEARING TO ADOPT BILL NO. 793.

City of Fallon

Notice is hereby given that the Honorable City Council of the City of Fallon will hold a Public Hearing on Tuesday, April 4, 2023 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. 793.

Bill No. 793 if adopted as an Ordinance, will accomplish the following: An ordinance providing for the annexation of 0.54 acres, more or less, located at 575 Babb Place, owned by HSKS LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto.

Notice is hereby further given that copies of Bill No. 793 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 Bill by contacting Elsie Lee, Deputy City Clerk, at (775) 423-5104 or elee@fallonnevada.gov.

Published in *The Fallon Post* on March 24, 2022.

Ad #6063

fallonpost.org

Ken Tedford
MAYOR



Kelly Frost
Councilwoman

Karla Kent
Councilwoman

Paul W. Harmon
Councilman

March 22, 2023

VIA Personal Delivery

Ms. Pamela D. Moore, Deputy Clerk to the Board
Churchill County Commissioners
155 N. Taylor Street, Suite 110
Fallon, Nevada 89406

**Re: City of Fallon's Intent to Annex 0.54 Acres, More or Less,
Located at 575 Babb Place**

Dear Ms. Moore and Churchill County Commissioners,

This Notice is sent pursuant to NRS 268.670 for the purpose of placing the Churchill County Commissioners on notice of the City of Fallon's intent to annex approximately 0.54 acres of territory located at 575 Babb Place, owned by HSKS, LLC, and contiguous to the corporate limits of the City of Fallon. This matter will be considered by the Honorable City Council at their regular meeting on April 4, 2023. Attached to this Notice is a meets and bounds description of the territory to be annexed. Please feel free to contact the City if you have any questions or need any further information.

Best regards,

THE CITY OF FALLON

A handwritten signature in blue ink that reads "Ken Tedford".

Ken Tedford
MAYOR

cc: Jim Barbee, Churchill County Manager

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF 0.54 ACRES, MORE OR LESS, LOCATED AT 575 BABB PLACE, OWNED BY HSKS LLC, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF FALLON, NEVADA, AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, NRS 268.670 provides authority for the City Council, subject to the provisions of NRS 268.663, and after notifying the Board of County Commissioners of its intention, to annex contiguous territory if 100 percent of the owners of record of individual parcels of land sign a petition requesting the City Council to annex such area to the City; and

WHEREAS, HSKS LLC, the owner of record of 575 Babb Place, a parcel of land consisting of 0.54 acres, more or less, has presented a signed Petition requesting the City Council to annex such parcel to the City; and

WHEREAS, HSKS LLC, has caused an accurate map of said 0.54 acres, more or less, to be made under the supervision of a licensed surveyor and has filed a copy of said map with the City of Fallon; and

WHEREAS, the City of Fallon has provided notice to the Board of Churchill County Commissioners of its intention to annex such parcel; and

WHEREAS, 575 Babb Place is contiguous to the existing corporate limits of the City of Fallon as the parcel is conterminous with the boundary of the City of Fallon; and

WHEREAS, HSKS LLC has requested that, upon annexation, zoning of the annexed parcel be set as R-1 Single Family Residence District as set forth in the Fallon Municipal Code; and

WHEREAS, HSKS LLC has entered into an Annexation Agreement with the City of Fallon; and

WHEREAS, the proposed annexation and the terms and conditions of the Annexation Agreement are in the best interests of the citizens of the City of Fallon.

NOW, THEREFORE, the City Council of the City of Fallon do ordain as follows:

Section 1

All that certain real property situate in the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section 36, Township 19 North, Range 28 East, M.D.M., County of Churchill, State of Nevada, as described in Document No.

487410, being more particularly described as follows:

Commencing at the East Quarter (E¼) corner of Section 36; thence S02°26'00"W, a distance of 25.00 feet; thence S89°52'00"W, a distance of 606.00 feet, to the Point of Beginning and the Northeast corner of said Parcel, said point also being on the South Right-of-Way line of Babb Place; thence leaving said South Right-of-Way line, S00°00'00"W, a distance of 180.00 feet; thence S89°52'00"W, a distance of 130.00 feet; thence N00°00'00"E, a distance of 180.00 feet, to said South Right-of-Way line; thence along said South Right-of-Way line, N89°52'00"E, a distance of 130.00 feet, to the Point of Beginning;

Said Annexation Parcel contains 0.54 acres of land, more or less

Note: The above description is based on document number 487410, recorded April 16, 2021, Official Records of Churchill County, Nevada.

is hereby annexed to the City of Fallon, and the said territory hereinbefore described shall be deemed and held to be a part of said City of Fallon and the inhabitants thereof shall hereafter enjoy the privileges and benefits of such annexation and be subject to the ordinances and regulations of the City of Fallon.

SECTION II

That zoning for the annexed parcel is hereby set as R-1 Single Family Residence District as set forth in the Fallon Municipal Code.

SECTION III

That this ordinance shall be in full force and effect from and after passage, approval and publication as required by law.

Proposed by: Councilwoman Kent

Passed and adopted this _____ day of _____, 2023.

Ayes: _____

Nays: _____

Absent: _____

KEN TEDFORD
Mayor

ATTEST: _____
SEAN RICHARDSON
City Clerk/Treasurer

I hereby affirm that this document submitted for recording does not contain a social security number.

Signed: _____
Derek Zimney, City Engineer

Assessor's Parcel #: 008-911-07

RECORDING REQUESTED BY AND RETURN TO:
City of Fallon
55 West Williams Avenue
Fallon, Nevada 89406

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made and entered into this _____ day of _____, 2023, by and between the CITY OF FALLON, a Municipal Corporation of the State of Nevada ("the City"), and HSKS, LLC, a Nevada limited-liability company ("the Owner").

WITNESSETH

WHEREAS, the Owner is desirous of annexing a certain parcel of land ("the Property") into the City of Fallon, more particularly described as follows:

All that certain real property situate in the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section 36, Township 19 North, Range 28 East, M.D.M., County of Churchill, State of Nevada, as described in Document No. 487410, being more particularly described as follows:

Commencing at the East Quarter (E¼) corner of Section 36; thence S02°26'00"W, a distance of 25.00 feet; thence S89°52'00"W, a distance of 606.00 feet, to the Point of Beginning and the Northeast corner of said Parcel, said point also being on the South Right-of-Way line of Babb Place; thence leaving said South Right-of-Way line, S00°00'00"W, a distance of 180.00 feet; thence S89°52'00"W, a distance of 130.00 feet; thence N00°00'00"E, a distance of 180.00 feet, to said South Right-of-Way line; thence along the South Right-of-Way line, N89°52'00"E, a distance of 130.00 feet, to the Point of Beginning;

Said Annexation Parcel contains 0.54 acres of land, more or less

Note: The above description is based on document number 487410, recorded April 16, 2021, Official Records of Churchill County, Nevada.

WHEREAS, the City operates water, sewer and electric utility systems and the Property is contiguous to the existing boundaries of the corporate limits of the City, and otherwise a

proper subject of annexation in accordance with the provisions of Nevada law; and

WHEREAS, the City has adequate utility system capacity to connect the Owner's property to the City's water, sewer and electric utility systems subject to certain extensions of water, sewer and electric lines; and

WHEREAS, the Fallon Municipal Code of Fallon, Nevada, 1977, as amended ("FMC") provides for certain improvements to be made by an applicant upon annexation of properties into the City, including, but not limited to, improvements relating to water lines, sewer lines, electric lines, streets, street lights, curbs, gutters, sidewalks and storm drains; and

WHEREAS, the FMC provides that upon annexation of properties into the City, all buildings and facilities constructed therefore must be served with City utilities including, but not limited to, water (including water treatment), sewer, electric, garbage collection and landfill services; and

WHEREAS, the Owner hereby requests that upon annexation the zoning of the Property be set as R-1 Single Family Residence District as set forth in the Fallon Municipal Code.

NOW, THEREFORE, in consideration of the premises, including the herein stated financial obligations and covenants of the Owner, together with the mutual promises of the parties hereinafter stated, it is understood and agreed as follows, to wit:

- 1. The City will initiate and accomplish the procedures required by law for the annexation of the Property, in accordance with the provisions of NRS 268.636 et. seq.**
- 2. The Owner agrees to connect all future improvements and buildings requiring water, sewer and electric service to City utilities, including payment of the utility connection fees in effect at the time of development of the Property.**
- 3. The Owner agrees to provide all necessary easements on the Property for such utility connections.**
- 4. The Owner shall pay to the City a fee of Three Thousand Dollars (\$3,000.00) at the time of annexation, said fee being the initial fee for one unit of water rights in lieu of the dedication of underground water rights. The Owner shall also pay such additional water right dedication fees as are required for future development of the Property that requires more than one unit of water rights or subsequent divisions or development of the Property as applicable.**
- 5. The Owner shall, upon development of the Property, pay to the City of Fallon all costs to install a streetlight along the frontage of the Property along Babb Place.**
- 6. The Owner shall, upon development of the Property and at no cost to the City, replace substandard sections of sidewalk along Babb Place that are identified in EXHIBIT A**

which is attached hereto and incorporated into this Agreement.

7. The Owner shall install the improvements and connections required by this Annexation Agreement and the FMC in accordance with City of Fallon specifications at no cost to the City.

8. The Owner agrees that the zoning for the Property shall be set by the Fallon City Council and subject to the provisions of the FMC.

9. The Owner acknowledges and agrees that each of the aforesaid conditions imposed on Owner, whether of a financial or a performance nature, are conditions precedent to acceptance of the Property for annexation and to receipt of the above-described City municipal utility services.

10. In the event that Owner fails to fulfill the obligations and covenants as herein provided, the City shall have the right to take any action provided under law or equity to enforce the terms of this Annexation Agreement, including, but not limited to, completing and/or performing any of such obligations on its own and charging Owner the costs therefore with the right to levy a lien on the Property as may be proper to collect any such expenditures incurred by the City.

11. The validity, construction and enforceability of this Annexation Agreement shall be governed in all respects by the laws of the State of Nevada applicable to agreements negotiated, executed and performed in Nevada by Nevada residents, whether one or more of the parties shall now be, or hereafter become, a resident of another state. In any action to enforce the terms of this Annexation Agreement, venue shall be exclusively in the Tenth Judicial District Court in and for Churchill County, Nevada.

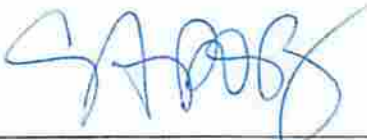
12. The persons executing this Annexation Agreement below on behalf of the parties hereby represent and warrant that they have all requisite and necessary power and authority to execute and bind the parties, respectively.

THIS AGREEMENT shall be recorded in the Official Records of Churchill County, Nevada and shall constitute a covenant running with the land and shall be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the day and year first written above.

OWNER

CITY OF FALLON

By: 
Steve O'Brien, Managing Member
HSKS, LLC


By: _____
Ken Tedford, Mayor

Attest: _____
Sean Richardson, City Clerk/Treasurer

STATE OF NEVADA)
)
): ss.
County of ~~Churchill~~ Washoe)

On this 8th day of March, 2023, personally appeared before me, a Notary Public, in and for the county and state aforesaid, Steve O'Brien, known to me or who proved to me to be the person described herein and who executed the above and foregoing instrument; and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.



Notary Public

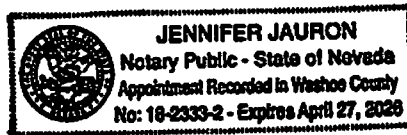
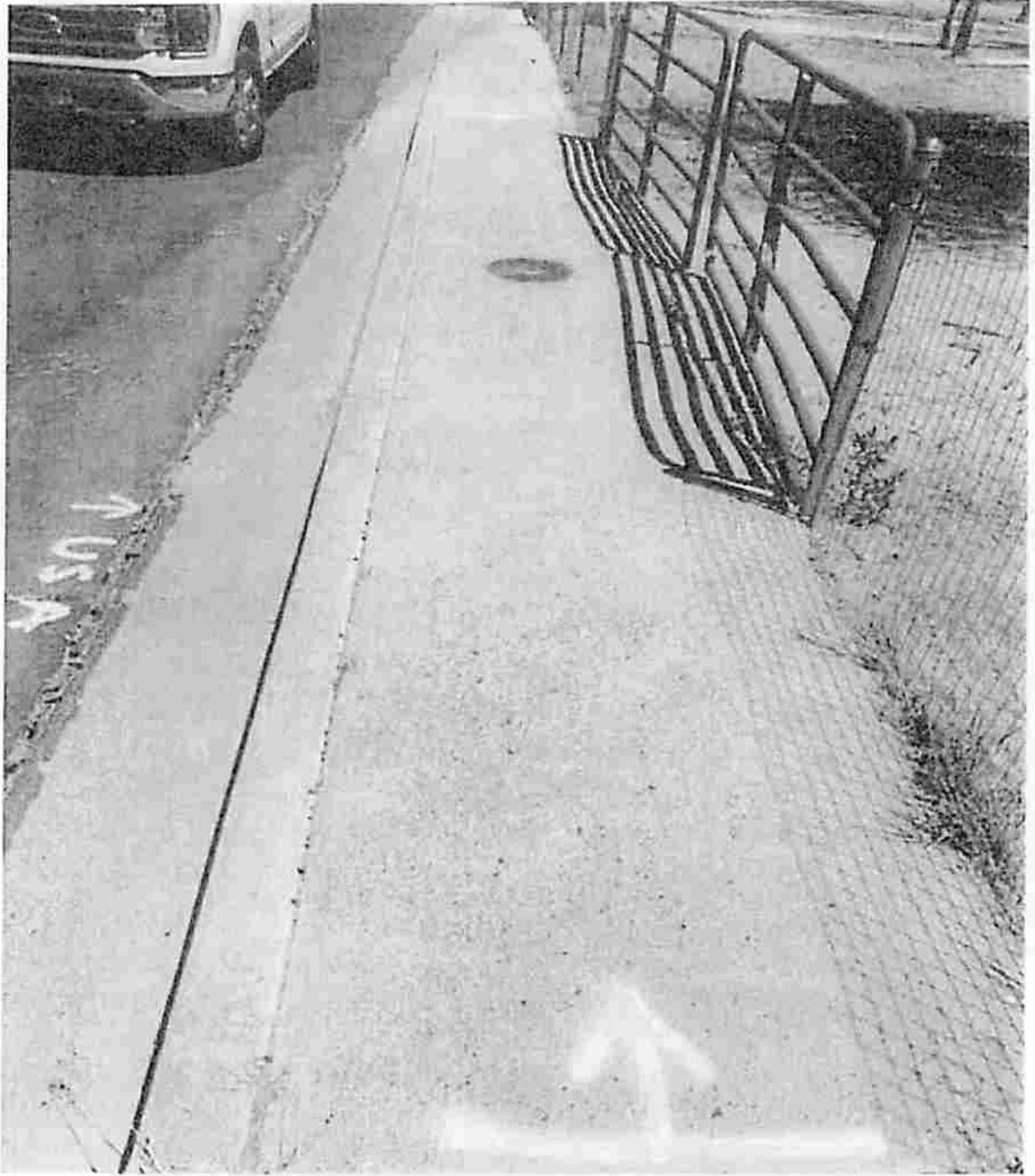
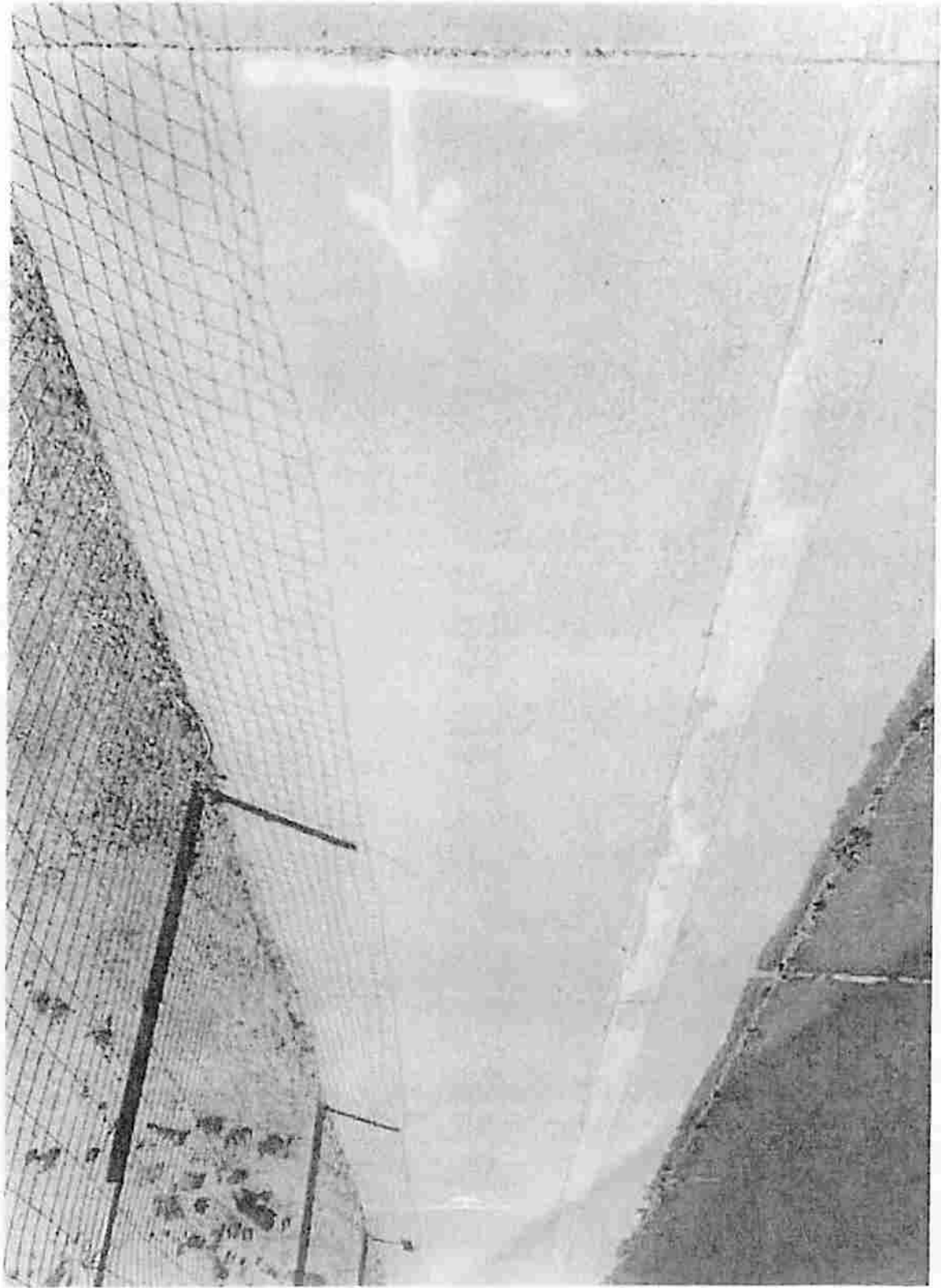


EXHIBIT A





April 4, 2023

Agenda Item 8

Consideration and possible adoption of Bill No. 793 as Ordinance No. 775: An ordinance providing for the annexation of 0.54 acres, more or less, located at 575 Babb Place, owned by HSKS LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto. **(For possible action)**

Incorporated 1908

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 8

DATE SUBMITTED: March 28, 2023

AGENDA DATE REQUESTED: April 4, 2023

TO: The Honorable City Council

FROM: Trent deBraga, Deputy City Attorney

SUBJECT TITLE: Consideration and possible adoption of Bill No. 793 as Ordinance No. 775: An ordinance providing for the annexation of 0.54 acres, more or less, located at 575 Babb Place, owned by HSKS LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto. **(For possible action)**

TYPE OF ACTION REQUESTED: (Check One)

Resolution Ordinance
 Formal Action/Motion Other

RECOMMENDED COUNCIL ACTION: Motion to adopt Bill No. 793 as Ordinance No. 775: An ordinance providing for the annexation of 0.54 acres, more or less, located at 575 Babb Place, owned by HSKS LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto.

DISCUSSION: This agenda item represents the Council's opportunity to consider the proposed ordinance as they see fit. The Council is free to adopt the Bill as introduced or to amend the Bill, in any respect, prior to its adoption. The proposed ordinance, as amended by City staff, is attached to this coversheet.

PREPARED BY: Trent deBraga, Deputy City Attorney

THE FALLON POST




Legal Notice Account
Nicole Dooley
City of Fallon
55 W. Williams Ave.
Fallon, Nevada 89406

Rachel Dahl says:
That she is the legal clerk of
The Fallon Post, a newspaper published
Friday in Fallon, in the State of Nevada

Copy Line:
**NOTICE OF DEPOSIT OF COPIES AND
PUBLIC HEARING TO ADOPT BILL NO.
793**

Ad #: 6063
of which a copy is hereto attached, was
published in said newspaper for the full
required period, on March 24, 2023, all
days inclusive.


Signed: _____
Date: March 28, 2023 State of Nevada,
Fallon

This is an original electronic affidavit.
Price: \$42.72

NOTICE OF DEPOSIT OF COPIES AND PUBLIC HEARING TO ADOPT BILL NO. 793.

City of Fallon

Notice is hereby given that the Honorable City Council of the City of Fallon will hold a Public Hearing on Tuesday, April 4, 2023 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. 793.

Bill No. 793 if adopted as an Ordinance, will accomplish the following: An ordinance providing for the annexation of 0.54 acres, more or less, located at 575 Babb Place, owned by HSKS LLC, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto.

Notice is hereby further given that copies of Bill No. 793 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 Bill by contacting Elsie Lee, Deputy City Clerk, at (775) 423-5104 or elee@fallonnevada.gov

Published in *The Fallon Post* on March 24, 2022.

Ad #6063

ost.org

Ken Tedford
MAYOR



Kelly Frost
Councilwoman

Karla Kent
Councilwoman

Paul W. Harmon
Councilman

March 22, 2023

VIA Personal Delivery

Ms. Pamela D. Moore, Deputy Clerk to the Board
Churchill County Commissioners
155 N. Taylor Street, Suite 110
Fallon, Nevada 89406

**Re: City of Fallon's Intent to Annex 0.54 Acres, More or Less,
Located at 575 Babb Place**

Dear Ms. Moore and Churchill County Commissioners,

This Notice is sent pursuant to NRS 268.670 for the purpose of placing the Churchill County Commissioners on notice of the City of Fallon's intent to annex approximately 0.54 acres of territory located at 575 Babb Place, owned by HSKS, LLC, and contiguous to the corporate limits of the City of Fallon. This matter will be considered by the Honorable City Council at their regular meeting on April 4, 2023. Attached to this Notice is a meets and bounds description of the territory to be annexed. Please feel free to contact the City if you have any questions or need any further information.

Best regards,

THE CITY OF FALLON

A handwritten signature in blue ink that reads "Ken Tedford".

Ken Tedford
MAYOR

cc: Jim Barbee, Churchill County Manager

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF 0.54 ACRES, MORE OR LESS, LOCATED AT 575 BABB PLACE, OWNED BY HSKS LLC, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF FALLON, NEVADA, AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, NRS 268.670 provides authority for the City Council, subject to the provisions of NRS 268.663, and after notifying the Board of County Commissioners of its intention, to annex contiguous territory if 100 percent of the owners of record of individual parcels of land sign a petition requesting the City Council to annex such area to the City; and

WHEREAS, HSKS LLC, the owner of record of 575 Babb Place, a parcel of land consisting of 0.54 acres, more or less, has presented a signed Petition requesting the City Council to annex such parcel to the City; and

WHEREAS, HSKS LLC, has caused an accurate map of said 0.54 acres, more or less, to be made under the supervision of a licensed surveyor and has filed a copy of said map with the City of Fallon; and

WHEREAS, the City of Fallon has provided notice to the Board of Churchill County Commissioners of its intention to annex such parcel; and

WHEREAS, 575 Babb Place is contiguous to the existing corporate limits of the City of Fallon as the parcel is conterminous with the boundary of the City of Fallon; and

WHEREAS, HSKS LLC has requested that, upon annexation, zoning of the annexed parcel be set as R-1 Single Family Residence District as set forth in the Fallon Municipal Code; and

WHEREAS, HSKS LLC has entered into an Annexation Agreement with the City of Fallon; and

WHEREAS, the proposed annexation and the terms and conditions of the Annexation Agreement are in the best interests of the citizens of the City of Fallon.

NOW, THEREFORE, the City Council of the City of Fallon do ordain as follows:

Section 1

All that certain real property situate in the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section 36, Township 19 North, Range 28 East, M.D.M., County of Churchill, State of Nevada, as described in Document No.

487410, being more particularly described as follows:

Commencing at the East Quarter (E¼) corner of Section 36; thence S02°26'00"W, a distance of 25.00 feet; thence S89°52'00"W, a distance of 606.00 feet, to the Point of Beginning and the Northeast corner of said Parcel, said point also being on the South Right-of-Way line of Babb Place; thence leaving said South Right-of-Way line, S00°00'00"W, a distance of 180.00 feet; thence S89°52'00"W, a distance of 130.00 feet; thence N00°00'00"E, a distance of 180.00 feet, to said South Right-of-Way line; thence along said South Right-of-Way line, N89°52'00"E, a distance of 130.00 feet, to the Point of Beginning;

Said Annexation Parcel contains 0.54 acres of land, more or less

Note: The above description is based on document number 487410, recorded April 16, 2021, Official Records of Churchill County, Nevada.

is hereby annexed to the City of Fallon, and the said territory hereinbefore described shall be deemed and held to be a part of said City of Fallon and the inhabitants thereof shall hereafter enjoy the privileges and benefits of such annexation and be subject to the ordinances and regulations of the City of Fallon.

SECTION II

That zoning for the annexed parcel is hereby set as R-1 Single Family Residence District as set forth in the Fallon Municipal Code.

SECTION III

That an accurate map of the annexed parcel, prepared under the supervision of a licensed Nevada surveyor, together with a certified copy of this Ordinance, shall be recorded in the office of the Churchill County Recorder prior to the effective date of the annexation as specified herein, and that a duplicate copy of the map and this Ordinance shall be filed with the Nevada Department of Taxation upon the recording of the documents with the Churchill County Recorder as set forth herein.

SECTION III IV

That this ordinance shall be in full force and effect from and after passage, approval and publication as required by law.

Proposed by: Councilwoman Kent

Passed and adopted this ____ day of _____, 2023.

Ayes: _____

Nays: _____

Absent: _____

KEN TEDFORD
Mayor

ATTEST: _____
SEAN RICHARDSON
City Clerk/Treasurer

I hereby affirm that this document submitted for recording does not contain a social security number.

Signed: _____
Derek Zimney, City Engineer

Assessor's Parcel #: 008-911-07

RECORDING REQUESTED BY AND RETURN TO:
City of Fallon
55 West Williams Avenue
Fallon, Nevada 89406

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made and entered into this _____ day of _____, 2023, by and between the CITY OF FALLON, a Municipal Corporation of the State of Nevada ("the City"), and HSKS, LLC, a Nevada limited-liability company ("the Owner").

WITNESSETH

WHEREAS, the Owner is desirous of annexing a certain parcel of land ("the Property") into the City of Fallon, more particularly described as follows:

All that certain real property situate in the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section 36, Township 19 North, Range 28 East, M.D.M., County of Churchill, State of Nevada, as described in Document No. 487410, being more particularly described as follows:

Commencing at the East Quarter (E¼) corner of Section 36; thence S02°26'00"W, a distance of 25.00 feet; thence S89°52'00"W, a distance of 606.00 feet, to the Point of Beginning and the Northeast corner of said Parcel, said point also being on the South Right-of-Way line of Babb Place; thence leaving said South Right-of-Way line, S00°00'00"W, a distance of 180.00 feet; thence S89°52'00"W, a distance of 130.00 feet; thence N00°00'00"E, a distance of 180.00 feet, to said South Right-of-Way line; thence along the South Right-of-Way line, N89°52'00"E, a distance of 130.00 feet, to the Point of Beginning;

Said Annexation Parcel contains 0.54 acres of land, more or less

Note: The above description is based on document number 487410, recorded April 16, 2021, Official Records of Churchill County, Nevada.

WHEREAS, the City operates water, sewer and electric utility systems and the Property is contiguous to the existing boundaries of the corporate limits of the City, and otherwise a

proper subject of annexation in accordance with the provisions of Nevada law; and

WHEREAS, the City has adequate utility system capacity to connect the Owner's property to the City's water, sewer and electric utility systems subject to certain extensions of water, sewer and electric lines; and

WHEREAS, the Fallon Municipal Code of Fallon, Nevada, 1977, as amended ("FMC") provides for certain improvements to be made by an applicant upon annexation of properties into the City, including, but not limited to, improvements relating to water lines, sewer lines, electric lines, streets, street lights, curbs, gutters, sidewalks and storm drains; and

WHEREAS, the FMC provides that upon annexation of properties into the City, all buildings and facilities constructed therefore must be served with City utilities including, but not limited to, water (including water treatment), sewer, electric, garbage collection and landfill services; and

WHEREAS, the Owner hereby requests that upon annexation the zoning of the Property be set as R-1 Single Family Residence District as set forth in the Fallon Municipal Code.

NOW, THEREFORE, in consideration of the premises, including the herein stated financial obligations and covenants of the Owner, together with the mutual promises of the parties hereinafter stated, it is understood and agreed as follows, to wit:

- 1. The City will initiate and accomplish the procedures required by law for the annexation of the Property, in accordance with the provisions of NRS 268.636 et. seq.**
- 2. The Owner agrees to connect all future improvements and buildings requiring water, sewer and electric service to City utilities, including payment of the utility connection fees in effect at the time of development of the Property.**
- 3. The Owner agrees to provide all necessary easements on the Property for such utility connections.**
- 4. The Owner shall pay to the City a fee of Three Thousand Dollars (\$3,000.00) at the time of annexation, said fee being the initial fee for one unit of water rights in lieu of the dedication of underground water rights. The Owner shall also pay such additional water right dedication fees as are required for future development of the Property that requires more than one unit of water rights or subsequent divisions or development of the Property as applicable.**
- 5. The Owner shall, upon development of the Property, pay to the City of Fallon all costs to install a streetlight along the frontage of the Property along Babb Place.**
- 6. The Owner shall, upon development of the Property and at no cost to the City, replace substandard sections of sidewalk along Babb Place that are identified in **EXHIBIT A****

which is attached hereto and incorporated into this Agreement.

7. The Owner shall install the improvements and connections required by this Annexation Agreement and the FMC in accordance with City of Fallon specifications at no cost to the City.

8. The Owner agrees that the zoning for the Property shall be set by the Fallon City Council and subject to the provisions of the FMC.

9. The Owner acknowledges and agrees that each of the aforesaid conditions imposed on Owner, whether of a financial or a performance nature, are conditions precedent to acceptance of the Property for annexation and to receipt of the above-described City municipal utility services.

10. In the event that Owner fails to fulfill the obligations and covenants as herein provided, the City shall have the right to take any action provided under law or equity to enforce the terms of this Annexation Agreement, including, but not limited to, completing and/or performing any of such obligations on its own and charging Owner the costs therefore with the right to levy a lien on the Property as may be proper to collect any such expenditures incurred by the City.

11. The validity, construction and enforceability of this Annexation Agreement shall be governed in all respects by the laws of the State of Nevada applicable to agreements negotiated, executed and performed in Nevada by Nevada residents, whether one or more of the parties shall now be, or hereafter become, a resident of another state. In any action to enforce the terms of this Annexation Agreement, venue shall be exclusively in the Tenth Judicial District Court in and for Churchill County, Nevada.

12. The persons executing this Annexation Agreement below on behalf of the parties hereby represent and warrant that they have all requisite and necessary power and authority to execute and bind the parties, respectively.

THIS AGREEMENT shall be recorded in the Official Records of Churchill County, Nevada and shall constitute a covenant running with the land and shall be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the day and year first written above.

OWNER

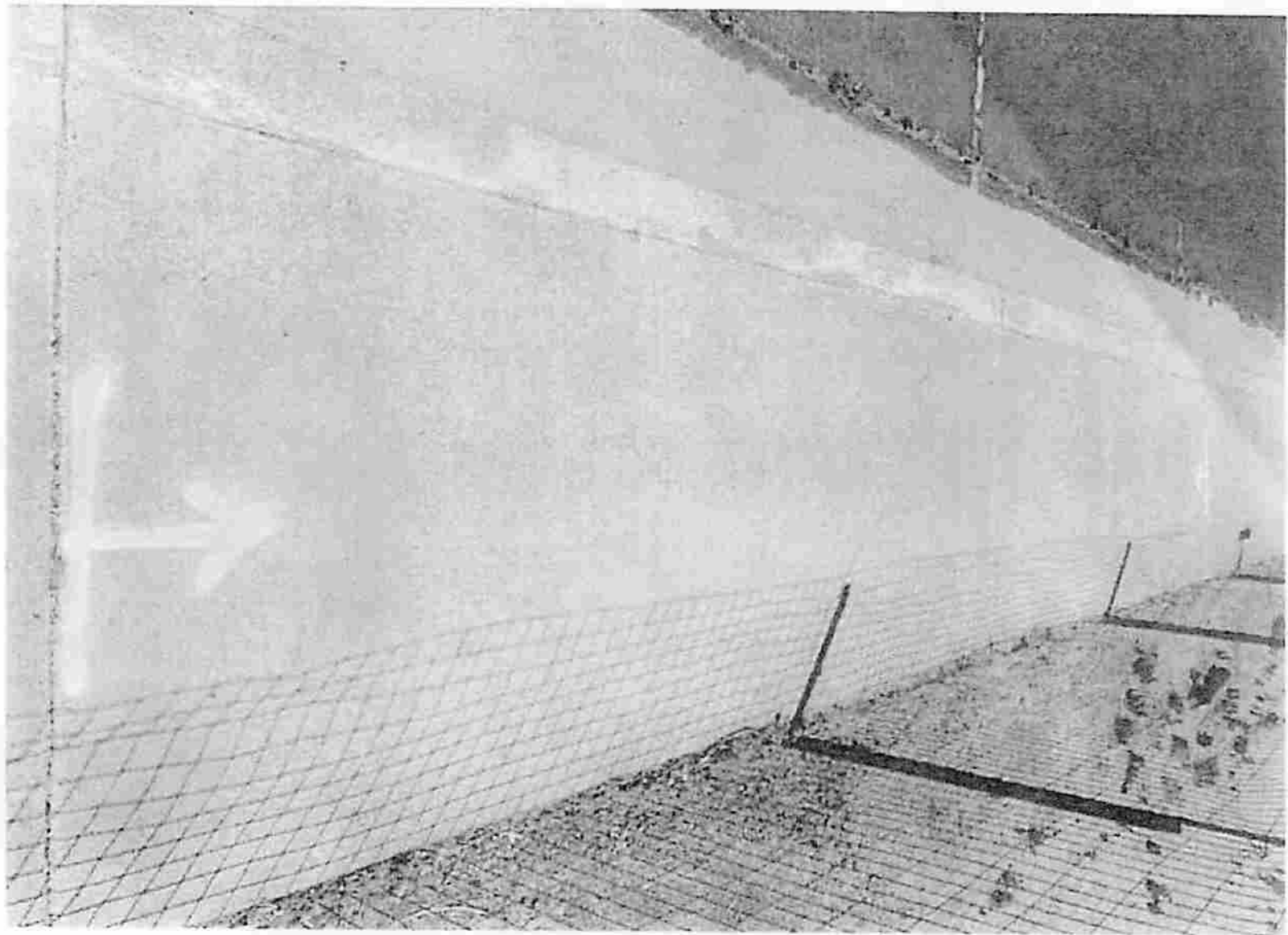
CITY OF FALLON

By: 
Steve O'Brien, Managing Member
HSKS, LLC

By: _____
Ken Tedford, Mayor

EXHIBIT A

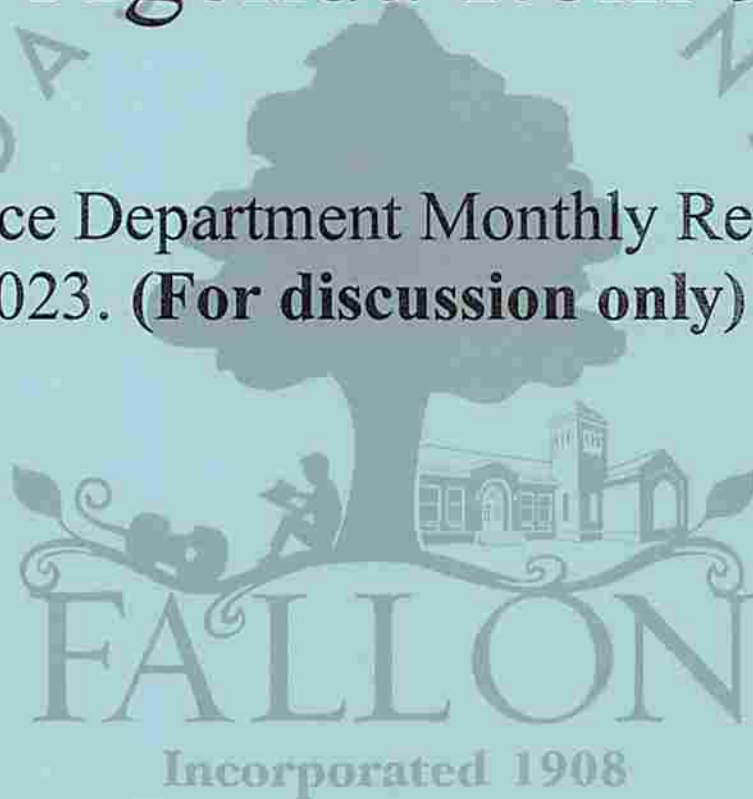




April 4, 2023

Agenda Item 9

Fallon Police Department Monthly Report for February 2023. **(For discussion only)**




CITY OF FALLON
REQUEST FOR COUNCIL ACTION
AGENDA ITEM NO. 9

DATE SUBMITTED: 3/21/23

AGENDA DATE REQUESTED: 4/4/23

TO: Mayor and Council

FROM: Ronald D. Wenger, Chief of Police 

SUBJECT: Fallon Police Department Monthly Report for February 2023

TYPE OF ACTION REQUESTED: (Check One)

Resolution

Ordinance

Formal Action/Motion

Other (Specify) Review Only

RECOMMENDED COUNCIL ACTION: For review only

DISCUSSION/ANALYSIS: (Attachment, if necessary)

FISCAL IMPACT: None

FUNDING SOURCE:

EXPLANATION OF IMPACT:

ALTERNATIVES:

Prepared By: Emily Rasmussen 

Date 3/21/23

Reviewed By: Chief Ronald Wenger

Date / /

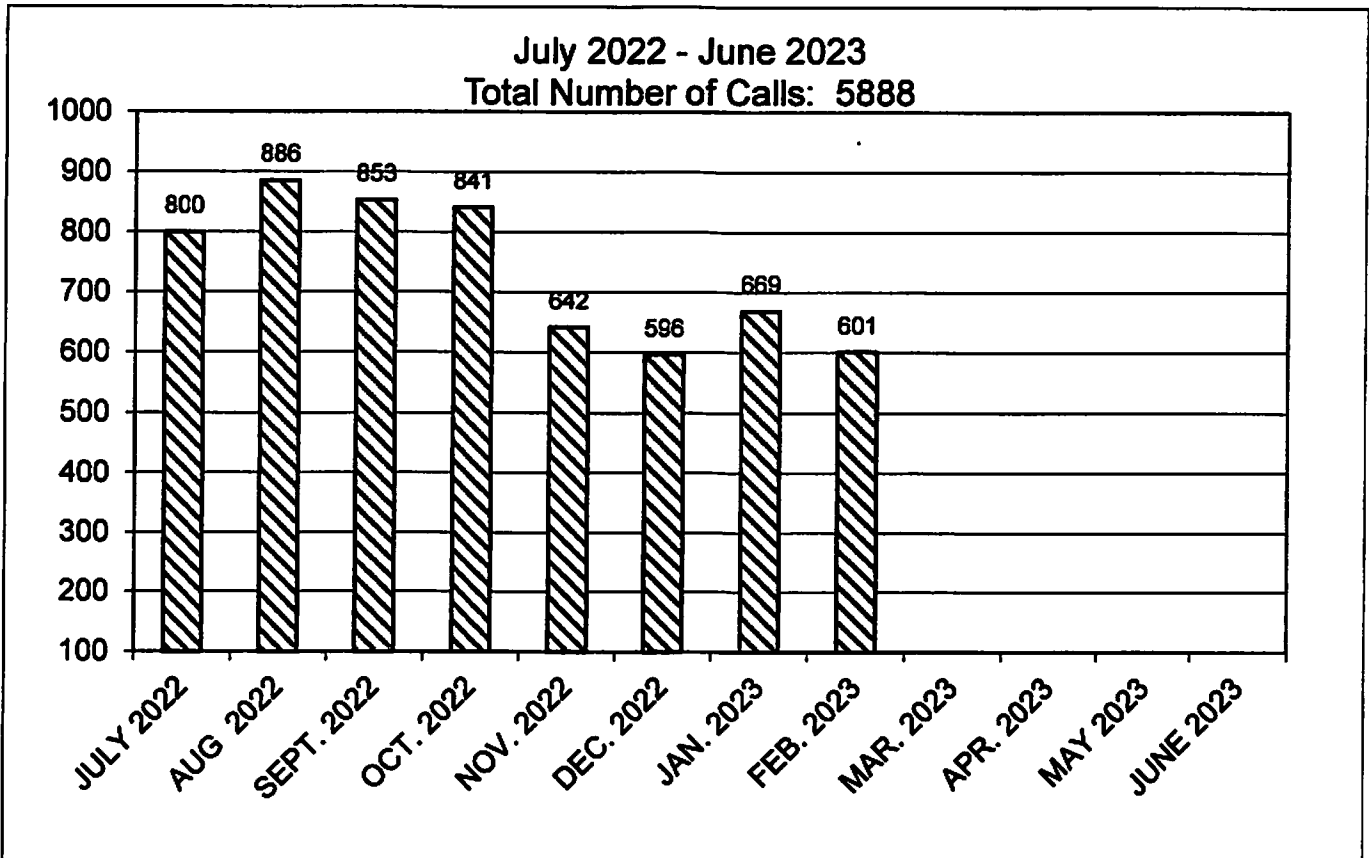
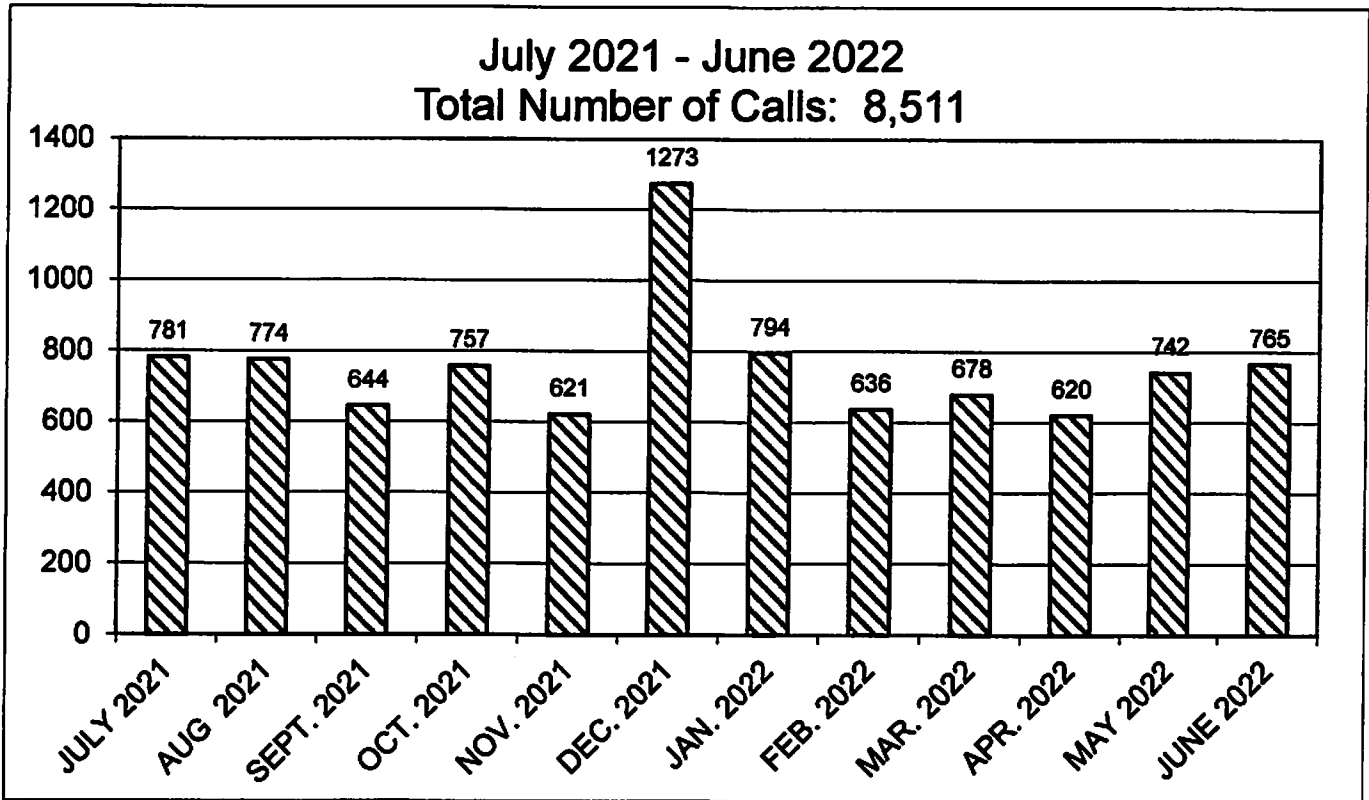
Presented by Ronald Wenger

MONTHLY ACTIVITY REPORT



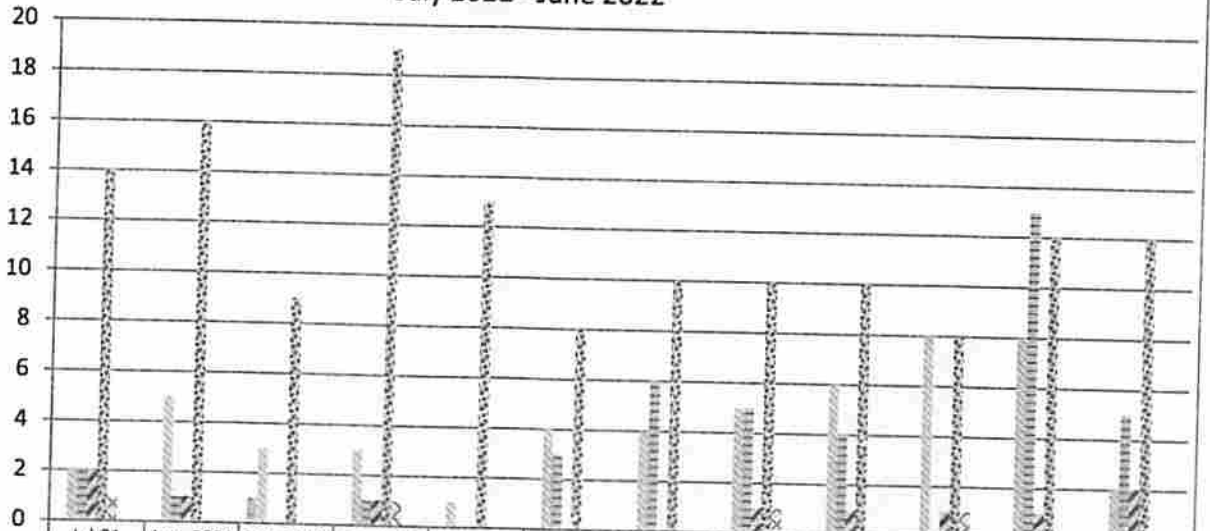
February 2023

Calls for Service / Total Incidents Reported



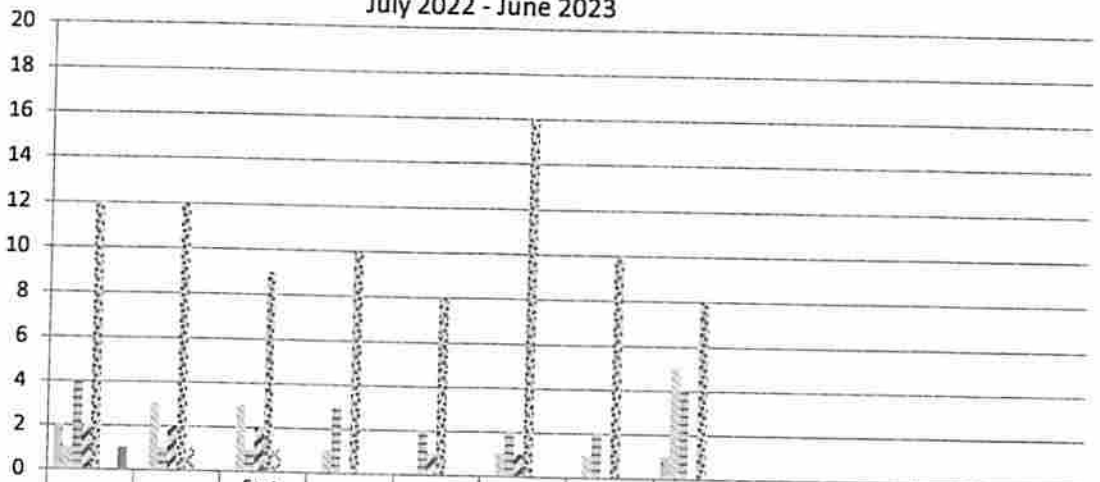
Crime Summary

July 2021 - June 2022



	Jul-21	Aug. 2021	Sept. 2021	Oct. 2021	Nov. 2021	Dec. 2021	Jan. 2022	Feb. 2022	Mar. 2022	April 2022	May.2022	Jun-22
Sex Offense	0	0	1	0	0	0	0	0	0	0	0	0
Domestic Battery	2	5	3	3	1	4	4	5	6	8	8	2
Battery Assaults	2	1	0	1	0	3	6	5	4	0	13	5
Stolen Vehicle	2	1	0	1	0	0	0	1	1	1	1	2
Larceny	14	16	9	19	13	8	10	10	10	8	12	12
Burglary	1	0	0	1	0	0	0	1	0	1	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Homicide	0	0	0	0	0	0	0	0	0	0	0	0

July 2022 - June 2023



	July 2022	Aug. 2022	Sept. 2022	Oct. 2022	Nov. 2022	Dec. 2022	Jan. 2023	Feb. 2023	Mar. 2023	April 2023	May.2023	June 2023
Sex Offense	2	0	0	0	0	0	0	1				
Domestic Battery	1	3	3	1	0	1	1	5				
Battery Assaults	4	1	1	3	2	2	2	4				
Stolen Vehicle	2	2	2	0	1	1	0	0				
Larceny	12	12	9	10	8	16	10	8				
Burglary	0	1	1	0	0	0	0	0				
Robbery	0	0	0	0	0	0	0	0				
Homicide	1	0	0	0	0	0	0	0				

BREAKDOWN OF ARRESTS

During the month of February, the Police Department had fifty-five (55) total arrests:

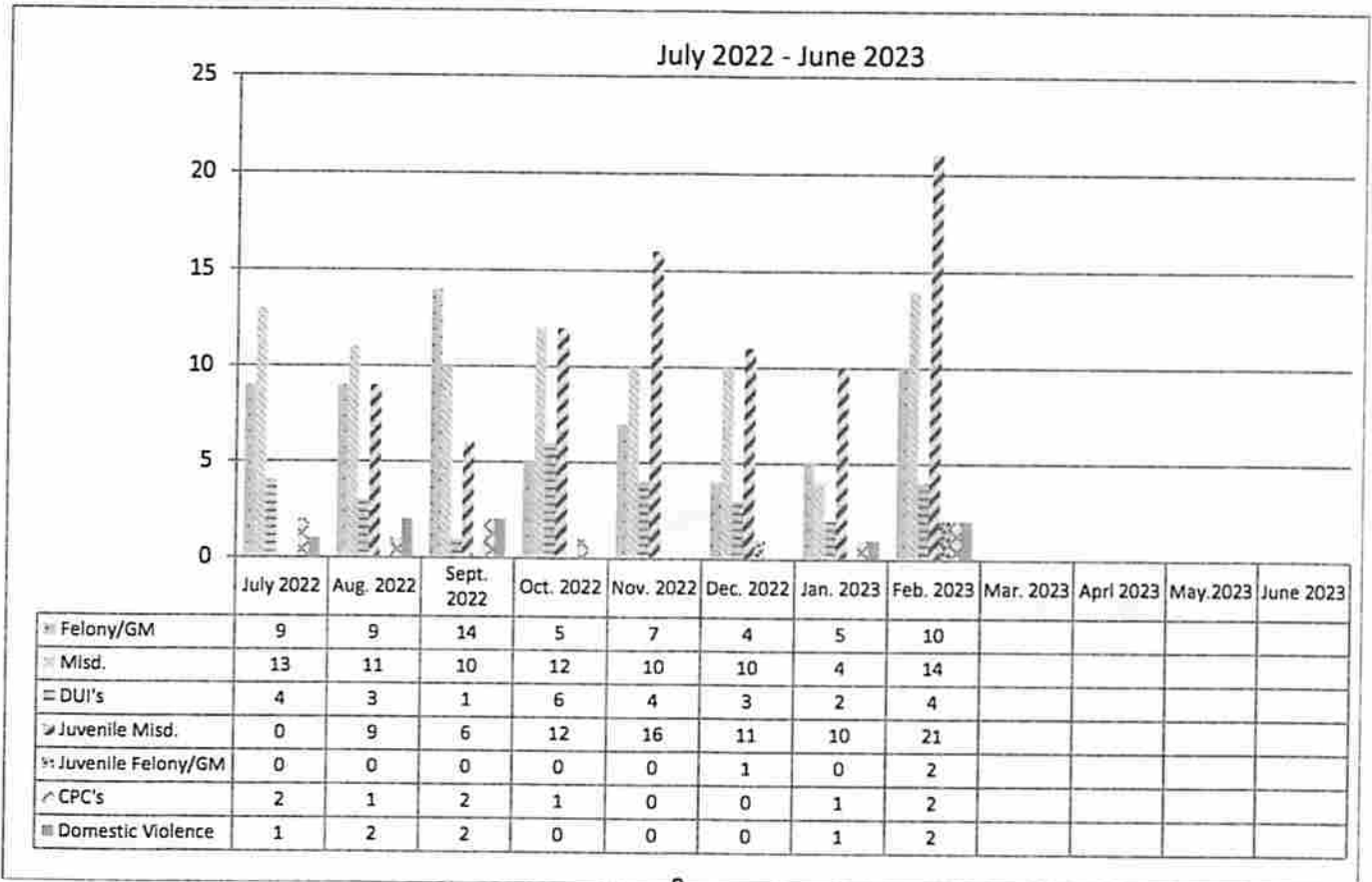
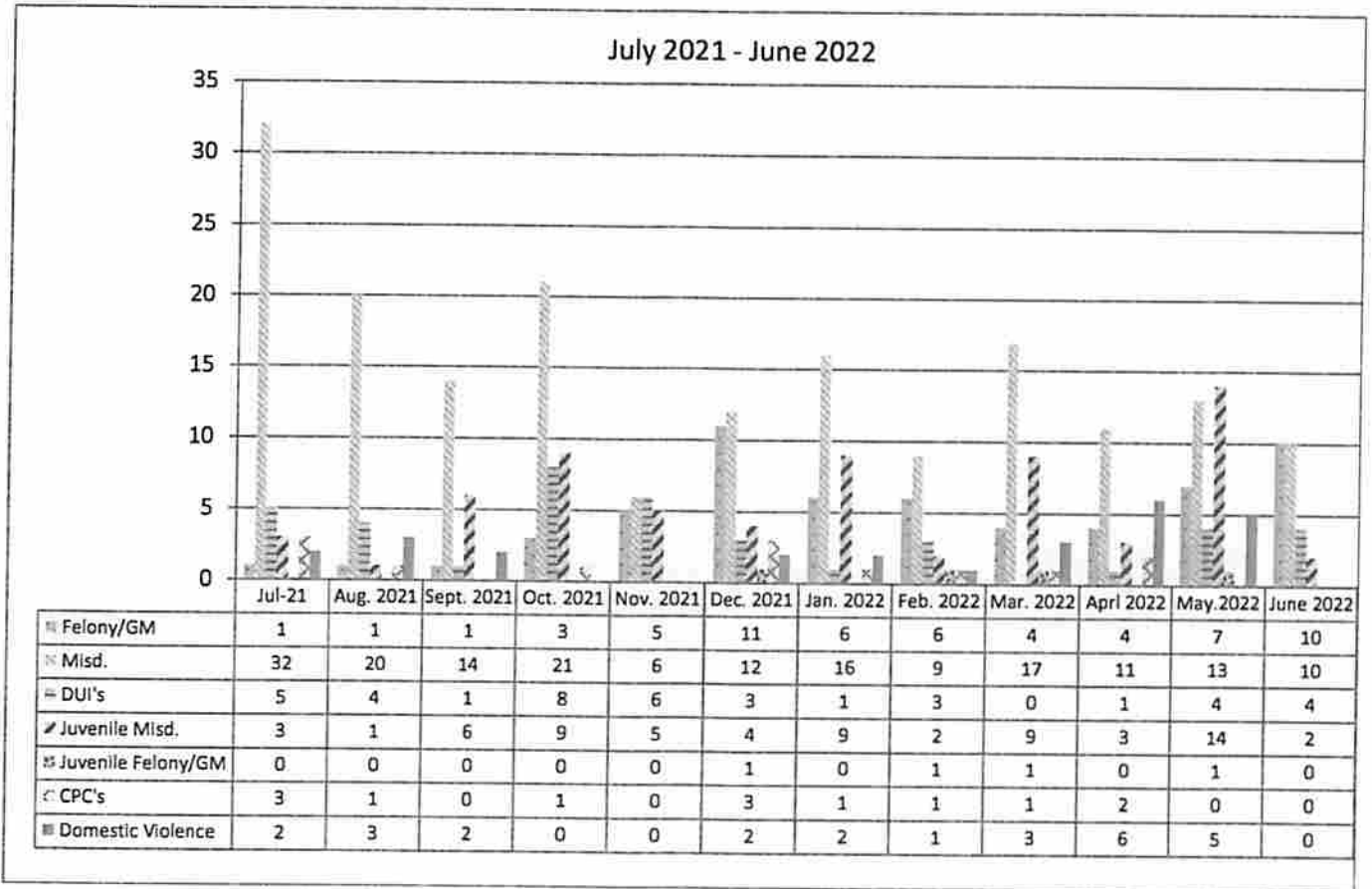
- Of the six (6) Felony arrests, three (3) were warrant arrests and two (2) was a Parole & Probation arrest.
- There were 4 Gross Misdemeanor arrests
- Of the fourteen (14) Misdemeanor arrests, all fourteen (14) were misdemeanor warrant arrests.
- There were 21 juvenile arrests, five (5) were for disturbance of school.

BREAKDOWN OF THEFT REPORTS

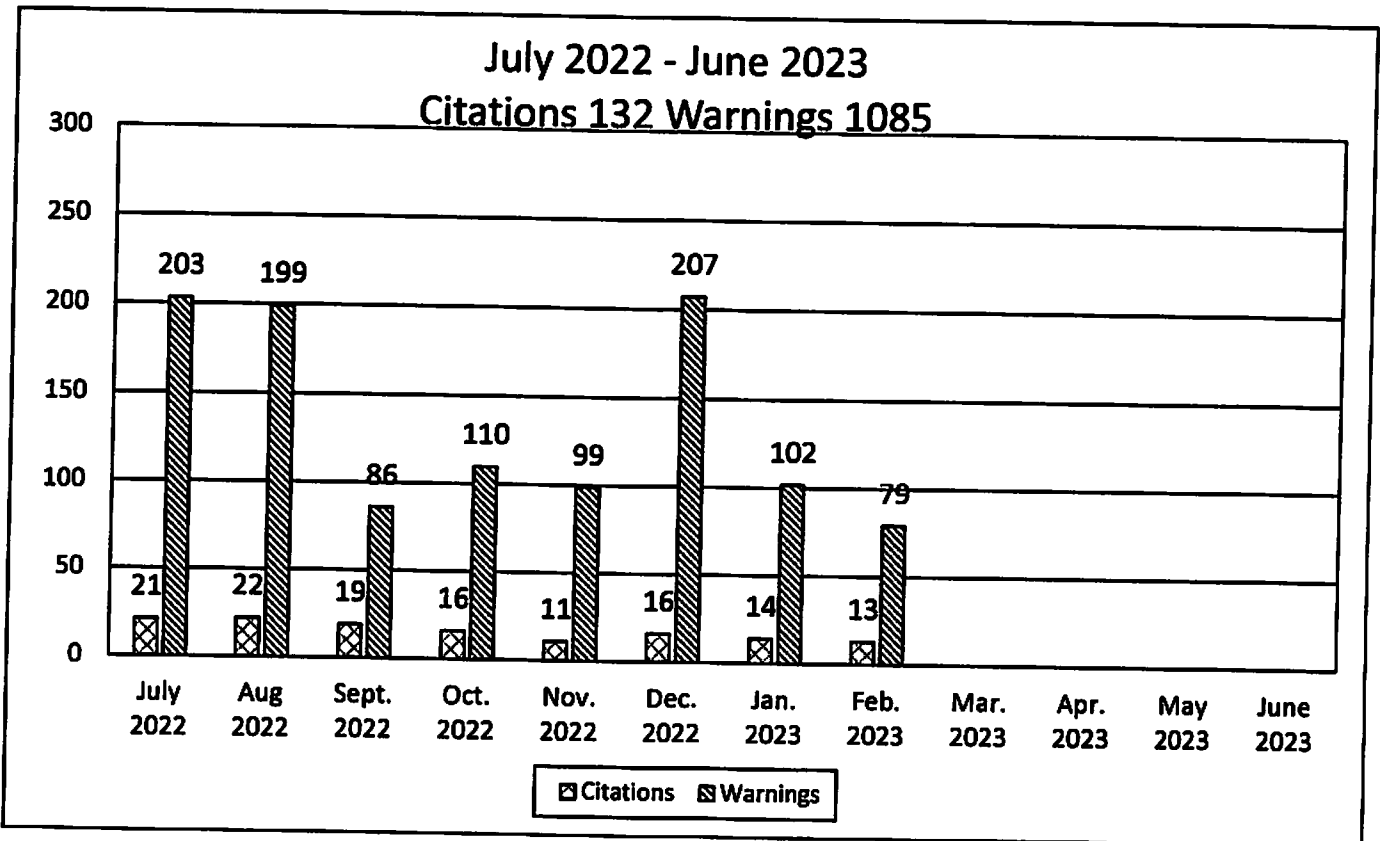
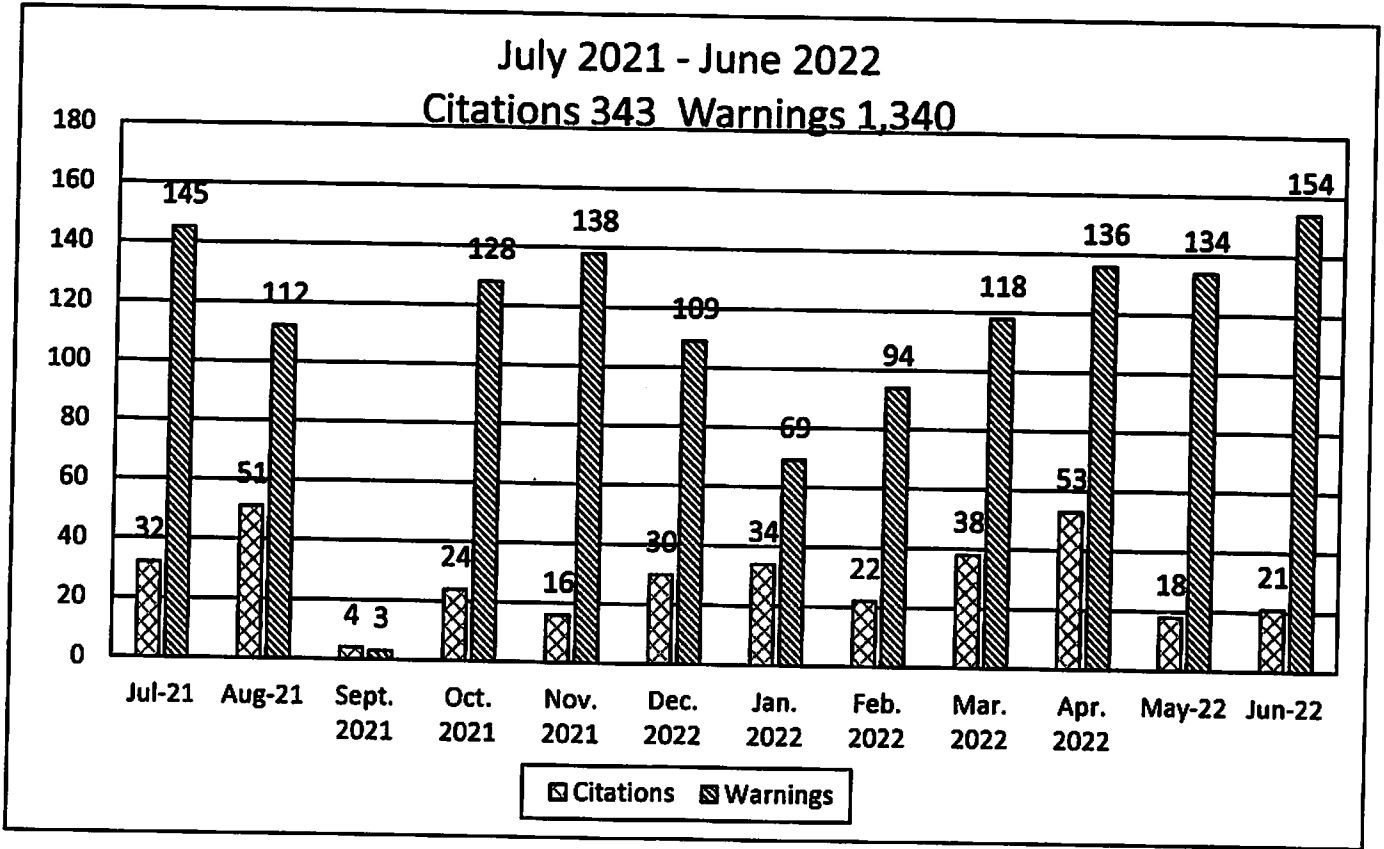
During the month of February, the Police Department took eight (8) Theft reports:

- One (1) report of a stolen credit card
- One (1) report of a stolen cell phone
- One (1) report of a stolen generator
- Two (2) reports of stolen gas cans
- One (1) report of a stolen backpack with school supplies
- One (1) report of a stolen package
- One (1) report of a stolen tablet & cell phone

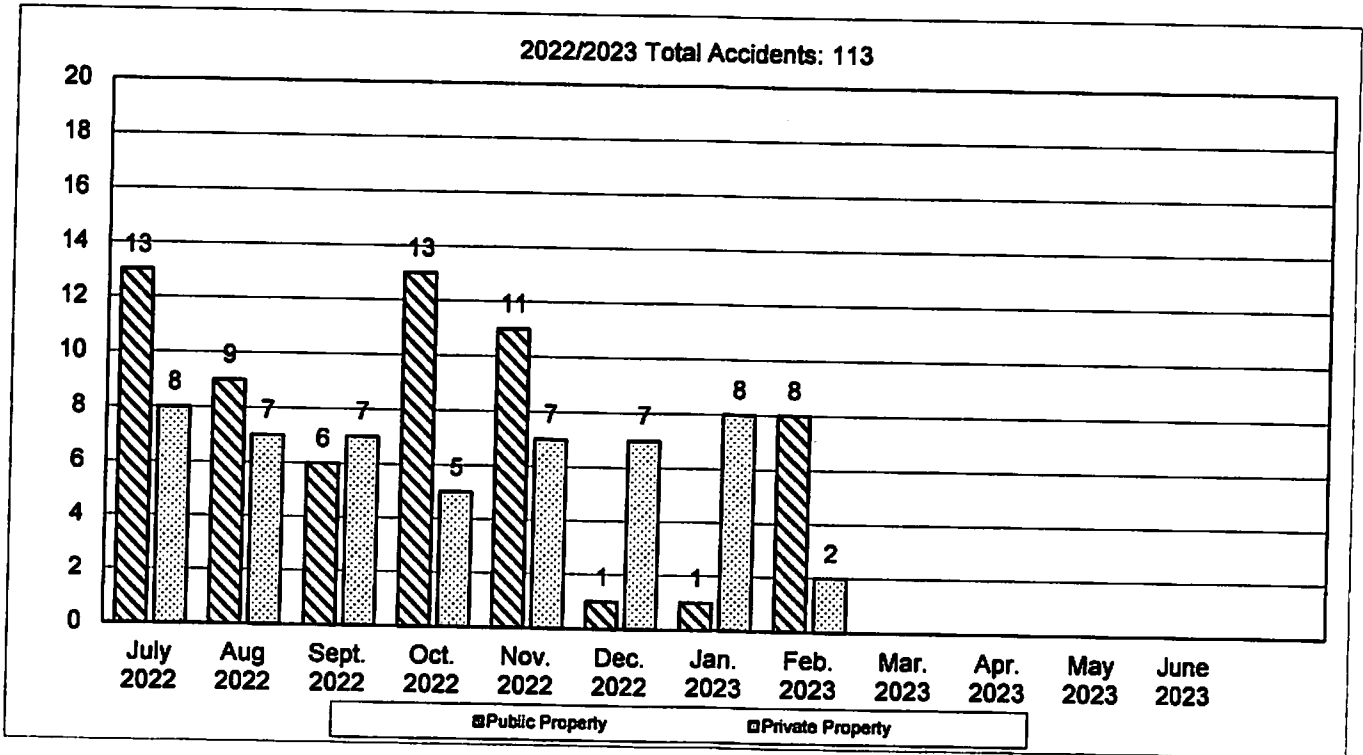
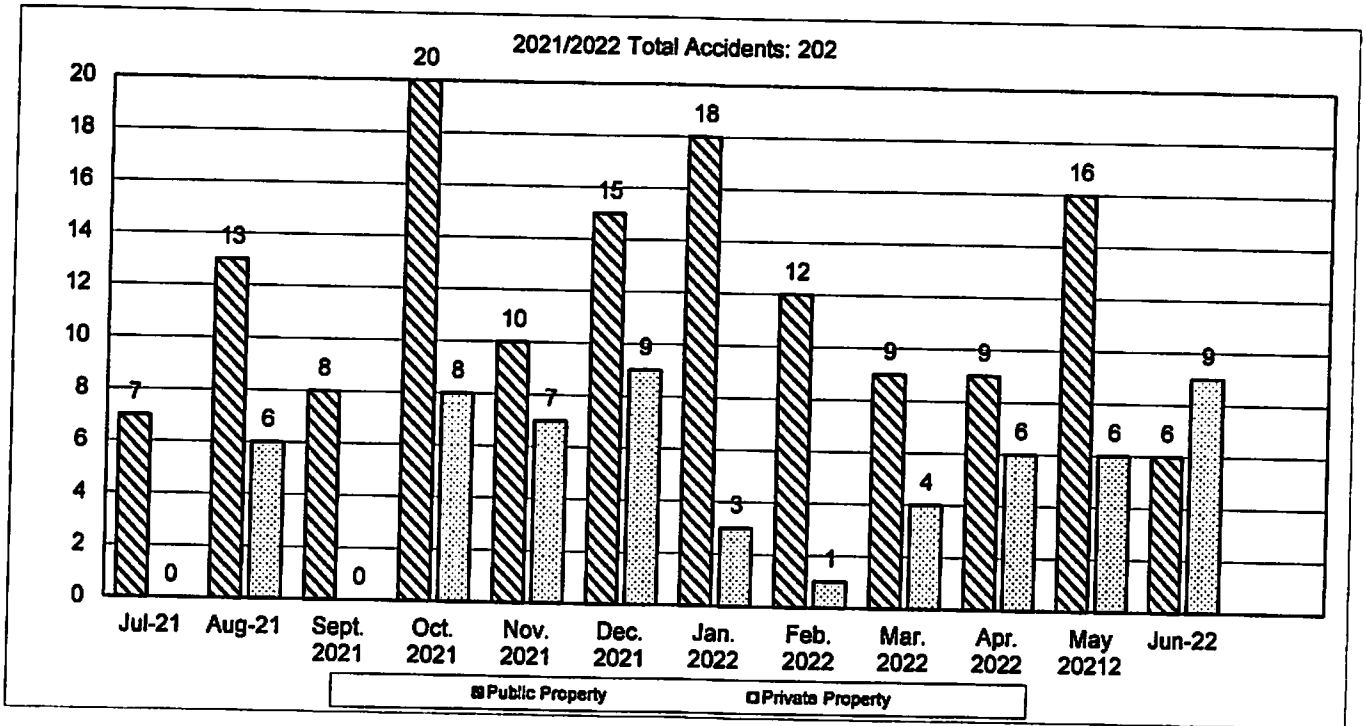
Arrest Summary



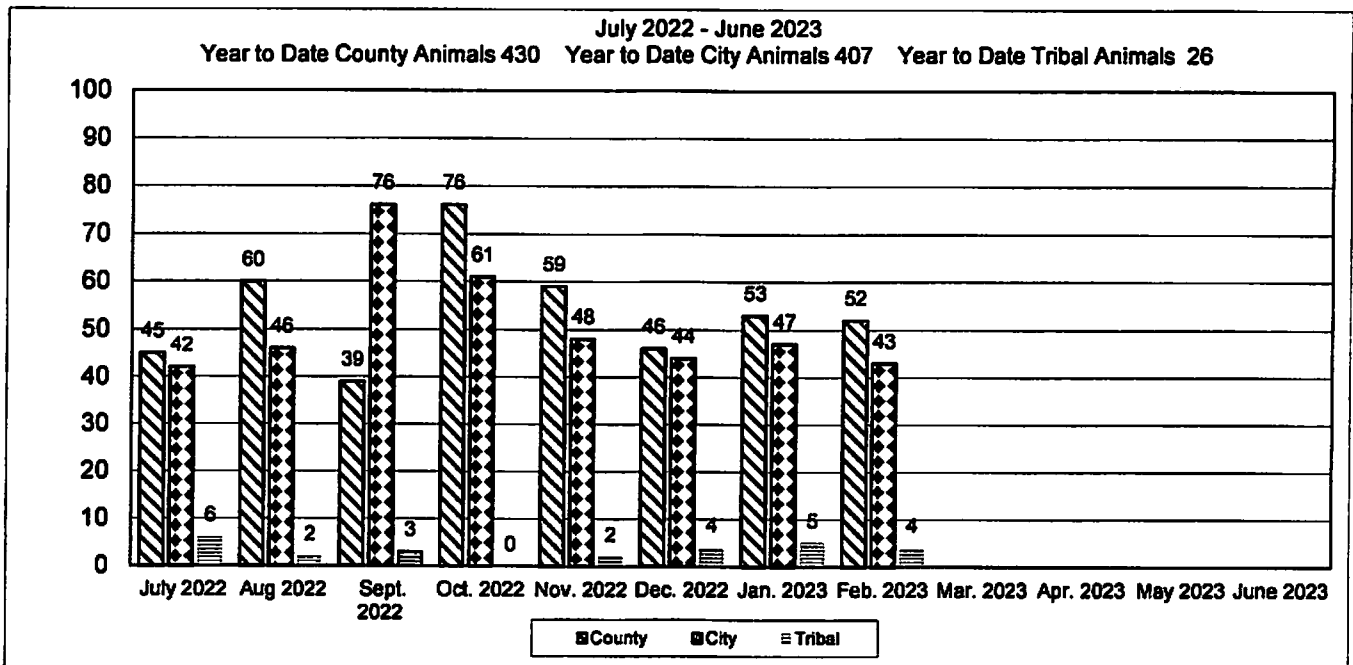
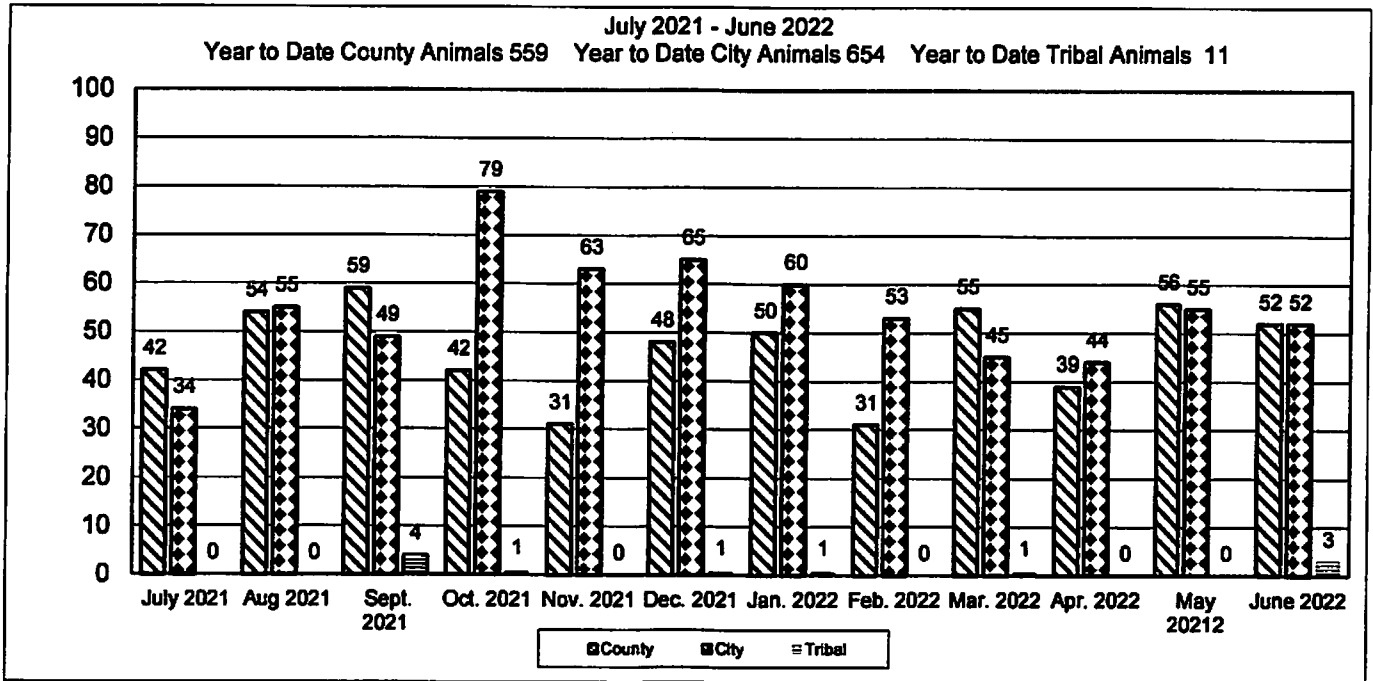
Moving Citations Traffic Warnings



Traffic Accidents



Animal Shelter Services



Fallon Police Department
Citizen Survey Results
February 2023

When you contacted the Police Department, how satisfied were you with the ability of the dispatcher or employee that assisted you?

VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
4	1		1

Where you satisfied with the courtesy and concern shown by the dispatcher or employee?

VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
5	1		

Are you satisfied with the Police Department's response time?

VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
5			1

Regarding your most recent contact, please rate the Officer in the following areas:

Officer name (s) Chief Alexander, Sgt. Bernard, Ofc. Groom, Ofc. Edwards, Ofc. Atchison
 Dispatcher (s) Dispatcher Angela Calkins

	VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
Concern	5			1
Courtesy	5			1
Knowledge	5			1
Problem Solving Ability	5	1		
Professional Conduct	5			1

Overall, how satisfied are you with the Fallon Police Department?

VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
6			

Fallon Police Department

February 2023

Citizen Survey Comments

- These two officers are the best! Give them a raise. Excellent Police Officers, keep them in Fallon. (Sgt. Bernard & Ofc. Atchison.)
- My water heater was leaking at 11 p.m. The officers came and prevented a disaster. They worked for over two hours to drain my hot water heater because no plumber was available. Thank you for the excellent service! Thank you to the dispatcher who sent the officers immediately, she showed immediate care. (Dispatcher Angela Calkins, Ofc. Groom & Ofc. Edwards.)



Activity Report for February 2023

Total Service Hours	116.25
Training Hours	4.0
Helping Hand Contacts	32
Other Assignments:	
<i>Helping Hand</i>	<i>23.75 hours</i>
<i>Domestic Violence Meetings/Project</i>	<i>0.0 hours</i>
<i>Chaplin</i>	<i>3.0 hours</i>

**Fallon Police Department
Activities / Special Events
February 2023**

ASSISTANCE

During the month February, we provided no (0) bus tickets.

INDOCTRINATION

During the month of February, there was one (1) indoctrination at NAS Fallon.

VOLUNTEERS IN POLICE SERVICES

February 2023 the Fallon Police VIPS volunteered one hundred sixteen and one quarter (116.25) hours to the agency.

These hours of consisted of assistance with Helping Hands, training and Chaplain Services. Bob Bridges utilized his services during an unexpected death of an infant.

OTHER PUBLIC RELATIONS

During February officers conducted special detail for the following:

- On February 2nd, 2023, Captains Riley & Wenger dressed as cowboy's and spoke to kids at a local daycare.
- On February 3rd, 2023 officer's provided traffic control on S. Maine St for a fountain dye.
- On February 9th. 2023 officer's provided an escort for the High School wrestling team to the State competition.
- On February 9th, 2023 Officer Woolf spoke with the Cub Scouts about police work.
- On February 16th, 2023 Officer J. Shyne spoke with kids at Ivy Land day care.
- On February 27th, 2023 officers provided traffic control on S. Maine St for a fountain dye.