



# AGENDA

## CITY COUNCIL MEETING

55 West Williams Avenue Fallon, NV

May 16, 2023 at 9:00 AM

---

The Honorable City Council will meet in a regularly scheduled meeting on May 16, 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 7, 2023, April 4, 2023, April 7, 2023, April 18, 2023 and May 2, 2023 **(For possible action)**
5. Approval of Warrants **(For possible action)**
  - A) Accounts Payable
  - B) Payroll
  - C) Customer Deposit
6. Fallon Police Department Monthly Report for April 2023 **(For discussion only)**
7. Public Comments **(For discussion only)**
8. Council and Staff Reports **(For discussion only)**

9. 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 May 11, 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/>).

/s/ 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.

**MINUTES  
CITY OF FALLON  
55 West Williams Ave  
Fallon, Nevada  
March 7, 2023**

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  
Councilwoman Kelly Frost  
Councilwoman Karla Kent  
Councilman Paul Harmon  
Chief of Staff Bob Erickson  
City Attorney Mike Mackedon  
Deputy City Attorney Trent deBraga  
Public Works Director Brian Byrd  
Deputy Public Works Ryan Swirczek  
Deputy Public Works Adrian Noriega  
Deputy Public Works Kevin Gulley  
City Clerk-Treasurer Sean Richardson  
Deputy City Clerk Elsie Lee  
Deputy City Clerk Michael O'Neill  
Captain Ron Wenger  
City Engineer Derek Zimney  
Emergency Manager Steve Endacott  
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 approval of Council meeting minutes for February 10, 2023.**

Councilwoman Frost motioned to approve the Council meeting minutes, with no changes or corrections for February 10, 2023; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

### **Approval of Warrants**

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

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

**Possible introduction of Bill NO. 792: An Ordinance amending the City of Fallon Municipal Code, Title Five, “Business Licenses and Regulations,” to add Chapter 5.60 entitled “Mobile Food Vendors” which provides for the regulation and licensing of mobile food vendors within the City of Fallon; and other matters properly related thereto. (For possible action) (This agenda item is for possible introduction of the proposed ordinance only. If introduced, a public hearing on the proposed ordinance will be set in the next agenda item and no further action can or will be taken at this meeting. At the public hearing, which will be properly noticed and advertised, the City Council will take comment and then consider possible adoption of the ordinance as introduced or amended.)**

Councilwoman Frost asked Mayor Tedford if we would be able to discuss some proposed changes.

Mayor Tedford agreed, inquiring from Deputy City Attorney Trent deBraga.

Deputy City Attorney Trent deBraga stated that we will introduce it and certainly discuss any changes that they would like to see and address proposed changes when it comes up for adoption at the next meeting, as that’s when those changes would be incorporated.

Mayor Tedford stated that when you get a chance to read it, you can actually give your changes in the interim as you read through it. We are not going to have the hearing until we set a date with the agenda item. We will be able to make changes in the hearing and nothing is set in stone. You are also welcome to state your changes now.

Councilwoman Frost stated that on page one (1), section B, my concern is that I think it should be easier to get a food vendor license than a liquor license. I think that some of those are a little strict, in the sense that if you had a young person that made a stupid decision and committed a crime and then twenty (20) years later are trying to set their lives straight and want to start a business, we don’t want to prevent them from being able to have that opportunity and do so. I like the way we do our liquor licenses with our committee that looks at those and makes the decision. That is my recommendation, and I don’t know how my fellow Council members may feel about that.

Councilwoman Kent stated that she would have to look into that and read it again.

Councilman Harmon agreed with the comment that it shouldn't be stricter than getting a liquor license.

Mayor Tedford also agreed. I don't mind section B so much but I will probably leave it for the hearing. My thoughts are that if you took that to the standard of just a business license, businesses have a fixed place, where PD is patrolling. These are mobile and they have the ability to move around a lot and don't quite have the scrutiny that a fixed business has, and I think they are held to a higher standard, more like a liquor license, than a normal business. Having a stricter protocol for a mobile license is more called for than someone who has a brick-and-mortar business and stays put. I know that we have looked at several communities that already have mobile business licenses that we drew these from and have a lot longer history than us, and why they have certain provisions. I would probably not want to dilute that very much.

Councilwoman Frost agreed that there should be stricter standards for somebody just coming in to get a business license because of the mobility of the food vendors. Again, I just want to reiterate, people do make mistakes, especially when they are younger, and I don't want to prevent somebody from doing that.

Mayor Tedford said that you can still get a liquor license when you made a stupid mistake when you were a young kid. These things aren't probably a stupid mistake from being a young kid. These go a little bit beyond that, certainly, for your discussion when we have the hearing.

Deputy City Attorney Trent deBraga stated that one option, if this is openly adopted down the road, since it is a privileged license, there is going to be a background check done on any applicant, which of course, that application will have the applicant list the offenses they have been convicted or arrested for. One option we could do, since that will be up for consideration, if this is ultimately approved anyhow, we can potentially take this section out, so it's not an automatic disqualifier and then obviously, any application that comes before the Council, that criminal history will be something that's on that application. It will be before the Council at some point if this is ultimately passed.

Mayor Tedford stated that even on the liquor licenses, I wouldn't give some of those liquor licenses. We have had this discussion. Going to your point, you win me over on some of those background checks that have come up, as some of those instances of their colorful parts of the liquor license, were from when they were very young or more than ten (10) or fifteen (15) years ago. You have all heard me in there, telling you, "Wow, I wouldn't give this guy a liquor license." And you say, "well, that was a long time ago." You have already looked at that, whether you had that provision or not, even in the liquor license. You have all backed me down on some of those. The chiefs have asked me how I could give this guy a liquor license, and I tell them, well, it was a long time ago. They already consider what this guy wouldn't do. They look at the age and I always agree with them, it was a long time ago. There is a difference between getting a business license and getting a liquor license. By nature, and no fault of the Clerk's office, but just by the nature of how it is set up, a business license does not have as thorough background check as the liquor license. Your task set forth by the Council, way before us, was to do a more thorough check on liquor licensing and that it is a privilege. I am never, for one, making the standard less to serve our public. We are supposed to serve the citizens, so we're supposed to have a higher standard and then you can always back off that standard when you are issuing that license, depending on the factors that you mentioned. You never make it stronger, if you don't have it in place which has led to some real excited

conversations at this podium before, way back when I was a Councilman and Bob was the Mayor. I don't know whether it is being too overprotective on my part but it is certainly one we can have discussion about, or not, when that hearing comes.

Councilman Harmon asked for clarification for understanding. If we do it, just as according to the ordinance, then we are not going to be reviewing it case by case. If they have this in their background, are they automatically going to be disqualified?

Mayor Tedford stated they are not always automatically disqualified. This is in the liquor license too and they are not automatically disqualified. The Chief has a lot of say on the conviction of the crime of theft, and it could have been 20 years ago. They often look at that and say, "Well, that was so long ago, it is not pertinent now." We have people that have liquor licenses that have two (2) DUI's. That certainly is a crime, under the way the ordinance is written, for liquor licenses and you approve them, but it says you can't do that. But, because it goes through that committee, and you allow them the ability to look at those, and when they have happened – jump in here Bob, you were a Mayor one time. You have done the same thing when I've sat there with Chief Dale Carr at the end when I was in your seat and argued from that end of the table, saying we can't do this. Dale said, "Well, that was a long time ago." We have allowed it and it has been fine. When you have an applicant that has had a very bad history, that wanted to work under a liquor license, we were able to deny it because we had a provision in there that said we could. I think that served our citizens well at that time. It is going to be your comfort; I am just telling you some background here. It's going to be how you all feel, if you decide when we have the hearing, that you want 'B' taken out, we will take 'B' out, it's okay. It prevents me from having these great discussions in my office with staff.

Deputy City Attorney Trent deBraga reiterated that the way that this is currently drafted, I think the Council is on the right track here. It would automatically disqualify them, the way it is drafted right now. I think it removes the discretion that we have with the liquor licenses, where you can take into consideration the time that has passed since an arrest or something, where this doesn't. This is an easy fix, but as it currently reads, if they have been convicted of one of these crimes, it would disqualify them as it is currently drafted. I think I have a feeling of where the Council would like to see these changes.

Mayor Tedford stated that they need to be made like the liquor license application.

Deputy City Attorney Trent deBraga agreed.

Mayor Tedford said that it would be more forgiving.

Councilwoman Frost agreed and added to provide discretion. A drug offense, back in my day, when you were younger, was a felony if you had marijuana. And now, it is legal. I would look at a drug trafficker a whole lot differently, especially as a mobile food vendor.

Mayor Tedford stated that he just had a discussion with Ron about drug offenses.

Councilwoman Frost stated that when these offenses were committed, it was illegal, so I understand that.

Mayor Tedford commented that it does vary from state to state.

Councilwoman Frost agreed. I have another possible correction on page five (5) of the ordinance, section B, again. I think we need to allow provision for the schools. To allow them permission if they are having a special event, where they offer food vendor trucks on site. I think that will be a simple fix as well. The school would have to provide vendors with permission.

Mayor Tedford stated that we would have to be careful how we define schools. There are many of them. We talked about that, Trent, and Mike, had mentioned to

acknowledge all schools that consider themselves a school. We must be careful how we use that language. Not that it is bad. Not that any school is bad. It may just be a general school in nature. That will be fine if they find a way to fit that in there.

Councilwoman Frost stated that that was all she had.

Councilman Harmon asked for clarification on the limit of hours being 8:00 pm to 8:00 am. It states they could, with permission from the City. Does that permission come from the Council or will somebody else give them permission to go longer than 8:00 pm?

Mayor Tedford stated that usually they must get permission either through the Clerk's office, the Chief of Staff, or PD. There is already a special event group that is in place, and it is usually set up by the Mayor. The policy is going to follow what the Special Event group says. They will then follow the things that have to happen, either under their liquor license or when they go out and do catering, or whatever it is that they might do. Things after hours, in our parks, or in areas that aren't usually done at block parties, and things of that nature. This group has someone from the office of the Clerk-Treasurer, the PD, the City Attorney, the Public Works Department, and the Chief of Staff. This is where this will probably end up if it goes outside of the times of 8:00 am and 8:00 pm, which is out of the normal operational hours of the City and this group will have jurisdiction over this.

Councilman Harmon asked about a scenario of a concert in the park that goes until 9:00 pm. Will those food vendors be filed under that Special Use Permit for that event, but will still require their mobile food license? The hours of operation will go with what that special event is and not just setting up on the side of the street, somewhere, correct?

Mayor Tedford agreed. I think that is where we would include that. You would then have every department of the City looking at it from their aspect. That is why that group was set up, originally. The park would be considered a different situation in this ordinance, in any City area. That group will be in the middle of it anyway, if it is at Laura Mills Park, Oats Park or any City property or City Street. Just so you know, we don't do ordinances very much because the philosophy of the City is to not limit what our citizens can do and to let them live their lives as they want to, without ordinances, until there seems to be an issue. We have all heard from our citizens that there are some problems with some food trucks. They are either setting up near other restaurants or they're playing music that's infringing on people's quiet lifestyle. They are even setting up on people's private property without even telling them. That's when we started looking at adding an ordinance. We didn't come up with this on our own, it was by complaint. We didn't have any jurisdiction because we didn't have an ordinance. That is when we asked the City Attorney's office to see what other jurisdictions, other than municipalities, are doing and have food truck ordinances. It is similar to the shopping cart situation where we didn't have an ordinance until we started receiving complaints. We checked around and a whole bunch of other cities had shopping cart ordinances. We are trying to fix a problem here and we rarely do ordinances, and we try to do them as least intrusive as we can. I had a citizen, nearly 10 years ago, come to me about a food truck and stated that he didn't think it was a level playing field. They don't have to have a building, they don't have to have maintenance, they don't pay taxes- he went off a whole list. Some things were true and some things weren't true. He was right and he said, "I'll bet you don't even have an ordinance" and I said, "well, we don't." That was my isolated complaint. This wasn't to the point that we had music playing and businesses next to them that had music inside their buildings, and they weren't bothering people. He was right, they were running out of a residential area and we told them that they couldn't do that anymore. We told them that

they needed a variance to do that. Now, it is a little different and that is why we are here today. It is not by anything we have come up with on our own but by citizens and people complaining. Even people who don't have a dog in the fight, don't think it is right that someone can set up near another business. We are doing the best we can so we are open to changes in how you want to implement because that is what you do here, as the Council, you make the Legislation and we just enforce it.

Councilwoman Kent asked for clarification on the ordinance regarding being on City property only.

Mayor Tedford said that there were two parts – private property and City property.

Councilwoman Kent asked for more clarification about the person who has the current food truck, on the corner. Since he goes until 11:00 pm, Thursday through Sunday, would it be the property owner, or the City, that gives him the ability to stay open until 11:00pm?

Mayor Tedford said that he is going to have to abide by the ordinance here that says until 8:00 pm. It will be unlawful after 8:00 pm.

Councilwoman Kent asked for clarification that he would not be able to stay open later.

Mayor Tedford reiterated that the hearing is for how you, as the Council, would like it to be shaped. They have already heard my comments and they are trying to figure out what to do about all of this. Did somebody already introduce this?

Councilwoman Frost said that it hadn't been introduced yet. I would like to thank the City Attorney's office for their work on this because it is a difficult topic. There are a lot of what-ifs. With that being said, I would like to introduce Bill No. 792.

**Setting of public hearing dated for Bill No. 792: An ordinance amending the City of Fallon Municipal Code, Title Five, "Business Licenses and Regulations," to add Chapter 5.60 entitled "Mobile Food Vendors" which provides for the regulation and licensing of mobile food vendors within the City of Fallon; and other matters properly related thereto. (For possible action.)**

Mayor Tedford set the hearing for Bill No. 792: An ordinance amending the City of Fallon Municipal Code, Title Five, "Business Licenses and Regulations," to add Chapter 5.60 entitled "Mobile Food Vendors" which provides for the regulation and licensing of mobile food vendors within the City of Fallon; and other matters properly related thereto, for March 21, 2023, at 9:00 am.

**Consideration and possible action to approve a construction contract with A&K Earthmovers of Fallon, Nevada, in order to complete the Oats Park Splash Pad and Pavilions Project, PWP-CH02023-186, in the amount of One Million Five Hundred Sixty Thousand Dollars (\$1,560,000). (For possible action)**

Public Works Director Brian Byrd stated that, upon approval, the project would allow for the construction and installation of a 3,000 square foot splash pad located directly north of the outdoor pool. The splash pad will feature multiple areas where family friendly water play activities can occur. The versatility of splash pads with their multiple spray zones appeal to all age groups while providing an area that is free of standing water. In addition to the area designated specifically for splash pad activities, development will occur on approximately 15,000 square feet of area surrounding the splash pad. Wrought



iron fencing will be constructed around the newly developed area, providing security and access control to both the outdoor pool and splash pad. Three pavilions will be placed around the perimeter of the developed area, providing a covered space for individuals wishing to utilize the existing facilities at Oats Park as well as those using the newly constructed splash pad area. Construction elements of the project include - Civil improvements in support of the installation of a new splash pad, various demolition and removals, ADA concrete walkway improvement around the exterior of the splash pad, concrete stairs, and handrails, wrought iron fencing and gates, CMU block walls, CMU block equipment room, synthetic turf, concrete foundations, furnishing and installation of specified pavilions, storm drain improvements, electrical and lighting components, water service components, and site control. The project was released for public bid on February 2, 2023, and was advertised in the Fallon Post in accordance with NRS 338.1385. A pre-bid meeting was held on February 10, 2023. One (1) bid was received and opened on February 23, 2023, as further described in the attached documents. Again, thanks for the opportunity to present this very exciting project that we've been pushing for a long time and have finally been able to put some numbers to it.

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

Councilman Harmon asked the difference between the engineers estimate and the submitted bid cost, and if it were due to the cost of materials going up.

Public Works Director Brian Byrd agreed. There there were a couple of different issues all throughout the construction field, as you are aware of. Capacity issues, usually typical on a project like this, if we weren't dealing with just the general capacity issues that contractors have to perform this work, I would expect four or five bidders to be attracted to this type of work. In the market right now, we are fortunate to get just one (1) because folks are so loaded up already, especially coming into the spring and summer months. Then, the material prices, lead times, and the escalation of those have really been excessive over the last two years. The engineer's estimate was \$1.1 million dollars and again, we're here at \$1,560,000 with lead times, contractor capacity, and material costs.

Councilman Harmon asked how much in advance the engineer's estimate was done prior to the actual bid going out.

Public Works Director Brian Byrd stated that Lumos and Associates modified their engineer's estimate throughout the project. When they started designing and developing this project, the engineers estimate was a little under a million dollars and up until, I would venture to guess, that engineer's estimate was about a month ago, using real-time unit cost data from previous projects.

Councilman Harmon stated that was what he wanted confirmation on. This was an updated engineer's estimate, not something based on six or eight months ago, based on the cost of materials and everything going up. With the fluctuation of the market, it is key that they are kept up to date as much as possible.

Public Works Director Brian Byrd agreed. That is why I think that the third portion I mentioned about contractor capacity, is probably one of the more driving factors this time around.

Councilman Harmon stated that there is no competition.

Mayor Tedford stated that Councilman Harmon hit it on the head and it is a problem. It is a problem with a lot of things and a real problem overall. We are forecasting streets that are twice as much and it is a real problem.

Public Works Director Brian Byrd stated that we talk about if often that there isn't the indication that it is going to get any better as there continues to be an increase in

Federal and State Grants in this construction market. Over the next couple of years, there is going to be a serious bottleneck in how to spend those dollars and how to spend them efficiently. Although we only did receive one (1) bid on this project, I do believe that we are fortunate at this point too and can confidently recommend that it is a competitive bid-it is more than expected. There is no telling what the next two or three years would look like if we were to table this for another time.

Mayor Tedford explained that we thought about taking some things out of this project and then with what Councilman Harmon said, we thought it would just be higher. Not just a normal higher, but exponentially higher, so we just left them in. We might as well pay for them now and save money in the future on what they would be increased to and get the whole project done. It is a real problem out there now. For example, we saved enough money to do that whole Front Street project, that we are very proud of. It included Humboldt, Ferguson and all of Douglas Street and Esmeralda, and that was about \$4 million. Then we went out and got the estimate to do, just recently, Auction Road and Kaiser Street and that was about \$8 million. We thought it would be about the same as the \$4 million, but it wasn't. These were very straightforward projects, not nearly as difficult to engineer as the Front Street project and it just makes me very sad.

Councilwoman Frost asked if there was an estimated start time and completion time on the project.

Public Works Director Brian Byrd stated that we are trying to expedite this project if the Council approves it today. We will issue a notice of award within ten (10) business days and a notice to proceed within ten (10) or fifteen (15) of those of that date. We have a condensed ninety (90) day construction schedule for the entire project. All bidders were aware that there is an expectation that this project gets completed by Memorial Day of this year. That is our plan and our lead time on materials could potentially pose a problem, as it certainly has on other projects. Material lead times that hadn't previously been identified as issues, constantly come up. It is our hope to push for the opening to coincide with the annual opening of the Outdoor Pool and it would be ideal to do both at the same time. If something occurs that is out of our control and that doesn't happen, there will be no interruption in the pool being able to open on time. The two areas are isolated and separate from one another and will not pose a threat or a security issue in the pool opening.

Councilwoman Frost stated that you answered my second question, thank you.

Mayor Tedford asked if the pool will be open on Memorial Day weekend.

Public Works Director Brian Byrd responded yes.

Councilman Harmon asked if anything was going to be written into the contract if the construction company awarded the bid can't meet the ninety (90) day working period. Are there any penalties built into that? Especially if it has nothing to do with lead time and just their inability or time to be able to do that.

Public Works Director Brian Byrd stated every construction or public work contract that we have, we have some sort of liquidated damage placed into that contract. If they can't meet their obligations, as you know, it has been difficult to justify but when you have that opening of a facility to the public that pay to use the facility, it becomes a little bit easier to justify those costs on the liquidated damages. So, yes, if they are unable to meet the ninety (90) days, they will be subject to those, and we will have the ability to enforce if we see fit.

Mayor Tedford stated that we have been okay so far. We had a little bit of a problem in December, but we had some weather issues in March and some in January, but

we got through with these three (3) projects that we are doing now.

Public Works Director Brian Byrd stated that that is the perfect example of contract extensions that the contractor would not be held accountable for. Anytime we adjust a contract that the Council has previously approved at the staff level, we review their justification and see if it is allowable. As the Mayor said, the weather delays and the freeze and the flooding and those areas that are being constructed, those were justified.

Mayor Tedford explained that we are aware that you have a lot of discussion about what you could be doing, even with certain weather conditions.

No further comments were noted.

Councilman Harmon motioned to approve the construction contract with A&K Earthmovers of Fallon, Nevada, in order to complete the Oats Park Splash Pad and Pavilions Project, PWP-CH-2023-186, in the amount of One Million Five Hundred Sixty Thousand Dollars (\$1,560,000); seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

**Consideration and possible approval of a Professional Services Contract with Lumos and Associates, Inc. for construction administration support services relating to the Oats Park Splash Pad and Pavilion project in the amount of Forty-Nine Thousand Seven Hundred Dollars (\$49,700). (For possible action)**

Public Works Director Brian Bird stated that the approval of a contract with Lumos & Associates would allow for engineering and construction services associated with the expansion of a one-acre portion of Oats Park, north of the existing Outdoor Pool in order to provide the public with a splash pad experience for water-play activities. The construction services scope of work for this project includes construction management, inspection, and quality assurance testing to support civil improvements in conjunction with the installation of a splash pad and three pavilions. City staff recommends approval of a Professional Services Contract with Lumos and Associates, Inc. Typically, we will engage an engineer or architect for the design and bid services for a particular project prior so that we can bring the Council a recommendation of award. If we include the construction management services in the original proposal to an engineer or architect, it can over commit them before we have Council approval. We will send Lumos & Associates type out to design and help us with the bid assistance on projects like this and then, if the Council wishes to proceed, then we will bring it back to the Council and get approval to let them assist us with the construction management and special inspections, testing and things that are required for that project.

Councilwoman Frost asked if Lumos & Associates has experience in overseeing splash pad construction.

Public Works Director said he was not certain of splash pads, specifically, but they do a lot of playground work and a lot of the civil type of improvement work which is a majority of this project. The splash pad company, Splash Pads USA will come out and install the splash pad, so that won't be on A&K. The splash pad company will come, Lumos & Associates has a lot of experience ensuring subsurface and underground water lines and drainage systems are installed in accordance with orange book/Public Works standards. I am very confident that they will be able to assist us and Splash Pads USA has a great reputation in the field of both playgrounds and splash pads and so we are very confident with our selection using those folks.

Mayor Tedford stated that the key to that project is hooking that into the pool.

Councilwoman Kent motioned to approve the Professional Services Contract with Lumos and Associates, Inc. for construction administration support services relating to the Oats Park Splash Pad and Pavilion project in the amount of Forty-Nine Thousand Seven Hundred Dollars (\$49,700); seconded by Councilman Harmon and approved with a 3-0 vote by the Council.

### **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 further reports were noted.

Mayor Tedford informed the Council that he was trying to do the best and keep you up with the flooding situation. Jim Barbee stood up at the Operations Center last Thursday as TCID had a flood brief from BOR about the weather. Paul was there from NDOT, which is nice, and me, Brian, and Steve Endacott were there from the City. We are just trying to get ahead of the situation of all the snow and water on the hill and what water is in Lahontan now. TCID has started with precautionary drawdowns through the BOR, The County did a declaration of emergency and I did one yesterday, which I gave you all a copy of, which mirrored what we did in 2017 to begin the process. They have started sandbagging operations out near the vaccine center, on the property that the County owns. These will be for anybody that wants them that lives along the river. They have 800cfs going down the river, which is a pretty good clip, but certainly not enough to flood anybody. They are putting water through the weir and they're cleaning the Big Dig that went around the City and the County. I think that we are way ahead of the game here. As most of you know, there is quite a snowpack on that hill, and we tend to worry about a lot of rain up there or warm weather and then it comes a lot faster. I think with the release of water and getting ahead of it is a good thing. We just take every day, one day at a time, like we did in 2017. My first flood was 1997. Mike and I, BJ, and Jim Regan were involved in that one. I think everything will work out very well. There are a lot of people cooperating and that's the main thing to have. The first phone call was very cooperative and the past 20+ years has not always been cooperative so that was good. I will keep you posted the best we can. I will talk to Abbi and Ty and we will try to do the same thing we did on our website. The County has Anne McMillan now, which is good, as a PIO and last time there was not one, so Abbi PR did all the PR. I think that there is good communication last time, to the public. I think we will try to put a banner on the top of our website, like last time. I can't remember what it said exactly, but it had the quantity in Lahontan and had the cfs running out of Lahontan. There is more social media now that they will be able to utilize for press releases. The best thing is to try and communicate with people and communicate the same information so that we can stay on the same page. As soon as they get the Big Dig dug out, I think we will be just fine. The water will go under Paul's highway, under highway 95 and under 50 and that will be a good thing. There are so many things that are ahead of the game this time from where we were in 2017. Deb found my file, bless her heart, for 2017 and it was full of some great information. I think that it will all work very well. We will set up a mechanism to keep you all informed. If you hear of something, feel free to call me. I am very comfortable with where we are and where we are going to be. I couldn't

have said that in 2017.

**Executive Session**

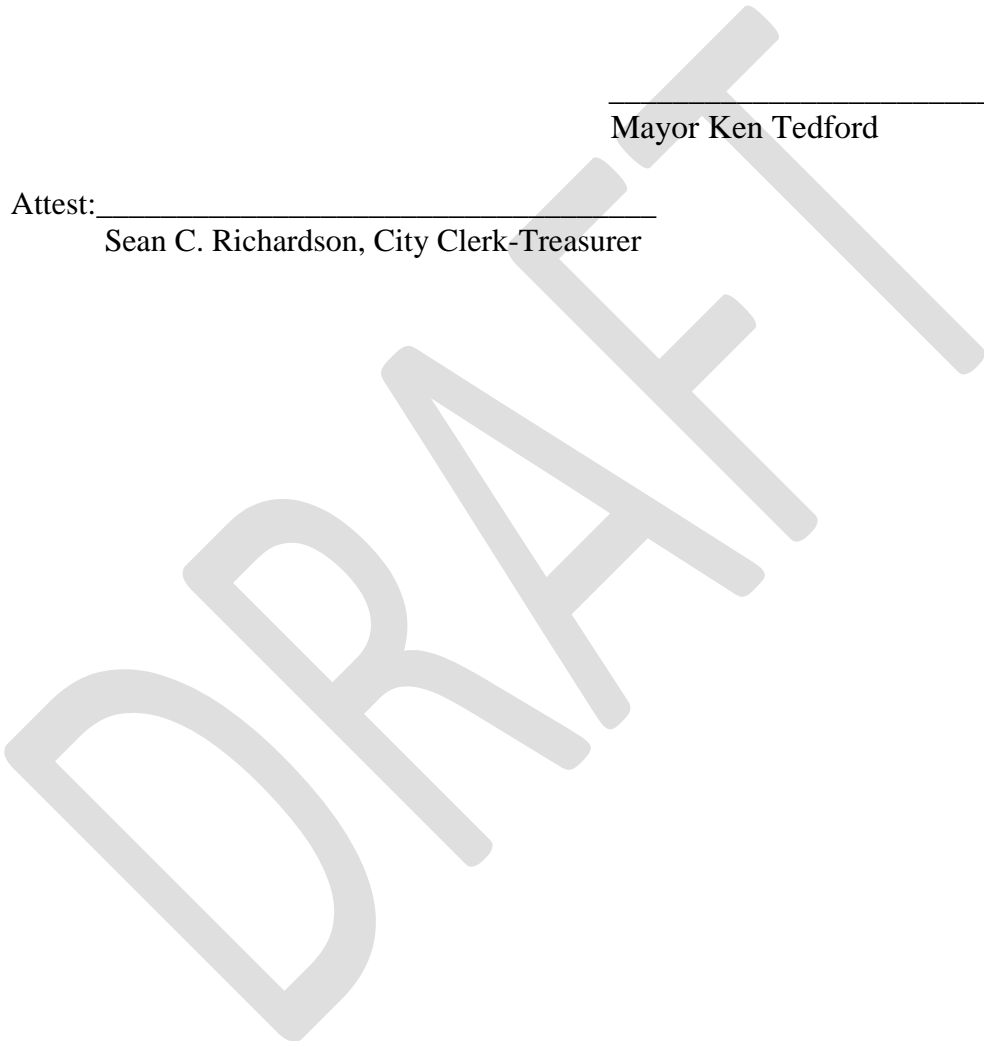
Mayor Tedford tabled the executive session, as it was not needed at this time.

**Adjournment**

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 9:57 a.m.

\_\_\_\_\_  
Mayor Ken Tedford

Attest: \_\_\_\_\_  
Sean C. Richardson, City Clerk-Treasurer



**MINUTES  
CITY OF FALLON  
55 West Williams Ave  
Fallon, Nevada  
April 4, 2023**

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  
Councilwoman Kelly Frost  
Councilwoman Karla Kent  
Chief of Staff Bob Erickson  
City Attorney Mike Mackedon  
Deputy City Attorney Trent deBraga  
Deputy City Attorney Sean Rowe  
Public Works Director Brian Byrd  
Deputy Public Works Director Ryan Swirczek  
City Clerk-Treasurer Sean Richardson  
Deputy City Clerk Elsie Lee  
Deputy City Clerk Michael O'Neill  
Chief of Police Ron Wenger  
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 approval of Council Meeting Minutes for March 13, 2023. (For possible action)**

Councilwoman Frost motioned to approve the Council Meeting Minutes for March 13, 2023 with no corrections or changes; seconded by Councilwoman Kent and approved with a 2-0 vote by the Council. Mayor Tedford asked the record to reflect that Councilman Harmon is absent, out of town and traveling today.

### **Approval of Warrants**

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

Councilman Kent motioned to approve the accounts payable, payroll and customer deposit warrants; seconded by Councilwoman Frost and approved with a 2-0 vote by the Council.

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

Deputy City Attorney Trent deBraga stated that 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. After the staff has talked it over, we are recommending an annual Mobile Vendor Fee set at \$100 (one hundred dollars).

Councilwoman Kent motioned to approve Resolution No. 23-05: A resolution establishing the annual mobile vendor license fee at \$100; seconded by Councilwoman Frost and approved with a 2-0 vote by the Council.

### **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)**

Deputy City Attorney Trent deBraga stated that 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 agenda item. This agenda item represents the public's opportunity to comment on the proposed ordinance and to present relevant information and materials to the Council.

Councilwoman Kent asked if this goes to newspaper and to the neighbors via letter.

Mayor Tedford stated that it just goes out to the newspaper.

No further comments were noted.

**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)**

Deputy City Attorney Trent deBraga stated that attached to this agenda item, the City Staff has proposed an amendment to it. The amendments can be seen through the track changes which are in red. The only thing that was added here was another section, which was section 3. Essentially, that section is stating the annexation won't become effective until the parcel map is recorded in the County. Once it is recorded in the County, the Ordinance will be filed with the Nevada Department of Taxation. Upon the recording of the document with the Churchill County Recorder, City Staff will have to send the Ordinance to the Department of Taxation. That is the only amendment that was made and everything else remains the same.

Councilwoman Kent asked about the two improvements that must be done and if they would be the streetlight and fixing of the sidewalk.

Deputy City Attorney Trent deBraga stated that that was correct. It is part of the annexation agreement which we already have a signed copy by HSKS LLC. They will be required to put in a streetlight and replace the sub-standard sidewalk in front of the property, which they have agreed to do.

No further comments were noted.

Councilwoman Kent motioned 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; seconded by Councilman Frost and approved with a 2-0 vote by the Council.

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

Chief Ron Wenger read the report for February 2023:

- Total calls for service were 601, down from 636 last year.
- 1 sex offense, 5 domestic batteries, 4 battery assaults, 8 theft cases.
- Theft report breakdown: 1 stolen credit card, 2 stolen cell phones, 2 stolen generators, 2 stolen gas cans, 1 stolen backpack, 1 stolen package and 1 stolen computer tablet.
- 55 total arrests: six felony arrests with 3 by warrant and two by Parole & Probation. 4 gross misdemeanor arrests. Of the 14 misdemeanor arrests, all 14 were misdemeanor warrant arrests. 21 juvenile arrests with which 5 were disturbance of school.
- 92 traffic stops were made and issued 13 traffic citations and 79 warnings, all down from last year.
- 8 accidents, with 2 being private property, also down from last year.
- Animal Shelter took in 52 animals, 43 from the City and 4 from the FPST.



These numbers are down from last year.

- FPD Citizen Survey Results were positive: 4 Very Satisfied, 1 Satisfied, and 1 No Opinion. Comments were: 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 pm. 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 Angel Calkins, Ofc. Groom & Ofc. Edwards.)
- Volunteers provided 116.25 hours. 4 for training and 32 were Helping Hands Contacts.
- 1 NAS Fallon Indoctrination.
- Public relations were as follows: 2/2/2023, Captains Riley & Wenger dressed as cowboys and spoke to kids at a local daycare. 2/3/2023 provided traffic control on S Maine St. for a fountain dye. 2/9/2023, officers provided an escort for the High School wrestling team to the State competition. 2/9/2023, Officer Woolf spoke with the Cub Scouts. 2/16/2023, Officer J. Shyne spoke with kids at Ivy Land daycare. 2/27/2023, officers provided traffic control on S Maine St. for a fountain dye.

Councilwoman Kent mentioned that under the Arrest Summaries, it seems like we have taken a big jump in February, and I was wondering if this was a continuation or possibly a fluke month.

Chief Wenger thought it was probably a fluke month. With 21 juvenile arrests, 5 being disturbances of school, we responded to several disobedient juveniles and things of that nature.

No further comments were noted.

### **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 further 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 9:15 a.m.

\_\_\_\_\_  
Mayor Ken Tedford

Attest: \_\_\_\_\_  
Sean C. Richardson, City Clerk-Treasurer

DRAFT

**MINUTES  
CITY OF FALLON  
55 West Williams Ave  
Fallon, Nevada  
April 7, 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  
Chief of Staff Bob Erickson  
Deputy City Attorney Trent deBraga  
Deputy City Attorney Sean Rowe  
Public Works Director Brian Byrd  
Deputy Public Works Adrian Noriega  
City Clerk-Treasurer Sean Richardson  
Deputy City Clerk Michael O'Neill  
Chief of Police 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.

**Appointment and possible confirmation of Daniel Babiarz as Police Captain. (For possible action)**

Mayor Tedford stated that in my honor, here today, to offer to the Council, my  
April 7, 2023 Fallon City Council Meeting

appointment of Dan as Captain to the Fallon Police Department. Daniel Babiarz was born to Thomas & Laura on September 25<sup>th</sup>, 1988, in Chicago, Illinois. Daniel began his career with the Fallon Police Department in 2004 as a volunteer in the Police Explorer Program when he was only 14 years old. Through the Fallon Police Explorer Program, he found his passion was to become a Police Officer. Daniel pursued his career with the City of Fallon and became an Intern with the Fallon Police Department as a senior in High School. In 2007, he became a full-time member of the FPD as a Police Service Assistant, where he worked in Dispatch, the front counter and support operations. At 20 years old, Daniel attended the Nevada Peace Officer Standards and Training Basic Academy in Carson City. He was formally sworn in as a Police Officer while in the academy classroom when he turned 21 years old. I had the opportunity to drive to Carson City to witness that feat. Daniel later graduated from the academy with the Top Academic and Overall awards in his academy class. Daniel worked as a Patrol Officer, Detective and was promoted to Patrol Sergeant in 2016. In March 2022, he transferred back to the Detective Division as the Detective Sergeant. In addition to conducting investigations, Daniel was directly responsible for supervising Detectives assigned to the Investigations Division, School Resource Officers, Police Service Assistants, and the Volunteers in Police Service Program. Daniel is proud of his professional accomplishments, including being an Eagle Scout, possessing his Basic, Intermediate, Advanced, and Supervisory POST certificates, and maintaining his Advanced EMT certification. Daniel has an associate degree in criminal justice and is actively completing his Bachelor's degree in Business Administration, Management. Daniel is married to Tavana Babiarz, and together they have two children, Kinsley, and James. Also present for his swearing in are his grandmother Janet, Uncle James, and sisters Shasta, Savannah, and Makayla. And today it is my pleasure to appoint Daniel to the position of Police Captain.

Councilman Harmon commented that he thoroughly enjoyed meeting with the future Captain last week. I am very comfortable with your recommendation on who you chose to put in this position.

Councilwoman Kent mentioned that it is really awesome that he started here at 14 years-old and worked his way up through the ranks. You don't see that very often. Thank you very much for your service. She motioned to make the appointment and confirm Daniel Babiarz as Police Captain; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

**Consideration and possible action to establish the salary of Daniel Babiarz as Police Captain at One Hundred Twelve Thousand Dollars (\$112,000.00) per year. (For possible action)**

Councilman Harmon motioned to establish the salary of Daniel Babiarz as Police Captain at One Hundred Twelve Thousand Dollars (\$112,000.00) per year; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

Mayor Tedford administered the Official Oath to Daniel Babiarz.

**Public Comments**

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

**Council and Staff Reports**

Mayor Tedford mentioned that everyone still needs to be aware of the flood and take all

measures you can to be protective of that. This is worse than 2017 and I think that there will be more coming out in press releases that you will need to watch on the Churchill County, TCID, and City of Fallon websites. Monitor those daily or every other day just to be careful of what goes on around your house or your neighborhood.

No further reports were noted.

**Executive Session**

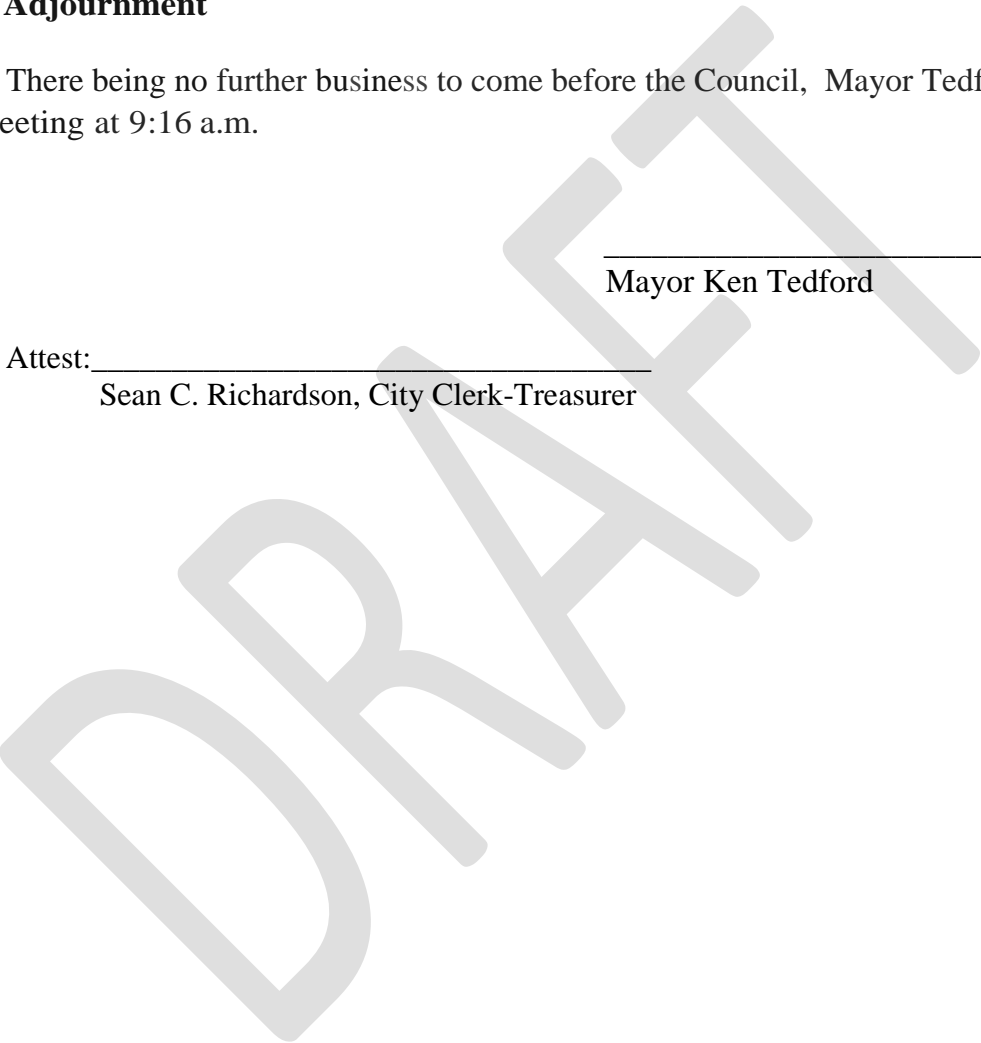
Mayor Tedford tabled the executive session, as it was not needed at this time.

**Adjournment**

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 9:16 a.m.

\_\_\_\_\_  
Mayor Ken Tedford

Attest: \_\_\_\_\_  
Sean C. Richardson, City Clerk-Treasurer



**MINUTES  
CITY OF FALLON  
55 West Williams Ave  
Fallon, Nevada  
April 18, 2023**

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  
Councilwoman Kelly Frost  
Councilwoman Karla Kent  
Councilman Paul Harmon  
Chief of Staff Bob Erickson  
City Attorney Mike Mackedon  
Deputy City Attorney Trent deBraga  
Deputy City Attorney Sean Rowe  
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  
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.

## Approval of Warrants

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

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

**Consideration and possible action to approve a construction change order to a previously approved contract with A&K Earthmovers of Fallon, Nevada, in order to install approximately 1,420 linear feet of 8” water main throughout portions of West A Street, in the amount of Four Hundred Sixteen Thousand Eight Hundred and Eighty Dollars (\$416,880.00).**

Public Works Director Brian Byrd stated that on October 7, 2022, the City Council voted to approve a construction contract with A&K Earthmovers that would allow for the reconstruction of portions of West A Street, Taylor Street, North Whitaker Lane, and the entirety of Rancho Drive. During the course of construction, it was identified that the subsurface condition of an 8” water main that serves West A Street was originally installed at a substandard depth. In conjunction with Lumos & Associates, City staff gathered additional information on the depth of the 8” water main that runs parallel to West A Street. At its shallowest point, the top of the 8” water main sits only 12” from the top of the pavement. The existing depth does not allow for proper compaction of subgrade during the reconstruction phase and if not repaired appropriately would ultimately lead to an expedited pavement failure. It is understood that the original water line was installed in the 1960’s and was constructed out of cast iron steel, which would be unlikely to withstand the vibratory equipment needed to successfully reconstruct this particular roadway section. Additionally, a waterline located at this substandard depth could be subject to freezing conditions. In addition to the fiscal impact of the change order the proposed change would add 25 working days to A&K Earthmovers’ previously approved contract.

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

Councilwoman Kent asked which section of A Street this section is located.

Public Works Director Brian Byrd stated that there is 1,420 feet, starting at Venturacci and going approximately halfway between Taylor and Russell streets.

Councilwoman Kent inquired about what material is on the other side of the pipe.

Public Works Director Brian Byrd stated that the entire pipe is cast iron, but it reaches an appropriate depth, it runs downhill. Once it reaches that location, it is a depth that is appropriate for us to properly construct the roadway. We were unaware of how shallow it was on the West side of A Street.

Councilwoman Kent inquired if the pipe would remain with the cast iron material.

Public Works Director stated that it will remain cast iron.

Councilman Harmon inquired if there is a chance that we may run into this on the other 3 streets that are a part of this project.

Public Works Director Brian Byrd stated that the depths have all been identified for the other streets after we realized we had this condition. When we evaluated the other streets’

depth, we found they were all at an appropriate depth to construct the streets without any further replacements. It is difficult because the iron pipe does have a long lifespan. We get into this situation where we are doing road reconstructions and we want to do as much pavement improvement as possible throughout the City while maximizing the useful life of the water mains. There could be 2 or 3 road reconstructions done in the lifespan of an 8" water main. It seems counterintuitive to do a reconstruction and not replace a water line that was done in the 1960's, but you still have half of its useful life. So, hopefully the next time, in 40 or 50 years, the timing to replace that water line, is similar to the replacement of that roadway.

Mayor Tedford inquired if there was a count of how many homes this will impact.

Brian Harer with Lumos & Associates addressed the Council. There are quite a few. That 8" water line feeds through the alleys to the north and to the south. It is really going to be all of those residents that are directly north and south of the street that are going to be impacted.

Mayor Tedford stated that he would like to get a count of the homes impacted.

Public Works Director Brian Byrd stated that he would get that for the Mayor.

Councilwoman Kent inquired on how long this project will take.

Public Works Director Brian Byrd stated that he believed it would take 25 additional days. A&K Earthmovers provided a paving schedule, and we are still relatively on track for when we intended on paving, the first of June and throughout June, we will be seeing pavement going down on A Street, Rancho, and Whitaker.

Councilwoman Kent inquired on the length of time the residents would be without water.

Public Works Director Brian Byrd stated that the time residents will be without water will be limited. We wouldn't be able to reconstruct A Street if we didn't replace this waterline. So, it is unfortunate that we are here. I am asking Council to approve a change order. The one thing I am confident about is that A&K Earthmovers' number is competitive, if we compare it to other projects we have going with Broadway and Sherman. The unit costs are comparable and other projects throughout our region are right in line. Anytime I bring a change order to the Council I am always nervous that it isn't a competitive price. I am not in this situation.

Mayor Tedford thanked Public Works Director Brian Byrd.

Councilwoman Frost wanted confirmation from Public Works Director Brian Byrd that when this water line is installed that the effected residents without water are notified appropriately.

Public Works Director Brian Byrd stated that they will be informed appropriately. We will make sure that we give them more notice than we usually do because of the circumstances. We follow NBP procedures for any connection into the existing water system.

Councilwoman Frost stated that she believes the change order is appropriate, in the sense that we want to be sure we do it correctly this time around, so we don't run into problems down the road, or have to destroy brand new pavement.

Public Works Director Brian Byrd stated that this is the shallowest water line he has ever dealt with. We have some variance in there where we can feel comfortable, but 12" is not that.

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

No further comments were noted.

No comments were noted.

Councilwoman Frost motioned to approve a construction change order to a previously approved contract with A&K Earthmovers of Fallon, Nevada, in order to install approximately 1,420 linear feet of 8" water main throughout portions of West A Street, in the amount of Four Hundred Sixteen Thousand Eight Hundred and Eighty Dollars (\$416,880.00); seconded by Councilman Harmon and approved with a 3-0 vote by the Council.

### **Fallon Police Department Monthly Report for March 2023.**



Chief Ron Wenger presented the March monthly report. The report will compare 2023 crime, traffic stop, and traffic accidents statistics to 2022. He added that there were 757 total calls-for-service this month compared to 678 last year.

- Crime Summary: 7 total Domestic battery up by 1 from last year; resulted in 3 – adult arrests, 3 – juvenile arrests, and 1 warrant requested after the subject fled the scene.
- Arrest Summary: 4 batteries equal to March of 2022, in which 1 was closed by arrest and 1 warrant was issued, 2 are still under investigation. 35 total arrests, 23 – adults, 3 for Domestic Battery, 2 DUI's, 2 for Battery, 1 for Trespass, and 1 for Theft of Auto, 1 for Disorderly Conduct, 1 for Civil Protective Custody, and 11 for outstanding warrants. 1 citation was issued in lieu of arrest. 12 – Juvenile Arrests, 2 – Disturbance of School, 1 for Felony Drug charges, 1 for making threats at the school, 1 for Felony Arson at the school, 1 for Disorderly Conduct and Disrupting the School, 3 for Domestic Battery at home, and 3 citations in lieu of arrest. Additionally, Fallon Police Officers forwarded 17 cases with warrant requests to local prosecutors.
- Theft calls: 2 stolen vehicles in the City – 1 with an easily manipulated ignition, and 1 that was left running in front of a liquor store, both vehicles were recovered. 14 thefts, we are up 4 from last year in which 5 were closed due to lack of evidence and 6 are still under investigation, and 3 were closed with warrants requested. Of the thefts, the following items were reported stolen: personal items shoplifted from CVS, stolen cash from a self-checkout, personal items – alcohol, groceries, tents, sleeping bag, men's boots, bedding, and coffee maker were shoplifted from Walmart in 6 separate incidents. Tools shoplifted from Louie's Home Center, stolen Southwest Gas transmitter was located on the street after being stolen, a stolen license plates from the Systems Consultants lot, stolen chameleon lizard from the Family Pet Connection, stolen cell phones and handgun from a residence, and an E-bike from the front of the Nugget.
- Moving Citations/Traffic Warnings: 13 citations and 81 warnings, down from 156 traffic stops in March 2022.
- Public Property Accidents: Slight increase – 12 reported this March and 9 from last year, and a decrease in Private Property Accidents, with one reported this month as opposed to 4 last March.
- Animal Shelter Services: Total 102; Churchill County – 43; City – 52; Tribal entities – 9
- Volunteers in Police Services: Contributed 123 hours to the agency through Helping Hands and other assignments.
- Assistance: 1 bus ticket
- Detective Goodrick and Sergeant Perez provided indoctrination training at NAS Fallon.
- Public Relations: Officer Atchison read to the Lahontan Elementary School, Sergeant Zamora attended an Auxiliary meeting at Banner Hospital, Officer Bloomfield completed a presentation at the Churchill County Middle School regarding bullying.
- Department Citizen Surveys: 3 total surveys were returned; 2 were Very Satisfied and 1 Satisfied

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

Councilwoman Frost stated that she noticed that Domestic Battery tends to go up in March, April, and May. Is that similar to other jurisdictions? Have you found any correlation of why this might be?

Chief Wenger stated that he has talked to the captains regarding this same thing. It

seems to be a March occurrence. They typically go up in March.

Councilwoman Frost stated that she would think if they have been locked in their house for winter and the cold weather, they would be higher during this time, but that doesn't seem to be the case.

No further comments were noted.

### **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.

Councilwoman Frost stated that she had the pleasure of attending the Rural Roundup in Mesquite, last week. It was an excellent conference, but not quite as good as the one held here in Fallon, in 2019, but I am probably a little biased. It was good to connect with other people in the tourism industry and to generate ideas to help improve tourism, not only in Fallon, but also throughout the Pony Express Territory. Director of Tourism Jane Moon also attended, she is also the Rural Commissioner on the Nevada Commission on Tourism. It was a good conference, and I was happy to be able to attend. I would like to announce that Candy Dolan received the Excellence in Tourism award for the Pony Express Territory for all her years of service. She has done an excellent job in being a supporter of the City of Fallon but also of the Pony Express Territory.

Mayor Tedford stated that was nice to hear, and thanked Councilwoman Frost.

No further 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 9:13 a.m.

---

Mayor Ken Tedford

Attest: \_\_\_\_\_

Sean C. Richardson, City Clerk-Treasurer

**MINUTES  
CITY OF FALLON  
55 West Williams Ave  
Fallon, Nevada  
May 2, 2023**

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  
Councilwoman Kelly Frost  
Councilwoman Karla Kent  
Councilman Paul Harmon  
Chief of Staff Bob Erickson  
City Attorney Mike Mackedon  
Deputy City Attorney Trent deBraga  
Deputy City Attorney Sean Rowe  
Public Works Director Brian Byrd  
Deputy Public Works Ryan Swirczek  
Deputy Public Works Adrian Noriega  
Deputy Public Works Kevin Gulley  
Deputy City Clerk Elsie Lee  
Deputy City Clerk Michael O'Neill  
Chief Ron Wenger  
Captain John Riley  
Captain Daniel Babiarz  
Captain John Riley  
Engineer Derek Zimney

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.

Deputy City Clerk Elsie Lee 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.

Catherine Coval at 1372 Bobby Way addressed the Council. I am an employee of the  
May 2, 2023 Fallon City Council Meeting

school district. My title is Indian Education Family Liaison, and I am here today on behalf of something called the safe routes to school. Approximately, 8 years ago there was a survey done on routes to school within Churchill County, specifically, within Fallon. Over the weekend, I went on a route that one of my children, who lives on Kaiser Street needs to take to get to EC Best. There is really no safe route for this child to get to school. Our bus system does not have enough buses for this child, it is over a 2-mile route. Walking, the child still needs to cross Taylor Street. The route, according to the City, was supposed to have some bicycle lanes done. I know that Mayor Tedford, I heard you speak about a month ago on all of the street improvements going on, and I know those routes are being done, but in 8 years they haven't been quite done yet, except for Williams. I do have the initial map that says something must have been done, but it hasn't been done. I just wanted to make an effort to say, let's do something. I want to get our kids to school safely. I want our kids to be able to get to school. I know this one child, and I know there have to be many more that can't get to school safely. All of our schools seem to be on the east side of town, looks like we are building more on the west side of town. I think as a City and as a community, we need to look at how we can get our children to school safely. Thank you.

Mayor Tedford thanked Mrs. Coval. We will have somebody get in touch with you.

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 Councilman Harmon and approved with a 3-0 vote by the Council.

### **Consideration and possible action to approve a construction contract with Hammond Homes & Construction of Fallon, Nevada, in order to complete the Oats Park Pickle Ball Courts project, PWP-CH-2023-289, in the amount of Six Hundred Seven Thousand Five Hundred Dollars (\$607,500.00).**

Public Works Director Brian Byrd stated that upon approval, the project would allow for the two existing tennis courts at Oats Park to be converted into six pickle ball courts. Construction elements of the project include Civil improvements in support of the new courts, seating areas with shade, ADA concrete walkway improvements around the exterior of the tennis courts, new fencing and gates, water bottle filling stations, state of the art court surfacing, netting, and new LED lighting. This project was released for public bid on March 31, 2023, and was advertised in the Fallon Post in accordance with NRS 338.1385. A pre-bid meeting was held on April 6, 2023. One bid was received and opened on April 20, 2023, as further described in the attached documents. We are very excited about this project. Obviously, pickle ball is exploding with interest and our limited facilities, up to this point have made it pretty difficult to schedule all these folks in conjunction with everyone else. Getting them a nice, improved, state-of-the-art outdoor facility is going to help alleviate a lot of problems that we are having right now. They play the majority of the time in the City/County Gym, and they have temporarily striped the tennis courts to play there. Giving them 6 courts at this facility

will be really exciting.

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

Councilman Harmon inquired on what the engineer's estimate was on this project.

Public Works Director Brian Byrd stated that unfortunately, again the engineer's estimate fell a little bit short of what the actual construction costs, in the engineer's estimate, was \$493,000.00, approximately \$114,000.00 difference. I am not sure why my header didn't print in the agenda packet. The work performed by contractor title there, that was the engineer's estimate for the project. I am sorry about that. So, again, our engineers and consultants are having a tough time keeping with both the lack of contractor capacity and increase in material costs.

Councilwoman Kent inquired on the time the estimate took place.

Public Works Director Brian Byrd stated that this was a longer project than anticipated because some of the construction elements took a little bit longer to design than we had thought. I believe that the engineer's estimate was compiled in December of 2022. Really, what we are seeing is material prices have stabilized since we did the engineer's estimate but the contractor capacity, like I spoke of, is forcing prices to increase because everyone is so busy. I think that we are fortunate to get one bid from Northern Nevada Contractor, who is out of Fallon. It could have easily been none. \$100,000.00 estimate is unfortunate, but I do think it is competitive pricing for this market. This work is kind of different and a little bit smaller in scope. Some of the unit costs we use for roadway, concrete, and sidewalk are kind of difficult to quantify.

Councilwoman Frost inquired if there was an estimated completion date.

Public Works Director stated that they do. Hammond Homes will be done with their civil improvements and their portion of the work; the fencing, the water fountains, and the LED lighting a lot earlier than the court installer will be able to perform their portion of the work. The middle of August, they have a two-week window and so it is really important that we get our work done in preparation for that because they say this is all over the country, this is what they are doing. That tennis court to pickle ball conversion is happening everywhere. I think a lot of the reasoning is that pickle ball is a lot easier to play on the body, than tennis is. So, people are really starting to enjoy it and are able to play more games.

Mayor Tedford inquired on confirmation of the completion of the project would be at the end of August.

Public Works Director stated that it would be completed at the end of August.

Councilman Harmon inquired if this would leave tennis courts available at the High School.

Public Works Director stated that he believes the High School has 6 tennis courts now and 2 in the County. The County had 1 portion of their courts fail and they have kind of let that court go, and the other court they have maintained. So, there are still tennis opportunities in the community.

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

No further comments were noted.

Councilman Harmon motioned to approve a construction contract with Hammond Homes & Construction of Fallon, Nevada, in order to complete the Oats Park Pickle Ball Courts project, PWP-CH-2023-289, in the amount of Six Hundred Seven Thousand Five Hundred Dollars (\$607,500.00); seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

## 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 further reports were noted.

**Executive Session**

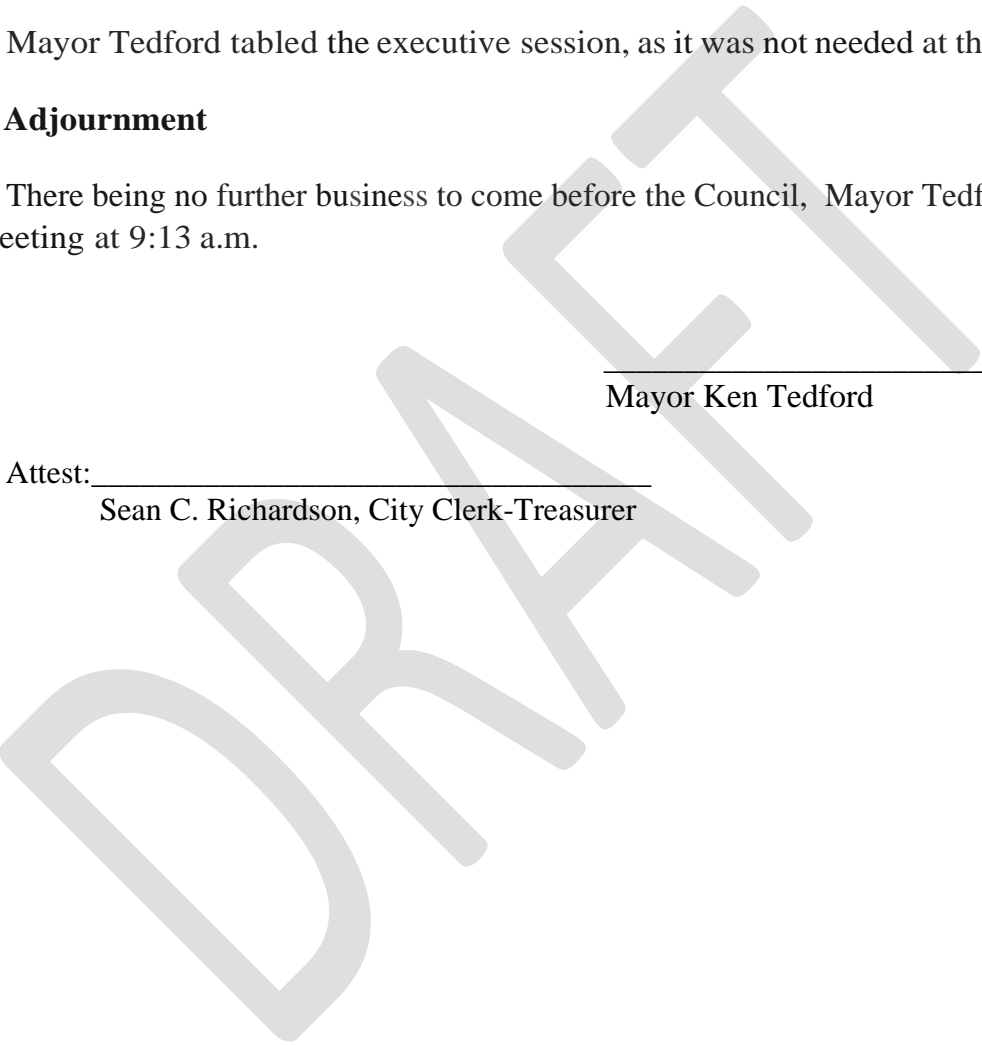
Mayor Tedford tabled the executive session, as it was not needed at this time.

**Adjournment**

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 9:13 a.m.

\_\_\_\_\_  
Mayor Ken Tedford

Attest: \_\_\_\_\_  
Sean C. Richardson, City Clerk-Treasurer



# CITY OF FALLON REQUEST FOR COUNCIL ACTION

**DATE SUBMITTED:** 5/9/23

**AGENDA DATE REQUESTED:** 5/16/23

**TO:** Mayor and Council

**FROM:** Ronald D. Wenger, Chief of Police

**SUBJECT:** Fallon Police Department Monthly Report for April 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 5/10/23

Reviewed By:  Chief Ronald Wenger

Date 5/10/23

**Presented by Ronald Wenger**

# MONTHLY ACTIVITY REPORT

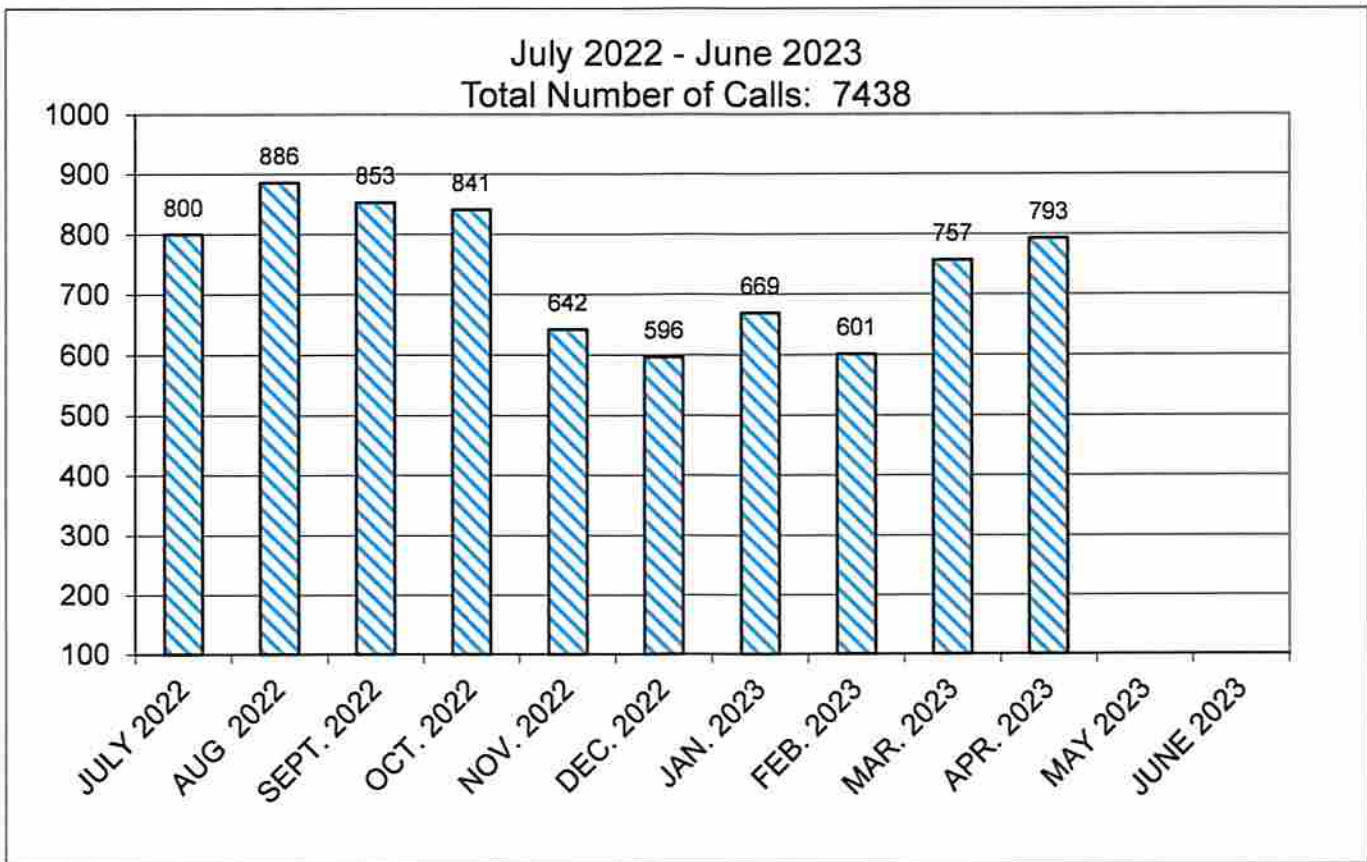
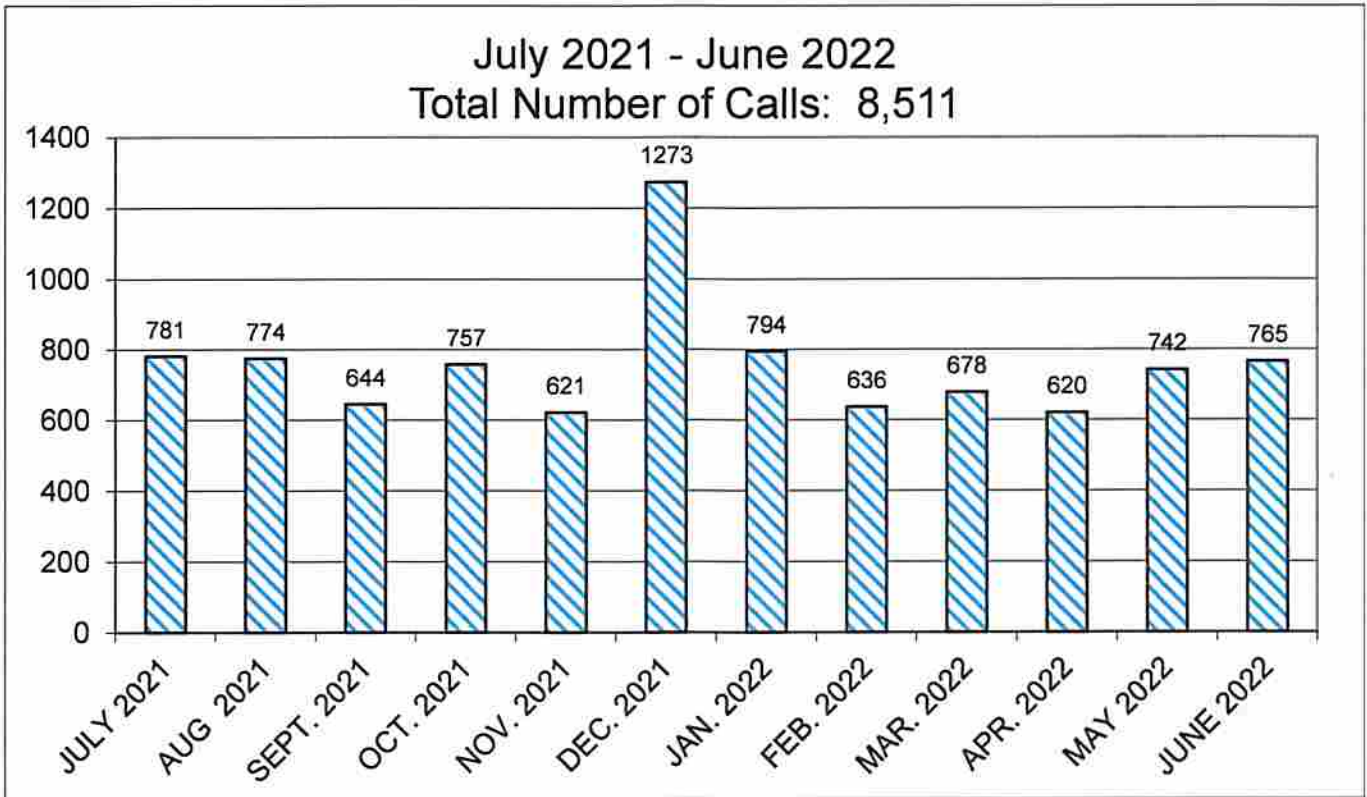


April 2023



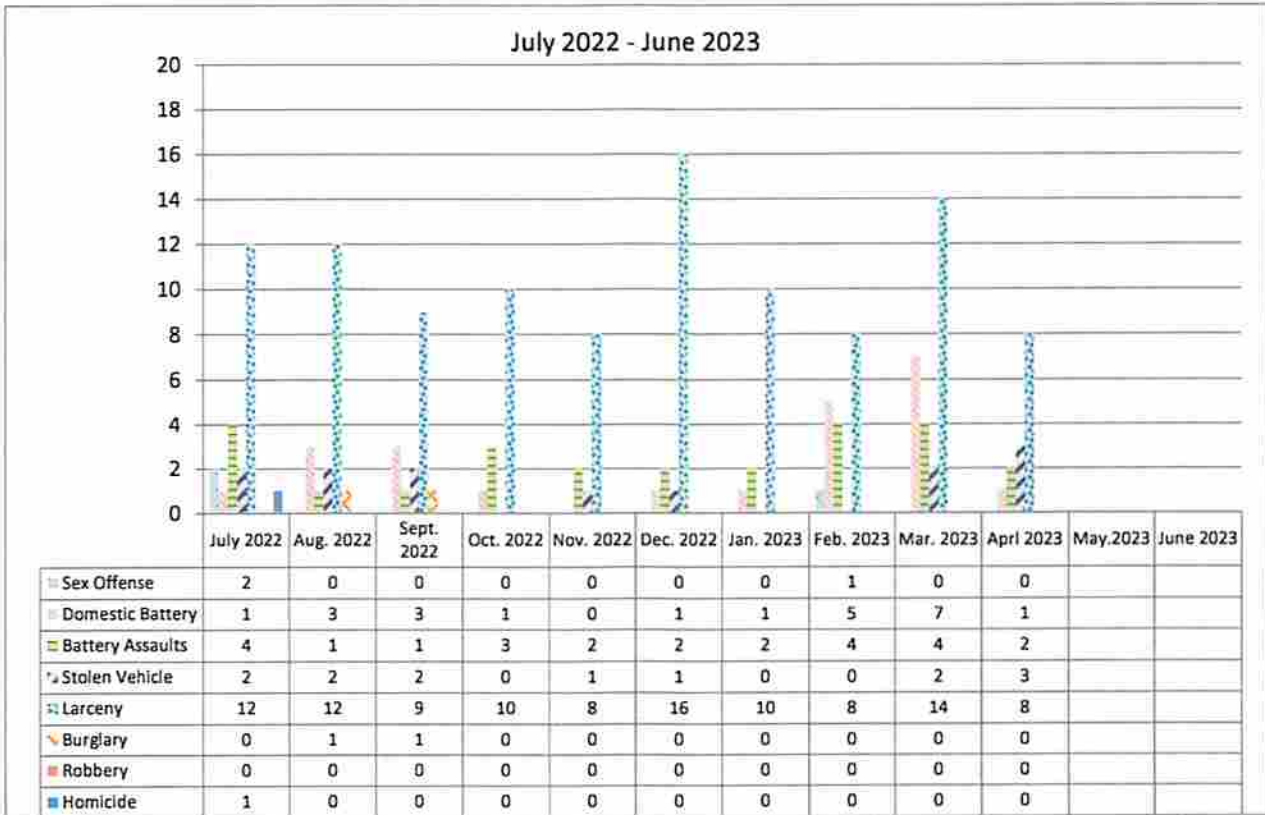
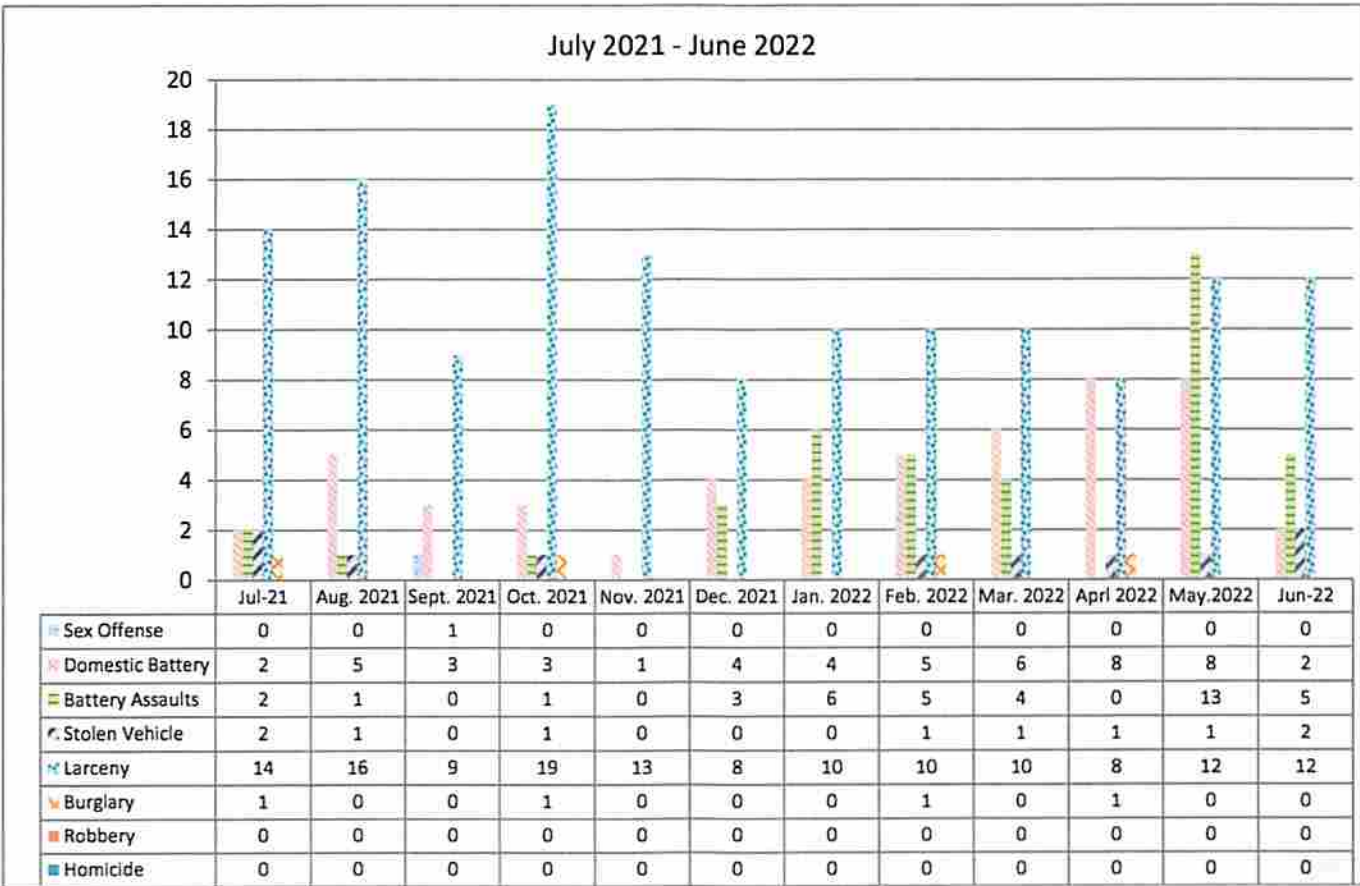
# Calls for Service / Total Incidents Reported

Item 6.

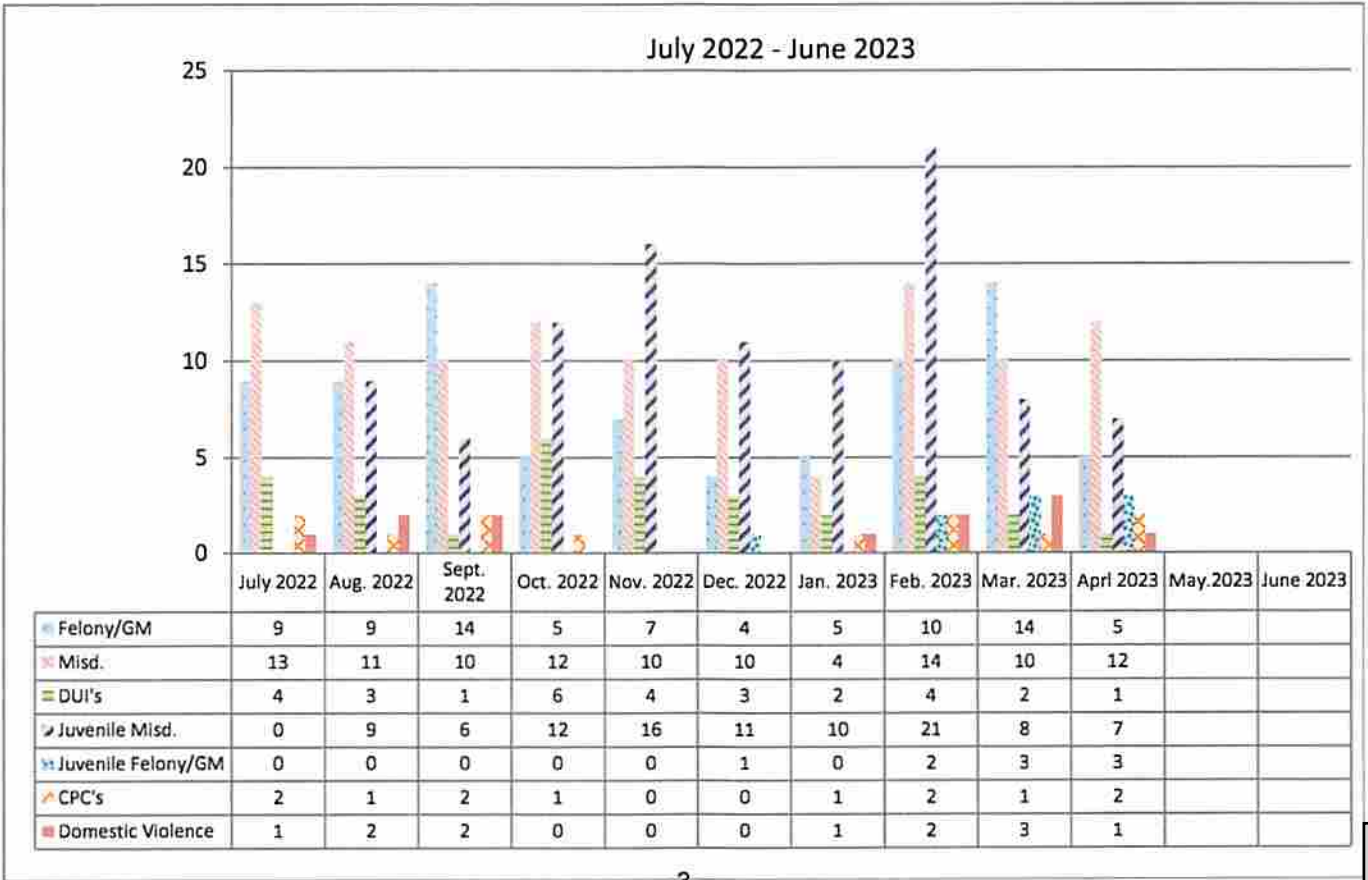
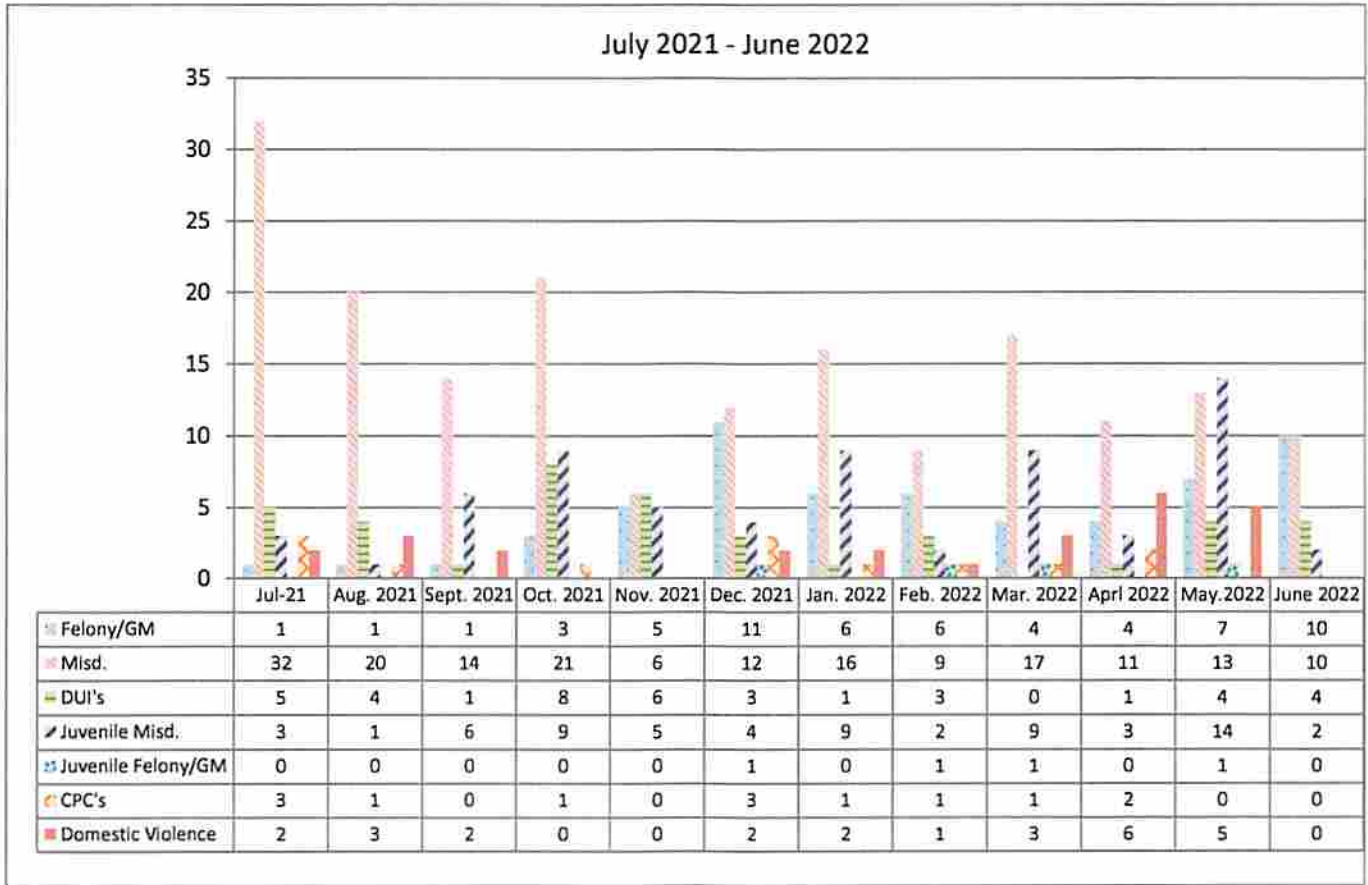


# Crime Summary

Item 6.

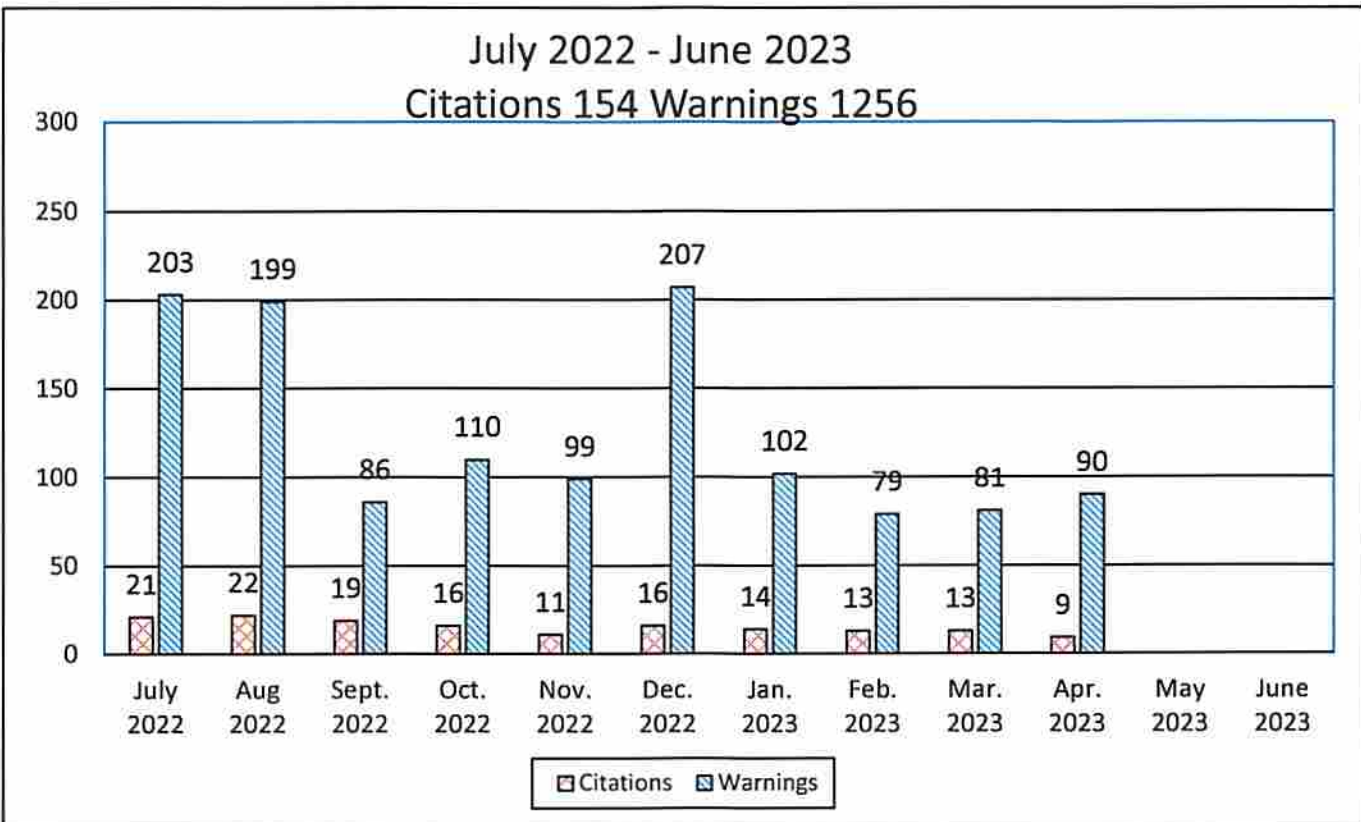
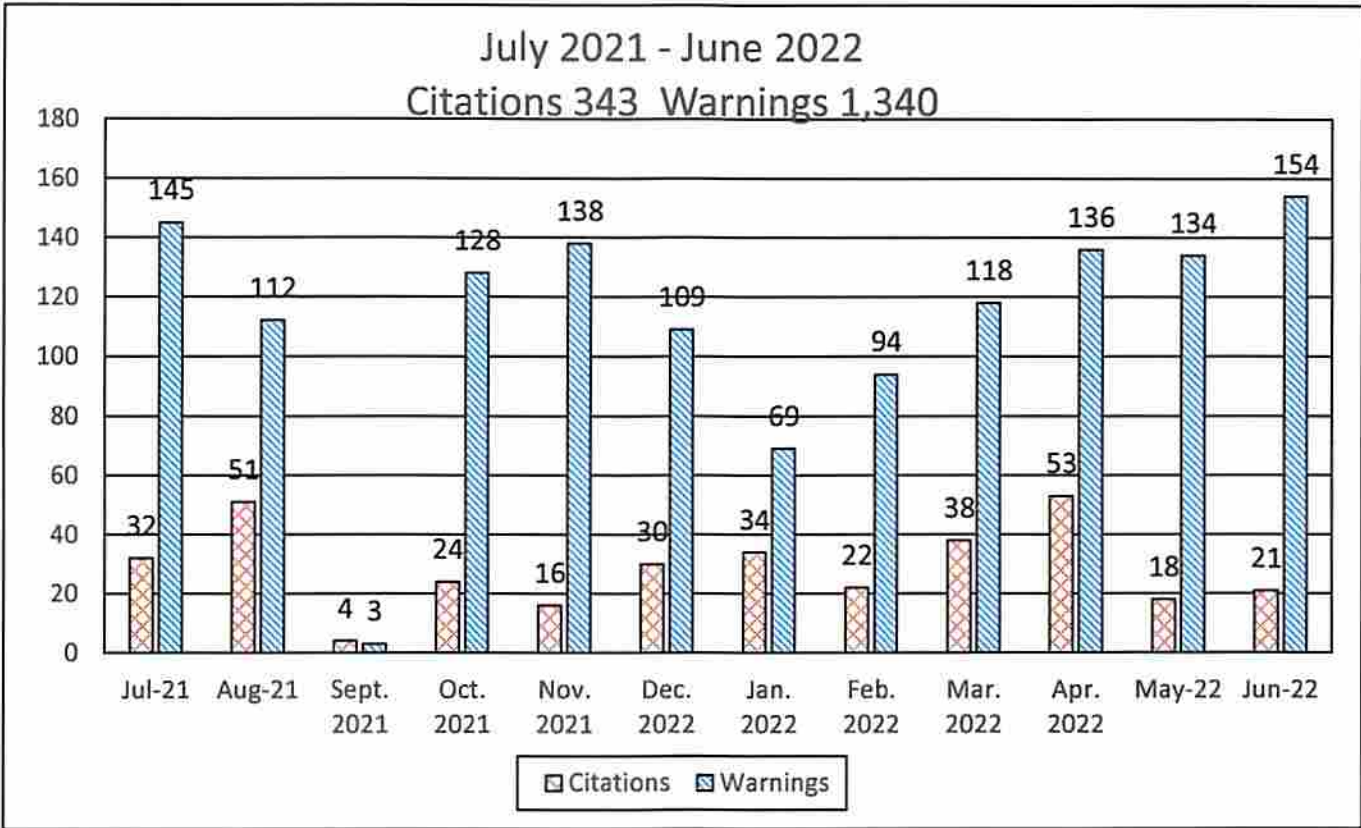


## Arrest Summary

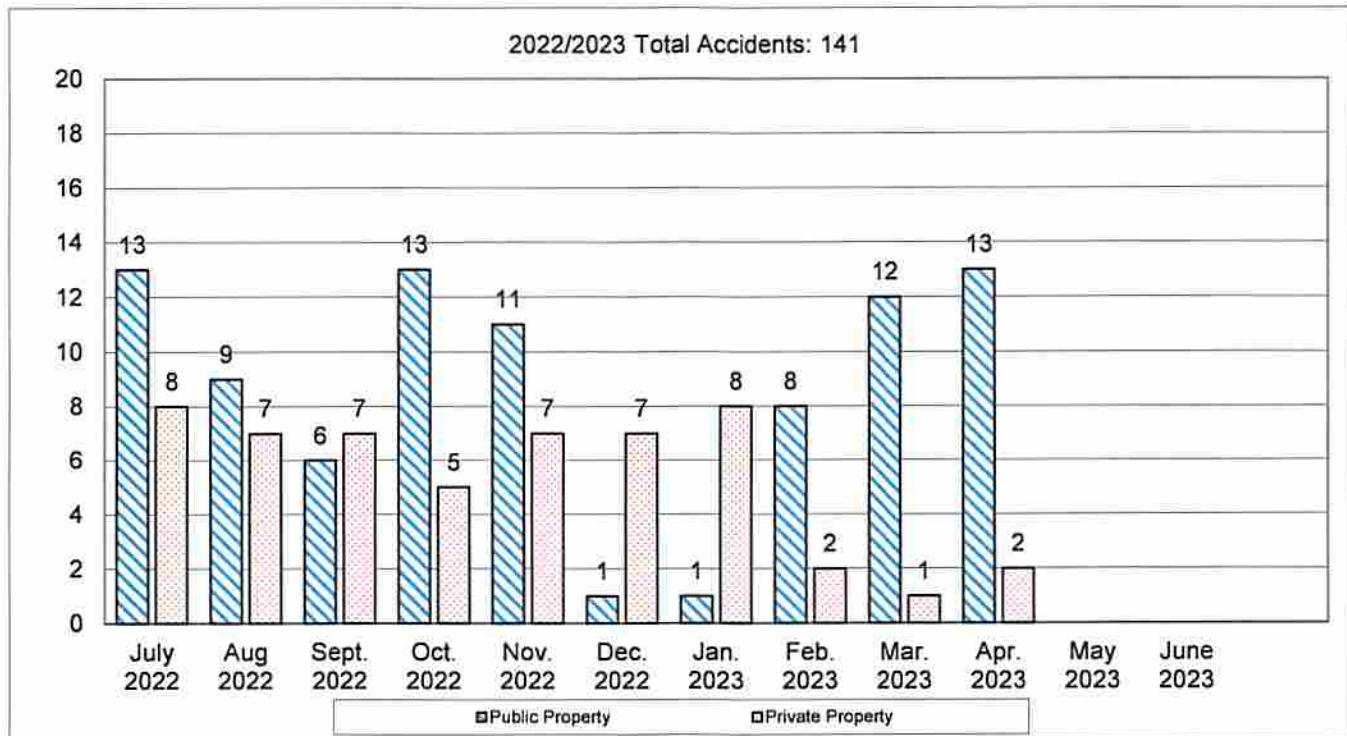
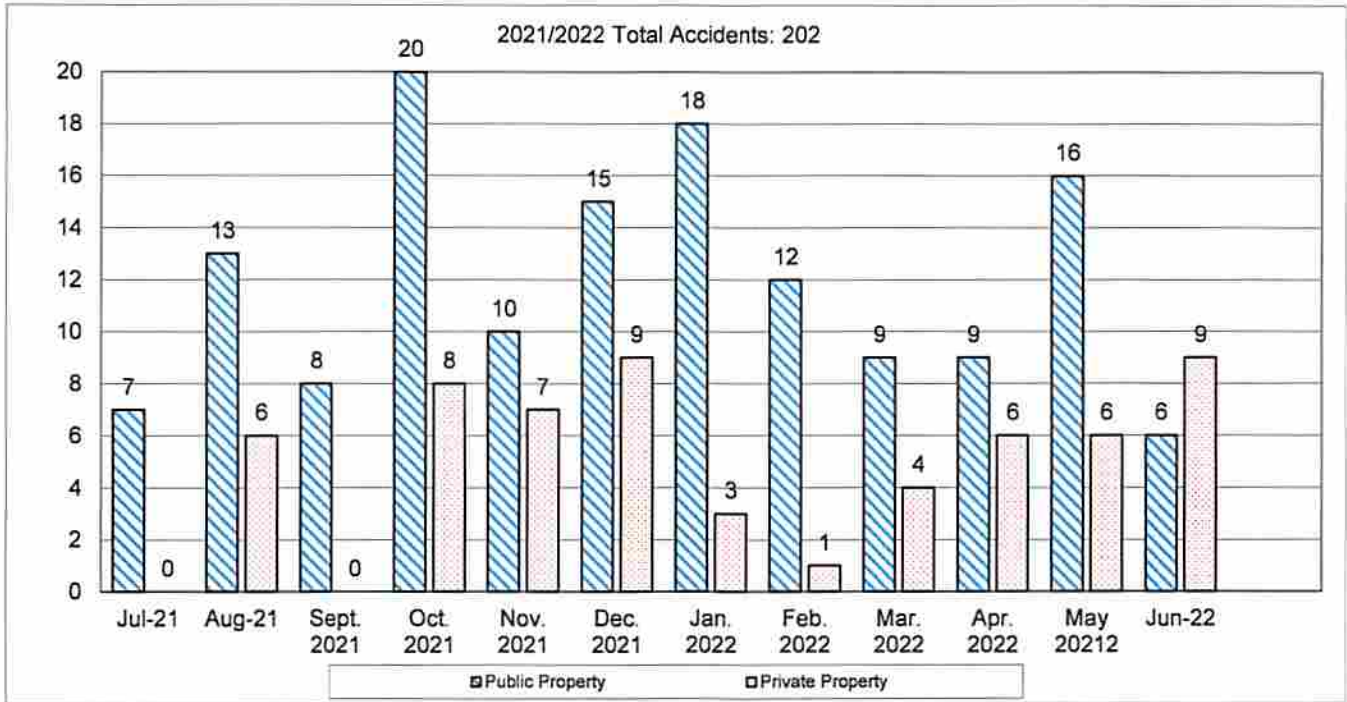


# Moving Citations Traffic Warnings

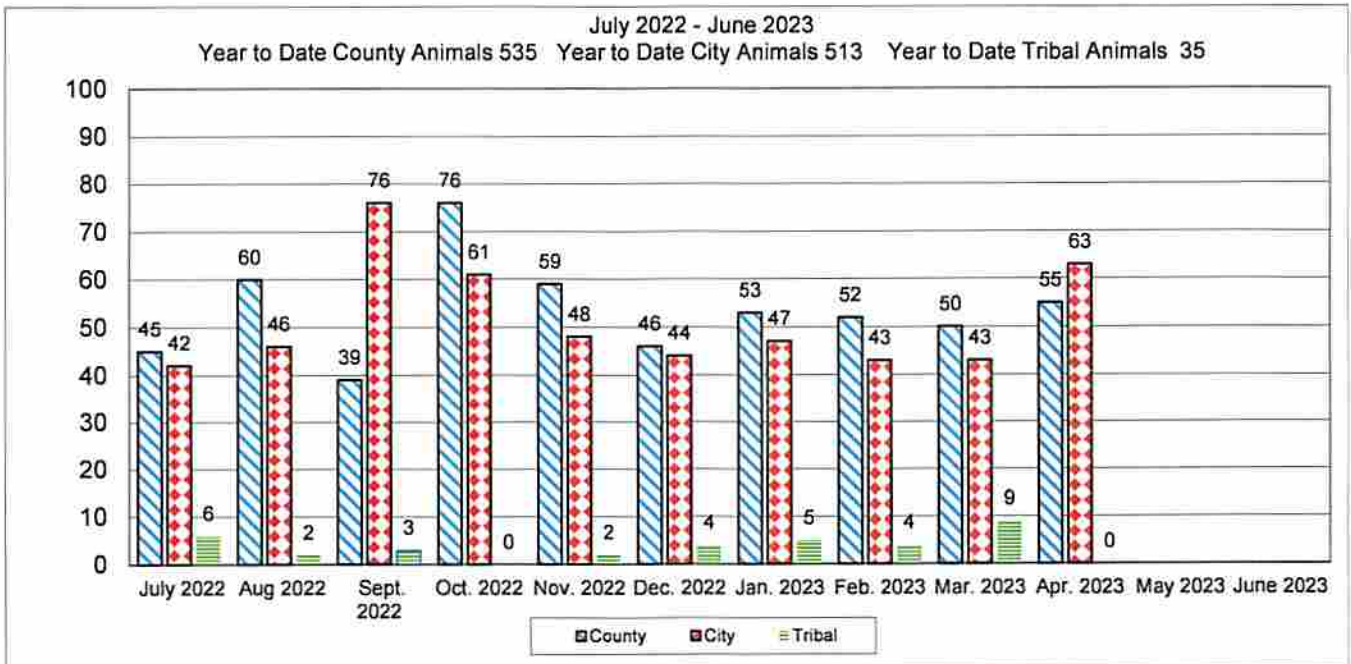
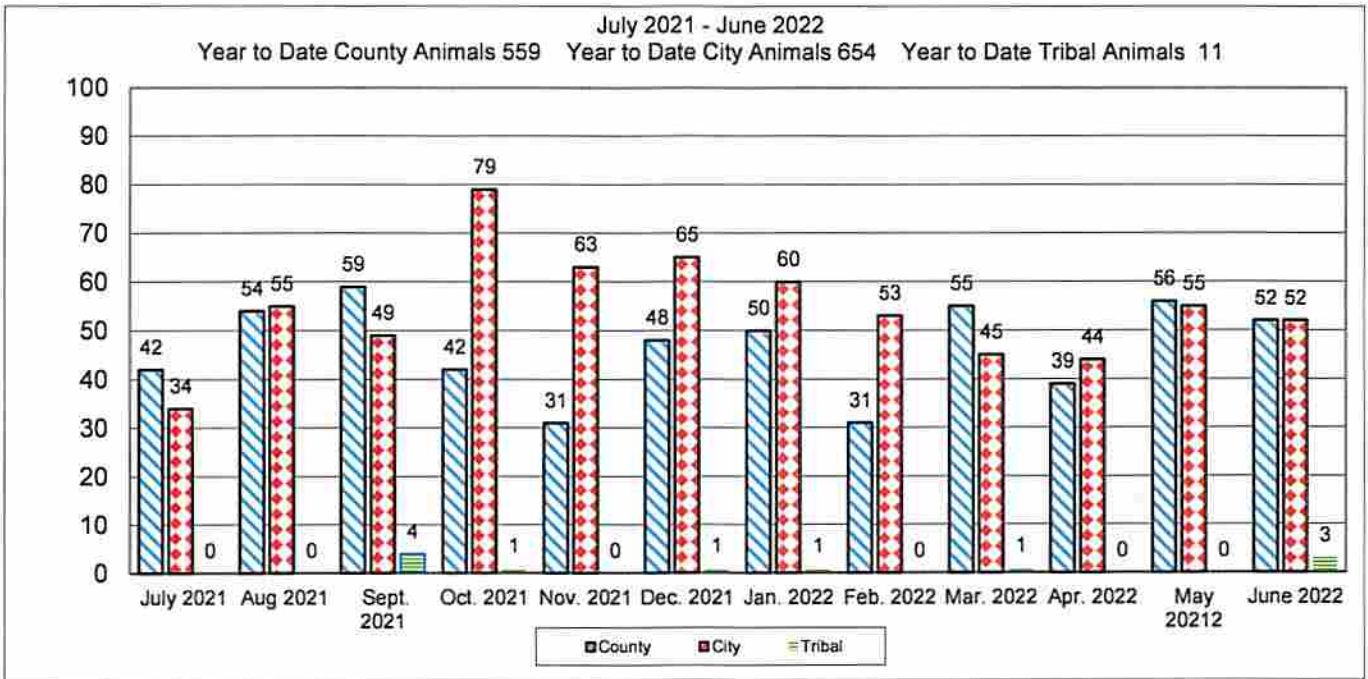
Item 6.



# Traffic Accidents



# Animal Shelter Services



## **BREAKDOWN OF ARRESTS**

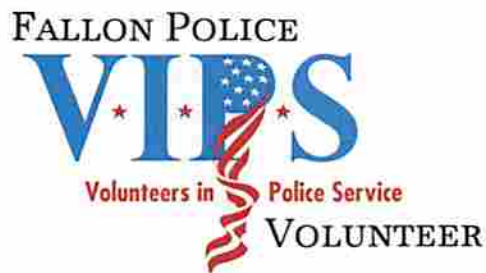
During the month of April, the Police Department had thirty-one (31) total arrests:

- Of the four (4) felony arrests, all four (4) were P&P violations.
- There was one (1) gross misdemeanor arrest, which was a warrant arrest.
- Of the twelve (12) misdemeanor arrests, six (6) were misdemeanor warrant arrests.
- There were ten (10) juvenile arrests, two (2) felonies, one (1) gross misdemeanor and seven (7) misdemeanor.

The two (2) felony arrests were for being under the influence of drugs and terroristic threats.

The gross misdemeanor arrest was for battery of a peace officer.

The misdemeanor arrests break down as two (2) for disturbance of school, two (2) for minor in consumption of alcohol one (1) for domestic battery, one (1) for possession of marijuana, one (1) for battery and one (1) for child in need of supervision.



### Activity Report for April 2023

Total Service Hours	118.75
Training Hours	0
Helping Hand Contacts	49
VIN Inspections	0
School Visits	1
<b>Other Assignments:</b>	
<i>Helping Hand</i>	<i>39.25 hours</i>
<i>Rx Take Back</i>	<i>6.0 hours</i>



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

**ASSISTANCE**

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

**INDOCTRINATION**

During the month of April, there were no (0) indoctrinations at NAS Fallon.

**VOLUNTEERS IN POLICE SERVICES**

April 2023 the Fallon Police VIPS volunteered one hundred eighteen and three quarter (118.75) hours to the agency.

These hours consisted of assistance with Helping Hands, School Visits and RX Take Back.

**OTHER PUBLIC RELATIONS**

During April officers conducted special detail for the following:

- On April 20<sup>th</sup>, 2023, Ofc. Itskin discussed bicycle safety with the Boy Scouts.
- On April 21<sup>st</sup>, 2023, Officers provided traffic control for a fountain dye on Maine St.
- On April 22<sup>nd</sup>, 2023, Detective Goodrick and the VIPS participated in the RX Drug Roundup.
- On April 27<sup>th</sup>, 2023, Detective Goodrick and Officer Atchison attended the carnival at the Senior Center.
- On April 28<sup>th</sup>, 2023, Detective Goodrick held an active shooter training at the Bus Sheds.
- On April 28<sup>th</sup>, 2023, Officers provided traffic control for a fountain dye on Maine St.

**Fallon Police Department**  
**Citizen Survey Results**  
**April 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
5			1

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

VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
6			

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

VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
6			

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

Officer name (s) Ofc. Beck & Ofc. Grosjean

Dispatcher (s) Dispatcher Brannum & Dispatcher Watkins

	VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
Concern	6			
Courtesy	6			
Knowledge	6			
Problem Solving Ability	6			
Professional Conduct	6			

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

VERY SATISFIED	SATISFIED	DISSATISFIED	NO OPINION
6			

**Fallon Police Department**  
**April 2023**

**Citizen Survey Comments**

- Your officers were very nice and helpful.
- When I called about a careless driver, dispatch could not have been more concerned, very encouraging. (Dispatcher Chandra Watkins)
- Officer Grosjean was very kind and professional. He responded quickly and followed up quickly. The dispatcher listened and made sure what we needed was taken care of. Thank you FPD. (Dispatcher Melissa Brannum)