

AGENDA
CITY OF FALLON – CITY COUNCIL
55 West Williams Avenue
Fallon, Nevada
November 19, 2018 – 9:00 a.m.

The Honorable City Council will meet in a regularly scheduled meeting on November 19, 2018 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 five minutes.

1. Pledge of Allegiance to the Flag.
2. Certification of Compliance with Posting Requirements.
3. Public Comments: General in nature, not relative to any agenda items.
No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken. **(For discussion only)**
4. Approval of Warrants: **(For possible action)**
 - A) Accounts Payable
 - B) Payroll
 - C) Customer Deposit
5. Public hearing for discussion of possible project(s) to be funded through the Community Development Block Grant Program for fiscal year 2019-2020 and consideration and possible approval and ranking of project application(s) to be submitted through the CDBG program. **(For possible action)**
6. Consideration and Possible Adoption of Resolution No. 18-28: A resolution authorizing a temporary interfund loan from the Water Treatment Enterprise Fund to the Airport Fund in the amount of Eighty-One Thousand Six Hundred Dollars (\$81,600). **(For possible action)**
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 November 14, 2018 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 423-5104 in advance so that arrangements may be conveniently made.

November 19, 2018

Agenda Item 5

Public hearing for discussion of possible project(s) to be funded through the Community Development Block Grant Program for fiscal year 2019-2020 and consideration and possible approval and ranking of project application(s) to be submitted through the CDBG program. **(For possible action)**

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 5

DATE SUBMITTED: November 13, 2018

AGENDA DATE REQUESTED: November 19, 2018

TO: The Honorable City Council

FROM: Brian Byrd

SUBJECT TITLE: Public hearing for discussion of possible project(s) to be funded through the Community Development Block Grant Program for fiscal year 2019-2020 and consideration and possible approval and ranking of project application(s) to be submitted through the CDBG program. **(For possible action)**

TYPE OF ACTION REQUESTED:

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

RECOMMENDED COUNCIL ACTION: Discuss public input received on possible project(s) for the Community Development Block Grant Program for fiscal year 2019-2020 and approve and rank project application(s) to be submitted through the CDBG program.

DESCRIPTION: The City proposes to submit one or more projects to be funded through the Community Development Block Grant Program, for fiscal year 2019-2020. This agenda item allows discussion on public input that was received pertaining to the Front Street Reconstruction as well as request approval for the Front Street Reconstruction to be the project selected for application through the CDBG program.

BACKGROUND: The CDBG Program is administered by the Department of Housing and Urban Development and is Authorized by Title I of the Housing and Community Development Act. The primary objective of the Community Development Block Grant Program is the development of viable communities by providing decent housing, suitable living environments, and expanding economic opportunities principally for persons of low and moderate income.

The Governor's Office of Economic Development anticipates the amount of 2019 allocations at \$2,621,876 for rural Nevada. This Public Hearing is the third and final hearing in the CDBG process. A Public Hearing Notice, which was posted on November 5, 2018, referenced the Front Street Reconstruction project as the only project listed as a priority for application.

FISCAL IMPACT: N/A

FUNDING SOURCE: N/A

PREPARED BY: Brian Byrd, Public Works Director

DATE: November 13, 2018

TO BE PRESENTED TO THE COUNCIL BY: Brian Byrd

November 19, 2018

Agenda Item 6

Consideration and Possible Adoption of Resolution No. 18-28: A resolution authorizing a temporary interfund loan for the Water Treatment Enterprise Fund to the Airport Fund in the amount of Eighty-One Thousand Six Hundred Dollars (\$81,600.00).
(For possible action)

CITY OF FALLON
REQUEST FOR COUNCIL ACTION

Agenda Item No. 6

Date Submitted: November 7, 2018
From: City Clerk Treasurer Cordes

Agenda Date Requested: November 19, 2018

To: The Honorable City Council

Subject Title: Consideration and Possible Adoption of Resolution No. 18-28: A resolution authorizing a temporary interfund loan from the Water Treatment Enterprise Fund to the Airport Fund in the amount of Eighty-One Thousand Six Hundred Dollars (\$81,600)

Type of Action Requested: (Check One)

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

Recommended Council Action: Motion to adopt Resolution 18-28 A resolution authorizing a temporary interfund loan from the Water Treatment Enterprise Fund to the Airport Fund in the amount of Eighty-One Thousand Six Hundred Dollars (\$81,600)

Discussion: **FACTUAL BACKGROUND**

At its November 5, 2018 meeting the City Council was advised the Federal Aviation Administration (FAA) desires to have the Replace Perimeter Fence and Gates Project ready for construction in the Summer of 2019. The Replace Perimeter Fence and Gates Project “(the RPF&GP)” requires preliminary engineering and design work by Atkins North America, Inc. The Council awarded a contract to Atkins North America in an amount not to exceed Eighty One Thousand Six Hundred Dollars for the design and bidding services at its November 5, 2018 meeting. Atkins will be working on the RPF&GP immediately.

The FAA anticipates that Federal Funds for both the construction and engineering/bidding of the RPF&GP will be in the Summer of 2019. At that time the City will be reimbursed 93.75% of the preliminary engineering and design work or Seventy-Six Thousand Five Hundred Dollars (\$76,500) from the FAA. The balance Five Thousand One Hundred Dollars (\$5,100) will be from Airport Fund Cash on Hand. The proceeds of the Airport Grant coupled with cash on hand will be used to pay back the Temporary Interfund Loan.

This temporary interfund loan is necessary because the Airport Fund does not have sufficient cash on hand to afford the above-mentioned project at this time.

PROCEDURE FOR MAKING INTERFUND LOAN

In order to make a proper interfund loan, the City must comply with NRS 354.6118 and NAC 354.290.

Pursuant to NRS 354.6118, before making an interfund loan, the Honorable City Council must determine at a public hearing that: (a) a sufficient amount of money is available for the loan and that the money is not restricted as to its use; and (b) the loan of the money will not compromise the economic viability of the fund from which the money is loaned. The Honorable City Council must also establish: (a) the amount of time the money will be on loan from the fund; (b) the terms and conditions for repaying the loan; and (c) the rate of interest, if any, to be charged for the loan.

Pursuant to NAC 354.290, the Honorable City Council may make a temporary interfund loan if; (a) the governing body complies with NRS 354.6118; (b) any money for the loan which is obtained from the proceeds from the sale of a bond is used only for the purposes set forth in the bond ordinances; (c) the loan is not made from any debt service or from any fund established or maintained as a fund dedicated to the payment of bonded debt and interest; (d) the resolution authorizing the loan specifies whether interest will be charged and the rate thereof, if any; (e) it is agreed in writing that the loan must be repaid within 1 year after the date on which the loan was made; (f) a copy of the resolution authorizing the loan is filed with the Department of Taxation; and (g) the governing body agrees to notify the Department when the loan has been repaid.

CONCLUSION

In this agenda item, City Staff recommends that the Honorable City Council make the appropriate findings and adopt Resolution No. 18-28: A resolution authorizing a temporary interfund loan from the Water Treatment Enterprise Fund to the Airport Fund in the amount of Eighty-One Thousand Six Hundred Dollars (\$81,600).

FISCAL IMPACT: Allows for proper funding of Airport Projects

FUNDING SOURCE: Temporary interfund loan from the Water Treatment Enterprise Fund

PREPARED AND PRESENTED BY: City Clerk & Treasurer Gary C Cordes

Summary – A resolution authorizing a temporary interfund loan from the Water Treatment Enterprise Fund to the Airport Fund in the amount of Eighty-One Thousand Six Hundred Dollars (\$81,600).

Resolution No. 18-28

AUTHORIZING A TEMPORARY INTERFUND LOAN FROM THE WATER TREATMENT ENTERPRISE FUND TO THE AIRPORT FUND IN THE AMOUNT OF EIGHTY-ONE THOUSAND SIX HUNDRED DOLLARS (\$81,600)

WHEREAS, the City Council of the City of Fallon (“the City Council”) approved a Contract for Engineering Services for the Replace Perimeter Fence and Gates Project at the Fallon Municipal Airport in an amount not to exceed Eighty-One Thousand Six Hundred Dollars (\$81,600) at its November 5, 2018 Council meeting; and

WHEREAS, the City was advised by the FAA that funding for the engineering services and construction would not be available until the Summer of 2019; and

WHEREAS, the FAA’s share of the project is 93.75% or Seventy-Six Thousand Five Hundred Dollars (\$76,500) and the City Share is 6.25% Five Thousand One Hundred Dollars (\$5,100); and

WHEREAS, the proceeds of the Airport Grant coupled with cash on hand will be used to pay back the Temporary Interfund Loan; and

WHEREAS, this temporary interfund loan is necessary because the Airport Fund does not have sufficient cash on hand to afford the above-mentioned project at this time; and

WHEREAS, the City finds it necessary to authorize a temporary interfund loan from the Water Treatment Enterprise Fund to the Airport Fund (the “Loan”) to provide the Airport Fund with a positive cash balance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FALLON MAKES THE FOLLOWING FINDINGS OF FACT AND DETERMINATIONS:

- (a) A public hearing was held on November 19, 2018 in the City Council Chambers and said public hearing was properly noticed in accordance with the Nevada Revised Statutes.
- (b) A sufficient amount of money is available in the Water Treatment Enterprise Fund for the Loan and the money is not restricted as to its use.
- (c) The Loan from the Water Treatment Enterprise Fund will not compromise the economic viability of the Water Treatment Enterprise Fund.
- (d) No money for the Loan will be obtained from the proceeds of the sale of bonds.

- (e) The Loan will be made from the Water Treatment Enterprise Fund and not from any debt service fund and not from any fund established or maintained as a fund dedicated to the payment of bonded debt and interest.
- (f) It has been agreed to in writing that the Loan must be repaid within one (1) year from the date on which the Loan is made.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FALLON,
NEVADA:**

Section 1. Based on the findings of fact and determinations set forth herein, the Loan from the Water Treatment Enterprise Fund to the Airport Fund in the amount of Eighty-One Thousand Six Hundred Dollars (\$81,600) is authorized on the following terms and conditions:

- (a) The loan shall be for a period not to exceed one (1) year from the date on which the Loan is made.
- (b) The Loan will be repaid by the Airport Fund in payments of such amount and at such frequency as is deemed appropriate, so long as said Loan is repaid within one (1) year from the date on which the Loan is made.
- (c) The Loan shall not accrue any interest.

Section 2. The City Clerk's office is hereby directed to file a copy of this Resolution with the Nevada Department of Taxation.

Section 3. The City Council hereby agrees to notify the Department of Taxation when the loan has been repaid.

Section 4. All resolutions, or parts thereof, in conflict with the provisions of this Resolution are hereby repealed to the extent only of such inconsistency. This repeal shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 5. If any section, paragraph, clause or other provisions of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution.

Section 6. This Resolution shall be effective immediately upon passage and approval.

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PASSED AND ADOPTED AND APPROVED BY AN AFFIRMATIVE VOTE OF AT LEAST A MAJORITY OF THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF FALLON, NEVADA THIS _____ DAY OF NOVEMBER 2018.

Mayor

(Seal)

Attest:

City Clerk and Treasurer

Approved As to Form

By: _____

City Attorney

STATE OF NEVADA)
)
COUNTY OF CHURCHILL) ss.
)
CITY OF FALLON)

I, Gary Cordes, the duly chosen, qualified and acting City Clerk and Treasurer of the City of Fallon (herein "City"), Nevada do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of the resolution adopted by the City Council of the City (the "Council") at a meeting held November 19, 2018.
2. The adoption of the resolution was duly moved and seconded and the resolution was adopted by an affirmative vote of at least a majority of the members of the Council as follows:

Those Voting Aye:

Those Voting Nay:

Those Absent:

3. The original of the resolution has been and approved and authenticated by the signatures of the Mayor of the City and myself as City Clerk and Treasurer and has been recorded in the regular official record of the Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.
4. All members of the Council were given due and proper notice of the meeting. Pursuant to NRS 241.020, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting including in the notice the time, place, location and agenda of the meeting:
 - a. By posting a copy of the notice at least three (3) working days before the meeting on the City's website, Fallonnevada.gov and State of Nevada public notice website <https://notice.nr.gov/>; at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held; and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:
 - i. City Hall
55 West Williams Avenue, Fallon, Nevada
 - ii Churchill County Office Complex
155 North Taylor Street, Fallon, Nevada
 - lii District Court Building
73 North Maine Street, Fallon Nevada
 - iv Churchill County Public Library
553 South Maine Street, Fallon, Nevada

And

- b. By mailing a copy of the notice to each person, if any, who has requested notices of the meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.
5. Upon request, the Council provides at no charge, at least one copy of the agenda for its public meetings, and any proposed ordinance or regulation which will be discussed at the public meeting and any other supporting materials provided to the Council for an item on the agenda, except, for certain confidential materials and materials pertaining to closed meetings, as provided by law.
6. A copy of such notice so given of the meeting of the Council on November 19, 2018 as attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City this
November____, 2018.

City Clerk and Treasurer

(Seal)