

**AGENDA**  
**CITY OF FALLON – CITY COUNCIL**  
**55 West Williams Avenue**  
**Fallon, Nevada**  
**November 18, 2019 – 9:00 a.m.**

The Honorable City Council will meet in a regularly scheduled meeting on November 18, 2019 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. Consideration and approval of Council meeting minutes for August 5, 2019 and August 19, 2019. **(For possible action)**
5. Approval of Warrants: **(For possible action)**
  - A) Accounts Payable
  - B) Payroll
  - C) Customer Deposit
6. Public Comments **(For discussion only)**
7. Council and Staff Reports **(For discussion only)**
8. 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 13, 2019 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 18, 2019

Agenda Item 4

Consideration and approval of Council meeting minutes for August 5, 2019 and August 19, 2019.  
**(For possible action)**

Incorporated 1908

**MINUTES  
CITY OF FALLON  
55 West Williams Avenue  
Fallon, Nevada  
August 5, 2019**

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

**Present:**

Mayor Ken Tedford  
City Councilman, James D. Richardson  
City Councilwoman, Kelly Frost  
City Councilwoman, Karla Kent  
City Clerk, Gary C. Cordes  
Deputy Public Works Director, Ryan A. Swireczek  
Deputy Public Works Director, Adrian Noriega  
Police Chief, Kevin Gehman  
Deputy City Attorney, Leonard E. Mackedon  
Deputy City Clerk, Elsie M. Lee  
Director of Tourism & Special Events, Jane Moon  
Public Works Director, Brian A. Byrd  
Marketing & Communications Coordinator, Kaitlin Ritchie  
Deputy City Attorney, Trent deBraga  
City Engineer, Derek Zimney

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

Mayor Tedford led the Pledge of Allegiance.

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

City Clerk Cordes advised that the agenda was posted in compliance with NRS 241.

**Public Comments**

Mayor Tedford inquired if there were any public comments. He noted that comments are to be general in nature, not relative to any agenda items. No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken.

No public comments were noted.

**Approval of Council meeting minutes for May 20, 2019**

Mayor Tedford inquired if there were any additions or corrections to the minutes for May 20, 2019.

No additions or corrections were noted.

Councilman Richardson motioned to approve the Council meeting minutes for May 20, 2019 as submitted, seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

### **Approval of Warrants**

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

Mayor Tedford inquired if there were any comments regarding the accounts payable, payroll and customer deposit warrants.

No comments were noted.

Councilwoman Frost motioned to approve the accounts payable, payroll and customer deposit warrants and authorize the Mayor to sign the same; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

### **Consideration of application by Juan Mendoza for a retail liquor license and a drinking establishment liquor license for Carniceria & Taqueria Mendoza to be located at 2161 West Williams Avenue**

Deputy City Clerk Lee explained that Juan Mendoza, owner of Carniceria & Taqueria Mendoza, has made application for a retail establishment and a drinking establishment liquor license for Carniceria & Taqueria Mendoza to be located at 2161 West Williams Avenue. A retail liquor license is a privileged license that allows the licensee to sell alcoholic beverages from a fixed and definite place of business for consumption off of the premises only and a drinking establishment liquor license is a privileged license that allows the licensee to sell alcoholic beverages from a fixed and definite place of business for consumption upon the premises only. The application has been reviewed by Chief Gehman, City Engineer Zimney, Deputy City Clerk Lee, and Legal and Administrative Director Erquiaga and has been recommended for approval.

Mayor Tedford inquired if Chief Gehman, Deputy City Clerk Lee, or City Engineer Zimney had anything to add.

Chief Gehman stated that Mr. Mendoza submitted to a background check and they did not find anything that would lead them to believe that Mr. Mendoza would be unsuccessful.

City Engineer Zimney advised that the license should be conditional upon the building permit being issued.

Mayor Tedford inquired if the Council had any questions for Chief Gehman, Deputy City Clerk Lee, or City Engineer Zimney.

Councilwoman Kent inquired as to who performs the reference check in the application packet; she asked if PSA Melissa Fecht worked for the City of Fallon.

Chief Gehman replied affirmatively, she is a Police Service Assistant.

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

No comments were noted.

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

No comments were noted.

Councilwoman Frost motioned to approve the application by Juan Mendoza for a retail liquor license and a drinking establishment liquor license for Carniceria & Taqueria Mendoza to be

located at 2161 West Williams Avenue, conditional upon the building permit being issued; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

### **Approval of Fiscal Year 2020 Debt Management Policy, Indebtedness Report, and Capital Improvement Plan**

City Clerk Cordes advised that fiscal year 2020 is upon us, and his office has been preparing this report for the last 15 years as required by NRS 350, where all governmental units within the State of Nevada annually review their current and contemplated debt. This also includes discussion and analysis of that debt. The balances are as of June 30, 2019. We use a third-party consultant, Mr. Marty Johnson of JNA Consulting Group, he has assisted the City in issuing its debt for the last decade. The Department of Taxation also requires that a Capital Improvement Plan be updated each fiscal year. This Debt Management Policy, Indebtedness Report, and Capital Improvement Plan will be presented to the Churchill County Debt Management Commission at the end of August; other entities will also share their information. He recommended approval of the Fiscal Year 2020 Debt Management Policy, Indebtedness Report, and Capital Improvement Plan.

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

Councilwoman Frost inquired about the body camera replacement line item for the Fallon Police Department. She asked if we needed additional ones, or were they destroyed, or was there new technology to be replaced.

Chief Gehman stated that it was both. They had some manufacturer issues with their old L3 System, so they started looking for a new provider. They found one which seems to have more customer support and video that could be stored on the cloud rather than on a server. This is an improvement because we were also having server issues; the length of time we were keeping the videos and the length of the videos themselves were overwhelming the server. The new system has worked well, especially the cloud service that has a flat fee for unlimited storage.

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

No comments were noted.

Councilwoman Kent motioned to approve the Fiscal Year 2020 Debt Management Policy, Indebtedness Report, and Capital Improvement Plan; seconded by Councilman Richardson and approved with a 3-0 vote by the Council.

### **Consideration and possible adoption of Resolution No. 19-22, a Resolution authorizing the Red Mesa Tapaha Solar Project Transaction Schedule under the Power Supply Agreement with Utah Associated Municipal Power Systems; and related matters**

Mayor Tedford noted that Resolution No. 19-21 should be Resolution No. 19-22.

Public Works Director Byrd explained that UAMPS, on behalf of its members, has investigated the Red Mesa Tapaha Solar Project, a 66-megawatt solar photovoltaic generation facility to be located on the Navajo Nation reservation in southeastern Utah. UAMPS is now prepared to enter into a 25-year Power Purchase Agreement with Navajo Tribal Utility Authority Generation – Utah, LLC on behalf of UAMPS members electing to participate in the project. The PPA has a price of \$23.15/MW with an escalator of 2% per year, which includes the associated Renewable Energy Credits. The facility is scheduled to become operational in June 2022. If approved, the Red Mesa Tapaha Solar Firm Power Supply Agreement Transaction Schedule would give Fallon an entitlement share of 1 MW.

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

Councilwoman Kent confirmed that this would represent a considerable savings from what we are paying now for electricity.

Public Works Director Byrd replied affirmatively.

Councilman Richardson confirmed that project construction is not complete.

Public Works Director Byrd replied affirmatively, the project is under construction.

Councilman Richardson asked if there was a timeframe for the project to be online.

Public Works Director Byrd stated that the date would be June 2022.

Mayor Tedford noted that we need the green credits as required by the legislature.

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

No comments were noted.

Councilwoman Frost motioned to adopt Resolution No. 19-22, a Resolution authorizing the Red Mesa Tapaha Solar Project Transaction Schedule under the Power Supply Agreement with Utah Associated Municipal Power Systems and related matters; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

### **Public Comments**

Mayor Tedford inquired if there were any public comments.

No public comments were noted.

### **Council and Staff Reports**

Mayor Tedford inquired if there were any Council or staff reports.

No Council or staff 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 9:20 a.m.

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Mayor Ken Tedford

Attest: \_\_\_\_\_  
Gary C. Cordes, City Clerk/Treasurer

**MINUTES  
CITY OF FALLON  
55 West Williams Avenue  
Fallon, Nevada  
August 19, 2019**

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

**Present:**

Mayor Ken Tedford  
City Councilman, James D. Richardson  
City Councilwoman, Kelly Frost  
City Councilwoman, Karla Kent  
City Attorney, Michael F. Mackedon  
Deputy Public Works Director, Ryan A. Swirczek  
Deputy Public Works Director, Adrian Noriega  
Police Chief, Kevin Gehman  
Deputy City Attorney, Leonard E. Mackedon  
Deputy City Clerk, Elsie M. Lee  
Director of Tourism & Special Events, Jane Moon  
Public Works Director, Brian A. Byrd  
Marketing & Communications Coordinator, Kaitlin Ritchie  
Deputy City Attorney, Trent deBraga  
City Engineer, Derek Zimney

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

Mayor Tedford led the Pledge of Allegiance.

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

Deputy City Clerk Lee advised that the agenda was posted in compliance with NRS 241.

**Public Comments**

Mayor Tedford inquired if there were any public comments. He noted that comments are to be general in nature, not relative to any agenda items. No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken.

No public comments were noted.



## **Approval of Warrants**

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

Mayor Tedford inquired if there were any comments regarding the accounts payable, payroll and customer deposit warrants.

No comments were noted.

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

## **Consideration of application by Megan Parrish-Chenoweth for a cabaret license for The Twisted Branch to be located at 355 West First Street/111 South Taylor Street**

City Engineer Zimney explained that Megan Parrish-Chenoweth, general manager/owner of The Twisted Branch, has made application for a cabaret license for The Twisted Branch, to be located at 355 West First Street/111 South Taylor Street. A cabaret license is a privileged license that allows the licensee to provide live entertainment or dancing at the establishment. The application has been reviewed by Chief Kevin Gehman, City Engineer Derek Zimney, Fire Marshal Mitch Young, and Deputy City Attorney Leonard Mackedon and has been recommended for approval.

Mayor Tedford inquired if the Council had any questions for City Engineer Zimney, Chief Gehman, or Deputy City Attorney Leonard Mackedon.

Councilwoman Kent asked if it was a requirement for cabaret licensees to end their events at 10:00 p.m.

City Engineer Zimney stated, for this specific application, it was recommended that outside music be required to end at 10:00 p.m.

Mayor Tedford stated that the Council could put limitations on a cabaret license and those recommendations could come from staff; but Council could make them more stringent, less stringent, or add any that they want to add.

Councilwoman Frost inquired as to the occupancy limit for inside the building and outside the building.

City Engineer Zimney stated that his understanding was that the owner, Ms. Parrish-Chenoweth, has worked with Fire Marshal Young and come up with occupancy numbers. He did not have those numbers as of yet.

Councilwoman Kent stated that she had heard of some citizens complaining about late night music. She asked City Engineer Zimney if he was aware of that.

City Engineer Zimney stated that he was unaware of any complaints.

Councilman Richardson asked City Engineer Zimney if the City had received any calls or correspondence concerning this cabaret license hearing.

City Engineer Zimney stated that he did not receive any calls or correspondence.

Mayor Tedford clarified for the record that this was not a hearing process, just an application process, so notices do not go out.

Deputy City Attorney Leonard Mackedon explained that this is slightly different than a variance where the neighborhood within a certain amount of feet would be notified. This is a straight application from the business owner and the only notice to the public would be the agenda itself.

Councilwoman Kent asked if citizens do call in and complain, would they take precedence over the cabaret license.

Deputy City Attorney Leonard Mackedon explained that it would be up to the Council to weigh the veracity of the complaint versus the benefit to a business owner. The Council always has the authority to revoke the license in the event that anything becomes a nuisance. That is what becomes the carrot for the Council and the stick for the business owner.

Mayor Tedford added that the Chief could also speak to that, but generally what has happened in the past is, if there are complaints anywhere that someone holds a privilege license, like liquor or cabaret, the police go and tell them that they have to quit doing what they are doing and then they quit doing it. If complaints are received over and over again, then they show up here and the Council either alters what they are doing or revokes what they are doing. He did not remember a time when a license holder did not comply with the police recommendation to do something different, something that does not affect the neighborhood.

Chief Gehman concurred with Mayor Tedford. If there is a complaint, officers will go and visit and if they do not do something to mediate the concern then we can always bring the recommendation back to Council but, as the Mayor stated, for the most part, businesses take immediate corrective action. If it does become an area of engagement with the community over there, then officers will visit, perhaps do some limitations and ask for some compliance. In the past, that has occurred and worked out fine.

Mayor Tedford inquired if the Council had any comments or questions for Ms. Parrish-Chenoweth.

Councilwoman Frost asked Ms. Parrish-Chenoweth what her occupancy limits were.

Ms. Parrish-Chenoweth stated that, inside the building: standing room is 150, with chairs and tables it is 56. The outdoor occupancy is 50 for the outdoor area, not specified for standing or with chairs and tables.

Councilwoman Frost asked where she would be pointing the speakers in her music area, since it is behind the shed in the back, more on the south side of the property. Most of the residential areas are on the south side, would she be pointing the speakers north.

Ms. Parrish-Chenoweth stated that she would probably aim the speakers toward the south because that is where the 355 West First Street building is, but the majority of the music is acoustic. If anyone rents the space, it is listed in the contract that they have to start picking up at 9:30 p.m. and the music is off at 10:00 p.m. That is the same rule as when she hosts on the property as well.

Councilwoman Frost confirmed that she would not have a five-piece heavy metal band blasting the neighborhood.

Ms. Parrish-Chenoweth stated that this definitely was not a venue that would host that type of music.

Mayor Tedford noted that, off the alley, on the east side, you have lots of residents, not just south. The south is really further because of the vacant lot. Northwest, there is a small residential space next door to Jack-in-the-Box, and on the west side, Ms. Parrish-Chenoweth's building blocks the noise and then Taylor Street blocks the rest of the noise before it gets to that residential side, around Russell Street. He noted that the City hosts concerts in Oats Park, and the

residents along West Park Street and Court Street sit out on their front lawns to listen to the concert. We shut those down at 9:30 p.m. But the further we get from the park, the more complaints we generate due to the speakers, there is also some type of sound vortex to Ideal Mobile Home Park at 750 East Stillwater Avenue and even they can hear the music.

Councilwoman Frost asked if the plan was to have music on just Friday and Saturday nights.

Ms. Parrish-Chenoweth stated that it would mostly be just on Fridays, especially with the farmers market, it could be a nice tie-in to the event, and it ends at 8:00 p.m. This would be seasonal, no outdoor music during winter.

Mayor Tedford reminded that the police department is only a call away if she could not control the people or the music. We have had things occur at the park for our concerts too and the police department is good at diffusing situations.

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

No comments were noted.

Councilwoman Frost motioned to approve the application by Megan Parrish-Chenoweth for a cabaret license for The Twisted Branch to be located at 355 West First Street/111 South Taylor Street with the following restrictions: outside entertainment to be shut down by 10:00 p.m., occupancy to be monitored through a Twisted Branch Special Event Contract that specifies those occupancy rates for both inside and outside the venue as set forth by the Fire Marshal; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

### **Presentation of the Police Department Report for June 2019**

Chief Gehman presented the June monthly report. He added that the June incidents and activities were primarily in line with previous months with no exceptional variances.

- Staff participated in several hours of training.
- Detective Decker provided the indoctrination lecture to newly stationed Navy personnel.
- VIPS donated multiple hours.
- The citizen survey results were positive.

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

No comments were noted.

Mayor Tedford thanked Chief Gehman for the report.

### **Public Comments**

Mayor Tedford inquired if there were any public comments.

No public comments were noted.

### **Council and Staff Reports**

Mayor Tedford inquired if there were any Council or staff reports.

Councilwoman Frost thanked Deputy Public Works Director Swirczek's crew for the freshly painted crosswalks, especially around the schools. She also appreciated the efforts of City public works crews and staff during the Community Reunion weekend; it was a major success and an important event for our community.

Councilwoman Kent heard many positive comments about the Community Reunion events.

**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 9:17 a.m.

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

Attest: \_\_\_\_\_  
Gary C. Cordes, City Clerk/Treasurer

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