

AGENDA
CITY OF FALLON – CITY COUNCIL
55 West Williams Avenue
Fallon, Nevada
February 1, 2021 – 9:00 a.m.

The Honorable City Council will meet in a regularly scheduled meeting on February 1, 2021 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 approval of Council meeting minutes for December 22, 2020 and January 4, 2021. **(For possible action)**
5. Approval of Warrants: **(For possible action)**
 - A) Accounts Payable
 - B) Payroll
 - C) Customer Deposit
6. Public hearing for Bill No. 786: An ordinance providing for the annexation of 6.05 acres, more or less, located at 879, 899 and 901 South Maine Street, owned by Churchill County, Nevada, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto. **(For discussion only)**
7. Consideration and possible adoption of Bill No. 786 as Ordinance No. 767: An ordinance providing for the annexation of 6.05 acres, more or less, located at 879, 899 and 901 South Maine Street, owned by Churchill County, Nevada, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto. **(For possible action)**
8. Consideration and possible approval of a professional services contract with Atkins North America, Inc. for engineering design and bidding services for the Relocation of Taxiway

G project at the Fallon Municipal Airport in an amount not-to-exceed Sixty Thousand Dollars (\$60,000.00), of which the FAA share would be 93.75% or Fifty-Six Thousand Two Hundred Fifty Dollars (\$56,250.00) and the City's share would be 6.25% or Three Thousand Seven Hundred Fifty Dollars (\$3,750.00). **(For possible action)**

9. Public Comments **(For discussion only)**

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

11. 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)**

Pursuant to Governor Sisolak's Declaration of Emergency Directive 006 entered on March 22, 2020, and extended by Emergency Directive 016 entered on April 29, 2020, by Emergency Directive 018 entered on May 7, 2020, by Emergency Directive 021 entered on May 28, 2020, by Emergency Directive 026 entered on June 29, 2020 and by Emergency Directive 029 entered on July 31, 2020, this agenda has been posted on or before 9:00 a.m. on January 27, 2021 at City Hall, to the City's website (<https://fallonnevada.gov>) and to 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, at (775) 423-5104 or elee@fallonnevada.gov. 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.

February 1, 2021

Agenda Item 4

Consideration and approval of Council meeting minutes for December 22, 2020 and January 4, 2021. **(For possible action)**

**MINUTES
CITY OF FALLON
55 West Williams Avenue
Fallon, Nevada
December 22, 2020**

The Honorable City Council met in a special 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
Police Captain Kris Alexander
Chief of Staff Robert Erquiaga
City Clerk-Treasurer Sean C. Richardson

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.

Chief of Staff Erquiaga advised that the agenda was posted in compliance with Governor Sisolak's Emergency Directives, the agenda and the supporting materials were posted at City Hall, on the City's website, and the State of Nevada's public notice website on or before 9:00 a.m. on December 17, 2020.

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.

Consideration and possible approval of the City of Fallon Comprehensive Annual Financial Report for the fiscal year ended June 30, 2020

City Clerk Richardson explained that the City is required by law to provide an annual audit of its financial statements. The audit is an accumulation of many hours by many individuals over an entire fiscal year. The final product of the audit is the City's

Comprehensive Annual Financial Report for the fiscal year ended June 30, 2020. The audit takes a team effort, and he recognized the City Clerk's Office staff led by Deputy City Clerk Lee and former City Clerk Gary Cordes who was here for the majority of the audited fiscal year. He would also like to recognize the Audit Committee members: Councilwoman Kent, City Attorney Mike Mackedon, and Chief of Staff Erquiaga. He also consulted with Mr. Bob Erickson, utilizing his institutional knowledge during this process. The appointed officials, as the day-to-day managers of their own departments, deserve recognition as well as all City employees. He thanked the Mayor and Council for their strong fiscal leadership during the year and their decision-making, especially during this past unprecedented year. The City's audit was performed by Eide Bailly, led by Ms. Terry Gage and Ms. Mary Cain. Eide Bailly has done the City audit for several years, always providing a great deal of expertise and professionalism. It was his pleasure working with them on his first City audit and today, Ms. Mary Cain, the senior audit manager for our audit, will present the report.

Mayor Tedford invited Ms. Cain to the podium and thanked her for being present today.

Ms. Cain thanked City staff for all their efforts to assist Eide Bailly in completing this audit. She appreciated all the help and everything they did to provide information in a timely manner. She explained that she would review portions of the Comprehensive Annual Financial Report and then move on to a final communication letter from Eide Bailly that she will review at the end. On page 5, last year's Comprehensive Annual Financial Report was submitted to the Government Finance Officers Association and the City received a Certificate of Achievement for Excellence in Financial Reporting. The Independent Auditor's Report is on page 8. This is the report where they provide an unmodified opinion, where they stated that the financial statements are materially correct in all respects. Management's Discussion and Analysis is on page 11. It is prepared by City Clerk Richardson and is a narrative overview to put the financial statement numbers into perspective and better understand what the numbers mean. The actual financial statements begin on page 22 with the Statement of Net Position, it shows everything for the governmental activities and business-type activities on a full accrual basis as if they were a business. The total net position is \$58.8 million. That is what the City Council is in charge of overseeing. It is a \$6.4 million increase from the prior year due to the recognition of the contributions for the Pennington Youth Center. It had been deferred until most of the youth center construction was complete. There was a \$9.9 million increase in capital assets and the largest ones from governmental activities were the airport perimeter fence and 20-year master plan; and through business activities in the Electric Fund, it was the youth center, the New River Substation, and the meter project. A new roll-off truck was acquired for the Sanitation Fund, and the Sewer Fund began the manhole rehab project. A vacuum truck was purchased with new debt and split between the Electric, Sewer, and Water Funds. The most sensitive liabilities listed include estimates such as the landfill closure which decreased \$375,000 due to a new report with updated volumetric calculations. The Net Pension Liability increased \$435,000 due to the change in proportionate share. The OPEB (Other Post-Employment Benefits) Liability increased \$663,000 with new census data and changes in participation rates. The Statement of Activities is on page 24, it shows the different governmental expenses and different income by government function and each of the business-type funds. One of which is the Electric Fund, which shows \$6.8 million in

contributions for the youth center. The Statement of Revenues, Expenses, and Changes in Net Position – Proprietary Funds is on page 31. This is for the business-type funds. Each fund should be able to support itself based on its revenue and expenditures. Three of those funds have losses this year: Water Fund, Water Treatment Fund, and Sanitation Fund. Notes to Financial Statements begin on page 34, it contains information such as procedures and details about liabilities and assets. Continuing on, in the Notes to Financial Statements, they must report if they notice any possible noncompliance with any laws or regulations, and as reported on page 42, they did not notice any possible violations of any laws or regulations. Required Supplemental Information begins on page 68. The first is a budget comparison for the General Fund, even with everything going on this year, the City had \$228,000 more in revenue than the prior year. Most had to do with an increase in consolidated tax distribution. Ad Valorem increased, as did enterprise fund administration fees in lieu of taxes; these caused the revenue to increase in the General Fund. Total expenditures were \$9.4 million, as noted on page 71. This is under budget. She explained the State likes to see an ending fund balance that is at least 8.3% of the expenditures for the year, which would provide one month of running expenditures. The City has 11%, more than a month of running expenditures in the ending fund balance. Detailed schedules of each individual fund are also included in the report. The Statistical Section begins on page 114. She explained that they review this section to make sure it makes sense, but City Clerk Richardson spends a lot of time finding these numbers, formatting them, and getting these statistics together. So, this section is mainly his work. A report on internal controls is on page 134. They look at them, but they do not actually provide an opinion on internal controls; however, they are required to have an understanding of the City's internal controls. They did have one finding related to internal controls that would be reviewed later. A report on major federal programs begins on page 136, a compliance audit was performed this year. This report provides an opinion that the schedule of federal expenditures is materially correct and there were no findings regarding the compliance audit. The Schedule of Expenditures of Federal Awards is on page 140 and the Schedule of Findings and Questioned Costs is on page 142. They tested the airport improvement program this year for compliance and there were no findings. There was one finding this year, as noted on page 143; during the audit it was discovered that one adjustment needed to be made to keep the financial statements materially correct. There was \$226,000 in retainage for work on the youth center that had not been booked to Construction in Progress (CIP) or a liability for construction retainage. That one adjustment had to be made to bring the financial statements to be materially correct. She added that this did not have anything to do with normal day-to-day processing of any expenditures or revenue, it was something that would only happen at year end and only when construction is occurring. Ms. Cain then referred to the final communication letter from Eide Bailly. According to audit standards, there are certain things that they need to communicate to the City Council at the end of each audit. The first page reviews the professional responsibilities of both the City and Eide Bailly. The second page advised that they did not have to implement any new standards this year. It also confirmed the most sensitive accounting estimates are OPEB liability, pension liability, and landfill post closure liability. The third page confirmed that the actuary report was reviewed, and that the actuary had the correct experience, skills, and knowledge to perform those estimates and they believe that they are correct. Some of the most sensitive disclosures had to do with payroll, deferred outflows and inflows of resources,

net position and fund balance, and post closure cost liability for the landfill. They noted that they did not encounter any significant difficulties during the audit. For corrected and uncorrected misstatements, she previously discussed the one correction that was in the findings. The fourth page lists items that were found but did not rise to the level that they prevented the financial statements from being materially correct. These included account posting errors and retainage that was not recorded as accrued. These are not daily processing errors; they occur once a year or only during construction. There were no disagreements with management. They did not need to consult with any other accountants. There were no other significant matters or findings. Ms. Cain ended her presentation and asked if there were any points in her presentation that needed clarification.

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

Councilwoman Kent thanked Ms. Cain for her detailed review and explanation of the report.

No further comments were noted.

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

No comments were noted.

Mayor Tedford thanked Ms. Cain for her efforts again this year; he appreciated working with her. She and her team did a nice job. He wanted to echo what City Clerk Richardson said earlier, thanking Councilwoman Kent, City Attorney Mike Mackedon, and Chief of Staff Erquiaga for sitting on the Audit Committee and doing the work that they do. He thanked City Clerk Richardson and his staff for their time toward the audit. He also thanked Bob Erickson for sitting in as our financial consultant and helping this audit go smoothly. He thanked City staff for all the work that we do here.

Ms. Cain thanked Mayor Tedford for his comments. They appreciate working with the City, staff helped everything go smoothly and it was better for everyone. She added that City staff puts in a lot of effort to get ready for them, work with the team while they are here, and must still complete more tasks after they leave.

Mayor Tedford noted that he should not forget to acknowledge former City Clerk Gary Cordes, as he was here for nine months of the fiscal year. He wished Ms. Cain a Merry Christmas and asked her to pass on his sentiments and appreciation to Ms. Terry Gage in the Elko office.

Councilwoman Kent motioned to approve the City of Fallon's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2020; 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 public comments were noted.

Council and Staff Reports

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

Councilwoman Frost wished everyone a Merry Christmas.

Mayor Tedford also wished everyone a Merry Christmas.

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 9:23 a.m.

Mayor Ken Tedford

Attest: _____
Sean C. Richardson, City Clerk-Treasurer

DRAFT

**MINUTES
CITY OF FALLON
55 West Williams Avenue
Fallon, Nevada
January 4, 2021**

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 Councilwoman Kelly Frost
City Councilwoman Karla Kent
Police Chief Kevin Gehman
Chief of Staff Robert Erquiaga
Deputy City Clerk Elsie M. Lee
City Clerk-Treasurer Sean C. Richardson

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

Mayor Tedford led the Pledge of Allegiance.

Mayor Tedford requested that everyone remain standing for a Moment of Silence for Mr. Don Travis. He was a teacher, a principal, a Churchill County Commissioner, and a member of the Truckee Carson Irrigation District Board of Directors.

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

Chief of Staff Erquiaga advised that the agenda was posted in compliance with Governor Sisolak's Emergency Directives, the agenda and the supporting materials were posted at City Hall, on the City's website, and the State of Nevada's public notice website on or before 9:00 a.m. on December 29, 2020.

Mayor Tedford noted for the record that Councilman Richardson was out of town.

Public Comments

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

Mr. Geoff Knell of 261 Serpa Place stated that believing and trusting in the Lord Jesus Christ would bring peace. The Word of God can offer instruction and give wisdom for decisions made in your life. He advised that 1 Corinthians 6:9 advises that drunkards will not inherit the

Kingdom of God. People abuse alcohol and they burn bridges in their family and in relationships. They also kill their body and shorten their lifespan. People continue to do things that are an abomination of God. People sneak around and fornicate. When he was in the Navy, the drunkards were sent to his work center and he had to deal with them and their dependence on alcohol. He used to drink and smoke and cuss, but the Word of God was given to him and he changed within his soul. He is happier today. We all hold grudges, judge, and condemn, even though we say that we do not mean it. God provides the spiritual sense that whatever we do, he can change us and bring joy and peace to our hearts. God wants you to repent and believe in Jesus Christ, but our society and culture have pushed Him out. Virtue, knowledge, and self-control will lead to God and He will give you the peace that you are looking for. You will need it for the very near future, because if what he thinks is going to happen, does happen, darkness is going to prevail.

Mayor Tedford thanked Mr. Knell.

Approval of Council meeting minutes for December 21, 2020

Mayor Tedford inquired if there were any additions or corrections to the minutes for December 21, 2020.

No additions or corrections were noted.

Councilwoman Frost motioned to approve the Council meeting minutes for December 21, 2020 as submitted, seconded by Councilwoman Kent and approved with a 2-0 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 Kent motioned to approve the accounts payable, payroll and customer deposit warrants and authorize the Mayor to sign the same; seconded by Councilwoman Frost and approved with a 2-0 vote by the Council.

Consideration and possible approval of an application by Gregg and Laura Malkovich for a drinking establishment liquor license for Malkos' LLC dba Jo's Stillwater Tea Room to be located at 85 South Maine Street

Deputy City Clerk Lee explained that Gregg and Laura Malkovich, owners of Malkos' LLC, have made an application for a drinking establishment liquor license for Malkos' LLC dba Jo's Stillwater Tea Room to be located at 85 South Maine Street. 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 Police Captain Alexander, City Engineer Zimney, Deputy City Clerk Lee, and Chief of Staff Erquiaga and has been recommended for approval.

Mayor Tedford inquired if the Council had any questions for Deputy City Clerk Lee, Chief of Staff Erquiaga, or Chief Gehman in attendance today.

No questions were noted.

Mayor Tedford inquired if the Council had any comments or questions for Gregg or Laura Malkovich.

Councilwoman Frost inquired if the business would keep the same hours as the previous owner.

Ms. Laura Malkovich replied the new operating hours would be 2:00 p.m. to 9:00 p.m. instead of the former owner's 4:00 p.m. to 9:00 p.m. schedule.

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

Mr. Geoff Knell of 261 Serpa Place stated that he was okay with this business. They have a controlled environment, not like Leah's or The Slippery. Their atmosphere is great, it is very calm, there is no smoking, and when he walks by with his dog, he does not encounter any violence. He asked Councilwoman Frost, as his representative in Ward I, to vote in favor of this application.

No further comments were noted.

Councilwoman Frost motioned to approve the application by Gregg and Laura Malkovich for a drinking establishment liquor license for Malkos' LLC dba Jo's Stillwater Tea Room to be located at 85 South Maine Street; seconded by Councilwoman Kent and approved with a 2-0 vote by the Council.

Public Comments

Mayor Tedford inquired if there were any public comments.

Mr. Geoff Knell of 261 Serpa Place stated that he obtained his business management degree in 2002 and he understood the function of what the Council was doing, except we are going bankrupt. As he analyzed the City of Fallon and Churchill County governments, he looked at all the confusing numbers and noted that control was missing. Our local governments are taking on too much debt and following a pattern which is above our heads and telling us what to do. He clarified that he was talking about the State government. Our State government indirectly gives approval to kill the unborn and Washoe County determined LGBTQ to be healthy and normal in human sexuality teachings. He was there and spoke out against it, but no one would listen because it was all political. There is a marijuana situation and recreational drugs are allowed just for the money. There are people with medical marijuana that give it to family members. As he experimented with and used it, he found that it screws up your body and you make irrational decisions. The influence of Satan comes in. In his opinion, it should not be a source of income, people should not be using it. Marijuana is a gateway for people to do crystal meth and heroin. The COVID-19 lockdown made people turn to these vices. He congratulated the Council on following the United Nations mandate for sustainable development. It was all a plan to screw up this nation and take away liberties. The Council participated in it whether they realized it or not with property taxes, regulation, and ordinances. It is all by design which the Council is under the influence of. He advised the Council to rebel against it and open up this City and let us be free to make our own choices.

Mayor Tedford thanked Mr. Knell.

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 9:17 a.m.

Mayor Ken Tedford

Attest: _____
Sean C. Richardson, City Clerk-Treasurer

February 1, 2021

Agenda Item 6

Public hearing for Bill No. 786: An ordinance providing for the annexation of 6.05 acres, more or less, located at 879, 899 and 901 South Maine Street, owned by Churchill County, Nevada, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto. **(For discussion only)**

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 6

DATE SUBMITTED: January 25, 2021

AGENDA DATE REQUESTED: February 1, 2021

TO: The Honorable City Council

FROM: Robert Erquiaga, Chief of Staff

SUBJECT TITLE: Public hearing for Bill No. 786: An ordinance providing for the annexation of 6.05 acres, more or less, located at 879, 899 and 901 South Maine Street, owned by Churchill County, Nevada, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto. **(For discussion only)**

TYPE OF ACTION REQUESTED: (Check One)

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

POSSIBLE COUNCIL ACTION: None in this agenda item, it is for the public hearing for Bill No. 786 only.

DISCUSSION: Bill No. 786 was introduced by Councilwoman Frost at the Council's properly noticed regular meeting on January 19, 2021. Notice of the deposit of copies of the proposed ordinance and the public hearing date was duly published in the Lahontan Valley News on January 20, 2021. The proposed ordinance, the Annexation Agreement and the Proof and Statement of Publication of the Notice of Deposit of Copies and Public Hearing to Adopt Bill No. 786 are attached to this coversheet. This agenda item represents the public's opportunity to comment on the proposed ordinance and to present relevant information and materials to the Council.

TO BE PRESENTED BY: Robert Erquiaga, Chief of Staff

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF 6.05 ACRES, MORE OR LESS, LOCATED AT 879, 899 AND 901 SOUTH MAINE STREET, OWNED BY CHURCHILL COUNTY, NEVADA, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF FALLON, NEVADA, AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

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

WHEREAS, Churchill County, Nevada, the owners of record of 879, 899 and 901 South Maine Street, a parcel of land consisting of 6.05 acres, more or less, ("the Annexation Parcel") have presented a signed Petition requesting the City Council to annex the Annexation Parcel to the City; and

WHEREAS, Churchill County has caused an accurate map of the Annexation Parcel to be made under the supervision of a licensed surveyor and have filed a copy of said map with the City of Fallon; and

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

WHEREAS, the Annexation Parcel is contiguous to the existing corporate limits of the City of Fallon as the parcel abuts directly on the boundary of the City of Fallon; and

WHEREAS, Churchill County has requested that, upon annexation, zoning of the annexed parcel be set as C-2 General Commercial District as set forth in the Fallon Municipal Code; and

WHEREAS, Churchill County has entered into an Annexation Agreement with the City of Fallon; and

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

///

///

///

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

SECTION I

That all those certain lots, pieces or parcels of land situate, lying and being in the County of Churchill, State of Nevada, more particularly described as follows, to wit:

All that certain parcel situate within a portion of Southwest One-Quarter (SW1/4) of Section Thirty-Two (31), Township Nineteen (19) North, Range Twenty-Nine (29) East, Mount Diablo Meridian, Churchill County, Nevada, being a portion of the parcel described in Decree Quieting Title, Document No. 252407 in the Official Records of Churchill County, Nevada, said parcel being more particularly described as follows:

COMMENCING at the center 1/4 corner of said Section 31;

THENCE South 65°58'29" West, 745.30 feet to the POINT OF BEGINNING, being on the easterly line of said Parcel;

THENCE along said easterly line, South 00°10'19" West, 167.27 feet to the centerline of the 100' Wide U.S. Easement New River Drain;

THENCE along said centerline, South 20°46'09" West, 369.14 feet to the southeast corner of said Parcel;

THENCE along the southerly line of said Parcel, North 89°36'11" West, 235.92 feet to the southwest corner of said Parcel;

THENCE along the westerly line of said Parcel, North 00°15'06" East, 285.00 feet;

THENCE continuing along said westerly line, North 88°06'46" West, 227.17 feet;

THENCE continuing along said westerly line, South 82°54'09" West, 44.38 feet to the easterly right-of-way line of Maine Street;

THENCE continuing along said westerly Parcel line and said easterly right-of-way line, North 00°15'25" East, 308.69 feet to the northwest corner of said Parcel;

THENCE leaving easterly right-of-way line, along the northerly line of said Parcel, being coincident with the southerly boundary of alley as shown on Ferguson Heights Addition, File No. 43714 in the Official Records of Churchill County, Nevada, South 89°33'19" East, 467.23 feet to the northeast corner of said Parcel;

THENCE leaving said southerly alley line, along the easterly line of said Parcel, South 00°01'21" West, 79.90 feet;

THENCE continuing along said easterly line, South 89°32'05" East, 168.58 feet to the POINT OF BEGINNING.

Said ANNEXATION PARCEL contains 6.05 acres of land, more or less.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE NAD83(94) BASED UPON FOUND MONUMENTS ALONG THE RIGHT-OF-WAY LINES OF MAINE STREET AND MEASURED AS N 01°15'25" E ON THIS SURVEY. THE PROJECT COMBINED FACTOR IS 1.0001854204, SCALED FROM 0.00N, 0.00E AND CONVERTED TO U.S. SURVEY FEET.

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

SECTION II

That zoning for the annexed parcel is hereby set as C-2 General Commercial District as set forth in the Fallon Municipal Code.

SECTION III

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

SECTION IV

That this ordinance shall be in full force and effect from and after passage, approval and publication as required by law and completion of the requirements of NRS 268.600.

Proposed by: Councilwoman Frost

Passed and adopted this ____ day of _____, 2021.

Ayes: _____

Nays: _____

Absent: _____

KEN TEDFORD
Mayor

ATTEST: _____
SEAN RICHARDSON
City Clerk-Treasurer

DRAFT

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

Signed: _____
Derek Zimney, City Engineer

Assessor's Parcel #: 007-731-01

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

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made and entered into this ____ day of _____, 2020, by and between the CITY OF FALLON ("the City"), a political subdivision of the State of Nevada, and CHURCHILL COUNTY ("the Owner"), a political subdivision of the State of Nevada.

WITNESSETH

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

All that certain parcel situate within a portion of Southwest One-Quarter (SW1/4) of Section Thirty-Two (31), Township Nineteen (19) North, Range Twenty-Nine (29) East, Mount Diablo Meridian, Churchill County, Nevada, being a portion of the parcel described in Decree Quietening Title, Document No. 252407 in the Official Records of Churchill County, Nevada, said parcel being more particularly described as follows:

COMMENCING at the center 1/4 corner of said Section 31;

THENCE South 65°58'29" West, 745.30 feet to the POINT OF BEGINNING, being on the easterly line of said Parcel;

THENCE along said easterly line, South 00°10'19" West, 167.27 feet to the centerline of the 100' Wide U.S. Easement New River Drain;

THENCE along said centerline, South 20°46'09" West, 369.14 feet to the southeast corner of said Parcel;

THENCE along the southerly line of said Parcel, North 89°36'11" West, 235.92 feet to the southwest corner of said Parcel;

THENCE along the westerly line of said Parcel, North 00°15'06" East, 285.00 feet;

THENCE continuing along said westerly line, North 88°06'46" West, 227.17 feet;

THENCE continuing along said westerly line, South 82°54'09" West, 44.38 feet to the easterly right-of-way line of Maine Street;

THENCE continuing along said westerly Parcel line and said easterly right-of-way line, North 00°15'25" East, 308.69 feet to the northwest corner of said Parcel;

THENCE leaving easterly right-of-way line, along the northerly line of said Parcel, being coincident with the southerly boundary of alley as shown on Ferguson Heights Addition, File No. 43714, in the Official Records of Churchill County, Nevada, South 89°33'19" East, 467.23 feet to the northeast corner of said Parcel;

THENCE leaving said southerly alley line, along the easterly line of said Parcel, South 00°01'21" West, 79.90 feet;

THENCE continuing along said easterly line, South 89°32'05" East, 168.58 feet to the POINT OF BEGINNING.

Said ANNEXATION PARCEL contains 0.05 acres of land, more or less.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE NAD83(94) BASED UPON FOUND MONUMENTS ALONG THE RIGHT-OF-WAY LINES OF MAINE STREET AND MEASURED AS N 01°15'25" E ON THIS SURVEY. THE PROJECT COMBINED FACTOR IS 1.0001854204, SCALED FROM 0.00N, 0.00E AND CONVERTED TO U.S. SURVEY FEET.

WHEREAS, the City operates water, water treatment, sewer and electric utility systems and the Property is contiguous to the existing boundaries of the corporate limits of the City, and otherwise a proper subject of annexation in accordance with the provisions of Nevada law; and

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

WHEREAS, the Fallon Municipal Code of Fallon, Nevada, 1977, as amended ("FMC"), provides for certain improvements to be made by an applicant upon annexation of properties

into the City, including, but not limited to, improvements relating to water lines, sewer lines, electric lines, streets, street lights, curbs, gutters, sidewalks and storm drains; and

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

WHEREAS, the Owner has requested that upon annexation the zoning of the Property be set as C-2 General Commercial District as set forth in the FMC.

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

1. The City will initiate and accomplish the procedures required by law for the annexation of the Property, in accordance with the provisions of NRS 268.636 et. seq.
2. The Owner agrees to connect all future improvements and buildings requiring water, water treatment, sewer and electric service to City utilities, including payment of the utility connection fees in effect at the time of development of the Property.
3. The Owner agrees to provide all necessary easements on the Property for such utility connections.
4. If applicable, the Owner shall pay to the City a water rights dedication fee at the time of annexation, said fee being the initial fee for one unit of water rights in lieu of the dedication of underground water rights. The Owner shall also pay such additional water right dedication fees as are required for future development of the Property that requires more than one unit of water rights or subsequent divisions or development of the Property as applicable.
5. The Owner shall install curbs, gutters, sidewalks, streetlights and paving to the existing pavement along the frontage of the Property along South Maine Street. The parties acknowledge that these improvements are currently under construction and will be completed by the City's Downtown Streetscape Phase 4 Project, a project funded in large part by Federal Transportation Alternatives Program Funds.
6. Except as otherwise provided in Section 5, the Owner shall install the improvements and connections required by this Annexation Agreement and the FMC in accordance with City of Fallon specifications at no cost to the City.
7. The Owner agrees that the zoning for the Property shall be set by the Fallon City Council and subject to the provisions of the FMC.
8. The Owner acknowledges and agrees that each of the aforesaid conditions imposed

on the Owner, whether of a financial or a performance nature, are conditions precedent to acceptance of the Property for annexation and to receipt of the above-described City municipal utility services.

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

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

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

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

CHURCHILL COUNTY

CITY OF FALLON

By: _____
H. Peter Olsen
County Commission Chairman

By: _____
Ken Tedford
Mayor

Attest: _____
James Barbee
County Manager

Attest: _____
Sean Richardson
City-Clerk Treasurer

February 1, 2021

Agenda Item 7

Consideration and possible adoption of Bill No. 786 as Ordinance No. 767: An ordinance providing for the annexation of 6.05 acres, more or less, located at 879, 899 and 901 South Maine Street, owned by Churchill County, Nevada, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto. **(For possible action)**

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 7

DATE SUBMITTED: January 25, 2021

AGENDA DATE REQUESTED: February 1, 2021

TO: The Honorable City Council

FROM: Robert Erquiaga, Chief of Staff

SUBJECT TITLE: Consideration and possible adoption of Bill No. 786 as Ordinance No. 767: An ordinance providing for the annexation of 6.05 acres, more or less, located at 879, 899 and 901 South Maine Street, owned by Churchill County, Nevada, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto. **(For possible action)**

TYPE OF ACTION REQUESTED: (Check One)

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

RECOMMENDED COUNCIL ACTION: Motion to adopt Bill No. 786 as Ordinance No. 767: An ordinance providing for the annexation of 6.05 acres, more or less, located at 879, 899 and 901 South Maine Street, owned by Churchill County, Nevada, and contiguous to the corporate limits of the City of Fallon, Nevada, and for other matters properly related thereto.

DISCUSSION: This agenda item represents the Council's opportunity to consider the proposed ordinance as they see fit. The Council is free to adopt the Bill as introduced or to amend the Bill, in any respect, prior to its adoption. The proposed ordinance, the Annexation Agreement and the Proof and Statement of Publication of the Notice of Deposit of Copies and Public Hearing to Adopt Bill No. 786 are attached to this coversheet.

TO BE PRESENTED BY: Robert Erquiaga, Chief of Staff

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF 6.05 ACRES, MORE OR LESS, LOCATED AT 879, 899 AND 901 SOUTH MAINE STREET, OWNED BY CHURCHILL COUNTY, NEVADA, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF FALLON, NEVADA, AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

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

WHEREAS, Churchill County, Nevada, the owners of record of 879, 899 and 901 South Maine Street, a parcel of land consisting of 6.05 acres, more or less, ("the Annexation Parcel") have presented a signed Petition requesting the City Council to annex the Annexation Parcel to the City; and

WHEREAS, Churchill County has caused an accurate map of the Annexation Parcel to be made under the supervision of a licensed surveyor and have filed a copy of said map with the City of Fallon; and

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

WHEREAS, the Annexation Parcel is contiguous to the existing corporate limits of the City of Fallon as the parcel abuts directly on the boundary of the City of Fallon; and

WHEREAS, Churchill County has requested that, upon annexation, zoning of the annexed parcel be set as C-2 General Commercial District as set forth in the Fallon Municipal Code; and

WHEREAS, Churchill County has entered into an Annexation Agreement with the City of Fallon; and

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

///

///

///

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

SECTION I

That all those certain lots, pieces or parcels of land situate, lying and being in the County of Churchill, State of Nevada, more particularly described as follows, to wit:

All that certain parcel situate within a portion of Southwest One-Quarter (SW1/4) of Section Thirty-Two (31), Township Nineteen (19) North, Range Twenty-Nine (29) East, Mount Diablo Meridian, Churchill County, Nevada, being a portion of the parcel described in Decree Quieting Title, Document No. 252407 in the Official Records of Churchill County, Nevada, said parcel being more particularly described as follows:

COMMENCING at the center 1/4 corner of said Section 31;

THENCE South 65°58'29" West, 745.30 feet to the POINT OF BEGINNING, being on the easterly line of said Parcel;

THENCE along said easterly line, South 00°10'19" West, 167.27 feet to the centerline of the 100' Wide U.S. Easement New River Drain;

THENCE along said centerline, South 20°46'09" West, 369.14 feet to the southeast corner of said Parcel;

THENCE along the southerly line of said Parcel, North 89°36'11" West, 235.92 feet to the southwest corner of said Parcel;

THENCE along the westerly line of said Parcel, North 00°15'06" East, 285.00 feet;

THENCE continuing along said westerly line, North 88°06'46" West, 227.17 feet;

THENCE continuing along said westerly line, South 82°54'09" West, 44.38 feet to the easterly right-of-way line of Maine Street;

THENCE continuing along said westerly Parcel line and said easterly right-of-way line, North 00°15'25" East, 308.69 feet to the northwest corner of said Parcel;

THENCE leaving easterly right-of-way line, along the northerly line of said Parcel, being coincident with the southerly boundary of alley as shown on Ferguson Heights Addition, File No. 43714 in the Official Records of Churchill County, Nevada, South 89°33'19" East, 467.23 feet to the northeast corner of said Parcel;

THENCE leaving said southerly alley line, along the easterly line of said Parcel, South 00°01'21" West, 79.90 feet;

THENCE continuing along said easterly line, South 89°32'05" East, 168.58 feet to the POINT OF BEGINNING.

Said ANNEXATION PARCEL contains 6.05 acres of land, more or less.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE NAD83(94) BASED UPON FOUND MONUMENTS ALONG THE RIGHT-OF-WAY LINES OF MAINE STREET AND MEASURED AS N 01°15'25" E ON THIS SURVEY. THE PROJECT COMBINED FACTOR IS 1.0001854204, SCALED FROM 0.00N, 0.00E AND CONVERTED TO U.S. SURVEY FEET.

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

SECTION II

That zoning for the annexed parcel is hereby set as C-2 General Commercial District as set forth in the Fallon Municipal Code.

SECTION III

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

SECTION IV

That this ordinance shall be in full force and effect from and after passage, approval and publication as required by law and completion of the requirements of NRS 268.600.

Proposed by: Councilwoman Frost

Passed and adopted this ____ day of _____, 2021.

Ayes: _____

Nays: _____

Absent: _____

KEN TEDFORD
Mayor

ATTEST: _____
SEAN RICHARDSON
City Clerk-Treasurer

DRAFT

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

Signed: _____
Derek Zimney, City Engineer

Assessor's Parcel #: 007-731-01

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

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT is made and entered into this ____ day of _____, 2020, by and between the CITY OF FALLON ("the City"), a political subdivision of the State of Nevada, and CHURCHILL COUNTY ("the Owner"), a political subdivision of the State of Nevada.

WITNESSETH

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

All that certain parcel situate within a portion of Southwest One-Quarter (SW1/4) of Section Thirty-Two (31), Township Nineteen (19) North, Range Twenty-Nine (29) East, Mount Diablo Meridian, Churchill County, Nevada, being a portion of the parcel described in Decree Quietng Title, Document No. 252407 in the Official Records of Churchill County, Nevada, said parcel being more particularly described as follows:

COMMENCING at the center 1/4 corner of said Section 31;

THENCE South 65°58'29" West, 745.30 feet to the POINT OF BEGINNING, being on the easterly line of said Parcel;

THENCE along said easterly line, South 00°10'19" West, 167.27 feet to the centerline of the 100' Wide U.S. Easement New River Drain;

THENCE along said centerline, South 20°46'09" West, 369.14 feet to the southeast corner of said Parcel;

THENCE along the southerly line of said Parcel, North 89°36'11" West, 235.92 feet to the southwest corner of said Parcel;

THENCE along the westerly line of said Parcel, North 00°15'06" East, 285.00 feet;

THENCE continuing along said westerly line, North 88°06'46" West, 227.17 feet;

THENCE continuing along said westerly line, South 82°54'09" West, 44.38 feet to the easterly right-of-way line of Maine Street;

THENCE continuing along said westerly Parcel line and said easterly right-of-way line, North 00°15'25" East, 308.69 feet to the northwest corner of said Parcel;

THENCE leaving easterly right-of-way line, along the northerly line of said Parcel, being coincident with the southerly boundary of alley as shown on Ferguson Heights Addition, File No. 43714 in the Official Records of Churchill County, Nevada, South 89°33'19" East, 467.23 feet to the northeast corner of said Parcel;

THENCE leaving said southerly alley line, along the easterly line of said Parcel, South 00°01'21" West, 79.90 feet;

THENCE continuing along said easterly line, South 89°32'05" East, 168.58 feet to the POINT OF BEGINNING.

Said ANNEXATION PARCEL contains 6.05 acres of land, more or less.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE NAD83(94) BASED UPON FOUND MONUMENTS ALONG THE RIGHT-OF-WAY LINES OF MAINE STREET AND MEASURED AS N 01°15'25" E ON THIS SURVEY. THE PROJECT COMBINED FACTOR IS 1.0001854204, SCALED FROM 0.00N, 0.00E AND CONVERTED TO U.S. SURVEY FEET.

WHEREAS, the City operates water, water treatment, sewer and electric utility systems and the Property is contiguous to the existing boundaries of the corporate limits of the City, and otherwise a proper subject of annexation in accordance with the provisions of Nevada law; and

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

WHEREAS, the Fallon Municipal Code of Fallon, Nevada, 1977, as amended ("FMC"), provides for certain improvements to be made by an applicant upon annexation of properties

into the City, including, but not limited to, improvements relating to water lines, sewer lines, electric lines, streets, street lights, curbs, gutters, sidewalks and storm drains; and

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

WHEREAS, the Owner has requested that upon annexation the zoning of the Property be set as C-2 General Commercial District as set forth in the FMC.

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

1. The City will initiate and accomplish the procedures required by law for the annexation of the Property, in accordance with the provisions of NRS 268.636 et. seq.
2. The Owner agrees to connect all future improvements and buildings requiring water, water treatment, sewer and electric service to City utilities, including payment of the utility connection fees in effect at the time of development of the Property.
3. The Owner agrees to provide all necessary easements on the Property for such utility connections.
4. If applicable, the Owner shall pay to the City a water rights dedication fee at the time of annexation, said fee being the initial fee for one unit of water rights in lieu of the dedication of underground water rights. The Owner shall also pay such additional water right dedication fees as are required for future development of the Property that requires more than one unit of water rights or subsequent divisions or development of the Property as applicable.
5. The Owner shall install curbs, gutters, sidewalks, streetlights and paving to the existing pavement along the frontage of the Property along South Maine Street. The parties acknowledge that these improvements are currently under construction and will be completed by the City's Downtown Streetscape Phase 4 Project, a project funded in large part by Federal Transportation Alternatives Program Funds.
6. Except as otherwise provided in Section 5, the Owner shall install the improvements and connections required by this Annexation Agreement and the FMC in accordance with City of Fallon specifications at no cost to the City.
7. The Owner agrees that the zoning for the Property shall be set by the Fallon City Council and subject to the provisions of the FMC.
8. The Owner acknowledges and agrees that each of the aforesaid conditions imposed

on the Owner, whether of a financial or a performance nature, are conditions precedent to acceptance of the Property for annexation and to receipt of the above-described City municipal utility services.

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

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

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

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

CHURCHILL COUNTY

CITY OF FALLON

By: _____
H. Peter Olsen
County Commission Chairman

By: _____
Ken Tedford
Mayor

Attest: _____
James Barbee
County Manager

Attest: _____
Sean Richardson
City-Clerk Treasurer

February 1, 2021

Agenda Item 8

Consideration and possible approval of a professional services contract with Atkins North America, Inc. for engineering design and bidding services for the Relocation of Taxiway G project at the Fallon Municipal Airport in an amount not-to-exceed Sixty Thousand Dollars (\$60,000.00), of which the FAA share would be 93.75% or Fifty-Six Thousand Two Hundred Fifty Dollars (\$56,250.00) and the City's share would be 6.25% or Three Thousand Seven Hundred Fifty Dollars (\$3,750.00). **(For possible action)**

**CITY OF FALLON
REQUEST FOR COUNCIL ACTION**

Agenda Item No. 8

DATE SUBMITTED: January 25, 2021

AGENDA DATE REQUESTED: February 1, 2021

TO: The Honorable City Council

FROM: Robert Erquiaga, Chief of Staff

SUBJECT TITLE: Consideration and possible approval of a professional services contract with Atkins North America, Inc. for engineering design and bidding services for the Relocation of Taxiway G project at the Fallon Municipal Airport in an amount not-to-exceed Sixty Thousand Dollars (\$60,000.00), of which the FAA share would be 93.75% or Fifty-Six Thousand Two Hundred Fifty Dollars (\$56,250.00) and the City's share would be 6.25% or Three Thousand Seven Hundred Fifty Dollars (\$3,750.00). **(For possible action)**

TYPE OF ACTION REQUESTED: (Check One)

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

RECOMMENDED COUNCIL ACTION: Motion to approve a professional services contract with Atkins North America, Inc. for engineering design and bidding services for the Relocation of Taxiway G project at the Fallon Municipal Airport in an amount not-to-exceed Sixty Thousand Dollars (\$60,000.00), of which the FAA share would be 93.75% or Fifty-Six Thousand Two Hundred Fifty Dollars (\$56,250.00) and the City's share would be 6.25% or Three Thousand Seven Hundred Fifty Dollars (\$3,750.00).

DISCUSSION: The City has identified the Relocation of Taxiway G project at the Fallon Municipal Airport as its next airport capital improvement project. If approved, Atkins would complete the engineering design and bidding services for the project now and the project would then be submitted to the FAA for approval. If approved, the FAA portion would be reimbursable when a grant is received for construction costs in the summer of 2021.

FISCAL IMPACT: \$3,750.00 City of Fallon Airport Fund and \$56,250.00 FAA Grant Funds

FUNDING SOURCE: FAA and the City of Fallon Airport Fund

TO BE PRESENTED BY: Robert Erquiaga, Chief of Staff

CITY OF FALLON

TASK No. 12

**ENGINEERING SERVICES
FOR THE
RELOCATION OF TAXIWAY G AT THE
FALLON MUNICIPAL AIRPORT**

1. DESCRIPTION OF PROJECT

Relocation of Taxiway G from its current location (540 feet from Runway 3 threshold) to the new location an additional 800 feet further to the northeast will eliminate one direct apron/taxiway to runway access point. Currently, existing Taxiway G is in an alignment from initial construction of the airport to allow access from the aircraft apron to the runway.

2. SCOPE OF WORK AND FEES

Provide design and bid services for the project per Attachment B on a time and expense basis for a fee not-to-exceed \$60,000 of which the FAA share is 93.75% or \$56,250 and the City's share is 6.25% or \$3,750. Invoices will be submitted monthly for work completed the previous month. Fees will be based upon the 2021 Fee Schedule set forth in Attachment A. Fees for the construction management, inspection, and materials testing are not included. Fees associated with the application for Use Permits and/or Building Permits are not included. Services for this task will be performed as stated herein and under the Agreement for Engineering Services dated January 4, 2016. This task shall also amend the terms and conditions in the Agreement for Engineering Services to incorporate applicable grant assurances required by the Federal Aviation Administration.

Dated _____, 2021

ATTEST:

City of Fallon, Nevada:

By: _____

By: _____
Ken Tedford, Mayor

Atkins North America, Inc.

By: _____
Daniel Knott, Sr. Project Director

Attachment A

ATKINS NORTH AMERICA, INC. 2021 HOURLY RATE SCHEDULE

OFFICE PERSONNEL

Project Director	\$250
Project Manager	\$200
Senior Engineer	\$180
Engineer	\$155
Sr. Technician	\$120
Technician	\$100
Clerical	\$80

SURVEY PERSONNEL

Survey Manager	\$180
Senior Survey Technician	\$120
Survey Technician	\$100

** Survey crew rates include all standard survey equipment*

EQUIPMENT

Mileage	\$0.58/mi.
---------	------------

OUTSIDE SERVICES

Cost + 10%

NOTES:

Time spent on projects in litigation, in depositions and providing expert testimony will be charged at the standard rate times 1.5.

Personnel rates shown in the above fee schedule apply to project charges during calendar year 2021.

ATTACHMENT B

TASK No. 12

ENGINEERING SERVICES FOR THE RELOCATION OF TAXIWAY G AT THE FALLON MUNICIPAL AIRPORT January 18, 2021

A. DESIGN SERVICES

1. Engineer will prepare the CATEX, improvement plans, contract documents, and technical specifications for the proposed project. Engineer will submit the documents to the City of Fallon and the Federal Aviation Administration for review and approval.
2. Engineer will prepare cost estimates for the project.
3. Engineer will prepare a Design Report in accordance with FAA requirements.
4. Engineer will prepare a Construction Safety Plan in accordance with FAA requirements.

B. BID SERVICES

1. Engineer will distribute the Bid Documents to the City of Fallon, potential bidders, material suppliers, and other interested parties.
2. Engineer will attend and conduct a pre-bid meeting with prospective bidders for the project.
3. Engineer will attend and assist in the bid opening and prepare a tabulation of the bid proposals, analyze the bids, and make recommendations for awarding a contract for construction.
4. Engineer will assist the City in executing the contract with the successful bidder. Engineer will prepare booklets with copies of the executed contract, bonds, insurance, technical specifications, and plans.