

**MINUTES
CITY OF FALLON
55 West Williams Ave
Fallon, Nevada
January 10, 2023**

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

Present:

Mayor Ken Tedford
Councilwoman Kelly Frost
Councilwoman Karla Kent
Councilman Paul Harmon
Chief of Staff Bob Erickson
City Attorney Michael Mackedon
Deputy City Attorney Trent deBraga
Deputy City Attorney Sean Rowe
Public Works Director Brian Byrd
Deputy Public Works Director Ryan Swirczek
Deputy Public Works Director Adrian Noriega
City Clerk Treasurer Sean Richardson
Deputy City Clerk Elsie Lee
Deputy City Clerk Michael O'Neill
Chief Kris Alexander
Captain Ron Wenger
Captain John Riley
Emergency Manager Steve Endacott

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

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 comments were noted.

Consideration and possible approval of Council meeting minutes from November 15, 2022.

Mayor Tedford inquired if there were any corrections or additions to the proposed minutes.

No corrections or additions were noted.

Councilwoman Kent motioned to approve Council meeting minutes from November 15, 2022; seconded by Councilman Harmon and approved with a 3-0 vote by the Council.

Mayor Tedford stated that items 5-8 are for liquor licenses. Normally, we have a short discussion, I do at least, and I know the Chief has talked with all of them. These liquor licenses also go through a committee, in the City, that is made up of the Police Chief, Deputy City Clerk, City Engineer, and a Deputy City Attorney. The Police Chief makes an effort to talk to each and every one of you who is here for a liquor license today. I am going to make an overall comment concerning liquor licenses and it may not be applicable for each of you here today. Especially, Ms. McHone from Safeway. A liquor license is just that, for liquor. That is all that we are approving here today. We have had some bars recently that have thought that extends beyond liquor. I want you to know, and I want to be really clear, that this is not a cabaret license. With a cabaret license, you must come back to us, the Council. You have to go through Derek again, and you outline what you want to do, in there, for entertainment. Then, you come back to the Council to get approval for a cabaret license. A cabaret license is anything that has to do with live entertainment. That could be as simple as karaoke, music, dancing, bands, and anything that you can think of that has to do with entertainment. That is cabaret. That is not approved today under a liquor license. We have had some misunderstandings at a few places around this community. I want you to also know the Police Department has had some discussion with staff internally here, that this is for 21-year-olds and older. You can't have any 18-year-olds in here, or family nights. This is for 21-year-olds and older. The Police are going to start cracking down on 18-year-olds that are coming to a night that you might think is okay. It is not okay; it is illegal in this state. I just want you to know that those are restrictions. A liquor license does not allow you to sell food in your establishment. That is a whole other purview, that we don't do here today. Those who currently sell food, all know, that you go under the State Department of Health and the regulations that they have. Some of have felt that a liquor license allows them to sell food, it doesn't. Derek has some restrictions, as far as grease traps and the things, that we require and that isn't okay here today either. All we are doing is a liquor license, and you need to know, and I am not trying to scold anyone, I am just trying to clarify what a liquor license is. It is a privilege, and it can be revoked. That can be done on an emergency basis, and I have done it before, in my tenure here, and on emergency basis and brought to the Council later. Just so you know that. All we are doing today is a liquor license, and it is a very simple process. You have already gotten through the hard part of it, filling out all the forms, if you ask me, that is the hard part, today is kind of easy. I just want to clarify what a liquor license is, and what it isn't, so, you are aware of it. Let's get through these because they are pretty quick to go through.

Consideration and possible approval of an application by Ellen Lee for a drinking establishment liquor license for 138 Entity dba The Wok Chinese Restaurant with Sushi located at 255 S Maine Street.

Deputy City Clerk Elsie Lee stated Ellen Lee, owner of 138 Entity LLC dba The Wok Chinese Restaurant with Sushi has made an application for a drinking establishment liquor license for 138 Entity LLC dba The Wok Chinese Restaurant with Sushi, to be located at 255 S Maine Street. A drinking establishment liquor license is a privileged license that allows the licensee to sell or provide alcoholic beverages from a fixed and definite place of business for consumption upon the premises only. The application has been reviewed by Police Chief Kris Alexander, Deputy City Clerk Elsie Lee, City Engineer Derek Zimney, and Deputy City Attorney Trent deBraga and has been recommend for approval.

Councilwoman Frost wanted to clarify that this is an existing business with new ownership.

Deputy City Clerk Elsie Lee informed her that she was correct. It is the same location just a change of ownership.

Councilman Harmon wanted to clarify a few things regarding the Mayor's previous statement. How does the liquor license differ from the bar in this case?

Deputy City Attorney stated that this particular application is just for the liquor license. I believe The Wok has already secured their business license and I am assuming they have all of the State and the Department of Health permits. With the liquor license it authorizes The Wok to sell liquor on the premises, and serve food as well. This just gives them the authority to sell the liquor on the premises and they have their business license, and all their other permits, which also allows them to sell food and other things as well.

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

No further comments were noted.

Councilwoman Frost motioned to approve the application by Ellen Lee for a drinking establishment liquor license for 138 Entity dba The Wok Chinese Restaurant with Sushi located at 255 S Maine Street; seconded by Councilman Harmon and approved with a 3-0 vote by the Council.

Thank you Mrs. Lee you are good to go. If you have any issues, call the Police Department.

Consideration and possible approval of an application by Andrea McHone for a retail establishment liquor license for Safeway, Inc. dba Safeway #1517 located at 890 W Williams Avenue.

Deputy City Clerk Elsie Lee stated Andrea McHone, Store Director of Safeway Stores Inc. dba Safeway #1517 has made an application for a retail liquor license for Safeway, Inc. dba Safeway #1517 located at 890 W 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. The application has been reviewed by Police Chief Kris Alexander, Deputy City Clerk Elsie Lee, City Engineer Derek Zimney, and Deputy City Attorney Trent deBraga and has been recommend for approval.

Mayor Tedford wanted to clarify for Council Harmon that there are some differences for on and off premise liquor licenses. This is an off-premises license.

Councilwoman Kent asked if there is a change in director, if that new director assumes the responsibility of the license to ensure that it sells to over 21-year-olds.

Deputy Clerk Elsie confirmed her question. Currently, we have a person identified on each liquor license. So, if that person is no longer over that store, they need to come in for an application for the next manager or director.

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

No further comments were noted.

Councilwoman Kent motioned approve the application by Andrea McHone for a retail establishment liquor license for Safeway, Inc. dba Safeway #1517 located at 890 W Williams Avenue; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible approval of an application by Paegen Magner for a drinking establishment liquor license and a retail establishment liquor license for Bottle and Brie, LLC to be located at 65 S Maine Street, Suite A & B.

Deputy City Clerk Elsie Lee stated Paegen Magner, owner of Bottle and Brie, LLC has made an application for a retail liquor license and a drinking establishment liquor license for Bottle and Brie, LLC to be located at 65 S Maine Street, Suite A & B. 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 Police Chief Kris Alexander, Deputy City Clerk Elsie Lee, City Engineer Derek Zimney, and Deputy City Attorney Trent deBraga and has been recommend for approval. This is again, an existing business with a change of ownership. She is one of the original owners, the current liquor license is in the other owner's name. It is just a transfer of the name.

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

No further comments were noted.

Councilman Harmon motioned to approve the application by Paegen Magner for a drinking establishment liquor license and a retail establishment liquor license for Bottle and Brie, LLC to be located at 65 S Maine Street, Suite A & B; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

Consideration and possible approval of an application by Jose Enriquez for a drinking establishment liquor license for The Peak to be located at 85 S Maine Street.

Deputy City Clerk Elsie Lee stated Jose Enriquez, owner of The Peak, has made an application for drinking establishment liquor license for The Peak to be located at 85 S Maine Street. A drinking establishment liquor license is a privileged license that allows the licensee to sell or provide alcoholic beverages from a fixed and definite place of business for consumption upon the premises only. The application has been reviewed by Police Chief Kris Alexander, Deputy City Clerk Elsie Lee, City Engineer Derek Zimney, and Deputy City Attorney Trent deBraga and has been recommend for approval. This business is currently Malkos'. This is a new owner, same location.

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

Councilwoman Kent inquired if the hours were remaining the same.

Jose Enriquez stated that everything will stay the same. We are just taking over but everything is going to stay the same, pretty much.

Councilwoman Kent inquired if Mr. Enriquez has ever owned a bar.

Mr. Enriquez stated that he has not. This is my first time owning a bar but I have a friend,

who used to manage a bar in Reno. So, he is going to help me take over.

Councilwoman Kent wished him luck.

Councilman Harmon inquired about the outdoor seating. Is this still considered in the establishment?

Mayor Tedford confirmed that the outdoor seating area in front of their business is still considered their establishment. Any further questions or comments?

No further comments were noted.

Councilman Harmon motioned approve the application by Jose Enriquez for a drinking establishment liquor license for The Peak to be located at 85 S Maine Street; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible approval of a Parcel Map for Matthew and Nicole Hyde to split Churchill County Assessor's Parcel Number 001-301-04, commonly known as 1325 Rancho Drive, Fallon, NV, into two parcels.

City Engineer Derek Zimney stated that Matthew and Nicole Hyde, owners of Churchill County Assessor's Parcel Number 001-301-04 have made an application and had a map prepared to split their property at 1325 Rancho Drive. This map is being presented before the City Council for consideration and possible approval. This Parcel Map will split the current 2.57 acre parcel into a 1.03 and 1.54 acre parcels. This parcel is located within E-2 zoning and approval will meet City of Fallon Municipal Code requirements for E-2 zoning. Access to the new parcel will be on Rancho Drive. Water Rights Fees are required to be paid prior to the map being recorded. Any development or improvements on the newly created parcel shall be required to meet all applicable City of Fallon standards and requirements.

Mayor Tedford inquired if there were any questions.

Councilwoman Kent wanted confirmation on the E-2 zoning. Is this just single-resident zoning?

City Engineer Derek Zimney stated that he believes there are stipulations with having a second house on the same parcels. There are setbacks and some parts in that zoning that allow you to have a mother in-law's house on those larger parcels. I don't know the exact setbacks and things, but I do believe you could have a second home on a single parcel there.

Mayor Tedford stated that he doesn't know if they are defined as mother in-law's quarters. They are just defined as homes, I believe.

Deputy City Attorney Trent deBraga stated that the parcel can have what is called a detached guest building. This essentially cannot have any cooking facilities, but it has to be a building where a family member is not paying any rent. The code does also provide, as Derek alluded to, that you can have more than one single-family dwelling on a parcel, but you would still have to meet certain requirements. They would have to meet the setbacks. They would each have to have essentially their own acre if you will. So, you could have the detached guest building and potentially another single-family dwelling on the same parcel. On one parcel you can each have more than one dwelling, but it would have to be a pretty large parcel because they would each have to have an excess of 1 acre each and have to meet certain setbacks. It would be hard to do, but if you had a larger parcel, maybe like a 5-acre parcel. Potentially, it could be doable. That is not the case here.

Mayor Tedford stated that this parcel is only 2.5 acres.

Deputy City Attorney Trent deBraga stated that was correct. This parcel map will create 2 separate, and distinct parcels, from each other. So, they will each have their own APN number and they will each have to meet the 1-acre minimum requirements and setbacks. We won't

know what this newly created parcel will look like until this development occurs. At that point, we will analyze if they meet the proper setbacks. It will depend if someone wants to build on it and where they want to put their house. They will be subject to those setback requirements.

Mayor Tedford inquired if another single-family dwelling would be allowed on the 2nd parcel but not the outbuilding.

Deputy City Attorney Trent deBraga stated that in this case because one of the parcels is 1.03 acres and the other 1.54 acres, that he doesn't believe one would be able to accomplish placing an additional single-family dwelling on each of the parcels. In other words, each parcel will probably only be able to have one house.

Mayor Tedford inquired if that is how City Engineer Derek Zimney also saw it.

City Engineer Derek Zimney stated he agreed with Deputy City Attorney Trent deBraga.

Councilwoman Frost inquired if we have had other parcels split in this neighborhood in the past.

City Engineer Derek Zimney stated that was correct. On the very end of Rancho, there was two, 3-acre parcels. The one on the north was split into 2 and the one on the south was a pretty large one and it was split into 3 pieces. Those were split in 2004, 2016, and 1994.

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

Councilwoman Kent motioned to approve the Parcel Map for Matthew and Nicole Hyde to split Churchill County Assessor's Parcel Number 001-301-04, commonly known as 1325 Rancho Drive, Fallon, NV, into two parcels; seconded by Councilman Harmon and approved with a 3-0 vote by the Council.

Appointment of Officers for the City of Fallon and confirmation of salaries of appointed Officers.

Mayor Tedford stated at this time, he would like to offer, to you, the appointment of my Officers, to the City of Fallon.

Mayor Tedford read the Appointed Official Salary list (attached).

Mayor Tedford stated that he offers these as appointments to the City of Fallon and would ask for a motion to confirm them as Officers to the City of Fallon. Is there any public comment?

No comments were noted.

Mayor Tedford asked if there were any questions or comments for him. This is the time for advice and consent, as you know, it is your prerogative.

No comments were noted.

Councilwoman Frost stated that the Mayor has put together an outstanding list of Officers for the City of Fallon and motioned to approve the Appointment of Officers for the City of Fallon and confirmation of salaries of appointed Officers as listed; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

Appointments to Boards

Mayor Tedford stated that he is going to read the list of the Board Appointments he is asking confirmation for today. Once again, I advise consent of the Council.

Mayor Tedford read the Board Appointment list (attached).

Mayor Tedford stated that he offers the listed names to the Council. Is there any public comment?

No comments were noted.

Councilwoman Kent motioned to approve the Appointments to Boards as listed; seconded by Councilman Harmon and approved with a 3-0 vote by the Council.

Public Comments

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

No comments were noted.

Council and Staff Reports


Mayor Tedford inquired if there were any Council or staff reports.
No reports were noted.


Executive Session

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

Adjournment

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 9:36 a.m.

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

 _____
Mayor Ken Tedford

CITY OF FALLON

Appointed Official Salary List as of 1/10/2023

Kris	Alexander	Chief of Police	\$ 127,488.00
Brian	Byrd	Public Works Director	\$ 129,239.00
Trent	deBraga	Deputy City Attorney	\$ 127,481.00
Steve	Endacott	Emergency Management Coordinator	\$ 51,706.00
Robert	Erickson	Chief of Staff	\$ 166,281.00
Kevin	Gully	Deputy Public Works Director	\$ 115,341.00
Elsie	Lee	Deputy City Clerk/Treasurer	\$ 105,311.00
Michael	Lister	Municipal Court Judge	\$ 113,957.00
Michael	Mackedon	City Attorney	\$ 136,072.00
Jane	Moon	Director of Tourism & Special Events	\$ 79,275.00
Adrian	Noriega	Deputy Public Works Director	\$ 113,039.00
Michael	O'Neill	Deputy City Clerk/Treasurer	\$ 101,352.00
Sean	Richardson	City Clerk/Treasurer	\$ 136,749.00
John	Riley	Police Captain	\$ 112,000.00
Sean	Rowe	Deputy City Attorney	\$ 127,481.00
Ryan	Swirczek	Deputy Public Works Director	\$ 117,020.00
Ron	Wenger	Police Captain	\$ 117,320.00
Derek	Zimney	City Engineer	\$ 99,867.00
Jared	Dooley	Judge Pro-Tem	46.13/hour
Charlie	Knittle	Judge Pro-Tem	46.13/hour

**Board Appointments
2023**

Board of Adjustment	Chris Webb Kim Barrenchea Sheila Scholz Dusty Casey Charlie Arciniega
Fallon Convention & Tourism Authority	Councilwoman Kelly Frost Jatin 'Jay' Bhakta Ezra Bernardo
Nevada League of Cities	Mayor Ken Tedford Councilwoman Kelly Frost
Legislative Affairs/Utilities	Mayor Ken Tedford Councilwoman Kelly Frost Chief of Staff Robert Bob Erickson
National League of Cities	Mayor Ken Tedford
Regional Transportation Commission	Mayor Ken Tedford Public Works Director Brian Byrd Chief of Staff Robert Bob Erickson City Attorney Michael Mackedon, Alternate Deputy City Attorney Trent deBraga, Alternate City Engineer Derek Zimney, Alternate
Fire Board	Councilman Paul Harmon Mayor Ken Tedford, Alternate
Debt Management Commission	Councilman Paul Harmon City Clerk Sean Richardson
Churchill Entrepreneurial Development Association	Councilwoman Kelly Frost
Central Nevada Health District Board of Health	Mayor Ken Tedford Chief of Staff Bob Erickson
Churchill County Museum Board	Councilwoman Kelly Frost
Utah Associated Municipal Power Systems	City Clerk Sean Richardson Deputy City Attorney Trent deBraga, Alternate Mayor Ken Tedford, Alternate

Audit Committee	Councilwoman Karla Kent Chief of Staff Robert Bob Erickson City Attorney Michael Mackedon Deputy City Attorney Trent deBraga
Insurance Committee	Councilman Paul Harmon Chief of Staff Robert Bob Erickson City Attorney Michael Mackedon Deputy City Attorney Sean Rowe
Domestic Violence Task Force	Councilwoman Kelly Frost Chief of Staff Robert Bob Erickson Police Chief Kris Alexander Captain Ron Wenger Deputy City Attorney Sean Rowe Captain John Riley Ray Dolan Pam Powell Johnson Karen Moessner Kelli Weishaupt
<i>Board of Administrator's ref:</i> Municipal Service Agreement with Fallon Paiute-Shoshone Tribe	Chief of Staff Robert Bob Erickson Deputy City Clerk Treasurer Elsie Lee Deputy City Attorney Trent deBraga
Churchill Fallon Economic Development	Mayor Ken Tedford Councilwoman Kelly Frost
Municipal Court	Deputy City Attorney Trent deBraga Deputy City Attorney Sean Rowe
Western Nevada Development District	Councilwoman Kelly Frost Deputy City Attorney Trent deBraga Deputy City Attorney Sean Rowe
Churchill Community Coalition	Police Chief Kris Alexander Deputy City Attorney Sean Rowe
IT/Cybersecurity Task Force	Councilwoman Karla Kent Chief of Staff Robert Bob Erickson Police Chief Kris Alexander City Clerk Sean Richardson Deputy Public Works Director Ryan Swirczek Deputy City Clerk Elsie Lee Deputy City Clerk Michael O'Neill Dan Slentz
Fallon Golf Course Board	City Clerk Treasurer Sean Richardson

Fallon Youth Club

Chief of Staff Bob Erickson

Churchill Area Regional
Transportation

Councilwoman Karla Kent