

**MINUTES  
CITY OF FALLON  
55 West Williams Avenue  
Fallon, Nevada  
December 15, 2009**

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, Jr.  
City Councilman, Robert Erickson  
City Councilwoman, Rachel Dahl  
City Councilman, James D. Richardson  
City Engineer, James Souba  
Chief of Police, Kevin Gehman  
Deputy City Clerk, Fern Lee  
City Attorney, Mike Mackedon

The meeting was called to order by Mayor Tedford at 7:00 p.m. He then requested everyone rise to pledge allegiance to the flag.

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.

**Approval of Special Council meeting minutes for October 27, 2009 and Regular Council meeting minutes for November 3, 2009, November 17, 2009 and December 1, 2009**

Mayor Tedford inquired if there were any additions or corrections to the Special Council meeting minutes for October 27, 2009 and Regular Council meeting minutes for November 3, 2009, November 17, 2009 and December 1, 2009.

No additions or corrections were noted.

Councilman Erickson motioned to approve Special Council meeting minutes for October 27, 2009 and Regular Council meeting minutes for November 3, 2009, November 17, 2009 and December 1, 2009 as submitted, seconded by Councilman Richardson 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 Dahl motioned to approve the accounts payable, payroll and customer deposit warrants; seconded by Councilman Erickson 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.

Ms. Susan Savala of 717 Noel Lane appreciated the plowing and snow removal coordinated by the City after the recent snowstorm. She added that the crews worked very hard and were very courteous.

Mayor Tedford advised that he discussed this with Staff and other cities only plow major streets and some collector streets. We decided to clear as many as we could. We treated this as a natural disaster.

### **Set a public hearing date for a proposed zone change at 111 South Taylor Street, APN 001-535-09**

Mayor Tedford set the public hearing date for January 5, 2010.

### **Introduction of Bill No. 751: An Ordinance amending the City of Fallon Municipal Code Title 20 by deleting certain provisions of Chapter 20.20.070 and adding new provisions to Chapter 20.20.070**

City Attorney Mackedon explained that he prepared this ordinance as part of a larger project to be completed that will review and rewrite most of Chapter 20. Sections of this chapter, as currently drafted, are not consistent with today's times and our form of government. Later on this agenda, he will propose the adoption of a new section for Chapter 20. The proposed changes to Chapter 20.20.070 are:

- Reference to a City Charter; Fallon is a General Law City and does not have a charter.
- Eliminates mandatory phrases requiring development to be completed within 24 months and if not completed a bond is mandatory.
- Allows the Council to enter into an agreement with or without a bond.

He proposes to give the Council, sitting as the Planning Commission, and the City Engineer more flexibility to set a timeframe for development to occur and the discretion to extend a timeframe.

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

No comments were noted.

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

No comments were noted.

Councilman Erickson introduced Bill No. 751: An Ordinance amending the City of Fallon Municipal Code Title 20 by deleting certain provisions of Chapter 20.20.070 and adding new provisions to Chapter 20.20.070.

**Set a public hearing date for Bill No. 751: An Ordinance amending the City of Fallon Municipal Code Title 20 by deleting certain provisions of Chapter 20.20.070 and adding new provisions to Chapter 20.20.070**

Mayor Tedford set the public hearing date for January 5, 2010.

**Introduction of Bill No. 752: An Ordinance amending the City of Fallon Municipal Code Title 20, adding a new Chapter 20.26**

City Attorney Mackedon explained that NRS 278.0201 allows local governments to enact an ordinance which permits that government to enter into an agreement with an owner of land: **“NRS 278.0201 Agreement with governing body concerning development of land: Applicability of ordinances, resolutions and regulations adopted after agreement made; restrictions on subsequent action by governing body.**

1. In the manner prescribed by ordinance, a governing body may, upon application of any person having a legal or equitable interest in land, enter into an agreement with that person concerning the development of that land. This agreement must describe the land which is the subject of the agreement and specify the duration of the agreement, the permitted uses of the land, the density or intensity of its use, the maximum height and size of the proposed buildings and any provisions for the dedication of any portion of the land for public use. The agreement may fix the period within which construction must commence and provide for an extension of that deadline.”

City Attorney Mackedon added that this is a companion to the previously proposed amendment. Most local governments have adopted such an ordinance to allow the City to enter into an agreement with a developer to fixed standards or, if in conformity, allow an extension of time to complete the improvements. This would show a stable relationship that would not change over time that could be beneficial for bank financing. He proposed that any such agreement be reviewed every two years. This does not create any mandates for the Council; they are not obligated to enter into any agreements. The Council already had this potential through NRS but the agreement must be made into an ordinance. This is a smoother way to do this.

Mayor Tedford stated that it is important to note that these agreements for the City will be entered into by the Council. Staff will bring it to the Council for their decision.

City Attorney Mackedon concurred; it must be the Council.

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

No comments were noted.

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

Ms. Susan Savala of 717 Noel Lane stated that she did not understand the purpose of this new chapter.

City Attorney Mackedon explained that this will create a new ordinance that will allow the Council to enter into a development agreement with terms and conditions specific to that development. In a sense, it is not a change, as the Council can use another avenue through NRS to accomplish the same thing but it is cumbersome to do so.

Councilwoman Dahl introduced Bill No. 752: An Ordinance amending the City of Fallon Municipal Code Title 20, adding a new Chapter 20.26.

**Set a public hearing date for Bill No. 752: An Ordinance amending the City of Fallon Municipal Code Title 20, adding a new Chapter 20.26**

Mayor Tedford set the public hearing date for January 5, 2010.

**Presentation of the Police Department Report for November 2009**

Chief Gehman stated that he was pleased to represent the men and women of the Fallon Police Department with the presentation of the November monthly report. He added that the November incidents and activities were in line with previous months with no exceptional variances. He noted that November 2009 crime reports are down in every category but one compared to last November; and we are only up one in that category.

- Officers and detectives attended 48 hours of creditable training.
- Investigator Riley presented an indoctrination lecture to newly stationed Navy personnel.
- We utilized the Volunteers in Police Service for 60.5 hours and through the welfare assist account we provided five persons with lodging.
- The citizen survey results were again highly 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**

City Engineer Souba: The City employed numerous local contractors to work with City crews on snow removal after the recent winter storms. Over 1,700 cubic yards of snow were removed.

Mayor Tedford noted that we received a few calls about not doing other public entities' facilities. We do City facilities and parks, not schools or other government buildings. We are still working on snow removal; NDOT has heaped some large piles on sidewalks which occur when large equipment is used. We offloaded a lot of snow in Phase II of the New River Business Park. We may push it into a larger pile for kids to sled on.

Ms. Susan Savala of 717 Noel Lane asked why the snow was not dumped into a canal.

City Attorney Mackedon noted that a permit would be required.

Chief Gehman: The animal shelter Open House last Saturday was well attended and a couple animals were adopted.

Deputy City Clerk Lee: No comments.

City Attorney Mackedon: Advised that he had spent the last two days attending administrative hearings in the State Engineer's Office related to storage reservoirs upstream of the Truckee River.

Councilman Erickson: No comments.

Councilman Richardson: No comments.

Councilwoman Dahl: No comments.

Mayor Tedford: Noted that the Comstock Cowboys performed last Sunday at the Barkley Theatre. We charged \$5.00 per ticket or \$10.00 per family to benefit the Fallon Benevolence Fund. Next year, we may charge just \$5.00 per ticket, netting an extra \$1,000.00 for the fund. It is still less than ticket prices for school plays. This will allow us to help more people in need.

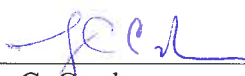
### **Executive Session**

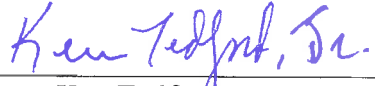
Mayor Tedford tabled the executive session, as it was not needed at this time.

### **Adjournment**

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 7:47 p.m.

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

  
Gary C. Cordes  
City Clerk/Treasurer

  
\_\_\_\_\_  
Mayor Ken Tedford, Jr.