

**MINUTES
CITY OF FALLON
55 West Williams Ave
Fallon, Nevada
April 1, 2025**

The Honorable City Council met at a regular 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 Trent deBraga
Deputy City Attorney Sean Rowe
City Clerk Treasurer Michael O'Neill
Deputy City Clerk Elsie Lee
Public Works Director Brian Byrd
Deputy Public Works Adrian Noriega
Deputy Public Works Marco Guerrero
Deputy Public Works Erik Fain
Chief Ron Wenger
City Engineer Derek Zimney

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

Mayor Tedford led the Pledge of Allegiance.

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

City Clerk Treasurer Michael O'Neill 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.

Approval of Warrants

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

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

Public hearing for Bill No. 803: an ordinance amending Fallon Municipal Code title 10 Vehicles and Traffic, Chapter 10.64 Trucks, by adding section 10.64.020 prohibiting the use of engine brakes within City limits.

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

Arthur Morse of 70 N Russell Street addressed the Council. We desperately need this. These trucks, and their engine brakes, keep me up all night long. I don't sleep that much, because of my back. I get 3-4 hours of sleep, at a shot. I keep getting woken up by people flying down Williams and slamming their engine brakes on because they are speeding, and they are hauling 18,000 pounds. It needs to stop; it is just ridiculous. I heard one, just this morning, walking in, out here, doing 5 miles per hour, pulling up to the light, and he flips his engine brake on. It is like, dude, you don't need that. You don't. It is just habit with them, and I think that they lose track of where they are and what they are doing. We desperately need it. We need a noise ordinance, in general. I have a guy that comes past my house, almost every single day, pulls into the dispensary, across the street from my house, with his stereo blasting so hard, it rattles the dishes in my cupboards. It is ridiculous. Thank you.

Mayor Tedford thanked Mr. Morse for his comments and inquired whether there were any further comments or questions from the public or the Council.

No further comments were noted.

Consideration and possible adoption of Bill No. 803: an ordinance amending Fallon Municipal Code title 10 Vehicles and Traffic, Chapter 10.64 Trucks, by adding section 10.64.020 prohibiting the use of engine brakes within city limits.

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

Councilman Harmon stated he had a question for Chief Wenger. How do you plan on enforcing the ordinance, if passed?

Mayor Tedford stated he would like to make a comment. Once we adopt this ordinance, NDOT will post signs, that will be the first thing that is done, which leads to your question. NHP and City Police would then have something that they can refer to when they get complaints, or they are on patrol. They have something posted that tells the truckers they aren't able to do that anymore. Right now, we don't have anything in place that can be taken to Court for prosecution. We haven't had anything for them to stop them for, yet.

Chief Ron Wenger stated that with the inception of the Municipal Code, we would be able to enforce this, if it was observed in our presence, a Police Officer, we have the

probable cause to stop, and either warn or issue a citation, depending on whether they have been warned before. Typically, what we do in these situations, is give them a month or so for education, letting them know it is not allowed in this City. We log the warnings and if there are additional violations, they could be cited. That is officer discretion. Another way that we could handle it is if we get a citizen's complaint, then we could stop the truck, and talk to them about their brakes. If we have a witness that writes a statement, we will have the ability to either file a long form or a citation, with the citizen's signature.

Councilman stated that answered that question. I am curious, we have a lot of younger patrolmen. I don't know if a lot of them would know what a j-brake even is. Would you agree with that comment? If so, some serious training would have to be done for our enforcement on this, correct?

Chief Ron Wenger stated he agreed. Some training would have to take place on what a j-brake is, how it is used, what it is used for, and what it sounds like. You are correct, we would have to do some training with the younger officers.

Councilman Harmon inquired on the signage. I agree that we would have to put up signs. Do we have any idea of what size signs they would be and where they would be located?

City Engineer Derek Zimney addressed the Council. I have been working with the resident engineer of NDOT, Samuel Thompson, over at District II of NDOT. Our suggestion has been to place one at each entry into the City. Both sides of 50, both sides of 95, and if there is need for additional, like a neighborhood where it is continuous, I am happy to bring up additional reminder signs. He has NDOT standard writing on them, for no use of engine brakes. He has an idea of what signs he would like to see go in the right-away. He has given us leeway to suggest the locations which we are working with him on.

Mayor Tedford inquired if they have a standard size for the signs.

Councilman Harmon stated that we don't know what the standard size is off hand. The reason I bring up the size of the sign is because we have a lot of signs, in town, coming into town, and such. Having worked for NDOT for 30 years, I know what sign fatigue is, and I think that is going to be an issue with enforcing this. I don't think that people are going to notice the sign. I wish there were a way that we could get the word out, more than just 4 signs on the corners, I get that. We have truck drivers coming through town that might only be here once a year, and they don't see the sign, and they hit their jake brakes. I completely agree with you Mr. Morse. I don't agree that they should be using their j-brakes in town. I have a commercial driver's license and have driven trucks. I agree with you. I just don't see how we can enforce this when we have other noises around town, that is, to me, that are disturbing. It is what it is. We have jets flying over all the time that are very loud and noisy. We have in the mornings, in the Springtime, when the farmers are spraying fields, they are right over my house, and that is in the City limits, and that is noisy. I don't see where we can start with just the trucks. In my opinion, I don't see how it is going to be enforceable.

Mayor Tedford stated that we can't start to enforce it unless we have this ordinance. So, we can't even start, unless we have this. My understanding of the industry, and only because my uncle had a trucking company, and I didn't run it. These guys talk amongst themselves on those radios of theirs. I think with the proper enforcement, and I am not saying it is perfect, but when you start stopping people, and start doing your warnings, and then you start doing your ticketing, they start talking on those radios saying, when you go through Fallon, you shouldn't use your jake brakes, or you are going to get a ticket. The word-of-mouth spreads through those truckers, faster than we can spread it ourselves, with

signage. That is all I know from listening to those guys that were driving. I know that without this, we can't start. I know from being on E Williams, my business, once I leave here, and go to work, I hear them all day, coming off the Austin Hwy, trying to slow down getting into town. They are using those engine brakes, all of the time. So, you can go out there for training, if you want to for training. You can hear them there because the first place they have to stop, after they leave Austin, it is right here on this corner. So, all I know is that this isn't going to be perfect, Councilman, but it is a start. This isn't going to diminish all of the other noises we have in the community, nor do I think you expect it, or do we expect, to diminish the noises but this is a loud piercing noise that we do have some kind of control over, once we adopt this ordinance, but we have no control over it right now. Zero control. It is like not having a 25-mph speed limit in the City, we can't go to Court and ask for it to be prosecuted because we don't have an ordinance. All that I know is that we need this to get started and you aren't the first complaint that we have had. I think that is just something that is necessary. We have had a lot of this loud noise that Paul has talked about. If there is a way that we can quiet the City, we try to do that, but it is pretty impossible to try to do. I know Governor Guinn tried to put a bill through the Legislature about boomboxes in cars and he somehow didn't get very far, even Governor Guinn didn't. He told me that he thought they were very irritating in neighborhoods, and I told him that I agreed, and I was looking forward to that bill passing. That is all I can say. I am in favor of this bill and have been since it has come forward through the City Attorney's office.

Councilman Harmon stated he wanted to reiterate that he agrees the drivers shouldn't be using the j-brakes in City limits. I just don't know where we start on truck drivers and where we are going to end with kids with straight pipes, on their cars being noisy and loud. I don't know if we have an ordinance against. That is just my point on that. Thank you.

Mayor Tedford stated that he doesn't know where we will end. It is up to you all where we end and start because you are the one that makes these rules. I will be honest with you, we have been doing this for a long time, and we haven't made very many rules. We don't make many rules that we find that aren't enforceable. This one, I think, is enforceable, and is okay by me.

Councilwoman Frost stated that she always notices the signs in Mina, on 95 South. They are there and very visible to me, but maybe I am a really good driver, I don't know. I think this is a start in eliminating, or trying to diminish, some of the noise that is going on in our community and disturbing the people in our community. So, I am in favor of it. Thank you.

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

No further comments were noted.

Councilwoman Frost motioned to adopt Bill No. 803: an ordinance amending Fallon Municipal Code title 10 Vehicles and Traffic, Chapter 10.64 Trucks, by adding section 10.64.020 prohibiting the use of engine brakes within city limits; seconded by Councilwoman Kent and approved by a 2-1 vote, Councilman Harmon opposed.

Public Comments

Mayor Tedford inquired if there were any public comments.
No comments were noted.

Council and Staff Reports

Mayor Tedford inquired if there were any Council and Staff reports.
No reports were noted.

Adjournment

There being no further business to come before the Council, Mayor Tedford adjourned the meeting at 9:15 a.m.

Mayor Tedford

Attest: _____
Michael O'Neill, City Clerk-Treasurer