

**MINUTES
CITY OF FALLON
55 West Williams Ave
Fallon, Nevada
March 18, 2025**

The Honorable City Council met in 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 Clerk Treasurer Michael O'Neill
Deputy City Attorney Trent deBraga
Deputy City Attorney Sean Rowe
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
Director of Tourism Jane Moon

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.

Consideration and possible action to transfer Stockman's Casinos, a Nevada corporation, non-restricted gaming license to Clarity Game Opco, LLC, a Nevada limited liability company, pursuant to Fallon Municipal Code Section 5.52.060(B).

Deputy City Attorney Trent deBraga stated that Stockman's Casino, a Nevada corporation ("Stockman's"), has made an application to Chief Ron Wenger requesting a transfer of its un-restricted gaming license to Clarity Game Opco LLC, a Nevada limited liability company. Stockman's Casino operates the casino commonly known as Stockman's Casino, located at 1560 W Williams Avenue, Fallon, Nevada. Stockman's is currently under contract to sell its casino assets to Clarity Game Opco, LLC and is making a request to transfer its un-restricted gaming license to Clarity Game Opco, LLC pursuant to Fallon Municipal Code 5.52.060(B). Pursuant to Fallon Municipal Code 5.52.060(B), no restricted or un-restricted gaming license granted under the provisions of Fallon Municipal Code 5.52 may be transferred by the licensee to any other person except upon application made to the Chief of Police of the City of Fallon, and which application must be approved by a majority vote of the City Council, who shall have the power and authority to grant the transfer or deny the request and require that a new and original application be made by the proposed transferee. Stockman's request to transfer its non-restricted gaming license pursuant to Fallon Municipal Code 5.52.060(B) is being made in light of Fallon Municipal Code Section 5.52.040(A), which provides that "No City of Fallon non-restricted gaming license shall be granted to or maintained by the holder of a non-restricted gaming license issued by the State of Nevada, unless such licensee maintains, on the same premises which licensee holds a non-restricted gaming license, no fewer than sixty guestrooms." Fallon Municipal Code further provides an exception to this requirement for "any entity which holds a valid non-restricted gaming license on the date the ordinance codified in this section becomes effective."

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

Councilman Harmon inquired on the current non-restricted gaming license Stockman's Casino holds. This license pre-dates to 2015 when this ordinance went into effect. So, basically this license is grandfathered in?

Deputy City Attorney Trent deBraga stated that in terms of this section of the ordinance it is a mechanism to allow the Council to transfer any restricted or non-restricted gaming license that was valid at the time the ordinance was enacted or thereafter to any other licensee. There is a provision in the code, which does provide what I will call, a grandfather clause which essentially states that, if there was a non-restricted license holder that had a license prior to the enactment of the ordinance, they are essentially grandfathered in from having to do the 60 rooms. This particular request is specifically, in regard to, the

section that allows the application to be made to the Chief of Police and allows the Council to transfer the license pursuant to that section.

Councilman Harmon thanked Deputy City Attorney Trent deBraga.

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

No further comments were noted.

Councilwoman Kent motioned to approve the transfer of Stockman's Casinos, a Nevada corporation, non-restricted gaming license to Clarity Game Opco, LLC, a Nevada limited liability company, pursuant to Fallon Municipal Code Section 5.52.060(B); seconded by Councilman Harmon and approved with a 3-0 vote by the Council.

Consideration and possible approval of a Parcel Map for Jesse Morrow to split Churchill County Assessor's Parcel Number 001-632-07, commonly known as 760 Wildes Street, Fallon, NV, into two parcels.

City Engineer Derek Zimney stated Jesse Morrow, owner of Churchill County Assessor's Parcel Number (APN) 001-623-07 has made an application and submitted a map to split his property at 760 Wildes Street. This Parcel Map will create two parcels, consisting of 5,250 square feet each. These parcels are located within R-2 zoning and approval will meet City of Fallon Municipal Code requirements for R-2 zoning. Any development or improvements to these parcels shall be required to meet all applicable City of Fallon standards and requirements. These parcels are located, in what was, the McLean addition. Unfortunately, we have a skinny roadway and right-of-way in that area. It is about 43 feet, and our standard is 60 feet. The City went through and installed sidewalk on the Ideal Mobile Home side. We added only enough space for the sidewalk on one side of the street. The rest of these streets, McLean, and Cleveland, we have done the same. It would be difficult to require a sidewalk because it is going to be a sidewalk to nowhere because the rest of these lots are already developed. So, this being an existing non-conforming area it would be my recommendation to maintain that, with the neighborhood, of only having the sidewalk across the street. There is a sidewalk along the Front Street side, and it is in surprisingly good condition. The roadway is in rough shape but looking at it, it is my understanding that he wants to do some little infill houses over here, which would be really good for the neighborhood.

Mayor Tedford inquired about the curb and gutter conditions on Front Street.

City Engineer Derek Zimney stated that the curb is in rough shape but the whole section of Front Street needs a rehab. The roadway is almost folded up into the curb and almost flush there. It is kind of a rough situation there.

Mayor Tedford stated that today, is splitting a parcel map. There is no request for any conditions that include sidewalks and gutters.

City Engineer Derek Zimney agreed. I was just clarifying what we would be looking to require of him when he does start developing the lots.

Mayor Tedford wanted to make the record clear of what we are asking for on this agenda item. The parcels are located within the City, so there is no annexation agreement that we are talking about. So, conditions on the street aren't something that the Council would be discussing, or approving sidewalks, curb and gutter, or rehab. All we are addressing is the parcel map today. Just so the Council understands that we are not discussing any curbs and gutters, just the parcel map. Are there any further questions from the Council or the public regarding the parcel map?

No further comments were noted.

Councilman Harmon motioned to approve a Parcel Map for Jesse Morrow to split Churchill County Assessor's Parcel Number 001-632-07, commonly known as 760 Wildes Street, Fallon, NV, into two parcels; seconded by Councilwoman Frost and approved with a 3-0 vote by the Council.

Consideration and possible designation of Eide Bailly as auditors for the City of Fallon for the fiscal year ending June 30, 2025, for an estimated total fee of One Hundred Eight Thousand Dollars (\$108,000), plus 5% technology fee, and approval for the Mayor to authorize additional fees, if necessary to complete the audit.

City Clerk Treasurer Michael O'Neill stated pursuant to NRS 354.624, the City must provide for an annual audit of its financial statements. NRS 354.624(3) requires the City to designate its auditors and provide notice of that designation to the Department of Taxation not later than three months before the close of the fiscal year to be audited. The Audit Committee, which consists of Councilwoman Karla Kent, Deputy City Attorney Trent deBraga, and Chief of Staff Bob Erickson, have reviewed the attached proposal and recommends the designation of Eide Bailly as auditors for the City of Fallon for the fiscal year ending June 30, 2025. The quoted total fee covers the general audit. Any major program audits will be billed at Ten Thousand Dollars (\$10,000) for the initial program with any additional major program audits billed at Seven Thousand Five Hundred Dollars (\$7,500) each. To clarify, the programs, any federal funding programs that we receive through the Federal Government, either directly from the Federal Government or as a pass-through the State of Nevada. If we exceed a million dollars, in a single year, in federal funds, we are required to have a single audit, which carves out those programs and takes a deeper dive to ensure that the program was administered correctly and followed all of the rules. So, they get billed separately by Eide Bailly, and it is always very dependent on what money we receive during the year. The base audit is for the quoted amount.

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

Councilwoman Frost inquired on the amount. Is this quoted amount the same as last year?

City Clerk Treasurer Michael O'Neill stated it is a similar amount to last year. I should have included that. It is a slight increase of 1.3%, I think. I was surprised that it came with just barely an increase.

Councilwoman Kent inquired on the program audit. Do we foresee that we will go over the amount that would require the single audit with our upcoming projects?

City Clerk Treasurer Michael O'Neill stated that it depends whether the program has been officially awarded. So, when we actually get that document from the agency that is administering, the program gives you an official Notice of Award. We would have to have any costs incurred that would equate that we will receive reimbursement or we already receive reimbursement. It is tenuous. So, some of the items we have out there that we are waiting for and working towards really depends on where they end, at the end of the year, on whether they fall on needing a program audit. I wish I could give you a list of specific items that it would be under this year, but as I said, it is very dependent on exactly where we are in that process. I would expect at least one. The real change is that they increased the cap from \$750,000, that used to be the line that denoted a single audit. This is the first year that is at 1 million dollars. So, that is another thing, we can have a program but if we

don't broach that total million-dollar amount, then we are off the hook, which is very beneficial for us. It is a lot of extra work for both us and Eide Bailly. It is like doing a single audit on just that slice of the City. It takes a lot of effort and time. We love the money, but I would like to be under the million-dollar cap sometimes. That's not true, we take as much money as we can get.

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

No comments were noted.

Councilwoman Frost motioned to designate Eide Bailly as auditors for the City of Fallon for the fiscal year ending June 30, 2025, for an estimated total fee of One Hundred Eight Thousand Dollars (\$108,000), plus 5% technology fee, and approval for the Mayor to authorize additional fees, if necessary to complete the audit; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

Possible introduction 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. (This agenda item is for possible introduction of the proposed ordinance only. If introduced by a City Councilperson, the Mayor will set a public hearing on the proposed ordinance and no further action can or will be taken at this meeting. At the public hearing, which will be properly noticed and advertised, the City Council will take comment and then consider possible adoption of the ordinance as introduced or amended).

Deputy City Attorney Sean Rowe stated that this item is on the Council's agenda this morning for a possible introduction of an ordinance. The City has received complaints from people in neighborhoods that are adjacent to the main thoroughfares through the City. The complaints have been made regarding the use of engine brakes by the truckers, as they are entering into our community and when they are coming to intersections that require them to stop. The City staff have drafted this ordinance which would insert a simple prohibition into our code, and if this were adopted, as an ordinance by the City Council, we would be working with NDOT to put up signage, notifying truckers that they are prohibited to use their engine brakes when they are within the City limits.

Councilwoman Kent inquired why truckers would use their engine brakes.

Deputy City Attorney Sean Rowe stated that an engine brake can be used anytime that they need to reduce their speed. It is a secondary braking system, in addition to their mechanical brakes, that they have on each of their wheels. They just use it a lot of time out of habit. It is that loud noise when you hear a semi-truck coming to a stop. What it is doing is it is actually reducing the compression in the diesel motor, which makes the motor act as a brake.

Mayor Tedford stated that the noise is going into the neighborhoods, and they are hearing that noise, and that is why we have been getting complaints.

Deputy City Attorney Sean Rowe stated that we would be asking for a Councilperson to propose this bill, followed by a public hearing and a full discussion of the proposed change, at a later date, that the Mayor will set the time for.

Mayor Tedford stated that the trucks come in at too high of a rate of speed and their mechanical brakes don't stop them, so they hit these engine brakes, they are commonly called J-Brakes. I actually thought it was a lot at this end of town because they don't have anywhere to stop until they get to this light, when they are coming all the way from Austin.

Where my business is it is almost happening all day, you hear this loud noise, it is kind of a piercing sound. The complaints we have been getting are coming from the other end of town, also from those neighborhoods on W Williams. I don't know how they are getting back up to that high speed to be using these brakes, in that way. It could actually be coming from truckers coming from the north end of town because they don't have anywhere either, until they get to this corner. The noise probably goes right through their homes.

Councilwoman Frost introduced Bill No. 803.

Mayor Tedford set the Public Hearing for April 1, 2025, at 9:00 a.m.

Fallon Police Department Monthly Report for December 2024.

Chief Ron Wenger presented the December monthly report. The report will compare the 2023 crime, traffic stops, and traffic accident statistics to December 2024. Total calls-for-service this month were 650.

- Crime Summary: 5 total Domestic Batteries; 2 Battery.
- Theft Calls: 3 total thefts for various items.
- Arrest Summary: 41 total arrests.
- Moving Citations/Traffic Warnings: 100 traffic stops were made; 20 issued citations.
- Public/Private Property Accidents: 15 total accidents.
- Animal Shelter Services: Total – 102; Churchill County – 60; City – 37; Fallon Paiute Shoshone Tribe – 5.
- Volunteers in Police Services: 94 Contributed hours.
- Various training courses were provided for sworn-in and non-sworn-in officers.
- 0 requests were made through the Citizen Assistance Program.
- Police officers participated in several various public relations events.
- Citizen Surveys were all positive.

Mayor Tedford inquired if there were any comments or questions.

Councilman Harmon inquired on how Sergeant Schumann was able to rescue the Elf on the Shelf.

Chief Wenger stated that he believes he was able to quietly sneak up to him and make the arrest.

No further comments were noted.

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 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 9:25 a.m.

Mayor Tedford

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