

**MINUTES
CITY OF FALLON
55 West Williams Ave
Fallon, Nevada
October 24, 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
Deputy City Attorney Trent deBraga
Public Works Director Brian Byrd
Deputy Public Works Ryan Swirczek
Captain Daniel Babiarz
City Clerk Treasurer Sean Richardson
Deputy City Clerk Elsie Lee
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 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.

Mayor Tedford inquired if there were any public comments.

No comments were noted.

Public hearing to consider a zoning change to all properties currently zoned M-1 Industrial District located east of Maine Street/U.S. Highway 95 to the proposed C-2 General Commercial District.

City Engineer Derek Zimney stated that notice of this public hearing date was duly published in The Fallon Post on October 13, 2023. Letters were also sent out to property owners

whose property is located east of Maine Street/U.S. Highway 95 and zoned M-1 Industrial District in addition to property owners located within 300 feet of a property zoned M-1 and to a military installation located within 3,000 feet of a property zoned M-1. The affidavit of publication and copy of the letters sent out are attached to this agenda item. This agenda item represents the public's opportunity to comment on the proposed zone change and to present relevant information and materials to the Council.

Mayor Tedford inquired if City Engineer Derek Zimney could brief Council on how we got to this point.

City Engineer Derek Zimney stated that since the railroad spur has been abandoned staff didn't feel that M-1 was the appropriate zoning. We evaluated everything over there and felt it was much more appropriate, with the businesses and the multi and single-family housing. We felt very strongly that this, with the lack of the railroad spur being there, and that right of way being abandoned, and turned into parcels, it felt more appropriate that it be zoned C-2. It allows for all the current uses without inviting any future heavy industrial activities to the area.

Mayor Tedford added that he believes that it is the intention of the City to look west of Maine Street. We decided to approve east Maine Street and now we will approve west Maine Street on properties that were left M-1, with the same rationale that Derek mentioned. This is just the first step in trying to eliminate many of these M-1 properties. In years past, historically, we have had, over on N. Laverne for instance, on the railroad access, Laverne, and B street, I believe, when I was on the Council, we had a home that was zoned M-1, that was unable to get a mortgage. We met and rezoned, just that lot, to R-1, so they were able to get a mortgage. There was one other one, and I can't remember where it was, when I was on the Council, we rezoned it from M-1 to a lesser zone because they were also having problems with financing and having the ability to do something on their property that they would have liked to do but M-1 did not permit. When we created L-I, many years ago, it was the City's intention to look at all these M-1 parcels because we created a limited industrial area, and somehow, we just didn't do it. Staff saw a map one day of this M-1 zone and stated that we really need to get to work on these because the railroad just doesn't run through there anymore. That is why we are looking at these. You will see another map, here in the future, west of Maine Street. That one on B and Laverne, was west of Maine Street. This is a little bit of the background behind this today. Thank you, Derek. Any questions for Derek?

Councilwoman Kent wanted clarification on the M-1 zoning. For anything to happen on this property, it has to go before City Council? We are changing it to the C-2 zoning, that is light commercial, and residential, it could be either or?

City Engineer Derek Zimney stated that the M-1 zoning reads that it must be a use required to be commercial or industrial, any other uses must come before the City Council. So, it is very tight, if it is an explicit commercial use allowed, it could be allowed in the M-1 zone, but anything borderline has to come before Council for approval. If a business comes in, it is zoned C-2, and if it is appropriate, staff can sign off on it. It is one less step on these simpler things that really represent what is already happening in the neighborhood, along the major streets. It streamlines things for us a little bit.

Mayor Tedford stated that probably, over the course of these M-1 properties, people have been doing things that they probably should have been coming before Council all these years. They just didn't know that they were zoned M-1.

Councilwoman Kent stated that she has property in this area. Do I need to abstain from this vote?

Mayor Tedford stated that Deputy City Attorney Trent deBraga could give legal opinion.

Deputy City Attorney Trent deBraga stated that it would probably be a good idea to

abstain. Usually, if there is a pecuniary interest of any sort, it is probably best to abstain. I don't know if changing your property to C-2 increases the value of your property, but if there is a chance, it would probably be best to abstain.

Mayor Tedford concurred with Deputy City Attorney Trent deBraga. I believe NRS gives you the ability to vote but in this case, I would abstain, due to the fact you have two other Council members that can vote. I think NRS allows you to declare that you have an interest, and you can go ahead and vote but when you have two other Council members here, Trent is right, you have a pecuniary interest, and you probably shouldn't vote.

Councilwoman Kent stated that she will abstain from the vote.

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

Cynthia Martin at 170 N. Broadway approached the Council. My question is, if they can't put any machinery in the businesses there, what can they put in? Are we talking about stores, bars?

Mayor Tedford stated that they can put in less than they can put in a M-1 zone. M-1 you could put a steel mill in there because that is the heaviest use, that is possible right now. So, M-1 they can put everything that you just mentioned but they would need to come before the Council to get approval before they can do it. You can tell her what they can put in there Derek.

City Engineer Derek Zimney stated that any business can be placed in this area but a thing, like a bar, would require for them to come before the City for a liquor license, and if it was in the middle of the neighborhood, that would be something that we would be reviewing, and might have some strong opinions about. But say, these boutiques, smaller shops, any of these things, would be allowed in this zone, along with your single and multi-family dwellings.

Cynthia inquired if this would increase crime in the area.

Mayor Tedford stated that the captain would have to speak on the crime increase but I don't think that you are going to see much change in your neighborhood, not in the block that you are in. I don't foresee that happening.

City Engineer stated that City staff felt that this zoning better represents the current use. I anticipate that it would mostly stay housing. There is a possibility a lot of these along Williams Avenue might be used a little more commercial use. They might someday turn into businesses, but I would anticipate, as you go up Broadway, east, you would continue to see the single and multi-family housing up there. That would be my anticipation of these things.

Mayor Tedford stated that Cynthia is in the second block and not right on Williams.

Councilwoman Frost inquired on future businesses. Businesses that might come into this area would still have to follow all the setbacks and the regulations/requirements, so they wouldn't infringe upon the homes in the area?

City Engineer Derek Zimney stated that everyone will still go through his office for a zoning sign-off before a business comes. So, if anything, is beyond what we feel is in the scope of C-2 would be subject to a full staff review prior to their approval.

Councilwoman Frost inquired if there were any written comments submitted by people living in the neighborhood.

City Engineer Derek Zimney stated that there were 2 formal responses received and they were both in support of the zone change.

Councilwoman Frost thanked City Engineer Derek Zimney.

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

No further comments were noted.

Consideration and possible action to approve a zoning change to all properties currently zoned M-1 Industrial District located east of Maine Street/U.S. Highway 95 to the proposed C-2 General Commercial District.

City Engineer Derek Zimney stated staff is recommending that all properties currently zoned M-1 Industrial District located east of Maine Street/U.S. Highway 95 be rezoned to C-2 General Commercial District. The M-1 Industrial District was established when the Union Pacific Railroad spur line crossed Highway 95 north and ran east and south on land within this area. At that time, the M-1 zoning was established to accommodate heavy industrial and manufacturing enterprises. City staff are proposing these properties be rezoned C-2 General Commercial District. C-2 zoning is more accommodating and allows any use permitted in any residence district and any use permitted in the C-1 district and is compatible with the surrounding area. The map depicting the properties to be zoned M-1 Industrial District is attached.

Mayor Tedford wanted it noted, for the record, that Cynthia Martin's property is currently located in a C-2 zone, at 170 N. Broadway. You already are in a C-2 zoning area. You are not being changed, and I should have told you that in the public hearing section. So, everything around you are being made to be in the zone that you are currently. The property behind you, and the other side of the alley, is the area that will be made the same as what you currently are. It isn't going to change your neighborhood. The property south of you, in the 1st block, between Williams and A Street, is going to be made C-2. The property across the street from you and south, is already in C-2 zoning. Derek, can you point these out to her? You can see how that railroad went, and why we should have changed this years ago. Many people thought they were in C-2. I am on the corner of Williams and Broadway, and I thought I was C-2, and I have been M-1 all these years. It shouldn't change the nature of your neighborhood at all. Any other public comments or questions? It should be noted, for the record, that Councilwoman Kent is abstaining from the vote.

No further comments were noted.

Councilwoman Frost stated that she would like to make a comment prior to the motion. I think that this change better reflects the neighborhood and I think that it allows the property owners to do more with the property, people can get mortgages, and if something happens to their property, they are going to be able to rebuild without hassle from insurance companies. There are all sorts of things that come along with M-1 zoning.

Councilwoman Frost motioned to approve a zoning change to all properties currently zoned M-1 Industrial District located east of Maine Street/U.S. Highway 95 to the proposed C-2 General Commercial District; seconded by Councilman Harmon and approved with a 2-0 vote by the Council.

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 9:18 a.m.

Mayor Tedford

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

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