

**MINUTES  
CITY OF FALLON  
55 West Williams Ave  
Fallon, Nevada  
December 5, 2023**

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  
Deputy City Attorney Trent deBraga  
Chief Ron Wenger  
Captain John Riley  
Captain Daniel Babiarz  
City Clerk Treasurer Sean Richardson  
Deputy City Clerk Elsie Lee  
Deputy City Clerk Michael O'Neill  
Public Works Director Brian Byrd  
Deputy Public Works Kevin Gulley  
Deputy Public Works Marco Guerrero  
Engineer Derek Zimney  
Director of Tourism Jane Moon  
Judge Pro Tem Jared Dooley

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.

Geoff Knell of 261 Serpa Place greeted the Council.

- Made comments regarding the tree lighting.

- Read scriptures from the book of Isiah.
- Made comments regarding the government.
- Made comments regarding the County purchasing a building.
- Made comments regarding God in the government.
- Made comments regarding how sharp Chief Ron Wenger looked in uniform.

Mayor Tedford inquired if there were any further comments.

No further comments were noted.

**Consideration and possible approval of Council Meeting Minutes for October 17, 2023, and October 24, 2023.**

Councilman Harmon motioned to approve Council Meeting Minutes for October 17, 2023, and October 24, 2023, with no corrections or additions; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

**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 of application by Stephanie Penfold for a drinking establishment (on-premises) liquor license for TSDW Enterprises, LLC dba P's & Q's Tavern to be located at 85 South Maine Street.**

Deputy City Clerk Elsie Lee stated that Stephanie Penfold, owner of TSDW Enterprises, LLC dba P's & Q's Tavern to be located at 85 South Maine Street has made an application for a drinking establishment (on-premises) liquor license. 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 Ron Wenger, Deputy City Clerk Elsie Lee, City Engineer Derek Zimney, and Deputy City Attorney Trent deBraga and has been recommended for approval.

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

Councilman Harmon inquired if this was just a change of ownership on the license.

Deputy City Clerk Elsie Lee confirmed.

Councilman Harmon inquired on what happens to the previous owner's license after a change of ownership.

Deputy City Clerk Elsie Lee stated that the old license is closed.

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 Stephanie Penfold for a drinking establishment (on-premises) liquor license for TSDW Enterprises, LLC dba P's & Q's

Tavern to be located at 85 South Maine Street; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

**Consideration and possible action relative to the review, clarification, and possible imposition of additional conditions of Sierra Manor Townhomes Merger and Re-subdivision Tract Map.**

City Engineer Derek Zimney stated that on July 5, 2022, Forrokh Yazdi, owner of Assessor's Parcel Number (APN) 001-291-01, formerly known as Childers Estates, made an application and presented a Merger and Re-subdivision Tract Map to convert the existing apartments into townhomes/condos. When recorded, this map will subdivide the existing apartment complex into individual units, allowing the units to be sold individually as townhomes/condos. On July 5, 2022, the City of Fallon City Council approved the City Engineer to record this map when the conditions were met: 1. Provide a third-party building inspection and safety report for each unit and address any life fire safety hazards. 2. Replace the driveway on Center Street to meet City and ADA standards. 3. Replace substandard sections of the sidewalk along Center Street. The sidewalk panels that the City would like replaced have been marked with white paint. 4. Re-pave the alley between Whitaker Lane and Tedford Lane as the alley is the only access for the majority of these units. 5. Install 2 additional streetlights in the alley. Coordinate with City staff for locations and specifications. 6. Provide a landscaping diagram for the common area satisfactory to the City and complete the landscaping. 7. Contact Robert Erickson with status updates for the first right of refusal and relocation of existing tenants. To date, the only conditions that have been met are Items 2 & 3, the replacement of the driveway and sidewalk panels. Though previously uncontested and approved by the Council, Ed Lord, the owner's representative, is now requesting that the condition to repave the alley be modified to require repaving of only the western portion of the alleyway and allowing for the middle and eastern portions of the alleyway to receive a grind overlay and patching/crack filling, respectfully. Prior to the approval of the above-described conditions, City Staff received from Mr. Lord a geo-technical report prepared by Summit Engineering, dated December 2, 2021, dealing with the alleyway paving. This report recommended replacement of the full depth of asphalt on the west side of the alley and provided for a grind overlay for the east side of the alley. The resulting pavement section would meet the City's minimum requirement of 3" of asphalt on 6" of base. Mr. Lord has now provided a revised geo-technical report from Summit Engineering dated October 26, 2023. This updated request breaks the treatment into three separate sections, replacing asphalt on the east side of the alley, grind overlay in the middle and patching, crack filling, and sealing on the west section. City Staff does not feel that the proposed updated treatment plan meets the City Council's intent of condition Item 4 of repaving the alley between Whitaker Lane and Tedford Lane. I have a variety of documents attached to this agenda item. I would like to go over a little bit of the history of Staff's recommendations. When Staff evaluated the development of these apartments to turn into townhomes, one of our first conditions was that they would need to repave that entire alleyway. It is a very unique alleyway, as such, that it is the only access for a majority of these residences. We felt it critically important that it be completely repaved in one continuous surface. In our initial recommendation from Staff to Ed Lord, is that he completely rebuild it with 3 inches of asphalt on 6 inches of base. Mr. Lord, on his own accord, hired Summit Engineering to do a geo-technical report that showed that there was 6" of base underneath the failing and decent sections and proposed to City Staff that where it is bad that they would completely repave it. In the decent sections they agreed to do a grind overlay. City Staff felt that this was a good concession, and this was prior to the first meeting,

and that this would be an acceptable means of treatment. Even before the first Council meeting, we received a letter from the owner, Forrokh Yazdi, and in that on page 36 of your packets, on item 3 of the things he agreed to: “owner is also prepared to repave the alleyway according to Summit Engineering’s post inspection quarter report recommendations.” So, to us, he was willing to complete this and he told the Council that. In the City minutes Mr. Lord stated, “so that the first 100-150 feet will have to be complete R&R (remove and replace) from an engineer’s perspective we have already gone through some pricing from the people that did the parking lot repaving. So, we are pretty much open to comply with any recommendations you would make.” To me, the Council’s expectations in the agreement were very clear. I don’t see Mr. Lord, but I believe his engineer is present here, Mr. Joe Pursel. I am open to any questions, and we also have Joe here to answer questions at this time.

Mayor Tedford stated that we can handle the alley first. On July 5, there were 7 conditions. Let’s handle the alley first, Derek, and we can go back through the 7 conditions, and we will see where we are on those from July 5<sup>th</sup>, 2022.

Councilwoman Kent stated once the alley is paved, to what the specs say, what we want or what they wanted, does the alley become their responsibility to always maintain or does it become the City’s responsibility?

City Engineer Derek Zimney stated that the City will maintain this alleyway indefinitely. It is important, upon development, they bring it up to City standards.

Councilwoman Kent inquired if the City has an option to allow them to do it the way they want, they will have to maintain it forever.

City Engineer Derek stated that he believes with our utilities underneath it and other things, it would not be in the City’s interest to give ownership of the alley to anyone. It is something that we want to maintain possession of, in my opinion. Deputy City Attorney could speak on the matter if he chooses.

Councilman Harmon stated he had a question for Mr. Pursel. For the record, I wasn’t on the Council in 2022, but I happened to be sitting in the audience that day, and I happen to remember this discussion that happened on July 5<sup>th</sup>, 2022. Mr. Pursel, my question to you, is in December of 2021, you wrote a letter to Mr. Forrokh Yazdi, stating that you recommended as a viable treatment to that alley, and then in October of 2023, you have revised that stating that only a part of it should be repaved, and crack and seal a portion of it. After the winter that we had this last year, and all the moisture we had in Fallon, in my experience, I know what water does to the base layers, and water did get into that base layer. So, what has changed in those 2 years that you think it would be a viable option just to do some patching in certain sections, instead of doing full paving, on what was agreed upon by the individual back in July of 2022?

Joe Pursel approached the Council. Upon further discussions with the client and site visits, we noticed that the majority of the traffic comes in on the west side, with larger truck traffic, more numbers of traffic going into those hotels and businesses as opposed to on the east side. Based on the current condition of the asphalt and the anticipation of the lower traffic loads of both, number and vehicle type, that is why I was recommending a surface sealing, just on the east side rather than a grind and overlay.

Councilman Harmon stated that there are many utilities, whether it be storm drain sewers, water caps, and other things of that matter. Are those going to have to be raised and reset with the existing paving that would go through there, or how will that work?

Joe Pursel stated that it should be raised. That is common practice to pave it, go back through, chip out the new paving, and raise up the utilities to the existing surface.

Councilman Harmon inquired if that was included in the original estimate.

Joe Pursel stated that he was not the one who performed the estimate.

Councilman Harmon stated he understood. It was just a recommendation of what needed to be done.

Mayor Tedford stated that he could answer Karla's question. The developer, anywhere, not just the spot that Mr. Pursel is looking at, is supposed to bring curb, gutter, and sidewalk paved to the middle or paved to the street. They also bring all of that up to our code, and our specifications and then we take over maintenance, for life. That is why we require it be brought up to whatever the Engineer's consideration with Public Works, what that should be.

Councilwoman Kent inquired if the driveways, within the facility, would be the owner's responsibility.

Mayor Tedford confirmed. That is why we asked them to do the sidewalk and that driveway, and/or apron, that concrete apron, that led into their facility, which is ours, is brought up to a standard that can be maintained. When I went back through the minutes, it was clear what the discussion was today from Mr. Snelgrove, I believe, that it wasn't a problem. They were going to bring, what a term, a City alley, to a standard because that is the access for, other than the driveway, that hooks Center Street, to the western portion of this complex. Every other access comes off that alley, for these citizens. That is who we represent here, are these citizens of these mini subdivisions, which is what it was, that housed 30 families. That is who we are supposed to try and protect, is the people who live inside this 30-unit apartment complex, or what were supposed to be townhouses and condos. That is our job is to try and help protect and provide for their safety, and their living, which is all the points that we tried to touch on that day, with Mr. Snelgrove and Mr. Lord, that were in attendance. The alley was just one of them. They seemed that day, to get to an understanding of where we were heading and what we were talking about. When you reach an agreement, you reach an agreement. Now, we are just back here trying to change the agreement. This is new to me. Usually, we reach an agreement and then we are done, but a year and a half later, we are back here, in my opinion, trying to breach an agreement.

Councilwoman Frost stated that she was present on the Council July 5, 2022. I thought it was very clear that the agreement was that they would repave the entire alley. Driving that area this last weekend, and today, there are several cracks on that east side. It is the agreement that they were to abide by.

Mayor Tedford stated this was just one of the things they hadn't done, that they agreed to. They were to provide a 3<sup>rd</sup> party building inspection and safety report for each unit and address any life and fire safety hazards. Has that been done?

City Engineer Derek Zimney stated that he has not received that report.

Mayor Tedford stated that is a building inspection. That is from a building inspector. We authorize a 3<sup>rd</sup> party inspector, not ours, but a 3<sup>rd</sup> party building inspector. That is very important, that it is a building inspector. Whatever they do over there, a building inspector is supposed to do a safety report, and give it to you, okay? That has not been done. Okay, it has been a year and a half. Replace driveway on Center street and meet ADA standards. That is the apron that we are talking about. That seems to me to be done.

Engineer Derek Zimney agreed. That was permitted by A&K in August and was completed in early September.

Mayor Tedford stated that he drives this area 2 to maybe 4 times a day, but at least 2 times a day. So, some of this stuff I can see getting done. Replace substandard sections of sidewalk along Center St. The sidewalk panels that the City would like replaced have been marked with white paint. I know that is done because the contractor left all the debris out in the middle of the street for 2 weeks until we had to get our crew out there to take care of it because it was not safe. 4. Repave the alley between Whitaker and Tedford Lane, as the alley is the only

access to the majority of the units. We have established that has not been done. Install two additional streetlights in the alley. Coordinate with City Staff for locations and specs.

City Engineer Derek Zimney stated that has not been done. They did finally reach out to City Staff last week.

Mayor Tedford stated to Councilman Harmon that after a year and a half they did finally reach out to City Staff. Provide a landscaping diagram for the common areas satisfactory to the City and complete the landscaping. Has that been done?

City Engineer Derek Zimney stated that he has not received a diagram for the City's review nor has the landscaping been done.

Mayor Tedford continued reading the agreement items. Contact Robert Erickson with status updates for the first right of refusal and relocation of existing tenants. Bob, has that been done?

Chief of Staff Bob Erickson stated that he would like to give the Mayor an update regarding this portion of the agreement. After that meeting, in July, Mr. Lord and I had several phone conversations. He retained Rogne Realty as his realtor of record, who was to assist him in facilitating assisting the current residents that would be displaced by this project. In addition to that, we counseled him on several opportunities that are available in rural Nevada, through Nevada Rural Housing, of down payment assistance, which can include, to the level of zero down payment for housing. Plus, interest rate subsidies. Mr. Lord did contact Rural Nevada Housing and we followed up with their representative. She did verify that he contacted her and that he provided him with several different programs. I hadn't heard from Mr. Lord since approximately August, and I briefed the Council on this, at the time, of my contacts. I didn't hear from Mr. Lord until he called my cell phone, about the 20<sup>th</sup> of October, and I was out-of-office for an extended period of time, at that time. I told Mr. Lord that I was out-of-office and wasn't working at the present time and I referred his questions to Mr. Zimney. Since that time, it has been a year and a half and he has changed his realtor of record to, I believe, Century 21. He hasn't updated the status of the tenants, and I assume in a year and a half that there has probably been significant turnover in tenants. I would say that the previous representations that he had made of how he was going to mitigate the impact of those tenants and assist them with relocating within the community or helping them purchase the units are dated and mute. I believe we are starting from ground zero.

Mayor Tedford stated that Mr. Lord requested to be placed on the agenda today, and that is why Mr. Pursel is here today. So, Derek is just giving us a review of where this stands and answering your questions. From our understanding, I guess, for the record, we would need him to confirm, unless Mr. Pursel could, that he has remodeled 28 of the 30 units.

Joe Pursel said that he could not confirm that.

Mayor Tedford stated that Mr. Pursel cannot confirm that, but Derek probably could because he has been there. What were you told, Derek, when you visited the place?

Engineer Derek Zimney stated that the update from Century 21 is that they have updated 28 of the 30 units. The Building Inspector Gary Johnson and I had the opportunity to walk through 3 of them. One of them, that was in the progress of what I would call face-lifted, one of them that was complete, and one of them that hadn't been touched. They were certainly replacing cabinets, toiletries, fixing holes in the walls, new flooring, and these sorts of things. It was a little different, we did receive on Thursday, November 30<sup>th</sup> at 11:59 pm an email from Mr. Lord. I will read it, "All Sierra Manor Townhome living interiors have been uniformly and completed remodeled. Kitchen and bathrooms gutted to studs with new cabinets, new under granite backsplashes and countertops, new appliances, new hardware throughout the entire homes, new interior floor trim and paint, new interior lighting and switches, and exterior doors

painted.

Mayor Tedford inquired on Engineer Derek Zimney's response to the email.

City Engineer Derek Zimney stated that he said the cost estimate was \$45,000 times 30 units, equals 1.35 million. The area of this project requires the greatest amount of time, effort, and financing to date. My response was, this was not a condition of the City Council, and after reviewing our files, the Building Department has no building permits reflecting this work.

Mayor Tedford stated that he is unsure how this meeting was even requested. Mr. Lord called Derek and told him he was going to be late. We told you what we know but there is a lot more to that email which will be attached to the record. I am unsure of what the Council wants to do. He did not want to talk about his midnight email that he sent, that is a page and half to 2 pages. There are 7 conditions that we set, and I believe 2 of which he met. I have a concern that we haven't received a building inspection report and 28 of the 30 units have been remodeled, and we have 30 families living in these units, that Derek or Gary Johnson have not put eyes on or that we have contracted with someone to put eyes on it, that is a building inspector. Mr. Lord is not here to comment, and the City Council meets at 9:00 a.m., for a meeting for him, that he demanded to have because he doesn't want to work with staff, which is how we work here. The Council put down 7 conditions and he didn't want to meet with them, so he wanted to meet with Council again, to change those conditions. Of course, Derek can't change those conditions that he wanted to change because the Council set them. We never had one quite like this. It is up to the Council, but I think that you reinforce your conditions, and we will move on and do things that better the citizens of the City. Give Derek the authority to do what he is supposed to do in the first place.

Councilwoman Frost stated that she agreed with the Mayor and motioned to affirm the conditions set forth on July 5, 2022, by the City of Fallon City Council as to the Sierra Manor Townhomes Merger and Re-subdivision Tract Map; Councilman Harmon seconded and commented that he wasn't on the Council during the July 5, 2022, meeting but fully support these conditions set and approved with a 3-0 vote by the Council.

### **Fallon Police Department Monthly Report for October, 2023.**

Chief Ron Wenger presented the October monthly report. The report will compare the 2023 crime, traffic stops, and traffic accident statistics to October 2022. Total calls-for-service this month were 804 total calls-for-service.

- Crime Summary: 7 total Domestic Batteries; 5 Battery; 14 Disorderly Conducts.
- Theft Calls: 15 total thefts for various items.
- Arrest Summary: 28 total arrests.
- Moving Citations/Traffic Warnings: 114 traffic stops were made; issuing 25 citations.
- Public Property Accidents: 20 total accidents.
- Animal Shelter Services: Total 140; Churchill County – 75; City – 50; Paiute Shoshone Tribe - 5.
- Volunteers in Police Services: Contributed 54 hours.
- Various training courses were provided to sworn-in and non-sworn-in officers.
- No 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.

Councilwoman Frost inquired on the accidents doubling from October of last year.

Chief Ron Wenger stated that it looks like we are up by 2 total from last year. I think that we are getting into the winter months and starting to see more accidents. I don't know if it is because we are gawking at holiday decorations or whatever, but it just seems to be a thing, to be high in October for traffic accidents.

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

No further comments were noted.

### **Public Comments**

Mayor Tedford inquired if there were any public comments.

Geoff Knell of 261 Serpa Place addressed the Council.

- Read scriptures from Luke 21.
- Made comments of the New World Order.
- Made comments about the government.
- Made comments about the white lung disease.
- Made comments about COVID shots.
- Made comments about thinking wisely.

Mayor Tedford inquired if there were any further public comments.

No further comments were noted.

### **Council and Staff Reports**

Mayor Tedford inquired if there were any Council or staff reports.

Councilwoman Frost stated that she had a few things to report. I would first like to congratulate Fallon PD; they won the Holiday Food Drive Collection on Sunday. I believe they collected 6,505 pounds of food and overall, the community, with all the organizations, collected 23,666 pounds of food. That is pretty awesome for our community. Also, I saw the Grinch everywhere I went this weekend. He was at the Tree Lighting, Santa's Wonderland, and the Food Drive. I would like to thank the Grinch for his special appearance as well. The Tree Lighting was awesome. I would like to thank the City Staff, Public Works, PD, and everyone that came together to create that event, along with Santa's Wonderland. It is a lot of work, but it sets our community apart and makes it a great place to live. So, I would like to thank everyone for all their hard work. Thank you.

Mayor Tedford stated that the Tree Lighting, the Ice Rink, and Santa's Wonderland were all great events. We may have to lengthen Santa's Wonderland, it was very full, as you know.

Councilman Harmon stated that he has been to the Tree Lighting many times but never in the position as a Councilman. Watching the people come through City Hall, and throughout the tents outside, and the joy and smiles I saw on everyone's faces from this community made me believe they all had such a wonderful time. The fireworks display this year, in my opinion, was absolutely amazing. Whoever puts that on, my kudos to them because that was absolutely amazing. I was able to share that video with some family members outside of Fallon, and they watched it, and they said that we do a wonderful job for Christmas. Now, as a Councilman, being able to be a part of it, thank you very much because that was just amazing what I saw on Friday. I wasn't supposed to be here because we had a trip that we canceled and was fortunate to be able to be here and be a small part of that because you guys did all the work. Thank you to the City Staff who do all of that and have a Merry Christmas.

Mayor Tedford thanked the Council for the kind words. It takes a lot of hard work to get



there, where we are. The Open House is a good thing and people get to see their elected leaders and appointed staff. You can tell by the number of people in City Hall, and free food doesn't hurt either, but it really starts things off for the Tree Lighting and people enjoy that and I think it is a really good kick-off for the Christmas season. You all do a good job and should be really proud of what happens out there. Thank you all very much for coming today.

No further 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 9:46 a.m.

\_\_\_\_\_  
Mayor Tedford

Attest: \_\_\_\_\_  
Sean C. Richardson, City Clerk-Treasurer

