

**MINUTES
CITY OF FALLON
55 West Williams Ave
Fallon, Nevada
November 7, 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
City Attorney Mike Mackedon
Deputy City Attorney Sean Rowe
Deputy City Attorney Trent deBraga
Public Works Director Brian Byrd
Deputy Public Works Ryan Swirczek
Deputy Public Works Glen Radtke
Captain John Riley
Captain Daniel Babiarz
City Clerk Treasurer Sean Richardson
Engineer Derek Zimney
Emergency Manager Steve Endacott

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.

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 approval of a Parcel Map for HSKS LLC to split Churchill County Assessor's Parcel Number 001-451-93, commonly known as 575 Babb Place, Fallon, NV, into two parcels.

City Engineer Derek Zimney stated HSKS LLC, owners of Churchill County Assessor's Parcel Number (APN) 001-451-93 have made an application and submitted a map to split their property at 575 Babb Place. This Parcel Map will create two 10,725 square foot parcels. These parcels are located within the R-1 zoning and approval will meet City of Fallon Municipal Code requirements for R-1 zoning. Access to the new parcel will be off Babb Place. Any development or improvements to these parcels shall be required to meet all applicable City of Fallon standards and requirements. This piece of land was annexed about a year ago with the intent of splitting these into developable lots.

Councilman Harmon inquired about the parcel split. Would the lot sizes be comparable to the lots in the area?

City Engineer Derek Zimney stated that it would be comparable. 10,000 square feet is just over twice the minimum requirement for square footage. They meet the minimum, which I believe is 50-feet, and they are much longer than that. I believe it will be comparable.

Councilwoman Frost inquired if this property had been recently annexed by the City.

City Engineer Derek Zimney stated that was correct. We brought this property in about a year ago when they annexed it. It was another one of our islands on Babb that we are cleaning up, as we continue here. We have to continue as people want to be in the City and hooked into City utilities.

Councilman Harmon inquired about upgrades to sidewalks upon development.

City Engineer Derek Zimney stated that upgrades would be a part of the development. Part of the annexation agreement was flagging a good section of the sidewalk that they will need to replace upon development. They are going to have to get water and sewer connections, replace a good portion of the sidewalk, and install a street light on Babb place, as part of developing these lots.

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 a Parcel Map for HSKS LLC to split Churchill County Assessor's Parcel Number 001-451-93, commonly known as 575 Babb Place, Fallon, NV, into two parcels; seconded by Councilwoman Kent and approved with a 3-0 vote by the Council.

Consideration and possible approval of a Reversion to Acreage Parcel Map for Kents Supply Center Inc. to combine Churchill County Assessor's Parcel Number 001-451-34 & 001-451-35, commonly known as 785 & 765 Babb Place, Fallon, NV, into one parcel.

City Engineer Derek Zimney stated that Kents Supply Center Inc., owners of Churchill County Assessor's Parcel Numbers (APN) 001-451-34 & 001-451-35 have made an application and have submitted a map prepared to combine their adjoining properties at 785 and 765 Babb Place. This Reversion to Acreage Parcel Map will combine the two .115-acre parcel. This parcel is located within R-1 Zoning and approval will meet City of Fallon Municipal Code requirements for R-1 zoning. Access to the new parcel will be on Babb Place and Stains Road. Any development or improvements to this parcel shall be required to meet all applicable City of Fallon standards and requirements. Going through the history of this parcel, it was originally this larger parcel created by the Stains subdivision in 1957, and then it was split by DeMar Thurman in 1986, he split it into two. By approving this map, we are essentially recreating the original intent of the subdivision.

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

Councilwoman Kent stated that she would be abstaining from the vote on this agenda item because she is the owner of the property.

No further comments were noted.

Councilman Harmon motioned to approve a Reversion to Acreage Parcel Map for Kents Supply Center Inc. to combine Churchill County Assessor's Parcel Number 001-451-34 & 001-451-35, commonly known as 785 & 765 Babb Place, Fallon, NV, into one parcel; seconded by Councilwoman Frost and approved with a 2-0 vote by the Council, with one abstention by Councilwoman Kent.

Consideration and possible approval of a Merger and Resubdivision Parcel Map for Nevada State Bank to adjust the boundary lines of Churchill County Assessor's Parcel Number 001-174-02 & 001-174-03, commonly known as 446 and 498 West Williams Avenue, Fallon, NV.

Engineer Derek Zimney stated Nevada State Bank, owner of Churchill County Assessor's Parcel Number (APN) 001-174-02 & 001-174-03 has made an application and submitted a map to adjust their boundary line at 446 and 498 West Williams. Currently, the boundary line between 446 and 498 West Williams sits in the middle of the bank building. This Merger and Resubdivision Parcel Map will correct that. In addition, a reciprocal cross access and parking agreement has been created as these parcels share a common access and common parking lot. Nevada State Bank also owns the parking lot to the North at 55 North Taylor Street, this parking lot enables both buildings to meet the Fallon Municipal Code parking requirements and the afore mentioned agreements allow both buildings to access the parking. These parcels are located within C-1 zoning and approval will meet the City of Fallon Municipal Code requirements for C-1 zoning. Access to the new parcel will be off Williams Avenue, and the parking lot access will be off North Taylor Street. Any development or improvements to these parcels shall be required to meet all applicable City of Fallon standards and requirements. This one is probably one of the more complex splits. Splitting this one with the property line down the middle of the bank, but they share an access. Neither of the buildings have sufficient

parking, right where they are. To be in compliance, they purchased that lot a long time ago and they have owned that lot, as these buildings were constructed. With this cross-access agreement, it allows them to share access, as well as parking. The bank building is required to have, by square feet, 14 parking spaces, and they have 10. The larger commerce building requires 24, and they only have 11. With the 38 required parking spaces, with the parking lot to the north, they will have 43 total. So, they will meet our code requirements for parking.

Mayor Tedford asked for clarification on the numbers required for parking.

City Engineer Derek Zimney stated that the bank is required to have 14 parking spaces, and the office buildings are required to have 24 parking spaces.

Mayor Tedford stated that would be a total of 38 spaces. The map doesn't delineate any parking spaces, so you cannot read the lines on the bank spaces, and the map shows a proposed shared parking area, when there are no spaces that you are able to count because they are cross hatched. Could you tell me how many spaces are on the property at the bank?

City Engineer Derek Zimney stated that there are 10 parking spaces on the bank property.

Mayor Tedford inquired how many spaces were in the parking lot.

City Engineer Derek Zimney stated that there are 22 spaces in the parking lot on N Taylor Street. There are 11 in front of the building area.

Mayor Tedford inquired on the total number of spaces around the bank.

City Engineer Derek Zimney stated that there are 21 spaces.

Mayor Tedford stated that there are 22 spaces in the parking lot, making a total of 43 spaces.

City Engineer Derek Zimney confirmed the Mayor's statement.

Mayor Tedford stated that when this is being prepared that he, along with the Council, would want the number of parking spaces included in the discussion, or included on the map. That is what we are deciding on, how many parking spaces are available. Not so much discussion about the location of the spaces, but how many parking spaces. There are 5 spaces over the required amount for parking.

City Engineer Derek Zimney stated that was correct.

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

Councilwoman Frost inquired on the signage in the lot of N Taylor. Is there signage stating that the space is for parking for the 2 buildings?

Mayor Tedford stated that there is signage.

Councilwoman Frost inquired on the cross-access. Will the parking agreement be in effect, even if these parcels are sold to other potential owners?

City Engineer Derek Zimney stated that was correct.

Mayor Tedford stated that he has been told that there is an agreement for maintenance for that proposed parking area.

City Engineer Derek Zimney stated that was correct.

Mayor Tedford stated that the parking lot only has a crack seal and a fog seal. They didn't pave it.

City Engineer Derek Zimney stated that was correct. They resurfaced and restriped it.

Mayor Tedford stated that "resurfacing it" is a glowing term for what is going on over there. You have crack sealing and maybe a double fog seal on that lot, like heavy paint over the crack seal. What does the agreement say about who maintains that lot? That lot used to be in really rough shape.

Deputy City Attorney Trent deBraga stated that he could speak on the matter. Nevada State Bank did provide us with reciprocal access to parking easements. The way that is set up, if you look at the map, there is Parcel A, Parcel B, and to the north of Parcel B, they are calling

that Parcel C. The way that it is set up, in the agreement, it states that the owner of Parcel A may elect, at any time, to resurface and restripe the areas of the parking on Parcel A and Parcel C. If that occurs, then Parcel B will be required to resurface and restripe their parking lot. Essentially, Parcel A can elect to do it any time and the way the agreement reads, it contemplates a 3-year period of time. I would imagine, every 3 years, they are going to look at it and revisit it.

Mayor Tedford inquired if this is the document that is being referred to.

Deputy City Attorney Trent deBraga stated that to the north of Parcel B, the parking lot, it depicts the parking easement document number, and it is left blank for now. Once this is recorded, that will be filled in on the map and be perpetual and run with the land.

Mayor Tedford inquired if this is the document that speaks on the maintenance of the parking lot.

Deputy City Attorney Trent deBraga confirmed the Mayor's inquiry.

Councilman Harmon inquired clarification from Deputy City Attorney Trent deBraga. If the owner of Parcel A decides to make repairs to their parking lot, then Parcel B has to follow suit. What if Parcel B decides to do something with their 11 spaces, does Parcel A have to also follow suit?

Deputy City Attorney Trent deBraga stated they do not per the agreement.

Councilman Harmon inquired if that was the case due to Parcel A using it mainly.

Deputy City Attorney Trent deBraga stated that he believes that is the case. It is unique because Nevada State Bank owns all three of these parcels. In that agreement, it does say, Nevada State Bank does desire to sell Parcel B, and it looks like Nevada State Bank is actually taken on the responsibility of resurfacing and restriping Parcel A and C because there is no language stating that the Parcel B owner has to resurface or restripe Parcel B and C. It appears to me that Nevada State Bank will take on responsibility to ensure that both their Parcel A and the parking lot is resurfaced and restriped. If they do that, then it will be a requirement by the Parcel B owner. There is no language suggesting that if the Parcel B owner decides to make improvements, that Parcel A has to.

Councilman Harmon inquired if that will only happen if Nevada State Bank sells Parcel B and there will be a new owner of that property.

Deputy City Attorney Trent deBraga stated that was correct.

Councilman Harmon inquired if this used to be 3 separate parcels. Is that why the old property line ran through the middle of the bank? If you look at this map, it looks like it could have, at one time, been three different parcels. I am just curious as to how we could have had a parcel run through the middle of a building.

City Engineer Derek Zimney stated that he is unsure if it was ever 3 separate properties, or how it was split. Every piece of Williams Avenue has a unique history. It is possible. In the past, the engineering department allowed, if you owned both parcels, you couldn't sell half of it, if your building was down the middle, they allowed it. We have gone away from that practice and try to make them clean up their property lines before they erect a structure. I could do some research on that for you Paul, but it is very possible that there were three there, at one time.

Councilwoman Frost inquired if the bank would be allowed to sell Parcel C. Is there an agreement that this would have to remain a parking lot for the bank? How would that work if that parcel is sold?

Deputy City Attorney Trent deBraga stated that the bank could sell Parcel C. However, that easement is going to encumber that land. Unless it is abandoned or you receive common ownership and it merges, that easement will always be there. The owner cannot exceed the

scope of the easement. Essentially, someone would be buying that parcel for parking, knowing that it could be used by the Parcel A and B owners. They wouldn't be able to erect a structure unless there is some sort of abandonment or extinguishment of this parking easement, which usually has to be done by the dominant estate owner, which is the owner that benefits from the easement. They would essentially have to relinquish their easement right, which I doubt would happen because they probably wouldn't meet the parking requirements.

Mayor Tedford stated that if that did happen, they would most likely have to go away from their business, as a bank, and they would have to tear that structure down.

Deputy City Attorney Trent deBraga confirmed the Mayor's statement. Our parking requirement is based upon square footage. They would have to downsize, but that current structure, as I believe Derek mentioned, as it sits, each stand alone parcel, I don't believe would meet our code requirements, so they would have to do something else.

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

No further comments were noted.

Councilwoman Kent motioned to approve a Merger and Resubdivision Parcel Map for Nevada State Bank to adjust the boundary lines of Churchill County Assessor's Parcel Number 001-174-02 & 001-174-03, commonly known as 446 and 498 West Williams Avenue, Fallon, NV; seconded by Councilman Harmon and approved with a 3-0 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.

Councilwoman Frost stated that she is excited to see the work that is being done on, our soon-to-be ice rink. I am looking forward to it, and I think a lot of people in our community are excited and looking forward to it.

Mayor Tedford thanked Councilwoman Frost and agreed with her statement.

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 9:27 a.m.

Mayor Tedford

Attest: _____

Sean C. Richardson, City Clerk-Treasurer

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