

June 10, 2019

The regular meeting of the Yerington City Council was held in the Council Chambers at 10:00 a.m. with the following present:

Mayor George Dini
Council Members Selena Catalano, John Garry, Larry Reynolds and Terceira Schunke
City Attorney Chuck Zumpft
Chief of Police Darren Wagner
Public Works Director Jay Flakus
Bookkeeper Pamela Argo

Absent: Administrative Director/Interim City Clerk Sheema D. Shaw

Guests: Chief Scott Draper of the Mason Valley Fire District, David Ray, Dave & Deb DeGrendle, Jerry Bryant and Steven Silva

Agenda Approval

Councilwoman Catalano made a motion to approve the agenda as presented, seconded by Councilman Reynolds and passed unanimously.

Minutes

Councilman Garry made a motion to approve the minutes of April 18, 2019 Special Meeting and the May 28, 2019 Regular Meeting, seconded by Councilwoman Schunke and passed unanimously.

Business Licenses

The following business license applications were presented for review and approval:

- A. El Cortez Mexican Food, Restaurant, 516 W. Goldfield Ave. Yerington, NV 89447-New
- B. Pioneer Mobile Home Ranch, LLC, Rent Space for Mobile Homes and RV Overnight Space Rent, 815 W. Bridge St. Yerington, NV 89447 – Name Change
- C. Cygnus Home Service, LLC dba Schwan's Home Service, Retail Sale of Pre-packaged Frozen Food, 115 W. College Dr., Marshal, NV 56258 – Name Change
- D. Barnes & Le Crow Antiques, Antiques, 3A S. Main St. Yerington, NV 89447 – New
- E. Roof Crafters, Inc., Roofing Contractor, 217 Bret Harte Ave., Reno, NV 89509-Mobile – Single Project

Councilman Reynolds made a motion to approve the business license applications as presented, seconded by Councilman Garry. Mayor Dini asked for public comment, there were no public comments and the motion passed unanimously.

Resolution 2019-02, a Resolution of the City Council of the City of Yerington Authorizing an Interfund Loan from the Water Fund to the Sewer Fund in the Amount of \$800,000.

City Manager Switzer stated that this process started two months ago when he initially proposed to borrow money for interim financing for the USDA Water/Sewer project for the pre-design phase; however, our bond counsel came back and recommended that we do an interfund transfer for \$800,000, which is the amount needed to complete the sewer portion. The water fund can sustain and take care of the design specifications.

Councilman Garry made a motion to approve Resolution 2019-02, a Resolution of the City Council of the City of Yerington authorizing an Interfund Loan from the Water Fund to the

Sewer Fund in the Amount of \$800,000, seconded by Councilwoman Catalano. Mayor Dini asked for public comments, there were no comments and the motion carried unanimously.

Airport Hangar #206 Assignment of Lease from Craig Delk to Thatcher Dilley, Trustee of Dilley Family Trust

Councilwoman Schunke made a motion to approve the Airport Hangar #206 assignment of lease from Craig Delk to Thatcher Dilley, Trustee of Dilley Family Trust, seconded by Councilman Garry. Mayor Dini asked for public comments, there were no comments and the motion carried unanimously.

Amendment to the Highlands Wireless Lease to Address Changes to Item #7 of the Agreement, Non-Compete

City Manager Switzer stated this issue was discussed at a previous meeting. There is a clause in our current agreement that there could be an issue if the County or the City have communication devises within a one mile area of the current location of the Highland Wireless Tower.

City Manager Switzer stated that after several meetings with Highlands wireless the product of those meetings is an amendment to the lease adding a non-compete portion that would not apply to Lyon County or the City of Yerington. The council would have to act on this item in order to move forward.

Councilman Garry made a motion to approve the amendment to the Highlands Wireless Lease to address Changes to Item #7 of the Agreement, Non-Compete, seconded by Councilwoman Catalano. Mayor Dini asked for public participation, there were no comments and the motion carried unanimously.

Re-Assignment of Lease Agreement Dated December 12, 2016 from Highlands Wireless, Inc., A Nevada Corporation to Keystone Property Management, LLC

City Attorney Zumpft stated that Highlands Wireless has requested that the City reassign their current lease to Keystone Property management, LLC. Both entities are in good standing with the Nevada Secretary of State office. City Attorney Zumpft stated that if council is inclined to grant the request he would recommend that they include in the motion that the request for reassignment is approved on the condition that the proposed amendment to the lease is accepted and signed by both Highlands Wireless and the City of Yerington.

Councilman Garry made a motion to approve the Re-Assignment of Lease Agreement from Highlands Wireless, Inc., A Nevada Corporation to Keystone Property Management, LLC for the communication facility agreement dated December 12, 2016 between Highlands Wireless and the City of Yerington, condition upon Highlands Wireless acceptance of the proposed amendment to the lease between the City of Yerington and Highlands Wireless that was considered in the previous action, seconded by Councilwoman Schunke. Mayor Dini asked for public comments, there were no comments and the motion carried unanimously.

Retention of Legal Counsel for Right-of-Way Issues for the Water and Sewer Project FY19/20

City Attorney Zumpft stated that the Water and Sewer Project are encountering some legal issues as many of the proposed improvements are not within areas that we know to have easements or appropriate right-of-way. The reason this came up was that where some of the improvements take place are on state highways, but are not owned by the Department of Transportation.

City Attorney Zumpft stated that the replacement of the existing facilities would likely establish prescriptive easements, we could reuse those easements for the new improvements; however, the engineers have stated that while some of those locations will be reused, there are other improvements that require new locations where we do not currently have infrastructure and therefore no prescriptive right. Those properties are not owned by D.O.T., but by the adjacent property owners.

City Attorney Zumpft stated that he recently attended a 3 day conference and put word out to his contacts to get a referral for a immanent domain counsel, which is a constitutional and particular area of the law. City Attorney Zumpft stated that he was able to get three referrals, all of them to the same attorney, Mr. Steven Silva.

Mr. Silva addressed the council and stated that his office is based out of Reno, Nevada and works throughout Nevada and parts of California. Mr. Silva stated that he has spent most of his career representing government entities. Mr. Silva stated that if any Council members had any questions on the process he would be happy to answer them. Mr. Silva stated that there are some items that he would prefer to discuss in a litigation session rather than open meeting.

Mayor Dini stated that in general we would like to keep this conditional at this time. City Attorney Zumpft stated that we should conclude the regular meeting and go to a closed session litigation meeting.

City Manager Switzer stated that Mr. Silva's hourly rate is \$250.00 with no retainer fee.

Councilman Reynolds made a motion to approve the Retention of Legal Counsel of Blanchard, Krasner and French for Right-of-Way Issues for the Water and Sewer Project FY19/20, seconded by Councilwoman Catalano. Mayor Dini asked for public comments, there were no comments and the motion carried unanimously.

Review Bills Previously Submitted for Payment

Bills, Salaries and Vouchers:

Accounts Payable Checks	5-21-2019	30966 through 30996
	5-28-2019	30997 through 31006
Payroll Vouchers	6-3-2019	6061901 through 6061920
Payroll Checks	6-3-2019	31007 through 31013
Transmittal Vouchers	6-3-2019	6031901
Transmittal Checks	6-3-2019	31015
VOIDED	6-3-2019	31014

Councilwoman Schunke made a motion to approve the bills as submitted, seconded by Councilman Garry. Mayor Dini asked for public comments, there were no comments and the motion passed unanimously.

Public Participation

There were no comments.

Department Reports

City Attorney Zumpft reported that the City of Yerington approved the transfer of Booth Parr Field to the schools some time ago. In trying to draft the deed for that City Attorney Zumpft has found that there are 3 properties associated with this field; however, they have nothing to do with the field. City Attorney Zumpft stated that he spoke with Holly Villines at Lyon County and after some research she confirmed that the legal descriptions in their database have nothing to do with the field. City Attorney Zumpft stated that he cannot prepare a deed without a legal description. City Attorney Zumpft stated that he has contacted a title company that can do the work for a cost.

Chief Wagner stated that the new Police Department is coming along well. One vehicle is done with graphics and hopefully the other will be done soon. Councilman Garry asked if the new facility had enough room. Chief Wagner stated that there is more. Councilwoman Catalano

asked if we will have a tour of the facility. City Manager Switzer stated that there will be a grand opening on July 15th.

Public Works Director Flakus stated that we are at 90% submittal for the water/sewer project. We had to pull the tunnel slide from Veterans park and do not have the funds to replace this year. Summer work plan includes street painting and crack sealing. Seasonal employees will be working on hydrant maintenance.

City Manager Switzer reported:

- Working with TRI to change the language in the agreement that was brought to council a few meetings ago.
- SkyFiber's counsel is preparing their letter of acceptance for the city's proposal.
- We should receive the Department of Taxations approval on the Final Budget any day.
- We have submitted the application for our investment account
- We are working on letters and notices for the past due utility charges and a collection agency to work with.
- Nothing to report on the Armory at this time

Councilman Garry asked about the trailers by the animal shelter. Public Works Director Flakus stated that John Campi has met with the Colonel and everything was removed from inside the trailers, most likely we will need to move the trailers.

Councilman Garry thanked Mayor Dini for 24 years of service to the City of Yerington.

Mayor Dini stated that the river is at flood stage and the flow is rapid. It is at 1700 per second.

There being no further business the meeting was adjourned.

Mayor of the City of Yerington

ATTEST:

Administrative Director/Interim City Clerk