

May 1, 2020

The special meeting of the Yerington City Council was held in the council chambers and via Zoom.com due to COVID-19 and Social Distancing Measures enacted by Governor Sisolak at 9:00 a.m. with the following present:

Mayor John Garry (Council Chambers)
Council Members Jerry Bryant (Council Chambers), Selena Catalano, Shane Martin and Terceira Schunke (via Zoom.com)
City Manager Robert Switzer (Via Zoom.com)
City Attorney Chuck Zumpft (Via Zoom.com)
Chief of Police Darren Wagner (Via Telephone)
Public Works Director Jay Flakus (Council Chambers)
Interim City Clerk/Administrative Director, Sheema D. Shaw (Via Zoom.com)

Guests: There were 40 participants via Zoom

Meeting called to order, roll call reported and Pledge of Allegiance.

Mayor Garry opened the meeting and stated due to the Covid-19 virus our council chambers have been closed to public gatherings; thus, to comply with Nevada Open Meeting Law we are utilizing a Teleconferencing/Video conferencing to allow the public to attend remotely which has been posted in a timely manner. We will also be live streaming on Facebook.

Mayor Garry stated that City Manager Switzer would act as the “Host” for Zoom.com for acceptance to the meeting. Mayor Garry stated that if the public is viewing the meeting on Facebook live, they can engage in public participation by calling the front desk or emailing the City Clerk at sheema@yerington.net.

Mayor Garry stated that Councilmembers may be participating from remote locations. Mayor Garry stated that he would call on each member of council to determine his or her vote on each agenda item.

Mayor Garry stated that we would not be asking for public comments after each item, however, public comments would be taken at the beginning and end of the meeting.

Public Participation/Comments

Mayor John Garry read the following statement from James R. Sanford:

MAY 1, 2020

STATEMENT PREPARED FOR THE MAYOR AND YERINGTON CITY COUNCIL

Because local governments – like the Yerington City Council – are the closest to the people they represent, our local governments are in the unique position of making the most meaningful decisions.

Nevada’s rural areas are apparently considered simply as “fly-over cities and counties” to a Governor who flies regularly between the metropolitan areas of Las Vegas and Reno/Carson City in a new \$10-million jet bought and paid for last year by Silver State taxpayers. Rural Nevada is a totally different world from the big cities in our state and should be looked at differently when it comes to issues such as the economic shutdown created by the Coronavirus pandemic.

Our economy is unnecessarily dying on the vine. By the time the Governor sees fit to lift the lockdown sanctions we may lose 25% to 30% of the all-important small businesses that drive our economy. This issue does not have to be “either/or” as in “lives vs. jobs”. There must be a happy medium somewhere as Nevada workers are fast approaching a “lives vs. lives” quandary. Surely some Nevadans will die without a vibrant economy.

I urge the City of Yerington and other Nevada communities to prepare their own independent plan for reopening our local economy. This should be done whether the city decides to ride things out with the Governor or if it should determine to go its own way due to the obvious lack of leadership from the Governor's office. We need a plan – put together with public and business input -- that works for us right here in Yerington/Mason Valley.

Nevada businesses need to recoup at least some losses, much of which may never be recovered. Only when businesses begin to make money again will government also begin to realize some financial returns. Then unfortunately next February, with a Governor and both houses of the Nevada Legislature controlled by one party, Nevadans may very likely get hit again with a state income tax proposal to recover lost tax revenue. Yet without a vibrant economy, there will be few tax dollars generated. Damned if we do, damned if we don't!

Jim Sanford – PROUD YERINGTON RESIDENT

City Manager Switzer stated that we had 29 participants via Zoom with no comments at this time.

Approval of Agenda

Councilman Bryant made a motion to approve the agenda as presented, Councilwoman Catalano seconded and motion carried unanimously.

Discuss Impacts on Local Businesses Due to Covid-19 and Emergency Directives by Nevada Governor Sisolak

Councilman Bryant stated that he wanted to meet today if there was lack of planning by the Governor for communities to reopen. Councilman Bryant stated that he feels the impact to our city is different from other areas. We need to make safe and rational decisions for our community and begin the process of building our own plan.

City Manager Switzer stated that there was a comment from Cheri Van Ness: Can the City consider opening salons in phase one. City Manager Switzer stated that the Governor stated it is up to each city; however, if allowed, we should notify the State Board of Cosmetology.

Councilman Bryant stated that it was his understanding after the Governor's speech last night that we are still in phase zero and that phase one will begin around May 15th. Councilman Bryant stated that the Governor also stated that he would be reaching out to the local communities and local government so that they could have more say and control of their jurisdictions; however, it sounds like the control is more to tighten the reins, not loosen them.

Councilman Bryant stated that we do have some direction from the Nevada League of Cities and Municipalities. On April 21st the Governor did outline two of the criteria to open: 1. There must be verifiable evidence of a consistent and sustainable downward trend of cases and hospitalizations over a 14-day period, 2. Nevada's public health care system and hospitals must have the capacity to respond to the state's public health needs without a crisis standard of care and the ability to test suspected carriers of the virus, trace contacts, and isolate positive cases then we may begin to reopen.

Councilman Bryant stated that he found the governors directives from yesterday in contradiction to the guidelines from April 21st. If we had followed his guidelines from the 26th, Yerington might possibly have been on the road to recovery two weeks ago.

Councilwoman Catalano stated that the Governor did say May 15th; however, he also said it could be sooner. Councilwoman Catalano stated that she did not see an issue with salons as long as they followed guidelines with how many clients can be in the salon at a time and sterilize in-between clients.

Mayor Garry stated that he is sure accommodations could be made with good health and safety measures in place.

Councilwoman Catalano stated that we need to be careful; should anyone with a state license open prior to the state allowing them they are at a risk of having the state come into their business for noncompliance and closing them down.

City Manager Switzer stated that there was a question from Commissioner Jay Dini asking if we could find out the cases in our area code, 89447. Mayor Garry stated that was an excellent idea.

Councilman Bryant stated that he has a concerns regarding one of the Governors directives. The directive is the measurement of positive tests. Councilman Bryant stated that with the rollout of statewide testing our positive results would go up. Councilman Bryant stated that we should not look so much at the positive tests, but the number of hospitalizations and deaths.

Councilwoman Catalano stated that we are looking at our area; however, a lot of people work outside of this area where they are dealing with positive cases. We need to make sure that as we start going out, people who have been exposed to a symptomatic or positive tested people do not go around others. We need to continue with the safety measures; washing our hands and wearing our masks. Our community has been great at this, but we will need to look at this as businesses open up.

City Manager Switzer stated Toni Inserra of South Lyon Medical Center asked if testing salons would help. Mayor Garry stated that he is not sure how it is done; however, we can check into it. Councilwoman Schunke stated that she was not sure we had enough tests to test every day. Councilwoman Catalano stated that everything is taking a chance, however, taking temperatures before letting someone come in and putting on masks is a way to move forward.

City Manager Switzer stated that Toni Inserra also reported that there have been no cases reported out of South Lyon Medical Center.

Mayor Garry stated that he has repeatedly heard that this will be federally supported, state managed and locally executed. Mayor Garry stated that it is his hope that in the execution period we will be able to submit a plan that works for our community and needs.

Councilwoman Schunke asked if the city decided to go against the governors recommendations, would there be any repercussions.

City Attorney Zumpft stated that there are risks for not complying with the governor's emergency powers and that includes removal from office under NRS 414.070, subparagraph 5: "Public Officers can be removed for willful failure to obey an order regulation adopted pursuant to this chapter". In addition, "failure to comply with a directive would also constitute a misdemeanor". The ability to impose those penalties is being debated; however, statutorily that is a risk council member's face.

Councilwoman Schunke asked about local business owners. City Attorney Zumpft stated that they are subject to the civil penalties.

City Manager Switzer stated that he had a question from a zoom participant. The question is "what if a person gets the antigen test can they open back to work". Councilwoman Catalano stated that if they are returning to work, most employers are requiring you to wear a mask as long as you do not have a fever if you test positive you must go home for quarantine. As for someone who owns a business, you are required to be in compliance with regulations that whoever comes through the door is safe.

Councilman Bryant stated that we need to trust our community and business owners to do the right thing. As a council we need to come up with a plan to reopen our community. Councilman Bryant stated that for the casinos, perhaps they could open at

50% of their capacity. Councilwoman Catalano stated that is not an option at this time. The Gaming board mandates the casinos.

City Manager Switzer stated that he had further comments from participants: Jay Dini asked if the city would discount his quarterly gaming license, as it is likely he would be closed for one quarter. In addition, Sandy stated that she has the constitutional right to open up, does that not trump the governors overreaching order.

City Attorney Zumpft stated, “as determined by a district or supreme court. The city is not in a position to make those determinations”.

City Manager Switzer stated a new comment asked “Can the city sue the state for overreach or abuse of power.” City Manager Switzer stated that is not something that has been utilized around the state. City Attorney Zumpft stated that is an avenue that is open to any person to challenge the state action.

City Manager Switzer stated that based on the governors presentation last night it is his intension to speak to each county and as we go into phase one and give the counties a stronger voice on how they will approach business openings and getting the economy on track. Mayor Garry stated that the counties would be making reports to the governor.

Councilwoman Catalano stated that when we do reopen there will be positive tests. The people of our community have worn their masks and kept their social distance; however, we cannot dismiss our governor, he is trying to keep us save. We need to take baby steps.

Councilman Martin stated that Raley’s follows strict requirements; however, the hardware stores do nothing. Why can’t smaller businesses open with smaller clientele?

City Manager Switzer stated that Kathy Harris Graham commented that if we open casinos people would come from out of town, salon owners can select whom they serve.

Councilman Bryant stated that we need to come up with our own plan for reopening and give that plan to the governor. Our local hospital is not at capacity and the local fire chief has no concerns.

City Manager Switzer stated that Lyon County Manager Jeff Page has commented that the Attorney General shut down two businesses for non-compliance.

City Manager Switzer stated that Matt commented that “What is good for Vegas and Reno is not necessarily good for Yerington”.

Mayor Garry suggested forming a committee to review and formulate a plan to bring to council for approval at the May 11th meeting.

Councilwoman Catalano stated that she understands what Councilman Bryant is saying; however, she does not feel we should go against the Governor. Councilwoman Catalano stated that she would like to be on the committee also. She feels that opposing views would be helpful in forming a plan that views all sides of the pandemic and our community. Once the plan is approved by council we can send it to the governor for his approval.

City Manager Switzer stated that there was a question regarding churches. Councilman Bryant stated that he disagreed with the Governor on this item. This IS the time that people of faith need to come together to celebrate their faith; to turn to one another in time of crisis. We have no right to interfere with someone’s faith.

Mr. Travis Crowder of the Boys and Girls Club of Mason Valley stated that they would be open on Monday to accept a total of 65 children of essential workers. They will be following strict guidelines in order to keep social distancing at the club.

City Manager Switzer stated that Angela Banta has commented that she has had a loss of 100% of her business; she is faced with closing her business in the next few weeks. Councilman Bryant stated that we have a responsibility to get our businesses back on track.

City Manager Switzer stated that we should work from a staff level to get a committee meeting and discuss this as an actionable item at the May 11th meeting.

Public Participation/Comments

Mayor Garry asked for further comments, there were no comments

Department Reports

Councilman Bryant thanked everyone for their time today.

Councilwoman Catalano thanked everyone and again requested to be on the committee.

Chief Wagner stated that we should partner with Lyon County and the City of Fernley to get more traction

Mayor Garry stated that he wrote a formal letter to the governor with the approval of council. The people have voiced their concerns about the restrictions; however, they have followed all restrictions. We would like a plan for our community.

There being no further business the meeting was adjourned.

Mayor of the City of Yerington

ATTEST:

Administrative Director/Interim City Clerk