

Yerington City Council Meeting
September 28, 2020 at 10:00am – City Hall

The regular meeting of the Yerington City Council was held in the Council Chambers and via Zoom.com due to COVID-19 and social distancing guidelines enacted by Governor Sisolak at 10:00 a.m. with the following present:

Mayor John J. Garry (Council Chambers)
Council Members Jerry Bryant (Council Chambers), Selena Catalano, Shane Martin and Terceira Schunke (Via Telephone)
City Manager Robert Switzer (Via Zoom)
City Attorney Chuck Zumpft (Via Zoom)
Public Works Director Jay Flakus (Council Chambers)
Administrative Director/Interim City Clerk Sheema D. Shaw (Via Zoom)
Deputy Clerk/Grants Administrator Angela Moore (Via Zoom)

Absent: Chief of Police Darren Wagner

Guests: Mr. David Ray

The meeting was called to order and roll call was reported by Mayor Garry. The Pledge of Allegiance was led by Councilman Bryant.

Mayor Garry opened the meeting stating that the Council Chambers are now open for public gatherings and meetings. The City is also livestreaming on Facebook.

Mayor Garry stated that City Manager Switzer will be acting as the host and will accept the public into the meeting. If the public has any questions or comments, please call the front desk at (775) 463-3511 or email the Administrative Director/Interim City Clerk Shaw at sheema@yerington.net.

Mayor Garry stated that he will call each member of the Council, in order for him or her to vote on each agenda item. Public comments will be taken after each agenda item.

Public Participation

Mayor Garry asked for comments with a wait time of two minutes.

Amy Miller with the Chamber of Commerce stated the Chamber Board met last Friday, September 25, 2020 and will be moving forward with the Parade of Lights. A request will be submitted to the City and Highway Patrol for a road closure on Main Street, which will be held on December 12, 2020.

Agenda Approval

Mayor Garry stated the agenda would be approved as presented unless there are any objections or corrections. No objections or corrections were made at this time and the agenda was approved as presented.

Minutes

Mayor Garry stated the minutes of September 14, 2020 regular meeting would be approved as presented unless there are any objections or corrections. No objections or corrections were made at this time and the minutes of September 14, 2020 regular meeting were approved as presented.

New, Renewal and Name Change Business License Applications

- A. Clay Davis dba Clay Davis, Roofing Contractor, 3793 Meadowood Rd. Carson City, NV 89703 – New Single Project
- B. Ricky Nuzum dba BDR Construction, Inc., General Contractor, 1450 Industrial Way Gardnerville, NV 89410 – New
- C. Kyle Higday dba K & C Construction, LLC, General Contractor, 701 Schaad Lane Dayton, NV 89403 - New

Mayor Garry asked City Manager Switzer if any additions or deletions need to be made. City Manager Switzer stated no. Mayor Garry stated the business licenses would be approved unless there are any objections. No objections were made at this time and the business licenses were approved unanimously.

Interlocal Agreement Entered into by and Between the City of Yerington, a Political Subdivision of the State of Nevada (“City”) and Lyon County, a Political Subdivision of the State of Nevada (“County”) to Approve an Ancillary Project to Install Fiber Communication Infrastructure at Lyon County’s Expense.

City Manager Switzer stated within this agenda item, the City is looking to help out a couple of organizations for the Water and Sewer Project. The proposed agreement is between the City of Yerington and Lyon County, to install fiber optic communications between the administration and the justice center buildings. The agreement will save Lyon County a lot of money and could lead to increased costs if the action is performed by Lyon County alone. The agreement has Lyon County paying the City 110% of the engineer’s estimated project costs until the completion of the project, which is in the amount of \$242,000.00. Lyon County has already appropriated the amount to the City and the City will then pay the contractor. The City is the responsible party and will make sure the project is completed properly.

Councilman Bryant asked if there are any prolonged delays based on the distance of the buildings. Based on the engineer’s estimate, City Manager Switzer does not see any foreseeable delays or prolonged completion with the proposed activity for Lyon County.

Councilman Bryant made a motion to approve the Interlocal Agreement between the City of Yerington and Lyon County, seconded Councilwoman Schunke. Mayor Garry asked for comments, no comments were made at this time and the motion was approved unanimously.

Interlocal Agreement Between the City of Yerington, a Political Subdivision of the State of Nevada ("City") and South Lyon County Hospital, a Hospital District and Political Subdivision of the State of Nevada ("SLCH") to Improve Existing Sewer and Water Service Utilities ("Ancillary Project") at the Expense of SLCH.

City Manager Switzer stated within this agenda item, this agreement is also part of the Water and Sewer Project and is very similar to the previous agenda item. The agreement would benefit the community as far as bettering the water and sewer connections and services for the hospital. The agreement states the hospital will pay the City 110% of the engineer's estimated project costs, which is in the amount of \$49,500.00. The hospital has already agreed to pay the City and the City will then pay the contractors.

Councilwoman Schunke made a motion to approve the Interlocal Agreement between the City of Yerington and South Lyon County Hospital, seconded by Councilwoman Catalano. Mayor Garry asked for comments, no comments were made at this time and the motion was approved unanimously.

Request by Eric Bodenstein for Relief on His Water Billing at 6 Mobil Drive in the Amount of \$142.00.

City Manager Switzer stated correspondence and emails were provided to City Council and also to the public. Mr. Bodenstein has several properties within the City of Yerington and has approached staff regarding relief or a credit be applied to 6 Mobil Drive for excessive water usage. If an excessive amount of water was used, the City checks for any leaks on the City's end. Usually the customer has had a water leak, leaves the water on or sometimes a meter may malfunction. The staff checked the meters and nothing was detected to be malfunctioning or leaking on the City's side.

An email was sent to Mr. Bodenstein from City Manager Switzer explaining that the meter was not malfunctioning. The water usage was averaging about 7,000 gallons per month. In the month of July, a meter recording was reported to have used about 100,000 gallons of water. The month of September was averaged at about 7,000 gallons of water used. Based on City Manager Switzer's observation, if meters are malfunctioning, the meter will continue to malfunction and this is not the case. The meter is working correctly and Mr. Bodenstein needs to pay the remaining balance of \$142.00. Mr. Bodenstein made a payment for the accounts with a remaining balance of \$142.00. A shortage would be present based on all accounts. Decisions can be appealed to City Council, which Mr. Bodenstein requested. City Council could decide to keep the \$142.00 credit in place, splitting the cost or having the \$142.00 deficit stand and to bring accounts current.

Mayor Garry stated usually in the summer months, the water usage goes up, is that correct? City Manager Switzer stated that is correct. Mr. Bodenstein stated no water was left on and the residence does not have any grass.

Councilwoman Catalano stated she doesn't have a problem working with Mr. Bodenstein. An obligation needs to be committed and the balance should be paid. The City should not have to pay the full balance. Councilwoman Catalano asked if Mr. Bodenstein was aware of the meeting. City Manager Switzer stated yes, Mr. Bodenstein was aware of the meeting. Councilwoman Catalano asked if the COVID-19 Relief Program can be used to help with the balance on the account. City Manager Switzer stated no, the funds cannot be used for any water or sewer payments.

Councilman Bryant asked if a meeting took place with Mr. Bodenstein to discuss the issue. City Manager Switzer stated yes, a meeting took place. Councilman Bryant suggests to split the cost or balance with Mr. Bodenstein.

City Manager Switzer agrees with Councilman Bryant. City Manager Switzer stated City Council's action and decision is precedent. Mr. Bodenstein presented his payment, but was short by \$142.00. The issue most of all is Mr. Bodenstein's utility accounts would be affected. The policy is in place for the City of Yerington and details the standpoint on multiple accounts and not providing the correct balance.

Councilwoman Catalano stated in the future, this issue could become a problem. On the property, his account needs to be brought to current and only focus on the account in issue.

Administrative Director/Interim City Clerk Shaw stated the City has not applied his payment to the accounts at this time and is currently under review.

Councilwoman Catalano stated Mr. Bodenstein has given specifications to the City for the breakdown of accounts and how much he would like to pay. City Manager Switzer stated Mr. Bodenstein requested to apply the payment to all accounts. The City usually applies payments to the accounts until no money is remaining, which means the last accounts for Mr. Bodenstein would all be in arrears.

Mayor Garry stated the City of Yerington will work with people, but customers cannot decide if a water bill is not going to be paid and the decision is up to City Council. Mayor Garry suggests Mr. Bodenstein pays his balance in full. Councilwoman Schunke agreed that Mr. Bodenstein should be held responsible for the full amount.

Councilwoman Catalano asked if a policy is in place regarding a one-time favor from the City of Yerington. City Manager Switzer stated no, that policy is not currently in place. Councilwoman Catalano suggests Mr. Bodenstein pay the full balance because the City does not have a policy in place. City Manager Switzer stated customers were coming in about complaints due to increased water usage because of the heat, which

leads to more watering and more water usage. The formal policy for the City is on a case by case basis. If a malfunction is on the City's side, the City will handle the issue.

Councilman Bryant suggested Mr. Bodenstein pay the remaining balance and spread out the payments within a few months' time frame. City Manager Switzer stated yes, the City can set Mr. Bodenstein on a payment plan to pay the remaining \$142.00 over three months.

City Attorney Zumpft stated if a customer has a water meter, then the customer pays for the balance. If not, the remaining water customers will have to pay more in order to make up for the non-payment of the customer who did not pay.

Councilwoman Catalano made a motion to deny a request by Mr. Bodenstein for relief on the current balance of \$142.00 with an amendment to pay off the balance of \$142.00 in three monthly payments along with his current balance due, seconded by Councilwoman Schunke. Mayor Garry asked for comments, no comments were made at this time and the motion was approved unanimously.

Change the Title of the Administrative Director/Interim City Clerk to City Clerk.

City Manager Switzer is requesting to change the official title for Mrs. Shaw from Administrative Director/Interim City Clerk to City Clerk. City Manager Switzer found that the phrase Interim is a temporary position, usually a three to six-month position. Changing the title to City Clerk is a full-time position and the City Charter was included to City Council. Mrs. Shaw is 100% accomplishing all the duties describes within the City Clerk position. The City owes both Mrs. Shaw the official title and it would be in the best interest of the City. The City establishes the position and a decision will be made as a City.

Mayor Garry stated he supports the decision to change Mrs. Shaw's title to City Clerk. City Manager Switzer stated this is not a salary increase, only a title change, if City Council desires and sanctions as the official City Clerk. Councilwoman Schunke asked if an Administrative Assistant is present and if not, is the City planning on hiring one? City Manager Switzer stated we do not currently have an assistant, but Mrs. Shaw is also performing that duty.

Councilwoman Catalano agreed to the title change for Mrs. Shaw as City Clerk.

Councilwoman Catalano made a motion to approve a change of title of the Administrative Director/Interim City Clerk to City Clerk, seconded by Councilwoman Schunke. Mayor Garry asked for comments, no comments were made at this time and the motion was approved unanimously.

Mayor Garry officially announces Mrs. Shaw as City Clerk of the City of Yerington.

Update on Grants.

Deputy Clerk/Grants Administrator Moore provided a presentation. The Coronavirus Relief Fund, an allocation in the amount of \$591,873.00 was awarded to the City of Yerington from the State of Nevada. The City has received both allocations. Purchases have been made including the Vacuum Excavator and the pressure washer for the Public Works Department.

Deputy Clerk/Grants Administrator Moore stated no claims have been filed towards FEMA for COVID-19 expenses. The invoices will be added to the FAA CARES Act for the Airport and also the Coronavirus Relief Fund. The FAA CARES Act for the Airport in the amount of \$30,000.00, a pay request will be submitted in the amount of \$29,772.97. The invoices will be submitted to Delphi and money will be reimbursed back to the City. The remaining balance for the grant will be in the amount of \$227.03. The FAA Master Plan in the amount of \$300,000.00 includes Farr West Engineering and the project has started. The invoices also need to be submitted to Delphi for reimbursement to the City of Yerington.

Deputy Clerk/Grants Administrator Moore stated NV Energy Charge-Point in the amount of up to \$40,000.00 per location, the new City Hall and the Airport. The contractor performed a site assessment at both locations last week, project cost estimates will be submitted by the contractor. Once the project cost estimates are received, the applications can be submitted. The USDA Restroom Project in the amount of \$50,000.00 is awaiting approval from the State of Nevada on the color selection, location and design submittals. The Public Restroom Company plans to bring the building into the factory in early October. A delivery estimate will be provided from the Public Restroom Company in about two weeks.

The Farr West Engineering Rate Study in the amount of \$57,837.00 started in July with an expected completion by December of 2020. The CDBG-CV grant for the Boys and Girls Club of Mason Valley requested funding in the amount of \$125,000.00. A meeting was held on September 1, 2020 with the CDBG Advisory Committee. The Advisory Committee has approved funding in the amount of \$125,000.00. The City is currently awaiting the Letter of Conditions, the Grant Agreement and the Notice to Proceed. The USDA Water and Sewer Project for both City and the Colony is going into the ground-breaking stage for construction starting tomorrow, September 29, 2020.

City Manager Switzer stated the City of Yerington has never had these many grants active at one time. The position for the Deputy Clerk/Grants Administrator is to help coordinate, apply for, and maintain grants.

Financial Statement (FS-10) for Fiscal Year 2020-21.

City Manager Switzer stated a review of the Financial Statement (FS-10) is visited every month. The General Fund ending fund balance between July 1, 2020 to August 31, 2020 is in the amount of \$812,223.27. The balance is in a healthy position at this time,

but a reduction of revenue from the State of Nevada is expected and likely as we move into next year. City Manager Switzer removed five percent as a precursor, which is unknown at this time and any trends will be followed.

City Manager Switzer stated the current balance in the Water Fund is positive in the amount of \$884,391.39 in available cash and financial transactions. The financial transactions show a positive trend.

City Manager Switzer stated the Sewer Fund has a current balance in the amount of \$95,990.59, which is a good position and will also be tracked for trends. The Fixed Acquisition Fund is important as the City moves forward with capital projects. The City has expended \$213,000.00 for the purchase of the new City Hall building and will not be reflected within the figures at this time. The ending fund balance is currently in the amount of \$697,258.96 and will be reduced by the \$213,000.00 in September's report. Keep a close look at this fund. The City has budgeted for phase one of the new City Hall project in the amount of \$100,000.00 and will be taken out of the Fixed Acquisition Fund.

Review Bills Previously Submitted for Payment

Bills, Salaries and Vouchers:

Accounts Payable Checks	9-9-2020	32731 through 32766
	9-15-2020	32767 through 32779
Payroll Vouchers	9-8-2020	9102001 through 9102020
	9-21-2020	9242001 through 9242024
Payroll Checks	9-8-2020	32729
	9-21-2020	32780 through 32781
Transmittal Vouchers	9-8-2020	9082001
	9-21-2020	9212001
Transmittal Checks	9-8-2020	32730
	9-21-2020	32782 through 32783

Mayor Garry stated the bills previously submitted for payment would be approved as presented unless there are any objections. No objections were made at this time and the bills previously submitted for payment were approved unanimously.

Public Participation

Mayor Garry asked for any comments with a wait time of two minutes and no comments were made at this time.

Department Reports

City Attorney Zumpft stated the agreement with South Lyon County Hospital will read and be signed with the name of South Lyon Medical Center instead of South Lyon County Hospital.

Public Works Director Flakus stated the public is invited to come and/or make an appointment to view the new City Hall building. The building will be open from 8:00am until 5:00pm, every day. City Manager Switzer would like to give a shout out to Public Works Director Flakus and continuing to move forward with the new City Hall building. City Manager Switzer stated Public Works Director Flakus has set up vendors and engineers for the project. The main focus will be the administration building and being able to provide better customer service to the public, also known as building A. The City Council/Court room will be of great importance as well, which is building C. The Public Works shop is building B and is pretty much ready to go, except for the electronic connections. Tomorrow is the ground-breaking ceremony for the Water and Sewer Project. The contractor is required to give due-notice to all residents before any services will be replaced.

City Clerk Shaw stated her monthly report will be provided to City Council for the month of August. City Clerk Shaw would also like to thank Public Works Director Flakus for all the work happening at the new City Hall.

Councilwoman Catalano stated some churches that are providing activities for Halloween have cancelled and will probably be up to individuals. People should participate in a manner that will keep the children safe and also let them be children. A thank you to all the staff at the City and Public Works Director Flakus for the hard work.

Councilwoman Schunke would like to thank everyone for their hard work as well. Every employee brings something different to the table and that is what holds the City together. Councilman Martin would also like to thank everyone.

Mayor Garry stated the phrase, "what is darkest before the dawn", explains that the City is not out of the clear yet and the Governor is lifting some COVID-19 guidelines in different states currently. Enthusiasm is present with all the projects at the new City Hall building and a lot of work is currently taking place. Mayor Garry stated he is the Master of Ceremonies regarding the USDA Water and Sewer Project. Mayor Garry stated that he is looking forward to the future.

There being no further business the meeting was adjourned.

Mayor of the City of Yerington

ATTEST:

City Clerk of the City of Yerington