

**Yerington City Council Meeting**  
**March 22, 2021 at 10:00am – City Hall**

The regular meeting of the Yerington City Council was held in the Council Chambers with social distancing guidelines in place with the following present:

Mayor John J. Garry  
Council Members Jerry Bryant, Selena Catalano, Terceira Schunke and Shane Martin  
City Manager Robert Switzer  
City Attorney Chuck Zumpft  
Public Works Director Jay Flakus  
City Clerk Sheema D. Shaw  
Grants Administrator Angela Moore

Absent: Chief of Police Darren Wagner

Guests: Fire Chief Steve Draper, Mr. Dave DeGrendele, Mrs. Deb DeGrendele, Mr. Matt Van Dyne with Farr West Engineering, Mr. David Ray, Mrs. Amy Miller with Northern Nevada Development Authority (NNDA), Mr. Darrol Brown with D & S Waste, and Mrs. Mary Swirsky.

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

**Public Participation**

Mayor Garry stated Mr. Matt Van Dyne with Farr West Engineering was present and provided a presentation to the community about the current Water and Sewer Project issues that occurred over the weekend.

Mr. Van Dyne provided a Water and Sewer Project update. Mr. Van Dyne stated the water break occurred on Friday morning around 9:00 am. The water pressure exposed a 12-inch tee which caused the water break and the shut off valve could not be located. Lyon County Utilities found the water value and turned off the water. The best people were on site to help and resolve the issue. Lyon County Utilities, Search and Rescue, Farr West Engineering, Q & D Construction, and the City of Yerington. Q & D Construction brought in a second crew who found the problem and removed the tee. The issue was fixed by dropping metal tiers in place.

Mr. Van Dyne stated around 6:30 am on Saturday morning, another tee was found resulting in a crack of the asbestos pipe. Q & D Construction brought the first crew back in. The system then needed to be flushed to depressurize the system. Lyon County provided a water truck that is placed in front of City Hall to provide fresh water to the community. The issues arising exposes the purpose for the Water and Sewer Project and how brittle the pipes are. Farr West Engineering worked eleven hours to find the valve,

which will be replaced. One option to fully resolve the issue was to shut down the treatment plant and the tanks completely. The entire community would have been out of water because of the seriousness of the issue at hand. In the Fall of 2016, presentations were given from Farr West Engineering stating the risks associated with the current water and sewer system. All those involved saw this issue first hand on Friday and Saturday. Mr. Van Dyne stated he would be happy to answer any questions.

Mayor Garry stated he would like to publicly express his gratitude to Farr West Engineering, Q & D Construction, and Lyon County. Q & D Construction had crews in the Yerington area for a 72-hour period. The Water and Sewer Project is a very important project to the City of Yerington.

Councilwoman Catalano asked if the issues could happen again in the future. Mr. Van Dyne stated yes, but a meeting will be held to discuss switching the course of action to focus on connecting the water first instead of the sewer first. A modified approach will be taken to eliminate the issues. Councilwoman Catalano stated she agrees with Mayor Garry for the gratitude of Farr West Engineering for going above and beyond and thank you. Mr. Van Dyne stated Q & D Construction were the heroes with this issue. Public Works Chief Becker stated the City lost about 450,000 gallons of water during the water break and was able to confirm the direction of the system that was having issues.

Mr. David Ray stated the City and Lyon County did a great job and everything was wonderful with everyone involved.

Mrs. Deb DeGrendele stated the City did a great job to resolve the issue. Search and Rescue arrived with cases of water. The effort and work put in by everyone was great.

Mayor Garry stated a quote by Shakespeare, "All is well, will end well".

Mr. Van Dyne stated if the community has any continued questions in the future, please feel free to contact Farr West Engineering or the City.

Mayor Garry stated the City is proud to see the integrity of a good company in a crisis, Farr West Engineering.

### Agenda Approval

Mayor Garry stated the agenda would be approved as presented unless there were any objections or corrections. City Manager Switzer stated no changes were made at this time and the agenda was approved as presented.

### Minutes

Mayor Garry stated the minutes of March 8, 2021 regular meeting would be approved as presented unless there are any objections or corrections. No corrections were made and the minutes of March 8, 2021 were approved as presented.

Discussion and Possible Approval of a Franchise Agreement with D & S Waste for Waste Management Services in Yerington, NV from March 22, 2021 ending June 30, 2026.

City Manager Switzer stated the City needs to renew the Franchise Agreement with D & S Waste for local waste management services. The current agreement ends at the end of this month. City Manager Switzer stated he reviewed the agreement and make suggestions to Mr. Darrol Brown with D & S Waste. The proposed Franchise Agreement is the same agreement currently in place, but with a depute clause added. An issue was brought up to implement a recycling contract, which would benefit the community and the franchisee.

Councilwoman Catalano asked why should D & S Waste should have exclusive rights. City Manager Switzer stated the City has four different franchisees. The City collects a tax along the Right-of-Ways. D & S Waste will use the route within the City limits, with the same applying to NV Energy. Exclusive rights are the same thing as a Franchise Agreement.

Councilwoman Catalano asked if another company can come in to collect the fee. City Manager Switzer stated yes. Per the report presented to City Council, one of three options can be taken:

1. Approve the agreement as it stands
2. Modify the agreement now with nothing binding
3. Table the motion with suggestions from City Council
4. Take no action

Councilwoman Catalano stated the City is an older tow with some property that are not grandfathered in. One tax should be given for one property and should be recognized in writing. D & S Waste does not recognize the grandfather clause and started charging a commercial rate to Councilwoman Catalano personally. When Councilwoman Catalano called D & S Waste to ask about the issue, D & S Waste stated that individual homes are charged a rate instead of by parcels. City Manager Switzer stated the City can propose another agreement to D & S Waste. Councilwoman Schunke stated she would like to see the changes within another draft.

Councilwoman Catalano stated she owns a property with two homes on the same parcel. Some areas within the City have more than one home on the same parcel and are grandfathered in, resulting in only being charged one rate. City Attorney Zumpft stated if a parcel has more than one property, the rate should be under a commercial rate. Councilwoman Catalano stated all three corners properties around her property have been grandfathered in.

Councilwoman Schunke stated a fee should be charged and collected by D & S Waste with a copy of the deed included. City Manager Switzer stated yes, he will include that information as part of the next staff report.

Councilman Bryant stated D & S Waste has done a great job for the City and the rest of the community has had a great experience. Councilman Bryant stated regarding recycling, the City need to see how it might impact rates. City Manager Switzer stated the City of Ely started a recycling plant and within eighteen months was successful. The City of Ely was able to make a little bit of money from the recycling efforts. The City would welcome a recycling program but would not mandate.

Councilman Bryant stated he is confident in D & S Waste, but asked if the City would normally go out for bids. City Manager Switzer stated for services or franchise agreements, bids could be broadcasted. City Council could then choose and conduct negotiations or an agreement. NV Energy and Southwest Gas have Franchise Agreements with the City and the agreements automatically renew.

Mr. Darrol Brown, owner of D & S Waste Removal asked Councilwoman Catalano if she has two residences. Councilwoman Catalano stated yes. Mr. Brown stated the correct way for D & S Waste is to transfer the service from a single-family residence to a commercial residence. Councilwoman Catalano stated she has paid the same fee for seventeen years and the rates were automatically increased. Councilwoman Catalano stated if an owner has one parcel, one tax should be collected.

Mr. Brown stated D & S Waste is providing service to two households and instead of paying for two different services applying the commercial rate is cheaper. City Attorney Zumpft asked what Mr. Brown meant by his statement. Mr. Brown stated three or four cans can be used plus a large trash container. City Attorney Zumpft asked plus the pickup. Mr. Brown stated yes. Councilwoman Catalano mentioned the previous person before her did not pay the bill and in order to sign up for new service the bill needs to be paid before the service can start. Mr. Brown stated the title company contacts D & S Waste about the charges on the account. Councilwoman Catalano asked if a home is rented and in order to rent a can, the renter needs to pay the previous renters charges that were not paid. City Attorney Zumpft stated D & S Waste will not extend services to the property until the previous and new services are paid. City Manager Switzer stated a statute that addresses utilities and previous waste management could be part of any future agreement to clear the issue.

Councilwoman Catalano stated she loves the service that D & S Waste offers, but three bags sat next to the trash container to be picked up. The bags sat for two weeks and Councilwoman Catalano took them to the dump herself.

Mayor Garry asked Mr. Brown if D & S Waste had any complaints or any that were not resolved during the forty-one years it has been in business. Mr. Brown stated he does not believe so and every issue has been resolved.

Mayor Garry asked the public for comments or questions to Mr. Brown.

Mrs. Mary Swirsky, a thirty-year resident stated she has service with D & S Waste for both commercial and single-family residences. A complaint made by Mrs. Swirsky did go unresolved by D & S Waste when a tenant renting one of Mrs. Swirsky's properties passed and Mrs. Swirsky is still getting billed for the commercial service. Mrs. Swirsky suggested the City to pass a complaint resolution and suggested the City to move forward with the recycling program.

Councilman Bryant stated he would like to suggest a correction to the Franchise Agreement for D & S Waste. Instead of stating forty-eight hours, Councilman Bryant asked if it could be changed to forty-eight business hours. City Attorney Zumpft confirmed yes, two business days.

City Attorney Zumpft stated City Manager Switzer and himself can include NRS statutes and bring another draft to City Council by the next meeting.

Mayor Garry stated the City could compile the updated agreement and bring back to City Council for approval. No action was taken at this time.

#### Discussion on Fiscal Year 2021/2022 Budget and 5 Year Strategic Planning.

City Manager Switzer stated the City is looking farther than just within the next fiscal year. The City reconvened the meeting and discussed some projects that staff presented. The American Rescue Act was reported to City Council and the City will be receiving about \$2,910,000.00. No explanation or guideline has been received for the Department of Treasury yet. The City will receive half the allocation within sixty days with approximately \$1,400,000.00 being sent to the City one year later for the final installment. City Manager Switzer anticipates adding the money into the budget for the next fiscal year and the tentative budget needs to be submitted by April 15th. City Manager Switzer asked City Council on their thoughts of the projects discussed within the meeting.

Councilwoman Catalano asked City Manager Switzer if the guidelines will be provided to City Council once the City receives the information. City Manager Switzer stated yes. Councilwoman Catalano stated City Council approved of the Kiss and Drop for the Lyon County School District and she still sees a lot more congestion and issues within the school area. City Manager Switzer stated the COVID relief funds were narrow and some were used towards the new facility. Sanitizing, prevention, and mitigation were the main focuses of the COVID relief funds. City Manager Switzer stated the American Rescue Act should be broader based within the new guidelines.

Councilman Bryant stated a lot of projects would benefit the City. Emergency response could be an opportunity to use the money for those efforts and to add to the wish list.

Mayor Garry stated it is great for the City to come into these funds from the Federal Government and the City will spend the funds responsibly.

## Discussion on the Financial Statement (FS-10) July 1, 2020 through February 28, 2021.

City Manager Switzer stated the financial statements are a balance sheet for the City. Page four is the General Fund with revenues over expenditures in the amount of \$442,656.34, year to date. The ending fund balance as of March 15<sup>th</sup> shows an amount of \$1,198,537.39, which is a healthy place for the City. Page fourteen is the Water Fund but grant funds or loan proceed funds have been mixed into the Water Fund and the money should have went into the grant fund for the Water and Sewer Project. The revenues received for the water bills shows a positive position. The updated figure will be found and shared with City Council. The Sewer Fund also shows loan funds mixed within and would explain the \$3,000,000.00 year to date balance. The ending fund balance is positive despite the intermingling of the funds and the City is healthy at this point. A year ago, when the City started with COVID, City Manager Switzer prepared to lose about fifteen to twenty percent of revenue.

## Department Reports

City Attorney Zumpft stated based on information provided by City Clerk Shaw, the election terms will affect City Council. Mayor Garry was elected in July of 2019. Councilwoman Catalano was elected in 2016 to 2017. Councilwoman Schunke was elected in 2018 to 2019. Councilman Martin was appointed in July of 2019 and is not yet elected. Councilman Bryant added he was appointed in 2019. City Attorney Zumpft stated that is correct. To address the order within the 2019 Amendment, Councilwoman Catalano will remain in office until her successor's in November of 2022. Elected member, Councilwoman Schunke will remain in her current seat until November of 2024 and the same with Mayor Garry. Councilman Bryant asked when is the next general election. City Attorney Zumpft stated no general election will occur until the November 2022 election. City Attorney Zumpft is unaware about the twelve-year cap. The City Charter will need to be updated to reflect elections and submitted to the Legislature.

Public Works Director Flakus stated the State of Nevada just approved the sample plan to lift the current Boil Water Notice. All samples submitted to the State of Nevada need to come back clean. The Boil Water Notice is still in effect for the affected areas. The samples need to be submitted a couple days apart. The City will post an immediate social media notice to the community when the Boil Water Notice is lifted. City Attorney Zumpft asked what is the effect of a bad sample. Public Works Director Flakus stated more time and more samples will need to be submitted.

City Manager Switzer would like to offer a shout out to Public Works Director Flakus and his crew. The crew was on duty until 4:30am to help with the Water and Sewer Project. No complaints were received by the City. Lyon County set a mitigation plan and the City would need to boil water before the order could be lifted. Lyon County was helping give out Boil Water Notices and provided a water tanker at City Hall for the community. Twenty to twenty-five people with Search and Rescue helped with the distribution of fresh water. The photograph provided to City Council shows the crack that Mr. Van Dyne

mentioned with the City's poor and brittle pipes. The City does have the resources available if this issue occurs again.

City Clerk Shaw asked Mayor Garry for approval of the bills previously submitted for payment after the Department Reports. City Manager Switzer confirmed the bills were skipped.

#### Review Bills Previously Submitted for Payment

##### Bills, Salaries and Vouchers:

Accounts Payable Checks	03/03/2021	33455
	03/09/2021	33458 through 33492
Payroll Checks	03/08/2021	33456
Payroll Vouchers	03/08/2021	3112101 through 3112120
Transmittal Checks	03/08/2021	33457
Transmittal Vouchers	03/08/2021	3082101

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

#### Department Reports

Councilman Bryant stated thank you to Public Works Director Flakus, the Public Works crew and City Manager Switzer. The Public Safety meeting was cancelled and Councilman Bryant was hoping to have the meeting rescheduled for some time at the end of the month. City Clerk Shaw stated she would like to talk to Councilman Bryant after the meeting to change the date. Councilman Bryant stated for the school drop off areas, the City needs to address the issue. During the Water and Sewer Project, City Council should provide approval while paving occurs at the school.

Councilwoman Catalano stated thank you to the Public Works Department during the water break. Weather this weekend will be in the seventies and welcome to Spring.

Councilwoman Schunke stated thank to all City employees and Public Works Director Flakus for showing a lot of dedication to the City.

City Manager Switzer stated within the Administration staff, Deputy Clerk Larsen was working on Saturday answering phone calls for the Water and Sewer Project to provide help to the community. City Manager Switzer approved additional paving on the

side streets of Virginia and Gallagher for full paving. The funds were a budgeted item in the amount of \$350,000.00 for street improvement to pave the entire road.

Mayor Garry stated the City is grateful and has a great relationship with Lyon County. The news reporter, Kim came to the new facility on March 18th and will release a segment on the City's behalf on the Channel 4 News at 6:00pm. Fire Chief Scott Draper showed the news reported the old City Hall building. Thank you to Fire Chief Draper. The local Rotary Club donated the landscaping with help from Snyder's farm. Two staff members, Deputy Clerk Larsen and City Clerk Shaw both answered phones for City Hall.

Public Participation

Mayor Garry asked for comments and no comments were made at this time.

There being no further business the meeting was adjourned.

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Mayor of the City of Yerington

ATTEST:

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City Clerk of the City of Yerington