

Yerington City Council Meeting
April 26, 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, and Shane Martin (Via Telephone)
City Manager Robert Switzer
City Attorney Chuck Zumpft
Public Works Director Jay Flakus
City Clerk Sheema D. Shaw
Grants Administrator Angela Moore

Absent: Councilwoman Terceira Schunke and Chief of Police Darren Wagner

Guests: Mr. Dave DeGrendele, Ms. Deb DeGrendele, Mr. Ken Jacobsen, Mr. David Ray, Mr. Matt Bowman, School Resource Officer Brandon Coombs, Mr. Daroll Brown, Judge Cheri Emm, and Ms. Holly Villines.

The meeting was called to order and roll call was reported by Mayor Garry. The Pledge of Allegiance was led by School Resource Officer Coombs with the Yerington Police Department.

Public Participation

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

Agenda Approval

Mayor Garry stated the agenda would be approved as presented unless there were any objections or corrections. City Manager Switzer stated agenda item number seven with the presentation by Mrs. Amy Miller needs to be removed because a presentation cannot be presented today. Mayor Garry stated changes were made with the deletion of agenda item number seven and the agenda was approved as presented.

Minutes

Mayor Garry stated the minutes of April 12, 2021 regular meeting would be approved as presented unless there are any objections or corrections. No corrections were made and the minutes of April 12, 2021 were approved as presented.

New, Renewal and Name Change Business License Applications

- A. Linda Gonzalez dba Wendy's Beauty Corner, Beauty Salon, 14 S. Main St. Ste. B. Yerington, NV 89447 – New Owner

- B. Vince Mack dba Peerless Construction, LTD, General Contractor, 1475 Old Hot Springs Rd. Carson City, NV 89706 – New Single Project
- C. Ronald Longley dba CO2 Monitoring, LLC, Sell and Install CO2 Monitoring Systems, 4310 Cameron St. #7 Las Vegas, NV 89103 – New Single Project
- D. Driyanka Bharath dba Damselyfly Improvement, LLC dba Da Bella, Residential Contractor, 6490 S. McCarran Blvd. Bldg. A. Ste. 2 Reno, NV 89509 – New Single Project
- E. Sara A. Glover dba Alliance Legal Services, PLLC, Law Office, 518 W. Goldfield Ave. Yerington, NV 89447 – New
- F. Carolyn Dyer dba iServe Residential Lending, LLC, Residential Mortgage Lending, 215 W. Bridge St. Ste. 3B Yerington, NV 89447 – New
- G. JoAnn Smith dba The Bath House For Pets, LLC, Dog Grooming, 36B N. Main St. Yerington, NV 89447 – New Owner

Mayor Garry stated the business license applications would be approved unless there are any objections or corrections. No comments were made at this time and the business license applications were approved unanimously.

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 previous franchise agreement with D & S Waste was expiring and another agreement needs to be made. Changes were made within the new franchise agreement showing on page two stating D & S Waste Removal shall not refuse to offer their services to people or previous tenants who have not paid for services. Within page five states the complaint resolution process and renewal of a franchise agreement.

Mr. Daroll Brown, owner of D & S Waste Removal stated the account needs to be current and in good standing. City Attorney Zumpft asked if people pay in advance for services. Mr. Brown stated the bill needs to be paid to current and services will be provided. D & S Waste bills for three months in advance and for the quarter. Mr. Brown stated D & S Waste has the understanding that one hundred and thirteen accounts in the City of Yerington have not paid before the due date and they are working with those residents by not refusing service. D & S Waste does not ask the new person to pay the balance and verifies with the Title Company that no garbage service is pending.

Councilwoman Catalano offered a solution by proposing a collection agency to settle any non-payments. City Attorney Zumpft offered the word decline? The City's interest is to offer people trash services, who wish to have the service. To address the issue, City Council does not want trash to pile up and alternative language is recommended by Mr. Brown. Councilwoman Catalano stated City Council needs to acknowledge the terms and the bill should not be passed down to any other individual. If the property is a rental, the responsible party would be the landlord's responsibility to pay for trash.

Mr. Brown stated D & S Waste does not wish to move forward with an attorney and stated to keep garbage simple and it works simple. Councilwoman Catalano suggested to word the agreement with D & S Waste shall not be obligated. Mr. Brown yes, that wording is much better. Councilman Bryant stated if the service is a rental property and tenant does not pay, the bill should default to the landlord. Public Works Director Flakus stated for the City with water billing, the tenant should make it right and the owner is ultimately responsible. Mr. Brown suggested D & S Waste should collect a startup fee. With new people applying for service, a \$40.00 fee voucher is given to the customer for use at the transfer station. If the voucher is used, the tenant does not have to pay at the end of the quarter.

Mayor Garry asked Mr. Brown if he is prepared to accept the franchise agreement? Mr. Brown stated no, he is not prepared. Mayor Garry suggested Mr. Brown to present the contract with the objections to an attorney with minimal fees.

City Attorney Zumpft stated a decision can be made with two simple options to resolve the issue:

1. When an account is not paid, trash will not be picked up.
2. Business changes need to occur with a deposit or collection agency.

Mr. Brown stated in 2020, the City made \$32,550.67 from D & S Waste's services. A suggestion was made for the resolution to move forward ahead and the City could pick up the amounts not paid by tenants. City Attorney Zumpft stated if trash is not picked up by D & S Waste, the City would not receive the three percent as agreed within the franchise agreement.

Mayor Garry recommended to table the contract agreement with D & S Waste Removal and suggested to Mr. Brown to seek an attorney.

Presentation by Amy Miller of the Northern Nevada Development Authority (NNDA) on the Walker River Corridor Economic Grant Project.

The presentation by Ms. Amy Miller of the Northern Nevada Development Authority (NNDA) on the Walker River Corridor Economic Grant Project has been removed from the agenda during the approval of the agenda.

Approve Waiving or Reducing the Fees for the use of the Community Center for the Yerington Intermediate Eighth Grade Dance to be held on June 2, 2021.

School Resource Officer Brandon Coombs with the Yerington Police Department is requesting for fees to be removed or reduced for the 8th grade dance for the Yerington Intermediate School on June 2, 2021. The Lyon County School District is not allowing the use of any of the school's facilities. The Lyon County School District is working on different fundraisers and has raised a little money and will continue raising the funds until the night

of the dance. The school is helping with some events including the Wild Waters trip and with other fundraisers.

Mayor Garry asked if the organization is a charitable organization. Officer Coombs stated no. Mayor Garry stated City Council made an exception for the Lions Club event but does not wish to set a precedent to keep lowering and reducing fees.

City Clerk Shaw stated at least four hours are needed by the Public Works employees to fully set up before an event and take down after an event. Officer Coombs offered his time to set up before the event and to take down after the event. Ms. Holly Villines stated she is a member of the group to set up the Safe and Sober event for the Lyon County School District.

Councilman Bryant these members are not for profit and are operating on pennies. He would like to push for minimal fees and can meet with City Clerk Shaw to understand all the fees involved with the Community Center. Councilman Bryant suggested charging \$250.00 plus a refundable deposit. A charge for \$250.00 per event with \$250.00 as the break-even amount so that the City will not need to come out of pocket. Ms. Villines and Officer Coombs stated yes, that would be appreciated very much.

Officer Coombs stated any funds remaining will go towards the Safe and Sober event. A charge of \$250.00 for the rental fee plus a \$250.00 cleaning deposit with a total charge of \$250.00.

Mayor Garry asked Councilman Martin if he has any comments. Councilman Martin stated the City needs to make money or just to break-even. For the Safe and Sober Event, the school will set up a safe atmosphere for children and Councilman Martin will support that.

Councilman Bryant made a motion to approve reducing the fees for the Yerington Intermediate 8th grade dance for use of the Community Center to a flat use fee of \$250.00 with a refundable deposit in the amount of \$250.00 and to use volunteers to take down and set up the facility, seconded by Councilwoman Catalano. Mayor Garry asked for comments, no comments were made at this time and the motion carried unanimously.

Approve Waiving or Reducing the Fees for the use of the Community Center for the Yerington High School Safe and Sober Event to be held on June 4, 2021.

Officer Coombs and Ms. Villines requests to reduce the fees for the use of the Community Center for the Safe and Sober event for the Yerington High School on June 4, 2021. Officer Coombs stated the amount remaining from the after this event will be given away to the students.

Councilman Bryant made a motion to approve reducing the fees for the Yerington High School Safe and Sober event on June 4, 2021 for use of the Community Center to a flat use fee in the amount of \$250.00 with a refundable deposit in the amount of \$250.00

and to use volunteers to take down and set up the facility, seconded by Councilwoman Catalano. Mayor Garry asked for comments, no comments were made at this time and the motion carried unanimously.

Select Public Defender Services on a Contractual Basis for the Yerington Municipal Court.

City Manager Switzer stated Judge Cheri Emm will be presenting the public defender services to City Council. Judge Emm stated the City of Yerington received two proposals from Walter Law Office and Johnson Law Office. Walter Law Office is owned by Mr. Mario Walter and residing in Yerington, Nevada. Johnson Law Office resides in Reno, Nevada. Judge Emm suggested to accept Walter Law Office for the public defender services and they are very capable with prior experience.

City Manager Switzer stated Walter Law Office is the more reasonable law office. The Municipal Court expenditures would increase the cost of expenditures and will be established as an additional expense. City Manager Switzer concurs with Judge Emm and suggests to move forward with accepting the public defender services with Walter Law Office. Judge Emm stated Walter Law Office was at the same rate about three years ago, except for the jury trial rate which are always substantially more. The jury trial rate is a new addition from last year because battery charges need to have a jury trial now.

Councilman Bryant made a motion to approve a proposal from Walter Law Offices on a contractual basis for the Yerington Municipal Court, seconded by Councilman Martin. Mayor Garry asked for comments, no comments were made at this time and the motion carried unanimously.

Approve a Quote from YESCO for a Single Sided Monument Sign, LED Display Daktronics, 8 mm 5'4" x 11'1" Matrix Size 180x405 Sign for a total cost of \$67,254.00.

City Manager Switzer stated the monument sign is a consideration for purchase to replace the current sign the City currently has. The new sign is much larger and will be in the same location as the current sign with updated technology. The current sign has required a lot of maintenance and the new sign provides a broader view. The COVID grant funding can be used for the whole amount. The Right-of-Way is currently granted to the City by Walker River Irrigation District (WRID). The manager there, Mr. Burt looked at the sign with the specifications and approved of the new sign at the current location. The agreement is expiring in a few months and the contract will be renewed for five years to be able to place the new sign at the Right-of-Way location.

Councilman Bryant stated the new sign is a lot of money and organizations should help by charging a rental fee for slides to be displayed on the sign. City Manager Switzer stated if City Council decides, clear guidelines need to be addressed. The past policy details messages on the sides will be more community based. The sign is very expensive but will not cost the City any money to install it. COVID funds are still available and the only ongoing cost for the City will be to power the unit.

Public Works Director Flakus the goal of the City is to have people turn right to head towards town. The sign has an economic use and promotes events for the City. Councilwoman Catalano asked if a small fee will be charged to the community. City Manager Switzer stated the City could charge a small fee with clear guidelines and could potentially run into issues. The sign will be ran with Wi-Fi and will be easy to update. City Attorney Zumpft suggested no fee should be charged to the community in general and only for personal or birthday messages.

Councilwoman Catalano made a motion to approve the quote from YESCO for a single sided monument sign with a cost of \$67,254.00, seconded by Councilman Bryant. Mayor Garry asked for comments, no comments were made at this time and the motion was carried unanimously.

Approve the Reassignment of Hanger Lease #208 from Jesse N. Nish to Jason W. Haley.

Mayor Garry stated the reassignment of Hanger Lease #208 from Jesse N. Nish to Jason W. Haley would be approved absent any objections or corrections. No objections were made and the reassignment of Hanger Lease #208 was approved.

Approve the Reassignment of Hanger Lease #600 from Christopher Matthews to Douglas Dawson.

Mayor Garry stated the reassignment of Hanger Lease #600 from Christopher Matthews to Douglas Dawson would be approved absent any objections or corrections. No objections were made and the reassignment of Hanger Lease #600 was approved.

Approve an Assignment of Lease from the City of Yerington for Hanger #315 to Robert Switzer.

City Manager Switzer stated the lease payment is the same rate for the hangers owned by the City. Councilwoman Catalano stated a conflict is present with authorizing permission from the City Manager and that detail should be changed. City Attorney Zumpft stated the term of approval, variations or deviances would be decided by City Council.

Councilwoman Catalano made a motion to approve an assignment of lease from the City of Yerington for Hanger #315 to City Manager Robert Switzer. A change was determined and should state approval from the City Manager to approval from City Council, seconded by Councilman Bryant. Mayor Garry asked for comments, no comments were made at this time and the motion carried unanimously.

Three-Year Agreement for Legal Services with Minden Lawyers.

City Manager Switzer mentioned the contract between the City of Yerington and Minden Lawyers expired last year and an agreement needs to be approved by City Council. Minden Lawyers suggested a new rate structure to include a retainer fee in the

amount of \$4,800.00 a month with twenty hours of legal advice and a charge of \$240.00 an hour after the twenty hours. City Attorney Zumpft stated that is the proposed rate. City Manager Switzer stated the current agreement was in the amount of \$3,500.00 per month with seventeen hours of legal advice and a charge of \$220.00 per hour after the seventeen hours. The City of Yerington has had a two-decade depth with Minden Lawyers regarding many legal issues and the relationship is still maintained to this day. At the staff level, the proposed rates seem reasonable to approve this contract with the proposed rates.

Mayor Garry stated City Attorney Zumpft has always made himself available and the City has a great professional relationship with him as well. Councilwoman Catalano stated City Attorney Zumpft's work has been very appreciated. City Attorney Zumpft added every case was focused to have the best interest of Yerington in mind.

Councilman Bryant made a motion to approve the three-year agreement for legal services with Minden Lawyers as presented, seconded by Councilwoman Catalano. Mayor Garry asked for comments, no comments were made at this time and the motion carried unanimously.

Approve a Deed of Dedication Between the Church of Jesus Christ of Latter-day Saints and the City of Yerington; an Easement for Reyes Way, APN 001-032-05, for the Purpose of Constructing and Maintaining a Public Road Right-of-Way and the Necessary Incidents Thereto for the Yerington Water and Sewer Project.

City Manager Switzer stated the grantor is the Latter-day Saints (LDS) Church had some particular policies in place which is right to the north of the property. Reyes Way did not belong to the City at all but the City was still maintaining the road. The City needs to codify or to substantiate taking over the Right-of-Way for that street and will be part of the road maintenance for the City.

Councilwoman Catalano asked if the roadway was owned by the Reyes' family. City Manager Switzer stated it is owned either by the Reyes' family or by the church and is part of the Water and Sewer Project for work to be maintained by the City.

Mayor Garry asked if any property taxes have been collected in the past for road maintenance performed by the City. Public Works Director Flakus stated maybe \$8.00 would be collected for property taxes. Reyes Way has an access to a development named Chisum Trails. Councilwoman Catalano asked if the City has received any authorization from the Reyes' family. City Manager Switzer stated the City has not had contact with the family and only the church. Councilman Bryant asked if any issue will affect access to the homes on Reyes Way. City Manager Switzer stated no, there will be no issue for access.

Councilman Bryant made a motion to approve a Deed of Dedication between the Church of Jesus Christ of Latter-day Saints and the City of Yerington as presented, seconded by Councilwoman Catalano. Mayor Garry asked for comments, no comments were made at this time and the motion carried unanimously.

Approve an Easement Agreement and Deed Between Brookhaven, LLC and the City of Yerington for the Purpose of the Placement, Construction, Operation, Maintenance, Ingress, Egress Repair and Replacement of Public Water and Sanitary Sewer Utilities and Related Infrastructure and Appurtenance and for accomplishing all Necessary Incidents Related Thereto for APN 001-011-38 and 001-011-42.

City Manager Switzer stated the document is related to the Easement Agreement with the Raley's shopping center. The Easement Agreement allows for the City to have the ability in the future to access the property for maintenance issues for the Water and Sewer Project. One issue is the amount for purchase went up from \$1.00 up to \$10.00.

Councilman Martin made a motion to approve an Easement Agreement between the City of Yerington and Brookhaven, LLC for the purpose of the placement, construction, operation, maintenance, ingress, egress repair and replacement of public water and sanitary sewer utilities and related infrastructure and appurtenance and for accomplishing all necessary incidents related thereto for APN 001-011-38 and 001-011-42, seconded by Councilman Bryant. Mayor Garry asked for comments, no comments were made at this time and the motion carried unanimously.

Discussion on the Financial Statement (FS-10) July 1, 2020 Through March 31, 2021.

City Manager Switzer stated the financial statement presented is from July 1st of last year to March 31st of this year and the finances are in sound order.

Page four is the General Fund with an ending fund balance in the amount of \$782,668.18. The year to date balance is in the amount of \$429,026.10 with an ending fund balance in the amount of \$1,211,694.28. The revenues were in the amount of \$1,700,633.26 which calculated to 77.7% of the budget, exceeding for this fiscal year. The expenditures for all departments are under budget and around about 75% and anything less than that would be considered underspending. The year to date total is in the amount of \$1,271,607.16.

Page fifteen is the Water Fund showing utilities received by the City in the amount of \$1,993,334.83. The year to date for the Water and Sewer Project for the general ledger number, 02-00-00-3230 is for City water and the loan revenue that was received. Page sixteen is expenditures in the amount of \$1,122,350.26. The year to date through March 31st is in the amount of \$70,984.00.

Page nineteen is the Sewer Fund. The City sewer proceeds received is in the amount of \$3,921,045.65 for the loan. For services the City received an amount of \$843,044.08, which is a positive fund balance. The expenditures were in the amount of \$519,543.77 with a positive net balance in the amount of \$323,501.00. Before the end of this fiscal year on June 30th, the CARES Act funds that were received after the fiscal year start will need adjustments to be made.

Councilman Bryant asked if the current trend of the Sewer Fund will maintain status quo or if funds will be used elsewhere. City Manager Switzer stated the final stages of Rate Study for the water and sewer rates will determine the trend. The Water Fund has a substantial cash amount of over \$5,000,000.00, but the Sewer Fund does not have that bank of available cash. The Rate Study determined that the City will have a negative net income for some years. The rates will be affected primarily for the sewer rates and a public hearing will be held sometime in June of 2021.

Public Participation

Mr. Matt Bowman stated traffic is being bypassed to Pete Hendrich's instead of through town by navigation from Las Vegas, Nevada to Reno, Nevada.

Mr. David Ray stated the Nevada Department of Transportation (NDOT) has a plan to run a bypass highway to go towards Wabuska hill to Silver Springs and to completely miss the City of Yerington altogether. The plan is active and Lyon County Board of County Commissioner's held a meeting detailing this project as one of theirs to pursue. The project is set to be called the Yerington City Bypass.

Review Bills Previously Submitted for Payment

Bills, Salaries and Vouchers:

Accounts Payable Checks	04/06/2021	33565 through 33583
	04/14/2021	33585 through 33620
Payroll Checks	04/19/2021	33621
Payroll Vouchers	04/19/2021	4222101 through 4222125
Transmittal Checks	04/19/2021	33622 through 33623
Transmittal Vouchers	04/19/2021	4192101

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

City Attorney Zumpft stated the franchise agreement needs to go back to square one with D & S Waste and the agreement will be reviewed with City Manager Switzer.

Public Works Director Flakus thanked City Clerk Shaw for fixing the microphone situation for the City Council meetings. City Manager Switzer stated a refund will be

requested for the battery-operated microphones. City Clerk Shaw stated the City is looking to order eleven hard wired microphones for all the meetings.

Public Works Director Flakus listed some items that have been completed or will be completed soon:

1. Trash cans have been ordered for all the parks.
2. Mr. Tom Talamonte started today and will be mowing the parks.
3. A street closure will occur on Friday on Virginia Street between Main Street and Center Street for a Craft Fair.
4. A plan for the sewer odor will be examined and the City is looking to hire someone else that is not involved at all in order to provide a better plan.

Public Works Director Flakus stated the bypass on Miller Lane to Aiazzi to Pete Hendrich's would miss our town entirely. No semi-trucks can use that access and the bypass will lead to money spent within the economy. The City would post the issue about the bypass and Mr. Ray stated the bypass is planned.

City Manager Switzer stated the bypass is not going in anytime soon. The Lions Club Nut Feed event was successful and a little over \$33,000.00 was collected for a three-hour event with safe social distancing in place. Walker River Basin Communities Foundation encouraged the City to apply for grant funds immediately to help make the gym more soundly. Developers have shown an interest in certain areas within the City and projects are being worked. The City should see growth in the near future.

City Clerk Shaw stated the sound system is still being worked on and she is hoping the microphones will be purchased soon and the City will be moving forward.

Councilman Bryant thanked City Clerk Shaw, Public Works Director Flakus, and City Manager Switzer. A meeting for the Public Safety Committee needs to take place soon. City Manager Switzer stated he will work with City Clerk Shaw to send out advertisements for police officers outside of the area. Some ideas in mind for the City is to raise the Police Department to fully staffed.

Mayor Garry stated he is hoping by May 1st that Lyon County will be lifting the mask mandate and the social distancing restrictions.

Public Participation

Mr. David Ray stated he is able to hear better with the current set up of the City Council meetings and thank you to everyone involved.

There being no further business the meeting was adjourned.

Mayor of the City of Yerington

ATTEST:

City Clerk of the City of Yerington