

Yerington City Council Meeting
January 10, 2022 at 10:00 a.m. – City Hall

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

Mayor John J. Garry
Council Members Jerry Bryant, Selena Catalano, and Matthew Galvin
City Manager Robert Switzer
City Attorney Chuck Zumpft (arrived at 10:01 a.m.)
City Clerk Sheema D. Shaw
Chief of Police Darren Wagner (arrived at 10:04 a.m.)
Public Works Director Jay Flakus
Building Official Joel Brown
Grants Administrator Angela Moore

Absent: Councilman Shane Martin

Guests: Mr. David Ray, Ms. Amy Miller, Mr. Jeff Rife, Mr. Eric Elliot, and Ms. Wendy Wilson

The meeting was called to order at 10:00 a.m. and roll call was reported by Mayor Garry. The Pledge of Allegiance was led by Mayor Garry.

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. Mayor Garry stated the agenda was approved as presented and the motion was approved unanimously.

Minutes

Mayor Garry stated the minutes of December 3, 2021 special meeting and December 13, 2021 regular meeting would be approved as presented unless there were any objections or corrections. Mayor Garry stated no objections were made, the minutes of December 3, 2021 special meeting and December 13, 2021 regular meeting were approved as presented and the motion was approved unanimously.

New, Renewal, and Name Change Business License Applications

- A. Neil Ostrander dba 888-4-Abatement (NV), Inc., Abatement Contractor Services, 318 S. 19th #101 Sparks, NV 89431 – New
- B. George McMillan dba George McMillan, Asphalt Seal Coating Services, 2550 W. Desert Inn Rd. Ste. 102-200, Las Vegas, NV 89117 – New
- C. William Emens dba Diseños De Fe, Custom Printed Apparel & Gifts, 103 Grove St. Yerington, NV 89447 – New

- D. Chad Confetti dba Confetti Services, LLC, Handyman Services for Manufactured Homes, 2650 6th Silver Springs, NV 89429 – New
- E. Kevin Robertson & Craig Holt dba Sierra Nevada Construction, Inc., Road & Highway Construction Services, 2055 Greg St. Sparks, NV 89435 – New
- F. Scott & Courtney Williams dba Shawcoase Contracting, LLC, Construction Services, 1610 Raiders Way Ste. #125 Henderson, NV 89052 - New

Mayor Garry stated the business licenses would be approved as presented unless there are any objections or corrections. Mayor Garry stated no objections were made and the business licenses were approved unanimously.

Review Bills Previously Submitted for Payment

Bills, Salaries and Vouchers:

Accounts Payable Checks	12/14/2021	34640 through 34674
	12/20/2021	34675 through 34698
	12/28/2021	34704 through 34737
	01/04/2022	34738 through 34761
Payroll Checks	12/13/2021	34638
	12/28/2021	34699 through 34701
Payroll Vouchers	12/13/2021	12162101 through 12162123
	12/28/2021	12302101 through 12302126
Transmittal Checks	12/13/2021	34639
	12/28/2021	34702 through 34703
Transmittal Vouchers	12/13/2021	12132101
	12/28/2021	12282101

Mayor Garry stated the bills previously submitted for payment, checks 34638 through 34761 totaling \$982,853.03, would be approved unless there are any objections or corrections. Mayor Garry stated no comments were made at this time and the bills previously submitted for payment were approved unanimously.

Read in Full Bill #423, Ordinance No. 22-01 an Ordinance Amending the Yerington City Code Title 7 Public Ways and Property, Chapter 4 City Boundaries and Annexations, Amending Section 7-4-4 Additions to City Limits and Other Matters Properly Relating Thereto. Pursuant to NRS 268.670, Ordinance 22-01 codifies the annexation by the Council motion action of December 13, 2021, to incorporate 25.27 acres into the City Limits. Recommend adoption of Bill No. 423, Ordinance 22-01.

City Manager Switzer stated a staff report was provided defining the codification and official action to be taken by City Council to annex the 25.27 acres from City Council approval from December 13, 2021.

City Clerk Shaw stated the agenda item only needs a proposal and not a motion to approve of the item. The approval will come back before City Council once the bill is in the newspaper for a period of ten days.

Councilman Bryant made a proposal to approve Full Bill No. 423, Ordinance 22-01, an Ordinance Amending the Yerington City Code Title 7 Public Ways and Property, Chapter 4 City Boundaries and Annexations, Amending Section 7-4-4 Additions to City Limits and Other Matters Properly Relating Thereto. City Clerk Shaw stated the proposal does not need a second, just the proposal motion.

Appeal of Staff Decision to Deny a Request by Mr. Arlo Collins, 75 Mason Pass Rd., Yerington, NV, to have the City fund/install an approximate one-thousand feet of water line from an existing water meter on Mason Pass Road to the property at 75 Mason Pass Rd. (APN 014-281-16). Staff report included with this agenda item.

City Manager Switzer stated a staff report was provided with a request from Mr. Arlo Collins for the City to install one-thousand feet of water line to connect to the City's water system at the City's expense. The applicant has appealed the staff decision with final approval from City Council. The agreement between Atlantic Richfield and the City was in 2017 and only includes properties that were currently owned at the time of the agreement. Mr. Collins property, APN 014-281-16, was not listed within the agreement. The City reached out to Q & D Construction for an estimate to install one-thousand feet of water line and the result was in the amount of \$55,000.00 for installation of a two-inch water line. City Manager Switzer recommends denial of the request to install the water line at the City's expense and the cost should be at the owners' expense. The City does not pay for extensions of water lines to private property.

Councilman Galvin asked if the property is within the City. City Manager Switzer stated no, the property is not within the City limits, but the City provides water service. Councilman Galvin asked if Lyon County is denying to drill a well. Public Works Director Flakus stated yes, no drilling of wells is permitted within that area because of the contamination from the Anaconda Mine. Councilman Bryant stated since people are unable to drill a well due to the contaminates wouldn't Atlantic Richfield be held responsible. Public Works Director Flakus stated participants of the lawsuit are the property owners who were currently living out there.

Mr. Arlo Collins, property owner at 75 Mason Pass Road, requested to do a private water line, which is not possible. Mr. Collins stated he cannot dig on the Lyon County line for infrastructure work without approval and a Class A contractor license. The Will Serve Letter was paid in order to receive the Lyon County Building Permit. Mr. Collins is requesting adequate water for all property owners without water in that area.

Mayor Garry asked Mr. Collins how long ago he purchased the property. Mr. Collin's represented Ms. Wendy Wilson. Ms. Wilson stated they purchased the property about two years ago. RV service is also provided on the property and they have been living out of the RV. Ms. Wilson stated within the agreement for Atlantic Richfield on page

two it states, "In the event infrastructure improvements to the Water System in the City Water Expansion Area are necessary to support the additional residential connections, the City will identify such improvements to Atlantic Richfield, and Atlantic Richfield agrees to approve all such improvements which are reasonably necessary." Ms. Wilson is also requesting to add grant funding from the COVID-19 grant. The water line would include about seven hundred feet from the trunk line to the main line.

Mayor Garry asked if the intension is to develop for parcel for housing. Ms. Wilson stated yes. Mayor Garry asked advised Mr. Collins and Ms. Wilson to go to a realtor and read the disclosures. Councilman Galvin asked if power is on the property. Ms. Wilson stated no. Councilman Galvin asked if they planned to pay for power. Ms. Wilson stated yes. Councilman Galvin stated when you buy a property that does not have utilities already on the property, it is at the owners' expense to obtain and pay for all of the utilities.

Mr. Collins stated within the Will Serve Letter from the City, the City stated they will install the water line. Public Works Director Flakus stated no, only to install the meter pit, which is installed adjacent to Mason Pass Road and that property is not a planned subdivision. Councilman Galvin stated anything from the meter pit to the property is the owners' expense.

Public Works Director Flakus stated in 2019, the City sat down with an engineering company and talked about all of the lines within that area. The future residents could get together and split the cost to install a main. Councilman Bryant added which is probably why the properties have not been sold. Public Works Director Flakus stated the properties were divided back in the 1980s and the members of the community should not have to pay for a water line to a private residence.

Ms. Wilson asked about the COVID-19 grant and if the cost of the water line could be used under the grant. Councilman Bryant stated those funds are for the purpose of serving our City not for individual use and to pursue the issue with Lyon County. City Manager Switzer stated all funds from the COVID-19 grant have been committed and that grant has ended. The American Rescue Plan Act (ARPA) funds were approved for about \$1,400,000.00 to expand services for the Water and Sewer Project within City limits. The City is glad to supply water to those that want to connect to the water system at their own expense. Developers also pay to have all of the utilities connected to those properties before the properties are sold.

Councilman Galvin stated the COVID-19 grant goes towards COVID-19 mitigation. Public Works Director Flakus stated the City does not spend COVID money to benefit individual properties and instead is used for the entire community.

City Attorney Zumpft stated Mr. Collins and Ms. Wilson are requesting a path forward. A reimbursement agreement can be entered into and the property owner could be entitled to reimbursement after so long, possibly a ten-year period.

Mr. Collins requested for the City to provide the six-inch tee and sanitation of the line. Public Works Director Flakus stated he is looking for a give and take and there is none. Councilwoman Catalano added the City has rules, regulations, and Nevada Revised Statutes (NRS) that has to be abided by and the City will follow the rules.

Mr. Eric Elliot, property owner at 73 Mason Pass Road, adjacent to Mr. Collins property provided a presentation. Mr. Elliot has one copy of the parcel map of Mason Pass Road and a gravel road going to the properties. He stated the road is nonexclusive and is unsure if the Lyon County or the City is required to maintain the road. Public Works Director Flakus stated Lyon County maintains the roads and the City provides water and owns the water line. A utility easement is needed and will be installed at the owners' own expense. Public Works Director Flakus advised Mr. Collins and Ms. Wilson to hire a lawyer.

Mr. Elliot purchased the property from Roberson Reality and was made aware that amount \$27,000.00 would need to be paid by the property owner to have the power installed. Councilman Galvin asked how the water was installed. Mr. Elliot stated he does not have water service and the realtor did mention that the water line is about eight hundred feet away, with no mention of the expense of the water line. Councilman Galvin asked if Mr. Elliot has approached Atlantic Richfield. Mr. Elliot stated no, he was under the presumption that the water line would be extended and within the purchase agreement of just paying for the power to be installed on his property. City Attorney Zumpft stated water will be provided if the owner pays the expense and the road is a public right of way.

Public Works Director Flakus stated the Atlantic Richfield lawsuit refers to the owners that were currently living in the Sunset Hills area at the time. Mayor Garry stated there is a reason why certain terms exist, when you buy a property, these terms are disclosed to the owners. A Class Action Lawsuit goes back to 2013 with Atlantic Richfield for property owners who were currently there, not property owners that did not exist at the time. Atlantic Richfield did not have an open agreement and the agreement ended about three months ago. Mayor Garry advised to pay the amount of \$55,000.00 or to share the cost of the expense with the other property owners. The developer pays for all of the fees to a property, the City cannot make an exception to one property owner. Councilwoman Catalano stated the City is not liable at all.

Councilwoman Catalano made a motion to deny the appeal, seconded by Councilman Galvin. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Whispering River Ranch RV Park, LLC, represented by Jeff Rife, is seeking Council's approval to reduce water and sewer connection fees for a proposed RV Park within APN 014-471-17, located at Goldfield Ave. and Highway 339. The parcel of 25.27 acres was recently annexed by Council action. Staff report included with this agenda item.

City Manager Switzer stated a staff report was provided with a letter from the applicant and a listing of the current fees that the City charges for various connections.

Page three of the City's fee schedule states the charges for a four inch service line connection, which Mr. Jeff Rife will need for the RV Park. The base rate for RV parks are about half the cost of a residential property. Page six details the charges for sewer connections and the monthly fees for each space. Mr. Rife will be performing the construction in two phases and is requesting a fifty percent reduction in pricing. City Council can move to approve, modify or deny the request.

Councilman Galvin asked if the base rate is \$16.50 per month. City Manager Switzer stated yes, half of the residential fees and a RV space will utilize less utilities than a residential property.

Mr. Rife representing Whispering River Ranch RV Park, LLC stated it is the RV Park's responsibility to bring in the water and sewer utilities with construction to be performed. Mr. Rife stated the approved discount will be paid back to the City very quickly. Councilman Bryant stated the RV Park will create a revenue stream for the City and he requests to discount the connection and City Council should offer any type of discount. Councilman Galvin asked how many spaces are at the RV Park behind O'Reilly's Auto Parts. Mr. Rife stated about forty spaces, The Whispering River Ranch RV Park will have seventy-one spaces within phase one. City Manager Switzer added the RV Park will provide the City with two revenue streams, Room Tax revenue and an increase in the property tax evaluation.

Councilman Bryant stated the RV Park will charged \$75,000.00 or so for the water and sewer connection. What is the true cost of the connections for the City? Public Works Director Flakus stated nothing, the City does not pay for the connections. City Attorney Zumpft stated the connection fee is a buy into the system. The City is not supposed to make money and the cost is determined. Councilman Bryant stated the City has worked with other organizations, what were other the organizations charged and the percentage. City Manager Switzer stated the Labor Housing was charged fifty percent. City Attorney Zumpft added that percentage was also with the Sludge Agreement. Public Works Director Flakus stated the discount came first before the Sludge Agreement. Public Works Director Flakus stated the City manages the water rights and makes sure that the City does not provide water that cannot handle the system. Page seven are the connections fees within the City's fee schedule. Public Works Director Flakus stated the RV Park should purchase a large meter and pay a flat monthly fee. Mr. Rife added the RV Park is going to put in a large meter and will be charged for the amount of water usage.

Mayor Garry asked if the RV Park will be paying the water usage and not the tenants individually. Public Works Director Flakus stated Mr. Rife's business will receive one bill per month with the usage included. Councilman Galvin asked during the second phase, will the additional spaces go off of the first meter. Mr. Rife stated no, another meter and water line will go in for the second phase.

Councilwoman Catalano asked if City Council moves forward, can a modified percentage be approved. City Manager Switzer stated City Council can take no action, modify, or grant the fifty percent reduction.

Mayor Garry asked Mr. Rife to summarize the proposition to City Council. Mr. Rife stated Yerington is a great place to live in and needs a boost to the community. This property and project will bring people to see the town. Yerington is a beautiful valley with no place for tourists to stay right now. Mr. Rife stated he is willing to pay the discount back to the City if necessary.

Councilman Bryant stated as a City Council, we are welcoming in new businesses and recommends a twenty-five percent discount, Councilman Galvin agrees. Councilman Galvin asked if the connection fees are for one parcel. Mr. Rife stated that is correct.

Councilman Bryant made a motion to approve reducing water & sewer connections for Whispering River Ranch RV Park, LLC presented by Mr. Jeff Rife to twenty-five percent with the property owner's expense at seventy-five percent, seconded by Councilwoman Catalano. Mayor Garry asked for comments and Mr. David Ray provided a public comment. Mr. David Ray stated RV Parks are already in place in Yerington and this new RV Park will be a good thing. Mayor Garry asked for any further comments, no comments were made and the motion was approved unanimously.

Approval of Agreement Between Owner (City of Yerington) and Engineer (Farr West Engineering) for Professional Services in the amount of \$50,000.00 for design and project management for replacement of Precision Approach Path Indicators (PAPI's) and Runway End Identifier Lights (REIL's) at the Yerington Municipal Airport and authorize the City Manager to sign on behalf of the City. Staff report included with this agenda item.

City Manager Switzer stated a staff report was provided by Grants Administrator Moore. The City advertised for professional engineering services to design and provide project management for the PAPI's and REIL's Installation Project. The project entails upgrading and installing the two systems at Yerington Municipal Airport to have an instrument approach. Last weekend, the hospital had to ambulance someone over to Fallon because the mobile ambulance needed an instrument approach, which the City's Airport does not have currently. The Airport is federally overseen by the Federal Aviation Administration (FAA) and the City must go through the appropriate procedures. The City did advertise for these services and a Request For Qualifications (RFQ) was sent out. The only respondent from the RFQ was Farr West Engineering in the amount of \$50,000.00, to be paid by the FAA grant funds. City Manager Switzer recommends approval of the agreement for these services.

Councilwoman Catalano stated lights are totally necessary. Councilman Galvin asked if any costs will be paid from the City. City Manager Switzer stated no, all funds used will be grant funding. The only costs to the City will be including to pay Grants Administrator Moore.

Councilwoman Catalano stated Mayor Garry will need to sign the agreement. City Manager Switzer stated City Council could change the agenda item to reflect that in the motion.

Councilman Galvin made a motion to approve an agreement between Owner (City of Yerington) and Engineer (Farr West Engineering) for professional services in the amount of \$50,000.00 for design and project management for replacement of Precision Approach Path Indicators (PAPI's) and Runway End Identifier Lights (REIL's) at the Yerington Municipal Airport and authorize the Mayor to sign on behalf of the City, seconded by Councilwoman Catalano. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Approval to purchase four (4) Arrowmix Aerators for the Waste Water Treatment Plant (WWTP) in the amount not to exceed \$60,000.00, to be expensed from American Rescue Plan Act (ARPA) fund allocations. This is an allowable expenditure of ARPA funds that may be used per Section 603(c)(1)(d) "To make necessary investments in water, sewer, or broadband infrastructure." Staff report included with this agenda item.

City Manager Switzer stated the City did utilize some chemicals that did help to some extent with the odor at the sewer ponds.

Public Works Director Flakus stated since 1994, the sewer ponds were aerated with four in each big pond and two in each smaller pond. In 2016, the City purchased a different product, which bubbled the air up from underneath and was supposed to oxygenate the air from underneath. This project does not guarantee to fix the problem and the solution to this problem is to move the sewer ponds, which is a multi-million-dollar project. Councilman Bryant added part of the odor could come from growth. Public Works Director Flakus stated the City has a permit and operates at a third of the permit on usage. The water system have grown but the sewer system has not. City Manager Switzer stated a lot of municipalities use the aerator system and the ultimate solution is to relocate the sewer ponds.

Councilman Bryant stated the City did close down the dump station by the ball fields, is there is plan to open the dump station back up. City Manager Switzer stated Q & D Construction is currently working on the system over there. The City will work with Farr West Engineering to see if that is a doable thing. Councilwoman Catalano added it is worth a shot, the new RV Park is going in soon and Mayor Garry agrees.

Councilman Galvin made a motion to purchase the four Arrowmix Aerators in the amount not to exceed \$60,000.00 for the Waste Water Treatment Plant (WWTP), seconded by Councilman Bryant. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Department Reports

Chief of Police Wagner stated good progress is being seen from the new officer from Las Vegas.

Public Works Director Flakus stated a park meeting and ball fields meeting has been scheduled. He will discuss the Bluetooth locks, which will give people access to the locks at the ball fields after hours. Grant Administrator Moore stated the ball field meeting

will be on February 8th at 5:00 p.m. Public Works Director Flakus stated three quotes were received for the Dog Park.

City Manager Switzer stated the New Year brings a new budget year and he will be working on that.

City Clerk Shaw stated a reminder today is the 10th, City Council has five days to file their financial disclosures and she is finalizing the end of the year reports.

Councilman Bryant stated he wants to applaud the volunteers at the Yerington Animal Shelter. The volunteers do a lot with very little and deserve our appreciation as well as Public Works Chief Becker. Councilman Bryant is worried about the burn out of the police officers. Chief Wagner stated the department is not burnt out right now and they are okay. Once the Police Department hires the next position, another vehicle problem will be encountered. Councilman Bryant asked if the Investigator position will be filled. Chief Wagner stated it might happen in the next ninety days. Councilman Galvin asked about the timeline of hiring the new officer. Chief Wagner stated he is about eighty-five percent done and is waiting for final references. Councilman Galvin asked about the two new vehicles and if there is a light issue. Chief Wagner stated yes, that is part of it but also the metal work needs to be completed. Councilman Galvin suggested Chief Wagner use Sierra Electronics. Chief Wagner stated the Police Department is locked in with the Purchase Order (PO). Once the PO is cut, the City has a legal obligation to carry out the PO. Councilman Bryant suggested to speed up the Investigator position timeline and job opening. Chief Wagner stated two people applied for the position and explained that through the Labor Commissioner's Office, one officer is in the military and can have the opportunity to retest and reevaluate for the position. Councilman Galvin asked what is in the contract. Chief Wagner stated nothing is addressed within the contract. Councilman Galvin suggested to hold the position and the position needs to be filled.

Councilman Bryant asked about setting up the committee meetings. City Clerk Shaw stated a change of duties with City staff has been assigned and the committee meetings will be set up soon. Councilman Bryant stated he has a few items to present at the committee meetings.

Mayor Garry stated on January 11th is National Law Enforcement Appreciation Day. Congressman Horsford is responsible for providing the funding for the Kiss and Drop Program in the amount of \$598,000.00 and another vote will take place in February 2022. Mayor Garry hopes everyone had a pleasant New Year.

Public Participation

Mr. David Ray attended the Lyon County Board of Commissioner's meeting last week and he appreciated the representation from the City.

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

There being no further business the meeting was adjourned at 12:19 p.m.

Mayor of the City of Yerington

ATTEST:

City Clerk of the City of Yerington