

Yerington City Council Meeting
March 28, 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, Shane Martin, and Frank Pizzo
City Manager Robert Switzer
City Attorney Chuck Zumpft
Public Works Director Jay Flakus
Chief of Police Darren Wagner
Building Official Joel Brown
Grants Administrator Angela Moore

Absent: Councilman Matthew Galvin and City Clerk Sheema D. Shaw

Guests: Mr. David Ray

The meeting was called to order at 10:02 a.m. and roll call was reported by Mayor Garry. The Pledge of Allegiance was led by Councilman Pizzo.

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 no deletions or corrections need to be made at this time. Mayor Garry stated the agenda was approved as presented and the motion was approved unanimously.

Minutes

Mayor Garry stated the minutes from prior meeting dated March 14, 2022 would be approved unless there were any objections or corrections. Mayor Garry stated the minutes from prior meeting dated March 14, 2022 were approved as presented and the motion was approved unanimously.

New, Renewal and Name Change Business License Applications.

- A. Scott Edwards Mason Valley Janitorial, Janitorial Services, 8 Van Fleet Drive Yerington, NV 89447 – Renewal
- B. Jennifer A. Davis-Nemitz and Tom Davis dba Advance Installation, Inc., Construction, P.O. Box 2163 Sparks, NV 89432 – Renewal
- C. Michelle Debra Jackson dba Hemlock Tattoo Studio, Permanent Body Art, 316 S. Center Street Yerington, NV 89447 – Renewal

- D. Sarabhjeet Kaur dba Yerington Vape and More, Retail Store for Vape Products, 34 N. Main Street Yerington, NV 89447 – Renewal
- E. Larry T. Smith dba Action Tractor Services, Handyman Services/Yard Clean-ups, 12 Tucker Lane Yerington, NV 89447 – Renewal
- F. Alyssa Hernandez dba Alyssa Hernandez, Nail Technologist, 211 S. Main Street Yerington, NV 89447 – New
- G. Victor Magistrelli dba Wharton Concrete Farming Supply of NV, LLC, Farming Supply/Equipment Retail, 40 Industrial Parkway Carson City, NV 89706 – New
- H. Gladis Armenta dba Larry Methvin Installation, Inc., Installation of Showers, Mirrors and Wardrobe Doors, 5350 Capital Court Suite 109 Reno, NV 89502 – New
- I. Frank Cruz Torres dba Premium Lawn and Landscapes, Landscape and Shade Structure Contractor, 9920 Highball Court Sparks, NV 89441 – New
- J. Joe Jahnke dba Life Line Screening of America, LLC., Wellness Screening – Community Level, 6111 Oak Tree Boulevard #301 Independence, OH 44131 – New
- K. Erik Haslem and Brett Haslem dba Brad Haslem, Inc., General Contractor, 1175 East 2000 South Vernal, UT 84078 – New
- L. Jim Stapp dba PAR Western Line Contractors, LLC., General Contractor, 11276 5th Street #100, Rancho Cucamonga, CA 91730

Mayor Garry stated the business licenses would be approved unless there are any objections or corrections. Mayor Garry stated no objections were made at this time and the business licenses A. through L. were approved unanimously.

Review Bills Previously Submitted for Payment

Bills, Salaries and Vouchers:

Accounts Payable Checks	03/14/2022	35046 through 35074
	03/22/2022	35082 through 35113
Payroll Checks	03/20/2022	35075 through 35079
Payroll Vouchers	03/20/2022	03242201 through 03242227
Transmittal Checks	03/21/2022	35080 through 35081
Transmittal Vouchers	03/21/2022	03212201

Mayor Garry stated the bills previously submitted for payment, checks 35046 through 35113 totaling \$222,856.04, and would be approved unless there were any objections or corrections. Mayor Garry stated no comments were made at this time and the bills previously submitted for payment were approved unanimously.

Call a public hearing on property at 427 S. California St. (APN 001-263-05) as a nuisance under Yerington City Code 4-2-1 through 4-2-2. The property is owned by Kyle and Lori

Holt, 39 North Bybee Lane, Yerington, NV. Also, a brick wall has been constructed in the front of the property which is in violation of Int'l Residential Building Code R105.2 for height restriction and construction integrity. (Add'l backup materials in packet)

City Manager Switzer stated the City has a nuisance code under item C. and E. relating to garbage and other materials outside of the home, not secured to the property. The masonry, brick wall that was constructed has no mortar or mud and is six feet in height, plus. The City is requesting to call and advertise for a public hearing, then to take the appropriate enforcement actions on the property at 427 South California Street.

Councilman Bryant stated he agrees the property is of nuisance and the brick wall integrity is very unsecure. What are the next steps as a City Council. City Manager Switzer stated the City will advertise as a public hearing within the last meeting on April 25, 2022. Councilman Bryant asked if the next course of action with the violation of the Yerington City Code would be a financial declaration. City Manager Switzer stated the City would be responsible for City staff time and possibly contracted hours to have the garbage or other items removed. Councilman Bryant asked if the owner will have a two-week window to resolve the violation themselves. City Manager Switzer stated that is correct, if the City incurs any costs, a lien will be maintained on the property if the owner is unwilling to pay. Councilman Pizzo asked if the owner has been notified. City Manager Switzer stated yes, a letter was sent and the six-foot wall was inspected and red tagged to stop work.

City Attorney Zumpft stated also within the Yerington City Code 4-2-1, subsection D. should be included with subsections C., D., and E. City Manager Switzer stated subsections C., D., and E. would be the grounds for the enforcement action. Councilman Bryant asked if the subsections should be included within the motion.

Councilman Bryant made a motion to approve a public hearing for the property of 427 South California Street, APN 001-263-5, as a nuisance to the Yerington City Code 4-2-1 subsections C., D., E. and F. through 4-2-2, seconded by Councilman Martin. Mayor Garry asked for comments, Mr. David Ray stated the address at 39 North Bybee Lane also owned by the owner of this property also has the same issues. Mayor Garry stated no comments were made and the motion was approved unanimously.

Call a public hearing on property at 508 West Bridge St. (APN 001-171-21) as a nuisance under Yerington City Code 4-2-1 through 4-2-2. The property is owned by Gary Silva SR TRS Et Al, 11540 Clay Station Rd., Herald, CA. (Add'l backup material in packet)

City Manager Switzer stated the property mentioned is an ongoing issue with the City. A letter was sent expressing the City's concern and outlined the Yerington City Code violation, 4-2-1 subsection F. regarding outside storage of vehicles. Cramer's Towing is the current business with the storage of the additional vehicles. Chief of Police Wagner has gone previously to the property to discuss the concern with the owner. Complaints have been received by residents within the community about the nuisance. Two ways to mitigate the concern would be:

1. Screen the view to the public with a two-way fence to the west and the south.
2. Completely remove all the vehicles and suggested a motion action to hold a public hearing.

Mayor Garry stated the City is trying to elevate the view of the entire community. A nuisance with many vehicles on a property could attract children and result in the children getting hurt.

Councilman Bryant stated the property is a nuisance and suggests to put the nuisance under the Yerington City Code subsections C., D., E., and F violations. The nuisance should also include a distance from the road to place the vehicles as well as fencing to surround the vehicles waiting to be removed. Part of the problem could deal with the cost of scrap metal at this time.

Councilman Bryant made a motion to approve a public hearing for the property of 508 West Bridge Street, APN 001-171-21, as a nuisance to the Yerington City Code 4-2-1 subsections C., D., E., and F. through 4-2-2, seconded by Councilman Pizzo. Mayor Garry asked for comments, Mr. David Ray suggested to separate the vehicles that on impound and the ones waiting to be cleared by title by the Department of Motor Vehicles (DMV). Mayor Garry stated no comments were made and the motion was approved unanimously.

Approve a first reading by title, Bill No. 424; Ordinance No. 22-02; AN ORDINANCE AMENDING YERINGTON CITY CODE, TITLE 5 POLICE REGULATIONS, CHAPTER 4 ANIMAL CONTROL, ADDING ARTICLE D TITLED "CATS," AND OTHER MATTERS PROPERLY RELATED THERETO.

Mayor Garry stated the cat ordinance was previously tabled to modify the wording.

City Manager Switzer stated many parts of the original ordinance were taken out like a cat tag. Many definitions were kept in for a tool for law enforcement purposes. The number of cats permitted is the same amount as the dog ordinance, three cats. For unlawful acts, no person should intentionally feed stray or feral cats outside of their own property and the target for the ordinance is where the cats are being fed.

Councilman Bryant stated it is important to include to place the cats as needed elsewhere at law enforcement discretion.

City Manager Switzer stated advertising to the public then a final vote is needed before the ordinance could be in place and take effect immediately afterward. Chief of Police Wagner stated in the past, people were trapping the cats and trying to turn them into the Yerington Police Department to pick up the animals. Facilities should be ready to house cats and a great influx will be present.

City Attorney Zumpft stated he suggests the City changes line fourteen with the wording domesticated being taken out of the ordinance and kept as a pet should also come out as well. City Manager Switzer stated he verified with the Nevada Revised Statutes (NRS) 576.15 for the wording. City Attorney Zumpft stated also defining the word cat should not be used in domestic context. Line twenty-seven should state person instead of the wording of owner. Line thirty-one, the number one comes out because there is not a number two. Food OR WATER should be added to the ordinance instead of just feeding the cats. Line thirty-six, item A. should be removed completely. City Manager Switzer stated no motion should be provided with changes needed at this time.

Councilman Martin asked if people can advise trappers to take the cats to a facility on their own. Councilman Bryant stated people should trap and release the cats, but the Yerington Police Department cannot relocate every animal. City Manager Switzer stated on line thirty-six, the wording was changed to law enforcement may enforce and gives the City discretion, which is not mandatory. Councilman Bryant stated the City should definitely enforce the feeding and watering of all the stray and feral cats.

City Manager Switzer stated the City will make the appropriate changes and bring the finalized cat ordinance before City Council on April 25, 2022 as an action item.

Approve a Draft Memorandum of Understanding between the Lyon County School District and the City of Yerington for a School Resource Officer (SRO) for Fiscal Year 2022-2023 in the amount of \$30,000.00.

City Manager Switzer stated the draft document shows the changing of the dates but City Council may want to negotiate a higher compensation with how much the SRO performs. Councilman Bryant agrees with negotiating the higher compensation to keep up with the other increases of the City officials.

Councilman Bryant made a motion to approve the draft Memorandum of Understanding between the Lyon County School District and the City of Yerington for a School Resource Officer (SRO) for fiscal year 2022-2023 in the amount of \$30,000.00, seconded by Councilman Martin. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Public Participation

Mr. David Ray requested to go back to item nine to address the cat ordinance and indicate the wording to include not to feed and water with both at the same time instead of just using or. City Manager Switzer stated that notation will be added to the ordinance.

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

Department Reports

Chief of Police Wagner stated one of the Tahoe vehicles is now striped. Monday, April 4, 2022 the other Tahoe will go in for the rebuild. AT&T will not send the equipment to the Police Department and Chief of Police Wagner will more than likely stay with Verizon. The investigator position is tentatively set for Thursday, March 31, 2022 to select the position.

Public Works Director Flakus stated the new zoning map for the City is now up on the coypw.com website. The aerators have been partially delivered for the Waste Water Treatment Plant (WWTP) and the Public Works Department is waiting for the motors to come in. At Reviglio ball field, the blocks for the dugouts need to be repainted and sealed. Fire hydrant maintenance will be ongoing and needs to be completed every year. A mailer might be sent out for the Water and Sewer Project to residents to provide an update on the project. The sewer line was repaired last week on Bovard Street and South Center Street. A Water Conference was held all last week and Public Works employee Guterrez

won every contest. Weed spraying is also ongoing, Public Works Clerk Montoya bought two pallets and will continue weed spraying throughout the City. Mayor Garry asked about an update on the Dog Park. Public Works Director Flakus stated he needs to determine how much can be spent on the fencing to the Dog Park.

City Manager Switzer stated the City is moving forward with selling the property at 3 Franklin Street but the City has to pay for the appraisal, which is part of the normal selling process. City Manager Switzer will be attending the Nevada Association Conference for all airports and managers throughout the state and a report will be provided about the main topics discussed. The property tax that is stipulated as Ad Valorem revenues usually runs between \$9,000.00 to \$10,000.00 a year. The City just got the figures back and the amount is over \$102,000.00, the figure can be subtracted from the amount the City will be receiving. Lyon County is also experiencing the same issue and the budget needs to be refigured for the City. The City has not received or heard anything from the Yerington Paiute Tribe regarding the Marijuana Compact. Councilman Bryant stated he spoke to Mr. Elwood Emm last week and the Yerington Paiute Tribe is waiting to receive a copy of the agreement stating the percentage of how much is owed.

Mayor Garry stated City Council and City Manager Switzer has been invited by the National Guard to attend a meeting on April 6, 2022. Mayor Garry thanked Councilman Bryant for his work in the community and his great professional courtesy. The Mayor and City Council office now has portraits to view including George Washington, Thomas Jefferson, and John Adams; to keep patriotist alive.

There being no further business, the meeting was adjourned at 10:56 a.m.

Mayor of the City of Yerington

ATTEST:

City Clerk of the City of Yerington

