

Yerington City Council Meeting
May 9, 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
Building Official Joel Brown
Grants Administrator Angela Moore
Bookkeeper Lori Phillips

Absent: Chief of Police Darren Wagner, City Clerk Sheema D. Shaw, and Councilman Matthew Galvin

Guests: Mr. Wesley Harper, Mr. Eric Andersen, Mr. Dave DeGrendele, Ms. Deb DeGrendele, and Mr. Christopher Mulloy

The meeting was called to order within the James Sanford Community Center 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 asked for comments, Councilman Bryant asked if agenda item number ten should be approved before agenda item number nine if the fees adjustment would effect changes to the Boys and Girls Club item. City Manager Switzer stated no, approval of the fees adjustment will not affect the Boys and Girls Club. 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 April 25, 2022 would be approved unless there were any objections or corrections. Mayor Garry stated the minutes from prior meeting dated April 25, 2022 was approved as presented and the motion was approved unanimously.

Review Bills Previously Submitted for Payment

Bills, Salaries and Vouchers:

Accounts Payable Checks	04/25/2022	35247 through 35264
Payroll Checks	05/02/2022	35265 through 35266
Payroll Vouchers	05/02/2022	05052201 through 05052226
Transmittal Checks	05/02/2022	35267
Transmittal Vouchers	05/02/2022	05022201

Mayor Garry stated the bills previously submitted for payment, checks 35247 through 35267 totaling \$140,678.95, 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.

Declare 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 N. Bybee Ln., 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 height restriction and construction integrity. Pursuant to Yerington City Code 4-2-6, the City Council may review the facts of the alleged nuisance violations and hear testimony opposing the complaint. The Council may then take appropriate action or take no action.

City Manager Switzer stated information for the hearing was provided beginning about a year ago to mitigate the nuisance of the property at 427 South California Street. The property owner is not in attendance to provide a testimony or provide a plan for the property. Two options can be taken by City Council to mitigate the nuisance and includes:

1. Action can be taken to mitigate the issue including garbage and other items in the front yard, side yard, back yard, and a bus full of garbage at the property with photos provided. A masonry wall being built over six feet in height with no cement or mortar in place. The work was red tagged about a month ago and the property owner removed the red tag and continued to keep building the wall. If City Council declares a nuisance, a serve notice to the property owner with a deadline to mitigate the nuisance can be issued. If the property owner does not mitigate the nuisance within the time frame given, then City Council can proceed to mitigate the issue or offer a plan with the property owner.
2. No action can be taken to mitigate the issue at the property.

City Attorney Zumpft asked if the City issued a red tag on the property and if it was posted in a conspicuous place. City Manager Switzer stated yes and the property owner removed the red tag and continued building the masonry wall. Mayor Garry asked if a building permit is required to build a wall. City Manager Switzer stated yes, the masonry wall has particular requirements and requires a building permit. The wall also requires inspection of the construction of the wall and should be engineered as well.

Mayor Garry asked the audience if Kyle or Lori Holt were present and no response was given.

Councilman Bryant asked if the owner of the property was confirmed. City Manager Switzer stated yes, the ownership of the property was confirmed with Yerington Police Department. Councilman Bryant suggested to pass a motion to include a fourteen-day notice time frame to comply with the nuisance then to reassess if the City will take any action. City Manager Switzer yes, then the action can be taken back to City Council after the fourteen-day period. Councilman Bryant asked what can the City do after the fourteen days. City Manager Switzer stated the City can remove the nuisance. Mayor Garry stated the property owners have had plenty of notice. City Manager Switzer stated the notice was served to property owner as well for the public hearing date to go in front of City Council. Councilman Bryant stated the City can then assess the cost of the removal of the nuisance, then place a lien on the property. City Attorney Zumpft stated the lien will attach to the property and the owner of the property should be confirmed with the Lyon County Assessor's Office. Public Works Director Flakus stated the people in question are the correct property owners.

Councilman Bryant asked if a process is in place if anything gets out of hand at the property. City Manager Switzer stated yes, one or two officers will be accompanying the Public Works Department. Public Works Director Flakus stated removing the nuisance will take about two days and will cost the City a couple thousand dollars. Councilman Pizzo asked if a fourteen-day time frame should be given at all. City Manager Switzer stated a final opportunity should be given to the property owner with a time frame.

Councilman Bryant made a motion to declare the property at 427 South California Street (APN 001-263-05) as a nuisance under Yerington City Code 4-2-1 through 4-2-2. 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 height restriction and construction integrity. City Council finds this property a nuisance and will give the resident a fourteen-day notice with the verification of the property owner and to give City Manager Switzer full authority to listen to the property owner and give hereto for the City to remove the nuisance, seconded by Councilman Martin. Mayor Garry asked for comments, Mr. Dave DeGrendele stated the wall is a safety hazard without any reinforcements to our first responders and the weight of the walls can get someone seriously injured. Mayor Garry asked for comments, no further comments were made at this time and the motion was approved unanimously.

Read in Full Bill No. 425; Ordinance 22-03; 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 Manager Switzer stated the agenda item is a second consideration to Ordinance 22-03 to codify the property for 0.96 acres to the City limits and is a final adoption of the property.

Councilman Bryant made a motion to approve the agenda item as presented, seconded by Councilman Martin. Mayor Garry asked for comments, no comments were made at this time and the motion was approved unanimously.

Presentation by Wesley Harper of the Nevada League of Cities and Municipalities on the One Nevada Plan.

Mr. Wesley Harper, Executive Director with the Nevada League of Cities and Municipalities (NLC) provided a presentation to City Council. Mr. Harper stated the NLC selected Mr. Harper on March 1, 2020 as the Executive Director. The One Nevada Plan was formed to learn how to create the highest level of communication with cities and municipalities to include partnerships. Principals of the One Nevada Plan were changed on January 31, 2022 to include the dues schedule to be collected from cities and municipalities. The increase of the dues would create better partnerships and to be in more frequent communication too advance the municipalities capabilities. Communication, education, orientation, and economic development are the main focuses for the NLC.

Councilman Bryant encourages City Council to consider the dues that NLC offers in order for NLC to help be an additional voice for the City to have and to take advantage of having better representation with a lot of value. Mayor Garry agrees with Councilman Bryant and believes it is a good course for the City to take. Through NLC, the City has a greater voice and finds in the value analysis that the City will be supported.

Mr. Harper stated the requested increased dues are NLC membership wide. Yerington within this fiscal year spent \$196.00 per month which totals in the amount of \$2,354.52. The increase is now in the amount of \$843.00 per month and the request for Yerington is still under the \$1,000.00 per month.

Councilman Bryant stated City Council should create a wish list and come up with a number to pay for the dues with a plan to utilize it. City Manager Switzer stated at the retreat, an amount of \$4,000.00 was discussed and the City would increase in steps. The current fiscal year budget, an amount of \$4,000.00 was added to include the increase in the NLC's dues. Councilman Bryant stated he is willing to go on that partnership with NLC in an amount of \$4,000.00 with a list of achievements then to review before the next year's budget.

Mayor Garry stated NLC will work with us and the goal should be to meet our obligations to NLC and to the community as well. Thank you to Mr. Harper for the presentation to City Council. Mayor Garry asked for comments and no comments were made at this time.

Approve Revision #28 of the City of Yerington Fee Schedule for fee increases under the Airport, Building Department & Planning and Zoning.

City Manager Switzer stated the fees in many cases have not be reviewed and increased in many years. Three different sections have been chosen to change the fees within the Airport, the Building Department and Planning and Zoning.

City Manager Switzer stated on page one is the Airport section and the current minimum hangar lease was set at \$0.11 per square foot a year. The amount is now set at \$0.25 per square foot a year. City Attorney Zumpft asked if only the new leases will be changed. City Manager Switzer stated yes. Page two under the Building Department and Planning section are the proposed changes. The Inspection Fees changing from one fuel source to another should go from \$50.00 up to \$85.00 for each inspection. The Inspection Fees for an electrical upgrade should go from \$50.00 up to \$85.00 for each inspection. The Inspection Fees for gas pressure should go from \$50.00 up to \$85.00 for each inspection. The Re-Inspection Fee should go from \$45.00 up to \$85.00 for reinspection.

Councilman Bryant asked if the last time the fees were adjusted was back in 1997. City Manager Switzer stated many fees have been unchanged. City Attorney Zumpft asked if the amounts in red will replace the existing amounts. City Manager Switzer stated yes. Councilman Bryant asked if any proposed costs would impact any existing projects. City Manager Switzer stated no, the proposed adjusted fees would start on July 1, 2022.

City Manager Switzer stated page five are actions that fees are charged for City Council and the Planning Commission. The Tentative Map should go from \$350.00 plus \$20.00 up to \$1,000.00. The Parcel Map should go from \$250.00 up to \$1,000.00. The Master Plan Amendment should go from \$700.00 up to \$3,500.00. A Zone Change should go from \$300.00 up to \$2,500.00. A Special Use Permit should go from \$250.00 up to \$500.00. A Variance should go up to \$1,000.00 for minor and \$1,500.00 for major. A Boundary Line Adjustment should go from \$200.00 up to \$1,000.00. A Reversion to Acreage should go from \$250.00 up to \$1,000.00. A Vacation or Abandonment should go from \$300.00 up to \$500.00. A Final Map should go from \$350.00 up to \$1,000.00. A Final Map Extension of Time should go from \$150.00 up to \$3,500.00. A Revision to Acreage should be changed to \$1,750.00. All suggested changes and in line with Lyon County Planning and Zoning. City Attorney Zumpft asked what a revision to acreage is. City Manager Switzer stated he is unsure and suggested it should read reversion instead of revision.

City Manager Switzer stated a rate analysis was performed last year and City Council passed detailing that each utility was analyzed and Farr West Engineering suggested to keep the rates where they currently are. Councilman Bryant stated City Council should address the rates each fiscal year with the updates and changes to the fee schedule.

City Attorney Zumpft stated on page seven is the nuisance abatement details stating that a minimum charge is in the amount of \$315.00 with \$180.00 each hour after to abate a nuisance. City Manager Switzer stated in addition, the City would charge for equipment and additional costs for man power. Public Works Director Flakus stated for water fees, the City is keeping up with inflation and Capital Price Index (CPI). City Attorney

Zumpft added that connecting to water here in Yerington is a bargain. The Gardnerville Water System has a very structured rate schedule and is a lot higher.

Councilman Bryant asked if City Council should strike the revision to acreage price change. City Manager Switzer suggested to keep it in there and if it is a duplication of fees, it will be removed from the fee schedule.

Councilman Bryant made a motion to approve agenda item number nine as presented and check into the revision to acreage, seconded by Councilman Martin. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Approve a Recommendation by the Planning Commission for the Boys and Girls Club of Mason Valley, Inc./Lyon County School District Boundary Line Adjustment for Parcel Numbers 001-095-11 and 001-095-12.

City Manager Switzer stated the boundary line adjustment is a recommendation from the Yerington Planning Commission to benefit the Boys and Girls Club and the Lyon County School District to adjust the property line. Mr. Eric Anderson with Bighorn Consulting is present representing both entities for the new daycare center.

Mr. Anderson stated a requirement is to pave Joe Parr Alley to have access to the improvements. A lot of the storm water does not have a storm drain and a retention pond needs to be constructed as well as dealing with erosion control. The parcel is being adjusted from the Lyon County School District to the Boys and Girls Club. Bighorn Consulting will have easements granted to existing water lines to protect the City's utilities. A relocatable drainage easement will be in place to handle the storm water with an agreement between the two parties. A private easement will be issued on the daycare property for access to the garage on private property. The sewer and gas lines will come from Main Street but the water line will come from the east.

Councilman Bryant asked if the flow of traffic with access on the front on Main Street will be used only or a full drive through will be available. Mr. Anderson stated either option is available providing a safe travel path for people to choose and three speed bumps will be installed in the parking lot of the daycare with three additional speed bumps to be installed on Joe Parr Alley. Councilman Bryant asked if a walking path will be developed. Mr. Anderson stated there is no dedicated walking path.

Councilman Martin made a motion to approve agenda item number ten as presented, seconded by Councilman Bryant. Mayor asked for comments, no comments were made and the motion was approved unanimously.

Discussion on progress of City-Wide Water/Sewer Project including roadways.

City Manager Switzer stated a staff report was provided from Grants Administrator Moore on an update on the financial side of the Water and Sewer Project. For the water

portion, a loan was taken out in the amount of \$18,564,000.00, \$10,743,020.90 has been spent, and \$7,820,979.10 is currently remaining. For the sewer portion, a loan was taken out in the amount of \$18,734,000.00, \$9,535,443.45 has been spent, and \$9,198,556.55 is currently remaining. The projected time for the project to be completed with Q&D Construction and Farr West Engineering is sometime in November of 2022. The United States Department of Agriculture (USDA) will fund the interim construction loan with the capital Management group.

Councilman Bryant asked if the water portion has spent 58% of the budget, is there more of the project left than budgeted. City Manager Switzer stated there is more of the project left with more than 58% completed of the utility replacement but changes occur every day. The City is on track for the actual cost of the project and the work, but material disruption will affect the date of the construction deadline. Public Works Director Flakus stated some days are expensive and some are not. Time consumed cannot be measured by the amount consumed and the City is still trying to work out some more possible work. City Manager Switzer stated Grants Administrator Moore is looking into additional funding for grants and loans.

Mayor Garry stated he has expressed concern with the patch work around town. City Manager Switzer stated the within the original project proposed in 2015, some perception presumed that every roadway would be completely replaced and that is not the case. There are roadways that are in better shape than other areas. If a roadway has extensive trench work, the City will look into replacing the whole street, but if the trench work is small, patch work, crack seal or cape seal will be performed. Public Works Director Flakus added that not all roads are the same and Main Street hasn't been permanently patched yet. Goldfield Avenue, Main Street and West Bridge Street will be replaced to the Nevada Department of Transportation (NDOT) standards. Councilman Bryant asked if Lyon County or the State of Nevada are helping fund some of the project. Public Works Director Flakus stated definitely not, the City is funding everything within the City limits.

Mayor Garry asked for comments. Mr. DeGrendele stated he is glad that City Manager Switzer is taking care of some of the problems from the Water and Sewer Project. Thank you again to City Manager Switzer.

Discussion on the Tentative Budget for Fiscal Year 2022-23. The line item for purchase of administrative police vehicles in the Fixed Asset Acquisition Fund was increased from \$62,000.00 to \$82,000.00.

City Manager Switzer stated the City will present the final budget at the next City Council meeting and now is the time to make any additional changes. The Police vehicle amount was changed from \$62,000.00 to \$82,000.00. Page ten is the revenues that fund the City including Intergovernmental revenue with Consolidated Tax increased from \$602,385.00 to \$673,444.00, an increase of \$71,059.00. Page twenty is the Fixed Asset Acquisition Fund with the two administrative Police vehicles. Councilman Pizzo asked if Chief of Police Wagner's vehicles will be equipped with the cage and on the road. City Manager Switzer stated yes, the K-9 vehicle. Councilman Bryant stated the budget is now

set for settling with full size SUVs for full access and expectation for the Police vehicles is that they should be fully badged.

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

Public Participation

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

Department Reports

Public Works Director Flakus stated the Public Works Department is looking for people for seasonal work to test and repaint fire hydrants and repaint the Yerington tank with the wording of the City of Yerington. The seasonal work will get paid \$13.00 per hour.

City Manager Switzer stated he is negotiating with the Police Union and a new two-year contract for the Police Department. An agreement has been reached and will be presented at the next City Council meeting for acceptance or rejection. Since January 1, 2022, the City has collected an amount of \$39,230.00 for issued building permit fees with over thirty different permits.

Mayor Garry stated as a resident of this City, he understands how all the other residents are feeling and added that the Water and Sewer Project is a daily process.

There being no further business, the meeting was adjourned at 11:49 a.m.

Reconvene for Council Training

The Yerington City Council Training was cancelled and will be rescheduled by City Manager Switzer to be held after another City Council meeting.

Mayor of the City of Yerington

ATTEST:

City Clerk of the City of Yerington

