

Yerington City Council Meeting
June 27, 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 (Via Telephone), Matthew Galvin and Frank Pizzo
City Manager Robert Switzer
City Attorney Neil Falk
City Clerk Sheema D. Shaw
Chief of Police Darren Wagner
Building Official Joel Brown
Grants Administrator Angela Moore

Absent: Public Works Director Jay Flakus and City Attorney Chuck Zumpft

Guests: Mr. David Ray, Ms. Tina Pederson, Mr. Dave DeGrendele, Mr. Peter Stanton, and Mr. Robert Bryan

The meeting was called to order within the James Sanford Community Center at 9:59 a.m. and roll call was reported by Mayor Garry. The Pledge of Allegiance was led by Councilman Bryant.

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 and no objections were made. 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 June 13, 2022 would be approved unless there were any objections or corrections.

City Manager Switzer stated a correction needs to be made to the prior meeting minutes dated June 13, 2022 for the approval of the Police Department agreement to include the officer's will receive a four percent increase for Consumer Price Index and not Capital Price Index. City Manager Switzer stated the public hearing for 308 Shawna Way was not on the agenda for approval by City Council due to City Hall staff being out of the office due to COVID-19 and illness. Advertising will take place next week and the public hearing will appear on the agenda for July 11, 2022 for approval.

Mayor Garry stated the minutes from prior meeting dated June 13, 2022 was approved as corrected and the motion was approved unanimously.

New, Renewal, and Name Change Business License Applications

- A. E. Dale Lowery, Jerry W. Lowery and Dalton R. Lowery dba D & D Plumbing, Inc., Plumbing Construction and Services, 1655 Greg Court, Sparks, NV 89431 – New
- B. Karen Durham dba Not Just Candles, Gift Shop, 400 North Main Street, Yerington, NV 89447 – New
- C. Edward E. Gant dba China Chef, LLC., Restaurant, 415 North Main Street, Yerington, NV 89447 – New Owners
- D. Melissa Giorgi and Michael Giorgi dba Early Bird Farmer's Market, Farmer's Market, 45 North Main Street, Yerington, NV 89447 – Renewal
- E. Ronald V. Longley dba CO2 Monitoring, LLC., Installation of CO2 Monitoring Equipment, 4310 Cameron Street, Suite #7, Las Vegas, NV 89103 – Renewal
- F. Michelle Jackson dba Hemlock Tattoo Studio, Tattooing/Permanent Body Art, 120 Bovard Street, Yerington, NV 89447 - Renewal

Mayor Garry stated the business license applications A. through F. would be approved unless there were any corrections or objections. Mayor Garry stated no objections were made and the motion to approve the business license applications A. through F. were approved unanimously.

Review Bills Previously Submitted for Payment

Bills, Salaries and Vouchers:

Accounts Payable Checks	6/09/2022	35398 through 35420
	6/15/2022	35428 through 35454
Payroll Checks	6/13/2022	35421 through 35425
Payroll Vouchers	6/13/2022	6162201 through 6162228
Transmittal Checks	6/13/2022	35426 through 35427
Transmittal Vouchers	6/13/2022	6132201

Mayor Garry stated the bills previously submitted for payment, checks 35398 through 35454 totaling \$191,894.25, 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.

Presentation by a representative of Walker River Conservancy.

Mr. Peter Stanton, Executive Director of Walker River Conservancy, provided a presentation to City Council. Walker River Conservancy's main goal is to preserve the basin of Walker Lake by transferring water from the Walker River to Walker Lake. The company was established in 2014 but started in 2008 as a non-profit organization. The lake level has declined about one-hundred and fifty feet in elevation, which is ninety

percent of its volume. Due to the ecosystem collapse, fifty percent of decline to the surface area was mainly due to irrigation purposes. The company has acquired fifty-three percent of the water needed to restore Walker Lake to sustain the water level. Twenty plus miles of new river access has been added and twelve thousand acres were conveyed to increase public access. Walker River Conservancy is seeking partnership with the City of Yerington as well as providing a resource to the community. Mr. Stanton encouraged people to visit Walker River Conservancy's website at walkerbasin.org to research details.

Mayor Garry thanked Mr. Stanton for the presentation and stated this is all about the community. Mayor Garry stated he believes the City of Yerington can participate in partnership adventures with the Walker River Conservancy.

Councilman Galvin asked what happens when the water at Walker Lake is at one-hundred percent. Mr. Stanton stated that percentage would provide a vibrant, agricultural community. Walker Lake has declined due to the drought and Walker River Conservancy owns fifty percent of the water they need to preserve the lake but only ten percent of the water is going to the lake.

Councilman Bryant asked if the agriculture to the community comes from the river or ground water. Mr. Stanton stated a combination of both. Councilman Bryant thanked Walker River Conservancy for what they are doing and he looks forward to a partnership with the organization.

Mr. Robert Bryan, General Manager with Walker River Conservancy, stated the company is not in charge of the water conveyance until a flood year. A constraint is present with the use of the water rights, not underground water rights but surface water rights. A drought was present from 2012 through 2015 and another drought from 2020 until now.

Mayor Garry asked for comments. Mr. David Ray with the Walker River Weed Control Board for Lyon County, stated the weeds are surviving and have further root depth because the basic ground water level is decreasing. Mayor Garry asked for comments and no further comments were made.

Approval of a Collective Bargaining Agreement between the City of Yerington and the Yerington Police Officers Association for the Fiscal Years 2022-2024.

City Manager Switzer stated a meeting was held with the Police Officer's Association and a few modifications were made to the agreement. Page sixteen reflects the ten percent base pay for the investigator position negotiated to six and a half percent base pay plus the four percent Consumer Price Index (CPI). Councilman Galvin confirmed for a total of a ten and a half percent pay raise. City Manager Switzer stated that is correct. Page twenty shows a six-month probationary period added to the contract. Page twenty-one, item P. was added. Page twenty-three, the specific company was removed for the Police Department to purchase from. Item D. was corrected to limit the miles and a vehicle is taken home changed from forty miles to fifteen road miles from City

Hall. The City of Yerington decided to leave the title of the position with Investigator or the title could be changed to sergeant in the future. Councilman Bryant added the City designated the title as an Investigator for the last three years and that title should be kept as is and Councilman Pizzo agrees.

Councilman Galvin stated on page thirty, item B. needs to say Investigator position for special assignments. The four percent across the board is fine, but an additional six and half percent for the investigator position is still slightly steep. Councilman Bryant added the School Resource Officer (SRO) and the K-9 Handler are both skilled positions that require training and the base pay percentage should be set for the skills that are acquired. Councilman Galvin suggested a two percent increase should be applied across the board for the K-9 Handler, the SRO, and the Investigator positions. A six and a half percent plus four percent increase would mean that the Investigator would make more money than Chief of Police Wagner. Chief of Police Wagner stated he does not receive on call, overtime, or holiday pay.

Mayor Garry stated the agreement should be negotiated more with the Police Officer's Association. City Manager Switzer stated the special pay for the Investigator was negotiated. Councilman Galvin suggested the SRO should receive a two percent increase, the K-9 Handler should receive a percent increase, and the Investigator should only receive a five percent increase. Councilman Bryant stated the City should go back to the Union to negotiate for the two percent increase amounts for the SRO and K-9 Handler and the five percent increase for the Investigator. Page twenty details bilingual pay at two and a half percent, are officer's given that amount each time? Chief of Police Wagner stated yes, he believes so. Councilman Galvin stated Lyon County uses that method, but should be given all the time. Councilman Bryant stated the bilingual pay on page twenty should be added to page seventeen as well within the breakdown of prices. City Manager Switzer stated the City's goal is to bring more people to the Police Department and to serve the public. If the Union does not accept it the agreement, then the City would then need to go to mediation. Councilman Galvin suggested a two percent increase, a two percent CPI increase, and a five percent base pay increase or two and a half percent increase, a two and a half percent CPI increase, and a five percent base pay increase. Councilman Bryant agrees with the two and a half percent increase, a two and a half percent CPI increase, and a five percent base pay increase. City Manager Switzer confirmed a bilingual increase of two and a half percent, a two and a half percent increase for the SRO, a two and a half percent increase for the K-9 Handler, and a five percent increase for the Investigator. City Manager Switzer stated a consensus was made with the full City Council and the revised contract will be brought to City Council for approval.

City Attorney Falk stated a probationary period for the other positions should be consistent with the Investigator position. City Manager Switzer stated the probationary period was only added for the Investigator position but that will be covered also with the hiring and within the City's policy, but all of the special assignment duties can be added to include the six-month probationary period. Councilman Bryant stated on page twenty item K., L., and O. should have the same language and should be included within all three positions. Councilman Galvin stated the SRO and the Investigator should have the same

language but not the K-9 Handler position. Councilman Bryant stated Chief of Police Wagner has discretion to make any changes to the positions should also be added to the agreement.

Mayor Garry asked for comments. Mr. Dave DeGrendele stated he respectfully disagrees with City Manager Switzer about officer's making more money than Chief of Police Wagner and stated it should be the other way around. Councilman Bryant agrees with Mr. DeGrendele. Mayor Garry tabled the agenda item for City Council approval after corrections to the agreement are made with the Police Officer's Association.

Approval to accept a proposal for insurance coverage by Pool Pact of Nevada. Total program cost including all Pool services is \$109,811.42.

Ms. Tina Pederson with LP Insurance provided a loss run statement and presentation to City Council. The rates increased by eleven percent and the number one reason was to include liability insurance for law enforcement.

Councilman Bryant asked if the claim volume is high. Ms. Pederson stated only one claim has not been paid and was not covered for physical damage. The claim was only covered for liability coverage and only some are covered for physical damage. Chief of Police Wagner stated the vehicle was used when the City purchased it. Councilman Bryant stated the claim on June 2, 2021 with the vehicle will include a payout and the total amount coming in will help offset the cost of the new vehicle. City Manager Switzer stated that is correct since the vehicle was not budgeted and City Council would have the discretion to purchase as they see fit. From the June 2, 2021 claim, approximately \$79,801.00 was paid back to the City with a net check after deductibles to purchase another vehicle. Councilman Bryant asked about the claim for the damages at Neil Herrin field. Ms. Pederson stated that claim is still ongoing.

Councilman Galvin made a motion to accept agenda item number nine, seconded by Councilman Bryant. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Approval to extend an additional 60 days before mitigating nuisances with Cramer Automotive at 508 West Bridge Street (APN: 001-171-21).

City Manager Switzer stated Mr. Robert Cramer approached the City about two weeks ago and requested an extension to mitigate nuisances at his property. The date of expiration expired on or around this date to mitigate nuisances and recommends approval. Councilman Galvin stated he has seen a lot of cars going out of the property and he does not have an issue with the extension but suggests a ninety day extension instead of the sixty days since dealerships and scrap yards will not take vehicles without titles. Mayor Garry agrees with Councilman Galvin. Councilman Martin also agrees to approve an extension.

Mayor Garry stated the property owner has shown sincere effort and he clearly understands his responsibilities to mitigate the nuisance. Councilman Pizzo agrees with

Mayor Garry. Councilman Galvin asked if further discussion has been made about the fencing. City Manager Switzer stated Mr. Cramer brought a quote for City Manager Switzer to review and the proposal was around \$20,000.00 just for the fencing.

Councilman Galvin made a motion to approve agenda item number ten, seconded by Councilman Pizzo. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously. City Clerk Shaw stated the mitigation will be brought back to City Council on August 11, 2022.

Approval to approve an agreement with Sciarani & Co., 30 Broadway Avenue, for accounting services not to exceed \$40,000.00 to include production of the Fiscal Year 2022-2023 Audit.

City Manager Switzer stated the City has an annual agreement with Mr. Sciarani and his company for the last fifteen years with the not to exceed amount ending on June 30th of each year. Mr. Sciarani meets with the City about four or five times a year to discuss and work on the annual audits. City Manager Switzer recommends to approve the contract for accounting services with Sciarani & Company. Councilman Bryant asked how much was used last fiscal year. City Manager Switzer stated Mr. Sciarani's fees are from several different funds and last year's fees were about \$32,000.00 or \$33,000.00.

Councilman Galvin made a motion to approve the agenda item number eleven, seconded by Councilman Bryant. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Approval to Transfer Fiscal Year 2021-2022 Budget Appropriation within the General Fund, **FROM:** Police Fund in the Amount of \$60,000.00, **TO:** The Management and City Hall Fund in the Amount of \$5,000.00; to the Municipal Court Fund in the Amount of \$20,000.00; to the Street Fund in the Amount of \$10,000.00; to the Airport Fund in the Amount of \$20,000.00; and to the Parks & Recreation Fund in the Amount of \$5,000.00 for a Total Amount of \$60,000.00 pursuant to NRS 354.598005(5).

Councilman Galvin asked if the action is taking money that was budgeted but not used and moving the funds to other funds. City Manager Switzer stated trends are low in some funds, but high in others. Per the Nevada Revised Statutes (NRS) gives local management to ability move the funds to other funds within the General Fund. Councilman Galvin stated the City is looking to pull money out of the Police Fund after another position has been created? City Manager Switzer stated the Police Fund only continues until June 30, 2022 and the new position is within next year's budget. Councilman Bryant stated if it does not affect next fiscal year's budget, he is good with moving forward.

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

Discussion of the Financial Statement (FS-10) for the fiscal year July 2021 to May 2022.

City Manager Switzer stated the report on the Local Government Investment Pool (LGIP) currently a balance of \$8,108,440.48 within the fund. An amount of \$3,058.32 was made within the month of May 2022. Within the last three years, an amount of \$108,440.48 has been received by the City.

City Manager Switzer stated on page four is the General Fund with revenues over expenditures of about 1.17 million dollars and 1.375 million dollars is within the current balance but is an unaudited version. The General Fund shows Mayor and City Council at 85.2%, Management and Administration at 94%, Police budget at 80.7% with an amount of \$237,000 unspent. Councilman Bryant stated on page five, is Lyon County School District still paying for a portion of the SRO position in the amount of \$30,000.00. City Manager Switzer stated yes, the City has been paid. Page nine shows Municipal Court as an area of concern and the City budgeted \$110,000.00 for fiscal year 2022-2023, which was increased due to the cost of bail hearings. Page fourteen is the Water Fund with a beginning balance in the amount of \$26,992,272.00. Twenty million dollars of the beginning balance is the amount from the United States Department of Agriculture (USDA) loan. The revenues over expenditures are in the amount of 1.37 million dollars and an ending fund balance of \$28,368,383.00. Page fifteen shows the revenues with an amount of \$30,034,000.00. The City will begin making payments to USDA in the spring of next year at 1.1 million dollars a year and two interest payments will be made before then. Page eighteen is the Sewer Fund with a beginning fund balance in the amount of \$5,222,578.00. Revenues over expenditures are in the amount of \$471,802.00 leaving the ending fund balance at \$5,964,380.00.

Councilman Bryant stated since the Airport fuel sales were down for a little while, is there a lot of fuel still on hand? City Manager Switzer stated the City is covering the expenditures and cost with the last tanker. The fuel cost is set at \$6.39 per gallon at retail and the overall cost to purchase the fuel is set at \$6.01. The City still pays for the electricity and ongoing maintenance with the filter system, which replacement is required based on the Federal Aviation Administration (FAA).

Approval to award a Bid for Sewer Cleaning and Video Inspection in the amount of \$72,125.00 to Pro Pipe, Inc. This project is expected to take about 30 days and will involve an area south of Bridge Street. The strategic plan is to clean and video sewer lines each year in specific areas of the sewer distribution system over the course of 3-5 years or as funding allows.

City Manager Switzer stated the City is paying 34 million dollars to replace the water and sewer lines, but needs to make sure that the sewer transport distribution system is free and clear as well. The project will target where the City is not replacing the sewer pipes to keep the sewer lines open of any issues, like tree roots or cracks which can produce into the sewer system. A Nevada Department of Transportation (NDOT) Right of Way temporary permit will be issued while the work is being performed. The City budgeted an amount of \$100,000.00 for this type of work and Pro Pipe, Incorporated

provided an estimate in the amount of \$72,125.00 for the project. Farr West Engineering will be working with the City on this project and recommended Pro Pipe, Incorporated as the contractor. City Manager Switzer recommends approval of this project. Councilman Bryant asked if work will be performed on Tibbals Way and South California Street. City Manager Switzer stated some pipes will be old and some will be new. Mayor Garry stated the project requires periodic inspections and he fully supports the project.

Councilman Galvin made a motion to approve item number fourteen, seconded by Councilman Bryant. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Discussion and review of Road Rehabilitation strategy resulting from the Water/Sewer Project.

City Manager Switzer stated the Water and Sewer Project is not a road project and the City covers the cost of road repairs separately. The City would like to redo all of the streets that were affected but the funding will not stretch to cover all repairs. Within Schedule A., City Council approved funding in the amount of 1 million dollars for road repairs. On Surprise Street, about 30,000 square feet of cap seal will be replaced on the roadway. The alleyway behind the Mason Valley Fire Department will be a complete road rehabilitation for more aggressive surface of roadway. Center Street will be getting a full slurry seal. Oregon Street, Pearl Street, and Broadway Avenue will receive a full cap seal.

Councilman Galvin asked what roadways will be completed within the school zone. City Manager Switzer stated a recommendation from Farr West Engineering was given to the City for each area of the roads that need to be redone. Pearl Street is set to have a full repave with 63,635 square feet to be completed. Councilman Galvin asked if a certain amount of funds were in the amount of \$858,000.00. City Manager Switzer stated that amount is for additional paving and full paving. The funds will go as far as they can and it will not please everyone. If wide trenching is performed, then the whole block will be repaved or the whole street. Main Street will be slurry sealed this week with one lane at a time closed down. Councilman Bryant asked if the project is on time with completion in September 2022. City Manager Switzer stated the project is on schedule for completion in October 2022.

Mayor Garry asked for comments and no comments were made.

Public Participation

Mayor Garry asked for comments. Mr. Dave DeGrendele asked where the City stands with the Yerington Paiute Tribe and the Dispensary payments. City Manager Switzer stated the City has not received any funds as of today. If a breach of contract is determined, the City would need to take the Yerington Paiute Tribe to federal court and the property is within the Bureau of Indian Affairs (BIA). The amount owing to the City is about \$40,000.00 since last year. Current information has been sent to the current Chairperson and the City still has not heard anything back about payment. Councilman

Galvin asked what the funds were for. City Manager Switzer stated the funds owed are in lieu of sales tax according to the contract. Councilman Bryant added also giving the Yerington Paiute Tribe the full rights to sell from their own location. City Manager Switzer stated the breach of contract would require approval of City Council and public participation. Mayor Garry asked for comments and no comments were made at this time.

Department Reports

City Manager Switzer stated the City is working on a Memorandum of Understanding (MOU) with Lyon County on bail hearings within the Yerington Municipal Court. The City needs to send approval back to Lyon County's representative and approval will be brought before City Council.

Councilman Pizzo stated an Airport Committee meeting took place and a discussion was held about drag races.

Councilman Bryant stated Little League All-Stars are this weekend in town and he encourages people to attend. Dry camping around the fields is not allowed based on the City's Ordinance and Councilman Bryant has been directing people out to the Lyon County Fairgrounds.

Mayor Garry requested City Council to provide an evaluation for City Manager Switzer and is awaiting information, which will become a future agenda item for approval. The Nevada League of Cities and Municipalities conference is on August 13, 2022. The conference provides very valuable training and encourages attendance from City Council.

There being no further business, the meeting was adjourned at 12:35 p.m.

Mayor of the City of Yerington

ATTEST:

City Clerk of the City of Yerington

