

**Yerington City Council Meeting**  
**July 11, 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, Matthew Galvin and Frank Pizzo  
City Manager Robert Switzer  
City Attorney Chuck Zumpft  
City Clerk Sheema D. Shaw  
Public Works Director Jay Flakus  
Chief of Police Darren Wagner  
Building Official Joel Brown

Absent: Grants Administrator Angela Moore

Guests: Ms. Laura Hardesty-Butcher, Mr. Brian Butcher, Mr. Mathew Giltner, Mr. Will Allen, Mr. Tyler Hough, Mr. Dave DeGrendele, Ms. Deb DeGrendele, Ms. Amy Miller, and Mr. Rick Christian

The meeting was called to order within the James Sanford Community Center and roll call was reported by Mayor Garry. The Pledge of Allegiance was led by Mayor Garry.

**Public Participation**

Mayor Garry asked for comments. Mr. Mathew Giltner addressed City Council and thanked the City of Yerington for the use of the property in Yerington on Y-Hill. Mayor Garry asked for comments and no comments were made at this time. Ms. Laura Hardesty-Butcher with the Off-Road Ethics Program wants to help the community become more off-road friendly and also thanked the City of Yerington.

**Agenda Approval**

Mayor Garry stated the agenda would be approved as presented unless there were any objections or corrections and no objections were made. Agenda item number six will be discussion only per City Manager Switzer and no objections were made. Mayor Garry stated the agenda was approved as corrected and the motion was approved unanimously.

**Minutes**

Mayor Garry stated the minutes from prior meeting dated June 27, 2022 would be approved unless there were any objections or corrections. Mayor Garry stated no objections were made and the motion to approve the minutes from prior meeting dated June 27, 2022 was approved unanimously.

**Review Bills Previously Submitted for Payment**

Bills, Salaries and Vouchers:

Accounts Payable Checks	06/21/2022	35455 through 35484
	06/27/2022	35488 through 35519
	07/01/2022	35520 through 35532
Payroll Checks	06/27/2022	35485 through 35486
Payroll Vouchers	06/27/2022	6302201 through 6302226
Transmittal Checks	06/27/2022	35487
Transmittal Vouchers	06/27/2022	6272201

Mayor Garry stated the bills previously submitted for payment, checks 35455 through 35532 totaling \$369,118.28, 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.

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

City Manager Switzer requested to have the agenda item as discussion only since no changes were made to the agreement since the last City Council meeting. The City created an Investigator position and per Public Employee Retirement System (PERS), the position needs to be a step and grade position and cannot be an add-on or bonus to the position. The Union did agree to the five percent add-on pay for the Investigator position, which the City cannot do. The Union did give amounts for a sergeant position for use by the City in the future.

Councilman Galvin stated Chief of Police Wagner did have reservations about the sergeant position. Chief of Police Wagner stated the Yerington Police Department tested for an Investigator position and the person selected should be hired. City Manager Switzer added the officers can have bonus pay as an add-on for bi-lingual pay for the special assignment positions but the Investigator position needs to be ranked at a step and grade pay scale per the PERS regulations.

Mayor Garry asked for comments and no comments were made at this time. Mayor Garry tabled the agenda item for approval at a future City Council meeting.

A Public Hearing regarding a property at 308 Shawna Avenue (APN 001-342-05) as a nuisance under Yerington City Code 4-2-1 through 4-2-2. The Property is owned by Mark Forrest Moore, 6332 Elden Avenue, Loomis, CA 95650.

City Manager Switzer stated the tenants had attempted to clean the property but the City did advertise the public hearing within the newspaper. There are still a number of items that need to be cleaned up on the property as of this morning. City Manager Switzer recommends to declare a nuisance under Yerington City Code 4-2-1 through 4-

2-2 and approach the property to mitigate the issue. Mayor Garry asked if Mr. Moore or a representative was present for the meeting and no one was present for the property.

Councilman Pizzo asked if the tenant has been evicted and if that is the case, he will not be motivated to clean up the property. Mayor Garry stated the owner is ultimately responsible for the property. City Manager Switzer stated there is so much debris on the property that the City cannot read the water meter for several months. City Attorney Zumpft requested a record of publication after the meeting. City Manager Switzer stated Chief of Police Wagner and Public Works Director Flakus will look into accessing the meter and cleaning that portion off the property. Public Works Director Flakus stated the Public Works Department needs about five people and some equipment for the work. The water meter will be cleared today and read.

Councilman Bryant made a motion to declare the property at 308 Shawna Avenue (APN 001-342-05) as a nuisance under Yerington City Code 4-2-1 through 4-2-2 and direct City staff to abate the nuisance at the earliest convenience, seconded by Councilman Galvin. Mayor Garry asked for comments, no comments were made at this time and the motion was approved unanimously.

Approval of a recommendation by the Yerington Planning Commission: Rick Christian of Denson Surveying, Inc., on behalf of owners Harry and Ann Smith Family Trust are proposing a parcel map application with APN 001-331-01.

City Manager Switzer stated the Yerington Planning Commission passed both parcel map applications and recommended approval from City Council. Mr. Rick Christian of Denson Surveying, Inc. addressed City Council and would like to discuss both agenda items at one time. The agenda items will create new parcels maps on each agenda item location. Mr. Christian stated the access would be on Madden Lane and Charlotte Avenue. The intent is to separate the area with the building as residential on its own property and the other as agriculture property. Bell Avenue would be split into two parcels and the City will declare an access easement to facilitate agriculture equipment.

City Manager Switzer stated the Mason Valley Fire Department (MVFD) did review the plans, approved of the safety plan, and signed the access easement as well.

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

Approval of a recommendation by the Yerington Planning Commission: Rick Christian of Denson Surveying, Inc., on behalf of owners Harry and Ann Smith Family Trust are proposing a parcel map application with APN 001-491-04.

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

Approval of a Hangar Lease Agreement between the City of Yerington and David Goodin for Hangar Number 311. The term of this lease is 10 years.

Councilman Bryant stated he thought the City was trying to get away from the long-term agreements. City Manager Switzer stated when building a hangar, the owner wants to be assured that they will have their hangars for some time based on financing options. The City does have the ability to terminate hangar leases. The typical range for leases is twenty to thirty cents per square feet per year. Councilman Bryant stated all maintenance and upkeep is the responsibility of the owner. City Manager Switzer stated yes, the City owns the grounds.

Mayor Garry stated the Hangar Lease Agreement for number 311 would be approved as presented unless there were any objections or corrections. Mayor Garry asked for comments, no comments were made at this time and the Hangar Lease Agreement for number 311 was approved unanimously.

Approval of a request/proposal by Will Allen, or representative, of the Mason Valley Dirt Squirts (MVDS) for use of the Y-Hill area for their 2023 race to be held April 1 – 2, 2023.

Mr. Will Allen. Race Coordinator for the Mason Valley Dirt Squirts (MVDS) would like to put on nine to ten races a year for fifty to one-hundred-mile courses throughout Bureau of Land Management (BLM). The MVDS would receive a permit from BLM, the pits and parking will be outside of BLM land to make it easier for the event coordination. The proposal is for one race next year from April 1<sup>st</sup> through the 2<sup>nd</sup>.

Mayor Garry stated the City is in support of events coming to our community. Mr. Allen stated the MVDS will take care everything, including the port-a-potties, medic crew, fire men, cleanup, and will provide insurance coverage of up to \$2,000,000.00 for the events. City Manager Switzer stated liability coverage just needs to be provided but it is a good plan and recommends approval of the proposal. Councilman Galvin stated all new radio equipment is on the hill, please block off that area completely during the event. Mr. Allen stated yes, it will be blocked off. There will also be a pee-wee event and the MVDS will need access to the property one month in advance of the event in April of 2023.

Councilman Pizzo made a motion to approve MVDS to use the Y-Hill area for their 2023 race to be held on April 1 – 2, 2023, seconded by Councilman Galvin. City Attorney Zumpft stated the motion should be amended to include adding the City to the insurance as additionally insured for the event. Mayor Garry asked for comments. Mr. Dave DeGrendele stated the property should be returned to the previous state when the race is completed. City Manager Switzer stated that will be part of the agreement and the City has been assured that the property will be returned back to the previous state. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Approval of a Proposal for an Application "TextMyGov" in the amount of \$5,250.00 for the first year, then \$3,000.00 per year. This application will allow citizens to text a question or report an issue to the City of Yerington and have a response 24 hours a day.

City Manager Switzer stated the proposal is a communication tool for the community and engage with citizens. Staff are working together for messages that will be responded to with key words. For example, water leak would provide an instant response to please call the City's after-hours number 775-463-7733. Other types of actions can be preprogrammed and there is not an app involved to be downloaded. If the proposal is approved, the reduced rate will be requested at the lower rate of \$3,000.00 for the first year and then \$3,000.00 per year. City Attorney Zumpft added questions that would require more details, for example a legal question would go to City Manager Switzer or go to certain departments.

Mayor Garry stated Councilman Galvin left the meeting.

Councilman Bryant stated the City will be spending about \$250.00 per month for this service. Mayor Garry stated he supports this service but asked what would the demand be for this product. City Manager Switzer stated about ninety-seven percent of all cell phone users' text and this is another way to interact with the City. Councilman Bryant asked if the City can enact with an opt out clause in case the City is not satisfied with the service within thirty days if we chose to. City Manager Switzer stated he would make sure the City does opt out.

Councilman Bryant made a motion to approve agenda item number twelve with a condition of an opt out clause as presented, seconded by Councilman Martin. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Approval of a Cooperative Agreement for Judicial Services. Nevada Assembly Bill 424 (2021) ("AB 424") took effect, requiring every person arrested and taken into custody to have a pre-trial release hearing within forty-eight (48) hours of arrest, unless extended for good cause.

Councilman Bryant asked if the City will be in full control to Lyon County and if the \$650.00 will be received from Lyon County for the services. City Manager Switzer stated Judge Cheri Emm-Smith will be on-call for that month and the additional funds will pass through to the Judge Emm-Smith for the extra work. Councilman Bryant stated if any disputes arise, the agreement states that the Lyon County Manager has final say of the dispute. City Attorney Zumpft stated with the design of the new system, this is a fair approach and the City can always get out of the agreement with Lyon County if the City does not agree with the Lyon County Manager. Councilman Bryant stated it is also agreed that Lyon County will help the City with hearing as well on the months that Judge Emm-Smith is not on-call. City Attorney Zumpft stated yes, Judge Emm-Smith is also in support of the cooperative agreement with Lyon County.

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

### Public Participation

Mayor Garry asked for comments. Ms. Deb DeGrendele requested an update on if the funding has been received from the Yerington Paiute Tribe and the dispensary. City Manager Switzer stated the City has not received any funding from the Yerington Paiute Tribe. Mayor Garry asked for comments and no further comments were made at this time.

### Department Reports

Chief of Police Wagner stated the Yerington Police Department is getting ready for the Night in the Country event coming up soon.

Councilman Bryant thanked Public Works Director Flakus and the Public Works Department for their help at the baseball tournament. Public Works Director Flakus stated the Public Works Department put a lot of work into removing the nuisances at 427 South California Street. The City spent about \$5,000.00 in time and equipment to mitigate that property. Mayor Garry thanked Public Works Director Flakus for their time and effort.

City Manager Switzer stated the City received the second tranche on Friday of the American Rescue Plan Act (ARPA) funding in the amount of \$2,177,110.32 and the bulk of that amount will be going into the Local Government Investment Pool (LGIP) fund.

City Clerk Shaw stated the window tinting is scheduled for the 18<sup>th</sup> and 19<sup>th</sup> of this month. The event held in the Community Center on July 2, 2022 was billed an additional \$620.00 for damages and time from City staff to clean to areas. The person was notified that they will not be receiving their deposit back and photos were taken of the facility after the event. Mayor Garry asked if the City is going to send a demand letter to the person responsible of the event. City Manager Switzer stated the City can send a demand letter for payment. The Yerington Police Department did provide a report to City Council on the calls within the month. A letter was sent to the owner of hangar number eight for illegal activity involving a food truck within the hangar and was reported to City Council.

Councilman Bryant thanked the Public Works Department again. The roads are looking good around town and asked if they will be striped. Public Works Director Flakus stated no striping will occur on the City's roads, only the Nevada Department of Transportation (NDOT) roads but the Public Works Department will restripe the crosswalks. Councilman Bryant stated the sewer pond smell has been much less this year. Public Works Director Flakus stated the new aerators have not been put in place and the City is currently waiting for the electrician to be here. End of May, early June is when the smell is the worst.

Mayor Garry stated the model for the City is “preserving our history while planning for our future” and the community should always be integrated within history. The framed photos are within City Hall on display. General Nathaniel Lyon, who was the first general killed, his birthday was on July 18, 1818 and he would like to wish him a happy birthday. Mayor Garry stated Yerington is named for Henry Yerington and he would like to acquire a piece of art of him and have his photo displayed at City Hall in honor of him. The City will perform more projects within the James Sanford Community Center to enhance the area for the use of the community.

There being no further business, the meeting was adjourned.

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Mayor of the City of Yerington

ATTEST:

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City Clerk of the City of Yerington