

Yerington City Council Meeting
June 29, 2021 at 10:00am – City Hall

The regular meeting of the Yerington City Council was held in the Council Chambers with social distancing guidelines in place with the following present:

Mayor John J. Garry
Council Members Jerry Bryant, Selena Catalano, and Terceira Schunke
City Manager Robert Switzer
City Attorney Neil Falk
Public Works Director Jay Flakus
Chief of Police Darren Wagner
City Clerk Sheema D. Shaw
Grants Administrator Angela Moore

Absent: Councilman Shane Martin and City Attorney Chuck Zumpft

Guests: Mr. David Ray, Mr. Tim Dyer, Mr. Joel Brown, Ms. Tina Petersen, Mr. Dave DeGrendele, Ms. Deb DeGrendele, Mr. Marshal Smith, Mr. Nick Peterson, Mr. Rett Smith, Mr. Andrew Peake, Ms. Nancy Park, Mr. Terry Scott, and Mr. Randy Denter

The meeting was called to order and roll call was reported by Mayor Garry. The Pledge of Allegiance was led by Mayor Garry.

Public Participation

Mr. Tim Dyer with Nevada Copper provided a presentation about an update at Nevada Copper. The mine was set back with the pandemic, which slowed the operation down quite a bit. Operation is improving and progress is being made. Ninety-seven people are currently employed with Nevada Copper. About two hundred and fifty to three hundred people are working together at the mine with Red Path as the underground contractor. The mill is up and running producing about three thousand tons a day, hoping to produce up to five thousand tons per day within the next six months.

Mayor Garry asked Mr. Dyer if local people are actively being hired. Mr. Dyer stated yes, Nevada Copper is recruiting local hires with job opportunities available the City of Yerington's website. Jobs are also advertised on Nevada Copper's website at nevadacopper.com. Comments and complaints are also being tracked and resolved in a timely manner.

Mayor Garry asked for comments, 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. No objections were made and the agenda was approved unanimously.

Minutes

Mayor Garry stated the minutes of May 24, 2021 and June 14, 2021 would be approved as presented unless there were any objections or corrections. No corrections need to be made at this time and the minutes of May 24, 2021 and June 14, 2021 were approved unanimously.

New, Renewal and Name Change Business License Applications

- A. Leland & Hillary Hayden dba New Life Industries, LLC, Excavation, 595 Pete Hendrich's Rd. Yerington, NV 89447 - New Single Project
- B. Cory Honeycutt Jr. dba Do-It 2-It, LLC, Handyman, 1810 E. Sahara Ave. Ste. 212 Las Vegas, NV 89104 - New
- C. Jason Virden dba Kaigan, LLC dba Pestmaster Services, Pest Management, 9716 S. Virginia St. Ste. E. Reno, NV 89511 - Renewal
- D. Sheena Leonard, Medical Billing & Coding, 26 N. Whitacre St. Yerington, NV 89447 - New
- E. Emilia Villanueva, Cosmetology, 14 S. Main St. Ste. B. Yerington, NV 89447 - Address Change
- F. Terry Bishop dba Mountain Foam & Coating, Inc., Insulation, 305 US Hwy 395 N. Washoe Valley, NV 89704 - New Single Project
- G. Crystal White dba CC's Salon, Beauty Salon, 105 N. Main St. Yerington, NV 89447 - New
- H. Dave Rusch dba Carter Hill Homes, Residential Home Builder, 1625 US Hwy 88 Ste. 102 Minden, NV 89423 - New Single Project
- I. Vernon Miller & Denise Behrens dba Helping Hands for Senior's, Transportation for Senior's, 215 W. Goldfield Ave Yerington, NV 89447 - Non-Profit
- J. Jose and Jesus Ayala dba Cobra Concrete, LLC, Concrete Contractor, 1105 Browne Lane Fernley, NV 89408 - New

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

Annual Presentation by the Nevada Public Agency Insurance Pool Member Coverage Summary for a Total Program Cost Including All Pool Services of \$99,068.49.

Ms. Tina Petersen, the City's agent with Pool Pact provided a handout to Mayor and City Council and explained the proper coverages within the new building at City Hall. Page five is the insurance pool coverage summary. The summary provides insurance renewal, property liability workers compensation and coverage for City vehicles. For the property coverages, no information has changed. Page six is the liability coverages. Page seven is the cyber and risk coverages, which increased coverage from \$2,000,000.00 to \$3,000,000.00 at no additional cost. The price shows a twenty percent increase this year, but the rates stayed pretty flat with the coverage increasing the \$3,000,000.00.

Ms. Petersen presented Mr. Marshal Smith, Risk Manager from Pool Pact. Mr. Smith provided more information for what Pool Pact covers:

1. MSDS is online, hazardous material and automatically updates, at no additional cost. This service protects the employees.
2. Target Solutions are services for Fire and Emergency Medical Services (EMS), which offers online trainings with certifications.
3. Grant Program offers five grants at an amount \$2,000.00 a year. Pool Pact covers seventy-five percent and the City would pay for twenty-five percent.
4. Fit for Retirement Program are services for law enforcement and Fire Fighters. The intent is to ensure those employees are fit for retirement right now.
5. Loss Control Excellence Program is awarded to a Loss Control Committee. The member achieves this award in the amount of \$5,000.00 with a plaque and the program has been expanded for each department with the cash grant.
6. Cyber Security Program is sent to a Cyber expert who reviews the risks. Know4Be are trainings for anyone who has access to the network and needs to be completed by employees to be aware of the potential dangers.

Councilwoman Catalano asked if fictitious emails need to be reported? Mr. Smith yes, a phishing alert needs to be clicked on to be registered as an alert.

Ms. Petersen stated within the Member Loss Data; the City is doing a great job at risk management with the Airport liability also included.

City Manager Switzer recommends approval of the total program cost with Pool Pact.

Councilman Bryant made a motion to approve the annual presentation by the Nevada Public Agency Insurance Pool Member Coverage Summary for a total program cost including all Pool services in the amount of \$99,068.49, seconded by Councilwoman Schunke. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Presentation by Nick Peterson from Atlantic Richfield on Mine Cleanup.

Mr. Nick Peterson, Project Manager with Atlantic Richfield provided an update on the Anaconda Copper Mine Site (ACMS). Record of Decision (ROD1) projects are currently underway to enhance improvements to protect the groundwater.

In February 2018, the Environmental Protection Agency (EPA) and the State of Nevada entered into a deferral agreement designating Nevada Division of Environmental Protection (NDEP) as the lead regulatory agency to oversee the Anaconda Mine.

The activities performed under the ROD1 project will proceed in two phases:

1. Fluid Management System FMS Ponds (Leach Ponds) Project
 - a. Installation of five new evaporation ponds
2. Heap Leach Pad (HLP) Construction Project
 - a. Recontouring and capping five former HLPs covering over two hundred and sixty acres

The FMS Pond Upgrade Project started construction in August of 2019 and was completed in May of 2020, with Desert Engineering as the primary subcontractor. The project was performed in two phases. The HLP Project provided a reclamation schedule of pre-construction activities beginning in March of 2021, highwall mitigation in late May of 2021, limited demolition activities started in early June of 2021, mobilization of equipment in early July of 2021, and the project is anticipated to be completed in the first quarter of 2023.

Councilman Bryant asked since activity is ramping up now through July, will Burch Drive increase in traffic. Mr. Peterson stated the bridge along Burch Drive was inspected and will be used for traffic. If heavy equipment needs to be moved across the bridge, Burch Drive will be closed for a short period of time, with Luzier Lane being the main road for heavy equipment traffic.

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

Approve "Movies in the Park", Nancy Park, Community Member and Funding by the City of Yerington.

Ms. Nancy Park, a community member provided a presentation for an event called "Movies in the Park" starting in August at Veteran's Memorial Park. Ms. Park requested power and rights at the park with support from the Rotary Club and Nevada State Park.

City Manager Switzer stated Ms. Park is proposing three different nights in August for the event. City Manager Switzer asked Ms. Park if a financial contribution will be provided. Ms. Park stated yes, she would like to purchase the equipment eventually in the future. Mr. Rett Smith with Nevada State Park is working on this with Ms. Park.

Public Works Director Flakus stated the City would provide power and the new restroom facility, but the event would need to rent porta-johns.

Councilman Bryant suggested to Ms. Park to find donors to help offset the costs. Councilwoman Catalano suggested to encourage fundraisers or see if any businesses were willing to contribute as a sponsor. City Council is looking to see more private funding being added to the event.

City Manager Switzer stated the City could help fund the event in the amount of \$1,000.00 with services provided. Councilwoman Catalano stated \$1,000.00 is a reasonable amount. Councilman Bryant asked if insurance costs will be covered. Ms. Park stated the event will have insurance under the Rotary Club.

Councilwoman Catalano made a motion to approve Movies in the Park with funding by the City at a maximum amount of \$1,000.00 and supported by Public Works, seconded by Councilwoman Schunke. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Approve a Quote from Q & D Construction for \$399,168.00, one-half of the cost (\$199,584.00) from Regional Transportation Commission (RTC) funds and the remaining balance to come from the American Rescue Plan Act Funds, to complete Road Reconstruction at Whispering River Subdivision.

City Manager Switzer stated Public Works Director Flakus will provide a presentation for the quote received by Q & D Construction at the Whispering River subdivision.

Public Works Director Flakus stated the roads need to be resurfaced due to incorrect installation for four or five streets and some concrete within the subdivision.

Mayor Garry asked if the Water and Sewer Project will only include streets within the project area. Public Works Director Flakus stated that is correct, Whispering River area's infrastructure is much newer.

Councilman Bryant confirmed that some funds will be coming from the American Rescue Plan Act. Public Works Director Flakus stated yes.

Councilman Bryant made a motion to approve a quote from Q & D Construction for \$399,168.00, one-half of the cost (\$199,584.00) from RTC funds and the remaining balance to come from the American Rescue Plan Act funds, to complete road reconstruction at Whispering River subdivision, seconded by Councilwoman Schunke. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Approve a Sludge Agreement and Release Between Peri & Sons, Inc. a Nevada Corporation and the City of Yerington.

City Manager Switzer stated the City received a counter offer and the action is to approve of the redraft of the sludge agreement, which was reviewed by legal counsel. A correction on page one includes under item D the time period should be five years and not four years. The result of the sludge removal is from the Wastewater Treatment Plant. Mr. Peri provided the ground to dump the sludge, but the agreement was made verbally and was not codified into any agreement. The agreement was crafted to compensate Peri and Sons over a period of five years. City Manager Switzer recommends approval of the agenda item.

Councilman Bryant asked how often the sludge needs to be dumped. Public Works Director Flakus stated every twenty years and the sludge was last removed in 2019.

City Manager Switzer stated the agreement is for a five-year period. The City would collect fifty percent of the agreement for connection charges and Peri and Sons would write a check for the remaining fifty percent. Councilwoman Catalano asked if Peri and Sons performs a development project, can the amount of credit be accumulated with no maximum amount. City Manager Switzer stated the maximum amount would be in the amount of \$183,000.00. Councilwoman Catalano asked which party suggested to change the time range. City Manager Switzer stated Peri and Sons suggested the time range. Public Works Director Flakus stated the agreement is a resolution to a great solution.

Councilwoman Schunke asked to clarify, the verbal agreement was made with the prior City Manager and Peri and Sons, not City Council and Peri and Sons. City Manager Switzer stated that is correct.

Councilman Bryant made a motion to approve a sludge agreement and release with Peri and Sons, a Nevada Corporation and the City of Yerington with a period of five-years, seconded by Councilwoman Schunke. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Approval of a Memorandum of Understanding between the City of Yerington and the Lyon County School District for the School Resource Officer (SRO).

City Manager Switzer stated the action is a renewal of the current agreement with the Lyon County School District to provide a School Resource Officer (SRO). Lyon County School District had some proposed changes and a final draft version. City Manager Switzer would recommend approval of the Memorandum of Understanding with an amount of reimbursement to the City.

Mayor Garry stated he supports the agreement.

Councilwoman Schunke made a motion to approve of a Memorandum of Understanding between the City of Yerington and the Lyon County School District for the School Resource Officer (SRO), seconded by Councilwoman Catalano. Mayor Garry

asked for comments, no comments were made and the motion was approved unanimously.

Approval of Resolution Number 2021-02 to Augment the 2020-21 Budget; Whereas the Fixed Asset Fund of the City of Yerington is Determined to have Revenue Sources in the Amount of \$96,200.00 that were not Anticipated; increasing the Appropriations of the Fixed Asset Fund from \$681,588.00 to \$777,788.00.

City Manager Switzer stated advice from the City's accountant, legal counsel and Mr. Josh Foli with Lyon County was provided to the City about the resolution. The City received an amount of \$96,200.00 for this current budget. The City also received CARES Act funds from the federal government in August of last year, which was not budgeted resulting in Resolution Number 2021-02. City Council needs to recognize the fund, then the funds could be expended. Journal entries would need to be performed if City Council approves of the action. The amounts would be in the amount of \$777,788.00 for revenue and expenditures. The resolution also has to be filed with the Department of Taxation.

Councilman Bryant made a motion to approve Resolution Number 2021-02 to augment the 2020-21 budget; whereas the Fixed Asset Fund of the City of Yerington is determined to have revenue sources in the amount of \$96,200.00 that were not anticipated; increasing the appropriations of the Fixed Asset Fund from \$681,588.00 to \$777,788.00, seconded by Councilwoman Schunke. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Approval of Resolution Number 2021-03 to Transfer \$220,000.00 from the General Governmental Fund, General Fund to the Fixed Asset Acquisition Fund Budgets of the City of Yerington.

City Manager Switzer stated the action is the direct result of the City not budgeting the monies to acquire the new City Hall building. The City included the amount within the expenditures in that budget year to be spent by June 30th of last year. The purchase did not happen until September for an amount of \$220,000.00. The accounting sheets shows the journal entries which was already approved. Page one includes an increase in the budget for management and City Council by \$20,000.00. If approved, journal entries will be made by tomorrow, June 30th and will be filed with the Department of Taxation.

Councilwoman Catalano made a motion to approve Resolution Number 2021-03 to transfer \$220,000.00 from the General Governmental Fund to the Fixed Asset Acquisition Fund budgets of the City of Yerington, seconded by Councilwoman Schunke. Mayor Garry asked for comments, no comments were made and the motion was approved unanimously.

Discussion on the Financial Statement (FS-10) for Fiscal Year 2020-21.

City Manager Switzer stated page four shows the General Fund, which is unaudited and is through the eleventh month out of twelve months. The fund balance

shows an amount of \$782,000.00 with revenue over expenditures in the amount of \$632,000.00. The fund balance is now in the amount of \$1,414,000.00. Page sixteen is the Water Fund with expenditures under budget by an amount of \$300,000.00. Page twenty is the Sewer Fund with expenditures in the amount of \$616,000.00, with a budget in the amount of \$915,000.00.

Review Bills Previously Submitted for Payment

Bills, Salaries and Vouchers:

Accounts Payable Checks	06/15/2021	33800 through 33828
	06/22/2021	33829 through 33876
Payroll Checks	06/17/2021	33795 through 33798
Payroll Vouchers	06/17/2021	06172101 through 06172119
Transmittal Checks	06/15/2021	33799
Transmittal Vouchers	06/15/2021	06152101

Mayor Garry stated the bills previously submitted for payment would be approved unless there are any objections or corrections. No comments were made at this time and the bills previously submitted for payment were approved unanimously.

Department Reports

Chief of Police Wagner stated the Police Department is currently planning Night in the Country and helping with the event.

Public Works Director Flakus stated the Community Confidence Report was approved by NDEP. City Manager Switzer asked if the mini loader was ordered. Public Works Director Flakus stated yes, the City is currently eighth in line to receive the equipment. Seasonal workers have also been hired for summer.

City Manager Switzer stated the City met with the Walker River Basin Communities Foundation subcommittee, which will report to the main committee and also meet next week for approval. Equipment costs are starting to raise in price and the City will need to order soon. Mr. Joel Brown with the Building and Planning Department will come onboard starting July 1st.

City Clerk Shaw stated the City is looking to hire a meter reader position and the advertisement for the new police officer position has been posted. The next elections for the City will now be managed by Lyon County.

Councilman Bryant stated this time of year is very busy. Public Works Director Flakus and his crew are doing wonderful work. Councilwoman Catalano would like to thank Public Works Director Flakus and his crew as well as City Clerk Shaw.

Mayor Garry stated the 4th of July is coming up and for everyone to please enjoy the holiday. The Chamber of Commerce met their goal of \$10,000.00 for fireworks this year. Everyone please be safe.

Public Participation

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

There being no further business the meeting was adjourned.

Mayor of the City of Yerington

ATTEST:

City Clerk of the City of Yerington