

CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN CITY HALL
101 SOUTH EIGHTH STREET
CARLIN, NEVADA
November 14, 2012, 7:00 p.m.

Call to Order and Roll Call:

Mayor Cliff Eklund called the meeting of the City Council to order at 7:00 p.m.

Council Members Present: Mayor Cliff Eklund
Vice Mayor Donnetta Skinner
Councilperson Steve Feasel
Councilperson Lee Griswold
Councilperson Lincoln Litchfield

Absent:

1. Administrative Staff: City Manager Glenn Trust, Assistant City Clerk Diana Nichols, Chief of Police William Bauer
2. Present: Lloyd Myers, Gerald Openshaw, Roger Anderson, Rick Anderson, Bob DeMars, Jay Duke, Doug Martin, Howard Wright, Kathy Burney

Pledge of Allegiance

Mayor Cliff Eklund congratulated Jay Duke and Bob DeMars on their election to the Council

- I. Discussion and possible approval of a Special Use Permit for W. D. Martin allowing a sand and gravel operation at his property on State Route 278, Parcel 002-230-004, and all related matters. (Action Item)**
1. W. D. Martin explained that in March 2011, the council approved the original Special Use Permit, noting there is a highway contract that is due in January and therefore he is asking an early renewal. He stated he understands there are cases where a party does not have to approve a Permit every two years and if that were applicable, that would be convenient for him.
 2. Mayor Cliff Eklund inquired if this renewal falls under the aspect of no change of ownership or use.
 3. City Manager Glenn Trust explained this applies to any Special Use Permit with the requirement that it does not change ownership, use and does not violate any state, local or federal law.
 4. Councilperson Lee Griswold agreed.
 5. Vice Mayor Donnetta Skinner agreed that the permit be approved.
 6. Councilperson Steve Feasel discussed the permits needed.
 7. W. D. Martin stated anyone who wants to excavate would be required to obtain the permits. He stated he does not excavate the sand and gravel. He needs the Permit so that a contractor that might want to do a highway project would comply with the regulations.
 8. Councilperson Steve Feasel inquired who is excavating at present.
 9. W. D. Martin replied he is excavating the overburden and building himself out of the flood plain, but he is not processing any sand or gravel.
 10. Councilperson Steve Feasel inquired about the building of a house pad.
 11. W. D. Martin explained that the pad is completed first and he has not yet applied for a permit to build a home, but that specific pad is for a house and a shop. He stated he has excavated the overburden to make it more attractive to any contractor who may choose to want the sand and gravel.
 12. Councilperson Lincoln Litchfield confirmed that Mr. Martin would be looking for a

- contractor to operate on his property.
13. W. D. Martin stated that is his intention.
 14. Mayor Cliff Eklund inquired if the land is on a flood plain.
 15. W. D. Martin replied affirmatively, noting it extends half a block further. He stated he has filled a great deal of that area, so he is physically sitting in the flood plain area, but he has elevated himself out of the flood plain.
 16. Councilperson Lincoln Litchfield inquired if this requires a site plan.
 17. W. D. Martin stated he has had a dirt permit to move the dirt he has moved.
 18. Councilperson Steve Feasel stated Mr. Martin would have to have the other state permits.
 19. **Councilperson Lincoln Litchfield moved for approval of renewal of a Special Use Permit for W. D. Martin allowing a sand and gravel operation at his property on State Route 278, Parcel 002-230-004, with the stipulation that he or the operator of the gravel pit adhere to and obtain any required state permits for dust control, ground water pollution, and must also comply with any other requirements from NDEP, FEMA, NDOT or any other agency that might be involved with a project of this type located next to a waterway, namely the Humboldt River, and unless the property changes ownership or use and complies with all state, federal and local laws, that he does not have to renew in two (2) years, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously.**

II. Review, discussion and possible approval of a request from Earl and Tiffanie Hyatt to extend the completion of their sidewalk installation pursuant to an agreement with the City of Carlin from November 25, 2012 for a period of six months, and all related matters. (Action Item)

1. Mayor Cliff Eklund stated this item involved a legal discussion the City had with the Hyatts concerning the curb and gutter and its repair before the sidewalk was put in. He noted the City agreed with and through the attorneys on both sides, that it would repair or redo the curb and gutter that was damaged that bordered their property. He stated the City was to complete that in time for them to do the sidewalk before the freeze. He noted they called City Manager Glenn Trust for an extension because the sidewalk had not been done yet by the Hyatts. He noted that Tiffanie Hyatt called and asked that it be taken off the agenda as they were pouring the cement and City Manager Glenn Trust went to look at it. He stated it has the forms, but has not been completed. He suggested that the Council not table this item. He stated his opinion is that they do not give the extension to the Hyatts.
2. Councilperson Lee Griswold agreed.
3. Vice Mayor Donnetta Skinner stated since they have started it, they would probably get it done. She stated it is better not to extend.
4. Councilperson Steve Feasel agrees, stating it has been framed and ready to pour, but he has seen others that are similar and still were not poured for a long time. He stated he feels they have had plenty of time. He stated he was surprised about the suit that the Hyatts had against the City after looking through his packet, noting he did not know about that aspect.
5. City Manager Glenn Trust stated the agreement did not have to come to the Council as it was signed that day with the City's counsel and the Hyatt's counsel. He stated the issue was that they had existing curb and gutter deteriorating to the point and they contended that the Code does not require replacement of existing curb and gutter. He stated after a review with the City Attorney and investigation, the City agreed to repair the curb and gutter and they would put in the sidewalk. He recommended the City not grant an extension.
6. Mayor Cliff Eklund confirmed the City's share would be about the same as what the insurance deductible was. He stated that City Manager Glenn Trust and he refused to pay their attorney's fees and that was eventually settled. He stated the Hyatts approached him later that they should not have hired an attorney, as his fees were more than the sidewalk. He stated the City was supposed to rewrite that ordinance and he does not think that Bob Batcher has done that yet.

7. Mayor Cliff Eklund confirmed with the City Manager Glenn Trust that Tiffanie Hyatt called to take this off the agenda.
8. City Manager Glenn Trust stated they were not able to pull it off in time and therefore the Council has to act.
9. **Councilperson Lincoln Litchfield moved to deny approval of a request from Earl and Tiffanie Hyatt to extend the completion of their sidewalk installation pursuant to an agreement with the City of Carlin and have the sidewalk poured as of November 25, 2012, and all related matters. Councilperson Lee Griswold seconded the motion. The motion carried unanimously**

III. Review discussion and possible approval of a Second Amendment to the Land Purchase Contract with Murietta Land, LLC approved and executed on August 28, 2012, the amendment allowing them to close on 72.908 acres of the agreed sold parcels on or before November 30, 2012 for a price of \$250,000 and to close on the remaining acreage 189.644 acres by May 1, 2013, and all related matters. (Action Item)

1. Mayor Cliff Eklund stated that Murietta has agreed to pay \$430,000 cash performance bond to be held by the City and if they do not close by May 1, 2013 on the remainder of the land, they would forfeit that amount.
2. Richard Wrobleski stated Murietta would like to close on the remaining residential land at a later point. He stated all the activity has been mainly on the commercial corner and they are prepared to close on that on November 30, 2012 and also release the performance bond. He stated their belief is that the residential would follow the commercial next spring. He stated they have equipment at Capurro's yard finishing up our grading plan for all the commercial area by December 1, 2012. He stated they would keep the equipment moving dirt for the roads and all the commercial area in the first week of December.
3. Mayor Cliff Eklund stated there would be no construction on the property until he closed on it and Mr. Wrobleski agreed. He stated one of his concerns was having construction before closing opens the City up to a lot of liability and without being derogatory, he explained a situation where the land was worked, but left to sit for a couple of years, which would result in a financial burden for the City. He suggested that the land be closed before the construction on the road begins.
4. Richard Wrobleski stated that is what they have agreed to do. He stated the City would not be at risk.
5. Mayor Cliff Eklund stated he explained this for the Council so it would be on record, noting Richard Wrobleski agreed.
6. City Manager Glenn Trust stated nothing changes in the overall purchase price of the property is still \$861,000. He stated there is still \$430,000 performance escrow that is set aside. He stated Richard Wrobleski has agreed to pay \$250,000 and by selling the land early rather than just giving him access, the City is protected. He stated all the original factors in the agreement stay in place, \$430,000 will be paid in its entirety at closing along with the \$250,000. He noted they are still responsible for all of the improvements, funding the city's participation in the State Route 766 required by NDOT starting in the spring. He reiterated the forfeiture of the \$430,000 if they fail to close on May 1, 2013.
7. Councilperson Lincoln Litchfield inquired about the fill.
8. Richard Wrobleski stated they would close on the Atwood property and that has quite a bit of dirt to work with. He stated he has a feeling that the residential area will close before May 1. He stated if they need a substantial amount of dirt other than that, they would close on the residential property. He stated there is already interest in the residential area.
9. Vice Mayor Donnetta Skinner stated this is a good starting point.
10. Mayor Cliff Eklund stated that Richard Wrobleski wants to start moving the dirt and the cost of putting the road in is substantially higher than anticipated. He stated this allows Murietta to proceed with the infrastructure in, the road, water and sewer and there are people who are ready to buy and build on that property, but they will not do so until the water and sewer is in

place. He stated the negotiations have been very pleasant and the performance bond shows he is earnest about his proposal.

11. Councilperson Lincoln Litchfield confirmed that the only change is the amount for November 30 and the agreement on when the \$430,000 would be distributed.
12. City Manager Glenn Trust stated the only change is dividing the closing of two (2) separate transactions. He stated they would receive back a prorated portion of the \$430,000.
13. Mayor Cliff Eklund stated on or before November 30, Richard Wrobleski will write a check for \$680,000.
14. Richard Wrobleski agreed.
15. Bob DeMars inquired if they have commitment from the businesses that are interested.
16. Richard Wrobleski stated they actually have people competing for the same parcel and he has not signed any of them yet. He stated the buyers would only close once the property is graded and infrastructure is in. He stated the commercial users would “put Carlin on the map”, noting he was instrumental in bringing Cabelo’s to Reno and it is similar to that.
17. Mayor Cliff Eklund stated Richard Wrobleski showed the City letters from several different prospective commercial buyers.
18. Jay Duke stated there are numerous parcels involved and inquired if this would create a hold up at some time.
19. Richard Wrobleski stated this has been discussed with the City on prior occasions. He stated there would be lot line adjustments on the commercial and there would not be a delay.
20. Councilperson Lincoln Litchfield stated that the Planning Commission works closely with the developers on this.
21. **Vice Mayor Donnetta Skinner moved for approval of a Second Amendment to the Land Purchase Contract with Murietta Land, LLC approved and executed on August 28, 2012, the amendment allowing them to close on 72.908 acres of the agreed sold parcels on or before November 30, 2012 for a price of \$250,000 and to close on the remaining acreage 189.644 acres by May 1, 2013, and all related matters. Councilperson Lincoln Litchfield seconded the motion. The motion carried unanimously.**

IV. Review and Possible Approval of a Rezone Request from Steve Wilson from Commercial zoning to Intermediate Residential zoning, the Property being located on parcel # 002-091-002, 824 Bush Street, Carlin, Nevada, and all related matters. (Action Item)

1. Mayor Cliff Eklund explained that Items IV and V have been requested to be tabled until the next meeting.
2. **Vice Mayor Donnetta Skinner moved to table Approval of a Rezone Request from Steve Wilson from Commercial zoning to Intermediate Residential zoning, the Property being located on parcel # 002-091-002, 824 Bush Street, Carlin, Nevada, and all related matters. Councilperson Lincoln Litchfield seconded the motion. The motion carried.**

V. Review and Possible Approval of a Rezone Request for Pinnacle Capital Partners of Nevada from Open Space zoning to Commercial – 2, the Property being located on parcel #002-300-004, Township 33 North, Range 52 East, MDB&M, approximately 15 acres East of Suzie Creek Road, south of I-80 and north of Chestnut, owned by Elko Land & Livestock, Elko County, Nevada, and all related matters. (Action Item)

1. **Vice Mayor Donnetta Skinner moved to table Approval of a Rezone Request for Pinnacle Capital Partners of Nevada from Open Space zoning to Commercial – 2, the Property being located on parcel #002-300-004, Township 33 North, Range 52 East, MDB&M, approximately 15 acres East of Suzie Creek Road, south of I-80 and north of Chestnut, owned by Elko Land & Livestock, Elko County, Nevada, and all related matters. Councilperson Lincoln Litchfield seconded the motion. The motion carried.**

VI. Review and Possible Approval of a Parcel Map for the City of Carlin created by High Desert Engineering, the map representing a subdivision of the Section 22 remainder parcel

as shown on the Parcel Map for the City of Carlin filed in the office of the Elko County Recorder at file number 646792 and the Section 27 remainder parcel as shown on the Parcel Map for the City of Carlin filed in the office of the Elko County Recorder at file number 649442, creating parcels 21 and 22, and all related matters. (Action Item)

1. Mayor Cliff Eklund moved this item for discussion in place of Agenda Item I, due to time constraints for the representative and noted that Ames has provided pictures.
2. City Manager Glenn Trust stated this item is for two parcels, one the Ames Construction and the other North American Industrial Services. He stated Parcel 21 is a newly created along with Parcel 14, which are under consideration for sale to Ames Construction. He stated Parcel 22 is being considered for sale to North American Industrial.
3. Gerald Openshaw, representative for Ames Construction, introduced himself.
4. Councilperson Lincoln Litchfield discussed the wellhead protection area.
5. City Manager Glenn Trust stated there are two (2) issues, one the wellhead protection area where “nothing can be done”, and the wellhead restriction area, where certain limited things can be done. He stated the southernmost part of the parcel would be used by Ames as parking, noting the other two (2) parcels are outside of the restriction area.
6. Discussion was held on paving the parking lot.
7. Gerald Openshaw stated they would bring in dirt and gravel and fence the office. He stated the parcel does not go far enough back to interfere with the restricted area.
8. Vice Mayor Donnetta Skinner stated she is in favor of their plans.
9. Mayor Cliff Eklund stated he thinks this is a great use for land that has very little use for anything else and the building will be a fine addition to the area. He stated Ames Construction has taken good care of their property.
10. Gerald Openshaw explained how they improved their other property.
11. **Councilperson Steve Feasel moved for Approval of a Parcel Map for the City of Carlin created by High Desert Engineering, the map representing a subdivision of the Section 22 remainder parcel as shown on the Parcel Map for the City of Carlin filed in the office of the Elko County Recorder at file number 646792 and the Section 27 remainder parcel as shown on the Parcel Map for the City of Carlin filed in the office of the Elko County Recorder at file number 649442, creating parcels 21 and 22, and all related matters. Councilperson Lincoln Litchfield seconded the motion. The motion carried.**

VII. Review and Possible Approval of a Parcel Map for the City of Carlin created by High Desert Engineering, the map representing a subdivision into three parcels of the East ½ of the NE ¼ of Section 21 on the record of survey for the City of Carlin filed in the office of the Elko County Recorder at file number 488860 creating parcels 1, 2, and 3, and all related matters. (Action Item)

1. City Manager Glenn Trust explained this item includes the Equestrian Park, Carlin Trend Drive and the parcel south of Carlin Trend Dr. to be rezoned residential for future use. He stated this is creating three (3) parcels out of one (1) parcel with the Equestrian Park as Parcel 1. Parcel 2 will be the southern portion and Parcel 3 is Carlin Trend Drive.
2. Mayor Cliff Eklund stated the parceling was approved earlier in the year and putting 1-acre lots in this area.
3. Councilperson Lincoln Litchfield stated this would probably be Rural Residential because Intermediate Residential does not allow horses and such.
4. Mayor Cliff Eklund stated there would a limit of horses on one acre and this is only one step in the process in getting this rezoned.
5. Councilperson Steve Feasel stated the Planning Commission does not have zoning for 1-acre parcels, which will be a change. He stated in discussing the Master Plan, it says, “Prior to developing in this area, a ground water study must be completed to determine the impact on the spring to the south; if these conditions cannot be met, the site should be considered agricultural open space”. He discussed the pond and the areas surrounding and the water source.

6. Councilperson Lincoln Litchfield stated this land is east of the water source.
7. **Councilperson Steve Feasel moved for Approval of a Parcel Map for the City of Carlin created by High Desert Engineering, the map representing a subdivision into three parcels of the East ½ of the NE ¼ of Section 21 on the record of survey for the City of Carlin filed in the office of the Elko County Recorder at file number 488860 creating parcels 1, 2, and 3, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously.**

VIII. Discussion and possible approval of the City Manager annual performance review, and all related matters. (Action Item)

1. Mayor Cliff Eklund stated he discussed this with City Manager Glenn Trust and the scores are consistent with an overall average of 3.89.
2. Councilperson Steve Feasel stated he does a good job.
3. Councilperson Lincoln Litchfield stated City Manager Glenn Trust does an excellent job.
4. Vice Mayor Donnetta Skinner stated overall he does a “really good job”, noting there are a couple of things she would like him to take time with.
5. Mayor Cliff Eklund agreed, noting it was a fairly good review he thought.
6. Jay Duke inquired what the maximum is.
7. Mayor Cliff Eklund stated it is 5, noting the 3.89 is an average of all the scores.
8. **Councilperson Lincoln Litchfield moved for approval of the City Manager annual performance review, and all related matters. Councilperson Lee Griswold seconded the motion. The motion carried.**

IX. Discussion and possible approval of the Financial Report for the Period July 1, 2012 to October 31, 2012, and all related matters. (Action Item)

1. City Manager Glenn Trust reported the Ad Valorem Tax is budgeted at \$312,789 and they have received \$111,787, one-third at present. He noted Licenses and Permits are budgeted at \$70,000 and current revenue is already \$70,014 primarily from a couple of large projects, the Miller Project and Ahern's and Family Dollar. He stated they are on track with intergovernmental Revenue and \$100,000 budgeted in Ambulance Fees with a current revenue of \$30,517 and expect that to be on track as well. He noted expenditures under Library have exceeded the budgeted figure, but they have money not used in the summer and will augment the figure.
2. Councilperson Lincoln Litchfield inquired about the street repairs.
3. City Manager Glenn Trust stated the season is almost done so the figure shows the total.
4. Councilperson Lincoln Litchfield inquired about materials and supplies under streets.
5. City Manager Glenn Trust reported the bulk of that is sand and gravel and concrete work for the Hyatts. He explained the Miscellaneous under Other Expenses is an expenditure that would be reimbursed but he would have to research that. He stated the Capital Projects would be done in the spring of 2013. He stated all the funds are in balance and the City is staying within its budget.
6. Discussion was held on Materials and Supplies under the Sewer Department, Raw Food for the Senior Center.
7. City Manager Glenn Trust discussed the Utility Fund has a positive balance.
8. **Vice Mayor Donnetta Skinner moved for approval of the Financial Report for the Period July 1, 2012 to October 31, 2012, and all related matters. Councilperson Lee Griswold seconded the motion. The motion carried.**

X. Review, discussion and possible approval of payments for the period 10/25/2012 to 11/14/2012, and all related matters. (Action Item)

1. Discussion was held on sand for street repair and rock from Palisade, as well as purchases from Amazon, Home Depot and Haycock.
2. **Vice Mayor Donnetta Skinner moved for approval of payments for the period**

10/25/2012 to 11/14/2012, and all related matters. Councilperson Lee Griswold seconded the motion. The motion carried unanimously.

XI. City Council Members Report. (Non-Action Item)

- i. Councilperson Steve Feasel reported the EMT of the Year at the Award banquet was Karla Jones and Firefighter of the Year was Tim Griswold Sr.
- ii. Councilperson Lincoln Litchfield stated Chief Bauer went to Colorado and asked him to report.
- iii. Chief Bill Bauer stated he went to get the Animal Control Truck. He stated it does not have cruise control, but it runs very well. He stated it is worth \$16,000; they purchased it for \$11,500 and they are waiting for the title. He stated Captain John Rowe is present and went to a basic post academy at his own expense and graduated. He presented the Category 4 Reserve Certificate to Captain Rowe and explained he is now a state-certified peace officer. He noted he is proud of him and of Mark Clough who also completed the training, but was unable to attend. He stated Tyler Thomas would be graduating from post with his Category 1 in Carson City and would be back at work on Monday.
- iv. Councilperson Lee Griswold had no report.
- v. Vice Mayor Donnetta Skinner stated everything is going well.
- vi. Mayor Cliff Eklund stated Carlin is very fortunate to have people like Captain Rowe, Mark Clough and the other volunteer policeman and the Volunteer Fire Department who works hard and are dedicated. He stated all the volunteers do this for the betterment of the community and they owe all of them a round of applause. He congratulated the winners of the election and sorry to see the old members leaving and noted the Council members work very hard to make the community better with very little gratitude. He thanked the Council Members.

XII. City Clerk's Report (Non-Action Item)

1. None.

XIII. City Manager's Report (Non-Action Item)

1. None.

XIV. Comments by the General Public: Pursuant to NRS 241.020(2C) this time is devoted to comments by the general public and discussion to those comments. No action may be taken upon a matter raised under this item until the matter has been included on a successive agenda and identified as an action item. (Non-Action Item)

1. None.

XV. Adjournment. (Action Item)

Councilperson Lincoln Litchfield moved for adjournment with Councilperson Steve Feasel seconding the motion. The motion carried. The meeting was adjourned at 8:20 p.m.

APPROVED:

MAYOR CLIFF EKLUND

ATTEST:

ASSISTANT CITY CLERK DIANA NICHOLS