

CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN CITY HALL
101 SOUTH EIGHTH STREET
CARLIN, NEVADA
March 27, 2013, 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 Bob DeMars
Councilperson Jay Duke
Councilperson Steve Feasel

Absent:

1. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson, Chief of Police William Bauer Public Works Director Carlos Esparza
2. Present: Roger Anderson, Lloyd Myers, Lincoln Litchfield, Teri Feasel

Pledge of Allegiance

I. Review discussion and possible approval of a request from Patrick Weaver and Sharon Sutherland to waive or postpone the requirement to install curb gutter and sidewalk at 13th and Bush Streets as required by their permit to construct the Silver Sage RV Park, and all related matters. (Possible Action Item)

1. Mayor Cliff Eklund read an email from Public Works Director Carlos Esparza to City Manager Glenn Trust into the record: *Glenn, We have serious concerns about granting a waiver or postponing any requirements on this building permit. All curb, gutter and sidewalks need to be installed. The neighbors to the east are in the process of installing their curb, gutter and sidewalks, which has been a long process. We are also working on getting others to comply with this further to the east on Chestnut Street. Granting extensions are very hard to track, once the Occupancy Permit is issued or if the property changes hands, the City of Carlin has no recourse to get the project completed. We have been through this many times. In regard to the pavement of the alley, we strongly feel that if there is to be any access to the RV Park from the alley, it must be paved. We did require this with the apartment complex on Fifth and Chestnut Streets. The City in the distant past, had allowed this and it has caused large problems for Public Works for years. Public Works has to maintain the alleyways four (4) times more often and often get complaints from residents who live in these parks about the alleyways used as entrances. The City of Carlin has made great strides and has worked very hard to make curb, gutter and sidewalks fair and consistent. Curb, gutter and sidewalks are very important and are necessary for street life, public safety and aesthetics. s/Carlos Esparza, Public Works Director.*
2. Public Works Director Carlos Esparza reported the email spells it out, noting they have been going through this for several years to get the neighbors to the east, Byron Bryce, to comply and they are to complete their curb and gutter. He stated if this trailer park goes in and they complete their work, it would give them one complete block on Chestnut.
3. City Manager Glenn Trust stated although this is an application for a waiver or deferral, he put in a waiver, but the code does not allow a waiver. He stated if the Council wants to approve an extension that would be their decision, but he would echo Public Works Director Carlos Esparza's concern. He stated they are very careful that everyone who applies for a building permit that a curb, gutter and sidewalk are required. He stated none of this is a

- surprise.
4. Mayor Cliff Eklund stated according to City Code, once a project meets a certain dollar amount; this Council has no authority to give a waiver on the curb, gutter and sidewalk. He noted they could give an extension for financing to get it done. He stated what has happened in the past when they have granted this, it has not happened. He agreed with Public Works Director Carlos Esparza that it is difficult for staff to track these once they get the extension and it has not worked out very well.
 5. Councilperson Bob DeMars stated he spoke to Public Works Director Carlos Esparza on this and it is my responsibility as a Council Member and Public Works commissioner to try to uphold the City Code. He stated they knew about it when they purchased the property and when they went for a building permit and being a business it is important that it goes in.
 6. Councilperson Jay Duke stated he has asked himself if there is a compelling reason and he thinks about hardships. He stated money should be a compelling reason to grant an extension. He stated the Council needs to protect the infrastructure and noted the Public Works Department works very hard at keeping the streets the best they can and keeping the drainage and runoff directed in a manner that benefits the City and does not cause additional damage. He stated this is the right thing to do and there is no compelling reason here. He read from the Weaver/Sutherland explanation “*c. There are no other businesses in a 2-block area on Chestnut Street on the southside of Chestnut that have installed curbs, gutters and sidewalks and none on the north side of after the post office*”. He stated if the Council went with that premise then no one would ever have curb and gutter and the City has to start somewhere. He stated finances are not a compelling reason and read “*b. Our priority is to put curb, gutter and sidewalk on the 13th Street where our tenants will be using to pull into their RV spots*”, which indicates they will be using the alley and Chestnut.
 7. Councilperson Steve Feasel inquired if this came before the board a month ago and we approved the project. He stated they have to be totally aware of the requirements, as they signed everything. He read: “*We request to defer the curb, gutter and sidewalk located on Chestnut Street for five (5) years for the following reasons*”. He stated if they weren’t prepared to do this for five (5) years, they should not have brought it to the Board as soon as they did. He stated he would be against it.
 8. Mayor Cliff Eklund stated the City has never given a five (5) year extension. He stated extensions started a few years ago when they had a person come in before she bought a permit and wanted a waiver. He explained they did not give a waiver, but an extension of two (2) years and that was before they bought the permit. He stated since then people have bought the permits and agreed to all the requirements, then after the fact have asked for extensions from the Council. He stated he thinks there are two (2) different things, one that the person asked for an extension prior to getting the permit and when he did not get the waiver, he did not build because it was too expensive to put the curb and gutter on both sides of the property. He stated there are people applying for permits, building and then after they have agreed to the requirements of the permit, they are coming in to ask for a waiver. He stated that is not right.
 9. Councilperson Bob DeMars stated there is the risk we might lose people, but it is a bigger risk that the City loses the integrity of the Code, Planning Commission and “we don’t want to slap anyone in the face for the efforts they put in on the City’s behalf”.
 10. Vice Mayor Donnetta Skinner stated the curb, gutter and sidewalks and alleys have to be done, as it will improve their business. She stated it is to their benefit to do it.
 11. Councilperson Bob DeMars stated their property value would improve.
 12. Mayor Cliff Eklund stated the biggest problem is the tracking of the extensions.
 13. Councilperson Jay Duke inquired, “What if they sell the property”.
 14. City Manager Glenn Trust stated this is an elected Board and occasionally members change and sometimes that overlaps with the extension that has been granted. He stated this has happened more than once with one going back to 2001 that has been through so many boards,

- which has been granted extensions and nothing has been done. He stated they have also faced the property selling and there is no legal recourse when the property sells to put any attachment or lien on or report anything to the County Recorder that requires the new owner to comply with the permit that the previous owner had received an extension for. He stated they could go to court, but in the end there is no guarantee they would win. He stated City Administration would be grateful if the Council would consider that before they grant any extensions. He stated tracking is next to impossible due to the fact that the Council members change from time to time.
15. Mayor Cliff Eklund stated the water can get under the blacktop and tear it up without curb and gutter. He stated he has enough information to that he would entertain a motion to deny.
 16. **Councilperson Jay Duke moved to deny approval of a request from Patrick Weaver and Sharon Sutherland to waive or postpone the requirement to install curb gutter and sidewalk at 13th and Bush Streets as required by their permit to construct the Silver Sage RV Park, and all related matters. Councilperson Bob DeMars seconded the motion. The motion carried unanimously.**

II. Review, discussion and possible approval of a proposal to reclassify the position and job description for the Municipal Court Clerk from pay grade 16 to pay grade 17, and all related matters. (Possible Action Item)

1. Teri Feasel explained she is requesting that the Council consider reclassifying the Court Clerk to a pay grade of 17. She explained she did not get the Position Description revised before the agenda was sent out. She stated the Court Clerk has a lot of responsibility from the position description. She stated the Assistant City Clerk and Court Clerk share similar responsibilities and her focus is to show the Court Clerk should just be upgraded. She is not there to say that the Assistant City Clerks do not carry a lot of responsibility or that the Court Clerk is more deserving, but to base this on the Municipal Court Clerk's work. She stated a copy of pay grade 17 in their packet.
2. Mayor Cliff Eklund confirmed it is his understanding that she is paid ½ by the City and ½ by the County.
3. Teri Feasel stated technically she is a City employee and the City bills the County 3 hours per day for her wages and she is asking the County for an increase of another hour of pay, so it would be an 8-hour day. She stated they do not have to get approval from the County for the City's raise in pay. She explained the City of Carlin sends a bill every quarter to the County. She stated the increase is \$.75 /hr or \$1560.00 annually or \$780 increase to Carlin, plus an annual increase of PERS of approximately \$191.
4. City Manager Glenn Trust stated it is less than \$1000.00 annually.
5. Teri Feasel reported this raise is justified by the workload. She noted her hours are 9 a.m. to 5:00 p.m. with an hour for lunch.
6. Councilperson Bob DeMars confirmed there is a certain amount of overtime.
7. Teri Feasel stated they use comp time for that.
8. Councilperson Jay Duke stated there are nine line items for pay grade 17 and 14 line items for a pay grade 16. He stated he would like to know the progression process if they are doing similar work, how is one a pay grade 16 and the other a pay grade 17 and within the grade, what is the wage range and if they top out do they get a bump on pay grade.
9. City Manager Glenn Trust explained the classification of a Assistant City Clerk is a grade 17 with 20 steps, so when you hit 20, you are topped out and they have no one who has done that yet. He stated the range would go from \$13.00/hr to \$16-17.00/hr, which is an estimate. He stated classification issue is that the Court Clerk is comparable to the Assistant City Clerk's position in public trust issues and the sensitivity issues, requiring someone with expertise.
10. City Clerk LaDawn Lawson stated the Assistant City Clerk has to be bonded because of sensitive material.

11. Councilperson Jay Duke inquired about the hours that the Court Clerk fills in for the Assistant City Clerk.
12. Teri Feasel stated they do not because it is separate branches of government. She noted the Court Clerk has been there for five (5) years.
13. Councilperson Jay Duke stated he s in favor.
14. Councilperson Bob DeMars agreed.
15. Vice Mayor Donnetta Skinner stated the only reason she would not be is that she does not do the night meetings like the Assistant Clerks do; all three of the Administration staff have to attend the meetings as secretaries.
16. Teri Feasel noted some of the duties that the Court Clerk does that are in agreement with the City Clerks. She noted there is a new program for recording.
17. Discussion was held on further duties.
18. Councilperson Bob DeMars inquired where the money comes from.
19. Teri Feasel stated the Court has its own fund in the City's budget.
20. **Councilperson Jay Duke moved for approval of a proposal to reclassify the position and job description for the Municipal Court Clerk from pay grade 16 to pay grade 17 and similar to those of the Assistant City Clerks as of July 1, 2013, all related matters. Vice Mayor Donnetta Skinner seconded. The motion carried unanimously.**

III. Review discussion and possible approval of minutes for the regular meetings of the Carlin City Council on February 27, 2013, and all related matters. (Possible Action Item)

1. Vice Mayor Donnetta Skinner stated on Page 1, Item II. 1. The \$3,319.91 should precede \$4,951.03
2. **Councilperson Steve Feasel moved for approval of minutes for the regular meetings of the Carlin City Council on February 27, 2013 as corrected, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**

IV. Review Discussion and possible approval of payments for the periods 03/14/2013 to 03/27/2013, and all related matters. (Possible Action Item)

1. Mayor Cliff Eklund pointed out the error in the date of 3/273, instead of 3/27.
2. **Vice Mayor Donnetta Skinner moved for approval of payments for the periods 03/14/2013 to 03/27/2013, and all related matters. Councilperson Jay Duke seconded the motion. The motion carried.**

V. City Council Members' Reports. City Council Members report on issues, concerns and events regarding Public Safety, Public Works, Planning Commission, Parks & Recreation, Senior Center, Cemetery and other matters of interest (Non-Action Item)

1. Councilperson Bob DeMars reported that he and Public Works Director Carlos Esparza have discussed street signs and stop signs and approximately 10 have been changed out. He stated they are having the first event at the racetrack this weekend.
2. Vice Mayor Donnetta Skinner reported an Easter Egg Hunt would be held at Chinese Gardens on Saturday at 6:00 p.m. with flashlights. She noted the Library Grand Opening is being held on April 18 at 2:00 p.m. and the Council members should attend. She noted the cemetery is looking pretty good and would like to have the old headstones oiled again.
3. Councilperson Jay Duke inquired about agenda for the Library.
4. There is no meeting, just a dedication.
5. Chief Bauer stated there are still three (3) candidates who did well on their oral boards.
6. Councilperson Jay Duke stated he is still trying to get to the Elko Chamber of Commerce but the schedules have not worked out. He stated he would like to attend the NNRDA meeting sometime.
7. Councilperson Steve Feasel stated he talked to Lee Chin who is concerned about the Chinese remains that were exhumed 16 years ago and she felt that would put them over 100 years that

they were buried and traditionally they should have been returned to China. She wanted to know if Councilperson Steve Feasel knew where they were and they were located at the University of Nevada at Las Vegas. He told her who to contact them and also contact the Chinese Embassy. He stated is one that is a mummy and 10 other remains. He stated he will follow-up with her.

8. Mayor Cliff Eklund stated he received a letter from Tom and Kathy Burney of Carlin Self Stor: *Mayor Cliff Eklund and Carlin City Council Members, We wish to express our unreserved appreciation of the Carlin Volunteer Fire Department's recent response to the fire at our facility. ¶If not for the response and request for mutual aid departments, the damage and loss would have been much greater. ¶We appreciate the personal assurances and support that we received from members of the Carlin Volunteer Fire Department. Sincerely, s/Tom and Kathy Burney.* He stated he would like Administration to see that the Carlin Fire Department got the letter.
9. City Clerk LaDawn Lawson stated she would.
10. Mayor Cliff Eklund stated he and City Manager Glenn Trust met with Newmont representatives today and discussed several issues they had between the City and Newmont, one of cattle running loose in the city and the other was mosquito abatement which is still in negotiation on how much will be done and whether Newmont will remain a partner. He stated City Manager Glenn Trust provided Newmont with letters he had concerning the partnership. He stated he would be in Carson City at meetings on April 18 and 19 League of Cities Board meeting and on April 25 for POOL/PACT. He stated he was contacted about a meeting on Monday with representatives from the Special Olympics group, who have shown an interest in having the Olympics in Carlin next year on February 14, which is an outside track meet. He stated he would see if they could be accommodated. He noted events are scheduled at the Equestrian Center for May, July, August, and in September holds the annual Chili Cook-off.

VI. City Clerk's Report. (Non – Action Item)

1. There was no report.

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

1. There was no report.

VIII. 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.

IX. Adjournment. (Action Item)

Councilperson Steve Feasel moved for adjournment with Councilperson Jay Duke seconding the motion. The motion carried. The meeting was adjourned at 7:49 p.m.

APPROVED:

MAYOR CLIFF EKLUND

ATTEST:

CITY CLERK LADAWN LAWSON