

CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN CITY HALL
101 SOUTH EIGHTH STREET
CARLIN, NEVADA
April 24, 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: Cat Doxey, Rick Anderson Roger Anderson, Lloyd Meyers, Meghan Brown, Karla Jones

Pledge of Allegiance

I. Review discussion and possible approval of a request from the Nevada Small Business Development Center for \$2,500 in budgeted funding, or another suitable amount, during the 2013-2014 Fiscal Year, and all related matters. (Possible Action Item)

1. Mayor Cliff Eklund stated the Council gave them \$1000 last Fall and they were to come back during this budget process with their proposal, which they have done. He noted Mr. Kleeb was not in attendance.
2. Councilperson Jay Duke inquired if they had received any information on the results of the \$1,000 donation.
3. Mayor Cliff Eklund stated they had not.
4. Councilperson Jay Duke stated Mr. Kleeb sent out a mailing.
5. City Clerk LaDawn Lawson stated she made sure she got the agenda to them.
6. City Manager Glenn Trust stated he does have monthly meetings in Carlin. He stated they sent the flyers out and put it on the website.
7. Vice Mayor Donnetta Skinner stated she had given his name to a couple of people who wanted to start a business.
8. City Manager Glenn Trust stated they received his request for the budget process, asking for \$2500 or an amount suitable.
9. Councilperson Bob DeMars stated he has seen him in town.
10. Vice Mayor Donnetta Skinner stated they do not have enough information.
11. City Manager Glenn Trust stated they are asking for the funds to be available in January of 2014 as these are matching funds. He stated they probably would not know if they have the matching funds until closer to that time.
12. Discussion was held on a \$1,000.
13. Councilperson Steve Feasel stated he originally came with a request of \$5,000 and "I" recommended we do a \$1,000 one-time fee. He stated in reading the information they have received, it does say \$1,000 from Carlin, but it does not stipulate this is a one-time fee. He inquired how much of that business does Carlin receive if someone goes to the SBC or are they going to develop a business somewhere else. He stated he is not against the \$1000 per year. He stated it is difficult to track the benefit of this donation. He stated he would not be in favor of the \$2,500 requested.

14. Councilperson Jay Duke stated Mr. Kleeb is not present to represent himself and he would like him to come before them with a business plan which was requested and therefore table this and notify him that they want to see some justification for the request.
15. Mayor Cliff Eklund agreed, but Mr. Kleeb knew this was agendaed.
16. City Clerk LaDawn Lawson stated the agenda was sent to his office.
17. Mayor Cliff Eklund stated it is not up to the Council to take action if they do not appear. He stated he should be present to represent himself. He stated he supports the \$1000.
18. **Councilperson Bob DeMars moved for approval of \$1000 following a request from the Nevada Small Business Development Center for the 2013-14 year to be paid in January 2014, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously.**

II. Discussion and possible approval of a letter of support to Representative Mark Amodei urging passage of the H.R. 1168, the Carlin Lands Bill, and all related matters. (Possible Action Item)

1. Mayor Cliff Eklund explained this item originated from a conversation with Representative Mark Amodei about transferring BLM land to Carlin for growth of the City. He commended Representative Amodei and Meghan Brown for their work on this bill.
2. Meghan Brown stated she works for Representative Amodei in the Elko office. The Bill has been introduced, I will send you a copy of the Bill as well as the maps associated with it. The Resolution that you have is going to be part of the record when the Bill is introduced to the floor and moves to the subcommittee. It will show that the City of Carlin supports the Bill and it will be discussed at the Elko County Commissioners meeting tomorrow. We are asking them to for a letter of support as well. It still has a ways to go in the process but she will keep Mayor Eklund and City Manager Glenn Trust informed.
3. Mayor Cliff Eklund stated he spoke to the Mayor of Yerington and Representative Amodei is doing a bill for them as well as Lovelock. These three bills would be combined into one bill.
4. Megan Brown replied yes, I think so, we are moving forward to finish the introductions and if you don't want to be part of the Bill and want it separated you need to let us know.
5. Councilperson Jay Duke sated if one bill fails all fail.
6. Meghan Brown stated this is correct.
7. Mayor Cliff Eklund stated there is more power in numbers and if Carlin, Lovelock and Yerington are working together has more impact.
8. Meghan Brown stated The Yerington Bill is going to the specific purchase a copper mine and they plan to sell the land to Nevada Copper, and Lovelock is just an extension.
9. Mayor Cliff Eklund reported that Meghan is going to present this at the Commissioner's meeting and requested that the Council members please attend. He stated they need the support right now.
10. Vice Mayor Donnetta Skinner stated they need to put a bug in the Commissioner's ear that Carlin needs this.
11. Meghan Brown stated the BLM drew the map incorporating the 5-year and 10-year plans to include the BLM lands for annexation, all included in the same bill
12. City Manager Glenn Trust stated they are planning to annex all of the lands outside of the City limits into the City
13. Meghan Brown noted if someone wanted to purchase the land, it would come through the City, who would ultimately make the decision to sell.
14. Councilperson Steve Feasel expressed his concerns.
15. City Manager Glenn Trust noted the City would have to be the conduit for any property sales or development and on the other hand it could decide not to sell any of the land; it only allows the City to have the possibility of growth through the transfer of land from the BLM and not be landlocked.

16. **Councilperson Jay Duke moved for approval of a letter of support to Representative Mark Amodei urging passage of the H.R. 1168, the Carlin Lands Bill, all related matters. Vice Mayor Donnetta Skinner seconded. The motion carried unanimously.**
17. There was no public comment.

III. Review, discussion and possible approval of a request from Patrick Weaver and Sharon Sutherland to defer the installation of curb, gutter and sidewalk and to waive the requirement to pave the alley as required by their building permit for the construction of an RV park at the junction of 13th, Bush and Chestnut Streets, and all related matters. (Possible Action Item)

1. Mayor Cliff Eklund stated the item was denied for several reasons last meeting.
2. Councilperson Jay Duke agreed, noting the access in the alley would be a hazard and a problem with dust. He discussed the curb and gutter priorities in the City and some are to create infrastructure and controls of watershed and pedestrian travel and vehicle traffic.
3. Councilperson Bob DeMars stated he is concerned about traffic too, noting kids would be walking and he noted there are people working on curb, gutter and sidewalk now and this has been an issue throughout the City for quite sometime now. He believes it needs to be continued. He agrees that the curb, gutter and sidewalk are important for the community on many levels, one of which is to have a city that people are proud of and concerns of citizen safety. He stated it is a huge expense for the City to maintain a dirt alley.
4. Councilperson Steve Feasel stated in their request, they asked to defer curb, gutter and sidewalk located on Chestnut Street for five (5) years due to the following reasons. He stated one of the reasons the Council turned down their request was the idea of five (5) years as there is not way the City could track this and under number a., the cost of this project is ½ the cost of the rest of the project and at this time, we are unable to afford both projects. He inquired if they have already started.
5. Patrick Weaver stated several of the RV Parks and mobile home parks have access from the alley. We were requested to pave the alley which will add to the start up cost.
6. Vice Mayor Donnetta Skinner stated in your first letter you said the entryway would be off the alley
7. Patrick Weaver replied four (4) spaces will enter off the alley and two (2) off of 13th Street.
8. Mayor Cliff Eklund stated his concern is several years ago a gentleman came to the council before he got a permit, and asked for a waiver for curb, gutter and sidewalk, which we gave him for two (2) years or so, but he ended up not building. The Mayor noted his concern is that this is part of the permitting process and was on that building permit when he first got it and you agreed to this requirement.
9. Patrick Weaver stated yes but there were forms to fill out to apply for a waiver as well.
10. Mayor Cliff Eklund stated, "You had to get a building permit".
11. Patrick Weaver replied affirmatively.
12. Mayor Cliff Eklund inquired, "You knew it was on the building permit when you got it".
13. Patrick Weaver stated, "Yes". He stated there was also a form in the packet to apply for a waiver and he talked to several engineers and economic growth people who all had the same comment that businesses do not want to develop in Carlin because of the restrictions. He stated it is restricting economic growth.
14. Mayor Cliff Eklund stated, "That is amazing, because I have had a meeting with Rob Stokes and Cash Minor and that was one of the questions they had because of the agenda and they said they are not giving people any more time either".
15. Patrick Weaver stated, "This is Carlin market, not Elko market".
16. Vice Mayor Donnetta Skinner stated, "I think you are wrong, because if our community people actually supported Carlin, you could make it better here than you could there, because we do have the businesses here.
17. Patrick Weaver stated he has 90% more business from Elko than from Carlin.

18. Vice Mayor Donnetta Skinner stated she had used him quite a few times and stated there would not be a lot of Elko people who would want to have a business that did not follow the code on curb and gutter. She stated when you put those in; the people will treat your business better.
19. Patrick Weaver responded we are installing curb and gutter on 13th Street, however Chestnut is a bad with DOT having 75 feet right-a-way that is property we cannot use.
20. Mayor Cliff Eklund stated he had a letter to read into the record: *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 sidewalk, which has been a long process. We are also working on getting others to comply with this further to the east on Chestnut. Granting extensions are very hard to track, once the permit is issued or if property changes hands, the City of Carlin has no recourse to get this project completed. We have been through this many times. In regards to pavement of the alley, we strongly feel that there is no way to be any access to the RV Park from the alley; it must be paved. We did require this with apartment complex on 6th and Chestnut. The City in the distant past has allowed this and it has caused large problems for the public for years. Public Works has to maintain the alleyway four (4) times more often and often gets complaints from residents who live in the parks above the alleyway who use it as entrances. The City of Carlin has made great strides and has worked very hard to make curb, gutter and sidewalk fair and consistent. Curb, gutter and sidewalks are very important and necessary for street life, public safety and aesthetic value. Thank you very much. Carlos Esparza, Carlin Public Works Director.*
21. Sharon Sutherland stated she does not know what he means about maintaining alleyways, because as far as she knows no one does anything to maintain alleyways in Carlin.
22. Catrina Doxey stated she owns a trailer park that sits right on the alleyway and they enter from the alleyway.
23. Sharon Sutherland stated when she and Mr. Weaver were going to do this, she walked every alleyway.
24. Mayor Cliff Eklund stated they should not use the RV Park at the Peacock as an example for anything.
25. Sharon Sutherland stated nothing is maintained over there.
26. Karla Jones reported Fred Montes de Oca's park is very old, and were established prior to the requirement for curb, gutter and sidewalk and the same is true of the Bush Garden RV Park which just updated theirs and so they did not have to update the alleyway. These were prior to adopting the requirement. The Council has never allowed anyone to do anything more than a 2-year extension. She noted there are two (2) houses right now that are out on extension multiple times and each time those people come and ask for an extension and we are still waiting on curb, gutter and sidewalk 15 years later. She noted the requirement is on the permit; everyone knows they have to put it in if we are going to grow. "If you look at other towns and cities, the curb, gutter and sidewalks are done even before the business is even built".
27. Vice Mayor Donnetta Skinner stated the Doxey's do keep their property nice, but "take a look at the others you are comparing to. If it was going to look like that, I would put this down in a heartbeat. If you do not force it, it will not be taken care of properly; that is how trailer parks turn out. We have watched them for years".
28. Sharon Sutherland stated she and her brother have pride in what they do.
29. Vice Mayor Donnetta Skinner stated, "It is difficult to monitor these people and I feel it starts with you".
30. Patrick Weaver stated they have a landscaping plan to make this place nice.
31. Councilperson Steve Feasel commented, "I think who you are or what you are trying to do here does not have anything to do with what we are trying to do. I think you need to understand, we are trying to make Carlin as better community and one of the things as a Coun

- cil we do is to try to uphold the rules. Here you are asking for a waiver and what we are saying is that when you signed your building permit, there is a statement right there that says are you aware that you will put in curb, gutter, and sidewalk, etc. and basically that is a legal contract you signed with the City. What we are trying to do is improve the appearance of Carlin and you mention some ways you want to improve your private property after you develop it and that is fine. That is a decision that you have to make. The decision we have to make is that we have to try to make the same for everyone. We cannot go back in the past and tell people you did not do this and now we have to require you to do it, but we can have a starting point, which we did try several years ago and I think we have been very good at trying to set standards. One of the standards we have is written in your contract and that is curb, gutter and sidewalk and also the section on the paving of the alley. So with that in mind, I have no choice but to try to hold what the City is trying to do as far as their infrastructure and beautification. I need to stick to that. I am sorry, but I would not be in favor of your request”.
32. Councilperson Jay Duke stated, “Several years ago I was not on the Council, but I know they shifted from allowing anything at any time to try to get businesses and residents.
 33. Patrick Weaver asked how many there were.
 34. Councilperson Jay Duke stated, “I don’t have that figure, but the point I am making is that we have worked through the process, yes you did fill out a waiver to waive this requirement in good faith we try to honor those the best we can given the information. We have given extensions and those extensions have not been fulfilled. We are not saying you wouldn’t, but we are trying to do what’s right for the community and you are a resident of the community. We also have to represent all of the citizens and we certainly want your business and want you to go through the process and do it right and we believe you will. Wouldn’t you expect that of us to go through the process and do it right”.
 35. Patrick Weaver stated he would like more time. He stated, “We are not trying to get out of it, we feel it is an improvement”.
 36. Discussion was held on the time.
 37. Patrick Weaver stated the paving the alley was overkill; “there is no way you are going to control the dust here”.
 38. Councilperson Bob DeMars stated, “But to Councilperson Steve Feasel point, we have to start somewhere. Chestnut Street is a pretty important to have curb, gutter and sidewalk”. He feels that curb, gutter and sidewalk is needed more in the front than on the sides.
 39. City Manager Glenn Trust discussed State easements and noted he has no authority to speak on what went on in the past. “The Council and City have tried to be very consistent in applying the laws”. He stated to Carlos Esparza’s point, there have been extensions given for two years and then property changes hands leaving the extension unresolved.
 40. Mayor Cliff Eklund stated they have “beat this horse to death”.
 41. Councilperson Steve Feasel inquired, “As far as the building permit, how long do they have to complete?”
 42. City Manager Glenn Trust stated, “The standard is 6 months”. He stated Bob Bratcher works with everyone.
 43. Councilperson Bob DeMars stated, we were voted into these positions and given an obligation by the citizens of Carlin to uphold the rules and try to make the community a better place. I am obligated to do that and the vote I do tonight is not a personal response”.
 44. **Vice Mayor Donnetta Skinner moved for approval of a request of a 1-year extension from 4/24/13 to Patrick Weaver and Sharon Sutherland to defer the installation of curb, gutter and sidewalk and to waive the requirement to pave the alley as required by their building permit for the construction of an RV park at the junction of 13th, Bush and Chestnut Streets, and all related matters. Councilperson Bob DeMars seconded the motion. Vice Mayor Donnetta Skinner and Councilperson Bob DeMars voted in favor, Mayor Cliff Eklund, Councilperson Jay Duke, and Councilperson Steve Feasel opposed**

the motion. The motion died.

45. **Councilperson Steve Feasel made a motion for approval of a request from Patrick Weaver and Sharon Sutherland to defer the installation of curb, gutter and sidewalk and to waive the requirement to pave the alley as required by their building permit for the construction of an RV Park at the junction of 13th Street, Bush Street and Chestnut Streets for a period of 6 months beginning at the end of their construction permit, and all related matters.**
46. Discussion was held on the addition of 6 months, which would begin when their current existing building permit ran out.
47. **Councilperson Jay Duke seconded the motion. The Motion carried with Councilperson Bob DeMars, Councilperson Steve Feasel, Councilperson Jay Duke and Mayor Cliff Eklund voting in favor and Vice Mayor Donnetta Skinner opposing.**
48. Mayor Cliff Eklund clarified the vote.

IV. Review discussion and possible approval of the City of Carlin's Drug and Alcohol Policy, compliant with 49 CFR Part 382 Federal Motor Carriers Safety Administration, and all related matters. (Possible Action Item)

1. City Manager Glenn Trust there is a longstanding drug and alcohol policy and the City received a grant a couple of years ago from NDOT of a van for the Senior Center, which they have been using for the past few years. He noted NDOT had sent an auditor that they contracted with through the City who has been auditing every grant vehicle and everyone failed this audit on one criteria, which means that everyone failed the same question. He stated the question was, "Are you using the 49 Code of Federal Regulations part 655 or Part 382, which is the Federal Motor Carrier portion". He noted virtually everyone was using the 382 as the drug testing standard, which he feels is more stringent. He noted to comply with their audit requirements, he has separated the two policies and noted that he could not find where it had been officially adopted by the Council. He explained the testing and the requirements and the testing under both the FTA and FMCSA are identical. He noted he separated them deliberately for clarity.
2. Mayor Cliff Eklund combined items IV and V under the vote.
3. **Councilperson Steve Feasel moved for approval of the City of Carlin's Drug and Alcohol Policy, compliant with 49 CFR Part 382 Federal Motor Carriers Safety Administration, and the City of Carlin's Drug Policy compliant with 49 CFR Part 655 Federal Transit Authority, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously.**

V. Review discussion and possible approval of the City of Carlin's Drug and Alcohol Policy, compliant with 49 CFR Part 655 Federal Transit Authority, and all related matters. (Possible Action Item)

1. **Councilperson Steve Feasel moved for approval of the City of Carlin's Drug and Alcohol Policy, compliant with 49 CFR Part 382 Federal Motor Carriers Safety Administration, and the City of Carlin's Drug Policy compliant with 49 CFR Part 655 Federal Transit Authority, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously.**

VI. Review discussion and possible approval of the City of Carlin's Financial Report for the period ending March 31, 2013, and all related matters. (Possible Action Item)

1. City Manager Glenn Trust pointed out the revenues are good and running ahead of what was projected. He noted the General Fund is currently \$542,348 revenue positive currently and all of the funds are in balance.

2. **Councilperson Jay Duke moved for approval of City of Carlin's Financial Report for the period ending March 31, 2013, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**

VII. Review Discussion and possible approval of payments for the periods 04/11/2013 to 04/24/2013, and all related matters. (Possible Action Item)

1. **Vice Mayor Donnetta Skinner moved for approval of payments for the periods 04/11/2013 to 04/24/2013, and all related matters. Councilperson Bob DeMars seconded the motion. The motion carried.**

VIII. City Council Members' Reports. (Non-Action Item)

1. Councilperson Bob DeMars reported the clean up will be May 7-10 and discussed the apartments owned by Brian Knowles.
2. Discussion was held on the graffiti and sending a letter to the owner about the problem.
3. Chief Bill Bauer stated they could send letters or the City could file a request for abatement to clean up and send the bill.
4. Karla Jones stated a letter was sent a couple of years ago requesting noise as well as cleanup and that was part of his building permit. She noted the letter has been sent.
5. City Manager Glenn Trust stated he would first like to know the specific violations and a letter could be sent from him to let the owner know it has to be cleaned up in a specific time period.
6. Vice Mayor Donnetta Skinner reported the Library Grand Opening was a success and complimented the members who did attend. She noted they are now considering opening the swimming opportunity to the community as well as the seniors and use the buses. She asked for Council input. She noted the cemetery clean up is coming. She stated she is trying to get the town involved in Clean up Week and needs help in doing so. She stated lunch will be served in the park for the volunteers and wondered if they could hold a potluck on Saturday and hold a picnic after the clean up. She would like input.
7. Councilperson Jay Duke thanked Chief Bauer for allowing him to sit in on one of his conference calls with a potential vendor for data collections and records management.
8. Chief Bauer stated on April 17, The Supreme Court made it illegal to take a person's blood alcohol without their consent or a search warrant. This will be costly to the cities, counties and state. The case of the State of Missouri versus McNeely was cited.
9. Councilperson Steve Feasel stated he and Councilperson Jay Duke attended the Economic NNRDA meeting today. He reported they discussed air transportation to Reno, discussion of a public health nurse and trying to get specific committees to join the NNRDA. He stated they discussed the Railport master plan, Exit 298 for an industrial area, mention of a company from the UK opening a mine in Eureka.
10. Councilperson Jay Duke stated they want to install the infrastructure as well.
11. Councilperson Steve Feasel stated the City of Elko gave an apartment update and mentioned General Moly that the bank is under investigation. He stated the sage grouse was discussed, the 4-Way has been changed to Petro in Wells and the Les Schwab enterprise over there will become a factory. He stated the Midas Mine is closing down and Newmont will be testing new equipment to take heat away from the boilers and generate electricity.
12. Councilperson Jay Duke stated the budgets for Elko County were in the black and they paid down their debts so much that the funds they had were not going to be taken away and they are close to being debt free.
13. Karla Jones reported on the Spring Fling Saturday and all of the council showed up and they raised close to \$3500.
14. Mayor Cliff Eklund stated he was in Carson City last week and discussed the tax on services bill will pass in the form of doing a study. He stated he was disappointed in that. He stated one of the mine tax bills has the potential to have a negative effect on Carlin. He stated there

is a 5% net proceeds tax to the State of Nevada and they are going to remove that from the Constitution and use it at the Legislature's discretion, which means when they do exploration work, they do an estimate of what their reserves are and that is submitted. The Legislature will use those reserves as a basis.

15. Meghan Brown stated the more counties and cities participate, explaining the southern area would get more weight in the tax base
16. Councilperson Jay Duke stated the general population does not understand mining and what the costs are and the regulations, inquiring if that same general population say those same things about casinos and gambling.
17. Meghan Brown stated the attitude is that the casinos are paying more than their fair share.
18. Mayor Cliff Eklund stated he had a call from John Ellison and a bill in the assembly barely passed on public lands.
19. Meghan Brown stated the Mining Tax bill will have a huge impact on the mining in this area and feels the impact will be negative. She also discussed a Bill HR 1632 transferring small parcels of land to local communities.
20. Chief Bauer inquired about the impact of returning the lands to state financially.
21. Meghan Brown stated, "Instead of having Congress pass legislation every time a community in the state desires, this would be a state issue".
22. Mayor Cliff Eklund stated there is no number of acres assigned to the bill yet. He noted there is a list of bills being supported by the League of Cities and he gave it to Chief Bauer because there is a bill redefining what a police officer is.

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

1. There was no report.

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

1. There was no report.

XI. 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. Karla Jones stated Insurance Service Offices (ISO) will be in June 3 to rerate the City for their insurance and they are currently 5.5 on the rating.

IV. Adjournment. (Action Item)

Vice Mayor Donnetta Skinner moved for adjournment with Councilperson Jay Duke seconding the motion. The motion carried. The meeting was adjourned at 8:49 p.m.

APPROVED:

MAYOR CLIFF EKLUND

ATTEST:

CITY CLERK LADAWN LAWSON