

CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN CITY HALL
101 SOUTH EIGHTH STREET
CARLIN, NEVADA
July 10, 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 Steve Feasel
Councilperson Bob DeMars

Absent: Councilperson Jay Duke

1. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson, Chief of Police William Bauer, Fire Chief Will Johnston
2. Present: Wes Henderson, J.D. Long, Mike Jones, Cheryl Jones, Kathy Burney, Thomas Burney, Fred Montes de Oca, Tom Bingaman, Linda Bingaman, Lloyd Meyers, Roger Anderson,

Pledge of Allegiance

Chief Bill Bauer introduced two (2) new Police Officers, Keegan Baty, who came from the Elko Community Reserves and a Category 4 post academy and will complete more in July and Taylor Martin from Reno. He stated both of these would be going to post at the same time and they will be back in November.

Keegan Baty lives in Spring Creek currently and Taylor Martin lives in Carlin.

I. Presentation by Wes Henderson, Executive Director of the Nevada League of Cities updating the City Council on League activities, and all related matters. (Non-Action Item)

1. Wes Henderson presented a slide show and thanked the City of Carlin for their membership. He stated the League represents all the cities of Nevada and it is important that they do. He stated the annual conference would be in September. He presented what the National League of Cities provides and the annual convention is in Washington DC in March, an opportunity to meet with people across the country and visit with the congressional delegation, an exposition held in Seattle this year and a Policy and Steering committees that the National Leagues have. He stated it is very important to participate in the National League events and make Nevada's voice a point of conversation for policy. He reported on the legislature and the League submitted Five (5) BDRs this session and was successful in getting two (2) of them passed. He stated AB 4 allows governments to advertise financial statements on the websites instead of the newspaper but it did not pass. AB 26 proposed to reduce the rate of depreciation on real property, "which was kidnapped" by the Assembly Taxation Committee, which died in Ways and Means. He stated once the bill is introduced, it is no longer yours. AB 44 prohibits homeowners association from banning the outdoor storage trash containers, but retains their right to require be screened from view. SB 27 passed and this bill was important to ever city because it increased penalties for people who damage or steal property to obtain scrap metal making the restitution mandatory and also requires that people convicted of such crimes have to perform community service. SCR1 called for a study on a revenue neutral imposition of tax on services; that bill actually made it out of the Senate Committee, went to the Senate and stayed on the secretary's desk, so that bill did not pass.
2. Mayor Cliff Eklund stated that was one of the "best things that ever happened to the State of Nevada".

3. Wes Henderson explained there are revenue studies done on all of the bills and he still does not know what the studies are this year, but he thinks one will be about the tax structure of the state.
4. Mayor Cliff Eklund stated the reduction in taxes on tangible goods would have been at the County level because the state already has a fixed 2% sales tax. Anything above 2% is additional taxes. He stated Elko County could not reduce its tax level to be revenue neutral.
5. Wes Henderson explained that the impact is not know yet. He stated SB2 Home Rule bill, which means you, cannot take any action unless you have statutory authority to do so and this is progress. SB 202 recreated the advisory committee of intergovernmental relations with the makeup of the committee three representatives from cities, three representatives from counties and three members from the executive branch plus the addition of four legislators the bill passed the Senate and the Assembly amended the bill and it died. He expressed his appreciation of the local and county members attending the Legislature. He stated he is new on this job as of February 1, and prior was the deputy director of NACO. He intends to meet with the government bodies who are not members as well. He stated they intend to continue doing what they do well, recruiting new members, and meet with the Council more than once a year. He stated he wants to create a multi-tiered corporate body. He stated at present they have a flat fee for membership. He stated he wants to learn what the cities want from the League because the number one thing they need is participation. He stated they want to extend audiovisual capabilities increasing their opportunities to meet electronically. He noted the meetings should be held around the state not just in the southern or western part. He stated he wants to increase advocacy and increase participation with the National organization. He stated the upcoming event at the conference at Stateline this year in September is a joint conference with NACO. He requested that the members call him at any time.
6. Mayor Cliff Eklund stated he attended several meetings when BDRs were being proposed and the BDR on sales tax on services had no support statewide, except for Clark and Washoe County. He inquired when they have the rest of the state saying they really do not want to do something, why does the League of Cities go forward with it.
7. Wes Henderson stated he was not there during this event, but explained there is a legislative committee and it should be made up of elected officials. He stated it is just staff now and he wants to see the legislature committee changed and they would have more membership across the state. would like to see a rural caucus and how the allocations are made. He stated it is important that the rurals get 1-2 BDRs; the south gets 2 and the north gets 1 and he wants every member to have a vote.
8. Mayor Cliff Eklund stated NACO did not support it.

II.Presentation by Bob Bratcher, City Building Official, of information and issues regarding the permitting of carpports under the current City Building Code, and all related matters. (Non-Action Item)

1. Mayor Cliff Eklund explained Bob Bratcher requested this item be tabled.

III.Review and discussion of bids for the Carlin Firehouse Project, and possible approval and award of the bid to a proposed contractor, and all related matters. (Possible Action Item)

1. City Manager Glenn Trust stated he was handed a letter at 5:00 p.m. from one of the bidders, Q&D Construction. He stated there were two bidders yesterday, MGM and Q&D, and the bids were opened by J. D. Long, Architect, and Mr. Long did the initial review of the bid. He stated at that time it seemed they were responsible and included everything that was necessary. He stated Q&D Construction is contesting through the statute that they did not include their 5% list of subcontractors that would perform more than 5% of the project as required by statute. He stated the numbers were significantly different and before he gives his recommendation, he inquired if Mr. Long had any comments.

2. J.D. Long stated he had not received this until City Manager Glenn Trust gave it to him and he had some concerns when he was reviewing the bid documents. He stated he recommends that the Council postpone the award of the bid until such time that the legal counsel has reviewed both bids and Q&D's letter. He stated the legal counsel could give them a recommendation.
3. Mayor Cliff Eklund stated the Q&D bid is \$6,000 higher.
4. City Manager Glenn Trust stated if the attorney finds that the MGM bid is nonresponsive, he would recommend they rebid the project rather than award the bid.
5. Mayor Cliff Eklund agreed and noted they need legal counsel on this.
6. City Manager Glenn Trust stated he would require that be done by the attorney for the next meeting.
7. **Councilperson Steve Feasel moved to table possible approval and award of bids for the Carlin Firehouse Project until legal counsel has reviewed the documents and provided recommendations, and all related matters. Councilperson Bob DeMars seconded. The motion carried unanimously.**

IV. Review, discussion and possible approval of a request for a variance at 171 10th Street, Carlin, Nevada, zoned Intermediate Residential allowing Mike and Cheryl Jones to raise five chickens at the location, which is only permitted in Rural Residence and Farming zoning, and all related matters. (Possible Action Item)

1. Councilperson Steve Feasel stated he would abstain from voting due to the proximity of his property, but he would like to participate in the discussion. He stated he is upset in the way this has been presented because the chickens have been on the property for over a week. He believed they should be moved in after the variance is given. He stated he feels they have taken advantage by setting up their chicken coop without approval.
2. Mayor Cliff Eklund stated he does not believe chickens should be in the city.
3. Councilperson Bob DeMars inquired how many eggs do you get out of five (5) chickens.
4. Mike Jones stated 2-3 eggs.
5. Councilperson Bob DeMars inquired why they would want a dozen eggs if they are \$2.00 at the market, buy the feed, spend \$175 for the waiver and he wondered if there was another reason he wanted the chickens besides the eggs.
6. Mike Jones stated the chickens could also eat from his compost pile and noted he wants the chickens so he could learn how to raise them. He stated he wants to move to acreage he has outside of town later and wants to know about them.
7. Cheryl Jones stated she did not realize the procedure for chickens in town.
8. Mayor Cliff Eklund stated he realizes that they are trying to do this legally, but he is not in favor because he does not know what other animals it will lead to.
9. Vice Mayor Donnetta Skinner stated there is a problem in town with the chickens and it has been getting out of hand. She noted there are more chickens in town than people realize and there are already complaints. She stated the street they live on is not a good place to raise the chickens. She stated when they have asked people to keep them in pens, it is not done and therefore they get into neighbor's yards or out on the street and not any one of the people who said they would do this have followed up.
10. Vice Mayor Donnetta Skinner stated she hates to deny this for them, but they have tried it and it has not worked and she does not think Carlin is a good spot for raising chickens.
11. **Councilperson Bob DeMars moved to deny approval of a request for a variance at 171 10th Street, Carlin, Nevada, zoned Intermediate Residential allowing Mike and Cheryl Jones to raise five chickens at the location, which is only permitted in Rural Residence and Farming zoning, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried with Councilperson Steve Feasel abstaining.**

V. Discussion and possible approval of a revised collective bargaining agreement with Operating Engineers, Local 3 effective for fiscal year 2013 - 2014, and all related matters. (Possible Action Item)

1. City Manager Glenn Trust stated this is a renegotiation of an agreement with the City and Operating Engineers #3 and their initial proposal was all of the 7. 9. 10. along with a 4% increase for the next 3 years, amounting to a 15% increase over the 4 years. He stated they explained after talking to the City Attorney, the Public Employees received a 6% increase on a pay schedule adjustment and Carlin would not be making an additional increase on top of that one. He stated they want to come back next year to renegotiate that. He noted there is a separate sheet of proposals. He reviewed the individual changes. He stated Article 14 applies to sick leave and currently employees can be paid up to 200 hours of unused sick leave and they are entitled to receive that if they leave in good standing. He stated Operating Engineers wanted to increase that to 400 hours and Carlin countered with 400 hours only for those employees with 15 or more years of service. He stated if this is approved, he would also request that this same adjustment for the rest of the city employees. He stated it is an enticement for people to stay with the City until their retirement. He stated this has only been effective for one (1) employee in the five years.
2. Mayor Cliff Eklund stated the step system was started years ago just for the express purpose of imposing sick leave and limits. He stated that sick leave has nothing to do with a person leaving their employment.
3. City Manager Glenn Trust stated at present a person who leaves and has 100 hours of sick leave will receive 25% of that figure. He stated in Public Works they receive up to 200hours.
4. Mayor Cliff Eklund stated he does not think that longevity employment upon dismissal or retiring should have anything to do with sick leave.
5. City Manager Glenn Trust stated the way the step system was set up in Carlin is an anomaly, being the only one that is like this in the state. He stated step increases should be based on merit alone and not used as a longevity hook and the step increases should not be guaranteed to anybody for any reason.
6. Mayor Cliff Eklund explained that step raises were set up that way because there was the feeling that some people would not get raises depending on who was in Administration, which allowed longevity increase in pay with no discrimination.
7. City Manager Glenn Trust stated the general rule for human resources is that step systems are used in a different manner and for merit only when an employee reaches a level of achievement.
8. Discussion was held on union negotiations.
9. Chief Bill Bauer explained he sat on the original committee and explained the recommendation was that there be an annual review of performance and that they were not to be automatic. He noted the State of Nevada refuses to give sick leave to retirees and they stay out sick to use up the time.
10. Councilperson Jay Duke stated there is sick leave and severance pay and maybe the wording should be worked on.
11. Discussion was held on use it or lose it.
12. City Manager Glenn Trust stated the policy has been in place for a long time for the city and the contract with the union has been in effect since they first came to town. He stated the only thing changing is the number. He stated if they want him to strike that from the contract, he would go back to the negotiations and tell them.
13. Councilperson Jay Duke inquired why it is called "sick leave", because the contract is speaking to retirement.
14. City Manager Glenn Trust stated 90% of the employees use all of their sick leave. He stated the intent of this is to have people stay active up until the date of their retirement.

15. City Clerk LaDawn Lawson stated she believes in the accrual system, because “if you needit, it is there for you to stay home and get well rather than coming to work”. She stated she likes to save it for when she really needs it. She stated they did have an employee who accrued the sick leave and decided he did not want to participate any more, so he took his vacation and sick leave and used them up at the same time, putting the City in a spot because he was still employed and they could not replace him for a month and a half.
16. Mayor Cliff Eklund stated it is the same with any benefit, the more you try to make things better, the more entitled it becomes.
17. Vice Mayor Donnetta Skinner stated someone who is retiring after 15-20 years may be at the sick time of their life, noting that when her husband got cancer, all of his fellow employees donated their sick leave to him. She noted he would not have been able to get all of his treatments without that donation and it saved his job.
18. City Clerk LaDawn Lawson stated she has donated some of her sick time to others.
19. Mayor Cliff Eklund stated he does not agree with a bonus for retiring by giving sick leave.
20. City Clerk LaDawn Lawson stated, “that money has been accrued for the employee, they have earned it”.
21. City Manager Glenn Trust stated, “I agree with the Vice mayor”. He stated good employees who are treated well respond affirmatively. He stated this is getting “bogged down on the semantics of being called sick leave”, but to him the principle is valid. He stated, “you have an employee who stays and works for a given number of years and does not and the purpose of encouraging using sick leave is to encourage employees not to use it and the fact is that over a 20 year period they could have 600 or 700 hours saved. He stated they would have been gradually paid sick leave as they used it over a period of years and they are encouraged to use their sick leave sparingly in case they need it and the reward at the end of that 15-20 years is you did not use all of your sick leave that you could have used, because you were a good and faithful employee, worked hard and did not abuse the system. He noted they could have paid for those sick days that were or were not valid over that time also.
22. Mayor Cliff Eklund stated they had employees that took two weeks off and went to Ohio, came back and got paid for those two weeks and still got paid for his 200 hours.
23. Vice Mayor Donnetta Skinner stated not everybody abuses sick leave.
24. Mayor Cliff Eklund stated the city has to protect itself from the people that do.
25. City Manager Glenn Trust inquired what is the abuse, accruing the sick leave over a period of time or someone who uses it as it comes in.
26. Councilperson Steve Feasel stated he accrued a lot of sick leave, but the school district paid him money for his sick leave upon his retirement.
27. City Manager Glenn Trust stated there are 2 different policies, the collective bargaining policy which currently allows Public Works employees to accrue up to 200 hours of straight time of which the unused portion would be paid out if they leave in good standing and the regular employees policy wherein they receive 25% of their accrued sick leave up to 480 hours. He stated these are basically a “wash”.
28. Mayor Cliff Eklund stated he is not for eliminating sick leave, but he is against using sick leave for longevity bonus.
29. City Clerk LaDawn Lawson stated the union contract stated the employee has to be employed for five (5) years, which also applied to regular employees.
30. City Manager Glenn Trust stated this is paying them back for the sick leave they did not use or could have used in all of their years, so the point is that you have an employee here that takes every sick leave that they accrue. He stated then you have another employee who never takes sick days and at the end of 20 years both employees leave. He stated he has to know what they agree to and what they do not.
31. Mayor Cliff Eklund stated if they are in agreement he needs a motion to exclude the Article 14 amendment and City Manager Glenn Trust can renegotiate this portion.

32. **Councilperson Bob DeMars moved for approval of a revised collective bargaining agreement with Operating Engineers, Local 3 effective for fiscal year 2013 – 2014 with Article 14 to be renegotiated and not be 400 hours, but 200 hours as in current agreement, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried**

VI. Discussion and possible approval of a request from the City Clerk to destroy Accounts Payable records for fiscal years 2005 – 2006, and 2006 – 2007 in accordance with the Local Government Records Retention Schedule, and all related matters. (Possible Action Item)

1. Mayor Cliff Eklund inquired since they do this every year, is there any kind of record kept to go back to these years.
2. City Clerk LaDawn Lawson stated this is strictly the Accounts Payable that are kept for six (6) years and once the audit was done that is the only thing they need.
3. City Manager Glenn Trust stated the database pertains to payments and they do not keep the hard copy. He explained that City Clerk LaDawn Lawson is talking about the actual paper copy of an invoice and there is electronic data that they have.
4. Discussion was held on the backup discs.
5. City Manager Glenn Trust stated this is a common accounting practice with five (5) years of retention and the reason is that it would be expected to show up in an audit or in the internal processing. He stated there are so many checks and balances in place.
6. Mayor Cliff Eklund stated because politicians change, department heads change and to have absolutely no record has lead to problems in the past.
7. City Clerk LaDawn Lawson stated that was personnel and so it was decided that anything that was to be destroyed would be brought to the Council. She stated they could be scanned before they are destroyed.
8. **Councilperson Steve Feasel moved for approval of a request from the City Clerk to destroy Accounts Payable records for fiscal years 2005 – 2006, and 2006 – 2007 in accordance with the Local Government Records Retention Schedule, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously.**

VII. Discussion and possible approval of a proposal to authorize the City Manager and City Attorney to dispose of by sale at public auction, or by other means as directed by the City Council, the following parcels of City owned land:

- 20.41 +/- acres on Chestnut Street west of the Senior Center, APN 002-220-047, Zoned Rural Residence and Farming

- 2.362 +/- acres on Chestnut Street at Eighth Street, known as the former Barrick Parking Lot (multiple parcel numbers) Zoned Commercial

- 410 Hamilton Street, Zoned Intermediate Residential

- 603 Main Street, Lots 9, 10, 11 Block C, Zoned Commercial

and all related matters.

(Possible Action Item)

1. Mayor Cliff Eklund stated the acreage west of the senior center is not industrial, noting that property was designated for city buildings, swimming pools, city hall, etc.
2. Councilperson Steve Feasel stated the Council needs to give City Manager Glenn Trust direction.
3. City Manager Glenn Trust stated they should let him know how they want to dispose of it or retain it.

4. Mayor Cliff Eklund stated he and City Manager Glenn Trust talked to a couple of developers and one of the items discussed was assisted living for seniors.
5. City Manager Glenn Trust stated the City would retain the section of the billboard track and TV towers.
6. Mayor Cliff Eklund stated the Council has the discretion to leave a parcel out of the process and leave it like it is.
7. Vice Mayor Donnetta Skinner stated she would like the City to retain the 20.41 acres.
8. Councilperson Steve Feasel stated if this is property that is hard to develop it would be hard to sell, but if it is property that can be used, it should be opened up for outside developers.
9. Councilperson Bob DeMars agreed.
10. Mayor Cliff Eklund stated these are the last properties that the City has for sale.
11. Thomas Burney inquired is it the property adjacent to the senior center and school and we are looking to expand the population base, is it enough for a swimming pool.
12. Mayor Cliff Eklund stated they have been told no from the school and developers. He stated the cost for building is not much, but the operation and maintenance is astronomical.
13. Councilperson Steve Feasel stated he has pushed for the Barrick parking lot to be used as a small shopping center.
14. Mayor Cliff Eklund stated that giving authorization City Manager Glenn Trust to sell does not dictate what would be done, just that it would be coming back to the Council for discussion and recommendation on the sale.
15. City Manager Glenn Trust inquired if the council wants it to be auctioned.
16. Mayor Cliff Eklund stated 410 and 603 could be auctioned, the others would not.
17. Fred Montes de Oca stated it would be a good place to put in a swimming pool.
18. Mayor Cliff Eklund stated the recommendation might be to sell the 410 and 603 and exclude the other properties.
19. **Mayor Cliff Eklund moved for approval with the exclusion of the 20.41 +/- acres on Chestnut Street west of the Senior Center, to authorize the City Manager and City Attorney to dispose of 410 Hamilton Street and 603 Main Street by sale at public auction, and authorize City Manager Glenn Trust to negotiate with developers for the sale of 2.362 acres on Chestnut Street, and all related matters. Councilperson Steve Feasel seconded the motion. The motion carries.**

VIII. First Reading and possible approval of a proposed ordinance establishing a requirement that commercial breeders of dogs and cats obtain an annual permit and authorization to post the Intent to Take Final Action notice, and all related matters. (Possible Action Item)

1. Police Chief Bauer reported they do have an ordinance, but it does not currently cover the issues the legislature requires. He stated he would like a definition by the City Attorney about profit in 6-4-4.
2. Mayor Cliff Eklund inquired about the number of dogs before they were considered breeders.
3. Chief Bauer stated the Council voted to do away with the ordinance that dealt with that. He stated a commercial kennel is where animals are to be bred for sale or trade.
4. Mayor Cliff Eklund confirmed that he is asking for the City Attorney to revise this and give a definition of hobby.
5. Chief Bauer stated he wants clarification on the term, hobby.
6. Mayor Cliff Eklund stated this should be clarified before approval.
7. Tomas Burney inquired if there is annual inspections.
8. **Councilperson Steve Feasel moved to table approval of a proposed ordinance establishing a requirement that commercial breeders of dogs and cats obtain an annual permit and authorization to post the Intent to Take Final Action notice until the City Attorney clarifies a portion of the Resolution, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**

- IX. Review, discussion and possible approval of the minutes of the Regular Meeting of the Carlin City Council on May 22, 2013, and all related matters. (Possible Action Item)**
- 1. Vice Mayor Donnetta Skinner moved for approval of the minutes of the Regular Meeting of the Carlin City Council on May 22, 2013, and all related matters. Councilperson Steve Feasel seconded the motion. Councilperson Bob DeMars abstained. Motion Carried**
- X. Review Discussion and possible approval of payments for the periods 06/27/2013 to 07/10/2013, and all related matters. (Possible Action Item)**
- 1. Vice Mayor Donnetta Skinner moved for approval of payments for the periods 06/27/2013 to 07/10/2013, and all related matters. Councilperson Bob DeMars seconded the motion. The motion carried.**
- XI. 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 Steve Feasel reported that the NNRDA meetings this month were cancelled and would resume in August. He stated he attended the July 4th celebration in Carlin.**
 - 2. Vice Mayor Donnetta Skinner reported the July 4th celebration was great.**
 - 3. Councilperson Bob DeMars had no report.**
 - 4. Mayor Cliff Eklund stated the event went well with no disturbances during the day and noted the champion cake went for \$500 and \$3850.00 was raised for Ron Johnson. He reported there is a NNHA Horse Show at the Equestrian Park.**
- City Clerk's Report. (Non – Action Item)**
- 1. City Clerk LaDawn Lawson had no report.**
- XII. City Manager's Report (Non-Action Item)**
- 1. City Manager Glenn Trust had no report.**
- XIII. 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. Fred Montes de Oca stated he is again running for Wells Rural Electric Directors Board, noting that Paul Bradshaw is also running for a seat on this board from Carlin. He stated there are two (2) open seats and there are five people from Wells running.**
- XIV. Adjournment. (Action Item)**
- Vice Mayor Donnetta Skinner moved for adjournment with Councilperson Steve Feasel seconding the motion. The motion carried. The meeting was adjourned at 9:06 p.m.**

APPROVED:

MAYOR CLIFF EKLUND

ATTEST:

CITY CLERK LADAWN LAWSON