

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

Absent:

1. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson, Public Works Director Carlos Esparza
2. Present: Pam Borda, Tom Burney, Kathy Burney, Rick Anderson, Roger Anderson, Lloyd Meyers

**Pledge of Allegiance**

**I. Report on the status of negotiations with Elko Sanitation and possible approval of the proposed modifications to the franchise agreement and authorization to use those modifications in drafting a new agreement, and all related matters. (Possible Action Item)**

1. City Manager Glenn Trust reported he has been working with Chris Wright of Elko Sanitation on a revised agreement for the contract that expires in November and they are proposing a 5% increase. He noted this is reasonable as there has not been an increase since 2004.
2. Mayor Cliff Eklund agreed, noting there have been several increases in the cost of fuel since 2004.
3. Chris Wright replied they are seeking a 5-year extension of the contract with a 5% increase to cover the costs of doing business. He noted the increase in 2004 was 2.75% and the CPI has increased 23% since that time, as well as labor costs. He noted they have increased their starting wage 10% over the past few years to compete with the mines to retain quality personnel and health insurance has increased as well. He stated they would like to continue to serve Carlin.
4. Mayor Cliff Eklund inquired if the 5% increase is stable throughout the duration of the 5-year contract.
5. Chris Wright stated there are no built-in increases.
6. Mayor Cliff Eklund stated in the previous contract there was a fuel surcharge if fuel exceeded a certain amount.
7. Chris Wright stated that amount was \$3.75 a gallon and believes that is still effective.
8. City Manager Glenn Trust stated with Council approval they will draft the contract for approval. He noted this would be returned as a final draft.
9. Discussion was held on the City of Elko's negotiations.
10. Chris Wright stated they are not asking a CPI increase of Carlin.
11. Vice Mayor Donnetta Skinner stated the city has had no problem with the Elko Sanitation and appreciates their association with Carlin.
12. Councilperson Jay Duke reported the company has donated dumpsters for some of the Carlin functions and expressed his appreciation.

13. Chris Wright stated that would continue.
14. Mayor Cliff Eklund reported Elko Sanitation has contributed a lot to Carlin and is a good business partner.
15. There were no public comments.
16. **Councilperson Steve Feasel moved for approval of the proposed modifications to the franchise agreement with Elko Sanitation and authorization to use those modifications in drafting a new agreement, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**

**II. Pam Borda, Executive Director, Northeastern Nevada Regional Development Authority will present the organization's Annual Status Report to the City Council, and all related matters. (Possible Action Item)**

1. Pam Borda explained last year was a busy year, focusing on regional issues changing this to the Northeastern Nevada Development Authority and turned out to be a great thing. She stated there is now a Leadership Council made up of the mayor and city manager of each of the four (4) cities, as well as the chair of the county commission and county manager, president of GBC, superintendent of schools and ECVA. She noted they are attacking regional issues that affect everyone. She pointed out housing and health care are critical issues. She noted they are working to re-establish Reno air service and they are going to submit a grant from NDOT for that. She stated they are hopeful that they have found a carrier that is willing to come to Elko and now it is a matter of finding the funding to subsidize the flights. She noted they recruited developers and investors with the approach of marketing the entire region and those interested specifically in Carlin were sent to City Manager Glenn Trust. She stated it often takes 3-4 years to close these deals. She noted the latest possibility is TKI, which originally had land at the rail port and now they are interested in Carlin and have requested to do a man camp for the construction. She noted they formed a committee to look at affordable low-income housing and that committee hosted a meeting with the Nevada Rural Housing Authority and plan to do an assessment throughout the county, which will tell what is needed in this category. She stated their frustration has been to get lenders to invest due to the national image of high foreclosure rate.
2. Councilperson Jay Duke inquired about the income ranges for the lenders.
3. Pam Borda responded that they will use some industry standards to guide them and she has given them a list of contacts in each of the cities.
4. Councilperson Steve Feasel stated with the fluorspar mine in Eureka, it would be beneficial to have a rail port in Carlin.
5. Pam Borda explained they are a company from the UK and visited for the first time 3 months ago and noted that the current rail port would be a long way from their mining and especially for their product. She stated they have encouraged them to look at different places for rail use. She stated they have five (5) years of permitting, etc. to go through.
6. Mayor Cliff Eklund stated they had discussed a crushing facility in Carlin with General Moly and has not heard any more recently on that.
7. Pam Borda stated the financing from China is gone, but there are two other investors now that are currently coming on board.
8. Discussion was held on the governor's office support.
9. Jeff Williams stated he attended the a housing meeting today. He spoke to how much work Ms. Borda does to make things happen and there are obstacles to bringing some of the diversity into the area. He stated high income often works against us for businesses, as they have to compete with the mines for the same people and sometimes with housing. He stated it is complex when trying to bring low income into the mix due to the high income in the area. He gives credit to she and the organization she represents.
10. Mayor Cliff Eklund stated Jeff and Pam and he attended a meeting and there is a need to educate the people, especially when they see the cost per ounce and the disparity of the cost

of production. He stated an obstacle has been the proposed tax on mining that came out of Clark County, which could have a dramatic negative effect on the county. He stated mining is the **only** industry in the state of Nevada that pays the 5% assessment tax and that is distributed statewide.

11. Jeff Williams noted one of the bullets on the last page of the report speaks to establishing a relationship with the Nevada Mining Association and building that collaboratively, which makes “us stronger, more knowledgeable and with a stronger voice in the process”.
12. Tom Burney inquired about vacant housing.
13. Pam Borda stated that is one of the primary pieces they have to review and another is new housing or new multifamily versus rehabilitation. She noted that is an option on the table.
14. Mayor Cliff Eklund stated when this became a regional organization; it has more impact than there was when it was just an Elko Authority.
15. Thomas Burney stated it is not just “rehabbing” houses, it is working existing buildings and the responsibility of the cities and counties and everyone to tell their story, so it is not just Clark County selling their ideas. He stated they need to take the truth of what mines do to those people and how it will affect those larger cities also.

**III. Review, discussion and possible approval of a special events liquor license for Ellen Meshefski, dba The Carlin Friends of the Library, for their twenty-four hour softball tournament to be held on August 9 and 10, 2013, and all related matters. (Possible Action Item)**

1. Mayor Cliff Eklund explained this is an annual thing and there have been no issues.
2. Public Works Director Carlos Esparza stated as long as there are no glass containers.
3. **Councilperson Bob DeMars moved for approval of a special events liquor license for Ellen Meshefski, dba The Carlin Friends of the Library, for their twenty-four hour softball tournament to be held on August 9 and 10, 2013, and all related matters. Vice Mayor Donnetta Skinner seconded. The motion carried unanimously.**
4. Councilperson Steve Feasel inquired about “all liquors”.
5. Councilperson Jay Duke inquired about the 24 hour tournament.
6. Mayor Cliff Eklund agreed.

**IV. Review and discussion of recommendations from the City Attorney and City Engineer regarding the protest to the Carlin Firehouse bid, and possible decision to award the bid or rebid the project, and all related matters. (Possible Action Item)**

1. Mayor Cliff Eklund reported Q&D lodged a complaint and he read the opinion by Robert Goicoechea, City Attorney: *Dear Glenn, You have asked for an opinion regarding the bid protest of the new fire station project, specifically, should the bid be awarded to either Q&D Construction or MGM Construction Incorporated, or should the bids be rejected and the project be rebid. ¶ The bids were opened on July 9, 2013, and the apparent low bidder was MGM Construction, Incorporated. On July 10, 2013, Q&D Construction, another bidder, filed a bid protest stating for a number of reasons that the MGM Construction bid failed to satisfy State of Nevada mandatory requirements. The timing of the protest is confusing as it is dated June 10, 2013, and states that the bids were opening on June 9, 2013. After discussing dates with the City Manager, it appears those dates are typographical errors. ¶ I have reviewed many documents including the following: Q&D bid protest, response of MGM and reply of Q&D, the bid submittals of MGM and Q&D, the prebid meeting notes of J.D. Long dated June 24, 2013, time schedules and other bid related documents. I have also met with Glenn Trust, Tom Ballew and J.D. Long. ¶ After reviewing all documents and meeting with these individuals, it is my opinion that all bids should be rejected and the project rebid because of irregularities in the bidding process, including but not limited to discrepancies in bid documents showing whether the City of Carlin or the contractor was to perform the site work. There was also confusion in the drawings whether the overhead doors were to be roll-*

up “coil doors” or panel “Leaf doors”. ¶ It should also be noted that in 2003 the Nevada Legislature added the existing provision in NRS 338.141 that a prime contractor must include his name on the “subcontractors list”, if the prime contractor will perform any of the work required to be listed pursuant to paragraph (a) or (b) or subsection 1 of NRS 338.141. ¶Respectfully submitted, s/Robert B. Goicoechea, City Attorney Mayor Cliff Eklund stated he concurs and noted the protesting bid was much larger than the one approved by the City Council, stating, “If we accepted that bid, we would not be able to build the building”. He agreed it should be rebid.

2. Councilperson Jay Duke stated there are too many irregularities.
3. Councilperson Steve Feasel agreed.
4. Councilperson Bob DeMars inquired if it is to be completely rebid.
5. Mayor Cliff Eklund responded affirmatively.
6. City Manager Glenn Trust stated the City Engineer recommended the architect and he provided the bid document that J.D. Long used. He did not review the bids prior to the award.
7. Mayor Cliff Eklund stated they need to have Tom Ballew more involved in this when it is rebid. He stated they Council approved \$832,000 and the Fire Department was going to put in \$100,000.
8. **Councilperson Jay Duke moved to approve the recommendations from the City Attorney and City Engineer regarding the protest to the Carlin Firehouse bid, and reject all bids or rebid the project, and all related matters. Councilperson Bob DeMars seconded the motion. The motion carried.**

**V. Review, discussion and possible approval of the City of Carlin’s annual Debt Management / Capital Improvement report to be submitted to the State Department of Taxation, and all related matters. (Possible Action Item)**

1. City Manager Glenn Trust reviewed the basic numbers on a report required annually by statute. He stated there are three components, the indebtedness report, the 5-year capital improvement plan and debt management policy. He stated the indebtedness as of June 30, 2013 is \$322,560. He stated there are no differentials and they are capable of making the payments in the budget, noting the general obligation bond of \$86,585 is to be paid off in about 5 years, about 28 years sooner than expected. He noted the medium term obligations of \$71,977 will be paid off in 2015 and the Senior Center at \$163,998 through 2034, which is \$12,000 a year. He provided a comparison of Carlin versus other communities in the state based on the city’s assessed valuation. He noted the 5-Year Capital Improvement Plan coincides with the budget submitted this year. He explained the Debt Management Policy.
2. Mayor Cliff Eklund stated in the past 6 years, the City has incurred no major bonding or debt and work on a pay as you go plan.
3. **Councilperson Jay Duke moved for approval of the City of Carlin’s annual Debt Management / Capital Improvement report to be submitted to the State Department of Taxation, and all related matters. Councilperson Steve Feasel seconded the motion. The motion carried.**

**VI. 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. Mayor Cliff Eklund read the following into the record: July 16, 2013, LaDawn Lawson, City Clerk, City of Carlin, P.O. Box 787, Carlin, NV 89822 Re: City of Carlin – Ordinance – Commercial Breeders of Dogs and Cats; Establishing Requirement for Commercial Breeders of Dogs and Cats to Obtain an Annual Permit, Establishing a Fee for the Permit, Providing What must Be Contained in the Permit and Providing the Form of the Application for the Permit.

2. City Manager Glenn Trust reported that the attorney went with his own definition of "Commercial Breeders", *6-4-4 Definition of Commercial Breeder of Dogs or Cats: "Commercial Breeder" means a dealer, operator or other person who is responsible for the operation of a commercial establishment engaged in the business of breeding dogs or cats for sale or trade. Tenderness term does not include a person who breeds dogs or cats as a hobby.* He stated the City Attorney did not want to go with the IRS definition.
  3. Discussion was held on the requirements and licensing.
  4. City Manager Glenn Trust stated this is a city ordinance.
  5. Roger Anderson spoke to the problem for the wild cats.
  6. Mayor Cliff Eklund stated this is a problem they have had for years with irresponsible owners.
  7. City Manager Glenn Trust stated this is the first reading of an ordinance and the City Clerk will not post it for the second reading. He stated it then becomes an actual city law if approved then.
  8. **Councilperson Steve Feasel moved for 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. Councilperson Jay Duke seconded the motion. The motion carried.**
- VII. Review, discussion and possible approval of the minutes of the Regular Meeting of the Carlin City Council on June 12, 2013, and all related matters. (Possible Action Item)**
1. **Councilperson Steve Feasel moved for approval of the minutes of the Regular Meeting of the Carlin City Council on June 12, 2013, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously.**
- VIII. Review, discussion and possible approval of payments for the periods 06/11/2013 to 07/24/2013, and all related matters. (Possible Action Item)**
1. **Councilperson Jay Duke moved for approval of payments for the periods 06/11/2013 to 07/24/2013, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**
- IX. 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. Public Works Director Carlos Esparza reported on some of the paving projects on Cedar Street and they will be going out to bid for the overlay on other streets soon. He explained that Bill Miller offered to fix the blade's hydraulic pump, which is a \$12,000 repair, and they had to purchase a new pump, but he offered his services for free.
  2. Councilperson Jay Duke stated the new police officers are going to Post for 17 weeks on Sunday.
  3. Councilperson Steve Feasel reported the Planning Commission met on the Master Plan with Angela Hansen. She stated they are willing to gather information and do other important services prior to the August 17 meeting with stake holders and she stated they will end their time in Carlin on August 7 and an informal report will be prepared as well as the first chapter of the Mater Plan. He noted the opinion they got from CTA and Angela Hansen was costing us time and effort to find this information at a cost of \$8300.00 and the Board felt that the money was for CTA to gather that information, not the Board. He stated it sounded more like they were not there to give direction, they were asking the Board to drum up all the information they needed while paying them.
  4. City Manager Glenn Trust stated he had seen the email and disagrees with the Planning Commission's position on this, because this is routine background gathering and they are not asking for us to do the background, but if there is something that has already been done, it

- should be included. He stated why would they go door-to-door to find businesses that we already have. He stated he thought it was perfectly acceptable and exactly what they need to start with.
5. Councilperson Steve Feasel stated their opinion was that information is available to them; they just have to go get it.
  6. City Manager Glenn Trust stated he understands and they are coming to Carlin to gather information and expedite the process.
  7. Mayor Cliff Eklund stated the Planning Board was a little disillusioned to have an agency hired to do the Master Plan.
  8. City Manager Glenn Trust stated he was told they were very happy about that.
  9. Councilperson Steve Feasel agreed, saying they were pleased there was someone professional from outside doing this. He stated it sounded to the Planning Board that they were expecting the Board to gather all the information.
  10. Vice Mayor Donnetta Skinner reported there are two (2) citizens running for Wells Rural Electric Board and they need to support Paul Bradshaw and Fred Montes de Oca. She stated the Friends of the Library are working on a tournament, which is done annually. She reported on the seniors who are sick.
  11. Mayor Cliff Eklund reported the House Committee on Natural Resources heard HR1168, Carlin Landfill sponsored by Congressman Amodei. He noted he watched the testimony and it was very interesting with BLM supportive with concerns of the sage hen nesting area. He noted he addressed that in his testimony. He noted Congressman Amodei questioned them on this and they said they do not have the manpower to determine how many sage hen are in the area from this area to California. He noted BLM wanted a 3-5 year limit on the purchasing of the land by the City and Amodei asked for the reasoning on that and they did not give an answer. He stated BLM supported it with their concerns and felt those issues could be worked out. He noted he did not hear the results, but the Forest Service has no objection and Fish and Wildlife had no objection. He reported there are two (2) big events with the Ranch Hand Rodeo and Team Branding at the Equestrian Park. He stated they are fortunate to have citizens who step up and volunteer.

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

1. None.

**City Manager's Report (Non-Action Item)**

1. None.

**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 the ballots will be mailed out on the 29<sup>th</sup> and asked that they get a Carlin citizen on the Board.
2. Tom Burney stated an item tabled last time was that on the ordinances on carports and it was not agendaed for this meeting.
3. Vice Mayor Donnetta Skinner explained they are still working on getting the information and will be agendaed at a later time.
4. Mayor Cliff Eklund reported on all the draws he got for hunting in Nevada and Montana.

**IV. Adjournment. (Action Item)**

**Vice Mayor Donnetta Skinner moved for adjournment with Councilperson Bob DeMars. seconding the motion. The motion carried. The meeting was adjourned at 8:29p.m.**

**APPROVED:**

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**MAYOR CLIFF EKLUND**

**ATTEST:**

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**CITY CLERK LADAWN LAWSON**