

CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN CITY HALL
101 S 8th Street
Carlin, NV
July 22, 2015, 7:00 p.m.

Call to Order and Roll Call:

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

Council Members Present: Mayor Donnetta Skinner
Vice Mayor Lincoln Litchfield
Councilperson Bob DeMars
Councilperson Pam Griswold
Councilperson Jay Duke

Absent: None

1. Administrative Staff: City Manager David Jones, City Clerk LaDawn Lawson, Public Works Director Carlos Esparza, City Engineer Tom Ballew. Police Chief Dennis Fobes, and Carlin Senior Center Director Deborah Beck
2. Present: Debbie Apgood, Bryce Apgood, Ben Levine, Anna Dean, Thomas Burney, Kathy Burney, Steve Wilkinson, Bill Bodin, Ed Nash, Joshua Gallegos, Floyd Davey, Taylor Martin, Fred Montes de Oca, Paul Bradshaw, Jackie Wiscombe, Mike Tangreen, Tom Bingaman, Linda Bingaman, Paul Tanguay

Pledge of Allegiance

I. Comment by the General Public: Pursuant to NRS 241.020(2C) this time is devoted to comments by the general public and discussion of 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. County Commissioner Cliff Eklund reported the upcoming events at the Equestrian Center are the Buckaroo Bash on August 1 and the Ranch Hand Rodeo on August 14 and 15. The fundraising is ahead of schedule and they have covered the ad sales. They hope to sell more to make a little profit.
2. Deborah Beck, Director of Carlin Senior Center, stated they have had a lot of summer help. They have painted, weeded and refurbished the kitchen the monthly meal counts for April were 968 meals, 424 for seniors, 82 guests and 462 homebound deliveries; May was 1,151 meals with 428 for seniors, 81 guests, and 642 homebound; June was 1,296 meals with 510 seniors, 99 guests and 687 homebound. She has a great team and hopes to keep the center moving in a positive direction.
3. Mayor Donnetta Skinner stated she would like to see more of the homebounds come to the Center.
4. Floyd Davey reported on the Police Department stats from July 8 to July 21. There have been year to date 2,665 calls and this increased over the previous 2 weeks by 286 calls. 114 traffic stops, which are up, 27 citations issued, 2 additional parking citations. Stops on the highway were 18, 2 were at NHP's request and they have a great agreement with NHP. They try to foster these relationships with them and Elko. Conducted 20 agency assists, medical and fire, with 1 Elko Ambulance. Three arrests, 2 warrants, 1 felony, 1 DUI and initiated 11 reports. The focus for the past 2 weeks stop stand on the highway or roadway. Nevada defines the highways at any driving surface regardless of who works on it. There are quite a few

complaints coming from Fir between 10th and 11th between the two stations where trucks park. They stop in the middle of the road and it blocks traffic coming from I-80 and emergency vehicles. Seized 453 grams of narcotics, all of which came from inside city limits. Code enforcement went through one of the neighborhoods and issued 35 warnings, so there is a total of 48 warnings. Weeds are the biggest problem and not having addresses on homes, trash and refrigerators also. They found unlawful dumping in Mary's Wash at the entrance, and the couches and beds have been marked blue the first time. She then went down there when more appeared and they found proof of ownership and we went to them and confronted the person who did it and issued the citation, which cost \$645 plus an addition \$500 when it goes to court. It is mandatory court, if you are convicted and caught on a second offense; it is mandatory 1 year of jail. This was a huge victory for us. He had made three (3) dumps to the City the same day, but they closed for lunch so he decided to dump it. He did go down and pick up his stuff and he actually cleaned up every other couch and bed.

5. Councilperson Jay Duke stated they are going to let the public know Carlin is not going to allow that.
6. Floyd Davey stated there is far more down there, but they do not have the manpower to take care of all of Mary's Wash. "Huge shout out to" Public Works, because when they see a truck with trash, they are on the phone with us telling us the direction they are moving to. When we follow them, they usually take a circular route and go back to Public Works. We had 2 illegal dumping at the equestrian center. We took in 19 canines, 17 returned to owners, 1 adopted and 1 was issued to a rescue. We also held 10 hours of training on our own canines.
7. Robert Jess reported there have been 212 fire calls year to date. Fire calls for July were 24, consisting of 16 medical, no structure fires, 3 wild land, 2 false alarms, 2 public service and 1 vehicle accident. Currently 3 members are taking the HAZMAT awareness and operations course and 6 taking Firefighter I and II course. One member is going to college in 6 weeks. We are asking for new members. Minor equipment issues with brakes on the fire truck have been repaired.
8. Thomas Burney stated there was another incident in the alley this week, thanks to the chief and Officer Davey for their assistance, I am still awaiting a letter from the City defining who is responsible for the alley. Somebody broke through there and threw dirt on me. I am seriously done with this, while I may not make the City pay to pave, the City's malfeasance is responsible for my problem. I have talked to City Manager David Jones and the Council has not done anything for the protection of my private property.
9. Mayor Donnetta Skinner stated they have not heard from the attorney yet.
10. Thomas Burney stated he has tried to reach and every one of you and since the last Council meeting, I have had another city official express to me that the clarity of who exactly is responsible. It needs to be sorted out so everyone knows.
11. Mayor Donnetta Skinner stated that everyone had a different feeling about it because no one is really sure.
12. Thomas Burney stated he wanted to point out this "rocket scientist blasted through there at 25 miles an hour, chasing their dog. I own property on both sides and I have a dog and he walks out. We have toddlers walking through there, people, kids on bicycles. I have expressed a willingness to pay for signs, speed bumps".
13. Councilperson Jay Duke inquired about the frequency rate of this.
14. Thomas Burney stated "It has gotten to the point that there is more traffic there than on the street.
15. Councilperson Jay Duke stated the frequency rate tells us what we need to do. Did you notify the Police Department with any kind of information on the vehicle.
16. Thomas Burney stated, "They responded and I am glad, but we need some kind of prevention".
17. Mayor Donnetta Skinner stated she would contact Bob Goicoechea the City Attorney.

II. Review, discussion and possible approval of an Eagle Scout Project performed by Bryce Apgood and all related matters. (Possible Action Item)

1. Mayor Donnetta Skinner introduced her grandson and reported he has a Scouting Eagle project he wants to do at the cemetery.
2. Bryce Apgood explained he is making a cemetery directory map of all the burials and the names for the Carlin City Cemetery. It will be covered with Plexiglas and can be removed to update the map. It will be built mainly at his house and assembled at the cemetery.
3. Councilperson Jay Duke inquired what type of material is he going to use.
4. Bryce Apgood reported there would be a corrugated tin roof on it to protect it from rain and snow. The wood will be pressure treated. He talked to Public Works Director Carlos Esparza and it would be put in where they pull into the cemetery. The names will be on a 'printed' sheet.
5. Mayor Donnetta Skinner stated each row would be identified and make it easier to find.
6. Vice Mayor Lincoln Litchfield stated Eagle projects are always an asset to a community.
7. Mayor Donnetta Skinner stated she is proud her grandson has decided to do this project.
8. **Vice Mayor Lincoln Litchfield moved for approval of an Eagle Scout Project performed**

by

Bryce Apgood and all related matters. Councilperson Pam Griswold seconded the motion. The motion carried.

III. Review, discussion and possible adoption of Resolution 2016-01 A Resolution Concerning The City of Carlin Nevada, Special Improvement District Number 1 (Carlin Crossing) and Accepting a Petition for the Formation of the District and all related matters. (Possible Action Item).

1. Paul Tanguay, Carlin Crossing, stated since March they have been reviewing the extensive process of the documents required and presentations and approvals required by the Carlin City Council for the Carlin Crossing Special Improvement District. This documents is an application for the formation of that district and Scott Shaver, the bond counsel of the City now, provided us a template. He noted he had talked to Bud Levine who is present for the next item and he would be happy to speak as well if there are any questions on this application.
2. Councilperson Jay Duke confirmed this is Phase I.
3. Paul Tanguay replied affirmatively.
4. Vice Mayor Lincoln Litchfield inquired how many yards of soil do they anticipate moving in Phase I.
5. Paul Tanguay replied he does not know what Phase I of the entire project is. He note they talked about multiple parcels with the Council and the map only created four (4) parcels. The last of those parcels is the property still owned by the City. All they are talking about are the three (3) parcels owned by Carlin Crossing, 139 acres total and to get the grading done for all of that acreage, right now our estimates are 700,000 cubic yards. About half of that portion will go to this Phase I.
6. Vice Mayor Lincoln Litchfield stated, there was mention of a Type 4R catch basin.
7. Pau, Tanguay replied he does not know.
8. Vice Mayor Lincoln Litchfield inquired about the 12" cross for the water mains.
9. Paul Tanguay stated he would have to ask the engineer those questions and get back to them. That is part of the original development agreement approved last May. The appropriate response would be that all of these components have yet to be submitted to the City and final submittal of the plans. Until they get through the process of the SID formation, the final designs will be tweaked according to findings and at that point, they would turn in the final plans for approval.
10. Discussion was held on the petition and the application submittals.
11. Vice Mayor Lincoln Litchfield inquired on Resolution it states the developers made a security deposit.

12. Paul Tanguay stated the deposit referred to is \$150,000 that was taken out of the other deposit for the specific purpose of funding the consultant and other expenses.
13. **Councilperson Jay Duke moved for adoption of Resolution 2016-01 A Resolution Concerning the City of Carlin Nevada, Special Improvement District Number 1 (Carlin Crossing) and Accepting a Petition for the Formation of the District and all related matters. Vice Mayor Lincoln Litchfield seconded the motion. The motion carried.**

IV. Review, discussion and possible approval of Wulff Hansen & Co. recommendations for Assessment Engineer Services, Appraisal Services and Absorption Analysis Services for the Carlin Crossing SAD/SID Bonding and authorizing staff to enter into agreements with the approved parties and all related matters. (Possible Action Item)

1. Bud Levine, Wulff Hansen & Co, explained Mark Pressman could not attend because he had back surgery. Their task was to find professionals that are required for the SID process, including an assessment engineer, appraiser, and absorption consultant. We provided a report to the Council for review and an independent analysis if you desire. We have three recommendations: Johnson, Perkins, Griffin, John S. Wright, The Whitney Group, all of whom come highly recommended. He was more involved in the appraiser and absorption selection; Mark in the more technical side was handling the assessment engineers. The two we interviewed and researched were very close. Mark had a lot of experience with NBS, although they did not have a lot of experience in Nevada, they had extensive in California. That crosses state lines without difficulty. We found out from Harris and Associates that NBS did not have full licensing to provide these types of services in the state. Because of the time schedule and wanting to move forward quickly, NBS notified us that the process of getting the approval they needed was being delayed and would not be able to get the additional personnel certified and licensed in time to provide timely services for this project. We then notified Harris & Associates and they accepted the assignment and have already sent a proposal. They do not have an actual engagement agreement set up with us. We prefer that for these services an engagement agreement, which is a lot cleaner way to do it and eliminates any questions in the future. I know you are having your City Attorney look at that proposal. We believe we will be well served by all three (3). If you instruct staff tonight to enter into an agreement with them, I will call them tomorrow and they will have to work together. They have all checked out to work very well with consultants and a history of being able to perform the tasks needed.
2. Councilperson Jay Duke discussed the costs.
3. Bud Levine stated when the bids are “that close”, there is really not a difference that you would weigh and consider the lowest bidder, but if there was a larger spread, we would. We made the decision that they were acceptable for what we were doing.
4. **Councilperson Jay Duke moved for approval of Wulff Hansen & Co. recommendations for Assessment Engineer Services, Appraisal Services and Absorption Analysis Services for the Carlin Crossing SAD/SID Bonding and authorizing staff to enter into agreements with the approved parties and all related matters. Vice Mayor Lincoln Litchfield seconded the motion. The motion carried.**

V. A presentation will be offered by County Commissioner Delmo Androozzi and County Commissioner Cliff Eklund regarding the County Road Funds and Fire District Analyses and all related matters. (Non-Action Item)

1. County Commissioner Cliff Eklund reported that Delmo Androozzi was supposed to be present, but his daughter had a baby today. As you are aware, NDF has decided they are not going to do any firefighting, which prompted a legislative non-funded request to form a fire district. The state ordered us to form a fire district and it has been expensive. The County has approximately 15,000 miles, 1,100 of which are being maintained. The County roads are being funded completely with gas tax and as you know, more people are buying diesel and the County and the City of Carlin receive no tax from diesel because that goes to federal. Cars have better

mileage, so the gas revenue is lower and expenses up. There is a proposal in front of us justified by NRS 377, which allows Counties with population of 100,000 or less to initiate a ¼ of 1% for fire and road maintenance. This document changed today. Initially it was a 57% of the funds generated was to go to roads and 43% to fire district. Most of the fire equipment is old, averaging in the

1970s. Today in the meeting, this 15-year plan changed to generate \$3.5 million for one year, cut out 10%, \$50,000 goes to West Wendover, \$50,000 goes to Wells, \$50,000 to Carlin and \$200,000 to Elko. This is determined by the city size. This is strictly for roads and streets. It cannot be used for labor. It cannot be used for anything other than maintenance and streets by NRS. The financial impact does not target any business, any industry and it does not target the land owner. It is broad-based tax that uses the tax that everyone spends in Elko County will pay for it and 40% percent of any tax comes from tourism. The chart shows there are only four counties at this time that have less than 7% sales tax. If we raise this, it will put us at 7.1%.

2. Councilperson Jay Duke inquired why some of the counties had higher sales tax.
3. County Commissioner Cliff Eklund explained that some had started their fire districts and road maintenance. They conducted a survey to see what the impact was and those with different income levels are explained in the attachments presented. On a \$50,000 vehicle, it would be an additional \$125.00 it has come to the point that we are going to have to cut back on the roads maintenance and in some cases, eliminate it. There is a process we have to follow to make this plan work and we have to follow the plan. In other words, this money cannot be used for something else. This has to go through the public hearing process. If you have questions on the Fire District Linda Bingaman can answer them.
4. Councilperson Jay Duke inquired what money would be for the Fire District.
5. County Commissioner Cliff Eklund stated right now it is a new concept. Right now, the \$50,000 is only for roads, but that could change.
6. Linda Bingaman stated that originally 57% was to go to roads and 43% to Fire District. I do not know if they will split that differently. Funding can only be used for infrastructure, roads, and safety. The Fire District took over on January 1, 2015, from NDF and we absorbed 16 volunteer fire departments, work with 4 incorporated cities and divide equipment. We have 68 pieces of apparatus in the County's 17,000 square miles. The average age of the equipment is 37 years old. They have four new pieces that are just over the past 2 years that have been purchased. With those, the average years are 27. The funding for the Fire District will go for apparatus, stations, or equipment, it cannot go for personnel, or wages. There are 24 stations across the county and a majority of them are dilapidated. There are huge needs with no money. They have assumed all risk so it is year round.
7. Discussion was held on the apparatus use.
8. County Commissioner Cliff Eklund stated some of the old equipment does not meet the requirements.
9. Councilperson Jay Duke inquired about the payment for apparatus used outside of the city that owns it.
10. Linda Bingaman stated Carlin receives a flat fee of \$20.00 for any apparatus that Carlin uses, regardless of the age. It is a 2-hour minimum of \$40, then an hourly \$20.
11. Vice Mayor Lincoln Litchfield inquired if they absorbed the NDF vehicles.
12. Linda Bingaman stated the Fire District absorbed all of the NDF equipment. The county is paying maintenance and insurance. This plan will allow us to replace all of those units in a 15 year cycle. We are still talking a long time to get it.
13. County Commissioner Cliff Eklund stated it also gives Carlin \$50,000 for streets or street maintenance. Right now it is designated for streets. Today we got a determination that the cities are county, streets are county and that money can be used within the cities. We are just going out to educate all of the councils what we are doing and why we are doing this. It takes a super majority vote of the County Commission. We do not know if it will pass, but we have to

hold the public hearings, which will give us an idea. If anyone has an idea of how to find the funds for this, they are ready to listen.

14. Councilperson Jay Duke and Vice Mayor Lincoln Litchfield commented on the numbers provided and population issues.
15. County Commissioner Cliff Eklund noted if this does not go through, he is not sure where they would find the money to pay for the Fire District the state mandated because it is unfunded.
16. Thomas Burney inquired if there is 24/7 coverage for the new county areas.
17. Linda Bingaman stated Spring Creek has 24-hour coverage only and a captain and 1 firefighter in Elko work 40 hour weeks. They can come back if they are called back. There is one (1) captain in Wells so there is minimal staffing, noting there are 10 total firefighters across the county and they depend on volunteers.
18. Thomas Burney inquired if there is going to be some thought of sharing the fire facility with the County.
19. Linda Bingaman stated they share space currently as they have three (3) engines in Carlin.
20. Thomas Burney inquired if there is a plan to share the expense of those 24/7 coverage issues.
21. Linda Bingaman stated through this funding mechanism, there is not because it cannot be for salaries at all.
22. County Commissioner Cliff Eklund stated the only thing it can be used for is maintenance and capital improvement.
23. Councilperson Pam Griswold inquired about the \$50,000.
24. County Commissioner Cliff Eklund stated his understanding is that they will take out 10% out and then split 43%/57%. "The money is just estimates, if the sales tax goes up, you get more and vice versa. You can use it for apparatus and maintenance and cannot use it for anything but. Chip sealing can be done". I will have to get clarification if that can be used at the Fire Department.
25. No Action taken.

VI. Review, discussion and possible approval of a Contract between International Union of Operating Engineers Local 3 and the City of Carlin and all related matters. (Possible Action Item)

1. Bill Bodin, Operating Engineers, reported he has worked with some people of the City. He believes the people who are working for the City and Senior Center are doing a good job and hopes this goes through for them.
2. Vice Mayor Lincoln Litchfield inquired about Article 17 where registered domestic partner was added.
3. City Manager David Jones stated in order to be a registered domestic partner, they have to registered with the State of Nevada.
4. Vice Mayor Lincoln Litchfield stated there is no way to regulate that. He noted the other item is the 2.5% increase, which he does not see that in the budget. They have already addressed the step increases. They already had a predetermined raise every year.
5. Mayor Donnetta Skinner stated the increases are the same for everyone and to change that would not be proper and the City cannot afford this percentage. It would make it harder on the other employees. We try to keep it fair for the employees.
6. Councilperson Jay Duke inquired what it required to get a step increase from Public Works Director Carlos Esparza.
7. Public Works Director Carlos Esparza explained that on their anniversary date, they receive an employee evaluation and when they qualify for a step increase, it is based on a C or better evaluation.
8. Councilperson Jay Duke confirmed it is a performance evaluation.
9. Public Works Director Carlos Esparza stated there is remedial training that is available for those who do not reach the C. There have 1 or 2 that have been close to not receiving a step

- increase, but they passed. Typically they get their increase. It would have to be a serious problem employee to deny it.
10. City Manager David Jones stated the City has the ability to get performance evaluations at any time, so if an employee is struggling for any reason, we can give the evaluation and take other steps to get the employee up to speed.
 11. Councilperson Jay Duke stated the 2.5% seems a little excessive and should probably be presented as a step process. He inquired about temporary pay, acting for a director. What happens if that person is sick and you need to assign a person with lesser experience. When you say up to 12%, that does not give the City latitude to develop and train.
 12. Public Works Director Carlos Esparza stated he tries to spread out among the individuals who have the capability. The 12% has been a set precedent in the past and something that he and City Manager David Jones agreed to.
 13. City Manager David Jones stated it also says it excludes daily work assignments, so the employee might not be paid that sum for the entire shift.
 14. Bill Bodin stated the contract is up right now and is a pretty straightforward contract, noting they deserve it.
 15. Steve Wilkinson stated 12% is not a lot of money, only \$20.00.
 16. Mayor Donnetta Skinner stated the Senior Center is not 40 hours.
 17. Bill Bodin explained Appendix A was requested by City Manager David Jones.
 18. City Manager David Jones stated that makes the document uniform; the State Ethics changed the format. He stated the 2.5% is not a realistic figure for the City to bear. He stated the only way this year is to not fill the openings.
 19. Mayor Donnetta Skinner stated they have to be careful they do not create a problem by not filling positions. She thinks it is a bad thing to do. "I don't see how we can cut the help back so far that we do not have anyone to work". She stated they are \$300,000 in the hole this year. They are going to have to cut some things. She does not see how they can incorporate some of the funds requested in this year's budget.
 20. Councilperson Bob DeMars stated that they should strike the items that they are not going with as there are some items that are okay.
 21. City Manager David Jones stated if the contract lapses and they are still working on it, there would be retroactive adjustments.
 22. Discussion was held on striking No. 7.
 23. Councilperson Jay Duke stated in his opinion, a 2.5% over the next 3 years consecutively is too much. He suggests a 1.5% and a 2.5% over the next few years. We are not going to negotiate that in this room.
 24. Mayor Donnetta Skinner stated they should table the contract until there is a final decision made. There is no money in the budget for a cost of living right now.
 25. Bill Bodin stated the contract lapses on July 30.
 26. Mayor Donnetta Skinner stated they do get a raise every year like all of the employees, but she is not sure how much it will be yet.
 27. City Manager David Jones stated, "If you are 5 years or less, it is 2%; 10 years is 3% and over 10 years is 4%. These are the increments of the step raises".
 28. **Vice Mayor Lincoln Litchfield moved to table approval of a Contract between International Union of Operating Engineers Local 3 and the City of Carlin and all related matters. Councilperson Pam Griswold seconded the motion. The motion carried.**

VII. Review, discussion and possible approval of extending the main waterline North on Tuscarora Road from Fir Street to the North end of APN # 002-030-053 and all related matters. (Possible Action Item)

1. City Manager David Jones stated the Council requested this item be brought with the numbers. At last meeting it was deadlocked. Included in the packet is another memo that Tom Ballew prepared for the City.

2. Councilperson Bob DeMars inquired, when the water line ended at Fir and there were requirements now by the code that it would have to be extended.
3. City Manager David Jones stated there is currently 355 feet from the Fir fire hydrant to the end of the development that is there. We would have to be within 250 feet of a fire hydrant, so there is a hydrant every 500 feet. Technically to get it up to code, there should be a main line run to at least the end of the development that is there, 355 feet. That is why it is proposed that the City pay 100% of the cost of that first section of line and then from that point to the north end of Parcel #053 we enter into a cost-sharing agreement.
4. Councilperson Pam Griswold stated at some time the City should put the hydrant in at the 355 feet; noting it should be the city's obligation to put it in since there is a development up there. That should be the extent of the city's involvement. If the main line is there, it is up to them to pull it off from there. I think it is the City's obligation to have a hydrant up there. It probably should have been done a long time ago. She inquired if the Public Works had the ability to put that line in".
5. City Manager David Jones stated they do have the equipment and they can do this type of work, but it is not the focal point of Public Works to do construction. This would also mean taking the staff that has already been reduced by one person and pulling them away from street repairs, Parks and Rec and lawns, etc".
6. Councilperson Pam Griswold stated that would be \$73,000 they saved by taking care of it this way.
7. City Manager David Jones stated this would strip the town of employees that are dedicated to the Public Works projects. A majority of that money, \$73,000, is supplies.
8. Councilperson Pam Griswold inquired how long would it take Public Works to lay 355 feet of waterline.
9. Councilperson Bob DeMars stated he is not against the extension of the water line but if he voted in favor would that mean the waterline would go in.
10. City Manager David Jones stated there are multiple aspects of this.
11. Councilperson Bob DeMars stated he is in favor of a waterline going in, but not at the City's expense.
12. Councilperson Pam Griswold inquired if the 355 feet is at the end of the property or to the end of the development.
13. Public Works Director Carlos Esparza stated, currently a couple of months.
14. Vice Mayor Lincoln Litchfield stated that is 896 feet of pipe.
15. Councilperson Pam Griswold explained she does not have a problem of the City putting in the 355 feet of pipe and a water hydrant, but that is where she thinks it should stop.
16. Councilperson Jay Duke inquired about the previous meeting, inquiring if Jackie Wiscombe said to split the cost of a 1" waterline for 180' with the first 360' feet paid for by the City.
17. Councilperson Jay Duke stated this is a no-brainer. He would vote for it.
18. City Manager David Jones stated they have to stay within the parameters of the agenda item. "You are approving the extension of the waterline, but you have not entered into anything that says who will pay for what on this item. Are you willing to allow the waterline be extended that far, yes or no".
19. Councilperson Jay Duke stated, "We have clearly made a mistake in the past by not putting that waterline in place and providing the fire protection for the residents. I am not willing to make that mistake again".
20. City Manager David Jones stated Item VIII gets into the cost sharing.
21. Jackie Wiscombe suggested they take it to at least 500'.
22. Discussion was held on the distance between hydrants, the requirements and the maximum between.
23. Jackie Wiscombe stated if they are going 355' then would they deny wells.
24. Mayor Donnetta Skinner stated wells are not a good idea.
25. Discussion was held on the actual cost to the city.

26. Engineer Tom Ballew stated the “\$67,000 was a preliminary number he gave when they started the project. There was an issue with a narrow use assembly over a higher point. Their request to you, which drove this, was to split the cost to manage the waterline with the first 360 feet paid for by the City. That request we have to respond to. That is your decision, but you have options. You can say no; you can say yes; or you can say let’s do something in between. I think it is a good move by the City to extend this line out there, do we have the money to do it, at least in the way it is proposed and if not, is there some other way we could use to do that. Quite frankly, you can say we will take it to the end of the first subdivision, which we feel we should have done 30-50 years ago. Or you can say that the developer will be reimbursed over a period of years. You can also say you would protest any well application. They have simply made a request; they want to get water out in front of their property and if the city will help us, we will help put this thing in under this criteria. Modify the criteria as it fits you. Or you can go back to the first line of that paragraph and say you put in the waterline and we will reimburse you. If they put the money for the whole thing, they can get reimbursed. If you front the money, you can get reimbursed. The way this is written, they would be paying for their complete share, so in the future if someone else hooks in, that money would come to the city; they would have no rights to the reimbursement because they have not paid for anything more than their share at the outset. What they would pay for with this proposal is “half the waterline beginning to end of their property” and so if at some future point, the people on the other side of the street would be paying for the other”.
27. Councilperson Jay Duke stated they need to make a motion on this and then move on.
28. **Councilperson Jay Duke moved for approval of extending the main waterline North on Tuscarora Road from Fir Street to the North end of APN # 002-030-053 and all related matters. Vice Mayor Lincoln Litchfield seconded the motion. The motion carried.**

VIII. Review, discussion and possible approval of entering into an agreement with Paul Bradshaw and Jackie Wiscombe to extending the waterline on Tuscarora Road North from Fir Street to the North end of APN # 002-030-053 and all related matters. (Possible Action Item)

1. Councilperson Jay Duke stated there is a difference of 15 feet at 896.
2. City Manager David Jones stated the city’s share would be \$56,693.16 and Jackie and Paul’s share would be \$35,171.84. The reason for that is the first 355 feet and the work that is associated with that.
3. Engineer Tom Ballew stated the first 355 feet would be paid for by the city with the remainder split equally between the city and Paul Bradshaw and Jackie Wiscombe, the actual service boxes to his and her properties would be their cost.
4. Councilperson Jay Duke stated 268 feet would be shared equally.
5. Engineer Tom Ballew stated everything on the spreadsheet with the exception of the water service boxes would be shared half/half. The city’s share also includes 355’, which does not make it look like half and half.
6. City Manager David Jones stated, “This money would be expended out of the proprietary fund 50-71-70 GL code. As soon as somebody else ties into this, we start getting reimbursed for the \$56,000. As other developers tie into this, the city will recoup its money”.
7. Vice Mayor Lincoln Litchfield stated for clarification, Paul and Jackie are paying for three (3) water boxes. They now decide to take their property and make it six parcels; they would have to pay for three more boxes plus the impact back to the city.
8. Engineer Ballew corrected this to say that it would only be for three more boxes, because they had already paid for half of the pipe all along the way. It does not matter how many parcels.
9. City Manager David Jones stated, “With one exception, parcel 002-030-052 has no water in front of it, so the waterline would have to be constructed at that time if they wanted to develop it.
10. Engineer Ballew agreed.

11. Councilperson Jay Duke stated it is the right thing to do to extend that line out. The GL has \$90,000 in it approximately.
12. City Manager David Jones stated they could transfer funds from 73-50-72 GL with Council approval.
13. Councilperson Bob DeMars stated there are issues with 'our water, storage tanks, computer system; and a lot of other places we need to spend than going up there with a waterline. We have people in here every week wanting streets fixed, wanting ...
14. City Manager David Jones stated this money cannot be spent on streets; it has to be spent on water, sewer and garbage.
15. Councilperson Pam Griswold stated she has no problem paying 100% for the first 360 feet plus the hydrant. I think the cost sharing on top of that is that they are developers just like the others and if they want to develop property, they should be responsible for bringing the water up. It is just like power and bringing it in to the property".
16. Vice Mayor Lincoln Litchfield stated, he has "no problem with it, his concern is if they do not extend the 360 feet they could come back and say we want wells out there. We will get our money back".
17. Councilperson Jay Duke stated it is an opportunity for growth.
18. Vice Mayor Lincoln Litchfield stated, they have to look at the other side of the road. If one of their wells goes dry and they now will have a waterline to tap into.
19. Mike Tangreen stated "He has property on the other side of the road and I would definitely want to tie in on one parcel once it is installed and your portion would get smaller right away. He inquired about backhoe work as payment to reduce cost".
20. Councilperson Jay Duke stated that would be a liability to enter into, and noted that the developers are bonded that are doing that work.
21. City Clerk LaDawn Lawson stated the State of Nevada requires them to have a licensed contractor.
22. City Manager David Jones stated he has added some wording to go into the motion.
23. **Councilperson Jay Duke moved for approval of entering into an agreement with Paul Bradshaw and Jackie Wiscombe to extend the waterline on Tuscarora Road North from Fir Street to the North end of APN # 002-030-053, creating a separate account to hold monies from the developers and the City of Carlin to dispense any monies left over equitably amongst the parties involved according to the percentages deposited and at the time to have staff enter into a contract as set forth in the above mentioned items and all related matters. The City will pay the first 360 feet of an 896-foot waterline while Paul Bradshaw and Jackie Wiscombe and the City will cost share the 536 feet for a total of 896 feet. Vice Mayor Lincoln Litchfield seconded the motion. The motion carried with Councilperson Bob DeMars and Councilperson Pam Griswold voting against.**

IX. Review, discussion and possible approval of hiring a contractor to extend the main waterline North on Tuscarora Road from Fir Street to the North end of APN # 002-030-053 and all related matters. (Possible Action Item)

1. This item was moved for discussion.
2. Vice Mayor Lincoln Litchfield inquired if there would be any incidentals on Tuscarora Road, other water lines, fiber optics, etc.
3. Engineer Tom Ballew stated he does not believe so and they put that research in the design. There is a gas line, and some other lines, that will have to be identified. There is a unit price, if there were an extra fitting or something like that, they would have to get a price on it and get it ordered and if they have items they do not need, they would subtract them. Technically that would be a change order.
4. Councilperson Pam Griswold inquired if that would be figured into the contingencies.
5. Engineer Ballew replied affirmatively.

6. **Vice Mayor Lincoln Litchfield moved for approval of hiring Faulstich & Rand, Elko Nevada to extend the main waterline North on Tuscarora Road from Fir Street to the North end of APN # 002-030-053 and all related matters. Councilperson Jay Duke seconded the motion. The motion carried.**

X. Review, discussion and possible approval of a cost sharing agreement to connect to the new water line extension on Tuscarora Road North of Fir Street to the North end of APN # 002-030-053 and all related matters. (Possible Action Item)

1. City Manager David Jones stated this sets the structure for anyone to pay back the bank for connection ties into the waterline. It shows the cost of this for landowners in the vicinity.
2. **Vice Mayor Lincoln Litchfield moved for approval of a cost sharing agreement to connect to the new water line extension on Tuscarora Road North of Fir Street to the North end of APN # 002-030-053 and all related matters. Councilperson Bob DeMars seconded the motion. The motion carried.**

XI. Staff is requesting that the Council take steps to correct the violations of the Fair Labor Standards Act (FLSA) 29 CFR §553.101 - §553.103 and Employee Policy Sections 4.4.1 and 4.4.2. (Possible Action Item)

1. City Manager David Jones stated this is to advocate fair treatment of paid employees so that their supervisors to not encourage or coerce them to volunteer their hours. He learned of this last year when he attended a POOL/PACT training. If the City allows any of the paid staff to volunteer their time and paid staff takes exception to that for a given period, it can actually come back on the City of Carlin at a rate for 2 x what is owed them and also get the Records Keeping violation from the Department of Labor as well. This can add up fairly quickly and this is to protecting the employees.
2. Mayor Donnetta Skinner stated, "No, I look at it as negative as it is the dumbest piece of stuff they have ever done, because the way it is worded, the way they interpret it being worded, anybody who works for the City of Carlin, they are not allowed to volunteer for anything. That is the way it is interpreted".
3. Councilperson Bob DeMars stated, "That is not correct. That is not correct. It just protects the city".
4. Councilperson Jay Duke stated, "It just protects the City. Hours spent at lectures and training activities unless attendance is completely voluntary". You could get it in writing if you needed to, but typically, it is just a verbal response.
5. Mayor Donnetta Skinner stated we need to let these people know they can volunteer for whatever they need to.
6. City Manager David Jones stated, "If you have an employee at the Fire Department who is paid staff, they cannot volunteer their time at the Carlin Volunteer Fire Department for any activity.
7. Vice Mayor Lincoln Litchfield stated, that is not true.
8. Linda Bingaman stated, "It is like services. They cannot volunteer their time for like services".
9. Councilperson Jay Duke stated, "It is different. You have paid staff job descriptions and if you volunteer for time doing those paid staff job descriptions, you cannot do that".
10. Linda Bingaman stated she agreed. "If you are saying a volunteer firefighter cannot do any activities, that is different than saying a volunteer firefighter cannot do any activity that has to do with ambulance or any aspect of his job. If they are doing a parade, they can do that. That is outside of their job description".
11. Mayor Donnetta Skinner stated, "If they are in a parade and they are riding the fire truck and they are squirting everybody with the hose, this is part of their job".
12. Linda Bingaman stated, "If there was a fire call and they were in a fire truck in the parade, and that truck went to the fire, then we would pay them. If an ambulance had a call and they went on an ambulance call, we would pay them because that is their job. They are playing with kids

- and squirting them with a fire hose is fun and not a part of their job because it is only like services”.
13. Mayor Donnetta Skinner stated if you are a cook at the Senior Center, you cannot cook at the Park, because that is your job. That is the dumbest thing I have ever seen. If you are volunteering for any community thing, it should not matter what your talent is to do, you should be able to volunteer your time”.
 14. Councilperson Pam Griswold stated, “Last year at the Equestrian Center, somebody volunteering up there and they were doing the same thing as their job. The Equestrian Center were told they could not do it”.
 15. City Manager David Jones stated, “This would apply to compensatory time off because they were out there. We granted them compensatory time for their services rendered out there”.
 16. Councilperson Jay Duke stated he did not know that.
 17. Mayor Donnetta Skinner stated, “She had so many hours, she had to use and that if she wanted to use them she would have to take the time off. Any time the people who work for the City want to do something for the community, they cannot do it because it is part of their job or they do not want to do it because they do not want to be involved with the community. Well that is plain wrong. It has to be so these people can do this stuff and not make it look bad on their paycheck or their... it’s dumb. It happens over and over and several times in the last few years. It is not just because you want somebody to do this because that is their job description”.
 18. Councilperson Jay Duke inquired what the circumstances were that caused this violation.
 19. City Manager David Jones replied they were asked to provide transportation and utilize one of the city staff to do that for a fun event. That person could go and sit on the Park & Rec board and volunteer their time on that board all they wanted, because they are paid “driver” or take a volunteer and they can donate their time at the Equestrian Park because it is not the same type of service.
 20. Mayor Donnetta Skinner stated the bus driver for the Senior Center always took the people from the park over to the Spook Walk so that we did not have the confusion of people walking in the dark. It organized it a little better. Because the bus driver worked for the City, they could not use him to do that.
 21. Councilperson Jay Duke stated there is a “fine line there. It is a liability issue, not just compensatory. It is use of the vehicle and possibility of a wreck. I cannot drive the van because I have not had the training and I am not a City employee under that capacity. That would be a liability for the City”.
 22. Mayor Donnetta Skinner inquired why it would be a liability when it is a function that is put on by the City.
 23. Councilperson Jay Duke stated, “Ask the person when they run into someone and they say you do not have an insured person on that vehicle”.
 24. Councilperson Bob DeMars stated “if this passes, you are going to see individuals who work for the fire department, the senior center, Equestrian Park who won’t do these events without being paid now.”
 25. City Clerk LaDawn Lawson stated it is not one department.
 26. City Manager David Jones stated, “you say if it passes, but it is already the law. We are violating the Fair Labor Standards Act and we are also violating our City policy”.
 27. City Clerk LaDawn Lawson stated if that employee comes back and insists that we pay them, we have to pay them”.
 28. Mayor Donnetta Skinner stated, “The only way we can stop this is to not let anyone who works for the City do anything for any program or any activity done in the City”.
 29. City Manager David Jones stated, “That is not true”.
 30. Mayor Donnetta Skinner inquired, “Who better would you want to drive the bus than somebody who does it for a living, who knows how to maneuver that vehicle”.
 31. Councilperson Jay Duke stated, “He does not disagree, but why do we have to use just that bus, why don’t we go to Ford Motor or someone to volunteer a van to us for 2 weeks for an event. We have a driver and he is insured and all of the paperwork is signed. We have to get creative”.

32. City Manager David Jones stated there is a recordkeeping violation also.
33. Mayor Donnetta Skinner stated this is the dumbest thing I have ever heard and when you read it one way, it is overkill". There is not a city in the country that says their people cannot do volunteer work, except ours. I think it is wrong".
34. Councilperson Jay Duke stated, "They do "do" volunteer work, but they just cannot do it under certain capacities".
35. Mike Abrams clarified, "As a firefighter, EMT, my duties are pretty much set in stone. Anything outside of the job description, I can do. I can volunteer to be in the parade, park, whatever. What is happening is that it is being taken beyond to a finite letter of the law saying you belong to the City Parks & Rec; you cannot do anything at the City Park. You belong to the City, but you cannot do anything at the Equestrian Park because it may mean driving a tractor. It only applies to your job description. It is not in my job description to drive a fire truck around the parade and I volunteer my time to do that because I want to be part of this community. That is where that line is being drawn too..."
36. Mayor Donnetta Skinner stated there is a fine line against that and there are so many things that we cannot get people to do because they work for the City.
37. Mike Abrams stated they are being mislead on how the law reads.
38. Vice Mayor Lincoln Litchfield explained, "We have a paid employee at the Fire Department during 8-5 and he responds to a fire at 6 p.m. in the evening".
39. Linda Bingaman stated, "He would be paid. It is to protect this employee after hours from being told 'now I expect you to volunteer your time'. This is to protect them from that".
40. Councilperson Jay Duke stated that is what this law was written for.
41. Deborah Beck stated, My driver for the senior bus, could not volunteer to work in the parade. He is a paid hourly employee and I had to pay him for his time he drove in the parade. He volunteered, but he is a city employee".
42. Councilperson Jay Duke stated, "Yes, he can volunteer, but his job description is Senior Center bus driver and has to be paid".
43. City Manager David Jones stated firefighters are to drive the fire trucks and when they are driving in the parade, they are still driving a truck".
44. Councilperson Jay Duke stated they probably need points of clarification on these specific aspects that would answer many questions.
45. Mayor Donnetta Skinner stated, "I think sometimes, we read this wrong; we over-read it and I do not think the people who made this law made it to be read this way. I think it goes overboard".
46. Linda Bingaman stated it is to protect the people.
47. Councilperson Jay Duke stated they do need to correct the violations and then get some clarification.
48. Taylor Martin inquired, "As a paid firefighter, I am not necessarily paid for my time when I come in after hours. I can bank that time and use it basically as vacation later on in the year"
49. City Clerk LaDawn Lawson stated, "If you quit your job, you would be paid; that time is at time and a half cost to the City".
50. Councilperson Jay Duke stated, "You as a firefighter can only bank 45 hours, police 42 hours and regular employees 40 hours".
51. **Councilperson Jay Duke moved to approve the Staff correcting the violations of the Fair Labor Standards Act (FLSA) 29 CFR §553.101 - §553.103 and Employee Policy Sections 4.4.1 and 4.4.2. and take steps in the future to avoid these. Vice Mayor Lincoln Litchfield seconded. The motion carried with Mayor Donnetta Skinner voting against.**

XII. Review, discussion and possible approval of the minutes from 1/15/2015 and all related matters. (Possible Action Item)

1. Mayor Donnetta Skinner reported this item has to be tabled.
2. City Manager David Jones explained it was agendaed as 1/15/2015 instead of 1/5/15.

- 3. Councilperson Jay Duke moved to table approval of the minutes from 1/15/2015 and all related matters. Councilperson Bob DeMars seconded the motion. The motion carried.**

XIII. Review, discussion and possible approval of the minutes from 5/27/2015, and all related matters. (Possible Action Item)

1. Vice Mayor Lincoln Litchfield reported a correction that he was not present for this meeting.
2. Mayor Donnetta Skinner stated XI. 9. Should have read that “the City was keeping their water on”, not the people of Carlin.
3. Councilperson Pam Griswold stated the correction of 7:01 p.m. should be made on II.1.
4. **Councilperson Pam Griswold moved for approval of the minutes as corrected from 5/19/2015 and all related matters. Councilperson Bob DeMars seconded the motion. The motion carried with Vice Mayor Lincoln Litchfield abstaining.**

XIV. Review, Discussion and possible approval of payments for the periods 7/8/2015 to 7/22/2015, and all related matters. (Possible Action Item)

1. Vice Mayor Lincoln Litchfield reported he is the manager of AutoZone and gets all the bills so he would like it announced so he does not have to recuse himself every meeting.
2. **Councilperson Jay Duke moved for approval payments for the periods 7/8/2015 to 7/22/2015 and all related matters. Councilperson Bob DeMars seconded the motion. The motion carried.**

XV. City Council Members’ Reports. (Non-Action Item)

1. Councilperson Bob DeMars had no report.
2. Councilperson Jay Duke reported he did not attend the NNRDA meeting today, noting good reports from the fire department, police department and senior center, and Eagle project.
3. Councilperson Pam Griswold reported she had nothing.
4. Vice Mayor Lincoln Litchfield had no report.
5. Mayor Donnetta Skinner reported on the chili cook-off and she requested a rib-cooking contest be included for some young men for the same weekend.

XVI. City Clerk’s Report. (Non-Action Item)

1. No Report.

XVII. City Manager’s Report. (Non-Action Item)

1. No Report.

XVIII. 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.

XIX. Adjournment. (Possible Action Item)

Vice Mayor Lincoln Litchfield moved for adjournment with Councilperson Pam Griswold seconding the motion. The meeting was adjourned at 9:33 p.m.

APPROVED:

DONNETTA SKINNER, MAYOR

ATTEST:

CITY CLERK LADAWN LAWSON