

CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN MUNICIPAL COURT ROOM
101 S 8th Street
Carlin, NV
January 13, 2016, 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 Jay Duke
Councilperson Pam Griswold

Absent: Councilperson Bob DeMars

1. Administrative Staff: City Manager David Jones, City Clerk LaDawn Lawson, Public Works Director Carlos Esparza, Police Chief Dennis Fobes, Carlin Senior Center Director Deb Beck, City Engineer Chris Woster, Carlin Fire Chief Linda Bingaman, Carlin Municipal Court Judge Teri Feasel.
2. Present: Karla Jones, County Commissioner Cliff Eklund, Paul Bradshaw, Carlin Police Officer Floyd Davey, Carlin Police Officer Taylor Martin, Tom Bingaman, Kevin Grodi, Fred Montes de Oca, Howard Wright, Tom Burney, Kathy Burney, Robert Pierce, and Yvonne Pierce.

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. Robert Pierce reported on a “problem that has been festering for about 2-3 years between he and Carlin Police Chief Mr. Fobes. Mr. Fobes happens to be my neighbor. He has two (2) police dogs; I have two (2) German Shepherds as well. I have made complaints to City Manager David Jones and to Mayor Donnetta Skinner with no results. Last night about 6:00 p.m., Mr. Fobes’ dogs started barking continuously and this is an ongoing thing. I’m sure my dogs barked too. I am not saying I am perfect or that my dogs are either, but I called Elko County Sheriff’s Office asked for an officer to go by and quiet the dogs down. Well, about 30 minutes later, the dogs quieted down. About 15 minutes later, the dogs started barking again. They woke me up about 10:00 p.m. I had gone to bed about 8:30 p.m. I called Elko County Sheriff’s Office again and asked to sign a complaint. They came by and I signed the complaint. He left and approximately ½ hour later, the dogs started barking again. This is an ongoing problem. Just this evening I received two (2) citations from Mr. Fobes, one for the electric fence I have on my yard, on the inside of my yard, not on the outside, so if anyone actually touched it, they would be actually trespassing on my property. Two (2) officers came. I guess these are from the ordinance of the City of Carlin: the use of electric fences within the city limits is prohibited, except for special permission of the City Council and if such permission was granted, any electrical fence must be posted. Mr. Fobes has known about this electric fence for two and a half (2½) years. That is how long it has been there. As a matter of fact, he once stated to me that it was a good idea, because my dogs can clear our chain link fence, they get out, and that is why I put the electric fence up. To say now, the electric fence is hardly

plugged in, just a psychological effect that there is something there that they do not like. I figure these two (2) citations, which amount to almost \$500.00 is nothing but retaliation for the citation I wrote on him last night. I don't know why he claims that he can get away with his dogs barking all the time. They bark day and night continuously. Once in a while they will shut up. I am sure you can check with the Elko County Sheriff's Office on how many times I have called and complained about them or you can check your books to see how many citations I have had written on him because of his dogs. I have been contacted by the District Attorney's office. I got an email from them today; I got one a couple of months ago in reference to two (2) charges against Mr. Fobes on these citations I had written. I did not want to take it that far, but if he wants to retaliate with \$500 tickets, I have no choice. I have been threatened by his officers to take me to jail because I complained about his dogs. One of them came up to me and said if you do not calm down we can take this in a different situation. I said, Really? You are going to arrest me and take me to jail because I complained about your boss' dogs? I believe this is nothing but harassment from Mr. Fobes and if something is not done about it, I guess I will have to go to court as City Manager David Jones stated. City Manager David Jones told me to take it to the law and let the law take care of it".

2. Councilperson Pam Griswold inquired if both citations are for the electric fence.
3. Robert Pierce stated, "No, one citation is for electric fence and the other is for a barking dog".
4. Mayor Donnetta Skinner stated, He did ask permission and I agreed with him at that time as long as it was inside his fence, it was not breaking the law, but whether it is against the ordinance or not. He brought this to us 3 years ago. "
5. Councilperson Pam Griswold stated the ordinance says "as long as the City Council approves it", so you were within your rights".
6. Mayor Donnetta Skinner stated, "There was nothing wrong with it and I cannot imagine..."
7. Vice Mayor Lincoln Litchfield stated it would be in the minutes.
8. Councilperson Jay Duke stated it could be researched.
9. Mayor Donnetta Skinner stated this ought to be redone, "I think this is getting way out of hand and I think we need to do something about it".
10. Councilperson Pam Griswold inquired about how many times he has actually called".
11. Robert Pierce stated "just off of my head I would say at least 12 to 15 times, it could be more".
12. Councilperson Pam Griswold stated, "and they have never written you a citation before".
13. Robert Pierce stated he has issued them. "These officers that write these citations are Mr. Fobes' officers, so they are going to take his side regardless in my opinion".
14. Mayor Donnetta Skinner stated, "I hope they don't".
15. Robert Pierce stated, "I hope not either, but I have been threatened by arrest and everything else so. Those dogs are approximately 40 yards from my bedroom window and then they start barking, it wakes me up immediately".
16. Councilperson Pam Griswold confirmed the dogs he has are German Shepherds.
17. Robert Pierce relied affirmatively.
18. Vice Mayor Lincoln Litchfield stated they should pursue this legally, "I do not think it is up to us to decide the citations or not".
19. Councilperson Jay Duke stated there is some grey area, "you said Fobes' dogs barked, but your dogs bark as well. You said the fence – your dogs jump over the fence or can jump over the fence and it is an electric fence that is off most of the time. It is just for cosmetic purposes right".
20. Robert Pierce stated, "Yes, they know there is something they do not like".
21. Councilperson Jay Duke inquired, "Two and a half years ago, was there a complaint".
22. Robert Pierce stated, "The dog jumped the fence before I installed the electric fence and actually Mr. Fobes was riding home".
23. Councilperson Jay Duke inquired if he had brought this to the Council within the 2 ½ years or is this the first time you have come to the Council".
24. Robert Pierce replied affirmatively.

25. Councilperson Jay Duke inquired, "Why this was not important 2 ½ years ago".
26. Robert Pierce stated, "Because these issues did not arise before. I did not get a \$500 ticket. I did not want to pursue this this far. If he put some bark collars on his dogs or quiet them down or have a little common courtesy to make them be quiet so people next door can try to sleep".
27. Councilperson Jay Duke inquired if there are other people in the neighborhood had complaints.
28. Mayor Donnetta Skinner stated, "Yes, I have had three (3) other residents".
29. Chief of Police Dennis Fobes inquired, "I would like to know who they are".
30. Mayor Donnetta Skinner stated "I have had a letter and I told City Manager David Jones about it, but this was a while ago. So we know it has been going on for a while".
31. Robert Pierce stated, "At least 3 years. I just did not want to pursue it this far, but".
32. Councilperson Jay Duke inquired, "You say that the officer locally were threatening to take you to jail".
33. Robert Pierce stated, "Yes sir".
34. Councilperson Jay Duke stated, "I am sure the officers just do not do that, they have to have a reason",
35. Robert Pierce stated he was told, "If you do not calm down, we will pursue this another way. I said you can pursue it any way you want. He said why don't you step down and I will take you to jail then".
36. Councilperson Jay Duke stated he jotted that down. They asked you to calm down, so evidently you were riled up at some point.
37. Robert Pierce stated, "It was about 2:00 in the morning at that point when I got woke up by his dogs".
38. Councilperson Jay Duke inquired "Have you ever had a real nice face-to-face talk with Chief Fobes.
39. Robert Pierce stated, "Yes when they first moved in there years ago"
40. Councilperson Jay Duke stated, "2½ years ago".
41. Robert Pierce stated, "Yes".
42. Officer Floyd Davey inquired if he could make a statement about this. "I was the one that issued the citation and actually served the citation. I told Mr. Pierce...I was there at approximately 17:15 hrs tonight and also had the body cam video. I delivered the citation and advised Mr. Pierce at the time that the court was the best place for action to rebut this, that the citations were issued and actually written prior to the citation that Mr. Fobes received today. I was not involved in the citation issue of Mr. Fobes. I live less than 1 block away and it is Mr. Pierce's dogs that are barking. I have had numerous complaints and encounters with the public who have called. However, when we do not witness one in progress, we cannot take it. A misdemeanor has to be committed in the presence of an officer and each of those times, the citizens say "if you can get the dogs to be quiet, we would like to not issue a citation" so that is why he has had only one prior citation in the past. I cannot cite people or enforce the law if I am not present to see the dogs barking with misdemeanors. Misdemeanors have to be committed in the presence of an officer. I informed Mr. Pierce of that this evening. When we were standing there, Mr. Pierce's dogs were carrying on quite a bit prior to my arrival. I do not cite people when I am standing outside their fence and they are barking like that I believe it is because they are barking at provocation of my presence". I had contact with Mr. Pierce last week because of a barking dog. However there was a suspect at large that I was pursuing but the dogs were doing their job and alerting me as to where this person was at. Mr. Pierce accused Chief Fobes' dogs barking that night, tonight, saying it was Bricks, saying it is the other one and I can tell you I am the handler of that dog and the dog is in my vehicle. Mr. Pierce had accused Chief, the black German Shepherd canine of barking on numerous occasions and I advised him tonight it is not possible because that canine is with me on duty. I had to advise him of that many times. If you would like we can review the video surveillance at a later date and also confer with the second officer. That is all that I have. On the threat of arrest, we do issue citations and he refused to sign that citation of barking dog and it reads if

anyone refuses to sign, it is our duty to arrest. By signing the citation, it is not a confession of guilt, it is a promise to pay the citation or appear in court. We give that person a chance to fight it and if he chooses not to sign the citation, you will be placed under arrest. Mr. Pierce was advised of that. On the topic of the electric fence, I am all for people having electric fences, and told Mr. Pierce that I believe some CTOs are off and it is not my job to decide which ones are right or wrong, I enforce the ones that are given to me. That citation was issued 2 days ago; it was issued on the 11th and in Mr. Pierce's case, I am glad that he has an electric fence and he is containing his dog, however, when we arrive we cannot make entry into that yard. We had to stand out there and let the dogs bark and disturb the neighborhood until someone came out because we could not get in there because of the electric fence impeding our path and my safety is paramount and I am not going to risk to make entry for a minor citation".

43. County Commissioner Cliff Eklund reported they have been working in the past months to reestablish the Elko county Health Board. This charge is being led by Delmo Andreozzi who has formed several committees and done a study. I furnished the information for you from the last meeting. The board is composed of the sheriff, medical officer Dr. Duran and the County Commission, as well as stakeholders. I contacted Mayor Donnetta Skinner to see if Carlin would like to be a stakeholder because Wells is one and Wendover is going to be one as well as the school district to mention a few. The meetings will be held on a quarterly basis at the County Commission. The primary goal is to identify the health issues we have within the County and find resolution for them. The first issue identified is the problem of doctors accepting Medicare/Medicaid. There are patients on these plans that have to go to Twin Falls, Salt Lake, etc. Now Battle Mountain takes everyone. They signed an agreement with Medicare, but they will get 100% reimbursement and it does not matter what the people's financial status is.
44. Mayor Donnetta Skinner stated that is only 100% of their allowance. They do not pay full price for anything.
45. County Commissioner Cliff Eklund stated he is relaying what was told them at the meeting. He related what other issues were, such as vaccinations, time delays. The school has a "drop dead date" when they have to file for reimbursement and they are not being reimbursed due to the 60-90 day delay. Drug rehabilitation was discussed.
46. Councilperson Jay Duke inquired if there is anyone from the hospital.
47. County Commissioner Cliff Eklund stated yes, he is the president of the hospital board and there are problems of doctors leaving because of the hospital. Carlin was discussed because of a lack of a doctor as was Wells and the veterans ability to get care in Elko is greatly diminished.
48. Mayor Donnetta Skinner stated Carlin would have a doctor for 3 days at the clinic, but there is no indication of how long that doctor would stay. This doctor will be here until April or May.
49. County Commissioner Cliff Eklund noted they want some continuity. If there are any questions, call Dr. Duran, Delmo Andreozzi or me. He noted Mayor Donnetta Skinner will sit on the Governmental Affairs Committee with Jolene Supp representing Wells.
50. Tom Burney inquired of the commission if they have to establish a second municipal court and if they have to fund it whether they want it or not.
51. County Commissioner Cliff Eklund reported this is a thorn in the side of the Commission because years ago John Ellison wrote a bill that said once we get over 44,000 in population, the judge can systematically demand a second judge and we have no say. We are seeking the Attorney General's opinion on the wages, because the way it is set up there is no way the County can afford it. Just for the judge and the police officer who is going to be there with the judges, it would run the county approximately \$300,000, not including staff. We do not know how we are going to fund it. Judge Mason brought it to the county in a very arrogant way and said 'you are going to do it'. If we fund that office, we will have to cut services and we disagree with that, so we are seeking the AG's opinion to see what we can do".
52. Mayor Donnetta Skinner stated she thinks they need a second judge.

53. County Commissioner Cliff Eklund stated the caseload has declined by 30%. He also noted a letter was sent concerning the sage grouse with all of the commissioners' signatures.
54. Carlin Fire Chief Linda Bingaman reported they had 354 ambulance calls in 2015 and 216 fire calls. Nine members were tested for firefighter 2, 4 for Hazmat awareness and operations. Three members passed the advanced EMT Course and one that will be testing for the basic EMT course in January. They are planning an EMT course in February for more recruits. The Assistance to Firefighters grant is open and due on Friday. They have been working on the application and Kevin Gordi has the information. There is a requirement of a 5% match and we are hoping we can put in for next year's budget.
55. Kevin Grodi stated the application would be done by Friday. They are looking at replacement of all of the turnout gear, which has aged beyond its service life from helmet to boots and a lot of it passed the service age. He demonstrated an air pack they were interested in getting. The grant is a little over \$400,000.00 to purchase everything. If we get a new member now we would not have gear for him. The gear they have is limited in sizes, they only have one small mask, and our firefighters were all fit tested and will fit that one mask. They would have to share the mask. They do not make replacement parts for the brand they have and are no longer available. He noted they have upgraded, but they now have to buy everything new because the manufacturers have changed and there are upgrades. Some of the air packs do not have the universal fitting and it allows us to connect if a partner was down. They have 4 air packs that do not have it at all and no alert devices if they do go down. NDOT requires if it passes their date of service, they have to drill a hole in it. He showed a new one from MSA of Sacramento is one of the models being looked at a cost of \$226.00 for each or for the whole set \$6,600.00 with a 15-year warranty. It would run out when the bottles went bad. It has a better communication system.
56. Councilperson Jay Duke confirmed the grant and asked if there any other supplemental grant.
57. Carlin Fire Chief Linda Bingaman stated this year priority is personal protective equipment for the grant and this meets their standards. They will not consider anything other than the total package or they throw out the application. There are 31 firefighters on the roster.
58. Councilperson Pam Griswold stated there are people on the roster that do not answer calls so she would like to know the actual count.
59. Carlin Fire Chief Linda Bingaman stated probably 28.
60. Kevin Gordi stated there were 6 applications last week. The EMT class in February has brought interest. He noted the reader board had not been working correctly during the cold weather.
61. Discussion was held on the billing.
62. Officer Floyd Davey reported that with good data from last year and backing it up, it would be easier if I give you block of dates, rather than from council meeting to council meeting. Tonight I will talk about Jan 1-12. Closed out 2015 with 5,007 calls for service, the most the CPD has ever had. That is a testament to Chief Fobes having to handle the call load in his first year with a rookie staff; the most senior member is at 3.5 years. December there were 490 calls for service and currently we are at 213 calls. Now having good data from last year, we're currently at 114 more calls.
63. Councilperson Jay Duke stated there are 13.7 calls per day.
64. Officer Floyd Davey reported conducted 57 traffic stops up. Issued 16 citations, 2 parking citations, towed 2 vehicles. Participated in 6 agency assists, 1 NHP, 1 ambulance and 4 with the fire department. Generated 11 reports 3 DUIs, 7 arrests. Code enforcement had 10 calls for service. Issued 6 warnings, 2 citations. 5 picked-up and 5 dogs returned to their owners, 1 still in the pound. 30 hours of training and 4 canine deployments, narcotic and building searches. Lot of business checks with the night officers.
65. Councilperson Jay Duke inquired if the resource officer at the school requests assistance.
66. Officer Floyd Davey stated. "Yes". He and Officer Martin will start a fundraiser for their canines. They are wanting to get some vests for dog protection, which cost about \$600.00. The

dog is actually owned by Chief Fobes and when Mr. Davey is off, the goes home. 9 out of 10 times the dog is with him though.

Chief Fobes stated he has changed some things, the staff has not euthanized any dogs and there was only 1 by court request because of the vicious dog. I bought the body cams and that has helped with officer complaints. 90% of the time they are not telling the truth that the officers acted in a non-professional manner. At night you can see that it is on because there are red lights. Code Enforcement Officer Lila Seton has handled the code enforcement and he is happy how 2015 was. I have asked the officers to be more proactive and make more traffic stops of suspicious persons, walking the streets, writing more tickets, interacting with the public at large. The citizens of Carlin can be beneficial in what they know. He handed out statistics for 2012 incidents 3,741, 2013 3,696, 2014 4,607 and 2015 5,007; arrests 2012 142, 2013 151, 2014 240 and 2015 358; cites 2012 303, 2013 227, 2014 488, and 2015 657; and burglaries 2012 7, 2013 9, 2014 10 and 2015 12.

67. Councilperson Bob DeMars inquired if there is a law for excessive idling of a vehicle.
68. Councilperson Pam Griswold inquired about the videos, are they downloaded to computers.
69. Chief Fobes replied affirmatively and stated the videos are being kept forever but he needs to create a policy for that recordkeeping because of volume. The minimum would be 6 months.

II. Review, discussion and possible approval of renewing a contract between Eureka County Television District and the City of Carlin for the use of a tower owned by the City of Carlin on Mary's Mountain and all related matters. (Possible Action Item)

1. City Manager David Jones explained Annie Kneifel of Eureka County Television District would like to be called. She could not attend due to the weather.
2. Annie Kneifel stated she drew up an agreement and sent it the City Manager David Jones for our use of the tower on Mary's Mountain.
3. Mayor Donnetta Skinner stated the contract was read by the members and everything seems to be okay. She inquired if the Eureka TV Board like it.
4. Annie Kneifel stated they had a meeting on Friday and they approved it and the president signed it. .
5. Councilperson Jay Duke inquired about #9 Maintenance if she would send a record of any maintenance at the end of the year. I actually am curious of what that cost is.
6. Annie Kneifel stated the maintenance would be minimal and not frequent. They would probably have someone go up there once a year to check.
7. **Councilperson Pam Griswold moved for approval of renewing a contract between Eureka County Television District and the City of Carlin for the use of a tower owned by the City of Carlin on Mary's Mountain and all related matters. Councilperson Jay Duke seconded the motion. The motion carried with Mayor Donnetta Skinner voting in favor.**
8. Annie Kneifel requested they send a copy of the signed contract.

III. Review, discussion and possible approval of the 2015 Fiscal Audit provided by Bob Heguy and Mary Cain from Eide Bailly and all related matters. (Possible Action Item)

1. City Manager David Jones reported the audit is not quite ready and it was placed on the agenda in case it was. We are hoping to have it on January 27.
2. **Councilperson Jay Duke move to table the 2015 Fiscal Audit to be provided by Bob Heguy and Mary Cain from Eide Bailly and all related matters. Councilperson Pam Griswold seconded the motion. The motion carried unanimously.**

IV. First reading of Ordinance 243 Establishing the Carlin Municipal Court as a Court of Record Which Amends the City Code by adding Chapter 12 to Title 1 of the Carlin City Code and all related matters. (Non-Action Item).

1. Carlin Municipal Court Judge Teri Feasel stated she put information in the packets regarding the suggestion, which is brand new.

2. Mayor Donnetta Skinner inquired why this had not been done before.
3. Carlin Municipal Court Judge Teri Feasel stated that the Council had never adopted a Resolution to establish the Municipal Court as a Court of Record. NRS 1.020, the court of record are listed on the statutes for the municipal courts in any case where a jury is required or NRS 5.010 which allows the City Council to make it a Court of Record by resolution. Right now, we record all of the court proceedings anyway, but in the case for an appeal that goes to the District Court, it is a brand new trial on its own. There is no recording for the District Court to review the proceedings. The case is prosecuted again in front of the District Judge. One of the advantages of having this is, as Court of Record is that it is handled like any of the other courts for appeals and there is an official record of what took place. Cost to the City is the cost of the Resolution and adopting the ordinance and a cost savings of not paying witnesses and police salaries to travel to Elko to testify. It does not happen very often. It is not a big item, but it would streamline the process and now it is more important. If there is an appeal the party requesting the appeal pays a cost to the City of Carlin. Mr. Coyle would probably do more work preparing an appeal than a trial, but it would be a wash.
4. Carlin Municipal Judge Teri Feasel stated the court in West Wendover and Elko have become courts of Record only enacted in recent years and she does not know about Wells Municipal Court. Case management with the county is changing and the structure of the court system.
5. City Clerk LaDawn Lawson stated they need to read the title into the record.
6. Vice Mayor Lincoln Litchfield stated *Ordinance Establishing the Carlin Municipal Court as a Court of Record, which Amends the City Code by Adding Chapter 12 to Title 1 of the Carlin City Code.*

V. Review, discussion and possible approval of a Parcel Map for Larry P. Bradshaw and Jacklyn J. Wiscombe dividing Parcel 002-030-052 into 2 (two) Parcels and all related matters. (Possible Action Item)

1. Larry Paul Bradshaw stated he is trying to take another “stab at this parcel map. I asked Linda Bingaman to come in and talk a little bit, because we discussed this when we talked about it a little bit. “Why are you requiring to have an 8” waterline and fire hydrant strung out across a private driveway?”
2. City Manager David Jones stated they are under International Fire Code 2006 and it shows the scope under Section C101 General: “Fire Hydrants shall be provided in accordance of this appendix for the protection of buildings or portions of buildings as instructed. Section C102 Location and C102.1 Fire Hydrant locations. Fire Hydrants shall be provided along required fire apparatus access roads and adjacent public streets. Section C103 Number of Fire Hydrants. 103.1 Fire Hydrant Available. The minimum number of fire hydrants available to a building shall not shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted. Section C104 Consideration of Existing Fire Hydrants. Section C104.1 Existing Fire Hydrants. Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easement are established to prevent obstruction of such roads. Section C105 Distribution of Fire Hydrants. C105.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C105.1. Exception: The fire chief is authorized to accept a deficiency of up to 10 percent where exiting fire hydrants provide all or a portion of the required fire hydrant service. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C105.1. Table C105.1 was provided with a,b,c,d, and e, explanations.” Basically, your fire chief under this code through the rules has the ability to alter table C105 10% and only 10%. On the parcel map, you will note that it is for reasons of ingress and egress

- to the back part (Parcel 2) for public utility, drainage and Fire Department access granted by this map. So from Tuscarora Road west to the cul-de-sac area is a Fire Department easement under Section C102.1. Our City Engineer is available tonight.
3. Chris Woster, Farr West Engineering, stated they obviously recognize the easement and description where it is to go in recognition that ultimately if Parcel 2 is ever going to be built upon, it is going to have to have fire protection. The way it is going in now, you would have to put a disclaimer or note on here that says that this Parcel 2 is not currently afforded protection under the Carlin Fire Protection system. That is a 500ft corridor and the spacing is about 500ft and there is a hydrant very close to the ingress where it ports out and it is logical and very obvious they had thought about it as necessary. Also maps can be a very sticky wicket. Sometimes, things that need to be done because it is not a formal subdivision, those things do not get installed and the next thing you know the intentions of the petitioner are probably to develop it themselves. Subsequent to that someone buys it, it is not disclosed and all of a sudden you have a \$35,000 problem that someone else inherited. It needs to be addressed. This is one way to address that so this was the first recommendation we came forward with.
 4. City Manager David Jones stated, "I think it is pretty clear as far as what is required".
 5. Larry Paul Bradshaw stated, "We would like approval with the stipulation that the next owner that buys the property will have to put in that water line. That is a great expense on our account right now".
 6. Vice Mayor Lincoln Litchfield stated, "I am not sure we can do that; I don't know how that would hold up in a court or anything like that".
 7. Larry Paul Bradshaw stated they would have to put in a waterline anyway; why would they not have to put that 8" line in there and come off of that".
 8. Councilperson Pam Griswold stated, "My feeling is the same as it was when you brought this the first time. If you find someone to buy the property, I still think it is your responsibility to put that water line in before it is subdivided and you recoup the price from the people you sell it to. I think it needs to be done correctly before it is ever divided.
 9. Larry Paul Bradshaw stated the people lived out there for years and never had fire protection from the city. The people out on Tomera Road, they do not have protection from the City other than if a water or fire truck shows up, which has happened. There is not a water line out there, but we have helped provide a water line and fire services out in this area since this fall.
 10. Carlin Fire Chief Linda Bingaman stated, Tom Ballew, former City Engineer, and she went out and walked the property and looked at the property, easement, and talked about the line going up and the hydrants and everything, and that is when we came up the fact that we needed to have a turnaround or something. One of the things we discussed was either a turnaround had to be there or they had to take the road through to the cemetery and tie in with road. We talked about both of those options. The way the law is and the way it is set up is it is odd shaped, it is kind of different, so where do you put the hydrant so that it is correct for whatever they are going to put in because of the way it is shaped. We had a discussion and came back and were going to meet with Public Works Director Carlos Esparza who was unavailable. Our consensus was there is going to be a need for something possibly, but it will depend on what they are going to put there. Nobody knows and that is going to determine by the chart how far your distances are, so we felt that we wanted to make sure that we had it in there that we needed a turnaround and that be addressed when it is determined what they are going to put there. That was the thought, it was never to do it, but if somebody decides they are going to build there, what they are going to put in or where they are going to put it in the odd shaped lot will determine where that water line is going to come in. That was our thought process.
 11. City Manager David Jones stated, "At a minimum, I think we need to add to the map possibly, explaining that in great detail. I am not opposed to the parcel map being approved, just need to be very clear and concise as to what is going to be required of the next people who purchase that Parcel #2 or develop it.

12. City Engineer Chris Woster stated he was talking to Bob Morley in December and the point being that full disclosure needs to be of most concern. "I told Bob at that time and they can compose a note, but the bottom line is that we have to at a minimum they need to state at the filing of this map, Parcel 2 is not afforded protection under a formal fire protection system. If we want to make note in that addition to the conversation that took place it will be something easily tracked and any potential buyer of that will be able to read that note, there will be a red light and it will be clearly understood that part of the infrastructure element that is not here. That can be done and maybe when it is all said and done, the City of Carlin might want to start looking at these parcel map proceedings, because a lot of cities and municipalities have passed ordinances that can go to the next step that say you do have the authority to demand that be put in. Elko does that and they have done it for the very same reason, they get boxed into the same corner. They end up doing some things that lead 5-10 years down the road to some problem that was not properly disclosed and then all of a sudden they go back looking for the person responsible for this. It is simply an endeavor for full disclosure".
13. Public Works Director Carlos Esparza stated his only concern is that he does not want to see the City stuck in a same position with the original water line "where we basically pay for \$300+ down Tuscarora because there was no waterline involved and we did not do the cost sharing until we reached his frontage. I would like, whatever you decide, that we could make it clear that waterline has to be paid for completely, because I am worried that we might end up paying for the frontage of the first parcel again. Honestly we cannot afford it".
14. City Clerk LaDawn Lawson stated they have to consider this now; it needs to be addressed now because there are several properties in town that we have problems with. The fire truck cannot get down into them, cannot back up because no one had the foresight to do a turnaround or put in a fire hydrant here, and there are numerous properties that we looked at. We looked at them recently because I have a new person in my office and she is over Planning and Zoning and we took a look to explain the problems we have now because we did not do them at the time. So I encourage you to make your decision not only on tonight's discussion but also look at the future and it does pose a problem down the road and someone is going to have to deal with it eventually".
15. Mayor Donnetta Skinner stated, "It has to be documented better than it has been. We have things that there is no information on. We would like to know what they had in mind when they did it. I think it has to be paid by somebody".
16. Paul Bradshaw stated, "The thing is that they have to run water to the property. We have the water line down Tuscarora. The stipulation would be to T off an 8" line to basically get to their property edge and come off of that with that ¾" or 1" the City put in and then put the hydrant in".
17. Vice Mayor Lincoln Litchfield stated he does not have a problem with the parcel map. I encourage it, but what I do not see is as Chairman Karla Jones in the Planning Board Meeting said, the City be encumbered by a cost that is not our cost. The City is not a developer, so however the motion is said, it has to be that the water demand for the fire hydrant into that parcel be made either to yourself as a landowner and seller or the next buyer.
18. Carlin Fire Chief Linda Bingaman stated, "And the turnaround".
19. City Clerk LaDawn Lawson stated, "Back in the 1940s, they did not have the problems that we have today and things do change over the years, but if you can foresee some of the problems that we have experienced in the past for the future, we are better off".
20. Paul Bradshaw stated at the last meeting, we talked about the trailer lots that were fed from First Street, not Tuscarora Road. If you look at an old map, because that was a trailer park at one time, the trailers up there are fed from the Tuscarora Road.
21. City Manager David Jones stated they have addressed some of the problems in the Code.
22. Councilperson Jay Duke inquired if the public easement for the fire department access has the square footage been looked out and whether the biggest fire truck could turn around in there.

23. Carlin Fire Chief Linda Bingaman stated it has not been measured, but we said it needed to be big enough for that.
24. Councilperson Jay Duke stated the truck is 90+ feet oblong, not square, but it would probably be pretty close. I don't think you need an actual circle drive.
25. Carlin Fire Chief Linda Bingaman stated it should be a drive through, but at least give us a way to turn around.
26. Councilperson Jay Duke stated he was looking at the notes from the last Council meeting on November 18, 2015. "I am going to stick to what I was talking about in addition to Note 9, which is stated. If this is approved, we need to revote 9 into the motion. That would satisfy you and basically paid for by the owner. You won't have the cost but it may inhibit the cost of the sale for you".
27. **Councilperson Jay Duke moved for approval of a Parcel Map for Larry P. Bradshaw and Jacklyn J. Wiscombe dividing Parcel 002-030-052 into 2 (two) Parcels and requiring a note be added to the parcel map stating an approximate size water line and hydrant be engineered and installed by a licensed contractor in accordance with the City Engineer and Building Department at the time a Building Permit is applied for the westerly parcel of land created by division of parcel 002-030-052 and with Note 9 stating that a water line of approximate size and a water hydrant placed on the west end of the said public utility drainage and Fire Department access easement granted by this map. Vice Mayor Lincoln Litchfield seconded the motion.**
28. **Councilperson Jay Duke moved for amended approval of a Parcel Map for Larry P. Bradshaw and Jaclyn J. Wycombe dividing Parcel 002-030-052 into 2 (two) Parcels and requiring a note be added to the parcel map stating an approximate size water line and hydrant be engineered and installed by a licensed contractor in accordance with the City Engineer and Building Department at the time a Building Permit is applied for the westerly parcel of land created by division of parcel 002-030-052 and with Note 9 stating that a water line of approximate size and a water hydrant placed on the west end of the said public utility drainage and Fire Department access easement granted by this map and that the City of Carlin does not incur any cost for the extension of the water line or hydrant. Vice Mayor Lincoln Litchfield seconded the motion. The motion carried unanimously with Mayor Donnetta Skinner voting in favor.**

VI. Review, discussion and possible approval of allowing some charges to be filed in Justice Court rather than Municipal Court and all related matters. (Possible Action Item)

1. Carlin Municipal Court Judge Teri Feasel stated she has provided some examples of charges that can be filed in Justice Court rather than Municipal Court, explaining the breakdown of some of the charges. In these cases, the defendant would be dealing with two different courts. It becomes inconvenient for the defendant and if the charges are filed in the same court, there can be a plea bargain. The only "con" the fine imposed might go to the State or County. "We are in the process of updating the traffic codes to adopt the NRS statutes and then all of the traffic stops will become Carlin City Ordinances, as well as DUI charges. There will be a lot more statutes I think and violations that the City will be picking up through the municipal court if they choose to do that". She requested that the Council give this serious consideration.
2. Councilperson Jay Duke inquired if a clear and complete list should be added to the motion.
3. Carlin Municipal Court Judge Teri Feasel stated she does not believe so. Mr. Coyle just asked if the Council would be in favor of that or not to make a clarification that if all the charges can be filed in one court that would be better.
4. Councilperson Jay Duke inquired when this would take place.
5. Carlin Municipal Court Judge Teri Feasel stated they are working on that right now and there was a delay with the City Attorney and a misunderstanding of what we were asking for, but I think it is clear now so hopefully for the next meeting. We are hoping it will go that fast because we are starting our new year on February 1, 2016, and those codes are needed.

6. **Councilperson Jay Duke moved for approval of allowing some charges to be filed in Justice Court rather than Municipal Court and all related matters. Vice Mayor Lincoln Litchfield seconded the motion. The motion carried**

VII. Review, discussion and possible approval of a revised job description for a Bus Driver / Custodian at the Senior Center Department and all related matters. (Possible Action Item)

1. City Manager David Jones stated in the handouts, there was an original job description and POOL/PACT recommends that every two (2) years the City revisit their job descriptions, refresh them and actually reflect what the employees are doing. He has asked the department heads to do that and this is the result.
2. Vice Mayor Lincoln Litchfield stated he likes the job description; it is clear.
3. Councilperson Jay Duke inquired if it reflects the custodian's duties.
4. Public Works Director Carlos Esparza stated they do not have a custodian position.
5. Councilperson Jay Duke inquired if this is a Level 1 and no other description for advancement.
6. City Manager David Jones stated there is none.
7. Carlin Senior Center Director Debbie Beck stated they fill in where they can.
8. Councilperson Jay Duke inquired if they anticipate any changes in the future, to give a pay raise.
9. Larry Robb discussed the fact that his son was the former employee in this position.
10. Vice Mayor Lincoln Litchfield stated "I do not think it is not our responsibility legally to do something like that. If he has a grievance or something then he needs to pursue it in a court of law.
11. Mayor Donnetta Skinner stated they cannot interfere with the City Manager and employees.
12. Larry Robb stated, "We can litigate if you would like to do that to resolve things".
13. Mayor Donnetta Skinner stated she would hate to see that. "They are his employees and I think he needs to handle that".
14. Larry Robb discussed his son's issue.
15. Public Works Director Carlos Esparza stated this is a personnel matter and not a Council matter.
16. Mayor Donnetta Skinner stated if there was an issue, City Manager David Jones will bring it to us.
17. Larry Robb stated his son did request a hearing in his letter of December 2. "Yet he has heard nothing. Is that really the way the council operates. Is that the example you want set?"
18. Mayor Donnetta Skinner stated, we are following our HR policies and she thank Mr. Robb for his comments.
19. **Vice Mayor Lincoln Litchfield moved for approval of a revised job description for a Bus Driver/Custodian at the Senior Center Department and all related matters. Councilperson Pam Griswold seconded the motion. The motion carried.**

VIII. Review, discussion and possible approval authorizing Robert Jess to sign Purchase Orders for and on behalf of the Fire Chiefs and all related matters. (Possible Action Item)

1. Carlin Fire Chief Linda Bingaman stated in reviewing the information in the packet, I was not aware of the Expense purchasing policy, so it makes sense what City Manager David Jones said that there needs for that oversight. I was following suit; Fire Department Employee Karla Jones signed all the Purchase Orders before and when she left, we put in a letter for Robert Jess to do the same, but in reading this, I think it is better if we retract this item and proceed from there.
2. Vice Mayor Lincoln Litchfield stated he would prefer that it stay as is.
3. No action was necessary.

IX. Review, discussion and possible approval to adjust budget numbers and department budgets to accommodate the cost of the storm on November 3, 2015 and all related matters. (Possible Action Item)

1. Vice Mayor Lincoln Litchfield suggested they use the opening balance instead of taking it from Public Works.
2. City Manager David Jones stated the City was \$264,000 in the red in this year's budget with the addition of a storm "that put us significantly over or close to \$450,000". He discussed the system they use and noted they are unable to change filters in it. He stated there is \$145,202.30 has been spent in hard dollars to date for services and if you double it, the overtime wages through various departments you get a total of \$293,831.59. That number is not correct; the number should be \$148,627.29 is what has been spent in hard money to date. It is important to get the \$148,627.29 back into the black. He stated they could tighten their belts and maybe make some of this back. Our funds show we have money in our funds, so there is no reason at this time for asking the state for funding.
3. Mayor Donnetta Skinner stated when we put the money in here, we were thinking we could have Wells' situation and not have anything for that. That is why that was put there.
4. City Manager David Jones stated no money from salaries was used. They need to have a discussion if they need to fill spots where employees have left. We need to decide if we can go forward with the employees they have.
5. Vice Mayor Lincoln Litchfield inquired about the amount of debris now, is there a game plan in place to get rid of it. So these numbers are pretty close.
6. City Manager David Jones stated there some tentative plans for storms they are considering.
7. Discussion was held on mulch.
8. **Vice Mayor Lincoln Litchfield moved to table approval to adjust budget numbers and department budgets to accommodate the cost of the storm on November 3, 2015 and all related matters. Councilperson Pam Griswold seconded the motion. The motion carried.**

X. Review, discussion and possible approval of the minutes from 10/28/2015 and all related matters.

1. **Councilperson Jay Duke moved for approval of the minutes from 10/28/2015 with changes and all related matters. Vice Mayor Lincoln Litchfield seconded the motion. The motion carried.**

XI. Review, discussion and possible approval of the minutes from 11/3/2015, and all related matters. (Possible Action Item)

1. Vice Mayor Lincoln Litchfield and Councilperson Pam Griswold noted two corrections.
2. **Councilperson Pam Griswold moved for approval of the minutes from 11/3/2015 as corrected, and all related matters. Councilperson Jay Duke seconded the motion. The motion carried. Vice Mayor Lincoln Litchfield abstained.**

XII. Review, discussion and possible approval of the minutes from 11/18/2015, and all related matters. (Possible Action Item)

1. **Vice Mayor Lincoln Litchfield moved for approval of the minutes from 11/18/2015, and all related matters. Councilperson Pam Griswold seconded the motion. The motion carried.**

XIII. Review, Discussion and possible approval of payments for the periods 12/9/2015 to 1/13/2016, and all related matters. (Possible Action Item)

1. Vice Mayor Lincoln Litchfield explained he would abstain because of the payments to Auto Zone which is his employer.
2. **Councilperson Pam Griswold moved for approval of the payments for the periods 12/9/2015 to 1/13/2016 and all related matters. Councilperson Jay Duke seconded the motion. The motion carried with Mayor Donnetta Skinner voting in favor and Vice Mayor Lincoln Litchfield abstaining.**

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

1. Mayor Donnetta Skinner reported that Carlin has a problem with their children fighting.
2. Councilperson Jay Duke stated the state passed a law that will be administered this year and it is parental involvement.
3. Mayor Donnetta Skinner stated it is getting out of hand.
4. Vice Mayor Lincoln Litchfield stated the parents have released their authority to the teachers and to the sports people and it is not their job to discipline or control their children.
5. Mayor Donnetta Skinner stated the girls are really aggressive and calling each other names. She stated a parent called her to ask what could be done and she is asking the Council what they can do.
6. Councilperson Jay Duke stated that they cannot do anything.
7. Mayor Donnetta Skinner stated they have to do something.
8. Councilperson Jay Duke state the citizens have to do something.
9. Vice Mayor Lincoln Litchfield stated it is the responsibility of the parents who are not doing their job.
10. Councilperson Pam Griswold stated the Council cannot tell the parents how to raise their children.
11. Vice Mayor Lincoln Litchfield inquired what can be done when two kids are fighting.
12. Mayor Donnetta Skinner stated the kids are smart and know where the fight is going to be before the police know anything is going to happen.
13. Councilperson Pam Griswold inquired about citizen's arrest and can the police cite the parents of those children.
14. Chief Fobes stated, "No, and there are problems with our juvenile system". He discussed the point system.
15. Mayor Donnetta Skinner stated giving the kids something to do every two weeks has not worked and is making it worse for them congregating.
16. Councilperson Pam Griswold stated they need to find a way to get their parents more involved in raising their children.
17. Mayor Donnetta Skinner stated parents want to send the kids to someone else for entertainment. There are more kids leaving Carlin for Elko schools. What do they want the city to do for this problem?
18. Vice Mayor Lincoln Litchfield suggested the problem is being laid at the City's door because the parents are not taking responsibility.
19. Public Works Director Carlos Esparza stated he never had things to do when he was young, but if you got into trouble, the neighbors kept you straight.
20. Councilperson Jay Duke stated the social network works against the system itself and causes problems.
21. Councilperson Jay Duke reported that NNRDA did not meet in December. He will be attending the Government Affairs Committee meetings once a month, 2nd Monday of every month at Sherman Station and Matt McCarty will be chairing that again. He suggested the members try to come.
22. Vice Mayor Lincoln Litchfield reported the Planning Commission during the February 3 meeting will finally finalize Title 3 so that the Council review will be soon after. It has been a long time and David and Karla Jones and so many others have worked on this title over the past years and for it to be done is phenomenal. He complimented the Members of the Planning Commission for their hard work.
23. Councilperson Pam Griswold reported Parks & Rec cancelled their meeting, as did the Equestrian Board. Seniors had a total of 98.5 volunteer hours. There will be an anniversary dinner on the 26th for 15 years at this location. Invitations will be sent and they would like representatives to attend.

XV. City Clerk's Report. (Non-Action Item)

1. There will be an election this year and remind the members that financial disclosures are due today. She stated Jana Moyes is working out well.

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

1. City Manager David Jones reported there is a financial statement for their review. NNRDA schedule is a request and he asked they review that. County Commission has a new chair, and Vice Chair. He discussed health care and a two –year reprieve as well as some good safety information. The Elko Chamber of Commerce After hour's meetings are to be held.
2. Councilperson Jay Duke stated he has attended some of those and found them beneficial.

XVII. 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. Tom Burney stated he was unable to put in his public comment on an Item.
2. Mayor Donnetta Skinner stated that was her error and the comments have to come before the vote is taken. She apologized.

XVIII. Adjournment. (Possible Action Item)

Councilperson Pam Griswold moved for adjournment with Vice Mayor Lincoln Litchfield seconding the motion. The meeting was adjourned at 9:16 p.m.

APPROVED:

DONNETTA SKINNER, MAYOR

ATTEST:

CITY CLERK LADAWN LAWSON