

CARLIN CITY COUNCIL  
CITY OF CARLIN, STATE OF NEVADA  
REGULAR MEETING  
CARLIN CITY HALL  
101 SOUTH EIGHTH STREET  
CARLIN, NEVADA  
September 12, 2012, 7:00 p.m.

**Call to Order and Roll Call:**

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

Council Members Present: Mayor Cliff Eklund  
Vice Mayor Donnetta Skinner  
Councilperson Steve Feasel  
Councilperson Lee Griswold  
Councilperson Lincoln Litchfield

Absent:

1. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson, Chief of Police William Bauer
2. Present: Kathy Burney, Thomas Burney, Cat Doxey, Pam Griswold, Lloyd Myers, Roger Anderson, Rick Anderson, Martin Wilson, Adela Wilson, David Trujillo, Heather Trujillo, Lisa Wolf

**Pledge of Allegiance**

**I. Review and discussion of Bill Draft Requests from the Nevada League of Cities for the 2013 Legislative Session and determination by the City Council of the City's position supporting, opposing or remaining neutral on specific Bill Draft Requests, and all related matters. (Action Item)**

1. Mayor Cliff Eklund reported he has been involved through the League of Cities and Mayor's Conference and both he and City Manager Glenn Trust agree that this is the biggest tax increase in the last 20 years, No. 5, a sales tax on services. He stated this is a bill draft resolution that will be introduced to the Legislature for study. He stated once the study is done and passed, it would be introduced and passed by the 2014 Legislative Session. He stated the sales tax on services includes real estate, renters, delivery, legal, accounting, contract and advertising. He stated they are saying is it revenue neutral, but if it is why are they doing it. He does not believe it is. He stated they want direction on how he feels, but he feels it should be a board decision before he responds to it. He stated Numbers 1-3 are revenue neutral and he agrees that Number 4 would eliminate a cost to the City in publishing the quarterly information financial reports in newspapers, so he would support that change.
2. City Manager Glenn Trust stated there is currently a requirement to publish every payment the City has made on a quarterly basis, which costs the City at least \$1,500. He stated this could be done through the website.
3. Councilperson Lincoln Litchfield inquired about Number 3 with the assessed valuations being reduced .25% a year.
4. City Manager Glenn Trust stated the proposal is from the League of Cities and he gave a history of the League and membership is based on population. He stated the assessor depreciates the value of the property each year and the rate is 1.5% annually. He noted the bill draft request is a proposal to reduce that depreciation to .25% and the tax bill will decrease. He stated he would not be in favor of increasing the property tax, but that is a board decision.
5. John Ellison, Assemblyman, stated the problem they have with ad valorem is that the state is assessing 3% currently and that is going up each year, so they are going to watch it closely in order for them to reduce that percentage.

6. Mayor Cliff Eklund stated NRS allows for depreciation of assessed valuation of improvements made to real property by reducing assessed valuation by 1.5% per year to a maximum of 50 years; this should be changed by reducing the rate to 0.25% and allow for a maximum 75% overall depreciation of property value. These changes would prevent the loss of property tax revenue or abate to local entities.
7. John Ellison stated that in depressed areas in the state a piece of property that was selling for \$300,000 now it has an assessed valuation of \$120,000, but they still have the same tax rate. They do not want to cut it because the City would lose revenue.
8. Mayor Cliff Eklund inquired, "Then you would be in favor of this?"
9. John Ellison replied affirmatively.
10. Mayor Cliff Eklund stated they were discussing the sales tax on services, which he opposes.
11. John Ellison stated that Bill Draft 4 would be devastating if they pass a law like this. He noted, "Carlin is on the threshold of going from here to here". He stated services for the mines, electricians, plumbers, and on and on and they have actually added to that list. He noted if they could get that bill through, the impact would be major. He noted it could impact the future of the mines, mainly on the utilities and equipment.
12. Mayor Cliff Eklund stated the Industrial Park has large growth and a tax on the cost of building up there would be significant.
13. John Ellison stated it covers everything and anything, even barbers. He stated that Henderson is pushing this bill.
14. Councilperson Lincoln Litchfield stated once something like this goes through, it opens all the windows.
15. Mayor Cliff Eklund stated it is "backdoor way" of taxing the mining industries.
16. John Ellison stated they are only asking for a study and he talked to some legislators who do not support it.
17. Mayor Cliff Eklund stated he got a call from a Sparks representative after the meeting.
18. John Ellison stated if they want to do something within their city, they could, but to make a statewide bill would be devastating. He stated agriculture, mining and ranching are included and the list is still growing. He stated he would meet with Wendover on Monday and Wells is in opposition.
19. Mayor Cliff Eklund stated that most of the northern mayors are opposed. He confirmed that he is asking for an opinion from the Council before he answers.
20. John Ellison stated that it was stated that NACO was in favor and he called the director, who told him they have not taken a stand.
21. Lisa Wolf inquired what rate are they intending to impose.
22. John Ellison stated he has a problem with doing a study at this time, not only raising taxes. He confirmed that they cannot implement that tax, but they can get a study done if the legislature approves it. He stated the rates are from 5% to 200% on the list he has been provided. He noted if gold "took a hit", Elko and surrounding communities would not recover.
23. Pam Griswold inquired about the possibility of stopping this.
24. Mayor Cliff Eklund stated they are trying to work with enough parties that there can be some pressure applied.
25. John Ellison stated the League of Cities is introducing the bill, but the writers of the bill are from Clark County, but the push behind it would put money into the state budget.
26. Pam Griswold inquired if it could be stopped at the League of Cities level.
27. Discussion was held on whether the League of Cities is in favor of this tax.
28. Thomas Burney stated he owns Carlin Self Store and they have decided to raise the rent \$5.00 since it has not been done since they bought the business. He noted with this tax, this would be a \$9.00 increase to the customers.
29. Mayor Cliff Eklund reported he and City Manager Glenn Trust voiced their opposition.
30. **Councilperson Lincoln Litchfield moved for Approval of Support for of Bill Draft Requests from the Nevada League of Cities for the 2013 Legislative Session 1. Request**

- to increase penalties to include community service for theft irrigation and backflow devices; 2. Request to enact law allowing homeowners in HOAs to store trash and recycling containers outside behind HOA approved screening areas, 3. request to reduce the assessed value reductions of homes from 1.5% annually to .25% and eliminate the 50 year maximum and limit overall depreciation to 75% of property value, 4. Request to eliminate the requirement to publish quarterly informational financial reports in newspapers allowing this information to be placed on government websites for review by the public and Strongly Oppose BDR 5. Request to expand sales tax to services while reducing it on sales on certain goods with the intent to be “revenue neutral” as a determination by the City Council of the City’s position on specific Bill Draft Requests, and all related matters. Vice Mayor Donnetta Skinner seconded the motion.**
31. Councilperson Steve Feasel noted it is difficult to make a decision on these items, noting Number 2 should be up to the HOA.
  32. John Ellison stated they proposed this at the last legislative session for recycling and they also wanted a secondary can for bottles and the bill was turned down. He stated they have to get a lot of the questions answered by study before they put this forward. He stated he would not be in favor of Number 2. He stated he was in favor of the Number 3 because the tax should match the home.
  33. City Manager Glenn Trust confirmed Number 3 is a plan to take the annual assessed valuation of 1.5% and reduce it to .25%.
  34. John Ellison stated he would like more research before this is passed.
  35. Councilperson Steve Feasel stated they had not discussed Number 1.
  36. Councilperson Lincoln Litchfield stated those are made out of brass and copper and should be 12” above the highest head on the property, it is an easy thing to pull off an irrigation system causing a continuous flow of water. He stated he supports this.
  37. **The motion failed.**
  38. **Vice Mayor Donnetta Skinner moved to table Agenda Item I until more information is obtained on each of the Bill Draft Requests. Councilperson Lincoln Litchfield seconded the motion. The motion carried unanimously.**

**II. Review, discussion and possible approval of Resolution 2012 – 12, a resolution by Carlin City Council acknowledging action taken by the Carlin Television District, dissolving the Television District and setting forth the City’s terms of concurrence with the action taken, and all related matters. (Action Item)**

1. Mayor Cliff Eklund stated the County Commission, who will make the decision on this item, told Mayor Cliff Eklund and City Manager Glenn Trust that they would not act unless the Council provides direction. He stated there are some concerns, which include public safety for the community in that the radio towers for police and ambulance communication on Mary’s Mountain, which is a BLM lease to Carlin Television District. He noted the City has been paying for the use of the property for 911 and radio communications. He stated he would like to see those issues resolved before action is taken, ensuring the City is protected.
2. Police Chief Bill Bauer reported there are two (2) buildings on Mary’s Mountain; the fire department’s repeater is in the building that Mayor Cliff Eklund is referring to. He explained the police 911 communication and NDF are in the state-owned building on Mary’s Mountain and the removal of the TV District would not impact those. He stated one building is affected, but the other is not.
3. Pam Griswold agreed that the City of Carlin, the Fire Department and Carlin TV District are in the same building, noting whether or not the District takes out its repeaters, that agreement is still in effect with the state and the Fire Department.
4. City Manager Glenn Trust explained the agreement is not with the Fire Department, according to Will Johnston, but with the TV District. He stated if the TV District disappears, the City would be required to pay for. He explained the City does want to keep the space on Mary’s Mountain without paying on a monthly basis. He stated when they go to a narrow

- band radio project; it will require additional repeater space.
5. Heather Trujillo introduced the agreement and read: *This agreement entered into on the 7<sup>th</sup> day of July, 1970 by and between the State of Nevada acting by and through its Department of Highway, herein after referred to as Department, the town of Carlin which operates the Carlin Tower District and Municipality, hereinafter referred to as Carlin and the Carlin Television District hereafter referred to as District.* She noted it does spell out the agreement.
  6. City Manager Glenn Trust inquired if the City has a copy of the agreement. He stated he would have a copy made.
  7. Lisa Wolf inquired why the Carlin TV District is being disbanded.
  8. Heather Trujillo stated that the funds from the citizens of Carlin that they have been collecting are unable to keep up with the technology and the City recently sold its FM stations to the Elko County TV District, as well as two (2) of their radio stations to them.
  9. Pam Griswold explained two (2) radio stations to Elko Broadcasting.
  10. Mayor Cliff Eklund stated he believed that sale had to be approved by the County.
  11. Pam Griswold replied negatively, stating when everything began to go from analog to digital, the District did not have the funds to convert to digital programming. She stated the people they were getting their stations from notified them they were no longer doing anything analog. She explained they found that TV programs Carlin was receiving were coming from the Elko Television District. She noted the Carlin TV District was established before the Elko TV District and they billed only the citizens of Carlin for what they were being retransmitted. She stated Channels 2, 4 and 8 have been coming from Elko TV District. She noted Attorney Rich Barrows explained they were getting a service that “you do not have to pay for and you would be duplicating stations”, which indicated they could sell them. She noted our stations were analog and “we would have lost those stations unless we converted them to digital and we did not have those funds”. She explained by selling our stations to Elko, they have already started to become digital stations and working with the FCC and still provide service. She stated they would not charge the citizens of Carlin, plus any additional development that they do.
  12. Mayor Cliff Eklund read a letter from Howard R. Wright into the record: *September 11, 2012 Carlin does not need to abolish the TV District. I was on the board for 26 years (term limit out) and the chairman for the last 12 years. In that time, the rates averaged \$.10 per day, \$3.00 per month or \$36.00 per year. We didn't ever have a problem collecting that budget; basically it's very affordable. There's also no property tax since we are an assessment district. The TV District averaged 12 channels. The yearly budget of \$31,000 is not to buy channels because the channels we receive are free. The only cost that the TV District has is for the translators and antennas to air the channels and to maintain the sites in which they are at. ¶It would cost a whole lot more to bring back this privilege because we would lose the partnership with the State at Mary's Mountain. I care about what's happening here locally. Utah, Reno or Boise is not local. Newmont is planning to build around 500 RV spaces in the near future. Those 12 channels would be small and inexpensive entertainment for the kids who will be living there instead of running the streets. I also have eight (8) names willing to run to be on the TV District Board which are myself, Will Johnston, Jody Woods, Peggy Johnston, Fred Montes de Oca, Holly Cork, Jan Brizee, and Jairah Ramirez. ¶The TV District has been around for 52 years. It's a small cost for something worth paying for. s/Howard R. Wright*
  13. City Manager Glenn Trust suggested after looking at the agreement that this might be something the Council wants to take under further consideration. He stated on Page 3 of the Contract it discusses the maintenance of the building and the access road. He stated in Paragraph 6 of the TV District Contract it is noted the facility was limited to the District and the Highway Department and did not include the City. He stated he “suspects that is why Chief Johnston's feeling was that the agreement did not offer the City of Carlin space in the building, but actually was between the District and the Highway Department”. He noted

- apparently Carlin's involvement as a City at the time is to provide a transformer, which he does not know is maintained any more. He stated the TV District can dissolve itself, because it is a separate entity and in the statute, the County Commission is required to pass an ordinance and will not do so until they "hear from the City Council". He explained in the Resolution the City drafted a paragraph was added that acknowledged that the agreement has been dissolved by the TV District, however the City would like to make sure that any space tenants equipment agreements transfer over to the City from the District. He stated that is his only concern.
14. Mayor Cliff Eklund inquired if that would be a transfer of the lease.
  15. City Manager Glenn Trust stated he does not know, but that is the gray area. He stated the City really has had "no involvement" on Mary's Mountain.
  16. Heather Trujillo noted, "We of the TV District were put in office by the people who were no longer in favor of having the television District, because they buy Dish satellite, Direct TV or cable TV and this is not our agenda for the City to let them to lose. We wanted to take care of and one of the things we feel is that the citizens right now are getting excellent digital television without paying anything. Why would we want to make you pay for something you are getting now?"
  17. Mayor Cliff Eklund expressed his concern is protection of the public safety and he wants to make sure that the City is covered by that agreement before the Council proceeds.
  18. Councilperson Steve Feasel stated he would like the City to keep the TV District, because once we give something up, it is out of reach and we have lost it. He noted, "I would hate to see that happen and I would like to hear some more information from some of these people who are informed and a legal opinion would not hurt".
  19. Councilperson Lincoln Litchfield stated his concern is the safety aspect, making sure the law enforcement still had space on the mountain and secondly for those who have no financial ability to pay for cable or satellite.
  20. Vice Mayor Donnetta Skinner stated people talk to her about not being able to afford the satellite or cable at \$100 a month. She noted she would like more information.
  21. Councilperson Lee Griswold stated he would like to leave it as it is.
  22. Heather Trujillo stated she is disappointed that she was not approached prior to the meeting and now there are questions. She noted the TV District has not provided a signal for over a year and everyone is still getting television. She stated there has been no interest and they have advertised for members as well as putting flyers around and there has been no interest.
  23. Vice Mayor Donnetta Skinner stated she has asked Mrs. Trujillo many times about this. She stated they have asked other people about this and had their questions answered.
  24. Pam Griswold stated she apologizes to the Council, noting we had five (5) board members and one resigned. She stated there was no interest in anyone sitting on the board when the three vacancies came up. She explained by December, there were no board members and we have no licenses and to keep the District going without licenses there is nothing for us to do. She noted they sold their licenses and we cannot get them back; the FCC is not giving out any more licenses. She stated they sold them three (3) months ago.
  25. Heather Trujillo explained that the Resolution to dissolve was presented to the Elko County Clerk in April.
  26. Mayor Cliff inquired how many members on the board.
  27. Pam Griswold stated, "Three, and it was passed 2-1 and we explained to the attorney. She stated the licenses are already in the hands of the Elko Television District and they are in the process of updating those. She noted they were paying \$450.00 a month to Dish to rebroadcast the signals we were getting over the air and approximately \$1900 a year to a Denver station to rebroadcast and \$220 a month to a company WSC that also provided signals. She noted the Denver station wanted to increase the fees and the board then cancelled with Dish, as there was nothing to broadcast.
  28. City Clerk LaDawn Lawson stated the City's equipment does not broadcast and "even if you got the channels back, you could not broadcast them because they are not upgraded to

digital”.

29. Pam Griswold stated they do not have the funds for upgrade.
30. Lisa Wolf inquired if they have already dissolved the District.
31. Pam Griswold stated the District is not completely dissolved until the Resolution passes or the County Commissioners rule. She explained at one time they had a full board and looked into different ways of putting their own building on Mary’s Mountain and wrote to Elko Land & Livestock who had property there and got permission from them to go ahead because the power is already up there. She stated this would be a viable position for the City.
32. Mayor Cliff Eklund stated he wants a legal opinion on the agreement.
33. Thomas Burney confirmed the contract is with the Highway Department.
34. City Manager Glenn Trust explained the three (3) entities.
35. Thomas Burney inquired if anyone has asked them about how they want to maintain their emergency services.
36. Mayor Cliff Eklund suggested they table the issue until there is a legal opinion.
37. John Ellison inquired about the assets acquired by the District after the sale.
38. Heather Trujillo explained any money left over would be turned over to a Carlin entity.
39. Pam Griswold noted until the Carlin Television District is dissolved, they still have to conduct business.
40. **Councilperson Lincoln Litchfield moved to table Resolution 2012 – 12, a resolution by Carlin City Council acknowledging action taken by the Carlin Television District, until legal advice is obtained on the existing contract, and all related matters. Councilperson Lee Griswold seconded the motion. The motion carried unanimously.**

**III. Discussion and possible renewal of a Special Use Permit for April Whitmire to operate a dog grooming shop at 105 Cortez Circle, Carlin, Nevada, and all related matters. (Action Item)**

1. City Clerk LaDawn Lawson stated they have not heard anything from Ms. Whitmire.
2. City Manager Glenn Trust stated she no longer resides in Carlin.
3. **Councilperson Lincoln Litchfield moved to deny renewal of a Special Use Permit for April Whitmire to operate a dog grooming shop at 105 Cortez Circle, Carlin, Nevada, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**

**IV. Review, discussion and possible approval of the minutes for the Regular Meetings of the Carlin City Council on August 8, 2012 and August 22, 2012, and all related matters. (Action Item)**

1. **Councilperson Lincoln Litchfield moved for approval of minutes for the Regular Meetings of the Carlin City Council on August 8, 2012 and August 22, 2012, and all related matters. Councilperson Lee Griswold seconded the motion. The motion carried.**

**IV. Review, discussion and possible approval of payments for the period 8/23/2012 to 9/12/2012, and all related matters. (Action Item)**

1. Councilperson Lincoln Litchfield inquired about 10-55-600 Modern Concrete office expenses and whether 14-4700 to Ellison Electric is within the budget.
2. City Manager Glenn Trust explained the error as the check is for Modern Concrete, but the invoice is for Modern Marketing to market public safety.
3. City Clerk LaDawn Lawson stated she would have that corrected.
4. **Vice Mayor Donnetta Skinner moved for approval of payments with correction for the period 8/23/2012 to 9/12/2012, and all related matters. Councilperson Lee Griswold seconded the motion. The motion carried unanimously.**

**V. City Council Members Report. (Non-Action Item)**

1. Councilperson Lee Griswold had no report.
2. Vice Mayor Donnetta Skinner reported she attended the WREC meeting and the speaker was impressed by the solar use in the Senior Center. She reported there is new carpet in the manager's office at the Center, as well as a new steam table. She stated the cemetery is in good shape. She noted the Chili Cook-Off is next weekend and a good fundraiser, encouraging people to attend. The library is done.
3. Councilperson Steve Feasel had no report.
4. Councilperson Lincoln Litchfield reported the Planning Commission would begin work on the Master Plan. He discussed the code enforcement position with Chief Bauer and complimented Public Works. He stated Bob Bratcher is doing a good job.
5. Mayor Cliff Eklund reported the branding was successful with 35 teams and thanked the volunteers. He stated the lighting is completed and the barrel racing and Rodeo went well. He thanked the Ellison Electric people for working long hours to get it done. He stated at the Elko Fair one of the "conversation pieces" was the Equestrian Park and John Ellison as an announcer mentioned the Park too. He reported he met with Rick Rapp and Tom Gallagher of Summit Engineering and new investors who were impressed. He stated at a lunch he had with Rick Wobleski, a man approached him about a putting a Sonic in Carlin, and another one who discussed putting a Maverick Travel Center and another for Eagle Station Travel Center.

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

1. City Clerk LaDawn Lawson had no report.

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

1. City Manager Glenn Trust had no report.

**VIII. 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. Pam Griswold noted that one of employees from Wells at the WREC meeting last night and was impressed that the Council is so involved with the departments and was to talk to her associates in Wells.
2. Discussion was held on the new Dollar Store.
3. John Ellison thanked the board for their support of the tax proposal and needs their involvement at the legislature.
4. Mayor Cliff Eklund and Vice Mayor Donnetta Skinner thanked Mr. Ellison for everything he has done for Carlin. Mayor Cliff Eklund discussed a bridge that would be fixed through Mr. Ellison's efforts.
5. Tom Burney stated, "In going through my WREC Magazine, there is an article about Nevada Health Center's Clinic and noticed the City gave them a grant".
6. Mayor Cliff Eklund explained the City gave them the property the Clinic sits on through a CDBG Grant.
7. Tom Burney stated he has a personal issue with the Health Center, but he noted they have a Better Business grade of "F" and does not speak to its customers. He noted the government has gotten into this and they have developed an attitude that they do not account to their customers. He stated he feels the City should talk to the Mr. Chase about addressing these issues.
8. Vice Mayor Donnetta Skinner stated this is not a new issue and City Manager Glenn Trust has met with them, but it is an ongoing issue.
9. City Manager Glenn Trust stated the City has "zero operating control", noting the money came through HUD to the Clinic. He agrees the customer service issues are discussed and if he is told, he will take action.

10. Lisa Wolf explained Tom Chase is no longer with the Center; they have an interim CEO and Eureka is trying to get better service from Nevada Health Centers and they are conducting an audit. She stated there are issues with billings, collections without people being billed and they are on the "hot seat" with Eureka.
11. John Ellison inquired if the City would write a letter to the Governor on the sage grouse in support of the committee. He stated right now there are several areas through Wells Rural, which are not permitted because they expired. He requested that this support would be beneficial and the county come together as a team to solve the issue.
12. City Manager Glenn Trust stated he would have the letter for the next meeting.

- IX. Adjournment. (Action Item)**  
**Councilperson Lincoln Litchfield moved for adjournment with Vice Mayor Donnetta Skinner seconding the motion. The motion carried. The meeting was adjourned at 8:37 p.m.**

**APPROVED:**

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**MAYOR CLIFF EKLUND**

**ATTEST:**

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**CITY CLERK LADAWN LAWSON**