

CARLIN CITY COUNCIL  
CITY OF CARLIN, STATE OF NEVADA  
REGULAR MEETING  
CARLIN CITY HALL  
101 SOUTH EIGHTH STREET  
CARLIN, NEVADA  
June 13, 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 Lincoln Litchfield  
Absent: Councilperson Steve Feasel  
Councilperson Lee Griswold

1. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson, Chief of Police William Bauer
2. Present: Lloyd Myers, Rick Anderson, Roger Anderson, Tammy Harrison, Fred Montes de Oca, Billie Brazeal, Dick Brazeal, Karla Jones, Teri Feasel

**Pledge of Allegiance**

**I. Review discussion and possible approval of a Special Events Liquor License for Tamra Harrison, representing Carlin Co-ed Softball, and all related matters. (Action Item)**

1. Tamra Harrison, representative of Carlin Co-ed Softball, reported the league is starting earlier this year and every year they apply for a liquor license. She stated they are holding events prior to the regular season start on June 9 in order to get more participants. She noted they limited the players to 3 boys and 3 girls ages 16 – 18.
2. Mayor Cliff Eklund reminded Ms. Harrison that if someone is selling to a minor and caught doing it, she would be liable with her name on the license.
3. She stated she understands and that there will be no glass used for the drinks.
4. **Councilperson Lincoln Litchfield moved for approval of a Special Events Liquor License for Tamra Harrison, representing Carlin Co-ed Softball, and all related matters . Vice Mayor Donnetta Skinner seconded the motion. The motion carried with Mayor Cliff Eklund voting in favor.**
5. There were no public comments.

**II. Review, discussion and possible approval of a request from Fred Montes de Oca for the City to grant him access across a portion of the City Shop yard to allow vehicles to enter his property at 906 Oak Street from the east side for the purpose of parking at 906 Oak Street, and all related matters. (Action Item)**

1. Fred Montes de Oca reported on the history of the property and noted at the time access was from 5<sup>th</sup> and Oak to 10<sup>th</sup> and Oak, as well as access from the alley. He stated the taxes have been paid for over 60 years. He reported he has tried to resolve this problem for quite some time and “I have always been overlooked”. He stated he is requesting he be given access and parking so the property would not be “landlocked”. He discussed a map.
2. Mayor Cliff Eklund confirmed there is an entryway from 8<sup>th</sup> Street to 10<sup>th</sup> Street.
3. Fred Montes de Oca stated he cannot park in the back area of the property and “there is no fire protection, you could not get a fire engine back in there and that property is landlocked”. He noted, “Something could have been done a longtime ago, but I was always told we could work something out and nothing has been done in all these years”.
4. Vice Mayor Donnetta Skinner inquired if there is an entrance on Oak Street.
5. Fred Montes de Oca stated, “Not now, they closed it. At that time they traded Howard

- Wright's dad and he got 7 acres".
6. Councilperson Lincoln Litchfield stated he read through the material and the notes from the City Department Heads and he drove by to look at it. He stated, "After reading some of the comments from the department heads, I tend to agree with Chief Bauer that there is a space on your map that is 10' wide and I believe the Code is 8' wide for driveways. You have access from the alley into and on the east side it would have to be approximately 40' down that alley, because there is a utility pole, guidelines, etc. to ensure you are not hitting anything. I looked at all of that and thought about the liability would be to the City if you were granted access to go over any property. If we grant you access to go over the property, the next person has to be granted access also and the more we do that, the more of a liability we are putting on the City by allowing access across City-owned property. With 10 feet between the house and the cabin, I believe you have access for parking back there".
  7. Fred Montes de Oca disagreed. He stated, "The City had no right closing that to begin with. That's what I am getting at, I worked with the City and tried to work something out. Actually my attorney talked with the City and he thought at that time, which was probably at the time of the last City Manager Kohbarger and also talked to City Manager Glenn Trust about this problem. City Manager Glenn Trust stated he was going to look into that and I talked to City Manager Glenn Trust about it".
  8. City Manager Glenn Trust stated Mr. De Oca's attorney had never talked to him.
  9. Fred Montes de Oca stated, "Yes he has".
  10. City Manager Glenn Trust responded, "No he has not".
  11. Fred Montes de Oca stated he should have fought this years ago, "because you cannot just shut someone off from the street. I am not necessarily asking for you to give me access. If you are going to give me access, there again, I should own that so that I can get in and out of the property".
  12. Councilperson Lincoln Litchfield stated the agenda is to "grant you access, not granting you the ability to buy". He inquired, "How do we close Oak Street along the front, does anyone know, Oak Street which would be through the Public Works".
  13. Mayor Cliff Eklund stated this was done long before he was there.
  14. Fred Montes de Oca stated, "That was all open at one time. The City did not own the property south and I do not know if the Union Pacific gave the City that property or how that was purchased, but after they got the property, then they made a bigger yard for the shop".
  15. Karla Jones stated, "When we owned our own power plant before Wells Rural Electric came in and because the Fire Department needs to park their fire equipment down here with the UP railroad equipment and they allowed us to park our equipment down here. Everything was owned by the UP and when U.P. left and gave the old powerhouse and when Wells Rural Electric came over, we purchased the rest of the and traded land. We also traded land with Allreds and Norman Jones".
  16. Councilperson Lincoln Litchfield stated, "What I am getting at here is that there was an opportunity to keep the street open at one time. That is when it should have happened. It is all City-owned property now".
  17. Fred Montes de Oca stated, "You are wrong about that. They did not settle the property and the property was never settled. That should never have been closed until I was settled with it. How would you like it if they closed that street in front of you".
  18. Councilperson Lincoln Litchfield noted that in St. Petersburg, an interstate went around a house because they would not settle and that house is still sitting there.
  19. Vice Mayor Donnetta Skinner stated, "I really think that this should have been fixed a long time ago. This is a lot of stuff we cannot do anything about, because it is out of our hands really. I wonder why this was not taken care of years ago and it was just left. Did you not want to do it then, Fred".
  20. Fred Montes de Oca stated he was working with his attorney and nothing was ever said. He noted the City said they would get back with him, but it was never fixed. "We kept coming back and wondering what was going on. I was always put aside".

21. Mayor Cliff Eklund stated he has a problem with opening the City yard for general public traffic and access because things have a way of disappearing.
22. Fred Montes de Oca stated that could be fenced in. "All I am asking is to get in and out of the property, (pointing to an arrow on the map). All that is, is a barbwire fence 3½' to 4' high right now".
23. Mayor Cliff Eklund inquired of Chief Bauer if this is secure at the present time.
24. Chief Bauer stated, "No it is not".
25. City Manager Glenn Trust inquired about "secure".
26. Mayor Cliff Eklund stated, "Chain link".
27. Councilperson Lincoln Litchfield stated, "It is secure so that you cannot drive through there".
28. Chief Bauer agreed. He stated, "In looking at the City ordinance, it provides on every property that there be off street parking and it also defines the legal driveway of 8' wide. In the diagram that Mr. Montes de Oca submitted, you will notice that between two (2) of the cabins, there is an actual 10' path. I actually got into my vehicle and attempted to turn in there off the alley if we were being a little unreasonable about it and I had no problem at all turning between the two (2) and there was plenty of room on either side. I noticed that when you got in there and passed the first cabin that it opens up to with ample room to turn a vehicle around and probably park other vehicles in there. I think the access actually exists. My next question was if coming off the alley, I was able to make the run easily and the photographs that I took shows the alley is actually 17' 10". I went up to Chestnut and the lanes are actually 12' so this is half again as wide as one of those lanes off Chestnut Street. My inclination is that although it might not be the best access, the property might be more desirable as I read the ordinance, it implies that the making of off street parking is the responsibility of the property owner, not the City and because it is not the best access, it does not mean it is not legal access. I submit that while it might not be the best access, that in fact there is access there that is legal and serviceable and if Mr. Montes de Oca wanted to make it more than that, he could certainly do so by off street parking".
29. Vice Mayor Donnetta Skinner inquired about an emergency on the property, what address would be used.
30. Chief Bauer stated it would use 906 ½ Oak Street. He stated that is printed on the one cabin and it has Number 1 on it, so the entire address would be 906 1/2 the cabins numbered 1,2, etc. He stated, "As a dispatch matter, if the address is 906 ½ Oak, that is based on the alley; it does not face Oak Street".
31. Karla Jones stated, "The Fire Department has been there with an ambulance and rescue vehicle. If there was a fire there, we have access to go on the City property or through the alley. There would be no problem as there is ample room. There was no trouble finding the address".
32. City Manager Glenn Trust stated, "There was almost universal opposition to the request for a number of reasons. Access like this sets a precedent that we would be hard put to deny in the future for anything else for whatever request they might have. Even more significant is that we would be using City property for a private business enterprise and that is not appropriate and raises certain ethical issues that could rise with other business owners. I think there is some additional liability assumed by the City in granting access across City property".
33. Mayor Cliff Eklund stated, "When there is an issue that affects the City directly, there is a comment sheet passed to all of the Department Heads. The Police Department and Public Works commented on it. Since there is no one here from Public Works, I will read their comments into the record. He noted that Mr. Bauer had already stated the Police Department's comments. He read: *Public Works, I would suggest one or two of the falling down buildings be torn down to add better access to the property in question. Also, see a letter from Public Works for additional comments: In regards to Item #6 of June 13, 2012 Carlin City Council agenda 9 Mayor Cliff Eklund corrected the item to #2), Public Works would like to make the following comments. Just about four years ago, the City Council put the issues concerning 906 Oak Street to rest, or so we thought. The property has access*

*through the alley between Camp Street and Oak Street. There is also a rental across the alley from 906 Oak Street that uses this same access and there has never been an issue. As far as doing a trade or purchase of the property at 906 Oak Street, I believe its only value is the bare lot. Unfortunately the cost of removing the dilapidated buildings would cost about 3 times the value of the property. I have concerns of granting anyone access to the City of Carlin. Before we fenced in the City Yard, the owner of 906 Oak Street stored a junked out singlewide trailer and other debris on City property adjacent to 906 Oak Street. We are still working on getting (it) cleaned up. I see no benefit to the City of Carlin to acquire this property and would caution the Council on granting access to the City Yard. s/Carlos Esparza, Director of Public Works*

34. Fred Montes de Oca stated, "You seem to have this confused, the bigger house would be 905 Oak and the little cabin would be 906 Oak and the rear one, 906 1/2 is the two places in the alley. Carlos (Esparza) is the one who talked to me about having a trade with these properties. He is the one who encouraged me to do that. I talked to Glenn (City Manager Glenn Trust) a little bit about that and also what he mentioned there from 10<sup>th</sup> Street to Oak Street, the renter was given a place to park and a place to grow a garden. I brought this to your attention a while back and nothing was done. Why is that not fenced in?"
35. Mayor Cliff Eklund stated, "It is being discussed today and it is going to be taken care of". He inquired who Lisa Roundtree is.
36. Fred Montes de Oca stated that is his niece.
37. Mayor Cliff Eklund inquired if she is the property owner of record.
38. Fred Montes de Oca stated, "Well, no what happened is, I bought it and I sold it to her and then I took it back and I have records of all of that. She did not pay any taxes, you can get a hold of her and find out everything".
39. Mayor Cliff Eklund stated, "According to the Assessor's office, it is registered in her name. That makes it a little different on how it is considered. If you are not the legal owner, then we cannot accept anything".
40. Teri Feasel stated, "That was a good point you brought up that he is not the legal owner. He says he bought it back, but if he has the title and it has not been recorded, it is not legal".
41. Mayor Cliff Eklund stated, "According to the Assessor's office, it is still in her name".
42. Teri Feasel stated, "Then you should be talking to the legal owner".
43. Chief Bauer stated, "As I understand it, it would be a legal process for the Council for appraisal and everything to sell the land and would have to go to public auction. The only other thing I would add is if it was just a matter of the City granting access through the alley to that piece of City property, once you grant that right-of-way, it is extremely difficult to take it back".
44. Mayor Cliff Eklund inquired about the property with the garden, confirming that is City-owned property, noting, "If the City were to put that property up for sale, would you be interested in buying it".
45. Fred Montes de Oca stated, "Possibly. No comment on that. I will say again people are not going to rent a block away to get that garden area".
46. Vice Mayor Donnetta Skinner stated that is not on the agenda.
47. Councilperson Lincoln Litchfield stated, "What is the liability if we grant access across there".
48. Mayor Cliff Eklund and Chief Bauer both stated it would be the "City's liability if anyone got hurt".
49. Karla Jones stated, "Planning and zoning, - I think you are shooting a dead horse until you find the property owner. I think you should not grant or deny a variance until you find out who the property owner is".
50. Mayor Cliff Eklund stated. "We are just acting on access".
51. Karla Jones stated, "You have the wrong property owner asking for that".
52. Mayor Cliff Eklund stated the ownership on record is a concern of his.
53. City Manager Glenn Trust explained an agenda item is for Mr. Montes de Oca to have access

- across the property and that “can be denied for any reason and the reason you are denying it is that he is not the legal property owner of record”.
54. Mayor Cliff Eklund questioned the agenda item noting Mr. Montes de Oca is not the owner of record of the property. “It is assuming in the agenda item that it is his property”.
  55. City Clerk LaDawn Lawson stated the request was made by Fred Montes de Oca to put this in as an agenda item and therefore his name reflects that request. She related, “In your decision, keep in mind what this could mean 5- 20 years from now because we deal with this every day, that a decision was made and it is not according to Code or it is a Special Decision and we have to go back and look at exactly how the motion was made and how it was stated. It really does cause us a lot of problems in our office. A problem like this snowballs and we deal with it in the office. The access is the issue and if you are going to grant it, you have to realize there are going to be problems down the years”.
  56. Mayor Cliff Eklund stated he would leave it up to the Council on how they would make the motion in consideration that the request was made by a person who is not the owner of record of the property.
  57. **Councilperson Lincoln Litchfield moved to deny the request from Fred Montes de Oca for the City to grant access across a portion of the City Shop yard to the property at 906 Oak Street from the east side for the purpose of parking, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously with Mayor Cliff Eklund voting in favor to deny the request of request from Fred Montes de Oca.**
  58. There were no further public comments.

**III. Discussion and possible approval of a request from Bill Miller Equipment to rezone Assessor Parcel Number 002-300-002 from Open Space to Light Industrial Zoning, and all related matters. (Action Item)**

1. Mayor Cliff Eklund reported this property was just incorporated into the City and they are constructing a building, which should be Light Industrial.
2. **Councilperson Lincoln Litchfield moved for approval of a request from Bill Miller Equipment to rezone Assessor Parcel Number 002-300-002 from Open Space to Light Industrial Zoning, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried with Mayor Cliff Eklund voting in favor.**
3. There were no public comments.

**IV. Discussion and possible approval of a parcel map prepared by High Desert Engineering for Richard Brazeal, map no. 212034, subdividing Parcel 1, as shown on the map on file in the Elko County Recorder’s Office as file no, 264812, and all related matters. (Action Item)**

1. Richard Brazeal explained he owns 4 ½ acres and he wants to split it to give his son half so he could build.
2. Councilperson Lincoln Litchfield stated they had come before the Planning Commission, which approved the change.
3. Mayor Cliff Eklund stated the Planning Commission had no issue with it and he does not.
4. Councilperson Lincoln Litchfield and Vice Mayor Donnetta Skinner agreed.
5. **Councilperson Lincoln Litchfield moved for approval of a parcel map prepared by High Desert Engineering for Richard Brazeal, map no. 212034, subdividing Parcel 1, as shown on the map on file in the Elko County Recorder’s Office as file no, 264812, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously.**
6. Richard Brazeal inquired, “I have a little loan on that place, so now I guess my next step is to pay that off now that I have this approved and then I can put it in his name, is that correct. I do not know my next step”.
7. Mayor Cliff Eklund stated he should to a financial advisor for that answer.
8. City Clerk LaDawn Lawson stated the parcel map has to be signed by the Planning

Commission and recorded. The final step is it will go on to the County Recorder. She explained the procedure for him to follow.

9. City Manager Glenn Trust stated all the people who have to sign off on the issue and the procedures necessary to make this legal. He stated he has to bring in the Mylar map prepared by Tom Ballew.

**V. Discussion and possible approval of a request from Michael Tangreen to serve on the Carlin Planning Commission, and all related matters. (Action Item)**

1. Mayor Cliff Eklund explained the Planning Commission met and discussed it, approving the request.
2. Vice Mayor Donnetta Skinner stated that Mike Tangreen had talked to her and would be unable to be at the meeting, but that he is very interested.
3. Councilperson Lincoln Litchfield stated the Planning Commission is lacking two (2) members.
4. Mayor Cliff Eklund stated that anyone new who wants to serve on this board should be approved because it brings fresh new ideas.
5. **Vice Mayor Donnetta Skinner moved for approval of a request from Michael Tangreen to serve on the Carlin Planning Commission, and all related matters. Councilperson Lincoln Litchfield seconded the motion. The motion carried unanimously with Mayor Cliff Eklund voting in favor.**
6. There were no public comments.

**VI. Review, discussion and possible approval of a bid for the narrowband radio purchase and upgrades for the City of Carlin's police, fire and public works departments, and all related matters. (Action Item)**

1. Chief Bauer stated the Invitation to Bid was advertised and no bids were received. He stated they then republished this to award it to a vendor and two local vendors, Eagle Communications and Sierra Electronics, who both submitted a bid. He stated the equipment is comparable, but different manufacturers.
1. City Manager Glenn Trust stated this is a budgeted item for 2-3 years and the amount budgeted was \$180,000, but the Sierra Electronics bid was significantly lower and recommended that the bid be awarded to Sierra Electronics.
2. **Councilperson Lincoln Litchfield moved for approval of a bid for the narrowband radio purchase and upgrades for the City of Carlin's police, fire and public works departments to Sierra Electronics, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously with Mayor Cliff Eklund voting in favor.**
3. There were no public comments.

**VII. Discussion and possible acceptance of the resignation of Ted Hensley from the Carlin Park and Recreation Board, and authorization to seek a replacement for approval by the City Council, and all related matters. (Action Item)**

1. **Vice Mayor Donnetta Skinner moved for acceptance of the resignation of Ted Hensley from the Carlin Park and Recreation Board, that he should be told that the Council appreciates his time and efforts on this Board, and authorization to seek a replacement for approval by the City Council, and all related matters. Councilperson Lincoln Litchfield seconded the motion. The motion carried unanimously with Mayor Cliff Eklund voting in favor.**
2. There were no public comments.

**VIII. Review, discussion and possible approval of Carlin City Council Resolution 2012 – 07 establishing the compensation rate for services provided by the City Attorney, and all related matters. (Action Item)**

1. Mayor Cliff Eklund reported the rate was approved at a previous Council meeting and a Resolution was implemented to formalize.
2. **Councilperson Lincoln Litchfield moved for approval of Carlin City Council Resolution 2012 – 07 establishing the compensation rate for services provided by the City Attorney. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously with Mayor Cliff Eklund voting in favor.**
3. There were no public comments.

**IX. Review, discussion and possible approval of Carlin City Council Resolution 2012 – 08 establishing the compensation rate for services provided by the City Engineer, and all related matters. (Action Item)**

1. **Councilperson Lincoln Litchfield moved for approval of Carlin City Council Resolution 2012 – 08 establishing the compensation rate for services provided by the City Engineer . Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously with Mayor Cliff Eklund voting in favor.**
2. There were no public comments.

**X. Discussion and possible approval of a request from the City of Carlin to rezone Assessor Parcel Number 002-300-001 from Open Space to Light Industrial Zoning, and all related matters. (Action Item)**

1. Councilperson Lincoln Litchfield reported the Planning Commission had no problem with this request.
2. **Councilperson Lincoln Litchfield approval of a request from the City of Carlin to rezone Assessor Parcel Number 002-300-001 from Open Space to Light Industrial Zoning, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried unanimously with Mayor Cliff Eklund voting in favor.**
3. There were no public comments.

**XI. Possible approval of the minutes for the Regular Meeting of the Carlin City Council on April 25, 2012 and May 23, 2012 and Special Budget Session on May 15, 2012, and all related matters. (Action Item)**

1. Councilperson Lincoln Litchfield stated they could not vote on April 25 or May 23, 2012 because members were not present.
2. **Vice Mayor Donnetta Skinner moved for approval of the minutes for the Special Budget Session on May 15, 2012, and all related matters. Councilperson Lincoln Litchfield seconded the motion. The motion carried with Mayor Cliff Eklund voting in favor.**
3. There were no public comments.

**XII. Review, discussion and possible approval of payments for the period 5/24/2012 to 6/13/2012, and all related matters. (Action Item)**

1. **Vice Mayor Donnetta Skinner moved for approval of payments for the period 5/24/2012 to 6/13/2012, and all related matters. Councilperson Lincoln Litchfield seconded the motion with Mayor Cliff Eklund voting in favor.**

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

1. Councilperson Lincoln Litchfield expressed his appreciation to people coming forward to serve on the Planning Commission.
2. Vice Mayor Donnetta Skinner reported the ride to the Interpretive Center was successful. She stated there should be more interest in the July 4 parade and the Senior Center has their float ready to put together. She commented on the Memorial Day Ceremony.
3. Mayor Cliff Eklund stated the Ogden ride at 7:30 a.m. had good participation, but noted the

organization has to be better next year.

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

1. City Clerk LaDawn Lawson reported on mosquito spraying would be held Friday, June 17 and the election in Elko county was 26%. She noted that Burns Funeral Home called today and were interested in the Carlin "C" and how to get information for lighting the "C" for a town in Utah. She noted they have students from JOIN and Barrick working for the City this summer. She stated they are getting close to moving the Administration offices.

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

1. City Manager Glenn Trust had no report.

**XVI. 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. Mayor Cliff Eklund noted that Karla Jones is the 2012 Citizen of the Year.
2. Karla Jones noted that June 21-23 is hosting a NSFA Conference in Elko at Great Basin College at 7:30 a.m.
3. Jeff Williams met with Rep. Amodei to let him know that everything has changed and things are still going ahead.
4. Mayor Cliff Eklund stated the last communication they had was that Carlin might have to buy the land.
5. Jeff Williams stated that might be the result.

**XVII. Adjournment. (Action Item)**

**Vice Mayor Donnetta Skinner moved for adjournment with Councilperson Lincoln Litchfield seconding the motion. The motion carried with Mayor Cliff Eklund voting in favor. The meeting was adjourned at 8:07 p.m.**

**APPROVED:**

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**MAYOR CLIFF EKLUND**

**ATTEST:**

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**CITY CLERK LADAWN LAWSON**