

CARLIN CITY COUNCIL  
CITY OF CARLIN, STATE OF NEVADA  
REGULAR MEETING  
CARLIN CITY HALL  
101 SOUTH EIGHTH STREET  
CARLIN, NEVADA  
April 11, 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.

1. Council Members Present: Mayor Cliff Eklund  
Vice Mayor Donnetta Skinner  
Councilperson Lee Griswold  
Councilperson Lincoln Litchfield  
Absent: Councilperson Steve Feasel
2. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson, and Chief of Police William Bauer
3. Present: Roger Anderson, Lloyd Myers, Rick Anderson, Nathan Rogers, Francesca Rogers, Howard R. Wright, Tasha Caple, Bill Caple, Karla Jones, Nicole Stress, Lisa Wolf

**Pledge of Allegiance**

- I. **Update, presentation and possible approval of construction timelines for the residential development project to be conducted by Carlin Nevada Development, LLC in order to meet the requirements of the extended development agreement deadline of December 31, 2012, and all related matters. (Action Item)**
  1. Mayor Cliff Eklund reported Byron Georgiou had contacted the City to say there was an emergency in his family; his wife is in the hospital and he would not be present. Mayor Cliff Eklund stated there are two (2) options since Mr. Georgiou did not send a representative. The way the motion was made and approved last time, this extension was contingent upon Mr. Georgiou being present at this meeting. Mayor Cliff Eklund stated they could either table this item and reschedule it for the next Council meeting or suspend their agreement with Carlin Nevada Development LLC.
  2. **Councilperson Lee Griswold moved to table approval of construction timelines for the residential development project to be conducted by Carlin Nevada Development, LLC in order to meet the requirements of the extended development agreement deadline of December 31, 2012, and all related matters. The motion died for lack of a second.**
  3. Councilperson Lincoln Litchfield stated he would like some discussion before a motion is made. He inquired about what would be a reason to extend or not extend; is there anything positive for the City either way.
  4. Mayor Cliff Eklund stated they had to make a decision on whether they are going to extend it or terminate.
  5. City Manager Glenn Trust stated he spoke to the City Attorney who stated they could make any decision they wanted to. He noted that when Mr. Georgiou called, he said his wife was expecting and went into premature labor last night and was taken to the hospital where Mr. Georgiou was "all of last night and today". He stated, Mr. Georgiou respectfully asked if he could table this and schedule on the next Council meeting to which City Manager Glenn Trust stated this would not be well received and asked him if he would have a representative here and he responded there was no one else available. He also explained that Mr. Georgiou did mention he had been working with a local construction company and City Manager Glenn Trust told him they would have to see what the Council wanted to do. He noted the City Attorney did say that the Council was within its rights to suspend the agreement.
  6. Mayor Cliff Eklund reported that he met with a local construction company and they are

- looking at doing a lot of hiring and he proposed that they get in touch with Mr. Georgiou and see if they could work out a deal where they would do the construction work in lieu of some housing or whatever, to which they were receptive. He stated they have made contact.
7. Vice Mayor Donnetta Skinner stated that he is not present and that he did not even make an effort to call with his problems or that he would have a representative present. She stated he is not “honest about the whole thing and I think he is just stonewalling us and am not sure we should give him more time”. She related, “I think he should have been on the phone with us tonight to explain what is going on or what he has started to do”.
  8. Mayor Cliff Eklund noted in looking at the minutes, “he (Mr. Georgiou) has been in violation for quite a while”, because in the motion made by Councilperson Lincoln Litchfield at the previous meeting with Mr. Georgiou, he was to report to City Manager Glenn Trust on a weekly basis and show up on April 11. Mayor Cliff Eklund further suggested, “I do not think any of that has taken place”.
  9. City Manager Glenn Trust replied that he had not.
  10. **Councilperson Lincoln Litchfield moved to revoke approval of the extension of construction timelines for the residential development project to be conducted by Carlin Nevada Development, LLC, as Mr. Georgiou has not made any of his requirements to this date, and all related matters. Vice Mayor Donnetta Skinner seconded the motion.**
  11. City Manager Glenn Trust confirmed the intent of the motion, that “we are revoking the extension of the agreement that was extended on February 22, 2012”.
  12. Councilperson Lincoln Litchfield replied affirmatively, saying his contract is “null and void”.
  13. Roger Anderson stated he agreed, because it has been a “long and drawn out thing”.
  14. Mayor Cliff Eklund stated they have another developer that is interested.
  15. David Trujillo stated he was on the Council when they first made the agreement and he has driven down that road 5-6 times a week to see if anything is happening. He noted there has been nothing done and he “personally feels they are doing the right thing”.
  16. Mayor Cliff Eklund stated there was motion on the floor, due to lack of Mr. Georgiou’s lack of participation in the agreement.
  17. **The Council voted unanimously in favor of the motion.**
  18. Discussion was held on contacting the other party interested in the property.

**II. Review, discussion and possible approval of the City of Carlin’s Tentative Budget for Fiscal year 2012 - 2013, and all related matters. (Action Item)**

1. Mayor Cliff Eklund reported they have held several workshops and there has been agreement and commended the staff for presenting a balanced budget.
2. Councilperson Lincoln Litchfield stated he agreed and complimented all the department heads, staff and city manager.
3. Vice Mayor Donnetta Skinner also agreed, stating, “It has been an easier one this year and nice that it has been organized”.
4. **Councilperson Lincoln Litchfield moved for approval of the City of Carlin’s Tentative Budget for Fiscal year 2012 - 2013, and all related matters. Councilperson Lee Griswold seconded the motion.**
5. City Manager Glenn Trust stated the transmittal sheet required by law to be sent to the Department of Taxation, which states that this budget contains one (1) fund including Debt Service, that requires property tax revenue of \$312,789. The property tax revenues computed herein are based on preliminary data. If the final state computed revenue limitation permits, the tax rate will be increased by an amount not to exceed 0%. If the final computation requires, the tax rate will be lowered. This budget contains 12 governmental fund types with estimated expenditures of \$2,924,500 and 1 proprietary fund, the Utility Fund, with estimated expenses of \$956,780. Copies will be filed in the Department of Taxation pursuant to NRS 354.596. He stated this is the tentative budget that goes to the Department of Taxation by April 15. He stated he has noted for scheduling purposes that the official hearing required by statute will be on May 15, 2012 with a tentative time of 5:30 p.m.

6. Discussion was held on the time.
7. **The motion carried with Mayor Cliff Eklund voting in favor.**

**III. Review, discussion and possible approval of responses to the Survey Form regarding Consolidated Tax Distribution Proposals from the Legislative Counsel Bureau, and all related matters. (Action Item)**

1. Mayor Cliff Eklund stated this is an effort by Lyon, Washoe and Clark Counties to change the way that taxes are distributed and it would take taxes from every other county and give to them, because their tax base is based on population. He noted their population is shrinking and “ours is growing”.
2. City Manager Glenn Trust explained a form was received from the Legislative Counsel Bureau, noting Chairwoman Kirkpatrick’s subcommittee is coming out with a plan that possibly would redistribute Consolidated Tax, a composite of sales tax, property transfer tax, etc. He noted this is the City’s largest revenue and any impact of that would limit the City’s ability to provide services. He stated they want the response this week. He read Proposal 1 and his response would be “Oppose. This issue is adequately addressed in NRS 360.730 and 740. We see no reason to penalize other 1<sup>st</sup> and 2<sup>nd</sup> tier entities to resolve this issue”. He read Jerry Norton’s comment also opposing and noted “it is really not the City’s issue and it would allow them to set precedent from taking money from other entities to make up for their failure to do their homework”. He stated Proposal 2 from Reno who wish to adjust their base distribution by \$1,951,966 in 2014. He read his response “No opposition as long as the total Washoe County base Revenue is not increased to offset at the expense of other entities. Again, this should be addressed through the current statute, with Washoe County presenting a cooperative agreement to the Executive Director in which Reno and the County have agreed to the revised base distribution. If the intent is to have other Tier 1 and Tier 2 recipients reduce their revenues to offset this expense, we strongly oppose”. He also read Ms. Norton’s comment, stating the Legislature was virtually unanimous in passing this in 1998 and the statute is currently doing exactly what it was supposed to do. He noted they looked into the future with the idea that an area that was declining should receive less and the one growing receive more. He stated now they want to change the rules. He noted Proposal 3 is from the City of Las Vegas they want the North Las Vegas Library District to receive Consolidated Tax at the 2<sup>nd</sup> Tier Level. He stated the statute is very clear that the only entities that receive this tax are Enterprise Districts, such as water or utility or local governments. He stated the Library District does not apply and he is opposed because it does not meet the original intent. He stated his response, Oppose. It does not appear to us that a Library District meets the intent or definitions of Special District or Enterprise Districts as outlined in NRS 360.710 or 360.740. We are not in favor of diluting revenues used by this City for essential services to fund this operation. If the intent is to develop a cooperative agreement between Clark County and the Library District, we would not be opposed as long as there is no impact to available revenues for other Tier 1 and 2 recipients. He also read Ms. Norton’s comment on Proposal 3, and her comment on Proposal 3, Question 2, “No, however, we would appreciate information as to how the Library District plans to generate sufficient revenues through user charges to operate as an enterprise fund”. He discussed the three parts of Proposal 4 from the City of Sparks and his response to Question 1 is “Oppose. This negates the reality of negative growth that has occurred and which NRS 360.690 and 360.695 specifically address. We feel the Legislative intent is clear and equitable in drafting the current statute. There should be increased revenues associated with growth and diminished revenues associated with decline. The statute was actually quite far-sighted in anticipating such issues and providing a solution”. He noted Sparks and Washoe’s assessed valuations have shrunk. He also read Ms. Norton’s comment. He stated they oppose Question 2 and 3 for the same reasons. He stated this would impact the City negatively for generations if it is allowed to be implemented.
3. Mayor Cliff Eklund inquired other city managers opinions. He stated if the situation were

- reversed, we would not have the ability to exert the pressure that Clark, Lyon and Washoe Counties can on the Legislature. He stated this is bad fiscal policy to “go out on a limb, establish that policy and say we are going to maintain at the 2012 level”. He stated this is a very serious impact on the City’s ability to collect the excess distribution.
4. Discussion was held on a 5-year allocation.
  5. City Manager Glenn Trust stated the current statute was far-sighted when developed. He read Ms. Norton’s comments, which agree with the City’s. He stated Question 2 would be frontloading the tax, and therefore taking any excess distribution possibilities and Question 3 where they would take 35% of the excess revenues and distribute it based on percentage to the base allocations and the remaining 65% among cities in proportion to each city’s average population and assessed valuation. He noted his response is to oppose for the same reasons also. He stated this would guarantee these larger numbers and this is negative for Carlin to which his response was “Oppose”, agreeing with Ms. Norton. He stated there are 3 parts to Proposal 5 from the City of Las Vegas, noting they again are very careful in wanting to avoid referral to the excess distribution. He stated this would be the base allocation would become the prior year’s plus any excess distribution. He stated this is frontloading again at the expense of the Counties that would get excess distribution. He stated Part 2 would change a negative value for the 5-year growth average to “0”. He stated his response was “Oppose. This would negate the fair and equitable intent of NRS 360.690 and 360.695. Again, this is a sort of financial gerrymandering to which we are opposed. Market factors (assessed values and population growth) have a bearing on revenues. “Hold Harmless” would merely provide a disproportionate share of currently available revenues to entities whose revenue input into the total has decreased, thereby diluting revenues to other entities”. He stated Ms. Norton agreed with the City’s stance. He stated they oppose Question 3 for the same reasons as #2. He noted Ms. Norton questioned Question 4 that “it is not clear how the provisions of Part 3 would be applied”. He stated he is not sure how much “clout” the City will have. He stated he answered “Yes” to Proposal 6 #1 discusses a new city can get a share of their County’s tax and he had no problem with extending this because the deadline is December 31. Prior to the start of the fiscal year. He stated General Policy Issues Number 1 they had no opposition with qualifier, #2 and #3 the response was “yes”, #4 was “Oppose. We prefer the current prior year before excess CTX plus adjustment by CPI and In favor of the one-plus only method”, #5 was “Yes” and #6 and #7 were “Oppose”. He stated the Final Question’s response was “The statutes are functioning as intended. Everyone agreed with them when the economy was strong with the understanding that if it declined there would be some adverse, but necessary, impacts to revenues. Now that the budgetary pains have arrived, some feel that the statutes are not equitable when, in fact, they are extremely fair and are doing exactly what was intended. We do not feel that the answer is to revise the statutes in favor of larger entities that are overextended at the expense of smaller entities that would not be able to exert the same pressure for change if the situation was reversed”.
  6. Mayor Cliff Eklund stated John Ellison is very concerned about this passing, which would greatly diminish the funding to cities the size of Carlin. He stated Pahrump is trying to organize as a City and each time they do that it would diminish our economy and ability to maintain the City.
  7. Councilperson Lincoln Litchfield agreed.
  8. Vice Mayor Donnetta Skinner complimented Mr. Trust.
  9. Councilperson Lee Griswold stated it is “all take and no give”.
  10. Discussion was held on the proposals and the fact the larger counties should adjust their services.
  11. City Manager Glenn Trust stated their allocation is still in “million of dollars”. He stated the responses have to be to the subcommittee by Friday and they are already meeting and will continue to be so. He stated the bill would be whatever is passed in the Legislature next year.
  12. Discussion was held on merging the comments of Ms. Norton and City Manager Glenn Trust or leaving them separate.

13. Discussion was held on the Consolidated Tax being 70% of the Carlin revenue.
14. Jay Duke inquired what the City is doing to mitigate any revenue it loses.
15. City Manager Glenn Trust states the budget process addresses the risks. He stated the Council passed a resolution that requires us to maintain a general fund balance of a minimum of 75% of the previous year's expenses. He stated they pay cash when they can and ensure there is no outstanding debt. He stated the city can incur debt at 20% of its assessed value by statute and they have less than that currently.
16. Discussion was held on partnering efforts.
17. City Manager Glenn Trust stated the Nevada League of Cities are making sure all of the responses are being put before the subcommittee.
18. Mayor Cliff Eklund reported in the last legislative session when they redistricted, it created 8 new districts in Clark County and "we have lost 2 seats".
- 19. Vice Mayor Donnetta Skinner moved for approval of responses to the Survey Form regarding Consolidated Tax Distribution Proposals from the Legislative Counsel Bureau, and all related matters. Councilperson Lee Griswold seconded the motion with Mayor Cliff Eklund voted in favor.**

**IV. Review, discussion and possible approval of a request from Edward and Nicole Stress to rezone Parcel 002-022-006, commonly know as 802 Fir Street, Carlin, Nevada, and all related matters. (Action Item)**

1. Councilperson Lincoln Litchfield reported the Planning Board heard this on March 2 and their recommendation was to change it from C1 to Intermediate Residential.
2. Discussion was held on why it was zoned commercial previously.
3. Councilperson Lincoln Litchfield stated this would clear up one aspect of spot zoning.
- 4. Vice Mayor Donnetta Skinner moved for approval of a request from Edward and Nicole Stress to rezone Parcel 002-022-006, commonly know as 802 Fir Street, Carlin, Nevada, and all related matters. Councilperson Lee Griswold seconded the motion. The motion carried with Mayor Cliff Eklund voting in favor.**

**V. Review, discussion and possible approval of payments for the period 3/28/2012 to 4/11/2012, and all related matters. (Action Item)**

- 1. Vice Mayor Donnetta Skinner moved for approval of payments for the period 3/28/2012 to 4/11/2012, and all related matters. Councilperson Lee Griswold seconded the motion with Mayor Cliff Eklund voting in favor.**

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

1. Councilperson Lincoln Litchfield has been looking at the Master Plan and they have decided to review zoning until Title 3 is done.
2. Councilperson Lee Griswold had no report.
3. Vice Mayor Donnetta Skinner reported the Spring Fling would be held by the Fire Department on April 21. She stated the egg hunt was held by Friend of the Library and the cemetery is being readied for Memorial Day.
4. Councilperson Lincoln Litchfield reported April 28 is the County's Clean Up Day.
5. Discussion was held on Carlin's Clean Up Day.
6. City Clerk LaDawn Lawson stated it would be the week before Memorial weekend.
7. Vice Mayor Donnetta Skinner stated the seniors would not hold their yard sale this year.
8. Mayor Cliff Eklund reported Justin Gerber contacted him about Peter Skeen Ogden ride on June 2 and he would have horses available. He stated he does not have the time the ride will begin. He reported about 2 weeks ago, he was contacted by a developer for the property west of the Senior Center. He stated he told the developer to have the money and everything in writing.

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

1. City Clerk LaDawn Lawson had no report.

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

1. City Manager Glenn Trust had no report.

**XI. Comments by the General Public: Pursuant to NRS 241.020(2C) this time is devoted to comments by the general public and discussion to those comments. No action may be taken upon a matter raised under this item until the matter has been included on a successive agenda and identified as an action item. (Non-Action Item)**

1. None.

**XII. Adjournment. (Action Item)**

Councilperson Lincoln Litchfield moved for adjournment with Vice Mayor Donnetta Skinner seconding the motion. The motion carried with Mayor Cliff Eklund voting in favor. The meeting was adjourned at 8:15 p.m.

**APPROVED:**

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**MAYOR CLIFF EKLUND**

**ATTEST:**

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**CITY CLERK LADAWN LAWSON**