

**CARLIN CITY COUNCIL
CITY OF CARLIN STATE OF NEVADA
REGULAR MEETING
CARLIN MUNICIPAL COURT ROOM
101 SOUTH 8th STREET
CARLIN, NEVADA**

February 08, 2017

7:00 P.M.

Call to Order and Roll Call:

Mayor Dana D. Holbrook called the meeting of the Carlin City Council to order at 7:00 p.m.

Council Members Present: Mayor Dana D. Holbrook
Vice Mayor Lincoln Litchfield
Councilperson Margaret Johnston
Councilperson Pam Griswold

Council Members Absent: None

Staff: David Jones (City Manager), LaDawn Lawson (City Clerk), Dennis Fobes (Police Chief), Carlos Esparza (Public Works Director), Ella Trujillo (Carlin Senior Center Director), Lauren Landa (City Attorney), Tom Coyle (City Attorney), Linda Bingaman (Carlin Fire Chief), Roger Curry (Assistant Carlin Fire Chief), Michael Abrams (Assistant Carlin Fire Chief), Tyler Thomas, Floyd Davey, and Taylor Martin (Carlin Police Officers), Lila Sexton (Carlin Code Enforcement Officer), Karen Carr-Brian (Police Administrative Assistant)

(Pledge of Allegiance)

Public: Doug Martin, Gayle Zomar, Ronie Waddell, Thomas Burney, Kathy Burney, Jon Gift Sr., Tom Bingaman, Donnetta Skinner, Mark Clough, Bubba Sexton, Fred Montes De Oca, County Commissioner Cliff Eklund, Sabra Esparza, Carrie Huntley, Rick Huntley.

1. Comment by the General Public: Pursuant to NRS 241.020(2)(D)(3)(I & II) 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 pursuant to the required procedures at discretion of the City in accordance with applicable law and identified as in action. **(Non-Action Item)**
 - A. ***Cliff Eklund (Elko County Commissioner): Reviewing flood damage throughout the county. Fortunate in Carlin, we have not seen the flooding that there has been to the east of us. Not as much flooding today as yesterday. Dirt roads are washed out. County Commission meeting will be here (in Carlin) on Wednesday at 1:30 p.m.***
 - B. ***Donnetta Skinner: Directory at cemetery. It is too hard to read and wants to replace it before Memorial Day. She wants ideas for it. Will pay for it since her grandson put it in. She wants something that will make the names more legible and easier to***

find. Wants some input. The lettering is not easy to read. Print N' Copy can take it up to three or four times bigger than what it is. Maybe I need to redo it. I will pay for whatever it costs to fix it, so that we can get it done before Memorial Day.

2. City Council Member Report. **(Non-Action Item)**

A. Councilperson Pam Griswold:

- a. Senior Center is doing well. Going out to bid for the door openers to make it ADA compliance. At least one bid coming.
- b. Senior Center is holding a fundraiser this Saturday for bingo.
- c. Parks n' Rec Board had to cancel their meeting last night so that is all I have to report.

B. Mayor Dana Holbrook:

- a. Ethics meeting was excellent. Wayne Carlson put it on and we got a lot of good ideas.
- b. Looking at budgets.

C. Vice Mayor Lincoln Litchfield:

- a. Donnetta Skinner is the newest member of the Planning Commission. They have five members now, with one seat still open. Moving through Title 3.
- b. Wayne Carlson brought different policies on their agenda.
- c. Wants to see a master plan on a future agenda to keep it current.

D. Councilperson Margaret Johnston:

- a. Currently does not have anything for City Council to report.

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

A. City Manager David Jones:

- a. Chinese Gardens are closed due to public safety interest due to the flooding, with Mary's Creek rising.
- b. Flooding throughout the town is minor. Our major flooding was a couple of weeks ago.

4. City Clerk's Reports. **(Non-Action Item)**

A. City Clerk LaDawn Lawson: Office is doing well.

5. Carlin Police Department Report **(Non-Action Item)**

A. Police Chief Dennis Fobes:

- a. January stats for the Council, we will report this on the second Council meeting of every month. January, 14 arrests, 28 citations, 55 agency assists: assisting high patrol, ambulance, fire. 3 home alarms: 33 animal, 2 reckless drivers, 2 death investigations – one ongoing, 6 missing persons reports, 10 civil disturbing the peace reports, 29 suspicious calls, 6 burglaries, 120 traffic stops, 5 welfare checks, 5 search warrants, 397 total cases. Training – 16 hours per officer of training, that they need to keep up with every year. In January they did defensive tactics training.
- b. 6 cases we had to go to court for.
- c. Of those 14 arrests, 3 DUI, and 3 driving on a DUI revoke license, 3 Warrant Arrest, 1 Statutory Rape/Ludeness with a Minor, 1 Disturbing the Peace, 1 Possession of a Controlled Substance, 2 Domestic Battery, 2 Juvenile Arrests,

d. 397 cases is a little bit down from last year.

6. Carlin Fire Department Report (**Non-Action Item**)

A. *Fire Chief Linda Bingaman:*

- a. Don't have a whole bunch tonight. Working hard to close out the stats for last year. They are missing lots of cab records, which are dispatch records, so they are going through methodically and making sure that they have the necessary reports. They had training for ambulance Monday, did pharmacology, will be doing quality control in March. Have fire training calendar set for the year.*
- b. Dispatch did not send back the paper work.*
- c. Getting paperwork is on Linda's shoulder.*
- d. No longer have a full time city employee at the fire department. Struggling to do time consuming stuff. Robert Jess used to check with dispatch every week. Will talk about getting a new employee at the first of the year*

7. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**

Review discussion and possible decision to consider applicants to fill a vacancy in the office of a City Council Member and possible appointment of an applicant to fill vacancy of a City Council Member through election and majority vote by the members of the City Council, two citizens applied for this position Sabra Kilene Esparza and Thomas James Burney and all related matters. (**Possible Action Item**)

A. ****Moved to Item 15.****

- B. Mayor Dana Holbrook: First off on this, Council, are there any issues with either of these members being appointed to the Council.*
- C. City Attorney Lauren Landa: There are a few items that you have asked me to discuss prior to discussion of both candidates. The first issue is what constitutes a conflict of interest for a Council Member. A Council Member has to disclose and/or abstain depending on what the disclosure is. If you have accepted a loan or a gift from a person who is part of this Council, if you have received a significant pecuniary interest, or your decision is reasonably affected by your private commitment to another person, then you must disclose this information and/or abstain from voting, depending on what level that disclosure rises to. The abstention is required if the independent judgment of a reasonable person in your situation would be materially affected by your acceptance of the gift or loan of significant pecuniary interest or the commitment in the private capacity to another person. To our knowledge, we are not aware of any of those issues at this time. However, you may have knowledge of your own circumstances that could rise to that level. This is also included because of questions regarding Mrs. Esparza's application. She is married to Carlos Esparza, the Public Works Director. There have been many questions about the nepotism statutes. In our research regarding election and appointment of individuals, it appears the Ethics Commission and Attorney General differentiate whether or not it is a violation of the nepotism statute if the person is within the third degree of consanguinity if the employee is employed after the person is placed on the Board. So there is no violation if the person is elected or appointed after the employee is already employed. So that looks like that's their deciding factor. There is one Attorney General opinion out there that talks about a Board of Trustees that they said was not a violation for them to hire*

someone within the third degree of consanguinity because the employee had already been employed and the Council can take that at their own discretion. Also, Council Members should be chosen based on the City's best interest as determined by this Council. There is timing requirements within the Code. However, those may be extended if this Council so desires it. It doesn't look like there is anything that restricts that if you see fit.

- D. Mayor Dana Holbrook: Thank you. So are there any Council disclosures that need to be made.*
- E. City Attorney Lauren Landa: Sorry. Also we have the notice requirements for both applicants by personnel service and/or written waiver. So those issues are taken care of as well.*
- F. Mayor Dana Holbrook: Is there any disclosures? No disclosures. Everybody feels comfortable. I'm going to start this off by asking a couple of questions of the candidates and then we will open it to the public, if they any questions, and then the Council if they have any questions, and then we will move along to vote if the Council feels comfortable. Thomas James Burney, could you please take the stand.*
- G. Thomas J. Burney: Thomas Burney, 317 Main, for the record. Applicant for the City Council seat.*
- H. Mayor Dana Holbrook: I'm going to ask you the first question. I'm going to ask you a few here and the first couple are going to be stuff that you put in your application, but I know people here haven't heard what it is. Can you give us a general background?*
- I. Thomas Burney: Sure, a couple of things here. I'd like to start off by recognizing the Council here. You have a difficult task ahead of you this evening. You have got two applicants here that regardless of who is appointed is going to be a benefit to the community of Carlin. The upside of that is no matter how you choose, you are going to have chosen wisely either way. I think that that's a perfect state of the City, first off. I attend Council Meetings pretty regularly. I've got some thoughts about some goals in mind. Number one, as I have brought here to the Council several times is I consider our biggest challenge to be communication. I've got some thoughts about that. That doesn't necessarily make me right and somebody else wrong, but I think they need to get out there where we can see what we can use and what we can work on together. Another thing that I think I would like to work on, I've talked about this a little bit before with Pam, I want to conduct a light audit. In view of the class that we attended the other night, perhaps the Mayor would appoint me, one way or the other as an Advisory Commissioner to do a lighting audit. We have areas here in town that are overlit. Intersections with three street lights. By themselves, that's not a big deal, but you know, I'm thinking maybe if we got rid of twenty street lights. That might be a couple of thousand dollars a month, possibly. I think it needs to be looked into. My third goal, I would really like to see something better in place to return to us to access to Get My Ride, Elko County transportation, particularly in the summer time for the kids to go to the swimming pool. That would be three goals that I would majorly look to.*
- J. Mayor Dana Holbrook: I'm going to ask Sabra a question and actually. Why you would serve on the Council?*
- K. Sabra Esparza: I recently moved to Carlin about two years ago and got married to Carlos (Esparza). I came from a small town in Oklahoma. I served in the military for*

thirteen years and currently am in the process of retiring out of the military, so I want to continue doing leadership somewhere, because I like to do leadership. I also enrolled in a program at Great Basin to get my secondary education certificate attached to my current degree and so hopefully, soon, I will be teaching here at Carlin High School. One of my big goals, I love young people, obviously because I'm a teacher, going to be a teacher. I love young people and I would like to see Carlin have more programs for our young people, for our children. I know that Parks and Recs does the Friday nights during the summer and there are a couple of other things, but not a lot. Not a lot for our kids. And when I talk to them in school when I am subbing, they're not really connected into their town, and I hate that because where I grew up, we were all about our town. And I would like to see our kids be more involved in our town, in our community, and have more events for them. Another thing is I travelled a lot around the United States with my Army career and every time I would look for a little town where I could pull off to get gas that looks safe, that looks beautiful, that looks nice, that looks, you know – looks inviting. Someplace I would want to stop for the night, or someplace to go, and I would like to see Carlin be a little more like that. We have a lot of traffic come through, a lot of transient people come through with the truck stop. A lot of people prefer to stop here because Elko is a bigger town and they want to pull off here to stop. And it would be nice to have Carlin be that inviting little town that pulls people in, to say: hey, come spend your money here. Come – you know – give us some money for our budget. Another thing I know the town is struggling really bad with the budget, so I would like to look at some items and maybe sideways to raise some money to help our city because you can't raise taxes. Nobody wants their taxes raised, right? So you have to look at other ways to bring in money to the community because without the money, the community dries up and goes away, and we can't have that. I'm planning on spending the rest of my life here. My grandkids live here and this is where my husband lives, and this is where I decided to live. So we can't have Carlin dry up and go away now, where would my retirement plan go, you know? So that's another thing I would like to see happen. Find ways to enhance the City budget so that we can – you know – get some stuff together in the City that would help bring in people.

- L. Mayor Dana Holbrook: Thank you and now you (Sabra Esparza) are going to answer the next question first. How much time can you devote to this Council?*
- M. Sabra Esparza: Currently all I do is sub, so I have a lot of time on my hands, but now that school is over, because school took a lot more time for two years. Now that school is over and I will have a regular career and job, I assume that I would have evenings free for Council and I would – I love talking to people. So I'm always a people person. I have time to sit on committees and do different things.*
- N. Mayor Dana Holbrook: Okay, thank you. Mr. Burney, how much time do you have?*
- O. Thomas Burney: One of the things that I have always prided myself on is adaptability. It has been a Hallmark of my service in different capacities where I have worked. Probably the highest the compliment that was ever paid to me, I was an assistant superintendent for a pipeline company and we had an outside contractor that was managing the job budget and everything like that. He had been there for about two months and one day I came in and the phone rang, some off the wall something. His point to me was: I can't believe I have never seen anyone like you before in my entire*

- life. You are always available. No matter what it gets done. Part of what goes with that is I strive to – if you have some attention or want an answer, you get it right now. It might not be the answer that you want, but I'll see to it that you get something.*
- P. *Mayor Dana Holbrook: Thank you. Alright so now we will go back to you (Sabra Esparza). What do think is your biggest strength?*
- Q. *Thomas Burney: I guess I have to – what I just alluded to: adaptability. I – maybe perhaps my second greatest strength and maybe a detriment sometimes is I work very hard to educate myself – about a lot of things. My education is very eclectic. I've been complimented, Pam, by you in particular for coming in here and explaining things. Sometimes I felt like you got beat up a little bit. You would ask a question and I appreciate that – that you recognize something that wasn't your strong point and to be able to come up here and explain it to you generally in a manner that you said made it understandable to you. I work hard to do that.*
- R. *Mayor Dana Holbrook: Thank you, Mrs. Esparza what is your greatest strength?*
- S. *Sabra Esparza: I think the army has taught me how to be a good team player. They taught me a lot of good leadership skills, about how to work with other people. You just can't be a good leader if you don't know how to work with people and so that is one of my big ones. And another strong strength I have, I feel is integrity. I don't – I couldn't tell a lie if somebody paid me. So I feel like I am very open and honest and that would be an asset to the community that they know they could trust me and whatever I said would be the truth.*
- T. *Mayor Dana Holbrook: And then the last question I have and I'll ask you (Sabra Esparza). What do you feel is one of your biggest weaknesses?*
- U. *Sabra Esparza: I'm a little scared. I'm scared right now. Meetings scare me. Talking in front of people scares me, so I think I'm a little timid, a little shy, and that's kind of my big weakness that I always have to overcome in every situation that I have ever been in. But I have always been able to overcome it, you all can't see but I'm a little shaky right. But that is my big thing. I always have to get past that when I talk to people. I have to get past that, wanting to hide in my shell.*
- V. *Mayor Dana Holbrook: Thank you. And Mr. Burney?*
- W. *Thomas Burney: I guess biggest weakness – I work very very hard to make sure that I provide all of the information. Sometimes that gets be to excess. I don't – I work very hard to never ever have somebody come back to me and say what about this or what about that or I – and sometimes that desire to make sure everybody gets all of the information – I tend to overdo it, maybe a bit. Maybe something that goes along with that is I don't consider myself particularly able, or adept, or above average. A lot of times over the years people have pointed out that you are actually better than you give yourself credit for. What happens with that is that I have also had to deal with “yeah we know you're right, but you don't have to be so damned right”.*
- X. *Mayor Dana Holbrook: Alright, those were my questions and is there anything that the audience would like to ask?*
- Y. *Jon Gift: I have lived here in Carlin for twenty-four years and I actually was on the Council for a while and stuff too. I don't come to as many Council meetings as I should, I have been coming to them here lately and one of my concerns as a citizen is your (Thomas Burney) always here, in public comments, and I hear a lot of negativity from you (Thomas Burney), so I mean, myself, personally, I wonder do have an*

agenda running for Council because I know you have a lot of heart ache with certain things in town. I would hope that your running for a positive thing and not a negative thing because I have seen people run for Council before and have an agenda, and once that agenda is satisfied, they – well they don't participate anymore.

Z. Thomas Burney: I would respond to say and add you know there is – yeah – absolutely, guaranteed but as far as me having an agenda that seems to drag on and on and on. I have provided every opportunity for somebody – let's sit down and sort this out and I keep getting ignored, no response, for whatever reason. And I'm not sure it makes a whole lot of difference, you know, a simple okay or heard you. One of the things that drives me nuts, you walk into a store and yeah the guy is busy, he has got two or three customer, just a little acknowledgment, I'll get right to you, but when they service two or three people and you get nothing – I get annoyed. But no, no matter what you get my best effort and if things don't go my way, okay that's fine, let's move on. But right now – you know, we have been a year and a half on some of these issues. Could have been sorted out a long time ago.

AA. Mayor Dana Holbrook: Alright, are there any other questions from the audience? Does the Council have any questions?

BB. Councilperson Margaret Johnston: I've got a question. She (Sabra Esparza) is running and Carlos (Esparza) is up for reappointment, how does it affect our votes?

CC. Vice Mayor Lincoln Litchfield: Carlos Esparza isn't coming for reappointment.

DD. Councilperson Margaret Johnston: He isn't coming for reappointment? Never?

EE. Vice Mayor Lincoln Litchfield: I've got a – I've sat on this Council for a number of years now. When I first got on Council, I had a lot of preconceived ideas on what it felt like to sit up here and to rule on things and I think every Council Member here comes with a preconceived idea on how we are going to vote on an agendized item. With that in mind, how flexible would you be to sit at this table to rule on an agendized item when the outcome by the public is contrary to your preconceived ideas? Either one of you can go first.

FF. Thomas Burney: You know there have been plenty of things that I have not been pleased about. I think by and large I have worked extra hard to make myself civil. Once the thing is done, it's done, I'm not interested in getting even. Maybe a – a small insight to one of the little things – I hate haters. You have to think about that a minute. You know. And I do – I guess I would point that out. A lot of things – you know there were some issues here were discussed about the thing about nepotism and stuff like that. I have spoken with someone earlier this evening and they had some pretty direct things to say about the nepotism thing and I pointed out that I have for a long time – I didn't need an opinion from the Attorney General. I already knew when – Dana when you took the seat, at the time when Karla Jones was looking to run for City Council, the question of course came up to date. I said at that time, you know the difference is, is if a person was already elected, as the Attorney General has pointed out, that they can't hire somebody, but it only makes sense. Not because the Attorney General said so, but because it's the right thing to do. If somebody is working here, you can't deny somebody else the right to run for office. It's – that's a no brainer. I don't need an Attorney General for that. I think about things a lot and Lincoln, it's fair, but people have done their job. They have come here with something to say and they just decided this that or the other. If it is – it is so be it. If it is open ended it's subject to change,

then I think I ought to change it. You attended that meeting last. How many times did that guy say “I put something before the board and it was voted down and years later they came and voted it in?” If it doesn’t go my way, it doesn’t mean I’m going to quit, but I’m not gonna be – I’m gonna not be quitting because I want to get even.

GG. Sabra Esparza: Okay, I kind of understood your question a little different than him, so let me clarify. I felt like you were asking if my conscience told me one thing but the rest of the public said something different, would I still vote my conscience or would I be swayed by public opinion?

HH. Vice Mayor Lincoln Litchfield: How flexible are you to do the will of the people instead of your own agenda?

II. Sabra Esparza: As a general rule I am open-minded. I would like to listen to argument and I could – you know be persuaded to – you know if something is clear of fact. However, if it goes against something that I believe is wrong, like morally wrong regardless of what they want on that. I cannot vote against my conscience. However, I can listen to both sides of an argument and if there is nothing morally wrong with either side, then I would go with how I felt the community wanted the issue to be decided. If that makes sense?

JJ. Vice Mayor Lincoln Litchfield: Another question I had, you both mentioned in the forum, curb appeal. Mr. Burney with the lighting and Mrs. Esparza with drawing people into the community. What are your ideas on how to enhance our curb appeal to those that come down I-80, pull off for gas and go – wow, this looks nice. Any ideas on how to improve that.

KK. Sabra Esparza: First thing I do when I stop in a small town is I usually look to make sure there is a well-lighted gas station, which we have a couple of really nice gas stations. Then I look to see if there is a local grocery store close by, which I heard that we have one coming into town, fairly close to the interstate, which will be helpful. Scott’s was a nice store, but it was kind of far off the beaten path, so you couldn’t see it from the interstate and so nobody knew where it was. I think that kind of hurt them a little bit. A local grocery store and you have Family Dollar right there, but then to make it all look really nice and homey there, you usually need to have green grass. I know the bridge there has been done, that was one of the first things I noticed when I came to visit Carlin for the first time. Flowers and grass and I usually find the city park. Which our park is really nice and actually at the car show every year people mention to me, people from Idaho and Utah that are visiting, they say we come to Carlin because we love this park and because it is shaded and pretty and nice, but that’s the kind of things we need to have in town to draw people in. People like pretty. They don’t really like Nevada desert, I mean, they like pretty. Sagebrush is cool but after so many miles of it you want to see something different.

LL. Thomas Burney: I guess I had alluded to, a couple of City Council meetings ago, to an opportunity we have to address this idea of communication. As Sabra (Esparza) has said here, we have the probability of a new grocery store. I have been speaking with Ellen (Meshefski) and Cliff (Eklund), when he was mayor, about the idea of a large LED sign. My thought was is that we have an opportunity here. I’m not saying that it would get done this way necessarily, but we should be talking right now to Khoury’s Market about what they are going to do about with freeway advertising. Is there something that we could work out? There is a sign company in Elko, across the street

from the Sheriff's office. I've been in discussion with him. How – what does one of these things cost? What does it take? Who makes a good one? How do we get that taken care of and serviced? Can we go to Khoury's and say can we work out something, maybe by Council, we make some kind of concession on the permit for that sign. This would be the kind of opportunities that I look forward to. That sign could be out there: today's Khoury's special, the next one up is we have got the women's rodeo coming up in the end of May, you're welcome Cliff (Eklund). The Car Show is coming. Something – answer decisions do we put it in the grass where people come into town and see it, but that doesn't get information out to all those people who come up and down from the mine every day. That they see the Chili Cook-Off, that they see this. I think there is a lot of opportunities up there for imagination. I know that I'm on record here saying a couple of times that the City of Carlin is becoming the City of Can't. You probably remember that if you were here. It doesn't sit well. It doesn't sit well with me to have to say that. But um – one of the things in discussing the sign that – some of the feedback I have got back from City folk. When I say City not the community. I'm talking about the City right here. The Highway Department – they have got all of these regulations, and this, and that, and the other. Well, if we do this, uh if we went in, the first thing I thought the other day was why don't I talk to my friend down there and I laid it out for him. So if we get a bid from you to put this sign in that bid, is you're going to take care of all of the issues with the Department of Transportation. We don't have to do that. So we don't have the opportunity to say yeah, but what about all of the regulations? It's not a case of we can't do that. The question is: this needs to be done, how are we going to do it? And so that leads to how are we going to get this done?

MM. Vice Mayor Lincoln Litchfield: My last one, it's not so much a question, but a thank you. Thank you for applying, and furthermore, thank you for your service. I see that both of you are vets, and are previous military, so thank you for your service to the country also.

NN. Mayor Dana Holbrook: Thank you guys. Thanks a lot for putting in for this, to come up and talk to us all and put yourself out there. Any other questions?

OO. Councilperson Margaret Johnston: I just want to thank you too.

PP. Fred Montes De Oca: What kind of ideas would you come up with to try to bring more businesses to Carlin? That's my question. The reason I say that is because people, you know, in the state. I go all over. And they say what's wrong with Carlin? How come they don't have any businesses? You, know. And I say I don't know and that's why I'm asking this question.

QQ. Mayor Dana Holbrook: And if they don't have the answer, I'm sure they will be thinking about it.

RR. Sabra Esparza: Yes, so one thing we do have, is we do have Elko close by, and so that may be considered a disadvantage but it's not. It's actually an advantage because they get the crowding and the traffic and all of that stuff. I lived in Idaho for a while and I know about traffic – they move along too quickly. But here in Carlin you want the small businesses, like the Mom and Pop shops and the things like that that draw people in. And the way to get people to come in, like the guy who was here last Council meeting who wanted to open the automotive shop, they need to see Carlin and see that it's a nice community and someplace people would be willing to invest in to

their business. Like if you drive by and you're like oh well everything is run down and nothing looks... No one will want to open a business here because it looks like we have no money to spend, but if the town looks really nice and it looks like people are wealthy, like Carlin is actually a wealthy town if you think about it because we have the mines and we do have more money than we think we do. I have been to other places and I promise Carlin has a quite a bit of money. If we look like we have that money, people are going to want to bring their businesses here because you can't run a business if you can't make money and if it looks like they can't make money here, they won't bring their business here, but if it looks like they can make money here, they will be willing to bring their business here. So that's kind of my idea to draw people in is to make the City look like we would be willing to spend a lot of money at their place.

SS. Thomas Burney: I discussed this issue with one of the Councilpersons, uh, over the years, probably several others at one time or another. Sabra (Esparza) made a valid point here when she pointed out that...in Carlin. This person spoke to me about how business was in Carlin, well we used to have buses that ran to Elko to the swimming pool in the summertime. And we used to do this and we used to do that. And there has been – there needs to be a C-change in our attitude about who we are. I had seen the City of Elko, I mentioned here on record, they are not our friend. They have done us dirt. I had sat here right here and seen the deal made for a business to move here to town and the papers were going to be signed in the morning. And the next morning that business moved to Elko. Do you think there was any thought in your mind that Elko – Carlin got used. I guess that's my point. Carlin got used but we also didn't stand up and fight for it. I have seen a couple of three things that should say that I have not been in a position where I have seen Carlin stand up and fight for businesses. I have had a comment made to me a couple of times that the NNRDA Agency has done a couple of times, businesses that were scheduled to be here and the NNRDA has convinced that business that they need to move to Elko in spite of the fact that a trump trip being made several times a day with the over... which goes to we need somebody who knows how to fight to sit down and say what are you doing that for it's over a hundred miles, you know, a couple of thousand miles, it adds up, you need to think about these things, but we don't stick up for ourselves and we have fostered this reputation. I had somebody tell me the other day, said that they were explaining something that wasn't going quite the way that it should have and I guess I'm more of a professional person. I said well - that's karma. We need to change people's attitudes about that in the first place. We need to do that as we get right up to people and say I'm from Carlin and not hang your head.

TT. Mayor Dana Holbrook: Thank you. Alright. Oh. We have Gayle Zomar.

UU. Gayle Zomar: I understand the frontage road there could use some business and I understand that the Peacock would like to purchase the property there and improve it to no avail. They have had – nobody wants to sell that piece of property, but if they had, that would really clean up and make the frontage road a lot better.

VV. Mayor Dana Holbrook: This agenda item though is the appointment of a Councilmember. Thank you.

WW. Chief Dennis Fobes: I have a question for him (Thomas Burney). I feel like I need to speak up. I hate to be a naysayer, but Mr. Burney has made it known that he wants to

get rid of me. He has come to you before the Council and said that he is going to get a petition to get rid of me. Not because of how I do at work, because he has an issue with a petty thing between me and him. And you know, he comes to Council and wants to know what you guys have done for him lately all of the time. It's not about what you need to do for the City. Nobody else in town has had their alleys plowed, graveled, put up speed signs. He just always wants something, you know, so I don't think he would be a good position for Council and I just wanted to be known.

XX. Thomas Burney: I think I can respond to some of that. I have never ever said I would petition the Council to get rid of Dennis (Chief Fobes). In fact this week, to be upfront, the committee has been formed and we started the voter initiative to close the Carlin Police Department. My issue with Dennis(Chief Fobes), it's all there in the record, a meeting. I'm standing here doing my business, the next thing I know, Dennis Fobes in his capacity of Chief of Police says you are cursing and swearing at these kids. He did zero investigation, he asked no questions of me. There are people that know that what he claimed happened didn't happen. Yeah, I've got some issues. No investigation, you just did this. It's not the only thing that I've been here before. My wife asked for a follow up on a letter from the Dog Catcher/Code Enforcement person, never appeared. I made an appointment to have the Dog Catcher come down and check out a unit – no response. I think it goes a little bit deeper than what Dennis (Fobes) has to say. And yeah – you absolutely can trust and be for certain that we will be digging into this deeper, if you choose me to be on the City Council. I will make every effort to see to it that it doesn't slow the City's business, but to a certain extent I consider that the City's business. It unconscionable some of the stuff I see. I never asked for the alley to be plowed. There again – is a prime example of people deciding what I said, not what I did say. I spoke to Carlos (Esparza) after that, yeah, the plow went down through there and they scraped off there, but what I asked for was a little bit of salt and a little bit of sand because we have had an abnormal condition here, to – the ice in alley, there was a couple people who fell out there. The garbage truck refused to service us one morning because the ice was so bad. To mischaracterize that as I asked for the plow, I talked to Carlos (Esparza) about it, the first thing I said to Carlos (Esparza), was Carlos you were told that I asked to have the alley plowed weren't you. Carlos said yeah, that's what I was told, plow the alley. Well in point and fact it's on the record, I asked for some sand and some salt because.. As far as for servicing, my alley, that's an interesting point. Half the alley gets serviced, gets graveled, gets grated, the other half does not. If you recall two meetings ago I exerted a letter from Mr. Goicochea about the alley there. Well, it turns out that uh.

YY. Mayor Dana Holbrook: You don't need to go into-

ZZ. Thomas Burney: You know what, no, I need to defend myself here. This is not okay. This is not okay. That was significant misrepresentation of what happened. Our half of the alley does not get maintained. There is a Out there that is over 25 feet long that I spoke to about this and it's over a foot deep. The other end of the alley, which is private property, gets the use of City resources: City equipment, City time, City expenditures to maintain private property at the other end of the alley. So I have to stand up here to speak to that.

AAA. Mayor Dana Holbrook: He was just making the comment and we need to stay on the agenda. Another comment.

BBB. Rick Huntley: I just want to say that I'm with the Chief on this issue. I think Mr. Burney here has an axe to grind with the City and that he is not what we need on the Council.

CCC. Mayor Dana Holbrook: Any other comments towards appointing a Council Member? Do we have a motion?

DDD. MOTION: Vice Mayor Lincoln Litchfield made a Motion to approve the appointment of Sabra Esparza to fill the vacancy of the City Council Member on the Carlin City Council. Councilperson Pam Griswold seconded. The motion passed unanimously.

8. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**
Possible swearing in and oath of office of Council elected Councilperson, if appointed by election of the Carlin City Council, and all related matters. **(Possible Action Item)**
 - A. ***Moved to Item 16.***
 - B. **MOTION: Councilperson Pam Griswold made a Motion to authorize the City Clerk to swear in the newly appointed City Councilperson, Sabra Esparza. Vice Mayor Lincoln Litchfield seconded. The motion passed unanimously.**
 - C. *City Clerk LaDawn Lawson swore the newly appointed Council Member, Sabra Esparza, into the office of Carlin City Councilperson.*

9. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**
Review, discussion and possible approval of a report offered by the Executive Director of the Carlin Open Door Senior Center, Ella Trujillo and all related matters. **(Possible Action Item)**
 - A. **MOTION: Vice Mayor Lincoln Litchfield made a Motion to move the discussion of the report by the Executive of the Carlin Open Door Senior Center to our next meeting on February 22, 2017. Councilperson Pam Griswold seconded the motion. The motion passed unanimously.**

10. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**
Review, discussion and possible approval of a recommendation to reappoint LaDawn Lawson as Carlin City Clerk and Carlin City Treasurer and all related matters. **(Possible Action Item)**
 - A. *City Attorney Lauren Landa: For the record we have a waiver of notice pursuant to NRS 241.033 241.034 for City Clerk LaDawn Lawson, Carlin Fire Chief Linda Bingaman, and Chief Fobes as well.*
 - B. *Vice Mayor Lincoln Litchfield: I know whenever I go in and ask a question LaDawn always has an answer for me, it's always appreciated what you do.*
 - C. *Chief Dennis Fobes: Wanted to reiterate that she always does a good job.*
 - D. **MOTION: Vice Mayor Lincoln Litchfield made a Motion to approve to reappoint LaDawn Lawson as Carlin City Clerk and Carlin City Treasurer. Councilperson Member Pam Griswold seconded the motion. The motion passed unanimously.**

11. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**
Review, discussion and possible approval of a recommendation to reappoint Dennis Fobes as the Chief of Police of the City of Carlin and all related matters. **(Possible Action Item)**
 - A. *Vice Mayor Lincoln Litchfield: Mayor I know that when we reappointed Chief Fobes last time, I had in my motion to get his training or further his training and what he*

needed as far as being our chief of police and I think Chief Fobes has something for us.

- B. Chief Dennis Fobes: So as I mentioned before, I completed the Northwestern Staffing Command School. Here is my graduating certificate.*
- C. Councilperson Pam Griswold: The few times I have had the opportunity to have any questions for Chief Fobes or anything happening that he has been involved with, I think he has done a wonderful job. He has done everything that the Council has asked for. He has kept the officers with him since he has come here. Everybody seems to have good things to say about him. I'm glad that we have him on board.*
- D. Mayor Dana Holbrook: I would like to voice my support for Dennis. Anytime I talked to you, you have answers for me. I know you have your officers doing training, and trying to improve the police force.*
- E. Vice Mayor Lincoln Litchfield: I have been here 18 years now in Carlin. I have seen two different Chiefs of Police. Chief Fobes thank you for retaining your force. It says a lot for you and the men that follow. It says that they respect you and that they will do as you instruct them.*
- F. Mayor Dana Holbrook: Dennis I did talk to a member of the public today and I said that this item was on the agenda that you were up for reappointment, we will see if the Council reappoints you. And I got a really nasty look and they asked "Why wouldn't you reappoint him?" So I think that is a positive statement.*
- G. **MOTION: Councilperson Pam Griswold made a Motion to approve Dennis Fobes as Chief of Police for the City of Carlin and all related members. Vice Mayor Lincoln Litchfield seconded. The motion passed unanimously.***

12. Public Comment may be taken prior to any Discussion Being Taken by the Council:

Review, discussion and possible approval of a recommendation to reappoint Linda Bingaman as Carlin City Fire Chief, per City Code Title 7.3.2. B and all related matters. **(Possible Action Item)**

- A. Vice Mayor Lincoln Litchfield: Chief Bingaman, when we first appointed you as the Fire Chief, I had my apprehensions because of commitments you had elsewhere. I have seen nothing but improvements for your department there. The amount of training that you have your volunteers and stuff like that – I like it. I think it speaks highly of yourself. I did ask you earlier if you were going to retain your assistant chiefs in their positions and you voiced that yes you would and I think that is a good job because I think they are doing a good job when you are not there. So thank you very much.*
- B. Councilperson Pam Griswold: You being the chief and your assistant chief. You are both with the County, correct? So who do we have here in Carlin at any one time?*
- C. Carlin Fire Chief Linda Bingaman: It depends on the time of day. Roger Curry is here most of the time now that he is retired. Mike and I work days and work after hours. Just the same as any other job where you work during the day and come home at night.*
- D. Councilperson Pam Griswold: You are doing good things with people, getting them signed up through the training. You say you have 5 EMTs that you are trying to get through the training and getting through the testing. And I'm thinking about people not being available for calls. And I don't know if that would make a difference if we*

- had a chief here full time or not. Can you address that at all?*
- E. *Carlin Fire Chief Linda Bingaman: I guess the only way that you could address it to have someone here full time would be to have someone who is not working. The chief has always worked a regular job and so they are gone when they are gone and they are here when they are off hours. Just the same as all of us as members. If we have a full time job, we are gone when we are at work and we are here when we are not there. It's a volunteer organization. I can't address it beyond that. I have to work for a living too.*
- F. *Councilperson Margaret Johnston: This has always been the way of the Fire Department. I was on it for 19 years. And you are a volunteer department, you have volunteer people working. I did have a suggestion from somebody that said you might look at telling dispatch when you know you are short on dayshift, so that they can have a heads up that you are short those days. That was a suggestion from people and I am now bringing it to you.*
- G. *Councilperson Pam Griswold: And that was Karla (Jones) who done the sign-up sheet thing. To where you know if you don't have anybody to let them know. So that Elko is dispatches directly out.*
- H. *Carlin Fire Chief Linda Bingaman: And sometimes, I can tell you that if we know for sure we are short, I am on the phone or Mike is on the phone calling dispatch telling them that no one is there. We do that all by phone. We are never quite sure with some of the mine schedules if people are off, whether they are going to be in town or not. So we might let it sit a minute and see if someone is going to respond, but we do let them know over the phone if somebody is going to be in town.*
- I. *Mayor Dana Holbrook: I would like to make a comment of disclosure I've known Linda and Tom a lot of years. My wife worked with Linda years ago. It will not affect my judgment on this.*
- J. *County Commissioner Cliff Eklund: Linda does hold two positions Chief of Elko County Fire and Chief of Carlin. Her position on the County gives her the availability to provide equipment and services a lot faster to Carlin for equipment and resources that you wouldn't normally have. I think it is a benefit for her to have that job as well as Mike being on that job. As far as people being on call. We have always had a full time employee down there. And I think it is very imperative that person gets replaced for the safety of the community and I know budgets are tight, but I think we should take a look at it for ambulance services as well as fire. I think it is a good mix for her to be on as Fire Chief and Chief at the County because she brings added services and equipment here to the city that you probably wouldn't normally get.*
- K. *Gayle Zomar: What ambulance service do we have? Since we don't have any volunteers now? Who comes to our residences?*
- L. *Carlin Fire Chief Linda Bingaman: We do have some volunteers. At one time we had two full time personnel that would draw in the daytime when everybody would work, then we had one, now we have none. It is only the volunteers that are available to run the ambulance service when they are off work and in town, so we still have the same folks, but less than what we had.*
- M. *Carlin Assistant Fire Chief Mike Abrams: Volunteerism is throughout United States is down. Elko has trouble manning and supplying ambulances, as does Wells and outlying areas. Not having those people full time here in town. It just depends on*

whether they can man their ambulances too.

- N. ***MOTION: Vice Mayor Lincoln Litchfield made a Motion to approve the reappointment of Linda Bingaman as Carlin City Fire Chief as per City Code Title 7.3.2.B. Councilperson Margaret Johnston seconded. Motion passed unanimously.***

13. Public Comment may be taken prior to any Discussion Being Taken by the Council:

Review, discussion and possible approval of a recommendation to reappoint Goicoechea, DiGrazia, Coyle & Stanton, Ltd. as City Attorneys for the City of Carlin and all related matters. **(Possible Action Item)**

- A. *City Attorney Lauren Landa: We ask that 13, 14, and 15 be tabled. We think that they need to be re-agendized at the next meeting to conform to the Code more, being more specific. And so the auditor and the engineer are not here tonight because we notified them that we felt that there was an issue with the way they were agendized. So we ask that they be tabled and they are on noticed with the waiver.*
- B. *Thomas Burney: Mr. Mayor, I ask that you table these three issues as requested. I think it would be appropriate.*
- C. *Doug Martin: I have a question. I was here in November after the election I asked the board what the situation was because Dana Holbrook had been elected as a Councilmen. If I recall correctly, it was stated that the lawyers stated that we can't talk about that. And if I recall, you had a question, and the same comment, the Board couldn't discuss anything. And I mean, somebody here can refresh my memory, but all I was looking for was guidance. What is the situation – how could it be handled? And the statement was that we can't talk about anything unless it was agendized. It was a discussion item. So can you address that?*
- D. *City Attorney Lauren Landa: I'm sorry. I don't know which agenda item that you are speaking to.*
- E. *Doug Martin: It wouldn't matter. It's the statement that in a discussion that if a question is asked of the Board – I mean David Jones, you were here – Pam Griswold, you know what I'm talking about.*
- F. *Councilperson Pam Griswold: And I can address that because you have asked me twice now to bring it up in front of Council. And last night at the training with Pool/Pact, I specifically asked the question during discussion does the City Council have the authority to ask questions? And yes, you can ask for clarification purposes, but we cannot give you what our opinions should be and action cannot be taken. If you feel strongly enough, to put it on the agenda, but we cannot ask questions.*
- G. *Doug Martin: Certainly. All I was looking for was the process. I was unfamiliar with the two people that were elected and the people that weren't and the mayor – all of that. All I wanted was the clarification and the comment to me was: we can't answer that.*
- H. *Councilperson Pam Griswold: And under those circumstances, again, I'm not being – that was one of those circumstances that in doing some further checking, they really couldn't answer your question at the time because at that point in time it was in the hands of the attorney and a decision hadn't been made on what needed to be done. And the question on that Lauren (Landa) was whether the Mayor was going to maintain his position as the Mayor or take a position as a Councilperson and how the process would be handled to rename another Councilperson. And it was in your*

hands, you guys hadn't really come up with a decision to let the Mayor know what the process was.

- I. City Attorney Lauren Landa: And the Mayor was going to make his decision.*
- J. Councilperson Pam Griswold: Right, so that was why we really couldn't answer your question at that time.*
- K. City Attorney Lauren Landa: Also, according to the Open Meeting Law, all of the discussion has to pertain to the item. So we can't discuss things that don't pertain to the agenda item.*
- L. Doug Martin: The first item is Public Comment. How is that – there was not an agendaed item. So what's the process? I presume there was a process in place do you know – who succeeded who and who was elected. And I guessed that. I mean I presume there was a process. Was there not prior to the election? In how to fill these positions?*
- M. City Attorney Lauren Landa: Prior to the election?*
- N. Doug Martin: Well sure. I mean – there were several possibilities.*
- O. Mayor Dana Holbrook: Can we do this after the meeting and you can ask a Council member who has the information.*
- P. Doug Martin: I'm not talking to a Councilperson. I'm asking the Board. What's the process? I presumed that the Board knew what the process was. Is there know policy?*
- Q. Vice Mayor Lincoln Litchfield: I believe that we will see the process take place on agenda Items number 15 and 16.*
- R. Mayor Dana Holbrook: The appointment, that's the process you are looking at.*
- S. Doug Martin: Okay, but I asked this question two months ago and the point was that we can't talk about that. So that still stands. If I come up here and have a comment or a question to the Council. Your instructions to the Board is that they can't comment, is that correct? I mean I'm not asking for any decision. I'm asking for a comment. I'm asking for help in the process-*
- T. Mayor Dana Holbrook: We do need to get back on this agenda item. Which is tabling a motion, so you can bring this back up in Public Comment.*
- U. Doug Martin: I've done it twice since. I mean there is either a process or there isn't.*
- V. Mayor Dana Holbrook: Well if you want to wait and ask in Public Comment.*
- W. Vice Mayor Lincoln Litchfield: Mayor, may I get clarification. Our legal counsel has requested that we table items number 13, 14, and 15: which is the reappointment of our attorneys, city engineer, and auditors, correct?*
- X. Mayor Dana Holbrook: So we can do these individually or group them together.*
- Y. **MOTION:** Vice Mayor Lincoln Litchfield made a motion to table the agenda Item 13, the Reappointment of our City Attorney, Item number 14, the Reappointment of our City Engineer, Item number 15, the Reappointment of the City Auditor until February 22, 2017. Councilperson Margaret Johnston seconded the motion. The motion passed unanimously.*

14. Public Comment may be taken prior to any Discussion Being Taken by the Council:

Review, discussion and possible approval of a recommendation to reappoint Farr West Engineering as City Engineers for the City of Carlin and all related matters. **(Possible Action Item)**

- A. Tabled: refer to item 13.*

15. **Public Comment may be taken prior to any Discussion Being Taken by the Council:** Review, discussion and possible approval of a recommendation to reappoint Eide Bailly, as City Auditors for the City of Carlin and all related matters. **(Possible Action Item)**
- A. *Tabled: refer to item 13.*
16. **Public Comment will be taken prior to any Action Being Taken by the Council:** Review, discussion and possible approval of the minutes from 1/9/2017 and all related matters. **(Possible Action Item)**
- A. ***MOTION: Councilperson Pam Griswold made a Motion to approve the minutes from 1/9/2017 and all related matters. Councilperson Margaret Johnston seconded. The motion passed unanimously.***
17. **Public Comment may be taken prior to any Discussion Being Taken by the Council:** Review, discussion and possible approval of City expenditures for the period 1/21/2017 to 2/3/2017 and all related matters. **(Possible Action Item)**
- A. *Vice Mayor Lincoln Litchfield: For full disclosure, I work for NAPA Auto parts, I do collect a commission on anything that is sold and we do have some payables for NAPA so I will be recusing myself from the vote for the payables.*
- B. *Councilperson Pam Griswold: What is this Brownsfield Grant?*
- C. *City Manager David Jones: It is the grant to assess the Railroad Property.*
- D. *Vice Mayor Lincoln Litchfield: On the plow blades, how long do those last?*
- E. *Public Works Director Carlos Esparza: The last time we replaced the edges on the blades was six years ago. Usually once a year or every two years under normal snow conditions. The past year we had, we hardly had snow, so the blades lasted a lot longer. Last year I think the plows only went out twice, but this year made up for it.*
- F. ***MOTION: Councilperson Pam Griswold made a Motion to approve the City expenditures for the period 1/21/2017 to 2/3/2017. Councilperson Margaret Johnston seconded. The motion passed unanimously.***
18. Comment by the General Public: Pursuant to NRS 241.020(2)(D)(3)(I & II) this time is devoted to comments by the general public and possible 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 pursuant to the required procedures at the discretion of the City in accordance with applicable law and identified as an action item. **(Non – Action Item)**
- A. *Jon Gift: I had lunch at the Senior Center, by the way the food was good, and Ruth Hart mentioned that next year is Carlin's 150th anniversary. I think we should put our heads together and figure out a way to come up with something really big to get people's attention. Let's celebrate it with a bang.*
- B. *Ronnie Waddell: When will you work on the roads?*
- C. *Public Works Director Carlos Esparza: Once they dry out a little bit we will hit them pretty hard. We will be working with Dave for the budget for next year and see what we can squeeze out for them. Hopefully next week we will work on the big potholes.*
- D. *Councilperson Pam Griswold: There is a grant that we have received with the help of Farr West for an infrastructure study. Dave was pointing out that it is really hard to fix the top part of something and then have to dig up to fix the bottom part. And so we are trying to figure out through this grant, what needs to be fixed first and how to go about it, so that we aren't fixing something to tear it up to fix something else, so it's done and it's done right and we are getting*

the best bang for our buck.

- E. *Councilperson Margaret Johnston: I would like to thank Tom Burney for coming out. We do need help with the City so we have lots of opportunities for committees and things to get on and could still use your help.*

19. **Adjournment. (Possible Action Item)**

- A. ***MOTION: Member Margaret Johnston made a Motion for adjournment. Member Pam Griswold seconded. The motion passed unanimously. The meeting was adjourned at 8:33 p.m.***

Approved:

Attest:

Mayor Dana Holbrook

City Clerk LaDawn Lawson