

**CARLIN CITY COUNCIL  
CITY OF CARLIN, STATE OF NEVADA  
REGULAR MEETING & PUBLIC HEARING  
CARLIN MUNICIPAL COURT ROOM  
101 SOUTH EIGHTH STREET  
CARLIN, NEVADA**

**February 22, 2017  
7:00 pm**

**Call to Order and Roll Call:**

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

**Council Present:** Mayor Dana Holbrook  
Vice Mayor Lincoln Litchfield  
Councilperson Sabra Esparza  
Councilperson Margaret Johnston  
Councilperson Pam Griswold

**Council Absent:** None

**Staff:** David Jones (City Manager), LaDawn Lawson (City Clerk), Dennis Fobes (Carlin Chief of Police), Carlos Esparza (Public Works Director), Chris Woster (City Engineer), Roger Curry (Carlin Assistant Fire Chief), Lauren Landa (City Attorney)

**Pledge of Allegiance**

**Public:** Kathy Burney, Tom Burney, Anna Dean, L. Doxey, Bill Bodin, Steven Wilkinson, Bill White, Bobbi White, Jon Gift, and Donnetta Skinner

**The public may address the Board on agenda items as they are reviewed, at the discretion of the presiding officer or during the time reserved for Comments by the General Public, after being recognized by the presiding officer. The Public and all persons addressing the Board must abide by the requirements of the Carlin Municipal Code 1-6-11, detailed at the end of the agenda.**

**Note: The Mayor or Vice Mayor Reserves the Right to Change the Order of the Agenda. Additionally, the Council may, by majority vote, combine two or more agenda items for consideration or may remove any item from the agenda or delay consideration to a future City Council Agenda.**

**Call to Order and Roll Call**

**Pledge of Allegiance**

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 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. *Kathy Burney thanked the Fire Department for getting the LED sign up and*

2. City Council Councilpersons Reports:  
**(Non - Action Item)**

**This Item was moved to Item #3 by Mayor Holbrook.**

- A. **Mayor Holbrook:** Attended a Government Affairs Committee meeting and the County Commissioner Meeting. Everyone was talking about the flooding. Going into next year, the budgets are going to be similar and possibly less money. Will be attending a League of Cities Mayors Meeting on Monday with the Legislator in Carson City.
- B. **Councilperson Litchfield:** Contacted NDOT about the Carlin Canyon. They closed it because of the potential flooding and potential erosion and rockslides. It is open again now. Public Works will be doing some work on the cemetery when the weather gets better. They will be putting more lighting up in the cemetery. They will be working on potholes when the weather starts to dry out. The Chinese Gardens are closed because of the bridges and the potential for flooding, it should be open next week, but is closed for everyone's safety. NDOT working on parking on state highways, specifically behind Pilot.
- C. **Councilperson Griswold:** Has nothing to report.
- D. **Councilperson Johnston:** Talked to Police Department and they were audited by Post, doing good there. Caught the guys doing the vandalism in the Carlin Canyon a few years back. Wanted to thank the Fire Department for getting the LED sign up. Team Rubicon in Elko is looking for volunteers to join them, trying to get a section here in Elko, they helped in clean up in Elko. Attended the Equestrian Park meeting: they will have eight events out there this year.
- E. **Councilperson Esparza:** Spent the last couple of weeks figuring out the job. Met with the lawyers and got her ethics training. Will have her first meeting with the Fire Department on Monday night.

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

Elko County has been in a state of emergency for a week or two, it hasn't affected Carlin to the extent that it affected other areas of the County. Carlin Canyon was closed. Mary's Creek had some high water. The Chinese Gardens are still closed. Maggie Creek has risen 2.5 – 4 feet. Palisade looked great. Don't know if we will see Maggie Creek flooding, but there is some potential there, there is a lot of snow pack there. If there is flooding in the City that could be a potential source. Explained that at the POOL/PACT training we learned that the reports were to be more specific and this item will be discussed further on a future agenda item..

4. **City Clerk's Report:** No Report.  
**(Non – Action Item)**

5. **Carlin Police Department Report:** No Report.  
**(Non – Action Item)**

6. **Carlin Fire Department Report:** No Report.

7. **Carlin Open Door Senior Center Report:** No Report.  
(Non – Action Item)
8. **Carlin Public Works Department:** No Report  
(Non – Action Item)
9. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**  
A Presentation and update by Bobbi White pursuant to the City Council’s request at its regular meeting on January 25, 2017, in regard to extension of unpaid leave pursuant to the Collective Bargaining Agreement between the City of Carlin and Operating Engineers Local 3, and all related matters. **(Possible Action Item)**
  - A. *City Attorney Lauren Landa stated for the record that Bobbi White was served with a notice of meeting and notice of potential to consider character and misconduct, confidence and health of a person pursuant to the Open Meeting Law.*
  - B. *Bobbi White stated she did not have much of an update, she did not get to see her doctor on the 31st because she has no insurance. So she decided to put it off until she could get some insurance. She feels great and feels ready to go back to work and feels like she can get a release from the doctor here. They are her primary care doctors at the Clinic. She stated she feels 100% better than she did 6 months before she had the surgery.*
  - C. *Vice Mayor Lincoln Litchfield inquired when she would be able to see the doctor here, possibly tomorrow?*
  - D. *Bobbi White stated she just needed to make an appointment but they are pretty booked up possibly one or two weeks. She figures by the 25<sup>th</sup> of March, will have everything in order.*
  - E. **No Action was Taken.**
10. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**  
Review, discussion and possible direction to staff to prepare bid documents and follow bid procedures for a street sweeper for the Public Works Department for the City of Carlin, and all related matters. **(Possible Action Item)**
  - A. *Discussion was held on \$125,000 already being budgeted for a street sweeper in last year’s budget.*
  - B. *Councilperson Sabra Esparza disclosed that she is married to Carlos Esparza, the Public Works Director, however because there is no monetary interest in it for herself or Carlos, and it is for the City of Carlin, she feels there is no conflict of interest.*
  - C. **MOTION:** *Vice Mayor Lincoln Litchfield made a Motion to approve staff to prepare bid documents and follow bid procedures for a street sweeper for the Public Works Department for the City of Carlin. Councilperson Pam Griswold seconded. The Motion passed unanimously.*
11. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**  
Review, discussion, and possible direction to staff to prepare the bid documents and

follow bid procedures for a mobile concession trailer for the Equestrian Park for the City

of Carlin and all related matters. **(Possible Action Item)**

- A. *Cliff Eklund Chairman of the Carlin Equestrian Park Committee discussed the Equestrian Park's contributions to the City, including letting Carlin Public Works use their tractor and tearing down the hill to help build the library and clinic.*
- B. *Discussion was held on the concession stand not meeting standards with the Health Board. Comparing the cost of a concession trailer to the cost of what the City paid to bring the ball park concessions up to code, it would be cheaper to buy a concession trailer than to fix the current concession stand.*
- C. *The Equestrian Park Board has saved money with the intention of purchasing a concession stand trailer. Money has to be used for capital improvements.*
- D. *Cost is estimated between \$30,000 - \$40,000.*
- E. *Concession trailer was not budgeted, maybe put it into next year's budget. This would use the majority of the rest of the fund.*
- F. *Would spend approximately this much to update the concessions.*
- G. *The Health Department is allowing the concession stand to run by event by event basis.*
- H. *Concession stand gets lots of vandalism because of where it is. Lost the sound system the first year. Might be easier to get a trailer that you could lock up.*
- I. ***MOTION: Councilperson Pam Griswold made a Motion to approve the staff to prepare the bid documents and follow bid procedures for a mobile concession trailer for the Equestrian Park for the City of Carlin and all related matters. 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 appoint Lauren Landa, of Goicoechea, Di Grazia, Coyle & Stanton Ltd., as City Attorney for the City of Carlin and authorization of attorneys in said firm to act as deputy city attorneys, and all related matters. **(Possible Action Item)**

- A. *City Attorney Lauren Landa stated she has enjoyed working for the City the last 6 or 8 months. She stated that Bob Goicoechea has basically moved to part-time and that is why she is on the agenda item and not Bob.*
- B. *Mayor Holbrook stated he has received good advice from her and is happy with the service she provides.*
- C. *Vice Mayor Lincoln Litchfield stated that he has been on the council prior to her being her and he appreciates her being at the council meetings and keep us on the straight and narrow. Her advice is welcomed and he thanked her.*
- D. *Thomas Burney 317 Main for the record would like to add that since she has been here there has been technical correctness of our government and he appreciates that. The process with the appointment here was unsatisfactory. Not sure how much your office had to do with that but between the City Administration and the my perception of what went on the meeting of the night of the 25<sup>th</sup> when we were suppose to have the appointment. It got delayed to the end of the meeting first and then got moved to the 8<sup>th</sup> of February. Not sure how much that was the City Administration not getting their stuff done. He sat here a watched what was going on between the Mayor, yourself, and your cohort there it seemed a lot of business*

*was getting conducted there at the last minute. Those applications had been in the City Administration's Office for 5 days. The corrections were done in a day and meant not getting to me til Friday by personal service. It was pretty disappointing, you have to people who have come to the bar and pledged their time and effort to get something done and have expectations, the decision get made, it didn't happen.*

*My original application had to be replaced and you add other stuff to it, the way it turned out it would have been better for the city if the decision would have been made the night of the 25<sup>th</sup> instead of being carried over. The whole process deteriorated and he has expressed his dissatisfaction to the Mayor. It should have been a night of accomplishment for Sabra but that was devalued by what happened. Was happened was a result of stuff not getting done appropriately. That night he felt that business getting conducted here that should have been done before he is not sure how much her office had to do with it. He stated he had sat with one of her peers and his comment was well that is Carlin. He hopes that is not what delayed the process of finding out those applications had not been dealt with properly until the night of the meeting because your office thought it was just Carlin. He was not saying that they should not be reappointed there has been consistent improvement. He expectation are that we see more improvement and consistent improvement with people before policy. He has a different way of looking at things he pays you, you should keep that in the back if you mind, it is just like taxes, taxes is not something the council approves, taxes is when the council comes to me and I have to decide what my family is going to do without. Don't put the funding to waste.*

- E. *Cliff Eklund stated he had sat on the Council for 12 years and in the 12 years he e saw an attorney here maybe 4 to 5 times. He doesn't know how many time the Council got off track. He made the suggestion several times to have an attorney present would help. It was always said we couldn't afford it. He has seen a definite improvement in the meetings since he was on the Board. He has seen her get the Council back on track and that is her job. Some of you may not like it but it is her job to keep you out of trouble and she does a good job and he is all for her reappointment.*
- F. *Donnetta Skinner for the record stated that she worked with Bob Goicoechea for a lot of years in the medical field because he was their attorney. He always helped them when they got to rough spots. When Cliff left as mayor she told him she did not want to be mayor that was not my things he said tough just move up and do it because no one else was going to do it. She enjoyed being on the council and did it for 14 years and loved it. She loved working for the City because she loves this City and this City has been really good to her. She thinks we need the advice from the attorney like Cliff said we done things a lot of times that we really didn't know what we were doing so we just went with what we could make it work. It is a harder job to do than you think and to have the attorney there behind you backing you up will really help you to do the things you need to do. There are some things you have to do that you really don't want to do and it is not fun to do it and that is when you need the attorney there to tell them that is what the attorney told us to do rather than it be my opinion or your opinion. Make sure you have that opinion because it not only protects you but it*

*protects the City and that is what we need and that is what we all work for and that is what we need. When she gave up the position as Mayor she did not have to give up the position, she could have told them tough that she was here long before him. She had been here 13 years before he had came on but she felt it was better for the City to have that mechanic than to have her for a Mayor and she knew Dana would back her up. That he would take this position and be better at it than she was. To have the attorney has really been good for the City this last year or two years. Remember they are here for you. A lot of time we did not call them because they told us it would cost so much money to involve the attorneys. Sometimes we really needed them and did not have them behind us. She thinks they done what they thought was right and looked up what we could and she thinks we need them to get this job done. Good luck guys.*

- G. *Councilperson Margaret Johnston stated that they have been our attorneys since 1924 and she hears the rates but does not see a contract that shows just how much they charge and since it has changed over the years she would like to get an update on that so we have knowledge of that.*
- H. *City Attorney Lauren Landa stated the City went out to bid a couple of years ago she thinks is was 2014 or 2015 and there was no response other than their office.*
- I. *Councilperson Pam Griswold stated it was put out to bid her first year on the council and it was 2015.*
- J. *City Attorney Lauren Landa responded that the hourly rate was \$150.00 an hour. Her qualifications were in the original RFQ that was submitted. She was working their just was not assigned to Carlin at the time. She stated she has the rates for the other Cities if anyone would like them. Elko is \$165.00 an hour, West Wendover is \$165.00 an hour and Wells is \$133.00 an hour. Those are the general rates so most of her time is billed under the general rates. They are the attorneys for all of Elko County.*
- K. *Cliff Eklund stated that Elko County to represent Elko County in the Sage Grouse dispute and that attorney was \$500.00.*
- L. ***MOTION: Vice Mayor Lincoln Litchfield made a Motion to approve Lauren Landa, of Goicoechea, Di Grazia, Coyle & Stanton, Ltd., as City Attorney for the City of Carlin and authorization of attorneys in said firm to act as deputy city attorneys. Councilperson Sabra Esparza seconded. The 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 appoint Chris Woster, of Farr West Engineering, Inc., as City Engineer for the City of Carlin and authorization of engineers in said firm to act as deputy city engineers, and all related matters. **(Possible Action Item)**

- A. *City Attorney Lauren Landa stated for the record that a waiver for the discussion of character and misconduct for herself, Chris Woster, and Robert Heguy of Eide Bailly.*
- B. *Councilperson Pam Griswold discussed that Farr West has done a good job. Pam Griswold disclosed that her sister-in-law works for Farr West Engineering and that she does not get a financial gain from it nor would it affect her judgment.*

- C. ***MOTION:*** *Councilperson Margaret Johnston made a Motion to approve Chris Woster, of Farr West Engineering Inc., as City Engineer for the City of Carlin and authorization of engineers in said firm to act as deputy city engineers and all related matters. Councilperson Pam Griswold seconded. 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 appoint Robert Heguy, of Eide Bailly, LLP, as City Auditor for the City of Carlin and authorization of accountants in said firm to act as deputy city auditors, and all related matters. **(Possible Action Item)**
- A. *Discussion was held.*
- B. ***MOTION:*** *Councilperson Pam Griswold made a Motion to appoint Robert Heguy, of Eide Bailly, LLP, as City Auditor for the City of Carlin and authorization of accountants in said firm to act as deputy city auditors and all related matters. Vice Mayor Lincoln Litchfield seconded. The Motion passed unanimously.*
15. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**  
Review, discussion, and possible acceptance of a letter of resignation from Angelina DeMars from the City of Carlin Park and Recreation Board and review, discussion, and possible acceptance of a letter of resignation from Brenda Claiborne from the City of Carlin Park and Recreation Board, and all related matters. **(Possible Action Item)**
- A. *City Attorney Lauren Landa stated for the record that they were not served and did not sign a Waiver to Consider Character, Misconduct, Competence or Health of a Person pursuant to NRS. 241.033. However it should not be a problem in this case.*
- B. ***MOTION:*** *Councilperson Pam Griswold made a Motion to approve the acceptance of a letter of resignation from Angelina DeMars from the City of Carlin Park and Recreation Board and acceptance of a letter of resignation from Brenda Claiborne from the City of Carlin Park and Recreation Board and all related matters. Vice Mayor Lincoln Litchfield seconded. The Motion passed unanimously.*
16. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**  
Review, discussion, and possible approval of a Short Form Agreement/proposal between the City of Carlin and Farr West Engineering for a Comprehensive Preliminary Engineering Report and Environmental Report for the water system, sewer system, Streets and all related matters. **(Possible Action Item)**
- A. *Discussion was held on this item being budgeted. This will be done for the sewer system and the water system. Comprehensive digital as built of the infrastructure.*
- B. *Councilperson Sabra Esparza disclosed the conflict of interest because it falls under the water system, sewer system, and streets which falls under her husband, Carlos Esparza, at Public Works, however in the judgment of a reasonable person in the situation, she will not be materially affected by the relationship, and it is not a disqualifying interest, so she will be voting.*
- C. *City Attorney Lauren Landa discussed stipulating in the motion that she will be*

*reviewing and possibly amending the contract.*

- D. **MOTION:** *Vice Mayor Lincoln Litchfield made a Motion to approve a Short Form Agreement/proposal between the City of Carlin and Farr West Engineering for a Comprehensive Preliminary Engineering Report and Environmental Report for the water system, sewer system, and streets with a stipulation that a review and possible amendments be done by Lauren of Goicoechea, DiGrazia, our attorney firm and have her meet with Chris on any changes. Councilperson Pam Griswold seconded. The Motion passed unanimously.*
17. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**  
Review, discussion, and possible direction to staff regarding creation of meeting agenda including format and content of council Councilperson and department head reports, and all related matters. **(Possible Action Item)**
- A. *Discussion was held on reports by staff according to the training done by Wayne Carlson. If there is nothing to report, then they want them put on the agenda or do they not it put the department on the agenda. Questioned on how the Council would like the agenda formatted. Questioned what would the Council like the Departments to report. It was discuss they would like anything that is pertinent to the City and what the public would like to hear about the City. Do they want the Department Heads or pass it on to the liaison to report? It was discussed to rely the on liaison for the Boards but if you could have all of the Boards here, the more information that is passed along, the better.*
- B. **MOTION:** *Vice Mayor Lincoln Litchfield made a Motion to direct staff on creating the format and information that we requested as far as a topic for each department and Councilmember and to be to the City Manager seven working days prior to a regularly scheduled City Council meeting. Councilperson Margaret Johnston seconded. The Motion passed unanimously.*
18. **Public Comment may be taken prior to any Discussion Being Taken by the Council:**  
Review, discussion and possible approval of the minutes from 1/11/2017 and all related matters. **(Possible Action Item)**
- A. *Discussion was held.*
- B. **MOTION:** *Councilperson Pam Griswold made a Motion to approve the minutes for 1/11/2017 Councilperson Sabra Esparza seconded. The Motion passed unanimously.*
19. **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 2/4/2017 to 2/17/2017 and all related matters. **(Possible Action Item)**
- A. *Vice Mayor Lincoln Litchfield disclosed that he works for Napa and collects a commission from anything that is sold, so he will be abstaining.*
- B. **MOTION:** *Councilperson Pam Griswold made a Motion to approve the City expenditures for the periods 2/4/2017 to 2/17/2017, and all related matters. Councilperson Margaret Johnston seconded. The Motion passed unanimously with Vice Mayor Lincoln Litchfield abstaining.*



20. 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. *County Commissioner Cliff Eklund commented on the flooding situation in Elko County.*

**Municipal Code:**

**1-6-11: MANNER OF ADDRESSING BOARD; TIME LIMIT:**

Each person addressing the board shall first give his name and address for the records, and unless further time is granted by the presiding officer, shall limit his address to five (5) minutes. All remarks shall be addressed to the board as a body and not to any Councilperson thereof. No person, other than the mayor, the Councilpersons of the board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a Councilperson of the board, without the permission of the presiding officer. No question shall be asked except through the presiding officer. (Ord. 81, 9-10-1975, eff. 9-17-1975)

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

A. ***MOTION:*** *Councilperson Margaret Johnston made a Motion to adjourn. Councilperson Pam Griswold seconded. The meeting adjourned at 8:44 p.m.*

**Approved:**

**Attest :**

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**Mayor Dana Holbrook**

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**City Clerk LaDawn Lawson**