

CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN CITY HALL
101 SOUTH EIGHTH STREET
CARLIN, NEVADA
February 24, 2010, 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
Councilperson David Trujillo

Absent:

2. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson, City Attorney Bob Goicoechea
3. Public Present: Anna Dean, Kathy Bunday, Justin Stanfill, Barbara Torvinen, Lisa Wolf, Nancy Abrams, Kevin Shawcroft, Roger Anderson

Pledge of Allegiance

I. Review, discussion and possible approval of a recommendation from the City Manager to reappoint, or to determine to not reappoint, Goicoechea, DiGrazia, Coyle & Stanton, Ltd. City Attorneys for the City of Carlin and all matters related thereto. (Action Item)

1. Bob Goicoechea reported, "We are happy and like to do the work for the City of Carlin and want to continue".
2. **Vice Mayor Donnetta Skinner moved for approval of a recommendation from the City Manager to reappoint Goicoechea, DiGrazia, Coyle & Stanton, Ltd. City Attorneys for the City of Carlin and all matters related thereto. Councilperson Lee Griswold seconded the motion.**
3. Mayor Cliff Eklund commented on the availability of the firm to answer any questions, noting his appreciation.
4. **The motion carried.**

II. Review, discussion and possible approval of a recommendation from the City Manager to reappoint, or to determine to not reappoint, High Desert Engineering and Mr. Thomas Ballew as City Engineers for the City of Carlin, and all matters related thereto. (Action Item)

1. Mayor Cliff Eklund reported there is a second part coming later in the agenda.
2. City Manager Glenn Trust reported he recommends reappointment of the City Engineer, noting that Mr. Ballew is willing to readjust his duties so the City of Carlin can find a contractor to conduct inspections and building permits, which do not fall under the City Engineers duties. He stated that could save money, as it does not require an engineer. He stated Mr. Ballew does a "great job".
3. Mayor Cliff Eklund stated they should be able to hire someone on a part-time basis for these functions.
4. Vice Mayor Donnetta Skinner stated she would like to find a Carlin citizen.
5. Mayor Cliff Eklund agreed.
6. **Councilperson Lincoln Litchfield moved to approve a recommendation from the City Manager to reappoint High Desert Engineering and Mr. Thomas Ballew as City**

Engineers for the City of Carlin, and all matters related thereto. Councilperson Lee Griswold seconded the motion. The motion carried.

III. Review, discussion and possible approval of a recommendation from the City Manager to reappoint, or to determine to not reappoint, Mrs. LaDawn Lawson as Carlin City Clerk, and all matters related thereto. (Action Item)

1. Mayor Cliff Eklund stated City Clerk LaDawn Lawson and her crew do a “tremendous job” for the City with the added workload with new government regulations and accounting duties and he recommends her reappointment.
2. Vice Mayor Donnetta Skinner stated she has not been turned down on anything she has requested they do.
3. **Vice Mayor Donnetta Skinner moved for approval of a recommendation from the City Manager to reappoint Mrs. LaDawn Lawson as Carlin City Clerk, and all matters related thereto. Councilperson Lincoln Litchfield seconded the motion. The motion carried with Councilperson David Trujillo abstaining because his wife works in the office.**

IV. Review, discussion and possible approval of a recommendation from the City Manager to reappoint, or to determine to not reappoint, Mr. William Bauer as the Chief of Police of the City of Carlin, and all matters related thereto. (Action Item)

1. Councilperson Lincoln Litchfield stated Chief Bauer and the Department do an excellent job. He also stated he mirrors the sentiments about City Clerk LaDawn Lawson. He stated Chief Bauer explains legal matters and doesn’t hesitate to answer questions.
2. Vice Mayor Donnetta Skinner stated Chief Bauer has a “lot of patience” and helps the Council. She stated, “We could not have anyone better in that position”.
3. Bob Goicoechea stated that since chief Bauer came to Carlin, there have not been any legal problems.
4. Mayor Cliff Eklund stated he has experience and professionalism on how he handles his job. He noted he has been willing at any time to discuss problems or handle situations and noted his appreciation.
5. **Councilperson Lincoln Litchfield moved for approval of a recommendation from the City Manager to reappoint Mr. William Bauer as the Chief of Police of the City of Carlin, and all matters related thereto. Councilperson David Trujillo seconded the motion. The motion carried.**

V. Review, discussion and possible approval of a recommendation from the City Manager to reappoint or to determine to not reappoint, Kafoury, Armstrong & CO., Inc., as City Auditors for the City of Carlin, and all matters related thereto. (Action Item)

1. Mayor Cliff Eklund reported they have done this job for years and he appreciates the relationship.
2. **Vice Mayor Donnetta Skinner moved for approval of a recommendation from the City Manager to reappoint or to determine to not reappoint, Kafoury, Armstrong & CO., Inc., as City Auditors for the City of Carlin, and all matters related thereto. Councilperson Lee Griswold seconded the motion. The motion carried.**

VI. Discussion and possible approval of a legal opinion from the City Attorney to guide the actions of City Administration in resolving outstanding issues and conducting ongoing business with Kings Court Trailer Park, owned by Ed and Terry King, and all matters related thereto. (Action Item)

1. Mayor Cliff Eklund stated this issue has been going on since he has been on the Council. He stated, “I am glad to see this coming to an end”.

2. City Attorney Bob Goicoechea stated, “In doing the research on this, some of the conclusions I came to are different from the ones I thought I would come up with in the beginning. I have written a very long opinion with the various zoning maps and city licenses. I think I will try to shorten and go over the major parts of the opinion. I also want everyone to know that Barbara Torvinen is here as the attorney representing King’s Court and a lot of the information that I have received has been through her. I guess one point is that I am relying on a lot of factual information that I don’t know myself and I am relying on that information. Unless the City has witnesses or somebody to show contrary factual information, I would think most likely if this is not resolved and goes to court, that the owners, if they recited certain facts and the City did not have somebody that could say the facts have been different, the City would not prevail without some witness to show the contrary. It goes back so far that we are relying on information that has been provided the owners of Kings Court and I don’t think there is anyone within the City to refute that. With that said, let me try to summarize this. The first is the zoning maps. In my opinion and as the first exhibits, I have researched and it looks like the first map, the zoning map, that was adopted was a map I have in here that has no date on it. I am not really sure exactly when that was adopted. When you look at that map and that half a block, which is right across from the school’s tract, it shows that it was originally zoned as Commercial. In 1973, October 10, a new zoning map and it goes back so far, I am assuming that all of the proper notices were given, because we don’t have a file that goes back. I don’t know if the Clerk’s office has a file, which would technically show all the proper notices were given, so I am assuming they were given in adopting that second map, which is Exhibit B and shows it was adopted in October 1973. On that map, the zoning was changed to Mobile Home. That seems to be a major turning point in the zoning of Carlin, because it added a bunch of different zones and seemed to have rezoned quite a bit of property, including this property, from Commercial to Mobile Home. Assuming that was properly adopted, the next map was adopted in June 11 1980 and that map is when, I recall a lot of that because I was involved in that, the City established a Mobile Home Ordinance and established three (3) different types of RMH zoning, 1, 2, and 3. RMH1 is what Kings Court was zoned as under that map. Interestingly, until I read carefully all of the zoning and Mobile Home Park ordinances, Carlin is quite different than a lot of the other cities right now, because Carlin has the three different zones, but does not have an RV Park for RVs as such in the Code. Even though there are RVs in current parks that we don’t have section in the Code that establishes RV Parks”.
3. City Clerk LaDawn Lawson stated she thought that was under 3-3-8 in Mobile homes and RMH included mobile homes and RVs.
4. City Attorney Bob Goicoechea stated, “That is correct, but it is not separate and distinct.”
5. Councilperson Lincoln Litchfield stated the Planning Commission is currently working on a Code for RV Parks.
6. City Attorney Bob Goicoechea stated, “RMH1 really includes, I think there are a number in town that include both RVs, old mobile homes and manufactured homes all together and really it is an RMH1 zone now, similar to ones in Elko that have come under criticism because Elko has one, so they tried to go back because they do not make a distinction”. He referred to John Carpenter’s Park. “My opinion is that Kings Court is at this point zoned RMH1, which allows both RVs, mobile homes, manufactured homes and just about any kind of mobile home. The next issue is under the nonconforming use and the RMH1, I am quoting from the City Ordinance, *areas suitable for development, placement and occupancy of mobile homes including recreational vehicles for residential purposes or rented or leased sites in a mobile home park*. As I understand, there are both RVs and mobile homes in Kings Court and it fits within the zone that way. One other issue is that there is also a definition of a Mobile Home Park that says *a tract of land having its principle use, rental, leasing or occupancy of space by two or more homes on a permanent, semi-permanent or overnight basis*. That also seems to lend itself to the same concept that Carlin has that a Mobile Home Park can have

both. What you really have to look for as far as getting the room tax is if in fact they are moving them in and out within a period of time. It makes it a little more difficult, but that is the way the City is set up right now. My opinion is that the mobile homes, RVs or manufactured homes may be placed in Kings Court. The next one is really based upon information that I have mostly obtained from Barbara Torvinen through her clients that Kings Court has not remodeled, expanded or performed reconstruction since the passage of the Mobile Home Ordinance in 1980. That is a key area when we get down to the setback requirements and that is the area where I was a little bit surprised with the research, because I initially, without doing the research, my guess was that they would have to meet all setback requirements. However, as you can see in the opinion, I could not find any Nevada cases on that issue, but other states, and I cited one of the cases with a junkyard where they had changed zoning and put in setback requirements that would have made the owner of the junkyard move his fence line to meet setback requirements. The court and Supreme Court in that case in Minnesota said that would be a taking of land and that the owners could defend it, as they would lose a substantial portion of land that they had always used before the enactment of the Ordinance and they held that the portion of that Ordinance pertaining to setback lines was unenforceable as applied to the defendant. That surprised me. There again I am not so sure where their setbacks have always been. In fact, I personally do not know any of that. I guess the issue right now is over bringing in a small manufactured home”.

7. Barbara Torvinen reported that their position was that the Kings can bring another mobile home in regardless of whether it was there before or not. It has been operated as a Mobile Home Park since the 1950s when the Kings bought the Mobile Home Park. It was filled with mobile homes then, not RVs. So I suspect in the 1950s mobile homes were smaller than mobile homes today, double wide or triple wide, but my understanding is because it was zoned Commercial and used as a Mobile Home Park, there were no setbacks. Therefore they were allowed to go to the edge of the property. It is kind of an unusual property; it does not have sidewalks, only a drainage ditch. So that was how it had always been used. It has only been lately that we have had this conflict of RVs and they rent the spaces and at times larger mobile homes have been moved out and then a mobile home put back in sometimes. Now this has been denied to the Kings.
8. Mayor Cliff Eklund stated, “Mr. King has been before this Council several times on this issue. One of his points of contention has been that he was grandfathered when he bought the property and that all of these new regulations did not apply to him because he was grandfathered in, the new zoning that was in place. At that time, the previous times he appeared before us, we were advised that, yes, the previous owner to Mr. King was grandfathered, but when there was a change of ownership, the grandfathering went away. Have we been advised wrong on that”.
9. City Attorney Bob Goicoechea stated, “I think you have. That advice came from someone in the Clerk’s office asking somebody in the state office, who was not a deputy Attorney General or somebody who was an attorney; I forget what the position was of the person. But they gave an opinion that the change of ownership would trigger the loss of the grandfather clause and in my opinion that was incorrect. It does not trigger it. You can, as long as you don’t change, reconstruct or expand or remodel, grandfathering can continue with a new owner. It is only, and I have given that opinion in the past I noticed a number of years ago when it came up once before. That really is the law. I think there was an opinion given by some state official, but I believe it was not correct and my guess is that official did not consult with a deputy Attorney General on this. I just think it was ill advised. I am assuming, without actual knowledge, that there has not been a remodeling or an expansion, which I think would be trying to get more spaces in there or buying more land and expanding or performed reconstruction, I think that is a pretty fine line because I think there is a difference there between reconstruction and just upkeep and maintenance. I think they have upkeep their asphalt, that would not be reconstruction. That would be maintenance. But, in

- my opinion there is whatever the setback is, if there has been any setback, whether it has only been only a foot from the alley, that they cannot expand that any further than what they have always had. I don't know if the City can prove that or if that last trailer that butts up on both sides, the last to the alley, if they have gone right up to the alley line, then I think they are grandfathered in. But if the City has any proof that they were always been two feet off the alley and all of a sudden at some point, they got close, then I would say they would have lost that. So what my opinion is assuming that they have not changed their original setbacks, then they would be grandfathered in. My understanding also is that they have always kept the interior setbacks, which is I think is a fire and safety issue, that they have always maintained the ten feet distance between each unit, which is really a safety issue. I don't know, but I am assuming that the Fire Department could get in somehow to any one of those units if they caught fire, then they could get the equipment in there to deal with the fire. I am assuming those issues and if those are correct, then my opinion is that they would not have expanded, as long as they don't change that, they are okay. If they have 16 units and try to make it 17 or they reduce it and enlarge it that would trigger the loss of their grandfathering".
10. Mayor Cliff Eklund inquired if Barbara Torvinen wanted to add anything.
 11. Barbara Torvinen stated, "I don't want to confuse the issue at all, but some things are a little bit confusing. I want to outline this a little bit, not just as my clients related it to me, but I did go through the minutes and the map and the City personnel were very kind and gathered this up and sent it to me. As I go through these things, I get a little concerned about the mapping process, because even though we have this map from 1980 that says you are going to have this mobile home zoning, the minutes for the adoption of what appears to be a board meeting does not include this property. It excludes it, even though later someone has colored in the map indicating that it is on there. If you read the minutes for that adoption, this parcel is not in there. Therefore, it appears to my clients and would appear on the record that this Block 21 is exempt from this ordinance and then you go back to the one in 1970s, but I don't seem to be able to find any minutes adopting that ordinance which is consistent. I don't know that. I think that is why Mr. King has been so adamant when he has come before the Council before that he can trace through the property records things like this where that Block is inconsistent. We do know, because there is an available map from 1937, where that parcel is zoned Commercial. I don't know if there is a map in between that, but you cannot find minutes for things that are consistent as you go along. All I can find is that basically it was operating as a 16-unit Mobile Home Park beginning in the 1950s and it had a different name, I think it was called Mobile Home Park or something. I don't know whether it changed hands, but it operated in basically that same name to the point where the Kings bought it in the 1980 – 1984, somewhere in there. They understood that and they did go to the Clerk's office and they say I am thinking about buying this property, so I want to look at the map or whatever. They were advised at that time that yes, it has this Commercial zoning, used as a mobile home park and that their use under that Commercial zoning was grandfathered in. That has been consistent until the past 10 years when there has been some controversy with that. They found these minutes that did not appear to move it into the mobile home zone, because their Block numbers were not included in any of that. I tried to fax it to Bob Goicoechea earlier, but I am digging through this paperwork again. In my own mind, because I cannot find that in the minutes, I think there is some question about whether this really got moved anywhere into Commercial. Maybe it is still Commercial being used as a mobile home park and whatever that definition was, I agree with Bob Goicoechea that if they had historically had a two-foot setback, that probably is grandfathered in. That means they could not go skinnier. My clients said they basically went to the edge, although I don't know if that is 6 inches, 12 inches or 2 feet. My definition as I read a broad view of a grandfathered; this is a little broader than Bob Goicoechea's, but he is your attorney. Certainly if you had a grandfather use to allow your garage to sit two foot from the front line in some instance, then you were going to expand that garage, you might lose your status of

- grandfather. But what the Kings Court wants to officially recognize is its use as a mobile home park, not an RV park, full size mobile homes, 16 spaces with the same setbacks they have always had, which they say are virtually none and they, because of the minutes, see that as commercial with mobile home use. That is really what they are concerned with, being able to maintain the mobile homes. I cannot find any evidence of the zoning change, except for these maps, which are inconsistent with the minutes. In my mind, it would have to be a true approved change of use, meaning they would have to change the property from a mobile home park to a bar and grill or casino or a lot of single homes, using it as a single residence. Now certainly, I agree if you try to make it into a 32 space, the City can of course stop them. That is not what is grandfathered in; it is the 16 space units mobile home park. I don't know where this leads us. That is what the Kings are hoping to get formalized – their use as a 16-space mobile home park is grandfathered in and that would be done in a formal manner. That this board draft a resolution that would be made part of the public record and recorded in some manner so that as the City Council changes, as the staff changes, that would be bindable, identifiable and would not create problems in the future with their use as a mobile home park. In today's market, maybe that does mean putting in a park model mobile home, maybe it would mean continuing its present use where RVs of various and sundry sizes and mobile homes that fit in the space or something else or that they might acquire one or two of the other type mobile homes in the industry, which then the owners of the land actually own and rent out currently for the entire use by the Kings, they always rent the space. This would finally resolve this matter in a formal proceeding.
12. Councilperson Lincoln Litchfield stated, “King’s Court is probably the best-looking mobile home park in the City. They keep it immaculate. The question I have is on the grandfather act, we grandfathered that piece of property in, did the Kings ever have a plot plan for each individual lot inside that plot. Is each lot 10’ x 30””.
 13. Barbara Torvinen stated they have never had anything like that, noting, “The parcel of land at the time they bought it was 16 units in the 1980s, each of those slots had water hookup, sewer hookup and electrical hookup and that remains the same. I don’t think improving or bringing them up to date would change the use. I don’t think switching one mobile home for another, changes the use or ends the grandfathering, but I do think that they are bound by every instance by the state code governing mobile home operations and RV operations. That is one of the reasons that they have brought it up before and I have raised it with Bob Goicochea is that they would not fit, the way that their 16 units are set up, not qualify to operate a true RV Park under what used to be the state statute and now the code in Elko or other places because at least in olden days they were required to have a shower facility and toilet facility. This park has never had that. Now it has become generic because virtually every RV has that built in, as a mobile home does. There is not a plot plan that I know of. If you built one today, you would have to put together a plot plan to operate under the licensing at the state level. They do, of course, have a state license for the operation of a 16-unit. They have to maintain it according to the code relative to their water operation, safety regulation, space between the mobile homes and those things that are set forth in Nevada State Revised Statutes”.
 14. Mayor Cliff Eklund inquired, “Did you find when that was originally built”.
 15. Barbara Torvinen stated she had found references to it in the minutes and maybe a licensing document that showed it was operating in the 1950s.
 16. Mayor Cliff Eklund conjectured at that time there was not a lot of engineering done at that time.
 17. Councilperson Lincoln Litchfield stated a certain portion has to be maintained to keep the grandfather status. “When you move a new one in that lot, would they not have to abide by the setback codes, because that lot lost its grandfather clause because there is nothing there to build upon”.
 18. Barbara Torvinen stated, “That is not my understanding; my understanding is that they are not selling individual lots; they are a property and because they were allowed to operate as a

- mobile home park and they were allowed to have 16 units, that they would have to change or rezone the property from a mobile home park to a bar and grill before they would lose all of their grandfather rights. They are in Commercial zoning. That's what it was when they bought, unless they correctly rezone. You are entitled to use the same setbacks as you did at the time of the grandfathering. There has to be a true change of use, not a change of ownership, not moving a mobile home in or out, a change from a mobile home park to something else".
19. Bob Goicoechea stated, "That is the only area I think we disagree on, but I don't think that is a factual issue that is coming up right now. Under the Carlin Code, my opinion is if they even kept it as a mobile home park, but they remodeled it into say 18 spots, that would trigger the loss of the grandfathering, because the Carlin definition is remodeling, expanding or reconstruction. I agree with her on your question that they can bring in another unit of whatever kind as long as it meets safety standards and the manufactured housing division inspects it and it meets all safety".
 20. Councilperson Lincoln Litchfield stated he has no doubt that they would meet the setback of the zoning if they bring in a singlewide, noting, "My fear would be bringing in a doublewide filling up the entire parcel".
 21. Bob Goicoechea stated. "They could not do that; they would have to maintain the 10'. They have maintained this historically and as long as they do not change those things".
 22. Mayor Cliff Eklund stated he read that they are grandfathered in as long as they don't change any setbacks or the existing spacing as it exists today".
 23. Bob Goicoechea stated, "What they want to do right now, I agree. They can bring in an RV, a brand new manufactured small singlewide home, an older mobile home as long as it does not exceed what they had in there before. It still needs the 10' setback requirements that they have always had".
 24. Barbara Torvinen stated, "My clients do not take the position that they should be allowed to expand to 18 unit park. As long as they maintain the setbacks of what they have been and written".
 25. Councilperson Lincoln Litchfield stated they meet all the interior setbacks in the park.
 26. Roger Anderson stated, "IN 1966, I lived in Kings Court with a 10' wide trailer. I don't ever remember 16 units in there; you could not get 16 units in there. You could not open the door without hitting your neighbor. I don't know why he would want to put mobile homes back in there, because there is no room for them. There weren't 16 units, there was one side and the other side with a driveway through the middle. I think somewhere along the line, he gained a lot more units than there were normally in there. All there were was 8' wide trailers and they came up with the newer 10' and 12'. We put a 10' in there, 40 foot long with no room to park".
 27. City Manager Glenn Trust stated the City Administration is going to have to administer this opinion in regard to Kings Court and any other park, "I would like to clarify this. I think we can satisfy Mrs. Torvinen's indication to have this formalized. City Clerk LaDawn Lawson has done research and, while I cannot speak to why a particular block number was left out of the minutes, it was clearly advertised in the paper in the 1980 in a rather extensive publication, which went through the entire zoning process. I cannot speak to why it did not make it into the minutes. There is no argument in the minutes, that I saw, that said that any particular block was excluded. I think the intent of the Council in the minutes was to include the entire zoning process as it was in the paper at that time. But that is not the point of clarification I would like to make or that I want to make sure we understand. Mr. Goicoechea, this is just so that before we move forward in using your opinion, I am sure of what is to be approved by the Council, that I am understanding this and that the City Clerk's office is understanding this. First off, it is in your opinion zoned RMH1; the grandfathering clause – they have not done anything to lose the grandfathering. The setback requirements and the setback on the alley there is right at the alley line. They also have some trailers now

- that extend to the alley line, so assuming they have not lost their grandfathering, that would be an acceptable place to put a singlewide trailer back on the property. With all of that in the opinion, it accomplishes what the Kings want and what Mrs. Torvinen is asking and formalization of it would certainly be acceptance of the City Attorney's opinion and a vote up or down on that position. If I am not understanding this, please correct me now so that we can move forward".
28. Bob Goicoechea stated, "That is correct, because I stick with the opinion and it has everything in it. I really think it addresses the issues the Kings are concerned with right now and while we may disagree on a legal issue, factually it is not something that is occurring at this point in time. I agree that if this opinion is accepted in the minutes, that is sufficient to end the matter and go on with things".
 29. Mayor Cliff Eklund stated, "I would also think that the acceptance of this legal opinion is all we would have to do. We do not have to do a specific resolution on a piece of property, as this becomes a matter of record".
 30. City Manager Glenn Trust stated they could furnish the Kings with a copy of the minutes.
 31. Bob Goicoechea inquired if Mrs. Torvinen agrees.
 32. Barbara Torvinen stated, "I certainly agree with the essence of the opinion and that it meets the immediate issue. She also state that they would still like something more formal after the months of research it has taken to resolve this and something they that would be recorded with the deed so that this could be avoided in the future if the property were sold.
 33. Mayor Cliff Eklund stated the only thing the Council can do is accept or reject the opinion. "It is not agendaed as a Resolution and we cannot act on it because it is not an agendaed item".
 34. Councilperson Lee Griswold inquired, "It is a 16-unit mobile home park, would it be possible if we do move this to protect us further down the road that they give us a plot plan of those 16 spaces to attach to the Resolution, because the way manufactured housing, mobile home, whatever you want to call it, they get bigger and bigger. You don't have any more space, so pretty soon instead of putting 16 units, you are only going to get 10 in there, depending on what is in there. If you give them a blanket that they can put 16 units in there and doublewides come in, we are going to be back here again".
 35. Mayor Cliff Eklund stated, "I think we are covered by that in the legal opinion that they must maintain their 10' spacing".
 36. Bob Goicoechea stated, "If there is no disagreement, if you fashioned your motion, and there is no disagreement on the subject as to the attachment of a map showing the 16 spaces, because it sounds like from one individual that lived in it at one time, there is some controversy over how many spaces there have been. We are all agreeing at this point that there are 16, so if we did have at least some kind of a map that shows, I assume there are eight (8) spaces on each side. That would be helpful to attach to this".
 37. Councilperson David Trujillo stated, "If the Kings want some more formal understanding with the City as to the usage of the property that they would not have any problem at all giving us something that is a little more formal than just a 16-space trailer park. I don't see a problem. If it had to be surveyed, it is a little more formal. It should have been surveyed years ago and put in the record".
 38. Chief Bill Bauer stated, "If they were to submit the plot plan, would that be inclusive of the spaces or the setbacks for future reference and all of a sudden the setbacks go down to a foot. Set it out so there is a definitive setback".
 39. Barbara Torvinen stated, "I am sure the Kings don't mind doing the map. There are records. I disagree that under the history of this thing that there would have been any occasion to cause the owners or even the prior owners to cause a survey after the initial establishment of the mobile home. It was not required at the time it was initiated and put in and would not be a normal requirement that once the parcel is in use that subsequent owners unless they change the design, they would have to do a survey and establish what that is. Even though you can

- see there were prior uses, long before my client owned the property, there were significantly largish mobile homes in this parcel and this property and it was being used as a mobile home park. I think that you could say that the opinion is subject to these 10' setbacks on the interior, 5' and 5' to understand it. I think that is perfectly acceptable and I am sure they would do a drawing of that, even though there are records of some of that".
40. Mayor Cliff Eklund stated, "Aerial photograph".
 41. Councilperson Lee Griswold stated it not detailed enough.
 42. Bob Goicoechea stated, "I don't know if you want to get on Google and google it, but I don't see, I think it would be better if the motion was such to approve this opinion subject to an attached plat prepared by you or your clients that show the 16 spots as they now exist".
 43. **Councilperson Lincoln Litchfield moved for approval of a legal opinion from the City Attorney to guide the actions of City Administration in resolving outstanding issues and conducting ongoing business with Kings Court Trailer Park, owned by Ed and Terry King, with an attachment of said property with setbacks of each space and all matters related thereto. Councilperson Lee Griswold seconded the motion. The motion carried.**

VII. Discussion and possible approval of a proposal from the City Manager and City Engineer to seek and execute an agreement with an independent contractor to furnish construction permitting, building and construction inspections, plans reviews and related services, and all matters related thereto. (Action Item)

1. Mayor Cliff Eklund inquired, "Why does it have to be a contractor, why could it not be a part-time employee".
2. City Manager Glenn Trust stated, "It could be a part-time employee. It would cost us more to make it a part-time employee. There are other expenses that go along with that".
3. Mayor Cliff Eklund stated, "If they don't make the 32-hour week".
4. City Manager Glenn Trust stated, "There is still expenses associated with bringing in an employee. We can do it as an employee if that is what you want to do".
5. Mayor Cliff Eklund stated, "We could do a part-time inspector and a part-time dogcatcher".
6. City Manager Glenn Trust stated, "The intent was to save some money and keep this position at the same current hours as Mr. Ballew does inspections and permitting, but do it at a lower rate. Not expand the hours. We can do what the pleasure of the board is. My recommendation is that this is a specialized field, a professional service. I am not sure I can find someone with all of the qualifications and the abilities of inspector, permitter and plan review, who is also willing to be a dogcatcher. They are probably not compatible professions".
7. Mayor Cliff Eklund inquired what the chain of command would be for this position.
8. City Manager Glenn Trust stated they would report to the City, either to the City Manager directly or to the Director of Public Works. Tom Ballew would continue to be the City Engineer for civil engineering projects, the big packages for projects like the Industrial Park, sewer line, water reservoir cover and would assist in any Public Works projects. He stated, "Those are the areas that he is actually...that is his business".
9. Mayor Cliff Eklund inquired if the person or contractor would be working with Tom Ballew in conjunction with decisions. Are they to be made solely on this person's discretion or would Tom Ballew be included in the decision making process.
10. City Manager Glenn Trust stated there would be link between Mr. Ballew and the appointment, noting, "The whole purpose of this is to take the Engineer out of the permitting and building inspection process. In reality, there is always going to be some touch points where there is a Public Works project that the City Engineer may be working on that may have some interaction with the permitting or inspection process. This person would not report to Mr. Ballew".
11. Councilperson David Trujillo inquired if Mr. Ballew agrees.
12. City Manager Glenn Trust replied affirmatively.

13. City Clerk LaDawn Lawson stated it would help the Administration office because it would give them a full-time person that they could ask. She stated, "A lot of the problems that come back to the City Clerk's office are regarding these issues. I believe it would reduce that quite a bit".
14. Mayor Cliff Eklund agreed. He stated he just needs to know the chain of command.
15. City Manager Glenn Trust stated, "It would be a contract with the City, not the City Engineer, we would administer it".
16. Councilperson David Trujillo stated there is not a down side, because it would be cost saving, noting, "If it works, we could expand it more and if it does not, we could go back to what it was before".
17. City Manager Glenn Trust stated, "As we see it work out, we may be able to expand the hours or service. Code enforcement might fall in line with building inspections".
18. Mayor Cliff Eklund stated, "Code enforcement would definitely be a part of his job".
19. Bob Goicoechea stated he did not think Mr. Ballew would object as he has had conversations with him about how busy his office is and he would prefer to perform engineering services. "He has been doing it as an accommodation".
20. Councilperson Lincoln Litchfield inquired if there is a list of qualifications for this position now.
21. City Manager Glenn Trust replied affirmatively, noting Mr. Ballew is working with him to develop those. He stated they would do a search for candidates.
22. **Councilperson Lincoln Litchfield moved for approval of a proposal from the City Manager and City Engineer to seek and execute an agreement with an independent contractor to furnish construction permitting, building and construction inspections, plans reviews and related services, and all matters related thereto. Councilperson Lee Griswold seconded the motion. The motion carried.**

VIII. Discussion and possible approval of a request from the Carlin Volunteer Fire Department to temporarily close Hamilton Street between First and Second Streets between the hours of 4:00 pm and 8:00 pm in conjunction with their annual "Spring Fling" fundraiser, and all matters related thereto. (Action Item)

1. Nancy Abrams reported she typed a letter, which tells what the fundraiser is and she has contacted all the neighbors. She stated, "Three years ago we started this to raise funds for the Fire Station. Last year, the event brought in \$5,000. It is definitely the biggest fundraiser for the Fire Department in my nine (9) years. People stayed last year and told us things we needed to improve on, one was some kind of entertainment during the initial social hour before the dinner starts. We have a local band willing to donate time and will actually quit playing at 6:30 p.m. We are blocking of the area directly in front of the Department from 4:00 p.m. to 8:00 p.m. for set up and take down. It is only for safety measures". She explained some of the schedule.
2. **Vice Mayor Donnetta Skinner moved for approval of a request from the Carlin Volunteer Fire Department to temporarily close Hamilton Street between First and Second Streets between the hours of 4:00 pm and 8:00 pm in conjunction with their annual "Spring Fling" fundraiser, and all matters related thereto. Councilperson David Trujillo seconded the motion. The motion carried.**

IX. Review, discussion and possible approval of a request from Clay and Tracy Anderson to amend the zoning for their property in Carlin, Nevada described as, Sec 26, Township 33 North, Range 52 East, APN 002-030-038, from Rural Residence and Farming to Light Industrial, and all matters related thereto. (Action Item)

1. Kathy Bundy indicated opposition and that it seems like the yard is on the opposite side. One side is light industrial and they want to put in 250 storage units. We actually were pulling sheep out of there in the past. There has not been too much water up there. She also stated

- that the yard where it is now has had problems and they have taken pictures and they are on record. She indicated that the other part of the family has moved out of Carlin and that they should have responsibility to clean up that mess over there. There are chemicals over there, you'll dig 30 years and won't ever get that diesel out of there. Where he wants the 250 storage units that was truck parking right there until they got mad and brought them over here. There was diesel spilled there and there is also an old septic tank there. Clay Anderson walked with Kathy Bundy through there and what used to be all fenced off is all broken down. There is an old septic tank. We had to clean up ours. There was some complaint a year and a half ago. She said "I don't see light industrial being over there. You put 250 storage units near your home with people running in and out. You have problems. You know where all the junk has been for years. If they have to do something, do it on that side of the property, why put it where it will be an eyesore again. They decide to sell it, walk off from it. I and my neighbors feel we have to keep our yards nice. I have some stuff there right now, but I am just waiting for my son to get home and we are done. Who's to say, I put a shop there, hey that's what I want to do, put me a garage, new home. I am not grandfathered in up there." She further stated that "there are way too many chemicals in that down yard that should never have been left up there." She feels they should do light industrial where it has always been. Bundy said "I know he wants to make his money and that is fine. What I am saying is that if they are going to do something there, do it in a light industrial park, why have it right off our old highway. You can see it from the highway. Another eyesore in Carlin, Nevada, we do not need. I've walked that property many times and I can tell you that it is real bad, where there is mercury that is real bad. You can see it."
2. Mayor Cliff Eklund stated, "If those things are that bad, then the generator of that hazardous waste is responsible for the clean up".
 3. Kathy Bundy stated, "They are all passed away except for a few now".
 4. Mayor Cliff Eklund stated they could even go after the estate.
 5. Kathy Bundy stated, "You know what they will say, they will say they don't know nothing. I have lived with it a long time. Anything they wanted done, it was done the way they wanted it done".
 6. Councilperson Lincoln Litchfield inquired if Kathy Bundy was the third unit in off of Chestnut. He stated, "I know they appeared before Planning Commission and they were asked to do certain things, a privacy fence and things like that to minimize the potential of a bad scene out there. Any time you are going to take a piece of property that has mercury, diesel, cyanide, septic tanks, when they go to do something like that, they have to clean it all up. You are getting a win-win situation".
 7. Kathy Bundy stated, "That is part of the property over here. The piece where the spill is where the one septic tank and damaged truck is. I asked for the minutes and I have not received any minutes".
 8. Justin Stanfield stated, "We came to the Planning & Zoning meeting, The paper that she had that had the time had the wrong date on it".
 9. Councilperson Lincoln Litchfield stated, "They rescheduled that".
 10. Justin Stanfield noted, "Now that I am here, I never got another paper. What is rezoning this property here, Clay Anderson's property, Kathy Bundy's property here, rezone this to Commerical, what is this property now, is it the same?"
 11. Councilperson Lincoln Litchfield stated they are not changing his.
 12. Justin Stanfield stated, "It does not affect the taxes".
 13. Councilperson Lincoln Litchfield stated it would raise his (Anderson's) taxes, because it would be an improved piece of property".
 14. Justin Stanfield stated, "It will not affect our taxes or property line?"
 15. Councilperson Lincoln Litchfield replied negatively.
 16. Kathy Bundy inquired, "If I want to put something on the corner of the lot so I can see myself. I can do that?"

17. Chief Bill Bauer inquired if that really had anything to do with the zoning issue.
18. Councilperson Lincoln Litchfield stated, "It is up to the previous owner's liability or the present owner to accept the responsibility to clean it up".
19. Kathy Bundy stated. "\$190,000 and all the responsibilities that go with it".
20. Councilperson Lincoln Litchfield stated, "We do not have that in front of us".
21. Mayor Cliff Eklund stated, "The hazardous waste is not transferable".
22. Justin Stanfield stated, "Suggest soil samples just to make sure that the place being sold with that is cleaned up".
23. Vice Mayor Donnetta Skinner stated, "That really does not have a lot to do with it though".
24. Mayor Cliff Eklund stated, "Frankly, that has nothing to do with what we are doing here tonight. That property, as Kathy Bundy talked about, has been an eyesore for years and I happen to know Clay Anderson and his wife and I know it won't be an eyesore when they take over. There are two (2) things that are going to happen here. We are going to get a much needed storage facility and we are going to have an eyesore cleaned up. I think it is a win-win situation for everybody."
25. Vice Mayor Donnetta Skinner stated, "There are several Stor All around the country and I don't think I have seen one that has been an eyesore. In Carlin, I don't think we will have that many people running back and forth to the Stor All, so I don't think it is going to be a problem with traffic. I do think that the ideas that Clay Anderson has are good ideas. We need the storage and the sooner we get these people's boats and things off the street, it is okay with me. I think this sounds like a good location to have them".
26. Anna Dean reported, "One thing the Planning Board did approve is a change of address number and the other thing is where they will be going in and out is probably Chestnut; that's why the new address. They are not going to be going down Tuscarora; they will be down at the bottom. The way that this is there is going to be a good 6' fence. He does want to make it secure also. He was very adamant about that to the Planning Commission".
27. Roger Anderson stated "Clay Anderson had to give up some of his property to access that property. The neighbors that live next to him, they are going to finish their fence and move the road. It is a win-win for everybody. There is backfill that the City will have to take care of".
28. Councilperson Lincoln Litchfield stated, "The Planning Commission addressed a lot of issues and they agreed to everything that the Commission asked them to do. I agree with the Mayor".
29. **Councilperson Lincoln Litchfield moved for approval of a request from Clay and Tracy Anderson to amend the zoning for their property in Carlin, Nevada described as, Sec 26, Township 33 North, Range 52 East, APN 002-030-038, from Rural Residence and Farming to Light Industrial and to change the address from Tuscarora Road to 1602 Chestnut Street, and all matters related thereto. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**

X. Review, discussion and possible approval of the City Manager's Financial Report to the City Council, and all matters related thereto. (Action Item)

1. City Manager Glenn Trust stated, "We took the percentage of the year that had expired and prorated the revenue through the rest of the year. The estimated revenue is slightly higher, none of that is a guarantee and the estimated expenses are slightly less than our budget. He stated there is a lengthy spreadsheet you can look at. The key issue for the City is revenue; about 65% of the year has passed. The Ad Valorem tax would slightly exceed by \$20,000 our anticipated Ad Valorem tax. That is based on year to date receipts. That could adjust down to what we budgeted. The major number for us is the Consolidated Tax Revenue, a reduction of 10% of what the state promised us, shows the estimated is \$1,301,000. It is good what we budgeted under what the stated reflected. Right now the number look fairly positive,

Motor Vehicle is slightly ahead of our numbers and other revenues are up to or slightly ahead in our projections to the end of the year”.

2. **Vice Mayor Donnetta Skinner moved for approval of the City Manager’s Financial Report to the City Council, and all matters related thereto. Councilperson Lincoln Litchfield seconded the motion. The motion carried.**

XI. Review discussion and possible approval of City Council Regular Meeting Minutes for January 27, 2010 and all matters related thereto. (Action Item)

1. **Vice Mayor Donnetta Skinner moved for approval of City Council Regular Meeting Minutes for 1/27/10, and all matters related thereto. Councilperson Lee Griswold seconded the motion. The motion carried.**

VI. Review, discussion and possible approval of payments for the period February 11, 2010 through February 24, 2010, and all matters related thereto. (Action Item)

1. **Vice Mayor Donnetta Skinner moved for approval of payments for the period February 11, 2010 through February 24, 2010, and all matters related thereto. Councilperson David Trujillo seconded the motion. The motion carried with Councilperson Lincoln Litchfield abstaining from One-Stop Auto Parts.**

VII. City Council Members Report. (Non-Action Item)

1. Councilperson David Trujillo reported he noticed that the railroad crossing details on the street are not legible. He stated Public Works Director Carlos Esparza stated the ones the City is responsible for will be in the Spring and maybe they could nudge the railroad on the ones they are responsible for.
2. Councilperson Lee Griswold reported his appreciation to Chief Bauer for another year of service. The Fire Department will hold their elections.
3. Councilperson David Trujillo had no report.
4. Vice Mayor Donnetta Skinner reported the Senior Center bingo event made \$630. She reported the cemetery has been buried in snow and Public Works Director Carlos Esparza will begin working on the cemetery. A decision was made on the Library to obtain a Project Manager and picked Ron Johnson to perform that duty. Several more fundraisers are coming up.
5. Mayor Cliff Eklund reported City Manager Glenn Trust and he have attended 2 out of 3 teleconferences. “There was a communication problem last Friday led by the Democratic Party, but he contacted some County officials for updates. It is not looking good for the special assembly meeting they plan to have. It sounds like they are going to cut between 400 and 600 state jobs. It is a mixed bag whether they are going to come after the mining community and may create a problem in this area. Statewide we are 13.9% unemployment. He is concerned about layoffs if they attack the mining companies. I had a call from a senator in Clark County who stated we have your covered. It will be interesting to see what they come up with in the Special Session.. They are \$900 million short, \$40 million in cost per week for unemployment and 18,000 new claims each week. Nevada ranked 48th in federal money”.

VIII. City Clerk’s Report

1. City Clerk LaDawn Lawson thanked the Council for the reappointment.

IX. City Manager’s Report (Non-Action Item)

1. City Manager Glenn Trust had no report.

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

1. Mayor Cliff Eklund stated he wanted to commend everyone, the whole staff of the City and Department heads for a great job, noting he is proud of all of them.

**XI. Adjournment. (Action Item)
The meeting was adjourned at 9:04 p.m.**

APPROVED:

CLIFF EKLUND, MAYOR

ATTEST:

LADAWN LAWSON, CITY CLERK