

CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN CITY HALL
101 SOUTH EIGHTH STREET
CARLIN, NEVADA
September 28, 2011, 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
Councilperson Steve Feasel
Vice Mayor Donnetta Skinner
Councilperson Lee Griswold
Councilperson Lincoln Litchfield

Absent:

2. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson. Public Works Director Carlos Esparza
3. Present: Kim Starr, Roger Anderson, Rick Anderson, Armajot Singh, Ron Johnson, Melisa Stevens, Ben Stevens, Karla Jones, Ellen Meshefski, Charlie Kendrick, Juniko Peters, Val Simpson, Jon, Gift, Rose Gift

Pledge of Allegiance

I. Review, discussion and possible approval of a request from Benjamin and Melissa Stevens for a variance to allow the keeping of poultry at their residence located at 861 5th Street, Carlin, Nevada, Parcel 002-012-019, zoned Intermediate Residential, and all related matters. (Action Item)

1. Mayor Cliff Eklund explained variances are based on a situation-by-situation basis. He read letters from neighbors that had been received: *Dear City Council: In response to the letter about the request for variance for use of land by Ben and Melissa Stevens. We are sending a written response. We will not be able to attend the City Council meeting because we will be out of town on that day and cannot change our plans. ¶We are begging you to please not allow the variance. We live at 510 Fir, abutting the corner of the property where they actually keep their poultry. The breezes and the wind always come from that direction right to our house. We are awakened every morning just before dawn by the racket and it continues all day long. The only time we are not listening to them is after it turns dark. The Stevens probably do not hear them because they put them on the back side of their shop. So they have a large shop between them and the chickens. The noise and smell come directly into our bedroom window. ¶Before the Stevens bought the place above us, they rented a space at Barredo's trailer park and kept miniature horses in their yard there. After they moved above us they kept rabbits. They ended up turning them out, and for a couple of years we all had rabbits eating our plants and shrubs and defecating in our yards. Now they want poultry...I think if they are given a variance, it will be opening a can of worms. What are they going to bring in next??? Pigs?? Cows??? Sheep??? ¶ If they wanted a farm, they should have purchased in the country. If they want to keep them now, they should rent property in the country to raise and maintain them. There are lots of properties on the edge of town available to rent for that purpose. We have goats and horses that we rent property for, and so do many, many other people. Why should it be any different for the Stevens. ¶We bought our property up here many years ago because it was a quiet and beautiful neighborhood. We have sunk a lot of money into our property to make it worth something and we feel that the keeping of their poultry devalues our property immensely. I (Linda)*

don't feel that we should have to tolerate the raising of and the noise of farm animals, in a quiet residential neighborhood. We cannot even enjoy being out on our deck, or having guests over to have a BBQ, because of clucking chickens and crowing roosters. I know that maybe other neighbors don't really notice or care because they either work all day or stay in their houses with their windows all closed, but we enjoy being outdoors and working and playing in our yard, so it does really affect us. ¶We hope you will strongly consider our remarks and vote against the variance. We do not have a problem with anyone wanting animals, but we do have a problem with them wanting to raise farm animals, basically on our door step. ¶Thank you for your consideration, Charles & Linda Wolfsteller. Carlin City Council, I am responding to the variance requested by the resident at 851 5th Street. I absolutely cannot agree with this request. These residents have had rabbits in the past that they turned loose in the neighborhood to run free, and some of them met awful deaths by cars hitting them, dogs chewing them up et. This residence has 5 dogs that bark all the time, I'm sure there's no kennel license to go along with that many dogs. If somebody's personal pet gets in their chicken coup, what are the repercussions going to be? Their roosters are already crowing at any giving (sp) time of the day, not good for night workers who sleep during the day. I moved into a residential neighborhood, not a farming area. If you give the variance for one, you'll be expected to give it for anyone. Here are some other reasons we're against it; 1-Chickens will draw more hungry predators in 2-There are health issues for people with respiratory problems 3-There are no regulations or guidelines for chickens in Carlin 4-Chickens are foul smelling and noisy 5-Poultry carry parasites, lice, diseases 6-Roosters are very aggressive toward people, we have children in our neighborhood 7-Poultry can pass pathogens to people 8-I'm sure it will devalue the property in our neighborhood As our elected Council, please do what's in the best interest for all the people in the surrounding area, do not allow this to happen. Russell & Joey Nethery. Mayor Cliff Eklund stated they have also had calls to animal control regarding this.

2. Melissa Stevens stated she did not expect to have this reaction. She noted the police have been called about dogs and the couple who wrote the letter also have barking dogs. She stated the chickens are kept in a coup with a 6' fence around.
3. Ben Stevens stated they do not have the roosters.
4. Vice Mayor Donnetta Skinner inquired what purpose they have for the chickens.
5. Ben Stevens stated that their daughter wanted some and they got them at IFA.
6. Melissa Stevens explained the daughter is 5-years old and she takes care of them and sells eggs.
7. Mayor Cliff Eklund inquired how many there are.
8. Ben Stevens stated there are 20.
9. Melissa Stevens stated she is in the backyard and does not smell anything.
10. Mayor Cliff Eklund stated that dairy farmers do not smell the dairy.
11. Vice Mayor Donnetta Skinner inquired if they would like Carlin to be a farming community.
12. Melissa Stevens stated she does not see a problem unless there is a large amount.
13. Vice Mayor Donnetta Skinner stated 20 is too many and she understands why people would be annoyed with roosters.
14. Mayor Cliff Eklund stated they looked at Elko's regulations which includes no roosters and not commercial purposes which is selling eggs.
15. Charlie Kendricks stated the ordinance should address the situation, but does not see a problem.
16. Mayor Cliff Eklund stated a variance is necessary for everyone who has a chicken because it is against city ordinance to have them.
17. Ben Stevens inquired about calls to the police.
18. Mayor Cliff Eklund reiterated there have been complaints to the police about the chickens.
19. Ben Stevens inquired why the police did not show up.
20. City Manager Glenn Trust explained the Chief of Police came to him and he advised him not

- to write a citation, but that he would write a letter giving them 15 days to get rid of the chickens.
21. Councilperson Steve Feasel stated according to the agenda and the information they have, their residence is zoned intermediate residence, which does not allow chickens. He stated in looking at the City as a whole, the chickens should not be allowed and it should be a rural residence. He stated the city is not zoned for chickens.
 22. Councilperson Lincoln Litchfield stated the smell can be disgusting and if they are maintained, he does not have a problem with chickens in a coup, but he does have a problem with 20 chickens. He stated in an intermediate residence has to have a variance and the Planning Commission will have a recommendation for the Council.
 23. Councilperson Lee Griswold stated they should go back and look at the ordinance and possibly rewrite it to solve the problem. He says he is not against it, but if it is against the law, he does not agree with that either.
 24. Mayor Cliff Eklund stated his concern, "Where do we stop?"
 25. Discussion was held on animals allowed in the city.
 26. Melissa Stevens stated they looked at Elko County and based their decision on that, instead of looking at the Elko City Code.
 27. Councilperson Lincoln Litchfield stated urban chickens are across the country right now, but that is 2-3 chickens.
 28. Vice Mayor Donnetta Skinner stated they should not be "disallowed" but they have to be controlled. She stated it is like any other pet.
 29. Melissa Stevens stated the neighbors have not talked to them about this and she talked to neighbors on the other side of the property who indicated they had no problem with the chickens.
 30. Vice Mayor Donnetta Skinner stated the letter seemed to be directed to the roosters and since they have gotten rid of them, but there are too many.
 31. Mayor Cliff Eklund stated the ordinance in Elko requires they must have their own pen.
 32. Ben Stevens stated they have their own pen.
 33. Karla Jones reported the Planning Commission has done some research about surrounding areas, and as far as New York. She noted a website that shows all of the ordinances and allow only 10. She stated the Planning Board is discussing birds and have been thinking of a maximum of 5, have to be penned, noting that some of the laws require an annual fee of \$25.00 and they cannot be housed less than 20 feet from the property line. She noted the zoning with dense housing would not allow chickens. She stated almost every city allows for some type of chicken or fowl in a yard and when the Planning Commission addresses this, they would not address chickens only. She noted some of the restrictions being considered. She noted that Carlin has more chickens than they have found in their research. She noted the fee is a flat fee.
 34. Vice Mayor Donnetta Skinner stated they do not have an ordinance to go by.
 35. Discussion was held on the restrictions, the fee, and property regulations.
 36. Val Simpson explained she had chickens and she contacted all of her neighbors and there was no problem. She states hers are pets and she has eight (8).
 37. **Councilperson Lincoln Litchfield moved to approve the request from Benjamin and Melissa Stevens for a variance to allow no more than five (5) chickens, enclosed in a coup, and to be no closer than 25' to the neighbors, at their residence located at 861 5th Street, Carlin, Nevada, Parcel 002-012-019, zoned Intermediate Residential, and all related matters. Councilperson Lee Griswold seconded the motion. The motion carried with Councilperson Steve Feasel voting against the motion.**

II. Review, discussion and possible approval a request from Kimberly Starr and Brian Abram for a variance to allow the keeping of poultry at their residence located at 262 South 6th

Street, Carlin, Nevada, Parcel 002-185-004, zoned Intermediate Residential, and all related matters. (Action Item)

1. Mayor Cliff Eklund read two letters into the record: *Carlin City Clerk, I, Julie Anderson, 620 Oak St., Carlin, NV 89822, approve of the Variance Request by Kim Starr & Brian Abram to keep poultry on their property at 262 South 6th St., Carlin, NV. ¶I personally enjoy seeing their chickens! Their yard is always well maintained, they have an awesome chicken house, and the chickens are really beautiful, healthy, and happy. So, by the way, are their funny little dogs. The animals are securely fenced in and not a bother as far as I am concerned. ¶Thank you, Julie Anderson; Carlin City Council, I think the regulation of keeping chickens should be done in an ordinance not a variance. This would treat all citizens equally and not just those who can afford to apply for a variance. An ordinance would spell out the rules, regulations and if a permit would be necessary. I hope the council will table this and decide if we need an ordinance or if we cannot allow chickens at all in our city. A variance does not address this and one property owner may be responsible while the next would not be. ¶The chickens at Kim Starrs have never bothered me but I think it should be regulated not allowed through a variance. I think backyard food production is important, but the citizens need to decide if a residential setting is the best place for keeping chickens. David and Heather Trujillo.* Mayor Cliff Eklund stated he received a note from several people handed to him by Kim Starr prior to the meeting: *To Whom It May Concern: I do not care that my neighbors, Kim Starr and Bryan Abram have poultry. s/ Richard Davis, Tony Latham, Kathy Christensen, John Ludwig, Tiffany Blunt, Allison Hood*
2. Councilperson Steve Feasel stated this is a zoning problem and the zoning states there should not be any livestock in intermediate residential and until that zoning is changed, "I have to say no".
3. Kim Starr stated they are present for a variance, because they are pets.
4. Vice Mayor Donnetta Skinner agreed they are like pets, but there are people who do not respect that and don't take care of their pets. She noted she looked at the Starr house and agrees it is clean and well kept. She explained there are no guidelines for the Council to use and they have to be courteous about the surrounding residents.
5. Discussion was held on the turning over of this issue to the Planning Commission for zoning review and regulations.
6. **Councilperson Lincoln Litchfield moved for approval a request from Kimberly Starr and Brian Abram for a variance to allow no more than five (5) chickens, enclosed in a coup, and to be no closer than 25' to the neighbors, the keeping of poultry at their residence located at 262 South 6th Street, Carlin, Nevada, Parcel 002-185-004, zoned Intermediate Residential, and all related matters.. Councilperson Lee Griswold seconded the motion. The motion carried with Councilperson Steve Feasel voting against the motion.**

III. Review, discussion and possible approval of a request from Amarjot Singh to waive the requirement for the installation of curb, gutter and sidewalk required by his building permit for improvements at the Cavalier Liquor Store, 1009 Chestnut Street, Carlin, Nevada, all related matters. (Action Item)

1. Mayor Cliff Eklund stated his concern that this problem is not addressed before the permit is issued. He stated if a waiver is given, it should be given when the permit is issued.
2. City Manager Glenn Trust stated this was not requested when the permit was issued.
3. Ron Johnson stated he is speaking for Mr. Singh to make sure he understands the process. He stated if he is to expand his business, he gets a permit and if he didn't agree with the curb, gutter and sidewalk and does not sign it, he cannot expand. He noted the understanding by Mr. Singh was that anything over \$10,000 requires curb, gutter and sidewalk, but after he started he "found out anything over \$10,000 does not count". He noted one of Mr. Singh's arguments is if the State does Chestnut Street, "why can't I wait until the State does Chestnut

- Street and he will put the required curb, gutter and sidewalk down 10th Street, but not Chestnut”. He noted the other option is “if he goes down 10th St. on Cavalier property and not force him to spend money right now he does not have to put it in on Chestnut”.
4. Mayor Cliff Eklund stated this is something they can consider, because that is NDOT right-of-way, that part could be waived.
 5. Member Ron Johnson stated it does not seem fair that the man across the street gets his done free and all Mr. Singh wants is to expand his business about \$6,000.
 6. Mayor Cliff Eklund stated the Council has a right to waive anything under \$10,000.
 7. City Manager Glenn Trust stated over two years ago, Administration came to the Council for clarification and “we have made a point to indicate on every building permit and draw attention to people that curb, gutter and sidewalk was required, regardless of the amount of the permit. I cannot speak to what Mr. Singh understood, but that is what we are explaining to people and that is what is required and that the Council can waive it if it is under \$10,000. There have been a few cases where they did come in prior to the construction taking place to get a waiver and in two (2) cases it was denied. I cannot speak to why anyone would wait until the project is done and then ask for a waiver. I can assure you as a matter of routine, we make sure they understand the application and the curb, gutter and sidewalk”.
 8. Mr. Singh stated he is waiting for “four (4) years so I don’t go over \$10,000”.
 9. Mayor Cliff Eklund inquired about an estimate.
 10. Mr. Singh stated \$6,600.
 11. Mayor Cliff Eklund inquired about an estimate for the curb, gutter and sidewalk just on 10th Street.
 12. Ron Johnson stated it is probably \$20,000.
 13. Discussion was held on NDOT doing the work, but the City got a grant.
 14. Mayor Cliff Eklund stated Mr. Singh would have to get a permit from NDOT before he could put in curb, gutter and sidewalk on 10th St.
 15. City Manager Glenn Trust stated NDOT would grant a permit.
 16. Ron Johnson stated this could be dropped until NDOT works on Chestnut Street.
 17. Mayor Cliff Eklund stated there is a possibility that NDOT will not put any more in.
 18. Councilperson Lincoln Litchfield stated they should work with 10th Street first and as suggested by Vice Mayor Donnetta Skinner contact NDOT to see what their plans are.
 19. City Manager Glenn Trust stated NDOT will “absolutely not put in the curb, gutter and sidewalk on 10th Street”, but the City has applied for three (3) different grants to get curb, gutter and sidewalk along Chestnut to Urban Town and that has been denied. He stated he feels it is fair to require only what was asked of Peacock across the street.
 20. Vice Mayor Donnetta Skinner stated Mr. Singh only has 10th Street.
 21. Discussion was held on a two-year stipulation.
 22. Councilperson Steve Feasel stated in fairness if they asked Mr. Singh to do the improvements on 10th Street and a 2-year window to get that completed.
 23. Charles Kendricks stated it is public record on what Peacock did and that is a gateway to Carlin and that side looks good and the other side should look good, but he should be given two (2) years sounds reasonable.
 24. Discussion was held on ingress and egress and the handicapped area.
 25. Councilperson Steve Feasel inquired if this could be addressed at the next meeting and have Mr. Singh bring a detailed map. He stated this would make it easier to make a decision.
 26. Vice Chairperson Karla Jones stated the school district asked for a waiver, which was denied. She noted the Code states if it is less than \$10,000 “you” can apply for a waiver. She noted the Council has denied others for a waiver.
 27. Vice Mayor Donnetta Skinner stated they have that corner looking like it is supposed to and improved the site. She stated they do have a problem with NDOT concerning 10th Street and that should be addressed first.
 28. Councilperson Steve Feasel clarified that the 2-year waiver is to allow him to do 10th Street.

29. Public Works Director Carlos Esparza inquired if they are talking about the 50'-100' frontage of Cavalier or are we talking about from Chestnut to Bush Street.
30. Mayor Cliff Eklund stated the Cavalier.
31. Public Works Director Carlos Esparza stated the frontage of the Cavalier would be less than 100', not including the handicapped area. He stated it would be about 75 feet frontage of the liquor store.
32. **Councilperson Lee Griswold stated he moved that they give Mr. Singh a waiver to do the 10th Street improvements with no waiver of time.**
33. **The motion died for lack of a second.**
34. Discussion ensued about the Peacock improvements.
35. Rick Anderson stated he had a quote about 2 years ago for his whole lot of approximately 200' for \$18,000.
36. Vice Mayor Donnetta Skinner stated it has to be done from Chestnut down to the alley on 10th Street.
37. **Councilperson Lincoln Litchfield moved for approval of a request from Amarjot Singh to waive the requirement to require installation of curb, gutter and sidewalk 10th Street on with a two (2) year stipulation required by his building permit for improvements at the Cavalier Liquor Store, 1003 Chestnut Street, Carlin, Nevada, all related matters. Vice Mayor Donnetta Skinner seconded the motion.**
38. Councilperson Steve Feasel asked for clarification of the motion.
39. City Manager Glenn Trust suggested wording of the motion.
40. **Councilperson Lincoln Litchfield amended his motion and moved for approval of a request from Amarjot Singh to waive the requirement to require installation of curb, gutter and sidewalk for two (2) years from Chestnut Street to the alley on 10th Street required by his building permit for improvements at the Cavalier Liquor Store, 1003 Chestnut Street, Carlin, Nevada, all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**

IV. Discussion and possible City Council direction regarding the timing of bidding and construction of the new Carlin Library, and all related matters. (Action Item)

1. Mayor Cliff Eklund stated he and City Manager Glenn Trust discussed a proposal for the Council to consider, which is that they have \$100,000 now, \$50,000 from the City and the same from the Friends of the Library. He stated in the next fiscal year they could budget another \$100,000, which would complete the interior. He stated they could go out to bid in January, award the bid in February and start construction in April or May. He explained this construction could run through the 2012-1013 and complete the construction in late July or early August, which would make it one (1) bid and a continuous construction to completion running through two (2) budget cycles. He noted the bids are only good for six (6) months.
2. Councilperson Lincoln Litchfield agreed.
3. Councilperson Steve Feasel stated of the three options he believes that this is the best idea.
4. Councilperson Lee Griswold had no comment.
5. Vice Mayor Donnetta Skinner stated the only thing she wants is the Friends of the Library to comment whether they want this done in this manner.
6. Councilperson Steve Feasel reiterated that this second option is the best they can "come up with".
7. City Manager Glenn Trust explained the process and timeframe of paying with this year's budget with work beginning in April or May prior to the next fiscal year's budget.
8. Rose Gift inquired if the \$100,000 is guaranteed.
9. Mayor Cliff Eklund reported they have earmarked a couple of sources.
10. City Manager Glenn Trust confirmed there is an "extremely high probability" that they will have the \$100,000 to put into the budget. He stated the trend has been that the revenues have held steady and have increased slightly over the previous year. He noted if the "bottom drops

out”, they would not be able to budget that money, but he is watching the revenues closely.

11. Rose Gift stated they have \$11,000 in merchandise sitting at Home Depot and she is asked every time she goes to that store.
12. Discussion was held on the items at the store.
13. Ellen Meshefski reported it includes the sheetrock, ceiling, mud, flooring and she can provide a list.
14. Vice Mayor Donnetta Skinner stated they are not sure if the contractor is going to want that product or if it is going to be used and they were told not to store it in the building.
15. City Manager Glenn Trust stated the contractor may not want to provide full warranty on materials he does not provide.
16. Councilperson Lincoln Litchfield suggested they keep it at Home Depot because the store already has the money.
17. Ellen Meshefski stated her appreciation. She agrees with the proposal.
18. Mayor Cliff Eklund stated if Barrick or Newmont donates to the project, it could reduce the City’s portion.
19. Vice Mayor Donnetta Skinner suggested a poster with a picture of the library be posted for public knowledge.
20. City Manager Glenn Trust stated this project has been moving forward for the past three (3) years.
21. **Councilperson Steve Feasel moved that the timing of bidding be after the first of the 2012 year and to award a bid that will use this year’s funding and next year’s funding for the construction of the new Carlin Library, and all related matters. Councilperson Lincoln Litchfield seconded the motion. The motion carried.**

V. Review, discussion and possible approval of a bid to construct a security fence around the Sewer Ponds, and all related matters. (Action Item)

1. Public Works Director Carlos Esparza stated they received three (3) bids and the lowest bid came in at the rate they budgeted. He noted it is a mandatory project by the state.
2. **Vice Mayor Donnetta Skinner moved for approval of a bid award of \$70,000 to 20/20 Fence Incorporated of Kimberly Idaho to construct a security fence around the Sewer Ponds, and all related matters. Councilperson Lincoln Litchfield seconded the motion. The motion carried.**

VI. Review, discussion and possible approval of a Cooperative Agreement and Affirmation of Award between the City of Carlin and the U.S. Environmental Protection Agency providing for funding of Brownfields Assessments, and all related matters. (Action Item)

1. City Manager Glenn Trust explained the City was awarded a \$400,000 grant and that this includes \$200,000 to assess hazardous materials and \$200,000 to assess petroleum hazards. They have not received the money, but the agreement is with the EPA to identify the terms that will govern the funding of this grant. He stated after they sign the agreement, they will receive the funds. He noted if they do not do anything, the money would not be granted.
2. Discussion was held on a reimbursement grant and the fact there is no match required for the funds.
3. **Councilperson Steve Feasel moved for approval of a Cooperative Agreement and Affirmation of Award between the City of Carlin and the U.S. Environmental Protection Agency providing for funding of Brownfields Assessments, and all related matters. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**

VII. Review, discussion and possible approval of payments for the period 09/15/2011 to 09/28/2011, and all related matters. (Action Item)

1. **Vice Mayor Donnetta Skinner moved for approval of payments for the period 09/15/2011 to 09/28/2011, and all related matters. Councilperson Lincoln Litchfield**

seconded the motion. The motion carried.

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

1. Vice Mayor Donnetta Skinner stated the Wine Walk raised \$1000.00 and Earl Trousdale donated another \$100.00. She stated the 9-11 ceremony was held at the cemetery and thanked everyone who participated. She stated Wells Rural Electric held their dinner with approximately 50 people attending and the seniors' fundraiser raised \$400.00.
2. Councilperson Lee Griswold had no report.
3. Councilperson Steve Feasel had no report.
4. Councilperson Lincoln Litchfield reported on the busy summer the Police and they had two (2) additional drug busts.
5. Mayor Cliff Eklund reported on successful events and complimented the volunteers who help with all of them. He stated they have had good comments on all the events and good publicity for Carlin.

IX. City Clerk's Report

1. City Clerk LaDawn Lawson had no report.

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

1. City Manager Glenn Trust had no report.

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

1. None.

XII. Adjournment. (Action Item)

Councilperson Lincoln Litchfield moved for adjournment with Councilperson Steve Feasel seconding the motion. The motion carried. The meeting was adjourned at 9:48 p.m.

APPROVED:

MAYOR CLIFF EKLUND

ATTEST:

CITY CLERK LADAWN LAWSON