

CARLIN CITY COUNCIL
CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN CITY HALL
101 SOUTH EIGHTH STREET
CARLIN, NEVADA
October 28, 2009, 7:00 p.m.

Call to Order and Roll Call:

Mayor Cliff Eklund called the meeting of the City Council to order at 7:00 p.m.

1. Council Members Present: Mayor Cliff Eklund
Vice Mayor Donnetta Skinner
Councilperson Lee Griswold
Councilperson Lincoln Litchfield
Absent: Councilperson David Trujillo
2. Administrative Staff: City Manager Glenn Trust, City Clerk LaDawn Lawson
3. Public Present: Doug Martin, Tim Gray, Ron Johnson, Edith Johnson, Dan Colton, Connie Colton, Anna Dean, Pam Borda, Zach Spencer, Elaine Barkdull Spencer, Howard Wright, Christina Wogan, Missa Wolf, Lisa Wolf, Fred Montes de Oca

Pledge of Allegiance

I. Discussion and possible approval of a request from Doug Martin to waive the requirement to install curb, gutter and sidewalk in conjunction with a grading permit for his property located on SR 278, APN 002-230-004, and all matters related thereto. (Action Item)

1. Doug Martin reported the property is adjacent to SR 278 and the southern edge of the City is on the southern edge of the property. He stated he discussed a grading permit with Thomas Ballew several months ago and several weeks ago, he went to see him again to confirm the earlier conversation and at that time, he was told he was now required to have curb, gutter and sidewalk before any work was done. "I had intended to begin work this week".
2. Mayor Cliff Eklund inquired what he was doing on the property.
3. Doug Martin stated, "At this time, I am going to cut and fill. The majority of the property is in the flood plain. I am going to cut some of the higher areas, fill myself out of the flood plane in the areas that I can. At this time, I am requesting, as far as I am concerned, a permanent waiver. This is a rural parcel on SR2 78 right-of-way. Where are you going to put curb, gutter and sidewalk? My pasture is eight (8) feet lower than the Humboldt River Bridge. I understand you have requirements for the City. In this city of 12 square miles, you have two (2) miles of populated area. You should have a provision if it is a rural application".
4. Councilperson Lincoln Litchfield inquired if this would be to develop the property in the future.
5. Doug Martin stated, "Certainly. This is a rural area. I am just within the City limits. The southern edge of my property is the southern edge of the City limits".
6. Councilperson Lincoln Litchfield inquired how high it had to be brought up to get out of the flood plain.
7. Doug Martin stated, "About six (6) feet".
8. Mayor Cliff Eklund stated he has to come up by the river six (6) feet.
9. Doug Martin stated he could not fill all the way to the state right-of-way.
10. Discussion was held on the flood plain and if there are laws about changing the flood plain.
11. Mayor Cliff Eklund stated that would be a question for the City Engineer. "If he is issuing a grading permit, he is well aware of the regulations on flood plains".
12. Councilperson Lincoln Litchfield inquired how close he is going to the river.
13. Doug Martin stated, "150 feet".

14. Vice Mayor Donnetta Skinner stated there is no reason for putting curb and sidewalks there.
15. Mayor Cliff Eklund agreed.
16. Councilperson Lincoln Litchfield stated, "If something else goes in there, I would have a problem".
17. Mayor Cliff Eklund suggested they could approve it now and if there ever comes a time he puts a building on it, it would come back to the Council for review.
18. Doug Martin stated, "I intend to put a residence there, but if I put one there tomorrow, it still does not justify curb, gutter and sidewalk. It is not in a populated area. If you would grant me an exception with the statement that as long as the area remains rural, that would cover you. If someone decides to put a subdivision next door, then I should probably put curb and gutter in. Just to come to you each time when I need a permit for electrical or whatever...".
19. Mayor Cliff Eklund stated, "We can approve this for now and once there is a physical structure, prior to that then it could come back".
20. Doug Martin stated, "There is no sense for me filling this area to put a structure on it, if you are going to tell me that I need to put 1,500 ft of curb, gutter and sidewalk in on the highway".
21. Mayor Cliff Eklund stated, "That is not what we are saying. You have 28 acres and if you are going to develop it, you are going to have streets".
22. Doug Martin stated he does not intend to develop, "I intend to put a residence there. My intention is to fill some areas with the hope of someday having a residence and necessary structures. But for me to spend the money now to fill that and then come back to be told I have to put in 1,500 feet of curb, gutter and sidewalk before you build your house is ludicrous for this application. Therefore, I suggest if you make the exception permanent, as long as it is a rural area, you are covered, should the area change and I choose to do something, then you would say it is no longer a rural area and put in curb, gutter and sidewalk. You are covered."
23. Councilperson Lincoln Litchfield stated, "As long as it is grading, I have no problem with the curb, gutter and sidewalk, but if a stick built home comes in there and that RV Park goes in, we are going to have to require it".
24. Mayor Cliff Eklund stated, "Looking at the picture, 278 is considerably higher and you would be putting curb, gutter and sidewalk on the road. The fence line is the edge of the property and I am trying to understand the drainage. There is not a drainage issue on this because this land is lower than the highway".
25. Doug Martin explained he does not have the money to raise the entire area six (6) feet. "I don't have the dirt to fill it; I am going to fill several areas in order to give me room for a residence and a barn and corral out of the flood plain.
26. Councilperson Lincoln Litchfield stated his concern is the development of the whole area.
27. Mayor Cliff Eklund confirmed that Mr. Martin wants to put in a house and barn for himself only. "We can give him a waiver for a single dwelling only. If it becomes more than a single dwelling on the property or he decides to develop it and break it into parcels, then he has to put in curb, gutter and sidewalk".
28. Councilperson Lincoln Litchfield stated he should come back after the grading is done when he has the plans for what he is going to do. "I would hate to make a statement that the Council would be bound by. I think it has to come back before the Council".
29. Discussion was held on where the sidewalk was going from or going to.
30. Councilperson Lincoln Litchfield stated, "It is in the City Code and going against that is what a lot of people for a long time have wanted set as a precedent. For us to say 'no' you don't need to do that, it throws mud in everyone's face who has had to put it in".
31. Mayor Cliff Eklund stated, "I would agree with you 100%, but where this is, there is absolutely no curb, gutter and sidewalk any place on the Tomera Ranch Road and the property does not border on that road, I don't agree".
32. Councilperson Lee Griswold inquired when he is going to build and whether it is going to be on the City or County.
33. Doug Martin stated the part of the parcel he would build is entirely within the City limits.

34. Vice Mayor Donnetta Skinner stated the waiver should be approved for the grading. "We will have to look at it later".
35. **Councilperson Lincoln Litchfield moved for approval of a request from Doug Martin to waive the requirement to install curb, gutter and sidewalk in conjunction with a grading permit for his property located on SR 278, APN 002-230-004, and all matters related thereto. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**

II. Review, discussion and possible approval of A Special Use Permit requested by Dan Thompson, C & T Investments to operate a multiple-family dwelling at 509, 509½, 511 and 511½ Cedar Street, Carlin, Nevada, Zoned Intermediate Residential, and all matters related thereto. (Action Item)

1. Christina Wogan reported she is appearing for Dan Thompson, who bought the property a number of years ago and the land was not zoned correctly for a 4-plex. To change it back to a single family residence would be costly and he would have to move his tenants out. It is only 1 and 2 bedroom units there and there are only 1-2 residents in each residence with adequate parking in the front and back".
2. Mayor Cliff Eklund stated, "When this initially came up for the Special Use Permit, there were several concerns from property owners around the property, noise being an issue with people working shifts in that area, people not being able to sleep because of the noise coming from the apartments. The parking habits of the residents is another issue, and trash. These are the issues that came up when we initially reviewed the permit, not so much the type of dwelling. We tabled it until we could talk to Mr. Thompson".
3. Christina Wogan stated she has not received complaints. "It is written in all of the leases that they are required to live within their units, the neighbors should not hear them".
4. Tim Gray stated, "I don't like to make complaints. I have lived there for 10 years and about half of those years; they wake me out of a dead sleep after 10:00 p.m. There are other issues, if we end up having four (4) places, how many, and what types of dogs will be there. From what I see of the new requirements on the Planning Commission, it looks like there may not be enough room for storage facilities of each place, as well as boats, ATVs, etc. They park in front of my sidewalk and I am concerned about the fiesta atmosphere. I do not complain on the weekend when I am not working. I would like to have a nice clean residential area".
5. Fred Montes de Oca stated, "I agree with the noise issue. I live further west of him and I can hear it there. The parking is another complaint. My brother has had problems with them parking in his area and when he comes home, he cannot park. It's late at night".
6. Mayor Cliff Eklund inquired what could be done to correct the issues.
7. Christina Wogan stated she could issue a letter about the parking. The owner pays for a dumpster and provides it to the tenants. "We take noise seriously, and they can be written up for this, if need be, we do evict tenants for disturbing the neighbors. We hire a landscaper who keeps the weeds down, mows the property and gets rid of trash. We could write the tenants on these issues". She stated she would hand out her business card for contact purposes.
8. Mayor Cliff Eklund stated, "This is a beginning. What we have here is people don't know who to contact when there is an issue".
9. Vice Mayor Donnetta Skinner stated there was an issue with dogs.
10. Christina Wogan replied there are no pets allowed at the residence and we market it in this way.
11. Discussion was held on the meters and the owner pays all utilities.
12. Councilperson Lincoln Litchfield reiterated the parking is a problem. "If I hear noise, I will call the police and they will call you".
13. **Councilperson Lincoln Litchfield moved for approval of A Special Use Permit requested by Dan Thompson, C & T Investments to operate a multiple-family dwelling at 509, 509½, 511 and 511½ Cedar Street, Carlin, Nevada, Zoned Intermediate**

Residential, with the contingencies that have been discussed, and all matters related thereto. Councilperson Lee Griswold seconded the motion. The motion carried.

- III. Discussion and possible approval of a proposal to cancel City Council Meetings on November 25, 2009 and December 23, 2009 to allow Council Members and the public to travel and participate in Thanksgiving and Christmas activities, and all matters related thereto. (Action Item)**
- 1. Vice Mayor Donnetta Skinner moved for approval of a proposal to cancel City Council Meetings on November 25, 2009 and December 23, 2009 to allow Council Members and the public to travel and participate in Thanksgiving and Christmas activities, and all matters related thereto. Councilperson Lincoln Litchfield seconded the motion. The motion carried.**
- IV. Discussion and possible approval of a clarification regarding the requirement for curb, gutter and sidewalk for all permitted improvements allowing an exception for repairs and maintenance projects that may require permits, and all matters related thereto. (Action Item)**
1. Mayor Cliff Eklund stated, "I asked that this be put on the agenda because of the confusion created since we, as a Council, decided that curb, gutter and sidewalk be put on all permitted projects and there are certain maintenance and repair issues that require a permit. To require curb, gutter and sidewalk be put in place for maintenance and repair is discouraging and not affordable for many people. The IBC makes exceptions for permitting on certain repairs, such as shingles, siding, etc., that is not a permit-required issue. If you have to change out an electrical box, that now becomes a permit required project, because it has to be inspected before it can be turned back on and I do not think we want to require curb, gutter and sidewalk. I thought this needed to be brought to the Council for clarification to give the City Engineer's office clear direction".
 2. Councilperson Lincoln Litchfield stated, they did not anticipate the issue. "If they put in a garage or carport or some improvements on the home, that would apply".
 3. Mayor Cliff Eklund stated there is a difference in maintenance, repair and upgrading a home. "Right now, everyone who goes to City Hall is being told that anything that requires a permit, requires curb, gutter and sidewalk. That was not the intent of the Council. I will entertain a motion to exempt maintenance and repair".
 4. City Manager Glenn Trust stated, "Permitted improvements require curb, gutter and sidewalk, with the exception of permitted repairs and maintenance".
 - 5. Councilperson Lincoln Litchfield moved for approval of a clarification regarding the requirement for curb, gutter and sidewalk for all permitted improvements with the exception of repairs and maintenance projects that may require permits, and all matters related thereto. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**
- V. Review discussion and possible approval of City Council Meeting Minutes for the Regular Meeting of the Carlin City Council on 9/23/09 and all matters related thereto. (Action Item)**
1. Councilperson Lincoln Litchfield pointed out the omission of the word 'if' on Page 1, 2., last two lines and corrected the sentence structure; Page 3 7.
 - 2. Councilperson Lincoln Litchfield moved for approval of City Council Meeting Minutes for the Regular Meetings of the Carlin City Council on 9/23/09 with changes 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 10/8/09 to 10/28/09, and all matters related thereto. (Action Item)**

1. **Vice Mayor Donnetta Skinner moved for approval of payments for the period 10/8/09 to 10/28/09, and all matters related thereto. Councilperson Lee Griswold 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. Vice Mayor Donnetta Skinner expressed her appreciation to the Council.
2. Councilperson Lee Griswold reported progress is being made on the streets.
3. Councilperson Lincoln Litchfield reported there were approximately 600 people at the Spook Walk. He attended the Fire Department Banquet, noting the Fire Chief has 40 years on the job and others with 30-year experience, as well as others. He said the banquet was outstanding. He reported they would be pulling the stumps out of the community garden.
4. Mayor Cliff Eklund reported on the successful Spook Walk and thanked the volunteers. He attended the Fire Department, noting they have a great community because of the volunteers, commenting on Linda and Tom Bingaman and Ron Johnson of Project C. "You cannot single out any one person, because there are so many who step up". He attended the ECEDA meeting and farewell luncheon for Elaine Barkdull Spencer and he was introduced to the new Executive Director, Pam Borda, who takes over November 1. He stated Mrs. Spencer would open a new business in Carlin. He reported City Manager Glenn Trust and he attended the League of Cities Convention in Henderson and met with the railroad concerning the clean up and informed them the speed limits will increase next month at 58 mph". He stated they could not do a noise-free zone, that it has to go through FRA. He discussed possible closing of the B Street crossing. There will be a special session of the legislature because they have 'wiped out' their contingency funding and he stated they could not get an answer if they are coming after the smaller communities for unfunded mandates.

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

1. City Clerk LaDawn Lawson reported on the audit and there is a hope they will save some of the cost this year as there has been 'pre-work' done for the auditors.

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

1. City Manager Glenn Trust reported the auditors left a letter describing the process. He stated the Consolidated Tax Revenues are down. He reported the library foundation is complete and the Con Crew is to put the building up. He discussed the street repairs and the structure around the water reservoir project is being done. He stated they are within their budgeted amounts.
2. Mayor Cliff Eklund stated they met with Brownfields in Henderson, ECEDA voted to send a letter of support for a Lion's Club in town.
3. City Manager Glenn Trust mentioned that he had neglected to put ECEDA on the agenda.
4. Councilperson Lincoln Litchfield stated he sent a letter to the Lion's Club also.

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. Elaine Barkdull Spencer stated Pam Borda would be taking over in November. She suggested that the Carlin Industrial Park has potential and that it was time to push it to the next level and get the private sector involved. The City of Carlin owns a substantial industrial park. She prepared a flyer for the Council review. "This is the gateway of all mining and the idea is a land drive, putting a land drive out for companies who will move dirt and create jobs. Use this land as an incentive to promote for six (6) months and then put out to bid. You can sell the land for under appraised value. One job in Carlin is worth \$250,000

- over a five (5) year period. 170 acres that you can use as incentive. You have a lot of options”.
2. Mayor Cliff Eklund expressed his appreciation.
 3. Pam Borda gave an overview of her history and business.
 4. Doug Martin inquired if curb, gutter and sidewalk is required in the industrial area.
 5. Discussion was held on the curb, gutter and sidewalk, regulations and a previous subdivision.
 6. Doug Martin stated that requirement in a city is an improvement, in a residential situation it is necessary. “If you have 12 square miles and only a couple are populated, I would presume you would want a regulation to cover those other 10 square miles”.
 7. Councilperson Lincoln Litchfield stated there has been a misconception. “Curb, gutter and sidewalk if for safety. Any housing development needs curb, gutter and sidewalk for safety reasons”.
 8. Fred Montes de Oca inquired if the railroad speed could be communicated.
 9. City Manager Glenn Trust stated that is in the works.
 10. Discussion was held on the trains, their speed and speed regulators on the locomotives.
 11. Connie Colton expressed her thanks to the Council for ‘staying strong on curb, gutter and sidewalk’. She discussed that their sidewalks were torn out and new ones installed. “I think it is safety, drainage and everything. I do think areas at the end of town where the trailers are is a mess. If you let one area go, it gets out of control and you cannot go back”. She discussed how many kids play on the smooth sidewalk.
 12. Doug Martin stated he is not against the curb, gutter and sidewalks in the City limits. He suggested they look at their code and evaluate for “one rule does not fit all. In a rural area, it needs to be case by case”.
 13. Connie Colton stated the Tomera Road has many children and they should be considered.

XI. Adjournment. (Action Item)
The meeting was adjourned at 8:25 p.m.

APPROVED:

CLIFF EKLUND, MAYOR

ATTEST:

LADAWN LAWSON, CITY CLERK