

CARLIN CITY COUNCIL

CITY OF CARLIN, STATE OF NEVADA
REGULAR MEETING
CARLIN CITY HALL
101 SOUTH EIGHTH STREET
CARLIN, NEVADA

March 25, 2009, 7:00 p.m.

Call to Order and Roll Call:

Mayor Cliff Eklund called the meeting of the City Council to order at 7:01 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 S. Trust, City Clerk LaDawn Lawson, Carlos Esparza, Director of Public Works
3. Public Present: Anna Dean, Steve Feasel, Thad Ballard, Mary Winter, Mike Ayers, Steven Wilkinson.

Pledge of Allegiance

I. Presentation by Thad Ballard of a plan to use the plaques, materials, plans and funds belonging to the Gold Mining Interpretive Center for the benefit of the City of Carlin and possible approval of the plan by the Carlin City Council, and all matters related thereto. (Action Item)

1. Thad Ballard stated his apologies for taking so long to submit a report. He noted Mary Winter, a member of the original committee was present. "In 1996, the city received a grant from the Nevada Commission on Tourism to do a tourism assessment. The consulting group that did the assessment concluded that the best way to develop tourism would be to take advantage of the mining by putting a Mine Interpretive Center that would tie in with the industry and its history throughout the state and try to incorporate that with the California Trail as that center was proposed at that time to make this an interpretation corridor. Also that year, we incorporated as a 501C3 and the Committee initially had Ruth Hart, Beth Brown, Mary Winter, Michelle Gonzales and myself. In 1997, we did a feasibility study with a grant from USFS and the study concluded if it could be built, it can be self-sustaining. In 1999, we completed a plan, in 2001 a development plan and 2002 Project C donated the labor and equipment to grade the site and we received a grant to put in the restrooms. In 2003, we purchased the plaques; in 2004, we received our last Recreational Trails grant and we paved the walking trail. Our committee got together again yesterday and I went up to look over the site. Later that year, we placed the boulders and our intention was to mount the plaques. There have been significant changes in all of our lives that affect our ability to carry this project forward. We were considering seven (7) alternatives. The first to restart the project, the second to use the boulders in other places, third to see if we could work with the California Trails Center to incorporate the panels there, fourth to place them in the Chinese Gardens area, fifth panels could go around the proposed library, sixth to get the mines to place the panels on their properties, or seventh, donate them to McCaw School of Mines in Henderson or Mackay School at UNR, Reno. They all have pros and cons. The biggest drawback to most of them is that they don't fulfill our original mission of trying to do something for the City of Carlin to build your tourism base. What we came down to is if we

- can find someone to champion the project again with the time and willingness, a few of us could continue in a supportive role. The alternative would be to try to work with the library and design the boulders and panels into the landscaping. If we have any funding left, we would contribute that to the library to help with construction”.
2. Mayor Cliff Eklund inquired, “Are you aware that the lease has been terminated”.
 3. Thad Ballard reported that no one felt that they could challenge that as they had violated the terms of the lease.
 4. Mayor Cliff Eklund inquired what the process would be if they decided to renew the project.
 5. City Manager Glenn Trust stated they would have to renegotiate the lease and its terms again.
 6. Thad Ballard stated some obstacles have been removed, such as the Equestrian Center brought power and water closer and the roads are better. “In order for the project to succeed, we would have to have significant participation from the area mines and Nevada Mining Association. I don’t know what they would be able to commit at this time”.
 7. Mayor Cliff Eklund stated he had discussed this with Mary Korpi and thought they did not have much interest.
 8. Thad Ballard noted BeBe Adams was originally involved as well, as well as Russ Fields of the NMA. “We felt we needed to know what the Council’s feelings were about the project before we proceeded. The Gallaghers were involved, but wanted to create a very high-tech theatre experience, mining museum in Elko. We were proposing a hands-on 24/7 outdoor exhibits. You could display some huge stuff; that is what the interpretive and development plans were designed around, a large-scale project. We did not know if there was something that invoked the clause in the lease”.
 9. Mayor Cliff Eklund stated they would be very hesitant until a real concerted effort was made on the part of the community.
 10. Councilperson David Trujillo inquired, “From your start point to your finish point, where do you think you are”.
 11. Thad Ballard explained that the first phase was the outside, but could have a museum at a later date with robotics and actual gold, stating, “if you went to that ultimate development, we are maybe 5%. If you went strictly outdoor concept, we are probably 20%. The library alternative came the closest to what we were trying to do, a place that could draw tourism, easy access and fulfill the education mission”. He stated that there would be less vandalism because of the location. They could do something good for the City, because they would have some funds left that they could support further construction on the library. He noted, “Most of the money we have leftover is from boulder sponsorship and is all private funding. We thought we could contact the original donors and be assured that whatever we were funding is still within their original intentions. We would have a lot of flexibility. The Council’s proposals would be balanced with the Committee’s”.
 12. Mayor Cliff Eklund stated there is a problem with vandalism.
 13. Discussion was held on the vandalism on the bathrooms and the possibility of relocating the bathroom to another site.
 14. Thad Ballard stated the grant was awarded in 2002.
 15. Mayor Cliff Eklund noted they looked into moving the bathroom to the Equestrian Center, but were told that was done by a grant.
 16. Discussion was held on the plaques and placement.
 17. Councilperson Lee Griswold noted the library is a good idea.
 18. Thad Ballard stated some of the plaques are site specific. He stated they could work with the Council and obtain additional boulders and sponsors, raising more money for the project.
 19. Councilperson Lincoln Litchfield stated he is very much in favor of preserving history of Carlin. “I am sad to see this thing is actually history. I would be in favor of the library site and we could put something down at the mining center pointing toward Carlin.
 20. Councilperson Lee Griswold stated, “If they would let you”.
 21. Thad Ballard noted that Susan Elliott of the US Forest Service was to contact someone in the

- California Trails to see what the possibilities were, but the “possibility to cross market might be appealing”.
22. Discussion was held on the cost to transport the boulders.
 23. Thad Ballard stated the plaques and boulders don't have to be in the same place.
 24. Vice Mayor Donnetta Skinner stated that California Trails would probably not accept the material, but she would like to see them in Carlin's own museum.
 25. Thad Ballard explained if there was some future development other than the library, they could be used there.
 26. Steve Feasel stated he is actively involved in the California Trails and they would not accept this, because this is time-oriented material. He noted they are specifically looking at a timeframe when immigrants came through the area. They are looking for clothing that is oriented to early 1800s. At the California Days at the end of May, they will have a gold panning project and will be receiving 26 panels in a week to be set up inside of the building, on loan from California. He stated, “I don't think there would be a problem eventually with when and if we get something set up in Carlin, there is reference to that”. He pointed out several meetings ago, he addressed the situation of some of the rocks being brought into town and set around Pilot to deter trucks. He noted, “At that time, we stated that would be an attractive nuisance, but let's utilize the materials we have. I mentioned that we use the materials that we have out by the Chinese Gardens, which would draw more attention to that also. Originally the location that was set up for the Center was in a location that people could observe the mining. Since that time, the City Manager and Thad Ballard have proposed the library. Since the funding is dwindling, I think it would be attractive if it were set up around the library with people like Mary Winter, who has knowledge of the material and plant life. Maybe then we could approach the mines again for more funding. This has to be something that would attract attention to them. Drawing this into Carlin and eliminating some of the vandalism, it would be a positive addition. The design proposed for the original site could be altered a little bit for that site”.
 27. Mary Winter stated, “I think it suits well to have it at the new library. I like having it tied together in one spot, where you almost have a small City Plaza area”.
 28. Mayor Cliff Eklund stated the Public Works would have to deal with the maintenance.
 29. Carlos Esparza, Director of Public Works stated, “We would have to work pretty close on the resources and expertise on how to care for it”.
 30. Mayor Cliff Eklund inquired if City Manager Glenn Trust would “run it past the City Engineer and Friends of the Library before the Council makes a decision”.
 31. Vice Mayor Donnetta Skinner stated the Friends of the Library would probably not object. “I don't see where the architect or engineer would need to have any say”.
 32. City Manager Glenn Trust stated this should not have any effect on the library, but some landscaping would have to be done to make it attractive, which could be included in the plans from Jack Errecart. He discussed some of the funding.
 33. Discussion was held on moving the boulders.
 34. Thad Ballard stated one idea was to have the plaques placed on the building.
 35. City Manager Glenn Trust stated that it would be helpful to have the architect and engineer if the City has some additional funding to offset the cost.
 36. Anna Dean inquired on how many plaques there are.
 37. Thad Ballard stated, “11”. He stated that he does not know if all of them would be appropriate for placement.
 38. Anna Dean inquired about how much land it would take up.
 39. Thad Ballard stated it would vary on how they were installed.
 40. Steve Feasel noted there are several ideas that could be addressed at a later time.
 41. Discussion was held on bringing the matter back at the next Council meeting.
 42. **Vice Mayor Donnetta Skinner moved to table approval of a plan to use the plaques, materials, plans and funds belonging to the Gold Mining Interpretive Center for the**

benefit of the City of Carlin and possible approval of the plan by the Carlin City Council, and all matters related thereto. Councilperson Lincoln Litchfield seconded the motion. The motion carried.

43. Thad Ballard reported that action was taken at the School Board to expand the school in Carlin.

II. Review, discussion and possible approval of organizing a Complete Count Committee (CCC) of local volunteers to promote an accurate census count in the City of Carlin during the 2010 census, and all matters related thereto. (Non-Action Item)

1. City Manager Glenn Trust stated, "This is routine for Census 2010 and one of the items is a packet regarding the organization of a committee. The Committee does not do the actual count. There are activities as suggestions to make the public aware to make an accurate count. It is important to the City for availability of funding from any federal census. The options are to organize an appointed committee by the Council or organize someone to request volunteers from the community. If the Board appoints a committee or group of people to act, they must follow open meeting laws. Appointing a person as administrator does not fall under the open meeting laws".
2. Mayor Cliff Eklund inquired how many people.
3. City Manager Glenn Trust stated that is up to the Council.
4. Discussion was held on how to proceed, who could be appointed and the procedure.
5. Councilperson David Trujillo confirmed the Committee would not actually be part of the census taking.
6. City Manager Glenn Trust replied they would ensure the census was publicized and that there was as much awareness as possible, so they could get an accurate count.
7. Vice Mayor Donnetta Skinner stated City Manager Glenn Trust being in control is a "good idea".
8. Discussion was held on past censuses and the process of appeal to get adjustments.
9. City Manager Glenn Trust stated that Administration would accept the position of being the focal point, as it should have a local city representative that the committee communicates with. "My role, as I see it, would be to solicit volunteers from the community and head that committee on their own and then meet with them on a regular basis".
10. **Councilperson Lincoln Litchfield moved to appoint City Manager Glenn Trust to oversee a Complete Count Committee (CCC) of local volunteers to promote an accurate census count in the City of Carlin during the 2010 census, and all matters related thereto. Councilperson Lee Griswold seconded the motion. The motion carried.**

III. Review, discussion and possible approval of a proposal from Chief William Bauer to seek funding through the Justice Assistance Granting program to fund a Narcotics Investigator to be assigned to the Elko Combined Narcotics Unit, and all matters related thereto. (Action Item)

1. Chief Bill Bauer reported, "This is different from Item IV. Congress passed the American Recovery and Reinvestment Act. In 2009, part of which was renewed funding for the Justice Assistance Granting Program (Byrne Memorial Grant Fund), where all the task forces, narcotic investigations have come from traditionally. Congress restored the monies to the 2006 level, which means there is now \$1.5 million available nationwide. The State of Nevada has received a total of \$22 million. One of the programs is our task force, the Elko Combined Narcotics Unit (ECNU), one of the oldest task forces in the state. The grant was written in 1985 with only three (3) communities with a less participatory role. Elko City, Elko County that provided investigators and funding and the State providing investigators, supervisors, clerical staff and funding. Carlin, Wells and West Wendover had a less participatory role with \$2,500 in dues, for which they got a level of narcotics investigation as part of the countywide unit. The general feeling is that we are not real happy with the way things have degenerated over the years. I am a fan of the ECNU as a project. I think it is a viable tool. I

- don't think the way it is currently being run is as viable as it could be. Current stats for Carlin indicate that we have about 9% of our crime rate is specifically drug offenses. We believe that, as much as 80% of crime, particularly thefts, violent crime, burglaries, acts of violence are drug related. That drives our rate way up. ECEDA reported there were significant numbers of people who think drugs are a problem that need to be addressed. Drug enforcement has three elements, first interdiction, second intelligence gathering and third investigation. We are currently participating with Elko City, Elko County and four (4) other counties in an anti-meth initiative that came out of Sen. Ensign's office. We have just started our k-9 program and dove tail that into the interdiction program. Intelligence gathering comes to us from HIDTA, a federal justice initiative, which allows us to get information on a statewide basis. It has been very successful. The task force has not been productive over the past several years and the task grant is being re-written. We would like to expand participation by the other agencies. Traditionally, this community has put \$2,500 into the program. One of the things we are asking for in the grant is for the City of Carlin to commit a full time narcotics investigator to the task force, which would entail a portion of their time working in Elko with the task force. Our intent is to make them available to Carlin on a routine basis, if not a full time basis. I believe with this we can be more successful than we have been. I would assure you that if that were not the case, I would be willing to say that we are not participating and quit. I am asking for your permission to move forward with this. I am not sure we will be successful, but I would like to try".
2. Mayor Cliff Eklund stated they could tie Item 3 and Item 4 together, inquiring how long the grant is.
 3. Chief Bauer stated, "Two (2) years".
 4. Mayor Cliff Eklund stated, "What happens with short-term money like this if we create the position. We've seen that grant money can go away at any time. With the budget problems we have, we are all dealing with budget issues and we would have a hard time funding this without the grant. What happens if the grant goes away".
 5. Chief Bauer stated it is his understanding that this is a funded position and his intent to advertise it as such, so it is not tied to General Fund monies. "If it lends to any assurance, the JAG granting for the ECNU started in 1986 and has not gone away. It has been in greater and lesser amounts over the years; last year was the worst year. My intent would be to advertise it as a granted position and if it goes away, the position goes away".
 6. Mayor Cliff Eklund stated they have all had that question and Wells, West Wendover and Carlin asked that question at the last board meeting. "If we get support from our respective boards, we will have absolute active participation in our communities by the task force. I cannot give you a specific number, but it is our intent to make sure that they spend adequate time in the smaller communities and that they begin to deal with the narcotics investigatory process in such a way that they begin to look it as a whole project. We understand that crooks travel and we want the narcotics force to understand that and make them available".
 7. Mayor Cliff Eklund stated he would not like to expend the effort by all the communities and get the same service "we got from NDF".
 8. Chief Bauer stated they have commitment from three (3) other members of the task force board, who feel the same way.
 9. Mayor Cliff Eklund inquired if the narcotics employee be under the jurisdiction of the Carlin Chief of Police.
 10. Chief Bauer stated he would be commissioned by the City of Carlin, a Carlin police officer.
 11. Mayor Cliff Eklund stated, "And you would have authority over him".
 12. Chief Bauer stated, "If that is the Board's continued desire, yes".
 13. City Manager Glenn Trust stated he wholeheartedly supports the initiative, "We are participating, but we are not in the investigative side. As to the previous involvement, it was monetary, \$2,500, which is not going to buy you much investigation. There is a big difference

- in having a body in place that we can say this person reports to the Chief and this person reports to the City of Carlin, giving us some leverage”.
14. Mayor Cliff Eklund stated, “Every person who pays taxes in this town counts heavily on that and we have additional funding out of the City of Carlin besides the \$2,500 and we have gotten nothing”.
 15. City Manager Glenn Trust stated, “I want to be on record in that I feel uncomfortable about Chief Bauer taking heat on this. I am not going to let him stand-alone. I think it is an important part for an initiative for Carlin to be involved in and I am leaning toward the Council putting enough requirements in your motion and your vote that the Chief can report back on what is being done”.
 16. Councilperson Lincoln Litchfield stated he supports it, “I think we need it and if 1000 call last year, that would be 800 that would be some kind of tie to narcotics. It is needed. To just go forward to seek the grant, I think we ought to”.
 17. Vice Mayor Donnetta Skinner agreed, “I think a lot of our problems in Carlin are with drugs and we could bring that down with having the extra help and having one of our people to their meetings to remind them that we are here”.
 18. Councilperson Lee Griswold stated, “I am dead against just giving money to the task force unless we have control through that. Just sending money over to the task force and they did not do anything for Carlin. I say we have to keep control”.
 19. Councilperson David Trujillo inquired about the makeup, “It says that it has been suggested that West Wendover and Carlin dedicate investigators to ECNU. The Elko Police Department has agreed to be the applicant/administrator. How many people are they going to have”.
 20. Chief Bauer replied, “There are four (4) investigators for the state and there should be 7-8 investigators assigned to the task force”.
 21. Councilperson David Trujillo stated he is a believer in grants, “According to this Act, this money is tailor-made for what Chief Bauer wants to do, earmarked clearly for the hiring of positions or new positions placed on hold. If the grant money is there, I am in favor of it”.
 22. Chief Bauer stated, “That is the problem, that is the next Item. I think Councilperson Lee Griswold concerns are well placed, however I disagree with you in one small area and that is that the task force has never done anything. The task force in 1986-87-88 were particularly active in this community. I know. I will tell you and agree with you that the task force as currently structured has not worked well for an awfully long time and I really would like to be hands-on in rewriting that and not make the case any longer”.
 23. Sherri Eklund Brown stated, “I agree with Chief Bauer in that it has worked better in the past than it has currently. I know the Sheriff has had concerns about the way it is operating as far as where the majority of the time is spent in Elko and dedicating our staff. It is not actually helping in the County. A lot of the drug traffic being in the largest city in the County; that is where we focus with limited staff. We tabled this on our agenda. They had to be new positions and that there was some funding for steps, benefits that were not necessarily included. There were some costs back to us, so we did table it so those costs could be expressed”.
 24. Mayor Cliff Eklund inquired if it is a match.
 25. Sherri Eklund Brown stated the Jag is funded more than the next one and there were some costs coming back.
 26. Chief Bauer stated, “There are some costs and I do not know the extent of them at this point. I expect that it might be a match. There may be some waivers that we can get due to our situation and the size of our community, but I don’t want to speculate. Although I do not know what that is I am asking permission to move forward to get to the point where I have those numbers and report to you other than making a formalized commitment to the grant”.
 27. **Vice Mayor Donnetta Skinner moved for approval for Chief William Bauer to seek funding through the Justice Assistance Granting program to fund a Narcotics**

Investigator to be assigned to the Elko Combined Narcotics Unit, and all matters related thereto. Councilperson Lincoln Litchfield seconded the motion. The motion carried.

IV. Review, discussion and possible approval of a proposal from Chief William Bauer to seek funding through the Community Oriented Policing Services - Hiring Recovery Program to fund a full-time police officer in the City of Carlin, and all matters related thereto. (Action Item)

1. Chief Bauer explained, "The COPS program has assured us that they want to give us this money. There is no match, give 100% coverage for salary and benefits for one (1) of our police officers. The amount per year, per officer that you are asking for is \$75,000. Because of our salary structure, we fit quite nicely into that. Our salaries and benefits would be picked up in that amount. In years past, COPS funding process had a declining percentage match that went from 75% to 50% to 25% and then you were on your own. President Obama has decided that he will give 100% for three (3) years, but the fourth year, you are on your own. In discussing this with City Manager Glenn Trust, we came up with an interesting observation and that is we are spending a ton of money on overtime, this position is that 5th position that we have talked about before. That overtime has amounted to 700+ hours".
2. City Manager Glenn Trust explained, "It appeared that each of the four (4) police officers are averaging approximately 6 hours of overtime per pay period, \$150 per pay period. Without benefits, it comes to \$16,000-\$17,000 a year".
3. Mayor Cliff Eklund stated, "Benefits are tied to wages and at some point, most of your benefits tap out. So if we have officers that are reaching that level, that much of the benefit package stops".
4. Discussion was held on the benefit package.
5. Chief Bauer stated, "I came up with \$18,400 in overtime salaries that we are currently paying. That does not include sick or vacation time. Last year the whole department used a total of 12.3 days of vacation for the whole year. They did not take vacation and I don't think that is necessarily right, but they did it at their own option. That additional cost could run us about \$8,200 overtime. Total with the salaries and benefits for the 4th year would amount to about \$52,744. If we saved the overtime and we took the \$18,000 and put it in a Project Fund for the three (3) grant years, at the end we would have \$54,000 in place to pay for the 4th year. There is about a billion dollars nationwide for this program and there is no guarantee that we will get it, but I am asking only for your permission to proceed. I am torn because the application process is 31 pages long".
5. **Councilperson Lincoln Litchfield moved for approval of a proposal from Chief William Bauer to seek funding through the Community Oriented Policing Services - Hiring Recovery Program to fund a full-time police officer in the City of Carlin, and all matters related thereto. Vice Mayor Donnetta Skinner seconded the motion. The motion carried.**

V. Review, discussion and possible approval of adopting a Personal Appearance Policy to be added to the City of Carlin Personnel Policies, and all matters related thereto. (Action Item)

1. City Manager Glenn Trust stated, "This proposal is put on the agenda to address the gap in the City Personnel Policy. Currently, we do not have a policy that addresses personal appearance. We are on thin ice without that mandatory. We took this verbatim from the POOL/PACT Human Resources Policy".
2. Vice Mayor Donnetta Skinner agreed, saying she was surprised there wasn't one.
3. Councilperson Lee Griswold agreed.
4. Councilperson Lincoln Litchfield and Councilperson David Trujillo agreed.
5. Mike Ayers, OPE #3 stated they have a bargaining agreement with the Public Works Department. "In the NRS, it states we are the bargaining agents and that we have the right to bargain in anything that is a mandatory bargaining issue. We have the right to meet and

- confer. We aren't saying you don't have the right to manage people and write policies. We have the right to meet and confer with the City Manager or whoever to go over it to make sure that we are not crossing over into the contract, that there was an issue that was not thought of during development of the policy or ask questions on where this could lead. It does lead to the fact there could be discipline involved and we have that in our contract also to defend the employee. I am asking if you could table this until the next meeting, we would like to confer over this to make sure we are not going to have issues down the road".
6. Vice Mayor Donnetta Skinner stated, "I have been in the union for a long time. I think it is out of line that we cannot say how our people should dress and I think that should be up to the City".
 7. Mike Ayers stated, "That is not the issue. All I am saying is there are concerns over the issues that are in this that we would like to talk about. I am just saying we have the right to talk about it before it is implemented into policy".
 8. Mayor Cliff Eklund inquired if Mr. Ayers was familiar with NRS 288, Number 2—*The scope of mandatory bargaining is limited to: (a) salary or wage rates or other forms of direct monetary compensation, (b) sick leave, (c) vacation leave, (d) holiday leave, (e) other paid or nonpaid leave with absence, (f) insurance benefits, (g) total hours of work required of an employee on each workday or workweek, (h) total number of days work required of an employee in a work year, (i) discharge and disciplinary procedures, (j) recognition clause, (k) the method used to classify employees in the bargaining unit, (l) deduction of dues for the recognized employee organization, (m) protection of the employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter, (n) no-strike provisions consistent with the provisions of this chapter, (o) grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements, (p) general savings clauses, (q) duration of collective bargaining agreements, (r) safety of employees, (s) teacher preparation time, (t) materials and supplies for classrooms, (u) the policies for the transfer and reassignment of teachers, (v) procedures for reduction in workforce.* "It says the scope of mandatory bargaining is limited to and you are saying you have the right to participate in policy making, under which of these are you saying you have the right to do that".
 9. Mike Ayers stated, "I am not saying it is a mandatory right to bargain on those issues, all I am saying is that NRS 288.33, it says that *collective bargaining means a method concerning conditions of employment between the negotiation between the representatives of the local government employer and the organizations entailing a mutual obligation of the local government employer and the representative of the local government employees to meet at reasonable times and bargain in faith in respect to wage, hours and other terms and conditions of employment* and that would be a condition of employment if you are forced to wear specific clothing".
 10. Vice Mayor Donnetta Skinner stated they are not forced to wear anything, "all we are asking is that there is a dress code".
 11. Mike Ayers stated there is not a required uniform article in there.
 12. Councilperson Lee Griswold stated, "I think the City has the right to set policies, then if you have a problem we can sit down at the table and fight about it."
 13. City Manager Glenn Trust stated, "I prefer we don't fight about it. I would respond that Mr. Ayers and I have had that discussion. The section 288.33 is a definition, not a legal requirement. It does not really have applicability to what we are discussing. The issue is that the Public Works is the only union involved, I am afraid we are narrowing this beyond where it should be narrowed. This is a policy for all of the City of Carlin employees. Public Works happen to be a part of that group and they are not the exclusive reason we are adding a policy. I strongly urge the City to consider that the City has a right to manage its employees. We would adhere aggressively, strongly and in good faith to every element of the bargaining

- agreement that we have with Operating Engineers Local 3. We will not violate that contract; we will negotiate every issue that is outlined in that contract. As far as discussion and interaction between us on policy, I welcome that. I strongly oppose any initiative that would require us to take policies outside of the scope of what the contract outlines and require previous discussion and/or review by the union or union representative. I think that would limit the City's management, also setting precedent that would come back to haunt us at different times".
14. Councilperson Lincoln Litchfield inquired if Mr. Ayers was aware of the POOL/PACT Policy.
 15. Mike Ayers responded affirmatively.
 16. Councilperson Lincoln Litchfield inquired, "What exactly are you opposed to. I don't understand why you are here really, because the appearance of an employee. I would think you, as a representative of a union would want to put your best foot forward, just as any of the employees here. The City should want to put its best foot forward in dealing with the public. I don't know why appearance would even bear into your arguments".
 17. Mike Ayers stated, "I am not opposed to the appearance. City Manager Glenn Trust and I have talked about the safety issues. There are things that would be enforced to where a piece of clothing could cause a safety problem".
 18. Councilperson Lincoln Litchfield inquired if Carlos Esparza, Director of Public Works would be required to wear a piece of clothing when he is out on the road.
 19. Carlos Esparza, Director of Public Works stated a reflective vest.
 20. Councilperson Lincoln Litchfield stated they are already required to wear a type of uniform.
 21. Mike Ayers stated he is not opposed. "It is not those type of things. I don't want to negotiate with you, the issues with me would be how entailed is this uniform going to be. It does not say specifically what that is to be, how far does this go".
 22. Vice Mayor Donnetta Skinner stated if they are to work for the City, they should be dressed appropriately. "It is kind of silly to me that you oppose it at all, anything that even they should want in their job. It does not make a lot of sense to me".
 23. Mike Ayers stated, "I am not opposed to it; I just wanted to ask some questions that could come up in the long run. If we had this discussion today, we would have the answer and we would know where we would stand".
 24. Vice Mayor Donnetta Skinner stated, "The City would not do anything that would embarrass them or make them uncomfortable".
 25. Mayor Cliff Eklund stated, "I believe the real issue here is that you are not opposed, but what you are protesting is the ability or wanting the City when they have policy changes to negotiate with the union before we do it".
 26. Mike Ayers agreed, "I would just like to review it and see if there is something there that could be a conflict".
 27. Mayor Cliff Eklund stated, "Personally, we want to abide by that contract too. I don't think this is a negotiating issue".
 28. City Manager Glenn Trust stated, "Again, I am worried this has been narrowed to a Public Works issue; it is not a Public Works policy; it a management issue. There has been no talk of what the employees will wear and I welcome input from any employee that wears a type of uniform without binding the City's management decisions that have to be voted on. We will address those. However, having said that, as an employer, does the City have the management right and responsibility to add policies and direct the employees".
 2. **Councilperson Lee Griswold moved for approval of adopting a Personal Appearance Policy to be added to the City of Carlin Personnel Policies, and all matters related thereto. Vice Mayor Donnetta Skinner seconded the motion. The motion carried with Councilperson David Trujillo voting against.**

VI. Review, discussion and possible approval of payments for the period 3/12/09 to 3/25/09, and

all matters related thereto. (Action Item)

1. **Vice Mayor Donnetta Skinner moved for approval of payments for the period 3/12/09 to 3/25/09, and all matters related thereto. Councilperson Lee Griswold seconded the motion. The motion carried. Councilperson Lincoln Litchfield recused himself from One Stop Auto Parts bill.**

VII. Review, discussion and possible approval of City Council Meeting Minutes for the Special Meeting of the Carlin City Council on 3/4/09. (Action Item)

1. **Councilperson Lee Griswold moved for approval of City Council Meeting Minutes for the Special Meeting of the Carlin City Council on 3/04/09 and all matters related thereto. Councilperson Lincoln Litchfield seconded the motion. The motion carried with Councilperson David Trujillo abstaining.**

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

1. Councilperson Lee Griswold reported he met with the Park and Recreation Board, which is working on the car show. He stated there is a misunderstanding on the ballpark schedule. He stated that he had talked to Public Works.
2. Councilperson David Trujillo reported the street sweeper is running and have had the Honor Camp people working with them. He noted they put down the road base on the Tomera Road and Fish Pond Road, along with the addition of more signs and benches.
3. Councilperson Lincoln Litchfield reported the EMT training is going well with 10-11 able to test for it. He stated the Fire Department is ready for the Easter Egg Hunt on Sunday at 2:00 p.m. The ambulance will be in Carlin on April 2. He told the Planning Board they should proceed with their meeting even though David and Karla Jones weren't present. They will be discussing further codes in their next meeting. He complimented Carlos Esparza, Director of Public Works.
4. Vice Mayor Donnetta Skinner reported she has had comments on the Tomera Road and complimented Carlos Esparza, Director of Public Works. She attended the Park and Recreation Board meeting and I asked that they restructure the whole thing. "I think it will be better when they start working on what they are supposed to be doing. The car show is only going to be one day again this year. I think it is crazy to do that as they are trying to put two days into one. The Senior Center is doing well. I am really pleased with the benches at the cemetery".
5. Mayor Cliff Eklund reported he attended the Mayors Conference in Carson City and met with Barbara Buckley, speaker of the house, and statewide they are having serious financial trouble. "Room Tax is down 30% and dropping. The 1st of May they could see as much as 40%. That has serious complications to many employees". He told Ms. Buckley that Carlin was doing better than other communities, because Carlin is not so dependent on tourism as other cities are. "We got to pitch our feelings for the Fire Science Academy and how important it is to this area, generating approximately 15-20% on commercial flights coming to Elko. We also talked about maintaining this and the importance of jobs it produces here and in Elko. We received support from Ms. Buckley. It felt good to get that support. Their problem is funding. It was very educational and we got the opportunity to tell the Assembly how important we feel it is to keep the Fire Science Academy open". He reported there are three (3) events scheduled at the Equestrian Park, July 18, one in October and September 13 Chili Cook Off.

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

1. City Clerk LaDawn Lawson reported the software purchased "is not as wonderful as they promised it would be. We have had it about three (3) months and hope to get on top of it soon. We have had a lot of changes in the office, changing duties and such. Our election bill

has been put on hold because the legislative is hearing two (2) bills, which is about moving the primary dates. I have met with Wells City Clerk on how this will affect us and this is direction we are going. What we have decided is to try to work our bill so that we will conduct our candidate filing 10-15 days ahead of the County primary and that way we would allow enough time for the County Clerk to place the names on the ballot. We cannot afford to buy the new election machines and we are having a few problems with the filing date to allow enough time for the County Clerk to do the election ballots”.

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

1. City Manager Glenn Trust reported he compliment with City Clerk LaDawn Lawson on the election issue. “She has shouldered the burden of getting this done alone”. He further complimented the other Department Heads and employees of the City. “We applied for a CDBG grant for the clinic in Carson City. We were not successful on a number of levels. The issue of not having the engineering design already and the EIS not being done were two (2) of the issues that raised concerns. They did say we could resubmit on the 17th. You have to spend a great amount of money not knowing whether you will get the grant or not”. He reported on the ambulance. “There is a working group on the Fire Science Academy and the positive letter that went out had some positive effect. As a matter of information, we have the second quote on revenue projections that did not change significantly. The way they are doing it is that no one will know what the revenue is going to be and they gave us a warning that sales tax revenue will decline. That is the letter that was sent out to everyone in the state, but to the Mayor’s point, we are doing better than that, because our sales tax number has held pretty static. We are actually running ahead of our projected revenue for consolidating tax this year, less than what they projected for us. The next budget will show that we are taking out 10% of the state projections for conservative’s sake. I will publish the agenda and if anyone has objections, they need to let me know and get the tentative budget, which is due by April 15”.
2. Discussion was held on the meeting date.
3. Vice Mayor Donnetta Skinner inquired about the library and Jack Errecart.
4. City Manager Glenn Trust stated, “Jack Errecart is not being cooperative. The last time I talked to him was a week and a half ago. He was having trouble with a mechanical contractor who was not providing the drawings he needed and was going to find another mechanical contractor. I spoke to Tom Ballew yesterday”.

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. Chief Bauer reported the school zone traffic issue. “We have decided to take a two-phase approach, putting our project into action. We are going to paint a yellow line on 8th Street and put signs on the north side that says No Stopping, No off loading and the student drop off area will be on the other side of the street. We are not going to put cones or the diagonal parking. We are going to leave that to see what level of success there is. We have made an effort to talk to parents for their cooperation on not stopping on that side of the street and to urge the children to go to crosswalks. That has been met with a good level of success and the parents have been wonderful”. He complimented Carlos Esparza and the Public Works crew noting the Police Department has “attained the highest cooperation we have ever had”. He noted his appreciation that the Council has given him.
2. Anna Dean inquired about the Clean Up Week dates.
3. City Manager Glenn Trust stated May 11.
4. Steve Feasel inquired about the road on the other side of David Gates’ building and previous discussion about whether that was a road.

5. Mayor Cliff Eklund stated it was city property only, not a road.
6. Steve Feasel inquired about some property that several Chinese graves were found and one mummy was donated to a museum. He asked if they had been reinterred.
7. Vice Mayor Donnetta Skinner stated that had been done at the City Cemetery.
8. Discussion was held on the Chinese interest in the Nevada sites and the graves in Carlin.

XV. Adjournment. (Action Item)
The meeting was adjourned at 8:24 p.m.

APPROVED:

CLIFF EKLUND, MAYOR

ATTES T:

LADAWN LAWSON, CITY CLERK