

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

**September 12, 2018
7:00 P.M.**

Call to Order and Roll Call

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

Council Members Present:

Mayor Dana Holbrook
Councilperson Margaret Johnston
Councilperson Pam Griswold
Councilperson Cameron Kinney

Council Members Absent:

Vice Mayor Lincoln Litchfield

Staff:

LaDawn Lawson, City Clerk
Dennis Fobes, Carlin Police Chief
Karen Carr-Brian, Carlin Police Department
Linda Bingaman, Carlin Fire Department
Roger Curry, Carlin Fire Department
Linda Frye, City Manager

Public:

Jan Brizee
Gus Khoury
Sam Khoury
Al Leavitt
Jim Brian
Gayle Zomar
Tim Monell
D'Anne Wright
Howard Wright
Thad Ballard
Tom Bingaman

Pledge of Allegiance

1. **Comment by the General Public: Pursuant to NRS 241.020(2)(D)(3)(I & II) this time is devoted to comments by the general public and possible discussion of those comments. No action may be taken upon a matter raised under this item until the matter has been included on a successive agenda pursuant to the required procedures at the discretion of the City in accordance with applicable law and identified as an action item. (Non - Action Item).**
 - a. Chief Dennis Fobes stated he would like to introduce the newest member of their department, Tim Monell.
 - b. Mayor Dana Holbrook stated he would like to introduce the new City Manager.

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

There were no reports by the Council Members.

3. **Public Comment may be taken prior to any Action Being Taken by the Council: Discussion, review, and possible approval of Resolution No. 2018-08, a Resolution of the City of Carlin, Nevada, Opposing Question 3, "The Energy Choice Initiative" for the 2018 General Election and all related matters. (For Possible Action).**
 - a. Mayor Dana Holbrook stated they discussed this at the last meeting with Wells Rural Electric and they recognized that there are a lot of problems with it.
 - b. Thad Ballard told the Council thank you.
 - c. Mayor Dana Holbrook read the resolution into the record.

Councilperson Pam Griswold made a motion to approve Resolution No. 2018-08, a Resolution of the City of Carlin, Nevada, opposing Question 3, "The Energy Choice Initiative" for the 2018 General Election and all related matters. Councilperson Cameron Kinney seconded the motion. The motion passed.

4. **Public Comment may be taken prior to any Action Being Taken by the Council: Review, discussion, proposal, and first reading of Ordinance No. 245, An Ordinance Adopting Chapter 15B Title 3 of the Carlin City Code, an Ordinance Approving a Development Agreement between the City of Carlin, Nevada, and Khoury Leasing, LLC, a Nevada Limited Liability Company, and possible referral to a committee for consideration and all related matters. (For Possible Action).**
 - a. Mayor Dana Holbrook read into the record the Ordinance.
 - b. Councilperson Pam Griswold highlighted a couple of typographical errors and LaDawn Lawson stated she would make the corrections.
 - c. Councilperson Cameron Kinney further highlighted a typographical error and LaDawn Lawson stated she would make the correction.

Councilperson Pam Griswold made a motion to approve the first reading of

Ordinance No. 245, An Ordinance Adopting Chapter 15B Title 3 of the Carlin City Code, an Ordinance Approving a Development Agreement between the City of Carlin, Nevada, and Khoury Leasing, LLC, a Nevada Limited Liability Company, and refer this ordinance to a committee appointed by the Mayor for consideration and all related matters. Councilperson Margaret Johnston seconded the motion. The motion passed.

Mayor Dana Holbrook made a motion to refer the proposed ordinance to a committee to be comprised of the members of the City Council for consideration.

5. **Public Comment will be taken prior to any Action Being Taken by the Council: Review, discussion and possible approval of a Liquor License for Bassam I. Khoury and Ghassan I. Khoury DBA Khoury's Fresh Market Carlin, LLC, located at 730 10th Street, Carlin Nevada, and all related matters. (Possible Action Item).**
 - a. LaDawn Lawson stated she has waivers.
 - b. Chief Dennis Fobes stated everything was in order.

Councilperson Cameron Kinney made a motion to approve a Liquor License for Bassam I. Khoury and Ghassan I. Khoury DBA Khoury's Fresh Market Carlin, LLC, located at 730 10th Street, Carlin Nevada, and all related matters. Councilperson Margaret Johnston seconded the motion. The motion passed.

6. **Public Comment may be taken prior to any Action Being Taken by the Council: Review, discussion, and possible approval of Amendment One (1) to the Contract dated November 26, 2013, with Grand Slam Enterprise, LLC, which in summary, amends the contract to extend timelines for completions of certain requirements and removes the requirement to construct a building on the property, and all related matters. (For Possible Action).**
 - a. Mayor Dana Holbrook stated he spoke to the President of the Grand Slam and they are hoping they will approve it and they will do the paving of the street. Mayor Dana Holbrook stated they would be waiving the building and they paid \$65,000 for the property. Mayor Holbrook stated the road would meet the same requirements.
 - b. Councilperson Pam Griswold stated in the contract they had 18 months to do this or they would forfeit 8% of the money paid for the property. Councilperson Griswold asked why it took them 5 years to do anything.
 - c. Mayor Holbrook stated he doesn't know but the City could have moved on it as well but didn't.
 - d. Councilperson Griswold asked if they are going to put in a timeline for this.
 - e. Mayor Holbrook stated they want to move right away.
 - f. Councilperson Johnston stated 12 or 18 months should be put down.

Councilperson Pam Griswold made a motion to approve Amendment One (1) to the Contract dated November 26, 2013, with Grand Slam Enterprise, LLC, which in summary, amends the contract to extend timelines for completions of certain requirements and removes the requirement to construct a building on the property, and all related matters. Councilperson Cameron Kinney seconded the motion. The motion passed.

7. **Public Comment may be taken prior to any Action Being Taken by the Council: Review, discussion, proposal, and first reading of Ordinance 246, An Ordinance adopting Title 8, Chapter 5, of the Carlin City Code, An Ordinance for Off Highway Vehicle Use and Operation which deals with legalizing riding side by sides in the City of Carlin and possible referral to a committee for consideration and all related matters. (For Possible Action).**
- a. Councilperson Johnston stated they were informed by a citizen that Lander County had passed a similar law but she has talked to them and they have not.
 - b. Karen Carr-Brian stated they went through and looked at various County and some City ordinances that may have had ordinances to copy from and they pulled stuff from Elko County, Mineral County, Mesquite, and Pershing County, and even Colorado. Karen Carr-Brian stated everything they need has been down in other Counties.
 - c. Mayor Holbrook stated he has had several citizens ask him to do something about it.
 - d. Karen Carr-Brian stated the map is actually in color and the various areas are state roads and under NRS you can drive on them up to 2 miles but the red areas are absolutely off limits. Karen Carr-Brian stated they are becoming more popular now and this would help the citizens know what they can and cannot do.
 - e. Mayor Holbrook stated this would allow the officers to enforce the laws as well.
 - f. Cliff Eklund stated when they approved the County ordinances there were some attachments such as taillights and driver's licenses. Cliff Eklund stated it is already happening.
 - g. Karen Carr-Brian stated under the NRS it does cover all the extra requirements such as driver's license and age. Karen Carr-Brian stated it does not specifically require turn signals because you can use your hands like you can with a car. Karen Carr-Brian stated insurance is required for a side by side but not a four wheeler. Karen Carr-Brian stated helmets do have to be worn on a public highway. Karen Carr-Brian stated Lauren (Lauren Landa, City Attorney) did add the adult-parent stipulation which will require the adult to be responsible for juveniles who are out riding and are not of age.
 - h. Councilperson Margaret Johnston stated that Idaho requires a safety class but Nevada does not yet require it.
 - i. Councilperson Pam Griswold asked if there was a previous ordinance that

- allowed for people to use certain streets to get out of town.
- j. LaDawn Lawson stated it was brought before the Council but it never passed.
 - k. Councilperson Pam Griswold asked about the dirt bikes.
 - l. Karen Carr-Brian stated they are included and they would have to follow all the rules.
 - m. Councilperson Cameron Kinney stated in Section 5.15 they have to work with DOT to established designated routes.
 - n. Mayor Dana Holbrook read into the record the proposed Ordinance.

Councilperson Cameron Kinney moved to approve the first reading of Ordinance 246, An Ordinance adopting Title 8, Chapter 5, of the Carlin City Code, An Ordinance for Off Highway Vehicle Use and Operation which deals with legalizing riding side by sides in the City of Carlin and possible referral to a committee by the Mayor for consideration and all related matters. Councilperson Pam Griswold seconded the motion. The motion passed.

Mayor Dana Holbrook made a motion to refer the proposed Ordinance to a committee to be comprised of members of the City Council for consideration.

8. **Public Comment may be taken prior to any Action Being Taken by the Council: Discussion, review, and possible approval and/or direction to City Staff to begin the process to extend the Carlin City Limits east to the tunnels by annexation of properties between the Union Pacific Railroad tracks and I-80 and all related matters. (For Possible Action).**
 - a. Mayor Dana Holbrook stated this has been brought up previously and it was almost done but then it died. Mayor Holbrook stated this is just asking the County to look into it and it doesn't mean they are going to actually do it but just start looking into it.
 - b. Councilperson Margaret Johnston stated she has been reading the letters from the past Mayors but since that time they do not know what happened.
 - c. Linda Bingaman stated they were working on it at the time she left but there were some that were willing and some that were not.
 - d. Councilperson Johnston stated all the other side is annexed but then it stopped.
 - e. Cliff Eklund stated when they worked on it there were issues with property owners out there and some railroad disagreements.
 - f. Linda Bingaman stated the thought process was all of the businesses on the South side were being provided services by the City but we were not getting the tax benefits. Linda Bingaman stated she thought there were problems with Newmont.
 - g. Councilperson Margaret Johnston stated she found letters which stated Newmont was in agreement.
 - h. Councilperson Margaret Johnston asked if they knew if surveys were done out there.

- i. Linda Bingaman stated she thought there were.
- j. Councilperson Johnston stated there were no parcels found on GIS.

Councilperson Pam Griswold made a motion to approve directing the City Staff to begin the process to extend the Carlin City Limits east to the tunnels by annexation of properties between the Union Pacific Railroad tracks and I-80 and all related matters. Councilperson Cameron Kinney seconded the motion. The motion passed.

9. **Public Comment may be taken prior to any Action Being Taken by the Council: Review, discussion, and possible approval of waiving Title 9, Chapter 3, Cemetery, Section 9-3-7, Headstone Regulations, to allow for one (1) alter/headstone for the thirteen (13) Chinese grave site of four (4') feet by six (6') feet and all related matters. (For Possible Action).**
 - a. Councilperson Margaret Johnston stated the Chinese Railroad Association came to her and asked if the City would allow an alter. Councilperson Johnston stated they wanted to do it by October. Councilperson Johnston stated they are supposed to be flat headstones.
 - b. Mayor Dana Holbrook stated he feels it is the right thing to do.
 - c. Councilperson Kinney stated there are others that are not flat.
 - d. Councilperson Johnston stated it is part of their culture to have some place to make offerings to the dead.
 - e. D'Anne Wright asked if people are already doing this without permission can't they just change the ordinance so they will not be in violation.
 - f. Mayor Holbrook stated that is a possibility.
 - g. D'Anne Wright stated this seems appropriate because they are trying to cover 13 gravesites.

Councilperson Cameron Kinney made a motion to approve waiving Title 9, Chapter 3, Cemetery, Section 9-3-7, Headstone Regulations, to allow for one (1) alter/headstone for the thirteen (13) Chinese grave site of four (4') feet by six (6') feet and all related matters. Councilperson Margaret Johnston seconded the motion. The motion passed.

10. **Public Comment will be taken prior to any Action Being Taken by the Council: Review, discussion, and possible approval of the Carlin City Council Special Meeting minutes from July 9, 2018, and all related matters.**
 - a. Councilperson Cameron Kinney asked about a typographical error. It was discussed and the change noted.

Councilperson Pam Griswold made a motion to approve the minutes, with changes, from July 9, 2018, and all related matters. Councilperson Margaret Johnston seconded the motion. The motion passed.

11. **Public Comment may be taken prior to any Action Being Taken by the Council: Review, discussion, and possible approval of the Carlin City**

Council Special Meeting Minutes from July 24, 2018, and all related matters. (For Possible Action).

- a. Councilperson Cameron Kinney stated there were a couple of errors he found. They were discussed and changes noted.

Councilperson Margaret Johnston made a motion to approve the Carlin City Council Special Meeting Minutes from July 24, 2018, with corrections, and all related matters. Councilperson Cameron Kinney seconded the motion. The motion passed.

12. **Public Comment may be taken prior to any Action Being Taken by the Council: Review, discussion, and possible approval of City expenditures for the period 08/17/2018 to 09/07/2018, and all related matters. (For Possible Action).**

Councilperson Cameron Kinney made a motion to approve the City expenditures for the period of 08/17/2018 to 09/07/2018, and all related matters. Councilperson Pam Griswold seconded the motion. The motion passed.

13. **Public Comment maybe taken prior to any Discussion Being Taken by the Council: Comment by the General Public: Pursuant to NRS 241.020(2)(D)(3)(I & II) this time is devoted to comments by the general public and possible discussion of those comments. No action may be taken upon a matter raised under this item until the matter has been included on a successive agenda pursuant to the required procedures at the discretion of the City in accordance with applicable law and identified as an action item. (Non - Action Item).**


- a. Cliff Eklund stated most of the fires are out. Cliff Eklund stated the two rodeos they have had have been very successful. Cliff Eklund stated they had a rider and photographer there and they are going to do an article on them. Cliff Eklund stated on October 3rd there would be a special meeting held for the City of Carlin for the debt report. Cliff Eklund stated he would also like to welcome their new City Manager.
- b. LaDawn Lawson asked when that meeting is set. Cliff Eklund stated it is tentatively set for October 3rd at 10:00 a.m.

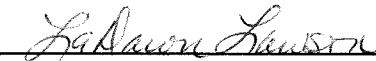
14. **Adjournment. (Possible Action Item)**

Councilperson Margaret Johnston made a motion to adjourn. Councilperson Cameron Kinney seconded the motion. Mayor Dana Holbrook adjourned the meeting at 8:49 p.m.

Approved:

Attest:


Mayor Dana Holbrook


City Clerk LaDawn Lawson