

City of Elko )  
County of Elko )  
State of Nevada )

SS August 25, 2020

The City Council of the City of Elko, State of Nevada met for a special meeting beginning at 2:00 p.m., Tuesday, August 25, 2020. Due to the COVID-19 pandemic the meeting was held in Chambers and via GoTo Webinar.

### CALL TO ORDER

This meeting was called to order by Mayor Reece Keener. He stated the agenda for this meeting has been posted for this date and time in accordance with State of Nevada Emergency Directive 006. The public can participate by phone, tablet, laptop, or computer by registering with the Goto Webinar link provided in the agenda. Questions can be sent to [cityclerk@elkocitynv.gov](mailto:cityclerk@elkocitynv.gov). Due to COVID-19 restrictions, physical attendance at this Special Meeting will be limited to only those individuals necessary to conduct the hearing.

### ROLL CALL

**Mayor Present:** Reece Keener

**Council Present:** Councilman Robert Schmidlein  
Councilman Chip Stone  
Councilman Bill Hance

**Council Absent:** Councilwoman Mandy Simons

**City Staff Present:** Curtis Calder, City Manager  
Kelly Wooldridge, City Clerk  
Dave Stanton, City Attorney  
Tom Coyle, Deputy City Attorney  
Ty Trouten, Police Chief  
DJ Smith, Computer Information System Coordinator  
Diann Byington, Recording Secretary

### PLEDGE OF ALLEGIANCE

### COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. Comments may be made through GoToMeeting.com, or by calling (775) 777-0590, or email comments to: [cityclerk@elkocitynv.gov](mailto:cityclerk@elkocitynv.gov). **ACTION WILL NOT BE TAKEN**

*There were no public comments.*

**The following agenda item contains detailed testimony regarding an appeal to Council. Attention was given to include as much discussion on this item as possible, but the wording is not verbatim.**

## **I. PETITIONS, APPEALS, AND COMMUNICATIONS**

- A. Consideration of an appeal filed by Ron Goldie regarding the City Manager's approval of the City Clerk's decision to revoke the City of Elko business license issued to Goldie's pursuant to City of Elko Code, Section 4-1-14, effective August 7, 2020, and matters related thereto. **FOR POSSIBLE ACTION**

On August 6, 2020, the City of Elko conducted a hearing before the City Manager pursuant to Elko City Code (ECC) Section 4-1-14(B) to determine whether to approve or deny the City Clerk's proposed revocation of Goldie's business license.

At the hearing, testimonial and physical evidence was presented, including the testimonies of the City Clerk, the Elko Police Chief, and representatives of the State of Nevada, Department of Health and Human Services (DHHS). Mr. Goldie personally testified and presented several witnesses on his behalf.

Based upon the testimonies of the witnesses and documents provided, the City Manager made fourteen (14) individual findings of fact, and a subsequent analysis determined Goldie's to be in direct violation of Emergency Directive 027, NRS 199.280, NRS 202.450(3), ECC 4-1-12(A)(1). CC

Mayor Keener went over the procedures for the hearing.

Mayor Keener called Mr. Ron Goldie to the podium and asked him if anything had changed in the status since August 6, 2020 with the City manager.

Ron Goldie, 182 W. Bullion Rd. #13 Elko, NV, said he got the approval from the State for a license from the division of Public and Behavioral health (Exhibit A). He was sworn in for testimony. Mr. Goldie continued to say that he thought he had a food establishment license and on the license it said no restrictions. He has operated under this license for over 28 years and had never been a problem until now. He advised the council that he closed immediately after the hearing with the City manager. He has closed Goldie's Bar two times and did not defy the governor's mandate intentionally and thought he was operating according to the mandate to stay open. The decision to have the license revoked is not only going to affect him but also the employees that work there. Goldie's now has the correct license. He advised the police were not let in on April 29, 2020 and apologized for not allowing the police in. He admits it was an isolated decision that was bad. He will not allow it to happen in the future.

Mayor Keener said the document that was presented (Exhibit A) is an inspection report.

Mr. Goldie said that was correct. The actual license will not be available immediately and is mailed upon approval. He would like to have Goldie's employees testify as witnesses.

Mayor Keener advised that he would allow the witnesses and asked if there could be a group swear in.

Mr. Coyle advised he was ok with the group and would like to ask Mr. Goldie more questions before the other witnesses are called.

Mr. Coyle asked Mr. Goldie what type of permit was provided to the Council.

Mr. Goldie advised it was from the State Health Department for a Food/Snack Bar license.

Mr. Coyle asked if it was Mr. Goldie's understanding that he has a Snack/Bar license now and when it was issued.

Mr. Goldie responded yes and it was issued last Friday on August 21, 2020.

Mayor Keener pointed out that it appeared to be an inspection report at the top of the paper.

Mr. Goldie said that they needed to have an inspection to approve the license and they approved the license.

Councilman Schmidlein asked what the other paper was in his hand.

Mr. Goldie responded that was the old license that was issued.

Councilman Stone advised that when he had acquired his license, he received the same form. The other license came later and was a two-step process.

Mr. Coyle advised Mayor Keener he would like the witness to be recalled at a later time.

Mayor Keener advised that was acceptable.

Mr. Goldie called his witnesses.

Barry Simmons was sworn in, 658 Ranger Road Elko, NV 89801. He has worked for Mr. Goldie for 15 years. They were under the impression that they were doing everything right by following the rules for the City. He was surprised because they did social distancing, mask mandates and everything that included to following COVID19.

Mr. Coyle dismissed the witness.

Maddie Bushard was sworn in, 624 Willington Drive Spring Creek, NV. She works for Goldie's and thought they were doing everything right by following the mandate by the governor. She was present for the inspections and when Chief Trouton came in.

Mr. Coyle dismissed the witness.

Mayor Keener advised everyone that this is not the City's mandate and is a direct mandate from the governor's office that the City is compelled to observe and enforce.

Melanie Layton was sworn in, 668 Smokey Drive Spring Creek, NV. Her experience with working with the owner of Goldie's Bar, Ron Goldie, has been a very good experience. She explained that they would sit together as a team to improve Goldie's and would like to get back to her job.

The witness was dismissed.

Michael Doughety was sworn in, 1910 Idaho Street Elko, NV. He has worked for Mr. Goldie maintaining the building and has witnessed Mr. Goldie trying to abide by the mandate and felt that Goldie's Bar should remain in business.

The witness was dismissed.

Tony Cisco was sworn in, 2415 Rodeo Court Elko, NV. He has been negotiating with Mr. Goldie to purchase Goldie's Bar. He had reviewed the license with Mr. Goldie and it stated food establishment with no restrictions. Mr. Goldie decided to remain open since the license said food establishment with no restrictions. They did not feel they were doing anything wrong. He brought attention to the type of license to the Health Department. He would like the license to be reinstated and to have a second chance.

Mr. Coyle asked Mr. Cisco when the attention was brought to the Health Department and if that was after they received the letter of intent to revoke.

Mr. Cisco replied yes because he did not understand the letter and went to the health department to get clarification. He first had a health inspection prior saying they were good to go and the letter said it was the wrong license. Once they found out it was the wrong license, Mr. Goldie applied for the correct one.

Mr. Coyle asked if he was aware that every bar in Nevada was supposed to have the Bar/Food establishment permit.

Mr. Cisco replied no he did not know until he went to the health department.

Mr. Coyle asked how long he was advising Mr. Goldie on the license and if it was before COVID19.

Mr. Cisco replied he was advising Mr. Goldie since the governor passed the mandate.

Mr. Coyle asked if he knew the scope of what he could and could not do under the bar/service bar permit.

Mr. Cisco said that he did not know it existed.

Mr. Coyle asked if he knew what it meant by the license stating food establishment/bar/service bar.

Mr. Cisco stated the license said food establishment with no restrictions. They were not aware of any other license until he spoke to the health inspector.

Mr. Coyle offered the following into evidence; exhibits from the hearing, decision letter from the City Manager, minutes, and notice of this appeal hearing. He provided the evidence to Mr. Cisco and City Clerk, Kelly Wooldridge (included in packet agenda).

Mayor Keener advised the public and online listeners the evidence is available on the City of Elko website under the City Council meeting in the agenda packet.

Mr. Coyle advised in the packet “Exhibit C” there is a copy of the Health Department license. In the permit description it says Bar/Service Bar which is the type of license Goldie’s had.

Mr. Cisco replied yes.

Mr. Coyle read the license and pointed out underneath the conditions of permit it stated no restrictions.

Mr. Cisco replied that is correct.

Mr. Coyle said prior to going over to the Health Department Mr. Cisco did not understand what those descriptions meant.

Mr. Cisco stated that was correct.

Mr. Coyle said that the Health Department advised Mr. Cisco that he was not allowed to serve food under the governors order.

Mr. Cisco replied that was correct.

Mr. Coyle said that they continued to operate until August 6, 2020.

Mr. Cisco replied that is not correct.

Mr. Coyle asked if he had terminated the business operation after the Health Department had advised him of not having the correct permit.

Mr. Cisco said they did not terminate the business operation because they did not understand when the license said food establishment Bar/Service Bar, no restrictions. Goldie’s Bar thought they had the correct license.

Mr. Coyle stated despite what he was told by the Health Department, Goldie’s continued operation until Mr. Calder’s letter stated the license was withheld.

Mr. Cisco said that was correct. He did not know what was going on. His interpretation of Bar/Service Bar with no restriction was that Goldie’s Bar was able to operate. He spoke to his sister, whom is a lawyer and other lawyers. They had the same impression and he did not know until he spoke to the Health Department. They informed him Goldie’s needed a separate license that stated they could serve food.

Mr. Coyle asked if they continued to contest that license until the City Manager, Curtis Calder, made his decision.

Mr. Cisco stated that was correct.

Mr. Coyle had no further questions for Mr. Cisco.

Councilman Schmidlein asked Mr. Cisco when did he meet with the Health Department.

Mr. Cisco replied when they received the letter from the City, he went to the Health Department the same day.

Councilman Stone asked how long it was till the bar was shut down.

Mr. Cisco replied on August 6, 2020 when the hearing took place, Mr. Goldie closed the bar immediately due to not having the correct permit.

Mayor Keener advised there were online listeners that wanted to weigh in on comments. There are two people that are holding on the call-in line. He advised when they speak to state their name and address for the record. They would also need to be sworn in.

Don Knight was sworn in, 772 Elm Street Elko, NV. He stated that small business have a huge impact in our community. COVID19 has effected a lot of small businesses and Elko needs to do everything in their power to protect small business for the community. He asks they do everything they can because the entire City relies on small business.

Mayor Keener thanked Mr. Knight and stated everyone on the Council owns a small business. He moved on to the next caller.

Heather Scott was sworn in, 5527 Gunpowder Drive Elko, NV. She does not want to see another business go out of business. She thought Mr. Goldie needs to have another chance.

Mayor Keener thanked Ms. Scott for her comments and asked if anyone else had additional comments.

Ms. Wooldridge read a letter (Exhibit B) from Mr. Kevin Sur.

Mayor Keener moved onto the next witness.

Andrea Nicely was sworn in, 1326 W. 320 N. St. George, UT. She has known Mr. Goldie for many years and he had always worked with the City and the police. There were restrictions that were set in place from COVID19 and closed once. They re-opened and another mandate was issued to close bars unless they served food. As the license states food establishment, service bar with no restrictions. She stated anyone looking at the license would assume he is allowed to serve food. He was not trying to defy anyone when he was notified and imminently applied for the correct license. It would not benefit anyone to close his business.

Kristine Gregerson was sworn in, 1049 Sewell Drive Elko, NV. She is a former employee of Goldie's and said they are great people. There are a lot of regulars that come to the bar. She does not agree with the City's decision and feels they are bullying him.

Mr. Coyle called Matthew Lawstemma as a witness.

Matthew Lawstemma, Environmental Health Specialist with the Department of Health, was sworn in. He stated that Teresa Hayes is on the phone who is his supervisor. He has been employed over a year as an Environmental Health Specialist. He inspects various food establishments in Elko County.

Mr. Coyle asked if he is familiar with the governor's directive 027 of closing bars, with the exception of bars that serve food, and if he was familiar with Goldie's bar.

Mr. Lawstemma responded yes he is familiar with the governor's directive 027 and Goldie's bar.

Mr. Coyle asked if he was familiar with the license (Exhibit A) that was presented by Mr. Goldie.

Mr. Lawstemma advised he is familiar with the document. It was from their pre-opening inspection report.

Mr. Coyle asked if that document is a snack bar permit that Goldie's Bar now has.

Mr. Lawstemma advised that was not the actual permit and is a general form where he can write information on and leave it with the operators.

Mr. Coyle asked if Mr. Goldie has a snack bar permit at this time.

Mr. Lawstemma advised it was based on the outcome of today's hearing. Goldie's has completed all the necessary steps and passed the pre-opening inspection. Goldie's would need to have the business license with the City of Elko to be reinstated and allowed to resume operations. They would have the snack bar permit if those conditions are met.

Mr. Coyle asked prior to the snack bar permit approval, what license did Goldie's Bar have.

Mr. Lawstemma advised they had a bar/service bar permit.

Mr. Coyle asked if every bar in the State of Nevada required to have that permit to operate.

Mr. Lawstemma advised yes, the bar/service bar permit is required to operate in the State of Nevada.

Mr. Coyle asked if a bar/service bar permit exempts certain types of food and requires a higher permit.

Mr. Lawstemma replied yes.

Mr. Coyle asked what types of food are exempt.

Mr. Lawstemm advised commercially or canned beverages, coffee or coffee beans, prepackaged snacks or candies, prepackaged food supplements such as teas and herbs and whole fruits and vegetables in a natural and unprocessed state.

Mr. Coyle asked if that is found in one of the Nevada Administrative codes.

Mr. Lawstemm replied yes, NAC446.042. Anyone who has a bar/service bar permit would be allowed to look up that code and find the exemptions.

Mr. Coyle asked according to the Health Department's agency, does having a bar/service bar permit allow bars with that type of permit to be opened by the governor's directive 027.

Mr. Lawstemm advised no they are not allowed to be open.

Mr. Coyle asked if Mr. Lawstemm was present at the City Manager's hearing on August 6, 2020, regarding Goldie's Bar.

Mr. Lawstemm advised he was present.

Mr. Coyle asked if he recalled the menu that was presented at the prior hearing.

Mr. Lawstemm recalled the menu but not all the items listed on the menu.

Mr. Coyle handed Mr. Lawstemm a copy of the document that was admitted into evidence in the last hearing. He advised the menu is listed in the document. In the menu were the items listed not permitted under the bar/service bar permit.

Mr. Lawstemm advised he looked at the menu again. There were items that were on menu that were not permitted under the bar/service permit. Everything on the menu excluding chips, if they were prepackaged, were not permitted.

Mr. Coyle asked if the snack bar permit was the minimum to serve food under the governor's directive 027.

Mr. Lawstemm's understanding of the governor's directive 027 would left up to local authorities. The snack bar permit is the minimum for a food service permit.

Mr. Coyle asked if there are higher food permits than a snack bar permit.

Mr. Lawstemm replied yes.

Mr. Coyle asked what would be the next level after the snack bar permit.

Mr. Lawstemm referred Mr. Coyle to Teresa Hayes.

Teresa Hayes was sworn in, Environmental Health Program Manager for Nevada Public and Behavioral Health at 727 Fairview Dr. Carson City, NV. The snack bar would allow anything that is pre-cooked and reheated for service.



Mr. Coyle asked if the snack bar permit refers back to NAC 446.442.

Ms. Hayes advised the definition of a food establishment in code would be anything that is consumed. The Health Department exempts bars to allow what would be considered as incidentals, which would be prepackaged food.

Mr. Coyle asked if by putting food establishment on the food permit when it states Bar /Service bar, it allows the bar to serve food.

Ms. Hayes advised bar would be liquid beverages plus incidentals but would not allow the bar to serve food such as a hot dog.

Mr. Coyle asked after the hearing on August 6, 2020, if the Health Department issued a letter to Mr. Goldie.

Ms. Hayes and Mr. Lawstemm responded yes.

Mr. Coyle asked what the subject of the letter was.

Ms. Hayes advised based on the information that was gathered in the hearing on August 6, 2020, Mr. Goldie's permit for the Bar/Service Bar was not in his name. The letter, which was approved by the District Attorney's office, requested Mr. Goldie to apply for a permit in his own name. Mr. Goldie had applied and is tenably approved for his own bar permit under his name. The permit will be issued based on the outcome of this hearing.

Mr. Coyle had no further questions.

Mayor Keener asked the board if they had any questions for Mr. Lawstemm.

No further questions were asked.

Mr. Coyle called Mr. Goldie as a witness and reminded Mr. Goldie he is still under oath. He asked if Mr. Goldie recalls the letter that was issued after the hearing on August 6, 2020 written by the City Manager, Curtis Calder. It was the conclusion to revoke the license of Goldie's Bar.

Mr. Goldie remembered the letter and advised he was correct.

Mr. Coyle asked if he is appealing anything else in the letter other than the suspension of the license.

Mr. Goldie advised no.

Mr. Coyle asked if Mr. Calder went too far in the action of the letter.

Mr. Goldie said he was not sure if he went too far and does not agree with the determination. He voluntarily closed after the hearing on August 6, 2020 because he understood he had the wrong permit.

Mr. Coyle said when directive 027 was issued from the governor, Goldie's did not close.

Mr. Goldie advised he did not close because he thought he had the right license. After 28 years, it was a mistake on his part and he corrected the mistake by getting the correct license. He apologized for not having the correct permit.

Mr. Coyle asked prior to applying for the snack bar permit, if Mr. Goldie had a snack bar permit at any time before.

Mr. Goldie advised no, he did not because he did not know. The culpability was not only on his part but also the Health Department. He said there was a misunderstanding and miscommunication. It was never pointed out by the Health Department for 28 years.

Mr. Coyle said as a licensee, it is his duty to uphold the duties of the license.

Mr. Goldie agreed it is his duty but he is not a lawyer and took it as laymen terms. He did not know he was doing anything wrong and believed he was operating under the laws and mandate.

Mr. Coyle asked on April 10, 2020, if Mr. Goldie refused entry to law enforcement.

Mr. Goldie said yes he acknowledges the refusal of entry to law enforcement. However, it was a mistake. His bar was clearly closed with a locked door. They were in the bar painting, cleaning and working on the bar. Mr. Goldie said he should have opened the door and did not know it was a violation. He looked at it as private property when the door is closed.

Mr. Coyle asked what his understanding of the code is now.

Mr. Goldie said he should have opened the door.

Mr. Coyle asked if he acknowledges that law enforcement has the right to come in and inspect the property.

Mr. Goldie acknowledges they do and made a bad decision, which he will not do again. In the City code it stated only during business hours.

Mr. Coyle passed the witness to the council.

Councilman Schmidlein asked if he realized that his liquor license is a privilege.

Mr. Goldie acknowledges it is a privilege.

Councilman Schmidlein asked when the officers were at the door if they stated his liquor license was on the line.

Mr. Goldie said no they did not inform him. They told him if he did not open the door they would pull his license. He felt it was threatening and did not understand why that attitude was projected for bringing a letter to him. He acknowledged he made the wrong decision and it would not happen again.

Councilman Schmidlein asked what he thought the consequences should be done moving forward in this hearing.

Mr. Goldie is willing to agree with the council that would be fair. That might include probation or a fine. He wants to be given a chance to comply with the City.

No other questions were asked from the council.

Mayor Keener acknowledged there were other witnesses on the line that would like to comment. He acknowledged Kristi Brady on the phone.

Kristi Brady was sworn in, 2405 Mitrey Avenue Elko, NV. She is the owner of Charlee's Bar and has known Mr. Goldie for years. As a fellow bar owner the closures have been brutal on the owners, employees, friends, family and patrons. Ms. Brady says the strain on the new laws and mandates for bars is confusing and hard to follow. She has seen Mr. Goldie's practices. She has seen sanitizers, handing out masks, sanitizing the bar completely and it would be a devastating loss for Elko to not be able to have Goldie's open. The license says he is allowed to serve food. He is an upstanding businessman and has served the community for 30 years.

Mr. Coyle asked if she has the Bar/Service Bar permit.

Ms. Brady replied yes.

Mr. Coyle asked if she voluntarily closed after the governor's directive 027.

Ms. Brady acknowledges she did.

Mr. Coyle asked if she knew of any other bar that has the same Bar/Service Bar permit that remained open.

Ms. Brady did not however, did not ask what type of license they had.

Mr. Coyle had no further questions.

Mayor Keener acknowledges Mr. Sur on the phone.

Kevin Sur was sworn in, 1880 Jennings Lane Elko, NV. He wanted to support Mr. Goldie and felt he has been persecuted. He acknowledges Mr. Goldie's testimony of admitting his wrong and the council needs to show support of local business in Elko.

Mayor Keener said he had heard a lot of support for Goldie's. He wanted to know if anyone opposed and did not support Goldie's.

Mr. Coyle called the Chief of police as a witness.

Tyler Trouton, Chief of Police was sworn in, 1448 Silver Street Elko, Nevada. Chief Trouton has been an officer for almost 21 years.

Mr. Coyle asked if he is familiar with Goldie's Bar.

Chief Trouton replied yes.

Mr. Coyle asked about July 18, 2020 and if Elko Police Department had been in contact with Goldie's concerning the governor's directive 027.

Chief Trouton said they did have contact. Sargent Locuson served Goldie's with the notice of violation of the governor's directive 027.

Mr. Coyle asked if that advised Goldie's to close due to directive 027.

Chief Trouton advised yes, the notice advised Goldie's they would need to close.

Mr. Coyle asked if they continued in operation.

Chief Trouton advised they did continue in operation.

Mr. Coyle asked about the weekend of July 25, 2020 when Chief Trouton or others if they had additional contact with Goldie's.

Chief Trouton said he was not sure about contact however, he was out during that timeframe around the 28th and observed Goldie's open through the evening and early morning hours the next day.

Mr. Coyle asked if he had gone to other City officials to determine what actions needed to be taken.

Chief Trouton said there was discussion and following the hearing. It also included a couple of phone calls and contacts to Mr. Goldie about the notice that was served.

Mr. Coyle directed attention to April 10, 2020 incident. If he recalled that incident of officers not being allowed to go onto the premises of Goldie's bar.

Chief Trouton said he watched the body cam footage from that incident.

Mr. Coyle asked the Chief to describe the incident from a law enforcement perspective.

Chief Trouton said the officers went to Goldie's and also Tiki Hut, another bar establishment that had speakers on outside. The officers did not hear voices and nothing could be viewed inside Tiki Hut. The officers proceeded to Goldie's Bar and made contact verbally through the door. Mr. Goldie advised he was not opening the door and said he was having a private gathering. The officers advised Mr. Goldie that refusing could cause issues with his liquor license. Mr. Goldie said that would be fine. The officers served the notice by leaving it at the door and then left.

Mr. Coyle asked if that was under the governor's directive 003.

Chief Trouton advised that it was during the initial shutdown.

Mr. Coyle asked with the initial shutdown if any other bar refused entry to Elko Police Department.

Chief Trouton advised no other bar refused entry. They had multiple calls from bars, many of which were doing construction within the bar.

Mr. Coyle clarified asking if the other bars were open for business.

Chief Trouton advised no.

Mr. Coyle asked if any other bars failed to close under the directive 027.

Chief Trouton said there were several bars that initially did not close. Lieutenant Palhegyi spoke to Good Time Charlie's, Tiki Hut and Goldie's bar. He spoke to the managers and educated the bars on the directive and other options that were available in State grants or grants through Nevada Gold. He had advised them pursuant to the governor's order they would need to close.

Mr. Coyle asked after contact, if anyone other bar other than Goldie's remained in operation.

Chief Trouton advised that Goldie's was the only one who stayed in operation.

Mr. Coyle asked if there were complaints about Goldie's being open.

Chief Trouton said there were competitors that complained Mr. Goldie was still open for business.

Mr. Coyle advised he had no further questions for Chief Trouton.

Mr. Coyle called Kelly Wooldridge, Elko City Clerk.

Ms. Wooldridge was sworn in. She has been employed as the City clerk since June 2018. The City Clerk's Office oversees the business licensing, liquor licensing, gaming licensing and special event permits that include special event liquor permits.

Mr. Coyle asked if she was aware of Goldie's Bar in Elko Nevada.

Ms. Wooldridge replied yes.

Mr. Coyle asked if Goldie's holds a City business license.

Ms. Wooldridge replies yes.

Mr. Coyle asked if she took action for notice to intent to revoke the business license.

Ms. Wooldridge replied yes.

Mr. Coyle asked what lead to that action.

Ms. Wooldridge advised she had after several discussions with Chief Trouton. Since COVID-19, she and Chief Trouton have worked closely to monitor the governor's directives. They have had several discussions about Goldie's bar remaining open. The City Clerk's office received daily calls in regards to complaints for businesses that remained open.

Mr. Coyle asked if some of the complaints were regarding Goldie's bar.

Ms. Wooldridge replied yes.

Mr. Coyle asked after consulting with Chief Trouton, if the determination was to take action under the City code.

Ms. Wooldridge replies yes but unfortunately the City code does not allow the Clerk to give fines or other types of conditions on the license. It will only allow for suspension or to revoke the license.

Mr. Coyle asked what Goldie's response was after it was served.

Ms. Wooldridge spoke to Mr. Goldie several times and the discussions were mainly about the Health Department's permit.

Mr. Coyle asked if she spoke to the Health Department.

Ms. Wooldridge believed Chief Trouton spoke to the Health Department but she did not directly speak to them.

Mr. Coyle asked if she was aware in general of the information he had received back from the Health Department.

Ms. Wooldridge advised yes.

Mr. Coyle asked if it was consistent with the testimony of the Health Department official today.

Ms. Wooldridge advised yes.

Mr. Coyle passed the witness.

Mayor Keener asked the board if they had any questions for Ms. Wooldridge.  
There was no further questions.

Mayor Keener asked Mr. Goldie if there was anything that he disagreed with in regards to Chief Trouton and Ms. Wooldridge's testimonies.

Mr. Goldie responded no.

Mr. Stanton advised the Council, Mr. Goldie has the right to question the witnesses if he wanted.

Mayor Keener asked if Mr. Goldie would like to question the witnesses.

Mr. Goldie advised he would not like to question and the issues had been presented on both sides clearly. He is regretful for his bad decisions and asked for another chance to do the right thing so his employees can get back to work.

Mayor Keener asked Mr. Stanton if they could move into consideration amongst the board after hearing the testimonies and evidence that was presented.

Mr. Stanton advised both parties they could move forward if they have provided all their evidence, exhibits, testimonies and arguments. In accordance the council should also ask for additional public comment.

Mayor Keener asked for public comments and would like the board to go into deliberation. He thought the description on the license was very confusing and the name of the applicant should have been corrected a long time ago. He would like to side with the appellant. He feels blocking the revocation is the right thing to do. He asked the fellow board members for their thoughts.

Councilman Hance does not believe they should be the arbiter of the governor's directive because it is not law and it has not passed through the legislature. If the State wants to enforce the mandate, then the State needs to support the revocation. He spoke with the Secretary of State's office and the State of Nevada is not revoking business license. If the governor wanted the directives to be enforced then his own people needed to enforce the directives. The Health Department never took Mr. Goldie's permit. He believes the Liquor license is a privilege and should be looked at further. However, he is against revoking the license.

Mayor Keener thanked Councilman Hance and asked for additional Council's comments.

Councilman Schmidtlein agreed with Councilman Hance. Mr. Goldie admits he should have opened the doors and is not sure what to do for disciplinary actions. There are conditions that needs to be implemented. The liquor license needs to have the proper names on the license. Mr. Goldie would need to obtain proper license with the Health Department. He feels the window film would need to be removed so the officers can see inside.

Councilman Stone said he would like to renew Goldie's bar business license. The state permit needs to be in the correct name and follow the governor's guidelines. In regards to breaking laws by not allowing officers in Goldie's bar, he suggests a 30 day probation. He is concerned the view being blocked so removing the window film would need to happen for the safety of the officers.

Mayor Keener asked what 30 day probation meant.

Councilman Stone clarified by stating the probation would need to ensure they are following the liquor license guidelines and business license guidelines. He agreed with Councilman Hance that the State guidelines are the State's responsibilities.

Mr. Stanton advised the council of their options. The first option would be a suspension and that

could have conditions. Once the conditions are met then the suspension would be lifted automatically following the conditions. If the conditions are not met then the suspension would remain in place.

Councilman Stone stated rather than reinstating the license, the suspension can be handled with the explanation he gave.

Mr. Stanton advised that is correct. The council has the ability to reverse the decision of the City Manager. If it is reinstated then it will be the same as it was before. The council has the ability to affirm the decision. The third option is a suspension and how it is constructed.

Councilman Stone asked if they can still be in business with the suspension.

Mr. Stanton advised that was correct and it can have deferred implementation. If the requests that are not met then there could be something else done with the license.

Councilman Schmidlein asked Mr. Goldie how many days he needed to remove the film on his windows.

Mr. Goldie advised it could be removed tomorrow.

Councilman Schmidlein asked if September 1, 2020 would give him enough time.

Mr. Goldie agreed.

Councilman Schmidlein asked Ms. Wooldridge how long it would take for the proper name to be on the business license.

Mr. Goldie advised the proper names have already been submitted to the Health Department.

Ms. Wooldridge advised that she could have Mr. Goldie update the proper names but believed he has the proper names already.

Mayor Keener asked if the liquor license had the proper names as well.

Ms. Wooldridge advised she would have to double check the name but believed it was under Mr. Goldie's name.

Councilman Hance asked the Health Department, as long as Mr. Goldie complies with all the requirements, what would be the timeframe for a certificate in hand for Mr. Goldie.

Mr. Lawstamm advised usually it takes one month from start to finish. The temporary license would be issued the same day.

Councilman Hance asked if there was anything in the inspection that would have to happen before issuing the license.

Mr. Lawstamm said there were several items that needed to be done. He advised there were



items that were not permitted under a snack bar permit and others that would not be suitable for a food establishment.

Councilman Hance notice one item being a BBQ grill. Those items needed to be removed and nothing needed to be upgraded for him to move forward on getting the snack bar permit.

Mr. Lawstemm advised the biggest issue was a household refrigerator and they are required to use commercial grade. They currently have some space upfront and depends on how much space they need.

Councilman Hance asked under the code, does the household refrigerator need to be removed.

Mr. Lawstemm replied yes.

Mr. Hance asked Mr. Goldie if he would be able to make the correction that the Health Department is asking.

Mr. Goldie replied yes.

***\*\*A motion was made by Councilman Stone, seconded by Councilman Hance, to suspend the business license subject to the following conditions; film must be removed from the windows/doors within seven days and obtain correct DHHS snack bar license within 45 days. Business operations may resume upon satisfying these conditions and the suspension will be automatically lifted, upon all proper documentation reviewed and verified by the City Clerk. Failure to comply with these conditions shall result in the suspension remaining in effect until further action of the City council, at a public hearing.***

***The motion passed unanimously (4-0).***

Mayor Keener acknowledges the community support and wished Mr. Goldie success.

#### **COMMENTS BY THE GENERAL PUBLIC**

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. Comments may be made through GoToMeeting.com, or by calling (775) 777-0590, or email comments to: [cityclerk@elkocitynv.gov](mailto:cityclerk@elkocitynv.gov). **ACTION WILL NOT BE TAKEN**

***There were no public comments.***

There being no further business, Mayor Reece Keener adjourned the meeting.

  
Reece Keener (Oct 28, 2020 11:35 PDT)

Mayor Reece Keener

  
Kelly Wooldridge (Oct 28, 2020 13:21 PDT)

Kelly Wooldridge, City Clerk