



# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
City Hall (775) 289-2430  
Fax (775) 289-1463

## ELY CITY COUNCIL, WHITE PINE COUNTY COMMISSION & WHITE PINE COUNTY BOARD OF PUBLIC HEALTH SPECIAL JOINT MEETING

**May 7, 2020 5:00 p.m. - White Pine County Library - 950 Campton Street, Ely, Nevada**

**Attendees also present via videoconference/teleconference pursuant to Governor Sisolak's  
Emergency Directive 006 suspending "the requirement in NRS 241.023(1)(b) that there be  
a physical location designated for meetings of public bodies".**

1. Commission Chairman Richard Howe called the meeting to order at **5:00 p.m.**, led in the Pledge of Allegiance and asked for moment of silence.

**City Members Present:**

Mayor Nathan Robertson  
Councilman Ernie Flangas  
Councilman Ed Spear  
Councilman Jim Alworth  
Councilman Kurt Carson  
Councilwoman Michelle Beecher

**White Pine County Commission Members Present:**

Commission Chairman Richard Howe  
Commissioner Travis Godon  
Commissioner Shane Bybee  
Commissioner Ian Bullis  
Commissioner Laurie Carson

**White Pine County Board of Public Health:**

Public Health Officer David Byun, D.O.

**Officials and Staff Present:**

WPC Finance Director Elizabeth Francis  
WPC Sheriff Scott Henroid  
City Building Official Brad Christiansen  
WPC Hr Director Tim Bunch  
City Treasurer Janette Trask  
City Clerk Jennifer Lee  
City Attorney Caroline Townsend  
District Attorney Mike Wheable  
City Fire Chief Ross Rivera  
City Administrative Assistant Ashlyn McDonnell

**Public Present:**

Geri Wopschall  
Marietta Henry  
Wyatt Cox  
Warren Krch  
Don Southworth  
Linda Davies  
Terri Borghoff  
Shadrach Michaels  
Amanda Hilton

Hank Boone  
Cody Coombs  
George Chachas  
Suzanne Southerson  
Travis Godon  
Jennifer Hollingsworth  
Mary Kerner

**2. PUBLIC COMMENT:**

George Chachas stated at the last Tour and Rec. Board meeting the Director claimed and expressed a concern on what I chastised the main street programs signage to have them please remove the “f word” off of the retaining wall located approximately a block away from the convention center; nothing was said and forgiven until I bought the property and erased that fences work almost two years ago. They should focus on the north end of town where there are junk yards not on private property. It impedes pedestrians who need the access to the public sidewalks. The Building Inspector has yet to give me a building permit to reroof my property; he is selectively enforcing the law. Keith Carson has put up his modular home in a trailer park which is not up to code. Modular homes are not allowed in trailer parks. He is not compliant and is in violation of the trailer ordinance. Where is your building inspector? Is he still in Eureka in a City car with his wife? You either have rules and regulations or you don't.

Suzanne Southerson stated I am with Kinross Bald Mountain Mine I want to let the Commissioners and the City Council Members know that we continue to operate with rigorous precautions in place to help our employees and community stay safe. We have had no confirmed cases of COVID-19 at Bald Mountain Mine as of today and we are continuously tracking it. Some of the measures we have taken to keep everyone safe and the site clean are increased frequency of cleaning and disinfection of the site. We have frequent communications about the status of COVID-19. No non-essential travel has been permitted. Additionally we have questionnaires we are asking all of our employees to fill out upon returning from their rotation. We are doing the same for contractors who visit the site and no non-essential visitors are allowed to visit. We have been checking employee's temperatures at the bus stops in the Elko and Spring Creek stations before they are allowed onto the bus. For the Ely employees they are checked at the Mine gates before being admitted to ensure no one has a fever. The buses have been disinfected and the capacity has been reduced to 40-50% of what it was before and those on the bus are socially distanced. We have established detailed plans to manage positive cases should one occur at the site.

Commission Chairman Richard Howe I would like to make a brief public comment. The action taken yesterday by the White Pine County Commission where we tabled our decision to open some of the parks: we tabled it for a reason; the reason was we wanted to hear from the Governor about his opening. We felt it only right that we allow him his voice and not jump the gun, open up everything and then be turned away one day later. I want to thank everyone on our Commission. It was a unanimous vote. One day later the Governor soft opened everything almost a hundred percent in compliance with what we had in mind. I wanted that put out in the public because I am a little bit tired of hearing naysayers out there who haven't been to a meeting, who jumped the gun without hearing the facts.

**3. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL, WHITE PINE COUNTY COMMISSION & WHITE PINE COUNTY BOARD OF PUBLIC HEALTH.**

1. Discussion/Update on the Governor's "Roadmap to Recovery" Local Empowerment Advisory Panel (LEAP) findings and recommendations, as well as status on Governor's plan as it pertains to the City of Ely and White Pine County communities.

District Attorney Mike Wheable stated the Governor had requested and appointed a couple of individuals to get some information, so he can formulate the plan he

announced a couple of hours ago; the County put together all information requested. They wanted to know how prepared we were to open and our ability to handle any positive cases. Some of the stuff we see on the agenda seemed pretty relevant a few days ago, but after the Governors announcement today I don't know how much it's worth talking about.

Mayor Robertson asked were there any updates with Matt or from the State on what they will be requiring for testing going forward?

District Attorney Mike Wheable stated no, that has not come out yet.

Commissioner Laurie Carson asked are they waiting for them to become more reliable?

District Attorney Mike Wheable stated I don't know.

2. Discussion/Possible Action – to discuss and draft the logistics and concepts of a cohesive plan to reopen businesses contingent on Governor Sisolak granting individual regions authority to implement reopening plans consistent with Public Health Officer's opinion. Discussion shall be limited to non-essential businesses, food establishments, and other businesses currently subject to closure directives issued by the Governor.

District Attorney Mike Wheable stated this item was meant to come up with a plan to figure out where were going with the community. We could put in some time to discuss a plan right now but it's not really necessary because the Governor laid out the plan with what he wants open and closed. Unfortunately there are still some closures that affect the community.

Commission Chairman Howe what we had in our plans was the parks, playground and the swimming pool. He didn't say anything about swimming pools; I don't know if that would fall into the category of fitness centers, yoga centers or exercise centers that he said would not be open.

District Attorney Mike Wheable stated the Governors directive would probably keep that closed during this first phase.

Mayor Robertson stated the language in the release said "the local Government should continue limiting the general public's use of shared recreational equipment including playground equipment, basketball courts, volleyball courts, baseball fields, beaches, or football fields in a manner that causes the congregation of 10 or more persons in a manner contrary to best COVID-19 disease, mitigation and social distancing practices".

Commission Chairman Howe stated I'd like to ask the Mayor, you issued a directive that the City Offices will be shut down till May 31<sup>st</sup>. Is that going to stand now?

Mayor Robertson stated discussing that with City staff, the general feeling was that we would continue that to the 31<sup>st</sup> to give us time to implement the measures, unless we receive different direction from the Council.

Councilman Alworth stated this Road Map to Recovery for Nevada that was given to us from our Attorney, is this going to be somewhere the public can get it?

Mayor Robertson stated we will put it on our website.

Councilman Alworth stated one question that Mike was talking about; it says right there, businesses remain closed including public pools.

City Attorney Townsend stated this is something I printed off from the Governors website before the meeting. I am assuming this will come with a directive he will sign. It is not a legal document, it is guidelines.

Councilman Alworth stated that is good to know. How are we going to be uniform on the enforcement of this?

Mayor Robertson stated I think the guideline is the limit on businesses is half of their occupancy permit.

District Attorney Mike Wheable asked generally speaking, if they exceed that occupancy what would be the enforcement on that?

Mayor Robertson stated if it is a habitual thing, that would be different then if it happened for five minutes on one day. They would get some notice and orders from our Building Department, Fire Marshall or Sheriff's Department.

District Attorney Mike Wheable stated we have to encourage compliance. If it is a habitual compliance issue, then the Sheriff will talk to that business owner.

Mayor Robertson stated that has been our discussion with Sheriff Henroid, District Attorney and the City Attorney. We want to avoid crossing over the line into citation and litigation. We really want to be in the mode of respond and inform.

Councilman Alworth stated over this last weekend a Church opened up. I got numerous calls on it.

Mayor Robertson stated I believe the Sheriff responded there and just like we talked about, he responded and informed. There was no citation given. Most of our citizens and businesses have complied and been diligent about this.

District Attorney Mike Wheable stated I think our bigger businesses are going to have to adapt and account for people coming and leaving so they can contain their occupancy. There are people in our community trying to test the system, we do not want to fight backwards and prolong the phases.

Commission Chairman Howe stated he opened houses of worship last week, drive up. Did he clarify that on your paper there?

Mayor Robertson stated "less than 10, drive-up or virtual meeting".

Commissioner Shane Bybee stated I was contacted after the Governor spoke by a couple of business owners that were not aware of what their occupancy number was and wondered where they could get that information.

Mayor Robertson stated it is building dependent and that is something they should have displayed. I think if you have people contacting you, their first stop should be contacting the Building Department.

Commissioner Ian Bullis stated as we move forward as a City and County I want us to be mindful that we are really walking a fine line here. Statistically speaking it is clear this is no longer a danger to society. It mathematically does not add up anymore, it hasn't for awhile. There are currently some lawsuits in place that are going to be going against the State. I feel like so many Constitutional Rights have been stomped on. None of these businesses should have had to close in the first place; they don't need our permission to run. Nobody wants to stay closed and the reality is, as we are starting to see this across the nation, we can say whatever we want as politicians, we can put on our directives, we can issue executive orders, but for better or for worse America is made up of people who don't mind doing what they want. People are mad at us for even tabling the fact that we didn't open the parks. I realize we don't want to create any undue attention, but the reality is its seeming even more and more like we are going to be on the winning side even if they do start to come after us.

WPC Public Health Officer Byun stated the general principal we are trying to do here is make sure we have all the infrastructure and mechanisms in place so we can actually self sustain as a County against the fight of COVID. Right now the only thing we have in existence that can prevent it is social distancing which is why it is here to stay for the next couple of phases. They want to make sure we have testing, we are able to track the disease, that we have the capacity to quarantine people, and that we have the ability to treat. If any part of this chain is broken the COVID can escape and reach everyone else.

Mayor Robertson stated the data shows our community has done a good job. Despite my personal feelings or anybody else's personal feelings about whether these actions are Constitutional or if the shutdown was necessary, we have a responsibility not to put our business community at odds with their licensing boards as well as the State. I appreciate the Governor loosening some things up and taking a more liberal approach here. I am all for opening things up as quickly and safely as we possibly can. We are looking forward to working with Dr. Byun and tailoring these directives to our community and making sure we can get as many people back in business as we can.

Councilman Spear stated I completely agree with Ian Bullis and he is right on target with the amount of people upset in our community.

District Attorney Mike Wheable stated the other thing that is very frustrating for business owners is the Governor is now making a law or directive that business owners and their employees must wear face coverings in their businesses. He encourages everyone to wear them but he is not making that a directive.

Councilman Carson stated I believe in Elko City some of the business owners did get a business plan on how they wanted to run and submitted it to the Governor; it seems the Governor is working with them and trying to see how it goes. If the business owners come up with their own plan, maybe we can submit it to the State.

District Attorney Mike Wheable stated I'd like to know more about what the main challenges businesses are facing where they want to open up more and see what those complaints are.

Mayor Robertson stated I agree with Mike working with our community businesses to see what hurdles they still have to cross and making sure we are getting those to the State and working with the State to keep lobbying them to keep opening is our best route. We have reached this point in no small part because of the efforts of our community to reach out to the state Government.

Commission Chairman Howe asked is everybody in agreement with the soft opening the Governor gave us today? Or is there another thing that we want to push forward? I believe the Governor did a good job in giving us a soft opening.

Commissioner Ian Bullis stated I am not content; we should be fully open right now.

Commission Chairman Howe stated I don't think anybody is fully content and no one will be content until we are back to normal.

Commissioner Laurie Carson stated I would like to see us move forward. Where my concern has been is the ability for any retail establishments to have what they need such as disinfectants.

Mayor Robertson stated I think we should be reaching out to them.

Commission Chairman Howe stated another thing he issued today was we will still have the Gaming Control Board out there that will be making a decision on opening casinos. So we could be seeing a plan from them soon.

Mayor Robertson stated I fully intend to continue to lobby the State and keep them informed of what our abilities are locally and lobby for further local control.

**4. PUBLIC COMMENT:**

Jennifer Hollingsworth stated I think that as a County and City we need to be aware the PPE shortage that we are all seeing is now going to be shifted off onto our business owners. I can tell you first hand that trying to obtain even basic ear loop masks is next to impossible. I know that our County and City were vigilant about getting our nurses prepared and helping in every way they could. I think that we need to use that same driving force to help these small businesses to be prepared so that they can open up. It is going to take all of us to help them.

District Attorney Mike Wheable stated our Emergency Management Committee meets on Monday afternoon. We can prioritize that and put all those resources that we previously put to the EMS, Police, and the Hospital on some of those businesses.

WPC Public Health Officer Byun stated when we say face masks we are referring to what is used for medical use, which is why we are also using the term face coverings, which for the most part is homemade and not made for medical use. In that situation, using face coverings would meet the criteria for what the Governor is trying to do.

Mary Kerner stated I want to thank the City Council and the County Commission for being diligent, as well as District Attorney Wheable and Mayor Robertson for being on the radio and keeping people informed and for you guys being willing to listen to our voice and make the tough decisions.

Cody Coombs stated I want to echo Commissioner Bullis in the concerns he raised. I agree and I think that we need to move forward with opening things up. A lot of the directives and everything that has been pushed down on us is against the Constitution. I'd ask you to really look at that and look at what you swore to uphold. With that said, I am very thankful for all the information you are putting out there. I think as a community if you look at the statistics and where we are at, we are able to go to what the President lists as Phase 3. I would hope you would consider doing that in the near future.

Hank Boone stated I have a clarifying question for Commissioner Bullis. When sharing your opinion about statistics showing this is not a threat to society, what stats are you speaking of in terms of scope? What is that source?

Commission Chairman Howe stated Commissioner Bullis can respond to that at the next County Commission meeting. On public comment we welcome your comments, but we don't debate.

Commissioner Bybee stated I am greatly disappointed in our Governor today. He had put a lot of effort into showing his trust for the local Government to make these decisions. What we saw today was a total turn around. Granted we do get to open some businesses, but it was a demonstration of the boot heel back on the neck of local Governments that will not be consulted in this again.

Travis Godon stated I would like to agree with Shane and Ian's point. We have zero cases and I think we could be further ahead. With that said we can very easily come under State control so we have to balance where that fine line is because we don't want that either.

George Chachas stated overall I think the Governor did well. This is a good soft opening. We are hoping it's going to get better but we need to look at what's happening nationwide. Things are not good and the death tolls are going up. I am still waiting on my request for public information regarding overtime in the Fire Department. The City Council to date has not addressed City Code violation by members of the planning commission as well as members of the City Council. I brought up some concerns with the new Regional Planning Commission, they are not doing anything. Keith Carson keeps his horses in the City Limits and is in violation of City NRS codes. There are times he brings in donkeys and cattle. Why do you allow the Planning Commission and Building Inspector to selectively enforce the law?

Lacey Balch stated I want to thank you all for your dedication. Regarding your continued tabling of ordinances, I would just like to say I would appreciate it if you guys would make a decision. I know as a citizen it is becoming frustrating to continue to wait on the Governor and you guys trying to decide when and where we are going to go. As a citizen, I would appreciate if you guys would come to a decision once and for all and decide what is best for White Pine County. Listen to the citizens, take in Dr. Byun's notes, listen to the healthcare workers and look at your frontline workers. Remember we are a traveling County and people come and go.

**5. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTIONS OF THE ELY CITY COUNCIL, WHITE PINE COUNTY COMMISSION AND WHITE PINE COUNTY BOARD OF PUBLIC HEALTH.**

Commissioner Laurie Carson moved to adjourn the joint special meeting of the Ely City Council, White Pine County Commission & White Pine County Board of Public Health at **6:07 p.m.** Councilman Alworth seconded the motion. The motion carried unanimously.

---

*Mayor*

---

*Attest*

