



# CITY OF ELY

501 Mill Street Ely, Nevada 89301  
City Hall (775) 289-2430  
[Cityofclnv.gov](http://Cityofclnv.gov)

## ELY CITY COUNCIL SPECIAL MEETING

April 27, 2026, 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

1. Mayor Robertson called the special meeting of the Ely City Council to order at 5:07 P.M., led in the Pledge of Allegiance, and asked for Roll Call.

**Members present:**

Mayor Nathan Robertson  
Councilwoman Melody Van Camp  
Councilman Dennis Perea  
Councilwoman Jerri Lynn Williams-Harper

**Members absent:**

Councilman Terrill Trask  
Councilwoman Michelle Yeoman

**City Officials and staff present in the building or via video conference:**

City Clerk Jennifer Lee  
City Treasurer Janette Trask  
Public Works Director Mike Cracraft  
City Engineer B.J. Almberg  
City Fire Chief Pat Stork  
City Attorney Chris Arabia  
City Building Official Chris Flannery  
Municipal Court Judge Matt Hibbs  
City Police Chief Scott Henriod  
City Administrative Assistant Patti Cobb

Also, in attendance: Members of the public in attendance at the Ely Volunteer Fire Hall signed in (appears below) and the following people attended via video conference: Geri Wopschall; Wyatt Cox, KELY; Desiree Barnson; Pat Setterstrom; Mike Coster; Caitlynn Brinkerhoff; Bruce Setterstrom; Lisa; and MK.

### ELY CITY COUNCIL ATTENDANCE LIST

DATE: April 27, 2026

Special Meeting

Print name below

Print name below

<u>Melody Van Camp</u>	_____
<u>Bill Sanford</u>	_____
<u>Mayor Robert Robertson</u>	_____
<u>George Chachas</u>	_____

2. PUBLIC COMMENT

Krisse Herline

Employee, Club Rio

735 Aultman Street

Ely, NV 89301

Dated: April 25, 2026

City of Ely

501 Mill Street

Ely, NV 89301

Re: Response to Notice Regarding Club Rio Liquor License

Dear City Council Members,

I am writing in response to the notice dated April 17, 2026, regarding the incident reported on April 16, 2026, and the concerns raised about Club Rio.

I want to state clearly that at no time were minors served or consuming alcohol on the premises. No alcohol was provided or made available to them. At the time of the incident, the business had already been closed to the public. I was present on the premises cleaning and securing the bar. Two minors were present under my direct supervision and were moving between the living quarters and the bar area. Their presence was incidental to my being there, and no business activity or alcohol service was taking place. There was music playing while I was cleaning, and nothing unusual or inappropriate was occurring. Any cups or drinks that may have been observed contained non-alcoholic beverages, such as soda. Regarding the interaction with law enforcement, there was no intent to ignore or avoid officers. Because the business was closed, I initially believed the knocking to be from patrons attempting to enter after hours and did not realize it was law enforcement. After the knocking occurred, I placed plastic over the window area in connection with routine plant maintenance and cleaning. This was not done with the intent to conceal any activity. I understand how the circumstances may have appeared from the outside; however, no unlawful conduct occurred. The minors were under my supervision, and no alcohol-related violations took place. Going forward, I will ensure that after-hours presence on the premises is clearly separated from the bar area to avoid any possible misunderstanding.

Club Rio is committed to operating in full compliance with all applicable laws and regulations. I respectfully request that the City consider the full context of this situation.

Thank you for your time and consideration.

Sincerely,

Krisse Herline

 04-27-26

26 APR 27 11:03 AM

Ely City Council – Special Meeting – April 27, 2026

**Patti Cobb**

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**From:** Krisse Herline <krisseherline70@gmail.com>  
**Sent:** Monday, April 27, 2026 3:06 PM  
**To:** Patti Cobb  
**Subject:** Re: Club Rio License

KRISSE HERLINE employee of Club Rio

Club Rio

735 Aultman Street

Ely, NV 89301

Date: April, 24, 2026

City of Ely

501 Mill Street Ely, NV 89301

Re: Response to Notice Regarding Club Rio Liquor License

Dear City Council Members,

I am writing in response to the notice dated April 17, 2026, regarding the incident reported on April 16, 2026, and the concerns raised about Club Rio.

I would like to state clearly that at no time were minors served or consuming alcohol on the premises. Any allegation that minors were drinking is incorrect and false.

At the time of the incident, the business had already been closed to the public. I was present on the premises I am the parent of the minors. The individuals under the age of 21 who were present were under my direct supervision. Pursuant to Ely Municipal Code Section 3-2-8, minors may be present in a licensed establishment when accompanied by a parent or legal guardian. And I reside in the back apartment in the building. Their presence was lawful, and no alcohol service occurred.

With respect to law enforcement contact, there was no intent to avoid or disregard officers. Because the establishment was closed, I had closed down the bar around 1:15 am. I believed the knocking to be from patrons attempting to enter after hours, which is a very common thing that happens regularly. I did not initially realize that it was law enforcement.

The observation that the windows appeared covered is also explainable. Plastic had been placed over plants in the window to protect them from harmful aspesticide that we use to kill spiders ect... as part of routine maintenance, including pest control and cleaning. This was not intended to obstruct visibility or conceal any activity.

It appears that this situation may have originated from a complaint made by an individual with a prior history of conflict with the establishment and myself. The resulting report does not accurately reflect the circumstances inside the business at that time, I believe that call was made to be vengeful and false accusations in a form of retaliation.

While no unlawful conduct occurred, I understand how the situation may have been misinterpreted. Going forward, additional care will be taken to ensure a clear distinction between business operations and any after hours presence on the premises.

Club Rio values its standing in the Ely community and is committed to full compliance with all applicable laws and regulations. I respectfully request that the City consider the full context of this situation.

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**Patti Cobb**

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**From:** Krisse Herline <krisseherline70@gmail.com>  
**Sent:** Monday, April 27, 2026 3:19 PM  
**To:** Patti Cobb

Ely City Council.

**Witness Statement**

**RE: Regarding Club Rio License**

To Whom It May Concern, I Rob Vigil, provide this statement based on my personal knowledge of the events that occurred on April 16, 2026 at Club Rio.

On that evening, I was present at the location visiting a close friend, who resides in the living quarters in the rear of the premises. At the time of my visit, the bar area was closed and not open for business.

While I was present, I did not observe any minors served any alcoholic beverages, however at no time did I witness any minor consuming alcohol. Based on my observations, no underage drinking was taking place. Thank You For Your Time

This statement is true and accurate to the best of my knowledge.

Signed,  
R Vigil April, 26, 2026

Bill Sanford stated I am probably one of the only ones that have followed up and asked questions about this. From what was just read and reported it is true that the business was closed, the outside lights were off, and the door was locked. The deputies at 1:45 a.m. knocked on the window. I personally would like to know from our Sheriff if there were any tickets issued? Were any toxicology reports done or anything else done? Last October I watched a young girl that had been kicked out of the Rio once, chased by three deputies. When she came out the three deputies assaulted that young lady and beat her up and the only thing they charged her with was loitering. Ladies and gentlemen, this stinks; there is a lot more going on than just this. If we are so concerned with the alcohol, maybe we should deal with all the fentanyl problems that we have. When my neighbor and I addressed it to one of the officers, about one of the drug houses, the officers turned and said that's not our job to deal with the drug-related incidents. Maybe if something was done prior to that, there would be three or four individuals that wouldn't have died of a fentanyl overdose. Thank you.

George Chachas stated on your agenda items 3-1 and 3-2 have the accusations in the agenda been taken to a municipal or a district court and moved on? What about double jeopardy? Was a call made to Cari Matyja or the employee observed working at the Club Rio at the time of the alleged incident? Ms. Matyja was not notified at the time and any action conducted needs to be directed at the employee, bartender, and those that the employee allowed to remain, even though the establishment was closed. Was a search warrant asked for and granted on the day of the incident? I don't recall the Police Chief informing the City Council of concerns regarding the Club Rio at any City Council meetings, or as part of the normal report at your scheduled meetings. The business should not close and not lose its license because of the employee making possible bad judgements. There are numerous businesses that sell liquor. Once in a while liquor is sold to a minor and that person making the sale without verifying proper ID is held accountable, as well as the person underage. The business establishment must not lose its business licensing. You've got to establish protocol. I think you guys have got the cart before the horse. It hasn't been sent to a proper court, and I didn't know the City Council was the final decision.

### **3. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.**

Mayor Robertson stated just by the way of housekeeping, I will remind everybody in the room and Council members that through Robert Rules of Order, which this body has adopted, you will address the chair and be recognized prior to speaking, just so we can keep order on these items. We will hear from people as the Council requests.

1. Council Members – City Attorney Arabia – Police Chief Henriod – City Clerk Lee – Discussion/For Possible Action – Consideration of complaint of numerous and ongoing violations of Title 3, Chapter 2, Section 8 of the Ely Municipal Code (EMC) by Club Rio located at 735 Aultman Street, with possible revocation of licensee's Class III Liquor License, or other possible options.

Mayor Robertson stated unless the Council has other thoughts I would like to start with the Police Chief and our City Attorney explaining how we got to this point.

Police Chief Henriod stated I am here to address the concern that happened on April 16<sup>th</sup> at about 1:40 a.m. My office received a call from a concerned citizen stating he watched several minors walking through the Club Rio at about 1:40 in the morning. My officers responded to the Club Rio to check and see what was going on and why the minors were going to the Club Rio. When they got down there, they attempted to make entry into the Club, because they had actually seen what they believed were four minors inside the bar area along with two adults. They knocked on the door, and they were not allowed entry into the door. They were acknowledged and officers reported the two adults actually looked at them and recognized them. They observed at least one minor drinking an alcoholic beverage, so they continued to knock on the windows of the establishment, and they were not allowed access. They went to the back of the establishment and found that door also to be secured. They departed and came back a little bit later and noticed they

had hung some type of black plastic over the windows so that the officers couldn't observe inside the business. Looking at the City Codes, this is in violation of the City Code to not allow us in there to see if these minors are loitering or consuming alcohol on the premises. I contacted the Mayor and the City Attorney and reported the violation and that's what brings us here.

Councilman Perea asked have you got any other concerns, other than what happened that night? I have heard as a citizen that we may have a problem down there.

City Police Chief Henriod stated we have had past violations, but we have dealt with those as they have come up.

Councilwoman Van Camp asked have you had any issues with minors at any other time?

City Police Chief Henriod asked over what time frame?

Councilwoman Van Camp stated in the last year.

City Police Chief Henriod stated I know there is an attachment in your back up that shows a specific time period that different violations have occurred. For 2026 this would be the first violation as the other violations were in 2025.

Councilwoman Williams-Harper asked is an establishment like that obliged to open the door when a sheriff deputy knocks on the door?

City Police Chief Henriod stated in these circumstances I would say yes, because there were obviously four minors in the bar area. If they were there legally and did not violate any municipal codes, I would expect the establishment to open up if the police officer is knocking on your door, it would just be a courtesy to come and see what we are requesting and what our concerns are.

Councilwoman Williams-Harper stated so by not opening, you put yourself in jeopardy so to speak.

City Police Chief Henriod stated we have concern about what the welfare of those four minors are inside of the bar.

Mayor Robertson stated if I may, and correct me if I'm wrong Clerk Lee, but if a business holds a City business license, it is specifically listed in there that they are required to allow for inspection at any time should the City deem that necessary and that extends to the City Police Chief.

City Clerk Lee stated yes.

Councilwoman Van Camp stated I have talked to other places where if they have a restaurant and a bar, once the restaurant closes all the juveniles leave. There are absolutely no juveniles there once the bar is open. Have you had any problems with any other bars that have had juveniles like this circumstance?

City Police Chief Henriod stated I would have to do research on that and let you know.

City Attorney Arabia stated there is a history here going back to April 30<sup>th</sup> of last year. There was a minor cited for minor in consumption and she pled guilty to the sentence at the same time an employee was cited for allowing a minor to loiter in the bar, she pled guilty and it was never in court. I have been told by someone who works in the court that the owner of the establishment came with that employee to fight the citation, whatever that means, but there was a guilty plea. On October 31<sup>st</sup>, the same minor from April was

cited for minor in consumption and minor loitering at a bar; pled guilty to minor loitering where liquor is sold and was sentenced. The minor in consumption charge on that one was dismissed. On December 27<sup>th</sup> there were three minors, one of whom is a child of an employee so that one had no charges, but one minor was cited for minor in consumption, minor loitering at a bar, possession of marijuana of less than an ounce; that case has not been resolved yet, it sometimes takes a little time. There was a seventeen-year-old cited for loitering at a bar and this case actually went to the District Attorney's Office for procedural reasons we don't need to discuss. So, that is the history, this didn't just come out of nowhere. There are people who have pled guilty to it, and also other people have cited there's a concern with kids out in the middle of the night and I think the curfew is 10:00 p.m. and we have had at least one seventeen-year-old. We sent out a letter in January apprising the owner of these problems and stated they were very serious and then we got what happened on April 16<sup>th</sup>. That is kind of the history, and it is possible that there might be a couple of other criminal charges and they are admittedly minor in the grand scheme of things, but there is definitely a pattern that goes back almost exactly one year.

Mayor Robertson stated I would also like to open number two consecutively here, so we are addressing both issues, the liquor license and the business license.

2. Council Members – City Attorney Arabia – Police Chief Henriod – City Clerk Lee – Discussion/For Possible Action – Consideration of complaint of numerous and ongoing violations of Title 3, Chapter 1, Section 12 of the Ely Municipal Code (EMC), with possible approval of Resolution 2026-04 revoking or suspending Club Rio's Business License; Club Rio is located at 735 Aultman Street.

Mayor Robertson stated I would like the Council to understand that any citations involving a minor do go directly to District Court and are not heard in our Municipal Court at all.

City Attorney Arabia stated I just wanted to point out that there is a distinction, a minor usually means someone under the age of eighteen, but minor in consumption goes all the way up to twenty-one, so there's some overlap. That's part of the explanation for that.

Councilwoman Williams-Harper stated it is my understanding the officers returned at a later time, and can you explain to me what happened when they came back?

City Police Chief Henriod stated the windows were covered in what they described as a black plastic.

Councilwoman Williams-Harper asked did they knock again and there was no answer?

City Police Chief Henriod stated yes.

Councilwoman Van Camp asked on all these other instances has it been the bartenders child?

City Police Chief Henriod stated I won't answer that because that is a juvenile.

Mayor Robertson stated Chirs, correct me if I am wrong here, but a little explanation on the process here is the City Council will be hearing whether or not to continue their business and liquor licenses. Any citations connected with this will apply to District Court, but the City Council has an obligation to hear these complaints and consider the business license. The business license is not something that would ever end up in District Court, that is something this body does as the additional authority for the license.

City Attorney Arabia stated absolutely, and it is important to keep in mind that any juvenile case, no matter what it is, is in the District Court from day one. Sometimes they

kind of farm it out to the Justice of the Peace, but the fact that that is in District Court is kind of immaterial for two reasons; one as you said the City has its own obligation, and two in that same incident there was an eighteen-year-old who was cited. You make a good point in that the City has an obligation to look at those.

Councilman Perea stated so my take on it is that our Sheriff's Office got slapped on the arm when approached. There are things to be decided later, so we could suspend both and if for some reason something came out and they were deemed clear they could come back and reestablish a suspended license?

Mayor Robertson stated yeah, that would be something that would be on the table. There are a couple of options here, but before we get too much further, I would like to make sure at this point there are no other questions for the Police Chief or City Attorney.

Councilwoman Williams-Harper asked Sheriff, it was obvious to your deputies that the teenagers at the bar were in fact teenagers?

City Police Chief Henriod stated yeah, he wrote in his report that the four juveniles appeared to be under the age of twenty-one. It was obvious to him, and he actually recognized several of them.

Councilwoman Williams-Harper stated so he recognized them and knew who they were. The other thing I want to make sure I understand from the report is that the deputies did indeed see alcohol?

City Police Chief Henriod stated he described that he observed one juvenile consuming and alcoholic beer.

Councilwoman Williams-Harper stated that would probably mean we are not so sure what is in a glass, so to speak, so it was obviously a beverage that they recognized to be in a certain type of container as being alcohol.

City Police Chief Henriod stated yes.

Councilwoman Williams-Harper stated thank you.

Mayor Robertson stated if there are no further questions for the City Attorney or Police Chief, I would like to hear from whoever is the individual who is on the liquor license of this establishment.

Cari Matyja stated I was aware of the instance here on April 1<sup>st</sup> when Amanda got a ticket, that was my bartender, and that was last year. On my camera it showed the gal walking in, and the cops came in directly behind her. The bartender didn't have time to walk over and say, "can I see your ID?" or kick her out which naturally she would have done. We took the ticket and I went with her to court, but I didn't say fight it. I said let's go to court and while she was there, we paid for the ticket.

Mayor Robertson asked Ms. Matyja, you are in receipt of the letter the City sent on January 14<sup>th</sup>?

Cari Matyja stated yes, and then there was one on December 27<sup>th</sup>, or that was October. I threw the gal out once, she and another guy left, and then she came back while we were having a Halloween costume party. We caught her running to the bathroom, then the police showed up and said good job on kicking her out. Then on December 27<sup>th</sup>, she can tell you more about that. I didn't know there was a big issue until January. I know it is always a big issue when somebody's drinking in the bar, but I thought we kind of

answered it and then the other two we never got called to court about anything, and this one here I found out on Friday.

Mayor Robertson asked Ms. Matyja, are you also the individual listed on the City business license for the establishment?

Cari Matyja stated yes. What we are planning on doing is just blocking that back apartment off so nobody can even enter through that way and then putting in place twenty-one no matter if you're the parent or not and if the bartender votes against that, then they are immediately fired.

Mayor Robertson asked, "do you dispute the allegation that there has been a history of infractions involving serving alcohol to minors?"

Cari Matyja stated there have been instances, but I have never seen any of them get served alcohol. They would have been immediately fired at that point.

Councilwoman Van Camp stated with juveniles in there after curfew don't you have a problem with that?

Cari Matyja stated I do, especially now. I have had my grandkids come in with me but not that late. It's during a party, mostly like Thanksgiving and nobody even smokes a cigarette in the bar if there is a child in there.

Councilwoman Williams-Harper stated you know that you are supposed to open your doors if you have got police knocking and asking or sheriff knocking and asking to enter and how have you taught your employees because apparently that didn't happen this time?

Cari Matyja stated I am against that if they know it is a sheriff deputy, but we do have customers that knock on the door wanting in and you don't want to open it.

Councilwoman Williams-Harper stated so the first time they didn't understand that it was the sheriff.

Cari Matyja stated I wasn't there, you would have to talk to the bartender which is right here.

Councilwoman Williams-Harper stated okay, what did your people tell you?

Cari Matyja stated they said they thought it was a customer. I wanted to know if it was a mistake or if my bartender was lying to me.

Mayor Robertson stated if we could be clear, your license requires that any City representative should be granted access to your business, whether that is a sheriff's deputy or someone from the fire department; that's a condition you have in the business license.

Cari Matyja stated yes.

Councilwoman Williams-Harper stated you said they thought, but did they come to the door and open the door to see?

Cari Matyja stated no, they looked, they heard the knock is what was told to me, and they just went to the back because they thought it was a customer.

Councilwoman Williams-Harper asked is it a glass door?

Cari Matyja stated yes.

Councilwoman Williams-Harper stated if it's a glass door, they couldn't see that there were officers?

Cari Matyja stated I looked and with the lights outside it is kind of hard to see.

Councilwoman Williams-Harper stated but yet, the sheriff deputies could recognize individuals through the window, but your employees couldn't recognize authorities looking through the windows from the other side.

Councilman Perea asked in the past couple of years have you removed a bartender or have you fired anybody? Have you suspended anyone for any of these incidences and if so, do you have any documentation showing that you are holding those staff accountable?

Cari Matyja stated I held her accountable and she paid for her ticket. That was the only one I was really aware of, that was in bad trouble because we threw the others out. I don't know what else to do when a minor comes in, we ask them to leave and they have left.

Councilwoman Van Camp asked your tenant that is in the apartment adjacent to your bar, is that any of your employees with the juveniles?

Cari Matyja stated yes, Krisse Herline.

Mayor Robertson asked, "Is there anyone else the Council would like to hear from?"

Councilwoman Williams-Harper stated I would like to hear from the bartender.

Krisse Herline stated I am the parent of the two kids, and I was actually there that night on April 17<sup>th</sup>. I had three juveniles come and they did not enter through the bar; the whole establishment was closed. My daughter, my son, and my daughter's boyfriend came to the back apartment door because the bar was closed, so I don't know how they witnessed juveniles entering the bar. I am out there cleaning, and I have music up loud like I always do. My kids come and stay with me on the weekends and that was never an issue. They don't technically live there with me, but I was always informed by the officers and by the City Code that juveniles are allowed to be present in a bar with a parent or guardian, so I thought that was fine. They were running back and forth from the apartment to the bar area where my boyfriend, another friend from Vegas and I were. I've never served them alcohol. I'm against my kids having alcohol. I just lost my son a year ago in June due to alcohol and juveniles drinking, so I don't condone that. I don't know about the report about officers observing a juvenile having an alcoholic beverage. They have cups with soda and Shirley Temples all the time. The person I was thinking they saw with the beer bottle is 21 and he lives in Vegas and I can get a written statement from him if you guys want. I did not know it was the officers knocking. I had no idea. It was dark outside and the sign was off. If you have a little bit of light on the inside you can't see out there, I would have had to walk up to the door. I have had officers knock on the door and hit the back door numerous times and I have answered the door. I would have had no problem answering the door if I would have known there were officers because I wasn't doing anything wrong. I have people knocking all the time wanting to come in and so I pretend like I don't see them. I could barely hear a knock, and it was actually on the window not on the door and I just looked the other way and continued talking to my boyfriend.

Mayor Robertson stated one thing we would like to be clear about while we have all of you here is that even if it is after hours and the door is locked the establishment is still

required to abide by the rules of this privileged license. This doesn't magically make it anybody's living room or off limits.

Krisse Herline stated absolutely, I am aware of that.

Councilwoman Williams-Harper stated you stated the kids did have cups and so forth, so then the officers did see minors?

Krisse Herline stated yeah, the officers know my kids.

Mayor Robertson asked were all the kids present yours?

Krisse Herline stated yeah, two are my kids, and then my daughter's boyfriend, but he lives out of town, so, I mean, I'm technically his guardian, I guess you'd say.

Mayor Robertson stated in these instances, there's not technically a guardian.

Councilwoman Van Camp asked are your juveniles sitting at the bar and having a coke or a Shirley Temple?

Krisse Herline stated no, we have games in the establishment, and they are way away from the bar; we have a basketball hoop, a pool table, and stuff like that. Also, the incident on December 27<sup>th</sup> I want to recall that my daughter was there while I was working and her boyfriend at the time, which is not her boyfriend now came out and her best friend, I guess that would be the juvenile that was underage that got caught out past curfew and was cited. They showed up to pick her up and I didn't notice because it all happened within about sixty seconds. They had walked from the apartment into the bar area to pick up my daughter as officers were walking in the front door and they pointed at them to get out or to come outside and that is when the charges happened. I was already on the phone with the juveniles mom when it was over.

Mayor Robertson asked I apologize for not knowing, but is there any food service at the Club Rio?

Krisse Herline stated we cook, but it is not for sale. We have donations, we have chili sometimes, during events we have food out like birthday parties, but we don't have a menu or sell food.

Councilwoman Williams-Harper asked are you saying the officers were wrong, and they indeed did not see any of those minors sitting at the bar at any time? They couldn't see that?

Krisse Herline stated maybe one of them was standing close to the bar. I don't recall them being seated during that time.

Councilwoman Williams-Harper stated so you are saying that the officers are wrong, you're saying that they saw.....

Krisse Herline stated no, I'm saying that they're wrong that they observed them drinking an alcoholic beverage.

Councilwoman Williams-Harper asked so they never sat at the bar ever?

Krisse Herline stated I'm not going to answer that. I'm closed so you could have seen them sitting at the bar.

Councilwoman Williams-Harper asked you just don't have recollection of that?

Krisse Herline stated maybe, I don't know at that time when they knocked, I looked over and I thought it was customers trying to get in so I don't remember.

Councilwoman Williams-Harper stated you assume the deputies were customers trying to get in so you didn't look well enough?

Krisse Herline stated you cannot see well enough outside to see who they were, it's too dark out there. I have to walk up to the glass to see who it is.

Councilwoman Williams-Harper stated if you walk up to the glass, you can see who it is.

Krisse Herline stated if you walk up to the glass, you can see out.

Councilwoman Williams-Harper asked did you walk up to the glass?

Krisse Herline stated I didn't.

Mayor Robertson stated what would have been the cause for covering the glass.

Krisse Herline stated I spray bug spray around this time routinely every year. I have been there for years. The windows are covered in spiders all the time around this time, and they start to come in. We have plants near every single window and I'm kind of an OCD freak with them, so I cover them up with plastic and that was already in place earlier that night. There are two big trees on each side of the front door, and I use one piece of plastic to cover the trees. I can understand why they thought what they did. Honestly, I was spraying and it would harm the plants.

Councilwoman Van Camp asked are your children usually at the bar after hours?

Krisse Herline stated no, the two other instances they were there I didn't have a driver's license, so my daughter came to pick me up while I was closing up. I don't usually let them in during business hours, but when I close and if I have them then they are sometimes out there with me.

Councilwoman Williams-Harper asked, "Sheriff, so according to your deputies they clearly saw the minors sitting at the bar?"

City Police Chief Henriod stated in his report he said that he observed the minors loitering in the bar establishment, and when they went up to knock on the door, he observed the minors go back towards the living quarters, and he felt they were doing that to conceal themselves.

Councilwoman Williams-Harper asked did the deputies feel like the minors moved because they could tell that there were deputies outside? The minors could see outside?

City Police Chief Henriod stated yes, they felt that the two adults that were inside the establishment had actually made eye contact with them, and then when the minors realized that it was the Sheriff's office at the door the minors moved back towards the living quarters to conceal themselves.

John Matyja stated I am the principal of the establishment and I would like to discuss a few things going forward to prevent this type of thing from happening again if you would be willing to listen for a second?

Mayor Robertson stated sure.

John Matyja stated one of the things we're going to do is there will be no access after the business is closed from that apartment to the bar without having to go around and come through the front door. There will be absolutely no minors in the bar at all, except if there is a private party with the owners present, and at that time, there'll be no smoking either. We have bands and we do fundraisers there quite a bit and, in those times, we have entertainment and a crowded bar. We're going to upgrade the camera situation so we're more stable. We're in contact with JW Electric; we're getting quotes from them. They're also installing safety lighting in the alley, and whatnot, and we're just going to be stronger. Whatever happened, whether legal or not, and by the code it appears to be totally legal, it was just bad from. The minor shouldn't go there and should have stayed in the apartment, but moving forward, there would be absolutely no minors allowed inside the bar and the only time there will be anybody in the bar after hours, it will be employees working with no alcohol consumption, such as cleaning, or when I go there to do the books, inventory, and ordering. I've been sober for about five years and the last thing I want to see is anybody falling into the trap that I've been in. So, it's extremely important to me. These owners afford a lot of money; So far, \$25,000 worth of equipment and upgrades to that building, and I'm pretty sure they don't want to spend that kind of money to have some stupid little thing like this to cause them to lose their business license, especially this time of year, when they need that income. There are all sorts of upgrades going on to that building. We're employing a lot of local businesses to do the upgrades to the facade of the building. We did apply for grants, and we did get grants, but they are not going to cover the cost. (Pictures of what's being updated were provided) We are trying to keep families safe. My sister-in-law has been volunteering at the museum. We have donated a lot of money. My brothers donated a lot of money to the Senior Center and unfortunately, they closed, but this business contributes a lot to this community, and we want to move forward. We're also open to your suggestions of how we can do better in proceeding, so that we can be good citizens of this community. That's all I have to say. Thank you.

Councilwoman Williams-Harper asked the City Attorney, help me understand the fine line between a private party, underage drinkers, and regular establishment hours; how would we know the difference?

City Attorney Arabia stated it's a difficult question to answer, just because you have a situation where even in this hearing unfortunately, we're hearing about we're not going to have minors in the bar, except when we do. Normally, it's not a problem. If it's, you know, something that's on a limited basis, but where is the line? The fact that the police have been there, and there have been multiple criminal cases. The things that concern me are, given the history, making those kinds of exceptions, and I know that there's some family relationships in play. The other thing is based on some of the things that I'm hearing, having the apartment accessible to the bar, that's kind of an issue. To be more direct, I think at least for a time it would just be better to, as you mentioned, instead of a fine line to have a solid black line. We don't make exceptions. It's concerning that that's thrown out in this context. The other thing is we're not talking about family events when it's 2 o'clock in the morning, or 1:30 in the morning, whatever, and just by being out in public at that time is a delinquency issue. So, I think you raised a very good point, and I don't think that the police are going there at 2 o'clock in the afternoon and happen to see someone who goes in to say hello to someone, this is a different situation, and I think the police know the difference. So, I hope that answers your question.

Mayor Robertsson stated the issue here if I might summarize it is that we have had a history of minors in this establishment. The issue is that the community has had incidences in the past where people have passed away due to minors in consumption and this is not something the Sheriff's Department or the Council wants to spend time drawing fuzzy lines on. There needs to be some sort of change in what's going on at this establishment. I would ask how come there wasn't any response to our January 14<sup>th</sup> letter on the issue?

Cari Matyja stated I called twice and left a message for the Attorney, Chris, to call me back and John called three times.

John Matyja stated the letter was dated January 15, 2026. On January 22, 2026 at 3:10 p.m. I left a message; on January 26, 2026 at 2:15 p.m. I left a message; on January 29, 2026 at 11:10 a.m. I left a message and no response. In this letter it does say the situation is basically a warning, so I took it that it stopped there. Then we received the other notice in April, in which Cari can respond to, and like she said she called like three times and finally the Attorney called back and acknowledged to her that there was nothing for them to discuss, just go to the meeting.

Mayor Robertson stated my question is that after the January 15<sup>th</sup> letter, what actions were taken to correct the situation so it wouldn't happen, if any?

John Matyja stated well there was really nothing. The first one Cari took care of in the court system, and the other ones, the individuals were cited themselves, and they were removed from the building by employees and Cari from the bar itself. In fact, one of the officers gave Cari kudos for doing a good job and getting them out of there so quickly.

Mayor Robertson stated sure, but the issue here is not whether or not they were cited, the issue is this seems to be a pattern of minors ending up in this establishment. Was anything done in January when you were notified that there was a history of this happening and the City had taken notice and that there would be consequences?

John Matyja stated I discussed it with Cari and it was discussed with employees. On the April situation she told me that she didn't think she was doing anything wrong, and as I read the code, nothing was done wrong. It was bad form, but not technically wrong.

Mayor Robertson stated this hearing today is not because of this one incident. This hearing is because of a history of incidences that you were notified of in January, and that was a warning that if this continued you would end up here.

John Matyja stated right, and one thing I wanted to discuss with the City Attorney is what we can do to move forward, but these situations were taken care of immediately.

Mayor Robertson stated to be clear, just because some of those situations were resolved through the court doesn't mean they aren't contributing to this issue here. The court issues are one thing, but the hearing about your guys' licenses is another issue that we are basing on the history of these episodes.

John Matyja stated in these prior episodes, other than April 30<sup>th</sup>, the staff of the bar, including my sister-in-law Cari, got rid of these individuals immediately and I would assume that is why the bar never was cited themselves or the bartender; just the individual was cited.

Mayor Robertson stated the bar as an entity cannot receive a citation.

John Matyja stated these people were removed from the bar and never received their drinks.

Mayor Robertson said thank you for answering my question.

Councilman Perea stated Chris, I am struggling with something here, ever since this agenda item came up I have had people from the community make comments that are far more egregious than selling alcohol to youth. Are we just considering what's on this paper or if I can bring up a couple of the comments. Where's my daughter going to get her drugs? Where's Kris going to sell her drugs from? I think we have got a bigger problem here and I don't want to do anything secondhand. People have due process and have rights, but I think we have got a big problem here. I am throwing a big wrench in this, but I have got a big problem with multiple people in the community coming up and talking about much more egregious behavior than just selling alcohol to youth. Where do we go with this Chris? Is this an administrative matter and if we are going to err, we err on the side of our youth or do we have a due process here that we shouldn't even be bringing this up?

City Attorney Arabia stated that's a good question, you can't really pull someone's license over things that, you know, they may have done, or may not have done, or rumors. That's not to say that those don't have merit, maybe they do, maybe they don't, I don't know, but I think as far as if you're deciding on whether to suspend the license, revoke it, or not do anything, it really should be based on what's before the Council in this presentation, and also the notice that was given to the owner so that she knew what it was that she was going to be called on to respond to. The problem is, and I hear what you're saying, but you can't really say to someone, you know, here's this rumor, and we're going to take action against you and we're not going to tell you anything more specific than that. My concern is the things that are in front of the Council stand on their own and I realize it's a difficult decision for you guys to make, but at the same time, you have to use your wisdom and your experience as a person, in deciding what you want to do, kind of like if you were on a jury. I think as far as the decision that's being made, it should be based on what's in front of the Council tonight, and what notice was provided to the business owner.

Councilman Perea stated it is true that this is not a legal matter, this is an administrative matter?

City Attorney Arabia stated yes.

Councilwoman Williams-Harper stated I heard the bartender say if we are doing something private. What does that mean and does that mean if I knock on the door with twenty of my friends I get invited to the private party and if I happen to have my teenagers with me, because it is a private party.....help me understand, how do I know when the bar is closed.

John Matyja stated the only situation that really stands out and it occurs every year is Thanksgiving and basically, it's most of our family and loyal people to the bar. There are situations where they may want to have a family reunion and we are open to that and that would be a private party, but that is something the owners of the bar would have to be present for and have to approve in advance. If the Sheriff wanted, we could send a notification that was occurring. In the past when Mr. Watts was Sheriff, I used to send him people as they were eighty-sixed. I would do that with any City staff or the Sheriff to notify them of any private party in advance. The other thing I forgot to mention on that sign is my phone number and Cari's phone number where it says the business hours and the Sheriff's Office is more than welcome to call me anytime and I would respond and deal with the situation.

Councilwoman Williams-Harper stated if the deputies were to walk by on Thanksgiving and it's obvious that this is supposed to be a private party, but it's obvious that there are minors sitting at the bar; help me understand that.

City Attorney Arabia stated I think a good way to look at it is sort of how the police have discretion when they pull someone over for speeding, they don't have to give them a ticket. What I mean by that is Thanksgiving dinner is one thing, it's generally 6:00 p.m. or earlier that it starts. It's important to remember that what we are talking about here is not that, it is the complete opposite. It's 1:30 in the morning and technically you shouldn't do that in a bar even on Thanksgiving, but it's the kind of thing where it is probably not the public safety concern and child safety concern that we have here. I don't want to speak for the Sheriff, but if the Sheriff knew there was going to be a Thanksgiving thing, and there was no trouble, it might not be as big of a priority as what we have here. I guess that is kind of the distinction that is important to keep in mind. I don't know if Nevada's one of them, but in some states, it's legal for a child to have a glass of wine if they're at dinner with their parents. Putting it in a bar kind of complicates it because you've got a privileged license, but again, what we really need to look at is the danger to the community and to the children and that's an easier question to answer when it's happening at 1:30 in the morning, as opposed to 1:30 in the afternoon; given the context of this hearing. It concerns me that this is even being discussed, because as you mentioned, there needs to be a very solid line that this is not going to go on, and then

doing incremental exceptions to that today seems to me to be kind of a little bit of a misfire. You know, if you were to have a situation where everything went well for, say, a period of six months or something, and then an inquiry is made about doing something like that, that's a whole different thing. As I said, technically it's probably not a good idea, but at the same time, just like with the traffic enforcement there is some discretion. I hope that answers your question.

Mayor Robertson stated there are some options before the Council and because there are only three members of the Council here tonight the action will need to be unanimous for it to go forward, just so we are clear. The options as I see them are revoking the license; doing nothing about the license and they may continue as they are; the Council has the option to suspend the license and coming back with a plan to address these issues, which we have done in the past; or putting them on probation for a period of time as the Attorney suggests with certain restrictions on that.

Councilwoman Williams-Harper stated I think it is important to all parties to understand that we're talking about probation. What is the difference between probation and suspension?

Mayor Robertson stated I will answer that one first, and correct me if I am wrong Chris, but at the moment the way we see the suspension is they would be suspended from doing business until whatever terms the Council sets are met. A probation would be they are prohibited from doing certain things in their license, as the Council says, until the probation is over, or they need to go through a certain amount of time and then come back and we hear from the Sheriff on events that may or may not have been cited, or they have observed. Then we can review whether they can be off probation or not.

Councilwoman Williams-Harper asked does revocation mean they can never get a license again?

Mayor Robertson stated I would refer to the City Clerk, but my understanding would be that they could come back and reapply for a license, but it would be starting from scratch, and they would have to prove that they would be good stewards for that license.

City Attorney Arabia stated I just want to add the agenda item only refers to revoking or suspending and probation would, in a sense, be an informal term. If the Council doesn't revoke or suspend I think it's clear to everyone that this is an area of concern for the Council and so maybe probation has air quotes around it, but if we get another one of these situations, it's going to be a problem, and I would not be optimistic if I were in the position of the business owner. That's a technical distinction, but I figured it was worth making.

Mayor Robertson stated are there any feelings on a possible course of action from the Council? I know it is not a light issue to consider someone's business license. This is their livelihood and the livelihood of employees, but the City does have a responsibility for public safety and public health where it comes to these kinds of privileged licenses.

Councilman Perea stated I'm sitting here trying to figure out what those guardrails would look like. What they would have to do to cross a line and give us confidence and I'm struggling with what that would look like. Chris, how many cases do we have that are unresolved at this point? Did you say two?

City Attorney Arabia stated the citations were done in the December case, nothing has been done about April yet, but it just happened and then you had, April and October.

Mayor Robertson asked Sheriff Henriod, "Do you have any recommendations out of any of those courses of action for the Council as you and your deputies are on the frontlines?"

City Police Chief Henriod stated I really don't it is a civil issue and that's why we bring it to you for the Council to decide. As law enforcement we look at the criminal aspect and follow what City Ordinances provide. We let the Council decide on the civil aspects and consequences.

Councilman Perea moved to approve Resolution 2026-04 to suspend Club Rio's Business License and also suspend their Liquor license until these cases are resolved and at that point, they come back with a stellar solid plan on how this isn't going to happen in the future. Councilwoman Williams-Harper seconded the motion.

City Attorney Arabia stated my understanding was that Councilman Perea proposed that the suspension go until the cases are resolved. Is he referring to the two criminal cases that aren't resolved yet?

Mayor Robertson stated yes.

Councilwoman Williams-Harper stated we are on the same plane, but my other question is, I understand there are still two things that are out there and I am needing to know how long will it take to resolve those cases?

City Attorney Arabia stated that's fair. The problem with criminal court is we have cases that haven't even had their initial hearing yet. It is very rare that they get resolved in less than a month and actually that is pretty quick. You could be looking at two months, and I wanted the Council to be aware of that. On the other hand, if somebody's car breaks down and they can't make it or something it gets set out for another two to three weeks; it can be a really long time. There is not a definite date I can give you unfortunately.

City Police Chief Henriod stated also the Council should take into consideration that even though the case has been adjudicated through court they do have the right to appeal. If the defendant was found guilty, they could actually file an appeal which could extend it further and you could be looking at one to two years.

Mayor Robertson stated if I could make a suggestion for the Council to consider suspending the license until our next meeting, at which point the licensees will come to present their complete plan for addressing mediation of further infractions and then have to come back at the resolution of those two cases.

Councilman Perea asked can we also say that if we do go forward like that and if they lose in court, they lose their license.

Mayor Robertson stated Chris help me out here. I think the infractions are against the individuals who don't have any actual relationship to the bar or business itself.

City Attorney Arabia stated I understand and those are options and there was one of the cases where I believe it was the bartender who was cited. Another approach to this is I can talk to the Sheriff and make sure that everyone who was charged or should have been charged was charged. I don't vote, but I can say that the Sheriff is absolutely right there is a distinction between this proceeding and a criminal proceeding. There are different standards of proof, and it is more relaxed in a civil setting. The question, I think, for the Council is you have heard from both sides and if you think that the conduct outlined and what you believe is the true version of events warrants a suspension, you can do it as long as you are acting in good faith, which I think you are. I think the Mayor had an excellent suggestion for setting some sort of shorter amount of time and then it gets revisited if your going to go the suspension route. Then depending on what happens in the distant future as far as resolving cases, it's the legal profession and it takes a long time.

Mayor Robertson stated what if we made the parameters that the license would be suspended until our next meeting, which would be May 14<sup>th</sup> and then in the meantime the Attorney can come back with all the information on the pending cases. The Council can stipulate that if any employee of the bar ends up getting cited the license will be revoked without question.

Councilwoman Williams-Harper stated I agree with Chris and I see it two ways, an individual is an individual and they know what they are not supposed to do. I want to err on the side that the establishment knows that and so you get rid of the employee. The other thing is I agree very much with a set plan. I don't feel that two weeks is enough. I think I've heard that there have been enough incidents and that people need to make a



Mayor Robertson stated I would just like to note, in the way of discussion on this motion, that they would need to interact with the Building Official in closing off a method of egress as it might not be a viable option and any other alterations to the structure.

Councilwoman Van Camp stated I would like to see a plan followed through with some limits on time. I have a real question about the juvenile issue with the employee living in the back apartment.

Mayor Robertson stated if the Council has questions in the meantime I would encourage them to take them up with the proper City officials, whether that is the Building Official regarding residences on the property or our Clerk regarding some of the other things. I think we need to come into this in a couple of weeks having done some more research on our end and the holders of these licenses also need to make sure they come with a well-written plan so we can make sure we address all the concerns.

City Clerk Lee stated Mayor Robertson, just for the record, if we are to receive the plan prior to posting that's May 7<sup>th</sup> by close of business.

Mayor Robertson stated so we will need a written plan by May 7<sup>th</sup>. If this passes these licenses are under suspension and the Club Rio would be prohibited from conducting business in that time.

Cari Matyja stated, "can I clarify a special event because that is where you would get the permit from here and would be like a birthday party or something."

Mayor Robertson stated if you will address that in your plan Ms. Matyja that would be great.

Councilwoman Williams-Harper stated I think we are going to scrutinize, so when you give us a plan please have someone professional look at your plan so you're not giving it to us and saying well what I mean is. The better your plan is professionally, if you have to get some legal help or whatever, the more that helps you come before us again.

Mayor Robertson asked is the motion and course of action clear to the Clerk and Sheriff's Office?

City Police Chief Henriod stated when will it be effective.

Mayor Robertson stated it will be effective as soon as it is voted on. We will revisit this at our meeting on the 14<sup>th</sup> and the plan will need to be submitted to the Clerk's office by close of business on May 7<sup>th</sup>.

Motion carried unanimously.

#### **4. PUBLIC COMMENT**

George Chachas stated this whole situation is pretty sloppy, had the officers got a search warrant they could have done a drug test or a breathalyzer, and we could have had all of it, but now we're dealing only with possibles, we don't know. You have got to give these people some leeway, for crying out loud. Nobody else in this community with a business license is going to have to come up with a plan. The rules and regulations are there. Had the officers called Ms. Matyja or the business and not received an answer they could have gotten a search warrant, and you would have had all of that taken care of that quick. You're putting a lot of pressure on the community for no reason at all. I hate drugs just as much, if not more, than you do. I have turned in people, I get my businesses vandalized, I have given pictures, and I get zero and I don't like that. I pay a lot in taxes and I'm not capable of doing business like everybody else. That being said, I want to remind you that on April 9<sup>th</sup>, in regard to the mutual release of all claims by and among Nevada Northern Railroad Foundation and the City of Ely, I was accused of signing off on the red barn and the depot outside of a meeting and that is false. I want to know who my accusers are. I want a lie detector test. I want a list of those who are accusing me. Those are all false. To date I have

not received anything, and I want the names of the accusers, and any and all evidence that they have presented to back their claims. I believe it is illegal for anyone to make false claims in litigation involving lawsuits, in particular the State of Nevada. Mr. Chachas stated ongoing concerns with who authorized the installation of the six-foot fence in the 1200 block of Mill Street; his request for the address and a contact name regarding the Bell Avenue Water Main Upgrade Project CDBG 22/pf/04, who inspected the project, and the damage to his property not being addressed; and 17th Street being partially paved with cold mix or a chip sale and states it does not meet City code for new streets.

John Matyja stated there's deliveries and stuff that are going to occur in the next couple of days that I can't stop. I can still accept those, right?

Mayor Robertson stated this is public comment, but you can ask the Clerk your question after the meeting.

**5. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE CITY COUNCIL**

Councilwoman Williams-Harper moved to adjourn the regular meeting of the Ely City Council at 6:35 p.m. Councilman Perea seconded the motion. The motion carried unanimously.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
ATTEST

