



# Elko County Planning Commission

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## ELKO COUNTY PLANNING COMMISSION MINUTES THURSDAY, JULY 21, 2011

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### 5:15 P.M. CALL TO ORDER:

Due to it being Commissioner Grisham's last meeting, he called the meeting of the Elko County Planning Commission to order at 5:15 p.m. on **July 21, 2011**, in Suite 102, of the Nannini Administration Building, Elko, Nevada.

Members Present:                   Mike Judd, Chairman  
  Dena Hartley, Vice Chairman  
  Jack D. Larason  
  David A. Galyen  
  Milt Grisham  
  David Hough

Absent :                               Wilde Brough

Others Present:                   John Kingwell, Associate Planner  
  Kelly Watson, Planning & Zoning Administrator  
  Kristin McQueary, District Attorney's Office

### ROLL CALL:

#### I. PLEDGE OF ALLEGIANCE:

Allegiance was pledged.

Chairman Judd accepted the gavel after the allegiance was pledged and presided over the rest of the meeting.

#### II. APPROVAL OF MINUTES:

#### ACTION ITEM

June 16, 2011 – Regular Meeting

**MOTION:** Commissioner Larason moved to approve the minutes as presented and Commissioner Grisham seconded the motion. The motion passed with Commissioner Hartley abstaining due to her not being present at the meeting.

**VOTE:**

AYE: Mike Judd  
Jack D. Larason  
David A. Galyen  
David Hough  
Milt Grisham

NAY: None

ABSENT: Wilde Brough

ABSTENTIONS: Dena Hartley

**III. COMMENTS BY THE GENERAL PUBLIC: NON-ACTION ITEM**

There were no comments by the general public at this time.

**IV. CONSENT AGENDA: ACTION ITEMS**

NONE

**V. PRELIMINARY HEARINGS: ACTION ITEMS**

**11-2000-0004, Ralph J. Carlson ACTION ITEM**

A preliminary hearing for a change of zoning from Open Space to Light Industrial for an existing Radio Tower site for KTSN AM on the following described property:

A four (4) acre parcel being a portion of the NE1/4NE1/4 of Section 1, Township 34 North, Range 55 East, MDB&M, being approximately three miles east of the City of Elko.

Owner: Key Ranches LLC

Applicant: Ralph J. Carlson

Commissioner Hough indicated he needed to abstain from the item because he is acting as the applicant's agent in the matter.

Commissioner Larason declared that he didn't think he had a conflict of interest but he is a friend of Joe Key of Key Ranches and has conducted business with them in the past but felt their relationship would not influence his decision.

Mrs. McQueary indicated since Commissioner Larason did not have any current business with the owner, she felt he did not have a conflict of interest.

**MOTION:** Commissioner Hartley moved to forward item 11-2000-0004 to the August meeting.

Before there was a second on the motion Commissioner Galyen asked if the application was in order and the fee had been paid.

Mr. Kingwell indicated everything was in order except Staff is waiting for an affidavit from Key Ranches. He indicated the property is an existing tower, the property is zoned Open Space and a smaller parcel is going to be divided out so it can be sold.

Commissioner Galyen asked if the affidavit was promised to be submitted before the next meeting.

Mr. Kingwell indicated yes by nodding.

**Commissioner Larason seconded the motion and the motion passed with Commissioner Hough abstaining.**

**VOTE:**

AYE: Mike Judd  
Jack D. Larason  
David A. Galyen  
Milt Grisham  
Dena Hartley

NAY: None

ABSENT: Wilde Brough

ABSTENTIONS: David Hough

**VI. PUBLIC HEARINGS:**

**ACTION ITEMS**

NONE

**VII. OTHER BUSINESS:**

**NON-ACTION ITEM**

NONE

**VIII. STAFF AND COMMISSIONERS COMMENTS:**

**NON-ACTION ITEM**

- Pursuant to AB 257, sponsored by John Ellison, public comment is required “after each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.”

Mrs. McQueary informed the Planning Commission about two bills that were currently passed regarding the Open Meeting Law. She stated AB257 codifies the way business is done in Elko

County which requires a public comment period for items that are not on the agenda and items that are on the agenda. She added that there are two ways to do it and having a public comment at the beginning and end of the agenda along with public comment on each specific will meet the requirements. She continued stating the other bill is AB59 which makes some changes if a violation of the Open Meeting Law occurs and it changes the definition of subcommittees and advisory committees. She read a portion of the bill and presented her interpretation of the changes it would necessitate.

Commissioner Larason asked for clarification of the law affecting the County Commission more than the Planning Commission.

Mrs. McQueary answered by stating that the County Commissioners are appointed as liaisons and alternates to different committees and if both members are attending the meeting, an agenda will have to be posted for the meeting which will remove a level of informality.

Commissioner Galyen asked if minutes would have to be taken if there is an agenda for the meeting.

Mrs. McQueary stated yes, if there was a meeting conducted under the Open Meeting Law, minutes would have to be taken.

Commissioner Galyen asked what the definition of a meeting would be and if it had to be face to face or if an exchange of e-mail would be considered a meeting.

Mrs. McQueary stated that would depend on the context and the Open Meeting Law expressly forbids a serial meeting which is contact with every Planning Commissioner individually to try and avoid the concept of an open meeting. She added that depending on the context an e-mail could be construed as polling or a serial meeting and if there are conversations regarding an item that comes up on the agenda outside of the meeting, it should be disclosed. She continued stating the Open Meeting Law is designed to let the public hear what information is going into the collective knowledge of the board upon which they base their decision.

There was continued discussion on what would constitute a conversation and if it's contents would be subject to the Open Meeting Law.

Commissioner Larason asked if the public will be given the opportunity to provide comment before any action is taken on the minutes.

Mrs. McQueary indicated since it is an action item there should be time devoted to public comment. She added that the way business is being done in Elko County is not going to change but it will need to be asked if there is any public comment before the board takes a vote on each item.

## **IX. COMMENTS BY THE GENERAL PUBLIC:**

## **NON-ACTION ITEM**

There was no public comment from the general public at this time.

Commissioner Hartley thanked Commissioner Grisham stating it has been a pleasure working with him and his experience will be missed.

Chairman Judd also thanked Commissioner Grisham on behalf of himself and the board for his leadership and guidance during his 14 ½ years of service and he will be missed. He added that Commissioner Grisham has always had the County and its resident's best interests at heart and he will be recognized by the County Commissioners on August 3, 2011.

Commissioner Grisham thanked the board.

**X. ADJOURNMENT**

Chairman Judd adjourned the meeting at 5:35 p.m., as there was no further business.

Minutes Clerk,   
Kelly Watson

Date Approved, August 18, 2011