MINUTES
OF THE REGULAR MEETING OF THE
TOOELE COUNTY BOARD OF COMMISSIONERS
HELD JUNE 21, 2016

Chairman Bitner called the meeting to order at 7:00 p.m. The time, place and agenda of the meeting had been provided to the Tooele Transcript Bulletin and to each member of the governing body by delivering copies of the notice and agenda at least two days before to each of them.

1. **PLEDGE OF ALLEGIANCE**. The Pledge of Allegiance was offered by Lee Riding.

2. **ROLL CALL.** The Clerk called the roll which showed Commissioners Wade Bitner, Chairperson, Shawn Milne and Myron Bateman present. Also present were Scott Broadhead, Attorney and Marilyn Gillette, Clerk/Auditor.

3. **MINUTES.** Commissioner Milne moved to approve the minutes of the Commission Meeting held June 7, 2016 as presented. Commissioner Bateman seconded the motion. All concurred.

4. **CONSENT AGENDA.** Commissioner Milne moved to approve the consent agenda with the exception of Contract #14-06-06. Commissioner Bateman seconded the motion. All concurred.

   Invoices. A) Warrants issued June 8, 2016. Direct Deposit Amount $345,687.22, direct Deposit check #06816001 - #06816322. Check amount $1,975.80, Payroll Check #7848 - #7873. Transmittal Checks in the amount of $283,236.37. Transmittal Check #7874 - #7883; B) Warrants issued March 31, 2016 in the amount of $116,685.17, Check #156389 thru #157056; C) Warrants issued April 14, 2016 in the amount of $1,000,216.93, Check #157058 thru #157271; D) Warrants issued April 21, 2016 in the amount of $300,287.47, Check #157272 thru #157390; E) Warrants issued April 28, 2016 in the amount of $491,416.98, check #157391 thru #157517; F) Warrants issued on May 5, 2016 in the amount of $799,820.52, Check #157518 thru #157662; G) Warrants issued May 12, 2016 in the amount of $174,992.03, Check #157709 thru #157786; H) Warrants issued May 19, 2016 in the amount of $533,228.08, Check #157787 thru #157913; I)Warrants issued May 31, 2016 in the amount of $365,697.92, Check #157916 thru #158042; J) Warrants issued June 9, 2016 in the amount of $881,473.67, Check #158043 thru #158143; K) Warrants issued June 9, 2016 in the amount of $316,110.52, Check #158144 thru #158261.

   Tax Adjustments. A) Marian Peralta, Parcel #11-022-0-0603. 70% Veteran, adjusted tax $2,121.09; B) Mountain States Asphalt, Parcel #17-009-0-1305. Personal property was assessed as real property in error. Refund is for difference in depreciated amount of personal property compared to amount paid for real property. Refund amount $10,222.89; C) North Tooele Fire District, Parcel #18-050-0-0001. Should have been marked exempt due to ownership by the North Tooele Fire Protection Service District. Tax adjustment - $1,498.31; D) UVEST LLC, Parcel #16-011-0-0313. A partial value was incorrectly added to this parcel in 2015. The subject was not under construction then, nor is it now. It is still a vacant lot. Tax Adjustment -$751,93; E) David Joseph and Amanda Denise Smith, Parcel #18-056-0-0307. The house was not taxed as complete in 2015. It is an escaped property. This commission adjustment collects the back taxes owed for 2015. Tax Adjustment $1,259.45

   Contract Review. A) 13-08-04 - Lease Agreement Between Tooele County and Valley Mental Health for the Tooele County Food Bank and Resource Center; B) 14-05-02 -

Statewide Memorandum of Agreement for the Special Needs Registry Between the State of Utah, Department of Public Safety, Division of Emergency Management and Tooele County; E) 99-07-12 - Communications Lease Agreement - UCAN - Tooele County will be reviewed June, 2017.

C) 14-06-06 - Tooele County License to Use Agreement Between Tooele County and Jared Hammer and D) 15-06-02 - State of Utah - Bailiff Services contract have no further need for review.

Ratifications. Software Consulting Agreement Between Abra Software, Inc. And Tooele County.

5. **MAY TAX SALE APPROVAL.** Clerk/Auditor Gillette explained that two of the properties on the sale had liens against the property that had not been recorded. Attorney Broadhead has been in contact with the buyer's attorney and they are asking that the sale on those properties be voided. Commissioner Bateman moved to void the sale on parcels #14-006-0-0156 and #14-006-0-0157. Commissioner Milne seconded the motion. All concurred.

6. **TOURISM TAX ADVISORY BOARD RECOMMENDATIONS.** The list provided by the Tourism Tax Advisory Board was reviewed.

1. Transcript Bulletin Publishing - $20,000 with some stipulations (two page ad in the new magazine, Update 5 pages of the web site)
2. Demolition Derby - $6,000 for out of county advertising
3. Tooele County Facilities Management (web sites for Tooele County Fair, Deseret Peak Complex, and Benson Grist Mill - No funds - Will add pages to the "Explore Tooele" web site.
4. Utah Museum of Fire Services - $700 for one year of brochures - Future years will be consolidated with other Tooele County Tourist Attractions brochures.

Commissioner Bateman felt the grant amount for the Demo Derby should be increased from $6,000 to $7,500 because many of the drivers come from out of town. John Cluff, Chairman of the TTAB board, reminded the Commissioners that they are only a recommending board, the Commissioners make the final decision. Commissioner Bateman made a motion that the amount for the Demolition Derby during the fair be increased from $6,000 to $7,500. Commissioner Milne seconded the motion. All concurred.

Commissioner Bitner commented on the magazine published by the Transcript Bulletin. It was one of the best he's seen.

7. **ORDINANCE 2016-06 - REPEALING AND REPLACING THE TOOELE COUNTY GENERAL PLAN.** Blaine Gehring, Planner. Reviewed the state requirements concerning General Plans:

State law requires each county to have a General Plan with three required elements:

A land use plan
A transportation plan
A moderate income housing plan

The current general plan was adopted in November, 1995 with several updates and amendments, the latest in 2008. The plan was in need of an overall update.

The focus of the updated general plan is land use and housing in Tooele Valley on areas where higher-density growth and development might be supported by regionalized water, sewer and other infrastructure exist and looking at strategies that allow more growth where infrastructure is lacking.

A major principle of the plan is to cluster new housing developments to allow for reduced costs for

development of infrastructure while at the same time preserving large areas of open space and agriculture.

The plan also addresses housing needs and choices of a growing diverse population. The plan recommends that new housing options be explored to meet demand while creating affordability for all income levels, particularly low-to-moderate income households and the aging population segments.

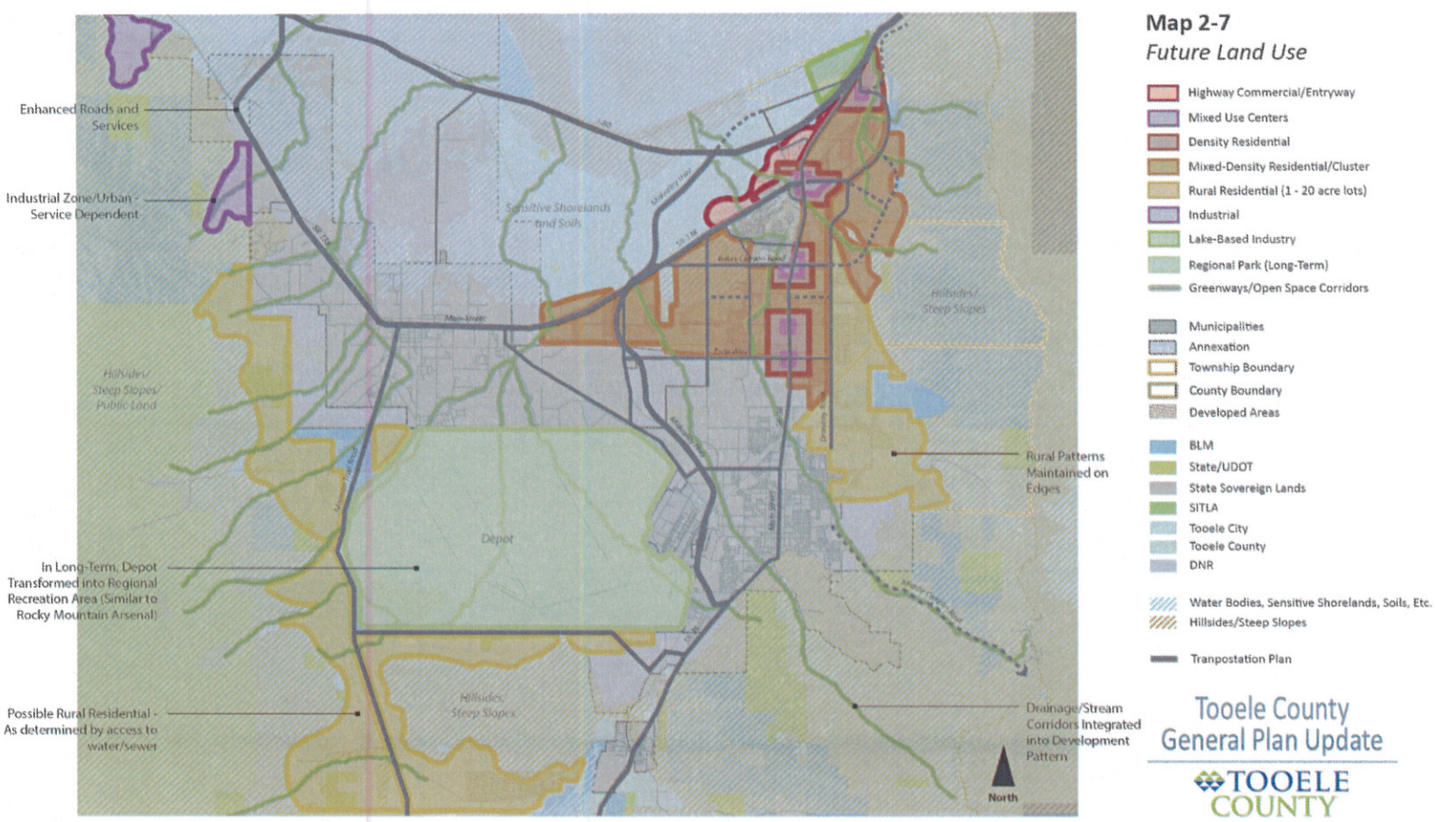
Public input on the new plan included:

A steering committee of 20 members representing county staff and administration, representatives from Tooele and Grantsville cities, Tooele Planning Commission, local land owners, real estate and economic development experts, other local and regional agencies, civic and business leaders and other interested citizens.

Public Scoping Meeting, Workshop and Open House held on the Draft Plan

Public Hearing before the Planning Commission as required by State law

Planning Commission recommended the draft plan for adoption at their December, 2015 meeting



A newly added element is a Resource Management Plan. They have been working with other counties to get that plan together and adopted as part of the General Plan. The deadline is August 2017 to get the plan completed.

Commissioner Milne moved to approve Ordinance 2016-06, Repealing and Replacing the Tooele County General Plan. Commissioner Bateman seconded the motion. All

concurred.

8. **ORDINANCE 2016-07 - ENACTING THE TOOELE COUNTY TRANSPORTATION PLAN 2015.** Blaine Gehring, Planner, was fortunate enough to get some grant money to help pay for these plans.

The transportation plan is a required element of the general plan. This plan was developed in concert with the updated general plan. The two plans have been fully coordinated and are based on a unified vision.

The plan was considered at all of the public input meetings and workshops and reviewed by the steering committee. There are four different future plans with accompanying projects with each plan. These plans include a transportation network plan, a freight network plan, a transit network plan, and an active transportation network plan.

Planning commission heard this at a public hearing at their December, 2015 meeting and recommended adoption to the County Commission.

Commissioner Milne moved to approve Ordinance 2016-07 - Enacting the Tooele County Transportation Plan 2015. Commissioner Bateman seconded the motion. All concurred.

9. **APPEAL OF CUP 2016-02 PERMITTING A HAM RADIO TOWER AT 430 West 3460 North IN ERDA.** Blaine Gehring, Planner, explained the appeal and reviewed the requirements for a radio tower. The height of the tower when not raised is 35 feet, when raised it is 55 feet.

Commissioner Bateman discussed how HAM radio operators are part of the emergency preparedness program for the county and are indispensible during an emergency.

Attorney Broadhed - all the representations Mr. Gehring has made are in accordance with state and county law. What the Planning Commission did was purely legal, it's now a judgment call. Blaine stated he has no way of enforcing the conditions that have been placed on this CUP, in particular making sure the tower is lowered when not in use.

Ameal Supreaza, the owner of the HAM radio tower, chose the crank up tower rather than a fixed tower as part of the compromise. He understands that as part of the CUP, the tower needs to be lowered when it is not in use.

Commissioner Bateman made a motion to support the decision of the Planning Commission and deny the appeal.

John Stout, filed the appeal, there is visual appeal of the neighborhood and it is very flat land. He is concerned that CUP's are being used to circumvent zoning. He feels the way that Blaine has looked at the ordinances is an interpretation, not rule of law. The PRB1 and federal regulation do not say that you cannot regulate the sites of these towers. Because it's hard to put the tower up and down, he doesn't feel it is going to be taken up and down. He feels it is going to devalue their property. This is not just a tower, it is a tower with a big antenna on it.

Commissioner Milne asked about view sheds and whether they are protected by Utah State Law. Blaine has never worked with an ordinance in Utah that works with a view shed. Scott agreed. From a public health stand point, this is not an issue.

Commissioner Milne seconded the motion. All concurred.

10. **APPEAL OF AMD 2016-01 DECISION TO DENY AN EXTENSION OF CUP 2014-07 FOR A KENNEL AT 1382 E ERDA WAY.** Blaine Gehring, Planner, stated that the Gidodies asked that this be put on another meeting due to the short notice. Commissioner Bateman moved to table this item, Commissioner Milne seconded the motion. The motion carried. Commissioner Milne made a second motion that this be put

on the next Commission Meeting, which is scheduled for the 3rd week in July. Commissioner Bateman seconded the motion. All concurred.

11. **RESOLUTION 2016-02 - APPROVING THE FILING OF CROSS-APPEALS TO 2016 APPEALS FILED BY TAXPAYERS SUBJECT TO CENTRAL ASSESSMENT.** Attorney Broadhead discussed this. Because these companies have property across several counties, the counties are binding together to face this appeal. This was approved by a UAC Committee and should save the counties money. Commissioner Milne made a motion to approve. Commissioner Bateman seconded the motion. All concurred.

12. **BOARD OPENINGS**
A) Council on Aging - 1 position - open until filled
B) Budget Advisory Board - 2 positions - open until filled
C) Lake Point Cemetery and Park District - 1 position - open until filled
D) Career Service Council - 1 position - open until filled
H) Historical Preservation Commission - 2 positions - open until filled

13. **BOARD APPOINTMENTS** - None.

14. **PUBLIC CONCERNS** - None

15. **CANCELLATION OF JULY 5TH COMMISSION MEETING.** Commissioner Milne moved to cancel the July 5th Commission Meeting. Commissioner Bateman seconded the motion. All concurred.

16. **ADJOURNMENT.** Commissioner Milne made a motion to adjourn at 8:06 p.m. Commissioner Bateman seconded the motion. All concurred.

THE FOREGOING MINUTES ARE HEREBY APPROVED:

BY: Wade B. Bitner
WADE B. BITNER, CHAIRMAN

ATTEST:

BY: Marilyn K. Gillette
MARILYN K. GILLETTE, CLERK/AUDITOR

COUNTY OF TOOELE
COUNTY CLERK/AUDITOR
STATE OF UTAH