

MINUTES
OF THE REGULAR MEETING OF THE
TOOELE COUNTY BOARD OF COMMISSIONERS
HELD JULY 31, 2018

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 posting the notice and agenda at least two days before on the Tooele County website and emailing them a link.

1. **PLEDGE OF ALLEGIANCE.** The Pledge of Allegiance was offered by Lt. Travis Scharmann.
 2. **ROLL CALL.** The Clerk called the roll which showed Commissioners Wade Bitner, Chairperson, Myron Bateman and Shawn Milne present. Also present were Scott Broadhead, Attorney and Tenille Tingey, Deputy Clerk/Auditor. Marilyn Gillette, Clerk/Auditor was excused.
 3. **MINUTES.** Commissioner Milne moved to approve the minutes of the Commission Meeting held June 19, 2018 as presented. Commissioner Bateman seconded the motion. All concurred.
 4. **CONSENT AGENDA.** Commissioner Bateman moved to approve the items on the consent agenda. Commissioner Milne seconded the motion. All concurred.

Warrants. A) Warrants issued on June 20, 2018. Direct Deposit Amount: \$409,495.85, Direct Deposit Check #:062018001 - #062018342, Check Amount: \$6,501.84, Payroll Check #:866-#867. Transmittal Checks. Check Amount: \$319,907.96, Transmittal Voucher #:062020180 - #062020182, Transmittal Check #:8678 - #8685; B) Warrants issued on July 4, 2018. Direct Deposit Amount: \$396,216.44, Direct Deposit Check: #070418001 - #070418354, Check Amount: \$4,284.56, Payroll Check #8686 - #8693. Transmittal Checks, Check Amount \$307,798.57, Transmittal Voucher #062020180 - #062020182, Transmittal Check #:8694 - #8700.
- Tax Adjustments.** A) Marsali Oveson, Transaction #E107VD. Customer has a military abatement but did not use it. She claims she didn't know at the time of renewal. CSR Clerk helped her to understand she could use the abatement. Still has money left on abatement. Relief amount (\$110.00); B) Brenda Weeks Gonzales, Transaction #974JS. DSR did not update, Bike was in storage for 1 year. Relief amount (\$35.00); C) David Bender, Transaction #AD91Y. Paid registration and then one week later sold vehicle. Relief amount (\$50.00); D) Cecil J. Hawthorne, Serial #16-085-0-0309. Veteran Abatement 60%; E) John T. Mohr, Serial #02-083-0-0015. Veteran Abatement 100%.

Tax Deferral. David M. Trujillo, Parcel #0201100012. Total amount due \$3,817.65. Will pay \$1,000 first week of March 2018, then \$300 - \$500 monthly until balance is paid in full.

Ratifications. A) Amendment to Agreement with AG for CJC Funding; B). Ratifications - CDBG Grant Administrator Services Agreement - Cindy Coombs; C) Dispatch Agreement - Mountain West Ambulance Service; D) Dispatch Agreement – NTFD; E) Dispatch Agreement - Tooele City; F) Dispatch Agreement - Wendover City; G) Grant Agreement Amendment DHS and Tooele County-Contract #172133.

Contracts. A) #06-04-04 - Reimbursement Agreement with Energy solutions for Road Damage; B) #06-11-04 - Access Agreement - Tooele County Babe Ruth Baseball League; C) #07-07-09 - Operating & Maintenance Agreement - Tooele County & State of Utah; D) #07-10-01 - Agreement to Allow CDL Tests at DPC; E) #09-03-02 - MOU TC and Heritage West Credit Union - Volunteers in a Public Health Emergency.

5. **TAP AWARD – UTAH LOCAL GOVERNMENTS TRUST.** Jason Waterson, ULGT, discussed the requirements to receive the TAP award and thanked the county employee's who contributed to the county's success. The award was for \$5,779.
6. **2018 MAY TAX SALE RESULTS.** Tenille Tingey, Deputy Clerk/Auditor, discussed the 2018 May Tax Sale.

TAXSLDIS	2018	TAX SALE	
01. ANTHONY VINCENT (05-082-0-0011)			935.84
SUCCESSFUL BIDDER: CHRISTINE MARRIOTT			
AMOUNT OF BID			3,800.00
TAXES PENALTIES & INTEREST			585.84
ADMINISTRATIVE FEES (10-4141-200).....			350.00
TAX SALE RESIDUALS (71-2949-000).....			2,864.16
02. CHRISTOPHER J. TRIPP (01-016-0-0001)			444.14
SUCCESSFUL BIDDER: CHRISTINE MARRIOTT			
AMOUNT OF BID			1,050.00
TAXES PENALTIES & INTEREST			94.14
ADMINISTRATIVE FEES (10-4141-200).....			350.00
TAX SALE RESIDUALS (71-2949-000).....			605.86
03. DEBRA ANN GRAY (01-024-0-0007			442.81
SUCCESSFUL BIDDER: RODNEY WILLIAMS			
AMOUNT OF BID			900.00
TAXES PENALTIES & INTEREST			92.81
ADMINISTRATIVE FEES (10-4141-200).....			350.00
TAX SALE RESIDUALS (71-2949-000).....			457.19
04. DEBRA ANN GRAY (01-016-0-0004)			443.58
SUCCESSFUL BIDDER: CHRISTINE MARRIOTT			
AMOUNT OF BID			750.00
TAXES PENALTIES & INTEREST			93.58
ADMINISTRATIVE FEES (10-4141-200).....			350.00
TAX SALE RESIDUALS (71-2949-000).....			306.42
05. MICHAEL BOLINDER (02-046-0-0029)			448.79
SUCCESSFUL BIDDER: NO BUYER			
AMOUNT OF BID			0.00
TAXES PENALTIES & INTEREST			98.79
ADMINISTRATIVE FEES (10-4141-200).....			350.00
TAX SALE RESIDUALS (71-2949-000).....			-448.79
06. SILVER SUMMIT (13-055-0-0031)			474.62
SUCCESSFUL BIDDER: NO BUYER			
AMOUNT OF BID			0.00
TAXES PENALTIES & INTEREST			124.62
ADMINISTRATIVE FEES (10-4141-200).....			350.00
TAX SALE RESIDUALS (71-2949-000).....			-474.62

7. **EXTENSION OF DEADLINE TO ACCEPT PURCHASE OFFER FOR UTAH MOTORSPORTS CAMPUS.** Commissioner Milne reviewed what is happening with the UMC. He moved to extend the deadline to August 7, 2018. Commissioner Bateman seconded the motion. All concurred.
8. **CONTRACT WITH COUNTRY FAN FEST** – Commissioner Milne stated that the County Commission is considering a multi-year contract with Country Fan Fest, rather than going from year to year. Commissioner Bateman talked about the increase in attendance.
9. **PUBLIC HEARING ON ACCESS TO SERVICEBERRY CANYON ROAD.** Commissioner Bateman moved to open the public hearing. Commissioner Milne seconded the motion. All concurred. Those in attendance were: Raymond Dixon, Wendy Shubert, Bob Shubert, Virginia Ault, Gene White, Ashley Cloward, Shane Cloward, Erica Feuerbach, Jeff Feuerbach, Arlan Ault, Leo Ault, Julie Aillman, Joe Sweeda, Kendall Thomas, Terry Ruiren, Matt Westrich, David Morgas, Nathan Kemp, Sara Lana Kemp, James Shaw, Rocky Emisomr, Gary Mathie, Steve Colter, Lynn Shaw, Michael Ovey, Susie Norton-Laird, Jim Nicol, David Segelke, Wendy Segelke, Harold Chadwick, Mike Millward, David Lawrence, Kaleen Knight, Jennifer Payne, Anthony Busico, Marc Gonzales, Chris Nielsen, Chris Green, Renee Milne, Chris Sloan, Rick Barchens, Bob Eldard, Heidi Ellison, Marisa Vario, Emma Vario, Eimee Grill, Ryan Taylor, Dana Allred, Dale Beckstead, Gerald Silver, Scott Walker, Brian Thymen, John Hamilton, Scott Rybarik, David Vice, James Hulett, Holly Rabanne, Michele Kuchak, Heather Kessler, Byron K. Fellows, Paul Kessler, Vickie L. Adams, Shorty Adams, Kim Clausing, Jan Walker, Douglas F. White, Caleen Terranova, Jackie Saul, Max Degelbeck, Brandon Bird, Steve Hughes, Dianna Solberg, John Drabik, Misti Williams, Mike Gates, JM Brxxx, Troy Vario, Mark McKendrick, Jim Gagel, Kim Allred, Ryan Laird, Jen Laird, Marshall Thomson, Dave Allen, David Steadman, Dominic Sandoval, Deidra Sandoval, Matthew McCarty, Tom Rainwater, Andrew Byers, Mickelle Bryers, Kent Baker, Rob Clausing, Scott Degelbeck, Thomas Waite, Jay R. Jeppesen, Betty Shubert, Walt Shubert, Michelle Barney, Trenton Ruybal, Julie Shubert, Ron Shubert, Dave Browe, Teresa Brown, Mike Brown, Mark Garcia, Robert Brown, tom Trip, Stephen Manzione, Zack Mikesell, Virginia Covey, Marcus Garcia, Bud Bruening, Jason Watterson, J.S. Paulick, Tim Kuchak, Eric Wood, Rockie Jaramillo, Nick Philpott, Rick Dare, Wade Perkins, Bruce Riches, Lorrie Riches, Steve Strickland, Randy Hunt, John Gamble, John Skinner, David Blundell, Jessica Blundell, David Datteri, John West, Heather Morgan, Tony Morgan, Jonathan Garrard, Kendel Ferguson, Rhondalyn Garrard, Gary Fowler, Shane Egan, Patrick Gilley, Michelle Johnson, Christopher Johnson, Scott Hunter, Rick Hall, Russ Steadman, Chris Busico, Cortney Burbadge, Ryan Willden, Bud Bruening, Jenny Orr, Mardi Munn, Jamie Chaplin, Gary Walker, Laure Paige, Lisa Waite, Brett Stewart, Phil Rawlings, Bucke Dew.
- Bob Shubert, Tooele, the ATV riders do not cause problems. Everyone needs to get along and make it a nice place for everyone in Tooele County to come to.
- Matt Westridge – Roy, President of Utah 4-Wheel Drive Association, having been shut down in this manner it's not good for the county or good vibes for the off road/ATV communities. Members have been riding on Serviceberry for decades even in jeeps. He asked that the road, which has been maintained by the county, be kept open.
- Virginia Ault – part owner of Silver Slade. Asked if the Attorney received a letter from her attorney and shared with the Commissioners. They had their sheep in this area, there was never a road until 1972, a miner built a crude road. The miner put a gate up, they have worked with the Commissioners in 2009. They gave permission for horseman and hikers only. They put the horse gate up and made the sign. If it's opened the county is liable for a lawsuit.
- Stu Paulick, Tooele, has personally traveled that road from the 1950's to the present time. It was always an access road for anyone. He supposed the road was maintained by the county and other mining entities as required. The aerial maps in the 50's show the road

there. The BLM has a voice, that if that road was open for motorized vehicles for the Ault family it had to be opened for everyone.

Vivian Young, Ophir, Serviceberry is the only safe egress for the Ophir residents. There is not one Ault living there.

Tom Suade Stansbury Park, has been in mining for 50 years. In 1980-1995 he serviced all of Lion Hill to the highway. There is no reason the county can't use that road for access from Ophir. We are talking about a man that has a mining claim. A mining claim is privately owned ground mostly it's 20 acres or less. The miners in 1897 has surveys made of this area and if you look at the plat maps it even shows part of the Serviceberry Road on plat maps. It has the property owners giving up their property rights to that road. The road has always been maintained by the private owners of Serviceberry Road and the county doesn't have the right to take the road away from them.

Steven Cutter, West Jordan, the first time they encountered the Ault's closing the road, they were told to take Chandler. When they took Chandler, the trail was so washed out and unsafe they ended up on their side. They felt it was unsafe and someone is going to get hurt.

Russ Stewart, South Jordan, UTV Utah. He has been working on trails for 18 years. This road has been open for 10 years or longer. An access becomes an access if it's been used for 10 years or longer. It's a class B misdemeanor for closing a public road. This was done correctly in 2009 by all three Commissioners with their signatures. In 2011 Commissioner Hurst created his own law and told them to refile it. One Commissioner doesn't have the authority to change the law.

John Skinner, Ophir, was never opened until 1980 when David Blanchard opened his mine on Serviceberry, including a road. That road was never opened. If the Ault's are paying taxes on that property they have the right to close the road.

Bud Brooney, UTV Utah, (25 members in attendance) go to public lands at Utah.gov, gave the definition of a public right of way. 75-5-4 when a road has been used as a continuous thoroughfare for 10 years it becomes a public road. It shows on the map from the 1800's that the road was there at that time. His main concern is if you go back to 2009, read the ordinance which closes roads in the canyon. It does not include the closing of Serviceberry Road. In 2011 Commissioner Hurst wrote a letter changing the ordinance and included a second map changing the road closure.

Arlen Ault, Spanish Fork, there's been a lot of say about this road that has not been locked up. There was a lock put on it when it was first built. Gates have been torn out, locks cut. They have spent a lot of money on this road.

Dave Lawrence, Ophir, wants to speak about freedom. What's happening with this road is an attack on my freedom. You're taking out the heart of the trail system with this road. The trails in this county are a tremendous investment. Some of these side by sides are very expensive, they are also the ones who eat when they are in town. The county has invested a lot of money into the trails here.

Ryan Wilden, Stansbury Park, UTV Utah. Most UTV owners are respectful. They are not out there to make a mess or cause any problems. Tooele County has a lot of UTV recreationist, but we also have a lot of tax dollars coming into Tooele County through the UTV riders. Chandler is passable but for the average person on an ATV, it's pretty sketchy. If there are people causing problems, those people should be dealt with, not closing the road to everyone.

Scott Degelbeck, Tooele/Ophir, he's been in Ophir for 70 years. He does not remember a road in Serviceberry except for the mining company roads. People make their own roads and trespass on the private roads. That doesn't make it a public road. He doubts that Jerry Hurst acted on his own. He felt the ordinance and law should be respected. If the county wants to use these roads as trails, they need to do some work on roads such as Chandler. He encouraged Tooele County to work on the trails and enforce the laws.

Raymond Dixon, Tooele, one gentlemen says the road wasn't open until the 60's another until the 80's. He road that road in 1973 from Stockton to Cedar Fort using Serviceberry Road.

Walt Shubert, Tooele, the letter attaching Serviceberry's classification as now a limited access road was a backdoor approach to adding a road or class of a road to a document that has no reference to it. That was 2 years after the original documents were filed. He was on the original tour with the Ault's and Commissioners on the roads that were abandoned in Ord 2009-22. He feels Serviceberry should remain open.

Nick Philpot, that road has been accessible to the public for at least 10 years. Of all the ATV trails in Utah, if not the nation, a huge percentage of those trails run through private properties. If you let them close this road you may be setting a precedence for the rest of the country. If there is a fire or an accident, this is a good road to have. He doesn't believe the ATV people are causing the damage.

Randy Hunt, Tooele City/Ophir, closing this road deny's access to other people's property. You can't deadlock other people's property. It's been open for 20 years and he hopes they will leave it open.

Gary Fowler, North of Salt Lake, he came up in the 70's as a scout master and went up that road. He and a friend went up there recently and was confronted by the Ault family and they were not very kind. We are more respectful of trails than most. We don't abuse, we don't throw trash. He too thinks it would be a shame to close that road that has been used for longer than 10 years.

Jed Nickol has been over Serviceberry as a child as well as recently. He taught his daughters how to ride in that canyon, to be respectful ATV riders. It's a public road, they shouldn't have the right to restrict us from our public roads.

There were no other public comments. Commissioner Milne moved to close the public hearing. Commissioner Bateman seconded the motion. All concurred.

10. **DECISION REGARDING ACCESS TO SERVICEBERRY CANYON ROAD.** Commissioner Bateman moved to postpone this item until the August 7, 2018 meeting. Commissioner Milne seconded the motion. If the road has been open and publicly used, even with our own roads department, we've been able to find documentation back to 1910 that this was a road or a trail. He asked for any documentation to be taken to the County Attorney's office to be used in their review. Attorney Broadhead asked that the documentation be emailed to his office. All concurred.

11. **PUBLIC HEARING ON SOUTHSIDE GRAVEL LLC PROPOSED OPERATIONS PLAN AND AGREEMENT.** Commissioner Milne moved to open the public hearing. Commissioner Bateman seconded the motion. All concurred. See #9 for who was in attendance. County Attorney Broadhead gave a history of the situation.

Jody Burnett, Snow, Christiansen and Markham, the agreement that has created a lot of controversy and misunderstanding is the Development Agreement for the Benches of SouthRim. That agreement only describes the 10-acre parcel, it does not include the 160-acre parcel. Chapter 27 of the county use code discusses mining regulations. The discussed the details of the proposed agreement and recommended approval of the agreement of this agreement to the Commission. The agreement does not include a concrete batch plat, it does provide if and when the operator feels they need one that the operator will have to make an application to the county.

Attorney Douglas White, representing the residents of South Rim, discussed the decision of the State Ombudsman, that he found there was no legal non-conforming use. He also discussed the Development Agreement for the Benches of South Rim, as well as the document signed by the County Zoning Officer. This is not a taking. He then reviewed the proposed agreement the Commission is considering. Mr. Harwood does not have the right to mine at this site, if he did, there would be no need for the contract. There are no claims that Southside has against Tooele County, however, Tooele County may have

claims against Southside. State law prohibits claims against the county for the issuance, denial or revocation of any permit. The county is immune from any monetary claim in regulating conditional use permits, even if they make a mistake. They can't sue you. Don't sign this agreement for fear of a threat. The county has immunity from monetary damages, if you enter into this contract, you waive your immunity. The contract redefines the entire partial as non-conforming use. The Development Agreement for the Benches of South Rim had an expiration time. The property surrounding the 10 acres has never had a conditional use permit. The ombudsman's decision said the 160 acres cannot be considered under the conditional use permit for the 10 acres. The Tooele County Planning Commission has already denied the request to rezone the property. He encouraged the Commission to deny this request.

Marty Munz – read a quote from Commissioner Milne about the beauty of Tooele County. She asked that the residents be allowed to enjoy the same thing. The agreement is extremely dangerous to the citizens of South Rim. If the citizens have a complaint they tell the county, the county tells Harwood and he can ignore it, because it's not in the contract. No other pit has this agreement. This contract gives Mr. Harwood complete control and leaves the citizens out because we are not a part of the contract. This agreement is dangerous and unsafe.

Heidi Ellison, South Rim, does not agree with the contract. The Commissioners have expressed no concern for public health or the rights of the citizens. There are several studies that show gravel pits are unhealthy to people. The dust impacts the ground water. Many cities around the country do not allow gravel pits within residential neighborhoods.

Heather Kessler, South Rim, at what point do you protect your citizens? Trying to take the emotion out of it is hard because these are our homes. The sales tax that the county will get is minimal. We bear the burden and the point of sale gets the revenue. Very few gravel pits have an operational agreement like this. She's against the agreement and asked that the Commissioners consider this and consider the residents.

Bob Eldard, South Rim, there are several properties in Tooele that have livestock grandfathered in. He would not be able to purchase one of those properties, then the property surrounding it and open a commercial hog farm. That is exactly what the Commissioners are allowing to happen here. This agreement does not have the residents of Tooele County at heart, but an effort to cya for mistakes made. At a previous meeting the Commissioners agreed to uphold the original development agreement and close the pit. That agreement should be upheld to protect the citizens of Tooele County.

Lynn Shaw, South Rim, has been fighting this all along and has spent a lot of time and effort to fight this. Many times they are ridiculed, even by some county employee's. Please vote no and do not accept this. It looks like it was written by Jay Harwood for Jay Harwood. If he doesn't abide by the contract, who does she go to. He can go further than 25 acres at a time. His company is supposed to use other roads, not the S curves, but you know they will use the shortcut, the S curves.

Chris Nelson, South Rim, 1/2 of a city block of where the gravel pit is located. This is illegal, according to the county code land cannot be purchased or expanded upon for a legal non-conforming use. This agreement recognizes everything as legal and non-conforming. Please do not sign this agreement or even bring it up for a vote.

Gary Walker, South Rim, a couple of items that haven't a been brought up yet. Jay Harwood applied for greenbelt on the entire parcel. It seemed that he had given up on a gravel pit. That shows that he abandoned with no plans to use it as a gravel pit. It still is considered gravel pit. He encouraged the Commissioners to let the two-page document stand, let him sue. He doesn't have anything to stand on.

Tom Tripp, Grantsville City, this public hearing shows that you are listening. He asked what the urgency is, there is time to reconsider it. The issue of non-conforming is a big issue. He felt the concrete and batch plant items should be taken out. He'd prefer not to see it renegotiated every 5 years, that is a long time. A CUP would be much shorter and

give more chance to make changes. Lastly, he feels it's a bad idea to have a gravel pit so close to the residents. If he were a resident, there, he would go to the state every time there was a cloud of dust. The routes and dust control need to be looked at.

Kendall Thomas, Stockton, talked to Commissioner Bateman about this gravel pit. After hearing both sides of the discussion, he's wondering what the rush is. If Mr. Harwood had the right to take gravel out of that pit, he would be doing it already. After the Hogan's finished using that gravel, they said they were done. It should be finished. Stop and think if you lived next door to that gravel pit. Would you want the noise, the dust? There is a right place for this, give this to Planning Commission. Listen to the facts, but also listen to the emotion.

Matt McCarty, South Rim, recognizes that the county has evidently negotiated an agreement that give Mr. Harwood very broad concessions. We were not included in these negotiations. They feel like they have been denied due process. Tooele County has a history of giving Mr. Harwood very broad concessions. This has happened multiple times with gravel pits. Dec 19, 2013, this did not go thru Planning Commission or the County Commission. Transferred the CUP from Pacific West to Erda Shop LLC. That is in violation of the Tooele County code. Perhaps Mr. Hurst wilccatted a little bit. Tooele County has determined that the property in question was used as a DOT gravel pit and is hereby grandfathered with an amended with the CUP. Mr. Milne you did exactly what Mr. Hurst did granting Jay Harwood permission to operate his gravel pits. None of these went through the standard processes. It has left out the citizens voice and the citizens' concerns. We ask you to shoot this agreement down. If he sues you lets go through discovery and see what can be found. Let's do it right.

John Gray, South Rim, if what the county attorney tells us is true, if it went back and forth between 10 and 160 acres, he feels that is illegal. The CUP had an expiration date that required the filing of repeated claims to keep it active. Those claims were never filed. In addition to him filing as greenbelt, the mine may have already been abandoned for that purpose because of the claims not being filed. If you've been out to South Rim in the last 10 years, the conditions have radically changed, population is way up. When the modifications were begun, the dust pickup in the area was phenomenal. We get winds up to 85 mph, you can't see very clearly. That dust is going somewhere, there is a particulate matter that happens. He asked that the Commission consider that matter.

Kayleen Knight, South Rim, here to talk about the agreement tonight. The gravel pit is wrong. The agreement will give Mr. Harwood and Southside Gravel permission to bypass the Planning Commission and current zoning. That seems illegal. It gives Mr. Harwood cart blanch for future use of the property, his sole and useful discretion. He can add an asphalt plant, a gravel plant, without discussion, public input, or approval for 25 years. The document is illegal, and the county can't sign illegal agreements. Protect our county and protect us. Don't sign this agreement.

Steve Knight, South Rim, this agreement is beyond his comprehension that the county would sign this. The only reason would be that the county is afraid of a law suit. What it does do is take the citizens out of the process. There has been no public comment. From a factual standpoint, it is beyond comprehension. He has worked in a lot of high profile positions, worked with a lot of attorneys, but no matter what, he always did what he felt was right. Commissioners, please do what's right. It's a gravel pit, it's next to a neighborhood. Give it back to the Planning Commission, that's why they turned it down.

Scott Hunter, South Rim, there is so much wrong with this agreement, I don't think one meeting is enough. He disagreed with things Attorney Broadhead said. He didn't buy a 10-acre parcel, he bought two 80-acre parcels. There is a lot of history that just wasn't covered. Attorneys Broadhead and Burnett say this is legal non-conforming. Give us another 6 months and we can give you evidence why it is illegal and non-conforming. Don't entertain signing it or even putting it on future agendas, just get rid of it.

Jonathan Garrard, Lake Point, he works construction and they use rock products. On every bag of rock products there is a sheet MSDS that talks about using some facial

protection, so the dust doesn't go down into your lungs. There are extraction sheets that can be put into place to protect people's lungs. Whether you're a consumer or worker, precautions need to be taken.

Jim Grgich, South Rim, read through the agreement, likes the approach of putting the crusher in the south 40. The Commission and Harwood gotten together to come up with a plan, but those that are most affected by this plan have not been included in any of these discussions.

Rob Clausing, Lake Point, this brings up concerns about our county's future and being bullied by the Harwood's of the world. He is also worried that this is a done deal. Sometimes the public input is just a formality that the box has already been checked. The county should not enter into an agreement like this without an EPA study. He sat through a Planning Commission meeting considering setbacks of solar panels, how can we consider a gravel pit across the road from residential neighborhood and not consider things as small as setbacks and proximity? This sets a precedence and opens Pandora's box. If I'm a gravel pit operator and not given the same deal, I'm going to sue you. Not only that, I think it opens the door for a class action law suit from the residents. Proper procedures have not been followed.

Kim Clausing, Lake Point, concerns over this agreement and the 14th Amendment to the US Constitution. This isn't due process. You are stepping over due process. When you take the oath of office you say that you will uphold the Constitution of the United States and the State of Utah. It gives county's the authority to write zoning ordinances. These laws are there to protect us. This is considered contractual zoning. When you create a contract, you give away your legal rights and you have no rights to enforce the zoning code. That's what protects your citizens. Please investigate this before you give away your rights because you're giving away our rights too.

Kendol Ferguson, Tooele, this agreement is not necessary it just gives Harwood guarantees that don't need to be guaranteed. It hurts citizens. The reason is to hopefully not get sued. This contract doesn't make any sense. As far as I can see it from the county attorneys and their support it feels like we are in a situation where we can settle and get 90% of something that's awful. Let them sue and we may get 100% of awful. Listen to the viewpoint of the people who will be most affected, give them the chance.

There were no other public comments. Commissioner Bateman moved to close the public hearing. Commissioner Milne seconded the motion. All concurred.

12. **SOUTHSIDE GRAVEL LLC PROPOSED OPERATIONS PLAN AND AGREEMENT.** Commissioner Bateman moved to table this item. Commissioner Milne seconded the motion. All concurred.

13. **MID-VALLEY TRAIL.** Commissioner Bateman, explained where the trail is and the history. They are considering making it a trail for biking and walking. They have talked about it in the trails meeting along with the ATV trails. The people who use it to get to their farm land need to remember to lock the gates behind them.

14. **BOARD OPENINGS.**

15. **BOARD APPOINTMENTS.** Commissioner Milne moved to transfer Brad Bartholomew from an alternate member of the Planning Commission to a regular member. Commissioner Bateman seconded the motion. All concurred.

16. **PUBLIC CONCERNS.** Rob Clausing – the Planning Commission needs to start considering some diversity, perhaps some females members of the board. He supports closing the Mid Valley Trail.

Bill Dixon – Serviceberry Road in 1989 on the trails committee was a RS2477 road at that time. He asked if the decision would be made at the next meeting.

Scott Ryberik, anxiously await the decision on their UMC. We are concentrating on excellence and community. They have done that without direction for the last 3 years.

It's going to be hard to do it much longer. Their mantra, do what you say you're going to do when you say you're going to do it.

Rick Barchers, Grantsville, there were some zoning changes made recently that upset a great deal of people. He came from Liberty Missouri, lived here about 4 years, he likes Tooele, one thing he doesn't like in regard to zoning changes is the notification. If a large piece of property is going to be rezoned, it should be posted on the property. People driving by have the opportunity to respond.

17. **ADJOURNMENT.** Commissioner Milne moved to adjourn the meeting at 10:02 p.m. Commissioner Bateman seconded the motion. All concurred.

THE FOREGOING MINUTES ARE HEREBY APPROVED:

ATTEST:

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

BY: Waide B. Bitner
WAIDE B. BITNER, CHAIRMAN

