BOX ELDER COUNTY PLANNING COMMISSION
19 January 1989

Minutes of the meeting of the Box Elder County Planning Commission held 19 January 1989 in the Commission Chambers of the County Courthouse. Members present were:

Mr. Richard Kimber, Chairman
Mr. Steve Grover, Member
Commissioner Robert Valentine, Member
Mr. Don Christensen, Member
Mr. Junior Okada, Member
Mr. Jon Thompson, Member
Surveyor, Mr. Denton Beecher, Ex-officio Member
Clerk, Mr. Allen Jensen, Ex-officio Member
Mr. DeVon Breitenbeker was excused

Chairman Kimber called the meeting to order at 7:00 p.m. Approval of the Minutes for 15 December 1988 was made by a motion from Mr. Grover. Mr. Christensen seconded. None opposed. The motion carried. The Minutes for 5 January 1989 was held for approval until the next meeting.

Chairman Kimber introduced Mr. Junior Okada to those in attendance and welcomed him as a new member of the Planning Commission.

Mr. Clyde Westley addressed the Commission to discuss the effects of the proposed gravel pit with the County's Master Plan.

Chairman Kimber discussed the 30 day review committment made at previous meetings, stating the twenty conditions have been reviewed longer than thirty days and he did not feel it necessary to continually allow 30 days for review of substantiating documents. This subject continued to be discussed throughout the discussion on the Agenda item for Darrell Nielsen's request for action.

Commissioner Kimber requested Mr. Beecher briefly review the status of the twenty (20) conditions imposed on Mr. Nielsen in order to obtain a Conditional Use Permit to operate a gravel pit. At the conclusion of the review, Mr. Kimber opened for discussion to the members and Mr. Nielsen, his attorney, Mr. Thorne, Willard City Mayor Lonnie Thorpe, and their attorney Mr. Jack Molgard. The discussion was:

VALENTINE: The one that I have concern with, Mr. Chairman, was the written comment from other agencies that we said we had to get that, and we got that. I am not sure that we really paid much attention or did much by way of consideration of what was said. Now I'm not, my memory isn't the best; but I know the Division of Wildlife Resources thought there would be a severe handicap, or detriment to the deer herd; and the Forest Service thought it was going to be terrible. I guess from that standpoint, there isn't a requirement other than perhaps a moral obligation to take a look at those things,

and hopefully, we would do that. Perhaps you have.

THOMPSON: I think Steve has got light that he can shed on two of those items.

KIMBER: There are a couple of things that came to light, Bob, that distressed me a little on those particular issues. I think your point is very well taken on that. Very possibly we haven't taken enough time on really reviewing those, but there was something that came to light that distressed me a little. Steve, if you would like to take a few minutes.

GROVER: There is a letter, and I have been calling Denny every day to see if it's come. Dee Hansen, who is over the Parks, who is over Natural Resources, and has something to do with the Fish and Game, asked for a copy of those letters which I sent to him, and he said he would rewrite a letter for Natural Resources. We supposedly were going to get it before this meeting. But we never got it. But he said that the stand that was on those letters, he did not go along with at all. He said the State can't do that. So he said that letter will be forthcoming.

KIMBER: It appears, Bob, that someone took it on themselves using stationery from various groups to write a letter that was not the official position on it.

VALENTINE: I hope we don't have some forgeries.

GROVER: No, they are not forgeries. It's the real signature on there.

VALENTINE: It's the opinion of the individual writing the letter, and I understand if that's the situation; and that's why a Director of Wildlife Resources doesn't work for the State anymore; because a bunch of people had forever stated their own opinion. It was never co-ordinated. We got the same thing going on with this decision, and it's killing all the wildlife out there, and yet they haven't found one yet. But, anyhow, that aside, I still feel like if the letter is coming from Dee Hansen, then that certainly would speak for the Park Service; and it certainly would speak for the Division of Wildlife Resources. If that mitigates, if you wish, the stand that those two letters took earlier, perhaps there isn't the concern then, on my part, that we have not responded or addressed those responses from the letters we asked for from those organizations and their statements, Mr. Chairman.

KIMBER: I appreciate that, and I think that point is very well taken.

GROVER: In the conversation that I had with Dee, he said we of the State can't tell Box Elder County what to do in their County. We have a concern for the deer. But, he says we can't say that it is taking away the deer herd feed because it is on private property. That is where he kind of got cankered on this, you're destroying the deer, and that. That's why he said I will send you what the State stands on.

KIMBER: I am sure that any time you do anything up in that area along this Wasatch Front, when you go in and build a home or anything else, you take away some habitat for wildlife. There is no doubt about that.

THOMPSON: There was one other letter, too, wasn't there, Steven, that you mentioned.

GROVER: The Soil Conservation says they are going to keep their letter the way it is.

THOMPSON: They did not rescind that. That is their official stand.

GROVER: That is Lyle Reynold's stand, and they said they would go along with it.

THOMPSON: Technically then, Mr. Chairman, there is one letter that is forthcoming.

VALENTINE: And then the one other concern, Mr. Chairman, was the Item 15 which was the agreement that would hold the Box Elder County harmless, and I think we need some official statement from Mr. Bunderson that there has been some arrangement.

BEECHER: Well, he needs to recommend to us what we need to change, and what needs to be done, and he agrees with Mr. Thorne's verbiage in the issues and change that, and that you agree to the change.

VALENTINE: With those, I'll be fine.

THORNE: I am not sure whether you have got a chicken and egg problem with Jon. I was under the impression that he was waiting for you guys to say that it was OK to delete from the condition, the approval process. If you do that, I don't think there is any problem reaching agreement. I prepared a hold and safe harmless agreement back in March of 1988. Probably, he said, well, no, because it didn't contain anything in there that there is approval process. You would have to do it, so I think that's basically where we were. I think he has already expressed his opinion to you that probably about all that can be required is that he hold the safe harmless on the County and he could survive any liability caused by him. He is perfectly willing to do that. In the agreement we prepared, where we covered that, you, I think, you in fact, changed the condition at that point. I think Jon could prove the actual agreement is prepared.

KIMBER: In our discussion with Jon that evening, if my memory serves me correctly, he did discuss that in that light, indicating exactly as Jeff has mentioned, and maybe it is a chicken-egg situation, Jeff. Maybe this Commission just needs to proceed with the action unless they feel strongly that they want a written statement from Jon. I think he has verbally said exactly what Jeff has said.

THORNE: I would say, to the extent that if he felt it was appropriate to do that, if Jon had a different opinion, or if that wasn't what it meant, I certainly wouldn't ---

KIMBER: In response to your letter? Jeff? I feel comfortable with that.

GROVER: According to that letter, all we need to delete out of Number 15 would be the last four words on that paragraph? Was that right?

THORNE: If you want to delete more, you can; but I don't think it's necessary.

THOMPSON: I think that's what I read on that letter of his, "the oral approval of applicant's project."

THORNE: I think it is probably just the second page.

KIMBER: When did you get this to Jon, do you know, Jeff? You sent a copy to Jon, didn't you? At least you have indicated.

BEECHER: I think I talked to him on the phone the next day, and he said he had a copy, the day after I received it, and I have it stamped the day that I got it.

GROVER: Jon Bunderson has approved that, so apparently it's not a problem. That's the part right there that's creating the situation. I guess it's not constitutional.

KIMBER: Gentlemen, we have reviewed those, on those items that were not approved. If you want to continue discussion on those items, with the information that we now have. What's your pleasure at this point?

THOMPSON: Mr. Chairman, I think that if we start from one and go through from that point instead of going backwards and here and there, I think we will be in more sequence.

KIMBER: I think there are only about four items that have not been approved.

THOMPSON: There's 3 and 10, 11, 14, 15. That's the ones that you haven't?

MOLGARD: Mr. Chairman, I realize I'm not on the Agenda, and I specifically wasn't on the Agenda because of representation that Mr. Beecher made to me today. I am curious, if I may, just as a point of inquiry; is this Commission now going to break its word to the citizens of Willard and not allow a 30 days review period of everything that has been filed? I would indicate to you that I went into Mr. Beecher's office this afternoon, probably after 2:00, shortly after; and he gave me a packet of documents, and there were documents here that came in after that.

BEECHER: 4:30.

MOLGARD: 4:30, that I am surprised exist. My answer to it is that I am just wondering if you are going to keep your word to the citizens of Willard. If you are not, then I would appreciate your putting it on the record clearly so that everybody down there can see that you are not. Because I think in fairness, here, you promised that there would be a 30 day review period of everything that was filed. Mr. Beecher will verify that most of the documents you have discussed tonight wouldn't even have been given to me if I hadn't come today on my own and got them. Then there are still

a bunch after that you are proposing to review. As a point of inquiry, and maybe I am out of order and I quite frankly don't care if Jon Thompson does get mad at me for being out of order here, or the rest of you, too. The answer to it is I am interested to know, you're a public body, you owe some obligations to the public, and I am interested to know that. If you are not, fine, you are going to back off of that.

THOMPSON: Then what is this pile of documents that was -- ?

BEECHER: The same thing that you have in front of you. Only he has not seen those that came in at 4:30.

VALENTINE: Mr. Chairman, I would remind you that we did invoke the 30 day review. I know that your opening comments were that perhaps that was to be addressed as part of this meeting. After we had reviewed what had been submitted and what was there for review, the issue and the answer to Mr. Molgard's question has to be at this time there is still a 30 day review requirement, but --

KIMBER: That's right, this body has never changed that.

THORNE: May I address the 30 day issue? I am aware that many of the items which Mr. Nielsen has submitted have been here for many months. This body, apparently elected, I think, against my best advice to try to get all of the items in before they considered it. I don't recall the exact dates; I haven't researched it. It seemed to me about maybe March or February, so many items were given. I appreciate that apparently the meeting where Mr. Nielsen was docketed to be here; I think it was in December of 88, wasn't it? Which apparently was a mixup because Mr. Nielsen didn't know he was supposed to be here and be on the Agenda. All I know is the newspaper report, and I appreciate that's not always accurate. The people of Willard said they were being prevailed upon to come here and having these things continued and continued, and that was the purpose for that 30 day. I don't believe Mr. Nielsen had any input into that 30 day requirement. I am aware that even in very serious court matters we don't always get 30 days to respond. If somebody files a motion for summary judgement, we may have ten days in which to respond, but we may be trying a case, and somebody stands up and makes an objection, you've got three seconds to state your thing.

Mr. Nielsen, as you are aware, is under some deadline to try to get approval, or even rejection or approval, so that the economics of the matter can go. If there are specific items, I think some of the items you have mentioned may be fairly critical. I, for instance, don't know why Willard City would want 30 days to find out that the Flood District in fact looks at the deed to the property. I am not sure why they need 30 days to find out the State Engineer says the upper dentention pond isn't a dam. Therefore, we don't need to have that litigated.

In regards to the hold the same harmless agreement on Number 15, clearly that's been before the body for a year. I think whatever input they have wanted, they have had an opportunity to give.

It seems to me that probably the most critical thing is the reclamation plan. I don't know what needs to happen with that. If you want, I have some comments in regard to that. I have reviewed the Harvey Plan. I have reviewed the letter just today, and I don't recall the individual's name, Steve Monson? Steve Monson may very well be right. It is a very detailed plan that may be in order. I frankly think that there are ways to accommodate everybody. I think Mr. Nielsen's willing to follow the recommendations Mr. Monson has set out in his plan. It seems to me, realistically, though, a detailed reclamation plan is always a plan. It is kind of like a County Budget. It is your goal, but until you get into the things, you never know exactly how you are going to finish up or what you are going to do. I think until the excavation comes and you get through with one section, it's almost impossible to detail what the plan would be until such time as you are there and you can get the soil analysis, and you can see how much fertilizer you have got to add. You have got to see if you put bitterroot, or rabbit brush, or chapperelle, or oak or whatever it is.

I think Mr. Nielsen is prepared to meet any reasonable reclamation plan, and I think his suggestion is to try to have a more detailed plan by the 15th of March. I suspect on each of your annual reviews, you could say that you want to have that enlarged, increased, or dealt with. I appreciate that that doesn't give everybody everything they want, but I think it is a reasonable solution to the problem. If the Fish and Game wants to change their position and later on it is not necessarily deleterious to the herd if certain plants are added, I think that can be something that can be achieved. I see that it's not an absolute final thing, but as a dynamic fluid matter that you try to go and achieve. I agree with Mr. Westley to a certain extent. I think much of the opposition to gravel pits is a result of what everybody perceives as very poor reclamation. I think hopefully, you have understood from Mr. Nielsen as he has been here that he has been somewhat flexible in trying to meet the needs and accomplish that. But I think Harvey's reclamation plan has been in here for how long? Harvey's -- the one you originally put in. Harper.

BEECHER: Yes, it has been here for months.

THORNE: Yes, I was thinking months; so even though we just got this thing, I think the County has had time, or other people have had time to respond to that. I think those can be incorporated, and I may be speaking out of turn in spending your dollars.

NIELSEN: No, and I am glad that we have got an expert or somebody that is in that field to look at that plan, because I went up there when we met with Steve Monson. I think you have got some very good ideas, and I think that he agreed to come up on the site; and I have talked to another Forest Service man from Ogden. He said I will gladly come up and spend a half a day, a day, with you, after you get into it to see what we could do to make it a good plan. They are willing to work with us. They can't do it

personally for me, but they can do it for the County. They can't do it for me, but they can do it for the County, he has told me. I think that is the way to do it, is get a good plan. It's just like maybe the Wildlife, if they want to plant more stuff up there, they might even kick in a little and help. It wouldn't be too bad an idea. So I don't know, but I'm willing to work with this Commission on that.

KIMBER: Jeff, your eloquence, that's what I was trying to say at the beginning of this meeting; that some of these documents, at the point that 30 day provision was agreed to by this Commission; some of those documents required a lot of study. It wasn't something that you just did overnight or in a week. We needed time to do that, as did Mr. Molgard and the people of Willard. But in my initial statement, I am not so sure but what we haven't reached the point that we are not reviewing documents of that type now. I guess, Jeff, I have to agree with you that I don't think we are looking at documents that require 30 day review. I have been at this for quite a number of years, and I would sure like to have shorter meetings on Thursday and less often. That was the reason for my comment, initially. This Commission has not yet made any changes in that. I am not sure that they will. I don't know, but I think it is time that we start looking at this and these documents do not appear to be the type of documents that would require 30 day review.

VALENTINE: Well, Mr. Chairman, I would agree with a good portion of what you are saying, and also I would agree generally with Jeff's remarks. I think as we invoked the 30 day review period, it was a situation essentially as you described, that we were getting things on relatively short notice and expected to take action, and I think it was appropriate. I feel at this time it's still appropriate from the standpoint of the reclamation plan. This again becomes the foremost and most important issue to the citizens of Willard at this time. It needs to be understood, and they need to have time to look at it. They need to have time to agree with it and make some suggestions if they are appropriate. I don't know that I feel the least bit comfortable with a statement, "well, we will do whatever you want us to do." If that's put in writing that you will satisfy everyone concerned, Darrell, then fine, but probably what they are going to say is "fill the hole back up and plant it like it was to start with." So, --

THORNE: Then we are talking YOUR conditions --

VALENTINE: I understand, but I heard the statement that Darrell had made that he wants to do what needs to be done. Certainly the people in the surrounding area in that community down there have a voice in what they think ought to be done.

THORNE: What do you recommend, we are flexible?

NIELSEN: Aren't we putting up a bond to do any of this? If we don't have to do it. What was the bonds on the other excavation, or reclamation deals?

VALENTINE: You are putting up a bond to do something, but we haven't said what you are going to do yet.

NIELSEN: That's fine.

THORNE: One of the problems, I think, and one of the frustrations which an applicant feels when he comes before a government body is you feel almost like you are playing a guessing game. It reminds me a little bit of like somebody has a deck of cards, and they say "hand me a card", and you say, "here". They say "that's a two, that's not what I want." You say "oh, what do you want?" "I don't know, hand me another card." You hand him an ace. And he says "That's not what I want." I can appreciate that the County doesn't have the budget to have expert staff in all the areas. It would really help an applicant, though, if -- and this reclmation plan has been before this body for quite a while, too. You are all citizens like me. I don't profess to have expertise and come and do that, but I guess what we are saying is "is there any way that this body could say "here is the plan we want?" I suspect that you would take a look at this and say, "gosh, that's almost impossible to tell until we see how deep the pit goes, where the sides are." It's a very difficult thing to come up with a concrete plan; but if you say the plan has to meet Monson's thing, then you can design the plan. It's tough to predict what you want, or what everybody wants; and then they say that's not what we want, and give you something else.

GROVER: Mr. Chairman, could I address that? This plan that originally come up, that Darrell come up with, that was scrutinized, that was looked at, and the citizens of Willard looked at. It's some of their input that created the question as to whether or not it was adequate. That's the process. We considered it; and because there was some objections from the citizens, maybe not some objections, but some concerns and questions that were raised. We looked at it and found that it wasn't adequate. At this point, now, we do have a plan, now that addresses those things, those concerns, some of the concerns of the citizens of Willard. So now we have got the plan, now the ball is back in the other park again. It is going to take some time, because we gave them time, thirty days to review that. Now I don't think it takes 30 days to review that, but that was -- that's what we said. I can sympathize with Darrell. Richard, it's gone on long enough, I know; but Darrell, that is-- If we could identify these problems earlier, then we wouldn't have had that problem, but we didn't do that because we had to go through the process.

NIELSEN: I went down there to get this plan to get him to work on it so we have it for this 19th meeting, to do whatever we could do to expedite these things. I have tried and tried to, but Willard City, I bet there's not an item in here that's not been looked at with Willard City. I couldn't do one thing right regardless of what we done. So it's not just the reclamation plan, it's everything.

KIMBER: Mr. Okada?

OKADA: Since I'm the new kid on the block here, I see two problems here. I see us drawing up a plan, and reading it; we don't know whether that plan works. Are you going to say he's going to plant this grass, and this grass, and find out that it doesn't grow, then what are you going to do? Does he have to substitute it? Are you going to tell him, in this Number 3, are you going to say: "OK, if this grass doesn't grow, you got to plant this one, and this one, and this one." Or what? I can see what he is pointing at. I don't think there is anyone that can say without really getting right down to it that where they have to replant it, that can say, "this is going to grow." I think you pretty well got to generalize it and go from there. I think you can say "he has to restore the vegetation to the condition of this Planning Commission before he can go on further. Then have him, in the meantime, submit a plan that is workable, and see that it grows. If it doesn't grow, he has to do something else. I think that's only fair.

THORNE: Denny had a comment to begin this meeting about that. I wasn't sure what it was. I think I have forgotten what yours was.

BEECHER: Well, basically, it was that we need -- we have rejected the Harper Plan in essence because we have found that it is not adequate; so we are not in a position to design the plan for him. He has got to submit to us a plan that he feels will suffice. We will get him somewhat some guidelines with Monson. We agreed to get an expert to review it, and Monson has given some ideas. A general plan as to what shall be done, could be done, and then a more site specific plan with respect to the area that is opened after it has been opened. So that they, the experts, can see exactly what has to be done. When you see the soils, you examine the soils that are there, and then they can tell us what is going to grow in that soil. They say that they cannot give you a plan right now that will work because they don't know what it is. They have to see the soils that are there. Then they evaluate it, and they will tell you these types of plants will grow in that soil in the conditions we have. That's what Mr. Steve Monson indicated to me, is that you would have to -- it is very difficult for him to tell us right now that when Mr. Nielsen is through excavating, that Plan A will work. He says that I may have to go to Plan C or D, because of the conditions that are existing when he has opened up the site. But that you must require him to bring the slopes down properly, and have them prepared such that he can plant, bring the topsoil, stock-pile the topsoil and be able to put topsoil back on it, and then he says we can evaluate it and tell you what plants, how often to put the plants, every ten feet, five feet, twenty feet, whatever; so that we have something to inspect and see what he's done. He says he has seen plans where they said "go back and reseed." And the applicant will put A seed in the ground. He has reseeded. And so you know, you have to be specific, is what he elaborated to me very definitely. You have to be specific as to what you are going to put

in, the type of plant, the spacing of the plant, the type of seeds, the pounds per acre or whatever you have to put in on that variety of seed.

OKADA: Mr. Chairman, who are we satisfying here? The Planning Commission, the Forest Service, the Wildlife, the citizens of Willard, who are we trying to satisfy here?

KIMBER: All of the above.

OKADA: Mainly the Planning Commission?

KIMBER: That was one of the conditions that the Planning Commission imposed on Mr. Nielsen, and I think it's to the benefit of everyone involved to have a quality reclamation project.

OKADA: Do you think that we can satisfy all those units? I would say impossible.

THOMPSON: I think that we are going back to that engineer thing again, and every engineer has got a different idea.

VALENTINE: Well, we have one plan submitted, it wasn't adequate. We all agreed. What's there now, that we just got this evening, is that adequate?

BEECHER: That's not a plan. That's just his comments relative to the Harper Plan.

VALENTINE: The Plan is, wait until March 15th. That's what I read. Darrell's plan says by the 15th of March.

NIELSEN: That's after the snow goes off.

VALENTINE: I understnd that, Darrell, I am not taking issue with it. That's what the plan says, though.

NIELSEN: What the problem is, you know, like I say, a bid is coming out this week, I couldn't go up and disturb that much, or maybe it's coming out this month or maybe it's next month, I don't know for sure. When I talked to the Bureau of Reclamation, they were pushing for the end of this month. I couldn't go up there and damage that much area to do this job that we can't still work out this reclamation plan. I am willing to work on it with Forest Service people which I know that they would like everything for the deer and the range and everything else, and I am willing to try to work it out. I don't know if we can work it out, but I am sure willing to try. If they will come up and say "let's see if we can do it this way." Maybe we could work out a super, super, good plan for everybody. The County would be happy, I would be happy, and the people would be happy. We could fight this plan for months and months and never go any place. I would like to go ahead with this project. I think I am trying to be in good faith. I have put up a million dollar liability policy to show in good faith that I'll take care of any problems that arise. I don't know what more you can ask. I don't know how many other people has put up a million dollars worth, or anybody, or how much bonds they have put up, or whatever. I am willing to do whatever I have to do to get this project done.

KIMBER: Since you raised the issue on this, do you see a direction to go on this particular item? As I have listened to Denton, and as I have read the recommendations of Monson, it would appear to me that a total reclamation plan could not be in place until they know exactly what the slope and everything is going to be in a particular area. Is there some way that we can pull this together so that we can meet those requirements and address this issue and get it out of the way? I appreciate Mr. Thorne's comment. It is like we keep coming back and adding another little thing on top of what we have already asked him to do. In fairness, I don't know that we are being fair in doing that. I think that we need to require an adequate plan. We have raised that issue. We weren't satisfied with the initial plans, but how far do we go, where do we go?

END OF TAPE -- BEGINNING OF SECOND TAPE

GROVER: But I do know one thing, and I think Bob is concerned about that, too; the fact that after that hole gets up there and nothing works and you got a big scar up there and nothing is being done. Actually, if it comes right out that everybody that goes up there trys to do something and it doesn't work, I know there is going to be some awfully mad citizens around there.

KIMBER: Well, there would be some mad people in this group, too.

GROVER: That's right. We are not doing justice to our responsibility, I don't think. I think we have a responsibility to see that something does work. I am frustrated, I don't know what you do with something like that.

VALENTINE: Would, and I would offer it as a suggestion, but perhaps if our new annointed expert, Mr. Monson, if Mr. Monson appeals to everyone concerned, and there is some agreement on the part of Mr. Nielsen to talk with Mr. Monson and agree to do those things that Mr. Monson, in turn, says should be done to reclaim the property and he is going to have to make an on site inspection once the thing is there, that still doesn't satisfy my concern that we are going into it without a plan. At least, there is some yardstick that he is going to be measured by. I don't know that Monson is the guy.

OKADA: You have one concern here. You have a plan and Mr. Nielsen fulfills that plan. He does everything according to that plan and everything dies up there. He can say I have fulfilled my contract. I have fulfilled that plan and there it is. Then what are you going to do? The plan you have received, and he fulfills that plan, and say all the shrubbery dies and the grass doesn't take hold. And he says I have fulfilled that plan.

VALENTINE: But at the present time, Junior, we don't have a plan. We received one and it was determined to be unsatisfactory.

OKADA: What I am saying is, Mr. Monson, here, gives you a plan. And this Commission agrees that that's the right plan; and when the snow goes off and the gravel pit is dug and he does what that

plan tells him to do, and he says: I have fulfilled that contract and I have fulfilled that plan and nothing grows, then what are you going to do?

VALENTINE: Well, that's why it's encumbered on us to get an expert that says "If you do this, it's going to be successful."

BEECHER: You also could impose a bond that he would guarantee his work, that it must grow and it must produce.

OKADA: Well, what I was suggesting was that he restore the vegetation to satisfy the Planning Commission.

VALENTINE: I feel, Mr. Chairman, I feel rather strongly, very strongly, that the people that are going to be looking at this reclaimed piece of property should have a voice in what that reclamation plan entails and what it is going to look like when it is finished. Now I wouldn't expect to see everything gold plated up there, but they certainly have a consideration and a strong consideration.

THORNE: One of the concerns I have, as I have understood it, I have understood Monson is an employee of the U. S. Government? I don't think he, in fact, would design a plan for ---

BEECHER: Darrell would have to go and secure a botanist or whatever you call a person that has to do this plan that is in private practice to do it. Monson was a recommendation to us as a government entity to review the thing and because it was a government entity, he could work for us. But he would not be able to do it for the private enterprise. So there are others that Mr. Nielsen can secure to develop a plan if that's what your wishes are, and then submit that plan for our review of which we can have these other people review to see if it does suffice the needs of the area.

NIELSEN: Denton, isn't it also, like you were talking about before, that he would like to come up after it is dug and see what the soil is and do a few things?

BEECHER: Yes, that's why I say, that's what would have to be submitted, is the plan. What is the plan of approach? Basically, these are the things that we would recommend being done. These plans would go in if normal conditions would exist, but that we look at it again when the slopes have been developed. We submit a site specific for that thing up there based upon the general plan.

THOMPSON: Mr. Chairman, can I say something? In lieu of a plan, Darrell, I think Bob touched on that; if you don't have plans, then it's like the chicken and the egg, what you are suggesting. It seems to me like the only other thing that we could possibly do is for you to submit yourself, in writing, to someone who is supposed to be an expert, this Monson or somebody. And that would satisfy you, Junior, that also in writing you would agree that if Plan A doesn't work, you proceed with Plan B at your cost.

NIELSEN: Well I think we will have to do that, and I don't see anything wrong with that.

THOMPSON: Well, you are sticking yourself out there --

NIELSEN: Listen, there's nothing growing up there to speak of now, so I don't have to produce much to get the same amount that's growing up there. It's pretty hard to grow in all those rocks up there, so --

THOMPSON: What I am saying though, Darrell, that's a pretty vague thing, and who is going to decide whether or not this looks good, this is good enough? Is that going to be us? OK, if that's going to be us, you see, maybe your concept of what that should look like up there, and the citizens of Willard, what their concept should be, and the Park's Division down there, and this Chamber here may all be different.

NIELSEN: I think maybe we have all lost a little sight of something. Who owns all that property up there? I think I own it. Who am I trying to satisfy? The people in Willard? You people? The Forest Service? Or everybody else? Or Darrell Nielsen? I think I have got some rights, too.

THOMPSON: That's a good point. But, Darrell, in defense of that. It is still, I think that's the reason it's been such a difficult decision for us to make, is the fact that we don't want to deny you that right to use your property. We think that you should use your property, but not to the extent that you take away other peoples' rights that's in that area. And that's the reason all of these impositions have been placed on you.

NIELSEN: OK, let me just say this. You have got reclamation plans from Fife. You have got reclamation plans from White. Why don't I have the same plan? It's all the same area and everything else, and I'll go for that plan, right here tonight one hundred percent.

THOMPSON: OK. In answer to that, Darrell, all I can say, and I don't want to get into an argument here; but in all fairness, the reason that they don't have plans submitted like you are expected to do, is because there was no zoning and ordinances at the time they started these here. There are a lot of them along this Wasatch Front --

BEECHER: The two that he is referring to, Jon, did have --

THOMPSON: OK, But let's just take them. The Planning Commission can change their rules as they go along to meet the needs of the citizens. That's the explanation right there. What I want to say is the fact, that had there not been any planning and zoning in this county, then there would be a lot of citizens down there that couldn't do anything, except wait for you to violate some of their rights; and then it would have to be handled on a civil matter. That's why this Commission, I think, is valuable in making sure that these citizens' rights are preserved and looked after. That's why all these provisions exist, and we see that one of those provisions is, that when you get done with that property up there that it should look decent when you get done with it and not like all the rest of them.

NIELSEN: And I agree with you.

THORNE: Well, one of the concerns, I think. Mr. Nielsen owns a great deal of property up there. One of the things which he is contemplating is, that at the conclusion of the gravel pit, he may have a flat area up there that may become valuable for residential housing. If you are doing residential housing, you may want certain shrubs, as opposed to wildlife. Here is something that I think I would say is -- I would say the Harvey Plan hasn't -- it's been alluded to as being inadequate. I think Monson's comment is, he thinks these three grasses wouldn't grow there. He is a lot smarter than me, but until you get into that soil, I am not sure exactly anybody knows what will and will not grow. I suspect the best plan is going to be dependent upon weather conditions, too. If you have an extremely dry winter, the best plan may not work. If you have a good winter, the worst plan will probably work, at least for the first year. I think I thought what Mr. Beecher stated to begin with was, the plan is that he would incorporate Monson's recommendations and come back by the 15th with a specific site plan, site specific plan that gives details of grasses and plants in existence. I suspect that you are doing that throughout the course if this pit develops, and I don't know whether it will or not, that those plans may have to be amended on a somewhat frequent basis. I think the Planning Commission has the power to continue to regulate that. I think he is willing to post a bond to guarantee satisfactory completion, and that seems to me that that gives you some power, and then back to the engineer's estimates, they have got estimates there. But in all deference, neither Fife's nor the White's plan was deemed to be very critical, the same particular terrain, and I don't know what they escrowed to it. It didn't seem to me to be an earth shattering amount. The last time I was up to Fife's and that's been quite a while ago, there was grass growing. It may not look the same, but there was vegetation growing there. Maybe it's all dead, now, is it?

BEECHER: It's all dormant. It's all covered with snow now. It's hard to tell right now.

THORNE: It was growing in the fall, wasn't it? It was filling in.

BEECHER: According to Mr. Monson, the trees are alive to date. The trees that were planted, they are alive. That was his comment when we took him up there.

THORNE: How can we meet your satisfaction. I don't know. I would love to sit down with Willard and say "within ten days, we can have a plan that everybody's happy with." I'm a little concerned whether that's very practical. The Mayor, is here. Lonnie, is there any expert you want to have him put on that reclamation, or --

THORPE: If you are asking me for an opinion, my opinion is

that the Planning Commission has put a condition on him, Number 3, and it has not been met. I would hope that the Planning Commission would make him meet it.

THORNE: You remind me a little bit of Pin the Tail on the Donkey, Lonnie. You say you missed the tail, what can we do to make it? You say "you missed the tail."

THORPE: The condition is put on Mr. Nielsen, Jeff. I agree the condition is put in there, so why should Willard City, why should the Planning Commission make a plan for Darrell Nielsen when the Planning Commission has put that on Mr. Nielsen? Maybe I missed the tail, but --

GROVER: We have run all the way around this thing now, as to where we are going, but we still don't know who is going to do this revegetation. Who are you going to take as an expert? We are back to the same thing we run into on the reservoir. Keith Hansen was an expert, but he didn't have no evidence. Russ Brown was an expert, and he come in and presented his. Somebody else comes in and presents theirs, how we going to do it? Are we going to be the same way on the vegetation? Somewhere we got to stop. We can't just keep passing the buck. Hey we can postpone him for another month, so we will just let this thing slide. If we are going to tell him he has got to go by this plan, then we had better tell him who he has got to get for his revegetation person. That's what he is looking for. He is looking for an answer. We have posed him a question, and he can't answer it.

BEECHER: The comment I would have in answer to Steve, is that we have made the statement, you have made the statement, the plan that he submitted to us is inadequate. You have denied; you have turned down that plan. Therefore, as of tonight, we have information that that's where we are at. So therefore, the ball is in Mr. Nielsen's court to submit to you a plan as to how he will perform the reclamation plan. Now if he wants to submit the Neal Smith letter as his plan, then you better act on it. It is submitted to you. If you want to accept that, and take that as his plan, or wait 30 days and react to that plan. If Mr. Nielsen wants that to be his plan, that's fine. I do not feel we as a Planning Commission should design this plan for him in any way. All we are is a reviewing body to see if it meets our needs. Mr. Nielsen should go out and secure the experts that he feels are needed, and then we review it. So he needs to submit to you <u>A PLAN</u> that you would accpet. He has got to try to guess what you would accept. And if you want to call it the card game, fine, but he has got to try to get the best he can to get you to accept it.

GROVER: We have been doing this too long, I can't buy that one.

BEECHER: If you want to design it, go ahead. I won't do it.

GROVER: Well, then what are you going to give him for an engineer? He gets an engineer to come in. Willard City says "No" so we say "OK, he can't use him." We get one, Willard City says "No, you

can't use him, because we are not agreed with him."

BEECHER: We haven't said that at all, Steve. Willard City gave you some comments, and you hired an engineer to do your reviewing, and I assume that's who you relied upon.

THOMPSON: Mr. Chairman, can I make a comment? Steve, I hear what you are saying, and I think that's valid. It's kind of confusing, but could it be that the direction that we should be going here is not so much the plan itself as an agreement, more or less, and secured by a bond?

GROVER: OK, we have got that.

THOMPSON: Well, I'm not saying that, but I'm saying, would that be a better direction to go in order to satisfy this condition? The only one problem that I see with that is that we are amending that condition, aren't we now?

BEECHER: He still has to submit an approved reclamation plan. He is trying to meet Number 3, in which he must submit to you an approved reclamation plan that you will accept.

THOMPSON: But that could be changed.

BEECHER: Well, if you want to change the requirement, that's up to you.

THOMPSON: Denton, the reason I am suggesting this is because you can submit a dozen different plans, and all twelve of them could fail. What we are interested in, is the end result.

BEECHER: The end result can only be seen when the product is planted and grown. I don't know how you can see that on a piece of paper. I have seen many landscape architects' plans. On the plans they say that you put a phitzer here, you put a pine here, you put a this here, and that's the plan. Now the object is, the nurseryman comes in and plants it, and the nurseryman is going to guarantee that his plants are going to grow or he will replace them.

THOMPSON: That's right, but you just got through saying something to the fact that this man, this expert from Utah State University, says he can't design anything until he sees the hole.

BEECHER: He says it is very difficult to design a specific plan until you see what the soils and everything are at.

THOMPSON: I agree with that.

BEECHER: I have given him the SCS report that tells what the soils are, and their reports and so forth in the time frame that we had to do it, that we had available to us to review the plan that was under question, the Harper Plan. All he has done, in defense of Mr. Monson, is come back and told you that he does not feel the Harper Plan is adequate. He has not looked at the whole scope of it. That's all I am saying is that the Harper Plan is inadequate. If you want to accept the Harper Plan, that's up to you.

KIMBER: Well, I think there is an interim step here that, if we accept, did you say this was Smith's plan? He has submitted it as a reclamation plan proposal and addresses the area that he would

cover, but also indicates that the following environmental concerns would be addressed in a complete reclamation plan by March 15, OK, if we are going to wait for a complete reclamation plan according to this, you are waiting until March 15 before you address that. Is that your desire? Do you want to take an interim step as Jon has suggested?

VALENTINE: Well, I understand the dilemma; but, I guess to carry the thing to an extreme, we could suggest that Mr. Nielsen at the completion of the excavation install 9 greens and 9 tees and a sprinkling system, and Willard City would provide the flags. Something like that as a reclamation would certainly be palatable to everybody here, I'm sure, probably except Mr. Nielsen. The point is, the issue that we have got to address is the reclamation plan, and I don't feel at all comfortable saying "we are going to wait until the 15th of March," and in the meantime go dig the hole.

NIELSEN: We won't get that much out of there by then.

VALENTINE: Again, back to the main concern that I have, Darrell, the people are going to have to live with it down there and have got to have a voice in what that thing is going to look like when it is finished.

THORNE: Have the people down there stated anything they particularly want or they don't like what is being planned?

VALENTINE: They haven't said anything. We are the ones that have said we didn't like the Harper Plan because it looked like what Fife did, spray something on the side of the hill and hope it grows. Again, if Mr. Monson becomes our expert, and certainly he is the most knowledgeable. I guess we place more credence in his remarks than anyone else's so far. He said it was inadequate.

THORNE: I didn't read it that way. That's not my interpretation of it. In fact it looks to me like he's saying that he thinks fifty pounds per acre is unusually high. You don't need that much. He recommends nine pounds per acre for seeding. I don't mean to be argumentative with you. If we are concerned with the people of Willard having a say in the thing, it seems to me that, how long do the people of Willard get to sit back and cast stones at it and say, "it's no good", before they come up and say "This is what's acceptable."

VALENTINE: I don't think anything has been provided for them to cast stones at.

MOLGARD: If I may make a comment, there was no Harper Plan that was provided, and our comment was that that didn't comply with Condition Number 3 because it wasn't by a qualified expert, and it wasn't an adequate plan. I think Jon is correct that you folks then decided, well, we are going to get an expert because we don't know what an expert is. We don't know whether Harper is or isn't. Willard did comment on that and did make those comments. Quite frankly, I hate to say "I told you so", but the answer to it is Willard City's comments were somewhat more than the general gist of it was, is what Mr. Monson's was. It is easy enough, and I

heard Bob Valentine and Don Christensen both say that we are going to make him meet every one of these conditions. That Number three is not ambiguous. It says he shall submit a reclamation plan by a qualified expert. It is simple. All of us can read that. Mr. Nielsen can read that.

NIELSEN: Maybe Harper is a qualified expert. Maybe he is just as much an expert as Monson is an expert. Maybe it all depends on what you are trying to grow. Just because a guy works for the government, that doesn't say he is an expert either.

KIMBER: We are not sure what an expert is after this many months on it. But I think the point that Bob is making; we really, at this point, don't have a plan. If I hear what you are saying. We have some conditions that ought to be addressed. We have a statement about things that will be done, but we really don't have a plan, at this time. Maybe that's the bottom line.

GROVER: Back to my comment, though. He gave you a plan and we didn't accept it. OK, who is going to say who the expert is, then? You heard Willard City say they wouldn't say that Harper was an expert. But he does all the work for the State throughout the State. So who would they suggest. I'm going to pose that question to them again. Who do you suggest, so we can say "this is a good one."

MOLGARD: I don't know, you ought to be able to find dozens of them, Steve, the answer to it is everybody here can call up Mr. Monson and ask Mr. Monson "Who is a good expert to design a plan for us that will work?" It's simple. I have not said Mr. Harper is not an expert in his field, he may very well be. Mr. Monson, you folks' expert, has said that plan isn't adequate, and the condition said he will submit an adequate plan. It's simple enough.

OKADA: Let me pose one question to Willard. Will you be willing to help construct this plan with Mr. Nielsen?

MOLGARD: Why should Willard City do it?

OKADA: Would you put some input in?

Molgard: Absolutely, Willard will put some input in. You bet.

OKADA: Well, that's all he's asking, will you put some input?

MOLGARD: When we see the plan, that's exactly why the 30 days agreement was made, why you folks promised us 30 days to review all of these things.

OKADA: I cannot understand why you want to put the input after the plan. Why don't you put the input during the plan and both work together. That's what I can't see. After you get the experts, work on the plan together. Why should Mr. Nielsen get a plan, and you guys say "no, this isn't what I want. We want to do this and this." Why don't you two work together, come up with a viable plan? With the experts? Would that be too hard?

KIMBER: I think at this point, your point is well taken, Junior; but I don't think we are going to get that to happen. I really think that at this point we have essentially rejected the Harper Plan because we thought it was inadequate. If the items that Mr. Monson has addressed, and Mr. Smith has addressed, were incoporated into a plan, I would consider that a plan. I guess I don't care whether Willard thinks Harper's an expert, Monson's an expert, or whatever, if it incorporates all of the things that are necessary as suggested by the engineer, by Mr. Monson, the botanist. If we feel comfortable with it, then we can go ahead and address that; and Willard will have the opportunity to look at it. But at this point, I just don't see a total plan incorporating all of those things.

THORNE: May I ask a question? So that I will know how to proceed. I guess I have seen two trains of thought expressed by the Planning Commission. One is that part of you want a plan. Some of you are not so interested in the plan as in the end result. Is it the plan you want; is that what we are dealing with?

KIMBER: Maybe the plan is to get results, Jeff.

THORNE: It seems to me that, one, there is a reclamation plan proposal by Mr. Nielsen. Would you rather than the generic terminology that you have a specific statement that Nielsen will agree to make terraces, the stabilization the soil permits, that these plants will be planted. The problem that I see with that once that plan is to you, then it reminds me a little bit of when you are defending a criminal. You just sit back there and say, the cop screwed up, he didn't give him his Miranda Rights. Is that really what you are looking for, or are you looking for Mr. Nielsen to say "I am going to guarantee that there's an escrow; and we will come in with a specific plan, when we get the soils analysis. I really feel, in all honesty, I feel like after I leave this meeting thus far, that I am not sure what we ought to be submitting to you to satisfy you. If somebody can tell us what you want ---

KIMBER: May I share that frustration with you, Jeff.

VALENTINE: May I express an explanation? I think that a plan needs to be constructed that defines how he is going to address each of these things, and what it is he is going to do to satisfy each of these requirements. Or in the absence of that, if he wants to take blanket responsibility, is he going to make everybody happy with his reclmation plan. Then it is one of those two, Jeff.

THORNE: Well, obviously, nobody is going to -- it's impossible to make everybody happy. This started many years ago. I made the same comment, I think, that I am making now. Mr. Nielsen is interested in a quality project. He has some valuable real estate there which would be residential. The problem is, an appointed official of Willard City says, that's exactly the thing that I am afraid of. We don't need any of those people living up there looking down their

noses at us. Well, I am still at a bit of a loss. The Harper Plan, I don't have a copy of it right at my fingertips. Are there specific things that we can incorporate out of that, out of the ---

BEECHER: All it says, is that we will put seeding and fertilizer --

KIMBER: It was kind of a reseeding, as I interpret, as I interpret, rather than a reclamation plan. And I'm not an expert.

THORNE: Maybe the feelings are a little high here. Is it possible, maybe we could just table that and table this thing and you can get to the other issues, the other conditions and see if those are met; or would you rather resolve this? That's a pretty perfunctory statement to say "we'll reseed with these grasses." You say if you have something to incorporate with Monson's recommendation, do you just want something that says -- I still don't know exactly what it is he should be supplying.

BEECHER: My conception of a plan is something that is put down in a pictorial view. A picture is worth ten thousand words. If you can show a cross section of the slopes, how you are going to terrace them, how you are going to bench them as he has indicated. What types of plants you are proposing to put on them; and that you will be putting a Juniper every 20 feet, on the benches that you create; you will be putting an oak brush every 50 feet or a clump of oak brush every 50 feet. You will be putting the rye grass or whatever it is at "X" number of pounds per acre on the slopes, and that you want -- To me, if we have a drawing showing how that plan is going to be actuated, that we can look at. The statement of Mr. Harper's that he is going to seed it. All we can envision is that he is going to go up there with a hydro-unit and he is going to spray it on the hillside. That's the way I look at it, and if you have ever seen it on the freeways, I don't know if that's what they do anymore. Mr. Monson says you need to get the seed in the ground so it will germinate and grow. That's what I would see as a plan, something we can look at, we can see how you are going to do it, a pictorial view. I think of a landscape architect's drawing that you see around homes, that you see around other things that they have. You see them in plans when they go through -- when a highway goes through a forest area. They have plans showing how they are going to revegetate the slopes that they scar up. Now that's what I would think would satisfy me as a plan. I don't know what you gentlemen; if you want a written plan, that's another way of doing it, I suppose. To me a written plan is hard to digest, totally. I think the combination of both.

VALENTINE: There are some reservations, at least on my part, to tell him what I want to see in the plan. Because that says that, I am bound to accept it.

BEECHER: That's right. That's why I say, I don't want to tell him what he has to do. All I am going to say is that a qualified expert has to design that. And we are going to have to accept

the expert, the qualified expert, that he knows what he is doing. But I don't think that we have seen that, yet. All we know is that the side slopes are going to be 2 to 1 and that there is going to be grass seed put on.

NIELSEN: Can't we go into this first phase to get started on this, and we will get you a good plan by experts, either with the Forest Service people or somebody like that, saying what they recommend we do, and we'll do it. Can't we start doing something. I want a permit so we can start getting some of this stuff done. We will do it. We got a retention basin to build, we got channels to build, we got piping to get in. I don't see -- we can't scar enough mountain in 60, 90 days to do anything to anybody. If you people don't like the plan, you can say "Stop, Darrell, hold on a minute, let's get a plan in here that we can have, or that we can pass." And I don't see anything wrong with it. You people have got the authority to do that, so I don't know why we can't get this thing going. I would like to take material out and do things with this Willard Bay project. I think I got a right to do that. I don't think that's asking this Commission for anything too much. I been working on this for a solid year, getting everything, and nobody else has ever had to do anything like this, in the State of Utah. Look at Air Quality, $6,000.00 - $8,000.00 on Air Quality. One permit. I just can't follow all this.

KIMBER: I think your point is very well taken, Darrell. I think the requirements have been stringent, and I can understand the rationale, the reasoning for it. However, on the other hand, initially, when the twenty conditions were proposed, and put down, and that was one of the conditions; that however this Commission chooses to act on that, I think will have to be the way it is. I can appreciate your anxiety and concern about that. I think there have been some stringent requirements imposed on you. What is your pleasure, gentlemen, on that issue or any of the others that have not been completed? Could we have a motion? I think we have about beat it to death. Do you want to table that one temporarily, be thinking about it? Where do you want to move from here? The retention basin? Denny, would you like to review that, the letter has been received from the engineer.

BEECHER: Basically, his letter just states that we do not have any action, it is a letter from Richard B. Hall, Directing Engineer. "We have reviewed your plans for a gravel extraction at the mouth of -- In that your plan proposes to retain the flood waters from Cook Canyon into the excavation below the level of the original ground, a permit for a dam impoundment is not needed from this office. You are not proposing to build a dam; therefore, we have no requirements for impounding water in an open reservoir below the existing grade." I don't know that that can be more plain than anything. There is nothing needed for the upper one. We have the lower one.

KIMBER: Gentlemen, it was your request to have that letter in place before you address that particular item. Do you want to finalize that item?

THOMPSON: It's my understanding there will be no impounded water in there. In fact, no water will be retained in that area.

BEECHER: That's not true.

THOMPSON: There will be some?

BEECHER: Yes, a retention basin is that it retains all of the water and lets it seep and evaporate away. The reason that there is no requirement from the State Engineer is that it is all below grade. There is no earthen dam constructed that will fail. OK? What their proposal is that there -- that the bottom elevation of the pit area would be ten feet below the canal, so that anything that would come down would be retained in there and then seep away trying to recapture the alleuvial seepage that they have had before in the alleuvial fan.

THOMPSON: I am a little confused, Denton.

BEECHER: Well, you weren't here that day that it was proposed.

THOMPSON: Yes, that throws me. We are talking about the one up at the mouth of the canyon, there, aren't we?

BEECHER: No, we are talking about the one right up in the pit itself. Right in the bottom of the pit. The bottom of the pit is the retention basin.

THOMPSON: OK, now it is my concept that that particular retention basin is to bring the water in to that, and it's not in any means going to be large enough for a hundred year flood, but there will be provided an overflow to take it on down to the second detention basin, is that not correct?

BEECHER: Basically, that's correct. If the retnetion basin overflows, it would go down to the DEtention basin, which detains it and lets it go out.

THOMPSON: Well, from previous conversations here, I understood that there wouldn't be any water impounded up there. How much are we talking about?

BEECHER: Anywhere from 19 acre feet on up as he goes north; it is going to increase by every foot that he goes north.

THOMPSON: The depth. The depth at the deepest point, how deep is it going to be?

BEECHER: Ten feet deep.

THOMPSON: Didn't we decide that there had to be some method of taking that water out of there after the flood was over.

BEECHER: You weren't here on the meeting of the 5th when their engineer, Lew Wangsgard, explained it to us. Probably you need to read those Minutes, where he explained the purpose of what their design was in that retention basin. It is just a retention basin, and he told us that water wouldn't stay in there probably more than three to five days. It would seep away in the alleuvial fan.

THORNE: Wasn't really the only thing that was pending on that was that you wanted a letter from the dam safety engineer?

BEECHER: That's correct.

THORNE: As I understand, the question really is, you have got the letter, and the letter says it doesn't need to be approved.

BEECHER: Last time you were satisfied with everything except that you needed some assurance that that was or was not required.

KIMBER: What's your pleasure on that item, gentlemen? We have received a letter that we requested.

THOMPSON: I would make a motion that that satisfies the condition?

MOLGARD: Mr. Chairman, maybe I could make my point again, and ask again about the thirty day period. It seems to me that this particular letter, one of the 4:30 letters that nobody's really received. It seems to me an additional more than 30 day period was in here that the Planning Commission required seven to ten days filing before it would be considered here. It seems to me simple due process, and simple fairness, and you all, the citizens of Willard City, duty and fairness as well as Mr. Nielsen, simple fairness would be to not act upon this matter until at least the people of Willard City have had a chance to see it and a chance to comment on it. It seems to me simple fairness would have been to call Jack at 5:00 after they had come in and said "Hey, I got --"

BEECHER: We don't call Jack with every letter that comes in.

MOLGARD: Well, yah, I recognize you don't, and I don't have any problem with that; but for you to consider this met and adopt the thing as it is met, you are going back on all of your rules. If you are going to do it, I don't mind if you are going to do it; do it. But at least be honest and forthright about it and make it a part of the record, that you are ignoring those particular provisions. The thirty-day was a promise by this Commission to Willard City, as I see it. Nobody in Willard City had any warning today or tonight that that would be ignored. I recognize I have made you all mad, and that's life. I'm sorry.

THOMPSON: My motion still stands.

KIMBER: We have a motion, do we have a second?

GROVER: I would second that.

KIMBER: All those in favor? AYE: Any opposed?

VALENTINE: No. In recognition of the 30 day condition.

THOMPSON: Don't we have a point here that needs to be recognized? I didn't make a motion that we accept and sign the Conditional Use Permit. That wasn't my motion. Do you see what I mean?

VALENTINE: The only comment, I would make, Jon, it's kind of a moot point to hand the thing to Willard City and say "go ahead and review it." All I am saying is --

THOMPSON: I understand. OK.

GROVER: Basically, all he was accepting was the fact that we received the letter.

VALENTINE: He moved to accept the letter as satisfaction of the requirement of Number 10.

THOMPSON: That's what I said.

VALENTINE: So, what good does it do anyone to review it.

GROVER: It won't do them any good, because all the letter said is that there is nothing that we can do about it. Jack knows that as well as anybody. He has read it.

MOLGARD: As a matter of fact, I don't know that because I haven't seen it. There is another problem with the condition. The condition is not just that the State Engineer have the requirement to grant a dam permit, it's a lot more than that; and that's why I'm complaining about it. I'll complain as long as you people treat the citizens of Willard City unfairly and be dishonest with them, and that's what that is.

GROVER: I'm going to take exception to that one, Jack.

MOLGARD: You can take exception to it.

GROVER: And I'm going to tell you why. Here about a month ago, you come in with an emissions thing with your engineer, and you said: "Accept this, right now." Yes, you did.

MOLGARD: I'm sorry, but I didn't say anything like that. You can look at the Minutes.

GROVER: I've been reading the Minutes, that's why I said that. I been reading them.

MOLGARD: They're wrong. I'm sorry, Steve, and I apologize for being so rough with you, but the answer to it is --

BEECHER: Jack, the Minutes are not wrong. They are taken directly from the tape. The Minutes are taken directly from the tape. So they are exactly the words that people said.

MOLGARD: Did I say You accept it?

BEECHER: I don't know what you said.

MOLGARD: I don't know what I said either, but I am willing to ---

BEECHER: We are only saying the Minutes are taken exactly from the tape. So the Minutes are not wrong.

MOLGARD: Granted. I haven't seen the Minutes, but I'll back off.

KIMBER: I think the point is, Jack, that you're chastising; you are out of order in the first place, but you are chastising this group. You have made some of the same errors that this group has made. Your point is well taken. The reason for my initial comment concerning this 30 day issue. I can appreciate your point of view. Your point is well taken. Don't continue to emphasize it, please. What we are trying to do is pull all of these things together that were discussed last time when you were here. We are trying to get all of the information on each of the items. What is your pleasure at this point, gentlemen?

GROVER: Maybe we better address the 30 day thing, then; if there's no sense in going on if we are going to deal with the 30 day thing.

KIMBER: Mr. Molgard will raise the issue, and I guess viably so; I think he makes a good point. That's the reason I raised the issue at the beginning of this meeting. He does make a good point. But, again, I say to Jack and others, the issues that we are addressing now are not issues that I see need to take 30 days. They are things that have been rehashed. They are finalizing items. Mr. Molgard, engineers, others, have all had an opportunity to look at them for more than 30 days. But his point is still well taken.

MOLGARD: I don't mind if you are mad.

BEECHER: He knows better than that.

MOLGARD: The answer to it is that there was a rule set down here, I think, what I considered a promise. Maybe I am wrong, Steve, maybe it wasn't a promise.

GROVER: You took exception to it, though, that was the thing.

MOLGARD: The 30 day rule? If I did and somebody called me on it, I would be quick to back off. If you can show me in the Minutes where I did, I'll apologize about that. My only point is --

KIMBER: The 30 day rule, Jack, was ---

MOLGARD: It isn't even a 30 day rule in this particular instance because of the fact that it comes in a half hour before 5:00 when I had taken the specific effort to go up to Denny's office and get everything late in the afternoon. I waited until in the afternoon for that specific reason.

GROVER: What I would like to know -- is he on the Agenda?

MOLGARD: That's why he is out of order, and I'll acknowledge that. It's not the first time I've been out of order.

THORNE: One of the possible solutions other than on Item 3. All of the other documents which have been submitted here tonight are basically requests for items which have been discussed forever. I don't -- For instance, you have a letter from the State Engineer that says that the Flood District says "we'll accept it". I can't see a few letters take two years to discuss them. How that will affect the decision. Maybe you could waive the 30 day rule for those, and then you could come back to Item Number 3.

KIMBER: I think the point is well taken. Gentlemen, what -- any comment?

VALENTINE: I would comment. Item 3, being of the importance it is, needs the 30 day requirement. I believe that Item 15, at the present time, since we really have nothing than oral comments regarding the thing; our County Attorney has said this that they ought to have an opportunity to review that. I was just looking at 14 to see in regards to the engineer's estimates. Was that one satisfied?

BEECHER: No, that was not.

KIMBER: Those are new documents, and I think that would be the same category.

THOMPSON: We are moving to the next one, then. Before we do, Mr. Chairman, Junior Okada, here, he has got the answer to this one right here. Read it.

OKADA: Right here on Number 10. In the Minutes: "Mr. Breitenbeker: I think that we should approve Number 10 with the contingent that we receive the necessary documents from the State Engineer's office approving or disapproving whatever they do to this detention basin. Kimber: Do we have a second? Christensen: I second it." Now that's all that says, it is already moved, that as quick as they got that letter, this motion is through.

THOMPSON: That's right. You've had the 30 days, Jack.

VALENTINE: But that was the 5th of January.

OKADA: Then that wasn't 30 days.

BEECHER: But that didn't need 30 days. If just needed the letter to consumate it.

MOLGARD: Then I will withdraw my objection to 30 days being on the State Engineer's letter.

KIMBER: OK, Let's move on.

MOLGARD: But the rest of them, I don't feel that way about.

THOMPSON: It would be my suggestion that we move to the next item. This item has been dealt with. It has been approved.

KIMBER: Which was the next item, Denny, do you -- ?

BEECHER: The Flood District agreement. In your Minutes, does it have the same general motion?

OKADA: I think so. I think it does. It was so moved, and we have a second. Any discussion? It was passed.

KIMBER: Do you want to accept receipt of that document? I think the motion ought to read: to be that you accept the receipt of that document.

GROVER: I would make a motion that we received that document as we have stated in our January 5 Minutes.

KIMBER: Do we have a second?

THOMPSON: Say something about pursuant to what we are talking about here. Number 11, Condition 11.

GROVER: Pursuant to our discussion of Condition 11 --

OKADA: I so move that we have received the documents to fulfill the applicant for Item No. 11, and that it has to do with the detention basin.

KIMBER: Do you want to specify that's the letter from the Flood District?

OKADA: This is from the Flood District that they accept the Quit Claim deed. That we accept Condition Number 11 - It's in there.

KIMBER: Do we have a second?

THOMPSON: I will second his motion.

KIMBER: Any discussion on that? I still think the point of

the thirty days maybe ought to be addressed on this. I feel comfortable accepting the documents, but I believe the point is well taken on the thirty day provision. That's the only comment I would add. You have a motion and a second, all those in favor: AYE. Any opposed?

VALENTINE: Again, NO, for the same reason.

END OF TAPE #2, SIDE 1, BEGINNING OF SIDE 2:

KIMBER: I believe my comments were that at this point how we would use those was not determined.

GROVER: According to 12 here, though, it was.

KIMBER: That we accepted it, and they received it?

GROVER: Accepted and received.

KIMBER: Yes, that's what I said.

THORNE: Is that the one that you didn't think additional letters were coming?

GROVER: All that called for was letters. It didn't say what the comment would be on them, or nothing. It just said that they needed those letters. All we are doing is trying to get a clarification.

OKADA: Don't we need to deal with, oh, 14, excuse me.

KIMBER: Yes, on 13, there is no discussion. You have in your packet some bids on that item.

BEECHER: On the Engineer's Estimate, there has not been sufficient time to review this, and I would think that this was one that ought to have the thirty days, maybe.

THORNE: Is thirty days really necessary?

NIELSEN: How much could be changed in that, Denton?

BEECHER: I don't know. I have no idea. I wouldn't think there would be that much. All I can say is I have not had a chance to review it in the thirty minutes. I don't know whether these gentlemen have had a chance --

THORNE: My experience is not necessarily with gravel pits, but I do represent some municipalities. Basically when an engineer submits an estimate, you have your engineer review it; and if it looks like it's in order, it's approved. That's a five day process on the longest. It seems to me basically all the County needs to do is have their engineer approve and see if those estimates appear to be in order. I don't see why thirty days is particularly necessary or relevant on that issue. It's not a policy decision.

BEECHER: I am not going to argue that issue, or agree with you. I just say that I have not had time to review it and give my comments on it.

THORNE: Judging from subdivisions, he does a pretty adequate job on those.

VALENTINE: But Jeff, the question comes to mind, if there is

going to be one requirement of thirty day review, what does it matter how many more?

THORNE: Well, I am glad you brought that issue up, Commissioner. I was of the opinion that this body would have been wise to have addressed each item as it was submitted to them initially. I think had that been done, we wouldn't be looking at bidding deadlines to get a reclamation plan. If that said item had been submitted for many weeks or months prior to this, and it never really had been addressed by the Commission. I think that an applicant should really be treated in fairness. If the thirty days is necessary, and apparently people think it is on the reclamation plan. This is really a review of an engineer's estimate. If Mr. Beecher can review that in five days, I think it would be to Mr. Nielsen's benefit to have it done with and out of the way so we didn't have to debate it thirty days from now. We could really come to the crux of the issue. Just to housekeep and get them out of the way and get on with life.

VALENTINE: I don't disagree with that, but it would seem to me that, if you are going to spend thirty days on one, that establishes the period as thirty days. I understand what you are saying, and it would facilitate moving along.

THORNE: Some of us aren't too thrilled with thirty days, anyway.

KIMBER: Do you want any other discussion? This item, we just have not had time to review that, and I don't disagree with you, Jeff, on the thirty days. I have expressed that several times this evening.

THOMPSON: Mr. Chairman, could I make a statement about this. Would it be appropriate if these conditions that we have just made the motion to accept, that they be given Willard City or their representatives an opportunity to review them and make comment. If there is anything that is justified in there, in their communication to us, that those things could so be implemented.

KIMBER: I am assuming that you are saying that just as a comment.

THOMPSON: Yes, I am. It's not a motion, yet.

KIMBER: Any reaction, gentlemen?

BEECHER: I don't know which one he is referring to.

THOMPSON: We made two of them, now.

BEECHER: Well, the two letters are going back from an old action, and the letter has been submitted that sufficed it. I don't know what other comment can be made on that.

THOMPSON: Well, what I am saying is, there have been two motions made, that we accept that condition, not just the letter.

BEECHER: The motion was made last week -- on the 5th. That when that letter came in, it was a conditional motion, that when that letter came in, the motion would be completed. All we are doing is saying the letter has come in, the motion is completed.

THOMPSON: The only thing we have not complied with is the thirty days --

BEECHER: IT has nothing to do with it because we made action last time.

KIMBER: I feel comfortable with those. The other items that we are talking about -- I wouldn't feel comfortable. Maybe we ought to, with the exception of the Hold Harmless, the reclamation, the engineer's estimates.

BEECHER: Basically, I have got, there are five issues that still -- 3, 4, 5, 14, and 15; now have I missed something?

THORNE: I thought four was approved.

BEECHER: Well, that was the one that was thirty days from the 5th of January. That was on the plan for the retention basin. That was in the Minutes from the 5th of January that that one had to have the thirty days. That was the plan on the retention basin, the drawing that Wangsgard designed, redoing and going from a nine acre foot to a nineteen acre foot basin.

VALENTINE: That's the one they have presented to the Flood District, Lonnie, that they drew the thing down there in the City Hall that night with the new outline and how they plan to do it. There was, I think some question, on the part of Keith Hansen, whether the thing was going to take care of all of the water, but what I am hearing is they reviewed it and approved that plan on the 5th of January.

BEECHER: Five is the safety traps, the runaway traps, which have just been submitted to us tonight. In my quick notes, it was those five items you are referring to the thirty day limit.

GROVER: Five don't have anything to do with that trap.

BEECHER: Isn't it the permit from the UDOT? UDOT was the safety factors. So the safety factor is the sand trap or the --

GROVER: Now you asked for that drawing.

BEECHER: The Planning Commission asked for the drawing specifying, telling us what the specifications were for a runaway truck.

GROVER: Right, but you approved Number 5 the last time around, didn't you?

BEECHER: If you will read it, I think it says that you were requiring drawings for the sand traps, if I remember correctly. We have no specifications on the length, the width, the depth. It just said UDOT Standards, and we want to know what those standards were.

VALENTINE: "moved that Condition Number 5 has been met with the permit being received, but we would still like the detail on the construction of the trap included in with it." (read from Minutes)

GROVER: So all you got to approve is just that thing on the trap.

BEECHER: And that's the thing we received tonight.

VALENTINE: It says it's been approved, and we would just like the drawing.

BEECHER: If you want to act on that, that hasn't been dealt with.

KIMBER: I think all we need to do is acknowledge that that has been received. Let the record show that that design has been received. So we are really looking at 3, 4, 14, and 15. Right?

THOMPSON: It's Number 5, that's the one that we wanted the detail, Condition Number 5, and we have that now. Like Richard says, all that requires is a motion that we have received it. But we can't really say that we accept it yet. Nobody has really seen it, have they? We have accepted whatever they are going to send, in other words, that's what it says.

KIMBER: And then I indicated, let the record show that we have received the specifications from UDOT.

THOMPSON: I would make that motion that we have received the specifications as required by Condition 5 from Utah Department of Transportation.

KIMBER: Second?

GROVER: I would second it.

KIMBER: All those in favor? AYE. Any opposed? Items 3, 4, 14, and 15.

VALENTINE: Is a motion necessary with the thirty days already in place?

KIMBER: Maybe not.

THORNE: Would you consider waiving the thirty days? In view of the inordinate amount of time that this has gone, and the number of times these things have been reviewed, is thirty days necessary?

KIMBER: I've expressed my feeling about that. I --

VALENTINE: I think I have. I believe that Willard City is entitled to a review of that reclamation plan, Jeff.

THORNE: I appreciate that in view of the comments that Willard City doesn't want to have any input to the thing. All they want to do is decide whether it is met or not. It seems to me that this process could go on into infinity. It's gone on for a year now.

MOLGARD: I don't believe that was Willard City's comment. You can characterize us the way you want, but I don't believe that was Willard City's comment.

THORNE: Do any of you disagree that was a comment?

VALENTINE: I disagree with that, in that, it's my opinion that this body will make the decision as to whether it is adequate or not. And not Willard City, but I think they are stil entitled to a review.

KIMBER: I guess the question at this point, Bob, do you think the thirty days is necessary?

THORNE: The thirty days was imposed three fourths of the way

through this Conditional Use Application. This Conditional Use Application was sought in, I think, December or January a year ago. Thirty days was imposed in December of this year, in the absence of Mr. Nielsen or his representative. Now I ask you the question, is that thirty days requirement really necessary? If they had serious qualms about that, I think, frankly, ten days is more than adequate time to review those plans and get their comments.

KIMBER: At this point I would agree with you. At the time it was imposed, ten days was not adequate to review the data that we were receiving.

BEECHER: Well, basically, the thirty days was put because that was our meeting time, which is once a month.

KIMBER: On that basis, I would defend the thirty day provision. At this point I would concur with you. How do you want to address those four items, gentlemen? Do you want to retain the thirty day provision? Do you want to change the thirty days to a lesser amount? I feel that Willard City has a right to have an opportunity to review those. I don't think it should take thirty days. At this point, with the number of items remaining --

VALENTINE: Well, is the intent, Mr. Chairman, to meet more frequently than the thirty days, and the question is really, if it is going to be thirty days before we meet again, they have everything with the exception of the reclamation plan, that's been provided now for review, so --

THORNE: The concern I have is if you give them thirty days from the time they are submitted, there is no way that you can make that by the next meeting, and then you are looking at March before you can --

KIMBER: I think this is the point --

VALENTINE: Then I guess I would feel far more comfortable if Mr. Nielsen would prepare his reclamation plan in the next ten days and we submit the thing to Willard City, and they have got twenty days to review it. Then I don't feel that up tight about - -

THORNE: I think ten days is adequate time. The reasons I say that is I am not sure that any of us know who the expert is that can do this. If we had an expert on board today who satisfied your needs, we could maybe get it in ten days; I don't know.

NIELSEN: I don't know of anybody that we could get right now.

THORNE: Who is the expert? I would recommend that ten days would be adequate time. Many legal matters are not given that much time.

MOLGARD: Could I calmly make the comment about how we feel about it now? I sort of agree with Bob Valentine, there; maybe twenty days is an adequate thing. However, I do understand Mr. Nielsen's problem. I won't say that I wouldn't like to take full advantage of that problem, because I obviously would; but everybody

knows that. I have been up front with everybody about that. But, it seems to me, that maybe I would be prepared to say twenty days is adequate, rather than thirty days. Ten days is kind of short. When you get them exactly ten days and you got to distribute them to who you got to distribute to; and there is a weekend in between, you come a great deal less than that. Let me make a suggestion. Give us twenty days from the time he submits the plan. Don't put his matter back on the Agenda until he does submit it and then hold a special meeting and handle that. You can't do -- you are not going to generally do the other business anyway. If he's fifteen days, then maybe you hold a special meeting the week after. And that's going to give everybody an adequate opportunity, and it is going to be fair to him to get at it. I wouldn't have any trouble with the twenty days.

OKADA: Would you negotiate for fifteen? Split the difference?

MOLGARD: No, I have already negotiated for twenty, and I am not negotiating here. I don't have --

KIMBER: We're not either, Jack.

MOLGARD: I know that. It seems to me Bob Valentine's suggestion is correct, and the only additional thing -- I want a good plan. I have to acknowledge, I don't want this pit; but if we are going to have the pit, I want to see a good plan so that it is reclaimed in a good way. No doubt about that. That's kind of cross purposes, and I acknowledge that, but I want to see that done; and I want to see him have adequate time to do it without worrying about it. Agreed, give him a special meeting if he needs it, but give us the twenty days.

THORNE: The concern I have with the twenty days, is simply logistics. Your next meeting is probably, what, the third Thursday in February? The 16th? So we are probably looking at less than thirty days right now, aren't we, to that meeting?

KIMBER: I think Mr. Molgard's point of a special meeting -- we have held special meetings on this already on this issue, and I would not be opposed to doing that to facilitate this.

THORNE: My comment is that I am not sure that within ten days we can get that in, and therefore, wouldn't be able to meet that. If we do that, there is a severe economic disadvantage to Mr. Nielsen. I guess the feeling I am getting around here is probably, if we can get a letter of a plan which incoporates Monson's ideas; as at least some of you have expressed that that is probably what we need. They have that letter now. I would think ten days is enough time. If it appears that it's not adequate time, there maybe can be some flexibility. There is an economic need to have this decided.

BEECHER: From the design point, the reversal of what's been suggested is more desirable. The guy designing it should have the twenty days because it is going to take him a little longer possibly

to get everything put together to design it, and the review process should be the shorter period. It's kind of difficult to say that you got to design it in ten days, but you got twenty days to review it. It should be the reverse of that.

VALENTINE: Aren't we wasting a lot of time talking about hypothetical things: if I can get it done in twenty, you get it for ten. It might be six months before it is done. It could be. I am merely saying, until you got something laying on the table, it's not really --

BEECHER: I would say that if Mr. Nielsen gets it in adequate days prior to our next meeting, that it goes on the Agenda.

VALENTINE: I think Dick had a very good solution; that if once we have got the thing, whatever review time, and if we need special meet, have a special meet. I don't think anybody would like to see the thing completed more than --one way or the other.

KIMBER: And I think -- Junior?

OKADA: I think that here you have the volume of everything that's all submitted, you are looking at just little things, now, and I don't think you need that much time to review anything for 30 days. If you want to do something, you can do it. If you want two days, you can do it in two days. If you want ten days, you will do it in ten days. Just like a grocery store, if you leave it open till 12:00, somebody will walk in at 12:00, fifteen after twelve. But I think ten days is appropriate. I think it is fair to Mr. Nielsen, it's fair to Willard. They can do it. If they want to review it in ten days, they should be able to review it in ten days. If they want some input from some other places, they can do it in ten days. No matter where it falls, you have got at least eight working days to review it. I think that's plenty. You are not going through a volume of statistics. You are going through just the plan that he will submit. You will review the bid, and that's about it. That's the only thing you have got to review. I think both of those are not over two pages.

KIMBER: Do you have at least a suggestion for a ten day review period? After the documents have been received. Is there any discussion on that? Do you want to make that in the form of a motion? With the stipulation that a special meeting will be called to facilitate the action? That there would be a ten day review period?

VALENTINE: I don't think it's necessary until you have got something to take action on. That's my basic feeling, I'm sorry, but --

THORNE: I think it is in order that we have some time frame, with what we are dealing with and still perhaps meet the bid deadline. I can assure you that Mr. Nielsen will have that item as soon as we can get an expert to gear it up. If we are sitting here deciding whether we need thirty days, or -- the decision can be made now as well as then.

BEECHER: Can't you make the motion that upon receipt of his material, that we submit it to Willard City; they have got ten days to review it and make comment, and we will fit it into our meeting schedule? Our meeting will be held after that ten day period, if that's what you decide on is ten days. But our meeting will not be held prior to that ten days. Whenever the material -- maybe the material won't come in for two months -- but we have got to give Willard the ten days or the "X" number of days you agree on from the date he submits his information.

VALENTINE: Well, I would feel more comfortable if I saw the plan and had some idea of the complexity, if it was a stack of documents this high, and to say go digest this and tell me what you think in ten days. If may not be fair.

BEECHER: All right, then give me some guidance. When it comes in, what do you want me to do? Put it on the next Planning Commission Agenda? So if he submits it on Wednesday, do I put it on Thursday's Planning Commission Agenda?

VALENTINE: You are going to have -- if you want give them ten days now, they have agreed to twenty, and you want to cut it to ten. I guess you could do that. You could also cut it to two.

BEECHER: Right. Give me the days, that from the time I receive that document, that I can schedule a Planning Commission Meeting. The minimum. That's all I am asking. Because the way I am getting it right now, I don't know how to do it. Because I have got to have some time to advertise legally, and so forth, if you have a special meeting. So give me some guidelines as to whether I can put it on the next regularly scheduled Planning Commission Agenda, or we hold a special one "X" number of days lead time.

OKADA: You have to remember that the Planning Commission, here, has to digest that information, too. If Willard City receives it ten days, then the Planning Commission members will have ten days to digest it, too. And so it will work out. We cannot receive it one day and the next day you have a Planning Commission meeting. Then you won't have time to digest it and research it.

BEECHER: That's what I am asking is, give me that lead time that you have got to have, 10, 20, 30.

THORNE: The ten days is the standard time for all Planning Commissions which I know to function in the area. I think that was your prior rule, was ten days, wasn't it?

KIMBER: What's your pleasure, gentlemen?

OKADA: I so move that we rescind the thirty day, and we allow Willard ten days review after receiving the documents, and the Planning Commission will receive the same documents at the same time, and that we will hold a special meeting after that, provided it doesn't fall on a regular meeting.

KIMBER: We have a motion, do we have a second?

GROVER: I would second that.

KIMBER: Discussion? Bob?

VALENTINE: After receipt, it will be forwarded to the Planning Commission and Willard City and a meeting held to take action after ten days, is that your motion?

OKADA: Right. Providing, the special meeting will be held, providing it doesn't fall on a regular meeting.

VALENTINE: OK, if the thing came in and it was fifteen days to the next scheduled Planning Commission meeting, it would then go to fifteen.

OKADA: No, it would go ten.

VALENTINE: So we would have a special meeting, and five days later have the regular meeting.

THOMPSON: Could I suggest that it be no sooner than ten days.

VALENTINE: One of the things that I think we are doing. We are running out here to meet a date, that we don't know what it is, as far as the bid submission date. I am sure that everyone wants to accomodate Mr. Nielsen and afford him this opportunity, but we are really losing track of what we are trying to do, and that's do an adequate review of these documents, and take the appropriate action.

OKADA: I think that in ten days you can review them.

VALENTINE: I don't disagree that you can do it in ten days, but why do it in ten days, if they are asking for twenty, and he doesn't have to submit a bid for 90 days.

NIELSEN: We don't know that, though.

THORNE: Let me just indicate -- if there's a problem, if you are getting close to the regular meeting, we are not going to insist on that; so, if the bids aren't called to be let, and it's not a significant problem, I don't think -- the thing has set for eleven years, a few days more or less, other than the economic aspect of it. I would say that with the motion that has been made and seconded, if it comes close and there is not an urgent -- I think we could meet with Mr. Beecher and see that that's scheduled in the proper time. I can appreciate that you folks' time is valuable too. You have already given, I don't know how many hours on this project. If it does require special meetings --

OKADA: I rescind that motion and incorporate no sooner than ten days. At least give Willard ten days, regardless.

KIMBER: You withdrew your motion, then?

OKADA: Yes. No sooner than ten days after they receive the documents.

VALENTINE: And Mr. Beecher would make the decision as to when that would fall?

OKADA: Yes.

BEECHER: If it is within a few days of the regular meeting, it can go to the regular meeting.

OKADA: Right.

BEECHER: As long as it's longer than the ten. If it is shorter than ten,--if he submitted it and there were eight days from the day he submitted it to the Planning Commission meeting, then I would not put it on the Planning Commission meeting Agenda.

VALENTINE: But in the event that the bid submission date hasn't been established, it could then very conveniently slip to the regularly scheduled meeting.

BEECHER: Yes.

KIMBER: We have a substitute motion. Do we have a second?

GROVER: My second still stands.

KIMBER: Any other discussion? All those in favor? AYE. Opposed? OK, Motion carries.

THORNE: May I just briefly -- I appreciate that Item No. 3 needs submittals. Item 4, as far as you know, are all of those items in?

BEECHER: Item 4 has been submitted. Yes.

THORNE: Fourteen has been submitted unless it is modified or altered by you. Item 15, I guess Mr. Bunderson needs someone from this body or somebody to address the request item made in my letter. So other than Item 3, there is no other specific things that Mr. Nielsen needs to furnish to this body.

BEECHER: That is correct.

NIELSEN: Let me ask one question, if I can. May I ask one question? How far do we have to go on this first plan on revegetation? I don't think there is any sense going clear across the whole project, because maybe things will change by --?

VALENTINE: You should ask that question of your expert.

NIELSEN: Well, I am asking this committee, right now. There is no sense me doing three phases, if one is sufficient, which I would think it is.

KIMBER: I don't know that I could answer that. I don't know whether you are going to cover ten acres, twenty acres -- I think the plan could be made such that it would be expandable to cover whatever area necessary. I think that if it incorporates the things that have been discussed by this group, I think that's really what we are asking for.

THORNE: Maybe something on the basis of area, no more area than needs to be refurbished.

KIMBER: Well, that's what I say. It should be expandable to accommodate that.

OTHER AGENDA ITEMS:

Mr. Ned Fairbanks, South Willard, requested approval for a private road (right-of-way) one rod wide in order to construct a house on property owned by him. Mr. Christensen made a motion to recommend to the County Commission approval of the request with the stipulation there would be a provision for widening the road

to thirty feet wide. Mr. Grover seconded. None opposed. The motion carried. Mr. Beecher advised the Planning Commission that Mr. Fairbanks has a right-of-way deed to the one rod width.

Mr. Roy Lemon, South Willard, requested a zone change for his property in South Willard from RR-120 to RR-20 in order to comply with County zoning requirements and still operate an existing fruit stand. Property joining his to the north is now zoned RR-20. Mr. Thompson made a motion to recommend the County Commissioners approve Mr. Lemon's request. Mr. Grover seconded. None opposed. The motion carried.

Mr. Grover made a motion to adjourn at 10:15 p.m. Mr. Christensen seconded. None opposed. Motion carried. Meeting adjourned.