Planning & Zoning Commission Meeting County Administrative Offices, Duchesne, Utah May 2, 2012 - 5:00 p.m.

In Attendance were:

John Jorgensen, Planning Commission – Chairperson Dean Burton, Planning Commission Randy Mair, Planning Commission Ken Moon, Planning Commission Kathy Giles, Planning Commission Mike Hyde, Community Development Administrator CoraLee Sanchez, Planning Secretary

Visitors:

Richard Fitzgerald Vickie Fitzgerald	Chapman CUP
Ryan Fitzgerald	ű
Randy Fitzgerald	u
Brent Fitzgerald	"
Ryan Chapman	íí.
Jason Danley	"
Jason McKenna	u
Marlene Tanner	и
Ryan Harvey	и
Gene Henrie	ii .
Jennifer Jessen	и
Lane Larsen	и
Roland Uresk	и
Walt Burdette	"
LouAnna Burdette	и
Rick Miller	"

Chairperson Jorgensen opened the meeting at 5:00 PM.

Chairperson Jorgensen asked if any of the Planning Commission had any ex-parte contacts associated with any item on the agenda. Commissioner Jorgensen stated he will excuse himself from the Crozier hearing for personal reasons. There were no other disclosures so the hearing proceeded.

PUBLIC HEARINGS:

A. Request by R. Chapman Construction Inc. for a Conditional Use Permit to

extract earth products and crush rock from lands owned by D.J. Crozier Land & Livestock LLC. The mining site consists of about 28 acres of a 230-acre parcel located west of Highway 40, South of loka Lane, in Section 2, Township 3 South, Range 2 West.

Mr. Hyde referred the commission to some photos of the proposed gravel pit and crusher location and stated the applicants are applying for this permit to authorize a gravel pit and rock crusher on about 28 acres of a 230-acre parcel owned by DJ Crozier Land & Livestock LLC. Extraction of earth products is a conditionally permitted use in the A-5 zone. It is anticipated that rock from this location will be used to construct new oil well locations in the area (Newfield) and for other construction purposes.

Some findings and conditions for approval are as follows:

1. The proposed use at the proposed location will not be unduly detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or general welfare.

Mr. Hyde stated the extraction of earth products can be detrimental in terms of noise and dust during operations. Surface disturbance results in noise from operation of equipment, windblown dust and dust from equipment movement. However, if the applicant and operators comply with dust and noise standards, the proposal is less likely to be injurious to public health, safety or welfare.

Detrimental impacts can also occur if the extraction area is not reclaimed properly. The county has "material pit finishing" standards that should prevent the applicant/operator from leaving eyesore or hazardous conditions when mining is completed. The applicants have entered into an agreement with the property owners addressing reclamation.

Detrimental impacts can occur if excavation results in sedimentation of adjacent waterways. There is a waterway to the north of the proposed excavation area that will need to be protected. Such protections are afforded through the DEQ industrial storm water permit process. According to maps prepared by the Utah Division of Drinking Water, the property does not lie within any drinking water source protection zones.

Mr. Hyde stated rock extraction activity and the associated heavy hauling may be detrimental to public improvements in the vicinity; especially county roads. In this case, the applicant proposes direct access to loka Lane, which is a paved state highway. There are no plans to direct heavy truck traffic from this proposed gravel pit to county roads such as 5000 West or 4000 South. Conditions of approval should be considered to ensure that all heavy hauling is directed northward, across the Crozier property, to Highway 87 rather than to county roads that are not built to handle such traffic. The applicants will need UDOT approval to either construct a new access to Highway 87, or modify an existing highway access permit, to serve this proposed gravel pit.

The county Nuisance Ordinance sets forth time limits during which noise is permitted (7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays). These time limits will be enforced during mining activity at the site.

2. The proposed use will be located and conducted in compliance with the goals and policies of the county general plan and the purposes of this title.

The Duchesne County General Plan contains the following statements with respect to mining activities: "Today, extractive-use industries: livestock, timber, mining, and oil; remain the backbone of the region's economy. The County continues to encourage and support these industries, acknowledging that industry patterns, fluctuating markets, and changing political winds predict periodic good times followed by lean."

In this case, the applicants intend to use the rock products to support construction associated with oil drilling in the area and for other construction purposes, which is beneficial to the economy of the county and in compliance with the general plan.

Some additional criteria for approval may include:

3. That the property on which the use, building or other structure is proposed is of adequate size and dimensions to permit the conduct of the use in such a manner that will not be materially detrimental to adjoining and surrounding properties.

Mr. Hyde stated the proposed mining would take place on about 28 acres of this 230-acre parcel. The crusher must be kept at least ½ mile away from dwelling units. The anticipated conditions of approval, if adhered to, will enable the use to be conducted in a manner that will not be materially detrimental to adjoining and surrounding properties. The request has been submitted to the Duchesne County Road Department for review and comment. The Road Department has suggested a prohibition on the use of county roads in the area for heavy hauling associated with this proposal. There have not been any additional comments.

Some additional criteria for the extraction of earth products are:

A. **Dust Free Condition**: Must be maintained in a near dust free condition. A dust control plan shall be provided by the applicant to the county, the Tri-County health department and the state DEQ. Rock crushers shall have a DEQ air quality permit in effect during operation, with a copy of such permit provided to the county, unless the crusher is considered exempt from permit requirements by the Utah DEQ. Watering the site and street during times of operation is considered maintaining a near dust free condition;

Mr. Hyde stated a dust control plan must be presented by the applicant to the TriCounty Health Department for approval prior to operations beginning. The applicant must follow this plan to control dust at the extraction site and along the haul roads. A

DEQ air quality permit must be obtained and a copy provided to the county before crushing operations begin.

With extraction and crushing of rock, haul roads between the pit and the nearest paved road can generate dust and heavy truck traffic that can be a nuisance for nearby dwellings. Dust control efforts will be needed at the extraction site and along the access roads, when material is being hauled. Such control efforts will help mitigate dust impacts.

B. **Bond Required**: A bond shall be issued in the amount of five thousand dollars (\$5,000.00) for the first acre, and three thousand dollars (\$3,000.00) for each additional acre from which such material is taken as a guarantee of reconditioning. The number of acres must be specified on the conditional use permit and cannot be enlarged or modified until the issue is re-presented to the planning commission for a new conditional use permit and the enlargement or modification is approved. This bonding requirement may be waived in writing by the property owner but such waiver does not waive the reconditioning requirements.

Mr. Hyde stated the property owner has not waived the bonding requirement. Bonding will need to be submitted to the county by the operator, based on the number of acres to be disturbed at any one time before reclamation. The applicant has stated that they will likely disturb and reclaim five acres of land at a time. Bonding for that amount would be \$17,000.00.

C. **Reconditioning:** Reconditioning, in a manner agreed to by the county, the property owner and the applicant, to assure the surrounding property is protected along with the beauty of the landscape. Guidelines known as the *Material Pit Finishing Standards* on file at the County Planning Department are suggested for use in reclamation planning.

Mr. Hyde stated a copy of the "Material Pit Finishing Standards" are in your packets and used by the County to determine how reconditioning is to be accomplished. The applicant and his authorized agents shall be subject to these standards. During operations, the property shall be maintained in a condition that is not hazardous, with any hazardous areas being signed and fenced.

D. **Distance Requirement For Rock Crushing Operations**: Rock crushing operations must be a minimum of one thousand three hundred twenty feet (1,320') from any city, town or residential use.

Mr. Hyde stated the rock crusher location is proposed to be set back over ¼ mile from the nearest dwellings; which are: approximately 1,650 feet south on the Burke Lindsay property, approximately 1,930 feet northeasterly on the Rita Brumfield property and approximately 2,180 feet southeasterly on the Sue Collier property.

Mr. Hyde recommends the Planning Commission approve the Conditional Use Permit requested by R. Chapman Construction, Inc. for extraction and crushing of earth products, subject to the following conditions:

- 1. Owner(s) and their agent(s) shall control dust and noise so neither becomes a nuisance.
 - a. The dust control plan approved by the TriCounty Health Department shall be implemented throughout the course of the operations by the owners or authorized agents. Dust control agents shall be applied at the gravel pit and on the private and public access roads between the pit and paved roads during periods of hauling.
 - b. A DEQ Air Quality permit shall be obtained and a copy provided to the County prior to the start of crushing operations.
 - c. Owner(s) and their authorized agents shall comply with the construction activity noise time limits of the Duchesne County Nuisance Ordinance. In that ordinance, noise from mining and crushing is allowed only between 7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays.
- 2. Before mining operations begin, owner(s) or their authorized agents shall provide surety bonding to the County in the amount of \$5,000 for the first acre and \$3,000 for each additional acre of surface disturbance; said bonding to be refunded or released only after reclamation occurs in accordance with the Material Pit Finishing Standards and any private agreement between the pit operator and the property owners.
- 3. Owner(s) or their authorized agents shall reclaim the property in accordance with the county's "Material Pit Finishing Standards" and protect the public from any hazardous conditions on the site.
- 4. Owner(s) and applicants agree that no truck traffic from this excavation area shall be permitted on the county roads known as 4000 South or 5000 West. The sole access from the rock excavation and crushing location shall be via a direct access to Highway 87 (loka Lane) across owner's property. Before such an access route is constructed, owner or his authorized agents shall receive a road access permit from the Utah Department of Transportation.
- Before excavation begins, owner(s) or their authorized agents shall obtain an industrial storm water permit from the Utah Department of Environmental Quality, Water Quality Division.

Mr. Hyde read the comments he received by e-mail from Barbara Smith having no problems with the proposal, Phil Brotherson and Gayle Crowley who are both opposed to the proposal.

Mr. Hyde asked if there were any questions of the staff report. There were none so the applicant was invited to speak.

Ryan Harvey, R Chapman Construction representative stated the noise and dust will not be an issue they will have the permits in place before production begins. Since this is an industrial area this location will be beneficial for all parties involved. Mr. Chapman stated they will be constructing an access road directly to highway 87 instead of using the county roads that are not built for the heavy traffic and are working with Fess Scott at UDOT for their access permit.

Mr. Hyde stated there could be spacing issues but Mr. Chapman stated Mr. Scott did not think that would be a problem. Mr. Hyde also asked about the dry winter and spring we have had and the dust complaints that will come. Mr. Chapman stated there would be a water tank and sprayers at the location to control the dust. Mr. Chapman let the commission know they will comply with the conditions and they want to be good neighbors.

Commissioner Burton asked Mr. Chapman what their water source would be. Mr. Chapman replied it would be out of Roosevelt and have talked to Johnson Water but do not have any final plans.

Commissioner Mair asked if there were any other comments either in favor or against the proposal. There were none so the hearing was closed.

Commissioner Burton motioned the approve the Conditional Use Permit requested by R. Chapman Construction, Inc. for extraction and crushing of earth products, subject to the conditions stated in the staff report. Commissioner Moon seconded the motion and it passed unanimously.

Commissioner Jorgensen came back to the hearing and Commissioner Mair excused himself as he has had contact with Chapman Construction with right of way issues with his employer Questar on the Fitzgerald properties.

B. Request by R. Chapman Construction Inc. for a Conditional Use Permit to extract earth products and crush rock from lands owned by Richard and Vickie Fitzgerald. The mining site consists of about 56 acres of a 290-acre parcel located on the west side of 4000 West, south of Myton, in Section 35, Township 3 South, Range 2 West.

Mr. Hyde referred the commission to a site plan, some aerial photos and photos of the surrounding area from the Burdett property in their packets. The applicants are applying for this permit to authorize a gravel pit and rock crusher on about 56 acres of a 290-acre parcel owned by Richard & Vickie Fitzgerald (Myton View Farms). Extraction of earth products is a conditionally permitted use in the A-5 zone. It is anticipated that rock from this location will be used to construct new oil well locations in the area and for other construction purposes.

After highlighting sections of the staff report Mr. Hyde stated this permit is much like the last hearing with the same conditions and criteria such as controlling noise, dust and

reclamation, bonding, access roads for hauling and working with the Utah DEQ and Tri County Health Department. The applicant will also need to follow the county nuisance ordinance which time limits are enforced during mining activity at the site. After some discussion about the right of ways with Questar there will be a 6th condition stating the applicant will need clearance from Questar before mining can begin and provide the county with a copy of that letter.

Mr. Hyde recommends the Planning Commission approve the Conditional Use Permit requested by R. Chapman Construction, Inc. for extraction and crushing of earth products, subject to the following conditions:

- 1. Owners or their authorized agent(s) shall control dust and noise so neither becomes a nuisance.
 - a. The dust control plan approved by the TriCounty Health Department shall be implemented throughout the course of the operations by the owners or authorized agents. Dust control agents shall be applied at the gravel pit and on the private and public access roads between the pit and paved roads during periods of hauling.
 - b. A DEQ Air Quality permit shall be obtained and a copy provided to the County prior to the start of crushing operations.
 - c. Owners and their authorized agents shall comply with the construction activity noise time limits of the Duchesne County Nuisance Ordinance. In that ordinance, noise from mining and crushing is allowed only between 7:00 AM to 9:30 PM on weekdays, 8:00 AM to 9:30 PM on Saturdays and 9:00 AM to 9:30 PM on Sundays and holidays.
- 2. Before mining operations begin, owner(s) or their authorized agents shall provide surety bonding to the County in the amount of \$5,000 for the first acre and \$3,000 for each additional acre of surface disturbance; said bonding to be refunded or released only after reclamation occurs in accordance with the Material Pit Finishing Standards and any private agreement between the pit operator and the property owners.
- 3. Owner(s) or their authorized agents shall reclaim the property in accordance with the county's "Material Pit Finishing Standards" and protect the public from any hazardous conditions on the site.
- 4. Owner(s) or their authorized agent(s) agrees to obtain an approach permit from the Duchesne County Road Department for the new or modified access road approach from the South Myton Road to the gravel pit.
- 5. Before excavation begins, owner(s) or their authorized agents shall obtain an industrial storm water permit from the Utah Department of Environmental Quality, Water Quality Division.

6. Applicant shall receive clearance from Questar Pipeline before excavating near their pipeline(s) or driving heavy loads over their pipeline(s). A copy of such clearance shall be provided to the County. (added during the hearing)

Mr. Hyde asked if there were any questions of the staff report. There were none so the applicant was invited to speak.

Ryan Chapman, an R Chapman Construction representative stated they are trying to get closer to the work and construction areas. This is also like the last hearing they will work with the Utah DEQ, Tri County Health, Duchesne County Road Department and Questar. The water will be provided by Johnson Water for dust control.

Commissioner Burton asked how close they will be to the pipelines. Mr. Chapman was not sure but stated they would request an 811 and work closely with Questar and stay away from their lines.

Mr. Hyde asked about dust control especially with the Burdett home that close to the site. Mr. Chapman stated they anticipate watering many times a day and if there are high winds they will have a shutdown procedure at this location and stated they will water even if they are not working.

Commissioner Jorgensen asked if there were any other questions either in favor of or opposed to the applicants request.

Walt Burdette, an adjoining property owner, stated his concerns and showed the commission a photo from his back door looking at the crusher location. The hill will not block the dust or protect their view of it. The wind blows from the southwest; if they are not watering adequately they will have a house and yard full of dust. The county has built a nice truck route and this will tear it up with the added heavy hauling. Mr. Burdette has horses and like any other animal, the dust does effect their health. He has a daughter with asthma and they moved there for the quiet lifestyle being surrounded by Tribal land. If there is a crusher and gravel pit he feels their quality of life will be very different. Mr. Burdette has talked to different real estate agents who feel the value of his land will be effected in a negative way. Also, there are wetland areas and ponds that should be addressed with the Army Corps of Engineers. Mr. Burdette is against the applicant's request.

Mr. Chapman replied to Mr. Burdette's comments stating it was not their intention to ruin the area or the Burdette's lifestyle but until they get thru the CUP process it is not feasible to do the studies needed to allow us to get our permits.

There was some discussion between the commission and Mr. Chapman about where they would be mining, their test holes and finding out about the wetlands and what they will need to do.

Jason McKenna, R Chapman Construction stated they will work with the DEQ to protect the wetlands and any water ways and they will not intrude on the Questar lines and will get clearance from them.

Mr. Hyde asked Mr. McKenna what the percentage of traffic would run north vs south? Mr. KcKenna stated this location is placed here primarily to serve Newfield for locations and road construction to the south and any UDOT projects in the area. Trucking is expensive so to have this location would be a big savings to our company.

There was some discussion on where they will start mining if they will stockpile or crush continually and how long they will be at this location.

Commissioner Giles asked about the access road and moving it further away the Burdette property. It could be moved but there would be some safety issues due to the hills and curves on the South Myton road.

Ryan Fitzgerald, a property owner representative, stated the Burdette's welfare is their first priority and concern. They chose to work with Chapman because of their track record and feel they will protect their relationship with the Burdette's. Dust is a concern but they feel with the ponds and Johnson water they will be able to control those issues and Chapman Construction has assured them they will. The *wetlands* are swamp areas from water that drains thru the ravines to their ponds. Mr. Fitzgerald stated they have fought growth in the past but the oilfield is growing and moving into residential areas so this was the lesser of two evils. The Fitzgeralds would like to continue to be good neighbors and hope this project will benefit all involved.

Commissioner Burton asked if the pond had a continuous flow. Mr. Fitzgerald stated there is and their intention is to pump and pipe it to the crusher.

There was some discussion about the best way to protect the Burdette property.

Commissioner Jorgensen asked if there were any other questions or comments.

Mr. Burdette asked the Planning Commission to table their decision until the hearing on RM Sand and Gravel is completed.

There was some discussion between the commission and Mr. McKenna about Chapman's work ethic versus other companies and they do not want to be compared to companies that do not comply or get the permits required to operate.

The consensus of the commission was that they should finish the hearing.

There were no other comments so the hearing was closed.

Commissioner Burton commented this application complies with the ordinance but the commission is concerned about the Burdette's welfare.

Commissioner Burton motioned to approve the Conditional Use Permit requested by R. Chapman Construction, Inc. for extraction and crushing of earth products, subject to the conditions stated in the staff report and including the 6th condition that the applicant shall receive clearance from Questar Pipeline before excavating near their pipeline(s) or driving heavy loads over their pipeline(s). A copy of such clearance shall be provided to the County.

Mr. Hyde suggested to the commission they add to #5 that the applicant comply with any wetland regulations.

Commissioner Burton agreed. Commissioner Giles seconded the motion and it passed unanimously.

Mr. Hyde reminded the audience of the appeal process. Commissioner Mair returned to his seat.

C. Recommendation to the County Commissioners regarding Ordinance #12-295; an amendment to the Duchesne County Zoning Ordinance resulting from Summit County 3rd District Court Judge Keith A. Kelly's June 2011 ruling regarding "family/group living homes for individuals with disabilities."

Mr. Hyde stated as a result of a decision issued June 29, 2011 by Summit County 3rd District Court Judge Keith A. Kelly, Duchesne County must amend its zoning ordinance provisions pertaining to "family/group living homes for individuals with disabilities. The Duchesne County civil attorney has prepared and recommended an ordinance amendment #12-295 for consideration by the Planning Commission and County Commission to ensure compliance with this ruling. For zoning purposes the county must require they meet building and safety requirements as other facilities.

Commissioner Mair asked if this ordinance will effect other county and city entities. My. Hyde replied this ordinance is only for Duchesne County; other jurisdictions will need to consider the court decision in deciding whether to amend their ordinances.

Commissioner Moon motioned that the Planning Commission recommend to the Duchesne County Commissioners the approval of the amendments to the Zoning Ordinance as set forth in proposed Ordinance #12-295. Commissioner Mair seconded the motion and it passed unanimously.

New Business

A. Stop Work Order, RM Sand & Gravel.

Mr. Hyde stated on April 20, 2012 a letter was sent to Rick Miller at RM Sand and Gravel, with a copy of the conditions for approval for the conditional use permit. The

gravel pit and rock crusher located southeast of the intersection of 4500 West and 10000 South in the Pleasant Valley area had started operations before complying with the terms of the October 5, 2011 conditional use permit granted by the Planning Commission. Conditions #1 (a) and 1 (c) have not been met. Staff issued a stop work order that date due to noncompliance with the permit.

Mr. Hyde stated the Utah Department of Environmental Quality, Division of Air Quality, has stated that it could take up to three months for their permit to be granted. The TriCounty Health Department has stated that they will not issue approval of a dust control plan until the DEQ permit is received.

Mr. Hyde referred the commission to some photos of the location that were taken on May 2, 2012 showing the stockpile of product, the Tanner residence and evidence the crusher was inactive. The county has been receiving dust complaints regarding this operation since late March.

The options for the Planning Commission after hearing from the interested parties are to decide whether the stop work order shall remain in effect or allow RM sand and Gravel to haul the stockpiled material so long as they water adequately.

Mr. Hyde recommends the Stop Work Order issued to RM Sand & Gravel on April 20, 2012 remain in effect until the operator obtains a DEQ Air Quality Permit for the rock crusher and approval of a dust control plan from the TriCounty Health Department.

Rick Miller, owner RM Sand and Gravel stated they have been watering and are working with Utah DEQ, and Tri County Health to be in compliance but would like to haul if they keep the site watered.

Mr. Hyde stated if you go more than 15 mph there is a lot of dust. Mr. Miller replied the law is 10mph for gravel pits.

Commissioner Moon asked where the water is coming from. Mr. Miller replied from Lane Larson's pond and Nebeker Trucking.

Commissioner Jorgensen asked how many times a day. Mr. Miller stated 2 times a day since April 15th until May 2nd.

Commissioner Giles is concerned about how extensive the excavation is so far. Mr. Miller stated there has only been 2 acres stripped.

Commissioner Jorgensen asked if the product was gravel or sand. Mr. Miller stated it is road base.

Commissioner Giles asked Mr. Miller if he has talked with Mrs Tanner. He stated several times.

Mr. Hyde asked about the possibility of putting the road on the East side of Mrs. Tanners property. Mr. Miller stated they have roughed one in and could use it if it was up to standards.

Mr. Miller will do what he needs to so they can work.

Lane Larsen, property owner stated there are other sources of dust and it could come from any direction not just this sand and gravel pit. Mr. Larsen is not aware of any other complaints.

Mr. Hyde stated westerly on 10000 south it is under construction and very dusty with a 45 mph speed limit.

Roland Uresk, Attorney for Marlene Tanner, stated her concerns. She has severe asthma and a burnt lung from a prior accident. The dust escalates the breathing problems. Her family cannot stay at the house because of the dust issues. Mr. Uresk stated they were still working on April 25th and they were not watering adequately.

Without their Utah DEQ and Tri County Health permits and no road on the east side, Mr. Uresk feels RM Sand and Gravel has totally violated the conditions to operate and feels they should not continue working. After several attempts to resolve the problems with both Mr. Miller and Mr. Larsen, Mrs. Tanner feels neither have tried to solve the problem either by moving the access road or simply watering the location, therefore the stop work order should stay in effect. Mr. Uresk stated the Conditional Use permit should be revoked for failure to abide by the rules, regulations and getting the necessary permits to operate.

Commissioner Giles asked Mrs. Tanner if she has seen any water trucks. Mrs. Tanner replied one time in 3 months and there is not a truck on site. For two weeks Mrs. Tanner has checked several times a day and the road has been dry every time.

Nolan Larsen, property owner, stated there are many sources of dust in the area not just this location.

Mr. Uresk addressed Mr. Larsens comments stating the Harvey pit stays watered and is bermed and is in compliance.

Commissioner Moon asked where the dust is coming from; the pit or the road? Mrs. Tanner stated from both the pit and the road.

Commissioner Jorgensen commented the permit should be cancelled because of the violations. Mr. Hyde stated that would take a public hearing to terminate the permit and the Planning Commission could schedule that for June 6th; however the commission could act today regarding allowing hauling or to continue to stop work order.

There was some discussion among the planning commission regarding their options; hoping Mr. Miller could show good faith and get the necessary permits, water the location and get in compliance.

Commissioner Mair motioned to maintain the stop work order and schedule a public hearing to consider revocation of the conditional use permit for June 6th at 5:p.m. Commissioner Giles motioned to add a secondary condition for Mr. Miller to maintain the dust control until the June 6th hearing. Commissioner Moon seconded the motion, as amended, and it passed unanimously.

Minutes: Approval of April 4, 2012

Commissioner Mair moved to approve the minutes of April 4, 2012. Commissioner Moon seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

Mr. Hyde covered items anticipated for the next meeting on June 6th.

Adjournment:

Meeting adjourned at 7:00p.m.