



MINUTES
September 25, 2024

Oakley City Council
Regular Session 7:00 PM
Oakley City Hall

Zoom Meeting Platform
Meeting ID 820 258 4629
Passcode 777869

Anchor Location: 960 West Center Street, Oakley UT 84055

In Attendance:

City Administration: Councilmembers: Joe Frazier, Kelly Kimber, Tom Smart, Steve Wilmoth, Dave Neff.
Mayor Zane Woolstenhulme - Absent

City Staff: City Recorder; Amy Rydalch.

Other City Administration: None.

Members of the Public: In Person: Katherine Cook, Kelly Jacobs, Ellen Thompson, Kaitlan Blacksher, Sherm Smoot, Kris Kellogg, Sherri, Smoot, Melissa Mcarther, Jodi McNulty, S. Frazier, Jan Pogue, Clayton Steward-Park Record, Lorraine Jones, Kymm Hansen, Rick Shapiro, Hayley Beckstead, Jared Beckstead, Dallas Brown, Nicole Brown, Ennis Gibbs, Tabitha Lazenby, David Kitchen, Howard Sorensen, Lisa Hall, ABC4 News. Via Zoom: Carla Wilmoth, Fox 13 News, "M", Krista Kelly, Emilar Tenar, Erin's iPhone.

1. Councilmember Joe Frazier as Mayor Pro-Tem opened the meeting.

- Invocation: **Councilmember Dave Neff**
- Pledge of Allegiance: **Councilmember Kimber**

Mayor Pro-Tem exercised his authority to re-order the agenda and moved agenda items 3 & 4 to the first items for business.

3. CONSENT CALENDAR:

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Councilmember Wilmoth motioned to approve the consent calendar. Councilmember Smart seconded the motion. All voted in favor. Consent Calendar approved.

4. WREATHS ACROSS AMERICA – Presentation/Request by Ennis Gibbs

Mr. Ennis Gibbs addressed the Council and the public in the room with his inspirational visit to the Harry Truman Presidential Library where he first encountered the Wreaths Across America program. He described the program’s goal to place wreaths on every veteran’s grave in America and the success of the first year of the program’s implementation in Summit County. He asked the Council for a \$500 donation toward the purchase of wreaths, the purchase and placement of a ceremonial wreath for the Cemetery Veterans Memorial and eight supporting wreaths for the branches of armed forces. He asked for additional monies for commemorative flags and the purchase and display of a commemorative wreath at the City offices. Total donation request is \$776.00. Councilmember Smart asked about including information in the next City newsletter regarding the Wreaths Across America. Recorder Rydalch agreed that it could be included as well as social media posting.

Mayor Pro-Tem Frazier instructed the donation request to be placed on the consent calendar for the next meeting.

2. PUBLIC COMMENT: Mayor Pro-Tem addressed the Public and read the City’s Official Statement regarding the potential sale of the Elk Meadows property into the record:

“The sale of the Elk Meadows property is a private transaction and as such, current ownership has the right to sell the property without input from the City. Under current zoning, the proposed business is an allowable use with a conditional use permit. The current business, Elk Meadows, operates under such a permit. State law dictates that this permit does not expire or cease validity with the sale of the property. Under the advisement of City legal counsel, the application is being processed as a minor amendment to the existing CUP. This is an administrative action (no formal City Council decision) where only reasonable conditions can be imposed. The City is working diligently to adhere to municipal, state, and federal regulations regarding this application. We are mindful of the vested public interest and thank you for sharing your thoughtful concerns.”

Mayor Pro-Tem Frazier then reminded the public of the rules for participation in the public comment portion of the meeting.

Comments received for this portion of the meeting are taken directly from the transcript of the audio recording of this meeting.

David Kitchen, 650 West 4200 North, Oakley UT:

“Thank you, guys, for hearing us. I understand that obviously tonight is not about whether or not we can do anything tonight about it. Oh, sorry. Oh, I'm so sorry. My name is David kitchen. My address

84 as well. I live at 650 West, 4200 North Oakley, Utah, 84, 055, so once again, I understand that
85 tonight, we are not on the agenda for an approval or a denial. We unfortunately, as citizenry, were
86 not really a lot a lot of time to come up with rebuttals or information regarding the potential
87 changes of Elk Meadows. As a fellow business owner, I respect their ability to sell their business as
88 they please, and that is not why I'm here today. I first want to ask the councilmembers, did you by
89 chance receive the memo from the city attorney that we had sent over about two and a half hours
90 ago? No - ok so we have been represented by we have retained Matthew Muir from Anderson &
91 Karrenberg not to stop the sale, but to hopefully help shed light on some legal inconsistencies that
92 we as the citizenry have felt are not accurate. So I'd like to educate you guys on that today. I'm
93 hoping that we don't have to have any bad feelings today, and we can remain civil and, you know,
94 move forward with our proposed suggestions. So there's a couple of issues with the current
95 situation at hand. So the city had given us a courtesy memo notifying that there was this potential
96 switch in the conditional use permit or minor amendment as we have been researching. I do want to
97 say thank you to Nicole Brown, who's in the back. She has really gone to work for this community.
98 She's an expert in this field, actually, and it's funny because they're currently in in litigation with
99 other treatment facilities for the same exact issue. Okay, so the concern that we have is that the city
100 has proposed that there is a minor amendment to their current conditional use permits. A couple of
101 things. So I do want to make some things noted real quick, and mention a few issues with this. So in
102 Oakley City's code 13-5-7 under the conditional use section, in Section G, number one and two, it
103 defines what a minor amendment is, and this is what our attorney is asking that you guys consider a
104 minor amendment is defined as an amendment that does not increase the square footage, density,
105 intensity and previously approved conditional use permit. A minor amendment may be approved by
106 the city planner. No public hearing is required. Understandable. Okay, a major amendment is
107 something that is on the opposite end of that. Okay, in this situation, per your guys' letter to this the
108 community, they are asking to move from a 42-bed facility to a 56 bed, increasing density,
109 increasing intensity, because of the additional waste, people, traffic, parking, food, all kinds of
110 issues. "

111
112 "Our attorney has outlined that there is also another conflict of, if you will, with the with the school
113 that's potentially going across the street, the intensity that is required to be considered for having
114 children across the street from a treatment facility. So under these guidelines, because the density
115 and all of these other issues are being increased, this cannot be a minor amendment. This has to be
116 a major amendment, which then does require public notice, public comment, and more intense
117 measures to ensure that this is a good fit for our community. Okay. On a bigger side, the problem
118 we are running into is that Elk Meadows is currently being ran under a residential care facility. Okay,
119 under your city code, residential care facility is separate from residential treatment facility, which is
120 what Chateau LLC would like to change to. So by changing the complete use, there are now tons of
121 different regulatory issues that we are running into because residential care facilities come with
122 different subsections of regulatory suggestions, as opposed to a residential treatment facility. So
123 with that being said, our attorneys believe that it would be prudent to actually require Chateau LLC
124 to apply for a new conditional permit, which would then require public notice to the neighbors
125 affected. It would require public hearings. It would require deliberation. It would require impact

126 survey studies, anything that we, as the citizenry, feel is necessary, and especially you as the
127 councilmembers of our of our great city, there are some bigger things that we are in consideration
128 of that we can't really get into today just because of the short amount of time that we've had to
129 prepare this. And we encourage everybody that is on this the council will read the brief that we have
130 sent over from our attorneys and to understand the legality that we, that we are dealing with, and
131 the potential risk the city is actually taking on by not following your own law. The major issue that
132 we are running into is there is a concern, that is, you know, Nicole Brown can shed more light on for
133 us. Is that there are treatment facilities that are utilizing the American Disability Act as a fear
134 mongering tactic to encourage you guys to just send this through the city and approve Free Willy
135 nilly. Unfortunately, anybody that is struggling per state, state law, and I can read that for you,
136 anybody that has a substance abuse issue, and I'll just read it real quick...disabilities means a
137 physical or mental impairment that substantially limits one or more of person's major life activities,
138 including a person having a record of such an impairment or being regarded as having such an
139 impairment. Disability does not include current illegal use of or addiction to any federally controlled
140 substances, as defined in section 102 of the controlled substance act 21 and USC Section 802. So you
141 know, unfortunately and as councilmembers, it's important that the city is not fear mongered into
142 making decisions. And there are, there's legislation in front of our current, our state currently that is
143 helping, is going to help us to fight against these, these fear mongering techniques, to get these type
144 of facilities in. "

145
146 "Now, once again, in conclusion, I am a business owner. I respect the right to sell. This is one of the
147 reasons why, as a citizen of this of the city, I have to recognize that if I'm going to do something, I
148 must have something to do, and I must be able to do something that's meaningful, and that's not
149 just screaming at you guys, you know, hoping that you're going to not follow your laws. And so me
150 and my wife, we have, we concocted the plan that we would attempt to buy the facility from
151 Chateau, offering them opportunities to sell it to us at a slightly higher rate, or to have us cover the
152 liabilities of pulling out. Those are the things that I felt as a citizen, I could do as we have gone down
153 this road. These attempts have obviously fell on deaf ears. We understand why. They're going to
154 make a lot of money at it. But I don't give up, and none of these people behind me are going to give
155 up. They're not. They don't want to be displaced. And so, in closing, it, the city is currently not
156 following your own laws. This is not a minor amendment. This is not something that can be just
157 passed through this easy. It is a complete change to the complete use and the intensity and the
158 density of the use that is currently there. It's clear in your law, my hope is, is that your city attorney
159 will be able to see my letter and advise you guys on the right thing to do. I really appreciate all of
160 you guys and your willingness as you've taken my calls over the last couple of days to better
161 understand the situation. As I live, I live on the street. I'm a I'm affected by this, and many of us that
162 live on the street as well, and we do feel that we have basis here, that we have reason to believe.
163 Anderson & Karrenberg is very adamant on this. They picked this up a couple hours ago, and they
164 went ahead and wrote the brief for me immediately, because they felt so strongly, and they've been
165 in situations where they've litigated against this, and they've won. And so we as a citizenry, would,
166 would, would love for you guys to consider this and to table these issues for a later date. We are not
167 asking you to just flat out deny things. We want you to follow your laws is what we want you to do.

168 And if we can table these things and have further legal research on this matter so we can
169 understand the right way to go about it, so that way we can prepare ourselves for the future that
170 would be greatly appreciated. Thank you.”

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172 **Recorder Rydalch addressed Mr. Kitchen and informed him that the legal memo has not been**
173 **received by the Council or by the Recorder prior to this meeting. She asked for clarification on the**
174 **email address the document was sent to and provided the correct email address.**

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176

177 **Kris Kellogg, “six miles east up Weber Canyon” Oakley UT:**

178 “My name is Khris Kellogg. I live up Weber Canyon, about six miles. Been here about 30 years. I am
179 very familiar with how the city runs over these years, and I love it here. I don't think anybody that
180 moves here doesn't love it. We're all here for the same reason, because it is a great place. I just
181 want to be clear that nobody here, our residents, are against a treatment program. You know, we
182 have Newport Academy. Nobody's against that, but we are against it across the street from our
183 park, and we're certainly against it if you're still going to put a school on those 40 acres on the other
184 side of it, you just you can't do it like you just can't do that. And so whatever this takes for us, we're
185 not going to quit. We're just not and we have had people offering to pledge money and donate and
186 donate and donate. People are willing to pay for an attorney. They're willing to do whatever. The
187 demographics, if you're not familiar, in the next four years, there's 165 people just in Oakley city
188 boundaries that become eligible for a place like Elk Meadows. Okay, as you know, it's the only place
189 in Summit County. I mean, I understand you feel like you're behind a rock and a hard place kind of
190 thing. But what are we doing, kicking out our own people and our own veterans to bring in other
191 veterans. That doesn't make any sense. We have vets right here. We have them in the facility. I
192 don't understand it. I don't even understand why. Ever. Apparently, the city code or the amendment
193 was made in 2021 that was amended at that time, is what I'm being told, and what's recorded now.
194 And at that time, I guess, what didn't quite get said to me, but was said enough, is that “kind of
195 oops. We didn't we overlooked that, sorry, right? We overlooked that that might become a drug
196 place sometime.” And so, I'm sorry that we overlooked that as a city council, and we didn't think
197 about it, but to put everybody now, including yourselves. I mean, you're all going to be eligible soon,
198 right? I'm going to be eligible soon. I don't think any of us want to move out of here. And no -I'm
199 calling you eligible. And you know, these are the thing that I realize elk Meadows has not necessarily
200 been managed well over the years. I'm 100% behind that. And as far as I'm concerned, and the
201 residents there are concerned, you know, they would like better care, for sure, but that can change.
202 You know they do. They're under new management again, but at this point, this new manager is
203 amazing. He has made 100% difference for the residents who love him, the staff love him, and the
204 families really love him. I did get a verbal commitment out of him. I don't know if he'll stick to it, but
205 that when we save the building, that he will stay. You know, they deserve the best care. I just, I don't
206 understand what we're doing here. It doesn't make any sense at all, especially when we have so
207 many again, not 165 people is just our boundary, right? That doesn't at all, taking Peoa, Marion,
208 Francis, Kamas, Woodland, anybody else? That's just our neighborhood. So I don't know what you
209 want to happen to those people, and maybe it's true, you haven't really thought that through, but

210 it's time. It's time to think it through, and it's time to do something different about it. These people
211 are amazing. Of course, they all have awesome life stories. And you know, they're the reason I'm
212 Here. My neighbor is Brenda Cannon right here. She lives up in Hidden Lakes with me, and she lost
213 her daughter to suicide about eight years ago, and then her husband passed away a couple years
214 ago, and then I have become a caretaker of her. She had a stroke in May and ended up in Elk
215 Meadows. And quite honestly, I don't have time to drive anywhere else. You know, it's one of the
216 greatest things about Elk Meadows, in my opinion, as I've become accustomed to it is the families
217 and the volunteers there. It is run so much by families and volunteers. And we have some of those
218 family members here tonight. They're there every day, and it's one of the things that makes Elk
219 Meadows really great in this community. Of course, it can be better, and it needs to be better, the
220 care and everybody's behind that, but you just can't do this. You just can't - it's the wrong thing.
221 That's all I'm saying. It's not right, just do the right thing, please, for the sake of all of us who will be
222 eligible sometime, Thank you.

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224 **Nicole Brown, 5320 North 750 West, Oakley UT:**

225 My name is Nicole Brown. I live at 5320 north, 750, West. I've been a resident of Oakley since
226 August 20. So just we wanted to get involved right away. I was appointed by Governor Herbert to
227 chair his advisory for special education. I do know quite a bit about ADA and IDA and the Utah Fair
228 Housing Act. I've watched as lawyers have tried to bully their way into communities screaming ADA
229 to have to allow these treatment centers. ADA like IDA were created to keep people from being
230 institutionalized. So to see it as an argument to institutionalize people is quite the perversion of
231 congressional code. In Wasatch County, the Wild Mare neighborhood is suing Cascade treatment
232 center. The cease-and-desist letter was sent February 2022. The facility still sits empty today. There
233 have been many documentaries that have put pressure on the state regarding these treatment
234 centers. Teen Torture Inc, on HBO Max, the program on Netflix, has highlighted how these facilities
235 are not being regulated at the state level. That is going to change. Mike McKell the Senator, and the
236 brother-in-law of our governor is going to be our Senate sponsor on that bill. Carrie Ann Lazenby,
237 who is the majority whip in the house, is going to be our house sponsor on that bill. We will be
238 regulating these centers. This is not a slam dunk to make money that I think the investors think it
239 will be, and I think it's a lot of wasted political capital for the five of you to allow this to go forward
240 outside of your own city code where you, you know, are allowing for a minor change in the
241 conditional use permit, even though it clearly doesn't fit the definition the increase of intensity and
242 density is easily arguable. I have reached out to the Wild Mare community chair, who has stated
243 that they're more than willing to fund 20 lawsuits to the city of Oakley to keep this from happening.
244 My husband and myself will be pursuing a lawsuit as well to keep this facility from opening in the
245 community. I know Mr. Kitchen had said the same thing. I just don't believe that this is what we
246 want in the center of our small town. I moved to Oakley because I read Tocqueville's American
247 democracy when I was 16 years old, and I thought that this is what he was defining, and this is what
248 I wanted for my children. And a Drug and Alcohol Treatment Center while I think it is a an admirable
249 thing to want to do. I think location matters. I don't think that's something that we want in the
250 center of our town, and nor does ADA allow that they have to have the most accommodating
251 circumstances for their facility. Are there other places that the facility would be better? Yes, clearly.

252 The lawsuit with the center and Heber is actually about to be going before our state Supreme Court.
253 So, there's really a lot to this issue that I just wanted to make sure that you guys were aware of,
254 because I think you have been grossly misrepresented on truly the circumstances that are going on
255 behind the scenes regarding these issues. Thank you.”

256

257 **Ladine Atkinson, Resident of Elk Meadows:**

258 “I don't have a lot to say, but I just want you to know my name is Ladine Atkinson, and I live at Elk
259 Meadows, and I've been there three and a half years. I fell and broke my neck, and I've been there
260 ever since, and I love it. It's home. I didn't think I'd ever say that after I left my home, but I have so
261 many friends and so many family. We're just all family there, and I could move to Salt Lake. I have a
262 son and his family that lives there. I could move to Wyoming. My daughter and her family lived
263 there, up in Evanston, but I don't want to leave. I don't want to leave Rodney's family's here, and
264 they're so good to me and I have been in Francis before I came here, I lived there 71 years, and it's
265 just my home, And that's where I want to stay.
266 Thank you.”

267

268 **Melissa McArthur, Kamas UT:**

269 “I wasn't planning on saying anything today, but I just wanted to let you know that, oh, my name is
270 Melissa MacArthur, and we brought my head up here eight years ago, sorry when my mother
271 passed away. And me and my brother were taking care of him. And my brother lived in Highland,
272 and then two years after that, so six years ago, in November, my only brother passed away, so it left
273 me the sole caregiver of my father. And he is a Vet of the Korean War. If anyone knows him, he's the
274 sweetest man. In fact, today he was trying to figure out how to sell his Mount Pleasant home that's
275 worth \$350,000 to buy Elk Meadows so he could save his friends and his family there. Two years
276 ago, it got too hard to take care of him on our own, with me and my husband Ryan. It was really
277 hard to bring him to Elk Meadows, but it was so close, because I still have my son in high school, and
278 so I teach preschool in the valley. I've been teaching for 15 years. I love the kids here. I taught a lot
279 of Oakley kids. Some of you know I've taught your grandkids, and some of them call him grandpa.
280 But anyway, I love the valley. It was really hard to bring him here, but it's only five minutes away. It
281 has not been easy. It has been hard. There's been some rough days, and Sherry and I have made it
282 our mission to come out here and to do what we can do, because it's so important to have them so
283 close. Because I do preschool in the morning, I run out here for lunch, till 230 I run home till Logan is
284 there. He's my junior this year, and then he gets ready for football, and then I get ready for the next
285 day and do the whole thing over again. I'm just begging you do what you can, do what is right, and
286 to try to help them stay here, because it's really messing up my schedule if you don't. I won't be able
287 to fit it all in. And I don't have much time left with him.
288 He's 93 so, you know, I'll take every minute that I can. Thank you.”

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291 **Sherm Smoot, Kamas UT:**

292 “I'm Sherm Smoot. I live in Kamas. My mother in law's been- if you want the address, it's one, 170,
293 West, 440, north. I live across the street from the MacArthur so but- my mother in law's been there

294 for about two and a half years. As I've observed, this whole thing, trying to take the emotion out of
295 it, when they bought that it came with a package of three other, I guess, other facilities, and it was
296 right before covid. There's been a number of things that had happened- covid hit, they could not get
297 any relief, because there's Some law that say states you're the deal was you couldn't own property
298 while it was you couldn't get money from covid to help. So that put those guys back. They had a
299 major roof that apparently it cost over a million dollars to fix everything, and it became harder and
300 harder and harder for that seller to make money. And they were going on a shoestring. And I know
301 that for a fact, because I know what we've done to, and my wife has lived over there to try to make
302 things work. It never went on the market. So, but some guy comes and calls and says, Look, I'm
303 going to offer this deal to you. And it was like a relief. He was desperate. They -desperate people
304 make desperate decisions. And he wasn't able to look at the holistic, part of that, looking at the
305 whole community. And it's really based on you guys looking at this and passing, passing, whatever it
306 is. But if there is any out that you can find here, which apparently Mr. Kitchens and his attorneys, he,
307 he told me about these things. There's, like, a number of things, and we need to take advantage of
308 that and looking at this whole thing on a holistic basis, that is what we need in our community. Tom,
309 you're going to be there, probably along with me and a few other people. So please do all you can,
310 because you've got a lot of people behind me that you don't even see that are willing to step up and
311 do stuff now that it's like, oh my gosh, we're going to lose this. It's the only one in Summit County, I
312 understand. So let's do what we can. I know you guys have great hearts, and if there's way out of
313 this, do it. If there isn't, I guess you got to go by the law. But it sounds to me like you have
314 opportunity here. And the seller's a great guy. I mean, he doesn't mean to create mischief, and I
315 know."

316
317 "And the other thing is this, I work with drug rehabilitation a lot. I do. I volunteer at the jail every
318 week, doing meetings. I just got, I just left Salt Lake jail. I'm a realtor at the same time as a rancher
319 and, but I've been I was hired or represent John Volcom, who got the Dalai Lama award for putting
320 together facilities that are for drug rehabilitation. And his deal is he put \$100 million up of his own
321 money to help people. He knows that drug rehabilitation, it takes a good year for your a mind of a
322 drug addict to get to 80% of where it normally is, and it takes another four years to get it pretty
323 much whole. And that's doing a lot of things, but this facility they're talking about is, I asked. The guy
324 45 days is the average stay, and you're going through 50. He wants 50, whatever, 50. And I'm telling
325 you, I know. I know what it's like drug addicts. They it. They need long term care and support. John
326 Volcom and these other outfits they commit. And I watch this with judges, they say, if they're down,
327 there they go, hey, we'll, we'll let you out of jail, or we'll let you go, but you got to be in a program
328 for two years committed. It's a big deal. And but we're talking 45 days, rolling guys through and I, I
329 do meetings. I've been in the drug addiction missionary for the Church for 13 years. And that type of
330 facility, under that situation, it concerns me. It concerns me. But when you have a facility where
331 people are going to be there for years to get healed, and they're being watched. It's that that's the
332 kind of thing you want, that that is not supposed to be that in my in my estimation, my gut feeling,
333 that is for retire, you know, for, for what we got here. So anyway, please, please, do the best you
334 can. I appreciate it. I'm sorry you have to be put in this position. And I think looking back, the seller
335 would have gone, why didn't I just put this on the market? Tell people I'm suffering. He's losing

336 money. He's not making money because he's had, you know, one, two to three, four, five strikes and
337 he's just going, I need a break. But it can make money for somebody. It can. And if we support it, we
338 get behind it as a community, whether we can make this thing work. And I'm, I'm there a lot. My
339 wife's there every day, and it's, it's a great place. And so thank you. Appreciate it.”

340
341 **Roger Gellerson, Kamas UT:**

342 Good evening. My name is Roger Gellerson. I'm a Kamas resident, and I just wanted to tell you a
343 little bit about my story. I don't have a lot in the world of legalese to go and discuss with you, but my
344 mother's been a resident of Elk Meadows for seven years. We chose Elk Meadows because we live
345 in Kamas and we can visit daily and take care of our aging parents. Many of you in this room are
346 doing that, or have done it, or get will get the opportunity to do it, and I'm here to tell you, it will
347 challenge you on every aspect of it. To try and provide a safe environment for my mother was my
348 goal. Elk Meadows has gone through a lot of change, some good, some not so good. We've had
349 good leadership and poor leadership, but the one thing it did provide for me was knowing there was
350 a safe place for my mother in a community that mattered and a community of people that
351 supported her when I wasn't able to visit. And that's what that community is at Elk Meadows. It is
352 the word family. This is also an interesting issue for me as a person. I'm a 35-year first responder. I
353 work in the ski business. I'm one of the managers at Park City Mountain Resort. In that tenure, I
354 have lost colleagues to alcoholism. I have lost colleagues to bad choices around drug use. I've lost
355 colleagues even in the most heinous way of suicide, and literally been in the room after. I do
356 understand a need for that type of rehabilitation, and I'm thankful that, in the greater sense, there
357 are things out there now for us in that space, but Elk Meadows is not the right place for this. Elk
358 Meadows is a place for this community, the parents and the grandparents of everyone that's living
359 here to be able to spend time. We chose that facility because you have a look at the mountains, you
360 don't feel trapped in that facility. It has a little bit of an open-air feeling, and we are very grateful to
361 have had that opportunity. I really would like to be able to keep my parent there, moving her at her
362 advanced age, is it might change the outcome quicker. I would like you to please consider what's
363 right, what's doing right for the most people and the people of this community. Thank you.”

364
365 **Dallas Brown, 5320 North 750 West Oakley UT:**

366 “My name is Dallas Brown. I live at 5320 north, 750, West in Oakley. I've been here a little over a
367 month. What I do for a living is fight government bureaucracy and bad decisions. Okay? But I want
368 you guys to know if any of you guys are against this, the community, we can support you, and we
369 will support the right decision. In the city code, you have the right, as the Planning Commission to
370 review any conditional use permit at any time and revoke it. Okay, that is your decision, and you can
371 do that. As Mr. Kitchen stated, these are two different zone districts, as per the chart in the city
372 code, care facilities and treatment facilities are separate zone districts, and they require a broader
373 look of the impact on the community when we switch from different zone districts, right? The city
374 has put them in different districts for a reason. When, when these treatment centers come in, as the
375 man before he was talking, they have a 17% success rate, 17% okay. And there are multiple police
376 reports and lawsuits about how drug use is still continued in these facilities. And just that alone
377 should designate the city needs to do an impact study, because there is not infrastructure in the city

378 to take care of that influx. So I would implore you to move this to a major amendment, or have them
379 move to a major amendment, because this definitely increases the intensity, as per city code, of a
380 mind of what this amendment to the conditional use permit is. Thank you.”

381

382 **Sheri Frazier, Marion UT:**

383 Sheri Frazier. Marion, Utah. Thank you for all listening to all of us for taking consideration. I never
384 thought one month ago I would have placed one of my neighbors, who doesn't have family, in Elk
385 Meadows and thank heavens that place is there and there yet another hurdle attacks us so what do
386 I do? Now? As you already know, this isn't the whole community that's behind us, and I think each
387 one of you are appreciative of what community we have. We can't let that go. There's other people
388 that have already stood out who want to stand up and help, and there's other people that are
389 behind the scenes, also standing out and wanting to help in places that they can. And I think we all
390 need to stand for what is right, following your missions, your values and your vision. 20 years ago,
391 the city council and the mayor fought. They didn't want an elderly place there. They finally allowed
392 it, and now we're looking at taking that away. And we don't need that. We don't need the I'm not
393 saying the rehab center is wrong. Neither is anybody else. It's not for our valley. Why are we kicking
394 out 42 beds to put in his 16 and add more? It's a money transaction, transit transaction we don't
395 need in our community. And quite honestly, where are those people going? If you were in their
396 shoes or their family, how would you feel right now? They're worried. They're concerned. Try to be
397 in our shoes to keep them consoled right now. We need you to find, as you've already been asked,
398 every little thing that you can help us to stop what has been asked of you. Don't approve, please
399 don't approve the permit. Take these wise people's advice that have already gone through and
400 helped you see codes attorneys that are helping you see this and find a way to deny it. Let the come
401 to you with other amendments, but do not approve what you rightfully feel and know is wrong.
402 Thank you.”

403

404 **Rick Shapiro, Oakley UT:**

405 “I'm not here on that issue. As a keen observer of the political process, I was very impressed with
406 the tenor and the respect that the speakers showed. And while I was listening, I was doing my own
407 research on artificial intelligence, and they seem to have a pretty good argument when it comes to
408 major amendment versus minor amendment, but that's just a lay opinion. But the reason I did come
409 here, I unfortunately missed the public hearing. I guess it was last week or two weeks ago on the
410 green burial, but I had the opportunity to talk to a number of people who were there, and I heard
411 some relatively disconcerting things about the I guess, the tenor of the of the input that was offered.
412 Again, you know, I operate from a bit of a deficiency here, because I wasn't there. But what I was
413 told was that there was a lot of fear mongering, and a lot of misinformation provided, you know, I
414 don't have, I don't have a real, you know, strong position on this issue. I understand, you know,
415 there's, there's very good arguments for, I've heard, you know, even some decent arguments
416 against it. But when I hear, you know, the campaign against it being driven by fear and
417 misinformation. I think it's incumbent on each of you, you know, to make the decision, ultimately,
418 based on facts and the truth and science. You know, there are things you know, some of the some of
419 the fear mongering as an example, you know bears and badgers digging up bodies. That's knowable.

420 And you know the same with water, as I understand it, there will be a study done. So you all need to
421 rely on facts and good scientific information when you make decisions like this, and not listen to the
422 loudest voices in the community and sometimes the rudest voices in the community. And, you
423 know, I think that's, you know, if you guys aren't willing to do that, maybe, you know, maybe this
424 isn't the place for you to be as council members, because I think that's so important, particularly in
425 the political environment that we live in in this country right now, where fear mongering and
426 misinformation seems to be a very hot commodity, at least on one side of the aisle, on one side of
427 the aisle, we can talk about that later, But that's basically all I had. I just, I hope, you know, I hope
428 you guys make the decision on, you know, for the right reasons and on the right information, not on
429 the loudest noises in the community.

430 Thanks, thanks.”

431

432 **Mayor Pro-Tem Frazier asked for any further comment and upon receiving none and the**
433 **implications of legal action received during the public comment portion of the meeting refrained**
434 **from commenting and moved on to agenda item #5.**

435

436 **5. ORDINANCE TO DISCUSS MOTOR VEHICLES PROHIBITED ON TRAILS AND PUBLIC PATHWAYS –**
437 **2nd Reading:**

438

439 **Recorder Rydalch** displayed the draft document for council to review as they discuss possible
440 changes to the draft ordinance. Councilmembers discuss the classification of e-bikes and the need
441 for clear regulations to ensure safety. **Howard Sorensen** addressed the council and expressed
442 concerns about the potential dangers of high-speed e-bikes on trails, especially when mixing with
443 horses and pedestrian traffic. Councilmembers discussed age restrictions for different classes of e-
444 bikes and further application to the complex and skatepark area. Council decided to revise the draft
445 to prohibit all e-bikes on single track trails except for riders 55 and older or those riders that are
446 mobility impaired. Those specified exempted riders may utilize Class 1 or 2 E-bikes or the modified
447 mobility bike on single track trails. It was also decided to post signage of trail courtesy rules on
448 more of the Oakley Trails due to the increase in multi-use users. Draft ordinance will be brought
449 back for a 3rd reading and then noticed for public hearing.

450

451 **6. CELEBRATION COMMITTEE STRUCTURE DISCUSSION**

452 **Councilmember Frazier** distributed a handout with a possible structure for a Celebration
453 Committee. He proposed having a celebration committee with the councilmembers as the
454 executive committee with each councilmember assigned two to three areas of responsibility for the
455 celebration. That Councilmember is responsible for recruiting persons to manage and produce that
456 aspect of the Celebration. Councilmembers will provide assistance, oversight and coordination.
457 Councilmembers discussed possible structure and agreed to bring more thought back at the next
458 meeting to discuss modifications or next steps.

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7. COUNCILMEMBER/DEPARTMENT REPORTS AS NEEDED:

- a. **Councilmember Frazier** informed the Council of an update requested from Dallas Hansen regarding the Humbug chlorination project. Public Works is still awaiting bids for the concrete work. They will be installing the building and Aqua Environmental and Total Power and Control will be doing the installation of all the components. Concerned that we are behind schedule.
- b. **City Recorder Rydalch**
 - i. **Schedule Public Hearing for Conservation Burial** – need to push public hearing to November. Councilmembers will not be available for October meetings.
 - ii. **Nieman Proposal - scheduled** for October 9th meeting.
 - iii. **List of priorities for Policies** - asked the council to prioritize which policies they would like to address first or revisit and revise. They are to send their lists to the recorder over the next couple of weeks.
- c. **Councilmember Tom Smart** is submitting the RAP tax application this next week for bridge work in the Franson Park and for a larger gazebo at the pickleball courts.

Mayor Pro-Tem Frazier asked for a motion to enter closed session due to potential litigation concerns.


Councilmember Smart motioned to go into closed session due to potential litigation concerns.

Councilmember Neff seconded the motion. **All voted in favor.**

9:55 PM Council went into closed session.

10:44 PM Adjournment.

Approval is to form this 9th day of October, 2024.



Joe Frazier, Mayor Pro-Tem



Amy Rydalch, City Recorder