



Stansbury Service Agency of Tooele County

1 Country Club, Suite #1, Stansbury Park, UT 84074

Office: 435-882-6188 Fax: 435-843-5183

serviceagency@stansburypark.org

The Regular Meeting of the Stansbury Service Agency of Tooele County was held Wednesday, August 8, 2018 at 7:00 pm, at the Stansbury Park Clubhouse, 1 Country Club, Stansbury Park, UT 84074. The agenda was published in Tooele Transcript Bulletin and on Utah's Public Meeting Notice website.

BUSINESS MEETING:

Call to Order: The meeting was called to order by Chairman, Neil Smart.

Pledge of Allegiance: Aaron Spilker led the Pledge of Allegiance.

Roll Call:

Brenda Spearman – present
Cassandra Arnell - present
Aaron Spilker - present
Neil Smart - present
Glenn Oscarson - present
Mike Johnson – present

Staff:

Gary Jensen - present
Tracey Schmidtke - present

Review and Adopt Minutes:

Neil moved to adopt the minutes of the Regular Meeting held on Wednesday, July 11 2018, with no changes. Glenn seconded the motion and the vote was as follows:

Cassandra – yes; Aaron – yes; Neil – yes; Glenn – yes; Brenda – yes, Mike - yes. The motion passed.

Public Comment:

Neil began the public comment section of this meeting by reminding everyone of the rules of addressing the board from the pulpit and writing their name and address on the list. He asked that each person only take about three minutes as there were many people waiting to address the board.

Carolyn Palmer 4 Lakeview

Carolyn presented a commentary made by Albert Ogden from October 17, 1996 regarding concerns on making the Lake public. The text of this commentary is attached to these minutes. Carolyn raised concerns that the Stansbury Service Agency does not collect and distribute taxes and was not a public entity and could not make decisions in this manner. Carolyn's full text is attached to these minutes.

Leslie Wanlass Stansbury Park

Leslie is a long-time resident of Stansbury Park and stated that she hoped that we could come to a resolution regarding this matter. She stated that much effort from a lot of people went into this

meeting and discussed that herself, Albert Ogden, and Carolyn Palmer were part of a committee that helped privatized the lake. She stated that the DWR has designated the lake as a “Private Fishing Pond”, and that registration took place under R657-16, which changed on February 1, 2017 to R657-59 under Title 23 Utah Code. She read R657-59-13: “(1) If a certificate of registration expires or the division suspends or terminates the certificate of registration, all live aquaculture products permitted under the certificate of registration shall be disposed of as follows: (a) Unless the Wildlife Board orders otherwise, all aquaculture products or aquatic wildlife must be removed within 30 days of suspension or the expiration date of the certificate of registration, or within 30 days after ice-free conditions on the water; or (b) At the discretion of the division, aquaculture products and aquatic wildlife may remain in the waters at the facility, but shall only be taken as prescribed within Rule R657-13 for Taking Fish and Crayfish.” She spoke to Anita Candelaria at DWR who is the Wildlife Licensing Specialist. Our certificate expired this year and our Board didn’t renew it. The only reason she hasn’t acted on it was because the Board was considering renewing it.

She further stated that people had purchased property in Stansbury under the premise that the Lake was private. She has spoken to Chris Crockett and Craig Walker at the DWR as well as Mr. Hansen who is the Attorney General for the DWR. All consider the Stansbury Lake to be private due to no public access. A resolution by the Stansbury Service Agency was passed in 1999, Resolution 99-2 by Randy Jones stating that the Lake is private. The Service Agency website states the Lake is private as well. A discussion ensued regarding rules on the Lake not being enforced. She discussed many different instances of rules being broken and not being enforced as well as illegal activity. She stated that there is not sufficient signage, and without that, the Sheriff has no direction to enforce rules. Neil interjected by stating that none of the Board members want the Lake to be public, and Leslie was concerned that people that didn’t live on the lake did not understand the magnitude of activity that was occurring. She concluded stating that Stansbury Residents could no longer enjoy the Lake due to the number of outside visitors.

Lisa Rasmussen 77 W. Delgada

Lisa addressed the animal and wildlife abuse that she has witnessed on the Lake. She stated that she has just taken a goose with a broken jaw and a broken wing to the wildlife refuge. She has seen people herding the ducks and swatting them with paddles as well as throwing rocks at them. She asked that residents keep an eye out and call the Sheriff if they note this abuse happening. She stated that she has been recording these instances and will be reporting them to the Sheriff’s office.

Peter Rasmussen 77 W. Delgada

Peter distributed a photo of a sign that was too faded to be read to the Board and stated that new signs were badly needed. The Friends of the Lake Committee has identified noxious weeds called Phragmites and Tamaris. Gary Jensen gave them permission to spray these weeds. He also asked the Board that regarding lake aeration that they consider the sound of compressors to be a big part of their decision.

Matthew Shaw 60 Lakeview

Mr. Shaw is an avid fisherman and travels extensively to fish. He wanted to address the seaweed in the Lake as it makes it almost impossible to fish. He asked if this lake was ready for public use due to the weeds.

Natalie Graham – 158 Country Club

Natalie stated that she moved to Stansbury Park a year and a half ago and was told the Lake was private. She further stated that she grew up near a lake and would like to continue a tradition of taking her son to the Lake.

Adele Connell Young – 12 East Delgada Lane

Adele has purchased two homes in Stansbury Park because it is a wonderful, family-oriented place to live and how much her family enjoys the use of the Lake. She stated several illegal occurrences that she has personally witnessed on and around the Lake. She asked the Board to share their opinion on why the Lake should be public, and if they aren't in favor of that, to please tell the public how they can help.

Kirk Ottmon – 209 Lakeview

Mr. Ottmon stated that the Lake needs to be private and asked the board to explain the advantages of being public.

Cassandra addressed the group by stating that she has lived on the Lake for six years. She has noted all concerns tonight and stated that the reason there is discussion regarding the Lake being private is because of complaints of rules not being enforced, and when she investigated why the rules weren't being enforced the question arose of whether the Lake was a public Lake already. She further stated that the Stansbury Service Agency is a government entity that collects and disburses taxes. Taxes are used to maintain the Lake. She assured everyone that the Board wants all the same things that were discussed tonight and wants to make sure it was being done correctly. She mentioned that she is heading up the Friends of the Lake Committee and asked everyone to attend the meeting tomorrow night and let her know how she can help. Leslie Wanlass interjected that she read in previous meeting minutes that the Board wanted to change the policy to not include the word private. Cassandra explained the context of that was if someone challenged that and we were wrong, we could open ourselves up to a lawsuit.

Mike Johnson addressed the group by stating that Board members get \$150 a month stipend for serving on the Board, and that there are no conspiracies. He further stated that it is not that we want to make the Lake public, the question is, isn't the Lake public already? He went on to explain that the Stansbury Lake was originally private, and that the developer that owned it went bankrupt. The Lake was then transferred to Tooele County, which is a Government entity. Tooele County, not wanting to maintain these assets then created the Stansbury Service Agency, which is another Government entity and the Board members are Government officials. The Service Agency collects property taxes that maintain the assets of the government owned property. When he researched the question of whether or not the Lake was public or private, he discovered that in 2010 the Utah Legislature passed a statute: Title 73-1-1 of the Utah Code that says, "All waters in this State whether above or under the ground are hereby declared to be the property of the public subject to all existing rights". In 2010 the Legislature passed a statute that they called the Public Waters Access Act. Title 73 Section 29 section 101 continuing of the Utah Code states, "The public may use a public water for recreational activity if the water is navigable or is on public property". He reiterated that the Lake is on public property.

Neil stated that everyone wants to keep the Lake private. He stated that the Lake could possibly be sold at fair market value. Mike further stated that if it is public already how do we deal with problems that exist. Unlike Tooele County or Grantsville City, we do not have a fire department, or police department. He stated that we can post signs, and possibly hire people to enforce the rules more, but the Service Agency only has a budget of \$1.1 million and have only five permanent employees. He reminded everyone that it will cost more to effectively police all of this

Cassandra talked to the DWR about this and determined that the Lake is not contained on privately owned land in accordance with the Utah Code Water Act. They are treating us as a private pond because that's what we told them.

Leslie Wanlass stated that more homes are being built, which means more impact fees. She stated that the Attorney General of the DWR would like to meet with Mike Johnson to discuss the rules. She also suggested that the Board meet with Tooele County to discuss restroom facilities if this is considered a public Lake.

Gary Allen stated that signs have been needed for at least three years. He stated that he has completed a lot of work regarding this and has taken photos of all spaces where a sign should be placed as well as prices for all signs. Cassandra stated she would work on this and consider verbiage on the signs.

Mike fielded some questions that people posed to him and stated that we do have a right to enforce reasonable rules and acknowledged the resolution that was passed by Randy Jones and stated he hoped the Lake was private. He stated that there would be no votes on this matter tonight. He stated that we could possibly place some kiosks around the Lake that has information about rules. He further stated that if could get something from the State of Utah stating that the Lake is private, all would be well.

Brenda Spearman stated that the most important thing was to figure out enforcement and signs, rather than whether the Lake is public or private.

Glenn presented some research that he has done on Westlake California. The fees to maintain this Lake in California are astronomical and we are lucky to live where we do.

Aaron Spilker stated that he heard about this issue when this was posted on Facebook incorrectly. He further stated that it had never been discussed or proposed whether we decide whether this is a private entity.

Patriot Guard Presentation

Mike Denman – As a member of the Patriot Guard he would like to invite all Board Members and all Veterans to a gathering of the Guard at Benson Grist Mill on August 24-25-26. On Saturday, August 25th, if you want to make a day of it they will be riding into the Harley Davidson Store downtown, joining up with a group there to go to Camp Williams where they will be interring homeless veterans. As part of the invitation, he presented a Star of the Flag to each Board member. The Service Agency will give him some swimming passes for his group. He asked for a donation of some canoes for use that day and was advised to speak to Nate at the Ice Shack.

Tooele County Sheriff's Report

Sgt. Aranda with Tooele County Sheriff reported that he was looking into suspicious vehicles and vehicle burglary in the Stansbury area. He spent some time at the Lake and did get some people out of the Lake that were there after hours. An arrest was made in a case of a car burglary and can possibly be linked to another one.

The Sheriff's office will begin enforcing the Golf Cart Policy which is attached to these minutes. There were 239 calls for the month of July.

Boy Scouts of America

Due to the length of this meeting, the Boy Scouts representative had to leave. Mike made a motion to table until the next meeting and Glenn seconded.

The vote was as follows: Glenn – yes; Aaron – yes; Neil – yes; Brenda – yes; Mike – yes; Cassandra – yes. The motion passed.

Nelson Molina- 182 Lakeview Possible Purchase of Greenbelt Property

Mr. Molina addressed the board and asked if he could purchase a 48x100 feet area of greenbelt. He stated that he maintains this area anyway and will improve it by landscaping and fencing it. He hopes the Agency will consider selling this to him at a fair price. Cassandra made a motion to table this to the next meeting and Glenn seconded. The vote was as follows: **Glenn – yes; Aaron – yes; Neil – yes; Brenda – yes; Mike – yes; Cassandra – yes. The motion passed.**

Lake Use Policy

Aaron made a motion to table this subject until further notice. Mike Seconded. The vote was as follows: **Glenn – yes; Aaron – yes; Neil – yes; Brenda – yes; Mike – yes; Cassandra – yes. The motion passed.**

Relining Golf Course Pond #16

Gary stated that this project is in the design phase. Aaron made a motion that we table this topic until further information is obtained and Glenn Seconded. The vote was as follows: **Glenn – yes; Aaron – yes; Neil – yes; Brenda – yes; Mike – yes; Cassandra – yes. The motion passed.**

Social Media

This has not yet been approved. Mike made a motion to table this until the next meeting and Glenn seconded. The vote was as follows: **Glenn – yes; Aaron – yes; Neil – yes; Brenda – yes; Mike – yes; Cassandra – yes. The motion passed.**

Boyer Plumb Open Space Agreement

The Boyer plumb development agreement is required to deed the Service Agency ground for building a park. Developers are required to maintain storm water and built a storm water retention pond and tried to get us to accept the pond as the required land for the park. Because the engineering on this project was done incorrectly for the retention pond, it left the ground as unusable for a park. An agreement is attached to these minutes stating that Boyer-Plumb will deed the ground to the Service Agency along with \$38,000 which will be used to make the ground a dual-purpose retention and park. Brenda made a motion to accept the agreement and Cassandra seconded it. The vote was as follows: **Glenn – yes; Aaron – yes; Neil – yes; Brenda – yes; Mike – yes; Cassandra – yes. The motion passed.**

Ivory Homes – Joe White

Brenda made a motion to table this item until further notice. Aaron seconded. The vote was as follows: The vote was as follows: **Glenn – yes; Aaron – yes; Neil – yes; Brenda – yes; Mike – yes; Cassandra – yes. The motion passed.**

Cemetery rule amendment:

Glen proposed that the following paragraph be added to the cemetery rules: “All interments setting of headstones markers disinterment’s, placing closing, sealing and lowering involving

caskets or any other associated function must be performed by licensed, bonded and insured professional service companies licensed to perform commonly accepted cemetery services. These companies are generally referred to as vault companies, monument companies, mortuaries, etc. These companies assume all liability while within the cemetery. No overweight vehicles allowed on cemetery roads.” Glenn made a motion to accept this and add it to our cemetery rules. And Cassandra seconded. The vote was as follows: The vote was as follows:

Glenn – yes; Aaron – yes; Neil – yes; Brenda – yes; Mike – yes; Cassandra – yes. The motion passed.

Recess

No recess at this time.

WORK SESSION:

General Manager’s Report – Gary Jensen

- Golf Cart Policy will start being enforced by the Sherriff’s office.
- Stansbury days fireworks on board for August 18.
- Blue lake weed mower is down today and being repaired.
- Increase in vandalism at the skate park area.
- Mowing is on schedule.
- Underpass project is out to bid.
- Area on waterfront for Stansbury Days is being cleared.
- Trees being donated for golf course.
- The Fire Marshal has notified us that the Clubhouse and Pro Shop are out of date on inspections. This will be completed this week.
- Pro Shop bathroom – Tony has some tile donated and seeing what he has so we can update the bathroom.
- Cassandra asked if she could see the bids for aeration. Gary told her that he would send them to her.
- Sports associations – soccer issues at sandhill park. Ground was wet. Brought in topsoil.
- A public meeting will need to be placed on the Agenda before October regarding a property tax increase.

Board Members’ Reports & Requests –

Brenda – Nothing at this time.

Cassandra Arnell – Friends of the Lake cleanup went well with many helping. Brenda Elverson received a grant for Phragmite removal from Tooele county weed control. She will have a booth at Stansbury days offering free chemicals and equipment for weed control. Will continue discussions at the meeting tomorrow about rules and enforcements and design signs.

Aaron Spilker – Nothing at this time.

Glenn Oscarson – Nothing at this time.

Neil Smart – Nothing at this time

Mike Johnson – Nothing at this time.

Correspondence – none.

Financials & Bills – checks were signed and the bills paid.

Neil made the motion to have a recess period and then enter a Closed Meeting inviting Gary Jensen and Tracey Schmidtke to discuss possible land acquisition. Glenn seconded the motion and the vote was as follows: Glenn – yes; Aaron – yes; Neil – yes; Brenda – yes; Mike – yes; Cassandra – yes. The motion passed.

Following the Closed Meeting, **Neil made the motion to reopen the Regular Meeting and also adjourn the Regular Meeting** The vote was as follows: **Glenn – yes; Aaron – yes; Neil – yes; Brenda – yes; Mike – yes; Cassandra – yes.**

The motion passed and the Regular Meeting was adjourned.