

**Unapproved Meeting Minutes
Fairfield Town Council
Work Session/Regular Meeting
November 14, 2023**

Work Meeting

Date: Tuesday, November 14, 2022

Location: Fairfield Town Office, 103 East Main Street, Fairfield, Utah

Time: 6:00 P.M.

Minutes By Stephanie Shelley

Agenda Item #1 - Open The Town Council Work Session.

Mayor Gurney called The Town Council Work Session Meeting to order At 6:03 p.m.

Agenda Item #2 - Roll Call.

Town Council Members Present: Mayor Brad Gurney, Rl Panek, Tyler Thomas, Hollie Mckinnley, Richard Cameron

Staff Present: Stephanie Shelley- Recorder

Others Present Via Zoom: Larry Jenkins

Agenda Item # 3 - Town Council will Close the Work Session for a Closed Meeting per State Code 52-4-205. (1) A closed meeting described under Section (c)strategy sessions to discuss pending or reasonably imminent litigation.

Councilwoman McKinney motioned to close the Work Session. Councilman Panek seconded the motion.

Mayor Gurney - Yes

Councilwoman McKinney - Yes

Councilman Thomas - Yes

Councilman Panek - Yes

Councilman Cameron - Yes

Councilman Thomas motioned to close the Closed the Work Session. Councilman Panek Seconded the motion.

Mayor Gurney - Yes

Councilwoman McKinney - Yes

Councilman Thomas - Yes

Councilman Panek - Yes

Councilman Cameron - Yes

The Work Session was reopened at 6:36 pm.

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Agenda Item # 4- Discussion on the Fairfield General Plan.

Nothing was discussed.

Agenda Item # 5 - Discussion On Old Business.

The Council discussed the arsenic on the west side corner off Highway 73 on Allen Ranch Road. They discussed the issue of water eroding the road. The Council discussed possible solutions to the problem. They can not put culverts in because of the arsenic. It would be redirecting the flow of water that is contaminated with arsenic.

Councilman Panek stated that Brian (IRL) had invited him to a meeting regarding Allen Ranch Road. Brian said that soon about 300 cars a day will be traveling on it, going towards the solar farm being constructed south of Fairfield.

Councilman Thomas stated that the water line under that corner of the road was put in before it was covered.

The Council talked about the possibility of different options on the water flow. One option would be installing a pond on the west side of the road to catch the water and let it evaporate over time.

Councilman Panek stated that the shoulder of the road needs to be built up. Councilman Panek also stated that the Sheriff reached out to UDOT for the car counters for Allen Ranch Road. This could help determine how many vehicles were going to each landfill and how many continue south. They can then know the percentage of the vehicles to see how much IRL, North Pointe, and the Town should pay.

The Council decided that Councilman Panek would take care of the traffic counter.

Agenda Item # 6 - Discussion On New Business.

Nothing discussed.

Agenda Item # 7 - Adjourn The Town Council Work Session Meeting.

Councilman Thomas made a motion to adjourn the meeting. Councilman Panek seconded the motion. The motion passed unanimously.

The meeting adjourned at 7 p.m.

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Regular Meeting

Date: Tuesday, November 14, 2023

Location: Fairfield Town Office, 103 East Main Street, Fairfield, Utah

Time: 7:00 P.M.

Minutes By: Stephanie Shelley

Agenda Item #1 - Open The Town Council Regular Session Meeting.

Mayor Gurney opened the Town Council Regular Meeting At 7:04 p.m.

Agenda Item #2 - Roll Call.

Town Council Members Present: Mayor Brad Gurney, RL Panek, Hollie McKinney, Tyler Thomas, Richard Cameron

Staff Present: Stephanie Shelley- Recorder

Others Present: Cherie Anderon (IRL), Jerry Bradshaw, Michael Weber, Benj Becker (Bountiful), Mark Pringle, Ted Morton, Ron Hall (Tooele), Tal Adair (Kamas).

Others Present Via Zoom: Larry Jenkins, Jim Baker, Christine Mikel, Tanner

Agenda Item #3 - Prayer / Pledge Of Allegiance.

Councilman Cameron offered the prayer. Mayor Gurney led the Pledge of Allegiance.

Agenda Item #4 - Discussion Regarding North Pointe Contract.

Mayor Gurney stated that Councilwoman McKinney and him have been working on the North Pointe contract for a considerable period of time, and is nearing completion. Today, in the work session discussion on road details, there was a proposal to install a counter on Allens Ranch Road to gather data on the traffic. The cost was mentioned, and upon receiving no objections, Councilman Panek was given permission to proceed with ordering the counter. This decision is expected to aid in making informed choices about the road, tracking various vehicle types passing through, and enhancing data collection efforts.

The Council agreed on a thirty cents per ton tipping fee with North Pointe.

Agenda Item #5 - Discussion Regarding Extending North Pointe's Business License.

Councilman Panek motioned to extend the North Pointes Business License to December 12th until their next Council meeting. Councilwoman McKinney seconded the motion.

Mayor Gurney - Yes

Councilwoman McKinney - Yes

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Councilman Thomas - Yes

Councilman Panek - Yes

Councilman Cameron - Yes

Agenda Item #6 - Discuss a letter of intent for the creation of a Public Infrastructure District, Mr. Benjamin Becker, Senior Vice President of Public Finance Investment Banking.

Benjamin Becker presented the following information to the council. He is associated with Piper Sandler. He began with public infrastructure districts are a tool that the legislature approved in 2018 specifically intended to finance public infrastructure. What they are looking for tonight from the Town Council is essentially a blessing to move forward with creating governing documents. Approval by the Town Council would allow for additional exploration of what this public infrastructure district could mean, specifically for the airpark area, in getting water and some utility enhancements in that area. This is a tool that is intended for public infrastructure, just financing infrastructure. It allows for the creation of a separate jurisdictional entity that requires 100% property owner approval, and then once that area is created, which can only be created by the town council, that district can then issue bonds based on revenues that are associated with that area, so you can add an additional tax to the property tax there.

Mayor Gurney inquired about the responsibility for repaying the funds, whether it falls under impact fees or if there's a shortfall in revenue. Benjamin stated that the town bears no financial liability, and property owners are not financially responsible either. The risk lies with the bondholders, typically major mutual fund companies like Goldman Sachs and BlackRock, who manage investment portfolios, including bonds, within 401(k)s. High-yield bond funds may include bonds servicing developments in various states, such as Colorado, Texas, and Utah. These bondholders assume a higher interest rate compared to what the state or city would offer due to the absence of credit backing or a financial guarantee. If the bonds fail to generate returns, there is no recourse to the city, and the city itself has no financial obligations or liabilities. Property owners' assets remain unaffected, and the risk is solely on the bondholders, justifying the higher interest rates they receive.

Mayor Gurney asked Alina Pringle how many landowners were on board. Alina stated that during tonight's meeting, they discussed the potential involvement of approximately six landowners in the PID, although their full commitment remains uncertain. Despite the uncertainty, the Airpark is keen on establishing a PID for the residential lots, hangers, and airport, totaling around 29 or 30 lots. This approach seems more practical, allowing for greater clarity and involvement of landowners as the project progresses, particularly concerning water considerations.

Mayor Gurney, if a bond is initiated to extend water down Allen's Ranch Road for the airpark, and someone unaffiliated halfway down expresses interest in connecting to it, how would the pay impact fee be involved, and would the town assist in covering the bond, or associated costs? Benjamin stated that the negotiation process would typically involve discussions between the town, the infrastructure district, and the developers responsible for installing the water line. These negotiations may determine whether the developers receive a portion of the impact fee back, with another portion allocated to the

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town for its role in supporting the waterline. The specifics of these negotiations would depend on agreements reached between the town and the developers or the infrastructure district.

Mayor Gurney asked if the Town or the district owned the water line in question. Benjamin stated that the Town owns the water line.

Councilwoman McKinney asked what the benefit is for the Town. Benjamin said for property owners, gaining access to water and related services enhances their quality of life and enables more efficient land use. On the town's side, it involves obtaining essential infrastructure without incurring direct costs or liabilities. Developers and programs are also motivated to participate because seeking funds on the market independently would be expensive, with private equity requiring a high return rate, typically around 18-20%. In contrast, utilizing tax-exempt bonds for public purposes, such as public infrastructure, provides a more cost-effective capital solution, with interest rates around 7-8%. This cost advantage encourages developers to invest in their projects and develop the necessary infrastructure.

Mayor Gurney asked if, assuming negotiations between the special district and the town, would determine the respective responsibilities for the water line—clarifying the extent for which the town would be accountable. Benjamin said establishing a district doesn't grant any land use authority; its role is solely for financing purposes. All permits, approvals, and other processes still remain under the jurisdiction of the town.

Mayor Gurney asked if they require only a 10-inch water line for their property, but the town intends to install a 14-inch line (using hypothetical numbers); how would this arrangement be managed? Benjamin said you could mandate the installation of a 14-inch line, and those who connect to it may have a higher portion of impact fees directed back to the developer. If the original requirement was for a 10-inch line and the developer incurred a cost of \$2 million for a 14-inch line, they may seek reimbursement for the additional expense beyond the necessary \$1 million. This reimbursement could be negotiated over subsequent connections to the waterline, with the town receiving a certain percentage of impact fees from each of the next 100 connections, for example.

Mayor Gurney asked if all of these details were subject to negotiation within the contract before establishing the special district. Benjamin stated that the Town would have the option to create the special district and subsequently negotiate with developers and the district at any point. He said that if needed, they can bring in bond counsel or legal counsel to illustrate how similar processes have been successfully implemented in other towns. Benjamin said he could assist in coordinating that if desired.

Mayor Gurney asked Benjamin what they were asking for tonight. Benjamin said there are two steps involved in the bond transaction process. He explained that the first step is the creation of a public infrastructure district, a task that can only be undertaken through the town. He said they are seeking the town's approval to proceed with the necessary documentation for this creation. Benjamin explained that before investing the time and resources into developing these documents, the authors wish to approach the council for a general blessing. This is not a request for immediate approval but rather an indication

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that the council is open to further exploration and discussion. Since forming these documents will involve expenses for the property owners, they want assurance that this aligns with the council's general approval and is within the acceptable scope of consideration. This way, they can confidently proceed with the understanding that the council is supportive of the initiative to bring water to the area.

Councilwoman McKinney stated that In our existing ordinances, developers typically bear the cost of extending infrastructure to their developments, regardless of location. She asked how this scenario differs from other developments, what is the envisioned trajectory going forward, and how will this unfold in the larger context of town development? Benjamin stated that it appears that this initiative involves extending infrastructure over a considerable distance, benefiting multiple properties. Unlike the usual scenario where a single developer funds improvements for their specific project, this effort entails broader enhancements that will benefit various properties. He explained that while it incurs a higher initial cost, it offers the advantage of securing more cost-effective and continuous financing. This, in turn, facilitates a more efficient and timely development process, leading to improved overall infrastructure and enhancements. Councilwoman McKinney stated that it's just better for the developer. Benjamin stated the individual who will ultimately own these properties, including the residential units that will benefit from this initiative, may find it more favorable to repay a loan at a lower interest rate, such as 10%, compared to the higher interest rates associated with credit cards, often around 18%. This approach allows for greater flexibility and enables more extensive projects. The overarching goal is to establish a substantial pool of infrastructure funding. The legislative intent behind this mechanism is to address the challenge of insufficient infrastructure development in the state due to developers lacking the necessary upfront funds. This initiative serves as a means to secure the needed financial resources upfront.

Councilwoman McKinney asked do you have to have all the property owners on board with it? Benjamin replied that approval from property owners is required to impose property taxes on any property; hence, their consent is essential for implementing such measures.

Mayor Gurney noted that not all property owners benefiting from the initiative need to provide consent. Benjamin replied that only those who are part of the special service district in question are required to grant approval.

Mayor Gurney stated that the Council was voting to decide whether or not it's a good idea to allow them to explore and create a special service district to put a waterline down on Allens Ranch Road.

Mayor Gurney - Yes

Councilwoman McKinney - No

Councilman Thomas - Yes

Councilman Panek - Yes

Councilman Cameron - Yes

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Agenda Item #7- Discussion on a sign variance for West Desert Airpark.

Mayor Gurney said the Airpark is interested in installing a sign along their road, and a visual example provides an idea of their concept; however, our existing sign ordinance poses restrictions on such installations. We are in the process of revising the ordinance to allow more flexibility. Given that Airpark has secured a grant for this project, they need to complete it by the end of December. Therefore, they are seeking a variance to proceed with the installation, and I wanted to bring this matter before the council for consideration.

Alina Pringle said that the Utah Department of Transportation allocates \$100,000 annually for airport revitalization projects, including signage. They've granted approval for a \$35,000 fund for a signage project near the entrance to the airpark, but completion is required by December to secure the grant. We're seeking your input and approval for a variance that allows us to proceed with this beneficial signage initiative.

Agenda Item #8- Vote to Approve the Sign Variance for West Desert Airpark.

Councilman Thomas made a motion that we accept the sign variance for West Desert Airpark entrance sign. Councilman Cameron seconded the motion.

Mayor Gurney - Yes

Councilwoman McKinney - Yes

Councilman Thomas - Yes

Councilman Panek - Yes

Councilman Cameron - Yes

Agenda Item #9- Discussion on the Preliminary Subdivision Plat Blue Skies at West Desert Airpark.

The Council reviewed the preliminary subdivision plat. They looked at where the roads would be placed.

Mark Pringle's plan involves constructing a half road on one side of the property, transitioning to the other side, and eventually expanding to a full road. Discussions with the church, Shawn, and other stakeholders are ongoing to determine the layout, especially considering limitations on Lantis property size, allowing only 500 square feet up to a certain corner.

Mayor Gurney stated that the road plan requires a sufficient turnaround, either at the end of the road or with the option to create a turn-around later. McNeil and NC, citing mechanical engineering principles, state that a T intersection is adequate for fire trucks. The specific configuration may depend on future development plans, and the public street maintenance responsibility applies to a specific portion, while the rest falls under the jurisdiction of the relevant authorities.

Councilman Thomas said that he wanted whatever was in our ordinances to be followed.

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Councilwoman McKinney said that her initial impression was that this proposal for three-quarter acre lots wasn't adequately presented to the entire town. She said she believed the details and considerations surrounding such lot sizes were not thoroughly communicated or discussed with the community. Mark Pringle stated that they had initially discussed lot sizes ranging from one acre to three-quarters of an acre. The apparent reduction in lot size is due to the decision to include the roads within the lot measurements. This adjustment was made to eliminate taxing homeowners for land they can't effectively use, resulting in the perceived change in lot dimensions.

Councilwoman McKinney said she sensed a disparity between the initial public presentation and the current plan, with the latter resembling a conventional subdivision rather than the envisioned open hangar concept akin to Sky Ranch. The shift to three-quarter acre lots does not align with the general plan; it deviates from the existing norm in the town, where nothing is below one acre. Councilwoman McKinney added that she supports the air park concept but would prefer a more expansive and distinctive design rather than a clustering of three-quarter acre lots. She asked if there was any flexibility in exploring alternative options. Mark Pringle said they would have to get more land, and then it increases their development costs.

Councilman Thomas stated that he recalled a discussion where they debated the optimal number of lots, and the Councilmembers' viewpoints were centered around a percentage of the total land space. He said that while he advocated for a slightly higher count, there was a compromise, and they settled on a number that fell between their initial proposals. Mayor Gurney stated that they need to look at what was passed.

Councilwoman McKinney and Councilman Thomas both said that concerns were raised regarding the number of lots, specifically that they were in their twenties. During the presentation, there was mention of determining the count based on a percentage, and a consensus was reached regarding the agreed-upon number of lots in the twenties. In the presentation, they talked about a percentage and agreed about how many lots.

The Council continued to review the plat.

Mayor Gurney stated that before approving the preliminary plat, he would prefer to address road-related matters and establish agreements between landowners, particularly connecting Allen Ranch Road to the property. They will look at the percentages for land and lots. They will also review audio from a previous meeting.

Agenda Item #10 - Vote to approve the Preliminary Subdivision Plat Blue Skies at West Desert Airpark.

Tabled

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Agenda Item #11- Sheriff's Department update.

Tabled

Agenda Item #12- Discussion on Adding Caretaker Dwelling to the Commercial Overlay Zone as a Conditional Use Permit.

There was a discussion about introducing caretaker dwellings into the commercial overlay zone as a conditional use permit. Jerry Bradshaw mentioned to the Planning Commission that he wanted to place a caretaker dwelling on his property for constant supervision and care.

Councilman Thomas asked Jerry if he had an apartment in the first building where he lived. He responded yes. Councilman Thomas stated that living quarters were not approved on the property. The current concern is that there is already an unauthorized apartment on the premises, and now, the request is for another caretaker dwelling, which is essentially similar to the existing illegal apartment. Jerry Bradshaw said he did not understand. Councilman Thomas stated that he was uncertain how to clarify further. He responded to Jerry by stating that there is an apartment in the initial building where he resides, but it has never been officially approved as a residential space. Jerry stated that he is living there. Mayor Gurney informed Jerry that he was living there illegally.

Councilman Thomas stated that when the Town rezoned that area, it was initially designated for commercial use. After thorough discussions, the Council decided that property owners could either construct a residence, as Lancasters did or establish a commercial property. However, having both a residence and commercial property on the same land was not permitted.

The Council clarified with Jerry he wants to build another caretaker building.

Mayor Gurney informed Jerry that he does need to move out since he is living in that building illegally.

Alina Pringle stated that the Planning Commission is in favor of allowing caretaker dwellings in the light industrial and commercial zones. She said that many municipalities are adopting this approach for safety and housing reasons, as it can contribute to better safety, reduce traffic, and address housing shortages. Permitting caretaker residences as a conditional use permit (CDP) in the commercial overlay zone provides the Town Council with oversight while acknowledging the practical needs of residents. Specific requirements, such as minimum building size, separate entrances, and designated square footage for caretaker dwellings, would still be under the control of the Town Council.

The Council would like time to review the conditional use permit. Councilman Thomas would like to see the original engineered drawings.

Mayor Gurney will inspect the building.

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Agenda Item #13- Discussion Adding Battery Storage to the Light Industrial East Zone as an allowed use.

The Council held a discussion on the battery storage ordinance. They want to take the time to review the ordinance.

Agenda Item #14- Vote to approve an Ordinance adding Battery Storage Light industrial East Zone.

The Council wants more time to review this Ordinance until the meeting on December 12.

Agenda Item #15- Vote to approve an Ordinance adding a Caretaker Dwelling to the Commercial Overlay Zone.

The Council wants more time to review this Ordinance until the meeting on December 12.

Agenda Item #16- Planning Commission Update.

The Planning Commission is set to develop a priority list, with a focus on initiatives such as ADUs (Accessory Dwelling Units) and the incorporation of trailers into the ordinance. Additionally, efforts will be made to enhance the sign ordinance. The new owners of the Thom Belchak property have requested the violation letter be addressed to them. Furthermore, the Planning Commission informed the Council that Nextera has approached them.

Agenda Item #17- Discussion on the Town Park.

Nothing was discussed.

Agenda Item #18- Discussion on Christmas Event.

Councilwoman McKinney let the Council know that most of the things are done for the event. The sheriff talked to the fire department, and the fire department will be there.

Councilman Cameron will be providing cones/ water barriers/ light plants/marquee/parking attendants.

Councilman Panek is in charge of fires around the Inn.

Mayor Gurney will get the signs for the A-frames.

Agenda Item #19- Vote to Approve the Minutes Work/Regular Session August 15, 2023.

Tabled

Agenda Item #20- Vote to approve the minutes of Work/Regular Session on October 17, 2023.

Tabled

Agenda Item #21- Vote to Approve the Minutes Work Session October 24, 2023.

Tabled

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Agenda Item #22- Vote to Approve the Fairfield Town Financials as of the Month ending September 30, 2023.

Councilwoman McKinney's motion to approve the financials ending September 30, 2023, Councilman Cameron seconded the motion.

Mayor Gurney - Yes

Councilwoman McKinney - Yes

Councilman Thomas - Yes

Councilman Panek - Yes

Councilman Cameron - Yes

Agenda Item #23- Vote to Approve the Fairfield Town Financials as of the Month ending October 31, 2023.

Tabled

Agenda Item #24 - Discussion On Upcoming Agenda Items.

Stephanie Shelley let the Council know that the Canvass will need to take place on December 5, 2023.

Agenda Item #25 - Discussion On Old Business.

Nothing discussed.

Agenda Item #26 - Discussion On New Business

Councilman Thomas said he had two business-related items to discuss. First, he noted that the landscaping crew did a good job cleaning up the well site where the tanks are located. They are willing to take on the task, and if the Council is interested, the Town can consider hiring them as they are actively seeking work. Mayor Gurney will present it to the cemetery board. Councilman Thomas also said he is in the process of setting up communications to receive water text alerts in case of system issues. He said that in order to proceed, he has to establish an account with a cell phone company. He asked the Council if he should go with Verizon, AT&T, or another provider. Councilman Panek reported that all the road improvements were completed for the year. Councilman Panek is preparing for the snowplow season.

Councilwoman McKinney reported to the Council that some transfers that should have been for the water departments' impact fees had not been made since 2020. She stated that no transfers have been made since 2020.

2023-2024 Budget \$6,000

2022-2023 Budget \$40,000

2021-2022 Budget \$35,000

2021-2021 Budget \$55,000

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Agenda Item #27 - Adjourn The Town Council Regular Meeting

*Councilman Thomas made a motion to adjourn the meeting. Councilman Panek seconded the motion.
The motion passed unanimously.*

The Meeting Adjourned At 8:39 P.M.

January 9, 2024

Stephanie Shelley

Minutes Approval Date

Stephanie Shelley Town Recorder