

**Unapproved Meeting Minutes
Fairfield Town Council
Work Session
October 17, 2023**

Work Meeting

Date: Tuesday, October 17, 2023

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 6:01 P.M.

Agenda Item #2 - Roll Call

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

Staff Present: Stephanie Shelley- Recorder

Others Present: Neil Schwendiman, Craig Hall, Brett Mickelson, Christin Mikell

Others Present Via Zoom: iPhone, iPad

Agenda Item #3- Discussion on North Pointe Contract.

Mayor Gurney addressed those present and the Council members to discuss the issue of hosting fees in a contract. He would like to gauge the Council's thoughts on various contract concerns. The main topic at the moment is the discrepancy in proposed hosting fees – Mayor Gurney stated that in the contract, the Town is asking for 35 cents, while North Point is pushing for 30 cents. They need to justify the extra five cents and will have a discussion about it. Councilwoman McKinney will start the discussion, followed by Mayor Gurney, and then they will go around the room to gather input from others who are knowledgeable about the issue.

Councilwoman McKinney explains that she copied IRL's contract as a template and made relevant changes for North Pointe, including responsibilities for road maintenance, trash disposal, landfill access, lounge ordinances, and tipping fees. However, North Point has raised concerns about cleaning up trash at the south end of their property along Highway 73. They argue that it's unfair because the trash doesn't originate from them, and they don't want to clean it beyond their gate. This issue raises two key points: the responsibility for cleaning up 13 miles and who will handle any damages associated with it. The Council responded, saying IRL takes care of 13 miles. North Pointe should be able to handle 3 miles.

Councilwoman McKinney continued to outline several concerns related to North Pointe's DEQ permit and the contract. North Pointe is reluctant to clean up trash around their landfill, citing cost concerns and their unwillingness to fence the entire landfill. They want to pay lower fees (30 cents) and are hesitant about road maintenance responsibilities, even though it was initially their obligation. Attorney fees for

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potential legal battles are a major reason for keeping fees at 35 cents, as it might take a while to recoup \$35,000. There are also concerns about North Pointe's lack of cameras, failure to cover their loads, and the potential safety hazards this presents. She feels that while some progress has been made, there are significant unresolved issues that are important to the Council.

Councilman Thomas suggests justifying the extra five cents in fees to cover the cost of cleaning up garbage that might blow out of the landfill to the south, ensuring that the cleanup expenses are covered.

Councilwoman McKinney insists that North Pointe must be responsible for cleaning up any trash within their vicinity, especially if it originates from their landfill. She emphasizes that despite North Pointe's desire to switch back to the county's regulations for some matters, they have failed to adhere to previous county mandates for trash pickup all the way to White Hills. This contradiction highlights the inconsistencies in North Pointe's position. Ultimately, McKinney justifies maintaining the 35 cents fee, considering the unlikely prospect of recovering attorney fees for several years.

Councilman Thomas raises a question about the agreement for the other landfill's 30 cents fee, possibly around the year 2006. He emphasizes the significant time that has passed since then, roughly 17 to 20 years, and how everything costs more.

Mayor Gurney presents his reasoning for supporting the extra five cents in hosting fees. He explains that hosting fees are essentially voluntary payments from the landfill operators to the Town to compensate for having a landfill in the area. The fees are a way to mitigate the impact of garbage disposal on the community. The mayor outlines three key reasons for these fees.

First, hosting fees were initially conceived as a way to address the issue of garbage generation, with the understanding that everyone creates waste, but nobody wants a landfill in their backyard. So, to incentivize municipalities to accept landfills, hosting fees were established.

Second, hosting fees serve as a valuable tax-based revenue source. Once a landfill is filled and capped, it cannot accept waste for a long time. This non-revenue-generating period is why the town should rely on hosting fees to generate income.

Third, the town's reputation and the first impression people have when entering the area are influenced by the presence of landfills. The town's viewpoint is closer to the residents than the next landfill, so its image is crucial.

The mayor also highlighted the differences in garbage types and disposal practices, with IRL handling general garbage and hazardous waste, which is more expensive to manage. Lastly, the mayor emphasizes that IRL has been cooperative and supportive of the town in various ways, whereas NorthPointe has declined to contribute even when approached for assistance with community needs. In conclusion, he believes that comparing IRL and NorthPointe is like comparing apples to oranges due to the significant differences in their operations and their relationships with the town.

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Councilman Thomas sought clarification on the original agreement between the county and North Pointe regarding tipping fees. In response, Mayor Gurney clarified that it was not a tipping fee but a hosting fee and confirmed that North Pointe did not have a hosting fee.

Mayor Gurney explains that his rationale for supporting the 35-cent fee is based on the factors discussed. On a scale of one to ten, with ten being extremely important, he rates the significance of this issue at an eight. He emphasizes the importance of maintaining the 35-cent fee.

Councilman Thomas expresses his viewpoint, stating that the discussion of 30 cents feels like revisiting prices from 2006, making the 35 cents fee seem like a good deal to him. Mayor Gurney then asks Councilman Thomas to rate the importance of this matter on a scale of one to ten, and Thomas indicates he's similarly at an eight to ten, aligning with the mayor's perspective.

Councilman Panek agrees with the points mentioned earlier. He highlights the significance of updating the contract, especially in comparison to the arrangement with IRL. He expresses disappointment that the focus seems to be on economic aspects rather than being a good neighbor and community partner. In terms of importance, he rates it at eight, aligning with the views expressed by others.

Councilman Cameron emphasizes that his stance remains unchanged from the previous discussion. He believes that sticking with the 35-cent fee is crucial and that Greg, who has been neglecting the agreements, needs to recommit to the terms. He expresses concerns about non-compliance with safety measures, such as fencing and covered roads, emphasizing the need for cooperation and partnership. He concludes by urging everyone to work together and move forward collaboratively.

Mayor Gurney inquired about the level of importance on a scale of one to ten, with ten indicating high importance and one being low or unimportant. In response, Councilman Cameron indicated he stands at a seven and a half regarding the matter.

Mayor Gurney discusses the issue of cleanup and how it was originally stipulated that North Pointe would clean from Allen's Ranch Road to the end of their property, which is about 2.8 miles. However, the Mayor points out that they were also supposed to clean from White Hills to their gate, which measures approximately 4.25 miles. Mayor Gurney emphasizes that cleaning the highway is more challenging than Allen's Ranch Road, so they might consider the shorter cleanup distance as a concession to North Pointe.

Returning to the concept of being good neighbors, Mayor Gurney recalls a previous discussion where IRL expressed intentions to hire local residents, and North Pointe indicated cooperation. However, this plan didn't come to fruition. Therefore, the mayor believes that North Pointe cleaning all the way down to Allen Ranch Road is more of a favor than a burden for them, and he supports this measure.

Councilwoman McKinney believes there's no need to explicitly instruct NorthPointe on what they should clean up. She thinks it's evident that they should maintain cleanliness without detailed directives, and if an area doesn't appear clean, it's their responsibility to address it appropriately.

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Mayor Gurney suggested that the contract should specify the frequency of cleaning and report back to the town. Councilwoman McKinney and Councilman Thomas express that the current practice is ongoing and frequent without any formal reporting on cleaning frequency. They emphasize the importance of cleanliness without requiring explicit reporting on how often it should be done.

Councilman Panek completely agrees and feels that assigning a numerical scale to cleanliness is unnecessary. He emphasizes that cleanliness is a direct reflection of the town's image.

Councilwoman McKinney recalls a time when the area looked cluttered and disheveled, almost like a third-world country. She acknowledges the hard work of the cleaning staff, primarily the ladies who have made a positive change in the community. She stresses the importance of not letting their efforts go to waste, as the community has invested a year to make improvements.

During the discussion, it was highlighted that the 13-mile cleanup is currently managed on a voluntary basis by IRL rather than being outlined in the contract. This was considered a positive initiative. Despite this, it was pointed out that IRL has been diligent in its cleaning efforts, not only collecting typical waste but also addressing scattered items like McDonald's wrappers and other litter from various sources. Additionally, the group recognized that cleaning along the highway is comparably easier than in other areas, further acknowledging the efforts of the cleaning staff.

Mayor Gurney said that the next topic to address is road maintenance, which is expected to be a challenging issue. There have been email communications related to road maintenance. One of the Mayor's primary concerns is that neither party has fully adhered to the original contract, resulting in the current situation. The goal is to find a fair solution for road maintenance, considering the comments made by IRL regarding fairness and their adjusted contract. The mayor is open to suggestions on how to approach this matter.

Councilman Thomas expresses uncertainty in finding a solution because the other party has valid arguments. While acknowledging that their trucks are heavy and cause more wear on the road, it's important to remember that multiple users utilize the road, not just one party.. The road is paved up to their gate.

Councilman Panek concurs and acknowledges that circumstances have evolved since July. With developments extending beyond IRL, assigning a specific number or percentage to the changes becomes a challenging task.

The Council addressed the challenge of road maintenance, particularly as development extends further south. They contemplated the difficulty in assigning the responsibility for maintaining the road, given that multiple businesses use it. The question of how to distribute the maintenance costs among the various businesses arose.

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Mayor Gurney said the next item on the agenda pertains to temporary closures. Larry's (Jenkins) email highlighted concerns related to the economy and construction challenges, potentially necessitating temporary landfill closures with the possibility of reopening in the future. The Mayor believes this is a manageable issue and emphasizes the need for thorough covering during these temporary closures. They propose ensuring proper coverage to mitigate dust emissions, even if the closure isn't as extensive as initially planned, particularly for closures lasting over six months to a year.

The Council continued the discussion and touched on several points. The Council expressed a desire not to create excessive regulations without clear goals. They considered the definition of temporary closure or closure, with a focus on finding practical solutions and gathering opinions and concerns. The priority of temporary closures was discussed, with the hope that they can work things out. The 365-day limit and the state contracts were also mentioned, with a willingness to align with the existing agreements. The concept of a closure fund for temporary needs was considered, with the aim of negotiating it. Covering loads was brought up, highlighting that the state doesn't mandate covering construction waste loads, and the issue of regulating covering loads for construction waste was raised. There was a mention of site dumps requiring covers and a question about regulating this requirement without making it burdensome for truckers.

The conversation revolved around clarifying a specific contract clause (2.6) related to property use ceasing for a period of at least 365 consecutive days. Council members sought to understand whether the existing clause sufficiently addressed the situation, and there were some differences of opinion that prompted further discussion and potential contract modifications.

The discussion then shifted to the construction of a fence on the property that North Pointe currently uses. Council members generally expressed approval of the idea, but concerns were raised about the 50-foot firebreak and the planting of trees as part of the landscaping. Some members were skeptical about the feasibility of growing trees in the area due to the arid environment, while others suggested focusing on native plants, like sagebrush and native grasses, to blend in with the surroundings.

The consensus was that the project should aim to harmonize with the local environment and not stand out. There was a mention of the potential for a tree or two in the landscaping, but the preference leaned towards blending with native vegetation.

Mayor Gurney moved on to the next item, which was the discussion of hours of operation. The existing agreement specifies a starting time of 7 a.m. However, North Pointe would prefer not to have any specific hours of operation.

Councilwoman McKinney stated North Pointe aims to synchronize its hours of operation with IRL, which commences at 5 a.m. and opens to the public at 7 a.m. This change is driven by the need to cater to early traffic and their proximity to residential areas, where residents have raised concerns about the current operational schedule.

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Mayor Gurney emphasizes that the Council should consider that the residents are located within a light industrial zone.

Councilman Panek expresses doubts about having no set business hours and suggests the need for an agreement on specific hours due to the industrial zone's nature. Mayor Gurney suggests the possibility of keeping the existing hours for public access (7 a.m.) while allowing more flexibility for non-standard daily operations. Councilman Panek acknowledges that the situation may change as North Pointe expands southward, potentially reducing noise toward the town, especially if they adjust their entrance location.

Councilman Cameron highlights the significance of flexibility, especially given the varied housing proposals within the community and the presence of residents living in Quonset huts. He underscores the need to be considerate and respectful of these factors, suggesting that a permit-based approach could offer an effective solution for addressing these concerns collaboratively.

Mayor Gurney inquired about the importance of this aspect within the agreement, to which Councilman Panek indicated a level of around 5 in terms of significance.

The council deliberated on the potential reduction in noise when the gate is relocated.

Councilwoman McKinney expressed her disappointment, as she believed they were making progress but now felt like they had taken a step backward, given the considerable time invested in dealing with the issue over the past year and a half.

Councilman Panek extended his gratitude to Mayor Gurney and Councilwoman McKinney for their dedicated efforts in dealing with North Pointe.

Craig Hall expressed his thoughts during the meeting, acknowledging the significant progress made during private discussions. He noted the extensive work and collaboration, specifically addressing issues related to cleanup planning. Craig emphasized the importance of understanding the changes in landfill height over the years, as well as efforts to align with the operations of North Pointe. He highlighted the urgency of resolving the host fee demand for the upcoming budget and shared insights into the landfill's performance over the past year. Craig concluded by emphasizing the importance of finalizing agreements to provide clarity for all parties involved.

Agenda Item # 4- Discussion on the Revision and Update of the Fairfield Town's General Plan.

The Council initiated the review of the General Plan, with Stephanie Shelley tasked with identifying and rectifying spelling and grammar errors, as previously noted by Vonda.

The Council will begin on Page 14 at their next meeting.

Agenda Item # 5 - Discussion On Old Business.

Nothing discussed

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Agenda Item # 6 - Discussion On New Business.

Nothing discussed

Agenda Item # 7 Adjourn The Town Council Work Session Meeting

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

The meeting adjourned at 6:59 p.m.

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Regular Meeting

Date: Tuesday, October 17, 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 7:00 P.M.

Agenda Item #2- Roll Call.

Town Council Members Present: Mayor Brad Gurney, Rl Panek, Hollie Mckinney, Tyler Thomas, Richard Cameron (via Zoom)

Staff Present: Stephanie Shelley- Recorder

Others Present: Michael Weber, Christin Mikell, Neil Schwendiman, Craig Hall-Lawyer North Pointe, Brett Mickelson

Others Present Via Zoom: iPhone, iPad, Adrienne Bell, iPhone (there were two iPhones)

Agenda Item #3- Prayer / Pledge Of Allegiance.

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

Agenda Item #4 - Presentation with North Pointe on the Height of the Landfill.

Councilwoman McKinney asked if they could donate money to help the Cedar Valley Marching Band for the Fairfield Christmas Event. Craig Hall stated that the money needs to be given to an organization and approved by the board. Councilwoman McKinney will give them a formal letter for their Monday Board meeting.

Craig Hall, North Pointe Lawyer, gave a presentation on the landfill to the Town Council.

The current land-use plan involves three sections: the existing landfill, central expansion, and southern expansion. The existing landfill is filled, and attention is now on the central expansion, specifically in Phase One. The excavation from this phase provides cover material for the central expansion. After completing Phase One, the plan is to proceed to Phase Two and Phase Three successively. There is a consideration to relocate the entrance gate for better access, and a long-term Scale House is envisioned for the future. The overall process includes closing the existing portion of the landfill, detailed on the following page.

The plan spans approximately five (5) years and involves around fifty (50) acres. The goal is to close about ten (10) acres annually. Calculations, led by Brett, determine the amount of dirt to be moved each year to

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optimize cost-effectiveness and avoid extensive contractor expenses. The strategy begins with closing the northeast section near the airport to improve drainage on the east side. The progression involves stages two through five, culminating in the closure of stage five, which aligns with phases one and two mentioned earlier.

The contour lines indicate varying heights, with the central section planned to rise forty (40) to forty-five (45) feet above the current ground level, tying into the existing landfill for drainage. It will be shorter than the current landfill. The larger area to the south allows for a higher elevation. Notably, the future airport runway is a considerable distance away, with a proposed new entrance and protective measures like berms and fencing. Plans include a scale house and incremental addition of chain-link fencing to deter illegal dumping in the expansive section at the end.

Councilwoman McKinney asked why they had an issue with the fifty (50) foot fire break. Their answer was they could not get the drainage to work with such a narrow spot. There's a concern about the impact of a fifty (50) foot addition on both sides of the existing landfill. This configuration poses challenges for drainage and limits space. The inquiry seeks solutions to overcome these issues for a more beneficial plan. Brett from North Pointe stated that the mention of a fifty (50) foot buffer for fire safety is a new consideration. Landfill designs typically incorporate a perimeter road with perimeter drainage, although it may not be exactly fifty (50) feet. The emphasis is on having a road and a ditch on the inside to facilitate stormwater management and ensure operational ease. Further details on the specific dimensions are pending. The designs presented are conceptual and aimed at creating a timeline for progressive development. Many aspects are not fully designed yet. The process involves re-permitting the entire facility, including cultural clearance, step by step. Specific details will be outlined once there's agreement on re-permitting, and these may include elements like the firebreak. Currently, the firebreak hasn't been seen in the state code, suggesting it may be a local requirement addressed in the upcoming contract draft.

North Pointe commented several concepts were explored, considering the flight path off the runway. Two options involved contouring the lower section into two hills, with a discussion about making it look more mountainous.

The initial concept considered a total height of one hundred (100) feet, sparking a discussion on height limitations. Brett conducted calculations to highlight the airspace being underutilized at this height, emphasizing the importance of maximizing space. Historically, groundwater on the site has been around twenty (20) feet, and the practical depth limit for landfill operations is typically constrained by this. Brett noted that going down twenty (20) feet would support landfill operations for that depth, plus an additional thirteen (13) feet. The landfill, producing 200,000 tons this year (historically high), was projected at 175,000 tons per year based on past trends. Acknowledging the unpredictability of landfill growth, Brett stressed the importance of considering projections over an extended period.

Brett continued calculations and drawings, focusing on a fifty percent increase in landfill life, equivalent to one million cubic yards. They discussed the excavation and soil generation for areas one, two, and

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three, aligning with the equipment's annual capacity of moving around six thousand (6,000) yards. This forms the basis for a ten (10) acre closure each year. The overall objective is to create a five-year roadmap

for facility management, including capital expenses. Additionally, dashed lines around the perimeter serve as drainage areas, providing a buffer for water flow around the landfill. The detailed flowchart aids in presenting information to the board and planning for future developments. Brett outlined a rough timeline for landfill activities, starting with disposal this year and working on the agreement with the town. Stage one cover construction begins next year, followed by excavating areas two and three. By 2026, areas one, two, and three should be fully excavated, and there are plans to move the entrance and start stage three to cover construction while excavating area four. Operations shift to area four by 2027, and stage five cover construction will begin. In 2029, the focus is on the third section. Brett emphasized the importance of closure post-closure, noting that closing landfills reduces the annual financial obligation to the state, benefiting both the speed of closure and operational positioning with the state.

Councilwoman McKinney asked if they had thought about moving the gate now instead of later. They said they could look into that.

Agenda Item #5- Planning Commission Update.

Commissioner Weber provided an update to the Council regarding their collaboration with Enyo on battery storage, mentioning that they are nearing completion of the ordinance for Council approval. The agenda of the next meeting includes working on the ADU and Sign Ordinance.

Additionally, the Commissioners examined the plat for the Airpark Subdivision and scheduled a Public Hearing for the following month.

Agenda Item #6- Discussion on the Preliminary Subdivision Plat Blue Skies at West Desert Airpark.

Alina and Mark Pringle were absent from the meeting. The Council reviewed their plat for the subdivision.

Agenda Item #7- Vote to approve the Preliminary Subdivision Plat Blue Skies at West Desert Airpark.

This item was tabled for further discussion.

Agenda Item #8- Sheriff's Update.

He was absent from the meeting.

Agenda Item #9- Discussion on the Dumpster Price Increase and Buying Garbage Cans.

The Council deliberated on the increased cost of the dumpster located within the Town. They reached a consensus to retain the dumpster due to its frequent use.

The Council agreed to purchase 30 new garbage cans.

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Agenda Item #10- Discuss and Review the Title 10.00. An Ordinance Adopting Amendments to Title 10.17. Conditional Uses. adding Sections 10.17.100.A.9. and 10.17.100.I. pertaining to Solar Plant-Large.Solar Ordinance.

The Council examined the Solar Plant-Large Ordinance and scheduled a work session for further discussion. Several members expressed the need for additional time to review the ordinance thoroughly.

Agenda Item #11- Vote to Approve the Title 10.00. An Ordinance Adopting Amendments to Title 10.17. Conditional Uses. adding Sections 10.17.100.A.9. and 10.17.100.I. Pertaining to Solar Plant-Large.

This was tabled for further review on the Ordinance.

Agenda Item #12- Discussion on the Town Park.

Councilman Cameron told the Council he was waiting for more vendor information.

Agenda Item #13- Discussion on Halloween.

The Council has decided not to hold any town events for Halloween.

Agenda Item #14- Discussion on Christmas.

The Council discussed getting bids on the lights. They concluded that since last year, the bids have not been there except for Hawk LLC, and they have been doing a good job. They will continue to have Hawk LLC install this year's lights.

Councilman Thomas motioned to have Hawk LLC to put up the lights. Councilman Panek seconded the motion. The motion passed with Councilwoman McKinney abstaining.

Mayor Gurney - Yes

Councilwoman McKinney - abstaining

Councilman Thomas - Yes

Councilman Panek - Yes

Councilman Cameron - Yes

The Council discussed the good and bad from last year's event. They will have the Smiths return and help in the control area.

Councilman Cameron will be in charge of the parking for the light parade, light plants, light panels, barricades, and a sign for the road.

Councilman Panek will get the wood for the fire pits.

Mayor Gurney will check on the propane supply for the heaters. He will contact Lanits to make sure they are still on for the fireworks.

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Councilwoman McKinney has the DJ booked. She is working on getting donations for the Cedar Valley High School Marching Band. They need more lights for the drumline. They will have Venmo for people to pay for the event.

Agenda Item #15- Vote to Approve the Minutes Regular Session September 12, 2023.

Councilwoman McKinney made a motion to approve the minutes for the September 12, 2023, Work/Regular Session. Councilman Panek seconded the motion. The motion passed unanimously.

Mayor Gurney - Yes

Councilwoman McKinney - Yes

Councilman Thomas - Yes

Councilman Panek - Yes

Councilman Cameron - Yes

Agenda Item #16- Vote to Approve the Fairfield Town Financials as of the Month ending August 31, 2023.

Councilwoman McKinney motioned to approve the financials ending August 31, 2023. Councilman Panek seconded the motion. The motion passed unanimously.

Mayor Gurney - Yes

Councilwoman McKinney - Yes

Councilman Thomas - Yes

Councilman Panek - Yes

Councilman Cameron - Yes

Agenda Item #17 - Discussion On Old Business.

Councilwoman McKinney informed the Council that the Town's audit occurred that day. She relayed that the audit needed the Conflict of Interest and Ethics paperwork from the Council members. Stephanie Shelley had provided the necessary paperwork for the Council to complete.

Agenda Item #18 - Discussion On New Business

Councilman Thomas updated the Council on his ongoing work concerning the Water Source Protection Plan Update. He requested Stephanie Shelley's assistance in preparing the letters necessary for the plan update.

Councilman Thomas indicated that he and Stephanie Shelley are collaborating to address issues related to some of the water bills that were recently issued. Specifically, they are investigating cases where endpoints did not provide accurate readings, and Councilman Thomas is currently reviewing these discrepancies.

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Councilman Thomas is looking to clear vegetation around the spring and plans to hire someone for the job. Darwin has been identified as the person to oversee the task once it's contracted out. The job is

estimated to take around two full days, and while you could handle it alone, hiring a landscape company is also an option. The primary focus is to clear vegetation, including trees and bushes, within a 50-foot radius around the spring. Mayor Gurney asked to get a cost estimate.

Agenda Item #19 - Adjourn The Town Council Regular Meeting

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

The meeting adjourned at 8:26 p.m.

February 8, 2024

Stephanie Shelley

Minutes Approval Date

Stephanie Shelley Town Recorder