

Approved Meeting Minutes

Fairfield Town Council

Session

September 25, 2025

Minutes

Date: Thursday, September 25, 2025

Location: Fairfield Town Office, 121 West Main Street, Fairfield, Utah

Time: 7:30 P.M.

Minutes By: Stephanie Shelley

Call to Order

1) Roll Call

Town Council Members Present:

Mayor Hollie McKinney, RL Panek, Richard Cameron (via phone, arrived at 8:04 pm), Michael Weber, Tyler Thomas (via Zoom, arrived in person at 8:10 pm)

Staff Present:

Recorder: Stephanie Shelley, Treasurer: Codi Butterfield (via Zoom)

Others Present:

Wayne Taylor, Mark Pringle, Alina Pringle

Others Present Via Zoom:

iPad, iPhone(3), Meil, Tyler's iPhone, Amy Walker, Cherie Anderson, Ihulme.

Mayor McKinney stated that they would allow public comment.

Amy Walker – Attorney for West Desert Airpark Spoke with Alina and Mark about the fact that they would not be filing any land use applications for 60 days. Councilman Weber asked her, "What about the contingencies?" She said they would be waiving their rights on those. They wouldn't be asking for any concessions from the Town.

Loyal Hulme – Senior Partner, Kirton McConkie (representing The Church of Jesus Christ of Latter-day Saints) Mr. Hulme introduced himself as legal counsel for the Church of Jesus Christ of Latter-day Saints and apologized for joining the process late. He expressed appreciation for the Town's work and offered to assist—at no cost to Fairfield—in refining the ordinances for clarity and consistency. He identified several ambiguities and inconsistencies in Ordinance #2025-16 (Airpark Mixed-Use Zone), such as unclear language regarding whether residential uses were permitted within the zone. He recommended explicitly stating which uses are allowed or prohibited to avoid misinterpretation. Regarding Ordinance #2025-17 (Airpark Overlay), Mr. Hulme cautioned that FAA regulations tied to runway extensions could extend restrictions beyond airport boundaries, unintentionally impacting neighboring properties. He requested that the Council defer adoption of the ordinances to allow joint review and revision with all affected stakeholders.

Cherie Anderson gave her two minutes to Loyal Hulme.

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Loyal Hulme expressed concern that Ordinance #2025-17 (Airpark Overlay) could unintentionally affect properties outside the airport if airport facilities—such as runways—are expanded. They explained that FAA regulations extend from runway edges and flight paths, which could broaden restrictions beyond airport boundaries, potentially resulting in a regulatory taking. They asked the Town to clarify the ordinance's scope to ensure non-airport properties are not impacted and urged all parties to work together before adoption to avoid unintended consequences, noting that even an ordinance mirroring state requirements could still create ripple effects on neighboring parcels.

Mark Pringle gave his two minutes to Lloyd Hulme.

Loyal Hulme stated that he had been working with Attorney Amy Walker to encourage her client to make a verbal, on-the-record commitment not to file any new land use applications if the Town Council agreed to postpone its decision on the ordinances. He explained that allowing the current pending ordinance to expire, combined with this agreement, would effectively create a six-month moratorium period for all parties to collaborate and refine the language of the ordinance. He emphasized that this arrangement would protect both the Town and the property owners while ensuring a thorough and cooperative review process. He acknowledged the Council's frustration with ongoing delays but urged them to consider the pause in the best interest of all parties involved.

Planning Commissioner chair Wayne Taylor asked what potential drawbacks existed to adopting the ordinance that evening and then addressing any necessary revisions through future text amendments. He inquired what, if anything, would prevent the Council from proceeding in that manner.

Loyal Hulme responded that the downside of adopting the ordinance immediately is the risk of creating a confusing patchwork of amendments that would be difficult to interpret later. He explained that it is more effective to finalize a complete and consistent ordinance at the outset rather than revise it repeatedly over time. Because the property owner had offered an extension, he recommended that the Town take advantage of the opportunity to perfect the language before adoption. He acknowledged the Council's frustration with the lengthy process but maintained that pausing briefly to get the ordinance right would serve everyone's best interest.

Mayor McKinney began by expressing her frustration with the prolonged and contentious process surrounding the Airpark ordinances. She explained that she had consistently tried to cooperate with the property owners and their attorneys over the past six months. Still, her efforts had been met with continual legal challenges and accusations that the Town was not following proper procedures. She noted that the Town routinely receives letters alleging that actions were taken incorrectly, which had made both her and the Town's legal team increasingly cautious.

The Mayor stated that she was reluctant to enter into another agreement with Attorney Amy Walker or her client because previous attempts at cooperation had often resulted in new claims of procedural violations, improper notice, or takings allegations. She said she feared that if the Council postponed

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action again, the Town could be accused of mishandling the process or reverting to an outdated ordinance that could create even greater legal risk.

Mayor McKinney emphasized that her priority was to ensure the ordinance was enacted correctly and fairly, and that she wanted to provide certainty for the Town and its residents. She expressed concern that delaying action could open the Town to further legal exposure and that she was weary of receiving letters threatening legal action each time progress was made.

She further explained that the Town's previous attorney had withdrawn from the matter after she opposed applying an overlay to all surrounding properties, which she believed would have constituted a taking. The Mayor stated that her decision to resist that approach was made in defense of the Town and its residents. She reiterated her desire to resolve the issue and move forward with ordinances that were clear, lawful, and protective of the community's interests.

Loyal Hulme expressed appreciation for the Council's efforts to navigate a difficult and complex situation and reiterated his firm's willingness to support the Town moving forward. He concluded by apologizing again for the delay in his participation and pledged to assist the Town in ensuring the ordinances are done correctly.

Mayor McKinney wanted to know if they could go into a Closed Session with Loyal Hulme. He did ask if we had any legal counsel present. The Mayor said no, since we are dealing with the airpark. Amy Walker wanted to make sure things were fair for her clients.

Loyal Hulme explained that his understanding of the situation was that the Town began working on the Airpark ordinances about six months earlier, and under state law, the six-month period for acting on a pending ordinance would expire on September 29. If the Town failed to act before that date, a property owner—specifically, the West Desert Airpark—could potentially submit an application and gain vested rights under the prior ordinance. He stated that Attorney Amy Walker's client was the only property owner who could do so, and she had indicated a willingness to waive that right if the Town allowed the current pending ordinance to lapse and re-noticed a new one.

He explained that this approach would effectively begin a new six-month period during which no new applications could be filed, allowing time for all parties to collaborate on revisions without risk to the Town. Mr. Hulme acknowledged that this process might seem cumbersome, but said it would ensure the Town's legal protection while providing an opportunity to refine the ordinances properly. He reiterated that adopting the ordinances immediately was an option, but advised that starting fresh with revised language would likely produce a better long-term outcome. Mr. Hulme apologized for joining the process late and assured the Council that he and his firm were now fully engaged and committed to assisting the Town in resolving the matter cooperatively.

Mayor McKinney asked Loyal Hulme if she could step out to call him. She asked Amy Walker if they would be okay with that.

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Amy Walker stated that she had no objection to Mr. Hulme meeting privately with the Town to discuss the ordinance revisions and clarified that she was also communicating with her client during the meeting. She explained that her goal was to secure an additional 60 days to extend the existing moratorium period, rather than initiating a full new six-month review under state statute. Ms. Walker noted that while she understood the statutory limits, she believed a short extension would provide the necessary time for continued collaboration and refinement of the ordinances without triggering a new formal notice period.

Mayor McKinney went outside and had a phone conversation with Loyal Hulme.

When they returned, Mayor McKinney noticed a conflict of interest involving Kirton and McConkie, Larry Jenkins, who had worked for the town's previous law firm.

The Council then discussed the best option: either to pass the ordinances or to issue another notice of intent.

Alina Pringle expressed frustration over the lengthy delays in moving forward with development approvals. She explained that when the Airpark became public use in 2018, an overlay was required, but not to the extent now mandated by the State since the 2024 regulatory change. She emphasized that the property owners were not trying to pressure or oppose the Town but had repeatedly requested meetings with individual Council members to collaboratively discuss solutions.

She stated that their goal was not litigation but simply to use and develop their property and continue operating their businesses, as any landowner would. She acknowledged that complying with the State's updated overlay requirements had been challenging and confusing but reaffirmed the property owners' desire to work cooperatively with the Town to find a fair resolution.

She also referenced a previous transfer of 33 acre-feet of water, stating that the associated water rights were valid for the area. She explained that three separate water experts had confirmed the water could be used at that location. She further asserted that the individual the Town had consulted regarding the matter was incompetent.

Mayor McKinney responded, asking, "Are you saying that Bowen Collins is incompetent?" Alina replied, "Yes."

Alina Pringle expressed concern that the proposed ordinance would render approximately one hundred acres of her property unusable for future development. She stated that adoption of the ordinance would severely limit what could be built within the Airpark Zone.

In response, Mayor McKinney clarified that the Pringle property lies within the Airpark Zone and that the ordinance does not remove any existing development rights in the Light Industrial West Zone. She explained that the area is currently permitted for twenty-nine hangars and that those allowances will

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remain unchanged under the proposed ordinance. She added that she does not intend to engage in ongoing debate with the Pringles over the next several months.

Mark Pringle asked if the Council had even read the ordinances? Councilman Weber said, "That was pretty offensive, Mark". Councilman Weber said the Public Comment is done.

Business Items

The Council will discuss (without public comment) and may approve the following items:

1) Planning Commission update.

Wayne Taylor provided an update on the Planning and Zoning Commission's recent activities. He reported that the Commission had forwarded two ordinances to the Town Council with positive recommendations:

- Ordinance #2025-16 – Airpark Mixed-Use Zone
- Ordinance #2025-17 – Airpark Overlay

Wayne noted that the Commission discussed the number of hangar homes allowed within the airpark. There are currently 29 buildings, but the small airport standard would limit the use to 20 planes/hangars. He recommended that the Town grandfather the nine existing hangars exceeding that limit to remain in compliance with Utah Code §72-10-416(c), which defines standards for small airports.

He also emphasized the need to update FAA and Utah aviation notifications to reflect current regulatory requirements and ensure accurate reporting of airpark activity.

2) Ordinance # 2025-16. An Ordinance Repealing and Reinstating Fairfield Town Code § 10.11.260. Airpark Zone (renamed Airpark Mixed Use Zone) and Amending Town Code § 10.16. Special Use Regulations, Adding Additional Special Uses.

The Council discussed what they should do. They talked about the Church coming to the table in the last 48 hours and suggested extending it for 6 months. They also wanted an email from the Pringles attorney granting the six-month extension without contingencies or litigation. The Council is also concerned that West Desert Airpark is operating a business without a license. They want to make sure the Town is protected.

Mark Pringle stated that the issue could be easily resolved, explaining that the water tanks had been temporarily relocated during preparations to add additional hangars before the project was halted. He noted that he simply needed to move the water tanks back to their original approved position to meet the fire marshal's requirements. The Council will refer to the Fire Marshal on this.

The Council is also frustrated with the consistent emails from the Airpark. They feel like they need to respond to everything, which is letting other things in Town be pushed aside to deal with the Airpark. They feel it has left the town exposed. Since the Town is small, we are focusing more on this than on other things, and the Council is exhausted. The Council stated that they have

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thoroughly read and reviewed the ordinance. The statement that the Mayor is the only one pushing this is incorrect.

Following public comment, the Council engaged in an extensive discussion regarding Ordinances #2025-16 (Airpark Mixed-Use Zone) and #2025-17 (Airpark Overlay).

Mayor Hollie McKinney acknowledged the considerable time and effort that had gone into developing the ordinances. She stated that while she believed the documents were substantively strong and reflected the Town's intent to regulate development responsibly, she expressed frustration with the prolonged process and the frequent legal challenges raised throughout. The Mayor emphasized the need to move forward to provide clarity and protection for both the Town and affected property owners.

Councilman Panek noted that although the ordinances were well-written, the Town lacked specialized legal counsel in aviation and land-use law, leaving Fairfield potentially vulnerable to legal disputes. He expressed fatigue with the ongoing process but agreed that ensuring the ordinances' accuracy and defensibility was critical before passage.

Councilman Thomas supported delaying immediate adoption to allow time for collaborative revisions, referencing the commitment made by Amy Walker, representing West Desert Airpark, to a 180-day moratorium on land use applications. He stated that accepting this extension would allow the Town to refine the ordinances with input from all parties while maintaining legal protection.

Councilman Weber agreed that while the additional time could help improve clarity, the Town must remain cautious about continued delays and maintain focus on addressing existing compliance and safety concerns, such as fire protection at the airpark and the lack of an active business license for current operations.

Councilman Cameron voiced concern about further postponements, stating his preference to adopt the ordinance immediately to protect the Town from exposure and to comply with state requirements.

Councilman Cameron made a motion to approve Ordinance #2025-16. An Ordinance Repealing and Reinstating Fairfield Town Code § 10.11.260. Airpark Zone (renamed Airpark Mixed Use Zone) and Amending Town Code § 10.16. Special Use Regulations, Adding Additional Special Uses. Councilman Thomas seconded the motion. The motion did not pass with three 'No's and one 'Yes'.

Mayor McKinney - no vote

Councilman Thomas - No

Councilman Panek - No

Councilman Cameron - Yes

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Councilman Weber - No

Councilman Panek asked before the Yes or No Vote. Loyal Hulme stated that the only alternative is for Amy to file in court in the next 30 days.

Cherie – Intermountain Regional Landfill stated that Intermountain Regional Landfill would fully support the Town's efforts to resolve the ordinance issues. She said the landfill was willing to participate in discussions and assist over the next 60 days—or as long as necessary—to help finalize the process. Cherie emphasized that the ordinances also affected landfill operations and expressed the company's commitment to work alongside the Town to ensure the outcome was fair and effective for all parties.

Mayor McKinney requested an email from Amy Walker and her clients confirming their agreement with the "Notice of Pending Ordinance" for the Airpark Zone and Airpark Overlay.

The first email that Amy Walker sent stated a duration of 60 days. The Council would not agree to 60 days.

Loyal Hulmes questioned why Attorney Amy Walker's client would not agree to a full six-month extension and noted that accepting a shorter timeframe could pose risks. He stated that while her client preferred to follow the standard process and hoped the matter could be resolved sooner—ideally within 30 to 45 days—he cautioned that limiting the period could expose all parties to potential complications. He concluded by warning that proceeding without the full extension would be "playing with fire."

Amy Walker (email was dated Thursday, September 25th at 8:37 pm)

West Desert Airpark will stipulate that it will not file any land-use applications for 180 days.

Loyal Hulme reiterated his earlier remarks, stressing the need for additional time and dialogue to finalize the ordinances. He reaffirmed that both he and Amy Walker's client (West Desert Airpark) were willing to pause any new land use applications if the Town would defer passage and restart its review process. Mr. Hulme reiterated that the goal was to "get it right the first time" to avoid confusion or unintended legal exposure later.

Amy Walker confirmed that her client, West Desert Airpark, would not file any land use applications for 180 days, providing the Town ample time to revise the ordinances. She stated that the offer was made in good faith to facilitate collaboration and to prevent immediate litigation.

Ms. Walker also explained that her client continued to support refining the ordinance language related to FAA coordination and overlay boundaries, emphasizing that additional review would strengthen the Town's position.

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Cherie Anderson reiterated the landfill's willingness to assist the Town in the revision process, acknowledging that the ordinances also affect landfill operations and the broader industrial corridor. She expressed appreciation for the Town's efforts and stated that the landfill was committed to working collaboratively to ensure the new ordinances would protect both safety and existing land uses.

After considerable discussion, the Council adopted a 'Notice of Pending Ordinance' Resolution, formally initiating a new review period for the Airpark ordinances.

Councilman Thomas motioned to approve Resolution #R2025-17, establishing a new Notice of Pending Ordinance related to amendments to Fairfield Town Code §§10.11.260 and 10.11.275. Dated September 25, 2025. Councilman Weber seconded the motion. The motion passed with three yes votes and one no vote.

Mayor McKinney - Yes

Councilman Thomas - Yes

Councilman Panek - Yes

Councilman Cameron - No

Councilman Weber - Yes

3) Ordinance #2025-17 An Ordinance Repealing and Reinstating Fairfield Town Code § 10.11.275 Airpark Overlay.

This item was addressed together with agenda item #2 above, as both were covered in the same resolution.

4) Town Office discussion on the Rain Gutters Bids.

Council Member Michael Weber presented two bids for installing rain gutters on the Town Office:

- Blackridge Roofing: \$2,000
- VM Roofing: \$2,900

Both contractors confirmed they could complete the work before winter, with Blackridge Roofing available to begin as early as the following week.

The Council determined that Blackridge Roofing should be awarded the job as the lowest bidder.

Adjournment

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

The meeting adjourned at 8:56 p.m.

November 19, 2025

Stephanie Shelley

Minutes Approval Date

Stephanie Shelley Town Recorder