

**Fairfield Town Council Meeting Minutes**  
**March 8, 2023**

Mayor Loren Tacke called the regular meeting to order at 6:50 p.m.

Those Present: Mayor Loren Tacke; Council Members: Ron Dauwalder, Carmen Staigmiller, Scott Hoyt, and Chuck Brown; Public Works Department, Chuck Dale; and Clerk/Treasurer, Tammy Comer.

Also Present: Vonnie Jacobson and Austin Shaw, Choteau Acantha; Jeremiah Theys, Great West Engineering, and Bill Bieler, Bieler Law, PC., and members of the community as listed on attached sign in sheet.

Councilor Dauwalder made a motion and Councilor Hoyt seconded the approval of the February 8, 2023, regular meeting minutes. The motion carried by a vote of 4 ayes and 0 nays.

Public Comment: None

Agenda Changes, Deletions, or Additions to Reports: None

Old Business:

A) Every Councilor said they appreciated all of the public comment and involvement in the short-term rental ordinance. They were curious and welcomed all questions from the public. Mayor Tacke said that with two current short-term rentals in Fairfield and one more wanting to come to Fairfield, he wanted to adopt a clean ordinance that would suit Fairfield. One community member, who does not reside in town limits, had two rental properties in Fairfield; one in residential and one in commercial zoning. She wanted to know how residential and commercial zoning came about and the reason for only wanting short-term rentals in commercial zoning. Mayor Tacke explained that the information will be available on the town's website and a hard copy is in the town office. Councilor Staigmiller explained that there had been a number of issues with short-term rentals in other towns so they were trying to prevent that from happening. She also stated that any business in Fairfield needed a business license and businesses can only be operated in the commercial zone. Community member and past town public works employee state that many years ago commercial buildings were throughout town before residential and commercial zoning areas were created.

Mitchell Peters, who lives outside of city limits but shares an office on Central Avenue, said Choteau has a similar ordinance and asked if anyone had talked with them. He stated he didn't like to see business turned away. He also asked about owner occupied businesses in the residential zone. Mr. Peters said there would be safety concerns with long-term rentals as well. Mayor Tacke stated he had spoken to several other towns about short-term rentals. He explained that with a home occupancy business, the owner must live in the home, must not have any signage on the home, and limited traffic to the home. Mayor Tacke explained that with the town's current ordinances, businesses are not allowed in residential zones. Since short-term rentals are required to be registered with the state, it was considered a business.

Jen Barnett, who lives inside town limits, said she wanted to learn more about the process for creating the short-term rental ordinance. Councilor Brown explained that they had been working on the short-term rental for at least six months. There had been several work sessions and a regular meeting in February to pass the resolution of intent. He stated that there has been no public comment from the start of this process and now they are at the decision point of the ordinance.

Mrs. Barnett asked why they would only allow one short-term rental per person/entity. Councilor Dauwalder explained that it was extremely hard to buy a home in Fairfield. They don't want to promote a single investor to buy up many properties and turn them into short-term rentals taking away from families moving to Fairfield to raise their families and support the community. Councilor Brown added that changing the

current zoning ordinance to allow businesses was a long process. He said that if they decided to allow short-term rental businesses in the residential zone, they would have to allow all businesses in the residential zone. Mt. Peters asked if the town would allow variances. Both Mayor Tacke and Councilor Dauwalder explained they were trying to get away from variances as they usually cause issues later down the road. Also allowing variances go against the ordinances, and they are trying to stay true to the ordinances set for the town.

With no further discussion, Councilor Brown proposed to postpone action on the short-term rental ordinance in order to gather information from the community. Councilor Brown made a motion and Councilor Hoyt seconded to postpone action on Resolution No. 430 to create and adopt Ordinance No. 11.06 short-term rentals for two months to allow for the community the opportunity to fill out the survey and provide comment on the short-term rental ordinance. The motion carried by a vote of 4 ayes and 0 nays.

- B) Councilor Hoyt made a motion and Councilor Brown seconded to approve Resolution No. 432 revising Ordinance 11.16.070 connection with the town's water and sewer system. The motion carried by a vote of 4 ayes and 0 nays.
- C) Councilor Dauwalder made a motion and Councilor Staigmiller seconded to approve Resolution No. 434 revising Ordinance 4.04.050 (7 & 28) water rules. The motion carried by a vote of 4 ayes and 0 nays.
- D) Councilor Brown made a motion and Councilor Dauwalder seconded to approve Resolution No. 436 revising Ordinance 4.12.135 sewer service laterals ownership and responsibility. The motion carried by a vote of 4 ayes and 0 nays.

#### New Business:

- A) Mr. Theys stated that the Department of Transportation needed a signed letter of committal, from the town, to send with the grant application for the sidewalk project phase two. The committal letter states the town will commit 13.42% toward the project costs. Councilor Hoyt made a motion and Councilor Brown seconded authorizing the Mayor to sign the letter of commitment that will be included with the TA grant application for the sidewalk project phase two, attempt two. The motion carried by a vote of 4 ayes and 0 nays.
- B) Mr. Theys explained that change order one of the water project included installation of a new telemetry system, relocating gate valves, installation of new gate valves to facilitate proper shutdown of the system during pipe installation, and materials. Councilor Dauwalder made a motion and Councilor Staigmiller seconded the approval of change order one of the water project. The motion passed by a vote of 4 ayes and 0 nays. With no other comments or questions for Mr. Theys, he left the meeting at 7:45 pm.

#### Committee Reports:

- A) Fairfield Volunteer Fire Department: Fire fighter Chuck Dale reminded everyone that Firemen's Fun Night was March 17<sup>th</sup> and the raffle tickets for the rifle are available for purchase. The money raised on the raffle will go toward purchasing additional SCBA's for the firefighters.
- B) Teton County Sheriff's Report: No one was present from the Sheriff's Office. No reports were submitted for the Sheriff's Office, or Prosecuting Attorney, but the JP had 2 cases for the month of February.

Business Licenses and Zoning & Encroachment Permits: None

#### Mayor's Report

- A) Mayor Tacke reported he was working on codification of ordinances. He will bring pricing information to April council meeting.

Department Reports:

- A) Public Works Department, Chuck Dale reported that the well levels were extremely low and lower than this time last year. Well 2 had not recovered from last year, well 4 was in the single digits, well 3 had dropped two feet, and wells 5,6,7 have dropped five feet.
- B) Clerk/Treasurer, Tammy Comer stated that the DNRC/RRGL planning grant for phase two of the water project was \$10,000 not \$8,000 as originally proposed. That would leave \$5,000 for town contribution not \$7,000.

Mrs. Comer stated that the auditor would be here next week. Audit was originally scheduled for mid-May but he had an opening next week so she took that opening.

Town Council Reports: Councilor Brown stated he had not gone to any of the Teton County Planning Board meetings as he had a conflict with the time of the meeting. He would like to be removed from the committee. Mayor Tacke said he would look into it and see what he could do.

Councilor Staigmiller said she had several people comment on the snow and ice on Central Avenue. Chuck Dale explained that people need to move the snow away from the curb & gutter when shoveling off their sidewalks. Doing so would allow the water to run down the gutter when it melts so it does not build up and freeze up on the sidewalks.

Approval of Monthly Claims: Councilor Brown made a motion and Councilor Hoyt seconded the approval of claims 965511 through 965551 for \$38,629.71. The motion carried by a vote of 4 ayes, and 0 nays.

Public Comment: None

With No public comment Mayor Tacke excused the public and stated they would be going into executive session to discuss sewer lagoon litigation strategy.

After closing the executive session and resuming the regular council meeting, Councilor Hoyt made a motion and Councilor Staigmiller seconded to adjourn the meeting. The motion carried by a vote of 4 ayes, and 0 nays. The meeting adjourned at 9:12 p.m.

The next regular Town Council meeting will be Wednesday, March 8, 2023, at 6:30 pm in the Town Office.

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Loren B. Tacke, Mayor

ATTEST:

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Tammy L. Comer, Clerk/Treasurer