



BLOOMINGTON CITY COUNCIL MEETING

MINUTES

BLOOMINGTON CITY OFFICE

45 N 1st West

October 12, 2022 at 7:00 p.m.

Attendees from our city council: Mayor Roy Bunderson, Philip Ward, Mike Knapp, Dan Porter, Cindy Piggott, Marilyn Wilkes, Debbie Thomas, and Shanna Spuhler

BADC: Jane Simpson, Jerry Thornock, David Bee, and Wayne Lloyd

From our community: Eddy Payne, Kevin McDonald

Meeting called to order at 7:00 pm

INVOCATION: Mike

PLEDGE OF ALLEGIANCE: Philip

GENERAL BUSINESS

APPROVE MINUTES SEPTEMBER 14, 2022

- Cindy motioned to approve minutes, Second: Philip, Vote unanimous

APPROVE EMERGENCY MEETING, MINUTES: SEPTEMBER 28, 2022

- Mike motioned to approve the minutes as amended. There was one noted change – Zac was changed to Dallas in the second paragraph, Second: Dan, Vote unanimous.

PAYMENT OF EXPENSES

- Motion made by Mike to defer until later in the meeting for tonight and in future council meetings, so everyone have a chance to review the numbers, Second: Philip, Vote unanimous.
- Later in the meeting we returned to this issue. Mike made a motion to approve expenses, Second: Dan, Vote unanimous

DELINQUENT ACCOUNTS

Robert Sherwood: Marilyn sent them an email and text the prior day. The Sherwood home is a matter of the state. They will be deciding who is heir of the estate. Roy suggested we notify the title companies in the valley that there is a delinquency on the account.

Jane suggested we record a “Notice of Interest” at the courthouse, then any title company would get notice that the Sherwood Estate is in arrears with the City of Bloomington.

Wayne Lloyd said he visits with Robert quite often and he will ask him what’s happening.

Jesse Strong: Marilyn sent a notice yesterday that they are in danger of having their water shut off. As of yet, no word from them.

Roy suggested pursuant to our ordinance, and in the case of a hardship, they could come meet with the board and request a consideration.

Debbie said there are funds for a hardship case now available through the state.

Roy said we could certainly make people aware of this should we think it would be helpful to them.

BUILDING AND DEVELOPMENT COMMITTEE

BUILDING PERMIT REPORT

- Rich Kearn is building a chicken coop
- Kevin McDonald is building a horse barn

DRAFT ON THE SEWER ORDINANCE IS NOW READY FOR REVIEW

Work Meeting scheduled for the October 18, 2022

Roy suggested an observation and recommendation after he visited with Mike. They feel like the BADC needs to incorporate, in their new ordinances and applications, some language that directs anyone who is doing any incursion on public right-of-way must submit an as-built. This way the city will know where things are put into the ground in the city.

An as-built is a terminology used to identify the nature of a line or something subsurface.

Jane asked about the GPS unit that was presented to us. Roy has called them twice and didn't get a response. He will follow up with them.

If we can get the GPS unit, it will solve our problem, right now the city doesn't know where lines are buried in the city.

Eddy Payne stated that he knows where things are. Could someone come and talk with him and get what he knows down on paper? Jane said she would visit with him.

Roy apologized for not taking more advantage of Eddy's knowledge.

Philip and Eddy will get together and make sure things get made right up at Alden Talbot's property.

Jane said we have a little issue. It can be fixed, but in the process of working on the Building Lot and Standards Ordinance, we forgot to vote on the Building Permit Resolution. This resolution needs to be drawn up, voted on, and signed into action. However, there was some discussion about the city being responsible for putting in the meter, as stated in the current building permit. Many feel that if the city takes on this task, it will get the city into trouble should we not be able to get the work completed when the homeowner needs it, or they may have someone that will put in their meter at a much-reduced cost to the homeowner.

Jane asked what changes does the council want to make to the permit. A new draft application was shared with each member.

Changes made to the application:

- Strike "Water and sewer line by the city"

Discussion was held as to fee for cutting a road to install water and sewer lines. It was decided that Jane and Dan would get together and discuss what a reasonable fee would be and present that sum at the next work meeting.

Roy asked about cutting a gravel road, then stated, "Any time a road is opened, there is a cost."

Marilyn asked about having two prices, one for gravel and one for pavement.

Mike said, "We shouldn't get into the onus of it. You're always chasing, we need to keep it as simple as possible."

- Under Water "The city will at the owner's expense...Remove this part.
- Return that section to the original resolution wording
- Marilyn said instead of authorize –switching the next sentences around
- Change water line to water main

Under Sewer

- The first paragraph needs to be removed.
- "From water main to home" will be added.
- Redundant bullet point of "monthly charges" will be removed.
- Remove clause, "The city is not responsible"
- Do we want to put the water and sewer cut sheets back on. Yes

Roy stated that we need to make it emphatic that no one is allowed to tap into our sewer or water lines without someone from the city there.

- "The city needs 24-hour notice to schedule this appointment, Monday – Friday" will be added.

Jane shared what Rob Allred asked in their BADC meeting. He asked about someone shadowing Shawn and learning what he knows.

Roy said he had no problem with him also learning what Shawn knows.

Philip and Mike were asked if they had any problem with him shadowing Shawn. Both replied they were good with that.

DIRECTIONS FOR WORK MEETING

Jane stated, "We have a meeting scheduled for the October 18. The ADU is a bear. Why would we create an ordinance for something that affects such a small sector of the community."

Mike stated that Jane makes a good point.

State Ordinance 676539: Does this state ordinance conflict with the city? Jane did a lot of research on this statute. The bottom line is this ordinance stated that ADUs were for providing elderly people a source of income and to provide moderate housing, so because that was the intent, we were able to target that sector and remove it.

Jane had a drawing of her property, as a visual, adding six ADUs all on the same sewer and water lines.

House bill 636 was passed into law and made effective on July 1, 2022. This bill states that ADUs can be regulated but not restricted.

SECTION 3. That Chapter 65, Title 67, Idaho Code, be, and the same is
29 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
30 ignated as Section 67-6540, Idaho Code, and to read as follows:
31 67-6540. ACCESSORY DWELLING UNITS. (1) No county or city may enact or
32 enforce any ordinance that has the express or practical effect of imposing
33 a general ban of accessory dwelling units in any residential zoning area
34 within its jurisdiction. A county or city may implement reasonable reg-
35 ulations that it deems necessary to safeguard the public health, safety,
36 and general welfare of its residents. An accessory dwelling unit shall be
37 classified as a residential land use for zoning purposes subject to all ap-

38 plicable zoning requirements.

39 (2) For the purpose of this section, an "accessory dwelling unit" means
40 a self-contained living unit subordinate to and on the same parcel as an
41 owner-occupied homestead, as defined in section 63-701(2), Idaho Code, that
42 includes its own cooking, sleeping, and sanitation facilities and is created
43 within or detached from the owner-occupied homestead, including but not lim-
44 ited to an attached or detached garage. "Accessory dwelling unit" does not
45 include a motorhome, camper, recreational vehicle, tiny home on wheels, or
46 other such similar dwellings on wheels.

Jane stated that the BADC has tabled the RV Ordinance.

The Sewer Ordinance is ready to present.

Roy asked if we need to have two ordinances for sewer and water or can they be combined into one.

Jane stated that Paris's attorney advised them that they need to be two separate ordinances.

Are we going to allow free standing units. You can't say we don't allow them. We can say how they are regulated. For example, we can regulate to just one per lot etc..

Roy stated it is an atom bomb waiting to go off.

Roy asked the BADC to draft something that is acceptable, then we send it up to the legislative council and have them refer it to the Attorney General for an option.

There is a pre-legislative seminar that is being held on the 21st of November that we should send a liaison to, asking what we can do and what we can't do.

Jane then asked what would you like the BADC to discuss at the work meeting on the 18th?

Roy suggested: Water and sewer would take precedence over the ADU.

- Mike agreed, sewer should be our first priority.
- Cindy agreed.

Jane asked a favor of the counsel: if Jane gets them a copy of this ordinance prior to the meeting, will they read it before the meeting?

Roy said we owe the BADC that much courtesy. If we don't safeguard the protection of our water system and the proper disposal of our waste, we have missed the very premises by which this city exists.

Jane stated that if we will prepare for a fire, we won't spend our time putting out a fire.

Jane stated the BADC will finalize the building permit application and the sewer and water connection form, then work on the sewer ordinance next.

WATER

Philip stated that Alden Talbot's second water connection is not finished, as of tonight. The city has done their side. He has to do his side.

Eddy was a little nervous. He said the second line is not hooked up. The connection is not made. You can't just cut it off and not re-hook it up.

The meter was moved from the driveway to another place and not tied back in. In the process we damaged the line.

Roy mediated by saying, "If we disconnected the line, we should put it back in. Are we all good on that?" All agreed.

Eddy also stated that there are two shut off valves for water by Tim and Beth Ann Passey's that just got covered by new pavement.

Roy stated that we need to find them and cement them in.

Eddy stated there is also a shut off up by the post office that is covered.

Eddy is going to sit down with Jane and get the information that is in his head onto paper. The community and particularly Philip will benefit from this knowledge.

Roy stated that we aren't trying to treat anyone differently. We want to be fair and equitable with everyone. We didn't have any ill intent with what happened up at Talbot's, so now we will do what we have to do to fix it.

REPORT ON 21 PINES WATER CONNECTION

As of yet nothing has been done. Philip said they are trying to do the ones that are the most important. It's in Shawn's court.

SHANNA REPORTING ON WHAT SHE FOUND OUT ABOUT TIME FRAME TO ORDER MORE METERS

Shanna talked with Peterson Plumbing and they said they would have three meters and kits for us by the end of the month and 5 by the end of the year.

ALAN/ANGIE EBORN FOLLOW UP ON EASEMENT DOCUMENT

We have no document as of yet. Philip asked who is in charge of the follow up?

Roy said it is the clerk's job to contact him about the easement.

Roy said in the future of any annexation the services need to be placed in the public right-of-way, not on public property.

Mike reiterated that we need to address how sewer and water will hook-up in the building permit documents upfront, so people know what they're getting into from the start.

Jane said that this will be added to the flow list so in the future, this doesn't happen again.

Cindy suggested we identify some of the trouble spots before we have to deal with them.

Mike, Roy, and Cindy stated that they didn't believe we made a mistake with the Smith's property, but with Eborn's, we perhaps did.

Cindy asked if the right-of-way at Eborn's would ever increase. Roy said yes, if a fence is totally removed, the County has declared that every right-of-way becomes a 60-foot right-of-way.

Philip has been speaking with Kyle Jones from HLE Engineering. He said the type of tanks we have can't be pressurized. His recommendation is to put a booster pump in to help those houses from the cemetery north. Each of the homes

affected have the pressure they need in their homes but not when they water their lawns. Philip asked why would we go to all that expense for 3 houses?

Jane asked if those homes deserve an equal service for an equal payment?

Philip stated that each home is getting an equal amount of pressurized water according to state requirements.

Philip said, "We need to fix the existing problems we already have before we think about developing lines for increased growth."

Roy stated there are two things that he has a concern with:

- He doesn't understand the pressurizing of the tanks. We already have as much pressure as needed when we turn the water out of the tanks. There is no merit to that.
- If we put in a booster station and don't put in some kind of equalization valves, then we have defeated our purpose with the pump system.

Wayne Lloyd asked about those who may want to build up the hill?

Philip stated they need to know that they may not have the pressure needed, but they will be allowed to put in a private line with a pump on it.

Roy said the dilemma is that we are consuming ag ground for residential use, the development should be up on the hill, but it brings to the forefront this problem of water pressure.

Dan reiterated what Mike said, "If you want to live here, you have to pay the price."

Roy stated that Idaho Department of Water Resources will allow a well inside city limits. The only way we can prohibit that is to put an ordinance in that states, "If we can provide the water, they can't drill a well. If we can't provide the water, they can drill a well."

Philip would like the council to think about what direction they would like to go. This question and discussion will need to be put on the agenda for another time.

Since Kyle Jones from HLE Engineering will be at the next meeting, that would be a good time to talk with him about this question.

Philip said we would have to change our whole water system to get pressure to the hills.

Roy was presented with a memorandum of understanding stating that he will give the city some land for another sewer pond. Roy first stated that he will not sign this memorandum. His word is as good as his bond. He is not willing to hang his property value out there while the city speculates. He then asked if that was fair. All agreed it was.

After thinking about the memorandum, he said he would like to look at it.

ROADS

Kyle Jones will be put on the agenda for next month.

Some citizens came to Roy and were displeased with where the radar signs were installed. He asked them to come to a meeting and share ideas that they thought would work better. In the next week, Roy spoke with them again, they said they didn't have such a big problem after all.

A Forest Service grant the city is applying for may be used for a moveable speed sign. Dan would like the BADC to pursue this grant.

Jerry specifically was given permission to pursue that grant.

One thing that was brought up was not being able to see the signs at night. Dan will work on that.

SEWER

UPDATE ON SEPAGE TEST – sort of underway. Waiting for DEQ approval. Hopefully the weather will hold out and we can do now.

STATUS ON SMITH AFFIDAVIT – It has been recorded. The Smith's are in the process of getting the land surveyed. Mike will get a plat map and take measurements off the survey corners. This way we will have in our records exactly where the Smith's sewer line is. We will keep this plat map with the affidavit.

CITY HALL / OFFICES

JANITOR JOB OPENING – We still need a janitor.

Mike stated the problem is they are making \$25 somewhere else, so why come here and make \$14.

Cindy has been doing the cleaning in the absence of a janitor.

Roy stated that we have an issue that we can't pay a councilman to do any work for the city. Roy checked with AIC and if we have an emergency, we can take emergency actions and pay them. He then expressed thanks for Cindy stepping in and doing that work.

Cindy said she had spoken with Mark and they would like to pass on that offer, she is fine doing the work.

Kevin McDonald volunteered to help her if needed.

Wayne Lloyd said he would visit with Bishop and see if someone there needs a job.

TREASURER / CLERK

STATUS OF RUSSELL SORENSON LETTER – The letter has been sent registered mail and we are just waiting for a return receipt.

MAYOR

Dan asked for permission to sign a contract with HLE Engineering to do a transportation plan.

The chair entertained a motion for Dan to sign a contract with HLE Engineering to do a transportation plan.

- Motion: Mike, Second: Cindy, Vote unanimous

There is a cost for this plan. There also is a grant available. Once LTAC has this agreement, they can release funds to the city for this plan. This is a fully funded grant if we meet the criteria.

STATUS OF GPS MAPPING SERVICE

Roy will follow up on that tomorrow.

Roy then stated that we have an issue he would like to discuss with us. We have observers, in the city, that are concerned about a couple things happening in the city. The city has an ordinance that prevents vehicles in the city right-of-way. There are many in the city that are in violation of this ordinance. Roy wants the council to think about this ordinance. Do we want that ordinance to be enforced? Roy wants to know how the council feels? If we were going to have it, we need to enforce it. If we are not going to enforce it, we need to get rid of it.

Wayne Lloyd said it would be easy to enforce.

Mike asked, "Do we really want to enforce it?"

Cindy stated that she sees a problem if we don't enforce it. We have many that offload their RVs in front of the Hall leaving their trucks and trailers in the right-of-way, without this ordinance, there will be no way to deal with this problem.

Roy then shared he had spoken with the owners of the big red barn. He said, "Let's clear the air and bury the hatchet. They had no obligation to tell us what their intent was for the home. It doesn't matter!" Let it go!

Debbie stated that if that property sat somewhere where it couldn't be seen, it wouldn't be a problem, but it sits where everyone can see it. Let it go!

COMMUNITY COMMENTS

Debbie said the city had been offered a free product to fix pot holes in our roads. The product has now been delivered.

Action Items:

- Sewer Seepage test
- Meter at Talbot's house that needs wiring
- Philip will get with Jacob to cap off 21 pines
- They will also fix the problem up at Talbot's. We will dig the trench and check with him what he would like.

ADJOURNMENT

- Motion to adjourn: Dan, Second: Philip, Vote Unanimous

Adjournment: 9:17 pm

After adjournment Philip asked about switching meetings to Thursday nights instead of Wednesdays so Shawn could attend. This item will be put on the agenda for the next regularly scheduled meeting.

WORK MEETING OCTOBER 18, 2022

NEXT REGULARLY SCHEDULED MEETING NOVEMBER 9, 2022