



**BUILDING AND DEVELOPMENT COMMITTEE
MINUTES
BLOOMINGTON CITY OFFICE
45 N 1st West
December 6, 2023, at 6:00 p.m.**

BCC members attending: Roy Bunderson, Cindy Piggott, Dan Porter, Mike Knapp, Philip Ward, Marilyn Wilkes, and Debbie Thomas

BADC members attending: Wayne Lloyd, Jerry Thornock, Jane Simpson, Rob Allred, and David Bee. Winston Hart joined by phone.

Public members attending: Mr. and Mrs. Robert Hart

Welcome – Chairman Lloyd: Chairman Lloyd welcomed all at 5:58.

Opening prayer: David Bee

Pledge of Allegiance: Winston Hart by phone

Review of 11/01/2023 minutes

Motion made to accept minutes as written: Jane, Second: David Bee, Vote Unanimous

Building Permit Applications – NONE

Ordinance review reports

Rob: #1 Organization of the Board of Trustees: **Outdated**, #2 Salaries of Officers: **Outdated**, #3 Street Names: **Update**. As of now, no permission has been given to Mark Baker to work on signs until the city completes the current grant. Rob assigned for next month: #29-1

Jerry: #4 Prohibited substances: **Repealed**, #5: Improvement and care for roads: **Repealed**, #6: Peace and quiet: **Repealed**. Next month's assigned ordinance: #2003-2

Wayne #7-9: approbation of law enforcement, all three **Out of date**. Assigned #43 for next month.

David #11: None under 18 shall have prohibited substances: **Repealed**, #12: Buying on Sunday: **Outdated**, #13: No bikes on sidewalk: **Outdated**. David assigned #23-3 for next month.

Jane: #15-17: All three deal with the bond for the original water system: These three ordinances have been **Completed**. **There is nothing to do on them**, #18: Dog license needed in city: **Rescinded** on 12/1982, #40: Allowed the city to sell a certain piece of property: **Completed, does not need to be addressed**.

General/Public Discussion

Culvert fixes: up 250 W 100 N by Dales Thornock, up 150 N 150 W by Roy Dunford's and Jim Marshall's, 400 N 100 W, by Mark Wilson and Heber Dunford's, all culverts on 50 E have been cleaned. Troy Carlin needs to dig up the culvert by his home.

The BADC will make a recommendation to the board for the existing ordinances.

Motion to adjourn: Jane, Second: Jerry, Vote Unanimous.

Time turned over to Bloomington City Council at 6:28 pm.



BLOOMINGTON CITY COUNCIL
MINUTES
BLOOMINGTON CITY OFFICE
45 N 1st West
December 20, 2023, at 6:30 p.m.

Meeting called to order at 6:30 by Mayor Bunderson.

Welcome – Mayor Bunderson thanked all for staying for this part of the meeting.

The mayor reported the city truck has been completed and billed for. Two items were not on the invoice, the wheel bearings and the brake pads. Roy called to let them know these items were not on the invoice. Wilkes Welding said if we pay for the wheel bearings, they would stand the cost of the brake pads. The mayor reported the bill came in lower than expected. The following things were fixed: front differential, drive shaft, heater core in the cab, plugs, and engine heater block. The mayor was happy with the work completed. He suggested the council watch for sleeper trucks that would be more acceptable for the city's needs. Those that go for a very good value. They are out there. Wayne talked to James in Wyoming, and they do sell their 2nds to other cities.

Nic Hart joined by phone at this point.

Dave Beckett's work review and discussion: Jane: The basic design of the road has not changed, Jane wondered why is he starting his road at the gate. She thinks that if he started down lower by Mark Piggott's gate it would alleviate the need for a curve in the design. The design needs to be changed. Roy thinks that was our fault and we should stand part of the cost of a new design. Cindy had a question about the water and sewer he will be putting in. His drawings show all lines to be put in. The cul-de-sac will be his to develop. There was some concern about him having 100 feet of frontage. Jane said that he does have a hundred feet of frontage. The paradisaical ditch needs to be extended. He will also have to pay for the extension of the culvert. Do we want to take the curves out? Yes, we need to extend the culvert so the road can be straightened.

Dave spoke with Rick Thomas and they think the road can be put in now. Cindy was concerned about a fence that needed to be kept up during the winter. Phillip was concerned about them starting to cut the road and then do nothing. Jane asked Dave if he had the water pressure up on his property tested. He

told Jane that there was “0” psi on his property, but that didn’t matter because he was going to put a tank in that would serve this property.

Wayne Lloyd asked if the city would be willing to grant them a building permit. Roy: stated that the city doesn’t have any right to stop anyone from building a road that meets the city's standards within the center of a right-of-way. But David needs to know just because the city is granting a road, it in no way grants him the right to a building permit. He will have to meet all standards of the city. Mike: We need to make that clear.

Jane read an email to the council where David was formally requesting the right to build the road. Roy: we need to go down to the property and take a look at what’s there, then create a MOU that works for everyone. The date and time were set to hold a meeting was 12/07/2023 at 3:00 up at his property. Dave will stand the cost of putting in city water and sewer. Then, the city takes title and will maintain those lines.

Things to discuss tomorrow while at Dave Beckett’s property:

- Alignment of the road
- Make certain that we are going to advise him that building a road does not grant him the right to a building permit. Any building permit requested by him, on this property, will have to meet the current building criteria.
- Make a determination if the city will require a straightening of the road.
- Make a determination if a portion of the cost of straightening the road is the city’s responsibility to pay.
- Validate a culvert is put in correctly with adequate coverage.
- Validate the flow of the paradisaical ditch is not blocked.

Dan clarified that he, in fact, never told Dave he could build a road.

There is also a right-of-way on his property that goes all the way through to the State property. This right-of-way cannot be built on or blocked. Roy will check this with the courthouse tomorrow.

At this point, Jane was authorized to contact Dave tomorrow and advise him that no decision could be made until a site visit was made. The city will move as rapidly as they can, but when the city readjourns they will need an MOU. An emergency meeting was set for 7:00 pm on Friday to make a decision on this project.

There was some discussion about how his water system would be put in.

Phillip left at 7:17. Jane will let him know that there were a couple of concerns.

Non-Conforming Lot Discussion

Noted: Nic Hart on the phone. Roy has had some discussion with those in the city. He has some concerns with non-conforming lots:

1. The city needs to make sure they are not taking, to make sure the rights of the people are not restricted.

2. Fairness of class: We need to keep all decisions equal across the board. What is the danger of non-conforming lots?

3. As we look at the downside to allowing people to take action that would be outside of the city's current ordinance, 2022-1, we need to ask what are we trying to protect ourselves from. Do we want to take someone's right away by saying they can't build? Roy asked Jane to do an extensive search for a standard that was put in place before 1992's required 1/2 acre lot. There wasn't one until 1979-2 was put into action. Jane did find a prior building permit that specifies lot regulations size as stated in the 1979 building permit regulations. This document has no date or signature on it. Jane also found an ordinance 1982-1 which contrary to the fully implemented 1979 permit specifies 1/3 acre was in effect for size of the lot. Jane stated that when we did the 2022-1, we superseded all of the prior ordinances. Roy then stated, at this point, if we have a non-conforming lot that is 1/3 acre or has another issue, the city doesn't have any real authority to preclude anyone from building on those lots.

Jane asked Nic to help write this ordinance. He agreed to help.

Jerry: Whatever we do, let's put out a standard that, in years forward, a city council like this doesn't have to do this same thing. He then stated that variances are such a bad thing. Roy stated by State standards the city doesn't even have the right to grant them unless the physical characteristics of the property define it. What we are looking at now is not a variance, it falls under the definition of exception of an ill-defined standard.

Rob: How many non-conforming lots are there in the city? Jane replied 29. We need to make all those lots conforming and define them in the ordinance.

Roy: If after this point in time, the city needs to add to the ordinance that no non-conforming lots be created from here on out.

Wayne said it makes sense that we grandfather in all non-conforming lots.

Roy: We need to be very careful; we don't make any decision that isn't in the best interest of everyone. We need to treat everyone the same. We need to keep this place special.

Jane: In the course of creating a new ordinance we, in the sense of transparency, realized there might be a problem with the current ordinance. Anyone who took title before 2018 went into effect, has another 16 1/2 feet of road deeded back to them. This will make some of those non-conforming lots conforming.

Roy: If I'm understanding right, at this point in the meeting, all non-conforming lots will be grandfathered in.

Non-conforming lots were then identified by name.

Phillip returned at 8:23

Roy: Are we good with non-conforming lots? By grandfathering in all non-conforming lots are we hurting anyone? Are we hurt if someone wants to build on a new kitchen? Does it hurt you? Mike: No, we don't care.

Jane: Will flag lots, those that are small in the front and open up to a large space in the back, be grandfathered in? Rob: A grandfathered lot is a grandfathered lot.

Roy: We need to put a provision in the ordinance that we missed, there will not be any non-conforming lots created from this point on.

Roy said we will not show in the ordinance non-conforming lots by name but by parcel number. Cindy suggested we also put the reason a lot is non-conforming.

Roy: We need to make sure if we miss a property, they can go to the city and present their case.

Annexation

Roy: What do we want to accomplish and what do we not want to accomplish? When we look at it, there is value in annexing. Annexing adds onto the tax revenue for the city. We have to have a standard of what we accept and what we don't. The following will be taken under consideration:

- The city's ability to provide water pressure
- The city's ability to plow the roads

Roy: I'm going to share something that's been on my mind. I have 100 acres that are adjacent to the city. I want to put it in a Conservation Easement. No houses will ever be built on that property. If this acreage is annexed this will be at no cost to Bloomington, but the tax revenue would be great.

Roy asked Jane to lead this discussion. Jane shared a draft for annexation. Roy stated the council needs to decide what they want.

If we don't get some more people to get involved in this process, what we do won't count.

Mike: We have already established what we want Bloomington to look like. We have our Mission Statement.

Jane: We want to focus on properties that can receive water and sewer.

Based on our discussion at the last meeting, a procedure for annexation will be as follows:

1. Submit a letter of explanation outlining your proposal to the city clerk
2. Schedule a time to meet with the city council for preliminary review
3. Upon approval of preliminary review, submit an annexation application and documentation
4. This goes to the BADC for review and they determine if any extra information is needed
5. The application will be forwarded to the city council along with the BADC's recommendation.

Roy: If there is something inherently wrong, we will let them know upfront.

Cataloging and Review of Ordinances

Jane: Do you want us to go over the old ordinances that have been rescinded or are out of date? Roy explained that there is not a need for that, but any ordinance that isn't signed, the city needs to reaffirm those ordinances.

Put on the agenda that the council will take action on any ordinances that need to be readdressed, modified, rescinded, or reaffirmed.

Motion to Adjourn: Cindy, Second: Phillip, Vote Unanimous, Motion Passes.

Meeting adjourned at 9:12.

Next regular meeting: BADC – January 3, 2024, BCC – January 17, 2024