



**BLOOMINGTON CITY COUNCIL MINUTES**  
**BLOOMINGTON CITY OFFICE**  
**45 N 1<sup>st</sup> West**  
**February 21, 2024, at 7:00 p.m.**

City Council Attendees: Roy Bunderson joining by Zoom, Mike Knapp, Dan Porter, Cindy Piggott, Rob Allred, Debbie Thomas, Trish Carlin, and Marilyn Wilkes

BADC Attendees: Wayne Lloyd, Jerry Thornock, with Jane Simpson joining on Zoom

Community attendees: Troy Carlin and Kyle Jones from HLE

Meeting called to order by Mayor Roy Bunderson at 7:00 pm

**INVOCATION:** Dan

**PLEDGE OF ALLEGIANCE:** Cindy

**MAYOR BUNDERSON: BADC BOARD MEMBER APPOINTMENT**

Mayor Bunderson informed the council that the snow plow should be ready tomorrow by noon.

The mayor announced Dennis Atkin as his choice of appointment to the BADC should the council agree.

- Motion to approve Dennis Atkin, as presented, as a member of the BADC: Dan, Second: Mike, Vote Unanimous. The motion passes.

Dennis's information will be sent to Jane as chairperson of the BADC

**KYLE JONES: HLE**

Transportation side of things, we're still waiting on LHTAC and ITD for a few things. We should hear from LHTAC by April. Then we'll see if we were awarded any of the conditional grants we applied for.

Sewer: the city lagoon seepage test didn't pass. A letter of intent was set to DEQ in January for wastewater grants. The city is not committed to anything at this point. Kyle and Mike wanted to get the ball rolling grant-wise to see what type of options they have for funding. We should hear something from them by July.

Water: a letter of intent will soon be sent to DEQ. This will be for a 100% Emergent Contamination grant to cover the fixes to our water system. The city should hear back from them by July,

Kyle did have a conversation with the City of Blackfoot on their Juniper GPS mapping system that Jane was looking at.

Roy thanked Kyle for his time.

**JEFF COOK: IRWA**

Jeff has significant experience working with water. He says he is used to getting stuff done with no money. He works closely with USDA Rural Development. He is certified with them to apply for grants and loans. They are only a phone call away for help. Jeff is a water tech and coworker Craig is the wastewater tech. They work together on projects. He stated they are here for us. They can help us with an analysis of our water fees.

Roy asked him what's coming down the pipe. He stated that manganese in water systems is the big thing right now. If there is one drop in an Olympic size swimming pool, it's too much. He suggested that DEQ has money for testing. Kyle said he has been in contact with DEQ, and they do still have money for testing. Someone from our area would come and take the test sample. The city just has to take them to the source site. They thought Trina Burgen would be the one to test in our area.

He stated the lead service line inventory needs to be taken on the city water pipes to each connection we serve. The deadline for this testing is October 16, 2024. He encouraged us to get on that. He also stated because we service under 1000 customers, someone can be assigned to help us. He said we just have to contact Cansandra Lemons at DEQ and she will assign someone to help.

Roy: What is the methodology of detecting lead pipes? Jeff stated if you put a magnet on the pipe, and it doesn't stick, it's not lead. Roy thought the city may have couple lines that fall under the lead category.

Kyle: If the city gets ahold of ACRA they will come and do the inventory for the city. It will take some man power and knowledge on the city side. They will need to have a list of lots and when homes were built compiled from the city. ARCA will then make a list and go through and verify with the city. They then will make an assumption based on the year the home was built or the service was installed. We only need to inventory just the service line, not the distribution systems at all. Kyle and Jeff agreed that it was just the connection from the main to the household or end user. Jeff stated if anything was built after 1990 you could rule it out as lead. Idaho adopted the law that no lead lines will be used for delivery of water service. The gooseneck also needs to be noted on report.

Roy stated that Shawn will be a good resource as he has installed many of the lines.

Roy thanked Jeff for his time.

## **GENERAL BUSINESS**

### APPROVE BCC JANUARY 24, 2024 MINUTES

- Motion to approve minutes as written: Mike, Second: Cindy, Vote Unanimous. The minutes stand approved as written.

**BUILDING AND DEVELOPMENT COMMITTEE** – Jane, as president of the committee gave the report.

**BUILDING PERMIT REPORT** – No building permit applications in the last 30 days.

**TROY CARLIN SUBDIVISION** – His proposal is a five-lot subdivision. Each lot will have a minimum of 1/2 acre. They all have frontage of 70-feet, which is in compliance with the current Subdivision Ordinance. While this number conflicts with the current Building Lot and Standards, it does meet the current Subdivision Ordinance. Jane: In the Road Standards, it currently reads a 100-foot radius. That would make a 200-foot diameter, which is an excessively large cul-de-sac. Tim with AA Hudson sent Jane some information stating the county was approving a 60-foot radius, so we left Troy's proposed at a 65 feet radius.

Jane then asked the council if Troy could get preliminary plat approval? Realizing that once a preliminary approval was given, he still has to do all of his engineering.

Roy brought up a question with Jane earlier about septic systems, and whether or not those lots were big enough for individual septic systems. Troy would need to check with the State on this matter.

Roy clarified the city was not opposed to whatever the State Health Department will allow him to do. He just wanted to make sure Troy knew this before he was too far into the project, and then find out he couldn't do it. The city doesn't have any authority to regulate this matter.

Troy: I'll certainly check into that and also check with the State Department.

There was then some discussion of which ordinance should be followed, the Road Standards or the Building Lot and Standards Ordinance.

Roy stated there isn't anything that precludes the city from having different standards on an existing platted lot and a newly created lot, as long as they complied with the standards upon which ordinance they are governed by.

Mike: On the surface, that sounds fine with me as long as that's what's on the books for that situation. He has no problem with what's proposed. He just wants to make sure that we're not putting ourselves in a situation where we're not being consistent with what's on the books, as we've done at times because we made a quick decision. If that's what's on the books now and there is no conflict, nor will there be conflict down the line, then we can change the ordinances to agree in the future.

Roy appreciated what Mike said and stated with the ordinances we have on the books now, there is no conflict, we may make changes to the Subdivision Ordinance making things more or less restrictive. But at this time, we would not be violating anything that's on the books now. Jane agreed.

- Motion to give Troy a preliminary plat approval: Mike, Second: Dan, Vote Unanimous.

FINAL DRAFT BUILDING LOT AND STANDARDS – The council tied up most things on the Building Lot and Standards Ordinance last month, with the exception of the language in 4.9. It was felt that there were three points covered under one section. It was felt by the council that those three things needed to be broke apart and addressed separately for understanding. The proposal, at this time is as follows:

**4.9 Setbacks for Additions to, and Repairs of, and Replacement of Previously Constructed Buildings, built prior to January 1, 2024.**

A current Building Permit and all current fees are required. City Rules, Regulations and Setbacks will apply to previously constructed buildings, as follows:

- A. Current setbacks are required on any addition to a previously constructed building, even if the original building does not meet the current setback requirements.
- B. Current setbacks are not required on a repair of a previously constructed building, even if the existing building does not meet the current setback requirements.
- C. Current setbacks are not required on a replacement of a previously constructed building that was damaged, torn down, or destroyed, less that one (1) year previous to the construction of the replacement; as long as a non-residential building is not changed into a residential building, and it is built back on the same exact footprint as the previously constructed building – even if the previous building did not meet current setback requirements. A replacement building shall not be constructed outside of the property boundaries. If the previous building was not fully within the boundary of the property, the footprint will need to be moved so that the replacement building is fully within the property boundaries.

Jane: if the council is okay with this version, it would now be time to schedule a Public Hearing on the Ordinance.

- Motion to send the Building Lot and Standards Ordinance to our city attorney for approval, schedule a public hearing, post ordinance summary one time in the newspaper, and send to our customers a copy of the proposed ordinance, and notice to check their property for proposed previously created lots. Also, the date of the public hearing and include the change of meeting notice. Cindy, Second: Rob, Vote Unanimous. The motion passes.

A proposed date for the Public Hearing was set for the next regularly scheduled meeting on the 19<sup>th</sup> of March 2024.

Roy: There is conflict on this council’s regularly schedule council meetings with the County Commissioners meeting. Roy proposed we move the City Council meeting to the third Tuesday of the month, so as not to be in conflict with the commissioners meeting. It was decided that this change of date will also be included in the letter being sent to customers. As the council can’t vote on it tonight, we can make an executive decision and move to the meeting date. A formal vote will be held in the next meeting as it was not included on February’s agenda.

The previous motion before the council was amended to also include this change of regularly scheduled City Council meetings. The next meeting will be on the March 19, 2024.

All agreed.

Roy then called for the question on the motion as amended. All in favor. The motion carries.

The Public Hearing on the Building Lot and Standards Ordinance will be held at the first of the next council meeting.

**PROPOSED ORDINANCE CONSOLIDATION**

Jane: The BADC has gone through all the ordinances, some are outdated, some have parts that apply to us now, and some that just shouldn’t be in there. The BADC would like to consolidate the ordinances into 6 or 7 main ordinances.

**CODIFICATION OF ORDINANCES**

Jane would like to propose that the city codify all our ordinances. Codification is writing a book of the city. This book will be broken down into chapters e.g. roads, water, sewer, etc. It will be put together just like the State Statutes are. They are put in titles, chapters, sections, sub chapters, and sub sections. The ordinances will become codes. This will make it very east for anyone to search online and find the code that’s needed. This will also make the city transparent.

This process will cost around \$4000 and take up to a year to complete.

Mike: I've read the way the proposed consolidation has been presented and he has no reservation at all and sees no reason to start moving on this now. Dan agreed stating this will save time, it will save money, and it will save headaches. Rob and Cindy also both agreed.

- Motion to give the BACD authorization to find a firm to codify our ordinances: Dan, Second: Rob, Vote Unanimous, The motion passes.

Roy requested that anyone working on this project needs to keep the council informed.

Jane: On the first Wednesday of March the BADC will start working on the Subdivision Ordinance.

#### **WATER – Rob Allred**

Roy: Rob had a concern about digging out the fire hydrants. He called Roy to see if that could be done. Roy explained that he has so much money per year and it is at the councilman over that area to spend the money however they feel is needed. He arranged for the fire hydrants to be dug out. The fire hydrants have now been cleaned out.

#### **ROADS – Dan Porter**

##### **SNOW PLOW**

Speaking of the snow plow, he said this too should end. The truck should be returned tomorrow. A notice was sent to the city customers that the snowplow was down again. He expressed thanks to all who came out to help plow the roads in the snowplow's absence. He also expressed thanks to Rick Thomas for quickly helping the city with the road plowing.

Roy said he as some feelers out to Western Ag and Northern West Farm Credit. They do some grant writing for small communities to help them with their needs, like acquisition of equipment. If our truck is working well, we need to trade it off while it has some value, and get something the fits the city's needs fully.

#### **SEWER – Mike Knapp**

Tyler Warner has been contacted to work on the city's switch gear at the lift pump. As of yet he hasn't found time to help. Mike will stay after him. Roy, once again, made the offer to donate land to the city for another lagoon down on his property east of town.

#### **CITY HALL / OFFICES – Cindy**

Nothing new. However, Dan let the council know that Mark and Cindy were down plowing sidewalks and shoveling paths. Roy thanked them for their efforts.

Roy asked if the Generac generator has been installed. Cindy answered that it was. She made a phone call to Valley Wide to have the gas hooked up to the generator, but that hasn't happened yet. When that's completed, she will call Tyler Warner to hook it up.

#### **TREASURER**

##### **PAYMENT OF EXPENSES – Marilyn**

She had a question on the payment of the bills. She did not pay the invoice for JWD Construction for snow removal around the fire hydrants, because she wasn't sure what account it should come out of. Roy said that would come out of water. She also received an invoice from Philip Ward for removal of snow around the water tanks. Roy said that should also be out of water. The council members have all signed the approval for payment of expenses. As the council have all signed the payment of expenses, we won't need a motion. The bills will stand approved as submitted, and the treasurer is authorized to release them.

DELINQUENT ACCOUNTS – a little bit more than last month, they are about \$700. She is working on getting that down.

#### **CLERK – Debbie**

Last month we talked about giving the county our standards so they could help us in seeing that non-compliant lots would not be formed. The question was presented as to who would draft those standards, and who will deliver them? Jane and Roy decided a good place to start would be with Naman, in mapping at the courthouse. Jane said she would get with him next week and find out what they need.

Debbie: The Nelsons have been in contact with me and they indicated they would like to annex all ten acres, if possible. Roy asked if anyone would have a problem with them attending a council meeting, through Zoom, and present what they would like to see happen. The council had no objection. Roy: Debbie will extend an invitation to them and let them know they are invited to participate in the next council meeting, by zoom, and present what they have in mind. They were also asked to bring a plat plan. Then, the council will further evaluate their request, and make a determination on the proposal.

Mike asked if the city has an Annexation Ordinance? Roy: Jane is working on that right now.

## **MAYOR**

### **MOU FOR PARKING LOT BY WATER TANKS**

The existing MOU we already have with the county was very minimal. It consisted of two points.

1. The county will take responsibility for all the costs, other than the material used. This may be furnished by a third party.
2. The City of Bloomington will incur no cost, other than providing the use of the property owned by the City of Bloomington.

When the lawyer from the state and the lawyer reviewed it, there were two things they thought should be included:

1. A bail-out clause for each party. By State law, the sitting council now only has authority as long as their term lasts. In the future, should another council have a different opinion, there needs to be a bail-out clause for the county. Should the county become insolvent and can't fulfill their part for snowplowing, the city will have a way out.
  2. The State requested that we give the other parties a term of agreement for 20 years. This agreement will be between the City of Bloomington, the county, and the snowmobile organization. Roy asked if anyone thought this was exorbitant. No one had a problem with adding these requests.
- Motion to give the mayor authority to sign the MOU with the county, which includes: a bail out clause for both parties and a 20-year agreement as presented. Mike: Second, Dan: Vote Unanimous. The motion stands approved.

### **COLN HART BUILDING VIOLATION**

Roy explained that when he quoted at last month's council meeting that the city would not send a letter of violation or levy a fine for proceeding without a building permit, which then included levying a fine, I thought that we had talked about this issue in city council and we had agreed to not send the letter. Roy now realizes that he didn't have that conversation at city council but outside of that meeting. Concerning this issue, Winston stated previously that there was another instance of the same thing in the city, and no fine was levied to them. Roy then turned the matter over to the council for their opinion and guidance.

Rob: My concern is that will someone else do the same thing in the future. It was explained that question has come up in this case. Jane: I think the example Winston used was a valid example. However, it took place before the new Building Lot and Standards Ordinance was in place. According to the old ordinance Colin's property was a non-confirming lot and should not be issued a building permit.

Mike asked about the price of the fine. Jane stated that it was \$300.

Roy then asked each council member how they felt.

Dan: We need to stand by our ordinance. The days of a handshake and the good ole boys just doesn't work anymore. Mike said it gets us into trouble every time, but he wished it was that way. However, if the ordinance states there is a fine, they should pay it.

Cindy: I think there's a difference between being ignorant of the ordinance and being ignorant to the ordinance. She feels that we need to start implementing the ordinances as written.

Mike: I would like to err on the side of mercy, but we should start by living our ordinances. It's just not fun to fine your friend.

Roy: It looks like we won't need to call for a motion, as the council members all agree that the city should enforce its ordinances and levy a fine. Roy offered the option to record this decision by motion. All agreed a motion was not necessary as their decision will be clearly noted in the minutes.

Roy then questioned if the structure was built before or after the fee of \$25 was given to the clerk. It was stated that the construction was complete before a building permit was issued. Roy questioned if Colin knew the rules for applying for a building permit. It was stated that he knew the rules as this was his third permit in a short time.

Roy stated that Colin will be assessed a fine of \$300, and the monies that need to be returned or reimbursed will be included with the letter for the fine.

Jane explained that Colin also paid \$250 for a building permit on an addition to his home in 2022, prior to the new Building Lot and Standards Ordinance went into effect. This permit was issued, and two six-month extensions were also issued on that permit, because of unusual circumstances. No construction has been started for that building permit, so the BADC cancelled this permit application. He will need to have any checks returned or reimbursed to him.

Because there was some confusion concerning the checks received from Colin, we will do some investigation and add the matter to next month's agenda.

#### DAVE BECKETT LETTER

As instructed, the clerk has drafted a letter to Dave Beckett concerning his request to put a road in up on his property above 300 W, and to the north, up on the hill. Each given a hard copy of this letter for review. The letter included the council's decision to not allow a road to be built at this time. Roy: We can't give him a yay or a nay on his proposed road, until survey points can be put in the ground. This will delay the decision until spring. This decision will be included in the letter. Roy then stated we got a little ahead of ourselves, and mentioned city water in the letter. Jane: As Dave has never applied for city water, this paragraph will be taken out of the letter. Roy stated that approval of the road does not give him access to city water and sewer.

The decision was made to send a letter leaving out sewer and water paragraph, but including the changes Roy made to the letter. This letter will be sent by the city clerk.

Each council member was in favor of a letter being sent as stated above by Roy.

**COMMUNITY COMMENTS** – None

#### ADJOURNMENT

**(ACTION ITEM)**

The chair then moved for a motion to adjourn: Mike, I so move, Second: Rob, Vote unanimous. The motion passes. Adjournment at 9:15 pm.

**NEXT REGULARLY SCHEDULED MEETING: March 19, 2024 at 7 pm.**