



**BLOOMINGTON CITY COUNCIL  
MINUTES  
BLOOMINGTON CITY OFFICE  
45 N 1<sup>st</sup> West  
March 19, 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, David Bee, Dennis Atkin, and Jane Simpson joining by Zoom.

Community attendees: Mr. and Mrs. Robert Hart, Kevin McDonald, and Mr. and Mrs. Jones, with Nic Hart on the phone

**INVOCATION:** Mike

**PLEDGE OF ALLEGIANCE:** Cindy

Mayor Bunderson welcomed everyone for coming.

**MOTION TO MOVE INTO THE PUBLIC HEARING CONCERNING THE PROPOSED BUILDING LOT AND STANDARDS**

**ORDINANCE**

- Motion made to move into a Public Hearing: Dan, Second: Cindy, Vote Unanimous, Motion Passes

Jane was asked to narrate this issue. She started by asking those in attendance if they had any questions concerning the ordinance.

Jane explained the following changes have been made to the 2022-1 Ordinance.

- One definition added: Prior Created Lot – this refers to lots that didn’t meet the Building Lots and Standards Ordinance 2024-1, and were created before March 2024.
- 3.7 Fees – the city lawyer recommended the city add more explanations of the fees. Those fees are on file in the office of the clerk. Fees collected will not be deposited until building permits are approved.
- 4.9 was a redundant paragraph, so it was broken out into three separate sections 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.

The following changes were added to the ordinance:

#### 4.12 Prior Created Lot Exemption

Unless otherwise exempted through this ordinance all residential and agricultural construction must meet current building and lot regulations. Properties with the following Bear Lake County Tax ID numbers are included in the Prior Created Lot exemption and will not need to meet the acreage and frontage requirements.

<b>1933</b>	<b>1938.01</b>	<b>1950.01</b>	<b>1953.02</b>	<b>1959</b>
<b>1962</b>	<b>1966.01</b>	<b>1966.03</b>	<b>1970</b>	<b>1971</b>
<b>1976.02</b>	<b>1986</b>	<b>1986.01</b>	<b>1999</b>	<b>2000.01</b>
<b>2011.01</b>	<b>2013</b>	<b>2016</b>	<b>2016.01</b>	<b>2027.02</b>
<b>2035</b>	<b>2036.02</b>	<b>2040.02</b>	<b>2046</b>	

If a property is not included in the above mentioned Prior Created Lot exemption list, the property owner may petition the city council to add the property to Section 4.12 by notifying the city clerk in writing and the city council shall consider the request and determine if the property should be included in prior created lot exception.

Jane explained if your property needs to be on this list, and it's isn't, you need to let the city know, so it can be included on this list.

Roy added, once again, the council's purpose was to grandfather this situation once and for all, so when different city councils, with different philosophies are seated, this will not become open to interpretation. The council envisions this as a one-time fix. It will allow the owners of these lots to do with the property what they had intended to do at the time of acquisition. However, this does not allow carte blanche to anyone who may want to create a new non-conforming lot.

#### 4.13 Subdividing Lots, Parcels or Plats

No person shall subdivide any tract of land which is located within the city limits of Bloomington City, except in conformity with the provisions of this Ordinance and/or the *Subdivision Ordinance*. Lots created after January 1, 2024, which do not meet the current acreage and frontage requirements as set forth in this ordinance and/or in the *Subdivision Ordinance* shall not be eligible for a building permit until the lot becomes compliant with this Ordinance and/or the *Subdivision Ordinance* requirements.

This section of 4.13 shall not apply to:

- A. The subdivision of land for and the sale of cemetery plots.
- B. The sale of land by or to the State of Idaho or any political subdivision thereof.
- C. The sale of land for agricultural purposes.
- D. The sale or vacation of easements or right-of-way.
- E. The sale of parcels for aligning property lines.
- F. The transfer of any parcel of land by testamentary device, foreclosure sale or by order of Court.

Nic Hart was asked if anything was missed. He thought the revisions had been well explained.

Roy then explained the property tax number remains static, and will go with the property. Mike added that the tax number was incumbered in the property deed.

Mike asked if there were anymore comments. None were voiced.

#### MOTION TO MOVE BACK INTO THE REGULARY SCHEDULED CITY COUNCIL MEETING

At this point, Roy stated he would entertain a motion to move out of the Public Hearing.

- Motion to adjourn the Public Hearing and move back into the general meeting: Mike, Second: Cindy, Vote Unanimous, Motion Passes.

The chair then called for a motion to approve the ordinance as read, reviewed, and submitted.

- Motion made by Mike Knapp, Second: Rob

Roy then stated all the formalities of the ordinance passing have been completed and he called for final vote from the council.

Dan: yes

Rob: yes

Cindy: yes

Mike: yes

- Let the record show the roll call was unanimous. The ordinance will stand approved as written, and Debbie will stand authorized to move forward and complete any activity that's needed to complete the process.

## **GENERAL BUSINESS**

### **BCC FEBRUARY 21, 2024 MINUTES**

- Motion made to approve the minutes as written: Cindy, Second: Dan, Vote Unanimous, Motion Passes

### **VOTE ON CHANGE OF SCHEDULE FOR CITY COUNCIL MEETINGS**

Dan let the council know the 3<sup>rd</sup> Tuesday is also Paris's City Council Meeting, so we will have to split Kyle with them each month.

- Motion made to change the regularly scheduled City Council Meetings to the 3<sup>rd</sup> Tuesday of each month, effective March 19, 2024, as our standard City Council Meeting Night: Dan, Second: Rob, Vote Unanimous, The motion stands approved.

## **ERIC AND JENNIFER NELSON'S PROPOSED ANNEXATION BY ZOOM**

Nelson's have submitted their plot plan and design of proposed structure. Eric explained they would like to build on their property and live there. No subdividing of ten acres is intended.

- Roy explained that sewer service would not be possible where the property is located, unless a grinder pump was put in.
- The city needs further evaluation from our engineer to determine if water service is possible to their lot.
- A determination on annexation approval was discussed.
  - A map of the property was looked at and discussed. Location of property, plot plan, and house that will be built on the northwest corner of the property.
- Roy asked how much of the property they would like to annex into the city.
  - Roy gave his approval of annexing the entire parcel.

Eric explained they would like to annex the entire parcel of ten acres. They have already had test holes dug for a septic system.

- Rob asked if they are aware that they would have to stand the cost of getting water to their property.
  - Jim Madsen's private line will not be available to hook onto as it is inside his property.
- Jane explained because the city has no service lines to that part of the city, Nelson's would need to have the engineering completed to see if water is even available to them. Pressure is a concern.
  - Mike explained they would need to have engineering completed that needs to be approved or meet the existing standards.
- Wayne explained there should also be a fire hydrant down that line.
- Eric asked where that line would need to come from.

- The matter was discussed. The line would need to come from the corner of 50 E and 500 N by Jim Madsen's corral and would need to be brought down 500 N to their property.
- The line would need to be engineered for the right size of line and would also include a fire hydrant at the termination point.
- Roy explained the steps that are required by the State of Idaho.
  - Notification of adjoining property owners and gaining their approval in writing.
  - Action by the council to proceed or not. That way they will know the council decision before they spend more money.
  - Survey the property (completed)
  - Tim from AA Hudson can help them with providing the annexation documents which can be acted upon by the city council.

Roy asked Mike to proceed with getting the approval of the council for the annexation.

- Dan is in favor of annexing the whole ten acres.
- Cindy is in favor as long as the land owners have the say of how many acres they would like to annex.
- Rob is in agreement to the full ten acres being annexed.
- Mike is in favor of annexing all ten acres for the reason that Bloomington's tax base will grow, and if the property is annexed into the city, they will be subjected to the city's laws not the county's.

An advisory vote to indicate the council's intent for annexation indicates to the Nelson's that the city is supportive of the process to move forward, and we will work with them to take care of the details that need to be accomplished for the annexation.

- Motion to move forward with an **ADVISORY** vote for the Nelson's to move forward with this annexation, providing all steps are completed to the city's standards: Rob, Second, Vote Unanimous, the motion passes.

Roy then asked Nelson's what their timeline was. Eric said they are moving in May and June, so they would like to get started as soon as possible.

#### **ROBERT HART FARM PROPRTY W/O FRONTAGE**

Robert stated he is the sole owner of a property behind the home he and his brother share. This agriculture property is landlocked. However, the shared property is used for egress and ingress to this landlocked property. This agricultural property does not have any frontage. Robert wondered if this ordinance would prevent him from acquiring a building permit.

Roy: The council has reviewed the ordinance and arrived at the consensus that there should not and would not be any restriction on this property when applying for an agriculture building permit.

Robert: This would be fine with the understanding that he would comply with any setbacks and fee requirements accessed by the city.

Roy: No motion will be made as the city ordinances address this question.

#### **DAVE BECKETT ROAD AND PERMIT – JOINED BY A PHONE CALL**

Roy first stated that Debbie had sent him a letter letting him know no decision will be made until points can be put on the ground to indicate the corner of the road so the alignment of the road and responsibilities could be decided. Dave brought up the fact that the fiber optic will run right through the middle of the road once it's moved over by the property acquired by the Simpson's.

As soon as the roads are dry and approval is given, his plan will be:

- Road filled from the entry at the Simpson's, up in the center of the right-of-way. This will be done according to the plans he submitted previously and using the data provided by AA Hudson. The contractor

has GPS built into his machines and he can easily match the contour and position of the road. He stated Simpson's would like a berm, borrow-pit, or ditch on their side by the fence. He thinks that is viable.

- Rock will then be hauled up to the property. He has the rough-in already.
- For utilities he will hook onto the water and run a waterline up to the roundabout. A pressure system will be installed there so proper pressure can be attained to his property.
- He has also roughed in a pad for a water tank, so he can have gravity feed pressure as well.
- He will put a propane tank up there for now.
- He is also hoping to put a generator up there as well.

He stated this was all infrastructure. He is not planning on putting a building up there, yet. When he's ready he will come back to the city council and get a permit.

Roy clarified with Dave that he had not submitted a building permit. Dave stated he hadn't, but he had submitted last fall, a plan for a barndominium. Half will be used for living quarters and the other half a garage.

Roy: For now, we are strictly dealing with the roadway. When the ground dries, we'll get the hubs identified, we'll get the alignment of the road, and at that time the city council will grant approval. Dave should be working through Dan, as he is our roads councilman. The road will require final approval on the alignment. Roy then stated, "And just as a point of clarification, the issuance of a permit to build a road, should not be implied consent that the city will provide water, sewer, or any utilities. It's merely to build a road. Those items will all be addressed at the point of time of application for a building permit. Just so we have a crystal-clear understanding of how we move forward."

Dave: One of the reasons he wanted to put in the rough-in of the water is he didn't want to tear up the road twice.

Roy: If you would like to do that, and make the water request part of the approval of the road, they could consolidate those two requests together, so the council can give adequate consideration before the council gives any approval for the road.

Jane explained that the building permit application also includes an application to the water system, an application to the sewer system, and an application to build a structure are all three different things that can be handled together. She then asked him if would like to break it apart. Dave stated that he did want to break it up to help defray costs. Jane then explained that he would need to complete an application for a water connection, this is found on the building permit application. Only that part will need to be completed. She then explained that the city had some engineering problems that would need to be addressed. This will take some time. She asked him if he had water engineering done. He stated he thought he did. Mike suggested if he had engineering complete, we would be happy to send it to our engineer to have them reviewed.

Cost of the permit was explained. He would only pay for the fee for obtaining a water connection permit which is \$3500, then when he's ready, he can apply for a building permit at \$250.

Dave understands the fees. Since he's putting the utilities in the city right-of-way, which he is planning to pay for, does he need a water permit for that if he is not physically connecting to the system? Roy stated he would need to pay his fee to purchase his water right at the time of connection, and the monthly fee would start at the time of connection, whether he was using the water or not.

Dave wondered, since he built the road and put in the water system, if anyone taps into the services he provided, he would like to get an agreement that they will share a portion associated with the construction cost. He would capture those costs, then submit them to the city for record, but the monies would be kept by him.

Mike stated in our Water Ordinances the city does not allow that.

Dave asked are there any city ordinances regarding the placement of a propane tank? Roy stated the city does not have anything other than the State Ordinances. He will have to comply with those.

**COLIN HART CHECK INFORMATION AND BUILDING VIOLATION** – The city owes Colin \$250 for the structure that was never built. Colin owes the city \$300 plus \$25 for a building permit for the structure that was already built. This comes out to Colin owing \$75 to the city.

#### **BUILDING AND DEVELOPMENT COMMITTEE**

BUILDING PERMIT REPORT – No building permits for the last 30 days.

A procedural guidance document for annexation will be developed and discussed at the next meeting.

#### **WATER**

##### **50 EAST WATER LINES**

Rob hasn't found any definitive plans for the water line on 50 E.

##### **SICOG**

Rob went to the SICOG meeting and learned about some good programs that we are already working on with Kyle.

NEDS – Will be discussed at next meeting.

##### **REPORT ON WATER INVENTORY**

Kyle will put Rob in touch with an organization that has grants to complete the water inventory.

Roy brought up the question about the size of the waterline that runs to the Tanya Reese home (little home that sits on 290 N 50 E). Discussion was held and determined a tap was run to the house from the fire hydrant and ended there.

There was also a question on what arrangements were made with Troy Carlin as far as putting the line in to his shop. Some investigation will be done on this question.

Shawn had a question as to how many houses could be run off a six-inch line that dead headed. If the line is looped, it can serve many, but the line on 50 E is not looped. Rob was also asked to investigate this question, so an answer could be given to both Troy Carlin and Eric Nelson. Rob spoke to Kyle about this today.

Roy stated let's get ahead of the curve, because Troy and the Nelson's will be coming back to us for an answer. We want to be able to let them know if it will require extension of lines and/or bigger lines. We should be in a position to tell them what kind of costs they will incur to satisfy the requirement of providing them with water.

Rob was also asked to investigate the city's ability to provide Dave Beckett with water.

The Russell Sorenson property will also be investigated.

#### **ROADS**

##### **FISCAL YEAR 2024 LRHIP GRANT**

We have heard from LTHAC, they administer funds for LRHIP. LTHAC advised us we didn't qualify for the year 2024 funding. Kyle will reach out to LTHAC and see what we are doing to lose points and not qualify.

Dan stated if we aren't getting a grant from the Forest Service, then we need to do something else. Canyon Road is falling apart.

Wayne Lloyd let Dan know the Shilling brothers are willing to patch the roads for an hourly wage.

**SEWER** – We had both of our sewer pumps fail. The one that failed first was the new one. They both have been replaced with brand new pumps. Kent Glenn, Wayne Lloyd and Dillion Rich were a big help making things happen. We have new rails and stainless-steel chains. As soon as the frost leaves, Mike is going to expose all the conduits for the service panel, then Tyler can put in a new panel.

**FACILITIES** – Antonio is probably not going to be our maintenance man this summer. Cindy is looking for names to help with this job. Mike suggested he might have a name.

#### **TREASURER**

## PAYMENT OF EXPENSES

Total expense for the snow plow repairs were \$5320. This was divided between water, roads, and sewer.

- Motion to pay the expenses as presented: Dan, Second: Mike, Vote Unanimous, motion carries.

**DELINQUENT ACCOUNTS** – Look really good.

**CLERK** – The Legacy Room board will be putting a float in the parade this 4<sup>th</sup> of July. They have asked if the council would like to donate money for their cause. It was decided no funds would be given based on the fact that tax payer money would be used. The city is happy to help facilitate donations, perhaps by setting up a booth or something at the Memorial Day Celebration. Rob suggested they check into SICOG, they have some funding for historical museums for cities.

**MAYOR** – The Forest Service is cutting back on their grant activity, and recommends the only way to obtain approval for grant funding was to pare back our request and do the construction in four stages. The downside to that is the chipseal on Canyon Road would be the lowest priority and in phase four. The city cannot last this long. Roy suggested to Dan, if we need to be more aggressive, we should do it. Roy then said if we need to take advantage of Justin and Austin Shilling's offer, let's do it. Dan explained that he would defer that decision over to Kyle who continues to not disappoint.

**COMMUNITY COMMENTS** – Jerry stated the first phase of the grant also included the electronic signs.

- Motion to adjourn: Cindy, Second: Rob, Vote Unanimous and this meeting will stand adjourned.

**ADJOURNMENT** at 8:55 pm.

**NEXT REGULARLY SCHEDULED MEETING APRIL 21, 2024.**