



BLOOMINGTON CITY COUNCIL MINUTES
BLOOMINGTON CITY OFFICE
45 N 1st West
May 23, 2024, at 7:00 p.m.

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

BADC Attendees: Jane Simpson, Wayne Lloyd, Jerry Thornock, and Winston Hart

Community Attendees: Collin Hart

WELCOME: Mayor Bunderson welcome everyone at 7:00 pm

INVOCATION: Mike Knapp

PLEDGE OF ALLEGIANCE: Cindy

The mayor proposed the agenda be amended to include the presentation on the annexation policy by Jane, also to move the mayor's business to top of the agenda.

- Motion made to amend agenda and move Collin Hart to the top, then add a presentation by Jane: Mike, Second: Rob, Vote Unanimous, Motion Passes.

MAYOR

COLIN HART LETTER

Mayor Bunderson addressed the letter received by Collin Hart concerning Collin Hart's building a lean-to before applying for a building permit. In our Building Lot and Standards Ordinance, it lists that building without a permit constitutes a misdemeanor with a fine of \$300. By virtue of calling it a misdemeanor, that infers that the city is going to charge the offending party with a violation that is a going to be treated as a misdemeanor and that it will be handled before the court. The court will make the decision if there is guilt on the behalf of the offending party and the court will levy the fine. The city should not have added that wording to the ordinance.

Mike stated the city is not in the business of law enforcement.

Roy's attorney suggested the following language: A violation of this ordinance will be determined by the administrator of that department, with clear cut facts, and a violation will be subject to a fine of \$250. Roy said to run that by AIC and we fix what we have to revise the ordinance.

Collin expressed that he had no intention of being a troublemaker. Roy thanked him for that.

Roy suggested we refund Collin's check for \$75 and return his \$225 and clear the slate.

- Motion to refund Collin's \$75 and return his \$225 as the city takes responsibility for its mistake: Dan, Second: Cindy, Vote Unanimous, the Motion Passes.
- Motion to amend the Building Lot and Standards Ordinance to remove the misdemeanor and criminal language in Section 3.6 and state it as an infraction with a fine only. When completed we ask AIC for council. This motion was put on hold until the city makes other changes. Then this motion will be addressed.

Mike asked if we have any recourse if someone does not comply with the ordinance. It was decided Roy would call Justin Ruin at AIC for counsel.

GENERAL BUSINESS

APPROVE BCC April 16, 2024 MINUTES APPROVE

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

BUILDING AND DEVELOPMENT COMMITTEE – Presented by Jane

BUILDING PERMIT REPORT

Alden Talbot: Building a pavilion in his yard.

- Motion to approve building permit for Alden Talbot as presented: Winston, Second: Jerry, Vote Unanimous, Motion Passes.

Kevin and Ann Madsen: Rebuilding a front porch bigger than the original, this will change the footprint of the home. For this reason, they need a building permit.

- Motion to approve building permit for Kevin and Ann Jensen as presented: Winston, Second: David, Vote Unanimous, Motion Passes.

PROCEDURE FOR OPENING RIGHTS OF WAY

The BADC would like to put together some recommendations of procedures for opening rights of way. They thought having a policies and procedures for opening rights of way would solve a lot of confusion in the future. Jane then presented to the Council a draft for opening rights of way. The council agreed the BADC should proceed with the right of way procedures. They were asked to present a final document to the council in the future.

Cindy was asked to continue placing pink stickers on the windows of those parked in the city rights of way, both those that are external and those that are internal to the city.

ANNEXATION

The Statement of Annexation policy was discussed. In last month's City Council, Jane was asked to make some changes to the policy presented to the council.

Jane then presented a draft Application for Annexation to the council. Some changes were made to the draft in the last council meeting. Jane had added or deleted what the council requested. In this council meeting other changes were requested. One point discussed was the city requiring a survey for annexation. The council thought it was a good idea to require a survey for annexation.

- Motion to accept in its current format a Statement of Annexation policy as presented: Mike, Second: Dan, Vote Unanimous. The Motion Passes.

CHANGE OF USE

Jane explained a barn was built two years ago and now the residents would like to change the structure to a living structure. In the Building Lot and Standards ordinance, there is no verbiage concerning "Change of Use". We have verbiage in the application, but not in the ordinance. The BADC's recommendation is to add the following two changes to the ordinance:

Under Definitions: CHANGE OF USE: When a building undergoes major remodel for another use or may incur no physical changes but has a change in type of business or residential use.¹

3.2 Building Permits Required

¹ Added per Resolution 01-2024 dated June 18, 2024

No building or other structure, except fences, shall be erected, moved, or added to without a permit issued by the Council. **Change of Use from Outbuilding to Residential or Commercial requires a Change in Use Permit.**² This sentence will be added at the end of 3.2.

There was much discussion on whether the city even wants “Change of Use” in its ordinance or not. The question presented was, “Why do we care.”

Rob: We should evaluate the time it takes to issue a change of use permit to determine cost. He also feels it would be good for the city to know when someone has made a change of use on their property.

Dan: The fee is not excessive at \$250 for this permit and he feels a Change of Use permit is needed.

Cindy: The Change of Use permit is needed and the fee is fine.

Mike: Define change of use? Jane: change of use from out building to residential or commercial requires a permit. He then asked if we have a definition for commercial property. Jane said it was in the ordinance. Mike expressed that he didn’t want to know what people are doing in their buildings. He is more concerned about three families moving onto the same lot and finding a loop hole for creating a subdivision.

Roy: He worries in small town americana, we are getting too big for our britches. Do you really want to know what someone’s neighbor is doing? His job is to bring the council to some decision we can be supportive of. If the council supports, he will be supportive of the same.

- Motion to approve adding the “Change of Use” language into the Building Lot and Standards Ordinance: Cindy, Second: Rob, Vote not Unanimous with three in favor and one opposed, Motion Passes.

STATUS ON THE DAVE BECKETT MOU

The city met with David Beckett and discussed what the city would allow and what they wouldn’t. Then an MOU was created and emailed to Mr. Beckett with the following agreeances:

1. Should the removal or extension of the irrigation culvert be deemed necessary, such undertakings shall fall under the duties and responsibilities of the city.
2. Dave Beckett agrees to center all road improvements within the right of way and acknowledges that there is a jog in the right of way that will need to be accommodated.
3. The City of Bloomington agrees to remove and provide disposal services for the existing tree located at the irrigation ditch and Dave Beckett shall use that as a starting point for the 1st North Road improvements continuing westerly to where the roundabout will be located terminating such road work.
4. The City of Bloomington agrees to contact Direct Communications (DCDI) to have the phone line currently installed in the right of way relocated or removed.
5. The City of Bloomington acknowledges and accepts that the roundabout at the end of the road extension is smaller than the specification mentioned in the City’s Road Construction Guidelines. The smaller roundabout was due to insufficient space in the City’s right of way. The city acknowledges that Dave Beckett will connect one or two driveway roads to the roundabout. Dave Beckett acknowledges that any driveways that are within the Right of Way west of the roundabout must meet the *City of Bloomington Road Construction Guidelines/Standards* effective December 15, 2021.
6. Additionally, the City of Bloomington cannot commit to providing water and sewer services to the property owned by Dave Beckett at this time due to the lack of adequate pressure and volume as required by the Department of Environmental Quality (DEQ).

² Added per Resolution 01-2024 dated June 18, 2024

7. The City of Bloomington is willing to grant permission to Dave Beckett to pursue having a well drilled and a septic system installed on his property, subject to the necessary approvals from State and County agencies that govern said systems. If approved, it is understood that Dave Beckett shall bear all costs and responsibilities associated with obtaining approvals and installing the well and septic system.

After receiving the MOU, Mr. Beckett made some changes including the following:

1. However, If the DCDI Communications Line and associated telephone box is not moved prior to start of the road extension construction, the starting point for the road will be west of the box near the existing barbed wire gate.
2. The City of Bloomington acknowledges and accepts that the roundabout at the end of the road extension is smaller than the specification mentioned in the City's Road Construction Guidelines. The smaller roundabout was due to insufficient space in the City's right of way. The city acknowledges that Dave Beckett will connect one or two driveway roads to the roundabout.
3. The City of Bloomington acknowledges that there is a separate recapture agreement related to the cost of the road in the City right of way. This agreement is in accordance with the Laws of the State of Idaho.

These changes were discussed by the council. Roy's recommendation to the council is to summarily dismissing his recapture request. This is something the city does not want to engage in, or has ever done for anyone else. Mike: I just want to say no to everything, but the recapture is a definite no.

- Motion to deny the recapture agreement: Dan, Second: Mike, three members voted in the affirmative with Cindy recusing herself as she has a conflict of issues, Motion Passes.

Roy: Going back to the MOU, the clause "The City of Bloomington acknowledges that there is a separate recapture agreement related to the cost of the road in the City right of way. This agreement is in accordance with the Laws of the State of Idaho" will be stricken in its entirety.

1. The two driveways off the cul-de-sac were discussed. It was decided that anything he builds on city property has to be to city standards. It was also agreed upon that under #3 the following changes will be made: "The City of Bloomington acknowledges and accepts that the roundabout at the end of the road extension is smaller," will be left in. "The city acknowledges that Dave Beckett will connect one or two driveway roads to the roundabout" will be removed. "Any driveway on city property must meet city standards" will be added.

A letter stating, "Based on action taken in the city council on May 23, 2024, the following changes have been made and the MOU has been adjusted to reflect what the city council is willing to accept.

Jane then asked if he doesn't accept this, where do we go. Roy stated at that point in time, if he doesn't come back and accept the MOU, the city will deny any actions they've taken and deny the MOU. We'll start over.

Jane felt the BADC had used more than their time. The following issues will be discussed at a later time.

FEES SCHEDULE – Held for discussion next month.

PROCEDURE FOR OPENING A RIGHT OF WAY – Held for discussion next month.

SCHEDULE WORK MEETING FOR SUBDIVISION ORDINANCE – The date of June 5th, the regularly scheduled BADC meeting date will also be used for a work meeting at 7:00 pm.

WATER

50 E WATER LINE

Roy asked if anyone knows the original agreement for the waterline on 50 East. Marilyn said the city paid for part of the cost of engineering. As remembered, nothing was set in stone. Rob was asked to check on an overall project cost. Neither Roy nor the council could remember any other time when there was a cost share with the city and those wanting to install a city waterline to accommodate a private resident. Roy suggested we gather any information we can to help us make a decision as to what to do.

ROADS

KYLE JONES – HLE: Kyle has been working the last couple weeks trying to get quotes for micro surfacing options for the roadway surfacing treatment to finish up the funding for the child safety program. He was able to get ahold of Morgan Paving and the cost for micro paving turns out to be \$.56 a square foot of the roadway surface. He also spoke with Todd Boehme with Bear Lake County who expressed interest in working with the city for chipseal. Cost for getting chips hauled down to the county shop, plus the oil turns out to be \$0.28, nearly half the cost of having Morgan Paving come down and do the work. Morgan Paving had some concerns, so we'll move further to get on the county's agenda for July sometime. Dan said the amount left in the grant account is \$85,525.88.

Concerning the city valve that doesn't shut completely off at the cemetery, Rob said he spoke with Shawn and he thought they shouldn't replace the valve because it will just crack the line, but actually and put another valve in, and who should stand the cost. Mark Wilson offered to dig down to the leak and see what we have. He was asked to work with Wayne and Mark and figure out what needs to be done.

SEWER

Roy: Wednesday of next week our ring should be delivered. Mike did expose the conduit for Tyler to wire the new panel in at the pump station.

FACILITIES

MEMORIAL DAY UPDATE – We're on track for a wonderful day! Program at the cemetery at 8:00 am. Breakfast at 9:00 am.

GRANTS COMPLETION – All requirements for the Generac generator grant have been completed. The pickleball court is also completed.

Roy asked if Antonio is on track for mowing the lawns. The answer is off and on. Wyatt Smith has been hired to fill in the cracks.

TREASURER

PAYMENT OF EXPENSES

- Motion to pay expenses at presented and reviewed: Mike, Second: Cindy, Vote Unanimous, Motion Passes.

DELINQUENT ACCOUNTS – There are very few delinquent accounts. Marilyn is always working on getting them paid.

WATER HOSES – Trice spoke with Marilyn and said Philip had some water hoses from last year he has been using for his stock water this winter. They are asking if they can pay for them. Rob and Marilyn were asked to work with Philip to work out what's fair. Rob was instructed to buy hoses if he needs them.

CLERK

SLFRF MONIES – Debbie had an idea to use the SLFRF funding of \$44,000 for a new playset for the City Hall as this would fall under community and children's health. Marilyn thought the monies might be used for repairs for boring under the road as this would fit into infrastructure. The remaining monies could be used to update the sewer pump station. Roy wasn't excited about either of these ideas and said he will help us use the funding where it's needed.

LEAD AND COPPER SURVEY – The Lead and Copper Survey has been completed as far as knowing who should receive a survey in the city to identify if they know what kind of pipes we’re used at their home. If they don’t know, the city will have to do some digging or check in the home for the kind of pipes used.

MAYOR

DORAN SMITH’S COMPENSATION – Doran Smith has been plowing the city roads in crazy weather for very little money for many years. It’s time for him to have a raise. Roy suggested \$22.50 per hour.

- Motion to raise Doran Smith’s compensation to \$22.50 per hour: Mike, Second: Dan, Vote Unanimous, Motion Passes

COMMUNITY COMMENTS – None

ADJOURNMENT

- Motion to adjourn: Cindy, Second: Rob, Vote Unanimous, Motion Passes.

Meeting adjourned at 9:55 pm

NEXT REGULARLY SCHEDULED MEETING JUNE 18, 2024