

City of Wendell
Regular Council Meeting Minutes
March 7, 2024

Mayor Rebecca Vipperman called the regular meeting of the Wendell City Council to order at 6:30 PM. Council members present were Council President BJ Marshall; Councilman Shaun Spencer; Councilman Juan Gonzales; and Councilman Donald Dunn. City Attorney Tim Stover was also present.

AMENDED AGENDA

Councilman Dunn made a motion to accept the Amended Agenda for March 7, 2024. **Councilman Gonzales** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer- Aye, Councilman Gonzales- Aye and Councilman Dunn- Aye;** motion passed.

COUNCIL MEETING MINUTES

Councilman Gonzales made a motion to approve the February 15, 2024, regular council meeting minutes, as presented. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer- Aye, Councilman Gonzales- Aye and Councilman Dunn- Aye;** motion passed.

BILLS

Councilman Gonzales made a motion to approve the bills as presented in the amount of \$90,681.68. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer- Aye, Councilman Gonzales- Aye and Councilman Dunn- Aye;** motion passed.

PUBLIC HEARINGS

Irrigation Assessment Correction-Review Public Hearing

Mayor Vipperman opened the Public Hearing at 6:36 PM. She stated to all present that if you have access to irrigation water, you must pay for the water even if you do not use the water. If you do not know if you have access to irrigation, want to find out about getting water, or have other concerns about the irrigation in your area, Public Works will evaluate the city's irrigation access points and give you any additional information you may need. All irrigation bills must be paid by June 30, 2024. On July 1, 2024, unpaid irrigation will be turned over to Gooding County and added to the property owner's property taxes. She also stated that Public Works will investigate all addresses presented at tonight's meeting, and everyone will receive an answer to their requests in 1-2 weeks.

Mayor Vipperman stated that public comment was now open.

The following citizens of Wendell came forward with their requests to Council:

Jack Stewart- 260 W Avenue A

Jack Stewart was present to request access to irrigation. He stated that when they purchased the home, they were told that the pipe that would deliver water to the property had been crushed. He would like to see if the pipe and access to the irrigation water can be restored.

Mayor Vipperman stated that Public Works would investigate the possibility of restoring irrigation access.

Egidio Pires- 547 N Hagerman Street

Egidio Pires was present to ask to opt out of payment stating that his property does not have access to irrigation water.

Egidio Pires- 600 5th Avenue W (Fatima Nunes)

Egidio Pires was present to speak for his mother-in-law, Fatima Nunes. He stated that she does not have access to irrigation water either and would like to opt out of payment.

Oscar Tinoco- 118 E Main Street/124 E Main Street

Oscar Tinoco was present to ask to opt out of payment stating his properties do not have access to irrigation water.

Janine Hester- 235 3rd Avenue W

Janine Hester was present to ask to opt out of payment stating that her property does not have access to irrigation water and has not had access for at least 10 years.

Kristina Jellison- 750 N Lewiston Street

Kristina Jellison was present to request access to irrigation. She stated that the property is under construction, and she does not believe the property has access and she would like to have access to irrigation water. **Mayor Vipperman** stated that Public Works would investigate the possibility of getting irrigation access to the property.

April Carlson- 447 N Wendell Street

April Carlson was present to ask to opt out of payment stating that her property has a ditch on the property but there has never been water to access.

Curt Reynolds- 447 N Bliss Street

Curtis Reynolds was present to ask to opt out of payment stating that his property is sloped, and the water runs down to the neighbor's property causing harm.

Edward Rosa- Triplexes on 1st Avenue W & N Shoshone Street/Empty Lot 1st Avenue W

Edward Rosa was present to ask to opt out of payment stating that during construction, there was damage to the access point and Public Works blocked it off to prevent further damage. He stated that the access was never restored, and he does not want it restored. He stated that the empty lot on 1st Ave W has a broken pipe and does not receive water.

Cynthia Scott- 410 E Avenue C

Cynthia Scott was present to ask the council how the rates were calculated, how the time allowed for each property to access the water was determined and how pricing was done with respect to nonprofit property vs farmland vs residential. She also stated that when the farmer next to her mother’s property gets water, her mom’s property gets flooded. **Mayor Vipperman** stated that her questions would be investigated. **City Clerk Karri French** stated that the Clerk’s Office could provide the rate calculation details anytime during normal business hours.

Stacey Stroud- 351 2nd Avenue E

Stacey Stroud was present and stated that when Public Works goes to evaluate the irrigation at the addresses of everyone at the meeting tonight that Adrian will have information to help investigate access. He also stated that the time for water access was calculated at 1 ½ hour per lot (6250 sq ft) minus the square footage of the house.

Lucas Kemp- 535 E Avenue B

Lucas Kemp was present to ask to opt out of payment stating that the water runs under his house and is causing the blocks under it to sink.

Lucas Kemp- 543 East Ave B (Marilyn Davidson)

Lucas Kemp was present to represent his mom, Marilyn Davidson. She was unable to attend due to a recent surgery. He stated that she also asks to opt out of payment stating that the water runs off her property and goes under her son’s house and is causing the blocks under it to sink.

Jim Benson- 2800 N Wendell Road

Jim Benson was present to ask to opt out of payment stating that there is no longer water available to the property (Legion Hall) after they sold part of the property. The access to irrigation is located on the portion that was sold.

Wesley Eastis- 594 N Idaho Street

Wesley Eastis was present to ask to opt out of payment stating that his property has no access to irrigation water. **Mayor Vipperman** stated that Public Works will assess the irrigation from the city’s access points and notify Wesley of the results of the investigation.

Mayor Vipperman asked if there were any other citizens who wished to come up to the podium to speak. There were none. She reminded those present that Public Works would have answers for everyone who came with requests in 1-2 weeks.

Mayor Vipperman closed the public hearing at 7:01 PM.

Addition of Zoning Amendments-Title 5 of Wendell City Code/Ordinance

Mayor Vipperman opened the Public Hearing at 7:01 PM and reminded everyone present of the rules for public hearings.

Code Enforcement Officer Nathan Lewis presented a rough draft of possible amendments to the current Zoning found in Title 5 of the City of Wendell Ordinance. He also stated that he would like feedback from the public and the council.

Mayor Vipperman stated that public comment was now open:

In Favor:

John Scott Cutler stated that he was in favor of changes to zoning. He stated that it will help growth in Wendell and make more room for new housing.

Neutral:

None

Against:

None

Mayor Vipperman asked the council if they had any questions, comments, or anything to discuss. There was no discussion.

Mayor Vipperman closed the public hearing at 7:04 PM.

NEW BUSINESS (discussion/action items)

Proposed Simplot Facility Approval Letter Request

Mayor Vipperman stated that Simplot has asked the City of Wendell to provide a letter to Gooding County stating their position on a proposed agricultural business to warehouse and distribute materials to farmers in the area. This will cause an increase in traffic on East Avenue F and Idaho Street. **Councilwoman Marshall** asked what the benefits to Wendell would be and how the traffic increase would affect the area. **Mayor Vipperman** responded that there would be an increase in semi-truck traffic and vehicle traffic to and from the site. **Zoning Compliance Officer for Gooding County, Cynthia Scott**, stated that Gooding County is waiting for a letter from the City of Wendell before scheduling a public hearing regarding Simplot's proposed business due to the size of the project, the fact that it required a special use permit application (submitted to Gooding County), and the impact it will have on the City of Wendell due to the proximity of the project to Wendell. She stated that they will use an existing railway spur which will also increase trains moving through the area. When asked about how many jobs would be created, she responded that, according to Simplot, it will create the need for approximately fifteen employees and is expected to grow to need at least twenty-five employees. **Councilman Spencer** expressed concerns for increased semi-truck traffic entering Idaho Street from East Avenue F. **Councilman Gonzales** expressed concern due to the lack of a turn lane for East Avenue F even though it is already part of the designated truck route and considering that there is already an increase in traffic after the new Maverik was built on the corner of Idaho Street and East Avenue F. **Councilman Dunn** agreed with the concerns over increased traffic. **Kelly Rost representing the Wendell Highway District** stated that the Highway District is working with Simplot on plans to widen and move the approaches back to reduce damage to the roads. He recommended that the city should consider widening the s-curves and the culvert

in the city limits of East Avenue F and installing railing on both sides of the culvert. He also recommended contacting Simplot to help the city with those areas of the road. **Zoning Compliance Officer for Gooding County, Cynthia Scott**, stated that voicing the county's concerns increased their ability to cost share with Simplot for improvements to the county's road leading into East Avenue F. **Councilman Spencer** made a motion to authorize **Mayor Vipperman** to communicate the City of Wendell's support upon improvements made by Simplot to East Avenue F and mitigating impact on East Ave F to the facility including the s-curves. **Councilman Gonzales** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer- Aye, Councilman Gonzales- Aye and Councilman Dunn- Aye**; motion passed.

Food Truck Ordinance

Councilman Spencer stated that the purpose of the proposed changes to the food truck ordinance is to update it. Currently the wording of the ordinance appears disorganized, and **Code Enforcement Officer Nathan Lewis** has worded it in a manner that should clarify it. Working with **Councilman Spencer**, he also reformatted the ordinance to provide additional requirement including requiring mobile food truck inspections to be conducted at City Hall to prove mobility. **Councilman Spencer** stated he would like the council to consider lowering the cost of the mobile food truck license and provide a sticker for those approved. He also asked the council for feedback. This will come back before the council in the near future. No motion needed.

Consideration of Addition to Zoning Amendments- Title 5 of Wendell Code/Ordinance

This will be brought back to the council at the 4/4/24 meeting. No decision was made.

Mauro & Sonia Acevedo- Fire Hydrant

Fire Chief Bob Bailey stated that Mauro & Sonia Acevedo are trying to put a home on their property located in the two hundred block of East Ave C. Fire code requires that water with proper flow must be present within a certain distance of buildings in case of a fire. The Acevedo's building permit was denied because there are no working fire hydrants with adequate flow within 500 feet of the site. The same lack of fire hydrant access would affect any future building permits in that area until the situation is resolved. **Fire Chief Bob Bailey** stated that he and **Public Works Director Steve Devereaux** have checked and there is money in the budget for at least one fire hydrant. He stated that it would be better to install two fire hydrants: the first at South Boise Street and East Avenue C and the second at South Pocatello and East Avenue C. He stated that the city would need to order now due to current supply chain shortages of fire hydrants and parts. He also stated that they would require engineered plans from the Department of Environmental Quality (DEQ). If the council will approve the fire hydrant(s), the Acevedo's building permit can be approved contingent on the city's intention to install the fire hydrant as soon as one becomes available, weather permitting. **J-U-B representative Tracy Ahrens** was present and stated that he would look at the water master plan that is already in process to see if the engineering could be covered by that plan. After discussion, **Councilwoman Marshall** made a motion to approve the installation of two fire hydrants with engineering not to exceed \$40,000. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer- Aye, Councilman Gonzales- Aye and Councilman Dunn- Aye**; motion

passed.

Angel Construction

Public Works Director Steve Devereaux stated that he was approached by the owner of an empty lot on Nampa Street near the American Legion about how they could connect to the city's sewer system. There are a considerable number of hurdles to overcome before this can be accomplished. The council agreed that they need more information. Tabled.

East Ave F- Speed Limit Change

This item is related to the proposed Simplot project. Tabled.

Silver Key Insurance- Water Deposit Fee/Transfers vs. New Water Applications

Mayor Vipperman stated that on February 28, 2024, Silver Key Insurance was displaced from their office building when a vehicle crashed into it due to the driver having a medical emergency. On February 29, 2024, they temporarily moved their office to 134 East Main Street until repairs are made to the building. The Clerk's office, following city ordinance, collected a utility deposit on the new account. **Mayor Vipperman** stated that the situation with the deposit should be addressed by the council since she is related to the owners of the business. **Mayor Vipperman** then recused herself due to a conflict of interest. **Code Enforcement Officer Nathan Lewis** presented the current ordinance to the council showing that the way the city's ordinance is written leaves no room for extraordinary circumstances. The ordinance states that "all applications shall be accompanied by a deposit" and this is why it is before the council for review. **City Clerk Karri French** stated that if there are no late or missing payments in the first year of service a deposit is refunded or credited to the account of the depositor. She stated that Silver Key Insurance had received their original deposit back for that reason and their account is in good standing. **Councilman Dunn** stated that, under the circumstances, he felt the deposit should be waived. **City Attorney Tim Stover** stated that the city could amend the ordinance to reflect exceptions for extraordinary circumstances. **Councilman Gonzales** stated that he agreed that the ordinance should be amended because it leaves no room for extraordinary circumstances, and this is a temporary change of address until they are allowed back in their office building. **Councilman Spencer** stated that they were an existing customer who had received their original deposit back with their account in good standing and he also felt the deposit should be returned under the circumstances. **Councilman Gonzales** made a motion to waive and return the deposit for Silver Key Insurance since this is a temporary move, they will be back in their original office building within 1 year and due to being displaced from their building by circumstances beyond their control. **Councilman Dunn** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer- Aye, Councilman Gonzales- Aye and Councilman Dunn- Aye**; motion passed.

Connecting 7th Ave E to N Gooding St- Road, Water, Sewer

Mayor Vipperman stated that the city has been approached by two individuals concerning a property for sale located in the area of town where Wendell Street turns onto 7th Avenue East. One wanted to know if water, sewer, and street could be put in to connect 7th Avenue East to N Gooding Street. The other wanted to let the city know that if they purchased

the property, they have no intention of changing the way it is while understanding that the city maintains its easements going from 7th Avenue East to N Gooding Street. **Councilman Gonzales** confirmed that the area is platted for a road if the city should decide to put one in. **Councilman Dunn** stated that he remembered working on this with the current owner years ago because there are two buildings that are in the way of putting a road through. He stated that at some point in the past the buildings were allowed to be built and that a solution would need to be found in order to proceed. Tabled.

UNFINISHED BUSINESS (discussion/action items)

Consideration of Wendell Seepage Test Lagoon #1 Agreement with J-U-B

J-U-B representative Tracy Ahrens was present to discuss the amended Seepage Test Agreement for Lagoon #1 with the council. This item was before the council at the last meeting. The agreement for the seepage testing at Lagoon #1 needs to be done but there was a portion of that agreement that was open-ended on additional costs. The council wanted a cap on the amount of the agreement. After discussion, **Councilman Gonzales** made a motion to accept the Wendell Seepage Test Agreement for Lagoon #1 not to exceed \$15,000. **Councilman Dunn** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer- Aye, Councilman Gonzales- Aye and Councilman Dunn- Aye**; motion passed.

PUBLIC COMMENT

Cynthia Scott stated that the American Legion sold the property that Angel Construction had questions on. She stated that it was her opinion that a city should always put the sewer in to be accessed by a property. She also stated that there was always the option to ask a developer for a monetary contribution toward getting access to a property that wants to connect to the city's system.

George Rost stated that he wanted to make sure the city was not making any decisions in the near future concerning the property he has for sale. The council reassured him that no decisions were being made at this time.

Sonia Acevedo asked if the building permit would be released now that the city had a plan for a fire hydrant and if they would be able to occupy their new residence before the fire hydrant was installed. **Fire Chief Bob Bailey** answered yes to both questions.

Council Executive Session- Idaho Code Title 74-206 (1) A & (1) B

Councilwoman Marshall made a motion to go into Executive Session at 8:30 PM pursuant to Idaho Code Title 74-206 (1) A & (1) B. **Councilman Gonzales** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer- Aye, Councilman Gonzales- Aye and Councilman Dunn- Aye**; motion passed.

Councilwoman Marshall made a motion to come out of Executive Session at 9:20 PM. stating that no decisions were made. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall -Aye, Councilman Spencer- Aye, Councilman Gonzales- Aye and Councilman Dunn- Aye**; motion passed.

COUNCIL

Councilman Spencer asked the mayor and council to look over the changes suggested

for mobile food trucks and to please give feedback.

Councilman Gonzales wished Justin Vipperman a happy birthday.

MAYOR

Mayor Vipperman stated that the 2024 Community Easter Egg Hunt will be held at McGinnis Park at 10 AM on March 30th. She also stated a group of kids would be filling eggs at the LDS Church at 9 AM on March 20th.

Adjourn

Councilman Dunn made a motion to adjourn the meeting of the Wendell City Council at 9:23 PM. **Councilman Gonzales** seconded the motion. Motion passed.


Karri French, City Clerk/Treasurer


Rebecca Vipperman, Mayor