

MINUTES OF THE MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO HELD APRIL 6TH, 2022.

MEETING CALLED TO ORDER AT 5:00PM BY AUSTIN W. ROBINSON, MAYOR.

ROLL CALL SHOWED THE FOLLOWING PRESENT: AUSTIN W. ROBINSON, MAYOR
 MITCHELL J. HART, PRES.
 RYAN CARPENTER
 RODNEY WORTHINGTON
 SCOTT K. GAMBLES

EXCUSED:

ALSO PRESENT:	Mark Steele	Alan Skinner, Engineer
	Chris Guedes	Tausha Vorwaller, Clerk
	Caleb Guedes	Gregg Haney, Attorney
	Craig Corbett	
	JoAnn Rhodes	Chief Scott Shaw II
	Debbie Dumont	CeJay Golightly
	Chris & Melissa McDowell	Dan Squires
	Lori Anne Lau	Justin Hansen
	Jim & Susan Sippola	Sheriff Adam Mabey
	Chris Evans	Mike Vaughan
	Nita Weber	Derek Toupin

The invocation was given by Ryan Carpenter, Mayor Robinson then led everyone in the 'Pledge of Allegiance'.

The previous meeting minutes were presented for review. Councilmember Hart moved to approve the minutes of March 23rd, 2022 as written and dispense with the reading. Councilmember Worthington seconded the motion. All in favor, motion carried.

The accounts payable and payroll were reviewed. Councilmember Hart moved to approve the accounts payable dated March 18th through March 31st along with the payroll for March 2022, seconded by Councilmember Worthington. Councilmember Carpenter asked what engineering was being done on the Fire Department. Engineer Skinner explained the engineering for the repairs to the building was being updated to be ready to go out for bids. Councilmember Gambles noticed the repair costs to the sweeper and asked how old it was and if it was running okay. City Director Hansen reported it was running pretty good and he thought it was 10 to 11 years old. A vote on the motion was called. All in favor, motion carried.

(SEE ATTACHED PAYROLL & ACCOUNTS PAYABLE REGISTERS FOR DETAIL)

Councilmember Hart mentioned the request for the 3rd Grade Class to tour the Ender's building. He suggested if the City is going to open the museum for the summer it will need to be restaged and cleaned in order to present a good product. He recommended dedicating some resources to get it done before the 3rd Grade tour on May 2nd, and if it is

open for the summer, we will then need to figure out how to staff it. He estimated the cleaning at \$2000 top to bottom. Councilmember Worthington mentioned he took a tour of the building and was less than impressed with the condition of the building. The need for cleaning is an understatement and he shared concerns about an area in the basement on the east wall that may also have mold that needs looked at. He stressed the kitchen area will need an extensive amount of cleaning. He noted his perception was that it was supposed to be in good condition and it was far from that. Councilmember Hart noted to stage and staff the building is just delaying the final decision but it may be good to give everyone sometime to consider the options. He also noted the advertising for the public meeting is getting a lot of attention. Councilmember Hart asked that it be figured out who is going to take responsibility to get it cleaned, staged and staffed. Councilmember Worthington added through the front windows people passing by can see that it needs work.

Mayor Robinson declared the public hearing open to consider the application of Michael Vaughan of 26500 S. Old Malad Highway, Downey, Idaho for a zoning reclassification of a 1.28-acre property owned by him at approximately 61 South Hooper Ave., Soda Springs, Idaho. The reclassification will change the property, from an (R-1) Single-Family Residential Zone to a (C-1) Neighborhood Commercial Zone. The Clerk reported there were written comments received regarding the application and the Council had received all for review in advance. The Mayor reviewed the public comment rules with those in attendance.

Mr. Vaughan explained his plan to build four buildings with four housing units each some two bedroom some three bedroom with a separate storage unit building.

Debbie Dumont, 730 Hopkins Lane mentioned she lives perpendicular to the street of the proposed reclassification. Mrs. Dumont pleaded with the Council not to approve the rezoning. She expressed her feeling that the neighborhood has room and is safe and the change in zone will cause the make-up of the neighborhood to change. She asked the Council to look at the map showing how the commercial is all east of S. Hooper and she feels that boundary should be kept. She stated it has been noted the request meets all code requirements but stressed it is the Council's job to determine not just code but if it is good for the residents of the area. She also recommended a requirement that the developer provide assurance of funding to complete the whole project and not just a portion.

Melissa McDowell, 90 S. 2nd East, strongly expressed her opposition to the zoning change in a lengthy statement to the Council. She explained that her family moved into their home because it was quiet and safe and they know all their neighbors. She expressed frustration with the short notice regarding the public hearing. She mentioned she feels it will make the neighborhood less desirable and the higher density housing will create more traffic and she is concerned about 16 new unknown residents moving in right next to her home where she has two young girls. She stated the rezoning to commercial does not make sense surrounded by residential single-family homes. She asked the Council to please consider how they would feel about this if it was in their back yard.

Craig Corbett of Grace, Idaho and owner of the agriculture zoned property south of the proposed reclassification presented comments regarding the rezoning request and proposed housing development. He just wanted it on the record that his grain storage operation has been there since the 50's and he plans to continue to operate. He pointed out he tries to be a good neighbor but it may be noisy sometimes and doesn't want future complaints from the housing development.

Chris Guedes, 353 Chateau Thierry and member of the Planning and Zoning Commission (P & Z) addressed the Council regarding the rezone application. He noted the P & Z did vote to approve the C-1 rezone but he feels there was some confusion about spot zoning. Changing it to an R-3 Multi-Family Residential Zone was dismissed as not being possible but it has since been cleared up that it would not be spot zoning. He explained the P & Z could have chosen R-3 and in his opinion, it would be better to rezone it R-3 instead of going all the way to C-1.

JoAnn Rhoades, 85 S. 7th East noted she had submitted written comments in opposition of the rezoning and supported the other comments that had been presented opposing the rezone.

Lori Anne Lau, 241 East Hooper and member of the P & Z. She also mentioned the P & Z was told changing to an R-3 would be spot zoning but it is not and she agrees it would be better to change to an R-3 instead of a C-1.

Chris McDowell, 90 S. 2nd East mentioned he had submitted written comments opposing the rezoning and he also echoes everyone's concerns presented.

Jim Sippola, 45 S. 7th East stated the property is currently zoned R-1 and he feels it should stay R-1.

Mayor Robinson closed the public hearing and gave Mr. Vaughan a chance to address questions and concerns.

Mike Vaughan, addressed the concerns presented stating he has been employed at Monsanto since 2008 and understands how hard it is to find housing here and he is trying to help with the housing shortage. He mentioned because the housing will be accessed from the main road (S. Hooper) he doesn't feel it will create additional traffic in the neighborhood. He also reiterated the development meets all the code requirements for size of the lot, coverage and setbacks and he adjusted the driveways as asked.

Councilmember Carpenter applauded Mr. Vaughan for bringing new homes to town. He stated the biggest concern from the public he has heard is about the storage units. He understands the business aspect to try and help finance the development. He also asked about fencing. Mr. Vaughan stated the storage units were not a deal breaker and there will be a privacy fence all the way around the property.

Councilmember Hart suggested the only difference between C-1 and R-3 is the R-3 will not

allow the storage units. He feels the P & Z recommended the change to C-1 to allow all the construction as requested. He also pointed out a comparison of similar uses. The Vista Apartments are located right next to commercial storage units and there is a residential neighborhood right across the street.

Attorney Haney noted if a material change was made by the Council from what the P & Z recommended one more public hearing would be required in front of the City Council. He also mentioned the storage units could be built as an accessory building for use by the tenants only. He also reviewed the Comprehensive Plan definition for R-3 which fits what is being requested.

Councilmember Worthington expressed disagreement with Councilmember Hart's comparison to the Vista Apartments. He feels it is different due to the access off the highway which is a wider road.

Councilmember Carpenter expressed his dilemma with wanting Mr. Vaughan to build apartments because they are needed but also has to consider the effect on the home owners east of the development. It is a balancing act of what is best for everyone and protecting the home owner's property rights. The project meets all code requirements and the City needs to find a happy medium.

The Council discussed their concerns about a precedence being set to extend commercial zones into residential areas. The Council debated the issue and the unproductiveness of continuing to ask "what if". Attorney Haney clarified permitted uses would be allowed in a C-1 zone without oversight.

Councilmember Hart moved to approve the zoning reclassification from an R-1 to a C-1 as recommended by the Planning and Zoning Commission. Councilmember Gambles seconded the motion. A vote on the motion showed all opposed except Councilmember Hart who voted in favor. Motion failed. Councilmember Worthington suggested instead to rezone it to an R-3 to allow for the housing units but not the commercial storage units.

Councilmember Hart agreed to amend his motion to not reclassify as C-1 and instead reconsider at the next Council meeting to change the zone from an R-1 to an R-3. Councilmember Worthington seconded the motion. All in favor except Councilmember Hart who voted nay, motion passed.

Councilmember Hart appreciates the perspective on the R-3 zone which would eliminate the what ifs of the permitted uses of a commercial zone. Councilmember Carpenter explained to Mr. Vaughan that the City was not trying to limit him but hope he understands they are trying to appease everyone. He hopes Mr. Vaughan can push forward because the housing is desperately needed. He thanked Mr. Vaughan for his patience.

Councilmember Worthington noted he refers to the comprehensive plan which clearly encourages growth of the community and invites development but there are conflicts with

what is allowed in the different zones. He also relies on the recommendation of the P & Z.

It was pointed out the additional hearing cannot take place until the May 4th meeting due to publishing requirements. The final decision on the conditional use application was postponed until a second hearing is held on the zoning reclassification.

Chris Evans, local resident and business owner detailed a new business proposal to lease Industrial Park lots to create a greenhouse that will include a plant nursery and community garden. The proposal was reviewed in detail which includes bringing in a large greenhouse already purchased, use eight shipping containers to build on the front and the plan also includes a barn for chickens and rabbits for composting and natural fertilizer. Mr. Evans stated the shipping containers would be beautiful, are faster to assemble and more conducive for time and wear with the wet environment. He also mentioned the need for an eight-to-ten-foot fence to keep out the deer which will be crucial. He detailed the community gardens for lease and a seed to table program. He also mentioned the community garden group/presbyterian church want to work with them and it would be used for community outreach. The greenhouse will need natural gas and a third lot would be used as a buffer area. Councilmember Hart noted the Planning and Zoning was working on the shipping container issue which must be sorted out but based on the shop downtown Mr. Evans operates he has faith it will be done well. Councilmember Carpenter shared his experience with shipping containers used to create retail stores that were very tastefully done and he would love to see it in Soda Springs. Attorney Haney pointed out the P & Z Commission currently does not want to allow stacking of shipping containers. Mayor Robinson pointed out the purpose of the Industrial Park is to encourage employment and asked if this is what is intended. Mr. Evans stated at a bare minimum they will need seven employees. Councilmember Worthington expressed his support stating the proposal was really good and well thought out. Dr. Nita Weber added the greenhouse will provide employment and volunteer opportunities with several local organizations interested in using it to help build people, for example; teaching new skills to struggling adults, kids and drug court participants, using it as a positive environment to help people. Councilmember Hart enthusiastically endorsed the fantastic proposal and supported moving it forward. Mayor Robinson encouraged everyone to do their homework work together to move this proposal forward.

Director Hansen, revisited the proposal for the t-ball/coach pitch quad and the removal of the tennis courts at Kelly Park along with removing the south diamond back stop at City Park. He presented firm quotes on the quad costs and explained he would prefer to use the already purchased fence, which is thicker gauge than needed for the quad, to replace the south diamond home run fence. He reviewed the measurements to show the placement of the quad will still accommodate the cross-country events and also reviewed the budget showing the funds were available. Director Hansen expressed his desire to support Recreation Director Billman and make improvements that will make the recreation programs more successful. He asked for approval to proceed with the quad for \$40,948 along with the south diamond fencing for \$6325. Councilmember Hart moved to approve the recommendations to develop the t-ball/coach pitch quad as presented along with the

south diamond fencing up to a total estimated cost of \$48,000. Councilmember Worthington seconded the motion. Councilmember Hart asked if these were the highest priority improvements for recreation funds to be spent on this year. Director Hansen stated absolutely. A vote on the motion was called. All in favor, motion carried. Councilmember Worthington expressed his appreciation to Directors' Hansen and Billman for being proactive.

Director Hansen then also asked for approval to proceed with removing the Kelly Park tennis courts and City Park south diamond back stop. Councilmember Worthington moved to approve removing the south diamond back stop along with the Kelly Park tennis courts. Councilmember Gambles seconded the motion. The Council discussed the estimated costs to repair/replace the tennis court surface which was \$150,000 a few years ago. A vote on the motion was called. All in favor, motion carried.

During citizen input Sheriff Mabey reported to the Council on some projects he is working on and gave a briefing on what he recently learned at the Western States Sheriff's meeting. He explained the concerns regarding the transparent southern border being a public safety issue, a humanitarian issue and a health issue. He shared statistics that 90% of all drugs in the United States and 95% of drugs in Idaho is coming across that southern border. He noted the excessive and extremely concerning increase in fentanyl pills coming across the border since 2018. There is a shortage of border patrol to cover the borders appropriately. Those coming across are not staying in the border states and 1000 cars a day are transporting people into the U.S being paid up to \$1500 a person. 63% of people coming across the border are not Mexican there are 164 countries coming across and heading our way. Sheriff Mabey stressed his desire for the local government to be aware and understand that local law enforcement is going to need help, resources and training. Sheriff Mabey then mentioned a \$230,000 grant he received to replace the 911 phone system for the County that will benefit everyone. It is built to work with the Spillman software program and connects Bear Lake and Oneida counties. He mentioned the great working relationship and communication he has with Chief Shaw and the City Police Department. He noted his feeling that things are going to get really busy and also asked everyone to feel comfortable contacting to him if they have any questions. The Mayor thanked him for his presentation.

Mayor Robinson added with the increase in activity this summer we need to continue to support the local businesses who support our community. Director, Justin Hansen added a thank you to volunteer Mike Nally for his hard work in maintaining the skating rink the last two years and also the repainting of the Kelly Park sign and he thanked all those who volunteer. Councilmember Gambles also thanked Director Hansen for clearing off the pathway to Hooper Park that made a lot of people really happy and also noted how nice the new signage on Main Street looks. The Mayor added the P & Z members are also all volunteers who help the City with some important decisions and it is a tough job sometimes.

Attorney Haney reported he is still waiting for a decision from the County Commissioners on what they want to do about the Fire Station building ownership.

Engineer Skinner gave an update on the Wastewater Treatment Plant bridge crane project. A sketch of a proposed resolution to the need for a larger crane was reviewed. There are a few details still to work out but he has talked to Supervisor Squires. The intent is to proceed with the two to three ton traveling bridge crane with a jack-stand system that will drop down into the basin and attach to the wall to jack up the shaft to change a bearing. It will also service the sprockets and the chains on the gear boxes. This saves from major modification to the walls to support the larger crane. Engineer Skinner stated unless there are concerns, he will proceed with the final design and bidding. Councilmember Carpenter suggested beefing up the square tubing. Supervisor Squires expressed concern about the eight-foot bank of conduit the whole length of the wall where they will need to anchor to, but if that is resolved this is the best solution for the cost. Westech agreed this is how everyone does it. Companies available to bid were mentioned. Engineer Skinner will proceed with working out the details noted and preparing to put it out for bid. He should have an estimated cost by next meeting.

The project list was reviewed. Engineer Skinner stated he is working on bid packages for the concrete work at the Fire Station and possibly adding some valley gutter work to the contract. Councilmember Hart asked about the 46kV transmission line project. Engineer Skinner stated materials are on order but he is still chasing Wasatch Electric and a drilling contractor. He did find out Wasatch would bring a track hoe to dig the holes but he still wants to check on the drilling contractor Idaho Falls mentioned. Wasatch will also do general cleanup and we will just need to do landscaping and reseeding. Councilmember Carpenter asked Supervisor Squires if he got a bid on the generator for the water system and to explain why it is needed. Supervisor Squires stated the bid is \$6800 for Bear River Electric to pick it up, install it and then put us back on City power. He explained the need to keep the pumps running and the water tank full during the scheduled power outage to assure the water pressure for fire safety and to avoid a boil order/violation with the Department of Environmental Quality. Councilmember Hart fully supported what he feels is cheap insurance to avoid a violation. Supervisor Squires also mentioned keeping the pressure stable will help prevent a bunch of leaks from popping up. He stated the sooner the exact date is set the better in order to make sure to have the generator scheduled. Engineer Skinner reported the #4 Hydro turbine is ready to go back in and they are working on putting instrumentation in the control panel but they still have a couple items outstanding on delivery and a question for Rocky Mountain Power about a sensor. Engineer Skinner stated it will be 90% done by the first of May but is worried about delivery of those final items. Councilmember Worthington asked about the leaks in the line behind the County Shop. Supervisor Squires stated he has fixed four leaks and thinks it is good now, there may be one more small one but not going to dig it up until he's sure it's not just ground water.

Clerk Vorwaller presented the budget calendar which shows the budget hearing for the 2023 fiscal year budget scheduled for August 17th, 2022. She explained the requirement to

notify the County of the date of the budget hearing by April 30th each year. The Council reviewed and acknowledged the date of the hearing.

Councilmember Hart moved to adjourn the meeting at 7:05pm, seconded by Councilmember Gambles. All in favor, motion carried.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL THIS 20TH DAY OF APRIL, 2022.

Austin W. Robinson, Mayor

ATTEST:

Tausha Vorwaller, Clerk