

City of Wendell
Regular Council Meeting Minutes
October 19, 2023

Mayor Rebecca Vipperman called the regular meeting of the Wendell City Council to order at 6:31 PM. Council members present were Council President BJ Marshall, Councilman Shaun Spencer, and Councilman Juan Gonzales. City Attorney Tim Stover was also present.

COUNCIL MEETING MINUTES

Councilman Spencer made a motion to approve the October 5, 2023, regular council meeting minutes, as presented. **Councilwoman Marshall** seconded the motion. Roll call vote taken; **Councilwoman Marshall-Aye, Councilman Spencer-Aye** and **Councilman Gonzales-Aye**; motion passed.

BILLS

Councilman Gonzales made a motion to approve the bills as presented in the amount of \$43,517.60. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall-Aye, Councilman Spencer-Aye** and **Councilman Gonzales-Aye**; motion passed.

PUBLIC HEARINGS

Outwest Properties, LLC- Special Use Application

Mayor Vipperman opened the Public Hearing at 6:33 PM and read the rules for public hearings.

Code Enforcement Officer Nathan Lewis presented the Special Use application from Outwest Properties, LLC. He stated that Outwest Properties, LLC wanted to split a commercial lot into four smaller lots and build a single-family home on each lot. City ordinance requires a Special Use Application be filed to request the use of commercially zoned property for residential units, a public hearing held and the city council to determine whether or not the Special Use Application meets the requirements in the Ordinance to approve the application.

Jeff Hoover was present and stated that Outwest Properties, LLC plans to build 1,200-1,400 sq. ft. homes on each of the four proposed lots. **Councilwoman Marshall** asked if Outwest Properties, LLC has built other homes in Wendell. Jeff Hoover stated that they built one home in the Ambrose subdivision area but most of the homes they have built are in

Gooding. **Mayor Vipperman** and **Councilman Spencer** asked if Outwest Properties, LLC was aware of the recent update to the city's ordinance requiring the addition of sidewalks, driveways, and landscaping for new builds. Jeff Hoover responded that they were aware and would be adding that to any new construction.

Mayor Vipperman asked how many responses the Clerk's office had received regarding the proposed Special Use. **City Clerk Karri French** responded that there were 34 letters sent with 6 responses received: 3 In Favor, 2 Neutral, 0 Against, and 1 with comments. **City Clerk Karri French** read the comment into record.

Mayor Vipperman stated that public comment was now open:

In Favor:

NONE

Neutral:

NONE

Against:

Ray Ormond stated that he is opposed to the proposed four lots and homes on the commercial property. He stated that the lot size of 50 x 125 (6,250 sq. ft.) was not enough room for a home that allowed adequate space for storage. He stated that in other parts of town with homes on lots of the same size, porches are piled up and the properties are a mess.

John Schoonover stated that he is opposed to the proposed four lots and homes on the commercial property and agrees with Ray Ormond's reasons. He also stated that two homes in the area would be better than four.

Sandra Terra stated that she is opposed to the proposed four lots and homes on the commercial property. She is concerned about crowding.

Lorraine Randall stated that she is opposed and clarified that her letter with comments is in opposition to the proposed four lots and homes on the commercial property. She stated that there is already a lot of traffic in the area and speeding is also an issue. She stated that the homes and lots in this part of town are nice. She feels that the proposed homes would not improve the neighborhood at all.

Sue Ormond stated that she is opposed to the proposed four lots and homes on the commercial property. She also feels that four homes are too many in an area where existing homes are usually on 1 ½ -2 lots. She is also concerned about existing properties losing value due to overcrowding.

Edith Foster stated that she is opposed to the proposed four lots and homes on the commercial property. She also stated that the existing homes in the area are on much larger lots and it is a nice area. She feels that one home and cleaning up the block would be better

than the chaos she feels would be created with the addition of four more homes.

Rebuttal

Jeff Hoover thanked everyone for coming and speaking and that three homes would increase the lot size. He stated that the goal of Outwest Properties, LLC is to build affordable 3-bed, 2-bath starter homes and that 1,300-1,400 sq. ft seems to be a desirable size.

Councilwoman Marshall asked what the price was of one of their new homes. Jeff Hoover stated homes the company had recently built in Gooding sold for between \$283,000 and \$290,000. **Councilman Gonzales** asked if the old home on the corner was going to be removed. Jeff Hoover stated that it would be.

Mayor Vipperman asked the council if they had anything further to discuss. The council stated they did not.

Mayor Vipperman closed the public hearing at 6:53 PM

Ricky Jimenez- Variance Application

Mayor Vipperman opened the Public Hearing at 6:53 PM and reminded everyone present of the public hearing rules.

Code Enforcement Officer Nathan Lewis presented the Variance application from Ricky Jimenez. He stated that the existing home on the property was built before there was an ordinance with setbacks for residential dwellings. The applicant wants to build an addition to the back of the home for his family. City ordinance requires a Variance application be filed to request a variance on the setbacks. The existing home sits on a corner lot. Due to the home's location, the addition would not negatively impact the property owners nearby and would improve quality of living for those in the home. The council thanked him for the investigation report they received from **Code Enforcement Officer Nathan Lewis**.

Ricky Jimenez stated that his mother is getting older and has more trouble getting around. He stated that the addition of the pantry to the back of the home would improve her ability to do one of the things she loves, cooking for the family. He stated that he would utilize the rest of the addition as a mud room to remove his dirty work clothing before entering the main portion of the home. This would be beneficial to the family as well because he would not be going through the main part of the home in dirty work clothes.

Mayor Vipperman asked how many responses the Clerk's office had received regarding the proposed variance request. **City Clerk Karri French** responded that there were 37 letters sent with 11 responses received: 8 In Favor, 3 Neutral, 0 Against, and 0 with comments.

Mayor Vipperman stated that public comment was now open:

In Favor:

McKenzie Ross stated that she is in favor of the addition because the reasons for it are sound. She also stated that she feels it will help the family, especially the applicant's mother.

Neutral:

NONE

Against:

NONE

Rebuttal

Ricky Jimenez thanked McKenzie Ross for her comments.

Mayor Vipperman asked the council if they had anything further to discuss. The council stated they did not.

Mayor Vipperman closed the public hearing at 6:58 PM

DEPARTMENT REPORTS

(Public Works/Clerk-Treasurer/Fire/Police/Library/Ordinance)

NEW BUSINESS (discussion/action items)

Empty Council Seat Appointment

Tabled

Decision on Outwest Properties, LLC Special Use Application

Mayor Vipperman asked the council if they had anything to discuss before deciding on the Special Use Application. She also stated that the residents care and they take care of their neighborhood. **Councilman Spencer** and **City Attorney Tim Stover** went over the criteria in the city ordinance to approve or deny a Special Use Application.

Councilman Spencer stated that residents do not approve. He stated that the application does not meet the criteria for approval based on city ordinance section 5-1-9, section C, #3 of Title 5, Zoning Regulations. **Councilwoman Marshall** stated that her home is on two lots, the four proposed residential homes will not fit with the aesthetic of the neighborhood. She stated that 1 ½ lots to a home would be better. **Councilman Gonzales** stated that there are nice homes with decent size lots in the 6th Street area, but a regular lot (6,250 sq. ft.) would be too small causing potential overcrowding. **Councilwoman Marshall** made a motion to deny the Special Use Application from Outwest Properties, LLC as it does not add to the harmony of the neighborhood based on city ordinance 534-2018, section 5-1-9, C, #3, Zoning Regulations, which states: *"Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area."* **Councilman Gonzales** seconded the motion. Roll call vote taken; **Councilwoman Marshall-Aye, Councilman Spencer-Aye and Councilman Gonzales-Aye**; motion passed.

Decision on Ricky Jimenez Variance Application

Mayor Vipperman asked the council if they had anything to discuss before deciding on the Variance Application. **Councilman Spencer** stated that granting a variance will change nothing in the area of any consequence and it seems reasonable. **Councilwoman Marshall** stated that, based on the investigation done by **Code Enforcement Officer Nathan Lewis**, she was in favor. **Councilman Gonzales** stated that he was also in favor of granting the variance. After discussion, **Councilman Spencer** made a motion to approve the Variance application based on city ordinance 534-2018, section 5-16-3, B #3, & C, Zoning Regulations, which states that denying the variance application would cause *"The prevention of reasonable enjoyment of any property right of the owner"* and *"The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property improvements."* **Councilman Gonzales** seconded the motion. Roll call vote taken; **Councilwoman Marshall-Aye, Councilman Spencer-Aye and Councilman Gonzales-Aye**; motion passed.

Update on Hub City Park Expenses/Revenue

Mayor Vipperman presented to council the revenues and expenditures for the construction of Hub City Park so far. With grants and the Mayor's Walking challenge, the grand total of funds received for the park is \$144,000. By being resourceful and utilizing much appreciated donated materials, the city has spent \$125, 521.93 so far building the park. She stated that Public Works has done the majority of the work so far and they have done an amazing job. She stated that the city is waiting for the arrival of the playground equipment and hexagon shade structure. The shade structure should arrive next week, but the vendor for the playground equipment stated that shipment has been delayed. The city will schedule the installation of concrete for the splash pad and shade structure as soon as there is an approved quote. She also stated that the splash pad parts finally arrived, and the splash pad will be opened next spring. **Councilwoman Marshall** asked if there would be tables that were ADA compliant under the shade structure. **Mayor Vipperman** stated that there would be ADA compliant, coated metal tables. **Councilman Gonzales** stated that every time he and his wife have gone to see the progress on the park, there are always many children playing there. It is a wonderful thing to see. **Mayor Vipperman** stated that she has seen the same thing whenever she and her family visited the park.

Consideration of Collaboration- Rec District- Mini Pitch

Councilman Spencer stated that there is an opportunity to bring a mini-pitch to the community by working with the Recreation District. He played a short video for the council, mayor and audience showcasing mini-pitches. **Councilman Spencer** stated that the City of Wendell and the Recreation District want to help bring the community together similar to what has been done with the installation of the Flag Plaza downtown. A mini-pitch is typically around 60 yards by 40 yards. **Councilman Spencer** also stated that the idea of the City

providing the space and the Rec District providing the upkeep has been discussed. The open ground near the Lewiston well was suggested as a possible site because the area has enough room to accommodate the proposed project. The shared cost would be approximately \$100,000. The mayor and council all agreed that Wendell needs more for kids on that side of town. No motion needed.

UNFINISHED BUSINESS (discussion/action items)

Consideration of Quotes for Hub City Park Sign

Mayor Vipperman presented Hub City Park sign quotes to the council. She attempted, in good faith, to get quotes from other companies but had received none by the time of tonight's meeting. After discussion, **Councilman Spencer** made a motion to accept the quote for a 4 ft. sign for Hub City Park from Lytle Signs not to exceed \$3,559.25. **Councilman Gonzales** seconded the motion. Roll call vote taken; **Councilwoman Marshall-Aye, Councilman Spencer-Aye and Councilman Gonzales-Aye**; motion passed.

Consideration of Quotes for Shade Structure and Splash Pad Concrete

Mayor Vipperman presented the council with a quote for concrete needed for the splash pad and the shade structure. After discussion, **Councilman Gonzales** made a motion to accept the quote from Sutton's Concrete not to exceed \$6,000. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall-Aye, Councilman Spencer-Aye and Councilman Gonzales-Aye**; motion passed.

PUBLIC COMMENT

None

COUNCIL

Councilman Spencer announced that the Community Trunk or Treat will be held on the Main Street side of the City Park on October 31, 2023 from 6PM-8PM. He asks that trunks arrive by 5:45PM. He stated that the ribbon cutting ceremony for the Flag Plaza will happen in the near future. He also stated that the basketball court at City Park was being used regularly since it was redone. He thanked McKenzie Ross for all of her hard work on the Library Board and for being present tonight to give the monthly report for the Library.

Councilman Gonzales stated that the Sheriff's Department is doing a great job being out there. He also stated that Public Works and Code Enforcement are all doing a great job and the town is looking great. He thanked the citizens present for coming, stating how great it was to have the public here to see what the city does.

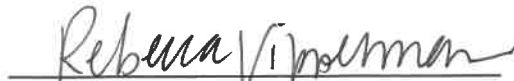
MAYOR

Mayor Vipperman stated that she is on track to complete the Mayor's Walking Challenge to achieve an award of \$1,000 for the City of Wendell. She stated that the

possibility of having a Christmas Tree at the Flag Plaza this year was being looked at. A tree 18ft or taller would look really good there if it can be accomplished. She also stated that all of the City Staff are doing a great job.

Adjourn

Councilman Gonzales made a motion to adjourn the meeting of the Wendell City Council at 7:50 PM. **Councilman Spencer** seconded the motion. Motion passed.


Rebecca Viperman, Mayor


Karri French, City Clerk/Treasurer

