

Minutes of the Special Meeting of the City Council of the City of Lava Hot Springs, held on Thursday, February 27, 2020 at 6:00 pm, Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Jon Thomson, Mayor
Randy Benglan, Councilperson
Rickey Frandsen, Councilperson -
Lisa Guthrie, Councilperson
Brian Hinz, Councilperson
Canda Dimick, City Clerk

Excused:

Guests: None

Mayor Thomson welcomes everybody and called the meeting to order at 6:00 p.m.

Mayor Thomson reported on a revision required for the meeting Agenda. Item number 4 to include Business license work session. Councilperson Guthrie made a motion to add work session on business license ordinance to agenda. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Mayor Thomson suggested adding Knife River's pay app fifteen (15) to the agenda. Change order number eight (8) was approved by council in November 2019. DEQ received and approved in January. Council received the pay app in February late for the agenda items to be added to agenda. Mayor would like to include it on this agenda. Keller's has approved it. Councilperson Hinz suggested adding it to March regular meeting, principle. Councilperson Benglan confessed he is doesn't understand the issue. Councilperson Hinz explained in February the invoice was submitted but, after the deadline of our February meeting. Mayor Thomson explained process of change order, work directives and pay apps. Councilperson Hinz made a motion to add pay app fifteen (15) to the agenda. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Knife River Pay App #15: Councilperson Benglan made a motion to approve pay app fifteen (15). Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Hillside Suite's Off Street Parking Plan Report – Jon Thomson, Mayor:

Mayor Thomson reported that he got involved in the lease, situations on Cookie Bergendorf lots. Lots sizes in the City are usually one to ten (1-10) on a block length, thirty foot by one hundred and ten foot (35 X 110). The lots we are talking about are one, two, three and four (1, 2, 3 & 4). All leases are convoluted. Cookie is in the process of re-writing all four (4) leases. Mayor Thomson reported council concerns is the excavation on the hillside next to the City's alley. The excavation is taking place no closer than thirty (30) feet parallel to the alley. That's a rock ledge wall and you can't dig any farther. Ninety nine point five (99.5) percent of the excavation will be removal of rock and debris that is actually just laying out in the parking area where they can actually make a flat parking area out of it. There is no danger of to the City. Tony Hobson, City Maintenance has been down there and we have laid out property line with paint. Talked with the contractor and he is waiting on an excavator or a backhoe to pick up a bunch of rocks and move them out of the parking area. Most of it is a bunch of brush and tree limbs. Cookie gave him direction to cut the trees out. Two (2) of them were under the power lines. Mayor Thomson reported he has pretty much got everything mapped out. He told Cookie he would help her with measurement so she can re-write the lease agreement with how many feet are in each lease. The reason for that is because the business license is tied to that space. It's attached to the individual business license. Councilperson Hinz question which business are getting leases. Loren Smith/Wagon Wheel he has the space that is within the wood fence, the horse shoe area, Mark Paterson has the tube stand, Carol Baker has the Lularoe trailer (Lot 2), Del Los Reyes lot one (1) and the back side of two & three (2 & 3) and Loren Smith has the back half of four & five (4&5) which is behind the tube stands. Mayor Thomson provided a map, rough drawn map. Never will get closer than thirty (30) feet to the Alley. The leases explain the thirty five (35) feet access way required for the garbage truck to get to the Wagon Wheels garbage cans and access to all leased property. Mayor Thomson announced he will do a map once all the leases are completed with footage and exact business license locations. The excavation is not interfering with any City property. Councilperson Benglan questioned how many parking spots does the Del Los Reyes need and a site plan that shows and questions why the Mayor is generating the map. He thinks the Del Los Reyes should be generating the site plan. Mayor explains they are, he is helping Cookie out. He reported on a meeting he had with Del Los Reyes brother, Ken Fagnant, Fire Chief, Jim Lynch, State Inspector and come forth with a plan on how the Del Los Reyes brother going to approach what they want down. I

explained to them they can't do a little bit here and a little bit there you need to set down with these guys and discussed what their final goals are going to be and then Jim Lynch from an inspector standpoint will tell you what the requirements are going to be. Ken Fagnant from a Fire Marshall standpoint can tell you what will be needed and of course it all hinges upon occupancy amounts, as well as the parking and all that, square footage and so on, so forth. It was defeminized that the plan to go forwarded is to first finish and close out the existing building permit for the deck but, keep in mind that the deck will be used for a different purpose than what the building permit is issued for. Right now it's issued for occupancy of the hotel. Then they will submit a change of use building permit request which will get re-inspected for a business on top of the roof and a density of fifty (50) people less will require a certain number of ingress and egress. Above fifty (50) will require additional and parking as well. It has been explained to them that a complete final plan will need to be submitted and approved by the State and Fire Marshall before Council will consider. It will show the occupancy limits, the square footage and the application for a business permit. Parking discussed. Concerns was expressed that none of the off street parking is near the bar entrance. Del Los Reyes agree and have said that if they lose parking lease their business has to shut down. Cookie is on board with Del Los Reyes plans. Councilperson Hinz reported last summer that lot had an issue with rocks and debris going onto the sidewalk. Mayor Thomson reported that he feels City Council will see a complete site plan and complete amount of information when they apply for the next building permit. Which is actually a change of use permit. Change from a roof top deck to a bar/lounge. Councilperson Frandsen in attendance. Mayor Thomson reported that he explained to the Del Los Reyes brothers that they cannot use the roof top deck for anything until you have a Certificate of Occupancy from the City. Councilperson Benglan feels that it is a good idea to require a preliminary conception plan and where the City has an option to put conditional on it and give conditional approval based on those conditions and then they come in with a final plan with the parking, ingress and egress and any other requirements that may be required. Mayor Thomson reported that is what he has requested from the Del Los Reyes brothers when they submit their change of use building permit. There should be at that time a complete concept of what their final is going to be. Councilperson Frandsen questioned if a retaining wall will be required. Mayor Thomson reported it's a natural rock ledge that is going to stop excavation. Most of it will be cleaning up the rocks and debris from what they have already excavated. I don't believe there will be any more excavation. Council wants the parking plan to go before planning & zoning. Council has set a precedence at Gavin Gunter's business. He was approved to lease adjacent parking spots from neighbor he doesn't own the property. Some council members disagreed.

Building Permit(s):

a) Finish Residential Apartment above Garage – 130 West Fife – Alice Jean Avery, Owner/Applicant - ACTION ITEM: Mayor Thomson reported council approved the concept plan when it came back from Planning and Zoning because Planning and Zoning recommended going forward with it. Apparently we didn't make a motion to approve building permit. Councilperson Frandsen asked about the building permit. City Clerk Canda Dimick explain council had the building permit and council sent it to Planning and Zoning and they explained they wanted a roof connection. As long as she brought in a plan for the roof connection they would approve it. Council approved the recommendation of the commission. She brought in the building plans to show how she would make the connection to the roof line. Council approved Planning and Zoning recommendations. Councilperson Frandsen made a motion to approve building permit for Jean Avery. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Asbestos Testing Quote(s) – 10240 East Maughan Road - ACTION ITEM:

Mayor Thomson reported that council last month wanted to skip testing and recommended demolition the building. We found out it doesn't make a difference how you tear down the building rather you do total asbestos remediation or remediation as part of the tear down process the asbestos testing is still a requirement. Options discussed. Councilperson Hinz announces with have three (3) choices. 1) Approve this bid. 2) Get more bids. 3) Pay for the whole thing to be demo as asbestos. Councilperson Benglan made a motion to accept Great Basin bid. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Business License Ordinance Work Session: Canda ran two (2) copies. A considerable amount of discussion followed. Discussion on multiple business license per location or parcel. Conducting business and the use. Separate business license per legal name or use. Business license per conditions. Examples presented by City Clerk on current business licenses. Location, point of purchase & use. Airbnb a separate point of sales.

Definition reviewed & discussed.

Contractor: City Clerk Canda Dimick addresses Act, Title 54, Chapter 52, Idaho Code allows home owners to be their own general contractor. Exemption to the Idaho code discussed. General contractor and building permits discussed. Council agreed to leave contractor definition as is.

BUILDING INSPECTOR: The building inspector of the city should read the building inspector/entity designated by the City.

OFF SITE LOCATION: Multiple location and different uses discussed.

OPERATOR: Definition discussed. Advertisement should indicate on site personal for a bed and breakfast lodging facilities.

RECREATIONAL MOTOR VEHICLES: Question if scooters should be added to definition. Council decided scooters need to be added after motorbikes.

VACATION RENTAL/TOURIST HOME: Reviewed.

Conduct of Business reviewed.

Exemptions reviewed & discussed.

Those persons exempted from registration: Utilities companies and home owner acting as general contractor/builder.

Garage, Yard Or Similar Sales: A State Statue.

Schools; Service Clubs Or Groups: reviewed and discussed. Suggestion to add government entity to list.

Application Form Required Information: Social security number discussed on business license application. Suggestion made to require another form of identification and remove Social security number from business license application and remove any other social security number requirements from any other section on the ordinance.

Tourist Home:

O: Occupancy limits discussed. Parking discussed. Correction required for this line *“insured with a minimum sum of five thousand dollars (\$500,000.00) per occurrence,”* should be five hundred thousand.

Spelling error *“for the right to perate”* Should be to operate.

P: Spelling error *“If the business consists of a bed and breakfast”* Should be as a bed and breakfast.

“Tourist home is in compliance with applicable building and fire codes and shall also include information identifying the number of bedrooms, restrictions on the number of occupants, how occupant restrictions will be enforced.” Council question this sentence this give us the right to do that but how to set it. Is there a fire code, is there a restriction on number of occupancy.

Noise ordinance discussed Clerk reported Planning and Zoning commission is looking at.

Q: Seventy-two (72) hours telephone update number challenged. Remove the seventy-two. Should be prior to change. The new number should be update on all advertisement.

Vehicle For Hire; Insurance: review stop at this point to be continue at next meeting.

Zoning Ordinance Draft Work Session: No work done on zoning ordinance.

Adjournment - ACTION ITEM: Councilperson Frandsen made a motion to adjourn. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Meeting adjourned at 08:00 p.m.

Amantha Sierra, Transcriber

Jon Thomson, Mayor

Canda L. Dimick, City Clerk