

The Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho will be held by teleconference on Thursday, June 11, 2020 at 5:30 pm. To participate or listen to the meeting, please call (408)638-0968, meeting ID number is 5731543907#, password 745563#. Depending on your telephone service plan, long distance charges may apply. All participants will be muted when they join the meeting. Participants are asked to stay on mute until they want to participate in their agenda item discussion. Participants can unmute themselves by entering star six (*6).

Present Phone:

Jon Thomson, Mayor
Randy Benglan, Councilperson
Rickey Frandsen, Councilperson
Lisa Guthrie, Councilperson
Brian Hinz, Councilperson
Gary Cooper, City Attorney
Canda Dimick, City Clerk
Lindsey McCulloch, City Code Enforcement Officer
Amantha Sierra, Office Assistance

Excused:

Guests Phone: Collin Petrun, Cody & Brandon De Los Reyes, Sherril Tillotson, Dan & Kelly Osborn, Sam Netuschil, Bryan Phinney, Matthew Hill, Kathy Kenny, Les Bocek, Sandra Drummond, Wendy Perkins, Sgt. Taysom, Jeff Huckstep and Jared, Kim Harris, Taylor Olney, Gail Palen, Ron Hunt, Craig Knutson, Christina Dunyon, and four (4) unknown phone numbers ending in 262, 837, 892 & 450.

Mayor Thomson opened the meeting and welcomes everyone attending the zoom meeting. Mayor Thomson announced all motion will require a roll call vote.

Announce Agenda Deadline for July 9, 2020 meeting will be July 2, 2020:

Mayor Thomson announced agenda deadline for July 9, 2020 meeting will be July 2, 2020.

Approval of Minutes (April 9, 2020 and May 14, 2020) - ACTION ITEM:

Mayor reported on error on page seven (7) extra statement duplicated.

Councilperson Hinz made a motion to table. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

Review & Approve Bills:

A) Sound Level Meter Purchase - ACTION ITEM: City Clerk Canda Dimick reported on sound level meter purchase, five hundred and seventy five (\$75.00) dollars. Delivery time twelve to fourteen (12-14) days. Councilperson Hinz questioned if there is faster delivery. Councilperson Frandsen made a motion to purchase. Councilperson Hinz seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous. Mayor Thomson reported noise ordinance draft copies received in council packet and asked that council review and be prepared to discuss at next month's meeting.

B) Motion to approve bills - ACTION ITEM: City Clerk Canda Dimick reviewed bills with council. Sewer land application, sewer test, four hundred and twenty six (\$426.00) dollars from Analytical Laboratories, eight (8) units ordered for the Porta Pots with wash station, four (4) delivered the remainder on back order, Covid19 cost discussed for Porta Pots, asbestos testing and samples results received, invoice from Healthy Home Environmental Services for seven hundred and forty (\$740.00) dollars. Mayor Thomson announced the only asbestos they found was on the siding, nothing inside. City Clerk Canda Dimick continues vehicle maintenance Intermountain Sweeper Company for the curtain that goes around the street sweeper, no bill received from Jordan & Company for April or May payroll services, small park pavilion reservation refund due to Covid19, repaired or replaced two motors on the wheel lines ends at the land application site from Rain for Rent, four hundred twenty one (\$421.00) dollars the rest of bills are the cities normal billing processing. Councilperson Hinz made a motion to pay the bills. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

Law Enforcement/Code Enforcement:

A) Building Permit Report – Lindsey McCulloch, Code Enforcement Officer: Lindsey McCulloch, City Code Enforcement Officer announced no report received from State of Idaho Building Inspectors. Councilperson Hinz asked about the status of Nickerson's house on Booth Road. Lindsey reported he has *not* submitted house plans as of today. Lindsey explained she talked with Nickerson's and he informed her that the person doing the plans had to have back surgery and it

will be a couple more days out. Councilperson Hinz reported a foundation has been poured and no inspection or building permits. Council wants it red tagged before any more work is done. Mayor Thomson is assuming it has already been red tagged. Mayor Thomson asked Lindsey to check with Jim Lynch, State Building Inspector and if it's *not* red tagged Lindsey can get it done.

Councilperson Hinz reported it was pretty clear at last month's council meeting that he was not to proceed with any work. Council and Mayor agreed.

Councilperson Hinz announced the city didn't tell him he could pour a foundation. Lindsey responded she doesn't think anyone did he just did it. Mayor Thomson asked Lindsey to check with Jim Lynch tomorrow and if it's not have him red tag it.

B) Tree Trimming Notices Report – Lindsey McCulloch, Code Enforcement Officer: Lindsey McCulloch, City Code Enforcement Officer reported she is still waiting on a few people. All most everyone has complied and she has sent out a few more notices to a couple more places.

Mayor Thomson questioned if inspections have been made on the foundation at 5th Street and Booth. Lindsey responded she will follow up with the State Inspector.

C) Shane & Marci Kramer Studio Apartment – Certificate of Occupancy - ACTION ITEM: Lindsey McCulloch, City Code Enforcement Officer reported the State sent the City a CO (Certificate of Occupancy) for a bed & breakfast. The building permit application that was submitted to the city for a monthly rental. Councilperson Hinz verified that they applied for on the application for a monthly rental but this is being issued from the State as a bed & breakfast. Lindsey responded yes. Councilperson Hinz explains that needs to be adjusted because bed and breakfast was never discussed. Mayor Thomson reviewed definition for bed & breakfast and questioned if the meaning is to be attached garage to house. Councilperson Hinz responds he believe so and owner occupied. Mayor Thomson explains the owner is occupying the house. Councilperson Hinz questions the owner are occupying the house but someone needs to be on site when there is tenant. Mayor Thomson explains the owners are occupying the house the apartment is above the garage which is a detached garage and the definition of a bed & breakfast it needs to be something along the lines of a common roof or a common roof line and this doesn't follow the guidelines as he understands it. Councilperson Hinz reports something got messed up between the State and the City, he is not sure where the State came up with a bed & breakfast. Mayor Thomson thinks because the discussion kind of evolved around a bed & breakfast but at that point they didn't understand the requirements for a bed & breakfast and

it would require more construction which, hasn't taken place. Mayor Thomson suggest issuing a certificate of occupancy as a monthly rental then they will have to do a change of usage and some construction to get it to a bed & breakfast type application, as I understand it. Councilperson Hinz announced he wouldn't have a problem approving the certificate of occupancy with a contingency that the State changes it to a monthly rental. Councilperson Benglan questioned under the occupancy classification it should read instead of lodging house it should be something else. Lindsay responds it should say monthly. Mayor Thomson believes it should be residential to a bed & Breakfast. Councilperson Benglan is fine with Councilperson Hinz suggestion as long as the Verbiage is right. Gary Cooper, City Attorney explains the occupancy to state something other than bed & breakfast before the City can issue a certificate of occupancy for a different use. Councilperson Hinz made a motion to approve the certificate of occupancy once the State changes the use from lodging house to a monthly rental or resident whichever is applicable. Councilperson Benglan seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

D) Authorize Code Enforcement Officer to send out notices to abate noxious weeds and tall grass fire hazards -ACTION ITEM: Lindsey McCulloch, City Code Enforcement Officer has compiled a list. Councilperson Hinz made a motion authorizing Lindsey to send out the notices. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

E) De Los Reyes Discriminatory Practices Concern Report – Gary Cooper, City Attorney: Gary Cooper, City Attorney reported he has prepared a twelve (12) page written report and circulated around 4:00 o'clock today. Not sure if anyone has seen it. Gary needs council authorization to send it to Cody & Brandon. Mayor Thomson reported he has read through it electronically. Councilperson Hinz reported he has no problem sending it out. Councilperson Frandsen reported he read through it and approve it. Councilperson Hinz made a motion to send it out. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

F) July 4th Firework - ACTION ITEM: Mayor Thomson reported ICRMP (Idaho Counties Risk Management Program) confirmed the City has coverage. Council received letter from Kim Harris who has done the fireworks in the past. City Clerk Canda Dimick explains there has been a lot of concerns expressed,

questioned asked if the firework show is scheduled or not. Liability was insurance questioned, the Chamber of commerce did not wish to participate in any of the liability of the event. Basically ICRMP covers the City liability but, it will not cover any other agency involved. Those agency will be responsible for their own coverage. Mayor Thomson reports he has received a large number of phone calls concerning the firework show. Currently around fifty (50) percent is positive and the rest is negative. Councilperson Frandsen reports ninety (90) percent of the people he has talked with have been very adamant with continue with the firework show. Councilperson Frandsen supports proceeding with the show. Councilperson Guthrie reports she has had people asking why we are doing the firework show when all other cities have cancelled. They are concerned with the influx of people in our town. Councilperson Benglan thought is that the town will fill-up no matter what. Councilperson Hinz stated that other cities that cancelled their firework show is due to funding, we have the funds to do the fireworks. Mayor Thomson expressed his concerns on it and was waiting to see what the Governor did today. The Governor is going to put the state into phase four (4) which, he did somewhat reluctant today so, as of this Saturday we are in phase four (4). Which still possess a risk but, it allows a little bit more relaxation of the groups and sizes. I don't think there is any way you can put a thousand people in our downtown area without people mingling a little close. I think they'll probably separate out by family on blankets at the city park and keep the social distancing. The downtown area will not be any less risk by not having it, we will still have a full downtown area. Mayor thinks we are going to have more people because of the fireworks at least local people from Pocatello and nearby cities that aren't having anything. Councilperson Frandsen stated it's very important that we go forward with firework show. Councilperson Benglan agrees. Councilperson Hinz made a motion to proceed with the July 4th fireworks. Councilperson Benglan seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

G) July 4th Extra Patrol - ACTION ITEM: Mayor Thomson reported Bannock County is requesting the City hire additional patrol over the 4th of July weekend. They're asking the City to pay for double patrol of what we normally do on the 4th of July. The reason is because the 4th is on the weekend. They're asking for nineteen (19) shifts, approximately one hundred and fifty two (152) hours. Approximate cost of sixty one hundred (6,100.00) dollars. Sergeant Taysom reviewed overtime shift schedules. Nineteen (19) shifts setup for the City of Lava these shifts are dedicated strictly to the City of Lava. In addition to this we will have are normal Officer on duty in the City of Lava. We also have some officer that will be bouncing back and forth between Lava and Pocatello and supervisors

that will be roving off and on. There will be more officer in Lava than what we are billing you for. The last time the 4th of July was on a weekend it was extremely busy and with Lava's firework show being one of the only shows going on in southeast Idaho it's going to be busy. The extra patrol is to secure a safe environment for Lava Hot Springs. Sergeant Taysom announced that Captain Hamilton requested that Search and Rescue units be present in Lava Hot Springs for traffic control and access where needed. They have never been paid when they have come to Lava for the 4th and other organization have paid. The questioned asked of Lava is would the City pay the search rescue officers. Suggestion is for 6 search and rescue officer to get paid four (4) hours each total cost six hundred (6) dollars. Councilperson Hinz feels like it would be money well spent. Mayor Thomson agrees. Councilperson Hinz made a motion to approve additional money for Bannock County sheriff for the 4th of July weekend, sixty one hundred (6,100.00) dollars and the additional six hundred (6) dollars for Bannock County Search & Rescue. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

Sergeant Taysom inquired if he needs to schedule the EMC (emergency medical services) and the paramedics units normally stationed in Lava for the 4th of July event. City Clerk Canda Dimick responded Lava normally does it and she is working on it.

H) Loud Music Complaint – Wendy Perkins Email: Wendy Perkins on line explained about the complaint of loud music from the Hillside Suites. The music continues and is loud. She has went to the authorities. She supports the city in adopting a noise ordinance. They have turned down the music lately and she appreciate them for doing that and hopes they continue because in the past they have been pretty loud and obnoxious. Mayor Thomson announced the city is working on a noise ordinance. Councilperson Benglan thanked Wendy for her comments and bringing it to the council's attention.

I) No Parking Ordinance Amendment – Gary Cooper, City Attorney - ACTION ITEM: Gary Cooper, City Attorney reported he has reviewed the current no parking ordinance and has modified it completely. Struck all the existing section, proposed new sections which I think are clearer. Keep all the issues that have been brought up about illegal parking and the likes. The only change I would make to this proposal is when I drafted it I put the penalty in for an infraction and further consideration what I would like to do is change that section and provide that it will based on a resolution passed by the city council from time

to time. The reason I'm doing that is the cost required to attach to those infraction change from time to time. This would make it possible to amend the resolution to update from time to time. I will provide the updated draft to Canda tomorrow for her to distribute to council. Councilperson Hinz questioned the 3rd page of the draft item (g) it shows within in thirty (30) feet of the approach to any stop sign or traffic control signal that seems very far. I don't think we are near that thirty (30) feet on any of the designated areas we currently have painted in red. Sergeant Taysom interjected State law is thirty (30) feet away from a stop sign.

Councilperson Hinz suggested painting full state distance and adhere to State Law. Gary Cooper, City Attorney reported the City has jurisdiction to designate whatever they want but, it is easier if there is consistence with the State.

Councilperson Hinz is fine with that, we need to make sure it's marked properly on our curbs. Right now you can't see many of the areas need fresh paint applied, there is areas missing paint. For instance between the Bridge and the Lava Spa there is no parking the entire length of that side and the red paint has worn off for the no parking in that area. Discussion followed. Mayor Thomson was asked to have city employees paint curbs. Mayor Thomson will work with maintenance to get curbs painted. Mayor Thomson suggestion is for council to continue reviewing ordinance. Gary to continue with his revision and present to council next week.

Councilperson Guthrie made a motion to proceed with Gary working on the ordinance for parking. Councilperson Benglan seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

J) Monthly Law Enforcement/Code Enforcement Reports: Sergeant Taysom reported nothing to report. Council has nothing to report.

J) Meeting with Bannock County Prosecutor June 24, 2020 1 pm: Mayor Thomson reported meeting scheduled for June 24, 2020 at 1:00 p.m. Councilperson Hinz reported the date will not work for him. He would like the meeting re-scheduled for the 1st or 2nd week in July, not Thursdays. Mayor Thomson, Councilperson Hinz, Councilperson Benglan and Lindsey McCulloch, City Code Enforcement Officer would like to attend the meeting.

Councilperson Hinz questioned status of sidewalk replacement. Lindsey McCulloch, City Code Enforcement Officer reported subject item on the agenda for estimate time 8:05 p.m.

Lindsey McCulloch, City Code Enforcement Officer reported she has circulated "NO open container" laminated poster though out the City.

Lava Folk Festival – August 28th through August 30th - Craig Knutson:

Mayor Thomson reported festival rescheduled for the end of August. Craig Knutson on line formally announced date change, August 28 through the 30th. The plan is to move as many performers outside due to the Corona virus. Tents will be setup in the square across from the Chuck wagon and have arranged with the senior center for the use of the auditorium in case we need to be inside. Craig asked if the application needs to be re-done. City Clerk Canda Dimick responded only if the venue changes. Dates can be change if council approves. Signage discussed, directional arrow and artist. Mayor Thomson reported the signs can be attached to light poles, no billboard signs on sidewalk hinders foot traffic and there is an ordinance against it. Artist can only perform if it's on owner's property. Craig acknowledge the ordinance, they will not be on the sidewalks and signs will be posted on owners properties. Mayor Thomson mentioned doorways are a good source to place signs. Craig asked if they could post a temporary sign at Veteran's Park, we did last year. Permission granted for a temporary sign. Mayor will work with Craig on signage placement. Craig reports they have a couple of fabric banners two feet tall by eight feet long (2x8). We hung one at the veteran's park last year on temporary fence post they mounted. Council reported the banner is fine at veteran's park. Craig announced with the Covid19 they're trying to have a safe festival and will try to have the venues outside, not on sidewalks, in lots if possible. City Clerk Canda Dimick announced if they want something sent out in the water bills they need to get it to us. Craig will get the revised copy of the announcement to be sent with August water bills. Craig reviewed funds distribution for the Elementary music school program. Council voiced no objections.

Lava Chamber of Commerce/Lava Community Event(s):

A) Hux Can Do, LLC Garbage Service Proposal – Collin Petrun, Chamber Beautification Committee Representative & Hux Can Do, LLC representative

- ACTION ITEM: Mayor Thomson reported the City has worked out an agreement with the State. The City moved five (5) trash cans back on the State side of the river and the State made a commitment to empty them. How many times a day Mayor is not sure it's up to the State to determine that. The City has put out all available trash cans on the city sidewalks. The City has increased an employee to full time for the summer season. This person will empty all trash cans, clean porta pots and restrooms, Friday, Saturday and Sunday. Then normal schedule will be followed for the remainder of the time. Colin verified the City has taken on what he had original presented at last month's meeting for "Hux Can Do". The city will be doing the Friday, Saturday and Sunday and have hired an

employee for that. Mayor Thomson explained we didn't hire someone we extended hours for a currently employee so he can do it several times a day. Colin responded okay and asked about the proposed trash cans he presented at last month meeting for additional spots. Mayor Thomson response we have expanded the trash cans to everything we have available and replaced the five (5) trash cans back on the State side of the river and they've agreed to do the dumping on the State side. The count is around twenty (20) total on the city side and five (5) on the State side. Colin reported that in their Chamber of Commerce meeting yesterday Bryce, Ace Hardware, offered to provide fifty (50) gallons trash cans for the time being in the proposed places if the city will dump them. Six (6) additional one at city side of the tuber bridge near the Pancake House, one behind the Thai food restaurant where tubers go in above the falls, one at the trail head to Chicken Soup, one above Chicken Soup and by the Community Center where everyone gets out of the water at. Mayor Thomson explained that the City will be placing porta pots and trash containers on the city side of the River on north 3rd East and north 1st East. Anything you put on the State side you will need to talk with the State. Collin confirmed he will talk with the State about the one by the community center and if they can empty it. Mayor Thomson explained trash cans are being placed in order for the city employee to make a route down Main Street and empty on a regular schedule throughout the day and clean restrooms. Collin confirmed he will get with Bryce to place cans, one at the trail head to Chicken Soup, one above Chicken Soup, Thai food restaurant and one by the Pancake House. Mayor Thomson reminded Collin that Thai restaurant is on State property. Collin responded he will talk with someone at the State. Mayor Thomson invited Collins to get on the August 2020 agenda for consideration on the proposal for fiscal year 2021 budget. Councilperson Frandsen made a motion to table and have it represented in August budget meeting. Councilperson Hinz seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

B) Marketing Plan Report – Sherril Tillotson, Chamber Marketing

Committee Representative: Sherril Tillotson reported marketing plan is up and running. Adjusting for the Covid19 and focusing less interstate more on intrastate and Salt Lake City areas. Reaching out to the Twin Falls, Burley, southern Idaho and possibly Oregon. Last month I talked about revisions to meet the Covid19 requirements. Have identified modifications and will drop off at City Hall tomorrow. No additional change in the funds being requested. Chamber of Commerce has received ITC (Idaho Regional Travel and Convention) grant application. Have been asked to merge grant with High Country Travels grant. Going to be more interactive with High County and co-op on some future

advertising. Marketing targeting Lava Hot Springs as a wellness destination. Promoting week day and shoulder seasons, slow time. If grant dollars are *not* awarded plan will be re-evaluated. Looking at creating a hot pool drive loop that hopefully will develop into a regional hot pool co-op. Colorado has a program similar to what we are looking at which is very successful. We are studying what they are doing, gathering information and making contact in the hope that we can develop some type of co-op with other regions who may be interested in promoting their natural hot water resources with us. Working with ITD (Idaho Transportation Department) to improve signage promoting services available. Plan is to work with Idaho Parks & Recreation on signage. Sherill reviewed sign location requested sites. Would like the City to send in a letter of support. Would like the transportation department & the City on reducing the speed limit to thirty five (35) MPH (mile per hour) on highway 30 in the city limits between the West and East entrance into Lava. Have talked with Cori Cranes about the possibility of a turn lane at the west exit that is for west bound traffic. There is turn lane when turning east bound into Lava. Mayor Thomson reported City has interest in reducing the speed limit and has worked on it in the past. Sherill explain revision to marketing plan due to the Covid19 guild lines. Mayor Thomson explain they should have the budget set and the way you operate within that budget should be fluent enough to accept changes just like this Covid 19 marketing plan. That should be flexible enough within the budget restraint to market appropriately. Sherill agreed and gave an example on the North to West Travel magazine. It's very interstate in the northwest and we have revised to include regional advertisements for intrastate and possible Salt Lake City and Jackson Hole. That is the type of changes they will be making. Our target audience will change, not budget dollars.

C) July 24, 2020 Community Day - ACTION ITEM:

D) July 25th Parade - ACTION ITEM: Mayor Thomson proposed keeping the event planned and work with the Health Department on plan due to Covid19 guide lines. City Clerk Canda Dimick reminded council of discussion from last month meeting. The discussion was talking with Kelly Myers about working with the Health Department and Canda has texted her a few times and no response back. Canda would like someone else to follow-up with her or assign someone else the responsibility to follow up with the Health Department? Councilperson Hinz will follow up with her. Mayor Thomson announced he will also. Councilperson Hinz asked if the Chamber has discussed a theme for the parade. Sherril responded the Chamber will participate in whatever the City plans. The Parade is *not* one of the Chamber sponsor events, they're a participant. City Clerk Canda Dimick explained the Event Coordinator has been the person in the past to organize the event. Councilperson Frandsen made a motion for Mayor Thomson to contact

Kelly and continue moving forward with the Parade and Community Day events. Councilperson Benglan seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

E) Miscellaneous: None

Building Permit(s) - ALL ACTION ITEMS:

A) DLR Enterprises dba Lava Hillside Suites – Change of Use – 289 E. 1st Alley S. – Additional staircase for rooftop lounge installed per state code. Asking for easement on city property with signed liability agreement on record with City Hall. If easement is not granted, staircase will be installed on same side as current staircase: Brandon De Los Reyes reported the City's Fire Chief said that the best as far as safety is option one (1). Option one (1) would be to put an additionally set of egress stairs on the east side of the building that there would be between twenty four to thirty six (24-36) inches of easement required to place those stairs on the east side of the building because the building runs fairly close to the property line. That would be on the hillside that would be 3rd Street if it ran up the hill. That would be our preferred course of action. That would add an additional set of egress stairs in case something happened and there was an emergency and that would also increase the occupancy allowed. The second (2nd) option would be take the same set of stairs and put it running along Elm Street. The direction would be directly west, following the property line. That would all be maintain on private property, theirs. Both are feasible, the issue would be the one on the west side and that puts the emergency exits on the same side of the building and only about fifteen (15) feet apart. Where putting it on the other side of the building would put it at two (2) opposite ends of that roof top. It allows egress from both sides rather than both on one side. Both fulfill the increase occupancy requirement the same. Obviously the easement would be required to do the one on the east side. The building permit would only be connecting a set of prefabricated stair to the building. Lindsey McCulloch, City Code Enforcement Officer confirmed she was present when Ken Fagnant, Fire Chief said he would want them on the eastside of the building. Councilperson Benglan questioned the occupancy. The building permit says it's for a change of use, what is the use change. Brandon explains they are adding the stairs to increase the occupancy and provide an additional emergency exit. Councilperson Benglan asked what the current occupancy at. Brandon responses forty (49) per the fire code and adding the stairs changes it to ninety eight (98). Councilperson Hinz questioned restrooms availability for the guest. Brandon explains the restrooms are still there, it has a urinal and toilet. The bathroom capacity doesn't increase. Councilperson Hinz questioned with occupancy does it require an additional restroom to be installed.

Brandon responds that is not our intent. I don't know if there is a restroom regulation as far as how many urinal or stalls are required per occupancy, not aware of one if there is. Mayor Thomson comments occupancy is limited by two (2) factors, one (1) being the square footage which is calculated on the thousand (1,000) square feet on the roof. The other being by the amount of egress available to empty that. The situation was that they actually have more space available than what the current occupancy is limited at and that's due to the fact they don't have the second set of stairs. All other items concerned with the occupancy change have been met as far as parking. Parking was determined on square footage. It really comes down to a second egress in order to increase the occupancy. Councilperson Benglan commented on community's concerns and complaints, he is approached all the time about the roof top bar, about safety concern, traffic, noise and all that stuff. Councilperson Benglan is at lost on how to address it, it's a major concern with Lava Hot Springs residents. Now we are talking about increasing the occupancy from forty (49) to ninety eight (98) and we already have all this complaints coming in about the congestion, the safety concerns on Elm Street up above. Councilperson Benglan would like to hear from other council members if they're hearing the same concerns he is. Councilperson Hinz has heard all of those concerns. Councilperson Hinz reports he can hear the music where he lives and he's about five blocks away. The past few nights have been quieter. He thank the De Los Reyes for that. The city has put up no parking signs on north side of Elm and cars are still parking there. Not only are they parked illegally on the north side, they're also parked going the wrong way and parked up by the fire hydrant on Elm Street and blocking in residents there driveways. Oblivious there is no way to tell who is blocking them in but, six (6) month, eight month (8), a year ago it wasn't an issue, something has changed there. Councilperson Guthrie reported she has heard complaints too, rude comments coming from the roof top as they walk by, people are hollering down at them. Mayor Thomson reported he has been following the Governor proclamations every week and weekly meetings with the Health department and he is working under the assumption that you guys have filed a plan with the Health Department to open your bar as everyone else, restaurants and bar alike all had to have a social spacing plan and how you to protect guest. Have you or do you plan on updating that for the new level four (4) guild lines and the increase number from fifty (50) to ninety seven (97). Brandon explained there biggest reason for wanting to increase the occupancy is not because we think we are going to be able to increase the traffic. We've been pretty adamant about counting and making sure we don't get anywhere near that. We have the space because we are outside. That's a little bit difference than an inside operation but, we've been very adamant about maintaining that. The only purpose of increasing the occupancy is to make sure we don't hit that forty nine (49) and

get into trouble. That's not going to attract more people and we haven't gotten anywhere near the point where we would have to say because of social distancing or because of the occupancy that we have to stop allowing people from coming in. They will update per the Health Department guidelines but, the biggest thing they want to get across is we are *not* trying to increase traffic up there. The traffic has been what it's been, but we want to make sure it does increase which would happen naturally not because of some additional marketing plan. That we don't run into a fire code violation by hitting that forty nine (49) people. That's are biggest purpose there, not because we think we will magical double the business if we are granted that additional occupancy. Mayor Thomson reports he remember from the initial conversation with the Fire Marshall and Inspector that room was adequate for ninety seven, ninety eight (97-98) people and I don't see a problem there under normal circumstances. I'm assuming you already have the social distancing plan in place for the occupancy of forty nine (49) people and I'm questioning if you're going to re-address that with the Department of health if your occupancy is increased. I understand you have the room for the occupancy but, can you social distance in that area. My only concern with every business in this town is that they comply with the Health Department, I don't want to see an active case of Covid19 started. I'm sure you guys are just as concerned with your guest. Sandy Drummond commented on bathroom situation. She see's men going to the east side of the building quite frequently to urinate. The bathroom is one bathroom with one (1) urinal and one (1) toilet. Men are constantly urinating on the east side of the building. Cody explains she needs to call the police it's just like if someone is urinating on Main Street or outside the Blue Moon. Sandra stated she has made several calls to the sheriff about that and noise. I also have footage from my camera for the parking issue. Sandra stated that parking is still a joke and still is an issue. Cody agrees with her but, they can't control Public Street. We have footage showing City official parking illegal there. The City or Police need to address it. There also is a major problem on Main Street. Elm is the same problem as Main Street. The City and police need to get involved and anyone who parks illegal including City official and City business trucks need to be ticketed or towed away. Sandra comments she has addressed it with the sheriff and he has told me that they cannot have them towed. All they can do is ask them to move but, they cannot have them towed. Mayor Thomson reported the City is working on parking issues and will find a solution. Councilperson Hinz made a motion to approve option number two (2). Councilperson Frandsen seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Abstained, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous. Councilperson Hinz asked Brandon or Cody to respond on the items that three (3) of the four (4) Council members addressed. Brandon asked Councilperson Hinz to take it one item at a time so he doesn't miss

anything. Councilperson Hinz announced the first would be parking and Cody kind of laid that out, you guys don't care. Brandon announced that is unfair representation and we've provide parking. The Street that has been addressed only one (1) resident has provide their own parking, all other residents up there are using the City Street to park on. Which is fine it's there right but, they have not provided no private parking. Residents have put out cones and marking out parking so, it can't be used publically. It's not like the only issue is business and it's really frustrating for me that we have provided the parking required and it's the only center and it can only be our problem. I mean when there are parties at our neighbor's houses there is parking issues, it's a thin road and we've talked about it already. Christina Dunyon interrupts and reports she lives across the street and would like to bring up her concerns. She's has had two (2) grown men urinate in front of her ten (10) year old daughter. She is not okay with that. She has addressed it with the De Los Reyes and neither one of them responded back. Cody commented call the police. Mayor Thomson reported that public indecency is violation in any state. In that particle case, call the police and have them prosecuted. The issue here was parking and I think that has been discussed. The next issue is noise the level. Councilperson Benglan asked if the bathrooms are adequate. He is not understanding why there is so much urinating going on outside. Brandon explains he is not understanding it either because I have never seen a line before at the bathroom, maybe there is. He would like to know what the requirements are. They have provided a public restroom. Councilperson Benglan questioned where the restrooms are located. Brandon explained they are on the main level, street level not on the roof top. If someone is urinating on the street they are walking past the bathrooms. The bathroom is unisex. Councilperson Hinz announced one bathroom for soon to be ninety eight (98) people. Brandon announced one bathroom with a urinal and a stall. Councilperson Hinz questioned for soon to be ninety eight (98) people. Brandon responded yes. Councilperson Benglan asked if that meets code. Brandon responds as far as they can tell there is no code on how many separate stalls are required per occupancy. The bathroom level doesn't relate to occupancy. The only thing they could find was a bathroom has to be provided. Cody responded Mikes Market doesn't provide a bathroom and there are people urinating in front of the store. The Ice Cream shop no bathroom no bathroom. The Royal Pizzeria holds over a hundred (100) people and there is only one (1) bathroom. Not sure why this is being addressed with them, there is not a code. Councilperson Benglan responds the difference is we don't have people complaining to us that there are people urinating in the street in front of Mike Market or in front of the Royal Hotel. De Los Reyes agrees but, there is nothing they can do to stop someone in a public street from urinating. Kelly Osborne comments that she has talked with Jim Lynch

the State code enforcer and they said once they reach fifty (50) they will need to put in a second restrooms. Will the City be addressing more parking for the extra fifty people? Lindsey McCulloch, City Code Enforcement Officer reported no, parking is based on the square footage. Councilperson Benglan comments he is looking for a good faith solution where concerns can be addressed. For example at my tube stand we needed a place where people could change cloths so, we put in a porta pot for that reason. Discussion on good faith solution followed. Mayor Thomson announced the De Los Reyes have been approved with option two (2) for the stairwells. Councilperson Hinz announced he would like to hear about the noise concerns. Brandon stated they're trying to maintain it at a reasonable volume. A lot of the time they have people from the street yelling up at us to turn it up or a customer asking us to turn it up a little and we do turn it up some time but, for the most part we're keeping it at a pretty reasonable level. We make sure we shut it off, it's never gone late into the night that I'm aware of. We are trying really hard to make sure we turn the music all the way down or off pretty early in the night before we get into any unreasonable hour. Brandon feels like the noise ordinance will address that either way. Cody reports they've had four (4) instances where the Police, Bannock County sheriff have come up and told us personal that our noise level was just fine and we are going to have a good summer. Councilperson Hinz announced it would be nice if they would try to work with everybody a little bit instead of trying to be so adversarial. Brandon comments they would love for people to work with us as well. Discussion followed on loud music and vulgarities. Concerns addressed about rap music blaring vulgarities and music playing until 11:30 p.m. this last weekend. Not sure if the De Los Reyes were around this last weekend. Brandon responds they were out of town this last weekend. Brandon addressed the vulgarities and should never happen, they do not approve of inappropriate music playing loud for everyone to hear and will talk with their employees and make sure that doesn't happen. We absolutely don't want vulgarities blasted out over the city or so any of the neighbors can hear. Councilperson Hinz thanked Brandon and announced that is the kind of good faith information we are looking for. Let's all work together and try to make it work for everybody. Cody would like to note for the record they were not authorized an easement like everybody else on Elm Street has been given an easement for stair case. Kelly Osborn announced she would also like to make a note on the record that we never received an easement and pulled out our stairs. Stairs in the Alley that the City pulled out. You're not being picked on, if you want to make comparisons. Mayor Thomson announced the discussion is finished and thanked audience for their comments.

B) Residential addition (mud room) on existing patio – 291 East Elm Street – Sandra Drummond, Owner/Applicant/Contractor: Mayor Thomson reviewed application, a request to build a mudroom which extend into the setback area.

There is argument to be made that it is already grandfathered in because the house extends out to that far, as well. It may need to be presented to P&Z (Planning and Zoning commission) to make sure they have no issues with it. The plan shows the property line at five (5) feet from the existing house. The purposed mudroom extends the doorway out to that same five (5) feet and attaches to the existing home. It's not an issue that it's something new, it's an issue that does exceeds the ten (10) foot setback rule in a residential area. Sandra Drummond reported Jim Lynch, the State Inspector, is schedule to stop by her house tomorrow. Jim told her he has already looked at it with Lindsey but, he will stopped by and talk with her. Mayor Thomson reported the little awning on the house is not an issue and not to include on building permit. Building permit is strictly for the mudroom. The temporary awning above your front door is a non-issue. Councilperson Frandsen made a motion to send to P&Z (Planning and Zoning commission) for approval. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

Business License(s) - ALL ACTION ITEMS:

A) Adventure Vacation Rentals – 15 N. 3rd E. – 30 Day Monthly Rentals -

Sam Netuschil, Owner/Applicant (New License): Sam Netuschil reported that he has a meeting tomorrow with State inspector to look over the property to see if it will pass as nightly rentals. I tried to get this schedule before the meeting but was unable to due to State inspector schedule. The location for this building permit is at the old Pancake house, 15 North 3rd East. Mayor Thomson asked if Sam is looking for a business license to do monthly or nightly rentals. Sam response monthly for right now then he will resubmit the application to change it to nightly once he is approved by the State to have a nightly rental business. State inspector indicated to him he might be fine but, he wants to look though it to see where we are at. Mayor Thomson asked Sam if he is aware that there is not a certificate of occupancy. That particle building has an outstanding building permit pulled against it three (3) years ago and it has never been closed out. Sam response he has not heard of what that is, he has asked the question of the owner and the State, and the State hasn't said anything of it yet. Mayor Thomson responds in a nutshell the former owner, son and daughter was remodeling the Pancake house and pulled a building permit to do the remodel. That was three (3) year ago and then they left the City without finishing the job and the owner took back possession and was trying to do some nightly rentals out of the upstairs apartment and the City

prohibit that based on the fact that he has not ever had a certificate of occupancy issued from the building permit. A new permit will need to be pulled to receive a final inspection and certificate of occupancy will be required before you can do any business out of it. Sam responds he realizes he will need to do that on the restaurant but, they haven't done a renovation on the apartments. I wanted the State Inspector to look through them that is why I'm treating them separately. With that existing building permit is there a way to resubmit it with the two units separated and then a new one for the restaurant. Discussion followed. Sam agreed to work with the State Inspector and will resubmit based on the State decision. Councilperson Benglan stated that he needs a parking plan. Discussion followed. Lindsey McCulloch, City Code Enforcement Officer reported parking requirement is required with a building permit. Parking is determined by the use. Discussion followed. Lindsey McCulloch, City Code Enforcement Officer reported that the lease agreement spells out fifteen (15) parking spaces. Sam questioned if it stays as a restaurant does he have to comply with new codes or is it grandfather in. Parking report will be completed once the use is determined and how many businesses will be ran from that location. Sam questioned the surveyor marker for the property in the alley. It shows the property of the pancake house in the Alley and there appears to be enough property to park a vehicle. Can the property be used for a parking space? Mayor Thomson will look at the surveyor map. The City just had a survey completed for that area. Councilperson Hinz made a motion to table the Adventure Vacation Rentals. Councilperson Benglan seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

B) Camille's Crepes, LLC - Food Trailer located on DLR Enterprise property – 238 E. 1st Alley S. – Camille Gilbert, Owner/Applicant (New License):

Parking plan provided. Councilperson Hinz questioned if there is enough room for the food truck plus parking. Camille responded it should be fine per her understanding it doesn't occupy a traditional parking spot. Brandon De Los Reyes reported that parking is two (2) vehicle deep and there is enough room. Councilperson Benglan made a proposal that the city needs to have an onsite review by a third party, a surveyor or civil engineer. Mayor Thomson suggested the city code enforcer or city maintenance employee can measure and review the plan. Councilperson Frandsen asked if Lindsey McCulloch, City Code Enforcement Officer has verified if there is space for it. Discussion followed on parking spaces and how that could increase with the food truck. Lindsey reported she will go up there with the city maintenance crew and measure the spot for the food truck. Brandon reported the food truck will run horizontal to Alley on the backside of the parking area so, the food truck isn't parking in one of the stalls.

The food truck would never hang out in the Alley. Mayor Thomson reports he can see the food truck is parked horizontal to the alley the question is in parking stall 3B can a twenty two (22) foot truck park in there and not be sticking out in the Alley or running into the food truck. Camille announced if need be she will bring up her food truck, park it and make sure it fits appropriately. Cody De Los Reyes wanted to make a note that you just approved a food truck where none of this was discussed that could have multiple leases. Councilperson Hinz replied that's not true because what was discussed was the fact that he was going to open up said food truck in the parking lot until the restaurant can be opened. He was not going to operate a food truck, a restaurant and two nightly rentals. Cody agreed with that and asked do you know where he is going to park the food truck and do you know how many leases are on that parking lot. Councilperson Hinz responds he was told there are no leases on that parking lot. Cody asked if he's checked the City records. Cody wants to make a note that one food truck was approved without any question of parking or where other people are going to park and how it effects other the businesses. Mayor Thomson explains Sam is parking a food truck in a parking lot that has fifteen (15) parking stalls in it and no other businesses. You are parking a food truck in your existing parking lot that is already dedicated to your Hotel and the City is asking if there adequate room for both business there. That's the question, has nothing to do with what Sam is doing across the street. Councilperson Hinz stated don't try to making an issue out of something that is not an issue because it is not an issue. Councilperson Hinz made a motion to approve as long as food Camille's Crepes with the caveat that the truck does *not* take up any of the existing parking spaces away from the Hillside Suite. Councilperson Benglan seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous. Cody explained he has a lease on that parking lot and so does another food truck, sounds like that lease expires at the end of the month. Councilperson Benglan explains the city will go in tomorrow and measure it and if it's not an issue you guys will be approved. The City wants verification that the food truck will fit and not take up any of the hotel assigned parking spaces.

C) Eruption Brewing – Food truck on parking lot at 15 N. 3rd East until restaurant is finished – Sam Netuschil, Owner/Applicant (New License):

Councilperson Benglan made a motion to approve business license for Eruption Brewing. Councilperson Hinz questioned truck placement, parking lot or alley. Sam responded parking lot. Councilperson Hinz seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous

D) Hanson Janitorial Supply, Inc. (Expired License Renewal): Councilperson Frandsen made a motion to approve. Councilperson Hinz seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

E) Healthy Home Environmental Services – Jeffrey S. Parsons, Owner/Applicant (New License): Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

F) Lava Flow – White Water River Tubing – Sam Netuschil, Owner/Applicant (New License): Councilperson Benglan asked Sam Netuschil if the Lava flow business will be located at Mountain Mayhem location or at the Pancake House location. Sam replied the Pancake House location. Councilperson Benglan reported he feels like the city should have a site plan for this location since multiple business will be ran out of the parking lot. The council already approved the food truck based on parking requirements and now you would like us to approve a 2nd business in the same location. Sam explains the tube rental will be near Main Street. City Clerk Canda Dimick asked Sam to clarify when he original discussed this with the City it was going to be purchase of the property and today you brought in a real-estate lease. The question that came up are you leasing the entire parking lot and what about the other leases that were on that parking lot, are they still valid. Sam reported they are leasing the entire property and working towards the purchase with the bank. It will take time with the bank and we wanted to get started with these business. The other leases that were on the property were *not* renewed and the owner has contacted everybody. The leases are not in force anymore. Councilperson Benglan asked if the Del Los Reyes lease is no longer valid. Sam replies that is what he understands from the owners. Councilperson Hinz explains they were just told otherwise. Sam explained he is not sure if the verbiage in their leases where month-month but, we did a lease with the option to purchase. It's a little bit more than just a lease and we've put down payment money and everything. According to the owner he has talked to everyone about their leases. Councilperson Benglan explained he would like to see a site plan for the entire parking lot. The council just approved a food truck based on having fifteen (15) parking stalls but, now that a tube rental is taking up some of those parking stalls we need a site plan. It's not that I'm opposed to this we need to be clear on what you are doing. Sam expresses he is frustrated he was not asked to supply a site map with his business license. I can explain and establish that there is plenty of parking. I will only be taking up the front three (3) spots of parking by

Main Street for the tube rental business. Where we are not using the restaurant right now. Can we establish that there is plenty of parking and move forward? Councilperson Benglan explains due to the multiple business the code enforcer or staff should have required a site plan. Sam asked if they could approve the usage and parking they are doing right now. Lindsey McCulloch, City Code Enforcement Officer questioned the requirement for tube stand parking. Councilperson Hinz explains the tube stand takes up real estate on that parking lot. The council needs an understanding of how many spaces will be used for the tube stand. Mayor announced if the business is located on leased property the lease agreement is required to be attached to the business license and it is not attached. Sam explained he submitted the lease today to the City. Council questioned who has leases on the parking lot. Sam explains his lease says the entirety of the property. Cody Del Los Reyes with the Lava Hillside Suites announced he wants to clarify that the lease with the Lava Hillside Suites on that property did end and I want to note that the City did *not* asked those question when that business license was approved. That lease has been terminate with them they no longer need the parking spots, not sure about the other lease. I want it noted on the record that the City didn't bring up that truck but, brought it up on a truck to approve on their property. Mayor Thomson explained Sam is parking a food truck in a parking lot that has fifteen (15) parking stalls with no other businesses. Sam's business license application for Lava Flow indicates name change from Mountain Mayhem but, the address is 15 n 3rd confusion on the application. Councilperson Benglan made a motion to approve Lava Flow contingent on submittal of site plan with measured verification that parking ordinance is being met. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

G) Marsh Valley Electric, LLC – Sheldon Barfuss, Owner/Applicant (Expired License Renewal): Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

H) Moonlight Cottage – 155 W. Main Street – Vacation Rental - Taylor Olney, Owner/Applicant (New License): Taylor Olney explained he purchased Carolyn's Cottage property. Mayor Thomson noted the application says it's for accommodation. Taylor explained when he worked with the State of Idaho for his tax permit the State said to put it down as accommodation and he put it on the city application. He sent an email yesterday explaining he is doing nightly rentals as per previously owner. Councilperson Benglan asked if this is one of the property that is grandfather in and we are just moving it to a new owner. Taylor responded

that is correct. Councilperson Hinz explained they will need to submit a sign permit. Taylor explained his realtor is purchasing his sign for a gift and as soon as he receive the detail he will submit. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

I) Sign Up Signs & Graphics – Jeremy McLaughlin, Owner/Applicant (New License): Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

J) The Dog House Concessions & Snacks, LLC – Holly Owens, Owner/Applicant (Expired License Renewal): Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

Alcohol Catering Permit – 289 E. 1st Alley S. – DLR Enterprises, LLC: Brandon Del Los Reyes explained that the initial intent was to serve alcohol to guests. He received some information from Gary Cooper, City Attorney saying that you don't need a catering permit if the premises are already license. I'm doing to have to work through ABC (Alcohol Beverage Control) not through the city. Gary explained there is a statues that allows city and counties to issue catering permits but they are prohibited from issuing a catering permit on the same licensed premises. That is what they are requesting and the city can't issue a catering permit. Gary explained to the Del Los Reyes that they will need to go back to the Idaho State Liquor Division and get them to expand the area you can sell to. Brandon explains they have reached out to them and any responds they get they will forward to the city's code enforcer officer and the city clerk. Councilperson Frandsen made a motion to deny catering permit because the city doesn't have jurisdiction to offer it. Councilperson Benglan seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

East Elm Street/East 1st Alley South Closure – July 3, 2020 – Brandon De Los Reyes - ACTION ITEM: Cody Del Los Reyes explained that the proposed closures is to help out neighbors and emergency services access to the area. They think it would be best to close down to all vehicles except local residents. Kelly Osborne asked about their guest access on the street. Cody explained the whole

point would be to reduce any issue with parking so, it should be held just to residents only. Those are the complaints the city is getting they really are just trying to prevent any complaints from coming in on that day. Brandon Del Los Reyes explained the city can act on this however they want. These is us trying to offer and avoid any parking issues on that day. This was an open suggestion to the city council, they can do with it what they want. Christina Dunyon voiced her concerns with emergency vehicles not being able to access the road. She has a child who has medical issues. Kelly Osborne addressed her concerns she has guest coming for the weekend and need to be able to get to her house. Sandra Drummond addressed her concerns with emergency vehicles not being able to access the road she has medical issues and other safety concerns from prior years. Christina Dunyon questioned why the street is only closed for the 3rd and not for the entire weekend or all the time. Councilperson Benglan questioned the Mayor if this subject is open for public discussion, the council hasn't discussed it. Mayor Thomson reported there are pros and cons for the closure. The con is we need egress for emergency vehicles both for the residents and Cody's guest. If we block off the street and create parking for residents only and resident's only guest I don't see how that is any different or less than normal parking. Mayor Thomson addressed illegally parking in that area and addressed the ordinance for parallel parking only on street in city limits. Christina Dunyon asked for permission to park and allow others to park in her vacant lot temporarily. Councilperson Benglan made a motion to keep the street and alley opened. Councilperson Hinz seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous. City Clerk Canda Dimick addressed parking on vacant lots with Christina, they can't be parking with camp trailers, campers or anything like that. Christina verified motor vehicles, cars only.

Non-Property Tax Permit(s):

A) Camille's Crepes, LLC – Camille Gilbert, Owner/Applicant:

Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

B) Eruption Brewing – Dempsey Creek Inc./Sam Netuschil,

Owner/Applicant: Councilperson Hinz made a motion to approve.

Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

Sign Permit(s):

A) Eruption Brew Pub/Lava Flow White Water River Tubing/Adventure Vacation Rentals – 15 N. 3rd East - Sam Netuschil, Owner/Applicant: City Clerk Canda Dimick asked Sam when he plans to put sign up. The sign application is advertising for multiple business and not all have been approved. Sam responds they will put “coming soon” for the business not approved at this time and will update sign as businesses are approved. Councilperson Hinz verified with Sam that he is going to “coming soon” on the Brew Pub and the vacation rentals. Sam agreed. Councilperson Hinz asked Lindsey if it meets all the requirements. Clerk Canda Dimick responded it’s in an existing sign. Councilperson Hinz asked if it meets all the requirements. Clerk Canda Dimick asked Sam if it hangs over the property, over the sidewalk. Sam replied no. Clerk Canda Dimick reported the sign is on private property the only thing the city has that would regulate it is if it’s hanging over the sidewalk and the size. Councilperson Hinz made a motion to approve sign with the “coming soon” over the Brew Pub and the vacation rentals temporarily. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

B) Camille’s Crepes – 289 E. 1st Alley South – Camille Gilbert, Owner/Applicant: Camille explained a picture was sent with the application it is a yard flag sign. Mayor Thomson asked if it’s going to set next to the food truck and on private property. Camille agreed. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

Streets/Sidewalks:

A) South 2nd West Curb & Gutter Cost Estimate Update: Lindsey McCulloch, City Code Enforcement Officer reported that Tony Hobson, City Maintenance is still working on getting bids from contractor for the concrete work. Mayor Thomson reported on one bid received for around fifteen thousand (15,000.00) dollars. Working on a second bid from the contractor who is doing Kody Tillotson concrete project and hoping to get a few more complete bidding. When a job is over ten thousand (10,000.00) dollars the contractor has to have an Idaho Works license. Lindsey McCulloch, City Code Enforcement Officer reported both property owners are concerned with cost. One of the property owners has talked with Tony about capping and I haven’t heard anything from Tony. Councilperson Guthrie reported Kenny Knowles has talked to her and he is wondering why he would have to replace all of his sidewalk when just part of it broke up and another concern is why he would have to be liable for the sidewalk.

He questioned why there is no sidewalk across the street and the cost to him to maintain the sidewalk by his property, doesn't seem fair. Mayor Thomson explained that curb and gutter is a standard size and when you put it in the existing sidewalk has to line up with the curb and gutter. If it doesn't it creates a tripping hazard and on 2nd Street there is going to be some areas that cause a four (4) inch difference. The sidewalk needs to be addressed at the same time the curb & gutter is scheduled to be put in. The concerns is some of the sidewalk was breaking up in that area and the City received several complaints. There are valid reason for replacing or upgrading. Councilperson Frandsen explained the property owner are responsible for maintaining the sidewalks. Councilperson Hinz reported he believes the reason the sidewalk is there is because it's a school access street. Mayor Thomson reported we are still working on the bids for that area.

B) East Portneuf Street – Gail Palen - ACTION ITEM: Mayor Thomson addressed the city's property north of the Riverside Hotel. Gail explained the strip to council. A ten (10) foot strip of road ran down the north side of road and that was deeded to the City from Mr. Hall. Gail discussed a section that is twenty (20) feet were the rest is ten (10) feet and a section that they are paying taxes on for a least thirty (30) years. Gary Cooper, City Attorney reported he has been discussing issue with Gail Palen's attorney. Gary reviewed the number of issues with the strip of property and feels that there is a deal to be made. At one time there was a proposal on the table to maybe sale the strip of property between the Hotel and the river to Mrs. Palen. At that time we discovered that there was a deed that had some restrictions on it. There is also the issue with the title to the property that Mrs. Palen was talking about that still is in the Hall estate I believe, I know it's not in the City or Mrs. Palen name. There is some issues with Mrs. Palen paying taxes on it, the city water line going across Mrs. Palens property it cuts across the corner of that property and there is a desire to put barriers to prevent vehicle traffic. There is a number of issue and it's really difficult to put anything together between the two attorneys. In the past the Mayor and at least one city council member meet with all parties and reported back to council and the council made the final decision. Gary recommends assigning a committee to negotiate a deal with all parties and present it to the council for consideration. If the negotiation is reach for a sale of property then a public hearing is required and guidelines need to be followed. The committee may need to document easements, water line location a possible and there could be other items that need to be addressed at the same time. Councilperson Frandsen made a motion to assign the Mayor and a one (1) council member assigned to negotiate. Councilperson Benglan seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous. Mayor Thomson will talk with council

members to see which one will meet with him. Gary Cooper, City Attorney reported he needs to be involved in the negotiation. Try to schedule meeting within next two (2) weeks.

Sewage Back Up Concern – Gail Palen: Gail Palen reported they are having a sewer problem and it started to accrue after the road was dug up and the new line was put in. She's had to call in Rotor Rooter about four (4) times since then. She had a plumber out yesterday and she may need to get with Tony so he can identify where exactly all the sewer and water lines are located. They need to get the issue resolved but, it's difficult due to how old the piping is in that area. The plumber is bring a camera next week hoping to locate the issue. Mayor Thomson asked if it's a sewer line or a water discharge line. Gail responds her understanding is it's both. Discussion followed on the discharge line from the hot tubs in the Hotel and sewer backup concerns. Mayor Thomson reported he will visit with Tony Hobson, City Maintenance about the issue and asked Gail to let him know when the plumber is schedule to run the camera because he would like to know the results. Gail reported that when Kody remodeled the restaurant he provide her with a map of the lines and which direction the lines where running. Gary Cooper, City Attorney informed Gail that there are formal requirements to file a tart claim if she thinks the city is at fault and she needs to follow the claim process, it can be barred if she doesn't. Gail agreed and she won't do anything until she knows what the issue is and if the city is at fault she will follow Gary's advice. Councilperson Frandsen suggested that Tony go over when the plumber is there and review what the issue is. Mayor Thomson will work with Tony

Water Hookup Fee Increase - ACTION ITEM: Mayor Thomson reported Tony Hobson, City Maintenance has been working on completing this list to determine what increase the city needs on water hookup and reviewed list with council. The City is losing money. Most of the older meter are $\frac{3}{4}$ inch and one (1) inch is standard now. City Clerk Canda Dimick reported Tony is still working on the cost for three (3) inch and four (4) inch meters. Public Hearing will be required. Councilperson Hinz made a motion to table. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:

A) Direct Communication Franchise Agreement Meeting Report: Mayor Thomson reported the meeting with Direct Communications was successful and they are wanting to expand their fiber optic service. Gary Cooper, City Attorney didn't agree with their assessment that the city couldn't impose a franchise fee.

There are other ways to impose fees by right-of-way agreement fees or permit fees. They are wanting the city to allow them to use a new technology call Micro-trenching which would allow them to go down the streets with very little damage to the streets and expand the service broader than it is right now. Gary explained option one (1) is to charge a fee every time they come and access their cable. That would allow us to know exactly when and where they are working in the City and that would allow us to coordinate other services. Or does the city want a onetime fee that covers everything which would include any city expenses for example dig line. Gary announced meeting on June 16th and asked the council to let him know if they have any input or directions for the meeting. They're a good company and understand the City position on fees. Councilperson Hinz reported his initial thought is yes we want the fee but, at the same time all this fees are passed on to the customers and our residents will be paying more for the service. Brian explained city expense should be part of the agreement because it's costing the city, for example dig line. Discussion followed. Gary agreed with Councilperson Hinz. Direct Communication is open to providing broad band services to the city. Gary Cooper asked council to think about it and send their comments to those who will be attending the meeting with Direct Communications next week.

B) Bannock County Emergency Response Organization (ERO) Meeting

Request – ACTION ITEM: City Clerk Canda Dimick addressed the email received and provided to council. They are asking if the City would meet with them to discuss their emergency response organization. Discussion followed. Councilperson Hinz made a motion to let the volunteer of the Mayor to attend the meeting. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

C) COVID 19 Re-opening plan & Increase in personnel hours - ACTION

ITEM: Mayor Thomson reported on the Governor's re-opening plan. Stage 3 ends tomorrow. Public restroom custodians have been hired back. Becky Delong cleans, stocks, opens and closes the restrooms at Veterans Park and Buddy Campbell Park on Tuesday, Wednesday and Thursday. Michael Peck hours have been expanded to full time (seasonal) duties. His hours will be four (4) ten (10) days, Friday, Saturday, Sunday & Monday. His duties include pick-up trash, dump garbage cans and clean restrooms and porta pots more frequently on weekends. Water fountains will not be opened. Councilperson Hinz made a motion to hire Michael Peck seasonal full time. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

D) Miscellaneous: None.

Projects:

A) Water Improvement Project:

1) Punch List – Keller Associates - ACTION ITEM: Mathew Hill, City Engineer reported after Mays council meeting punch list was sent to Knife River. Seventy (70) items on the punch list have been separated into punch list and warranty list items. Final completion date scheduled for June 21st, 2020. Punch list was drafted last fall. Some items could not be addressed because of snow on the ground and they couldn't see items. The punch list was issued on items done on October of last year, 2019. That list had around thirty seven (37) items. In April of 2020 we went around with Tony and found items that had settled or sunk which are warranty items. Councilperson Hinz announced the punch list wasn't completed in October of 2019 because of snow on the ground. Bryan Phinney agreed. Councilperson Frandsen made a motion for Keller's to direct Knife River to complete punch list by June 21st. Councilperson Hinz seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

Bryan Phinney explained the difference between a punch list item and a warranty item general consideration in the construction industry. This is not a Webster Dictionary definition there is certainly grey areas around this. Generally a punch list is an item in the contract that is not complete. Bryan gave some examples. A warranty item is an item that is complete then a defect that's accrued after that item was completed. Bryan gave some examples. A warranty item can be repaired and an additional one (1) warranty can be required. Mathew Hill addressed item on the punch list. Bryan reported Dustin, South East Idaho manager for Knife River is meeting Bryan and Tony Hobson, City Maintenance, on site next week to inspect the key and valve boxes to find out what the problem are with them. Item two (2) on the punch list and will be removed and placed on the warranty list. Knife River is scheduling to take care of valve box issues and to repair asphalts late July early August. Asphalt is scheduled to be done before the city starts the Chip Seal project. Mathew addressed item number four (4) on the cross walks on Main Street. Knife River has asked and questioned the Chip Seal project the city has planned later this year and is wondering if the City wants them to repaint/replace crosswalks on Main Street due to the Chip Seal project scheduled. Councilperson Hinz answered yes the city is a busy community and sidewalks need to be marked. City Clerk Canda Dimick explained most of the crosswalks are thermal. Bryan addressed the thermal and feels Knife River needs to replace with like material that

is there. Mathew addressed number sixteen (16) for the Condo's north end replacing red cinders under trees. The cinders were buried under a thick mat of pine needles. It was identified as a natural surface restoration and didn't call out landscaping because the surface is covered with pine needles. Knife River indicated they can put down cinder with a charge of twenty (20.00) dollars a foot and estimate there is about eighty (80) feet to feel. The charge would be around sixteen hundred (1,600.00) dollars to have Knife River do that. Bryan reported Keller's went back and reviewed the photo pre-construction there are cinders in some spots but, the majority of areas are covered several layers deep of pine needles, two (2) to three (3) inches deep of pine needles that have come off the trees. There has been very limited maintenance on the cinders under those trees. Mayor Thomson reported he was there when Eddie with Keller's and Tony Hobson, City Maintenance. Eddie dug through the pine needles with a shovel and found very little cinders under the trees. Mayor Thomson agrees with Bryan if it had been maintained landscape up until the time the project started then it could be considered. Councilperson Guthrie agreed with the Mayor. Councilperson Frandsen stated the State Foundation is taking out cinders at the pools and the Condos could have them if they want them. Mathew suggested the cinders could be stock piled there and the Condos could do it when they have available time. Bryan addressed Councilperson Frandsen that it could be a win-win, the cinders could be given to the Condos and they can use them where they would like to. Arrangement would be aside from project. City will not require landscaping and cinder replacement at Condos and it will not be included on the punch list. Mathew continued with item twenty one (21) asphalt patch is pulling away, settled, and sinking and needs some attention. Bryan reported that Dustin with Knife River identified that it's a bad tack job. Normally when new asphalt is laid the old asphalt is tacked so the new asphalt will stick to it and the reason the crack appeared was because of a bad tack job. Normally a crack seal is done. From the photo you can see they used a very thin product and it didn't hold up. Bryan will walk this area again with Dustin when they're checking the valves. Mathew reported on items twenty seven (27) & twenty nine (29) asphalt patches settling, a safety concerns, needs to be addressed immediately. Areas of concerns are 3rd W. & Fife and 2nd W. & Elm. Items thirty eight (38) and thirty nine (39) are on Merle Street just west of 1st W. Surface repairs from last fall have sunk and settled. Knife River placed soil and grass seed in both of those areas this spring. Tony Hobson, City Maintenance has reported to him that the property owner wasn't happy with the fix as it looks today. He explained the drawings don't specifically call out sod it's just a surface restoration so the contractor has restored the surface. It's a method that takes a little bit longer. Bryan explained the property owner is the City the adjacent property owner is who is not happy with it. We allowed the

contractor to use sod or seed and Knife River choose sod on the first round. This time rather than peeling up the sod and trying to place material underneath they went over the top of it with material. There was concern that they wouldn't be able to get it laid in there and keep it from settling again. Then they placed seed. Bryan explained that both Mathew and Eddie have confirmed that grass is germinating, starting to come up. Mayor Thomson agreed the property owner is the city and it will be just fine. Keller's will not make any further comments on items thirty eight (38) and thirty nine (39) at this time. Matthew reported it has a one (1) year warranty and will look at it within that year. Mathew reported one hydrant had chips and paint does not appear to meet specs. Keller's intends to follow up on the fire hydrant. Bryan explained the fire hydrant manufacturer has a portal call for touchin up their fire hydrant and they use a very specific type of paint. Keller's is going to ask that Knife River follow the manufacture recommendations for paint touch up. Hydrants have a special paint that doesn't fade. Councilperson Hinz questioned cleaning up status of the staging area. Mathew reported it's under the warranty item number twenty five (25). Bryan addressed number one (1) is the transmission line. When they walked the transmission line they found straw waddles, silk fence, ends of pipes that where cut off. They need to get that debris picked up. The Staging area item number twenty five (25) it has come to our attention that Knife River wasn't the only one who placed material in that area. Another paving contractor that was working on a contract independent from Knife River also placed material in the staging area. Bryan drove through the staging area and his concern was the big chunks of debris that are on top of the surface that makes that area unusable for a parking area. Dustin with Knife River confirmed that if there are things in that area they need to be cleaned up. The question is if they got buried as fill material to bring that area up then it gets difficult because more than one contractor placed debris in that area. Councilperson Frandsen questioned the area where they specifically dug a big deep trench hole and buried stuff. Bryan explains that is what he is talking about. That area where they dug the deep trench and we have photos of it was brought to our attention that another contractor had dumped in it and that was confirmed by city staff. Mickelson Construction also dumped in the area. They thought it was a joint location. Councilperson Hinz asked who gave them approval. Bryan responds great question he has no ideal. Mathew responds they were *not* notified by Mickelson or Knife River. Keller's arrived on site and seen the trench and they were dumping asphalt, which was the first time they were aware of it. Eddie and Tony where there and Eddie took photo of them doing it and some of the chunks that went in there were big and we were concerned. We have no idea who gave them permission or how it was compacted and if any of the chucks were bigger than three (3) inches in dimension that is a problem. Councilperson Hinz reported there

are chucks sticking up all over the area and they are five (5) times that size. Bryan reported there was stuff laying on the surface but, I didn't see anything sticking out of the ground but, we know from the photographic evidence on some of the sizes of pieces that were being placed in there and they were at least eighteen (18) inches in multiple dimensions if not twenty four (24) inches. That stuff can bridge and can cause voids if that doesn't get compacted correctly. At this point, I think Knife River cleanup the surface and the recommendation might be is the warranty on it will run into next spring and if we get any settlement we can have them come back and add more material to that parking lot to address that settlement because of that material being placed in there. This is not as good as taking it out but, it would be an intermediate step at least. Discussion followed. Councilperson Hinz volunteered to walk the site and take picture if there are any chucks sticking up from the surface. Bryan reported there are some surface cleanup still required and he will ask Knife River to clean them up. Councilperson Hinz asked about Knife River re-seed the area. Mathew reported will follow-up with Knife River on seeding the staging area. Mathew will make sure permanent monuments are restored. Mathew continue with nineteen (19) 2nd west and Main Street a valve that is not working was added to list. There is discrepancy on Center Street tie in the asphalt has settled and will need to be addressed. Item forty four, forty five, forty six, forty eight and fifty one (44, 45, 46, 48 & 51) they are all items that Knife River noted are allowable tolerance of being acceptable. They have been added to the warranty list. Brian discussed number forty four (44) valley gutter on Elm & 1st East drain by the Blue Moon. The valley gutter was poured to match the crown of the road way. That is an area where the French drain was discovered and some pipe was extended to eventually pipe down into the city storm drain system. At that intersection the way everything was built to get everything tied in there should have been a pipe trench that went through there. Knife River looked at that valley gutter and knew there was going to be an issue when they dug into the French drain and they asked at the time if they could replace the valley gutter. They did and it's new concrete, well poured. The problem is it created a bird bath on the south side of the street because the valley gutter is crowned in the middle. Normally when a valley gutter is built it's built at a common slope across the gutter so, everything drains. In order to do that they would have to cut the asphalt back further, feather the asphalt to the crown on the road into the valley gutter and they didn't do that. It would have been more asphalt replacement. That area has been identified for a catch basin and an extension of a storm drain Bryan recommended leaving situation and address it with future drain project, two to three (2-3) years from now. Councilperson Hinz recommended passing it on and address with future drainage project. Keller's will finalize list tomorrow and submit to Knife River based on Mayor and Council input. Councilperson Hinz

made a motion for Keller's to submit revised punch list to Knife River. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

2) Knife River Corporation – Mountain West - Notice of Claim - Schedule Executive Session - ACTION ITEM:

Gary Cooper, City Attorney suggested scheduling an executive session the week of June 22nd, teleconference. Councilperson Hinz made a motion to schedule executive session in regards to the Knife River Corporation, Mountain West notice of claim on June 25, 6:00 p.m. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

B) Buddy Campbell Park Expansion Project:

1) Healthy Home Environmental Services Asbestos Inspection & Testing Results – ACTION ITEM: Mayor Thomson reported test results received. The only asbestos that needs to be addressed is in the siding. Once the siding is removed the house can be torn down. Councilperson Guthrie made a motion to discuss plan of abatement next month. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

C) Fire Station Addition Update: City Clerk Canda Dimick reported she is working on scheduling a meeting with Chris Jensen, Idaho Division of Building Safety to discuss construction options.

D) Wastewater Land Application Site Photovoltaic Relocation Feasibility Study:

1) Authorization to Release Transmission Data to PacifiCorp - ACTION ITEM: Bryan Phinney, City Engineer explained the need to authorize release. Transmission data will be released from the distribution side so they can talk with the generation side of Pacific Corp because there is a perceived conflict of interest there. They will not talk with each other unless they have a release form the client, which is the city. Councilperson Hinz made a motion to approve Pacific Corp release from so their left hand can talk with their right hand at Pacific Corp. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

E) Tennis/Pickle Ball Court Resurfacing Bids – Ron Hunt - ACTION ITEM:

Ron Hunt requested the council to entertain rebidding project in July 2020. Designing a new scope of work. Councilperson Frandsen made a motion to table

until next month meetings. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

F) Miscellaneous: None

Discussion: None

Motion to adjourn - ACTION ITEM: Councilperson Guthrie made a motion to adjourn. Councilperson Frandsen & Benglan both seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan-Aye, and Frandsen-Aye, Hinz-Aye, All voted aye, unanimous.

Meeting adjourned at 11:27 p.m.

Amantha Sierra, Transcriber

Jon Thomson, Mayor

Canda L. Dimick, City Clerk