

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, January 10, 2019 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Rickey Frandsen, Councilperson
Lisa Guthrie, Councilperson
Brian Hinz, Councilperson
Jon Thomson, Councilperson
Gary Cooper, City Attorney
Dennis Callahan, Code Enforcement Officer
Canda Dimick, City Clerk
Amantha Sierra, Office Assistant

Excused: T. Paul Davids III, Mayor

Guests: Kelly Myers & daughter, Brigetta Bright, Dan Roberts, Officer Taysom, Aaron Swenson, Doug Potter

Jon Thomson, Councilperson called meeting to order and announced Mayor Davids will not be in attendance. Councilperson Jon Thomson introduced himself and explained he would be running the meeting tonight. He announces this is the City's regular scheduled council meeting and agenda deadline for February 14, 2019 meeting will be February 7, 2019. The Pledge of Allegiance is led by Councilperson Thomson.

Approval of Minutes (December 13, 2018) ACTION ITEM: City Clerk Dimick reported a correction to the minutes is required the meeting adjourned at 8:35 p.m. not 7:35 p.m. Councilperson Hinz made a motion to approve minutes with time change. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Review & Approve Bills ACTION ITEM: City Clerk Dimick reviewed bills with Council. The invoice from Forsgren to be held until later in the meeting when Forsgren engineer reviews the engineering plans on the ADA Ramp project. Councilperson Hinz made a motion to approve with the exception of Forsgren invoice. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement

A) Public Nuisances

1) Unlicensed vehicles on private property report – Dennis Callahan, Code Enforcement Officer: Dennis Callahan, Code Enforcement Officer reported on compiled list of homeowners that have cars with outdated registration. Notices to be sent out in the springtime when vehicles can be moved.

2) Tree Trimming & Intersecting Traffic Vision Impairments ACTION

ITEM: Dennis Callahan, Code Enforcement Officer reported that Tony has not said anything to Dennis about any trees which are causing problems to the City's equipment. The list he compiled for the tree trimming and intersecting traffic vision impairment Mayor Davids has told Dennis that it will be held off until this springtime. Councilperson Hinz made a motion to postpone tree trimming until next month. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

3) Nightly Rental Violations Report: Dennis Callahan, Code Enforcement Officer reported he does not have a report. Mayor Davids was working with the property owners. No certificate of occupancy (CO) for eight (8) unit nightly rental issued. City Clerk Dimick reported the owners are working on the concrete, one layer poured and another scheduled. They have to get the concrete work down so that the fire suppression system won't freeze and can be activated then the state can do the inspection for the CO.

B) Notice of Proposed Dismissal for Inactivity – Case No CV-2017-4184 -

ACTION ITEM: Dennis Callahan, Code Enforcement Officer explained why the City filed a small claims action with the courts. A while back the City had some of Steve Jones lots cleaned and he never has paid the City for the cleanup. He sold the property and the city was unable to put a lien on the property. The City filed a small claims action and Dennis was told at the time the chances of collecting on it was slim due to Steve living in Utah, it is difficult to collect in another state. A certified letter was sent and it came back as undeliverable. The city has no other address for Steve Jones. Case No CV-2017-4184 dismissed for inactivity. Gary Cooper, City Attorney explained rule and law in Idaho. An attorney cannot be involved in a small claims court action. An attorney can't even advise people about it but, if this case has already been dismissed for inactivity that's going to prohibit the City from filing any other action. Attorney advised to let this situation be a learning lesson and in the future always work through the attorney. Councilperson Hinz made a motion to accept dismissal. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Monthly Law Enforcement/Code Enforcement Miscellaneous Reports:

Dennis Callahan, Code Enforcement Officer presented a letter from the City of Pocatello on proposed contract changes for next month agenda consideration. The old contract was if the code officer took in an animal to the Pocatello animal shelter the City would pay. They are asking to change the contract to read if anyone from Lava takes in an animal to Pocatello's animal shelter the City of Lava will pay. Dennis feels there is no checks and balances with the requested changes to the contract.

Councilperson Thomson inquired about status of a chipping clinic. Dennis Callahan, Code Enforcement Officer reported that it's up to city council to plan if desired. It was cancelled when the Shelter hired a new director.

Dennis Callahan, Code Enforcement Officer presented on off-street parking list he compiled.

Deputy Taysom addressed brief plans for next year coverage. Council explained they didn't receive the Bannock County Sheriff report for the month. Deputy Taysom will let Captain Argyle know that Lava missed the report for this month. He knows that they are trying to tweak the report a little. Council commented that last month's report was great, easy to read, perfect. Mountain Lion episode last week in the City limits briefly discussed.

Garbage Service Charges 143 West Main– Dan Roberts ACTION ITEM: Dan Roberts reported to City Council that he discovered that he has been over billed for the last seven years for double billing around eight or seven thousand dollars (7 or 8). They have been charged for two (2) cans instead of one (1). MRE is willing to write off two (2) months. Dan explained they got rid of their small can and got a large commercial can and MRE started picking up the garbage in the back. When the City stopped billing for the garbage charge this last October they got a card from MRE that separated the can charges and found out they were being billed for two (2) cans and they have not had a little can for years. I called the City and asked them about the billing and the city software cannot handle the separation of cans and they only bill the dollar amount MRE billed. Dan assumed the commercial can charge was sixty five dollars (65.00) a month until they stopped billing through the City. He feels they should receive more of a settlement. Councilperson Thomson explained the city is a bill collector for MRE. The City

billed for MRE garbage service on the City water statements per the amount MRE billed. MRE took over the commercial billing process. The reason for the change was for better service for the commercial account. Dan explained he proposed to MRE that he deserve a larger refund than the two months (2) he has offered and was told that there is no way to prove how many cans they have had. He is hoping the city can help. Councilperson Thomson explained there is nothing the City can do. The City billed according to MRE dollar amount billed. Dan will need to work with MRE. Councilperson Hinz made a motion to recommend Dan to work with MR&E. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

1 %T Proposals – ALL ACTION ITEMS

A) 2019 Marketing Plan – Lava Chamber of Commerce: Line item increases on 2019 marketing plan explained by Brigitta Bright. Local postcards plan to send out three (3) times per year to educate locals on events. Post cards mailed out by route. Plan to add more advertisement for Fire & Ice. Brigitta reviewed web service they currently are using and would like to promote more. Councilperson Hinz made a motion to approve thirty eight thousand four hundred and twenty five dollars (38,425.00). Canda reviewed the funds with council and explained her concerns with the current proposal for future years. Brigitta explained they can adjusted the budget if need be for future years. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

B) Fire & Ice Assistant Coordinator – Lava Chamber of Commerce: Kelly presented plans to hire an assistant to help her with Fire & Ice. She reviewed the hours for the two employees hired last year for Fire and Ice. The two employees, Britney and Sophia, accumulated over five hundred hours for Fire & Ice in 2018. This year the Chamber voted to hire an assistance to help Kelly with the event. This person would help Kelly the week leading up to the event, not necessary the planning that happens before the event, the event itself and clean up. Kelly explained that there are times she will not be able to be at the event. Councilperson Hinz asked about the fifteen hundred (1,500.00) that the Chamber mentioned at the last council meeting that they had budgeted towards the assistant coordinator the chamber would like to hire. Kelly explained The Chamber is willing to pay over if the assistant time exceeds the two thousand dollars (2,000.00) requested. Kelly explained the fifteen hundred dollars (1,500.00) is a bonus for her. Brigitta Bright spoke up and said it is not a bonus it's for hours that she spends on Fire & Ice. The hours are way more than the usually time she spends every other month doing stuff. Kelly continues to say that billing all those

hours increase with the event and that is stuff she cannot bill the City. Councilperson Hinz explained the way it was present at the last meeting The Chamber was putting fifteen hundred (1,500.00) towards the extra position and that they were asking an additional two thousand dollars (2,000.00) from the City. Kelly explained last year each coordinator got two thousand dollars (2,000.00) from the City. The request this year was figured from December to the event and now that it's approved they don't believe they will need that amount because it's only three weeks away. Kelly doesn't see it going over two thousand dollars (2,000.00) but, the Chamber did discuss the hours if they go over and agreed to pay the additional. This person will be twelve dollars per hour (12.00). City Clerk Dimick explained this person will need to be hired by the City and paid directly to that person by the City. Councilperson Frandsen made a motion to employ an assistant for Fire & Ice at twelve dollars per hour (12.00) up to two thousand dollars (2,000.00) max. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Lava Chamber of Commerce:

A) Fire & Ice Update – Kelly Myers, Event Coordinator: Kelly asked if Ken Fagnant signed the permit he told me he signed. Councilperson Hinz asked what was decided on Whalen Rife Non-Fire engine. Kelly explained that Ken said as long as Whalen complies with the following it's fine. Doesn't do anything around power cords, structures, trees and he provides a written plan. Kelly mentioned that there will be no expo or beer garden this year, will look at next year. Kelly put a call into the Sheriff's office to coordinate extra patrol. Hours for extra patrol discussed with Officer Taysom who is in attendance at the meeting. Kelly would like extra patrol hours on Saturday from 1:00 p.m. to 1:00 a.m. starting with crowd control at the Polar Bear float. Sunday at the running of the bull event, last year they had search and rescue come in and shut down the street during the run. Extra patrol will be billed to the City and be reimbursed by the Chamber.

Business License(s)/Alcohol Beverage Licenses(s)/Coin-Op License(s) ALL ACTION ITEMS

A) Proposed Amendments to Title 3 Business License Regulations – Gary Cooper City Attorney: Gary Cooper, City Attorney explained at prior meetings there was question if the City can require liability insurance on recreational vehicle rentals under the current ordinance and homes being rented long term should they require a business license. Gary has provided Mayor and Council with a proposal on all three concerns, vacation rentals, long term dwelling rentals and recreational vehicles. Discussion followed. Gary asked city council to compare changes to the existing ordinance, bold type is changes. The current ordinance says a business

license is required for anyone doing business in Lava Hot Springs. Councilperson Hinz made a motion to table for further discussion. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Era Development, LLC – Seth C. Wistisen, Owner/Applicant:

Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Gunter Construction & Lost in Lava – Gavin Gunter, Owner/Applicant:

Councilperson Hinz made a motion to approve Gunter Construction & Lost in Lava. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Lava Hillside Suites – DLR Enterprises LLC – Bandon/Cody De Los Reyes, Owners/Applicants: Councilperson Hinz made a motion to deny until certificate of occupancy is issued. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Superior Asphalt - Keith Ankrum, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Non-Property Tax Permit(s) ALL ACTION ITEMS

A) DLR Enterprises – DBA Hillside Suites: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) SICO America Inc.: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) United States Golf Association: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Building Permit(s)

A) Building Permit Report – Dennis Callahan, City Code Enforcement Officer: Dennis Callahan, Code Enforcement Officer reported that the State had trouble emailing the report and he never received it. Dennis reported Cochran's received their CO (certificate of occupancy). Jeff, State inspector is going to contract Taylor's about their patio deck. The Lyon's received their CO on their deck. Pagnotto's has been billed on their permit. Reviewed open permits from 2017, Guthrie Cabin expired. Blue Moon Breeze way, Pagnotto, and Guthrie

bathroom waiting for final inspection on electrical, Jeff is going to contact Guthrie and Pagnotto about getting the final inspection on these two (2) permits. Patterson's received their CO on the carport. Councilperson Thomson asked about Beckstead final CO. Dennis responded a CO has not been issued.

B) Century Link Roof Encroachment - ACTION ITEM: Gary Cooper, City Attorney reported that Century Link has installed gutters to try and resolve the problem. There has not been much rain fall not sure if it resolved the problem. City Clerk Dimick has talked with Lisa Toly and she has requested that we don't do anything until they sign off before City takes any action. Discussion followed. Century initially didn't get a building permit when they begin the work. Bannock County requested for them to get a permit, they got the permit and finished their work. Bannock County signed off on the permit but, the City never approved it due to the encroachment on neighboring property. Then the business license was not approved due to the encroachment and no response from Century Link. Councilperson Guthrie made a motion to table for a month. Councilperson Guthrie withdrew her motion. Councilperson Frandsen made a motion for Gary Cooper, City Attorney, to advise Century Link to complete an application for business license. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous

A) Wastewater Collection Report: Council reviewed wastewater collection report. City Clerk Dimick explained Tony Hobson, City Maintenance, will respond back to DEQ on the correction action that will take place.

B) Schedule Special Meeting to review Zoning Ordinance Draft - ACTION ITEM: Councilperson Hinz made a motion to schedule work session tentatively January 24th 6:00 p.m. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Cabin Available at No Charge – ACTION ITEM: Councilperson Guthrie made a motion thanks but no thanks. Councilperson Hinz seconded the motion. All voted aye, unanimous.

D) Southern Idaho Fire Academy – February 15, 16 & 17th - ACTION ITEM: Councilperson Hinz made a motion to send those interested to the training. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) State Liquor Apportionment Decrease: City Clerk Dimick explained State Liquor Apportionment decreased.

F) 2019 Arbor Day – ACTION ITEM: City Clerk Dimick reported that Dennis Callahan, Code Enforcement Officer, resigned from the tree committee and the council didn't accept his resignation however no one is working on the Arbor Day event so I have started working on it. Councilperson Guthrie explained Arbor Day for the elementary school is the first Thursday of May every. City Clerk Dimick will find out if the City is eligible for the grant this year. Reviewed options with council she is looking at for the program this year. Councilperson Hinz made a motion to for City Clerk Dimick to lead the committee. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

G) Miscellaneous: No Miscellaneous

Projects

A) Water Improvement Project:

1) Authorization to Use Management Reserve for Engineering Work during Winter Time Extension – ACTION ITEM: City Clerk Dimick question if an amendment needs added to the engineering contract for the T&M (time and material) that Knife River agreed to. Gary Cooper, City Attorney comments yes an agreement needs to be drawn up. Councilperson Frandsen made a motion for Gary to move forward on contract amendment with Knife River and authorize Mayor to sign authorization to use management reserve when contract is executed. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

2) Well Site Agreement ACTION ITEM: Councilperson Thomson reviewed Polls concerns with water right matters. City Clerk Dimick explained that culinary has priority over irrigation. The City rights will be a culinary right and his right to drill is for an irrigation right even through it has an older priority date. Polls concerns are legit. Councilperson Frandsen made a motion to table and Mayor Davids to continue working with the Polls. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

3) Fire Hydrants ACTION ITEM: Councilperson Thomson reviewed map with council. Map showing areas that may need fire hydrants was reviewed. Councilperson Hinz reviewed the schedule of value list for the hydrant cost. The cost per each hydrant is four thousand and six hundred dollars (\$4,600.00). Councilperson Thomson made a motion to have Councilperson Hinz to review with Fire Chief, Ken Fagnant, for proposed new areas for four (4) additional hydrants, maybe more and table until next month. Councilperson Guthrie

seconded the motion. All voted aye, unanimous. Councilperson Hinz asked for an 11X17 copy of the map.

4) Canal Crossing Agreement ACTION ITEM: Councilperson Thomson reviewed the contract. City Clerk Dimick explained the realignment. Crossing and easements reviewed. Councilperson Thomson made a motion to have Gary reword the contract to get rid of the fifty (50) percent and revisit at a later date with a new contract and discuss the liability at that point. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

B) ADA Curb Ramp Project Options – Aaron Swenson; Forsgren Associates ACTION ITEM: Aaron Swenson presented council with copies of map the engineer group designed with notes. Aaron and council reviewed map and notes. The grant is only for approved ramps per the contract. Councilperson Thomson believes a traffic study needs to be done on Center and Main Street intersection. Aaron suggested a mid block crossing for pedestrians. Councilperson Hinz made a motion to have Aaron start pursuing some budget numbers. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Councilperson Hinz made a motion to approve Forsgren bill. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

C) City Maintenance Shop Improvements Report: City Clerk Dimick explained the city is waiting for Quality Overhead Doors to return, they ran out of insulation and will be back to finish.

D) Miscellaneous: No miscellaneous

Discussion – Items from the audience: No discussion

Motion to adjourn into executive session to negotiate purchase of real property with Doug Potter as provided by Idaho Code 67-2345 (1) (c)

Motion to reconvene: Councilperson Guthrie made a motion to adjourn into executive session Idaho Code 67-2345 (1) (c). Councilperson Hinz seconded the motion. All voted aye, unanimous. Roll call. Frandsen -Aye, Guthrie -Aye, Hinz-Aye, Thomson-Aye, unanimous.

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

Motion regarding property purchase: Councilperson Hinz made a motion to ask legal to add in the Advantage Plus information with cost not to exceed eight hundred and fifty dollars (\$850.00) for the appraisal, legal & recording fees for the partial lien release. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Adjourn: Councilperson Guthrie made a motion to adjourn. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Meeting adjourned at 8:40 p.m.

Amantha Sierra, Transcriber

T. Paul Davids III, Mayor

Canda L. Dimick, City Clerk