

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, January 11, 2018 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: T. Paul Davids III, Mayor
Rickey Frandsen, Councilperson
Lisa Guthrie, Councilperson
Tamara Davids, Councilperson
Brian Hinz, Councilperson
George Linford, Councilperson
Jon Thomson, Councilperson
Canda Dimick, City Clerk
Dennis Callahan, Code Enforcement Officer

Excused:

Guests: Chet Davids, Lisa Toly, Megan Reno, Casey Craig, Britney Potter, Doug Potter, Ted Booth, Joel Dixon

Mayor Davids welcome and thanks everyone for coming. He announces this is the City's regular scheduled council meeting. The Pledge of Allegiance is led by Councilperson Thomson. He announced February agenda deadline for Council meeting on February 8th is February 1st, 2018.

Approval of Minutes (4/14/16, 4/21/16, 5/12/16, 6/9/16, 10/13/16, 12/14/17): Councilperson Hinz made a motion to approve December 14, 2017 minutes with corrections. Councilperson Thomson seconded the motion. All voted aye, unanimous. Councilperson Thomson requested the following minutes to be moved to next month's agenda 4/14/16, 4/21/16, 5/12/16, 6/9/16, and 10/13/16.

Review & Approve Bills: City Clerk Dimick reviewed bills with council. Councilperson Hinz made a motion to pay all bills except Booth Architects. Councilperson Davids seconded the motion. All voted aye, unanimous.

Mayor Davids expressed his gratitude to Tamara Davids and George Linford for their services. They were presented with certificates of appreciation and centennial banners.

Oath of Office – November 7, 2017 Election Elected Officials: Mayor Davids swore in new elected officials, Rickey Frandsen and Lisa Guthrie.

Elect Council President: Mayor Davids suggested electing a council member that has been in for a couple of years. Councilperson Frandsen nominated Councilperson Hinz for Council President. Councilperson Hinz nominated Councilperson Thomson. Councilperson Hinz made a motion to appoint Councilperson Thomson for Council President. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Appoint City Clerk, City Attorney and Fire Chief: Councilperson Hinz made a motion to appoint Canda Dimick for City Clerk. Councilperson Thomson seconded the motion. Roll call. Frandsen-Aye, Guthrie-Aye, Thomson-Aye, Hinz-Aye, unanimous.

Councilperson Hinz made a motion to appoint Gary Cooper for City Attorney. Councilperson Thomson seconded the motion. Roll call. Thomson-Aye, Frandsen-Aye, Guthrie-Aye, Hinz-Aye, unanimous.

Councilperson Hinz made a motion to appoint Ken Fagnant for Fire Chief. Councilperson Guthrie seconded the motion. Roll call. Thomson-Aye, Guthrie-Aye, Hinz-Aye, Frandsen-Aye, unanimous.

Council Assignments – Mayor Davids: Mayor Davids assigned Councilperson Hinz over Fire Department & Law Enforcement, Councilperson Thomson over Code Enforcement and Animal Control, Councilperson Guthrie over Parks and Holiday Decorations and Councilperson Frandsen liaisons with Planning and Zoning and liaisons with Travel Council which is a voting position. Mayor Davids explained to Councilperson Guthrie to walk through the Parks, Buddy Campbell & Veterans, on occasion and make sure they are maintained and for Holiday decorations to start planning some decorations for Veterans Park.

1% Proposals for 4th quarter 2017 – Chamber Coordinator Position: Chet Davids, Chamber President, reported the Chamber no longer has an Event

Coordinator and they need to fill that position. The chamber feels like the position is short lived, the trend for the last five or six years is one year of employment. The Event Coordinator in the past had attended all the events and corresponded between the City and Chamber of Commerce on events. The Event Coordinator attended the Chamber meetings once a month. Pinnacle event, Fire & Ice, February 2nd, 3rd & 4th. This year the chamber hired two (2) individuals to coordinate the event. A chamber committee was formed to help the two (2) individuals. We're in the process of looking at individuals to fill the position. The proposal the chamber is recommending is ten thousand dollars (\$10,000.00) a year for the Event Coordinator. We are requesting four thousand dollars (\$4,000.00) for the Fire & Ice festival to pay the two (2) Event Coordinators the Chamber of Commerce hired for it. Wellness Event they are requesting two thousand dollars (\$2,000.00) for the Event Coordinator position, Founders Day Parade five hundred dollars (\$500.00), Oktoberfest three thousand dollars (\$3,000.00), and the Gingerbread Walking Tour five hundred dollars (\$500.00). The total requested is ten thousand dollars (\$10,000.00) for the year. The chamber of Commerce is in the process of looking for an individual to continue on with the events for the Community, Chamber of Commerce and for all the businesses. Contained in the application are nine (9) different responsibilities for the position we are hiring for. Not sure if it's for one or two individual. Currently we have a person who answers the Chamber of Commerce phone calls and another individual that issues the checks, invoicing and all that, handles Morris Travel event which is coming up right before the Fire & Ice event and we need an Event Coordinator. There has been a gap between the City and Chamber of Commerce from time to time. The chamber wants to have more access to the Event Coordinator position. In the past the Event Coordinator is hired by the City and the City issues the pay check for that position. The chamber is doing the hiring, not the City. We have interviews setup next week for the position. Mayor Davids reviewed the application with council. According to the application they are going from three employees to one employee. In the past the City paid the salary for the Event Coordinator and The Chamber of Commerce paid the salary for the secretary and customer service position and they are combining the three (3) positions to one (1) position. Mayor Davids explained the City paid around nine hundred dollars a month for the Event Coordinator. Mayor asked Chet what they paid for the chamber positions. Chet responded the Secretarial position three hundred dollars (\$300.00) and the customer service position two hundred dollars (200.00) a month. Discussion followed about the position and salary. Mayor Davids explained the City needs to know exactly who and what the funds are going to, according to our legal counsel. Mayor Davids feels the best of practice is to pay the Event Coordinator position. City Clerk Dimick commented on the line item for advertisement is already paid

under Forest Green's contact. The one Percent (1) money *should not* be used for the Secretary position. Councilperson Hinz comments the budget has a line item for the Event Coordinator position and he thinks we should keep it as is. It should be towards the salary for the Event the Coordinator position not for the Customer Service or Secretarial position. Mayor Davids explained one Percent (1%) money is used to promote tourisms and the event coordinator position is promoting tourisms. The Check will not be issued to the Chamber of Commerce it will be made directly to the event coordinator position. The City is responsible for the Salary and the Chamber of Commerce is responsible for training, tracking time and providing the employee with direction on their duties. In the past the Council and one Chamber of Commerce member interviewed for the position. This interview will be conducted with the Chamber of Commerce and one Councilperson. The Time card will be submitted to the Chamber of Commerce and approved by a Chamber of Commerce member then submitted to the City and the City will issue the payroll check. Mayor Davids reviewed the discussion, City to pay position, Chamber will train employee and provide directions, provide and approve time card, City attorney to draw up a contract, Chet will review with Chamber members and let the City know if it's acceptable and Councilperson Thomson will represent the City at the interviews for the event coordinator position with the chamber members.

Special Event Permit(s):

A) Fire & Ice – February 2nd and 3rd: Councilperson Hinz made a motion to approve as long as Fire Chief signs off on the Fire performance event. Councilperson Thomson seconded the motion. All voted aye, unanimous.

B) Annual Easter Egg Hunt – March 31st: Councilperson Guthrie made a motion to approve. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Water Improvement Project: Doug Potter introduced himself. He is the owner of the property east of the pump house and the line runs a quarter (1/4) mile thorough his property, south side of Fish Creek road. Doug would like on site visits with engineers before bid is released. Mayor Davids comments bid are going out in January. Doug's addressed concerned with a bridge across the creek and fence around pump house. Easement line is going right beside old line. No difference in easement the city is only defining it. The City has an easement for maintenance on the City lines and many of the joints have lead in them which, needs to be replaced. Doug is curious with how they will cross the creek. City

Clerk Dimick comments that anything above the ground will be buried. There won't be anything exposed above the creek, everything will be underground. Everything will be restored back to its original state. The City will talk with the engineers tomorrow and get back to Doug. Any ingress or egress across creek needs to be left and needs to be within easement and fence realigned.

A) Review final design plans with Keller Associates and approve plans for release of bid invitation: Engineers not in attendance, if they show up later in the meeting will review then.

B) Proposed Well Location: Mayor Davids reported that he went back to Henry Etcheverry with the council proposals for the land. The proposal was for him to take the sewer line up. Henry feels like the cost to him to install the sewer line is too expensive and is not a worth selling the acre of land. Henry is willing to give the City the acre if the City will install sewer to his property. Cost for sewer is estimated at one hundred thousand dollars (\$100,000.00) for engineering and installation. A storage container or septic tank is not legal in the city limits. Henry's property is number two (2) for well site location. The number one (1) well site location is Clinton Poll. Mayor Davids talked with Clinton about the possibility of working something out. He is willing to meet with the City and City engineers and talk about the possibilities. A suggestion was made to talk with Henry about moving the sheep herder's camp closer to the sewer line. Mayor Davids will go back and talk to both of the parties and setup a meeting with Clinton Poll. Council discussed the price to put in sewer line on Henry's property and negotiations options.

C) Appraisal Status: City Clerk Dimick reported we are still working on appraisals for South Side Bridge and fencing around Potter's spring, trying to define cost per parcel. Need to know which way we are going. Henry's well site appraisal is on hold until a decision is made on well site.

D) Easements: Mayor Davids reports we received Salt's and Petrun's. City Clerk Dimick received an email today from Cannon. Email read to the council. They're fine with defining the easement and will sign and return the form later this week. They are willing to negotiate land if the City is interested. They also mentioned trespassing on "L" mountain and the Fire & Ice skiing event on their property. They have posted no trespassing signs. They are concerned about liability on their property. They lease the property and the leaser is concerned for their cattle on the property.

Mayor Davids reviewed construction plans with the City Council. Brian Hinz would like to review the plans when we receive them. Re-pin center street markers.

Law Enforcement/Code Enforcement:

A) Tree Trimming Notices Report: Code Enforcement Officer Dennis Callahan reported that almost everything has been taken care of and Tony hasn't reported any more.

B) No overnight camping signs: Code Enforcement Officer Dennis Callahan reported sign colors are Red & White. Dennis will order ten (10) signs. Councilperson Thomson made a motion to approve design and place order for ten (10) tomorrow. Councilperson Hinz seconded the motion. All voted aye, unanimous.

C) Building Code Ordinance Draft: City Clerk Dimick still working on.

D) Anthony Misikin Restitution: Mayor David reports the courts ordered restitution to the City, two hundred and thirteen dollars and twenty four cents (\$213.24).

F) Monthly Law Enforcement/Code Enforcement Miscellaneous Reports:

Officer Craig comments nothing to report on. Mayor Davids reports he has a meeting on January 11th at 1:00 p.m. with County Commissioner, Sheriff, and the Prosecuting Attorney and other City Mayors to clarify enforcement issues. Obtain an agreement on what Bannock County will enforce and what the City is required to enforce. Some of the issues in town are open container enforcement, ATV and Motorcycle, unlicensed drivers, underage drivers, safety issues, and access to citation information. Mayor Davids would like to put citation information in the Cities quarterly news letter or Lava news. Officer Craig reviewed the Idaho gun laws with the council.

Code Enforcement Officer Dennis Callahan reports he is still working on vendor list, currently four (4) pages. He had some of the contractor's licenses deactivated because they did not renew their licenses.

Motion to adopt Ordinance 2018-1 amending City Code 3-3-4 providing for the duration of the Non-Property Tax: Councilperson Hinz made a motion to waive three readings. Councilperson Thomson seconded the motion. All voted aye, unanimous. Read in full. Mayor Davids read ordinance.

ORDINANCE 2018-1

AN ORDINANCE AMENDING SECTION 3-3-4 OF THE CITY CODE OF LAVA HOT SPRINGS, IDAHO, PROVIDING FOR THE DURATION OF SAID NON-PROPERTY TAX; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; WAIVING THE RULE REQUIRING THE READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AS FOLLOWS:

Section 1: Section 3-3-4 is hereby amended to read as follows:

3-3-4: DURATION OF TAXES:

The nonproperty taxes authorized and collected under this chapter are hereby imposed for as long as such taxes are authorized by Idaho law or until city voters vote to change or eliminate the following specific taxes, rates of tax, and purposes from the effective date hereof.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: The rule requiring that this ordinance be read on three separate occasions is hereby waived.

Section 4: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO THIS 11th day of January, 2018.

CITY OF LAVA HOT SPRINGS, IDAHO

T. Paul, Davids, III, Mayor

ATTEST:

Canda L. Dimick, City Clerk

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

Business License(s):

A) FSI Acquisition Company, Inc. - DBA Fire Services of Idaho – Richard Musso, Owner/Applicant: Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Hot Springs Village Association: Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) K & M Construction – Ken & Meloney Rasmussen, Owner/Applicant: Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Lava Escape Game, LLC – Nicole Insley, Owner/Applicant: Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Powers of Nature – Patrick Mixdorf, Owner/Applicant: Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Non-Property Tax Permit(s):

A) Crocs Retail, LLC: Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Eyecandy Lash & Beauty Lounge, LLC: Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Homeaway. Com, Inc: Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Lava Escape Games, LLC: Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) QLT Consumer Lease Services, Inc.: Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Shoe Show, Inc.: Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Building Permit – Reggie & Theresa Cochran – 91 west Fife – Replace flat roof with pitched roof: Council reviewed plans. Mayor Davids comments they're putting on a pitch roof instead of a flat roof. City Clerk Dimick comments the building inspector reviewed the plans and they passed on it. Councilperson Thomson made a motion to accept building permit. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:

A) Public Retirement Workshops: City Clerk Dimick announces they would like to schedule a meeting with council and employees. Council agreed to schedule an onsite workshop.

B) Term Life Insurance – III-A: Life insurance offered.

C) TNT Fireworks 2018 Licensing Update Request: City Clerk Dimick comments they have asked if there are any proposed changes. Mayor Davids announced the ordinance works for us and everything will stay the same.

D) Idaho Online Voter Registration Portal: Mayor Davids announced the new online voter registration portal.

E) 2017 East Main Traffic Bridge Inspection Report: Mayor Davids reviewed the report. The inspection report was completed in September. Everything looks good except a couple of maintenance issues recommended. Medium priority, the City needs to extend drain pipes. Need to understand which pipes need to be extended and how much. High priority, patch the deck, pop outs and seal deck. Mayor Davids will get with Tony.

F) III-A Wellness Program: City Clerk Dimick announced program offered to group participating members.

Mayor Davids announced Gingerbread winners. First place went to Mike's Market, second place Lava Hot Springs Foundation, third place to Purple Moon World Gifts and runner up Home Hotel. Raffle winners and prizes announced.

G) Miscellaneous: City Clerk Dimick addressed Jill Willard's issue with garbage service. Issues with garbage can being taken and garbage not picked. They have requested to cancel their garbage. MRE picked up their garbage can and have told

me that the City needs to decide if garbage can be cancelled. They're on City sewer and have a private well. Lisa Toly announced she is not for waiving their garbage service. Their garbage problem becomes her problem. They have caught them using their garbage cans. Whenever they remodel they put their garbage in our dumpster. Mayor Davids suggested to Lisa that they call a police officer and have them issue them a citation. Councilperson Hinz made a motion no exception to policy. Councilperson Thomson seconded the motion. All voted aye, unanimous.

City Clerk Dimick announced that Canda and Amantha will be on vacation the last week of January. Canda has talked with Dennis and he will handle the office for that week, he will work Monday through Friday, 9:00 a.m. to 2:00 p.m. that week. Educate Dennis on agenda items deadline.

Projects:

Mayor Davids announced Newsletter this next month to be prepared for water bill distribution.

A) East Main Traffic Bridge Pillars Rock Installation – Project Completed:

Mayor Davids reported the pillars are rocked and completed. Have Tony order additional rock for future pedestrian Bridge.

B) Buddy Campbell Park Improvement Project:

1) Plans & Specifications for Road Access and Parking Lot Development:

Ted Booth introduced Joel Dixon. Joel Dixon question if and how they need to modify the plans. Mayor Davids reviewed the plan to build a road and Parking lot this summer. Currently the plan shows a winding road and the council would like a straight road. Joel Dixon explained why they put a winding road in the plan. The reason the road is curving is due to the hill. There is twelve (12) feet of rise through there. It's not a problem they can go up that line but, we will need to address it. The road will need to be made really steep, like eight (8) percent or so. Then the other issue is the draining. The drain off will be draining into the draining property at least twenty (20) feet or so. If we go around the contour of the road we keep the road at three (3) percent or so and we don't have to worry about encroaching on the neighbor's property or obtain a draining easement or something else. Road access development plans and parking spaces or parking lots were discussed. Fifty (50) foot road North & South decided on. Councilperson Hinz

made a motion to approve Booth Architect bill. Councilperson Thomson seconded the motion. All voted aye, unanimous.

2) Child Pedestrian Safety Program Grant – Submitted: Submitted

3) Idaho Department of Parks & Recreation Grant Application: Grant application due date January 2018.

C) South 6th West New Street Lights: Work order for Street lights Submitted.

D) Tennis Court Resurfacing Bids – Still Working On: Still working on.

E) North 1st West Storm Drain System: Mayor Davids reviewed the property exchange agreement. The City is to pay for project inspection. Edge Water to provide materials, install according to engineered plans. Fifteen (15) foot easement width questioned. Tony is okay with easements. Engineers need to be obtaining permits. Mayor Davids explained property exchange agreement with new council members and provide history on it.

F) ADA Curb Ramp Project – Cooperative Agreement with Idaho Transportation Department: City Clerk Dimick received grant last April. The City needs to sign proposal to receive the money to start the project. Resolution read by Councilperson Thomson. Councilperson Hinz made a motion to adopt resolution. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

RESOLUTION

WHEREAS, the Idaho Transportation Department, hereafter called the STATE, has submitted an Agreement stating obligations of the STATE and the CITY OF LAVA HOT SPRINGS hereafter called the CITY, for ADA improvements on US-30; and

WHEREAS, the STATE is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System; and

WHEREAS, the CITY and the STATE are providing funds for this project; and

NOW, THEREFORE, BE IT RESOLVED:

- 1. That the Cooperative Agreement to construct ADA improvements on US-30 within city limits is hereby approved.*
- 2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the CITY.*
- 3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.*

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a regular, duly called special (X-out non-applicable term) meeting of the City Council, City of Lava Hot Springs, held on January 11, 2018.

(Seal)

City Clerk

G) Miscellaneous: Nothing

Discussion:

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

Meeting adjourned at 8:23 p.m.

Amantha Sierra, Transcriber

T. Paul Davids III, Mayor

Canda L. Dimick, City Clerk