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

Present: Jon Thomson, Council President
Lisa Guthrie, Councilperson
Rickey Frandsen, Councilperson
Canda Dimick, City Clerk
Amantha Sierra, Office Assistance

Excused: Brian Hinz, Councilperson
Gary Cooper, City Attorney

Guests: Officer Monte Steele, Sherrill Tillotson, Greg & Kelli Stevens, Lisa Toly, Megan Reno, Leslie Mulhalland, Craig Knutson, Kelly Myers, Michelle Horrocks, David Grosso, Bryce Church, Birgitta Bright, Kody & Andrea Tillotson, Sandra Wilcox, George Shail, Ken Fagnant

Jon Thomson, Council President opens the meeting and welcomes everyone.

Announce Agenda Deadline for November 14, 2019 meeting will be November 7, 2019:

Motion to Approve Minutes (August 15, 2019 and August 22, 2019) +
ACTION ITEM: Councilperson Frandsen reported misspelling on August 22 page 2 Craig is spelled incorrectly. Councilperson Frandsen made a motion to approve with correction. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

The Pledge of Allegiance is led by Council President Thomson.

Review & Approve Bills - ACTION ITEM: City Clerk Canda Dimick reviewed list of bills with council. City Clerk didn’t receive Jordan & Company invoice remove from list. City Clerk reported Tony is still trying to get Western Industrial to cover under warranty she suggested tabling the invoice. Councilperson Frandsen made a motion to accept bills except for Jordan & Company. Move and
discuss Keller’s Associates, Knife River and The Fence Man to projects and hold Western Industrial motor repair. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement:

A) Building Permit Report – Canda Dimick, City Clerk: City Clerk Canda Dimick reviewed list of inspection with council.

B) Mowing City Properties and Vacant Lots – ACTION ITEM: Councilperson Frandsen made a motion to hire Patrick to mow vacant lot as discussed. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Proposed Animal Control Ordinance Amendment(s) – Council President Thomson - ACTION ITEM: Council President Thomson purposed adding licensing requirement to cats for each cat and two (2) cat limit. Three (3) or more up to five (5) cats will require a kennel permit and licensing. If an owner doesn’t want their cat wearing collars they can always have it chipped. Council President Thomson made a motion to revise ordinance requiring cats to be licensed and a kennel permit and licensing for three (3) or more. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Monthly Law Enforcement/Code Enforcement Reports: Officer Monte Steele in attendance. Nothing to report. Officer Steele asked about the contract and City Clerk Canda Dimick reported that the contract has been signed and will be returned.

Vacation Rental Ordinance Enforcement & Petition – Greg Stevens: Greg Stevens questioned status of situation he addressed at last month meeting. Greg reported that rental is still happening and he has proof of it. Council President Thomson reported the City has sent legal notice of violation to property owner and to others in violation. Greg would like to swear out a complaint and asked Council President Thomson if he is the person to enforce it. Council President Thomson explained the City currently does not have a Code Enforcer and at the time being he will site person or persons who are in violation of City ordinance or ordinances. Enforcing the citation is handled by Bannock County who is under contract with the City of Lava to do the prosecution on any City violations. Greg questioned if State is aware of the situation. Council President Thomson comments the State is basically the cause of the problem with legislation. Council President Thomson explains the City Council feels that the City has ordinance in place for a reason and
is pursuing efforts to enforce the ordinance. The short term rental is going on everywhere and there are many unanswered question on the subject. I will assure you we are taking action. The City taking actions and the actions will not be made public that the City is making. Council President Thomson asked Council if they have any further comments and announced he is not opening it up for discussion on the floor and thanked Gregg for his concerns. City Clerk Canda Dimick reported the petition was been submitted and is on record.

**Tennis/Pickle ball Striping Plan – ACTION ITEM:** Council President Thomson reported the City has received multiple design layouts. Current plan is for one (1) tennis court and two (2) pickle ball courts with a list of five (5) surface contractors to seek bids form. The City has budgeted twenty thousand (20,000.00) dollars. Improvements will be based on contract price. Contractor may not entertain volunteer labor. Craig Knutson stated that if there is a funding shortfall that grants and private donations may be available. Tournaments and restrictions was addressed. It was mentioned that there are private property areas that might be opportunity for tournament courts. Councilperson Guthrie made a motion to send out bids for the tennis/pickle ball striping plan. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**Lava Chamber of Commerce – Kelly Myers, Event Coordinator:**

A) **Oktoberfest Report:** Kelly Myers, Event Coordinator reported that Oktoberfest went well. Discussion on impact from the Oktoberfest and local advertising to let people visiting know about the event. Oktoberfest banner an option and moving some of the events to Main Street being reviewed by the Chamber of Commerce. Sherril Tillotson reported on an item that was suggested at the Chamber of Commerce, Oktoberfest banners for the light poles making it a shared project with the City.

B) **Forrest Design Marketing Plan Addendum - ACTION ITEM:** Birgitta Bright with Forrest Design presented council with a document and explained the document to them. The addendum is an explanation of the expenses for this year, the contract money did not change. Councilperson Frandsen made a motion to approve agreement addendum number one (1). Council President Thomson seconded the motion. All voted aye, unanimous.

C) **Miscellaneous:** Kelly Myers announced the Ginger Bread and Lighting festival. November 30th 2019, 6:00 p.m. kick-off. Kelly asked if the Council President Thomson would speak at the kick-off. Hot Chocolate, lighting of the lights at Veterans Park and Gingerbread walk. Ginger Bread houses have to be up
November 29th, 2019. Kelly will not be at the event. She will have everything ready for the kick-off. She suggested more lights for Veteran Park and getting up the lights and banners up earlier than last year. Council President Thomson explained the City crew has vacation scheduled and not sure if it can be earlier than last year. Council President Thomson asked Kelly to get the event plans to the City as soon as possible.

1% Tourism/Development Funding Proposals for 2019 3rd Quarter - ALL ACTION ITEMS: Sherril Tillotson reported the proposal is for the Chamber of Commerce proposed budget January through December 2020.

A) Proposed Website-Travel Show – PR Itemized 2020 Budget Plan – Lava Chamber of Commerce: Birgitta Bright with Forrest Design explained Jack Rabbit is the engine on the booking engine on the website. The Travel show is the travel to the show and advertising from the Chamber of Commerce not through Brigitte. City Clerk Canda Dimick reported the City has paid for update on the website previous, last year they paid the thirty five hundred (3,500.00) on the annual Jack Rabbit license. City Clerk asked how the Snow bird travel show will be paid for. Birgitta explained it’s a co-op with the Lava Hot Springs Foundation. They’ve attended it for a couple of years and have gotten really good results. The Lava Hot Springs Foundation presented it to the Chamber of Commerce and the Chamber would like to co-op with them. The people who attend will get reimbursed for Travel, mileage or air fare, pre-diem based on the federal government rate and lodging. This is a corporative effort between the Lava Hot Springs foundation, Idaho Travel Guide and the Chamber of Commerce. Discussion on the show followed. Targets Snowbirds travel to Canada. City Clerk question how the reimbursement will work. The reimbursement may not be in line with the City policy on reimbursements for Travel and maybe an issue. Council President Thomson suggested looking at different options. They will discuss the City policy with everyone else involved.

B) Proposed Calendar Year Marketing Plan – Lava Chamber of Commerce: Birgitta Bright with Forrest Design reported the marketing plan is pretty much the same as last year. The difference are listed. City Clerk Canda Dimick reported this is exceeding the amount collect on the one (1) percent every year so, we are dipping into past fund by funding what we are funding. Sherril Tillotson reported they are looking at other methods to assist with their marketing expenses besides the one (1) percent. Council President Thomson explained is not exclusive for the Chamber of Commerce and there are other entities in town that are eligible to submit application for that fund so, there may come a time when this money will
not support your budget in the future. Birgitta explains they hope the work they are doing will increase the overnight stays and increase the funds. They will provide the City at the end of the year with reports on how the different campaign did and show the increases of people visiting. Sherril Tillotson reports they are working on accountability and a tracking systems.

Councilperson Frandsen made a motion to approve the two (2) proposal from Lava Chamber of Commerce, ninety five hundred (9,500.00) and forty six thousand, four hundred and twenty five (46,425.00) dollars for the calendar year 2020. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Business License(s)/Alcohol Beverage Licenses(s)/Coin-Op License(s):**

**Business Ordinance amendment:** Councilperson Frandsen made a motion to look at adopting amendment at Special Meeting after executive meeting tonight. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

A) **Frontline Engraving - 253 West Elm Street – Sandi C. Sturgeon & Brook West, Owners/Applicants – ACTION ITEM:** Councilperson Frandsen made a motion to approve business license. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Non-Property Tax Permit(s) - ALL ACTION ITEMS:**

A) **Burlington Coat Factory Direct Corporation:** Councilperson Guthrie made a motion to approve. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

B) **Frontline Engraving:** Councilperson Guthrie made a motion to approve. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

C) **JR Cigar.com, Inc.:** Councilperson Guthrie made a motion to approve. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

D) **JR Tobacco of America, Inc.** Councilperson Guthrie made a motion to approve. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**Frontline Engraving Sign Permit – 253 West Elm Street – Sandi Sturgeon, Applicant - ACTION ITEM:** Council President Thomson reported he talk with Brook West and they have a contract on the sale of their property and moving to Oregon. Council President Thomson made a motion to talk with owner to remove
sign and withdraw permit. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**Building Permit(s)/Development Permit(s)/Demolition Permit(s)/Sign Permit(s):**

A) **Revised Building Permit Application & Permit Forms Report:** City Clerk Canda Dimick reported P&Z (Planning and Zoning commission) is still working with State.

B) **Demo Permit for Old Shop – 89 North Center Street – Edge Water Resort, LLC./Owner; Riley’s Construction, Inc./Contractor - ACTION ITEM:** Kody Tillotson reported that old shop is being demo out at 89 N. Center. Council President Thomson made a motion to approve. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

C) **Demo Permit for Old Shop – 100 Bristol Park Lane – K&A Camping, Inc./Owner; Riley’s Construction, Inc./Contractor - ACTION ITEM:** Kody Tillotson reported at the other camp ground on East end of town, the old State shop going to demo it out and replace at a different location. City code requires a demo permit to be pulled for that project. Written approval from the State and will send into the City Clerk for her records. The State Foundation has approved the demo. Councilperson Guthrie made a motion to approve. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

D) **New 30’ x 30’ shop – 100 Bristol Park Lane – K&A Camping, Inc./Owner; Riley’s Construction, Inc./Contractor - ACTION ITEM:** Kody Tillotson reviewed plans with council. New shop will be in a different location and part of it is in the floodplain. Floodplain elevation certificate will be submitted to the City. Survey done. Councilperson Frandsen made a motion to approve contingent on State approval. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) **Retaining Wall Replacement – 100 Bristol Park Lane – K & A Camping, Inc./Riley’s Construction, Inc./Contractor - ACTION ITEM:** Kody Tillotson reviewed plans with council and pointed out at the same location as the old shop that they will be demolition there is an existing retaining wall that is falling in and they are going to take care of it at the same time. The new wall has been engineered and stamped set of plans submitted with building permit application. The new wall is highlighted on the plans as proposed retaining wall. It comes across about thirty (30) feet and down about fifty (50) feet. The wall is moved.
over slightly from the original wall design, about six (6) feet. Council President Thomson asked Kody if this is all part of his deed and not interfering with hi-way access were you need to get ITD (Idaho Transpiration Department) involved. Kody explained they are leasing the property from the State and they are operating in the confines of their lease with the State of Idaho. We are replacing the existing wall, we are not changing grade and we are just moving it a little bit to help widen the entrance and eliminate some of the congestion coming off the hi-way. Councilperson Frandsen made a motion to accept the permit for the retaining wall permit number L19-012 located at 100 Bristol Park Lane. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Install New Retaining Wall – 89 North Center – Edge Water Resort, LLC/Owner; Riley’s Construction, Inc./Contractor - ACTION ITEM: Kody Tillotson reported on the retaining wall at North 1st Alley West by the Guthrie home. Kody reviewed plans with council. They have a new cabin coming in where we are demolishing the old shop. A permit will be coming in soon on the new cabin in a month or two (2) right now we are pulling the building permit for the retaining wall that has to hold the earth we, are out of the flood plain in that area. The retaining wall has been engineered and stamped and sent to the State. Councilperson Frandsen made a motion to accept the permit for the retaining wall permit number L19-013 located at 89 North Center. Council President Thomson Seconded the motion. All voted aye, unanimous.

G) New 30’ x 30’ shop – 89 North Center – Edge Water Resort, LLC/Owner, Riley’s Construction, Inc./Contractor - ACTION ITEM: Kody Tillotson reported on a misprint on the agenda it’s actually a thirty by twenty (30X20) on the building permit application. The location is right next to the retaining wall on the lower level west of the pavilion. Power only. Council President Thomson made a motion to accept the building permit L19-014 for a twenty by thirty (20X30) building. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Sign: Kody Tillotson reported that he is going to take care of moving the sign by April 1st, 2020.

Maintenance Project: Kody Tillotson reported they are doing a maintenance project on the East Campground and it doesn’t require a building permit per the State. We are replacing the entire sewer lines for the entire campground. Will provide the City with the engineered plans for the sewer and water. Presenting
info for City information purposes only. Will be starting sewer construction within the next two (2) week. Only State related permits required.

H) New Residential Home – East Fife Street – John & Michelle Taylor, Owners/Contractor - ACTION ITEM: Sandra Wilcox with Greywell Drafting, LLC introduced herself and she is in attendance to address any questions or concerns. Ken Fagnant, Fire Chief is also in the attendance to address any question or concerns. Council President Thomson explained that one the biggest concerns is access to the property especially for emergency vehicle. The concern on the height has been revised and taken away. Ken explained the original plan was for the original property fronting to face the Alley and that violates city ordinance. It violates City code is because it violates the fire code. It has to do with the legal width of which is designate primary emergency access and what designated secondary. By law alleys can be secondary but, never primary. John Taylor agreed to an all-weather surface access (stairs & sidewalk) need to be constructed from Fife Street and structure has to be addressed off Fife Street. Councilperson Frandsen made a motion to approve based on Ken Fagnant, Fire Chief, recommendation and primary address off of Fife Street. Council President Thomson seconded the motion. All voted aye, unanimous.

I) Proposed Parcel Split located within City Impact Area – Cameron Salt
ACTION ITEM: Cameron Salt not in attendance. City Clerk Canda Dimick reports Cameron Salt is working with the Bannock County to split his parcel into three (3) parcels. Separating off the home from the campground and a third parcel to build a single home site. City Clerk explained the black line on the map Cameron gave City Hall he said a partial of his property is in city limits. Council President Thomson explained the County is asking the City recommendation because the majority of his property is in the County but, it’s within the City impact area and Cameron is also asking that the City give him a letter stating that the City has no plans or will not annex in the near future. Map discussed. Council President Thomson is concerned with the campground in the City limits and a business license and non-property tax permit is required for any business operating in City Limits. Councilperson Frandsen made a motion to approve parcel split into three (3) parcels. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Development Plans /Will Serve Letter – Kody Tillotson - ACTION ITEM: Kody Tillotson reported the attorney and the engineer want a will serve letter on the sewer side of their development. Kody reviewed and explained the map he presented to council. Replacing sewer lines from the sewer pumps on the west side
end through the east end. Upgrading to an eight (8) inch trunk line, everything is engineered and designed to a DEQ specification regarding the sewer and you will see that set of plans come across. We have tree roots growing into old sewer lines which are causing a big mess and we are ready to get rid of the problem. With all their new development and tearing up the campground we want to develop as they go. We are bring in eight (8) RV (mobile cabins) and developing eighteen (18) new sites. These are existing sites that we are tenting and moving them into a RV market so, we will be putting in sewer for those and they have one final row that is power and water only so, we want to run sewer to them. Basically this gets the entire campground into a full hookup availability. The net increase to the City is thirty one (31) sewer hookups. Kody explained they bought the campground six (6) years ago and they eliminated over thirty (30) percent of the sites. We are going to be maybe four to five (4 to 5) more sites than what was served before they purchased the campground. We are now developing the east end which is undeveloped currently. Council President Thomson made a motion to address the will serve letter for K&A Camping supporting the sewer system. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Kody will keep City informed.

Public Right-of-Way Use Permit(s) - ALL ACTION ITEMS:
A) 95 East Fife Street – Intermountain Gas Company:
B) 90 South 5th West – Intermountain Gas Company:
Councilperson Frandsen made a motion to approve both right-of-way permits. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Adopt Ordinance 2019-4 Increasing Monthly Per Diem Compensation for Lava Planning & Zoning Commission Members - ACTION ITEM:
Councilperson Frandsen made a motion to waive three (3) readings. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Read in full by Council President Thomson

ORDINANCE NO. 2019-4

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO

AMENDING ORDINANCE NO. 2008-4, SECTION 1, TO INCREASE

THE PER DIEM COMPENSATION RATE FOR MEMBERS OF THE

PLANNING AND ZONING COMMISSION; WAIVING THE RULE
REQUIRING THE READING OF THIS ORDINANCE ON THREE
SEPARATE OCCASION’S; 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: Compensation of Planning and Zoning Commission Members:

Effective October 1, 2019 the appointed member of the Lava Hot Springs Planning and Zoning Commission shall each be paid per diem compensation of Fifty Dollars ($50.00) for each regular monthly meeting attended by that member.

Section 2: Rule Requiring Three Readings:

The rule requiring that this Ordinance be read on three separate occasions is hereby waived.

Section 3: Effective Date:

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 10th day of October, 2019.

CITY OF LAVA HOT SPRINGS, IDAHO

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Jon D. Thomson, Council President
Councilperson Guthrie made a motion to adopt ordinance. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Roll call. Thomson-Aye, Guthrie-Aye, Frandsen-Aye, unanimous.

Meetings/Announcements/Miscellaneous:
A) Schedule Special Meeting to review Zoning Ordinance Draft - ACTION ITEM: Councilperson Guthrie made a motion to approve to schedule special meeting October 24th, 2019, 6:00 p.m. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

B) Caldwell Canyon Mine Declaration of Appeal Update: Council President Thomson read email thanking City for support, no longer need because no timely appeals were filed.

C) List of Insured City Property and Vehicles – City Clerk: City Clerk Canda Dimick reports still working on issue.

D) Special Assessment Report City Clerk: City Clerk Canda Dimick reports Gary Cooper, City Attorney recommended not to file so, the City didn’t file any.

E) October 29, 2019 Candidates Forum – 7 pm, Lava Community Building: Council President Thomson announced the October 29, 2019 candidate forum 7:00 p.m. at community Center

F) November 5, 2019 Election – Polls open 8 am to 8 pm, Lava Community Building: Council President Thomson announced the November, 5th, 2019 election, hours are 8:00 a.m. to 8:00 p.m. at the Community Center.

G) ICRMP – Region 2, Board of Trustees Nomination Form – ACTION ITEM: Councilperson Frandsen made a motion not to make recommendation for
the board of trustees for ICRMP. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**H) South Bannock Historical Center & Museum General Membership Meeting and Board Ballot** – **ACTION ITEM:** Council President Thomson made a motion to not to send ballot and not to vote. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**I) Microsoft Excel Training – Pocatello, Idaho October 30th and 31st - ACTION ITEM:** Councilperson Guthrie made a motion to send Canda Dimick to the Microsoft Excel training class on October 30th & 31st in Pocatello. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**J) Tree City USA Recertification Report:** City Clerk Canda Dimick is working on report due December 15th, 2019 so the City can get annual recognition.

**K) ITD Public Transportation Funding Opportunity for Rural Transit Services:** City Clerk Canda Dimick reported federal funding opportunity for the council to review and see if there is any interest. Application need to be mailed by November 12th, 2019. There is more information on line and three (3) different catalogers that can be applied for.

**L) Buddy Bench Award – City Clerk - ACTION ITEM:** City Clerk Canda Dimick reported she won the bench and would like to install it at the School. Buddy Bench program discussed. Councilperson Guthrie made a motion to install Buddy Bench at the school. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**M) Picnic table dispersal – ACTION ITEM:** Councilperson Guthrie made a motion to sale good picnic tables fifty (50.00) dollars and lower quality with warp boards twenty five (25.00) dollars, first come first serve. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**N) Bannock County Comp Plan Public Workshop – October 28th Marsh Valley Senior Center, Downey – ACTION ITEM:** Sherril Tillotson expressed her concerns. Councilperson Guthrie made a motion for Council President Thomson to attend. Councilperson Frandsen seconded the motion. All voted aye, unanimous.
O) Miscellaneous:  City Clerk Canda Dimick announced fire hydrant sale process is released.  Bids due by October 23rd, 2019

Projects:
A) Water Improvement Project:  Mathew Hill, City Engineer reported on walk through with Knife River everything went well.  Mathew discussed check list items, two (2) pages of minor repairs.  Going to fix asphalt areas next week.  Clean up items.  Fence at school needs to be fixed.

Keller’s Engineers and Knife Rivers bills:  Mathew Hill, City Engineer reported that he talked with Tyler with Keller’s he has talked with Rocky Mountain Power and he is going to have a draft with the study ready for review in two (2) weeks.  Mathew Hill reported feasibility study needs to be done and application submitted by December 31st, 2019.  Knife River pay app thirteen (13) reviewed.  Mathew went over funding details.  Still have one million (1,000.00.00) plus for phase II well project.  Council President Thomson made a motion to approve Keller’s Association water improvement project engineering services ten thousand five hundred and twelve dollars and fifty cents (10,512.50), Photovoltaic System Relocation Feasibility Study five hundred and seventy nine dollars (579.00) and Knife River water project pay app thirteen (13), twenty two thousand four dollars and twenty three cents (24,004.23) bills.  Councilperson Guthrie seconded the motion.  All voted aye, unanimous.

1) Change Order # 7 – ACTION ITEM:  Mathew Hill, City Engineer reviewed items.  Council President Thomson is concerned that one item is work completed back in June and other items since then causes to much extra time reviewing man hour and what not, need to be timelier.  Mathew addressed bedding chips on Elm Street was for bedding chips in the trench.  Mathew explained that there will be a least one (1) more change order.  Councilperson Frandsen made a motion to approve change order number seven (7).  Councilperson Guthrie seconded the motion.  All voted aye, unanimous.

2) Easement for fire hydrant and water meter at Lava Mobile Estates Status Report - ACTION ITEM:  Mathew Hill, City Engineer questioned if Council received the easement, description and map and they have received them.  Agreement has been drafted by attorney.  Council President Thomson made a motion to proceed with executing the easement for fire hydrant and water meter at Lava Mobile Estates.  Councilperson Guthrie seconded the motion.  All voted aye, unanimous.
3) Condo’s Road Resurfacing Options - ACTION ITEM: Mathew Hill, City Engineer reviewed four (4) options prepared by Knife River for the Condo road. Mathew address why the road original fell apart initially. The least expensive option is number one (1) is to pulverize entire road, reapply and leaving the curbing as is. Option two (2) is the same except no pulverizing, take out and place six (6) inches of three quarter (3/4) inch gravel, solid road base and asphalt on top. Option three (3) same with concrete curbing along there. Option four (4) same thing except asphalt curbing. All option discussed by Mathew and council. Councilperson Frandsen made a motion to proceed with paving the trench from the corner of the swimming pool up through to the end of the Condo and the few patches that need to be repaired due to Knife River and then the City revisit with other companies on price to repave from Center Street up to the pool. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

4) Fire Station Fire Hydrant - ACTION ITEM: Mathew Hill, City Engineer reported on extra costs due to underground fiber optic lines. Two options received and discussed. Council President Thomson made a motion to approve not to exceed sixteen thousand dollars (16,000.00) for open trench. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

5) Certificate of Substantial Completion - ACTION ITEM: Mathew Hill, City Engineer reported as of October 8th, 2019 everything complete except for condo road and fire station fire hydrant and punch list items. Council President Thomson made a motion to approve substantial completion document. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

6) Access and Options to Purchase Real Estate Agreement for Well Site Update: Council President Thomson reported that he hasn’t done anything and is working on it.

B) Photovoltaic System Relocation Feasibility Study Update: Nothing more to report on solar system study.

C) Street Improvements:
1) Beus Construction Agreement for Asphalt Patching - ACTION ITEM: Councilperson Frandsen made a motion to authorize Council President Thomson to sign agreement when returned. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
D) Tree Trimming Bids - ACTION ITEM: City Clerk Canda Dimick reports she is still working on. She has talked with Tony Hobson, City Maintenance and he has suggested having them provide a bid for trimming all the tree along downtown Main Street and remove the one from the park. Contractors are scheduled to come in and make bids. Councilperson Guthrie made a motion for City Clerk Canda Dimick to keep working on. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

E) Fish Creek Spring Fence:
1) Re-stake Property Lines Update – City Clerk: City Clerk Canda Dimick reports re-staking not required stakes still in place.
2) Project Progress Update – City Clerk: City Clerk Canda Dimick reports all the chain link are in waiting on for a couple of gates to be delivered and installed. There ended up be additional footage, fourteen feet (14) more that contract. The addendum is for fourteen feet (14) at fifteen dollars (15.00) a foot. Councilperson Frandsen made a motion to approve Fence Man bill with the contact addendum for additional footage. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Curb & Gutter Installs Progress Report(s):
1) North side of East Elm: Council President Thomson reported he was on his last pour. They have the sidewalk in front of liquor store completed it was part of the bid. 2nd Street completed and Justin Casperson, City Maintenance has it prep for Asphalt. Elm Street was done in four (4) section. They are on the last section and it will be completed next week. Need to pave up to curb on East Elm and it will depend if the plant closes.

2) North side of West Main: Council President Thomson reported that curb on West Main completed.

G) Miscellaneous: No other items

Discussion: Sherril Tillotson reported she spends a lot of time in Chamber meetings and other meeting looking for things that will enhance our area. One of the things is safety concerns and important need to put pressure on ITD (Idaho transportation Department) to finish the hi-way project and get the pressure of the traffic off this stretch of road. The turn in to Lava is extremely dangerous and terrify with the amount of traffic, regular vehicles and semi-trucks. Community involvement needed. Would like to see the City thinking about it and find a plan to start building pressure. It’s a safety concern.
Sherril Tillotson questioned the train horn noise and what it takes to get a no blow zone area activated. Discussed before and it would require arm crossing on each road crossing for no zone area. Would like contact name and number for railroad. Sherrill is willing to help any way she can. City Clerk Canda Dimick will check on names on phone numbers.

Sherril Tillotson addressed the recreational community and feels there is a need for dump station in the community. She recognizes it’s not the city responsibility to provide for outline areas but the City has the opportunity for grant funding that is available. Look at constructing a fee dump station in the future. She refers her people to KOA and Flying J (rest stop) and they both charge a fee. Lisa Toly reports the Sinclair has the hardware for a dump station, it’s all underground but it’s capped off. Council President Thomson reports he doesn’t have a problem with a dump station he has a problem with overloading or running to capacity on the City waste services, the needs of the residents come first. Council President Thomson mentions the trash problem in town and how much it takes to manage during the busy city, I have to wonder what a dump station will do to the City. The infrastructure is not designed to get vehicle in an out without running them through a residential area. Lisa Toly comments she has researched dump station and the forest services are putting automated dump station/holding tanks in. Sherril will check with the Department of Health on a dump station for her campground.

George Shail introduced himself and announced that normal this probably is not an issue for City council but because the City doesn’t have a code enforcement officer and Bannock County Sheriff’s department has referred me back to the City he has is addressing it to the council. He has a lighting and safety issue. Council President Thomson stated that he talked with the owner and the problem is solved. George disagreed. Light was adjusted last night but, still is not satisfied. Council President Thomson talked with the neighbor last night and asked him to aim the lights in a different direction. George read the Bannock County ordinance to council. The flood light is directed into their living room. Council President Thomson suggested that George talk to the Dennis. He has tried and they don’t answer the door and it may because the Betty’s are being harassed. George explained history concerning the harassment he has seen. Council President Thomson and George will make an appointment with Dennis and get the lighting issued resolved.

Motion to adjourn into executive session as permitted by Idaho Code 74-206 (1) (d) and (f) to discuss probable litigation matters with legal counsel and to

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consider records exempt from disclosure – ACTION ITEM: Council President Thomson made a motion to adjourn into executive session as permitted by Idaho Code 74-206 (1) (d) and (f) to discuss probable litigation matters with legal counsel and to consider records exempt from disclosure. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Thomson-Aye, Guthrie -Aye, Frandsen -Aye, unanimous.

Motion to reconvene - ACTION ITEM: Council President Thomson made a motion to reconvene. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Motion regarding probable litigation matter(s) - ACTION ITEM: Motion regarding records exempt from disclosure - ACTION ITEM:

Council President Thomson made a motion to require Ms. Hill to pay penalty. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Council President Thomson made a motion to instruct City attorney to proceed with negotiations for the property behind Riverside, north side. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Council President Thomson made a motion to instruct City attorney to proceed with official letters address legal notice to ordinance violators on vacation rentals. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Council President Thomson informed Gail Palen that the council has reviewed the surveyors map and the City has agreed to make a proposal or a counter proposal legally from City attorney to your attorney. Gail should be hearing from her attorney. Favorable resolution.

Gail Palen reported that the hot tub drain line still is an issue and still needs to be resolved. Council President Thomson will work with Tony to have him investigate if the water project damaged the drain. Gail Palen reported drain line definitely services hot tub number one (1) and number two (2). Council President Thomson comments the City has talked about how they will handle the vehicle traffic.

Galen Palen reported her attorney had a good idea with removable wooden blocks to block vehicle traffic access on that road.
Motion to adjourn - ACTION ITEM: Councilperson Guthrie made a motion to adjourn. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Meeting adjourned at 10:35 p.m.

________________________________________
Amantha Sierra, Transcriber
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Jon Thomson, Council President

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Canda L. Dimick, City Clerk