Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, October 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
Brian Hinz, Councilperson
Jon Thomson, Councilperson
Dennis Callahan, Code Enforcement Officer
Canda Dimick, City Clerk
Amantha Sierra, Office Assistant
Gary Cooper, City Attorney

**Excused:**

**Guests:**  Chet Davids, Andrea Tillotson, Monte Steel, Jeremy Fullmen, Jack Fleming and Susan Thomas, Mathew Hill, Earl Smith, Aaron Singh, Kaden Taylor, Hyrum Doyle, Brandon Doyle and Mike Doyle

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. Mayor announced agenda deadline for November 8, 2018 meeting will be November 1, 2018.

**Approval of Minutes (September 13, 2018, September 27, 2018) - ACTION ITEM:** Councilperson Guthrie made a motion to approve.  Councilperson Hinz seconded the motion.  All voted aye, unanimous.

**Review & Approve Bills ACTION ITEM:** City Clerk Dimick reviewed list of bills with Mayor and Council.  MRE will bill commercial billing account at the end of October for October 2018 service charges.  Pickle ball net ordered.  As of today donation for the pickle ball net are $180.00 and donation will continue to come in to be applied to the pickle ball net on order.  Councilperson Hinz made a motion to approve except four J’s invoice (billing error) and hold off on Knife River until council can review with engineer at end of meeting.  Councilperson Guthrie seconded the motion.  All voted aye, unanimous.
Law Enforcement/Code Enforcement:
A) Public Nuisances:
1) Unlicensed vehicles on private property – Dennis Callahan, Code
Enforcement Officer - ACTION ITEM: Dennis Callahan, Code Enforcement
Officer reported he is still working on unlicensed vehicles. Dennis asked council if
he should send out a reminder letter to Cathy Sher addressing time frame
agreement to get their vehicle registered. Councilperson Hinz made a motion to
send Cathy Sher a reminder. Councilperson Frandsen seconded the motion. All
voted aye, unanimous.

2) Tree Trimming Notices Report – Dennis Callahan, Code Enforcement
Officer: Dennis Callahan, Code Enforcement Officer reported he is constantly
checking to see if any trees need to be trimmed per ordinance. Dennis mentioned
Tony Hobson, City Maintenance, hasn’t reported on any that he is concerned with.
Mayor Davids will add an action item for Tony to drive around and identify any
trees that need to be trimmed before the snow falls.

3) Intersecting Traffic Vision Impairments Report – Dennis Callahan, Code
Enforcement Officer: Dennis Callahan, Code Enforcement Officer reported he is
not aware of any vision impairment issue’s and Tony hasn’t reported any to him.
Mayor Davids questioned the location on 5th West that was addressed at last
month’s meeting. Mayor mentioned that the tree has been trimmed but, it’s not at
the correct height and needs to be trimmed more. Dennis explained the property
owner was working with Patrick to take down the tree on the corner. Dennis will
ask the property owner if he still plans on removing the tree. Mayor asked Dennis
to send property owner the specification so they know what needs to be done.

City Clerk Dimick reviewed with council other impairments area that were
discussed in last month’s council meeting. Dennis needs to send letters to the Post
Office, Vicky Lyons, and EZ Living Inn addressing the vision impairment issues.
City Clerk Dimick mentioned that Tony mentioned to her that there is a Vision
impairment coming out of the Alley by City Hall that needs to be addressed.

B) Dog Kennel Purchase Report – Dennis Callahan, Code Enforcement
Officer: Dennis Callahan, Code Enforcement Officer reported that Tony and I
have decided they will put it by the stairs in the garage. Still working on cleaning
up the garage, need to figure out the dimension for the kennel and also need a
kennel for cats. Dennis will continue working with Tony.
C) Monthly Law Enforcement/Code Enforcement Miscellaneous Reports: Mayor Davids suggested at this time to address the Lava Chamber of Commerce concerns about police coverage and contract (A).

D) Bannock County Law Enforcement Contract Renewal – Mayor Davids: Mayor Davids talked with Dan Argyle and Dan mentioned that they are going to do an attachment to go with the contract addressing the agreement to send the City clerk a monthly status report. Officer Monte Steele comments that they are still working on the report and explained their process and what they plan on having on the report. He will check on getting it emailed on a monthly basis starting in November. The report received in November will be October’s status report and will be emailed in time for the City Council meeting scheduled on November 8th, 2018.

Lava Chamber of Commerce
A) Police Coverage & Contract: Chet Davids introduced himself and Andrea Tillston. He announced that the Chamber broad members have addressed police coverage and concerns at their monthly meeting and Chet would like to address their concerns with them at this time. Overall they are happy with the coverage and the police are doing a great job. Chet explained a few isolated incidents accrued while a visitor was in town that he personal witnessed. He called dispatch and requested police assistance and the responds time was not timely. He is concerned with the gap times. Officer Monte Steele explained the coverage for Lava, Downey and McCammon, they have three (3) shifts, day shift, swing shift and midnight shift, to cover the three (3) cities and we split our time among them, around three (3) hours per shift. Day shifts schedule is one (1) officer for north and one (1) for south. They also had a couple of DUI stings scheduled this summer in Lava. The City pays for extra patrol at various times throughout the summer. Chet mentioned the chamber would like to see some police presence at their event. Officer Monte Steele explained the Event Coordinator needs to contact the Sherriff’s department and give them the date, time and activities planned for the event. Then the police officers on shift for that day will be alerted about the activities and can have some presence at the event.

B) Oktoberfest Report – Kelly Myers, Event Coordinator: Chet Davids reported they Kelly took a couple days off and could not attend this meeting. Chet reported on what Kelly reported at the Chamber meeting. Financial not completed and overall the event was larger than last year. Attendance, 280 prepay. Chamber would like to see a document that shows the trail system is approved and any plans that are approved. Mayor Davids will follow-up with the county commissioner.
Business License(s)/Alcohol Beverage Licenses(s)/Coin-Op License(s) ALL -
ACTION ITEMS:
A) Motion to approve 2019 license renewals upon receipt: Councilperson Hinz
reminded council of the discussion council had about recreational vehicles for rent
businesses and that a decision needs to be made before issuing a business license.
Discussion followed. Gary Cooper, City Attorney, will review ordinance and
provide council with his recommendations. Councilperson Hinz made a motion to
table 2019 automatic renewals. Councilperson Guthrie seconded the motion. All
voted aye, unanimous.

B) Business license requirements for single family and multi-family dwelling
rentals: Discussion held concerning business license for property owner’s renting
their home long term and updating ordinance to exempt long term rentals.
Councilperson Thomson made a motion to table until next month. Councilperson
Guthrie seconded the motion. All voted aye, unanimous.

C) Coast to Coast Carports, Inc. – Jorge Zavala, Owner/Applicant:
Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded
the motion. All voted aye, unanimous.

D) Janus International Group: Councilperson Hinz made a motion to approve.
Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Lad Design – Jasmine Hinojoza, Owner/Applicant: Councilperson Hinz
made a motion to approve. Councilperson Guthrie seconded the motion. All voted
aye, unanimous.

F) Scotts Sprinkler Systems – J. Scott Lish, Owner/Applicant: Councilperson
Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All
voted aye, unanimous.

G) Send Out Cards, LLC: 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 reviewed report with Mayor

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and Council. Cochran’s will be calling for a final inspection. Beckstead house is schedule to be delivered next Thursday.

**B) 8 Unit Nightly Rentals Temporary Occupancy - ACTION ITEM:** Mayor Davids explained that Tony Hobson, City Maintenance, put two blue stakes there in order to identify City property and parking lot property. Councilperson Hinz addressed his concerns with power pole. They need to do something to protect it from getting hit. Councilperson Hinz addressed his concerns with people staying there this past weekend. City Clerk Dimick addressed landscaping, retaining wall supporting parking area. Councilperson Thomson made a motion to approve contingent upon Certificate of Occupancy (CO) for the four (4) lower units, parking lot/retaining wall, fire suppression, light pole protection and April 1st deadline still in place. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Council mentioned this is the last time City is going to cater no exceptions.

**C) Apartment Complex Rebuild footers and Interior Remodel – 60 East Booth Street - ACTION ITEM:** Plans were reviewed. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Make sure permit list three (3) unit apartment.

**Dragon Fly Gallery (Susan Thomas) Sign Permit – 178 W. Main - ACTION ITEM:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Sign will be vinyl.

**Meetings/Announcements/Miscellaneous:**

**A) Planning & Zoning Commission Member Vacant Seat:** Councilperson Frandsen has asked Lisa Toly. Councilperson Guthrie will ask Alvin Guthrie. Jack Fleming questioned responsibilities. Mayor asked council members to follow up with contacts.

**B) 2019 Dog License Discount Offer - ACTION ITEM:** Councilperson Guthrie made a motion to offer fifty (50) percent discount on 2019 dog license. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**C) City/Edge Water Resort Exchange Agreement & Grant of Easement - ACTION ITEM:** Councilperson Hinz made a motion to approve and completion date spring of 2019. Councilperson Thomson seconded the motion. All voted aye, unanimous.
D) III-A Insurance Probationary Period & Enrollment Requirement - **ACTION ITEM:** Councilperson Hinz made a motion to change to sixty (60) days probation. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Personnel Policy Changes - **ACTION ITEM:** Councilperson Frandsen wanted everything spelled out. Example: Work ten (10) hour day employee will get two (2) hours overtime. If they worked forty two (42) hour work week, employee overtime is two (2). Two (2) hours for the ten (10) hour day but not the forty two (42) hour work week. If employee works thirty eight (38) hour in a work week with one ten (10) hour day in that week, employee get’s the two (2) hour overtime. Put an example in policy. Comp and vacation can be used to get to the forty hour work week but, can’t use comp time to get overtime. Councilperson Frandsen made a motion to include example on how comp time can be used and how overtime is calculated and review before approving change. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Miscellaneous: Mayor Davids asked for a date for City appreciation dinner. Council decided to schedule dinner for December 6th, 2018, 6:30 p.m. Council will decide on meal plan next month. Councilperson Hinz will take care of gift cards.

City Clerk Dimick reviewed option tax yearly report with council.

Bannock County Comprehensive plan updated presented to council for information.

Projects:

A) Water Improvement Project:

1) City/Lava Hot Springs Foundation Water Meter Relocation Agreement - **ACTION ITEM:** Councilperson Frandsen made a motion to get cost of engineering fee to relocate meter and put cost in Foundation contract. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Foundation agreed to pay half of the engineering cost to relocate meter to the South side.

2) Change Order #1 **ACTION ITEM:** Councilperson Frandsen made a motion to accept change order, seven thousand two hundred and fifty two dollars and thirty nine dollars ($7,252.39). Councilperson Guthrie seconded the motion. All voted aye, unanimous. Mathew Hill explained change order 1# has three (3) items on it.
Mathew Hill explained the third (3rd) item proposed for the change order is that in lieu of winter shut down, current contract communicates days stop accumulating from December through February, contractor is asking for a ninety (90) day extension. Knife River would like to work in the winter months if the weather is good instead of taking the time off, it will not extend the completion date. Winter shut down will be used for the days they didn’t use. Councilperson Frandsen made a motion to accept the change order for the ninety (90) days as long as it doesn’t extend the end date of the contract. Councilperson Thomson seconded the motion. All voted aye, unanimous. Mathew Hill will put together change order for nine thousand and eighty three dollars and forty one cents ($9,083.41).

Councilperson Hinz asked that a track out be put down at staging area to help keep mud off pavement. Progress on hill has halted because of mud.

3) Canal Crossing ACTION ITEM: Earl Smith explains he has no problem with anything the city wants to do but, they would like the City to accept responsibility. They would prefer they go under the canal because Earl thinks it would stabilize better. Earl would like the City to accept liability if the canal breaks out twenty five (25) feet on either side of the canal. Mayor Davids asked Mathew if they plan on cutting or boring it. Earl comment the Canal Company feels more comfortable with boring it. Mathew explains the contractor is going to have their boring contractor look at it to see if boring is possible. Not sure if they can get their equipment in the area due to steep incline on both sides. Mathew comments we are wondering about installing a culvert instead of boring. Earl would be fine with a culvert. Mathew explains they would open cut and bury that section with a culvert. A culvert would take care of a wash out in that area. Earl comments you want to make sure that you are down low on the head of the culvert so it doesn’t wash out under it. Mathew explains they would want to make sure that everyone is in support of a culvert. Mayor Davids asked what size of culvert would be installed. Mathew explained the easement is twenty (20) foot. Discussion followed about types of culverts available. Earl comments they need a culvert large enough to accept thirty two (32) feet of water. A larger culvert verses two culverts is preferred. Earl explains they would like a written notice that the City accepts liability for any washout within that fifty (50) foot radius. Discussion followed on area size, gopher holes, long term maintenance and ownership. Earl will accept ten (10) feet on both sides of disturbed area is okay, for a total forty (40) feet. Accept liability for twenty five (25) to thirty (30) years. Culvert would be fine but they would prefer bore. Earl explained that they don’t want to cost the city a bunch of money but the canal company needs to protect their liability. City
Council wants to see the options before making any decisions. Earl Smith will be point of contact.

Councilperson Hinz asked Mathew Hill to email project schedule to city, currently they do not have a three (3) week rolling schedule and they are working on Main Street. Mathew comment an agenda is emailed to the City for the construction meetings scheduled with the city. City Clerk Dimick will forward email meeting agenda to council.

Knife River bill reviewed. Mathew Hill is good with all charges. Councilperson Hinz made a motion to approve bill. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

4) City/Clinton & Kelli Poll Access and Option to Purchase Real Estate Agreement for New Well Site – ACTION ITEM: Gary Cooper, City Attorney made changes as requested by City Clerk Dimick on agreement. Councilperson Frandsen made a motion to offer five hundred ($500.00) dollars to drill per test site (2 sites), five hundred ($500.00) dollars for option to purchase the land with the purchase price of four thousand ($4,000.00) for either site, whichever one the City buys. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Gary Cooper, City Attorney verified net out thirty five hundred ($3,500.00) dollars. City Clerk Dimick asked about the liability if the City decides the test well is not good. Mathew Hill comments the test wells will be filled back in.

5) Fish Creek Spring Land Purchase from Doug Potter – Mayor Davids - ACTION ITEM: Mayor Davids comment the agreement is close. Still working on a figure because it’s less land due to the fence was moved up away from the creek. Need to include language on pole relocation and a gate so Doug Potter can have access to his water storage container located there. Knife River will be installing the culvert for him because of an agreement between them. Mathew Hill comments that the City responsibility was to deliver the culvert and it has been delivered. Councilperson Thomson made a motion to table until next month. Councilperson Hinz seconded the motion. All voted aye, unanimous.

B) ADA Curb Ramp Project:
1) Contract Proposals ACTION ITEM: Councilperson Thomson made a motion to accept Forsgren contract. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
C) City Maintenance Shop:
1) GBI Insulation, Inc. Agreement - ACTION ITEM: Councilperson Hinz made a motion to authorize Mayor Davids to sign contract. Councilperson Thomson seconded the motion. All voted aye, unanimous.

2) Summit Air Systems, Inc. Agreement (Gas Heater Install) - ACTION ITEM: Councilperson Hinz made a motion to authorize Mayor Davids to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

3) Quality Overhead Door Agreement - ACTION ITEM: Councilperson Hinz made a motion to authorize Mayor Davids to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) East Main South Pedestrian Bridge:
1) Schedule Meeting with Todd & Tyler Victor - ACTION ITEM: Mayor Davids contacted Todd & Tyler Victors and express their interest to meet on a Friday. Conversation is open. Councilperson Thomson made a motion to continue to setup a meeting date. Councilperson Hinz seconded the motion. All voted aye, unanimous.

E) Miscellaneous: None

Discussion: Mike Doyle asked about the bridge that was mentioned. Mayor Davids responds the City is negotiating plans for a bridge on the south side. Discussion followed on the bridge over Main Street.

Gary Cooper, City Attorney explained that the Mayor has signed the warranty deed before, this is on the Edge Water deal but, because we had to go through the public comment section we need to re-record it. Mayor executed deed for Edge Water Resort exchange. Gary Cooper, City Attorney will take it to the Title Company and they will record it.


Councilperson Thomson made a motion to have Gary proceed forward with litigation concerning the strip of property the City owns. 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 8:45 p.m.

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Amantha Sierra, Transcriber  T. Paul Davids III, Mayor

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Canda L. Dimick, City Clerk