Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, October 5, 2017 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present:  T. Paul Davids III, Mayor
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 Guthrie, Mark Lowe, Earl & Anastasia Swanson, Allison Hinz, Mary Elizabeth Hinz, Brigitta, Julie Hill, Evelee Hill

Mayor Davids welcomes 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. November’s agenda deadline for Council meeting on November 9th is November 2nd.

Amend Agenda:  None

Approval of Minutes:  Councilperson Hinz made a motion to approve minutes September 14th 2017. Councilperson Davids seconded the motion. All voted aye, unanimous.

Review & Approve Bills:  Mayor Davids comments The Rock Hard Concrete bill is more than what was contracted. The concrete pad at the Fire Station is forty three hundred and fifteen dollars. The contractor had to jack hammer out some extra stuff we didn’t know about. City Clerk Dimick reviewed bills with Mayor Davids & Council. The Council feels like they need to negotiate on the fee for Copper and Larsen bill. The attorney mentioned it in his email. Council suggested holding off until they have a chance to negotiate. Four J’s invoice needs to be adjusted because their bill pick-up date needs to be corrected. Idaho Division of
Safety has an error on it. The correct calculation is sixty percent due and forty percent retained. They flipped the percent. Councilperson Hinz made a motion to pay with exception of Cooper and Larsen and Four J’s. Councilperson Davids seconded the motion. All voted aye, unanimous.

**Status of Hiring an Appraiser to Appraise Various Properties (Potter Land Purchase Agreement, East Main South Side Pedestrian Bridge and Well Site with Access to Property):** Mayor Davids reported that the appraiser they had passed away un-expertly and we are looking for another appraiser. We’ve contacted Bret Thompson who is from Idaho Falls and his bid is twenty five hundred for each appraiser. He can possible appraise the property in December. He has an MAI certification. Mayor and Council discussed the appraisal process and option they have. Councilperson Thomson made a motion to proceed with Thompson with the current properties to be appraised and continue looking for an appraiser with MAI certification for future use. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Law Enforcement/Code Enforcement:**

**Monthly Law Enforcement:**

**A) Public Nuisance Notices Report:** Code Enforcement Officer Callahan reported he is starting to see some action. Some cars have been moved. Step forward. He would like to follow up with letter thanking them for their progress and asking them to continue. Mayor David agreed.

**B) Community Thanksgiving Dinner Special Event Permit Application:** Mayor Davids verified the event is taken place in the Lava Community Building and thanked Allison Hinz for completing the application and donating her time for this event. Allison Hinz confirmed the event location is correct. Councilperson Hinz made a motion to approve application. Councilperson Thomson seconded the motion. All voted aye, unanimous. Allison asked for approval to put notice in the City bill. Mayor Davids approved.

**C) Adopt Ordinance 2017-4 Defining & Prohibiting Lanterns:** Councilperson Davids made a motion to waive three readings. Councilperson Hinz seconded the motion. All voted aye, unanimous. Read in full.
ORDINANCE 2017-4

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AMENDING ORDINANCE 2011-4; AMENDING THE DEFINITION OF FIREWORKS AND NON-AERIAL COMMON FIREWORKS AND INCLUDING A DEFINITION FOR LANTERNS, PROHIBITING THE LIGHTING, RELEASE AND/OR DISCHARGE OF LANTERNS WITHIN LAVA CITY LIMITS, ESTABLISHING FOR CRIMINAL AND CIVIL PENALTIES FOR VIOLATION OF THE ORDINANCE INCLUDING REIMBURSEMENT FOR SUPPRESSION COSTS; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE, WAIVING THE RULE THAT THIS ORDINANCE BE READ ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION 1: Section 1 Definitions B, C and E are hereby amended to read as follows:

B. “Fireworks”: Any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Fireworks include sky lanterns and similar devices and items classified as common or special fireworks by the United States Bureau of explosives or contained in the regulations of the United States Department of Transportation and designated as UN 0335 1.3G or UN 0336 1.4G. The term “fireworks” shall not include any automotive safety flares, toy guns, toy cannons, caps or other items designed for use with toy guns or toy cannons, party poppers, pop-its or other devices which contain twenty five hundredths (0.25) of a grain or less of explosive substance.

C. “Non-aerial common fireworks”: means any fireworks such as ground spinners, fountains, sparklers, smoke devices or snakes designed to remain on or near the ground and not to travel outside a fifteen foot (15’) diameter circle or emit sparks or other burning material which land outside a twenty foot (20’) diameter circle or above a height of twenty feet (20’). Non-aerial common fireworks do not include firecrackers, jumping jacks, lanterns, or similar products.

E. “Lanterns”: Any Chinese lanterns, sky lanterns, wish lanterns, sky candles, fire balloons or similar devices regardless of name using an open flame or combustible material, including but not limited to alcohol or a candle, for the purpose of illuminating, or heating the air in, a bag made of tissue paper, rice paper, very thin plastic or any combustible material for the purpose of making the device lighter than air causing it to rise into the sky or for the purpose of floating the device on water. Because of the combustible nature of these devices and the fire danger posed by such devices, these devices will be considered fireworks and regulated as such by the city.

SECTION 2: The lighting, release and/or discharge of lanterns as defined in this ordinance is hereby prohibited within the corporate limits of the City of Lava Hot Springs, Idaho.
SECTION 3: Section 8 is hereby amended to read as follows:

A. Criminal Penalties: Any person or entity violating any provision of this ordinance shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a period not to exceed six (6) months, or by a fine not to exceed one thousand dollars ($1,000.00), or by both such fine and imprisonment, and shall be additionally responsible for restitution of all damages caused and costs of fighting any fire caused by such violation.

B. Civil Penalties: Any person or entity violating any provision of this ordinance shall be responsible for the costs of suppressing any resulting fire, including the wages paid by any responding agency and the reasonable charges for equipment, materials and supplies used in the suppression of such resulting fire. The City of Lava Hot Springs and/or any other agency responding to suppress a fire caused by anyone violating any provision of this chapter shall have the right to bring a civil lawsuit to recover such costs.

SECTION 4: Ordinance 2011-4 is hereby amended. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5: The rule requiring that this ordinance be read on three separate occasions is hereby waived.

SECTION 6: This Ordinance shall be in full force and effective 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 5th day of October, 2017.

CITY OF LAVA HOT SPRINGS, IDAHO

___________________________________
T. Paul Davids III, Mayor

ATTEST:

__________________________________
Canda L. Dimick, City Clerk

D) **Open Burn Ordinance Draft**: Mayor Davids reports the ordinance is a draft for council review. City Clerk Dimick comments still work in progress. The committee is working on the recreational fire provisions in the ordinance. Mayor Davids asked the council to look at the ordinance draft and mark up any changes needed.

E) **Tree Trimming Notices**: Code Enforcement Officer Callahan reports he is still working on tree notices. He is still finding more trees that need trimming. Seven notices sent out today. We are working on the alley and questioned the tree in the alley way. According to Tony he was told to leave it there from previous decision made. We don’t see any reason why it cannot be removed. Need direction from Council on removing the tree. The tree is between Booth and Fife. Council requested the tree to be removed.

F) **No overnight camping signs**: Budgeted money for no camping signs. Mayor requested for the sign to be designed then their locations can be decided. Need ten signs. Mayor Davids will find out color requirement from the transportation department.

G) **Building Code Updates**: Mayor Davids is interested in what the changes or updates were made.

H) **Tree City USA Application**: Code Enforcement Officer Callahan reports work in progress.

I) **Monthly Law Enforcement/Code Enforcement Miscellaneous Reports**: Code Enforcement Officer Callahan reported the curb at 5th and Main is completed. Callahan question the due date to have sidewalk completed, he was thinking spring time. Mayor Davids agreed with spring time and asked Callahan to send out thank you and timeline for sidewalk.

    Code Enforcement Officer Callahan questions the council on address number for DLR. The Office will be located on the alley way and the unit off Elm. Should it be alley or Street address? Council agreed with alley address.

    Code Enforcement Officer Callahan addressed Dog license fifty percent discount offered every year if paid by December 31st. Councilperson Davids made a motion
to approve fifty percent discount for 2018 dog license if paid by December 31st, 2017. Councilperson Linford seconded the motion. All voted aye, unanimous.

Bannock County did not in attendance.

1% Proposal(s) - 2018 Marketing Plan – Lava Chamber of Commerce & Suggested Request and Follow-up Form – Evelee Hill: Chet Davids present and representing the Chamber of Commerce. Mayor Davids reviewed the cover letter acknowledging Lava Chamber of Commerce board of directors has approved the submitted 1% application request for the proposed 2018 advertising budget. Mayor Davids is interested in matrix. Chamber of Commerce will provide data. Evelee reported that lodging has increased due to more units added to existing hotel, tiny homes, cabins and nightly rentals. She explained lodging increased so, more people are visiting. Evelee feels advertising pictures need to change to promote overnight stays. She has prepared a form that could be used by business to provide to Brigitta statistics they have gathered. The form would be supplied from Brigitta indicating the time line for advertisement she has published and the advertisement design. The form covers areas where people are coming from. The form will help to determine our target market, does the ad design promote overnight stays, estimated cost for a thousand impressions and a measurement on return of investment. Chamber has established an advertising committee. The committee is open to anyone that would like to join. Councilperson Thomson made a motion to approve. Councilperson Linford seconded the motion. All voted aye, unanimous. Evelee asked that the City put a caveat on it for more follow up procedures. Involvement in the High Country was briefly discussed.

Street Improvement/Drainage Improvements/Repairs/Snow Removal Equipment:
A) North 1st West Drainage – Aaron Swenson, Forsgren Associates: Mayor Davids reports still waiting for design from Forsgren on N. 1st W. drainage system.

B) Snow Removal Contract Labor/Equipment Proposal(s) – Mayor Davids: Mayor Davids reported that Billy and Tony suggested that with the new bucket all they needed was a driver. Mayor and Council discussed hiring a contractor or hiring a driver to help. Councilperson Thomson made a motion to get the new
bucket and hire a driver. Councilperson Hinz seconded the motion. All voted aye, unanimous. Mayor Davids reported the bucket is already approved.

**Naughty Pine Sign Permit:** Application reviewed. Councilperson Thomson made a motion to approve. Councilperson Linford seconded the motion. All voted aye, unanimous.

**Business License(s), Alcohol License(s), Coin-Op License(s) & Non-Property Tax Permit(s):** Councilperson Hinz requested the Tax permits and Business License to be listed per categories on meeting agenda and describe business.

A) **B & G Technologies, LLC (Non-property Tax Permit):** Councilperson Linford made a motion to approve Tax Permit. Councilperson Hinz seconded the motion. All voted aye, unanimous.

B) **Chem Dry of Blackfoot & Pocatello – Ruth Rogers, Owner/Applicant:** Councilperson Davids made a motion to approve Business License. Councilperson Hinz seconded the motion. All voted aye, unanimous.

C) **Craig’s Backhoe Services, LLC – J. Craig Davis, Owner/Applicant:** Councilperson Hinz made a motion to approve Business License. Councilperson Davids seconded the motion. All voted aye, unanimous.

D) **DLR Enterprises – Brandon & Cody DeLos Reyes, Owners/Applicants:** Councilperson Hinz made a motion to approve Business License for general contractor only under DLR Enterprises. They need to complete a new business application for the nightly rental and retail from office. Councilperson Thomson seconded the motion. All voted aye, unanimous.

E) **Dongalen Enterprises; DBA Interstate Plastics (Non-Property Tax Permit):** Councilperson Davids made a motion to approve Tax Permit. Councilperson Hinz seconded the motion. All voted aye, unanimous.

F) **Eddie Bauer, LLC (Non-Property Tax Permit):** Councilperson Hinz made a motion to approve Tax Permit. Councilperson Davids seconded the motion. All voted aye, unanimous.
G) Final Touch Custom Painting – Art Wilson, Owner/Applicant:
Councilperson Hinz made a motion to approve Business License. Councilperson Thomson seconded the motion. All voted aye, unanimous.

H) Melaleuca, Inc. (Non-Property Tax Permit): Councilperson Davids made a motion to approve Tax Permit. Councilperson Hinz seconded the motion. All voted aye, unanimous.

I) Naughty Pine Vacation Rental – Lane Avery, Owner/Applicant:
Councilperson Thomson made a motion to approve Business License. Councilperson Linford seconded the motion. All voted aye, unanimous. Councilperson Hinz made a motion to approve Tax Permit. Councilperson Thomson seconded the motion. All voted aye, unanimous.

J) NuSkin Enterprises, United States, Inc. (Non-Property Tax Permit):
Councilperson Davids made a motion to approve Tax Permit. Councilperson Hinz seconded the motion. All voted aye, unanimous.

K) Panasonic Corporation of North America (Non-Property Tax Permit):
Councilperson Hinz made a motion to approve Tax Permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

L) River Bridge Inn (Non-Property Tax Permit): Councilperson Hinz made a motion to approve Tax Permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

M) Rocky Mountain Boiler, Inc. – Howard Beines, Owner/Applicant:
Councilperson Hinz made a motion to approve Business License. Councilperson Davids seconded the motion. All voted aye, unanimous.

N) Scentsy, Inc. (Non-property Tax Permit): Councilperson Davids made a motion to approve Tax Permit. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Lava Lowe Village Update – Mark Lowe, Developer: Mayor Davids reviewed conversation from last time the council meet with Mark they decided to check with other communities on how they handle the contract for water service outside the City limits. City Clerk Dimick put together a form highlighting what was suggested. A Mark Lowe comments that he has seen preliminary’s on that and they
are willing to do whatever is necessary to make it work. He is concerned that if they have to become a Public Utility it will not be feasible for them to do. Mark mentioned that they have signed the agreement with the City to agree to be annexed and he can put that explicitly in the CCR that will be recorded with the county.

Mayor Davids reviewed the check list. Discussion followed.
1) Annexation owner will pay City taxes and receive inside City limits rates.
2) Review construction plans to make sure systems are built to City standards. The City would like Keller Associates to review plans at Mark Lowes cost. Mark responds it’s going to be engineered by a license engineer and go through the DEQ approval process. Mayor Davids responds the City wants there inspector (Keller Associates, Inc.) to review and get there stamp of approval. Mark asked if they can do this after DEQ approval. His reasoning is to stream line the process. Mayor Davids agreed that they can be the 3rd approval. City Clerk Dimick comments that Tony is concerned with how big of line will come of the main and stub into the side of the curb, he would like the standard in the plans and it to be at least a one inch, he would like it to go to a larger meter barrel. Mark comments the intent is to install the service connection up to the barrel with the curb stop on it so, when the home owner builds it the city can come in and drop the meter in.
3) The city attorney will verify the plat.
4) Record plat map.

Marks asked about contacts at Keller Associates, Inc. City Clerk Dimick comments Bryan Phinney or Matthew Hill. Mark would like a not to exceed quote from them. County and City easements discussed. Roads will be paved. Owner occupied no nightly rentals. The CCR will be in placed if annexed into the City.

Meetings/Announcements/Miscellaneous:
A) November 7, 2017 Election Ballot: Ballot Read in full.
Mayor Davids explained at the community forum names need to be spelled correctly on candidate forum notice. November 2nd, 2017 candidate forum at the Community Building and Mayor Davids will explain the ballot question at the forum.

**B) Adopt Resolution 2017-1 establish park pavilion reservation fees:** Read in full. Councilperson Thomson made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.
Resolution 2017-1
A RESOLUTION IMPOSING PARK PAVILION RESERVATION FEES
Pursuant to Idaho Code 63-1311

WHEREAS, the City Council has determined that Idaho Code 63-1311 provides that the governing board of taxing districts may collect fees for services provided; and

WHEREAS, the City of Lava Hot Springs is hereby imposing fees for City of Lava Hot Springs park pavilion reservations in order to help defray the public costs of park maintenance, improvements and future expansion plans.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Lava Hot Springs, Idaho that the following fee schedule be adopted as follows:

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<thead>
<tr>
<th>Pavilion Type</th>
<th>Description</th>
<th>Fee per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Pavilion</td>
<td>9' x 12', 1 2' x 4' table under pavilion and 1 2' x 4' table in shade by pavilion</td>
<td>$40</td>
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</table>

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<tr>
<th>Pavilion Type</th>
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<th>Fee per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Pavilion</td>
<td>18' x 46', includes use of three 3' x 8' diameter handicap accessible round tables near pavilion and the use of ten 2' x 4' tables under pavilion and use of electrical outlets (estimated seating capacity 96)</td>
<td>$100</td>
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- These fees include the reservation date of the pavilion (only) and the designated tables located for that area.
- Events that occur over multiple days must pay a reservation fee to reserve the pavilion for each day of the event including setup and take down.
- Events that use multiple pavilions will be required to reserve each pavilion and pay a separate fee for each pavilion that will be used for the event.

PASSED and APPROVED by the Mayor and City Council of the City of Lava Hot Springs, Idaho, this 5th day of October, 2017.

T. Paul Davids III, Mayor

ATTEST:

Canda L. Dimick, City Clerk

C) III-A Membership – Free Life Flight Membership: For City full time employees.

D) Miscellaneous: ICRMP, Region 2, Board of Trustees Nomination Form: City of Pocatello Mayor Brian Blad desires to run for another two-year term on the ICRMP Board. Councilperson Hinz made a motion to support Brian Blad. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Projects:
A) East Main Pedestrian Bridge(s):

1) Funding Opportunity of South Bridge: Mayor Davids announces that there is funding available for the south bridge. Councilperson Thomson made a motion to proceed with legal. Councilperson Hinz seconded the motion. All voted aye, unanimous. City Clerk Dimick comments easement already available behind building to street.

B) East Main Traffic Bridge Pillar Construction & Rock Installation: Mayor Davids announced the pillar is framed and ready for rock. Mayor and Council reviewed bid. One year warranty needed. Councilperson Thomson made a motion to accept the bid. Councilperson Hinz seconded the motion. All voted aye, unanimous.

C) Buddy Campbell Park Improvement Project:

1) Court Resurfacing – Cost Estimate: Mayor Davids reported a Contractor has looked at it. Three things they can do. No written bid received to date. 1) Take down to original cement. 2) Take it down and level it. 3) Level it and resurface. Need quote for each option. Longevity for each procedure and if it is pickle ball associated approved. Complete demolition may be the plan.

2) Pavilion Re-roofing Contract: Contract from Quality Home Improvement. Councilperson Hinz made a motion to approve contract. Councilperson Davids seconded the motion. All voted aye, unanimous.

D) Water Improvement Project: Mayor Davids has talked with Henry Etchevery. Henry is talking with his legal this month.

1) Well Location & Access – Mayor Davids:

2) Easements: Mayor Davids reported the easements have all been sent out. Tony Hobson, City Maintenance delivered them. Have not received any back. City Clerk Dimick reported there are three that she is still working on.

E) East Main Street Additional Benches – Project Competed: East Main Street benches are in place and look nice. Mayor Davids expressed concerns with the businesses placing flower pots around the seating area. Like to see they placed away from benches.
F) **City Hall Energy Project:** The City has received Rocky Mountain incentive, one thousand and seventy nine dollars and twenty six cents to replace lights with LED lights for City Hall. Mayor Davids signed. City Clerk Dimick reports that they are still waiting on Department of Energy documents; they need to be signed before we can start construction.

G) **Fire Station Roof Repair Contract:** Contract executed. Councilperson Hinz made a motion to approve Rudy’s Contract. Councilperson Thomson seconded the motion. All voted aye, unanimous.

H) **Miscellaneous:** Volunteers needed for Oktoberfest.

**Discussion:**

Councilperson Linford made a motion to adjourn. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Meeting adjourned at 7:45 p.m.

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Amantha Sierra, Transcriber                       T. Paul Davids III, Mayor

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Canda L. Dimick, City Clerk