Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, November 09, 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
Gary Cooper, City Attorney
Ken Fagnant, Fire Chief

Excused: 

Guests: Lisa Guthrie

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 November’s agenda deadline for Council meeting on December 14th is December 7th.

Approval of Minutes: Mayor Davids read the list of minutes to be approved. September 20, 2017, October 5, 2017 and October 19, 2017. Councilperson Hinz asked that for future minutes to spell out the dollar amount and follow by parentheses the number amount. Councilperson Hinz made a motion to approve minutes with corrections. Councilperson Davids seconded the motion. All voted aye, unanimous.

Review & Approve Bills:
1) Discuss legal service bill with City Attorney: Mayor Davids explained to Gary that the City doesn’t want to take advantage of his service. Gary Cooper, City Attorney explained his research efforts on the Burlesque Shows. His time involved, who he contacted and how complicated the research on Burlesque Shows
was. Mayor Davids reported that he would like to communicate with the citizens of Lava and explain findings in next newsletter. Gary agreed to review the communication on the newsletter for accuracy. Gary offered to cut the bill in half fourteen hundred and fifty dollars ($1,450.00). Original bill amount was twenty nine hundred and fifteen dollars ($2,915.00). Council expressed their appreciation with Gary research and time.

2) **DEQ Drinking Water Loan Request for Reimbursement:** Councilperson Davids made a motion to approve reimbursement off the loan for what is over the budget for the year. Councilperson Hinz seconded the motion. All voted aye, unanimous.

3) **Motion to approve bills.** City Clerk Dimick reviewed list of bills with Mayor and Council. Marsh Valley Electric project not completed. Quality Home improvement will finish up tomorrow on his project. Rudy’s project not completed. Suggestion to approve and release payment after someone from the City signs off on the project. Councilperson Hinz asked Canda to ask Marsh Valley Electric to give a bid on a light over the main door at Fire Station. Canda handed the request over to Ken Fagnant, Fire Chief. Councilperson Thomson made a motion to approve all bills except for the three projects, Marsh Valley Electric, Quality Home and Rudy’s, to be paid after completion and city sign off. 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):** City Clerk Dimick comments the surveyor wants contract before scheduling. Mayor Davids announced sites to be surveyed Potter land agreement, East Main Street south Side Bridge, well site with access to property. Mayor Davids explained four options with purchasing land from Henry. Options: 1) Fair market value from appraisal. 2) Fair market value and allowed to put in septic tank or fair market value and allowed to put in septic tank with a variance, tank to be removed when property sells. 3) Fair market value and holding tank 4) Fair Market value and sewer line. This would require adjourning property owner’s agreement. Mayor and Council discussed the options and other land options. Gary Cooper, City Attorney is going to look into agreement and
holding tank requirements. Councilperson Linford made a motion to hire surveyor to survey three properties and get on his schedule. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**Discuss Land Acquisition or Right-of-Way Easement for East Main South Side Pedestrian Bridge:** Gary Cooper, City Attorney reported on condemnation process. Project meets all criteria’s. Next step is to give notification to land owner explaining what their rights are, required by statute. Gary drafted a notification, he will email to council. Enter into good faith negotiations to try to resolve it. Councilperson Thomson questioned reasoning. City needs to keep approaching property owners.

**Law Enforcement/Code Enforcement:**

**Monthly Law Enforcement:**

A) **Public Nuisance Notices Report:** Code Enforcement Officer Callahan reported on the letter from Cathy Sher. Dennis has not received any response from letters he sent to other property owners. Councilperson Hinz is okay with giving Cathy more time but, needs an end date. Council decision on end date for Cathy is all vehicles on property must be registered or removed by December 31, 2018. Code Enforcement Officer Callahan will notify Cathy Sher. Mayor Davids reported on cars by the Museum and Liquor store, Austin Hobson, and East Booth that have not been moved for a while. Code Enforcement Officer Callahan will work on notifying them this weekend. Code Enforcement Officer Callahan suggested chalking tires to make sure vehicles haven’t moved. Mayor Davids comments snow season is coming up and we need to make sure vehicles are moved per ordinance. East Elm parking problem discussed. North 1st E. is also marked off diagonal, should be parallel. Need to put up sign parallel parking only. Mayor Davids asked Dennis to take care of the vehicles this weekend and he needs to stay on top of vehicles that are parked illegal.

B) **Holiday Lighting Event Permit Application:** Councilperson Hinz suggested speaking with Wendy and see if future permits can be typed instead of written. Mayor Davids is scheduled to speak at the event. The event will be held at the Tribal lot. They will hand out flyers on the Ginger Bread House walking tour. Veterans Park decoration discussed. Councilperson Hinz made a motion to
approve permit. Councilperson Thomson seconded the motion. All voted aye, unanimous. Councilperson Davids will question Wendy about decorating Veterans Park.

C) Discuss Open Burn Ordinance Draft with Ken Fagnant, Fire Chief: Ken Fagnant mentioned that there are a few items in the ordinance draft the City Council needs to make a decision on the changes made. Ken suggested not allowing burn barrels or incinerators within the City limits. If you allow property owners unpermitted use property owners will be illegally burning garbage. House hold trash is illegal to burn per the Clean Air Act. The only things you can legally burn are the items the City currently allows on their burn permits. Bond fires, portable fire pits, barbeque grills discussed. Ken has reviewed the City ordinance and it’s in line with the International Fire Code and NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds. Mayor Davids asked Ken, as the Fire Chief, if a property owner is not in compliance, can he review the ordinance with property owners and make a memo of record of visits. Ken agreed to talk with property owner if they are not complying with City ordinance and make a record of visit. Councilperson Hinz made a motion to approve changes. Councilperson Thomson seconded the motion. All voted aye, unanimous. Make changes and adopt at next month City Council meeting.

D) Tree Trimming Notices Report: Mayor Davids reviewed with Dennis, Billy’s list of property owners requiring trees to be trimmed. Reinforce with letter out to property owners. Mayor Davids discussed establishing a date to send Public Nuisance Notices out. Notice for weeds, lawns, yard cleanup and so on on 1st notice June 1st kind note, and if required, 2nd notice middle of June with a ten day notice and if no action on notice by July 1st the City will hire someone and bill property owner for work done. Schedule to send out Snow removal notice. Send out mass mailing in November’s water bill explaining snow removal ordinance and if ordinance is not adhered to City will hire someone to clear walks and bill property owner for work done. Next year send notice with October and November water bill. Mayor Davids would like Dennis to work with Billy to understand which trees need trimmed.
E) No overnight camping signs: Code Enforcement Officer Callahan reported at Buddy Campbell Park we have three or four signs posted. Mayor Davids will check on the sign color requirement for the new signs.

F) Building Code Ordinance Draft: City Clerk Dimick reported starting to work on ordinance to adopt new version.

G) Tree City USA Application: Code Enforcement Officer Callahan reports application has been submitted. This spring the Tree Committee will be looking at dead trees on private property and determining if they are a public nuisance or/and a fire hazard.

H) Fence on City Property (West Church Street): Mayor Davids asked about the fence and the gate that is on City property. Council feels fence needs to be moved back to owner’s property line. Prefer to have it moved now but no later than May 1st, 2018. Mayor Davids suggested Dennis to talk with Tony about where City property lines are and then to the property owner. Phone contact suggested rather than a letter. Councilperson Hinz made a motion to have fence moved off City property first contact by phone. Councilperson Thomson seconded the motion. All voted aye, unanimous.

I) 2018 Dog License Renewals: Code Enforcement Officer Callahan comments notice sent.

J) Authorize issuance of 2018 businesses licenses upon receipt of renewals: Councilperson Thomson made a motion authorizing issuing of renewal licenses on receipt of payment as long as taxes are current. Councilperson Linford seconded the motion. All voted aye, unanimous.


Street Improvement/Drainage Improvements/Repairs/Snow Removal Equipment:

A) North 1st West Drainage Plans & Specifications: Mayor Davids reports still waiting for design from Forsgren on N. 1st W. drainage system. Making progress had a meeting with Aaron this last Friday. The City takes care of the engineering and Edge Water is responsible to construct and install.
B) Right of Way Permit – West Fife Street – Intermountain Gas Company: Councilperson Hinz made a motion to approve permit. Councilperson Thomson seconded the motion. All voted aye, unanimous. Councilperson Hinz requested another reminder to be sent to Intermountain Gas Company when they are notified that the permit was approved. The notice is for all future work reminding them that a permit must be submitted and approved by council before any work is started except for emergencies.

C) West Portneuf Street Exchange Agreement: Mayor Davids and Council reviewed agreement. There is confusion on exhibit A. The contract should contain City is responsible for engineering the drain and Edge Water is responsible to construct and install, City will maintain it. Mayor Davids and Kody would like to have everything taken care of by December meeting.

D) Fifth & West Main Water Troughs – Rock Hard Concrete, LLC Estimate: Councilperson Linford made a motion to table until spring. Councilperson Davids seconded the motion. All voted aye, unanimous.

Business License(s):
A) All American Gutters – Mike Sanders, Owner/Applicant: Councilperson Hinz made a motion to approve license. Councilperson Davids seconded the motion. All voted aye, unanimous.

B) ALSCO, Inc.: Councilperson Hinz made a motion to approve license. Councilperson Davids seconded the motion. All voted aye, unanimous.

C) Archibald Rentals, LLC – Kathy Archibald, Owner/Applicant: Councilperson Hinz made a motion to approve license based on an updated operational description. Councilperson Linford seconded the motion. All voted aye, unanimous.

D) Booth Architecture, PLLC – Ted Booth, Owner/Applicant: Councilperson Hinz made a motion to approve license. Councilperson Davids seconded the motion. All voted aye, unanimous.

E) Rigby Plumbing & Heating, LLC – Wade Rigby, Owner/Applicant: Councilperson Hinz made a motion to approve license. Councilperson Davids seconded the motion. All voted aye, unanimous.

Non-Property Tax Permit(s):
A) Ally Financial Inc.: Councilperson Hinz made a motion to approve permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

B) Dell Equipment Funding, L.P.: Councilperson Hinz made a motion to approve permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

C) Dell Marketing, L.P.: Councilperson Hinz made a motion to approve permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

D) Haier US Appliance Solutions, Inc.: Councilperson Hinz made a motion to approve permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

E) HD Supply Facilities Maintenance, LTD.: Councilperson Hinz made a motion to approve permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

F) Hot Springs Village Association of Timeshare Unit Owners, Inc.: Councilperson Hinz made a motion to approve permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

G) Mattress Firm inc.: Councilperson Hinz made a motion to approve permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

H) Microsoft Corporation: Councilperson Hinz made a motion to approve permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

I) Qwest Corporation: Councilperson Hinz made a motion to approve permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

J) Up to Date, Inc.: Councilperson Hinz made a motion to approve permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

**Building Permit(s)**

A) Replace Front Deck & Stairs – West Spring Street – Fred & Mary Hinz, Owners/Applicants: Property owner requested permit to be pulled.

Code Enforcement Officer Callahan reported that he has sent a few emails to the Pancake House owners requesting them to reapply for their permit and they have
not responded. Dennis is going to give them a time frame to apply or else they have to stop work.

Proposed Water & Sewer Hookup Increase – Jon Thomson, City Council: Councilperson Thomson proposed re-evaluating and change rates. Proposed rate twenty five hundred dollars to three thousand ($2,500.00 to $3,000.00) minimum. Need to research what other Cities charge, how do they handle if additional charges accrue. Cost is based on the line size. Mayor Davids suggested contacting Keller and see what they suggest.

Meetings/Announcements/Miscellaneous:
A) Resolution 2017-1 establish park pavilion reservation fees – Consider Legal Comments: Councilperson Hinz made a motion to leave resolution as it was adopted. Councilperson Thomson seconded the motion. All voted aye, unanimous.

B) Rocky Mountain Power Community Funding Request: Submit request for blue and white lights for fire and ice festival. The estimate is fifteen hundred dollars ($1,500.00) and we are requesting five hundred dollars ($500.00). Mayor questioned feedback on lights.

C) 2018 Marketing Plan - Forest Design Group: Contract is signed. City Clerk Dimick comments contract signed need to get Chet (Chamber of Commerce Presidents) to sign it. Chamber President and Vice President have asked Mayor and Canda to meet with them on Friday.

D) III-A Assessment Refund: Eighteen hundred and eighty dollars ($1,080.00). Divide up like last year, same percentages. Brian is going to check with his bank to see if they charge for visa gift cards. If one of his banks doesn’t charge he will get the cards.

E) Sewer Land Application Extension: Mayor Davids reported on extension.

f) Miscellaneous:
Projects:


C) Buddy Campbell Park Improvement Project:
1) Pavilion Re-roofing: Pavilion roof all most completed.

2) Review Plans & Specifications for Road Access and Parking Lot Development: The width of the road discussed. The council would like a straight Street wide enough for parking on both sides. Councilperson Thomson made a motion for a full 55 foot wide, straight street. Councilperson Hinz seconded the motion. All voted aye, unanimous.

D) Water Improvement Project:
1) Well Location & Access – Mayor Davids: Well location already discussed earlier tonight.

2) Easements: Mayor Davids reported that they meet with a few property owners. The City has an existing easement and the width is defined but, location is not. Attorney provided language for easements that will be added to the easement description. The property owners would like visual where the pipe line is going. Have Mathew provide a physical map.

3) Southeast Idaho Council of Governments Revised Contract: Councilperson Thomson made a motion to accept STCOG revised contract for less money, spells out dollars figures instead of percentage. Councilperson Hinz seconded the motion. All voted aye, unanimous.


F) Fire Station Roof Repair: Completed, need inspection by Fire Chief.

G) South 6th West New Street Light: Mayor Davids and Council decided on a wooden pole, 100 watt LED light bulb and cobra lamp. Lions Park fence & tree encroachment discussed. City Clerk Dimick comments according to the City
Maintenance crew the trees are on City property. Councilperson Thomson suggested work may need to be done with the trees and fence. Councilperson Thomson made a motion to approve the wooden pole, 100 watt LED light bulb and cobra lamp. Councilperson Davids seconded the motion. All voted aye, unanimous.

H) Miscellaneous: Councilperson Thomson addressed the need for the City to be involved in supporting the annual Thanksgiving Dinner for our citizens. Need to talk with Ali to see what she recommends for this year and in the future. Councilperson Thomson made a motion to talk with Ali for future support and include in next year’s budget. Councilperson Linford seconded the motion. All voted aye, unanimous.

Mayor Davids mentioned that he would like a corn fest sponsored by the City with family games at Buddy Campbell Park. Reserve Park for July 24th two hour activity will be in conjunction with parade.

Mayor Davids suggested a Christmas party for City employee, P & Z, Council and Fire Department. Pot Luck at City Hall December 7th. City will provide meat and potatoes. Canda will send invitations to all for December 7th, City Hall, 6:30 p.m. Councilperson Hinz asked Canda to check with the district Fire Department on the date for their district Christmas party. Guest will bring dessert or salad.

Ginger Bread House Walking Tour. City Clerk Dimick approached City Council about each member decorating a house for a city hall display.

Discussion:

Councilperson Linford made a motion to adjourn. Councilperson Hinz 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