

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, November 08, 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

**Excused:**

**Guests:** Evelee Hill, Bryan Phinney, Kelly Myers

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 December 13, 2018 meeting will be December 6, 2018 – Mayor Davids

**Approval of Minutes (October 11, 2018) - ACTION ITEM:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Review & Approve Bills - ACTION ITEM:** City Clerk Dimick reviewed list of bills with Mayor and Council. Councilperson Hinz made a motion to approve with exception of Four J's and thirty five dollars & fifty four cents (35.54) for MR&E Buddy Campbell Park. 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 has not started on any new enforcement issues but, he has sent

out letters on the two open issues from the past and he will follow up with a personal visits, the third site sold their property.

**2) Tree Trimming Notices Report – Dennis Callahan, Code Enforcement Officer - ACTION ITEM:**

**3) Intersecting Traffic Vision Impairments Report – Dennis Callahan, Code Enforcement Officer - ACTION ITEM**

Dennis Callahan, Code Enforcement Officer reported that the tree trimming and intersection traffic vision impairment are basically one. Dennis provided council with a list of forty five (45) locations that list properties owners that need to trim tree and/or bushes on their property. Bushes need trimmed to three (3) feet and trees to ten (10) feet and above. He is concerned that some of the bushes that need to be trimmed will die if trimmed to the three (3) feet requirement. Specific locations were mentioned. Councilperson Thomson mentioned enforcement concerns.

Councilperson Frandsen came into attendance.

City Council needs to take a look at it. Councilperson Thomson made a motion to table until council can review list and the properties. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**4) Nightly Rentals in Structures Not Approved for Occupancy – ACTION ITEM:** Dennis Callahan, Code Enforcement Officer reported that the Pancake House and 8-Plex are advertising for nightly rentals. Mayor Davids reported that he has talked with De Los Reyes. They are pouring concrete to upper floor to insulate the fire suppression systems. Mayor Davids will talk with De Los Reyes again. Councilperson Hinz has no problem with red tagging structure and stop everything. Councilperson Thomson made a motion to have Mayor Davids talk one (1) more time to the De Los Reyes about no renting the 4 lower units until they are approved by the State for occupancy. If they do not comply they will red tag the 8-Plex. Councilperson Hinz seconded the motion. All voted aye, unanimous. Business license application for Hillside Suites (8-Plex) received after agenda deadline and will be submitted to council at the next schedule meeting. Need Certificate of occupancy before the license can be approved.

Council questioned if the owners of the Pancake house have sent in a business license application. The Pancake house has not submitted a business license application. A certificate of occupancy (CO) is required before receiving a business license and nightly vacation rentals require both. Dennis Callahan, Code

Enforcement Officer reported he has sent emails to the owners explaining they are not in compliance. Mayor Davids asked for copies of the emails. Dennis provided copy to Mayor Davids. Councilperson Hinz suggested to Dennis that he should follow up with a personal conversation explaining what is required before they can operate their property as a nightly vacation rental. The living space has never been for nightly vacation rentals it's always been residential and a change of use is required to change it to nightly vacation rentals. Dennis and Canda had a meeting with the State building department this afternoon and Lisa with the State is communicating with Liz the real estate agent for the property owner, the property is currently for sale. Dennis was asked to send a certified letter to property owner telling them to cease all nightly rental and advertising nightly rentals without a license or a certificate of occupancy (CO) and as far as selling as a business the property is not approved for a business. Councilperson Thomson made a motion to notify one last time to cease all nightly rentals including advertising. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**B) Dog Kennel Purchase Report – Dennis Callahan, Code Enforcement**

**Officer:** Garage insulation completed and heater installed. Dennis Callahan, Code Enforcement Officer reported that he will work with Tony on kennel location. Dennis likes the idea of a collapsible kennel he is not sure if Tony does. Councilperson Thomson will get with Tony and find out what he wants. Then Councilperson Thomson will communicate with Dennis and get pricing for the type of kennel that is decided on. Mayor Davids asked Dennis if the location has been determined. Dennis would like to locate it by door but not sure about Tony. If the Kennel is to be installed by the door a ladder leading to the door should be installed for an emergency exit.

**C) Monthly Law Enforcement/Code Enforcement Miscellaneous Reports:** No law enforcement in attendance. Mayor Davids reported that the City received letter acknowledging contract amendment for report. The City has received a report from Bannock County and it's a start, would like a little more details on the report. The report references citation issued, written warning, arrest, traffic stops. The council would like to understand what the citation, warning and arrest are for. Maybe when an officer is present they can explain.

**Lava Chamber of Commerce**

**A) Oktoberfest Report – Kelly Myers, Event Coordinator:** Kelly Myers, Event Coordinator reported their goal was to have three hundred (300) people in attendance. We were just shy of that. Raised ten thousand (10,000.00) after

expense netted a little less than half. Last year the event made more money. We had more vendors this year and the weather was rainy.

**B) Holiday Lighting Special Event – Kelly Myers, Event Coordinator -**

**ACTION ITEM:** The Holiday lighting is the kick off for the holiday and the Ginger Bread Event. Kelly met with Gail and Liz to work out the details on the Ginger Bread walking tour. The Chamber discussed how the event could be bigger by adding a few more events to it like having Santa Claus there but, they didn't decide on anything. Kelly emailed the special event form to Canda this evening. Gail and Liz suggested the weekend after Thanksgiving but Kelly is leaving town that weekend. Council suggested November 30<sup>th</sup> and the City will purchase hot chocolate & cookies. The City purchased hot chocolate & cookies last year. Councilperson Frandsen made a motion to accept the Holiday Lighting for November 30<sup>th</sup>. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Kelly will report back if the date of November 30<sup>th</sup> is acceptable for the Ginger Bread House Walking Tour kick off plus the time and place for the holiday lighting ceremony. Councilperson Guthrie made a motion to accept the Holiday Lighting Event change date of December 1<sup>st</sup> to November 30<sup>th</sup> on the special event form and purchase the hot chocolate and cookies. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**Water Improvement Project**

**A) East Main Fire Hydrant Relocation Request (Aura Soma/Oregon Trail) –**

**Evelee Hill - ACTION ITEM:** Findings of survey were briefly reported on. Evelee presented old photos of first business structure in Lava built on Main Street. The Fire hydrant was in the street in the old photos. When they did the new construction for the new sidewalks and light poles the fire hydrant was moved to the sidewalk area to where it is now, on part of the cities property and Evelee's property. Evelee suggested that the hydrant be moved across the Street where the White Stone was to prevent a tripping hazard. The fire hydrant could be right on the corner of the street and would take care of the tripping hazard. She also mentioned the contractor cut her hot water lines when they cut into the sidewalk. Mayor Davids mentioned the contractor can fix that. Evelee would like to fix her own hot water lines. Bryan Phinney explained the requirements for fire hydrant placement. The hydrants are placed by coverage. The State has requirements on the distance a fire hydrant can be from a hydrant to fight the fire. Bryan has drawing shows the radius for each hydrant and the engineer can't leave a gap on the coverage. Map reviewed. Councilperson Thomson reviewed Pro & Cons about moving the hydrant. Cost the number one issue. Cost of change order reviewed. Bryan Phinney reviewed the current progress on the hydrant, the line

and “T” are installed, hydrant not set for this one. He explained there will be a change order to move the hydrant. The change order would be for service prep, the “T” and the repair. The cost is six hundred and eighty dollars (\$680.00) for the “T” that is already installed at the current location. Bryan Phinney estimated the cost to move the hydrant would be around twelve hundred dollars (\$1,200.00) but, he will need to get the cost from the contractor. Evelee made an offer to cover cost to move hydrant up to the engineer estimates cost twelve hundred (\$1,200.00) and the City can cover any additional cost on the change order and she will dig up her concrete, repair her hot water line and the city can pour the slab of concrete on her property when they are pouring concrete. The reason for moving the hydrant it’s a tripping hazard at the current location and by moving it to the other block is safer due to the sidewalk area being wider. Evelee agreed to pay for the total cost of moving the hydrant. Councilperson Hinz said the move needs to not adversely affect the temporary business. Councilperson Thomson made a motion to accept Evelee offer to pay the cost of moving the hydrant, even if it goes over the estimated cost and that there is no gap in coverage, Evelee will fix her own hot water and Knife River will do the cement work. The reason for the move it is due to safety issue for walking traffic where it currently is located. Councilperson Hinz seconded the motion. All voted aye, unanimous. Bryan Phinney will communicate with Knife River on the change order for the fire hydrant and the repair on the cement once Evelee is done repairing her hot water lines that Knife River cut into.

**B) Engineering Contract Amendment – Additional Costs - ACTION ITEM:**

Bryan Phinney explained the change order two (2) which will allow the contractor to work through the winter without changing the end date which, means they are adding a couple of months to the contract time. Engineer contract is for RPR (Resident project representative) services. Bryan explains extension to the RPR contract and additional construction meetings. Bryan recommends Knife River needs to bare costs for additional engineering if they choose to work through winter. By extending the time there will be a change in the RPR services and more construction meetings will be required which, is engineer time to attend meeting. Recommendation is the contractor bares the cost if they want to extend the contract time by not taking a winter shut down. The option is they don’t take winter shut down or they work through the winter and move the end date forward two months because they are not taking the winter shut down. This will make all the contract time’s sink up. Bryan talked with Knife River and they’re suggestion the work they will be doing through the winter would require limited RPR service and they would not be moving or progressing rapidly enough that they would have construction meeting every two week. Bryan is thinking that they can limit and

litigate that cost but, he is still thinks the City needs to put in the change order that Knife River needs to pay the engineering cost, T&M (time and material) cost. How service will be billed to Knife River was explained. Councilperson Thomson made a motion to accept change order. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Change order one (1) is for the extra cost of two thousand and six hundred dollars (\$2,600.00) on the swimming pool change and the foundation has agreed to split the cost fifty-fifty (50/50). Councilperson Hinz made a motion to accept change order one (1). Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**C) Change Order #3 - ACTION ITEM:** Bryan Phinney explained the change order number three (3). Change order cost is for 8" x 8" x 6 tees, hydrant restraints, fabric, sidewalk, canal bore, and 30" meter pits. There is not an 8" x 8" x 6 tees in the contract and some of the fire hydrants will need 8" x 8" x 6 tees. What the contractor is suggested adding a unit price to the contract for the 8" x 8" x 6 tees the City will only get charged for the tees used. The 8" x 8" x 6 is six hundred and eighty dollars (\$680.00), the 8" x 8" x 8 is seven hundred (\$700.00) and the 8" x 8" x 6 is six hundred and thirty (\$630.00) a piece, will only be charged for the tees used. Hydrant restraints will be used on Main Street where there is not enough room to put a thrust board behind the hydrant. The benefit of the restraint is it keeps the hydrant on City property, no encroaching on personal property. The fabric prevents your base material from migrating into your sub base and adds longevity to the road. They will peel back the fabric and save as much of the side fabric as possible and lay a new strip down the middle. The sidewalk repair is covered in the contract for the hydrant but, we have some areas where the sidewalk needs to be replaced for the meter pits and things. The cost is one hundred and ninety a square foot.

Bryan explained that original plans to cut were accepted by the canal company since then they have asked for a sixty (60) foot long, five (5) diameter culvert to be installed. Casing is required to cut or bore. Boring the canal is the preferred method and it is only a six hundred (\$600.00) increase compared to the cut and culvert requested by the canal company. The canal company wants the City to sign liability release. Agreement needs to be drawn up by city attorney to share cost if a leak accrues in the next two years and the city can be held inclusive liable for leaks. Bryan would like City Attorney to call him and work out the technical wording of the contact.

The thirty (30) foot meter pit is preferred by Tony Hobson, City Maintenance and the cost difference for each pit is two hundred and seventeen dollars (\$217.28), six (6) totals. Original plan size was twenty four feet (24). Councilperson Thomson made a motion to accept change order #3. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**D) City/Clinton & Kelli Poll Access and Option to Purchase Real Estate Agreement for New Well Site – ACTION ITEM.** Document was sent to Poll's last month and they have received it. Mayor Davids read Poll's text response. They're wondering how many water shares the well will require. He didn't have any other questions. Going forward all communication will be through email correspondent. Canda will respond by email tomorrow that no shares are required because the City will bring their own water rights. Councilperson Thomson made a motion to respond in email form. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**E) Fish Creek Spring Land Purchase from Doug Potter – Mayor Davids - ACTION ITEM:** Mayor Davids delivered document to property owner and he mentioned he wants more money to cover taxes for capital gain. Mayor will contact Doug and continue efforts. Councilperson Hinz made a motion to have Mayor Davids Contact Doug Potter. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**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 made a motion to approve all license 2019 business renewals with exception of those operating motorized vehicle until the City attorney provides regulation or his recommendation on the motorized vehicles business. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Councilperson Thomson suggested that businesses need to be in compliance with off street parking requirements. Need to start generating a report on what parking was required when the business license was initially approved. Parking needs to be part of the business license application. Send notice to business owners asking owner to please tell their customers to use off street parking. Amantha Sierra, Office Assistance will add a line item to business license renewal form requesting amount of off street parking available for their business and add a field to the current business license application. Code enforcer needs to generate a list on off street parking requirements at time of business license issued.

**B) Business license requirements for single family and multi-family dwelling rentals & vehicles for rent:** Councilperson Hinz made a motion to table waiting for information from attorney. Councilperson Guthrie seconded the motion.

**C) GBI Insulation:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion.

**D) G & L Tax Service & Accounting – George A Schulte, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion.

**Quality Overhead Door application included in council package not on agenda to be add to Decembers agenda and a new motion in December 2018.** Quality Overhead Door – Tanner Christensen. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion.

**E) River’s End, LLC – Garrick Hunsaker, Owner/Applicant:** Councilperson Hinz made a motion to approve license with stipulation that they post vacation rental sign as required and submit sign application. Councilperson Guthrie seconded the motion.

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

**A) Altitude Collection, LLC:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion.

**B) Bonobos, Inc.:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion.

**C) Hayneedle, Inc.:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion.

**D) Jet.com, Inc.:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion.

**E) New Moosejaw, LLC:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion.

**F) Shoebuy.com, Inc.:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion.



## **Building Permit(s)**

### **A) Building Permit Report – Dennis Callahan, City Code Enforcement**

**Officer:** Dennis Callahan, Code Enforcement Officer provided council reviewed new report format from State. The new report has information on inspection, dates and status of building permit.

**B) 8 Unit Nightly Rentals Temporary Occupancy - ACTION ITEM:** Already talked about earlier in the meeting under category labeled “Law Enforcement/Code Enforcement”, section “(4) Nightly rentals in structures not approved for occupancy”.

## **Meetings/Announcements/Miscellaneous**

### **A) Planning & Zoning Commission Member Vacant Seat - ACTION ITEM:**

Councilperson Hinz made a motion to appoint Lisa Toly to fill Planning & Zoning (P&Z) position. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**B) Personnel Policy Changes - ACTION ITEM:** Councilperson Hinz made a motion to accept resolution 2018-8. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

### **C) Idaho Unified Certification Program Statement of Agreement - ACTION**

**ITEM:** Councilperson Thomson made a motion to approve agreement. Councilperson Hinz seconded the motion. All voted aye, unanimous.

### **D) Annual Appreciation Dinner Meal Plan – December 6th - ACTION ITEM:**

Ham and turkey provided by City and City Clerk Dimick will cook. Planning & Zoning (P&Z) - desserts. Mayor Davids Potatoes, City Council – Salads. Councilperson Hinz made a motion to accept meal plan. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**E) Miscellaneous:** Nothing

## **Projects**

**A) ADA Curb Ramp Project Report:** City Clerk Dimick working with Forsgren. Aaron may be in Lava tomorrow. Forsgren has started working on design.

**B) City Maintenance Shop Improvements Report:** Insulation & heating system complete. Overhead Doors still needs to complete their work order for their part of the project.

**C) East Main South Pedestrian Bridge**

**1) Schedule Meeting with Todd & Tyler Victor - ACTION ITEM:**

Councilperson Frandsen made a motion for Mayor Davids to meet with **Todd & Tyler Victor** again. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**D) Buddy Campbell Park Improvements**

**1) LHTAC Children Pedestrian Safety Program Application - ACTION**

**ITEM:** City Clerk Dimick reported she is working on the application and its due by December 21<sup>st</sup>, 2018. She suggested setting up a meeting with property owners along the planned route to explain the City plans if the City receives the grant money. Councilperson Thomson made a motion to send out announcement in the city news letter explaining the grant application the city is submitting to connect the school with the park. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**E) Fire Station/Ambulance Garage**

**1) Committee – Brian Hinz, Councilmember - ACTION ITEM:** Councilperson Hinz recommendations for a committee on the new building at the Fire Station for the ambulance bay, office space for each service and restrooms. The committee would be Ken, Dave, Canda, Tony and Brian. Councilperson Hinz gave the council a preliminary drawing of the new building and location. Discussion followed. Councilperson Thomson made a motion to proceed with committee. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**F) Miscellaneous: No miscellaneous issues.**

**Discussion – No discussion from audience.**

**Motion to adjourn into executive session to personnel matters as authorized by Idaho Code 67- 2345 (1) (b). ACTION ITEM:** Councilperson Guthrie made a motion to adjourn into executive session authorized by Idaho Code 67- 2345. Councilperson Hinz seconded the motion. All voted aye, unanimous. Roll call. Frandsen -Aye, Guthrie -Aye, Hinz-Aye, Thomson-Aye, unanimous.

**Motion to reconvene ACTION ITEM:** Councilperson Thomson made a motion to reconvene. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Roll call. Thomson-Aye, Guthrie -Aye, Hinz-Aye, Frandsen -Aye, unanimous.

**Motion regarding personnel issues. ACTION ITEM:** Councilperson Thomson made a motion on the issue of an increase in wages and differential on insurance payout for employees to table and postpone until next year's budget and at this point we do nothing. Councilperson Frandsen 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 8:35 p.m.

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Amantha Sierra, Transcriber

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T. Paul Davids III, Mayor

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Canda L. Dimick, City Clerk