Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, November 14, 2019 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

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

Excused: Gary Cooper, City Attorney

Guests: Kelly Myers, Bryan Phinney, Jack Fleming, Susan Thomas, Tyler Platt, Officer Taysom, Deputy Ramel, Mary Hinz, Cameron Salt, Annie Salt, Lee Francis, Brandon De Los Reyes, Anneleigh Petrun, Justin Downs, Scott Sherman.

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

Announce Agenda Deadline for December 12, 2019 meeting will be December 5, 2019: Jon Thomson, Council President announced agenda deadline for December 12, 2019 meeting will be December 5, 2019.

Motion to Approve Minutes (September 5, 2019, September 12, 2019, September 26, 2019, October 10, 2019 and October 24, 2019) - ACTION ITEM: Councilperson Guthrie made a motion to approve minutes September 5, 2019, September 12, 2019, September 26, 2019, October 10, 2019 and October 24, 2019. Councilperson Hinz seconded the motion. All voted aye, unanimous.

The Pledge of Allegiance is led by Council President Thomson.

Review & Approve Bills - ALL ACTION ITEM: City Clerk Canda Dimick reviewed list of bills with council. Council President Thomson reported that the City was vandalized over the weekend and theft of fuel, estimated one hundred (100) gallons or more. A lock was cut off the fuel pump and a police report was logged with Bannock County. A new lock was purchased.
Council discussed a security system. City Clerk Canda Dimick reported the City Digline membership is due to expire on 1/1/2020 and explained the City is going over the contract amount due to the projects every year. They also are increasing their dues. She suggested the council should review the schedule rates and decide which fee schedule the city will want for next year. Council President Thomson reported on maintenance repairs made. City Clerk Canda Dimick reported on the Western Industrial electrical motor repair was not covered under warranty and is due in full. City Clerk Canda Dimick reported they ordered and received toners for the old copier and will request for a refund they have not been opened. Council President Thomson made a motion to pay bills except for 2020 membership dues for Digline and Knife River water improvement project construction pay app number fourteen (14) to be discussed later in the meeting. Councilperson Hinz seconded the motion. All voted aye, unanimous.

A) Digline Membership Dues and Fee Schedule (Effective 1/1/2020): B)
Motion to approve bills: City Clerk Canda Dimick explained current contract is for fifty ticket transmission per year and the City went over. Councilperson Hinz reviewed fee schedule options. Contract available forty (40), fifty (50) and one hundred (100). Council discussed options. Council President Thomson made a motion to go with level one (1) up to fifty (50) notifications per year. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement:
A) Building Permit Report – Canda Dimick, City Clerk: City Clerk Canda Dimick explained the report the City received was blank she questioned why and they never responded so, no report at this time. The City inspectors where in today and they did an inspection on the duplex. Canda explained the contractor called today and was trying to get in touch with the State Inspectors for the last two weeks and according to the State Inspectors they told him that the structure is not built according to the floor plans. They have told them they either need to submit new floor plans to address the differences and in addition to that there is a list of items still needs to be addressed. They were hoping to get the CO (Certificate of Occupancy) by this weekend but, it doesn’t look like they will get it by the weekend. Councilperson Hinz read the list, address final grade, breezeway unfinished, remove construction material, handrail required, no access to the interior, needs smoke alarms in basement, returns on handrail and no front door on west units.

Councilperson Rickey Frandsen in attendance.
B) Ordinance 2019-6 Animal Control Ordinance Amendment/Cat Licensing Fees - ACTION ITEM: Council President Thomson explains he would like to get cats at the same status of dogs on the ordinance. A limit of two (2) cats per household, three (3) or above requires a kennel license permit, licensing for the cats. Councilperson Hinz question the duplicate tags one for (1.00) dollar on the ordinance. City Clerk Canda Dimick explains the city doesn’t have duplicate tags if they lose a tag we have to issue the next available tag. The replacement tags should include the cost of the tags and the administer cost. Council President Thomson explains he thinks the city needs some form of controlling the ordinance in order to control the feral cat population. Collar for cats discussed. The ordinance requires dogs to have collars. It’s Hard to keep a collar on cats. City Clerk Canda Dimick announced the city has a chip reader the owner would have to get the cat chipped by their veterinarian. Could accept chip identification number for license, they would still be required to license the cat every year. Council President Thomson explains the reason for licensing the cat is to be able to identify the cat’s owner. The city is receiving a lot of complaints about all the cats in the City. The council agreed the replacement tag for a lost Dog and Cat should be five (5.00) dollars. Cats should have the same discount offering as dogs. Councilperson Guthrie made a motion to move to public hearing ordinance 2019-6 requiring cats to have the same license ordinance as dogs. Council President Thomson seconded the motion. All voted aye, unanimous.

C) 2020 Dog Tag Discount - ACTION ITEM: Council President Thomson explains the City offers the Fifty (50) percent discount every year on dog licensing if purchased before January 1, 2020. Council President Thomson also agrees with Councilperson Guthrie suggestion on offering the Cat some option once the ordinance is adopted. Councilperson Hinz made a motion to 2020 Dog license fee. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Sidewalk Maintenance Notices – ACTION ITEM: Council President Thomson reported on several locations that are hazardous leading to the school and a long commercial property. Recommend sending notice reminding property owners of the City ordinance requiring maintenance or replacing damaged sidewalk and give a date of May 1st, 2020 to comply. Council President Thomson made a motion to send notices out with May 1st, 2020 completion date. Councilperson Hinz seconded the motion. All voted aye, unanimous.

E) Tree Trimming Notices Update: Council President Thomson reported that Tony Hobson, City Maintenance has put together a list of trees that need to be trimmed to protect damage to City equipment and vision impairment.
F) Skate Board, Roller Skates or Blades, Go-Carts Code & Sign - ACTION ITEM: City Clerk Canda Dimick reported the sign for no skate boarding in Veterans Park has been vandalized, someone crossed out the “no” on the sign. Councilperson Hinz comments he is not willing to spend money on a no skate boarding sign if the City doesn’t have money for parallel parking only signs. Councilperson Guthrie agreed. Council President Thomson would like to purchase both. City Clerk Canda Dimick explains the sign for parallel parking only can come out of the budget for Road and Maintenance because it’s on street. The no skate boarding sign will need to come out of the Code enforcement budget. The traffic sign is the line item that has exceeded its budget. City Clerk Canda Dimick suggested looking at the ordinance, may want to update to cover all riding toys. Councilperson Frandsen made a motion to review and update ordinance 1992-4 and then purchase new sign. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

G) Monthly Law Enforcement/Code Enforcement Reports: Councilperson Hinz reported that a few months ago at a council meeting the public asked if the reports could be made public and the answer is no. Jack Fleming asked why, he thought they were part of the public records. Council President Thomson explained this is not part of the public records due to court procedure. Officer Taysom explains if someone wants a copy of the report they must complete a form requesting a copy of the report at the sheriff office. Officer Taysom introduced Deputy Ramel. Council welcomed Deputy Ramel. Nothing to pass on or report.

Council President Thomson reported Alley behind Wagon Wheel has been posted one way due to change in grade to address and control drainage.

Motion to accept the November 5th General Election Official Results - ACTION ITEM: City Clerk Canda Dimick reports on election results. Total voted ninety seven (97).
Mayor votes - Jon D. Thomson sixty four (64).
City Council votes two (2) positions available.
Randy Benglan fifty four (54).
Brian P. Hinz sixty four (67).
Matazie Hobbs twenty three (23).
James Page twenty one (21).

Question No. 1 - Shall non-property tax revenues also be used for land acquisition and municipal building construction? 66 in favor and 23 against. Has to pass by sixty (60) majority, it’s not a simple majority. Passed at sixty eight (68) percent.
Councilperson Frandsen made a motion to accept November 05, 2019 election results. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Adoption of Ordinance 2019-7 amending Section 3-3-5 of the City Code regulating the use of non-property tax revenues - ACTION ITEM: Councilperson Hinz 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 2019-7**

AN ORDINANCE AMENDING SECTION 3-3-5 OF THE CITY CODE OF LAVA HOT SPRINGS, IDAHO, PROVIDING FOR THE USE OF SAID NON-PROPERTY TAX; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; WAIVING THE RULE REQUIRING THE READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS; 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: Section 3-3-5 is hereby amended to read as follows:

3-3-5: USE OF TAXES:

The non-property tax revenue derived from and collected under this chapter shall be used for the following purposes:

A. Capital improvements: roads, water, sewer, parking;

B. Emergency services: police, fire, ambulance;

C. Open space acquisition and recreation;

D. Administrative and legal;

E. Direct costs to collect and enforce tax;

F. Tourism development and promotion;

G. Land acquisition and municipal building construction.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
Section 3: The rule requiring that this ordinance be read on three separate occasions is hereby waived.

Section 4: 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 14TH day of November, 2019.

CITY OF LAVA HOT SPRINGS, IDAHO

________________________________________
Jon Thomson, Council President

ATTEST:

________________________________________
Canda L. Dimick, City Clerk


Request for Annexation – Cameron Salt – ACTION ITEM: Cameron Salt introduced himself and clarified they’re not requesting an annexation. Cameron explained they have plans to build a house on his property and subdivide the parcel into three (3) parcels. There is about a thousand square feet of their property in city limits and Bannock County has requested a letter from the city addressing as of today the city is not planning on any annexation for that location. Annie Salt comments if they don’t get a letter from the City they cannot subdivide our property. Council President Thomson explained that through the subdivision process it became apparent that some of the land is within City limits. The question then becomes should the city annex or not. City services and contact time discussed. Cameron discussed house bill twenty five (25). Council President Thomson. City attorney recommended not making a decision tonight. Councilperson Hinz asked Annie to forward letter from Bannock County to the cities email. Cameron read the letter from Bannock County “ask the council were able to write a letter denying annexation at this time but, reserves the right at a later date”. Annie explained the county requires them to subdivide they cannot have
two (2) houses on the same parcel. Annie explains a subdivision cannot happen once it’s subdivided into the four (4) different lots it can only be subdivided into any more than the four (4) lots unless the city decides to annex. Cameron explains the map he provided to council is the best way to subdivide. Councilperson Frandsen made a motion to have City attorney draft a letter that city has no intention of annexing today but reserve the right to annex in the future. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Cameron explained the tent area for their campground business is in City limits. They have submitted a business license for that area and will collect option tax for the tents on located in the City limits.

**Beer & Wine License – DLR Enterprises – 258 East 1st Alley South Cody and Brandon De Los Reyes, Owners - ACTION ITEM:** Brandon De Los Reyes explained his brother Cody is traveling so it will be just him tonight. Brandon reports they are not building or adding anything they are finishing the roof. They have had a lot of input from their guest to operate an outdoor lounge on the very top of the eight (8) units. It would be similar to what the Riverside has, they would call it a lounge however it would not be staffed year round, and it would be outside during the summer and festivals time frame. They’ve submitted an application to the State of Idaho. The order for submitting application is the State, County then the City. Brandon is here today to hear the council concerns. The lounge will be located on the roof of the top unit. They will be building the porch on the top two. The serving area will be only on one side. There will be stairs up to it and sturdy railing. Council discussed concerns of falling off the roof area if the appropriate railing is not installed. Brandon explained the railing will follow code. Council President Thomson asked how they will control it to guest only and only to legal age for serving. Brandon explains there would be only one (1) point of entry unless the fire code requires more. They are not going to require guest to provide a key to access and not restricting it to guest only. They will operate similar to the lounge at the Riverside Inn. Off street parking requirement discussed. Brandon questioned if there is any crossover for parking requirements. He used the Riverside as an example. They have twenty (20) rooms and a lounge with a number of seats, are those two (2) separate issues that don’t have any crossover. Council agreed Riverside Inn’s parking spots are not limited to hotel guest they have a restaurant and lounge that is open to the public. Brandon explained they are not going to serve food. They may serve packaged snacks and their current business license has snack sales on it. Load capacity of the roof discussed. The State is still working on the application and has not sent anyone out as of today to look at the premises. Brandon will pull a building permit to build the deck.
Brandon was informed that a building permit for change of use will be required. Council asked about noise control. Brandon explained they will abide by quiet hour time schedule. Brandon announced partner steel is building the railing. The poles will have a plate on it and they will use five (5) inch bolts to secure to concrete. Council’s biggest concerns are the parking, open to the public and controlling outside of guest. Brandon explains the season restricts and limits the operation hours. Fire code will control capacity limits. They will abide by the capacity limit. Bandon asked council to consider their proposal and give them the same consideration they have for other businesses and the parking requirements to be considered as a crossover. The Riverside Inn is similar business operating with room rentals, restaurant and lounge we will not have a restaurant. Council President Thomson asked Brandon to do his due diligence with the State inspectors, Fire Chief on fire code and building permit for your structure and council will take the month to review his business plan with the City attorney. Jack Fleming asked Brandon what he considers quiet time. Brandon responds Bannock County quiet time is 10:00 p.m. we will abide. Councilperson Guthrie made a motion to table for a month. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Lava Chamber of Commerce – Kelly Myers, Event Coordinator:
A) Gingerbread House Tour/Holiday Lighting Special Event Permit – November 30, 2019 6:30 pm - ACTION ITEM: Kelly Myers reported the gingerbread houses are to be on display by November 29, 2019. Council President Thomson reported the City maintenance crew is scheduled to put up lights on Main Street next week. Kelly explained the festival is pretty much the same as last year. Kelly reported she won’t be in town for the festival but everything will be done and ready. The City will print flyer and Councilperson Guthrie will deliver to the school. Kelly reported she will make sure the boom box with a speaker is at the event for the Council President Thomson speech and the Christmas music. Councilperson Frandsen made a motion to accept the special permit application. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Kelly reports Gail is putting together the gingerbread house tour map. Kelly adds she will have someone there to setup and serve the hot chocolate plus help with clean up. Santa is lined up. City Clerk Canda Dimick reported Gail has suggested gingerbread cookies. Kelly was asked to work with Gail on the gingerbread cookies. Park decorations were discussed. Kelly reported that a tree was talked about at the Chamber of Commerce meeting. Kelly will work with the Chamber of Commerce for the tree. Councilperson Frandsen made a motion authorizing the purchase of Christmas lights for Veterans Park decorations. Councilperson
Guthrie seconded the motion. All voted aye, unanimous. Kelly asked if she is responsible for purchasing the lights. Council President Thomson responded he will discuss it with City maintenance crew. Suggestion made to budget in 2021 for an outdoor outlet on west side of sidewalk in the park.

Kelly reported Fire & Ice is being planned. Permit will be submitted in December.

B) Forrest Design Group Agreement – 2020 Marketing Plan - ACTION ITEM: City Clerk Canda Dimick provides contract draft to council. Councilperson Hinz made a motion authorizing Council President Thomson to sign agreement. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Miscellaneous: None.

Building Permit(s)/Development Permit(s)/Demolition Permit(s)/Sign Permit(s):
A) Revised Building Permit Application & Permit Forms Report: P&Z (Planning and Zoning commission) is working on revising forms.

B) Taylor Variance – Planning & Zoning Commission Recommendation - ACTION ITEM: Council President Thomson explained the Taylors submitted a variance for the height restriction variance to P&Z (Planning and Zoning commission) and the Taylor never put in writing that they wanted to rescind so, P&Z rejected the application. Council President Thomson made a motion to accept P&Z (Planning and Zoning commission) recommendation. Councilperson Hinz seconded the motion. All voted aye, unanimous.

C) Residential Development Final Engineering and Construction Plans – Randy Benglan - ACTION ITEM: City Clerk Canda Dimick reported that Randy Benglan is still working with his engineers on the plans. They all not complete and has asked for the council to table. Councilperson Hinz made a motion to table. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Change of Use – Single Family Dwelling to Bed & Breakfast – 377 West Fife Street – Barbara Williams, Owner/Applicant - ACTION ITEM: Council President Thomson reported owners were notified that they’re operating illegally. Owners are willing to comply with ordinance. They have filed for a change of use. The State inspector will do an inspection to verify that the building meets all state
and fire codes for the change of use, residential to Bed & Breakfast. They’re in a R3 zone where Bed & Breakfast is allowed as long as they meet all requirements. Jack Fleming asked about fire suppression. City Clerk Canda Dimick explained fire suppression depends on the number of rooms for a Bed & Breakfast it’s different than a vacation rental. Bed & Breakfast requires a manager on site at all times. Susan Thomas questioned if the other properties listed on VRBO (Vacation Rentals by Owner) website that are operating illegal will be notified. Council President Thomson explained they will receive notification from the City Attorney that they’re not in compliance with City ordinance. Councilperson Frandsen made a motion to accept change of use based on State inspector approval. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Jack Fleming is concerned with the speed of traffic on South 4th West it needs to be addressed. Council President Thomson will address with Bannock County and asked them to issue citations to violators. Off Street parking addressed. They have two (2) spaces in the garage and two (2) spaces in the driveway.

E) New Residential Home – West Booth Street – Lots 1, 2, 3, 4; Block 12, A.W. Hall’s 3rd Addition – Yvette Cadeaux, Owner; TD Building Concepts, Contractor - ACTION ITEM: Councilperson Hinz question the height restriction, he doesn’t see it anywhere in the plans. Justin Downs introduced himself and explained the plans to build a single story house. The plans must be missing a page and will get it to the council. The height at the most will be sixteen (16) feet. Justin question setback for the front yard. City Clerk Canda Dimick responds setback is twenty (20) feet. Council explains property needs to be surveyed, they are worth the time. Councilperson Hinz made a motion to approve based on State inspector approval. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Business License(s) - ALL ACTION ITEMS:
A) Motion to approve 2020 license renewals upon receipt: Councilperson Hinz made a motion to approve 2020 renewals as they are received. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

B) Ordinance 2019-5 Business License Ordinance Amendment:
Councilperson Hinz made a motion to table. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Bristol Cabins/Property Managing for Pancake House River Flat – AnnaLeigh Petrun, Owner/Applicant: License application for property management was discussed with AnnaLeigh Petrun. The building permit status of
the Pancake House was discussed. The structure has an open building permit that needs to be finalized. The owner needs to get with the State Inspector to get the building into compliance with the use. City Council advised AnnaLeigh that the Pancake House doesn’t have a CO (Certificate of Occupancy). Councilperson Hinz made a motion to approve. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Councilperson Hinz advised AnnaLeigh to check for a CO for the properties she is managing.

D) Final Aspect Concrete, LLC – Jerry Bateman, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) High Desert Landscaping – Michael Whitworth, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Lava Campground – Elizabeth Salt, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

G) Lava Cottage, LLC – Piper Ferrell, Owner/Applicant: Councilperson Hinz questioned note on application concerning off street parking, none strike through and two (2) added. Amantha Sierra, Office Assistance explained she talked with the owner and added the note to the application. Councilperson Hinz requested the owner needs to initial. Amantha will have owner acknowledge through email. Councilperson Hinz made a motion to approve pending owner acknowledging by initial application or by email. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

H) Morris Construction Excavation, LLC – Kaleb Anderson, owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

I) Red Log House (Bed & Breakfast) – 377 West Fife Street – Barbara Williams, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
J) TD Building Concepts, LLC – Justin Downs, Owner/Applicant:
Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

K) Top of the Town – Scott Sherman, Owner/Applicant: Scott Sherman in attendance. He introduced himself and explains his wife and he just purchased the Top of the Town. They visit Lava three of four times a year. They plan to continue the business as is with a few update. Councilperson Hinz questioned capacities on application of eighteen (18) on applications. Scott explained there are six (6) bedrooms, three (3) queens upstairs and three (3) downstairs two (2) single queens and one (1) room that have two doubles plus living space in the basements with two sofa beds. Council President Thomson explains off street parking requirements. This property has had complaints about parking due to the sleeping capacity and the amount of cars parking on the street and blocking other rentals and residential parking. Current parking ordinance is one (1) off street parking space per every two (2) bedrooms. Scott reports we have (6) bedrooms and I’m required to have three (3) off street parking spaces. The driveway fits three (3) and then there is pad on the back of the property for parking. Parking discussed for rental units and owners need to encourage renters to use the off street parking spaces on property. Councilperson Frandsen questioned the contact information. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

L) Winter Retreat, LLC – Jake & Erin Winterton, Owners/Applicants:
Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Non-Property Tax Permit(s) - ALL ACTION ITEMS: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
A) Lava Campground, LLC: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Lava Cottage, LLC: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Red Log House (Bed & Breakfast): Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
D) Sunpro Corporation: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Top of the Town: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Winter Retreat, LLC: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Sign Permit(s) - ALL ACTION ITEMS:
A) Frontline Engraving Sign Permit – 253 West Elm Street – Sandi Sturgeon, Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Lava Cottage, LLC – 204 West Elm Street – Piper Ferrell, Owners/Applicants: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Top of the Town – 277 West Main – Scott Sherman, Owners/Applicants: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Winter Retreat, LLC – 62 South Center – Jake & Erin Winterton, Owners/Applicants: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

95 East Fife Street – Intermountain Gas Company - ACTION ITEM: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:
A) Schedule Special Meeting to review Zoning Ordinance Draft - ACTION ITEM: Councilperson Hinz made a motion to have a zoning ordinance draft only meeting on December 5th, 2019, 6:00 p.m. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) List of Insured City Property and Vehicles – City Clerk: City Clerk Canda Dimick confusion between City attorney and insurance agency. Still seems vague on coverage and liability. Need something in writing. Some of the vehicles are
titled under the city, some rural fire district and the others city/rural. Talk to other
districts to see how they handle things.

C) Tree City USA Recertification Report: City Clerk Canda Dimick is working
on submitting recertification.

D) Fire Hydrant Dispersal Bid/Dispersal of Remaining Hydrants - ACTION
ITEM: Council President Thomson opens and reads bids. One bid received for
twenty seven dollars and ninety eight cents (27.98). Councilperson Frandsen made
a motion to accept Amantha’s bid. Councilperson Guthrie seconded the motion.
All voted aye, unanimous. Fire hydrants will remain on sale.

E) Picnic Table Dispersal - ACTION ITEM: City Clerk Canda Dimick
questioned dispersal of picnic tables. All tables sold to Justin Casperson (1),
Canda Dimick (2) Tony Hobson (1) and remaining to Richard Guthrie.
Councilperson Frandsen made a motion to accept. Councilperson Guthrie
seconded the motion. All voted aye, unanimous.

F) Annual Appreciation Pot Luck - ACTION ITEM: Schedule for December
17th, 2016 at 6:00 p.m., P&Z (Planning and Zoning commission) is assigned to
Salads and Council desserts. City meat and Dutch oven potatoes.

G) Planning & Zoning Commission Nomination & Appointment - ACTION
ITEM: Council President Thomson reports James Page has been nominated to
take Lisa Toly’s position on the P&Z (Planning and Zoning commission).
Council President Thomson made a motion to appoint James Page. Councilperson
Guthrie seconded the motion. All voted aye, unanimous.

H) Idaho Transportation Department Bridge Inspection Report: Council
President Thomson announced ITD (Idaho Transportation Department) bridge
inspection report passed inspection. Councilperson Hinz announced there are
some items they want us to address. City Clerk Canda Dimick explains the items.
The drains need to be extended and surface deck needs repaired. Bryan Phinney
announced not to put chip and seal over concrete. He explained there are concrete
products to seal the cracks. Paint peeling off rails. Council President Thomson
will ask Tony Hobson, City Maintenance to check on warranty. Need to formulate
a repair plan for the bridge. Call Keller’s Associate and they will provide a contact
for a bridge engineer.
Recording stopped. Meeting stopped so recording could be downloaded to computer.

I) Bannock County Comprehensive Plan Update: Council President Thomson announced he attended the Bannock County Comprehensive plan meeting in Downey. They plan on updating their plan every ten (10) years. City needs to follow suit within the next couple of years. Council President Thomson explained the Bannock County is developing an urban residential zone that follows the corridors. Couple of maps and list of goals has been released. Goal is to finalize this month and have it approved by the end of the year. Sherril Tillotson is co-chair of the committee.

J) 2019 Fall Academies – December 13, 2019  ACTION ITEM:  Fall academy is for elected officials. Council President Thomson would like to attend and asked Ricky if he would like to attend. Council President Thomson will ask if Randy Benglan if he can attend. Councilperson Hinz made a motion to send all that wants to go. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

K) Fire Department Appreciation Dinner: Councilperson Hinz announced the dinner is December 10, 2019, 6:00 p.m., Community building. Mayor and Council are invited. Head count is needed.

L) Miscellaneous: None.

Projects:
A) Water Improvement Project:
  1) Additional Asphalt Repair Costs - ACTION ITEM: Bryan Phinney, City Engineer asked council if they have any question. This is part of change order number eight (8). City Council has approved a list not to exceed forty six thousand ($46,000.00). Council President Thomson reviewed asphalt repairs and cost. He understands Condo road exceeded forty (40) tons of asphalt. The road is now a one (1) inch road. Bryan announced confirmation received from DEQ (Idaho Department of Environmental Quality) that the extra paving is project eligible. Bryan reviewed loan with council and additional change. Credit questioned. Council questioned if additional asphalt includes Spring Street and fire hydrant surface repairs, outside of the trench included in the water project. Bryan will get answers and report back. Council President Thomson reviewed change order eleven (11) and wants work to be inspected tomorrow by the City. Check will be released when inspection is passed. Well location discussed and cost to build. Bryan is still working with Knife River on the bill for sweeping. Bryan is only
aware of sweeping and adjustment on pipe quantities that are outstanding. Councilperson Hinz announced the ADA pad by park concrete repair needs to be on the list of repairs. The damage is due to their equipment being parked on it. Bryan will check on it. City Clerk Canda Dimick announced she sent a message to Mathew to have it added to list. Councilperson Hinz made a motion to table the additional asphalt repair cost. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

2) Punch List Items Report: Council President Thomson reports Condo road looks nice and is an improvement. Water valve in front of Chuck wagon has been completed. Home Hotel has been completed. Bryan Phinney, City Engineer announced the Condo road and everything else that is being paved right now in town is super paved. Eddie, inspector believes the condo road has exceeded forty (40) tons of asphalt at no additional cost to the city. List still has some items on the punch list that need to be completed. It maybe springtime before items is completed due to weather. The warranty does not start until substantial completion is signed. The warranty is for a year and at any point there is a problem we need to contact Knife River. At eleven (11) months we need to do a warranty check on the entire project. If the City sees any additional items that need to be done contact us. Councilperson Frandsen asked that the debris by the hot pools and the foundations fence repair needs to be added to the punch list.

3) Change Order #8 - ACTION ITEM: Bryan Phinney, City Engineer asked council to consider authorizing the change order to be executed once we verify the asphalt on Spring Street and fire hydrant surface repairs. Councilperson Frandsen made a motion to approve change order number eight (8) based on verification that it covers all asphalt including Spring Street and the Fire Station fire hydrant. Council President Thomson seconded the motion. All voted aye, unanimous.

4) Pay Application #14 – ACTION ITEM: Councilperson Hinz questions contingency payout. Bryan Phinney, City Engineer verified amount one hundred and twenty seven thousand three hundred and eighty one dollars (127,381.00) is the retainage that is held until project is completed. Keller supports bill. Councilperson Hinz made a motion to pay bill. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Council President Thomson announced the completion of the repair of the crown and low spot in front of the Home Hotel was done today and check can be released. Council President Thomson verified work acceptance with Tony Hobson, City Maintenance and Tony reported back that he is happy with it. Council President
Thomson made a motion to release the forty thousand (40,000.00) dollar check that is being held from last year’s budget. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Councilperson Hinz comments they need AIS letters as per the DEQ report shows some missing.

5) Access and Options to Purchase Real Estate Agreement for Well Site

Update: Council President Thomson nothing to report on well site.

B) Photovoltaic System Relocation Feasibility Study - ACTION ITEM: Tyler Pratt presented report to get best use of system that is not in use. Tyler provided council with his analysis on return on investment, total construction cost, annual savings and the twenty (20) earnings. The council should consider what type of return on investment and what long terms earnings they want and what the City budget is for this project. Options discussed. Rocky Mountain Power has put in an application before IPUC (Idaho Public Utilities Commission) to request a change in their net metering. Idaho Public Utility Commission is intended to protect consumer and it looks like a decision will not be made until spring or around there. Once an application is turned into Rocky Mountain Power the City has a year to construct. Keller’s will finish report and present to Council. Keller’s recommend hiring the engineer to assist with the application submitted before December 31, 2019. It will take a couple of days to put together and submit application. Application cost sixty (60.00) dollars. Council President Frandsen made a motion for Keller’s to submit applications, and a proposal from Keller’s for alternate three (3) and modified two (2) to provide cost for task and submittal of applications. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Fagnant Property Purchase from State of Idaho – ACTION ITEM: Councilperson Hinz made a motion to purchase Fagnant property at 10240 E Maughan Road and obtain title insurance. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Fire Station Land Survey – ACTION ITEM: Councilperson Hinz made a motion to get land survey. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Councilperson Hinz stated that the city needs to see if project has to be a public works project. City Clerk Canda Dimick explains if public works is required all contractor would need a public works contractors. Councilperson Hinz responses need to have legal help to find ways to make the project happen.
Suggested the city needs to hire a lawyer that specializes in construction projects. May be possible to handle the project through a project management who has a public works license.

E) Miscellaneous: None

Discussion: Brandon De Los Reyes addresses his concerned with grade on the Alley, vehicles are dragging bottom at the intersection and trailers are getting stuck. Council President Thomson reported the Alley has been built up over the years, not sure why. Utilities may have to be lowered to change the slope of the Alley. Brandon comments some of his guest have been complaining and trailers are getting stuck. Council President Thomson reported that the City has installed signage to direct traffic one-way and no access from the East.

Brandon questioned when paving is going to be done. Council President Thomson explains it’s at the top of the list to be done next year just depends on budget funding when it will be done.

Brandon questioned status of sprinkle suppression systems. He has received feedback on the sprinkler system rule in the City and asked if it’s changed. Council President Thomson explained that code has always required fire suppression systems, county didn’t enforce the code but State is enforcing the code. Brandon is concerned that the code is not being enforced he has heard it’s not. Councilperson Hinz explained there has not been anything submitted that would require it. Brandon questions if this code is going to apply to all nightly rentals including change of use. He was told by the State it applies to any nightly rentals less than thirty (30) day. Council President Thomson reported that the code is being enforced to all nightly rentals.

Motion to adjourn - ACTION ITEM: Councilperson Frandsen made a motion to adjourn. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Meeting adjourned at 10:55 p.m.