Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, December 13, 2018 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: T. Paul Davids III, Mayor

Lisa Guthrie, Councilperson Brian Hinz, Councilperson Jon Thomson, Councilperson Gary Cooper, City Attorney

Dennis Callahan, Code Enforcement Officer

Canda Dimick, City Clerk

Amantha Sierra, Office Assistant

Excused: Rickey Frandsen, Councilperson

Guests: Kelly Myers, Mark and Lorrie Lowe, Andrea and Kody Tillotson, Sherril Tillotson, Kirby and Clinton Pagnotto, Doug Potter, Devanee and Bonner Morrison

Mayor Davids welcome and thanks everyone for coming. He announces this is the City's regular scheduled council meeting. Mayor Davids announced agenda deadline for January 10, 2019 meeting will be January 3, 2019. The Pledge of Allegiance is led by Councilperson Thomson.

Approval of Minutes (November 8, 2018, November 15, 2018 and November 20, 2018) ACTION ITEM: Councilperson Thomson made a motion to approve minutes as written. 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 the bills with the exception of Forsgren & Four J's full amounts. Including one hundred and twenty eight dollars (\$128.00) for Amantha excel class. Knife River's invoices hold until engineers arrive and review with them. Subtract seventy one dollars and sixty one cents (\$71.61) from MRE for 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 asked Gary Cooper, City Attorney, about going onto private property to check for current registrations on cars parked on their property. Gary Cooper, City Attorney was cautious about going on to private property. Best practice is before you go on private property is to ask for permission. Dennis was asked to send letter asking property owners to bring proof of registration in to the office for those he cannot see the current registration tag on the license plate or prepare a list and when the a Bannock County Officer is in town ask the Officer to run a check on the tags. Councilperson Thomson made a motion to continue working on, send a letter to those who won't let you enter property asking for proof of registration. The key concerns are those parked on City Street. Councilperson Hinz seconded the motion. All voted aye, unanimous.
- 2) Tree Trimming & Intersecting Traffic Vision Impairments Council Review ACTION ITEM: Dennis Callahan, Code Enforcement Officer reported on trees that Tony Hobson, City Maintenance, is concerned with. Dennis is going to tag vehicles that are parked on city property per City ordinance which are causing problems with clearing the snow on City streets. Mayor and Council reviewed list that Dennis prepared on properties with intersecting traffic vision impairments. Councilperson Hinz abstained himself due to him being number three (3) on the list. Mayor Davids suggested sending friendly reminders to everyone on the list addressing the ordinance and explaining the issue with the tree or bush on their property and ask them to clear the impairment issue. Most of the property owners will probably take care of the impairment issue. Councilperson Thomson made a motion to send friendly reminder to property owners with next month's water bill. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Councilperson Hinz abstained.
- 3) Nightly Rental Violations ACTION ITEM: Dennis Callahan, Code Enforcement Officer reported that he is still monitoring illegal vacation rentals. Mayor Davids reported that he talked with the owners and informed them that if it continues they will be red tagged. Mayor Davids comments some of the vehicles parked onsite may belong to the owners. Mayor Davids reviewed the council concerns from last month's meeting with the property owner that is staying in one of the units. Mayor Davids explained to the property owner that if the City finds out he is renting to anyone the City will red tag his business. Mayor, Council and Dennis haven't noticed anyone staying there in the last month. Dennis comments

they're advertising on line. Councilperson Thomson made a motion to send one last notice asking them to complete what is required to issue the temporary certificate of occupancy on the bottom four (4) units. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Mayor Davids and Dennis Callahan, Code Enforcement Officer hasn't recently seen any other homes being rented as nightly vacation rental without a business license.

B) Dog Kennel Purchase – Councilman Thomson: Councilperson Thomson explained he talked with Tony Hobson, City Maintenance today on the location of the kennel and if it's going to be a single or double unit. A double unit is preferred. A basic kennel is 5X10X6 unit, price range two hundred and fifty dollars (\$250.00) for low end, galvanized chain link webbing stretched between a complete surrounded by inch and half (1.5) galvanized pipe tension bars on the end and the cost goes up to five hundred dollars (\$500.00). Adding a divider to make the kennel a double unit requires a second gate and the cost would be one hundred to one hundred and fifty (\$100.00 to \$150.00) more. The kennel will also need feeders for food and water. The kennel will be indoors so a cover is not necessary. Tony preferred a collapsible kennel but the style is not collapsible but it can be portable. Total estimated cost is two hundred and fifty to four hundred dollars (\$250.00 to \$400.00) including feeding & water containers for double unit each unit being 5X5X6. Dennis Callahan, Code Enforcement Officer was asked if he wants a double unit. Dennis comments a double unit might not be necessary because he has never picked up two dogs at a time. Councilperson Hinz made a motion for Councilperson Thomson to pick up 5X5X6 single kennel. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Monthly Law Enforcement/Code Enforcement: Mayor reported on November's citation and stops report that he received from Dan Argyle. Council had no question. Mayor and Council are happy with new report format.

Miscellaneous Reports:

Lava Chamber of Commerce:

A) Holiday Lighting Report – Kelly Myers, Event Coordinator: Kelly Myers, Event Coordinator reported that Liz Tuttle said it was one of the better turn out for holiday lighting events. Kelly comments it was cold but she thinks it went really well. Next year they would like to try fixing some of the existing Christmas decoration with new light bulbs. Mayor Davids commented he did follow up on getting the seniors to participate in the event and he was told that the event coordinator needs to get that added to the senior's calendar for next year. Mayor

Davids reported there were about eight (8) kids that visited with Santa and he thought the event was good.

- B) Fire & Ice Pre Plans & Special Event Permit—Kelly Myers, Event Coordinator ACTION ITEM: Kelly Myers, Event Coordinator explained the note that Fire Chief needs to sign off on the event application. Kelly has talked with the Fire Chief and will get his signature. Councilperson Hinz questioned the line item note on the application concerning Whalen Rife fire truck. Kelly explained that last year she understands that Whalen had a fire truck that blew out some type of fire flames and he was blowing it around power lines and trees. The Fire Chief has said that the fire truck cannot blow fire flames unless there is a detail plan of where he is going to do it and how. Kelly doesn't think that will be on the venue this year but, if it is she will get the detail plans and have the fire chief sign off on it. Councilperson Hinz made a motion to approve based on Fire Chief Signature. Councilperson Thomson seconded the motion. All voted aye, unanimous.
- C) **2019 Ballot ACTION ITEM:** Mayor Davids read the ballot. Returning board members are Sherril Tillotson, Bryce Church, Bridget Losee, Devanee Morrison and Liz Tuttle. Five (5) position available and there are five (5) nomination, Cameron Salt Lava Campground, Collin Petrun Bristol Park, Gail Palen Riverside Inn, Nathleen Rife Lava Hot Springs Inn & Randy Benglan Portneuf Rapids Tube Rentals. Councilperson Thomson made a motion to approve ballot and the City is not voting. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Kelly Myers, Event Coordinator - Kelly Myers, Event Coordinator explained they would like to hire Brittney Potter as coordinator assistance to help with the Fire & Ice event and would like the City to pay up to two thousand dollars (\$2,000.00) to her for the hours worked. Kelly will submit a 1% application to the City by December 15th to be discussed in January. Mayor Davids comments that they will table because this is the first they have heard about it. Sherril Tittotson with the Chamber of Commerce reported that the Chamber of Commerce has approved additional money from their budget for coordination of that event, fifteen hundred dollars (\$1,500.00). She reported that there was two hundred and fifty hours for each person last year. They expect it to be a little less for that one person this year. Mayor Davids verified that the Chamber is asking the City for two thousand dollars (\$2,000.00) and the Chamber is coming up with fifteen hundred dollars (\$1,500.00) for a total of thirty five hundred (\$3,500.00). Sherril

verified yes and last year it was a total of four thousand (\$4,000.00). Kelly commented they expect Britney hours to be lower than last years.

Lava Hot Springs Foundation Water Meter Relocation Agreement - ACTION ITEM: Mayor Davids reported that Devanee Morrison and he have reviewed the document and they're okay with everything except the thirteen hundred dollars (\$1,300.00) for engineering to move the foundations meter to the other side. Devanee Morrison reported on the thirteen hundred dollars (\$1,300.00). We don't have appropriation for that because, this was late in the game and my budget was set for a long time and we don't have spending authority to provide money to someone else's project. Mayor Davids reported on the cost. To go to the south side engineering cost was twenty six hundred (\$2,600.00) which we were thinking thirteen hundred dollars (\$1,300.00) would come from the State. The contractor change order for the pool connection was seven thousand and two hundred fifty two dollars (\$7,252.00), legal services that were billed to make the change was six hundred and four dollars (\$604.00). According to Mathew the difference between the north and south route is fifteen thousand and five hundred dollars less expensive to go to the south route but, there are some unknown factors. The mayor and council had verbally agreed with the State that this project is different in that they already have a system that is working and the city should pay for it. Councilperson Hinz made a motion to accept it and pay the thirteen hundred dollars (\$1,300.00) its part of the project and their system is working fine. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Mayor Davids will sign the contract and Devanee will get Irene Bergendorf signature. Devanee also mentioned that the attorney general would like this recorded. Mayor Davids will make sure they are recorded. Councilperson Thomson questioned the easement. The easement is included and will be recorded.

Lava Lowe Subdivision Plat – ACTION ITEM: Gary Cooper, City Attorney, explained that the best practice is to include the property owners consent to annexation on phase 1 plat map. Mark Lowe mentioned it's included in the agreement and the agreement was recorded with the county. Councilperson Thomson made a motion to sign final phase 1 plat agreement once the overlay is added and signed by the property owners and Mayor Davids consent to annexation. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Phase one (1) is ten (10) lots.

Business License(s)/Alcohol Beverage Licenses(s)/Coin-Op License(s) ALL ACTION ITEMS:

- A) Business license requirements for single family and multi-family dwelling rentals & vehicles for rent: Gary Cooper, City Attorney explains the City is currently regulating these businesses. There is question if the City can require liability insurance on recreational vehicle rentals under the current ordinance and homes being rented long term. Gary has provided Mayor and Council with a proposal on all three concerns, vacation rentals, long term dwelling rentals and recreational vehicles. Mayor Davids reviewed the proposal headlines.
- 1) Rental of ATV's, UTV's, golf carts and other recreational vehicles used for transporting individuals on City streets.
- 2) Regulate vacation rentals and tourist homes that have duration of less than thirty days (30).
- 3) Long term dwelling unit rentals and leasing with a period over 30 days. Mayor Davids suggested a work session to review options. Councilperson Thomson made a motion to review proposed changes and table for 30 days and make final determination at next month's council meeting. Councilperson Hinz seconded the motion. All voted aye, unanimous.
- B) A Team Construction, LLC Jordan Brower, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- C) Hunsaker Construction, LLC Tanner Hunsaker, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- **D) JD Construction Services, LLC Jerry Dunn, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- E) Lava Hillside Suites DLR Enterprises LLC Brandon/Cody De Los Reyes, Owners/Applicants: Councilperson Thomson made a motion to deny until temporary occupancy is received and sign permit then authorize Mayor to sign. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- **F) Perfectly Posh, LLC Ann Dalton, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

- G) **OZ Construction, Inc. Matt Oswald, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- H) Quality Overhead Door Tanner Christensen, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Non-Property Tax Permit(s) ALL ACTION ITEMS:

- **A) AT&T Mobility Supply, LLC:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- **B) DC Frost Associates, Inc.:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- C) **JCPenney Corporation, Inc.:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- **D) Perfectly Posh, LLC:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- **E) T-Mobile Resources Corporation:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- **F) VW Credit Leasing, LTD:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Building Permit(s) (B, C, D, E & F ACTION ITEMS):

A) Building Permit Report – Dennis Callahan, City Code Enforcement Officer: Dennis Callahan, Code Enforcement Officer reported that not much has changed since last month on the building permit report. Dennis presented a notice that he would like to send out to everyone in the water bills, same as the city did last year with a reminder any person or company doing work in Lava Hot Springs City must obtain a business license first. Any person performing work without a business license will be issued a stop work notice until the business license is issued. Mayor Davids read the notice that Dennis would like to send out. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolition or change the occupancy of a building or structure or to erect, install, enlarge, alter or repair, convert or replace any electrical, gas, mechanical or plumbing system the installation which is regulated by this code or to cause any

such work to be done shall first (1st) make an application to building official and obtain a required permit. Building permit report reviewed.

- B) 8 Unit Nightly Rentals Temporary Occupancy: already coved under section Law Enforcement/Code Enforcement category number 3 Nightly Rental Violations.
- C) Reggie & Theresa Cochran Residential Remodel 91 West Fife Street: Dennis Callahan, Code Enforcement Officer reported the permit is for an outside stairs they are putting in and the State has approved their plans. Permit fees paid. Councilperson Guthrie made a motion to accept building permit. Councilperson Thomson seconded the motion. All voted aye, unanimous.

D) Hot Springs Resort (Riverside Inn) – Commercial Bar & Restaurant Remodel – 255 East Portneuf:

E) Hot Springs Resort (Riverside Inn) – Commercial Hot Tub Room Wall Demolition – 255 East Portneuf: Both on one (1) permit:

Mayor Davids explained the State approved combining the two building permits to one. Kody Tillotson reported the state has asked for some additional information and he is working with them. Everything is a go as of today with Jeff and Jim, the State building inspectors, and they added the demo permit along with this permit. The demo is for another small wall we're tearing out and replacing with a beam. Mayor Davids questioned Kody on what the State building inspector are asking for. Kody explains that during the plan review with the inspectors they asked for a few more things from the engineers, detail on the footings and how the beam is being attached to the concrete. Part of the issue concerned the document the City sent to the State. They were blurry and the State couldn't read all of them. Kody suggested that the City needs to send electronically. Kody will start submitting his documents electronically and that way the City can forward it to the State building inspector. Councilperson Hinz questioned historical status. Kody explained the State is working on it. Councilperson Guthrie made a motion to approve contingent on state approval. Councilperson Hinz seconded the motion. All voted aye, unanimous.

F) Kerby Pagnotto (78 Main Street Eatery) – Commercial kitchen remodel/demolition – 78 East Main Street: Dennis Callahan, Code Enforcement Officer reported the State inspector has approved the plans. The only thing we are waiting on is the building cost so, the permit fees can be determined. Councilperson Thomson made a motion to approve based on the estimated cost

added to permit application and fees paid. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:

- A) Caldwell Canyon Mine Expansion Letter of Support ACTION ITEM: Environmental impact study completed. Mayor Davids reported on the study. The mine has been there for 100 years and it lists how many employees from our area work at the mine, fifty (50) employed from Lava area according to their report. If it was to shut down there would be an economical impact in for our area. Councilperson Thomson made a motion to approve sending a letter of support. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- B) Schedule meeting to consider 4th quarter 1% proposals ACTION ITEM: Councilperson Guthrie made a motion to consider 1% proposals on January 10th, 2019. Councilperson Thomson seconded the motion. All voted aye, unanimous.
- C) ITD East Main Street North Pedestrian Bridge Letter Request ACTION ITEM: City Clerk Dimick reports grant money received and they are asking for a final letter referencing that the City is a satisfied with the project as built and consider the project complete. Councilperson Guthrie made a motion to send letter stating project is complete and the City is satisfied. Councilperson Thomson seconded the motion. All voted aye, unanimous. Devanee mentioned that top surface on the bridge is slick when there is a small amount of snow. Requested the City see what they can do to make it so it's not so slippery. The maintenance and liability is the City's not the States. Councilperson Hinz and Thomson expressed concerns with chemical being put on bridge to remove the ice and leaking into the water. Sand was suggested. Mayor Davids will talk with Tony to see what can be done.
- **D) Wastewater Reuse Report:** Copy given to City Council for review. No questions.
- E) Nitro-Green Lawn and Tree Care Service Renewal for 2019 ACTION ITEM: Councilperson Guthrie made a motion to renew service for 2019, seems to be making some progress, no changes with contract. Councilperson Hinz seconded the motion. All voted aye, unanimous.
- F) 100% Funding for Renewable Energy Projects ACTION ITEM: Council suggested City Park Pavilion, new or old, bathrooms and roof mount on new fire

station addition. Councilperson Thomson made a motion to move forward. Councilperson Hinz seconded the motion. All voted aye, unanimous.

- **G) Water Sanitary Survey Deficiency Extension:** City Clerk Dimick explained the land purchase is the deficiency we have not complied with. The City has asked for an extension. The City is working with the property owner on the land purchase. Deadline is December 31st.
- **H) Miscellaneous:** Mayor Davids asked if the Engineers will be in attendance tonight. City Clerk Dimick responded Mathew had told her Bryan would be here. Mayor Davids will skip over the water improvement project until they get here. Mayor Davids commented we will start with the ADA curb ramp project report.

Projects:

- A) Water Improvement Project:
- 1) Well Site Agreement ACTION ITEM: Mayor Davids reported the agreement has been sent but nothing received back from them. Hinz suggested following up with another email. Councilperson Hinz made a motion to send a follow up email. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
- 2) Fire Hydrants ACTION ITEM: Councilperson Hinz reported that Tony has an old fire hydrant from the water project for training proposes at the fire station. City Clerk Dimick explained on the fire hydrant map we still have some areas that don't show overlapping coverage. Areas reviewed and not sure if the map shows all new hydrant placement, need an updated map. Councilperson Hinz made a motion to work with Keller to get suggested coverage areas for the City. Councilperson Thomson seconded the motion. All voted aye, unanimous.
- **3) Canal Crossing Agreement:** Mayor Davids reported the canal company has the agreement. Tom McBride is not the president. The president Mr. East is reviewing the agreement. Canal Company is going to hold a meeting and report back after Mr. East has a chance to review the agreement. Contractor wants to do the canal crossing this winter.
- **B) ADA Curb Ramp Project Report:** City Clerk Dimick comments that Forsgren engineers would like to meet with city to review options. Mayor Davids would like them to present the options to the council. City Clerk Dimick will ask them to attend January 10th meeting.

B) City Maintenance Shop Improvements Report: Mayor reported he understands everything is completed. The Improvement on shop has a noticeable difference.

C) East Main South Pedestrian Bridge:

1) Schedule Meeting with Todd & Tyler Victor ACTION ITEM: Mayor Davids reported that he has not heard from them. Councilperson Thomson made a motion to continue pursuing them. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Devanee Morrison questioned the easement for the 2nd pedestrian bridge. She doesn't believe an easement is in place for the bridge and would like the City to start working on it now. City Clerk Dimick explains there is an easement in place. It was put there with the original bridge plans. The original bridge plans was for both bridges. Devanee has a copy and she will read through it to make sure there is an easement in place. The foundation has plans that have changed. She would appreciate Mayor Davids coming to another board meeting when it comes to that point that way the board is involved and knows what is going on. Mayor Davids responded he defiantly will attend the meeting. Need to make sure easement are recorded she is not sure there is an easement on east main street for the water project. Devanee would like to address the easement before the City does any more digging. Mayor explains they are trying to get a meeting with the Todd & Tyler Victor before the City does anything.

D) Buddy Campbell Park Improvements:

- 1) LHTAC Children Pedestrian Safety Program Grant Application Submitted Dec. 6th: Application has been submitted. Project is designed to connect park to school.
- **E) Miscellaneous:** Engineer not in attendance Council will review water project now.

Councilperson Guthrie made a motion to approve Knife Rivers invoice for payment. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Motion to adjourn into executive session to negotiate land purchase with Doug Potter and discuss personnel matters as authorized by Idaho Code 67-2345 (1) (b) & (c). ACTION ITEM: Councilperson Thomson made a motion to adjourn into executive session to negotiate land purchase with Doug Potter and discuss personnel matters as authorized by Idaho Code 67-2345 paragraph one (1) (b) & Regular Council, December 13, 2018, Page 11

(c). Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Hinz-Aye, Thomson-Aye, unanimous.

Motion to reconvene ACTION ITEM: Councilperson Thomson made a motion to reconvene into executive session to negotiate land purchase with Doug Potter and discuss personnel matters as authorized by Idaho Code 67-2345 paragraph one (1) (b) & (c). Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Hinz-Aye, Thomson-Aye, unanimous.

Motion regarding land purchase. ACTION ITEM: Councilperson Thomson made a motion to approve and sign the contract with Doug Potter for the acquisition of the property around the well with the changes as spelled out. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Motion regarding personnel issues. ACTION ITEM: Councilperson Guthrie made a motion to accept Dennis's retirement date of April 25th, 2019. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Councilperson Hinz made a motion to clarify Justin Casperson starting wage at sixteen dollars an hour (\$16.00) and his insurance effective December 1st, 2018 Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Councilperson Thomson made a motion to hire RB Scott as general labor to drive the City's snow truck as required at the rate of twelve dollars an hour (\$12.00). Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Adjourn: Councilperson Guthrie made a motion to adjourn. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Meeting adjourned at 8:35 p.m.	
Amantha Sierra, Transcriber	T. Paul Davids III, Mayor
Canda L. Dimick, City Clerk	