

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, December 14, 2017 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: T. Paul Davids III, Mayor
Tamara Davids, Councilperson
Brian Hinz, Councilperson
George Linford, Councilperson
Jon Thomson, Councilperson
Canda Dimick, City Clerk
Dennis Callahan, Code Enforcement Officer
Gary Cooper, City Attorney
Ken Fagnant, Fire Chief

Excused:

Guests: Lisa Guthrie, George & Betty Katsilometes & Officer Jons.

Mayor Davids welcome and thanks everyone for coming. He announces this is the City's regular scheduled council meeting. The Pledge of Allegiance is led by Councilperson Thomson. He announced November's agenda deadline for Council meeting on January 11th is January 4th, 2018.

Approval of Minutes (11/9/17): Councilperson Davids found a typo error on page 4 and suggested adding that Ken agreed to visit property owners if they are not complying with City ordinance. Councilperson Hinz made a motion to approve minutes with corrections. Councilperson Davids seconded the motion. All voted aye, unanimous.

Review & Approve Bills:

A) Running Boards for Ford Truck: Mayor Davids reported that Tony talked with him about running boards for the new City truck. He got a bid from Les Schwab of five hundred and forty one dollars (\$541.00). Councilperson Hinz suggested heavy duty not Nerf bar ones, non-slip and wide not a bar.

Councilperson Hinz made a motion to purchase heavy duty and non-slip wide bar. Councilperson Thomson seconded the motion. All voted aye, unanimous.

B) Nitro-Green Lawn & Tree Care Service Renewal for 2018: Councilperson Linford made a motion to approve prepaid renewal for eight hundred and forty nine dollars (\$849.00). Councilperson Davids seconded the motion. All voted aye, unanimous.

C) Motion to Approve Bills to be Paid: City Clerk Dimick reviewed list of bills with Mayor and Council. Ted Booth with Booth Architecture has requested a meeting. P&Z payments, Canda will calculate and send to Mayor Davids for approval. Councilperson Thomson made a motion to approve bills except Booth Architecture until designs plans are accepted and include P&Z payment per Mayor Davids approval. Councilperson Linford seconded the motion. All voted aye, unanimous.

Status of Hiring an Appraiser to Appraise Various Properties (Potter Land Purchase Agreement, East Main, South Side Pedestrian Bridge and Well Site with Access to Property): Mayor Davids announced sites to be surveyed Potter land agreement, East Main Street south Side Bridge, well site with access to property. Gary Cooper, City Attorney reported on information on septic tank system he was asked to research from the Southeast Idaho Public Health Department and it sounds like to him a Septic System is not an option. City Clerk Dimick reviewed City Code. Discussion followed about site location and possible options. Councilperson Davids made a motion to proceed with East Main Street south side pedestrian bridge and Potter land purchase appraisal. Councilperson Thomson seconded the motion. All voted aye, unanimous. Mayor Davids will talk with Etcheverry.

Law Enforcement/Code Enforcement:

A) Public Nuisance Notices Report: Code Enforcement Officer Callahan reported they have tabled until spring. Weather permitting.

B) Adopt Ordinance 2017-5 Permitting & Regulating Open Burns: Councilperson Thomson made a motion to adopt by title only and waive the three

readings. Councilperson Davids seconded the motion. All voted aye, unanimous. Roll call. Thomson-Aye, Davids-Aye, Linford-Aye, Hinz-Aye, unanimous.

CITY ORDINANCE 2017-5

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO, ADDING CHAPTER 3 TO TITLE 7 OF THE CITY ORDINANCE IDENTIFYING FIRE REGULATIONS, REGULATING OPEN BURNING WITHIN THE CITY LIMITS; ESTABLISHING CRIMINAL AND CIVIL PENALTIES FOR VIOLATION OF THE ORDINANCE INCLUDING REIMBURSEMENT FOR SUPPRESSION COSTS; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE, WAIVING THE RULE THAT THIS ORDINANCE BE READ ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE OF THE ORDINANCE.

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

C) Tree Trimming Notices Report: Code Enforcement Officer Callahan reported that he has reviewed the list and no new entries. Most of the property owners have complied. Councilperson Hinz suggested sending first notices out next year by the end of August. Sending out earlier will give property owner adequate time to trim.

D) No overnight camping signs: Mayor Davids will find out what color is required for the signs. Code Enforcement Officer Callahan reported the signs are twenty four dollars and thirty two cents (\$24.32) for each sign. No shipping fees.

E) Building Code Ordinance Draft: Still working on draft.

F) Monthly Law Enforcement/Code Enforcement Miscellaneous Reports: Officer Jon has nothing to report. Mayor Davids reported the city is scheduling a meeting with the Sheriff, Prosecuting Attorney and County Commissioner to address who is responsibilities for certain enforcement issues.

Councilperson Thomson questioned Officer Jon about ambulances speeding on Main Street to the hot pools. Are they limited to the speed limit and are they required to have lights and sirens on. Officer Jon responded for safety reason they should have lights and sirens on. City Clerk Dimick reviews new protocol for ambulance drivers. Sirens and lights are required per the level of call coming in.

Code Enforcement Officer Callahan questioned Gary Cooper, City Attorney about notices sent out through water bill about city ordinances does that consuetude notice or do we need to send out 2nd notice if they are in violation. Gary responds

a news letter is fine for volunteer compliance but, if you need to take the next step a personal notice is required either hand delivered or tacked to property owner's door. The Council would like Dennis to send an email and a notice tacked to property owner's door before the City assess property owner for cleanup.

Councilperson Thomson reinforced need to enforce off street parking.

City Clerk Dimick requested Officer Jon to add extra patrol on East Main Bathrooms.

Katsilometes Proposed Exchange Agreement – Paul A Turcke, MSBT Law:

Mayor Davids announced that George Katsilometes attorney could not attend today's council meeting because he is in Portland. Mayor asked George if he had anything he wanted to say. George explains his exchange proposal and acknowledges according to Bannock County the City owns the land. George explained that they have used the land for thirty years, he has hot water lines going across it, concrete and paving on it and fences across it. He felt like because the City didn't say anything to him about the construction on the property, that the property is his. He knows the City wants an easement for their sewer line which, he is willing to give and depending on the terms he is willing to give a water easement. But it turns out they changed the water system plans from the original plan and now they don't even need the easement for the water line. George would like to have this resolved. It's been quite a long time. Betty Katsilometes asked why it's taking so long to resolve this. George responds because there have been multiple meetings. George feels the city attorney, Clyde, was kind of hostile to him, he doesn't like me or something. George explains Clyde kept not answering the phone for his attorney and not responding and stuff like that. So it drug out and drug out. Now the City has a new legal system and we are hoping we can get something accomplished. Mayor Davids asked the Council if they have any comments. Councilperson Linford asked if George is okay with taking the water meter out of his basement and putting it out to the street like it's suppose to be. George responds he is but, he doesn't see any need for it. Councilperson Linford explained that is where it should be. Mayor Davids expressed to George where the City is at on this. He acknowledges that George is right. Bannock County shows that the City owns the strip of land and we don't need an easement because the City owns the land and it's our choice to decide what we want to do with that piece of land. Mayor Davids continues explaining that last summer we asked the engineers to stop by and talk with you and they did. George agreed. One of the things we talked about last time we talked with you was that you would bring your line out to meet the water line of the new water system coming through there and

you didn't want to do that. Because you didn't want to do that we proceeded with our plans. The plans needed to be finalized. The new water line is going right through the city property. George interrupts and comments no it isn't. Mayor Davids continues with the new engineer plans. George explained what he understood from the City engineers. What he understood is different from the council understanding. George would like the City to abandon the old water line. Mayor Davids suggested a meeting with George, his attorney, the City attorney, and the city engineers then everyone can get on the same page. Councilperson Thomson made a motion to schedule a meeting with the attorneys and engineers. Councilperson Linford seconded the motion. All voted aye, unanimous.

Motion to accept the November 7th General Election Official Results:

Councilperson Linford made a motion to accept as presented. Councilperson Davids seconded the motion. All voted aye, unanimous.

Business License(s):

A) Aspen Air Design, LLC – Matthew D. Edlefsen, Owner/Applicant:

Councilperson Hinz made a motion to approve Business License. Councilperson Davids seconded the motion. All voted aye, unanimous.

B) Forsgren Associates: Councilperson Hinz made a motion to approve Business License. Councilperson Davids seconded the motion. All voted aye, unanimous.

C) Hillside Haven – Kurt Lish, Owner/Applicant: Councilperson Hinz made a motion to approve Business License based on approved sign permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

D) Rug Rat Flooring, Inc – Ron Ward, Owner/Applicant: Councilperson Hinz made a motion to approve Business License. Councilperson Davids seconded the motion. All voted aye, unanimous.

E) Taylor Construction, Inc – Keith Taylor, Owner/Applicant: Councilperson Hinz made a motion to approve Business License. Councilperson Davids seconded the motion. All voted aye, unanimous.

Non-Property Tax Permit(s):

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

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

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

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

E) Lish's Enterprises, LLC: Councilperson Hinz made a motion to approve Non-Property Tax Permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

F) O.P. Mossberg & Sons, Inc.: Councilperson Hinz made a motion to approve Non-Property Tax Permit. Councilperson Davids seconded the motion. All voted aye, unanimous.

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

Meetings/Announcements/Miscellaneous

A) Lava Chamber of Commerce Ballot: Received, not going to vote

B) Keller Associates Christmas Social – December 19th; Pocatello: Council invited.

C) Miscellaneous: None

A) East Main Traffic Bridge Pillars (Rock Installation under contract): One pillar completed and one in progress.

B) East Elm Water Line Upgrade: Complete.

1) Change Order #1: Councilperson Hinz made a motion to accept change order one (1). Councilperson Davids seconded the motion. All voted aye, unanimous. Mayor Davids read change order. Removed the three one (1) inch service re-connections. Tony removed them. The company helped Tony remove them with no charge. They are a great company to work with. Removed two (2) inch service connection charge six thousand (\$6,000.00), three one inch (1) inch connection charge seventy five hundred (\$7,500.00), admitted the asphalt service

restoration eight thousand two hundred and sixty (\$8,260.00), removed fire hydrant forty one hundred (\$4,100.00), added eight (8) inch cap and thrust block three eighty (\$380.00) and added eight (8) inch by eight (8) inch by four (4) inch T for fire line connection four hundred and fifty (\$450.00). Total cost of change order twenty five thousand and thirty dollars (\$25,030.00). Contract total cost thirty eight thousand two hundred and forty five dollars (\$38,245.00).

2) Substantial Completion: Councilperson Hinz made a motion to accept certificate of substantial completion. Councilperson Davids seconded the motion. All voted aye, unanimous.

C) Buddy Campbell Park Improvement Project:

1) Plans & Specifications for Road Access and Parking Lot Development:

Mayor Davids reported on plan and specs for road. Ted Booth wants to meet. Need to schedule a meeting.

2) Child Pedestrian Safety Program Funding Opportunity: City Clerk Dimick reported on grant opportunity. Add in pedestrian cross walks, ADA approaches for a safe place to walk and heat sidewalk around the park with Church well.

3) Idaho Department of Parks & Recreation Grant Application: Splash Pad application is due in January 2018.

D) Water Improvement Project:

1) Well Location & Access: Mayor Davids reports we already talked about well location earlier tonight.

2) Easements: Mayor Davids reported on easement progress. Discussion followed. Councilperson Thomson suggested sending notices that the City is going to proceed with existing easement. Mayor Davids comments that DEQ reports show lead in the old joints and the city needs to maintain the pipes and remove the old lead joints. Contact Lawyer to send letter stating the City is going to exercise their right to the maintenance easement per DEQ and any questions to contact City Hall. Councilperson Linford made a motion to proceed with maintenance easement already established. Councilperson Hinz seconded the motion. All voted aye,

E) South 6th West New Street Lights: City Clerk Dimick reports on request submitted to Rocky Mountain Power. Council decided on wooden poles for the two new poles ordered.

F) Tennis Court Resurfacing Bid: Mayor Davids reported one bid received and Tony mentioned the person did not physically look at the courts. Mayor Davids read the bid they received. Bid price eighteen thousand six hundred and eighty dollars (\$18, 680.00). Mayor Davids talked with Tony and he had previous received a bid which has been misplaced but, it was for one hundred thousand and it fixed the problem. Tony suggested getting more bids and he would look for the bid misplaced. Mayor Davids reported that Century High resurfaced their Tennis Courts.

F) Miscellaneous: Councilperson Thomson suggested a snow emergency route where the City designates streets for snow removal. No parking between certain hours.

Discussion:

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

Meeting adjourned at 7:23 p.m.

Amantha Sierra, Transcriber

T. Paul Davids III, Mayor

Canda L. Dimick, City Clerk