Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, February 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
        Gary Cooper, City Attorney
        Dennis Callahan, Code Enforcement Officer

Excused: Canda Dimick, City Clerk

Guests: Chet Davids, 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. He announced March agenda deadline for Council meeting on March 8th is March 1st, 2018.

Approval of Minutes (4/14/16, 5/12/16, 6/9/16, 10/13/16 and 1/11/17): Councilperson Hinz question if there was still one set of minutes still outstanding that was tabled last month. Amantha Sierra replied that she did not have time to update the April 21st minutes and will include them on the agenda for next month council meeting. Councilperson Hinz made a motion to approve minutes. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Review & Approve Bills: Mayor Davids asked the council for clarification on the bill for Booth Architect from last month’s council meeting. He questioned whether or not to pay the six thousand eight hundred and fifty dollars ($6,850.00) before the drawing were submitted to the council. It was the council understanding that the payment of six thousand eight hundred and fifty dollars ($6,850.00) would be made and Booth Architect would submit the plans with the corrections requested
from last month’s council meeting to the City and the additional money of a thousand dollars ($1,000.00) to be held until project is completed. Councilperson Thomson made a motion to accept the bills as listed. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Event Coordinator Position Agreement & Motion to Hire:** Chet Davids representing the Lava Chamber of Commerce reported on the applicants received for the Event Coordinator position and introduced Kelly Myers. Councilperson Thomson sat in on the interview for the position. Kelly was hired by the Chamber. Kelly attended the Fire and Ice Festival and gained an understanding for the event. They combined three positions into one position and they are asking the City to pay the Event Coordinator portion of the position. Mayor, Council members and Gary Cooper introduced themselves to Kelly. Gary Cooper, City Attorney explained the agreement he is working on and explained it is not completed. He needs some clarification in order to complete the joint adventure between the City and Lava Chamber of Commerce. Mayor reviewed what the Council and Chamber agreed to at their last meeting. The agreement would basically spell out that the Lava Chamber of Commerce is responsible for providing the Event Coordinator with the responsibility for each event, keeping track of her time spent on each event, time sheet approved by the Chamber President, making sure the event are managed per their guidelines, for training and addressing any issues with her and only up to nineteen hours per week. Councilperson Hinz asked about Chet’s meeting with the Chamber on the City request. Chet explained that all Chamber members agreed with what the Mayor reviewed and the time spent on chamber booking keeping and customer service will be separated from the event coordinator time. Mayor explained that the City needs to be accountable for the money spent on the event coordinator position. Councilperson Hinz suggested the contract should address the time frame for submitting the time card to the City. Discussion about agreement options and what legally can be done. Gary Cooper, City Attorney proposed two options for the council to consider for the position. Make her a City employee or joint venture with the chamber and reimburse the Chamber. The chamber would submit an approved time sheet, signed off by the Chamber President and the City reimburses the Chamber for event position. If a joint venture is done the city has less control over what this person does because they are not your employee and you have less liability. If you make her your employee you are liable. The time sheet for the direct work as an event coordinator is the accountability for the money being reimbursed to the Chamber. Councilperson Thomson made a motion to approve the selection of the Chamber, Kelly Myers. Councilperson Hinz seconded the motion. All voted aye, unanimous. Mayor Davids comments for the record the chamber combining the three positions into
one position is a positive move. Gary Cooper, City Attorney will continue to work on the joint venture agreement. Mayor Davids concern is with accountability for the money. Time card should include the event and time spent on event with detail and should not go over nineteen hours (19) per week. Gary will put together the two options and add an analysis for the city’s liability to each option and the council can review.

**Special Event Permit(s):**

A) **Lava Hot Springs Folk Festival** – April 20th and 21st: Councilperson Hinz made a motion to accept the application as written. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) **Softball League – (City Baseball Diamond) - Every Friday & Saturday March 16th thru July 7th:** The softball league request to reserve Buddy Campbell baseball diamond was discussed and the city council had many questions that could not be answered by Dennis Callahan, Code Enforcement. The council suggested to Dennis to invite Kimberly Call to attend next month’s council meeting on March 8th and request that she complete a special event application.

**Law Enforcement/Code Enforcement:**

A) **Building Code Ordinance Draft:** Nothing to report.

B) **Report on Meeting with Bannock County:** Mayor Davids reported that Dennis Callahan and he attended the meeting with Bannock County Commissioner Bullock, Doug Armstrong, Sherriff Nelson, Prosecuting Attorney and all the Mayors from smaller the south Bannock communities (Arimo, Downey, McCammon, Inkom and Lava). The meeting begin by talking about the general relationship between the communities and law enforcement. The plan is to have a couple of these meetings though out the year. Mayor Davids highlighted on the meeting and he felt that the City of Lava was better prepared than the others. The City of Lava was the only city present that has printed citations with the City name on it and the only city that has a contract with Bannock County. The City contract is detailed with the Sheriff’s Department listing what we expected them to patrol the city for. Mayor Davids has a copy of the contract and will make copies for the Council. Dennis Callahan, Code Enforcement Officer reported at the meeting it was brought to his attention that the City needs to check with legal on the handling of feral cats. When I take them to the animal shelter in Pocatello they are adopted or put down immediately. According to our ordinance we are suppose to kennel them for three (3) days. Is the City obligated to do that with a feral cat or is it a judgment call? The City does not have proper facilities for holding animals for
three days and what is the liability to the city if we don’t hold them for three (3) days? Gary Cooper, City Attorney will review the City’s ordinance and what types of faculties are required to hold an animal and get back to the council. Councilperson Hinz would like to see a detail print out of Bannock County refunds. Mayor Davids has asked City Clerk Dimick to add the report to the regular scheduled meetings each month.

C) Monthly Law Enforcement/Code Enforcement Miscellaneous Reports:
Law Enforcement not in attendance, no report.

Motion to adopt Ordinance 2017-5 adding Chapter 3 to Title 7 of the City Ordinance identifying fire regulations and regulating open burning within city limits: Councilperson Hinz question section L ending in “and”. Gary Cooper, City Attorney comments the “and” needs to be strike and a semicolon added after odor. Section M should end with a semicolon and “and” then section N should have a period after waste. Councilperson Hinz made a motion to re-adopt by title. Councilperson Davids seconded the motion. Mayor Davids read the title.

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:

Councilperson Thomson made a motion to waive the rule that ordinance be read on three separate occasions. Councilperson Hinz seconded the motion. All voted aye, unanimous. Councilperson Thomson made a motion to adopt ordinance provided page 3 item 7.3.3 beginning with item L drop the word “and” and replace with semicolon, item M semicolon addition, item N a period after the word waste with those exception. Councilperson Hinz seconded the motion. All voted aye, unanimous. Roll call. Thomson-Aye, Guthrie-Aye, Frandsen -Aye, Hinz-Aye, unanimous.
Business License(s):
A) Lava Hillside Suites – 289 E. 1st Alley S. - DLR Enterprises, LLC, Owner/Applicant: Lava Hillside Suites not approved because the business is not operational. The Council agreed that two separate business licenses are required, one for the General contractor business to build the units and one for the rental business on the units. There was a listed item on the business license application that was not defined and the council would like to have a definition as to what “Recreational Rentals/activities” means. The building permit was issued as an eight unit permit and a certificate of occupancy will need to be issued per the building permit of eight units. Councilperson Hinz made a motion to table pending additional information required on business license. Councilperson Thomson seconded the motion. All voted aye, unanimous. The Council asked Dennis Callahan, Code Enforcement Officer to inform DLR Enterprises that they still need to obtain a 2018 business license for general contractor to continue to build the Hillside Suites and the license submitted for the rental unit is on hold until the units are ready for business.

B) Four J’s Inc. DBA Roto Rooter – Brandon Hepworth, Owner/Applicant: Councilperson Hinz made a motion to approve Business License. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Conestoga Leisure DBA Greystone Manor – Vicky Lyon, Owner/Applicant: Councilperson Hinz made a motion to approve Business License. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Conestoga Leisure DBA Silver Grille – Vicky Lyon, Owner/Applicant: Councilperson Hinz made a motion to approve Business License. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Harris Repairs – Hartman K. Harris, Owner/Applicant: Councilperson Hinz made a motion to approve Business License. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Lava Hot Springs Suites, LLC – Julie Hill, Owner/Applicant: Councilperson Hinz made a motion to approve Business License. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
G) Rickey Excavation – Rickey Frandsen, Owner/Applicant: Councilperson Hinz made a motion to approve Business License. Councilperson Guthrie seconded the motion. Councilperson Thomson, Councilperson Hinz, Councilperson Guthrie voted aye, Councilperson Frandsen abstained, motion carried.

H) Sweet Stuff – Sheila Fergus & Ashley Lish, Owners/Applicants: Councilperson Hinz made a motion to approve Business License. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

I) Trugreen: Councilperson Hinz made a motion to approve Business License. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Non-Property Tax Permit(s):
A) Direct Capital Corporation: Councilperson Hinz made a motion to approve non-property tax permit. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Tupperware US, Inc.: Councilperson Hinz made a motion to approve non-property tax permit. Councilperson Guthrie seconded the motion. All voted aye, unanimous.
C) Walmart.com USA, LLC: Councilperson Hinz made a motion to approve non-property tax permit. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Sign Permit – 242 West Main Street - Kurt Lish: Councilperson Hinz made a motion to approve sign Permit. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:
A) Public Retirement Workshops – April 6th 9 AM: A meeting is scheduled for 9:00 a.m., April 6th, 2018 at City Hall.

B) Senate Bill 1219 Letter of Support – Health Care Costs: Letter sent supporting senate bill 1219 to decrease the cost of insurance premiums.

C) Park Reservation Application: Councilperson Hinz found an error on page 3, third paragraph from the bottom. Change the word “noted to “noticed”. Councilperson Hinz made a motion to approve Park Reservation Application with...
the change on page three, effective immediately. Councilperson Thomson seconded the motion. All voted aye, unanimous.

D) ITD Statement of Agreement for Disadvantage Enterprise Program: Placed on hold for further review.

E) Park Locks – Council member Guthrie: Mayor Davids requested the City Council research what kind of automated locks are available and if any would be a possible solution to the locking of doors at our park restrooms. Currently the responsibility has shifted over to 78 Main Street Eatery, Jon Thomson and Dennis Callahan. He feels the responsibility should be city employees responsible for cleaning the restrooms. Maybe locks you can open wherever you are at or automated locks that open and close on a schedule, dawn to dusk. The council brought up several concerns about the locking of doors with a remote.

F) “L” Mountain Service Project – Council member Guthrie: A youth group in May will be refurbishing and pulling weeds around the “L” on the mountain. Councilperson Guthrie will coordinate with the youth group and Tony Hobson, City Maintenance, for supplies to paint the “L”.

G) 2018 Idaho Community Review Program: Mayor Davids would like more information as to the cost to the City and what the review would accomplish. No further action was taken.

H) Miscellaneous: No further items to discuss.

Projects:
A) Water Improvement Project:
1) Easements: Mayor Davids reported no new easements submitted. The easements are there, we want to define them.

2) Appraisal: Mayor Davids reported the appraiser was in town but, we have not heard back from him on the appraisals.

3) Well Site: Mayor Davids reported he called the property owner for number one well site area and has not heard back from them. Mayor will make a 2nd attempt to contact them.

4) City/Lava Foundation Water Service Agreement: Mayor Davids reviewed the agreement with council. Discussion on where the meter location is. Unsure if
it is inside or outside fence line on foundation property. Councilperson Hinz made a motion to accept the Water Improvement Project contract with two additions, first to add under item No. 1 on the front page, “meter to outside of fence” for full time access and second, refer to the drawing CU-107 of the Keller Associates Water Improvement Project No. 215115. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

5) County Easement for service to Fire Station fire hydrant: Paper work for easement completed. No action needed.

6) Advertisement for Bids: Mayor and Council reviewed advertisement. Pre-bid conference scheduled at the City Hall, Q&A meeting. Deadline for bidding is the February 22nd, 2:00 pm., 2018. Keller will evaluate bidding.

B) Buddy Campbell Park Improvement Project:
1) Plans & Specifications for Road Access and Parking Lot Development: On hold until payment is received.

2) Child Pedestrian Safety Program Grant Status: Tabled. Canda working on.

C) South 6th West New Street Lights: Not installed as of today.

D) Tennis Court Resurfacing Bids – Still Working On: Committee working on.

E) North 1st West Storm Drain System: Gary Cooper, City Attorney informed the Council that Kody Tillotson, Edge Water, had approved the last revisions, Edge Water shall instruct and install the drainage facility in accordance with the design speciation set out in exhibit B and shall also bare be responsible for the payment of all cost and expenses associated with the construction and installation of the drainage facility in accordance with the construction specifications, once constructed, installed and accepted by Lava, then Lava at is sole cost and expense will maintain it. Easements defined and a grant of easement approved. Councilperson Hinz made a motion to approve contract agreement between the City and Edge Water Resort with changes agreed upon, with the Mayor reviewing with City engineering staff. Councilperson Thomson seconded the motion. All voted aye, unanimous.

F) ADA Curb Ramp Project Webinar: Tabled for more information.
G) Miscellaneous: Councilperson Hinz mentioned the curb and gutter by the Pedestrian Bridge and the Spa Motel needs to painted red for no parking. Mayor Davids reported that is on Tony and Billy’s work order list. They will get is done as soon as the weather permits.

Discussion:

Councilperson Guthrie made a motion to adjourn. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Meeting adjourned at 7:35 p.m.