

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, March 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  
Canda Dimick, City Clerk

**Excused:**

**Guests:** Jeff Young, Sherril Tillotson, Amy Manning, Bryan Phinney, Krystal Harmon, Shane Call.

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 April 12<sup>th</sup> is April 5<sup>th</sup>, 2018.

**Approval of Minutes (4/21/16 and 2/08/17):** Councilperson Hinz made a motion to approve minutes. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**Review & Approve Bills:**

**1) Discuss purchasing bulletin board for pavilion reservations:** Mayor and Council reviewed and discussed option for purchasing boards for Buddy Park pavilion reservations. Suggestion is to install posts with a panel. Then attach boards to panel to secure them. Councilperson Thomson made a motion to buy two (2) magnetic white boards, page 1. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**2) Revised East Main Pedestrian Bridge Request for Reimbursement:** City Clerk Dimick reported she is working with ITD on request for reimbursement. Two thousand (\$2,000.00) to three thousand (\$3,000.00) decrease because of grant match, working on revising.

**3) Motion to approve bills to be paid:** City Clerk Dimick reviewed bills with council. The Bannock County Sheriff bill includes the Fire & Ice security detail. The Chamber of Commerce has reimbursed the City for additional charge, three hundred and sixty (\$360.00). Councilperson Hinz made a motion to pay the bills. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**III-A Annual Report – Amy Manning:** Amy Manning reviewed III-A annual report with Mayor and Council. Everything is going well. She reviewed last year's annual report to this year report. They've hired an account manager Lisa Fritz. She was with Blue Cross for thirteen (13) years and our account leader for the last three (3) years. Current membership reviewed, they declined seven agencies. Reason for denying membership explained. Amy expects more group risk leniency in the future. Changed stop loss and aggregate stop loss policies and banking institutions. Earned more in interest and paid less in fees by changing our banking institutes. Amy explained improvements made to the program. Website updated, launched a quarterly newsletter, created new employee packets, onsite wellness screening and flu shots offered to members at their work place. Blue Cross is our 3<sup>rd</sup> party administrator. We hired Megan Smith with Blue Cross to be the Health Coach for III-A. Megan & I completed a wellness program offered to all members. There is a different wellness focus for each month and we encourage all members to participate.

#### **Event Coordinator Position:**

**A) Fire & Ice Coordinator Compensation Proposal – Sherril Tillotson, Lava Chamber Board Member:** Sherril Tillotson presented coordinators timesheet for Fire & Ice event to Mayor and Council members. Coordinators, Sophia Bissell and Britney Potter, were hired by the Chamber of Commerce as an independent contractor, Fire & Ice event only. The time sheets submitted by Sophia and Britney reflect over two hundred (200) hours each for their time on the Fire & Ice event. The Chamber issued one thousand dollars (\$1,000.00) checks to each coordinator. Sophia has cashed her check and Britney has not. The Chamber is requesting that both coordinators receive a total of two thousand dollars (\$2,000.00) each for their time spent on the event. The Chamber will destroy the check issued to Britney and issue another check to Sophia for one thousand dollars

(\$1,000.00) if the City would agree to the increase. Then the City can pay Britney directly since she is already a City employee. Sherril reviewed with the Council the Fire & Ice financial provided to her by Sophia and Britney. Councilperson Hinz made a motion to pay two thousand dollars (\$2,000.00) to Britney Potter for the event coordinator position at Fire & Ice because it benefitted the City and time cards submitted back up hours spent. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Chamber of Commerce will pay Sophia one thousand dollars (\$1,000.00) additional.

**B) City/Chamber Joint Venture Agreement Options:** Two options, Chamber (Chamber of Commerce) joint adventure versus City employment contract. Mayor Davids explained the agreements. The City employment agreement gives the City more control over the event coordinator position but, the City has more liability. The City would pay directly to the employee and they would be a City employee. The Chamber joint venture agreement the City would have less control and less liability. The City would reimburse the Chamber for that position. Both agreements would be documented by a time sheet. Council discussed the two options. Councilperson Frandsen reported that the employee wants to be a city employee. Councilperson Thomson feels that the least amount of time involved with the position is best. Sherril Tillotson explained the sub-contractor position with Chamber of Commerce. This position is paid a salary per month to keep the Chambers books and other duties outlined in the contract and the person for this position provides the Chamber a monthly report of duties performed during the month. If the person is helping with an event that is sponsored by any business, not just Chamber events, the time spent on the event will be tracked on a time sheet and submitted to the City for payment. Mayor Davids would like to see section one from the joint venture agreement, chamber provides training and job description/duties to the event coordinator, added to the City employee agreement. Chamber will approve monthly time card at the Chambers regular scheduled meeting and submit to the City for payroll processing. The city will process payroll at the same time the Council payroll is processed. Councilperson Frandsen made a motion to accept the event coordinator position as a city employee. Councilperson Hinz seconded the motion. All voted aye, unanimous. The position will be eleven dollars (\$11.00) per hour for sixty (60) days and twelve dollars (\$12.00) per hour after completion of probation.

**Special Event Permit(s):**

**A) Adult Softball League – (City Baseball Diamond) - Every Friday & Saturday March 16th thru July 7<sup>th</sup>:** Shane Call introduced himself and explained Kimberly Call who could not attend, my sister in-law, is looking to get

permission to play co-ed softball in Lava at Buddy Campbell park diamonds. Maintenance of the field questioned. The Lava team will need to get the field ready. The City can help with getting the sand that is needed there but, the team will need to get the diamonds ready and clean the area after each game. Mayor and council authorized sending flyer out in water bills and posting on City doors advertising the league and looking for a team in Lava Hot Springs to represent Lava. Councilperson Hinz made a motion to accept special event permit. Councilperson Thomson seconded the motion. All voted aye, unanimous.

### **Law Enforcement/Code Enforcement:**

**A) Building Code Ordinance Draft:** Building code ordinance draft similar to Bannock County. Still working on draft, not completed. State inspector will get a copy before adopting for their review and input.

### **B) Building Permit Updates – Dennis Callahan, Code Enforcement Officer:**

List of 2016 & 2017 permit reviewed and discussed. Some of them completed but have not received finals. Dennis will continue working on 2016 & 2017 and provide a status report on 2015 to council at the next regular meeting. .

### **C) Monthly Law Enforcement/Code Enforcement Miscellaneous Reports:**

Mayor Davids reminded everyone about the sidewalk ordinance and enforcement after a storm. Dennis Callahan, Code Enforcement Officer reported on sidewalk snow removal contacts and enforcement. The City hired Powers of Nature, Patrick Mixdorf, to remove snow from sidewalks where the property owner did not comply with City ordinance. The City will bill the property owner for charge of clearing the snow off their sidewalks.

Mayor Davids asked City Clerk Dimick to start including Bannock County citation report with council package for regular council meetings. City Clerk Dimick explained she didn't know they could do that. Mayor Davids responds that he has information on it and will get with her.

City Clerk Dimick reported that Steve Herzog called and wanted to setup a meeting with the Mayor. Meeting scheduled for March 30<sup>th</sup>, 10:00 a.m. at Lava Hot Springs City Hall.

Councilperson Thomson reported he would like to revisit restricted parking on Main Street. Vehicles are being left on Main Street longer than what the ordinance allows. Vacation rental off street parking lots are not being plowed out. There are two (2) Vehicles on Main Street haven't moved since last Friday. Mayor Davids

announced that Dennis Callahan, Code Enforcement Officer has tagged both vehicles. Mayor agrees the council needs to revisit ordinance on off-street parking lots and maintenance enforcement.

Intermountain Gas right away request. Question on what George Linford is doing with the loft according to the request he is making living quarters in the garage. Councilperson Thomson will review request with George and find out what the request is for. He currently is heating the garage with a wood stove.

**Business License(s):**

**A) B & T Lawn Care – T. Paul Davids III, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**B) Quality Paving and Seal Coating – Russell Murk, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**C) Two Brothers Construction – Rowdy Johnson, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Non-Property Tax Permit(s):**

**A) Climatec, LLC:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**B) Safe Streets USA LLC:** Councilperson Hinz made a motion to approve sales only does not include installation and services until a business license is obtained. A business license is required for installation and services. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**C) World Book, Inc.:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Meetings/Announcements/Miscellaneous:**

**A) March 5, 2018 Water District 29, Portneuf River Meeting:** Mayor Davids was not able to attend meeting. He will check with Brett Casperson on how the meeting went.

**B) Public Retirement Workshops – April 6th 9 AM:** Retirement workshop at Lava Hot Springs City Hall.

**C) Schedule Meeting to review 1st quarter 1% proposals:** Councilperson Thomson made a motion to consider proposal at next regular council meeting. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**D) Arbor Day Proclamation:** Mayor Davids read the Arbor Day proclamation. Council was asked to bring ideas for Arbor Day celebration to next month's meeting. Councilperson Hinz made a motion to submit application for Arbor Day grant. Councilperson Guthrie seconded the motion. All voted aye, unanimous

**2018 Arbor Day Proclamation**



*Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

*Whereas,* the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

*Whereas,* Arbor Day is now observed throughout the nation and the world, and

*Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

*Whereas,* trees are a renewable resource giving up paper, wood for our homes, fuel for our fires and countless other wood products, and

*Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

*Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.

*NOW, THEREFORE, I T. Paul Davids III*

*Mayor of the City of Lava Hot Springs do hereby proclaim  
May 3, 2018 as Arbor Day in the City of Lava Hot Springs*

*and I urge all citizens to celebrate Arbor Day and to support efforts to  
protect our trees and woodlands, and*

*Further, I urge all citizens to plant and care for trees to gladden the heart and  
promote the well-being of this and future generations.*

*Dated this 8<sup>th</sup> day of March in the year 2018*

Mayor 

**E) Buddy Campbell Park Restrooms – Set Date to Open:** Mayor and Council agreed that restrooms at Buddy Campbell Park need to be opened by March 31,

2018. Mayor suggested March 23<sup>rd</sup>. That way the City will have time to inspect restrooms and make sure they are clean and everything is working.

**F) Annual Easter Egg Hunt - March 31, 2018:** The Easter Egg hunt for this year is at Buddy Campbell Park.

**G) Part-Time Season Custodian for River Clean Up:** Accepting application for part-time custodian. Consider applications at next month's regular council meeting in an executive session.

**H) Bannock County Landfill Calendar of Events 2018 – Lava Free Day May 19<sup>th</sup>:** Bannock County landfill schedule posted at City Hall and the Post Office, and sent out with water bills.

**I) Zoning Ordinance Draft:** Council will review draft. Joint meeting will be scheduled next month. Mayor Davids asked about changes in the zoning ordinance. City Clerk Dimick replied the commission created a few new zones for future devolvement. For example they added R1 for future devolvement incase anything was annexed in the City. No changes to zones in town. A few of the usage was changed in some of the zones as far as permitted and conditional usage. Keep in mind that this is only a draft the council needs to review. The Council will review and any changes they want to make will need to go back to Planning & Zoning. When the Council and Planning & Zoning agree on the changes it will be presented to the public for their input. A work meeting with Planning & Zoning was suggested after the Council has reviewed the ordinance. The work meeting would be to address the Council concerns with the changes to the ordinance.

## **J) Miscellaneous:**

### **Projects:**

#### **A) Water Improvement Project:**

**1) Bid Award Recommendation – Keller Associates:** Bryan Phinney introduced Krystal Harmon with SICO and himself, he is with Keller's. Bryan explained the bidding process. Bids opened on the 22<sup>nd</sup> with five bidders. Bid class was good, you had 2.8 million dollars roughly to build your project and four (4) of the bidders were under that. The low bid was 2.3 million. Knife River Corporation was the low bidder, they are a large contractor. Bryan explained the letter on the bid process. They went through their process on reviewing the low bidders bid and reviewed all of the bidders bid schedules. We checked licensing on the prime contractor and subcontractors, we did not find any anomalies. Bryan made a

recommendation to the City Council to consider awarding this bid for two million, three hundred & three thousand, and three hundred and thirty three dollars (\$2,303,333.00) to Knife River. All the documentation and backup documentation for what we checked is attached to the letter, including their signed bid, all of bidders bid tabulations to show you how they compared to one and another, the licenses checked, debarment check performed through DEQ, and signed page of bid and bid schedules. Krystal Harmon with SICOOG is in attendance to answer questions on funding. Bryan reported that all contractors that bid are computable. Engineers estimated two point six million (\$2,600,000.00). Brian explained the process if the Council approves the award. First we would like Gary Cooper, City Attorney, review and approval on the contract documents. Then there are two steps: approve Keller's to issue the notice of award, but before that notice of award goes to the contractor we will request approval by DEQ. They have to grant their authorization to go ahead and award the project because they are the funding mechanism in this case. Then Keller's will issue a notice of award, the standard EDJC, Engineering Joint Document Council. This is a standard form that we issue and puts the contractor on notice that we are going to accept their bid for the price that they bid pending they pull together their bonding and powers of attorney. From this point it is typically four (4) to six (6) weeks out before the construction conference is scheduled. Keller's will schedule a pre construction conference. At the pre construction conference we go over the rules with the City, Krystal Harmon with SICOOG, Keller's and the contractor. In this meeting the construction contract will get signed by the contractor and the City then the notice to proceed. Councilperson Hinz made a motion to issue notice of award to Knife River. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

The change order on the south side of the state property at the swimming pool discussed. The City will not enter the building. The Foundation will have to connect to where the city runs the line to.

**2) Easements:** Doug Potter wants the wording changed on his easement. He has requested that the easement state that the new easement replaces all prior easements on record. Gary Cooper, City Attorney will reword the easement. City Clerk Dimick will work on contacting the remaining property owners to define the easements that are already in place. If they are not signed within two weeks she will advise Gary. City Clerk Dimick reviewed what the letter will address. The City is proceeding with the project, the City has an easement in place and the City is proceeding based on the current easement terms.

**3) Appraisal:**



Mayor Davids explained Doug Potter appraisal is for the land that we will put a fence around for the spring. The City had to get it appraised and the appraisal value is four thousand, five hundred and fourteen dollars (\$4,514.00) for .46 acres. Doug will be invited to the next meeting. Executive meeting will be schedule at the next regular meeting. Legal documents will be prepared for meeting.

**4) Well Site:** Bryan with Keller's mentioned they have additional money available from the funding and the City might want to identify any other pipe lines that need to be changed out. The City may want to consider expanding the project to use full budget. The other piece that factors into this is the Well. We heard back from hydrologist. Mayor Davids reported he has meet with Poll family and they are interested in working with the City. Bryan reported when we did the hydrologic review of the City they identified three (3) possible well site locations for the City to look at. The hydrologist identified Polls property as the number one site. The spot they identified is on the cliffs, the new property owners would like it pulled back from there. Our engineers are looking at property owner's request which is slightly different than original well site location, due east of the original. Funding has been withheld from the project for the well site. The well will be built this summer before the water project is completed. When the well project is completed the City will know how much money is available from the budget and can decide if you want to add additional water lines to the water project. Now that we got approval from hydrologist we need to get in contact with the County to determine the water lines location on Maughan road and if easements are needed. Road will be needed. Mayor Davids reminded everyone that this is a separate project and will have separate bids. Bryan comments we may want to bid the well drilling separate from the well build, the job requires a specialty contractor. The water line will fit into the states guide line to allow change orders on Knife River's contract. We've got twelve (12) inch water lines and you can increase the quantity by up to fifty (50) percent just on a unit price bid before you have to renegotiate the price. Most likely Knife River will probably be more than happy to renegotiate because they will already have their crew here. We would like to negotiate a lay down site with them for all their material, construction trailers and equipment in exchange asking them if they would lay down base per spec for the road. They will have equipment here to rebuild the lay down site because they are going to be working on the streets. They are going to have their rollers, they're going to be bringing in base and sub, and they're going to be bringing in pipe and materials. There cost to make a block of road may be cheaper than renting a field nearby. The well project will initially be a test well. We do a test well to know what size of casing to put down at the full size. The fencing will be in the well bid. Krystal Harmon with SICOG works with all your grant request, your outlet request from DEQ as the

contractor payments come she will review it, make sure the quantities are correct based on site observers reviews and make sure all the paper work is tracked through and that the State makes the payment to the City to pay the contractor. Krystal also does the Davis Bacon wage reviews. This is a Davis Bacon project because it's Federal grant.

**5) City/Lava Foundation Water Service Agreement:** Councilperson Frandsen made a motion to revise Foundation agreement C, bring water line in on the Southside of the pool. Councilperson Hinz seconded the motion. All voted aye, unanimous. City Clerk Dimick questions rather or not we need a defined easement on the States land. Bryan comments based on what we have right now, the design and the survey we already had done. We know exactly where it is and the relation to the bench marks and it's just a matter of writing a legal description. Typically when we do that our surveyors will write the legal and then we would give it to Gary Cooper, City Attorney to put it in a form of an agreement. Then the City and Foundation could both sign. What we typically like to do is have a dedicated temporary and permanent easement. The temporary easement is for the construction phase and permanent easement is for all maintenance of that assets in the future as you operate. Mayor Davids asked Bryan to send the legal's to Gary so, he can write up an agreement. City Clerk Dimick questions an easement for State property, east of main street bridge to highway 30. The City maintains the road but its State property. Bryan suggested a full roadway easement, dedicated roadway or right-away easement. City Clerk Dimick comments we can work on a right-away easement. Bryan commented Keller's can work on both of the State easements with Gary.

**6) County Easement for service to Fire Station fire hydrant:** Keller's is working on fire hydrant water line easement with Bannock County.

**B) Buddy Campbell Park Improvement Project:**

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

Mayor Davids comments we talked about the specs and working with the water project on developing the parking lot and road access.

**2) Child Pedestrian Safety Program Grant Status:** The State has put a hold on the funds for the time being.

**C) South 6th West New Street Lights:** City Clerk Dimick comments she talked with Jim Burton. The City needs to put in conduit before the planner can begin the

work. Tony Hobson, City Maintenance will need to work with the planner to schedule everything. Mayor will talk with Tony.

**D) Tennis Court Resurfacing Bids – Still Working On:** Mayor Davids informed Councilperson Guthrie that Tanny received a call from the committee assigned to the project and she gave them Lisa phone number and informed them that Lisa will be their contact for the project. The committee is working on finding money to surface the courts for a professional pickle ball court.

**E) North 1st West Storm Drain System:** Councilperson Hinz made a motion to approve the real estate property exchange agreement. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**F) ADA Curb Ramp Project Webinar:** City Clerk Dimick updated Council on the project. The agreement with the State is signed, Tony, Billy and Canda watched the webinar that is required, a site visit with ITD is schedule to look at where the ramps will be installed, Forsgren will also attend.

**G) Miscellaneous:** Mayor Davids explained the City received the survey and appraiser for the Victory Brothers property for the 2<sup>nd</sup> Bridge project. Mayor and Council reviewed.

### **Discussion:**

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

Meeting adjourned at 8:22 p.m.

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Amantha Sierra, Transcriber

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T. Paul Davids III, Mayor

Canda L. Dimick, City Clerk