

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, April 11, 2019 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
Canda Dimick, City Clerk - Partial
Amantha Sierra, Office Assistant

Excused: Dennis Callahan, Code Enforcement Officer

Guests: Steve & Lisa Toly, Megan Toly Reno, Adam Bowcutt, Jeff Geisler, Kathryn DeMott, Gail Palen, Susan Thomas, Jack Fleming, Randy Benglan, Joe Benglan, Officer Jons, Bryce Church, George Katslometes, David & Alice Grosso, Angie Symons, Kerby & Clinton Pagnotto, Lou Barrett, Brett Casperson, Justin Casperson, Steven & Janelle Hooper, Kelly Myers, Brian Phinney, Brandon De Los Reyes by Phone

Announce Agenda Deadline for May 9, 2019 meeting will be May 2, 2019:
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 May 9, 2019 meeting will be May 2, 2019. The Pledge of Allegiance is led by Councilperson Thomson.

Approval of Minutes (March 14, 2019, March 28, 2019 and March 29, 2019) - ACTION ITEM: Councilperson Frandsen made a motion to accept the minutes. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Review & Approve Bills - ALL ACTION ITEMS:

A) Bunnyland Contribution: Mayor Davids would like to donate two hundred dollars (200.00) to Bunnyland event from the Cities miscellaneous fund. Councilperson Frandsen made a motion to donate two hundred dollars (200.00) to Bunnyland Easter Egg Hunt. Councilperson Hinz seconded the motion. All voted aye, unanimous.

B) Motion to approve bills: Councilperson Thomson asked to re-visit the annual transportation appropriation, Pocatello. He thinks it's a good deal but, he is not sure we are utilizing the service. The cost for the service is seven hundred dollars (700.00) per year and it services several towns. Councilperson Thomson opens discussion up to all and asked the question if anybody knows how well that's being used or if it's being used. Mayor and council were not sure how many are you using the service. Audience didn't realize the service was available and suggested advertising the service in the community, Lava News and Water bills, with a schedule of which days and times the service is available for pick-up to and from Pocatello, where the stop is located in Lava and where the bus makes stops in Pocatello, in general more information. Councilperson Thomson comments the council is open for any suggest or any community group that would like to help the City out with that, it seems like a waste of money if people are not utilizing the service. He thinks it's a great service, just need to utilize it. Mayor Davids suggested pay the bill and look into how often the service is being used and check into advertising the service.

City Clerk Canda Dimick reviewed bills with Council. Canda explained she received a few invoices from Forest Design some of the invoices date back to 2018. Bryce Church explained the chamber doesn't receive a copy of the invoice. Canda comments the invoice use to be approved by Destiny Egley for the Chamber however she is no longer with the Chamber. Canda will look at the process and see what can be done for approval. Knife Rivers invoice number 8 is included in the bills, Mayor Davids mention that Councilperson Hinz requested to hold approval on the invoice until the engineers arrive at the meeting and Council has an opportunity to review the bill with the engineers. Councilperson Hinz made a motion to pay bills with the exception of Knife River until engineers are in attendance. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Vacation Rental Ordinance – Kathryn DeMott: Kathryn DeMott introduced herself and thanked Mayor & council for their time and service. She appreciates all they are doing for the community. She is here to address vacation rentals but first she would like to say isn't it wonderful that we are the lucky ones that get to live somewhere that people want to come to. She feels a responsibility in holding this a good place, keeping a good spirit and we love about the community. There are currently some problems existing among the vacation rentals and she doesn't think this is a surprise to anyone. There are a couple of them that are a continuous problem with way too many cars and overcrowding. She has been in this business since before this ordinance was written but, she thought this would be a good place

to start because we do have this information and she is not going to come forth with a problem without offering what she thinks can be resolution from her experience at it. Kathryn continues to explain what she is seeing with two (2) properties, most of the time, one (1) on Main and one (1) on 3rd W, Kendall's Cottage & , Loving Life in Lava. They both have a high occupancy rate about twenty plus people, Kendall's has expanded to twenty four (24). The ordinance gives us a vacation rental definition, Kathryn question at what point is a single family dwelling no longer a single family dwelling and when does it become a hotel. Parking per the ordinance is one (1) space per two (2) bedrooms. In some of these homes a bedroom is a room stuffed full of beds. That is not a valid definition for parking she thinks it should be by occupancy. In here scenario she is using four (4) people and these four (4) people don't often travel together in one car. She played the scenario out. Let's say they have twenty (20) people that would be five (5) parking spots. One (1) of the homes in question could carve out four (4) parking spots and let's say we grace them the space on the street in front of their rental. They could have up to seven (7) or eight (8) parking spaces. She feels like the rentals are encroaching on the neighbors and it's a safety issue. She has seen eight (8) to seventeen (17) cars at one (1) property. She explains she has rentals in this area and they are small and she limits the occupancy. She would suggest occupancy limit per rental. What do we call a reasonable amount of people in place and when does it become beyond a single family dwelling? Mayor agreed we need to revisit the ordinance. Kathryn comments that many of the property owners are using online travel agency and no one is on site to great their guests or directs them to utilize off street parking. Kathryn suggested that each owner be given a copy of the ordinance. The ordinance give them a year to comply, she thinks a month or two (2) should be protocol. She believes Kendall cottage could add possible three (3) more parking spaces and she believes their occupancy on the internet goes up to twenty four (24) people and that rental the neighbors get very in encroached upon. She feels like it's a common courtesy to leave your neighbor's parking space in front of their home open. Mayor Davids believes they could expand parking in the back. Kathryn mentions that the rental business across the street is over crowding her side of the street and it looks like she is. When she does an intake with guests if they are going to bring more than two (2) cars she ask them to try to consolidate and explain the off street parking for two cars. A sub-note to this issue is snow removal in the winter. She paid over six hundred dollars (600.00) this winter to keep her parking lots open. She is not trying to bad the City. I know everybody is doing the best they can and it was a tough winter but, part of the time vehicles could not get into the alley way to reach her parking. She spent one day running back and forth in the alley to drop the opening so her guest could get in the alley and out front there was a huge berm.

The berms on those blocks got removed once, maybe this winter. As a patron she is expected to remove snow every twenty four hours (24) she would like the city to do the same. The City may need to contract snow removal help to keep snow moved out. She is not saying the City is not doing their best it maybe they need more help. Enforcement seems to be relaxed on tents in yards and RV's on site at commercial nightly rental location which are prohibited. Councilperson Thomson made a motion to revisit ordinance and make some adjustments. Councilperson Hinz seconded the motion. All voted aye, unanimous.

63 North 3rd East Business Operations/Building Permit Matters – Lou Barrett - ACTION ITEM:

Lou Barrett reported that he received a letter from Dennis stating that his building was closed to occupancy. He has had several discussions with the County inspector about what the building could encompass. She basically said the building permit encompassed the restaurant only. Now as you know there is a house to the north of restaurant that's under the same roof, that's a private single family resident and it was her decision and part of our discussion it was not part of the building. So as far as he knows the house has never been closed to occupancy for any reason. Now he understands the restaurant is not finished and if we do ever rent the restaurant we will get a new permit pulled and continue with the building permit process and get that inspected. The restaurant has never been rented out. They do some vacation rental to their house portion. As far as he is concerned there are two different units in the same building. He is not sure if that is where the miss understanding is coming from. Lou mentioned Dennis has said something about a business license and the person that manages the rental for him is licensed in the City of Lava. AnnaLeigh Petrun, and all applicable taxes are paid on each rental. Councilperson Thomson explains that in the past the house and apartments have always been residential space not nightly vacation rentals. Lou explains he is not a nightly rental he is a vacation rental and this is his second home and he occupies the home when he is in Lava. Mayor Davids asked Lou if it's AnnaLeigh business. Lou answered yes AnnaLeigh sends him his portion of money that is due to him, she pays all applicable taxes and manages the vacation rental on her business web site. He pays her for her management and he pays a cleaning fee to whoever cleans. He will get a business license if he needs one. Mayor Davids announces the building inspector, Jeff Geisler, is present and turned the meeting over to him. Jeff explained when he inspected the site last year Lou's daughter lived there as a resident so, if you change the residential to a nightly rental you change the use. Lou explained he is not changing the use. The State Law does not change the use of the house. Councilperson explained the City ordinance requires the change of use. Lou doesn't think the City ordinances can supersede the State law. Jeff

explained that if you rent it out nightly it changes from R3 to R1, which is a nightly transient rental. Lou explained there are three (3) units and his daughter lived in the apartment. Lou explained the previous owners lived in the house and the apartment. The house is still a residential unit, it his second home and he does nightly rental occasionally. Lou explained as he understand the State Law it doesn't change the use for that property by doing a nightly rental in a single family residency. Jeff explains the IBC (international Building Code) 310.3 stats it's a change of use. Lou questions the Idaho house bill 216. Mayor Davids explains the City is adhering to the city's zoning ordinance and they're allowing for overnight rentals in the applicable zones. The Council feels like the welfare of the city is in jeopardy if they allow nightly rental where they are not zoned. Mayor Davids explained they don't want tourism to take over the City and they don't want the City to take over tourism. Lou expresses his concern with the city responding to perspective buyers when they call the city to see what will be required in order to open the business. Councilperson Hinz doesn't believe it's a single family home due to three (3) units in the building. Lou asked Gary Cooper, City Attorney, if he has read Idaho house bill 216. Gary asked what the statute is. Lou responded Title 63, chapter 18, short term of vocational rental market places. Gary responded the 63.18 is the taxation statute. Lou explain the way he understood it is he has the right to rent his home out on a short term basis without undo regulation by other entities in the State of Idaho. Gary explained that the City has an ordinance in place for nightly rentals. Councilperson Thomson stated that the structure is within a commercial zone. A change of use and a business license in that zone is required. Councilperson Frandsen questioned according to the building code what would it take for him to change the use. Jeff explained he would need a permit and then all the requirements for that use. Mayor Davids asked Lou if he would be willing to meet with Jeff at his location and review what would be required to change the use. The City has it listed as a residential use. Lou is willing to meet with Jeff. Mayor suggested after Jeff's review if Lou would like to meet with the council, Jeff and Lou can schedule a special council meeting and review everything. Lou asked about the water project and what the reason was to use the staging area in front of his building. Mayor Davids is not sure but if Lou would like to stay until the engineers are in attendance it can be discussed with them. Lou also mentioned there was equipment parked and drove through his parking lot and it caused damage to his asphalt. Mayor Davids will have to take that up with Knife River because they are suppose to restore any damage that they have caused, it'll be addressed tonight. The other thing is the notice he had. He received a phone call from Dennis two days (2) before they started construction in the alley saying he needed Lou to take down his fence and mark anything he has in the alley they're starting construction in two days. He had two day notice and that is the

only notice he received on this construction that has been on two sides of his property. Is that common practice or do I have to live here fulltime to understand what going on. Do you understand my frustration? All I get is negative problems with everything I try to do. I've had push back the whole time with this project. Councilperson Thomson mentioned on a positive note they started construction again and hopefully they will be done in about a week. Lou talked to the contractor and the low spot for the neighborhood is right there at the corner of the pancake house where the drain is and if they don't adequately drain to the river it backs up. Councilperson Thomson comments it was address today in the construction meeting. Lou provided his contact information to Canda if there is any more issue with the construction she needs to contact him. Councilperson Thomson made a motion to table until Lou speaks with the building inspector. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Water & Sewer Service Connections – Kris & JoLyn Corbridge - ACTION

ITEM: Amantha Sierra, Office Assistant, explained they called today and will not be able to attend the meeting. Councilperson Thomson made a motion to move to a new agenda. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement:

A) Tree Trimming & Intersecting Traffic Vision Impairments - ACTION

ITEM: Dennis Callahan, Code Enforcement Officer, is not in attendance to report on tree trimming & Traffic Vision impairments. Councilperson Frandsen made a motion to table until next meeting. Councilperson Hinz seconded the motion. All voted aye, unanimous.

B) Lava Hillside Suites Project (Bottom 4 unit's completion) - ACTION

ITEM: City Clerk Canda Dimick mentioned Brandon De Los Reyes asked if Canda would conference him in. Mayor Davids answered yes. City Clerk Canda Dimick connects Brandon to the meeting by phone. Councilperson Thomson reported he went with Tony to the site location today and everything seems to be up and ready to go for the bottom four (4) units. They also talked with Jeff Geisler, building inspector, said he is sending notification to Dennis Callahan, Code Enforcement Officer, to complete the CO (certificate of occupancy) for the bottom four (4) units. Jeff Geisler confirmed his conversation with Councilperson Thomson and Tony. The State received the letter from State Fire Marshall on the fire suppression system. Jeff sent an email to Dennis authorizing him start the process on the CO for the lower four (4) units. Mayor Davids mentioned once the upper four are completed per agreed upon date the CO will need to be issued, the

power line will need to be hooked up and the rest of the parking completed. Councilperson Thomson understanding is the fire suppression system is attached and ready to go all that needs done is for Tony Hobson, City Maintenance, to turn the water on to them. Brandon agreed with turning on the water, they just need to schedule the sprinkler contractor to be there when Tony is ready to turn it on. Councilperson Thomson asked Brandon to coordinate with Tony for the turn on time and date. Mayor Davids reviewed the agreement with the upper four units (4), parking completed, power line reconnected and the building inspector signoff. The commitment to council on the completion date for the upper four units (4) was the end of April. Brandon mentioned they're on track for the completion at the end of the month. The sheet rock installation is starting tomorrow. Councilperson Thomson made a motion to proceed with the issuing the CO for the lower four units (4) only and authorizing the sign-off on it. Further motion is before we revisit the upper four units (4) for occupancy they have to reconnect the power line, complete the parking and the rest of the building. Councilperson Hinz seconded the motion. All voted aye, unanimous.

C) Pocatello Animal Shelter Agreement - ACTION ITEM: City Clerk Canda Dimick reported the City has not received the agreement from Pocatello Animal Shelter. Councilperson Hinz made a motion to table for a month. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Monthly Law Enforcement/Code Enforcement Miscellaneous Reports: Officer Jons is in attendance and has nothing to report. City Clerk Canda Dimick comments the report was received today she didn't have time to print it.

Lava Chamber of Commerce Website Update - 1% Proposal – Gail Palen, Chamber Board Member - ACTION ITEM: Gail Palen, chamber representative, presented proposal to update website. Gail explained the site had some missing links that needed to be fixed and the need for the lodging listing section to be updated to make it easier for the end user to find accommodations. There are two (2) companies working on site, Jack Rabbit and Web Impact. There is an annual licensing fee with Jack Rabbit, thirty five hundred dollars (3,500.00) and a onetime setup fee for one thousand, five hundred dollars (1,500.00). The fee for one thousand, four hundred and fifty dollars (1,450.00) is for the web patterns and the fix to the missing links. The request is for seven thousand and eight hundred and ninety dollars (7,890.00). Gail talked with other chamber of commerce that is using the Jack Rabbit system and they favored and supported the Jack Rabbit system. Councilperson Hinz asked Gail when the Chamber of Commerce will re-evaluate to see if they want to continue with the system. Gail

responded she thinks they will within the year. Councilperson Frandsen made a motion to pay the seven thousand and eight hundred and ninety dollars (7,890.00) and recurring annual payment. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Special Events Permit(s) - ALL ACTION ITEMS:

A) Bunnyland Special Event Permit – Kelly Myers, Event Coordinator:

Mayor Davids mentioned Sunnyside Sinclair, Curtis Green, is sponsoring the event. Kelly reported on the event. Megan Toly Reno broker is donating the rental of a bounce house that will be at the event. Councilperson Hinz made a motion to accept. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) July 24th Community Day – Kelly Myers, Event Coordinator: It is scheduled for the July 24th, 2019. Kelly reported that last year the foam activity was very expensive so, this year to reduce the cost of the foam activity it will only be for one hour (1). City Clerk Canda Dimick suggested working with the swimming pool to help celebrate their birthday and have a color run on July 24th community day celebration. The City has left over T-shirts and sun glasses from the color run the city had in 2015. The council agreed with the color run and asked Kelly to check into it with the State. Canda suggested if they would like to do a color run ask them if they have a birthday logo and if so, would they like to put the logo on the left over T-shirts. Kathryn DeMott suggested a fund raiser for the event. She believes business around Lava would donate to the event. Canda replied to Mayor Davids question on the cost for the foam last year. The foam last year was around twelve hundred dollars (1,200.00). Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Annual Founder's Day Parade Date & Theme: Kelly reported the parade is on July 27th and the theme is "summer of 69". Councilperson Guthrie made a motion to accept the date of July 27th and the theme "summer of 69". Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Kelly reminded everyone that the Folk Festival is the weekend and they are still looking for a few volunteers. Anyone interested contact Gail Palen. Gail announced the times of the festival, Friday, 2:00 to 9:00 p.m., Saturday, 11:00 a.m. to 9:00 p.m.

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

A) Proposed Amendments to Title 3 Business License Regulations – Gary Cooper City Attorney: Councilperson Hinz made a motion to move to a work session in two weeks (2). Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) 1888 Homestead – Angie Symons, Owner/Applicant: Angie Symons introduces herself, explained her business name and business locations and plan and showed her product. Councilperson Hinz made a motion to approve. Councilperson Thomson seconded the motion. All voted aye, unanimous.

C) Lava Hillside units – DLR Enterprises – Brandon/Cody De Los Reyes, Owners/Applicants: Councilperson Thomson made a motion to approve contingent upon certificate of occupancy and completing a sign application. Councilperson Hinz seconded the motion. All voted aye, unanimous.

D) Vacation Rental/Employee Housing – 56 North 2nd East – Gail & Blake Palen, Owners/Applicants: Gail Palen explained the property is zoned for nightly rental currently they are using it for employee housing. The property was nightly when she purchased it. It's been used as nightly and monthly rentals. Councilperson Frandsen made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Mountain Valley Siding – Jon Woodin, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Susan Thomas interrupts the meeting to get an understanding. She is confused about commercially zoned and change of use for nightly rentals. Councilperson Thomson explained the restaurant house and apartments have never had a change of use to commercial use it's, always been a residential use. Gail Palen bought property that was a nightly rental and continues to be a nightly rental and all it does is change the name on the new business license. Mayor Davids asked Susan to get on the agenda for next council meeting and it can be discussed at that meeting. The law requires any discussion to be published on the agenda before it can be discussed.

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

A) 1888 Homestead: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Eloqui Design, Inc.: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Herbalife international of America, Inc.: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Hi Touch Business Services, LLC: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Lava Hillside Suites/DLR Enterprises: Councilperson Hinz made a motion to approve with contingents on the CO and sign permit. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

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

Building Permit(s):

A) Building Permit Report – Dennis Callahan, City Code Enforcement Officer: Dennis Callahan, Code Enforcement Officer, is not in attendance to report on building permit report. Councilperson Frandsen made a motion to table. Councilperson Hinz seconded the motion. All voted aye, unanimous.

B) 78 Main Street Eatery Commercial Outside Seating Area Expansion – Clinton & Kerby Pagnotto - ACTION ITEM: Kerby explained the design plans for the outside seating area expansion. Widen seating area from ten feet (10) to twenty feet (20). Trees will be removed to add the additional seating. Mayor Davids had approached Clinton about fixing the curb and gutter. When the curb and gutter is fixed it will add three more spaces for parking and make better access to the two (2) parking spaces currently not used due to the tree growth which will be removed. Kerby agreed to replace the sidewalk that is currently there. Kerby reviewed drawing with Mayor and Council. Fencing will be added to the new seating area. Concerns about vision impairment if a six foot (6) is installed Kerby, is installing a four foot (4) to a six foot (6). Mayor asked for a new plan indicating the fence location and the height of the fence to be installed for the complete seating area and show the current parking spaces and increased parking spaces. Councilperson Thomson made a motion to approve pending a new drawing. Councilperson Hinz seconded the motion. All voted aye, unanimous.

George Katislometes comments talking about sidewalk if the City going to improve the street, 1st East, he thinks all the property owners should get together to decide how that will go because, they don't need the width of sidewalk by their place and he doesn't think over property owner do either. Mayor Davids comments good point. Councilperson Thomson commented the curb and gutter is more for water control.

C) 4 Space Commercial RV Park Development – Southwest Corner of West Main and South 4th West Streets- Steven Hooper, Owner/Genho

Construction, Contractor - ACTION ITEM: Steven Hooper introduced his wife and himself. They explained they plan on building a complex for their family that they can vacation in and contribute to the community with nightly rentals. The idea is to approach it slow they don't want to go in debit right away. They want to put the infrastructure in curb, gutter, sidewalk, power, sewer and water. They will have like a five year plan and phase it in. They would like to do four (4) RV units and charge nightly rentals in the beginning of the phase. Steven reviewed blue prints with Mayor and Council. Access will be from Main Street and the Alley way. The proposal for the future is to build four (4) structures, tiny townhouses, one is a two story. Market research done and will be self-sustaining. The plans are engineered. Steven has done a market research with RV dealers. The average unit they sales is between twenty four to twenty seven feet (24-27) so, they should be able to accommodate a car or truck with a trailer. The engineers have done their study and find no problem with pulling or backing into their units. A limit size will be placed when reservation are made. Tenne Timmons has agreed to be there property manager. They plan on putting in a facility with a toilet, sink and exterior facet. They will be putting in water suppression lines in the first phase along with the regular water installation. Steven comments his plans will need some red lining done because there are a few things that will need changed. For example the plan shows a six inches (6) line and we probably only need four inch (4) and it shows a manhole that is not needed. Councilperson Hinz reported he talked with Tony, City Maintenance, and they differently don't want the manhole there. Discussion followed about manhole and connections. Adam Bowcutt comments on sewer ownership and the changes if they go to a fifth slot (5th) and how DEQ involvement is required at that point. Mayor Davids suggested having the building inspector look over their plans and work with them to make sure everything is within the zoned area. Mayor is pleased with the phase plan and the area getting developed. Councilperson Thomson explained his concerns with Main Street and the blind spot coming over the hill. He suggested having their engineers look at the traffic patterns there for the safety of their customers. Kathryn DeMott question the ordinance for campgrounds. Vacation rentals cannot have RV's, yurt

or tents on the property. Steven comments on Kathryn concerns as he understands the ordinance is when a vacation home is operated on the property. His understanding is RV Park is allowed in the commercial zoning area. Councilperson Frandsen explained his first phase (1st) is a RV park and the 2nd phase will not have camp trailer. Steven explained the RV Park is for people to pull their trailer into a spot they paid for on line. They will not have trailers already on the property for people to rent. The City ordinance does not allow for trailers to already be parked on property for renting. A building permit is required for the RV Park and then another building permit when they plan on building structures. Steven addressed his concerns. He understands that traffic is sliding off Main Street because of the hill in the winter time into his property. He wonders if the City would cost share in some type of barriers. Mayor Davids suggest discussing at a later date. Councilperson Hinz made a motion to approve pending the inspector's approval on plans and water lines. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Replace Residential Porch Roof – 88 South 2nd East – Nancy Turecek, Owner/Riley's Construction, Contractor - ACTION ITEM: Councilperson Frandsen made a motion to approve contingent on building inspector approval. Councilperson Thomson seconded the motion. All voted aye, unanimous.

E) New Commercial Pavilion 18'x 20' – 89 North Center Street – Edge Water Resort, Owner/Riley's Construction, Contractor - ACTION ITEM: Mayor Davids wished he was in attendance tonight because he wanted to ask him about the storm drain installation that was tied in with the property exchange and the sign. He assumed this spring for the installation but wanted to get a date from him. Mayor will visit with him and get a date. Councilperson Thomson made a motion to approve pending a building inspector approval. Councilperson Hinz seconded the motion. All voted aye, unanimous.

F) Finish Residential Studio Apartment above detached garage – 482 West Main Street – Shane & Marci Kramer, Owners/Quinn Homes, Contractor - ACTION ITEM: Councilperson Thomson questioned a nightly rental or residential rental. City Clerk Canda Dimick questioned if a fire wall is required for a studio apartment in the garage. Jeff will have to review the structure to see if a fire wall is required. The code is different for a nightly rental than it is for thirty days or more rentals. Councilperson Hinz made a motion to table until we get more information. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Wastewater Land Application Site Lease Terms - ACTION ITEM: Post in the Idaho State Journal for one day (1), Post on the City web site and post at post office in Lava. Councilperson Hinz made a motion to accept and put out to bid, application deadline April 24th, 2019. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Hobson/City Property Exchange - ACTION ITEM: Gary Cooper, City Attorney, reported they published the notice of the Public Hearing for May 9th, 2019. Mayor Davids asked about taxes on the property. The City has no taxes due on their property. It looks like Hobson has taxes due who is responsible for that. Gary pulled the title report on the property Hobson is exchanging is free and clear, there is no mortgages on it, there are taxes that are accruing. At the time we do the exchange agreement taxes will be due and Hobson should be responsibility to pay taxes up to the date of the exchange once it becomes City property it will be tax exempt. The property he is getting will go back on the tax records and they will start collecting taxes on it. Councilperson Frandsen made a motion to accept Public Hearing on May 9th, 2019 and Hobson is responsible for taxes considered due up to the day of the transfer. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:

A) Public Hearing Scheduled for April 25, 2019 at 6 pm regarding the sale of a parcel of land to George Katsilometes: Mayor Davids announced public hearing for April 25, 2019 at 6 pm regarding the sale of a parcel of land to George Katsilometes.

B) Schedule Special Meeting to review Zoning Ordinance Draft - ACTION ITEM: Councilperson Hinz made a motion to schedule a special meeting for the zoning draft on April 25th, 2019 at 6:00 p.m. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

C) Schedule 2020 Budget Hearing - ACTION ITEM: Councilperson Hinz made a motion to schedule a budget hearing on September 5th, 2019 at 6:00 p.m. Councilperson Thomson seconded the motion. All voted aye, unanimous.

D) 2019 Arbor Day Grant Award & Celebration Plans – ACTION ITEM: City Clerk Canda Dimick reviewed the project purchase this year for the students at the elementary school. Discussion followed about planting trees at City Park. Candy will talk with the arborists, Gerry, about transplanting the trees at 78th in the

Park. Councilperson Hinz made a motion to purchase gift trees @ four dollars apiece (4.00). Councilperson Thomson seconded the motion. All voted aye, unanimous.

E) Portneuf Soil and Water Conservation District – Funding Conservation Letter - ACTION ITEM: Mayor Davids reviewed the letter with council. City Clerk Canda Dimick comments the City did not budget anything in this year's budget. Councilperson Thomson made a motion to considering budgeting in next year's budget. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) 2020 Census New Construction Program Invitation – ACTION ITEM: Councilperson Thomson made a motion to participate in the 2020 Census. Councilperson Hinz seconded the motion. All voted aye, unanimous.

G) May 30, 2019 Bannock County Commissioner Meeting @ 6 pm Lava Community Building – ACTION ITEM: Clerk Canda Dimick comments they've asked the city to furnish the drinks for the meeting. Councilperson Thomson made a motion to participate in the Bannock County Commissioner Meeting, May 30th, 6:00 p.m. location Lava City Hall. Councilperson Hinz seconded the motion. All voted aye, unanimous.

H) Mayor David's Resignation - ACTION ITEM: Mayor Davids read resignation letter. Mayor explained the council will function as a council. Councilperson Thomson is the senior council appointed to that position. Mayor Davids explains what his understanding is on replacing a Mayor who resigns. The council in a month can appoint a new mayor, they can appoint someone on the council to serve as mayor and replace a council person, or they can stay as a council until the election this year. The audience and council thank him for his services. Councilperson Thomson made a motion to discuss in executive session. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

April 6, 2019

Dear City Council & City of Lava Hot Springs,

I'm writing to give my formal notice that I'll be leaving my role as Mayor for the City of Lava Hot Springs on April 30, 2019. I will be living outside of the city limits of Lava Hot Springs in a new home and will be unable to serve as Mayor. The ordinance states you have to live in the city limits to function as Mayor. I'm incredibly grateful for the opportunities I've had working with the city council, clerks, maintenance & citizens of Lava Hot Springs for the past almost four years. It's been a wonderful experience to work for such a great city and help in moving the city of Lava Hot Springs forward.

Please let me know if I can be of any assistance during this transition. Thank you. I wish you all the best, and look forward to keeping in touch.

Sincerely,

I) Miscellaneous: City Clerk Canda Dimick addresses a notice that she received today. The Topaz Irrigation Company Stock Holder's meeting, April 17, 2018 at 7:00 p.m. at the Lava Museum. Councilperson Thomson will attend.

Projects:

A) Water Improvement Project:

Councilperson Hinz asked Brian Phinney if bill number eight (8) was approved by them. Councilperson Hinz made a motion to approve bill for Knife River. Councilperson Thomson seconded the motion. All voted aye, unanimous.

1) Knife River Agreement - ACTION ITEM: Councilperson Thomson made a motion to accept and sign. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Councilperson Thomson reported that the mud is slowly drying up.

2) Authorization to Use Management Reserve for 1st North PRV Design – ACTION ITEM: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

3) Access and Option to Purchase Real Estate Agreement with Pauline Neeser - ACTION ITEM: Mayor reported last contact with Pauline Neeser was two weeks (2) ago. She was headed to Alaska and would get back with him when she returns to go over the legal document. I have since emailed and called her and she has not responded I'm assuming she is still in Alaska. I hope I can get with her before April 30th, 2019. Councilperson Thomson made a motion to Mayor Davids to continue with that action and give update before April 30th, 2019. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

4) Work Change Directive #1 Fire Hydrant Install - ACTION ITEM:

Councilperson Hinz reported he talked with Tony about it and it was change between a four inch (4) and six inch (6) and just moving it a few feet. The old hydrant is being replaced with a new one. This change order is to remove the old hydrant at the Condos and install a new one on the other side of the line and putting in a new hydrant by the pool close to where the service line is going. The work change order is for extra material and another hydrant which was not included in the project. Councilperson Hinz made a motion to accept. Councilperson Thomson seconded the motion. All voted aye, unanimous.

5) Work Change Directive #2 South 3rd East Water Line Upgrade – ACTION ITEM: Councilperson Frandsen made a motion to approve. Councilperson Thomson seconded the motion. All voted aye, unanimous.

6) ITD Right-Of-Way Encroachment Application and Permit for Utilities – North Center Street – ACTION ITEM: Brian Phinney explained this is for the work that is being done on both sides of the bridge on Center Street. Main Street is owned by the City, Center Street is an ITD business loop. The line to the Senior Center could not be located to put the hydrant in. The line is not installed the way it's shown on ITD as built drawings for that bridge. After talking with Tony we found this to be a good time to clean that area up. What we are going to do is eliminate some of the pipe line is not accessible, that's off the edge on the wrong side of the abutment. The work will require a permit from ITD. Mayor Davids announced it was important to move forward with paperwork so, he signed the permit application. Councilperson Thomson made a motion to approve. Councilperson Hinz seconded the motion. All voted aye, unanimous.

7) City/Potter Land Purchase Agreement Report: Mayor Davids announced the land purchase agreement was signed by the City and Doug Potter. City Clerk Canda Dimick reported the City is waiting on the paperwork from the Title Company.

8) Source Water Protection Grant - ACTION ITEM: City Clerk Canda Dimick added to the agenda because the City could apply for the grant for the fencing project around the well. The deadline is May 17th, 2019. Councilperson Frandsen made a motion to apply for Source Water Protection Grant. Councilperson Thomson seconded the motion. All voted aye, unanimous.

B) ADA Curb Ramp Project Options – Aaron Swenson; Forsgren Associates - ACTION ITEM: City Clerk Canda Dimick reported that she asked Knife River if Aaron Swenson had contacted them and was told there is an email from him but, they haven't had time to open it. He will look at it today. Councilperson Thomson made a motion to table until next meeting. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) City Maintenance Shop Improvements - ACTION ITEM: Mayor Davids reported the project not completed and will hold payment until it is completed. Councilperson Hinz will call and talk with them. Councilperson Guthrie made a motion to hold payment until job is completed and Councilperson Hinz is

authorized to call them and find out why the job is not completed. Councilperson Thomson seconded the motion. All voted aye, unanimous.

D) Miscellaneous: Nothing.

Discussion: Lisa Toly and family thanked Mayor Davids for his service.

Motion to adjourn into executive session as permitted by Idaho Code 67-2345

(1) (c) & (f) to evaluate applications for Temporary Seasonal Custodian position and litigation matters - ACTION ITEM: Councilperson Thomson made a motion to adjourn into executive session as permitted by Idaho Code 67-2345 (1) (c) & (f) to evaluate applications for temporary seasonal custodian position and litigation matters. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Thomson-Aye, Guthrie -Aye, Frandsen -Aye, Hinz-Aye, unanimous.

Motion to reconvene - ACTION ITEM: Councilperson Frandsen made a motion to reconvene. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Thomson-Aye, Guthrie -Aye, Frandsen -Aye, Hinz-Aye, unanimous.

Motion to hire Temporary Seasonal Custodian - ACTION ITEM: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Councilperson Guthrie made a motion to accept Mayor Davids resignation and resigning on April 30, 2019. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Motion regarding litigation matters - ACTION ITEM: Councilperson Thomson made a motion to direct City Attorney, Gary Cooper, to continue with negotiations with Katsilometes attorneys on getting some kind of hookup settlement with the water system. Councilperson Hinz seconded the motion. All voted aye, unanimous.

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

Meeting adjourned at 9:05 p.m.

Amantha Sierra, Transcriber

Jon Thomson, Council President

Canda L. Dimick, City Clerk