

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, April 12, 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
Ron Kerl, City Attorney Assistance
Dennis Callahan, Code Enforcement Officer
Tony Hobson, City Maintenance
Canda Dimick, City Clerk

Excused:

Guests: Jim Scalise & Guest, Liz Tuttle, Shane Tillotson, Sherril Tillotson, Britney Potter, Cortney McBride, Doug Potter.

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 May agenda deadline for Council meeting on May 10th, is May 3rd, 2018.

Approval of Minutes (January 17, 2018 and March 8, 2018): Councilperson Thomson made a motion to approve minutes. Councilperson Hinz seconded the motion. All voted aye, unanimous. Councilperson Thomson commented on P&Z minutes, need to get them caught up.

Review & Approve Bills:

1) 2018 Association of Idaho Public Works Professional Dues: Councilperson Hinz made a motion not to participate in Idaho Public Works Professional. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

2) Motion to approve bills to be paid: Mayor Davids suggested negotiating Cooper & Larsen legal bill. Councilperson Thomson made a motion to pay the bills. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Non Commercial Kennel Permit – Jim Scalise: Jim Scalise addressed questions regarding the City's kennel license regulations. He asked council to define premises. According to document he must receive signature for 75% of owner and/or occupancy of the premises within 300 feet, premises is a building and doesn't understand why he has to get signature from empty lots. According to Dennis the kennel license automatically renews every year unless there are some changes. Then the council will review to determine if a new application is required. Jim questions the non-resident signature requirement. He is having problems with contacting the owners. Dennis reviewed list of signature. He has obtained six signatures, need 11 to meet 75%. He has six small house dogs. He will not be breeding any of the dogs, all dogs are fixed. He feels some of the property owners are renting by the weekend. Mayor read the provisions of the code regarding non-commercial kennel license. Councilperson Frandsen made a motion to grant temporary license until next month regular meeting and then review signatures. Councilperson Thomson seconded the motion. All voted aye, unanimous. Dennis talked about the dog licenses required for the last two years.

Lava Chamber of Commerce Activities Report – Liz Tuttle, Representative: Mayor Davids reported the Chamber is going to send a representative every month to report on Chamber activities. Liz invited council members to attend Chamber meetings. Liz reported on Folk Festival for next Friday and Saturday. She is looking for volunteers and prizes for the raffle. Last year the festival raised one thousand five hundred and fifty dollars (\$1,550.00) which they donated to the school. Liz has been working with the school principle, the principle will perform at the assembly and we are going to have an open MIC session for the elementary students who would like to participate. Mayor Davids offered to help line up volunteers for the festival. Liz reported on the Wellness Festival schedule for May 5th at the Community Center. Mayor Davids asked about attendance at the Folk Festival. Liz reported 3 hotels already full. We're expecting 100 to 120 in attendance.

Special Event Permit(s):

A) Wellness Festival - May 5, 2018: Councilperson Hinz made a motion to approve. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement:

A) Building Code Ordinance Draft: Dennis has gone through it. He needs to check on a few things.

B) Monthly Law Enforcement/Code Enforcement Miscellaneous Reports:

Dennis reported that he is still working with Bannock County to try and clear up permits. Some of the building permits are partially approved and trying to get Bannock County to send documentation to State in order to get building permits closed. List will be provided to council next month of all open permits since 2015. Dennis reported on Vacation rental, they meet with the DA last Friday and I sent him the information he wanted. The house, vacation rental on Center Street, is no longer on the web site. Mayor Davids reported the prosecution attorney expressed that they are busy so, things are going to move slow. Dennis reported he is still working on summary for Katsilometes storage shed. Mayor wants to see summary before sending it to the prosecuting attorney. Dennis has issue a couple of parking violation notices. Both vehicles moved.

Mayor Davids asked City Clerk Dimick if she was able to access the citations. She has not.

Copy of prosecuting & law enforcement contacts were given to the Mayor and Council.

Business License(s) & Revised Form:

A) Revised Form – City Clerk: Council agreed the revised form looks nice and clean and easier to fill out.

B) Ace Digital Advertising, LLC/DBA Blaze Sign & Graphic Design:

Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Archibald Rentals – Kathy Archibald, Owner/Applicant: Mayor Davids read location and description, month to month rentals (30 days or more) at 170 W Main & 173 S 4th, no nightly vacation rentals. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) DLR Enterprises – Brandon De Los Reyes & Cody De Los Reyes, Owners/Applicants: Councilperson Hinz made a motion to approve DLR general

contractor business license. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Forrest Design Group – Birgitta Bright, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Just Be Yoga – Brenda Ehrler, Owner/Applicant: Mayor Davids read location 56 N 3rd W. Councilperson Frandsen indicated she also does massages at the pool. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

G) Lava Hideout Cabins – Patrick & Leah Navarro, Owner/Applicant: Mayor Davids read location 337 W Main. Councilperson Hinz made a motion to approve pending the City receive applied State ID number. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

H) Lava Java – Patti Madsen, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

i) Lava Lockers, LLC – Shane Tillotson, Owner/Applicant: Shane Tillotson explained plans to operate a locker business inside a building by the tubing trail head. Shane will put in a 16x24 foot building which will contain 108 electronic lockers. Lockers will be locked up inside the building during the night. The building will have security cameras and lighting. Shane noticed the idea in Vegas. Lockers are self-service, runs off of credit card or cash. All locker sizes are 12x12x18 feet. They will be available for general public. Property for lockers is leased property from the State. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

J) Lularoe Carol Baker – Carol Baker, Owner/Applicant: Mayor Davids comments business *cannot* operate on the sidewalk or street. Need to send out notice next month in water bill alerting all business *no* business activity on sidewalk or street. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

K) Quality Home Improvement, LLC – Kirk Valentine, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

L) ST Construction – Shane Tillotson, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Non-Property Tax Permit(s):

A) Direct Supply, Inc.: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) DS Services of America: Councilperson Hinz asked to change application describing the type of business or description of business. Councilperson Frandsen made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

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

D) Lava Hideout Cabins: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Lava Lockers, LLC: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Lularoe Carol Baker: Void, the company submitted an application today and it will be submitted for approval next month,

G) Rexel USA, Inc.: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Building Permit(s)/Demo Permit(s)

A) Lava Lockers, LLC – Commercial Lockers – 430 East Main - Shane Tillotson, Owner/Member: Councilperson Hinz made a motion to approve pending the State Inspector signoff. Councilperson Thomson seconded the motion. All voted aye, unanimous. Discussion on how the building will be strapped down.

B) Trailer Demolition – 10255 E. Old Oregon Trail Rd. – Dustin Guthrie, Applicant/Owner: Councilperson Hinz questioned business license requirements. Business license not required owner is doing the demolition. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Sign Permit(s)

A) Wagon Wheel Lounge – 225 E. Main Street – Blaze Sign & Graphic

Design, Applicant: Councilperson Hinz made a motion to approve.

Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Lava Hideout – 337 West Main Street – Patrick & Leah Navarro: Council questioned if “cabin” will be added to sign and where the sign will be. The cabin is part of the name and will need to be added to the sign. Permit indicates sign will be placed on existing poles. Councilperson Frandsen made a motion to approve pending that the final dimension of the whole sign is 32x40 with the addition of the word cabins, top to bottom, and it doesn’t extend over sidewalk. Councilperson Hinz seconded the motion. All voted aye, unanimous. If the sign is bigger than 32x40 they will need to submit a new sign permit.

Intermountain Gas Right-of-Way Permit for 289 East 1st Alley South – DLR

Enterprises – 8 unit nightly rentals: Mayor Davids question how many units, it looks like six to him. Councilperson Thompson comments it’s six now but, they still have the top two to complete. City Clerk Dimick confirmed 8 units.

Councilperson Hinz comments on the trail, it’s not accessible and they told the City it would be accessible at all times. Councilperson Hinz has an issue with the Gas Permit. The start date is April 2 and it should have a start date after the approval process, council meeting. Councilperson Hinz made a motion to approve based upon the start date being after April 12th. Councilperson Thomson seconded the motion. All voted aye, unanimous. Councilperson Hinz asked the City Clerk Dimick to not accept any application if the start date is before the approval date of the council meeting.

Review & Consider 2018 1st quarter 1% Tourism Development Funding Requests:

A) Proposals to share Utah billboard cost – Les Bocek, Lava Lions: Talked with Les and Joan Bocek by speaker phone. Les explained that it is inexpensive way to advertise. One of the proposals includes a new face. They would like the City to share the cost, three thousand and eighty seven dollars (\$3,087.50) the City would pay and three thousand and eighty seven dollars (\$3,087.50) the Lions Club will pay for a total amount of six thousand, one hundred and seventy five dollars (\$6,175.00) Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Street/Curb/Gutter/Sidewalk Improvements:

A) Rock Hard Concrete bid to install curbing along South First East: Mayor explained the curb and gutter along 1st E is the rolled type and my understanding from Tony is we would continue with the rolled back from Lava Suites and across the alley then continue with the high back to Main Street when the time comes to replace curb and gutter along there. Councilperson Hinz made a motion to approve pending high back curbing bid price is the same as roll back. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:

A) Arbor Day Grant & Celebration Plans: City Clerk Dimick showed Arbor Day treats to Mayor and Council that will be given to the school children on May 3rd during the Arbor Day celebration. Mayor and council would like to replace a tree in the park. Mayor will get with Tony and figure out where and what kind of tree to plant.

B) AIC Spring District Work Session – Apr. 27, 2018: City Clerk Dimick will attend.

C) Idaho State Tax Commission Budget Levy Workshop – May 2, 2018: City Clerk Dimick will attend.

D) Schedule FY2019 Budget Hearing: Council scheduled Fiscal Year 2019 budget Hearing for September 5th, 6:30 p.m. at Lava City Hall. Councilperson Frandsen made a motion to approve schedule. Councilperson Hinz seconded the motion. All voted aye, unanimous.

E) Risk Management Training – May 9th: Councilperson Hinz made a motion to send City Clerk Dimick. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Zoning Ordinance Draft: Mayor Davids reported that council needs to take time to review. Mayor doesn't support changing R-3 zone for Town House conditional development. Councilperson Thomson suggested each member review and submits mark up to discuss at next regular meeting. Print copies and resend attachment in email to council members. Consider special meeting in June.

G) Portneuf Soil and Water Conservation District Conservation Funding: Mayor Davids reviewed the letter with Council. Look at budgeting funds for next year, Phase II of the tubing trail. City Clerk Dimick will send email to Portneuf Soil and Water Conservation District explaining council decision.

H) ITD letter regarding 2018 I15 maintenance & repair plans: Mayor Davids reviewed the I15 construction areas for 2018.

I) Discuss list of excess property for sale and sale terms (1983 Chevrolet ½ Ton Pickup & Chipper): Councilperson Frandsen made a motion to put out to bid the 1983 ½ ton pickup minimum bid three hundred dollars (\$300.00). Councilperson Hinz seconded the motion. All voted aye, unanimous. Chipper will handle 2 inch branches. Tony will get more information to establish minimum bid.

J) Bannock County Ambulance District Idaho EMS Grant Support Letter: Councilperson Hinz made a motion to participate. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

K) Miscellaneous: Tony will be attending the IPDFS training. Tony needs a letter of authority to sign as operator.

Billy will be attending Tymco training on the street sweeper maintenance.

Projects:

A) Water Improvement Project:

1) Knife River Contract: Notice of award. DEQ approved. Ron Kerl reviewed contract and explained everything looks standard for public works contract. City Clerk Dimick questioned the liability provision. Ron Kerl will work with City Clerk Dimick to make sure the liability in the contract is correct.

2) Easements Status Report: Tony Hobson, City Maintenance and City Clerk Dimick getting wording out of abstract. City Clerk Dimick will work with Ron Kerl to complete.

3) Well Site: City Clerk Dimick resent site plan to property owner. Mayor Davids will contact property owner to make sure he received site plan.

4) City/Lava Foundation Water Service Agreement: Agreement has been drafted by City Attorney. He modified the agreement for the foundation meter to be outside the fence and to include their cost and responsibility to the meter. Engineers are working on design plan to attach to agreement. Councilperson Frandsen mentioned the foundation director would like our contractors to install from the meter to their building. Mayor Davids explained the director will need to

create a contract with the contractor to install foundations share. They are responsible for the payment and making all arrangements.

B) Buddy Campbell Park Improvement Project/Maintenance:

1) Road Access and Parking Lot Development: Mayor Davids reported he has talked with Engineers and this will be worked out with contractor as we get closer to the start date. Staging areas were discussed.

2) Child Pedestrian Safety Program Grant Status: Application not funded.

3) Aerating Proposal – Mayor Davids: Mayor Davids explained the proposal he received from Patrick. Patrick can aerate the whole park for three hundred dollars (\$300.00). Tony explained the aerator the City has. The council agreed the City doesn't need to hire a contractor if the City has the equipment to aerate. Council wants City crew to aerate this year in the spring.

City crew will flag irrigation heads.

Councilperson Hinz suggested mowing the park before Bunnyland event next year to clean up the winter build up.

Councilperson Guthrie announced there will be some local kids doing a service project and will be cleaning up the park.

Councilperson Hinz suggested getting signs for the restrooms. There are no signs for the men's and women's restrooms at Buddy Campbell Park.

C) South 6th West New Street Lights: Mayor Davids and Tony Hobson, City Maintenance had a chance to identify where the pole location need to be. City crew is planning on installing service line as soon as weather permits.

D) Tennis Court Resurfacing Bids – Still Working On: Councilperson Guthrie has not received any calls from the committee. Tony Hobson, City Maintenance asked for an explanation on what the plan is for the courts. Is the City just filing cracks and painting or totally redoing the surface. Someone contacted him about doing work on it and he is unsure what exactly is going on with it. Mayor Davids explained it needs to be done right and done for longevity. Council will set aside additional budget money to resurface. The committee will be working on grants for the project. The committee will need to bring all bids and suggestion to council

for consideration. No work will be performed without council approval. The bid the city wants is a complete resurface bid not a band-aid for the surface.

E) North 1st West Storm Drain System Construction Observation Contract: Councilperson Hinz made a motion to accept the six thousand and twenty dollars (\$6,020.00) for Forsgren to observe the installation. If it has to be re-staked, all restating obligations is on Edge Water/Tillotson. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Mayor Davids mentioned there is a lean that needs to be removed. Ron Kerl explained the lean and that the title company is working on clearing up everything.

F) ADA Curb Ramp Project: Tony Hobson, City Maintenance and City Clerk Dimick meet today with funding representative and received required training to be in compliance with the funding rules.

G) Miscellaneous: Councilperson Guthrie announced May 22nd is the tentative date for a youth group that wants to have a service project on “L” Mountain. Councilperson Guthrie will work with Tony on the plans and supplies that will be needed for the cleanup. More information will be provided at next council meeting.

City Clerk Dimick announced she received a call on the co-ed softball program and no one from Lava signed up so, they won’t be using the baseball diamonds.

Discussion:

Motion to adjourn into executive session to negotiate land acquisition matters with Douglas Potter: Councilperson Guthrie made a motion to adjourn into executive session. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Roll call. Frandsen -Aye, Guthrie -Aye, Hinz-Aye, Thomson-Aye, unanimous.

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

Councilperson Frandsen made a motion to apply for variance with DEQ to replace the chain link fence to avoid flood problems in the water Chanel, avoid having to move water tank and solar panel post, and proceed with the survey and stakeout. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Councilperson Thomson made a motion to hire both employees for summer help with rotating schedule for all three at ten dollars per hour (\$10.00). Councilperson Frandsen seconded the motion. All voted aye, unanimous.

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

Meeting adjourned at 9:00 p.m.

Amantha Sierra, Transcriber

T. Paul Davids III, Mayor

Canda L. Dimick, City Clerk