

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, May 09, 2019 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

**Present:** Jon Thomson, Council President  
Rickey Frandsen, Councilperson  
Lisa Guthrie, Councilperson  
Brian Hinz, Councilperson  
Gary Cooper, City Attorney  
Canda Dimick, City Clerk - Partial  
Amantha Sierra, Office Assistant

**Excused:**

**Guests:** Amy Manning, Susan Thomas, Jack Fleming, Kelly Myers, Betty & George Katsilometes, Heidi Buckway and 2 Children, Dennis Callahan, Officer Fullmer, Mathew Hill.

Jon Thomson, Council President opens the meeting and welcomes everyone. The Pledge of Allegiance is led by Council President Thomson.

**Amend Agenda:** City Clerk Canda Dimick reviewed agenda changes with council. Councilperson Hinz made a motion to amend agenda adding motion regarding the sale of a parcel of City property to George Katsilometes being an action item, Lava Chamber of Commerce Kelly Myers, Event Coordinator A. Oktoberfest & B) July 24th community day, under business license Fun4Rent and under water improvement project add in item eight (8) East Portneuf Street paving. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Announce Agenda Deadline for June 13, 2019 meeting will be June 6, 2019:**  
Council President Thomson

**Approval of Minutes (April 11, 2019) - ACTION ITEM:** Councilperson Guthrie made a motion to approve April 11, 2019. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**Review & Approve Bills ALL - ACTION ITEMS:** City Clerk Canda Dimick reviewed list of bills with council. The City closed on the Potter land purchase,

closing cost and final purchase price listed. Suggestion made to pay membership dues to the Historical Museum.

**A) Utah Billboard:** City Clerk Canda Dimick explains that Les Bocek contacted her and questioned the City position on taking over the full funding for the Utah billboard and asked her if she would present to the council. He has submitted the cost for that billboard. The Lava's Chamber of Commerce was asked but they decided they are not interested at this time. The cost would be funded by the tourism budget. Councilperson Frandsen suggested asking the foundation to split the cost with the City. Councilperson Frandsen made a motion to contact the Lava Foundation to see if they are interested in taking over the Lions Club portion in cost sharing. If they are interested City will continue with the billboard contract *if not* contract will be cancelled. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Councilperson Frandsen will contact the Lava Foundation.

**B) Web Impakt Agreement/Invoice:** City Clerk Canda Dimick explains her concerns with Web Impakt contract. The invoice is for some upfront cost which is different than the signed contract. The contract agreement is to invoice the full amount at time of completion. They do not want to start work until they receive the seven hundred and twenty five dollars (725.00). Gail Palen has requested the City to pay due to the importance of the project. The tourism season is approaching and it is very important to get the web site up and running before it begins. Councilperson Hinz will call Web Impakt about invoice and conflicting agreement terms.

**C) Motion to pay bills:** Councilperson Hinz made a motion to approve with exception to invoice for Knife River & Web Impakt. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**III-A Annual Report – Amy Manning, III-A Executive Director:** Amy Manning introduced herself and reviewed the triple A annual report with council. The city received a copy of the annual report.

**Motion to Open Public Hearing – The City Council of the City of Lava Hot Springs, Idaho has determined that it is in the public interest to exchange approximately 2.23 acres of property owned by the City for approximately 1.84 acres of property owned by Barry D. Hobson and Terry A. Hobson, husband and wife, both parcels being located between Maughan Road and Highway 30. A map and metes and bounds property descriptions of the two parcels are available for inspection at the City offices. The City declares that**

**the value of the two parcels, considering the location, is believed to be approximately equal in value - ACTION ITEM:** Council President Thomson explains the properties are adjacent properties and what the City is doing is making the City property continuous and Barry & Terry Hobson property continuous. Councilperson Hinz made a motion to open public hearing. Councilperson Guthrie seconded the motion. All voted aye, unanimous. City Clerk Canda Dimick reports that no one has signed the sheet and she didn't receive anything in the mail or any phone calls. The notice was posted in the Idaho State Journal, the Lava's Post Office, City Hall and the City's web site.

**Motion to Close Public Hearing - ACTION ITEM:** Councilperson Hinz made a motion to close public hearing. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Motion regarding the exchange of approximately 2.23 acres of City owned property for approximately 1.84 acres of property owned by Barry and Terry Hobson - ACTION ITEM:** Councilperson Guthrie made a motion to exchange approximately 2.23 acres of City owned property for approximately 1.84 acres of property owned by Barry and Terry Hobson. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Motion regarding the sale of a parcel of City property to George Katsilometes - ACTION ITEM:** Council President Thomson reported there was a public hearing two weeks ago and the majority is in favor of the sale. At this point and time the City is still in the process of revising and approving the mediation agreement between the City and George. With that in mind Council President Thomson would make the motion that the City tables this approval until a later date when that particular agreement has been finalized and a date set for closing on the property. George comments that they have completed everything. Council President Thomson yes, the city hasn't. The council received your document this afternoon which was the return of the City agreement and the council hasn't had time to look it. Gary Cooper, City Attorney, reports that he received it by email at 2:30 p.m. this afternoon and he was in court at that time. He had assumed because there was no communication with it that this agreement that Mr. Katsilometes signed was the same agreement that he had prepared in negotiation with his attorney. After he arrived at the council meeting he looked at it and it's not the same agreement. There have been significant modifications to it which he has *not* had a chance to review and determine how it affects what we had previously agreed upon. Gary is not in the position to advise on it. This is a different agreement than what he prepared. Councilperson Hinz cannot sign off on something they just got.

Council needs a chance to review it. George comments in the settle agreement and release that was made and council voted on. In that agreement it stipulates that George will pay the City fifteen thousand dollars (15,000.00) on or before Monday, May 13<sup>th</sup>, 2019. He is planning on doing that, he has the money here tonight and it is going to be paid on that date according to the agreement. Gary comments Mr. Katsilometes that wasn't the only condition. George comments that the one that counts for me. Gary comments maybe it's the one that counts for you but, there are several others conditions that have not been met. George comments okay what where they. Gary comments he is not going to argue the point. He has been arguing with George's attorney for several weeks. George comments you haven't been arguing we've been going back and forth and he thinks they have satisfied all of the terms and conditions. Gary doesn't agree. Council President Thomson makes a statement with any sale or transfer of property, the transfer of funds is always done at closing. We have not set a closing date with the tile company, attentively put down date of May 13, 2019 as a proposed closing date if everything could be done. At this point and time we do not have a closing date. George asked council if we need to go back to court and ask them if it's the right date because, that's the date the judge and everybody agreed to. Gary announced he thinks the agreement is quite clear what's going to happen on May 13<sup>th</sup> if not all the condition are not met and they have not been met. George comments they have been met, all of them. Gary explains he understand George position. Council President Thomson made a motion to table until further time frame. Councilperson Hinz seconded the motion a couple hours is not enough time to review. All voted aye, unanimous. Council President Thomson comments he is assuming the date will be set when and if we an agreement is agreed upon a date will be set. George comments so does this mean to the council I have to go back to the judge and get everything straight since you obvious don't understand what going on or something. Gary comments George you can do whatever you want to do. The agreement hasn't been complied with and there are consequences. George comments it has complied with. Gary comments okay thank you. Councilperson Hinz comment we've tried to make it work. The attorney has just stated that it's been modified and we can't sign off on something that been modified without a chance to review everything. George comments try to get it reviewed before the 13<sup>th</sup>.

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

Officer Fullmer is in attendance to address any question. Council President Thomson announces they received bannock counties activity report in time for the meeting and thanks the department for it. Officer Fullmer announces they are working on extra patrol for summer activities. Councilperson Hinz asked Officer

Fullmer if they have been contacted by POW MIA to shut down the road for the Thunder Run. Officer Fullmer answered yes, and he thinks they have someone who will escort. Council President Thomson announced the Lava news has a misprint they have it as Tuesday the 28<sup>th</sup> but, it's actually the 27<sup>th</sup> on Monday. He also asked the contractor for the water project to keep him advised on the road conditions in case the City needs to change the route. Officer Fullmer asked if changes are needed to please contact lieutenant Armstrong and he will relay it out. City Clerk Canda Dimick asked if they plan on participating in the Community Day activities on July 24<sup>th</sup>. Officer Fullmer comment yes, he has been in contact with Kelly Myers. Kelly will continue working with Officer Fullmer.

**A) Authorization to mail annual weed control/fire hazard notices - ACTION ITEM:** City Clerk Canda Dimick explains the process. What's been done in the past is first attempt for vacant lot notices is by regular mail. If they haven't complied in a certain amount of time the city will follow up with a certified letter. Councilperson Frandsen made a motion authorizing to mail the annual weed control and fire hazard notice. Councilperson Hinz seconded the motion. All voted aye, unanimous. Jack Fleming questioned vacant lots. Council President Thomson explains vacant lots, letters are sent out to any property owner with a weed nuisance or fire hazard. Vacant lots that have continues upkeep do not receive a notice. Susan Thomas asked about vacant lots being sprayed. Council President Thomson response the City sprays right-a-ways, example around City Park, curves and alleys in order to keep the weeds in control on city properties. Council President Thomson announced cleanup day on May 18<sup>th</sup>. Dumpster will be located at the school and no cost for normal trash. Hazard waste is allowed.

**B) Building Permit Report – Canda Dimick, City Clerk:** City Clerk Canda Dimick reported that one (1) inspection is completed on the new duplex on East Main.

**C) Monthly Law Enforcement/Code Enforcement Reports:** Council reviewed report. Councilperson Hinz would like to see better descriptions on some of these. It's hard to figure out which property is involved.

**Vacation Rental Change of Use Clarification– Jack Fleming & Susan Thomas - ACTION ITEM:** Susan reported last month they attended the city council and there was an agenda item that was confusing to her. Vacation Rentals and business license require fire suppressing system. She would like to see the ordinance on that. Council President Thomson explained if you purchase a property that has a current business license for nightly vacation rentals in a commercial zone and the

use is commercial that property can continue as a nightly rental as long as a business license is obtained through the City of Lava Hot Springs, Idaho. If you change a vacation rental to a different usage for example a commercial art gallery it is no longer the same usage. If you want to change the usage back to nightly rental the international code requires a change of use from gallery to vacation rental and the State Building Inspector to enforce the international code per that usage. Susan is *not* concerned about her Main Street property she is concerned with her property at the corner of 4<sup>th</sup> and Fife street. Which historical has been a Bed & Breakfast and she has maintained a business license for it. What she would like to better understand is when she sells that property will it be grandfathered in. Council President Thomson responds yes, at the current usage when you sell it. She would like to see that in writing so, when she does sell it the value in the business as a Bed & Breakfast maintains as a selling point. Council President Thomson explains the property is in a R3 zone which allows it to be multifamily and allows it to be a Bed & Breakfast or an apartment house. Councilperson Hinz explains the zoning ordinance defines what is allowed in the zone and provides definitions. Council President Thomson explains the fire suppression requirement for vacation rentals has always been there however Bannock County was not enforcing it and when the City hired the State to do our inspection they are enforcing the code. Susan questioned if her Bed & Breakfast will required a fire suppression system. Councilperson Frandsen explained the use does not change as long as the new owner purchases a business license for the Bed & Breakfast and operates as a Bed & Breakfast the usage doesn't change. Susan asked if the City maintains the CO (Certificate of Occupancy). Council President Thomson explains the CO is attached to your business license and the City retains per record retention laws. City Clerk Canda Dimick provided Jack and Susan a copy of the City ordinance and showed them where a Bed & Breakfast is a permitted use in R3 zone which is the location of their Bed & Breakfast. Discussion follows about permitted uses and R3 zone. Susan asked what if my neighbor wanted to have a Bed & Breakfast in a R3 zone what would they have to do. Canda explained they would have to complete a business license application for a Bed & Breakfast and the State Building official may require the structure to be in compliance for that usage. Discussion followed on fire suppression systems requirements. Councilperson Frandsen suggested they get a copy of the state code. Councilperson Hinz made a motion to provide Jack & Susan with copy of the zoning ordinance. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Compensatory Time – Dennis Callahan - ACTION ITEM:** Dennis Callahan reported he received a notice from T.Paul back on March 29<sup>th</sup> that the City Council

had denied his request for the additional comp time. Dennis explained he never requested anything. He is not sure how the council got the request because he didn't request the City council for it. He had given this to Canda and he had came up with one hundred and seven hours (107) of comp time and at the time I had fifty (50) some hours. It would have been like sixty seven hours (67) extra. Canda had found a mistake and he found another mistake and that brought it down to thirty nine point twelve hours (39.12). He explains he is not asking for extra hours this is hours he has already worked. There was a miss marking of the time sheet. He made a mistake plus there was confusion as to what was supposed to be billed. That's what happening here I actually worked the hours. He's asking you to say this is right. He explained when his hip was bad he worked the whole summer even though he knew he needed a hip replacement but, he knew that in January his time would be slow and he could have his surgery then. He didn't ask for compensation for his car he was driving around because he couldn't drive the City truck. I think fair is being fair. These are hours I worked he thinks he should be paid for them. Council President Thomson recalls T.Paul presented the council with a request that had fifty one hours (51) of comp time shown on our books and additional calculation that he doesn't remember the amount but, it was one hundred and some. The consensus of the council was that hours had not been paid that was shown on time cards and approved on time cards that was the fifty one hours (51) should be approved. Hours that had been back previous on times cards that had been paid won't be allowed. Simply because once you signed your time cards you signed as it being true and valid. Discussion followed on how the time can be validated. Dennis explained the confusing with holiday pay and initially the understanding was time in half but the policy is double time and I went back and adjusted my comp time to the double time. Discussion followed. The discrepancy was due to the holiday days he worked he did not claim the correct holiday overtime pay on some days he did claim any overtime pay. Council President Thomson recalls the discussion council had a while back on overtime. Anything over eight hours (8) should be time and half compensation time, holiday should be double for hours worked on a holiday plus the holiday which is separate. Councilperson Frandsen made a motion to approve comp time of 39.12 hours. Councilperson Hinz seconded the motion. All voted aye, unanimous.

### **Special Events Permit(s) - ALL ACTION ITEMS:**

**A) Portneuf Veterans 5th Annual Pig Roast – July 27, 2019:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**B) Tour de Lava – June 1st, 2019:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Lava Chamber of Commerce – Kelly Myers, Event Coordinator - ALL ACTION ITEMS:**

**A) Oktoberfest:** Kelly Myers reports she has talked with Lava's Chamber of Commerce about this just wants to see what the City thinks. She is thinking about local businesses hosting brewery companies for Oktoberfest. People would walk around Main street sampling beer instead of having it all at the community center. City questioned open container law and how it would be enforced and how would the State liquor license work. Kelly responds she would have to list all address that would be part of it and the special permit for the City it would have to be all laid out as well. Council President Thomson asked Kelly to explain what Oktoberfest is all about. Last year they held the event at the community building and they had beer available there. Kelly comments the Riverside does their kickoff and we take the extra beer to the community garden for the next day's event. Beer samples are served and they have to stay on the premises while they drink. Council President Thomson comments now your suggestion is that each business serves beer. For example the Chuckwagon serve a brat and beer and then go to the next place? Kelly says yes, she is looking at how each business can take on a keg or a local brewery. Council President Thomson comments it also means you are going to have to have x number of business willing to participate. They would have to drink the beer at that business. The open container law doesn't allow it on the sidewalk. How does it work with the State permit? All locations will have to be listed. Councilperson Hinz comments each business would have to place people at the door to control underage drinking and stop people from exiting the business with a beer. Gary Cooper, City Attorney, question if the law would allow drinking at a business that does not have the appropriate license to serve beer a special event would not exempt that business. Kelly comments we're trying to focus on bringing the guest to the downtown area. Question if the property across from the Chuckwagon could be considered. Gary comments if permission is received from property owner and all rules are followed per the State liquor license permit. City Clerk Canda Dimick comments in the past the Bannock County Tribe has not allowed alcohol on their property. Councilperson Guthrie questioned the liability to a business if someone is inebriated and they break things in their business or another business. Kelly thanks everyone for their inputs.

**B) July 24th Community Day:** Kelly Myers asked the council for a budget on the community day. Councilperson Hinz comments the foam cost is in the budget.

The foam activity will be for one hour (1). Councilperson Guthrie comments all activity should be scheduled before the foam activity. Kelly asked about a bounce house for an hour it's probably going to be around two hundred dollars (200.00). Councilperson Hinz suggested she talk with Megan Reno her company donated one for the Easter egg hunt. Councilperson Hinz suggested she get a price on the corn and work with Canda to assure the cost is in the budget. Councilperson Guthrie made a motion to for Kelly to continue to work on Oktoberfest and Community Day and Canda to look into budget for corn and report back to council. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**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:** Gary Cooper, City Attorney, reviewed action item with council. The council wanted to consider business license for businesses that rented recreational motor vehicles and vacation rentals. Gary reviewed the statute that the city has. He thought that he should define what is meant by recreational motor vehicle and vacation rentals. The next section is what type of activity would require a business license, define and list requirements on both for business license applications. Council received a red line version on the statute and where the provision would go at last month council meeting. Councilperson Hinz comments it was table at that meeting for the special meeting scheduled later in the month and they didn't have time at that special meeting and it was table for this meeting. Council President Thomson suggested that the each council member review the revision on their own and to be prepared to discuss at a later date. Jon asked about the million dollar (1,000,000.00) insurance requirement. Gary comments the insurance is part of the updates for business license requirements. Councilperson Hinz made a motion to table next meeting to review. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**B) B & B Sprinklers – Greg Baker/Greg Tomich, Owners/Applicants:**

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

**C) Beus Excavation – Ted Beus, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**D) Bristol Park Historic Cabins – Collin Petrun, Owner/Applicant:**

Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded

the motion. All voted aye, unanimous. Councilperson Hinz asked about a business license for the AnnaLeigh Petrun property management. Amantha talked with her and she will do an application for her property management business.

**E) Dempsey Creek Trading – Sam Netuschil, Owner/Applicant:**

Councilperson Hinz questioned if a sign permit is required to replace existing signs on front and sides of building at same size and materials. City Clerk Canda Dimick responded he will need a sign permit. Councilperson Hinz made a motion to approve as long as he is well aware that he needs a sign permits. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**F) Family Treasures – Martha Cook, Owner/Applicant:** City Clerk Canda Dimick reports this will need to be contingent on that she brings a document from Richard Guthrie giving her permission to sell from her house located in Mobile Estates. Councilperson Hinz made a motion to approve contingent on written permission from Richard Guthrie. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**G) Fun4Rent – Ty Buckway, Owner/Applicant:** Heidi Buckway explained their business plan. Proposed running from multiple locations, three to four locations. Councilperson Hinz asked about the conex container. Heidi explained it will stay where it is at on Lorain leased property. Heidi explained Ty was asking if that would be okay to run the business from multiple locations. Council explained they can but, a business license and a lease agreement will be required for each location. Councilperson Hinz made a motion to approve contingent on agreement from property owner(s) for each location. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**H) Herman Konoske General Contractor – Herman Konoske, Owner/Applicant:** City Clerk Canda Dimick comments he will be the contractor for Jade Bues Tri-Plex. Councilperson Hinz is concern with the work they are doing on the upstairs. The permit was for the downstairs units. He would like the State inspector to do a walk through. Council President Thomson suggested alerting the State inspector of the change in contractor and asks them to visit with the contractor. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**I) JR Lawn Care & Services – James C. Render II, Owner/Applicant:**

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

**J) Lava Escape Games – Nicole Insley, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**K) The Dog House – Holly Owens, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

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

**A) Home Depot USA, Inc.:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Wastewater Land Application Site Lease Terms - ACTION ITEM:** Council President Thomson explained that the lease was mailed to Brett and Nancy Casperson for them to sign because they were the high bidder. They had question on the lease and they indicated the question on the lease that they had signed. The contract will need to be signed again after council reviews his questions. The question he had is on the second (2<sup>nd</sup>) page item four (4):

Seed	Lessor agrees to purchase alfalfa seed.	Lessee will be required to purchase seed for cover crop and/or feed barley and plant crop. Lessee will spot drill all sites where seed does not germinate. Cover crop can be planted at the discretion of the lessee.
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Council President Thomson has talked with Tony Hobson, City Maintenance, and they are both in agreement that they rotate in barley this year. They also are talking about since it is so late in the year cutting and not reseeding. The question Brett had is if the City is willing to purchase alfalfa seed why the City isn't willing to purchase any seed for the primary corp. The cover seeding is part of the farming procedure. Council President Thomson understanding is if you continue to plant alfalfa year after year it builds up a resistance and doesn't do well without rotating every few years, five (5) to six (6) years.

The other item is:

Fertilizer	Not applicable.	Lessee will fertilize crop annually and provide fertilizer application rate to Lessor.
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Brett is question what if you don't need to fertilize. Brett is suggestion fertilize as needed.

Council President Thomson had one other suggestion and that is that we change the lease date earlier in the year. The lease date was started May 8, 2019 and he suggested ending the lease date April 1, 2024. The reason being is to get the lease in earlier were they have time to do something. Council President Thomson question if we make changes to the lease are we being fair to the bidding process. Changing the lease end date would only affect the current lessee but, to change the wording in the lease could change the monetary value. If the current lessee is in agreement with changing the lease end date Council president Thomson is willing to agree to the date change. Councilperson Hinz is concerned with the bidding process the other bidder or others interesting in bidding may have bid differently. Council President Thomson asked council to keep in mind for the next time the lease is up for bidding to review the suggested changes. Councilperson Guthrie made a motion to approve to change end date to December 31, 2023 and no others changes. Councilperson Frandsen seconded the motion. All voted aye, unanimous. Gary Cooper, City Attorney, date can be changed and signed by Brett and Nancy Casperson.

### **Sidewalk(s):**

**A) Shoshone Bannock Tribe - ACTION ITEM:** Council President Thomson reviews council agreement to pave 3<sup>rd</sup> Street up to Elm Street and down to the Alley on the north side on Main Street. The reason is for water control so that we get water to flow down the street to the storm drains located on the corners of Main and 3rd Street which, unfortunately requires a new curb on the east side of south 3rd and east side of north 3rd. The east side of north 3<sup>rd</sup> the minum pitch for curbing, to get it to flow, is about a one (1) degree pitch down the hill. The pitch of the curb is approximately six inches (6) above the sidewalk. Council President Thomson feels that the City should remove sidewalk and back fill to the curb and taper out into the lot with dirt and gravel. Councilperson Frandsen made a motion to have Gary Cooper, City Attorney, talk to the Bannock County Tribe installing a new sidewalk and the City move forward on removing the sidewalk and putting in curb and gutter. Councilperson Hinz seconded the motion. All voted aye, unanimous. Council President Thomson will talk with Tony Hobson and Justin Casperson, City Maintenance, about removing the sidewalk. Curb and gutter will

be put in place next week the sidewalk needs to be removed before curb and gutter. Council President Thomson will keep in touch with Mathew. Mathew will work with Knife River on scheduling the work.

**Meetings/Announcements/Miscellaneous:**

**A) Schedule Special Meeting to review Zoning Ordinance Draft - ACTION**

**ITEM:** Councilperson Hinz made a motion to table until next month.

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

**B) May 18th, 2019 Community Day Clean up - ACTION ITEM:** Council President Thomson reminded everyone of the community day cleanup. Dumpster will be located at the School. Volunteers are needed to man the dumpster to make sure no hazard waste is put into the dumpster. The dumpster will be at the school from 8:00 a.m. to 4:00 p.m. City Clerk Canda Dimick commented to volunteer. Councilperson Guthrie & Councilperson Hinz will check their schedule and let Canda know if they can help and what time they can. Jon volunteered Kathy to help. Councilperson Hinz made a motion to continue working on volunteers. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**C) May 30, 2019 Bannock County Commissioner Meeting @ 6 pm Lava Community Building – ACTION ITEM:** They have requested all council members to attend the meeting. Councilperson Frandsen made a motion to buy cookies and attend meeting. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**D) III-A Mental Health Toolkit Training – June 18th - ACTION ITEM:** Councilperson Hinz made a motion to continue to table until a training session is closer to home. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**E) Marsh Valley High School Senior All Night Party 2019 - ACTION ITEM:** Councilperson Guthrie made a motion to donate fifty dollars (50.00) for their senior all night party 2019. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**F) Street Closure for Thunder Run May 27, 2019 - ACTION ITEM:** The Main Street is usually closed to traffic. They enter Main Street by the Thai Restaurant and end at the veteran's park. Veteran's park block is roped off around six a.m. (6:00) so no one parks their vehicle along. The block is used to park the motorcycle during the ceremony. When the ceremony is over the street is opened.

Councilperson Frandsen made a motion to block off street for parking as done in the past. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**G) Miscellaneous:** City Clerk Canda Dimick announced payroll services is not working on Fridays. The City payroll cutoff is Thursday night and they are requesting payroll Thursday afternoon. May require changing the cut off day on Wednesday which, means that week would be a day short.

## **Projects:**

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

**1) Access and Option to Purchase Real Estate Agreement with Pauline Neeser - ACTION ITEM:** Council President Thomson reports this is the second well site. City Clerk Canda Dimick reported that T Paul hasn't gotten a response back from Paula. Council President Thomson will get contact information from T Paul. Council President Thomson comments he thinks we should open up discussion with property owners for all well site locations. Discussion followed on well sites and current wells. Mathew explained eighty percent (80) of the Cities water comes down fish creek from the springs and well one (1) if anything ever happened to the transmission line the city has well two (2) and that's all the water the City has. The ideal was to get another well that is not depended on the transition line and away from current wells. Councilperson Hinz made a motion for Council President Thomson to locate Paula Neeser and continue on with negotiations. Councilperson Frandsen seconded the motion. Councilperson Guthrie abstained, all others voted aye, unanimous.

**2) Work Change Directive #3 Install new valve at Intersection of 2nd West and Main Street - ACTION ITEM:** Mathew reported that Tony Hobson, City Maintenance, requested replacing the valve at the intersection while the contractor is working there and the quote is from the contractor. The water will need to be shut off. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**3) Work Change Directive #4 Install two main extensions for future development. One at the intersection of South 2nd Ave. West and one at the intersection of South 1st Ave. West – ACTION ITEM:** Tony Hobson, City Maintenance, requested stubbing out for future development. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**4) Work Change Directive #5 Install 6" main line in West Spring Street from North 4th West intersection to North 5th West Intersection - ACTION ITEM:**

Council President Thomson explained the request. The line was identified in the study as a four inch (4) line, upgrade to six inch (6). This is the last of the four inch (4) line. Wasn't included because no fire hydrants on it. Councilperson Frandsen made a motion to approve. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**5) Work Change Directive #6 Install two (2) fire hydrants; one (1) at the intersection of 5th Ave and Booth Streets and another at the entrance of Lava Mobile Estates - ACTION ITEM:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**6) Work Change Directive #7 Install curb, gutter and asphalt on 2nd East Street - ACTION ITEM:** Councilperson Hinz made a motion to approve. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

**7) Change Order #3 – Contract time adjustment for work directives, bedding chips, Fish Creek Road crossing (open cut/boring), Tumbling Waters service line relocation - ACTION ITEM:** Change order number three (3) will be a zero dollars associated with change in contract days, thirty four days (34). Councilperson Thomson made a motion to approve change order number three (3). Councilperson Hinz seconded the motion. All voted aye, unanimous.

Mathew explains that they were going to bore under fish creek and they hit rock so, they couldn't bore. They open cut and installed it. The bid was for boring so they won't bill for boring will be for open cut instead.

Bedding chips discussed. Impart bedding chips because of surface water. There will be a change order. Owners of Blue Moon were concerned about water in the basement increasing. There will be a few more change order due to all the water but they have not come up with a solution that will work. Mathew comments most of the work directive Tony Hobson, City Maintenance, requested. Discussion on work and completion discussed. Mathew explained that a performance bond is in the contract.

Mathew is still working on numbers for bedding chips, Fish Creek Crossing, Tumbling water service line.

**8) East Portneuf Street Paving:** City Clerk Canda Dimick explained that Gail Palen has asked the City to hold off on paving. Canda read letter from Gail to council.

*Dear Council Members:*

*As you are aware, we have been in discussions with Canda in regard to the section of Portneuf Street in front of the Riverside Hot Springs Inn. We understand that the City is considering paving that section. We respectfully ask that the City not do that. We think there is a better solution that will save the City money while making the area more attractive to City residents and guests.*

*You may be aware that there is only 10' between the hotel property boundary and the cement wall and rod iron fence on the north side of Portneuf Street. In fact, there is less than 10' at the east end of Portneuf Street due to the course of the Portneuf River. For as long as we are aware, Portneuf Street has been used for dining and for people to enjoy sitting next to the beautiful Portneuf River. The original grand entry of a Lava Hot Springs legacy—the Riverside Hot Springs Inn—and the newly remodeled restaurant with lovely windows provide an incredible area to dine along the river. This is a tremendous asset to Lava Hot Springs and great care should be taken to maintain and enhance this amenity.*

*Presently there is no motorized vehicle traffic permitted on the section of Portneuf Street in front of the Riverside Hot Springs Inn. Still, vehicles occasionally speed down this section, disturbing and endangering guests and residents. Because it is so narrow, vehicles cannot pass or turn around.*

*We would like to enhance this section of Portneuf Street for pedestrian use and to take advantage of the riverfront location by installing landscaping to make it more attractive. To accommodate this it is important that this section of Portneuf Street not be paved. I am not sure if there is an opportunity to cost share this (landscaping in lieu of paving) but we (the Riverside Inn) are willing to invest our own funds to enhance the beauty of this area with landscaping. In addition to making the area more attractive, landscaping will save the City the cost of paving and will allow easier access to the new water lines when maintenance is required.*

*I have recently had this area surveyed and am working with an attorney to help me put together a more formal proposal to the City to more effectively utilize Portneuf Street and enhance its value to City residents and guests. I sincerely hope the City will decide not to pave this section of Portneuf Street so that it can be turned into a riverfront amenity for the City.*

*Sincerely,*

*Gail and Blake Palen*

Mathew Hill reported when they surveyed the road it looked like old asphalt looking material there so, they indicated in the bid to replace asphalt when they repair the pipe trench. The City can decide what they want to do. Council President Thomson comments there are survey stakes there and it looks like it is City property as an Alley or Street. It's been blocked off in the past so, vehicles can't drive along there. There is a water line with a twenty foot easement through the property. The question is do you hard surface it or not because if it's used as an egress for emergency vehicles you don't want to drive on it if it's grass and wet. City Clerk Canda Dimick comments that the City should verify property lines with a survey. Mathew comments we didn't do a property survey. Councilperson Frandsen made a motion to survey property, keep the project as is and pave up to the City's property line. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**9) City/Potter Land Purchase Agreement Report:** Council President Thomson Potter property purchased and closed on. Recorded copy in council package.

**10) Source Water Protection Grant:** City Clerk Canda Dimick reports she is working on Source Water Protection Grant application to put fencing around on the Potter property purchased by the City. Deadline is the 18<sup>th</sup> of this month.

**B) Knife River Contract for Street Improvements – Asphalt, Grading, Curb and Gutter - ACTION ITEM:** Mathew Hill reviewed contract with Council. The contract is a separate contract from the water project. It cannot be part of the water project. It's a separate project. A bid process is required by law due to the contract price. Discussion about water project and the street improvement work description, location, and bid cost followed. Mathew updated map with both project directives. Councilperson Frandsen made a motion to proceed with obtaining three (3) bids. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**C) ADA Curb Ramp Project Options – Aaron Swenson; Forsgren Associates:** City Clerk Canda Dimick reports work in progress.

**D) City Maintenance Shop Improvements Status Report – Council Person Hinz:** Councilperson Hinz reports Quality Overhead Doors will be here next Tuesday to complete the work. They'll get in contact with Tony and call when they leave Pocatello.

**E) Fire Station Addition:**

**1) Perspective Design Studios Contract – ACTION ITEM:** Councilperson Hinz made a motion to approve contact. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**F) Net Metering Agreement:**

**1) Authorization letter permitting Tyler Pratt, Keller Associates to communicate with Rocky Mountain Power - ACTION ITEM:** Mathew Hill reported that they sent a letter to Rocky Mountain Power authorizing Tyler Pratt, Keller Associates, to talk on the Cities behalf and have not heard back from them. Councilperson Hinz made a motion permitting Tyler Pratt, Keller Associates, to communicate with Rocky Mountain Power. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**G) Miscellaneous:** None

**Discussion:** None

**Motion to adjourn into executive session as permitted by Idaho Code 74-206 (1) (a), (b) (c) & (f) to evaluate applications for Full Time Animal Control/Code Enforcement Officer position, discuss personnel matters, discuss acquiring interest in real property and discuss litigation matters -**

**ACTION ITEM:** Councilperson Guthrie made a motion to adjourn into executive session as permitted by Idaho Code 74-206 (1) (a), (b) (c) & (f) to evaluate applications for Full Time Animal Control/Code Enforcement Officer position, discuss personnel matters, discuss acquiring interest in real property and discuss litigation matters. Councilperson Hinz seconded the motion. All voted aye, unanimous. Roll call. Frandsen -Aye, Guthrie -Aye, Hinz-Aye, Thomson-Aye, unanimous.

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

**Motion to hire Full Time Animal Control/Code Enforcement Officer -**

**ACTION ITEM:** Councilperson Hinz made a motion to interview all applicants on June 12, 2019, 6:00 p.m. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Motion regarding acquisition of real property - ACTION ITEM:**

Councilperson Guthrie made a motion to following through regarding the acquisition of real property on Main Street and a six month waiting period. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Motion regarding personnel matter - ACTION ITEM:** Councilperson Thomson made a motion to take no action. It was resolved in the open meeting earlier today. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Motion regarding litigation matter - ACTION ITEM:** Councilperson Frandsen made a motion to *not* accept the agreement as presented from George Katsilometes at this meeting today and we stay with the provision in the original agreement dated May 1<sup>st</sup>, 2019. Councilperson Hinz seconded the motion. All voted aye, unanimous. Councilperson Thomson made a motion to not to accept any checks

from George Katsilometes on May 13<sup>th</sup>, 2019. 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 10:48 p.m.

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Amantha Sierra, Transcriber

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Jon Thomson, Council President

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Canda L. Dimick, City Clerk