Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, May 12, 2016 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: T. Paul Davids III, Mayor 
Tamara Davids, Councilperson 
Brian Hinz, Councilperson 
George Linford, Councilperson 
Jon Thomson, Councilperson 
Canda Dimick, City Clerk 
Dennis Callahan, Code Enforcement Officer

Excused: 

Guests: Shahid Khalid, Ken Fagnant, Kent Hildebrandt, Lauren Barrett, Megan & Nephi Reno, Greg and Kelly Stevens, George Katsilometes, Lisa Toly, Irene Bergendorf 
Mayor Davids welcomed everyone.

Mayor Davids called the meeting to order at 5:30 p.m.

Approval of Minutes: 
Councilperson Hinz made a motion to approve the minutes. March 2016. Councilperson Davids seconded the motion. All voted aye, unanimous.

Review and Approval of Bills:
Fire Hose – Ken Fagnant, Fire Chief: Ken Fagnant, Fire Chief requested from the Council to purchase a fire hose. The current hoses have leaks and pressure issues. They have an opportunity to purchase 500 feet hoses at a reduced price. Ken Fagnant, Fire Chief, proposed purchasing same 2 ½ hose to replace old hose for one hundred and fifty dollars (150.00) per stick. Fire District agreed to share the cost seven hundred and fifty dollars (750.00) cost to both entities. Brand new hose at about fifty percent off comes with 10 – 50 foot Length complete, ready to put on the truck. It would replace what is on the truck. May have some need for smaller hose in the future. City Clerk Dimick reviewed budget line with the Mayor and Council.

Extension Cord Reel – Canda Dimick, Lava Ambulance Coordinator: City Clerk Dimick and Ken talked about Ambulance and Fire truck 20 amp extension cords. The best solution would be to put in over retractable reel and budget one or two each year for the fire department over the next few years for each truck bay and need to do the same for air hoses. Estimated cost is four hundred and fifty to five hundred dollars (450.00 to 500.00). Would like to buy for the ambulance now and then budgeted in additional years in the budget review for additional cords. Ken will work with City Clerk Dimick on the purchase.
Councilperson Hinz made a motion to purchase fire hose, extension cord reel and pay the bills. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**Law Enforcement/Code Enforcement Monthly Reports:** No one in attendance, nothing to report.

Code Enforcement Officer Dennis Callahan reported that there is another tree leaning towards the river by the East Main Street Bridge. Council needs to look at it and decide if it needs to be removed. The City’s pine trees are infected with insects and Code Enforcement Officer Dennis Callahan thought this had been included in the last tree bid but, it was not included. This should be done in the spring time. The cost to treat all pine trees in the City is two hundred and sixty dollars (260.00). Mayor Davids questioned if the City could do the work in house. Code Enforcement Officer Dennis Callahan is not sure he will have to check into it. Council agreed to have Code Enforcement Officer Dennis Callahan check. The Mayor Davids questioned when the tree trimmings at the park are going to be picked up. Mayor Davids will add this to Billy Thompson, City Maintenance list. The trees by the tennis court need to be trimmed. Ordinance says an arborists needs to be present if the City trims the trees. Have LawnTech give a quote for the tree leaning by the East Main Street Bridge and trimming trees by the tennis court.

**Lawn Care - Irene Bergendorf:** Irene Bergendorf expressed concerns regarding residence that are not owner occupied. Many of these homes are on Main Street and it’s what people see when they come to town. Irene’s next door neighbor passed away and she has contacted their relative’s about cleaning up the yard. She is wondering about the city ordinance and if that ordinance would cover these residences that are not owner occupied where their lawns are not being maintained. Mayor Davids commented that the City has an ordinance for nuisances it doesn’t say you have to live here full time. The ordinance identifies that we need to notify home owners of the nuisances and describe it and if not cleanup then there can be a penalty applied. Irene asked is the City can hire someone to take care of the nuisances. Code Enforcement Officer Dennis Callahan reports that generally they contact all the people in town that have vacant lots and ask them to cut done all their weeds in June. Generally we require them to do this once a year. Irene asked if cutting weeds is the same as mowing the lawn regularly. Mayor commented that the City should enforce the ordinance by sending out public notice in water bills or register mail. If they don’t respond to the notice then post it on home owner’s property. If they still do not respond then the City can go in clean it up and bill the home owner. The ordinance does address all weeds, dry grasses, trees, shrubs and other vegetation, rubbish, refuse garbage, trash or any material. Mayor asked Dennis if he can identify the areas. Irene comments the City always sends out snow removal and sidewalk notices. She has noticed that property owners aren’t shoveling their sidewalks. She has to walk down the road instead of on the sidewalk because the sidewalk is not cleared off and people don’t move their vehicles for snow removal. People move their cars every twenty four hours but continue to park their vehicles back in the same spot. No one is enforcing the ordinance, who is responsible? Dennis
commented that the ordinance is being enforced. If they move their car once every twenty-four hour they are in compliance with the ordinance. Code Enforcement Officer Dennis Callahan reports The City will have to send nuisances notices to all home owners, not just the vacant lots and if they don’t address the notice the City will hire someone to take care of the nuisance and charge the property owner. The City needs to follow the ordinance. Identify nuisances, send courtesy notice first with a deadline of 10 days to clean it up, then if it’s not cleaned up the City sends a demand notice that states if it’s not cleanup up in 10 days the City will hire someone to clean it up and charge the owner. Irene feels that all categories need to be addressed in her neighborhood. The immediate attention needs to address grass, weeds and piles of limbs. Code Enforcement Officer Dennis Callahan has a couple of tree trimming notices he is working on. Council would like Code Enforcement Officer Dennis Callahan to address grass, weeds and tree limbs first.

**Building Permit(s) & Site Plan(s):**

A) **Change of Use to Vacation Rental – 25 North 4th West – Brian Canty, Applicant:** They original planned on two units but, because of fire wall requirements and the cost to upgrade they decided to rent the entire house as one unit. Council is waiting on Bannock County inspector’s approval.

B) **Edge Water Resort, LLC – Remodel Store, Add 2 Family Bathrooms, Washers & Driers:** Code Enforcement Officer Dennis Callahan reported they are remodeling the store. They’re adding two family bathrooms and washer & dryer area. They took off the porch, blocked off walk through door and opened the door on the side. They are going to cut an entry into the basement. The basement will be used for storage only. Bannock County approved on the 18th.

C) **Lauren Barrett (Old Pancake House) – Commercial Interior Remodel:** Code Enforcement Officer Dennis Callahan reported on the Sunrise Café, coffee, breakfast and lunch, focusing on grab and go healthy foods and coffee. What’s considered fast casual in the restaurant world. You walk up to the counter order and you are paged when order is ready for pick up, no servers. Plan to open in the next few months depending on when the construction and face lift is completed.

D) **Replace Existing Deck – 280 South 6th West – Patricia Minor, Owner/Applicant:** Code Enforcement Officer Dennis Callahan comments Bannock County inspector’s is waiting on contractor to register with the State and get his license. Once he receives the license number he needs to give it the inspector then they will be ready to go.

Councilperson Hinz made a motion to approve Edge Water and Lauren Barrett as is and Canty & Minor’s contingent on bannock county approval. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**Edge Water Resort KOA Sign Permit:** Code Enforcement Officer Dennis Callahan explained Kody is replacing the old sign with the new sign; new sign will be updated to KOA. His already
talked with the County Building inspector. The sign will have electricity so he knows he has to work with the State inspector. Height meets restrictions but the size and signature is missing on permit. Approval tabled, until size is added and signature is on the permit.

**Business License(s), Alcohol License(s), Coin-Op License(s) & Non-Property Tax Permit(s):**

A) Aura Soma Lava (Renewal)
B) Larsen Tree Service (Renewal)
C) Le-Vel Brands, LLC (Non-Property Tax Permit)
D) Lonnie Leslie Painting – Lonnie Leslie Owner/Applicant
E) PAT CCL DBA 78 Main Dining – Firework Stand Permit
F) Quill corporation (Non-Property Tax Permit)
G) Ryan Gunter Construction – Ryan Gunter, Owner/Applicant
H) Taxi Pocatello – DBA Sam’s Taxi Cab – Shahid Khalid, Owner/Applicant: Shahid Khalid introduced himself and explained his business plan for Taxi service in Lava. He has a business established in Pocatello. They are the only taxi service that services Pocatello Medical Center and Bingham Hospital. The company is all about tourism and not drinking and driving. They would like to promote Lava Hot Springs in Pocatello. They want to bring more business flow to lava and transport around the area, Soda Springs, McCammon and so on. They don’t want to open an office here until they see how the business flow looks like. They will start with 12 hour shift per day with longer weekend hours. The cost for local transport will be around six dollars (6.00) transporting up to 7 people in town and around fifty dollars (50.00) taxi service from Pocatello. In Pocatello they have a program with the college student they pay a monthly fee and that gives them unlimited rides in Pocatello. They have around 1500 signed up for this program. Advertisement is on line, distribute flyer and business cards. He will be meeting with Lava Chamber of Commerce. Provides Limo and shuttle service. They are here for the community. They do background checks through the City of Pocatello before they hire a driver.

Councilperson Davids made a motion to approve licenses, permits and firework permit. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**Katsilometes Quiet Title Action (Easement Agreement with Indemnification, Temporary Water):** Mayor Davids explained this is concerning the Quiet Title Action - Easement Agreement with Indemnification, Temporary Water easement permanent sewer easement and quick claim deed status report. The sewer easement field work is done. The City would like to go with the easement on the water line that was prepared in 2013. Canda reported that she talk with Mathew today and the engineers are writing up the legal for the sewer and they hope to have it completed by Wednesday. George reported he meet with Alliance Title, Curtis Smith, already has a description. George agreed to pay for and continue working with Curtis Smith on the deed. Canda asked George to have Curtis Smith email the deed to here and she will forward to Clyde. Councilperson Thomson asked George about the Quiet Title action. George reported that they delayed any legal.

**Street Improvements/Repairs:**
A) 2016 Priority List: Mayor reported that he had a meeting with Tony Hobson and Billy Thompson, City Maintenance. They made a priority list for 2016. They identified in the community some of the priorities. Mayor Davids would like the City and Council to be proactive with our streets. Council reviewed list. Mayor Davids would like the council to rank the list. Council Hinz suggested looking at the dollar amount before ranking. It was decided to rank the list when the bids come in.

Chuck Wagon Hill: road, curb and gutter.
Behind the Alpaca curb is there need to restore asphalt.
West of Ace & East of Blue Moon that block and two blocks continued down.
Road by the Dentist Office.
Councilperson Linford made a motion to bid project. Councilperson Thomson seconded the motion. All voted aye, unanimous.

B) Direct Communication trench restoration – Mayor Davids: Mayor Davids reported the last work they did on the trench looks good and seems to be holding up. Tony Hobson, City Maintenance and Mayor Davids are happy.

C) East Elm Street bank restoration and concrete gutter neighboring Alpaca Inn – Mayor Davids: Tony Hobson, City Maintenance is going to talk with owners about restoring the fence and putting the trees back. Asphalt gutter has been installed.

D) Edge Water KOA concrete gutter – Mayor Davids: City is going to install the curb and gutter along West Portneuf. Bonner is going to do the work and he is about a month out. Tony doesn’t feel the City should pay for the small portion on the south side of the street on the proposal. Mayor Davids said when they walk it out everything was on the north side. The City is not paying for the South side. Mayor Davids explained the ordinance is that the City is responsible for curb and gutter and the owner’s are responsible for sidewalk.

Franchise Agreements/Ordinance:
A) Rocky Mountain Power: Council has the proposal and Clyde has marked it up in red. City Clerk Dimick comments she will ask Clyde to remove the comments and get it in a word document so, she can send it in for publication. Rocky Mountain will pay for the publication. Ordinance completed will be adopted. Clyde was not aware of any other towns charging a franchise fee. Mayor Davids would like Canda to check with a few Cities and verify the franchise fee before finalizing the agreement.

B) Direct Communications: Still working on Direct Communication.

Ordinances (Introduction & Adoption):
A) Ordinance 2016-1 Subdivision Ordinance: Changed, Page 13 – Fire vehicle access and other standards. Mayor read ordinance and changes explained. Councilperson Thomson made a motion to waive the 3 separate readings and to read by title only Ordinance 2016-1 with no objection from those setting in the audience. Councilperson Linford seconded the motion. All voted aye, unanimous. Title of Ordinance 2016-1 was read by Councilman Thomson. Title of Ordinance 2016-1 was read by Councilman Thomson. Councilperson Davids made a motion to

ORDINANCE NO. 2016-1

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO, ADOPTING A SUBDIVISION ORDINANCE FOR THE CITY; PROVIDING THAT THE PURPOSE OF SAID ORDINANCE IS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR JURISDICTION OF THE ORDINANCE AS IT RELATES TO WHAT PROPERTY MUST BE PLATTED AND SUBDIVIDED; PROVIDING EXCEPTIONS TO THE REQUIREMENTS THAT PARCELS OF GROUND TO BE DIVIDED INTO LOTS MUST BE PLATTED AND SUBDIVIDED; PROVIDING FOR DEFINITION OF TERMS AND SUBJECTS CONTAINED WITHIN THE ORDINANCE; PROVIDING FOR THE TYPES OF SUBDIVISIONS, PROVIDING FOR DESIGN STANDARDS, PROVIDING FOR A PREAPPLICATION MEETING FOR CONSIDERATION OF A CONCEPT/MASTER PLAN, PROVIDING FOR PRE-DEVELOPMENT CONFERENCE AND SETTING FORTH THE ELEMENTS WHICH WILL BE REQUIRED TO BE SUBMITTED BY A DEVELOPER TO THE PLANNING AND ZONING COMMISSION; COMMENTS FROM REVIEWING AGENCIES; PREPARATION BY DEVELOPER OF A COMMUNITY IMPACT ANALYSIS, PROVIDING FOR PUBLIC HEARINGS RELATING TO THE DEVELOPER’S CONCEPT PLAN OR MASTER PLAN OF THE PROPOSED AND CONDITIONS THAT MAY BE PLACED UPON THE PROPOSED PLAT; PROVIDING FOR A PRE-APPLICATION PLAT; PROVIDING FOR A PRELIMINARY PLAT AND REVIEW THEREOF AND ESTABLISHING CRITERIA FOR APPROVAL AND TIME FOR APPROVAL;

PROVIDING FOR A FINAL PLAT AND THE DETAILS WHICH ARE REQUIRED WITH SAID PLAT, SIGNATURES AND CERTIFICATIONS REQUIRED, COMPLETION OF IMPROVEMENTS OR SUBMISSION OF BOND, PROVIDING FOR AS BUILT SUBMITTAL REQUIREMENTS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH ORDINANCE INCLUDING BUT NOT LIMITED TO ORDINANCE NO. 2006-2; PROVIDING FOR THE ESTABLISHMENT OF FEES AND PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE; AND DISPENSING WITH THE RULE REQUIRING THE READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS.

BE IT ORDAINED by the Mayor and City Council of Lava Hot Springs, Idaho.

B) Ordinance 2016-2 Building Code Ordinance: City Clerk Dimick comments Clyde recommended we should not go with an infraction. Any violation of the ordinance should be a misdemeanor and clarified it to correspond with the misdemeanor provision that’s in the City Code title. Updated the uniform abatement of dangerous building code adopt new version 1997. Changed date to today’s date, May 12th, 2016. Councilperson Davids made a motion to dispense the 3 separate readings and to read by title only Ordinance 2016-2 with no objection from those setting in the audience. Councilperson Hinz seconded the motion. All voted aye, unanimous. Title of Ordinance 2016-2 was read by Councilman Davids. Councilperson Linford made a motion to adopt ordinance 201622. Councilperson Thomson seconded the motion. Roll call. Thomson-Aye, Davids-Aye, Linford-Aye, Hinz-Aye, unanimous.

ORDINANCE NO. 2016-2

C) Discuss enacting an ordinance designating truck routes and establishing weight limits – Mayor Davids: Mayor Davids suggested designating a truck route and establishing weight limits. Council talked about trucks and semi-trucks using residential and commercial streets. Some streets are built to take heavier loads and some that are not. It was mentioned that truck designation is one thing and weight limits is another. Suggestion to place signs on designate truck route. Dempsey and Main Street could be your truck route. An ordinance is required to designate a truck route. We have several delivery trucks delivering to Main Street and surrounding streets. If you start routing trucks through residential streets they are not built for them and it may tear up our streets. Greg Stevens mentioned Kit Tillotson no matter what he is hauling or pulling always takes 4th to Main Street. Why can’t Mike Hall take this route? Its ridiculous trucks are coming through neighborhoods, where kids play, and past the school. We are not talking about anyone else, it is one person. Mayor Davids commented that there is not an ordinance that says he can’t. Greg mentioned you don’t have to change the weight limits. Only thing the council needs to do is not allow trucks on this road. It was discussed that anything that is designated as commercial is open to truck traffic with the exception if they need to haul a load of gravel to a residential house. It was suggested maybe the City should have temporary permits in place if a business needs to haul to residential areas. The question was asked how you enforce. Mayor Davids asked the Council to think about it for a month, see what other Cities are doing review at the next meeting. Another suggestion was to check with the City Attorney. We also need to be careful with parking restriction. Conducting a traffic study was mentioned.

Resolution(s):
A) Review & Discuss Map Designating Sidewalk Construction Areas: Council was provided with map and they need to start working on the resolution. Council agrees the City needs to work on their first before they ask anybody else to do the same.

B) Garbage Policy Change: Still working on garbage policy change resolution

C) Destruction of Public Records: Still working on resolution for destruction of public records.

Meetings/Announcements/Miscellaneous:
A) 100th Birthday Celebration Wrap Up Plans: Need to get Zombie Race scheduled to wrap up Centennial plans.

B) 2nd Kids Tri Lava event – May 21st: Scheduled
C) Wellness Festival – May 21st (Cancelled):

D) Tour de Lava Bike Race – June 6th, 2016:

E) Personnel Policy: Council was provided with copies from ICRMP insurance company has for a user guide and what they recommend for an AT will policy. The council will review the AT will or the For Cause that has been drafted and decide at our next meeting. Our insurance company is recommending we go with AT will.

F) May 30th Motorcycle Flag Ceremony: Mayor Davids will meet Councilperson Linford around 6:30 am to get the cones setup on Main Street to block parking during the Ceremony. Mayor Davids received a copy of the agenda. They will meet at the Thai Restaurant to form-up there ride down Main Street, East to West. The Ceremony will begin at 11:20 and end around 11:50, Mayor Davids will welcome all, then the flag will be raised, place wreath, closing remarks by Heidi Young, director of POW/MIA.

G) Portneuf River USA Today Nomination: USA today Portneuf River nomination announced. Mayor and Council voted. The media interviewed Vicky Lyon, Mark Lowe, Mayor Davids and Sam Netuschil. Currently the Portneuf River is number one.

H) City Hall Keys: Locks have been changed and keys distributed.

I) Community Pride Certificates – Mayor Davids: Councilperson Thomson presented a packet of certificates with template. Mayor Davids expressed that after much thought he has some reservations. He feels that it could develop feelings or conflicts among the City and Businesses. Maybe the Chamber should do this rather than the city. What criteria do you establish to determine who gets an award. Thank you notes may be the recognition that is needed. Keep on agenda. The Council feels that the Chamber should be involved.

J) Event Coordinator Resignation & Help Wanted Ad: Mayor Davids and Council authorized job posting notice. Range 10.50 to 12.00 DOE. The position will be posted until June 3rd.

K) Miscellaneous:

Projects:
A) Wastewater System
1) Status on Generator: Mayor Davids talked with Tony Hobson, City Maintenance and he hasn’t been able to make any progress with them. Mayor Davids is going to make contact with them and see if he can get anywhere with it.

2) Net Metering Agreement Status – Rocky Mountain power’s Application to Modify Electric Service - Schedule 135: City Clerk Dimick explains the court order. It sounds like there is no limit. The order is confusing. The first line says the application to increase the cap
was denied. Then the second sentience says the company has been ordered to remove all caps. Rocky Mountain is checking with their legal department. Clyde sent an email to Vaughn Rasmussen. Vaughn replied by saying they have sent it to their legal department and will let Clyde know when he hears back from legal. The City will wait for response before flipping the switch.

3) Solar Banks – Repair Completed:

B) East Main Pedestrian Bridge:
1) Environmental Impact Document: Completed and will be delivered to ITD next week.

2) Tree Trimming – Completed: Completed except for the one that may have to be removed. Mayor Davids and council agreed good job done.

C) Buddy Campbell Park:
1) Tree trimming – Completed: The ones on the contract completed, still need to do the ones by the Tennis Court. Need to review the ordinance and see if we can cut the growth (suckers). Maybe we need to get Dennis certified.

2) Architect Request for Proposals – Restroom Structure & Parking Area – (Evaluation Process): Three proposals received. Canda will do an evaluation form and email them to the council. The proposal had to be post marked by the 9th.

D) Fire Station Sewer Line Extension/Fire Hydrant Installation:
1) DEQ Extension Letter: The DEQ extension letter was granted.

E) Fire Station Insulation & Door Sealing Project:
1) Merlin’s Insulation Contract – Licensing Issues: Ken Fagnant reported the sealing is completed. City Clerk Dimick mentioned she talked with Merlin’s and license was sent off Monday. Extension is good until May 27th. Canda called the state and explained the issue and asked for an extension. She (State Agent) would like to wait until the May 27th and if an extension is required she will consider it.

2) Precision Glass & Aluminum – Door Sealing Completed

3) State Energy Program Government Amendment to Contract for Extension: City Clerk Dimick mentioned she talked with him and it was sent off Monday. Extension is good until May 27th. Canda called the state and explained the issue and asked for an extension. She would like to wait until the May 27th and if an extension is required she will consider it.

Ken Fagnant mentioned that Ambulance driver have backed into the garage door a few times. Need to see what can be done to fix door. City Clerk Dimick will check if the insurance will cover it.
F) Water Improvement Project Funding Options/Status Report
1) Archeology Study – Completed

2) DEQ Loan Application - In Progress: City Clerk Dimick comments she is working with CCOG to get it completed.

3) Spring Fencing & Land Purchase – Mayor Davids: Tony Hobson, City Maintenance and Mayor Davids is going out there tomorrow to take some pictures. Then we will get with Doug Potter. He wants some kind of trade off.

G) Black Mountain Software Status Report: City Clerk Dimick reports still working on non-property permits and accounting.

H) Removal of dead tree stump in alley at South 4th West and alley between West Booth and West Fife Street – Completed:

I) East Main brick pavers and sidewalk – Mayor Davids: Councilperson Thomson made a motion for City Maintenance crew to get bricks from behind the Fire Station and use them to replace and level brick pavers by the Museum so it’s safe and flush all the way across ADA compliance and the one tree by 78 Main and look into 2 benches to be put around the two trees in front of the museum. Councilperson Hinz seconded the motion. All voted aye, unanimous.

J) East Main Street Decorative Lighting System – Engineering: There is an issue with the electrical. We currently are at 480 and we want to go down to 120 and they don’t think we can do that. Need an engineer to review. Councilperson Linford made a motion to hire engineer not to exceed one thousand and five hundred dollars (1,500.00). Councilperson Davids seconded the motion. All voted aye, unanimous.

K) Miscellaneous: Mayor Asked Canda to work on annexation. Councilperson Thomson reported that Mike’s Market is going to pave their parking lot and would like recommendation on who to use. City Clerk Dimick suggested Liddil Paving they can contact Tony for contact information. Vacant lots discussed shortly for possible parking lots.

Adjournment: Councilperson Linford made a motion to adjourn. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Meeting adjourned at 8:40 p.m.

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Amantha Sierra, Transcriber    T. Paul Davids, III, Mayor
Canda L. Dimick, City Clerk