

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, July 14, 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
Jon Thomson, Councilperson
George Linford, Councilperson
Canda Dimick, City Clerk
Dennis Callahan, Code Enforcer

Excused: Brian Hinz, Councilperson

Guests: Neil Anderson, Aaron Swenson, Tab & Karen Mendenhall, Klye Slaughter, Paul Moberly, Greg Stephens.

Mayor Davids welcomes everyone.

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

Approval of Minutes: Councilperson Davids made a motion to approve Jan 2nd, March 17th and March 25th, 2016 minutes. Councilperson Linford seconded the motion. All voted aye, unanimous.

Review & Approve Bills: Councilperson Davids asked we have already paid for the decorative lighting but we have not started. City Clerk Dimick responded that we have ordered the bulbs but, there is a delay in the order time frame. Councilperson Davids asked about the forest Design Group. City Clerk Dimick has put a call into the Chamber to find out what we are beomg billed for waiting for a response. Councilperson Linford made a motion to pay bills except Forrest Design Group until answer is received from Chamber. Councilperson Davids seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement Monthly Reports:

A) July 23 and 24th Extra Patrol: No law enforcement representative in attendance. Mayor Davids reported on the July 4th. He talked with the Captain no major issues a few fights but overall it went well. We have the schedule for July 22nd and 23rd three officers on each day.

B) Lots/Rubbish – Mayor Davids: Code Enforcer Callahan reported on cleaning of vacant lots. He is pretty well caught up with the lots. The problem now is the rain we recently had; weeds are starting to show up again. Traditionally we have sent clean up notices for weeds once a year. The City may want to do this twice a year and start earlier next year. He is still waiting on notice certification to be returned. Mayor Davids asked about the schedule for notices to be sent. Code Enforcer Callahan responded 1st of June. He suggests sending out a friendlier notice first and earlier next year to help save postage. Then if they don't respond by June 1st the City can send out the certified letter. Council agreed to re-visit in March 2017. Mayor Davids asked about the limbs and rubbish. Code Enforcer Callahan responded that there are still some limbs piled around and he believe the people are wanting to burn. Currently the county has a burn ban in place.

C) Monthly Reports

East Main Pedestrian Bridge Project – Aaron Swenson, Forsgren

Engineering: Aaron reported design plans have been submitted to ITD. Project will probably go to bid in 30 days and take 20 days to construct. After Labor Day the project will begin. The plan is to complete this fall. Railing for the vehicle bridge was discussed. Replacing the railing on the vehicle bridge will be a separate project. The idea is an arch rail to match with the pedestrian bridge. There is a 2 foot gap between the pedestrian and vehicle bridge due to the footings, cannot get any closer. The pedestrian bridge floor is 4 feet at each end and 8 feet (bump pad) in the middle. The estimated price (material only) on the railing for the vehicle bridge for an estimated 80 feet a piece is Ninety thousand dollars (90,000.00). Electrical outlet will be installed on bridge. Aaron and Council discussed location of the electrical outlet. Electrical is part of the project. Rail bumped up to 54 inches and changed to vertical. Bridge will be heated with geothermal to keep it ice free. The water will connect to the foundation service until Chicken Soup is developed.

Idaho Community Forestry Program Community Forestry Advisor

Agreement: Councilperson Davids made a motion to extend Forestry contract at

no cost for another year. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Building Permit(s)/ Site Plan(s)/Annexation:

A) 6 Cabins over pools – Lava Hot Springs Inn – George Katsilometes: Mayor Davids has looked at off street parking. If he adds 6 cabins he will need an additional 6 parking spaces. He currently has 22 parking spaces plus 1 handicap. He basically has 24 spots but, one of them is being questioned. Mayor Davids does not think the 24th spot is a spot. There could be 2 more parking spots on 1st east in his drive way. All the other spots he is using are public parking and does not count for his parking. Mayor Davids reported that George would have 26 spots at the most. He will need a total of 32 parking spots with the 6 cabins. Code Enforcer Callahan reported he talked with Building inspector today and she has requested additional information from George. No building inspector approval and the general contractor has not been named. Mayor Davids mentioned that he has talked to the building inspector about concerns of using metal to frame. Mayor's experience is that metal only holds up for a couple of years.

B) Lava Mobile Estates – Trailer Installation – Richard Guthrie, Owner/Applicant: They are putting in a 1992 - 12 X 55 office trailer in spot 7 and it will be a residential trailer for the park. They will attach it and put it in just like any trailer. Councilperson Thomson made a motion to approve Guthrie's application. Councilperson Linford seconded the motion. All voted aye, unanimous.

C) New Home – East Booth or South 1st East – Russell Benson, Owner/Applicant: The building plans have the setbacks and meet all the City codes for a new home. Councilperson Linford made a motion to approve application. Councilperson Thomson seconded the motion. All voted aye, unanimous.

D) Penalty Fee for Violations (\$100 per day): Violation fee/fine for building permit/codes is a misdemeanor. The City cannot double the fine or issue an infraction at \$100.00 a day like the county. The City is under the international code. The building code the City adopted last year the violation to the building code is a misdemeanor. The court system will set the fine. The fine cannot exceed \$1,000.00 for any offense and maybe confined in the county jail for a period of not more than 6 months, either or both, such fine and imprisonment may be imposed,

and in addition there to any person, so, if convicted shall pay such cost as court may assign.

Proposed Annexation Update Report – Mayor Davids: Mayor Davids reported that annexation packets have been put together and will be sent out tomorrow. The proposed Annexation is Wilmore, Lion's Club, Lowe's (old whitehead property), Guthrie's and the Sinclair area properties, everything probably north of Main Street. White Wolf is not included. The packets include what their increase garage, water and property taxes could be. The packets included maps. What it's zoned for now with the county and what it will be zoned at if it becomes annexed into the City, dealing with our comprehensive plan. We also describe how annexation could help them. Mayor Davids is going to sit down with each of the owners, he will ask them to respond in the next 30 days.

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

A) ADAPCO, Inc. (Tax Permit)

B) All American Roofing, LLC – Joel McQuivey, Owner/Applicant

C) Bridgestone Hose Power, LLC, DBA GE Appliances (Tax Permit)

D) Busy Bee – Richard Flick, Owner/Applicant – Lawn business

E) Dempsey Creek Inc., DBA New West Gallery: Waiting for the signed lease agreement. A signed lease agreement for at least a year is required before the council can approve the business license. The council talked about the business is open and has been operating for about a month. The council will work with him.

F) Haier US Appliance Solutions, Inc. (Tax Permit)

G) Lava Java (Renewal)

H) Park Place Vacation Home – DBA Park Place (Tax Permit)

I) Tumbling Waters

J) Name change for Glitter

Cotton Tree was been added to list. The changed current business Glitter to Cotton Tree. When they paid for their license they did not submit an application for the name change. He has submitted applications for all businesses. Councilperson Davids made a motion to approve all but The New West Gallery until lease is signed. Councilperson Linford seconded the motion. All voted aye, unanimous.

Future Development Plans – Kyle Slaughter: Mayor Davids expressed that the city is not going to make a decision tonight; this is not a public hearing. The

council would like Kyle and Paul to present what their ideal are, with the idea that you do know what it is zoned for. Mayor read the minutes from the Planning and zoning commission meetings and the comments that were made there. The council is interested in the project and questioned how the project will benefit the community. Kyle presented his three circle approach. They want to make sure it fits with community vision. Pam Slaughter, Kyle's mom, owns the property. Property most feasible and financially feasible to develop, 3 homes would fit according to current zoning regulations. They looked at a few other projects, like a hotel, Bed & Breakfast and apartments. Kyle discussed the options they had and talked about the R3 zoning. They decided Town homes seem to be the best possible use of land, fits the high density character. Mayor Davids and City Council express their opinions regarding the project and the R3 zoning. Mayor Davids asked each City Council members to visit with the property owners living in the area and re-address at the next meeting. Mayor Davids comments maybe the city can find a way to help with the cost of the city services. Maybe Kyle builds something that looks like a home around that area. Kyle mentioned they want to do something that is valuable to the community. There would be an HOA. Mayor Davids asked them to look at other options and come back and present them to the Council.

Planning & Zoning Commission's recommendation to amend Zoning and Planned Unit Development Ordinances to permit high density residential developments, townhouses and condominiums in R-3 Zone – Neil Anderson, Commission Chair:

Neil Anderson, Chair of the Planning & Zoning Commission, reported that the commission has been working with Kyle and Paul for the last 2 months. The commission's alternative is to approach the Council with amending the ordinance. Commissioners had similar concerns. Original proposal was for 11 units, they are willing to scale back to 8. Ordinance changes will need to be enacted to allow for the development. Tab Mendenhall commented that when he purchased the property and built their home, they thought they were building in a residential zone. He encourages the council to hold fast to the ordinance they are there for a reason.

Truck Route Status – Greg Stephens: Greg Stephens is in attendance to address creating a truck route. He came to the council a few months ago with concerns of trucks going down 3rd street instead of 4th. The City doesn't have an ordinance for truck routes. Greg presented information on truck weight limits according to axels. Councilperson Thomson commented that trying to pass an ordinance with exceptions, so that contractors can complete work, can be very difficult. Greg and

Councilperson Linford talked about the roads being torn up because of one person driving off the main roads and a logging truck. If a truck can't make that turn they need to be consider it and take the county road. Gregg commented that one street there is a sign that says no trucks allowed. Gregg asked if we don't have an ordinance how did that sign get installed. Mayor Davids replied that the sign was put there because if you GPS Lava the quickest way to get to Lava is down that street and during the winter you get new driver that are coming in there and they are headed down that street and it's is a sleigh ride. Mayor Davids and Tony Hobson, City Maintenance have looked at the roads and the little bit of truck traffic is not ripping up the pavement. Mayor Davids will talk to the loggers and Hall Excavation again. Ordinance enforcement is difficult. Gregg said he talked with a guy, from Bannock County, and he says if the City wants to install more Jake brake sign they need to call it in and they will get them installed. Mayor Davids talked about the speed limit sign that has been ordered. The sign post the drivers current speed limit and collects data. The data collected will be reviewed and shared with Bannock County police department. They can use the data to understand if more patrolling in the area is needed. Greg's solution is to adopt an ordinance and post a truck route sign. Mayor Davids will talk with the Hall Excavation and ask them to go down 4th and main. Councilperson Thomson will research a possible ordinance.

Kofoed Outside City Limit Water Service – Motion Clarification: Mayor Davids read minutes as transcribed for council meeting June 9th, 2016. Thomas Kofoed was under the understanding that rate would be thirty dollars (30.00) flat fee. He doesn't feel like the minutes are complete. Mayor invited Thomas to come in and listen to the recording. City won't take any action until he listens to recording.

Street Improvements/Repairs/Signs:

A) 2016 Priority List – Cost Estimates:

1st priority is Curb and Gutter by the school. Mayor Davids explained that he talked with Sly Lish who is maintenance for the school districts. The School will put in the side walk and the City will do the curb and gutter. When the curb and gutter is completed Sly Lish will put in the side walk and handicap accessibility. Councilperson Thomson made a motion to install curb and gutter full length, 3rd street down, bid \$8,065.0, may be a little more to go around radius on corner, raise

sidewalk and have handicap at both ends. Councilperson Davids seconded the motion. All voted aye, unanimous.

B) Edge Water KOA concrete gutter: Mayor Davids reports we are going to hold off because there is a 4 inch line really close to where that gutter would go and with the water project we need to put a 6inch line there. Tony Hobson, City Maintenance has contacted Kodi Tillotson and he is okay to wait until after the water project.

C) Lava Elementary School Sidewalk, Curb & Gutter: Talked about under 2016 Priority List.

D) North Center Street Bridge Railing – Mayor Davids: Mayor Davids suggested getting the pedestrian bridge in and then look at matching the railing after it is completed.

Direct Communications Franchise Agreements/Ordinance Progress Report: City Clerk Dimick is still working on it.

Resolution(s)

A) Resolution 2016-1 Destruction of Public Records: City Clerk Dimick still working on it. Plan is to do bits and pieces.

B) Resolution 2016-2 Designating Sidewalk Construction Areas & Standards: Councilperson Davids made a motion to adopt resolution 2016-2. Councilperson Thomson seconded the motion. All voted aye, unanimous.

C) Resolution 2016-3 Garbage Policy Change: Councilperson Linford made a motion to adopt resolution 2016-3. Councilperson Davids seconded the motion. All voted aye, unanimous.

D) Resolution 2016-4 Establishing Building Permit Fee Schedule: Councilperson Davids made a motion to adopt resolution 2016-4. Councilperson Linford seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:

A) 100th Birthday Celebration – Banners, Shirts & Zombie Run: City Clerk Dimick announced we have sold some shirts. Will put notice in water bill with banner picture.

B) At Will Personnel Policy Status Report: City Clerk Dimick needs to start working on At will Policy.

C) FY2016 Budget Amendment - Schedule Public Hearing: City Clerk Dimick needs to add a few items to the amendment. City Clerk Dimick found out we can hold the public hearing, close the public hearing and adopt the ordinance the same day. Then send it off to be published. The City may need to do the public hearing the week before regular council meeting.

D) III-A Health Insurance Plan Options & Open Enrollment: Councilperson Linford made a motion to propose standard 80B plan to Tony & Billy, City Maintenance, and if acceptable enroll in new plan. Councilperson Davids seconded the motion. All voted aye, unanimous. Councilperson Davids made a motion to sign III-A agreement amendment. Councilperson Linford seconded the motion. All voted aye, unanimous.

E) Miscellaneous:

Parade: George will drive the truck pulling the City float. Tony is providing the trailer. Tanny will talk to Andrus about tractor tube. Line up at 5:00 pm. Councilperson Thomson suggested kids decorating their bikes and as a group entry into the parade. Mayor Davids asked City Clerk Dimick to pass idea for parade and schedule for holiday lighting community festivity in December to Event Coordinator Wendy Faler.

Projects:

A) Wastewater System:

1) Net Metering Agreement Status: Clyde gave us some directions; City Clerk Dimick needs to remove it. He suggested contacting the Public Utility Commission to clarify order.

B) East Main Pedestrian Bridge:

1) Environmental Impact Document:

Updates

2) Tree Trimming – Additional Work & Cost: Lawn Tech's bid to remove leaning tree, tree trimming and shrub removal was discussed. The Council decided

that the only tree that needs to be removed is the one hanging over the cost is \$392.00. Mayor Davids asked if Patrick can take care of it. City Clerk Dimick responded to remove a tree its okay, trimming according to our contract requires a licensed Arborist. Councilperson Davids made a motion to have Code Enforcer Callahan contact Patrick to see if he well remove tree if it's less than the bid, Code Enforcer Callahan has permission to hire Patrick to do it. Councilperson Linford seconded the motion. All voted aye, unanimous. Dennis got bids for a couple of spruce trees that need trimmed on private property. He has sent certified letters. Work will be done and billed to property owner. Mayor Davids asked Code Enforcer Callahan to check out the trees and shrubs in the alley off Center and Booth, east. Mayor Davids is worried that if there is an emergency they will have problems getting down the alley. Code Enforcer Callahan commented that homeowner is responsible to keep alley cleaned to the middle of the alley from property line. Mayor Davids commented that Code Enforcer Callahan may need to send letters to homeowner asking them to trim or remove trees or shrubs.

C) Buddy Campbell Park Improvement Project: The council would like to schedule a special meeting to meet with Ted Booth. City Clerk Dimick to schedule meeting same date as budget amendment hearing. Council discussed improvements.

1) Architect Agreement – Schedule Meeting:

2) Baby Swing Options: Several options for baby swing. Councilperson Davids will take care of it.

D) Fire Station Sewer Line Extension Project Status: Waiting for Century Link to move lines.

E) Fire Station Insulation & Door Sealing Project (Completed): Door sealing and insulation project is complete.

F) Water Improvement Project Funding Options/Status Report:

Councilperson Linford mentioned he seen in the Newspaper that we got the money.

1) DEQ Loan Acceptance Agreement: DEQ loan acceptance agreement signed.

2) Spring Fencing & Land Purchase – Mayor Davids: Mayor Davids will talk with Doug Potter. Tony has had DEQ look at it. Mayor Davids will follow up. Need to have a certified appraisal done. When we get this appraisal should have an appraisal done on both.

3) Environmental Impact Document (Completed): EID Complete. A draft funding of no significant impact was issued.

4) BLM Easement: Need easement. Mayor Davids announced that when they come down with the water system our pipe line is going to cross a portion of federal land and we need to get it authorized. Application needs to be completed for the easement; nothing can be done until we receive the application. City Clerk Dimick and Tony are working on application.

G) Black Mountain Software Status Report: City Clerk Dimick announced that we are hoping to have everything in order this month. Hope to be done under the letter of understanding.

H) East Main brick pavers and sidewalk – Mayor Davids: Mayor Davids presented a photo of benches around a tree made out of concrete blocks that can be purchased from Lowe's that City of Preston has done. They are thinking about the two trees in front of the Museum and maybe we need to remove some trees in order to put benches around other trees down the block. We need to budget for next year to do the project. Tony has had a contractor look at the pavers and he is going to put together a cost to repair them. We need to be proactive and if it takes a few years to get the project done that is fine.

J) East Main Street Decorative Lighting System: The council will budget for string lights and painting the poles for next year.

1) Engineering Design 2) Marsh Valley Electric Bid & Agreement: Marsh Valley Electric's modified bid is \$22,430.10. Bulbs have been ordered from Platt Electric. He's liability is \$500,000.00. Bid was modified so we don't lose Rocky Mountain Power incentive money because we don't have time to bid the project and it needs to stay under \$25,000.00. The incentive money will get us the LED lights (energy savings) and the receptacles for the decorative lighting system. Next year we need to budget to get the poles painted. The council hopes if we can get the town looking good the businesses will decorate their places this year with Christmas lights. Mayor Davids would like Tony to start looking at the cost of rope lights for the decorative lighting on the poles, Red, White and Blue.

Councilperson Davids made a motion to sign agreement with Marsh Valley Electric. Councilperson Thomson seconded the motion. All voted aye, unanimous. Nielson engineering design for Main Street decorative lighting system completed.

K) Miscellaneous: Neil expressed that he would like first dibs on the old barn wood on the Fagnant property. He will tear down the barn for the in exchange for the old barn wood. He also asked the council to consider putting a Handicap parking lot in from of the library. City Clerk Dimick asked him if the Veterans handicap parking spot would work for the library. Mayor Davids asked Neil to ask the Library about it.

The council talked about how the City could get more parking and traffic control on Main Street. Question is it feasible to make Main Street one-way going east and making the Alley behind the bank as the return one-way going west. We could put in angled parking to make more parking on Main Street. The City might need a stop light on Main and Center. Mayor Davids asked the council to talk with community and see what they think. If it seems like something the City would like to do then we can budget for next year to have an engineer look at it and see if it would work.

Discussion – Items from the audience. Note: This time has been set aside to hear discussion from citizens. No decision on any matter may be approved or denied on issues brought before the council under this agenda item. Issues needing consideration will have to be posted on the next agenda. Meeting will adjourn into executive session to discuss non-property tax penalties and property damage claim as provided by Idaho Code 67-2345 (d) and (f).

Adjourn into executive session:

Councilperson Linford made a motion to move into executive session.

Councilperson Davids seconded the motion. Roll call. All voted aye, unanimous.

Motion to reconvene: Councilperson Thomson made a motion to move into reconvene. Councilperson Davids seconded the motion. Roll call. All voted aye, unanimous.

Councilperson Davids made a motion to deny Claim and turn over to insurance to take care of it. Councilperson Thomson seconded the motion. All voted aye, unanimous. All voted aye, unanimous.

Councilperson Linford made a motion that we anybody who is delinquent in taxes will pay the taxes, penalties and interest accrued. Councilperson Davids seconded the motion. All voted aye, unanimous. All voted aye, unanimous.

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

Meeting adjourned at

Amantha Sierra, Transcriber

T. Paul Davids, III, Mayor

Canda L. Dimick, City Clerk