

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, August 08, 2019 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

**Present:** Jon Thomson, Council President  
Lisa Guthrie, Councilperson  
Brian Hinz, Councilperson  
Gary Cooper, City Attorney  
Canda Dimick, City Clerk  
Amantha Sierra, Office Assistance

**Excused:** Rickey Frandsen, Councilperson

**Guests:** Gail Palen, Mary Hinz, Ron Hunt, Brian Phinney, Aaron Swanson, T.J. Budge

Jon Thomson, Council President opens the meeting and welcomes everyone.

**Announce Agenda Deadline for September 12, 2019 meeting will be September 5, 2019:** Jon Thomson, Council President announced agenda deadline for September 12, 2019 meeting will be September 5, 2019.

The Pledge of Allegiance is led by Council President Thomson.

**Approval of Minutes (June 12, 2019, June 13, 2019, and June 27, 2019) - ACTION ITEM:** Councilperson Hinz made a motion to approve June 12, 2019, June 13, 2019, and June 27, 2019 minutes. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Review & Approve Bills - ALL ACTION ITEMS:**

**A) Wheel Line Repairs:** Councilperson Hinz reported at the last meeting Council President Thomson was going to get with Tony to find out why he submitted the bill to City Clerk Canda Dimick to deliver to Dan Dimick. The question was who is responsible for it and what the reason is behind it. Dan reported back to Canda it isn't his responsibility to pay maintenance it's covered in the contract. Canda reported that Tony brought the bill in and asked her to present it to Dan to be paid. Canda talked to Dan about it he said that they weren't damages. The pipeline was

working fine when he got done with the lease. They weren't any damages that he had done to anything and according to the lease the maintenance of the roll lines is the City obligation. Councilperson Hinz comments the City will need to pay the bill and then follow up with Tony.

**B) Motion to pay bills:** City Clerk Canda Dimick reviewed list of bills with council. MRE bill discussed. Councilperson Hinz made a motion to approve bills with exception of Knife River and research the Western Industrial Electrical Motor bill. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

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

**A) Building Permit Report – Canda Dimick, City Clerk:** City Clerk Canda Dimick reported final inspection completed on the roof for Nancy Turecek. The Duplex had an inspection but it's not complete. The City Clerk asked inspector to do a walk through on East Booth Street per the council request at a prior meeting and we haven't heard back from them. Canda will follow up with inspectors. Councilperson Hinz asked Canda to send an email to the inspector for a report on the walk through and copy the council on the email.

**B) Mowing City Properties and Vacant Lots – ACTION ITEM:** Council President Thomson reports city maintenance is behind with their work and I have them starting this week on taking care of city properties. They have done the park and next they will start on the Alleys. The mower that goes behind the Ranger blew a clutch and it's in the shop for repairs. Council President Thomson made a motion to send certified notices. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**C) Lyn Page's Noncommercial Kennel License Application – ACTION ITEM:** Council reviewed application and signatures. Council President Thomson made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**D) Water Related Public Nuisance and Harassment email:** Council President Thomson reported on the email received on the complaint of buckets of water being thrown off bridge. Police did respond but, subjects had left prior to their arrival. Enforcement procedures discussed with Gary Cooper, City Attorney. The City has already adopted an ordinance. The adopted Title 18 of the Idaho code which is the portion of the Idaho codes the deals with crimes. It's covered under that code. This is battery or assault so we already have an ordinance that deals with that under the State code. He Sheriff's department is responsible for

enforcing the code. He explained they are limited because the crime has to accrue in their presence for them to issue a citation. This is a new because of a recent Idaho Supreme Court decision. They would have to be there and actually observe it. The City doesn't have a Code Enforcement Officer so you don't have somebody who could monitor and be a witness. The other alternative is for the people that suffered they can swear out a complaint themselves.

**E) Monthly Law Enforcement/Code Enforcement Reports:** No officer in attendance. The City received the monthly Law Enforcement report and reviewed by council.

**Future Fireworks Fund Letter Request - ACTION ITEM:** City Clerk Canda Dimick reported that Joan Bocek contacted her. Clerk explained the Lava Lions club has turned over several thousands of dollars for funds to go towards future fireworks. They have asked for a letter that states if for some reason the fireworks show is discontinued that the funds they have turned over to the City would be donated to Lava Senior Program which the Lava support. Council President Thomson reminded council that they are looking for someone to direct the firework display in the future and the City would continue to support as they have in the past. It's up to the community in whole to find an entity that's willing to be the firework focal point and then they have different organization that is willing to support the display financial. Councilperson Guthrie made a motion to put together a letter that states if for some reason the fireworks show is discontinued that the funds they have turned over to the City would be donated to Lava Senior Program which they support. Councilperson Thomson seconded the motion. All voted aye, unanimous. Read in full.

**Update on Pickleball – Ron Hunt:** Ron Hunt reported Kochs Courts, Loren who owns the company and runs was not able to look at the courts because of the weather. He is schedule to be at Pocatello High school the 3<sup>rd</sup> week in August. Then he will be available to give the City a quote on our courts. Ron is requesting two (2) council members to meet with Loren at the courts to answer any question he may have. Ron announced this is his last meeting of the year that he can attend. Ron and Leslie Mulholland are cochairman for the pickleball committee. Not sure if a committee representative can attend next month meeting. Proposal needs to be received in the next ten (10) days to work into next year's budget. Ron will talk with Loren to see if he can get some rough numbers together for the budget planning session. Council President Thomson comments that plan needs to be a long term plan. Ron comments the plan is to resurface. The plan is for One (1) tennis court and four (4) pickleball courts depending on Loren recommendations.

The pickleball committee will also work at raising funds. Suggestion for representatives is Council President Thomson & Councilperson Frandsen. Councilperson Hinz asked Ron to contact City Clerk Canda Dimick when Loren is schedule to bid the quotes and she will contact the council to find out who can meet with him.

**Planning & Zoning Commission:**

**A) Neil Anderson Re-Appointment – Rickey Frandsen, Council Member -**

**ACTION ITEM:** Councilperson Hinz made a motion to re-appoint Neil Anderson if he accepts. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**Lava Chamber of Commerce – Kelly Myers, Event Coordinator:** Kelly Myers not in attendance.

**A) July 24th Community Day Report:** City Clerk Canda Dimick suggested watermelon instead of corn next year and for the Fire Department to continue with hot dogs. The Hot dogs seem to be a bigger hit than the corn. The foam and water is the favorite of the event. Need to figure out something with the slide and fertilize lawn on a separate day.

**B) Oktoberfest Plans:** No report on Oktoberfest or chamber miscellaneous report.

**C) Miscellaneous:** Nothing.

**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 reported the draft is the same as proposed in prior meetings. Council needs to schedule a special meeting to review proposed amendments & business license regulations. Gary might be able to attend a meeting on the August 22<sup>nd</sup>.

**B) Frank's Floors – Frank E. Dodge, III, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

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

**A) Rodan and Fields, LLC:** Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Building Permit(s)/Development Permit(s)/Demolition Permit(s)/Sign Permit(s) - ALL ACTION ITEMS:**

**A) Revised Building Permit Application & Permit Forms:** City Clerk Canda Dimick work in progress. P&Z (Planning and Zoning commission) is also reviewing the form. Councilperson Hinz asked City Clerk to add to special meeting agenda for council review.

**B) Deck Replacement – 131 S. 2nd East – Jake Medrano, Owner: David Gunter, Contractor:** Council President Thomson comments at the last meeting the council didn't have the setbacks distances on the deck. City Clerk Canda Dimick explained Tony Hobson, City Maintenance checked the setbacks with Gab and the intersection survey marker from the water project had been disturbed so, the City doesn't have a firm area to measure off of to determine exact setback location. Tony put it as an estimate the deck on the East side is at four (4) feet to the property line. He was using the existing chain link fence. The front has plenty of room and from 2<sup>nd</sup> East has about eighteen (18) feet. Both sides exceed the house width. There is some old lumber still there, its sandwich in with the new lumber on the deck. Council President Thomson explained the issue is they didn't do a building permit before they started on the deck and it's hard to determine if the deck is a rebuild or a new deck. The State Inspector red tagged it as a new deck. Councilperson Hinz questioned the setback on the east side. He feels like the steps should be designed to meet the setbacks. Council President Thomson reviewed building permit indicates the main deck frame is used for the current project, sister to what was there. That's where the old wood is. The question is did they knowing build outside the old periphery area. Councilperson Hinz comments the city doesn't know where the old stairs where and if the there was two sets of stair to begin with. Councilperson Hinz made a motion to construct stairs to comply with setbacks. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**C) Two Decks with Roofs – 36 East Booth – Gavin Gunter, Owner/Contractor:** City Clerk Canda Dimick explained that Gavin purchased Dave Simpson house on East Booth. The Building permit is for that location. Councilperson Hinz asked if he completed a Demo permit. City Clerk Canda Dimick explained he applied for a building permit. Councilperson Hinz and Council President Thomson questioned if a demo permit is required for the face of the house he ripped off. City Clerk Canda Dimick is not aware of any demolition

accruing. Gavin mentioned to her that they bought the house with everything in it he mentioned how many loads they have taken out of the house. Councilperson Hinz comments a lot of the loads he has seen are exterior. Setbacks question. Councilperson Hinz questioned the design for the new decks. There is only one (1) drawing with the permit. The decks are different sizes they can't be exactly the same design because they are different sizes. Councilperson Hinz reviewed report from Building Inspectors approval notes. 10X14 deck note "Roof 10' with cantilever", Roof notes shows distance from house to edge of first post on the top "9'2" Max TABLE R802.5.1(4)" "figured at Ground Snow load 50 psf" and notes on front page "need to be addressed and resubmitted for plan review." "called Gavin Gunter (builder) and he is going to switch the roof rafters to 2X8 so he doesn't lose any deck space. Talked with him about the attachment to the house by using a ledger with anchor bolt." "NOTES on the plans are items that need not be addressed for plan review approval but need to be addressed in the field." "Anything not identified on the plans for code compliance will be enforced by the inspector in the field and or on the job site." "The approved plans are required to be on the site at the time of any inspection." Councilperson Hinz comments it doesn't tell us what Gavin is doing in the front. Councilperson Hinz made a motion to table for further information. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

#### **Meetings/Announcements/Miscellaneous:**

**A) Schedule Special Meeting to review Zoning Ordinance Draft - ACTION ITEM:** Councilperson Guthrie made a motion to scheduled special meeting to review Zoning Ordinance Draft on August 22<sup>nd</sup>, 2019 at 6 p.m. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**B) Caldwell Canyon Mine Declaration of Support Letter Request – ACTION ITEM:** Councilperson Guthrie made a motion to support letter. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**C) Schedule FY2020 Budget Work Session - ACTION ITEM:** Councilperson Hinz suggested in the future having the head of departments at the Budget Work Sessions to present their budgets to the Council. Council President Thomson agreed with Councilperson Hinz. Councilperson Hinz made a motion to schedule on August 15<sup>th</sup>, 2019, 6:00 p.m. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**D) III-A Open Enrollment:** III-A open enrollment August employees been given information and are aware of it. Notice for council information.

**E) August 10th Honor Guard Presentation (1:00 pm to 1:30 pm Buddy Campbell Park):** Council President Thomson reported there will be an Honor

Guard presentation at Buddy Campbell Park between the hours of 1:00 p.m. to 1:30 p.m. on August 10<sup>th</sup> for Don Perkins celebration of life memorial.

**F) City Service Charges – Note from Billy Hansen - ACTION ITEM:** City Clerk Canda Dimick explained this is a bill from 2015. When Billy Hansen moved from the house they rented their house out and this period of the bill is from when the renters moved out of the house and the new owners purchased the property. The bill for those months were billed to Billy he feels like he was not responsible for the charges and has only paid the amount billed for the city services during that time frame and not the penalties accrued on the past due balance. He is claiming he had an agreement worked out with city staff that he was not liable for the charges. City Clerk Canda Dimick is not aware of any agreement. Councilperson Guthrie made a motion to waive penalties on Billy Hansen and except the 203.12 payment from 2015. Council President Thomson seconded the motion. All voted aye, unanimous.

**G) Property Donation – Letter from Kenneth Potter - ACTION ITEM:** City Clerk Canda Dimick reported that he wants to donate two (2) lots fifty by one hundred (50 X 100), need three (3) lots to build on. The lots are on the corner of 4<sup>th</sup> street behind the house that Anderson built, to the south. Councilperson Guthrie made a motion to decline property lots thirteen & fourteen (13 & 14) block seven (7) and send a letter telling them thank you for the generous offer but it's not in the City best interest. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Domestic Land Disturbance/Public Nuisances – Lori Head:** Amantha Sierra, Office Assistance reported that Lori just called and she is running a little late, in McCammon, but will be here soon. Council President Thomson announced the council will move to next agenda items and return when she gets here.

**Miscellaneous:** City Clerk Canda Dimick reported that P&Z (Planning and Zoning commission) has approved the Solar Ordinance, it's gone to public Hearing and ready for adoption at next special meeting. Councilperson Hinz is concerned with height restriction. It will be twenty Five (25) feet in the residential and thirty five (35) feet in commercial zone, two feet above that. Glare also a concern.

Community Forestry will also be scheduled on the next special meeting.

City Clerk Canda Dimick reports she received an email concerning letter sent to LHTIP and response back is “it has been recorded”. She is not sure what that means. Send back asking if it’s been extended and for how long.

Burn ban ordered in County and City is following suit. The Burn Ban is in place for all of Bannock County.

## **Projects**

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

#### **1) Change Order # 5:**

**a) East Elm French Drain - ACTION ITEM:** Bryan Phinney, City Engineer reported on 1<sup>st</sup> East Street back check vault. Cost estimates for French drain on Elm and North 1<sup>st</sup> Street vault were reviewed. Vault cost twenty eight thousand, four hundred and six dollars and fifty eight cents (28,406.58), after deducts. Councilperson Hinz question item number twenty (20), the purchase of inside vault materials. Bryan explained the purchase of inside vault materials are the check valve, the piping, and the isolation valves. The change order is for thirty three thousand five hundred and ninety nine dollars and fifty eight cents (33,599.58). There is going to be service line, asphalt, six inch (6) PVC pipe thirty (30) feet of it, eight by eight by eight (8X8X8) T, eight (8) inch valve, eight by six (8X6) reducer, six (6) inch re-bend deduct for a total of five thousand one hundred and ninety three (5,193.00) deductions. Permit fees and bonds of any kind Knife River already have their permits. The fees for inspection, testing, pavement marking, signage, surveying, staking, and erosion control or swift, EPA permits for inspections requirement and traffic control are all part of the contract. Removable backfill of soft or saturated soils below sub grade unknown and will address if they run in to it. Demolition removal not specifically quoted due to unknowns. Councilperson Hinz made a motion to approve revised change order twenty seven (27). Councilperson Guthrie seconded the motion. All voted aye, unanimous. Bryan reported the vault will be delivered week of August 26<sup>th</sup>, 2019.

**b) 1st East back check vault - ACTION ITEM:** Council President Thomson reports this is change order number twenty six (26) for the French drain on Elm Street. Bryan Phinney, City Engineer presented photos to the council. Bryan distinctly remembers telling them no pumpkin teeth so they’re going to take out what they paved and pave it correctly. Discussion about paving followed. Bryan reports the issue they uncovered is the home, by the corner, the concrete there’s a pipe that drains water behind the concrete wall it runs out into the street they’ve laid some gravel in the street and terminated the pipe there. The challenge with that is it’s upstream to the Blue Moon so, that when the water is draining it drains



& flows into the corner of that building, downhill. Council President Thomson comments it seems like a problem between the house and Blue Moon. Bryan agreed and continues. As they dug down that street and because it was an unknown item they dug through the middle of a French drain. As the investigation accrued then it was determined that French drain needed to be placed back in there but the discussion that has come up now is as they laid that water line through that on Elm street as it went past 1<sup>st</sup>. They ended up putting in bedding chips because the soil was so wet and everything was saturated they couldn't bed in any kind of native materials. What those bedding chips have done is created a conduit along the pipe line for that water to migrate. As they did it there is a cross pan that comes across Elm street and hits 1<sup>st</sup> street and that is the low point of where that water line is at so now those bedding chips are draining water from a bunch of natural springs on that hill side and we found more than one that was draining into the French drain and they're all coming down and concentrating right there. The best solution would be to pick that water up and drain down Elm Street to a storm drain that's sets below the Blue Moon and getting the storm system into the river. There some cost with that, it's a significant piece of work. So, what was discussed was the possibility of putting some perforated pipe in the chips and bringing it across the street and just capping it and terminating it. That starts the process in the right direction. The change order for fixing the French drain that's on here right now I don't think it's your best option. I think your best option is try to get the water out of there. Council President Thomson reports the discussion he had the other day and he wishes Bryan had been there for that. He question what are we going to do with the water. In order to deliver the drainage down to Main Street the City would have to dig up another block of street. Discussion followed. Council President Thomson comments if you look at the street in the East of West direction. The crown of 1<sup>st</sup> street is at the Alley. So, you have slope going towards Elm Street and you have slope coming back down towards Main Street. If I start a French drain out on the corner of Elm and 1<sup>st</sup> and a storm drain box over here. I can only go so deep and still get one (1) percent or half (1/2) percent flow rate. A lot of it has to do with were the delivery system and how deep it can be buried. I don't think we can get it as deep as needed. Discussion followed. Bryan comments if we were doing this for a transportation stand point this would all come out, you would put some big rock in to stabilize, then lay fabric, base material up and we would end up with a cross section that probably four (4) feet thick. Just to handle all the water. Council President Thomson comment the impression he got when he talked about this with Eddie was that basically what we are doing is creating a large trap of gravel in the intersection and hoping that we can stabilize it enough to keep the pavement in place for a year or two (2) until we can go ahead and finish the project. Council President Thomson is looking for

some type of intermediate plan until we can find the budget to fix 1<sup>st</sup> Street and complete the drain. Council President Thomson comments the patch of asphalt is fifteen (15) feet out from the curb and thirty five (35) feet back to the intersection they will not warranty that patch of asphalt. City Clerk Canda Dimick question what kind of money are we looking at. Bryan responds hundred thousand estimates. Council President Thomson comments we've all came to the same conclusion how much French drain, how much system do we put in. Bryan comments the temporary patch is covered because Knife River broke it up. They won't warranty it because of what's under it. They're going to pave it with a three (3) inch thickness of asphalt over the existing gravel. It was the loader hauling in pipe bedding, the bedding chips. That's what broke up the corner it's the same thing that broke up Fish Creek Road. It's the weight of the loader meeting the ground as it rolled over it. I think you put it back and with the traffic that you have I believe it's going to last for the time frame. The French change order is seventeen thousand seven hundred (17,700.00). They will go back to Knife River on the asphalt paving by the square yard with base and pit run for sixty one (61) square yards. The pipe trench already has to be paved and Bryan doesn't think there is sixty one (61) yards there. That's unit quantities and we will measure it and will only pay them for they lay down for asphalt. Item 70 is for asphalt removal is sixty one (61) square yards and that's the same thing we are not going pay you to remove asphalt on top of that pipe trench that was removed as part of the pipe trench bid item already. The saw cutting they have a hundred and ten (110) linear feet of saw cutting around that French drain and they only cutting three sides so, we will measure that out as well. They will not be paid for the side that the pipe trench is on because that is covered under the pipe trench bid item. Those are some items that Keller will be watching and back checking and we believe that your number will be less than the seventeen thousand seven hundred, not sure how much. President Thomson made a motion to accept change order twenty (26) not to exceed seventeen thousand seven hundred and one dollars and forty seven cents (17,701.47) and to be adjusted according to quantities. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**Domestic Land Disturbance/Public Nuisances – Lori Head:** Lori Head in attendance and introduces herself. Lori is trying to avoid this situation and have been trying to be very patient with one of their neighbors. It starts out with eighteen (18) cats living at the neighbor, 113 W Booth. The cats have done a lot of damage to flowerbeds and broken outside fountains. A sack of cat food from next door got tipped over and has attracted a few skunks. Families of about five (5) skunks now live next door. They have dug under our fence and are coming into our yard. They have sprayed our dogs three (3) times. Her son's dog and a friend

dog have also gotten sprayed. Everything smells like skunk in our back yard, hard to go out there. They've tried talking with her. She told us she was moving on May 1<sup>st</sup> and as of August 1<sup>st</sup> no signs she is moving. Then she rented it out and we can't tell who the renters are coming and going. There are so many cars and so many people. Then they have added another dog beside her two (2) dogs. Now we are at eighteen (18) cats, three (3) dogs and a family of five (5) skunks next door to us. Lori explained damages that have been done due to her dogs getting sprayed by skunks and how difficult it is to approach the residents at that house. She not sure what to do about the issue and would like some help. Lori explains the neighbor says that she is saving feral cats and trying to adopt them out but, not having any luck with adoptions. Council President Thomson asked for her phone number and explained he will contact her to come over to her house for a tour and get a full understanding of the situation and the neighbor's situation. Then I can see what the City can do. Councilperson Hinz explained a dog license is required for all dogs and a Kennel license is required for three (3) or more dogs. Lori mentioned there is a trailer in the back yard and someone is living in it. There are five (5) people living in the basement, three (3) adults and two (2) kids.

**2) Hot Springs Village Access Road Request to Final Grade and Pave after Labor Day - ACTION ITEM:** Bryan Phinney, City Engineer reports the water connection is completed. Bryan explained Knife Rivers inspected the leak is not on the city sides, it's beyond the water meter. They're maintaining that the project damaged the pipe. It's been reviewed and they don't see the evidence that the project damaged the pipe. The foundation has been notified that they have a leak that needs to be repaired. Bryan explained they always talk photo preconstruction. They're making the case that the road has been broke up and they are asking that none of the paving be done until after Labor Day. The concern that they have is that the road was not in shape before the project started and our recommendation is that we continue as planned and patch the pipe trench. The road is not asphalt it's actually BST (Bituminous surface treatments) which simple means it is a chip seal, which has been laid one on top of the other. Same as Fish Creek road is. It's not uncommon. City Clerk Canda Dimick asked Bryan what is being proposed at Fish Creek. Bryan explained at Fish Creek they will actually be laying down. They will be cutting out and removing material and laying in new asphalt and that is because they severely damaged the road surface outside of the pipe trench. Now that is still waiting on Brent Grayson the county road supervisor. He's on vacation and hasn't gotten back but, we need the county to come and confirm that the areas that were marked out as damaged or the extent or limits of the replacement. City Clerk Canda Dimick asked are we treating this one down here the same way. Bryan responds yes. The asphalt that will be put back will not be chip seal it will

be a two and half (2.5) thick asphalt. Photo graphs will be reviewed against preconstruction and post construction and if we find that there is damage that's been done after preconstruction photos the area will be repaired. Clerk Canda Dimick comments my biggest concern is if we delay the repairs at the condos are we are looking at additional mobilization fee. We have been given two (2) different dates for asphaltting and the second one already has additional mobilization fees. Additional mobilization cost discussed. Councilperson Hinz made a motion to table making any decision. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

### **3) North 1st East Curb, Gutter, Sidewalk, Storm Drain and Paving - ACTION**

**ITEM:** Bryan Phinney, City Engineer reported the grades on North 1<sup>st</sup> east don't match up with curb line. If we crown the road we now have a problem and will have to do sidewalk, curb & gutter and the entire road length and road width. The reason is right now the asphalt comes right into the sidewalk. There is no curb and gutter. There is a little bit of a swell there to house some storm water. When the road is crowned to put it to an accepted standard the city will need to put in curb and gutter then there will be a sidewalk problem. Then the property owner will have a tripping hazard because the curbing will be too high. The property owner on the opposite side has rock retaining wall that he would prefer not to have curb and gutter poured in front of it and messing up his rock retaining wall. He has expressed an interest to leave as is. The decision here is does the City just repave the street without re-crowning and re-grading it and just pave the pipe trench like with done all the other streets or re-crown. There is also a storm line that the City wants to run there would have to go right underneath the curbing that is there now so, we would end up tearing that out. What we are proposing is no storm drain, pave it back as is because if we go in and re-grade put the storm drain line in we are tearing out curbing, sidewalk and right now the sidewalk is right along the fence line on the west side. It becomes a complete rebuilt. Council President Thomson is envisioning from the Alley back towards Main Street, do the Alley approaches on both sides and back to Main Street. Just like what we did on 2<sup>nd</sup> Street. That gets the water draining back to Main Street and then from the Alley to the river we pave, put it back like it was. Councilperson Hinz asked about the dip that goes into that Alley. Council President Thomson is hoping they can do something with that as an approach or a valley. Option discussed. Bryan was thinking at this time just do the pipe trench to Main Street and service lines. If the council wants to do curb and gutter to the Alleys he will need to take a look at it and make sure the draining will work properly for that area. Sidewalk in that area discussed. Council President Thomson made a motion to table for further discussion. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**4) Fire Station Fire Hydrant - ACTION ITEM:** City Clerk Canda Dimick explained the work came to a halt. They started the initial work and stopped. They said they didn't realize that the plans called for a bore under the county road and they stopped work. Bryan Phinney, City Engineer explained when that happened they reached out to Keller's in order to get permission to dig across that road. Bryan explained when Keller's designed it they designed it as a bore because the county asked us not to cut Maughn road. Contractor sawed cut it so Keller's reached out to Bannock County and Brett Grayson is on vacation. He won't be back until next week and construction is on hold for time being. City Clerk Canda Dimick proposed letter from city officials asking for saw cut to be reconsidered. Councilperson Hinz made a motion to present letter to county asking for permission to have contractor saw cut instead of bore. Council President Thomson seconded the motion. All voted aye, unanimous.

**5) Access and Options to Purchase Real Estate Agreement for Well Site**

**Update:** Council President Thomson reported he hasn't done anything but will get moving on it. He would like to meet with Keller's to get a feel for the project then he will talk with property owners. Bryan Phinney, City Engineer responded they will and they can also go with him when he talks with the property owners.

**B) Sewer Solar System:**

**1) Photovoltaic System Relocation Feasibility Study Scope and Fee Proposal -**

**ACTION ITEM:** Council President Thomson reported the City got a notice as of December 31<sup>st</sup>, 2019 net metering agreement option is not available. Bryan Phinney, City Engineer reported he will ask Tyler an engineer intern with Keller's to get in contract with Council President Thomson. Keller's study feasibility presented to council. Councilperson Hinz made a motion to approve and have Council President Thomson sign. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**C) Street Improvements:**

**1) Knife River Revised Contract for North 3rd East and North 2nd East**

**Improvements - ACTION ITEM:** City Clerk Canda Dimick reported Knife River keeps returning agreement with date changes. Bryan Phinney, City Engineer was asked to get in touch with Knife River on behalf of the City. Explaining the moving target date is no longer acceptable. Councilperson Hinz made a motion to have Keller's work with Knife River. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**2) South 2nd East Reconstruction – Mickelson Contract and Notice to Proceed**  
**- ACTION ITEM:** Bryan Phinney, City Engineer reviewed contract with council. Councilperson Hinz made a motion to approve contract and issue Notice to Proceed. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**D) ADA Curb Ramp Project Options – Aaron Swenson; Forsgren Associates:**  
Aaron Swenson, Forsgren Associates reported that to do all four (4) the City is better off to redo the whole intersection. Building on south impact ramps and would require bump out. Discussion about ramps followed. Two (2) of the ramps were recently replaced by the State. Mid-block intersections are not covered by funding agency. Aaron has tried several times to reach out to Knife River to see if they are interested. Councilperson Hinz recommended talking with another contractor possibly Michelson's. Aaron doesn't feel like the project is very cost effective. Aaron suggest Center Street project and redo the road. Other areas discussed. See if two ramps can be done at separate times from funding agency.

**E) River Street Storm Drain Line and Maintenance Agreement – Forsgren Associates - ACTION ITEM:** Council President Thomson explained where location of storm drain would be for Garrick Hunsaker access. This is the fire access road and the new owner that bought the A-Frame wants to put in an access road to his property. The issue is it's all washed out and he wants to put a drain system in and he would like the city to share in the cost. They would like a storm box or collector box at the top on 5<sup>th</sup> Street. Then they will run a pipe down the road. Aaron Swenson explained this project would be very similar to North 1<sup>st</sup> West project. Tony asked him to look at the area with him and I agree something needs to be done and it's the city storm water washing out the road. Property owner is willing to share in storm drain costs. What he would like to do is put in an inlet box and to pipe it down to the bottom of his property. My suggestion to him is not to go all the way to the river. Come within twenty (20) feet of the river and let it run across the grass then into the river. You get a bio swell and EPA likes that better than dumping into the river. What Garrick would like to do is put the box in, run the pipe underneath their road and build and pave the road. He would like to get the pipe in before he paves. Council President Thomson understands from Tony there would be a settlement box on River Street and from that point it would plumb down the road. Not sure what that means. Now understand we have no curb or gutter there. Aaron explains without a design plan it's hard to tell exactly what is required. Garrick would like to build this on the 25<sup>th</sup> of this month. Hiring Forsgren to complete a study was mentioned. Aaron explained Lava population is under ten thousand (10,000.00) people and right now under current law it is ok to discharge to the river according to DEQ and EPA

guidelines but, that could change in the future. It's the city storm water so the city owns it to the end. Need to make sure the plan is an approved plan. Aaron cannot get a plan together in three weeks. The hillside and drainage discussed. Council President Thomson made a motion to table for more information and to contact owner and explain that the plan cannot be completed in three (3) weeks. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**F) East Portneuf Street Drainage System – As Built Plans:** Aaron Swenson explained he needs to get red lines from Kody Tillatson to complete as built. Aaron reported the City needs to sign an engineering contract for the chip seal project so he can start work this fall to reevaluated surfaces that will need to be done. Chip seal and slurry was discussed. City will review contract and make a decision at a later date.

**G) Buddy Campbell Park:**

**1) Trees – Arborist Update/Tree Removal and Replanting Plan– Council Person Guthrie - ACTION ITEM:** Councilperson Guthrie reported Canda meet with arborist and according to him tree number two (2) and number six (6) need to be removed because they are dead. The locations of the trees are by the Tennis Courts. He has suggested replanting new trees there. Councilperson Guthrie made a motion to remove trees by the Tennis Courts, number two (2) and number six (6), and replanting with fruitless crab apple trees and to get bids from an Arborist to cut off a dead limb on the tree that is located by the restrooms. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**H) Fish Creek Spring Fence:**

**1) Idaho Department of Environmental Quality Subaward Agreement - ACTION ITEM:** City Clerk Canda Dimick ten thousand dollar (10,000.00) grant need to sign the documents to receive it. Councilperson Hinz made a motion to sign subaward agreement. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

**I) Miscellaneous: None**

**Discussion:** T.J. Budge, Gail Palens attorney introduced himself and in attendance to address proposal from council meeting he attended two (2) months ago and we are here tonight to answer any question the council may have before they go into executive session. This is really important and they think there is a real benefit to both sides. We've came up with a way to make it happen that we think simple and works for everybody if that doesn't they want to find another way to make it work.

We think that strip of land could be beautified. Could save the City from having to take care of it and maintain it. While preserving an easement for the pipe and making sure you have a written easement for that section of pipe as well. We really do think there is an opportunity for a win-win. There's multiply ways to accomplish that. We've put a proposal forth that we think is fairly simple and straight forward but, if you have other ideals we are all ears. With that said we would be happy to answer any question you have before you discuss it in executive session. Council President Thomson reported that they have stopped the paving there and we don't see any reason that we can ever use that as a street, it's not wide enough. It does have to remain as a passage way egress of emergency vehicle that puts a limitation on how it can be developed and how it can be used. I believe as a council we are in favor of beautifying that, utilizing it, we have unfortunately had our attorney tied up with other matters and haven't had the time to devote to this.

**Motion to adjourn into executive session as permitted by Idaho Code 74-206**

**(1) (b) and (f) to discuss personnel matters and probable litigation matters**

**with legal counsel - ACTION ITEM:** Council President Thomson made a motion to adjourn into executive session as permitted by Idaho Code 74-206 (1) (b) and (f) to discuss personnel matters and probable litigation matters with legal counsel. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Thomson-Aye, Guthrie -Aye, Hinz-Aye, unanimous.

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

**Motion regarding probable litigation matter(s) - ACTION ITEM:** Council President Thomson made a motion directing Gary Cooper, City Attorney to continue investigating the property behind the Riverside and asks Wade to update map where the pipe line runs and some other details and Gary to proceed on negotiation with T.J. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Motion regarding personnel matter(s) - ACTION ITEM:** No action taken.

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

Meeting adjourned at 10:38 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