Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, August 10, 2017 at 5:36 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: Doug Morrell, Clinton & Kerby Pagnotto, Jackie Lewis

Mayor Davids welcomes and thanks everyone for coming. He announces this is the City’s regular scheduled council meeting. The Pledge of Allegiance is led by Councilperson Thomson. August agenda deadline for Council meeting on September 14th is September 7th. October regular council meeting is October 5th instead of the 12th, rescheduled. Deadline for October 5th is September 28th.

Amend Agenda: None

Approval of Minutes: July minutes tabled, council has not had a chance to review.

Review & Approve Bills: City Clerk Dimick reviewed bills with Mayor Davids & Council. Councilperson Davids made a motion to pay bills except for Rocky Mountain Power. Pay as soon as a property owner pays. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Status of Hiring an Appraiser to Appraise Various Properties (Potter Land Purchase Agreement, East Main South Side Pedestrian Bridge and Well Site with Access to Property): City Clerk Dimick reported Mr. Fellows from Preston
not interested he is going into retirement. Mr. Ward from Pocatello will stop by the office tomorrow and look at sites to see if he is interested.

**Law Enforcement/Code Enforcement:**

**A) Public Nuisance Notices Report:** Code Enforcement Officer Callahan reported one of the property owners has submitted a plan to be completed by September and the other one we are still working on. City Clerk Dimick reviewed with the Council the property owner’s prior public nuisance arrangement he made with the City and did not comply completely with. She asked if he would be willing to comply with prior plan and if so, he would need to give the City something in writing indicating the terms he agrees with. He was going to submit a plan in writing by today. No response. Mayor Davids reported he talked with the land owner and Cole’s friend was trying to assist. Mayor is going to visit with Cole. Mayor Davids and Council asked Code Enforcement Officer Callahan first contact to be face to face. Knock on the door and talked with them about the nuisance or problem and then if nothing is taken care of you follow-up with a letter. If you are unable to follow-up face to face a letter will be your first contact.

**B) Folding Dog Crate:** Code Enforcement Officer Callahan reported that City has a small crate for containing small dogs but, plastic tray is missing and he will need to find a tray, 24x17x19. The size and need’s of a crate for containing larger dogs was discussed and questioned. Councilperson Hinz experience is dogs crawl out of the metal folding crates and feels the plastic are better. Dennis reported that city has two large traps. Councilperson Thomson made a motion to approve to purchase large crate up to one hundred dollars. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**C) Cover for Ranger:** Code Enforcement Officer Callahan provided info on Ranger Cover. Code Enforcement Officer Callahan was asked to work with Billy Thompson, City Maintenance and report back to council. Ranger could be used to pick up garbage. The Council would like a light purchased for the Ranger, same as City trucks.

**D) Adopt Ordinance 2017-1 Sidewalk Maintenance/Special Assessment:** Mayor read title. Councilperson Davids made a motion to waive three readings. Councilperson Thomson seconded the motion. All voted aye, unanimous.
CITY ORDINANCE 2017-1

AN ORDINANCE AMENDING SECTIONS 8-1-1B AND 8-1-3B OF THE CITY CODE OF LAVA HOT SPRINGS IDAHO REGULATING THE REMOVAL OF SNOW AND ICE FROM PUBLIC SIDEWALKS; ADDING A PROVISION ALLOWING POSTING OF NOTICE; PROVIDING THAT THE CITY MAY REMOVE THE SNOW AND ICE AND ASSESS THE COST OF DOING SO TO THE PROPERTY; PROVIDING INTERPRETATIONAL RULES IN THE EVENT ANY PART IS DEEMED INVALID; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; WAIVING THE RULE REQUIRING THE READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO:

SECTION 1: That Section 8-1-1: SNOW AND ICE be amended to reflect the following:

A. Removal Required: The owner, tenant or occupant of any premises within the city abutting or adjoining any public sidewalk shall remove all snow and ice from any such sidewalk daily.

B. Notice: The city clerk-treasurer or other duly authorized representative is hereby authorized and empowered to notify, in writing, the owner, tenant or occupant to comply with the terms and conditions of this chapter to remove or otherwise correct the objectionable matter herein legislated against, which notice notifying such owner, tenant or occupant that they have a period of twelve (12) hours from and after receipt of such notice or posting of such notice in a conspicuous place on the premises, within which to correct or otherwise remove snow and ice.

SECTION 2: That Section 8-1-3 SNOW AND ICE be amended to reflect the following:

A. Failure to Comply: Upon failure of owner, tenant or occupant of said premises to comply with the terms and conditions of such notice, then and in that event such person shall be in violation of this chapter and subject to action to be taken by the city.

B. Violation: Noncompliance of this chapter will be a violation. Any person who resists the enforcement of any of the provisions of this chapter shall be fined not more than fifty dollars ($50.00). Each day that a violation of this chapter continues to exist shall after the prescribed time set forth shall be considered a separate offense.

B. Abatement by City: Upon the failure to remove snow and ice within the time
Mayor Davids explained the process the City will take with the ordinance. In October send letter explaining the ordinance.

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E) Vacation Rental Regulations – Gary Cooper, City Attorney: Mayor Davids reported in January 2018 a new law the State passed through the legislature allow homes to be rented. The City planning and zoning ordinance covers the areas that can have nightly rentals. Councilperson Thomson made a motion to leave law as is, passed in zoning. Councilperson Hinz seconded the motion. All voted aye, unanimous.

F) Sky Lanterns Ordinance/Permits: Councilperson Hinz reported that district is still working on. The City is ready to comply with districts decision. City Clerk Dimick comments there is concerned with Fire and Ice. It is a huge event for the City and the Chamber of Commerce hope’s they can still be released for that event. Permit process should be allowed for special events.

G) Lava Summer Bizarre Special Event Permit – August 11, 2017: Jackie Lewis explained the craft fair. She wants to utilize the lot that Mark, Julie and she leases. Her hope is to have vendors from the community setting up booths with their homemade crafts and produce. She will run the event under her business license and pay the applicable taxes and local entertainers are welcome. She has a verbal approval from Tribe (Casper) but, nothing in writing. No financial gain for her, she has paid for the fire dancers, she will have garbage cans available and clean up lot. Question of the co-lease wording questioned. It will be held at the Chuck wagon triangle. Councilperson Thomson made a motion to approve Business License. Councilperson Hinz seconded the motion. All voted aye, unanimous. Mayor thanked Jackie for her efforts trying to do different events in Lava.

H) Blue Moon 10th Annual Car Show Special Event Permit – September 23, 2017: Councilperson Thomson made a motion to approve Special Event Permit. Councilperson Hinz seconded the motion. All voted aye, unanimous. Alcohols permit for guest to have open container at show. No alcohol will be served off-site.

I) On-line Business List: Work in progress. The plan is to send notice with Business license renewal letter explaining December 31st is the renewal deadline
for Business licenses and if renewed by December 31st your business will be listed on the City web page.

K) Delinquent Business Licenses: Code Enforcement Officer Callahan questioned how long he should work with violators. First notice they need to take care of license issue and 2nd notice issue stop work. Code Enforcement Officer Callahan was instructed to do face to face visit with violators.

L) Tenne Timmons – Livestock Permit: Code Enforcement Officer Callahan reported Tenne has 4 hens and 2 rabbits. Council questioned ownership of white rabbit loose in town. According to Tenne the white rabbit doesn’t belong to her. Code Enforcement Officer Callahan confirmed seventy-five percent of homeowner signature received. Councilperson Thomson made a motion to. Councilperson Davids seconded the motion. All voted aye, unanimous.


Code Enforcement Officer Callahan reported on a storage shed that doesn’t meet set-backs. He questioned if he should have a hearing before city council. Shed size is under two hundred square feet and on the front and side yard. City Clerk Dimick comments a shed cannot be in the front or side yard. Code Enforcement Officer Callahan was instructed to enforce the ordinance. Explain the shed is not within ordinance and needs to be moved to meet set-backs of ordinance or removed.

Councilperson Thomson mentioned that he would like Bannock County to issue citations and enforce unlicensed drivers. Two Scooters were on the lawn in the Buddy Campbell Park and both drivers appeared to be under age. Mayor Davids is going to talk with Sherriff. Owner of the scooters has left a contact number at the City Hall and asked the City to notify him. Contact information will be emailed to Mayor and Council.

Street Improvement/Drainage Improvements/Repairs/Snow Removal Equipment:

A) LHTAC Grant – Consider Extension: Extension for LHTAC granted. The extension is for a year.
B) Alley snow removal equipment – Mayor Davids: Received one RFP. Council tabled waiting for others RFP to come in.

Building Permit(s):
A) Lauren Barrett Permit Extension Request: Request for extension considered. Councilperson Hinz made a motion to approve building permit extension. Councilperson Thomson seconded the motion. All voted aye, unanimous.

B) New Single Family Dwelling – West Elm Street – Doug Morrell, Property Owner: Doug Morrell presented plans. He will be the general contractor. There will be access from Elm Street and no access from alley. The house will face Elm Street. He wants to put a camp trailer there during construction. State building inspector will be in contact with Owner. Doug will submit a business license and all the sub-contractor will be under his business license. Camp trailer request will need to go in front of Planning & Zoning for approval. Councilperson Hinz made a motion to approve building permits based on the States approval. Councilperson Thomson seconded the motion. All voted aye, unanimous. Water and Sewer hookups were discussed. Councilperson Hinz mentioned contractor cannot open fire hydrants.

Business License(s), Alcohol License(s), Coin-Op License(s) & Non-Property Tax Permit(s):
A) Affordable Tile & Flooring – Ben Mason, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

B) Dog House and Concessions (License Amendment) – Jackie Lewis, Owner/Applicant: Councilperson Hinz made a motion to approve amendment. Councilperson Davids seconded the motion. All voted aye, unanimous.

C) Liberty Pluming, LLC – Jason Wistisen, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

D) Lish Farms & Refrigeration, LLC – Mitch Lish, Owner/Applicant: Councilperson Davids made a motion to approve. Councilperson Hinz seconded the motion. All voted aye, unanimous.
E) Safe Streets USA, LLC – Robert Kevin Gaylord, Owner/Applicant: Councilperson Thomson made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

F) Tobin Restoration, Inc. – Rhett Judy, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

G) Thirty-One Gifts, LLC (Non-Property Tax Permit): Councilperson Davids made a motion to approve. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Work Session and/or Approve FY2018 Tentative Budget: City Clerk Dimick reports she is still working budget and employee raise worksheet. A special meeting will need to be scheduled to adopt budget.

Meetings/Announcements/Miscellaneous:
A) Audit Reports – City Clerk: City Clerk Dimick reports she will give him one more call with a deadline and if he doesn’t respond I would like to contact some other firms for a quote on their services. Council agreed.

B) Review and Approve Idaho Community Forestry Program Advisor Agreement: Councilperson Linford made a motion to accept agreement. Councilperson Davids seconded the motion. All voted aye, unanimous.

C) Notice of Candidate Filing Deadline for November 7th Election: Candidate filing opens August 24th deadline to file is September 8th.

D) Miscellaneous: None

Projects:
A) East Main Pedestrian Bridge(s):
1) Ribbon Cutting Ceremony: City Clerk Dimick comments last discussion was to do it after Labor Day. Mayor and Council decided on September 23th, 10:00 am. Supplies needed for ribbon cutting ceremony one pair of scissors, ribbon, punch, cookies and a microphone. Ask Faye Jones to cut ribbon at the ceremony, let Jones family know. Ask Cannon to share story of Grandma Faye. Mayor
Davids requested City Clerk Dimick to send him a list of everybody that provided funding.

**B) East Main Traffic Bridge Pillar Construction & Rock Installation:**
Waiting on Bonner to form up pillar would like it completed before September 22nd, 2017. Ask Cannon for bid to install rock. The new paint on the traffic bridge is peeling in a few of places and they’re going to come back and take a look at it and make it right.

**C) North 1st West Drainage Project – Mayor Davids:** City Clerk Dimick comments engineers said they haven’t received a copy of signed contract. City Clerk Dimick will resend and CC Kody in the email. Mayor Davids will also follow-up with Kody.

**D) Buddy Campbell Park Improvement Project:**

1) **Booth Architects proposal to design road and parking lot and prepare bid specifications:** Mayor Davids reports on Booths proposal to design, cost eight thousand eight hundred and fifty dollars. Write in parking lot on contract, initial and sign. Proposal was for parking lot and road. Councilperson Thomson made a motion to approve as long as we write in parking lot to contract. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**E) Water Improvement Project:**

1) **Well Location & Access – Mayor Davids:** Mayor Davids reports he hasn’t heard anything back for Etcheverry, he will follow-up with them. We are looking for a proposal on that location.

2) **Easements:** City Clerk Dimick comments she would like to send them to a title company to figure out who needs to sign them. Easements are written just need signature lines. Council agreed with having Alliance Title help with finalizing easement forms.

Mayor Davids reports he contacted Delos Reyes reminding them about the two inch water line and reminding them about the water project. Mayor Davids asked City Clerk Dimick to send email to correlate everything tomorrow.
F) East Main Street Additional Benches – Mayor Davids: Councilperson Davids made a motion to send revised contract with new date. Councilperson Linford seconded the motion. All voted aye, unanimous.

G) City Hall Energy Project & Funding Opportunities: City Clerk Dimick reported on the status of funding with Rocky Mountain and Department of Energy. The project is to change City Hall lights, inside, outside and shop, to LED lighting. Councilperson Linford made a motion to accept City Hall Energy Project. Councilperson Davids seconded the motion. All voted aye, unanimous.

H) Miscellaneous:

City Garage Doors and Openers: Mayor Davids reports he would like to see garage door openers on the shop door. They are very hard and heavy to open. Councilperson Linford suggested having Overhead Doors work on the springs and give a quote for two door openers. Councilperson Hinz made a motion to have Overhead Doors work on springs and purchase two door openers. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Rock Hard Roofing: Mayor Davids reported on bid from Rock Hard Roofing. Bid reviewed and council decided on getting more bids. Send bid invitation to Rudy. Council decided on roof and fascia for now.

Fire Station Roof Bid: Councilperson Hinz made a motion to approve Rudy’s bid for twenty five eighty to take care of the fire station roof. Councilperson Davids seconded the motion. All voted aye, unanimous.

Lava Lowe Village: Mayor Davids asked for clarification on water and sewer connections. Mayor and Council agreed they were going to allow them to have access to the City sewer and water, at the outside city limit rate and installed at the city code level.

Discussion: Nothing

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

Meeting adjourned at 7:55 p.m.