

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, August 11, 2016 at 5:35 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

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

Excused: Jon Thomson, Councilperson

Guests: Mark Lowe, Lisa M. Toly, Marcia Gallacher, Reggie Cochran, Tab & Karen Mendenhall, Monte Steel, Greg Rosa, Ryan Pittson, Staker Person

Mayor Davids welcomes everyone.

Mayor Davids called the meeting to order at 5:35 p.m.

Amend Agenda: Councilperson Davids made a motion to add Riley's Construction and Taylor Trucking. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Approval of Minutes: Table minutes, need time to proof read.

Review & Approve Bills: Forest Design – Chamber is going to pay. Lawn Tech billed additional charges outside of contract. Rock Hard Concrete added charges not sure if approved. Mayor Davids will review additional charges. Council feels the base bid amount is okay to pay. Clyde Nelson over budget. Councilperson Linford made a motion to pay bills except Forrest Design Group, Lawn Tech and additional charges with Rock Hard Concrete, and Clyde Nelson. Councilperson Hinz seconded the motion. All voted aye, unanimous. Mayor reviewed motion pay all bills except Forest Design Group, Lawn Tech Trimming, Rock Hard Concrete up to the \$320.00 extra and Legal up to budget.

Law Enforcement/Code Enforcement Monthly Reports:

A) Vacation Rentals Operating in Residential Zones – Mayor Davids: Mayor asked Dennis if he has seen any vacation rentals operating in residential zones. Nightly vacation rental are not allowed in residential zoning per ordinance. Code Enforcement Officer Callahan reports there may be an occasional violation but, it's hard to know when it is being rented for a vacation rental. Mayor Davids suggested that Code Enforcement Officer Callahan stop by and talk with Avery and make sure he understands the ordinance, what is allowed in the zoning area and what is required to make a change of use on his house.

B) Sidewalk Maintenance Complaints: Dennis shared a complaint that the Chamber of Commerce about the sidewalks in front of the Home Hotel and Lava Spa Motel. Dennis reported that he sent notices to Home Hotel and Lava Spa Motel on August 8th advising them of the complaint (trip hazard) and advising them that they are responsible for the sidewalks and the City is responsible for the curb and gutter. Scott talked with Tony and he plans to install new sidewalk this fall, there will be some curbs that the City will need to do. Council would like Tony to measure area so council can budget the cost for curb and gutter.

C) Mandatory Sewer Connection – West Elm Street: Mayor Davids reported that there is one home in Lava that is not connected to the sewer they have a septic tank. Mayor Davids read ordinance 102-2. Councilperson Davids made a motion to formally send certified letter, with a copy of the ordinance and give a 60 days to comply notice. Councilperson Hinz seconded the motion. All voted aye, unanimous.

D) No Open Container Ordinance and Posters: Dennis addressed needs to design new posters, the poster we have are really bad. He would like to get new poster and post them in hotel/motel and the bars to inform them of the ordinance. Mayor Davids mentioned it is a misdemeanor if ticketed. Mayor Davids feels like we need to do something to enforce the ordinance. Monte Steel, Bannock County Officer commented it's been a problem for years and a high quality signs is beneficial. Monte feels this last 4th of July was best year, 1st year for no fireworks after 11 p.m. **Updates: 19:12**

A ticket is issued only if the person does not dump the drink. Mayor read the ordinance. Councilperson Linford made a motion to budget money for new sign and pamphlets. Councilperson Davids seconded the motion. All voted aye, unanimous. Suggestion was made to post in locations where people have to stop or as they enter town.

E) Fire Hazard Nuisances – Dennis Callahan, Code Enforcement Officer:

Code Enforcer Callahan reported that he drove around town with the Fire Chief. Code Enforcer Callahan asked the Fire Chief if there were any places that he considered a fire hazards. We looked at one place on Fife concerning the Yellow in the front yard. The Fire Chief commented that the yard is dry but, he isn't concerned about fire hazard because it is not against the house. The other place that went to was 617 W. Main and he was concerned about the access problem for the fireman due to the number of vehicles under repair. The agreement with him was to cover the fence so you couldn't see through it and he was not to do any work or parking on the left hand side of the house. He started to comply then he quite. The City has not made him to comply with the agreement. Code Enforcer Callahan suggests that the City re-send the agreement to him asking that he complies with the original agreement. The house is in commercial zone and he should have a business license. The other location the Fire Chief is concerned with is at 118 S 4th. There is an access problem for fire fighters he would like the property owners to clean up the gas tanks, cars and garbage. There is an access problem at 193 S 2nd E. They need to get cars away from the buildings, grass trimmed down around them and cars registered. The vacant lots on E. Elm Street are done. There is an empty lot with foundation on W Booth notice sent to them to clean up. Mayor Davids asked if the City has sent letters to all the property owners concerning the issues. Code Enforcer Callahan responded that we have not sent letters to all of the property owners. Mayor Davids and council agree that letters should be sent addressing the Fire hazard to each property owner and the letter should be signed by the City and the Fire Chief. Code Enforcer Callahan will work with City Clerk Dimick to prepare the letters with a description of the fire hazard for each location and have a line on the letter for the Fire Chief and his signature. Council wants letters sent with a 30 days to start, 60 days to completion. City Clerk Dimick talked about cleanup on vacant lots that were invoiced to property owners but never paid. Councilperson Davids made a motion to budget to file special assessment on delinquent accounts. Councilperson Hinz seconded the motion. All voted aye, unanimous

F) MicroChip Program – Dennis Callahan, Code Enforcement Officer: Code Enforcer Callahan talked with Richard, he is the new director at the Pocatello

animal shelter, and the cost for the chip is \$9.99 per chip. That includes the chip and registration for each animal. They were talking about getting some here for the Dogapoolooza to offer a free or discounted micro chip to get dogs chipped. The City's reader is universal, it's really nice when a dog is picked up and they have a chip. Trying to get someone from Pocatello animal shelter to do it, not sure of the cost to have them do. Need to see what the charge is for the animal shelters service and then figure out the cost to know how the program will work. Dogapoolooza has donated money to the City for the last two years for the city and would like to use the money for this program. Code Enforcer Callahan will talk with Richard to get more detail on cost before the next council meeting so, the council can make a decision.

Tony is working on getting repair parts for the rock climber at the park. Some of the rocks are chipping and falling off.

Code Enforcer Callahan advised that he has red tagged, stop order, a shed structure that is being converted to room. The county inspector has not approved and a building permit has not been received.

G) Monthly Reports:

Kofoed Outside City Limit Water Service – Motion Clarification: City Clerk Dimick needs to get CD copy of minutes to Kofoed. Council will wait for him to review before making a decision.

Proposed Annexation Update Report – Mayor Davids: Information and consent forms have been delivered to owners. Delivered Willmore's, who live in California, by mail and haven't heard anything from him. Mayor Davids delivered to the Lions Park, they would discuss at their next meeting. Council Linford said they have not discussed it yet at the lions club meeting. Mayor Davids delivered to Mike & Dick Guthrie's and Dick & Barbara Guthie's property. Dick had question regarding commercial uses and water service. Lisa was advised if she has any question to contact the Mayor. Mayor has made contact with our representative, Kelly Parker, to try and get the speed limit lowered to 35. She is setting up a meeting with the Idaho Transportation department to see if it can be changed. One comment that was made if the area is within City Limits city has more authority.

Delivered to Mark Lowe and they have signed and consented. Kofoeds have not been approached.

Business License(s), Alcohol License(s), Coin-Op License(s) & Non-Property Tax Permit(s): List reviewed. There were some concerns regarding alcohol in the park that is open to the public and the open container law. Mayor Davids read the ordinance. Resolution allows them to obtain alcohol permit for the event. Paperwork from the State allows alcohol; the Blue Moon is catering the event. Jackie will post signs that alcohol must stay on premise, ID will be checked and address the City's open container law.

A) ATP, LLC Royal Hotel alcohol catering permit for wedding 8/20/16

B) New West Gallery

**C) Steamco Ventilation & Exhaust Systems, Inc – Glen Wallace,
Owner/Applicant**

D) Taylor Trucking

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

Planning and Zoning's recommendation to amend Zoning and Planned Unit Development Ordinances to permit high density residential developments, townhouses and condominiums in R-3 Zone: Last time they meet Mayor assigned council with the task to contact property owners in that area and to report back rather not they are in favor of the project. Council person Davids & Hinz reported that they do not supports high density projects. They want to keep the zone as is. The R-3 zone allows 4-plex, 6-plex and apartments but it does not allow for town houses or condominiums. With the water upgrades we are preparing for the growth.

New Homes Development – Kyle Slaughter:

Klye Slaughter was asked to present home development plans and history of desired high density proposals. He gave a brief description of what they have been looking at. They reviewed options with Planning and Zoning. He explained that the Mayor asked him last time to look at single family units as a possibility and what the finances would look like with that. With the housing units it pretty tough with three, there is not any financial feasible way of doing it, if there wasn't any assistance with the sewer and water. With seven units it's kind of the same story

especially with the road that would have to go in. This again is not feasible without some assistance from the City on the road way or the water and City to develop. The Mayor Comment is that there is other community like Moscow and Pocatello that have done something that's call LID (local improvement district). Mayor understanding a LID is when the infrastructure is not there, like the roads, sidewalks, curbs, water, sewer and what not, is not there it is put in and its bonded. Then as people purchase the homes you accumulate that money back, that's part of the purchase price. The option is a TIF and the Mayor hasn't looked into is too much. He asked Kyle to look into the two options and provide hard figures on how much it would cost. Is this something that is attractive for someone to buy this home and pay back over ten years? Kyle explained that they have spent some time on the cost and have looked over the LID. He apologized he did not bring the figures with him. He explained that with seven there might be a possibility depending on the terms of that arrangement were. Mayor explained to him if he could get the figures they could set down and see if this is something the City could do to help out with it. Meaning that we are not going to take other tax payers money in the City to do it, it's only going to be with those people with that location. This would be a way to develop other location in this City. The City could talk with home owners about adding or repairing sidewalks and curbing and bond it out over a period of time. Kyle will prepare 3 scenarios with cost estimates for houses, infrastructure and site plans and review with P&Z. It was suggested from the audience that we need families here and it would be nice to have homes that are feasible. Kyle is looking at 3 bedroom homes pre-sales \$160,000 to \$180,000. They are exploring apartment for that area. Mayor asked him to get some figure together and come back and the Council can look over it with him. Kyle to look at the R-3 zone is higher density and that is why they looked at PUD. Cost to extend sewer and water expensive. Councilperson Davids made a motion to deny P&Z recommendation; it will remain R-3 zone. Councilperson Linford seconded the motion. All voted aye, unanimous

Cindy Michaels questioned the condo's development by pools, seems quiet. They are time shares and sold week at a time. Mayor explained the time share process. Low income government housing was mentioned from the audience. It was mentioned from the audience that low income would bring down property value. Mrs. Galloway does not support low income housing.

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

Councilperson Hinz made a motion to approve Riley Constructions building permit for roof replacement contingent on inspector signature. Councilperson Linford seconded the motion. All voted aye, unanimous.

Cindy Michael's son questioned status of pedestrian bridge. Mayor Davids gave a brief update.

Street Improvements/Repairs/Signs

A) 2016 Priority List – Cost Estimates: The City is only going to do curb, gutter and repave street by School. Roll budget left over into next year.

B) Lava Elementary School Sidewalk, Curb & Gutter and Asphalt Repair Bid Opening & Award:

Mayor opens the bids. Summit Welding and Construction \$49,900.00 - Public works license included with bid. JB Parson Company \$34,371.14 – Bid bond and everything associated with it. Mayor mentioned as a City we have to go with the lowest bid. Councilperson Linford made a motion to accept JB Parson Company's Bid. Councilperson Hinz seconded the motion. All voted aye, unanimous.

C) North Center Street Bridge Railing: Write letter to ITD expressing desire for them to change railing.

Direct Communications Franchise Agreements/Ordinance Progress Report:

City Clerk Dimick suggested that we draft the franchise agreement up the way we want it to read, legal can review and then we can send it to them. They gave us a draft, we can red line their agreements/ordinance and Mayor Davids can sign it and then send it to them for their signature.

Resolution(s) A) Resolution 2016-1 Destruction of Public Records: Working on Resolution records.

Meetings/Announcements/Miscellaneous

A) 100th Birthday Celebration – Banners, Shirts & Zombie Run: T-Shirts sales gong well.

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

C) FY2016 Budget Amendment - Schedule Public Hearing: FY2016 budget amendment Sep 1st 5:30 pm.

D) Idaho Travel Council Meeting Report – Mayor Davids: Mayor reported on the Regional meeting he attended the rewards portion. Our portion was \$113,000.000. Mayor asked at the meeting where is that money being used, they

said it could be used to promote American Falls, Chester Field, Bear Lake, Soda Springs and Lava Hot Springs. Pocatello has their own. Mark Lowe reported at the meeting that the State did more revenue in July this year than the whole year of 1995. Councilperson Linford commented that their next meeting November 17 is the next meeting and he plans on attending it.

E) Dogapoolooza: September 10th, **same** plan as last year

F) River Clean Up – Mayor Davids: Mayor Davids talked about the challenges with the river clean up. It's the same issues every year no one wants to claim ownership. Mayor reported that he has had 4 youth groups clean but, dirty next day it's dirty again. He asked if the council might want to hire someone to clean river, rake and pick up debris on the paths with the 2% money. He suggested that they check in and out with him. City Clerk Dimick explained the job announcement process. The job announcement would be posted and sent out with the water bill. The council talked about the hours it would take to keep it cleaned. Mayor asked the council to think about how much we would need to budget and if we should hire someone or have a better ideals. Add to budget review. Consult with Clyde on liability and talk to insurance company.

G) American Fidelity Assurance Company Subscription Agreement:

Councilperson Hinz made a motion to pay administration fee \$3.00 per month for the flex account if Tony wants to participate. Councilperson Linford seconded the motion. All voted aye, unanimous.

H) Group Health/Dental/Vision Insurance: The council already decided on Standard plan B for 2017.

1) Flexible Spending Account

2) Plan for FY 2017:

J) Schedule FY2017 Budget Work Session: August 19th 5:30 pm

K) FY2017 Budget Hearing – September 1, 2016: Already scheduled.

L) Miscellaneous: Nothing

Projects

A) Wastewater System:

1) Net Metering Agreement Status: Mayor Davids has talked with Kelly Packer regarding the net metering agreement as advised. She will look into it. He also

talked to her about the speed limit on the highway in front of Sinclair. She is going to setup a meeting with the guy at Pocatello. Councilperson Davids asked if we need to be at the meeting and he volunteered. Mayor Davids will check with her.

B) East Main Pedestrian Bridge:

Send Aaron email to see if bid notice has been sent out. Keller Associates interested in presenting estimates for project inspection. They have gotten plans from ITD.

1) Environmental Impact Document: Environmental Impact Document signed.

2) Powers of Nature Contract for Additional Tree Trimming: Tree trimming done: Powers of Nature did it for \$100.00.

C) Buddy Campbell Park Improvement Project:

1) Architect Agreement – Schedule Meeting: City Clerk Dimick explained that we have not budgeted for the construction, what we would be doing is the contract with your company to establish the plan for development then, work on the estimate cost. Council discussed the wish list. A path completing around the park which ties in with the Lions Club path that is already there, that could be used for walking, biking, skating. A new pavilion, rest rooms, swing set, parking, splash pad, dog park, BQ pits, lights with timers, Flag poles with lights, a few wishes. Ted comment that the Dog Park and splash pad is a good idea. A place to park trailers while they are down town, no camping, and dump station. The hill is a natural sled riding hill and want to keep. Maybe put in diagonal parking on Main Street. Tennis courts mentioned. The council wish is to build a park that will draw more people to the park. Ted will send someone up to do a little survey to get a lay of land. Need to get the contract together for the Master Plan design then, he can get started on the design.

2) Baby Swing: Tony is working on ordering the baby swing

D) Fire Station Sewer Line Extension Project Status: Kit is going to do everything at once. Bannock County is requiring chips under the line and everything needs to be restored to original state for the next 2 years. Councilperson Hinz made a motion to pay KT Construction \$1,500.00 for chips per Bannock County requires. Councilperson Linford seconded the motion. All voted aye, unanimous

E) Water Improvement Project: Mayor Davids will be contacting Doug Potter about purchasing land, DEQ won't waive on 100 ft diameter.

1) Spring Fencing & Land Purchase:

3) BLM Easement: City Clerk Dimick has paperwork for BLM easement.

G) Black Mountain Software Status Report: Still working on wrapping things up.

H) East Main brick pavers and sidewalk: Need cost estimate to fix pavers and block benches. Mayor Davids will email Booth Architects to see if he can provide a cost estimate for budgeting. Have Tony re-contact contractor to get estimate to fix pavers. Need cost estimate for both project in order to budget for 2017.

J) East Main Street Decorative Lighting System: Two blocks left. Need to price out LED rope lights for budget, LED with a colored driver.

K) Miscellaneous: Check into truck for Animal Control

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

Meeting adjourned at 8:45 p.m.

Amantha Sierra, Transcriber

T. Paul Davids, III, Mayor

Canda L. Dimick, City Clerk