

The Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho will be held on Thursday, September 10, 2020 at 5:30 pm, Lava City Hall 115 West Elm Street, Lava Hot Springs, Idaho. Guests may participate by teleconference if they so desire. To participate or listen to the meeting by teleconference, please call (408)638-0968, meeting ID number is 5731543907#, password 745563#. Depending on your telephone service plan, long distance charges may apply. All participants will be muted when they join the meeting. Guests can unmute themselves by entering star six (*6).

Present Phone:

Jon Thomson, Mayor
Randy Benglan, Councilperson
Rickey Frandsen, Councilperson
Lisa Guthrie, Councilperson
Brian Hinz, Councilperson
Gary Cooper, City Attorney
Canda Dimick, City Clerk
Lindsey McCulloch, City Code Enforcement Officer

Excused: Amantha Sierra, Office Assistance

Guests Phone: Christina Dunyon, Cody De Los Reyes, Gordon Pederson, Michelle & John Taylor, Ron Hunt, Susie Lavoto, John McKenzie, George Katsiliometes, Tommy Kofoed, Bryan Phinney, John Taylor

Guest at City Hall: Mary Hinz, Megan & Nepi Reno, Linda McFarland, Bryce Church, Sherril Tillotson, T.J. Latour, Nick Nelson, Amber Nelson, Greg Stevens.

Mayor Thomson opens the meeting at 5:30 p.m. and welcomes everyone in the audience and attending the zoom meeting.

Announce Agenda Deadline for October 8, 2020 meeting will be October 1, 2020: Mayor Thomson announced Agenda Deadline for October 8, 2020 meeting will be October 1, 2020. Any items that needs to be on the agenda will need to be submitted by October, one week before council, standard procedure.

Approval of Minutes (July 9, 2020) - ACTION ITEM: Councilperson Hinz made a motion to approve minutes for July 9, 2020. Councilperson Benglan seconded the motion. All voted aye, unanimous.

The Pledge of Allegiance is led by Mayor Thomson.

Review & Approve Bills - ACTION ITEM: City Clerk Canda Dimick reviewed list of bills with council. Some of the bills are due October 1 the beginning of our fiscal year. They're due on the 1st but, we won't have a meeting before then so, they will be paid right after the 1st of October. There're a few bill on projects that need to be completed first. Quality Home Improvement roof needs to be finished. Need a receipt from Pocatello Sweeping but haven't heard from city maintenance crew if it's acceptable. The sewer bond payment which is one hundred and one thousand (101,000.00) dollars due this month.

Councilperson Hinz made a motion to approve bills with the exception of Pocatello Sweeping upon approval of Tony & Justin. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Pocatello sweeping project current and upcoming discussed.

Public Hearing – Utility fee increase for solid waste administration, water service connection, sewer service connection and establish fees for business and special event regulation code violations, excessive noise and light pollution ordinance violations and parking code violations - ACTION ITEM: Councilperson Benglan made a motion to open public hearing utility fee increase solid waste administration etc. Councilperson Hinz seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Benglan -Aye, Frandsen -Aye, Hinz - Aye, unanimous.

Linda McFarland questioned reason for increase. Mayor Thomson explained the reason for raising the rates, is not the rate of utility, it's the fees to install new water services, new sewer services and the reason they went up is because the price of material has exceeded the amount the city was charging to put them in. Councilperson Hinz explained the city was losing money for every install. Linda explained her and many others believed it was the service fees on our bills were going up. Mayor Thomson explained there is a small fee increase on the water bills of fifty (.50) cents per month for administration fees. The way the city set the fee is they took the cost of all the materials involved in putting a water service in place and added ten (10) percent to that to try to keep it covered for next

foreseeable terms, prices on this parts are going up every day. Mayor mentioned the type of parts that are involved to install. The city is trying to make sure the cost is covered. The rules are for water and sewer serves are that they must be standalone utility, must be paid for by their revenues. Can't pull others fund to make up the differences. Mayor Thomson asked audience in house or online for their input. No response.

Councilperson Hinz made a motion to close public hearing. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Resolution 2020-2 Establishing Fines, Penalties and Fees Pursuant to Title 3, Chapter 1, Title 5, Chapter 4; and Title 6, Chamber 4 of the City Code -

ACTION ITEM: Councilperson Hinz questioned P&Z (Planning and Zoning commission) recommendations to make fee changes. City Clerk Canda Dimick explained council made a motion to stay with attorney suggested fees.

Councilperson Benglan made a motion to adopt resolution 2020-2 establishing fines, penalties and fees pursuant to title 3, chapter 1, title 5, chapter 4; and title 6, chamber 4 of the city code. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

City Clerk Canda Dimick explained the resolution is for the fines only. Mayor explained in the last month or so the city has passed three (3) ordinance and those ordinances are now punishable by fines rather than misdemeanors. The city had to establish the fines, publish them.

Law Enforcement/Code Enforcement:

A) Building Permit Report – Lindsey McCulloch, Code Enforcement Officer:

Lindsey McCulloch, City Code Enforcement Officer explained she didn't get a report. Reported that the State building inspector was in town today.

Councilperson Hinz stated the State inspector needs a different process when they are in town. Lindsey explained they were here for electrical inspection requested by the contractor. Plumbing, electrical Hvac the contractor will call for a final inspection.

B) Weed/Fire Hazard Abatement and Tree Trimming Notices Report –

Lindsey McCulloch, Code Enforcement Officer: Lindsey McCulloch, City Code Enforcement Officer reported she sent out more tree trimming notices because of the big storm. Councilperson Hinz reported on a bush that is impeding

traffic on 5th West and Booth. Mayor Thomson reported 4th Street needs to be a priority. It's very busy and the city needs to make sure bushes, sagebrush and trees are trimmed because they impede vision.

C) North 1st East Proposed Parking Plan/Ordinance 2020-2 Parking

Ordinance – George Katsilometes and Clinton Pagnotto: Mayor Thomson reviewed the map and explained the property owners on both sides of 1st street are going to need to give up five (5) feet property in order to get the street wide enough to get for this parking plan and that was the reason it was rejected the first time it was presented to council some years ago. Mayor Thomson explained he agrees with George that parking is at a premium in the City of Lava. George Katsilometes is on the phone. George doesn't understand the reason for parallel parking and asked what the reason are for doing it. Mayor Thomson explained it's the ordinance. Ordinance established parallel parking for consistency. George announced the street is not a through street, it's a dead-end. Mayor Thomson explained it doesn't change the width of the street and there isn't enough room for diagonal parking. Mayor reviewed a parking plan from city files submitted by George dated September 10, 2016 that indicates four (4) parallel parking stalls on north 1st east. Councilperson Hinz read George's email, "They are unable to easily and safely enter and exit N. 1st East following or during parallel parking. They were unable to turn around or to exit easily and were left waiting or maneuvering for extended periods. I also noticed that several ignored the parallel parking signs, used common sense and diagonal parked." Councilperson Hinz explained diagonal parking is against the law and the city has signs posted. Parallel parking will be consistency throughout the city. George back on line call breaking up. Councilperson Hinz explained the City ordinance will remain the same, diagonal parking will not be allowed.

Someone online addressed the announced they cannot hear, volume low. Someone else suggested unmuting the phone that is being used.

D) 2020/2021 Bannock County Sheriff/City Law Enforcement Agreement -

ACTION ITEM: Agreement reviewed by Mayor and council Open container, local traffic violation discussed. Discussion followed. Mayor Thomson will set down with Bannock County and address their concerns.

Councilperson Hinz made a motion to accept 2020/2021 Bannock County Sheriff Law enforcement agreement. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

E) Monthly Law Enforcement/Code Enforcement Reports: Officer Taysom reported had a rough Labor Day weekend. Lots of fighting. Councilperson Hinz question Officer Taysom about his experience with asking someone to turn down there music. He responded generally it gets turned down but, not always. He feels like the new ordinance will help. We have seen people in the past that don't care and will take the fine. The main complaints right now have been on the rooftop bar and occasional the blue moon. For the most part they have been pretty good at turning down the music. Linda McFarland questioned ordinances that Bannock County enforces. Officer explained they enforce state law and will assist the city's Code Enforcer officers on any code violation she ask for help on. The citation will be issued on a Lava citation for anything in the city limits instead of a Bannock County uniformed citation. Mayor Thomson explained the reason for the new ordinances. Steve Herzog the city county attorney has explained to the city that his work load and manpower is low where they cannot pursue all, what they consider trivial matters, of Lava city codes. They have to prioritize calls based on the importance. For example a bank robbery is a higher priority than a parking illegally in front of a driveway. The City has revised certain ordinance so the city local ordinance enforcer can handle those with a fine or be assisted by the Bannock County and if it escalates passed her ability they will take it over on a State code. Lindsey is the Code Enforcer in Lava. Picked up with proceeded with category building permits at the beginning of the category.

Noise Concerns/Mutual Agreement Cody De Los Reyes & Bandon De Los Reyes: Cody De Los Reyes on phone reported that he is working on a resolution to resolve the noise situation. They are working with a sound engineer and will be doing some modifications. They currently are working on some drawings to enclose that area where the lounge and hopefully that will decrease the sound. They will present the plans probably next month. Mayor Thomson suggested to Cody to stop by city hall and pick up a copy of the new noise ordinance which is now in effect and will give guide lines on what your engineer will need to design to.

Ligertown/Exotic Animal Zoo – Cody De Los Reyes & Bandon De Los Reyes: Cody De Los Reyes reported this is his idea only. Cody is working on getting a federal permit to house exotic animals and asking if there is code or ordinances within in the city of Lava that would prevent him from having one. Mayor Thomson replied yes. Cody asked for the code number. Mayor Thomson explained he is not sure of the code number at this time. Councilperson Guthrie read

5-2-5: WILD AND EXOTIC ANIMALS:

It is unlawful for any person to harbor, keep, maintain, or possess any wild or exotic animal. Animals that are considered to be "wild" or "exotic" include animals such as, but not limited to, lions, tigers, leopards, ligers, panthers, jaguars, lynxes, pumas, mountain lions, cougars, cheetah, ocelots, bear, wolves, foxes, coyotes, nonhuman primates, crocodiles, alligators, as well as any poisonous reptile, and any hybrid or cross breed of these or other dangerous species. (Ord. 1996-3, 4-11-1996)

Cody asked about exemptions, if he is authorized by the federal government and the fish & game to process one, maybe get a zoo going in Lava. Council replied no, no exemptions. Discussion follow about Liger Town.

Curb/Sidewalk on East side of Lava Hillside Suites – Cody De Los Reyes & Brandon De Los Reyes: Cody De Los Reyes reported the street is a city street and they are trying to control guests hanging out in the neighborhood and control pedestrian access along southeast to Main Street. Cody suggested the best way to control it is to have a curb and sidewalk going down to Main Street. He believes this would help to keep people out of residential areas. They are willing to pay for construction of sidewalk and the stairs going down. This would help with guest existing their facility down to Main Street. Mayor Thomson respond it's a good thought they will visit that at next year's budget review when it comes to putting in a street. The city normally puts in the street, curb and gutter and the landowner adjacent from the curb is responsible for the sidewalk and in your case it would be a set of steps. Retaining wall may be needed. The street is platted all the way up to Booth, there is no expenditure on it for the future budget. This will be something we can review for future budget. Discussion followed on developing the street.

Private 4' fence on Elm Street along sidewalk – Cody De Los Reyes & Brandon De Los Reyes: Cody De Los Reyes reported he was told by the Code Enforcer that it would *not* require a permit. However, it's a very unique spot within the City were the sidewalk and the curb was poured just because of the cliff that did exist there. To help out the neighbors they would like to corral the guest that are at our facility on to their property so, they are not brothering the neighbors who are right next to us. We would like to put a fence along the sidewalk that we poured, all the way to the end of our property line and make it so guest have to stay onto our property. This will give their customers an area they can hang out as they are leaving. Mayor Thomson explained the fence would be on city property and that is not allowed. The fence has to be on private property. Property line will need to be established. Cody asked if the City is going to maintained it. Mayor Thomson responded he will maintain it as soon as Cody removes his metal stairs. Property lines needs to be defined.

Alley Vacate Request Adjacent to 490 West Fife Street– Greg & Kelly

Stevens: Greg Stevens explained the alley is not being used. Occasional a utility truck may use it but, it would be left open for that. Mayor explained easement would need to be done for utilities on the property. Councilperson Benglan asked Greg what the benefits are for him. Greg responded no benefits he would like to see it paved. Councilperson Benglan comments so your request to vacate is so you (Greg) can pave the alley. Greg explains he has already spent several hundred dollars putting rock down on the whole alley going down towards 6th. Mayor Thomson asked if the alley can be accessed from 5th. Greg responds you can access it. Alley, Greg's property and access discussed. Councilperson Benglan stated that the alley is a secondary access for fire. If we vacate it doesn't eliminate the public right-of-way. Mayor Thomson explained it becomes private property. Councilperson Benglan questioned if the reason to vacate is to pave it why not work with Greg to pave it. Greg responds he is fine with that. Mayor Thomson asked if the alley is grass. Gregg explained no, it was weak and he put about fifteen hundred (1,500.00) dollars in putting rock down. Mayor Thomson questioned the length of the alley, is it gravel or paved. Mayor Thomson reports anything the city does would be developing the alley. Discussion followed on developing the alley. Council would not want to vacate it. Greg is fine with that and asked if council would split the cost with him. Councilperson Hinz comments the city needs to talk with the city attorney. Inaudible – cross talking. Mayor Thomson comments at the suggestion of the council lets investigate developing the alley and improving it rather than vacating it. Paving Gregg approach to his driveway discussed. Greg is willing to split the cost, base is already down. Base has been down for three (3) or four (4) years now.

Special Event Permit(s)/Alcohol Beverage Permit:

A) Classic Car & Bike Show – Bluemoon Bar – East Elm Street (September 26, 2020) – Gail Anderson, Applicant (Special Event Permit & Alcohol Beverage Permit) - ACTION ITEM: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Oktoberfest – Lava Chamber of Commerce (October 2 & 3, 2020) – Bryce Church, Chamber President; Sherril Tillotson, Oktoberfest Committee Representative - ACTION ITEM: Sherril Tillotson reported on the beer wagon. They have asked for a wagon that will keep it cool. The first (1st) night will be a beer tasting event down at the Riverside. The state permit will be for both nights. Beer permit and areas discussed, all beer will be served on private property.

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

Sherril Tillotson announced the permit does asked for permission to close north 1st east Street for vendors and kids event chicken dance. Mayor Thomson explains the special event was approved, street closure included on the form. Discussion on event downtown followed. Chamber is in the process of asking business to be involved and the chamber will promote it on the event flyer. Still talking about a scarecrow contest. There will be music and dancers. Will provide city final agenda within the week and will post in local business. Sherril asked if the city is picking up portable toilets. Mayor Thomson explained four (4) units pickup yesterday and four (4) units still on the streets, two (2) at the end of 1st street north and two (2) at Veterans Park. Chamber will work on portable units.

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

Lava Chamber of Commerce/Lava Community Event(s):

A) Marketing Plan Report – Sherril Tillotson, Chamber Marketing

Committee Representative: Sherril Tillotson reported the chamber has worked up tentative budget for 2021. The Chamber know the one (1) percent request needs to be in by September 15, 2020. The one (1) percent request will be for the RFP that was approved by the council and budget was within the RFP of fifty thousand (50,000.00) dollars for those activity. The marketing projects will be managed by the new marketing agent of record. That portion of it has already been through council. Council needs to review the contract. The chamber did ask for generic wording because of COVID to be more flexible. Other 2021 marketing plans explained. Total marketing budget eighty one thousand (81,000.00) dollars. Firework budget discussed. Suggestion made to form a fireworks committee for 2021. Councilperson Benglan suggested asking for donations on chamber due notices. Mayor Thomson suggested a Christmas time parade.

B) Event Coordinator Contractor Job Description – Sherril Tillotson,

Chamber Representative - ACTION ITEM: Sherril Tillotson reported an event coordinator needs to be hired for the Fire & Ice festival. The position is a joint position. Mayor Thomson explained in the past the event coordinator was for the Chamber of Commerce and City events. Dual job description and wages come from the one (1) percent and the way it's setup as a tax must be administer by the

City. The position is a city employee. Sherril asked if the city would consider hiring a temporary employee to manage the Christmas activities and the Fire & Ice festival until a subcontractor is hired.

Councilperson Frandsen made a motion to hire a temporary employee. Councilperson Hinz seconded the motion. All voted aye, unanimous. Bryce Church turned over resume to Canda Dimick, City Clerk.

C) 2021 Marketing Plan Consultant Agreement Status Report: Sherril Tillotson asked status of marketing agreement. Put on agenda for action next month. Sherril asked if Colin's proposal for a new garbage service approved for 2021 budget. Council responded no, twenty nine thousand (29,000.00) dollars not available for 2021 budget. Mayor Thomson will continue with the guidelines used this summer which was a huge improvement over the previous years and we plan on expanding. Recycling and garbage discussed.

D) Miscellaneous:

Community Concerns – Nick Nelson, Jordan Cherritt, Julie Hill & Destiny Egley: Nick Nelson announced Jordan, Julie & Destiny Egley had other plans and were not able to attend tonight. Nick reported their group met last night and went over a few things. One thing Destiny was wondering about was is there a way to have a community meeting at the Community Building to come up with some ideas on getting tubers off Main Street, open container, noise level & etc. Councilperson Hinz comments a great ideal. Mayor Thomson reported anytime a committee wants to have an open meeting at the Community building the City has have no objection. Nick will try to schedule a meeting in November. Nick asked if tickets were issued last month. Mayor Thomson answer no, because public hearing on fees was held tonight and the city is working on placing an order for the citation forms. Nick Nelson reported on the three (3) RV monthly camping grounds in the city's impact and concern with the recreation zone and one acre lots. Nick announced his concerns with areas zoned commercial and the action they will be taking up with Bannock County. Discussion followed. Councilperson Hinz announced if they get a flyer together for the meeting the City will send out in the water bills. Evening meetings better – Wednesday night suggested.

Building Permit(s):

A) 4 Car Concrete & Metal Garage – 60 E. Booth – Jade A. Beus, Owner/Applicant – ACTION ITEM: Jade Bues is not on line. Councilperson Hinz asked if it's one space per unit. Lindsey McCulloch, City Code Enforcement Officer reported she did the final inspection with the State Inspector and there is 3

units in the structure. Jade thought his contractor had completed the final on his apartments, contractor passed away. Plans engineered stamped. Lindsey explained the state inspector will be reviewing the plans with her to make sure codes addressed.

Councilperson Frandsen made a motion to approve. Councilperson Benglan seconded the motion. All voted aye, unanimous.

B) Demo interior including sheetrock & insulation; kitchen & bathroom cabinets, sinks & fixtures; install plumbing, HVAC (a/c), electrical, insulation, sheetrock, wall/floor coverings, windows, kitchen and bathroom fixtures, lighting. – 293 West Main – Randy Benglan, Owner/Applicant -ACTION ITEM: Councilperson Benglan reviewed his plans to remodel Nola Richard's old house.

Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Guthrie -Aye, Frandsen -Aye, Benglan - Abstained, Hinz - Aye, unanimous.

C) 4 Tiny Homes (128 sq. ft. each – nightly rentals) – West Main Street – John McKenzie, Owner/Applicant: John McKenzie on phone announced he purchased the raw land up on Main Street. John explained it's about Ninety seven (97) feet long and about thirty three (33) feet wide in terms of usable space. He is looking at putting four (4) twenty (20) foot by twelve (12) foot bunk houses on the lot. The general contractors are out of Pocatello. They are looking at leveling the property within ten (10) degrees top to bottom. Putting in a reinforcement wall at the sidewalk area there and keeping the retaining wall in the back that's next to the Airbnb that's north side and if you give me permission I can present the document on line and give you all the specifics. John asked if he can share his screen and give council the property diagram. Councilperson Hinz comments they have the diagram. John reviewed the diagram with council. Basically lining up the twelve (12) by twenty (20) back against the Airbnb behind it with the parking in front. I need the council feedback in terms. Is the facing value okay, if the street standoff is okay etc. Currently they have a ten (10) foot offset from the sidewalk, that's Main Street and then the four (4) parking areas for each cabin. Fire suppression is planned for each cabin. The hookups are already prepaid, it was worked out with a deal with Julie Hill when they purchased the property. John asked if the council needs additional detail. Mayor Thomson explained the agreement for hookup is with you and the seller, the city will bill John for water and sewer hookups and it's up to him to get them paid. Fire suppression will need to be submitted by a

licensed engineer. John explains additional information was sent to the city earlier today before the meeting. Mayor and Council reviewed plans. Councilperson Benglan explains this to him is the prime example of the city needs for a development ordinance. As far as a concept plan goes this is a step in the right direction. Mayor Thomson reviewed diagram, four (4) footprints for the units, four (4) parking stalls but no sizes, no entrance or exit to the street or the alley. Mayor Thomson asked John if he is entering of existing on Main Street or entering of existing from the alley. John explained rather its summer or winter there is an egress access challenge. In the winter the alley way is *not* plowed and in the summertime and or winter he believes he has provided enough space for people to pull into their parking at a ninety (90) degree angle and when they back out they can pull out towards Main Street which negates the need for plowing in the alley for the wintertime. Mayor Thomson explains as Councilperson Benglan points out this is a concept plan. John explains he also has it on grid so, you can see the exact standoff. In terms of the distance from the Airbnb from next door as well as the standoff from the street. Mayor Thomson explains the things they would be looking at and the things you will be matching code is. The width of your driveway, size of parking stalls those types of issues that are normally included in an engineering layout, site plan. John explained he has that if he could share his screen he will share it with them. Council explained they have no way to share the screen. Councilperson Benglan asked John what he looking for from the council tonight. John reported he needs approval to proceed with leveling of the property, stub outs, the removal of the fencing that's around the property and the contractors in Pocatello will be building out bunk house about every two (2) to three (3) months during the wintertime to stage for a springtime opening. Really, that's all I needs in terms of general approval and I can provide you more specific drawings etc. within seventy two (72) hours in person. John explained what they have appropriated a thirteen (13) foot wide driveway for that area. For access and egress and I believe that meets the city code but, if you have different opinions obviously I need to know so, I can redesign some of the aspect of it. Councilperson Hinz asked how big of parking spots are you looking at putting in there. John responds they can be thirteen (13) to fifteen (15) feet wide and looking at putting in mobile propane type fire pits there that we can setup on the side if needed. I'm leaving the whole front area open because I'm very paranoid about emergency access. Councilperson Hinz asked how deep the parking spot. John responds a total of thirty three (33) going from west to east and twenty one (21) feet taking up with the standoff from the next neighbors and thirteen (13) feet in terms of width for the parking spaces. Councilperson Hinz asked how deep, thirteen (13) by what. John responds twenty eight (28) and then over to the further fence line for the driveway. Councilperson Hinz asked if its eight (8) feet wide by

thirteen (13) feet long. John responds I'm sorry, its thirteen (13) feet wide and eight (8) feet long. Councilperson Hinz explains he can't park a car in that. John asked the dimensions that are required by the city for a parking stall. Mayor Thomson explains city code defines a parking stalls nine (9) by eighteen (18) minimum. That will only contain a car my truck is twenty two (22) feet long. This is an indication of what size vehicles really are. John respond appreciates that and with that regards I can put those at a forty five (45) degree angle so they can pull in, then I can give them a little more depth. Coachperson Benglan express his feelings, this is a concept plan and I'm not going to vote to approve a project based of a concept plan unless it's been designs by a civil engineer. John responds okay and asked who he needs to through to get this into the cities hands, is it the inspector locally. What's the process? Mayor Thomson explained the city needs the needs the plans so they can review and if they are approved by a civil engineer prior to the city receiving that is the best. Mayor Thomson explained the map he has doesn't show how a car plus an emergency vehicle can get in to there. That is the type of issues council is looking at. Mayor explained that there are no required setback in a commercial zone and you keep talking about that there is thirteen foot from the neighbor and my regulation is you should have sixty (60) foot property lines. John responds he wanted to derive some setback for fire and that type of things. I know there is no requirement it's just a safety factor. Councilperson Frandsen asked for the total width of the property. John responds in terms of useful property its thirty three (33) foot strip by ninety six (96) foot long. Legally there is additional property space there but, he doesn't want to encroach on neighbors and the retaining walls that are there. John ask for recommendations. Councilperson Benglan replied Excel Engineering has done work in Lava before. Mayor Thomson suggest John is being a little cautions and he may want to consider moving units a little farther to the east or west to have room to work with parking stalls. Also, will need to figure out where water, sewer and electrical hookups are going to be. That is what the city is looking for. A concept plan doesn't show the city what the plans really are. A value decision and cannot be made.

Councilperson Hinz made a motion to table until further information is received. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Planning & Zoning:

A) Jane Dame's Conditional Use Permit for R.V. Monthly Rental Sites – Bannock County Notice of Public Hearing and Lava Planning & Zoning

Commission's input: City Clerk Canda Dimick reported the planning and zoning did address some input and the public hearing. This lets the city know what their

concerns were and how they addressed. It is a conditional use permit in that zone, recreational zone. Their main concern was that it's a possibility for explanation for high density. Mayor Thomson asked city clerk to explain what a conditional use permit is and how does that limit them. City Clerk explains basically it's a permitted use with separated conditions based on input they get from the public. Mayor Thomson explains instead of it being a flat out open permit to build it's a permit with certain restriction applied to it. Councilperson Benglan asked when the notice for the meeting was received. City Clerk explained the city only gets this notices about five (5) days before the meeting. This one happened to hit when the city's P&Z (Planning and Zoning commission) meeting timeframe so, it's really hard to get a P&Z and council meeting together in order to address. Councilperson Benglan explains he brought it up before and it doesn't seem like the county really takes our impact zone serious. Mayor Thomson agrees the city has an impact zone that we are supposed to have some form of influence over yet, it doesn't seem like the city has any influence over it and any input into it. Discussion followed. Sherril Tillotson explained Bannock County permit request for permitted and conditional use process and notification time frames.

B) Conditional Use Permit for Recreational Vehicle Storage – Bannock County Notice of Public Hearing and access through City property – Tommy Kofoed- ACTION ITEM: Tommy Kofoed on phone and explained next week he has a meeting before Bannock County planning and development regarding a conditional use permit for his lower five (5) acres he has down below that they neighbor with the city. What we want to do is talk with the city due to the road they share. He hasn't found anything on access rights. They are looking into putting in a storage unit for RV only. It will be enclosed and all steel constructed building, fenced in. Pretty similar to what Kit has done on their place for reference. Would like to know if there is a possibility to hookup to water and sewer there. The gate currently is there is fourteen (14) foot wide gate. He is proposing a twenty foot wide double gate with a twenty (20) foot setback and a key pad for entry. Then half down the property is where we are proposing the RV storage unit, fenced in with its own entry gate with security. Requesting in writing an agreement for the road access, maintenance for the road, clearing snow if needed etc. Mayor Thomson questioned the map Bannock County provided to council. Tommy explained the map and where the RV unit will be located. Mayor Thomson informed Tommy that the City will be upgrading fencing to chain link next year, 2021. Mayor Thomson will talk with Tony on the water and sewer hookups in that area. Discussion on sewer location followed. Mayor Thomson asked if he asking for a dump station. Tommy responded yes, the black water. It would be a convenience for the people renting the unit. Mayor Thomson explained

the some of the question about water and sewer cannot be answered. Will need to check into it. Mayor Thomson asked if the road will need to be widen for RV use. Tommy responded he doesn't think so. Tommy believes it around twenty (25) foot wide now, it's a gravel road and the city has improved it. Councilperson Benglan question who will maintain the road if approved a lot of heavy traffic will be going down the road. Mayor Thomson respond it will be a shared expense it would have to be. Right now the only people using it is the city. If his proposal is approved and a storage facility will be put in then the city will need to have agreement about road maintenance who is responsible. Discussion followed about secondary use. Councilperson Benglan questioned Tommy if he is here to discuss the access because without the city approving the access you don't have a project, is that right. Tommy responds correct. Councilperson Benglan doesn't think we can approve that right now, the city will need a formalized agreement that is approved by legal.

Councilperson Frandsen made a motion to have Gary Cooper, City Attorney to draft a legal agreement for access to make it happen. Councilperson Benglan added it will need to include what kind of volume, what kind of impact it's going to have on the road and how those cost will be paid. Councilperson Hinz announced the public hearing is on the 16th. Councilperson Benglan regardless of that, if he doesn't have access it doesn't matter what they decide. Mayor Thomson responds it's a conditional use permit. As it was explained one of the conditions is he has access via the city access road or he will need to put in a new road on his property. Discussion followed concerning the maintenance on the road. Tommy announced the road is solid it's been gravel over the years and it solid. Tommy is fine with any upgrades that need done, the field will need to be leveled. They will be bring in several loads of gravel. Tommy agrees an agreement is needed for the shared maintenance and whatever else is required. Discussion followed. Councilperson Frandsen amended his motion to include right away access, shared maintenance and construction standards. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Tommy didn't hear the motion. Mayor Thomson explained the city is going to have legal put together a document that spells out conditions, road maintenance, egress, maintenance to and from and the city will get it to him to review. Tommy announced if the city has any question he is happy to answer them.

C) Primary Access Change of Plans – Stairs to Driveway – 55 East Fife Street – John Y Michele Taylor, Owners - ACTION ITEM: City Clerk Canda Dimick read the motion P&Z (Planning and Zoning commission) made. Motion was made

by Fred Hinz and second by Curtis Waisath to approve the driveway in exchange with the stairs as recommended by the Fire Chief. The driveway must be built to code and meet all requirements, year round maintenance and the easement recorded. Taylors on phone. Councilperson Hinz addressed site plan, he expected a little bit more for a site plan than what was submitted. John Taylor explained the primary access was always going to be from the back off the alley way. We still are going to use that for normal everyday access but part of the requirement to build was we had to create access off of Fife per the Fire Chief. Initially planned to do the stairs, during the construction we cut in a road for construction access for trucks and things like that. It's handy to have the road from Fife instead of the stairs and we want to exchange the staircase for the driveway access off of Fife Street. Councilperson Hinz reported he doesn't see the stairs on the site plan, don't know what he is looking at. Michelle Taylor explained she didn't put the stairs on the plan. The old site plan submitted shows the stairs. The one submitted for this meeting does not show the stairs. Mayor Thomson explained the city original approved their building plans, approved a set of stairs coming off of Fife Street so that the address would be a Fife address. That was the original building plan. Now instead of the stairs coming off of Fife Street they are putting in a second driveway that comes in off of Fife Street. Basically P&Z is allowing them to do a driveway that meets driveway code in lieu of putting the set of stairs on and still maintaining a Fife address, is that right Michelle? Michelle responds that is correct. Councilperson Benglan questioned where the designated primary access is on site. City Clerk Canda Dimick interjected and explained when the Taylor's permit was approved the city got the Fire Chief involvement at that time because their access was coming off of an alley which is a primary access and for fire code restriction there has to be some type of access off of a primary road which had to be Fife Street and so the agreement at the time was that the stairs would be put in there is a fire hydrant there. The agreement was if they maintain the stairs the fire department count pull hoses or whatever they need up the stairs to fight a fire off that primary access site. During the construction time Taylor have built in a road, it does go across a joining parcel and the Taylor's are aware of that. They asked if that road they built in for a driveway approach could use in exchange for the stairs. So basically its using that to pull the fire hoses in case of a fire instead of the stairs. There is an email from Ken Fagnant, Fire Chief, that it was okay. He also came in and talked with the city and said either way is not a best scenario but he was okay with it as long as an easement was recorded along the other parcel in case it ever changes hands. The stairs was on the original building permit plan. Councilperson Benglan verified the primary access is off of Fife Street. City Clerk confirmed address is off Fife. Councilperson Hinz read the Fire Chief said he would ask for insurance from property owner that the driveway if

approved be developed and maintained in such a way that the access from front Fife Street is possible year round. John Taylor responded that is fine, plan on paving and everything. It will be an actual driveway, it's not going to be the road it is right now. Councilperson Benglan asked council if that's a condition of their certificate of occupancy. Councilperson Hinz asked the Taylor's if winter access will be taken care of. Michelle responded absolutely, that's where they are going to park their car.

Councilperson Frandsen made a motion to go with P&Z recommendation that the easement is recorded, crossing the other lot that goes with this lot and the road is maintained for year round access. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Development Ordinance/Possibility of Moratorium – Randy Benglan, City Council Member - ACTION ITEM: Councilperson Benglan reported the council has been talking about putting together the development ordinance which I think we had a few case in point over the last two meetings. We had McKenzie with his tiny homes and Sorenson with his campground. We've had other projects in the past that didn't get fully completed as far as a site plan goes and that's came back to bite us. Councilperson Benglan states his thought process, we all agree with a need for a development ordinance and the city has budgeted some money to do that. Councilperson Benglan asked council if the city should do a moratorium on development until a development ordinance is complete. Councilperson Benglan wants to open the meeting to discussion and see what council thought on that. Councilperson Hinz responds if the city is to do that it's for three (3) month or something like that, wintertime is coming and no one will be breaking ground that gives the city some time. Councilperson Benglan explains if a concept plan is presented and we don't have an ordinance to guide the process and we don't have a civil engineer in place on the city side, to make sure it meets what the city is looking for. Councilperson Benglan thought is we are going into winter we should maybe do a moratorium on all developments until we have that in place. Councilperson Benglan asked Gary Cooper, City Attorney, what his thoughts are on a moratorium. Gary explained there are some pretty specific requirements for adopting a moratorium. The city would have to make a finding that the further development will present an imminent peril to public health, safety and welfare, and the city would have to set forth the precise reasons that the city made that finding, in order to do it. There is a process that you would have to go through to get to that point. Councilperson Benglan states, I think the city probably only has to do that on commercial. Councilperson Hinz responds absolutely. Gary explains the city can adopt it for specific classes of development. Councilperson Hinz

reports commercial is where we have our issues on site plans. Councilperson Benglan express his opinion the city can use the past history, the hillside suites. Councilperson Hinz comments the campground was an issue, trying to figure out what's going on with it. The city has plenty of examples. Councilperson Benglan responds people come in and they have this proposal it looks good on paper but I'm, I'm not a civil engineer. As far as people get it getting in and out of it for safety reasons. Is there enough space, how close is it to the river, all these issues we need to have that all spelled out the development ordinance. As far as the case for health, safety and welfare of the city, I think it's clear. Councilperson Hinz responds well established and continues tonight was Exhibit A we can choose tonight is Exhibit A. It was clear that wasn't ready for development.

Councilperson Benglan agrees, the city is getting more and more people interested in developing in lava and the city has already had some issues that is clear. Mayor Thomson announces he has one issue and only one issue. I'm just going to throw out numbers, they are random numbers and don't mean anything. Let's say council wants to put 120 day moratorium on any new building permits in the commercial district until we establish a development ordinance. Councilperson Benglan responds I don't know the number of days, maybe make it renewable every sixty (60) days. Mayor Thomson explains his issue, will put council under the gun to develop and approve a developmental ordinance and a method of enacting that within that moratorium time frame. Councilperson Hinz responds the council talked about it when council was budgeting for it. Mayor Thomson responds my only issue. Councilperson Hinz responds I think we've got that you put out a number, we put some money against that. Mayor Thomson respond what I don't want to see Brian is like our zoning ordinance now it's been two almost two plus years it was written it's been almost a year and a half, we still haven't gotten through the definitions. That's mayors only issue, we're going to stop all kinds of commercial growth here. I don't have a problem with what you're saying but we're going to put a stop on all this based upon how long it takes us as a council and mayor to put together what we need to put together to go forward. If we can do that within reasonable time frame then I think we do it. Councilperson Hinz question if it's that far off. Councilperson Benglan questions how long it took the city to develop the parking ordinance. Mayor Thomson responds I don't think it's going to be nearly the ordinance like a zoning ordinance. Megan Reno asked council if this is on new builds or anything in commercial zone or new builds. Councilperson Hinz responds new builds. Mayor Thomson explained past issues with building permits and how the council is trying to avoid those issues by normalizing the process. Councilperson Benglan uses the tiny houses that where discussed tonight for an example the owner presented a concept plan. I'm not a civil engineer and I can speak conceptually what conditions what conditions we put on there, ingress,

egress, drainage but, there is no professional that says this looks good. The city needs to define that in a development ordinance. Mayor Thomson comments if a plans comes in with stamped engineering drawings then council can make a value judgement. Councilperson Benglan announces we basically want to normalize the process, there are certain people that do it right. Megan Reno comments she thinks people would appreciate that. Mayor Thomson announces what the council would like is for all the plans to be submitted with civil engineer stamps, with all the appropriate information. In order for the council to make a value judgment. Councilperson Benglan ask Gary Cooper, City Attorney how the city proceeds from here. Gary response there some legwork that needs to be done, it's kind of a technical roadmap that we have to follow. There is the necessity of a public and there are time limitations for how long a moratorium can exist but, the timeframe that you're talking about is within that. I think we'd better do it carefully because once you start talking about property uses and things like that it gets pretty subject to litigation let's say so, let's be careful. Mayor Thomson asked is this is an issue that could stand a little bit more massage and then by being active next month. Gary responds it's better to have the timeline in mind. Mayor Thomson explains the city can still see some building in September, October, but probably less likely in November December January. Councilperson Benglan asked about verbiage do we need to approve tonight to get the ball rolling, is it just a matter of preparing the roadmap for that. Gary response you have to have the declaration that there is imminent peril to public health, safety and welfare and the reasons for it have to be set forth in writing, I mean the reasons for that finding and then it must be scheduled for a public hearing, at least 15 days prior to the hearing. The city will have to publish the notice of that. Then a hearing to determine whether to adopt that moratorium. Councilperson Hinz so we started the process the next couple of weeks and we set the hearing for the October meeting. That gives us October, November, December, that's 90 days. Councilperson Benglan responds sounds good to me. Mayor Thomson explains I just think we just need to have all our ducks in a row so when it comes down it comes down. Councilperson Hinz interrupts do you need some specifics as from counsel. During the week to get together, or do you have enough background. Gary responds he thinks he has enough background that I can do it but I probably have to consult with you on a few. City Clerk Canda Dimick announces she would like to ask a question to where we've got (2) two of them that the city has already been working with us. Will the moratorium make it so they can't go any further, or where they're already working with the city? Gary asked is what you're talking about are people that have already made applications and they're being considered. City clerk responds they've been tabled. Councilperson Hinz reports there is the one that was discussed tonight, they want to do their faces. City clerk responds there are

applications that have been tabled that the council is concerned with but how will the moratorium impact those application. Gary responds I don't know the answer to that, I will research. City clerk explained my one experiences from the past was everything that was being worked on up to that point continued, it was just anything future. If they had had an application in the city continued working with them. Gary responds to tell the truth what I would say off the top of my head is that it probably depends upon what the council decides that they want, how broad the scope of that moratorium is. I'm not certain that they can't stop something that's in process and hasn't been approved. I don't think once it's approved, you can retroactively stop it from going forward but that's a different matter than what you're talking about. I'll look into it. Mayor Thomson reports subject to discussion put out the face we're getting into that particular season or building is going to slow down and perhaps we can get the thing put together and out on the street down but without the need of a moratorium. Not saying we really shouldn't but maybe we don't have to have one, you know. If the city had 10 or 12 people come in and want to do developments on Main Street in the next four months. It becomes a very important thing but if I don't have anybody else that wants to do it other than folks that have already started developments, then it's a moot point for the where the moratorium or we just get the ordinance put out on the street and approved because, as you say, it shouldn't take us 90 days to get the ordinance.

Councilperson Hinz made a motion to have Gary research the possibility of getting this set up for October. Councilperson Benglan added so the city would direct Gary to draft declaration of imminent threat and schedule a public hearing, so that we can approve that in October meeting. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Mayor Thomson announce he would also so direct myself and the council to start putting together the ordinance. Make it a race because of, you know, I have one I don't need the other.

Business License(s) ALL ACTION ITEMS:

A) Cairngorm Excavation, LLC (CGX) – Wade Clark, Owner/Applicant (New License): Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Downtown Abbey (42 West Elm Street) – Downtown Abbey, LLC, Owner/Applicant (New License): City Clerk Canda Dimick explains they're working with the state fire suppression system. It hasn't been presented to the city for consideration. Megan Reno explains they have a letter and we were hoping it would be done by today but it is a few days off. If the city wants to look at that, I can see where they say, we're talking about your house. Mayor Thomson asked if

we are talking about your house. Megan Reno replies yes, Mayor Thomson explains the first thing you need to do is apply for a change of use permit. Megan responds she has a question on that because for the uses. Mayor Thomson explains you're living in it is no longer a residency when you change it to a nightly, it's a change of use. Megan replies Yeah, the state code says that it is a residential land use which, that is that so I didn't know exactly why we would do that, looking at everything. Mayor Thomson explains all a changing use form does is says I'm going from a residential or in a particular case 30 days monthly rental times, residential to a nightly rental. Megan responds Okay. Mayor Thomson responds don't need a business license for a monthly rental you need a business license for a nightly or a Bed & Breakfast. Megan reports she sees the change of occupancy. We have no problem filling it out. Megan confirm she would put It's a residential use, used as a nightly rental. Mayor Thomson responds no. Lindsey McCulloch, City Code Enforcement Officer reports you don't even have to put that. Megan asked what the change of use is changed to. Mayor Thomson reports you're changing the use from a monthly or a full term residence to a nightly rental requiring a business license. Code enforcement officer interrupts it allows us to address the fire codes. Mayor Thomson continues what will happen is it causes the inspector to have to sign off on the change of use. The inspector may require more than a fire code upgrade, may require other upgrades. Megan explained she talked with the State Inspector he would be happy if we put in that and that once it's put in he'll give his final. Nephi Reno explains they've been trying since March but, COVID has been shutting us down. Mayor Thomson responds I understand that but, you're not the only ones doing that everyone in town has to do that. That goes from a residence to for a nightly. And the nice thing about going through the proper channels is that they will set here and work with you on the type of fire suppression, and the fact that it's bought off by a state entity, which then does two things it enhances the value of the property. Plus, it makes it legal to do nightly rentals out of, for guests. Code enforcement officer reported the State reported to her today that they want for example, her to hire paradise. They want paradise, to find out a plan approve it. Paradise context the state, send them, you know, see approval. Then the state says, sends over the approvals to me, and then I contact her and say, come and do a building permit. I've got your approval paradise as a fire suppression. Councilperson Benglan asked if Paradise is the fire suppression contractor. Code enforcement responds yes, that's how the state would like. Megan explains she was also confused because I was thinking building permit so I was like, well, that company does the building permit. That's what we hired them to do. Mayor Thomson explained that company will come to the city and get a building permit. Basically what happens here is that when it's done and said, then the state inspector the same guy you're talking to, will come along and he'll sign off

the change of use, saying yes all will sign this off contingent on the fact that you get a building permit and install a state approved fire suppression system, or whatever else is required by the state. Then he'll sign that off as a building permit and say I recommend a certificate of occupancy as a nightly rental, which time it comes back to the city council the city council issue you a certificate of occupancy as a nightly rental and a business license to do business as such. Okay. That's the procedure, fighting it just takes longer. Megan responds so, our timeline now, it'll be approved by the state in a few days and then they're ready to put the sprinkler system in right after that. Mayor Thomson responds okay, then you need to get a building permit and a change of use. So that you have those documents ready for them to work under. Code enforcement officer interrupts they will send them to me. Mayor Thomson continues I don't care where they send it to but if they're not approved by the city, and you're working on the unit. The first thing I'm going to instruct Code enforcement officer to do is read tag you, because you don't have a building permit. Megan respond right and that company is getting the building. Mayor Thomson responds yeah, once that takes place. The city have people all over this town that say well you know so and so said and so and so said, so I'm going to go ahead and work and pour my concrete and this gentleman on the end of the table (Councilperson Hinz) is real feminine about having a building permit before you start work right. Councilperson Hinz explains and a certificate of occupancy issued by the city, after the state recommends we issue it the city council approves the certificate of occupancy. Mayor Thomson explains that phase of learning, trying to get everybody on the same page and everything done the same way. Two years ago we didn't have an inspection system that followed, state codes. Now we have a state inspector and they do follow state codes and that's where the fire suppression comes from. Now as to the type of fire suppression that's why you want to use an engineering company, because they're going to give you the best system. Megan responds we have paradise fire protection engineering the system. Mayor Thomson explains the procedure is very simple you know your business license will get rejected because you're not in position to have a business license because you don't have a house it's a certificate of occupancy for this business for this business. Megan asked before we spend the money on that stuff. Why can't we have you say, we'll accept this conditional that you meet the sprinkler systems, the occupancy. I mean you're asking us to put a lot of money into that house and how do we know that there's got to be some transparency here that we know we're not getting hoodwinked by the city. Councilperson Benglan responds that's just the process. You're asking for approval before approval. That's the process we have and we honor that process. Megan responds so anyone that does that. It's just a little weird because what if I do all that stuff and you say wow I just don't want to issue a business license.

Councilperson Benglan explains if you meet the ordinance, or not if your business license. If you meet the ordinance and you meet the requirements, then they would have to do that. Otherwise, it'd be arbitrary. Nephi comments unless you change the ordinance by the time we get it done. Councilperson Benglan respond that's true. Megan comments we're just asking the courtesy that you guys could give us exactly what you want from us. Mayor Thomson responds I just did. Megan responds Okay. Mayor Thomson explains first thing is a change of use. Then when it's approved a building permit request. Then if the city approves that you get your building changed you come to us and you leave the certificate of occupancy. At that point, I'll give you a business license. Those are the steps in that order. Gary Cooper, City Attorney suggested that they look at that new business license for specific business requirement on nightly rentals and will answer a lot of your questions. Discussion followed. Mayor Thomson comments I will tell you this if you do all of those things that we're requiring you I'll give you a business license. How's that my word versus yours. Nephi asked if he can get that in writing. Mayor Thomson responds do I need to, I put in on public records in front of my attorney. There's certain entities and I'm going to say this to the public, there are certain entities in this community, that does things the right way and then there are certain entities that have created me, forcing you to do them the right way, because they don't want it the right way. You guys aren't part of that, don't be part of it. Just come in and do it, it'll be so much smoother, the transition will be so much quicker. Megan reports it would be a lot nicer if we could have something online exactly the steps that would take because you have the things that say okay dude get a business license go sign permit, whatever. Maybe if we could just outline it a little easier. Discussion followed on step by step procedure suggestion.

Code enforcement officer explained she gave the steps to Megan. Megan explained she missed the deadline. Mayor Thomson explained the first step for anyone is to come in to City hall with their plan. City Code Enforcer reviews the plans per city requirement. Then send it's sent to the state and the state reviews the plans and lets the Code Enforcer know if they recommend approval. Then the Code Enforcer present it to council for approval and issue a building permit if approved by council. Then you go out with your contractor and get to building portion of it done. The state is the entity that signs off on structure electrical and plumbing and final. Now, so they go through those four procedures, maybe you don't have anything but structure, I don't know, she just they sign it off. And at the time they sign it off then electronically it comes back to Code Enforcer desk. That the state recommendation to council is to approve. The Code Enforcer submits the building permit to the council and if council approves the Code Enforcer issues a certificate of occupancy and that that authorizes owner to submit application for a

business license, a tax permit if you don't have one and a sign permit that's usually attached to your building, or your business permit, and you're ready to go work. Megan responds okay. Mayor Thomson continues it's just that there's a set down format right in affect. Code enforcement officer explains the state has told me they want it done the way that she that they told her, The State inspector wants fire suppression system people to pull the permit, just like the HVAC, electrical and plumbing contractor do. Councilperson Benglan responds all they need is fire suppression. Code enforcement officer responds it's all the need Councilperson Benglan responds so what is what is it you're looking for from us. Megan responds if the city could just give us the courtesy of, we will approve this conditional that you get the building permit done that it is meeting all the codes and if there's any other issues you have with it. Megan explains they're really are trying to do this. Mayor Thomson responds Megan all I can tell you is what I have in front of me is the application for a business license Megan interrupts and a design permit. Mayor Thomson continues not an application for a building permit. Megan interrupts I can't doing a building permit for the sprinkler system Mayor Thomson explains the city can't give you a business license until you get it done, do you not understand that. Nephi asked was the fire chief has said you guys, he sort of knows it's happened before in the past. Mayor Thomson responds I don't know, bring him bring him in here and I'll discuss that with him but, it's not happening now. I mean it's just not, we we've tried very hard to put everybody on the same level playing field and this is the process that works. What the state inspectors telling you is very simple. If you want to be the general contractor, which I don't know if you are. Megan reported they hired a legitimate company. Mayor Thomson continues then your general contractor will go out and pull or have one his subs pull all the appropriate permits required for electrical, plumbing or HVAC or fire suppression, or whatever else it takes. That's the normal way you build things, not here everywhere. You know, so if this was if this was a building permit I could say okay I'll issue you a building permit contingency on the fact that but it's not. This you do this it's a business license, which is the thing that comes at the end, not the thing that comes at the beginning. Councilperson Benglan Explains we're required as a city to honor the process and our process is a change of use. The state city approved fire suppression system and they made the parking ordinance. You meet those conditions, then you meet the requirements for business license. Mayor Thomson one of the things council will be asking about is the off street parking. Megan responds they have a lot of spaces. Parking discussion followed. Councilperson Benglan asked if you have the insurance you need. Megan respond we put in the change of use on the building permit. Then we give it to Lindsay. Code enforcement officer explains the building permit is going to say it's a change of use a nightly rental. Then the building permit will be

submitted to the State. The State will review and get back to the city. Then the building permit will be submitted to Council. Fire suppression system is required for a nightly rental. When your sprinkler system is finished, approved by the state, Council can approve based on state recommendation. Once approved a CO (Certificate of Occupancy) can be issued for a nightly rental. Gary Cooper, City Attorney explains they need to make sure they're in compliance to get the certificate of occupancy for nightly rental. That's one of the problems that have arisen in the past. They either didn't put the sprinkler system, they didn't put the one in the state recommended and they didn't get a certificate of occupancy for nightly rental and that's what happened that was the problem. Mayor Thomson explained believe it or not guys this all covers your ass. Megan asked the plan is next time we'll have all these things approved, we put in the building. I don't mean to exhaust you I just trying to understand if that's what you need a building permit, and the building license and they could both be approved at the next meeting. Code enforcement explains it a business license and that's what I was trying to tell you to put it into before the counseling meeting. Councilperson Hinz agreed if a building permit for chance of use had been submitted it would have changed everything, we'd have a different conversation. City Clerk Canda Dimick explained a building permit and a business license is not going to be approved at the same meeting because, you won't have a CO until it's approved. Nephi comments we're three meanings out there, because our fire suppressant systems putting in their own permit. Mayor Thomson explains your fire suppression company is not going to pull their own permit they're going to pull a permit to put in a fire suppression system under your permit, under the change to use building permit. It's only one permit and it's the one that city issues. It might have multiple stamps, sign off or approval, it depending on what's being done. Once that's completed and it comes in is completed. When the city talks about the state we're talking about the inspection process which is the state. CO (Certificate of Occupancy) discussed. Councilperson Hinz made a motion to table. Councilperson Benglan seconded the motion. All voted aye, unanimous.

C) Hawkeye Inspections, LLC – Jake & Bill Barry, Owners/Applicants (New License): Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Lava Shot – T.J. Latour, Owner Applicant (New License): T.J. Latour explained his plans to take pictures or video of people tubing the river and picture or video will be for sale online. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Layton Roofing Company, Inc. – Ray Paul Greenwood, Owner/Applicant (New License): Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Lolli's Cottage – Gordon Pedersen, Owner/Applicant (New License): Councilperson Benglan made a motion to approve. Councilperson Hinz seconded the motion. All voted aye, unanimous.

G) Sorensen's Home Hotel, LLC – Riley Sorenson, Owner/Applicant (Updated License): Councilperson Benglan read business license description this operation will be for RV's to park on the empty parcel behind the Home Hotel. Council feels like they already had this conversation, already discussed at last meeting. Councilperson Benglan made a motion to table. Councilperson Hinz seconded the motion. All voted aye, unanimous.

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

A) Downtown Abby (Vacation Rental) 42 West Elm Street: Councilperson Hinz made a motion to table. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Lava Shot (Photo and Video Servicers on water for tubers) – T.J. Latour, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Lolli's Cottage (Vacation Rental) – 154 West Elm Street: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Quadient, Inc. (Rental/Lease of postage meter equipment): Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Thrive Market, Inc. (Online retail sales of food and groceries): Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Sign Permit(s):

A) Bronson Bicycles – 42 North 3rd West - Bruce A. Bronson, Owner/Applicant ACTION ITEM: Councilperson Frandsen made a motion to approve. Councilperson Hinz seconded the motion. All voted aye, unanimous.

B) Downtown Abbey – 42 West Elm – Downtown Abbey/Nephi Reno, Owner/Applicant - ACTION ITEM: Councilperson Hinz made a motion to table. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Lolli's Cottage – 154 West Elm – Gordon Pedersen, Owner/Applicant - ACTION ITEM: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Right-of Way Permit(s) & Agreement(s):

A) Direct Communication Right-of-Way Use Agreement – ACTION ITEM: Gary Cooper, City Attorney reports it's pretty well set forth in the email from Nathan Brian, who we met with two or three times. The long and short of it the amount that we were suggesting for a right-of-way agreement is not acceptable to them. I think we've proposed five thousand (5,000.00) dollars. Direct Communication is thinking more in the neighborhood of five hundred (500.00) dollars. They also want, If I understand correctly, they want to lay down tracks for wires, more than one at a time so, when they get the need for they can, I guess, pull it through there. They don't want to pay for that again. They also want something from us, to allow them to attach aerial transmitters and these are attached to existing poles, things like that, in the community. Something that is widely used, or becoming more widely used I should say with the five (5g) type stuff. Several things that we need to continue to negotiate with them, but that's kind of long and short of it at this point. Mayor Thomson asked are they still wanting to micro trench down the streets. City Attorney responds yeah, that's what I was saying they want to lay down like three tracks at once, only using one right now but then later being unable to. I don't understand rather they pull cable through that, I don't exactly understand the technology of it. Councilperson Frandsen explains the process with the tracks. They put the orange pipe to the poly pipe in the ground that's or track, and later they pull the cables through. City Attorney responds that's kind of what I thought Councilperson Benglan asked how many users in lava, do we know. Mayor Thomson responds right now they had contracts for the three (3) Mike's Market, The home hotel, and the old Aura Soma. Those are the three (3) contracts they have under contract to do fiber optic. Councilperson Hinz reported they also have it at Health West. Councilperson Benglan questioned there are asking for more fiber optic right-of-way. Mayor Thomson responds they're they also have all of the existing locations too.

So that's but there's not going to be upgraded to fiber optic that's just going to stay right where it was. Councilperson Benglan questioned the agreement is of the right-of-way use Agreement. We're not just talking about fiber optics. City Attorney responds I didn't know they were doing anything else other than fiber optic. Councilperson Benglan asked isn't that what we're renewing is the right of use throughout the city. City Attorney responds we don't have anything with, we're not renewing anything. We're trying to arrive at an agreement you had a franchise, actually didn't even have a franchise agreement with them, they were they were paying a franchise. Councilperson Benglan asked this is for all of their lines throughout the whole town. That we're talking about, are we just talking about the fiber optics or the fiber optic. Mayor Thomson responds that's all they have Councilperson Hinz adds and the amount of the five (5g) mounted on the poles. City Attorney responds I don't think they have any of that yet. Councilperson Hinz adds that's for future, it would be included in this. They've got internet in town, and it runs off the coax cables. Yeah, that's what I'm asking because it was because their internet covers ran off of the coax cable and so did their cable TV, they discontinued it, but they still have those cables are used. Councilperson Benglan asked if the right-of-away agreement is for all those cable lines right. City Attorney responds also, yes. Councilperson Benglan asked cable lines throughout the whole town, I mean it's because there's a difference between three fiber optic users and the whole town of users. City Attorney explained the fiber optic users are new. I think that's what really brought them to the table is that they want to get into that. Councilperson Benglan responds got you. City Attorney explains the city can no longer charge a franchise. Councilperson Benglan responds Right, this right of use agreement is for just the fiber optic lines or is it for all their lines. City Attorney responds everything. Mayor Thomson explains what happened, when they dropped the TV portion of their bundle package and you only provide Internet as Gary explained we can't charge a fee for internet right-away, like we did with a TV a franchise. So we lost our city we lost twenty eight hundred (2,800.00) dollars a year on the franchise fee on their TV, when they dropped it. Then they come in and they want to establish fiber optic and so we said, you know we're losing 2800 bucks a month. It's not like they're aerial, they still have cables and stuff buried in our alley that they maintain in the city right away. That they are digging up and burying, maintaining on right-away. Then they come in and they have these three new customers on fiber optic that they want to put in and they don't want to go down the alleys they want to go down the street now. Councilperson Benglan responds yes, I know the back history of that. It's our land, so we can dictate the terms. It sounds to me like they're dictating the terms or they think they have the, the upper hand negotiation. Am I wrong to you think that I mean, is it basically they're doing this right-of-way out of a courtesy for what already exists, or is it like

we're not going to grant you a ride away unless we get the terms that we want, you get what I'm asking. City Attorney responds I do and I suppose that if you discourage them from coming to town, you may not get anybody to come in here to provide more robust internet service. That's the leverage that they have is fine, we'll just bypass your yeah we've got these cables here we'll pay some sort of a fee for that. The city doesn't have the benefit of the franchise statutes that allowed us to charge the franchise fee now and I think as I tried to explain earlier. I don't want to get too explicit about this but there's some question as to whether we can charge a right-away fee. Councilperson Benglan responds that's what I'm asking. City Attorney responds yeah, that's the kind of the underline thing. They are aren't fighting too hard on that. Councilperson Hinz comments at the same time, keep in mind, anything that we charge goes right back. It's getting charged against everybody who is a customer of direct communication. responds just like the franchise fees. Mayor Thomson responds correct. I think the only thing that bothers me is simply this, if they were Dish Network like I've got, or, one of those it's a tower up here and there's no, there's nothing in the city, except that an antenna receiver on my roof. That's one thing but, these guys without any kind of a franchise fee without any kind of a fee at all or any kind of connection. The next thing I look at there, they're digging a trench down the alley behind my house, replacing one of their cables. Now, do I care, no I'm a citizen that's the city's alley. But I'm going you know they have a pretty vested interest in infrastructure in this town and if I tell them okay fine you got no franchise fee, quit doing work here tomorrow. Now what kind of revenue do they lose because they've got no customer? City Attorney responds they would cut off the service and nobody has internet. Mayor Thomson comments he has ten (10) internet provides in this town, they're just one of them. Councilperson Benglan comments are we talking about I mean, we said five thousand (5,000.00) and they said five hundred (500.00) dollars. Councilperson Hinz comments did you read his email. City Attorney explains they are offering to sit down and negotiate with the city. Councilperson Hinz so he says, "as far as the agreement goes there are two (2) big things to consider municipalities where we did not have a franchise agreement in place I'm not aware of anything more than \$500, blah, blah, blah, we've average up to five hundred (500.00) a year for ITD, two hundred and fifty (250.00) for Chubbuck, Bonneville county 10 cents a foot where we paid thirty five hundred (3,500.00) for a thirty five thousand (35,000.00) foot built two years ago we haven't exceeded \$200 since. Check the CFO, the highest franchise fee we ever paid is four thousand (4,000.00) dollars. We understand, we used to pay you twenty four (24) to twenty eight hundred (2,800.00) a year. However, five thousand (5,000.00) dollars number originally proposed a significant outlier for our current arrangements with any community including lava, our CFO Michael Parrish would like to negotiate

the actual terms of any future agreement, let me know when you'd like to meet with him”, that's the gist of that. Mayor Thomson comments and I would say I would say okay, then give us the five hundred (500.00) dollars like any other city, but stay out of my damn streets. I don't want you to drill on a trench down the middle of my brand new main street so you put in a cable that crosses over the top of my water lines crosses over the top of my sewer lines. Stay in the alleys that we have designated for traffic both, Internet, and phone and that type of nature and we're all happy. Councilperson Hinz responds they have to get to those alley somehow though. Councilperson Benglan asked so, the franchise fees they make it sound like they still pay franchise fees. City Attorney responds they're not. Councilperson Benglan responds those have been all been canceled by statutes City Attorney responds no, they stopped paying when they turned off the cable TV, because we cannot charge a franchise fee on internet service. . Councilperson Benglan responds I remember now. Mayor Thomson comments my biggest heartburn it putting the trench down the street that I just put hundred thousand (100,000.00) dollar worth of pavement on it. Councilperson Frandsen asked if they will be boring. City Attorney responds they explained the process when they were here, and I honestly I don't remember it, Jon I think you were here. Mayor Thomson responds they call it micro trenching and it's a two (2) inch wide, 12 inch deep trench with, with the orange conduit laid in the bottom of it. Councilperson Frandsen comments we don't want that down Main Street. Mayor Thomson responds it's not down Main Street, basically their route was down Elm Street and then they cross it at center Street to Mike's market, cross at Second Street to Aura Soma and then you go down the alley, first alley, north till you reach Home hotel. Those are all asphalt covered streets were as the alleys aren't. Councilperson Frandsen comments there's no reason why they can't stay in the alleys, then if they put their wireless antennas up. Mayor Thomson responds Tony Hobson, City Maintenance set right here and map it out and said look you guys down right down this alley and not have any trenching required, it's just dirt is not asphalt. They said no, we want to go right down the street here. Well, you know what they don't understand is your water and your sewer, well, not all sewer but the water, gas lines and sewer mainly run down under our streets. So it's not a problem running parallel with those just when you cross over the top of them because they're only twelve (12) inches deep, they're not down five (5) and six (6) foot, which means every time that I dig something up waterline or sewer line I've got to watch out a little orange cable and dig around it or what have you, you know. Councilperson Frandsen comments it's really expensive replace or repairs. Mayor Thomson continues so, that that's my concern from the city standpoint, you know. The fee part I don't care, five hundred (500), were we lost twenty eight hundred (2,800.00) so, five hundred (500) not making that much. I think Gary said five thousand so

we could negotiate them down to twenty eight hundred (2,800.00) did he. City Attorney responds I didn't say that. The point is, we have a meeting with them. I think the best place to meet is here. I think it was good when Tony was here, he understands all that. Sit down with them and try to hammer this thing out, you guys now have enough background you can have an understanding. A member of the Council, Mayor and Tony we sit down with them. Mayor Thomson comments at the time they sit down with us the first time Gary, myself Tony, two (2) representatives from direct and they were in a big hurry we got to get this done right now because we've got these contracts to fulfill by September. City Attorney responds right. Mayor Thomson continues so, they screwed around and screwed around and we hadn't even got this thing worded properly until middle of September and they were supposed to have their trenching work done and these hotels hookup by them. So, what's Brian's favorite saying emergency on their part is not an emergency on ours. I think we just make it a meeting date with them sit down and discuss this again. Councilperson Hinz responds get the CFO involved, he'll come in. I think I've met him before, he's a younger guys, been involved with the business from day one with his family. They're based out of a Rockland. City Attorney comments Mike parish. Councilperson Frandsen made a motion to schedule a meeting at City Hall with the Mayor, Tony Hobson, City Maintenance, with that we also need to discourage them from going down any of the Main Street. Councilperson Hinz seconded the motion. All voted aye, unanimous.

B) Intermountain Gas Company Right-of-Way Permit – North Center Street – ACTION ITEM: Mayor Thomson comments 89 N Center C19 must be the one Kody put in. City Clerk Canda Dimick explains Tony Hobson, City Maintenance hasn't provide any input and suggested motion should be contingent on his approval. Councilperson Hinz made a motion to approve based on Tony Hobson, City Maintenance recommendations. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Intermountain Gas Company Right-of-Way Permit – South 4th West – ACTION ITEM: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:

A) FY2021 Budgeted Project Priorities – Randy Benglan, City Council Member - ACTION ITEM: Councilperson Benglan announces he was thinking the reason city council should maybe make a list of four (4) or five (5) items. Councilperson Hinz interrupts and reports the council kind of talked about that the last budget meeting and he agrees a hundred (100) percent. Mayor Thomson

comments I thought that we did that, we didn't really make a wish. We just talked. Councilperson Guthrie adds and then the next year add to it. Councilperson Benglan continues for me the top of the list for me would be the development ordinance. I made a list of few ideas. Councilperson Hinz interrupts when you said projects I'm thinking like physical projects, like Fire Station, Buddy Campbell. Councilperson Benglan comments it can that it can be anything like that, affordable housing, the restroom on Main Street, enforcement the things we've been doing with enforcement we're moving in a good direction with that, the city needs to complete that process. If we can make a list by the end of this year the city budgeted the money what do we want to actually accomplish. Mayor Thomson comments some of those won't necessarily need budget money to do, like the ordinance. Councilperson Hinz comments at this time, or this time it is very time consuming I can't tell you how many hours we set here. Mayor Thomson comments trying to put one together because of the definitions and the different phrases. I actually think that what he is suggested on that ordinance there can be streamlined the whole lot by referencing the appropriate building ordinances and what have you that this just has to do with land use development. Just another phase of that zone, it might just be a resolution to an existing ordinance or something. Mayor Thomson agrees that needs to be done. I think the next item that you see in your packet here, it needs to be on the top of the list, that's a bridge decking, and fire station obviously needs to push forward on it. Councilperson Guthrie agrees with the fire station. Councilperson Hinz asked City Clerk Canda Dimick if Zach got her a contract. City clerk responds no he called and talked with me, he is going to be sending one. Councilperson Benglan comments when you talk about that bridge down there would you include in the pedestrian bridge. Mayor Thomson responds I can't I can't include the pedestrian bridge and I'll tell you the reason why I probably have to have Gary proceed with eminent domain proceedings to get the piece of property. I'll talk to the victor brothers again but they did seem to have any inclination with T Paul to even consider giving up 10 square feet of property over there. He offered him hot water he offered him, you know, pretty much to dance at his daughter's wedding. Councilperson Hinz comments and then the following year, the Home hotels put in the hot water through their sidewalk and I'm sure they're just kicking themselves that they didn't take that deal, because you look at one sidewalk and look across the street the other. Mayor Thomson comments their sidewalks in need of repair did they do the repair on it. Councilperson Frandsen reported they repaired them but didn't add water, didn't put tubing in for the hot water. Mayor Thomson comments part of that the City also wanted an easement to bring chicken soup along the river, which is their property rather than on down behind them and down 3rd Street because the pedestrian bridges are going to be heated with hot water from chicken soup.

Councilperson Hinz comments the city has the piping ran. Councilperson Benglan comments but they didn't want to do. Mayor Thomson responds I don't know whether they just took a dislike to T Paul or what the deal was, I don't know. They seem to be pretty young guys they don't like six (6) or seven (7) of these motels. Councilperson Hinz asked if council is establishing a list right now. Councilperson Benglan if you guys want to throw out some stuff we can flush through it. I have development ordinance, code and ordinance enforcement procedures we're pretty far along on that, fire stations, bridge decking, Main Street restrooms. Councilperson Guthrie comments that's quite a few right there. Councilperson Hinz comments I think important thing that we need to focus on is the sidewalk connecting the park to downtown with a sidewalk. Mayor Thomson responds we're only missing what like, two (2) lots, or two (2) properties and three lots Councilperson Hinz comments to me that's so important. It's so dangerous right there. Mayor Thomson asked if its councilperson Hinz thought that even at the city extends or do we force the guy by putting it in and then tacking it onto his taxes or is a nightly rental. Councilperson Hinz responds I think we just force it on him, is it the one on the corner. Mayor Thomson responds, Yeah. Councilperson Hinz continues and then the next one further to the west. Councilperson Frandsen comments if you get the majority landowners to want it, but I think you can push the other one. Mayor Thomson comments right now Hatch has said he's going to build a third (3rd) unit there when he first come in, whether he's going to in the near future, or not I don't know. Councilperson Hinz asked if there's curb and gutter there right. Mayor Thomson respond yeah, he's already committed to curb and gutter on his property if he builds. So, the guy on the corner only owns two lots, he's not on a three lot corner like it should be. Then that finishes the all of Main Street clear to the park. Councilperson Hinz comments, yeah, then that makes the difference right there. Mayor Thomson comments the guy across the street is putting in sidewalks, but only half a block and so the other half would be still undeveloped. Councilperson Hinz asked what he's doing a half of block one way and a half block the other way. Mayor Thomson comments this is true, he's doing his part. Councilperson Hinz comments, yeah he's doing it. I think we need to focus on getting that because that's just dangerous. Walk up over Main Street, and then you come out onto the street and you're on a blind Hill. Mayor Thomson comments I don't disagree Councilperson Frandsen reports on another big project he would like to see done is the that street completed along the park. Mayor Thomson I agree I don't think it gets top priority that some of the other issues get but I think it needs to be put on the list, as part of the park development and we've got funds to get part of that started but. Developing a street down there is going to be probably, pretty much eat up all what we got in the park expansion projects.

That is something we can talk about. A lot of that's because, it can't just go straight in, it has to kind of come in curved. Councilperson Hinz if we do some parking like our design shows down there at the end of spring right there. Mayor Thomson explains that's kind of what I've been trying to do anyway, I'm trying to get at least a row parking along ball diamond there, where they can come in off of spring and park there and get them off of spring because there's no shoulder on Spring Street. You only got like three or four handicap stalls right there behind the ball diamond and that's it. You know so parking over on that side would be real handy. Believe it or not they're parking over there it's rock so it's not a nice smooth asphalt parking lot like we'd like to see in the future but it's nice just started down that way. We'll continue pushing on that one. If I get the road in the Ricky's talking about that I have access coming off of long road into that area also. Councilperson Hinz explains it's not a straight shot road through, there's that curve that crosses over. Mayor Thomson explains but the thing is if you get a road in there, from Maughn, now all of a sudden you can expand the picnic facilities and that kind of stuff over into that other part of the park.

Councilperson Benglan comments let me flush through these and send you guys an email and see if we can narrow it down to five (5). Council responded okay. Councilperson Frandsen comments he would like the city to expand water and Sewer up the street, past the school. Mayor Thomson responds that takes a complete loop though, so remember that's just not what one street, it's up one and across and down the other. Councilperson Benglan comments so, look at an infrastructure development up that way, what would you call that area the school district or something like that. Mayor Thomson comments it's got a name. The only drawback to that is that all those properties up there basically owned by two (2) families. If they could just free those up for development then a lot of the expensive go to the developer. Mayor Thomson asked Councilperson Benglan to put down the whole list and then prioritize the top five and have all on the list.

Councilperson Frandsen made a motion that Councilperson Benglan put together a list and email the list to council. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Miscellaneous: Mayor Thomson informed city council with a problem regarding the cleaning the city bathrooms. Becky Delong has taken a job with UPS. She hasn't really formally terminated her employment with the city and not sure if she will. Michael, on the other hand hasn't been real consistent with his work schedule. I'm thinking in the future, the city will need at least four (4) people maybe five (5) people for next summer and work them into smaller shorter shifts.

One in the morning to open the bathrooms up and clean them. Then an evening person to clean the bathrooms and then shut them down. Something like that so they're not there, the whole day. The plan is to close the bathrooms at Buddy Campbell Park probably the end of this month for the winter. They may get shut down sooner due to the roofing project that is scheduled. The plan is to start working on the roof and I don't know how long that'll take. He will peel off the old roof and put on a new deck and lay down the new roof, soffits and what have you. Right now we're scheduled to shut the water off and winterize the 1st of October. The ones downtown in Veterans Park the city will keep open year round. I think, personally, we need to put out REQS to hire some more people to be custodians but, I don't know. Councilperson Guthrie asked about the winter hours. City Clerk responds the bathrooms are closed at dark, the city closes them earlier in the winter time. Mayor Thomson instructed council if they have any ideas to let him know.

Projects:

A) Water Improvement Project 1) Warranty Walk Through Report:

Mayor Thomson reported he knows that Knife River is in town they put down a cap on top of their trench on Main Street. Looks nice but it's only an inch thick and I don't know how well it'll hold up. City Clerk Canda Dimick announced Brain Phinney is on the phone. Bryan Phinney, City Engineer reported on the water improvement project and Mayor mentioned my Knife River was in town. They put a scrub coat on top of Main Street. The scrub coat is designed to level out the spots on the trench that were low. That brings it to level so that your seal coat can go over the top of it that the city has planned. They also, fixed the settlement issues that they had on the fire hydrants. They replace the speed that goes into the condos. Mayor Thomson adds about a week ago or so they dealt with the shut offs and we're going to extend the warranty up to two years on those. Bryan Phinney continues they dealt with the valves, yes. Brian has forwarded the proposal to Tony Hobson, City Maintenance and talked with him about it. They acknowledge that there are eleven (11) to thirteen (13) valve boxes that are not one hundred (100) percent quote, unquote, plumbed and they proposed excavating boxes to correct the plumpness that they offer an extended warranty of one (1) additional year starting September 1 of 2020, which means those valve boxes will have been in for, in some cases better than two (2) years but in all cases, two (2) years of operation. That will have given them time to go through two (2) freeze thaw cycles and two (2) summer cycles. Councilperson Hinz asked what Brain what he think the best route is should we have them come in and fix them or do we take the additional year warranty. Brain responds from a physical standpoint. These things have gotten themselves rolled into place. I think the one year warranty is probably a better option. If they're going to move anymore, they're going to move and it will

catch it in that one (1) year. My concern with them coming in and trying to fix these things is they're going to come in and try to hydro flex next to the valve box, slide the valve box over, and then pour chips next to the valve box. There's no way to compact those chips. Now chips do pour pretty close to full density, however, it doesn't prevent us from getting bridging when they pour those chips in. If we bridging then the section that doesn't have chips next to it can move in misalign line. So, I'm nervous about that technique. It is an accepted technique used in the industry. I would prefer to see that additional warranty. If they pour the chips they're going to ask but they the warranty be up and they not do anything else. Then you're also going to have some additional asphalt patching and we pour concrete collars around those boxes, which are already there. So I think we have less risk if we, if we take the one (1) year warranty and watch it if we have to do it then we do it. Councilperson Hinz responds then I'm good with that. Mayor Thomson reported Tony seemed to be pretty good with that too. Brian responded he talked with Tony but, he didn't want to put words in his mouth. I asked if he had to you, mayor, and asked him to give you his opinion on it. Because the last thing I want to do is make a recommendation that goes against what your maintenance staff would like to have done. Mayor Thomson reported Tony concern is as long as the keys out, they don't get so far out of plumb that the keys quit working. Brian respond yeah, for sure. Councilperson Hinz asked if that's part of the warranty. Brian responds yes, if they get out of plumbing any further, then they them to come in and do everything, hydro flex, breaking it up, pour chip in it, get it re-established, re-plumb, and that re-patched the asphalt and re-pour the concrete collars. That's part of that warranty. If anything goes they still have to come in and fix it we're not we're not letting him out of it by extending the warranty they just don't have to do it now. Mayor Thomson responds I think that tells us a lot more, you know. Councilperson Hinz announced he is good with it, if everybody else. Council agreed. Mayor Thomson asked when is the walkthrough scheduled, the end of this month. Brian responds, yes, and right now, just so you know on the punch list, the warranty punch list that we have. At this point, item fifty four (54) still needs to be verified, that's the seeds field, started a temporary access road and seeded. Knife River has told us that it's done. Need to get Eddie down there to verify it you know to be able to verify that yet. That's item 54 and there are two (2) additional items on the punch list. Item one (1) which is, some debris left on north 1st east we're asking that it be carried out. Tony has gathered up some debris in two (2) piles to be removed to the staging area which is item 25. So those one needs verified and Item one (1) and twenty five (25) we know they have to take care of something there and interestingly enough Dustin Park was the one that was down, running the asphalt crews and getting items cleaned up. He is their general operational superintendent for Eastern Idaho. He's the guy that we've

been working with to get the crews to do what they needed to do and he finally just got tired of the crews and he came down himself to supervise and make sure things are getting finished. That's why I think this stuff we get cleaned up quickly. Councilperson Hinz asked one thing that we talked about that I did, I noticed I didn't see on the punch list or warranty list and correct me if I'm wrong, is those concrete pads down there by the staging area on Spring Street. Brian responded you are right. I thought we had that in here, I'm making a note right now. Councilperson Hinz responds okay, because those are bad and we have to have them they are ADA. Brian explain he thought they were on the list but, he not seeing them. We got Main Street and 5th West alley gutter. Councilperson Hinz announced he read through the last four (4) or five (5) times and didn't see them. Brian responds he will follow up on that one tomorrow because we talked about that and I had passed the notes over to my colleague but, I'm not seeing it on here Councilperson Hinz you're right so thank you for bringing that up. Councilperson Hinz responds that's one thing that they could do when they come in to pour those Valley gutters they can arrange and have that, you know, when they have mud come into town just pour that at the same time. Brian respond yes, they may as well get it all done at once. Councilperson Hinz responds they're going to have to provide mixed designs to you for that aren't they? Brian respond we've already got the mix design as long as they are still using the same mix design. Councilperson Hinz asked if it will be the same mix design. Brian responds you make a good point, let me look at that. I don't remember what they submitted of the top my head for the valley gutter. Brian responds a lot of times their Valley gutter concrete will be four thousand (4000) psi concrete which will be okay for this pad but, if its valve box that's typically a thirty five hundred (3500) psi concrete. We probably want something more substantial for the pad so let me look at that. Councilperson Hinz responds perfect, that's all I've got. Brian reported he asked Tony if here any other lingering items if he knew off the top of his head when I talked to him about the valve boxes. He said no he couldn't think of any others that was still there on the list.

C) Wastewater Land Application Site Photovoltaic Relocation Feasibility

Study – Status Report: Mayor Thomson ask Bryan Phinney, City Engineer if he has had a chance to talk with Tyler today on that feasibility, or not the feasibility but the relocation study for the photoelectric. Brian responds I've got a report here I asked him to put a report together. Tyler and I were on a zoom meeting with Rocky Mountain Power Pacific Corp. There was the two (2) of us and I think thirteen (13) or fourteen (14) folks from Pacific Corp to discuss the city's qualifying facilities Fast Track application. That application has been filled out a couple of questions for us and we have answered those. Everybody on the call

deemed the application looked like it was complete so that moves us into the routing screening process. With Pacific Corp, they told us they participate that will take a couple of weeks. That will then also generate rather or not they deemed an electrical impact study will be necessary. Based on the conversations that we're having on that call. I don't think or I'm not anticipating an electrical impacts study will need to be done. That would be done by Pacific corp by the way. The only thing that might bring that up is if for some reason that transformer, or that transmission line or the distribution line takes power to the site isn't big enough to bring power back away from it. We pointed out that we're already running a pump out there, that size, through that transformer they acknowledged that we weren't really doing more than what we were already drawing power through so, we are not anticipating. Mayor Thomson announced he has signed some document this week that we missed so. Brain explains that was that qualify facilities fast track application that you signed. Mayor Thomson respond yeah, we got that out of our way. Brain reported the meeting went well and all of the different groups that need to be part of that reviewing process were on that call and it was introduced to them, they can ask questions Tyler, great job answering those questions, he is a sharp young man. That is moving forward with their screening process. Mayor Thomson responds okay, just one other item would you give me a call at your convenience tomorrow. I want to talk to you about it an unrelated issue. Brian respond, yes sir. Mayor Thomson asked any question for Brian. Thank you, Brian I think that's about it and unless you have some milk comments you need to knock about knife rivers proceeds or something that Eddie might have uncovered or something like that. Brain responds no we don't have any updates on that, we're just here to support as needed as we move forward finishing off this project. Mayor Thomson responds sounds pretty good I drove the length to the streets this morning and its somewhat smoother when you drive in that side it looks pretty good when you drive on the other side so I think they probably did as good as they can do there. Brain responds yeah, and that scrub coat is something that we commonly use. I checked with our transportation group, the guys in our company who were experts and specialists in that and the scrub coat is an acceptable and a widely used methodology for leveling out asphalt over trenches especially before seal coat goes down. Seal coat when it goes on top will help lock that coat down the scrub coat goes on just for everybody's information goes on as hot mix so, it's not a cold mix that gets rolled into place. It's a hot mix. Councilperson Hinz announces before Brain gets off the phone we should go over the bridge estimate. Councilperson Hinz announces City Clerk Canda Dimick has a good points, most likely we're not doing the chip and seal this year. How's that going to hold up with no chip and seal. Brain responds sure, I had asked that question, because they were pushing back into August and September and I was wondering or was

worried about if they pushed it too far we could only get the scrub coat done. I talked to Don Carnahan and Nathan cleaver two of our senior transportation engineers and they both felt like that scrub coat should last two (2) to three (3) years without needing a ship seal over it. So, I asked them to go through a winter, and they didn't see any problem with it going through one (1) winter, they said, two (2) winters probably okay three (3) winter it would start to peel up. Mayor Thomson announced the sooner the better on chip seal. The city has an estimate from your bridge crew, do you want to comment on that? Brain responded that's Roger Sorenson, if you've got any comments or thoughts you want me to take back to him, I'd be happy to do it but, it's outside my expertise. Mayor Thomson responds yeah, it looks pretty straightforward I think I think this represents the repair of the deck because we were talking about the scouring on the supports as a separate issue and a separate timeframe. Brain responds yeah, and in that bridge deck estimate just so you guys know was based on some decks repairs that we have designed and have put out to bid over the last two (2) years. One of them is a Baptize road in Pocatello out by the wastewater plant. It turned out really nice. We're starting to work on one for two (2) for Bingham in county right now. One finishing out, we're getting the design document together, it'll probably go next spring, it may still go in this fall but I doubt it. So, the information that Roger was using was based on some very recent projects so hopefully it's straightforward but by all means you know we'll get ahold of Roger have him answer those. Mayor Thomson responds yeah, I can I can do that as well. It's pretty much what I expected to see. Anything else. Okay, thank you Brain, appreciate your time.

B) Fire Station Addition Update

1) Mayor Thomson announced he jumped over the fire station project, because I wanted to get him involved on the items that had to do with him. There really is no update on the first station edition.

Land Purchase Proposal Status Report: I haven't heard anything back on the land purchase. I will probably drop him a line or, or give him a phone call and say asking if he received that if he's made any considerations on it. As far as that goes it's not, it's not going to stop or progress on the fire station. It may stop our progress on wrapping the road around it, for now. There's other approaches we can use to. That being said, I'll get a hold him and see if he's a chance to consider or reconsider.

D) East Main Pedestrian Bridge Engineer's Estimate ACTION ITEM: The bridge on East Main is pretty much he thought out a number of based on probably these other bridges that they've been doing as a of 100 grand and, and by golly his

estimate going right on target and amazing how that works. It's pretty well broke down I don't know that it's any anything big what that amounts to is, they basically mill off the old cement decking and get it down and then put a fresh pour, I guess, on top of it. Councilperson Benglan asked when they will do, what would be the ideal time to do. Mayor Thomson responds the way I understand that is not a not a long term, they wouldn't have it shut down too long. Councilperson Benglan asked are talking like a week or so or a couple of days. Mayor Thomson responds, yeah, at most. Councilperson Hinz comments I'd say, I don't see any reason why they couldn't do this before Memorial Day. Mayor Thomson comments it's not a weather sensitive thing like asphalt because this is cement. They can put blankets on it and all that kind of stuff. Now some of the some of the temperature sensitive stuff that they may not be able to do in foul weather was, was the pedestrian rail. Councilperson Hinz comments they want to do that all at once. Mayor Thomson responds it's peeling for some odd reason from the last time that it was done and I don't know why it's peeling, was it bad or was it done in foul weather. Councilperson Hinz comments it didn't get blasted last time, everything just got cased. Mayor Thomson responds now they're going to blast it to bare rail and do it properly.

Obviously I don't think we want to do that during the summer months, but I think it can be done. Councilperson Hinz explained the city can't accept the city needs more than one bid because it's over fifty thousand (50,000.00) dollars. City Clerk Canda Dimick announces the biggest thing you need to do is probably the engineering part to get a contract. Mayor Thomson asked what CEI stand for. City Clerk Canda Dimick responds construction and inspection and asked if they want to proceed getting a contract with Keller's that so, they can start the design. They will help with the bidding process and everything. Councilperson Benglan comments so, we don't need to get bids on their professional services, we just need it on the construction. City Clerk Canda Dimick responds right. The first thing you're going to do is start with your engineering design. Mayor Thomson asked if the city approve the nineteen thousand (19,000.00) dollars. City Clerk Canda Dimick responds the city will approve to do a contract with them. Mayor Thomson asked for that amount or no more than that amount. Councilperson Benglan comments the contract will define the amount, based off their estimate. Councilperson Frandsen made a motion to contract with Keller's for pavement on Bridge repair. Councilperson Benglan seconded the motion. All voted aye, unanimous.

E) Buddy Campbell Park Improvements:

1) Tennis/Pickle Ball Court Resurfacing Bids - ACTION ITEM:

Mayor Thomson announced the city has some bids, I think the city up the bid amount to twenty five thousand (25,000.00) right Ricky. Councilperson Frandsen respond yes. Mayor Thomson continues so this is the new bids. I don't know does it change any from the old one, I haven't run across the old bid and we put out the day. I think they were trying to handle this in two (2) phases one (1) was the, the nets and post they were trying to do themselves or, or somewhere outside of the contract. Councilperson Frandsen respond yes. Ron Hunt on line and announced he has not seen the bids. Councilperson Frandsen bid received from Koch's two (2) proposals one (2) with the standard prepared or the alternative was with the shock resistant coating which was about hundred thousand (100,000) over what we have. The first bid is right in line with what we were hoping for. City Clerk Canda Dimick announces the bid is over a little bit. Ron asked what that. Councilperson Frandsen respond it over a little bit, eight hundred and fifty (850.00) dollars over what the city was hoping but I think it's doable. Ron asked for the actual number. Councilperson Hinz respond twenty five thousand eight fifty (25,850.00) cents and the alternate one hundred and twenty five thousand (125,000.00). Councilperson Benglan adds it includes shock resistance surface. Ron explains his understood the 2nd bid the materials are extraordinarily high for that rubber coating. Ron announces he is sure they can make up the difference between five thousand (5,000.00) and the eight fifty (850.00). That's something I'm sure we can make a difference. We can asked people who play pickle ball and maybe others in the community. Business maybe that want people to play pickle ball and tennis in town. I feel real confident we can make up the difference from what the city's already allocated. So, I don't know how you want to proceed. I would accept that bid and personally and, I think, on behalf of the players. We will make up whatever the financial difference is to bridge the gap from the amount the city has and the amount that includes, and then putting the posts in the net for the pickle ball courts. The permanent ones and then two tennis nets as well. Mayor Thomson read the proposal from these guys because it may make a difference. Level, repair cracks resurface paint lines for one tennis court. Paint lines for six (6) pickle ball courts on approximately twelve thousand four hundred and two (12,402) square feet of asphalt based tennis pickle ball courts at the buddy Campbell Memorial Park. Here comes the key part, including facility repair cinches, reinstalling nets and chain link fencing, if removed is needed to be isn't removed too, as needed to resurface the court so possibility what I'm hearing here is that they're including the net repair and some of those items in this bid, which we had discussed that as a possibility that we could do outside that bid. Councilperson Benglan comments their not, they're just reinstalling. City Clerk Canda Dimick explains just the existing ones. The new post and new nets are not included. Mayor Thomson explains that's the total cost as it sets then. Councilperson

Benglan responds they're basically just resurfacing. Ron announces he is real confident that we'll be able to raise the difference so what is the difference that would fall on to get above what's already approved. Mayor Thomson responds eight hundred and fifty (850.00) dollars. I don't see that city can't stretch that budget we have allotted twenty five thousand (25,000.00). Councilperson Hinz announces we've got that covered Ron, don't you worry about that. Councilperson Frandsen announces the only thing we got to be concerned with now is the DIY costs. Ron responds okay and he has no problem raising that money so, however you want to proceed.

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

2) Healthy Home Environmental Services Asbestos Abatement Proposal - ACTION ITEM: Mayor Thomson reported their proposal was ninety two fifty (9,250.00) to remove sack and dispose of all of the shingles. So, assuming we need to forward that into a contract form and send it out. Councilperson Hinz responds as long as they have our addresses 115 west Elm Street, not Alma.

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

F) Tree Trimming Bids ACTION ITEM: Councilperson Guthrie explains it for List of tree trimming, there's a whole list. Total two thousand eight hundred twenty five (2,825.00). City Clerk Canda Dimick explained one thousand in this year's budget and thousand in next years. Councilperson Guthrie reported we need to decide which location we want to do this year. Task One (1) is nine hundred and fifty (950.00) dollars. Task two (2) is eight hundred (800.00). Task three (3) is nine fifteen (915.00). City Clerk Canda Dimick suggested Main Street. Councilperson Guthrie responds task one (1). City Clerk Canda Dimick responds the biggest one (1) would be the ones over the bathrooms that one definitely needs to be done. Councilperson Frandsen suggested task three (3). City Clerk Canda Dimick addressed her concerns with how the trees look. City Clerk suggested scheduling task one (1) in October.

Councilperson Guthrie made a motion to have Senske Lawn Tech take care of task three (3) right now and see if they will do task one (1) in October for tree trimming. Task three (3) is a total of nine hundred and fifteen (915.00) dollars. Task one (1) is a total of nine hundred and fifty (950.00) dollar. Councilperson Benglan seconded the motion. All voted aye, unanimous. They probably could do all the work at one time and take the paycheck in the different budget years. Councilperson Guthrie the city can ask them if they will. Mayor Thomson comments good work Lisa.

G) Miscellaneous: Councilperson Frandsen asked if there is any other miscellaneous things, maybe on the phone. Councilperson Benglan announced he spoke with Jeff Jones and he is out.

Discussion: None

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

Meeting adjourned at 10:45 p.m.

Amantha Sierra, Transcriber

Jon Thomson, Mayor

Canda L. Dimick, City Clerk