

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, September 14, 2017 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

**Present:** T. Paul Davids III, Mayor  
Tamara Davids, Councilperson  
Brian Hinz, Councilperson  
George Linford, Councilperson  
Jon Thomson, Councilperson  
Canda Dimick, City Clerk  
Dennis Callahan, Code Enforcement Officer

**Excused:**

**Guests:** Mark Lowe, Ron Hunt, Jeff Young, James Hanson, David & Alice Grosso, Steve & Debbie Renz

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

**Amend Agenda:** None

**Approval of Minutes:**

July 13<sup>th</sup>, August 7<sup>th</sup>, August 10<sup>th</sup>, August 28<sup>th</sup> & September 6<sup>th</sup> 2017.

Councilperson Thomson made a motion to approve with the corrections noted on the typo errors. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Review & Approve Bills:** City Clerk Dimick reviewed bills with Mayor Davids & Council. Councilperson Hinz made a motion to pay bills. Councilperson Davids seconded the motion. All voted aye, unanimous.

**Status of Hiring an Appraiser to Appraise Various Properties (Potter Land Purchase Agreement, East Main South Side Pedestrian Bridge and Well Site with Access to Property):** City Clerk Dimick reported still looking for an appraisal.

**Law Enforcement/Code Enforcement:**

**Monthly Law Enforcement:** Jeff Young had nothing to report. Mayor Davids announced that a meeting is being scheduled with Doug Armstrong, Mayors for surrounding areas and Sheriff to go through some ideas to work together on or improve on. For example all of our open container signs are up and I have some ideals I would like to share at the meeting. Councilperson Thomson would like to add the under aged drivers on the meeting agenda. Jeff questioned the council about the underage drives. Mayor Davids explained that we have many underage drivers riding around town on four wheelers, local and out of town kids. The four wheelers and side by sides are not licensed. They are riding in Buddy Campbell Park. Councilperson Thomson explained the issues with underage drivers at the Lions Park. Enforce the fact that under aged driving is not a safe thing to do. Follow up concerns regarding a zoning issue was discussed. Mayor Davids addressed his concerns he had about a citation he wanted issued on a zoning issue here in Lava. The officer said he could not issue the citation without the prosecutor attorney approval. The officer has never gotten back to me or the City on whether or not he can issue it. Mayor explained the citation cannot be issued by our code enforcer. Jeff asked the Mayor Davids to call dispatch with the officer name and he will follow up on it and get back to the Mayor. Councilperson Thomson questioned Bike patrol in Lava. Jeff explained the County is currently short-handed. They still have positive presence. Jeff Young is willing to offer active shooter and safety classes for Lava Businesses. Class varies from two to eight hours.

**A) Public Nuisance Notices Report:** Code Enforcement Officer Callahan reported letter sent to Avery about sign and name of business. He talked with Canda about it but nothing has been submitted. He has all the paper work. Mayor stated that he doesn't like the name. The Council approved his business name as Knotty Pine per the application Avery submitted. The issue is he has a sign up that is not his business name and the sign was never approved. Code Enforcement Officer Callahan explained that he was given a sign permit application but, he has never submitted it to the City. Code Enforcement Officer Callahan sent a 2<sup>nd</sup> letter explaining that the sign needs to come down and replaced with the business name on the application or submit a new business license application and a sign permit with the new business name. City Clerk Dimick reported that he came in and Canda proved to him that he had completed the application with the business name Knotty Pine and signed it. Avery wants to go with the business name on the sign but, he would like to do a new business license for 2018 with that name and continue operating this year under the business license he was issued under the name of Knotty Pine and continue using the current sign as is. Councilperson Thomson made a motion that the sign needs to be taken down and replaced with the business name he was approved for and he also needs to submit a sign permit application with the business name that matches his approved business license or apply for a new business license changing the name to match the sign by September 22<sup>nd</sup>, 2017 to be in compliance. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Code Enforcement Officer Callahan reported that no action has happened on removal of the junk vehicles. Mayor Davids reported he has talked with property owner and will talk with her again. We need to have the City attorney draw up legal documents explaining the schedule of cleanup or the action that the city will take if it's not adhered to.

Code Enforcement Officer Callahan reported on the Shed that needed to be removed. Question about the definition of a shed and what the ordinance applies to. Need to look at the definition and the ordinance.

**B) Cover for Ranger:** Code Enforcement Officer Callahan reported he talked with Tony about the Ranger cover and he really doesn't want it. He doesn't think

is necessary. What he wants is a hard top plastic roof not an enclosure. Mayor Davids will visit with Tony and Billy.

**C) Oktoberfest 2017 Special Event Permit Application:** Councilperson Hinz made a motion to approve based on signature from the Fire Chiefs. Councilperson Linford seconded the motion. All voted aye, unanimous. Councilperson Hinz will check with the Fire Chief.

**D) Sky Lanterns Ordinance:** Lanterns prohibit in firework ordinance. Need to a new chapter for open burns. Council will review ordinance and see if needs to be revised.

**E) On-line Business List:** Code Enforcement Officer Callahan reports he is still working on list. He may separate a few more business types out. Canda suggested putting a box on the business license application authorizing the city to put business name and phone number on city web page. Code Enforcement Officer Callahan will send out notice with renewals. Discussion followed. Staff will work on consent form. Code Enforcement Officer Callahan suggested a welcome basket for new business and residents addressing commonly asked question and answers.

**F) Tree Trimming Notices:** Code Enforcement Officer Callahan reported that he is working on them. He has sent out fifteen notices so far.

**G) Small Claims for Delinquent Mowing Services:** Code Enforcement Officer Callahan reported that he wants to file small claims to Steve Jones for delinquent mowing services. Callahan provided history about delinquent mowing service bill and property. Councilperson Thomson made a motion to submit small claims. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**H) Law Enforcement Contract Renewal:** Renewal reviewed. Councilperson Hinz made a motion to approve. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**I) Code Enforcement Miscellaneous Reports:** Code Enforcement Officer Callahan handed in City phone. He doesn't get any benefit from it.

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

**A) North 1st West Drainage – Aaron Swenson, Forsgren Associates:** Mayor Davids will contact Aaron to see where the project is at.

**B) Snow Removal Contract Labor/Equipment Proposal(s) – Mayor Davids:** Only one bid. Leave open for another month to see if we can get another bid. Tony and Billy have a verified the price for the larger bucket. The bucket will be ordered per the budget line for next year's budget. Tony & Billy feel that hiring someone to drive the truck would help and that is what they would prefer.

**C) Right-of-Way Use Permit – Gas Line Emergency Repair on a lot E. Elm Street – Intermountain Gas Company:** Emergency situation, had to be done.

**Building Permit(s):**

**A) Lauren Barrett Permit Extension Request Update:** Code Enforcement Officer Callahan reported that Barrett's got a permit over a year and a half ago. Bannock County is not willing to grant an extension. Councilperson Thomson made a motion that the owners need to apply for a new permit. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**B) Application for a temporary use permit – Douglas Morrell:** Councilperson Linford made a motion to approve temporary use permit. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**K & A Camping Sign Permit – 485 East Main – Laundromat Sign:** Code Enforcement Officer Callahan reported that he is going to furnish sign permit application with building permit application. Councilperson Hinz made a motion to approve as long as it doesn't blink. Councilperson Davids seconded the motion. All voted aye, unanimous.

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

**A) Battery Systems, Inc. (Non-Property Tax Permit):** Councilperson Davids made a motion to approve. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**B) Chuckwagon Restaurant, LLC (Non-Property Tax Permit):** Councilperson Hinz made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

**C) Lava Country Store, LLC (Non-Property Tax Permit):** Councilperson Hinz made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

**D) Doug's House – Doug Morrell, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

**E) Final Touch Custom Painting – Art Wilson, Owner/Applicant:** More description needed on application. Councilperson Hinz made a motion to not approve due to lack of business description. Councilperson Davids seconded the motion. All voted aye, unanimous.

**F) Four J's Inc., Four J's Portable Toilets; DBA Roto Rooter – Brandon Hepworth, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

**G) Gelco Corporation (Non-Property Tax Permit):** Attachment on file. Councilperson Hinz made a motion to approve. Councilperson Linford seconded the motion. All voted aye, unanimous.

**H) Hot Springs Village:** Questioned owner's information. Councilperson Davids made a motion to approve. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**I) JY Electric, Inc. – Josh Younger, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

**J) Maverick Drilling – Sam Frandsen, Owner/Applicant:** Councilperson Linford made a motion to approve. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**K) Mountain Retreat Real Estate – Randy Benglan, Owner/Applicant:**

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

**L) Rocky Mountain Boiler, Inc.: Questioned owner's information.**

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

**M) Roof Over Your Head – Von Bodkin, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

**N) Scotts Sprinkler Systems – J. Scott Lish, Owner/Applicant:** Councilperson Hinz made a motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

**O) United Rentals (North America), Inc. (Non-Property Tax Permit):**

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

**Pickleball Courts – Ron & Lisa Hunt:** Ron Hunt attended the meeting with other player's in the community to discuss the condition of the City's pickle-ball courts. They feel the courts are dangerous due to the condition they are in. They would like to see the courts re-surfaced and offered their help in anyway. Ron is a member of the USA Pickle-Ball Association and they have been playing for awhile. They have a resource of energy and time. They have worked with many non-profit groups with fund raising programs and offered to help in that area. They understand the city is working on improvements. Pickle-Ball is the fastest growing sport right now. Sport needs to be promoted. Need courts fixed before promoting. Mayor Davids discussed the long terms park improvement plans. The City is only knows one company that re-surfaces courts in this area. Mayor Davids suggested they could help with finding companies to bid on re-surfacing of the courts. Ron agreed to see if they could find three or four companies to give a bid on re-surfacing the court. Ron will investigate grant opportunities. He is not a

grant writer and the City will need to find someone to write the grant. Mayor Davids asked Ron to report back and give the city office copies of any bid information, grant opportunities or grant writers information he receive. Mayor Davids invited them to come back and look at the park improvement plans.

**Lava Lowe Village Update – Mark Lowe, Developer:** Mark Lowe reported the preliminary plat approved by the county, twenty eight lots. He has bids from the contractor and as soon as they get the funding for them work will begin. They could start dirt work within one month. County road will be turned over to county ownership after it is installed. Utilities will be installed in the road and paid by the home owner association. Need the City to take over ownership and maintenance when installed, water and sewer main lines that go through the road. If the city doesn't take over ownership he will have to be his own public utilities buy the water from the city and then be responsible for sampling the water, submitting it, just like what the City does, which is redundant. That would be one of those requirement that if the city doesn't own we would have to. The utilities will be part of the cost of the lot. The system will be built to spec. The main line is going in and hooking to the City services. Ultimately it will get annex. We've already signed the agreement that when the City decide that they want to annex or get into the position where they can annex. We've already agreed to be annex. Meditation program is in the process of contracting with Idaho Rural Water Association. Mark said The City of Chubbuck has similar contract with developments outside their city limits (Diane Bilyue property). Mark commented as soon as they complete the water and sewer main line he will give them to the City. The City would only be responsible for the main lines. The City already has a main line running across the property. The homeowner is responsible for the meter, hookup fees for sewer and water and the pipes running from the meter to the home. Easements and responsibility discussed. Mark could give them an easement if need be. The City will install all meters. There will be retention ponds, locations discussed. The meter will be installed when the home is being built. Mayor Davids explained outside the city limit we get the revenue from the service just not the taxes until they become part of the City. The City will need a legal document. City will run everything through legal, Keller Associates and check with City of Ammon and Chubbuck. Mark will get as many examples of other city contracts as



soon as possible. Mark needs everything in place with the City before he can start his work. City Clerk Dimick will call Matthew tomorrow. Mark will email PDF copy of preliminary plat. City Clerk Dimick will forward PDF file out to Mayor and Council. All plans are DEQ approved.

**Meetings/Announcements/Miscellaneous:**

**A) FY2017 Budget Amendment Hearing – September 20, 2017 6 pm:** Hearing scheduled for Wednesday at 6:00 p.m.

**B) Park Pavilion Reservation Fees Public Hearing – September 20, 2017 6 pm:** Hearing scheduled for Wednesday at 6:00 p.m.

**C) November 7, 2017 Election Ballot: updates 1:00** Mayor Davids read ballot questions. Question one: Explanatory note – This is just for the tax to stay in effect until voted out. City Clerk Dimick comments deadline for ballot is this Monday. Mayor and Davids okay with questions.

**Candidates:**

Lisa Guthrie  
Charlotte A. Stanersen  
James B. Hanson  
Rickey Frandsen  
Brad A. Stanersen

**Question No. 1**

Shall the City of Lava Hot Springs, Idaho enact an ordinance pursuant to the City Property Tax Alternatives Act of 1978 extending its current local option non-property tax for as long as such taxes are authorized by Idaho law or until city voters vote to change or eliminate the following specific taxes, rates of tax, and purposes?

**Question No. 2**

Additionally, shall the non-property tax revenues be used for the following purposes: Land Acquisition and Municipal Building Construction?

**D) Fire Rating Re-evaluation:** Rating re-evaluation stays at five. Councilperson Hinz reported the department has ordered a fire hose testing machine to help

decrease rate in future. Pump testing has to be hired out but, will help for next evaluation. Councilperson Hinz explained the testing process and the payout.

#### **E) Miscellaneous:**

##### **Projects:**

#### **A) East Main Pedestrian Bridge(s):**

**1) Ribbon Cutting Ceremony – September 23, 2017, 10 am:** Ribbon Cutting schedule for September 23<sup>rd</sup> at 10:00 a.m. Discussion about ceremony, advertisement, invitations and supplies needed.

**B) East Main Traffic Bridge Pillar Construction & Rock Installation:** Rock to be delivered.

#### **C) Buddy Campbell Park Improvement Project:**

**1) Booth Architects contract to design road and parking lot and prepare bid specifications:** Design contract reviewed. Design work starting September 15<sup>th</sup> with a completion date of November 1<sup>st</sup>, 2017. The rate of the design for the road and parking lot is seven thousand, eight hundred and fifty dollars. A thousand of that will be payable upon completion. Councilperson Linford made a motion to accept Booth Architect contract. Councilperson Davids seconded the motion. All voted aye, unanimous.

**2) Court Resurfacing:** Mayor Davids is glad citizens are getting involved.

**3) Pavilion Re-roofing bids:** Mayor Davids and council reviewed bids from Kirk Valentine, Ruddy's Roofing and Hard Rock Roofing. Councilperson Thomson made a motion to accept Valentine bid of six thousand, one hundred and forty three dollars. Councilperson Hinz seconded the motion. All voted aye, unanimous. Councilperson Hinz comments need to make sure contract outlines what we want and don't want and bid is adjusted accordingly.

#### **D) Water Improvement Project:**

**1) Well Location & Access – Mayor Davids:** Mayor David has talked with everyone. Mayor Davids given contract to Etcheverry and his lawyer is reviewing it. Councilperson Hinz will follow up with Etcheverry on the contract decision.

**2) Easements:** City Clerk Dimick comments has three she is still working on the rest will be mailed tomorrow.

**E) East Main Street Additional Benches:** Mayor Davids reported benches will be installed around trees tomorrow. Benches will be anchored down. Councilperson Hinz made a motion to approve accept contract. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**1) Scott's Sprinkler Systems, LLC Contract:**

**F) City Hall Energy Project:** City Clerk Dimick submitted incentive to Rocky Mountain.

**G) Miscellaneous:**

**Overhead Door:** Mayor Davids reported that they will tune it up, lube it and install on September 25<sup>th</sup> and completed by the 29<sup>th</sup>. Councilperson Hinz made a motion to accept Quality Overhead Door contract. Councilperson Davids seconded the motion. All voted aye, unanimous.

**Fire Station Roof:** Mayor Davids reported begin on September 15<sup>th</sup> finish October 11<sup>th</sup>, 2017. Cost two thousand, five hundred and eighty dollars Councilperson Hinz made a motion to accept Rudy's Roofing contract. Councilperson Davids seconded the motion. All voted aye, unanimous.

Mayor Davids reported contract from Rock Hard Concrete twenty one foot pad by twenty by six inch thick at the Fire Station pad beginning tomorrow. Councilperson Thomson made a motion to accept Rock Hard Concrete for Fire Stations pad. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Mayor Davids reported Spa Motel has scheduled with Rock Hard Concrete to do there sidewalks while the City does curb and gutter. Mayor talked with Tony and

the piping going underneath the curb and gutter for hot water. It is CPVC and is okay up to 150 degrees and the water coming out is around 130 degrees. Mayor recommended to Tony to talk to the foundation about connections. Owner of the Spa is not interested in having the hot water under sidewalks. City maintenance crew will install piping. Councilperson Linford made a motion to approve Rock Hard Concrete contract. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**Discussion:** Mark Lowe question location of new well location.

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

Meeting adjourned at 8:03 p.m.

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Amantha Sierra, Transcriber

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T. Paul Davids III, Mayor

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Canda L. Dimick, City Clerk