Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, December 08, 2016 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:  Vaughn Rasmussen, Aaron Severson, Lisa Toly, Neil Anderson, Mark Lowe, Kody & Andrea Tillotson, Clinton & Kerby Pagnotto

Mayor Davids welcomes everybody and thanks everyone for coming.  He announces this is our regular scheduled city council meeting.  The Pledge of allegiance is led by Councilperson Thomson.

Amend Agenda:

Mayor Davids comments he would like to amend the agenda.  Under business license add Wagon Wheel, Patty Matson, section F.  Add Mark Lowe at six p.m. right before the proposed land swap.  Under meetings, announcement and miscellaneous add 1% proposal, misc. section K.  Councilperson Davids made a motion to amend agenda according to what was just mentioned.  Councilperson Linford seconded the motion.  All voted aye, unanimous.

Approval of Minutes:  Mayor Davids comments October 13, 2016 meeting minutes is a draft.  Please take an opportunity to read them before our next meeting.
**Review & Approve Bills:** Councilperson Linford made a motion to approve bills and pay. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**Law Enforcement/Code Enforcement:** Mayor Davids turned the meeting over to Dennis Callahan, Code Enforcement Officer.

A) **No Open Alcohol Container Ordinance Posters:** Dennis Callahan, Code Enforcement Officer presented samples of signs. Mayor and Council discussed the signs material, wording, pictures and site locations for the signs. Dennis Callahan, Code Enforcement Officer proposed that half the wording in English and then the other half in Spanish. The cost to print the signs is per unit not per letters. The cost for ten signs is forty seven dollars and seventy six cents. The post to hang the signs on the City already has. Councilperson Thomson made a motion to buy ten signs and use the thicker material if it’s the same price. Then we’ll decide on the exact wording at our next meeting. Councilperson Hinz seconded the motion. All voted aye, unanimous.

B) **Microchip Program Update:** Code Enforcement Officer Callahan comments we had it scheduled for January 21st. I propose delaying it for a month due to my scheduled surgery. The event will have two staff members from the Animal Shelter and then there will be one volunteer. The City will responsible to pay for the two employees from the animal shelter. Mayor Davids comments last time we made a motion to have a donation jar.

C) **Special Event Application Form:** Mayor Davids comments it looks like you made some changes on this special event application, you want to update us on that. Code Enforcement Officer Callahan reviewed changes. Mayor and Council discussed chemical toilets and how many are required per event. Mayor asked Dennis to call other towns and see what they recommend for special events.

D) **Public Nuisance Notices Report:** Code Enforcement Officer Callahan comments Ken and I, are still working on problem areas.

F) **Century Link Roof Replacement:** Code Enforcement Officer Callahan comments at this stage of the game we left it up to Lisa Toly. Lisa responds we are going to have to grant them an easement. What I want to know from the City can
their water drain towards Main Street and then drain into the park. Mayor Davids responds that would be something we want out engineer to look at. They will need to work with the City on the drainage easement.

G) **Lava Spa Motel Sidewalk:** Mayor Davids and Code Enforcement Officer Callahan haven’t heard anything from the Lava Spa Motel. Mayor and Council discussed options and decided to give them another notice with a date to comply. Mayor and Council agreed that Home Hotel sidewalk is nice looking.

**H) Fire Hydrant and Sign Damages from October 7th Accident:** Mayor Davids comments the fire hydrant has been fixed. City Clerk Dimick comments we are still waiting on a bill so we can file restitution.

**I) Fall Tree Trimming Notices Update:** Code Enforcement Officer Callahan comments I have been working with Tony. Tony lets me know which trees need trimmed and I send the notice to the property owners. Tony is concern with the branches hitting his truck and possibly causing damage.

**J) Miscellaneous Monthly Reports:** Code Enforcement Officer I’ve had a couple of verbal concerns from some of the people about the spa deck collapsing and it looks like it’s going to fall into the river. I’ve taken some taken pictures and passed them onto Andi, Bannock County Inspector. I’ve also passed them onto Marino Cher to see if they have any concerns. Right now everybody is saying something has to be done. I’m get conflicting ideas of what to do. Andi basically sent back a letter saying Lava needs to issue a notice of violation or a citation of construction. I need to talk with Andi to find out how to proceed. Mayor Davids comments I noticed on that there was no final inspection done. Code Enforcement Officer Callahan comments there has never been a final inspection. In my investigating the no rise certificate was issued for the hot pool, had nothing to do with the deck. So the decking as far as I can see was put on later, after the engineer did his no rise.

Mayor Davids asked Dennis about the list of permits that need certificate of occupancy completed. Code Enforcement Officer Callahan replied he is still working on them. Mayor Davids asked Dennis to please add 2016 to the list.
Mayor Davids turned the meeting over to Mark Lowe so we will turn time over to you. Mark Lowe comments he wanted the opportunity to meet with the council and bring them up to date on what’s happening with his proposed sub-division out on Maughn road. We’ve applied to the County for a PUD (a planned unit development). It is allowed in that zone which means we won’t have to go through and have it re-zoned. It would still meet all intent that we had discussed previously, urban style setting with the ability to get City water and City sewer. To comply with all building code requirements and what not. Our first step is to meet with the county commissioner and planning and zoning folks before it goes out for public hearing so we can address prior to that public hearing any concerns the county might have. The intent is we are going forward with it. At the time the City gets to annexation proceeding hopefully we will have building there to annex. We have the agreement on file with the City, the agreement to be annexed if and when the City wants that done, we are moving forward. Mayor Davids comments we have throughout the year talked to people about the annexation proposal and there’s not a lot of interest right now. Mark comments the one additional request that we make to the City is to be able to make improvements to and utilize the City access road down to the sewer lagoon, make the improvement on that so it’s incorporated. It doesn’t make a lot of sense to me roads running parallel or adjacent. The City would still be able to maintain their traffic control, keeping anybody from going down to the lagoons. Mayor Davids comments okay. I would like to request that you make contact with the Kofoeds. Give them a heads up on what’s going on.

Mark continues with the one percent application. Mark comment my intent was to get the one percent application for the Chamber of Commerce completed by the 15th because that’s when the dead line is for submitting those. So you should see it next week. Mayor Davids comments the Council will review in January.

**Proposed Land Swap – Kody Tillotson, Edge Water KOA Owner:** Mayor Davids comments this is the proposed land swap, drainage report down at the KOA. Last month we had proposed or said that we would agree to the land swap in that it clear up a road to the City and it’s not going out into the river. It also clears up some things for Kody at the KOA. Based on what we can do with the drainage coming off 1st. Aaron comments he sent the City a proposal. Mayor Davids explained what the City currently has planned. The City will put in curb and gutter on the west side and after the water project is completed the City will put in curb and gutter on the east side. Mayor, Council and Aaron discussed drainage from
North 1st East and reviewed the proposal. Aaron comments there are two options and either one of them will work. French drain style or catch and overflow. The City would have to maintain property and engineer the drainage systems. Aaron recommends the French drain system. Kody questions Aaron about the French drain system and how it works in the winter time. Kody would like to see a drain box used. Aaron explained they work the same way as a drain box. I need to study drainage infiltrator system and size it to be certain. The city will need thirty inch of cover. The City would have to pull permits. Mayor Davids suggest if everything works out and since the City owns 1st Street it will be our responsibility to get the engineering done. Kody is responsibility is to put that system in and pay that cost. Kody question Aaron on how the boxes are built. Aaron comments it depends on what kind of system is used. I’m thinking we use an infiltrator and they need a minimum thirty inches of cover. Were the cost comes in is they require geo synthetic lining around them and then gravel. Typically how deep do you think you are to a natural gravel layer out there? Kody comments you’ll hit natural water probably at three feet that would be my guess. Aaron asked is it river right there? Kody comments maybe four feet down, that’s why I was concerned. My guess is your going to hit ground water level. We’re good either way. We’ll cover the cost as long as we can do the install to a certified plan spec. The City will need to take care of the engineering and pull the permits. If you can make a proposal around that we can move forward and meet back to decide which way you want to go. I would run the pipe and give you the easement to get it to the river. Mayor Davids comments there will be some legal that will need to be done on property lines and easements. City Clerk Dimick comments question what are Army core requirements. Will a no rise will be required. Mayor Davids comments land swap we already said we would do if we could get the drainage issue taken care of. On the table is that City will hire you Forsgren to engineer what we need to take care of the drainage and Kody will take care of installing and putting that to Forsgren specs that you have and we will push ahead with legal to make sure we get everything legally set up and everybody is okay with it so, we can get things moving ahead. That’s what on the table right now. Kody asked are you using our proposed widths. Mayor Davids comments yes, that’s what we discussed last time. Councilperson Thomson comments yeah, we approved that based on the drainage, so it was as you proposed the land swap. Councilperson Thomson made a motion.
to proceed ahead with the land swap, Forsgreen Engineering to do the engineering on the drainage fields and the drainage box, Kody will follow those recommendations and install and then go to legal. Councilperson Linford seconded the motion. All voted aye, unanimous. Aaron will revise proposal and send it to Canda the first of next week.

Building Permit(s): Mayor Davids reads list.
A) Change of Use – Residential Single Family Dwelling to Vacation Rental – 237 West Main Street – Lane Avery, Owner/Applicant: Mayor Davids comments Andi, Bannock County Inspector approved permit. Andi has made some remarks on the permit. Mayor addresses the remarks. A change of use for home will be pre-inspection to post inspection and the garage can’t be used for anything, like living or sleeping and if the owner wanted to change the garage he’ll need to submit an additional permit for construction of change of use. Councilperson Hinz made a motion to approve permit for Lane Avery. Councilperson Davids seconded the motion. All voted aye, unanimous.

B) Change of Use & Removal of Wall – Changing Laundromat to additional bar floor space – Blue Moon Bar: Mayor Davids comment permit is to change Laundromat to additional bar space and open up to the bar. Remove the wall to the banquet room. Clinton comments there’s already a door that goes from the bar into that laundry mat. Councilperson Davids asks is there parking question when we are increasing space? Kerby comments when the City audited the usage for the outside garden area they took the whole square footage of the entire building to calculate parking requirements. Clinton comments we’re going to have an engineer look at it before we tear down the wall. The engineer will be able to tell me if I can or can’t do it. Councilperson Hinz made a motion to approve this permit for Blue Moon. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Mayor Davids asked if they have ever thought about purchasing land to the south of them for additional parking. Kerby responds the asking price is too high.

Consider Building/Fire Code Service Agreement with Idaho Division of Building Safety: City Clerk Dimick comments March is when the current contract with Bannock County expires. Councilperson Linford made a motion to
have them draw up an agreement showing sixty/forty and have it reviewed and ready to consider at January meeting. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Mayor Davids comments you realize they do everything but, flood plain.

**Kofoed Outside City Limit Water Service – Motion Clarification:** Mayor Davids comments Karen Kofoed doesn’t drive on roads like this. City Clerk Dimick comments I will mail it to her and she going to get it notarized and mailed back to us. Mayor Davids comments it’s approved. It will need signature once we receive it. Councilperson Thomson suggest an email is sent to the Mayor and Council when the agreement is received asking us to stop by and sign it. Councilperson Linford comments as long as Canda here to witness it.

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

A) D & A Rentals, LLC – Dave & Alison Mickelsen, Owners/Applicants.
B) Knotty Pine – Ram Construction, Lane Avery, Owner/Applicant.
C) Salt Excavation, Cameron Salt, Owner/Applicant.
D) ATP, LLC Liquor Catering Permit for Fred & Mary Hinz 50th Anniversary.
E) Motion to issue license renewals upon receipt of renewal form.
F) Wagon Wheel.

Mayor Davids read the list and noted that we did amend the agenda to include the Wagon Wheel. Mayor Davids questioned Allison Mickelsen proposed a sign in the yard. City Clerk Dimick explains the ordinance for nightly rentals. The reason for the ordinance is the sign contains contact information for the nightly rental. Councilperson Hinz asked if they are only serving beer and wine for the ATP LLC permit. Kerby comments champagne too. Mayor Davids comments the permit is for use in Community building only. Mayor Davids continues with the Wagon Wheel. In a commercial zone there is an ordinance that people can have a traveling RV park and proposal is that his business license for the Wagon Wheel Bar and Lounge includes two trailer spots, one for him and/or for his band. Councilperson Linford question if he has permission from Bob Bergendorf. Mayor Davids reviewed the site plan. City Clerk comments its dry and private use. Councilperson Davids asked does that exclude like renting them out the space. City Clerk Dimick comments on the application he put for private use and Bob’s put for private use. Councilperson Thomson made a motion to approve business
license applications. Councilperson Davids seconded the motion. All voted aye, unanimous.

**Direct Communications Franchise Agreements/Ordinance Progress Report:** Mayor and Council discussed agreement. Daniel wasn’t able to attend tonight’s meeting. City Clerk Dimick comments Clyde reviewed the agreement and it has almost everything Clyde wants in it. The one thing Clyde asked is the agreement refers to Direct Communications and Independent Cable System of Idaho and neither one of these entities are listed under those names within the Secretary of State files. The company needs to list the whole correct name of each entity both in the body of the document, on notice and signature page.

**Agreement with Bannock County for annual exchange of water for sand:** Councilperson Linford made a motion to approve. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Request for Proposal – City Attorney:** Mayor Davids comments we identified last time of where we wanted it sent and as you read through this does anybody have anything that they feel like needs to be added, deleted. City Clerk Dimick comments I forwarded comments that I got from ITT to you. January 9th is the due date. Mayor and Council discussed list of recommended attorney to be sent out and how to advertise for all interested. Mayor Davids comments on the table send to the three attorneys, Gary Cooper, Doug Wood and T.J. Budge, on the list and also send it to the bar association. If they don’t publish then put an ad in the newspaper. Councilperson Thomson made to motion to that effect. Councilperson Linford seconded the motion. All voted aye, unanimous.

**Resolution(s)**

**A) Resolution 2016-1 Destruction of Public Records:** Still working on.

**Old Ambulance Garage Heating System:** Mayor Davids comments Billy approached me and the old ambulance garage has no heat, no light, they work and store some of the equipment down there. It gets pretty cold. They would like the heat and lights back on just in the winter. Mayor questioned how much it was costing per month to have that on. City Clerk Dimick comments the prior Mayor and Council decided about ten years ago to turn off the lights and heat. Anything cost comparison I would have would be outdated. Mayor and council discussed
the usage and outdated systems. Kerby from the audience mentioned that there are bricks that need repaired. Mayor Davids asked Council to take time this month to work through the location and see what they think about it. Revisit at next month’s meeting.

Meetings/Announcements/Miscellaneous:
A) 100th Birthday Celebration – Banners, Shirts & Zombie Run: City Clerk Dimick comments we still have some items for sale.

B) At Will Personnel Policy Status Report: Mayor Davids comments work on At Will after the 1st of the year.

C) Activity Connection Plan Grant: Mayor Davids we won’t do anything thing with this until he comes back with his ideals in January.

D) Highway 30 Speed Limit Update – Mayor Davids: Mayor Davids comments I visited with them and they did move the signs to City limits. I asked them about the digital sign, like the one we have in town. They are going to get the sign for us. Mayor discussed his conversion he had with him about doing some kind of trail system out by the Sinclair. Lisa Toly reported that they have donated land for a right and left hand turn lane. They’re giving up the cattle crossing and suggested utilizing the cattle path further west for a pedestrian access. The cattle guard on to the north side has a sewer easement and I suggest keeping your walking path on the north. Lisa talked about the construction plans and the impact for Sinclair’s access. Traffic will need to be rerouted. Mayor Davids comments he is still going to push to expand the forty five mph and get a traffic light installed.

E) City Hall Internet Service: City Clerk Dimick comments I gave you a proposal about changing to faster service. They want to do a two year contract with a separate line for the fax. The new contract is around the same fee we currently have for the next two years down the road it will increase when the contract expires. They cannot tell me what the increase will be. We are currently at one point five and this will increase it to seven. Councilperson Hinz made a motion to increase internet service. Councilperson Linford seconded the motion. All voted aye, unanimous.
F) Idaho Department of Water Resources Notification Order Designating the Snake Plain Aquifer Ground Water Management Area: Mayor Davids asked if everyone had a chance to read the packet. It is just information for you.

G) Kathleen Lewis, SICOG Director, Retirement Open House December 15th: For your information.


I) TNT Licensing Update for 2017: For your information.

J) Lava Chamber of Commerce 2017 Ballot: For your information.

K) Miscellaneous: Mayor Comments review 1% proposal at January meeting. City Clerk Dimick comments she cannot get the luncheon commitments from employee and was wondering if the council would have a problem with just giving Christmas cards. Council agreed cards are fine.

Projects
A) Wastewater System

1) Net Metering Agreement Status: Mayor Davids turned over time to Vaughn Rasmussen. Vaughn presented information on Schedule rate. The city is on schedule 23, Rate 135. Vaughn explained how that schedule works. Vaughn distributed copies of May 20th incentive mailed to Clyde. Future incentive for City Hall & Fire Station LED lights discussed. Councilperson Thomson asked about a street light at Spring & 6th street. Vaughn explained the process for requesting a street light.

B) East Main Pedestrian Bridge:
1) Cannon Builders Construction Schedule & Submittals: Aaron reviewed pedestrian bridge submittal with Mayor and Council. Councilperson Hinz asked about the concrete. Vaughn responded the concrete is going to be minimal. The concrete is buried in the sidewalk on both sides. Brick would be nice on both sides as seen in the picture. Street side may be difficult to add brick. Rock column maybe a good idea to tie both bridges together. Aaron
will talk with Melody about brick approach opportunities. Walk out ten by four, iron wood plank base, enhanced engineered wood. Aaron will try to get a sample. No slip surface, wood product. The outlet is on the drawing package we prepared. The outlet on bridge is for holiday light decorations. Bolting pattern changed a little bit, they have requested an epoxy bolt as opposed to a J bolt. Aaron needs to go through that and make sure what they are opposing will work. Councilperson Hinz comments why do they want to epoxy those in? Aaron responds he has a pretty valid concern, you’ve got a sixty five foot span, you’ve got bolts on either end, with a very small tolerance and cold weather construction he’s concerned about hitting those bolt patterns when he sets that bridge on so, he wants to embed bolts in there. Aaron and Council had discussion on bolting with epoxy, no epoxy or partial on one side. Mayor Davids comments when are they going to come and start? Aaron comments they where suppose to start a week ago but when they got the preliminary bridge submitted, the bolting pattern changed and they opted not to come and get started and have to wait. Now that we have it we can get it approved and change the bolting pattern in the design and stake it out for them and then they can go. Mayor Davids reviewed the whole scope. You’re going to talk about the north side of it, putting some brick and stuff in there to tie in with the car bridge and everything. Aaron comments we’re going to talk with ITD. It’s a program through ITD. We are way under budget, they had a program, and we are all good to go. With that they will allow only normal typical change orders. Your request is a change of scope they may not approve it but, I will try. Mayor Davids comments that we have already approved that as soon as we got this design you could start with the engineering design for the car bridge. City Clerk Dimick comments we need to do a contract before they do anything. Aaron comments we are looking at first of February completion date. Councilperson Hinz made a motion to approve submittals. Councilperson Thomson seconded the motion. All voted aye, unanimous.

2) **Inspection Contract(s):** City Clerk Dimick asked about the inspections. Inspection contract discussed. Aaron comments I think there was just a little bit of misunderstanding there. The City talked about hiring a CE& I and that has a specific meaning in the industry, Construction administration inspection and material testing. The City hired Keller for onsite construction inspection and they will be doing a third of the inspections. Forsgren will cover the rest.
Councilperson Hinz asked who is responsible for the anchor bolt placements. If Keller has an engineering question between the contractor and inspector they probably should call me.

Mayor asked about the Palmer, 371 W. Spring Street, situation and Aaron recommended doing a study. Aaron will talk with their geo-tech engineer on the cost of the study and get back with the City. Mayor Davids reports the City is looking at putting in a drain system and diverting to Buddy Campbell Park. Monitoring system options were discussed. Aaron recommended start monitoring in the spring when the ground is not frozen. Mayor and council discussed snow removal and drainage for that location.

C) Buddy Campbell Park Improvement Project: Mayor Davids comments we haven’t heard anything new except to meet on this drainage ideal.

D) Fire Station Fire Hydrant Project: Spring period recommended.

E) Water Improvement Project:
1) Land Purchase – Mayor Davids: Mayor Davids comment on the land purchase. The survey shows boundary will be close to Potter’s backyard. Need to work on appraisal.

2) BLM Easement (Engineers is working on it): Mayor Davids asked if they are done with easement. City Clerk Dimick comments Keller’s is working on it.

F) Black Mountain Software Status Report: City Clerk Dimick comments still working on that.

G) East Main brick pavers and sidewalk: Mayor Davids comments I will ask Ted Booth about the status of the design for E. Main Street brick pavers and sidewalk when I meet with him on the drainage issue.

H) Chicken Soup Springs Repairs & Easement (Distribution line to East Main Street): Mayor Davids comments the City has easement in place to distribute hot water to Main Street to heat the bridge. Mayor and Council discussion about how the line is going back to the bridge, what option they have and what the hot water is used for.
I) **Lava Trails Project:** Mayor Davids comments nothing new. Mayor asked City Clerk Dimick to send the commitment and support letter this month. Mayor and Council discussed phase-two on the project and other grant options.

J) **Miscellaneous Discussion:**
Mayor Davids asked any items from council or audience. No one comments.

**Adjournment:**

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

Meeting adjourned at 8:30 p.m.

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Amantha Sierra, Transcriber

T. Paul Davids III, Mayor

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Canda L. Dimick, City Clerk