Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, February 09, 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:** Mike and Vickie Hansen, Lisa Toly, Kerby Pagnosto, Dane Davids, Rick Aubrey, Monte Steele

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. I would like to move Pita sewer service agenda item to right after the review and approval of bills. I would like to move up Dane Davids eagle project agenda item to follow Pita. Councilperson Davids made a motion to amend agenda moving those two items. Councilperson Linford seconded the motion. All voted aye, unanimous.

**Approval of Minutes:** Mayor Davids asked has everyone had a chance to look at the minutes and is there any question? Councilperson Linford made a motion to approve April 14, 2016 minutes. Councilperson Davids seconded the motion. All voted aye, unanimous.

**Review & Approve Bills:** Mayor Davids asked has everyone had a chance to look at the bills to be paid. Any question. Councilperson Davids comments do we need
to do something with Forest Design group? City Clerk Dimick comments one of the line items on the bills was an agency charge minus commission. I’m not sure what that is? Councilperson Hinz comments he would like to hold off on paying that until it is explained. City Clerk Dimick comments the only other thing I want to bring to your attention is Booth Architect. That is his final bill, I don’t know if you want to pay full amount. The contract says we don’t pay the final until it’s accepted. Mayor and Council reviewed bills. Mayor Davids comment on the table we have that we pay the bills except only eighty percent of Booth Architect and Forest Design Group minus the eight hundred and twenty five. Councilperson Hinz made a motion to pay all the bills except twenty percent of Booth Architect to until final acceptance and Forest Design minus eight hundred and twenty five dollar explanation needed for charge. Councilperson Linford seconded the motion. All voted aye, unanimous.

**Pita Sewer:** Mayor Davids asked them to come up front. Vickie and Mike introduce themselves and explain why they are here. They own the concession down at the Olympic swimming pool. Open from May through September which is, from Memorial Day through Labor Day. I winterize that building, I have no air conditioning, I have no heat and my building is attached to the swimming pool building but, other than that it’s my own building. It’s a seasonal business. The State pays the water and sewer. Mayor Davids comments so you’re saying that the State is paying thirty one dollars a month. Is that what the State pays? City Clerk Dimick comments the State’s is based on the attendance of the pool. Mayor Davids comments my question is, then if it’s part of the State you shouldn’t being paying anything if the States paying it all. Vickie comments actually I shouldn’t being paying anything other than May to September. Mike comments it’s a business of mine and I don’t mind paying the fee for sewer, water and garbage when it’s open. Councilperson Hinz comments hearing the situation were you’re connected to them and it’s completely different. This seems like an exception to the rule. Councilperson Hinz comments what would the motion be? Mayor Davids comments she asking that she is only charged for sewer for the four months she is open and leave it as is because the State is paying the sewer when they are closed. City Clerk Dimick comments according to the ordinance, the way it’s worded, it’s constant. The word constant is in there. Once the fee is established it’s constant. Councilperson Linford made a motion to bill thirty-one dollars a
month for sewer May to September. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Dane Davids – Eagle Project:** Mayor Davids comments Dane is here because he is working on an eagle project and he contacted the City. He was wondering what he could do to fulfill his eagle project. The idea was brought up building some garbage cans or holders for the thirty two gallon bags which would be put along the new trail and down between the hot pools and the community building. Mayor Davids turned over the meeting to Dane to present his proposal. Dane comments we had a couple of ideals. The first idea was to build a trash bag holder. What I would do is build the wooden casing on the outside and the trash bags are placed on the inside of the container. I looked into Trex’s but it’s pretty expensive. My suggestion is pressurized wood. Its pressure treated wood and it will not rust. They’re four feet section, two by two by four. It will not require any cutting. It would be about four hundred and forty two dollars. That would include the metal rings, fasteners, rebar, wood, 32 gallon Rubbermaid commercial trashcan. Mayor Davids comments so four hundred and forty two dollars for can, lid, pressurized wood and rebar into the ground. Dane comments two rebar for each can. It would be angle when it goes into the ground to anchor the garbage can to keep it in place and then fasteners that would go against the rebar and trashcan. Councilperson Davids comments there would be six of them? Dane comments yes, three along the new part of the trail and three along the walking path. I would do all the labor, all the placement and stuff like that. I’m asking the City for funding of the supplies. I’m open to ideals and placement of the trashcans. Mayor Davids asked are they going to be seasonal and if so, can they be removed and stored during the off season period. Dane comments they could be stored during the off season but, it would definitely take effort to remove them. The rebar would be placed in there to keep it there but, it could be done. Councilperson Davids comments and then how would you replace it the next year? Dane comments using the same can just different rebar. Councilperson Thomson comments I like the idea. Rebar for keeping it from wind blowing over and stationary. Something in the ground that just stayed there and then you can just chain to it. Councilperson Hinz comments what about concrete? Dane comments that was my other ideal. I could lay a cement pad and then have a steel pole, kind of like what you would chain a horse to or something like that and we would chain the handle to the steel pole. It could
actually work multiple ways. The chain could be locked keeping the trash can there. I could do it to where we can put a couple of trashcans on this one cement plot or we could do one single cement plot three feet by three feet of concrete. A single trashcan and single pole that came out of the top of it and then we would weld the chain to the pole about where the handle of the trashcan is and then lock the chain around the handle. That was an ideal I had besides the wooden casing. Mayor Davids comments I like the ideal of the wooded casing. The Mayor and council discussed other option and how to make the concrete pad hold up during heavy winters. Mayor Davids comment you need a commitment from the council to fund the project and you will come back next month with definite plans, total cost, the sites where you’re going to put the trashcans, pictures and a progress report. Dane comments yes. Councilperson Thomson made a motion to commit financially. Councilperson Davids seconded the motion. All voted aye, unanimous. Mayor Davids comments the City can pick up the trashcans at the end season and store them. Mayor and Council thanked Dane.

Law Enforcement/Code Enforcement: Mayor Davids turned the meeting over to Monte Steele, Bannock County Sherriff. Mayor Davids comments can you give us any idea how Fire & Ice went or do you have any problems. Monte comments I didn’t work it and I didn’t hear of any problems other than some guy was complaining about the parking somewhere. Mayor Davids comments he has not heard of anything. City Clerk Dimick comments one little fender bender at the post office by the intersection I know they directed traffic there for a couple of hours. Monte talked about flood warnings and it could be problems all week. I don’t know if the City provides any sand bags. Mayor Davids comments we’re talking about that tonight and are hope is to have some sand here. Monte comments that’s what the county did they opened one of their gravel pits and they have sand and bags available. The county has people and signs directing people to the correct location. They have it sit up for you to bring your own shovel and take what you think you need. The only other issue we are kicking a few people out of your parking lots but other than that it is going pretty good down here. Mayor Davids comments thank you for all you do, appreciate it.
A) No Open Alcohol Container Ordinance Posters: Mayor Davids comments so what we need to do is decided which sign we want and how many. Dennis will be back to work on Monday and the he can get them ordered. The Mayor and Council discussed the signs. Councilperson Thomson made a motion to order the signs with red bold border. Councilperson Linford seconded the motion. All voted aye, unanimous

B) Microchip Program Update: Mayor Davids comments program on hold.

C) Special Event Application Form: Mayor Davids comments nothing been done with it. City Clerk Dimick comments I think he’s made all the changes that were asked of him from the last meeting. I think we are probably ready in my opinion. Councilperson Hinz comments I think we should add it to one of our work session that we plan on doing and finalize it. There are just a few changes needed.

D) Public Nuisance Notices Report: Councilperson Thomson reports the nuisance basically worked itself out. The complainant spoke to the owner of the property who in turn spoke to his tenant and then went back and talked with the complainant and the complaint has been recinded. No problem at this point in time. I had couple of dogs running at large. I called the owners and asked them pick them up. They went and got them and took them back home. City Clerk Dimick comments the car we tagged up here, moved over the weekend. No one knows where it went but, it’s gone. Mayor and council talked about how to handle abandon cars in the future. Maybe it’s time in the City that we do have a place where we can store a couple of cars, something to think about. Councilperson Thomson comments there is an ordinance in place that every vehicle that’s parked on Public Streets is suppose to be moved periodically. Councilperson Hinz comments it’s every twenty four hours.

E) Main Street Restricted Parking – Council member Thomson: Councilperson Thomson comments Mayor and I have talked about this before and I just want to mention again to the folks in Council. I’ve talked to several businesses owners downtown and asked their thoughts on it too and no one seems to have objection. Keep this in mind on Main Street most of the businesses are not opened until eight or nine O’clock in the morning. I took a look at the situation as
it unfolded here. I would like to comment on our City workers for doing a heck of a job at getting are Main Street cleared and the snow removed. My suggestion is no parking from four a.m. to seven a.m. on Main Street. That’s when the City is on Main Street clearing the snow. Councilperson Thomson I think maybe not pass an ordinance but, we need to review that subject and possible put some posting up that’s says restricted parking on snow emergency day or something to that nature. Snow removal is off season and I don’t think it’s that big of impact on the downtown area. Councilperson Hinz comments I think we need restricted parking in the summer time when they’re out there with the street sweeper. Councilperson Thomson comments that is my suggestion and like I said I’ve been to some of the business owners down on Main Street and I’ve not gotten any negative comments yet.

F) **Snow Removal Ordinance:** Mayor Davids comments the plan is to amend ordinance hire someone to remove snow rather than cite them. Currently if a property owner does not clear the snow from their sidewalks they’re fined fifty dollars. The change would be that we send a letter to all property owners in November explaining the ordinance. If a property owner doesn’t comply then the City will hire somebody to clean the snow off at the property owner’s expense. Councilperson Thomson comments I think we need to address leased property and snow verses ice. Mayor and Council review options and areas of concerns.

G) **Parking & Abandoned Vehicle Removal Ordinance:** City Clerk Dimick comments Clyde advised not to hook on to it. We need to go through our ordinance and make sure that it meets Idaho code. Idaho code has changed a little bit. I think once you get an attorney on board we probably need to have them review to make sure our ordinance is in compliance with Idaho code before we tow a vehicle. Mayor Davids comments we can have the attorney review both ordinance changes.

H) **Miscellaneous Monthly Reports:** No reports

**Street Improvement/Drainage/Flooding Potential:**

**North 1st West Drainage/Curb & Gutter – Proposed Land Swap with KOA - Consider Forsgren Associates Work Agreement:** Mayor Davids comments we’ve contracted with Forsgren to do a study and we haven’t heard anything back
on it. City Clerk Dimick comments actually he stopped by this afternoon and he has the calculation done and will be sending a report. He said he doesn’t have everything put together but, it’s going to be a much larger system than what he thought. He will get it together and go over it with you but, it’s not ready. Mayor and Council discussed what the City Maintenance crew suggested. We know what we are going to do with Curb and Gutter. As far as the swap of road for land we haven’t gotten any thing going on that we are waiting on our attorney to get on board. The first step is doing the drainage study so, that’s where we are at on this.

**B) West Spring Street Drainage:** Mayor Davids Comments the City pushes the snow away from the home owner’s house but somebody is coming in and clearing off her driveway and pushing it where the City doesn’t want it. I went down and took some picture the other night. As you look at their home, they’re draining the whole roof right into that area and pushing their snow into that area. Billy went and talked to Patrick and he said he won’t do it anymore. The City is going to get that studied to get our part of the drainage taken care of. The home owner needs to make sure she puts plows snow on her property and not on City property.

**C) South 1st East Sidewalk/Curb & Gutter – Rick Aubrey, Catholic Church representative:** Mayor Davids turned the meeting over to Rick Aubrey. Rick presented plans to install sidewalk and asked the City to assist with the curb & gutter cost. Councilperson Hinz made a motion to pay for curb & gutter. Councilperson Davids seconded the motion. All voted aye, unanimous. Councilperson Hinz stated that the City needs to look at the grade. Curb and Gutter will help. Additional pavement may need to be done.

**D) Sand & Sand Bags for potential flooding – Mayor Davids:** There is location in Bannock County. See if they will bring some to Lava, one or two loads. The City can store the bags and the sand can be located at the fire station. Councilperson Hinz made a motion to get sand bags and sand. Councilperson Thomson seconded the motion. All voted aye, unanimous. Mayor will ask Tony to check into it with the County if they can’t help he can look into the cost for the City to do.

Lisa Toly question why Mayor and Council waived the sewer & water bond for PITA and expressed why she feels they should pay. City Clerk Dimick explains
how the bonds work and how sewer is calculated for different businesses types and equivalent users.

**Building Permit(s)/City Impact:** Mayor Davids reads list.

A) DLR Enterprises LLC – Lava Hot Springs Hillside Suites - 8 Vacation Rental Units – East Elm Street – Brandon A. De Los Reyes/Cody A De Los Reyes, Applicants: City Clerk Dimick comments P & Z recommended approval with the recommendation that they address drainage. Mayor and Council reviewed plans. Mayor and Council recommend addressing drainage, Geo-tech study and alley access improvements. Eight parking spaces are efficient.

A) **Building / Fire Code Agreement:** Councilperson Thomson question how enforcement will be handled. Who prosecute, are there fees for prosecuting, are they going to be a witness, are we going to pay witness fees. I think we need to understand or address it in the agreement. Councilperson Hinz questions the venue in 8.2 Jefferson County Jurisdiction. A Special meeting will be scheduled to approve agreement after all issues are addressed.

**Business License(s), Alcohol License(s), Coin-Op License(s) & Non-Property Tax Permit(s):** Mayor and Council reviewed list.

A) Best Buy Stores, L.P. (Non-property tax permit)
B) Cannon Builders, Inc. – Curtis Cannon, Owner/ Applicant
C) Diamond Peak of Lava – 580 West Elm – Assisted Living Facility
D) Lava Hot Springs Inn (Renewal)
E) Lava Hot Springs Suites, LLC (Renewal)
F) Lawn Care Services (Renewal)
G) Sheridan Rental Properties (Renewal)
H) The Purple Moon Crystal Company

Councilperson Hinz questioned if Marsh Valley Electric has a sign permit. They are replacing a sign for Riverside Inn. Lisa addressed a concern with Lava Hot Springs Inn license renewal because he is living in his storage structure that was approved for storage only. Mayor commented it’s in Legal right now.
Councilperson Thomson made a motion to approve the business licensees. Councilperson Davids seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:

A) Activity Connection Plan Grant – Meeting: City Clerk Dimick suggested the Council join in with the scheduled P & Z meeting on February 23 at 6:30 p.m. Mayor and Councilperson Davids won’t be in attendance. Council agreed.

B) Lava Cemetery – Mayor Davids: Mayor Davids reviewed what was discussed at the last meeting. The council agreed the City is not interested. Mayor Davids will let them know that Rex Baker provides sanding and plowing services.

C) Seasonal Employee to Clean River – Job Description: Clean along bank 7 – 9 a.m., three days a week, Monday, Wednesday & Friday. Dump garbage cans, haul garbage to City dumpster, rake paths, pick up garbage on streets, 14 years old and up, training and supervised by Mayor. Two week probationary.

D) Graffiti – Buddy Campbell Park – Mayor Davids: Mayor Davids announced graffiti on the back of one of the dug outs at Buddy Campbell. Councilperson Thomson announced he will paint it as soon as whether permits.

E) New City Truck – Mayor Davids: Mayor and Council world like an updated copy of State Contracts.

F) Health West flyer: Mayor Davids addressed his concerns with advertising for businesses in the City water bills. Councilperson Davids made a motion not to advertise for businesses through the City bills. Councilperson Thomson seconded the motion. All voted aye, unanimous.

G) Miscellaneous:

Projects:

A) East Main Pedestrian Bridge: Mayor Davids announced the bridge was set today. Looks really nice! Councilperson Linford comments they had some paint left over he told them to bring it to the City. The City will use it for touch up paint.
The City will paint existing traffic bridge railing black. Street light removal addressed and the entry way lighting. Area between bridges needs to be addressed quickly with engineer. Mayor and Council will look at street light and let Canda know if it needs to be removed.

B) Buddy Campbell Park Improvement Project: Mayor commented schematic plan revised to include the road that was talked about last month. Councilperson Linford comments talked with the lions club and they are interested. They questioned what the plan is for the line of trees. Mayor and Council discussed the parking entry, proposed route and property owned. If Lions Club is interested we will need to present the concept plan to them and get a letter from them approving that they are in favor of the concept plan.

C) Fire Station Fire Hydrant Project: Mayor and Council discussed working fire hydrant into water improvement project.

D) Water Improvement Project:

1) Well Location – Mayor Davids: Mayor reported that well location decided on. City Clerk Dimick reviewed map, well site location and parcels in the area. Mayor and Council discussed well location, easements and access agreements, route, land purchase staging areas for equipment and change order. Canda proposed they send in change order.

City Clerk Dimick discussed the swimming pool leak and suggestion from Tony on abandoning existing lines and other locations that the lines should be abandoned. Mayor and Council reviewed plan, site locations, existing water lines and meters size requirements. Canda commented everything will need to be reviewed with legal.

2) BLM Easement (Engineers is working on it): City Clerk Dimick comments BLM and County easement ready for signatures.

3) Land Acquisition & Spring Fencing: Mayor Davids comments still looking for an appraiser.
**E) East Main Street brick pavers & benches:** Mayor asked if everyone reviewed the design. Mayor and Council Architects plan was reviewed and discussed. The City budget is Six thousand for benches. The plan does not include the Museum block. Some trees need to be removed. Mayor and Council will do a walk through with Dennis to look at trees and find out which ones need removed, replaced or keep. The proposal is Costly. Architect plan has a clean uniform plan. Council felt the modern look doesn’t fit with the town. Plan has to include area in front of museum. Need to get moving on pavers.

**F) Miscellaneous:** None

**Discussion:** None

**Adjourn into executive session:**

**Motion to reconvene:**

Councilperson Thomson made a motion to interview Cooper on March 9th for the purpose of hiring him for the City Attorney. Councilperson Davids seconded the motion. All voted aye, unanimous.

Councilperson Thomson made a motion to have Lava Suites pays the interest on disputed invoice. Councilperson Hinz seconded the motion. All voted aye, unanimous.
Councilperson Davids made a motion to adjourn. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Meeting adjourned at 9:25 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