Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, January 14, 2016 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor
T. Paul Davids III, Mayor
Tamara Davids, Councilperson
Brian Hinz, Councilperson
George Linford, Councilperson
Jon Thomson, Councilperson
Canda Dimick, City Clerk

Excused:

Guests: Chet Davids, Retha Davids, Neil Anderson, Amantha Sierra, Phil Beeson, Fred & Mary Hinz, George Katsilometes and Mark Lowe

Mayor Burgin called the meeting to order at 5:30 p.m.

Approval of Minutes:
Councilperson Davids made a motion to approve minutes as written. Councilperson Linford seconded the motion. All voted aye, unanimous.

Review and Approve Bills:
Councilperson Davids made a motion to approve the bills except Gem Valley Survey. Councilperson Davids seconded the motion. All voted aye, unanimous.

Oath of Office – November 3, 2015 Elected Officials:
T. Paul Davids III, Jon Thomson & Brian Hinz were sworn into office by Canda Dimick, City Clerk.

Elect Council President:
Councilperson Thomson made a motion nominating George Linford as Council President. Councilperson Davids seconded the motion. All voted aye, unanimous.

Appoint City Clerk, City Attorney & Fire Chief:
Mayor Davids expressed that he would like to appoint Canda Dimick as City Clerk/Treasurer. Councilperson Davids made a motion to support Mayor Davids appointment of Canda Dimick as City Clerk/Treasurer. Councilperson Hinz seconded the motion. Roll Call, All voted aye, unanimous.
Mayor Davids expressed that he would like to appoint Clyde Nelson as intern City Attorney. Clyde is retired and not able to be at City Council meetings and he feels as Mayor that the City needs to have an attorney that can attend meetings. Clyde has done a good job. He recommends appointing Clyde until a replacement is chosen. The Mayor has asked Canda to prepare a request for proposal for a City Attorney. Councilperson Thomson made a motion supporting Mayor Davids appoint of Clyde Nelson as the intern City Attorney until a replacement is found. Councilperson Linford seconded the motion. Roll Call, All voted aye, unanimous.

Mayor Davids expressed that he would like to appoint Ken Fagnant as City Fire Chief. Councilperson Linford made a motion to support Mayor Davids appointment of Ken Fagnant as City Fire Chief. Councilperson Hinz seconded the motion. Roll Call, All voted aye, unanimous.

**Law Enforcement/Code Enforcement Monthly Reports:**
Law Enforcement: No one present. Mayor Davids would like an Officer to make a report every month. He will reach out to the department.

**Proposed Annexation Committee:**
Mayor Davids reviewed the communications between the City Attorney and City Clerk with the Council. There are different categories and case laws regarding annexation proceedings in Idaho. Any property annexed must be contiguous to city limits. Mayor Davids would like to see the city grow. He is concerned that if the city doesn’t grow that the city will lose its identity and if the city loses its identity the City will not have any activities. City officials want Lava to grow to be a place where people can reside, work and raise their family. The Council suggested in December that a committee should be formed. City Attorney recommended leaving the committee responsibilities in house, Planning & Zoning’s responsibility. Council feels the committee team should reside in Lava or in the impact area. Jon Thomson was asked to represent the council on the committee. Jon Thomson will report back to council at the next council meeting on findings. Councilperson Hinz made a motion to have Jeanie Avery, Randy Benglan & Jon Thomson work with the Planning & Zoning Commission on the proposed annexation plan. Councilperson Linford seconded the motion. All voted aye, unanimous. City Attorney will also be involved.

**East Portneuf Street Vacate Request:**
Mayor Davids talked with George Katsilometes yesterday and completed a site visit. He discussed with George that he is open to his thoughts and ideas and he wants to do what is best for the city and the individual. Mayor Davids presented a picture he took of the property in question. Mayor Davids reported that George and he had come to the conclusion to research to determine who owns the property. George is under the understanding that it’s his land and the city is under the understanding that the city owns it. Mayor Davids has asked Canda to research who is the owner on record. Councilperson Thomson reported that according to past minutes (around 2 years ago) it stated that a deed was found to the Village of Lava Hot Springs from
1924 or about, that showed it was city property. George has occupied it for many years and feels it’s his. Councilperson Thomson asked George what his claim of ownership is other than occupancy. George explained that he has conducted business there for over 26 years and has made improvements. He also mentioned that when he bought the place there was never a road. Mayor Davids reported that it’s labeled as a road. Mayor Davids and others remember there was a road, an asphalt road. George mentioned that when he bought the property there was no asphalt road there, there was a dirt road. If you want to call it a road, people drove by there but, he doesn’t think it was a road. George doesn’t think the city maintained it and to this day they do not maintain it, they don’t shovel snow or anything. George doesn’t think it is a road and he doesn’t think it ever was a roadway. George’s answers to the original question; he guesses his claim to ownership is that they’ve made improvements which has been approved by the City of Lava on the property, 20 foot strip. George reported that he has installed six underground pipe lines to transport hot water across the 20 foot strip, he installed concrete patios over the area, it’s part of his driveway into the parking lot and he uses the east end for parking for his own personal vehicles. He guesses after awhile and he doesn’t know the exact law that governs ownership, he knows that they’ve been using it and some portion of the law says “if you’ve been using it and there is no objections” and the other party, City or whoever, has no use for it, then the City or whoever the other party is should relinquish their claim to the property or some legal procedure has to take place where adverse possession or something like that has to take place where they gain ownership of it because he is the only person who can use it now because it can’t be used by the City. Mayor Davids commented that the City will go ahead and find out what documentation they can find and George should also see what he can find by next month’s meeting to determine whose property it is. Mayor Davids reported that the Bannock County parcel view map shows the city owns it. George said that recent pictures show a 20 foot strip but prior pictures do not. George feels he has used and maintained the property for years and has paid the property taxes on it. He feels the County has taken a stance with the City that the City owns it and the surveyor has surveyed out that 20 foot and it belongs to the City but he wants to see the proof. George would like to see the city’s deed. Mayor Davids repeated that the City will go ahead and find out what documentation they can find by next month. Councilperson Thomson commented that he would also like the City to investigate and document what services the city has in the area. Mayor Davids thanked George for coming. Councilperson Thomson made a motion to research ownership rights or documentation of ownership per said piece of property and reconvene on the subject at next month’s meeting. Councilperson Davids seconded the motion. All voted aye, unanimous.

**78 Main Street Request to serve customers food and drinks on city Property:** Mayor Davids asked if anyone was in attendance representing the agenda item. No one was present. There was a motion made at the last month meeting by Councilperson Brown to allow them to serve food and drinks on the city property but it died due to lack of a second. It was not passed, nothing more required. Councilperson Thomson made a motion to not allow any leasing of City property
for any purpose. The reasons why are due to liability, open container law restricts it and there is only one block in town that has the extra area. Councilperson Davids seconded the motion. All voted aye, unanimous. Owner of 78 Main Street will be notified of Council’s decision.

Ordinance 2015-13 - Amending the “Building Code Ordinance”.
Copy of working draft was presented. Ordinance will be adopted at a later date. It was suggested that the city amend the ordinance to correlate with Bannock County’s. Councilperson Thomson volunteered to work with Canda on amending the ordinance. Councilperson Hinz made a motion to accept Councilperson Thomson’s offer to work with Canda on the ordinance. Councilperson Linford seconded the motion. All voted aye, unanimous.

Resolution(s):
A) Designated Sidewalks Construction Areas: Work in progress. Specifications are not in resolution form and if the Council agrees with them as is a resolution needs to be approved. Mayor Davids read the specifications. The use of brick pavers for sidewalks also need to be spelled out in the resolution, who maintains them, what can be done in that area and address the width of the sidewalks downtown. Ask Tony and Billy to make measurements downtown and look at the bricks. Curb and gutter is the City’s responsibility, sidewalks are the owner’s. Mayor Davids asked everyone to review the specifications and if they get a chance take a look at the sidewalks downtown. Further discussion will be scheduled on the agenda again next month.

B) Destruction of Public Records
Canda Dimick, City Clerk, explained that if the Mayor and Council are okay with the list that’s been cataloged so far that the next step is to notify the Idaho Historical Society, as required by law. The Idaho Historical Society has 30 days to lay claim to historic records. Canda mentioned that there are items on the list that will not be public information like, option tax records, business license application records that obtain social security numbers and tax identification numbers and so on. Once the process is complete the City Council can adopt the resolution and then records can be destroyed. Mayor Davids would like to take the list to the Museum and let them review it. He will explain to them that some items are not public records and they cannot have them but, if they are interested in any items to put a list together for consideration at the next city council meeting. The council will review the list and if they are approved they can have the items approved. Councilperson Linford made a motion to notify the Idaho Historical Society. Councilperson Hinz seconded the motion. All voted aye, unanimous. Councilperson Linford made a motion to amend his motion authorizing Mayor Davids permission to share the list with the Museum. Councilperson Hinz seconded the motion. All voted aye, unanimous. Mayor Davids will deliver list in the morning.

Business License(s), Alcohol License(s), Coin-Op License(s) & Non-Property Tax Permit(s):
A) Butterfield Cottage
B) Home Hotel & Motel – Ownership Change
C) Jeffrey Adam’s Window Coverings
D) Kendall’s Kozy Kasa – Name spelling change & off street parking
E) Lava Mobile Estates – Ownership change.
F) Purple Moon Crystal Company’s – Ownership change.
G) Sheridan Rentals - Renewal

Mayor Davids read list of licenses being considered.

Butterfield Cottage – Amantha Sierra reported that their intentions are to operate a nightly rental vacation home at 186 West Elm Street and that in addition to the nightly rental they may operate some retail/craft shows and offer the property for rent for family reunions. Off-street parking will be developed off the alley behind the house as soon as the snow melts. Amantha Sierra reported that the final code inspections will hopefully be done tomorrow.

The Home Hotel & Motel’s application for an ownership change was considered.

Jeff Adams Window Covering contractor’s license application was considered.

Kendall’s Kozy Kasa is changing the spelling of their business name to Kendall’s Cozy Cottage. Mayor Davids discussed the notice Mr. Kendall received from Dennis Callahan, City Code Enforcement Officer, stating he needed to plow the driveway to the off-street parking in the back of his rental. Every rental is required to provide off-street parking. Mr. Kendall mentioned it is not his road, it’s the neighbor’s to left of him, Dave Grosso, but he has an access agreement to use the road to access the parking. The two property owners will have to work out maintenance responsibilities. Mayor Davids is reporting to city council so everyone is on the same page with the ordinance. Mayor Davids looked today and the access has been plowed out. Mayor Davids will contact Mr. Kendall and let him know that it’s the ordinance and he needs to work it out maintenance responsibilities with Mr. Grosso, he has to have it open to provide off-street parking.

Lava Mobile Estates will be submitting an application for an ownership change. No application received to date.

Purple Moon Crystal Company’s application for an ownership change was considered.

Sheridan Rental Properties license renewal was also considered.

Councilperson Thomson made a motion to approve all license applications/renewal except the Lava Mobile Estate’s, waiting for documentation to be submitted. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:

A) 100th Birthday Celebration Wrap UP Plans:
Amantha Sierra reported that efforts are still being worked on to wrap up financials and sales tax due. Plan is to use up the Color Run shirts in stock with a Zombie Run this Spring. Mayor Davids expressed that he really appreciates all the work Amantha does with the events. It’s not
easy to coordinate all the events and wrap them up and everything, he really appreciates it. The 100th Birthday Celebration was neat and went well.

B) Fire & Ice Festival:
Amantha Sierra, Event Coordinator, asked permission to shut East Main Street down for the Fire & Ice Running of the Bulls on Sunday. Run will start at the Silver Grille and end at the Hot Pools, 10:30 – 11:30 am. Bannock County Sheriff’s Department will help with crowd control and the street closure. The Idaho Alcohol Beverage Control has issued the Beer and Wine temporary permit for the events where alcohol will be served at the Community Building on Saturday and Sunday. The Chamber has hired extra Security for the evening events for Friday and Saturday, everyone will be ID checked for Beer and Wine sales. Amantha asked the Council to volunteer as a worker at one of the venues or provide chili for the chili tasting contest. Councilperson Hinz suggested asking the local churches to help provide chili for the contest. Mayor Davids asked Amantha to bring a signup sheet in and he will contact the LDS Church, Councilperson Hinz will contact the Catholic Church, Amantha will contact the Community Church and Mary Hinz will contact the Great I Am. Pepsi is providing the event signs. Councilperson Davids made a motion authorizing the street closure from 10:30 – 11:30 am., for the Running of the Bulls on Sunday. Councilperson Hinz seconded the motion. All voted aye, unanimous. Fire dancers will also be performing by the Community Building.

C) For Cause Personnel Policy -Work Session & Resolution to Adopt Policy:
Holiday pay, according to the labor laws the city is only required to pay time and half for hours worked. City Council was not interested in a Paid Time Off plan it will be eliminate from the draft. The Council will review the policy, mark up their copies for discussion at the next meeting.

D) Solar System net Metering Agreement:
Application is required to be submitted by Rocky Mountain to increase the city’s ability to produce up to 92KW under the net metering agreement. The increase has to be approved by the Idaho Public Utility Commission. Councilperson Hinz will get a contact number for Vaughn Rasmussen, Rocky Mountain Power, from Canda and make contact with him to find out status of application.

E) Lava Rural Fire District Contract/Training Coordinator Position & RB Scott’s Resignation:
The contract with the Lava Rural Fire District expired years ago. The City Clerk reported that the district is working on a contract and will be providing it for consideration in the near future. Councilperson Hinz will work with the Lava Rural Fire District to update contract. Mayor Davids asked that the City Council assignments be put on the next meeting agenda.

F) Web Impakt Contracts:
There was some confusion regarding the contracts. Mark Lowe explained that Web Impakt is doing design work and Search engine optimization on the Chamber web site. Web Impakt contracts have been received with post dated work commencement dates. It was determined that the one contract was for the proposal that was approved in a prior quarter. Forest Design Group is doing the Marketing Study. Their contract has not been received.
G) Subdivision Public Hearing:
Planning & Zoning Commission has completed the subdivision ordinance draft and submitted it to the Council for review. The Council approved it at the last Council Meeting and forwarded it back to Planning & Zoning to go to public hearing. Planning & Zoning has to hold the public hearing. Councilperson Thomson commented that he will attend the next Planning & Zoning meeting. He will discuss the public hearing process with them while he is there. After the public hearing, the ordinance will be sent to the Council for adoption. Planning & Zoning will start updating the zoning ordinance next. Work sessions will be held with Fred Hinz, Neil Anderson & Canda Dimick.

H) Nitro Green Lawn & Tree Care Service Renewal for 2016:
Councilperson Davids made a motion to prepay for spring, summer & fall applications. Councilperson Hinz seconded the motion. All voted aye, unanimous.

I) Southern Idaho Fire Academy – February 12, 13 & 14:
Councilperson Hinz made a motion authorizing volunteers to attend and pay for lodging. Councilperson Linford seconded the motion. All voted aye, unanimous.

J) Holiday Decoration – Mayor Davids:
Mayor expressed desire to have outlets installed on the decorative lights along East Main Street to that the poles could be lit up and questioned the condition of the holiday decorations. LED lights are definitely better. It was agreed to contact McCammon to see what they did to improve their holiday lights.

K) Miscellaneous – Contact Numbers:
Council exchanged contact numbers.

L) Miscellaneous – East Main Street Public Restrooms
Mayor Davids will talk with maintenance personnel about painting benches, removing graffiti off of the stall wall and repairing the water fountain cover.

Projects:
Wastewater System -Transfer Switch & Heater for Generator:
The heater has been installed. Status of the transfer switch unknown.

Pedestrian Bridge Project:
There have been several delays in the project. There has been some confusion with the engineering contract which is trying to be worked out with the Idaho Transportation Department.

Buddy Campbell Park – Tree Trimming:
The City has a contract with LawnTech to trim the trees in the park when weather permits.

Fire Station Sewer Line Extension:
City Clerk reported that she still needs to get with Tony to draft bid documents.
Water Improvement Project Funding Options/Status Report:
Engineering Contract:
Mayor Davids and the City Clerk will schedule a meeting with Keller Associates to negotiate the terms of the contract and report back to council.

Archelogy Study Contract:
The City has contracted with Sundance Consultants to complete the study in the spring as soon as weather permits. The snow has to be gone.

Easement Report:
Easements for the main line from the springs to the tank need to be researched. There will be one area where the line will be moved to the County’s right-of-way. An easement from Bannock County will need to be obtained. The City will also need to obtain easements for the new line from the new well to the tank when the well site is determined. City Council authorized the City Clerk to start working with the title company on researching the easements.

Black Mountain Software Status Report:
The change over to the new system has been challenging and has required extensive additional work loads. There have been several issues that have had to be worked through. System will be great once everything is in order.

Removal of dead tree in alley at South 4th West and alley intercepting between West Booth and West Fife Street:
Plan is to remove the stump when weather permits.

Fire Station Insulation & Door Sealing Grant Award & Construction Contracts:
City Clerk reported that the city had applied for a grant to fund the project through the Office of Energy. The Office of Energy has offered to fund $7,500 of the project. The city has contacted Merlin’s Insulation and Precision Glass and Aluminum and they have both agreed to honor their bids.

Miscellaneous:
None.

Adjourn into executive session:
Councilperson Davids made a motion to adjourn into executive meeting to discuss personnel issues as permitted by Idaho Code 67-2345(b) and non-property tax reports as permitted by Idaho Code 67-2345(d). Councilperson Davids seconded the motion. Roll call vote was taken. All voted aye.

Councilperson Davids made a motion to reconvene. Councilperson Thomson seconded the motion. All voted aye, unanimous.
Councilperson Davids made a motion to formally discharge Lindsey Hardy and to temporarily hire Britney Potter until the personnel policy provisions for permanent hire are figured out. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Councilperson Linford made a motion to require Food Services of America to pay penalties on all taxes due. Councilperson Hinz seconded the motion. All voted aye, unanimous.

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

Meeting adjourned at 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