Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, March 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:


Mayor Davids welcomes everybody and thanks everyone for coming. He announces this is our regular scheduled city council meeting. He reminds everyone that if they are not on the agenda save comments tell the end of the meeting under open discussion. The Pledge of allegiance is led by Councilperson Thomson.

Amend Agenda: Mayor Davids comments he would like to amend the agenda to add KOA retaining wall under Building permits/Demolition permits section E and Patty Madsen’s sign under Business License section I. No motion made.

Approval of Minutes: Councilperson Davids made a motion to approve minutes, November 17, 2016. Councilperson Thomson seconded the motion. All voted aye, unanimous.
Review & Approve Bills: Mayor Davids asked does anyone one have any question on the bills. Mayor has a question on the change order for the Pedestrian Bridge. Asked if they ever got back to us on why it’s more? City Clerk Dimick comments the railing was estimate footage in the change order. The actually footage is three hundred dollars more than the change order. There will also be additional cost on the height. Mayor, Council & City Clerk reviewed list. Councilperson Hinz made a motion to approve bills and pay except $1,375.00 to Forrest because we need contract from them. Councilperson Davids seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement: Mayor Davids asked Officer Armstrong if he had anything to report. Armstrong comments nothing to report. Everything is pretty quiet. I really feel like the new speed limit sign on Highway 30 has made a difference. Mayor reported that he is still working on getting a digital sign for the highway like the one we have on 4th Street. Officer Armstrong reviewed the first report from the digital sign and would like to see a recent report. The report helps with knowing when to post officer at that location. I’m in the process of going through different City ordinance to see how they compare to each other in this smaller jurisdiction. Our goal is to make sure we are doing the right things and consistency throughout all these smaller jurisdictions.

A) James Hanson’s Dog Citation: City Clerk Dimick comments James is unable to attend due to illness. Code Enforcement Officer Callahan reports citation was issued because of two formal neighbor complaints. I will notify James that the citation stands as is.

B) Microchip Program Update: Nothing new.

C) Special Event Application Form: Mayor and Council agree form is acceptable. Mayor Davids reported we need to get this posted at the post office and other media spots. Councilperson Linford made a motion to adopt the Special Event Application form. Councilperson Davids seconded the motion. All voted aye, unanimous.
D) Public Nuisance Notices Report: Code Enforcement Officer Callahan reports that three of the five cars that he tagged have been moved. The rest should be moved this weekend. All property owners that received letters last fall will receive a reminder letter explaining that the City still expects these issues to be resolved. The regular notice to property owners will be mailed a month earlier this spring.

E) Skunks: Code Enforcement Officer Callahan reports we’ve had a problem with skunks but, the real problem is disposing of them. Disposal is a problem because of the frozen ground and we can’t bury them. Mayor Davids asked how other Cities dispose of animals, like skunks. Dennis is not sure and will check with other communities on how they dispose of them. Mayor Davids comments if they are doing it the same way we will have Tony and Billy dig the grave site with their machinery.

F) Abandoned Vehicles: Already talked about.

K) Miscellaneous Monthly Reports: Code Enforcement Officer Callahan reports open container signs have been ordered. They are scheduled for deliver on the 20th. Sheriff’s Department supports the signage effort. They suggest posting the sign’s where alcohol is sold, leaving campgrounds and pathway between bars.

Code Enforcement Officer Callahan asked for permission to attend a training class in Fort Hall, Idaho on April 26 & 27 they will be reviewing a few topics International Fire Codes, Abandon Vehicles, Noxious weeds and 4th amendment law. Councilperson Linford made a motion to send Dennis to training in Fort Hall. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Code Enforcement Officer Callahan asks for permission to attend a training class in Boise, Idaho on March 30 & 31st. The conference is a Norma conference addressing floodplain molding, ordinance adoption, elevation certificates, cost analysis, flood after fire, ecosystem restoration. Councilperson Hinz suggest adding this to next year’s budget.

Code Enforcement Officer Callahan FEMA asked Dennis if the City would be interested in hosting a conference in Lava. Mayor and Council are open to the idea. They need to provide an itinerary and what the City obligation would be before they can make a decision.
Garbage Containers Along Tubing Trail – Eagle Scout Project – Dane David:
Mayor turned meeting over to Dane Davids. Dane presented spreadsheet of cost to
the council. The spreadsheet contains the price for pressured wood and redwood
and the price for all the materials to build the trashcans. Pressured wood project
cost six hundred and eighty three dollars and ninety one cents. Redwood project
cost eight hundred and forty seven dollars and eighty six cents. Home Depot will
donate fifty dollars. I’ve met with the State Executive Director about placing
trashcans on the State property. They are okay with it. Council would like
something in writing from the State saying they approve the trashcan locations.
Dane continues with where he thinks the cans should go. The Mayor and Council
would like to see them spread out. Trashcans to be placed at trail entrances and
river access points and one at Lion’s Park. Councilperson Hinz will provide the
rebar. Councilperson Thomson will donate fifty dollars. Councilperson Hinz
suggested it might be cheaper to piggy back concrete on with someone else’s
project. The City would like to have project completed by Memorial Day. Mayor
and Council selected the Pressure treated wood. Councilperson Linford made a
motion to fund six hundred and eight three dollars maximum less donations.
Councilperson Davids seconded the motion. All voted aye, unanimous.

Street Improvement/Drainage/Flooding Potential:
A) North 1st West Drainage/Curb & Gutter – Proposed Land Swap with
KOA: Mayor Davids reported that according to engineer there are two options,
listed below. Calculation is on a fifty year storm, six thousand three hundred and
eighty three cubic feet. The plan is to do it early spring. Tony can do the
evaluation and tell us where to put them.

Option one: Dome chambers Thirty inch in diameter by eight feet long. To drain
that much in a fifty year storm you would need anywhere from thirty seven to fifty
five chambers along North side of West Portneuf road. Cost eighteen to twenty
thousand.
Option two: Sediment boxes and drain into the river. Cost nine to ten thousand,
but, we would need easement to river.

Kody is okay with the easement, ten to fifteen feet. Drainage has always gone to
river and legal. Kody is concerned with a dome system. Not in favor of putting
over easement. Just need specs from engineer. Keep simple. Councilperson Thomson made a motion to go with Sediment boxes and drain (pipe) to river. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Councilperson Thomson made a motion to have Forsgren Engineer do the spec and then the City can decide to bid or do in house. Councilperson Davids seconded the motion. All voted aye, unanimous.

Kody proposed to hire a surveyor to get a preliminary draft ready for next council meeting. Councilperson Linford made a motion to allow Kody to proceed and to give preliminary draft to legal to work on within the next two weeks. Councilperson Davids seconded the motion. All voted aye, unanimous.

B) Sand & Sand Bags for potential flooding – Available at County Site on East side of City Limits: Sand and sand bags available at the County site. Send out notices in water bills.

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: Mayor turned meeting over time to Brandon & Cody. They announced last year they purchased four commercial lots on East Elm to build nightly rentals (eight) with a utility area/office. Discrepancy on Plot plan they have corrected that and will have eight units and eight parallel parking spots. There will be Five units above on Elm Street and three on the alley way. There could be some minor changes due to the surveyors haven’t completed their survey. There is too much snow on the ground and they hope to complete soon. Mayor addressed snow removal. There will be a radiant heat system installed in sidewalks, roof tops and patio areas and should not have an issue with snow. Don’t plan on pushing snow. Plan to have a French drain at the base of the parking lot along the alley. Mayor Davids asked for an engineered drainage system plan. Teton Survey will be doing the surveying. Alley size and access discussed. Alley is paved. Plan to match paved parking area to alley. No attendant on site. Mayor Davids asked about signage. Towing signage will be posted on site signage. On sign under the front unit, nothing fancy. We plan on hanging a banner for our grand opening off the railing. We want to be able to get a permit to start the
excavation. Councilperson Linford made a motion to give dig permit contingent upon drainage engineering, water retention would be part of SWPP and survey. Councilperson Linford withdraw his motion due to the special meeting. Special meeting scheduled. They will let Canda know when their ready for the special meeting to be scheduled.

B) Edge Water KOA – 4 cabins: Mayor David’s reports building inspector previously approved. Kody reported that they have relocated to flood plain, out of floodway. Floor plan is the same except we removed decks off backside. Elevation certificates was done on a 1979 firm map 2009 updated. Councilperson Thomson made a motion to approve with elevation certificates updated to 2009 by Monday. Councilperson Hinz seconded the motion. All voted aye, unanimous.

C) Edge Water KOA – Demolition Permit for restroom/shower facility: Councilperson Hinz made a motion to approve demolition permit. Councilperson Thomson seconded the motion. All voted aye, unanimous.

D) Edge Water KOA – New restroom/shower facility: Building inspector approved today. Councilperson Davids made a motion to approve with elevation certificates updated. Councilperson Hinz seconded the motion. All voted aye, unanimous.

E) Edge Water KOA – Retaining Wall: Councilperson Thomson made a motion to approve. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Street Lighting
A) West Spring Street – Cost Estimate:
B) West River Street:
C) North 1st West: Mayor Davids reviewed the cost estimate. With the first two A & B we haven’t put anything in our budget for them. Two thousand dollars per pole to install and the cost to operate would be around three hundred dollars per year. Kody proposed either a black decorative pole or metal overhead. He will share in the cost for the new pole. Need to figure out the cost and then get with him to figure out the cost share terms. Councilperson Hinz made a motion to install decorative light and
Kody will cover cost of installation. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Councilperson Thomson made a second motion to approve and add to the budget consideration for next year the Street light on W. River and W. Spring. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Business License(s), Alcohol License(s), Coin-Op License(s) & Non-Property Tax Permit(s):** Mayor Davids read the list.

A) Iron Mountain Info Management Services, Inc – Data Protection:

B) Iron Mountain Information Management, LLC – Storage:

C) Iron Mountain Secure Shredding, Inc:

Iron Mountain discussed. Councilperson Hinz made a motion to not approve the three Iron Mountain business license application and request for more information. Councilperson Davids seconded the motion. All voted aye, unanimous.

D) Lava Cones and Concessions, LLC – 15 North 3rd Ave. East - Jeffrey Hildebrandt, Owner/Applicant: Mayor Davids reviewed the application with Council. They have fourteen parking spaces at the old Pancake house they will utilize one parking space for Lava Cones and Concessions. Jeffrey comment they will have restroom facility available in old Pancake House building or willing to put in portable unit. The bathrooms in the old Pancake our finished and passed off by the Plumbing, Building and Electrical inspector, the building its self is not. They have a code on the door and keys that they could provide. Mayor Davids asked about electrical that they will run to it. Jeffrey comments we are working with Rocky Mountain Power to install power. We were told that we can’t do a speed bump strip to run it across the alley. The building is movable. Two signs came with it. One is an A-frame sign and the other is a little banner that stands up eight or nine feet and we plan on putting them on private property next to the sidewalk. Code Enforcement Officer Callahan comments they are okay as long as they don’t put them on the sidewalk. Councilperson Hinz made a motion to approve Business License. Councilperson Thomson seconded the motion. All voted aye, unanimous.

E) Medicine Muse – 63 N. 3rd E. – Nichelle Emerson, Owner/Applicant:

Nichelle introduced herself and explained her business. The business is Non-Profit
organization. I do energy healing, workshops, classes on natural self healing. Education business, donation based. The business will be in the old Pancake house apartment in the bottom of the building and I will be using the living room space. Will be advertising on social media. Councilperson Linford made a motion to approve Business License. Councilperson Hinz seconded the motion. All voted aye, unanimous.

F) Qwest Corporation – DBA Century Link (Renewal): Brian questioned tabling because of Toly’s encroachment situation. Councilperson Hinz made a motion to hold off on approving until we consult with legal. Councilperson Thomson seconded the motion. All voted aye, unanimous.

G) Sally Beauty Supply, LLC: They sent in a business license only need a tax application from them.

H) The Atrium – 222 East Main – Shawn Midkiff, Owner/Applicant: Mayor Davids reviewed application. City Council wants owner to visit and discuss retail, mall. Councilperson Davids question a field on the application. He circled the field that he put leases in with a maybe next to it, not sure what that means. Councilperson Linford made a motion to table until more information is provided. Councilperson Davids seconded the motion. All voted aye, unanimous.

Lava Cones and Concessions, LLC Sign Permit: Councilperson Davids made a motion to approve sign permit. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Patty Madsen: Code Enforcement Officer Callahan explains the sign application. Patti wants a sign similar to what the picture shows. Sign will extend from Wagon Wheel bar wall. Coffee Shop sign application is within code as long as it doesn’t get any further into the sidewalk. She can’t go over 2/3 of the sidewalk, if she goes over the 2/3 she has to raise it to fifteen feet. She is going to keep it within this range. She is still looking for it. Sign won’t be lit. Proposed sign will meet code. Councilperson Linford made a motion to approve sign permit. Motion died for lack of a second. The reason is too many variables. Council needs more information. Add to Special meeting agenda.

Building/Fire Code Service Agreement Status: Mayor Davids comments they won’t do fire code inspection. Councilperson Thomson made a motion to accept
and direct Mayor to sign agreement. Councilperson Hinz seconded the motion. All voted aye, unanimous. Bannock County agreement expire the end of the month. Councilperson Thomson made a motion not to renew agreement with Bannock County. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Right of Way Permit(s):**

A) **150 North 1st Alley West – Intermountain Gas Company:**

B) **482 West Main – Intermountain Gas Company:**

Councilperson Davids made a motion to approve right of way permit for Gas Company. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**Meetings/Announcements/Miscellaneous:**

A) **Activity Connection Plan:** Pushed to April. Canda asked if anyone needs changes to be made she needs them right away. Two already addressed and added.

B) **Seasonal Employee to Clean River – Job Description:** Mayor Davids review with Council. Mayor already asked Canda to make the following change, week before Memorial Day and a week after Labor Day. Because of their age they will not be driving. Applicant’s minimum age fourteen. Councilperson Thomson made a motion to accept job description with changes. Councilperson Davids seconded the motion. All voted aye, unanimous. Cities will immediately start accepting application, deadline April 10th, 2017.

C) **Lava Free Landfill Day - May 19th:** Will be posted on the City Hall doors.

D) **1st Quarter Tourism Development Proposal – Lava Lion’s Utah Bulletin Board:** Received Lion’s Club proposal for bulletin board. Proposal is due by March 15th. The application will be considered at April meeting.

E) **East Main Public Restroom Hours/Closures:** Mayor Davids has received a few calls. Canda addresses the complaints the City office has received. Mayor and Council set restroom hours. Open at eight in the morning close at dark. Need a schedule addressing who is responsible. Kerby volunteered to open and close the
bathrooms at Veterans Park. Councilperson Thomson will open and close the bathrooms at Buddy Campbell Park. Need to distribute keys.

F) Annual Easter Egg Hunt – April 15th – Buddy Campbell Memorial Park: Time: 11-12 p.m. Buddy Campbell Memorial park make sure bathrooms are opened.

G) Folk Festival April 21-23, 2017 – Liz Tuttle, Prosperity Foundation: Liz Tuttle reported on Folk Festival. Funds go to the Lava Elementary school music program. Bands located at several downtown businesses over the weekend. Businesses agree to pay one hundred dollars to bands and local hotels provide rooms. Last year they made one thousand and five hundred dollars for Lava Elementary school music program. Mayor Davids comments the special event application was approved tonight and this year you will not have to do it but, next year you will need to. Councilperson Thomson made a motion to approve the Folk Festival with wavering of the special events. Councilperson Hinz seconded the motion. All voted aye, unanimous.

H) Wastewater Reuse Permit – DEQ Substantially Complete Letter: Mayor Davids comments DEQ has approved with fencing specs. Appraisal still needed.

I) Miscellaneous:

Projects:
A) East Main Pedestrian Bridge: Mayor Davids and council agreed with rock type will be grey. They want it to be dark grey no red coloring in it. Councilperson Hinz commented this is why submittal is presented so the council can make the decision. They do not want the submittal that was sent today. Mayor Davids comments all other change order are taken care of and ordered. They want to get the project completed.

B) Buddy Campbell Park Improvement Project: Mayor Davids comments move everything onto city property. Councilperson Hinz made a motion to approve moving design onto city property. Councilperson Davids seconded the motion. All voted aye, unanimous.
C) **Fire Station Fire Hydrant Project**: Councilperson Thomson made a motion to add fire hydrant to water project. Councilperson Linford seconded the motion. All voted aye, unanimous.

D) **Water Improvement Project**:  
1) **Well Location**: Still working on road access. Tony said road access through Wilson is too steep. Mark Cece is in favor of allowing the city access through his property. Mayor and Council discussed other options. Mayor will talk with Cece and Todd Burgin as option 1.

2) **Preliminary Engineering Report Approval**: Information.

3) **Land Acquisition & Spring Fencing**: Need to work on agreement when legal is on board.

E) **East Main Street brick pavers & benches**: Mayor Davids, Tony and Billy meet with Scott Lish. They talked about leaving three trees. The architect design is for five trees. We had mention two by the museum. Mayor and Council like the five trees and bench style design. Mayor Davids comments Scott will do the remove existing pavers, place pavers on pallets to reuse, replace the current base material, build the foundation six inch road base and compact, then sand and pavers back to level. The benches around the tree will take care of cone shape. Mayor and Council discussed bid. Bid based on three trees. Councilperson Thomson made a motion to accept bid for Scott Lish. Councilperson Davids seconded the motion. All voted aye, unanimous.

F) **Miscellaneous**:  

**Discussion**: Susan Thomas questioned special event permit. Chamber of Commerce will need to file a permit for the Wellness Festival to the City of Lava Hot Springs.

**Adjourn into executive session:**

**Motion to reconvene:**


Councilperson Thomson made a motion to hire Cooper & Larsen as our legal representative. Councilperson Hinz seconded the motion. All voted aye, unanimous.

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

Meeting adjourned at 9:10 p.m.

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Amantha Sierra, Transcriber

T. Paul Davids III, Mayor

Canda L. Dimick, City Clerk