

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, March 10, 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, City Code Enforcement Officer

Guests: Greg Stevens, Aaron Swenson, Forsgren Associates; Lisa Toly, George Katsilometes, Marty Anderson, Shane Tillotson, Mark Lowe and Deputy Fullmer, Bannock County Sheriff's Department.

Mayor Davids welcomed everyone.

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

Amend Agenda:

Marty Anderson asked the council to amend the agenda to include George Katsilometes property vacate. Councilperson Davids made a motion to amend the agenda. Councilperson Linford seconded the motion. All voted aye, unanimous.

Approval of Minutes:

Minutes Tabled

Review & Approve Bills:

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

Law Enforcement/Code Enforcement Monthly Reports:

No law enforcement representative in attendance. Mayor Davids will keep working on getting a representative from the Sheriff's Department to attend.

Weight Limit Concerns:

Gregg Stevens expressed concerns regarding heavy equipment traveling down South 4th West Street and cutting over to South 3rd West Street and tearing up the streets in residential areas. Councilmember Davids questioned if the drivers are traveling that way because of the hill on Main Street. Load limits are not established in City limits. Contractors need to stay on the main thoroughfares, Main Street & 4th West. Councilperson Thomson made a motion to ask

contractors to travel 4th & Main and send a letter to Mike Hall expressing concerns. Councilperson Davids seconded the motion. All voted aye, unanimous.

Building Permit(s) & Site Plan(s):

A) Portneuf Street Vacate: The City Code Enforcement Officer has tried to hand deliver a letter to Mr. Katsilometes for the last three days regarding the city's position on the matter but George was never at the business. The City was afraid that George wouldn't receive the notice timely through the mail. Deed 111220 was discussed. Marty Anderson reported that he had reviewed the documentation that Dennis gave to the council at the last meeting. The disputed strip of land goes right through the center of Mr. Katsilometes business. The business has existed for decades and the city has never laid claim to the property during the course of George's ownership or his predecessor's ownership. The City has an affidavit from the predecessors' stating that the city maintained the strip of land during their ownership. Katsilometes and Marty discussed the issue of the strip of land with the City a couple of years ago after the City had performed a survey for the water project. The surveyor at that time gave an opinion, that the City owned the property. Clyde Nelson, City Attorney, was involved and Katsilometes expressed interests in securing the title to the land. Katsilometes offered to give the City an easement and a proposed deed was prepared and submitted for the city to consider at that time. Marty claimed that Clyde said he would get back with them and he never did. Marty feels that George has been patient. Marty expressed that George is facing a legal issue of a potential statute of limitations on his claim and that George is getting pushed into a position where he has to file a suite to a quiet title. Marty expressed that he does not want to sue the City of Lava and that nobody else wants the property but George. Mayor Davids questioned the statute of limitations in Idaho. Marty advised mayor and council to discuss the statute of limitation with the city's attorney. It's Marty's legal opinion, and he has expressed it to his client that there could potentially be a three year statute of limitation in which Mr. Katsilometes must bring his quiet title from discovery of this defect that the survey found. Mayor Davids asked if both parties are in agreement that the City owns the strip of property. Marty commented that they are not in agreement. Mayor Davids asked if Mr. Katsilometes or his attorney have anything that shows George's ownership. Marty commented, maybe. Mayor Davids commented, so that's a no. Marty explained why it's a maybe, "the problem is Deed 111220, it's not the Cowlshaw deed and it is not the 1947 deed that Dennis pointed mayor and council to, there is no doubt that George took ownership of some of the property." Marty stated that "the issue is in the 111220 deed and what it is says is the City gets a bunch of property and just for sake of simplicity he will say that's what the city got when the foreclosure sale happened from the investment company; when you read that deed and what the surveyor didn't tell the City apparently was after the legal description there is about a half page of exceptions that the City never got". Marty stated that "the real puzzle is you have to find out where all of those deeds went and two of them are lost; so when he says he doesn't know who owns it he is being nothing but honest". Mayor Davids asked why the city can't just wait, as the City Council proposed last month and revisit the issue in a few years after the water improvement project is completed. The City is concerned with the

4 inch water line that goes through the property and not knowing what has been placed over it and having to repair breaks if the property has been deeded to George. The City does not want to have to be responsible for fixing everything that George has placed over the city's water line. Marty explained that George can't afford to wait because if he does his claim could possibly be waived, so his hands get forced not because they are acting in bad faith but because two and half years nothing happened. The City's water project has taken longer to design then what was intended and that's not the fault of either party. Marty and Katsilometes offered to give the city an easement, when and if the city needs to have an easement, and they will sign a letter of intent to that effect in the event the City would give George quiet title to the property in a conveyance. George would buy the property for \$1.00 and George would give the city an easement or a letter of intent. If George backs out of the letter of intent the city has eminent domain authority. If the City needs it, as a government municipality, the city can condemn the property. Mayor Davids questioned if the city has an easement then who would be responsible to fix the stuff that George has placed over the city's water line. George reported that he has installed numerous pipes over the top of the city's water line. Mayor Davids expressed concerns with the pipes over the water line. It is against the law to install a non-potable water line over a potable one. George was advised that he needs to check into regulations. The City's main concern and hold up is the responsibility of replacing or repairing the concrete and pipes that George has placed over the city's water line if it ever breaks. The only use for the land is maintaining the city's 4 inch water line. When the city's new water project is designed it is the city's intention to reroute the water line to the alley, vacate the property and abandon the 4" line. Marty expressed desire to sign a memorandum of understanding regarding what the city intends to do and then convey the property to George to be done with the issue. Mayor Davids explained that the document would have to address the responsibility for repairs if the city has to go in to fix a break before the line is rerouted. If there is a leak, the City will have to tear up lines, cement and whatever else is in the way to make the repair. Marty explained that it is normally the business or person who hired the contractor who is responsible and pays for replacing the property back to its original state. Mayor Davids explained that is what the city is concerned about. Marty feels this is why the quiet title needs to be filed, just to assert and find out who owns the property, they are going to shift the burden to the City to find the two missing deeds. They have already spent a few thousand dollars and a lot of time researching the issue. Councilperson Thomson expressed that he thinks it's been the City position that that the City doesn't need an easement if the City has title to the property so, if a title has not been establish in any body's name then it's hard to quit claim it. Marty expressed that his client has to file a quiet title and questioned if they are including the City in it. Katsilometes is filing a law suit unless the City will quiet claim whatever interest it has in the disputed strip. Discussion followed on what property Mr. Katsilometes received when he purchased the property and what was shown in his title insurance policy. Comments followed regarding the location of the Old Spa Plunge property and the exception on the deed. Mayor Davids mentioned that Mr. Katsilometes is going to see in a couple of years that the property is probably going to be his anyway. Marty questioned why

doesn't the City plan for that future now and tell him what the City needs to give George the deed now. Marty stated that "as I said we have to file a law suit regardless because the Hall and Terrell ancestries may have interest in the property that was never conveyed". Notice has to be published in the paper, file the law suit, and let it run. Then the court gives an order that can be taken to the title company saying what ever happened back in 1912, 1917 & 1924 doesn't matter because now we've filed a quiet title and its Georges. The City for its part has quiet claimed whatever rights, title and interest they had in the land and are not named in the law suit. Then Katsilometes gets insurable market title to the strip of land. If the City needs an easement to complete the water project or bring drinkable water to the inn or whatever then George is willing to do it. Council Linford asked if the City can get an indemnification clause in the easement. Marty answered yes, tell us what you need and let's do it. An easement was already drafted and submitted to Clyde Nelson, City Attorney, two and half years ago. The indemnification is new and Marty will draw it up and get it to the council within two weeks. The Council will review documentation with the City Attorney and be prepared to review and make a decision at the next council meeting. Councilperson Linford made a motion to get the easement and indemnification for review and make a decision at the next meeting. Councilperson Thomson seconded the motion. All voted aye, unanimous. Difference between types of deeds was explained. The City needs to see if the transfer of land needs to go to public hearing or not. Marty commented that George just wants to protect his investment. Everything needs to be run through legal counsel.

B) George Katsilometes - 9 Nightly Cabin Rentals – 68 West Main:

Mayor announced that the City has some questions to discuss. Councilperson Thomson questioned the original concept that was presented to Planning & Zoning showed 10 cabins, the revised sketch presented to the council shows 9. The building permit needs to be correct to 9 cabins. Councilperson Davids asked about the tree removal. George explained that in order to make the roadway width per city code, one tree will be removed to make the road way 12 feet. A tree on the alley will also be removed. The road will be 12 feet wide all the way through. Councilperson Thomson asked about parking. George answered that the parking spaces will 8' X 15'. Councilperson Hinz mentioned he is concerned with 15 feet parking. The length is not long enough. Some of the larger vehicles will be sticking out in the roadway. One parking space is ADA accessible, wider and longer than others and a few of the other sites are longer. Councilperson Davids verified that there are 9 off-street parking spots. George is going to try to make parking spots larger. Mayor Davids asked George if he could guarantee that parking will be larger. George stated that he could not guarantee larger parking spaces but he will try. Councilperson Thomson noted that 8 feet is the minimum width for parking. George is going to try and make the spaces wider. George will number the off-street parking spaces per the cabin numbers. The cabins will be rented nightly year around. The cabins will be insulated and will meet fire code. Planning & Zoning has recommended approval of the zoning permit to the City Council and the building inspector has approved the construction plans. The buildings are prefab

and assembled on site. They will all be the same size. Mayor Davids questioned color? George reported that the metal roofs will probably be blue and the cabins will have hardy board fire resistance walls and he is going to paint them white with blue trim. Space between cabins and the neighboring property line, Mike's Market, was discussed. Council was concerned with only having 4' wall to wall between cabins and 3' wall to wall between the cabins and Mike's Market. George claimed that Mike's Market was built on the property line and he has to build 3 feet from their building according to law, to allow access between the buildings. Councilperson Davids expressed concerns regarding the density of the development. Councilperson Davids questioned Mr. Katsilometes if he had thought about maybe only doing 7 cabins and having a little bit more open space? George stated that he had and he feels there is sufficient space for gardening and flowers for greenery around all the cabins. Councilperson Hinz expressed concerns regarding the density also. Councilperson Thomson feels if Planning & Zoning and the building inspector have approved the site plan he doesn't have a problem with it, density is always going to be a question and as long as the development meets fire codes he doesn't have any problems with it. More discussion on color followed. Mayor Davids feels natural colors would be more of cozy and appealing feature and blend in with the Aladdin. George agreed to think about it. Councilperson Linford agreed that if Planning & Zoning and the Bannock County building inspector have approved the permit that he thinks City Council should approve it. Councilperson Hinz asked about the hard surface of the roadway that Planning & Zoning mentioned in the letter. George explained that he will install a hard rock road bed with concrete surface. Snow removal and drainage were discussed. George is going to install a French drain between the store and his buildings. He will pile snow on property north of the city's alley with the permission of the property owner. Snow can't be piled on city property and all surface drainage has to be retained onsite. All traffic will enter the development from Main Street and exit through the alley. Alley improvements were discussed. George will gravel the alley and widen to 20 feet. Access will be posted as one way thru the complex. Councilperson Thomson made a motion to approve the building permit for 9 cabins with a laundromat, with the following conditions as agreed regarding French drain, snow removal, upgrade of alley and concrete driveway. Councilperson Hinz seconded the motion. All voted aye, unanimous.

C) Off Street Parking Development – 175 East Elm – Donna English Owner; Shane Tillotson, Contractor: Shane Tillotson explained that Donna English had attended a City Council meeting several months ago to get permission to build a garage and that she had been denied the permit because the garage would have been partially on city property. Currently her yard is on city property by about 12 feet. She wants to build a retaining wall by extending her West neighbors retaining wall 30 feet east. Donna wants to remove all the soil that's on the City road and put up a retaining wall just like the neighbors on her property line but not with concrete. She wants to use wall block like a decorative brick. Mayor Davids confirmed that she wants to remove the dirt on City property and building a retaining wall on her property line. Donna would like to develop some off street parking on her property next to the alley so the plan is to haul the dirt that is removed from the City property and put it in her back yard off the alley and develop some off street parking there. The plan is to remove the 12 feet of dirt and install a

block retaining wall. Donna would like the city to share in the cost. The City cannot share in the cost on private property. Council discussed how narrow the street is and there is currently no parking allowed on the north side of the street. Mayor Davids expressed it's a great idea what she wants to do it but the City cannot help with the cost. The street will increase by 10 feet when the dirt is removed. The City can donate the dirt to her if the council approves. Councilperson Thomson asked if a building permit is required. Canda Dimick, City Clerk, mentioned that a permit is not required for excavation. Shane reported that he had contacted the Bannock County Building Inspector (Andi) and she mentioned as long as the City of Lava has no problem with it she has no problem with it. Andi did say you have to pull a permit if you do concrete but not pavers and if you go over 5 feet you have to terrace it back 3 feet, then do another retainer of 5 feet, kind of like how the neighbor's retaining wall is setup. Councilperson Hinz made a motion to approve the request and let her have the dirt from the City property. Accessing the alley for off street parking could be an issue in the winter. Summer time it will be great. Councilperson Linford seconded the motion. All voted aye, unanimous.

Letter to CenturyLink regarding Pitched Roof Drainage:

Mayor Davids talked with Lisa Toly and her husband and the City needs to get a letter out. Lisa shared the history and map of the encroachment with the council. Basically CenturyLink has two choices; they sign a maintenance agreement with the Tolys or rip the roof off and replace it with a flat roof like it was and divert the drainage to the alley like it was. Lisa also cautioned the Council to make sure that George Katsilometes property line is right between his proposed cabin development and Mike's Market to avoid another issue like hers' down the road. Lisa has given a copy of the survey and the contact information to Canda. Councilperson Linford asked Lisa if they have filed suit. Lisa replied that no they have not but their attorney will be sending a letter at the same time the City sends the letter they are drafting. Tolys are hoping that CenturyLink will respond after they receive the City's letter and theirs. The City would like to help and see if it can get resolved.

Review and approve 2016 Agreement of Cooperative Action between City and Bannock County for building inspections renewal:

75% of the building permit fee goes to Bannock County and 25% to the City of Lava Hot Springs. Councilperson Hinz made a motion to renew the agreement. Councilperson Davids seconded the motion. All voted aye, unanimous.

Outside city limit water and sewer subdivision hookup request – Mark Lowe: Mark Lowe was in attendance seeking permission to connect to city water and sewer, develop to county subdivision standards with agreement that when the city annexes they agree to be annexed. Line from Kofoed well is 6 inch. Outside City limits water rate is 1 ½ and sewer is the same as city limit users. A written consent form will need to be drafted, signed and recorded agreeing to the annexation. The Kofoed well and location of sewer line was discussed. Councilperson Linford made a motion to approve the water & sewer service connection with a signed and recorded consent form for the subdivision. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Site Development:

Aaron Swenson, Forsgren Associates, offered to forward some site development information for ordinance development that he has helped with in the past.

East Main Street Pedestrian Bridge Engineering Contract – Aaron Swenson:

Aaron gave history on the initial funding attempts, preliminary and concept plan. SICOG was involved to assist with funding applications. Aaron talked about the original contract that was done back in 2012. Forsgren spent a fair amount of time and money on applications and getting funding. The contract was for SICOG to do the environmental and Forsgren will do the design which will be administered by the City. Forsgren spent three years responding to various application needs and recently they have finally gotten started on the actual design. At this time they have billed \$22,000.00 out of the \$54,000.00 under the contract agreement. They spent over \$20,000.00 getting to this point. They did not have environmental in their scope of work. They ended up doing an environmental screening for the CDBG proposal. Aaron explained that he had talked with Marshall early on and because SICOG was not on the agreement list for ITD to do the environmental study that Marshall had authorized Forsgren to do it but it was not formalized on how it would be paid. Forsgren doesn't do Geotechnical work, they sub that out. When Forsgren got the quote of \$6,000.00 three years ago it was from a company in Pocatello and they are no longer in business and they are not on the ITD list. When it became an ITD project they require an ITD approved geotechnical firm. There are none that actually exist on this side of the State. American Geotechnical is out of Boise. They came out and looked at the site and have serious concerns about the retaining wall on the north east corner. The lateral loads this bridge could experience could project on to it. American Geotechnical's proposal is \$18,000.00 which is a more in depth geotechnical investigation than the original company and includes the drilling. The environmental scan will require an addition of \$6,000 for a total of \$12,000. In Idaho it's against State code to select a professional service based on price. Forsgren would like an additional amount of \$7,000 to \$8,000 to cover the additional costs they have incurred over the last three years. The street will need to be blocked off for about 4 hours for the drilling; pedestrians can use the foot bridge by the pancake house. It's going to be a day of core drilling, the machine is big and it's going to require the street to be blocked. American Geotechnical would like to start the drilling in the next week or so. The Gem Community Grant money must be spent before June 2016. The City must be under construction with ITD and the construction contract signed before October 1, 2016. The engineering contract will increase from 54k to 84k. The initial contract was for two bridges and its taken three years and a lot of money to get this far. Forsgren has absorbed some of the cost. Aaron will forward the sub agreements to Canda. Forsgren can still design the plan for two bridges if the City would like. The second bridge cannot be done because of land owner issues. Construction is a separate item. Testing & inspection was initially estimated at \$12,000 and now it's at \$29,000. When the engineering contract was executed three years ago the project inspection was for the critical components and the material testing we would need to do, it's basically a part time inspection because there is no over site from the funding agency. Now that it's an ITD project, they require you to be there from the time the contractor gets there in the morning until the contractor goes home in the evening. The City has discussed having the City employees doing the inspection. Cost can be renegotiated if the City uses local employees to do all or some of the inspections. Aaron explained what is involved for each section. Mayor Davids commented that the City does not want to do the RFR for inspection, pay request and change orders. Aaron commented the one exception would be the density testing and concrete testing on the abatement. He doesn't

think the city staff can get the training and certification in time and the city doesn't have the equipment. It must be tested per specification. Canda mentioned that ITD would do the training with the city staff to handle the certification for density testing. Aaron feels the equipment is more than \$25,000 and would not be worth it for the City. Councilperson Thomson asked what the difference is between structural and civil design. Structural design is going to be the abatement, concrete and rebar. The Civil is going to be writing the specs, coordination with the suppliers, the sidewalk and drainage off it, a different engineer does this. There is funding but it is taking funding away from the second bridge. Canda commented that the one bridge is going to cost over \$300,000 and originally both bridges were going to be this cost. Mark Lowe commented that the bridge by the Pancake House cost the Lava Hot Springs Foundation \$90,000. The reality is this is an ITD project with Davis Bacon wages and that cost is 50% more. The Council discussed the second bridge if land becomes available. Aaron can design a worst case scenario that when it comes time to actual getting it built, when the right of way is owned, the holes can be drilled and maybe one of the designs will work. The design would be drawn around current components and that could change down the road. Councilperson Linford made a motion to amend the engineering contract by an increase of \$30,000.00. Councilperson Davids seconded the motion. All voted aye, unanimous.

Project inspection ITD requires full time inspection. Engineer \$900 per day, 28 day window \$29,000.00 for the daily inspections. Tony and Billy will get trained for daily onsite project inspector. They also will block off the road and handle traffic control for the core drilling. Aaron will email Canda with information and specifics tomorrow. Staking was reduced to \$2,500.00 due to only one bridge to be built. Councilperson Davids made a motion to approve the testing remains with Forsgren, Tony and Billy will be trained on the daily onsite project inspector which is a saving of \$17,000 and the construction staking goes from \$5,000 to \$2,500 and the city takes care of traffic control. Councilperson Hinz seconded the motion. All voted aye, unanimous. Brian asked for sign tickets for testing.

Law Enforcement Report:

Deputy Fullmer, Bannock County Sheriff's Department was in attendance and had nothing to report. It was mentioned that the Lava Rock Amp theater had moved to a campground in McCammon. Lisa Toly reported that the plan to hold it at the Sinclair didn't pan out.

Garbage Fee Policy Proposed Change (Review Report):

Last month City Council decided not to make a decision on Phil Beeson request and take the month to review and gather information. Council discussed findings. Councilperson Thomson made a motion to not require garbage for non commercial accessory structures or vacant lots when water is turned on to them. Councilperson Linford seconded the motion. All voted aye, unanimous.

Franchise Agreements

A) Rocky Mountain Power

B) Direct Communications

Clyde Nelson, City Attorney, has made suggestion on both franchise agreements. Canda will forward suggestion to Rocky Mountain Power and Direct Communication and work with them on addressing the changes.

Motion permitting Direct Communications installation of fiber optic cable from Hut to Health West:

No motion was made at last meeting, work is completed. Councilperson Davids made a motion to permit Direct Communications to install cable from Hut to Health West. Councilperson Linford seconded the motion. All voted aye, unanimous.

Subdivision Proposal Committee Update – Jon Thomson, Council Person:

Councilperson Thomson emailed Clyde Nelson, City Attorney seeking Idaho Code clarification. A motion or ordinance is not required to proceed with approaching property owners regarding the annexation. They are required before finalizing the annexation. List of property owners west of city limits was reviewed. List has been sent to Clyde to prepare written consent forms. Mayor Davids will start talking to property owners informally.

Proposed Ordinance Amending the “Building Permit Ordinance” (Draft Review) – Jon Thomson, Councilperson.

Councilperson Thomson commented that there are still a couple of questions that need input from the County Building Inspector and City Attorney before the ordinance can be adopted. Canda reported that she had talked with the City of Pocatello and they advised that the City should have adopted the 2012 international Existing Building Code and that the City should keep the Abatement of Dangerous Building Code also. The recommendation is to amend the ordinance to include them.

LawnTech Contact:

Dennis Callahan, City Code Enforcement Officer, reported that LawnTech had come to do the tree trimming but the ground was too wet. They have rescheduled but according to the contract schedule the work is to be completed by the March 15th so an extension needs to be considered. Councilperson Thomson made a motion to grant a 30 day extension. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Resolution(s):

A) Designate Sidewalk Construction Areas: Still working on. Councilperson Hinz will work on specifications for concrete mix, width and depth. Councilperson Thomson will work with Canda on a map. Canda will provide copy of sidewalk ordinance to members.

B) Destruction of Public Records: Still working on.

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

- A) Lava Hot Springs Inn (Renewal)
- B) Massage for All Seasons – Afton Swenson, Owner/Applicant
- C) Quinn Homes, LLC (Renewal)
- D) ST Construction, LLC (Renewal)
- E) Sweet Stuff (Renewal)
- F) Trugreen (Renewal)

Mayor Davids read the list of licenses to be approved. Councilperson Linford made a motion to approve all. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous:

A) 100th Birthday Celebration Wrap UP Plans: Skipped.

B) 2nd Kids Tri Lava event – May 21st: Karen Homsted, Director, would like approval to use city streets for the event. Proposed map of routes was reviewed. There will be traffic control officers at each intersection. Councilperson Hinz made a motion to allow the use of the city streets as proposed. Councilperson Davids seconded the motion. All voted aye, unanimous.

C) Wellness Festival – May 21st: will be the same weekend as the Tri Lava Event.

D) Fire & Ice Festival Report: Skipped.

E) Lava Rural Fire Department Contract: Canda Dimick, City Clerk, received comments from Clyde Nelson, City Attorney today. Copies of legal counsel comments were given to mayor and council for review. Contract was taken under consideration and will be considered at the next month regular meeting.

F) For Cause Personnel Policy: Work Session & Resolution to Adopt Policy: Meeting scheduled for next Thursday, the 17th at 5:30 – 7:00 p.m.

G) Subdivision Public Hearing – March 24th 6:30 pm. Public hearing notice was published in the Idaho State Journal yesterday.

H) Holiday Decorations (Discuss Incentive Programs & Funding Options): Mayor Davids reported that Rocky Mountain is donating \$500 and he was thinking it would be nice to use the money to change the bulbs out on the holiday decoration to LEDs. Canda reported that she had contacted the City of McCammon and all they did with their holiday decorations to make them look new was change the bulbs to LED lights. Councilperson Davids made a motion to submit request for funds to Rocky Mountain Power for LED lights for holiday decoration bulb replacements. Councilperson Thomson seconded the motion. All voted aye, unanimous. Staff is still working on specifications for the Main Street Decorative Lighting System.

I) Buddy Campbell Memorial Park Public Restroom (Schedule Opening & Purchase of Hand Sanitizers): Have bathrooms open before baseball season starts. Soap dispensers have been purchased. The Easter Egg Hunt is going to be held at the Lava Elementary School this year. Tanny is going to be the bunny for Bunnyland.

J) 2015 Street Finance Report – Mayor Davids: Report for the State showing how much money we spend on City streets. Canda is working on it.

K) Schedule Special Meeting to Consider 1% Proposals for 1st quarter 2016: Proposals deadline is March 15th. One application has been received so far. 1% proposal will be considered at the March 17th Special Council Meeting.

L) Portneuf Water User Meeting Report – Councilmember Linford attended the meeting and reported that there is going to be no changes in assessment and that it was reported that snow pack in the mountains was above normal this year.

M) Idaho Recreational Vehicle Program – Email from Tom Hepworth, DEQ regarding the Idaho Parks and Recreation program that funds RV dump stations was discussed. Council was not interested.

N) 2016 Arbor Day Grant & Proclamation: May 5th is Arbor Day. Mayor Davids will be proclaiming that day. Apply for grant if eligible. Tanny will be in charge of representing the city.

O) Miscellaneous: Mayor Davids wrote a letter to Lava Elementary congratulating them for the \$25K award.

P) Miscellaneous: Portneuf Soil & Conservation project looks positive; City has committed \$20K.

Q) Miscellaneous: Mayor Davids commented on the letter he sent to George Katsilometes regarding strip of land decision and commented on what he understands is going to happen. Mayor Davids is okay with what he heard, if there is a problem with the 4inch line they have an easement to go in and fix it and there is no cost to the City.

Projects:

A) Wastewater System

1) Status of Electrical Communication Problems: Mayor Davids reported that there still are electrical problems at the sewer treatment plant. The switch was replaced but there is still are problems with the communication system. Tony is working on getting someone to run a test to find the problem.

2) Letter regarding Net Metering Agreement: Letter has been sent to Rocky Mountain Power. Councilperson Hinz talked with Vaughn Rasmussen and he received it last Thursday and it has been submitted. He said he should know something next week and would call Councilperson Brian on Monday. Canda asked Councilperson Hinz if he would work with Vaughn on the franchise changes to the agreement. Councilperson Hinz said he would.

3) Solar Banks: One bank is not working and it may not be under warranty. Canda talked with the engineer and he will check if Big Dog can come out and look at it.

B) Pedestrian Bridge Project:

1) Project Inspection & Certification: The revised state contract draft is in the Council's packet. The council will need to review it. Billy and Tony will receive training for the onsite inspection.

C) Buddy Campbell Park

1) Tree trimming - Scheduled

2) Architect Request for Proposals – A draft is included in the council packet for review. The proposal has two scopes. Architect bid request to go out on the restroom structure, ADA accessibility and parking area project. Council was asked to review RFP and address final revisions at next meeting.

D) Fire Station Sewer Line Extension/Fire Hydrant Installation

1) Bid open will be on March 17th, council will need to look at bids on Thursday. Invitation for bids were sent to Vaughn Smith Construction, Soda Springs, Craig's Backhoe Services, Soda Springs, and KT Excavation, Lava Hot Springs. Bids are open to any company who is qualified for public works. The project must be completed by May 6th.

2) Discuss Fire Hydrant Installation Project – Fire Hydrant will be done possibly in house at a later date.

E) Water Improvement Project Funding Options/Status Report:

1) Engineering Contract: Mayor Davids has talked with Keller Associates regarding the limitation of liability, Exhibit I. Although Keller's prefer to included the limitation of liability they are okay with deleting it. They feel the suggested Indemnification clause that is proposed is not needed since a fair clause is already provided on page 11 under article 6.11A. The other one is article 3.02E, time of completion. They recommend leaving paragraph E as is and *not* include consequential damage related to the schedule. This request is usually for public agency and in this project not really applicable since they are not driving or compelling schedule issues associated with loss of use. If the project where delayed, Keller and Associates will work diligently to move the project along. Canda will send latest contract draft and letter to the council for review.

2) Archeology Study: There was an error in the dates in the contract that have been revised.

3) DEQ Loan Application & Principle Forgiveness: \$1,471,000.00 will be forgiven on the loan.

F) Black Mountain Software Status Report: Metering reading had communication problems. Re-read meters plus about 100 more and tried to process again still had communication problems. Staff had to manually put in meter readings. Canda believe it is working now and will do a trail run for next month's readings.

G) Removal of dead tree stump in alley at South 4th West and alley interesting between West Booth and West Fife Street:

Stump will be ground out this spring.

H) Fire Station Insulation & Door Sealing Project:

Decided to move ahead on this the last time we met. Canda will prepare contracts.

I) Miscellaneous (Sewer Land Application Site):

Brett Casperson pulled Mayor Davids aside and said he needs to talk with him about the wastewater treatment system. Canda believes he wants the lease for the farmland. Dan Dimick leases the land currently from the city until 2019. The city owns about 71 acres and Brett Casperson property adjoins the land. He would like to have a chance to lease it. The property has to be posted as a land application site and access controlled. No livestock is allowed on the land. Last year there were issues with the irrigation system. Mayor Davids thanked Canda for the insight and he will visit with him.

I) Miscellaneous Cont. (Vacant Lots):

Mayor Davids has concerns about some of the things setting in vacant lots. He would like to review the ordinance and make sure things are done per code.

I) Miscellaneous Cont. (South 4th Trees Blocking View of Intersecting Traffic):

Jack Fleming was given a deadline to take care of the trees. Canda was asked to check on the deadline. Mayor Davids would like to review past meeting minutes and ordinance regarding the issue.

I) Miscellaneous Cont. (Vacation Rentals):

Mayor Davids mentioned that on Facebook he noticed that there are some vacation rentals being advertised that are not within the zone for that use. The City needs to look into these things and make sure they are within ordinance. A clip board will be made up for city council to record things as they see them for Dennis to look into.

Adjourn into executive session:

Councilperson Davids made a motion to adjourn into executive session. Councilperson Hinz seconded the motion. Roll call taken. All voted aye, unanimous.

Motion to reconvene: Councilperson Davids made a motion to reconvene. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Cleaning position City Hall and Public restroom: Received two applications, Rebecca Delong and Britney Potter. Councilperson Hinz made a motion to hire both applicants with a letter stating the wages and hours promised. Councilperson Davids seconded the motion. All voted aye, unanimous.

Councilperson Hinz made a motion to change locks at City Hall and Restrooms. Councilperson Davids seconded the motion. All voted aye, unanimous.

Adjournment:

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

Meeting adjourned at 9:45 p.m.

Amantha Sierra, Transcriber

T. Paul Davids, III, Mayor

Canda L. Dimick, City Clerk