Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, May 11, 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:  Devanee Morrison, George Katsilometes, Randy Benglan, Destiny Egly, Dane Davids, Birgitta Bright, Bandon De Las Reyes, Evelle Hill, Lyle Murray

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

Announce Agenda Deadline Policy Effective July 1, 2017 – Mayor Davids: Mayor Davids makes a public announcement effective July 1st, 2017 all items on City council agenda needs to be in one week before are regular scheduled meeting, the Thursday before.

Approval of Minutes:  Councilperson Hinz comment all fine except the February has some spelling error. Councilperson Linford made a motion to approve minutes. Councilperson Davids seconded the motion. Councilperson Linford amended his motion to approve all minutes except February. Councilperson Davids seconded the motion. All voted aye, unanimous.

Review & Approve Bills:  Mayor Davids asked does anyone one have any question on the bills. City Clerk Dimick asked the council to hold off on Petty Cash and MRE billings until next month. I’m working on the Ferguson
Waterworks invoice. The billing is for annual auto read software support. Sensus is subcontracting the software maintenance to Ferguson and Canda is requesting a discount per our budget. The twenty three hundred is for software support and eleven hundred and fifty dollars for supplies. Hold off on paying until further notice. Liquid Engineering will not be paid until they do the work and inspection is completed. The water tank is scheduled to be done on the 18th. Councilperson Thomson made a motion to approve bills with the exception noted, Canda Dimick Petty Cash, Ferguson Waterworks, Liquid Engineering will be done next month and MRE. Councilperson Linford seconded the motion. All voted aye, unanimous.

**Law Enforcement/Code Enforcement:**

A) **Open Container Signs & Posters Update:** Code Enforcement Officer Callahan comments the signs that we had have been put up still waiting on the four we ordered to come in. Councilperson Thomson reported he talked with business owners about putting up signs in their location. He would like to order twenty five posters English only, 8 ½ by 11. Councilperson Thomson made a motion to buy card stock and laminate posters. Councilperson Hinz seconded the motion. All voted aye, unanimous.

B) **Public Nuisance Notices Report:** Code Enforcement Officer Callahan comments I’ve talked with Ken and he has noticed that one individual has started some work. Dennis is going to send this person a thank you and encouraged them to continue. The other two property owners Dennis will reconnect with them. Dennis will request from them in writing explaining their plan to clear the property and a time frame. If they don’t comply Dennis will have to site them.

C) **Sidewalk Resolution for Snow Removal:** Mayor Davids read current ordinance. Code Enforcement Officer Callahan explained what has been done in the past. Mayor explained to the City attorney that we would like him to work on changing the ordinance. Mayor and Council explained what they would like to address and why. City wants authority to hire someone to remove snow and access property if property is not cleared per ordinance. Property owner will be responsible for the paying the fee. Attorney explained that we will treat it more like a nuisance. Councilperson Davids made a motion to authorize City Attorney
to work on revising ordinance concerning snow removal. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**D) Fire Code Enforcement:** Mayor explained the State inspector does not do the fire code enforcement. Councilperson Hinz reported he talked with Ken, Fire Chief, is okay with working with the State Inspector and if need be he will work with State Fire Marshall and handle situation for now, like he has been doing.

**E) Complaint Form Draft:** Code Enforcement Officer Callahan explained the universal complaint form he drafted. Mayor and Council reviewed form. The form gives the opportunity to address complaints, suggest a solution and what solution was taken to resolve the complaints. Councilperson Hinz suggested to add a check box field that indicate if it’s a formal complaint or informal. Dennis will update form and present at next meeting for council to adopt.

**F) Contractors operating without license:** Mayor Davids talked about the issues and concerns. Mayor Davids asked Code Enforcement Officer Callahan to patrol a couple times a day for contractors operating without a business license.

**G) Campers violating no overnight camping ordinance:** Mayor Davids is going to remind Officer Armstrong to enforce the ordinance. Code Enforcement Officer Callahan addressed his concerns about knocking on a camper door late at night. I talked with a Police officer and he mentioned he would like the city to call the police for everyone’s safety.

**H) Miscellaneous Monthly Reports:**

**Garbage Containers Along Tubing Trail – Eagle Scout Project – Dane Davids:** Dane Davids reported on his eagle project. Installed three trashcans last Friday and installed the last three today. Dane shared picture from his phone with the Mayor and Council. Mayor thanked Dane and announced they appreciate his work. Dane has containers to go in them and extra pieces of wood. He will leave them at the City office. Mayor reports that the summer workers will empty them per work schedule.
Forrest Design Contract – Birgitta Bright: Brigitta gave the Mayor and Council a handout. She explained her flat fee media rate. Everything is billed on a percentage and if I receive a discount that percentage is deducted against the City fee. Mayor expressed information is helpful.

Public Restrooms – Devanee Morrison, Lava Foundation Director: Devanee reported it was brought to her attention that we need more portable units for the summer season. She has increased her units. Mayor reported that the City has doubled the number of units that they rent and the time schedule for locking and unlocking permanent restrooms. The week of the eclipse the City will monitor the use.

Street Improvement/Drainage Improvements/Repairs/Snow Removal Equipment:
A) Forsgren Engineering Contract - North 1st West Stormwater System Design: Mayor explained that they had asked for some changes to be made to the contract and we just got the revised contract back. He suggested we go ahead and approve if the attorney agrees with it. Councilperson Thomson made a motion to table until our attorney has a chance to look over it. Councilperson Hinz seconded the motion. All voted aye, unanimous. Attorney will review and report back.

B) ITD ADA Curb Ramp Application Submitted for SFY2019: Mayor read the email sent to the City about the requirement for the project manager to attend a Curb Ramp instruction class provided by the department. Aaron our engineer and Tony will attend training. Mayor read the list of ramps that have been identified. Councilperson Hinz made a motion to send Tony. Councilperson Davids seconded the motion. All voted aye, unanimous.

C) Alley snow removal equipment – Mayor Davids: Mayor Davids explained the issues MRE had during the winter with picking garbage up in commercial Alley ways. He explained the issues the City had with snow removal. Our trucks are too big to turn around in the Alley’s. Mayor questioned the council if we should have Billy price the equipment that will be needed to maintain the Alley’s either to rent or buy in order to clear the snow in the alleys with a small loader.

Recording stopped, batteries dead.

Regular Council, May 11, 2017, Page 4
Councilperson Thomson suggested checking how much the cost would be for a 3rd party to clear the alleys. Mayor will have Billy price it out and report back to the council.

D) Street Repair & Surface – Mayor Davids: Mayor Davids talked with Tony about his schedule for repairing the patches this spring. Mayor read the list of streets that need repairs. Tony suggested repairs to be done this fall. Mayor will email the list of recommended locations to the Council for their review.

Building Permit(s):
A) Permit #L16-01 for nine (9) cottages – Request for Extension – George Katsilometes: George reported that he wasn’t able to start because of severe weather last winter. He is asking for an extension through this summer. Mayor read a letter that Dennis sent to George and other correspondence regarding the permits. George reported that he has done some site work on the property like trees, trenching and gas lines. Council mentioned that this will be the 3rd extension. Councilperson Thomson suggested since there is no structures building completed and since the City has changed from Bannock County to the State. He explained Bannock County is no longer involved with new application. A new application should be submitted. He also remarked the permit expired last month. Councilperson Davids made a motion to deny extension because the permit expired over a month ago. Councilperson Thomson seconded the motion. All voted aye, unanimous. Mayor Davids explained to George that he needs to resubmit the permit.
May 24, 2017

George Katsiometes,
1424 E. Maple St.
Pocatello, ID 83201

Re: Building Permit L16-13

Dear Mr. Katsiometes:

The City Council wanted to remind you that your building permit number L16-13 for a storage shed is about to expire. It appears that the permit will expire on June 3, 2017. As the structure is now complete, the City wanted to remind you that failure to obtain a Certificate of Occupancy before the permit expires will result in additional charges. The County requires a one and one half the original permit fee to inspect after the permit expires.

If you have any questions, please phone City Hall. The office is open between the hours of 8:00 a.m. and 2:00 p.m. Monday thru Friday, except holidays.

Sincerely,

Dennis Callahan
Code Enforcement Officer for
The City of Lava Hot Springs
lavacitycodeenforcement@gmail.com
B) DLR Enterprises – Lava Hillside Suites – 8 Commercial Units – Brandon A. De Los Reyes and Cody A. De Los Reyes, Owners/Applicants: Brandon explained that after the engineer and site survey was completed they changed the plan and raised the bottom level. The third level will be even with Elm Street and 4th level above Elm Street. Parking will no longer be on top of the top level. Parking will be on adjacent two lots, property they own. Mayor Davids comments on the drainage they would like the city engineer to look at. Mayor Davids suggest approving contingent upon engineer review and State Building Inspectors
approval. Cost of construction questioned. Brandon reported that they will be
doing a lot of self labor. Mayor reviewed the excavation concerns the council has.
Brandon reported they will do the excavation in three tiers. One area will be done
at a time, starting at the bottom. Plan is to complete left and right on each level
before construction to next level. He asked about occupancy when they finish the
bottom and work on the top. He was told that the State Inspector issues a
certificate of occupancy. Brandon mentioned any part of the Centennial Trail that
is disturbed will be restored. On site management was discussed. Brandon is
thinking about approaching neighbors to address management. Councilperson
Thomson approved contingent upon engineer drainage report and State Inspector
approval. Councilperson Hinz seconded the motion. All voted aye, unanimous.

C) Evelee Hill – Aura Soma Lava – Installation of 5 Park Model Cabins – 83
North 2nd East: Evelee reports she purchased the model cabins from Weiser
Idaho. They’re made by Champions. She also gave a description of the Cabins.
Evelee explained all 5 cabins will be decorated differently, sleep six and will be
decorated with her late husband’s art. Councilperson Linford approved contingent
upon State Inspector approval. Councilperson Thomson seconded the motion. All
voted aye, unanimous. Evelee encouraged Mayor and Council to attend open
house. Gas installed and she will repair hole in the alley. Mayor Davids explained
why the City changed her address.

D) New Primary Residential Structure – West Fife Street – Dan Fernan,
Property Owner; Lyle D. Murray, Applicant: Lyle explained the plans to build.
Lyle reported that lot slips off to the alley approximately eight feet. The second
phone back next to alley, twenty six feet concrete driveway, no structures. Erosion
barriers need to have height marked on plans. Councilperson Thomson approved
contingent upon State Inspector approval and height noted on plans.
Councilperson Davids seconded the motion. All voted aye, unanimous.

Business License(s), Alcohol License(s), Coin-Op License(s) & Non-Property
Tax Permit(s):
A) Evergreen Waterless LLC, dba ForeverLawn Mountain West – William
Lish, Owner/Applicant: Councilperson Davids made a motion to approve
Business License. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**B) Deliciously Gluten Free - Michelle Taylor, Owner/Applicant:** Councilperson Davids made a motion to approve Business License. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**C) Google North America Inc., (Tax Permit):** Councilperson Davids made a motion to approve Business License. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**D) Gunter Construction – Gavin Gunter, Owner/Applicant:** Councilperson Davids made a motion to approve Business License contingent on completing business license application. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**E) Knotty Pine & Ram Construction – (Certificate of Occupancy Issued) – Lane Avery, Owner/Applicant:** Councilperson Davids made a motion to approve contingent upon new application completed as two separate business licenses. Councilperson Linford seconded the motion. All voted aye, unanimous.

**F) Lava Ace Hardware – Bryce Church, Owner/Applicant:** Councilperson Hinz made a motion to approve Business License. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**G) Lava Java – Patti Madsen, Owner/Applicant:** Councilperson Hinz made a motion to approve Business License. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**H) Lava Spa Motel (addition to business operation plan – sale or rental of tubes):** The email request they received indicates they will be renting out of their office and bathroom will be available. Councilperson Davids commented if the tube and sales is for their Hotel clients then the restroom is not issue because they have restrooms in their room. If the rental and sales of the tube is for the public they will need to have portable restrooms. Need clarification. Extend invitation.
to the owners to attend next meeting. Councilperson Linford made a motion to table for next meeting because it is unclear. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Gary, City Attorney reported that he has letter ready to send to Century Link. Letter was given to Mayor and City Council concerning their business license and that they do not have an occupancy certificate due to the roof remodel.

**Sign Permit(s):**
A) Lava Hot Springs Foundation – Decal on storage container – Devanee Morrison, Lava Foundation Director, Applicant: Destiny Egly was present for this.

B) Taquela Pelayo (Food Truck located at Edge Water KOA) – Vinyl Menu Sign – Wendy A. Pelayo, Owner/Applicant: Councilperson Hinz made a motion to approve both signs. Councilperson Linford seconded the motion. All voted aye, unanimous.

**Meetings/Announcements/Miscellaneous:**
A) Activity Connection Plan: Mayor Davids reports that the City has not heard back from him. Send reminder email.

B) Lava Free Landfill Day - May 19th: Information.

C) Wellness Festival Special Event Application – June 10th: Information, event application approved last month.

D) Tour de Lava Special Event Permit Application – June 3rd: Councilperson Hinz made a motion to approve. Councilperson Thomson seconded the motion. All voted aye, unanimous.


F) FEMA Risk MAP Southeast Idaho Discovery Project: Asking Cities to be involved.
G) Notice of Public Hearing for Conditional Use Permit (Campground) & Variance from Setbacks – Property located within city impact zone – 11759 East Fish Creek Road: Cameron Salt. May 17, 6 pm in Pocatello. No concerns.

H) POW/MIA Thunder Run Special Event Permit Application – May 29th, 9:30 am, Veteran’s Memorial Park: Mayor Davids reported time change. Normally at ten changed to eleven. Mayor Davids concerns is eleven to twelve-thirty is our busy time. The event coordinator for the Thunder Run was not pleased with traffic last year and would like to have the block of Main Street closed. Mayor and council discussed options. Mayor and Council would like to see the time at nine or ten a.m. Councilperson Thomson made a motion to approve based upon Dennis talking to them and possible changing time. Councilperson Hinz seconded the motion. All voted aye, unanimous.

I) Idaho Transportation Department I15 Construction Plan Announcement: Mayor Davids read announcement.

J) Lava Historical Sign Relocation (Hwy 30 to South Bannock County Historical Center): City Clerk Dimick announced the City has the sign and it will require some maintenance. Kathy Sher wants the sign for the Museum but needs help with restoring. Mayor will stop by and talk with Cathy Sher to see what kind of help she needs.

K) Fire Station Rood Damage & Insurance Claim: Ice damage with the roof claim submitted. Councilperson Hinz reported a lot of water damage to new insulation.

L) Eclipse Preparation: Mayor Davids feels the City is preparing for the full season. Event impact unknown, Lava is not in the eclipse path. If council has any thought bring them up.

M) Part Time Seasonal Custodians: Mayor Davids has talked with both applicants. City Clerk Dimick comments one of the applicants picked up employment paperwork. Mayor will remind other applicant.
N) Miscellaneous: Councilperson Davids questioned cautioning tubers. Gary, City Attorney, reported that the City does not have a duty to notify. If the City under takes the duty the City is liable. If the City is going to do it they need to be careful.

Recording continues, batteries replaced.

City Clerk Dimick mentioned that Cathy Sher is concerned with the relocation of the bus signs and liability placed upon the museum. Mayor and Council discussed liability responsibilities. Gary, City Attorney, suggested that the City needs to find out who owns the sidewalk. The City concerns would be if the sidewalk is not in good conditions. The sidewalk is in good conditions and the City has all rights to leave the sign. Councilperson Thomson comments City ordinance requires all property owners to maintain sidewalks. The Council prefers the bus stop sign off Main Street.

City Clerk Dimick comments Cathy has one announcement. Dave Boyack, Ann Boyack and Rory are going to be playing for a fund raiser at the museum. The fund raiser is for the museum and they will be playing outside from twelve-thirty to three p.m. on Saturday.

Projects:

A) East Main Pedestrian Bridge(s):
   1) North Bridge Completion: TPD Tubes is going to put fence back up. Their only concern is the electrical box. The box will be part of the fence and Tony is fine with it. Tony will order the lock for the box. City Clerk Dimick comments Aaron is checking on a walk through for next Friday for completion on the pedestrian bridge. Councilperson Hinz questioned the extra paint and everything turned over the City. City Clerk Dimick comments has not seen anything turned over to the City. Councilperson Hinz asked to add a note and check on it.

   2) Rock & Electrical Fixtures for Future South Bridge: Mayor Davids talked with Tony about ordering the rock and electrical fixtures.

B) East Main Traffic Bridge Railing Improvements and Additional Rock Work – Mayor Davids: Mayor has talked to Tony about painting bridge. Paint
will be tested on Monday to find out if it is lead base. Aaron has suggested pouring another pillar for uniformity. Plan is to paint railing and rock pillars.

C) **Buddy Campbell Park Improvement Project:**

1) **Splash Pad Grant:** City is aware of a grant opportunity for splash pad. City will pursue.

2) **Maintenance plans for expansion property:** City Clerk Dimick comments that Billy was questioning what the City would like to do on that lot. Mayor and Council would like the City to mow and spray expansion.

3) **Building Painting Project:** Councilperson Thomson is still looking for a source of help. Mayor can get Councilperson Thomson a source for some help. Councilperson Thomson thinks the minim amount of cost is one thousand dollars to repair and paint. He will spray paint the graffiti. Mayor suggested to get bid for new asphalt surface for the Basketball and Tennis courts. Mayor and Council suggest budgeting for metal roofing for the Pavilion.

D) **Water Improvement Project:**

1) **Well Location & Access Report – Mayor Davids:** Need to decide what route to take. The engineer is working on a property description. Mayor and Council had a discussion on property owner in that area. Mayor asked engineer to spike the areas for well location options. Gary, City Attorney, needs a property description. City Clerk Dimick comments engineer is working on a property description. Council and mayor reviewed Bannock County parcel map.

E) **East Main Street brick pavers & benches – Progress Report:** Mayor Davids reported they are going to put a bench around the one tree. We did remove a few trees and we are going to plant two more trees. When we removed the trees we ran into cement a couple of feet down. The arborists said that the cement has to be removed in order to have a healthy tree. A change order is required to jack hammer the both of them out. It will cost around seven hundred dollars to rent the jack hammer and remove it. A water system will be added to both trees. Councilperson Hinz asked about the water system in the contract. Mayor, Council and City Clerk had a discussion about contract and water system.
F) Miscellaneous: Councilperson Linford was approached by Sonny Berti. Sonny is asking why the No Alcohol signs are so tall. City Clerk Dimick comments the signs are at that height per the City sign ordinance. Mayor asked Dennis to check what the ordinance says about street signs. Other regulatory signs are shorter.

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

Meeting adjourned at 8:30 p.m.

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Amantha Sierra, Transcriber                T. Paul Davids III, Mayor

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Canda L. Dimick, City Clerk