

The Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho will be held on Thursday, December 10, 2020 at 5:30 pm, Lava City Hall 115 West Elm Street, Lava Hot Springs, Idaho. Guests may participate by teleconference if they so desire. To participate or listen to the meeting by teleconference, please call (408)638-0968, meeting ID number is 5731543907#, password 745563#. Depending on your telephone service plan, long distance charges may apply. All participants will be muted when they join the meeting. Guests can unmute themselves by entering star six (*6).

Present: Jon Thomson, Mayor
Randy Benglan, Councilperson
Rickey Frandsen, Councilperson
Lisa Guthrie, Councilperson
Gary Cooper, City Attorney
Canda Dimick, City Clerk
Lindsey McCulloch, City Code Enforcement Officer
Amantha Sierra, Office Assistance

Excused:

Guests Phone: Susan Thomas, Wendy Perkins, Tyler Pratt, 1801-326?

Guest at City Hall: Megan Reno, Pat & Leah Navarro, Mark Olyer, Cody De Los Reyes, Cameron Salt, Annie Salt, Sherril Tillotson, Officer Jeff Fullmer, Officer Chaffer, Craig Knutson

Mayor Thomson opens the meeting at 5:30 p.m. and welcomes everyone attending the zoom meeting and in person

Announce Agenda Deadline for January 14, 2021 meeting will be January 7, 2021: Mayor Thomson Announce Agenda Deadline for January 14, 2021 meeting will be January 7, 2021 by close of business, one week before scheduled meeting.

City Clerk Canda Dimick reported before we go any further, we got a couple of items that need to be amended to the agenda. The Luschar subdivision concept plan under Planning and Zoning commission for input and Lindsey McCulloch, City Code Enforcement Officer needs to talk about towing a vehicle up under law enforcement.

Councilperson Benglan made a motion to add towing vehicle item and it Luschar subdivision concept plan item. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Approval of Minutes – (August 25 and September 3, 2020) ACTION ITEM -

ACTION ITEM: Mayor Thomson reported we have some minutes here that Amantha sent out. I had, not really a correction, I just had a clarification on one of them where we were talking about some of the costs on the on the installation of sewer and water hookups and stuff. Do you guys have any other corrections or ministry all look good for you?

Councilperson Guthrie made a motion to approve minutes from August 25 and September 3, 2020. Councilperson Benglan seconded the motion. All voted aye, unanimous.

The Pledge of Allegiance is led by Mayor Thomson.

Review & Approve Bills - ACTION ITEM: City Clerk Canda Dimick reviewed bills with council, we have the cookies for the lighting ceremony and the city purchased a beverage cooler for the hot water for hot chocolate. We're going to keep that so we can use it for other city events that's on there. We got quite a few different vehicle maintenance. The guys have done quite a bit of different stuff on the sander, cutting edges, chains, shoes and that type of thing on vehicle winter maintenance. Forrest designer group got the bills today and the chamber has approved them. Gem Valley survey that was for some surveys on city limits establishing that on the east side of town. Councilperson Benglan asked if he completed an actual survey or did he just look at it. City Clerk respond he actually did mark. Councilperson Benglan responds okay. City Clerk continues so it is marked up there. He showed Tony where the flags were. I don't know if they've went ahead and done something permanently there, but he did mark it. Mayor Thomson comments what you are talking about the one for Cameron here. City clerk continues that one where city limits are on the east side of town. Councilperson Frandsen asked if Four J's is straightened out, finally. City Clerk responds I do not. I did get one of the bills straighten out where they wiped it off. Remember last month it was nine hundred (900) and something. So one of the bills said zero because we wouldn't had any usage for that. So this other bill still needs to be tabled because I haven't addressed it. Got the dog and cat tags for 2021. KT excavation was for road bass and pit run. Northern Tool Equipment that was for those cordless tools and sockets at the guys budgeted for. P&Z that's to pay them for their per diem, September through November. I've been trying to

keep up more on quarterly. Do you have any questions on page one (1). Councilperson Benglan comments it looks good. City Clerk continues on page two (2) we have the tennis court, that's for the pickle ball sleeves, Ricky worked with us on getting those order. That's it unless you have some questions. Mayor Thomson comments I have a non-related question or kind of a related question. On this Gem Valley survey that we did on the boundaries of town. Did it show that Mr. Salt was in the city limits or not? City Clerk responded he definitely is. Mayor Thomson comments okay, then I would suggest that Lindsay should red tag to him to cease and desist any building efforts without a permit. Let's just make it official and then we have it on record. We made an observation and now we need to find the solution. I think that the first step.

Councilperson Frandsen made a motion to approve the bills except for Four J's. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement:

A) Building Permit Report – Lindsey McCulloch, Code Enforcement Officer:

Lindsey McCulloch, City Code Enforcement Officer reports the only one I've heard anything about is Steve Hooper's they've moved on to the top floor. Talking softly indiscernible. Inaudible - noise interruption. They are you still doing framing on Lee Nickerson's. I haven't heard anything bad or negative about that one. Jade Bues and Michael Gunter are both still on their foundation that haven't gone any further. Mayor Thomson asked we have four (4) outstanding building permits going right now. City Code Enforcement Officer comments I'm working on them. Mayor Thomson comments what I meant, there's four (4) active builds going on. City Code Enforcement Officer reports Yvette Cadeaux build is close to being finished.

B) Occupancy Certificate – K & A, Inc., Remodel loft level of existing A frame for nightly rental – fire suppression installed – ACTION ITEM: City Code Enforcement Officer reports on Kody Tillotson A-frame certificate of occupancy. State sent me the CEO. Mayor Thomson asked State approved that already. City Code Enforcement Officer yep. Mayor Thomson asked they're approving it for nightly. City Code Enforcement Officer responds yes, sprinkled, Mayor Thomson comments which is what he was going for. They actually put a complete fire suppression system that whole building when he did that, at least that what he said he was going to do.

Councilperson Frandsen made a motion to issue the Certificate of Occupancy. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Inaudible – cross talking

C) Lighting Ordinance Provisions – Lindsey McCulloch, Code Enforcement Officer - ACTION ITEM:

Lindsey McCulloch, City Code Enforcement Officer reports I had a couple issues with the lights on the Roof Top Bar. I addressed them the best as I could. Talking with the Building Inspector the lighting is needed for building code. He's actually not going to advise me to tell him to take the lighting down. The neighbor's feel like the lighting is too excessive. The building official feels like that's too bad it's like the international code, I really can't do anything about it. Mayor Thomson asked are we talking about Christmas lighting or temporary. City Code Enforcement Officer responds well it's year round, I guess. That's how he lights up his building but, the stairwells have to be lit according to international code. So I can't do anything really about it because, the building inspectors has advised that the stairwells have to be lit. At onetime the lights blinking/rotating colors. I said to them, let's go ahead and have those turned off by 11:00 o'clock and that backfired into my face if no one else is having their lights turned off by 11. Why do we have to turn our lights off? Councilperson Frandsen Asked which lights are the actually complaining about. City Code Enforcement Officer responds on the roof top. I tried to find a place where we can find common ground, you guys have your lights off by 11. What happens when everyone else's lights are not off by 11am? I said for the holiday season, you guys are fine, because that is in the in the ordinance but we're going to have to address this again. I don't know if it's easier to say like international code, this section exempts, don't get crazy about it, just this part of international code. Mayor Thomson comments and our problem is that all of our lighting on Main Street is hooked in to the streetlights which dust to dawn you don't have a choice of turning them off. Councilperson Benglan comments this this ordinance is for excessive light pollution. City Code Enforcement Officer Comments and according to the neighbors it's excessive. Mayor Thomson comments I'm talking about the 11 o'clock curfew. Councilperson Benglan comments it doesn't mean you can't have lights at night. It just means it can't be excessive. City Code Enforcement Officer responds agree and with international code they have to have them. Councilperson Benglan asked those lights any brighter than the streetlights. City Code Enforcement Officer responds no, I did ask him to have them quit blinking and they did do that. They are no longer rotating in color and they are not blinking. They did do what I asked him to do. Councilperson Benglan comments I don't know that the comfort part of that falls under aesthetic preference of the neighbors. City Code Enforcement Officer responds if you asked her it is.

Councilperson Benglan I don't know that that's really an issue, for me anyway. Mayor Thomson comments my suggestion would be then to just kind of monitor it for a while. City Code Enforcement Officer comments Gary had some good suggestions he sent in email earlier, that was like you kind of feel this out for a minute and then later on, we come back after the holidays, because right now Christmas lights so, we come back, and we kind of do enforcement on it for now, not really do enforcement on it, and then come back and address whatever we need to address later on. Gary Cooper, City Attorney comments my point is that, you know, we passed some pretty comprehensive ordinances, governing businesses, parking, lights and noise and we're going to find that we missed some things. We weren't thinking through everything, and we're going to have to modify some of those. I don't think we should just every meeting be amending an ordinance, but I think let it work out for a little bit. We're going to see what the problem areas are and we can entertain some amendments to these ordinances to fix some of these problems. Yeah, there's going to be some tough issues on this stuff. Mayor Thomson comments I agree. Right now this particular month, I live next door to the Grizzwalls, so and they don't shut their lights off at 11 and I don't care it's Christmas, you know. Gary responds that's right. Mayor Thomson comments we have certain issues within our city that is continued to be an issue and it's the same person that has the issue. And so, I start to deal that with a little grain of salt now and then. Suggestion then on an action item on here, we do we monitor and observe? Do you have a solution? To cut it off in the next month? City Code Enforcement Officer comments I take notes and report back to Gary.

Councilperson Benglan comments yeah, create a file for logging ordinance discussions and then over time as we see a common pattern. Mayor Thomson comments I can remember this when I first came on the council, which was several years back we had an issue with signs, there's nothing to do with lights but we had an issue with LED signs. The LED signs at that time, the one that comes to mind was the one that used to be on the Ford dealership because you should make the corner there on Yellowstone and it would light up and you could see it clear down past Alameda, it was really bright and we didn't want that type of sign, don't have a problem with illuminated sign business signs and whatever but the flashing so we kind of had an ordinance against LED style sign lights will now you've progressed forward several years where all the lights are LED. So we may want to review that again but, that that whole issue there was how bright you tone it down or how bright do you tone it down. My issue with is if it hurts my eyes driving by in the street and disrupts traffic, it's too bright. But other than that, I think it looks great. Our downtown area looks nice. So you know, I think you're exactly right here we just need to kind of review this and try to find a happy medium that everybody can be within that framework. At this point what do you want to just table this then.

Councilperson Frandsen made a motion that we just continue to monitor this situation and address at another time. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Teleconference with Bannock County Commissioners regarding Law

Enforcement Agreement Report – Mayor Thomson: Mayor Thomson reports next item is we had a meeting, I didn't sit in it personal, I was in it by teleconference but it amounted to most of the Mayors in South Bannock County Commissioners were all present. I'm pretty sure the sheriff was there I'm not sure who else was there couldn't see. The whole meeting evolved around contracting these fine gentlemen for services in and about the cities in South Bannock County and how to go about it. Of course we've kind of led the way. We've been doing it for quite some time. Some of the other towns have a contract with them for a lot less like ours we have some have. Inkom has both they have some off duty Pocatello officers and so on so forth. I think the crux of it that I got out of it, in all honesty amounted to a heads up guys, we're going to have to start raising the price per hour for the services, you know, we're up to, by the time you collectively take their wages, benefits, the equipment cost, which is pretty outstanding in place where you got cars, radios, yada, yada, yada, the whole bit, you're looking at a pretty substantial dollar amount per hour. Most of us are in that mid twenty (20.00) dollar an hour range which is not quite, you know, cutting the mustard. What I got out of that was that we're not doing anything this year, but be prepared to review your contracts next year and I suspect you'll see a price hike, which is only normal with the rest of the world going up in price. That's basically what that meeting was all about, I think that this is another one of Ernie Moser's kind of pet child is he'd like to have a monthly meeting with the with the mayor's in Bannock County just to kind of get a feeling for his district on what's going on. This just happened to be the topic on the first one. That's what that was about and I would suspect it when we go into budgets this this summer, August timeframe, we ought to start thinking about setting that budget a little bit higher for our law enforcement. Bottom line is, we know, we got to have them when we could have more of them if there were more, but hire some more guys will you. Someone from audience comments easier said than done. That was the subject of that meeting and like I said it's not going to go away. It's coming at us so, be prepared for that when we get into our budget meetings.

E) Idaho State 2 Stay Healthy Order – Mayor Thomson - ACTION ITEM:

Mayor Thomson reports the next item is kind of my one of my little things, I'm kind of reluctant to follow suit with a lot of the other mayor's around here but, you

know, it looks like that we're going to have to do something sooner or later on this face covering thing. We're just getting worse and worse with, with the numbers of people that are coming down with this. Councilperson Frandsen once everybody gets it, it will be resolved. Mayor Thomson well, personally I don't want to get it. I look at it from the standpoint that we have a large proportionally to everybody else around, we have a huge amount of visitors that come into town and a small amount of residents. So, do I take steps to protect it? I see protests start to go on now in some of these other towns, we're not going to wear masks, we're not going to buy you know, some of the school districts are starting to buckle up and go, hey, we're not going to force you to wear masks to come to our games and certain things like this and so I've been kind of reluctant to put one together. I'm working on the core of it. Basically it says you know, when you're in town have a mask on and when you go into a business, then you fall under the guidelines of whatever that business is doing. I haven't done it yet but, don't be surprised if it comes down this month. If we go back any further we're down back to phase two (2). So if the governor gives us any other directives, I know the mayor in Pocatello has made a mandate now. We don't have anybody to enforce it and I've not seen anybody in Pocatello. Do you know how they are enforcing it in there? You got any idea? Someone from the audience responds it's just an ordinance. Mayor Thomson responds I'm sure that the city officers don't have anything to do but go around and enforce mask laws. I don't know who's supposed to enforce it either. That would be our biggest problem. All we can do is put up signs is put the mask on people, try to keep safe, which I don't think you're done. I'm look at us, we're not wearing a mask right now, which some of us are some of us aren't. I guess it's kind of the way I've approached it right now. It's at your discretion for your safety. Councilperson Benglan asked what you need as far as an action item. Mayor Thomson responds I didn't know I needed an action item. Councilperson Benglan It says action item on there. Mayor Thomson respond probably your blessing then if I decide to do that. Councilperson Benglan comments because this is a mayor power right, regardless of city council. Mayor Thomson responds what had happened is be one of those things where, you know, I don't know exactly what forum that's in but you know, it's just like when we did that emergency COVID act relief thing back a few months back, you know, you get all these wordings in there, basically the governor's mandated it and then all the other city councils around us have mandated it and so now I've proclaiming in Lava we have to wear protective face mask in Lava city limits and so on so forth. City Clerk Canda Dimick asked Gary Cooper, City Attorney would that require a resolution that has a special meaning. Mayor Thomson asked to do a facemask mandate in town, would I have to have a resolution and a special meeting where the council can vote. City Attorney responds yeah. Councilperson Benglan comments it says

when the city council mayor's authority are combined the authority of cities to respond to threat in the presence of a pandemic is complete. City Attorney comment some other cities have ordinances that give the mayor the right to do that. Without a meeting we don't. Mayor Thomson comments I think at this point in time, I just want to make the council aware that, that I'm kind of getting pushed that direction. I'm getting a lot of a lot of pros and cons around town, yes do it, no don't, a lot of back and forth. So if I do I would probably try to schedule it to where I put the thing in, we did a normal meeting or whether than call an emergency meeting. If the governor comes down and drops us back another phase or makes it mandatory, then we have to have an emergency meeting.

Councilperson Frandsen made a motion to monitor situations and if the Governor puts us back to stage one (1), then we'll have a special meeting. Mayor Thomson interrupts then I'll go ahead and put the words together so that it's prepared if we have to be enacted. Councilperson Benglan seconded the motion. All voted aye, unanimous.

F) Monthly Law Enforcement/Code Enforcement Reports: Mayor Thomson announces gentlemen, you guys are up. Sorry, you have make you wait there? Bannock County Officer responds no, that's fine, we came in a little late. We had to deal with a certain individual when we came into town. There was nothing really on our plate that we had to address with you guys. Nothing was brought to my attention from Lieutenant, Captain or Sheriff. So, unless you guys got something or any upcoming events that we need to be aware of in the near future or anything like that. Mayor Thomson respond I know we've been discussing Fire & Ice and exactly how it's going to be affected by COVID on how robust of an event it can be, that may take a lot of pressure off of you guys. If that kind of gets, you know, shoved to the backburner. I know, at this point in time, it's not going to be like it was last year, there is just is not enough planning time and everybody's kind of afraid that you plan a big event then all the sudden it gets wiped out. That's really our next big issue short of just having the holidays here in town. Normal control on that kind of stuff. Bannock County Officer responds yeah, anything like that bring it to our attention. I think we're all just kind of up in arms waiting to see what happens with this vaccination stuff and how that's going to affect it, go forth, you know, whatever you need us to do just holler. Mayor Thomson respond alright, we appreciate you guys. Lindsey McCulloch, City Code Enforcement Officer reports I have a car up on booth and one the Bannock County Officer (girl) tagged it for me. Bannock County Officer responds Ellen. City Code Enforcement Officer responds yeah Ellen, she tagged it for me. Bannock County Officer responds okay. City Code Enforcement Officer comments she had

mentioned how you guys have like a deal with the county and how you guys do all that with a car that's been abandoned, basically. Bannock County Officer question a deal with the County? City Code Enforcement Officer responds how does she explain it? Mayor Thomson asked is this an abandoned vehicle. City Code Enforcement Officer responds yeah. Mayor Thomson asked have you had these guys run VIN numbers on it. City Code Enforcement Bannock County Officer comments I've tagged it multiple times. Finally, I couldn't get anything done. The maintenance guys can't get around it. So I asked the cop to go up and she came in and I asked her for help. So she just tagged as an abandoned car and she's gave them until Friday because she comes on shift on Friday. Will the cost of that fall on the city? Mayor Thomson comments we have a guy in soda but he requires that you title over to him, then he'll get it out of the way. So if it's just an abandoned vehicle without a title changing he won't touch it. Bannock County Officer responds I know per Idaho State law they have to notify the owner, I think by mail and before they can actually, I mean, they can tow it. But I think they have to file that whole process where they notify that the owner within a certain time frame before they can consider it their property and then they have to put in for the title exchange and all that. So that's up to the tow.

City Code Enforcement Officer asked so you guys have to tag it so many times. I've been tagging it since October does that change anything? Bannock County Officer responds yeah, where is it? Is it on private property, on the roadway? City Code Enforcement Officer responds both. Bannock County Officer responds I don't know what your ordinance is for that. Mayor Thomson asked it's not blocking the street or blocking alley, is it? City Code Enforcement Officer comments it blocking the snow plow. Mayor Thomson comment no, what I meant as far as traffic really. So, it's not a hazard today but, it could be when we move snow. Bannock County Officer responds if it's not an immediate hazard then we won't tow it. There is an exemption when there's snow and they have to plow the streets for vehicle safety that gets in the way then that's a hazard and we can have it towed at that point. City Code Enforcement Officer so where she's already tagged for seventy two (72) hours tow. Bannock County Officer responds forty eight (48), that's Idaho law forty eight (48). City Code Enforcement Officer asked then by tomorrow it will be moved. Bannock County Officer responds it can be. Mayor Thomson responds and by Monday we will have snow. Councilperson Frandsen asked if the owner is local. City Code Enforcement Officer I don't think so. Councilperson Benglan we don't know who the owner. City Code Enforcement Officer responds well, the renter is Shawn Midkiff the owner of the home, but it's a monthly rental. The people who used to live there don't live there any longer. Bannock County Officer comments we'll try all means before we tow it unless it's an immediate hazard. City Code Enforcement Officer comments if

you want to run plates of something and maybe I can help you find them. Bannock County Officer responds maybe Ellen already did that, I don't know. She probably should have ran a report on that. City Code Enforcement Officer comments the tags on the window. Mayor Thomson comments you need the VIN or the tag to find the owner, probably? Bannock County Officer responds yeah, we can get it off the plate and then run the VIN if we have to. If she tagged she's probably tried to make contact with them. I don't know that for sure but in order to tag it, she probably done that. City Code Enforcement Officer comment she did say she comes on shift tomorrow, but I wasn't sure with the city council. Gary Cooper, City Attorney asked if you have it towed, you have an agency or a company tow it to their yard and so they have charges and those charges are going to come back to us. Bannock County Officer comments the charges for tow itself, whatever their basic fee is, and then 24 hours a day it sits in their lot, they charge a lot fee for that. City Code Enforcement Officer comments yes, so how do we get away from that. . City Attorney responds well, the only way you're going to get away from that is it can be removed to a garage or place of safety. So, if we have a garage or a place of safety that we could have it towed to we could do that, we would incur the charge for the tow but, not the storage. And the storage is usually what the problem is, it gets pretty expensive fast. Then it exceeds the value of the vehicle pretty quickly. Mayor Thomson asked do we also have to have a certain amount of notification to the known owner. City Attorney responds yes. Inaudible – cross talking. Mayor Thomson comments our process tonight would be to direct that process to start, send out notices to the owner, if and when we can find the owner, send out notices, and then that will clear the way for towing if we have to tow. Councilperson Benglan asked we haven't ran the plate. City Code Enforcement Officer responds the officer that came in said she was doing it and then she got another call out. She never came back in. I don't know who it belongs to. Mayor Thomson comment maybe if you find the owner and they've moved someplace else, they'll say, Well, look, I've abandoned the vehicle and give the title. City Code Enforcement Officer comment the owner of the property said that those people don't live there anymore. Inaudible – cross talking. City Code Enforcement Officer comment it's got two (2) flat tires and full of garbage. Inaudible – cross talking. Councilperson Frandsen asked City Attorney if he thinks the property over by the Fire House would constitute a safe storage. City Code Enforcement Officer where would that be. Councilperson Frandsen comment behind the Fire House. City Clerk Canda Dimick asked don't you want it behind a locked behind a gate. City Attorney responds well, I mean, I think that would be really the ideal but, I know that you have to. City Clerk and City Code Enforcement Officer suggested the sewer lagoons. Councilperson Benglan comments you set it up there, it may end up being there forever. Seems like ideally, we get to hold the owner. Inaudible –

cross talking. City Attorney comments there is a process by which we can get title and salvage, get rid of, but it takes time. Mayor Thomson comments as you point out, you know you the cost incurred exceeds the value of the vehicle very quickly when you start that kind of thing. City Attorney responds yeah, if we're leaving at a tow company yard, but if we have a place that we can put it, then, you know we don't incur that kind of expense. Councilperson Frandsen comments we should try and put it on a safe place that we have. City Attorney comments if this is an ongoing problem, we ought to figure out something like that. Mayor Thomson comments it has been. I mean that we get two or three (2 or 3) a year. City Attorney responds I remember last year we had one (1) it's enough that we ought to put some thought to it, figure out a safe place that we can put it and then we can go through the process and notify them. Ideally we notify and we find out who it is and they come and get it but, there's a certain amount of these that they left it for a reason. Mayor Thomson comment well, and that's usually it Yeah, they don't have the money to fix it. City Attorney comments fix it and get it running. Mayor Thomson comments even at that point and they don't have the money for the insurance or the title or the tags or the tires or any of the other things have to go to get the thing running again and so. Bannock County Officer comment that's what the tow by state law that's what the tow service does they typically take it, store it and notify the owner and we do as well by mail and then after I think thirty (30) days, the tow service puts in through the state of Idaho or wherever it is, the title, the title comes back to them and now it's their possession and then they can do what they want with it. They get rid of it or salvage it. Mayor Thomson comment I know the last vehicle that we did the salvage company wouldn't even come and take it. Inaudible – cross talking. Bannock County Officer comment the salvage isn't very much so, I think the tow takes a hit on them a little, bit their tow services sometimes, I mean that state law for them. It's not really a law enforcement deal we do just that, where we try to find the owner and then put a forty eight (48) hour notice of it. Mayor Thomson comment I would suggest we make a motion then for Lindsey to proceed ahead. City Code Enforcement Officer interrupts proceed ahead on what, having it removed/towed. Mayor Thomson comments whatever it is, find out who owns it, the paperwork involved. City Code Enforcement Officer interrupts it's supposed to snow tomorrow, Saturday, Sunday, Monday, Tuesday. Councilperson Frandsen comments I think we need to address looking at a safe place that we can put it whether it's down by the sewer pump, or whatever and let's have it towed to the safe space and then owner can still come and get it, it's not going to incur a huge expense. That's not a big expense for the city either. Mayor Thomson comments just the towing. City Code Enforcement Officer asked could we. Mayor Thomson responds no. Councilperson Frandsen comments no, the towing company has to tow, we can't do it. City Attorney comments too much

liability for us. Councilperson Frandsen continues yeah, let's put it in a safe space, and then it's best for everybody involved. City Code Enforcement Officer asked you think that a safe place the sewer ponds. Councilperson Frandsen responds it gated and locked. City Code Enforcement Officer asked I agree. Inaudible – cross talking. Mayor Thomson comments I think as Gary suggested to we need to follow this up with setting down and coming up with a procedure to handle these from now on because as you know, it's something that occurs two or three (2 or 3) times a year here. We have something in place and we don't have to go through this again.

Councilperson Frandsen made a motion that's been decided a safe space and have it moved to that safe space. Councilperson Benglan seconded the motion. All voted aye, unanimous.

City Code Enforcement Officer asked tomorrow if we tow it, we'll have it towed to the sewer ponds. Talking softly indiscernible/ Inaudible – cross talking. Bannock County Officer responds if she's tagged it for forty eight (48) hour then it can be towed that's the law.

East Portneuf Street Proposal/Spring Box Water Line Easement Agreement/ Lease Agreement (Proposed Change – January 1 through December 31) /Utility Easement Agreement - ACTION ITEM: Mayor Thomson asked City Clerk Canda Dimick would tell me about this, please. Gary Cooper, City Attorney Comments I can tell you easier. Mayor Thomson responds okay, you tell me about Gary. City Attorney explains the lease agreement has been worked out, modified. Mayor Thomson interrupts oh, okay. I know what we're talking about. City Attorney continues all we need are some property descriptions and I think that that's something that Wade is working on. As soon as we have those then we can get that signed. I would recommend that the Council, which has looked at those lease agreements and the easement agreements just authorize the mayor to sign that when we have all the attachments. City Clerk interrupts I guess I need direction though, who is covering the cost of the surveys. We really haven't discuss that at any meeting, we went back through minutes today trying to figure out who's obligated to cover those costs for the easements and the legal description on this lease. So we need some kind of direction on that tonight. City Attorney explains this is what I would recommend I mean, the property that we are leasing, I think it's the ten by ninety (10 by 90) parcel, that's our parcel, we should pay for the survey of that. The ten by sixty (10 by 60) which is going to be the subject of the quiet title we should probably split that with Palen because we're going to end up with half of it. The water line easement that should be us and Palen's water line

easement is hers. Mayor Thomson comments that would be water and discharge, just two lines. City Attorney responds yeah, it's that piece of it, it's that easement. Mayor Thomson comments we've all looked at it, nothing's changed. It's just gotten to the point where we approved, has gotten to the point where the papers have been written and agreed upon, and we're just fine tuning it and getting it ready to sign. Basically, what you do is to give me permission to sign in when it gets put together. City Attorney comment is would it be nice to get that all done before the end of the year and I'll just propose that to Lance Schuster that we split the cost that way. Councilperson Benglan comment there's no more revisions needed on this lease.

Councilperson Frandsen made a motion authorized Mayor Thomson to sign the lease agreement with Riverside Inn as per the changes that Gary Cooper, City Attorney is going to make and share the cost of the service. The City will cover the ten by ninety (10 by 90) and the Palen's will cover the cost of the ten by sixty (10 by 60) will be shared with the city, which is the quiet title parcel. The water line easement the city will be responsible for the survey and the Palen's for their water line easement. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Mayor Thomson comment the city should have a lot of this already surveyed the waterline and that sort of thing because we've already paid Wade to do most of our stuff down there. City Attorney responds exactly. Mayor Thomson comment it's just a matter of splitting out what he needs to split out. All right, that takes care of and hopefully we'll get that done. Gail will be happy to hear that.

Lava Chamber of Commerce:

A) Fire & Ice Event Coordinator Status Report: Sherril Tillotson reports Fire & Ice is a slow crawl forward. We had a meeting again yesterday and did some tentative planning. We are not scrapping it until we absolutely have to it is definitely going to be a modified version, if we are able to, we would like to at least somehow be able to keep her presence of the event in the community. That is going to depend on whether we go forwards or backwards with this stage two (2) that we're sitting on right now. The Governor left it at stage two today. We just are treading water. We have planned some events, are our biggest concern right now is what can we plan and keep groups of ten (10) or less, social distance, signage for masks and things of that nature. We're very well aware of what the requirements are and keeping them at the front at all times. So, that's all I can report on that right now is it is not canceled, any advertising that will be done will be done with the disclaimer that the event we'll be held pending state requirements,

subject to COVID requirements and whatever is allowed. That's how we're moving forward with that.

B) Event Coordinator Employee/Independent - ACTION ITEM: Sherril Tillotson reports the individual that had expressed interest did decline the position and then we went backwards to stage following that in the state. So again, the chamber is going to try to see this through Fire & Ice without asking the city to hire that temporary position. We would like to ask you to start thinking about how are we going to move forward on the permanent position because it's time to be doing that. Councilperson Frandsen asked if there were multiple people interested. Sherril responds there were three (3) people interested and individually as they interviewed, the one was really interested in I'm still not sure why she declined. Councilperson Benglan comment it the timing, she felt like this took too long that she didn't have enough time to plan enough time. Mayor Thomson comments amongst other things and issues that you and I have already discussed. Sherril continues anyway, moving on, I know the chamber is still very interested in it being an independent contractor. I don't know if the city wants to move forward that direction or not. Initially, what, six (6) months ago, when we first brought it up, there was an interest at that time by the city that we could get an independent contractor, which frees up a little bit of restrictions. So, I guess I would ask that, I can't really ask for an action item, we talked about it being an action item in case you have something that you want to take action on regarding permanent position, we do need to move forward. Councilperson Benglan asked ideally, when it would be best to have this person hired. Sherril responds let me tell you the wellness event is in May. Hopefully, if a vaccine gets on board, things will look better by April anyway. So our intense planning will start in March. If you're going to line up like speakers and coordinate health runs and things like that you need a minimum of sixty (60) days and ninety (90) days is better to get things like that. Ninety (90) days is preferable. So, right after Fire & Ice we should be starting on wellness. Councilperson Benglan comments ideally, you would want them hired in February. Mayor Thomson comments on board in February, and I made mention to the one candidate that you guys chose, this was twofold. She should also possibly take a look at the permanent position. Sherril comments I guess, I would ask you guys and your attorney what would need to change? What do you want to do? The Chamber would like to see an independent contractor? Is that possible? Councilperson Benglan asked is that what it was before. Mayor Thomson responds no, it's an employee of the city under the part time regulations. Councilperson Frandsen comments because the salary is coming from the city. Mayor Thomson comments the problem with independent contractor is I think Gary has some problems with the legality of how we hire an independent

contractor to work for them. Councilperson Benglan comment because the Carew Company that's an independent contractor. Sherril comment and it was an extensive process to do that. We had RFP, through the city the RFP went out for bids, and then the bids were reviewed with a city representative as part of the committee. Chamber made a recommendation? Mayor Thomson comments I think the action item on that would be for us to sit down as a council with Gary or myself with Gary and discuss the possible. I know, we looked at an independent contractor, what we had before which was an employee of the city and then third issue, our potential would have been in an event coordinator per event. In other words, just a contract to do that one event and you write the contract just like we write any other kind of contract. Those are the things that we can visit with Gary and make sure you know what the ramifications is. The problem with this is that if it comes out of that 1% money and it's controlled by the city, we've always treated as having to be an employee, well, then you get into Percy, you get into Social Security, you get into all these other things that normally could be 1099 as independent contractors and or contracts. So you've got a bunch of rocky road there to deal with. Councilperson Benglan well, we did independent contractor with Carew company. Mayor Thomson comments correct. Councilperson Benglan continues so, why can't we just do the same thing with the event coordinator. Gary Cooper, City Attorney comments it's the amount of supervision and control that you exercise over them. Carew and Company, they got a product that they're going to provide to us, they determine how they get that product. We don't tell them when to show up, what to do, how to do it or anything else. This event coordinator requires a lot more supervision and direction as to what we do and that makes them an employee. The Department of Labor has really tightened up things on this and the penalties are large, because you're withholding and things like that. So, that's my recommendation. Mayor Thomson comments to move this forward, let's just open that discussions with Gary and we'll determine what we can and can't do and then move forward with putting out the RECs and requirements to get somebody at least in for an interview. Which time is time is the haste here. Councilperson Benglan comment if we can figure out a kind of a rough hire date and work backwards because we only meet once a month as City Council. So we want to get books done and not lose the time. Mayor Thomson comment I would say a rough hire date would be the February meeting. Sherril comment I think the job description can be modified based on what's already been done enough to fit a full time position and your attorney will be able to tell us that probably. Mayor Thomson comment yeah, we have job descriptions that we've put out in the past, we have job descriptions that the Chamber's put out. City Attorney comment for the position, it covers more than one event. Sherril comment yeah, it's got to be modified to cover more than one (1) event. City Attorney comment that's kind of

my recollection is that we have a ton of detail there and stuff, we should work with that. Sherril comments can I ask you to have a motion that would put in place the job description be ready and application send out the January meeting.

Councilperson Benglan comments yeah and between now and then we decide on for sure what Gary recommends we do employee, which that's the way we set up the other one. I mean, I don't really care as long as the job gets done for me personally. Councilperson Guthrie agreed. Mayor Thomson comments alright, someone make the motion then that we have this thing ready for the January meaning as far as job description and stuff that we put out for bids.

Councilperson Benglan made a motion that we allow Sherril to go ahead and put together job description to be approved at the January meeting to be put out for applicants for the full time event planner, coordinator position. Sherril interrupts and actually what I will do is just provide some information. I want you to one who wrote that before, Gary. Gary responds it might be, I'm sorry, I don't know remember. Inaudible – cross talking. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Carew Company Independent Contractor Agreement Addendum - Sherril Tillotson, Chamber Marketing Plan Committee Representative - ACTION ITEM: Sherril Tillotson reports we had a grant request that was approved in for 2020 funds out of the 1% in the amount of ninety five hundred (9,500.00) dollars for some specific items. One was fifteen hundred (1,500.00) for Web Impact to do some updates. One was the annual license for web sites, they called a jack rabbit I think now it's called simple you. That's not something you guys have. I don't do they have the copy of that. Councilperson Guthrie comments its right here. Sherril continues okay, good deal. Another was to send some people to the Snowbird extravaganza for twenty five hundred (2,500.00) and then the fourth one was two thousand (2,000.00) dollars for independent travel writers and that's the one I want to address with this part of the agenda and the possibility of Carew. I talked with Canda about that travel writers and given the COVID situation and so forth, we did not move on that. We are ready to identify some travel writers but, what we would like to do is actually do that through the Carew, the new marketing agency. The chamber itself was not a professional organization, as far as knowing for travel writers are, what type expectations and so forth. So we would like to suggest that that two thousand (2,000.00) dollars could become an addendum to the Carew Company agencies contract. Its money that's already been approved, has not been used, because of the COVID, we would like to move forward, have them identify the travel writers and get those articles written. I think we could probably have them done in a fairly short period of time, but not before the end of December. So

I talked with Canda about if that was a problem in using these funds, these two thousand (2,000.00) dollars funds if the invoice doesn't come in until like January or something, and she felt like she could work with it. That's my request there is could we take that two thousand (2,000.00) dollars and actually have you do an addendum to their contract that would specifically state it is for two articles for travel writers. Councilperson Benglan asked have we hired travel writers before. Sherril responds no. Councilperson Benglan asked do we know what their costs are, where does this number come from? Sherril responds this number comes from Gail has worked with travel. Gail has actually has done a lot of marketing. She worked in the marketing field for a long time and I think she said about thirty (30) years so, she's the one that kind of provided us with those figures for the budget. She said what they do is they reach out, and he may have travel writers on his staff. You know, I haven't talked to him about this at all. Councilperson Benglan asked has anyone talk to them? Sherril responds no. Councilperson Benglan asked so do we even know if that's a service they offer? Sherril responds I'm sure they will, as a marketing agent. Councilperson Benglan comment for the two thousand (2,000.00) dollars to hire a travel writers? What is their fee going to be to coordinate? Sherril responds that would be for the article? If we can't get two (2) articles we'll have to do one. Mayor Thomson comment two thousand (2,000.00). Sherril responds yeah, two thousands (2,000.00) or the rest of it comes out to chambers fund. Councilperson Benglan comment what is the benefit of having Carew finding a travel writer versus the chamber finding the traveler writer. Sherril respond it's not something that we're good at doing and then we would have to have them use the city contract with two (2) different agencies, to different writers to different independent writers. We felt like this would be a better way to go plus it keeps all the marketing at one (10 location. Councilperson Benglan comments so in the past the Chamber's found the travel writers. Sherrill responds no, we've never done a travel writer. The chamber has always worked through Forrest Design in the past, and they have not done travel writers. Councilperson Benglan responds okay, so this is the first try. Sherril responds this is new. Mayor Thomson comments but it was supposed to be done by Jack Rabbit, wasn't it. Sherril responds no, jack rabbit is our booking agency that's on the website. Inaudible – cross talking. This got put off by COVID. The chamber was going to attempt to do this. Councilperson Benglan comments I see lots of articles written about Lava Hot Springs, they're not getting paid do that. Right, at least not by us. Sherril responds not by not by us, no. They may be getting paid by the magazine. Mayor Thomson comment your travel council puts out a lot of stuff. Sherril responds yes. Mayor Thomson comment there's several entities that are funded out of this 1% that new articles. Sherril comment independent writers submit their articles to magazines and these marketing agencies work specifically with a lot of

different magazines so they actually have better networking. Than you or I would if we hired a travel writer. Councilperson Benglan comment for me, I'm not basically opposed to the idea of doing this but, I would like to see something from Carew that says, this is our resources and this is how we do it before we vote to just amend two thousands (2,000.00) dollars to them. Sherril comment okay, so then my other option for tonight is because these are for 2020 funds, what can we do to protect those funds so I can, obviously I can get you something from Carew. My position was I don't want to go to Carew and say will you do at this when I didn't know that it was even an option was. I'd be very willing to do that, if you feel like it's something you could consider, but I am basically pretty concerned about how we preserve the activity and the funds for it. Councilperson Benglan comment yeah and my thought is, is if we haven't talked to Carew about it, just designate an extra two thousands (2,000.00), then they don't, they haven't explained their service or explain how they're going to do it, or what their, what value they're going to provide for the two thousands (2,000.00). I think we're getting ahead of ourselves that way. So whatever we need to do to protect that. Councilperson Frandsen comment maybe they need to make an addendum if they don't have a way of providing that service, they just won't bill us. So that money won't be spent. Makes sense. Councilperson Benglan because you're wanting to get some done right away? Sherril responds well, I'm wondering if you could make, your attorney could help us here, if you could make it so that the addendum was pending the letter from Carew to the city, that this service could be provided within the funds are allocated. Mayor Thomson interrupts yeah, that would be nice to know what you're going to get for your two thousands (2,000.00) before we start signing Carew. Councilperson Benglan comment just some kind of proposal from them. Mayor Thomson comment I think as far as our agenda, why we couldn't just put something in there that these were funds, COVID is a strange critter, and it's held up a lot of things all over the world. So, you know, we can just tie it to COVID and say things have been held up and these 2020 funds didn't get spent in 2020 and they're going to get pushed over to 2021 because of COVID or whatever. Seems logical to me, we're doing it with everything else. So but again, I'm with Randy you know, Carew we've not used them before. We don't know they provide, we assume they provide their service, but we might just ask them to us do that service and this is the funds that we've got available, what can you give us for that service? We've already budgeted the 2000 as a council, so all we're doing is just directing it go to a different person now, at a different timeframe. Sherril comments and Carew may actually have travel writers on staff too as far as the contract goes.

Councilperson Frandsen made a motion that we have Gary Cooper, City Attorney write up an addendum to the Carew Company agreement, for the two thousands (2,000.00) dollars for a travel writer for two (2) stories, if possible, and with the criteria that they do provide that service, and they can provide us a letter that they can do that. Councilperson Benglan seconded the motion. All voted aye.

E) Reimbursement for 2020 expenses – Sherril Tillotson, Chamber Marketing Plan Committee Representative – ACTION ITEM: Sherril Tillotson comments okay, staying on the same subject with these funds. This won't require an action item but I want to make you aware that on line item one, the Web Impact updates. In the end, we have paid Web Impact for work that should have been contracted and spent here. I talked to Canda about quite extensively. I've given her the copy of that and it's my understanding, she's going to look it over and talk to the attorney to what impact find out whether they can get something in place or not. I just wanted to give you a heads up that if that's doable, then there would be a reimbursement to the chamber for like nine hundred and (900.00) and some odd dollars. That's just kind of a heads up on this to tell you what has happened with that line item. It's been a mess this year, I'm sorry. Councilperson Benglan comment so, this is money that's already been approved. Sherril comment yeah, that fifteen hundred (1,500.00) has already been approved to be spent. Councilperson Benglan comment and Web Impact been paid nine hundred (900.00). Sherril responds whatever happened with a contract for Web Impact this year, didn't. Councilperson Benglan comment so there's no contract. Sherril responds yes, and in order to be paid by Web Impact, it had to be contracted and so the chamber has made a payment to Web Impact and paid off an invoice and I've given it to Canda and said what are we doing here? So that's just a kind of a heads up, then probably she'll have to work through that with the attorney and Web Impact, okay.

The Snowbird extravaganza Arizona travel show that was sixteen hundred (1,600.00) and it was less, a little money saved there sixteen hundred and forty nine dollars and ninety one cents (1,649.91) That cannot be it was three different entities participated in that travel show and it cannot be contracted separately by the city with that happening, so we paid those invoices, I've given everything to Canda, I'm asking the council, whether or not you can make that payment to the chamber based on the invoices that we provided. So is a thousand (1,000.00) dollars less than we anticipated for that activity. Councilperson Benglan comment so, this is budgeted and approved. Sherril responds those funds that you're looking at there, were all budgeted and approved by the city for 2020 marketing activities. Councilperson Benglan comment and so what why wouldn't we be able to pay it? I

don't understand. Sherril responds you don't have a contract. Councilperson Benglan comment oh, for the Snowbird one. Sherril respond yes, and so we've paid it, we've paid all of the different charges, and itemized it out and I've given all that to Canda. So she has that. Mayor Thomson comments so you're asking to be reimbursed for what the chamber paid out under their contract. Whatever portion of this twenty five hundred (2,500.00) that you guys paid out. Inaudible – cross talking. Councilperson Benglan comment so, that's one requirement for the 1% that it all has to be contracted. Sherril responds that's what I'm hearing. Canda is that correct, do I need some input from you here. City Clerk Canda Dimick responds so, what the city has to show that the city is in control of the product to be accountable for the funds and so in the past it's been recommended that the city does not pay directly to the chamber that you pay for the actual costs. Gary Cooper, City Attorney comments so that you have some control. Councilperson Benglan comment our control came from when we earmark the money for it that shows that we have control over whether or not you went at least on the city's dollar. Mayor Thomson comment I see the drawback to this is we come in here in August, September and we budget according to the Chamber's projections, we budget five thousand (5,000.00) for this, then all of a sudden we get six (6) contractors eating that five thousand (5,000.00) up we have to write six (6) contracts back here at counsel and approve it. I'm going there's something wrong with this picture. You know, I would think that we should be able to track the money that's the whole idea, is to not. Track the money via through the budget to the chamber and then the chamber provide copies of whatever contracts they put out that spent that money and if it exceeds the budget, then that's on them. Instead we're ended up being the first person in order to track, being first person by writing the contracts here which is nothing wrong with that other than just takes up a lot of chamber time in contract. City Attorney comments well you did report to the council, what was being done by these entities and what it was going to, correct. Sherril respond that's correct. Inaudible – cross talking. Mayor Thomson comment well, I'm just looking towards the future here because it seems to me like what we're doing here is we're going out we're hiring people that are experts in this field and then just going to be more and more contracts. It's not going to get less. Councilperson Benglan comments this case, I don't see any way where we didn't have this kind of put a control because we budgeted the money, you went and then you brought the receipts to us. Inaudible – cross talking. City Attorney comments more importantly reported what was going to be done by those people that I think you can say you acted in an agency capacity for that. Councilperson Benglan questioned in the future does it needs to be done a different way. Mayor Thomson comments there's your key right there, can we authorize the chamber to be an agency capacity. City Attorney responds I think Mayor Thomson comment then

that puts the contracting on them. City Attorney comment I'm just talking about limited circumstances where we do this, not just a free for all for those purposes that makes sense to me and you maintain control because you're going to report to us periodic. Sherril responds every month. City Attorney comments I know you're here. Councilperson Benglan comments so what do we need as far as an action item as far a motion. City Clerk responds I guess it would be for the one thousand and six hundred (1,600.00). Inaudible – cross talking. Councilperson Benglan asked what we need to do about the Web Impact. Sherril responds we need to wait until Canda weeds that all out. City Clerk I'll call Web Impact because we've had contract with them in the past. I'll find out why it wasn't worked the same way as we've done in the past. This is the one for one thousand six hundred and forty nine dollars and ninety one (1,649.91). Sherril respond one thousand six forty nine, ninety one, yeah, that's correct and I have attached everything I could find for documentation, invoices, emails. Mayor Thomson asked that's this reimbursement item. Sherril respond uh huh. Mayor Thomson comment the one above that the marketing plan review is the one that Canda is working on. Sherril responds the marketing plan review is for Birgitta and Forrest Design. City Attorney asked Sherril the addendum to the Carew agreement that's for travel articles, is that right? Sherril comment yes, travel writers. City Attorney responds for them to provide travel writers for them to write travel articles.

Councilperson Frandsen made a motion that we pay the chamber back for the receipts of the bills that they paid as part of the Snowbird extravaganza expense that we had already approved. We approved twenty five hundred (2,500.00) and they only had to spend roughly sixteen hundred (1,600.00) dollars that we reimburse them for that. Councilperson Benglan seconded the motion. All voted aye, unanimous.

D) 2020 Marketing Plan Review – Sherril Tillotson, Chamber Marketing Plan Committee Representative – ACTION ITEM: Sherril Tillotson reports we had a summary meeting with her yesterday at chamber meeting. I just got these yesterday if you'd like to pass them around. My question here is areas in green are where I would specifically like you to look. I need to get one of those to Canda too, I think there's plenty. The area's in green are the line item balances on the marketing that was outlined on their contract. The emailed blasts item one (1), in her proposal she proposed twenty five hundred (2,500.00) dollars to do that, and has obligated eleven hundred and twenty five (1,125.00). That's just an example of how this is set up. We're at the end of her contract. We're transitioning between marketing agents, Carew takes over January one (1). I would like you to take a look at item thirteen (13) which is videos. We have what's called B roll for that

amount of money it is a lot of extensive video that is not edited. We would like to ask the council to take this funds that are identified in green on the line items as funds that were not used in those categories as a total of thirty one hundred and eighty five dollars and sixty six cents (3,185.66). We would like to move that into the video line item and finish up that B roll to a usable product. The videographer has indicated he feels he could get two (2) one minute videos, edited and ready to be used on website, promotions, whatever with that additional new money. Again, the money was already appropriated in a contract that just did not get used by line item. I think we have a little better philosophy on the contracting this year, you went by category rather than by line item and that should help a lot. Councilperson Benglan asked how many videos were produced. Sherril responds right now we don't have any. Councilperson Benglan responds zero. Sherril continues we have what's called B roll video, we have 16 hours of rough draft. I don't know if any of you have been online, I noticed she sent the city a copy. High country just finished up their video and when I talked to Destiny, it's like about a four minute video and they were into it about eight thousand (8,000.00) to get that from B roll to production. Councilperson Benglan comments so this twenty three hundred (2,300.00) dollars. The there's twenty three hundred (2,300.00) dollars is what was spent for the videographer to come to the community to spend a couple of days to do videography. Now they will take that and they will edit, modify, do whatever you do, I'm not a camera shoot. Councilperson Frandsen comments and Forrest Design group isn't going to do anything else on the other line items. Sherril responds no, they'll be finished. They will finish out through the end of the year. These things that say obligated are things that she is finishing up through the end of December. Councilperson Frandsen comments so we are free to use the thirty one eighty five (3,185.00). Sherril responds yes, and this was provided by her yesterday, this is her figures. Councilperson Frandsen responds that would be a waste money not to get finished the video. I think we should make a motion to approve using the thirty one eighty five sixty six (3,185.66) to be use to finalize the videos, line item thirteen (13). Councilperson Benglan asked is there a contract or anything to show them where they can finish it for that price, an email. Sherril responds the contract is with Birgitta, she's responsible to make sure it comes in budget. Inaudible – cross talking. Mayor Thomson comments you've moved past the contract and now you're down in the line items. I question why we're even bothering the line items. We contracted Forrest Design Group for forty six thousand four hundred and twenty five (46,425.00) for their annual budget. They didn't spend it all yet. So why are we approving how they move it around to spend it. They're going to spend it by the time their contract is up which we have approved. I questioned why we're in here other than information. Councilperson Benglan comments the beginning of the year when it was approved, I wasn't

around then and it was approved by line item. Sherril comments yeah, that's correct. Councilperson Benglan continues it wasn't just like, here's forty six thousand (46,000.00) dollars go market the City. These are the line items we want to do and so naturally for us move. Mayor Thomson interrupts what was the statement that we were just made that we didn't do that? Sherril responds we did in the Carew contract. Mayor Thomson responds okay, so now we're not doing it by line item by category, okay my mistake. This was the category All right, Ricky made the motion. All voted aye, unanimous.

Councilperson Frandsen made a motion to approve using the thirty one eighty five sixty six (3,185.66) to be use to finalize the videos, line item thirteen (13). Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Mayor Thomson I'm just trying to get rid of all this coming back and rethinking it every month because, it's unnecessary if it is or isn't. Sherril responds yep, we would like that too.

F) Miscellaneous: Sherril Tillotson reports the only question I have and it's not an action item. One thing we've talked about at chamber is be nice to do fireworks for fire & Ice. Councilperson Benglan that'd be cool. Sherril continues I know what the chamber has donated in the past. Mayor Thomson asked have you talked with Bryce about this. Sherril replies yes, we have a little bit. Mayor Thomson asked do have any idea what the lead time on fireworks is. Sherril responds no I don't. Mayor Thomson you need to talk to Bryce, it's like so it's six months out. It's a long time. Sherril comments that's maybe something to look at for another year they then. Mayor Thomson comments yeah, I'm going by the conversations that Bryce had, he was kind of spearheading the Fourth of July fireworks. Sherril comments okay. Mayor Thomson continues and they had to contract. He came into Council, I think, was it three or four (3 or 4) months ahead of time in order to get payment. We got a discount if we paid ahead of time and it was like and it was clear back in March or April, I don't know. Sherril responds that guy came out of Montana, if I remember, I don't know where he got his fireworks. Mayor Thomson comments the fireworks actually were made in China, but the company that you've contracted through is in Montana, you're right. The lead time, it's like, there's no way you're going to get fireworks. Inaudible – cross talking. Mayor Thomson comments it wouldn't hurt to contact the company in Montana and see. Sherril comment well, my question there is though, if the chamber was able to manipulate some fundraisers. We're in the process of doing our year in summary on our budget, too. I don't know how the bottom is good to roll out where like you when you get all these figures in and get them done and move them into the right

categories and you see a little better picture but if we could find fireworks would the city be open to considering having a fire work display, smaller than the 4th of July. Fireworks is kind of like a fire and it would be nice for the Fire & Ice festival. City Clerk Canda Dimick asked Gary Cooper, City Attorney what about the Idaho statute, I thought there's only certain times they can be displays. Mayor Thomson asked didn't Pocatello just shoot some off here last month. City Clerk comments they did just shoot some off but, there is a statute on timeframe. City Attorney comments I thought it was connected to fire danger, but maybe I'm wrong about that, let me see if I can find it. Mayor Thomson comments I know some of the cities just did one. City Attorney responds Pocatello did, Thanksgiving. Inaudible – cross talking. Mayor Thomson comment the other thing I found out is they don't store worth a hoot. That was the issue on the fourth, if we cancelled the fireworks they wouldn't be good next year. You couldn't store them over a year's time. So when you plan the events, you plan them to be delivered to site the week of event and store them locally in a Connex or something like that so, they are not here a long time. Inaudible – cross talking. Sherril comment if this is something that if we're able to move forward, it might be something we could do under some restrictions, people can sit in a car, if they have to. Mayor Thomson comments it's just a matter of finding them, finding somebody to discharge them and only certain entities can do that or a licensed professional fireworks display company. That has to be don and if the city does it, that puts us on the liability insurance and we have to find somebody that'll actually physically do it. Sherril comments I guess be thinking about it. This was just a discussion, miscellaneous item I wanted to check on. Inaudible – cross talking. Sherril comments we'll probably be doing a little more research. It sounds like its maybe not a possibility for this year. Thank you very much. I appreciate your cooperation and help with everything and we'll see you in January and have a Merry Christmas. City Attorney responds the date limitation is for non-aerial fireworks. I'm going to have to look at this more closely but there's some sort of a permit perhaps that's necessary for aerial fireworks. Mayor Thomson comments all I know is having worked with Bryce on the Fourth of July ones, it's not something you just put together overnight. City Attorney comments it probably takes a while to get those permits. Mayor Thomson comments there's a long wait on obtaining them, getting them here. Like I said there's only certain entities that are eligible to put the displays on and it becomes quite a little terrific thing.

Building Permit(s) /Development Permit(s):

A) Enclose Rooftop Bar with patio above serving area for daytime use – Off-Street Parking Plan - 289 E. 1st Alley South – DLR Enterprises, LLC – Bandon/Cody De Los Reyes, Owner/Applicant/Contractor -ACTION ITEM: Gary Cooper, City Attorney comments comment I would like to bring up an item. We got a little ahead of ourselves last session and we approved some item that were not on the action item list and now we need to go back reauthorize those under the action items. Randy made the motions and just needs to remake those motions and vote on them. They're now action items and that cleans up the record.

Councilperson Benglan made a motion to approve the building permit for the closure of the rooftop bar contingent on providing a site plan attached to the file that shows a fifteen (15) parking stalls for the building and the rooftop bar and the observation bar is for observation only. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Councilperson Frandsen asked that the motion be made again.

Councilperson Benglan made a motion to approve the building permit for the enclose closure of the rooftop bar on 289 East First Alley South contingent on site plan showing the fifteen (15) parking stalls and contingent on state approval and also with the understanding that the observation deck is for observation only. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) RV/Food Truck Parking – 289 E. 1st Alley South – DLR Enterprises, LLC – Brandon/Cody De Los Reyes ACTION ITEM: Councilperson Benglan made a motion to approve food truck parking for 289 East First Alley South contingent on a site plan that shows that designated parking spaces are adequate or designated space adequate. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Lindsey McCulloch, City Code Enforcement Officer presented parking plan. They have exactly 15 spots. On our site plan they're kind of going down the alley with some parking. I looked into the lease, this part of the alley isn't on the lease agreement with cookie. They said they're redoing their lease in March and that they will add this, have this spot on the alley put into the lease and then we can agree that that will be more parking for them. Until then they have exactly enough for their top bar. Councilperson Benglan comments as far as these additional parking stalls those necessary to meet the requirement right now. City Code Enforcement Officer reviewed map with Council they've got fifteen (15) exactly.

Councilperson Benglan asked have these been measured to meet. City Code Enforcement Officer responds yes, Tony and I went up and did it. Councilperson Benglan responds okay. Mayor Thomson comments now, the second level is not being used, there's three gone there. City Code Enforcement Officer responds yes, they're just on the site plan so, in the future we can look back at this and say, they can show you that they do have those three (3) parking spots. Mayor Thomson comments those three were the original parking site plan for the hotel before we ever got into the bar. We had had five (5) below and three (3) above. That's how they set it up originally. So those three (3) are not being used. Where are the three (3) now across the alley on the north side? City Code Enforcement Officer responds two (2). Mayor Thomson comment right across the alley on the north side, on leased property. Are you tying your hotel to leased property now? Cody Del Los Reyes responds no. Mayor Thomson comments not a good deal, my friend but that's your choice. I'm just saying you know, we tied the business license on the bar contingent upon the lease being maintained. If you lose the lease, you lose the business permit. So are we doing that now and his request to do that to the hotel as well? Councilperson Benglan comments because the original site plan had eight (8) on site. Inaudible – cross talking. Mayor Thomson comments potential. Councilperson Benglan responds but those top three (3) aren't developed. Is that right? Cody comments the top three (3) are gone. There's actually four (4) parking spots up there. I will let you know, we had to start a lawsuit. The neighbors should be getting someone. Mayor Thomson comments so you lost access to the upper levels that kind of what went on there. Cody responds yeah, started a lawsuit, we'll see where that comes out in the end and we should get those spots back. Councilperson Benglan comments on your letter, Lindsay. City Code Enforcement Officer responds I feel like until we address parking fully I don't, until he has those other spots and like he said he's revisiting that lease in March where he'll get those two (2) extra spots. I think until then we revisit that food truck, he doesn't need it necessarily until this summer. Mayor Thomson comment what's your thoughts on that Cody? I mean, you're probably not going to run food truck till summer. Cody responds I might quit my day job. Mayor Thomson comment yeah quite your day job. I just seen you in the blue jackets man's on TV you aren't quitting your day job. I'm just looking at this from the standpoint you had an approved parking plan for the hotel. Personal I'd hate to deviate from that and take a chance. Inaudible – cross talking. Mayor Thomson comment the food truck is the issue here. I mean you've got space there it food truck wasn't there and if you're not using the food truck. Cody responds the trucks not in the way of anything. Mayor Thomson comments well that could be extra, that could be the spaces parking spaces that were up above. Cody responds not, it would have to be double parking. Councilperson Benglan comment as of

right now you meet the parking requirement. Cody responds I have fifteen (15) spots. Councilperson Benglan comment with your lease. Mayor Thomson comment the four (4) you see it looks like little vehicles, need to be developed. There's room for two (2). Councilperson Benglan comment got you. Mayor Thomson continues so the two (2) on the east side, these two (2) here need to be need to be redone. Councilperson Benglan comment got you. Mayor Thomson continues there's not room to get them in there yet. Cody comment there is room to get them in there and people do park there it's just that with cookie I lease three (3) of her lots there and they wouldn't allow it because it not on lease lot. I will work with her. To tell you the truth we are going to try and clean all that area up and make it all usable because it's great space, it's great parking, people park there all the time and even now cars can get still get through the alley. Councilperson Benglan comment as far as we're concerned. City Code Enforcement Officer comment Tony and I went up there, we did measure, those spots are not on city property. It's enough room for vehicle. It is privately owned, I'm not sure right word. It's not in the lease agreement not going towards Wendy Perkins house, those last two spots. Councilperson Benglan comment okay. Mayor Thomson comments the hazard up there Cody, you know this, if we start getting snow in there, you've only got twenty (20) foot wide alley. You've got to have enough room if you want any kind of parking at all to let our guys get down through here. Cody respond yes, they do. Mayor Thomson comments it's really detrimental blocking and get out into that alley a way because it's pretty narrow with a fifty five (55) foot wide is totally different, you know. Councilperson Benglan comment as far as we're concerned from last month's approved motion, at least for the reporting part of it the roof top bar the building permit. Mayor Thomson interrupts that was one of the contingencies is good. Then the states approved everything on the building so that's another contingency off. Councilperson Benglan comment as far as food truck goes, that one's no go right now. City Code Enforcement Officer comment it's up to you guys. Cody Comments I want it to pass. Inaudible – cross talking. Councilperson Benglan comment well isn't that your recommendation that there's not enough room for it. City Code Enforcement Officer comment I think there's not enough room right now. Councilperson Benglan comment okay, so how should we handle that? Mayor Thomson comments well, until I get an approval from my code enforcer, I wouldn't go for it I'd put it on the back burner. Councilperson Benglan comment so what would need to be done for it to be approved? City Code Enforcement Officer respond I emailed them both and said, get me a letter from cookie that says those are your parking spots and they said they'll revisit in March their lease. Mayor Thomson comments that would hang a new contingency on the food truck to get updated lease parking. Inaudible – cross talking. Cody comments tell me when the city

ordinances where you guys have ever required a parking for a food truck. City Code Enforcement Officer respond one space is required for r your employees? Actually on this, are we requiring that on the tube stands? Councilperson Benglan comment my understanding from what you told me before is that food trucks don't require parking. City Code Enforcement Officer respond are we requiring it for two stands to? Mayor Thomson comments for what. Councilperson Benglan comment I don't know. Mayor Thomson comments I don't know of any Tube stand that has any parking, designate, defined as tube stand parking only. How did we tie these into the food truck? I thought we had enough parking. All the parking had to do with the hotel and the rooftop bar. Councilperson Benglan comment the reason you had to look at the food truck was if it encroach on the parking stalls, right? City Code Enforcement Officer respond yes. Councilperson Benglan asked do we know the dimensions of the food truck and do we know his location where he wants to put it full fit there and not encroach on the parking stalls? Do we have that information? City Code Enforcement Officer respond yes. Councilperson Guthrie comment it has to be a food truck not like a camper. Inaudible – cross talking. The reason I put RV on there is because some of them come in. Councilperson Guthrie comment I know, I just didn't want an RV up there and then you'd start camping in it. Mayor Thomson comments the thing about the RV and the reason that we're talking about that is if you don't want to get caught using it for nightly rental, sleeping purposes, other than a food truck. The manner in which the food truck comes in. City Code Enforcement Officer interrupts how do we regulate with you who has a business license? So you're just leasing your food truck or just you're property. Cody responds I'm probably going to own it. Just like a food truck. Inaudible – cross talking. Mayor Thomson comments we did that on Sam too, we just had him get a different business license for his food truck. Cody respond yeah. Mayor Thomson continues that way if you run the food truck come in and get business license for a food truck, if you lease the space out they come in and get a business license. Cody comments yeah, and that's why it left us that way. Mayor Thomson comments the only question here is these two stalls right here not being on his lease. City Code Enforcement Officer comment he's right, it does not require any parking. Mayor Thomson comments they're not tied to the food truck. Inaudible – cross talking. Councilperson Benglan comment the way I see it, other people have done food trucks as long as it doesn't encroach on his parking then, I don't really have much more say about it. Mayor Thomson responds the only question that remains here is we've made the motion to approve the food truck. We've made the motion to approve the enclosure of the bar. City Code Enforcement Officer comment the only thing about the parking plan is we're just removing these last two (2). Mayor Thomson comment it was contingent on the parking plan for fifteen (15) stalls. Well, here it is, and the only issue with this

parking plan is these two (2) are not under lease. Councilperson Benglan comment got you. Mayor Thomson continues actually, was that lots, three (3) and four (4). City Code Enforcement Officer interrupts he has a lease for three (3). Mayor Thomson continues then it's four (4) and five (5). City Code Enforcement Officer responds yes, he has one, two & three (1, 2 & 3). Councilperson Frandsen looks like it's all solved, then. . Councilperson Benglan is it going to be Mexican food. Cody comments not really a concern, maybe an observation, I'm getting really interested in the way you guys are making these motions, especially with observation only. I'm a little concerned on what you mean by observation only? I'm confused, I guess, I think I'm feeling like I'm getting more and more restricted. Mayor Thomson comments those were your words, it was an observation deck and the observation only? Cody responds it an observation deck. I mean, that can mean a lot of things. I mean, I don't want you guys calling me because someone's drinking a beer up there. Councilperson Guthrie you're not going to serve food up there. Mayor Thomson comments they probably won't get a call to you. They'll probably get arrested for open container. Cody comment no, it's on private property. Mayor Thomson comments okay. Cody comment it's on my private property. Mayor Thomson comments then you don't have a license to have beer up. Cody comments yes I do? Mayor Thomson comments no, you don't because you said right here, Mayor Thomson read what was wrote, "Understanding that the observation deck is for observation only?" Cody responds sure, I understand that. Mayor Thomson comment it's not for drinking. It's not for sales. It's not for party. It's not for lights. It's not for music. That was your words Cody, those are for my guests to go up there and observe the beauty of downtown lava. We won't be serving alcohol. We won't be running music up there. That was that was the conversation. Cody responds that is the conversation you're right but, what I'm saying it's private property. As a US citizen, I sell alcohol, and I have open license to sell alcohol to go, they can drink it on my property. Just like you get a drink inside the Blue Moon and you walk outside on the patio, you're not breaking any law. That's what I'm a little confused on right here. Mayor Thomson comments except the difference there is that the patio at the Blue Moon is designated as bar space. Cody respond the serving area where they serve the alcohol. That is correct. It's about twenty (20) square feet, I mean, twenty (20) feet. Leah Navarro from the audience asked the reason that you are building the observation deck was for kids, because the kids can't come into the bar. Cody responds yes, that's still true. Leah continues but then the kids are going to be on the observation deck and now we have alcohol. You said that wouldn't be any alcohol. It's not against the law, a kid can be by alcohol, and they just can't drink alcohol. Leah responds but you said last meeting that there would not be any alcohol on the observation deck because of the kids. You said I can't stop them if

they go because you've said at the last meeting that you would you would have someone there with adults. That was very clear that I would not change my serving area with Alcohol Beverage Control. I was very clear on that. That's still in effect today. Councilperson Benglan comment this is an ABC conversation, isn't it, because you have to provide an on premise where you can serve alcohol more alcohol can be consumed. Is that right? Or am I wrong? Cody responds for Sale. Councilperson Benglan responds for sale but, as far as their guidelines. If they serve alcohol is in their designated area for on premise. Cody respond yes to sell and serve, but where it goes from there. Councilperson Benglan even if it's still on your property? Cody responds yes, I have a license to serve, or sell alcohol to go. It's just like going to Mike's market but. Councilperson Benglan comments but it's still on your property, that's the point I'm making. Cody responds sure but I'm not changing my serving area with Alcoholic Beverage Control. I don't think this should be a conversation at all. I mean, it's on my property. Councilperson Benglan comment but that's the reason why they have the designated areas right? Cody responds so they know where the alcohol is being served and sold. Councilperson Benglan responds right, but if someone goes with that alcohol on premise somewhere that isn't designated in your floor plan, they don't care. Cody responds no. Councilperson Benglan continues because if you serve alcohol, and you don't have a restaurant endorsement, then it's under 21 isn't allowed, right? Cody comments that's correct. Councilperson Benglan then it becomes restrictions on the observation deck on who can go up there if people are up there drinking. Cody comments so when I sell to a private citizen alcohol to go. Councilperson Benglan comment it not to go off if it's still on your property. It's not to go but still on your property. Cody responds yes it is to go. Councilperson Benglan how's it to go if it's still on your property. Cody responds it's leaving the bar, serving area of the bar, that's with ABC. Councilperson Benglan comments but still on your property. So if I go to my hotel, and I get pizza to go when I go sit in the backyard, I'm just asking for clarity on this ABC requirement. Cody comments so like, right now, I sell alcohol to one of my guests. They take it to their room, and they drink it at the room or outside on the patio. Councilperson Benglan comments but that's not a public area, that's a private area. The room is a private area. Cody respond there room with a patio? Councilperson Benglan respond no, their hotel room is a private area. So if they buy a beer, and go to their hotel room. We don't really care about that, because that's a private area. Cody responds the whole thing is a private area. It's my private property. Councilperson Benglan comments right but, you're serving the public. Cody comments I understand that. Councilperson Benglan respond right, so ABC doesn't care if your serving area is on the main level where the bar is, ABC doesn't care if people are consuming alcohol upstairs on the observation deck that hasn't been approved by them. They don't care?

Cody respond it's as simple as someone buying a thirty (30) pack from Mike's market and what they do with it is their thing I have a license to sell to go. Mayor Thomson comment Mike's market cannot walk out on Mike's market parking lot open a beer. Cody responds Mike's market doesn't do that. Mayor Thomson comment they can't that's still on their property, Cody. Is it not? I'm just asking here now because you're using Mike's market as an example, sir. If buy a thirty (30) pack and Mike's market, I'm not allowed to open a container anywhere on their property because they don't have a license to serve. So that's a different set of circumstances. Mike's Market is not a good example. Gary Cooper, City Attorney comment I haven't looked at these statute strictly to tell you, mine and verse but I know from experience, that you can go to a hotel, you can get a drink, and as long as it stays on premises, I can go to decks on those premises, I can go down hallways to my room, I can drink in common areas. Mayor Thomson comments I think that's he's perfectly right about that. City Attorney comment I think that's exactly what he is saying. Mayor Thomson comments you're in a hotel room, and I come up to the bar and get a drink, take it back to my room. City Attorney interrupts but I can also take it to the deck. Mayor Thomson interrupts except I don't have a statement made that there will be no alcohol on the deck. Inaudible – cross talking. City Attorney comments we may be talking about two (2) different things. Mayor Thomson comments that was what we what we bought into the deck on was the understanding there would be no alcohol up there. Councilperson Guthrie added or serving food. Mayor Thomson comments it's an observation deck for observation only. You got no control over guest, I can guarantee you. I mean, if somebody buys a drink, and the next thing you know they're standing up on that observation deck is really not his fault. Councilperson Benglan comments well, I just know like at the golf course when we want to get our license for on site. If you don't have a restaurant endorsement, you can't have kids in there. So we've just said that we're not going to do off site so, we don't have to close the clubhouse down to kids. Cody comment so you sell it and they get in their car and they drive around. Councilperson Benglan responds because it's an off site license, off premises. Cody replies which I have as well. I have two licenses. Councilperson Benglan and you have on site. Cody responds yeah. Councilperson Benglan comment but I see your observation deck is on site. It's still on your property. Cody responds I don't know how else to explain this, it's a moot point. It's my property. Perfect example is how you're saying with the golf course, you sell a closed container somebody and they drive on your property, they open it up and they drink it. Are you breaking your ABC laws? No, there's no difference. I mean, really, it's not even a discussion. Mayor Thomson comments I don't have a dog in this fight so, you guys, you already approved the hotel, and you've already approved the food truck, so. Councilperson Frandsen comments I think for the

practical intent and purpose of whether the citizens are talking to us, a few citizens. They are hoping that the top deck doesn't become a party deck. That's a bunch of noise commotion going on. They're hoping that the noise can be contained down below with this new roof. Cody comment that's exactly what I want as well. Councilperson Benglan comment I don't see it really getting anything in that, as Jon said last month, what was proposed to us is that would be an observation deck for observation only. I guess we need clarity on that, on what that means exactly so we know what we're approving. Cody comments it's already approved. Mayor Thomson comments yeah, I'm reading the motion that says also with the understanding that the observation deck is for observation only. Now, that doesn't mean I can't stand there with a beer in my hand and observe, apparently, according to Cody, and according to the law. Councilperson Benglan comment yeah, I'd be curious. Mayor Thomson comments so if there's if there's no statute against it, no law against it, no ordinance against it, which apparently there isn't, then observation becomes any type of observation you want? Councilperson Benglan comments yeah, I'm just following up on what you brought up, I'm just following up on that. Mayor Thomson comments well, I just hinged it right here on the statement that says observation deck is for observation only. Councilperson Benglan comments I mean, but basically, if that's what Cody's talking about, basically approving an extension of the bar up to the observation deck. Mayor Thomson he can't sell alcohol up there and he is not selling alcohol there. Councilperson Frandsen comments it's not for music, it's for observation. They may be drinking a beer while observing. Mayor Thomson comments I can understand mom and dad may, well, first of all, your kid wouldn't be going up from the bar anyway, so. I don't know how a kid would get up there because they would have to go into the bar to get up there. Cody comments kids can go in the bar. Kids will be able to go up there. Mayor Thomson asked how they going to get there. Cody responds stairs. Mayor Thomson asked don't the stairs go through the bar. Cody responds there outside of it, the outside of my serving area. Mayor Thomson comments that's not part of the bar. If mom and dad want to escort the kids upstairs, the observation deck with a beer in their hand, they're outside the bar. Councilperson Guthrie comment this is no serving food or music or anything like that up there. Cody comments I mean, you can't really, we're not in communist Russia, we're in the United States of America where people have rights and it's okay to have a little fun. I mean, people come into the Lava to enjoy themselves, I'm trying to provide something so they can enjoy the view. Mayor Thomson comment just remember that everybody has the same rights. Councilperson Guthrie comment and the neighbors right to privacy. Cody responds the neighbors you know, I went to court with them twice, and the judge threw it out twice. Mayor Thomson comment okay, I don't think we have any other questions. Cody

comment you have three (3) neighbors complaining about the place, the majority of the other people really enjoy it. You know, it comes to a point where you just got to tell the neighbors that aren't happy. Mayor Thomson asked do you have any other observations. Cody responds nope. Mayor Thomson comment okay, let's move on, then. This is this has been beat to death. Billing

C) Building Permit L20-01 Extension Request – Leah Navarro – ACTION

ITEM: Lindsey McCulloch, City Code Enforcement Officer reports Leah got a building permit at the beginning of this year and was not able to get the work completed by the time the building permit will be expired, which is on the 13th of next month. The State went ahead and granted her an extension. Nothing about it has change what so ever. Mayor Thomson asked so we just need to grant the same extension or do we have to do anything. Councilperson Frandsen comments it's an action item so we probably need to make a motion to accept the States extension. Mayor Thomson asked is that for another how many days, ninety days, hundred eighty (180) days. City Code Enforcement Officer it's the same, twelve months.

Councilperson Frandsen made a motion that we accept the States building permit extension for another year. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Building Permit L19-15 Extension Request – John Taylor – ACTION

ITEM: Lindsey McCulloch, City Code Enforcement Officer reports the state's six month extension he only asked for six (6) months. Mayor Thomson responds no changes just a straight extension. City Code Enforcement Officer responds no, six (6) months.

Councilperson Frandsen made a motion that we approve the States six (6) month extension on building permit L19-15. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Planning & Zoning Commission

A) Facts, Findings, Recommendation & Decision regarding Afton Diane

Beckstead's application for a front yard setback variance, Lots 18-20, Block

11, A.W. Hall's 3rd Addition – 163 South 5th West – ACTION ITEM:

Mayor Thomson reports planning and zoning had a public hearing on Diane Beckstead application for a variance to allow her porch roof line to extend over the face of the garage as it does already. It's not something she wanted to do it's something she already did. So they so tentatively approved that. Councilperson Benglan comment so the foundation meets a setback requirement. City Clerk Canda

Dimick responds it projects five and a half (5.5) feet into the front yard setback. Councilperson Benglan comment what does. City Clerk responds what she calls an overhang over the garage. The P&Z (**Planning and Zoning commission**) met last night to try to approve the finding back statement to send to you tonight. There was one provision they felt like needs to be re-addressed that they at the public hearing wasn't noted and that was on the last page of the notification mailings the applicant had mailed those out. So there was like, I think, six (6) letters that hadn't got sent out for notifications. Mainly, those were to, such as Rocky Mountain power, Intermountain gas, those type of utilities services and so they postponed sending the recommendation to approval on to you until they want her to re-notify those individuals on the last page in the notification list. Give them the opportunity to have input at the January meeting. Then we'll re-direct the approval to you. So they've put it on hold because of that and asked that she be asked to send those notifications out as required.

Councilperson Frandsen made a motion to approve we table this until the January meeting. Councilperson Benglan seconded the motion. All voted aye, unanimous. City Clerk comments it will actually be their January meeting so, council meeting will be in February.

Mayor Thomson explained what was going on with this was she had two (2) variances going at once one was a garage extension underneath the power line, and the other was the porch extension five (5) foot out into the setback area. So they both got approved when they put the portrait extension on the garage was finished so, they just went ahead and extended clear across the face of the garage.

B) Smith Canyon Ranch Subdivision Concept Plan to subdivide 319.7 acres of land into 75 residential lots. – Public Hearing scheduled before Bannock County Planning & Development Council December 16, 2020 at 5:15 p.m.:

Councilperson Benglan comment so this is just for are information. Mayor Thomson comments yeah, and I'm not certain where this at in Smith Cannon. Councilperson Frandsen comment if I remember right, it's on the other side of the mountain. Councilperson Benglan comment yeah, it's on the west side. Mayor Thomson asked on the Downey side. Councilperson Benglan comment yes, up over the top, and then you drop down. Mayor Thomson comments what are they going to do for road maintenance? They going to extend the county maintenance over that far, I guess that's a county problem. Councilperson Benglan comment I think they want them to, to plow up from Virginia. Mayor Thomson comments from Virginia up that way, that's going to be a dandy road to plow, interesting. So, it's not an extension of Lava Ranches it's a whole new subdivision. Councilperson

Benglan comment somebody else, yeah. Councilperson Frandsen so that hearing is going to be December 16. Mayor Thomson asked you guys got any concerns or anything with that? Council responds no.

C) Energy Code Checklist for Residential Construction – ACTION ITEM:

Mayor Thomson asked is this something new that's required on Building permits now. Lindsey McCulloch, City Code Enforcement Officer reports yeah, I took a class in the 2018. International code is coming out and they've updated the energy code checklists. So, we passed it on to P&Z (**Planning and Zoning commission**). This is what they gave me in the class so, we're going to have to adopt the 2018 national code. Mayor Thomson comments uniformed building code we are up to 2012 right now. The problem with that is we have several ordinances that refer to the 2012 building codes so, you'll have to go in there and update. Gary Cooper, City Attorney comment I think we had something that's says that if it's updated that's my recollection I'd have to go look. Inaudible – cross talking. Mayor Thomson comment might have been right reasonably did because every time you update that, that's a periodic update, probably go into the 2021 before long as well. City Code Enforcement Officer comments well 2018 is 2020. Mayor Thomson responds okay. Councilperson Benglan ask what do you need from us on this. Mayor Thomson comment nothing. Inaudible – cross talking. City Clerk Canda Dimick you can table it tonight, but you will be the final approval. City Code Enforcement Officer yeah, the 2018 International building code goes into effect January 1. Mayor Thomson responds okay. City Attorney comment because the state adopted it. City Code Enforcement Officer interrupts the state adopted it. The state adopts it January 1. City Clerk announces we just got the email today. Mayor Thomson ask will that be part of the building. Inaudible – cross talking. City Code Enforcement Officer comment there's a bunch of new energy codes. City Attorney announced our ordinances say when the state updates ours automatically does okay, I think. Councilperson Frandsen I think we need to let P&Z look at look at it first, right?

Councilperson Frandsen made a motion that we table this and let P&Z have a chance to review it and give us their recommendation. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Mayor Thomson comment The Luschar Subdivision concept I take it as part of what used to be phase three (3) of the lava West, it's where the big house is at on the corner, they must have cut out an acre or so where the houses and they're going

to try to develop. Councilperson Benglan reports so this is pre-development. So we sent out this email to all the agencies that may comment, and we're waiting for those comments, and then we'll set up a pre development meeting with the county. Mayor Thomson ask are they going back to one acre/half acre. Councilperson Benglan comments they will need to be at an acre because you'll have to do it well and septic pond. Mayor Thomson responds right. What are the Lava West one, are they full acre or half. Councilperson Benglan replies no they are full, some are bigger. I know we looked at and that was always the problem with them too well and a septic both on. City Clerk Canda Dimick reported P&Z (**Planning and Zoning commission**) looked at this last night. Their comments that they made was that they looked at the comprehensive plan. It is in the city impact area. It is in compliance with comprehensive plan provisions. Their only concern was basically the small smallness of the lots and having wells and septic that together and not connected basically to city services you usually don't see lots this small. Mayor Thomson comments my question on this is do you have any knowledge of it, what your access going to be? Because I know, that they won't let you access onto Merrick road. Councilperson Benglan comments we haven't looked at that, this is all pre-development. We're looking for agents. Mayor Thomson comments this might be a concern you want to bring it up. I know the person that bought the corner lot there where you come out of the Lava West on Merrick and everybody put a driveway in from Merrick and the guy said no you're not, you'll come in off of Lava West road and access in. This one might be too close, of course you do have a driveway going into this house. There's also the setback distances from the intersection but what about the ones that are facing south. City Clerk asked Councilperson Benglan so is this a re-subdivision because you a road that's from to, from this to this. So, is it already platted that way? Councilperson Benglan comment no, it's not. It's just a big fifteen (15) acre piece right now. This isn't my drawing. This is the owners and so this is what we use just to get the ball rolling with understanding that'll probably change until we actually do it. Mayor Thomson comment I can't remember what phase three (3) looked like when they had it platted out. Councilperson Benglan comment I don't know if it was ever platted, maybe preliminary. Mayor Thomson it was just one big chunk because when they bought it, they just bought it and that was it. Councilperson Benglan comment yeah, it was for future development. Councilperson Frandsen asked why this would be an action item for us. City clerk comment where it's in the impact area if you want to address any input, I do know the fire departments looking at it. I believe their dresses. Mayor Thomson comments I would again, table until we hear a final work from our P&Z but, you know, again, Randy and I both are looking forward to working with Mike so I don't think the we anything to tell them there. It's within the confines of the plan for growth anyway. Councilperson

Frandsen made a motion to table and ask for comment later when it gets closer to the frontage. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Mayor Thomson comments I think it's a good thing but, I don't know why Lava West hasn't developed. I heard the road wasn't wide enough. Councilperson Benglan the road was a piece that hasn't never been up the county specs, that's why. They have power in there and the locks are the right sizes.

Business License(s) ALL ACTION ITEMS

A) Business License Renewal Questions & Compliance Deadline: Lindsey McCulloch, City Code Enforcement Officer and Amantha Sierra, Office Assistance asking for verification on the new ordinance for business licenses. Amantha explains to council that Lindsey and I have been reviewing the new business ordinance. We are working on renewals right now and the city has about two hundred and twenty (220) business license that are out for renewals. We have received eighty five (85) renewals and the problem is, as we review the renewals against the business license ordinance some of them are effected by the change to the ordinance. Example of clarification, different location verses addresses, the Lava Hotel and Purple Moon. Mayor Thomson recalls a conversation about the business license ordinance whether it's going to be an individual business license required or whether it's going to be doing business as under license. I don't know what the outcome of that was. There was a pros and cons for both of those. The city also talked about individual license for each nightly rental that had a different address. I don't know how well that will work for Hotels where there is multiple building. The Lava Hotel has a complex that faces Main Street, complex that faces Portneuf Alley, tiny homes that are facing Portneuf Alley, the conference center. Not sure what the owners do with it now but, the prior owner use to use it as a conference center and rent it out separately. There is the double wide vacation home on 2nd Street that is a separate address. They have all been doing business under one name. Not sure what the outcome of our conversation was. The city has talked about varies things when we were putting together that business license ordinance. Gary what is your memory on that. Gary Cooper, City Attorney responds we talked about several different ways to approach this but, the final ordinance said this *“every business conducted at different physical locations, by the same person or operator shall be required to have a current valid license. Then different businesses conducted in the same building or on the same parcel of property even when conducted by the same person or operator shall be required to have a business license.”* Lindsey asked does that mean The Lava Hotel is required to get eight (8) business licenses. Councilperson Benglan responds each of those are not different businesses. The conference center is ran through the lobby of the Lave Hotel. They all go through the same business point of sale.

Amantha responds the city office doesn't know if they all run through the same point of sales. Councilperson Benglan explains even though they all have locations they are all part of the same business, is how I view it. Councilperson Guthrie agreed with Councilperson Benglan. Councilperson Benglan continues but, at the same time Lava Hotel has the same point of purchase for everything basically except the waffle business. Amantha reported they have a separate license for the waffle business. Councilperson Benglan continues the Royal Hotel & Pizza, you have the restaurant side of it and the upstairs rental is that one (1) or two (2) business or two (2) separate business, that's the question. Amantha responds yes, you have Lava Spa & Lava RV Park. Audience responds that's the same address. Councilperson Frandsen asked Lisa & Megan if the business license is for Hotel and Pizza. Lisa responds yes, some stay nightly and some are monthly local but it's one business. Mayor Thomson comments then you have Sam that has four (4) different store fronts, five (5) with the liquor store. Five different names and addresses. City Clerk Canda Dimick comments the Purple Moon you only go in one door. Amantha responds right now, they are remodeling not sure what they have planned for the future. Councilperson Benglan questioned why there are five address for that location. Mayor Thomson responds because they are five different locations. City Clerk explains actually that location has a few water meters because they were all individuals little building at one time. Mayor Thomson named the four (4) different business fronts that use to be there that became one (1) business. Amantha explained how difficult this is for the office to decide on. Councilperson Benglan asked if the ordinance says address. Gary responded no, says *"every business conducted at different physical locations"* Councilperson Guthrie comments purple moon is at one (1) location. Councilperson Frandsen reported The Lava Hotel business is all done at one (1) location. Councilperson Guthrie reports the Purple Moon is one location, they only have one door for entry. Discussion followed on more than one door or cash register is it still considered one (1) business. Amantha mentioned the nightly rentals above the Cotton Tree, Penny Lane and in the past those nightly rentals where ran through Tumbling Waters cash register and under the same business license. Amantha would like to know what their direction is when renewing business license. Mayor Thomson also mentioned the nightly rentals above the bank and behind the bank that are Sam's. Amantha asked do they need to be different or can they still operated on the same different business license. Riverside we know they have the Portneuf Grille, the Hotel and the breakfast bar. Do they need three (3) business licenses? The city office has no clue plus we are trying to get all the renewals completed. Amantha asked if the business license that are required because of the change to ordinance fee forty five (45.00) dollars or fifty five (55.00) dollars, what is the date when the businesses have to be in

compliance with the ordinance and who is shutting them down if they don't get in compliance. Councilperson Frandsen comments my opinion is, Gary correct me if I'm wrong. I think for example, The Lava Hotel as long as their office is one location and they are renting rooms, conference center and all, that's one business that they're providing in their business license under one umbrella. Mountain Mayhem, Blue Moon, Trading Post he has three (3) separate business under three (3) different names. That's why they have different business licenses. Amantha asked about Penny Lane, that doesn't have a business license. Councilperson Frandsen comments they either need to put that under the umbrella of a nightly rental business. Amantha comments which is the same as what the city was doing in the past because, they had it under Tumbling Waters business license. To me that's exactly the same as the city been operating before the ordinance changed. Mayor Thomson asked about the Cedar Condos. They are operating under one (1) business license with two locations one on Elm Street and the other next to the Atrium. Gary reports if there is a situation that when we try to apply this to it and its too vague, then we should probably allow just one license for that particular situation and we should look at whether we want to change this language to either make separate license there, or to continue to permit just one (1) license. You know you can get kind of crazy here and try to get every possibilities and I'm not sure that necessary. Mayor Thomson comments on the point of sale, with Airbnb and internet sales everybody's got multiple points of sales. Many nightly rental point of sales is via the internet. I don't know how you designate if that the point of sales or not. Gary agreed. Mayor Thomson announces things are getting much more complex with how you define what a business is and what's not, where it becomes an individual business. One of those rough spots we talked about. Gary agreed and explained there are some clear cut activity here that the city can say you need a separate business licenses for each one. I think if we get to one where it's hard for the city to figure out, whether it's a separate business licenses we probably error on the side of one (1) business license. Then the city can look to see if it's a problem in other circumstances that we need to clarify. Then the city might go back and clarify it but, we could create more problems by clarifying. Mayor Thomson responds I understand your thinking here because you get into this when we talk about someone who owns multiple nightly rental maybe, they're under a property manager or whatever but, they have more than one (1) each one of them has to carry a business license. Then you get into the Lave Hotel granted you rent each one of those from the same office but, there's an individual house, mini homes, two (2) sections of hotel and I don't know how many deeded properties there are, it may be on one parcel and it may be on multiple parcel and you've got multiple variables and the bottom line is it's all one hotel. Gary responds I remember some of the discussion was if you had different homes located in

different parts of the city that were nightly that the city wanted to put each one of those under a separate business license because you may have conditions applied to that business license to protect the surrounding people, that's an easy example. What you are talking about is different ways to accomplish the same thing in one compound. Gary asked Amantha if this helps her. Amantha responded no. City Clerk suggested going through the list one by one. Amantha asked the council to identify the business and how many business license are required for each business on the list. The list may not be completed, for example not all monthly rentals are listed only a few. Councilperson Benglan asked if the city requires a business license for monthly rentals, month to month. Gary responded yes, that is one of the changes in the new ordinance.

City clerk explains.

Lava Spa & Lava RV Park, they're on separate meters, and payment is received for both locations in the office. Council agreed to one (1) business license.

The Lava Hotel LLC – several different location. Lava Waffle separate business license. Councilperson Benglan asked about the several different locations. City clerk responds they have the conference facility, vacation rental, tiny homes in the back. They do all their reservation in the main office. Councilperson Benglan asked if they have a spa upstairs and is it in the same office. Mayor Thomson not sure if they have a spa. Councilperson Benglan comments it should be on the business license. Amantha responds the city doesn't always know what the business operations are and they don't always put everything on their business license. Mayor Thomson comments it goes through the same cash register but, it is a different business, I don't know. There is a message parlor at the Riverside. Need one (1) business license for Lava Hotel and one (1) Waffle shop and possible another if there is a message parlor.

Home Hotel – Home Hotel and House – 1 Business License.

Riverside Inn – Mayor Thomson suggested two (2) potentially three (3). Councilperson Benglan comments one for the inn, one for the Grille. Amantha verified two (2), one for the Inn and one for the Grille. Mayor Thomson responds they also have the one upstairs that's in the lobby is opened in the morning for brunch and breakfast. Councilperson Guthrie comments she thinks the one upstairs is for their hotel guest. Mayor Thomson responds it might be part of their

hotel and if it's a continental breakfast or a breakfast bar with your hotel room that's one thing but when it's advertised a breakfast buffet that available to the public that's a different business. Councilperson Benglan asked if it has a name. Mayor Thomson responds yes and they advertises. City Clerk announces it's called Café & A 'More they submitted an invoice for the cookies that the city purchased for the lighting festival. Mayor Thomson responds that's the only reason I think they should have a business license for the Café. George for instance, George provides a breakfast but, it's only for the patrons of the Hotel. City Clerk suggested asking Gail if she is opened to the public for the Café & A 'More if so, she needs three (3) Business License.

Purple moon - Councilperson Benglan one (1) there is only one point of entry. Mayor Thomson comments there is only one egress in and out and only one cash register. Council agreed.

San Netuschil – nightly rental different locations. City Clerks announces he has to have one location for guest to be picking up keys and making payment. Amantha suggested he may have key pad entry and payment on line. Council asked about his different locations. Amantha reported on Penny Lane and she thinks there are nightly rental rooms above the cotton tree. City Clerk reports the LeCascade is behind the Ireland Bank. Business license for each location. Mayor Thomson asked that he be told that he needs to have his off street parking open and available.

Mayor Thomson asked about Berti's apartment. Amantha explained they are still managing the apartments. Do they need to do an updated business license application because they sold the liquor store or can I adjust the license on the system? Sam got his business license for the liquor store. The liquor store and apartments was under one business license under Cliff View Enterprises. City Clerk asked if they need to submit an application to record that they need to take liquor store off their license. Council agreed they need to do a new application. Amantha explained the city has asked them to but as of today they have not. Mayor Thomson comments then they don't get a license and they don't do business.

Lava Adventures & Lodging – property management - Location on license is for the rentals she manages. Amantha explains Carolyn Cottage sold and she doesn't

manage it anymore and I removed it from her business license. I do wonder if the address for the houses she manages if they should be on her business license. Should her business be her home address and then the business she manages should have a business license for their nightly rentals. Mayor Thomson suggested if she is going to property manage other than her personal property a business license is required for property management. Separate license for each nightly rental one (1) for 286 W Main & another for 268 W Main.

Greystone Manor – Bed & Breakfast – one (1) Business License.

Vicky Lyon - nightly rental different locations – one (1) business license one for each location 228 W Elm and 280 W Elm

Lava Mobile Estates & camping across the highway. Mayor Thomson suggested two (2) business license. They've put in a separate meter at the campground. City Clerk asked if that is any different than the Lava Spa and Lava Spa RV, they are paying through the same office. Mayor Thomson asked if they sell one location what happens then. City clerk respond then they would have two (2) separate licenses. Councilperson Benglan asked Gary what his opinion is. Gary responds it sounds like two location to me. Two business one for the Mobile Estate and one for the campground.

River Bridge Inn - 1 business license.

Mark Morgan Monthly Rental - 351 W PORTNEUF - 1 business license

Royal Hotel & Pizza – long term upstairs and pizza parlor - 1 business license.

Cedar Springs Condos – Two nightly at the 4-plex and the nightly rentals next to the Atrium. Amantha reported the Atrium has a business license the nightly rentals next to the Atrium are called the Cedar Springs Condos and the 4-plex on Elm Street is also call Cedar Springs Condos. Council agreed on separate license for each location.

Mayor Thomson asked Gary if he rents out a portion of his house or the entire house does he need a business license. Gary responded a business license is required for both.

Lava Hillside Suites one (1) business license for the Hotel and a separate business license for the lounge.

Lava Hot Springs Suites – Hotel and retail store. Amantha reported she has seen advertising for the gift shop on Facebook and it has a different name, not sure of the name. Mayor Thomson asked if she has a business license for her monthly rentals. Amantha responded yes. Mayor Thomson response there are many cases where they have gift shops as part of the hotel. Amantha comments restaurants are also part of the hotel. Councilperson Guthrie comments like the Riverside. Gary suggested the test should be do they encourage people to come off the street to come in and buy. Mayor Thomson comments they all do that I'm aware of. Gary comments if they're solely for the guest, not advertising outside of the hotel then that sounds like it part of the hotel. Mayor Thomson comments that doesn't stop someone from coming in off the street and making purchases. Councilperson Benglan and Councilperson Guthrie both agree gift shop should be a separate license.

The ALPACA INN - Hotel & retail – Mayor Thomson feels like it under the same umbrella as Julie Hills. A separate business license for the gift shop.

B) Blue Jay Inn, LLC – 189 East Main Street - Mark Oyler,

Owner/Applicant: Mark Oyler introduces himself and announces he has purchased the EZ Liven. Mayor Thomson asked how many units. Mark responds nine (9) unit total. Basically the same format, same general layout as before us. The new name will be Blue Jay Inn. Mayor Thomson asked Mark to trim hedge down. Mark comments he trimmed it down about three (3) weeks ago. Mayor Thomson explained the ordinance is twenty (20) foot back for line of site. Mayor explains the line of site on that hill is critical. Mark agreed and explained they are going to take the bush out on the corner, completely out.

Councilperson Frandsen made a motion to approve Blue Jay Inn. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) JG&S Unlimited – Joshua W. Gunter, Owner/Applicant: Councilperson Benglan made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Man Enterprises, DBA Lava Property Management – Megan & Nephi Reno, Owners/Applicants: Megan Toly explained off site property management. Councilperson Benglan made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Paul Webster Properties – 518 W. Fife - Debbra Hurst (General Partner)/Applicant: Councilperson Benglan made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Serenity House B & B, LLC (long term residential rental) – 165 West Main - Susan Thomas, Owner/Applicant: Councilperson Benglan made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Susan Thomas is online and announces the house is a long term rental and it has been for the last two (2) years. She was informed that she needs another business license for 165 W Main. Off street parking available, 6 spots off the alley.

Councilperson Frandsen made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Mayor Thomson asked if there are doing Bed & Breakfast. Susan responded no, long term rental like it's been for the last two (2) years. Mayor Thomson asked what B&B is, he is looking at the business name Serenity House B & B LLC, confusing. Susan explained that's the umbrella, it's an LLC. Mayor Thomson responds okay, and thank you.

Non-Property Tax Permit(s) ALL ACTION ITEMS:

A) Blue Jay Inn, LLC: Councilperson Frandsen made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Snake River Seed Co-Op, LLC. Councilperson Frandsen made a motion to approve. Councilperson Benglan seconded the motion. All voted aye, unanimous.

7:22 pm Direct Communication Right-of-Way Use Agreement – ACTION ITEM: Gary Cooper, City Attorney comments this is not the right away use agreement. This is the service agreement to get internet delivered to Soda Springs. When we met with them they said that they had a use agreement to use their right of way that set after conditions and the charges for that and stuff like that. I still haven't received it from direct communications. Canda got this from Soda Springs and I thought it was it but then when I looked at it, I realize this it was for Soda Springs. Mayor Thomson comments this was the agreement they had with soda

springs then. City Attorney explains yeah, but I think it's only to provide Soda Springs with internet service at four (4) different locations. So it still does not address the issues that we want to address. I'll just continue to deal with Nathan get that agreement. Mayor Thomson comment I think maybe part of that conversation might have stuck in his head that we wanted this as an example or something. Inaudible – cross talking. City Clerk Canda Dimick explains I don't know if they understand because there was a clause in there that said they had the right to use. City Attorney comments I know I say that but boy if that's all they have. City Clerk explained that's what she told me. I don't think that's what Lava is looking for. City Attorney respond not. Mayor Thomson comment no, definitely not. So make a motion to the table list till we get some better information from Direct Communications please.

Councilperson Frandsen made a motion to table but have Gary also keep working with Direct. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Mayor Thomson comment I would also bring up this point, we're having a little bit of problems with them getting their work done, which is their subcontractor and Nathan's not on the same but, the other girl has been and she was pretty upset when Tony took her around and showed her the level of work. It's been addressed. Their track record is not really heartening shall I say, will that work.

Meetings/Announcements/Miscellaneous:

A) National Flood Insurance Program State Coordinator Inspection Report:

Mayor Thomson explains basically what they did FEMA came down from Boise and they reviewed all of the areas the way within the city limits this is this is kind of kind of funky because, Mike come along to look at something in the county and his primary look to was added at Ranch Inn, outside our city limits. The FEMA girl come along and she wanted to look at items along the Portneuf River floodways that was in the city limits only. So, we reviewed Kody's campgrounds, both KOA East and Kay KOA downtown here and she was only concerned with items that are in floodway, floodplain and hundred (100) year floodplain, five hundred (500) year floodplain, which were the items there behind the Lava Motel those trailers there are in the five hundred (500) year floodplain. She's not concerned with those. So if it's in the hundred (100) year floodplain, as some of the little mobile homes or the trailers that Kody's got up there along the river, then they had to have an evacuation plan. So her and Kody reviewed the evacuation plan, he brought everything into compliance things like strapping the propane tank because I guess then things float when you're full of gas, you know, that sort of thing. If it's if it's temporary campground areas within the city, then they

recommend you secure picnic tables and all anything that can come up in the water in the spring and float down and lodge against the bridge. So that's basically what we did is we turned the two (2) campgrounds in that site and then they were made recommendations to Kody and gave him a short list of fixes and the way she went and everybody was happy. Councilperson Benglan comments so we're good. Mayor Thomson responds we're good and it brings to mind some of the things that they look at that kind of through a very narrow scope of vision. If you understood the floodway up there at that KOA East, it's phenomenal and it's all based on when the water come up, off of Blazer back to cross the road there Blazer come down the barbed edge around the bend, then flowed back across highway 30 and come in just about where the office of KOA is at. If you look at them trailers there setting up there, you'd have to have a Noah's Ark flood that gets the water that deep in the Portneuf there but the water didn't come from there it come from a different direction. Really kind of convoluted and interesting. Councilperson Benglan asked us that does relate to this next item. City Clerk Canda Dimick comments yes, through the discussion we talked about possible the need for a re-mapping.

B) Cooperating Technical Partners (CTP) Grant to Remap Portneuf River –

ACTION ITEM: City Clerk Canda Dimick explains there's money attached to it, you have your cash match. You can do any kind of work. There's different things but there is grant money out there and she gave us a contact to explore that. Kody even mentioned that he would be interested in participating in some type of support. I've been working on just trying to get the information on what all would be involved in that. Is that something you feel like would be beneficial that we move forward on? Councilperson Benglan ask how do we how do we know if it's needed. When was the last time it was mapped? City Clerk respond I want to say 1970's was on the map first maps that I've seen. Mayor Taylor ask is that going to redefine or upgrade the floodways and floodplains. City Clerk respond yes and the reason the discussion come up is because through some of the engineering that's been done, they feel like that the elevations are different than what is actually on the floodplain match and so it would be beneficial and save developers money that are building in those areas, and they didn't have to provide elevation certificates and things like that if they were redefines, and they weren't needed, so they won't have to provide all this stuff. Councilperson Benglan comments got you, so this would update the FEMA maps. City Clerk respond yes and there is grant money out there. Mayor Thomson comments from our standards standpoint here, most of our floodplain stuff is either the State or business area in our town. However, as we start going west of town we opened up a whole new can of worms out there as soon as we exit the city limits because we got the Ranch Inn and you've got stuff that's in the impact zone and may possibly someday become in the city limits. I

think it behooves, I don't know, you know I think it might for some extent be valuable for going up if we ever expand up North on Blazer in that direction as well. Councilperson Benglan comments yeah, it seems like a good thing to do because there's been a lot of engineering done since when was the big flood 58. City clerk respond 63 or 64? Councilperson Benglan because they opened up that bridge on Main and they put in the cement wall.

Councilperson Benglan made a motion to that we have Canda explore that. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Area of Impact Joint Powers Agreement – ACTION ITEM:

Mayor Thomson comments this item here, we've talked about this a little bit before and that is, Randy brought it up, and we discussed it last meeting where we talked to Mike Jaglowski, who is our Bannock County engineer about having a little bit more authority to make changes and comments and input to the area within our impact zone. As with everything else, there's a proper procedure about approaching that and then there's a lower your head run like a crazy man into it. The proper procedure is that you guys, direct me by vote of the council to pursue this by contacting Ernie Mosier, who is the commissioner who I assume is Mike's boss to get them involved and then we progress forward, we can go ahead with Randy and I and Mike's meetings to start discussing how we form a joint project to be able to have a little bit more input in our impacts. I'll be honest with you, guys, I cannot understand why every city in southern Bannock County is pursuing the same thing. Maybe we're the only city in growth, but I would think Inkom would be all over that. I would think McCammon it'd be all over that, particularly when Inkom is comes talking about doing River development, some of those other things. Anyway this is what this is about and so just make a motion to direct, let me let me read this thing. Councilperson Benglan comments I can do it. Gary, how would we get you involved at this point? Gary Cooper, City Attorney there's a deputy prosecuting attorney that handles the civil portion of the county's work and stuff. I've probably just interface with him and kind of explained to him what to do and it'll dovetail. Mayor Thomson comments until we start actually putting together some kind of a joint agreement. City Attorney comments I'll find out who's the best person is to talk to over there in his office. Councilperson Benglan comments this is specifically concerning land use. Mayor Thomson comments land use within our impact zone. It's just one of them issues where we would get notified just like these developments that are going on. Where we go okay, we know about it now, but they're going to do whatever they want to do. Now, perhaps one of these days we'll have some say in it that means something.

Councilperson Benglan made a motion that we direct the Mayor to reach out to County Commissioner Moser about our intentions to engage with the county and creating a joint powers agreement, which would define our joint powers in Lava Hot Springs impact zone as well as defined the boundary specifically of our impacts on through that process. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Mayor Thomson comment I think something else we need to look at because we're coming up here pretty quickly, as soon as the county releases there look forward at the end of this year, we're going to start on ours. Which is upgrading our comprehensive plan for growth and that may include redefining some of that impacts. Right now it's defined as a mile outside the city, but that's kind of vague, to me. It's not very uniform anyway. It's good enough, we'll get we'll get on to that.

D) Miscellaneous:

Projects:

A) East Main Street Pedestrian Bridge Deck 1) Keller Associates Amendment to Owner-Consultant Agreement #01 for Core Sampling Tests– ACTION

ITEM: Mayor Thomson reports this last week or so, Keller brought in a subcontractor. They did some core drilling on the bridge up there by the hot pools on Main Street. This was to ascertain, I don't know what the results of that core drill was except the bill. We got the bill part but as far as whether the seam it's worthless or not, I don't know yet. They did some core drilling. This was all based on the fact that the bridges is so thin that the soundings that they did with the chains weren't accurate enough to determine whether the concrete was faulty all the way through or not so, core drilling was only answer. The projected cost for core drilling was about twelve thousand five (12,500.00) bucks at the time. Councilperson Benglan comment we discussed on our last meeting. Mayor Thomson comments yeah and it turns out the actual costs come in at about ten thousand five hundred (10,500.00) so, about two thousand (2000) less than and what they projected it might be. Councilperson Benglan comment they must do that on purpose to make us happy. Mayor Thomson comment yeah, probably. They will eat the other two thousand (2000) up in administrative cost or some darn gone thing. I don't see an action item. So I guess I'm just reporting on it. City Clerk Canda Dimick comments there's an action item. Mayor Thomson comments oh, I have to sign the owner consulting agreement. City Clerk respond yeah a motion for the authorization for the Mayor to sign that.

Councilperson Frandsen made a motion to authorize the Mayor to sign the amendment to the owner consulting agreement number 1. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Fire Station Addition 1) Perspective Design Studio Agreement (Limit of Liability Change) ACTION ITEM: Councilperson Benglan comment so we discussed this before and approved. City Clerk Canda Dimick report I didn't realize he had changed the limits of liability insurance on there, himself when he sent it back. I told you we just received it before the meeting just barely when I started the meeting and I didn't pull it up and look and he had put in there three hundred (300) so, he change the limit on my liability to three hundred (300). Do see that. So it was approved with the five hundred (500). He did inform today that he's working on increasing those amounts. So you want him to wait on increases them? Or are you acceptable with a three hundred (300) change that he initiative? Councilperson Benglan comments what's your feeling on that, Gary? Gary Cooper, City Attorney ask what's his scope of work. What does he do? Councilperson Benglan comments he's a designer. City Clerk comment he's actually going to basically design it. City Attorney he's going to design it. Boy, three hundred thousand (300,000.00) dollars is pretty light for design work. What's he trying to get to a million? City Clerk responds five hundred (500). City Attorney comments five hundred (500) is all? Councilperson Benglan ask what have we done in the past. Councilperson Frandsen comment we've been waited three (3) years to get this design. City Clerk responds the other contract we've done with him, I think are five hundred (500) but, I'm not sure. Mayor Thomson comments I will point out to you guys. He's taking off a pretty good sized bite here for the credentials that he carries and I say that he's not doing anything illegal. But he is not a structural engineer. He is not a design engineer. He is not a building consultant. I guess it's what it is, is as a building consultant. He is not a drafter, he might be a little bit of a homeschool drafter. But what I'm getting at is that there are professional societies out there that would frown upon him representing himself as being the engineer for this project or representing himself as maybe some of these titles that he's performing the tasks, but he's not. You know, you don't put PE behind these names. He put that sort of stuff. I totally agree. I think that the limits of responsibility, monetary wise need to be set a lot higher, particularly when you have in mind that the guy's performing some tasks that may be a little bit on his scope. This was brought up to me from other people who had been involved in this project, well, that's fine and dandy the city can do what they want to do and this guy is trying to give you a break and save you some money but remember he's doing this plans and the reality of it is he's not qualified,

in our eyes to be doing that, so. Councilperson Benglan ask so should we be hiring him. Mayor Thomson comments I think it's not a question whether we should be hiring him or not, I think it's just a question we need to watch him very close when he when he represents something. Councilperson Benglan well, do we know who's going to be stamping his plans? Mayor Thomson comments basically, the way I understand it, he is kind of acting as a go between. He won't do the engineering himself, he'll go out and have an engineering company do the engineering, he'll go out and have a contractor do the bidding. He's kind of like just the facilitator and in that aspect, he's, he's probably doing what he's used to doing. And he's doing it fairly legal. He just ruffles the feathers of the guys that went to school for engineering degrees and went to school for manufacturing degrees, and they're going well wait a minute, he's doing what we what we should be getting paid for, so and so far, so. Councilperson Benglan ask does anything need to be in the contract that these design documents that he could create construction documents will have engineering stamps. Mayor Thomson responds well, if they don't, you don't take them. You don't accept them. Councilperson Benglan responds that's what I mean. Is it necessary to write that in the contract? Inaudible – cross talking. Mayor Thomson comment I think if he does his job properly, all he's done is stepped on a few toes. But you know, I would assume, Randy, that when I get a plan in to do construct, I'm in or have all the necessary engineering approvals from state approved and if he takes it to an engineering firm, all he's doing is acting as a third party. Councilperson Benglan like a drafter. Mayor Thomson responds yeah. Councilperson Benglan draftsman is basically. Mayor Thomson comments doing the same thing I did for years and years. And I take it over to you and say, sign this, as the engineer and the engineer signed and didn't know what the hell I put on the drawing. I mean, and when they do that, they assume responsibility for whatever's on that. We used to go through that a lot on what the what the signature blocks meant on a released piece of engineering, and every person that signed it, as you went up the ladder assumed the responsibility for everybody below him. So a lot of people don't understand that but that's what happens. So you know, he is different than if I come to you and say, I need somebody to develop a plan and come to you as an expert on real estate development, and you sign your name behind it. City Clerk comments let's look through the proposal and this will tell you what's all with it. Thomson yeah, I think we've, we've already we've already made this discussion. That was done when Brian was here. Councilperson Benglan comments I remember this. You just have this, but then how much of this is actually in that agreement? City Clerk responds so, you architectural drawing, structural engineering, mechanical engineering, electrical engineering, local engineering. Councilperson Frandsen ask the twenty four (24,000.00) and some odd is going to cover all that. Councilperson Benglan comment I think in the least,

the contract should reference this as an exhibit. Mayor Thomson comment and you know, wouldn't be different than me going out there and saying, I can put this all together because I know the people that can do the work, and I'll gather them all up and do that. That's what he's doing. City Clerk responds it does it say per scope of work of professional services attached. Councilperson Benglan comment oh, does it, I didn't see that Canda. City Attorney ask is this what was supposed to be attached. I was thinking it was. Councilperson Guthrie comment we have one of those already. Mayor Thomson comment it just says to me that we should have the better amounts of liability insurance, the better amounts of everything that would be on a normal contract. Councilperson Benglan comment I'd like to see that scope of work, incorporated in this agreement. City Attorney responds because you're talking about engineered drawings. You would at least expect somebody going to stamp them and if they don't, yeah. Councilperson Benglan so however, we incorporate that into this, it references it. City Attorney comments it's nice to have as a part of, as for scope of work and professional services attached, as long as that is attached to it. It says it's attached, but it isn't. Mayor Thomson comment the risks that you run here is that he provides us with a set of drawings that are stamped, approved by some engineer someplace and it might be the same engineer that Hooper's uses, I don't know, or what have you, but you know, it's got a stamp on it. And you do go to the next phase, and you say, where I list go to the contractor and contractor says, those engineering drawing are not any good for me. Or the engineers go that doesn't mean anything to me. I don't know that person. So, if you're going to do the contracting in the building, that's one thing but if I have to take it out for somebody else beyond him to do the actual work. City Attorney interrupts but, I thought that was part of his service, isn't it? Mayor Thomson comment but what his services really are, is he's providing the workforces. The different entities, kind of like the go to guy and the argument that I'd heard was that, well, this is fine and dandy, you know, he's probably pretty expert at that but he's not an expert in any one of the three (3) things that he's actually providing you. Councilperson Guthrie but he's going to find people that is, I think he'll find people that will do it. Mayor Thomson responds I do too. I mean, he's been doing this a while. Councilperson Benglan comment so as far as this agreement goes, we're fine as is. City Clerk ask with the three hundred (300). City Attorney and Council respond no five hundred thousand (500,000.00). Mayor Thomson responds so we'll table it till we get the higher number. Councilperson Benglan ask so do we want to prove it subject to that. City Clerk suggested authorizing Mayor to sign it once returned with the five hundred thousand (500,000.00). City Attorney responds once it return with that? We want him to have that enforced when this agreement goes into force. Mayor Thomson

comment all right, so authorize me to sign it when and if the amount gets changed to five hundred thousand (500,000.00), make that motion here.

Councilperson Guthrie made a motion that we have the mayor sign the agreement, when the amount gets changed to the five hundred thousand (500,000.00) for insurance. Councilperson Benglan seconded the motion. All voted aye, unanimous.

C) Wastewater Land Application Site Photovoltaic Relocation Feasibility Study 1) Rocky Mountain Power Interconnection Agreement & Down

Payment – ACTION ITEM: Tyler Pratt on line, reported we received the interconnection agreement from Pacific core on December 2 and technically they give thirty (30) days to sign this interconnection agreement. They did mention that in Lava's circumstances they would be flexible on that thirty (30) day timeline. The interconnection agreement is the first step that they have a small generator do or complete and with once we sign that agreement, there's a five thousand (5,000.00) dollar deposit associated with it and then they proceed doing a more detailed estimate engineering design. From that design comes a more precise cost estimate. They've approved the city's application and to be a small generating facility, which is good news, and I gave that update at the last council meeting. So they've approved it, that's the good news. The bad news is the cost was higher than we had anticipated because they're proposing adding more equipment than, you know is typical. So their initial estimate as to the cost of new equipment plus engineering was fifty six thousand (56,000.00) dollars plus or minus fifty (50) percent. That's obviously a pretty rough cost estimate plus or minus fifty (50) percent means that could range from twenty eight thousand to eighty four thousand (28,000.00 to 84,000.00). That's a big difference to the city in terms of whether or not to choose to proceed. What they did clarify was that with that five thousand (5,000.00) dollar down payment deposit that they would go through the engineering and be able to provide a more precise estimate, whether that more precise estimates stays at their projected fifty six thousand (56,000.00) or whether it goes down to twenty eight thousand or up to eighty four thousand (28,000.00 or up to 84,000.00), we just have no idea until they do it. The return on investment of the extremes of that range, are significantly different. Canda asked me to investigate a few different funding options to try and find ways that we might be able to get some additional grant money to do this. I did call and I've talked to DEQ and USDA Rural Development, as well as the Blue Sky Program and currently the Blue Sky Program was intrigued by the idea, she said, this was a little bit out of the norm for projects that they typically do. She was intrigued and very interested in helping the city but she said that due to the circumstances, she had to

kind of consult with some other people that we didn't fill out an application and submitted we purely kind of did a screening with their, with their program manager, before going through the effort of putting together an application. I have not yet heard back from her. She said she was going to get back to me by this afternoon, and she didn't. So I might hear from her in the next day or two. If not, I'll certainly follow up with her. The DEQ said basically that because this project is not directly related to the quality of wastewater, that it would not be eligible for funding from them. They didn't say don't submit, but they basically said, and more or less terms, save your energy, you're not going to score well on their on their scoring system. And then USDA Rural Development said that they also are only willing to fund projects that directly impact the wastewater system. Which an independent energy generation generator would not qualify, but she did refer me to someone in their Rural Energy for America program out of Blackfoot, and I called him and I talked to him. He said that this wouldn't qualify for their Rural Energy Program but he was going to make some calls to some people in Boise, there may be ten to fifteen thousand (10 to \$15,000,00) dollars or that would specifically have to apply for engineering fees. I don't think we're going to have those fees, at least not that much but he wasn't sure about the grant monies for the actual equipment and construction. He was going to inquire with that and get back to me as well and he told me, that would likely take a couple days. So where we're at right now, unfortunately, is kind of a few potential leads on funding, but nothing solid. And we've got thirty (30) days from December 2, a soft deadline of thirty (30) days for the city to decide whether or not to sign the interconnection agreement and do a five thousand (5,000.00) dollar deposit for Pacific core to proceed with their engineering design for the air connection facilities that it will require and those facilities are pretty minimal. That's why I'm surprised that it's their estimate was as high as it was. It entails a couple polls and the transformer and a meter and a tap to their distribution line. So I'm surprised that it came out so expensive, but that's where we're at. I know that was a lot of that was an earful. It was some maybe some unique vernacular in there, but does anyone have any questions? And then I can try to answer them to the best of my ability. Mayor Thomson responds yeah, Tyler this John Thompson, I want to play the devil's advocate here, if you can hear me. Of course I sit in on that meeting with you and I heard I heard all of your arguments, which I believe were very valid and I and I noticed that all the faces that were listening to your arguments pretty much didn't give a large rat's ass. So, you know, I I've dealt with corporations that size before as well as you have. I was not very warm hearted about their response to anything you had to say, which I felt was all in our favor. Is the five thousand (5,000.00) dollar part of the fifty eight (58,000.00) thousand dollar bid or is that in addition to? That's my first question, I mean, in other words, do we have a right to magically lowered it to fifty three

thousand (53,000.00) plus or minus fifty (50) percent. The other question was, I'm trying to remember back and you may have the figures at hand, I don't without digging out a bunch of stuff but, you know, we had talked about several months ago about the different flavors of this project, what the cost benefit ratio was to, to move the panel's over to the other land app site and hook up a couple of more far twenty three (23) meters. Were there just to turn it all on and sell the excess, which is the road that we took, because it the numbers look the best they're on return. But, you know, I think the one thing that really no one's ever addressed is, our intention was to try to recoup the one hundred and fifty thousand dollars or two hundred thousand (150,000.00 or \$200,000.00) dollars or whatever it was that we spent on these panels in the first place, under the guys that we were going to be able to use them and all of a sudden, things changed and we're sitting here holding a bunch of panels that we can't turn on. So, we are we even approaching trying to get that money back? Or are we just approaching trying to get the cost of getting the conversion done back? You see where I'm headed with this, we're spending a thousand here, fifteen thousand here, five thousand here and twenty five thousand and we just keep adding to our costs and we've never started getting a return. I'm going, you know, we may be projected out there so far that at some point in time, it becomes the behoving to us just to pull the plug and not do anything with him. That's just an open conversation for you to address back to me. Tyler responds yeah, certainly and I fully understand the city's frustration. I also would be frustrated based on the situation, I'm with you there. The answer to your first question, the five thousand (5,000.00) dollars would be part of their fifty six thousand (56,000.00) dollars plus or minus fifty (50) percent estimate. So that's not an additional five thousand (5,000.00) dollars. So that would work towards the final cost. Still, cost estimate back that's higher than what you want to do and you choose to fold, then that's five thousand (5,000.00) dollars lost. Mayor Thomson comment yeah. Based on the reaction I was getting from those guys, when you were pleading our case, was, yeah, give us five thousand (5,000.00) dollars we'll redo the engineering and we'll fine tune the cost down to fifty eight thousand (58,000.00) dollars instead of fifty three (53). Tyler continues yeah, I didn't know that, I was a little confused on that, too. I mean, they said fifty six thousand (56,000.00) plus or minus fifty (50) percent. Mayor Thomson comment yeah, that's pretty hefty. Tyler continues that's pretty poor. We don't do cost estimates that poor and at least with Keller, I mean, that's abysmal. Mayor Thomson comments we didn't with Bowing neither my friends. Tyler continue yeah, I mean that's a make it or break a deal on. If you approached all your deals that way it'd be, you know, you wouldn't be able to make decisions. You know, the people on that call were, there was probably ten (10) people on the call, I don't know why they need ten (10) people on that conference call when most of them had nothing

to do with it. I would say eight (8) of them were engineers that were there for if technical issues came up and they were probably doing things on the side and are they paying attention unless someone called their name. The person who I would hope would be Lava's biggest advocate is Timothy Solomon who is actually kind of said that things are out of his control. Timothy Solomon is the account manager. I believe he's stationed out of Idaho Falls. Something I wanted to bring up with you guys, he basically said that the situation is out of his control because this has to deal with different departments he doesn't typically work with, and they've gotten all sorts of legal obligations, that essentially his hands were tied, and he couldn't do anything about it. He's hearing the city's case from me, who's essentially a third party. I don't know if there's any benefit. I mean, we might ruffle his feathers but if there's any benefit to or, you know, I would certainly be happy in Bryan and I talked about this, arranging a conversation between you, Mayor and Tim Solomon, and potentially Ted Weston, who was the one involved way back when all of this originally started, and basically saying, expressing your frustration and seeing if there's anything they can do now, they're probably not going to come up with funds, they're not going to purchase equipment for the city, I would highly doubt that they would that they would go that far. But to me, it would seem like they could certainly cough up money for the engineering fees to do a more refined cost estimate. I mean, it seems like they should have enough money, liquidity in their accounts to be able to do that, I would think but who knows. Like you said, it's a big organization, and there's lots red tape, and everyone wants to blame everyone else and nothing happens. Mayor Thomson comments I've set in on a lot of those high level meetings in in my fifty (50) year career and, you know, you kind of read not the facts, but you kind of read the feeling of what's going on and just to me, you know, it sounded to me like the pass the buck, you know the shuck and jive stuff to where, you know, if this was hundred million (100,000,000.00) dollar project, I'm sure we'd have had a lot of responses in the positive direction. To them to them fifty eight thousand (58,000.00) dollars is not hardly worth an engineer's time for a day's effort, in their mind, because, they're thinking of big projects, I can understand that. Nothing against what you're doing. You're doing a bang up job trying to get Lava on the map here but, I think you're falling on deaf ears. A lot of it, I think, has to do with the fact that we've changed ownership of this thing several times and we've probably forgotten a lot of the history. I know that the one meeting we had with them. When we reminded him, when we went through that history, they seem to be a lot more responsive to our effort than they were in this meeting. So I guess my biggest fear was that we're just going to get the same answer back. You know, here we've tune it down and this is about as good as we're going to get and we're right at that threshold of whether, I'm not sure at that point, whether we are at to

make or break situation. Remind me again of the threshold amount that we set for, for this particular phase what we were doing. I thought it was something like a twenty (20) year payback on eighty thousand (80,000.00) or something along that line. Is my number completely wrong? Tyler respond yeah, I have the numbers here, our estimate on this. Let me see here. Well, we were told, we were told that no new facilities would be required, most likely and that was what lent this alternative to be so attractive. We were told that most likely back feed through their existing breaker. We'd basically be running a new service line and that was it. Now they're saying we need a separate transformer and new power poles. Not to mention engineering fees for the impact to the grid, even though you know this thing in compared to the grid is nominal. So yeah, our original estimate basically was kind of off because they had told us that no new facilities would be required. Now they're saying, well, you're going to need to install new facilities. Ted West, you know, everyone in that meeting was engineers and Ted Weston and they were all in Portland, and you're absolutely right, they could care less, couldn't care less. So, you know, if we wanted to plead the case, the city's case, one last time, we'd have nothing to lose except ruffling a few feathers, but it's not like it's going to really impact the city at all at this stage, I wouldn't think. We could try and coordinate a meeting with Ted Weston and with Tim Solomon and they could hear directly from you, you know your frustration. I don't know what they could do, but that would be my recommended, a last appeal I would say and if that didn't work, then we could hope that some grant money becomes available, and we can kind of, exhaust all those options and try those options. Then we could also, gamble and put that five thousand (5,000.00) deposit down, and maybe it comes back and they said, Oh, yeah, you're right, our Mile High bird's eye view estimate was wrong and there's not nearly as many new facilities as we thought and we can do those and get it down much cheaper. In which case, the return on investment could get down as low as fourteen (14) years. Now, that sounds like a long time and it kind of is, you know, and that's because this qualifying facility, and the energy purchase rate in this qualifying facility is intended for large wind farms. Mayor Thomson comments isn't it based on the price cost them to generate? Tyler responds yeah, it's based on the cost. That's exactly right. It's based on the costs, their voided cost. So whatever money they saved by not generating it themselves and obviously, there's a huge economy of scale there that weighs into that. That's why only typically big plants do this. But the reason that we had come up with this alternative as the most attractive was because essentially everything's already installed, and there was very little effort to convert it over it. Whereas if you're looking at moving it half of the cost in the solar system is in labor and in copper. Moving it you can necessarily reuse all that copper, and the labor's got to be totally redone. There's a lot of legwork there too. Mayor Thomson comments plus the

engineering and the substructure to hold the panels. Remind me, are we past that date where we are still eligible for the far twenty three (23) meters. I thought that when we decided to go down this path we missed the final date on that one. I thought that was kind of coming to an end of the year where we were eligible to do the type of arrangement that we have already with 26 KVA. Tyler responds no, their net meter, that 25 KVA cap did not get raised. Mayor Thomson responds okay, we can still do net metering if we if we were to say to get a grant to move the panel's over to the other facility. Tyler responds you can certainly continue the city net metering exactly as it currently exists. Mayor Thomson asked what about what about new net metering. Tyler responds yeah, you could do new net metering to, if you were to move it to your other sites, you could do new net metering, I would have to read up and refresh my brain as to where those that case ended up. To give you a sense, I actually follow this fairly closely, but sometimes it's hard to keep up with it. At any given time. Rocky Mountain power and Idaho power and Avista or all of the big utilities in Idaho are petitioning the Idaho Public Utilities Commission to change their rates regarding net metering constantly. I'm constantly getting notices from various kind of watchdog groups trying to educate people look what look at what these utilities are doing. They're constantly after net metering. They don't like it. It competes with their bottom line. They've got some arguments that are valid and then others that are invalid and the Idaho Public Utilities Commission thankfully does a pretty good job of vetting all of the arguments in some pass and some don't. I can't remember exactly what ended up with that particular case, because there's been two or three (2 or 3) different cases since then, that I kind of try and read up on and you're in there but you can certainly still continue net metering. Mayor Thomson comment okay, yeah, I knew we could on the one we had, I wasn't sure whether we passed the deadline on being able to, if we were to find money to move it and go back to one of the other options or not. Take a few seconds. Tyler comment no you certain could, I believe that I believe that case got struck down by the Idaho Public Utilities Commission. Mayor Thomson comment take a couple of seconds and just summarize what we need to look at tonight, whether we need to go ahead with the five thousand (5,000.00) deposit and let my counsel guys ask any questions, and we'll take a vote on it. Tyler responds yeah, and I know, it's complicated, and I apologize for that. It's a complicated subject. So in summary, the city has thirty (30) days to sign the interconnection agreement, and put down five thousand (5,000.00) dollar deposit, which Pacific core would use for engineering to design the new facilities that the city would need, which entails a couple of power poles and the transformer and a meter, and then they're modeling on the impact of that to the grid. So you got thirty (30) days and a five thousand (5,000.00) dollar down payment and we probably need to assume that no additional funding is going to come in now. In

the meantime, I'm going to continue to look for some additional sources of funding, I'm going to follow up with Blue Sky and a couple other couple other entities or agencies but I think it's safest to assume there won't be any additional funding, in which case, you're going to the city's got to fork over five (5) grand to proceed with it, get a better defined cost estimate or fold and walk away from it. As far as if the city wishes to state their case, and do one last appeal with Rocky Mountain power before you really kind of bind yourself in to this interconnection agreement, we could certainly arrange a phone call with the city's account manager, Tim Solomon and Ted Weston with Pacific core out of Salt Lake City, and try and just, you know, give the mayor the opportunity to express his frustration and see if there's anything else they can do. Worst case scenario, they say no, there's nothing else we can do best case scenario, they say, Well maybe we can cover engineering fees or something like that, it probably would be in the order of five to ten thousand (5 to 10,000.00) dollars the benefit that that would bring and that would probably be it. Mayor Thomson ask if we put the five thousand (5,000.00) down, sign the agreement, and they come back with fine pencils estimate of say fifty thousand (50,000.00) dollars are we abided by that or can we still turn it down. Tyler responds you can certainly turn it down. Mayor Thomson comment okay, so we're not committing to it by signing the agreement. Tyler responds correct. Mayor Thomson comments alright that's you guys choice. Councilperson Benglan comment we're talking about engineering, but we don't know what the construction will be until we know what the engineer find. Tyler reports on the best estimate of fifty to fifty six thousand (50 to 56,000.00) plus or minus fifty (50) percent which includes engineering, equipment and construction. . Mayor Thomson comments okay, so that gives you a pretty wide range. Councilperson Benglan comment that fifty thousand (50,000.00) give or take fifty (50) percent. So it could be from twenty five to seventy five thousand (25 to 75). Mayor responds pretty much. Councilperson Benglan continues we're getting fifty (50.00) bucks now per month a credit possibly could get us up to two fifty (250). Do we have any estimate on where we would be if we engaged all of our monthly credit? Is there any way to know that? Tyler asked can you repeat the question. Councilperson Benglan responds what's our monthly estimate as far as a credit. Tyler respond a fourteen (14) year payout with the best case scenario based on their on their estimates. Councilperson Benglan ask what do you run in the monthly credit at. Tyler respond the monthly revenue from the connection. Councilperson Benglan respond yeah. Tyler responds well, it's pretty poor two hundred and thirty (230.00) dollars. Mayor Thomson comments it's up to you guys. What do you want to do? Do you want to go ahead and try one more time with them and put five thousand (5,000.00) up and have them fine tooth it and see if they get us a better price? It may get worse. Tyler comment you know, you guys

already have a lot of sunk costs in it, unfortunately and the question is, obviously, you don't want to have more sunk costs than you need to but it's five thousand (5,000.00) dollars of additional sunk costs at least worth. Doing the necessary next step. Mayor Thomson ask Tyler if he knows what our sunk cost so far is. Tyler respond I could look that up that was in the bid from installing that system. That's in our, in our records, I don't have that here in front of me. I do know, luckily, and you guys might understand this differently than me because I wasn't with Keller back then. But from what I've been told, the city really benefited a lot from the American Recovery and Reinvestment Act and so a lot of this money was grant money to begin with. That is something to keep in mind. I don't know how much of it came out of pocket versus how much of it was original grant but still you hate for free money to sit there and rot, you know. As far as the original cost I don't know off the top of my head. Mayor Thomson comments I know we've spent we've spent several thousand (1000) already, just since we started this study. Tyler comment we certainly have and I'll tell you what I've put in probably three (3) times as much time into this as I thought I would, and we're just swallowing it right now for you guys, because we want to get this sorted out. That is also true, you've, forked over some money for this study and then for the help with this inner connection agreement. Mayor Thomson comment you guys, you guys have done a bang up job for us and we appreciate that immensely. I'm just trying to curtail the bleeding. Tyler respond I fully understand it's a tricky situation and it's a frustrating situation. I've been very frustrated throughout this whole situation too. Mayor Thomson comments this is just me now guys, my gut feeling after sitting there listening to the meeting that Tyler was pleading our case for us. You know, these guys are going ho-hum. Councilperson Benglan they really don't care. Mayor Thomson comment well, you know, they might, but you know, when you're talking about contracts that are in the millions and billions, you know, to come down and even consider dealing with something that's in the fifty five thousand (55,000.00) dollar range is pretty much a snooze. Tyler comments Mayor the person who is going to care the most is going to be Timothy Solomon, and Ted Weston, to have a municipality and their service area, maybe one of their bigger clients, or their bigger accounts with a real sour taste in their mouth, from an experience with Rocky Mountain power that's going to weigh in, that affects them. It does not affect the eight out of the ten (8/10) people that were on the phone, I would say nine out of the ten (9/10) people that were on the phone. You know, you're exactly right, that couldn't, you know, couldn't care less but Timothy Solomon, he didn't take any responsibility for the situation, he kind of said my hands are tied during that meeting but if he was hearing your frustration directly from you, and with Ted Weston on the phone, knowing that this kind of might be a relationship that they're tarnishing a little bit, that would be your biggest possibility

for impact and that would be up to you whether or not you'd want to try and get them on the phone and make one last appeal. I would say if you really are considering folding, then I would certainly recommend trying that because you have nothing to lose. Mayor Thomson comments you don't suppose not plowing their street this weekend would help, sorry. Tyler responds they know you plow their street. Laughter. Mayor Thomson comments I'll work with Tyler if you guys think it will do any good. Tyler comments I think that's your best case. If you want to make another case with Rocky Mountain power. Mayor Thomson comments I'll work with Tyler if guys think it would do us any good I'll work with Tyler try to set up a meeting to talk to this guy. Councilperson Benglan ask what did it cost us to put those in. Mayor Thomson respond it was long before my time it was all done, like Tyler said on a grant before he even started with Keller it was part of the that expansion to the land app site out there and they were given grant money and as I recall Canda knows better than I do, they had bunch of money left over. City Clerk comment we did the first phase on that with the stimulus project because it was shovel ready. When the grant came down, we took a phase off that we could go apply for funds. The wastewater line application site was basically all done on a grant. Councilperson Frandsen comment I almost say we pursue the five thousand (5,000.00) dollar and do that, then when they come back with the other numbers and you get some teeth to say to negotiate.

Councilperson Frandsen made a motion to sign the agreement proceed with the five thousand (5,000.00) dollar deposit. Councilperson Benglan seconded the motion. All voted aye, unanimous. Mayor Thomson ask Tyler if he heard that. Tyler respond I sure did, you made a motion to sign the agreement proceed with the five thousand (5,000.00) dollar deposit. Mayor Thomson comment yeah, they did and see what kind of numbers they can come back with sharpening their pencil. I'm not in the interim, against, if you can set up a meeting with this guy sitting down and doing it either your office, my office, his office, I don't really care, or by phone. Tyler respond okay, I will certainly do that. Mayor Thomson continues and let me. I would probably want to do that in the next week. I have eye surgery, the 23rd. I have about a week, week open and then the holidays will hit. We'll proceed with this and get the signature in and get rolling on this and then maybe we can play the trump card where we're showing good faith, why don't you too. Tyler responds yeah, totally. Absolutely. One question will be whether we try and have this meeting with the Rocky Mountain power before signing the agreement. I honestly think that that would be the proper strategy, because they might, once you sign the agreement, they know you're going to move forward regardless but if you're really teetering, then you maybe we try and, you know, hold off on signing the agreement for a couple weeks until right after Christmas. Technically, you

have all that time and then we try and arrange this meeting beforehand. Mayor Thomson comment all right, they basically given me permission to do it. They didn't tell me when I had to do it. We might work on that plan. Tyler responds okay, that sounds that sounds great. I will get a meeting set up, I will coordinate that with you. Mayor Thomson responds all right, thank you much for your help. Tyler comment okay, thank you everyone.

D) Buddy Campbell Park Extension 1) Residential House Demo - ACTION

ITEM: Mayor Thomson reports Buddy Campbell Park extension, the next phase we're doing down there, we've got the asbestos all knocked off the outside and hauled off. Time to start talking about knocking that place down or put it out for bids. I was thinking that with the threshold for an Idaho Public Works license being at fifty thousand (50,000.00) now. We might be able to get some of our local guys to come in and bid on that, that have excavators and dump trucks and what have you. I think what we want to do is when this is open for consideration, just do we want to go ahead and put together a bid package and send it out. Council respond yeah. Mayor Thomson continues proceeding that there are still a few items left in there that that I'm not one of the few that thinks it has value but there are folks that think there's value in some of the items in there so, Canda made a call of Primetime Auctions, to see if they'll come in and take a quick look. Is it monthly or bi weekly Canda? City Clerk Canda Dimick responds the second Saturday of every month they do it in Pocatello through their community action. Mayor Thomson continues yeah and what they do is they just come in to look at it any items of value, they'll pull out the value items and put it into that auction. That shouldn't hamper the proceedings. We'll be thirty to forty (30 to 40) days or whatever to get the bids back and make a bid package and take a choice and so on and so forth. That's kind of where that's going right now. Councilperson Benglan ask do we need a motion for the auction, part two. Mayor Thomson comment I think we'll just do that. I think the motion is just to go ahead and send out a bid package for demolition of the house. Now, in my mind, we're there's a couple of outbuildings too. Remember there's a one that Rex Baker started to tear down thinking that he was getting paid to tear down, then there's a garage and then there's another small building, I'm not sure what it's a storage shed or whatever, then there's the house. A lot of that house is concrete block, not the house, but the building behind it, is concrete block. Then there's some cement. I think also, in order to get in there, personally, this is what I'm thinking in order to get in there and knock that thing down and get it hauled out of there, and you are going to have to take out a few trees that are needing to be taken out anyway. So that might be part of the bid, it might be a separate bid, depending on whether Patrick wants to get in on the that or the guys that are knocking down the house that have the big

equipment. Some of those big pine trees, we want to save, there's no sense in killing them out. So it really needs to take a look and see what kind of a bid package you want to put together there. Councilperson Benglan respond okay. Mayor Thomson continues I think, I mean it may be multiple bid packages, it may be just one big one. Councilperson Benglan respond okay.

Councilperson Benglan made a motion that we put together a bid package that reflects your knowledge of the site, whether that'd be one or two bid packages for the building and the tree removal and also Canda will work with Primetime auctions to see if it's feasible for auction. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Miscellaneous: Mayor Thomson ask any miscellaneous items, guys, projects are going on around the town. Cameron Salt in the audience comments I was on the agenda last month and I was supposed to me on it this month. City Clerk Canda Dimick comments I just heard from Gary this afternoon so, I didn't put that on because I hadn't heard back from you. Cameron comments it was supposed to be on. City Clerk replies we were waiting for the attorney to get back with input. Gary Cooper, City Attorney comment I'm sorry, I didn't realize that we needed it in advance. There's a procedure for de-annexation. Mayor Thomson interrupts hang on about two seconds, the next one is open discussion for the audience. Let me finish this category and then we'll open it up and let him talk. That worked for you guys. Council agreed. Mayor Thomson continues all right. I'm just finishing up the downtown stuff then you can come up and make a statement. I was talking about anything on the park or whatever. One of the things that the guys told me when they hung the Christmas decorations this year, that some of them decorations that they've been putting on the light poles for thirty (30) years are starting to wear out that we might want to consider next year's budget to getting some upgraded Christmas decorations or decorations for the light poles. There's two (2) different kinds. There's the kind that we have downtown on those light poles like the ropes. The ones that we're talking about, I think there's a like sixteen (16) or something scattered around town, there's two (2) down by the city park, there's two (2) up on Fife street, there's two (2) down, there the kind of the auxiliary poles that aren't quite as tall that have the big lit up stars hanging off the side of them or whatever. Just something to think about for next year. Anything else you guys okay.

Discussion: Now, items from the audience. You're up Cameron. Cameron comment yeah, I was supposed to be on the agenda for today. Mayor Thomson comment sorry it took so long but, you're here now. Cameron continues anyways, what did you guys decided on, anything? What do we know? What steps do I

need to take? Where do you guys want to go from here? What's going on? I got a lot of money out. County's responsible. Everybody's responsible. So I just kind of know what to do. Mayor Thomson comment we did get a survey done. Did we not? Cameron respond well, they went off my survey. Councilperson Benglan comment I thought we got what we paid the surveyor three hundred and fifty (350.00) bucks. Cameron comment yeah, he just went off my survey. Yeah, he found my lines and he was already there. Mayor Thomson comment I think what the question was there was to verify were the city limits are at. Cameron comments then it was verified. Inaudible – cross talking. City Clerk Canda Dimick comment Gary emailed you today, it was this afternoon. Councilperson Benglan replies yeah, I saw that. Gary Cooper, City Attorney comment yeah, I apologize if I held everybody up on this thing but, there's a statutory procedure for de-annexation. It requires an ordinance and we'll have to vote on an ordinance, de annex. Councilperson Benglan comment I think because we want to get this resolved as soon as possible, whichever route we go. I think between now and next meeting we need to have some kind of discussion between Cameron and Jon or whoever and come up with options that we as a council can actually vote on and forward with it on that's been reviewed by legal. Mayor Thomson comment what's the de-annexation clause. City Attorney respond pass an ordinance, de-annexation some portion, you've got to identify what your de-annexation. Mayor Thomson comment so, we just go in there and say this portion within the city limits is not eligible for annexation. City Attorney replies no, you are taking it out of the city limits. Which is my understanding is, some part of his property is in the city limits. Mayor Thomson comments that's my understanding too. Cameron comments there's like maybe half acre or something like right there. There is sixty (60) acres that are not. Mayor Thomson comment yeah. City Attorney comments it doesn't require public hearing or anything like that. Mayor Thomson comments yeah, I'm just ascertaining this that apparently, when they set the city limits, they went across the section line or something that was convenient, let's just go right down this line. I personally don't know why the city limits crosses the river up to that point. I mean, it's real convoluted. It kind of works its way up there, and it picks up a driveway and goes out across where Andy Sorensen's house used to be an up over a fireworks mountain. I don't know why it was that way as long before me. So, that's one (1) possibility to just revise the city limits, is that what we're saying here. City Attorney responds that's what you're doing. Councilperson Benglan comments that's one option. I mean, I don't know what the other options are. Councilperson Frandsen comment that would be given a variance that he can go ahead and put his own sewer water. Mayor Thomson comment that's not an option. Councilperson Benglan ask why is that not an option. Mayor Thomson comment number one (1) you can't deliver water for him unless you want to run a

line back from the reservoir. Councilperson Benglan comment that's what he's getting at. Councilperson Frandsen comment give him a variance that he can have his own. Mayor Thomson comment I don't want to open that can of worms either. Councilperson Benglan comment if there's a clear hardship, I mean, I see it as an option. Mayor Thomson interrupts I tell you why because we've already turned people down with that same ax. It's nothing against Cameron. There's like five other people in the wings that have asked for that and we're told them no. They probably had just as valid reasons. So, if you open that can of worms up, you're really going to get into a bunch of stuff. Councilperson Frandsen ask so, probably the best thing for Cameron is to de-annex that. Cameron comment just follow that river would be pretty good. Then if one day we get sewer over there, it'd be awesome. Mayor Thomson comment sewers not the problem. City Clerk Canda Dimick comments Bristol Park has asked for the same thing. Inaudible – cross talking. Cameron comments well it'd be hard to get the sewer. I mean, there'd be, I think each lift stations about three hundred and fifty thousand (350,000.00) dollars for a lift station. Mayor Thomson comment right and it would take a lift station to get you to that. Cameron continues and then I'd have to find an easement to cross over everybody cool to have sewer, you know, to keep the flow going. Mayor Thomson comments you know, there's other options on water too. I mean, we could provide water but, would have to chlorinate yourself and that sort of thing. Inaudible – cross talking. Councilperson Benglan asked what portion of the actual structure is it all in city limits, or is it part in county. Cameron comments it's all. Councilperson Benglan comment so, my understanding is we basically have three (3) options, some that are not reasonable. We have de-annex, we have the just build it in City limits with a variance on the hookups, or I think that's about it. Because there's no way we're going to bring water sewer up there. Mayor Thomson comment as Cameron points out if you hook him up to, first of all, you can't, we have ordinances that say you cannot build in the city limits on anything but city utilities, other words no wells, no septic tanks. Councilperson Benglan comment is it within a thousand (1000) feet Canda? City Clerk responds the water is, the sewer doesn't have a distance. Councilperson Benglan okay, but, in this case with sewer its private property in between. Inaudible – cross talking. Mayor Thomson comment yeah, you'd almost have to hook up at the same location that Bristol Park hooks up. Councilperson Benglan comment then to me, I think which of those two (2) options has a greater unattended consequences. So if we the annex, then we open the door for other people, or if we grant a variance, there's a clear hardship that not everybody else has, like up going 4th West, they don't have water and sewer, but they don't have a clear hardship, because they could, they could engineer it, it's public right away, they could bring it right up there. So I guess we just decide which of those two (2) has the least unattended consequences

to it. Mayor Thomson comment we actually looked at delivering water back that way, when we put the water line in. The water line goes right by there. We'd looked about bringing a water line back along there to provide culinary water, it's the flow time from the water, the ejection wells there. The sewers the problem because as he points out you have to have a lift station to get him down even to where you can hook in there at Bristol Park and then the city would have to take over the portion of the sewer that's already in KOA, on the State Foundation, which means assuming another lift station and upgrading that set of the sewer lines. So it becomes a rather not just expensive, but long term project. When you go into to de-annexation, then you've got other people sitting there wanting to be de-annex with him. That's the only drawback to that one, I already had one request for that. Cameron comments I mean, just to revise the line of city of limits following the river would be fine. I mean, in the future, possibility the whole thing could be. Councilperson Benglan interrupts is that something you're interested in? Cameron asked sewer and water. Councilperson Benglan replies just to be annexed into the city? If you ever wanted to develop further and the opportunity came up, that might be something you're interested in. Cameron responds to get sewer & water? Councilperson Benglan comments we wouldn't deliver it to you, you'd have to bring it to you would have to bring it to you. Cameron responds that's the problem is crossing that river. Councilperson Benglan comments I mean, is it even reasonable is what I'm asking. If it's not reasonable now, it may never be. Cameron respond I don't think so, I think the engineer cost alone they quoted me at like eighty thousand (80,000.00) dollars. Inaudible – cross talking. Councilperson Benglan comments it sounds like quite an undertaking to me. Cameron comment it is, I think it's more of an undue hardship than anybody else has in the whole entire area because it's a quarter acre, half acre on sixty (60) acres and it's just that sliver of ground right there. Councilperson Benglan comment we're not voting on it tonight obviously. City Clerk interrupts Cameron where are you on the floodplain, did you provide them with the floodplain elevation, certificate of elevation? Inaudible – cross talking, multiple conversations. Cameron comments my parcel comes across over here to Bristol and cuts along the river all the way around. All this that would be de-annex right through here is floodplain and crappy and then hillsides. In the future, if there's a will there's a way, right now it just puts me in an undue hardship, because I'd have to go through two (2) different entities all the time. Councilperson Benglan ask what do you mean. Cameron responds I'd have to go to the county and the city. Councilperson Benglan comments if your whole buildings in the city limits, you would only have to go through us. Cameron responds with the campground in the county, so I'd have to go to two (2) entities, and then two (2) separate rules. There's nothing the city can do for me. City Attorney comment if you're going to consider de-

annexation, you need a property description for it, Wade can probably do that, then the question is who's going to pay for that survey? Because you're going to have to have a specific description, because this is then going to be recorded. Cameron comment that's fine, I'll pay for it. I mean, this has been something thrown in my face, it like the county says I'm not and they give me a permit, and then all sudden, I get, I didn't even get a stop work order. I just stopped I did due diligence and just stop what I was doing. You know what I mean? I wasn't going to go any farther. Nobody said stop work order. The County didn't. The city didn't. Nobody said anything. I just did that. Councilperson Benglan comment what would be wrong with us just granting you a variance and then you get to work building a house. Councilperson Frandsen comment Jon was worried about that. Inaudible – cross talking. Annie Salt comment we would have to get a city permit, right. Councilperson Frandsen comment I think so. Annie responds it's whatever. Inaudible – cross talking. Cameron comments I wouldn't call it De-annex. I just say revised property or city line. City Attorney comment that's what the statute is. Inaudible – cross talking. Councilperson Frandsen comment the only other people would be Bristol but Bristol needs to be on the city server, because they don't have the land. Councilperson Benglan comment they're already on city services. Councilperson Frandsen respond they are already on city service, and they don't have the land to put a septic in for all that stuff, anyway because of the way the floodplain is and they're so close to the river. It's really a moot point for them to try to de annex anyway. Cameron comments and they like, they want to be in the city. Someone from the audiences ask isn't their entire property in the city? Cameron comments they are, I've got sixty (60) acres and a quarter (.25) acre. Inaudible – cross talking. Councilperson Benglan comment didn't you say your properties this one here is in city too. Cameron responds yeah, so it cuts over right here. So this is a little sliver right through here. Councilperson Benglan comment that's more than an acre. Cameron responds no, I'd have to figure it out. Annie comment it probably is, it's probably not a quarter (.25) acre, I bet it's more. Cameron comment where the house or the house sits its two thousand (2000) square feet or whatever in city limits. It might be it might be an acre. Inaudible – cross talking. Cameron continues I don't know what this sliver is, it goes from there to here and then it cuts back to here and then it goes to here, follows the high watermark. City Attorney comment after it's de-annex then all your property will be in the county none in the City. Annie comment but, will still be in the impact zone. Inaudible – cross talking. City Clerk ask Gary if he looked at the utility ordinance to see what could be done there. Talking softly indiscernible. I thought you were going to look at all the options. City Attorney respond I was told that this was the only option available as I walked out the door so, I figured out what the procedure was for it because you weren't going to waive any of those other

requirements so. Tell me what you want me to look at. Councilperson Benglan comment we only have two (2) options. Cameron comments the county must think that's city limits. Mayor Thomson comment if you go to the counties parcel map on there, it shows it different than what Wade laid it out. Cameron comment yeah, and then what I've seen where my property cuts across right here. Inaudible – cross talking, multiple conversation. Cameron comment the city's never had their description surveyed ever in the history of lava. So when Wade surveyed my place he put all my new parcels in and then I paid him and then he put pins in well when Canda called him he come out and located, all he did was locate my pins, because now he already said them and put a couple ribbons to another bend, that's all he did. Annie comment so the county still thinks he's wrong. Inaudible – cross talking. Mayor Thomson comment I'll tell you how to solve the problem then real easy, move your location and send the bill for the county. Laughter. Annie comment you can't move anywhere. Inaudible – cross talking. Cameron comment my septic system that's in county. Inaudible – cross talking. Mayor Thomson comment let the county pay for their mistake. Inaudible – cross talking. Mayor Thomson comments because were forced in your face the same thing in order to fix the problem that the county created for you basically you we're going to have to change ordinance, come through with a public hearing. Inaudible – cross talking, multiple conversations. Councilperson Frandsen comment let's get that done and get you on the next meeting, we'll get you on the agenda. So we can have a motion. I think we should just move forward. Mayor Thomson comment I see no reason not to if that's the easiest choice out. City Attorney comment but it's not a commitment because you can't make the commitment because it's not on the agenda. Inaudible – cross talking. City Attorney at the next meeting the ordinance has to be on the agenda, then it has to be approved. . Inaudible – cross talking, multiple conversations. City Attorney comments you will need to have the property description to Canda by January 7, so it can be on the agenda. Mayor Thomson comment the real issue here is you can't do a damn thing until then or after that. Cameron comment well, it sucks man. Mayor Thomson comment you're not planning on building this winter, right. Cameron responds I just cut through twenty (20) inches of frost this week. Annie comment now we can't. Cameron comment we're pretty burned out. Mayor Thomson comment you put me a big wrinkle on de-annexation I don't know how I'd handle a building permit it's only going to be good for two or three (2 or 3) months. Councilperson Benglan ask what's your plans with that house. Cameron responds it's a nice house. Councilperson Benglan ask is it going to be part of your business. Annie respond we're probably going to live in it and then maybe the upstairs we might rent out to. Cameron comment we might have a camp hosts live. Annie comments we're putting in the fire suppression systems and stuff, just in case because you never

know. Cameron comments it's all commercial area, it's all public down there. It's a beautiful spot. Inaudible – cross talking. Mayor Thomson comment I'll tell you on a fire suppression it's an expensive to rehab a fire suppression but it only adds value to the property it's a state requirement, it's not Lava's requirement. It's a state ordinance and anywhere you go you see fire suppression systems and all the rentals. I would not build a home and I'm just telling you this, I wouldn't build a home that you're building without putting fire suppression in there. Inaudible - cross talking, multiple conversations. Cameron comments I'll have Wade redo and have him rewrite and then I'll get it to the City before January 7th.

Motion to adjourn into executive session as authorized by Idaho Code 74-206 (1) (b) for employee annual evaluations: Councilperson Guthrie made a motion adjourn into executive session as authorized by Idaho Code 74-206 (1) (b) for employee annual evaluations. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Motion to reconvene - ACTION ITEM: Councilperson Benglan made a motion to reconvene. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Motion regarding annual employee gift cards - ACTION ITEM: Councilperson Benglan made a motion to approve the gift cards as discussed. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Motion to adjourn - ACTION ITEM: Councilperson Guthrie made a motion to adjourn. Councilperson Benglan seconded the motion. All voted aye, unanimous.

Meeting adjourned at 10:15 p.m.

Amantha Sierra, Transcriber

Jon Thomson, Mayor

Canda L. Dimick, City Clerk