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Mayor
Jon Thomson

Clerk-Treasurer
Canda Dimick

Council Members
Rickey Frandsen
Randy Benglan
Leah Navarro

**City of Lava Hot Springs
Regular Meeting of the City Council
Minutes From
April 13, 2023**

In attendance: Mayor Jon Thomson, Council Members: Rickey Frandsen, Randy Benglan and Leah Navarro; City Attorney, Gary Cooper; Code Compliance Officer, Hudson Saffell; Office Staff: Jill Makuaole, Chandra Taylor.

Guests: Steven Mutsaers, Corrie Naderer, Kevin Koester, Clinton Pagnotto, Martha Fae Frymire, Sherril Tillotson, Brandon De Los Reyes, Phil Rivera, Pat Navarro, Tyson Koester.

Mayor Thomson – we have a long agenda tonight if there is anything that can be postponed. Executive session, combine Junta items.

Meeting called to order by Mayor Jon Thomson.

Pledge of Allegiance

Changes to the agenda

MOTION TO REMOVE THE EXECUTIVE SESSION
FROM THE AGENDA AND MOVE THE 11:00PM
AND 11:10 PM ITEMS TO ALIGN WITH THE JUNTO
ITEMS AT 7:10 AND ADD BUSINESS LICENSE (G) –
TAYLOR.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO

ALL AYE

The next regular city council meeting will be May 11, 2023 at 6:00 pm and the deadline for agenda items will be May 4 2023 at 5:00 pm

Approval of Minutes

MOTION TO APPROVE MINUTES FROM JANUARY 12, 2023; JANUARY 24, 2023; FEBRUARY 2, 2023; FEBRUARY 9, 2023 AND MARCH 9, 2023.

MOTION BY RANDY BENGLAN.

SECOND BY LEAH NAVARRO

ALL AYE

Chamber update – Sherril Tillotson is not here yet so we will come back to her.

Martha Fae Frymire is here from the Senior Center with a one percent tax fund request.

Martha Fae Frymire – Thank you for letting me present this to you. At first glance, it may seem odd that the Senior Center might want funds from the one percent tax fund. This is an appropriate use of these funds because for years we have been a quiet little old folks place, but now we are reinventing ourselves to become an integral part of the community. So you might ask, how we contribute to tourism. The answer to that is that we rent that space. And we need help in marketing that space. People who come for art, conferences and family reunions are shopping in our stores and staying in our hotels.

We would like to market and increase our rental capacity. And in addition, we would like to present more events for the community and the visitors. It takes time and money to create those opportunities. We are in the process of filling our position for site director. With someone who has vision, enthusiasm and skills in marketing and development. We are seeking your support in subsidizing the payroll costs. We believe these skills will benefit the town as a whole. This application is for one fourth of the salary costs of our person. It would help us reach our long range goals. They would be in-charge of a capital campaign and help us into being financially stable.

Mayor Thomson – If I understand this, the total amount you are requesting is for wages for this person.

Martha Fae Frymire – That is just part of the wages.

Mayor Thomson – So there are no other items that need to be itemized out.

Martha Fae Frymire – No.

Mayor Thomson – That is what the council wants to see – what we are funding and what they are going for. Understand our budget year is October 1- September 30. So we won't have funds available until October.

MOTION WE PRO-RATE THIS \$4500 TO \$1500
TOWARDS THE SENIOR CENTER COORDINATOR
POSITION. FOR THE MONTHS OF JUNE, JULY AND
AUGUST.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO

ALL AYE

Law Enforcement –

Portneuf Soil and Water Conservation District – Kevin Koester

Thank you for giving me this opportunity to speak to you. I currently serve as the chairman of the board. We are an extension of state government but we are elected locally by the constituents within our district boundaries. Our district boundaries are all of Bannock County. We deal with private lands conservation, soil, water. We can deal with private individuals and municipalities. We cannot deal with public or federal lands. Our funding for administrative purposes comes from the state legislature to soil conservation commission and is passed through the soil conservation districts. Because under Idaho Statue we can't receive funding directly from the state legislature. It has to go through a state agency. Part of our funding is called base funding. There are 50 conservation districts in Idaho and each district gets a base of \$5000. The extra money comes in two payments, one in January and one in July, comes from "matching funds." Matching funds are generated by the amount of money that we can raise locally through municipalities then the state can match that at up to a two to one basis.

I am here tonight to see if we can get some support monetarily from the City of Lava. That money helps us "keep the lights on." Any money we

raise through administration fees by administering grants we use that to put back to local conservation. So what we are asking for is general support for the district for our operations budget. We receive support from Bannock County Commissioners, the City of Pocatello, the City of Inkom and the City of Downey.

Mayor Thomson – My recommendation is that we give them as much as we can afford and support them. I would suggest that it come out of our water or sewer budget but more out of our water budget.

MOTION TO PLEDGE \$1000 TO PORTNEUF SOIL
CONSERVATION DISTRICT PENDING PAPERWORK
FORM THE DISTRICT AND BUDGET REVIEW.

MOTION BY RANDY BENGLAN

SECOND BY RICKEY FRANSEN ALL AYE

Chamber of Commerce Report – Sherril Tillotson
Wellness Fair
Put flier in water bill. Sherril will print fliers.

Fireworks –
Payment due in May.

Motion to have

Junto – Steve Mutsaers
Hudson Saffell – I put this on here because I have been through too many Planning and Zoning meetings where the agreements are not complete. There was also a question about the ownership of the land. There is a clause that says if the property fails to close after 3 days the agreement is terminated.

There is a letter from Shawn Welch the owner of the property consenting with Work Force Partners/Junto to proceed with annexation and with C1, C2 or R3 zoning of my parcel.

The site plan. I spoke with Ken Fagnant, Fire Chief, Tony Hobson and Justin Casperson, City Maintenance. Even though this falls under a planned unit development and will require a HOA Junta agreed to make the roads wide enough that if we take over there is enough room for the plow and trucks. Twenty-five foot spacing between each four-plex, which is what Ken Fagnant was asking for so we can get behind the buildings if we need to.

Much discussion about zoning, affordability and process.

MOTION TO HAVE CITY ATTORNEY, GARY COOPER
WORK WITH THE JUNTO ATTORNEY TO WORK
OUT THE BEST WAY TO GO FORWARD TO
PRESENT THIS TO PLANNING AND ZONING .

MOTION BY RICKEY FRANSEN

SECOND BY LEAH NAAVARRO

RICKEY FRANSEN – AYE; LEAH NAVARRO – AYE;
RANDY BENGLAN – NAY PASSED 3-1

New Zone Discussion: Creative Community Zone Draft

MOTION TO TABLE THE NEW ZONE DISCUSSION
UNTIL A LATER DATE.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

Direct Communications

MOTION TO APPROVE THE PROPOSED ROUTE
PLAN FOR LAY FIBER OPTIC TO CITY HALL.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

Clinton Pagnatto – Update Request to occupy the vacant lot next to the Blue Moon

Would like to use the yard behind the Blue Moon to do business.

Mayor – For us the key is that it is safe for customers. We will work with you as we know more.

MOTION TO TABLE ANY ACTION UNTIL THERE IS A
CLEAR PLAN FORWARD AND EVERYTHING IS
SECURE. THEN WE WILL DO WHAT WE CAN TO
EXPIDITE TO GET THINGS DONE.

MOTION BY RICKEY FRANSEN

SECOND BY RANDY BENGLAN ALL AYE

No engineering report

Monthly Financial Report – We have spent more than budgeted. But we had way more snow than expected. Also increased wear and tear on equipment. We are still in good shape.

Bannock County Road & Bridge Overpayment-

MOTION TO TABLE PAYMENT AND TO
INVESTIGATE ALL DEPOSITS FROM BANNOCK
COUNTY ROAD AND BRIDGE.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

Approval of the Bills

MOTION TO PAY THE BILLS

MOTION BY RICKEY FRANSEN

SECOND BY LEAH NAVARRO ALL AYE

Request to Vacate 1st East South - Swanson/Cochran

MOTION THAT AFTER WE HAVE DETERMINED THAT THE LAND AT 1ST EAST SOUTH, BETWEEN THE ALLEY AND WEST ELM IN LAVA HOT SPRINGS IS OF NO VALUE TO THE CITY OF LAVA HOT SPRINGS IT BE VACATED AND DIVIDED BETWEEN THE ADJACENT REAL ESTATE OWNERS.

MOTION BY RICKEY FRANSEN

SECOND BY RANDY BENGLAN

ALL AYE

Office Equipment

A) Commercial Shredder

B) Multi-Page Folder and Envelope Stuffer

MOTION TO TABLE THE FOLDER UNTIL WE CAN FIND A LOCAL COMPANY THAT WILL SERVICE IT AS WELL.

MOTION BY RICKEY FRANSEN

SECOND BY RANDY BENGLAN

ALL AYE

Building Permits

A) Julie Hill

- 1) Building Permit
- 2) Sign Permit

Sheds are rated utility not mercantile. City can approve it a change the class to mercantile.

MOTION TO APPROVE BUILDING PERMIT LAVA
2023-007(JULIE HILL)

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO

ALL AYE

MOTION TO APPROVE THE SIGN PERMIT FOR
JULIE HILL.

MOTION BY RICKEY FRANSEN

SECOND BY LEAH NAVARRO

ALL AYE

B) Wayne Gunter – Garage Roof Collapse

Hudson Saffell approved him to finish removing the roof for safety concerns before it came to council.

MOTION TO APPROVE. (WAYNE GUNTER)

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO

ALL AYE

C) Mark Oyler – Commercial Remodel

The building to the east of Mark Sidell. Question about fire suppression. Talked to Fire Chief - Ken said building was used in the same capacity prior to this remodel so it doesn't have to have fire suppression. Mayor Thomson – I want to see the retaining wall included.

MOTION TO APPROVE THE BUILDING PERMIT FOR MARK OYLER STIPULATING HE MUST GET A BUILDING PERMIT TO COMPLETE HIS RETAINING WALL IN THE BACK,

MOTION BY LEAH NAVARRO

SECOND RANDY BENGLAN

ALL AYE

D) Pat and Leah Navarro – Grading

Our yard has a 12 inch drop from the back into the house. Changing it so water runs to the back and then put in a short wall (2 1/2 feet tall). Hudson Saffell – I talked with the building official and this is a landscape project not a building project so you don't need a permit.

E) Sam Netuschil – extension of current building permit.

Hudson Saffell - He has done some extra things that were not on the original permit. Now we need to figure out how to address the fees for the permit.

MOTION TO EXTEND THE BUILDING PERMIT TO MAY 31ST, 2023. ALSO HUDSON SAFFELL TO GO THROUGH THIS ITEMIZED LIST AND DETERMINE THE VALLUE FOR THE APPROPRIATE FEE FOR THIS BUILDING PERMIT.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

F) Julie Patterson – Convert the Chuckwagon window to French doors

MOTION TO APPROVE BASED ON APPROVAL FROM DEPARTMENT OF BUILDING SAFETY.

MOTION BY RICKEY FRANSEN

SECOND BY RANDY BENGLAN ALL AYE

Code Compliance

Occupancy Ordinance – City Ordinance 2023-2

Randy Benglan – Where did this come from? Was it sponsored by a Council Member?

Hudson Saffell – Fire Chief, Ken Fagnant and I had a safety concern about businesses that do not have occupancy limit/load. It's about egress and safety. Fines are already established.

This is about public safety.

MOTION FOR CITY ORDINANCE 2023-2 TO
DISPENSE WITH THE THREE READINGS IN THREE
SEPARATE LOCATIONS AND ADOPT BY TITLE
ONLY.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO

ALL AYE

MOTION TO ADOPT CITY ORDINANCE 2023-2.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ROLL CALL VOTE:
LEAH NAVARRO – AYE; RICKEY FRANSEN – AYE;
RANDY BENGLAN - AYE

The Ordinance is City Ordinance 2023-2 an ordinance of the city of Lava Hot Springs, Idaho amending title 3 Chapter 1 Section 3-1-2 to identify a Code Compliance Officer Position and to add definitions of means of egress, occupancy classifications, occupancy load and public. Amending Section 3-1-11 to add the fire chief as an official who can perform

compliance inspections and amending Section 3-1-14 to add a provision which provides for a means to assign occupancy classifications and loads for buildings, structures or portions thereof which shall be occupied by the public. This ordinance shall repeal all ordinances or parts of ordinances in conflict with this ordinance. This ordinance shall waive the rule of reading this ordinance on 3 separate occasions. This ordinance shall establish an effective date of this ordinance being ordained by the Mayor and City Council of the city of Lava Hot Springs, Idaho as follows.

MOTION TO APPROVE PUBLICATION OF THE
SUMMARY OF CITY ORDINANCE 2023-2.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

Lava Demolition Permit – Proposed

Hudson Saffell – I talk with Jeff Geisler from Department of Building Safety. He is the building official for the city of Blackfoot and he said we can use their demolition permit. So I copied theirs and put our information on it.

MOTION TO APPROVE THIS FORM AS OUR
DEMOLITION PERMIT.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

Lava Project Permit –

Will be the “new” building permit. It will help me figure out what they are really doing.

MOTION TO APPROVE THE PROJECT PERMIT
APPLICATION WITH THE HILLSIDE DEVELOPMENT
BOX ADDED AND INCLUDE USE BOX AND STAY
WITH BANNOCK COUNTY SNOWLOAD
REQUIREMENTS.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO

ALL AYE

Business License

A) Layne Walker – Layne’s Kettle Corn – Temporary

MOTION TO APPROVE.

MOTION BY RICKEY FRANSEN

SECOND BY RANDY BENGLAN

ALL AYE

B) Anton Ficker – Lava Horseback Adventures LLC – Business License,
NP Tax Permit & Livestock Permit.

Discussion about his outfitting license as well as his insurance.

MOTION TO DENY LICENSE BECAUSE IT IS NOT IN
A COMMERCIAL ZONE.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

C) Julie Anderson – Baconlicious – New License
At the pool.

MOTION TO APPROVE

MOTION BY LEAH NAVARRO

SECOND RANDY BENGLAND ALL AYE

D) Jade Bues - 60 E Booth – Long Term Rental – Business License
What is he doing with the other 3 apartments? The garage cannot
be finished until he is finished and it is inspected by Department of
Building Safety. So it can't be occupied.

MOTION TO APPROVE LONG TERM RENTAL AT 60
E BOOTH APARTMENT 1.

MOTION BY RANDY BENGLAN

SECOND BY RICKEY FRANSEN PASSED 2-1
LEAH NAVARRO VOTING NAY

E) Jade Bues – 84 Elm Street – Short Term Rental – Business License and NP Tax Permit

One of the apartments across the street. He is leasing one apartments from Shawn Midkiff and then wants to rent it out for short term rental. Much discussion about which unit is being rented. Gary Cooper, I want is specified which unit is being leased to Jade Bues.

MOTION TO APPROVE 84 ELM STREET FOR SHORT TERM RENTAL PENDING ON IDENTIFICATION OF WHICH APARTMENT IS BEING LEASED.

MOTION BY RANDY BENGLAN

SECOND BY RICKEY FRANSEN

PASSED 2-1

LEAH NAVARRO VOTING NAY

F) Joseph Sutura – 89 W Main (Mission Home) – New Business License and NP Tax Permit.

He has it listed under another name on-line. He does not have a sign that has the business name on it.

MOTION TO APPROVE CONTIEGENT ON CLARIFICATION OF THE BUSINESS NAME AND APPLICATION FOR A SIGN PERMIT.

MOTION BY RANDY BENGLAN

SECOND BY RICKEY FRANSEN

ALL AYE

G) Everett Taylor –154 W Elm (Lolli’s Cottage) - New Business License and NP Tax Permit-

Is it still going to be Lolli’s Cottage? Yes, he purchased it from a family Member.

MOTION TO APPROVE.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

Special Event Permits

A) Memorial Day Pow/MIA Ceremony

MOTION TO APPROVE.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

B) Lava Hot Springs Folk Festival – September 8, 9 and 10 – Gail Palen

MOTION TO APPROVE

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

Mayor's Update – Winter has been hard on our roads. We have purchased 20 tons of cold mix and looking for more another 20 tons. Update on 4th Street from Keller should be coming soon. Project slated for August.

Schedule a joint meeting with Planning and Zoning for comprehensive plan.

MOTION TO SCHEDULE THE JOINT MEETING MAY 9TH, 2023 AT 6:00 PM.

MOTION BY RANDY BENGLAN

SECOND BY RICKEY FRANSEN ALL AYE

Auxiliary well agreement – Randy Benglan
We are paying for the option to purchase the property and with that option the test well will be done. If the test well looks good then we will exercise the option and purchase the property.

MOTION TO DIRECT RANDY BENGLAN DETERMINE THE FAIR MARKET VALUE.

MOTION BY RICKEY FRANSEN

SECOND BY LEAH NAVARRO ALL AYE

Parking & Traffic Circulation Study – Scope of work, Contract Plan

Randy Benglan – I put this on again because I wasn't here. I didn't have a chance to explain. The vision here is to create a joint plan between the State Foundation and the City of Lava Hot Springs to address parking. There have been ideas talked about down by the city park. We have some land. We have some assets that could become part of that plan. But the thought behind it is let's join hands and work together to come up with the best parking solution that utilizes State Foundation land and City of Lava Hot Springs land and it's a joint proposal, a joint scope of work.

Mayor Thomson - I think that that is still doable as far as a discussion with the State Foundation on how to proceed forward. Start sharing ideas. Define a more cohesive plan that we can take direction on.

Randy Benglan – So what it comes down to is this. Do we have the expertise in house just to have work sessions with each other or do we want to bring in an expert in parking solutions to kind of guide us in the process. We budgeted some money during the budget process.

Tyson Koester – Time frame is sooner than later. We set aside some money for this process.

Leah Navarro – We budgeted money for a parking solution not a study. A study is not going to solve the problem. A study is not going to create more land and space.

Mayor Thomson – I have some observations I want to make for you to think about. One thing that is a fact is that we are continuing to grow in numbers. We are approaching capacity at certain times of the year and yet we sit here and spend 70-100 thousand dollar a year of the City's money promoting more people. Maybe the problem isn't just the parking maybe we've reached a saturation point. I think there is probably a saturation point that is going to be reach on the river.

Tyson Koester – But do we want to stop growing or do we want to promote smart growth.

Rickey Frandsen – I wanted to add and explain why I voted against this study. Instead of spending \$25000 on a study when we already know we have an issue with parking. I's like to spend that \$25000 on a solution and so we planned on an addition to Buddy Campbell Park and part of that was to extend the road out to Maughan Road and add parking and I would like to expand that into some pretty massive parking.

Mayor Thomson – T. Paul's vision to relieve the congestion downtown was to move some of the activity to that side of town. Now that doesn't mean we have more parking for more people it just means we have spread them out.

Tyson Koester – Unless you move some of the business out that way that is not going to make any difference. They will continue to park the way they are.

Leah Navarro – If we do this study then we need to act on the recommendation from that not just do nothing.

MOTION THAT WE MOVE FORWARD WITH THE
LAVA HOT SPRINGS PARKING STUDY PENDING
LEGAL REVIEW ON AN ACTIONABLE CONTRACT

MOTION BY RANDY BENGLAN

SECOND BY RICKEY FRANDBSEN **PASSED 2-1**

LEAH NAVAARRO VOTING NAY

Applications for Lava Hot Springs – Randy Benglan

I've been working with this Juntao project. And I've been looking at other municipalities and their applications. Hudson has done a lot of this

work with his applications. I looked at Chubbuck's annexation application.

Mayor Thomson – Why don't you work with Huson and create something for the next city council meeting

MOTION THAT RANDY BENGLAN WORK WITH
HUDSON SAFFELL TO GENERATE A DRAFT FORM
A) ANNEXATION APPLICATION; B) TITLE AMEND –
MAP; C) TEXT AMENDMENT AND
D) DEVELOPMENT AGREEMENT TO PRESENT TO
THE CITY COUNCIL AT THE NEXT MEETING.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO **ALL AYE**

Housing & Recreation Plan – discuss it at a later date

MOTION TO TABLE

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

Schedule a Public Budget Hearing –

MOTION TO HOLD PUBLIC BUDGET HEARING
AUGUST 14, 2023, AT 6:00 PM

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

Direction from council to Canda Dimick to work on Audits and all materials related to such

MOTION TO DIRECT CANDI DIMICK TO WORK ON
AUDITS AND ALL MATERIALS RELATED TO SUCH.

MOTION BY RANDY BENGLAN

SECOND BY RICKEY FRANSEN ALL AYE

Removal of the 2009-1 Ordinance

MOTION TO REMOVE THE 2009-1 ORDINANCE
THAT WAS INTENDED TO AMEND THE 2006-5
ORDINANCE TO REMOVE FROM OUR WEBSITE AS
IT NEVER HAD A PUBLIC HEARING AND WAS
NEVER LEGALLY ADDED TO OUR ORDINANCE.

MOTION BY LEAH NAVARRO

SECOND BY RICKEY FRANSEN ALL AYE

Arbor Day Celebration – May 1, 2023

MOTION TO CONTINUE WITH WHAT YOU ARE
PLANNING.

MOTION BY RICKEY FRANSEN

SECOND BY RANDY BENGLAN ALL AYE

EV(electric vehicle) charging stations – We have one at the KOA and 2 at
the power company (trickle charge – free) Koa \$10

talked about one np tax permit – no resolution – not an action item

MOTION TO ADJOURN

MOTION BY RICKEY FRANSEN

SECOND BY LEAH ALL AYE

