

Minutes of the Regular
City Council Meeting
July 13, 2023

In attendance: Mayor Jon Thomson; Council Members: Rickey Frandsen, Randy Benglan, John Head, Leah Navarro; Code Compliance Officer- Hudson Saffell; City Attorney - Gary Cooper; City Staff: Jill Makuaole, treasurer and Chandra Taylor city clerk. Guests: Judith Hobbs, Steve Mutsaers, Justin Orner, Carl Brown, Sgt. Durham, Jason; Ron Hunt, Brandon De Los Reyes, Mark Lowe, Kim Jesse, Lori Lowe, Vicki Lyon, Patrick Navarro and Gail Palen

Mayor Thomson called meeting to order and the Pledge of Allegiance was recited. Next meeting will be August 10, 2023, 2023 at 6:00 pm and the agenda deadline is August 3, 2023 at 5:00 pm.

Motion to approve minutes of the June 8, 2023.

Motion by Randy Benglan

Second by John Head

All Aye

Randy Benglan – Mayor, I would like to add a discussion for a notice of public hearing from
Bannock County. Add at 10:10 pm.

Motion to add discussion of a notice of public hearing for a
CUP for a storage facility at 10:10 pm.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Law enforcement report – Discussion about Fourth of July coverage. Planning for Founder's Day, July 24th. Discussion about dogs being left in cars. Call police.

Chamber Report – Sherril reported on the Yellowstone Journal, fireworks and Wellness Festival – have lost about \$1000 in the past but this year looks like it will profit about \$1000.

Ron Hunt – City should be maintaining it. Because the neighbors do not see “eye to eye” on the matter. Both have hired attorneys, it worries us a little.

Mayor Thomson – This is an issue that has been going on for a very long time. I will handle that problem.

Ron Hunt – So I won’t have to maintain it?

Mayor Thomson – I will come talk with you personally about maintaining it. I will also provide you with a means, if that is what happens, a means were you are no longer disturbed by maintaining it.

Ron Hunt – Ok,

Mayor Thomson – Might I also suggest that you discuss any ordinance questions you have with Gary when you both have time.

Ron Hunt – We raised funds for the pickle ball. What is the process to get that money out?

Mayor Thomson – The process is to come into city hall and ask for them and give the reason, list and cost. As long as the cost doesn’t exceed the funds.

Motion to have John Head meet with Ron Hunt about the safety concerns of the pickle ball courts.

Motion by Rickey Frandsen.

Second by Randy Benglan.

All Aye

Motion to direct the Mayor to handle the neighbor issue.

Motion by Rickey Frandsen.

Second by Randy Benglan.

All Aye

Event Coordinator-

Special Event – Founder’s Day

Theme- Legends of Lava

Meeting at Buddy Campbell at 5:30 pm.

Phone call from the Legion asking us not to do water.

City employee’s clean up. Street sweeper and garbage.

Prizes:

Best float.

Mayor donates \$100 for Best Float prize.

Grand Marshall

Mayor for Grand Marshall? Mayor – No, but I’ll find you one.

Colin- Someone suggested Willie Parris. Mayor I will talk to Willie Parris.

Motion to approve the special event permit for the Pioneer Day Parade.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Discussion moves to Lava Appreciation Day

We can bring in foam (fire department) and hot dogs.

We will coordinate with the fire department.

Motion to have Lava Community Appreciation Day on September 9th from 3:00 pm – 5:00 pm.

Motion by Randy Benglan.

Second by Rickey Frandsen.

All Aye

Financial Report

Bills

Motion to pay the bills.

Motion by Rickey Frandsen.

Second by Leah Navarro.

All Aye

Business Licenses –

J.E. Gregory DBA J.E. Gregory Contracting

Motion to approve J.E. Gregory Contracting based on Chandra verifying the need of a license.

Motion by Randy Benglan.

Second by John Head.

All Aye

Tapps BNB

Motion to approve Tapps BnB.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Laughing Eyes Landscapes And Gardens

Motion to approve Laughing Eyes Landscapes and Gardens.

Motion by Rickey Frandsen.

Second by John Head.

All Aye

Lance Meccico Contractor

Motion to approve Lance Meccico Contractor.

Motion by Randy Benglan.

Second by John Head.

All Aye

Sacred Sounds, LLC Theresa Bergen (was told she had to have a license for the Wellness Fair but covered by chamber for the event).

Motion to approve or decline pending clarification if she will be doing other business in Lava.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Bodhi Lee Properties LLC; DBA Lookout Lodge Vacation Rental

Motion to approve Bodhi Lee Properties LLC, with five bedrooms (not noted on application).

Motion by Rickey Frandsen.

Second by Randy Benglan.

All Aye

Motion to approve the sign permit for Bodhi Lee Properties LLC.

Motion by Leah Navarro.

Second by Randy Benglan.

All Aye

Non property tax permits:

- A) Tapps BnB
- B) Bodhi Lee Properties LLC
- C) Atwood Rentals, Inc.
- D) Picasso LLC

Motion to approve A-D non-property tax permits.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Leah Navarro – Oh, I’m sorry. I had a question about Atwood Rentals. What are they renting – is it like Venmo or Air BnB?

Motion to amend motion to exclude “C” from non- property tax permit approval.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Building Permits

- A) Dennis Betty – shed
- B) DLR – Stairs to observation deck

Motion to move item A to 8:15 pm – P & Z recommendations.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

DLR – Stairs to observation deck

Hudson Saffell – Ken and I went over there to see if they had finished all the retaining walls and to see the stairs to the observation deck. So the intent is to increase their occupancy load from 49 to 99. The plans are stamped from the State of Idaho but they are from 2020. I asked him how he would secure the top of the stairs to the building. He stated that they would tie into the iron rigging. He also stated that it would be free standing at the same time. There is no engineering for this part.

The engineer for the retaining wall has done testing on it and he still needs to sign off on it. They want to start working on other things while working on that.

Much discussion ensued – regarding parking spaces versus occupancy increases, Bryan Phinney signing off, etc.

Motion to table this item until we have up to date plans and proper review from Bryan Phinney, City Engineer.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Jon Thomson – Rebuild retaining wall.

Jon Thomson - The house I live in was built in 1972. He shows council his plans and photographs for repair to his retaining wall. The wall is falling down, I will remove all of the rail road ties and replace them with a concrete wall, at the highest point it will be 54 inches high.

Motion to approve building permit for retaining wall.

Motion by Randy Benglan.
Second by Leah Navarro.

All Aye

Planning and zoning recommendations

A) Dennis Betty – Variance

Motion to approve the recommendation of Planning and
Zoning to approve the variance and issue a building permit.

Motion by Rickey Frandsen.
Second by John Head.

All Aye

B) Junto Development/Annexation Agreement

Hudson Saffell- I have provided you with the same things I provided to Planning and Zoning: all the details of the notifications, posting time. All the documents that follow – the initial letter from Steve Mutsaers requesting development/annexation for zoning commercial for workforce housing, and then the agreement follows. It has been signed. It has all the exhibits that are required. If there are any questions about engineered plans for infrastructure, I just want to remind everyone from a business person's perspective you don't pay high dollar for engineering plans until you know you can do the project.

Steve Mutsaers - As you know we have been working on this for 6-7 months, several revisions of agreements with our attorney and Gary (Cooper, City Attorney). Based on the last meeting there was a recommendation to approve. As you know we are a 501- C3 non-profit developing and rehabbing homes for first time home buyers. The mission of our non-profit is to, we're not in the rental business, we're not in the short term rental business, we're here to provide housing that is actually affordable for people that work. We completed a development up in Livingston (Montana) that is 86 doors and we were able to cater to first responders, teachers, hospital staff. Now they have ownership where before they were paying rent. That's our goal. We are just trying to help the town. Like anywhere but here there seems to be a huge need for something like this. The units are single story, 2 bedrooms, 2 baths, full kitchens with garages.

Randy Benglan – I think in this agreement you are asking for individual parcels for each unit?

Steve Mutsaers – Yes, it opens up more lending options: FHA, HUD. But that falls on the county and city.

Randy Benglan – I will read the recommendation from planning and zoning. It sounds like the ordinance requires that it is transmitted to us by planning and zoning. I don't know that we have set up a mechanism to do that. This is what we have it says, "Motion to recommend the city council approve the Junta proposal affordable work force housing agreement with the recommendation that a possible new zone be created, with high density housing, 2 commercial business spots and no overnight rentals."

Steve Mutsaers – That is what occurred towards the end. My understanding was that would allow us to move on and as we are developing you will create a new zone just for us. I don't know what we are agreeing to.

Randy Benglan – I agree with your mission but maybe you can clarify why a commercial zone has been requested for the entire project.

Steve Mutsaers – C2 falls into what we are trying to do. The two commercial lots up front we were just trying to accommodate. Commercial isn't our game. We've never done commercial. This is the only way I can convince the investors to go with this. We spoke with a gentleman who is interested in putting in a laundry mat.

Leah Navarro – There have been back and forths. I remember a tremendous amount of redlining done by an attorney for somebody. The thing is you have already gone through your hearing. This is the recommendation from the minutes, but it has not been to the P&Z. Now Mark Lowe made the motion. Mark, is that the motion you made?

Mark Lowe – Not as I recall. We had a lot of discussion on creating a new zone but figured, that timewise, it would be very cumbersome and probably screw everything up trying to create a new zone. The discomfort was coming out of the place of being zoned commercial. If it is zoned commercial the city would be hard pressed to deny anybody any commercial use. And it falls outside of the existing pattern of zoning.

Randy Benglan – I made some notes and distributed them. Just my ideas. My idea would be to zone it R2. I don't like the wording multi-family, just for the unintended consequences in the rest of the city. We generally interpret multi-family as rentals. So if we interpret multi-family for townhomes, single family attached townhomes. So I would just redefine the use in the agreement as attached single family dwelling 4 units per building. I don't think that will give anybody heartburn. As far as setbacks, this goes to unintended consequences too. We could do a variance on every building but then you are kind of creating a new zone through variance. So we have a planned unit development ordinance which allows flexibility in zoning requirements. I know that's the purpose of a PUD, to give flexibility in zoning requirements. I would say if the planned unit development is workable for this project then we do that instead of a variance. And zero out the setbacks. So then you could build single family dwellings with zero setbacks. The other discussion about deed restrictions. If we do an R2 zone overnight

rentals are not allowed. Deed restrictions, I've been researching it – in Driggs they call them qualifying households requires someone in the household works in the area for 30 hours a week or generates 75 percent of their income from a business in the area. I realize that is a pretty steep ask so the question is...here is the problem with your project, we all agree it needs to be done but the Wasatch front all want second homes in Lava. So how do we protect against that market that is so much more financially set than the people we are talking about for workforce housing. How do we protect that?

Steve Mutsaers – I don't know but, I do know what you are talking about. It is impossible to stop anyone from purchasing. If a vendor buys a full unit and keeping it for their employees. How do you regulate that with any development? I can't control the buyers.

Randy Benglan – Just for the council's consideration if we approve this without some kind of restriction like that we open it up to being a just second home development.

Judy Hobbs – I've seen in Rexburg where they tried to restrict who could buy it because they didn't want to get a large majority of rentals in it. They so restricted their product that the properties wouldn't sell. So, then they devastated values and some of those properties ended up losing 50 percent of their value because the HOA restricted them so much. Unintended consequences can be really big. I guess the workforce people have the opportunity that is part of the job I will do for Junto, I will talk to the local vendors, first responders, teachers.

Leah Navarro – I think that number one we need to relisten and we need to have instead of just minutes we need to have what was said. He (Mark Lowe) said he doesn't recall saying this. And he is the one who made the motion. And again I think they said no overnight rentals. And Vicky (Lyon, Planning and Zoning chair) is here now.

Randy Benglan – So when we get a recommendation from planning and zoning we have to respond to that.

Gary Cooper, City Attorney – If you don't accept the recommendation from planning and zoning then you have to have another public hearing on any changes from that recommendation.

Randy Benglan – So what I am hearing from our P & Z people is that this is not the motion that was made and they haven't transmitted anything to us. This came from the city clerk.

Vicky Lyon – What do you have.

Randy Benglan – We have a motion here. A recommendation to city council. Would you like me to read it again.

Vicky Lyon – I'm confused. We haven't approved the minutes, yet. And I don't have a written recommendation to pass onto city council. So I don't know what you have. I think this was

when we first started talking about a possible new zone. This was just banter. When the final motion was made and voted on it was different than what this is.

Mark Lowe – A possible new zone, was kicked out...

Vicky Lyon - Kicked out because it was too lengthy of a process.

Discussion on time involved to create a new zone. And whether or not there is a recommendation.

Gary Cooper, City Attorney – If you listen to the tape and it is a clear motion that was approved. I am not going to say that you can't use that. They, Vicky Lyon and Mark Lowe, are saying that was not the motion that was made. So listen to the motion. It's your decision. In order to get this done, this is different than just a variance. This is passed by ordinance. I have to know that everybody is on the same page before we have the public hearing. So that, I can have that ordinance ready to go and you can pass and approve that or you will be another 30 days down the road to the next time the city council meets before they can consider the ordinance. And you also have annexation in this and I still don't know if you want annexed now or later.

Randy Benglan – Let me go through these first three. R-2, no heartburn.

Steve Mutsaers – Ok, now I understand what you are saying, because we agreed before to 50 of them because of the whole lending. I would have to, honestly...for me to make a statement like that going from having an exit strategy of 50 percent to absolutely none. I need to make sure. I'm sorry I miss understood.

Randy Benglan – So number one zoning R-2. I would say no commercial but if you guys want to come back to us with an idea on those front pieces. Something that we could maybe go for. I wouldn't just blanket it commercial right now. I would just zone the whole thing R-2. If you would like to do more 4-plexes right there. That's what I would love to see. Number two: use - attached single family dwelling four units per building. And then number three – planned unit development or variance. I'd prefer a planned unit development.

Gary Cooper, City Attorney – Ok, how much time is it going to take us to craft an agreement that has a planned unit development in it? It's not going to happen by the next meeting. Until you go back to your people and say it's going to have to be R-2 and no opportunity... . If that's acceptable then we start taking about this planned unit development.

Discussion about deed restrictions. And how to control buyers, overnight rentals. Played audio recording from Planning and Zoning June 26, 2023 Minutes. Same as the motion given to city council.

John Head – So we don't really have a Planning and Zoning recommendation that is in aligned with what

we want to approve.

Randy Benglan – This (the recommendation motion from Planning and Zoning) is pretty close to what was said.

Gary Cooper, City Attorney - It is what they said.

Hudson Saffell – With the “recommendation of a “possible” new zone be created with high density housing and 2 commercial business spots and no overnight rentals be created” so a “possible” new zone for the agreement could be R-2 and that would cure the overnight rental.

Steve Mutsaers – Ultimately, you guys decide what business license and who can be there, right?

Randy Benglan – Not if it is an allowed use. You can’t arbitrarily deny it.

Judy Hobbs – If they were to make a motion to zone you R-2 which would eliminate the short term rentals. We aren’t going to deal with income limits or first or second time home buyers. It’s just going to be short term rentals are not allowed a planned unit development can be overlaid to get the setbacks we need. Then the choice you have when you talk to your investors, your offer to purchase the property is based on being able to get the annexation and zoning from the city that makes project work. So you just don’t buy it.

Steve Mutsaers – If we can all agree to agree on this stuff we are still moving forward.

Discussion about what the council would like in the motion.

Motion to that we 1) accept the Junta agreement with the zoning classification of R-2 with no commercial zoning. 2) The use is attached single family dwelling four units per dwelling. 3) We will use a planned unit development to modify zoning requirements to have zero setbacks for residential structures so that they can have attached housing. 4) We explore deed restrictions for a ratio of the development for qualified housing. If that’s even possible to do. 5) We didn’t even discuss this and I don’t know if it is in the agreement. The infrastructure easement for the development will extend all the way through

the development extend all the way through to the end of the development. So that if there is ever any need for the city to expand on the other side of it so that we would have access to the infrastructure.

Motion by Randy Benglan

Gary Cooper, City Attorney – Let me just comment here for just a second. You can't just approve it. What is at the city council, right now, is if you are going to accept the recommendation from P & Z or whether you are going to modify their recommendation and have a public hearing to address a new agreement. I'm not sure which of those you are suggesting. I think it's going to be another public hearing. So I would say your motion is to modify the recommendation with the five criteria

I'll modify my motion...

Judy Hobbs- One of your points was about exploring deed restrictions.

Randy Benglan - I'm not saying I want to do the whole project. Maybe it's not possible for enforcement. I feel like we need to explore that.

Mayor Thomson – We have a motion on the floor. Does someone want to make a second? No one wants to make a second – the motion dies for lack of a second. Does anyone else want to make a motion?

Motion to modify the Planning and Zoning recommendations. That we put the zoning as R-2 no commercial. 2) We use the attached family dwelling four units per building and we can use a planned unit development to get the setbacks we need. No deed restrictions. Infrastructure ease to extend to the west end of the property.

Motion by Rickey Frandsen.

Second by Leah Navarro.

Rickey Frandsen, Leah Navarro and John Head – AYE

Randy Benglan - Nay

Mayor Thomson – Motion passes 3-1.

Gary Cooper, City Attorney – So that means, and I think you should have another motion. That if Junta accepts the R-2 we need to schedule a public hearing at the next city council meeting.

Motion that pending the information that Junta finds out that we schedule a public hearing at the city council meeting on August 10th, 2023.

Motion by Leah Navarro.

Second by John Head.

All Aye.

Mayor Thomson – I have a letter here refuting a parking ticket.

Gary Cooper, City Attorney – We have an ordinance. Just follow the ordinance. You either appoint me or you appoint one of the council members to be the hearing officer. Set up the hearing.

Motion that we accept the Mayor's nomination of Gary Cooper as the Hearing Officer for the parking ticket.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Resolution to destroy records.

Motion to approve resolution 2023-2 to destroy records.

Motion by Leah Navarro.
Second by Rickey Frandsen.

All Aye

Budget Meeting

Motion that we approve the budget meeting for July 20th, 2023.

Motion by Randy Benglan.
Second by Leah Navarro.

All Aye

Parking & traffic circulation study update

Randy Benglan - We have formed a steering committee and we have decided on locations for the cameras the weekend of the 24th of July would be a good busy weekend. They will look at the data and report to the steering committee and I will bring that report back to council.

Auxiliary Well Agreement

Randy Benglan – We are getting close, hopefully by our next meeting we will have a signed agreement.

Motion to table the Auxiliary Well Agreement until we have a signed agreement with the property owners.

Motion by Randy Benglan.
Second by Leah Navarro.

All Aye

Fourth Street West: Road Rehab & Infrastructure

Randy Benglan - We got an update form the mayor. I'm updated. Does anyone else have any questions?

Mayor Thomson - Bryan Phinney with Keller brought this grant to my attention and I told him to go ahead and apply for it. Bad news is that it will delay the project but good news it will

expand the scope of work. So we can apply for that.

Motion to table Fourth Street West.

Motion by Randy Benglan.

Second by Rickey Frandsen.

All Aye

Comprehensive Plan

Randy Benglan – I reached out to Bruce Parker about finishing the plan. The first phase we have already paid for which we have already discussed. I asked him what it would take to complete the plan and he said he would get back to me with a proposal. If we decide to go that way. He needs to at least finish phase one.

Motion to have Randy Benglan reach out to Bruce again and get clarification on completing the whole comprehensive plan.

During that process we will have a conference call with myself and the Mayor.

Motion by Randy Benglan.

Second by Rickey Frandsen

All Aye

Mayor Thomson – Let me interject here. It addresses both this item and the next item. I have been in conversations with Mark McBeth, chair of Political Science at Idaho State University. He has put me in contact with Professor Hyu. He is the specialist for planning. He sent me some very interesting information. That says the university has 3 MPA students. Who are currently interns at SICOG. SICOG, Southeast Idaho Council of Government, we have access with that. There is people that can help you with the comp plan, people that can help with planner selection, people who can help with your planning problems and the university will pay for it. In turn, they were both excited to help us select possibly a grad student, possibly a former student someone to help us down that pathway. What they ask, and I will ask the council to think on this, they asked what is the definition of what you want in a planner? Do

you want a planner that is looking at long term growth i.e. comprehensive plan, direction of growth. Or do you want a planner who is helping with complying or revitalizing the ordinances. So kind of put your heads in that position and say, what is it that we want to accomplish? Which direction? Do we want someone who will do all three or a person that specializes in our growth direction and comp plan? That is the response I've got from them. Asked if we would wait until school term starts.

City Planner Position

Randy Benglan – I pulled out the stuff we used when we hired Bruce. We need a job description.

Mayor Thomson – That what both of these professors said – “you need a description of what you want.”

Motion Randy begin the process of creating a job description and I can work with the mayor and his resources and some of my resources. And then share it with the council for comments.

Motion by Randy Benglan.
Second by Leah Navarro.

All Aye

Housing Plan

Randy Benglan – Last meeting I brought that concept plan with the council. I met with Seeca and their president is interested in exploring it with us. But his board doesn't meet until September. That's just an update. So when I have more information I will bring it to the City Council.

Bannock County CUP (added to the agenda at the beginning of the meeting)

Randy Benglan - Explains where the parcel involved is located. Below where the city's auxiliary well is. They want to do RV storage. It is also right next to this subdivision that is on city water and sewer and has agreed to be annexed once the city reaches it. Splash Hallow. Just as... I don't have any ownership out there anymore, I sold all of my interest in it. But as far as the city perspective do we want to make any comments to the planning and development on the county level about being for or against or neutral on this CUP. Number one they would have to access it from our road (that goes to the well and is

gated). These guys don't have access on our road.

Gary Cooper, City Attorney - We should make a comment. Any time we have an opportunity to make comments about development in our area of impact we should do it. Because otherwise we forfeit that right.

Randy Benglan – I think we should have direction for staff when something like this comes through we should have it emailed out.

Gary Cooper, City Attorney – Randy, how long would it take you to put something in writing? Could you do it by tomorrow? All you are going to say is that they don't have access and we don't think this is consistent with our plan of development. I'd put it in writing and submit it even though it's two days late. Put it together as best as you can and submit it. Those are great points that should be made. Show up at the hearing and say that. You can do that in the three minutes.

Motion to have Randy Benglan draft a statement to send in electronically and also attend the Bannock County CUP hearing to reinforce the statement on RV storage units on Maughan Road.

Motion by Leah Navarro
Second by Randy Benglan

All Aye

Schedule a Joint work session

Leah Navarro- This is like tonight when we had confusion. To meet with P & Z to discussion on the application process and requirements and on another topic is the flow chart. August 7, 2023 at 6:30 pm.

Gary Cooper, City Attorney – I would like to be there.

Motion to have a joint work session with P & Z August 7th, 2023 at 6:30 pm.

Motion by Leah Navarro.

Second by John Head.

All Aye

Review of common recurring ordinance violations

Leah Navarro – Hands out a condensed list of common ordinance violations to possible insert with business license application. Take these home write on the m make your comments. Let us know next meeting. Maybe put the noise ordinance on there as well.

Gary Cooper, City Attorney – Leah, I just sent you three sentences that are a lead into this. My concern, and we’ve run into this before, if you tell somebody part of the code, then they say you didn’t tell me this other part, etc.

Motion that you take the handout home and comment and double check it.

Motion by Leah Navarro.

Second by John Head.

All Aye

Revisit Eruption Brewery requested easement lease and premature construction.

Leah Navarro - I don’t know why, we had a meeting and directed Gary to fill out a lease. I had a picture texted to me where half of the work is already done. It wouldn’t be so bad if it wasn’t so common with Sam. So when it’s encroachment most places make you tear them out and start all over again.

Hands out a picture and discusses a water line. Gail’s (Palen, Riverside Inn) patio goes over the water line just like Sam’s goes over the water line. I believe Sam should also have an utility easement. You cannot have alcoholic beverages on city property. How is he going to stop people from using the tables and drinking alcohol.

Mayor Thomson – I would suggest that Sam has all the same restrictions as Gail.

Much discussion on the 10 foot space for Gail and Sam.

Motion because he encroached before he had a lease in place on city property that he remove the stones that are on city property.

Motion by Leah Navarro.
No second – Motion dies

Motion once the lease agreement is complete that Sam must appear before the City Council to sign the lease in person.

Motion by Leah Navarro.
Second by Rickey Frandsen.

Leah Navarro, Rickey
Frandsen and John
Head - Aye
Randy Benglan – Nay
passed 3-1

Motion that the utility lease agreement be submitted with the lease agreement to Sam.

Motion by Leah Navarro.
Second by Rickey Frandsen

All Aye

Status report of city road repairs, paint, removal of downtown dead trees in planters, lamp post flags etc.

Leah Navarro – Mayor has already addressed the widow maker. Any forward motion on the dead trees, Mayor?

Mayor Thomson – Yes, I have a question for you. You stated that you wanted to talk to the arborist and see if they could determine what was causing them to die. Council to address one issue - what do you want to put in there. Maybe something other than trees.

Leah Navarro – Why aren't the flags on the posts down town?

Mayor Thomson – They just haven't been put back up. The plan is to do them in fall.

Motion to adjourn.

Motion by Rickey Frandsen.

Second by Randy Benglan.

All Aye