

Minutes of the Regular
City Council Meeting
June 8, 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; Emily Martinez, Brett and Tiffany Call.

Mayor Thomson called meeting to order and the Pledge of Allegiance was recited. Next meeting will be July 13, 2023 at 6:00 pm and the agenda deadline is July 6, 2023 at 5:00 pm.

Motion to add a sign application at the end of 7:15 business application for Basecamp Stays LLC.

Motion by Randy Benglan

Second by Leah Navarro

All Aye

Motion to combine the 9:10 pm item with the 7:10 pm item.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Approval of May 11, 2023 minutes.

Leah Navarro – I just have one and it is on page 7 where it says Comprehensive Plan there is missing text between what the mayor said

and what I said. Mayor said, “Every house or complex in the city has sold in the last 3-5 years. And in every case the first

thing they do is throw the tenants out and double the rent. And my statement that I don’t believe that. There is a

statement missing. I would like the omitted text added.

Corrected should read:

Mayor Thomson – I would like to point out one thing on your statement about housing. That struck me in Mr. Parker's discussion the

other night was that existing housing, not new housing but existing housing. And I would point out to the council,

most of them already know that every apartment house or complex in the city has sold in the last 3-5 years. And in

every case the first thing they do is throw the tenants out and jack the price double or more. Except for this guy

(Hudson). At the same time affordable housing in Lava Hot Springs is across the highway in the form of a RV trailer

park. And what did we do last year? We let him put in 4 tiny homes. So we are not establishing any kind of control on

what we have already got. We are struggling to put some kind of controls on what we are going to build. I think as Mr.

Parker pointed out it needs to be a 2 fold thing, I would challenge you to say that all the houses that are being sold are

being sold in this city are going into the rental market. They are not. I think there is a significant number that are going

as second homes. Which still declines your population still declines the school kids. But it's not adding to the nightly

rental market. People just want to buy a vacation home in some cases. There is that going on too and I think they

have every right to do that. But at the same time we could encourage them to do renting if they aren't using it.

Leah Navarro – Mayor I have to interject. I don't believe that the houses that are being sold, now in Lava they may say that they are

going to be vacation homes. But you can go online and you can see those houses listed on online rental sites listed for

nighttime rental. And they are not licensed with the city. They are allowed to be on those online sites and they are

renting them as nightly rentals. I haven't met a person yet who has bought a vacation home in Lava and kept it as a

vacation home.

Mayor Thomson – Leah, when you get back I'll introduce you to a half a dozen couples who are doing just that.

Motion that the minutes reflect the text missing between
Mayor Thomson's statement of apartment complexes and Leah

Navarro's statement that the missing text be added via the recording.

Motion by Leah Navarro.

Second by Randy Benglan.

All Aye.

Motion to approve with that one change.

Motion by Rickey Frandsen.

Second by John Head.

All Aye.

Law Enforcement Report

Mayor Thomson – I don't have a law officer with us. Have you all had a chance to look at the Bannock County Sheriff's Report? You see

that we have had a busy month even with the Blue Moon closed. Let me explain to John since he is new to this.

Some time ago there was some question from the public always to the folks on the council. "What are we really paying

the Bannock County Sheriff's to do?" So Mayor Davids talked with the Sheriff at the time and made an arrangement

that we would get a report of the activities that the Bannock County Sheriff's Officers performed in the city for their

nickel so to speak. The problem with this, these haven't been to court, in some cases, so they can't be divulged to the

public. But you can, things that you can tell the public from this is, "I had 36 incidences, etc." You just can't discuss in

detail. It's for your eyes only. It's kind of interesting to see what does go on here.

Nothing else on law enforcement? OK, let's jump into it. I've got Emily Martinez, here, who is going to talk about a

Lava Elementary fund raiser.

Emily Martinez – Hi, I am Emily Martinez and I am here on behalf of the Lava Elementary School. We are requesting permission to use

the Veteran's Park for five different days in July for a fund raiser that will benefit our reading program at the school. So

the five days would be July 1st, July 3rd and July 4th and the last two days are July 22nd and 24th. From about 11 am and

until about 8pm.

Discussion followed about where in Veteran's park and signage.

Leah - I can show you where the electrical is and get extension cords if you need them.

Motion to approve the school fund raiser in Veteran's Park on July 1, 3, 4 and 22, 24, 2023.

Motion by Leah Navarro.

Second by John Head.

All Aye

Reminder about the "Duck Race"

Financial Report – Jill Makuaole

Randy Bengland – Maybe one printed copy of the budget in case there are questions.

Discussion about bills and what they are for and who the vendor is.

Motion to approve the bills.

Motion by Leah Navarro.

Second by Randy Benglan.

All Aye

Leah Navarro – My 7:10 thing. Before we go into the business licenses I know that I know that I had a 9:10 thing that was an acknowledge

sheet for vacation rentals stating that they had read and understand our ordinances.

Gary pointed out that they are not

going to read the whole ordinance of what they are. So maybe put together a sheet of

the ones that seem to be repeat

offending. So here are some that we could discuss of things that should read and sign

that they know. I had a lot of time

to hear, "oh, I didn't know." Or no comment at all and they just go on doing whatever

they do.

Randy Benglan – Do you know which of these are...

Leah Navarro – They have all been taken off of the ordinance. I just made them a little more personal so they wouldn't look so...

Randy Benglan – So each of these would have an ordinance reference to them

Leah Navarro – They are a portion of an ordinance or an ordinance.

Randy Benglan - Have you seen this at all Hud?

Leah Navarro – No, I just did this today. What this is just a more personal letter that can be attached to their business license. They can
acknowledge that yes there is a parking ordinance and yes, there is a noise ordinance.

John Head – So this is a list of most frequent infractions.

Leah Navarro – On Memorial day there was a problem and it took six hours for them to get it taken care of.

Mayor Thomson – I think, probably, in this instance here you might put together, this is a good format. Put together and reference the
right ordinance and hand it out with the license. And say these apply to that license.

Randy Benglan – So you are looking for acknowledgement sheet that the applicants have signed.

Leah Navarro – And read.

Randy Benglan – Need legal review.

Mayor Thomson – I keep going back to one item when we talk about display of business license. I don't know for what purpose that is
but I think the purpose of being able to identify a phone number that you can call in case something is pertinent. That,
like you say ,needs to be legible from outside the building.

Leah Navarro – Not even just for the city but for the person staying there. What if a water pipe breaks? What do I do?

Mayor Thomson – That's the whole basis for having a contact number on the vacation rentals so that you can call someone.

John Head – What do the owners of the nightly rentals get now? A copy of the ordinance. But we don't think they are reading it because
of the "legalese?"

Mayor Thomson – They don't get a copy. It would be nice to give them direction of where they are going.

Leah Navarro – So they are blind.

John Head - It would be better if they had some expectation that they have some responsibility to manage these rules. Because they
are probably surprised when they get a call.

Leah Navarro – Actually the owner has a management company out of Pocatello and they don't require her to come out but once a
month. Now, I'm sorry that's management? Far be it from me to tell them how to manage their property. They can do
what they want.

John Head – If they are going to operate a nightly rental they need to make sure that they are aware of the rules. It's going to be a big
Thing to make sure they are aware of the rules.

Rickey Frandsen – There is an Ordinance that says that somebody has to be available 24 hours and able to respond within a certain
amount of time.

Motion to have Leah Navarro go back over and make it more legal by adding the actual Ordinances of which this list addresses and send it to Gary Cooper for legal review. Then after Gary's approval bring it back for passage.

Motion by Leah Navarro.

Second by Randy Benglan.

All Aye

Mayor Thomson – Ready for Business Licenses? OK, I have a little announcement here, "The city council was scheduled to hear the
recommendation from P & Z (planning and zoning commission) to deny Taylor's application for a CUP (conditional use
permit) to operate a B&B (Bed and Breakfast) at 55 E. Fife Street. Business license and non-property tax permit were
included on the agenda in the event the council in the event the council voted to grant a conditional use permit to the
Taylor's. However, the Taylor's withdrew their application and should be removed from the agenda." They came in
on Friday after the agenda was put together that's why they are still on there. As a result the business license and

non-property tax permit applications should be removed from the agenda for consideration tonight.

Randy Benglan – Is their request for a conditional use permit rescinded, too? They rescinded their business license request is the request for the conditional use permit rescinded as well?

Gary Cooper – That’s what I understood. They withdrew it.

Mayor Thomson – I don’t have the letter from Taylor’s. Do we have that? (Yes). They withdrew their application for a bed and breakfast, period. And want to remain active under the licensing for a monthly rental.

Chandra Taylor - Do you want to read the Taylor’s letter?

Randy Benglan – Jon just read it.

Mayor Thomson – No that wasn’t from the Taylor’s. This is the actual letter that John Taylor brought in. “Given the planning and zoning commission’s vote to not to accept our request to operate a Bed and Breakfast on our property at 55 E. Fife Street. We have decided against moving forward. Please withdraw or application we will no longer require time at the next council to discuss.

Leah Navarro - In the planning and zoning they asked to be treated just like Hirschi’s. Hirschi was denied too by planning and zoning. You can write that down. And City Council approved Hirschi.

Mayor Thomson – Planning and zoning’s duty is to gather data and make a recommendation based on the data. We don’t have to follow. We have the ultimate power to do the voting on whether to accept or deny it.

Randy Benglan – Every jurisdiction is different. On the county level the planning and zoning can approve a conditional use permit. In Lava only the city council can.

Business Licenses

Motion to approve ProBuilders – Tiffany L. Frasier.

Motion by Randy Benglan.

Second by Rickey Frandsen.

All Aye

Motion to approve Dirty Dough Cookies – Brett & Tiffany Call

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Motion to approve Taqeria Pelayo – Wendy Pelayo – Liquor License

Motion by Leah Navarro.

Second by Randy Benglan.

All Aye

Motion to approve Mountain Paradise – Mark Ceci

Motion by Leah Navarro.

Second by Randy Benglan.

All Aye

Motion to approve Idaho Coffee Company

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Motion to approve Horseshoe Grill – Austin Brown

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Basecamp Stays LLC – Lauranna Kroll

Hudson Saffell – This was Kendall's. This is the first business that Ken and I assigned an occupancy. The owners are very communicative.

Leah Navarro – The contact number for Lauranna is different than the manager contact number. I heard it is a company out of Pocatello.

Does that company from Pocatello have a business license here? Do you even know who they are? Doesn't the property

management company have to have a business license here?

Mayor Thomson – It depends if they hire a manager to manage the business as an employee – NO. If they use a person who is in the

rental management business – YES.

Motion to approve Basecamp Stays with the condition that we verify that their onsite manager is hired or is a property management company that needs a business license.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Motion to approve Riverwalk Thai – Suwannasri Wnukowski – renewal

Motion by Leah Navarro.

Second by John Head

All Aye

Sign permit

Motion to approve for Basecamp Stays sign permit.

Motion to approve by Randy Benglan.

Second by Leah Navarro.

All Aye

Non- Property Tax Permits

- A) Dirty Dough Cookies
- B) Idaho Coffee Company
- C) Horseshoe Grill
- D) Basecamp Stays, LLC
- E) The Loeb Electric Company
- F) Taylor Bed & Breakfast

Motion to approve A-E and table F.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Building Permits

- A) Jordan Lish – Residential retaining wall – 598 W River St.
- B) John Head – Residential retaining wall – 416 W. Fife

Hudson Saffell – I have copies if anyone wants to see them. They are both engineered residential retaining walls. Everything is in order.

Motion to approve A & B.

Motion by Randy Benglan.

Second by Leah Navarro.

All Aye

Lease agreement with Sam Netuschil for the property next to the brewery.

Mayor Thomson- Sam approached me, his situation is that he can't step out of the building without stepping on city property. He would

Like to lease those pieces of city property just to give him a little more space. Similar to what we did with Gail Palen.

Randy Benglan – the property kind of narrows as it goes.

Mayor Thomson – It would be irregular. Part of the agreement when the city got that property was that it had to be public and used as a

public pathway. They problem is that 4 wheelers were using it so we narrowed it. Same rent as Gail's \$1 per square foot per year.

Leah Navarro – Can we make sure he has no storage of any kind. Has to be public space.

Motion to approve Gary Cooper going forward in preparing a lease agreement for Same Netuschil's, Eruption Brewing, based off of Gail Palen's lease.

Motion by Leah Navarro.

Second by John Head.

All Aye

Parking & Circulation Study

Randy Benglan – You signed the agreement, right, Mayor?

Mayor Thomson - I did.

Randy Benglan – We sent that to Joe Perrin. He is going to come up a weekend in June for a walk through and organize a steering committee. And then a July weekend to do the study. I am not sure how we will organize the steering committee but, city council, foundation, member at large and business community.

Auxiliary Well

Randy Benglan – Gary emailed all council members the latest version of the agreement. There are still some water right details to

Address with Keller and Gary. I brought everyone a map showing the routes we are talking about following. Option

“B” is the well location that has become a first preference. They have put together a construction window (Memorial Day to Labor Day) so we will have to do this this fall. I want to point out this falls in with our discussion on 4th West. The engineer recommends that we loop the system. We are looking at paving 4th West but if we have to dig it up to put in the transmission lines. I think we should put in the transmission lines before we pave.

Gary Cooper – We need to have a clear property description once we decide on a well location.

Leah Navarro – We need to make sure Bryan Phinney has checked to see if we need an environmental impact study.

Motion to Randy Benglan Continue to work on the auxiliary well.

Motion by Rickey Frandsen.
Second by John Head.

All Aye

4th West: Road rehab & Infrastructure -

Randy Benglan – We have had multiple bids on the asphalt. I asked them to include sewer and water main when they do the bid for the road. I asked for the bid so that we can look at it as a council.

Mayor Thomson - Knowing that you were bringing in a new bid... When I got my bid I sent it to Keller, because it is over that threshold it probably needs to go out for public bids. It will go out for a two week public bid then close it. When you add water and sewer it is kind of a different package.

Randy Benglan – This is from Idaho Materials and Construction. It is an estimate. This is from Fife to city limits. So the price for a sewer main is \$68 per linear foot with 6 manholes, I don't know if we need that many. Water main is the same price and then connecting to existing pipes. Total \$ 441000.00. Leaving us a deficit of \$ 91000. This doesn't include engineering, gas line or contingency. We could reallocate some local option money for the short fall.

Gary Cooper- That's if you don't go above \$150000 you need to do the open the sealed bid process.

Mayor Thomson – I suggest we go ahead with the road rehab and we can get the bids out, hopefully, to get the bids back in a two week period. You will have to do a different bid process to open it up to everyone. Unless it is over \$150000.

Rickey Frandsen – Lets do the bids on 4th street. Once we know where we will do the well and the route 3rd street.

Motion to have the Mayor continue with for the road package bid, and Randy will continue with the auxiliary well in conjunction with engineering estimate for water and sewer in city limits up 3rd West and across Pokomo to city limits.

Motion by Randy Benglan
Second by Leah Navarro

All Aye

Appilications

- A) Annexation
- B) Zone Designation
- C) Title Amend – Map (rezone)
- D) Text Amendment

Randy Benglan – So, on these applications, I forwarded these applications to Gary. He said we have a lot of work to do on them, so far as

making them workable for Lava Hot Springs. That’s really all I have done this month on these. I put it back on the agenda

because it’s something I want to get done. I’ll get some more input from Gary and figure out a game plan moving forward on getting them tailored to Lava.

Motion to table that agenda item.

Motion by Randy Benglan.
Second by Leah Navarro.

All Aye.

City Planner – Contract Review

- A) Signed Contract
- B) Planning Services
- C) Comprehensive Plan
- D) City Council Directives

Mayor Thomson – The city planner contract was approved by the council and signed by Rickey Frandsen on March 9th. I got back from

Mesquite and was handed another copy to sign which I did on March 21st. So the contract has been in effect since

March (pick a date). The second item on here, Planning services. He actually emailed me a letter asking me to define

his duties. I hesitated to say anything outside of what is specified in his contract. I conferred with Gary and I think he is

in agreement that the contract pretty much is plainly explicit in what his duties are. That is either what I tell him to do

which I haven't told him to do anything or what the majority vote of the council instructs him to do. Which is what he

has been working under for the last year and a half.

Randy Benglan – As most of you know he sent over an email written notice of termination. I don't know if it is necessary to read it all here.

In the second paragraph, it's highlighted. Client may...Let me start before that. The agreement provides for a 30 day

termination clause. Termination shall be effective upon receipt of written notice of termination providing at least 30

calendar day notice. Finalizing pending services and cease all other services within a 30 day calendar date after receipt of

termination notice. Client may specify, in its sole discretion, the extent to which performance of the services under this

agreement shall be performed prior to termination, the date upon which such termination shall become effective unless

determined otherwise by the city and written notice is received by PDS the termination date of all PDS services shall be

July 10, 2023. So the question before the council is, regardless of Bruce's reasoning, is my understanding is we have asked

him to do the comprehensive plan beyond that the Goldberg matter is...is basically dead.

Mayor Thomson – My response to that (it is an entirely separate subject) that last month, it's clearly in the minutes you made a motion to

approve the agreement between Lava Hot Springs and the Goldberg's for annexation along with a couple of caviates

that said all water and sewer lines installed will be dedicated to the city and no short term rentals without fire suppression.

So I didn't entertain opening up another discussion on it. It doesn't mean you can't make changes to it. On these

annexation agreements it's not a total design commitment it is just a commitment to the premise.

Randy Benglan – What duties, if any, do we want him to perform between now and his termination date? Or are there duties we want

him to perform beyond that that we feel he is obligated to the city do?

Mayor Thomson – My take on that would be the comprehensive plan is were.

Gary Cooper, City Attorney, - Is he terminating his comprehensive plan contract as well?

Mayor Thomson – This came into my mailbox this afternoon. It late to get it on the agenda. So we talk about for 30 days to talk to Bruce.

And then the next meeting make a final decision.

Much discussion about the contract for Bruce Parker and the termination letter.

Mayor Thomson – Bruce was going to meet with the Planning and Zoning and finish up the comprehensive plan.

Gary Cooper, City Attorney, - He didn't make the deadline for the comprehensive plan. The next thing is to have a public hearing and

planning and zoning adopts it.

Randy Benglan – I feel that the comprehensive plan needs to be finished. Anything left with Goldberg left to do. Myself and

I think Leah would like to see Bruce involved in the Junto deal. That's my feeling, and I've voiced that before but the

council felt the time wasn't right. I want clear lines and things done right no confusion.

Mayor Thomson – If I was going to prioritize what Randy just said, I think the comprehensive plan would be number one. And then any

changes, revisions or compromises to the Goldberg agreement.

Leah Navarro – No one is answering Bruce's emails. He has reach out several times and has not gotten an answer. He wasn't allowed to

comment at the public hearing.

Jill Makuaole – That's because he was trying to comment after the hearing was closed.

Leah Navarro – All I’m saying is that he has been shut down. He has reached out several times and got no response. This is what I’m talking about. Commission action: Within 30 days the commission after the public hearing the commission shall recommend to the the council approval, conditional approval or disapproval of the application of conditional use as presented. If the application is recommended to be approved or be approved with modifications the commission shall direct the administrator to transmit its recommendation to the council listing the specific conditions specified by the commission for approval. Upon granting the conditional use permit, conditions may be attached to a conditional use permit including but not limited to (those A-H). Prior to granting a conditional use the commissions my request studies from planning, etc. The commission shall make sure that the conditions are in compliance with the comprehensive plan and established goals and objectives. Then it goes to council. This is right out of our books.

Gary Cooper, City Attorney, - I know, I’ve read it a hundred times, Leah.

Leah Navarro – So I’m saying, this is the P & Z giving it to the council. Do we have that?

Gary Cooper, Hud Saffel and Chandra Taylor – There was a recommendation. It’s in the minutes.

Mayor Thomson – Let’s get back to the topic.

Gary reads the Goldberg contract.

Motion to drop the requirement for the fire hydrant for Goldberg. Legal will speak with Matthew Hill.

Motion by Randy Benglan.

Second by Rickey Frandsen.

All Aye

Randy Benglan - What do we want Bruce to do for the next 30 days?

Gary Cooper, City Attorney, - You need to do an addendum to his contract. You need to spell it out how ever long it will take needs to be in

The contract. He was paid for the comprehensive plan and he has not provided it. He must finish it.

Motion to have the mayor and I will set up a conference call with Bruce to have him complete the comprehensive plan by 9/30/2023 with no additional compensation. With clarification if any of phase ii has been done in order to compensate him.

Motion by Randy Benglan.

Second by John Head.

All Aye.

Housing Plan

Randy Benglan – I have met with Secca which is a low income housing at Buddy Campbell Park. Where we had thought of using for parking.

We have had some discussion on the four acres that the city owns. I put my thoughts with your comments and put

together a concept plan. Randy passes out maps. Possible single family dwellings. There would be a HOA with restrictions.

One family member has to work 30 hours for the community. If we did 100% area median of income which is \$60 thousand.

We would make it affordable for a \$60 thousand income. Secca partners builds and manages the apartments and Idaho

Housing and Finance finances them.

Motion to direct Randy Benglan to move forward with Secca.

Motion by Rickey Frandsen.

Second by Leah Navarro.

All Aye

Acknowledgement sheet for Vacation rentals stating that they have read and understand our ordinances. (9:10)

Discussion of imposing fine on repeat offenders and determining fine amounts for violations of ordinances. (9:20)

Discuss the need for local managers or owners to address turnaround time for contact and solution of violation based off of experiences with proof of time it took to address the violation just this weekend.

Motion that the 9:10, 9:20 and 9:30 items have already been discussed.

Motion by Leah Navarro.

Second by Rickey Frandsen.

All Aye

Send letter to Presli of Tapps BnB Management Company stating that they need a business license and a non-property tax permit to manage the Whitewater Cottage.

Motion to have Hud Saffell reach out to Presli to get them to apply for a business license and NP tax permit.

Motion by Rickey Frandsen.

Second by John Head.

All Aye

Tree Removal of dead trees of dead trees on Main Street.

Motion to bring in our Arborist, Gerry Bates to assist with the dead trees.

Motion by Rickey Frandsen.

Second by Randy Benglan.

All Aye

Removal of widow maker limb at Veteran's Park, trim and window the remaining trees and shrubs in preparation for planting the Community Christmas Tree.

Motion to direct the Mayor and Hud to talk to the new guys about getting rid of the trees and shrubs and to take on the mowing of vacant lots.

Motion by Rickey Frandsen.
Second by Randy Benglan.

All Aye

Town Hall Meeting Discussion and Date

Motion to table the Town Hall.

Motion by Rickey Frandsen.
Second by John Head.

All Aye

Motion to adjourn.

Motion by Randy Benglan.
Second by John Head.

All Aye