

Minutes of the Regular
City Council Meeting
May 11, 2023

In attendance: Mayor Jon Thomson; Council Members: Rickey Frandsen, Randy Benglan, John Head, Leah Navarro (on Zoom); Code Compliance Officer- Hudson Saffell; City Attorney - Gary Cooper; Matthew Hill–Keller Engineering (on Zoom); Officer Durham-Bannock County Sheriff's Department

Meeting called to order and Pledge of Allegiance recited.

Next meeting announced: June 8, 2023 at 6:00 pm and the agenda deadline is June 1, 2023 at 5:00 pm.

Accept the resignation of Joyce Bosen

Motion to accept the resignation of Joyce Bosen.

Motion by Randy Benglan.

Second by Rickey Frandsen.

All Aye

Mayor nominates John head to Council

Motion to accept John Head as the replacement for Joyce Bosen.

Motion by Rickey Frandsen.

Second by Randy Benglan.

Roll Call: Rickey Frandsen – Aye, Randy Benglan – Aye, Leah Navarro – Aye

Mayor Thomson swears John Head into the office of city councilmember.

Mayor appoints Jeanie Avery to vacancy on the planning and zoning commission.

Motion to accept Jeanie Avery to the planning and Zoning Commission.

Motion by Randy Benglan
Second by Leah Navarro

All Aye

Approval of Minutes from April 13, 2023 meeting.

Motion to approve the minutes with the correction on page 5 showing the vote on Junto being 2-1 in favor,

Motion by Randy Benglan.
Second by Rickey Frandsen

All Aye

Law Enforcement

Deputy Durham reports that the \$8000 budget for Fourth of July will be fine.

Hudson Saffell – Code Compliance Officer

George Katsilometes is doing some kind of work on the south side of the pool at the Lava Hot Springs Inn. He is waiting to get a go ahead from Idaho Department of Water Resources. Per FEMA you are supposed to get a hydrology report but the Army Corps of Engineers and Idaho Dept. of Water Resources do not require one.

Chamber Report – Sherill Tillotson

Special Event Permit – Wellness Festival

Motion to approve the Special Event Permit for the Wellness Festival.

Motion by Randy Benglan.
Second by John Head.

All Aye

Financial Report

For the month of April (Expenses for March) we spent \$ 45780.28. Deposits totaled \$ 88,391.80.

Leaving a total in the main checking account of \$ 2,276,944.30.

Motion to approve the bills except for the park reservation, and hold the Big Sky bill until we get conformation that the foundation will agree to pay the additional \$5000 and including half of the original fee of \$11000.

Motion by Randy Benglan

Second by Rickey Frandsen

All Aye

Non-property tax permits

Motion to approve USAopoly

Motion by Randy Benglan.

Second by Rickey Frandsen

All Aye

Motion to approve CCS Express, Inc.

Motion by Randy Benglan

Second by Rickey Frandsen

All Aye

Motion to approve Alltell Corporation.

Motion by Randy Benglan.

Second by Rickey Fransen

All Aye

Motion to approve J. Bues Rentals LLC, when we find out the proper address and the apartment number.

Motion by Rickey Frandsen
Second by Randy Benglan

All Aye

P & Z Recommendation on Goldberg Annexation

P & Z recommends approval.

Mr. Goldberg - You should have 2 sets of ancillary information from Bruce Parker. One is the communication with Planning & Zoning that was accepted. Then a subsequent re-proposal put together by Bruce Parker.

Mayor Thomson – OK, the issue that stands in front of you is; if you accept the agreement that was recommended by Planning and Zoning then they can move forward. If you want to revise that agreement then it will have to go back to another Public Hearing. By the way Mr. Goldberg, Mr. Parker does not have the authority to make decisions for the city of Lava Hot Springs. Before he makes a commitment for anything it must be “blessed” by the city council.

Mr. Goldberg – Bruce should be on with me in a minute. They changed the agreement during their meeting a couple of weeks ago and I wasn’t privy to those changes. They said they imposed sprinkling systems on the houses and we agreed to that. However, that puts all of the onus on us for all the expenses for the city services that come up the driveway, plus the extra expense of the sprinkling systems. Plus the expense of the imposition of a fire hydrant. Isn’t going to work. That puts all of the onus on the property owners and nothing on the city. Now have you read that proposal word for word through?

Randy Benglan – Bill, when I developed a subdivision I had to pay for everything. That’s the cost of doing business. The county didn’t pay for any of the infrastructure.

Mr. Goldberg – Let’s take a step back. What you are asking for is a right of way across my property and you want it for free. That’s the way that it is written in there as no obligation to the city and that is not correct. You can’t have it for free. I am under the understanding that you want two things from us. One, you want us to annex into the city and two, you want a right of way across my property for city services. Well, somewhere along the line you have to give to get. If you want that right of way across my property you have to agree to put in the city services.

Mayor Thomson – I am not going to open that can of worms. It sets a precedent I don’t want to go down.

Mr. Goldberg – Why is it incumbent on us, one, to grant you right of way. Then in addition pay for city services coming across our property.

Randy Benglan – Bill, when I did my subdivision I put in water, sewer, fire hydrants, a road all on my property. I dedicated it all to the county and all to the city.

Mr. Goldberg – That’s not what we are talking about. We are talking about a right of way across my property for services to the south and to the west.

Randy Benglan – Yes, it is. Right and I had to continue to the edge of my property for future development. I had to do the same thing. That’s common in development to do that.

Bruce enters meeting through ZOOM.

Mayor – What we are discussing is the annexation agreement with Goldberg, I an understanding that the agreement has now been changed. According to legal if you don’t go with that agreement but it will have to go back to public hearing again.

Bruce Parker – What the Planning Commission recommended on May 24, 2023 went through the public hearing process an annexation and development agreement with Goldberg, and the other owners. Three lots have been recorded by Bannock County, with a road included. With no curb & gutter. A turnaround is requested by the fire department. Mr. Goldberg offered a hammerhead turn around. which was acceptable to the fire department, provided the road remains unobstructed at all times. The three family homes may be used as short term rentals when used by family, one (Mr. Goldberg’s) will have an auxiliary dwelling unit that may be occupied by the family or rented out as a short term rental. These homes will have sprinkler systems in them. That was recommended by the commission. An easement for the water and sewer line that would be provided to the city at no cost. Mr. Goldberg would like a gate or some other means to restrict access to the property. Fire Chief Fagnant agreed as long as the Fire Department has immediate access. The fire hydrant was included in the draft of the agreement that came in front of the Planning Commission. Mr. Goldberg said that the cost of fire suppression is significant. He would do that if the city can assist in the other costs. Who pays for the water and sewer lines?

Mayor Thomson – Setting a precedent of the city paying for infrastructure is setting a bad example. Where would we get the money for it? We would need engineering to design, implement, inspect and then build to the county standards.

Bruce Parker, City Planner – My understanding is that we are putting in a well close to the Goldberg property. The cost is independent. Goldberg is saying if that’s the case, the city will pay for the water and sewer and they (the city) can have an easement.

Randy Benglan – I don’t think we should pay for sewer. Nobody paid for my sewer lines. If we get the auxiliary well then if Goldberg wants to wait for that.

Mayor Thomson – As you know there are a few routes we can choose for the well.

Randy Benglan – I Mr. Goldberg is willing to wait and see if our well goes through his property then it would be a significant cost savings for Mr. Goldberg for the waterline. They would still pay for the service line.

Mayor Thomson – It could be a quarter of a mile.

Mr. Goldberg – We have been delayed on this a year. We need to move pronto. If you want an easement across my property. If you want an easement across my property and you choose not to participate. You will not cross my property in the future. This is in your area of impact. We will revert to county status and sever our relationship.

Mayor Thomson – I don't respond to threats. If you have finished your comments now I will make mine. We are looking at water and sewer sources.

Motion to accept the Planning & Zoning recommendation of "Goldberg et. al Annexation and Development Agreement 4/24/2023. Emphasizing that fire suppression will be installed in all short-term rentals. And also that once completed and certified by engineering the water and sewer main lines will be dedicated to the city.

Motion by Randy Benglan.

Second by Rickey Frandsen. Passed 3 votes in favor and 1 abstention. Rickey Frandsen – Aye, Randy Benglan – Aye, John Head – Aye, Leah Navarro – Abstain

Pickle Ball Court – Supplies – Request \$200.00 Apprpval

Mayor – pay the \$500 out of the park fund. But the park tennis net was cut up and tossed in the trash.

Motion to approve to pay the \$220 out of the park maintenance fund.

Motion by Randy Benglan

Second by Rickey Frandsen

All Aye

4th Street Update

Mayor Thomson – Last year we went with Mickelson for the chip seal, the cost was \$150 thousand we took \$100 thousand from our grant. Mickelson got back to us with 228 thousand for 18000 square feet. We had Keller do our engineering for 4th Street. Oil products are astronomical and no one sees it decreasing any time soon. So we approached Iron Horse (use to be Pocatello Sweeping), they have a new piece of equipment that increases the quality of the job. Giving you a 15 year road. Their bid is for \$209 thousand. This puts us back into the area of what we have budgeted. And leaves us the money for

chip sealing. The snow left our roads in bad shape. When we use Iron Horse (Pocatello Sweeping) our guys can do the prep work.

Comprehensive Plan –

Randy Benglan – I would like to combine the 9:35 item. I would like to look at a 1% increase that would be dedicated to housing.

Rickey Frandsen – If we add infrastructure to the rest of the lots we have in the city would be the biggest benefit. That will help it be voted in.

Mayor – 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 – 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.

Randy Benglan – When people pass away then it is bought as a second home. Ask the resident to put a deed restriction on the home that it must be a primary residence to keep it residential.

Mayor Thomson – All cities have a common goal, that is to attract new businesses. I have never heard a discussion on bringing new business. The way to get more citizens is to have more jobs available

Housing Plan

Motion to table the item on housing.

Motion by Randy Benglan

Second by Rickey Frandsen

All Aye

Auxiliary Well Agreement

Randy Benglan – I have met with the property owners again today. We are 90% close to an agreement. I need to get the notes from that meeting Gary Cooper (city attorney). Then we can present it to City Council.

Gary Cooper – Just get that to me and I will update it.

Motion to table auxiliary well agreement, hopefully it will be a signed agreement by the next meeting.

Motion by Randy Benglan.

Second by Rickey Frandsen

All Aye

Parking and Traffic Circulation Study

Mayor Thomson – We have a commitment from the Foundation to pay \$10 thousand and we have \$10 thousand in our budget. We do not have \$6590.00 that we don't have covered so far.

Randy Benglan – It is a parking study and proposals for parking solutions. State Foundation is in agreement with us on this.

Mayor Thomson – We are short \$6000. My suggestion is to take the \$6000 and push it forward to the next budget year. The state has been trying to propose a parking structure for years now.

Randy Benglan – I was thing we can re-allocate. We have miscellaneous expense for the Comprehensive Plan Phase II. We could take it from that and we may not even need it for Phase II.

Leah Navarro – Can he do his Study and present then do the circulation study for \$6500 in October with the new budget. Studies to me are a waste of time and money. I would rather pay for parking than pay for a study.

Motion that we authorize sending this contract to Joe Parrin for a signature and have the mayor sign it once it is returned. And we use the Comprehensive Plan Phase II money in the budget to pay the extra \$6500 for the study.

Motion by Randy Benglan

Second by Rickey Frandsen

Passed 3-1 Roll Call Vote –

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

Applications for Lava Hot Springs

Randy Benglan – We did get permission from the City of Chubbuck to use their applications as a template.

Motion to table until the next meeting.

Motion by Randy Benglan.

Second by Rickey Frandsen

All Aye

Residential Building Official

Randy Benglan – We paid for Hud Saffell’s (Code Compliance Officer) training for Residential Building Official. Do we want to move Hud into that position? Does he need more training?

Mayor Thomson – Yes, we need someone to look at what is going on. We have a contract with the state and county for inspections. The state inspector is too busy to inspect our buildings. How do I handle it employee wise? I have a budget for a half-time employee.

Hud Saffell – I have passed the class for residential building inspector. The commercial inspector class is paid for. I go in September. We don’t have a building official. Maybe in the future. We could achieve this by making me the building official and building inspector. I need to get the commercial certification. I try to shadow Jeff as much as I can. He is only here twice a month. The code talks about the official’s powers a lot.

Randy Benglan – How do we fast track Hud’s license? I feel like he is on the path. Can he shadow an inspector in another city?

Leah Navarro – If he goes to Pocatello, who will do his job here in Lava. There has been times where, you would have to go by how the codes were written? The legal way is the proper way. I would hope in the future...You have to go by the black and white. If you are not going to add on to his job duties, I don’t even think that is allowed.

Hud Saffell– I have been all through the code books. I can tell you what you want to know. Every situations different. All inspections are different. I would feel more comfortable doing the inspections myself if I have to sign off on the certificate of occupancy.

Leah Navarro – Can't we be sued as a city?

Gary Cooper – If you get residential and commercial certificates you can do all inspections in the city. If you don't get the certifications. You have to shadow for 3 years. The City is liable for inspections that he is done. You have to act negligent though, you are liable. Remember that's why we have a huge insurance Policy.

Motion that we put together an actionable plan to proceed with Hud to be a building inspector for the city of Lava Hot Springs.

Motion by Randy Benglan.

Second by Rickey Frandsen.

All Aye

National Folk Festival

Mayor Thomson – I am going to pass it down to the council, they are looking for a host city. I think you should look at our infrastructure before you agree. It brings in about 100 thousand people.

Free Dump Day

Mayor Thomson – We don't have one now. Bannock County has three dates but you have to take it to the Fort Hall Dump. We don't need staffing for the dump day now.

Arbor Day

Leah Navarro – The Arbor day presentation was wonderful. We had the Idaho Forester come in, his wife dressed up as the Lorax. It was wonderful.

Mayor Thomson – We received from Portneuf Soil and Water District. Thanking us for our contribution.

Tony is retiring. We need someone to replace him. I would like to hire someone part-time to train. I would like to hire Justin to take Tony's place.

Motion to adjourn

Motion to adjourn.

Motion by Rickey Frandsen

Second by Randy Benglan.

All Aye