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Mayor
Jon Thomson

Clerk
Chandra Taylor
Treasurer
Jill Makuaole

Council Members
Rickey Frandsen
Randy Benglan
Leah Navarro
Joyce Bosen

Minutes of the Regular City Council Meeting December 8, 2022

Those in attendance: Mayor Jon Thomson, Council members: Rickey Frandsen, Randy Benglan and Leah Navarro; City Attorney Gary Cooper; City Code Compliance Officer Hudson Saffell; City employees: Jill Makuaole & Chandra Taylor.

Mayor Thomson welcomes everyone and notes that there are some items that need to be added to the agenda

Motion to add action item for the auxiliary well location.

Motion by Randy Benglan.

Second by Leah Navarro. **ALL AYE**

Motion to change the 8:10 item from Resolution 2022-6 to Ordinance 2022-3.

Motion by Randy Benglan.

Second by Leah Navarro **ALL AYE**

Mayor Thomson the next regular meeting will be Thursday, January 12, 2023. The deadline to submit agenda items will be 5:00 pm, Thursday, January 5, 2023.

Motion to add to add to the agenda the acceptance of the Bannock County Election Results.

Motion by Rickey Frandsen

Second by Randy Benglan. **ALL AYE**

The Pledge of Allegiance recited.

Motion to accept the election results as certified by Bannock County.

Motion by Rickey Frandsen

Second by Randy Benglan ALL AYE

Motion to table the approval the minutes from the November 10, 2022 Meeting.

Motion by Randy Benglan.

Second by Leah Navarro. All Aye

Mayor Thomson – I would like to Appoint Joyce Bosen to the Council to fill the seat that was emptied when Craig Knutsen left. She will serve the remainder of Craig’s term (one year).

Motion to hold a roll call vote to approve the appointment of Joyce Bosen.

Motion by Randy Benglan.

Second by Rickey Frandsen. ALL AYE

MOTION TO ACCEPT THE APPIONTMENT OF JOYCE BOSEN TO THE SEAT PREVIOUSLY FILLED BY CRAIG KNUTSEN.

MOTION BY RICKEY FRANDSEN

SECOND BY LEAH NAVARRO ROLL CALL VOTE:
RICKEY FRANDSEN – AYE; RANDY BENGLAN – AYE;
LEAH NAVARRO – AYE UNANIMOUS

MOTION TO DIRECT THE MAYOR TO SWEAR IN
JOYCE BOSEN AS A CITY COUNCILMEMBER AND
INVITE HER TO BE SEATED AT THE TABLE.

MOTION BY RANDY BENGLAN.

SECOND BY LEAH NAVARRO

ALL AYE

Mayor swears in Joyce Bosen.

Dacie Randall from Citizens Community Bank
Not here yet will come back to her.

MOTION TO RECOGNIZE LAW ENFORCEMENT FOR
THEIR REPORT.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO

ALL AYE

Couple of new deputies will be graduating tomorrow. So you will be seeing new faces. Drive safe. Anything you need help with over the Christmas season? Mayor not until Fire and Ice.

Dacie Randall from Citizens Community Bank

Wanted to come and talk to you since you are already one of our customers. I met with Jill and Chandra and I wanted to share some of what we talked about. I sent a proposal of banking services for everyone, hopefully you have had a chance to look at that. We are fully free. No minimum balance, no service fees nothing like that. We a sweep account that is an interest bearing account of 1.50 percent. You would keep your money in this interest bearing account then repo- sweep over to the account where all your activity happens, Every night it sweeps back where it earns interest. Over a year it's like \$30,000 that can be earned. It doesn't look like you earn anything at Ireland.

Mayor Thomson – Could you give us advise about keeping us informed as to what you have available and would be a wise move.

Megan and Dacie – we have several products specifically for municipalities that take in to account the liquidity you need. Consolidating your accounts to 3 or 4 different institutions would be a first recommendation. Offer remote banking with no charge on the equipment. Lots of security features – always try to balance ease of use with security.

Chamber of Commerce Report –
Event Coordinator open position – until filled

MOTION TO OPEN THE EVENT COORDINATOR
POSITION UNTIL FILLED.

MOTION BY RANDY BENGLAN

SECOND BY RICKEY FRANSEN ALL AYE

Brandcraft update – in January
Fire and Ice is underway.

Special event application – Christmas for a Cause
Should not impact steets or law enforcement

MOTION TO APPROVE THE SPECIAL EVENT
APPLICATION.

MOTION BY LEAH NAVARRO

SECOND BY RANDY BENGLAN ALL AYE

Bills

Bone Frog printing for gingerbread tour.

LN Curtis fire station – tanks

Nitro green higher than usual because we added city hall and memorial park

Brett Casperon hired to excavate the main valve at the ponds. Rather than rent equipment we just hired Brett to do it.

\$300.00 Webpage Hudson Saffel on Black Friday it was \$300.00 instead of \$600.00 so he paid out of pocket.

Portable toilets March and June – never received the bills

Keller bills (2) – 4th Ave. improvements & city engineering contract

MOTION TO APPROVE BILLS.

MOTION BY RANDY BENGLAN.

SECOND BY RICKEY FRANSEN.

ALL AYE

Get Together Inn – Parking plan – Update

Lisa goes over with council the new parking plan and gives each councilmember a handout. She explains what is shown.

Currently 4 rooms. Work on driveway when no one is renting. As more parking becomes available more rooms become rentable. Communicate with Hudson Saffell. And council approving.

Business License – name change Elavation Spa formerly Lava Hotel & Spa

MOTION TO DENY AND DIRECT APPLICANT TO
APPLY FOR A NEW BUSINESS LICENSE AND SIGN.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO.

ALL AYE

Business License renewals

MOTION TO SEND A COURTESY LETTER TO EVERY
BUSINESS THAT HAS NOT RENEWED THAT THEY
WILL NOT BE RENEWED IF TAXES ARE NOT FILED.

MOTION BY RICKEY FRANSEN

SECOND BY RANDY BENGLAN

ALL AYE

Law enforcement – Moved into 6:15 pm

Gary Cooper – City Attorney

- A) Ordinance 2022-3 amending non-property tax uses passed by the voters.

Mayor reads the ordinance 2022-3 – This is an ordinance amending the purposes for which non-property taxes can be used; repealing all ordinances or parts of ordinances in conflict with this ordinance; waiving the rule requiring the reading of this ordinance on three separate occasions; and establishing and effective date of this ordinance.

MOTION TO ADOPT ORDINANCE 2022-3 AND
DISPENSE WITH THE THREE READINGS OF THE
ORDINANCE AND APPROVE THE SUMMARY FOR
PUBLICATION.

MOTION BY RANDY BENGLAN.

SECOND BY LEAH NAVARRO. **ROLL CALL VOTE**

RICKEY FRANDSEN – AYE; RANDY BENGLAN – AYE;

LEAH NAVARRO – AYE; JOYCE BOSEN – AYE

UNANIMOUS

- B) City Engineer Contracts (2)

Gary Cooper, city attorney, - The same as the 2022 contract but with some updates. You will see on the first page under term, a specific term. One year expiring at the end of the fiscal year. And a clause for direction so that the services will be directed either by the Mayor or the City Council. So that it is consistent with some of our other service agreements. The hope is that you will get these contracts in a term so that you will be looking at them earlier in the year. So that you can use them as a part of the budgeting process.

Randy Benglan – We need a not to exceed amount. Have the staff find it and put it in.

Gary Cooper, city attorney, - Put it on the first page.

MOTION TO ACCEPT THE CONTRACT SUBJECT TO THE DO NOT EXCEED DOLLAR AMOUNT BEING PLACED IN THE CONTRACT FROM THE BUDGETED AMOUNT AND THE TABLE OF RATES BEEING ATTACHED.

MOTION BY RANDY BENGLAN.

SECOND BY RICKEY FRANSEN. ROLL CALL VOTE

RICKEY FRANSEN – AYE; RANDY BENGLAN – AYE;

LEAH NAVARRO – AYE; JOYCE BOSEN - AYE

C) City Planner Contracts (2)

Completion of the phase one comprehensive services. Done by

MOTION TO APPROVE THE ADDENDUM TO PROFESSIONAL SERIVES TO THE COMPREHENSIVE PLAN FOR THE COMPLETION OF PHASE ONE.

MOTION BY RANDY BENGLAN.

SECOND BY RICKEY FRANSEN ROLL CALL VOTE

RANDY BENGLAN – AYE; RICKEY FRANSEN – AYE;

LEAH NAVARRO – AYE; JOYCE BOSEN - AYE

addendum giving an extension to January 31, 2023, with no additional charges.

Gary Cooper, City Attorney – The second one is the one for Professional Services for City Planner Services. We have been negotiation this and we are not at a meeting of the minds on this particular contract.

Randy Benglan, Councilmember – Anything you want to add Bruce?

Bruce Parker, City Planner – Yes, I guess Gary says we have been negotiating. I don't know that we've been negotiating.

We've been back and forth a little bit. Gary would like to carry forward, and I think he is working under the city council direction of November. When it was said that we will continue the previous agreement forth to the next year.

MOTION TO TABLE THE SECOND CONTRACT (CITY PLANNER CONTRACT) TO CONTINUE NEGOTIATIONS.

MOTION BY RANDY BENGLAN

SECOND BY RICKEY FRANSDEN

ALL AYE

- D) Deposition Requests = Gary Cooper, City Attorney – In the Vacation rental litigation, they 23 people that they wish to depose many are you folks. They would like to depose Hud Saffell, Randy Benglan, Rickey Frandsen and Mayor Jon Thomson. I gave them six date in January to do this January 16, 17 and 18 and January 23, 24 and 25. I am getting a lot of push back from them that this is not enough time. Are you all of you available on at least one of those dates? Randy Benglan – “yes”. Rickey Frandsen – “Yes”.

Schedule a meeting

Bryan Phinney, city engineer, Gary Cooper, Mayor Thomson and Randy Benglan to discuss possible new well location. Bryan Phinney and Gary Cooper will suggest some dates and Mayor and Randy Benglan will make it work.

MOTION TO SCHEDULE A MEETING WITH LEGAL COUNCEL, CITY ENGINEER, THE MAYOR AND A COUNCIL MEMBER TO DISCUSS AND AUTHORIZE A PROPOSAL TO BE DRAFTED FOR POTENTIAL AUXILLARY WELL LOCATION.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO

ALL AYE

Code Compliance

A) Building Permit – Rooftop Bar – Southwest Stairs – Cody and Brandon De Los Reyers

Hudson Saffell, City Code Compliance Officer – This is not ready for construction. It is not signed off.

Bryan Phinney – City Engineer – Information was submitted with the building permit. In our review, we recommend tabling until we get the information. One is a foundation, there is not enough information for us to approve. This has not been stamped and signed by a state engineer. We called the Engineering firm and they said there is no way you should have that paper. That drawing being released to the public with no signature on it is not in compliance with the rules that govern professional engineers in the state of Idaho. That can get him fined.

MOTION TO TABLE BUILDING PERMIT UNTIL NEXT MEETING AS THERE IS NO ENGINEERING SIGNATURE.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO

ALL AYE

B) Discussion on potential Lava Hot Springs Resident Plan Reviewer/ Building Official

Hudson Saffell – With DBS, the state building inspectors, we use to have county inspectors to do building inspections. I've talked with Tyson Koester, he use to fill in for county inspectors and for whatever we went with the state for our inspections. Having the state do our is not working. Needs to be more than a final inspection. I like to be there sometimes the Fire Chief needs to be there. I could do it but is that a conflict of interest because I work for the city. We aren't required to go through the county or the state. We just need an inspector.

MOTION TO HAVE HUDSON SAFFELL REACH OUT TO THE COUNTY ON A BUILDING INSPECTOR THAT CAN BE HERE.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO

ALL AYE

C) Report on Idaho Cities Coalition – Donation

Hudson Saffell – This is a lobby group going to Boise in January. They are asking for a \$250 donation so we can be part of this “club”.

MOTION TO ACCEPT THIS MEMORANDUM OF UNDERSTANDING TO SUPPORT AND CONTINUE TO SUPPORT THE IDAHO RESORT CITIES COALITION AND DESIGNATE AS OUR LIASON JOYCE BOSEN

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO

ALL AYE

City Council acceptance of Canda Dimick’s resignation

Mayor Thomson- Leah what did Canda Dimick resign from?

Leah Navarro – This is from city clerk? And? I think that it is time we go ahead and get that done.

Mayor Thomson – What are you stating that says we need to confirm her resignation from that position?

Leah Navarro – In the AIC (Association of Idaho Cities) it specifically states that Appointment and Removal of an Appointed Officers. City Clerk, City Treasurer and any other appointed officers. A majority of the full council must confirm the mayor’s appointment or removal of an appointed officer. We have never done that.

Mayor Thomson – That’s right because I’ve never done it either. I’ve never appointed somebody to that position until now nor have I removed anyone.

Leah Navarro – How did Canda get to become City Clerk?

Mayor Thomson - The Mayor appointed her 22 years ago.

Leah Navarro – And you are the Mayor now so you have to...

Mayor Thomson – No, I have the right to remove her from that office.

Leah Navarro – With... confirm...

Mayor Thomson – No, just listen. You just read that I have the right as the Mayor to appoint or to remove in which case you need to validate.

Leah Navarro – MUST CONFIRM

Mayor Thomson – OK, I didn't remove her from that position.

Leah Navarro – So, Canda is still the City Clerk?

Mayor Thomson- No, she quit.

Leah Navarro – She didn't quit she resigned. And then she resigned again and you said...You kept her on until we did the budget.

Mayor Thomson – Everyone kept her on. You guys accepted her resignation...her retirement. You don't have to accept her retirement. She retired.

Leah Navarro – No, we did not. She had a letter of resignation that has never been accepted.

Mayor Thomson – She is no longer here. She is not an employee. So either accept her resignation, accept her retirement, accept whatever you want to accept.

MOTION TO ACCEPT THE RESIGNATION OF CANDA DIMICK FROM CITY CLERK.

MOTION BY LEAH NAVARRO

SECOND BY RANDY BENGLAN

ALL AYE

Randy Benglan – If we are going to do this for city clerk we also need to do it for city treasurer.

Leah Navarro - It was never noted. She never resigned as city treasurer.

Randy Benglan – So is she still treasurer?

Mayor Thomson- No she is no longer employed by the city. We have An official email that says, "I resign as clerk". We do not have one that says, "I resign as treasurer".

Randy Benglan – Do we need to remove her as treasurer then?

Leah Navarro – Don't look at me?

Rickey Frandsen – We need to make it official.

MOTION TO REMOVE CANDIA DIMICK AS CITY TREASURER.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

Contract for Candia Dimick to do consulting work for the city.

Gary Cooper – I will the contract together

MOTION TO HAVE GARY COOPER, CITY ATTORNEY PUT TOGETHER A CONTRACT.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

City Clerk duties/job expectations Draft

Treasurer duties/job expectations Draft

Mayor Thomson I would ask that you take these home and review for the next meeting.

Randy Benglan – I pulled these job descriptions from the State. I added #7.

MOTION TO INDIVIDUALLY REVIEW FOR MARKUPS AND HAVE A DRAFT TOGETHER BY THE NEXT MEETING.

MOTION BY RANDY BENGLAN

SECOND BY LEAH NAVARRO ALL AYE

Lava Hot Springs City Credit Card Policy

Mayor you have to set a limit for a card into the minutes. \$2000 for Tony – Maintenance, \$1000 Ken – Fire Department and \$500 Chandra – Office. If you set the limit high at the start you can change the limit on a daily basis as needed by the city.

MOTION TO APPLY FOR A CREDIT CARD WITH
IRELAND BANK. \$25000 LIMIT ON EACH \$2000
FOR TONY HOBSON, \$1000 FOR KEN FAGNANT
AND \$500 CHANDRA TAYLOR WITHIN APPROVALS

MOTION BY RANDY BENGLAND

SECOND BY RICKEY FRANSEN ALL AYE

Lava Hot Springs Personnel Policy Clarification-

Gary Cooper stated all employees are under the new personnel
Policy 2/2022.

MOTION TO HAVE LEAH NAVARRO CONTINUE TO
KEEP WORKING ON THE CREDIT CARD POLICY

MOTION BY RICKEY FRANSEN

SECOND BY JOYCE BOSEN ALL AYE

Water Bill Insert

Lava School Christmas pageant on December 21 at 7 pm

MOTION TO TYPE THE SCHOOL CHRISTMAS
PROGRAM INFORMATION TYPED ON THE WATER
BILL

MOTION BY LEAH NAVARRO

SECOND BY RICKEY FRANSEN ALL AYE

Insert for City Motto Contest- Punch card for the Hot Springs as a prize.

MOTION TO PUT A FLYIER FOR THE MOTTO
CONTEST IN THE WATER BILL AND POST IN THE
POST OFFICE. MAY BE BROUGHT TO CITY OR
DROP BOX. MUST BE RETURNED BY 1/5/2023

MOTION BY LEAH NAVARRO

SECOND BY RICKEY FRANSEN ALL AYE

Retirement gift for 36 years of Service for Canda Dimick

MOTION TO LOOK INTO DIFFERENT TYPES OF
GIFTS FOR CANDI NOT TO EXCEED \$1000.

MOTION BY LEAH NAVARRO

SECOND BY RICKEY FRANSEN ALL AYE

MOTION TO ADJOURN INTO EXECUTIVE SESSION

MOTION BY RICKEY FRANSEN

SECOND BY RANDY BENGLAND ALL AYE

MOTION TO RECONVENE

MOTION BY RICKEY FRANSEN

SECOND BY RANDY BENGLAN ALL AYE

MOTION TO GIVE THE REMAINING 7 \$50 GIFT
CARDS TO THE SEVEN CITY EMPLOYEES

MOTION BY RANDY BENGLAN

SECOND BY RICKEY FRANSEN **ALL AYE**

MOTION TO APPROVE TEMPORARY CLERK AND
TREASURER

MOTION BY RANDY BENGLAN

SECOND BY RICKEY FRANSEN **ALL AYE**

MOTION TO ADJOURN

MOTION BY RICKEY FRANSEN

SECOND BY RANDY BENGLAN **ALL AYE**