Minutes of the Special Meeting of the City Council of the City of Lava Hot Springs, Idaho held Tuesday, August 7, 2012 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor
Cathy Sher, Councilperson
Newt Lowe, Councilperson
Canda Dimick, City Clerk
Carl Brown, Councilperson (On speaker phone)

Guests: Todd and Tyler Victor

Mayor Burgin called the meeting to order at 5:30 p.m.

Councilperson Sher made a motion to amend the agenda to include Kendall’s Kozy Kasa and L & S Productions. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Review and Approve Bills

Councilperson Sher asked for clarification on the $3,000 for the Fourth of July.

The City Clerk stated that is what they budgeted for.

Councilperson Brown inquired about the animal control pound fees.

Mayor Burgin stated that they are taking animals in every time one is picked up and when they work on the budget, they will be putting money aside for that. Right now the fees are coming out of the general fund.

Mayor Burgin also clarified that the 2nd Street repairs are not on this budget and that the extra costs for S. 1st West, $12,200, are part of the engineering contract.

Councilperson Brown inquired about the USD8 and IDQ.

Mayor Burgin stated that those are annual fees.

Councilperson Brown made a motion to approve the bills. Councilperson Sher seconded the motion. All voted aye, unanimous.

Lava Spa RV Park Water Bill – Discuss charges and water leak with Tyler and/or Todd Victor, Owners

Todd Victor came forward and stated that a leak was found that contributed to a healthy bill. He is requesting that the Council look at what they contribute to the community as a business. He stated that the City has access through the campground and they have never ran anyone off.
Councilperson Sher asked Todd when they noticed the leak.

Mr. Victor stated they did not know that there was a leak until they talked to Tony about it. When they found out about it, they had just worked on a hydrant that someone had backed into, and that had leaked for a couple of days. They are not sure where this leak came from. When Tony told them about it, they could not find a leak anywhere and they have not had a problem since.

The Mayor stated that Billy turned the water on at the RV park on May 1, 2012, and that it says there is a leak and they will fix it.

Mr. Victor asked if it says who Billy spoke with.

Mayor Burgin stated that Billy told him he talked to one of them, but he was not sure who.

Mr. Victor stated that they do not live here and are not around very often so he would have talked to a manager.

Mayor Burgin stated that a manager should have fixed it or notified the owners.

Mr. Victor stated that he completely agrees. When he spoke to his manager about it, he stated that he did not know about any leak, nor was it brought to his attention. They are asking for some leniency, they feel that they have been a good business, they do not know how this happened.

Councilperson Lowe asked how much they were looking at.

Mr. Victor stated that is was the $600 bill they were looking at.

Council discussed the bill and compared it to last year’s usage.

Councilperson Brown suggested splitting the difference of $450 with the City.

Councilperson Sher stated that she feels that would be reasonable and that we could improve the process for notification of leaks.

Mayor Burgin stated that we don’t really know who is at fault.

Councilperson Lowe stated that he wants to do what is fair.

Councilperson Sher explained the water levels dropping around the Fourth of July. She stated that the Council trusts Billy and she agrees that they have been a good business. Maybe there is a lesson to be learned by everyone. On the same token, there seems to be a lack of communication on the manager’s end. Billy followed the procedures that the City has in place, and she feels that processes need to be tightened up on their end.

Mr. Victor says that when there is a problem, their manager lets them know right away. He cannot say that the problem is only on their end.

Councilperson Brown questioned the Council on their feelings of splitting the difference somehow.
Councilperson Lowe stated that the problem for the City is setting a precedence, but he would like to say that the city was fair. He would be ok with splitting it.

Councilperson Sher agreed that they could split it as long as they can make sure processes are tightened up.

Councilperson Brown made a motion to waive $225 of the Lava Spa RV Park water bill. Councilperson Sher seconded the motion. All voted aye, unanimous.

**Business License(s) & Non-Property Tax Permit(s)**

A) **Briscoe Painting/DBA Adam Briscoe – Adam Briscoe, Owner/Applicant**

B) **Shelly Keetch – Temporary license for Gun, Knife & Craft Show (L & S Productions)**

C) **Harold and Wendy Kendall/Kendall’s Kozy Kasa**

The City Clerk stated that Kendall’s Kozy Kasa has developed their off street parking, and Mr. Grosso will have to move his RV.

Councilperson Sher questioned the occupancy issue from the last meeting.

The City Clerk clarified that the occupancy is 10 and the building inspector has approved it.

Councilperson Sher made a motion to approve the business licenses. Councilperson Brown seconded the motion. All voted aye, unanimous.

**October Fest – Blue Moon Bar, Host (September 21st)**

Councilperson Sher stated that it is September 21st from 12pm-6pm. They want to block off the street. They are looking at selling 200 tickets for $15 each.

The City Clerk stated that there cannot be any alcohol on the street because of the open container ordinance.

Mayor Burgin stated that they have done the car show in the past where it is set up like this and it has not caused any problems.

Councilperson Lowe made a motion to approve. Councilperson Brown seconded the motion. All voted aye, unanimous.

**Building Permit(s)**

A) **Steven & Lisa Toly – 78 E. Main Street – Awnings & Gazebo**

Councilperson Sher stated that she looked at it and doesn’t feel that it is a problem.

Mayor Burgin stated that he looked at it and agrees that it isn’t a problem, but the building inspector wants them to apply for a variance or move the awnings to bring them up to code.
Councilperson Sher made a motion to have the Mayor talk to Lisa and give her the option to apply for a variance for her awning or comply with the code. Councilperson Brown seconded the motion. All voted aye, unanimous.

**B) John (Jack) Fleming – 165 W. Main Street – Change of use from vacation rental to a substance abuse treatment center.**

The City Clerk stated that the applicant does not want to move forward with this until after Labor Day.

Councilperson Sher asked about zoning.

The City Clerk stated that it would be similar to an assisted living which that area is zoned for since it is commercial.

Councilperson Sher does not see a problem with it since there will be an on-site manager and hopes that it will work well in this community.

Councilperson Lowe asked about accommodations.

The City Clerk stated that their occupancy is 6.

Councilperson Lowe stated that he is concerned about the neighbors.

Council discussed and they would like more information. They will check with Councilperson Anderson to see when she is available and then set a meeting date to discuss this further.

**C) Cory Unsworth – 100 Bristol Park Lane – KOA Campground Cabin**

Council discussed. The permit is for a cabin, it is a sleeping unit, and no restroom is required because he has facilities.

Councilperson Sher made a motion to approve Cory Unsworth’s application for a 196 square foot building. Councilperson Brown seconded the motion. All voted aye, unanimous.

**D) Church of Jesus Christ of Latter Day Saints – 437 West Spring – Roofing Replacement, cornice & overhang work.**

Councilperson Sher made a motion to approve the building permit for the Church of Jesus Christ of Latter Day Saints for the roof replacement and cornice & overhang work. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Authorize Mayor to sign amendment to engineering agreement for professional services with Forsgren Associates to amend scope of services to include design of an additional block of roadway 1st West from Fife Street to Booth Street and provide construction administration and testing.
Councilperson Sher made a motion to give the Mayor recommendation to sign engineering agreement with Forsgren. Councilperson Lowe seconded the motion. All voted aye, unanimous.

**Approve contract with Liquid Engineering Corporation to inspect water storage tanks.**

Councilperson Sher made a motion to approve the inspection with Liquid Engineering in the amount of $1,450. Councilperson Lowe seconded the motion. All voted aye, unanimous.

**Adjournment**

Councilperson Sher made a motion to adjourn. Councilperson Lowe seconded the motion. All voted aye, unanimous. Meeting adjourned at 6:30p.m.

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Allison Hinz – Transcriber  Marshall N. Burgin, Mayor

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Canda L. Dimick, City Clerk