Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, August 8, 2013 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor
Carl Brown, Councilperson
Newt Lowe, Councilperson
Cathy Sher, Councilperson
Canda Dimick, City Clerk
Dennis Callahan, Code Enforcement Officer

Guests: Evelee Hill Rush, Richard Flick, Liz Tuttle, Mark Lowe, Vicky Lyon, Monte Steele and Greg Stevens

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

Approval of Minutes
No minutes transcribed for approval.

Review and Approve Bills
The City Clerk reported that the city had not received invoice #24 from Keller Associates for the Wastewater Improvement Project Phase II engineering services. The amount due for invoice #24 was shown on invoice #25. The city will get a copy of invoice #24. The total bill for Keller’s invoices #24 & #25 for $6,000 was added to the list of bills to be paid.

Councilperson Brown made a motion to approve the bills to be paid with the addition of Keller Associates for $6,000. Councilperson Sher seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement
A) Law Enforcement Monthly Report
Officer Monte Steele reported that the department had made it through another July, that some extra patrol was provided on July 24th and everything went well. The department provided a jail transport system in town during the two holidays also. The Bulls Only Rodeo is scheduled for this weekend. No issues were reported.

Councilperson Sher thanked the officers for patrolling the residential areas.

B) Status on Cole Johnson’s business license for automotive used parts and repair – Dennis Callahan, Code Enforcement Officer
Dennis Callahan reported that he met with Cole Johnson about moving everything behind the fence as City Council previously discussed. He suggested putting bamboo along the fence. Mr. Johnson told him that he could not expand the existing enclosure. Mr. Callahan reported that there are quite a few vehicles behind the fence already. Mr. Callahan talked with Cole about keeping registered vehicles outside of the fenced area and the others behind the fence. Cole claims that he does not have room to work on his vehicles behind the fence and his shop is full. Mr. Callahan suggested that Mr. Johnson put the vehicles he is working on in front of the shop so he can work on the vehicles between the shop and the cars. This way he is not working out in the open. Mr. Johnson also mentioned that his mother is looking at selling her home in the next year or so. Mr. Callahan wants to know if the Council is willing to work with Mr. Johnson or how they would like to handle the matter.
Councilperson Sher stated that she is agreeable to the idea if it is something that Mr. Johnson is agreeable to do. Mayor Burgin suggested talking to Mr. Johnson and giving him 30 days to comply with the Code Enforcement Officer’s proposal. Councilperson Sher really likes the idea of working with him on a solution.

Councilperson Brown asked if Cole had already been issued a business license. The City Clerk reported that he had applied for it but the fence issue had to be taken care of before it could be granted.

Councilperson Brown made a motion to have Mr. Callahan work with Mr. Johnson to get bamboo installed on the outside of the fence, put all unregistered vehicles behind the fence, and allow registered vehicles to be outside the fence, in front of the shop. Councilperson Sher seconded the motion. All voted aye, unanimous.

Events Coordinator Position (Conflict of Interest Concern) – Evelee Hill Rush
Evelee Hill Rush stated that her participation in the community is to make the community better. She thought her plans behind the Home Hotel would add more to the event that was planned there. The venue for the band was changed at the last minute. She feels that there was conflicting information between the Event Coordinator, the City and the Chamber which made the situation confusing as to who the Events Coordinator represents. She asked if she represents the City or the Chamber of Commerce and she stated that having the Events Coordinator working out of the City office creates confusion.

Mayor Burgin stated that it is a moot point because he has a letter of resignation from the Events Coordinator in front of him.

Ms. Rush thanked City Council.

Business License(s) & Non-Property Tax Permit(s)
A) Doall Construction – Gary A. Matiyasic, Owner/Applicant
B) HD Supply Power Solutions, Ltd. (Tax Permit)
C) Viva la Vida Vacation Rentals LLC – Greg Stevens & Kelly Stevens, Owners/Applicants
D) Consider Lava Planning & Zoning Commission’s recommendation regarding Donald Fulton’s business license applications for a restaurant and a building products retail store at 105 E. Main.

Mayor Burgin read A-D. He stated that the address is not correct for item C.

Councilperson Sher made a motion to approve the business license for Doall Construction. Councilperson Brown seconded the motion. All voted aye, unanimous.

Councilperson Sher made a motion to approve HD Supply Power Solutions, Ltd. tax permit. Councilperson Brown seconded the motion. All voted aye, unanimous.

Council discussed and was concerned that the business address for Viva la Vida Vacation Rentals, LLC was for the applicant’s residence and not the vacation home’s address. Greg Stevens stated that the vacation home is located at 72 S. 3rd W. Mayor Burgin questioned if the Stevens’ needed to fill out a new application. The City Clerk stated they could change the address on the initial application to the physical location of the business/vacation home.
Councilperson Brown made a motion to approve Viva la Vida Vacation House Rentals, LLC business license with the address change noted on the application. Councilperson Sher seconded the motion. All voted aye, unanimous.

Mayor Burgin reported that the Planning & Zoning Commission has recommended that the City Council approve Donald Fulton’s business license application for the retail store and deny the business license application for the restaurant based on the fact that there is not adequate off-street parking for the restaurant business.

Councilperson Brown made a motion to approve Donald Fulton’s license for the building products retail store and deny the license for the restaurant and to notify the owner that he will need to apply for a off-street parking variance before consideration will be made on the restaurant. Councilperson Sher seconded the motion. All voted aye, unanimous.

Building Permits

A) Julie Patterson – Change of Use (Shoshone Bannock Tribal Property) – tube stand, outdoor seating for Chuckwagon Restaurant and entertainment area.
Councilperson Sher asked if it needs to go through the tribe at all. The City Clerk reported that the Patterson’s have a lease on the property, they just cannot sublease.

Councilperson Sher suggested that they change the off-street parking to say off the alley and on the property.

Councilperson Sher made a motion to approve Julie Patterson’s change of use permit with the clarification on off-street parking as noted. Councilperson Brown seconded the motion. All voted aye, unanimous.

B) Kathy Cochran – 135 East Elm – Residential Remodel/Repair
Councilperson Sher made a motion to approve Kathy Cochran’s residential remodel contingent on the building inspector’s approval. Councilperson Brown seconded the motion. All voted aye, unanimous.

Idaho Community Forestry Program Community Forestry Advisor Agreement

The City Clerk reported that in order to get Tree City USA status and Arbor Day grants, the city needs to meet certain requirements. One of them is having a certified forester. Gerry Bates from Idaho Falls has offered to represent Lava Hot Springs through this outreach program, free of charge, to help the City continue their Community Forestry Program.

Councilperson Brown made a motion authorizing Mayor Burgin to sign the agreement. Councilperson Sher seconded the motion. All voted aye, unanimous.

Water Source Protection Plan Approval

The City Clerk clarified that what she had reported at the last meeting was incorrect. The plan has been submitted to DEQ for approval. Once DEQ approves the plan then it will be presented to the mayor and council for approval.

FY2012 Audit Status & FY2013 Audit Engagement Letter

The City Clerk reported that she just received the engagement letter today and that city council did not have to approve it at the meeting. The engagement letter could be taken home, reviewed and approved latter. She reported that the proposed audit cost is $6,750.00. The price for next year will be the same.
Councilperson Brown would like a due date added to the letter. The City Clerk will ask the auditor’s to incorporate a due date into the engagement letter and resend.

Council tabled approval until the next meeting.

Wastewater Land Application Farm Lease Renewal
The City Clerk provided copies of the current lease agreement to mayor and council. The existing lease form will be used as a template to work the renewal off of. Mayor Burgin suggested obligating the leaser to irrigate the land. The City Clerk stated that there are different rules and regulations that the city needs to follow and that they will be included in the renewal. She will check with DEQ about the new terms. Renewing the lease for two years was suggested.

City Council expressed that they did not have any changes.

Announcements/Meetings & Miscellaneous New Business
A) Reschedule FY2014 Budget Hearing
Scheduled for September 3, 2013 at 5:30 p.m.

B) Schedule FY2014 Budget Work Session
Scheduled for August 16, 2013 at 5:30 p.m.

C) Notice of Candidate Filing Deadline
The notice was published in the Idaho State Journal and went out in the water bills to those who live in City limits. The first date to file is August 26th and the deadline is September 6, 2013.

D) Miscellaneous – Fire Hydrant Relocation Project
Councilperson Brown asked about the status of relocating the fire hydrant by the Elementary School. Mayor Burgin reported that he talked to Tony about three priorities. The priorities are cleaning up the brush off the spring property up Fish Creek, relocating the fire hydrant and patching the streets.

D) Miscellaneous – Tour Bus Parking Signs
Councilperson Brown asked about the status of posting the tour bus parking signs by the museum. Mayor Burgin stated that they were posted today. He questioned how the city is going to enforce the parking. Councilperson Sher stated that she noticed the signs on her way to the meeting. She stated that if there are cars that are parking in the restricted area over night, that maybe Dennis should put a courtesy notice on their windshield.

D) Miscellaneous – Silver Grille’s Handicap Parking
Councilperson Brown asked about the Silver Grille’s handicapped parking. Council discussed how it has not been marked and it isn’t being used for what it is designated for. Councilperson Sher suggested having the Code Enforcement Officer talk to Vicky about it. Council agreed.

D) Miscellaneous – Lava Arcade/Motel Digital Sign
Councilperson Sher mentioned that the sign at the Lava Arcade/Motel has been moving a lot more. She mentioned it because she felt that if the arcade is allowed to let the sign rotate frequently that other business will want to do the same. Mayor Burgin will talk to the owners.
Projects

A) Wastewater Improvement Project

1) Change Order #6 – Power Line
Mayor Burgin reported that the change order is to raise the power line.

The City Clerk reported that a cost has not been provided yet. The project has to be done and paid for in September. Grant funds will be utilized to fund the change order.

Councilperson Brown made a motion to let Mayor Burgin negotiate the cost and sign the change order. Councilperson Lowe seconded the motion. All voted aye, unanimous.

2) Status of Solar Project & Change Order
Mayor Burgin stated that the change order is to increase the production of the solar system by purchasing and installing more panels to use up the DEQ grant.

Councilperson Brown made a motion to expand the solar project. Councilperson Lowe seconded the motion. All voted aye, unanimous.

The City Clerk reported that the plan is to purchase some spare solar panels also in case some of them are ever damaged, need to be replaced or repaired. Mayor Burgin suggested storing the spare panels in the mechanical room at the public restroom building.

Councilperson Sher made a motion to purchase the spare panels. Councilperson Brown seconded the motion. All voted aye, unanimous.

The City Clerk stated that the city received a $4,000 estimate from the contractor to install a roof over the solar system inverters. There isn’t enough space on the back of the building to install the inverters on so a rack had to be installed away from the building for them. The inverters need enough distance between them for cooling and they are weather resistant. The contractor suggested installing a roof over the rack to prevent direct sunlight and provide some shelter. The project engineer has suggested negotiating a reduced cost with the contractor.

Councilperson Brown made a motion to approve no more than $2,500.00 for the roof structure. Councilperson Sher seconded the motion. All voted aye, unanimous.

B) East Main Street Pedestrian Bridge Project

1) Easements
The City Clerk reported that the mayor, Tony and she had met with the funding agency and they seen the city’s need for the bridges. The grant application is due September 3rd. The stipulation on the application is that the easements are in place. The easement has been submitted to the state for consideration but it might take some time to get a response. The Victor brother’s have not agreed to an easement. Mayor Burgin has tried to get in touch with the Victor brothers several times. The City Clerk talked to one of the brothers who proposed a trade of the easement for the City’s water rights to Chicken Soup Springs. The City Clerk reported that she informed Mr. Victor that she did not think that the city would be interested but would pass the information on. The City Council was no interested in a trade.

Mayor Burgin stated that he felt that the meeting with the grant funders went really well.
The City Clerk stated that a pedestrian count needs to be completed this weekend during a peak time. Mayor Burgin has talked to the Chet Davids about doing the pedestrian count. Chet is willing to supervise his daughters while they do it for forty dollars.

The City Clerk asked what City Council wants to do about getting an easement from the Victor brothers. Discussion followed. Councilperson Sher made a motion to hire a surveyor and appraiser for the bridge, to offer the Victor brothers the appraised fair market value for the easement and to have the City’s Attorney notify the Victor’s of the city’s offer. Councilperson Brown seconded the motion. All voted aye, unanimous.

Councilperson Sher made a motion to pay the Davids to complete the pedestrian count. Councilperson Brown seconded the motion. All voted aye, unanimous.

C) Fish Creek Fence Project
Mayor Burgin reported that Tony and Billy are going to clean the brush off the property on Monday. The neighboring owners have agreed to sign the agreement once it is cleaned up.

D) Sign Project
The City Clerk reported that Tony is working on ordering signs. A quote should be available by next month.

E) Water Improvement Project
   1) Application Deadline
The application for the water project is due in September. The City Clerk will enlist some help from SICOG and Keller Associates.

Discussion – Items from the audience
No discussion from the audience.

Councilperson Sher stated that the City Clerk and Allison did a great job on the July 24th float and thanked everyone for participating. Everyone had a good time.

Adjournment
Councilperson Lowe made a motion to adjourn. Councilperson Sher seconded the motion. All voted aye, unanimous. The meeting adjourned at 7:50 p.m.

Allison Hinz, Transcriber

Marshall Burgin, Mayor

Canda Dimick, City Clerk