Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, December 12, 2013 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor
        Newt Lowe, Councilperson
        Cathy Sher, Councilperson
        Carl Brown, Councilperson

Guests: George Linford

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

Approval of Minutes
Councilperson Sher made a motion to approve the minutes. Councilperson Brown seconded the motion. All voted aye, unanimous.

Reviewing of Bills
A) Discuss Whitaker Constructions final pay request and additional fees for rock excavation
B) Motion to approve bills
Councilperson Brown made a motion to accept all bills except Whitaker’s, subject to discussion. Councilperson Sher seconded the motion. All voted aye, unanimous.

Mayor Burgin reviewed Whitaker’s final pay request and additional fees. There was never a change order processed for the extra rock excavation that was completed in 2012. The additional percentages were recorded on the estimate work sheets but a change order did not appear until the final pay request. The City was aware of a portion of the final change order, $3,158.95 for the additional drilling costs to find water for the monitoring wells. The loan for the project has already been closed to save the city interest so the additional costs can’t be added to the loan. The mayor feels that Keller’s should be held accountable for part of it since they were hired to help track, review and approve expenses. A considerable amount of discussion followed.

Councilperson Sher made a motion to approve $3,158.93 of the final change order for the monitoring wells. Councilperson Brown seconded the motion. All voted aye, unanimous.

Councilperson Sher made a motion to suggest a split in cost with the engineers due to overlooks and authorized the Mayor to negotiate a compromise. Councilperson Brown seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement Monthly Report
Business License(s) & Non-Property Tax Permit(s)

A) PPG Architectural Finishes, Inc. (Tax Permit)
B) Tobin Restoration, Inc. – Judy Rhett, Owner/Applicant
C) Yellowstone Glass, Inc. – Robert Anderson, Owner/Applicant

The City Clerk stated that she feels that PPG Architectural Finishes, Inc., should be refunded the $5.00 tax permit fee. They should be exempt because they are retailing building materials which are exempt from the non-property tax.

Councilperson Brown made a motion to refund the PPG permit fee because sales are exempt. Councilperson Sher seconded the motion. All voted aye, unanimous.

Councilperson Sher made a motion to approve business licenses for Tobin Restoration, Inc. and Yellowstone Glass, Inc. Councilperson Brown seconded the motion. All voted aye, unanimous.

Discuss enacting a noise control ordinance stipulating quiet times – Councilperson Sher

Research information, copies of ordinances regulating sound restrictions in other Idaho cities that were given to mayor and city council for review prior to the meeting were discussed.

Councilperson Sher stated that she really liked Boise’s ordinance. She expressed desires for the city to mirror Boise’s ordinance with some changes. She reviewed her proposed changes with the mayor and city council page by page.

The City Clerk will compile a draft of the ordinance with Councilperson Sher’s proposed changes and send it to the city attorney for legal review. When the city attorney’s opinion is received another city council meeting will be scheduled to consider enacting the ordinance or making additional modifications based on legal advice.

FY2014 Building Inspection Renewal Agreement

The City Clerk reported that she talked to the city’s attorney and the city is at the mercy of the county because the city is required to have a licensed professional do the inspections. The city’s attorney has proposed some minor agreements changes, which the City Clerk has forwarded to Bannock County for consideration. Copies were given to City Council for review.

City Council agreed to tabled the agreement until a response is received from Bannock County and for the mayor and City Clerk to meet with the Bannock County Commissioners regarding the agreement if necessary.

November 5, 2013 Election Results

The tabulation was read.
Tamara Davids 50
Jack “John” Fleming 19
George Linford 50
Nathleen Rife 4
Cathy Sher 44
The number of over votes (2) and under votes (5) were questioned. The City Clerk explained that it probably meant that two ballots voted for more than what was allowed so were spoiled and five voted for less than the number instructed, but she could check with Bannock County is mayor and City Council would like her to do so. C

Councilperson Sher made a motion to accept the tabulations as read. Councilperson Brown seconded the motion. All voted aye, unanimous.

Announcements/Meetings & Miscellaneous New Business
A) Discuss hooking up street light at North 5th West and West Spring Street
The City Clerk reported that Dean Bytendorp had questioned the city about the reason why the street light at the corner of North 5th West and West Spring Street had never been connected to power. The street light was one relocated from the East Main Street beautification project when the decorative lighting system was installed in the 90’s and was never connected to the power because of costs. The city clerk has sent an email to a Rocky Mountain Power representative to see what the possibility and cost would be to connect the light now. The power to the light pole is closer due to residential building construction that has happened over the years. Mr. Bytendorp has asked that the street light be activated to detour vandalism that has been happening recently in the area.

B) Miscellaneous (Southeast Idaho Council of Governments Board Meeting/Christmas Dinner)
Southeast Idaho Council of Government has invited the city to attend their Board Meeting/Christmas Dinner scheduled for December 19, 2013 at the Greystone in Lava. Mayor Burgin and the City Clerk will attend.

C) Miscellaneous (FY2012 Audit)
The City Clerk reported that she believed that the audit is done and that she will get a copy of the report and forward it to mayor and city council.

D) Miscellaneous (Veteran’s Park Flag Poles)
Councilperson Brown reported that Willy told him that a cable is broken on one of the flagpoles at the City Park. Mayor Burgin reported that the city was aware of it and that he will work on getting it fixed. The mayor expressed liability concerns with having anyone else repair it.

Projects
A) Wastewater Improvement Project
   1) Net Metering Agreement Changes
      The Idaho Public Utilities Commission has not made a decision on allowing the meter rate for the City of Lava’s system to go to 100 KW but they have decided to allow net metering customers to use excess generation at one meter to offset consumption at
another meter, also known as meter aggregation. The City Clerk will work on the application to transfer credits if required.

**B) East Main Street Pedestrian Bridge Project**

1) **Easements**
The City Clerk is still waiting on an architectural rendering of the bridge to present to the Victor Brothers as asked.

2) **LHRIP Grant Application**
The City Clerk reported that she had some miscommunications with the engineers and that due to illness she was not able to get the report that they needed to them until the afternoon of the deadline date. She thought that the engineers were working on their portion of the application and was going to slip the financial information into the application but they did not even start until they received the report from her and so it could not be completed in time. The application was to fix the decking on the traffic bridge along with a chip and seal project. Plan is to submit the application next year.

3) **Community Choice Grant Application – Due December 23, 2013**
The pre application was submitted by the deadline with the assistance of Southeast Idaho Council of Governments. The application was scaled back to install one pedestrian bridge which will be the one on the North side of Main Street.

**C) Water Improvement Project**

1) **Southeast Idaho Council of Governments Administrative Contract**
The City Clerk reported that she still has not heard anything back from Clyde on the contract and will follow up with him. Councilperson Brown made a motion to table the SICOG contract. Councilperson Lowe seconded the motion. All voted aye, unanimous.

**D) Water Line Replacement to Community Building**

1) **Fire Hydrant Removal/Steadman Construction Bill**
Mayor Burgin questioned if the engineers had forwarded a pay request from Steadman Construction today. The City Clerk checked the email and one had been forwarded. The $16,492.00 pay request for the contract and Change Order #1 was reviewed. Motion was made by Councilman Brown and seconded by Councilperson Sher to approve and pay the Steadman Construction pay request #1. All voted aye, unanimous. Change Order #2 was reviewed and discussed. Mayor Burgin recommended tabling Change Order #2 to allow time for him to review the measurements and supplies listed with the engineers and city maintenance crew. The City wants more than $300 to remove the fire hydrant that the contractor failed to complete.

**Discussion**
None.
Adjournment

Councilperson Lowe made a motion to adjourn. Councilperson Brown seconded the motion. All voted aye, unanimous. Meeting adjourned at 6:38 p.m.

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Allison Hinz, Transcriber                                                Mrashall N. Burgin, Mayor

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Canda L. Dimick, City Clerk

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