

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, December 8, 2011 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor
Rita Anderson, Councilperson
Newt Lowe, Councilperson
Cathy Sher, Councilperson

Canda Dimick, City Clerk

Guests: Mark Lowe, Carl Brown, Dennis Jablonski (Sign-O-Rama)

The meeting was called to order at 5:30 p.m. by Mayor Burgin.

Approval of Minutes

A motion was made by Councilperson Anderson approving the minutes of the November 10, 2011, Regular Council Meeting as written. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Reviewing of Bills

Councilperson Anderson questioned if the \$1500 which is paid to Web Impact is per month. The city clerk confirmed that this is the contracted monthly amount.

The mayor questioned the Topaz Irrigation bill. The city clerk explained that the bill is not broken down into what is for canal maintenance and what portion is for legal services to protect the water rights on the case against the City of Pocatello when they were trying to buy the Chesterfield Reservoir storage rights. The legal fees were divided between three (3) canal companies. The City has the option of paying the full amount now or an equal share each year for three years at 18% interest. The amount listed on the bills for approval is the full amount.

A motion was made by Councilperson Anderson approving payment of the bills. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

Law Enforcement Monthly Report

No officer present for report.

Introduce and adopt Ordinance 2011-4 establishing rules and regulations for the sale and use of fireworks and non-aerial common fireworks.

The city clerk explained that the ordinance is to permit the sale of fireworks because the current ordinance does not allow the sale of fireworks in city limits. It will also adopt some of the Idaho Code provisions and require a retail permit and proof of insurance.

A motion was by Councilperson Anderson to read Ordinance 2011-4 by title only. The motion was made and seconded by Councilperson Sher. All voted aye, unanimous.

A motion was made by Councilperson Sher to waive the three (3) readings of Ordinance 2011-4. The motion was seconded by Councilperson Lowe. All voted aye, unanimous. Councilperson Lowe read Ordinance 2011-4 by title as follows:

ORDINANCE NO. 2011-4

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO, ESTABLISHING RULES AND REGULATIONS FOR THE SALE AND USE OF FIREWORKS AND NON-AERIAL COMMON FIREWORKS; PROVIDING FOR DEFINITIONS OF TERMS WITHIN THE ORDINANCE; PROHIBITING THE USE OR SALE OF FIREWORKS EXCEPT AS PERMITTED BY THE ORDINANCE; ESTABLISHING TIMES AND DATES OF SALE AND USE OF NON-AERIAL COMMON FIREWORKS AND FIREWORKS; REQUIRING AN APPLICATION AND PERMIT FOR ANY PERSON SEEKING TO ENGAGE IN THE RETAIL SALE OF NON-AERIAL COMMON FIREWORKS; REQUIRING A PERSON TO MAKE APPLICATION AND OBTAIN A PERMIT FOR THE PUBLIC DISPLAY OF FIREWORKS; REQUIRING THAT RETAIL SALES OF NON-AERIAL COMMON FIREWORKS BE FROM TEMPORARY FIREWORK STANDS; ESTABLISHING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING THE PRESENT TITLE 7, CHAPTER 2, OF THE CITY CODE OF LAVA HOT SPRINGS, AND SUBSTITUTING THIS ORDINANCE THEREFORE; WAIVING THE RULE THAT THIS ORDINANCE BE READ ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE;

A motion was made by Councilperson Sher adopting Ordinance 2011-4. The motion was seconded by Councilperson Lowe. Lowe – aye, Sher- aye, Anderson – aye, unanimous.

2009 International Building/Residential and Energy Codes exceptions – Ordinance draft.

The city clerk reported that she is working with the attorney and the building inspector to simplify the 2009 International Building/Residential and Energy Code ordinance and to include exceptions specifically for the City of Lava. The draft is not yet complete.

Building Permit(s)

A) Centurylink Real Estate (37 East Main) – Restructure Roof – Letter of concern regarding drainage from neighboring property owner.

The city clerk reported that she had talked to the architect regarding the drainage concern. He requested a copy of the letter of concern and said that he would mitigate the problem. Lisa Toly contacted the city clerk today and reported that they already have some puddling in the basement of the Royal.

A motion was made by Councilperson Sher to table the permit on Centurylink Real Estate restructure roof and the letter of concern. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

B) Lucian Danese (89 South 4th West) – Change of Use to Vacation Rental

The city clerk reported that the building inspector had signed off on the Change of Use Building Permit. It was stated that no one had inspected the off-street parking.

A motion was made by Councilperson Sher to table the approval of Lucian Danese – Change of Use building permit until the mayor has time to inspect the off-street parking. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

B) Greg Williams – Duplex Plan Changes – 12 West Booth, Lots 18, 19 & 20, Block 13, Townsite of Hall City)

The council reviewed the history of the project. The city clerk reported that the original electrical permit was for four (4) meter bases. Mr. Williams told her that he has plugged one of the meter bases. The building inspector reported to the city clerk that he has authorized Mr. Williams to over build and there is a potential of expanding additional units and that wiring and plumbing are stubbed in. The seconded building is accessed from the alley only. Mr. Williams has also put in an access off of Center Street which was not in the plans. The revised plan shows only two garages. It was discussed that the original plans were approved as duplexes to minimize the impact on the alley. The city clerk explained that the occupancy certificate should be signed by the county next week. She had tried to get Mr. Williams to come to council to get the issues of the building plan changes resolved so that he would not be held up. Mr. Williams was upset and said that he would only talk to the mayor or the city attorney. The mayor suggested that the city attorney contact Mr. Williams. Councilperson Anderson reported that there are some concerned neighbors about this issue.

A motion was made by Councilperson Anderson authorizing the mayor to contact the city attorney to decide how best to represent the city in this matter with Mr. Williams and to report back to the city council. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Work Session with Lava Planning & Zoning Commission on proposed ordinance permitting and regulating recreational vehicles for human occupancy or habitation within the R-2 and R-3 zones.

The city clerk reported that the Planning and Zoning Commission had scheduled a work session for December 15th at 6:30 p.m. which is the night of the Elementary School Play. The commission didn't realize this conflict when the meeting was scheduled. She questioned if the council would like to meet earlier that evening or reschedule the work session. Councilperson Anderson reported that she would be out of town that day. Councilperson Sher suggested waiting until after the first of the year to meet. The city

clerk was instructed to ask the Planning and Zoning Commission to reschedule the work session for after January 1, 2012.

Consider business license application/non-property tax permit for Rock Ridge, Lucian Danese, Owner/Applicant.

The council discussed the required off-street parking.

A motion was made by Councilperson Sher authorizing the mayor to sign the Business License for Lucian Danes, Rock Ridge, 89 S. 4th W., after he inspects the parking. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

Riverside Inn Reader Board Proposal – Dennis Jablonski, Sign-O-Rama

Dennis Jablonski, Sign A Rama, reported that he had talked with city staff and there seemed to be a need for some clarification on the sign ordinance for a reader board device. Riverside Inn would like to attach two (2) signs back to back underneath their existing sign. He provided a display. The proposed signs would be about 5 feet wide extending over the sidewalk. The city code requires that the sign be fifteen (15) feet above the curb side of the sidewalk. He stated that if there is not the required clearance the signs would be placed on the posts that do not extend over the sidewalk.

The city clerk explained that the city ordinance prohibits flashing signs. The clarification needed is if this is a flashing sign. Councilperson Sher questioned if there is a shut off time for these signs. Mr. Jablonski stated that the signs could be set up with a shut off time. Councilperson Sher would like to look at the area where the signs will be installed.

There was discussion of the definition of a flashing sign. The council did not feel that the reader board was a flashing sign. Sign A Rama has several similar signs operating in Pocatello. A picture of the proposed sign was given to council. Councilperson Lowe questioned the durability of the sign and how susceptible it would be to vandalism. The council decided to table the matter and make a decision in a week at a special meeting after Councilperson Sher had a chance to look at the installation site.

Approve November 8, 2011 City Election Results

The city clerk reported that she notified the county that there were two voters who shouldn't have voted in the city election. These two voters should have only voted in the county election because they live outside of the city limits. These votes do not affect the outcome of the election. There were 66 ballots cast (minus the two). Marshall Burgin received 60 votes, Newt Lowe received 54votes, and Carl Brown received 48votes. The percentage of voter turnout was 29.28 percent.

A motion was made by Councilperson Anderson approving the abstract of votes for the City of Lava November 8, 2011 General Election. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Review and approve amended III-A Joint Powers Agreement (JPA)

The city clerk reported that the Department of Insurance has required III-A to do a revised agreement with their members in order to be a valid non-profit self insured agency. The city has to approve and sign the new agreement as a member. The city attorney has reviewed the agreement and he is comfortable with it. The self insured program is the employee health insurance and will be in affect beginning February 1, 2012 if all goes well and the Idaho Department of Insurance approves the program.

A motion was made by Councilperson Anderson authorizing the mayor to sign the III-A Joint Powers Agreement and Declaration of Trust. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

Meetings/Announcements

A) January 26, 2012 City Officials' Day at the Capitol

No one was interested in attending.

B) Consider city's eligibility to take advantage of Pay-Port, the State of Idaho's credit/debit card processing service offered through Access Idaho.

The city clerk explained that Pay-Port will give the city one machine and it can be linked to the city website so that customers can go online and make a payment on their account. There is a 3% fee which is charged to the customer, the city will not be charged a fee. The city clerk reported that the city does have people inquiring about paying by credit card and online. She stated that she wasn't sure how many people would use it when they find that they are charged a 3% fee. It was discussed that they may be happy to do so if they live out of town.

A motion was made by Councilperson Sher to approve the Pay-Port Service Agreement. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

C) Reader's Digest "We Hear You America 2012" funding opportunity

The city clerk reported that "We Hear You America 2012" is a funding opportunity. She has passed the information onto the museum and Prosperity Foundation to steer a project. This grant is based on a voting program much like the way the Brooklyn's Playground in Pocatello project was funded. The council decided to take no action on this grant.

D) Miscellaneous

1) Ruth Ann Olsen Day

Councilperson Sher feels that it would be appropriate for Ruth Ann's own community to recognize her. The museum is planning a celebration on January 14, 2012. She would like to have January 14th proclaimed as Ruth Ann Olsen Day. Councilperson Sher will work with the city clerk on a proclamation. The mayor will speak at the celebration. All were in agreement.

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2) Sander

Mayor Burgin reported that on December 1st he and Billy went to Labarge, Wyoming to look at a sander. The sander is a good buy at \$9,300. It is a stainless steel sander attached to a dump truck. The sander is owned by the State of Wyoming.

A motion was made by Councilperson Lowe authorizing the mayor to purchase the sander. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Projects

A) Wastewater Improvement Project

1) Phase I Substantial Completion

Substantial Completion is expected in February, 2012 when the pump motor is changed out to comply with ARRA Buy American requirements. The council will need to have a special meeting possibly next week to consider Kilroy's request for payment #12. There is also a hold up on the seepage test. DEQ has not authorized release of payment for the test.

2) Authorize mayor to execute reciprocal access easement agreement with Agreserves, Inc.

A motion was made by Councilperson Anderson authorizing the mayor to sign the reciprocal access easement agreement with Agreserves, Inc. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

3) Phase II Contract/Notice to Proceed/Ground Breaking Ceremony

Ground breaking ceremony is scheduled for December 19, 2011 at 10 a.m. with light refreshments served.

B) Wastewater Rate Study Progress

The mayor reported that the mayor and Councilperson Lowe along with representatives from Keller Associates will meet individually with the campground owners and the director of the Lava Hot Springs Foundation to review rates structures with them. It was decided to schedule meetings the 1st week of January, possibility after the Wednesday construction meetings.

C) Center Street Resurfacing Project – Review attorney's opinion regarding contract.

The attorney has reviewed the contract for the Center Street Resurfacing Project and recommended a few revisions. Forsgren Associates started to conduct surveys this week while the weather is permitting; they are willing to make contract revisions as recommended.

D) Drinking Water Protection Plan Update

Committee Chairperson Mark Lowe reported that the committee has met. The city clerk has made the final language updates in the management plan and has forwarded the plan to Malinda Harper, Idaho Rural Water Association. As soon as the update is returned from Idaho Rural Water Association, the committee will meet to finalize and forward the update on to council for approval.

E) ITD Permit to install sewer line along HWY 30 to connect Fern Byington's house to system.

The mayor reported on the permit process. The council had originally wanted Kit Tillotson, K-T Excavation, to apply for the permit because of traffic control requirements. ITD requires the permit to be issued in the name of a government agency therefore the city is the permittee. The permit has to go before committee for approval; it should be issued within a week to 10 days.

F) Miscellaneous

The mayor questioned what the savings has been on the solar project. The city clerk reported that there is some savings but she has not compiled a comparison report.

The mayor also questioned the status of the windmill project. The city clerk reported that she had spoken to Brian Phinney, Keller Associates about it and he is supposed to be preparing a design plan with cost estimates.

Discussion – Items from the audience.

None

Adjournment

A motion was made by Councilperson Lowe to adjourn. The motion was seconded by Councilperson Anderson. All voted aye, unanimous. The meeting adjourned at 6:45 p.m.

Trish Avery, Transcriber

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved January 12, 2012