Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, July 10, 2014 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor  
Newt Lowe, Councilperson  
Carl Brown, Councilperson  
George Linford, Councilperson  

Excused: Tamara Davids  

Guests: John Pippets, Randy Benglan, Aaron Swenson, Geoffrey & Angileen Williams and J.C. Smith  

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

Councilperson Brown made a motion to amend the agenda to include business licenses for Medalist Cleaning and Restoration, Monavie, Shangrilla, and Brook West Massage, and Non-Property Tax Permits for Marsh Valley High School Cheer, Monavie, Nerium International, Shangrilla, and Success Partners Holding Co.. Councilperson Linford seconded the motion. All voted aye, unanimous.

Approval of Minutes

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

Review and Approve Bills

A) Rendering Fee – Aaron Swenson – Forsgren Associates

Aaron Swenson not present at this time. Mayor and council choose to proceed with agenda as outlined and discuss bill with Aaron later.

B) Motion to approve bills

Councilperson Brown made a motion to approve the bills with the exception of Forsgren. Councilperson Linford seconded the motion. All voted aye, unanimous.

Aaron Swenson was in attendance and reviewed the fees for the rendering for the East Main Pedestrian Bridge with mayor and council. Forsgren contracted the service out. They did not add any mark up, the $3,160 is the fee from the contractor. The City Clerk feels that the East side of the bridge on the rendering needs to show proposed access improvements. Mr. Swenson stated that he was surprised by what they were charged as well. They are happy to make changes to the rendering. Councilperson Linford made a motion to pay the Forsgren bill in the amount of $3,600.00. Councilperson Brown seconded the motion. All voted aye, unanimous.
Monthly Law Enforcement/Code Enforcement Reports
No Law Enforcement present.

The City Clerk reported that there were some disturbances over the 4th holiday, but everything seemed to go well overall. The First-Aid station was beneficial.

Access Improvements to Portneuf River for Tubers Grant – Christopher Banks, Portneuf Soil Conservation
Christopher Banks was not present. The City Clerk stated that she is concerned that representatives were not in attendance due to the approaching deadline of the application. The grant application is due August 1, 2014. Mayor Burgin stated that he is concerned about assuming liability. Councilperson Brown feels that the improvements need to be done. Further discussion followed. The City Clerk will call the Portneuf Soil Conservation representatives to see why they did not attend and will report to City Council.

Agrium Operations in Southeast Idaho – John Pippets, Public Affairs Manager
John Pippets stated that Agrium is in the process of getting a permit to open another mine. They are looking to educate the community and obtain support. He reviewed some slides with City Council. He addressed selenium issues and stated that Agrium is aware of the problems that it has caused. They are working to clean up the sites that were affected and know how to properly handle selenium now. He stated that the environmental impact will be released in 2015 and they will be soliciting public input in 2015 as well. Councilperson Brown asked about the selenium content in the Portneuf River. Mr. Pippets stated that he does not know, but selenium occurs naturally in the environment. He is not sure if those levels have been tested in the Portneuf. The Blackfoot River and its tributaries are the areas that Agrium has researched.

Revised Event Coordinator Job Description
City Council reviewed the revised job description and feels that it is acceptable. The City Clerk will advertise the position and City Council will do interviews on July 21, 2014 at 5:30 p.m.

Open, Review & Select Bid for Fish Creek Spring Fencing Project Phase I
The City Clerk reviewed the one bid submitted by The Fence Man with City Council. Councilperson Brown made a motion to table the bid and check with DEQ to see if the footage can be scaled back to 588 feet. Councilperson Linford seconded the motion. All voted aye, unanimous. J.C. Smith was in attendance after the city council’s decision was made so the city council chose to review the bid with him. J.C. agreed to look over the bid and see where some cut backs can be made. The City Clerk will hold off on contacting DEQ until the City hears back from J.C.

Planning & Zoning
A) Consider recommendation to enact an emergency moratorium ordinance upon all subdivision development within the city and further prohibiting all development within the un-zoned areas of the city for a period of one hundred eighty-two days or until the new subdivision ordinance is enacted and zoning use districts established.
Planning & Zoning’s recommendation to enact an emergency moratorium was reviewed. Ordinance 2014-1 was introduced and read.

**ORDINANCE NO. 2014-1**

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO, FINDING THAT THE PLANNING AND ZONING COMMISSION IS CONSIDERING AND PLANNING THE ADOPTION OF A REVISED SUBDIVISION ORDINANCE FOR THE CITY AND THE ADOPTION OF ZONING USE DISTRICTS FOR ALL UNZONED AREAS OF THE CITY; FINDING THAT IMMINENT PERIL EXISTS TO THE WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE CITY IF SAID SUBDIVISION ORDINANCE AND ZONING USE DISTRICTS ARE NOT ENACTED BEFORE FURTHER DEVELOPMENT IN THE CITY IS PERMITTED; DECLARING AN EMERGENCY NECESSITATING A MORATORIUM ON FURTHER SUBDIVISION DEVELOPMENT WITHIN THE CITY AND ANY DEVELOPMENT WITHIN UNZONED AREAS; WAIVING THE RULE REQUIRING THREE SEPARATE READINGS OF THIS ORDINANCE; ESTABLISHING AN EFFECTIVE DATE AND TERMINATION DATE OF THIS ORDINANCE; AND PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF LAVA HOT SPRINGS, IDAHO AS FOLLOWS:

SECTION 1: The Planning and Zoning Commission of the City is considering and planning the adoption of a new and revised subdivision ordinance for the city and the establishment of zoning use districts for the un-zoned areas of the city.

SECTION 2: The City Council finds that an imminent peril exists to the welfare of residents and property owners within the city unless a new and revised subdivision ordinance is enacted for the city to more completely detail the requirements for subdividers to follow in dividing property owned by them for purposes of sale and transfer and to insure and promote planned and orderly growth within the city and that the creation of zoning use districts within the un-zoned areas of the city is also necessary to protect the residents of the city and to also insure orderly and planned growth within those areas.

SECTION 3: The City hereby declares that an emergency exists and imposes a moratorium on all subdivision development within the city limits and all development within the un-zoned areas of the city for a period of one hundred and eighty-two (182) days from and after the effective date of this ordinance or until adoption of a new and revised subdivision ordinance and zoning districts within the un-zoned areas of the city, whichever should first occur.

SECTION 4: Any violation of this ordinance shall constitute a misdemeanor and shall be punishable by a fine of One Thousand Dollars ($1000.00) or confinement in the county jail for a
period of Six (6) months, or by both such fine and imprisonment. Each day that said violation continues shall constitute a separate offense.

SECTION 5: The rule requiring that this ordinance be read on three separate occasions is hereby waived.

SECTION 6: This ordinance shall be in full force and effect from and after its passage and publication according to law.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF LAVA HOT SPRINGS, IDAHO THIS 10TH DAY OF JULY, 2014.

_______________________________________
MAYOR

ATTEST: ____________________________
CITY CLERK


B) Consider recommendation to hire a firm to assist the P & Z Commission with drafting a new subdivision ordinance, revise the zoning ordinance and help determine appropriate uses for un-zoned areas.

Not addressed.

C) Subdivision Ordinance Exemption #1 – Randy Benglan

Randy Benglan presented photos to City Council showing how his clients, Geoffrey & Angileen Williams, would like to move Lot line 8, Block 20, Townsite of Hall City to develop two parcels that would comply with current minimum zoning area requirements for the development of two homes. The proposal had been considered at the June regular council meeting but denied because of subdivision regulations. Randy feels that the subdivision ordinance exemption #1 allows the proposal to be reconsidered. Discussion followed. Councilperson Linford made a motion to approve the request to move the lot line as shown by Randy Benglan. Councilperson Brown seconded the motion. All voted aye, unanimous.

Building Permit(s)

A) Julie Patterson – Chuckwagon, 211 East Main – Cut opening and install window.
Councilperson Brown made a motion to approve the building permit for Julie Patterson for a new window at the Chuckwagon Restaurant. Councilperson Lowe seconded the motion. All voted aye, unanimous.

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

A) Idaho Rocky Mountain Real Estate – Jennifer Brunson, Owner/Applicant
B) Superior Asphalt, Inc
C) Medalist Cleaning and Restoration – John Beal, Owner/Applicant
D) Marsh Valley High School Cheer – Non-Property Tax Permit
E) Monavie – Richard & Patty Tullock, Owner/Applicant – Temporary Vendor and Tax Permit
F) Nerium International – Non-Property Tax Permit
G) Shangrilla – Jeanette Roloff, Owner/Applicant – Business License and Tax Permit
H) Success Partners Holding Co. – Non-Property Tax Permit
I) Brook West Massage – Brook West, Owner/Applicant

The list of licenses and permits was read. Councilperson Brown made a motion to approve all of the business licenses and non-property tax permits. Councilperson Linford seconded the motion. All voted aye, unanimous.

Meetings & Announcements

1) Pioneer Day Parade – July 26th

Mayor Burgin will provide a vehicle. The City Clerk and Allison will come up with some decorating ideas and order the same amount of candy as last year.

2) Discuss Appointing a Centennial Committee

The City Clerk stated that we need a budget in place for the Centennial year activities/celebration. The City Clerk will work with Allison, Mark Lowe and the Mayor to get some ideas together. Council agreed to the three of them working together to plan Lava’s Centennial activities/celebration.

3) City Transportation Plan Update Recommendation

Updating the plan was discussed and City Council agreed to obtain a cost from Forsgren to update the plan and work them on it.

4) Miscellaneous – Watering Hours

Councilperson Brown asked how the watering hours are working. Mayor Burgin reported that he talked to Tony today and the levels are coming back up. The hours will continue as posted. Councilperson Brown reported that he understood that George Katsilometes had some concerns regarding the watering hours and he offered to be the “go-between” with George from now own. Mayor and Council accepted the offer.

Projects

A) Wastewater Improvement Project
   1) Generator Replacement
City Council reviewed the specs and costs. Mayor Burgin reported that it is a three phase system and the cost doesn’t include the concrete pad and transfer switch. The old transfer switch should work. Mayor Burgin will present the specs to DEQ for review and approval. Total project cost estimated at $22,000.00. Plan is to rent a propane tank and have the abandoned diesel fuel tank removed. Councilperson Brown made a motion for the Mayor to approach DEQ to see if the specs can be approved. Councilperson Linford seconded the motion. All voted aye, unanimous.

B) Water Facility Plan Study

Keller Associates have begun developing cost estimates for the most viable alternatives and is working towards completing the draft. The potential well locations have been given to the engineers and the mayor has contacted the property owners. Engineers plan on submitting a draft of the report to the city by the end of July for review.

C) Fish Creek Fencing Project
1) Grant Funding Extension & Agreement Status

The City Clerk reported that the DEQ contract amendment to extend funding had been received, signed and returned. The agreement with the Potter’s has also been signed.

D) Fire Station Remodel/Addition Project
1) Alderson, Karst & Mitro contract status

The City Clerk reported that some changes were made. The City’s attorney feels that the provisions on the liability insurance need still need to be addresses as well as some additional indemnification language. She will continue to work on it with the contractor and city attorney.

2) Idaho Community Development Block Grant Eligibility & Income Survey Update

The City Clerk reported that the Lava Rural Fire District does not qualify for the grant. The District does not meet HUD’s low income eligibility requirements.

E) Sign Replacement Project (Completed)

Mayor Burgin reported that the sign replacement project is completed.

F) Park Improvements
1) Veteran’s Park Brick Removal and Concrete Replacement (Completed)

Mayor Burgin reported that the brick removal and concrete replacement is completed.
2) Buddy Campbell Memorial Park
   a) Basketball Court Lighting Switch Status

   The City Clerk reported that the switch has been installed and the timer is set for two hour intervals.

   b) Future Expansion, new restrooms, pavilions and ADA Compliance Project ideas/plans.

   The City Clerk proposed looking at budgeting for restroom remodeling at the Buddy Campbell Park as well as a new pavilion, ADA compliance, and possibly purchasing property to extend the park to the west and develop some additional off-street parking there. City Council discussed the proposal and feels that the improvements would be beneficial.

G) Status of East Main Street Pedestrian Bridge (north side) funding.

   The City Clerk reported that ITD does not have the funding administration set up yet and that the city will have to execute a contract for the funding before any engineering or construction can be done on the project. The City is still working on an easement for the south side pedestrian bridge.

H) Miscellaneous

   Councilperson Brown reported that there was some graffiti on the sidewalk in front of the museum. He presented a copy of a letter that Cathy Sher sent to the Sheriff’s Department stating how helpful Officer Hart was with the matter. A letter was also given to the Mayor regarding the Code Enforcement Officer’s approach on the matter. Mayor Burgin will talk to him about it tomorrow.

Discussion

   None.

Adjournment

   Councilperson Lowe made a motion to adjourn. Councilperson Brown seconded the motion. All voted aye, unanimous. Meeting adjourned at 7:45 p.m.