Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, July 11, 2013 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor
Newt Lowe, Councilperson
Rita Anderson, Councilperson
Cathy Sher, Councilperson
Carl Brown, Councilperson
Canda Dimick, City Clerk
Dennis Callahan, Code Enforcement/Animal Control

Guests: Lisa Toly, Chet Davids, Tenille Roberts (Century Link), Marty Anderson (Katsilometes Attorney) and George Katsilometes

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

Approval of Minutes
Councilperson Sher made a motion to approve the minutes of the May 9, 2013 meeting. Councilperson Brown seconded the motion. All voted aye, unanimous.

Councilperson Anderson made a motion to approve the minutes of the June 13, 2013 meeting. Councilperson Brown seconded the motion. All voted aye, unanimous.

Review and Approve Bills
Council reviewed the bills.

Councilperson Anderson made a motion to approve the July bills to be paid. Councilperson Brown seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement
A) Law Enforcement Monthly Report
No law enforcement officer present.

Councilperson Brown questioned the law enforcement’s heavy handed approach to reports of minors at the Blue Moon Bar over the 4th of July. He stated that there ended up not being any minors inside.

Mayor Burgin stated that the matter will need to be addressed when an officer is present.

The City Clerk reported that she understood that two minors with Blue Moon Bar wrist bands had been caught with alcohol and that they claimed that they had been served in the Blue Moon. The City Clerk suggested that the council talk to the officers to get their side of the story.

Councilperson Sher stated that she was happy with how the officer’s handled issues on Main Street and how they came into the neighborhood to take care of things over the 4th of July.

B) Collin Petrun’s Temporary Livestock Permit – Dennis Callahan, Code Enforcement Officer
Mr. Callahan reported that Collin has not erected the corral fence as required by the Temporary Livestock Permit that the City granted him. Collin told him that he does not have money to do it right now but it is still on his list to do.
Mr. Callahan reported that it looked like Collin was trying to clean up the property so that they could rent it out and make some money. It doesn’t appear that any attempt has been made in regards to the fence. He recommends giving Collin a 30 day extension since he has been working on cleaning up the property. He would like to work with him. If nothing is done in the 30 days, then the horses would need to be removed from the premises. Councilperson Anderson stated that she thinks it is fair to give him another 30 days, but we do have a City Code about it needs to be enforced. Councilperson Lowe supported backing the Code Enforcement Officer’s position. Councilperson Sher agreed and expressed that she thinks that it is fair to give him 30 more days, but if nothing is done then the horses will need to be moved.

Councilperson Sher made a motion to give Collin Petrun a 30 day extension and if the corral is not constructed to Idaho Code, the horses will have to be moved out of city limits. Councilperson Brown seconded the motion. All voted aye, unanimous.

Mr. Callahan stated that he did give Collin a copy of the Idaho Code regarding fencing regulations, but he will give him another copy with the notice of extension.

C) Katie Pulham’s Dog Violation Waiver Request – Dennis Callahan, Code Enforcement Officer
Mr. Callahan reported that Katie was cited for two unlicensed dogs. He gave a verbal warning first, he followed up with a written warning, and then he issued the citation. He was unable to catch her at home so he left door hangers on her door. He reported that she came into the City office and requested that the fines be waived because she got rid of one of the dogs over a month. She claims that she only has one dog now and her boyfriend’s dog is there occasionally.

Councilperson Sher questioned when Katie got rid of the one dog. She has seen the male boxer loose. The City Clerk reported that it was over a month ago and it was the male boxer that she kept.

Councilperson Sher stated that the owner needs to take some responsibility. There are people who license their dogs and walk them on leashes. If the ordinance is not enforced, then there will be a problem with people thinking that they do not need to license their dogs. Councilperson Anderson agreed. If people want pets, then they need to be responsible for them.

Councilperson Sher made a motion to uphold the fines totaling $123.00 and if they are not paid to issue a misdemeanor citation. Councilperson Anderson seconded the motion. All voted aye, unanimous.

D) Cooperative access agreement between Harold Kendall and David Grosso – Dennis Callahan, Code Enforcement Officer
Mr. Callahan explained that the agreement is between the two property owners and the only reason that the City is involved is because Mr. Kendall is using Mr. Grosso’s driveway to access his off-street parking area for his vacation rental. The City was questioning whether Mr. Kendall had the required parking for his vacation rental. When he informed them that he had to use Mr. Grosso’s driveway in order to access the parking, the City wanted to make sure that it was alright with Mr. Grosso and that the driveway would be maintained during the winter for the use of guests. Access has been resolved with an agreement between the two property owner’s and Mr. Kendall will be maintaining the driveway in the winter. The City has a copy of the agreement for the record.
Consider Century Link’s revised application for a permit to install and maintain a buried fiber optic cable along North Center Street, going East in the alley between Main Street and Elm Street to the Century Link substation.

Councilperson Brown asked if the City’s attorney was okay with the permit. The City Clerk reported that the city has been working with the city’s attorney on it. Mayor Burgin questioned the bond in the amount of $500,000.00. Tenille Roberts stated that she emailed it the week before last.

Councilperson Anderson made a motion to approve the permit for Century Link contingent upon the bond being in place. Councilperson Brown seconded the motion. All voted aye, unanimous.

Tubing Risk Information Concerns – Kathryn DeMott

Kathryn DeMott thanked the Mayor and City Council for all that they do. She wanted to address tubing concerns that some of her guests have expressed. She forwarded an email from one of them last month. She stated that she spends a lot of time going over river safety with her guests. She has visited the tube stands and has seen that they have information posted about safety. She reviewed the email from her guest. She stated that the tube stands have great information available, but she knows that people don’t always read everything. She has had multiple comments about the disinterested teenagers and the lack of information. She is not trying to critique the tube stands. She suggested putting up some signs along the river.

Chet Davids stated that they tell their customers to walk the river before they enter.

Ms. DeMott suggested posting signs with the dangers of the river and a map of the river. Her five bullet points are: walk the river before you enter, the river has rapids, waterfalls, sharp jagged rocks and steep cement embankments, wear protective clothing (clothes, shoes, life jackets, helmets), remove loose items, and keep the river clean. She stated that the river is a freeway this time of year and is greatly impacted. She is concerned about who the responsibility falls on in case of a death.

Mr. Davids stated that a lot of customers don’t take them seriously. He feels that more needs to be done at the counter. They did have some signs up by the river that were broken and he has been trying to get them repaired. Most people just disregard the signs and warnings.

Ms. DeMott stated that she is asking for City involvement to have some signs put up. People don’t always rent tubes, some of them bring their own, so this would give them information about the river as well.

Councilperson Anderson stated that this would be a good thing to use the 2% or 1% funds on. She suggests taking it to the Chamber for them to put a proposal together.

Ms. DeMott asked Mr. Davids if the tube rentals communicate with each other and whether he thinks putting up these signs would be helpful.
Mr. Davids stated that they do communicate with each other and they have made some progress with steps going in and out of the river, entry and exit signs and the sign which was broken about the danger of the river.

Ms. DeMott suggested uniform signage to post at each tube stand and along the river.

Mayor Burgin stated that they can work on signage for next year.

Councilperson Sher suggested that the tube stand owners work together and bring a plan to City Council. Council supported Councilperson Sher’s suggestion.

Garbage/Recycling – Kathryn DeMott
Kathryn DeMott reported that she has noticed that the trash control on Main Street seems to be getting better. She is into recycling and presented a couple of ideas. One was a trash compacter and recycling bin. She also suggested having a local recycling bin that is monitored by the City. The problem is hauling it out which can be costly. Kathryn left pictures of compacters that she has seen in other communities.

Business License(s) & Non-Property Tax Permit(s)
A) Dongalen Enterprises, DBA Interstate Plastics (Tax Permit)
Councilperson Brown made a motion to approve the tax permit for Dongalen Enterprises. Councilperson Anderson seconded the motion. All voted aye, unanimous.

Building Permits
A) Mark & Julie Patterson – 3 Tube Rental Signs
Councilperson Anderson made a motion to approve the sign permit for Mark & Julie Patterson. Councilperson Sher seconded the motion. All voted aye, unanimous.

B) Willow Williams – 57 West Merle – Residential Addition (Entry Hall)
Councilperson Sher made a motion to approve the building permit for Willow Williams. Councilperson Brown seconded the motion. All voted aye, unanimous.

No Parking Tour Bus Only Signs
Sign design was reviewed by Council. The City Clerk reported that the parking ordinance conflicts with the information on the signs. The City’s parking ordinance limits parking for any vehicle over 26 feet to one hour. Council discussed the conflict and decided that the signs will be posted and they will work on changing the ordinance.

Pocatello Regional Transit Letter of Support
Councilperson Sher made a motion to write a letter of support. Councilperson Brown seconded the motion. All voted aye, unanimous.
Public Restroom Soap Dispensers
Council discussed the suggestion to install soap dispensers in the public restrooms on East Main Street. It was agreed to buy and install them. Supplies are purchased from Gem State. City personnel will be asked to check with Gem State and obtain cost for council to consider.

FY2011 Audit Report
The audit report is complete and copies have been given to Council to review.

Councilperson Brown asked if the auditor was going to formally present the report at a council meeting and if the FY2012 audit had been started. The City Clerk stated that the FY2012 audit is scheduled for July 19th. She will get an engagement letter for the FY2013 audit. The auditor will schedule a time to come in and present the report and address any questions with Council.

Announcements/Meetings & Miscellaneous New Business
A) Schedule FY2014 Budget Work Session
Work Session was scheduled for Monday, July 15th at 5:30 p.m. The City Clerk asked about scheduling employee evaluations. The Mayor stated that he does not want to do evaluations at that time.

B) FY2012 Audit Scheduled for July 19th
Councilperson Brown asked for the City Clerk to get an engagement letter for the FY2013 audit.

C) Miscellaneous
None.

Personnel Over Time/Comp Time – Mayor Burgin
Mayor Burgin reported that the maintenance crew has been granted two hours minimum of comp time for every call out they get on weekends. The Mayor has called around to neighboring communities to see how they handle call-ins. He stated that Grace rotates weekends between their three employees. They get 1 hour of comp time for each day of the weekend that they are on for a total of 3 hours. If they have to be called in they get one hour minimum of comp time. He talked with the guys about it and they are agreeable to this plan.

Council discussed establishing a comp time policy. City Council supported the mayor’s recommendation and expressed that they think it is fair and are okay with it as long as they guys agree with it.

The City Clerk asked about call-ins after work on week days. Mayor Burgin stated that he will talk to the guys about it.

Councilperson Brown made a motion to implement the mayor’s suggested plan for comp time. Councilperson Sher seconded the motion. All voted aye, unanimous.
Projects

A) Wastewater Improvement Project
   1) Whitaker back on site July 22\textsuperscript{nd}
   Mayor Burgin reported that Whitaker will be back on site on July 22\textsuperscript{nd}.

   2) Wheel line repairs/additional handline pipe
   Mayor Burgin reported that additional hand line pipe is needed to extend the line that is short. The wheel lines that were damaged from the wind have been straightened and repaired and braces installed to avoid problems in the future. The City Council agreed to the purchase of the additional hand line pipe.

   3) Award alternative energy project bid
   Councilperson Brown made a motion to award the alternative energy project bid to Big Dog Renewable Energy as recommended by Keller Associates, Project Engineer. Councilperson Anderson seconded the motion. All voted aye, unanimous.

   Councilperson Sher made a motion authorizing Mayor Burgin to sign the construction contract with Big Dog Renewable Energy. Councilperson Lowe seconded the motion. All voted aye, unanimous.

   4) Building permit for alternative energy project
   The City Clerk reported that the City already pulled a building permit and the inspection record card is on site. No action needs to be taken by Council.

B) East Main Street Pedestrian Bridge Project
   1) Easements
   The City Clerk reported that the city is still working on easements. The easements have to be in place by September 3\textsuperscript{rd} for the ITD TAPS grant application.

C) Fish Creek Fence Project
   The City Clerk reported that the Potter’s have not signed the agreement yet, but the City has not cleaned the lot up yet.

   Mayor Burgin stated that the city maintenance crew will get the lot cleaned up as soon as they can so that the Potter’s will sign the agreement.

D) Fish Creek Water Main Repair
   Mayor Burgin reported that he went up and looked at it with Tony. They decided it was the packing that was leaking. The leak has been fixed.
E) Water Improvement Project

1) Evaluate administrative proposals and select firm

Councilperson Sher made a motion selecting Southeast Idaho Council of Governments (SICOG) to administer services for the Drinking Water Improvement Project. Councilperson Brown seconded the motion. All voted aye, unanimous.

Discussion – George Katsilometes Pool Building Permit

Marty Anderson came forward to introduce himself to the Mayor and City Council. He is representing George Katsilometes. He brought up the issue of George’s building permit for a new pool. Mayor Burgin stated that the council cannot discuss the matter with him at this time and advised him to contact the county building inspector and the City’s attorney.

Councilperson Anderson stated that it seems to her like the cart was gotten before the horse. A permit is needed before construction begins.

Mr. Anderson stated that he understands that and he is not asking for City Council to make any decisions. He just wants to know where the city is with the process of Mr. Katsilometes building permit application.

The City Clerk stated that the permit was on a previous agenda, but it was tabled because the city was waiting for Mr. Katsilometes to submit engineering plans. She confirmed that she is the floodplain administrator and that the floodplain is considered with the building permit application process. The impact on the floodplain has not been addressed by the engineer. The floodplain impact needs to be addressed before a permit will be issued. Mr. Anderson stated that he just wanted to know where things were in the process and get an understanding of the permit process. Mr. Katsilometes stated that the engineer did address the floodplain elevation on the plans. He asked if the City Clerk has the FEMA maps. The City Clerk stated that the map that the engineer went off of is a different map and they have to go by the FEMA maps which you can find online. Mr. Anderson asked if it is permissible to build a pool in a floodway if it is properly permitted. The City Clerk reported that there is a provision in the ordinance that she passed on, and the engineer has to address the impact. She will get Mr. Anderson a copy of that provision. Mr. Anderson asked to be on next month’s agenda to talk about the permit for Mr. Katsilometes. Mayor Burgin stated that they may be on the next agenda.

Discussion – Law Enforcement Monthly Report

Mayor Burgin announced that Law Enforcement had arrived and had Officer Steele come forward. Officer Monte Steele reported that the department is going to stop sending the monthly reports to the city because of HIPPA laws and ongoing investigation concerns. If there is a particular incident that the city needs a report on, the city is to let the department know and a copy will be provided. The City will still receive the one page monthly report on how many reports were taken, daily hours of contract time, etc.

The City Clerk asked Officer Steel to report on the minor incident at the Blue Moon that Councilperson Brown inquired about earlier. Officer Steele reported that two minors were cited.
for drinking and they said that they had been served at the Blue Moon. The officers went and talked to the bartenders. Whoever was supposed to be watching the door was not there, the backdoor that was supposed to be locked was unlocked. They check identification of everyone in the bar to make sure that no juveniles slipped in. Councilperson Brown asked if the minors were served at the Blue Moon. Officer Steele stated that is what the minors told the officers. The Officers were told that there were other juveniles in there, but they did not find any.

Mr. Katsilometes commented that sometimes the police lights and everything scare visitors. Officer Steele stated that if they aren’t doing anything illegal, there is nothing to be scared of. Councilperson Sher thanked the law enforcement for going into the neighborhoods and giving them some attention over the 4th of July.

Lisa Toly stated that they have had a lot of families comment on how much safer they feel about letting their kids walk down Main Street when they see the officers present.

**Adjournment**

Councilperson Lowe made a motion to adjourn. Councilperson Sher seconded the motion. All voted aye, unanimous. Meeting adjourned at 7:15 p.m.

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Allison Hinz, Transcriber

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Marshall N. Burgin, Mayor

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Canda L. Dimick, City Clerk