Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, June 13, 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  
Rita Anderson, Councilperson  
Carl Brown, Councilperson  
Canda Dimick, City Clerk

Guests: Evelee Hill Rush, George Katsilometes, Vicky Lyon

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

Councilperson Anderson made a motion to amend the agenda to include sign permits for the Chuckwagon, Gator Tubes and Sweet Stuff, Request for Proposals for Administrative Services for the Water Improvement Project and Land Application Site Seeding. Councilperson Brown seconded the motion. All voted aye, unanimous.

Approval of Minutes
Councilperson Sher referred to page four of the May 9, 2013 meeting minutes. Need to correct word to “consistent”. Also, she would like Councilperson Anderson’s comment about flashing signs in commercial business windows as being distracting added to the minutes.

Councilperson Anderson approved of including her comment in the minutes.

Councilperson Anderson made a motion to approve the minutes of the May 23, 2013 and June 5, 2013 Special Meetings as transcribed. Councilperson Sher seconded the motion. All voted aye, unanimous. City Clerk will listen to recording, add Councilperson Anderson’s comment and present the revised May 9, 2013 meeting minutes for approval at the next meeting.

Review and Approve Bills
Councilperson Brown made a motion to approve the bills. Councilperson Anderson seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement
A) Law Enforcement Monthly Report
No Law Enforcement present.

B) July 4th Extra Patrol
The City Clerk reported that there is $3,000.00 budgeted for extra patrol. Discussion followed. Councilperson Anderson stated that she thinks the 4th will be busier than the 24th. Councilperson Sher agreed. Mayor Burgin suggested putting $2,500.00 toward the 4th and $500.00 toward the 24th.

Councilperson Sher asked about having Homeland Security coming in this year again. She will talk to Ken Fagnant about it.

Councilperson Anderson made a motion to give Mayor Burgin and the City Clerk the authority to talk with the Bannock County Sheriff’s and work out a schedule within the $3,000.00 budget. Councilperson Brown seconded the motion. All voted aye, unanimous.
C) July 4th Ground Fireworks – Council member Sher
Councilperson Sher questioned whether there is a need to ban ground fireworks. She will talk to Ken Fagnant, Assistant Fire Chief, and report back to Council.

D) Frequent Code Enforcement Visits – Collin Petrun & Jed Hansen
The City Clerk explained that Collin Petrun and Jed Hansen are upset about the Code Enforcement Officer’s frequent visits. She explained that the City has received numerous complaints and that the Code Enforcement Officer has been following up on them. Councilperson Anderson stated that he should continue responding to complaints.

Councilperson Sher stated that she has encountered Collin’s dog numerous times. He has never been aggressive towards her but when someone comes near a dogs property, they may be different. She suggested the neighbors work together to figure out a solution. She also cautioned about the frequent visits reported for March 30, 2013 and April 3, 2013.

The City Clerk stated that there were legitimate reasons for those visits. She stated that they are also having issues with horses on the property. The temporary livestock permit expires on June 30, 2013. At that point, they need to have the fence completed.

Councilperson Brown asked about measuring the property line. Mayor Burgin stated that is not an issue, Dennis measured it. They just need to get the fence up.

FY2011 Audit
Councilperson Brown asked the auditor to be present to report on the audit. He has called him numerous times and he has not followed through on any of his promises. He would like to look for a new auditor. He would like the City Clerk to contact other towns to see who they use and what they pay. He will contact the Idaho Institute of CPA’s to see who does municipal audits in our area.

Mayor Burgin stated that the City Clerk will call around to see who other cities use and how much they pay.

Parking Issues
A) Tour Bus Parking
Councilperson Sher reported that she spoke to Vicky Lyon about designating tour bus parking on Main Street by the museum. She stated that she doesn’t have a problem with it. She thinks that the tour bus should park more toward the middle of the block. She asked who would be responsible for the sign and enforcing the restricted parking area. She suggested tabling the issue until they get more specifics.

The City Clerk stated that they had talked about having the tour bus park in front of the old Shawn’s Market. The Berti’s are out of town so they have not been able to discuss it with them.

Councilperson Brown asked about the Chamber’s interest. Councilperson Anderson stated that they want it to park in a neutral place.

The City Clerk reported that they all agreed that the bus should park on that block.

Vicky Lyon talked to Amanda and Julie Patterson. They are both on board for having neutral parking on Main Street with “no parking” signs. They were looking at designating parking in
front of the old Shawn’s Market but it is her understanding that they are leasing it out. They are wondering about parking in front of the museum with a sign designating tour bus parking from 11:00 a.m. – 2:00 p.m.

Councilperson Sher stated that she has no problem with it as the museum director. They could also specify dates for parking. Vicky Lyon stated that she thinks the dates are May 28-October 28. Councilperson Anderson stated that the sign could be taken down when the tour buses are done coming through. Vicky Lyon suggested putting dates on the sign.

Councilperson Sher suggested having them park in the middle of the block and putting the sign where the existing tourist information sign is.

Councilperson Anderson asked if the curb will need to be painted. Vicky Lyon stated that they would put up two signs and the bus would park between them. She said that the tour bus is great for Lava.

Councilperson Sher asked about the length of the bus. Mayor Burgin stated that the museum has plenty of room for the bus to park.

Councilperson Sher asked who would be responsible for having the signs made. Council felt that it would be appropriate to pay for them out of the 2% funds.

Councilperson Brown made a motion to have two signs designed. Councilperson Sher seconded the motion. All voted aye, unanimous.

**B) Miscellaneous Parking Issues**

The City Clerk reported that the City has been receiving numerous calls complaining about Zipline truck parking on the street and the Silver Grille using their handicap parking area as an outdoor grill.

Councilperson Sher mentioned that she has gone around and looked at parking behind the Silver Grille and there are three or four parking spaces in the back which she thinks is accommodating. She does think that someone should talk to Milan about the Zipline truck parking situation. She recalls Council talking about him needing specified parking in the past.

Mayor Burgin stated that they have talked about it but it has never been addressed. He will talk to Dennis and have him talk to Milan about it.

Evelee Hill asked what the difference is between Milan’s truck and the tour bus or other people who park downtown. She stated that he is generating business in town.

Councilperson Sher stated that he is offering a service and that she feels it needs to be addressed.

Vicky Lyon stated that she likes the energy he brings. She just thinks the biggest concern is safety when he is parked on the west side of the street.

Council discussed and feels that Milan needs an area of the street to run his business from. Mayor Burgin suggests talking to Milan about it.

Mayor Burgin asked about the handicap parking situation at the Greystone’s Silver Grille.
Vicky Lyon reported that it is still handicap parking. She just needs to put the parking placards up and that will be done once the fence is complete. Mayor Burgin asked about painting lines for parking. Vicky stated that she checked regulations and she only needs the placards. She will put black top in on the rest of the area once the ice cream shop is done painting their wall.

Evelee Hill asked if that area was a right of way. Vicky stated that it is not a right of way but it is still open.

Bannock County Office of Planning and Development Services – Notice of Public Hearing – RE: Bannock County Subdivision Ordinance Proposed Amendment – Time Limits on Preliminary Plat Approval
The City Clerk presented the public hearing information and informed everyone that if anyone has any input, they will need to attend the hearing. Councilperson Brown questioned the point of the proposed amendment. Mayor Burgin reported that it is scheduled for June 19, 2013 for anyone who would like to attend.

Business License(s) & Non-Property Tax Permit(s)
A) Bristol Park Historic Cabins – Collin Petrun, Owner/Applicant
Councilperson Anderson asked if the cabins have been approved for use by the building inspector. The City Clerk reported that the building inspector has looked at the cabins and there are some issues that they need to address before they can be used. The only thing that can be approved right now is a temporary license for dry camping.

Councilperson Brown made a motion to approve a temporary license for dry camping only at Bristol Park Historic Cabins. Councilperson Sher seconded the motion. All voted aye, unanimous.

B) Sheridan Rental Properties – Keith Sheridan, Owner/Applicant
Councilperson Anderson made a motion to approve Sheridan Rental Properties license. Councilperson Brown seconded the motion. All voted aye, unanimous.

C) Lava Ice – Jedd Mumm, Owner/Applicant
Councilperson Brown made a motion to approve Lava Ice’s license. Councilperson Sher seconded the motion. All voted aye, unanimous.

D) Sweet Stuff – Sheila Fergus, Owner - Renewal
Councilperson Anderson made a motion to approve Sweet Stuff’s license renewal. Councilperson Sher seconded the motion. All voted aye, unanimous.

Building Permit(s)/Sign Permit(s)
A) Royal Hotel – Kerby Pagnotto/Lisa Toly, Owners – Two gazebos in back
The City Clerk stated that the permit needs to be approved subject to the building inspector’s review and approval. Councilperson Sher asked if they will still have parking available. The City Clerk stated that the gazebos will be on the side and will not affect the existing parking.

Councilperson Anderson made a motion to approve the building permit pending the building inspector’s approval. Councilperson Sher seconded the motion. All voted aye, unanimous.

B) Lava Hot Springs Inn – George Katsilometes, Owner – Installation of Mineral Hot Water Therapy Pool
The City Clerk reported that the permit needs to be tabled until the engineering plans are submitted and approved.
George Katsilometes reported that the Army Corp of Engineers has asked him to move the loose dirt back off the bank and secure it. His crew is working on moving and securing the dirt today and tomorrow and will be putting some netting down. Councilperson Sher verified that they are putting in a temporary partition to secure the area.

Councilperson Brown asked about setbacks from the river. Councilperson Sher stated that the Army Corp of Engineers, DEQ and the building inspector are well informed on that issue and that they will address setbacks.

Council decided to table the permit at this time.

**C) Chuckwagon – Two Signs**
The City Clerk reported that the Patterson’s have decided to convert the new tube stand that they built on the Shoshone Bannock Tribal property to an outdoor dining area.

Councilperson Brown made a motion to approve both signs for the Chuckwagon. Councilperson Lowe seconded the motion. All voted aye, unanimous.

**D) Gator Tubes – Sign**
Councilperson Anderson made a motion to approve the sign for Gator Tubes. Councilperson Brown seconded the motion. All voted aye, unanimous.

**E) Sweet Stuff - Sign**
Councilperson Anderson made a motion to approve the sign for Sweet Stuff. Councilperson Brown seconded the motion. All voted aye, unanimous.

Vicky Lyon reported that she asked Sweet Stuff not to post the big lettering. They get a lot of people coming in their business for the ice cream shop. She does not have a problem with them accessing the wall from her property. Vicky will talk with the owner about the lettering.

**Law Enforcement – Paul Fagnant**
Mayor Burgin reported that the 4th of July extra patrol was discussed earlier and the City Council had given approval for him and the City Clerk to work out the schedule with the patrol supervisor.

Paul Fagnant stated that he would be their contact person.

Councilperson Brown asked if they will have four wheelers for patrol.

Paul Fagnant said they probably will for the 4th of July. He asked if they thought it was effective.

Councilperson Brown stated that he thought that worked really well.

Councilperson Sher asked if Ken Fagnant was on one of the razors last year. Paul Fagnant stated that he was not on any of theirs. Theirs are clearly marked with Bannock County Sherriff Department.

Mayor Burgin stated that he will get together with the City Clerk to contact Mr. Fagnant.
Paul Fagnant stated that he will leave his contact information with the City Clerk. He reported that the stabbing incident the other night raised concerns, but nobody was attacked.

**Change in III-A Funding Broker Fees**
The City Clerk reported that the insurance company is no longer paying for brokers and questioned if the council wanted to continue enlisting the services of a broker. Councilperson Sher made a motion to not hire a broker. Councilperson Brown seconded the motion. All voted aye, unanimous.

**Indoor Animated Window Signs – Councilperson Sher**
Councilperson Sher stated that she feels that several of the indoor animated signs are distracting. She has noticed them since the last meeting. She is wondering if they should be regulated.

Councilperson Brown stated that he thought the ordinance already states that they cannot have them.

Mayor Burgin stated that the ordinance only applies to outdoor signs.

Councilperson Brown asked if they should amend the ordinance to include indoor signs.

Councilperson Anderson stated that there are a lot of them in town that have them but she doesn’t have a problem with most of them. There is already a lot of enforcement issues and she does not feel that there needs to be any more added. They have already addressed the issue of outdoor signs and she feels they should let it be for now.

Councilperson Sher stated that she disagrees. The lights that are inside the windows project to the outside and raise issues of public safety concerns.

Councilperson Brown stated that he doesn’t think it should make a difference if the sign is inside the glass or outside the glass if they still do the same thing.

Mayor Burgin stated that most of them are smaller signs that just say that they are open. Some of them blink on and off. He does not see where that is much of a distraction.

Councilperson Lowe asked if there have been any complaints. There have not been any complaints about the indoor signs. Councilperson Lowe stated that they should just forget about it right now.

**Announcements/Meetings & Miscellaneous New Business**

**A) Miscellaneous**
Councilperson Sher reported that the Idaho Historical Society is meeting in Lava Hot Springs tomorrow at 3:00p.m. They will be meeting at Riverside Hot Springs Inn and going down Main Street to look at historical sites.

Councilperson Anderson commented that the music with Jon Thomson was fun. Councilperson Brown added that it was well attended.

Councilperson Brown asked if a bench and some hooks could be installed in the restrooms on East Main Street. Mayor Burgin stated that the City will look into getting a bench and 3 or 4 hooks installed.
Projects
A) Wastewater Improvement Project
1) Solar Project Bids
The City Clerk reported that the invitation for bids notice has been published. Mayor Burgin reported that the bid opening will be June 27, 2013 at 2:00 p.m.

2) Wheel Line Damages & Stakes
Mayor Burgin reported that they do not have repair costs for the lines damaged by the wind. Stakes need to be bought to keep the wind from moving them. Councilperson Brown made a motion to buy stakes. Councilperson Sher seconded the motion. All voted aye, unanimous.

3) Land Application Seeding – Change Order
Councilperson Brown made a motion to approve the change order extending the contract time to June 18, 2013. Councilperson Anderson seconded the motion. All voted aye, unanimous.

B) East Main Street Pedestrian Bridge Project
1) Easements
The City Clerk reported that the title commitment is done and she will contact Aaron to see where everything is at. Mayor Burgin thought that Aaron was going to contact the Victor brother’s to set up a meeting. Evelee Hill reported that they are in Lava on Tuesdays and Thursdays. The City Clerk will contact Aaron about it.

C) Fish Creek Spring Fence Project – Revised City/Potter Agreement
The City Clerk reported that the Potter’s have not been in to sign the agreement. Mayor Burgin stated that they probably have not signed it yet because they want that area cleaned up first. He will contact them again.

The City Clerk stated that if the sagebrush and vegetation is removed that the area will become invaded with weeds.

D) Fish Creek Water Main Repairs
Mayor Burgin reported that the bid for the repair is $14,000.00. The repair cost exceeds budgeted funds. He stated that he will get with Tony and see what else can be done and to see if he got information from Whitaker’s on getting another bid.

E) Miscellaneous
Councilperson Brown asked if Mayor Burgin had a chance to ask Dennis about emptying the garbage cans on the weekend. Mayor Burgin stated that he talked to him and he agreed to empty them.

Request for Proposals for Water Improvement Administrative Services-
The City Clerk asked if the percentages as set were acceptable. Council reviewed the request for proposals invitation. Councilperson Sher stated that she thought they worked well. The City Clerk stated that if they are ok then she will send the notice to the paper for publication tomorrow.

Councilperson Anderson made a motion approving the request for proposals for administrative services as written. Councilperson Sher seconded the motion. All voted aye, unanimous.

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Discussion
Councilperson Sher announced that there will be a slide show at the museum Friday night at 7:00 p.m. featuring Idaho’s Territorial architecture.

Evelee Hill thanked those who toured the Pancake House. She reported that several business owners interested in the city purchasing the structure for a convention center and forming a business bureau to lease the structure and operate it. Several business owners have agreed to fund the $2,500 to hire Paul Smith to complete an appraisal. The Aubrey’s are paying for half of the appraisal and the other half is being donated by other parties.

Adjournment
Councilperson Lowe made a motion to adjourn. Councilperson Sher seconded the motion. All voted aye, unanimous. Meeting adjourned at 7:10 p.m.

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Allison Hinz, Transcriber

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Marshall Burgin, Mayor

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Canda Dimick, City Clerk