Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, June 14, 2012 at 5:30p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor, Canda Dimick, City Clerk, Rita Anderson, Councilperson, Carl Brown, Councilperson, Cathy Sher, Councilperson, Newt Lowe, Councilperson

Guests: Wes Fife, Chris Banks, John Smith, Paul Fagnant, Monte Steele

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

Approval of Minutes
A motion was made by Councilperson Anderson approving the minutes. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Reviewing of Bills
The council took time to review the list of bills for June. The City Clerk stated that they need to add Lowe’s to the list of bills for June for $27.05 for snaps for the flags and keys for the new employees.

A motion was made by Councilperson Anderson to pay bills for May and June. The motion was seconded by Councilperson Brown. All voted aye, unanimous.

Law Enforcement Monthly Report
Nobody present from Law Enforcement. The City Clerk reported that she spoke with them yesterday, and they were going to be here today. There will be a first aid booth on the weekend of July 24th, but not on July 4th. If the council feels that they will need coverage on the 4th, she can put in a request. Councilperson Anderson stated that if they don’t feel that they need it, then she doesn’t want to push it. Mayor Burgin stated that they have been without it in the past and they can do without it now. Everyone agrees.

Officer Steele reported to the City Clerk that all extra patrol shifts are covered and they will have some coverage on July 24th.

Portneuf Water Conservation Project – Chris Banks & Kit Tillotson
Chris Banks came forward to explain conservation projects that they are working on. They have been working on the Marsh Creek water shed for the last three years, and they have been writing grants for the land owners, which has covered 75% of the cost. They have written three grants so far for Marsh Creek. They are on phase three currently and waiting for notification on phase four. They have been able to not only improve water quality, but also help the land owners with improvements to their land and equipment.
They have submitted a grant for an improvement project on Dempsey Creek to work with the water users on the north end of the stream, not far from Lava. It would help the water flow in the area and help with the cut throat trout population in the stream, if funded. Also, they are starting a project on Pebble Creek. They are just waiting for the funding to go through, and it would help with the watershed above Lava.

They just wanted to let the council know that they are in the area doing projects, and if the City of Lava has any projects come up in the future, they would be like the opportunity to partner with the city.

Councilperson Sher asked if there were any other projects on the Portneuf River that Chris has been involved in. Chris stated that they are going to be working just downstream on the Topaz gage station, which is part of phase three of the Marsh Creek project. They just got their permits yesterday and hope to start that project in July. It will help with erosion that has taken place and they will be working with land owners in Inkom and McCammon.

Councilperson Brown inquired about selenium levels. Chris stated that is not his area of expertise and that is something that the DEQ handles. Councilperson Sher asked if there is a contact person that he could recommend at the DEQ. Chris stated that Lynn Avery (?) is the regional manager for this area and would be a good contact and would know who could come and do a presentation.

Campfire Smoke – Wes Fife

Wes Fife approached the Mayor and Council about camp fire smoke. He cannot open his windows at night. He and his wife both have asthma and it is a real problem for them. He stated that he knows of people who have stayed at motels in town and have not been able to open their windows because of the smoke. He also stated that he has camped in many other towns that do not allow burning within city limits.

Mayor Burgin stated that they have talked to Shawn in the past, and they quit selling fire wood, but someone else started to sell it. If there is not someone to enforce it, people continue to burn. He suggests looking through the ordinances to see what can be done about it.

Councilperson Anderson feels that the city is walking a fine line because Lava is a tourist town. Part of the experience of camping is being able to roast marshmallows or hot dogs and portable pits are popular right now.

Councilperson Sher agrees that we are walking a fine line and she has empathy for the complaints because there does seem to be an inversion starting in the area. She also stated that when we are dealing with the health of residents, it is very important, and we should look at the ordinances to see what can be done.

Councilperson Anderson suggested that we contact other cities to see how they handle fires within city limits.
Councilperson Sher stated that is a great idea. With our geological structure, it may be different for Lava but we should contact other cities to get an idea of how they handle this.

Councilperson Anderson questioned whether this was a problem only on the weekends.

Wes Fife stated that it is a problem every night of the week during the summer.

Mayor Burgin stated that this has only been a problem in the last couple of years and it is hard to enforce since it is a vacation area, but they will see what they can do to fix it.

Councilperson Sher stated that she understands that this is a vacation town, but she also has empathy for those who live here. She hopes that they can find a resolution that works for both parties.

**Law Enforcement – Extra Patrol**
Paul Fagnant came forward and presented the schedule for July 4th and Founder’s Day weekend.

Mayor Burgin inquired about the first aid tent. The City Clerk stated that was not the police department’s suggestion, it was from the Pocatello EMS.

The Mayor asked how things are going in general here in town. Paul Fagnant reported that things seem to be going well. They try to work with people the best they can. The Mayor also inquired about the issue with the horses in town. The police handed the man a copy of the ordinance and let him know that is what they would follow. They haven’t heard much about him since.

**Business License(s)/Non-Property Tax Permit(s)/Coin-Op License(s)**
A) Arcade Family Fun – Jo Carol Losee, Owner/Applicant  
B) Archibald Apartments – Kathy Archibald, Owner/Applicant  
C) Chuckwagon – Renewal  
D) Country Store – Renewal  
E) Country Store/ Lava River Rat – Renewal  
F) Country Store/Four Falls – Renewal  
G) Portneuf Rapids Tube Rental, LLC – Randy Benglan, Owner/Applicant  
H) 78 Main Street Eatery – Lisa Toly, Owner/Applicant  

Mayor Burgin read the list of licenses. Councilperson Anderson made a motion to approve licenses A-H. Councilperson Brown seconded the motion. All voted aye, unanimous.

**Building Permit(s)**
A) Victor Quinonez – 183 West Booth – New residential addition  
   Councilperson Brown made a motion to approve the building permit for Victor Quinonez. Councilperson Sher seconded the motion. All voted aye, unanimous.  
B) Jack Fleming – 244 West Fife – Attached deck
Councilperson Sher made a motion to approve the attached deck at Jack Fleming’s house located at 244 West Fife. Councilperson Brown seconded the motion. All voted aye, unanimous.

**Consider Portneuf River Bend Campground Addition Conditional Use Permit Application – Area of City Impact**
 Councilperson Anderson stated that it looks like they have a lot of improvements planned and that it sounds like a nice addition. Councilman Brown questioned why the level of city impact goes up that high. Mayor Burgin stated that anything within one mile of city limits is considered an area of city impact.

Councilperson Anderson made a motion that the city has no objection to what the applicant is doing and they encourage them to go ahead with the process. Councilperson Sher seconded the motion. All voted aye, unanimous.

**Consider sale of Dixon riding lawn mower**
 Council discussed their options for selling the Dixon riding lawn mower. They decided to post it for sale in the Thrifty Nickel and on the City Clerk List Serve for a minimum of $800.00.

**Consider granting the code enforcement officer authorization to send 2012 weed and fire hazard abatement notices**
 The City Clerk stated that they prefer to send notices once a year, before July 4th, since a lot of people are in town at that time and can take care of it while they are here. They also prefer to send the notices by regular mail to save on postage, and then send them certified to anyone who does not comply within 10 days of the notice.

Councilperson Anderson made a motion to grant the code enforcement officer authorization to send weed and fire hazard notices through regular mail and then follow up with certified mail if needed.

Councilperson Sher questioned whether the letter that was drafted by legal counsel was the whole letter that they were presented, or if there was more. The City Clerk stated that the whole letter was drafted by legal counsel because it needs to say specific things.

Councilperson Brown seconded the motion. All voted aye, unanimous.

**Bill for failure to purchase 2012 dog license/running at large fine and associated pound fees/neighboring problems – John Smith**
 Mayor Burgin asked John Smith to come forward. John Smith stated that he is not going to argue the fact that he didn’t get his dog tag. States that he has lived at his residence for eight years, he is gone 2 weeks at a time for work, and on weekends, somehow his garage door has been opened for his dog to get out. He has never had a problem with his dog getting loose and he thinks someone is opening the door and letting him out. Since the dog was taken to the pound, to avoid problems, he signed papers to turn the dog over to the pound. He agrees that he is responsible for not having
his dog license. He does not think he should have to pay for a dog at large because there are always dogs running loose in town and there has never been a problem with his dog in the past.

Councilperson Anderson inquired about the time between the dog being picked up, and when John Smith called three days later. Mr. Smith stated that he didn’t get home until late Monday from work and his wife was in Utah with the kids, and he called Tuesday morning.

Councilperson Anderson inquired about who was taking care of the dog while everyone was gone. Mr. Smith stated that the dog has his own watering system and food system in the garage, and the back door of the garage is left open for him to go outside. His back yard is completely fenced in so he cannot get out.

Councilperson Sher asked Mr. Smith if his dog normally wears a collar. He stated that he does not. He only puts the collar on when he takes him for a walk. He has never had a problem with his dog getting out before.

Mayor Burgin stated that a collar and getting the $10 dog license would have prevented all of this because the animal control officer would have been able to identify the dog and contact them. Mr. Smith agrees.

Councilperson Anderson stated that this puts the council in an uncomfortable situation because there is an ordinance stating that all animals should be licensed and if people abide by that, and their dog is picked up, we can contact the owner. That would have prevented all of this. It costs the city money to take care of the dog and she doesn’t think that we have any choice but to hold the animal owners responsible.

John Smith questioned the shelter fee. He doesn’t understand why we charge the shelter fee when we take them in to Pocatello. The City Clerk stated that is the fee that the shelter charges the city when they take the animal in. Mr. Smith stated that when he signed over his dog to the shelter, they waived the fee. The City Clerk stated that they could wait and see if they get a bill from the shelter. Councilperson Anderson stated that she would be willing to waive the fee if the shelter does not bill us. Mr. Smith stated that he is not going to argue the fact that he needs to pay that bill. His argument is more that he is going to start making more phone calls on every dog he sees loose, which he doesn’t like to do.

Councilperson Anderson stated that property owners who are animal lovers might not mind other animals running loose and picking up after them, but those who don’t have animals don’t want to deal with that, and that’s what they are facing. Councilperson Sher appreciates Mr. Smith’s tolerance of other dogs and Councilperson Brown appreciates his responsibility in coming forward.

Councilperson Anderson stated that we just need people to license their dogs, so if they are found, we can return them to their owners. Councilperson Brown inquired about waiving the shelter fee if we don’t get charged. Everyone agrees. Mr. Smith stated that he understands he still needs to
pay the transportation fee and dog tag fee. He is not disputing that. Council agrees to hold off on charging the shelter fee to see if they get a bill for that.

John Smith stated that they have done a good job with the Greystone but he has concerns with parking problems. They also have parties out on the patio until 9/10 o’clock at night and they can hear everything inside his house.

Councilperson Anderson stated that there is a noise ordinance, and if they are not complying with that, then it can be addressed. The City Clerk stated that they are supposed to use the lawn for parking. Councilperson Sher talked about requiring a buffer zone, such as a privacy fence. Councilperson Anderson stated that she appreciates the concerns, but both parties should be present to discuss this.

Meetings & Announcements
A) Schedule Special Meeting for June 15, 2012 1% tax proposals
   June 28th at 5:30 p.m.
B) ICRMP Water Storage Tank Appraisal
   The City Clerk stated that she let ICRMP know that the tanks are underground so she is not sure how they are going to appraise them but they are more than welcome to do so. The insurance company wants them appraised to justify the value they are insured for. She has not heard anything else from them.
C) Rocky Mountain Power letter regarding update on street lighting schedule changes.
   Rocky Mountain Power has notified the city that they are updating street lighting schedules. The City Clerk will look online to see if she can find more out about it. Councilperson Sher inquired about more energy efficient systems. Mayor Burgin stated that they have looked into this in the past and it is costs a lot of money to switch things over.
D) 2012 Source Water Protection Plan Update Addendum Draft
   Mayor Burgin went through the draft and feels that everything is in order. The committee will be meeting on it again. The City Clerk is requesting that the council lets her know if there are any errors or questions so she can address them in the next week.
E) FY 2011 Audit Status
   The City Clerk stated that it should be done in the next 30 days; she is working on getting it rescheduled.
F) 2012 Water Source Protection Grant Award
   Mayor Burgin informed council that the city has been awarded $10,000 for a water source protection project which will fence about half of the property. They will need a letter from the DEQ stating that a fence is required.
G) Lava Continuity of Operations/Continuity of Government Plan Draft
   Council discussed the plan that was given to them. Councilperson Anderson stated that this plan is very time consuming and questioned whether we were required to do this or not. The City Clerk stated that she does not think so, but we already indicated that this is something that we might be interested in. Councilperson Sher questioned what the council would be most concerned about preserving. The City Clerk stated that she backs up monthly and also keeps a copy at home so that there is a copy off-site, so that is something that is being worked
on. Councilperson Sher stated that is a good idea and that is something she does at the museum as well.

Councilperson Anderson mentioned the idea of a phone tree. She suggested putting their numbers on a card so that they can contact each other in case of an emergency. Council agrees. Councilperson Anderson also stated that the plan needs to be watered down. The City Clerk stated that everyone should look over it and mark it up so that it can be discussed further.

H) Tony Hawk Foundation Grant – Grant funding for public skate parks
The City Clerk stated that she came across this information and since they talked about the possibility of a skate park in the past, she just wanted to bring it up. Council discussed the grant. Mayor Burgin stated that there is no harm in seeing what comes of it. The City Clerk stated she is unsure that they could make the July 2nd deadline, but maybe it is something that could be looked into for next year.

I) Schedule FY 2013 Budget Work Session
Scheduled for June 28th following the 1% tax proposals.

J) Miscellaneous
Mayor Burgin stated that Billy will be off from the June 28th through July 16th and questioned whether we should hire temporary help for Tony. Councilperson Anderson stated that she talked to Tony earlier and he doesn’t think he will need any help, but she suggests that we find someone to help in case they need it. Councilperson Sher stated that we should have someone for liability reasons. The City Clerk suggested that they talk to Tony and if they do hire someone, they will not be licensed to do water and sewer projects so they should hire someone for mowing and things like that. Council agreed that they should have a staff meeting with maintenance to discuss everything.

Projects

A) Wastewater Improvement Project
1) Unliquidated USDA Rural Development grant funds – Decision to de-obligate
A letter was received to de-obligate the grant, so they will be giving it back, and the city will not appeal the decision. Councilperson Anderson stated it is a matter of formality.

2) Land Application Site Seeding Project Bids – Review and consider engineer’s recommendation
The City Clerk stated that the engineers have not made a recommendation yet and they only received one bid, which is from Dan. Most of it will be done through crop production. The only thing Dan would be doing is plowing and drilling in the oat seed.

3) Wastewater Improvement Project Phase II Change Order #2
The list of change order items was reviewed and discussed. The bottom line is that all of the items together will increase the contract. Councilperson Brown made a motion to approve the change order. Councilperson Sher seconded the motion. All voted aye, unanimous.

B) Center Street Reconstruction Project – Invitation to Bid
Mayor Burgin stated that Forsgren is ready to put the project out to bid. The City Clerk stated that the state will not commit to a time to release the funds. Forsgren suggested going to bid
now to get a better cost and they would have 60 days to make the award. Councilperson Sher made a motion to have Forsgren begin the bidding process for the Center Street Project. Councilperson Anderson seconded the motion. All voted aye, unanimous.

C) Miscellaneous
The City Clerk inquired about portable toilets and garbage for the month of July. Council agrees that it is ok to do the same as last year. Councilperson Sher stated that people don’t notice the restrooms. Mayor Burgin stated that they will be looking into remodeling the restrooms on East Main when they look at the budget.

Discussion
Councilperson Sher inquired about the kennel situation and suggested working out kenneling with a local business. She will look into it.

Adjournment
Councilperson Lowe made a motion to adjourn. Councilperson Brown seconded the motion. All voted aye, unanimous. Meeting adjourned at 7:30 p.m.

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Allison Hinz, Transcriber                        Marshall N. Burgin, Mayor

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Canda L. Dimick, City Clerk (proof read)