

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, March 13, 2014 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor
Tamara Davids, Councilperson
George Linford, Councilperson
Newt Lowe, Councilperson
Carl Brown, Councilperson
Canda Dimick, City Clerk

Guests: Steve Herzog – Bannock County Prosecuting Attorney, Evelee Hill, Mark Lowe, Vicky Lyon, Lauren Nicole Lyon, Mark and Pamela Morgan, Stuart Hall

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

Councilperson Brown made a motion to amend the agenda to delete “Easement- George Katsilometes & Marty Anderson, Attorney,” and add Public Restrooms to Meetings & Announcements, add Liner Warranty to Wastewater Improvement Project, add Fire Station Remodel/Addition under Projects, and add Substantial Completion of the Water Line Replacement Project to the Community Building under Projects. Councilperson Linford seconded the motion. All voted aye, unanimous.

Approval of Minutes

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

Review and Approval of Bills

Councilperson Davids questioned the City of Pocatello pound fee. Mayor Burgin explained that if they are stray cats or dogs that don't have tags, and the city cannot locate the owner, the city takes them to the animal shelter in Pocatello and pays the pound fee.

Councilperson Brown questioned the Web Impakt bill. The City Clerk explained that it is the 13 month contract for the Chamber website search engine consultant that is funded with the 1% tourism promotion/development funds that City Council approved.

The City Clerk asked City Council to consider holding the Forsgren bill until the City receives the architectural rendering that was requested several months ago.

Councilperson Brown made a motion to approve the bills and to hold the bill for Forsgren until they provide the architectural rendering that the City requested. Councilperson Linford seconded the motion. All voted aye, unanimous.

Monthly Law Enforcement/Code Enforcement Monthly Reports

Officer Clint Brown came forward. City Clerk reminded council that they had mentioned some concerns about the graffiti last month. Officer Brown stated that he did not have any information to report on it. He stated that there was a drug bust going through Lava last night and that drug dealers are traveling Highway 30 to avoid I-15 since marijuana has been legalized in neighboring states.

Prosecuting Attorney Services – Steve Herzog, Bannock County Prosecutor

Steve Herzog came forward. He told the city that he would make regular visits to check in. He stated that he would be willing to give the city estimated costs for services on cases when needed so that they could determine which avenue is best for the city at that time before any costs are incurred.

Region 5, Pioneer Country Travel and Idaho Travel Council City Representative – Evelee Hill

Mayor Burgin reported that Councilperson Linford has volunteered to be the liaison for the Pioneer Country Travel and Idaho Travel Council. Councilperson Linford stated that he went to the meeting yesterday and it was very informative. He stated that he will bring any information that needs to be addressed back to City Council for discussion and decisions.

Proposed Zoning Permits

A) Aura Soma Lava Galleria – 7 unit motel – Evelee Hill

Evelee Hill came forward to present her plan for 9 units. Mayor Burgin suggested making the parking spaces go in a couple more feet so that vehicles don't extend out into the alley when parked. Councilperson Linford asked if she planned on selling these units off individually. Ms. Hill stated that she is not. They would be sold as part of the property on East Main Street. The City Clerk informed Ms. Hill that she needs to check on the floodplain. If it's within the 500 year, there isn't a problem. If it is within the 100 year, an elevation certificate will be required. Councilperson Brown made a motion to approve the proposed zoning permit for Aura Soma Lava Galleria. Councilperson Linford seconded the motion. All voted aye, unanimous.

B) Residential Garage – Ben Fisher

Mayor Burgin reported that the setbacks on 6th West do not comply with the zoning ordinance. There needs to be a twenty (20) foot set back from the adjoining street. Councilperson Linford made a motion to deny the proposed permit for Ben Fisher's residential garage and to inform the applicant that he can either move his structure east another ten (10) feet or he can apply for a variance. Councilperson Davids seconded the motion. Councilperson Brown, nay. Councilperson Lowe, aye. Councilperson Davids, aye, Councilperson Linford, aye. Motion carried.

Marketing Model – Evelee Hill

Ms. Hill presented information on Sun Valley's new marketing model which tracks who is visiting the area. She has talked to the developer of the model who has agreed to come to Lava to discuss the success of her project with PCTC, the Chamber of Commerce and City Council. There will not be any cost involved and she feels that they could get some valuable information from the presentation. Mark Lowe stated that the invitation was extended to PCTC but there was

not any interest. He stated that the same presenter will be at a convention that a majority of the membership will be at in May, and they plan on attending at that time. He has not heard anyone from the Chamber express interest either. Mayor Burgin stated that the members from the council and himself will see what they can do. Ms. Hill stated that they are going to try to get as many of the lodgers there as they can as well as PCTC, the Chamber of Commerce and City Council. Councilperson Linford stated that he will attend if he is available.

Proposed Bannock County zoning ordinance amendments regarding accessory cottage dwellings, housekeeping and building bulk and placement tables.

The City Clerk explained that the proposed changes affect the area of impact and the City has the right to give input on anything affecting that area and that if City Council has any concerns they should plan on attending the meeting. City Council discussed the matter and expressed that they had no concerns at this time.

Bannock County Assessor Free Aerial View Parcel Viewer – City Clerk

The City Clerk stated that the City offices frequently use the online parcel viewer and that the county is offering an aerial view of the parcel viewer, free of charge, which would offer more details. Software would need to be installed on the city's computer to enhance the program. Councilperson Brown made a motion to obtain the free aerial parcel viewer software from the county. Councilperson Linford seconded the motion. All voted aye, unanimous.

2014 Building Inspector Contract (Consider Approval)

The City Clerk reviewed the changes with City Council. The main change was to eliminate the clause that imposed liability on the City for the building inspector's decisions and actions. State law does not allow an entity to absorb another entity's liability obligations. Bannock County can't require the city to provide liability insurance for their employee so the provision has been deleted from the contract. Councilperson Brown made a motion to approve the 2014 Building Inspector contract. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Lava Planning & Zoning Commission Member Nomination(s) & Appointment – Councilman Linford

Councilperson Linford stated that he talked to Clinton Pagnotto, but he is not interested at this time. Jon Thomson is willing to serve on the commission and has been on the commission in the past. Councilperson Linford made a motion to appoint Jon Thomson to the Planning & Zoning Commission. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Proposed Noise Ordinance or Amendment – Councilman Linford

The City Clerk reported that the City's attorney does not feel that an amendment to the special event permit would cover and control the noise concerns. Discussion followed. Councilperson Brown made a motion to table the proposed noise ordinance or amendment until the fall to see how the summer goes. Councilperson Lowe seconded the motion. All voted aye, unanimous.

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

- A) Boyack Window Cleaning (renewal)**
- B) Hot Springs Village (renewal)**
- C) Jill Acquisition, LLC (Non-Property Tax Permit)**
- D) Motion Industries, Inc. (Non-Property Tax Permit)**
- E) Quality Home Improvement, LLC – Kirk Valentine, Owner/Applicant**
- F) ST Construction, LLC – Shane Tillotson, Owner/Applicant**

List of licenses to be considered was read. Councilperson Brown made a motion to approve A-F. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Meetings & Announcements

A) 2014 Arbor Day Proclamation & Grant Submittal

Mayor Burgin read the Arbor Day Proclamation establishing May 1, 2014 as Lava's Arbor Day Celebration. He invited City Council members to attend the celebration kickoff at the Lava Elementary School and announced that the city will plant a tree.

B) 2013 Tree City USA Recognition

The City Clerk reported that the city will be submitting an application for an Arbor Day Grant to help pay for the tree that will be planted on Arbor Day and that the City had received a letter of recognition congratulating the City on earning recognition as a 2013 Tree City USA.

C) LHTAC's 20th Anniversary Celebration

Mayor Burgin stated that the City has been invited to attend the celebration in Idaho Falls on June 13, 2014.

D) Marsh Valley High School Graduation All Night Party Contribution

The City has donated \$50 for the last two years. Councilperson Brown made a motion to donate \$50.00 to the Marsh Valley All Night Party this year. Councilperson Linford seconded the motion. All voted aye, unanimous.

E) Schedule Meeting to consider 2014 first quarter 1% Tourism Development/Promotion proposals.

City Council discussed scheduling a meeting to consider the two 1% proposals received to date. The City Clerk informed council that the deadline for the first quarter proposals is March 14, 2014. Mayor and council decided to schedule presentations on the agenda at the April 10, 2014 Regular City Council Meeting.

F) Bathrooms

Mayor Burgin suggested opening the East Main Street public restrooms daily. Councilperson Brown commended the city employees on the completion of the benches. Councilperson Brown made a motion to open the East Main Street public restrooms daily. Councilperson Davids seconded the motion. All voted aye, unanimous.

G) Miscellaneous

None.

Projects

A) Wastewater Improvement Project

1) Liner Warranty

Councilperson Davids read the liner warranty. AGRU America warrants that the material is faultless and resistant for a period of 20 years, prorated, from the point of time sold when properly installed and used in a wastewater treatment plant (exposed). AGRU America's liability under the warranty is not applicable when damage is caused by: Natural phenomena such as thunderstorms, floods, earthquakes, acts of war or other acts of God; Chemicals which are not suitable for HDPE liner materials according to chemical resistance guides or from experience. The engineers have reported that the damage was caused from the wind an act of God. Discussion followed. The City Clerk reported that damages will be photographed next week and that the engineers have notified the contractor of the tear and damages. She will alert the City's attorney of the situation.

2) Solar Project

Mayor Burgin read the email update from the engineer's on why the full 94 kW system can't be activated yet. The engineer's have partially discovered why Rocky Mountain Power's application to the Idaho Public Utilities Commission to increase the net metering amount was delayed. Idaho Power had submitted an application and had included some additional items as part of their application which ended up taking close to 9 months to work out details. Rocky Mountain Power observed Idaho Powers process so that they could rework their application to make it more in line with what was approved for Idaho Power. Rocky Mountain Power's application has been reworked and is under internal review before being submitted to the PUC. It is expected to be submitted by the end of March and hopefully will be reviewed and approved by the beginning of June. The plan is to turn on some additional inverters to generate enough power to run the irrigation pump this summer and still net meter 25 kW back on the grid. The engineers are going to run through some calculations and will document the process.

B) Water Facility Plan Study Update

Mayor Burgin reported that Canda, Tony and himself had a meeting with the engineers on Wednesday to review some of the study data. A location for a back-up well and relocating the transmission line was discussed. All the lines in town that need to be replaced were reviewed. A fire hydrant flow check will be completed next week. The engineers will make a presentation on the study when they have all the information together.

C) Water Improvement Project

1) Southeast Idaho Council of Governments Administrative Contract

The City Clerk reviewed the contract costs and they are comparable to the wastewater contract with City Council. The City Attorney has reviewed the contract and only expressed concerns regarding the costs for services. Councilperson Brown made a

motion to execute the Southeast Idaho Council of Governments administrative contract. Councilperson Davids seconded the motion. All voted aye, unanimous.

D) Fish Creek Springs Fence Project

1) Bid Documents

The City Clerk reported that she is in the process of putting bid documents together. The project will be released for bids as soon as bid documents are completed. Copies of the bid documents will be put in the Mayor and City Council's mailboxes for review before released.

E) Miscellaneous (Fire Station Remodel/Addition Project – Administrative Services)

The City Clerk reported that the Idaho Department of Commerce is going to require an income survey of the county service area to determine eligibility for a grant before an application can be submitted. A professional grant administrator will need to be involved in the survey and application process. City Council discussed and is okay with procure for administrative services.

F) Miscellaneous (Community Building Water Line Replacement Project)

Final punch list items including warranty for landscaping (sod) were reviewed and discussed. Councilperson Brown made a motion to accept the substantial completion with the punch list. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Discussion (Pioneer Country Travel Council)

Mark Lowe presented information on the Pioneer Country Travel Council, which promotes tourism in Southeast Idaho. He has been the president of the PCTC since 1999. Evelee Hill commented that she feels that the lodgers are not adequately represented on the council and that she is working on putting together an association for lodgers in Lava so that they have more of a voice in the PCTC.

Adjournment

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

Allison Hinz, Transcriber

Marshall Burgin, Mayor

Canda Dimick, City Clerk