Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, May 8, 2014 at 5:30 p.m. at Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

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

Guests: Steve Jones, Pamela Slaughter, Randall Brown, Michael Vice, Julie Hill, Allison Hinz, Brian Hinz, Joe Benglan and Randy Benglan

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

Councilperson Linford made a motion to amend the agenda to include a building permit for Victor Quinonez and a business license renewal for George & Lola’s Place. Councilperson Brown seconded the motion. All voted aye, unanimous.

Approval of Minutes & Bills

Councilperson Brown made a motion to table approval of the minutes and bills until Monday’s meeting. Councilperson Linford seconded the motion. All voted aye, unanimous.

Monthly Law Enforcement/Code Enforcement Monthly Reports

No Law Enforcement/Code Enforcement present.

Review, Approve or Deny the Lava Hot Springs Planning & Zoning Commission’s Statement of Facts, Findings, and Recommendation for the KOACC Commercial Subdivision.

Mayor Burgin stated that there are a couple of City Council members who would like more time to review the findings, fact and recommendation as they had just gotten them. Michael Vice stated that the purpose of the Planning & Zoning is to review and make a recommendation to City Council. He feels that the city council is doing a disservice to them by not following the Planning & Zoning Commission’s recommendation. Mayor Burgin stated that the final decision is up to City Council and they are entitled time to review the application. Councilperson Davids asked what Mr. Jones’ vested interest is in Lava. Steve Jones stated that as an investor, he wants to be part of the growth of Lava. He owns multiple properties in town. Councilperson Davids questioned the difference between this application and the previous application that Mr. Jones submitted. Mr. Jones stated that the plan itself is the same, but they adapted it to comply with the zoning ordinance. He explained that auto cabins are defined as motels under the zoning ordinance. Councilperson Davids stated that she had visited the site and is concerned about high density in such a small area and having six individual owners. She questioned management of the units and covenants. Mr. Jones stated that there are property managers in town that they would recommend to buyers but they may choose someone else or to manage them themselves. He feels that a lot of local people would invest in the opportunity. Councilperson Linford stated that
management is a concern. Councilperson Brown stated that it puts enforcement issues on the City and questioned covenants to prevent the use as residential. Mr. Jones stated that they can only put restrictive covenants in place that are in the City’s zoning ordinance. He stated that City Code prevents the units from being used as a residence and that the cost of each unit is prohibitive of such use. They are being sold as a commercial property. Councilperson Davids asked how willing Mr. Jones would be to put some covenants in place in regards to property management. Mr. Jones stated that they are not allowed to place those kinds of restrictions on commercial development and they have to go by what is in the zoning ordinance. Councilperson Linford asked if there are other developments like this anywhere. Pamela Slaughter stated that there are developments like this in West Yellowstone. Some have individual owners and some are owned by the motels. Councilperson Davids feels that it would be different to her if they were all owned by the same person, like the KOA. Councilperson Brown made a motion to table City Council’s decision regarding the KOACC Commercial Subdivision until a Special Council Meeting to be held on May 28, 2014. Councilperson Davids seconded the motion. All voted aye, unanimous.

**Division request of Lot 8, Block 20, Townsite of City Hall – Geoffrey & Angileen Williams, Owner, Randy Benglan, Realtor.**

The City Clerk explained that the current property owner has a pending offer on the property that is subject to the city allowing them to divide lot 8 into two parcels so that two homes could be built. Both parcels would meet the residential zone area requirement. The City’s subdivision ordinance requires a subdivision application for any lot divided into two or more parcels. It also requires that each parcel must be 90’ x 110’. Current area requirements for a residential development within the middle of a block requires 5500 square feet of property which is less that the 90’ x 110’ that the subdivision ordinance provides. Amending the subdivision ordinance to coincide with the zoning ordinance area requirements was discussed. Councilperson Brown made a motion to proceed with drafting an amendment to the ordinance to remove the 90’ x 110’ restriction as long as the site meets current zoning ordinance area requirements. Councilperson Davids seconded the motion. All voted aye, unanimous.

**Building Permit(s)**

A) Guy Butterbaugh – 136 West Main – Front deck attached to home.

The City Clerk stated that this property is in a commercial zone and there are no setback requirements. Councilperson Brown made a motion to approve the building permit for Guy Butterbaugh. Councilperson Linford seconded the motion. All voted aye, unanimous.

B) K & A Camping, Inc. – 485 East Main – 10 New KOA Cabins

The City Clerk reported that Kody Tillotson, owner may be reducing the 9 cabins to 8 and constructing a laundry facility on site. A letter from the Lava Hot Springs Foundation approving the plan has been provided. Councilperson Brown made a motion to approve the building permit for K & A Camping, Inc. Councilperson Linford seconded the motion. All voted aye, unanimous.
C) Lava Mobile Estates – 10255 East Old Oregon Trail Road – Campground development with two pavilions.
Council discussed and feels that fire access road issues need to be addressed. Councilperson Brown made a motion to approve the building permit for Lava Mobile Estates for two pavilions contingent upon the access road being developed to meet fire codes. Councilperson Lowe seconded the motion. All voted aye, unanimous.

D) Lava Mobile Estates – 10255 East Old Oregon Trail Road – Mobile Home Installation in Trailer Court Space #37.
Councilperson Brown made a motion to approve the building permit for Lava Mobile Estates for the installation of a mobile home. Councilperson Davids seconded the motion. All voted aye, unanimous.

E) Lava Hot Springs Suites, LLC, Julie Hill, Owner – 63 South 1st East – 6’ fence along south and west borders of parking lot.
Councilperson Linford made a motion to approve the building permit for Lava Hot Springs Suites to install a 6” fence on top of the retaining wall along the parking area contingent upon the building inspector’s review and approval. Councilperson Brown seconded the motion. All voted aye, unanimous.

F) Aura Soma Lava Galleria, Evelee Hill, Owner – 33 North 2nd Avenue East – 9 unit motel.
(Zoning Permit Approved)
The City Clerk reported that there are nine units, which was discussed at the last meeting. The City Council approved the zoning permit at the last meeting. Councilperson Linford made a motion to approve the building permit for Aura Soma Lava contingent upon the building inspector’s approval. Councilperson Brown seconded the motion. All voted aye, unanimous.

G) Londa Palmer – 129 East 1st Alley South – Change of Use from residential to commercial nightly rental and roof overbuild.
Councilperson Brown made a motion to approve the building permit for Londa Palmer contingent upon the building inspector’s approval. Councilperson Linford seconded the motion. All voted aye, unanimous.

H) Victor Quinones – 183 West Booth Street – New covered porch.
Councilperson Brown made a motion to approve the building permit for Victor Quinonez contingent upon meeting the area requirement that no more than 45” of the lot area may be covered by buildings or structures and the building inspector’s approval. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Sign Permit
A) Hot Springs Village (resurface existing sign at driveway entrance)
Councilperson Brown made a motion to approve the sign permit for Hot Springs Village. Councilperson Davids seconded the motion. All voted aye, unanimous.
Business License(s) & Non-Property Tax Permit(s)
A) Afton Swenson, Ashiasu Idaho Licensed Massage Therapist
B) Commercial Waterproof Coatings – Von Bodkin, Owner/Applicant
C) DS Services of America (Non-Property Tax Permit)
D) Gunter Construction – Gavin Gunter, Owner/Applicant
E) Lava Hot Springs Inn – Renewal
F) Lytle Signs, Inc
G) Pitney Bowes Global Financial Services, LLC (Non-Property Tax Permit)
H) Rife’s Works – Whalen Rife, Owner/Applicant
I) George & Lola’s Place – Renewal

Mayor Burgin read the list of business licenses and Non-Property Tax Permits to be considered. Councilperson Lowe made a motion to approve A-I. Councilperson Davids seconded the motion. All voted aye, unanimous.

Meetings & Announcements
A) 2014 Association of Idaho Cities Conference – June 18-20, Boise

No one was interested in attending.

B) State Tax Commission Budget Levy Workshop – May 14th, Pocatello

The City Clerk will attend the workshop.

C) Support letter for Bannock County Ambulance District FY2015 Account III Grant Fund Application for new ambulance, stretcher and oxygen transfer device.

Councilperson Brown made a motion authorizing the Mayor to sign the letter of support. Councilperson Linford seconded the motion. All voted aye, unanimous.

D) Wastewater Land Application Site Lease Extension Request

City Clerk explained that Dan was going to try to attend the meeting but was unable to because of work delays. Dan has applied for a loan with Farm Service Agency and they require copies of all leases and have asked that Dan approach the City about extending the lease for five years. Councilperson Brown made a motion to extend the lease on the Wastewater Land Application Site until 2018. Councilperson Linford seconded the motion. All voted aye, unanimous.

E) Miscellaneous – Lawn Mower

Councilperson Davids reported that Billy Thompson, City Maintenance Personnel, is taking in the lawn mower to get repaired tomorrow. No seems to know what is wrong with the lawn mower.
E) Miscellaneous – Buddy Campbell Memorial Park

Councilperson Davids reported that the park has been aerated but it may need to be over-seeded since there is so much crab grass.

Projects

A) Wastewater Improvement Project
   1) Land Application Site Seeding Warranty
      The engineers have inspected the site with the contractor and the alfalfa appears to be growing on the entire site. The engineers do not anticipate any warranty work will need to be completed on the site.

   2) Solar System
      Mayor Burgin will check with Tony to see if the solar banks are being rotated.

B) Water Facility Plan Study
   1) New Well Sites
      Mayor Burgin reported that plans are to look for a new well site west of town.

   2) Priority List
      The City Clerk reviewed the priority list with City Council. List is 90% of the project. Top three priorities are the transmission line replacement, drilling a new well and upgrading lines to meet fire flows.

C) Water Improvement Project
   1) DEQ Fundable List of Drinking Water Projects
      The City Clerk reviewed the fundable list with City Council. The City’s project is currently number twelve on the list.

D) Fish Creek Spring Fence
   1) Bid Documents
      The City Clerk reported that she is still working on bid documents.

   2) Agreement with Potter’s
      Mayor Burgin suggested sending the Potter’s a letter asking them to come in and sign the agreement and letting them know that the city will be getting started on the project. Council agreed.

E) Fire Station Remodel/Addition Project
Mayor Burgin reported that he had met with Alderson, Karst, Mitro architects. The architects have visited the station and are in the process of drafting a contract for services. The City will need alternative funding for the project.
1) Grant Administration Contract
The City Clerk reviewed Southeast Idaho Council of Government’s contract with City Council and stated that she is still working on it with them.

2) Rural Fire District Income Survey for ICDBG
The City Clerk reported that SICOG is working on the income survey and explained the process, which takes some time.

3) Architectural Contract
Mayor Burgin reported that the City is waiting on the architectural contract.

4) Surveyor
Mayor Burgin explained the need to hire a surveyor to establish property lines for the project. Councilperson Brown made a motion to hire Gem Valley Surveyor. Councilperson Lowe seconded the motion. All voted aye, unanimous.

F) East Main Street Pedestrian Bridge Funding
The City Clerk reported that the Idaho Community Choice grant for the pedestrian bridge on the North side was awarded. The bridge can be designed in 2015 and constructed in 2016.

G) Sign Replacement Project
Mayor Burgin will talk to Tony and Billy about installing the signs.

H) Park Improvements
1) Veteran’s Park Brick Removal and Concrete Replacement
Mayor Burgin stated that they will start the project after Memorial Day. He reviewed the plan for the five military branch stamp design in the concrete.

2) Basketball Court Lighting
Councilperson Linford made a motion to hire George Avery to install the switch. Cost $425.00. Councilperson Davids seconded the motion. All voted aye, unanimous.

I) Centennial Project ????
Mayor Burgin reported that an idea was proposed to look into buying the “L” mountain for a centennial project. The city wrote a letter to the property owner’s last year but never received a response. Involving a realtor is being considered. City Council discussed ideas. The City Clerk suggested appointing a committee.

J) Miscellaneous - Graffiti
Councilperson Davids questioned enforcement of the graffiti issue. She stated that the owners have had plenty of time to take care of the matter. City Council discussed hiring someone to remove it and bill the property owners accordingly. The City Clerk will talk to the Code Enforcement Officer and have him take care of it. City Council would to see it removed before Memorial Day weekend.
Discussion
City Council talked more about a centennial project.

Executive Session with Daniel & Mike Moldenhauer to discuss records that are exempt from disclosure as provided by Idaho Code 67-2345 (1)(d)
Daniel and Mike Moldenhauer were not present to discuss records. City Council did not adjourn into executive session.

Adjournment
Councilperson Lowe made a motion to adjourn. Councilperson Brown seconded the motion. All voted aye, unanimous. Meeting adjourned at 7:23 p.m.

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Allison Hinz, Transcriber                               Marshall Burgin, Mayor

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Canda Dimick, City Clerk