Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, November 10, 2011 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

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

Guests: George Katsilometes, George Shail, Chance Dimick, Beau Davids, Joe Benglan, Nancy Turecek and Carl Brown

The meeting was called to order at 5:30 p.m. by Mayor Burgin.

Approval of Minutes
A motion was made by Councilperson Sher approving the minutes of the October 13, 2011, Regular Council meeting as written. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

Reviewing of Bills
The mayor announced that the amounts that needed to be written into the list for Kilroy, LLC, for Wastewater Improvement Project Phase I construction is $47,762.20 and M.R.&E., Inc., $8,948.86 for August, 2011 contract and July, 2011 balance due. A motion was made by Councilperson Anderson approving the bills as noted. The motion was seconded by Councilperson Beeson. All voted aye, unanimous.

Law Enforcement Monthly Report
No law enforcement officer present. No discussion.

Status of Ordinance Drafts
A) 2009 International Building/Residential and Energy Codes
The city clerk is working with the city attorney and Bannock County building inspector to narrow down the county’s ordinance so that the ordinance specifically pertains to only what Lava needs to save printing costs.

B) Retail of Fireworks
The city clerk reported that she is working with the attorney on updating the fireworks ordinance to permit the sale of legal fireworks within city limits. The ordinance will be simple, adopting the minimums required by Idaho Code. Retailers will be required to obtain a permit and provide a certificate of insurance.
Planning & Zoning

A) Appoint George Linford to Commission

Councilperson Sher reported that the assistant city clerk had contacted those persons whom the council had nominated to fill the vacancy on the Planning and Zoning Commission and that George Linford consented to serve on the commission.

A motion was made by Councilperson Beeson appointing George Linford to the Planning and Zoning Commission. The motion was seconded by Councilperson Sher. All voted aye, unanimous. The city clerk will swear in Mr. Linford at the next Planning and Zoning Commission meeting.

B) Review and discuss proposed ordinance permitting and regulating recreational vehicles for human occupancy or habitation within the R-2 and R-3 zones.

The council reviewed the recommended RV occupancy ordinance and city attorney’s opinion. Councilperson Beeson stated that he did not support the recommended length of stay. The council had originally recommended the stay be limited to three (3) consecutive days once a year. The Planning and Zoning Commission has recommended fifteen (15) days throughout the year. The city attorney has advised that the nonconsecutive days could be an enforcement nightmare and costly to control.

A motion was made by Councilperson Sher to send the ordinance back to Planning and Zoning Commission with a five (5) day limitation and instruct that the city attorney’s input be included. The motion was seconded by Councilperson Lowe. Lowe, Sher and Anderson voted aye, Beeson voted nay. The motion passed.

C) 73 West Main Street – Consider off street parking development and occupancy certificate.

The off street parking area at 73 West Main, owner George Katsilometes, was discussed. Pictures of the developed area were reviewed. Mr. Katsilometes asked the council if any of them had been polled regarding the parking area before the meeting. The council voiced that they had not. Mr. Katsilometes suggested that council members in the vacation rental business refrain from voting due to a conflict of interest. None of the council expressed a need to refrain from participating in the discussion or voting due to a conflict of interest. Mr. Katsilometes questioned the occupancy certificate process and voiced comments that he felt that he was being treated differently than others, specifically naming Evelee Rush as a comparison. The mayor questioned the city clerk on the process. The city clerk reported that the city has required other nightly rentals to develop off-street parking areas and specifically named a few. The city clerk explained that the occupancy certificate process has been “for at least the past” year that the Bannock County building inspector signs the certificate of occupancy when all building issues have been met and then forwards the signed certificate to the City to issue. The city then issues the permit when everything is
in compliance with zoning regulations. George Shail, on Mr. Katsilometes, behalf, presented pictures of other off street parking areas that have been developed and approved that they feel are comparable to Mr. Katsilometes. Mr. Katsilometes stated that he had contacted the city clerk about the occupancy certificate after the building inspector completed the final inspection and was told that she could not see any problems. The City Clerk reported that she had informed Mr. Katsilometes that the building inspector had informed her that he was issuing the permit but she did not tell Mr. Katsilometes that his off-street parking area was approved. The City Clerk explained that when the city received the signed certificate that she talked with the Mayor about the off-street parking area and he asked her to inform Mr. Katsilometes to haul in some gravel. The City Clerk notified Mr. Katsilometes of the need to haul in some gravel and advised him to call her back as soon as it was done. When Mr. Katsilometes called back to report that he had hauled some gravel in, the mayor went back to look at the site and reported back to the city clerk that there was still not sufficient gravel hauled in and that he felt the city council needed to discuss the matter so discussion was scheduled on the next meeting agenda. The city clerk explained that the mayor’s concerns were that George’s guests were going to get stuck because of the steep grade of the parking area and get mired down in mud. Mr. Katsilometes claimed that he has parked in the area and has never been stuck. Mr. Katsilometes agreed and acknowledged that he understands his responsibilities and will regularly maintain and plow the snow from the parking lot just like he does for his other parking lot at the Lava Hot Springs Inn.

A motion was made by Councilperson Sher based on the building inspector’s approval that the city OK occupancy. The motion was seconded by Councilperson Lowe. All voted aye, unanimous. Mr. Katsilometes demanded the certificate. The city clerk and mayor informed Mr. Katsilometes that the certificate would be issued the next business day.

George Shail voiced comments, personal desires and expressed his appreciation for both parties to cooperatively work together on matters in the future.

**Business License(s) & Non-Property Tax Permit(s)**

A) **Construction Services, Inc. - Jared Lusk, President/Applicant**

A motion was made by Councilperson Beeson approving the business license application for Construction Services, Inc. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

B) **Authorize city clerk to renew 2012 business, alcohol and coin-op licenses upon receipt of renewal applications.**

A motion was made by Councilperson Anderson authorizing the city clerk to renew the 2012 business, alcohol and coin-op licenses upon receipt of renewal applications. The motion was seconded by Councilperson Sher. All voted aye, unanimous.
Consider offering a **50%** discount on all 2012 dog license renewals purchased on or before December 31, 2011.

A motion was made by Councilperson Sher offering a 50% discount on 2012 dog licenses purchased on or before December 31, 2011. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

**Consider Centurylink Real Estate’s Building Permit for restructuring roof – 37 East Main Street (alley).**

Drainage concerns were expressed. The mayor reported that he will contact Steve and Lisa Toly regarding the Centurylink’s roof restructuring project to see if they are concerned with the drainage from the roof onto the Royal Hotel property. Decision to issue permit was tabled.

**Consider city employee health insurance premium increase and designating a broker for the Idaho Independent Intergovernmental Authority Program**

A motion was made by Councilperson Sher to not appoint a broker for the III-A at this time and to consider if determined needed later. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

A motion was made by Councilperson Beeson agreeing to share, 70% city’s share, of the employee’s health insurance premium increase. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

**Water/Sewer & Garbage Services**

A) **Consider city’s eligibility to take advantage of Pay-Port, the State of Idaho’s credit/debit card processing service offered through Access Idaho.**

   The council authorized the city clerk to look into the State of Idaho’s credit/debit card processing service offered through Access Idaho and see if there are any fees for the machine. The council would like to stay away from paying fees.

B) **Consider collection of the following delinquent accounts:**

   1. Destiny Gunter $299.56
   2. Fred Guthrie & Jennilyn Guthrie $448.66
   3. Sharon Hofhine $226.31
   4. Danielle M. Poole $217.19
   5. Raymond Almeida $186.00

   The city clerk reported that two of the accounts are being foreclosed on, the others have been on the books for several years and the penalties are now more than the city service charges.

   A motion was made by Councilperson Beeson to turn the non-foreclosure accounts over to a collection agency for collection and to file a special tax assessment on the foreclosure accounts. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.
Sidewalk Obstructions/Private Business Signs Posted on City Property – Councilman Beeson

Councilperson Beeson commented on temporary signs being posted on the sidewalks. The fold up signs specifically. The signs are narrowing the sidewalk access making the sidewalks not compliant with ADA requirements. The city clerk was asked to check with the city’s attorney on liability concerns.

Meetings/Announcements

A) November 8, 2011 General Election Results – Vote Canvassing Process
The city clerk reported that the county commissioners will canvass the votes and send results to the city by November 18th to approve at the December, 2011 regular council meeting.

B) High Country Resource Conservation and Development Council - Coalition to fund cloud seeding.
The council wasn’t interested in participating or supporting the cloud seeding project.

C) American Legion Post 21 Christmas Troop Care Package Drive
The city has sent $100 in the past for the Christmas Troop Care Package Drive. A motion was made by Councilperson Beeson granting $100 for the support of troop care packages. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

D) Lava Chamber of Commerce – October 23, 2011 Public Restroom Comment
Chamber of Commerce anonymous comment card dated October 2, 2011 expressing comment on how to improve would be to have public restrooms at both ends of town open at all times was discussed. The restrooms were open and available on October 23, 2011.

E) LHTAC 2013 Application for street signs/posts – Due December 2, 2011
The city clerk is working with Forsgren Associates on an application for street signs/posts. The application is due December 2nd.

F) Annual City Employee/Volunteer Appreciation Dinner – December 6, 2011
It was announced that the annual city employee/volunteer appreciation dinner will be held December 6th at 6 p.m., Lava Community Building. Meat and potatoes are being furnished. Everyone is to bring a salad or dessert.

G) Miscellaneous
1) Sander
Councilperson Beeson reported on efforts to find a used sander. He and the mayor are still looking. The city is going to start repairing the old one.

2) AIC Academy for Elected Officials
An AIC Academy registration form was given to Councilperson Elect Carl Brown. The city will send officials who want to attend.
Projects

A) Wastewater Improvement Project

1) Phase I Substantial Completion

Mayor Burgin reported that Phase I is almost complete. The pump motor needs to be replaced to meet ARRA requirements. The motor has been ordered and should be shipped in February, 2012. The contractor is working on the checklist of final items.

2) Phase I Site Record of Survey (North side)- Discuss fence line discrepancies and offer to purchase additional land.

The council looked at the record of survey. Some of Syl Keevan’s land is fenced in with the citys’ and some of the city’s land is being farmed by Syl Keevan’s leasee. Options are to do a land swap or reclaim land as deeded.

A motion was made by Councilperson Beeson to have the city attorney contact Syl Keevan and see if he is interested in a land swap. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

If Mr. Keevan is receptive to a land swap the city will hire Keller Associates to prepare legal descriptions for the two parcels.

3) Prescriptive Access from Maughan Road through LDS Church Property

The city clerk reported that the city’s attorney is working with church authorities on a cooperative easement agreement from Maughan Road through LDS Church property.

4) Phase II Preconstruction Meeting, Construction Contract and Notice to Proceed

The mayor reported on the Phase II preconstruction meeting last week. The contract was signed and notice to proceed issued. The contractor will be onsite December 5, 2011. Plans are to install the pressurized and gravity flow pipelines this winter. Work will start at the new storage lagoon with the boring of the pipeline under the county road.

B) Wastewater Rate Study Progress & Proposed Rate Increase

The council discussed sewer rates. The rate of $30 per equivalent user was proposed.

The city clerk stated that the equivalent user schedule needs to be finalized. The council discussed meeting with the owners of the campgrounds, the state foundation, Home Hotel and Riverside Inn to discuss the rate schedule with them. Information needs to be compiled for the meetings. City staff will continue to work on the schedule.

C) Center Street Resurfacing Project – Forsgren Contract

A motion was made by Councilperson Anderson authorizing the mayor to sign the Forsgren Associates contract with city attorney’s approval. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.
D) Drinking Water Protection Plan Committee Meeting – November 22 or 23
The Drinking Water Protection Plan Committee will meet on November 22 or 23 to start the update process. The city is waiting for a confirmation from Melinda Harper, Idaho Rural Water Association.

E) Email from Jonna Palmer and Ray Healey regarding land erosion near and on 317 West Spring Street
The mayor reported that the city crew is on top of the problem, have put in some fill and will monitor situation. More work may need to be done.

F) Miscellaneous
   1) Visitor Information Sign
      Councilperson Sher thanked the city crew for installing the visitor information sign near the museum.
   2) Park Restroom
      The mayor reported that the city crew has torn up the park restroom floor and has not found any blockage. It’s a mystery.

Discussion – Items from the audience.
None.

Adjournment
A motion was made by Councilperson Lowe to adjourn. The motion was seconded by Councilperson Sher. All voted aye, unanimous. The meeting adjourned at 7:03 p.m.

Trish Avery, Transcriber
Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved December 8, 2011