Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, September 10, 2015 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

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

Excused:

Guests: Lisa Guthrie, Vicky Lyon, Amantha Sierra & Monte Steele.

Agenda Amendment:

Councilperson Brown made a motion to amend agenda to include Building permits for 196 East Main – Multistory Office Building – Evelee Hill, Owner/Applicant, 68 West Main Street – 9 Nightly Rental Cabins – George Katsilometes, Owner/Applicant, 53 North 1st East – Lava Hot Springs Inn – 6 Nightly Rental Cabins on Stilts – George Katsilometes, Owner/Applicant, 84 West Elm Unit 1 – Change of Use to Nightly Rental – RST Properties, LLC, Owner/Applicant and Julie Patterson tube rental relocation 597 East Main and Business license for C&D Management. Councilperson Davids seconded the motion. All voted aye, unanimous.

Approval of Minutes:

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

Review and Approve Bills:

Councilperson Davids made a motion to table the bills until next week. Councilperson Brown seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement Monthly Reports:

    Lemonade Stand Licensing – Lisa Guthrie
Lisa questioned the city code restricting children from operating lemonade stands on personal property. City officials agreed to look at the ordinance to see what can be done to exempt it. Exception to the ordinance would be to have a business or organization licensed sponsor the lemonade stand for the youth.

    Temporary Uses of Vacant Lots:
Council member Davids questioned restriction regarding the storing of items on a vacant lot. Neighbors in the area of West Booth Street are concerned about the storing of hay, panels and horse trailers on a
vacant lot. Mayor Burgin suggested talking with property owner. Council agreed to have the code enforcement officer send a letter to the property owner, stating that the situation is creating a nuisance.

**Law Enforcement Contact Renewal:**
The contract provisions and fee are identical to last year’s contract. Councilperson Brown made a motion to renew the law enforcement contract. Councilperson Davids seconded the motion. All voted aye, unanimous.

**Law Enforcement Monthly Reports - Monte Steele, Bannock County Officer**
Monte reported that the weekends have been busy and that there had been recent fuel theft activity in the area. Monte reminded everyone to keep personal property locked up. Council person Davids reported that there have been people camping on vacant lots and at the LDS Church. City Ordinance prohibits overnight parking except in campgrounds. City Code Enforcement Officer is responsible for the enforcement of the ordinance. City Code Enforcement Officer may need to do some night patrolling.

**Resolution 2015-4 establishing a record retention schedule.**
Draft is not complete. Copies were given to mayor and council for review. Schedule will have to be adopted by resolution. Schedule draft and resolution were taken under advisement.

**Business License(s), Alcohol Lincense(s), Coin-op License(s), & Non-Property Tax Permit(s):**

A) C & D Management,

Councilperson Brown made a motion to approve the business license. Councilperson Linford seconded the motion. All voted aye, unanimous.

**Building Permit(s):**

196 East Main – Multistory Office Building – Evelee Hill, Owner/Applicant
Evelee Hill’s permit for demolition of 196 E Main and new construction of a multistory office building was reviewed. Bannock County building inspector has approved plans. Evelee has reported to city staff that the use of two office spaces on the top floor will depend on the outcome of her lease at the Hot Pools. If she doesn’t get her lease, she will make that area a message studio. The only issue was off-street parking. The existing structure has no off-street parking. If she tears down the old structure and puts up a new structure parking will need to be added. The new structure cancels all grandfathered rights. To meet parking requirement she will need to combine parcels. Councilperson Brown made a motion to approve the permit contingent on the use of top floor and the requirement of an additional development of 4 more off-street parking spaces. If she decides to use the top floor for any other business use, she will need to submit a change of use permit and add develop additional off-street parking spaces. Councilperson Davids seconded the motion. All voted aye, unanimous.

68 West Main Street – 9 Nightly Rental Cabins – George Katsilometes, Owner/Applicant
George Katsilometes application for the construction of 9 nightly rental cabins was considered. The Code Enforcement Officers letter sent to Mr. Katsilometes requesting a set of engineered plans was read. No action will be taken until the engineered plans are submitted.

53 North 1st East – Lava Hot Springs Inn – 6 Nightly Rental Cabins on Stilts – George Katsilometes, Owner/Applicant
George Katsilometes application for the construction of 6 nightly rental cabins on stilts was considered. The city is waiting for engineered plans. No action was taken.

Councilperson Brown made a motion to table both of Mr. Katsilometes applications until engineered plans are submitted and to send engineered plans to Planning & Zoning for review and recommendation once they are submitted. Councilperson Linford seconded the motion. All voted aye, unanimous.

84 West Elm Unit 1 – Change of Use to Nightly Rental – RST Properties, LLC, Owner/Applicant
Change of use unit 1& 2 from monthly to nightly rental. County approved subject to some conditions. Councilperson Brown made a motion to approve change of use permit. Councilperson Lowe seconded the motion. All voted aye, unanimous.

597 East Main – Tube Rental Relocation - Julie Patterson, Owner/Applicant
Councilperson Linford made a motion to approve relocation permit for tube stand. Councilperson Brown seconded the motion. All voted aye, unanimous.

Consider Proposed Tree Ordinance intended to establish a Lava Hot Springs Tree Committee and provide direction in planting and caring for trees:
City Clerk is working on drafting the Tree Committee’s work into ordinance form.

Consider Sidewalk Maintenance/Replacement Ordinance Amendment:
City Clerk is working with the City Attorney on an amendment to the sidewalks, curb and gutter ordinance. Council has agreed that the City pays for the curb & gutter and the property owner is responsible to pay for the sidewalk. Council supported a special assessment filing if the city is forced to install a sidewalk and the property owner fails to reimburse the city for the cost.

South 3rd Alley East Development:
Mayor reported that James Hansen wishes to gain access to the back of his property located at 191 East Booth Street. A large tree is growing in the center of the undeveloped alley and will need to be removed. Owner is willing to bare all costs to remove the tree and improve the alley access. There will be no winter maintenance. Tony and the Mayor visited the site and they think it is fine to remove the tree and develop the access. Councilperson Linford made a motion to approve the removal of the tree and development of the alley at Mr. Hansen’s expense. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Meetings & Announcements:

100th Birthday Celebration
Amantha is working on the accounting report. Amantha sold almost a $1,000 worth of shirts last weekend. Amantha is working on another event to try and get rid of the shirts in stock from the color run.

Dogapoolooza
Dogapoolooza is this weekend.
Oktoberfest
Oktoberfest is scheduled to kick off on Oct 3. The Chamber would like approval to close East Main Street to traffic from 2:00 pm to 3:30 pm for a wagon pulling contest. Councilperson Brown made a motion to permit the street closure. Councilperson Linford seconded the motion. All voted aye, unanimous. Scheduled of Oktoberfest events was reported. Finally will be the burning of a scarecrow at the community building. The event is also a kickoff of a scarecrow contest that will be going on through October.

Decorative Street Lights:
All lights fixed except for 1 that needs a ballast which will need to be repaired by an electrician. Marsh Valley Electric will be making the repair.

Solar System Net Metering Agreement:
Modification to the net metering tariff is being filed by Rocky Mountain Power in September.

“L” Lights:
Mayor will talk with Tony tomorrow to see what the status is on the bulb order.

Fire Chief Resignation:
Councilperson Brown made motion to accept Ken Fagnant resignation. Councilperson Davids seconded the motion. All voted aye, unanimous.

November 3, 2015 election ballot:
The option tax ballot question(s) were discussed. Council agreed to do two questions on the ballot: 1) to extend option tax for another 8 years and 2) propose amendment to the authorized expenditures to include municipal building construction and land acquisition purchases. Councilperson Brown made a motion to approving the proposed questions for the ballot. Councilperson Davids seconded the motion. All voted aye, unanimous.

Notice of write-in Candidate deadlines:
October 6th is the last day for write-in candidate declarations. In order for the write-in votes to be counted, candidates have to file a declaration.

Building Inspector Update:
Canda reported that Keller Associates showed interest in working up a proposal but, they are concerned about jeopardizing their relationship with the City on current and future engineering projects. Bryan Phinney has suggested a person in Pocatello who is a retired engineer that may be interested in the position. The individual would need to be hired as a part time city employee. Keller Associates is willing to assist the City with preparing a job description for the position.

Fire Code Inspector:
There is a volunteer fire fighter that is willing to get the certification to enforce the fire codes. The City needs to move forward on hiring a fire code enforcement officer since the County is not willing to do it. $400.00 has been budgeted for the fire code certification. The City may have to establish fees by
resolution for the fire code inspection permit in addition to the building permit fee to help cover the costs involved.

**Public Restroom Winterization:**

Tabled until October 8th council meeting.

**Blue Moon Car Show**

Carl Brown reported that the Blue Moon Car Show is September 26th and they would like to close Elm Street from Center to South 1st East for the event. Councilperson Linford made a motion to approve the street closure. Councilperson Brown seconded the motion. All voted aye, unanimous. Carl Brown mention that many people go inside to get a beer and it’s difficult for the employees to police customers going outside with it. He suggested under Article III page 2 that they get the permit and pay $25.00 which will allow drinking in the street area that is blocked off for the car show. Councilperson Brown made motion to approve the temporary alcohol permit for the Blue Moon Car Show. Councilperson Linford seconded the motion. All voted aye, unanimous.

**Miscellaneous:**

Nothing

**Projects:**

**Wastewater System Improvements:**

1) **Generator electronic system:**

Marshall Burgin reported that the transfer switch has a problem. Tony has been trying to get a repairman out of Salt Lake City and he keeps getting the run around. Everything works fine except the switch does not automatically switch on the generator when the power fails. If the power goes off, someone has to manually turn on the generator. Tony is working on getting another repairman from the same company to look at it. Marshall thinks we probably need a new transfer switch but, he is not sure.

2) **Land Application Site:**

Canda reported to council on the second crop watering situation. One of the risers had gotten ran over and no one knew who damaged it. Canda asked Dan to make the repair to save conflicts. Due to time restraints there were delays in making the repair. Tony offered to make the repair and did it. Water is being applied now but it is late in the season and probably will not do much good for second crop. Dan plans on cutting some second crop. Canda will go over the financials with council as soon as they see what second crop produces. If compensation for the second crop is needed, Canda will make sure it will be made. Council feels everything will be fine.

**Buddy Campbell Memorial Park Expansion Project:**

1) **Willmore Property Purchase:**

Canda received an email addressed to the Mayor from the Willmore’s. They will in Lava on the 15th & 16th and would like to meet with the Mayor to discuss the land acquisition offer.

2) **Fagnant Property Purchase:**

Council reviewed a copy of the letter the City wrote to the State of Idaho. The property is tied up with a lien for State Medicare and the letter is addressed the City’s interest in purchasing the property.
East Main Street Pedestrian Bridge Project:
The Idaho Transportation Department is working with Forsgren Associates on the engineering contract. There was nothing new to report.

Veteran’s Park Restroom:
Replacement of the entire sewer line from the building to the main is completed.

Fire Station Sewer Line Extension:
Tony has called for a price quote for the pipe, man holes and everything needed to complete the project. Tony expects a call back on the quote by tomorrow. Estimate should be available for the next meeting.

Water Improvement Project Funding Options/Status Report:
The City had a nice visit with Jeremy from Senator Risch’s office and a congressional representative from Washington DC. They toured the pipe line up Fish Creek and discussed the project. The congressional representative seemed very interested in Lava’s project and he is looking into possibilities for federal appropriations. The city is still working on getting some funding for the project.

North 1st West Proposed Storm Drain System:
Kody Tillotson wants to upgrade the electrical system at Edge Water and make some changes that would impact the undeveloped portions of the city street along the 1st block of West Portneuf. A survey needs to be completed to locate the city street boundaries before the upgrades can be done. Mayor Burgin asked Kody if he would pay half on the survey and he said he would. Survey is scheduled for Oct. 1st. No action can be taken until the stakes are in place and the council can look at it.

Street Crack Seal:
Project has been completed for this year.

Miscellaneous – Traffic Painting
Councilperson Linford suggested painting in white words “STOP” just before the crosswalk on Main Street at the intersection of Main and Center.

Discussion:
There was no discussion.

Adjournment
Councilperson Lowe made a motion to adjourn. Councilperson Brown seconded the motion. All voted aye, unanimous. Meeting adjourned at 6:55 pm.