Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, September 12, 2013 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

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

Guests: Bannock County Officer Taysom, John Fleming, George Katsilometes and Marty Anderson, Attorney

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

Agenda Amendment
Councilperson Sher made a motion to amend the agenda to include the business license renewal for Larsen Tree Service, adopt Ordinance 2013-3 for DEQ loans, to change the ordinance number for the FY2014 Annual Appropriation Ordinance to 2013-4, and consider approving the rate allocation study under wastewater improvement project. Councilperson Brown seconded the motion. All voted aye, unanimous.

Approval of Minutes
Councilperson Brown made a motion to accept the minutes as transcribed. Councilperson Sher seconded the motion. All voted aye, unanimous.

A) Consider John Fleming’s request to amend the November 8, 2012 minutes.
The City Clerk reported that the City’s attorney has advised that approved minutes cannot be amended.

Councilperson Sher made a motion to attach a copy of the letter clarifying Mr. Fleming’s statement to the November 8, 2012 minutes. Councilperson Brown seconded the motion. All voted aye, unanimous.

Review and Approve Bills
Councilperson Brown made a motion to approve the bills, with the exception of Ware Associates, which will be held until the audit report is presented. Councilperson Sher seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement
A) Monthly Report
Bannock County Officer Taysom was in attendance. Nothing reported.

B) Skateboard Park Sign at Veteran’s Park
Sign has been vandalized. Council decided to order a new no skateboarding sign to be posted at Veteran’s Park.

C) Law Enforcement Contract Renewal
Contract is identical to last years. No fee increase, no provision changes. Councilperson Brown made a motion to sign the law enforcement contract renewal. Councilperson Sher seconded the motion. All voted aye, unanimous.

Easement – George Katsilometes
Marty Anderson reported on the status of the easement and pool project. The permit for the pool required Katsilometes to provide proof of resolution from the Army Corp of Engineers. A letter from Army Corp showing compliance was presented.

Mr. Anderson explained that according to the survey recently completed by Gem Valley on Mr. Katsilometes property it revealed an anomaly in the legal description. A strip of land (East Portneuf Street) is owned by city according to the title. Mr. Katsilometes claims that he is being taxed for the strip of land and that it shows him as owner to the land in his title policies. The utility easement that the City desires includes the strip of land that the City owns and a portion that overlaps Mr. Katsilometes property.

Mr. Katsilometes would like the city to quit claim the disputed parcel to him in trade for a utility easement. Mr. Anderson does not feel that it would be a conveyance of property, just a corrected deed to correct the legal description and clean up the title.

Alliance Title can prepare the quit claim documents but their underwriters will not allow them to prepare or insure an easement. Mr. Anderson offered to prepare the easement document.

The City’s attorney has some reservations. Mayor Burgin would like to meet with the city’s attorney before any decision is made. Mayor Burgin explained that Mr. Katsilometes could continue to work on the project. Mr. Anderson explained that he has prepared the quit claim document.

Councilperson Sher questioned statement number four under the project notes which says that the Bannock County Assessor reports a chain of title of ownership to the Village of Lava Hot Springs deed instrument number 11120020 dated 9/4/1924 showing Hall City Portneuf Street coursing along the North side of the blocks 1 thru 5. The 1924 instrument is the document that Gem Valley found that creates the anomaly. The City owned all of Mr. Katsilometes property at one time.

City Clerk reported that all lien holders of Mr. Katsilometes property will have to consent to the easement. Mr. Anderson explained that Mr. Katsilometes could get a subordination agreement to cure encumbrance concerns.
Issue will be discussed at the next special meeting. Katsilometes is anxious to have the issue resolved and would like to be made aware of the special meeting and be allowed to participate.

Councilperson Sher made a motion to table the easement to allow the City time to talk to the city attorney. Councilperson Brown seconded the motion. All voted aye, unanimous.

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

A) **American Legion Post #88 (Non-Property Tax Permit)**
The need for their tax permit was questioned. The City Clerk explained that they are still responsible for collecting sales tax even though they are a non-profit organization.

B) **Gavin Gunter (renewal)**
C) **Quik & Kleen, Inc. – Randy Broadhead, Owner/Applicant**
D) **Scotty’s Handyman Service (renewal)**
E) **Veteran’s of the Vietnam War, Inc & The Veteran’s Coalition Post – Idaho-02**
F) **Larsen Tree Service (renewal)**

Mayor Burgin read the list A-F. No questions from Council.

Councilperson Sher made a motion to approve licenses and/or non-property tax permits for A-F. Councilperson Brown seconded the motion. All voted aye, unanimous.

**Building Permits**

A) **Kathryn DeMott – Replace existing deck & cover – 286 West Main, Candlelight Cottage**
B) **Dick & Barbara Guthrie and Mike & Chris Guthrie – 10255 Old Oregon Trail #19 – Installing mobile home trailer**
C) **Richard & Barbara Guthrie – 10255 E. Old Oregon Trail #31 – Installing mobile home trailer**
D) **Jon D. Thomson – 560 West Spring Street – Construct work shop/storage/sun space accessory structure.**

Council reviewed the list.

Councilperson Sher made a motion to approve A-D with the exception that D gets the building inspectors approval and complies with set-back requirements before the permit is issued. Councilperson Brown seconded the motion. All voted aye, unanimous.

**Review and approve 2013 Water Protection Plan Update**

Councilperson Sher questioned the testing requirements and list of potential risks.

List of risk factors were reviewed.

Councilperson Brown made a motion to approve the 2013 Water Protection Plan Update. Councilperson Sher seconded the motion. All voted aye, unanimous.
Consider Planning & Zoning’s Recommendation to approve 2013 Comprehensive Plan
Councilperson Brown hasn’t spent a lot of time reviewing the plan.

The commercial area by the Blue Moon Bar was discussed.

Councilperson Sher asked that the minutes of the Planning & Zoning Commission be approved and clarified as to what Commission member Katie Smith was referencing to regarding the commercial area by the Blue Moon Bar.

Councilperson Brown made a motion to table the Comprehensive Plan. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Council would like to massage the wording and consider changing the map. Another public hearing may be required.

Adopt Ordinance 2013-4 FY2014 Annual Appropriation Ordinance
Councilperson Brown made a motion to suspend the three separate readings. Councilperson Sher seconded the motion. All voted aye, unanimous.

Mayor Burgin read the ordinance.

ORDINANCE NO. 2013-4
AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, APPROPRIATING THE SUM OF $5,988,633.00 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF LAVA HOT SPRINGS FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE.

BE IT ORDAINED by the Mayor and City Council of the City of Lava Hot Springs, Bannock County, Idaho.

SECTION 1: That the sum of $5,988,633.00, and the same is appropriated to defray the necessary expenses and liabilities of the City of Lava Hot Springs, Bannock County, Idaho for the fiscal year beginning October 1, 2013.

SECTION 2: The object and purposes for which such appropriation is made, and the amount of each object and purpose is as follows:

ESTIMATED EXPENDITURES

GENERAL FUND
General Administration $122,874.00
Law Enforcement/Animal Control 73,919.00
Fire Department 22,243.00
General Maintenance 12,980.00
Planning & Zoning 5,750.00
City Hall Maintenance 4,876.00
Comprehensive Plan 316.00
Total General Fund $242,958.00

GARBAGE FUND 123,000.00
STREET FUND 104,896.00
WATER FUND 385,700.00
SEWER FUND 784,800.00
LOCAL OPTION TAX FUND 752,000.00
FIRE DEPARTMENT CAPITAL IMPROVEMENT 6,245.00
L HILL LIGHTS 1,186.00
BLM GRANT 43,998.00
EAST MAIN PEDESTRIAN BRIDGE GRANT 50,000.00
BANNOCK COUNTY AMBULANCE FUND 46,450.00
SEWER IMPROVEMENT FUND 3,447,400.00

TOTAL PROPOSED EXPENDITURES $5,988,633.00

SECTION 3: That a general tax levy on all taxable property within the City of Lava Hot Springs, Idaho be levied in an amount allowed by law for the general purposes for said City, for the fiscal year beginning October 1, 2013.

SECTION 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Idaho State Journal, a newspaper of general circulation in the City of Lava Hot Springs, and the official newspaper of said City.

PASSED under the suspension of the rules upon which a roll call vote was taken and duly enacted an Ordinance of the City of Lava Hot Springs, Bannock County, Idaho at a convened meeting of the City of Lava Hot Springs City Council held on the 12th day of September, 2013.

____________________________________
Marshall N. Burgin, Mayor

ATTEST:

___________________________________
Canda L. Dimick, City Clerk/Treasurer


Wastewater Land Application Farm Lease Renewal
The City Clerk reported that she is still working on the lease.
Councilperson Brown made a motion to table the lease renewal. Councilperson Lowe seconded the motion. All voted aye, unanimous.

**Authorize Mayor and City Clerk to execute sewer revenue bond.**

Councilperson Lowe made a motion to authorize the Mayor and City Clerk to execute the sewer revenue bond. Councilperson Brown seconded the motion. All voted aye, unanimous.

**Adopt Ordinance 2013-3 for DEQ Loans**

Councilperson Sher made a motion waive the three separate readings. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Councilperson Sher made a motion to amend her motion to waive the three separate readings and to read the ordinance by title only. Councilperson Brown seconded the motion. All voted aye, unanimous.

Mayor Burgin read the title.

**ORDINANCE NO. 2013-3**

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, BANNOCK COUNTY, IDAHO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A PARITY LIEN SEWER REVENUE BOND, SERIES 2013, IN THE PRINCIPAL AMOUNT OF $100,000, FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM OF THE CITY; DESCRIBING THE BOND; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND; ESTABLISHING FUNDS AND ACCOUNTS; PROVIDING COVENANTS RELATING TO THE BOND; PROVIDING FOR THE SALE OF THE BOND TO THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE


**Dispersal of Surplus Equipment – Mayor Burgin**

Mayor Burgin reported that they have been trying to sell the valves, electric motors and aerators that were replaced during the wastewater improvement project on the internet. There has not been any interest. He would like to talk to a salvager.

Councilperson Sher made a motion to disperse with the surplus equipment to a salvager. Councilperson Brown seconded the motion. All voted aye, unanimous.

**Personnel Matters**

A) **Comp Time – Mayor Burgin**

Accidently skipped this agenda item.

B) **Approve Employee Wage Rate Increases**
Councilperson Sher made a motion for the mayor to sign a form for the wage increase as budgeted and to put them in each personnel file, and for the increases to become effective October 1, 2013. Councilperson Brown seconded the motion. All voted aye, unanimous.

Announcements/Meetings & Miscellaneous New Business

A) Schedule public hearing to amend FY2013 Budget
The City Clerk was asked to figure up an estimate on the additional local option tax collections and to publish a public hearing to amend the budget for September 26, 2013 at 5:30 p.m.

B) Schedule public hearing to increase sewer equivalent user rate
Mayor and Council instructed the City Clerk to publish a notice of public hearing for the sewer equivalent user rate increase, $26 per month to $31 per month to be held at the next regular meeting on October 10, 2013 at 5:30 p.m.

C) Community Day – September 14, 2013
Community Service Day was announced.

D) November 5, 2013 General Election
General Election was announced.

E) Blue Moon Car Show – September 21, 2013
Councilperson Brown reported that the Blue Moon has scheduled their annual car show for September 21, 2013. The Blue Moon will need an off-site catering permit and they will need to block off the street. Council does not have any problems with the event.

F) Miscellaneous
The city has received a list of the Idaho Parks & Recreation program grant opportunities. Copies were given to mayor and council.

Projects

A) Wastewater Improvement Project
   1) Final Change Orders
   2) Completion
Councilperson Brown made a motion to approve Change Order #1 for the solar expansion project. Councilperson Sher seconded the motion. All voted aye, unanimous.

   The punch list for Phase II was reviewed. Mayor Burgin asked that the seeding the pipe line to the new storage lagoon be added to the list.

   Wastewater Land Application Site signs were mentioned. DEQ requires that the signs be posted in English and Spanish. Only English signs were posted. The Spanish signs were
not covered in the project design. The city will have to cover the cost of the signs to meet DEQ’s requirements.

B) East Main Street Pedestrian Bridge Project
   1) Easements & Grant Application Status
   TAPS application has been submitted. City Clerk and city attorney is working with Mark Lowe, Director of the Lava Hot Springs Foundation on the easement with the Foundation. No progress has been made on the easement with the Victor brothers.

C) Fish Creek Fence Project
   City crew has cleared off the property as the Potter’s desired. Messages have been left for Potter’s to make arrangement to have the revised agreement signed but they have not returned calls.

D) Sign Project
   Traffic signs have been ordered and received. An extension will be requested so that the city can order street name signs as planned.

E) Water Improvement Project
   1) Application Status
   City Clerk is working with Keller Associates and SICOG on the application due October 31, 2013.

F) Fire Station – Exhaust System Grant
   City Clerk has submitted a request for a contractor to obtain an estimate for installation of a system.

G) Veteran’s Park – Replace pavers with stamped concrete
   Mayor Burgin reported that he has talked with Bonner Morrison and he would prefer to complete the work in the spring.

H) Public Restroom Insulation
   Mayor Burgin is concerned with increasing the snow load on the old trusses and recommended talking with an insulation company to determine how much insulation they would recommend.

I) Water Line Replacement to Community Building
   Keller Associates has been asked to seek quotes from contractor’s for the city to consider. The city would like to have the project completed this fall.

Discussion
   None.
**Adjournment**

Councilperson Lowe made a motion to adjourn. Councilperson Sher seconded the motion. All voted aye, unanimous. Meeting adjourned at 8:00 p.m.

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Allison Hinz, Transcriber     Marshall N. Burgin, Mayor

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Canda L. Dimick, City Clerk