

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, July 8, 2010 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho

Present:

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk

Rita Anderson, Councilperson

Phillip Beeson, Councilperson

Newton J. Lowe, Councilperson

Cathy Sher, Councilperson

Guests: Susan Lorenz (SICOG), Vicky Lyon and Cathy Loupy

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

Approval of Minutes

Councilperson Sher stated that on page 2 under law enforcement, 4th of July Patrols, she thought that the recording would reflect that the council and the officers discussed the 10 p.m. noise ordinance. The officers were going to make warnings for excessive noise after 10 p.m. She asked that this be reflected in the minutes. She stated that the officers did make a drive through the neighborhood about 11 p.m. after the traffic from the fireworks was gone which work much better than last year. The Mayor stated that the officers did great for being so over whelmed as they were.

A motion was made by Councilperson Sher and seconded by Councilperson Beeson to approve the minutes for the regular city council meeting of June 10, 2010. All voted aye, unanimous.

Reviewing of Bills

Councilperson Sher questioned if the bill from Keller Associates was for the engineering services for the whole waste water project. The city clerk stated that the contract is for 1.2 million dollars plus contingencies.

A motion was made by Councilperson Anderson and seconded by Councilperson Lowe to pay the bills as listed. All voted aye, unanimous.

Wastewater Improvement Project Phase II Funding – Susan Lorenz, Southeast Idaho Council of Governments, Inc.

Susan Lorenz presented the application draft for the STAG grant. She reported that the SICOG contract allows them to charge \$2,000 for each time they do a report, etc. She stated that she didn't think that SICOG would need to charge for processing the STAG application because there are enough funds coming in for administrating the grants. The mayor will need to sign the forms associated with the application. Susan reviewed the forms with the Mayor and Council.

- 1) Pre-award compliance review report. This is a statement is in regards to civil rights and that the sewer system will be serving all people within the city.

- 2) Statement of Compliance with minority, women and small business utilization requirements. This is a statement that if there are businesses which are owned by women or minorities, they have an equal opportunity to bid the project.
- 3) Certificate of lobbying This certificate states that the city did not use any funds for lobbying.
- 4) Assurances This is a statement of eighteen (18) items that the city is going to do. SICOG does all of the reports for the city such as: paying Davis Bacon wages, etc.

A motion was made by Councilperson Beeson and seconded by Councilperson Sher authorizing Mayor Burgin to sign the STAG application forms as read. All voted aye, unanimous.

Susan Lorenz reviewed the original cost estimate which was presented at the time of the bond election. The cost estimate for Phase II came in at five million eight hundred thousand dollars (\$5,800,000). She presented a spread sheet on updated Phase II cost estimates and funding options. If only DEQ loan money is used the Equivalent User Fee comes out at \$48.80 per user. If only USDA loan money is used the Equivalent User Fee comes out at \$52.19 per user.

Susan discussed with the council some things that the council should consider as they make the decision of what funding option to use. They also talked about the potential of using a half million dollar block grant.

Phase I came in 2 million dollars less than expected and the Phase II estimate is higher than originally projected, therefore the city is still close to the original total project cost estimate. The city has some extra funding available which is good because there are often additional costs that arise. Block grant applications are due in November. The wastewater project is a strong competitor for a block grant this year.

Amend Agenda

The city clerk stated that the agenda needed to be amended to include an executive session at the end of the meeting and to add Johnny's Restaurant under business licenses.

A motion was made by Councilperson Anderson to amend the agenda to add Johnny's Restaurant under business licenses and an executive session at the end. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Building Permit(s)/Issues

A) Anna Hooper's Permit to put trusses over flat roof garage – 190 East Elm

The Mayor read the list of building permits. He explained that Anna Hooper's eaves extended over the property line. The contractor has cut the tails back.

B) Greg William's Permit for new duplex (plan changes) – 12 West Booth Street

The city clerk reported that Greg Williams' plans have been changed. The council reviewed the updated plans. It was questioned if the building will be over the 25 foot average finished grade height restriction. The Mayor stated that if you are

looking at the building from Booth Street it is not any higher than a single story home. The city clerk suggested that the engineer furnish the city with the average finished grade. The Mayor will contact Mr. Williams and have him address the height. The council approved.

C) Discuss adopting the 2006 International Property Management Code

The Mayor explained that the Building Inspector has recommended that the city adopt the 2006 International Property Management Code. The mayor gave an example of the wall on the tribe property that needs repaired. If the city adopted this code it would give the inspector the authority to require that the wall be repaired. The inspector feels that if the city adopts the code it would put some “teeth” into some of the things he is working on. The cost of the code book is \$27.50 if the council would like to buy it and look at it before they adopt it. Councilperson Beeson stated that the city can adopt all types of codes, but getting the building inspector to enforce the code can be a problem. The city clerk will order the book and the council will review and consider.

A motion was made by Councilperson Beeson to accept Anna Hooper’s building permit. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

D) Statement of Facts, Findings, and Recommendation on the Rear Yard Setback and Minimum Area Requirement Variance for an addition to the Greystone Manor, Vicky Lyon, Applicant

The council reviewed the Planning and Zoning Commission Statement of Facts, Findings and Recommendation. Councilperson Anderson questioned why there are three recommendations. The council reviewed the three recommendations. Councilperson Beeson questioned why #3 states that the applicant owns the large lawn area north of the alley. The mayor stated that the lawn area was designated to be used as the required off-street parking. The city clerk stated that the applicant is working on addressing the sewer line issues to comply with recommendation #2. The mayor stated that if the council approves recommendation #2, it addresses all of the concerns that the attorney has.

A motion was made by Councilperson Sher to accept recommendation #2 in the list of recommendations from the Planning and Zoning Commission and grant the variance. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

The city clerk stated that the applicant needs to provide the city her building plans before the building permit can be issued; all the city has is the building permit application. Vicky Lyon stated that she brought in a whole roll of plans. The city clerk stated that the city needs a copy to keep on file with the building permit. Mrs. Lyon will bring in a copy of the building plans.

A special council meeting was set for Monday, July 12, 2010, at 5:30 p.m. to approve the Statement of Decision.

The Mayor reviewed where the sewer line is being relocated to. The sewer line will go down the property line and across a tip of the corner of the Greystone property to get the fall that is required. Vicky Lyon stated that she is going to give Mr. Smith a written easement so that it is legal.

Law Enforcement

Vicky Lyon reported a tent problem. She questioned where the police get involved or does the city Code Enforcement Officer get involved first. She asked where the City Code Enforcement Officer was, why do the police have to enforce the ordinances. The mayor explained that he had given the Code Enforcement Officer permission to leave for his anniversary.

Vicky Lyon also stated that she had reports of glass containers in the river. The Mayor stated that there were a lot of people in town on the 4th of July weekend. Mrs. Lyon said that everyone needs to work together to enforce the ordinances. The Mayor stated that there were 53 citations issued over the 4th of July weekend. Cathy Lupy stated that in Riggins during the Riggins rodeo they take all furniture and all glass out of all the bars for the whole weekend.

Open container safety concerns were discussed. It was stated that a safe town is tourism promotion. The Mayor stated that at one time the city hired 20 Bannock County officers for the 4th of July. Councilperson Beeson reported that he saw people standing at the tube stands with open beer containers. He said that it is the owners responsibility to see that open containers are not allowed at their stands.

Replacement of damaged culvert in alley between West Elm & West Booth adjoining Center Street

The Mayor reported that the culvert needs to be replaced in the alley between West Elm and West Booth adjoining Center Street. Greg Williams was going to furnish one but something happened and he no longer has the culvert. The city needs to buy a 12 inch by 20 foot long culvert. Councilperson Lowe suggested that the culvert have screening on the uphill side to keep it from plugging up.

A motion was made by Councilperson Beeson to replace the damaged culvert between West Elm and West Booth adjoining Center Street. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

July 15, 2010 Fire Rating Classification Survey

The Fire Rating Classification Survey is scheduled for July 15, 2010. The mayor reported that the City's fire truck needs to be looked at. It has been blowing black smoke. The Mayor suggested that the truck be taken to Shane's Service to be checked out before the Fire Rating Classification Survey. The Mayor will make an appointment for the truck to be checked out.

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

- A) George & Lola's Place (143 West Main Street) – S. Roberts L.C., Owner/Applicant**
- B) Golden Spike Harley Davidson (Lava Palooza Temporary Vendor's Application & Event Plan) – Brent Alldenbach, Owner/Applicant**
- C) Gunter Construction – Gavin Gunter, Owner/Applicant**
- D) Quinn Homes, LLC – Ed Quinn, Owner/Applicant**
- E) Johnny's Restaurant - Renewal**

The Mayor read the list of business licenses.

A motion was made by Councilperson Anderson and seconded Councilperson Beeson approving the business licenses as read including Johnny's Restaurant. All voted aye, unanimous.

Meetings & Announcements

None

Project(s)

- A) Chicken Soup Springs Feasibility Study – Email from Andrew Glunt, E Center Junior Analyst**

Andrew Glunt is asking for a lot of information. The Mayor stated that the focus needs to be on recapturing the source as it was before the 1962 flood before pursuing this any farther.

- B) East Main Street Resurfacing Project**

The city clerk reported that the East Main Street Resurfacing Project is on the states list for this year but no start date is scheduled.

- C) Wastewater Improvement Project**

- 1) Appoint Cass Fannesbeck, SICOG as Environmental Review Officer**

A motion was made by Councilperson Beeson approving Cass Fannesbeck, SICOG, as the Environmental Review Office and authorizing the Mayor to sign the document. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

- 2) Rocky Mountain Power Wind Power Grant**

The Mayor reported the interview had been scheduled but it didn't happen. The city clerk reported that the only interview that was held was with the City of Menan for the first round of interviews.

- D) Speed Limit Signs – Mayor Burgin**

The Mayor reported that the "15 MPH unless otherwise posted" street signs are up. The sign by the hot pools is hidden by a bush; we may need a taller post to raise the sign up. He also stated that where the sign is posted on 4th Street coming into town is confusing. He said that the 20 MPH and the "15 MPH unless otherwise posted" signs need to swap places.

E) Miscellaneous

1) Trees at City Park

Councilperson Anderson would like to see trees planted along the tennis court where the shrubs were taken out. Canadian cherry trees were suggested. She is looking for a good source. Tree rings would need to be put in so that the trees are easy to mow around. She will get a cost and report back.

2) Restrooms

Councilperson Anderson reported that she is getting good reports from community members on the cleanliness of the restrooms at the park. She stated that Whitney Hobson has been cleaning the restrooms as community service and has been doing a good job. Whitney's community service hours are now complete.

A motion was made by Councilperson Anderson to hire Whitney Hobson to finish out the summer cleaning the park restrooms. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

3) 24th of July Parade

The Mayor reported that he will be commentator for CHAT TV for the parade. He asked who will represent the city in the parade. Councilperson Anderson suggested that all of the council ride together to represent the city in the parade. The council is going to organize this. The city clerk will order the candy.

4) Topaz Irrigation Company

The Mayor reported that he met with Brett Casperson, President of the Topaz Canal Company, regarding the letter that was sent to the city. Mr. Casperson understands the city's concerns. Mr. Casperson is not in favor of some of the items in the letter because they will not be beneficial to the canal company and will be expensive for the city. This needs to be explained to the Topaz Irrigation Company board so that they will realize it. The Mayor will talk with the engineers and the canal company to work things out.

5) I & I Study

The city clerk reminded the council that the engineers need an answer on the I & I study this month. The Mayor will look it over this month and report for the council's approval.

FY2011 Budget Work Session

The city clerk reported that she is still working with the department heads on getting the budget drafts together. When she has the draft together she will give it to the council to review.

Discussion – Items from the audience.

None

Executive Session

A motion was made by Councilperson Beeson to adjourn into executive session for Idaho Code Section 67-2345D. The motion was seconded by Councilperson Anderson. Lowe – aye, Sher – aye, Anderson – aye, Beeson – aye, unanimous.

A motion was made by Councilperson Anderson to reconvene into regular council meeting. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Councilperson Beeson said that Milan Zabka was issued a citation for not having a business license for selling the storage containers. He was given a deadline of June 25, 2010 to get a business license and pay the taxes for the containers which were sold in town. No payment has been received to date. The city clerk stated that the tax ordinance states that the next step is to request an audit of records to establish assessments for amount due. Mr. Zabka did accept the certified letter which was sent notifying him of the taxes being due.

Councilperson Anderson stated that Mr. Zabka now has signs around town advertizing his Zip line Adventures. Tickets are being sold at Positive Space. The Mayor questioned if the tickets are being sold on consignment. Councilperson Sher questioned if sales tax applied to ticket sales. The city clerk stated that ticket sales are a taxable item. It was decided that Mr. Zabka does need a business license to advertize and sell the tickets in town.

The city clerk was instructed to send the letter for an audit.

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 7:48 p.m.

Trish Avery, Transcriber

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved August 19, 2010