

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, July 9, 2009 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall N. Burgin, Mayor  
Phillip Beeson, Councilman  
Newton J. Lowe, Councilman  
Katherine Smith, Councilmember  
Michael Vice, Councilman

Trish Avery, Assistant City Clerk  
R.B. Scott, Animal Control/Code  
Enforcement

Guests: Jason Hermansen, Kevin Beazer, Steve Beazer, Milan Zabka, Irene Bergendorf, Evelee Hill, Bannock County Sheriff's Department (Officers Armstrong and Steele), and Brent "Husk" Crowther, Forsgren Associates.

Meeting called to order a 5:30 p.m.

Agenda: A motion by Councilmember Smith to amend the agenda to include the additional Business Licenses (Snake River Business Association and Milan Zabka) seconded by Councilman Vice. All voted aye, Unanimous.

Minutes: Minutes tabled

Bills: Councilman Beeson questioned the \$185 for Mystic Farms for gift baskets. Councilman Vice explained that these were to come out of the Comprehensive Plan Grant from Monsanto. The gift baskets were for the people from Aspen, Colorado, that were going to come to the work session in May which was canceled. Rita Anderson has the baskets in storage.

A motion was made by Councilman Vice and seconded by Councilman Beeson to accept bills. All voted aye, unanimous.

Code Enforce: Code Enforcement Office, R.B. Scott, referred to a copy of the Bannock County parking violation stickers. He suggested to the council that the City of Lava have its own parking violation stickers. The city ordinance states that a vehicles must be moved every 24 hours. If the city had its own parking violation stickers he could take care of parking violations without having to have the Bannock County Officer do it. There are some people that are repeatedly parking vehicles on the streets for extended periods of time. There have been problems with trailers, boats, etc. being left on the streets but the ordinance does not cover trailers. The ordinance states; "No vehicle of any type on which any dimension is greater than eight feet (8') in width, twenty one feet six inches (21'6") in length, or nine feet (9") in height shall be parked longer that one hour upon any public thoroughfare, including any street, highway, vehicularway, pedestrianway or other

thoroughfare”. This ordinance does not include trailers and may need to be amended to include trailers of all sizes. This was discussed.

Mayor Burgin stated that these are two separate issues and would require an amendment to the parking ordinance. Councilman Beeson asked if it is working alright to have the Bannock County Officers issue the parking violation stickers. They are under contract to do these types of thing for the city. Councilman Vice said that there would be advantages to having our own stickers and having our Code Enforcement Office do this as he would be more aware of the parking violations. The council will take this under consideration. For now we will try to get the Bannock County Officers to do the parking violation stickers.

1% Comm.: 1% Committee – tabled because the attorney had not sent his input yet.

Mow Vac. Lots: Councilman Beeson said that he recalled that when the city purchased the super hog mower, it was in the discussion that the city employees would mow the vacant lots that didn’t get mowed. Councilman Lowe asked if there is any reason why they couldn’t mow the lots.

Mayor Burgin said that the city employees do have other things that they need to do. He thought that it was more that we wouldn’t have to hire anyone to mow the public city properties. One concern is that we would not want to take the mower on to private property and hit a large rock and end up with a \$3000 repair bill.

Councilman Lowe asked how many lots it would be. Trish explained that notices are mailed out to the property owners to mow their lots. After the allotted time has past, the city clerk gets bids from the licensed yard care businesses. They submit bids on each individual lot; she then awards each individual job to the lowest bidder.

A motion was made by Councilman Vice and seconded by Councilman Lowe that pending the discussion with Canda and Tony on timing, numbers and other information about these lots; the council should move forward and authorized the city clerk now to hire contractors to mow the vacant lots. All voted aye, unanimous.

Water line Easement Evelee Hill: Evelee Hill requests an easement for a hot water distribution line down the alley from the Home Hotel east to the river. The Mayor and Councilman Beeson informed her that she would need approval of the Army Corp of Engineers, Water Resources Board, etc. Evelee agreed to check with the governing agencies.

Councilman Beeson asked where the hot water from the Oregon Trail exits into the river. He said that Tony had walked the river and hadn't seen where the water exits into the river. Evelee said that if Tony would contact her she would show him where the hot water exits are located.

A motion was made by Councilman Vice and seconded by Councilman Lowe to grant Evelee Hill approval for a hot water distribution line easement pending approval from Army Corp of Engineers and Idaho Department of Water Resources, if required. All voted aye, unanimous.

1% Comm.: Mayor Burgin told Evelee that we have not received anything from the city's attorney on the 1% committee, therefore that item was tabled. Councilperson Smith asked if Evelee had received the draft ordinance on the 1% committee. Evelee said that she had reviewed the ordinance and it looks good.

Evelee reported that the Chamber has applied for a \$20,000 grant through the Idaho Department of Tourism for the beginning stages of rebranding Lava Hot Springs as a Destination Resort. Pioneer Country Travel has a grant for \$87,000 to market the area and they may be able to come in under part of that grant funds. That looked a little more positive. This grant will be awarded on August 3, 2009.

Law Enforce: Officer Steele reported that there were no major problems with the 4<sup>th</sup> of July celebration. They are aware of the car show for the weekend. Councilman Lowe asked what their plans were for the 24<sup>th</sup> of July Celebration and Parade which will be held on Saturday the July 25<sup>th</sup>. Officer Steele said that they are aware of it and will probably have a car lead the parade.

Joint Water Easement  
M. Zabka Milan Zakba requests an easement for 3 or 4 months to water his trees on his property on the south side of the alley. He would like to run a hose from his house over the alley to water approximately 27 trees which were planted 5 years ago. Two years ago he disconnected the permanent waterline which was underground through the alley. He was told that he could water the trees with the water hose from his house. Mr. Zabka had installed a water hose through a PVC pipe which was laid in a shallow trench across the alley.

On Monday, R.B. Scott, City Code Enforcement Office, was told to give Mr. Zabka a citation because he was in violation of a joint service connection. Mr. Zabka showed the council photos. He stated that trees are a benefit to the community. Because of damage to his hose in the past, he has placed the hose in a pipe on top of the ground. He is requesting that he be allowed to run his hose across the alley for 3 or 4 months to water the trees. He has checked into extending the water main which is not feasible.

Councilman Beeson stated that in the past according to the minutes, Mr. Zabka has asked for this same joint connection and it was denied. The ordinance states: "Service extensions from an existing service to occupancies or ownerships other than that for which the existing service was intended shall not be permitted, nor shall separate residences be permitted to receive service through one meter except under special consideration approved by the city council." Mr. Zabka stated that this is discussing permanent connection. He is requesting a temporary connection over the alley.

Councilman Beeson asked if there was a problem with just running the hose over and watering the trees then pulling the hose back. Mr. Zabka said that the problem is that he would have to hire someone to stand there for 3 hours to water the trees and a sprinkling system can be set to give each of the trees the appropriate amount of water. It will take a few years to get the trees established until they hit ground water and then they will be fine.

Councilman Beeson asked if the waterline that the hose attaches to feed water into his shed. Mr. Zabka said everything is disconnected except to water the trees. He said that he has several photos of city employees trespassing his property which he is not happy with.

Councilman Vice said that he didn't have a problem with it as long as it is not going into the yurt or shed. Mr. Zabka said that he would like to put the hose through a pipe on top of the ground and that it will only be used to water the trees.

Mayor Burgin informed Mr. Zabka that anything that is buried and ran through city property has to be granted an easement and it has to be put in according to code and we don't grant joint connection on sewer and water permanently or electrical or anything else.

Councilman Beeson asked if there was electrical in that trench also. Mr. Zabka stated that it used to be but it is disconnected. He was forced to disconnect and run his sprinkler system with batteries.

A motion was made by Councilmember Smith that the city allow Milan Zabka to run a temporary waterline from his property across the alley to water the trees only and that he can have the waterline across the alley from June 1 to September 30. The motion was seconded by Councilman Vice. Smith - aye, Vice - aye, Lowe - aye, Beeson - nay. The motion passed.

Mr. Zabka asked if the citation could be dismissed. R.B. Scott said that the citation has been submitted to the Prosecuting Attorney, therefore, only the

Prosecuting Attorney can dismiss the citation.

Election Officials: Trish Avery reported that Canda has asked Irene Bergendorf, Rita Anderson and Edna Hobson to act as election officials. They have all agreed to do this. In the past the election officials have been given hourly pay and a meal. The last election Irene Bergendorf was paid \$11.67 per hour; she is the judge and is paid more than the other two election officials. Irene Bergendorf said that she thought that the amount of pay for the last election was too much.

A motion was made by Councilman Lowe and seconded by Councilman Vice to hire Irene Bergendorf, Rita Anderson and Edna Hobson as Election Officials at the same rate of pay as the last election. All voted aye, unanimous.

Business Mayor Burgin read and the council discussed the Business License and Licenses: Non-property Tax Permit applications as follows:

- A) Dewall Construction Company
- B) George and Lola's Place – D. Roberts, Agent/Applicant
- C) Milestone – Jared Wiberg & Katherine Beth Adams, Owners/ Applicants
- D) Scotty's Handman Services – Scott Hange, Owner/Applicant
- E) Snake River Business Association – Shoshone/Bannock Tribe
- F) Milan Zabka – Vacation Rental at 268 West Main (Correcting the pervious license)

Councilman Beeson mentioned that on Milan Zabka's application under the question; "I have had a similar Business License revoke or suspended" he has marked No. Mr. Zabka has had a Conditional Use Permit revoked; therefore this should be marked Yes. Councilman Beeson would like this application corrected.

A motion was made by Councilman Vice to approve Business Licenses A, B, C, D, E, & F with the correction on F that should have been "yes". The motion was seconded by Councilperson Smith. All voted aye, unanimous.

Building Permits: Mayor Burgin read the building permit applications:

- A) 2 small one room cabins no plumbing (100 Bristol Park Lane) – Cory Unsworth, Owner/Contractor
- B) Detached deck with stairs (10255 E. Old Oregon Trail RD #4) – Joel & Valorie Price, Owner/Contractor
- C) Change of use from residential to vacation rental (143 West Main) – George Condie, Owner
- D) Extend roof and frame around windows (118 West Elm) – Lava Community Church, Owner; Whalan Rife, Contractor

A motion was made by Councilman Beeson and seconded by Councilman Vice to accept the building permits as read.

Evelee Hill asked if she could put in similar units (referring to the cabins at the KOA) on her property. Mayor Burgin told that because her property lies in the flood plain, she would be required to have them on wheels with a tongue so that they are mobile.

All voted aye, unanimous.

Meetings

- A) District 5 letters sent to the US Environmental Protection Agency.  
Mayor Burgin explained that this was for EPA letters that were sent from the Mayors in the areas. The Mayor of Pocatello wrote that letters and asked approval to have the other mayors names on them. The letters were in regards to EPA putting regulation on the cities but providing no funding.
- B) Comprehensive Plan Vision Statement  
Trish told the council that this is for their information and it is the completed statement.
- C) DEQ Training Session for ARRA Recipients (Sept. 8<sup>th</sup> – Pocatello)  
Mayor Burgin said that Canda has sent an RSVP that he will attend; the other council members are welcome to attend also.
- D) Schedule Vista presentation on Idaho basic child care licensing changes. Councilperson Smith asked if this should be referred to the Planning and Zoning Commission.
- E) July 22 and 29, 2009 Wastewater Improvement Project Community Meetings. Mayor Burgin will be out of town on July 22, 2009. Councilman Vice said that he can attend on July 22, 2009.  
Susan Lorenz and Keller Associates will attend the meeting.
- F) July 25<sup>th</sup> Parade – Mayor Burgin asked who would represent the city.  
Councilman Beeson said that he would do the parade.
- G) Reschedule FY2010 Budget Work Session – It was decided to hold the Budget Work Session on Wednesday, July 15, 2009 at 5:30 p.m.
- H) Miscellaneous - none

Projects:

- A) Wastewater Improvement Project  
Mayor Burgin reported that 180, 000 gallon of affluent went through the system on July 4<sup>th</sup>. Councilman Beeson commented that the city was packed on that weekend.
  - 1. Status of Keller Associates Contract  
Letter received form Keller Associates. Councilman Beeson reported that he and the Mayor had met with Keller Associates during the week. They will get us some advantages and disadvantages of a couple pieces of properties that have been looked at. Councilman Lowe noted that

the L.D.S. Church farm and Earl Smith's properties are now available which is closer to town. Keller Associate said that they will do the study in good faith and bill the city after it is complete.

2. Army Corp of Engineers Funding Agreement

Mark Mendenhall from Army Corp of Engineers spoke with Mayor Burgin; they will grant the city \$500,000 for design.

3. Inflow/Infiltration Documentation

A motion by Councilman Vice and seconded by Councilman Beeson to proceed with bids on the I & I study. All voted aye, unanimous.

4. Miscellaneous - None

B) Parks – Council member Smith

Councilmember Smith reported that she has written two (2) grant applications. She would like the council's approval to submit the grant applications. If we do not get fully funded by a grant, she would like to know what the level of commitment is to redo the play ground in the Buddy Campbell Park. To make the playground ADA compliant it will need to be excavated down 12 inches, put a sidewalk around the playground and from the picnic area to the play ground area. The playground would be filled with Fibrar, which is a rubberized wood product. Total cost is \$25,000 (Fibrar - \$12,000, Concrete - \$9,300, Excavation - \$3,500). She didn't allow for funds to take down and reset up the playground equipment, she is hoping the city crew could do this part of the project. She has spoken to the City of Pocatello; they are not even using sand anymore. Sand compacts too much. The Fibrar will not compact as readily and there are fewer head injuries with it. . We are not required to be ADA compliant, but this would be a nice benefit to the community. We could possibly do this project in stages by installing the sidewalks first and then the Fibrar the next year.

A motion was made by Councilman Vice and seconded by Councilman Lowe to authorize Councilmember Smith to submit the grant applications for the playground improvement project. All voted aye, unanimous.

C) Portable Toilet Rentals for July 24<sup>th</sup>

Mayor Burgin reported that there were lots of good reviews on the garbage cans and portable toilets on the 4<sup>th</sup> of July. The council noted that the city was a lot cleaner than usual, the extra garbage cans and portable toilets helped a lot. Councilman Beeson reported that the city is paying for 4 portable toilets. He recommended that we keep them where they are for

the remainder of the summer and to pay for them out of the 1% tourist promotion money.

A motion was made by Councilman Lowe and seconded by Councilman Beeson to keep the 4 portable toilets and extra garbage cans for the remainder of the summer, to be paid for from the 1% tourist promotion money. All voted aye, unanimous.

#### D) Copier & Computer bids – City Clerk

The city clerk would like to get approval to get bids on a new copier with the features that had been submitted and to go ahead with the bids she had gotten for the computer for the maintenance staff. A motion was made by Councilmember Smith and seconded by Councilman Vice to give the city clerk approval to get bids for a copier with the features that were listed and to go ahead with the computer bids. All voted aye, unanimous.

#### E) Streets

##### 1. East Main Street Resurfacing

Councilman Beeson told the citizens present that the city tried to get some of the Stimulus Money to redo Center Street. This was thrown out because you can't have Stimulus Money on a road unless it is connected to a Federally Funded Hiway. Brent "Husk" Crowther, Forsgren Associates said that it has to be a collector road on a state hiway. So Forsgren Associates put in to resurface Main Street. It was accepted to do Main Street from Center Street east to the hiway.

Husk Crowther reported that this project would be done next year. Because this project will be done with Federal Funds, several steps in paper works are required. He reviewed with the council all items that the engineers will be required to submit before the construction can start, these are due by October 1<sup>st</sup>. While this may not be the road that was most desired, the east end of Main Street does have a need. There will be enhanced crosswalk lights that you push the button to cross.

##### 2. FY09 Priority List for RFP's

Husk asked if there were other street issues the council wanted to discuss with him. Mayor Burgin said that they are reviewing the transportation plan to determine which streets need to be chipped and sealed. The city needs to do some each year to keep the streets in good repair. Husk explained how they had determined the repair status in the transportation plan.

Mayor Burgin said that we have enough money in the budget to chip and seal about 10 blocks. After we put together a list, we will get for Forsgren Associates and go over it. Councilmember Smith said that we

need to work on a FY10 priority list to be put into that budget. Discussion followed of some possible priority areas and solutions to problem areas.

H) Chicken Soup Springs (Geothermal Grant Application)

(Jumped ahead in the agenda to discuss this item with Husk.)

Husk stated that this is a large grant which is good put because it is a 50% match it is a lot of match money. There are two avenues that we could go. The first is a low temperature district heating utility. The second is a geothermal power facility. He spoke with John Wellhead, who does a lot of geothermal exploration, he did work in Lava Hot Springs in 1963 evaluating the geothermal if it would show promise. He stated that about 11% of geothermal project bare fruit and about 2% of gas and oil project bare fruit. A feasibility study would need to be done. Because of the large cash match needed, other private or business partners would be needed to invest in the project. If the grant is lined up, the city would have it to bring to the table.

Topic areas: (1) Geothermal Power, (2) Heating,

The grant would be written in phases. Geothermal Power phases are: (1) Resource evaluation (2) Drilling (3) Well testing

The springs have mineral deposits which are indications of a magma source.

Heating phases are: (1) Feasibility study, (2) Design,

John Wellhead at ISU thinks that district heating is the proper way to go. This would require the city to set up a separate utility which would over time pay back the bond.

Forsgren will write the grant application. The mayor said that what the city would like to do is recover what we used to have before the flood. There used to be a good source of gravity flow water that could be put into a heating district or a green house, etc. Hush reported that Chicken Soup Springs has 1.5 c.f.s. The intent would be to find the match funds. The council would like him to continue to work on the grant application to use the water for a district heating utility.

F) Fire/EMT Housing & Training Facility (Grant Application)

The grant is due tomorrow. The city clerk is working on this grant and will submit it in the morning.

I) Fire Station Solar Project update & net metering agreement.

Councilman Beeson reported that he talked to Glen Pond about the solar project. Apparently Keller's increased the amount of the grant money we wanted. Mr. Pond spoke to Jeff Mansfield today about how much the project would be. Rocky Mountain Power is now concerned that the figures are so out of whack. Rocky Mountain Power budgeted the money and now it is different. They would like some definite answers.

Councilman Beeson will talk with the city clerk and try to get this straighten out.

J) Miscellaneous

R.B. Scott asked Councilmember Smith if she had decided what she wanted to do with the parks. He has the prison skill crew coming to Lava on July 18<sup>th</sup>. However, he will not be in town on that day to supervise. He can reschedule them for later or we will need to have someone supervise the crew.

Councilmember Smith would like to have the pavilion shingles and the lines on the basketball court painted. The "L" also needs to be white washed. The council discussed getting a stencil for the basketball court. R.B could reschedule them for August 22<sup>nd</sup> to do the painting at the park. Councilman Beeson asked if we would want to do the "L" that late. We could have them on July 18<sup>th</sup> but would need someone line them out. This was discussed. It was decided that Byron Nelson, park restroom cleaner, should be asked to supervise the work crew on July 18<sup>th</sup> and get the painting at the park done.

Audience Discussion: The Mayor asked if audience had anything to discuss with the council. Irene Bergendorf apologized for missing the last council meeting. She had been on the agenda but had to make a last minute trip to Idaho Falls and didn't make it back. Mrs. Bergendorf asked what can be done about her neighbor's trailer that is parked on Main Street for days and days. This is unsightly and causes a vision problem for traffic. She also asked if the city has a fire code. She is concerned that the property is a fire hazard. R.B. Scott reported that the city is in the process of adopting the International Fire Code. Mrs. Bergendorf said that the city requires property owners to cut the weeds because it is a fire hazard. The mayor said that the city would look into this issue and try to resolve it.

Adjournment: A motion was made by Councilman Lowe and seconded by Councilman Smith to adjourn. All voted aye, unanimous.

The meeting adjourned at 7:34 p.m.

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Trish Avery – Assistant City Clerk

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Marshall N. Burgin – Mayor

Approved 8/13/2009