

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, April 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: Roger Chermine (CHAT TV), Mike Vice, Susan Lorenz (SICOG), Kathleen Lewis (SICOG), Bob Rush

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

Approval of Minutes

Councilperson Sher suggested that all council be referred to as Councilperson. Councilperson Beeson noted a typographical correction under Reviewing of bills, third paragraph, "grator" should be "grader".

A motion was made by Councilperson Anderson to approve the minutes with the correction. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

Reviewing of Bills

Councilperson Lowe questioned the battery for the ranger, cost of \$195.91. Batteries are expensive because of the lead. He also asked about the number of street lights that were broken and if there was any way to get reimbursed for some of the expense. The city clerk reported that the police have some good leads on the vandalism, if the leads come through the city should get restitution. She has hesitated on submitting the insurance claim because of the \$500 deductible. If we get restitution it would be better not to put it through the insurance.

A motion was made by Councilperson Sher and seconded by Councilperson Beeson to pay the bills. All voted aye, unanimous.

Law Enforcement Monthly Report

No officer present, no discussion.

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

Susan Lorenz reviewed with the council a presentation on where the wastewater project is at. Initial project costs with alternative land options were reviewed. The transmission line from the treatment plant to the land application site is 1.5 miles which is less than the original projected distance. Phase I is completely funded. The original cost estimate of Phase I was \$4.3 million dollars, the actual Phase I total cost was \$2.4 million dollars, everything was forgiven except one hundred thousand dollars. The percentage rate on the DEQ loan is .5%.

Phase II was originally estimated at \$4.2 million dollars, this is not a recent cost estimate. Kathleen Lewis has talked to Army Corp of Engineers; they told her that there were not any additional funds to be put into the project. The city clerk stated that when she spoke with Army

Corp., they indicated that they understood that the project was fully funded. She told them that Phase I is fully funded but Phase II is not.

Tom Hepworth, DEQ, told Susan that he didn't think that it was the best interest of the project to make decision based on the hope that more ARRA money will come through for this project. DEQ will be getting more money which will be low interest, but it will not be ARRA money. DEQ interest rate is 1.75% on a 20 year loan; this will be loan with no loan forgiveness. Some of the project money is grant and some of the money is loan. The mayor said that the city's goal is for a rate under \$40 per equivalent user.

At this time the project total is estimated to be \$6.6 million which is down from the beginning project total estimate of \$9 million. Right now the estimated equivalent user fee is \$43 this fee would include operation and maintenance costs. A comparison was shown between using USDA funding verses DEQ funding. If the city bids Phase II this year, the city will not be eligible for a block grant. SICOG would not recommend waiting a year for a half million dollar block grant. The chosen funding option needs to be to the city's benefit.

The city clerk said that DEQ had approved the project for the full amount at .50% interest which was SRF money. SICOG will ask DEQ if their original funding offer of .50% will be available for Phase II. The mayor thanked Susan and Kathleen for the presentation. The council and SICOG will continue to work together as funding decisions are made.

Read & Adopt Fair Housing Resolution

The mayor read the Fair Housing Resolution in full as follows:

Fair Housing Resolution

LET IT BE KNOWN TO ALL PERSONS OF the City of Lava Hot Springs that discrimination on the basis of race, color, religion, gender or national origin in the sale, rental, leasing, or financing of housing or land to be used for construction of housing or in the provision of brokerage services is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).

It is the policy of the City of Lava Hot Springs to encourage equal opportunity in housing for all persons regardless of race, color, religion, gender or national origin. The Fair Housing Amendments Act of 1988 expands coverage to include disabled persons and families with children. Therefore, the County does hereby pass the following Resolution.

BE IT RESOLVED that within available resources, the City will assist all persons who feel they have been discriminated against because of race, color, religion, gender, national origin, disability or familial status to seek equity under federal and state laws by filing a complaint with the U. S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

BE IT FURTHER RESOLVED that the City shall publicize this Resolution and through this publicity shall encourage owners of real estate, developers, and builders to become aware of their

respective responsibilities and rights under the Federal Fair Housing Law and amendments and any applicable state or local laws or ordinances.

SAID PROGRAM will at a minimum include: 1) publicizing this policy and other applicable fair housing information through local media and community contacts; 2) distributing posters and flyers to inform the public of their rights concerning equal opportunity in housing and programs that promote fair housing; 3) preparing an analysis of impediments to fair housing choice and actions to mitigate such impediments; and 4) declaring April as Fair Housing Month.

EFFECTIVE DATE

This Resolution shall take effect April 8, 2010.

A motion was made by Councilperson Anderson and seconded by Councilperson Sher adopting the Fair Housing Resolution to become effective on April 8, 2010. All voted aye, unanimous.

Read and Adopt Resolution 2010-4 increasing the monthly equivalent user rate for any connection to the sanitary sewer system to a constant sum of \$26.00 per month.

Councilperson Anderson read Resolution #2010-4 in full as follows:

RESOLUTION 2010-4

A RESULTUION ESTABLISHING A MONTHLY SEWER EQUIVALENT USER RATE FOR THE CITY OF LAVA HOT SPRINGS; RELATIVE TO COSTS ASSOCIATED WITH MAINTENANCE, OPERATION, MANDATED IMPROVEMENTS AND DEPRECIATION OF THE SEWER SYSTEM WITHIN THE CITY OF LAVA HOT SPRINGS, IDAHO.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO THAT:

WHEREAS, the City Council desires to maintain the overall quality of life experienced by its constituents; and

WHEREAS, the City Council desires to collect from all sewer users or those who are situated so as to benefit from the sewer system, an equitable fee to cover maintenance, operation, mandated improvements and depreciation costs of the system; and

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Lava Hot Springs, effective May 1, 2010, the monthly sewer equivalent user fee shall be as follows:

A. Sewer Equivalent User Fee:

Sewer charges will be determined on a monthly equivalent user basis, calculated based on the equivalent user schedule. The following rate is hereby established:

1. The fee for “one equivalent user” for any connection to the sanitary sewer system of the City shall be the constant sum of \$26.00 per month.
2. The equivalent user schedule approved in Resolution 2008-2 shall be used to calculate the rate for each use.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Lava Hot Springs, Idaho this 8th day of April, 2010.

A motion was made by Councilperson Beeson and seconded by Councilperson Lowe adopting Resolution #2010-4 as read. All voted aye, unanimous.

Consider statement of facts, findings and recommendation for Sam Netuschil’s off-street parking variance application.

A motion was made by Councilperson Anderson and seconded by Councilperson Sher to approve the Statement of Facts, Findings and Recommendation in the matter of the Off Street Parking Variance of Sam Netuschil. All voted aye, unanimous.

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

- A) **Briscoe Builders Construction, Inc. – Doug Briscoe, Owner/Applicant**
- B) **E-Z Livin Inn – Dennis Ekstrom, Owner/Applicant (Renewal)**
- C) **John Neeser (construction/demolition)**
- D) **Lish Refrigeration, LLC – Mitch Lish, Owner/Applicant**
- E) **Portneuf Mechanical – Willie J. Parris, Owner/Applicant**
- F) **Robert Anderson (General Contractor)**
- G) **Tony’s Paint – Anthony Lindoff, Owner/Applicant**

The mayor read the list of business licenses and Non-property Tax permits. It was noted, that some of the applicants had left their city address line blank. No questions.

A motion was made by Councilperson Lowe and seconded by Councilperson Sher to accept the applications for business licenses and Non-property tax permits as read. All voted aye, unanimous.

KOA Campground – Joint Connection for Restroom/Laundry Facility

The council reviewed and discussed the ordinance pertaining to joint connection. The city clerk questioned if this is a new connection or an extension of the service, should they be charged for one half connection fee as the ordinance indicates. They are building a new structure for the business. The KOA maintains the lift station. The city sewer main ends at the West end of the campground.

A motion was made by Councilperson Sher and seconded by Councilperson Anderson to table the item on the sewer connection fee at the KOA Campground to give the council some time to think about it and learn more. All voted aye, unanimous.

Building Permit(s)

- A) Attached Shed – 695 East Main Street (River Walk Thai Food) - Suwannasri Wnukowski, Owner**
- B) New Bathroom/laundry facility – 100 Bristol Park Lane (KOA Campground) – Cory & Tiffany Unsworth, Applicants**
- C) Replace Deck – 25 North 4th West – Brian Canty, Owner/Applicant**
- D) Commercial Painting & Finishing Work – 53 N. 1st East – George Katsilometes & Frances Brady, Owners**

The mayor read the list of the building permits. The attached shed at the Thai Restaurant has been rejected by the building inspector.

A motion was made by Councilperson Anderson and seconded by Councilperson Lowe denying the permit to attach a shed to the Thai Restaurant for now to comply with what the county building inspector marked on the form until it is readdressed. All voted aye, unanimous.

A motion was made by Councilperson Beeson and seconded by Councilperson Sher approving the KOA Campground, Cory Unsworth's, building permit for a new bathroom/laundry facility. All voted aye, unanimous.

A motion was made by Councilperson Anderson and seconded by Councilperson Beeson approving Brian Canty's building permit to replace an attached deck at 25 N. 4th West. All voted aye, unanimous.

The permit application for the building owned by George Katsilometes and Fran Brady at 53 N. 1st East was discussed. Councilperson Beeson noted that there had been two prior permits pulled on the structure and no final inspections were ever approved. Councilperson Beeson was concerned with the situation with the prior permits. The building inspector needs to complete the finals on the past permits as well as the current permit.

A motion was made by Councilperson Anderson and seconded by Councilperson Sher approving George Katsilometes and Fran Brady's permit for commercial painting and finish work at 53 N. 1st East. Anderson, Sher, and Lowe voted aye and Beeson opposed. The motion passed.

Art Works Gallery Sign Permit

The council commented on how nice the sign looks.

A motion was made by Councilperson Sher and seconded by Councilperson Beeson approving the sign permit for Art Works Gallery. All voted aye, unanimous.

Blue Cross designation form to vote by proxy.

No designation.

Street Sweeper Lease/Purchase Options

Three lease/finance options from TYMCO were reviewed and discussed. City has appropriated \$20,000 from the local option tax fund for a down payment. Possible payment options were discussed. Loan would be 4.59% interest.

A motion was made by Councilperson Anderson and seconded by Councilperson Sher giving Councilperson Beeson and the City Clerk authority to work out the contract with TYMCO. All voted aye, unanimous.

There is a possibility that the city will take delivery of the sweeper next week. Councilperson Beeson reassured the mayor and council that the city would not sign the lease agreement until the sweeper is delivered and the city is satisfied. It was also mentioned that Intermountain Sweeper Company is interested in purchasing the city's old sweeper if the city no longer has a use for it.

Meetings/Announcements

A) Schedule FY2011 Budget Hearing

The date for the FY2011 Budget Hearing was set for September 2, 2010 at 5:30 p.m., Lava City Hall.

B) Association of Idaho Cities Conference – June 16-18, Idaho Falls

A motion was made by Councilperson Beeson and seconded by Councilperson Sher to grant the city clerk permission to attend the Fundamentals of City Budgeting workshop on May 5, 2010. All voted aye, unanimous.

C) Horizons Update – Mike Vice

Mike Vice presented the happenings newsletter. Lava Pride is now part of Horizon's and will be starting the community clean-ups. The city will furnish the garbage containers as done in the past.

Horizon's now has three action teams. Horizon's is working on becoming a non-profit, 501(c) 3 organization. Saturday, April 17th is a training opportunity. Anyone interested in attending was advised to register as affiliated with Lava Horizon's.

Councilperson Anderson asked where Horizon's stands with the \$10,000 grant funds they were to receive. Mike reported that Lava has received \$1,500. SICOG is administering it for 5%.

Reducing poverty benefits was questioned. The grant money was to be used to reduce poverty. Mike said that the internet site will help in this area because it will be a way for individuals to market their skills and when the non-profit is set up there may possibly be a job for someone. It is up to the community to decide how the money is to be used.

The \$1,500 hasn't been designated or spent yet. Lava Horizons may need to spend some of the money for engineering fees for tuber path down to the river. Councilperson Sher suggested that a project be lined up to pay a person to do a task to put the Horizons in a good light with the community. The mayor brought up the need to clean the bottom of the river. The council discussed how to accomplish the task.

D) Pioneer Travel Council – Cathy Sher, Council Person

Councilperson Sher reported on the Pioneer Travel Council advertising plans and she is exploring ways to augment efforts by expending some of the 1% tax into the same kind of advertising, such as putting an ad next to one of the beautiful Pioneer Travel Council ads because the big ad will draw attention. Part of the State's 2% tax funds goes to the Pioneer Travel Council's budget. Councilperson Anderson felt that the money would be

better spent locally by improving assets within the community. The mayor clarified that the 1% tax has to go to tourism promotion but the 2% can be used for other things.

E) 2010 Community Clean Up Days (May 21 & 22, October 29 & 30)

The corrected schedule was announced. The initial schedule showed only Saturday dates. Scheduled dates are now back to 2 days for each weekend, spring and fall.

F) Lava's Arbor Day Celebration (May 6, 2010)

The mayor and Trish will go to the school on May 6th for the Arbor Day Celebration.

G) Miscellaneous

The city clerk reported on an Idaho Department of Commerce Funding opportunity through the Rural Idaho Economic Development Professional Program. She said that it may be discussed at the mayor's meeting tomorrow.

Councilperson Anderson requested that the mayor attend the next Chamber meeting to show support for the Chamber. The April meeting will be on Monday, April 19, 2010. The mayor agreed to attend the next Chamber meeting.

The mayor reported on the Idaho Department of Commerce Rural Forum which he attended. He stated that it was a good meeting. Mayor Bullock wants Lava to annex McCammon. Carl Anderson said that Bannock County is doing well this year.

Projects

A) Park Playground Grant Extension & Revised Bid – Cathy Sher, Councilperson

Councilperson Sher reported that the city has received an official notice granting a 6 month extension on the matching funds for the playground project. October 1, 2010 is the deadline to submit proof of the matching funds.

Councilperson Sher has submitted a grant application to the Idaho Community Foundation. She increased the budget by \$3,000 for some unfunded items such as delivery of the materials. She asked for \$5,000 and put in that the city would do some in-kind work. She will continue to keep looking for other grants. There is \$12,000 of grant funds committed at this point. The revised estimate for wood chips from Blue Sky Recreation has been received and was reviewed. Councilperson Sher suggested that the city may be able to reduce the area which would reduce the cost. The city may also want to look into a different type of containment other than a cement curb. Councilperson Sher said that the agencies are good to work with as long as the city keeps them informed.

B) Center Street Resurface/Alignment Project – Notice received, project not funded.

The Center Street Resurfacing project was not funded. Each year the project ranks a little higher. The city needs to find ways to strengthen the application. If the maintenance crew would go to training the city could receive additional points.

C) Decorative Street Lighting Modifications – Grant opportunities

The city clerk reported that if the city would have put in for street lighting instead of the Chicken Soup Springs project the city may have received DOE grant funds. Most of the projects that were funded were for street lighting efficiency projects. Forsgren Associates

are willing to explore some funding opportunities for retro fitting the Main Street decorative lights to an energy efficient system. Councilperson Sher stated that if the grant is connected to renewable energy and the city is interested in doing something with the hot water it might be helpful to use for melting the snow and ice build up on Main Street. The city clerk stated that would not be counted as energy efficiency.

The mayor said that the hot water has gone down in the springs; the study was to see if the city could recapture the water and put it to use. The council agreed to have Forsgren Associates explore funding opportunities for a street lighting project.

D) Debris at Fire Station – Mayor Burgin

The mayor would like to clean up the debris around the fire station. The chain link fencing is salvageable. The county may be willing to accept the old asphalt to help level their site at Highway 30 and Blazer. The council gave the mayor their blessing to start the clean up process at the fire station. Councilperson Beeson will talk with Mark about the old asphalt.

E) Wastewater Improvement Project

1) Revised engineering contract with Keller's Associates

The mayor has signed the revised engineering contract. The contract was revised to show that 50% of the fees are for Phase I and 50% for Phase II and a 1.05 factor was put in instead of time and materials for reimbursement for the engineer's consultants.

2) Rate Study

The city clerk has talked with the Idaho Rural Water Association. They are willing to help with the rate study and will go to the extent that the city wants done. It may take all summer to complete. The council is alright with Idaho Rural Water Association doing the study even if it does take all summer to complete. The rate study is a membership benefit.

3) Facility Plan Grant Increase

DEQ has increased the grant amount to cover archeology and appraisal fees for both sites, proposed and alternative.

4) NPDES Permit

NPDES permit expires May, 2010. The extension deadline has passed. The city needs to submit a new application. The city clerk questioned if the city should apply for a new permit because the city only discharges into the river in the winter and may not need the permit once the new project is completed. The engineers feel the city needs the permit for a backup. The application must be filed by May 10, 2010; it is her understanding that if the application is filed by the May 10th deadline, we would automatically get the extension. The city clerk will keep working with Tony on the application and file the permit.

5) Wind Mill Farm

The mayor suggested installing a wind mill on the wastewater land application site. Rocky Mountain Power has approached the engineers about doing a grant for a windmill on the land application site. The project will support going green and gain points with funding agencies. Councilperson Anderson stated that this would show support of green energy in the proper place. Councilperson Beeson stated that if the project would be funded by a grant, it would be worth looking into. The other benefits may make the project worthwhile. The council was receptive to investigating placing a wind mill on the farm. The application is due May 15, 2010. The wind study should be from the site and not from Sedgwick.

6) Lagoon Seepage Testing – April 15, 2012

Council feels that the city shouldn't have to do the lagoon seepage testing because of the new improvements being done on the treatment lagoons.

F) Camper Shell for Dog Transportation Kennel

The animal control officer has found a camper shell for \$75 to put on the city truck that could be use for transporting dogs to the pound. The money will be expended from the animal control budget.

A motion was made by Councilperson Anderson and seconded by Councilperson Sher approving the purchase of a camper shell for dog transportation. All voted aye, unanimous.

Councilperson Anderson made comments on a recent situation with animals being left in a house after an arrest was made. There seems to be a miscommunication. No one called the property owner about the animals in the house. The city needs to establish a policy with the County Sheriff's Department. The county needs to be aware that there was a communication problem.

G) Miscellaneous

Councilperson Anderson thanked the city clerk for working this week to prepare for the council meeting even though she was sick.

H) Park

Councilperson Beeson reported that it is going to cost \$400 to install a physical disconnect at the electrical box in the city park. Sheldon Barfuss, Marsh Valley Electric, will be doing the work.

Councilperson Anderson reported that the weed control costs for the park is going to be cheaper this year.

Discussion – Items from the audience.

None

Adjournment

A motion was made by Councilperson Lowe and seconded by Councilperson Beeson to adjourn. All voted aye, unanimous. The meeting adjourned at 8:15 p.m.

Patricia Avery, Transcriber

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved 5-13-10