

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, February 11, 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, Council member

Phillip Beeson, Councilman

Newton J. Lowe, Councilman

Cathy Sher, Council member

Guests: Lester Betty, Roger Chermine- CHAT TV, Officer Jeff Young – Bannock County Sheriff's Department, Mike Vice and Evelee Hill Rush.

The meeting was called to order by the mayor at 5:30 p.m.

Approval of Minutes

The Mayor read the list of minutes to be approved and commented that the council had been busy. Council member Anderson commended the clerks for having all the minutes completed.

A motion was made by Councilman Beeson to approve the minutes of the January 14, 2010 Regular Council meeting, January 25, 2010 Special Council meeting, February 3, 2010 Special Council Meeting, and the February 8, 2010 Special Meeting. The motion was seconded by Council member Sher. All voted aye, unanimous.

Reviewing Bills

The mayor stated that a bill to State Insurance Fund in the amount of \$4,543 for workmen's comp needed to be added to the list of bills to be paid.

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

Law Enforcement Monthly Report

The city clerk reported that there had been some complaints about open containers over the weekend. She had past the information on to the patrol officers. Council member Anderson said that she had also received a complaint of open containers.

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

A) Arcade Family Fun (Renewal)

B) Art Works Gallery - Robert E. Rush, Owner/Applicant

C) Lava Hot Springs Inn (Renewal)

D) Lava Hot Springs Rentals (Renewal)

E) Northwest Technologies, Inc.

F) QLT Consumer Lease Service, LLC

The mayor read the list of business licenses. He questioned if the building inspector had approved the Art Gallery's final inspection. Councilman Beeson asked about the parking at the art gallery. The city clerk reported that the building inspector had issued an occupancy certificate. She also explained that because this is a shop and not a vacation rental the parking requirement is by square footage of

the building. The art gallery is under the square footage that requires off street parking therefore it is exempt.

A motion was made by Councilman Beeson and seconded by Council member Sher accepting the business licenses as read. All voted aye, unanimous.

Law Enforcement

Office Young discussed the open container concerns during the Fire and Ice Festival with the council. Sheryl Doyle had call with concerns. Councilman Beeson said that the officers seem to be keeping open containers under control, may see one once in a while. The mayor stated that it is better than it was 20 years ago.

Council member Sher questioned who takes care of juvenile issues. Officer Young reported that juvenile issues are handled through the department unless it is a school issue. School issues are handled through the resource officer.

Discuss enacting an ordinance regulating alcohol catering permits.

The city clerk reported that some of the towns have adopted the state provisions on catering permits. The City is issuing state catering permits. However, liquor establishments do not realize that the state requires that the catering permit be issued 30 days in advance. Therefore, the City is always sending the liquor catering permits to the state late. The City Clerk questioned if the state's provision need to be put into the city code. The council discussed how to address the issue. Councilman Beeson questioned if it is necessary to adopt the code or is the city covered under Idaho Code. It was suggested that the businesses with liquor licenses be notified that Idaho Code requires that liquor catering permits be issued 30 days prior to the event.

The city clerk will send a general notice out to all liquor license holder and organizations informing them of the liquor catering permit requirements. She will also check will legal counsel regarding the legalities on authority to issue the liquor catering permits without an ordinance.

Adopt Resolution 2010-2 supporting Mountain Home Air Force Base and Boise's Gowen Field military operations and welcoming the new F-35 mission.

A motion was made by Council member Sher and seconded by Councilman Beeson to adopt Resolution 2010-2 supporting Mountain Home Air Force Base and Boise's Gowen Field military operations and welcoming the new F-35 mission. All voted aye, unanimous.

2010 Community Clean Up Days - May 22nd and October 30th

The city clerk brought to the attention of the city council that the 2010 Community Clean Up Days will only be one day each, on Saturday only. Notices will be sent out in the water bills.

Discuss increasing sewer rates and scheduling public hearing

The mayor told the council that with phase I of the waste water project under contract that he suggests increasing the rate \$10 for now and then wait until the rate study is completed and Phase II under contract before making the final increase. The city clerk

said that she had done some calculations on the pay back of the loan for Phase I over the 20 year time frame and it would raise the equivalent user fee \$10.30 to pay back the loan for Phase I, not including project administration and change order costs.

A motion was made by Council member Anderson and seconded by Council member Sher to schedule a public hearing on the proposed sewer rate increase to be held at the March Regular City Council meeting. All voted aye, unanimous. The proposed rate increase is \$10.25 to bring the rate up to \$26 per equivalent user.

Discuss proposed 1% Tourism Promotion/Development Committee

The mayor reported that the council has decided that the council will be the committee for the 1% tourism promotion. Councilman Lowe stated that because this is tax money the city is required to own what is purchased with the funds. The council would have to have final say of where the funds were spent; therefore the council has decided to be the committee.

Mike Vice asked if the application process would be the same as the process that former Council member Smith had worked on. The mayor stated that the council may make a few changes to the application process.

Evelee asked what ownership means. Councilman Beeson explained that any time that the city spends any tax payer dollars whether it is the 1% tax or any other tax dollars, it has to belong to the city. Evelee asked and it was confirmed that if they came in and proposed a 1% tourism development project to hire a professional company to brand the city as a destination resort if it meant that the city would own the study. She asked if the study would be an appropriate use of the 1% funds. The council told her that if the proposal was for the benefit of all businesses in Lava and is tourism promotion it would be appropriate. Evelee asked if the study was something that the city council would find approvable. The council told her that if she had the chamber's support on the proposal that it would be something that the council could approve. Evelee reported to the council that last year the chamber had approved applying for a grant through Idaho Travel Council to do branding for the City of Lava and to ask the city for matching funds.

Councilman Beeson told Evelee that Council member Sher is working on refining the application for the 1% tourism promotion funds which had been started by former Council member Smith. Councilman Beeson said that the city needs to be sure that they are handling these funds legally. Evelee commented that they as a collective want to follow through, and if the city chooses to be the committee that is fine. The council told Evelee that if she has a proposal to present to the council, she does not have to wait for the application documents to be finalized. She can present it now. Evelee asked to be put on the March agenda.

Personnel/Office

A) Discuss increasing mileage reimbursement rate

The city clerk reported that currently the city pays 35 cents for mileage reimbursement and the State of Idaho pays 45.5 cents. The City only has to reimburse mileage occasionally.

A motion was made by Council member Sher and seconded by Councilman Lowe to go with the State of Idaho's 45.5 cent reimbursement rate per mile. All voted aye, unanimous.

B) Discuss purchasing a new typewriter.

The city clerk reported that it is going to take a while to get everything converted over to using strictly the computer and copier, such as business license forms that will require a template. The typewriter is so old that the ribbons are costing \$60 and are hard to find. The City can purchase a new typewriter for around \$250 and pay \$10 per ribbon.

A motion was made by Councilman Beeson to approve the purchase of a typewriter with some frugality. The motion was seconded by Councilman Lowe. All voted aye, unanimous.

Miscellaneous Meetings/Announcements

Portneuf River Water Users Meeting

March 1, 2010 at 2:00 p.m. at Lava Community Building. No one attending.

Idaho Rural Partnership

City has received an invitation to participate in the Association of Idaho Cities Idaho Community Review Program. The council reviewed the information.

A motion was made by Council member Anderson accepting the Idaho Rural Partnership offer to do a community review for the City of Lava if it was free. The motion was seconded by Council member Sher. All voted aye, unanimous.

Renew Idaho Federal Surplus Property

The city clerk asked if the council would like to renew the Idaho Federal Surplus Property eligibility. The council agreed to renew.

Snow Plow

The city clerk reported that Kamiah has a snow plow blade for sale. Councilman Beeson will look at the information. He would like to get a truck with a blade.

Projects

A) Plans for Lava Fire Station Solar Project Ribbon Cutting Ceremony - Feb. 18th, 2010 10:00 a.m.

Fire Station Solar Project Ribbon Cutting Ceremony is scheduled for February 18, 2010 at 10 a.m. The mayor encouraged council members to attend. Council member Anderson will not be able to attend but graciously offered to prepare the refreshments, doughnuts, coffee and hot chocolate. City crew will be asked to move some of the trucks out. The city clerk will get scissors and ribbon.

B) Wastewater Improvement Project

Lester Betty reported that he had some questions on the wastewater improvement project. The mayor informed Mr. Betty that his comments would be taken at the end of the meeting.

C) Inflow/Infiltration Study

Councilman Lowe brought to the council's attention that the city is processing more water than is necessary (i.e. Blue Moon) including hot water that is being run into the system. The city needs to check their disk on the Inflow/Infiltration Study to make sure that parts of it are not corrupted. Keller's Associates is still working on a plan of how to handle the extra inflow/infiltration water.

D) Main Street Resurfacing Project

The city clerk reported that the State Transportation Department will handle the bidding and awarding of the Main Street Resurfacing Project. The project has been bid. The city will be invited to participate in the pre-bid conference in 60 to 85 days. Forsgren Associates will be handling all inspections.

E) Miscellaneous

1) Wastewater Project Rate Study

Council member Sher reported on contacts with ISU Department of Engineering. She had an engineer show some interest in doing the study. She has had several referrals and needs more time to follow up on these referrals.

2) Playground Project

The city clerk reported that the park playground project deadline for matching funds is coming up in April. The project is not fully funded. Grants have been awarded from Rocky Mountain Power and the Idaho Community Foundation. The city needs an additional \$13,000 for the project. The project is to bring the playground up to ADA safety standards. Council member Anderson will follow up with the city clerk and Katie Smith on this project. Katie Smith is willing to do some more research for grants.

3) Prosecuting Services

The mayor reported on the magistrate fine revenues in comparison to prosecuting charges. The city has received \$582.30 and has paid the Prosecuting Attorney \$1,800 to prosecute citations. The city is supposed to get 90% of the fines and forfeitures according to Idaho Code. The city doesn't know if the city is getting full reimbursement. The mayor and council will talk with the city attorney and then schedule a meeting with prosecuting attorney.

4) City Hall Steps/Maintenance

Council member Anderson asked the mayor if he would ask the city crew to clean the City Hall steps off when there are meetings.

Council member Sher expressed appreciations for all the work done to clean up for the Fire and Ice Festival. Councilman Beeson will pass on the compliment.

Discussion - Items from the audience.

Lester Betty asked what is going on with the wastewater treatment ponds across the river from his home. He stated that the city is in violation of the conditional use permit for the waste water treatment facility. He demanded that the city plant a barrier of trees for a screen and maintain them. Mr. Betty claims that the trees keep falling over and nothing has been maintained. He stated that the ponds are devaluing his property. Mr. Betty stated that the original conditional use permit stated that a barrier was to be put up to block the view from his property to the ponds.

The mayor will talk with the engineer's to see what can be done to screen the ponds from view. Councilman Beeson requested that the city clerk pull out the original documents to see what commitments were made. Mr. Betty proposed a fence barrier be installed instead of the tree barrier. Trees take too long to become established and the beaver chew on them.

Improvements to existing lagoons will be designed and bid this spring. The mayor told Mr. Betty that when the engineers start design he would be invited to sit in. Mr. Betty would like to have a commitment from the city on what is going to be done to resolve the problems.

Funding for the project was explained. Aerators may be able to get on timers to run during the day which would reduce the noise at night and reduce the power usage. Mr. Betty is tired of the slime and the stink of the ponds. Councilman Lowe stated that the slime is duck weed. EPA has told the city that duck weed is good and it holds the odor in. The extra hot water running into the system may be creating the duck weed problem. The council agreed to keep Mr. Betty posted.

Adjournment

A motion was made by Councilman Lowe and seconded by Councilman Beeson to adjourn. All voted aye, unanimous. The meeting adjourned at 6:50 p.m.

Patricia Avery, Transcriber

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved March 11, 2010