

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, June 10, 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: Evelee Hill, Mike & Camille Vice, Lisa Toly, Vicky Lyon, Roger Chermine – CHAT TA, Monte Steele – Bannock County Sheriff

Amend Agenda

The city clerk reported that The Fence Man business license, Joyce Seppi's water charge protest, and River's Edge Resort letter requesting reduction of equivalent users need to be added to the agenda.

A motion was made by Councilperson Sher and seconded by Councilperson Lowe to amend the agenda to include The Fence Man to the business licenses and Joyce Seppi's and River's Edge Resort's utility items to miscellaneous projects. All voted aye, unanimous.

Approval of Minutes

Councilperson Beeson stated that on page 4, paragraph 1, under business licenses Layne's Tube Rental should be Layne's Tube Shuttle. Councilperson Sher stated that Clammoth on the last line of page 2 should be Klammoth.

A motion was made by Councilperson Anderson and seconded by Councilperson Sher to approve the Minutes of the May 13, 2010, Regular Council meeting with the two (2) corrections that were mentioned. All voted aye, unanimous.

Reviewing of Bills

Councilperson Beeson questioned the fee paid to the county for building inspections. The city clerk stated that the county bills the city for 75 % of the permit fee. Councilperson Beeson also asked about R.B. Scott's bill for travel to Pocatello. He said that the council had decided that employees were to travel in the city trucks. The mayor reported that he had approved the use of R.B.'s personal vehicle because there was starter problem in the pickup. The city clerk said that it was Billy that took his personal vehicle to the training because of the starter problem. The mayor will talk to R.B. about using the city truck for all travel.

Councilperson Sher questioned the M.R. & E. March garbage collection bill. The city clerk stated that she is still figuring that bill. The mayor asked if the Sensus water meter reader bill is an annual bill, \$1320 per year. The city clerk stated that it is a year contract

for technical service on the meter reading equipment. The city council agreed to do the service contract for one more year and will review during the budget process.

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

Law Enforcement

A) Monthly Report

B) July 4th extra patrol

The city clerk reported that Bannock County Officer Armstrong is scheduling the extra patrols. Officer Monte Steele reported that for the 4th of July weekend they will have 3 extra patrols on Friday and Saturday and 5 extra patrols on Sunday. In the past they usually overlap starting in the afternoon and going through the evening. Mornings are usually not a problem. Councilperson Anderson asked to confirm that there will be extra patrols in the evening. Officer Steele said that they will have extra patrols in the evening.

Councilperson Sher asked about fireworks in the neighborhoods. Officer Steele said that fireworks that go off the ground and explode are illegal. In the past citations have been issued and fireworks taken away. Councilperson Anderson stated that there is a noises ordinance. Councilperson Sher stated that the ordinance is 10:00 p.m. The Sheriff's Department will make a pass through the residential area after midnight. A copy of the schedule of the extra patrols will be given to the city.

The mayor reported that the city has the new speed limit signs which will be posted by July 4th.

Councilperson Beeson stated that RVs are parking overnight on city streets in the residential area. He said that the people are sleeping in the RV's which is against the city ordinance. The officers will patrol and keep an eye out for them.

The extra patrol shifts will be 8 hour shifts and will pay \$25 per hour.

C) Public Restrooms (closing)

Councilperson Anderson reported that last year there were problems closing the restrooms over the July 4th weekend. She asked that a law enforcement officer escort the custodian to close the restrooms at the parks. The custodian will be advised to get a hold of one of the officers. The restrooms will close at 12:00 midnight over the July 4th weekend.

D) Open Container Ordinance

Lisa Toly questioned the enforcement of the open container law. Officer Steele reported that the officers are enforcing the ordinance when they see it. Lisa questioned if signs need to be posted. Councilperson Beeson stated that in Jackson the ordinance is posted around town. Containers are being left in flower

containers, along the river banks and all over. Business owners need to be cooperative and help inform visitors of the ordinance. The City has some signs that will be circulated to be posted in businesses, bars, tube rental stands, at entrance to river, etc.

1% Tourism Tax

A) Tourism Enhancement Grant Program – Council member Sher

Councilperson Sher reported that city council is going to administer the tax. She reviewed the changes she had made in the application form. It is not legal for the city to offer a grant program according to the city's attorney. Agencies can make recommendations and requests but the city must retain ownership of item purchased or have contract for services in the city's name. The application needs to be changed from grant to proposal. Councilperson Beeson noted that individuals or private businesses can not request funding, the city must pay directly for the project. The city can co-sponsor an event or a project. Applicant needs to be changed to organization or non-profit. The city clerk stated that the 10% retainer needed to be removed. The city will contract with each vendor and the contract will address terms. Proposals will be considered on a quarterly basis. Councilperson Sher will make changes and present to the Chamber for input.

B) Marketing Plan – Evelee Hill Rush

Evelee Rush presented information on marketing for the future. She is working on data collecting tourist information to determine a plan on the best advertising promotions. She is working on collecting data on what is being collected through the cities 1% and 2% option tax and how that compares to the statewide monies collected. She is also working on collecting data on what the occupancies are in the motels by month as well as where the people come from and how long they stay. From this data she hopes to develop a marketing plan based on the five year data. She will be making a presentation before the Lava Chamber of Commerce and encouraged the council to attend. If the council would like she is willing to make the same presentation at a council meeting.

Ms. Hill and Scott Pearhill have been attending tourism events and are willing to share the information with the chamber and the council to develop an organized marketing plan. The mayor complimented Ms. Hill on the data that she has collected. Councilperson Beeson asked if this is a chamber project. Vicky Lyon, Chamber President, stated that Ms. Hill and Mr. Pearhill, are chamber members, they have taken this project on themselves and are now going to present the data to the chamber. Ms. Hill hopes that this data will help the chamber to better plan marketing and events.

Councilperson Anderson stated that word of mouth is the best advertising. Visitors need to have enjoyable experiences when visiting Lava. Councilperson Sher stated that efforts need to be focused on the shoulder seasons. Ms. Hill stated that we may want to focus on our target audience such as, focusing on the universities for spring break, etc. She asked the council if they would like her to

make the presentation at city council meeting. The council will attend chamber meeting on June 21, 2010, the location to be announced.

Planning & Zoning

A) Greenhouse – Evelee Hill Rush

Evelee Hill reported that Horizon's has approached her about placing a greenhouse on her property. Mr. Brady from Brady's Plant Ranch has a greenhouse that is 30 feet wide and can go as long as 96 feet long. They would like to put the greenhouse over her RV Park. The RV Park already has city water, sewer, electrical service and hot water to each site. The idea is that with the supplemental hot water and supplemental lighting they could grow produce most of the year. Brady's are looking at what crop could be grown that would be in a short supply range that have a high dollar value such as herbs, also see what could be grown to service the local restaurants. Volunteers from the Horizons group would work in the greenhouse. This would be a year round project and would eliminate her RV Park. The Council is supportive.

B) Recreational Vehicles on Residential Lots

The city council's recommendation is to limit Recreational Vehicles on developed residential lots to a 2 week period. This would also be limited to family and friends of the property owner living in the home. The council instructed the Planning and Zoning Commission to start the process to amend the ordinance.

C) Review and discuss fence restrictions.

The council agreed that the fence restrictions be looked at and amended. The city clerk reported that there is one fence that has been installed that is over 3 feet in height within the 20 foot setback. There is another applicant for a fencing permit who questioned why that property owner was allowed to put their fence in over 3 feet in the setback. The council discussed the ordinance and why the 3 feet height restriction was in place. This restriction is so that when pulling out of a driveway there is clear vision into the street. The city clerk suggested requiring a fencing permit. Councilperson Beeson stated that the city is requiring too many permits, and that the ordinance outlines the fencing requirements which property owners should be following. The city clerk will send a letter to Mr. Zabka asking him to scale the fence down to 3 feet in the 20 foot setback. It was decided not to require a fencing permit at this time.

Extra Solid Waste Containers for Holidays

The garbage contractor has delivered the extra large garbage cans. Councilperson Beeson will check with the maintenance crew to determine where to place the extra garbage cans for the Fourth of July weekend. The city will arrange for the portable toilets which will be brought in for the Fourth of July and stay through Labor Day. This will be paid for out of the 1% tourism funds.

Lava Palooza – September 11, 2010

Lava Palooza will be held September 11, 2010. They have paid the taxes for the 2008 and 2009 events. They plan to have the event the same as in the past. The city clerk will send a letter requesting the event details; agenda, vendors, garbage, restrooms, etc.

Larisa Rasmussen's building permit to replace an existing retaining wall.

Councilperson Beeson says that the ordinance states that walls are included in the fencing restrictions. He questioned if there is something different for a retaining wall. The city clerk stated that the full wall height is 8 foot but part of the 8 foot wall will be underground as the footing.

A motion was made by Councilperson Anderson and seconded by Councilperson Sher to approve the building permit for Larisa Rasmussen to replace an existing retaining wall. All voted aye, unanimous.

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

- A) Last Resort (renewal)**
- B) Neopost USA, Inc. (tax permit)**
- C) Prime Time Auctions**
- D) Ram Construction – Lane Avery, Owner/Applicant**
- E) The Fence Man – J.C. Smith**

The mayor read the list of business licenses.

A motion was made by Councilperson Beeson and seconded by Councilperson Lowe to approve the business licenses as read. All voted aye, unanimous.

Authorize City Clerk to send out annual weed control/fire abatement notices.

A motion was made by Councilperson Lowe and seconded by Councilperson Beeson authorizing the city clerk to send out the annual weed control/fire abatement notices. All voted aye, unanimous.

Propose reducing speed limit within city limits to 15 mph. Introduce and adopt Ordinance 2010-2 reducing speed limit as proposed.

A motion was made by Councilperson Beeson waiving the three separate readings of Ordinance 2010-2. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

The mayor read Ordinance 2010-2 as follows:

ORDINANCE 2010-2

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AMENDING SECTION 6-3-2B LOWERING THE SPEED LIMIT IMPOSED ON ALL THOROUGHFARES NOT OTHER CLASSIFIED; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; WAIVING THE RULE REQUIRING THE READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AS FOLLOWS:

Section 1: Section 6-3-2B is hereby amended to read as follows:

6-3-2B: LIMITS IMPOSED:

B. Twenty (20) Fifteen (15) miles per hour on all thoroughfares not otherwise classified above.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: The rule requiring that this ordinance be read on three separate occasions is hereby waived.

Section 4: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO THIS 10TH day of June, 2010.

CITY OF LAVA HOT SPRINGS, IDAHO

Marshall N. Burgin, Mayor

ATTEST:

Canda L. Dimick, City Clerk

A motion was made by Councilperson Anderson and seconded by Councilperson Beeson to adopt Ordinance 2010-2 as read. Lowe – aye, Sher- aye, Anderson – aye, Beeson – aye, unanimous.

Meetings/Announcements

A) Schedule FY2011 Budget Work Session

FY2011 Work session will be held at the next regular city council meeting unless a special meeting is scheduled.

B) Letter from Bannock Youth Foundation eliminating the Safe Place Program.

The city clerk reported that the Safe Place program is being eliminated due to funding restraints. Signs will be taken back.

C) AIC Annual Conference – June 16-18, 2010 Idaho Falls

No one will be attending.

D) Miscellaneous – None

Projects

A) Main Street Resurfacing Project

The city has not heard anything about the scheduling of the Main Street Resurfacing Project. The original schedule was to have the project completed before Memorial Day 2010. The council is concerned that it will impact tourism if done during the summer months. The city would like to have a meeting with the State Transportation Department on scheduling the project.

B) Park Restrooms – Council member Anderson

Councilperson Sher reported that the employees cleaning the restrooms are doing a good job. The restrooms are clean.

Councilperson Anderson reported that Byron Nelson had some family problems and will not be able to finish out the summer cleaning the restrooms. In the meantime, the city has had an individual cleaning the restrooms to fulfill her community service requirements. The ladies that have been cleaning the restrooms have been doing a great job. The individual that is cleaning the restrooms to fulfill her community service hours will have her community hours finished soon and is willing to continue cleaning throughout the remainder of the summer. Procedures and legalities for filling the temporary position were questioned. Councilperson Anderson is willing to continue supervising the custodians. The city clerk will check out the legalities.

C) Inflow/Infiltration Study

The city has received the Inflow/Infiltration Study Report. The mayor and maintenance personnel are reviewing it.

D) Wastewater Improvement Project

1) Land Application Site Alfalfa Crop

Councilperson Beeson recommended that the city rent haying equipment to cut the hay on the land application site and have a city employee harvest the hay on city time. Then sell the hay. The equipment could possibly be rented from David Day. Councilperson Lowe asked why the city could not work a deal with a farmer to buy the hay on shares. The mayor explained the engineers recommend that the farmer be bonded because of the survey stakes that are on the property. If the survey stakes are moved the city will have to pay for a new survey. Mike Vice recommended marking the survey stake placement with paint on the ground.

A motion was made by Councilperson Beeson and seconded by Councilperson Anderson that the city rent haying equipment to cut the hay

on the newly purchased land application site and use the city employees on city time to cut and bale the hay. All voted aye, unanimous.

2) Environmental Impact Document

The city clerk reported that the Environmental Impact Documents are done.

3) Notice to Proceed

The city clerk reported that the Environmental Impact Documents will be published next week. There is a 30 day comment period and there is an additional 30 days for DEQ to issue the FONSI. The city cannot issue the notice to proceed until DEQ issues final approval.

4) Topaz Irrigation Company Letter

A meeting will be scheduled with the engineers to discuss the Topaz Irrigation Company letter.

5) Phase II Cost Estimate

The city clerk reported that the engineers are still working on cost estimates for Phase II.

6) NPDES Permit

NPDES Permit application has been submitted. Hopefully, the city will receive an extension.

E) Miscellaneous

1) River's Edge Resort LLC - reducing equivalent users

The mayor read the letter from River's Edge Resort LLC, Shawn Mulholland, requesting a change from permanent to temporary sewer status. They have removed two (2) permanent trailer houses and will use the sites as RV sites.

A motion was made by Councilperson Beeson and seconded by Councilperson Lowe accepting Shawn Mulholland's letter requesting a change of use from two (2) permanent to two (2) temporary sewer equivalent users effective today. All voted aye, unanimous.

2) Joyce Seppi – water charge protest

Joyce Seppi's water charge protest was discussed. The mayor and Tony will recheck the meter tomorrow. If no leak, the meter will be replaced and monitored.

Discussion – Items from the audience.

1) Traffic Concerns on Center Street

Lisa Toly asked if the traffic on Center Street can be controlled. She elaborated on the many traffic problems in the summer on Center Street. A possible solution would be a

seasonal four way stop, a three way stop would be confusing and cause accidents. The mayor stated that the State of Idaho decides where the stop signs are on the business loop. Mike Vice stated that when there are cars parked along Main Street at the Center Street intersection it is difficult to see the traffic. The council will take a look at it.

2) Over Night Truck Parking

Vicky Lyon asked if the police could enforce not allowing overnight truck parking in the chain up area on Highway 30. It was stated that there is no place for trucks to park when they go to the hot baths or pools. Lisa Toly stated that she used to allow the truckers to park at the Sunnyside Sinclair but she has had vandalism problems and they take up all the parking. She does not get subsidized for allowing the truckers to park there like the Flying J does. She has told them that they are not welcome to park at her station. The city will ask the cops to patrol.

Adjournment

A motion was made by Councilperson Lowe and seconded by Councilperson Beeson to adjourn. All voted aye, unanimous. The meeting adjourned at 7:30 p.m.

Trish Avery, Transcriber

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved July 8, 2010