

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, March 11, 2010 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present:

Marshall N. Burgin, Mayor
Rita Anderson, Councilperson
Phillip Beeson, Councilman
Newton J. Lowe, Councilman
Cathy Sher, Councilperson

Canda L. Dimick, City Clerk
R.B. Scott, Code Enforcement/Animal Control

Guests: Michael Vice, Danita Hackworth, Randy Hackworth, Max Gregory, Barbara Gregory, Mark Lowe, Frank Nudging, Joan Bocek, J.L. Bocek, Vicky Lyon, Jeff Palagi, and Pam Palagi, Teresa Yakovac and Officer Paul Fagnant – Bannock County Sheriff's Department.

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

Approval of Minutes

Councilperson Anderson mentioned a few typographical errors that were corrected. Councilperson Sher questioned page 3 of the minutes regarding the playground project. She stated that she had agreed to work with Councilperson Anderson and Katie Smith and check with the Idaho Community Foundation on the playground project. Councilperson Sher said that she would prefer to be referred to as councilwoman or Councilperson instead of council member.

A motion was made by Councilman Beeson and seconded by Councilperson Sher to accept the minutes with the corrections. All voted aye, unanimous.

Reviewing of Bills

The mayor stated that a bill from Electrical Wholesale Supply was for the street light lenses which were broken out because of vandalism in the amount of \$1,640.

Councilman Beeson questioned the purchase of three (3) skunk/cat traps. Code Enforcement Officer Scott reported that the city does have some traps but not enough during the summer season. The traps will be paid out of the animal control budget.

Councilman Beeson questioned the cost of the equipment cutting edges. The city clerk reported that the cutting edges on the list of bills to be paid were for the back hoe and the ones approved prior were for the grator. Councilman Beeson will check to see if the city could piggy back off of the state's contract for these items.

A motion was made by Councilperson Anderson and seconded by Councilman Beeson to pay the bills with the addition of the Electrical Wholesale Supply bill. All voted aye, unanimous.

Public Hearing on Increased Sewer Rate (\$15.75 to \$26.00 per month per equivalent user)

A motion was made by Councilperson Anderson and seconded by Councilperson Sher to open the public hearing on the increased sewer rate (\$15.75 to \$26.00 per month per equivalent user). All voted aye, unanimous.

The mayor asked if there were anyone present that had not had an opportunity to sign in to speak.

Mike Vice stated that as a former councilman it is hard to increase the rates for the citizens. He said that over the past several years the council has worked hard to do everything possible to keep the rate low. He voiced support of the increase.

Councilperson Sher commented that it is a mirror fraction of the expected increase.

Frank Nuding stated that in Pocatello the sewer rate is \$36. He stated that the council is doing a good job.

Vicky Lyon voiced support. She stated that we are fortunate to live in a place like Lava and the rates aren't any worse than anywhere else.

Teresa Yakovac stated that the Topaz Canal Company had sent a letter to the engineer's stating the canal company's requirements. She wanted to be sure that the city had received the letter. The city clerk stated that she would check with Keller's to see if it had been received and obtain a copy.

A motion was made by Councilman Beeson and seconded by Councilperson Sher to close the public hearing. All voted aye, unanimous.

Portneuf River Blue Grass Festival (August 6, 7 & 8) - Frank Nuding

Frank Nuding announced plans for a Blue Grass Festival in Lava on August 6, 7, & 8, 2010. The event will be in the county at the Lion's Club Rodeo Arena. The event will impact the city so they want to discuss it with the city council.

Les Bocek reported that the Lion's Club had discussed the event. They anticipate that it will be a family event.

Mr. Nuding reported that 8 bands are lined up. They wanted to alert the city of the event so the city can be prepared. Mr. Nuding has contacts with local radio stations for about \$60,000 in advertizing to talk about Lava Hot Springs. The last act will go on at 9 p.m. Each act will run about 1 hour. The festival will be a total of 3 days beginning at 6 p.m. on Friday and 1 p.m. on Saturday. There will also be workshops and a band scramble Saturday morning. The ticket to the festival will also get you into the workshops. Friday night will probably be \$10, Saturday will be \$15 and a family pass will be \$75. They are trying to keep the prices low so that they can get people to come. They would like to have the merchants prepare a flier to be handed out to encourage participants to support local businesses. Lava has a lot to offer that Pocatello does not. This event should bring a lot of

people to Lava. They plan to have the festival be an annual event and hope that the event will grow.

Councilperson Anderson and Councilman Beeson said that the weekend will be busy. August is a busy month for family reunions. Mr. Nuding said that next year they would be willing to change to a later date in early September or late August.

Most participants will camp. Contact information will be provided. The mayor asked if the Lion's Club can accommodate the parking. Les Bocek said that the rodeo grounds should accommodate the parking. Frank Nuding will contact the Lava Chamber.

Law Enforcement

The mayor moved Law Enforcement ahead on the agenda. Officer Paul Fagnant reported that he didn't have anything to report. The mayor asked him to pass on information on the need to patrol for speeders and possibly post the reader board on Main Street.

Councilperson Sher mentioned that the city could use some visibility of the patrol officer from 4 to 5 pm after school gets out. Officer Fagnant said that he will add that to the hot sheet. The council discussed the need for juvenile structuring.

Wastewater Improvement Project Funding - Susan Lorenz

Canceled this item until a later date.

Lava Rural Fire District Power Point Presentation - Kirk Irick, Chairman

Kirk Irick presented plans to spur some things to encourage involvement. They are proposing a yearly in-house assessment and hiring a consultant for the first year to evaluate each fire fighters skills and needs. The proposed plan gives each fire fighter the opportunity to progress up in ranking as they desire. The required training would include the 40 hour fire fighter essentials and the first responder training. If the fire fighters have a desire to seek extra training they would move up in rank. Records will be kept of the training. Proposal of ranking was discussed. Fire fighter 1 would be required to attend 80% of all trainings. Much of the training can be done in-house. 80% of the nation's fire fighters are volunteers. The program is to provide some directives and organization. The in-house monthly trainings need to be reestablished.

Mr. Irick reported that the city's truck is carboning up, chocking out and needs to be serviced. The pump is in good shape and strong. The mayor said that the trucks need to be taken out on regular basis and driven. Need for the Army truck was questioned. The district is not interested in getting rid of it. Mr. Irick stated that the army truck runs good and can crawl about anywhere. The district is now certified so that BLM can assign them a position and they can work with them on the fire.

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

- A) Hot Springs Village (renewal)**
- B) Sweet Stuff (renewal)**
- C) Vicky Lyon (general contractor)**

The mayor read the list of business licenses.

A motion was made by Council Beeson and seconded by Councilperson Anderson to accept the business licenses and non-property tax permits as read. All voted aye, unanimous.

Decorative street light and playground equipment damages (Insurance claims & reward)

The council discussed the damages, cost and reward for the vandalism. Councilman Beeson commented that the damage has been done by juveniles and nothing ever happens to juveniles. He said that the officer that is working on the case said that it is hard to get the evidence needed. He stated that offering a reward might be worth a try.

Vicky Lyon asked if there were any ordinances against loitering. All those issues are enforcement issues through the sheriff's office. Vicky Lyon asked what about establishing a Neighborhood Watch. RB Scott stated that most of the items that were discussed are misdemeanors and they have to be done in the officer's presence or witnessed by someone willing to sign a complaint for a citation to be given.

It was reported that the witness's statement is null and void because the shop owner's statement doesn't state that he actually saw them cause the damage. Suspects were witnessed looking at the damage but not seen doing it. .

The council discussed sending a letter to the owner of the ice cream shop making them aware that the city has had complaints about loitering in front of the shop. The mayor stated that actions need to be taken carefully because sometimes damages happen to your personal property when you report problems.

A motion was made by Councilman Beeson and seconded by Councilperson Sher to proceed with an offer of a \$500 reward for information leading to the arrest and conviction on the lights or the city park vandalism. All voted aye, unanimous.

The city clerk will submit insurance claims on both incidents.

2010 Building Inspection Agreement

The building inspection agreement was discussed. The mayor commented that the city cannot afford to have their own building inspector. Councilman Beeson stated that the city is having a hard time getting the building inspector to inspect some of the buildings which the city has received complaints on.

Item #6 of the 2010 Building Inspection Agreement states "All permits, orders, certificates, and enforcement procedures relating to any structure or building with the City of Lava Hot Springs shall be issued and enforced only by the City of Lava Hot Springs, although the county may render assistance." He questioned if the city can do the inspection or does the building inspector have to inspect the buildings which the city has received complaints on. Code Enforcement Officer Scott stated that he was under the impression that the county building inspector had to do all inspections. Code

Enforcement Officer Scott told the council that he would like to discuss this issue with them further in executive session. The mayor stated that the city is required to have a building inspector.

A motion was made by Councilperson Anderson and seconded by Councilman Lowe to authorize the mayor to sign the building inspection agreement. All voted aye, unanimous.

2010 Arbor Day Proclamation (Proclaiming May 6, 2010 as Lava's Arbor Day)

The mayor reported that the school tree that was planted with arbor grant funds was cut down by vandals. There is a tree at City Hall which needs to be replaced also.

The city clerk reported that the tree committee is proposing doing a poster contest for Arbor Day and is contacting entities for prizes.

A motion was made by Councilperson Sher and seconded by Councilman Beeson to approve the Arbor Day Proclamation and plant a tree. All voted aye, unanimous.

Resolution 2010-3 establishing 45.5 cents per mile as the reimbursement rate for employees and elected officials traveling in personal vehicles.

A motion was made by Councilperson Sher and seconded by Councilman Lowe approving Resolution 2010-3 to pay 45.5 cents per mile. All voted aye, unanimous.

Meetings/Announcements/Reports

A) DOE Grant Application for Chicken Soup Springs Feasibility Study - Not awarded. Notice received.

The mayor explained that the grant to study recapturing Chicken Soup Springs was not funded.

B) 2010 Idaho Water Reuse Conference -Boise, Idaho (May 19 & 20, 2010)

No interest. No one will be attending.

C) Idaho Rural Partnership Community Review Program

It was noted that the review is similar to the Horizons program. The Comprehensive Plan is working on a review. The council feels that it would be duplicated effort.

A motion was made by Councilperson Sher and seconded by Councilman Beeson to dissolve interest in participating because it duplicates other interest already established in the community. All voted aye, unanimous.

D) Letter to Orem High School regarding use of the city park for football practices.

A letter has been written to request that the players wear non cleated shoes or find another place to practice because they are tearing up the park. The council approved the letter being sent.

E) Idaho Department of Commerce's Rural Forums - Pocatello, Idaho (April 7, 2010)

The mayor is going to attend the Idaho Department of Commerce Rural Forum. The council suggested that the mayor talk about the city's economy being stable and becoming stronger. The city clerk will send the \$10 fee for the mayor's registration.

F) Marsh Valley High School senior class party

The city received a letter requesting a donation for the Marsh Valley High School all night senior party. The city will send a Royal Pizza certificate like last year which will be purchased out of the Mayor's discretionary funds.

G) Street Sweeper & Sander

Councilman Beeson reported that he and the mayor went to Salt Lake City and looked at some refurbished sweepers. The city needs to upgrade. There are two different types a mechanical or vacuum. The vacuum controls dust but expensive. The mechanical type is cheaper.

They have gotten a bid for a refurbished vacuum sweeper for \$61,000. The old sweeper was purchased in 1981 and is an indoor industrial sweeper. The mayor stated that he would go with the vacuum type because it is on a truck chassis.

Councilman Beeson stated that he had put \$20,000 in reserve from the 2 % local option funds to purchase a sweeper and can put another \$20,000 with it in October, then pay the balance off next year.

The sweeper will handle an 8% grade when loaded. The tube on the back can be used to suck out the storm drains. The new sweeper has a filter in it that will almost eliminate the dust. The city clerk stated that city needs to look at the competitive bid law limits. The council instructed Councilman Beeson and the mayor to continue to work on the purchase of a sweeper.

H) Magistrate Fines

The mayor reported that he met with the city attorney. The city is supposed to receive 90% of the fines and forfeitures. About a year ago the mayor and Councilman Lowe and Councilman Beeson met with the prosecutor and sheriff about the fines and forfeitures that the city was to be receiving but were not. This issue was supposed to be resolved but has not been. The City Officials will meet again with the County Clerk and Prosecutor to see what can be done to resolve the problem.

I) Miscellaneous

The council discussed meetings and training opportunities that Mike Vice wanted brought to the city's attention. Mike Vice will be attending representing the Lava Horizons Group. City Officials will not be attending. Mike Vice will represent Horizons and the city would be happy to receive any information that he brings back and is willing to pass on.

Projects

A) Wastewater Improvement Project

1) Amendment to DEQ's loan offer.

Revised loan offer has been signed and returned. The city clerk reported that she had called around and got everyone's approval for the mayor to sign the loan offer and sent it back. The city got a \$2.4 million loan and DEQ forgave \$2.3 million of it. This is good news for the city.

2) Wastewater Facility Plan - Addendum for USDA

USDA wants an amendment to the Facility Plan Study that JUB did. Keller Associates is working with USDA on this. The plan has to contain an addendum for the Rural Development grant/loan application funds if needed. The city clerk stated that even though the study was done in a different location, the project has to be based off of the study. The addendum to the study has to reflect the final project. The city clerk reported that Keller's are willing to talk to USDA to see what is needed but it will be additional services.

3) Contractor's excess liability insurance limits.

The council questioned if the workers compensation insurance will meet the requirements for work in Idaho. The city attorney will have to approve the insurance. The insurance must meet the bid document requirements or the contractor must reduce the contract amount. The council's decision was for the contractor to meet the bid specification for insurance.

4) Phase II Design

Keller Associates are ready to proceed with Phase II design. They should have Phase II designed and ready to go to bid in May. Councilman Beeson stated that he thought there had been something said about doing Phase II as a change order rather than a bid. The city clerk said that not all of Phase II can be done on a change order. They are going to try to buy the pipe for the transmission line on a change order with Phase I.

B) Main Street Resurfacing Project

1) Management and inspection services.

2) Contractor and schedule.

The city clerk reported that Forsgren Associates is not on the State's approved list for the management and inspection. She has spoken to Forsgren Associates and they have filed the paper work to be on the list within a couple of weeks. They are planning on doing the management and inspection on the project but it will be a separate contract and funding is built into the project. The council decided to wait for Forsgren Associates to get on the state list. The Main Street Resurfacing Project is to be done in May 2010. Mickelson's are the low bidder on the project.

D) Buddy Campbell Memorial Park Playground Grant

Councilperson Sher reported that she had talked to the Idaho Community Foundation. They are happy to give the city a 6 month extension on the matching funds. She said that the foundation told her that they are willing to accept in-kind as an acceptable match. She has also talked to Evelyn Mason who is the director of a foundation in Boise which is focused on disability activities and services. They are helping her with connections on funding opportunities. The \$10,000 grant is IFFT funds. There is another round of grant funding coming up for award in April 1, 2010 for Eastern Idaho. Because the city got the IFFT money, it does not eliminate the city from being able to get Idaho Community Foundation money. The city could possibly get another \$2,000. Cathy will apply for additional fund for the playground project. She will also send an email asking for the extension. The city can do some in-kind.

E) Inflow/Infiltration Study Report Status

The report has not been finalized.

F) Miscellaneous

The mayor would like to contact the two employees that were hired last year to maintain the park restrooms and see if they would like to do it again. The two employees were Melissa Goodwin and Bryon Nelson. The council was pleased with their work last year. The council discussed when to start opening the restrooms. Councilperson Sher reported that for the past several weekends the museum is having around 100 visitors each day. It was decided that the restrooms should be opened on Fridays, Saturdays, and Sundays starting in April then everyday starting in May.

Discussion - Items from the audience

Councilperson Anderson reported that the Chamber has suggested that the city set dates for considering proposals for the 1% tourism funds. The dates that the chamber suggested are March 15th and September 15th. The city could put all of the requests in a file until those dates and choose the best proposals from the file to fund.

Councilperson Sher suggested that the city be flexible this year because it is too late for the March 15th deadline. The council discussed the deadline dates. The council will be flexible this year. Councilman Beeson stated the council needs to look at revising the application and making it easier. The council discussed what projects the 1% tourism funding can be used for. It was stated that the park improvements is a tourism development asset.

Motion to adjourn into executive session to consider records that are exempt from disclosure regarding Lava Palooza's local option tax collections and code enforcement issues.

A motion was made by Councilperson Sher and seconded by Councilman Lowe to adjourn into executive session to consider records that are exempt from disclosure regarding Lava Palooza local option tax collections and code enforcement issues. Lowe – aye, Sher – aye, Anderson – aye, Beeson – aye, unanimous.

Motion to reconvene.

A motion was made by Councilperson Sher and seconded by Councilman Lowe to reconvene. All voted aye, unanimous.

Local Option Tax Collection - Lava Palooza

A motion was made by Councilperson Anderson and seconded by Councilman Beeson to reply to Golden Spike Harley-Davidson stating that the city hopes that this can be worked out in an amicable manner. The city would like to see them return to Lava but are required under State law to collect the taxes. The taxes have to be collected before the city can issue a permit for another Lava Palooza event with Golden Spike Harley-Davidson. All voted aye, unanimous.

Code Enforcement Issues

A motion was made by Councilperson Sher and seconded by Councilman Lowe to have the building inspector send a letter to the prosecuting attorney requesting confirmation on the legality of the inspection of the Katsilometes property in question. All voted aye, unanimous.

The mayor told the council that he is going to give the city clerk \$500 out of the mayor's discretionary funds. She has kept the city together on the sewer project; she has dealt with DEQ, EPA, Keller's, and SICOG on the waste water project. The council comment on the fact that the city clerk does a great job keeping things together.

Adjournment

A motion was made by Councilman Lowe and seconded by Councilperson Anderson to adjourn. All voted aye, unanimous. The meeting adjourned at 8:40 p.m.

Patricia Avery, Transcriber

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved April 8, 2010