

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, November 12, 2009 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present:

Marshall N. Burgin, Mayor
Michael Vice, Councilman
Newton J. Lowe, Councilman
Phillip Beeson, Councilman
Katherine Smith, Council member

Canda L. Dimick, City Clerk

Guests: Evelee Hill, Rita Anderson, Sam Netuschil, Cory Unsworth, Roger Chermine, Chat TV.

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

Minutes: A motion was made by Councilman Vice and seconded by Councilman Lowe to approve all minutes. All voted aye.

Councilman Beeson stated that the council has given an extra hour so the minutes could be prepared sooner. Need to have the minutes at least one day before meeting. All council packet needs to be sooner. The city clerk reported that the minutes are now caught up and should be able to stay on top of them. There has been several special meeting in the past two months. Councilman Beeson said that the council needs the regular minutes sooner.

Bills: The city clerk reported that Earl Smith's final bill for 2009 is \$20.91. Earl has signed over his rebate check to the city.

Discussed the Master Rooter's bill. Hold until we hear something.

Directive Data bill questioned.

B&B Sprinklers bill questioned. Can we blow out Veteran's Park and City Hall lines? Look at later.

A motion was made by Councilman Vice and seconded by Councilman Beeson to pay the bills minus Master Rooter plus Earl Smith's. All voted aye, unanimous.

Public Hearing on the proposed city service deposit fee increase.

Open Floor for public hearing. Notice was published and posted as required.

A motion was made by Council member Smith and seconded by Councilman Vice to close the public hearing. All voted aye.

Resolution 2009-8 establishing city service deposit fees.

Resolution 2009-8 read in full as follows:

RESOLUTION NO. 2009-8

A RESOLUTION ESTABLISHING A WATER DEPOSIT FEE FOR THE CITY OF LAVA HOT SPRINGS, IDAHO.

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

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 water users or those who are situated so as to benefit from the water system, an equitable deposit fee to cover delinquent account charges.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Lava Hot Springs, effective November 13, 2009, the deposit fees shall be as follows:

A. Deposits:

If the applicant for water service is the owner of a building or premises to be supplied, and can produce the deed to the property to be served, no deposit shall be required, otherwise, a sum equal to three (3) months of full city services for each residence and/or place of business computed upon the base rate set forth Resolution 2008-2, shall be deposited with the City Clerk/Treasurer upon the signing of the application. If the owner of the property becomes delinquent in the payment of the water service fees, the owner shall be required to make a deposit for water services to the City. This deposit is to guarantee the payment of water rates or other charges payable to the City, and the same shall be held in a fund known as the "water service deposit fund" and shall be retained in said fund until the applicant shall have discontinued the use of such premises or building, or shall have become the owner of the same, in which event the deposit shall be refunded, less any sum that may be due to the City for water rentals or otherwise.

PASSED by the City Council and **APPROVED** by the Mayor this 12th day of November, 2009.

A motion was made by Councilman Vice and seconded by Councilman Lowe to adopt Resolution 2009-8. All voted aye, unanimous.

Law Enforcement

A) Bannock County Sheriff's Department contract renewal

A motion was made by Councilman Vice and seconded by Councilman Lowe authorizing the mayor to sign the Bannock County Sheriff's contract. All voted aye, unanimous.

B) Monthly Report

No one from Sheriff's Department in attendance. Need to follow up on fine revenue. The city is to receive 90% of revenue.

2010 Dog Licenses - 50% discount if purchased by 12/31/09

A motion was made by Councilman Lowe and seconded by Councilman Vice to offer a 50% discount on dog licenses purchased by December 31, 2009. All voted aye, unanimous.

Councilman Beeson requested that a notice of the dog license discount be sent out in the water bills.

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

A) Creative Energies, LLC - Scott Kane, Owner/Applicant

B) Klingler Asphalt Maintenance - Denton G. Klingler, Owner/Applicant

C) Scentsy, Inc.

D) Superior Asphalt

E) Sydney Hansen - Reimbursement for license & permit fees.

F) Authorize city clerk to issue 2010 renewals upon receipt.

The list was read and reviewed. The city clerk explained that Scentsy, Inc. has applied for a business license and will cover everyone that sells their candles. Sydney Hansen is a Scentsy, Inc. representative and has also applied for a business license. This is why there is a request for a refund to Sydney Hansen as she will be covered by the Scentsy, Inc. license.

A motion was made by Councilman Beeson and seconded by Councilman Lowe to approve business licenses and non-property tax permits A, B, C, & D. All voted aye, unanimous.

A motion was made by Councilman Vice and seconded by Councilman Beeson to reimburse Sydney Hansen for the license and permit fees. All voted aye, unanimous.

Councilman Beeson stated that it had been requested that Social Security numbers be whited out. There is one application that has several Social Security numbers on the second page. The city clerk said that she had made a template to cover the numbers; she hadn't noticed the numbers on the second page.

A motion was made by Councilman Beeson and seconded by Council member Smith to authorize the city clerk to issue 2010 business license renewals upon receipt. All voted aye, unanimous

Demolition Permit - 262 S. 4th West, Barbara Coburn/Shirley Rowsell, Owners/Applicants

A motion was made by Councilman Lowe and seconded by Councilman Vice to approve the demolition permit by Barbara Coburn and Shirley Rowsell. All voted aye, unanimous.

Sign Permits

A) Cascade Villas - 155 East Main - Sam Netuschil, Owner/Applicant

B) Tumbling Waters - 437 East Main - Sam Netuschil, Applicant

Sam Netuschil reviewed the sign plans with the council. He explained that he is changing the name of the Outpost Lodge to Cascade Villas. Two (2) signs will be vertical that will come out from the face of the building and two will be on the side. The signs on the side will be temporary signs that might be changed out with the season or events. The signs on the front of the building will come out two (2) feet and up off the sidewalk about eight (8) feet. The signs will be made of a corrugated plastic material. At this point he is not planning on adding lighting to the signs. The council reviewed the sign clearance and size requirements. The signs at Cascade Villa will be 2' x 6' and Tumbling Waters 2' x 8'.

A motion was made by Councilman Vice and seconded by Council member Smith to approve sign applications A & B. All voted aye, unanimous.

Sam questioned if the city requires rebar in the sidewalk or a permit to replace. The mayor said that we do not require rebar or a permit.

Lava Chamber of Commerce Board Nominations

Councilman Vice presented a list of Chamber of Commerce board nominations. Nominations are needed by November 17th. It was noted that there is a good list. The city will not send any nominations.

Lava Hot Springs Capital of the Day - November 20th

Evelee Hill presented itinerary and plans for Capital for the Day. The Lava Chamber has purchased White Pine seedlings to pass out to guests. The seedlings will have a sticker with the theme "Grow Idaho" on them.

Evelee drove to Boise and picked out rings of Star Garnet which costs \$1,380 for the Governor and First Lady. The State Stone is Star Garnet which is only found in the Himalayas and in Idaho. Steward Jewelers has postcards that talk about the Star Garnet; they will attach a small garnet gem to also be handed out to guests.

The lunch is being catered by the Thai Restaurant. They are planning on 100 guests and 50 to seniors at the price of \$10 per meal, \$1,500 total cost.

The American Legion will present the colors. She reviewed the entertainment for the lunch hour. All this information is being distributed to all State and County representatives.

Evelee is putting together an eight (8) pages newspaper “Lava Legend” with the Governor’s coming and old pictures that will serve as a photo tour of the city. She is hoping to the paper a quarterly publication. She is getting 10,000 for less than \$1,500 and is full cover. Evelee is covering the cost and is offering advertisement to the businesses for \$10 per a listing.

There will also be a ribbon cutting at the hot baths for the new pool in the afternoon. Evelee requested that the city pay for part of the rings and for the lunch.

The council told Evelee that the city cannot reimbursements to individuals. Council member Smith stated that she felt that the city should pay for the lunches rather than the rings because all state agencies are taking budget cuts. Evelee said that the State has spent a lot of money on improvements in Lava this year. Council member Smith said that these rings are not going to the State; they are going to the Governor and his wife. Councilman Vice said that this is the one and only time to have the Governor in our city and the city should be supportive of this event. The mayor asked if this is “tourism promotion”. Councilman Beeson said that the lunch could be considered a promotional thing but not the gifts. Councilman Lowe said that he didn’t feel that paying for the gifts with the tax payer dollars was appropriate. Further discussion followed.

A motion was made by Council member Smith and Councilman Vice to pay for 150 lunches for the “Capital for the Day” from the 1% tourism funds. Beeson – aye, Smith – aye, Vice – aye, Lowe – nay. The motion passed.

A motion was made by Councilman Beeson and seconded by Councilman Lowe to deny request to pay for personal gifts for the Governor and his wife. Beeson – aye, Lowe – aye, Smith – aye, Vice – nay. The motion passed.

Council member Smith stated that the Lava Legend is a neat idea. She asked if this is a chamber publication. Evelee stated that the Lava Legend is a private publication because it had to be done in a one week’s time which was not enough time to get approval from the chamber or others. She has offered business listings of business name, address, website, phone number for a \$10 fee. The council discussed contributing to the publication. Evelee told the council that the publication will be distributed to Morris-Murdock, travel centers, and Teton Territory in Rexburg. She is trying to bring Lava into a larger focus. She said that she believe Lava is one of the most important southern gateways to Yellowstone Park and Grand Teton Park. She would like to promote Lava as a primary destination for people coming into the parks. Councilman Vice asked if the city could help with this publication because it is tourism promotion. Evelee stated that she would prefer that the city not participate in the cost o this publication because the Chamber of Commerce has not approved the publication because there was not time.

1% Tourism Tax Advisory Committee and Ruling from Idaho Attorney General's Office regarding legal expenditure process.

Forming a committee or keeping the administration in house was discussed. Council member Smith said that she could revise the items of concern which were brought up by the Attorney General and the city's attorney then send it back to the city attorney for final review. Evelee stated that the Chamber has been holding back from requesting fund from the 1% tourism tax until the city has the application protocol in place. Council member Smith said that as part of the proposal was that the council would review all proposals until the committee is formed which was thought to be about December 2009 – January 2010. Council member Smith will work on the revisions and then send to the attorney.

Lava Planning & Zoning Commission

A) Ordinance 2009-7 establishing regulations for the permitting and construction of recreational vehicle parks and manufactured home parks.

The council agreed that the public hearing will be held next regular council meeting.

A motion was made by Council member Smith and seconded by Councilman Beeson to hold the public hearing on Ordinance No. 2009-7 at the next regular council meeting which will be held December 10, 2009. All voted aye, unanimous.

B) Recommendation on RV's connected to developed residential services.

A memorandum from the Lava Planning and Zoning Commission was read. The Planning and Zoning commission recommended the use of RVs on private property be approved with charging an appropriate sewer fee. Councilman Lowe stated that this recommendation is scary because we could have RVs hooked up all over town with no direct supervision on how they are hooked up.

Councilman Beeson stated that we need a time limit on this because basically this is family coming. The issue that brought this up was a full summer motor home parked in the yard and hooked to the sewer system. We have camp grounds and RV parks to accommodate RVs and camp trailers.

Evelee Hill stated that at the vacation rental properties this is not allow why should it be allowed at a residence. Cory Unsworth said that as a campground business owner who would like to have them staying at his business, it would be hard to tell your brother that he can't park at your home for a few days.

Council member Smith said that sometimes grandkids come and they like to spend the night in the RV. It was suggested that Planning and Zoning review again.

A motion was made by Council member Smith and seconded by Councilman Lowe to ask Planning and Zoning to review again the recommendation on RV's connected to developed residential properties. All voted aye, unanimous.

Letter supporting Health West's funding application.

A motion was made by Councilman Vice and seconded by Councilman Beeson to send a letter to Health West showing support. All voted aye, unanimous.

City/Swanson Proposed Agreement (regarding concrete sidewalk)

Councilman Lowe questioned why the contract was never signed or completed by the completion date in the original contract. The contract states that if Swanson's doesn't complete the work by the completion date the contract is null and void.

The city clerk reported that the contract wasn't signed because the contractor had some health issues and was not able to complete the work. The Swanson's have now approached the city to see if the city would offer the same thing.

The mayor said that it is no doubt that the city caused the problems with the access to the property when the road was cut down. There would be 90 feet of sidewalk to replace. The proposal is for the city to pay for the concrete which would be about 5 yards at a cost of about \$500.

A motion was made by Council member Smith and seconded by Councilman Vice to sign the Swanson agreement for the proposed sidewalk replacement. All voted aye, unanimous.

FY2009 Audit Proposal

The city clerk reported that Deaton Associates called her back. They will meet the price which Ware Associates gave. The council felt that Deaton Associates should have lowered their price when sending their proposal.

Council member Smith asked the city clerk which firm she would prefer to work with. The city clerk has no preference. She has worked with Deaton Associate and her experiences have been good with them. She also has gotten favorable recommendations on Ware Associates.

A motion was made by Councilman Beeson and seconded by Councilman Vice to accept the FY2009 audit proposal given by Ware Associates. All voted aye, unanimous.

Lava Hot Springs KOA Sewer Service Charges - Letter proposing meter.

Cory Unsworth stated that because the KOA campground is not on city water service, they are requesting that their sewer usage be metered. They have 52 full hookup sites occupied 16 % of the time on a good year and are concerned about the proposed rate increase.

Councilman Beeson stated that the businesses do have a definite issue. This is difficult situation for businesses that are closed 6 months out of the year and for motels, etc. that have only partial occupancy through the winter months.

The mayor stated that there is no metered rate established for sewer charges. The city clerk reported that 3 RV spaces equal one user fee; they are paying for 23 user fees. This issue needs to be addressed when the engineers do the rate study.

Councilman Vice stated that it is a good thing that the bond passed; if it had not passed it would have been done by judicial conformation and we would have lost all of the grant funds making the rates even higher.

The mayor said that the rates will be set after the rate study is done. The council will wait until the rate study is completed before making a decision on sewer metering.

American Legion Post 21 Christmas Troop Care Package Drive

In the past the city sent money to the Downey American Legion Post. The mayor will talk with the local legion to see if they are going to do anything. The mayor will contribute \$100 from his discretionary funds.

Meetings/Announcements

A) 2009 City Officials Fall Academy - November 17th Pocatello, ID

Rita Anderson and Cathy Sher will attend the 2009 AIC Academy.

B) Eastern Idaho Legislative Forum - December 9th, Pocatello, ID

Mayor will attend.

C) AIC Legislative Committee Meeting - December 4th, Boise, ID - Councilman Vice

Councilman Vice would like to attend. He has been serving on the committee. It keeps the city up on proposed legislation.

A motion was made by Council member Smith and seconded by Councilman Beeson to send Councilman Vice to the AIC Legislative Committee Meeting on December 4th, Boise, ID. Beeson – aye, Lowe – aye, Smith – aye, Vice – abstained. The motion passed.

D) Local Public Agencies Workshop - November 18th, Pocatello, ID

The mayor and city clerk will attend. This is regarding the funding on the Main Street project.

E) Idaho Notary Training Seminar - November 18th, Pocatello, ID

Notary training conflict with Local Public Agencies Workshop. The city clerk will not be attending.

F) Bannock County Landfill Fee Changes

The city clerk reported that Bannock County landfill fees have increased. The notice was sent out in the water bills. Councilman Beeson noted that it costs more to dispose of a refrigerators, etc. at the McCammon Landfill than the Fort Hall Mine Landfill.

G) Miscellaneous – None.

Projects

A) Fire Station Solar Project

The mayor reported that the solar project is done with exception of the training and the final inspection and walk through which will be on November 16, 2009 at 10 a.m.

B) Wastewater Improvement Project/NPDES Inspection

Nothing is required. Inspection has been made.

1) Project Administration Fee

The mayor reported that we have received a letter from SICOG. They have agreed to reduce the fee for grant administration to 7% on the \$243,000 grant and 5% for the USDA and DEQ funding. The mayor stated that DEQ has said that we could administer the funds ourselves; this would increase the work load on the office staff.

Council member Smith expressed concerns that if we were to administer the funds ourselves we could make an error that would cost the city a lot. It would be better to have an agency such as SICOG, who are trained in grant administration, to administer the funds.

The city clerk reported that the city will administer the Army Corp of Engineers grant because it is for engineering services and does not include Davis Bacon wages.

A motion was made by Council member Smith and seconded by Councilman Lowe to authorize the fee for grant administration of 7% on the \$243,000 grant and 5% on the USDA and DEQ funding. All voted aye, unanimous.

2) USDA Grant/Loan Application

The city clerk reported that the city has applied for USDA money in the amounts of 3.5 million loan and a 1.5 million grant. The application has been sent.

3) Keller Associates Engineering Contract Changes

The mayor reported that he and the city clerk have negotiated the Keller Associates Engineering contract. They held a conference call with SICOG and USDA. There are three (3) items that have to be taken back to the engineers. The contract will have to be re-executed with changes.

4) Appraisal Agreement with Paul Smith Agency

The council reviewed the appraisal agreement with Paul Smith Agency.

A motion was made by Councilman Beeson and seconded by Councilman Vice to accept the agreement with the Paul Smith Agency for the appraisal on the Miller property. All voted aye, unanimous.

5) DEQ Wastewater NPDES Inspection Report

C) Park Improvements/LWCR Inspection

1) Idaho Community Foundation Grant Award

Council member Smith reported that the city has received a grant in the amount of \$10,000 from the ICF which is contingent on raising the additional \$15,000. The additional funds needed will actually be \$13,000 because we received \$2,000 from Rocky Mountain Power. These funds are for renovation of the play ground area at the city park, replacing the sand with Fibar and making it ADA compliant. The agreement must be signed and show proof of matched funding by April 1, 2010.

2) Other grant opportunities.

Council member Smith volunteered to submit other grant opportunities.

3) Land & Water Conservation Inspection Report

The park inspection is complete. There are a few items that need to be done. Handicap parking at the tennis court, construct a handicap path from the group pavilion to the play ground. The city clerk asked if we could phase the play ground project. Council member Smith said that if we phase the project, we will lose the \$10,000 grant.

C) Inflow/Infiltration Project

Keller Associates claim that the CCTV disk sent to them is not good. The city has a good disk. We may want to invite the engineers to visit city hall and view our copy or burn a new disk for them.

D) DOE Block Grant - Chicken Soup Springs Development Study

The city clerk is working with Forsgren Associates on an application for a \$100,000 grant from DOE to do a study on what can be done with the hot water from Chicken Soup Springs. The grant has to be in by December 18, 2009.

E) Miscellaneous

Evelee Hill asked the Councilman Lowe to attend the Capital for the Day with the Governor.

Discussion - Items from the audience. None

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

The meeting adjourned at 7:49 p.m.

Patricia Avery, Transcriber

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved December 10, 2009