

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, September 10, 2009 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

Michael Vice, Councilman

R.B. Scott – Animal Control/Code Enforcement

Newton J. Lowe, Councilman

Phillip Beeson, Councilman

Katherine Smith, Council member

Guests: Gail Anderson, Fran Brady, Evelee Hill Rush, Brandon Harris

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

Approval of Minutes

A motion was made by Councilman Vice and seconded by Council member Smith to approve the minutes of the regular council meeting of August 13, 2009. All voted aye, unanimous.

Reviewing of Bills

Council member Smith asked if Jerry Hobson had completed the contracted bid for work at the park. The council would like to get a final bill so that it can be paid out of this fiscal year's budget.

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

Business Licenses & Non-Property Tax Permits

A) Lava Palooza Temporary Vendor's

1) An Array of Artistry - Janet Gioffre' Harrington, Owner/Applicant

2) Kelly's Road House #2 - Kelly Blair, Owner/Applicant

3) Miscellaneous

a) Out Riders Apparel – Sherry Losee

Councilman Beeson questioned if Out Riders Apparel had a lease agreement with Lava Hot Springs Inn to set up in their parking lot. The city clerk reported that they do have written permission and will be in on Friday to pay for the permit and business license.

Councilman Beeson also asked where “An Array of Artistry” and “Kelly's Road House #2” would be setting up. The city clerk reported that they would be setting up on the state land with the event.

Councilman Beeson asked how the city is going to deal with those businesses that try to set up shop for the weekend without the proper permits. The mayor suggested that the county officers be given a list of

those businesses with temporary vending licenses and that the officers check all businesses for their licenses. Councilman Lowe said that he would talk to the county officers and have them check all vendors and shut down any without licenses.

A motion was made by Councilman Vice and seconded by Council member Smith approving the business license & non-property tax permit applications for A-1, 2 & 3 with 3 being “Out Riders Apparel” upon payment. All voted aye, unanimous.

B) Mickelsen Construction, Inc.

A motion was made by Council member Smith and seconded by Councilman Vice approving the business license application for Mickelson Construction, Inc. All voted aye, unanimous.

Wagon Wheel Lounge’s Liquor Catering Permit for Lava Palooza

The mayor asked if everything was in order on the liquor catering permit for the Wagon Wheel Lounge for Lava Palooza. The city clerk reported that everything is in order.

A motion was made by Councilman Beeson and seconded by Councilman Lowe approving the Miller Brothers, Inc. catering permit for Lava Palooza. All voted aye, unanimous.

Brook West’s Building Permit for Sunroom Addition.

The mayor stated that the county building inspector had signed off on Brook West’s building permit application for a sunroom addition.

A motion was made by Councilman Vice and seconded by Councilman Beeson approving Brook West’s building permit application. All voted aye, unanimous.

Blue Moon Bar Car Show September 12, 2009 (Request to block a portion of East Elm Street.)

Gail clarified that the show is a motorcycle show not a car show. They would like to block off East Elm one block like they did earlier this year. They will be serving beer outside in the blocked off area. The mayor asked if there would be Blue Moon employees outside to make sure that beer stays within the blocked off area. Gail said that they would be. Councilman Vice asked if there would be a P.A. system outside. Gail stated that it is going to be a walk through event and that they would shut down at 8 p.m. This event is for a “911 Charity Ride Shine” and they will also have a barbeque.

A motion was made by Councilman Beeson and seconded by Council member Smith approving the Blue Moon’s liquor catering permit and street blockage. All voted aye, unanimous.

Lava Capital for a Day - Evelee Hill Rush

Evelee Hill reported that in an effort to continue to move the City of Lava Hot Springs forward in tourist development, she attended an economic summit last Monday in Boise. One of the top things on the Governor's economic summit was to say that Idaho needs to continue to build its tourist industry because other industries may fail. Also the Governor has been choosing a rural town in every county to set up a "Capitol for the Day" She has contacted the Governor's office and was told that there had been no town sign up in Bannock County. She asked the council if the city would write a letter and request that Lava Hot Springs be chosen as a "Capital for the Day".

A motion was made by Councilman Beeson and seconded by Councilman Vice to send the Governor a letter inviting him to select Lava as "Capitol for the Day". Letters from the Lava Foundation and Chamber of Commerce will also be sent. All voted aye, unanimous.

Adopt Ordinance 2009-5 (FY2010 Annual Appropriation Ordinance)

A motion by Councilman Vice and seconded by Council member Smith was made dispensing with the three (3) separate readings of Ordinance #2009-5. All voted aye, unanimous.

Ordinance #2009-5 was read in full as follows:

ORDINANCE NO. 2009-5

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009. APPROPRIATING THE SUM OF \$3,409,142.00 TO DEFRAY THE EXPENSE AND LIABILITIES OF THE CITY OF LAVA HOT SPRINGS FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE.

BE IT ORDAINED by the Mayor and City Council of the City of Lava Hot Springs, Bannock County, Idaho.

SECTION 1: That the sum of \$3,409,142.00, and the same is appropriated to defray the necessary expenses and liabilities of the City of Lava Hot Springs, Bannock County, Idaho for the fiscal year beginning October 1, 2009.

SECTION 2: The object and purposes for which such appropriation is made, and the amount of each object and purpose is as follows:

ESTIMATED EXPENDITURES

GENERAL FUND

General Administration	\$75,450.00
Law Enforcement/Animal Control	85,068.00
Fire Department	67,199.00
General Maintenance	11,351.00
Planning & Zoning	5,750.00
City Hall Repair/Improvements	7,424.00
Comprehensive Plan	<u>1,250.00</u>
Total General Fund	\$253,492.00
GARBAGE FUND	83,000.00
STREET FUND	184,248.00
WATER FUND	321,600.00
SEWER FUND	406,996.00
LOCAL OPTION TAX FUND	670,000.00
FIRE DEPARTMENT CAPITAL IMPROVEMENT	6,230.00
L HILL LIGHTS	1,251.00
BLM GRANT	44,673.00
LTAC (Grant)	361,000.00
FIREWISE GRANT	152.00
BANNOCK COUNTY AMBULANCE FUND	24,500.00
PARK IMPROVEMENTS (Grant)	2,000.00
SEWER IMPROVEMENT FUND	<u>1,050,000.00</u>
TOTAL PROPOSED EXPENDITURES	\$3,409,142.00

SECTION 3: That a general tax levy on all taxable property within the City of Lava Hot Springs, Idaho be levied in an amount allowed by law for the general purposes for said City, for the fiscal year beginning October 1, 2009.

SECTION 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Idaho State Journal, a newspaper of general circulation in the City of Lava Hot Springs, and the official newspaper of said City.

PASSED under the suspension of the rules upon which a roll call vote was taken and duly enacted and Ordinance of the City of Lava Hot Springs, Bannock County, Idaho at a convened meeting of the City of Lava Hot Springs City Council held on the 10th day of September, 2009.

Marshall N. Burgin, Mayor

ATTEST:

Canda L. Dimick, City Clerk/Treasurer

A motion was made by Councilman Beeson and seconded by Council member Smith to adopt Ordinance #2009-5 as read. Lowe – aye, Vice – aye, Smith – aye, Beeson – aye, unanimous.

Adopt Resolution 2009-7 designating election polling place and hours for November 3, 2009 General Election.

Resolution #2009-7 was read in full as follows:

RESOLUTION NO. 2009-7

A RESOLUTION PROCLAIMING A GENERAL CITY ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2009, DESIGNATING THE POLLING PLACE AND ORDERING THE CITY CLERK TO GIVE NOTICE OF SUCH ELECTION.

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

SECTION 1: The general city election will be held in and for the City of Lava Hot Springs, Idaho on the third (3rd) day of November, 2009, at which time there will be elected two council members to serve for a term of four (4) years.

SECTION 2: The Lava Community Building/Senior Center, 150 North Center Street is hereby designated as the polling place for such election.

SECTION 3: The city clerk, for and on behalf of the Mayor and Council, shall give notice for such general election by publishing such notice in at least two (2) issues of the Idaho State Journal, a newspaper printed and published in the City of Pocatello, Idaho. The first publication of notice of election shall be made not less than twelve (12) days prior to the election. The first notice of election shall include the name of the city, the purpose of the election, the date of the election, the polling place in each precinct and the hours during which the polls shall be open for the purpose of voting. The last publication of notice shall be made not less than five (5) days prior to the election. The second notice of election shall state the name of the city, the date of the election, the purpose of the election, the polling place in each precinct and the hours during which the polls shall be open for the purpose of voting; said notice to contain such information in accordance with the requirements of Section 50-436 of Idaho Code.

PASSED by the Council and **APPROVED** by the Mayor this 10th day of September, 2009.

Marshall N. Burgin, Mayor

ATTEST:

Canda L. Dimick, City Clerk

A motion was made by Council member Smith and seconded by Councilman Lowe to adopt Resolution #2009-7 as read. All voted aye, unanimous.

Announcements & Meetings

A) Schedule FY2009 Budget Amendment Hearing

The city clerk explained that we would be collecting more Local Option Tax in the 2009 fiscal year and would need to open the budget to add those funds in and decide how to expend those funds. The city clerk will try to get the publications into the journal so that the budget amendment hearing can be held on September 24, 2009.

B) Discuss increasing water deposit fees and schedule public hearing.

The city clerk requested that the council increase the water deposit fees from two (2) months basic service fees to three (3) months basic service fees. This request is due to the fact that the current two (2) month deposit does not cover all incurred fees by the time services are terminated.

A motion was made by Council member Smith and seconded by Councilman Beeson to schedule a public hearing to increase the water deposit fees. All voted aye, unanimous.

C) James Killingsworth's Tree Committee resignation

A motion was made by Councilman Beeson and seconded by Councilman Lowe accepting James Killingsworth's tree committee resignation. All voted aye, unanimous.

D) Brook West's Appointment to Tree Committee.

A motion was made by Councilman Vice and seconded by Councilman Beeson appointing Brook West to the tree committee. All voted aye, unanimous.

E) Lava Hot Springs Foundation garage culinary water connection.

The mayor reported that the plans for the Lava Hot Springs Foundation garage culinary water connection indicated that the water line would be connected to a 2 inch abandoned water line connected to an old well. The location of the line is unknown. The Foundation's contractor had approached the city about connection and the mayor wrote a letter asking them to connect to the fire hydrant line by the condominiums.

F) Community Clean Up Day - October 9 & 10th

The county will be bringing in dumpsters. The mayor asked if there have been any complaints from the county. There has not been any problems.

G) Miscellaneous

Councilman Vice showed a meeting notice that was received today "Getting Real on Sustainability". The meeting is October 7, 8 & 9, 2009. The council will discuss it at the next meeting if anyone would like to go.

Projects

A) Main Street Resurfacing Project - Brandon Harris, Forsgren

Associates

Brandon Harris, Forsgren Associates reviewed the stimulus money which has been awarded to resurface East Main Street from Center Street to the Highway 30. Reports have been submitted and approved. In a normal process a public hearing is required, but because this is streamlined, the city has submitted a letter waiving the public hearing. Engineers are required to review the project at a city council meeting and allow the mayor, council and guests to make comments. The first design will be submitted next week. Final deadline for design is October 19, 2009. The engineers plan to submit the design early, on October 1, 2009, so that everything is in and the project will go ahead as scheduled. The project will bid in the winter and will start construction in the spring. Plan is to mill 1 ¾ inches off of the majority of the street. The city wants the millings.

From Center Street to First East Street will not get milled, it will get an overlay and more crown. The last section from Third East to the bridge is in bad shape, it will receive a geo tech fiber which goes between layers of pavement to help stop the reflective cracking from coming through. East of the bridge will receive a milling and overlay. The council can choose either a chip seal or a slurry seal. The street will also receive striping. There will be an enhanced crossing which has flashing lights that pedestrians can push a button and the lights will start flashing at 3rd East. Relocating the light to Center Street or using the funds elsewhere were suggested and discussed. Brandon informed the council that the funds cannot be used for something else. The enhanced crossing will cost \$12,000. A 4-way stop at Center and Main was also mentioned. The engineers will submit for Main and Third East unless the council directs differently. Council chose the slurry seal. Centerline and crosswalk striping are included in the project.

The mayor asked when the city would receive funding to reconstruct Center Street. Brandon reported that LTAC is revamping the application this year. The city ranks in the upper level. There are things that the city can do to get more points. The mayor asked what it would cost to do

Center Street and one (1) block of Fife Street. Brandon told the council that there are many things involved in giving an estimate and he was not prepared to give an estimate at this time.

B) Wastewater Land Application Site (Golf Course) - Mayor Burgin

The mayor talked to the leasee of the golf course today, they do not have a firm amount on a purchase. Jeff Mansfield, Keller Associates, is working up a cost estimate on three (3) sites: the L.D.S. Church farm, the Miller property and Earl Smith's property. The mayor asked Jeff to forget about Earl Smith's property and give the city a cost estimate on the golf course in the study. The number one reason to do the golf course is the water rights and the second is for land application. Councilman Beeson expressed concern that the voters did not vote on the golf course as an option when the bond was passed. The mayor stated that all he wants to do is to get a cost estimate to compare, if the cost is lower at the golf course, it may be a good option.

C) Street/Alley Paving Project

The mayor asked for a motion to approve the paving of the alley behind the Wagon Wheel Lounge which had been discussed at the last meeting. It is included in the bills to be paid and will be completed before the first of October.

A motion was made by Councilman Lowe and seconded by Councilman Vice approving the street/alley asphalt project. All voted aye, unanimous.

D) Miscellaneous

Councilman Lowe suggested condensing the minutes and looking at ways to cut down on the information provided in the council packets. Council member Smith suggested getting a summary spread sheet on business licenses. She stated that she does not want to have the tax numbers. Councilman Vice said that the minutes have been toned down but sometimes we need more information in the minutes. The city clerk asked if the council really wants to go to having just minutes. Councilman Vice questioned if we are making more work for the city clerk by having to cut out information. Council member Smith noted that the council packet was smaller this time. The clerks will try to cut down on the council packets where they can.

Discussion - Items from the audience.

There was no discussion items.

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

The meeting adjourned at 6:35 p.m.

Patricia Avery, Transcriber

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved November 12, 2009