

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Monday, April 14, 2011 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor
Rita Anderson, Councilperson
Phil Beeson, Councilperson
Newt Lowe, Councilperson
Cathy Sher, Councilperson

Canda Dimick, City Clerk

Guests:, Lisa Toly, Londa Palmer, Mark Lowe, Cookie Bergendorf, Carl Toupin, Howard Manwaring, Evelee Hill, and Carl Brown

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

Approval of Minutes

Councilperson Sher and Councilperson Anderson noted some typographical errors which the city clerk noted. Councilperson Sher also requested that the conversation between the mayor and herself at the end of the discussion regarding the authority letters be included. She stated that it was something to the effect that the mayor and Councilperson Sher would discuss it and go over some of the items. She requested that the city clerk review the tape and include the conversation in the minutes.

A motion was made by Councilperson Beeson approving the minutes as stated. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

Reviewing of Bills

The mayor reported that there are some additions to the bills to be paid; Clyde Nelson, attorney - \$574.00 for legal services, M.R. & E. - \$4,745.63 for February, 2011 garbage contract, and Wal-Mart - \$88.84 for a wireless router.

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

Law Enforcement

A) Law Enforcement

B) Weekend Patrol Concerns – Londa Palmer & Beth Adams

Officer Jeff Young was in attendance to address weekend concerns. Londa Palmer addressed concerns regarding safety. She stated that she is thankful for the work done by our emergency services; however, she was embarrassed that she had made the statement that she was glad she didn't live in town and that we need to feel safe in Lava. She wondered if more of a law enforcement presence would control escalating events such as what happened the past weekend. She stated that she understands that the city council recognizes the need for more law enforcement because they pay for more hours than the other towns in the area. She wondered if someone could be hired to be in Lava on weekends which would help to lighten the officers' load. She reported that some individuals and the Lava Lion's have offered to help with the payment of added law enforcement. The mayor questioned the frequency of the escalated events. It was reported that there have been two known instances. Ms. Palmer stated that she realizes that these types of instances do not happen every weekend and she has assured her guests that it doesn't happen every weekend. She would like to see extra enforcement on the weekends during the busy season of the year, seven or eight months.

Councilperson Sher suggested that the council not make any decision right way and consider the options. Some discussion followed on options to obtain additional law enforcement. Officer Young stated that Lava is getting some extra patrol beyond the contracted hours. Councilperson Beeson stated that he sees the officers in the evenings and agrees that Lava is getting more then the contracted hours. He said that Lava is a tourist town and will occasionally have escalating situations to control, however, the situation this last weekend was due to the type of troubled individuals that were visiting.

Commissioner Manwaring stated that it has always been the department's policy to have the officers on the south end of the county to stay close to Lava on the weekends because of the influx of tourists. Also, that anytime there is a call of any type of violence, the officer is to drop everything and respond to that call. The officers know that this can be a hot spot and they try to step up the coverage as much as possible.

Cookie Bergendorf voiced concerns and expressed that the officer's need to be in Lava earlier in the evening. Evelee Hill reported that she has hired a night watchman for her businesses and suggested that the private sector needs to step up and hire some night security.

It was questioned if the officers are still walking through the bars. Officer Young stated that the officers are walking through the bars. Councilperson Beeson suggested that the city and the Sheriff's Office work together on a plan to address concerns. Officer Young reported that the officers do everything they can to make sure each town in the county is safe. He said when he first started with the Sheriff's Department he felt that Lava was the hot spot but Lava is becoming a nice quiet little town with a few isolated incidents. Each officer is required to be in Lava a minimum of 3 hours per shift.

Board of Community Guardian – Bannock County Commissioners

Howard Manwaring explained that the county is required to structure a Board of Community Guardianship. The purpose of the Board of Community Guardian is to appoint a guardian or conservator of those persons in the community that are unable to care for all their personal needs such as paying bills, making doctor's appointments, etc. In the past, the county board has been staffed with a large group of volunteers. There is now a great amount of need and few volunteers. Mr. Manwaring requested that as inquiries come to the city on where to volunteers that the city send them to the Board of Community Guardian. There would not be a huge time commitment, 2 – 10 hours per month. Application form and information are on the Bannock County website. This is a great way for us to take care of our own. It was suggested that a link be placed on the city's website and a notice be put in the Lava News. Mr. Manwaring stated that he is committed to open the county commissioner's doors to the south county area.

Lava Foundation Strategic Plan – Mark Lowe, Director

Mark Lowe explained that six (6) years ago the Foundation Board started focusing on a future plan (vision). The Governor has an initiative out to do zero base budgeting. One thing is to have a plan. The foundation board and staff have brainstormed needs and goals. He is not looking for a firm answer tonight but the board would like the city's input. As people come to Lava Hot Springs they see the city and foundation as one entity. The board feels that the foundation and city should work together so that duplication of energy and resources are not happening. Some of the needs that Mr. Lowe mentioned are a skate park and a new pedestrian bridge on Main Street. He questioned if these items are a city responsibility or a foundation responsibility. He would like the city's input a week prior to the foundation's May 20th meeting.

M.R. &E., Inc. Garbage Contract - Carl Toupin, Owner

Carl Toupin, M.R. &E. Inc., reported that the changes that the city has requested were put into the contract. He stated that he was concerned about item 10, page 2, which requires that the office be staffed to answer calls, no answering machine. The concern from the general public is that the contractor is not returning calls. Mr. Toupin stated that they have made some changes over the past year which is helping to better respond to calls. He stated that other customers rely on the answering machine. There are not enough calls during the day to justify staffing a position to answer phones. The council agreed that the contractor would not be required to staff an office to answer phones. The contract was signed.

Mr. Toupin proposed lowering the rates from the contract bid proposal and reviewed the changes with the council. The contract price freeze is only guaranteed on the original bid price. The contractor will have the right to raise the price back to the original bid price if needed during the first year. The city clerk suggested the price decrease be split out among all users.

A motion was made by Councilperson Anderson to approve the contract and for the mayor and city clerk to meet with Mr. Toupin to work out the details of the reduced rate schedule. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

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

- A) ALTEC Capital Services, LLC – Non-property tax permit
- B) Crocs Retail Inc – Non-property tax permit
- C) Mountain Retreat Real Estate – Ryan Olsen/Randy Benglan, Owners
- D) Service Master Cleaning & Restoration

The mayor read the list of business license(s) & non-property tax permits to be considered.

A motion was made by Councilperson Beeson approving the licenses as read. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

George W. Katsilometes building permit for commercial structural repairs for 73 West Main Street. Consider permit and address change of use and off-street parking.

Councilperson Beeson stated that the city does not have the plans for this building permit. It was also noted that George Katsilometes did not sign the permit; it was signed by his employee. The mayor recommended that the permit be denied for lack of proper documents.

A motion was made by Councilperson Beeson denying the building permit until Mr. Katsilometes provides plans and all necessary requirements. The motion was seconded by Councilperson Sher with the stipulation that Mr. Katsilometes sign the permit himself. All voted aye, unanimous.

Lava Planning & Zoning Commission vacation rental ordinance amendment suggestion.

The council reviewed the vacation rental ordinance amendment suggestions from the Planning and Zoning Commission. Councilperson Sher recommended that the quiet hours be changed from 11 p.m. - 7 a.m. to 11 p.m. – 9 a.m. Councilperson Anderson questioned if a maximum occupancy is going to be an enforcement nightmare. All suggestions are going to be an enforcement concern. The mayor recommended that the council give the Planning and Zoning Commission their approval to proceed with the suggested ordinance amendment.

A motion was made by Councilperson Sher approving and welcoming the Planning and Zoning Commission's recommendations with all 7 a.m. quiet times changed to 9 a.m. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

The city clerk reported that this is not the ordinance. The suggestions will need to be written in ordinance form and there will be a public hearing on the ordinance amendment.

Status report on the adoption of the 2009 International Building and Residential Codes with exceptions.

The city clerk gave the council copies of the proposed Bannock County code exceptions. The county has a hearing scheduled on the codes. She stated that the city may want to wait until the county has finalized their regulations before the city takes any action to adopt the codes. She also reported that the county is proposing a building permit rate increase which she has not received. One item that she noticed was that the county has proposed an increase in the snow load requirement for the Lava Hot Springs area.

Discuss adopting a property maintenance code.

The city clerk presented the council with a copy of the International Maintenance Code which the building inspector has talked with the city about adopting. She requested that the council take it home, review it, and then discuss it at a later date.

Yost Business Systems Copier Maintenance Agreement Proposal

It was reported that when the copier was purchased the council decided not to purchase the maintenance agreement. The city clerk reported that there have been very few problems with the machine.

A motion was made by Councilperson Sher not to purchase the service contract. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

Rocky Mountain Power Load Control Programs

Councilperson Beeson reported that the city does not have any services eligible for participation in the load control program. The program is only for irrigation pumps and the wastewater irrigation pump service is being billed to Earl Smith and he is already signed up and participating on the city's behalf.

Jerry Hobson's weed control proposal for Buddy Campbell Park – Council person Anderson

Councilperson Anderson presented a weed control proposal for the Buddy Campbell Memorial Park. Councilperson Anderson recommended that the city accept the bid with a motion to approve. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

2010 Census Count Question Resolution Program

The city clerk reported that this is an opportunity to appeal the city's population count. She also reported that what she has seen on the internet is that the city's count is down. The council tabled this item until more information was available.

Meetings/Announcements

A) 2011 Idaho Water Reuse Conference – May 24 & 25, 2011, Boise, Idaho

No one was interested in attending.

B) Miscellaneous

1) The city clerk announced that the clean up days are May 13 and 14. It was suggested that a notice be put in the city bills and the post office.

2) The city clerk reported that the Arbor Day celebration is on May 5th at the school at 8:30 a.m. The mayor, Councilperson Anderson and the assistant city clerk will attend.

7:05 p.m. Projects

A) South Center Street Project

The mayor reported that the Center Street project was funded for 2012. This will be a total realignment/construction of the street.

B) Sewer Rate Study Progress Report

The city clerk reported that all the data was sent to the consultant 30 days ago. The city has not received anything from him. She requested that the mayor call the consultant.

C) Wastewater Improvement Project

1) Phase II Design Plans

It was reported that the Phase II design is almost complete. Keller's will take the plans to DEQ by Monday for review.

2) Community Development Block Grant Application

The city clerk reported that the Community Development Block Grant has been awarded and sent to the Governor for endorsement. The city will not know if the city's application will be funded until the governor releases the news. She also reported that the environmental is done. The HUD grant requires a more extensive environmental document than EPA or USDA. One of the requirements is for flood plain permits which have been pulled.

D) Parks

1) Playground Surface Project

Councilperson Sher reported on the costs for the Fibar and sidewalk. She explained that they have pulled the playground area in. Blue Sky recommended that eight (8) inches of Fibar be put in. She reported that the total cost of the project is \$12,929; there will be additional costs for sod, sign, etc. It was noted that the project is under budget at this point.

Councilperson Sher reported that Blue Sky told her that if the sand is left in it will serve as a liner (weed barrier). Often the liner only works as a weed barrier for a season or two. The maintenance crew sprays the weeds every year.

One of the requirements for the grant is that the playground be ADA accessible. The mayor suggested moving the swing-sets to a more level area so that the Fibar will stay in the landing zone. It was reported that the sidewalk will act as a border. The sidewalk will be tapered to the grass side so that there will not be a step off. Councilperson Sher will check on the placement of the impact zones for the playground equipment.

A motion was made by Councilperson Anderson accepting the estimate from Rock Hard Concrete to construct the sidewalk and to order the materials from Blue Sky. Councilperson Sher will coordinate everything. The motion was seconded by Councilperson Beeson. All voted aye, unanimous.

2) Public Restrooms (Opening date & cleaning)

The city clerk reported that Melissa Goodwin and Whitney Hobson are both willing to come back to clean the restrooms this summer.

A motion was made by Councilperson Anderson to open the park restrooms by April 22, 2011, to hire Melissa Goodwin and Whitney Hobson to clean the restrooms and to move the portable toilet from the Veterans Park on East Main Street to the baseball diamond at the Buddy Campbell Memorial Park at 580

West Main. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

E) Miscellaneous

None

Discussion – Items from the audience.

No discussion.

Adjournment

A motion was made by Councilperson Lowe to adjourn. The motion was seconded by Councilperson Beeson. All voted aye, unanimous.

The meeting adjourned at 7:20 p.m.

Trish Avery, Transcriber

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved May 12, 2011