Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, August 13, 2015 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor
George Linford, Councilperson
Newt Lowe, Councilperson
Tamara Davids, Councilperson
Carl Brown, Councilperson
Canda Dimick, City Clerk

Excused:

Guests: Bryan Phinney, Dane Davids, Marguerite Davids, Vicky Lyon, Craig Lyon, Corey Leafty, Greg Stevens, Officer Armstrong, Monte Steele, Officer, Blake Hasting.

Approval of Minutes:
Councilperson Brown made a motion to approve. Councilperson Linford seconded the motion. All voted aye, unanimous.

Review and Approve Bills:
Councilperson Brown motion to pay the bills with exception of In the News. Councilperson Davids seconded the motion. All voted aye, unanimous. They sent a plaque with Lava’s 100th B-day article posted in the Pocatello Journal wanting the City to buy. It has to return by August 21st if the City doesn’t want it.

Law Enforcement/Code Enforcement Monthly Reports:
Monte Steele – 24th of July went pretty well. Armstrong thanked the City for inviting them to the Centennial celebration on July 22. They had a good time with the bicycle and they appreciated the opportunity to do something positive with the children. The Mayor thanks them too.

Reschedule the FY2016 Budget Hearing until Sept. 9th:
Councilperson Brown motion to reschedule for Sept 9th, 5:30 pm. Councilperson Davids seconded the motion. All voted aye, unanimous.

Resolution 2015-3:

RESOLUTION NO. 2015-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO, MAKING FINDINGS AND DECLARATIONS WITH RESPECT TO FINANCING IMPROVEMENTS TO THE CITY’S PUBLIC WATER SYSTEM FACILITIES; APPROVING AND AUTHORIZING, SUBJECT TO JUDICIAL CONFIRMATION, THE EXECUTION OF A PROMISSORY NOTE FOR THE FINANCING OF THE IMPROVEMENTS; AUTHORIZING THE FILING OF A PETITION FOR JUDICIAL CONFIRMATION IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR BANNOCK COUNTY; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lava Hot Springs, Bannock County, Idaho (the “City”), is a municipal corporation duly organized and operating under the laws of the State of Idaho, and has for many years owned and operated a public water system (the “System”); and

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WHEREAS, the Mayor and Council of the City have determined that certain improvements to the System (the “Project”) are required in order for the System to remain functional and adequate to meet the current needs of the City and to comply with currently applicable state water system requirements; and

WHEREAS, the estimated cost of the Project to the City (exclusive of grants and other state and federal contributions) is $4,500,000; and

WHEREAS, the City does not have sufficient funds available in its current fiscal year’s budget to finance the cost of the Project, and the Mayor and Council have determined that it is necessary to finance the cost thereof from future years’ System revenues and other lawfully available funds of Petitioner; and

WHEREAS, the Mayor and Council have further determined that it is in the best interests of the City to finance the cost of the Project through a promissory note from the State of Idaho, Department of Environmental Quality (the “State”), or in the alternative, through the issuance of water revenue bonds to other such qualified parties; and

WHEREAS, the financing of the costs of the Project in the manner described would create an indebtedness or liability of the City exceeding the current year’s revenues; and

WHEREAS, the Mayor and Council have determined that the cost of the Project, and the proposed loan obligation to be incurred to finance the same, constitute “ordinary and necessary expenses” of the City authorized by the general laws of the State within the meaning of Article 8, Section 3, of the Idaho Constitution, for which no approving vote of the electors is required; and

WHEREAS, the Mayor and Council, on July 9, 2015, held and conducted a public hearing, pursuant to at least fifteen (15) days’ published notice in the manner required by Sections 7-1304 and 7-1306, Idaho Code, on the question of whether the Council should adopt a resolution authorizing the filing of a petition with the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock, seeking judicial confirmation of the proposed loan agreement and the incurring of such indebtedness as an “ordinary and necessary expense” within the meaning of Article 8, Section 3, of the Idaho Constitution, pursuant to the Judicial Confirmation Law; and

WHEREAS, at least fourteen (14) days has elapsed following such public hearing, and the Mayor and Council have determined that it is in the best interests of the City and the public health, safety, and welfare for the City to file a petition for judicial confirmation pursuant to the Judicial Confirmation Law upon the question of the authority of the City to incur such indebtedness, to issue its promissory note, water revenue bond, or other evidence thereof, and to pledge its System revenues and other lawfully available funds of the City as security for the payment thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO, as follows:

Section 1: The foregoing recitations are hereby adopted as findings of fact by the Council.

Section 2: Subject to the entry of a final order of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bannock (the “District Court”), confirming the authority of the City to issue a promissory note or water revenue bonds, or such other evidence of indebtedness and the Mayor is hereby authorized to execute the same for and on behalf of the City. The appropriate officials of the City are hereby further authorized to execute such additional documents and certifications as may be required to carry out the intent of this Resolution.

Section 3: The Petition for Judicial Confirmation (the “Petition”) as drafted by the City’s Bond Counsel is hereby approved, and the Mayor is authorized to execute the verification of the same.

Section 4: The law firm of Moore Smith Buxton & Turcke, Chartered, Boise, Idaho, is hereby authorized to file the Petition on behalf of the City in the District Court, and to take all actions necessary with respect thereto in order to obtain a judgment of the District Court in accordance with the prayer of the Petition.

Section 5: The Council hereby finds and declares that the indebtedness referenced herein, and any evidence of indebtedness executed pursuant thereto, for the financing of the Project, constitute an ordinary and necessary expense of the City authorized by the general laws of the State of Idaho within the meaning of Article 8, Section 3, Idaho Constitution, for which no approving vote of the electors of the City is required, for the following reasons:

A. The proposed expenditure is necessary to protect the health, safety, and welfare of the inhabitants of the Petitioner and to comply with state water system requirements.

B. The proposed expenditure is for the construction of necessary upgrades and improvements to existing City services in order to provide water services, as opposed to the purpose of undertaking a new endeavor.

C. The proposed Project is authorized by the general laws of the State.

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D. Petitioner has operated the existing System for many years and has determined that the Project is indispensable to the efficient continued provision of water services in a manner to provide adequate water services and a safe public drinking water supply.

E. The cost of the Project is not grossly disproportionate to the Petitioner’s overall budget.

Section 6: This Resolution shall take effect and be in force immediately upon its passage and approval.

DATED this 13th day of August, 2015.

CITY OF LAVA HOT SPRINGS
By __________________________

Mayor

ATTEST:

___________________________
City Clerk

Resolution read in full. Councilperson Davids motion to approve resolution 2015-3. Councilperson Linford seconded the motion. All voted aye, unanimous.

Portneuf River:
Councilperson Brown Caribou County Conservation group is doing efforts to improve the Portneuf River stream and river habitat. They have already seen improvements with what they have already done so far in their project. The conservation group is interested in working with the City to control access points for tubers to cut down on sediment. Carl would like the City to continue to work with them on a joint project. Councilperson Brown motion to commit to help with the project. Councilperson Davids seconded the motion. All voted aye, unanimous.

Sign 2nd Quarter Tourism Development Promotion Funding Application:
Corey Leafty, representing the Chamber of Commerce, made presentation on proposal. They have done a couple of SEO (search engine optimization) in the past on the Chamber web site. The words on the SEO this year is the best words – activity words to get people to Lava. Proposal also includes a Facebook campaign. Past SEO’s have started to decline and need to get funding for a new SEO. Last campaign ran 7 months, 1st SEO ran 9 months. See results four or five months after campaign has started. It’s important to keep web page up on top during off season. Pioneer Travel Council focuses on regional words, chamber focuses on the City of Lava only. An SEO is a house maintaining campaign and is about supporting the lavahotsprings.org. Councilperson Brown motion to approve funding. Councilperson Davids seconded the motion. All voted aye, unanimous.

Business License(s), Alcohol License(s), Coin-Op License(s) & Non-Property Tax Permit(s):
Lava Hot Springs Inn
Pac-Van, Inc.,
Quality Paving & Seal Coating
Trugreen

List read. Councilperson Linford motion to approve. Councilperson Brown seconded the motion. All voted aye, unanimous.
Consider Proposed Tree Ordinance intended to establish a Lava Hot Springs Tree Committee and provide direction in planting and caring for trees:
Proceed with drafting proposal in ordinance form. Councilperson Brown motion to approve. Councilperson Davids seconded the motion. All voted aye, unanimous.

Idaho Community Forestry Program Advisor Agreement Renewal:
Councilperson Linford motion to approve to renew. Councilperson Brown seconded the motion. All voted aye, unanimous.

Consider Sidewalk Maintenance/Replacement Ordinance Amendment:
Council supported special assessment. Councilperson Brown suggested considering 50% share.

City Hall Office: Dennis is taking over some of the city clerk duties. Rent a storage unit for files and get the office cleaned up.

Meetings & Announcements:
100th Birthday Celebration – wrapping up, still have product to sell and may have the Poker run that was cancelled earlier.

For Cause Personnel Policy – Read and Reviewed. Councilperson Brown motion to approve to adopt For Cause Personnel Policy. Councilperson Linford seconded the motion. All voted aye, unanimous.

Decorative Street Lights – Tony says 3 street lights burnt out. Mayor will add to Tony to do list.

Solar System net Metering Agreement – Bryan will follow up on solar net metering agreement.

“L” Lights – Lights order not received.

Katherine Smith’s Planning & Zoning Commission Resignation - Councilperson Linford motion to approve to accept resignation. Councilperson Davids seconded the motion. All voted aye, unanimous. Open for nominations.

Blake Hasting mentioned a Boutique winery would be beneficiary to this valley.

Old City Fire Engine Dispersal – Did not receive any bids on last advertisement. Advertise make an offer and see if anyone is interested.

Non-Property Tax Expiration – Non-property tax up for renewal. Councilperson Brown motion to add year extension to ballot. Councilperson Davids seconded the motion. All voted aye, unanimous.

Notice of Candidate Filing Deadline – Forms available. The candidates can’t submit forms until the August 24th and they must be received by September 4th.

Miscellaneous:
Councilperson Brown asked about the bike rakes, ordered.
Councilperson Davids about the dog waste receptacles. Comment made; only being used as trash receptacles.

Projects:
Wastewater System: Buffer Zone Plan completed.
Generator Electronic Systems – having problems with it, not working right. If the power goes off someone has to go down and run it until the power comes back on. The company looking at it says it might be the transfer switch, may not be compatible.

Buddy Campbell Memorial Park Expansion Project: The attorneys are questioning the estate legal authority to sell. Work in progress.

Pedestrian Bridge Project: The State has taken over the project and will make all arrangements and pay bills for the project. They are currently looking at the trees and street light poles relocation.

Buddy Campbell Park: Baseball Diamond ADA Compliance Project – ADA compliance project completed.

Veteran’s Park Restroom: Need to replace line, will start on project next Monday.

Fire Station Sewer Line Extension: Bannock county utility easement. Councilperson Linford motion to sign utility easement. Councilperson Brown seconded the motion. All voted aye, unanimous.

Water Improvement Project Funding Options/Status Report: nothing to talk about.

Storm Drain Maintenance Report: Storm drain catch basins going to be done by City crew. See if cleaning basin will get us by another year.

Street Trenching/Pot Hole Maintenance: Completed

North 1st West Proposed Storm Drain System: City owns half of the street. Mayor feels that city should vacate area with permanent easement for storm drainage and snow removal. Kody would have to file paperwork for vacate. Kody would like the city to survey West Portneuf. After survey is completed the Council will review and make decision then. Councilperson Brown asked if Kody would chip in on survey and suggested asking him. Table until survey is done.

Imperial Asphalt’s Street Crack Seal Piggy Back Proposal: Councilperson Brown motion to hire imperial Asphalt. Councilperson Davids seconded the motion. All voted aye, unanimous.

Councilperson Linford questioned painting in white the words stop just before the cross walk on Main Street.

Discussion:

Adjournment
Councilperson Lowe made a motion to adjourn. Councilperson Davids seconded the motion. All voted aye, unanimous.
Meeting adjourned at 7:00 pm.

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Amantha Sierra, Transcriber

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Marshall N. Burgin, Mayor

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Canda L. Dimick, City Clerk