Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, January 12, 2012 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

Guests: Rory Simmons and Carl Brown

Mayor Burgin called the meeting to order at 6 p.m.

Approval of Minutes
A few typographical errors were noted and corrected.

A motion was made by Councilperson Anderson approving the minutes of the December 8, 2011, Regular Council meeting and the January 5, 2012, Special Council meeting and work session with corrections. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Reviewing of Bills
The council took time to review the list of bills. The City Clerk was asked if the city is receiving any funds from magistrate fines. The response was very little. The budget amount for legal services was questioned. The City Clerk reported that the budgeted amount is $11,645 and that the city has spent $8,575 including the amount just approved to date. There were concerns that the services may exceed the budget by year end.

A motion was made by Councilperson Sher to pay the January bills. The motion was seconded by Councilperson Beeson. All voted aye.

Law Enforcement Monthly Report
No law enforcement officer in attendance, no report given.

Reapprove 2012 Building Inspection Agreement with Bannock County
A motion was made by Councilperson Sher approving the 2012 Building Inspection Agreement with Bannock County as revised correcting the 2011 date in item # 7 to read 2012. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

Elected Officials Oath of Office
The city clerk administered the oath of office to the elected officials: Marshall Burgin - mayor, Newt Lowe and Carl Brown – Council.

Phil Beeson expressed his appreciation to be able to serve on the council and to Canda for her work as City Clerk before stepping down from his position at the council table. Phil was thanked for his service to the community. Carl Brown took his position at the table.
Nominate and Approve Council President
Mayor Burgin opened the floor for nominations for Council President. Councilperson Anderson nominated Councilperson Lowe. There were no other nominations. Councilperson Anderson made a motion appointing Councilperson Lowe as Council President. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Consider Lava Spa Motel’s hot water lease agreement and Idaho Department of Water Resources notice of pending order to void permit.
Council discussed the notice of pending order to void permit that was received from the Idaho Department of Water Resources. It was explained to council that the permit is for the Chicken Soup Springs geothermal water right. The city captured the water in a collection box and piped it to the Lava Spa Motel. A lease was signed with the Lava Spa Motel to put the water to beneficial use. In 2007, the motel changed ownership. The new owners expressed an interest at one time to lease the water but the lease was never finalized because the city had applied for a grant to heat the Main Street sidewalks with the water but the grant was not funded. The Victor’s, owners of the Lava Spa Motel have contacted the City Clerk and are interested in leasing the water again. The mayor reported that the collection box had to be filled in with gravel because of vandalism problems and to prevent liability risks. The water still flowed through the gravel to the motel. The council felt that it was to the best of the city’s interest to pursue a new lease agreement with the Lava Spa Motel and to protect the water right. The council asked the city clerk to revise the agreement to eliminate the guarantee of 40 gpm to current flow and include a provision granting each party the privilege of terminating the agreement upon receipt of a 30 day written notice. The city clerk will address a response to IDWR providing the development and beneficial use data on file. Cathy Sher offered to work with the city clerk on securing funding for future development of the source.

A motion was made by Councilperson Sher approving the hot water lease agreement draft with revisions mentioned and to respond to IDWR addressing the city’s past and present efforts and to work on securing funding to further develop the source. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

Consider Chapel Estates Subdivision Application located in the Area of Impact
The council reviewed the Chapel Estates Subdivision application which is located in the city’s Area of Impact. The council did not feel that the subdivision was in the area of impact and did not have any problems or concerns with the application.

A motion was made by Councilperson Sher approving the Chapel Estates Subdivision application as presented. The motion was seconded by Councilperson Brown. All voted aye, unanimous.

Centurylink Real Estate (37 East Main) – Restructure Roof – Letter of concern regarding drainage from neighboring property owner – Status – City Clerk.
The mayor suggested that the city attorney be asked to write a letter to Century Link to advise them that something needs to be done to mitigate the drainage problem. The roof
is draining onto neighboring properties. The dispute is between property owners. The city has never issued a permit. The building inspector was made aware of the drainage situation when the permit was submitted.

A motion was made by Councilperson Anderson to have the city attorney send a letter to Century Link regarding the drainage concerns. The motion was seconded by Councilperson Sher. All voted aye, unanimous.


The city clerk reported that the agreement was approved at the last meeting and that the mayor was authorized to sign it. The city clerk will request that the council names on the agreement be corrected and will have the mayor sign the service agreement this next week.

Meetings & Announcements

  A) Bannock County Department of Emergency Services Continuity of Operation/Continuity of Government Plans

  The city has received notice that Bannock County Department of Emergency Services is undertaking a project to develop a Continuity of Operation/Continuity of Government (COOP/COG) plans for the jurisdictions in Bannock County to support the county’s emergency planning efforts. The project is now being expanded to the cities of McCammon, Downey, Lava Hot Springs and Inkom. Whisper Mountain Professional Services, Inc. has been contracted to assist in the project and their representative will be contacting the city within the next few weeks to begin work on the project.

  B) Constitution of the United States Classes – Chubbuck City Hall

  Mayor and council have been invited to participate in classes on the Constitution of the United States. Classes will be held in the Chubbuck City Council chambers on the second and fourth Thursdays of each month from 7 to 9 p.m.

  C) US Postal Service proposal to close 16 facilities in Southeast Idaho including the regional processing center in Pocatello.

  The city has received a letter from the mayor of the City of Pocatello notifying the city of the US Postal Service’s intentions to close 16 facilities in Southeast Idaho including the regional processing center in Pocatello. The benefits of maintaining a local post office were expressed. A motion was made by Councilperson Sher to send a letter of support for the continuation of local and regional service. The motion was seconded by Councilperson Brown. All voted aye, unanimous.

  D) Idaho Independent Intergovernmental Authority Trust Status Report – City Clerk

  The city clerk reported that the Idaho Independent Intergovernmental Authority Trust had not yet received approval of self insured status from the Idaho Department of Insurance. The III-A has requested a letter of support be sent to the
Idaho Department of Insurance and copied to the Governor to encourage the Department of Insurance to act on the approval.

A motion was made by Councilperson Brown to send a support letter to the Department of Insurance. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

E) Sander Purchase and Insurance Coverage
The mayor reported that the sander has been purchased and picked up. Insurance coverage has been obtained. The city reported that the insurance company wants to know if the city wants full coverage or liability only. Mayor and Council agreed to have full coverage on everything. The city hasn’t been invoiced for the truck purchase yet. The mayor informed council that the attached plow is too big to fit in the city shop. The blade is 12’ wide. The mayor stated that city should be able to figure out something and make some adjustments.

F) Proclamation designating January 14, 2012 as a special day honoring Ruth Ann Olson – Councilperson Sher
Councilperson Sher presented a proclamation designating January 14, 2012 as a special day honoring Ruth Ann Olson. The proclamation is going to be typed on City letterhead. Councilperson Sher has some gold city seals she will put on the proclamation. Everyone was invited to attend the special event honoring Ruth Ann.

G) Southern Idaho Fire Academy – February 17, 18 & 19; Paul, Idaho
The city clerk reported that three (3) volunteers are going to attend the Southern Idaho Fire Academy and that they will need accommodations for two (2) nights. Two of the volunteers have applied for full ride scholarships. A check for registrations will be sent as soon as the city finds out if the two volunteers were successful in obtaining a scholarship or not.

H) Miscellaneous - None.

Projects
A) Wastewater Improvement Project
1) Phase I Completion
   It was reported that Phase I is complete with the exception of the pump motor which has to be American made. The pump should arrive in mid February and will be tested in April or May.

2) Phase II Dempsey Creek Crossing & Progress Report
   The mayor reported that the boring under Dempsey Creek did not work. The contractor ran into rock so an open cut will need to be done. Permits will need to be obtained to open cut through Dempsey Creek and the environmental review document will need to be revised. The contractor will begin work on the gravity trunk line tomorrow or Monday.
3) ARRA Buy American Audit Deficiencies
Council was made aware that during the ARRA audit that some buy American deficiencies were found. All equipment installed in the project must be American made. The certification on file for each piece of equipment must state the city and state that the equipment was manufactured in. Keller Associates are addressing the issues.

4) Land Application Site Windmill Project
The city is still waiting for information from the engineers to address a formal letter to DEQ to consider funding the project.

5) Reciprocal Easement Agreement with Agreserves, Inc.
City representatives have signed the agreement before a notary and the agreement has been sent to Agreserves, Inc to execute. As soon as the agreement is returned it will be recorded and complete.

B) Center Street Reconstruction Engineering Contract Status Report – City Clerk
City Clerk reported that she had sent an email to Brandon yesterday questioning the status of the revised contract per the attorney’s recommendation.

C) ITD Permit to install 4” sewer line to Fern Byington’s residence.
The city clerk reported that the ITD permit had been obtained to install the sewer line to Fern Byington’s residence. KT Excavation is the contractor on the project. The city will own the line. The property owner will cover the cost to install. Chris Chapman, McCallen ITD, will be supervising the project.

D) Miscellaneous - None

Discussion – Items from the audience. – None

Adjournment
A motion was made by Councilperson Lowe to adjourn. The motion was seconded by Councilperson Sher. All voted aye, unanimous. The meeting adjourned at 6:42 p.m.

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Trish Avery, Transcriber

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Marshall N. Burgin, Mayor

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Canda L. Dimick, City Clerk (proof read)

Approved February 9, 2012