

Minutes of the Special Meeting of the City Council of the City of Lava Hot Springs, Idaho held Monday, January 25, 2010 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present:

Marshall N. Burgin, Mayor  
Rita Anderson, Council member  
Phillip Beeson, Councilman  
Newton J. Lowe, Councilman  
Cathy Sher, Council member

Canda L. Dimick, City Clerk

Guests: Sheldon Jones

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

A motion was made by Council member Sher and seconded by Councilman Beeson to amend the agenda to include discuss on a rate study and wind mills. All voted aye, unanimous. Rate study and wind mills were placed on the agenda after Southern Idaho Fire Academy.

**Authorize mayor to execute decision granting Earl and Annastasia Swanson's variance for a front porch, stairs and deck encroachment - Lots 1 & 2, Block 12, Town site of Hall City.**

A motion was made by Councilman Beeson authorizing the mayor to sign the Statement of Decision for a variance, applicants Earl and Annastasia Swanson. The motion was seconded by Council member Anderson. All voted aye, unanimous.

**Schedule ribbon cutting ceremony for Fire Station Solar Project**

The city clerk reported that Glen Pond would be the Rocky Mountain Power representative attending the ribbon cutting for the solar project and that the first week of February will be bad for him. The council suggested Tuesday, Wednesday, or Thursday of the second week of February. The city clerk will contact Mr. Pond to schedule the date.

**Council Assignments**

The mayor made the following council assignments:

Councilman Beeson: Water, Sewer, Garbage & Streets

Council member Anderson: Parks, Chamber Representative, & Holiday Decorations

Council member Sher: Pioneer Travel Council, Comprehensive Plan, and Planning & Zoning

Councilman Lowe: Law Enforcement, Code Enforcement, Animal Control & Fire Department

Mayor Burgin: Personnel & Buildings

No assignment was made for Legislative Representative. Representation will be decided among the council on an as needed basis.

## **Holiday Decorations**

The council discussed the holiday decorations. The mayor reported that the attorney had told him that anything bought with city funds (1% tourism tax funds); the city must maintain ownership of. Council member Sher stated that the city needs an inventory of the holiday decorations. Councilman Beeson said that the electricity for the holiday decorations is paid for by Rocky Mountain Power from Thanksgiving to New Year's.

## **Southern Idaho Fire Academy - February 12-14, 2010 Twin Falls, Idaho**

The mayor reported on the meeting that he had with the Rural Fire Commissioners. They would like to spend more money on hands on training locally. The commissioners have some good ideas on some changes that they would like to do. Tom Prather is working on a presentation item by item of what he thinks needs to be done. The mayor will talk with commissioners and have a decision by Monday as to who will pay for the Southern Idaho Fire Academy if someone would like to go.

## **Rate Study**

The city clerk reported that Keller Associates and Forsgren Associates both have expressed that there are a lot of variables in a rate study. It could take up to 2 – 3 hours per business based on the extent of what kind of study that the city wants done. The study would cost between \$2,000 to \$15,000. The study would calculate the usage by visiting each business. For example; the restaurant the seating, grease traps, dish washers, etc would all be counted. Councilman Beeson asked if ISU Business Development or the business incubator could possibly help us with the rate study. Council member Sher will make connections with ISU to see if they can assist. The city possibly could do some of the foot work in house to save costs.

The council discussed the possibility of making rate increases in increments. It was suggested that the first incremental rate increase be made at the time the city signs the contract for the first phase of the wastewater project and after DEQ determines how much forgiveness they are going to grant.

## **Wind Power Generation**

Councilman Beeson said that he thinks that the city needs to work on an ordinance that covers the whole city limits prohibiting wind generators within the city limits of Lava. Council member Sher agreed. Council member Sher stated that it is inappropriate for Lava. Councilman Lowe also agreed. Councilman Lowe does not want to see wind generators going up all over town. Council member Anderson agreed that the city is limited to space for them. Council member Sher stated that through the surveys which were done for the Comprehensive Plan, one of the top concerns that people expressed was with maintaining their quiet residential neighborhoods. Sheldon Jones clarified that the owners of the property in question did talk to his wife about the proposed windmill to be located by his property.

The city clerk told the council that in the zoned areas wind generation is not a listed use. However, there are several unzoned areas within the city which needs to be addressed by ordinance. The city clerk stated that the ordinance doesn't allow for solar power so the

city may want to address solar power also. The council discussed including solar power in the ordinance.

A motion was made by Councilman Beeson to send the wind generation issue back to Planning and Zoning with the city's recommendation to start the hearing process to prohibit wind power within the city limits and to look at solar power as a conditional use permit. The motion was seconded by Councilman Lowe. All voted aye, unanimous.

**Motion to convene into executive session to discuss personnel and land acquisition matters as provided by Idaho Code 67-2345 (b) & (c).**

The mayor requested that the city clerk join the council in executive session.

A motion was made by Council member Anderson and seconded by Councilman Beeson to convene into executive session. Lowe – aye, Sher – aye, Anderson – aye, Beeson – aye, unanimous.

**Motion to reconvene**

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

**Personnel Decisions**

The mayor announced that he will talk to the Code Enforcement/Animal Control Officer, R.B. Scott about council's concerns and that council chose to wait until the Rural Fire District Commissioners makes their presentation proposing some changes regarding fire department personnel.

**Land Acquisition Decisions**

A motion was made by Council member Anderson to offer the Miller Trust \$2,700 per acre with a bottom line of \$246,000 and if they do not accept the offer the city clerk is authorized to fax pages 20, 21, and 22 of the appraisal and gave the mayor the authority to negotiate with the owners. The motion was seconded by Councilman Lowe. All voted aye, unanimous.

**Adjournment**

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

The meeting adjourned at 6:53 p.m.

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Patricia Avery, Transcriber

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Marshall N. Burgin, Mayor

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Canda L. Dimick, City Clerk (proof read)

Approved Feb. 11, 2010

