Minutes of a Special Meeting of the City Council of the City of Lava Hot Springs, Idaho held Wednesday, June 22, 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: None

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

**July 4th**

A) **Extra Patrol**  
The mayor reported that Sergeant Argyle has requested additional funds for the July 4th weekend. The council discussed rights as Bannock County tax payers for police protection. The mayor is going to called McCammon to see what they pay for extra patrols for the rodeo weekend. The council felt the Saturday and Sunday extra patrol is probably sufficient because people will need to leave before the firework display. Councilperson Sher asked that the officers drive through the neighborhoods after 11:30 p.m. so that things quiet down.

A motion was made by Councilperson Beeson to resume with $2,500 extra patrol fee as in the past years. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

B) **Portable Public Restrooms & Garbage Containers**  
The council discussed the need for additional garbage cans and portable toilets.

A motion was made by Councilperson Sher to place four (4) portable toilets and extra garbage containers based on last year’s use and the payment for those items to come out of the 1% tourism funds and that they be installed before the July 4th weekend and remain through the Regular Council meeting in August then reassess. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

**Consider Lava Planning & Zoning Commission’s statement of facts, findings and recommendation regarding Mike & Vickie Hansen’s required front and side yard setback variance.**  
The mayor reported that the Planning and Zoning Commission has not met to approve their Statement of Facts, Findings, and Recommendation because of a lack of a quorum. Therefore, the council cannot take action on this item.
Councilperson Sher requested that the letters of support be included in the council packet when the council takes action on this item.

**Wastewater Improvement Project Phase II**

**A) Authorize mayor to execute contract with the Idaho Department of Commerce for the block grant award.**

A motion was made by Councilperson Beeson to authorize the mayor to sign the contract with the Idaho Department of Commerce block grant. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

**B) Land Application Site Boundary Fence Offer**

The mayor reported that the Casperson’s have offered to pay $3,000 toward the installation of the boundary fence. The city is going to install the entire fence and accept the offer. The Casperson’s agree to maintain their share of the fence.

Councilperson Lowe suggested imposing a date of which the payment is to be made. It was suggested that the city attorney draft an agreement and establish a date of which payment is to be made after the fence is completed.

A motion was made by Councilperson Anderson that the city accepts the offer by the Casperson’s to pay $3,000 to go towards the fence that the city is constructing and that the city attorney will document this in writing in a letter to them with a specified date of payment upon completion of the fence. Councilperson Sher suggested that the letter include the “Casperson’s will assume maintenance obligation”.

Councilperson Anderson amended the motion to read that the city accepts the offer by the Casperson’s to pay $3,000 to go towards the fence that the city is constructing and that the city attorney will document this in writing in a letter to them with a specified date of payment upon completion of the fence and assume maintenance which was offered by the Casperson’s. Councilperson Lowe seconded the motion. All vote aye, unanimous.

**Buddy Campbell Park Playground Improvement Project**

**A) Fibar – Wood Chips**

Councilperson Sher commented on her dissatisfaction of the Fibar that was delivered and reported that the second load was stopped. She feels that it will not be any kind of an asset and will be a deterrent to put it in. Concerns were express on the size of the pieces.

Councilperson Sher has talked with Micah at Blue Sky, the company that sent the Fibar, and they are working on resolving the problem. He has sent a sample of Fibar from his office. The council examined the sample which had much smaller chips. Councilperson Anderson stated that she could live with the smaller material if a substitute could not be found.
Councilperson Sher stated that the city already has money down on the product and finding a replacement product that is acceptable and affordable would be difficult. The city is under legal obligation to make the project comply with ADA accessible standards, sand is not ADA accessible. The council discussed the drawbacks of using the Fibar, as well the unaffordable cost (three to five times the cost) of other products which are available.

Councilperson Sher reported that she had packaged up some of the product and sent it to New York for inspection. Councilperson Sher suggested looking into the Fibar mats, which are to be used in conjunction with the Fibar. She will call Idaho Parks and Rec. to discuss the option of what other products can be used to meet the ADA accessible standards.

The city clerk has contacted the City of Troy and they have been using Fibar in their parks for years and are happy with it. She has contacted their supplier in North Idaho for a sample of their Fibar product.

Councilperson Sher reported that the IFFT Foundation has extended the project to August 1st to resolve this problem. The mayor reported that when the yardage of the material was calculated, the sidewalk area was included therefore only 110 cubic yards of material is needed.

Councilperson Sher reported on the crack in the concrete sidewalk and it was discussed. The majority of the council was satisfied with the concrete work, small stress cracks are normal.

**B) Sign**

Councilperson Sher presented the information on the sign which is being ordered. The council was happy with the sign. The sign will be installed on the tennis court fence.

**Norton Antivirus Renewal or purchase different program.**

A motion was Councilperson Anderson to approve the purchase of a Norton Antivirus Renewal in the amount of $49.99 to be installed on the city hall computers. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

**Sensus Metering System – Discuss trade in to upgrade.**

The city clerk reported that we are having some problems with the handheld of the Sensus metering system holding a charge. Sensus is no longer manufacturing the battery or parts for our system. She reported that United Pipe (the distributor which the system was purchased through) told her that Interstate Battery can cut a slice in the battery pack, replace the battery and seal it with some type of glue. She suggested that the council start budgeting for an upgrade in the future.

**Drinking Water Protection Plan – Discuss forming a committee.**

Councilperson Sher reported that Mark Lowe has mentioned drinking water protection plan several times. He was on the prior committee and would have an idea of what is
needed. She also suggested that Kenny Fagnant may be a good resource to serve on the committee.

A motion was made by Councilperson Anderson to approach Mark Lowe to see if he would chair the committee and give him the prerogative to select his own committee. The motion was seconded by Councilperson Beeson. All voted, aye, unanimous.

Motion to adjourn into executive session to discuss personnel matters as provided by Idaho Code 67-2345(b).

A motion was made by Councilperson Sher to adjourn into executive session to discuss personnel matters as provided by Idaho Code 67-2345(b). The motion was seconded by Councilperson Beeson. Lowe – aye, Sher – aye, Anderson – aye, Beeson – aye, unanimous.

Motion to reconvene.

A motion was made by Councilperson Anderson to reconvene into regular session. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Reinstatement

A motion was made by Councilperson Anderson to reinstate Mrs. Goodwin to her former position, the city clerk will write her a letter to the effect that there has been suggestion of rules by the city attorney and if she is willing to comply with the city attorney’s recommendation she will be reinstated with the allowance that she can bring her children to work with her provided that there are no further negative incidences. And that she have phone numbers of city council members if she feels like there is a situation that she needs help. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

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 6:30 p.m.

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Trish Avery, Transcriber                                  Marshall N. Burgin, Mayor

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Canda L. Dimick, City Clerk (proof read)

Approved July 14, 2011