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

Guests: Evelee Rush, Lauren Carpenter and Mike Vice

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

A motion was made by Councilperson Sher to add to the agenda a building permit application for a new residential home applicant S.E.I.C.A. and consider the E.P.A. Assistance Agreement under miscellaneous. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

Approval of Minutes
Councilperson Sher stated that the minutes look really good. She mentioned that on page 1 of April 25, 2011 minutes, second line under “Friend living in RV on Garnett Taylor’s property”, that “a RV” should be “an RV”.

A motion was made by Councilperson Anderson approving the minutes of the April 11, 2011 Special Council meeting, April 14, 2011 Regular Council meeting and April 25, 2011 Special Council meeting with the one correction. The motion was seconded by Councilperson Beeson. All voted aye, unanimous.

NOTE: “an” is used before words beginning with vowels therefore the minutes were left unchanged.

Reviewing of Bills
The city clerk reported that the amount due to M.R. & E. for March, 2011 garbage collection is $4,752.56 and needed to be filled in on the list for consideration.

A motion was made by Councilperson Anderson approving the bills to be paid as listed. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Law Enforcement Monthly Report
No report – no officer in attendance.

Prosperity Foundation
A) Brief Update – Mike Vice  
B) Youth Support Team request for small parcel of land to develop a community garden – Lauren Carpenter and Martha Fae Frymire

Lauren Carpenter explained plans to develop a youth community garden for an educational project and scholarships. They are looking for a 60’ x 60’ garden spot that has access to a water source. She asked if there is any city owned property that could be used for the project. Mrs. Carpenter said that they may want to construct a garden shed and possibly a greenhouse on the site in the future. She questioned if there is a parcel of property near the Buddy Campbell Memorial Park that could be used for a garden spot.

The mayor stated that the city has a couple of lots by Gene Fagnant’s property which is 60’ x 110’ but it has no water service; the group would need to install a water connection. Mike Vice questioned what it would take to put the water into the property. The mayor stated that the city would not charge a water hook up fee for this project but would have to charge the monthly water use fee. The group would have to pay for the meter and to have the water line, meter, and frost free hydrant installed. The mayor estimated that the cost to install the waterline would be about $300.

Mrs. Carpenter questioned if the city would have a problem with the installation of a garden shed and a greenhouse. It was suggested that the group see how the first year goes and then go from there. She was instructed to take a look at the lot and work with Canda and Tony on the details. Mrs. Carpenter thanked the city for their generous offer.

Mike Vice gave the council an update on the Prosperity Foundation’s projects. The foundation is now a recognized 501C3 Non-profit organization. The foundation’s internet site, which will be 83246.info, will be on line soon. It will serve as a communication tool for the community such as providing information on local services available. He reported that they have an agreement with the Lava Foundation director to clean up and plant the terrace rock gardens behind the community building. The group is also working on a project to improve the access to the river behind the Thai Restaurant.

The mayor reported that he and the city clerk met with a representative from Senator Risch’s office. He told them of several grants available for community gardens.

Lava Foundation Strategic Plan

Councilperson Sher stated that the Lava Foundation Strategic Plan mentions a skate park and foot bridge. She reported that at the Comprehensive Plan community meeting there were local youth interested in a skate park. She stated that there is a great potential market for a skate park. She feels that it is a recreational opportunity to increase tourism and could be a shoulder season activity. She also stated that the pedestrian bridge is also an interest to the community.
The mayor stated that there is a footbridge on the end of First East that could possibly be moved to the Main Street location. Councilperson Beeson stated that the council has started a line item for bridge replacement. He suggested including a foot bridge in the plan to replace the Main Street Bridge. Guests and other council members felt that the foot bridge at First East is used and they did not support the relocation of the bridge.

The council had no comments to add to the Lava Foundation Strategic Plan.

**Power to service Shaved Ice Stand – Cory Unsworth**

The mayor reported that Cory Unsworth will be putting a shaved ice stand next to the Memorial Park on Berti’s property. He has offered to pay the power bill for the old ambulance garage if he could connect the stand to the 110 service. Councilperson Beeson stated that the stand could not be serviced with an extension cord, the power connection would need to meet code. The city clerk suggested that the bill be transferred into Mr. Unsworth’s name. Councilperson Beeson suggested that Mr. Unsworth change the color of the stand, it is currently hot pink.

A motion was made by Councilperson Anderson to notify Mr. Unsworth that he may use the power from the building provided that he transfers the service to his name and install the service connection to his stand as required by state electrical code including the purchase of a permit. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

**Marsh Valley School District 2011 Summer Lunch Program**

The city clerk reported that we have not heard from the school district regarding the summer lunch program, but she expects to hear from them soon. She asked if the council would allow the Marsh Valley School District to conduct the Free Summer Lunch Program in the Buddy Campbell Park for the summer of 2011.

**Review & Consider Contracts**

A) **Web Impakt – Search Engine Optimization**

B) **Fourth Gear – Marketing Study**

The city clerk reported that she had received a letter from the city attorney regarding concerns that he had with the contracts. She suggested that the council take some time to look over the letter before a discussion is made. Web Impakt has said that they are willing to review and possibly make some changes. She stated that the Fourth Gear contract is a bit confusing. They have sent a new contract which does not have items lined through as requested by the city’s attorney. It was suggested that these items be tabled and to hold a special meeting possibly next week after the attorney has had a chance to review the contracts.

A motion was made by Councilperson Beeson to table the Web Impakt and Fourth Gear contracts until the attorney has time to review. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.
Business License(s) & Non-Property Tax Permit(s)
A) Briscoe Builders Construction, Inc. – Doug Briscoe, Owner/Applicant
B) C & J Cottages, LLC (Non-Property Tax Permit – Julie Patterson & Cori Rife,
Owners/Applicants
C) Caribou Mobile Repair (Non-Property Tax Permit – Sid Gyde, Owner/Applicant
D) Harmony Hill Vacation Rentals – Cory Rife & Julie Patterson,
Owners/Applicants
E) Hipsy Gypsy (Mobile Boutique) – Heather Hubbard Carter, Owner/Applicant
F) Lava Bungee Tramp, LLC (Mobile Bungee Trampoline) – Keith Sheridan,
Owner/Applicant

The mayor read the list of business licenses and non-property tax permits being considered. Councilperson Beeson questioned the Hipsy Gypsy mobile boutique. It was stated that the Hipsy Gypsy boutique and the Lava Bungee Tramp will both be located on the vacant lots east of the Wagon Wheel Lounge. Both of these businesses will be stationed on the lots but will pull them out occasionally for special events. Councilperson Beeson questioned if the city required proof of insurance on something like the bungee trampoline. The city clerk reported that as long as the business is on private property, the ordinance does not require proof of insurance. It was noted that the lease agreement stated that liability insurance must be provided.

A motion was made by Councilperson Anderson approving the business licenses and non-property tax permits as read. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

The city clerk stated that the council has required the other businesses with temporary structures (tube stand, etc.) to provide portable toilets and garbage for their business. She questioned if she was to notify the owners of Hipsy Gypsy and Lava Bungee Tramp of this requirement. Councilperson Beeson suggested that the two businesses share one portable toilet and each provide for a garbage can. The council agreed to require all temporary structures to provide restroom and garbage facilities as suggested by Councilperson Beeson’s.

Building Permit Applications
Consider Cory & Tiffany Unsworth’s Building Permit Application for two 12’ x 12’ commercial cabins located at Lava Hot Springs KOA, 100 Bristol Park Lane
The city clerk reported that the cabins at the KOA are almost completed.

A motion was made by Councilperson Anderson approving the building permit application for the two additional cabins at the KOA campground. The motion was seconded by Councilperson Beeson. All voted aye, unanimous.
The city clerk reported that the contractor was charged a double fee because the buildings were started before the building permit application was applied for.

**New residential home - S.E.I.C.A.**
The city clerk reported that the building inspector has not reviewed the plans and that council’s approval should be contingent upon his approval of the plans.

A motion was made by Councilperson Anderson approving S.E.I.C.A.’s building permit contingent on the building inspector’s approval. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

**Status report on the adoption of the 2009 International Building and Residential Codes with exceptions.**
The city clerk reported that we are still waiting for the county to finalize their adoption of the International Building Code.

**Discuss adopting a property maintenance code.**
Councilperson Beeson stated that as he read over the property maintenance code, he felt that our city ordinances already cover these things. Councilperson Sher stated that she totally agrees with Councilperson Beeson. She stated that it was buying into a whole county set of fees, etc.

A motion was made by Councilperson Beeson to forego the adoption of a property maintenance code. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

**Tree City USA Recertification**
Councilperson Anderson reported on the presentation of the 10 year Tree City USA award at the Arbor Day Celebration held at the Lava Elementary School and presented the award to the council. The city clerk reported that the city has to plant a tree every year as part of the recertification. The past two years the city received grants and planted trees at the school and at city hall, also trees were planted at the park with budget funds. She suggested that possibly the city could plant a fruit tree at the youth garden. The council was supportive of the idea.

**Consider R. B. Scott’s Resignation and discuss filling position.**
R.B. Scott’s resignation was presented. The council discussed filling the position. Councilperson Lowe suggested waiting a while before filling the position. Councilperson Anderson questioned if the county police department would enforce the codes. The code enforcement/animal control position has been for ten (10) hours per week.

Councilperson Sher stated that more of the focus needs to be on weekend enforcement. She expressed that the council needs to look at things differently and maybe two fold. The city needs to make a visible statement that this town is to be respected and the people are to be respected.
The council would like to meet with the Sheriff’s office to discuss options. The council also discussed Mr. Scott’s request to continue as the fire training coordinator. It was stated that the fire training coordinator position could be a good addition to the job when filling the position.

A motion was made by Councilperson Sher to accept R.B. Scott’s resignation with his tentative acceptance to continue on as fire training coordinator. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

**Tenant Street Sweeper Listing**
Councilperson Beeson reported that he had the city clerk list the Tenant Street Sweeper on KSL. There have been a lot of hits on the ad but no calls. He also reported that the Marsh Valley School District had expressed interest but have not looked at the sweeper. It was reported that the ad on KSL did not have O.B.O. (or best offer), it was suggested that when the ad is renewed, to add O.B.O. Councilperson Beeson will also have Tony call Marsh Valley School District. The mayor suggested that if neither of these work out, the sweeper should be taken to Prime Time Auction.

**Meetings/Announcements**

**A) Comprehensive Plan Update**
Councilperson Sher reported that the May 10th public meeting was successful. She reported that there were 43 who had signed in as guests and that there were about 8 youth and at least 5 people that came in after the sign in sheet was circulated. The committee was not included in the count, so probably about 60 people total in attendance. She reported that the committee got good input on the future use map. The committee will be meeting on Monday, May 16th to review the input from the maps. Nancy Taylor, a local planner, will also be meeting with the committee. The meeting will be at the Greystone Manor. The committee is closing in, but the plan draft is not completely done. She reported that the committee chose to do a personalized plan for Lava Hot Springs rather than doing a boiler plan.

**B) Proposed RV Ordinance Update – Council person Sher**
Councilperson Sher reported that she had written up the RV ordinance suggestions in the R2 and R3 zones. She presented the suggested ordinance to the Lava Planning and Zoning Commission at their last meeting, however not all of the commission members were present, but those who were, were supportive.

Councilperson Sher reported that a few days after meeting with the Planning and Zoning Commission, the city clerk had brought to her attention that permanent residents in the commercial zone would not have the privilege to have visitors stay in RV’s at their homes as written. Councilperson Sher will keep working on this ordinance with the attorney.
C) Community Spring Clean Up Days – May 13th & 14th
It was reported that the spring clean up days will be May 13 and 14. The containers will be at the end of South 3rd West, by the school. No hazardous waste is allowed in the containers.

D) Miscellaneous
Councilperson Sher announced an event that will be held at the museum on Friday, June 10, 2011 at 6:30 p.m. The guest speaker will be Dr. Michael Bateman. He will be speaking on his research on the 1812 fur trading in the Portneuf River Area and the Bear River Area.

Projects
A) Sewer Rate Study Progress Report
The mayor and city clerk reported that the consultant that the city has been working with left Idaho Rural Water Association under not good terms. The city clerk has talked with another representative from Idaho Rural Water Association about proceeding with the rate study. He will try to get the information on the study; however, the city may be starting over from square one.

The mayor questioned if the city could do some of the study ourselves. The city clerk explained that what she was trying to get from the rate study is an evaluation of the equivalent user rate schedule. The equivalent user rate schedule will show the mayor and council the percentages for each equivalent user (i.e., motel room, camp ground space, etc.). The motels and campgrounds are concerned about their sewer rates. The city needs to make sure that the equivalent user rate is a fair assessment of the rates to all sewer users. The formula to figure the sewer rate needs to be fair.

It was discussed that there has been some legitimate complaints on the sewer rates because they use the service during the summer but not year round. It was also pointed out that any adjustment to the current equivalent user schedule will result in a shift to other users, even though a business or individual is not using the service during a period of the year, the service is there for their use.

The city clerk reported that we still have all the information that was submitted for the rate study. This information will be given to the new consultant, who has been newly hired to fill the position.

B) Wastewater Improvement Project
1) Phase II Design Plans
The city clerk reported that the second phase should be bid within the next 60 days. All the funding is in place, we are on the last leg of the HUD environmental documents (HUD requires a more extensive environment document), they are finishing the electrical engineering on Phase II, and
after the plans are complete they will be submitted to DEQ. DEQ has 30 days to review.

2) Land Application Site Boundary Fence

The mayor reported that the city is paying $6.15 per foot for the land application site boundary fence and had offered to put Mr. Casperson’s half of the fence in for $4 per foot. Mr. Casperson has counter offered $1.96 per foot. The fence which the city is putting in is like the ones that the highway department uses which uses metal braces and posts. Rex Baker had given a bid of $4 per foot for a fence which would include some wooden posts, which is why the city had offered to do Casperson’s half for $4 per foot.

The city clerk reported that mayor had contacted the L.D.S. Church and they agreed to pay $4 for their share of the fence. She reported that the Casperson’s have 6 months to address the fence by law. She questioned how the council would like to proceed. If the Casperson’s decide not to go with the city’s contractor to put in the fence, the city cannot give the specifications for the fence; they will be required to put in a legal fence.

It was questioned about Mr. Casperson’s claim of open range. The city clerk stated that it was her understanding that if the land owner shows an intent to contain his livestock by putting in a fence, which the Casperson’s has, he is responsible to maintain his fence. It was questioned if the city should continue to fight on this issue. The mayor questioned if the city should put in the fence or force the Casperson’s to put in their share.

A motion was made by Councilperson Sher to fence the city’s portion of the land application boundary fence. The motion was seconded by Councilperson Beeson. All voted aye, unanimous.

3) Wind Turbine

The mayor reported that the engineers had not found an American Made wind turbine the size which we need. The city clerk has just recently found an American company that does manufacture wind turbines and that she provided the contact information over to the engineers. She reported that she needs energy cost savings information from the engineers to put in a letter to DEQ for the funding allocation to be considered. She is still working on a letter to see if we can use the excess DEQ funds to purchase and install a wind turbine.

The city clerk reported that she was made aware today that there is another city that has some excess stimulus money and there may be a way to get those funds to help fund the wind turbine also.

4) USDA Loan Documents

The city clerk reported that we are still working on the USDA loan documents. She has forwarded all the easement documents and should be
hearing from USDA on the conditions of the loan within the next couple of weeks. The loan documents have to be complete before going to bid on Phase II.

C) Park Playground Surface Project Update – Councilperson Sher
Councilperson Sher reported on the expenses of the park playground surface project. The total cost to date is $16,719 but there still are some expenses, signage and sprinkler revamping. There is $8,281 left in the budget. The mayor suggested installing some decorative block along the sidewalk to support it. He stated that he may be able to get some block cheap. Councilperson Sher also stated that if there are funds left she would like to purchase another small piece of play equipment.

Councilperson Sher reported that the Idaho Community Foundation has given the city an extension to July 1, 2011 on the project.

Councilperson Beeson asked for a report on what had happened with the damage claim (fence and dinosaur) on the park. The city clerk reported that the city was reimbursed for the repairs to the park from the city’s insurance company and the individual is paying restitution to the insurance company.

D) Miscellaneous
1) EPA Grant
The city clerk reported that the council needed to take action on the EPA grant agreement which is part of the Stagg Grant and will be used on Phase III of the wastewater project. The council had decided to pull out a piece of the project into a third phase to be able to utilize these funds.

A motion was made by Councilperson Anderson authorizing the mayor to sign the EPA grant agreement. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

2) Parking
The mayor reported that Steve Jones had contacted him about the city purchasing two lots that he just purchased west of the Blue Moon Bar to develop into parking. He is closing on the property on May 15, 2011. Evelee Hill suggested that the city could purchase the lots for parking and that it could be used as a parking area that businesses can purchase parking spaces when they need additional parking for expansion of their business. Various parking locations were discussed.

Discussion – Items from the audience.
Evelee Hill suggested postponing designing the seasonal banners until the marketing and branding study is done. She was informed to take her concerns to the chamber.

Adjournment into an executive session following the discussion period to discuss personnel matters as provided by Idaho Code 67-2345 (b).
A motion was made by Councilperson Beeson to adjourn into executive session to discuss a personnel matter as provided by Idaho Code 67-2345 (b). The motion was seconded by Councilperson Sher. Lowe—aye, Sher—aye, Anderson—aye, Beeson—aye, unanimous.

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

**Personnel Matter Decision.**
A motion was made by Councilperson Beeson suspending without pay the questioned employee until further court hearings are resolved. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

**Park**
Councilperson Beeson suggested that the rock benches be moved away from the playground, they have sharp edges. The council felt that this is something to consider.

**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 7:53 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 June 9, 2011