Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, November 8, 2012 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor Canda Dimick, City Clerk
Rita Anderson, Councilperson
Newt Lowe, Councilperson
Cathy Sher, Councilperson
Carl Brown, Councilperson

Guests: John Fleming, Susan Thomas, Bryan Phinney, Aaron Swenson, Holly Batton, Tricia Mitchell

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

Councilperson Brown made a motion to amend the agenda to include approving a Citizen’s Participation Plan for the East Main Pedestrian Bridge Project and an executive session on a delinquent option tax claim. Councilperson Anderson seconded the motion. All voted aye, unanimous.

Approval of Minutes

Reviewing of Bills
Councilman Brown questioned Clyde Nelson’s bill for legal services. The City Clerk reported that $700 of the bill was for extra work that the attorney has done regarding the KOA’s opposition on the sewer rate increase. Council questioned the purchase of a new cell phone for Billy Thompson. City Clerk reported that Billy had lost his cell phone in the sewer lagoons and that it needs to be replaced. The City is not eligible for an upgrade according to Verizon Wireless in Pocatello. The City Clerk is trying to see if the city can upgrade earlier online and purchase the new phone online. Some council members questioned if the phone was needed now or if it could be purchase in February when the City is eligible for an upgrade.

The Animal Control pound fee was discussed. The Council would like to look into housing animals in Lava to save on mileage. The Mayor will talk to the Animal Control Officer about options.

Councilperson Sher made a motion to pay the bills including the purchase of a new phone for Billy online. Councilperson Lowe seconded the motion. All voted aye, unanimous.
PUBLIC HEARING on the status of funded activities and proposed grant activities.
Councilperson Anderson made a motion to open the public hearing. Councilperson Brown seconded the motion. All voted aye, unanimous.

Holly Batton, Southeast Idaho Council of Governments, reported that the hearing is the second one required on the City’s Wastewater Improvement Project. Holly reported that the wastewater project is 90% complete, currently the lagoons are being seepage tested to ensure DEQ compliance and that no substantial changes have been made to the ICDBG scope of work, budget, schedule, location or beneficiaries. The contractor is ahead of schedule. Accomplishments to date include replacement of 3,400 feet of sewer line, construction of a new grinder and lift station at the wastewater treatment plant, installation of 7,400 feet of pressure sewer line to the new winter storage lagoon, installation of a new pump to transfer the water to the winter storage lagoon, cleaning, re-grading and lining of the four treatment lagoons, installation of new surface aerators and blowers and installation of a new cellular alarm system. Budget status report was presented. Project is funded with a $3,400,000 RD Loan, $243,000 SAAP/EPA grant and $500,000 Idaho Community Development Block Grant. Project costs are $2,442,955 construction, $1,265,000 engineering and $187,394 administration. The funds spent to date are $1,514,934 (Interim Financing) RD loan, $169,211.32 SAAP/EPA grant and $404,081.85 Idaho Community Development Block Grant. The City has adopted a Fair Housing resolution and is working on the 504 ADA Survey and Transition Plan compliance requirements. Partial substantial completion will be scheduled within the next couple of months. Mayor and council voiced comments that they are very pleased with the contractors work performance. There were no other comments.

Tricia Mitchell, Southeast Idaho Council of Governments, reported that she is excited about the pedestrian bridge project and that SICOG was selected as the administrator and is preparing the block grant application for the amount of $350,000 to help fund the project. The application is due Friday, November 16, 2012. Benefits of the project are first and foremost, public safety. In the last few years, there have been at least 4 vehicle accidents and 3 personal injury accidents in the location of the bridge. The project would attract people which will benefit the local businesses and add aesthetic value to Lava and help increase tourism.

Aaron Swenson, Project Engineer, presented information on the concept which Forsgren has been working with the City on since 2008 in conjunction with the City Transportation Plan. The biggest issue is the public right-of-way acquisition. It was recommended that instead of obtaining a right-of-way to get a pedestrian easement instead. A description of a potential easement has been put together. City representatives met with property owners last Friday who were receptive to the idea but nothing is official yet.

Mayor Burgin reported that he spoke to Tyler Victor about the geothermal benefit it and he seems pretty receptive. Tyler is going to talk to his brother about it and report back to the City. The Mayor tried following up with Tyler earlier today, but could not get a hold of him.

Mr. Swenson stated that some of the owners concerns were the width of the bridge and possible issues with their snow removal process. He has some suggestions for them that might help. Once
they agree to the easement, the process is pretty simple. They already have the description written, it’s just a matter if putting together a deed and filing with the county. No money changes hands; the hard part is getting everything processed before the deadline next Friday.

Mr. Swenson presented the concept outline and preliminary drawings of the bridges. The bridges would be 4 feet wide with bump outs. He reviewed costs estimates and types of bridges.

Councilperson Sher asked for clarification on the spacing in the drawings/

Mr. Swenson explained that these drawings do not represent what it would look like when they build them. It is just a concept drawing.

Councilperson Brown asked what the advantage of the higher priced bridge.

Mr. Swenson stated that they have a higher structural load. He did not have a lot of time to get more information. He just wanted to show two different options for the purpose of the public hearing and public input.

The City Clerk asked about having a wider bridge on the south side because of the larger tubes.

Mr. Swenson stated that the cost to go wider is not that significant. A larger easement may be needed to go larger.

The City Clerk asked for clarification on the easement.

Mr. Swenson stated that the proposed easement is 12 feet on each side of the existing traffic bridge. He went over the project schedule. The engineers will hold off on designing the project until notification of the grant award is received, probably start design in May, 2013, go to bid in August, 2012 and commence construction by October 1, 2013. The city wants to avoid construction in the summer tourism months. They would expect the construction to be done the end of October. Mr. Swenson reported that there is a possibility of paying engineering out-of-pocket, starting project design in February and construction being done by Memorial Day, but there is more financial risk involved with that and problems with flood waters. Installing a geothermal pipe under the concrete apron and bridge is being considered. Mr. Swenson offered to meet again with the City and the Victors to resolve easement matters.

Mr. Swenson reported that the City’s attorney will need to draft up the easement document.

The City Clerk and Mr. Swenson brought up the idea of replacing the railing on the roadway bridge to match the pedestrian bridge. He is not sure if they will be able to get that in on this project or not but they will see what they can do. Bidding the railing as an alternate was of interest.

No other comments.
Councilperson Sher made a motion to close the public hearing. Councilperson Brown seconded the motion. All voted aye, unanimous.

**Citizen Participation Plan**

Tricia Mitchell, Southeast Idaho Council of Governments, presented the Citizen’s Participation Plan to council for their consideration and approval. Tricia explained that HUD requires that block grant applicant adopt a plan to involve citizen participation in the project. The plan requires the city to hold two public hearings on the project. The plan gives citizens a process to address their concerns and complaints with the project.

Motion was made by Councilperson Sher approving the Citizen Participation Plan and authorizing the mayor to execute the document. Councilperson Lowe seconded the motion. All voted aye, unanimous.

**Consider 50% discount on 2013 dog licenses purchased before January 1, 2012.**

Motion was made by Councilperson Anderson granting a 50% discount on all 2013 dog licenses purchased by December 31, 2012. Councilperson Brown seconded the motion. All voted aye, unanimous.

**Authorize City Clerk to issue 2013 Business, Alcohol and Coin-Op Licenses upon receipt of renewals.**

Councilperson Brown made a motion to authorize the City Clerk to issue 2013 Business, Alcohol and Coin-Op License renewals. Councilperson Sher seconded the motion. All voted aye, unanimous.

**Building Permit(s)**

A) **165 West Main – Change of use from vacation rental to a residential ambulatory treatment center, Maximum Occupancy 6 – John (Jack) Fleming, Applicant**

Mr. Fleming stated that they will start off with 6 people, if it works well, they may expand in the future. There will be two employees on staff at all times. The residents will not be on lock down, and they will not have criminal backgrounds. The building inspector has approved the change of use.

Council has concerns about the clients and about the facility being in a residential area. Idaho Code will require background checks on residents of the facility.

Councilperson Brown made a motion to approve the residential ambulatory treatment center. Councilperson Sher seconded the motion. All voted aye, unanimous.

**Consider Collin Petrun’s application for a livestock permit for two horses.**

Council discussed the application. They decided to send the application back to Collin Petrun and have him take it to the Sheriff’s Department for their approval.
Approve Resolution 2012-2 amending Section 1 (4) of the City’s Personnel Policy Manual relating to the travel for all employees, increasing the expenditure allowance for mileage from 45.5 cents per mile to 55.5 cents per mile.

Councilperson Brown made a motion to approve Resolution 2012-2. Councilperson Sher seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous New Business

A) Miscellaneous
   None

Projects

A) Wastewater Improvement Project
   1) Engineering Contract for Wind Turbine
      Councilperson Brown made a motion to authorize the Mayor to sign the engineering contract amendment. Councilperson Anderson seconded the motion. All vote aye, unanimous. The Mayor signed the contract amendment.
   2) Change Order #3
      Bryan Phinney discussed Change Order #3 by line item.

      Councilperson Anderson made a motion to approve Change Order #3. Councilperson Brown seconded the motion. All voted aye, unanimous.

D) Engineering Contract for replacement of water line to community building and relocation of fire hydrant.
   Bryan Phinney presented the plan for replacing the water line and relocating the fire hydrant. The engineering fee is $3,015.00 and the estimated cost is $10,000-$15,000.

   Councilperson Sher made a motion to approve the agreement for engineering services for the Senior Center water line modification. Councilperson Brown seconded the motion. All voted aye, unanimous.

   The City Clerk mentioned submitting a letter of interest to DEQ for grant funds for future projects. Council is in agreement.

B) Main Street Pedestrian Bridge Project
   1) Select Engineering Firm
      The City Clerk requested that the Council select a firm for the Pedestrian Bridge Project so that it can be included in their grant application.

      Councilperson Anderson made a motion to award the Pedestrian Bridge Project to Forsgren. Councilperson Brown seconded the motion. All voted aye, unanimous.

   2) Review and approve Southeast Idaho Council of Government Administration Contract
      Councilperson Sher made a motion to approve the Administration Contract with SICOG. Councilperson Brown seconded the motion. All voted aye, unanimous.

   3) Discuss construction issues (easements, precast option, geothermal, etc.)
Already discussed previously.

C) East Main Street Public Restroom Remodel
   1) Booth Architect Contract
      The City Clerk advised the Council to revise the plan to include ADA guidelines. Council agreed.

   2) Gem Community Grant
      The City Clerk suggested applying for the Gem Community Grant for more funding for the project.

      Councilperson Brown made a motion to authorize the Mayor to apply for and sign the Gem Community Grant. Councilperson Anderson seconded the motion. All voted aye, unanimous.

D) Miscellaneous
   Councilperson Brown inquired about health insurance increases. He is concerned that the employees take home pay is less than it was before their raise because of insurance rate increases. The City Clerk will get figures to him to review.

   Councilperson Sher reported that there will be a Community Thanksgiving Dinner at the Community Building, Thanksgiving Day from 1:00 p.m.-3:00 p.m.

Discussion
   None

Executive Session – Delinquent Option Tax
   Councilperson Lowe made a motion to adjourn to the executive session. Councilperson Sher seconded the motion. Roll call, Councilperson Lowe, Councilperson Sher, Councilperson Brown, Councilperson Anderson.

The meeting was adjourned to an executive session in accordance with Idaho Code 67-2345 (d) to consider delinquent option tax claims.

Councilperson Anderson made a motion to reconvene. Councilperson Brown seconded the motion. All voted aye, unanimous.

Councilperson Anderson made a motion in the situation of back taxes owed by Johnny’s Restaurant, to accept the figures reported by Lyn Buzzell. Councilperson Sher seconded the motion. All voted aye, unanimous.

Adjournment
   Councilperson Lowe made a motion to adjourn. Councilperson Anderson seconded the motion. All voted aye, unanimous. Meeting adjourned at 7:38 p.m.