Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, October 10, 2013 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor  
Newt Lowe, Councilperson  
Cathy Sher, Councilperson  
Canda Dimick, City Clerk  
Carl Brown, Councilperson (by phone)

Guests: Patty Kruse, Ken Fagnant, Janie Linford, George Linford, Julie Hill, Bryan Phinney, Monte Steele

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

Approval of Minutes

Councilperson Sher questioned if DEQ had also signed off on George Katsilometes’ pool. She would like the City Clerk to review the recording.

Councilperson Sher made a motion to table approval of the September 12, 2013 minutes until the recording is checked. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Councilperson Sher made a motion to table approval of the September 26, 2013 Special Meeting to allow more time to look over them. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Review and Approval of Bills

Councilperson Brown made a motion to approve the Whitaker Construction bill for $41,582.26 and the Whitaker Construction bill for $200,087.20. Councilperson Sher seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement

A) Monthly Reports

Officer Monte Steele, Bannock County Sheriff’s Department, stated that he had nothing to report.

There were no questions from the Mayor or City Council.

B) Prosecuting Services – Steve Herzog, Bannock County Prosecuting Attorney

Not in attendance.

Public Hearing – Sewer Rate Increase

Mayor Burgin stated that the City is considering a proposed increase based on the rate allocation study done by Keller Associates.

Bryan Phinney from Keller Associates reviewed the Rate Allocation Study.
Julie Hill expressed concerns about rates since the City of Lava Hot Springs is not a year round destination.

Mr. Phinney stated that the infrastructure has to be built large enough to accommodate the peak flow.

Ms. Hill asked if campgrounds are being charged the same rates year round.

Mayor Burgin confirmed that they are charged the same rate year round.

Ms. Hill asked about the average household size in Lava Hot Springs.

The City Clerk stated that according to the study it is 2.4.

Ms. Hill asked about equivalent user schedule. She is charged for three units instead of being charged for a single family dwelling.

Mr. Phinney stated that is because they are three separate dwellings with their own facilities.

Ms. Hill asked how vacation rentals are being charged.

Mr. Phinney stated that vacation rental homes are difficult. Unless they are divided into separate units, they are only one living unit.

The City Clerk stated that the City charges a vacation rental as one unit.

Mr. Phinney referred to Fremont County’s policy on vacation rentals.

Ms. Hill stated that she is concerned about the increase financially. She stated that it is hard to keep tenants with increased costs.

Discharge of thermal water into the river was discussed. Mr. Phinney explained regulations regarding water discharging into the river.

Ms. Hill asked about individual dwellings vs. apartments.

Mr. Phinney explained how equivalent users are figured.

Ms. Hill asked City Council if there are any vacation rental owners who shut their water off during the winter so they don’t have to pay the fee.
The City Clerk explained that the sewer fee is a constant fee, even if water is shut off. They do not have any vacation homes that turn off their water during the winter. There are some people who own second homes that shut off their water during the winter.

Councilperson Sher made a motion to close the Public Hearing. Councilperson Brown seconded the motion. All voted aye, unanimous.

Councilperson Sher made a motion to approve the Rate Allocation Study and use Fremont County as a recommendation for RV’s and campgrounds. Councilperson Brown seconded the motion. All voted aye, unanimous.

Resolution 2013-3 Establishing Sewer Rates
The City Clerk read Resolution 2013-3.

RESOLUTION 2013-3

A RESOLUTION ESTABLISHING A MONTHLY SEWER EQUIVALENT USER RATE FOR THE CITY OF LAVA HOT SPRINGS; RELATIVE TO COSTS ASSOCIATED WITH MAINTENANCE, OPERATION, MANDATED IMPROVEMENTS AND DEPRECIATION OF THE SEWER SYSTEM WITHIN THE CITY OF LAVA HOT SPRINGS, IDAHO.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO THAT:

WHEREAS, the City Council desires to maintain the overall quality of life experienced by its constituents; and

WHEREAS, the City Council desires to collect from all sewer users or those who are situated so as to benefit from the sewer system, an equitable fee to cover maintenance, operation, mandated improvements and depreciation costs of the system; and

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Lava Hot Springs, effective November 1, 2013, the monthly sewer equivalent user fee shall be as follows:

A. Sewer Equivalent User Fee:

Sewer charges will be determined on a monthly equivalent user basis, calculated based on the equivalent user schedule. The following rate is hereby established:

1. The fee for “one equivalent user” for any connection to the sanitary sewer system of the City shall be the constant sum of $31.00 per month.

EQUIVALENT USER SCHEDULE
1.0 Minimum
<table>
<thead>
<tr>
<th>User Type</th>
<th>Descriptor</th>
<th>Evaluation Unit</th>
<th>EDU's</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Dwelling Unit (Residence, Apartment, Mobile Home)</td>
<td>Establishment</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>Institutional</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly Hall/Lodge/Meeting House</td>
<td>Establishment</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>w/ kitchen</td>
<td>Additive</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>Church</td>
<td>Per chapel seat</td>
<td></td>
<td>0.01</td>
</tr>
<tr>
<td>Multiple congregations</td>
<td>Seats x # of congregations</td>
<td></td>
<td>0.01</td>
</tr>
<tr>
<td>w/ kitchen</td>
<td>Additive</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>Dentist</td>
<td>Per practitioner</td>
<td></td>
<td>1.50</td>
</tr>
<tr>
<td>Doctor/Clinics</td>
<td>Per practitioner</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>Hospital</td>
<td>Establishment</td>
<td></td>
<td>3.00</td>
</tr>
<tr>
<td>Beds</td>
<td>Additive per bed</td>
<td></td>
<td>0.50</td>
</tr>
<tr>
<td>Institutions with permanent or temporary residents</td>
<td>Establishment</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>Beds</td>
<td>Additive per bed</td>
<td></td>
<td>0.50</td>
</tr>
<tr>
<td>Schools</td>
<td>No cafeteria</td>
<td>Per student</td>
<td>0.03</td>
</tr>
<tr>
<td>w/ cafeteria</td>
<td>Per student</td>
<td></td>
<td>0.05</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barber/Beauty Shop</td>
<td>Per chair</td>
<td></td>
<td>0.20</td>
</tr>
<tr>
<td>Car Wash</td>
<td>Per stall</td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td>Condominiums</td>
<td>Per unit</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>Garage or Maintenance Shop</td>
<td>Establishment</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>Additional stalls over 2</td>
<td>Additive per stall</td>
<td></td>
<td>0.50</td>
</tr>
<tr>
<td>Hotels/Motels</td>
<td>Per unit</td>
<td></td>
<td>0.38</td>
</tr>
<tr>
<td>Kitchenette units</td>
<td>Additive per kitchenette</td>
<td></td>
<td>0.25</td>
</tr>
<tr>
<td>Public laundry</td>
<td>Additive per washer</td>
<td></td>
<td>0.25</td>
</tr>
<tr>
<td>Pools/hot tubs up to 500 sq ft</td>
<td>Additive</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>Pools/hot tubs over 500 sq ft</td>
<td>Additive</td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td>Laundromat</td>
<td>Establishment</td>
<td></td>
<td>4.00</td>
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<tr>
<td>Additional washers over 10</td>
<td>Per washer</td>
<td></td>
<td>0.30</td>
</tr>
<tr>
<td>Retail Store/Business/Office</td>
<td>Establishment</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>Additional employees over 20</td>
<td>Per employee</td>
<td></td>
<td>0.03</td>
</tr>
<tr>
<td>Service Station</td>
<td>Establishment</td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td>In-store food preparation</td>
<td>Additive</td>
<td></td>
<td>0.50</td>
</tr>
<tr>
<td>Supermarket/Grocery</td>
<td>Establishment</td>
<td></td>
<td>2.00</td>
</tr>
<tr>
<td>Bakery</td>
<td>Additive</td>
<td></td>
<td>0.50</td>
</tr>
<tr>
<td>Butcher Shop</td>
<td>Additive</td>
<td></td>
<td>1.00</td>
</tr>
<tr>
<td>Deli</td>
<td>Additive</td>
<td></td>
<td>0.50</td>
</tr>
</tbody>
</table>
PASSED by the City Council and APPROVED by the Mayor of the City of Lava Hot Springs, Idaho this 10th day of October, 2013.

______________________________________
MARSHALL N. BURGIN, MAYOR

ATTEST:

_______________________________________
CANDA L. DIMICK, CITY CLERK

Councilperson Sher made a motion to approve Resolution 2013-3 as read. Councilperson Brown seconded the motion. All voted aye, unanimous.
Consider City/Katsilometes Land/Easement Options
Mayor Burgin reported that he has talked to the City crew and he feels that there is no need to hurry. They may be able to run everything through the alley and may not need an easement. Mr. Katsilometes is not willing to cover the costs to re-establish the easements and the City owns part of that property anyway. The City’s attorney stated that they should plan on $25,000.00 to fix any of Mr. Katsilometes’ improvements.

Councilperson Sher made a motion to put the easement options on hold. Councilperson Brown seconded the motion. All voted aye, unanimous.

Business License(s) & Non-Property Tax Permit(s)
A) Blackfoot Paint & Glass – Gary Baumgartner, Owner/Applicant
Councilperson Sher made a motion to approve the business license for Blackfoot Paint & Glass. Councilperson Brown seconded the motion. All voted aye, unanimous.

B) Lava Hot Springs Suites, LLC – Eric & Julie Hill, Owners/Applicants
Councilperson Sher made a motion to approve the business license and non-property tax permit for Lava Hot Springs Suites, LLC. Councilperson Brown seconded the motion. All voted aye, unanimous.

Building Permit(s)
A) Victor & Charity Quinonez – Enclose existing patio – 183 West Booth
Councilperson Sher made a motion to approve the building permit for Victor and Charity Quinonez. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Reconsider Planning & Zoning’s Recommendation to approve 2013 Comprehensive Plan
Councilperson Sher made a motion to reconsider Planning & Zoning’s recommendation to approve the 2013 Comprehensive Plan. Councilperson Brown seconded the motion. All voted aye, unanimous.

Resolution 2013-4 adopting the 2013 Comprehensive Plan
Mayor Burgin read Resolution 2013-4.

RESOLUTION 2013-4

WHEREAS, the City of Lava Hot Springs has undertaken the research and commissioned analyses to constitute a new comprehensive plan; and,

WHEREAS, the City of Lava Hot Springs Comprehensive Advisory Committee and consulting planner guided the development of the plan; and,
WHEREAS, the Lava Hot Springs Planning & Zoning Commission held a public hearing, August 22, 2013 at the Lava City Hall, heard testimony, and responded to input from the public; and,

NOW, THEREFORE, BE IT RESOLVED, in a motion made by Councilperson Sher and seconded by Councilperson Lowe, that the City of Lava Hot Springs Comprehensive Plan of 2013 be adopted.

PASSED by the City Council and APPROVED by the Mayor this 10th day of October, 2013.

Councilperson Sher made a motion to approve Resolution 2013-4 as read. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Wastewater Land Application Farm Lease Renewal
The City Clerk presented the draft to City Council. They will consider it at the next meeting.

Estimate for Salvage Material – Mayor Burgin
Mayor Burgin reported that he got an estimate from Ivan Williams for $500.00 for the salvage material. Councilperson Brown made a motion to accept the offer from Ivan Williams. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Announcements/Meetings & Miscellaneous New Business
A) November 5, 2013 General Election
Mayor Burgin reviewed the sample ballot.

The City Clerk reported that Randy Benglan is running as a write-in. She also stated that absentee ballots are handled through Bannock County. You can obtain a form online or at Bannock County’s Election Office.

B) Publish Ad to Sale Hay
The City Clerk reported that Shane Irick has expressed an interest in purchasing the city’s share of the hay harvested off of the wastewater land application site. Ken Fagnant reported that his family had just sold some hay for $130.00 per ton. City Council decided to charge $130.00 per ton or best offer. The City Clerk will talk to the City’s attorney about posting a notice.

C) Consider Status of Event Coordinator’s Position
The City Clerk reported that Mark Lowe asked her if the City would consider hiring someone for the Event Coordinator position. The City Clerk will draft a job description and present it to the Chamber of Commerce for approval and then she will go ahead and advertise for applications to fill the position.

D) Legal Services – Consider Clyde Nelson, City Attorney’s Proposal
Mayor Burgin reported that Clyde Nelson is going to retire. He will be going south for the winter and will be back in Soda Springs in the summer. He would like to keep the City’s account. He will stay in contact electronically through the winter months.

Councilperson Sher made a motion to try the attorney’s proposed arrangement. Councilperson Brown seconded the motion. All voted aye, unanimous.

E) Tree Committee Member Appointment
Councilperson Sher made a motion to appoint Dennis Callahan to the Tree Committee. Councilperson Brown seconded the motion. All voted aye, unanimous.

F) Fire Chief Appointment
Mayor Burgin recommended Ken Fagnant for Fire Chief. Councilperson Sher made a motion to appoint Ken Fagnant as Fire Chief. Councilperson Brown seconded the motion. All voted aye, unanimous.

Ken Fagnant will recommend an assistant.

Mayor Burgin questioned the status of the old hose reels. Mr. Fagnant reported that he is waiting to hear back.

G) Miscellaneous
City Council authorized the City Clerk to attend the LHTAC workshop October 29, 2013 in Pocatello.

Mayor Burgin reported that Syl Keevan’s relative contacted him to see if the City would be interested in buying their land. Mayor Burgin reported that he did express to him that he felt like the city probably wouldn’t be interested but he would present the question to the City Council and let them decide.

Councilperson Brown made a motion to decline interest in purchasing Mr. Keevan’s property. Councilperson Sher seconded the motion. All voted aye, unanimous.

Projects
A) Wastewater Improvement Project
   1) Net Metering Agreement
      The City Clerk reported that the agreement has already been executed and the meter has been activated.

   2) Rate Allocation Study
      Bryan Phinney reported that they will make the requested changes and submit a final copy to the City.

B) East Main Street Pedestrian Bridge Project
1) Easements & Grant Application Status
The City Clerk reported that the easement with the Lava Foundation has been signed by Mark Lowe, Director. The Council was asked to authorize the Mayor to sign it so that it could be recorded. The City Clerk will get in touch with the Victor brother’s to work on the easement with them. The grant application has been submitted. Awards will be announced in November.

Councilperson Sher made a motion to authorize the mayor to execute the easement with the Lava Foundation. Councilperson Brown seconded the motion. All voted aye, unanimous.

C) Fish Creek Fence Project
Councilperson Sher made a motion to take bids and construct the fence. Councilperson Brown seconded the motion. All voted aye, unanimous.

D) Sign Project – Extension Letter
Mayor Burgin read the extension letter for the sign project.

The City Clerk reported that the City should hear back soon whether the extension was granted.

E) Water Improvement Project
   1) Engineer’s Contract to Complete Study
Bryan Phinney reported that they received comments from the City’s attorney and have incorporated the changes. They did a tour of the system today.

The City Clerk reported that the City has received the amended contract and it has been approved by the City’s attorney.

Councilperson Brown made a motion authorizing the Mayor to sign the contract. Councilperson Sher seconded the motion. All voted aye, unanimous.

The City Clerk reviewed the resolution which has to be turned in with the application.

State of Idaho
Department of Environmental Quality

AUTHORIZING RESOLUTION
Form B

A RESOLUTION OF THE City Council OF THE City of Lava Hot Springs AUTHORIZING THE Mayor TO SIGN ALL APPLICATIONS, GRANT AGREEMENTS, AND OTHER DOCUMENTS RELATING TO DRINKING WATER PLANNING GRANTS.
WHEREAS, the City of Lava Hot Springs intends to develop a plan for drinking water facilities for the City of Lava Hot Springs water system; such plan being necessary to determine the needs of the area for health, safety, and wellbeing of the people; and

WHEREAS, the plan is to be developed in accordance with the requirements in Idaho “Rules for Administration of Planning Grants for Drinking Water Facilities” (IDAPA 58.01.22), and will set forth drinking water facilities required to be constructed to serve the needs of the area; and

WHEREAS, the costs of the planning of the drinking water facilities are eligible for state funding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lava Hot Springs, Idaho, that Marshall N. Burgin, Mayor is/are duly authorized to sign applications, grant agreements and amendments, and other documents relating to drinking water facilities planning grants.

Passed and adopted by the City Council of the City of Lava Hot Springs the 10 day of October, 2013

by the following votes:

AYES: 3  NAYS: 0

ATTESTED BY:

Canda L. Dimick, City Clerk
Marshall N. Burgin, Mayor

Councilperson Sher made a motion to approve the resolution authorizing Mayor Burgin to sign applications, grant agreements and amendments and other documents relating to drinking water facilities planning grants. Councilperson Brown seconded the motion. All voted aye, unanimous.

F) Fire Station/Training Center

1) Exhaust System Grant
   City Clerk has made some contacts and a representative is supposed to be making a visit.

2) Procurement for Engineering Services
   The City Clerk presented City Council with the procurement for engineering services. They talked about whether they want an architect or an engineer.

   Bryan Phinney stated that from an engineer’s stand point he would recommend that the city enlist the services of an architect.

   Councilperson Sher made a motion to table the fire station issues. Councilperson Lowe seconded the motion. All voted aye, unanimous.
G) Public Restroom Insulation
Mayor Burgin stated that some money was budgeted to insulate the ceiling. He questioned how much insulation to blow in and the stability of the roof. He suggested an R20 insulation. He stated that the floor heat should help.

Councilperson Sher asked if the restrooms would be shut down in November. The City Clerk reported that the plan was to keep them open on Friday, Saturday and Sunday through the winter and on special holidays/occasions.

H) Water Line Replacement to Community Building
Mayor Burgin reported that the City has received a bid from Steadman Construction for $14,450.00 and a bid from Taylor Construction for 19,450.00. Mayor Burgin recommended accepting the lower bid as evaluated and recommended by Keller Associates.

Councilperson Sher made a motion to accept the Steadman Construction bid of $14,450.00. Councilperson Brown seconded the motion. All voted aye, unanimous.

I) Replace sidewalk around Fire Hydrant by Lava Elementary School – Mayor Burgin
Mayor Burgin reported that the fire hydrant has been moved. He would like to hire a contractor to replace the sidewalk and asphalt.

Bryan Phinney suggested having Steadman Construction do it when they come in to replace the water line with a change order on their contract.

Councilperson Brown made a motion to approach the contractor for the community building water line about replacing the sidewalk and asphalt around the fire hydrant. Councilperson Lowe seconded the motion. All voted aye, unanimous.

J) Consider moving or removing decorative street light on East Main to allow curb cut for development of off street parking area.
Mayor Burgin reported that on the east side of the liquor store, the Ace Hardware Store developer will be constructing a 12 space off street parking area. They would like the street light removed so they can enter from Main Street.

Councilperson Brown made a motion to do away with the light as long as the developer lights the parking lot. Councilperson Sher seconded the motion. All voted aye, unanimous.

K) Source Water Protection Grant Application
The City Clerk reported that the Source Water Protection Grant Application for Phase II of the Fish Creek Spring fence is due October 25, 2013. She will work with Tony on it and get it submitted.
Discussion – Items from the audience.

Julie Hill requested that asphalt be placed in the street in front of her apartment complex on East Booth Street. She stated that the Ackley’s property is listed for sale and she suggested that they be asked to move back to the property line to straighten it out. She thought that maybe with the changing of hands, the City could ask them to take care of it.

Ken Fagnant questioned if he needed to attend the city council meetings. He will call to be put on the agenda if he has something to report.

Councilperson Sher requested that comp time be added to the next agenda.

Adjournment into Executive Session to consider litigation order of dismissal matters as provided by the Idaho Code 67-2345(f).

Councilperson Sher made a motion to adjourn into executive session. Councilperson Lowe seconded the motion. Roll call vote. Councilperson Brown, aye, Councilperson Lowe, aye, Councilperson Sher, aye.

Meeting adjourned into executive session in accordance with Idaho Code 67-2345(f).

Motion to reconvene.

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

Motion regarding Order of Dismissal.

Councilperson Brown made a motion to dismiss the lawsuit and add Councilperson Sher to the list. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Motion to adjourn.

Councilperson Lowe made a motion to adjourn. Councilperson Brown seconded the motion. All voted aye, unanimous. Meeting adjourned at 7:27 p.m.