Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, October 13, 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: None

The meeting was called to order at 5:30 p.m. by Mayor Burgin.

Approval of Minutes
A spelling correction on page 7 in the September 8, 2011 regular meeting minutes under Drinking Water Protection Plan Committee was corrected. Service was changed to serve.

A motion was made by Councilperson Anderson approving the minutes of the September 8, 2011, Regular Council meeting and the October 3, 2011, Special Council meeting as corrected. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Reviewing of Bills
A) Review City/Swanson sidewalk agreement & discuss bill
Discussion and decision included in the approval of the bills.

B) Approve bills
The following bills were added to the list of bills to be paid:

July thru September magistrate fine revenues were questioned. The city clerk has not tracked the revenues recently; she will do some tracking of this for future reference.

Delivery fee charged for cold mix from Liddil, LLC, was questioned. The city clerk clarified that the city had purchased two loads of cold mix; one in August and one in September.

The fire department turnout gear was questioned. The mayor explained that when a person leaves the fire department, they leave the turnout gear with the department but it does not always fit the next volunteer that joins.

A motion was made by Councilperson Anderson approving payment of the bills. The motion was seconded by Councilperson Sher. All voted aye, unanimous.
The council reviewed the list of reimbursable legal service charges for Phase I of the Wastewater Improvement Project. The total amount is $6,755 which can be paid from the DEQ funding for Phase I. The City Clerk asked for permission to submit the list of Phase I legal service charges for reimbursement.

A motion was made by Councilperson Beeson granting the city clerk permission to submit the legal service charges to DEQ for reimbursement. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

Swanson’s agreement terms and concrete price was discussed. The mayor explained that two concrete companies delivered concrete and two contractors worked on the project (one for curb & gutter and the other for sidewalk). Bills for the concrete were $613 & $637.04. According to the agreement the city agreed to pay for 90 feet of sidewalk three feet wide. The curb & gutter was never discussed, but the city’s sidewalk specifications require curb & gutter. The sidewalk had to be five feet wide so that the water meter cap would be in the sidewalk. The council agreed that the city should pay the full amount for the concrete billed.

A motion was made by Councilperson Beeson to go ahead and pay for both of the concrete bills for the Swanson’s sidewalk. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

**Law Enforcement**

A) Monthly Report

No one in attendance to report.

B) Contract Renewal

Proposed law enforcement contract renewal was reviewed. There are no changes from the current contract.

A motion was made by Councilperson Anderson approving the contract with Bannock County Sheriff’s Department for law enforcement control. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

**Introduce and Adopt Ordinance 2011-2 authorizing and providing for the issuance of a sewer revenue bond series 2011 in the principal amount of $7,800,000 for the purpose of financing the acquisition, construction and installation of improvements to the sanitary sewer system.**

Mayor Burgin introduced Ordinance 2011-2.

A motion was made by Councilperson Sher waiving the three (3) separate readings and to read by title only. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

Mayor Burgin read the title as follows:
ORDINANCE NO. 2011-2

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, BANNOCK COUNTY, IDAHO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A SEWER REVENUE BOND, SERIES 2011, IN THE PRINCIPAL AMOUNT OF $7,800,000, FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OF THE CITY OF LAVA HOT SPRINGS; DESCRIBING THE BOND; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND; ESTABLISHING FUNDS AND ACCOUNTS; PROVIDING COVENANTS RELATING TO THE BOND; PROVIDING FOR THE SALE OF THE BOND TO THE UNITED STATES OF AMERICA; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

A motion was made by Councilperson Sher adopting Ordinance 2011-2. The motion was seconded by Councilperson Lowe. Lowe- aye, Sher – aye, Anderson – aye, Beeson – aye, unanimous.

The city clerk announced that the attorney has signed the summary and it will be sent for publication.

Planning & Zoning

A) Introduce and Adopt Ordinance 2011-3 amending Ordinance 1996-5 changing the regular meeting date to the 4th Thursday of each month.

The mayor introduced Ordinance 2011-3.

A motion was made by Councilperson Beeson waiving the three (3) separate readings. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

The mayor read Ordinance 2011-3 in full as follows:

ORDINANCE NO. 2011-3

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AMENDING SECTION 7, ORDINANCE 1996-5 TO CHANGE THE REGULAR MEETING SCHEDULE; WAIVING THE RULE REQUIRING THE READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AS FOLLOWS:

Section 1: Section 7, Ordinance No. 1996-5, Ordinances of the
City of Lava Hot Springs, Idaho, is hereby amended to read as follows:

Section 7: Regular meetings of the Commission shall be held on the 2nd Tuesday and 4th Thursday of each and every month of the year. Additional or special meetings of the Commission may be held by the Commission as it shall deem necessary to exercise its proper functions and duties. The majority of the voting members of the Commission shall constitute a quorum.

Section 2: The rule requiring that this Ordinance be read on three separate occasions is hereby waived.

Section 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO, this 13 day of October, 2011.

A motion was made by Councilperson Lowe adopting Ordinance 2011-3. The motion was seconded by Councilperson Beeson. Lowe – aye, Sher – aye, Anderson – aye, Beeson – aye, unanimous.

B) Commission Position Vacancy
Possible nominations were mentioned; Dennis Betty, George Linford, & Phil Craig. The council instructed the city clerk to have the Planning and Zoning Commission secretary give the nominees a call to see if they would be interested, starting with Dennis Betty, then Phil Craig and then George Linford. Another possible nominee mentioned was Steve or Lisa Toly.

C) Proposed Impact Area Development Changes
1) Bannock County public hearing notice on an ordinance amendment to allow a detached residential accessory use building to be constructed.
2) Bannock County public hearing notice on an ordinance amendment to allow one 300 square foot storage building on a vacant lot in the Recreational Zone.
3) Bannock County public hearing notice on an ordinance amendment to clarify the length of the County’s Planning Council member terms and residency requirements.

The council discussed the proposed Bannock County Zoning changes. The city clerk explained that the city is given the notice because these changes would be in the city’s area of impact. Concerns were expressed about the size of the proposed residential accessory use building. The city clerk explained that the building inspector had told her that this change was proposed so that a resident could move their elderly parents who need care close to them. The council discussed number 2 which would allow a 300 square foot storage building on a vacant lot. It was stated that there are several of those already in existence. The council decided not to address any comments.
Business License(s) & Non-Property Tax Permit(s)
A) Boyak Window Cleaning – David M. Boyack, Owner/Applicant
B) FDP Home Maintenance – Frank & Debbie Pflieger, Owners/Applicants
C) Poky Free Bikes – Sam Netuschil, President-Treasurer/Applicant
D) Vivint, Inc.- APX Group, Inc., Owner/Applicant

The mayor read the list of business licenses and non-property tax permits to be considered.

Councilperson Anderson reported on the Oktoberfest. She had received several comments on the need for better organization.

The motion was made by Councilperson Beeson accepting the business licenses A-D as read. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

Web Impact Agreement Addendum #1 (Correct commencement date)
The city clerk explained that there had been a misunderstanding on the contract therefore the commencement date needs to be changed to August 15, 2011 and the completion date changed to April 15, 2011.

A motion was made by Councilperson Sher authorizing the mayor to sign the Web Impakt addendum #1. The motion was seconded by Councilperson Beeson. All voted aye, unanimous.

Meetings/Announcements
A) November 8, 2011 General Election – Lava Community Building, 8 am to 8 pm
The general election will be November 8, 2011 from 8 am to 8 pm. Voters can register to vote at City Hall through October 14, 2011. Absentee ballots can be obtained from the Bannock County election office by completing a request form. There are other issues on the ballots than city council and mayor seats.

B) LHTAC Workshop 2011 – October 19, 2011, Pocatello, Idaho
The mayor will not be able to attend. The city clerk will attend the workshop.

C) LHTAC 2013 Application for street sign posts – Due December 2, 2011
City Clerk is working with Forsgren Associates on the application.

D) ICRMP Risk Management Discount Program
The council decided not to participate in the ICRMP Risk Management Discount Program.

E) PRIMA Risk Manager and Personnel Management Training – October 19, 2011, Pocatello
No one was interested in attending.
F) Fall Community Clean Up Days – October 21 & 22nd
Notice will be sent out in the water bills.

G) Miscellaneous
None

Projects
A) Wastewater Improvement Project
1) Phase I Fencing/Boundary Line Agreements
There is still no signed agreement with Caspersons. The chain link fence still needs clips. There needs to be work done so that no one can crawl under portion of the fence and the gates need to be installed. The barbed wire fence is complete.

2) Phase I Seeding
The mayor reported that the seeding was taken out of the contract with Kilroy. Kilroy was happy not to have to carry their bond through the winter. The city will have to go for bid to have the seeding done next year. The city can possibly use the land application site for a sludge disposal site for Phase II which would save the city some money. The sludge would be applied prior to seeding. DEQ will have to approve the sludge disposal process and site. The city clerk reported that the current land application site at Earl Smith’s had been utilized as a sludge disposal site once when the lagoons were cleaned out several years ago. DEQ is aware of the city’s intentions and has authorized the city to take the seeding out of the contract. DEQ funds will still be used to fund the seeding next year.

3) Phase I Final Change Order(s) & Substantial Completion
The council reviewed change order #5 which includes removing the funds for the seeding out of the contract and not doing the valve, also added the money for moving the transformer, etc. Kilroy will try to start the pump on Thursday. Kilroy tried to get a wavier on meeting the ARRA requirements on the pump but it was not granted. Kilroy will still have to address the final check list items on the project. There is another ARRA audit scheduled for November 16th. The substantial completion will not granted until after check list items are finalized and project accepted.

A motion was made by Councilperson Beeson authorizing the mayor to sign Change Order #5. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

4) Phase I Site Record of Survey (North side)
The mayor reported that the property on the north side of Maughan Road has been surveyed. The city has gained some land. The council decided to fence the property on the property line. We will have the city attorney talk to Syl Keevan regarding the surveyed property line.
5) Prescriptive Access from Maughan Road through LDS Church Property
Surveyors have worked on the access road through the LDS Church property. The engineers will have the legal to the city by October 19th. After the legal is received, it will be put into the agreement and sent to the LDS Church. The LDS Church authorities are aware of prescriptive access.

6) Windmill Project
The city clerk reported that she is still waiting on information from Keller Associates to put into the letter to DEQ for their consideration.

7) Phase II Notice of Award
The city clerk reported that the city is waiting to hear from DEQ representatives on the STAGG grant for approval to award Phase II. The city has obtained approval from USDA and ICDBG. The city cannot take any action on the award until all agencies have approved. There are five pages which have to be added to the contract to meet DEQ requirements.

8) Phase II Interim Financing – DEQ Contract
The council reviewed the paper work which will need to be signed for the interim financing.

A motion was made by Councilperson Beeson granting the mayor permission to sign the loan agreement between the State of Idaho Department of Environmental Quality and the City of Lava Hot Springs loan project waste water #1203. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

B) Wastewater Rate Study Progress
The council reviewed the rate study chart. One of the comparisons was from Riggins which is 10 years old. It was noted, that the equivalent user comparisons would balance out. Some cities are itemizing charges differently that Lava does (i.e. campgrounds are charged for each shower, washing machine, etc., and Lava charges a flat equivalent user per space). Idaho Rural Water Association has expressed to city personnel that they feel that the city’s charges are fair. The city clerk reported that the staff is getting pressure from the campground owners. The council needs to make a decision on changing the equivalent user schedule or not. The council decided that they would like more time to study the information; some clarification is needed on the chart. Councilperson Beeson suggested that the city clerk call the City of Downey. They have had a new RV park go in which would be new/current data. Action tabled on rate study.

C) Center Street Resurfacing Project – Forsgren Contract
Forsgren Associates will work on the contract next week. The plans include; curb, gutter and storm drains.

D) Public Restrooms - Schedule Seasonal Closure
The public restrooms will be closed for the winter at the end of October.
E) Drinking Water Protection Plan Committee
The mayor will represent the council on the Drinking Water Protection Plan Committee.

F) Miscellaneous
   1) Buddy Campbell Park Restroom Repairs
      Councilperson Beeson questioned if the repairs on the restrooms at the Buddy Campbell Park are going to get done this fall. The mayor reported that the crew is going to work on it this fall after hanging the banners.

   2) Main Street Banners
      The Main Street banners are going to be installed. Only one bracket per pole was ordered; the banners will be hung and see how they handle the wind. If needed a second bracket will be ordered and installed. Also, the wrong brackets were sent but they will work so the city is going to go ahead and use them.

   3) Repair of Elm Street behind Blue Moon Bar
      Councilperson Beeson questioned the sinking cold mix that was placed in Elm Street by the Blue Moon Bar. The mayor will look at it.

   4) Tourist Information Signs
      Councilperson Sher asked if the tourist information sign could be posted. The mayor will check with the crew.

Discussion – Items from the audience.
None

Adjournment
A motion was made by Councilperson Lowe to adjourn. The motion was seconded by Councilperson Sher. All voted aye, unanimous. The meeting adjourned at 6:47 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 November 10, 2011