

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, October 8, 2009 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present:

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk

Michael Vice, Councilman

R.B. Scott – Animal Control/Code Enforcement

Newton J. Lowe, Councilman

Phillip Beeson, Councilman

Katherine Smith, Council member

Guests: Mark Lowe, Scott Pearhill, Fran Brady, Bob Rush, Roger Chermine (CHAT TV)

Mayor Burgin called the meeting to order and entertained a motion to amend the agenda. A motion was made by Council member Smith and seconded by Councilman Vice to amend the agenda to put Mark Lowe – Tourism Development/Promotion Proposal right below the Lava Chamber of Commerce. All voted aye, unanimous.

Approval of Minutes

The council asked the city clerk to mention to Trish that she work on regular meeting minutes sooner.

A motion was made by Councilman Vice and seconded by Councilman Lowe to approve the minutes of the Special Meeting/ Budget Hearing of September 3, 2009. All voted aye, unanimous.

Reviewing of Bills

The city clerk told the council that the Master Plumbing bill was not on the list because they had tabled it. The council will discuss the bill later.

Councilman Beeson reported that the bill at the old ambulance garage was high because the electric eye had burnt out keeping the flag pole light on all the time and that it is being fixed.

A motion was made by Councilman Lowe and seconded by Councilman Vice to pay the bills listed. All voted aye, unanimous.

Law Enforcement/Code Enforcement

This item was moved to later in meeting because the officers were not present.

Lava Chamber of Commerce Website Funding Proposal (1% Tourism Tax) - Scott Pearhill, President

Scott Pearhill, Lava Chamber of Commerce President, requested funds from the 1% tourism tax for the design of a new Chamber website. They have received and reviewed 2 proposals. Web Impact, a local regional web developer, was selected by the Chamber Committee. The Chamber is now proceeding with development of the project. The

Chamber website is the most used advertising tool the city has which is the reason the Chamber is approaching the city for 1% tourism money. There are more than 70 members that are directly served by the website. The website has had 23,000 hits in a month. The initial development cost of the new website is \$9,015. The Chamber is asking for \$8,000. Copies of the proposal were provided to the council with the latest Google analysis of the website. Web Impact has more resources available than the present provider and there will be a greater degree of content control and ability to make changes. High function things such as purchasing tickets on line will be possible. The new website is more user friendly. The website is the chief benefit to Chamber members. The annual cost of the website will be \$300 plus some additional monthly maintenance costs and will be paid by the Chamber. The plan is to advertise on the website so that it is self sustaining after a short period of time.

A motion was made by Councilman Beeson and seconded by Council member Smith approving the \$8,000 out of the 1% tourist promotion for the development of a new website. All voted aye, unanimous.

Mark Lowe – Tourism Development

Mark Lowe presented a proposal on behalf of Gail Palen, owner of the Riverside Inn, to fund an advertising campaign during October with KSFI radio in Salt Lake City. The opportunity is to try to get people coming to Lava while the weather is still good and before the holidays. For a four (4) week period they will have ongoing contests. Businesses in town would put together prize packages of a one night stay, pool tickets, meals, etc. The promotion program consisting of on air and on-line promotions will cost \$5,100 for a month. They would like to request \$2,500 from the 1% tourism promotion tax with the remainder coming from private business participation. There will be 25, 60 second spots per week with an on-line link as well and the contest.

KSFI is a good station. The Foundation contracts independently with KSFI at \$1,100 per month for 38 spots a month on a long term contract. The new promotion will augment with the Foundation's because listeners will be hearing Lava Hot Springs more frequently. This is not under the auspice of the Chamber; however, the people that have worked on this promotion are all Chamber members. It was questioned if the Chamber marketing committee had considered the promotion. Fran Brady explained that the Chamber has briefly considered it but another option was presented to the Chamber with different demographics for less money. Council felt that the promotion should have been organized months ago and they would like to see a more collaborative plan between participants.

A motion was made by Councilman Vice to fund the \$2,500. The motion died for lack of a second.

North 3rd East Street Pedestrian Bridge Final Plan Review

Final engineered design plan was reviewed. Mark Lowe reported that the bridge will be replaced as is.

A motion was made by Councilman Beeson and seconded by Councilman Vice approving the final plan of the pedestrian bridge at North 3rd East Street. All voted aye, unanimous.

Business License(s) & Non-Property Tax Permits

A) Art Works Gallery (69 West Main) - Robert E. Rush, Owner/Applicant

The mayor recommended that Mr. Rush come in with an off-street parking plan because he is changing from a single family dwelling to a Main Street business. He recommended the license be approved contingent to receiving the off-street parking plan and bringing the building up to code as required before opening for business.

A motion was made by Council member Smith and seconded by Councilman Lowe approving Bob Rush's business license contingent on developing off street parking and bring the building up to code before opening the business. All voted aye, unanimous.

B) Master Rooter Plumbing, Inc

The motion was made by Councilman Vice and seconded by Councilman Beeson to approve Master Rooter's license. All voted aye, unanimous.

C) Quinn Homes, LLC - Ed Quinn, Owner/Applicant

A motion was made by Councilman Beeson and seconded by Councilman Lowe to approve Ed Quinn's business license. All voted aye, unanimous.

D) Smithland Construction - Steve Smith, Owner/Applicant

A motion was made by Councilman Beeson and seconded by Councilman Lowe to approve Steve Smith's business license. All voted aye, unanimous.

Councilman Beeson recommended that the social security numbers on the business license applications that are going out to council be blacked out.

Building Permits

A) Steven & Lisa Toly - 42 West Elm - Repair residential front porch and replace 5 windows.

B) Peter & Tahra Dergee - 304 West Main - New awning over vacation home entrance.

C) Peter & Tahra Dergee - 337 West Main - New awning over vacation home entrance.

D) Robert & Evelee Rush - 69 West Main - Transfer use from residential to commercial for art gallery.

The list of building permits was read. The mayor commented that more work has been done on Steve and Lisa Toly's and may need another permit. Councilman Beeson recommended that permit D be held up contingent on the submittal of an off street parking plan and the building code requirements being met.

A motion was made by Councilman Lowe and seconded by Councilman Vice approving the list of building permits, with permit D being contingent on the off street parking plan being provided and the building code requirements being met. All voted aye, unanimous.

Code Enforcement Monthly Report

Code Enforcement Officer, R.B. Scott, reported that a letter was sent to the property owners of the house on 262 South 4th West regard the abatement of dangerous buildings code. The property owners are cooperating with the inspection. Property owner expressed interest in donating the home to the fire department for training. The building will need to be inspected for asbestos.

R.B. Scott sent George Katsilometes a letter on March 28, 2009 regarding no change of use permit filed to change the residential use on record to a commercial use for his building at 73 West Main Street. A follow up letter will be sent stating that he needs to apply for a change of use permit and requesting access for an inspection. If Mr. Katsilometes does not allow access for the inspection, the building inspector will put a non-occupancy notice on the front door. If Mr. Katsilometes violates the non-occupancy notice, he will be served a citation.

Also, Mr. Katsilometes structure at 53 North 1st East is also in violation. Action needs to be taken on both structures. Katsilometes has mentioned prior that he would work with the building inspector. The code enforcement officer and the building inspector will need to work together and keep moving forward on the process.

R.B. has contacted a Bannock Shoshone Tribe representative regarding the condition of the wall on Tribal property at 202 East Main. Tribal Council is supposed to discuss the condition of the wall and repairing it. Water and sewer line have been installed to the tribe's property line as asked.

The mayor announced that there will be a wedding ceremony at the community building Saturday at 2 p.m. The bride and groom are Utah police officers and they extend an open invitation to all law enforcement officers in the area to attend the reception.

Councilman Beeson questioned if the city is getting any of the citation revenue. The city clerk reported that the city is getting some citation revenue but not what had been expected.

Designate judge and clerks for November 3, 2009 General Election

The city clerk reported that Irene Bergendorf will be the judge for the election and that two (2) additional election workers are needed. Edna Hobson and Phil Craig's names were mentioned. Council approved. The city clerk will line up election workers. Compensation will be the same as in the past.

FY2009 Audit Proposal

The city received an audit proposal from Deaton's for \$6,300 plus out of pocket expenses. The city clerk has also contacted Ware Associates and requested a proposal.

Ware associates told the city clerk that he would not exceed \$5,000. It was decided that the city clerk will contact Deaton's and let them know of the other bid and wait for Ware's written proposal before making a decision on which firm to select for the FY2009 Audit.

City/Swanson Proposed Agreement Status (regarding concrete sidewalk)

The mayor reported that a few years back the city had made an agreement with the Swanson's to put in a sidewalk in front of their property at 83 & 89 East Elm Street. The city agreed to pay for the concrete if they would do the labor. No contract was signed. The city clerk reported that normally the city does not pay for sidewalks, however, when the city lowered the street it made it impossible to access their garage. The city agreed to pay for the concrete as compensation for making the garage inaccessible. The sidewalk would go the length of both properties which would be 90 feet. The city clerk will try to find the agreement and poll the council for a decision before the agreement is signed.

Miscellaneous Meetings and Announcements

Councilman Vice reported that the Horizon's group is about 2/3 through the process and will be receiving the 1st grant of \$1,500 soon. The Horizons committee has selected three (3) projects to work on: 1) Resources Group - River access path improvement, 2) Communication Group – 83246.com internet site to pool information for the community, 3) Youth Group – Community garden. The funds will be administered through SICOG. Mike is working on Horizon's being a 501-C-3 non-profit organization.

A candidates forum will be held October 28, 2009, 7 p.m. at the Community Building.

Projects

A) Main Street Resurface Project

1) LHTAC package for Forsgren Associates 1st invoice.

A motion was made by Councilman Vice and seconded by Council member Smith to pay Forsgren Associates first invoice after receiving a copy of the signed contract. All voted aye, unanimous.

2) Miscellaneous – none

B) Fire Station Solar Project

1) Review and approve Creative Energies contract

A motion was made by Councilman Beeson and seconded by Councilman Lowe to sign the Creative Energies contract for the Solar Project at the Fire Station. All voted aye, unanimous.

2) Miscellaneous – none

C) Inflow/Infiltration Project

1) Review and discuss cleaning and video inspection report.

The mayor reported that he had looked at the report on the sewer trunk line cleaning and video inspection. The video shows a lot of leaks. The report was sent to Keller's for their review.

2) Letter to Master Rooter Plumbing addressing contract.

The mayor reported that he has written a letter to Master Rooter addressing the contract provisions and the city's position to not pay any additional charges for services and asked for the council's approval to sign and send as written.

A motion was made by Councilman Beeson and seconded by Councilman Lowe authorizing the mayor to sign and send the letter as written. All voted aye, unanimous.

3) Miscellaneous

D) Wastewater Improvement Project

1) Army Corp of Engineers Funding Administration

The city clerk reported that the Army Corp of Engineers had asked if the city was administering the grant funds or if SICOG was. She reported that the administration of the Army Corp funds will be additional services according to the SICOG contract. The city clerk was instructed to get a quote for the cost from SICOG and report to council.

2) Western Wastewater, LLC proposal

The EPA documentation that the city required from Western Wastewater, LLC was not what the city had expected. The mayor recommended sending a letter that the city is moving on.

A motion was made by Council member Smith and seconded by Councilman Lowe authorizing the mayor to send a letter to Western Wastewater explaining that the city is no longer interested in their proposal. All voted aye, unanimous.

3) DEQ \$4,320,000 loan offer acceptance agreement.

The city clerk reported that she been waiting to complete the loan papers until the an engineering contract was executed because some of the information would be easier to complete and more accurate. DEQ has agreed to allow the city to estimate on the construction schedule form. The classification form does not have to be completed at this time. The city needs to sign the offer, fill in the calculations page, and the months of construction. The mayor will help the city clerk complete the paperwork.

A motion was made by Council member Smith and seconded by Councilman Vice allowing the mayor to sign the DEQ loan offer agreement. All voted aye, unanimous.

4) Miscellaneous

a) Engineering Contract – Keller's Associates

The city clerk explained that some of the attorney's concerns are in the standard form of the contract which cannot be changed, but the supplement items can be changed. The council reviewed and discussed the Engineering contract negotiation points which SICOG has helped put together. The mayor and city clerk will meet with SICOG and the Engineers to negotiate these points. After the negotiation meeting, they will bring the contract back to the city council for approval.

b) Center Street Project

The council discussed the Center Street Project. The city clerk will inform Forsgren Associates that the city would like to reapply for LTAC funding for the Center Street Project.

c) Letter – Black River Bridge Mine

The mayor reported that a letter had been sent to McQuire and Kress supporting Monsanto's Black River Bridge Mine permit.

d) Cloud Seeding Program

The city is not interested in participating in the cloud seeding program. This is a county project.

e) ICRMP

No one was interested in ICRMP's PRIMA 2009 Fall Training in Pocatello.

f) Sewer Lift Station

Councilman Beeson reported there had been some maintenance issues with the sewer lift station servicing the Lava Mobile Estate Trailer Park. An electrician had to be hired to fix the problem.

g) City Park disconnect

Councilman Beeson reported that some electrical work needs to be done on electrical panel at the Buddy Campbell Memorial Park. Councilman Beeson will get with an electrician to see what it will cost.

h) Employee Health Insurance

The city clerk reported that Trish had been approved for insurance and added to the policy. The bill will be paid when received. Employees chose to stay with Blue Cross.

Discussion - Items from the audience. – none

Adjournment: A motion was made by Councilman Lowe and seconded by Council member Smith to adjourn. All voted aye, unanimous.

The meeting adjourned at 7:04 p.m.

Patricia Avery, Transcriber

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved November 11, 2009