

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, September 13, 2012 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

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

Guests: Destiny Egley & sons, Shannon Koester & sons, and Steve Herzog

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

Councilperson Anderson made a motion to amend the agenda to discuss a skateboard park and Half Yard videoing company. Councilperson Brown seconded the motion. All voted aye, unanimous.

Approval of Minutes

Council will approve minutes at the next City Council meeting.

Reviewing of Bills

Councilperson Anderson made a motion to approve the bills. Councilperson Sher seconded the motion. All voted aye, unanimous.

Skateboard Park

Destiny Egley approached the Council about developing a skate park. She is requesting assistance from the City to find land. They would like it to be about 4,800 square feet. The one in Blackfoot cost about \$70,000. To raise the money, she suggested having the kids in town doing fundraisers and looking into grants. The Tony Hawk Foundation donated \$10,000 to the skate park in Blackfoot.

Mayor Burgin asked where they were hoping to find land for the skate park.

Destiny Egley stated that they were looking at Buddy Campbell park since everything else is there, but they are open to suggestions.

Councilperson Brown asked about the use of long boards at the skate park.

Mrs. Egley was unsure about that.

Councilperson Sher requested more information on the needs of those who use long boards. She also asked what the \$70,000 covered.

Mrs. Egley stated that the \$70,000 was for the construction only with the Blackfoot project. That did not cover the land.

Councilperson Anderson asked if the skate park would be covered.

Mrs. Egley stated that it would be open and made of concrete.

Mayor Burgin stated that the City can look at Buddy Campbell Park and see if they can find the space and if they come up with the money, he doesn't see why they couldn't build it.

Councilperson Brown suggested talking to the City's attorney before doing anything.

Mrs. Egley stated that she talked to the City of Soda about how they handle liability, and they told her that they just have to put up signs that say, "Skate at your own risk."

Steve Herzog stated that he lives in Pocatello, and their skate park has taken a lot of pressure off of the public places where the kids used to go.

Law Enforcement

A) Monthly Report

None

B) FY2013 Contract Renewal- Bannock County Sherriff's Department

Mayor Burgin asked if there are any changes.

The City Clerk reported that the rates are still the same.

Councilperson Sher stated that she feels good about what they have done in town.

Councilperson Sher made a motion to approve the 2013 law enforcement contract renewal.

Councilperson Brown seconded the motion. All voted aye, unanimous.

Steve Herzog, Bannock County Prosecuting Attorney Candidate

Steve Herzog, Pocatello Prosecuting Attorney, came forward announcing his campaign for Bannock County Prosecuting Attorney. He stated that he has experience with law enforcement and the legal system. He asked the Council if they were happy with the service they get from the Bannock County Prosecutors Office.

Council stated that there is room for improvement and they would like a better reporting and tracking system for citations in the City of Lava.

Mr. Herzog asked when was the last time that the Council had a meeting with the Bannock County Prosecutor.

Mayor Burgin stated that it had been a couple of years.

Mr. Herzog promised that if he is elected, he will meet with the City Council at least annually. He stated that there is a good foundation in the office that he can improve upon. He left some information for the Council to review.

Business License(s)/Non-Property Tax Permit(s)/Coin-Op License(s)

A) Blaze Sign & Graphic Design, Inc. – Tony Golsarry, Owner/Applicant

Councilperson Sher made a motion to approve A). Councilperson Anderson seconded the motion. All voted aye, unanimous.

B) Harris, Inc. – Scott Harris, Owner/Applicant

C) Lava Mobile Estates – Richard & Mike Guthrie, Owners/Applicants

D) Trugreen

Mayor Burgin reviewed B, C and D.

Councilperson Anderson made a motion to approve business licenses B, C and D.

Councilperson Lowe seconded the motion. All voted aye, unanimous.

E) Shelly Keetch's request for refund.

The City Clerk stated that Shelly Keetch has requested a refund since she was unable to get vendors lined up in time. The ordinance was reviewed stating that refunds are prohibited.

Councilperson Anderson suggested contacting Shelly Keetch and letting her know that they empathize with her, but the ordinance prohibits refunds.

Council discussed and does not want to set a precedence.

The City Clerk read the ordinance.

Councilperson Anderson made a motion to notify Shelly Keetch that the ordinance prohibits refunds and they will apply her payment to the next event. Councilperson Sher seconded the motion. All voted aye, unanimous.

Building Permit(s)

A) 222 East Main – Lighted Awning – Jo Carol Losee, Owner/Applicant – Arcade Family Fun (formal approval)

Councilperson Sher made a motion to approve the Lighted Awning at 222 East Main.

Councilperson Brown seconded the motion. All voted aye, unanimous.

B) 89 South 1st East – Roof Repair – Sherolyn Losser, Owner/Applicant – Blue Moon Bar

The Council asked why a building permit was needed to repair the roof.

The City Clerk stated that the building inspector went down there and decided that they needed a permit.

Councilperson Brown made a motion to approve the Building Permit for Blue Moon Bar.

Councilperson Lowe seconded the motion. All voted aye, unanimous.

Open bid(s) and award sale of Dixon riding lawn mower

Mayor Burgin opened and read the bid from D. Mansfield in the amount of \$851.

Council discussed and decided they should accept the bid.

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

Proposed glass recycling program – Anthony Navarro’s email

The email was reviewed and Council discussed. The City would have to supply the containers.

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

Letter from Senator Brent Hill regarding proposed legislation to eliminate personal property tax and response.

Councilperson Brown stated that he thinks it is a mistake to eliminate personal property tax. It only benefits big businesses and has to be made up in some other funding.

Mayor Burgin suggested that the City Clerk write a letter.

Councilperson Brown made a motion to respond to the letter regarding personal property tax, stating that Lava suggests that the tax not be eliminated. Councilperson Sher seconded the motion. All voted aye, unanimous.

Read and Adopt Ordinance 2012-1 dispensing with the three separate reading requirement – FY2013 Annual Appropriation Ordinance

Councilperson Lowe made a motion to dispense with 3 separate reading requirements. Councilperson Sher seconded the motion. All voted aye, unanimous.

Mayor Burgin read Ordinance 2012-1 in full.

Councilperson Sher made a motion to adopt Ordinance 2012-1. Councilperson Brown seconded the motion. Mayor Burgin requested Roll Call. All voted aye, unanimous.

Consider Henry Etcheverry’s Livestock Permit

The City Clerk reported that according to the Livestock Ordinance, they need approval of 75% of the neighbors. They did not get any objections.

Councilperson Anderson made a motion to approve Henry Etcheverry’s request for a Livestock Permit to graze his property for a period of 5-7 days. Councilperson Sher seconded the motion. All voted aye, unanimous.

2012 Tax Special Assessments – City Clerk

The City Clerk reported that there are two Tax Special Assessments that she would like to file on foreclosed properties. She is requesting the Council's authorization to do so.

Councilperson Brown made a motion to authorize the City Clerk to file Tax Specials on the requested properties. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Lava Hot Springs Kiddie Pool Addition – Fire Codes & Sewer Connection

The City Clerk went over the letters and stated that she spoke with the engineers. They don't see any problem with it.

Councilperson Anderson made a motion that the Council agrees with the City's engineers and approve the connections to the kiddie pool. Councilperson Lowe seconded the motion. All voted aye, unanimous.

Blade Bids for Snow Plow/Sander Truck (formal approval)

Mayor Burgin reviewed the two bids and stated that they went with the one that was \$7,450 plus \$190. They need formal approval.

Councilperson Anderson made a motion to approve the blade bids for the snow plow and sander truck with Utility Truck & Equipment Sales out of Boise. Councilperson Brown seconded the motion. All voted aye, unanimous.

Adoption Center for Cats – Councilman Brown

Councilperson Brown presented an article from the Salt Lake newspaper about an adoption center that takes in cats for free and does not kill them. He asked the Council if they would like him to approach the center to see if they would be willing to take some cats from the City.

Council discussed the option and would like Councilperson Brown to talk to the center.

City of Lava Continuity of Operations/Continuity of Government Plan Status

Council discussed the plan. The proposal is too complicated.

Mayor Burgin stated that he will go over it and discuss it with the City Clerk.

Authorize Mayor to execute 1% Tourism Development/Promotion Contracts

A) Homeland Web \$800 for Fire & Ice Video

B) Web Impact \$2,000 for Mobile Web Site

Councilperson Anderson made a motion to authorize the Mayor to sign the contracts to execute the 1% Tourism Development/Promotion. Councilperson Brown seconded the motion. All voted aye, unanimous.

Meetings/Announcements/Miscellaneous New Business

A) Idaho Chapter of PRIMA 2012 Fall Training – October 18, 2012, Pocatello

The City Clerk reported that the insurance would like them to go to the training. She is trying to work it in to her schedule.

B) Bannock County Utility Coordinating Council Meetings

The City Clerk requested that the Council look over the minutes and see if it is something that they want to be involved in.

Council discussed and they are not interested.

C) Miscellaneous

Half Yard

The City Clerk reported that this company wants to come in to do videoing and wondering if the Council has any issues with it.

Mayor Burgin stated that people come into town and take pictures and videos all the time. He doesn't think this would be any different.

Council agreed. They do not need to request a license.

Mail Box

The City Clerk reported that there is someone who wants to put a mailbox on Main Street because they do not want to pay for a box at the post office. They are looking for Council's input because they would have to put it on City property.

Council discussed and there are concerns about blocking the sidewalk and having mailboxes on Main Street.

Councilperson Sher recommends that they get more information.

The City Clerk will look into it more.

Statement of Facts, Findings and Decision – River's Edge Resort, LLC

The City Clerk read the Findings.

Councilperson Brown made a motion to approve the Statement of Facts, Findings and Decision, and deny the permit. Councilperson Sher seconded the motion. All voted aye, unanimous.

Event Announcement

Councilperson Sher announced that there will be a local event at the museum September 21st at 7:00p.m. Everyone is invited to attend.

Projects

A) Wastewater Improvement Project

1) Lagoon Seepage Tests – Councilman Brown

Councilperson Brown stated that they got a letter saying that the seepage test on 2 and 4 were approved.

Mayor Burgin stated that they are pumping out of number 4 to the land application site.

2) Land Application Site Seeding Contract

Mayor Burgin reported that the seeding has been postponed until the spring due to the dry weather and drought.

3) Rocky Mountain Power BPA Credit

The City Clerk stated that she does not know if the City is eligible. She will look into it.

B) Center Street Reconstruction Project

Mayor Burgin stated that it looks like it is going along well.

The City Clerk reported that they will be paving soon.

Councilperson Brown inquired about garbage pick-up.

The City Clerk will check with Tony about garbage pick-up.

C) Main Street Garbage Containers – Mayor Burgin

Mayor Burgin reported that the City builds the containers out of pipe and he has found someone who has pipe locally. He asked Councilperson Sher how many she thinks we need.

Councilperson Sher will look and let the Mayor know tomorrow.

D) South 2nd West & West Fife Street – Fire Hydrant Relocation – Councilman Brown

Mayor Burgin reported that he talked to Tony about getting it done. They are going to relocate it, and he will follow up with Tony.

E) Miscellaneous

The City Clerk reported that Austin is done working for the City and he has gone to work on another job.

Adjournment

Councilperson Lowe made a motion to adjourn. Councilperson Sher seconded the motion. All voted aye, unanimous. The meeting adjourned at 7:15p.m.

Allison Hinz – Transcriber

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk

