

Minutes of the Special Meeting of the City Council of the City of Lava Hot Springs, Idaho held Tuesday, November 25, 2008 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present:

Marshall N. Burgin, Mayor
Michael Vice, Councilman
Newton J. Lowe, Councilman
Phillip E. Beeson, Councilman
Katherine Smith, Council member

Canda L. Dimick, City Clerk
J. Tony Hobson, City Maintenance
Supervisor

Guests: John Clark and Brent "Husk" Crowther, Forsgren Associates.

Minutes	Minutes were not transcribed and tabled due to illness.
M.R.&E., Inc. Bill	M.R.&E, Inc. \$6,376.54 bill for September, 2008 garbage collection/landfill fee was presented and approved for payment by a motion made by Councilman Vice and seconded by Councilman Lowe. All voted aye. Unanimous.
Lion's Gate Manor Directional Signage	Mayor questioned if there was any more discussion before taking a vote. Point was made that Mr. Clark stated in the last meeting that he would install and maintain signs. In the TODS program installation and maintenance requirements, it states that it is the applicants responsibility to have the signs installed and maintained by the local jurisdiction. Mr. Clark stated that he is opting to install and pay for them himself as permitted. The TODS program states that any substance installation of any signs including temporary signs are cause for removal of the TODS signs. The Lion's Gate Manor banner posted on Mr. Clark's pickup parked on Main Street during weekends was questioned. Mr. Clark explained that the program disqualifies businesses that have advertising signs visible including temporary within five miles of Highway 30 and he understands the provision is eluding to that. If the signs are along Main Street and not visible from Highway 30 there would be no disqualification. Mr. Clark will comply with the standards of the program. Motion was made by Councilman Lowe and seconded by Councilman Vice approving Lion's Gate Manor's tourist oriented directional signs as presented. Lowe-Aye, Vice-Aye, Smith-Nay and Beeson-Nay. Tie vote. Council member Smith is concerned with private business advertising on public property and the fact it could get out of hand. City attorney advised that the city has the authority to deny the request. Councilman Beeson agreed with Council member Smith feelings and stated that based on the program requirements the city is to install the signs not the applicant. Having the applicant reimburse

Lion's Gate Manor
Directional Signage cont.

the city for installation costs was proposed. Mr. Clark feels the issue is for the city to decide if they want to support the program or not. The TODS program is the same philosophy and principle as the universal golf course sign on city property at Main and 4th West. It is questionable if the signs at 4th West were ever approved. Mr. Clark reported that if the city chooses not to support the TODS program that he would in no way suggest or recommend in any way that anything be done with the existing signs at 4th West even though it's a parallel program. The TODS is a state wide program and Lava is all about tourism. Mr. Clark recommended the city support the program and manage it based on program qualification, signs are in reasonable locations and there are no objections. Mayor Burgin wrapped things up by explaining that due to the tie he is required to vote but would like to voice a few things first. The mayor is convinced that the signs are not considered advertising but the city has a number of tax paying lodging businesses that is going to argue differently and the golf course sign is universal and there is no competition. Mayor Burgin's voted nay stating his loyalties lie with the citizens that voted him into office. Permit denied. Mayor Burgin supports the TODS program if signs were universal. Mr. Clark addressed alternatives to relocated the Main and Center street sign to the state right-of-way by the pool and the Main and 4th West sign to private property. Mr. Clark was advised to check with property owners and ITD and council would be willing to consider it.

Milan Zabka's Bed &
Breakfast Conditional
Use Permit
Final Decision

Condition for violations was questioned. Provision states that the permit and business license will be revoked. Nothing provides for citations. If the city revokes the permit and business license, and the operations continue then the owner is in violation of the city's business license ordinance which does provide penalties for violations. City attorney would have to be involved in the legal process. Mayor and council feels that the code enforcement officer should monitor sites and if there is a violation cite the owner and revoke the license. Motion was made by Councilman Vice and seconded by Councilman Lowe authorizing the mayor to execute Milan Zabka's Bed and Breakfast Conditional User Permit final decision. All voted aye. Unanimous.

Lava Mobile Estates
Waterline Extension
Agreement Amendment

Engineers are going to finalize Phase I of the project and the city will pay the bill. They are going to close out the project and establish a new contract between Mr. Gunnerson and the contractor for Phase II.

Ordinance 2008-7

Ordinance 2008-7 changing the Planning and Zoning Commission terms was introduced. Motion was made by Councilman Beeson and

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Ordinance 2008-7 cont seconded by Council member Smith dispensing with the three separate reading requirement. All voted aye. Unanimous.
Ordinance 2008-7 was read in full.

ORDINANCE NO. 2008- 7

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AMENDING SECTION 5, ORDINANCE 1996-5 TO CHANGE THE TERMS OF ALL MEMBERS OF THE COMMISSION TO A TERM OF FOUR (4) YEARS COMMENCING 2010; 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 5, Ordinance No. 1996-5, Ordinances of the City of Lava Hot Springs, Idaho, is hereby amended to read as follows:

Section 5: Two members of the Commission shall be appointed for a term of three (3) years; two members shall be appointed for a term of four (4) years; and one member shall be appointed for a term of five (5) years. Vacancies occurring otherwise than through the expiration of term shall be filled in the same manner as by the original appointment. No person shall serve more than two (2) full consecutive terms. Members of the Commission shall be selected without respect to political affiliation any may receive such mileage and per diem compensation as provided by the City Council. To avoid terms of office ending for members in the same year and to insure that experienced members remain on the Commission, commencing in the year 2010, the members serving three (3) year terms and the member serving a five (5) year term shall be reappointed to four (4) year terms. If a member does not wish to be reappointed to a four (4) year term, the member may resign or the City Council may remove said member and appoint a new member for a four (4) year term.

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 25th day of November, 2008.

CITY OF LAVA HOT SPRINGS, IDAHO

ATTEST:

Marshall M. Burgin, Mayor

Canda Dimick, City Clerk

Ordinance 2008-7	Motion was made by Council member Smith and seconded by Councilman Beeson adopting Ordinance 2008-7. Lowe-Aye, Vice-Aye, Smith-Aye and Beeson-Aye. Motion carried.
Liquor Sales on Thanksgiving and Memorial Days	The attorney is working on the ordinance to amend the code to allow the sale of liquor on election days and has asked if the city wants to include Thanksgiving and Memorial days as authorized by the state. The only day restricted by state law is Christmas. Motion was made by Council member Smith and seconded by Councilman Beeson to amend the ordinance to allow the sale of liquor on Memorial and Thanksgiving days. All voted aye. Unanimous.
Rocky Mountain Environmental Associates Contract	Proposed contract was reviewed. City needs to be named as an additional insured on certificate. Motion was made by Council member Smith and seconded by Councilman Vice approving Rocky Mountain Environmental Associates Inc.'s contract with stipulation that the city be named as an additional insured on the certificate of insurance. All voted aye. Unanimous.
Rocky Mountain Environmental Associates Business License	Motion was made by Council member Smith and seconded by Councilman Beeson approving Rocky Mountain Environmental Associates Inc's business license application. All voted aye. Unanimous.

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Funding Assistance Requests (American Legion Post #21)	Mayor Burgin reported that he talked with Mike Doyle and the Lava American Legion voted to send the Downey Legion \$100 for troop packages contingent on receiving credit for it. Mayor Burgin announced that he is going to send an additional \$100 from the discretionary fund to support the cause with stipulation that the city receives recognition.
(United Way)	Mayor Burgin reported that the United Way was a letter explicitly sent to him, not the mayor, city or council so he is going to take care of it personally.
City Transportation Plan Draft	Husk Crowther, Forsgren Associates reviewed plan details with mayor and council by looking at highlights, comments and corrections as preferred. City staff addressed some initial comments and corrections. Councilman Vice's name was listed twice which will be substituted with Councilman Beeson's name as he took over the assignment. Council member Smith's name was added to the list. Members of the technical advisory committee who did not participate at all were stricken. It was questioned if the number of street miles, 8.2, includes undeveloped. Including mileage for the undeveloped streets in the High School Park Addition may be beneficial if eligible for funding. Husk explained that he believes the number has to be the number of miles maintained and reported for the distribution of the gas tax but he will check on it and make adjustment if permissible. Changes were made to the maps on page 4, 9 and 15: 1) Fifth West and River Street is city owned not private, 2) East Main from the bridge to Highway 30 is state owned but the city maintains a 30 foot right-of-way, ownership needs to be check out, 3) state owns and maintains North Center to Main Street, 3) city owns the East Main Street bridge, 4) Fifth West and Fife is owned by the city, 5) the city only owns 25' of South 2 nd West from Merle to Church Street, 6) the road marked as city street to Craig and Vicky Lyon's house is a private driveway, 7) the area between Fat Jack's and the Ice Cream Shop is a private driveway, 8) the city has an easement through private property from South 3 rd East to Chicken Soup Springs, 9) the city has a utility easement from Center to 1 st East, south of the Lava Hot Springs Inn and 10) the city has a sewer main easement from West Portenuf through the trailer park to the lagoons. Map doesn't show the entire city limits. Lava Mobile Estates, Bristol Park and Rocky Mountain Power areas are not shown. Forsgren will sketch in boundaries and verify them with city clerk. Once the GIS map is changed it will make changes to all the maps throughout the plan. Maps will be saved in PDF format and can be printable for customers. Discussion followed regarding the traffic volume to capacity ratio

City Transportation Plan
Draft cont.

data. Level of service for the primary intersection at Main and Center was graded an A meaning motorists are not having to wait any longer than 5.9 seconds. During the A.M. peak hour, 8 vehicles turned left, 40 went straight and 24 turned right at Main and Center. Accident history is obtained from ITD records. Alcohol was the cause of 11% of the accidents. Intersection visibility is a problem because parking is limited in the commercial area. Vehicles are parking close to intersections and buildings are built right up to property lines. Council agreed that the general lead for the future is not to build new infrastructure but to stop the deterioration of existing. The undeveloped streets on page 28 are not platted correctly and need to be named. Road inventory and conditions were reviewed. Thirty pieces of data were collected for each road segment. Intersections are evaluated separately because they see a different stress level then connecting segments. Stress factors include, fatigue, longitude, alligator and transverse cracking; patching, trenching, rutting and ride. Forty-three segments of the streets (26%) and 17 intersection (41%) have alligator cracking. Alligator cracking usually indicates poor base so doing something to those surfaces really doesn't have much benefit. The road base needs to be repaired. Color legend for map on page 38 needs to be added. The fatigue cracking map focuses on various levels for maintenance. The average payment condition index per square foot of paved road segments is 74 and 69 for paved intersections. There is some subjectivity to the index process and it doesn't matter if the scale slides a little as long as it is consistent over time. Given the scale, the city decides at what level of road surface it desires and can afford then that guides the maintenance. Most of the city's road segments and intersections are in the 71 to 80 pci range. The remaining service life map was reviewed. The city is in the same condition as every little town in Idaho. There is not adequate funds to have new road surfaces every where. The mileage reported for highway user revenues defines improved roads as a road with any surface that is graded and drained. Payment measurement plan is required and explains the life cycle of a road surface. Performing maintenance/overlays on good roads and no maintenance on failed roads is more cost effective and will extend the life expectancy of good roads up to forty years. Based on pci, the cheapest repair method is crack seal, then chip seal, overlay and reconstruct. The plan provides a series of maps that addresses the most appropriate repair methods for each segment. An \$82,750 annual budget is estimated if the city desires to keep the roads surfaces maintained as they are today. Maintenance plan for next ten years was reviewed. The maintenance plan is intended to be a guide tool but doesn't necessarily have to be followed. Data was also collected on sidewalks segments and includes a school buffer zone. Grant money is available through the Safe Walks to School Program. Sidewalks do not rank high for

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City Transportation Plan LTAC projects. Husk was informed that the sidewalks are not owned or maintained by the city. Adjoining property owners have the right to place them in the city's right-of-way and if they are deteriorating notices are sent to the property owner to repair or replace. There are certain areas where new construction projects require sidewalks. It was also noted that all streets east of center needed to be labeled east. Cross walk, drainage structures, signs, bicycle and pedestrian path data were briefly reviewed. It was questioned why some of the asphalt gutter projects done over the last two years were graded poor, specifically along West Booth. Engineer who done the field assessment will contact Tony to discuss issue. Overlay data was clarified. The only failed sign post is at 4th West and Booth. There are 284 traffic signs. Eighty are in excellent condition, 188 acceptable and 16 in a failed condition. Some of the faded signs have been replaced. Tony, City Maintenance Supervisor, questioned state law regarding reflective stop and yield signs. City was advised that before signs are ordered the city will need to decide if they want to apply for sign or construction funds. Husk recommended applying for construction money this year and replacing failed signs then target a year to apply for funds to replace all the others. Construction funds can be utilized to replace signs in a project construction area. Plan also addressed data on widening the East Main Street Bridge to provide pedestrian path for tubers. Proposed bridge improvement \$330,000. The bridge is on the ITD list and has a sufficiency rating. When the city is ready to contemplate replacement, application will be submitted to ITD. LTAC funds could be used for grant match if needed. Plan is to apply for a \$100,000 LTAC grant this year for Center Street and Fife Street reconstruction. It is wise to match projects with some local cash for points. It was questioned and confirmed that the problems with tubers on Main Street was discussed but not resolved. There is no way to get them totally off Main Street. A trail and bikeway path was identified, capital improvement project #7 page 125. The bike path to the old Dempsey site was supposed to be mentioned. The tubing impacts are a concern of the Chamber and several business owners. The city needs to come up with a plan and address the matter at a meeting before spring. Motion was made by Councilman Vice and seconded by Councilman Lowe authorizing the mayor to sign the application for construction LTAC grant funds. All voted aye. Unanimous. Plan is a good guideline for the city. The city's local option tax revenue helps fund project. City can expect final plan before or shortly after Christmas.

Motion was made by Council member Smith and seconded by Councilman Beeson to adjourn.
All voted aye. Unanimous. Meeting adjourned at 7:40 p.m.

Canda L. Dimick, City Clerk

Marshall N. Burgin, Mayor