

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, October 9, 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 Beeson, Councilman  
Katherine Smith, Council member

Canda L. Dimick, City Clerk  
R.B. Scott, Code Enforcement/Animal  
Control Officer

Guests: Gregory Gaylor, Kathleen Gaylor, Steve Jones, Pamela Slaughter, Greg Williams, Greg Stevens and Roger Chermine, CHAT TV.

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

Minutes

No minutes approved. City Clerk will work on transcribing some minutes next Monday and present them for approval at a special meeting if scheduled.

Bills

Rock Hard Concrete bills for City Hall steps and water troughs totaling \$7,855.80 was added to the list. The bill for the water troughs included an additional one that wasn't in the original bid. Jerry Hobson Company's bill for weed control was questioned. The bill was for last summer's work and wasn't submitted in time to be approved by the end of the fiscal year. Funds for the bill were included in last year's budget. Clyde Nelson's legal service bill, \$1,308 was added to the list and discussed. Councilman Beeson reported that a R-Co representative had met with him and the city maintenance personnel are going to disconnect the blowers and hopefully the company will take the one that was just bought back. Councilman Beeson suggested excluding the R-Co bill from the list to be paid. It was questioned and confirmed that the city is still holding the check to pay Christmas Designers until a statement and decorations are received. Motion was made by Councilman Vice and seconded by Council member Smith to pay the bills excluding R-Co's for \$3,210 and add \$7,544.80 for Rock Hard Concrete and \$1,308 for Clyde Nelson. All voted aye. Unanimous.

Business Licenses & Non  
Property Tax Permits  
(Big Jim's Tree Service)

Motion was made by Councilman Beeson and seconded by Councilman Vice approving a business license for Big Jim's Tree Service, Jim & Nicole Thiemann, Owners/Applicants. All voted aye. Unanimous.

(Hot Springs Day Care)

Motion was made by Council member Smith and seconded by Councilman Beeson approving a business license for Hot Springs Day Care, Amber Nelson, Owner/Applicant. All vote aye. Unanimous.

(Rick's Excavation)

Motion was made by Councilman Beeson and seconded by Councilman Vice approving a business license for Rick's Excavation, Rickey Frandsen, Owner/Applicant. All voted aye. Unanimous.

Building Permits  
(City Hall steps/porch)

It was questioned, why the city's permit wasn't pulled prior to construction. Initial plans to replace steps was a repair until a new foundation had to be installed under the porch. Motion was made by Council member Smith and seconded by Councilman Beeson approving the city's building permit to replace concrete steps/platform and handrails at City Hall, 115 West Elm Street. All voted aye. Unanimous.

(2 New Duplexes)

Greg Williams explained his plans to construct 2 duplexes on the north west corner of South Center and West Booth. The site has always been a hole. The first application was revised and engineer has designed drainage control plan. One unit will access parking from Booth Street and all others will access from the alley. Elevations were discussed. Sidewalk, curb and gutter will be installed along Booth Street to control and divert water to Center Street. Mr. Williams will maintain borrow pit/gutter along Center to Main. Drainage pits were discussed. Plans for terrace garden was questioned. Mr. Williams didn't know what the garden would consist of at the time but assured council that it would be built. Size and effectiveness of the drainage pits and alley improvements were concerns. The alley needs to be built up. Mr. Williams needs to talk to his engineer about alley and develop according to plans. Council member Smith, neighboring property owner, was flooded twice one summer when fill dirt had been placed in the hole. It is the home owners responsibility to control run-off. Kathleen Gaylor, neighboring property owner, expressed that she still has questions about drainage, seepage and parking. Pictures of the flood were presented. Vegetation is going to have to be relied upon to capture run-off. Gregory Gaylor mentioned that he had watched the June council meeting on CHAT TV and during the discussion it was mentioned that the structures would not ruin anybodies view but their south view will be completely abirriated. Gaylor's understand that if Mr. Williams submits plans that comply with codes that the permit will be approved. Lava is the Gaylor's magical paradise and

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Building Permits cont.  
(2 New Duplexes)

they don't believe that the neighborhood is ready for the impacts. Mr. Gaylor fears that the developed Elm trees along his property line will be cut down. Brief comments regarding snow removal and storage were voiced. Mrs. Gaylor stated that she believes in personal property rights but she feels that there is enough I don't know about, I'm not sure of issues that they need to be further defined. The city has to rely upon the professionalism of the engineers and they have visited the site. Aspen Engineering is located in Idaho Falls. Motion was made by Councilman Vice approving Mr. Williams building permit based on the additional engineered plans. The town is growing and housing is a problem. Mrs. Gaylor commented that because the site is a hole that it would be more attractive if the proposal wasn't such high density. Motion died for lack of a second. Council was not convinced that the drainage plans and alley improvements were adequate. Councilman Lowe seconded the motion and voiced that he would abstain from voting. Councilman Lowe's second was not accepted. Enlarging the drainage pits, pouring concrete slabs to control water to the pits and having the county building inspector plans were suggested. It was questioned how filling the alley up would effect neighboring property owners rear yard accesses. Access needs to be retained. Mr. Williams would like to get started on the project and will schedule a special meeting in Lava with engineers.

Planning & Zoning Commission  
(Greg & Kelly Steven's Alley  
Vacate Request)

Facts, findings and recommendation from the Lava Planning and Zoning Commission recommending approval of Greg & Kelly Steven's request to vacate a portion of the alley adjoining their property at 490 West Fife Street was read. (Copy attached.) Findings were drafted by the commission but will not be formally approved until their next meeting, October 21, 2008. The commission delayed making a recommendation for thirty days and now are trying to accommodate the applicant so that the survey can be completed before snow falls. Motion was made by Council member Smith and seconded by Councilman Vice authorizing the mayor to execute the decision once the Planning and Zoning Commission approves their written findings and recommendation. All voted aye. Unanimous.

Visitor Information Signs

Kathryn DeMott has asked the city to send a letter of support to the Idaho Transportation Department seeking two free signs directing tourists from Highway 30 to the South

Visitor Information Signs Cont.	Bannock County Historical Center for information. City will have to furnish posts and make installation. Lava Chamber of Commerce is also supporting project. Motion was made by Council member Smith and seconded by Councilman Vice to send support letter. All voted aye. Unanimous.
Meetings/Announcements/ Updates (Comprehensive Plan Meeting)	Comprehensive Plan Committee has scheduled a public meeting on Wednesday, October 22, 2008 at 7 p.m. at the Community Building. Everyone was encouraged to attend.
(Horizon Program)	Lava Hot Springs has been accepted into the program. Councilman Vice is moving forward on the rural leadership training to reduce poverty. A steering committee meeting is scheduled for tomorrow at 6:30 p.m. Study circle groups will be organized with facilitators to start the input process.
(Idaho Rural Partnership Leadership Training)	Councilman Vice plans to attend the training on October 27, 2008.
(AIC Legislative Committee)	Committee is meeting on November 7, 2008. Councilman Vice is on the committee and would like to attend. Motion was made by Council member Smith and seconded by Councilman Beeson for Councilman Vice to attend the legislation commission meeting on November 7 <sup>th</sup> . Lowe-Naye, Vice-Aye, Smith-Aye and Beeson-Aye. Motion carried.
(Rocky Mountain Power Rates)	Base rates are going to increase. Agenda item for notification purposes only. No action.
(Idaho Transportation Department IMAP Inventory Survey)	ITD is seeking survey participation through the internet. Council members will participate individually if interested. Councilman Vice asked that the online information be emailed to him.
(Miscellaneous)	No miscellaneous announcements.
Law Enforcement Monthly Report & Contract Renewal	Nothing discussed regarding monthly report. Contract renewal was considered. No rate increase. Motion was made by Councilman Vice and seconded by Councilman Lowe to sign the contract with the Bannock County Sheriff. All voted aye. Unanimous.

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FY2008 Audit Agreement	Cost for auditing services \$7,000. Motion was made by Councilman Vice and seconded by Councilman Lowe to sign the agreement with Deaton & Company, Chartered for FY2008 auditing services. All voted aye. Unanimous.
Pocatello Animal Shelter Agreement	Original agreement with Pocatello Animal Shelter was found so there's no need to readdress one. Copies of the agreement were presented to council.
Alley Garbage	Councilman Beeson suggested asking the residents who station their containers in the alley from North 1 <sup>st</sup> West to 4 <sup>th</sup> West to move their cans to Main Street for pickup. The asphalt is being tore up and the weight of the truck is part of the issue. There would be three or four residents effected. Letters would need to be sent to residents and copied to the contractor. The alley is the only one where residential garbage is collected. The garbage was never picked up in the alley before the automated system. Motion was made by Councilman Vice and seconded by Council member Smith to send letters with copy to garbage contractor. All voted aye. Unanimous.
Projects (City Transportation Plan)	City is waiting for final draft from Forsgren Associates, engineers.
(Wastewater Aeration Project)	Design plans have been drafted and submitted to DEQ. As soon as plans are approved, the project can proceed. Engineers are working on service contract. City has received letter from DEQ explaining notification procedures. Mayor Burgin will check to make sure notification requirements have been met.
(Wastewater Facilities Plan/ Environmental Review)	DEQ has required that the city hire a qualified biologist to determine if there are any wetlands within the sewer trunk line area from the River's Edge Trailer Park to the lagoons. Cost for inspection with report, \$1,200 according to J-U-B Engineers. If wetlands are identified the cost would be an additional \$7,000 to \$8,000 to map them. It was debated if J-U-B Engineers should cover the additional cost or the city. The city paid for additional archeology services relating to the project. It is questionable if the City needs a 404 permit from the Core of Engineers. Councilman Vice will talk with the Core of Engineers to see if they will visit the site to

Projects cont. (Wastwater Facilities Plan/ Environmental Rivew)	determine if a 404 permit is needed. Concerns regarding the effective date limitation of the environmental review document were expressed. Time frame is unknown. The city doesn't want to have to redo the document.
(Credit Card & Policy	City Clerk reported that Ireland Bank charges fees and each employee would have to have a separate account. City Clerk has emailed Wells Fargo to see if the city can piggy back off of the state's rate. Council also had received copies of Idaho State University's credit card policy. Need was questioned. City has established credit at most all of the retailers. Main purpose is to pay for the \$10 website annual cost.
(Operation & Maintenance Agreement with Gunnerson's)	Agreement was reviewed by the city's attorney and he had some concerns. The mayor was never able to get in touch with the attorney and according to the engineers, Gary Gunnerson had to have the agreement no later than Wednesday or else he wouldn't be approved for his \$70,000 loan to finish the project. The city check with USDA because of their funding participation in phase one before returning the signed agreement and was assured that the agreement would not impact any obligations. Motion was made by Councilman Lowe and seconded by Councilman Vice formally authorizing the mayor to sign the agreement. All voted aye. Unanimous.
Miscellaneous - Holiday Decorations	Council member Smith mentioned that she would like to get the decorations on a work order to get them up so they can be lit right after Thanksgiving.
Miscellaneous - Park Edging	Councilman Beeson reported that Rocky Mountain Power is interested in funding the city's curbing project around the playground at the park. Councilman Beeson will get application to Council member Smith. Taking a look at the edging that the Elementary School installed around their playground area was suggested. Council member Smith also has obtained an application form from the Idaho Department of Commerce.
Discussion (Greg Stevens Alley Vacate Request)	Greg Stevens questioned the status of his alley vacate request. The request was honored. Mr. Stevens addressed plans to install a fence on his property line and park his RV on the vacated portion of the alley. Rear yard setback was questioned and explained. Mr. Stevens was informed that he can count the 10' of the vacated alley as part of his set

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Discussion cont.  
(Greg Stevens Alley Vacate  
Request)

back but he still must maintain a 20' rear yard set back from the vacated property line because his house is number off of Fife Street and the remaining 10' of the alley has not been vacated.

(Steve Jones - Development Plans)

Steve Jones mentioned that he has purchased some vacant lots in Lava and is patiently waiting for the comprehensive plan committee to make their recommendation to council before submitting development plans. The committee is eight to nine months out before completing their recommendations. The city's current plan conflicts with Mr. Jones higher density ideas. Mr. Jones questioned if council would consider any high density/zone changes before the plan is complete. Mayor and council expressed preference to wait until the comp plan is completed. Mr. Jones was satisfied.

Motion was made by Councilman Beeson and seconded by Councilman Lowe to adjourn. All voted aye. Unanimous. Meeting adjourned at 6:50 p.m.

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Canda L. Dimick, City Clerk

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Marshall N. Burgin, Mayor