

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, December 9, 2010 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  
Canda Dimick, City Clerk

Guests: Mark Lowe, Jeff Young and Vicky Lyon

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

### **Approval of Minutes**

The mayor reported that the city clerks had found a typographical error and it has been corrected. Councilperson Sher mentioned one typographical error on page 3 at the bottom, 2<sup>nd</sup> line, “Winter Wonderland begin” change to “beginning” or “to begin”. The correction was noted.

A motion was made by Councilperson Anderson approving the minutes with the two minor corrections. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

### **Reviewing of Bills**

Cost for legal services was questioned. Bill was \$3,037.50. The city clerk reported that the attorney had worked on the easements for the wastewater project. The city clerk also reported that legal services for the River’s Edge Resort zone change had cost more than the \$500 application fee. The council may want to increase the application fee for zone changes.

The employee clothing allowance was discussed. The mayor explained that this was the first year that jeans were paid for. The mayor stated that at first the city paid for shirts and jackets with the city logo. The city clerk said that the employees have been good to not go over the budget allowance for clothing. The city clerk was asked to check the minutes to determine what the intent was when the clothing allowance was established.

Councilperson Beeson questioned what had happened on the Fire Services bill. The city clerk reported that Tony had straightened out the number of fire extinguishers tested and that Fire Services had come back and done the inspections on the ones that had been billed for but not tested. The fire chief also confirmed that Fire Services did the hydro test on the SCBA’s and that the services that LN Curtis did earlier in the year were different.

Shawn's Market's bill for batteries for the fire department was questioned. The city clerk reported that it was for several (about 16) 9 volt batteries for the identifiers which each fire fighter wears on their uniform, all of these batteries were dead.

The city clerk reported that the school had called about the donation of \$100 which the city usually gives for holiday candy that is handed out to the youth at the Lava Elementary School play. She told them that the city would do it again this year. That bill will show up on next month's bills.

Councilperson Beeson questioned the difference in the price for the two (2) separate purchases of Prestone from Shawn's Market. The city clerk will check with Shawn's on the cost difference.

A motion was made by Councilperson Sher and seconded by Councilperson Lowe to pay the bills. All voted aye, unanimous.

### **Law Enforcement Monthly Report**

Officer Jeff Young was in attendance and no one expressed concerns. Councilperson Sher reiterated the need for extra patrol on Halloween night to help control vandalism issues experienced this year.

### **Recycling Project – Letter received from Robert E. Rush**

Councilperson Sher stated that larger cities neighboring Lava are doing a recycling program and they have been lucrative. Councilperson Beeson stated that all past experiences with enacting a recycling program in Lava have not been successful. Councilperson Anderson stated that larger city's have resources to help them. Lava doesn't have the resources or funding to do a recycling program successfully at this time. Councilperson Sher stated that it may not be the right time yet, however, the city should keep ears and eyes open for something that might work in the future. Councilperson Anderson reported that the Boy Scouts are ~~excepting~~ accepting aluminum cans. The council suggests that citizens should take their recyclables to Pocatello or McCammon landfill with them when they go. The mayor and the city clerk will write a letter to Mr. Rush to inform him that city is not in a position to fund a recycling program at this time. All agreed.

### **Directional Visitor Information Signs - Council person Sher**

Councilperson Anderson and Councilperson Sher have looked at some signage potentials. Councilperson Sher suggested posting a sign on a post installed in the pavers next to the Museum before or after the tree. The signs would be 2' x 2' and cost about \$50 each. She would like to have a sign on the post office and Shawn's Market intersection posted on the same post as the Business District sign. The council agreed to take down the business district sign and place the visitor's information directional sign on the post instead.

A motion was made by Councilperson Beeson to grant the purchase of the visitor's information signs out of the 1% tourism promotion funds. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

### **Planning & Zoning Commission Member Appointments**

Councilperson Sher reported that three (3) of the Planning & Zoning Commission members terms have expired and need to be renewed. She has talked to Nick Nelson and Curtis Waisath. They are willing to serve another term. She has not been able to contact Fred Hinz.

A motion was made by Councilperson Beeson to accept Curtis Waisath and Nick Nelson's reappointment to the Planning and Zoning Commission. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

### **Authorize mayor to sign Idaho Intergovernmental Insurance Authority Joint Powers Agreement and designate delegate to represent city.**

The city clerk stated that the group would like the mayor, a council member, or staff as the representative. There was some discussion of asking Vicky Lyon to serve as the representative because she has insurance experience and had offered her services. The city clerk said that the information the group would review is city employee personal information and is not public information. Vicky Lyon stated that in her experience a third party may be a better situation.

A motion was made by Councilperson Beeson authorizing the mayor to sign the Idaho Intergovernmental Insurance Authority Joint Powers Agreement and the mayor be the designated representative for the city. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

### **Schedule special meeting to consider quarterly 1% Tourism Promotion & Development proposals due December 15, 2010 and clarify conflict of interest concerns.**

Councilperson Sher recommended holding a special meeting on January 6, 2011 at 5:30 p.m. to consider the proposals for 1% Tourism Promotion & Development.

The city clerk reported that there are two (2) proposals that she has heard of that are going to be submitted. There was discussion on the Chambers support of the proposals that are being submitted as Chamber proposals. Vicky Lyon stated that the citizens need to buy into the logo and marketing of the city. It was stated that there may be some duplication of efforts which have been done through Pioneer Travel Council, the comprehensive plan, community meetings, etc. The city council will review all proposals that are submitted.

The mayor recommended that each proposal be allowed one spokesperson who will be allowed to make a 3 minute presentation. Councilperson Anderson asked if the council would be allowed to ask questions after the presentation. Councilperson Sher stated that all the information should be included in the proposals. She said that when applying for state grants, the awarding committee makes their decision based on the written application. She also stated that all information should be included in the application and that the decision should be based off of the written documentation on the proposed project. Councilperson Beeson would like to have a written statement of support or non-support from the Chamber for the proposals which come in from Chamber committees.

After several requests by Vicky Lyon to shut off the tape while she made comments to the council off the record, the mayor authorized the tape to be shut off. There were no decisions made during this time, only personal comments. The council agreed to hold the meeting on January 6, 2011 at 5:30 pm and to allow one presenter 3 minutes to present the proposal. Meeting will be public.

The city clerk reported that she had spoken to the attorney and that he had clarified the conflict of interest issues. He said that if any of the council members were serving on a voting board which was submitting a proposal; that the council member should not participate in the discussion, consideration or the vote on that proposal.

**Adopt Ordinance 2010-6 adopting the 2009 International Building and Residential Codes with exceptions.**

The mayor reported that the city has not received the list of exceptions from Bannock County on adopting the 2009 International Building and Residential Codes therefore this item would be tabled.

**Meetings/Announcements**

**A) City Officials Day at the Capital – January 27, 2011 Boise, Idaho**

No one will be attending.

**B) City Firefighters & Staff Annual Appreciation Dinner – December 13, 2010**

The city appreciation dinner will be held on December 13, 2010, 6 p.m. at the Community Building. Each of the council is invited to attend and bring a pot luck salad or dessert.

**C) Miscellaneous**

Councilperson Sher stated that she appreciated getting the information on historical preservation.

**Projects**

**A) Sewer Rate Study Progress Report**

The city clerk reported that the inspections were just about complete for the sewer rate study and the information will be forwarded to Idaho Rural Water soon.

**B) Wastewater Improvement Project**

**1) Inflow/Infiltration Study**

The city has received a letter from DEQ requesting more information on the I&I study; the letter notified the city that the study is not complete yet.

**2) Transmission & Trunk Line Easements**

The mayor reported that the easements are in place on the transmission line and are very close to being done on the trunk line. The city clerk reported that the River's Edge Resort easement is in the hands of the

attorney. The city is also working with the county on making the existing prescriptive easement a matter of record.

**3) Phase I Winter Shut Down/Contract Extension**

The contractor will be shutting down for the winter except for some minor sub work on the control building, a day here and there. They are concerned that if the time clicks all winter, they will be out of contract time before they can work on it again in the spring. The contractor would like an extension on their contract so that the clock can click all winter and then they will know where they are at. All agreed to a 120 day extension.

**4) Miscellaneous**

The mayor and city clerk reported that they had talked to the LDS Church about paying for their portion of the fence around the land application site. The fence which has been bid is like what the Transportation Department puts in along the highway which is ~~steel~~ steel posts with metal braces for \$6.31 per foot. The contractor would like to purchase all the fencing materials now to be ready for spring installation because prices are going up. The city clerk asked the council to make a decision on if the city is going to buy all of the fencing materials or if the city will need to wait and rebid in the spring. The city discussed the price of the fence and Idaho Code requirements on fencing. The neighboring property owners are required to fence their half according to Idaho Code.

A motion was made by Councilperson Sher to accept the bid and install all of the exterior fence and write a letter to adjoining property owners asking them to pay for their half. The motion was seconded by Councilperson Beeson. All voted aye, unanimous.

**C) LHTAC Grant Application/South Center & West Fife Street Project**

The mayor reported that he, the city clerk and the city's maintenance crew had met with Forsgren Associates and city representatives from Bancroft and Grace regarding establishing a multijurisdictional group for the LHTAC grant. Grace and Bancroft have graciously rated Lava's Center Street project as priority 1. The grant will be awarded in the spring of 2011 and if funded the city could expect to receive funds in 2012. This is Lava's fourth year to apply for the LHTAC grant, and Lava has slowly moved up on points. If Lava is awarded the LHTAC grant, the city will need additional money to fund the project.

**D) Miscellaneous**

None.

**Discussion – Items from the audience.**

Vicky Lyon, Lava Chamber President, reported that Gail Palen has been working on plans for solar holiday decorations. George Katsilometes has told her that he feels that it would be more fitting to fund the holiday decorations out of the 2% local option funds. The council discussed how the current decorations have been funded. The city clerk stated that the 2% funds have been budgeted by line item for this fiscal year. This is something that could be considered during the next budget work session next summer. There was some discussion if someone could purchase the holiday decorations after

Christmas at a 50% discount and the city reimburse them after the next budget is set. There was discussion regarding the use of the 1% funds for a report on tourism promotion. Councilperson Anderson stated that she would rather use the funds on something such as the lights than on a report. It was decided that the council should review the proposals that come in for the 1% funds before further discussion is entertained. The mayor stated that the city had tried to brand the town years ago, but then some of businesses could not afford it. Councilperson Beeson suggested that the meeting be adjourned and then talk. (NOTE: There were no decisions made, just personal comments regarding the proposed projects and functions of the Chamber of Commerce.)

### **Adjournment**

A motion was made by Councilperson Lowe to adjourn. The motion was seconded by Councilperson Anderson. All voted aye, unanimous. The meeting adjourned at 7:20 p.m.

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Trish Avery, Transcriber

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Marshall N. Burgin, Mayor

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Canda L. Dimick, City Clerk (proof read)

Approved January 13, 2011