

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

Present:

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

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

Guests: Roger Chermine, CHAT TV; Monte Steel and Alex Hamilton, Bannock County Sheriff's Department.

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

Minutes Approval of the minutes was tabled until the special meeting scheduled for contract negotiations.

Bills It was questioned if R-Co was still sending monthly statements. Monthly statements have been received except for January's. R-Co has picked up the blowers. Clyde Nelson's bill for legal services was discussed. Thinking twice before engaging legal services was suggested. Exceeding the \$8,400 budget was feared. Planning & Zoning issues have contributed to the increase. Legal services relating to the Fish Creek Irrigation Rights are being paid for from the water fund. Western States \$358. bill for backhoe repairs was presented and tabled to research warranty issues. Shane's Service's \$785.40 bill for vehicle maintenance and the value of the 1983 Chevy truck was questioned. The bill was for tires for the 2005 GMC Sierra and a tune up and valve cover gasket for the 1983 Chevy. Bills added to the list to be paid and approved were: 1) Sterling Codifiers \$500 for annual internet hosting fee, 2) Keller Associates \$4,320 progressive bill for aerator project engineering services, 3) Digline \$73 for annual membership fee, 4) Airgas \$20 balance for acetylene tank rental lease and 5) Bannock County Prosecutor's Office \$6,600 for 2008 prosecuting services. Discussion followed regarding the prosecuting service bill. The city's paying \$80 per hour for prosecuting services and not receiving hardly any magistrate funds from the citations issued. City representatives will schedule a meeting with county commissioners to see if the bill can be reduced. The annual bill exceeds the city's \$3,200 budgeted amount. The individual who was prosecuted should have to reimburse the city for the expense. The Intermountain Gas bill for heating the old ambulance garage was questioned. Mayor Burgin

will turn off the meter tomorrow. The city crew turn up the heat to keep the cold mix pliable overnight to repair the blacktop that was torn up because of a water leak by the Chuckwagon Restaurant. The dump truck housed in the garage may need to have a block heater installed. Mayor Burgin will make sure that the water has been disconnected. A shut off to the public restrooms need to be installed at the same time. Motion was made by Council member Smith and seconded by Councilman Beeson to approve the bills to be paid with the additional ones stated and the exception of R-Co's and Western States. All voted aye.

Fire Station Overhead Door Permit to cut an opening in the Fire Station to install a new overhead door was considered. Contractor is Loren and Tim Losee. Motion was made by Councilman Beeson and seconded by Councilman Lowe approving the permit. All voted aye.

Healing Hands/Cheri It was questioned if license had already been approved. License approved last month was for 2008. License being considered is for 2009. Motion was made by Councilman Lowe and seconded by Councilman Beeson approving Healing Hands, Cheri Griffith, Owner/Applicant's business license. All voted aye. Unanimous.

Law Enforcement Monthly Sargent Monte Steele, Bannock County Sheriff's Department, reported that the department had received one complaint regarding snowmobilers on Main Street. Snowmobilers don't seem to be a big problem and as mast as the snow is melting the matter is probably short lived. Bannock County's prosecuting service bill and the fact that the city is not receiving any fine revenue back was mentioned. Officers in attendance did not know how the magistrate system works. The city feels that the perpriaters should cover costs. Sgt. Steele mentioned that years ago officers wrote citations on Lava forms but that has changed.

City officials are going to visit with commissioners. Requiring the prosecutor's office to submit statements quarterly instead of annually was suggested. Some of the council was curious if the tourist season impacts the services.

Business License Ordinance Revising the provisions of the ordinance regarding seasonal and temporary businesses and vendors to require them to pay a fair share of the garbage and other tourist related expenses. Applicants are providing federal and state tax payer's identification numbers as required on the application form. All new license applicants are required to pay a \$45 license fee. A temporary vendor fee is \$150. Tube stands and the snow cone stand are seasonal, four month, business and they are paying no water, sewer or garbage fees. The

seasonal businesses are providing copies of their annual leases to obtain an annual license. The Pancake House operated on a seasonal basis. The Pancake House was in a permanent structure and paid water, sewer and garbage fee all year. The seasonal stands are contributing nothing to help fund city services. The ordinance requires temporary vendors to provide adequate garbage storage on site. Some stands are paying for water service and have power service installed to the site. The ordinance allows only one license per property. The city has allowed several stands located on the Wagon Wheel parking lot to share a garbage can. Each stand location should have their own can. Public restrooms are another issue. The stands should also be providing restroom facilities. The seasonal stands need to provide restroom and garbage service or pay a fee for it that can help the city fund more portable facilities. The city could notify each stand that they are required to pay a deposit for a city garbage can on site. Imposing a surcharge was mentioned. There are seven tubing stands. The ordinance states under the annual license fee provisions that a vendor shall operate from a permanent building and be hooked up to utilities. Some council felt that if a business is not operating from a permanent building and hooked up to utilities that they should be considered temporary and others felt it could be detrimental. Requiring garbage containers will help resolve the overflow complaints. Some businesses in town are locking their containers because there is a big problem with garbage. Issue was made an agenda item for the next meeting. Invitations will be sent to the owners of the tubing stands explaining the city's position and involvement expectations. The city needs a solution and the stands should be part of the resolution. All vendor's from now on must have a city garbage container.

Meetings/Announcements
has registered to attend.

Idaho State University is offering workforce training. No one

(City Officials Day at the

No one was interested in attending the City Officials Day at the Capital on January 29, 2009.

(Miscellaneous - Congression-

Mayor and city clerk will be attending a meeting tomorrow, January 9, 2009 in Pocatello with Steve Brown, Simpson's Representative and Jeremy Field, Senator Risch's Regional Director regarding federal appropriations for the wastewater project. According to 2000 Census data, 25% of the residents fall into the poverty category. The city may expect some change due to the removal of the trailers from the River's Edge and the sale of many residential homes to second home owners. Population estimate for Lava Mobile Estates is around 80.

Population prediction is 480. Intentions are to meet with representatives to find out the status of the federal appropriation application that was submitted and also reiterate the city's need for funding assistance. Council was invited to attend.

(Miscellaneous - Idaho

Idaho Transportation Department meeting will be held in Pocatello on January 14, 2009 from 8:30 a.m. to 4 p.m. for all Bannock, Power and Oneida Counties. The city responded to an initial survey that was part of the IMAP Program. The purpose of the meeting is to map each entity's transportation mobility needs based on the census data. No one was available to attend.

Projects

Engineer's gave the contract to American Electric on January 5, 2009 and they have ten days to review, execute and return. The contractor has sixty days to complete project from the date of the executed contract. Project will most likely not be completed until sometime in March, 2009. NPDES permit discharge violations were a concern. Engineer's should be held liable for fines. American Electric contacted the City Clerk regarding some proposed changes and they were advised to contact Keller's. All change orders must be approved by the engineers before the city can consider them. Mayor and council were concerned with the length of time that it had taken to write up the contract. Engineer's and DEQ don't seem to be concerned.

Inflow & Infiltration Project

Engineer's have advised that the contract is almost complete and that they will be sending the draft to the City's attorney for review. The city wants the first phase completed no later than February to determine how much flow does not have to be treated (hot water and flow from Lava Mobile Estates). Plan is to test the trunk line in the spring for run-off. Wastewater project needs to be downsized. City will have to keep on engineers.

Wastewater Improvement

The council selected Keller's as the engineer for the project on March 13, 2008 and the city is still waiting for a contract. The city is also waiting for a contract from Southeast Idaho Council of Governments for project administration. Mayor and City Clerk will talk with SICOG tomorrow. The City Clerk has been in contact with SICOG and hopefully the city will receive the contract within the next week. The project is on the list for stimulus funding. J-U-B Engineers have submitted supplemental information to DEQ on the wetland determination. Hopefully the response wraps up the wastewater facilities plan study.

- (Solar Project) Letter has been sent to Rocky Mountain Power expressing the city's desire to relocate the project to the fire station and seeking some additional funding assistance.
- (Miscellaneous- Church Farm) Mayor Burgin expressed desires to re-look at the LDS Church farm for a land application site. Mayor has talked with some local authorities who are willing to make some contacts with the Church's real estate division in Salt Lake. The city fiercely needs to change the overall plan to something more economical and the Church farm is an alternative savings worth pursuing. Council was interested and willing to visit with authorities.
- (Miscellaneous - Website) Mayor and council were asked to take a look at the city's website, lavahotspingscity.com and comment.
- (Miscellaneous - Computer) Council member Smith mentioned that she has gathered some information on the computer. She obtained quotes for the best system possible which cost more than the city got the quotes for. Council member Smith recommended contacting Computer Warehouse to see how much more memory would cost. More memory and a graphics card is needed for the maps. The city committed \$5,000 as cash match to the City Transportation Plan project. Purchasing the computer and software program for the plan is part of the match. Spread sheets for maintenance records, etc., would be beneficial. City Clerk will contact Computer Warehouse about memory and engineers about graphics card. Use and need was questioned. There will have to be some training.

Discussion There was no discussion.

Motion was made by Council member Smith and seconded by Councilman Beeson to adjourn. All voted aye. Meeting adjourned at 6:30 p.m.

Canda L. Dimick, City Clerk

Marshall N. Burgin