

Minutes of the Special Meeting of the City Council of the City of Lava Hot Springs, Idaho held Monday, June 28, 2010 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present:

Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk

Rita Anderson, Councilperson

Phillip Beeson, Councilperson

Newton J. Lowe, Councilperson

Cathy Sher, Councilperson

Guests: Bryan Phinney (Keller Associates), Jeff Mansfield (Keller Associates), Matthew Hill (Keller Associates), Laurel Pumphrey, Glenda Heath, Lisa Toly and Gail Anderson

The mayor called the meeting to order at 5:30 p.m.

**Motion to Amend the Agenda**

A motion was made by Councilperson Beeson and seconded by Councilperson Lowe to amend the agenda to include vacation rental issues. All voted aye, unanimous.

**Adopt Resolution 2010-5 authorizing the lease of the 2010 first crop alfalfa growing on city property purchased for a wastewater land application site upon terms as the city council determines just and equitable as provided by Idaho Code 50-1407.**

**Resolution No. 2010-5**

**A RESOLUTION OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AUTHORIZING THE LEASE OF THE 2010 FIRST CROP ALFALFA GROWING ON THE CITY'S WASTEWATER LAND APPLICATION SITE ON A CASH BASIS; ESTABLISHING JUST AND EQUITABLE TERMS OF THE LEASE INCLUDING TERMINATION.**

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO THAT:**

**WHEREAS**, the City Council desires to lease the 2010 first crop alfalfa growing on the Miller Farm, owned by the City of Lava Hot Springs, Idaho as authorized by Idaho Code 50-1407; and

**WHEREAS**, the city council has determined that the best just and equitable method is to lease the crop on a competitive cash basis; and

**WHEREAS**, notices of the competitive lease proposal were mailed on June 23, 2010 to those individuals who had expressed an interest in harvesting the crop, and

**WHEREAS**, the notices specified that all proposals must be sealed and delivered to Mayor Marshall Burgin either by hand delivery or by mail, P.O. Box 187, Lava Hot Springs, ID 83246 and be marked on the outside of the envelope with a concise statement as a sealed lease proposal; and

**WHEREAS**, proposals have to be received and in the hands of the mayor by 5:30 p.m., on Monday, June, 28, 2010; and

**WHEREAS**, in its discretion, the city council may reject any proposal submitted; and

**WHEREAS**, if two (2) or more proposals are the same and the highest cash lease amount, the city council may accept the one it chooses;

**NOW, THEREFORE**, be it resolved by the Mayor and City Council of the City of Lava Hot Springs, Idaho that the 2010 Miller Farm lease terms be as follows:

- A. The lease will be for the 2010 first crop alfalfa harvest only.
- B. The cash lease amount will be for the purchase of the crop on the stump and must be paid in full before any crop can be harvested.
- C. The lessee will be held responsible for any damages to the property including the removal or destruction of any temporary and/or permanent survey markers.
- D. The crop must be harvested and removed from the site along with harvest equipment by July 15, 2010.
- E. Additional fees, assessment, penalties and/or fines will be charged to the lease for failure to comply with the lease terms at the discretion of the mayor and city council.
- F. The city will not be held responsible or liable for the harvester's equipment and/or product including but not limited to damages, repairs, theft, etc.
- G. The lease will terminate on July 15, 2010.

**PASSED** by the City Council and **APPROVED** by the Mayor of the City of Lava hot Springs, Idaho this 28<sup>th</sup> day of June, 2010.

CITY OF LAVA HOT SPRINGS, IDAHO

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Marshall N. Burgin, Mayor

ATTEST:

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Canda L. Dimick, City Clerk

A motion was made by Councilperson Anderson and seconded by Councilperson Beeson to adopt Resolution 2010-5 as written. All voted aye, unanimous.

**Open, review and accept proposal for the harvest of the 2010 first crop alfalfa on wastewater land application site property.**

Sealed proposals to harvest the first crop hay on the land application site were received and opened as follows:

Scott Gunnell - \$1,300  
Thayne & Leola Casperson - \$1,700

Thayne Casperson was the high bidder.

A motion was made by Councilperson Anderson and seconded by Councilperson Lowe accepting Casperson's proposal for \$1,700 for the harvest of the 2010 1<sup>st</sup> crop hay. All voted aye, unanimous.

**Adopt Resolution 2010-6 amending Section D of the Personnel Policy Manual of the City relating to employment procedures for seasonal and/or temporary positions or State or Federal funded jobs, directing the city clerk to cause the personnel policy manual to be amended and establishing an effective date of the amendment.**

Resolution 2010-6 was read in full as follows:

**Resolution No. 2010-6**

**A RESOLUTION OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AMENDING SECTION D OF THE PERSONNEL POLICY MANUAL OF THE CITY RELATING TO EMPLOYMENT PROCEDURES FOR ALL POSITIONS; DIRECTING THE CITY CLERK TO CAUSE THE PERSONNEL POLICY MANUAL TO BE AMENDED ACCORDINGLY; AND ESTABLISHING AN EFFECTIVE DATE OF THE AMENDMENT.**

**RECITALS**

**I.**

Section D regulates employment procedures for all positions.

**II.**

At the June 10, 2010 Regular Council Meeting, the City Council discussed procedures for hiring seasonal/temporary employees and determined need to consult with legal advice.

**III.**

This Resolution is adopted in order to amend the Personnel Policy Manual in accordance with the decision of the City Council and recommendation of the city's attorney.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AS FOLLOWS:**

**SECTION 1:** Section D Employment Procedure of the Personnel Policy Manual of the City of Lava Hot Springs, Idaho, is hereby amended to read as follows:

When it is determined that a position needs to be filled, the Department Head will request authorization of the Mayor and Council to recruit, test and screen the applicants and recommend an individual for the position.

All permanent positions shall be publicized by posting an announcement in the Official City Newspaper, on Official bulletin boards and by other such methods as seem advisable to find suitable applicants. The announcement shall specify the title and salary range of the job opening, the date of any examinations that may be required, the nature of the work to be performed, education and experience required and any other pertinent information. This section does not apply to seasonal and/or temporary positions or State or Federal funded jobs.

In routine hiring for a City position, applicants will appear at an executive session of the City Council for an employment interview. In an emergency situation, a department head, such as Police Chief, City Clerk, or City Engineer may be temporarily appointed by the Mayor subject to later Council approval in accordance with Idaho Code.

An application form must be on file for each person considered for a position. The file of applications will be retained by the City for three (3) years after the date of hire.

After interview and evaluation of applicants, the Department Head shall recommend to the Mayor and City Council, an individual for the position.

**SECTION 2:** The City Clerk shall cause the Personnel Policy Manual to be amended in accordance with this resolution.

**SECTION 3:** This resolution and the amendment made to the Personnel Policy Manual shall be effective from and after the day of adoption of this resolution.

**ADOPTED** this 28<sup>th</sup> day of June, 2010.

CITY OF LAVA HOT SPRINGS, IDAHO

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Marshall N. Burgin, Mayor

ATTEST:

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Canda L. Dimick, City Clerk

A motion was made by Councilperson Beeson and seconded by Councilperson Sher adopting Resolution 2010-6 as read. All voted aye, unanimous.

**Blue Moon Bar Car Show (July 10, 2010) – Gail Anderson**

Gail Anderson, Blue Moon Bar, asked for permission to block off the street by the Blue Moon Bar for a Car Show on July 10, 2010, like they did last year. The council authorized Elm Street to be blocked off by the Blue Moon Bar on July 10, 2010, for the Car Show.

**Lava Planning & Zoning’s Statement of Facts, Findings and Recommendation on the Zoning Map Amendment Application – River’s Edge Resort, LLC, Applicant**

The Mayor reported that the council could not take any input from the audience, the public hearing is over. The Mayor read the recommendation from the city attorney.

- 1) The city cannot spot zone.
- 2) The access is a prescriptive easement. Prescriptive right confines right to the historical use which is a private driveway for a single family dwelling. It has been brought to the city’s attention that there is a question regarding access ownership. Mr. Mulholland must provide proof, written documentation, that he either owns the access or has authority to use the access commercially.

The Mayor told Mr. Mulholland that he has until July 24, 2010 to provide the proper documentation for access. The City Council must meet before July 24, 2010 to make their final decision on the Zoning Map Amendment Application. If he cannot provide the required proof, the city will have to deny the application.

Mr. Mulholland asked if the access is the road joining the property. The Mayor clarified that it is the access along the river.

A motion was made by Councilperson Beeson and seconded by Councilperson Sher to table any further discussion on the Statement of Facts, Findings and Recommendation on the Zoning Map Amendment Application, River’s Edge Resort, LLC, Applicant, until legal documentation has been presented before the City Council. All voted aye, unanimous.

**Wastewater Improvement Project**

**A) Inflow/Infiltration Study Report – Keller Associates**

Bryan Phinney presented the Mayor and City Council with the Inflow/Infiltration Study Report in a draft form. Once the city approves the report, the report has to be submitted to DEQ. The study shows that there is not significant infiltration or inflow however there is extraneous amount of water. He defined infiltration as any water that leaks in around a service connection or a pipe joint; it is due to

groundwater and the pipe not being put together well or the pipe deteriorating. They did not find any infiltration.

The study did find some sections of sewer line that are deteriorating and a couple of spots that the sewer line has collapsed. He showed the council a map of the study area report. The trunk line is starting to show age and some aggregate is showing.

The study identified where the high percentage of the wastewater is coming from, the city produces more waste water than a city our size should per person. The average should be 90 to 100 gallons per person per day. The actual number is 240 gallons per person per day. The city has 646 EDUs, McCammon has 426 EDUs. The study was done in the winter and spring which is not the peak tourist season.

The study identified some services that are running hot water into the system. Average waste water temperature should be 50 to 60 degrees; we have waste water that is over 100 degrees. The camera documents that there are services running a lot of very clean and clear water into the system.

Keller's reviewed a map showing the locations and percentage of the wastewater flows. Charts and reports were reviewed.

Conclusion is that the city has a small commercial section that is producing a large majority of the waste water, and a large residential section. The report identifies some of the major services that are contributing the majority of the flow and sections of pipe that seriously need to be worked on or replaced; two areas in the trunk line could not be cameraed due to obstruction or collapse. The study gives recommendations for the city council. The city council needs to approve the study so that it can be finalized and submitted to DEQ within the next few weeks.

#### **B) Dempsey Topaz Irrigation Company Letter – Keller Associates**

Jeff Mansfield reported that Keller Associate has written a letter of comments regarding the Dempsey Topaz Irrigation Company letter. The letter was received in January 2010. The items in the letter have not been addressed because the city has not been released to construct the project. We are getting real close to getting the release to begin construction.

Recommendations of how to address the concerns were made. The attorney should review the recommendations before signing the letter. The letter which Keller Associate has written was reviewed with the council.

- 1) The city is not changing the access into the property therefore the existing access gates should be adequate.
- 2) The cover over the pipe is according to the manufactures specs.
- 3) The pipe needs to be self draining; the elevations on the pipe as specified will make the pipe self draining. There is a transfer diversion box that allows the city to back up the water so that water can be

pushed to the city pump. The design has a valve in it which can be opened to drain and flush the pipe.

- 4) Dempsey/Topaz Irrigation has requested a concrete water control system on each end of the pipe. Currently the design has a galvanized steel inlet structure (headwall). A concrete headwall could be designed but would require a change order. If the canal company wants a structure that can be used to control and stop flow, that is something the canal company should be financing and not the city. They explained that the canal company's desire for a concrete headwall may be because it would be easier to connect a weed screen to a concrete headwall. A weed screen is not a bad idea and could be attached to a steel headwall also.
- 5) The Mayor asked if it is the city's responsibility to replace the 6 inch pipe line on the east side of the property to another property owner. Bryan Phinney said that the city will need to address it; he recommended a solution for addressing this issue.
- 6) The canal will be piped to separate the surface water from the waste water which is a DEQ requirement.
- 7) The canal company has requested access to inspect the trench during construction. Bryan Phinney stated that they had no problem with canal personnel inspecting the trench while the pipe is being laid, but the canal company will have to accept their own responsibility for their own safety. The contractor, the city nor Keller Associates will accept the responsibility for the canal personnel safety.

Some negotiations need to occur between the canal company and the city regarding the requested changes. Keller Associates is willing to help draft a letter to the canal company or attend a meeting with the company to help negotiate these issues. The Council will review Keller Associates recommendations and make a decision at the regular council meeting on July 8, 2010.

### **C) Phase I**

The Environmental approval comment period will end on July 23, 2010. If no comments are received, DEQ should release their funding. Keller's have received some preliminary submittals from the contractor today. The contractor is working on obtaining their permits. Keller's are reviewing the material so that the contractor is ready to begin construction as soon as approval is given.

### **D) Phase II**

Keller's have completed the survey on Phase II. They are laying out design on the transmission line. At the Dempsey Creek crossing the city needs to consider tagging the top of rock. Tagging will help in the bidding process because the bidders will know where the rock is. Keller's will help the city hire a geotech.

Keller's is willing to start the easement negotiations with the individual property owners. It was suggested that the Mayor and Tony help with the negotiation process, there are five property owners for the easement.

Keller's need input from the city on open cut verses slip line on the main truck line. No local contractors can do slip line. As long as the city can get environmental clearance, laying a line next to existing line is cheaper. The man holes are cones because pipe is so shallow. Sections of pipe that are collapsed will have to be open cut. The pipe would have to be jetted again and two areas dug up if slip lined. It was suggested that the city let the market tell which method to use, let the bidders decide how to bid it.

The Wet Lands Study determined that there are no wet lands along the trunk line. The challenge at the plant is going to be the staging. Some of the funding will not be available until next spring. The trunk line can be installed at any time; the transmission line will have to be done before the work on the plant begins. The minimum easement needed is ten (10) feet permanent easement and fifteen (15) feet temporary easement, fifteen (15) feet permanent easement and twenty (20) feet temporary easement would be preferred.

#### **E) Vacation Rental**

The city clerk reported that there is an owner that uses one unit as a personal residences and one unit as vacation rental. The owner wants to put up a tent in the yard for her grandchildren. The ordinance states that tents are not allowed at a vacation rental. Councilperson Anderson stated that where it is designated a vacation rental, it needs to abide by the ordinance. It was stated that the owner needs to decide which it is; the owner cannot have it both ways.

A motion was made by Councilperson Anderson and seconded by Councilperson Sher that the city abide by the ordinance that there be no tenting on any property designated as a vacation rental. All voted aye, unanimous.

#### **Adjournment**

A motion was made by Councilperson Lowe and seconded by Councilperson Beeson to adjourn. All voted aye, unanimous.

The meeting adjourned at 6:55 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 August 19, 2010