

Minutes of the Special Meeting of the City Council of the City of Lava Hot Springs, Idaho held Monday, October 3, 2011 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: None

The meeting was called to order at 5:30 p.m. by Mayor Burgin.

### **Amend Agenda**

A motion was made by Councilperson Anderson to amend the agenda to discuss the public restrooms, poles for the Fish Creek spring fence, Phase 1 wastewater improvement project construction meeting and Oktoberfest. The motion was seconded by Councilperson Sher. All voted, aye, unanimous.

### **Wastewater Improvement Project Phase II Bids**

#### **A) Review bid tabulations, engineer's analysis and written recommendation for award and make decision on city's recommendation for award.**

Councilperson Sher questioned if there is a way to save on change orders. It was stated that change orders are normal procedure on any project.

Councilperson Lowe expressed concerns regarding the integrity of the contractor. He feels that the council recommends award of bid based on the low bid amount but does not know anything about the quality of work the contractor does. It was reported the Whitaker Construction just finished a water project in Grace. The wide range between the high and low bidders was discussed. Keller's Engineers have recommended award to Whitaker Construction and the city's attorney has concurred.

A motion was made by Councilperson Anderson to recommend bid award to Whitaker Construction. The motion was seconded by Councilperson Beeson. All voted aye, unanimous.

#### **B) Review DEQ's contract amendment for interim financing.**

The city clerk reported that due to the bids on Phase II coming in well below estimated cost, that the project is not eligible for the USDA grant. USDA is now only offering the loan. The council felt that the city should still be eligible for the grant in proportion to the bid. The city clerk was asked to send a letter to USDA requesting that a grant in proportion to the bid be considered and reinstated to the city, starting with  $\frac{3}{4}$  of the original grant and then negotiate.

The city clerk reported that she had met with Julie Neff, USDA, this morning. USDA is willing to reimburse the city for some expenses that the city funded from sewer capital reserve funds (i.e. land purchase, aerators and easements). The city clerk is working on a list of eligible reimbursable expenses.

The council discussed purchasing a pressure/vacuum unit under the project. The cost for a 500 gallon pressure/vacuum on a trailer is \$70,000. The purchase of a pressure/vacuum is not an eligible expenditure according to USDA. However, the city could be reimbursed for the land purchase then purchase the pressure/vacuum with reimbursed city funds.

Mayor and council asked the city clerk to inform USDA that the city would like to be reimbursed for the land application site purchase, \$288,000.

### **Planning & Zoning Commission Meeting Date (Proposal to change to 4th Thursday)**

The city clerk reported that due to commission member Cory Unsworth's new responsibility as Scout Master of the Lava Troop, the Planning and Zoning Commission would like to change the regular meeting to the fourth Thursday of each month. The city clerk was instructed to draft the ordinance to change the date.

### **Public Restrooms**

The council discussed closing the public restrooms for the winter. The restrooms will be opened on Saturdays and Sundays through October. The public restroom custodians are to open, close and clean the restrooms on these days.

### **Replacement Poles**

The city clerk reported that 24 poles need to be replaced in the fence around the Fish Creek springs. Tony would like to purchase the poles from Hess Lumber in Arbon Valley at a cost of \$320 delivered.

A motion was made by Councilperson Beeson authorizing Tony to have the poles delivered. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

### **Phase I Wastewater Improvement Project Construction Meeting**

A construction meeting will be held Wednesday, October 5, 2011 at the land application site.

### **Oktoberfest**

The city clerk reported that Sam Netuschil has schedule Oktoberfest for October 8<sup>th</sup>. Poky Free Bikes are sponsoring the event. Mr. Netuschil doesn't want Poky Free Bikes to have to obtain a business license as they are a non-profit organization. The council decided that Poky Free Bikes will have to obtain a business license or the Chamber or another local non-profit organization will need to be involved. Also, taxes need to be paid for the 2010 event. A precedent is already set with Lava Palooza. The city is not trying to discourage special events but there is an ordinance that has to be followed. The city clerk

reported that she had been told that the event broke even last year. Feelings were expressed that the event was scheduled at the last minute last year and again this year. The council agreed that a local non-profit has to be involved or a temporary vendor's license paid.

**Adjournment**

A motion was made by Councilperson Lowe and seconded by Councilperson Beeson to adjourn. All voted aye, unanimous. The meeting adjourned at 6:15 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 October 13, 2011