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

Approval of Minutes

A motion was made by Councilperson Anderson approving the January 13, 2011 Regular Council Meeting and the January 24, 2011 Special Council Meeting minutes.

Councilperson Sher mentioned two typographical errors in the minutes. Minutes of January 13, 2011, page 4 under Projects B) 1) Rain for Rent. The second line “Rain for Rain” should be Rain for Rent”. Minutes of January 24, 2011, page 1 end of the third paragraph there is an extra period.

The motion was seconded by Councilperson Sher with corrections as noted. All voted aye, unanimous.

Reviewing of Bills

The mayor reported that there were additional bills that need to be added to the list:
ICCFOA membership dues- $45, Ware & Associates for FY2010 auditing services - $5,500, MR&E, Inc. - $4,879.43 for November, 2010 garbage service fees and, MR&E, Inc. - $4,728.29 for December, 2010 garbage service fees.

A motion was made by Councilperson Lowe accepting the bills to be paid. The motion was seconded by Councilperson Sher. All voted aye, unanimous.

Law Enforcement Monthly Report

No officer present. No discussion

Adopt Resolution #2011-1 proclaiming April, 2011 as Fair Housing Month.

The mayor read Resolution No. 2011-1 as follows:

Resolution No. 2011-1

WHEREAS, April 2011 marks the 43rd anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and
WHEREAS, the Idaho Human Rights Commission Act has prohibited discrimination in housing since 1969; and

WHEREAS, equal opportunity for all—regardless of race, color, religion, sex, disability, familial status or national origin—is a fundamental goal of our nation, state and city; and

WHEREAS, equal access to housing is an important component of this goal—as fundamental as the right to equal education and employment; and

WHEREAS, housing is a critical component of family and community health and stability and

WHEREAS, housing choice impacts our children’s access to education, our ability to seek and retain employment options, the cultural benefits we enjoy, the extent of our exposure to crime and drugs, and the quality of health care we receive in emergencies; and

WHEREAS, the laws of this nation and our state seek to ensure such equality of choice for all transactions involving housing; and

WHEREAS, ongoing education, outreach and monitoring are key to raising awareness of fair housing principles, practices, rights and responsibilities; and

WHEREAS, only through continued cooperation, commitment and support of all Idahoans can barriers to fair housing be removed;

NOW, THEREFORE, I, Marshall M. Burgin, Mayor, of City of Lava Hot Springs, do hereby proclaim April 2011 to be FAIR HOUSING MONTH in the City of Lava Hot Springs, State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand at the City of Lava Hot Springs, Bannock County in City Hall on this 10th day of February in the year of our Lord 2011.

___________________________________
Marshall M. Burgin, Mayor

______________________
Canda Dimick, City Clerk

A motion was made by Councilperson Sher approving Resolution No. 2011-1 as read. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

Business License(s) & Non-Property Tax Permit(s)
A) Aeropostale (Tax Permit)
B) Avon Products, Inc. (Tax Permit)
C) Best Buy Stores, LP (Tax Permit)
D) Dell Equipment Funding, LP (Tax Permit)
E) Lava Hot Springs K.O.A. (Renewal)
F) Mercedes – Benz Financial Services, USA, LLC (Tax Permit)
G) Consider amending the business license ordinance to charge a higher fee for late renewals - Councilman Beeson

The mayor read the list of business licenses and non-property tax permits. Item G was tabled until a later date because Councilperson Beeson was not in attendance. Business Licenses for Gunter Construction, Gavin Gunter owner, and Castle Signs, Fred Castle owner, were added to the list to approve.

A motion was made by Councilperson Anderson and seconded by Councilperson Lowe approving the business licenses and non-property tax permits as read. All voted aye, unanimous.

**Proposed Text Amendment to Zoning Ordinance on Recreational Vehicles in R-2 and R-3 Zones – Council member Sher**

Councilperson Sher proposed a text amendment to the zoning ordinance to allow residents in the R2 & R3 zones to allow guests visiting them who are traveling in RV’s to park on their property and stay. The proposal is similar to Stanley, Idaho’s ordinance. She stated that she doesn’t feel that RV’s should be allowed any hookups to city services. Councilperson Sher proposed a permit process. One fifteen (15) day permit per year for up to two (2) RV’s issued by city staff with extended periods or an additional permit issued by the council.

The mayor addressed concerns with section C. He questioned if it would allow owners of vacant lots to park RV’s on them. Councilperson Sher corrected her proposal to not allow RV’s on vacant lots. Permits would be issued to the address or developed parcel. Councilperson Lowe suggested tabling the matter because more research is needed. He stated that the permit process could be difficult to enforce. Councilperson Sher will continue working on the proposal and work with the city’s attorney on developing a viable ordinance.

**Approve Jack & Dora Friedel’s Building Permit to Finish Basement at 20 East Main Street.**

The city clerk reported that the building inspector has not signed off on the permit and that it would need to be approved contingent upon the building inspector’s approval.

A motion was made by Councilperson Anderson to approve Jack & Dora Friedel’s building permit to finish the basement at 20 East Main, contingent on the building inspector’s approval. The motion was seconded by Councilperson Lowe. All voted aye, unanimous.

**Garbage Service Request for Proposal – City Attorney’s Recommendations**

The council reviewed the attorney’s recommendations on the garbage service request for proposals. The attorney recommended increasing the performance bond to $5000 and increasing the insurance limits. He also said the number of pickups per week needed to be specified. Changing the contract to a (5) year term was discussed. The contract term was
left at (7) years. The city clerk said that the contractor would need to keep track of the commercial garbage usage and give the city the amount to charge each commercial user each month.

A motion was made by Councilperson Sher to send out the garbage service request for proposals as discussed with the additional changes. The motion was seconded by Councilperson Anderson. All voted aye, unanimous.

Status of the adoption of the 2009 International Building and Residential Codes with exceptions.
The city clerk explained the status of the 2009 International Building & Residential Codes. The city code provides that adopted versions of the codes shall be deemed superseded by successive versions of the codes as they are adopted or approved by the Idaho Building Code Board, effective on January 1 of the year following adoption by the Idaho Building Code Board and therefore the city is in compliance. Bannock County is working on some exceptions. The city will consider adopting the county’s exceptions when they are in place. She also informed the council that Bannock County will be adopting a new rate schedule for building inspections.

Meetings/Announcements
A) Schedule meeting with Lava Chamber of Commerce Marketing Committee.
The mayor announced that the Chamber of Commerce is meeting on February 28th. After the Chamber has a chance to review the Marketing Committee’s proposal at their meeting, the city council will schedule a meeting with the Chamber of Commerce Marketing Committee to further review their 1% tourism tax project proposal.

B) Miscellaneous None

Projects
A) Sewer Rate Study Progress Report
The city clerk reported that the study is close to being finished. City staff is working with Idaho Rural Water Association on it.

B) Wastewater Improvement Project
1) Transmission & Trunk Line Easements
The city clerk reported on the easements. The easement with River’s Edge Resort, LLC has been signed by Mr. Mulholland but still needs the lien-holder, Mrs. Drew’s signature. The easement for the prescriptive easement for the existing line in the county right-of-way should be completed tomorrow.

2) Phase II Design
The mayor reported that Tony, Billy and himself had met with Brian Phinney and Mathew Hill on Phase II. The design is almost complete and will hopefully be ready to send to DEQ for review and approval by the end of February.

3) Miscellaneous
None.

C) LHTAC Grant Application/East Main Street Bridge Replacement
The mayor reported that the city has submitted a grant application to replace the East Main Street Bridge. The city has committed $100,000 of matching funds to the project. The plan is to also address a pedestrian bridge on the South side. Mark Lowe asked if the plans can incorporate a pedestrian bridge so that the hot baths are not completely isolated from downtown during construction. The Lava Foundation may be interested in participating with the city on the construction of the pedestrian bridge. The city clerk will send an email to the engineers and possibly schedule a meeting.

D) Park Playground Surface Project
   The city clerk reported that this project has to be completed by May 15, 2011. Councilperson Sher will contact suppliers.

E) Sander Purchase
   The mayor reported that he and Councilperson Beeson had gone to Salt Lake City to look at a sander. The truck is in good condition but the bed was not. Plans are to continue looking.

F) Miscellaneous
   Lester Betty questioned why the city had not been keeping him in the loop on the sewer lagoon project. He said that the city is in default of its conditional use permit because half the trees screening his property are missing.

   The mayor reported that the city is going to put in an eight (8) foot chain link barrier fence with vinyl slats along Betty’s property and six (6) foot chain link around the east and west sides of the sewer treatment lagoons. The city is going to pump, clean and reline the existing ponds. He explained that the existing ponds are treatment ponds. The city has been focused on Phase I. The design is almost finished on Phase II. DEQ still needs to review the plans which can take up to thirty (30) days, and then it will go to bid. Phase II may take up to two (2) years to complete.

Discussion – Items from the audience.
   No discussion.

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 6:29 p.m.

_____________________________  ________________________________
Trish Avery, Transcriber              Marshall N. Burgin, Mayor

Canda L. Dimick, City Clerk (proof read)

Approved March 10, 2011

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