Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, October 13, 2016 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: T. Paul Davids III, Mayor
George Linford, Councilperson
Brian Hinz, Councilperson
Jon Thomson, Councilperson
Canda Dimick, City Clerk
Dennis Callahan, Code Enforcement Officer

Excused: Tamara Davids, Councilperson

Guests: Randy Benglan, Joe Benglan, Kevin Koester, Lisa Toly, Wendy Faler, Adam Bowcutt, Kody & Andi Tillotson, Marty Anderson, George Katsilometes, Enber Gunter, Officer Young, Officer Tayson

Mayor Davids welcomed everyone and called the meeting to order at 5:30 p.m.

Approval of Minutes:
September 8th 2016. Councilperson Thomson made a motion to approve the minutes. Councilperson Linford seconded the motion. All voted aye, unanimous.

Amend Agenda:
Approvals of Bills move to after L and project, to the end of the meeting.
Schedule Oktoberfest event report right after the Lava Trails project. Council consented to change the order.

Lava Trails Project – Portneuf Soil & Water Conservation District Representatives: Kevin Koester, Chairman of Portneuf Soil and Water Conservation district that is sponsoring the project. The work is progressing rapidly. We had one change request received last night at board meeting. The observation deck will be the same square footage but, instead of synthetic lumber or treated material it will be concrete. They felt like cement would be best, there are a lot of sand pits and the contractors were concerned they would not be able to anchor a wooden structure. Cement is low maintenance. There will be railing
around the concrete pad and the anchor will be embedded in the concrete. KT excavation was awarded the contract and they are hoping to be finished before Thanksgiving. Kevin reviewed what he has discussed with Mayor Davids and City Clerk Dimick. First experience with Parks & Recreation and it looks favorable. There is funding available through parks & recreation. They would write the grant for the City at a charge. Suggestion is to tie into the river access project. Phase II, Chicken Soup Spring, of the Lava trail project ranks 7th out of 55. Grant starts in January 2018. Property acquisition needs to happen first for the pedestrian bridge. Improving exit site by the Community building is a possibility. Prefer something close to bridge site. Another option is an emergency exit point tied into the pedestrian bridge. City will work on Chicken Soup Springs. Mayor asked Kevin to inquire about Community Building exit. Kevin will look into. A conservation element has to be included. Developing an access by chicken soup was offered as another option. Application will be changed to gated emergency access point to Chicken Soup Springs. Councilperson Hinz would like to see the application before it is submitted. Kevin asked if City would consider a donation to Portneuf Soil Conservation. Kevin will ask Cali to stay in touch with City Clerk Dimick.

**Oktoberfest – October 8th:** Wendy Faler, Event Coordinator, reported on Oktoberfest. Great event, Lava is an amazing town, full of volunteers and generous contributions. Eight Thousand dollars ($8,000) projected revenue. Great increase in attendance, exact figure will be given to council. Thank you notes are being hand written and will be mailed out next month. She would like Mayor and Council to sign them. She is trying to organize a lighting ceremony to be held with the Gingerbread walking tour event. She would like to move it from the Friday after Thanksgiving to the next weekend. Wendy was asked to compile some costs and present it to council for approval for Christmas lighting event. Mayor asked Wendy to please rope off areas where alcohol is served at events in the future and post signage.

**Law Enforcement/Code Enforcement Monthly Reports:**
Officer reported if you see clowns don’t shoot them, please. If you see a clown or something suspicious call the police. Officers reported that they have the speed sign data. He mentioned the data was talked about in the sergeant meeting and they will try to get a few more people to help patrol.

**No Open Alcohol Container Ordinance Posters:** Dennis Callahan, City Code Enforcement Officer reported that he checked on price for open container poster. The cost depends on how many signs not the design. The cost for metal signs,
exterior, size 24 X 18. Thirty four dollars and fifty cents ($34.50) each includes graphics and wording. He is concerned with the amount of words the council wants on the signs. If both Spanish and English is printed on the signs it may be to complex. Council needs to decide on how many signs they would like. Mayor Davids asked Callahan to put together a plan, work with City Clerk Dimick.

**Microchip Program Update:** Dennis Callahan, City Code Enforcement Officer reported that we he has tentatively scheduled for January 21, 2017. He talked with Kim Bellman volunteer coordinator with Portneuf Animal Shelter services to organize the event. Dennis also coordinating with Richard, director of animal services, and they will purchase the chips and arrange for his people to administer the chips and the city will make payment to them for the chips and wages. Richard mentioned maybe the city can have someone trained to administer the chips ourselves. Pocatello is changing their laws and it will be mandatory that cats are licensed. The event will be at City Hall. Notices will be mailed out with water bills, lava news and posted at the post office.

**Special Event Application Form:** Special event permit draft form given to council and taken under review. City Clerk Dimick reported that revision have been made on the draft form. Mayor Davids asked the council to review and bring any revision to our next meeting.

**Lava Hot Springs Inn Sign:** Mayor and council reviewed permit. Councilperson Thomson made a motion to approve sign as shown on picture. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**George Katsilometes Building Permit #L16-01 Extension for 9 Cabins:** Marty and George was asked if they had any comments. Marty commented that when they researched this issue it appeared to them that the building inspection might be Ms. Andi Higgins (Bannock County) and as you can see we made a dual application for the extension to the Bannock County and The City Council. We had prior corresponds with Canda and she consulted with Clyde and they identified that Andi Higgins was in fact the building Official. Clyde spoke up and said he was mistaken. He is now of the opinion, after reviewing another ordinance which he did not have in his possession, that the building official is the City of Lava Hot Springs or its designated which would be Dennis and the building inspector is the City. Marty and George doesn’t think Clyde is accurate. Marty continued with as you know we questioned Dennis’s capacity to serve as a Building Official due to his lack of qualifications and we think the code is pretty clear about that. So be that as it may, we have applied to both entities. Marty talked to Bannock County...
and they said the process is that George submits his application to the City. Then
the application is sent to Bannock County and they act on the permit once they
receive the building permit payment from the City. Georges submits his check to
the City and the City issues a separate check to Bannock County and I believe that
is when the permit gets issued. The councilperson Thomson questioned what is
the issue with the permit? The permit is already issued. Mayor Davids explained
it expired and they are reapplying. Clyde asked Marty what is the point you want
to make for George. Marty explained the date is the point. The City says it
expired and we don’t think it has. We think the application for the extension is
timely. Marty commented they are requesting a 180 day extension by code, not to
exceed 180 days and you can request more than 1 extension. Mayor Davids
questioned why George has not started on the project. George comments read the
letter. Mayor Davids said he has. Marty answered he did not get his loan from the
USCA. George comments it has been delayed by the issuance of the easement and
strip of land. I cannot move ahead unless I have a clear title to the property.
Mayor asked council if anyone has a problem with extending the permit another
180 days. Councilperson Thomson asked if it’s 10 or 9 cabins. Marty and George
agreed the permit is correct with 9 cabins. Councilperson Linford asked if this is
the permit that wasn’t dated. Marty answered yes and that would be something
they we would request. I’m not quite sure and the County itself, as you guys are
probably aware of, says this is an issue with what they call the “little cities”. The
process is in need of some attention. The role the county plays and the role the city
plays has a disconnection. For example; people like George call into the county
with question and they’ve been advised by their supervisor not to answer them but
defer the matter to the governing bodies which, in this case it refers back to Andi
Higgins. It’s circular and very confusing for the patrons, just something you guys
might want to know. Mayor Davids asked who fills out the permit. The county
issued permit 909 when they got payment from the city. Marty explains that is my
understanding and comments he is not an expert. Marty talked to the one lady who
works for Andi Higgins and was told when someone like George comes in to apply
it’s referred on for an initial review. Then Andi Higgins will approve it or
disapprove then it will come before this council for approval and if in fact it is
approved then the city resubmits it to the county as approved along with George’s
payment. The check goes from the City to the county, then the county issue permit
909. Then the permit comes back to the City or perhaps the county just mails L16-
1 directly to him, which is George’s recollection, that he got it in the mail directly
from Bannock County. Bannock County on this particular permit has permit 909
as the distinct number. Mayor Davids questioned that there is an application that
you signed, correct George. Marty and George answered that there is a signature
on his application. Marty comments, that is not the issue and he doesn’t know who
suppose to date it. Councilperson Hinz question the 10 or 9 cabins, he is looking at an email from the County that says 10 cabins. Marty commented that its 9 on the permit and they acknowledge that. George comments the email is outdated. Councilperson Hinz comments the email says 10 cabins each and it is not an outdated email because it’s dated August 31st. All Marty knows is the meeting he attended he recalls two parts of the conversation. He did not represent George at the meeting. One is the council wanted brown paint instead of white and the second was 10 parking spots you deemed too tight and you guys put it to 9 and on the face of the permit it says in fact 9. Councilperson Hinz comments for the record its 9 and the email is not an outdated, it’s dated August 31st from the management assistance at the county. Council confirmed its nine parking spaces and nine cabins. Councilperson Linford confirmed that they are looking for an extension of 180 days for 9 cabins. Marty commented correct the existing permit, which is 9 cabins extended 180 days no alterations. Councilperson Linford made a motion to approve extending original permit to 180 days from today date. Councilperson Thomson seconded the motion. All voted aye, unanimous.

Mr. Wilson’s Panels: City Code Enforcement Officer Callahan reported that Mr. Wilson has not picked up the panels. Gates and stuff are on a vacant lot the city had removed. A nuisance notice was sent to the home owners and they never responded. Mr. Wilson called Mayor Davids a couple of weeks later requesting the property that was removed. It was explained to him that no one took action on the notice and the City had the lot cleaned. The city set aside the panels and he is welcomed to pick them up. As of today he has not picked them up.

Status of Rental at 237 West Main Street: Mayor Davids reported the people were staying in their again this last weekend. City Code Enforcement Officer Callahan said that he talked with the owner and they claim they are not renting it, he has friends staying there. Mayor Davis asked City Code Enforcement Officer Callahan the next time someone is staying there to stop and talk with the people and see where there are from and how do they know the owner. Owner told City Code Enforcement Officer Callahan he wasn’t going to start renting until he has the outside completing done and ready to go.

Public Nuisance Notices Report: City Code Enforcement Officer Callahan reported that 60 days expire on 15th. Dennis said each one is making progress. He will continue to work with Ken and the property owners to get more action on the property. Callahan believes he is going to have to write more letters explaining what needs done and a guide line when the cleanup needs to be completed.
Clarified Use for Detached Garage Loft – West Elm and North 5th West: City Code Enforcement Officer Callahan report that owners have no interest in renting it at this time maybe 5 years down the road they may. Dennis suggested to them they should check with building inspector and build it per code now for future use. Dennis was asked to document conversation.

Century Link Roof Replacement: Code Enforcement Officer Dennis Callahan reported that Toly’s, City Clerk Dimick and himself meet with a representative from Century Link. He said he could not do anything about it and would talk with his supervisor. Lisa Toly reported that she had a message on her phone indicating that Kyle turned it back to the original contacts. Callahan was asked to call Kyle tomorrow and see where things are at. Lisa reported she has already paid for a survey and she has sent several letters to Century link. She will provide copies of letters to the City in chronically organize dates. The council feels this will help when Dennis is talking with Century link.

Fire Hydrant and Sign Damages from October 7th Accident: 16-B4059 report. File restitution for damages. No insurance. Mayor Davids talked with Tony and they’re going to have to replace the Hydrant or parts. He will get the parts ordered this week. Councilperson Linford commented that he talked with Billy and he told George that Tony has ordered the parts. An officer from the audience spoke up and explained what happened with the accidents and suggested the City submit the parts cost to the prosecutor’s office for restitution. In the police report he was cited for no insurance.

Fall Tree Trimming Notices: Code Enforcement Officer Dennis Callahan reported there are a few trees that need trimming. Dennis will start sending out notices to property owners.

Lava Spa Motel Sidewalk: Mayor has talked with owners. They are going to replace portions of the sidewalk but not all of it. They are interested in getting benefits from Chicken Soup and want to wait until he receives further information on it.

Prosecuting Services – Stephen Herzog, Prosecuting Attorney: No attendance. City Clerk Dimick reported the city has not received a bill for over a year from the prosecuting services department.

Miscellaneous Monthly Reports: Nothing to report.
**Allow Edge Water Resort to Remove an Existing Light:** Andi and Kody Tillotson, representing Edge Water, they’re requesting permission to remove an existing light pole located on the north side of Portneuf Street. The lighting is no longer needed it was formerly used for the Thai Restaurant. They have researched it and they don’t know who owns the pole or who is paying for the service. City Clerk Dimick reported they did a count of the street lights and it doesn’t appear to be included in the street lights the City is paying for. Kody explains they’re going to be developing the area and will put in their own lighting, they don’t want this one. There is plenty of light in that area. Kody is willing to pay for the removal. Rocky Mountain will drop the line and they will dispose of the pole. If the City wants the pole they can have it, if not they will dispose of the pole. Councilperson Linford asked if the Pole is on City Property. Kody comments the pole is sitting on the corner and on the property line. Councilperson Linford made a motion to allow area light where Thai Restaurant was to be removed at Kody’s expense and approval from Rocky Mountain Power. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Proposed Land Swap – Kody Tillotson, Edge Water KOA Owner:** Kody provided documentation to the council to review, a current ownership and proposed map. They acquired Edge Water campground spring of 2015. We had the property surveyed and we’ve worked with Curtis at Alliance Title to find out property lines and ownership. The map has been provided to him by the surveyor. The issue is they own a big chuck of Portneuf Street. Portneuf Street starts at 29 feet wide, turning of Center Street, currently developed meaning paved and a little bit of curbing and it ends on 1st West Street at about 32 feet wide currently paved. We came to the Council when Marshall Burgin was Mayor with some drainage issues and the City agreed to put in curbing at the existing develop area, along the paved area, with the agreement that we could use that property for camp ground use and so on. We’ve dumped a lot of money trying to fix the drainage and some of the issue. Kody went over current and proposed ownership map with the council. Kody proposed rather than the City developing the street he would propose to swap property. I estimate the cost for the City will be hundred thousand dollar ($100,000.00) or more to develop the street. Kody reviewed the area on the map he would like to swap. Kody comments the City is not really gaining anything developing the street maybe a little bit of parking possible which, the campground would love. Kody proposed trading out, the green section on the map, 21’ to 25’ of the street to him for ownership of the prescriptive parcel that he owns on the east end of Portneuf Street. I would trade out the chunk of land that is developed for the chunk of land that is not developed. I would work with the City
on any easements they will need. This would narrow the street but, the City would still have two-way traffic. Councilperson Thomson commented that there are a couple of things missing. One is the property has a row of trees which is an obstacle. Kody commented he will get to the trees in a minute. Councilperson Thomson also mentioned the fire hydrant the City has there. The Fire hydrant will be part of our new water improvement project. The Hydrant is a 4 inch line and will need to go to a 6 inch line. The City has a water line that runs under that street anyway that’s his understanding. If we look at the ownership proposed map that water line now run almost along the line of the purple and green on the map. Kody commented that it’s about 5 to 8 feet in and it is on the City property according to Tony. Councilperson Thomson comments the concern is if you ever have to dig it, which we will with the water improvement project. The City has to have so much distance on both side of it, if and when if we decide to go with the swap we need to be considerate of future requirements to access that water line. Councilperson Linford added the sewer access runs right along the curb. Kody comments that the line is not right along from his understanding but, he would like clarifications. He adds that the City has over 30 feet of ground through there it’s, plenty of room to run City services. Kody suggest we might be able to work something out on easement if we accrue a problem. Councilperson Linford asked if we did need to dig up that sewer line will it be an issue to get on your property to dig. Kody comments that they do not have a problem with that. They are not developing any structure there but, it makes a big difference with the elevation differences, 3 and 4 feet difference. It makes a big difference how we develop our Cabins as in what elevation we bring them in at. It all depends on what the City is going to do in the future and if the City is going to keep that property then we want the trees gone and want to see that property develop. We don’t want to see 20 feet strip of weeds, grass and so on in front. It just makes since to clean that up for everybody. The City would own a road they are already using, from Center Street through Portneuf, with the use of which you have been using for the last 50 years there. We’re opened to suggestion but, that is our proposal and we can work through any concerns regarding needed easements for the City sewer and water that is not issue with us. We’re concerned with parking and drainage. They have added close to 10 spots for parking on their property which they have developed. Councilperson Linford mentioned what he was told by Kody that he is going to paint the curb red so, there wasn’t anybody parking there on that street. Kody commented it would be the City Street and he assuming the City would paint it red. County roads out here are only 24 feet wide and the City is going to have 29 feet that is not enough room for parking that is why we are trying to address this. We either want to see the City develop that street or we would rather just exchange property and we will get it resolved and develop from there. I hope everyone can see that from
improvement standpoint it benefits both parties and they are very willing to work with what the City has for suggestions. Councilperson Hinz asked Kody if he is still looking at a spring time for developing. Kody will start working on his new project this fall but he needs to get this resolved before he can start working on it. We have one concern that there is one fire hydrant on their property and would give the City two to three years to move the fire hydrant off their property. He’s assuming the hydrant will be moved during the water project and will be moved to wherever the property line will be and the proper height and size. We just want to work something out with that whole property mess. It’s pretty crazy how they did that. Mayor Davids commented that it defiantly would clean things up but, on the other hand we already have a right away through there. How much are we looking at as far as land? Kody answered with roughly 30 some odd hundred feet of develop paved property verses around 45 hundred of undeveloped property. It’s not an equal swap that way but, value wise it’s pretty close. The City would need to figure that out. Councilperson Thomson comments if we accept this offer the street becomes a non parking street. Kody comments that is legally enforced non-traffic, right now it’s a mess for all of us to deal with. Councilperson Thomson comments it’s not wide enough to park cars on, if we retain current ownership and develop that street into the full 55 width then the City would have easement and access to the sewer and water lines plus you could have on street parking which would add to the campground parking as well. Councilperson Linford added we would have to tear down a whole bunch of trees. Kody commented if the City makes the swap they will take down the trees at our cost. Councilperson Thomson noted that we are still talking about curb and gutter there. Mayor Davids added we are in many areas once we get the system in, we don’t want to put it in now but, later when it’s developed. I know there has been talk with Tony on 1st east and down in there but, we don’t want to do any of that until it’s developed. Councilperson Linford asked Clyde if a public hearing is required. Clyde comments it’s similar to George Katsilometes that you are exchanging property, you don’t have to do it you have a prescriptive easement already. The City has a right to use that prescriptive easement. Councilperson Linford asked if we are going to make the trade. Clyde response if you are going to make the trade you need to look at the cost and we would need to check if a public hearing is required. Probably not but you need to look at cost. To move any water or sewer lines, fire hydrant, paving, cost to draw up an exchange agreement with easement, cost of doing easements. He thinks it’s going to be a little bit more expense than the City thinks. Kody comments in that proposal we are willing to split closing cost with the City. He thinks the City services are within the purple proposed line on the map. In fact it should be 5 to 6 feet in from there. An easement can be reached there if that’s what the City needs to try to make it work. Clyde comments that its
right on the purple edge and you will need to go about 15 feet to the north for an easement which no construction can be placed. Kody comments that will be up to what the City actually proposes. They don’t have a problem with construction as far as structure. Clyde comments, if you pave are you going to want the City to pay for the paving if we have to dig it up. Kody response it’s his property, the City makes me pay for it when I tear up the City pavement. He thinks it works both ways if, you dig it up once it’s developed. Clyde comments right now the City doesn’t have to do that. Kody comments that’s what we are asking. We want to know what the plan is to develop that property. What benefits the City gathering there or does the City want to switch it out, trade it out. It’s been there for 50 years like that. We’re dumping close to a million dollars into that property this fall and we want to get the City on board to what we can do to improve the mess. They are open to any kind of suggestion and any discussion there. Mayor Davids is concerned with swapping land and making the City streets smaller. Kody comments this is just a proposal to clean things up. They are open to ideals. We’re moving forward and expect the City to jump on board with some kind of development down there. We are bringing in a lot more business and we are not going to dump a million dollars into it unless we know the plans. That’s what we are looking at. This is our plan and the first course of action which makes the most sense for everybody. It sounds like the easement is a little bit of concern and we can work something out if you need 10 feet through there or something. Mayor Davids asked about snow removal. Kody comments snow removal is not a big deal. We don’t have intention of developing that strip. We just want to know who owns it and can we get this resolved so we can beautify. Councilperson Linford asked Kody if he is expecting the City to get the road paved and take down the trees. Kody replies if the City keeps the street we would like to know the plan. Mayor David’s comments if we keep the street the plan is the City will not do anything that cost a lot of money until the new water system is in. If we keep it the plan it’s at least a couple of years away until the City puts the gutter and curb in. I know the other things you talked about going up the hill are no problem. If the City decides to keep the land, defiantly we want to develop it but, it will be a couple of years away. If we decide to do what you’re proposing it’s going to take more than tonight to do what you are proposing. We would have to draw up contracts. Kody comments to keep in mind the street has been there for a long time and nothing has happened. They own both sides of the street they simply want to address the parking, drainage and fix it up. Clyde suggests getting a copy of survey with Curtis notes from Alliance Title, have the city engineer check it out and see what problems the City is going to run into, have Tony work with the engineer as far as the location of sewer and water lines and what problems he in vision in the future and the fire hydrant. Kody asked Canda to send him an email
requesting what they need from him. If they have any kind of onsite meeting we would like to be there. We would like to be there so, we can answer any question and make sure there is clarity on what we’re proposing. I would request that happens before it starts to snow verifying the survey is a lot easier while we can see any pins. Mayor Davids agrees with Kody it will clear up a mess that’s been there for 60 years. Kody agrees and comments that they are willing to take care of most of the cost which, they have done so far. Councilperson Linford comments for the record he likes what they have been doing. It’s a class act down there.

Councilperson Linford made a motion to table until further information. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Katsilometes Quiet Title Action (Easement Agreement with Indemnification, Temporary Water Easement, Permanent Sewer Easement and Quitclaim Deed): Mayor Davids reports that this Council has been working on this since January and asked if there are any comments or question with this exchange agreement. Marty, George’s Lawyer, comments that he has not seen the latest draft. Clyde responded that it has not changed since September. Marty comments that Clyde sent an email after that saying there are a bunch of changes he is willing to make. Clyde comments that he said he would not make any changes until George has come to an agreement and he never did. Marty says it is not his recollection. Clyde reviews the emails, on September 8th Marty sent Georges comments, on September 9th Clyde sent the City response to those saying what we are willing to do, that is putting the “W” for Georges middle initial and that they could not change 7 years to 5 years for the temporary easement without consent of the council and that he wanted to get rid of some language in section 4, the last sentence, I told him he could not do that. My comment was before I make these changes to please talk with George and tell us if he is agreeable or not. If he isn’t I can’t make the changes, if he is I will make the changes. Marty comments, he knows about a month ago which followed up a long change of corresponded that you are ignoring because it is self severing but, we sent you a proposal back in June. Then you went and charged the City to re-draft your own document. We sent you some commentary on that throughout the month of June and July. Then we told you in August we wanted to make some revision to the documents and it would be really simple for me if you would just email me the word version, I made that request on August 22nd, August 25th you said no. Then you asked George to get his revision together which, George did. He sent them to you two weeks later. Clyde comments no he sent them to you on August 24th and you sent them to us on September 9th. Marty comments that Clyde did not deny the electronic version until August 25th so, I disagree with you. Clyde comments no, you sent them to me on September 9th. Marty comments so, what is the game here Clyde to try and

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make me look bad? Clyde comments no we want to find out what you want to do? Marty comments what he want to do is get the documents finalized, if we could have gotten an electronic version. Clyde asked Marty to quite going into this stuff and quite trying to justify yourself in front of your client. Mayor Davids comments can we get back to the question. Marty comments there is two issues they want to discuss and try to resolve it this we. Mayor Davids asked there are two issues what are they? Marty comments it’s the 5 to 7 years. We had requested back in June for it to be 2 to 5. There was corresponds August 2nd or so, I believe George had approved the 7 years. George doesn’t recall it that way. Mayor Davids comments let’s talk about that one first. You want 5 years, what is the difference between 5 and 7? Marty comments we think it’s important we’ve been at this for 3 years and I understand it’s was requested with prior council. I respect that but, by all accounts the project is going to go forward next year or the following. George just doesn’t see a need to further encumbrance his property. We think 5 years is the right number. He would like to get out of that business and stop dealing with this and stop dealing with you. He would like to sale it and he doesn’t want to be encumbrance by an easement because he thinks it devalue his property. So, the exchange is 5 years, given the fact we have already been at it for 3 seems to be a number George is willing to live with. If it’s something that double your planning horizon we just think it’s the right number. Mayor Davids question the projects time frame, approximately, 18 months for the project to begin? City Clerk Dimick comments we are not going to bid it until next spring, if everything goes as planned. Mayor Davids comments but, they were saying we bid it and about a year. City Clerk Dimick comments then after that it’s about 18 months to 2 years construction. We are looking at least 3 years with no hiccups. Marty comments that George had given him a circular that the City published about the time line. Mayor Davids comments personally he doesn’t see a problem but, you know what if. What if we have a really wet summer and what if, you know there are things that can happen and that what worries me and I can see where you are coming from too. If you want to sale it and get out from underneath it, you don’t want it tied up for 7 years. Marty comments let me propose a question to you. How did you come up with 7 years? Councilperson Linford asked City Clerk Dimick, how long have we been working on the pedestrian bridge, 4 years? City Clerk Dimick comments explain the time frame for the bridge. Councilperson Linford comments it’s been a long time, nothing happens very quickly. Marty comments we understand, believe me we understand. How did you guys come up with 7 if you can convince us 7 is the right number then fine but, to me it just seems like it’s one more abbatial hoop George has to jump through and that’s his take on it. After 3 years of going through this I can’t say his wrong. City Clerk Dimick asked 5 years is only on water right, because sewer has to be forever? Marty comments correct
and that’s part of the deal. Clyde comments that’s something the City Council has to approve, I can’t and neither can the Mayor approve those kinds of changes, only the City Council can approve the changes. Let’s assume that after 5 years the new line is still not constructed and George you insist on kicking us off your property and abandon that water line. How are you going to get water? Marty comments fare question, why would he do that? George comments I wouldn’t do that. Clyde comments we are never quite sure. George asked how the number 7 got set by the council. He doesn’t ever remember the council voting on it. Clyde comments they want to make sure they had significant time to complete this project. George comments was there a vote on it by the City Council. Councilperson Linford answered yes, he can remember when they did that. George asked when was it a year ago. Clyde comments what does it matter George they said 7 years and that is where they are at. You are asking to change it to 5. Now it’s to them to consider whether or not they want to change it to 5 and that is the only question right now. Not why they came up with 7. Marty comments he is not aware of the approval meeting for the 7 years. George comments he’s not either. Marty asked did you have a meeting. Councilperson Linford asked does it matter. Marty comments sure it does, I guess it does cause here we are debating it. Marty comments he doesn’t know if we had a meeting to discuss the 7, he recalls an email. Mayor Davids questions what happens if we are not finished in 5 years. Marty comments he thinks you can go do work under eminent domain if you had to. Mayor Davids comments maybe, but, that’s never pretty. Mayor Davids comments maybe we can approve it for 5 years and add a “what if clause” in there, 5 years or until it’s completed, I mean we have access to your property to complete what we are doing. Marty asked the plan or time frame for the dirt work, the piping. Marty asked is it the same, is it the 18 months after bid, or is that bid just for the well. Mayor Davids responds that’s for everything and my understanding is once you put it out to bid everything should be finished in 18 months. Marty comments so Mister Mayor the only way I can answer your question is I don’t know of a way to have a 5 year plus maybe we need more written easement that would be very legally binding because I think it would be an illusory, type of document. Councilperson Thomson comments how about an alternative 7 years or until the line goes in, whichever is the soonest. Mayor Davids comments that could be 3 years. George comments he doesn’t like the 7 years because it ties up my property to long. Clyde reads the paragraph in the document. If the work is completed earlier the easement goes away. City Clerk Dimick comments so why don’t you just add whatever comes first. Councilperson Hinz comments within a certain time period so, if there is an issue and they have to come back to do some more pressure testing or different things. Marty comments George would be the exclusive user of the existing line at that point, correct? I mean that line is going to be truncated at the
Alley and that’s the second part of our request that we be permitted to use that to service the existing structures and George is the only user that would be dependent on that reaming leg. I don’t know why they need any access there to do any additional testing of work. Is it to George’s benefit? He would own that line and be responsible for the maintenance. In are proposal were not saying that, George has agreed and this is part of our discussion back in June/July. That he would do the maintenance on that line and not hold the City liable for anything. With regard to that line once it’s abandon and that’s still part of our proposal but, what Clyde came back with we had to put in a new line in and of course that quite expensive. Clyde comments are we on to the next question? Marty comments no. Mayor Davids replies no lets finish the first one. Clyde reads the sentence in the agreement, section 4, once the new line is constructed and the City has approved the new line. Then the old piece is abandon and you become the owner of it. Councilperson Thomson made a motion in section 2 in the agreement that in a period of 7 commencing on the day of the agreement shall be changed to 6 years. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Mayor Davis comments what is the second issue. Marty comments George having to pay for the new water service to the building. Marty comment I understand there is no hookup fee but, does each business pay for a new service line? Are they required to, everybody has to buy a new service line? Mayor Davids comment from my understanding when you have to replace or put a new service line in, it is to the owner’s responsibility. City Clerk Dimick comments I going to explain the situation on this one. Okay George where is your meter. George comments its right there on 1st East. City Clerk Dimick asked your meter at your building? George answers yes. City Clerk Dimick replies for the Lava Hot Springs Inn it’s at the building. George comments we got two meters actually. City Clerk Dimick comments right but, the Blue house’s meter is out on the street. George comments its right in the sidewalk actually. City Clerk Dimick replies but the one for Lava Hot Springs Inn it’s in the building. Marty comments by the access. City Clerk Dimick replies it’s got to be moved out with this project. George replies okay. City Clerk Dimick comments if you don’t move it out and you use that 4 inch line which, you don’t want to do that because you are going to have a 4 inch meter. Do you want to know what the monthly charge for a 4 inch meter is? A flat fee is five hundred and sixty dollars ($560.00). George comments if we do it the way I want to do it there will not be any meter changes or anything else. I’m proposing keeping the system to my building same as it is now. Simply, tying it to the new service and capping the line at the end of my building. Going in and capping it, that’s it. So nothing would change. Tony can walk through and read his meter and everything else. City Clerk Dimick replies the City not going to
want to do that. George asked why not? City Clerk Dimick replies because we don’t have the meters in building like that anymore. We’ve moved them out to the street. The city doesn’t have access to get into the building. George comments it doesn’t have to access anything. City Clerk comments the City has to get on your property to get to the meter. Marty asked so everybody is going to have to move their meters. City Clerk Dimick answers no. Clyde answers no because they are already out in the street. City Clerk Dimick comments the majority of them are out. Marty comments majority that’s what I mean. City Clerk Dimick comments the only thing we are dealing with now is this situation with George. We are doing up-grades on the main lines and we hooking to existing services that are already stub in. George replies right. City Clerk Dimick comments they are not going to the meter but, George’s situation is different down there. Marty asked why. City Clerk Dimick replies because he’s got a 4 inch fire line which has to be uninstructed for your sprinklers system so, you have to have that line. Then you have to have a service line. City Clerk Dimick comments culinary line which you have 2 lines. Mayor Davids comments you can’t run the same out of both lines. City Clerk Dimick continues that 4 inch line probably needs to be your fire line. George replies yes it does. City Clerk Dimick comments your fire line and culinary line cannot be on the same line. George replies they are not on the same line, well they are right now on the same line. City Clerk Dimick replies see what I mean. George comments there is nothing wrong with that. City Clerk Dimick comments something got to be figured out by engineering. George comments Canda you don’t understand my fire protection system. There is no water circulating in the fire protection system. There is no fresh water or culinary water in it, it’s a dry system. The only place in my building that water enters is down into my boiler room and that’s the one that is metered, that’s it. City Clerk Dimick ask so, where is your 4inch fire line that you pay for. George replies it’s into the fire protection system but, no water runs into to, it’s a dry system. It only operates when the sprinkler goes off and then water goes into it but, that has never happened. City Clerk Dimick replies right but, it has to be on an uninstructed line. George comments it is uninstructed. City Clerk Dimick comments not if you have a meter on it. George replies I don’t have a meter on it. City Clerk Dimick comments that’s the whole thing I’m saying. George comments your saying things you don’t know anything about. Marty comments Clyde I don’t know the answer to that off the top of my head. Clyde comments well it sounds like to me he takes a culinary line off our 4 inch line. He then, he must somehow have a 4 inch running off our city 4 inch line. Cause, otherwise how can he have a fire service? George comments so what’s wrong with that. Clyde replies alright, you’ve got to have a separate hookup. Adam Bowcutt comments on a fire line it has to be uninstructed. No water meter in there, that’s an uninstructed line. What she is saying is when
you move the meter out and in which, most Cities anytime they update a building they take the meter out of the building. That’s standard procedure. They don’t want them inside any more, they move them out. For him to move it out where his fire line his potable line or culinary, I call it potable and the fire is all in one and they move the meter out to the street now, you’ve obstructed your fire line. If it’s going to be required to be removed outside of the building there is going to be a separate service line for the 4 inch and a separate line for the portable. Marty continues so the meter being located inside the building itself. George comments only the reading of the meter is on the outside of the building. There is a line that comes outside the building which Tony touches to read the meter. Clyde comments so here’s what we suggested, here’s what the language presently reads. Katsilometes shall on his own expense and cost a new 4 inch fire and water service line and a culinary water service line to be constructed and connected to the new City water main line when it is constructed. Marty comments there would be no reason for a new 4 inch line, what’s so ever. Mayor Davids comments so, this is what could be done and maybe I’m wrong but, you could use the existing 4 inch as your fire. George comments as my service to my building as it is right now. Mayor Davids continues and then establish another 1 ½ inch line for culinary. George comments unnecessary. Marty comments if the meter is required to be moved of all citizens. George comments you better treat me the same on that one. Marty continues George is sensitive to that, obviously. Clyde comments the reason the City is locating meters on City property is so the City can take care of the city owned meters. Adam Comments the City owns the line from the street up to the meter and the meter. That’s why all other Cities move the meter to the City property. Marty comments if that what everybody is doing and every patron is being treated then I think we are stuck with running the new 1 ½ culinary line and using the existing 4 inch line but, if other people are permitted to hookup and have their meters off line not moved to the street. Davids asked City Clerk Dimick do you know of any that are like George’s. City Clerk Dimick comments we’ve only got one that I know of, the swimming pool. Clyde asked her if that’s the only one she is aware of. City Clerk Dimick response that’s the only one I can think of off the top of my head. Clyde asked so you are going to require the foundation to move that out. City Clerk Dimick response we are not doing any upgrades that I’m aware of. Mayor Davids comments this is an upgrade. Marty asked who pays for the meter, the City because its City property. George comments if I have to run it from the new services it’s going to be kind of expensive. Marty comments it would be 130 feet. Marty comments it just the line. City Clerk Dimick comments you don’t pay a hookup fee. Marty comments he won’t pay the City but, he probably will have to pay a plumber to plumb it. Marty comments from what I gather but, I don’t know George. It sounds like there is a 4 inch main that has a 4
inch pipe coming off of it that goes to your fire suppression system that’s dry and additional there is an inch and a half live culinary line with an existing meter in it right now. The meter reader is located outside and the meter is in your building. There must be another junction coming off that 4 inch line. George comments he doesn’t know that for sure. Marty continues so what you would have to do is run from the new service an inch and a half line down to the existing line which would be a must reduce expense from the four inch. Clyde comments what I would do if the City council agrees change the language at the end of section 4, Katsilometes at his own cost and expense cost a new inch and half culinary line. Adam comments he would not put a size of water line in there that you need to run you can put a size of meter. Because you don’t have jurisdictions of the water line from the meter in, it would fall under the DBX and they would size by what’s in the building. The pipe size has to meet the current plumbing code per the State of Idaho. They rate it by everything in the building that is running. Clyde comments so maybe this should read, Katsilometes shall at his own cost and expense cost a new culinary water service line to be constructed and connected to the City water main line when it is constructed at his own cost and expense and the meter will be moved from his building to the street by the City. Marty asked is the existing meter grandfathered in? If he puts this new line in is he going to have to bring everything to code? Adam response no, we are dealing with that line only. The plumbing inside it is what it is. The only way is if we walk in and he started adding bathrooms then he has to size accordingly. Not if he’s not changing anything inside just adding a new water main. Now if we went in and seen a health hazard that would be addressed. Mayor Davids addressed the plan for the street. As soon as the new system comes through and all the digging is complete the City plans on putting new curb and gutter there and ask you to put new sidewalk there. George asked if he gets any input into the plan. Mayor Davids response of course you do. Mayor Davids continues and then to redo that road. We want to come across Main Street up to the Blue Moon and improve that road. We won’t do anything until we have everything in place to do that. I would suggest as we’re putting that new system in and it’s time to hook in then do your digging. Marty asked if we can meet a compromise there. Where we just use the existing meter in its current status until the City redoes the road then we will put in the new line. Because Clyde we don’t want to pay to fix your street or curb and gutter and then the City is going to tear it out during the project. George interrupts Marty that this is something they need to talk about he is concerned about the cost. Mayor Davids explained the street will not be done until after the water system is in. George doesn’t want the City to tie him into anything right now. It’s not the cost of the pipe it’s the cost of digging and the six hot water lines under the sidewalk and drive way. Marty comments you can use the existing line up to the
current pipe for your culinary. Adam comments if the existing line in the building and nothing is wrong with it they can put a jumper in where the meter is, the existing line coming into the building under the sidewalk. If it’s perfectly good he doesn’t have to replace, well no, he doesn’t have it. He has a 4 inch line, he doesn’t have a culinary. Marty interrupts and comments he has a culinary line that must come into there. Adam comments no its feeds off the 4 inch. George interrupts and comments how do you know that? Do you know that for sure? Adam comments that’s what you said. George replies no, I don’t know that for sure. I don’t know how it’s plumbed. Adam comments if it’s done under, if it’s coming off the same fire line that the meter does. They split it after the fire line comes in, generally. If they do it all in one they will tee off, feed the potable, put a meter and then at the top they put their double check and then they do their dry side of the system. George comments right. Adam continues it could be like that if not. George interrupts and comments mine is like that. Adam continues so it does feed off the fire line. George comments well I don’t know if it feeds off the fire line. Discussion about how to find out what George has currently. Mayor Davids interrupts you need to find out where your lines are at and what you got before we really can come to an agreement because we want to be fair, we don’t want you to put in something that is not required. Councilperson Linford comments in any event the meter will have to be removed and put out in the street. Clyde comments and a service line, separate of the fire line has to be connected from the hotel to that meter. Marty comments but he can make use of the existing 4 inch. Clyde comments for fire? City Clerk Dimick comments it’s not metered so they’re not going to let him tap into it, for anything except the fire line because it’s not a metered line. Clyde comments so we make that for his fire line. He still got to connect his culinary line and you put that in to a one and a half inch meter right? Adam comments to what every meter size the City. Clyde continues and he got to put in a separate culinary line out to where the meter will be located in the Street. Marty comments so can we say to potential get the thing done, that George would bear the expense of running the new line with the exception of repaving or any damage caused to the City street. George comments I want to find out exactly what’s going on and what the code says. Marty comments I think we should revise the document to say you can use the existing 4 inch line you’ll bare the expense of hooking in from the City meter which will be relocated. George interrupts he does not want to vote on that. Marty asked the Mayor to consider as part of their proposal is if he does have to dig up the street, that we would not be required to move that meter until it is concurrent with the City. Mayor Davids comments if I’m understanding you right you wouldn’t want to dig up the street until the City comes down there with the new system. Marty comments can we say if George agrees that George would bares the expense of running the new line with the
exception of repaving of any damage to the cost of the City Street and curb and gutter. Mayor Davids comments if we do it at the right time frame, when we are doing the water system. If it’s on City road but any digging on George’s property he will be responsible for that cost. George comments he doesn’t think it’s a good idea to vote on this until he knows what exactly is going. Mayor Davids comments that fine so, let’s make a motion to table it. Marty comments approve six and table the water service line. Mayor Davids comments yes and we approved the six, right Canda. City Clerk Dimick comments yes. Mayor Davids we already did that. Alright and so, does anyone want to make a motion. Councilperson Hinz made a motion to table until next month and George will come back with some answers. Councilperson Linford seconed the motion. All voted aye, unanimous.

Building Permit(s)
A) Pro Barn-Tuff Shed for Storage – 73 West Main - George Katsilometes – Owner/Applicant:
B) Notice of Appeal regarding George Katsilometes Building Permit #L16-13:

Mayor Davids comments let’s go with the Pro Barn tuff Shed for storage. George asked if he can interject here. I object to the use of for storage unit because that isn’t what I applied for in my permit. I didn’t apply for a storage building. Clyde comments you applied for human occupancy and storage. George comments well yes but, for not storage only, I’m sorry.

Clyde comments I think A & B under there can be considered approximately the same time and Mayor I would think they can make the comment, if they have additional comments to the ones in writing and then the City can make a motion on them as to what they want. George commenting in the back ground totally different. Mayor Davids comments okay, last meeting, last month, the motion was that we would contact legal on that. George commenting in the back ground I disagree. Mayor Davids continues that’s what we did and we’re going to let you guys make your comments. Then we will discuss them and then we will go from there. Marty comments I don’t think they should be considered simultaneously they’re separate and distinct issues. One is an appeal and the other one is the permit application it’s self and the red tag is the more important part of that discussion. With regard to the red tag our comments are as we stated in the letter that we don’t believe that Mr. Callahan has the authority to red tag it and this get into this whole question about who’s the Building Official. We learned tonight for the first time the City going to make a 180. Rather than us arguing bleakly against the wind, why don’t you tell us who the hell the building inspector is? Clyde comments the building inspector is Bannock County Development Department, Andi Higgins is the inspector. She forwards her recommendation or approval to
the City for its approval therefore City of Lava Hot Springs has historically been the Building Official. Marty comments Okay. Clyde continues they also have the right to designate Dennis as its code Enforcement Officer and they have. Dennis therefore red tagged pursuant to the fact that Andi Higgins told him that the building should be red tag, is that correct. Dennis comments here’s what happened. I was informed, that he was building a building, without approval. Mayor David interrupts okay lets hold on. George interrupts. Clyde comments George we control the meeting, not you. Mayor Davids comments let him talk, he’s the only one talking right now. Dennis continues I went over and talked to one to one George’s workers, and asked what the building is for? He answered for storage. I explained that the size looks too big per code, I think it’s over 200 square feet, he said no it’s not. So he measured it and said nope it’s not, it’s less than 200 square feet. I said fine if it’s a storage building that’s fine. I had no problems with it because we don’t get involved with that. Even though, I didn’t know at the time what the square footage is on a commercial property. So, I was actually ready to leave when another person pulled me aside and said no, he’s not using it for storage. He’s going to be living in it. I looked inside Shed and he had plumbing and electrical and half the insulation blown in. I came back to City Hall talked it over with Canda and she said it’s up to me whether I want to red flag it or not. I felt we needed to because he’s making it into a living space, not a storage unit. I didn’t confer with Andi about it, according to my code enforcement documents he can’t do that without a building permit and I was concerned about him covering everything up with insulation. I felt like it needed to be inspected first before insulation was blown in and that’s why I put a red tag on it. Mayor Davids comments approval is required from the City to hook into our water and he did not have approval from the City council. George interrupts you’re not right about that. Marty interrupts hang on. Mayor Davids continues George if you are going to keep interrupting I will have you removed from the meeting. George interrupts. Mayor Davids comments George I’m talking right now and if you interrupt again I’m going to have you removed from the meeting and we won’t get anything else accomplish tonight. George interrupts well, we go something accomplished. George continues and you guys are going to be in trouble. Mayor Davids comments okay, leave, the meeting. George comments alright. Mayor Davids comments thank you. George comments I’ll tell you before I leave. Mayor Davids comments leave the meeting. George continues I want the red tag removed by 9 o’clock in the morning or there is going to be a law suit against Mr. Callahan, you guys and the county. Mayor Davids comments okay, thank you. George comments I’m telling you that. Mayor Davids comments thank you. George comments thank you. Marty comments do I need to leave too or do I get to stay. Mayor Davids comments no, you can stay. Mayor Davids comments back to my
comment was that, you have to have approval from the city to hook into the water and then there is fee to hook into the sewage and George didn’t do any of that. Marty comments okay, if Dennis is the Code Enforcer Officer on behalf of the Building Official, who’s the City, the code requires that there be an attempt to contact the owner before you enter property. What attempts if any were made to contact George by Dennis prior to red tagging the property and did the red tag list in writing the deficiency of the code and why the work was stopped? Code Enforcer Callahan comments he can’t say there was an attempt and I stopped him because the work was being done at the time. Marty comments okay so, both of those are violation of the international residential code and international building code therefore this red tag is improperly placed and we would ask that it be removed. That’s one issue with regard to the Tuff Shed. The shed is 192 square feet. We believe it does not need a permit and I think that’s what Andi Higgins agrees that it doesn’t need a permit. A shed of 192 square feet you can plumb your shed, you can wire your shed, you can paint your shed, you can do whatever you want with your shed. Mayor Davids interrupts only if. Marty interrupts if you don’t occupy it. Mayor Davids interrupts and only if you plumb it when you’ve contacted the City. I’m trying to convince you guys to just remove the red tag and let the State inspection proceed. I was trying to explain to George this is a shed. That’s what Andi thinks it is, you can plumb it, you can wire, do that work get it done and if required get it inspected. If you want to occupy it, apply for a permit to change the usage and then have Andi evaluate it to bring it up to code. To me it was a simple thing but, you guys wouldn’t take the bait, George won’t take the bait and you denied his permit improperly. I know you guys did. Mayor Davids interrupts and this is where my frustration begin with last month and we wouldn’t be seating here tonight if, he’d come in and said look, I want to put in this building and this is what I want to do and we could have given him some direction, I want to hook into the water, electric, plumbing and so on. Marty comments your right. Mayor Davids continues he did not submit an application, the City didn’t know anything about the water hook-up or the building. All of the sudden there is building there and insulation being blown into and that’s where the problem begins. Marty comments I know how we got here. Marty comments the issue is as Dennis suggests there was no permit, he just did it. Code Enforcer Callahan comments we tried to contact George; he was not in the State. The gentleman that was there was trying to call him. He couldn’t get hold of him. Marty interrupts I don’t believe that. Dennis continues I didn’t try to get a hold of him. Marty interrupts I do not believe that is accurate. Dennis comments sir don’t call me a liar. Marty comments well. Dennis comments you can say I might be mistaken but, don’t call me a liar. I’m telling you what happen. The gentleman that works for George was trying to get a hold of him. I didn’t say I got a hold of him, I didn’t
even try. City Clerk Dimick interrupts here’s the international building code. Discussion about international hard copy and the online version discrepancy discussed. Clyde continues Marty let’s get off all this peripheral stuff and the fact that you disagree with City. I’ve read the minutes it does say that the motion was made to table action on this until they were able to contact me. They’ve contacted me and I think I’ve prepared a motion which will address these issues and maybe finalize this without going over these arguments to whom did what. Marty comments okay. Clyde continues it addresses the storage shed and it addresses the stop work order and it addresses the continued inspection. Just to make sure that we all understand, let’s say the motion would approve the storage shed, it would lift the work order or stop work order in order for the inspection to continue to determine if it can be used for human habitation or not and is subject to all inspections by Andi and by the Division of Building Safety and any other implacable codes, whatever they may be. They construct his building according to those codes and he has to meet this inspections. It is my opinion. Councilperson Linford made a motion to approve the application for building permit number 46-13 for use solely as a storage shed and denied the request for use to use the storage shed as sleeping quarter for human occupancy and the appeal of the applicant from his attorney Marty Anderson dated September 22, 2016 of the request to use the shed as a sleeping quarter for human habitation, said motion is based upon reading set forth by Bannock County Building inspector, Andria Higgins, in a letter to Clyde Nelson City attorney dated September 20, 2016 a copy of which is attached to and made part of this motion and for the reason set forth by the Division of Building Safety State of Idaho addressing electrical and plumbing matters, copy of which are also attached to this and made part of this motion and to the letter of the applicants attorney Marty Anderson dated October 12, 2016 copies of each being attached to this motion. A copy of the application for permit and building inspector action on August 16, 2016 are also attached. Further move that the stop work order issued by the City of Lava Hot Springs, Idaho be lifted in order to allow the applicant to proceed to attempt obtain approval of the storage building by the Building Inspector and the State of Idaho Davison of Building Safety as to electrical and plumbing for use in the structure for human occupancy. Be it further removed that no certificate of occupancy be issued by the City for use of the storage shed for sleeping purposes or other human occupancy until such time has approved by the Building Inspector and the Idaho Division of Building Safety and that compliance with all zoning building code and State electrical and plumbing codes have been fully meet by the applicant. A copy of this motion shall be provided to the applicant together with all attachment there to. Mayor Davids comments we have a motion on the table is there a second. Councilperson Thomson seconded the motion. All voted aye, unanimous. Marty comments so,
the appeal is denied. Marty comments I appreciate the overture. As the Building Official when you guys denied a permit you’re required to state the code section that is not in compliance as the bases of the denial. Clyde comments and they are contained in Andi Higgins reports. Marty comments okay, and that I guess I’m not prevue to. Clyde comments you’re going to get a copy of everything. Mayor Davids comments she went through and identified by code and what George would need to do if he wanted to bring it up to code if that’s what he wants to do. My understanding it’s approved as storage shed. Marty comments okay on the way over here I went to the shed and I didn’t’ see a red tag, has it been removed. Code Enforcer Callahan comments he didn’t remove it. Marty asked where was it placed. Code Enforcer Callahan comments it was inside. Marty explains the shed was locked that must be why I didn’t see it. Mayor Davids asked Dennis to remove the red tag. Councilperson Linford comments he can’t remove it unless he gets permission from George to go on the property so, you’re his spokesmen has he got permission to do that. Councilperson Hinz comments if the storage shed is locked Dennis cannot remove it. Mayor Davids comments don’t try to go on his property until you get permission to do it. Marty scheduled a time 8:30 a.m. tomorrow. Clyde comments Marty make sure that George understands that it may not go well for him because they may require separate water lines, sewer hookups into his property. We’re not sure what will be required that’s up to the inspectors they may require him to uncover some of the stuff that he’s done in order for it to be inspected. Marty comments as you are aware George maintains this is an addition to an existing structure exempt from the permitting process. Adam comments not on the electrical and plumbing. Marty comments I get that. Adam continues removal of wall and opening up walls, opening up grounds, everything that’s going to happen. Marty comments absolutely, I understand those inspection have to go forward. Councilperson Thomson comments Andi’s structural inspection also apply whether, it’s an addition or new structure. Marty comments it has to meet the code but, it can be exempt from the permitting requirements and the hookup fees or the hookup connections are somewhat alter by that. Clyde comments right now the motions which, has been approved it says he has to meet all building code requirements. I would assume that he is required to do all this. Marty comments so, again this storage shed approval your saying is under the IBC not IRC because you view this as a commercial application. Here’s what you allotted to at the last meeting and I what I picked up. You guys are worried that George is going to rent this now, you just called it a commercial property. Unknown comments its zoned commercial. Marty comments now wait a minute. Councilperson Thomson asked may I ask a question. There is a commercial building there today. Marty interrupts yes. Councilperson Thomson continues with a commercial license to rent nightly rentals. Marty interrupts yes sir.
Councilperson Thomson continues okay, you just made the statement that he’s making an addition to that. What would you call it? Marty comments I would say that George would call it a commercial building but, as you know the initial application process was, it was for Georges health reason he needed a place to sleep and he used this as a residential issue and not so, you guys are kind of picking the horse for him here. Councilperson Thomson comments but, he’s building it on commercial piece of property, that he’s already designating commercial and he’s attaching to a commercial building. Clyde comments but he’s not attaching. Marty comments well, they can be a separate structure. Clyde comments and he may not be allowed to connect water to that building that’s something that will be determined. Marty comments I think that something up to Andi. Mayor Davids comments you may want to mention to George that in the future if he would just come in and ask what is required. Marty comments in George’s defense he has in his mind that sheds less than 200 feet don’t need a permit and I heard Chris Jensen represent that to George in a telephone call. I know George and I think that he truly didn’t think that he needed a permit. I know the difference with human occupancy but, George says or questions what the difference between sleeping and using it for a workshop? I know its occupancy and it still requires a building permit if that’s what we are going to do.

C) 6 Cabana’s @ Lava Hot Springs Inn – George Katsilometes,
Owner/Applicant: Mayor Davids comments okay, on the cabana’s I just want to put those off until next month. Marty comments the financing and getting the cabins done is George’s priority and getting that extension was very helpful tonight. Councilperson Hinz made a motion to table the Cabana’s until we hear further from George. Councilperson Linford seconded the motion. All voted aye, unanimous.

D) Premade Bully Barn/Craft Shed – 117 West Main – Arthur Peck,
Owner/Applicant: Mayor Davids my understanding when this permit was filled out it was just as a Bully Barn but now as storage shed and craft shed. Code Enforcer Callahan comments I went and talked to them again and they would like maybe ultimately to make it a craft shed but, right now all it is being used for is a storage shed. I will have to go back and tell them that if they use it as a craft shed they will have to bring it up to date. I think the only thing that’s a problem was the snow load for the roof. Mayor Davids comments Andi, Bannock County
Inspector, has approved it as a storage shed. Councilperson Thomson made a motion to approve for a storage shed only and not for human occupancy. Councilperson Linford seconded the motion. All voted aye, unanimous. Councilperson Linford asked how big the shed is, does anybody actually know. Actual size 20X12 according to Andi.

**Consider Building/Fire Code Service Agreement with Idaho Division of Building Safety:** Work in progress. Councilperson Thomson made a motion to pursue based on legal aspect of the contract and Brian has an opportunity, and of course anyone on the council has an opportunity to talk with Fire Chief on his input and we pursue this and make it a variable contract if we can. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Kofoed Outside City Limit Water Service – Motion Clarification:** Mayor Davids asked if Mr. Kofoed has come in to get anything. City Clerk Dimick comments he hasn’t called or anything. Councilperson Hinz reviewed minutes from last month. The City Council agreed to give the Kofoeds tell the next regular meeting to review the recording. Next month Council will make a decision. Mayor Davids comment do we have motion for one more month. Councilperson Hinz made a motion for one more month. Councilperson Linford seconded the motion. All voted aye, unanimous. Mayor Davids asked City Clerk Dimick to see if she can contact his mother, she owns the property.

**West Spring Street Rain Water Management and Snow Placement Concerns – Joanna Palmer:** Mayor Davids comments this was Joanna Palmer that came in last month and my understanding is we did agreed to have it looked at. City Clerk Dimick comment Tony has suggested having property owner file a claim if she feels drainage has damaged her property. Keller’s has been asked to stop by and take a look at the problem. Council discussed the property before and after the house was built and how the snow is removed from that area. Council is supportive of geotech study. Motion made at prior meeting in affect.

**Business License(s), Alcohol License(s), Coin-Op License(s) & Non-Property Tax Permit(s)**
A) Lava Flow Fire – Collin Petrun and Cameron Hattendorf, Owners/Applicants
B) Resort Rental, LLC (Tax Permit)
C) Sunbelt Rentals, Inc. (Tax Permit)
Councilperson Hinz made a motion to approve the Lava Flow Fire and Sunbelt rentals and table Resort Rentals until further information is received. Councilperson Linford seconded the motion. All voted aye, unanimous.

Direct Communications Franchise Agreements/Ordinance Progress Report:
City Clerk Dimick comments draft in progress.

Resolution(s) A) Resolution 2016-1 Destruction of Public Records:
City Clerk Dimick comments work in progress.

Meetings/Announcements/Miscellaneous:

100th Birthday Celebration – Banners, Shirts & Zombie Run: Mayor Davids comments it looks like we still have some banner & shirts. Continue selling.

At Will Personnel Policy Status Report: Mayor Davids comments need to start on soon.

Activity Connection Plan Grant: City Clerk Canda comments they actually come in and create your plan. The Idaho Department Health and Welfare has grant money in the State to go around our communities and help them come up with their activity plan and then off those activity plans they start using them to go and get money for different projects identify on plan. Right now they are focused in southeast Idaho so they called to see if Lava would be interested. There no cost to it. It would require meeting with them to come up with a plan to draft. Mayor Davids asked if they actually come up with the activity plan for your community. City Clerk Dimick comments actually they work with you. Councilperson Thomson made a motion to participate. Councilperson Hinz seconded the motion. All voted aye, unanimous.

III-A Partial Assessment Reimbursement: Mayor Davids comments received reimbursement one thousand and eighty dollars ($1,080.00) from Idaho Independent. City Clerk Dimick replies reimbursement back into general fund. Councilperson Hinz suggested Christmas bonus. Councilperson Thomson suggested donation to Portneuf Sail. Council will consider both.
Highway 30 Speed Limit Meeting with ITD – Mayor Davids: Mayor Davids reported that he met with Ed Balla, ITD. They have agreed to install a digital speed sign and put up 45 miles an hour speed limit signs. The signs will be posted in the city limits on the highway. I’m still going to contact Kelly Packer and review with him some or the proposal they talked about. For example a walking or a bike trail path along the side, not on the highway, all the way to the City, using the old cattle path as a pedestrian access maybe possible. Turning lane is to be installed within the year. Lisa Toly mentioned that the cattle path is used for a water line and drainage. She is taking with Chuck Hissler and they are taking out the cattle crossing out, it’s not up to code for a path way. Mayor Davids comments that Ed suggested that maybe a cement walk through could be installed. Lisa Toly confirmed the turn lane is scheduled and that a walking path would be nice.

Miscellaneous: City Clerk Dimick comments the notice for the Thanksgiving dinner, November 24th; at the community building will be sent with water statements this month and will post on City Hall doors.

Projects:

Wastewater System:
Net Metering Agreement Status: Vaughan postponed, will bring everything next month.

East Main Pedestrian Bridge:
Cannon Builders Construction Agreement & Schedule: Contract signed by Cannon Builders. Council needs to look at bridge in Pocatello because Aaron needs to know if they like the design so, engineers can start on traffic bridge railings.

Buddy Campbell Park Improvement Project: Mayor Davids comments Buddy Campbell Park contact signed.

Fire Station Sewer Line Extension Project – Completed: Mayor Davids comments the Fire Station sewer line extension project is completed. Mayor Davids comments there is some question on the amount billed.

City Clerk Dimick reported Dawn Hamilton gravel concerns due to the Fire Station project. Mayor Davids will talk with Tony about her concerns.
Pavement:

**Fire Station Fire Hydrant Project:** Mayor Davids comments Fire Station hydrant project that’s the next phase. Tony mentioned to the Mayor about boring underneath there. City Clerk Dimick comments no money budgeted for boring. Need easement.

**Water Improvement Project:**

1) **Spring Fencing Contract:** Mayor Davids comments the spring fencing contract is signed to finish up those other two springs and that’s with JC Smith. City Clerk Dimick reports they’ll be done next week.

2) **Land Purchase – Mayor Davids:** Land purchase still negotiation. City Clerk Dimick comments the City needs to hire an appraisal to appraise the land. The appraiser will take in to account all the damages that will be caused by taking the property. Councilperson Hinz made a motion to contact Paul Smith and start the process. Councilperson Thomson seconded the motion. All voted aye, unanimous.

3) **BLM Easement:** We have the BLM easement now? City Clerk Dimick comments we don’t have it done, paper work not completed. Mayor Davids comments but, it’s going to happen.

4) **Archeological Investigation for Well Site:** Mayor Davids reports the archeological study in progress.

**Black Mountain Software Status Report:** Mayor Davids comments Black Mountain software anything to report on that. City Clerk Dimick comments no, still working on it.

**East Main brick pavers and sidewalk:** Mayor Davids reported we had someone look at the paver and he mentioned he could do benches. Need a proposal from him. Lisa reported that the irrigation system needs looked at. They have supplemented water in the past to keep the tree healthy. Councilperson Hinz mentioned that we also wanted Booth to give us a proposal on the project. Council suggested seeing if Booth can have a plan done by next meeting. Council agreed on an April deadline to complete the project.
**East Main Street Decorative Lighting System (Holiday Lights):** Mayor Davids reported on the bid from Platt. Mayor and Council discussed ropes for decorative light poles. There are forty two poles. Tony and Billy need to take a rope and loop around poles to find exact measurements. Once the measurement is calculated the Council will need to decide on how many ropes and which colors to purchase. The City will put the ropes together. Mayor will meet with the City crew tomorrow and help measure and take pictures. Pictures will be emailed to the council and then the council can make the decision on what to order on Monday.

**Chicken Soup Springs Repairs:** Councilperson Linford made a motion to dig out Chicken Soup by the City and find out how much water we got there. Councilperson Thomson seconded the motion. All voted aye, unanimous.

**East Main Street Curb & Gutter Project in front of Home Hotel – Completed:** Mayor Davids reported work completed, looks good. Send thank you note to Scott Pearhill.

**West Fife Street Paving Project in front of Lava Elementary School:** Mayor Davids reported that they sealed the area that needed to be done. There is an issue on the billing and Tony is working with them to resolve the issue.

**Miscellaneous:**
Kody Tillotson received permission from Vaughn to remove the area light. Mayor Davids reported that the hail storm broke seventeen of our lights. A claim was submitted to our insurance company. City Clerk Dimick comments the claim was settled the amount is eight thousand seven hundred dollars ($8,700.00). The City has a five hundred dollar ($500.00) deductible. Each light is about five hundred ($500.00) a piece.

**Review & Approve Bills**
Mayor Davids and council reviewed bills. Mayor Davids asked about B & B sprinklers. City Clerk Dimick comments they rerouted the sprinkler so the water doesn’t spray on the baseball diamond. Mayor Davids comments on the Jack B Parson bill at the twenty five hundred ($2,500.00) for the Fire Station project and the seventy nine hundred ($7,900.00) for the elementary school we are not paying at this time. City Clerk Dimick commented on Forrest Design bill Facebook ad,
fifty dollars ($500.00), for Founders Day Parade. The contract is for off season marketing and the Parade is not during Lava’s off season. Council agreed to short pay the invoice by fifty dollars ($50.00). Councilperson Hinz commented on the new toddlers swing the City installed at Buddy Campbell Park. City Clerk Dimick commented on the Lawn Tech billing I received an email from them and the City does not owe on it. They are covering it under the contract. The fencing for Smith will not be paid until it is finished. Councilperson Linford made a motion to approve the bills excluding the before mention exception. Councilperson Hinz seconded the motion. All voted aye, unanimous.

**Discussion:**
Mayor Davids asked the audience if they have any items to discuss. No one had any discussion.

**Adjournment:**
Councilperson Linford made a motion to adjourn. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Meeting adjourned at 9:07 p.m.

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Amantha Sierra, Transcriber                     T. Paul Davids III, Mayor

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Canda L. Dimick, City Clerk