

Minutes of the Regular Meeting of the City Council of the City of Lava Hot Springs, Idaho held on Thursday, June 13, 2019 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Jon Thomson, Council President
Rickey Frandsen, Councilperson
Lisa Guthrie, Councilperson
Brian Hinz, Councilperson
Gary Cooper, City Attorney
Canda Dimick, City Clerk

Excused:

Guests: Gail Palen, T.J. Budge, Brian Phinney, Richard & Barbara Guthrie, Randy Benglan, Kody Tillotson, Clinton Pagnatto.

Jon Thomson, Council President opens the meeting and welcomes everyone.

Announce Agenda Deadline for July 11, 2019 meeting will be July 4, 2019: Jon Thomson, Council President announced agenda deadline for July 11, 2019 meeting will be July 5, 2019. Deadline changed to the 5th due to the July 4th holiday.

Agenda Amendments: Council President Thomson made a motion to correct agenda approval of minutes by removing April 11, 2019 adding April 25, 2019, May 9, 2016, May 16, 2019 & May 30, 2019. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Council President Thomson made a motion to add French Drain in front of the Blue Moon under projects item number ten (10). Councilperson Hinz seconded the motion. All voted aye, unanimous.

Approval of Minutes (April 25, 2019, May 9, 2016, May 16, 2019 & May 30, 2019) - **ACTION ITEM:** Councilperson Guthrie made a motion to approve the minutes April 25, May 9, May 16 & May 30. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

The Pledge of Allegiance is led by Council President Thomson.

Review & Approve Bills ALL - ACTION ITEMS:

A) Motion to pay bills: City Clerk Canda Dimick reviewed list of bills with council. Council President Thomson made a motion to approve bills except for Keller Associates, Knife River and Idaho Nursery. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Law Enforcement/Code Enforcement

A) Building Permit Report – Canda Dimick, City Clerk: City Clerk Canda Dimick reviewed report with Council. Councilperson Hinz will follow up with State Inspector on the walk through on Booth that was requested by the City.

B) 8 Nightly Unit Completion (fire suppression system, street light, parking lot, Centennial Trail head, sidewalk, curb & gutter, certificate of occupancy for upper units) – DLR Enterprises/Lava Hill Side Suites – Brandon & Cody De Los Reyes - ACTION ITEM: Council President Thomson reported fires suppression inspection was passed and turned on plus parking lot is finished. Cody De Los Reyes reported that City Clerk Canda Dimick has activated work order with Rocky Mountain Power. They are going to put the street light in the front of the building in the Alley way about two feet (2) off of the building from their they will run the power to that one and then up to the top of the light post. They suggested maybe the City should put another city street light on that pole that was already there. It is pretty dark there in that Alley and now it will be used a lot more than it has in the past. We are waiting to do sidewalk until City does curb and gutter. Plan for Centennial Trail access will be improved this summer. City Clerk Canda Dimick comments Dyer's Woad, a noxious weed, has taken over in the fill dirt next to the street. Cody will see what he can do. Cody comments they put in Ten (10) parking spots, two (2) more than required. Council President Thomson made a motion to approve certificate of occupancy contingent on street light installation. Councilperson Hinz seconded the motion. All voted aye, unanimous.

C) July 4th & 24th Extra Patrol ACTION ITEM: Council President Thomson made a motion to approve extra patrol schedule. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Sidewalk Maintenance Letters ACTION ITEM: City Clerk Canda Dimick reported on the sidewalk plan. City has finished red paver project. Plan was to set example and then notify property owners of sidewalks that need repaired or

replaced. She is wondering if it's okay for Code Enforcer Officer to send letters. Council President Thomson made a motion to move forward with the sidewalk maintenance letters and send to property owners. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Monthly Law Enforcement/Code Enforcement Reports: Officer Monte Steele presented July 4th and July 24th extra patrol schedule. He asked Council to call if they want changes to the schedule. There is nothing else to report. Council asked about law enforcement report for May. City Clerk Canda Dimick believes it was received and forwarded to council. She will check email to see if one was received and forwarded to council.

Church Activities – Greg Dawson, Arimo State Public Affairs Representative: Greg Dawson introduced himself he has been called as the State record public affairs for The Church of Jesus Christ of Latter-day Saints representative offering church members help and involvement in the community. The Church has formed a volunteer program online. There is an initiative called just serve and a web site that was designed by the church. The web site address is justserve.org. The local bishop is no longer a point of contact he asked the city council or business's to contact him or go to the web page if they need volunteers that the church might be able to help with for any projects or events, 208-589-3402. Greg was thanked for his time.

Tennis/Pickle Ball Court Surface Update & Nets– Ron Hunt - ACTION ITEM: Ron Hunt questioned the City's plan to move forward on court surface. Councilperson Frandsen reported on his research. There is a product that will fill the cracks and surface the existing courts without having to totally redo. Council President Thomson recommended working something into the budget for next year. Ron said he will work on match funding for a seal/surface project for next year. Council President Thomson made a motion to table and discuss in the Cities budget hearing scheduled for September 2019. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Water Service Extension/Cross Connection – Richard Guthrie - ACTION ITEM: Richard Guthrie provided a map to council showing the property lines and he explained his plan for the parcel. The parcel starts in the center of the mobile park and crossing the highway and is down by the river. P&Z (Planning and Zoning) suggested a legal description for both parcels and a dedicated water line

for the separate parcel. Council President Thomson made a suggestion to put the second meter right along the side of the current meter. The second meter would be dedicated to the parcel across the highway by the river. Richard explained that in 2017 he got a permit from ITD (Idaho Transportation Department) and has slipped a line under the highway. Council President Thomson explained the infrastructure is in place and suggested allowing Mr. Guthrie to install a second meter and a line under the highway to the parcel by the river. Discussion followed about future ideals. Richard is opened to working with the city for fire hydrants, water main extension and road maintenance. Council President Thomson made a motion to approve water meter. Councilperson Hinz seconded the motion. All voted aye, unanimous

Vacation Rental Legislation – Julie Hill & Michelle Taylor: Michelle Taylor announced her husband John is here and he will be a speaker as well. John Taylor asked if City is moving forward to comply with new legislation, house bill 216 that took effect January of this year. Council President Thomson responded that the city is not because the City has an ordinance in effect. Nightly rentals are restricted to a particle commercial zone. John Taylor explains it's pretty cut and dry. A lot of it has to do with the States dealing with their platforms such as AirBNB's and things like that, not relevant here but, here is the intent. John read a section of the statute. *"This act is designed to promote access to short-term rentals and vacation rentals by limiting local governmental authority to prohibit these beneficial property uses, or to specifically target them for regulation, except in circumstances necessary to safeguard public health and welfare."* John explains that is the intent. John reads the national verbiage. *"Neither a county nor a city may enact or enforce any ordinance that has the express or practical effect of prohibiting short-term rentals or vacation rentals throughout the jurisdiction of such county or city."* John stops reading. Councilperson Hinz continues to read. *"A county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods."* John interrupts and comments right and we don't have an issue with that but, you can't strictly prohibit/forbid it. Jill Hill interrupts John and comments she is an Idaho Realtor and she belongs to Idaho Realtor Association they were very active in the passing of this law. She has talked with Jason Risch who is the Attorney for the State Realtor Association as well as Matt Saponas who is our government affairs director who work with the legislation to help get this passed. This is the memo that was sent out to all of the realtors early this year, about two (2) months ago. It said that "on the property rights side Idaho Realtor passed legislation that prohibits cities and counties from banning vacation rentals or passing an ordinance that has the express or particle effect of prohibiting short term rentals" and then it talks about health and welfare but, then it goes on to

say “do to Idaho realtors effort vacation rentals are classified as a residential use for zoning requirements this means that if a city or county already has an ordinance that would apply to residential homes they cannot have a higher standard for vacation rentals. For instance if a city has a parking ordinance that allows for on street parking the locally cannot impose a higher burden on vacation rentals properties. John Taylor comments that would apply to fire suppression system that would apply to everything. If you’re not going require a single family home with a resident owner to have a commercial system you can’t require on vacation rental housing. We came in for a building permit to build a second house on our lot and Dennis Callahan Code Enforcement Officer at the time told us we can’t use it as a daily rental. John didn’t even ask to do it as a daily rental. I was told I couldn’t and this was after the law was in effect. There is other people have been told that and there are other people who have been shut down in errors of the city claimed ignorance of the law and the city said they can no longer do that and threaten with legal actions and this was after January when the law came into effect.

Councilperson Frandsen comments a lot of perspective, it’s a pretty touching thing because there are so many people that are saying. John Taylor breaks in by saying I get that, I spent hours reading through all the minutes when this was discussed like ten years ago, there was a whole different council and different P&Z (Planning & Zoning) and there was a lot of discussion, lot of opinions both way that really doesn’t apply. There is a law on the books now and the City is not in compliance and you going to come into compliance or not. It doesn’t matter what people feel about it, it’s a law on the books now. Council President Thomson comments you are interrupting that particle law as overriding any ordinance that are on the books. John and Julie respond that is correct. John comments you have a zoning but, this applies to residential zoned properties. Council President Thomson comments this overrides the city ordinance that you have to have a business license. John interrupts no you can regulate it, you can require business license, absolutely.

Council President Thomson comments but I can’t regulate to zoning. John replies correct. Julie comments that correct and she is going to disagree with that. She thinks that were they have declared that it is not a commercial use of property it’s considered to be a residential use of property and that is specifically stated in the house bill I question the requirement to have a business license for that as well.

Council President Thomson responds he thinks that are particle ordinance was carefully thought out by a previous administration. I too have a real estate license in the State of Idaho and one in the State of Kansas and I sold real estate in this town before the ordinance was passed and at that time when someone came in and asked if they could do a nightly rental out of property in a residential area my response was simple there is no ordinance against it. There is subsequently there was an ordinance passed probably ten years (10) ago by the administration that was

in the office then that passed an ordinance that limited it to the commercial zoning and since that time we have tried to enforce that ordinance to the best of our ability. Julie questioned even though the State law has changed since that ordinance was passed you're saying that you don't see as the acting Mayor that the City has any need to change its ordinance so it is in compliance with State law. Council President Thomson answer no I do not personal, as an individual. As an acting Mayor of the City of Lava Hot Springs I will defer that question to my legal source. Julie interrupts and question if the legal source is here tonight. Council President Thomson responds yes and my understating is that there are test cases beginning around the State to do just that. Julie interrupts okay, the next question is you mentioned the commercial that all they need is a business license so in the commercial zone I'm aware of at least two instances personal were there are people who have come wanting to do nightly rentals and have been told no they can't. They are now required to put in a fire suppression system. Council President Thomson comments that is not correct entirely. They have always been required to put in a fire suppression system. It's only been since the City went to a State Inspectors from a County Inspector that that particle law, State requirement has been enforced. Julie comment the reason you're requiring fire suppression system is not because of local ordinance you're saying that it's because of State law. Council President Thomson it is. Julie responds okay and what is the basis is there a code or something for that that's being used? A building codes something you can give us? Council President Thomson I'm assuming that is correct and I oppose that particle question to our Building Inspector. We've contacted with the State last year because when you go through a building inspection in this town or any other town in Idaho the electrical, plumbing is a State inspection the foundation construction at that particle time in Lava was with the county and the City decided to turn all inspection over to the State. The requirement has always been there the County did not enforce the code. Jeff Geisler, State Inspector explains if it's a commercial use, three are more, requires a sprinkler system. A residential duplex would not require. Julie interrupts so a residential duplex does not so if you are doing a resident in a commercial zone that has two or fewer units you should not need a fire suppression system for that to do nightly rentals? Council President Thomson responds no, that not what it says for a residential. Julie interrupts but a nightly rental is considered by State law a residential use of property. You can not oppose on a resident a higher standard. Julie asked are you familiar with the State law? Jeff Geisler comments yes and if a hotel with thirty rooms that's not a residential that's commercial and it's an R1 transient use. Julie comments we are talking residential use. So if I have a home and I want to rent it out nightly. Jeff Geisler comments since you went to nightly rental you just switch in to transient, which is commercial. Julie comments so there's a conflict with

State code so, that's the problem, okay. Council President Thomson the City doesn't have a fire suppression ordinance in affect in Lava. This is State. Julie comments okay so we need to get the legislator to straighten out the State, then the City is not going to have a problem with the new law and the nightly rentals. Council President Thomson comments not according to fire code. Someone from audience asked if they live in the City limits. John comments they have owned the home for sixteen years (16) and they bought it for a vacation rental. They have lived in the home for the last three years (3). Julie comments I do not but own two (2) businesses in the City. Councilperson Guthrie comments you know one thing if you put everything into vacation rental there goes are neighborhoods, there goes school and we no longer have a town. Julie and John comments we understand where you are coming from. John continues understands your sentiment but this is a legal argument to whether are not this applies to Lava Hot Springs and rather or not Lava Hot Springs is going to comply. Julie comment it's about Lava City and if what they are doing complies with the State law or not, that's the discussion. Jeff comment the house bill says *a county of city may implement such reasonable regulation as it deems necessary to safeguard the public health, safety*. Julie interrupts but it cannot oppose a higher standard on a nightly rental than what is on a residential premise. Jeff comments so if you rent it out nightly it is transient. Julie comments that the disagreement because the State defines. Jeff comments in the IRC it doesn't say anything about transients. There is nothing on residential that say its transient it's a single family dwelling, duplex or a town hall. An IRC says you are building something to live in and if you rent it, then it IBC which makes it a transient R1. Julie interrupts and Jason Rish who is the attorney for the Idaho Realtor Associates when I asked him about that his explanation was it doesn't matter rather you are sleeping in a place one (1) or thirty (30), it doesn't matter it is a residential use of the property which is being used for overnight use. Jeff asked if he said anything about transient. Julie comments it's not considered transient use if you are doing a nightly rental which is a shorter 30 days. It Says right here in the State law that it is considered a residential use of property, you cannot oppose a different restriction on transient (if you want to use that term) or nightly rental than what you have on a residential property and what I understand is anyone else in the State of Idaho enforcing this because according what I've heard from the Realtor Association Sun Valley and Ireland Park is not. This is the only place that is doing it. Council President Thomson comments at this point this is not an action item and not required to make a motion on and if you guys have made your point, statement. Julie interrupts we just need it on the record. Council President Thomson comments his position is that we have any ordinance in affect. I can't make the ordinance go away. It will take a public hearing and everything else to change the ordinance. I see a conflict if what you are saying is correct and

what we have on our books. Then we have a conflict and at that point we will have to work on the resolution. We are not going to get that resolution worked out tonight. Julie interrupts and asked what the next step is to resolving this conflict. Councilperson Guthrie asked a person in the audience what is the paper he is holding up. He asked the council to be aware of the comprehensive plan which highly cautions vacation rentals in residential areas. This comprehensive plan took three years & seven month to put together. He gets what the law says but, the law also says *except in circumstances necessary to safeguard public health and welfare*. President Thomson comments we'll take the necessary steps to comply but, for now we have an ordinance in effect that the City will honor. John asked if they can be on the Agenda for next month. President Thomson comments you can be on the agenda anytime you want before July 5th.

President Thomson asked that the conversation in the back be taken outside.

East Portneuf Street – Gail Palen - ACTION ITEM: T.J. Budge, introduced himself he is Attorney in Pocatello and he is in attendance with Gail Palen. T.J. reported on that the area is right in front of the Portneuf Grille and it's been used for dinning for many years. It's been in disrepair for several years and recently the City installed new water lines underneath the street. T.J. is proposing a land exchange with the city they think it provides a win-win for all involved. T.J. provided documents to the council. T.J. reviewed document with council. He explains on the north of her property there is a block/rock wall and her property doesn't abate the block wall, there is a little gap there. Right in front of the Hotel is a ten foot (10) gap between her property and the rock wall. Then on the East and West ends of her property there is a twenty foot (20) gap. The deeds are identified in the surveys. T.J. explained the survey, deeds for the property over time and the street called Portneuf and taxes paid. T.J. initially he told Gail that they need to clear up the hash mark area on the survey by file a Quiet Title Action as part of that we did confirm that she has paid all the taxes. He explained the tax parcel property map he provided to council. Gail tax parcel includes that ten foot (10) that has the hash marked area and the verified the taxes have been paid for the last thirty years (30) by her and the prior property owner. In this process they discovered the city is going to pave that ten foot (10) strip and that forced us to try to expedite some sort of resolution we're concerned with once the ten foot (10) got paved then it may be hard to landscape and beautify the way we had anticipated and after the City sank money into they may be less inclined to accommodate that. That is what brings us here today. When they raised the issue with Canda with the hash mark strips and wanting to resolve this, the City asked Wade Olorenshaw to perform a survey and try to confirm who owned what. The survey Wade

performed is consistence with the survey Gail had performed. There *are not* any differences. Council President Thomson confirmed that there *are not* any differences. T.J. continue with the other thing Wade did different was that he marked the border of Gail property out in front of the Hotel with orange paint and you can see that the water line that was recently installed goes underneath that parcel or at least partially. The next photo is the hash mark parcel Wade has marked this as well and this show the pipe goes through there. We've learned a lot from going through this process and trying to understand were Gail property starts and ends and who owns the adjoining property. What they would like to propose that they think would be a benefit to the City and Gail is the following. Their understating is that the City has an easement for the pipe. They are able to protect the pipe with an easement. The City would benefit by having an easement through Gail property for the pipe for maintenance and operation or repair of the pipe. What Gail would like is the ability to beautify the area in front to fix it up and landscape it. That would benefit her customers and also benefit other people that come to the City. It would beautify the area along the river and enhance the attractiveness of that area. There probably is a variety of ways to accomplish this. There first preference would be if Gail was able to own the land she would like to landscape and the City retains an easement through that area. The easement they anticipate would be for the pipe and also for emergency vehicle, if you had a fire or something like that you would want to be able to get a vehicle there. The landscaping would need to accommodate that and if it was damaged as a result of a fire truck or something they would have to repair that. We think there is a way to do that which would benefit both sides. Our proposal would be for the City to give to Gail the property that the City owns and in exchange Gail to give to the City an easement for the pipe. We would like the entire piece to be consistent in terms of the easement. There would be pipe easement all along the area in front of her property and she should be able to landscape it as we discussed. That's our proposal to the City. Council President Thomson updates T.J. he has had this conversation somewhat with Gail already. I made the determination that there really is no consistent reason to pave half of the street or alley, half of a property area and I have cancelled the plans to do anything there. We feel like the road or the base consistence is there and that if we had to get an emergency vehicle in there we probably could without the pavement. Council President Thomson has a directive and they are going to direct Knife River not to put pavement down along that strip. The surveys show that a couple of the properties are Metes and Bounds. Which I feel like no one is an expert on that. I'm all for this. The path way has been block off to traffic for some time now other than pedestrian traffic. We don't anticipate using as a street or an Alley. It is not a deeded or platted street or an Alley it is nothing more than private property owned by the City or by Gail.

Council President Thomson would like to take some time to work on the matter and as a council decides how they want to proceed. T.J. responds sound good and they look forward with working with the City. Council President Thomson made a motion to table for discussion in council and come up with a resolution of what they want to do and proceed with that direction. Councilperson Hinz seconded the motion. All voted aye, unanimous.

Roof Drain Hazards – Gail Palen - ACTION ITEM: Gail Palen explained that the roof drains from the building south of the Riverside which is the atrium, it has a flat roof, she believes at one point it drained and went under the building. The owners of the Atrium put in a drain to keep the water from doing that, which is fine. What she has found is that it runs down in front of their parking lot and through their parking lot so people are stepping over ice and water. My proposal is possible rerouting the drainage so it goes into a storm drain. Council President Thomson asked Gail if she has talked with Shawn. She answered she has not. She explains this came up as I was watching them put in the curb and drains. She thought maybe it would be an easy solution for the City to address. Council President Thomson comments we have just installed curbs and will be paving 2nd street which is the street just west of your property. The Shoshone-Bannock Tribes owns that particle lot and Mark has it under lease. The City currently contacted them on repairing the sidewalk. Storm drains are located on Main Street at the intersection of each cross street there is a drain on the Main Street side and the on the cross street so, you have two (2) drains on each corner. Diverting to a storm drain was discussed. Gail will work with Shawn. Council President Thomson made a motion to talk with Tony Hobson, City Maintenance and see what the City can do to get that water to drain away. If Gail will take the initiative to talk with Shawn see what your neighbor can do to help you on his gutter. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Planning & Zoning Commission Recommendations:

A) Diane Beckstead Variance Request for attached garage and front porch -

ACTION ITEM: City Clerk Canda Dimick reported Diane is in the audience. City clerk read notes from P&Z (Planning and Zoning Commission) June 10th meeting. *“Diane explained that Rocky Mountain Power wrote a letter addressing her clearance requirements from the pole and other head power lines. She submitted the letter to the City and it was presented to the commission. Diane reported that if she can’t meet the clearances to build the garage that she will change the pitch to go with the temporary car park that will be in compliance. Vicky Lyon commission member was not in attendance but, she had written an email to be read in the record. Her email stated. I am sorry I will be out of town*

on Monday evening. Please feel free to conference call me if necessary. I would like to see Ms. Beckstead consider a covered porch in front of her front door but I can't see the consideration of a porch the length of the front her home. I think the porch would be too close to the street and I have safety concerns for her. Also I am concerned that the south corner of the porch would limit access to the side and back yards. An option would be to build deck on west side of the home which would give privacy as well. The east side certainly needs an area for the entrance but a full length deck would be better served in the back per my opinion. I would vote yes to a setback variance to have a covered porch at her front door but no to a porch the length of the east side of her home. Motion was made by Curtis Waisath and 2nd by Lisa Toly to recommend approval for variance for the garage as long as Rocky Mountain's clearances are met and to recommend approval of a six foot (6) front porch across the front of Mrs. Becksteads house as long as the eaves do not extend beyond the six foot (6) from the home. Lisa voted Aye, Neil voted Aye, Curtis voted Aye and Fred Voted Nye. Motion carried." Council President Thomson made a motion to accept. Councilperson Frandsen seconded the motion. Councilperson Hinz comments and no offence but when a home owner comes and decides they are going to be a general contractor because they want to save a few dollars there are risk they take not having a professional do the general contracting job. Diane Beckstead realizes now and has a contractor doing the work going forward. He will submit plans with a permit and work with Rocky Mountain Power to insure requirement are met. Council President Thomson his motion stands and he will accept P&Z recommendations for a six foot (6) porch and garage to meet the standards of the Power Company. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

B) Schedule Public Hearing on Proposed Zoning Ordinance Amendment to permit and regulating solar systems - ACTION ITEM: Council President Thomson reported zoning ordinance change and that we need to add a section having to do with solar panels and the City will need to schedule a public hearing for a zoning ordinance amendment to permit and regulate solar systems. Councilperson Hinz addressed his concerns. City Clerk Canda Dimick comments that P&Z (Planning and Zoning Commission) has made their recommendations in the ordinance draft council is currently reviewing and has suggested pulling that from the ordinance draft and holding a public meeting to approve that portion of the ordinance. Council President Thomson made a motion to send to P&Z public hearing. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Residential Development – West Church Street (water & sewer main extensions and primary access off of alley) – Randy Benglan - ACTION

ITEM: Council President Thomson reports Mr. Benglan is developing some lots and it they've been reviewed P&Z (Planning and Zoning Commission). The vote for approval was five (5) to zero (0). City Clerk Canda Dimick reads notes from P&Z meeting. *Randy presented a site plan of the lots separated into three (3) parcels. He has been informed about the history of the ravine which was filled in with concrete and et cetera and the fact that the hill was not compacted and there may be voids. Do to the ravine he has had to change how two (2) of the houses set. His plan is to situate the house on the west side of the property similar to the neighboring property owner, Doreen Hawes. Randy recorded he has talked with the Fire Department Chief regarding access and the access needs to be a hard weather surface. Problems and concerns with the primary access off the alley were expressed and discussed. The city zoning ordinance defines "an alley as a public space or thoroughfare which has been dedicated or deed to the public use in which provides a secondary and public means of access to an abutting properties. An alley shall not be considered a street for the purpose of this ordinance". Establishing an alley as a primary access what establish a presidency. Concerns with an alley possible being blocked with parked vehicle was expressed. Randy stated if he has to develop a street some of his lots that they will be undevelopable. Garbage services and safety concerns were addressed. Motion was made by Fred Hinz and 2nd by Lisa Toly recommend approval for the preliminary plan to access the lots from south 2nd and south 3rd with shared driveways built along the alley on private property according to engineers plans. All voted aye, unanimous. Randy correct City Clerk. The Streets are first 1st West and 2nd West. Randy commented the parcels are platted as ten (10) city lots. Council President Thomson comments the individual housing will be three (3) lots on each street side and two (2) lots in the middle for the houses. My understanding is the drive ways will come across the corner lots to access the center lot. Randy responds yes, exactly. P&Z wasn't too excited about changing the alley to primary access and so we discussed accessing the west side off of 2nd West and the East side off of 1st West and then the alley would remain as a secondary access. Council President Thomson comments Easements will be across adjacent driveway. Randy comments yes, exactly. Council President Thomson comments water meters will be setting on 2nd street and 1st street water lines run in and sewer lines will go down the alley. Randy comment yes and explains he is looking for is preliminary approval of extending the water and sewer main up 1st and 2nd West and then I will proceed with engineer plans with Keller's and with Tony Hobson, City Maintenance Input and then I will bring it back to Council for final approval. Council President Thomson recalls executive meeting for Knife River to put in two (2) taps up on Fife. These are for what the taps are for. There will be a tap off 2nd street and a tap off 1st street so that the line can be extended up. We've already done that at the*

intersections. The next step will be to take the water line up a half of block and terminate it. There is a fire hydrant to be installed on 2nd at the alley. The sewer has to go down the alley. Map reviewed. Discussion about street and future development in that area discussed. Councilperson Hinz reported he spoke with the Ken Fagnant, Fire Chief earlier today about this and some of his notes that he mentioned to me was a twenty foot (20) all weather drivable service plus a seven foot (7) shoulder, twenty seven feet (27) total or no parking period on there. It's got to be regulated so there is zero parking. Randy comments that's for your primary access. Councilperson Hinz responds correct which would be the alley. Randy comments P&Z declined the Alley for primary access. The primary access will be 2nd West and 1st West. Councilperson Hinz question how they will get a fire truck to the neighbor's house. Randy responds the interior house will be off the secondary access. Ken told him the secondary access doesn't have that requirement. Councilperson Hinz comments here is a few more obstacles the side access, 1st & 2nd, they're going to require a Cul-de-sac or a Hammerhead turn-around at the end of each street for a Fire Tuck to turnaround at. Randy comments on the city street. Councilperson Hinz comments yes, and shows him on the map. Randy responds he would need to know the foot requirement, radius. Councilperson Hinz responds Ken will have all of that for you. Randy reviews the map with Councilperson Hinz and question if it's develop all the way what is the benefit of putting in a Cul-de-sac and what property does he use. Randy questioned if he cuts into to his property where is that requirement. Is it at the end? Councilperson Hinz responds yes at the end of both streets or all habitable structure will be fire sprinkled. That would get away from the other requirement and it may be the cheaper way to go. Randy comments if he knows the radius he can design it into the plans. Councilperson Hinz responds your engineers should be able to tell you what the requirements for the fire code. Randy comments he need to know where he measures that from on the property. Councilperson Hinz explains it's at the point of the dead-end. Council President Thomson comments the street right now ends at the Alley there is no street south of the Alley. What he is asking is how far that street has to go along the lot. Councilperson Hinz points at the map. Randy will do a conference call with the engineers and get some clarification on that. Randy showed council where the engineer talked about the radius should be. Councilperson Hinz comment it should be at the end of the street. Council President Thomson suggests working out an acceptable fire truck plan with Ken. To make sure you are covered. Discussion followed on the challenge of developing this area. Randy comments the best he can do is set down with the Fire Chief and engineer if he has preliminary approval from the City to extend water lines and the main lines and access the property from 1st and 2nd West then I can close on the property and I realize there will be some challenges with

engineering and fire stuff because of the uniqueness of the property. I think it's a great location to put some houses and there is strong interest from a few people he has already talked with. Council President Thomson made a motion to approve to go ahead with our P&Z and move this forward as they have approved it. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Lava Chamber of Commerce – Kelly Myers, Event Coordinator:

A) July 24th Community Day Plans - ACTION ITEM: Kelly Myers, Event Coordinator reported the budget is the same as last year and asked City Clerk Canda Dimick to verify the amount because she is not sure what it was last year. City Clerk Canda Dimick responds the total she believes was three hundred dollars (300.00). The foam for the slide is not included in this budget it's included on the fire station budget and it will be for one hour (1). Kelly responds she will order the corn and get three hundred dollars (300.00) worth of corn, butter and salt & pepper. Councilperson Guthrie will get help with shucking the corn. Time is 5:00 p.m. to 7:00 p.m. Farm Bureau trailer line up, working on an inflatable bounce house. City representative needs to serve corn. Council President Thomson volunteered serving the corn. I'm working on donations to raise money for local bands to play at the event. Will work with Devanee on including a 50th anniversary celebration possible a color run or tie dying event using the centennial shirts. There is a box in storage labeled color run color but, I'm not sure on the amount I will check it out. Councilperson Guthrie made a motion to approve to continue with the Community Day plans. Council President Thomson seconded the motion. All voted aye, unanimous.

B) July 27th Parade - ACTION ITEM: Kelly Myers, Event Coordinator reported the parade is July 27th and Cameron Salt is doing their float. Councilperson Hinz as if the Chamber has any suggestion for a Grand Marshall. Council President Thomson suggested T Paul and Tanny for Grand Marshal. Councilperson Hinz made a motion to for Council President Thomson to ask them to be Grand Marshals for the parade. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Kelly is looking for volunteers to judge the floats. There is an event on Facebook sponsored by the chamber. Council President Thomson made a motion to put float in parade and purchase candy. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Web Impact Revised Agreement - ACTION ITEM: City Clerk Canda Dimick reported Web Impact took it upon themselves to revise the time frame on the original contract. Councilperson Hinz explained there should be no frustration on anybody fault but their own for not reading the contract that they signed it. The

contract stated the City would not pay until the work was completed then they send an invoice for half. City Clerk Canda Dimick comments they wanted the time change to and Canda explained she can't change the time arbitrary with council approval. So she changed the numbers herself. Council President Thomson asked if they have done anything. Gail Palen respond no but she received the go ahead last Monday. Council President Thomson asked Gail to report back on if they are doing a decent job or not because he not going to renew it if they aren't doing the job. Council President Thomson made a motion to accept the change in contract. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

D) Miscellaneous: Gail Palen reported that the Chamber is working on Oktoberfest. Kelly Myers, Event Coordinator will report on it when she has a more solid plan. Kelly announced the Museum has new hours. No one is sure of the Museum new hours. Council President Thomson will inform Mike Doyle of Kelly contact information and if they need her help to contact her.

Business License(s)/Alcohol Beverage Licenses(s)/Coin-Op License(s) - ALL ACTION ITEMS:

A) Proposed Amendments to Title 3 Business License Regulations – Gary Cooper City Attorney: Gary Cooper, City Attorney, reported no changes with the draft from last meeting. Council was going to take some time to review the draft. They address recreational vehicle and vacation rentals. Councilperson Hinz recalls the council was going to go through this line by line at one of our special meeting and didn't have enough time to review at one of our special meeting last month. Councilperson Hinz made a motion to table for next special meeting to review line by line. Councilperson Thomson seconded the motion. All voted aye, unanimous.

B) Aspen Air Design – Matthew Edlefsen, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Gem Valley Survey, LLC – Wade Olorenshaw, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) Rollin Moose – Devin Neese, Owner/Applicant: Kevin reported the lease agreement received and his wife has it she is on her way in from Pocatello. He explained they received their permits from the State of Idaho. Trailer was inspected. Councilperson Hinz made a motion to approve pending signed lease agreement and Department of Health certificate is received in the office . Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) Smylie D's Masonry and Stucco, Inc. – Byran Donyes, Owner/Applicant: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

F) Thanks A Brunch LLC – Nate & Haiden Slagowski, Owners/Applicants: A-Frame sign will be in the parking lot next to the food truck. Nate announced they have been operating in Pocatello for years. They tried last year to bring a truck to Lava but didn't make it. Councilperson Hinz explained they may need a sign permit so, before they put up any signs check if a sign permit will be required from the City. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Non-Property Tax Permit(s) ALL ACTION ITEMS:

A) Airbnb, Inc.: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Dempsey Creek Inc.; DBA Dempsey Creek Trading: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Global Equipment Company, Inc ; DBA Global Industrial: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

D) KR Distribution; DBA Rollin Moose: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E. Thanks A Brunch, LLC; DBA Thanks a Brunch: Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Firework Permit(s):

A) PAT, LLC – 78 Main Street – Megan Reno, Manager - ACTION ITEM: Megan reports the stand will be in the same location as previous years in parking lot at 78 Main Street Eatery. Building permit plan for outside serving area has been postponed for now. Building inspector is requiring engineered stamped plans for the deck. Lisa Toly questioned off street parking requirements for food trucks. Concerned about the parking for the two food trucks business council just approved. Council President Thomson explained both are stationed on vacant lots and these types of transient businesses do not require off-street parking. Lisa stated that things are getting congested. Councilperson Hinz made a motion to approve. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Building Permit(s)/Development Permit(s):

A) Revised Building Permit Application & Permit Forms: City Clerk Canda Dimick reports working with State to revise forms. Watch for emails in the future. Councilperson Hinz suggested referencing more information on the reports for example addresses rather than the legal description.

B) 4 Space RV Park Site Plan Changes – Steve Hooper - ACTION ITEM: Steve Hooper presented a revised site plan. Approach forty feet (40) on the East side, twenty feet (20) approach from main street, plan is safer. They removed the restroom from the plan and will limit the access for trailer to have restroom or latrine facilities. Curb cuts and approaches discussed. Councilperson Hinz made a motion to approve contingent on State approval. Councilperson Guthrie seconded the motion. All voted aye, unanimous. City Clerk Canda Dimick reported that this will not require State approval because they are not doing the restrooms. That is why we switch to a development permit.

Right-of-Way Permits/Permissive Agreements:

A) 458 W. Main Street – Intermountain Gas Company - ACTION ITEM: Council President Thomson reports that Intermountain Gas Company has applied for a permit to supply gas to the duplex on W. Main Street under construction. Two services applied for, one to each unit. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Victor Nickerson's Permissive License Agreement for Right-of-Way Encroachments - ACTION ITEM: Council President Thomson explained that a garage was torn down and now a retaining wall will need to be built. He has been told that the wall will need to be placed on his property. There is existing cements steps that encroach on city streets and remain on City property. He would like to

cap them so they are useful again and have them grandfathered in. The City has asked him to sign the agreement given the City indemnity on hooking the steps. City Clerk Canda Dimick reports he is fine with the agreement except the insurance clause, the homeowners insurance because there is not home on the property. He said he would sign it if the homeowner insurance requirement is excluded. Gary Cooper, City Attorney, comments it should be liability insurance. Liability insurance covers all sorts of properties Gary believes he can get it to cover his vacant lot. Council President Thomson suggested the City should have Gary review this agreement and see if we need to make any changes to it. Council President Thomson made a motion to approve contingency on some form of liability insurance. Councilperson Hinz seconded the motion. All voted aye, unanimous. Councilperson Hinz request that the Code Enforcer send a letter next week to him with a copy of the City ordinance addressing 5th wheel/campers on vacant lots.

C) Patterson Rentals, LLC Permissive License Agreement for Right-of-Way Encroachments - ACTION ITEM: Council President Thomson on the permissive license agreement should have followed property. The Patterson's have signed it. The City has asked the Mark Patterson to sign the permissive license agreement which basically says the city is not responsible if the encroachment on city property is damaged by the city equipment plus if the City equipment is damaged the property owner is responsible for the cost of repair to the city equipment due to the identified encroachment. Councilperson Hinz made a motion to approve and authorize Council President Thomson to sign. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Council President Thomson announced he will be gone next week.

Meetings/Announcements/Miscellaneous:

A) Schedule Special Meeting to review Zoning Ordinance Draft - ACTION ITEM: Councilperson Hinz made a motion to schedule for June 27th, 6:00 p.m. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

B) Extending Michael Pecks hours and job duties – Jon Thomson, City Council - ACTION ITEM: Council President Thomson suggested extending Michael Peck's hours to nineteen hours a week and have him empty garbage cans on the weekends along Main Street. Council President Thomson made a motion to extend his hours per week by four to five hours (4-5) per week, keep him part time. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

C) Vacant Part Time Seasonal Custodian Position - ACTION ITEM: Council President Thomson reports Angel Sierra has a course at ISU for six weeks. He asked a few people who was interested in the job to submit an application to the City and they have not. The suggestion is to leave the job available for Angel Sierra. Councilperson Guthrie made a motion to wait for Angel to return middle of July and not hire a 3rd person. Councilperson Hinz seconded the motion. All voted aye, unanimous.

D) Fire Hydrant Donation – Council Person Thomson - ACTION ITEM: Council President Thomson reports that Tony Hobson, City Maintenance, has requested that we donate one of the fire hydrants that are being replaced to Thunder Canyon Estates, Home Owner Associations. Councilperson Guthrie made a motion to approve a four inch (4) fire hydrant to be donated Thunder Canyon Estates. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

E) Lowe Memorial Bench - ACTION ITEM: Council President Thomson announces Mark Lowe family has a memorial bench in honor of their parents and would like to put in somewhere in Lava. City Clerk Canda Dimick has suggested replacing one of the benches on Main Street. The Family would like it down town on Main Street. Councilperson Guthrie made a motion to approve the Lowe family placing the memorial bench on Main Street. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

F) Centennial Trail Sign: City Clerk Canda Dimick informed Council that Les has contacted the property owners (Cannons) about the trail and they suggested he place signs on the trail that ask people to stay on the trails. Les has made posted a few signs advising people to stay on the trail. Les asked that the council approve the verbiage on the sign. Councilperson Hinz question why the signs were needed. Canda explained the part of the trail goes through their property and the property owner has given Les permission for the trail to stay open as long as he posts signs telling people to stay on the trail. Council does not want to be involved or have any liability with the trail. Councilperson Frandsen suggested that Les contact the National Trail Association and have the trail added.

G) Miscellaneous: Nothing

Break to change recorders batteries.

Projects:

A) Water Improvement Project: Mathew Hill, City Engineer reported Knife River bill is acceptable. All work billed has been done. Spring Street progress was discussed. Keller Associates bill, line item by task reviewed. Council President Thomson made a motion to approve Keller Associates and Knife Rivers bills. Councilperson Hinz seconded the motion. All voted aye, unanimous.

1) Work Change Directive # 7 - ACTION ITEM: Mathew Hill, City Engineer reported work change directive number seven (7) was discussed at last council meeting and it was approved at that time. The work on South 2nd East was going to be more than fifty thousand dollars (50,000.00) so it made more sense to pull that portion out of Knife Rivers contract and competitively bid the curb & gutter and asphalt for that section of road. Councilperson Hinz made a motion to rescind work change directive number seven (7). Councilperson Guthrie seconded the motion. All voted aye, unanimous.

2) Work Change Directive #8 - ACTION ITEM: Mathew Hill, City Engineer reported removal of asphalt services between 2nd and 3rd along East Portneuf, along the river there. The plan was to remove asphalt and replace. The contractor removed the asphalt and they will leave it as gravel. The change on work change directive number eight (8) is the deduction for the cost of asphalt. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

3) Work Change Directive #9 - ACTION ITEM: Mathew Hill, City Engineer reported hot tap rather than install valves at Tony Hobson, City Maintenance request. Councilperson Hinz made a motion to approve. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

4) Change Order #4 - ACTION ITEM: Mathew Hill, City Engineer reviewed summary line items with Council. Councilperson Hinz questioned how much engineers are critiquing the change orders. Mathew explained he goes through everyone with Jeremy. Councilperson Hinz are you checking daily logs? Mathew reported he hasn't seen the daily logs for these items but, he could request them. Councilperson Hinz reported he would like to see them daily logs. Councilperson Hinz question the markup. Mathew reported the contract allows a markup. Council President Thomson reported that he feels that the contractor is doing a good job and he agrees with Councilperson Hinz. Mathew reported the items have been discussed for the last several months. He will ask for the daily logs. The bedding chips, clean rocks, they provided weight tickets on trucks. Councilperson Hinz made a motion to postpone approving change order #4 pending more

information. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

5) Access and Options to Purchase Real Estate Agreement for Well Site

Update: Canda Dimick reported contract numbers have been passed onto Council President Thomson. Need to continue working on.

6) North Center Street 4" line - ACTION ITEM: City Clerk Canda Dimick reported it was discovered line is a four inch (4) when connection was made to East Portneuf Street. Council President Thomson suggested doing the work but not until after September, Center Street will need to be shut down. Councilperson Frandsen made a motion to delay North Center Street four inch (4) replacements until phase II. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

7) North 1st East Sidewalk, Curb & Gutter - ACTION ITEM: Mathew Hill, City Engineer reported the issue is mostly on the west side. Alley to the end of Street that curb is going to be above the sidewalk. The East side of the street is easier to deal with. Discussion follows. Councilperson Hinz made a motion to continue with project as is, per drawing and spec, have Knife River remove sidewalk as required to continue with the project and have Gary Cooper, City Attorney notify property owner to replace sidewalk. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

9) EPA American Iron & Steel Site Visit – June 26th: Council President Thomson announced the meeting is scheduled for June 26th, 9:00 a.m. Councilperson Guthrie is available and possibly Council President Thomson.

B) Street Improvements:

1) Knife River Contract for North 3rd East and North 2nd East

Improvements - ACTION ITEM: Mathew Hill, City Engineer reported DEQ approved the project, eligible for funding. Businesses and Knife River wants to get the area wrapped up and cleaned up. Options were discussed. Councilperson Frandsen made a motion to install French drain with stub out for future drain connection to Main Street. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Mathew will get estimate and change order from Knife River.

Mathew Hill, City Engineer reported Knife River needs to redo the crown on a portion of North 3rd East. Council President Thomson reported they need to re-

grade North 2nd East then pavement. Council President Thomson reviewed contract with council. Councilperson Hinz made a motion to approve Knife River contract. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

2) Authorize Keller Associates to handle competitive bidding for South 2nd East - ACTION ITEM: Council President Thomson reported south 2nd from Main Street up to and probably including the intersection at Elm and 2nd, due to hole in intersection. The City would like Keller Associates to handle the bidding. Mathew Hill, City Engineer reported need to request three (3) quotes. Deduct from Knife River project the six foot wide trench they won't have to put in. Councilperson Frandsen made a motion authorizing Keller Associates to handle competitive bidding process. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

3) South 1st West & Merle Street Drainage: Council President Thomson reported on conversation with Tony and plans to fix problem with drainage.

C) ADA Curb Ramp Project Options – Aaron Swenson Forsgren Associates: City Clerk Canda Dimick reports they are still working on bids, may need to ask for extension on the funding.

D) Fire Station Addition:

1) Initial Design Draft – Zachary Fillmore, Perspective Design Studios - ACTION ITEM: Councilperson Hinz concept plans favorable. Councilperson Hinz made a motion to continue on with project and have Zach work with building committee. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

E) East Portneuf Street Drainage System – Completed: Council President Thomson reported French drain system installed. Forsgren is doing as built and inspection. City Clerk Canda Dimick reported the sign still needs to be moved. Council President Thomson will talk with Kody per agreement to remove the KOA from City property to his property.

F) Buddy Campbell Park:

1) Trees by Tennis Courts – Council Person Guthrie - ACTION ITEM: Councilperson Guthrie reported on trees by courts. Two (2) of the trees need to be replaced. Councilperson Guthrie made a motion to have arborists remove and replace trees. Councilperson Hinz seconded the motion. All voted aye, unanimous.

2) Slide – Council Person Guthrie - ACTION ITEM: Councilperson Guthrie reported that a section of the slide is broken and she will look into the price to replace it. Councilperson Frandsen made a motion for Lisa to call and order. Councilperson Hinz seconded the motion. All voted aye, unanimous.

G) Fish Creek Spring Fence:

1) Water Source Protection Grant: City Clerk Canda Dimick reported grant application submitted. Awards will be made in July.

H) Fire Station Door Pneumatic Hose - ACTION ITEM: Councilperson Hinz made a motion to proceed with a contingency price not to exceed six hundred dollars (600.00). Councilperson Guthrie seconded the motion. All voted aye, unanimous

I) Miscellaneous: No miscellaneous.

Discussion: Michael Vice questioned if anyone is checking on OSHA compliance, leaving a bucket in the air is a valuation. Mathew Hill, City Engineer will pass information on to them.

Michael Vice introduced himself he has lived in Lava since '92 and served on the council 2006 through 2009 and I was on the comprehensive planning committee which started in 2008 through 2012. He is glad to see Vicky Lyon here she was also on the committee as were several others her in town. Earlier on the agenda was an item on vacation about vacation rentals and I'm asking the council to please look at the plan the Housing and Zoning chapters of the comprehensive plan. There is a lot of information in there about keeping our residential as residential. This was written to be a tool for City planners. He encourages the city to review before making any decisions on vacation rentals. Council realizes that several citizens are concerned. Council President Thomson comments we're all in favor of living here and having a peaceful life and we also are all in favor of progress. I don't think that anyone was taking sides on this we were basically informed that no matter what we've done in a long term planning mode. Council realizes that several citizens are concerned. Michael reads the part of the last page *“notwithstanding the foregoing prohibition, a county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate”* That includes the comprehensive plan.

John Taylor comments that this is an emotional situation topic. He is willing to take his business elsewhere. The law of the land as I interrupt and as it's been explained to me by Attorneys is the City of Lava is not in compliance. Rather I push it or someone else after the fact the City can't bury head in the sand and just try to play wacko mo with everybody that comes in and asked to do it. It's my opinion, I'm not an Attorney and I don't believe you are, that the City of Lava now that this law is in affect is opening themselves up to litigation every time you deny somebody the right to do it and that's fine I don't take it personal. I have no attention of starting to do it under the radar or doing it without it being official. Give me a license or whatever and based on that I probably won't do it anyway it's not in my best interest. I can buy rental property in Pocatello, I don't care. Discussion followed.

Vicky Lyon commented that the vacation rental addressed in the comprehensive plan is what the people wanted. There was a lot of community input. The citizen wanted a residential area and they wanted it to be protected. That was important to the citizen to protect their neighborhoods. The flip side is people bought into the commercial area because they wanted the nightly rentals.

Michele Taylor comments that they bought the property eighteen years (18) ago for the purpose of creating a business, a nightly rental, there was no laws setup for residential/commercial. She feels like that investment was pulled out from underneath them.

Megan Reno commented that there are a lot of options to move forward and still make everyone happy.

Council President Thomson comments the dilemma as I see it is you should have a right to move buy an investment property, use it for a nightly rental. You should by the same token have the right to move here and have the expectation of peace and quiet in small rural community. Somehow that has to be balanced. The City tried to do it as a council with zoning. The new law has put a wrinkle in it and the City will need to work on it.

Steve Toly reported that Rickey and he bought houses in a residential area and the City changed it to commercial.

Council President Thomson announced the executive session is due to start and asked everyone to leave except those involved with the meeting. He thanks everyone for coming to the meeting.

Meeting will adjourn into executive session following the discussion period.

Motion to adjourn into executive session as permitted by Idaho Code 74-206 (1) (f) to discuss litigation matters with legal counsel - ACTION ITEM:

Council President Thomson made a motion to adjourn into executive session as permitted by Idaho Code 74-206 (1) (f) to discuss litigation matters with legal counsel that takes a roll call vote and Mathew as the engineer. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Thomson-Aye, Guthrie -Aye, Frandsen -Aye, Hinz-Aye, unanimous.

Motion to reconvene - ACTION ITEM: Council President Thomson made a motion to reconvene. Councilperson Guthrie seconded the motion. All voted aye, unanimous. Roll call. Thomson-Aye, Guthrie -Aye, Frandsen -Aye, Hinz-Aye, unanimous.

Motion regarding litigation matter - ACTION ITEM: Council President Thomson made a motion authorizing Gary Cooper, City Attorney to enforce the settlement agreement as already written and submitted. Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Council President Thomson made a motion authorizing Mathew Hill, City Engineer to release plans for option number one (1). Councilperson Guthrie seconded the motion. All voted aye, unanimous.

Motion to adjourn - ACTION ITEM: Councilperson Guthrie made a motion to adjourn. Councilperson Frandsen seconded the motion. All voted aye, unanimous.

Meeting adjourned at 10:34 p.m.

Amantha Sierra, Transcriber

Jon Thomson, Council President

Canda L. Dimick, City Clerk