Minutes of the Special Meeting of the City Council of the City of Lava Hot Springs, Idaho held Monday, April 25, 2011 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor  
Rita Anderson, Councilperson  
Phil Beeson, Councilperson  
Newt Lowe, Councilperson  
Cathy Sher, Councilperson  

Guests: George Katsilometes, Rick Hearn-Attorney, Ted Booth – Booth Architectures, Michael LeBeau – Bannock County Building Inspector  

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

Consider George W. Katsilometes building permit for commercial structural repairs at 73 West Main.  

The mayor asked the guests to introduce themselves. The Mayor introduced the city council. The Mayor explained that the building inspector is on his way but is running late. The council moved to item #2 and will come back to item #1 when the building inspector arrives.

Friend living in RV on Garnett Taylor’s property – Mayor Burgin  

The mayor reported that he had the city clerk write a letter to Garnett Taylor regarding a friend who has moved a RV in next to her home and has connected it to city services. The letter was to let Mrs. Taylor know that according to city ordinance the RV was not an allowed use. He reported that he met with Garnett and had agreed to talk with the council about her concerns.

Councilperson Anderson reported that Leah Waisath had spoke to her about this situation. Mrs. Taylor told the mayor that she would like her guest around and that he is a construction worker and only stays Monday, Tuesday and Wednesday nights and is gone the other four nights each week.

Councilperson Beeson stated that he feels that the ordinance is plain and clear and the council’s responsibility is to uphold the city ordinances. The council is working on this issue to try and keep from having these types of uses popping up all over. It is an illegal sewer and water connection which needs to come to an end.

Councilperson Anderson commented that there should be an exception because of Mrs. Taylor’s age and insecurities with a provision that her guest pays for city services and that Mrs. Taylor be notified that when this guest is no longer staying on her property the use will no longer be allowed. She also stated that there are no neighbors that are complaining.

Councilperson Sher expressed that her feelings are similar to Councilperson Andersons’. She questioned how the elderly can continue to live in their home and if there was a possibility for the guest to move into the home rather than living in a RV. She stated that
she knows that the council is responsible to uphold the ordinances but she would like to see the city consider the issues on an individual basis. She would like to see this continued.

It was questioned if a separate sewer fee would be charged if it were allowed to continue. The city clerk advised the council that there would need to be an additional sewer rate charge and she questioned if this RV is on a vacant lot. She advised the council that if they allow this use with Mrs. Taylor, they would be establishing precedence and they should seek the advice of the city attorney on the matter. She stated that our hearts go out to the elderly but we must be cautious.

Councilperson Lowe voiced concerns about setting precedence. He stated that anytime we open the door to setting a precedence it comes back to bite the city every time. He stated that he hoped the council could vote unanimously on the issue.

A motion was made by Councilperson Lowe to enforce the ordinance. The motion was seconded by Councilperson Beeson. All voted aye, unanimous.

The mayor will write a letter that with much regret explaining that the council is not able to grant an exception.

Consider George W. Katsilometes building permit for commercial structural repairs at 73 West Main.

The mayor reported that there were some discrepancies on the building permit application. He stated that one of the discrepancies is that until Mr. Katsilometes gets a change of use the building is not a commercial building.

Mr. Katsilometes explained that this is his third request for the city to turn the water on to the building. He stated that he pays his water bill and feels that he should have water.

The city clerk explained that the building inspector had ordered that the water remain off until the building permit is issued. She also reported that Mr. Katsilometes came to city hall today and reviewed the notes which the building inspector had put on the permit. Mr. Katsilometes was not comfortable with the notes on the permit and therefore had not signed the permit. She had mentioned to Mr. Katsilometes that according to city records the building was a residential use and had not been changed to commercial. She had requested records from the county assessor’s office which showed that the county had changed the building on the tax rolls to commercial in 2009. The city has always billed for residential services. She explained that Mr. Katsilometes feels that the building has always been a commercial building.

The city clerk reported that Mr. Katsilometes has brought in off street parking plans and that he wanted to address everything with one permit. She explained that the building inspector said that this permit is only for structural repairs and that there would be additional permits required to address the other issues, demolition of the back of the
building and remodel of the restrooms. The building inspector planned to explain this at tonight’s meeting.

Mr. Katsilometes questioned if the city issued the occupancy permits.

Mr. LeBeau, building inspector arrived.

Mr. Katsilometes reviewed the process of the inspections and required repairs to his buildings. Mr. LeBeau explained that the spa building and the blue building is considered one building according to the building code. The State Fire Marshal required that a fire sprinkler system be installed in the spa/blue building but Mr. LeBeau talked the fire marshal into letting Mr. Katsilometes put in a less expensive option of fire alarms, fire walls, fire doors, etc. Mr. LeBeau stated that the council could see how noncompliant Mr. Katsilometes buildings were.

Mr. Katsilometes stated that the inspection report stated that the Cowlishaw building needed structural repair. He stated that the plans for the structural repairs have been submitted, he is here tonight to get the permit to do the structural repairs. He also requested that the water be turned on.

The mayor questioned the need for a change of use permit to a commercial use because the city records show the Cowlishaw building as a residential use. The building inspector stated that the original use of the building was a commercial use, and then it changed to a residence, now Mr. Katsilometes wants to use it as a commercial building. Mr. Katsilometes would like to use the upper level as a nightly family type rental and the lower east side as a possible business. Mr. LeBeau has classified the building as a mixed occupancy, (B/R1) part as a business and part as a hotel. He discussed what requirements are depending on before occupancy will be permitted.

Mr. LeBeau stated that the back addition to the building is non-repairable and will have to be removed, which will require a remodel of the upper level to install restrooms. Mr. Katsilometes stated that the sewer hookup is in the back addition. Mr. LeBeau stated that the sewer connection would be an easy fix.

Mr. LeBeau stated that he had written on the permit to make clear that the issuance of the permit for structural repairs does not guarantee an occupancy permit; there are additional things that will be required to receive an occupancy permit.

The city clerk asked Mr. Katsilometes if he understood that he would need additional permits for demolition and commercial remodel. Mr. Katsilometes, Mr. Hearn and Mr. Booth acknowledge that they understood.

Mr. LeBeau reviewed with Mr. Booth what the requirements would be according to the desired occupancy type of the building. Mr. Katsilometes then signed the structural repair building permit application.
A motion was made by Councilperson Anderson approving the permit for the repair of the Cowlishaw building with the attached notes. The motion was seconded by Councilperson Beeson. All voted aye, unanimous.

Councilperson Beeson questioned if it would be wise for the city to hire an independent structural engineer to inspect the Cowlishaw building after the repairs were complete. Mr. LeBeau explained the condition of the structure to the council and what the repair process will be. The building inspector didn’t feel that it would be necessary to hire a structural engineer.

Mr. LeBeau stated that there are other businesses in town that would benefit from an annual inspection, most of which would be happy to have inspections done. It was stated that the community would benefit if the Chamber would take a more active role in the safety and maintenance of buildings.

**Invite to participate in the Idaho Department of Commerce’s Rural Forum, May 13, 2011.**

The mayor will attend.

**Adjournment**

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

The meeting adjourned at 6:20 p.m.

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Trish Avery, Transcriber                             Marshall N. Burgin, Mayor

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Canda L. Dimick, City Clerk (proof read)

Approved May 12, 2011