Minutes of the Special Meeting of the City Council of the City of Lava Hot Springs, Idaho held Wednesday, July 31, 2013 at 5:30 p.m., Lava City Hall, 115 West Elm Street, Lava Hot Springs, Idaho.

Present: Marshall Burgin, Mayor
Carl Brown, Councilperson
Cathy Sher, Councilperson
Newt Lowe, Councilperson
Canda Dimick, City Clerk
Clyde Nelson, City Attorney
Michael LeBeau, Building Inspector

Guests: George Katsilometes, Liz Tuttle, Richard Flick, Vicky Lyon and Craig Lyon

Mayor Burgin called the meeting to order at 5:33 p.m.

Consider George Katsilometes Building Permit/Floodplain Development Permit for a special-use adult therapy mineral hot water pool at 94 East Portneuf, Lava Hot Springs Inn and discuss protecting the city’s water main in the construction site.

Michael LeBeau stated that the first thing that needs to be done is to establish the easement situation. Clyde Nelson stated that there is a prescriptive easement in place. Mr. LeBeau questioned the dimensions of the easement. Mr. Nelson stated that the easement would have adequate dimensions to repair, maintain and replace that line which is 20 feet in width, ten feet on either side of the pipe. Mr. LeBeau mentioned that there has been discussion of replacing the water line in the next couple of years. He questioned where the new line would go and discussed some different options. Mayor Burgin stated that the City does have plans to move the water line in the future and the plan is to run everything down the alley and public right of ways.

Mr. LeBeau stated that he thinks that the most reasonable and cost effective solution would be to protect the pipe in its existing location for now. George Katsilometes stated that he has narrowed the pool 12 ½ feet to protect the line. Mr. Nelson asked if there would be adequate room to access the line with a backhoe if repairs are needed. Mr. Katsilometes feels that there is adequate area to maintain the line.

Mr. Nelson asked about the distance of the pool from the water line. Mr. Katsilometes stated that he is unsure but there would be enough room to get a chain or cable around it.

Mr. Nelson stated that normally there would be at least two to three feet on the pool side.

The City Clerk reported that there are certain DEQ requirements that will need to be met. Mayor Burgin stated that the City will have to check with DEQ.

Mr. Nelson stated that the City would need to have an easement of adequate width to get equipment in to maintain the line. Mr. LeBeau suggested an easement of twenty feet, ten feet on both sides of the line. Mr. Nelson asked Mr. Katsilometes if he is willing to grant the City an
Councilperson Brown questioned floodplain and Army Corp permits.

Mr. Katsilometes stated that the Army Corp says that everything is ok.

Mr. LeBeau stated that the no rise certificate, which was provided by the engineer, takes away the concern about the pool causing the elevation of the water to be higher than it would be without it. He talked to the engineer about the required child barriers, and he said because of the light weight construction, it would break away and it’s not a concern.

Mr. Nelson’s concern is the waterline and the ability to maintain the line. He feels that Mr. Katsilometes is infringing on the City’s easement by building the pool closer than ten feet to the line. The City would not be able to properly maintain the line after the pool is constructed.

Council and Mr. Katsilometes discussed how much room is needed to maintain the line.

Mr. Nelson asked if Mr. Katsilometes is willing to give an easement on the south side of the property for a water line to go in. Mr. Katsilometes stated that it will be a mess for them but he is okay with it.

The Mayor reported that all four inch lines need to be upgraded to six.

Mr. Nelson stated that the City needs to get the area surveyed this week and get him the legal description so that they can get the easement in place by next week. The City will not give Mr. Katsilometes a certificate of occupancy until the easement is issued. Also, the City needs a letter from the Army Corp of Engineers stating whether he needs a permit from them or not.

Mr. Katsilometes stated that they have complied with the Army Corp of Engineers and DEQ.

Mr. Katsilometes attorney called him and he discussed what was going on with the easement situation. Mr. Nelson also talked to the attorney on the phone.

Councilperson Brown made a motion to have George Katsilometes issue a twenty foot easement to the City for the future relocation of the water line, the City will have the easement surveyed, and for Mr. Katsilometes to supply the letter from Army Corp of Engineers addressing no permit required and that a certificate of occupancy will not be issued for the pool until the City is given the easement. Mr. Katsilometes confirmed that the pool will discharge to the river and not into the City’s sewer. Councilperson Sher seconded the motion. All voted aye, unanimous.

**Council seat appointment – Mayor Burgin**

Mayor Burgin reported that he would like to appoint George Linford to City Council.
Councilperson Lowe made a motion to appoint George Linford to City Council. Motion died for lack of second. Councilperson Brown questioned if other names could be considered. Mayor Burgin stated that he is going to let the election decide who fills the position.

**Adjournment**

Councilperson Lowe made a motion to adjourn. Councilperson Sher seconded the motion. All voted aye, unanimous. Meeting adjourned at 6:30 p.m.

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Allison Hinz, Transcriber                          Marshall Burgin, Mayor

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Canda Dimick, City Clerk