

Minutes of the Special Meeting of the City Council of the City of Lava Hot Springs, Idaho held Thursday, September 26, 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
Allison Hinz, Assistant City Clerk
Clyde Nelson, City Attorney

Guests: George Katsilometes, Dennis Wilkinson

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

FY2013 Budget Amendment Hearing

Adopt Ordinance 2013-5 Amending the Annual Appropriation Ordinance 2012-1

Mayor Burgin read Ordinance 2013-5.

Councilperson Brown made a motion to wave three separate readings of the ordinance.

Councilperson Sher seconded the motion. All voted aye, unanimous.

Councilperson Brown made a motion to adopt Ordinance 2013-5. Councilperson Sher seconded the motion. Roll call vote. Councilperson Lowe, aye, Councilperson Brown, aye, Councilperson Sher, aye. All voted aye, unanimous.

Discuss easement with George Katsilometes and legal representatives.

Clyde Nelson explained the easement situation from the last meeting. The surveyor found some property on the south side that belongs to the City. He referred to an email from Marty Anderson which proposes that Alliance Title facilitate the exchange of the Quitclaim Deed in exchange for the easement.

Mr. Nelson stated that he understands that Mr. Katsilometes would like the property that belongs to the City. He would recommend that the City convey that property to him on the condition that the City would not be liable for damages to the asphalt or cement improvements (as they are built on City property) if and when the City constructs utility lines in the easement. The City would have the right to construct water, sewer, storm drain or other utility lines within the easement.

Mr. Katsilometes stated that there are other improvements that the City told him to put up such as the privacy fence and driveway.

Mr. Nelson suggested that when the City does their improvements that they would leave things as they found them, with the exception of the additional improvements. He was advised of a City sewer line and the City is unable to locate the easement. They would like that easement memorialized in writing. He would draft an easement for that as well. He stated that in order to transfer property, it would have to go to Public Hearing. The City could just keep the land as the

easement since they already own it. They do not have to compensate Mr. Katsilometes unless they directed him to put those improvements on his property. He also stated that Mr. Katsilometes promised an easement of twenty feet without any other conditions.

Mr. Katsilometes confirmed that he did promise a twenty foot easement, but he doesn't want to give up his property. He does not consider it City property. He will not permit them to damage the property and leave it.

Mr. Nelson asked about leaving that part out of the agreement.

Mr. Katsilometes stated that would help a lot.

Mr. Wilkinson stated that he read the emails and visited the property. He stated that Mr. Katsilometes is okay with the easement if the City conveys that property as long as everything is fixed when the City does work. He requested the scope of easement on the other side of the property for the sewer.

Mr. Nelson asked how close the pool is to the sewer.

Mr. Katsilometes stated that it is about 3-4 feet away. His hot water line goes over the sewer. He is concerned about taking out the hot water supply to the pool. He is aware that the City needs to maintain their equipment and he wants that to be possible. He is just concerned about digging and damage to his property.

Mr. Wilkinson stated that the twenty foot easement would extend onto George's property and he is okay with it as long as it does not damage his property.

Mr. Katsilometes stated that he wants his pools, sprinklers and improvements protected. He has multiple water lines that he is concerned about.

Mr. Nelson asked about moving the easement further south of the property.

Mayor Burgin stated that there is not room there. They would be in his pool area. He asked when Mr. Katsilometes brought plans to the City.

Mr. Katsilometes stated that he brought the plans to the City around 1995 or 1996. The City approved the plans and then there was a big deal about the privacy fence being put in.

Mayor Burgin stated that the fence is on the north side of the easement. He would like to wait to make a decision until he can talk to the City Clerk about the easements, old plans and review the minutes to see what demands they put on Mr. Katsilometes.

Mr. Katsilometes stated that the architect was Dave Pew out of McCall, Idaho.

Mr. Nelson stated that he will put a sample easement together.

Mr. Wilkinson asked if there is anything they can do.

Mr. Nelson requested copies of everything from Mr. Katsilometes.

Mayor Burgin requested the site plan also.

Mr. Katsilometes stated that he will bring everything into the City.

Mr. Wilkinson asked about the scope of the easement on the north side.

Mr. Nelson stated that a twenty foot width is a general easement to give enough room to work.

Mr. Wilkinson stated that will run into improvements on the property.

Mr. Nelson stated that they will have to work it between the improvements.

Mr. Katsilometes stated that they might have a hard time getting twenty feet, but they should probably be able to get ten to twelve feet.

Council discussed and is okay with the decision.

Wastewater Land Application Site – Farm Lease Renewal

Tabled.

Adjournment

Councilperson Sher made a motion to adjourn. Councilperson Brown seconded the motion. All voted aye, unanimous. Meeting adjourned at 6:01 p.m.

Allison Hinz, Transcriber

Marshall Burgin, Mayor

Canda Dimick, City Clerk