

**A Special Meeting of the City Council of the City of Lava Hot Springs, Idaho will be held on Monday November 3rd, 2025, at 6:00 pm, Lava City Hall 115 West Elm Street, Lava Hot Springs, Idaho.**

**Attendance:** John Head, Leah Navarro, Jeanie Avery, Rickey Frandsen, Vicky Lyon, Rodney Burch City Planner, Lyle Fuller City Attorney, Amantha Sierra, Mandy Frandsen.

**Guests:** Julie Erickson, Robert Erickson, Sherril Tillotson, Bill Sikkenga, Kim Harris, Diane Beckstead, Lex Carter, Chanse Carter, Jerry Brooks, Wendy Prather, Patti Horton, Donna Horton, Lorrie Lowe, Julie Hill, Nancy Petrun, Lauren Nicole Inboden, Victor Lyon, Corporal Housel, David Grosso, Jeff Jones, Julie Johnson, Mark Johnson.

**Via Zoom:** Heather Christensen, Joseph Sutera, Scott Sherman.

## **1. AGENDA**

**a) Silence all cell phones**

**b) Call meeting to order-** Mayor Lyon calls the meeting to order at 6:05pm.

**c) Roll Call** John Head- here, Leah Navarro- here, Jeanie Avery- here, Rickey Frandsen- here.

## **2. REVIEW OF MEETING PROCEDURES & PUBLIC COMMENT RULES**

**a) 3-minute limit per speaker**

**b) Written comments deadline noted**

## **3. PUBLIC HEARING — Proposed Ordinance: Title 3, Chapter 5 (Short-Term Rentals)**

**a) Staff report / applicant presentation-** Rodney Burch City Planner gave the staff report. In his report he noted that on May 29<sup>th</sup> 2025 was the start date for the moratorium.

The Ad ran in the Idaho State Journal on September 9<sup>th</sup> 2025 for Planning and Zoning and was ran again on October 17<sup>th</sup> 2025 for the City Council. The Ad's had title 18 listed as the reference as there was a possibility there would be some definition changes of land use. There was some concern so there was an amendment made to the notice for the public hearing. Rodney went over input that was received from the planning & zoning commission and their recommendations with the city council and mayor. Some items of concern were brought up about contract zone not being part of the current comprehensive plan and would the permit transfer upon the sale of a property.

Mayor Lyon made a statement:

Before we open up to public comment, I just want to read a statement from me. Some people have submitted comments questioning whether I should be allowed to participate in discussions or voting on the city's proposed short term rental ordinance due to an alleged conflict of interest. Therefore, I'd like to make the following statement regarding this issue. I operate the Greystone manor in Lava Hot Springs, which is owned by a family trust. The Greystone is a bed and breakfast with an onsite manager who lives there. I also operate two short term rentals in the commercial zone in Lava Hot Springs. These properties are also owned by a separate family trust. All three of these properties have been owned and operated for several years before I took office as mayor. It is my understanding that the Idaho ethics and Government Act defines a conflict of interest as taking action that would be for my private financial benefit. Idaho code 74-403, I am not aware of any private financial benefit that would come to me if this ordinance is passed. Furthermore, the statute outlines exceptions to the rule, and I believe my situation fits one or more of the exceptions listed in Idaho code 74 403, simply to err on the side of caution, I am once again making this disclosure my understanding of Idaho code 74, 404, is that even if there was an actual conflict of interest, which I do not agree is the case after disclosure, the person with the alleged conflict of interest is still allowed to participate in discussion and Voting on the matter in question.

#### **b) Public testimony-**

Chanse Carter- We're writing as property owners and operators of short term rentals within the city of lava hot springs to express our serious concerns regarding the proposed short term rental ordinance scheduled for consideration on November 3, 2025 after reviewing the draft ordinance in the region, Idaho Supreme Court decision in Idaho association of real pride and gentlemen, John Wheeler versus City of Lava Hot Springs, docket number 5058 may 2120 25 it is evident that the proposal failed to comply with the Idaho law and the clear direction of the Supreme Court. To give you some

background between my father and I, we share over a century of life rooted in southeast Idaho. For 10 decades, our family has spent time in and around Lava Hot Springs, enjoying its beauty with people and the sense of community that makes it so special. Our love for this town is what led us to purchase property here, not just for ourselves, but so that our children and grandchildren can experience the same traditions and simple joys that we were blessed to grow up with. Our goal has never been to exploit this community, but to contribute to it, to add value by offering short term rentals that attract respectful guests who appreciate lava for the same reasons we do, and who will honor the character and integrity of this town. Some of the conflicts with the Supreme Court ruling the Idaho Short Term Rental and Vacation Rental Act prohibits any ordinance that has the express or practical effect of prohibiting short term rentals. The Supreme Court held that the city's former ordinance violated the statute and that municipalities may not use indirect mechanism such as restricted zoning occupancy rules or numeric limits to achieve what the act for bids. Also, the moratorium that the city has put in place is illegal and should not be upheld, because your inability and lack of planning to have proper legislation in place should not constitute an emergency. And therefore, the City of Lava has implemented this unlawfully. Yet the new draft ordinance reintroduces several such prohibitive mechanisms, a 5% citywide cap on non-owner occupied STR's and residential zones that arbitrarily limits lawful property use, a non-transferability pause that extinguishes STR rights upon sale, undermining property value and investment expectations and flood equity, a lottery and weightless system that grants are denied property rights based on chance rather than compliance, safety and merit, a requirement for installation of fire suppression systems, if those are in the international fire suppression law or whatever that was as a condition of licensure, despite no statutory basis or evidence of greater fire risk. Each of these provisions functions as a de facto prohibition rather than a reasonable regulation, directly contradicting Idaho code and the Supreme Court's instruction that municipalities may regulate for safety but may not forbid or severely hinder lawful STR use, fire suppression mandate lacks basis and has prohibitive effect, requiring existing (three minutes is up, council lets him finish) requiring existing infrastructures to install full fire spreads and systems imposes cost prohibited burden. on property owners. The city has provided no data, studies or evidence that short term rentals pose a greater fire hazard than long term rentals for owner occupied residences. Now such evidence the requirement exceeds the city's lawful regulatory authority and has the practical effect of prohibiting lawful STR is precisely the kind of overreach condemned by the Supreme Court in its May 2025 opinion, arbitrary 5% cap, the ordinance is 5% limit on non-owner occupied STRS to be arbitrary and unsupported by empirical data, no study housing analysis or safety rationalism provided to justify that number, selecting 5% meet the Idaho State rental average has no correlation to local conditions or statutory objectives, and it's Clearly not accurate, because quick service would actually show that it is

actually around 28% and this cap only serves reduced available permits. This numeric limitation therefore acts as a quantitative prohibition, not a reasonable regulation, and violate Idaho law bias and unreasonable lottery and waitlist system, the proposed lottery and weightless system compound's the arbitrariness of the 5% cap by allocating property rights. Property rights through chance rather than through any rational, equitable or legally defensible process, this mechanism is inherently biased and unreasonable for several reasons. It discriminates based on timing and luck, not compliance, safety or contribution to community welfare. Two otherwise identical property owners could receive entirely different outcome, one permitted, one denied based only on random draw. It devalues private property, since an owner's ability to lawfully rent their property is no longer tied to meeting objective standards, but the lottery that ignores investment zoning and compliance history, it encourages speculative behavior and administrative inefficiency by creating a professional waiting list detached from Meritor performance, it lacked transparency and invites claims of favoritism or political bias, which is already clearly running rampant in the city of lava and the process is not based on measurable criteria. Idaho law does not allow municipalities to create two conditions, a lawful use of private property on random selection, a system that subject fundamental property rights to a game of chance, conflict of interest and treatment of existing Bed and Breakfast. It is further concerning that Mayor Vicky Lyon is the owner and operator of a bed and breakfast within the city because the proposed ordinance restricts non owner occupied STR's, while continuing to permit owner occupied operations such as bed and breakfast, without limitation, and Mayor stands to gain financially from its passage. Additionally, under the current ordinance, existing bed and breakfast have been allowed to operate using on site manager rather than requiring true owner occupancy. We now grandfather those properties into the new ordinance while denying other property owners the same ability to use the onsite manager is unlawful, discriminatory, inconsistent with Idaho statutory and constitutional protection for equal treatment and land use, the new owner operator clause effectively creates a privileged class of existing businesses, while excluding similarly situated property owners who could buy other identical communities.

Rodney Burch asks Julie Hill if she would like her letter read. She states that she her point will be on something other than the letter. Rodney then confirms that she is ok with it not being read as it is in the agenda packet and she states yes, it is ok because it is on the record.

Rodney Burch reads Amy Beecroft's letter:

Dear Mayor Lyon and members of the City Council in writing regarding the public hearing scheduled by the city of Lava Hot Springs on November 3, 2025 starting to propose short term rental work. I respectfully request that my written comments be

accepted and entered into the official record, even if this submission is being delayed because the city failed to meet the legally required, improper hearing notice the Idaho Code 67-6509 anytime Public hearing in which interested persons may be heard must be preceded by the notice stating the time, place and summary of the matter published and made available at least 15 days after the hearing. In this case, the city posted the ordinance and hearing notice only four days before the hearing date, well short of the statutory requirement because the city did not provide full notice period required by law, residents were deprived of their lawful opportunity to prepare and participate accordingly, despite being delivered after the city's shorten notice period request for second letter to be considered, also requesting a subsequent letter, which sets forth the Idaho Supreme Court's ruling in favor of the short term rentals within Lava Hot Springs be formally entered into the record as part of this being published process. That ruling confirms that property owners and Lava Hot Springs are permitted to operate short term rentals and that the city must comply with a decision without imposing and lawful restrictions, caps or moratoriums designed to circumvent the court judgment. (muffled speaking, unable to transcribe) My business partner Lori child's and I purchased the duplex and triplex located on Booth Street in Lava Hot Springs on September 25th of 2025 approximately three months after the Idaho Supreme Court ruling affirming the legality of short-term rentals, we made this investment in reliance on that ruling, understanding that we could use a short-term rental income to meet our mortgage obligations, while we intended to maintain a balance by allowing the same unit for long term local residents helping preserve Lava Hot Springs (muffled speaking, unable to transcribe). We also require the ability to short term rent part of our property financially viable. We respectfully request that the city of Lava Hot Springs one, remove or decline the imposed moratorium or capital short term rentals, two, refrain from instituting a lottery system or similar selection method to win a lawful STR participation, three, eliminate the proposed drinker or fire suppression requirement, such systems are not now legally required for standard residential dwellings, and would unfairly burden STR property owners and four treat all residential property owners equally under any new or existing regulations.

Rodney Burch reads Yvette Cadeaux's letter:

Dear Mayor Vicky, Lava Hot Springs city council, there are many items in the proposed short term rental ordinance which seem arbitrary and faces not going to address them here because I have the more overarching concerns. Our main concern is that significant city resources and time have been spent delivering a matter that appeared to have been resolved by Idaho Supreme Court. She makes reference to the docket, which reverses the decision of the District Court. And I have attached the PDF of the ruling below, in particular the language on page six, paragraph two of the Supreme Court ruling upholding the original act address my concern for city council Lava Hot

Springs is targeting some rentals through this proposed ordinance. This act is designed to promote access to short term rentals and vacation rentals by limiting local government authority to prohibit the beneficial property uses or to specifically target them for regulation, except in the circumstances necessary to safeguard public health and welfare. This act is also designed to preserve personal property rights and promote property owner access platforms for offering their properties as short term rentals and vacation rentals, and planting local tax revenue by permitting platforms to assume tax collections and remittance responsibilities through the guise of health and safety, the city of Lava Hot Springs is drafting an ordinance requiring non owner occupied short term rentals to jump through expensive regulatory hoops have no legal or scientific merit, and that single them out from owner occupied short term rentals. Long term rental housing stock owner occupied. These are clearly being targeted, because these health and safety concerns do not seem to apply to any other type of residential housing. I asked the city why non-owner-occupied, short-term rentals located within the city of Lava Hot Springs pose a greater health greater threat to health and safety than owner-occupied short-term rentals or any other housing stock. For that matter, the Idaho Supreme Court ruling upheld language that would be the Short-term Rental and Vacation Rental Act, Idaho code section 6301 1804, Idaho code 6765 39 that prohibits any city ordinance “that expresses that has the express or practical effect of prohibiting short term rentals or vacation rentals to the city.” The new ordinance proposed by Lava Hot Springs clearly will have a practical outcome of prohibiting rentals, specifically non-owner-occupied rentals in residential areas by limiting the number of non-owner-occupied rentals through a lottery system and arbitrary health and safety regulations.

Rodney Burch reads Heather Christensen’s letter:

from Heather and Mike Christiansen to Mayor Vicky Lyon, council members and other staff, dear Mayor Lyon, city council members, city clerk Amantha and Mr. Fuller. We Heather and Mike Christiansen own and operate two lawful short term rental properties at 186 North fourth West and 385 West spring within the residential zone of Lava Hot Springs; we have repeatedly acted in good faith to cooperate with city staff. Nevertheless, the city continues to engage in actions that violate Idaho law, state building codes and constitutional property rights. We hereby demand that the city cease unlawful enforcement bring its ordinances into compliance with Idaho law, violation of Idaho Code § 67-6539 unlawful restrictions of short-term rentals the reference code expressly prohibits cities from enacting or enforcing ordinances that have the effect of banning or restricting short term rentals. They make reference to the Idaho Supreme Court decision and follow that with city licensing caps owner occupancy rule, the 2025 moratorium, violate this statute, Article One, Section One of the Idaho constitution. Number two, violation of Idaho Code § 50-902 improper adoption and publication of ordinances. Ordinances must be read on three separate days unless two thirds of the

full council votes to suspend that rule on the record and must be published within seven days after passing. The city's recent short term rental actions were adopted without the required reading or publication, rendering them avoidable enforceable. Number three violation of Idaho Code § 39-4116(3), and the 2018 International Fire Code. Unlawful fire sprinkler requirements Idaho law exempts single family and two-unit residence from automatic fire sprinkler requirements five plex and four plex buildings known as group 3r, excuse me, r3 occupancy under the International Building Code remain residential and are not subject to fire sprinkler mandates unless the city has formally adopted and filed a local amendment with the Idaho Division of Building Safety. No such amendment exists, and therefore the city's sprinkler demands are unlawful. Number four, four-unit residential classification and harassment of property owners. Buildings containing four or fewer dwelling units are legally classified as residential use under Idaho Code § 39-4109 and the 2018 building. These structures remain residential, even when rented nightly Idaho Code § 67-6539 by treating owners of the four unit or fewer properties of commercial operators issuing fines and threatening enforcement. The city is the lasting residential property owners and violating state law.

Bill Sikkenga: Bill Sikkenga and I lived in Lava for quite a few years, but everybody is talking about short term rentals. In the Supreme Court, they've ruled on short term rentals. You can do what you want with your property. It's going to come back and bite you in the butt your short-term property, because the Supreme Court, these people take it back to the Supreme Court. The Supreme Court is going to say, this is their decision. It's going to happen. You just don't go Supreme Court. Okay, I'm going to rent my house. I'm going to do this. I'm going to do that. Why do we have a city council then? They're the ones that make the rules and regulations that we vote on. It's not the Supreme Court.

Lyle Fuller responds: With respect to some of the comments that have been made to the effect that the ill Supreme Court said, Lava Hot Springs, you can't have any short-term rental ordinance. That's simply not the case. If someone's making that argument, that's simply not true. What the Supreme Court actually said is, we've reviewed this before in these meetings, but I'll just review it again. Regulations are distinct from prohibitions. The city can't prohibit short term rentals, but they can regulate them. I'm towards the end of the opinion that's on page seven of my copy. Supreme Court says to regulate is the control, especially through the implementation of rules under the plain language of the Act, cities are free to implement necessary regulations to safeguard the public health, safety and general welfare of residential neighborhoods. And I think that the part about the integrity and welfare of neighborhoods has been lost a little bit in the discussion here. So far this evening, there's been discussion about health and safety, but the actual statute 6765 39 references city may implement such reasonable

regulations as it meaning the city as the city deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which those short-term rentals operate. So public health, safety, welfare, integrity of residential neighborhoods are all things that Idaho law recognizes the city has the right to pass reasonable regulations on, so long as those regulations don't have the practical effect of prohibiting short term rentals. That's a statement just, just to go further, because I do need to take issue with one of the statements that was made earlier. The Supreme Court did not say exactly what lava hot springs can or cannot do. It said, and I quote, we express no opinion about what might constitute a reasonable regulation. So, they did not lay down guidelines in their opinion as to this would be reasonable. That would be unreasonable. I would also just point out, for those interested, city of McCall has quite an extensive short term rental ordinance, way more extensive than the old lava hot springs ordinance that was challenged in court and in a memorandum decision issued July 8 of 2025 the judge ruled in favor of McCall city on almost every count of that and again reaffirmed that cities do have The right to regulate short term rentals within their boundaries. That's, I don't think that's really controverted under and by the way, this decision from McCall city came down after the lava hot springs city opinion came down from the Supreme Court. So, the McCall judge had that in front of him when he issued the ruling in favor of McCall City.

Lex Carter:

I was just, can I just read one sentence right below what you read, it says, we express our opinion about what might constitute a reasonable regulation. But the next sentence is, but such regulations may not amount to express or practical prohibition of any of the three types of short-term rentals.

Jerry Brooks:

I am representing my mother, who is a land owner and a property owner in Washington. I live with her. I don't pay rent, not a rental, but I see that there's a conflict of only four council members. That means that if two of them vote yes, two of them vote no, you get the deciding vote, and either way, you can sort of run it the way you want. How come there's not a fifth number?

Mayor Lyon: probably because we don't have enough people in town to have five.

Jerry Brooks: So, it's just like the one to put into

Council President Frandsen: Let me answer your question. Okay, sorry, since the beginning Lava Hot Springs, it always been a board of four with the fifth member being the mayor.

Jerry Brooks: okay.

Council President Frandsen: and unfortunately, some of you feel that in this case, the mayor is going to jeopardize manner, but they don't feel that's okay.

Jerry Brooks: Well, just because someone doesn't, mean there are, then sometimes more people

Council President Frandsen: as a citizen of Lava Hot Springs, then you need to address that by giving the proposal to city council to add another member. I mean, it's not something we do, right this second.

Jerry Brooks: would you all agree to add another member so that the mayor doesn't have to say, well, I own stuff in town, so I'm going to go with this. No, so not good.

Council President Frandsen: Well, what if I was in her position?

Jerry Brooks: Yeah, what if you were in her position, right.

Council President Frandsen: I just don't think it's necessary. But I mean,

Jerry Brooks: okay, well, you're

Councilperson Head: council members that can be property owners or business owners the council in a situation where there could be a (cross talking unable to transcribe)

Jerry Brooks: but if you help yourself, vote yes, you vote no, and you've got that situation, okay?

Council President Frandsen: The council has always invited people every sector of property owner, a business owner, where you get an even representative of the city much as possible?

Jerry Brooks: Well, that's the people. That's not the council. Well, that's simple, yeah, they're represented people on every council I've ever thought of. There's always an odd number, so then they don't have a conflict or not that way, most important cities.

Councilperson Navarro: so right now, there is, there is an intention. Our city codes. Think that ordinances have to pass by a majority of the elected city council members. There's only four elected city council members, but that code was overridden and the

mayor was granted the ability to vote. So, there's been a lot of decisions that have been made to where it's been updated to (inaudible), and they're saying in case of a tie. But the threshold of having, not only in the state statutes, but in also in our codes, there's a threshold of the majority of the city council members. We have four city councilmen. The majority is three state statutes. Majority of city council members ours even goes further and says elected so right now, there's a, that's going to be decided later on down the line, and so all of the things that then have been passed, because the mayor also has veto power. So got it on the front side and got it on the back so it's not and I pointed that out several, several times.

Jerry Brooks: so, a fifth council member would help that situation.

Councilperson Navarro: It would, but also, if we just went by how the code is written, that would also go.

Jerry Brooks: okay. I thank you for your consideration.

Julie Hill: I've changed what I'm going to say and I'm going back to my original letter, under Idaho code section 58602 and a mayor, council form of government. The mayor shall have a vote only when the council is equally divided. However, Idaho code 5902 clearly provides that the passage of an ordinance requires "a majority of the council." The law specifies "the council," not "the council and mayor." Therefore, the mayor's tie breaking vote cannot lawfully be used to pass an ordinance. Accordingly, even if the council vote on the proposed, short term rental ordinance results in a tie, the mayor has no authority to break that tie for the purpose of ordinance passage. Any such vote would be concrete structure of the Idaho's Mayor Council system and potentially invalid under state law, conflict of interest and appearance of impropriety. It is further our understanding. And this came from a letter signed by seven individuals that Mayor Lyon has a direct financial interest in the subject matter of the proposed ordinance as it pertains to short term rental operations within Lava Hot Springs because she currently operates short term rentals under Idaho code 74, 404, subsection one, a public official must disqualify themselves from any decision or vote "in which the official knows or has reason to believe they have a conflict of interest." A conflict of interest exists when an official stands to gain financially or personally from an official act, but the owner of a short term rental, he I'm assuming, is a beneficiary of the trust that owns her rentals, the mayor's business is the owner of a short term rental that is impacted by the passage or failure of this ordinance, there is a conflict of interest. The mayor's business may continue operating as grandfather short term rental taking one or more of the permits allowed by the cap system and lottery if the ordinance, ordinance passes, by being able to vote and discuss the ordinance, the mayor may also limit and or put restrictions on

her competition they do not equally apply to her business as it is being grandfathered in. The public's confidence in fair and impartial governance requires that elected officials avoid both actual and perceived conflicts of interest. Recusal is therefore the most appropriate and ethical course of action to preserve transparency and public trust, we respectfully request that the city council formally acknowledge the mayor statutory limitations under Idaho law regarding ordinance voting, and request that she recuse herself from the vote and deliberation of discussions transparency, impartiality and adherence to Idaho law are essential to maintaining public trust in the city's decision-making process. We urge the council to ensure that that all access taken in this matter comply fully with both state statute and ethical standards governing municipal officials. Thank you for your time and dedication to our community and with the time I have, (end of three minutes)

Councilperson Avery: all these signatures,  
Julie Hill: they all are property owners and property owners. Does it matter, without looking at this,

Council President Frandsen: talking about a conflict of interest, aren't all the people that are wanting to oppose all property owners in the mayor and in defense of the mayor,

Unknown: I completely disagree with them

Council President Frandsen: anyway, That's okay. But in defense, okay, let me just finish one thing. Mayor has two short term rentals in a trust, but they're both in a commercial zone. So, they're not part of the STR.

Julie Hill: They are because they are grandfathered in.

Council President Frandsen: no, they're part in a commercial zone.  
(inaudible unable to transcribe)

Julie Hill: she's got five rooms that are there, that are rents there, if I understand correctly from what's online, plus one the manager lives in. Technically, it should be treated as a hotel, because it's got six units.

Mayor Lyon: There's five, one lives in it. So, there's four.

Julie Hill: there's five advertised online. That's where I came up with that from. So, there are five that are advertised online.

Mayor Lyon: aren't we talking about residential homes, not

Julie Hill: well, but you're in the residential zone, and you're getting one of the permits that's intended.

Mayor Lyon: I am not getting a permit. It's a nightly rental. It's not a nightly rental. It's a bed and breakfast.

Julie Hill: There are no more Bed and Breakfast.

Mayor Lyon: There are you better read it again.

Rodney Burch: This does not remove bed and breakfasts.

Julie Hill: Full ordinance was declared invalid by the Supreme Court, so anything that was in the 2006 ordinance is now invalid.

Rodney Burch: But then breakfasts are defined in our normal zoning ordinances.

Julie Hill: Why is she being grandfathered in as a nightly rental?  
(inaudible unable to transcribe)

Julie Hill: you are keeping the distinction between bed and breakfast.

Rodney Burch: so, there is still Bed and Breakfast is not subject to the short-term rental agreements or not. It's a different language.

Council President Frandsen: because its owner occupied.  
(cross talking unable to transcribe)

Councilperson Avery: I want to make one point. I asked a question about how many of these people were in the city limits, okay? And that's strictly curiosity. You said you don't know, I don't really need an answer, but it's something that we have to think about, because as city council members, we are elected by the residents that live within the city to for the purpose of balancing the needs of the residents within the city limits and the business interests within the city limit, and there has to be a balance. And so, when we talk and make decisions, it's because we're trying to balance the needs of the residents, the people that live within the city limits and the business owners, that's where there is a nightly rental, a monthly rental, businesses down on the commercial zone, whatever that it is. And that's a

big balancing act. And are we going to make mistakes from time to time? Probably. Are we going to always make everybody happy? Never. That's not going to happen. Somebody's going to be pissed off as mega missus snatched wet cat. Okay, but the reality is, we have to factor in everything, which is why I keep asking. We want your comments and input so that we can have the information and then balance decisions.

David Grosso: First of all, the problem with Vicki doesn't make any sense, because anybody can have a bed and breakfast anywhere in town? Am I correct? Right?

Rodney Burch: Permitted in R3 and C1.

David Grosso: Okay. She doesn't have any short-term rentals in residential area. It's all a commercial zone, which has already been established. If you're a commercial zone, you can have a short-term home. No problem with that. Second of all, it seems like the attorney just addressed this whole situation when he quoted the fact that the city can make their own ordinance about what happens in time, so nobody's going to,

Heather Christensen: because he said something doesn't mean its fact.

Mayor Lyon: Somebody's on the floor. Please allow them their time.

David Grosso: Who was talking? No, I'm just saying presented. It's the attorney. He's got to know what the law says. I mean, how do you how do you dispute that? I don't understand the dispute here with the council does is to know the situation. I could see a bit of a problem. Now you're going to have limited amount of short-term rentals. Let's say there's 10. So, when you sell that, that that license carries on, which means the first 10 people who get the who get the short-term rentals, it's going to stay there probably forever, so you're not going to have any new ones come in, which, as a resident, I'm happy with that. I don't like to see a lot of short-term rentals all over the place. It's not. It causes un-comfortability s sometimes, that's all. Thank you.

Councilperson Navarro: I would say probably Rodney confusion, bed and breakfast is not addressed in here, in the short-term rentals.

Rodney Burch: they are an allowed use in our zoning ordinance, 1982 dash to allow bed and breakfast.

Councilperson Navarro: So that's like a then that's like the owner occupied.

Rodney Burch: Different definitions.

Julie Johnson: Julie Johnson, I have a house on Booth Street. I live in Utah. I don't live here currently. Think I want to address a few things. I bought my house over a year ago, knowing that you guys were in fights with the Supreme Court, and because of that, I long from rented out my home. I've never short term rented my home. I know other people that have and do and they're hard to get a hold of when things happen, but I'm not opposed to the short term. I mean, yes, STRS would be awesome for those of us who have bought homes hoping that that's what they'll become. Would that be more beneficial to me? Absolutely, but I have followed the law the entire time I've owned my home, because that's what the law was. I was happy to do it. When I bought my home, I didn't go in going, oh, well, the Supreme Court might rule my way. And I didn't go into it with, well, I'll just do whatever I want. So, if you do a lottery, I would hope that you would consider possibly, for those of us who have actually followed the rules and laws and have not made as much money as other people, that maybe they be not included, just because I could have made a lot more money renting out under the radar. Absolutely could have, but I never did, although the suppression systems, because they are residential houses, seem unreasonable. I mean, if I have \$1,000,000.00 home \$30,000 for this oppression system, is not unreasonable, but I don't. And so, I do have the infrastructure for seven or eight or 10 suppression systems in a residential area. Do you have, like, does the city have that infrastructure to maintain that and again, it comes back to the reasonable part of it. Is it reasonable to put in a 30,000 and I mean, I talked to someone about it, a plumber, and he was like, It will cost you 30,000 a week to retrofit your house, which it is a business, but at the same time, is that reasonable? Don't think so, because any other house residentially isn't required to have more. And if I live here six months out of the year and go that route, so be it. But it's still not reasonable put in system into a residential home, and I know it's a business, have a business license, but does it monetarily make sense? Like is that reasonable? Regardless if that's what you decide, that's what you decide, and I'll figure that out. Outside of that, I just hope that you

take into consideration. But find it interesting that some people have felt like they don't need to follow the law.

Scott Sherman Via Zoom: Scott Sherman, top of the town, some of those concerns shared I also have, but some of my concerns being in the commercial zone are even a little bit different. The local contact portion is difficult because, you know, 20 miles is a very small radius. That excludes Pocatello. It excludes Soda Springs. For me, that effectively says I need to find somebody who lives in town to manage my business, and that's going to be hard. You're going to have one, two, maybe three people tops, who are essentially going to have to run every short-term rental in town, because I have to be within 20 miles of that. That seems prohibitive, and it seems unlikely that that person is going to do as good a job managing an entire town full of short-term rentals as a good owner who cares about their property as I do can do so. I don't mind having a local contact. I have local people that do take care of my place, but I do want to be that point of contact for my guests, because I do feel like I'm going to take care of them and make sure that things get done right. So, I would ask that you consider that aspect of it from the occupancy standpoint, I think there's some reasonable limits in there, I would ask that you add a provision so that somebody could ask for additional occupancy if the house, the structure merited. My home has been a short-term rental for over 15 years that I've been going there before I even owed it, and it's had higher occupancy than what the current statute would allow. And I think it's a reasonable use in my case. It may not be in everybody's so I would just ask that there's some sort of way for me to seek additional occupancy, if that would merit and then just, there's a lot of there's a lot of regulations in here for me to in, for me to implement all of this stuff, is going to take some time. I'm going to have to do some printing. I'm going to have to get some work done, things like that. I don't know what the time frame is, but if the adoption of this means this stuff goes into effect, essentially immediately. There's an awful lot of stuff that needs to be done across the city for businesses that are have been operating for a long time to meet those and I don't know that that's going to be doable, quite frankly, for just a lot of business owners who've been there for a long time. So, I appreciate the trouble that you've gone to and the juggling act you have to do here. It's one that I think is very difficult, and I don't envy your position, but I do ask that you give some consideration for those of us who have been doing this. We've owned our home for six years and been coming to Lava for 19 and really love it and want to see it do well, and understand your position. But as a business owner, there's some things in here that make it very difficult to continue on.

Bill Sikkenga: Everybody keeps saying, our home to become a rental. I don't see that in this ordinance. It says fire extinguisher.

Mayor Lyon: It says fire suppression  
(cross talking unable to transcribe)

Bill Sikkenga: so, fire code, yeah, they say, yeah, you have to have,

David Grosso: you have to have you address that. It's a fire code. It said you don't have to have it if you have one or two already units.

Rodney Burch: Correct the definition of I understand it through the International Fire Code, housing. It housing for 30 days or less, or less than 30 days, but that's clearly defined in code, International Fire Code, and adopted by the state, adopted by the state.

David Grosso: There's no argument.

Councilperson Navarro: There's a code that says that single family and I'm just talking about single residential use, single family and two dwelling are considered residential use and fire suppression cannot be mandatory.

Nancy Petrun: Nancy Petron, I live in Lava. I am a business owner. I make no money off my business personally, but I love the people that do Okay, so that's my interest. I'm going to kind of say what I've been thinking, and I don't know if I'll do it very well, because I'm a slow processor. What I see is several problems with a town that we all love for different reasons, and I've had to overcome that I like everybody. And so, I was raised that way, and I didn't like everybody, and so I had to overcome the fact that I don't have to like what everyone does, okay, and I don't like what everyone does, but that doesn't mean I don't like you. So that's really hard for me. I see that we have this great city council, and yes, I've been here so many times watching and listening, and I see the tie broken, and I see the same this and that and that's frustrating. Don't always understand why it's voted the way it's voted. I also see that a lot of the business owners don't live in town, so people have their money and their hearts and maybe their future is on the line, and they're coming to these people asking for something. They can't vote, they can speak, they pay taxes, but it's the same as a lot of the people we love that live in the surrounding area, that own the

businesses, can't vote. And I don't know what I'm what it is I'm trying to point out, but it's, it's an issue because all these lovely people that have bought homes and want to make the money here. And yeah, we love tourists. I make money off of tourists. Well, I don't, but my family does. But we need to figure out a way to be balanced, that we have to follow the law. I guess it's really what it's all about. We keep arguing what we want, what we want. I want my town back. That's what I want. I want people in the homes. I don't want to walk down empty streets and then take my two little grandkids trick or treating, and you've got to go for 45 minutes and you hit five houses. A lot of you don't live here. Maybe you have kids, maybe you have grandkids. You don't know what it's like. There's nobody that lives here, and I'm just voicing that. It's hard, you and then in the winter, there's less people. So, I get money, money's great, and I get power. There's more than that. This town is more than that. There's lots more than that. We need to focus on that. And these guys are here, and they're giving their time.

Councilperson Head: I think the council really did want to hear the voices of the people that live here, and we based some of the work on the ordinances, on the survey results that we got. And you talk about community; you talk about the neighborhoods. Protect the integrity of the residential neighborhood. That's what we wanted to hear from. And we did. We heard a lot of voices finding back about how we don't want to exclude short term rentals, but we need a balance, right? We can't just let everyone that wants one have one. We'll push out every residential home we've got here once it pops up for sale. There won't be anybody living here, as much as you're treating Yeah, you'll have to go maybe, to down it okay? Because there won't be anybody living here. I mean, I think that's part of what we have to always process, right? It's not like we're trying to discriminate against anybody. You want business owners to do well? We want the community to be a community so balancing residents that live here full time to have that quality and tranquility and people they love about lava, it's balancing that so not easy. We're trying to do our best, and we appreciate everybody's feedback, but it's one of those things that we're going to have to go by the guidance of the Supreme Court that said they're not saying that we can restrict. They're saying we can regulate. That means putting into ordinances into place that are going to be fair, manageable, but they are businesses. It's different than residents, different, and that's how we have to have to have the language written in order to have some compliance and to keep them safe. You talk about fire suppression; we don't have fire suppression in homes that don't have owners there. You got different people in them every week. What's the risk of the house catching on fire? What about your next-door neighbors now? And people do

live there's reason for some of those things. I mean, yeah, it's expensive, but it's a business. So, if you're going to invest in your business, then that's part of the investment in business. We've got to have more to stay safe and protected residents and have a community.

David Grosso: So, I moved here 18 years ago. The population was over 500 now it's down to 1125 what's the population of town full time residence is less than 300 yeah, going down, but as far, we only have four people on the council.

Julie Hill: what are you doing to bring people to want to live here full time. It's great that we want to stay.

Councilperson Head: there are no houses.

Julie Hill: That's not true, John, look at what's available for sale in town right now.

Councilperson Head: I know that the price I know the price points because of some of the rentals that has driven it up.

Julie Hill: Small impact on it how things prices are up all across the state.

Councilperson Head: They are. I'm not saying it's just live. It's everywhere. It is truly everything.

Julie Hill: That is not why people are not moving here. I get very few calls from people in river, but they do like what you did and what Leah did. We want to have a vacation home here. And you come and you spend time here, and then you decide at some point what I did, to move here full time, when you have an attitude, like what I have heard from the City Council and planning and zoning, where you make comments, we don't want Utahans here buying second home we don't like and this I'm calling it said in a public meeting, we don't want Utahans here. When you have those kinds of comments that are being made, you are setting a tone that is not making this a welcoming place for people who want to be here. And as far as you know, you talking about that, there are people who are, Lorrie talked a little while ago about people not volunteering to work with the EMTs. I haven't seen anything out there, the fire department, they're saying they don't have people. You need to make people feel like they're welcome. You need to tap them on the shoulder. You need to ask them, hey, will you help out? Will you participate instead? What's happening, and I've seen it happen right here with the City Council. We have clicks that are going on. We have a division. We are not working together. And this is not the Lava that I moved here 20 years ago when I first bought property. David's right. It has changed. It is not the same. And this

you want to point the boogeyman as being the vacation rentals. I think that's a mistake. I think like anything else, pizza parlor and coffee shops, they're going to whittle themselves out, and the fittest will survive, and the others will go away.

Councilperson Head: I get it, Julie, and there's 31 other cities that are considered resort cities in the state of Idaho that are dealing with the same problem. Well, Lava is an outlier. 300 residents, 600,000 visitors a year. Nobody in the state has a community like that, nobody. So, we are unique. We're different, so we can't be all put in the same bucket. And so, we're dealing with issues of changes and decisions. Yeah, we're not always in agreement with a lot of things. We're dealing with a lot of things that we want to do the right way, and we may not always hit the nail on the head. Sorry about that. We're trying to do our best, but, you know, we still don't. We need the feedback.

Julie Hill: When we have things like tonight, where you want to know who you're, the resident, who you are, same thing. What was the parking ordinance is, I'm here. I contribute. And you want to say that my contributions are less than someone who lives here full time.

Councilperson Head: No, I'm just talking about trying talking about the community here, the people that we are representing from the ones that responded to the survey. What do we want when it comes to the management and compliance and ordinances for short term rental because they do impact our community residents, people that do own and live here.

Councilperson Navarro: but the community John is, is the community is not just here in the city. (inaudible cross talking). Community is the outlying areas. It's every single person that comes into this town and I get I came here. I'm not from Lava. Was not born in lava. I'm not from here. But you know what? Here's a perfect example. Here's a lovely woman who has a business here and she's sitting here quietly, and she's listening to this argument. So, I came back here because 30 years ago, I brought my kids, and I said, Man, I really like this place. So, I looked for four or five years if something would become available. It was a nightly rental. And to tell you the truth, I bought the nightly rental, and I couldn't get rid of it fast enough, because it is a pain to run a nightly rental. And you, you were in Pocatello, you didn't make your home here. I mean, it brought you back here. And the reason that it brought me back here is because of the people. I mean, the people were water, no, the people, the people are above the waters, my opinion. I mean, really, I mean we had, I mean Vicky and I were really good friends and, you know, I met Julie, who was our realtor, and Jack and Diane and Dave. But that's, I think if people would, I think if people would treat

other people like, like this young lady, she just said she doesn't live here, but she has a business here. She ran it, you know. Well, I'd like to say, welcome. I'm glad you're here.

Councilperson Head: Thank you for renting your house out monthly because we need monthly rentals here too.

Julie Johnson: Thank you.

Councilperson Navarro: Well, no, I can see that's what we need to do. Instead of saying you don't want to have enough, I agree, nightly rentals, Supreme Court, and I know everybody's saying but the Supreme Court is the law of the land. I don't care what anybody says.

Nancy Petrun: Nightly rentals are not the whole problem.

(cross talking, unable to transcribe)

Council President: I would like to make a comment, I've been on the council for eight years now, and on the P and Z before that, and this whole time, the citizens of Lava created an ordinance way before any of you guys were here, because they could foresee the problem with the town doing what it's doing in the population problem. And so, the citizen asked for it. I didn't demand an ordinance. None of these, none of us did, it's what the citizen's wanted. That's what we're trying to try to create something for the citizens. We're not trying to discriminate against certain people. This is something for the community, to protect our city. It's all of our city, and you should all have a deep respect for that. I mean, if you want to totally just get rid of the law because it doesn't meet your need, then then let's do it completely. I'll put a pig farm right next to your short-term rental. There's no law saying I can't do that if you want to do that. I mean, there's reasons why we can't put a pig farm in. There's a reason why we limit certain things to protect everybody. It's a community thing that we're trying to do for everybody. None of us benefit from this stuff. I mean, you know, this is my last term. I'm not going to run again because prior, you know this, (unable to transcribe), like we're just some kind of a bunch of people that don't care about anybody by ourselves. That's not the purpose of life going through, and that's the way believe people are portrayed to be, I'm out.

(inaudible, unable to transcribe)

Council President Frandsen: but yeah, included with a representative of all the people of the town. With that being said I want to make a motion to close the public hearing.

Mayor Lyon: Would someone like to second that?

Councilperson Avery: I'll second that.

Mayor Lyon: ok, all in favor. John Head- aye, Leah Navarro- aye, Jeanie Avery- aye. Rickey Frandsen-aye.

**c) Council questions & discussion**

**d) Motion to close public hearing - ACTION ITEM**

**4. COUNCIL DISCUSSION AND NEXT STEPS REGARDING PROPOSED STR ORDINANCE – ACTION ITEM**

Council, Mayor, and Rodney Burch discuss things that need to be included in the ordinance such as language to ensure permits will transfer, a grace period for previous STR's to get in compliance, a timeline on renewing licenses if they aren't in compliance, etc. Rodney Burch defines the lottery system.

**5. ANNOUNCE NEXT REGULAR COUNCIL MEETING: November 13th, 2025**

Mayor Lyon announces the next meeting date.


**6. REGULAR COUNCIL MEETING DEADLINE: November 3rd, 2025**


Mayor Lyon announces the deadline date for receiving items for the agenda.

**7. ADJOURN SPECIAL MEETING – ACTION ITEM**

Council President Frandsen made a motion to adjourn the meeting. Councilperson Navarro seconded the motion. All in favor, John Head- aye, Leah Navarro- aye, Jeanie Avery- aye, Rickey Frandsen- aye. Motion passed. Meeting adjourned.

  
Mandy Frandsen, Transcriber

  
Vicky Lyon, Mayor

  
Amantha Sierra, City Clerk