

A Special City Council Meeting of the City Council of the City of Lava Hot Springs, Idaho, will be held on: September 17th, 2026, at 6:00 pm, Lava City Hall 115 West Elm Street, Lava Hot Springs, Idaho.

In Attendance: Diane Beckstead, Jeanie Avery, Mark Oyler, Amantha Sierra, Wendy Pelayo.

Via Zoom: Councilperson John Head

Absent:

Guests: Kevin Reece, Kim Harris, Leah Navarro, George Shail, Venetta Wellard, Nancy Petrun, Shawne Elgren, Peter Taylor, Susan Thomas, Gail Palen, Julie Hill, Kevin Waller, Tahra Waller.

1 AGENDA

a) Silence Cell Phones

b) Call Meeting to Order Mayor Lyon called the meeting to order at 6:05pm.

c) Roll Call John Head - Zoom, Diane Beckstead – here, Jeanie Avery – here, Mark Oyler – here.

d) Pledge of Allegiance

2 REPORTING

a) Sheriff

b) Ambulance Coordinator

c) Fire Chief

d) City Engineer

e) City Planner

f) Attorney

g) Chamber of Commerce

h) Event Coordinator

i) Mayor – Capitol for the day – September 22, 2026 – 2 Town Hall Meetings
10:30am-12:00pm & 1:30pm-3:30pm @ the community building.

j) Council – Plan Review Team:

Councilperson Avery asked for clarification regarding the Plan Review Team, including its membership, meeting frequency, the types of applications reviewed, and where applications proceed following review. It was explained that the team meets as applications are submitted and that approximately 90% of the applications involve building-related permits, including porches, garages, roofs, fences, and similar projects. Individual permits do not generally go before the City

Council, as the Council established the current review process by ordinance approximately one year ago. Council also discussed when items should be reported to the Council and the possibility of developing a tracking system or GIS map showing application status so Council members can have updated development information prior to meetings.

Comprehensive Plan:

Council discussed the progress of the Comprehensive Plan update and noted that participation and response from the designated group have been limited.

Councilperson Oyler stated that efforts would be renewed to secure commitments from the designated group and begin the process of updating the City's outdated Comprehensive Plan.

k) City Clerk / Treasurer

3 PUBLIC COMMENT - Non-agenda items; comments limited to 2 minutes each. This time has been set aside to hear input from citizens. No decisions will be made, nor will any action be approved or denied, on matters raised under this agenda item. Items requiring City Council action must be agendaized for a future meeting. Comments are limited to two (2) minutes per speaker. Meetings are recorded; please stand at the Podium, announce your name, and speak clearly.

Leah Navarro, 187 West Elm St and what I'd like to talk about is put it on the public record back back on August 25th. The council was asked to approve funds \$1500 for a private luncheon for 55 people. Can't use public funds for. "Mayor Lyon commented that's good because I'm taking care of it" Oh okay. That's great, but it should be noted in the public record that you said that. Also, the fact is, if since it's not advertised or noticed, if if three of the council go, it could be an open meeting law violation. If there's even a hint of county, state, or city business that's mentioned at all. So just forewarning on that, but no one will ever know because it's private. Then the other thing is, it's known that I put in public records requests. However I've been waiting for public records request there. In that, it's that's the law. It's on the very back page, and it's an MOU to use allot money for the program and gutters up on the east entrance. And the reason that you need that you need that is because you have to decide who's responsible for now and in the future, if it's on there it just protects the city. And then there was a January directive that, in the budget hearing, it was stated that that January directive for the planner to correct his planning contract was done. So the next day, I put in a public records request for the correct contract, the council roll call vote, the agenda where it was an action item on the agenda, and the signed complete contract. I have not received any of that information, and it's well past the 10 days, and then so that you know if if you know you know. Okay, thank you.

George Shail – I find it amazing tonight to find out that we've been talking about 50 minutes or so about the planning team. This was rejected as an agenda item tonight. When I applied to talk about this, I wanted to bring this very thing up. It's also kind of weird, isn't it that we don't know what's going on. I know that we've had four separate visits with City Council in which they said no further work could happen on our property and Shane's property. Shane couldn't do anything further. There is no boundary dispute between me and Shane, not a historical nor a GPS boundary dispute and this is why, because we are protected by law. Safe slope standards are required, or some kind of an engineered foundational law, and the slope is too steep for international building codes that we have to abide by. We've had a letter from Excel Engineering from Paul Bastian, and this doesn't seem right. I think it's just really strange. I'm not sure we're sure who the leadership is here. Isn't it weird that we've suddenly put all our eggs in one basket? It doesn't feel right. That's it.

4 CONSENT AGENDA – Routine items will be approved together with one motion. Any item needing will be removed for separate consideration - All ACTION ITEM

- a) Council approval of Bills – List of bills provided to councilmembers prior to council meeting for review.**
- b) Updated Business License Application No. 16614 – Lava Farmer's Market
Cody Van Buren - 202 E Main Street**
- c) New Business License Application No. 16631 and Non-Property tax permit
application No. 734 – Business Name The Lava Love Shack Grill – 202 E Main
Street–Stand with Outdoor Seating – Sam Netuschil**
- d) New Business License Application No. 16636 and Non-Property tax permit
application No. 736 - Business Name - Great America Bank National
Association–Leasing Company – Outside City Limits**
- e) New Non-Property Tax Permit Application No. 735 – Midea America Corp –
outside city limits**
- f) New Non-Property Tax Permit Application No. 737 – Dempsey Creek LLC dba
Tipsy Canoe Taphouse & BBQ – 129 E Main**
- g) July 9th, 2026, Regular City Council Meeting Minutes**
- h) August 13th, 2026, Regular City Council Meeting Minutes**
- i) August 25th, 2026, Special Meeting Minutes**

Councilperson Avery made a motion to accept everything on the consent agenda.
Councilperson Oyler seconded the motion. All in favor, Diane Beckstead – aye, Jeanie
Avery – aye, Mark Oyler – aye. Motion passed.

5 ACTION ITEM - ITEM(S) REMOVED FROM CONSENT AGENDA REPORTING

6 ROWDY LARKINS – BUILDING INSPECTOR

- a) LAV2025-05 Riverside Hot Springs/Eruption Brewing retaining wall - 8.27.25**
Rowdy approved updated engineer plans and Building permit issued - Progress report. Still at the same point. Finishing up these projects and moving to the next.
- b) LAV2025-11 Garrick Hunsaker - 71 Portneuf – House remodel plus garage**
Elevation Certificate approved - Floodplain permit approved - Building Permit issued – May 14, 2026, reports, performed framing inspection, requested insulation inspection the following week, progress coming along. They had a flood evaluation done and built plans. Signed CO - Completed
- c) LAV2026-02 Garrick Hunsaker – 71 Portneuf – Deck replacement due to windstorm – Elevation Certificate approved – Floodplain permit approved – Building Permit issued -Deck in progress – May 14, 2026, reports, deck is completed and couple things to check on. Signed CO - Completed**
- d) LAV2026-03 Daniel Cox – 344 W Main – Building Permit issued – May 14, 2026,**
Rowdy reports, waiting for phone call for sheer sheathing inspection, but is framed up just waiting for final call. Permit extended until February due to active work being done.
- e) LAV2026-05 Kody Tillotson – Riley’s Constructions Inc. – 695 E Main - Tilly’s Thai – project walk-in freezer/cooler - Building & Zoning Permit in review process – plans approved and invoice issued. – May 14, 2026, Rowdy reports working on the freezers, no update. Inspection the following week. Canopy has been taken down. Still at a standstill – waiting on freezer stuff.**
- f) LAV2026-06 Riley Sorensen - Outdoor access to upper-level staircase - 196 E Main – Building permit issued – May 14, 2026, Rowdy reports nothing started yet, have not heard anything on it yet. Has been driven past. Final pictures done – staircase completed.**
- g) LAV2026-07 Sam Netuschil Purple Moon Roof 48 E Main - Building & Zoning Permit application received 06/06/2026 and forwarded for plan review and approval. Sam has indicated he does not plan to complete the roof work until Fall 2026. The original project scope did not require a permit; however, the roof remodel was not included in the original Building & Zoning Permit application. The permit application is currently in the plan review stage and, as of this time, approval has not been granted for the roof. Building permit submitted. Finishing up projects then jumping into this project.**
- h) LAV2026-08 Sam Netuschil - Applicant has submitted a Building & Zoning Permit application to construct a gazebo on leased property located at 129 E.**

Main Street. The owner of the property is Cliff View Enterprises. Two separate lease agreements due to the project involving two separate parcels. The permit application is currently in the plan review stage and, as of this time, approval has not been granted to construct the gazebo. Updated permit to include sewer repair. Per Rowdy on 7/2/26 building permit not required will continue as a project permit. Completed – jumping to the others.

i) LAV2026-09 Shane Wasem restarting the LAV2026-09 project using the same stamped engineered plans that were initially approved, with a new Planning & Zoning permit application submitted. Phase 1 will consist of infrastructure work. Each subsequent phase will be updated and submitted to the Plan Review Team for review as the project progresses. Re-Starting project, have done a wall inspection for the retaining wall against the road.

j) LAV2026-10 Tom & Wendy Potter - Planning & Zoning permit application submitted for a 6- to 8-foot-tall fence, changed to below 6 feet pending site permit. Fence is started, haven't been past to see if it's been completed.

k) LAV2026-11 Elliot Shaw – Planning & Zoning permit application submitted 8/10/26 and delivered to the Plan review team. Building plans approved – other things need to figure out, setback and stuff – whether or not they need to adjust their plans accordingly for that – house plans have been approved.

l) LAV2026-12 – New Permit Planning & Zoning permit application submitted by Kyle Hatfield for 7617 W. Main Street. 8/31/26 – Application sent in for deck stuff-asked questions on further information needed – no reply has been received.

7 AGENDA REQUEST & SPECIAL EVENT PERMIT APPLICATION

a) INFORMATION PRESENTATION – NeighborWorks Pocatello

Presented a proposal Mutual Self-Help affordable housing. Will return next month with more specifics and site options.

b) AGENDA REQUEST – Gail Palen Riverside Hot Springs Inn – Request for city to co op repaving with property owners due to conditions.

Council discussed the deteriorated condition of First Alley North, noting impacts from utility work, fiber-optic installation, and heavy commercial traffic. Private property owners may voluntarily contribute toward improvements; however, there is no requirement compelling them to do so. Council discussed whether the project would qualify under the Capital Improvement Plan and noted that additional input from Public Works Director Justin Casperson is needed. Public Works will conduct a site visit to evaluate and prioritize necessary repairs before winter. Long-term paving improvements to be considered as part of the FY 2028 budget process.

c) ACTION ITEM – Consideration of Special Event Application – Oktoberfest – Chamber of Commerce – Steven Hooper – October 2nd & 3rd, 2026, setup 9:00 am & tear down 8:00 pm, event time 9:00 am to 12:00 pm, both days. Request for approval of the Special Event Application.

Note: Send Chamber of Commerce a reminder that special events applications and any requests should be submitted 60 days in advance. Event details are all the same format as previous years minus location due to availability if the park (construction).

Councilperson Avery made a motion that we accept the special event application for Oktoberfest. Councilperson Oyler seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

d) ACTION ITEM – Consideration of Special Event Application – Lava Bike Safety – Chamber of Commerce – Nancy Petrun & Bannock County Sheriff Office – September 24, 2026. Request for approval of the Special Event Application.

The Sheriff's Department will be providing a safety education setup, including cones and informational pamphlets. It was noted that current materials are somewhat outdated and do not fully address e-bike use. Discussion focused on the growing use of e-bikes, varying regulations between states and cities, and recent accidents involving e-bikes. Concerns were raised about e-bike and rental use on sidewalks, particularly along Main Street, where riders can create safety hazards for pedestrians and businesses. The goal of the safety effort is to provide education on proper e-bike use and encourage rental companies to participate so they can help share safety information with customers. Discussion continued regarding the proposed Lava Rider safety event. The goal is to make the event engaging for both youth and adults by offering raffle prizes and donated items. The event was renamed to "Lava Rider" to include more than bicycles, as the community also sees golf carts, side-by-sides, four-wheelers, and other recreational vehicles. Concerns were expressed about unsafe riding behavior and the potential for serious accidents, particularly involving younger riders. Efforts are being made to encourage participation from frequent riders and younger community members so the event can focus on education and safety. Donations of any kind are being sought to provide prizes and incentives for attendees.

Councilperson Oyler made a motion that we go ahead and accept the special event permit application for Lava Bike Safety. Councilperson Beckstead seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

e) ACTION ITEM – Consideration of Special Event Application –Witches & Warlock Parade – Blue Jay Inn – Mark Oyler – October 24th, 2026, event time 6:00 pm to 6:30 pm. Request for approval of the Special Event Application.

Councilperson Oyler gave an overview of the event. The Blue Jay Inn will sponsor the event, scheduled for October 24. They hope to expand the event this year and increase participation from local businesses. The primary goal is to encourage local families to attend, with children invited to dress in costumes, participate in a parade, and enter a costume contest. It was noted that the event has continued to grow and become more enjoyable each year. Councilperson Oyler noted this is his event.

Councilperson Avery made a motion that we pass approve the special event application for witches and warlock, the parade. Councilperson Beckstead seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

f) Mark Oyler – Audit Status update/Review

Councilperson Oyler gave an update regarding progress on the City's audit and financial document review. It was reported that discussions were held with the City Treasurer regarding 2020 document retrieval, short-term goals, compliance requirements, and challenges associated with locating necessary records. Deaton & Company confirmed its continued willingness to assist, and staff have participated in additional Black Mountain training and met with Deaton's team regarding document needs. The short-term plan is to continue staff training, coordinate additional site visits from Deaton as scheduling allows, and increase the amount of staff time dedicated to the audit as other staffing responsibilities become more manageable. Also discussed the possibility of hiring short-term CPA assistance if needed and noted that budget funds may be available. Council expressed support for providing staff with additional training, resources, or personnel needed to move the audit forward.

8 REQUESTS FOR COUNCIL CONSIDERATION

g) ACTION ITEM - Consideration and Approval of Idaho Community Development Block Grant (CDBG) Agreement, Contract No. ICDBG-25-V-11-PF, for the Water System – New Well and Transmission Line Project and Authorization for Mayor Vicky Lyon to Sign the Agreement

Discussion was opened by Councilperson Avery questioning where the difference in monies will come from to fund the complete project. Funding mix will include \$500,000 CDBG award, city funds and DEQ loan capacity. Concerns were then raised regarding the draining of savings, increased water bills, increased monthly payments to repay loan, total amounts from what accounts are coming from and if there will be an issue with the audit being out of compliance. Rodney Burch then explained the agreement to accept the conditions associated with the awarded federal funding. Rodney Burch explained that use of federal funds requires compliance with standard federal requirements and additional procedural steps, including environmental review and release requirements. Keller Associates is familiar with the funding requirements, and Rodney indicated that the conditions are customary for this type of funding. It was also noted that the project is necessary to improve system capacity and redundancy, independent of any specific future development. A rate study is currently underway to help stabilize future revenue and support anticipated debt service obligations.

Councilperson Oyler proposed a motion that we accept the CDBG agreement for the water system and the new well and the transmission line project, and we authorize Mayor Lyon to sign the agreement. Councilperson Beckstead seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

h) ACTION ITEM - Consideration and Approval of Agreement between City of Lava Hot Springs Municipality & the County of Bannock County and the Bannock County Sheriff and Authorization for Mayor Vicky Lyon to Sign the Agreement

Council discussed the Sheriff's agreement and noted that it does not specifically address law enforcement coverage for special events. Concern was raised that recurring events, particularly Fire & Ice, often require additional coverage and that the City and Chamber have had to address this need on a yearly basis. Council discussed whether special event coverage could be added to the agreement to provide a more consistent process for recurring events and avoid having to make separate arrangements each year. Concerns of the agreement including these type of add-ons and where the money is coming from to pay for it. The contract is being

signed through the city to get the discount, and Chamber is reimbursing the city for extra coverage.

Councilperson Avery made a motion to approve the agreement between the City of Lava Hot Springs and the County of Bannock County Sheriff, and authorize the Mayor to sign the agreement. Councilperson Beckstead seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

i) ACTION ITEM - Julie Hill - Zoning Interpretation Request – 30' x 110' Main Street Platted Lot (Hall City Plat)

Discussion regarding subdividing a 3-lot deed to separate a historic home from a vacant commercial lot.

Council discussed a property consisting of three historically platted lots, with the existing home occupying two lots and the third lot currently used as part of the property. The owners are considering selling the home with two lots while retaining the third lot for possible future use. Discussion focused on whether the third lot could remain a separate, viable parcel and what development options may be available under the current commercial zoning.

Rodney explained that permitted use would depend on whether the property is developed for commercial, residential, or mixed use, and noted that City Code does not clearly address all mixed-use scenarios. Existing properties in the area were discussed as examples of smaller lots being used for residential and mixed-use purposes. The owners stated they would like to retain flexibility to use the lot in the future for commercial or seasonal residential purposes.

Council validated the possibility however, a formal subdivision and variance process would be required, and a variance may also be necessary. Council generally acknowledged the possibility of the proposed separation but did not determine the final use of the remaining lot.

No Motion was made.

j) ACTION ITEM – KEVIN REECE VARIANCE: Discussion and consideration of Planning & Zoning's recommendation to approve the Kevin Reece variance and recommendation that Council consider amendments to Zoning Ordinance 1982-2 regarding lot-size requirements.

Council reviewed Mr. Reece's variance request to allow construction of a single-family residence on a corner lot that is approximately 900 square feet below the City's 7,500-square-foot minimum lot size requirement. Rodney noted that Planning and Zoning had previously held the required public hearing and recommended approval of the variance. Planning and Zoning also recommended that the City

consider reviewing its minimum lot size requirements; however, that recommendation was separate from Mr. Reece's application.

Staff provided a map showing other corner lots within the City that are below the current minimum size, including both developed and vacant lots, and noted that similar variance requests may arise in the future if the ordinance is not amended. Staff clarified that Mr. Reece's proposed site plan otherwise complies with applicable City requirements, including setbacks.

Council discussed the request and noted that the proposed development would place a single-family residence on an otherwise vacant lot. It was also noted that the Planning and Zoning meeting minutes had not yet been completed, so the specific concerns or discussion from that public hearing were not available for review at the time of the Council meeting.

a. Approve the variance for Kevin Reece.

Councilperson Oyler motioned to approve the variance request for Kevin Reece as proposed. Councilperson Beckstead seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

b. Consider a future ordinance change regarding lot size.

k) ACTION ITEM – Tabled Item from August 13, 2026: Continued Discussion and Consideration of Henry Etcheverry's Request for a Loading Zone

Council discussed a request for a designated loading zone adjacent to the property. Councilperson Oyler reported visiting the site and reviewing the applicant's letter and expressed concern that granting a dedicated loading zone on a public street could establish a precedent for similar requests from other businesses. Concerns were also raised regarding enforcement and the City's ability to consistently regulate a special loading area. It was noted that the property has an existing driveway, carport, and alley access. Councilperson Oyler recommended that the property owner consider improving or modernizing those existing access areas to better accommodate loading needs. Council acknowledged the applicant's concerns but expressed reservations about granting an exception that may not be practical to extend to other similarly situated businesses.

Councilperson Oyler made a motion to deny the request for the loading zone on item K. Councilperson Beckstead seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

l) ACTION ITEM - Review and consider approval of the Legal Services Agreement with Fuller & Fuller, PLLC, and authorize the Mayor to sign the agreement.

Councilperson Oyler made a motion to table agenda items l and M and add them into N for that session. Councilperson Avery seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

m) ACTION ITEM - Review and consider approval of the Planning Services Agreement with Strategic Communities Alliance and authorize the Mayor to sign the agreement.

Councilperson Oyler made a motion to table agenda items l and M and add them into N for that session. Councilperson Avery seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

n) ACTION ITEM – Schedule work session for Personnel Policy.

Council discussed agenda items that had been added shortly before the meeting and noted that members had not had sufficient time to fully review the related agreements. It was proposed that no action be taken at this time and that the agreements for legal and planning services be reviewed during the September 23 work session at 1:00 p.m., allowing additional time for review and discussion.

Council agreed to add agenda items L and M to the September 23 work session.

Councilperson Oyler made a motion to table agenda items l and M and add them into N for that session. Councilperson Avery seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

9 ACTION ITEM - Motion to Enter into Executive Session – Idaho Code 74-206(1)(F) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement

Councilperson Oyler made a motion to enter into executive session per Idaho Code 74-206 (1)(F) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.. Councilperson Avery seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

10 ACTION ITEM – Motion to return to open meeting

Councilperson Avery made a motion to that we adjourn from our executive session and return to our open meeting. Councilperson Beckstead seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

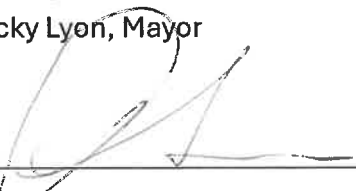
11 ANNOUNCE NEXT REGULAR MEETING – October 8th, Deadline September 29th, 2026

12 ACTION ITEM - Adjourn regular meeting.

Councilperson Oyler, no motions to be made from the executive session - made a motion to adjourn the meeting. Councilperson Avery seconded the motion. All in favor, Diane Beckstead – aye, Jeanie Avery – aye, Mark Oyler – aye. Motion passed.

X 
Wendy Pelayo, Transcriber

X 
Vicky Lyon, Mayor

X 
Amantha Sierra, City Clerk

Date Approved