

MINUTES OF THE REGULAR MEETING OF THE  
 COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,  
 HELD ON NOVEMBER 14<sup>th</sup>, 2022, AT 6:00 P.M.  
 AT MOUNTAIN HOME CITY HALL CHAMBERS  
 MOUNTAIN HOME, IDAHO

- 21670 CALL MEETING TO ORDER/ESTABLISH A QUORUM
- 21669 PRESENTATION  
 1) Presentation by Darcy Braithwaite recognizing Spooktacular volunteers and event awards.
- 21669 DEPARTMENT HEAD REPORTS
- 21670 CONFLICT OF INTEREST DECLARATION  
 Has any Council Member received information pertaining to, or otherwise had any contact with any person regarding any items on this City Council agenda? If so, please set forth the nature of the contact.
- 21670 CONSENT AGENDA - All matters listed within this Consent Agenda section require formal Council action, but are typically routine or not of great controversy and will be enacted by one motion. Questions for the purpose of clarification may be asked about a particular item before the motion is voted on. However, for lengthy discussion or separate motion a Council member or citizen may request an item be removed from the Consent Agenda section and placed on the Regular Agenda. ALL CONSENT AGENDA ITEMS LISTED BELOW ARE ACTION ITEMS.
- A. Approval/Acceptance of Minutes  
 Planning & Zoning Commission - October 17, 2022  
 Airport Meeting - October 18, 2022  
 Regular City Council - October 24, 2022
  - B. Bills - 10/25/22 to 11/14/22 in the Amount of \$498,063.23
  - C. Payroll 9/22/22 to 10/21/2022 in the Amount of \$682,607.21
  - D. Approve the recommendation for the appointment of Jonathan Thompson to the position of Police Chief.
  - E. Approve the Memorandum of Understanding between Elmore County Sheriff's Office, Idaho State Police, and Mountain Home Police Department for Critical Incident Task Force and authorize the Mayor and Chief of Police to sign.
  - F. Pass Resolution #23-2022R - Approve the destruction of surplus property and authorize the Mayor and City Clerk to sign.
  - G. Pass Resolution #24-2022R - Approve the destruction of surplus property and authorize the Mayor and City Clerk to sign.
  - H. Approve City License renewals for 2023.
  - I. Approve City Airport license renewals for 2023.
  - J. Approve amendment No. 1 of the Owner-Consulting agreement with Keller Associates for the Well #17 project.
  - K. Approve Grant Application 2022/23-017 request to allow the Library to apply for Idaho Commission for Libraries grant and authorize the Grant Administrator to complete all grant documents and the Mayor and City Clerk to sign all required documents.
- 21671 SWEARING IN OF NEW POLICE CHIEF BY CITY CLERK  
 Jonathan Thompson
- 21671 NEW BUSINESS  
 1) Items removed from Consent Agenda  
 2) **Non-Action Item:** Discussion with Duck Valley Tribal Council and JTC Gaming on the Duck Valley Casino development/project.  
 3) **Action Item:** Deliberation/Decision on Planning and Zoning

commission recommendation and finding of facts for a conditional use permit to allow a Mobile Food Concession Yard on American Legion Blvd. (Staff report provided via email October 13, 2022)

- 4) **Action Item:** Deliberation/Decision of Planning and Zoning commission recommendation and finding of facts to approve the conditional use permit with conditions. (Staff report provided via email November 3, 2022)
- 5) **Action Item:** Deliberation/Decision on Planning and Zoning commission recommendation and finding of facts for denial of the proposed preliminary plat. (Staff report provided via email November 3, 2022)
- 6) **Action Item:** Deliberation/Decision to waive the fiber hook-up fee to Mountain Home Senior Citizen Center.

21674

RECOGNIZING PERSONS IN THE AUDIENCE

21674

FINAL COMMENTS

21674

EXECUTIVE SESSIONS - Action Items Below

- 1) Pursuant to Idaho Code Section 74-206(1)(a) - to consider the hiring of a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need.
- 2) Pursuant to Idaho Code Section 74-206(1)(b) - to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.
- 3) Pursuant to Idaho Code Section 74-206(1)(c) - to acquire an interest in real property not owned by a public agency.
- 4) Pursuant to Idaho Code Section 74-206 (1)(d) - to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code.
- 5) Pursuant to Idaho Code Section 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.

21676

ADJOURN

MINUTES OF THE REGULAR MEETING OF THE  
COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,  
HELD ON NOVEMBER 14<sup>th</sup>, 2022, AT 6:00 P.M.

The Council of the City of Mountain Home, Elmore County, Idaho, met at the Mountain Home City Hall Chambers, 160 South 3<sup>rd</sup> East, Mountain Home, Idaho on November 14<sup>th</sup>, 2022. A quorum was established with, Councilman Stokes, Councilwoman Garvey, Councilman Brennan, Councilman McCain, and Mayor Sykes being present.

PRESENTATION

1) Presentation by Darcy Braithwaite recognizing Spooktacular volunteers and event awards.

Darcy Braithwaite, Recreation Superintendent spoke about all the help she received from other City Departments with setting up the Spooktacular and getting the word out about the event. Darcy also thanked Ellie Hartman and Tanner Sayer from Richard McKenna Charter High School, who volunteered during the Spooktacular as crossing guards, and presented them with awards for their service. She also thanked the Citizens on Patrol for their help with safety during the event.

Darcy Presented the award for Most Spooktacular Business to Mountain Home Pro Real Estate. The most Spooktacular Trunk or Treat was awarded to Idaho Gem Real Estate. The City Department traveling trophy went to City Hall. The Mountain Home Public Library was awarded the City Department Award for the Scarecrow Stroll.

DEPARTMENT HEAD COMMENTS/REPORTS

- Councilman Brennan asked to have Item D on the Consent Agenda moved to New Business to be done as a separate vote before the new police Chief is sworn in.

The Council agreed and Mayor Sykes moved Item D to New Business on the agenda.

- Jonathan Thompson, Interim Police Chief congratulated Corporal Holloway on an award received from the Elks Lodge for Drug Awareness Education. They have been able to certify two new officers to Firearms Training and they are about halfway through Active Shooter Training.

- Shasta Hochstrasser, Library Director said College of Western Idaho is coming to the Library on Mondays and Wednesdays to help with GED testing. She went over the upcoming programs and her staff who run the programs.

- Brock Cherry, Community Development Director, said The Master Transportation Plan has been budgeted and City Staff internally has been finalizing an RFQ which will hopefully be ready before the end of the year. He said the City has been in contact with CWI and they are now offering classes on base to Mountain Home citizens to help with workforce needs.

- Mark Moore, Fire Chief said they have five rookie firefighters who have been promoted to wearing of SCBA status and three more that are very close. They are getting more fire response calls, which is normal this time of year.

- Rich Urquidi, Director of Public Works said Don is working on the annual Land Application report. He said they have been answering questions about the sewer line upgrade near the hospital. They have also been working with Keller and Associates on Well #17.

- Darcy Braithwaite, Recreation Superintendent said they are working

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on their quarterly book and Little Man Wrestling has just started.

- Gene Palmer, Street Superintendent said all the Street Department equipment is prepped for winter.

- Tiffany Belt, City Clerk gave an update on the pool. She said they have had three quotes come in. On Thursday several city employees are going to make a trip to Boise to look at a Myrtha Style pool.

- Mayor Sykes gave an update on the Fiber Project. He said currently they are working to get fiber to Taco Bell and they are waiting on a rock saw to get fiber over to the new street Accipiter Way. He said he is hoping to have Bruce Patterson at the next Council meeting to give an update on the 1st LID.

Has any Council Member received information pertaining to, or otherwise had any contact with any person regarding any items on this City Council agenda? If so, please set forth the nature of the contact.

- No Council members had anything to declare at this time.

#### CONSENT AGENDA

All matters listed within this Consent Agenda section require formal Council action, but are typically routine or not of great controversy and will be enacted by one motion. Questions for the purpose of clarification may be asked about a particular item before the motion is voted on. However, for lengthy discussion or separate motion a Councilmember or citizen may request an item be removed from the Consent Agenda section and placed on the Regular Agenda. ALL CONSENT AGENDA ITEMS LISTED BELOW ARE ACTION ITEMS.

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Councilwoman Garvey said there should be a correction to the October 24<sup>th</sup>, Council Minutes. She said when they were discussing Impact Fees the number she said the City would have to come up with was \$175,000.00 and the minutes say \$173,000.00, and she would like to have that changed by interlineation.

Councilman Brennan would like to change the signature block by interlineation on Item E, since the draft is outdated and there was a change in Police Chief. He said he would like to discuss having the Chevy Camaro declared as surplus property. He felt there was more value to keeping it then selling it for nominal value. Councilman Brennan asked to have a minimum bid set based on value of the car before it is auctioned off.

Councilman Stokes asked to have Item J pulled and placed under New Business.

Mayor Sykes moved Items D and J to new business.

Councilwoman Garvey made a motion to approve the Consent Agenda as printed with the following changes: Item A, a correction on the City Council minutes to \$175,000.00 from \$173,000.00, pulling Item D, Item E there is a change to the date and signature block on the Memorandum of Understanding on Item G there will be a set price by the Council with an email from the City Clerk for the item going to auction, and Item J will be pulled to be discussed in New Business. Councilman Brennan seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Stokes	AYE
Councilwoman Garvey	AYE
Councilman McCain	AYE

The vote being unanimous, the motion was carried and so ordered.

#### NEW BUSINESS

Items Removed from Consent Agenda Section. ACTION ITEM.

Item D: Approve the recommendation for the appointment of Jonathan Thompson to the position of Police Chief.

Councilman Brennan said he felt this should be an individual vote so the Council can express their feelings on the appointment of the Chief.

Jonathon Thompson came forward and explained his vision for the Mountain Home Police Department.

Councilman Brennan made a motion to approve the recommendation Jonathan Thompson as the Police Chief for the Mountain Home Police Department. The rest of the Council seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilwoman Garvey	AYE

The vote being unanimous, the motion was carried and so ordered.

Swearing in of new Police Chief by City Clerk

Tiffany Belt, City Clerk swore in Jonathan Thompson as the Chief of Police and the meeting continued.

Chief Thompson announced long time Lieutenant Russ Griggs would be retiring from the Police Department.

Lieutenant Russ Griggs spoke about his retirement.

Councilman Brennan thanked Lieutenant Griggs for his years of service and the mentoring he did of other officers.

Item J: Approve amendment No. 1 of the Owner-Consulting agreement with Keller Associates for the Well #17 project.

Rich Urquidi, Director of Public Works gave an overview of the timeline for Well #17.

Councilman Brennan said he was concerned with the delays to well #17 now approving an amendment to the agreement that would allow for projects to be looked at directing money towards other things.

Councilwoman Garvey said initially this had been her concern as well, but after talking to Rich the well will be going on, but with the amendment this allows the city to go out to bid and wrap some other things into this project as well with the grant money. Basically Keller Associates will be the consultant, overseer and engineer of all of these projects because the projects are in our CIP plan.

Councilman Stokes made a motion to approve amendment No. 1 of the Owner-Consulting agreement with Keller Associates for the Well #17 project. Councilman McCain seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	ABSTAINED
Councilman McCain	AYE
Councilwoman Garvey	AYE

The vote being unanimous, the motion was carried and so ordered.

2) Non-Action Item: Discussion with Duck Valley Tribal Council and JTB Gaming on the Duck Valley Casino development/project.

Representatives for the Duck Valley Tribal Council and JTC Gaming gave a presentation on a proposed Casino for the Mountain Home area.

The Council discussed the proposal and what it would entail for the City of Mountain Home. Because there were so many questions, the representatives from the Duck Valley Tribe agreed to come back on the 28<sup>th</sup> of November to appear before the City Council.

3) Action Item: Deliberation/Discussion on Planning and Zoning Commission recommendation and finding of facts to approve the conditional use permit to allow a Mobile Food Concession Yard on American Legion Blvd. (Staff report provided via email October 13, 2022)

Brock Cherry, Community Development Director gave a synopsis of the application to allow a Mobile Food Concession yard on American Legion Blvd.

The Council discussed allowing the waiver of paving the property.

The Council preferred the yard be paved but because of the floodway, it couldn't be paved.

The applicant, Bill Hodges said he foresees this becoming a flood plain instead of way and at that point paving is no issue.

Councilwoman Garvey said while she likes the vision she hasn't really seen it come to fruition at this point. She said maybe if it takes off, the Council would be able to approve it for a year, instead of every six months.

Councilman Brennan said he didn't want to approve a forever waiver of paving, when FEMA is redrawing currently, though that's not likely to change the property being in a floodway.

Councilwoman Garvey made a motion to deny the approval for the Planning and Zoning recommendation for mobile food truck use and come back to the Council in six months with a plan in place the Council can move on with. Councilman Stokes seconded the motion.

Councilman Brennan asked if with the denial the applicant would have to wait a year to come back.

Paul Fitzer, City Attorney said that was correct, but it could be tabled for six months if the motion was amended.

Councilwoman Garvey amended her motion so that the decision was tabled for six months to get through the winter and figure out a master plan. Councilman Stokes amended his second.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilwoman Garvey	AYE

The vote being unanimous, the motion was carried and so ordered.

4)Action Item: Deliberation/Decision on Planning and Zoning Commission recommendation and finding of facts to approve the conditional use permit with conditions. (Staff report provided via email November 3, 2022.)

Brock Cherry, Community Development Director went over this conditional use permit application and how the Planning and Zoning Commission came to their decisions.

The Council discussed what they felt was were issues with the proposed project.

Jane Suggs was present as a representative of Blue Yonder and Trilogy. She said that they are asking to have the plat approved and put in a condition that they will meet the coded setbacks.

Councilwoman Garvey said she would like to see at least one lot taken out of block 2 and 3.

Councilman Brennan said rather than blanket taking out a lot would you rather just say there is only two adjoining lots to the south property.

Councilwoman Garvey said that would be preferable.

Councilman Brennan made a motion to approve the conditional use permit for Blue Yonder without any deviation but the lots to the north in the existing neighborhood cannot have any more than two immediate property line neighbors and that approval is contingent on water availability at the time of permit. Councilman McCain seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Stokes	AYE
Councilwoman Garvey	AYE
Councilman McCain	AYE

The vote being unanimous, the motion was carried and so ordered.

5)Action Item: Deliberation/Decision on Planning and Zoning commission recommendation and finding of facts for denial of the proposed preliminary plat. (Staff report provided via email November 3, 2022)

Councilman Brennan made a motion to approve the preliminary plat for Blue Yonder with no deviations and all the homes in block two and three must not have any more than two immediate adjoining property lines with the homes to the north and is contingent on water availability at the time of building permit. Councilman McCain seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Stokes	AYE

Councilwoman Garvey	AYE
Councilman McCain	AYE

The vote being unanimous, the motion was carried and so ordered.

6) Action Item: Deliberation/Decision to waive the fiber hook-up fee to Mountain Home Senior Citizen Center.

Councilman Brennan said he would like to see a formal written request from the Senior Center leadership for the waiver.

Mayor Sykes said the item would be tabled and brought back on November 28<sup>th</sup>.

#### RECOGNIZING PERSONS IN THE AUDIENCE

- Misty Pierce spoke to the council about her concerns with hiring an outside police chief over internal candidates. She said she wasn't sure how members of the council had not heard of a proposed roundabout. Misty also was concerned that the Duck Valley representatives were not informed about the sale of some of the lots they were interested in.

- Dave Ascuena from the Mountain Home Irrigation District came forward about the possibility of acquiring some of the city's unused vehicles in lieu of rent for the storage facility the city uses.

#### FINAL COMMENTS

- There were no final comments at this time.

#### EXECUTIVE SESSIONS - Action Items Below

1) Pursuant to Idaho Code Section 74-206(1)(a) - to consider the hiring of a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need.

Councilman Stokes made a motion to go into executive session, pursuant to Idaho Codes Sections 74-206 (1)(a), 74-206 (1)(b), 74-206 (1)(c), 74-206(1)(d) and 74-206 (1)(f). Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilwoman Garvey	AYE

The vote being unanimous, the motion was carried and so ordered.

The Council entered into executive session at 9:00 p.m.

The Council came out of executive session at 9:42 p.m.

2) Pursuant to Idaho Code Section 74-206(1)(b) - to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.

Councilman Stokes made a motion to go into executive session, pursuant to Idaho Codes Sections 74-206 (1)(a), 74-206 (1)(b), 74-206 (1)(c), 74-206(1)(d) and 74-206 (1)(f). Councilwoman Garvey seconded the motion.

The following vote was recorded:

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Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilwoman Garvey	AYE

The vote being unanimous, the motion was carried and so ordered.

The Council entered into executive session at 9:00 p.m.

The Council came out of executive session at 9:42 p.m.

3) Pursuant to Idaho Code Section 74-206(1)(c) to acquire an interest in real property not owned by a public agency.

Councilman Stokes made a motion to go into executive session, pursuant to Idaho Codes Sections 74-206 (1)(a), 74-206 (1)(b), 74-206 (1)(c), 74-206(1)(d) and 74-206 (1)(f). Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilwoman Garvey	AYE

The vote being unanimous, the motion was carried and so ordered.

The Council entered into executive session at 9:00 p.m.

The Council came out of executive session at 9:42 p.m.

4) Pursuant to Idaho Code Section 74-206(1)(d) - to consider records that are exempt from disclosure as provided in Chapter 1, title 74, Idaho Code.

Councilman Stokes made a motion to go into executive session, pursuant to Idaho Codes Sections 74-206 (1)(a), 74-206 (1)(b), 74-206 (1)(c), 74-206(1)(d) and 74-206 (1)(f). Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilwoman Garvey	AYE

The vote being unanimous, the motion was carried and so ordered.

The Council entered into executive session at 9:00 p.m.

The Council came out of executive session at 9:42 p.m.

5) Pursuant to Idaho Code Section 74-206(1)(f) - to communicate with legal counsel to 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.

Councilman Stokes made a motion to go into executive session, pursuant to Idaho Codes Sections 74-206 (1)(a), 74-206 (1)(b), 74-206 (1)(c), 74-206(1)(d) and 74-206 (1)(f). Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilwoman Garvey	AYE


The vote being unanimous, the motion was carried and so ordered.

The Council entered into executive session at 9:00 p.m.

The Council came out of executive session at 9:42 p.m.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:42 P.M. by orders from Mayor Sykes.

  
\_\_\_\_\_  
Rich Sykes, Mayor

ATTEST:   
\_\_\_\_\_  
Tiffany Belt, City Clerk

