

MINUTES OF THE REGULAR MEETING OF THE
 COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,
 HELD ON FEBRUARY 28th, 2022, AT 6:00 P.M.
 AT MOUNTAIN HOME CITY HALL CHAMBERS
 MOUNTAIN HOME, IDAHO

- 21397 CALL MEETING TO ORDER/ESTABLISH A QUORUM
- 21397 RECOGNIZING PERSONS IN THE AUDIENCE
- 21398 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
- 21398 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
 City Council - February 14, 2022
 - B. Bills - 02/15/22 to 2/28/22 in the Amount of \$403,143.24
 - C. Treasurer's report - for the Period Ending 1/31/2022
 - D. Pass Resolution #05-2022 Establishing water rate to be effective March 1, 2022
 - E. Pass Resolution #06-2022 Establishing wastewater rates to be effective March 1, 2022
 - F. Pass Resolution #07-2022 Intent to create fiber LID #1(**Pulled from the Consent Agenda and placed under New Business**)
 - G. Pass Resolution #08-2022 Incentive agreement for Loves Truck Center
 - H. Approve grant application requested for grant 2021/22-015 for an Idaho Commission for Libraries grant for summer intern grant and authorize the Grant Administrator to complete all grant documents and the Mayor and City Clerk to sign all required documents.
- 21399 OLD BUSINESS
- A) **ACTION ITEM:** (*Legislative continued from February 14, 2022*) Deliberation/Decision on request submitted by Traci Lefever for reconsideration of City Council decision made on December 13, 2021, approving the request by Runway Capital LLC. for the annexation, zoning change, and planned unit development of parcel numbers RP03S06E340745 and RP03S06E340740.
- 21399 NEW BUSINESS
- 1) Items Removed from Consent Agenda Section.
 - 2) Discussion regarding water and wastewater stub out on Barry Peterson property located near West 12th South Street.
 - 3) Action Item: Deliberation/Decision on Planning and Zoning commission recommendation for annexation and zoning R-4 planned unit development (PUD) for 10th Street Neighborhood finding of facts.
 - 4) Action Item: Deliberation/Decision on Planning and Zoning commission recommendation for annexation and

- zoning C-3 for East 8th North Street and findings of facts.
- 5) Action Item: Deliberation/Decision on Planning and Zoning commission recommendation for annexation and zoning I-2 for East of Highway 20 and North of I-84 and finding of facts.
 - 6) Action Item: Deliberation/Decision on Planning and Zoning commission recommendation for conditional use permit for a daycare located at 575 East 2nd South Street and finding of facts.
 - 7) Action item: Deliberation/Decision on Mountain Home High School senior celebration committee to use information sign for fundraiser advertisement.
 - 8) Action Item: Deliberation/Decision on proposed ordinance enacting a new subsection F governing agenda to title 1, Chapter 6, section 4 of Mountain Home Code.

21403

EXECUTIVE SESSION

- 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)(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.

21404

FINAL COMMENTS

21404

ADJOURN

MINUTES OF THE REGULAR MEETING OF THE
COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,
HELD ON FEBRUARY 28th, 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 3rd East, Mountain Home, Idaho on February 28th, 2022. A quorum was established with, Councilman Stokes, Councilman Brennan, Councilman McCain, Councilwoman Garvey and Mayor Sykes being present.

AGENDA AMENDMENT

Mayor Sykes said there was an amendment to the agenda and the Executive Sessions at the end of the meeting are no longer needed tonight.

DEPARTMENT HEAD COMMENTS

- Jake Olsen, Golf Course Superintendent said they are working to reduce the turf on the course.
- Scott Conner, Police Chief said they have two openings and have several officers in training.
- Mark Moore, Fire Chief said they have several trainings going on for the firefighters currently, and there has been a spike in structure fires recently.
- Shasta Hochstrasser, Library Director said they are doing Read Across America this week and hosting various activities throughout the next few weeks at the library.
- Darcy Braithwaite, Recreation Superintendent said they finished the Step It Up program last week, which was a partnership with Pioneer Federal Credit Union. Last Friday was the soccer deadline and they will have 400 kids and 47 teams.
- Hank Patrick, Building Official said they have received thirty applications for single family dwellings.
- Dave Sonnentag, Water Superintendent said they are working on well #15 and other than that doing general maintenance.
- Brock Cherry, Community Development Director said the URA will transfer ownership of the Bealls Building to the new owner this week.
- Rich Urquidi, Public Works Director said they are making plans for the summer. He said they are doing test holes for the well and have turned in all the plans for the well into DEQ.
- Paula Szafranski, City Treasurer said the audit presentation will be the second meeting in March.
- Councilman Stokes said he enjoys the new form of the meeting where the department heads speak and then are free to leave.
- Councilman Brennan asked if the City is seeking new accountants.

Paula said Harris and Company is trying to recruit a new auditor for the City.

RECOGNIZING PERSONS IN THE AUDIENCE

- Tyler Parrish came forward and spoke about the need for an Airport Overlay.

- Laura McManus spoke to the Council supporting Impact Fees and the housing issues in town.

- Lisa Lucas voiced concerns about the way the City conducts itself.

- Megan Young came forward and spoke to the Council about the mess and graffiti at Carl Miller Park.

- Brenden McCarthy thanked the Council for their hard work and appreciated Councilwoman Garvey for questioning where the ARPA funding is being allocated. He said in the last meeting where there was discussion of a town hall meeting it was disappointing to see it basically brushed off. He also thanked the Street Superintendent for helping clear their street when it was blocked with ice.

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.

- The council declared they have all received emails from citizens in favor of continuing the fiber optics project.

- Councilman Brennan said the attacks on the City Department Heads are uncalled for. He said sometimes the questions asked of them are on the spot, but the department heads will always provide a more in depth answer later.

CONSENT AGENDA

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- H. Approve grant application requested for grant 2021/22-015 for an Idaho Commission for Libraries grant for summer intern grant and authorize the Grant Administrator to complete all grant documents and the Mayor and City Clerk to sign all required documents.

Councilman Brennan asked about the grant for the library.

Library Trustee James Green said the grant typically covers the salary of a Library intern for the summer.

- Councilwoman Garvey asked to have Item F pulled from the Agenda and placed under New Business.

Councilman Stokes made a motion to approve the Consent Agenda as printed pulling item F. Councilman Brennan 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.

OLD BUSINESS

Action Item: (Legislative continued from February 14, 2022)
Deliberation/Decision on request submitted by Traci Lefever for
reconsideration of City Council decision made on December 13, 2021, approving
the request by Runway Capital LLC. For the annexation, zoning change, and
planned unit development of parcel numbers RP03S06E340745 and RP03S06E340740.

Councilman Brennan said based on the conversation with the attorney, even though how he feels has not been altered, at this time the Council does not believe the request for reconsideration has met the burden of Title 67 Chapter 6535 subsection 2b.

Councilman Brennan made a motion not to entertain the request for reconsideration of the City Council decision made on December 13, 2021. Councilman Stokes 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.

Councilman Stokes said he really does feel for Traci Lefever who made the request and that was why he pointed out leapfrog development in the first place.

NEW BUSINESS

1) Items Removed from Consent Agenda Section. ACTION ITEM.

Item F: Pass Resolution #07-2022 Intent to create fiber LID #1.

Councilwoman Garvey said she is not against the fiber project she just has concerns about the cost of the project and the expenses. In 2021 \$82,500.00 was spent. She wonders if the estimate of the \$406,000.00 of revenue is a realistic number.

Councilman Stokes said he would like to see the take rate come up before the city adopts the resolution and he would like to see a narrower range for hookup fees. He said he would like to see the take rate closer to seventy percent before this project is continued.

Councilman McCain said he is all for setting the public hearing. He said his issue and a lot of people in town have a hard time even getting the internet connection to work enough to stream a tv show.

Councilwoman Garvey said she disagrees with ARPA funding being used for fiber optics when there are other worthy projects in water and wastewater.

The Council discussed the possibility of holding a public hearing.

Councilman Brennan made a motion to deny the public hearing request for a notice of intention to create fiber optic LID #1 at this time until there is more information. Councilwoman Garvey seconded the motion.

Councilman Stokes said he would like to see this tabled until one of the March meetings and hopefully at that time the take rate will have gone up.

Councilwoman Garvey said she would like to withdraw her second. There being no second the motion died.

Councilman Stokes made a motion to table this resolution until March 28th, 2022 and requested that Mike Lujan, Fiber Optics Administrator be present on March 14th to answer questions. Councilwoman Garvey seconded the motion.

Mayor Sykes said he would like to also have Bruce Patterson present to give the Council input.

The following vote was recorded:

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

The majority of the vote being in favor, the motion was carried and so ordered.

2) Discussion regarding water and wastewater stub out on Barry Peterson property located near West 12th South Street.

Barry Peterson was present to address the Council about a water and wastewater stub out on his property located near West 12th South Street. He spoke about what had been put in the original plat and felt the city should honor what was in the original plat. He explained the deal he originally had worked out with the developers had not yet been honored.

The Council discussed with Barry Peterson the installation of a water and wastewater stub for the Peterson property near West 12th South Street.

Brock Cherry, Community Development Director proposed Barry work with his office and see if there was something that could be done in the future so those stubs were installed.

Councilman Brennan said he would like to see Barry work with the developer Dan Weideman since that is who he originally had an agreement with.

Councilwoman Garvey and Councilman McCain said they would like to see if Brock could work with Barry if there was potential future development in the area it may be possible for a stub to be placed on the Peterson property.

Barry agreed to work with Brock and see if they could find a solution.

3) Action Item: Deliberation/Decision on Planning and Zoning commission recommendation for annexation and zoning R-4 planned unit development (PUD)"

Brock Cherry, Community Development Director said there will have to be a vacation of the old subdivision before this is annexed.

Steve Taylor was present and explained what he envisioned for the planned unit development called the 10th street neighborhood. He said he feels the project fits well with the comprehensive plan and will have community gardens and sports amenities.

Councilman Brennan asked if there was enough capacity to handle the water and wastewater at the proposed tie in points.

Rich Urquidi, Director of Public Works said there is the capacity to handle it.

Councilman Stokes asked if the developer would be willing to xeriscape, so there is no more than fifty percent grass in the front yard.

Steve said they would be fine with that.

Councilman Stokes made a motion to approve the Planning and Zoning commission recommendation for annexation and zoning R-4 planned unit development (PUD) for 10th Street Neighborhood finding of facts with the condition that no more than fifty percent of the yard be grass.

City Attorney, Paul Fitzner asked that it be broken into two motions.

Councilman Stokes made a motion to approve the Planning and Zoning Commission recommendation for annexation with the condition that the existing subdivision is vacated. Councilman Brennan 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.

Councilman Stokes made a motion to approve the Planning and Zoning Commission recommendation to zone R-4 the planned unit development for 10th street neighborhood findings of fact with the condition that no more than fifty percent of the front yards be grass. 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.

4) Deliberation/Decision on Planning and Zoning Commission recommendation for annexation and zoning C-3 for East 8th North Street and finding of facts.

Brock Cherry, Community Development Director said this property is next to the Park and Ride and he explained how he felt this should be zoned. He said the owner will be paying to have the park and ride moved and eventually the property will be developed.

Councilman Brennan made a motion to annex the property on East 8th North. Councilman Stokes 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.

Councilman Brennan made a motion to approve Planning and Zoning recommendation to approving the zoning C-3 for East 8th North Street findings of fact. Councilman Stokes seconded the motion.

The consensus of the Council was that C-3 was an appropriate zoning of the property because of the zoning around it.

5) Action Item: Deliberation/Decision on Planning and Zoning commission recommendation for annexation and zoning I-2 for East of Highway 20 and North

of I-84 and finding of facts.

Councilman Stokes said he would like to have a public hearing for this item.

Mayor Sykes asked if he wanted to pull this action item and table it until there could be a public hearing.

Councilman Stokes said that was correct he would like a public hearing set for March 28th, 2022.

It was decided there would be a public hearing set for this item on March 28th, 2022.

Councilman Stokes made a motion to hold a public hearing on the Planning and Zoning commission recommendation for annexation and zoning I-2 for East of Highway 20 and North of I-84 and finding of facts. Councilman McCain 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.

6) Action Item: Deliberation/Decision on Planning and Zoning commission recommendation for conditional use permit for a daycare located at 575 East 2nd South Street and finding of facts.

Councilman Brennan made a motion to approve the Planning and Zoning commission recommendation for conditional use permit for a daycare located at 575 East 2nd South Street and finding of facts. Councilman McCain seconded the motion.

Councilwoman Garvey thanked the applicant for starting a much needed daycare in town.

Councilman Stokes said he was only worried about traffic safety at the location, but it does seem to be addressed in the plans.

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.

7) Action Item: deliberation/Decision on Mountain Home High School senior celebration committee to use information sign for fundraiser advertisement.

Councilman Stokes said while it does technically violate the policy for the sign, he doesn't see a problem with allowing this, but maybe the policy should be looked into again.

Councilman Brennan said the sign policy is new and he does not want to see the board become a fund raiser sign board, that is not what it is for. He said he is opposed to putting fund raising advertisement on the board.

Councilwoman Garvey said she didn't have an issue with this but did understand that not every advertisement could be put on the reader board.

Councilman Brennan read from the policy where it says the event advertised must be open to the public, free of cost, and not for personal gain or fundraising.

Councilman Brennan made a motion to deny the request. Councilman Stokes seconded the motion.

Councilwoman Garvey said she understood where they were coming from, but she disagrees. She said this event also will advertise Encore's performance of Frozen.

Councilman McCain said he also disagrees and feels the policy should be reexamined.

Tiffany Belt, City Clerk said she felt Senior Celebration is a night of safety for the seniors and that should be considered.

Councilman Stokes retracted his second of the motion. There being no second the motion died.

Councilman Stokes made a motion to approve the request. Councilwoman Garvey seconded the motion.

The following vote was recorded:

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

The majority of the vote being in favor, the motion was carried and so ordered.

8)Action Item: Deliberation/Decision on proposed ordinance enacting a new subsection F governing agenda to title 1, chapter 6, section 4 of Mountain Home Code.

Councilman Stokes said in writing this ordinance he liked what City Attorney Paul Fitzer came up with for the ordinance but felt it should be two Council members not one half of the Council plus one.

Paul said a City Council can call a meeting or amend a meeting agenda once the meeting has begun. He said to avoid a serial meeting, a council would have to have the discussion at a meeting.

Councilman Stokes made a motion to enact the proposed ordinance enacting a new subsection F governing agenda to title 1, chapter 6, section 4 of the Mountain Home Code. Councilwoman Garvey seconded the motion.

Councilman Brennan said he would like to see the Council given the power to add discussion and actionable items to any agenda.

Councilman Stokes amended the motion to Councilman Brennan's request.

The following vote was recorded:

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

The majority of the vote being in favor, the motion was carried and so ordered.

EXECUTIVE SESSION

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.

Mayor Sykes removed the item from the agenda.

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.

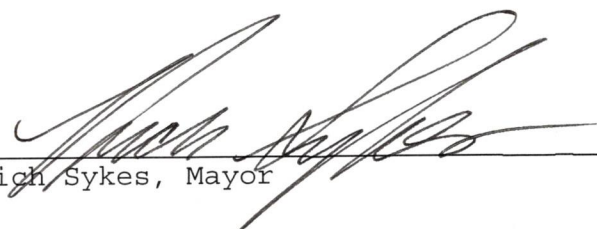
Mayor Sykes removed the item from the agenda.

3) 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.

Mayor Sykes removed the item from the agenda.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:19 P.M. by orders from Mayor Sykes.



Rich Sykes, Mayor

ATTEST: 

Tiffany Belt, City Clerk

