

MINUTES OF THE REGULAR MEETING OF THE  
 COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,  
 HELD ON APRIL 10<sup>th</sup>, 2023, AT 6:00 P.M.  
 AT MOUNTAIN HOME CITY HALL CHAMBERS  
 MOUNTAIN HOME, IDAHO

- 21765 CALL MEETING TO ORDER/ESTABLISH A QUORUM
- 21765 PUBLIC HEARING
- 21766 DEPARTMENT HEAD REPORTS
- 21766 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.
- 21766 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 - March 20, 2023  
 Regular City Council - March 27, 2023
  - B. Bills - 3/28/23 to 4/10/23 in the Amount of \$452,173.52
  - C. Payroll for the period ending 2/22/2023 to 03/21/2023 in the amount of \$605,395.70.
  - D. Approve Grant Application 2022/23-027 request to allow the Library to apply for the SelectHealth Awards Idaho and authorize the Grant Administrator to complete all documents and the Mayor and City Clerk to sign all required documents.
  - E. Approve the engagement letter with Hawley/Troxell for legal representation for Local Improvement district and authorize the Mayor to sign.
  - F. Approve authorization to burn structures agreement with Vesta Housing Solutions, LLC and authorize the Mayor to sign the required documents.
  - G. Approve the agreement with Idaho Department of Water Resources requested by the Water Department and authorize the Mayor to sign the required documents.
  - H. Approve the agreement with J-U-B Engineers for Professional Service for hangar designs at the City Airport and authorize the Mayor to sign the required documents.
  - I. Approve the request by Public Works to accept a quitclaim deed for the Desert Canyon Park and Ride, Bicycle Pedestrian Facility and authorize the mayor to sign the required documents.
  - J. Approve the Award bid to Mountain Companies for the construction of Well #17 Water Main and Roadway and authorize the Mayor to sign the required documents.
  - K. Approve and Award the bid to Sunroc Corporation for the reconstruction of West 5<sup>th</sup> N. from North 3<sup>rd</sup> W. to NW Cedar project and authorize the Mayor to sign the required documents. **(Pulled from the Consent Agenda and placed under New Business)**
  - L. Approve and Award the bid to Texas Aquatic Construction for the construction of the City Outdoor Aquatic Facility project and authorize the Mayor to sign the required documents. **(Pulled from the Consent Agenda and placed under New Business)**
  - M. Approve the request by Robert Norris to sublease his Airport hangar to Jim Tracy.

- 21767 OLD BUSINESS
- 1) Action Item: *(Legislative continued from March 27, 2023)* discussion/decision regarding Consolidated Enterprises, LLC request to sublease land located at 1205 Highway 20. (Staff provided further information via email on April 3, 2023)
- 21767 NEW BUSINESS
- 1) Items removed from Consent Agenda
  - 2) Action Item: Deliberation/Decision on Planning and Zoning Commission recommendation and finding of facts to amend the Freedom Estates R-4 PUD with conditions. (Staff report provided via email on March 28, 2023)
  - 3) Action Item: Deliberation/decision requested by the Community Development Director on a proposed fee resolution to create a preliminary plat request fee.
  - 4) Action Item: Deliberation/Decision Declaring land swap of real property owned by the City consisting of two parcels of land totaling +/- 1.47 acres of land commonly known as the Hot Creek Road Extension as underutilized or not used for a public purpose; finding that exchanging the property for real property of equal value is in the public interest.
- 21770 ORDINANCES
- 1) Action Item: Ordinance #1771 Amending Mountain Home City Code Section 1, Chapter 6, Title 4 "Meeting" of Mountain Home City Code.
- 21771 RECOGNIZING PERSONS IN THE AUDIENCE
- 21771 FINAL COMMENTS
- 21771 ADJOURN

MINUTES OF THE REGULAR MEETING OF THE  
COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,  
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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 April 10<sup>th</sup>, 2023. A quorum was established with, Councilwoman Garvey, Councilman Green, Councilman McCain, Councilman Brennan, and Mayor Sykes being present.

PUBLIC HEARING

A) Declaring real property owned by the City consisting of two parcels of land totaling +/-1.47 acres of land commonly known as the Hot Creek Road Extension as underutilized or not used for public purpose; finding that exchanging the property for real property of equal value is in the public interest.

Councilman Brennan made a motion to enter public hearing. Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Green	AYE
Councilwoman Garvey	AYE
Councilman McCain	AYE

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

The Public Hearing opened at 6:01 p.m.

No one came forward to speak during the public hearing.

The Public Hearing closed at 6:02 p.m.

DEPARTMENT HEAD COMMENTS/REPORTS

- Jon Thompson, Police Chief said this week they are doing supervisor training with ICRMP. April 22<sup>nd</sup> will be Coffee with a Cop at the American Legion Briesta.

- Shasta Hochstrasser, Library Director said Drop Everything and Read will be this Wednesday. She went over her programming for the upcoming weeks. Shasta said National Library Week is the last week in April.

- Brock Cherry, Community Development Director said they are seeing projects come to life. Turner House Depot is beginning phase I. The Village Development is under new ownership, it was recently purchased by Corey Barton. He said the home values in Mountain Home remain strong. He said they have begun the annual audit of the impact fees for the city.

- Rich Urquidi, Director of Public Works said they will be getting more wells online to deal with the influx of water usage, as the weather turns warmer. All the tests on Well #17 are back and next week they will meet with Keller to discuss next steps for the Well.

- Betsy Hiddleston, Communications Specialist said the Looking Glass Walkability Academy is the 27<sup>th</sup> and 28<sup>th</sup> of this month. She said she made updates to the fiber website and is also working with the URA to update their website. Purple Up day is the 19<sup>th</sup> of April and city leadership will be welcoming kids to Stephenson Elementary that day on base. May 13<sup>th</sup> is the Airport Fly-in.

- Mark Moore, Fire Chief said training is going well and more training

opportunities are coming up this month.

- Gene Palmer, Street Superintendent said they are doing some street patching, and removing the plows from equipment.

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 had nothing to declare at this time.

#### CONSENT AGENDA

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Councilman Green said Item L needed to be pulled from the Agenda and all the bids rejected due to a procedural process error.

Councilman Brennan said he didn't feel the minutes from the last meeting accurately reflected his feelings on the time change for the City Council meetings and would like to have something additional added through interlineation that made his feelings clear that he does not believe Tuesdays at 5:00 p.m. would be more convenient for citizens to attend the meetings.

Tiffany Belt, City Clerk said she would make sure the meeting minutes were accurately amended to reflect his position.

Councilman Brennan said he would like to see changes made to Item F through interlineation adding a specific address on Industrial Road and not on Highway 20. He said he would like it on the record that the hangar services is the cost to engineer a hangar. When the hangar is built it will Council Minutes - April 10<sup>th</sup>, 2023

be a city owned hangar that we are able to lease either short term or long term and the fee is paid for by FAA grants. He said he also spoke to Public Works Director Rich Urquidi about the paving project on West 5<sup>th</sup> North and how it will actually extend to nearly the railroad tracks and not stop at West 3<sup>rd</sup> North.

Councilwoman Garvey said she would like to pull Item K and place it under New Business.

Councilman Brennan made a motion to pass the Consent Agenda pulling Items K & L and change through interlineation Items A and F as discussed on the record. Councilman McCain seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Green	AYE
Councilwoman Garvey	AYE
Councilman McCain	AYE

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

#### OLD BUSINESS

1)Action Item: (Legislative continued from March 27, 2023) discussion/decision regarding Consolidated Enterprises, LLC request to sublease land located at 1205 Highway 20.

Councilman Brennan said he understands this is a ten-year lease with eight ten-year options on it. He also asked the owner of Consolidated Enterprises, LLC if he had been in contact with ITD to meet their requirements.

Fred O'Brian, owner of Consolidated Enterprises LLC. said he had not but could work with them.

Councilman Brennan made a motion to approve the request from Consolidated Enterprises, LLC to sublease land located at 1205 Highway 20, conditioned on approval from the Idaho Transportation Department. Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Green	AYE
Councilwoman Garvey	AYE
Councilman McCain	AYE

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

#### NEW BUSINESS

1)Items removed from the Consent Agenda

K: Approve and Award the bid to Sunroc Corporation for the reconstruction of West 5<sup>th</sup> N. from North 3<sup>rd</sup> W. to NW Cedar project and authorize the Mayor to sign the required documents.

Councilwoman Garvey said she questioned repaving this road the left-hand side next to the subdivision is in great shape. So many roads in Mountain Home need help and developers would be required to develop the other half of the road once it was purchased. She said she would like to make a plan for some of the side streets that are in really rough shape. She would like to see the projects prioritized better.

Councilman Brennan said he agrees there are a lot of projects that need to be done and he isn't sure where we are on the prioritization list but he said there is nothing else before him currently so for that reason he would make a motion to approve and award the bid to Sunroc Corporation

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for the reconstruction of West 5<sup>th</sup> N. from the railroad tracks to NW Cedar project and authorize the Mayor to sign the required documents. Councilman Green seconded the motion.

The following vote was recorded:

Councilman Green	AYE
Councilman Brennan	AYE
Councilwoman Garvey	NAY
Councilman McCain	NAY

The vote being a tie the Mayor voted AYE, and the motion was carried and so ordered.

L: Approve and Award the bid to Texas Aquatic Construction for the construction of the City Outdoor Aquatic Facility project and authorize the Mayor to sign the required documents .

Councilman Green said all the bids needed to be rejected due to a procedural error.

Tiffany Belt, City Clerk said we did not meet statutory requirements from the time of the second publications to the time of bid opening, so we will reject the bid that was received. It will be published in the paper the next three weeks and then the bids will be opened May 4<sup>th</sup>.

Councilman Brennan said the Council received an email from John Bideganeta on the subject. He said the email asked if the company that put in a bid had an Idaho Public Works License.

Tiffany said we have followed legal's advice the entire time and did the addendum because it was the right thing to do. We will put it back out to bid to make sure we follow statute correctly. She said she reached out to the company that submitted a bid to let them know the situation, tomorrow she will invite them to rebid if they are still interested.

Paul Fitzer, City Attorney said most of the complaint isn't legally relevant, however the timing between the notice and the bid opening was legitimate, so it will need to be noticed again.

Councilman Green made a motion to reject all bids due to a procedural error, that the bid request is void and establish new bid publication dates as follows: April 19<sup>th</sup>, April 26<sup>th</sup> and May 3<sup>rd</sup>, with a bid opening May 4<sup>th</sup> at 2:00 p.m. Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Green	AYE
Councilman Brennan	AYE
Councilwoman Garvey	AYE
Councilman McCain	AYE

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

Action Item: Deliberation/Decision on Planning and Zoning Commission recommendation and finding of facts to amend the Freedom Estates R-4 PUD with conditions. (Staff report provided via email on March 28, 2023)

Councilman Brennan asked about an easement he saw on an old real estate listing for the house next door to this proposed development.

Terran Mitchell who is working on the engineering of the development said the neighbors to the development have been great, they bought the property thinking there was an easement and have since found out they do not have one and understand they do not have legal permitted access. He said they have designed the site with the access for that property in mind.

Councilman Brennan said he wanted it on the record the developer knows there is no legal easement and the Mullinix's also know there is no legal easement. He said while he knows there is no legal requirement for the developer to give the adjacent property access, there is also no legal requirement for the Council to approve this recommendation. He asked if there was room for a car to get into a garage at that access point.

Terran said it hasn't been decided yet how wide the access will be.

Councilman Brennan said while legally he cannot require the Mullinix's be given access to the shop, he hopes the development is being authentic when they say they will leave access open for them. He said he also wanted to include with the approval of the recommendation that it be on the condition there is available water at the time of connection.

Councilwoman Garvey said in her opinion it isn't the City's responsibility to make sure there is access.

Councilman McCain made a motion to approve the recommendation from Planning and Zoning Commission and finding of facts to amend the Freedom Estates R-4 PUD with conditions and subject to water availability. Councilman Green seconded the motion.

Councilman Brennan asked Brock Cherry, Community Development Director to word this similarly to the other developments.

Brock said he would like the Council to approve this with the conditions identified by the Planning and Zoning Commission. He said the parking solutions were not addressed tonight but discussed at length with the Planning and Zoning Commission.

The following vote was recorded:

Councilman Green	AYE
Councilman McCain	AYE
Councilman Brennan	AYE
Councilwoman Garvey	AYE

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

Action Item: Deliberation/decision requested by the Community Development Director on a proposed fee resolution to create a preliminary plat request fee.

Councilwoman Garvey said she felt it was a good idea to move forward with this.

Councilman Brennan said he would like to discuss the suggested fee. He said he felt comfortable going with the full set of proposed fees, the total being \$349.50.

Paul Fitzer, City Attorney said since those fees would be based off of staff time to complete the work that would be fine. He reminded Council before a motion was made since this was a new fee and/or a present fee being raised more than five percent it would require a public hearing.

Councilman McCain said because each applicant's business would not take the entire meeting he did not feel like this would be appropriate to charge each applicant sixty dollars for each Commission member.

Paul said if that is the case the fee is not commensurate.

Councilman McCain said he felt \$200.00 for the fee would be fair.

Councilman Brennan said on the opposite end of the spectrum there are

meetings where there is only one agenda item.

Mayor Sykes directed Brock to come back to the Council with a resolution with the \$200.00 fee included.

Action Item: Deliberation/decision Declaring land swap of real property owned by the City consisting of two parcels of land totaling +/- 1.47 acres of land commonly known as the Hot Creek Road Extension as underutilized or not used for public purpose; finding that exchanging the property for real property of equal value is in the public interest.

Councilman Brennan made a motion to approve the land swap of real property owned by the City consisting of two parcels of land totaling 1.47 acres of land commonly known as the Hot Creek Road Extension. Councilman McCain seconded the motion.

The following vote was recorded:

Councilman Green	AYE
Councilman Brennan	AYE
Councilwoman Garvey	AYE
Councilman McCain	AYE

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

#### ORDINANCES

1) Action Item: Ordinance #1771 Amending Mountain Home City Code Section 1, Chapter 6, Title 4 "Meeting" of Mountain Home City Code.

Councilwoman Garvey made a motion to suspend the three reading rule and read the Ordinance by title only for its one and only reading tonight. Councilman Green seconded the motion.

The following vote was recorded:

Councilman Green	AYE
Councilman Brennan	NAY
Councilwoman Garvey	AYE
Councilman McCain	AYE

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

The City Clerk read the Ordinance for its first and final reading by Title Only.

Mayor Sykes asked, "Does the Council wish this Ordinance to pass."

The following vote was recorded:

Councilman Green	AYE
Councilman Brennan	NAY
Councilwoman Garvey	AYE
Councilman McCain	AYE

The majority of the vote being in favor, the motion was so ordered and given #1771.

#### RECOGNIZING PERSONS IN THE AUDIENCE

- Brandon McCarthy spoke to the Council about a proposal to do a closed bid process to allow a vendor in Legacy Park. He believes this could be given to a local business and benefit the City as well.

Councilman Brennan said he was interested in seeing this move forward  
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and working out the details. He said he would like to do a work session before the next Council meeting at 5:30 p.m.

The Council was agreeable with having a work session.

FINAL COMMENTS

- There were no comments at this time.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 7:15 P.M. by orders from Mayor Sykes.

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

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

