

MINUTES OF THE REGULAR MEETING OF THE  
COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,  
HELD ON SEPTEMBER 27<sup>TH</sup>, 2021, AT 6:00 P.M.  
AT MOUNTAIN HOME CITY HALL CHAMBERS  
MOUNTAIN HOME, IDAHO

- 21261 CALL MEETING TO ORDER/ESTABLISH A QUORUM
- 21261 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.
- 21261 GUEST SPEAKER - John Lorbeck, Aviation Safety Inspector with the Boise Flight Standards District Office, Federal Aviation Administration.
- 21261 RECOGNIZING PERSONS IN THE AUDIENCE
- 21261 COUNCIL COMMENTS
- 21261 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 OF MINUTES
    - Special City Council - September 1, 2021
    - Special City Council - September 8, 2021
    - Planning & Zoning Commission - September 7, 2021
    - City Council - September 13, 2021
    - Airport Advisory Committee - August 17, 2021
  - B. BILLS - 9/14/21 to 9/27/21 in the Amount of \$1,434,101.32
  - C. TREASURER'S REPORT - for the Period Ending 8/31/2021
  - D. PASS RESOLUTION #18-21 - Approving and Adopting a updated Personnel Policy Manual effective October 1, 2021
  - E. APPROVE WRITE OFFS for 2020-2021 in the amount of \$9,862.24 for utility Accounts
  - F. APPROVE RENEWAL OF ANNUAL MAINTENANCE AGREEMENT for the phone system with Data Tel for the 2021/2022 year and Authorize the Mayor to sign
  - G. APPROVE RENEWAL OF UTILITY BILLING CUSTOMER SERVICE AND PROCESSING AGREEMENT with Billing Document Specialist for an additional year from October 1, 2021 to September 30, 2022 and Authorize the Mayor to sign
  - H. PASS RESOLUTION #19-21 - Approving the Lease Agreement with Justin Rose for the Motocross Track at optimist Park effective October 1, 2021
  - I. APPROVE APPLICATION FOR A PAWNBROKER LICENSE for Brian Fleck dba Airman Pawn
  - J. APPROVE RENEWAL OF PROSECUTION SERVICES AGREEMENT with Paul J. Fitzer, MSBT Law from October 1<sup>st</sup>, 2021 to September 30<sup>th</sup>, 2022 and Authorize the Mayor and City Clerk to sign
- 21263 NEW BUSINESS
- Items Removed from Consent Agenda Section. ACTION ITEM.
- Deliberation/Decision on Golf Fees for the 2021/2022 budget year/2022 Golf Season and set public
- Council Minutes - September 27<sup>th</sup>, 2021

hearing. ACTION ITEM.

Deliberation/Decision on Planning and Zoning  
Commission Recommendation to approve the  
Conditional Use Permit request by Dustee  
Woolstenhulme for a drive-up window. ACTION  
ITEM.

Deliberation/Decision on Planning and Zoning  
Commission Recommendation to approve the  
Conditional Use Permit request by Kari Stockwell  
for an event center located at 170 North Main.  
ACTION ITEM.

Deliberation/Decision on Planning and Zoning  
Commission Recommendation to approve the  
Preliminary Plat request by Garold Maxfield for  
8<sup>th</sup> Street Station. ACTION ITEM.

Deliberation/Decision on Planning and Zoning  
Commission Recommendation to approve the Zoning  
Title Amendment - Title 9, Chapter 16, Section  
11 - Final Plat. ACTION ITEM.

21267

## ORDINANCES

Ordinance - Enacting Title 1, Chapter 8, Section 4  
and Amending Title 9, Chapter 2, Section 6A of  
the Mountain Home City Code. ACTION ITEM.

21267

## EXECUTIVE SESSION - 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. ACTION ITEM.

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. ACTION ITEM.

21268

## FINAL COMMENTS

21269

## ADJOURN

MINUTES OF THE REGULAR MEETING OF THE  
COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,  
HELD ON SEPTEMBER 27<sup>TH</sup>, 2021, 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 September 27<sup>TH</sup>, 2021. A quorum was established with, Councilman Stokes, Councilman Brennan, Councilman McCain, Councilman Bundy and Mayor Sykes being present.

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.

City Attorney, Paul Fitzer explained the reason the Council would need to disclose any communication regarding items on the City Council agenda.

There was no communication to disclose at this time.

Guest Speaker - John Lorbeck, Aviation Safety Inspector with the Boise Flight Standards District Office, Federal Aviation Administration.

RECOGNIZING PERSONS IN THE AUDIENCE

- No one came forward to speak.

COUNCIL COMMENTS

- Councilman Brennan said Justin Rose is doing a great job at the motocross track.

CONSENT AGENDA

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A. APPROVAL OF MINUTES

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Special City Council - September 8, 2021  
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City Council - September 13, 2021

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C. TREASURER'S REPORT- for the Period Ending 8/31/2021

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H. PASS RESOLUTION #19-21 - Approving the Lease Agreement with Justin Rose for the Motocross Track at Optimist Park effective October 1, 2021

I. APPROVE APPLICATION FOR PAWNBROKER LICENSE for Brian Fleck dba Airman Pawn

J. APPROVE RENEWAL OF PROSECUTION SERVICES AGREEMENT with Paul J. Fitzer, MSBT Law from October 1<sup>st</sup>, 2021 to September 30<sup>th</sup>, 2022 and Authorize the Mayor and City Clerk to sign

- Councilman Brennan asked to discuss item D on the Consent Agenda. He said he had questions about the tattoo policy and the holiday pay. He said Council Minutes - September 27<sup>th</sup>, 2021



he would also like to see the spouse and significant other use of the training facility made permanent and added into the policy.

Mayor Sykes said Councilman Brennan had addressed these concerns with himself and City Clerk, Tiffany Belt today and the personnel policy was to be amended to add the employee spouse and significant other use of the training facility, when the city employee was present as well. He said the holiday pay was explained and determined they would take some of the wording out to make it more simplistic.

Councilman Brennan said he would like to see a board or panel of odd number of staff that would be the deciding factor on tattoos, and whether or not they are offensive and must be covered. The tattoo policy is very subjective where other things in the personnel policy in regard to dress are very clearly defined.

Councilman Bundy said he spoke to Tiffany about the clarification on the holiday pay and working holidays, and he thought the clarification was needed and fine. All of the bullets in the employee dress code are subjective, not just the tattoo policy. Cleanliness and showering habits can be subjective as well. He said he doesn't disagree about having a special process about tattoos, but he thinks other things might need to be looked at more carefully as well.

Mayor Sykes asked Police Chief, Scott Conner if the Police Department's Policy was more stringent in regard to tattoos.

Scott said it was, but they were in the process of deciding if they wanted to retain the strict policy or make changes to it, or if sleeve tattoos that are not offensive would no longer have to be covered.

Councilman Brennan said he was suggesting if an officer disagreed with the decision their tattoo needed to be covered it would then go to the panel or board.

Paul Fitzer, City Attorney said the issue with the panel could be extremely subjective as well, you could end up with a very conservative panel. The official definition of obscene is you know it when you see it. It's intentionally vague.

Councilman McCain said he doesn't think there should be a panel to decide. Leave it to the Department Head and if the employee does not like the answer from their department head, they can take it to HR and if there is a problem with HR the employee then goes to the mayor.

Councilman Bundy said after listening to the City Attorney, he didn't think the process needed tweaking.

Councilman Brennan asked if a decision on this could wait until the Police Department's policy had been reviewed and was available, then at that time the Council could look at that department's policy and possibly introduce it City wide. He said regardless, he would like the Police Departments separate policy brought to the Council once it was approved.

Councilman Bundy said if the personnel policy was approved now, it could always be amended with a different tattoo policy once the Police Department comes back with theirs.

Councilman Brennan said the Policy talks about the observed holiday versus the actual holiday. He asked Chief Conner how this would effect the patrol officers with rotating shifts.

Chief Conner said rotating shifts do complicate it. In the policy there is holiday worked and observed holiday. He said for those that work a twenty-four seven schedule you want the holiday to be on December 25<sup>th</sup>, not what might be the observed holiday on the 26<sup>th</sup>.

Tiffany said the way it reads is the holiday they will get double time for the hours works and then on the observed day they will get time and one half. So if they work both, they get extra compensation on both days.

Councilman Bundy asked what paid holidays the regular City employees get.

Tiffany said all Federal holidays.

Councilman Brennan asked if the city was recognizing Juneteenth.

City Clerk, Tiffany Belt said it had not been added to the Personnel Policy but could be.

Councilman Bundy made a motion to approve the Consent Agenda as printed with a correction in the personnel policy regarding the training facility,

the work on holidays portion and recognizing Juneteenth as a holiday for city employees. Councilman Brennan seconded the motion.

Director of Public Works, Rich Urquidi said he would like to talk about write offs for water. He says if someone moves back into the City that is something that needs to be watched for.

Mayor Sykes said he thought some of these were rentals.

Paula Szafranski, City Treasurer said those customers are reported to a collection agency.

Councilman Brennan said if the City is writing it off...

Paula said that is housekeeping for the City software and for the auditors, but the customer still owes the balance.

Councilman Brennan asked if there could be a lien filed on the home.

Paula said these bills are in the renters name not the owners name so it wouldn't follow the home, just the person.

Mayor Sykes said that was something that could be looked at later, maybe having rentals kept in the property owners name.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilman Bundy	AYE

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

#### NEW BUSINESS

Item Removed from Consent Agenda Section. ACTION ITEM.

There were no items removed from the Consent Agenda.

Deliberation/Decision on Golf Fees for the 2021/2022 budget year/2022 Golf Season and set public hearing. ACTION ITEM.

Tiffany Belt, City Clerk went over the proposed fee changes and would like to set the public hearing for October 25th.

Councilman Stokes asked why the fees were being raised. He said the annual cart lease going from \$400.00 to \$450.00 is a big jump. He said he would like to have T.J. present at the next meeting and at the public hearing to discuss these fee changes.

The Council's agreed they would like to have T.J. Gomez present at the Public Hearing to discuss the proposed fee changes.

Councilman Bundy made a motion to set a public hearing on Golf Fees for the 2021/2022 budget year/2022 Golf Season for October 25<sup>th</sup>, 2021. Councilman Stokes seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilman Bundy	AYE

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

Deliberation/Decision on Planning and Zoning Commission Recommendation to approve the Conditional Use Permit request by Dustee Woolstenhulme for a drive-up window. ACTION ITEM.



Councilman Brennan asked if this item was still moving forward.

Brock Cherry, Community Development Director said this item is still moving. The finalization of what is happening is still fluid. He said right now the ICCU property needs to be configured differently. People have discovered legal documents from the buyer to the seller that are making it more complicated than anticipated but we are going to proceed until told otherwise.

Councilman Brennan asked if it would be valid for one year.

Brock said yes, one year, and they could ask for longer if they come to City Council.

Councilman Brennan made a motion to pass Planning and Zoning's recommendation for a Conditional Use Permit request by Dustee Woolstenhulme for a drive-up window. Councilman McCain seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilman Bundy	AYE

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

Deliberation/Decision on Planning and Zoning Commission Recommendation to approve the Conditional Use Permit request by Kari Stockwell for an event center located at 170 North Main. ACTION ITEM.

Councilman Stokes asked if this was the building that had recently been remodeled.

Brock Cherry, Community Development Director said that it was and he had hosted things there, and shop small Saturday had been held in it last year.

Councilman Stokes made a motion to approve the Planning and Zoning Commission Recommendation to approve the Conditional Use Permit request by Kari Stockwell for an event center located at 170 North Main. Councilman Brennan seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilman Bundy	AYE

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

Deliberation/Decision on Planning and Zoning Commission Recommendation to approve the Preliminary Plat request by Garold Maxfield for 8<sup>th</sup> Street Station. ACTION ITEM.

Councilman Brennan asked if this item had already been brought to the Council for approval as a PUD and if there were any changes.

Brock Cherry, Community Development Director said there were no changes and when it came through as a preliminary plat he was tasked with making sure it met all of the different conditions as set forth within the PUD, now if this is passed the developer will start working on development plans and also the final plat. Now before he pulls a building permit it will be reviewed once more with the final plat, which is a very technical review.

Councilman Brennan said so this is really just confirming the conditions set upon him are written down and he agreed to them.

Brock said that was correct.

Councilman Bundy made a motion to approve the Planning and Zoning Commission Recommendation to approve the Preliminary Plat request by Garold Maxfield for 8<sup>th</sup> Street Station. Councilman Brennan seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilman Bundy	AYE

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

Deliberation/Decision on Planning and Zoning Commission Recommendation to approve the Zoning Title Amendment-Title 9, Chapter 16, Section 11- Final Plat. ACTION ITEM.

Councilman Brennan said Planning and Zoning recommended that Council approve items D, G and E but not to move forward with item F.

Brock Cherry, Community Development Director said that was correct and their recommendation to this body was there are certain things they were fine with, its clarifying language. They had concerns with no longer being a reviewing party for the final plat. He said he explained to the Commission that is fairly standard but they want to ensure there is a thorough review and they think another set of eyes would help.

Paul Fitzer, City Attorney said it would be atypical to have a Planning and Zoning Commission review a final plat. The final plat is not a time to impose any requirements or to evaluate what has been done. It is almost always a staff level determination. The Planning and Zoning Administrator is the professional and his job on the final plat is to make sure the boxes are checked, and the items are done. He said having Planning and Zoning review also creates an additional delay.

Councilman Brennan said he had a question because in the last City Council meeting where everything was immediately tabled. He asked when the preliminary plat is approved and there is a material change is that up to Brock to inform the Council of the material change.

Brock said that is correct however, it is very important to know any decision he or the Building Official makes that an applicant felt was made in error could be appealed by the Council.

The Mayor and Council discussed the process of approving a final plat with the City Attorney.

Councilman Brennan said so the final plat comes back to the council and the council sees something they decide is a material change they will send it to him and the decision will lie there.

Paul said that was correct because it is a legal process and if we are withholding final plat that means you cannot issue C of O's you can not issue building permits for any lot.

Councilman McCain said if you have approved preliminary plat and there have been no material changes then the City should not withhold the final plat or there will be legal issues.

Paul said that was correct, at that point there is not going back.



Councilman Brennan made a motion to pass the Planning and Zoning Commission Recommendation and approve zoning title amendments Title 9, Chapter 16, section 11 items D, E, F and G. Councilman Bundy seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilman Bundy	AYE

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

#### ORDINANCES

Ordinance - Enacting Title 1, Chapter 8, Section 4 and Amending Title 9, Chapter 2, Section 6A of the Mountain Home City Code. ACTION ITEM.

Councilman Brennan said this is essentially the pass through the City Attorney suggested awhile ago.

Paul Fitzer, City Attorney said that is correct. For instance if the City Attorney has to help create an agreement between the City and a developer then the development needs to pay for the attorney time, because development should pay for itself.

Councilman Brennan asked how the value of that is determined.

Paul said if a bill comes in and he is billing the City for four hours and then he lists several things in that time billed. Tiffany Belt, City Clerk will ask him to breakdown the time spent on that specific item.

Councilman Brennan asked if the City requires that payment before the contract is approved, or would it be approved and within sixty days the City would require payment.

Paul said you require payment of fees before a certificate of what is being sought would be issued. Part of the application for the Development Director is to let the applicant know that legal or an engineer for example would need to review.

Councilman Brennan asked if this holds back said contract until the City gets payment.

Paul said when Tiffany gets it to the applicant they will have thirty days to make payment.

Councilman Stokes asked if thirty days was long enough.

Paul said it is statutory that everything needs to be paid within thirty days.

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

The following vote was recorded:

Councilman Stokes	AYE
Councilman Brennan	AYE
Councilman McCain	AYE
Councilman Bundy	AYE

The vote being unanimous, 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 Brennan	AYE
Councilman Stokes	AYE
Councilman McCain	AYE
Councilman Bundy	AYE

The vote being unanimous, the motion was so ordered and given #1726.

#### FINAL COMMENTS

- Gene Palmer, Street Superintendent said they are prepping for winter.

- Darcy Braithwaite, Recreation Superintendent said Hazardous Waste Day was last week and she thanked the Department that sent over employees to help with it. She said the Skate Park Family Day was last week and she felt it went really well and reached people they hadn't seen in a while, she said they were able to give away helmets provided by St. Luke's. The cement pad has been poured for the Outdoor Fitness Court, this is the first National Fitness Campaign court in the State of Idaho. This year Spooktacular will be downtown as it is the best way to create space during the pandemic.

Councilman Brennan said he had concerns about the traffic with the Spooktacular event. He said he has been in Railroad Park the last two Saturdays and witnessed a lot of close calls.

- Shasta Hochstrasser, Library Director said the Friends of the Library will be having their book sale on Friday. On Saturday they are partnering with Parks & Rec for Family Spelling Bee and the proceeds go towards books for kids. She said they are working on their programming.

- Miguel Pedroza, Parks Superintendent said they are working in Railroad Park currently and they are starting on the roof for the gazebo and they have already gotten their building permit for the gazebo.

- Dave Sonnentag, Water Superintendent said they are working in College Park potholing so everything can go to Keller Associates for design review for the water lines in College Park and working on the services that need to be replaced.

- Shirley Batchelor, Wastewater Superintendent said the third harvest was last Friday at the farm and they brought the sewer line over to Railroad Park last week.

- Scott Conner, Police Chief said they have a job opening at the Animal Shelter open until the 30<sup>th</sup>. He said they just finished the electronic ticketing grant last week. He said Lt. Larsen is doing a great job with training curriculum and keeping everyone up to date on their training.

- Fire Chief, Mark Moore said Light the Night is September 26<sup>th</sup> through October 3<sup>rd</sup>, it is a tribute to fallen firefighters.

Councilman Stokes said next year he would like to see the Fire Department give out red lightbulbs for homeowners to put in to also honor the fallen.

- Hank Patrick, Building Official said he got a building application

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for the trade school and the high school is getting a new concession stand and bathrooms at the football field. He said he lost his full time code enforcement officer and until he can get a new employee will only have someone working on code enforcement part time.

- Rich Urquidi, Director of Public Works said the concrete benches downtown are in. He said they are going to work on Railroad Park next and work on a parking plan and put in curbing. Rich said they are still working on the RV dump site, getting it all paved in that area and the signage up.

Councilman Brennan said he would like to see a third flashing light placed in front of Railroad Park so who are turning left and focusing on the traffic coming down the street on a one-way are aware there are people in the crosswalk.

- Tiffany Belt, City Clerk thanked the Council for approving all the contract renewals in the last couple of meetings. She said she will be emailing out the golf course surveys to the Council, she said between the two surveys they got about sixty responses.

- Paula Szafranski, City Treasurer said the MOHO Makers Market is getting close to being able to use the SNAP Program machine in their market. With the Open Gov software there is a component that will allow someone to use their credit card for payment and 2.99% that would go back and charge the customer to make that payment.

- Brock Cherry, Community Development Director said this Friday the Open Gov software is set to go live. He said a burger franchise has investigated Mountain Home recently. He said the Gronback property is to the point where we can annex certain portions and a plan is coming together for that area.

- Councilman Bundy thanked the Department Heads for the budget process. He said he appreciates the work everyone is doing to get the downtown finished. He said he is looking forward to AFAD on the new roads.

- Councilman Brennan asked if there was any money left over in the employee tuition assistance line.

Paula said there was a little over \$500.00 left in the line.

Councilman Brennan asked if it was too late in the year for an employee to submit for reimbursement.

Paula said as long as it is submitted by September 30<sup>th</sup>, it could be used.

#### EXECUTIVE SESSION

Executive Session - 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. ACTION ITEM.

Councilman Stokes made a motion to go into Executive Session 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 and also pursuant to 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. Councilman Bundy seconded the motion.

The following vote was recorded:

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Councilman McCain	AYE
Councilman Brennan	AYE
Councilman Stokes	AYE
Councilman Bundy	AYE

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

The Council went into Executive Session at 7:36 P.M.

The Council came out of Executive Session at 8:04 P.M.

Councilman Stokes made a motion to proceed with personnel as directed in Executive Session. Councilman Brennan seconded the motion.

The following vote was recorded:

Councilman McCain	AYE
Councilman Brennan	AYE
Councilman Stokes	AYE
Councilman Bundy	AYE

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

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The following vote was recorded:

Councilman McCain	AYE
Councilman Brennan	AYE
Councilman Stokes	AYE
Councilman Bundy	AYE

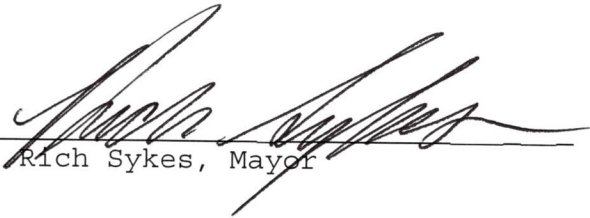
The vote being unanimous, the motion was carried and so ordered.

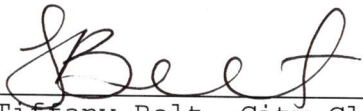
The Council went into Executive Session at 7:36 P.M.

The Council came out of Executive Session at 8:04 P.M.

#### ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:05 P.M. by orders from Mayor Sykes.

  
Rich Sykes, Mayor

ATTEST:   
Tiffany Belt, City Clerk

