

MINUTES OF THE REGULAR MEETING OF THE  
 COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,  
 HELD ON JULY 11<sup>th</sup>, 2023, AT 6:00 P.M.  
 AT MOUNTAIN HOME CITY HALL CHAMBERS  
 MOUNTAIN HOME, IDAHO

21847 CALL MEETING TO ORDER/ESTABLISH A QUORUM

21847 DEPARTMENT HEAD REPORTS

21847 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.

21847 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 - June 20, 2023
  - Special City Council - June 27, 2023
  - Regular City Council - June 27, 2023
- B. Bills - 6/28/23 to 7/11/23 in the Amount of \$222,136.33
- C. Payroll for the period ending 5/22/2023 to 6/21/2023 in the amount of \$700,675.42
- D. Approve the finding of facts for a conditional use permit to allow for an event center located at 165 North 2<sup>nd</sup> East with conditions.
- E. Approve Grant Application 2023/24-006 request to allow the Library to apply for the Blue Cross of Idaho Community Fund Grant and authorize the Grant Administrator to complete all documents and the Mayor and City Clerk to sign all required documents.
- F. Approve the advertisement for bids for the Priority 1A Sewer Pipeline project.

21848 OLD BUSINESS

- 1) Action Item: Deliberation/Decision on Planning and Zoning Commission for recommendation and finding of facts to approve with conditions the preliminary plat for "Silverstone North Subdivision." (Staff report provided via email on May 30, 2023) (Item continued from June 27, 2023)
- 2) Non-Action Item: Discussion regarding non-resident user fee. (Item continued from June 27, 2023)
- 3) Action Item: Deliberation/Decision on Imagine Ventures' request for a letter of support regarding an Elmore County tax exemption. (Item Continued from June 27, 2023)

21850 NEW BUSINESS

- 1) Items removed from Consent Agenda
- 2) Action Item: on Planning and Zoning Commission recommendation and finding of facts to approve rezone R-4 PUD entitled "Freer Field R-4 PUD" with condition. (Staff report provided via email on June 14, 2023)
- 3) Action Item: Deliberation/Decision on Planning and Zoning Commission recommendation and finding of facts to approve vacating a portion of College Addition Subdivision with condition. (Staff report provided via email on June 14, 2023)
- 4) Action Item: Deliberation/Decision on Planning and Zoning Commission recommendation and finding of facts to approve the preliminary plat for "Freer Fields" PUD with conditions. (Staff report provided via email on June 14, 2023)
- 5) Action Item: Deliberation/Decision on Mellen Water

- District land lease.  
6) Action Item: Deliberation/Decision on creating a new resolution for a mapping fee and setting a public hearing date.

21853           RECOGNIZING PERSONS IN THE AUDIENCE

21857           FINAL COMMENTS

21857           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)(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.

21854           ADJOURN



MINUTES OF THE REGULAR MEETING OF THE  
COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,  
HELD ON JULY 11<sup>th</sup>, 2023, 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 July 11<sup>th</sup>, 2023. A quorum was established with, Councilman Green, Councilman Brennan, Councilwoman Garvey, Councilman Bundy and Mayor Sykes being present.

DEPARTMENT HEAD COMMENTS/REPORTS

- Gene Palmer, Street Superintendent said they are painting and doing maintenance.

- Jon Thompson, Police Chief said Patriot Thunder would be in town about 12:30 p.m. on Sunday.

- Dennis Pings, Recreation Superintendent said they are about half way through their summer programming.

- Brock Cherry, Community Development Director said residential home permits are starting to come in at a pretty good pace.

- Shasta Hochstrasser, Library Director said the Summer Reading Program just ended and 600 participants read for over 2800 hours. The Family Night the Library hosted was a great success. She said hopefully by August the privacy pod for the Library would be under construction.

- Rich Urquidi, Director of Public Works said they are working on 14<sup>th</sup> street and getting the project in that area complete. At the RV dump site they are replacing the trash cans at the site, with smaller trash cans. He said they are hoping to start West 5<sup>th</sup> paving before the end of July.

- Paula Szafranski, City Treasurer said the white board with city projects has marked off two of the projects.

- Mark Moore, Fire Chief said they will be in attendance at Patriot Thunder with the flag on the fire truck.

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.

- Councilman Green said he did receive an email about the proposed resident user fees.

Councilman Brennan said he received the same email.

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.

- A. Approval of Minutes
  - Planning & Zoning Commission - June 20, 2023
  - Special City Council - June 27, 2023
  - Regular City Council - June 27, 2023
- B. Bills - 6/27/23 to 7/11/23 in the Amount of \$222,136.37
- C. Payroll - 5/22/2023 to 6/21/2023 in the amount of \$700,657.42
- D. Approve the finding of facts for a conditional use permit to

- allow for an event center located at 165 North 2<sup>nd</sup> East with conditions.
- E. Approve Grant Application 2023/24-006 request to allow the Library to apply for the Blue Cross of Idaho Community Fund and authorize the Grant Administrator to complete all documents and the Mayor and City Clerk to sign all required documents.
- F. Approve the advertisement for bids for the Priority 1A Sewer Pipeline project.

Councilman Green made a motion to approve the Consent Agenda as printed. Councilman Bundy seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Green	AYE
Councilwoman Garvey	AYE
Councilman Bundy	AYE

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

#### OLD BUSINESS

1)Action Item: Deliberation/Decision on Planning and Zoning Commission recommendation and finding of facts to approve with the condition of the preliminary plat for "Silverstone North Subdivision." (Staff report provided via email on May 30, 2023)

Councilwoman Garvey said she would like on the record for it to be stated the city will not be taking anyone's property to do this project.

Rich Urquidi, Director of Public Works said the city didn't see where they would need to take any further right-of-way on the North side of the road. He said for this project that wouldn't be necessary.

Councilman Brennan asked at what phase of this project would both points of access be available.

The developer said in the first phase there would be two points of access.

Councilman Brennan made a motion to approve the Planning and Zoning Commission Recommendation to approve the preliminary plat for "Silverstone North Subdivision with conditions. Councilman Bundy seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Green	AYE
Councilwoman Garvey	AYE
Councilman Bundy	AYE

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

2)Non-Action Item: Discussion regarding non-resident user fee. (Item continued from June 27, 2023)

Councilman Green gave a presentation on his findings for the number of non-residents using the Recreation Programs.

Councilman Bundy said there also needed to be the cost of the program for every participant added in. He said there is also something to be said about being a good neighbor to our base and county residents.

Councilman Brennan said the email he and other Council members received suggested opening the programs for a few days to City residents before opening it to others may be a good place to start.



Councilman Green said he would continue to do research and bring further information back to the Council.

3) Action Item: Deliberation/Decision on Imagine Venture's request for a letter of support regarding an Elmore County tax exemption. (Item continued from June 27, 2023)

Councilman Brennan said he was willing to waive the impact fees until time of occupancy so Mountain Home could introduce this kind of development. He does not feel if they can be fully functional within two years then they need a five year property tax exemption. He said if this request is approved by the County Commissioners it will be the first of its kind in the state of Idaho. He said ultimately he doesn't feel he can support this letter to Elmore County. He also stated he would like to have his opinion completely spelled out to the Commissioners, not just having it written the majority of the Council approves this tax exemption.

Councilman Bundy said he feels they all share Councilman Brennan's feelings. He said they could form a letter stating support for the project and strike the language of the tax exemption from the letter.

Councilwoman Garvey said she also shared those same feelings, but understood the investors for Golf View apartments also needed a certain rate of return for the project and she supports the developers and the project. She said she wouldn't mind striking the language of supporting the tax exemption.

Councilman Brennan made a motion to deny the tax exemption.

Councilman Bundy said point of order, the denial of a motion was not on the agenda.

There was no second to the motion and it died.

Councilwoman Garvey said it isn't the city's place to deny a tax exemption or approve it. Only the County can approve or deny the request. She said she supports the project.

Councilwoman Garvey made a motion to approve the letter as written to go to the County Commissioners. Councilman Bundy seconded the motion.

Councilman Brennan said even if the intent is correct the letter would need some work before being sent.

Councilwoman Garvey amended her motion to say she supports the language of this draft letter to be sent with correction of grammatical errors.

Councilman Brennan said the letter also doesn't state in its current form the length of the tax exemption the city supports or the percentage of the exemption.

Councilwoman Garvey said she supports five years at eighty-five percent.

The following vote was recorded:

Councilman Brennan	NAY
Councilman Green	AYE
Councilwoman Garvey	AYE
Councilman Bundy	AYE

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

Councilman Brennan asked that his request to put his opinion in with Council Minutes - July 11<sup>th</sup>, 2023

the letter to the Commissioners be honored.

Mayor Sykes said it would be included.

#### NEW BUSINESS

##### 1) Items removed from the Consent Agenda

There were no items removed from the Consent Agenda.

2) Action Item: Deliberation/Decision on Planning and Zoning Commission for recommendation and finding of facts to approve rezone R-4 PUD entitled "Freer Field R-4 PUD" with conditions. (Staff report provided via email on June 14, 2023)

Councilwoman Garvey said the vacation needed to be done before the rezone.

Paul Fitzner, City Attorney said the order the items were set in tonight were fine.

Councilman Brennan said these were two story units. He asked Fire Chief Moore about the setbacks of the property, he said it was three feet on each side for a total of six feet. He asked if there was a fence down the middle of these two story units would it be possible to get an extension ladder down the middle with a fence in place.

Chief Moore said it has met the minimum standards through fire code. Though it wasn't ideal circumstances.

Councilman Brennan said he disagrees with the three-foot setbacks. He said city ordinance is five feet. He said the other thing he was conflicted about was the gravel parking area. If the lot is too dense that you cannot contain your own stormwater, then there is an issue. Councilman Brennan said on PUD page nine it identifies there is a duplex on three lots and he thinks that is a typo.

Terran Mitchell, Site Designer said building code says buildings can be within five feet of each other without any issue. He said a compromise would be that there is no fence allowed between the buildings, though he was unsure if that were better for the residents.

Councilman Brennan said he doesn't think if the units are rentals the no fence stance made sense but if the units were being sold he doesn't agree with telling them where they can or cannot have a fence. Though he isn't sure this is safe.

Terran said the building code has been refined for decades and if there was an issue it most likely would have been addressed. As designed this meets or exceeds those codes.

Councilman Brennan asked why the applicant requested to use gravel and not pavement.

Terran said the more asphalt there is the more roads you pave the hotter everything is. He said this will help with heat effect and stormwater drainage and retention. Long term he feels it would be better and create a working creative solution.

Councilman Brennan asked if there is a way to slope the driveways for stormwater drainage.

Terran said absolutely, they were looking at new solutions, the goal isn't to have a lot of unpaved parking spots sitting empty and creating heat.

Councilman Bundy said his concern with this is creating a precedent.



Councilman Green said he was wondering if the building could be moved a couple of feet to the side to create more space.

Terran said he believes there is an extra foot or two that way. He said he gives himself a foot buffer from code.

Brock Cherry, Community Development Director said this has been viewed by professionals and deemed to be safe according to International Building Code.

Councilman Brennan said he would like to see a five foot setback on each side for a total of ten feet.

Councilman Green made a motion to approve the R-4 PUD entitled "Freer Filed R-4 PUD" with conditions. Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Green	AYE
Councilman Brennan	NAY
Councilwoman Garvey	AYE
Councilman Bundy	AYE

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

3) Action Item: Deliberation/Decision on Planning and Zoning Commission recommendation and finding of facts to approve vacating a portion of College Addition Subdivision with conditions. (Staff report provided via email June 14, 2023)

Councilman Green made a motion to approve the Planning and Zoning Commission recommendation and finding of facts to approve vacating a portion of College Addition Subdivision with conditions. Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Green	AYE
Councilman Brennan	AYE
Councilwoman Garvey	AYE
Councilman Bundy	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 preliminary plat for "Freer Fields" PUD with conditions. (Staff report provided via email on June 14, 2023)

Councilman Brennan made a motion to deny the preliminary plat for Freer Fields PUD.

There was no second and the motion failed.

Councilman Brennan asked if the denial would mean waiting a year for approval.

Brock Cherry, Community Development Director said it was not. The PUD had been approved and the plat has to meet whatever is set in the PUD.

Councilman Brennan said he would like to send this back to P&Z to work out the parking and setbacks.

Terran Mitchell said if there is issue with the gravel, they can look  
Council Minutes - July 11<sup>th</sup>, 2023

into grass to absorb the stormwater. Though he does feel this project being on the smaller side would be a good project to start this with.

Councilwoman Garvey said her concern was with weeds growing up in the gravel.

Councilman Brennan made a motion to send this item back to P&Z to reexamine, widening the interior setbacks and to look at the parking situation. Councilman Green seconded the motion.

Councilwoman Garvey asked if there was the potential to table this and let the council bring this back at a later date instead of sending it back to Planning and Zoning.

Paul Fitzer, City Attorney said that was correct.

Councilman Brennan asked if that would be a material change.

Paul said it did not amount to one.

Councilman Bundy said if we could do a motion to pass this with the parking being up to code, then this seems solved according to city code.

The following vote was recorded:

Councilman Green	AYE
Councilman Brennan	AYE
Councilwoman Garvey	NAY
Councilman Bundy	NAY

The vote being tied Mayor Sykes voted NAY and the motion died.

Councilman Bundy made an alternate motion with the change that the parking lot will not be gravel and will be completed according to city code.

The following vote was recorded:

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

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

5) Action Item: Deliberation/Decision on Mellen Water District land lease.

Members of the Mellen Water District Board were present to discuss the lease.

Erica Pedroza from the Mellen Board said she apologized they didn't get the letters informing them the lease was ending, so they weren't sure where to go from here but they wanted to address the council and seek guidance on who they should speak to on this matter.

Mayor Sykes said it is difficult because the city wants to be a good neighbor and wants to make sure no one goes without water.

Councilman Brennan asked if the board was able to obtain any information about water rights.

Erica said they haven't so far but are trying to get the information and plan on sharing it with the city as soon as possible. The issue is sand and sediment getting into the pump and causing it to break down.

Paul Fitzer, City Attorney said without an agreement the Mellen Water Council Minutes - July 11<sup>th</sup>, 2023



District cannot be a customer, they are just in limbo but also putting strain on the city water system.

Councilman Brennan said whatever the action taken is it will be extremely expensive. He said he hoped they are ready for the cost that will be incurred.

Erica said she needs to find funding information and would appreciate any help the city could give.

Paul said there was no way for the lease to move forward the way it is. He asked if the Council wants to have the district explore the option of joining the city or explore continuing the district as is and rewriting the lease.

Councilman Green said he was in favor of tabling, so the district had more time to figure out their options.

Tiffany Belt, City Clerk asked that it be tabled until August 8<sup>th</sup> to allow Mellen and City staff more time to work this out.

Councilman Brennan said he was amenable to extending this to August 8<sup>th</sup>, but he would like to see the district come back to the city within two weeks after the 8<sup>th</sup> with a decision on the direction the district would like to go.

Councilman Green made a motion to table this item until the August 8<sup>th</sup>, 2023, meeting. Councilman Bundy seconded the motion.

The following vote was recorded:

Councilman Green	AYE
Councilwoman Garvey	AYE
Councilman Bundy	AYE
Councilman Brennan	AYE

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

6) Action Item: Deliberation/Decision on creating a new resolution for a mapping fee and setting a public hearing date.

John Matthews was present and let the Council know currently there is no set fee for printing City maps. After figuring staff time and cost of the maps it came out to a cost of \$15.00, so there just needed to be the housekeeping item of setting a fee for this service.

Councilman Bundy made a motion to set a public hearing for this fee for August 22<sup>nd</sup>, 2023. Councilman Green seconded the motion.

The following vote was recorded:

Councilman Green	AYE
Councilwoman Garvey	AYE
Councilman Bundy	AYE
Councilman Brennan	AYE

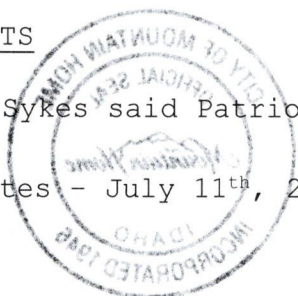
The vote being unanimous, the motion was carried and so ordered.

#### RECOGNIZING PERSONS IN THE AUDIENCE

- No one came forward at this time.

#### FINAL COMMENTS

- Mayor Sykes said Patriot Thunder would be this weekend.



• Councilman Brennan said it had been a pleasure working with Brock Cherry, Community Development Director as this is his last council meeting with the City of Mountain Home.

EXECUTIVE SESSION

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

Councilman Green made a motion to go into Executive Session Pursuant to Idaho Codes 74-206(1)(c) and Idaho Code 74-206(1)(f). Councilman Brennan seconded the motion.

The following vote was recorded:

Councilman Green	AYE
Councilman Brennan	AYE
Councilwoman Garvey	AYE
Councilman Bundy	AYE

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

The council went into executive session at 7:09 p.m.

The council came out of executive session at 8:00 p.m.

2) 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.

Councilman Green made a motion to go into Executive Session Pursuant to Idaho Codes 74-206(1)(c) and Idaho Code 74-206(1)(f). Councilman Brennan seconded the motion.

The following vote was recorded:

Councilman Green	AYE
Councilman Brennan	AYE
Councilwoman Garvey	AYE
Councilman Bundy	AYE

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

The council went into executive session at 7:09 p.m.

The council came out of executive session at 8:00 p.m.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:00 P.M. by orders from Mayor Sykes.

  
Rich Sykes, Mayor

ATTEST:   
Tiffany Belt, City Clerk

