

MINUTES OF THE REGULAR MEETING OF THE
 COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,
 HELD ON OCTOBER 11th, 2022, AT 6:00 P.M.
 AT MOUNTAIN HOME CITY HALL CHAMBERS
 MOUNTAIN HOME, IDAHO

21588 CALL MEETING TO ORDER/ESTABLISH A QUORUM

21588 DEPARTMENT HEAD REPORTS

21588 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.

21588 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 September 19, 2022
 City Council - September 26, 2022
 Planning & Zoning Commission - September 29, 2022
- B. Bills - 9/27/22 to 10/11/22 in the Amount of \$982,274.41
- C. Payroll 8/22/22 to 9/21/2022 in the Amount of \$637,289.20
- D. Authorize a payment to Mountain West Bank in the amount of \$100,216.76 paid from the FY23 budget for the first lease payment of 8 patrol vehicles for the Police Department.
- E. Joint Powers Agreement between the City of Mountain Home and City of Garden City relating to City Attorney conflict services and authorize the Mayor and City Clerk to sign.
- F. Approve lease agreement with Pioneer Equipment Co. for GPS technology storage in the Animal Shelter fiber optic area and authorize the Mayor and City Clerk to sign.
- G. Approve airport hangar land lease for Row F, Lot #1 for Richard Howes and authorize the Mayor and City Clerk to sign
- H. Pass Resolution #20-2022R - Approving the amended Lease Agreement with Richard Howes Hangar Space indicated by Row F, Lot #1 at the Mountain Home Municipal Airport, and authorizing the Mayor and City Clerk to sign.
- I. Pass Resolution #21-2022R - Approve the destruction of surplus property and authorize the Mayor and City Clerk to sign.
- J. Pass Resolution #22-2022R - Approve the destruction of surplus property and authorize the Mayor and City Clerk to sign.
- K. Approve Grant Application 2022/23-011 request to allow the Library to apply for St. Luke's Health Systems (CHIF) funds and authorize the Grant Administrator to complete all grant documents and the Mayor and City Clerk to sign all required documents.
- L. Approve Grant Application 2022/23-012 request to allow the Fire Department to apply for the Leary Firefighter Foundation grant for rescue equipment and authorize the Grant Administrator to complete all grant documents and the Mayor and City Clerk to sign all required documents.
- M. Approve Grant Application 2022/-23-013 through Idaho Department of Commerce-Community Development

Block Grant for LEAP Housing Solutions - Falcon's Landing Infrastructure and authorize the Grant Administrator to complete all grant documents and the Mayor and City Clerk to sign all required documents.

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NEW BUSINESS

- 1) Items removed from Consent Agenda
- 2) **Action Item:** Deliberation/Decision to amend the 2020 Mountain Home Police, Fire, Parks, and Streets Department's Impact Fee Studies and Capital Improvement Plan as Appendix "N".
- 3) **Action Item:** Deliberation/Decision on Planning and Zoning commission recommendation and finding of facts to rezone R-4 PUD and Preliminary Plat entitled Colthorp Commons PUD.
- 4) **Action Item:** Deliberation/Decision of Planning and Zoning commission recommendation and finding of facts to Annexation of Mountainbound Custom Storage and RV Park.
- 5) **Action Item:** Deliberation/Decision on Planning and Zoning commission recommendation and finding of facts to zone I-1 (Light Industrial) PUD entitled Mountainbound Custom Storage and RV Park. (Staff report provided via email September 30, 2022)
- 6) **Action Item:** Deliberation/Decision on Planning and Zoning commission recommendation and finding of facts for a preliminary plat requested by Jennifer Loveday. (Staff report provided via email September 28, 2022)
- 7) **Action Item:** Deliberation/Decision on Planning and Zoning commission recommendation and finding of facts for a conditional use permit to allow a drive-in (drive-thru) located on 2745 American Legion Boulevard. (Staff report provided via email September 28, 2022)

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ORDINANCES

- 1) **Action Item:** Ordinance #1765 Amending Mountain Home City Code by adding a New Title 9, Chapter 4 entitled Development Impact Fees of Mountain Home City Code.

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RECOGNIZING PERSONS IN THE AUDIENCE

21591

FINAL COMMENTS

21483

EXECUTIVE SESSIONS -Action Items Below

- 1) Pursuant to Idaho Code Section 74-206(1) (a) - to consider the hiring of a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need.
- 2) Pursuant to Idaho Code Section 74-206(1) (b) - to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.
- 3) Pursuant to Idaho Code Section 74-206 (1) (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.

21591

ADJOURN

MINUTES OF THE REGULAR MEETING OF THE
COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,
HELD ON OCTOBER 11th, 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 October 11th, 2022. A quorum was established with, Councilman Stokes, Councilwoman Garvey, Councilman Brennan, Councilman McCain, and Mayor Sykes being present.

DEPARTMENT HEAD COMMENTS/REPORTS

- Jonathan Thompson, Police Lieutenant said they finished the classroom training for Active Shooter Training and have been working through other training programs as well.

- Shasta Hochstrasser, Library Director went over the programming for the library and the new programs they were starting in the next couple of weeks.

- Brock Cherry, Community Development Director, said the village residential project is being reviewed by the Building Official. He said there have been a lot of good meetings about the Rail Industrial Park. Brock said he, the Mayor and some of the P & Z Commission went to a planning conference last week and it went really well.

- Mark Moore, Fire Chief said on Thursday the annual Fire Department Open House is scheduled. He and Fire Marshall Reed will be attending a training conference next week.

- Rich Urquidi, Director of Public Works said the Jackson Street project is finished with the paving and came in under budget. He said he and Tom Hoegg will be going to Helena next week for a Airport Managers Conference.

- Paula Szafranski, City Treasurer said this is the final bill run for last year's budget cycle, and the city is now entering FY22-23 and the city is already fielding requests from the audit teams.

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

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

CONSENT AGENDA

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- E. Joint Powers Agreement between the City of Mountain Home and City of Garden City relating to City Attorney conflict services and authorize the Mayor and City Clerk to sign.

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- F. Approve lease agreement with Pioneer Equipment Co. for GPS technology storage in the Animal Shelter fiber optic area and authorize the Mayor and City Clerk to sign.
- G. Approve airport hangar land lease for Row F, Lot #1 for Richard Howes and authorize the Mayor and City Clerk to sign.
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- L. Approve Grant Application 2022/23-012 request to allow the Fire Department to apply for the Leary Firefighter Foundation grant for rescue equipment and authorize the Grant Administrator to complete all documents and the Mayor and City Clerk to sign.
- M. Approve Grant Application 2022/23-013 through Idaho Department of Commerce Community Development Block Grant for LEAP Housing Solutions - Falcon's Landing Infrastructure and authorize the Grant Administrator to complete all grant documents and the Mayor and City Clerk to sign all required documents.

Councilman Stokes asked how the Joint Powers agreement would work with Item E.

Paul Fitzer, City Attorney said it would be the same hourly rate but cover the city if there was any conflict of interest for the attorney.

Councilman Brennan asked if there were any chance at an offset from the Irrigation District in exchange for the trucks from public works.

Mayor Sykes said we could always ask.

Councilman Brennan asked to have Item I tabled.

Councilman Brennan asked about the Pioneer agreement and how the monthly rent amount came about.

Mayor Sykes said it was the same amount they were paying for using a building in Idaho Falls.

Councilman Brennan asked if they could buy into the fiber optic project and purchase their connection.

Councilman Brennan asked to have Item F tabled until the contract could be amended to reflect Pioneer is responsible for their own ISP and for paying the fiber connection rate.

Mayor Sykes tabled Items F and I.

Councilman Stokes made a motion to approve the Consent Agenda as printed tabling items F and I. Councilwoman Garvey seconded the motion.

The following vote was recorded:

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

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

NEW BUSINESS

Items Removed from Consent Agenda Section. ACTION ITEM.

There were no items removed from the Consent Agenda to be discussed.

2)Action Item: Deliberation/Decision to amend the 2020 Mountain Home Comprehensive Plan to include the City of Mountain Home Police, Fire, Parks, and Streets Department's Impact Fee Studies and Capital Improvement

Plan as Appendix "N".

Brock Cherry, Community Development Director went over the proposed addition of impact fees.

Councilman Stokes said he doesn't feel now is the time to impose these fees.

There was a discussion about imposing impact fees.

Councilwoman Garvey made a motion to approve amending the 2020 Mountain Home Comprehensive Plan to include the City of Mountain Home Police, Fire, Parks and Streets Department's Impact Fee Studies and Capital Improvement Plan as Appendix "N". Councilman McCain seconded the motion.

The following vote was recorded:

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

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

3) Action Item: Deliberation/Discussion on Planning and Zoning Commission recommendation and finding of facts to rezone R-4 PUD and Preliminary Plat entitled Colthorp Commons PUD.

Brock Cherry, Community Development Director went over the proposed Colthorp Commons project. He discussed with the Council the reason the project was denied by the Planning and Zoning Commission.

Terran Mitchell gave an overview of the project.

Councilman Brennan asked if there was conflict with Westside Sewer District with this development.

There was a discussion about the agreement with Westside Sewer District. The developer said the agreement between the Sewer District and the City wasn't clear.

Councilman Brennan made a motion to approve the R-4 PUD preliminary plat entitled Colthorp Commons PUD. 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.

4) Action Item: Deliberation/Decision on Planning and Zoning Commission recommendation and finding of facts to Annexation of Mountainbound Custom Storage and RV Park. (Staff report provided via email September 30, 2022.)

Brock Cherry, Community Development Director went over the proposed project Mountainbound Custom Storage and RV Park.

Councilman Brennan said he thinks it is a great product. He said in terms of access, that intersection at Highway 20 and Foothills Road is a disaster without additional businesses being added. He said he wouldn't want to proceed without a secondary ingress and egress. He said safety and flow of the road have to be priority.

Councilwoman Garvey echoed Councilman Brennan's concerns and asked if Mountainbound Custom Storage could work with Johnson Brothers Hospitality on an agreement to help with the congested roadway.

Brock said in his experience most companies need to have something built before they have the money to make changes to the roadway. He said he has to have trust in ITD and their studies.

Councilman Brennan said he doesn't want to outright deny the application but this is something that has to be worked out.

The project developer said he understood completely and they are prepared to share in the cost and do whatever needs to be done.

Paul Fitzer, City Attorney said the Council needs to specify now the things that will be required at each stage of development.

Councilwoman Garvey made a motion to approve annexation of the MountainBound Storage and RV Park with the following conditions: 99 units may be completed, after 99 units the Council is requiring the developer to provide an intersection expansion by installing a connector road east of US20 connecting North Lee Road, Hot Creek Road and Foothills Ave. to accommodate for the further expansion of his project.

Councilman Stokes said he would like to see the other conditions added as well.

Councilwoman Garvey changed her motion to include the other conditions, approving annexation to include 99 units at first buildout to include (I) under subsection 16 and (II) as conditions to this development. Councilman McCain seconded the motion.

Councilman Brennan said maybe he is seeing it wrong but with that motion the developer is responsible for the entire road, and he thinks a latecomers agreement should be discussed.

Councilwoman Garvey said the developer has already agreed to do whatever infrastructure is needed to complete the project. She said her motion stands adding however, subject to potential latecomers in the future. Councilman McCain seconded the motion.

Councilman Brennan said he felt they were jumping into this too quickly. He said the median will be coming immediately before the development and a light would be much further down the road, so businesses on both sides would be blocked one way or another.

There was a discussion about the roadway and its funding.

Councilman Brennan asked the developer if he agreed to fund the whole North South Road connecting to Hot Creek Road.

The developer said that was correct, the proposed development would pay for it at the 99 unit mark.

The following vote was recorded:

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

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

5) Action Item: Deliberation/Decision on Planning and Zoning commission

recommendation and finding of facts to zone I-1 (Light Industrial) PUD entitled Mountainbound Custom Storage and RV Park. (Staff report provided via email September 30, 2022)

Councilman Stokes made a motion to accept the Planning and Zoning Commission recommendation and finding of facts to zone I-1 light industrial PUD entitled Mountainbound Custom Storage and RV Park. Councilwoman Garvey seconded the motion.

The following vote was recorded:

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

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

6)Action Item: Deliberation/Decision on Planning and Zoning Commission recommendation and finding of facts for a preliminary plat requested by Jennifer Loveday. (Staff report provided via email September 28, 2022)

Brock Cherry, Community Development Director said this development has already been approved but this is just providing individual ownership for the development.

Councilman Stokes made a motion to accept the Planning and Zoning Commission recommendation and finding of facts for a preliminary plat requested by Jennifer Loveday. Councilman McCain seconded the motion.

Councilman Brennan asked that Councilman Stokes add subject to water availability at the time of building permit.

Councilman Stokes made an amendment to his motion to include subject to water availability at the time of building permit issuance. Councilman McCain seconded the amendment to 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.

7)Action Item: Deliberation/Decision on Planning and Zoning commission recommendation and finding of facts for a conditional use permit to allow a drive-in (drive-thru) located on 2745 American Legion Boulevard. (Staff report provided via email September 28, 2022)

Councilman Brennan made a motion to approve the conditional use permit to allow a drive-in (drive-thru) located on 2745 American Legion Boulevard. 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.

ORDINANCE

1)Action Item: Ordinance #1765 Amending Mountain Home City Code by adding a New Title 9, Chapter 4 entitled Development Impact Fees of Mountain Home City Code.

Councilwoman Garvey said while she felt it is important for people moving into the City to pay their own way she also felt it was good to keep a close eye on the impact fees to make sure they aren't prohibitive to growth for the City.

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 McCain seconded the motion. She also included in her motion the City bring back in six months a full report on the impact fees to the Council.

The following vote was recorded:

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

The vote being tied Mayor Sykes vote AYE and, the motion was so ordered and given #1765.

RECOGNIZING PERSONS IN THE AUDIENCE

- Misty Pierce spoke to the council about the Colthorp Commons annexation. She felt the process was rushed through.

FINAL COMMENTS

- There were no final comments at this time.

EXECUTIVE SESSIONS - Action Items Below

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

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

The following vote was recorded:

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

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

The Council entered into executive session at 8:41 p.m.

The Council came out of executive session at 9:46 p.m.

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

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

The following vote was recorded:

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

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

The Council entered into executive session at 8:41 p.m.

The Council came out of executive session at 9:46 p.m.

3) Pursuant to Idaho Code Section 74-206(1)(f) - to communicate with legal counsel to the public agency to discuss the legal ramifications of and legal options for pending litigation or controversies not yet being litigated but imminently likely to be litigated.

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

The following vote was recorded:

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

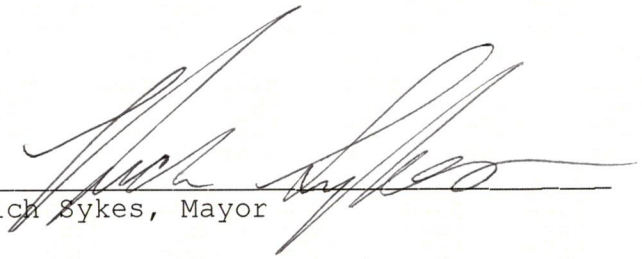
The vote being unanimous, the motion was carried and so ordered.

The Council entered into executive session at 8:41 p.m.

The Council came out of executive session at 9:46 p.m.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 9:47 P.M. by orders from Mayor Sykes.


Rich Sykes, Mayor

ATTEST: 
Tiffany Belt, City Clerk

