

MINUTES OF THE REGULAR MEETING OF THE
 COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,
 HELD ON NOVEMBER 23rd, 2020, AT 6:00 P.M.
 AT MOUNTAIN HOME CITY HALL CHAMBERS
 MOUNTAIN HOME, IDAHO

- 20984 CALL MEETING TO ORDER/ESTABLISH A QUORUM
- 20984 PUBLIC HEARING - Proposed New Annual Mobile Food Concession Permit Fee
- 20984 RECOGNIZING PERSONS IN THE AUDIENCE
- 20985 COUNCIL COMMENTS
- 20985 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
 - Planning & Zoning Commission - November 2, 2020
 - City Council - November 9, 2020
 - Special City Council - November 12, 2020
 - B. BILLS - 11/10/20 to 11/23/20 in the Amount of \$916,357.89
 - C. TREASURER'S REPORT - for the Period Ending 10/31/20
 - D. APPROVE AMENDMENT NO. 5 to Task Orders 10, 11 and 12 with Keller Associates for Water, Wastewater and General Engineering Support and Authorize the Mayor to sign
 - E. PASS RESOLUTION #32-20 - Approving Lease Purchase Agreement with Mountain West Bank and all attachments for the purchase of a used Fire Truck and Authorize the Mayor and City Clerk to sign
 - F. PASS RESOLUTION #33-20 - Approving Cooperative Agreement with the Idaho Transportation Department for the paving rehabilitation for the Downtown Couplet and Authorize the Mayor and City Clerk to sign
- 20985 OLD BUSINESS
- Discussion/Decision on Food Truck Concessions Ordinance and Possible Food Truck Concession Permit Fee. ACTION ITEM.
- 20986 NEW BUSINESS
- Items Removed from Consent Agenda Section. ACTION ITEM.
- Discussion/Decision on Planning and Zoning Commission Recommendations. ACTION ITEM.
1. Recommends that the application submitted by Jeff Likes for a conditional use permit to allow a drive-in establishment on real property located at the South West Corner of American Legion Blvd. and NE City View Drive, Lot 1, Block 3, replat of Kmart Subdivision be approved.
 2. Recommends that the request by the City of Mountain Home to amend the description of the parking overlay zone City Code Section 9-12-2B and to Amend and replace the

parking overlay map City Code Section 9-12-3 be approved.

3. Recommends that the request by the City of Mountain Home for a Zoning Title Amendment to amend the required public notification procedure regarding sign posting and notice of hearing requirements concerning City Code Sections 9-6-10D be approved

20987

ORDINANCES

Ordinance - Amending Title 9 - Land Use and Development Sections. ACTION ITEM.

20988

FINAL COMMENTS

20988

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.

20989

ADJOURN

MINUTES OF THE REGULAR MEETING OF THE
COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,
HELD ON NOVEMBER 23rd, 2020, 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 November 23rd, 2020. A quorum was established with, Councilman Stokes, Councilman McCain, Councilman Brennan, and Mayor Sykes being present. Councilman Bundy was excused.

MOTION TO ADD EXECUTIVE SESSION

Councilman Brennan made a motion to add an Executive Session to the Agenda under 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. He said this is being added to the agenda at the request of the City Attorney for items that cannot wait until the next meeting to be discussed. Councilman Stokes seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman McCain	AYE
Councilman Brennan	AYE

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

PUBLIC HEARING - Proposed New Annual Mobile Food Concession Permit Fee

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

Layne Short came forward to speak against the Food Concession Permit Fee.

Brock Cherry, Community Development Director said the fee they are looking at is \$85.00, plus the fire inspection fee.

Councilman Brennan said he does not want to see a fee that just pays for processing the permit. He thinks that is unnecessary. Though unlike most other Cities, Mountain Home does not have a business license, which takes away some of the City's recourse for enforcement. He said without any permit or license there is nothing the City can take away from a business for not complying with City ordinances.

Councilman McCain said if there was a business license requirement the building department would know if a business was trying to open in a certain location and if it was zoned correctly for the location.

Isaiah Reed came forward to speak against the Mobile Food Concession Permit Fee.

Robert Lakeman came forward to speak in support of a Mobile Food Concession Permit Fee.

Shawna Draper came forward to speak in favor of a Mobile Food Concession Permit Fee and asked for there to be background checks for anyone operating a food truck in a residential area.

Matt Maneen came forward to speak against the Mobile Food Concession Permit Fee.

The Public Hearing was closed at 6:29 p.m.

RECOGNIZING PERSONS IN THE AUDIENCE

No one came forward to speak at this time.

COUNCIL COMMENTS

- Councilman Stokes reminded everyone to go out and shop for Small Business Saturday this weekend.

- Councilman Brennan said he would like to see Ice Cream Trucks classified as door to door solicitors, who need to be fingerprinted and background checked.

- Mayor Sykes said he wanted the public to know he has no authority to mandate a mask ordinance. He said the only way that could be implemented is with Council approval.

CONSENT AGENDA

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D. APPROVE AMENDMENT NO. 5 to Task Orders 10, 11 and 12 with

Keller Associates for Water, Wastewater and General

Engineering Support and Authorize the Mayor to sign

E. PASS RESOLUTION #32-20 - Approving Lease Purchase Agreement

with Mountain West Bank and all attachments for the purchase

of a used Fire Truck and Authorize the Mayor and City Clerk

to sign

F. PASS RESOLUTION #33-20 - Approving Cooperative Agreement with

the Idaho Transportation Department for the paving

rehabilitation for the Downtown Couplet and Authorize the

Mayor and City Clerk to sign

Councilman Brennan made a motion to approve the Consent Agenda as printed. Councilman Stokes seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman McCain	AYE
Councilman Brennan	AYE

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

OLD BUSINESS

Discussion/Decision on Food Truck Concessions Ordinance and Possible Food Truck Concession Permit Fee. ACTION ITEM.

Councilman Stokes made a motion to table this item to a future meeting. Councilman McCain seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman McCain	AYE
Councilman Brennan	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 to discuss at this time.

Discussion/Decision on Planning and Zoning Commission Recommendations. ACTION ITEM.

1. Recommends that the application submitted by Jeff Likes for a conditional use permit to allow a drive-in establishment on real property located at the South West corner of American Legion Blvd. and NE City View Drive, Lot 1, Block 3, replat of Kmart Subdivision be approved.

Councilman McCain made a motion to approve the application submitted by Jeff Likes for a conditional use permit to allow a drive-in establishment on real property located at the South West corner of American Legion Blvd. and NE City View Drive, Lot 1, Block 3, replat of Kmart Subdivision. Councilman Stokes seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman McCain	AYE
Councilman Brennan	AYE

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

2. Recommends that the request by the City of Mountain Home to amend the description of the parking overlay zone City Code Section 9-12-2B and to Amend and replace the parking overlay map City Code Section 9-12-3 be approved.

Councilman McCain said looking at this map it doesn't show the businesses across the street from Albertsons and if those buildings were to change occupants to a different type of business then they would not meet parking demands. He said he would like that area added into the map.

Councilman Brennan said if it is left out of the downtown overlay then those businesses would be forced to adapt to what parking is there.

Councilman McCain said no, if they are not included in the downtown overlay then they would be forced to provide more parking. If it is included in the overlay, then it would essentially be grandfathered in.

The Council discussed the best way to go about the parking overlay and which areas should be included.

Councilman McCain made a motion to approve the request by the City of Mountain Home to amend the description of the parking overlay zone City Code Section 9-12-2B and to Amend and replace the parking overlay map and to also include the small point from the West of Albertsons to just North of Taco Johns. Councilman Stokes seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman McCain	AYE
Councilman Brennan	AYE

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

3. Recommends that the request by the City of Mountain Home for a Zoning Title Amendment to amend the required public notification procedure regarding sign posting and notice of hearing requirements concerning City Code Sections 9-6-10D be approved.

Councilman Stokes made a motion to approve the request by the City of Mountain Home for a Zoning Tile Amendment to amend the required public notification procedure regarding sign posting and notice of hearing requirements concerning City Code Sections 9-6-10D be approved.

Councilman Brennan said he would like to see all of the description matching and in there it switches from Public Meeting to Public Hearing, so he would like to see all of the description switched to Public Hearing.

Councilman Stokes amended his motion to say that all the description should match and be Public Hearing not Public Meeting.

Councilman Brennan seconded the motion.

The following vote was recorded:

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

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

ORDINANCES

Ordinance - Amending Title 9 - Land Use and Development Sections. ACTION ITEM.

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 McCain seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman McCain	AYE
Councilman Brennan	AYE

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

Councilman Brennan made a motion to make a change and unstrike in Title 9-7-C-3A so that the 800 square foot minimum in duplexes and multifamily homes is kept and to change the PUD from 1 acre to 3. Councilman Stokes seconded the motion.

The following vote was recorded:

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

The vote being unanimous, the motion was so ordered and given #1702.

FINAL COMMENTS

- Councilman Brennan said now that the parking overlay has been determined he is ready to discuss the Imagine Mountain Home Grant again.
- Mayor Sykes said they have put the glass in at the Mellen Hotel. Hopefully the road will be open by the end of business tomorrow.
- Rich Urquidi, Director of Public Works said the sewer lagoons are right at where they need to be for winter.

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. Councilman McCain seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman McCain	AYE
Councilman Brennan	AYE

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

The Council went into Executive Session at 7:00 p.m.

The Council came out of Executive Session at 7:17 p.m.

Executive Session - 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 option for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. ACTION ITEM.

Councilman Brennan made a motion to go into Executive Session - Pursuant to Idaho Code Section 74-206(1)(f) - to communicate with legal counsel for the public agency to discuss the legal ramification of and legal option for pending litigation, or controversies not yet being litigated but imminently likely to litigated. Councilman Stokes seconded the motion.

The following vote was recorded:

Councilman Stokes	AYE
Councilman McCain	AYE
Councilman Brennan	AYE

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

The Council went into Executive Session at 7:17 p.m.

The Council came out of Executive Session at 7:54 p.m.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 7:54 P.M. by orders from Mayor Sykes.


Rich Sykes, Mayor

ATTEST: 
Nina Patterson, City Clerk

