

MINUTES OF THE REGULAR MEETING OF THE  
 COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,  
 HELD ON MARCH 14<sup>th</sup>, 2022, AT 6:00 P.M.  
 AT MOUNTAIN HOME CITY HALL CHAMBERS  
 MOUNTAIN HOME, IDAHO

- 21416 CALL MEETING TO ORDER/ESTABLISH A QUORUM
- 21416 DEPARTMENT HEAD REPORTS
- 21417 RECOGNIZING PERSONS IN THE AUDIENCE
- 21417 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.
- 21417 PUBLIC HEARING  
 1) Library Rate Increase.  
 2) Zoning Verification Letter Fee.
- 21418 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 - February 7, 2022 **(Pulled from the Consent Agenda and placed under New Business)**  
 Planning & Zoning Commission - February 11, 2022 **(Pulled from the Consent Agenda and placed under New Business)**  
 Airport Advisory Committee - February 15, 2022  
 Planning & Zoning Commission - February 22, 2022 **(Pulled from the Consent Agenda and placed under New Business)**  
 Planning & Zoning Commission - February 24, 2022  
 City Council - February 28, 2022
- B. Bills - 2/28/22 to 3/14/22 in the Amount of \$489,336.69
- C. Payroll 1/22/22 TO 2/21/2022 in the Amount of \$632,636.54
- D. Approve grant application requested for grant 2022/23-003 for the Blue Cross - Community Project grant for a splash pad in Carl Miller Park and authorize the Grant Administrator to complete all grant documents and the Mayor and City Clerk to sign all required documents.
- E. Approve appointment of Samantha Venable Harjo to the Library Board, filling the remaining term of Brad Fesperman to expire in February 2025.
- F. Approve Finding of Facts Decision annexation of East 8<sup>th</sup> North Street.
- G. Approve Finding of Facts Decision zoning C-3 for East 8<sup>th</sup> North Street.
- H. Approve Finding of Facts Decision conditional use permit for a daycare located at 575 East 2<sup>nd</sup> South Street.
- I. Approve Finding of Facts Decision annexation of 10<sup>TH</sup> Street Neighborhood.
- J. Approve Finding of Facts Decision zoning R-4 for 10<sup>th</sup> Street Neighborhood.
- K. Approve Finding of Facts Decision planned unit development (PUD) for 10<sup>th</sup> Street Neighborhood.
- L. Pass Resolution #11-2022R - approving the lease agreement with university of Idaho for 4H group

- to use the shooting range and authorizing the Mayor and City Clerk to sign. **(Pulled from the Consent Agenda and placed under New Business)**
- M. Approve street department request to lease/purchase a 2022 Elgin Broom Bear Sweeper through Sourcewell.
  - N. Approve the transfer of beer, wine, and liquor license from MLNB, Inc. to Savory Layne LLC. Doing business as AJ's.

21419

## OLD BUSINESS

21419

## NEW BUSINESS

- 1) Items removed from Consent Agenda
- 2) **Action Item:** Discussion/Decision to pass resolution #09-2022R Establishing the Non-Residential Library Rates
- 3) **Action Item:** Discussion/Decision to pass resolution #10-2022R establishing a Zoning Verification Letter fee.
- 4) **Action Item:** Deliberation/Decision on Planning and Zoning commission recommendation for annexation for United Metals located at 1145 Airbase Road and finding of facts.
- 5) **Action Item:** Deliberation/Decision on Planning and Zoning commission recommendation for zoning C-4 for United Metals located at 1145 Airbase Road and finding of facts.
- 6) **Action Item:** Request to amend the dates in section 7(a) and all other subsection to coincide with the terms in section 1 of the Amended and Restated Golf Course Management Agreement dated April 12, 2016.
- 7) Discussion on the possible purchase of the Mountain Home Irrigation District office.

21423

## ORDINANCES

- 1) **Action Item:** Ordinance #1737 enactment subsection F governing agendas to title 1, chapter 6, section 4 of Mountain Home Code.

21424

## ADJOURN

MINUTES OF THE REGULAR MEETING OF THE  
COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,  
HELD ON MARCH 14<sup>th</sup>, 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 3<sup>rd</sup> East, Mountain Home, Idaho on March 14<sup>th</sup>, 2022. A quorum was established with, Councilman Stokes, Councilwoman Garvey, and Mayor Sykes being present. Councilman McCain was absent, and Councilman Brennan appeared via Zoom.

DEPARTMENT HEAD COMMENTS/REPORTS

- Jake Olsen, Golf Course Superintendent, said they have gotten fence put in at the Golf Course.
- Scott Conner, Police Chief, said things are going well at the PD and they are working through the hiring process.
- Shirley Batchelor, Wastewater Superintendent said they are getting ready for irrigation season.
- Mark Moore, Fire Chief, said last week they finished strength and agility training.
- Darcy Braithwaite, Recreation Superintendent, said the Parks Department is setting out downtown pots and plants this week, and they are doing spring cleaning in the parks. They have started turning on water systems, checking for breaks and systems in need of repairs. She said the Recreation Department is getting ready for soccer and they are prepping for Spring Break Trips next week.
- Shasta Hochstrasser, Library Director, said tomorrow will be a teen nerf battle and they partnered with Central District Health for an overdose prevention training that will be open to the public.
- Dave Sonnentag, Water Superintendent said they will be doing some seepage testing with Keller Associates.
- Paula Szafranski, City Treasurer, said the auditors will be here for the next council meeting. The capitol assets that have come into the City have been over seven million dollars and the liabilities have decreased over three million dollars.
- Brock Cherry, Community Development Director, said the city is seeing a lot of growth and development. He said there should be some plans coming to the Council and said the April 25<sup>th</sup> meeting will have a lot of items from Development on the agenda.
- Tiffany Belt, City Clerk said they have reached out to Cole Architect on the pool today and hopefully by the next council meeting there will be plans submitted to the Building Department for review.
- Geoff Schroeder, City Attorney said Elmore County is now back to jury trials.
- Mike Lujan, Fiber Optics Administrator gave a presentation on municipal fiber optics. He addressed concerns that were brought forward at a previous council meeting and invited the council to reach out to him with any further questions.

The Council requested to see Ammon's Fiber and LID budgets, and Mike said that he would put in a request for those budgets for the Council.

RECOGNIZING PERSONS IN THE AUDIENCE

- Bev Lucia and Brenda Franks came forward and spoke to the council about the Farmers Market Bev runs in Railroad Park.

There was a discussion about the Special Event Form versus a lease for the park.

Mayor Sykes offered to pay the park rental fee for the farmers market.

Bev thanked the mayor but was still worried about the requirement to carry insurance.

Councilwoman Garvey said with a lease there would be a requirement for insurance but with a special event permit it wouldn't be a requirement.

Councilman Stokes said he would like to put this on the next Council agenda as a resolution for the Special Event Permit.

Tiffany Belt, City Clerk said since it was going to proceed forward as a Special Event Permit it would not be brought back before the City Council.

- Terran Mitchell spoke to the Council about the airport overlay and possible unintended consequences of the overlay. He said the housing prices in Southern Idaho are now unattainable and suggested that not letting people develop in a certain area was part of the issue.

- John Cristobal Jr. came forward and addressed the Council about the Airport Overlay. He said it appears the airport overlay is an opportunity to limit the landowners in that area.

- Suzette Poole spoke to the Council about the expense of selling at the MOHO Market. She said it is cheaper to sell in Eagle than it is here. She asked why a permit to put in sewer pipes costs \$800.00, and the permit for a \$180,000.00 swimming pool is only \$500.00.

- Bill VanHannel spoke in opposition to the airport overlay. He asked for a rejection of the proposed airport overlay.

- Eddie Wilson spoke to the Council about the airport overlay and said he will be negatively impacted by the overlay, and it will deprive this community of the attainable housing he is trying to bring to town with the help of investors.

- Brendan McCarthy thanked the Parks and Recreation Department for the great job they do. He suggested there should be vendors at things like ultimate frisbee competitions at Legacy Park.

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 Stokes said he directly supervises the 4H director of Item L on the consent agenda.

#### PUBLIC HEARING

##### Public Hearing - Library Rate Increase

The public hearing opened at 7:38 p.m.

No one came forward to speak for or against the Library Rate Increase.

The public hearing closed at 7:38 p.m.

Public Hearing - Zoning Verification Letter Fee

The public hearing opened at 7:39 p.m.

No one came forward to speak for or against the Zoning Verification Letter Fee.

The public hearing closed at 7:40 p.m.

CONSENT AGENDA

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 L. Pass Resolution #11-2022R - approving the lease agreement with University of Idaho for 4H group to use the shooting range and authorizing the Mayor and City Clerk to sign. (**Pulled from the Consent Agenda and placed under New Business**)  
 M. Approve street department request to lease/purchase a 2022 Elgin Broom Bear Sweeper through Sourcewell.  
 N. Approve the transfer of the beer, wine, and liquor license from MLNB, Inc. to Savory Layne LLC. Doing business as AJ's.

• Councilman Stokes asked to pull item L and thanked Samantha for the resume on item E.

• Councilman Brennan asked the have the Planning and Zoning minutes from February 7<sup>th</sup>, 11<sup>th</sup> and 22<sup>nd</sup> pulled. He said he would like to see the paperwork on item M completed before it is signed.

Mayor Sykes pulled the Planning and Zoning minutes from February 7<sup>th</sup>, 11<sup>th</sup>, and 22<sup>nd</sup> from Item A and Item L from the Consent Agenda and placed them all under New Business.

Councilman Stokes made a motion to approve the Consent Agenda as printed pulling Items three sets of minutes from A and Item L. Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Stokes	AYE
Councilwoman Garvey	AYE

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

OLD BUSINESS

There was no Old Business to discuss at this time.

NEW BUSINESS

Items Removed from Consent Agenda Section. ACTION ITEM.

Item A: Planning and Zoning Minutes from February 7<sup>th</sup>, 11<sup>th</sup> and 22<sup>nd</sup>.

Councilman Brennan said he believes the minutes from each of these meetings are incomplete. They do not show that one of the commission members is not voting. He would like to disapprove the minutes.

Brock Cherry, Community Development Director said there needs to be a training. He believes the member who is not voting thinks because he is in a chair position they should only vote when there is a tie vote.

Councilman Brennan said the minutes just need to say that the commission member abstained from voting.

Mayor Sykes asked if it would be okay to approve the minutes pending the changes Councilman Brennan asked for.

Councilman Brennan said he would prefer since this pertains to an item later on in the Council agenda to have the minutes amended and then brought back to the Council for approval.

Councilman Stokes said it sounds like Councilman Brennan just wants the minutes to reflect the chairperson abstaining from the vote.

Councilwoman Garvey asked if there is a difference in abstaining or just not voting.

Geoff Schroeder, City Attorney said at this point given that it wasn't clear to the chair what he was or wasn't doing, we might just put in that he didn't vote. Going forward he can choose to vote or abstain from voting.

Councilman Brennan made a motion to deny approval of the Planning and Zoning minutes from February 7<sup>th</sup>, 11<sup>th</sup>, and 22<sup>nd</sup>, until they are corrected. Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Stokes	AYE
Councilwoman Garvey	AYE

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

Item L: Pass Resolution #11-2022R - approving the lease agreement with University of Idaho for 4H group to use the shooting range and authorizing the Mayor and City Clerk to sign.

Councilman Stokes said he asked to have this item removed because he would like to recuse himself from the vote, as he directly supervises the 4H director.

Councilman Brennan asked if there was any financial burden to the Police Department and the Sherriff's Department with replacing the backstops.

Scott Conner, Police Chief said there was not any added financial burden.

Councilwoman Garvey made a motion to pass Resolution #11-2022R - approving the lease agreement with the University of Idaho for the 4H group to use the shooting range and authorizing the Mayor and City Clerk to sign. Councilman Brennan seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Stokes	RECUSED HIMSELF
Councilwoman Garvey	AYE

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

2)Action Item: Discussion/Decision to pass resolution #09-2022R Establishing the Non-Residential Library rates.

Councilman Brennan made a motion to pass resolution #09-2022R Establishing the Non-Residential Library rates. Councilwoman Garvey seconded the motion.

Councilman Stokes said this was being brought forward so the county residents that use the library pay the same amount for use as the city residents do.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Stokes	AYE
Councilwoman Garvey	AYE

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

3)Action Item: Deliberation/Decision to pass resolution #10-2022R establishing a Zoning Verification Letter fee.

Councilwoman Garvey made a motion to pass resolution #10-2022R establishing a Zoning Verification Letter fee. Councilman Stokes seconded the motion.

Councilman Stokes said this was brought forward to pay for the Community Development Director's time being put into the project.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Stokes	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 for annexation for United Metals located at 1145 Airbase Road and finding of facts.

Councilman Brennan said this goes back to why he pulled the minutes for Planning and Zoning because it is showing as if someone had voted who did not. He said after reading the minutes it was a three to one vote, not a four to one vote, because one commission member did not vote. He said that because of that, he would be voting to deny this and the zoning as

well.

Brock Cherry, Community Development Director said he was hoping these items could still be passed through interlineation, he said he will never present minutes again that are inaccurate in terms of voting.

Councilwoman Garvey said a lot of work goes into this and she doesn't feel it should be held up. She made a motion to approve the Planning and Zoning Commission recommendation for annexation for United Metals located at 1145 Airbase Road and finding of facts with interlineation of Item five on the findings of fact to state that the vote was a three to one vote not a four to one vote. Councilman Stokes seconded the motion.

Councilman Brennan said the commission recommended a phase one environmental assessment by a certified professional and asked if they will have to follow all of the recommendations of the site survey.

Brock said they would have to do that study and it was assumed if anything were flagged the owner would take care of that. He said the owner was present and could give a summary.

Geoff Schroeder, City Attorney said no additional requirements could be made after the study since Planning and Zoning had not originally asked for anything further to be done.

Councilman Brennan said so it doesn't matter what the study finds, the City just required it be done.

Geoff said that was correct.

Brock said there is a condition in all his reports that you must abide by city, state and federal laws. It is assumed for this to move forward if the study has contingencies, those will have to be remedied.

Councilwoman Garvey said if she is reading this correctly, prior to the annexation a site assessment by a certified professional must be completed, and she would assume they have a lender that will also require these things to be done.

Councilman Brennan said he just feels there should be follow up done.

Councilman Stokes asked Brock if there is follow-up in making sure everything is legal with federal and state laws.

Geoff said they have to get a building permit from the city, so there will be follow-up.

The following vote was recorded:

Councilman Brennan	NAY
Councilman Stokes	AYE
Councilwoman Garvey	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 for zoning C-4 for United Metals located at 1145 Airbase Road and finding of facts.

Councilman Stokes made a motion to approve the Planning and Zoning commission recommendation for zoning C-4 for United Metals located at 1145 Airbase Road and finding of facts with one caveat that we change conclusions of law number five to reflect the three to one vote. Councilwoman Garvey seconded the motion.



Councilman Brennan said he wanted to state for the record he would be voting nay because there is no follow-up from the City mandating what they require.

The following vote was recorded:

Councilman Brennan	NAY
Councilman Stokes	AYE
Councilwoman Garvey	AYE

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

6)Action Item: Request to amend the dates in section 7(a) and all other subsections to coincide with the terms in section 1 of the amended and Restated Golf Course Management Agreement dated April 12, 2016.

Tiffany Belt, City Clerk explained TJ had come in requesting his incentive pay in section C. She said according to the contract he is to renegotiate and go before the council.

Councilman Stokes said as we change the golf course fees and we discuss compensation on the fees that number will go up anyway. He said personally he was not in favor of amending the dates of the contract.

Councilwoman Garvey said the contract should be rewritten to amend the dates. She said this is over his bonus which he has only gotten once in ten years.

Tiffany said TJ has agreed to work with her on changing the contract and she felt he was willing to work on incentive pay so it was less confusing at times.

Councilwoman Garvey said if they rework the contract, she wants to make sure he gets his bonus.

Councilman Stokes said he does not think it is the city's responsibility to go to him with the lease, it is his responsibility to come to us, per the contract. He feels now that the rates have been raised it skews the numbers in a way.

Tiffany said she agrees, however, because of the way the contract had been executed in the past there is error on both sides.

Councilwoman Garvey said this is based off last year's numbers, and going forward if the council would like to do something else, that is a different discussion.

Paula Szafranski, City Treasurer asked that TJ's contract for Golf Course Pro be ironed out before June for budgeting purposes.

Councilwoman Garvey made a motion to pay the bonus to the Golf Course Pro's contract for 2021 and the Council will work with the City Clerk to amend this contract. Councilman Brennan seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Stokes	NAY
Councilwoman Garvey	AYE

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

7)Discussion on the possible purchase of the Mountain Home Irrigation District office.

Councilman Brennan said he wanted to look into the possibility of purchasing the irrigation district office because City Hall is bursting at the seams and down the road they may need to hire more people and they are running out of useable office space.

Councilman Stokes said he agreed and thought the proximity of the irrigation office to City Hall made sense.

Councilwoman Garvey said before we put a lot of planning and dollar amounts into this, perhaps we should discuss future planning but not site specific, as we don't even know if the building is for sale.

Councilman Brennan said all he is asking is for the Council to be willing to start negotiations with the Irrigation District, then if they are amenable, we continue to negotiate with them.

Councilman Stokes asked about a governmental entity possibly entering into negotiation with a quasi-governmental entity.

Geoff Schroeder, City Attorney said they are still a public entity. They are governed by Idaho codes. Their shareholders would have to be notified and there would have to be an appraisal.

Councilwoman Garvey said she thinks before they start looking at building space, they need to figure out how they are going to pay for it.

Brock Cherry, Community Development Director said the Leadership team has been discussing possibilities of who will be leaving and who will be hired on. He said he feels the Council should meet with the Department Heads and discuss this.

Mayor Sykes said this has been a discussion in Community Development as well as City Hall to get the best use of the current space.

It was the consensus that the Council and the Irrigation District both have interest in engaging in talks about the city potentially acquiring property from the Irrigation District. It was decided to put this item on the April 11<sup>th</sup> Council agenda.

Councilman Stokes made a motion to put the purchase of or land swap of the Irrigation District building on the April 11<sup>th</sup>, 2022, City Council meeting agenda. Councilman Brennan seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilman Stokes	AYE
Councilwoman Garvey	AYE

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

#### ORDINANCE

1) Action Item: Ordinance #1737 enacting subsection F governing agendas to title 1, chapter 6, section 4 of Mountain Home Code.

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
Councilwoman Garvey	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	AYE
Councilman Brennan	AYE
Councilwoman Garvey	AYE

The vote being unanimous, the motion was so ordered and given #1737.

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:41 P.M. by orders from Mayor Sykes.

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

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

