

MINUTES OF THE REGULAR MEETING OF THE
 COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,
 HELD ON JUNE 25th, 2024, AT 5:00 P.M.
 AT MOUNTAIN HOME CITY HALL CHAMBERS
 MOUNTAIN HOME, IDAHO

22119 CALL MEETING TO ORDER/ESTABLISH A QUORUM

22119 BUDGET PRESENTATIONS - CIVIC GROUPS

1) Historical Society - Member of the Historical Board of Directors
 2) Treasure Valley Transit - Terri Lindenberg, Executive Director
 3) Senior Center/Meals on Wheels - Lisa Simpson, Business Manager

22119 RECOGNIZING PERSONS IN THE AUDIENCE

22119 DEPARTMENT HEAD COMMENTS/REPORTS

22119 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

22119 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
 City Council - June 11, 2024
- B. Bills - 6/12/24 to 6/25/24 in the Amount of
 \$589,306.63
- C. Approve the payment to Texas Aquatic in the amount of
 \$86,100.93
- D. Approve the payment to Tri-State Electric, INC. in the amount of \$10,799.84
- E. Treasurer's report for the period ending 5/31/24.
- F. Pass resolution 18-2024R to approve the destruction of surplus property and authorize the Mayor and City Clerk to sign.
- G. Authorize the Mayor and City Clerk to sign all required documents for grant application 2024/25-003.
- H. Authorize the Mayor and City Clerk to sign all required documents for grant application 2024/25-004.
- I. Approve the agreement with the Cottages Investors II, LLC to allow The Cottages of Mountain Home to use the Parks & Recreation building as a first location during an emergency and authorize the Mayor and City Clerk to sign.
- J. Approve the agreement with Cottages Investors II. LLC to allow The Cottages of Mountain Home to use the Discovery Building as a second location during an emergency and authorize the Mayor and City Clerk to sign.
- K. Approve the appointment of Shaun Brazell to the Planning and Zoning Commission, filling the remaining term of Travis Eikeness, which expires in February 2028. (**Pulled from Consent Agenda and placed under New Business**)
- L. Approve amendment #8 to task order 10,11, and 12 with Keller Associates, Inc., and authorize the Mayor to sign.

M. Approve Blue Yonder Phase One Final plat.

22120

OLD BUSINESS

- 1) Action Item: Deliberation/Decision regarding the Golf Course Concession Agreement with Kurly's 2 Sports Grill LLC is set to terminate on September 30, 2024. (Item continued from March 12, 2024)
- 2) Action Item: Deliberation/Decision regarding the proposed sidewalk cafe ordinance. (Item continued from June 11, 2024)
- 3) Action Item: Deliberation/Decision regarding the proposed Master Transportation Plan. (Item presented to City Council on February 27, 2024)

22122

NEW BUSINESS

- 1) Items Removed from Consent Agenda Section.
- 2) Action Item: Deliberation/Decision regarding the termination notice of the existing Golf Course Concession Agreement with Kurly's 2 Sports Grill LLC that is set to terminate on September 30, 2024, and approve staff to certify mail the notice.
- 3) Action Item: Deliberation/Decision regarding the cooperative agreement between Elmore County and the City of Mountain Home for dispatch services from October 1, 2024, to September 30, 2025, in the amount of \$80,863.72 and authorize the Mayor, City Clerk, and Police Chief to sign.
- 4) Non-Action Item: Deliberation regarding the City's collecting the Impact fee on behalf of Elmore County.
- 5) Action Item: Deliberation/Decision concerning Golf Professional employment status.

22125

FINAL COMMENTS

22125

EXECUTIVE SESSION

- 1) 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.

22125

ADJOURN

MINUTES OF THE REGULAR MEETING OF THE
COUNCIL OF THE CITY OF MOUNTAIN HOME, ELMORE COUNTY, IDAHO,
HELD ON JUNE 25th, 2024, AT 5:00 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 June 25th, 2024. A quorum was established with Councilwoman Garvey, Councilman Brennan, Councilwoman Wirkkala, Councilman Harjo, and Mayor Sykes being present.

RECOGNIZING PERSONS IN THE AUDIENCE

- Terri Manduca read a statement to the Council regarding the Planning and Zoning position. She asked who overrode the City Council's decision to post the vacant position on the board.
- Rod Dudley spoke to the Council about item K on the agenda tonight, regarding the open position on the Planning & Zoning position.
- Sam Vogt came forward and spoke about T.J. Gomez the current Golf Pro at the Golf Course, and the driving range balls that are now dispensed by a machine and can only be purchased with a credit card.
- Mary Beth Brown gave a letter to the Council which Mayor Sykes read into the record on how matters at the golf course have been handled in the last couple of years.

BUDGET PRESENTATIONS

1) Historical Society - Member of the Historical Board of Directors

Chris Alzola of the Historical Society was present and advised she was asking for the same amount as last year which was \$7,000.00 for the museum activities and \$5,000.00 for maintenance and operations.

2) Treasure Valley Transit - Terri Lindenberg, Executive Director

Terri Lindenberg was present and advised they are asking for \$17,000.00 in addition to \$35,000.00 they currently ask for.

3) Senior Center/Meals on Wheels - Lisa Simpson, Business Manager

Lisa Simpson was present along with two board members and advised they are asking for the same amount the city funded last year to both the Senior Center and Meals on Wheels in the amount of \$7,000.00 for each program.

CONFLICT OF INTEREST DECLARATION

- Councilwoman Wirkkala said she received a resume from Shaun Brazell and Brendan McCarthy in regards to K on the consent agenda.
- Councilman Harjo said he received the same as Councilwoman Wirkkala and also received a letter from Jayme Wasson about the Golf Course Concession Agreement.
- Councilman Brennan said he received the same as already listed but also spoke with Terri Manduca and got a phone call from Brian Orban.
- Councilwoman Garvey said she spoke with Brendan McCarthy and Terri Manduca.
- Councilwoman Wirkkala said she spoke with Terri Manduca as well.

CONSENT AGENDA

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- F. Pass resolution 18-2024R to approve the destruction of surplus property and authorize the Mayor and City Clerk to sign.
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- K. Approve the appointment of Shaun Brazell to the Planning and Zoning Commission, filling the remaining term of Travis Eikeness, which expires in February 2028. **(Pulled from Consent Agenda and placed under New Business)**
- L. Approve amendment #8 to task order 10, 11 and 12 with Keller Associates, Inc., and authorize the Mayor to sign.
- M. Approve Blue Yonder Phase One Final plat.

Councilwoman Wirkkala asked to pull Item K.

Councilman Brennan made a motion to pass the Consent Agenda as printed pulling Item K to New Business. Councilwoman Garvey seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilwoman Wirkkala	AYE
Councilman Harjo	AYE
Councilwoman Garvey	AYE

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

OLD BUSINESS

1) Action Item: Deliberation regarding the Golf Course concession Agreement with Kurly's 2 Sports Grill LLC is set to terminate on September 30, 2024. (Item Continued from March 12, 2024.)

Councilman Harjo said as the Council works through this and everyone has had a chance to review, he feels they can work through this tonight in real time.

Councilman Brennan asked if the Council could suspend Roberts Rules of Order for this item only.

Mayor granted the request.

Councilman Harjo went over his figures and how he got the numbers.

The Council discussed the items of the proposed contract and negotiated terms for the contract.

City Attorney, Paul Fitzer discussed how he would like to see notice of Council Minutes - June 25, 2024

termination handled in the contract.

Councilman Brennan made a motion to approve the draft of the Golf Course Concession Agreement and send it to legal for final review. Councilwoman Wirkkala seconded the motion.

The following vote was recorded:

Councilman Brennan	AYE
Councilwoman Wirkkala	AYE
Councilman Harjo	AYE
Councilwoman Garvey	NAY

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

2) Action Item: Deliberation/Decision regarding the proposed sidewalk cafe ordinance. (Item continued from June 11, 2024)

The Council discussed the café sidewalk ordinance with regards to patio seating and outdoor displays, as well as the fencing standard. Also discussed was the various fees that could be assessed as a part of the proposed sidewalk café ordinance.

Councilwoman Garvey made a motion to approve the proposed sidewalk café ordinance with the changes established, leaving the fees at the current rate so no public hearing is required. Councilman Harjo seconded the motion.

Councilman Brennan said the Planning Department is still trying to track everything down and then it would need to go to legal for approval. He asked if the maker of the motion would allow for all the changes to be included in the finalized draft to be brought back to Council.

Councilwoman Garvey said she would change her approval to state, we would like to have it come back to the Council for approval after legal rewrites the additions to the ordinance. Councilman Harjo seconded the amendment to the ordinance.

Paul Fitzer, City Attorney said he feels it may be a mistake to only charge the business when they obtain the license. Administrative expenses may need to be recouped at some point in the future.

Councilwoman Garvey said she does feel there needs to be oversight but what could happen down the road if the city grows to a certain point a new fee could be established.

The following vote was recorded:

Councilman Brennan	NAY
Councilwoman Wirkkala	AYE
Councilman Harjo	NAY
Councilwoman Garvey	AYE

The vote being a tie the Mayor voted NAY and the motion died.

Councilman Brennan said he voted no based on legal's remarks.

Councilwoman Garvey made a motion to approve the proposed sidewalk café ordinance adding a yearly fee of \$10.00 annually that needs to be paid yearly as a reinspection or admin fee and leaving the rest of the fees such as building review, and fire fee and permit fee.

Tiffany Belt, City Clerk said she agrees but thinks there is no need for a motion this evening since it is all going back to legal for review and can be brought back to the Council at that point.

There was no second and the motion died.

It was decided to have the ordinance drafted and sent to legal and then have it brought back to the Council after that.

3) Action Item: Deliberation/Decision regarding the proposed Master Transportation Plan.

Mayor Sykes asked if Chris Curtis, Public Works Director would be willing to reach out to Ardurra in regards to the Master Transportation Plan with regards to the truck route.

It was decided to table this item until the next meeting.

NEW BUSINESS

1) Items Removed from Consent Agenda Section. ACTION ITEM.

Item K: Approve the appointment of Shaun Brazell to the Planning and Zoning Commission, filling the remaining term of Travis Eikeness, which expires in February 2028.

Shaun Brazell was present to answer any questions the Council may have in regard to his resume for the Planning and Zoning Commission position.

Councilwoman Wirkkala said she does like Shaun's warm personality but said she wouldn't be governing properly if she chose him for the position based on that. She asked how his previous job experience would help with Planning and Zoning.

Shaun said his passion behind this would be working with the Council and relaying things properly to the Council and sometimes there has been division with the groups and things are held up because of the discussion.

Councilwoman Wirkkala said she thinks diversity between members of the board makes the Council or Planning and Zoning Commission stronger than unity would make it.

Councilman Harjo asked where in Chapter 1 Planning and Zoning a metering stick is found for qualifications are needed to sit on the Commission.

Councilwoman Wirkkala said nowhere in there does it ask for being a performer, guest services or serving experience. She said this is her opinion and she is entitled to it.

Councilman Harjo said that is true but there is also legalities. He said when he came on the Commission he had no experience in land use.

Councilwoman Wirkkala said she liked the resume of Brendan McCarthy who also doesn't have land use experience but has an HR background. She said she wanted to know why there was no advertisement for the position like Council asked there to be.

Mayor Sykes said we are here to approve Shaun or not, not about Brendan McCarthy. He said he works 8 to 5 every day and she is welcome to visit his office during that time.

Councilwoman Garvey said there are several people she heard of that wanted to be on the Commission but the wishes of the Council were not upheld to open the position.

Paul Fitzer said 67-6504 provides that a Commission member will be appointed by the Mayor with the consent of the majority of the governing body.

Councilman Brennan said he thinks there should be an opportunity for Council Minutes - June 25, 2024

everyone to apply.

Shaun said it has been known even without a statement from the city there was a vacancy on the board.

Councilwoman Wirkkala made a motion to deny Shaun Brazell to the Planning and Zoning Commission filling the remaining term of Travis Eikeness term to expire February 2028, and open it to the public to attract more candidates.

Mayor Sykes said he made a mistake at the last council meeting, when he allowed a motion to deny appointment to the P&Z Commission. Either there is a motion to approve the item or there is no motion.

Councilwoman Wirkkala asked Paul if she could make the motion to open the item to the public.

Paul said he read the statute, and it is the Mayor who appoints with the consent of the City Council.

Councilwoman Wirkkala made a motion to decline Shaun Brazell to the Planning and Zoning Commission to fill the remaining term of Travis Eikeness, term to expire February 2028.

Mayor Sykes said there is no motion to not approve there is either a motion to approve or the item dies for lack of motion.

Paul said the way it works is the Mayor appoints with the consent of the Council, so the only motion on the table is a move to confirm.

Councilman Harjo said he understands the sentiment of what is being said but he was also appalled by the willful ignorance to statute and ordinance. In his opinion Shaun Brazell is a key and upstanding member of the community who frequently contributes to the economic betterment of this community. Councilman Harjo made a motion to approve the appointment of Shaun Brazell to the Planning and Zoning Commission.

Councilwoman Garvey asked about the handling of failure to approve the Mayor's recommendation and read that section of code aloud.

Paul said all it means is the Mayor brings an appointment, if the Council doesn't confirm then the Mayor has ten days to bring another candidate forward.

There was no second and the motion died.

Councilman Harjo thanked Shaun Brazell for applying and said he was a fine candidate and the travesty that happened here was based on opinion not on statute. He said please don't take this any other way.

2) Action Item: Deliberation/Decision regarding the termination notice of the existing Golf Course Concession Agreement with Kurly's 2 Sports Grill LLC that is set to terminate on September 30, 2024.

Councilman Brennan made a motion to approve the termination notice of the existing Golf Course Concession Agreement with Kurly's 2 Sports Grill LLC set to terminate on September 30, 2024. Councilman Harjo seconded the motion.

The following vote was recorded:

Councilman Harjo	AYE
Councilman Brennan	AYE
Councilwoman Garvey	AYE
Councilwoman Wirkkala	AYE

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

3) Action Item: Deliberation/Decision regarding the cooperative agreement between Elmore County and the City of Mountain Home for dispatch services from October 1, 2024 to September 30, 2025, in the amount of \$80,863.72 and authorize the Mayor and City Clerk to sign.

Mayor Sykes said through interlineation with the contract it will be a five-year contract with our IT staff having virtual and physical access.

Councilman Brennan said he would like to add if the County wants to cancel the contract there will be two years notice.

Councilman Brennan made a motion to approve the cooperative agreement between Elmore County and the City of Mountain Home for dispatch services from October 1, 2024 to September 30, 2025 in the amount \$80,863.72 with changes through interlineation, asking the County for a five-year term with a minimum two year cancellation clause and virtual and physical access to the dispatch center by the City's IT staff. Councilwoman Garvey seconded the motion.

Councilwoman Garvey asked if the City wishes to cancel the agreement, does that need to be stated as well.

Jon Thompson, Police Chief said the City has 120 days if they give notice on termination of the contract.

Councilman Harjo said he was worried if the County were to cancel the contract with less than two years left then the City would have less notice.

Paul Fitzer, City Attorney said this would only be in case of early termination.

The following vote was recorded:

Councilman Harjo	AYE
Councilman Brennan	AYE
Councilwoman Garvey	AYE
Councilwoman Wirkkala	AYE

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

4) Non-Action Item: Deliberation regarding the City's collecting the Impact fee on behalf of Elmore County.

Councilwoman Wirkkala said she would be glad to have the County come present at a future meeting to explain what they are asking for.

Councilwoman Garvey said there was discussion over a year ago on how the City could help the County collect the fees.

Tiffany Belt, City Clerk said there was some discussion of how the model of collecting fees would work.

Paul Fitzer, City Attorney said there are some concerns with collecting impact fees on behalf of another entity.

The Council was in agreement there was interest in meeting with Elmore County about collecting impact fees on the County's behalf.

Councilman Brennan said he doesn't have the desire to physically collect the money and cut a check to the County the best we could do is sign off on paperwork the applicant then takes to the County.

It was decided to schedule this meeting with Elmore County for a later date.

5) Deliberation/Decision concerning Golf Professional employment status.

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There was discussion about whether or not the new Golf Professional should be a City employee or contracted.

It was decided to have this item come back to the Council as a work shop in the near future.

FINAL COMMENTS

Councilwoman Garvey said whatever is decided with the Golf Pro contract she does not want to see the next Golf Pro put through an ounce of what T.J. Gomez has had to endure.

EXECUTIVE SESSION

1) 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 Harjo made a motion to go into executive session pursuant to Idaho Code Section 74-206 (f). Councilwoman Wirkkala seconded the motion.

The following vote was recorded:

Councilman Harjo	AYE
Councilman Brennan	AYE
Councilwoman Garvey	AYE
Councilwoman Wirkkala	AYE

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

The Council went into executive session at 7:50 p.m.

The Council came out of executive session at 8:34 p.m.

Councilman Brennan made a motion to direct City Staff to have construction projects near the pool site to continue as scheduled with the fence by Big E Construction, masonry by Kirby Construction, and pool house roof by Pedroza Construction. Councilwoman Wirkkala seconded the motion.

The following vote was recorded:

Councilman Harjo	AYE
Councilman Brennan	AYE
Councilwoman Garvey	AYE
Councilwoman Wirkkala	AYE

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

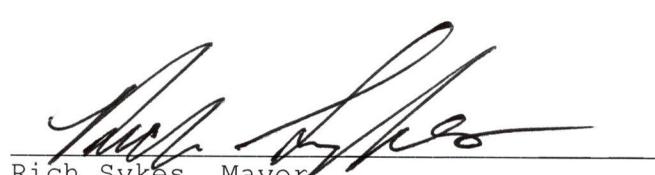
ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 8:36 P.M. by orders from Mayor Sykes.

ATTEST:


Tiffany Belt, City Clerk

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Rich Sykes, Mayor

