

This regular meeting of the Jerome City Council was called to order by Mayor Davis at 5:30 p.m.

Present: Mayor David M. Davis, Councilman Chris Barber, Councilman Robert Culver, Councilman Brent “Oop” Johnson and Councilman Jason Peterson.

Also present were staff members: City Clerk Bernadette Gomes, City Attorney Ted Larsen, City Administrator Mike Williams, Information Services Director Carlos Hernandez, Finance Director Ross Hyatt, Building Official Dave Richey, City Engineer Rick Wuori, City Engineer Tyson Carpenter, Public Works Director Brian Ahrens, Wastewater Superintendent Gilbert Sanchez, Deputy Fire Chief Mike Harrison and Police Chief Dan Hall.

PLEDGE OF ALLEGIANCE:

Mayor Davis led the audience in recitation of the pledge of allegiance.

INVOCATION:

An invocation was given by Reverend Harriman Randle with Overcomers Church.

CONSENT CALENDAR:

Those items contained in the consent calendar are as follows:

1. Approve the minutes of the April 2, 2019 regular meeting
2. Approve claims

Advanced Collection Technology \$50.00, Aflac \$164.90, American Public Works Assn \$720.00, Argo Company \$1,022.16, Arvizu, Teresa or Mario \$2,668.33, Assoc of Jerome City Firefighters \$120.00, Association of Idaho Cities \$295.00, Ayala, Lucrecia \$3,252.75, B & R Bearing \$99.20, Badger Meter \$169.99, Barragan-Chaves, Jessica \$119.24, Barry Rental, Inc. \$787.10, Blue Cross \$6,196.39, Bonneville Blue Print Supply \$113.00, Bound Tree Medical \$302.48, Bullock Automation and Electric \$1,200.00, Callen Refrigeration LLC \$296.00, Center Point Large Print \$88.08, Century Link \$1,295.31, Chase Paymenttech \$4,786.81, Cintas Corporation \$322.55, City of Jerome \$268,960.60, Coastline Equipment Company \$141.63, Cole-Parmer \$344.94, Colonial Life & Accident Insur \$1,896.70, Consolidated Electrical Distri \$254.80, Culligan Soft Water Service \$110.25, Curtis, Intermountain Division \$8,299.84, D & B Supply \$3,324.63, Dahlberg, Quincy \$107.00, Dig Line Inc \$199.40, Don's Irrigation LLC \$1,177.60, Dunn, Matt \$150.00, EHM Engineers, Inc. \$4,328.50, Electric 1 West, Inc. \$4,859.97, Element Heating and Cooling Inc \$475.00, Emergency Responder Services, Inc \$156.00, Environmental Resource Assoc. \$279.14, Ergometrics & Applied Personnel Research \$302.60, Farmore of Idaho \$961.57, Fastenal Company \$81.23, Ferguson Enterprises, Inc. \$584.25, Floyd Lilly Co \$986.24, Fred Kenyon Repair Inc. \$6,284.80, Freedom Electric Inc. \$2,857.59, Freedom Mailing Services, Inc \$1,982.40, Gem State Paper & Supply \$50.36, Gem State Welder's Supply \$108.55, Giltner Inc. \$63.00, Go-Fer It Express \$272.00, Grainger \$217.16, GreatAmerica Financial Services \$125.00, H.D.Fowler \$1,779.31, Hach Company \$10,379.21, Haffners Lock and Key \$1,885.00, Hall, Daniel \$5.00, Harvey's Office Plus \$67.81, Herth, Larry \$35.00, Hub City Building Inc \$67.34, ID Child Support Receipting \$1,869.70, ID State Tax Commission \$12,731.00, Idaho Chapter of Prima \$250.00, Idaho Materials and Construction \$99,491.83, Idaho Power Co. \$69,974.00, Idaho State Police \$1,718.75, Ingram Book Company \$1,487.31, INLA \$75.00, Integrated Technologies, Inc. \$134.39, Intermountain Gas Company \$4,495.63, Jerome City Water Department \$1,534.10, Jerome County \$10,153.19, Jerome FF Local

Union 4589 \$600.00, Jerome Printshop \$303.50, Jerome Recreation District \$300.00, Jim Ferguson \$29.00, Jimenez, Rigoberto \$2,265.74, Jimenez-Madrugal, Rigobert \$1,021.05, Johnson, Johnathan R \$60.40, J-U-B Engineers Inc. \$5,220.18, Keller Associates Inc \$14,170.09, Kerley, Doug \$2,616.99, King, Patty \$1,854.71, Lee, Kelly \$27.90, Les Schwab Tire Centers Inc \$693.16, Lewis, Eric \$5,461.50, Lifemap Assurance Company \$4,451.87, Local Highway Tech Assit.Council \$180.00, Magic Valley Labs \$6,909.75, Mailfinance \$916.68, McHugh Bromley, PLLC \$2,340.18, Mecham, Linda Library Director \$140.63, Metroquip, Inc. \$1,766.08, Middlekauff \$72.24, Morley, Larene \$31.00, Mountain View Spraying Inc \$150.00, Mower Office Systems \$80.00, Munimetrix Systems Corp. \$89.98, Nab, Robin \$2,729.43, Napa Auto Parts \$734.96, Ncpers Group Life Ins C356 \$240.00, New Tech Security, Inc. \$563.25, Nutrien Ag Solutions \$1,296.00, Ocaranza-Maciel, Liliana \$2,374.81, O'Reilly Auto Parts \$116.95, Overdrive \$1,800.00, People \$125.36, Petersen Performance \$229.90, Peterson's Reliable Electric \$110.00, Prevent Fire, LLC S Corp \$281.00, Productivity Plus Account \$470.80, Pro-Flame, Inc \$66.07, Project Mutual Telephone \$300.47, PSI Environmental Services Inc \$20,979.40, R3 Continuum \$2,749.00, Radar Shop, The \$879.50, Reliant Behavioral Health, LLC \$289.80, Rexel Usa Inc \$34.76, Rexroat, Harberd & Assoc, P.A. \$15,700.00, Rich Mattice \$500.00, Riverside Hotel, The \$1,744.00, RSCI \$290,547.34, Sawtooth Veterinary Services \$557.00, SelectHealth \$86,750.41, Shaffer, Ken \$40.00, Shawn Thomas/ 1st Responder Conferences \$886.64, Signed Sealed & Delivered \$101.10, Sircomm \$381.16, Skaggs Companies, Inc. \$94.00, SKM, Inc. \$95.00, Something More \$74.35, Strata \$1,058.30, Sweet's Septic & Backhoe, Inc. \$625.00, Teledyne Instruments, Inc \$708.20, TFD Enterprises, LLC \$13,629.06, Thatcher Company \$6,117.89, Times News \$1,062.03, Tomkins, David or Kenetha \$5,507.22, Tore Up \$85.00, Torres, Maricella \$2,879.49, Traffic Safety Supply Co Inc \$7.50, Treasure Valley Coffee, Inc. \$77.40, Treasure Valley Psychological Services \$550.00, Tri-State Tire Jerome \$30.80, US Bank of Idaho \$3,100.08, US Postmaster \$225.00, Underwood, Carl \$67.84, Unified Office Services \$43.40, United States Plastic Corp \$211.79, Urgent Care of Jerome/Twin Falls \$135.00, US Bank Credit Card \$11,368.51, USA Bluebook \$5,617.45, Valley Wide Cooperative \$8,096.47, Verizon Wireless \$3,475.52, Wal-Mart Community \$37.20, Weidner & Associates \$4,491.15, Westech \$1,057.70, Western Waste Services \$1,502.29, White Cloud Communications \$174.40, Williams Meservy & Larsen LLP \$12,856.42, Witmer Public Safety Group, Inc. \$1,193.37, Xpress Bill Pay \$1,360.52

Councilman Culver made a motion to approve the consent calendar as presented. Second to the motion was made by Councilman Barber. After consideration the motion passed unanimously by the following vote: **AYES:** Councilman Johnson, Councilman Culver, Councilman Barber and Councilman Peterson. **NAYS:** None.

PROCLAMATION – CHILD ABUSE PREVENTION MONTH:

The clerk read the proclamation in full:

**PROCLAMATION
CHILD ABUSE PREVENTION MONTH**

Whereas, child abuse is a serious and growing problem affecting more than 3.2 million of our nation's children annually and thousands of children locally; and

Whereas, this societal malignancy called child abuse respects no racial, religious, class or geographic boundaries, and in fact, has been declared a national emergency; and

Whereas, Head Start/Early Head Start through its support of parent aide programs, parenting classes, educational programs, and community service activities with the Magic Valley Prevention Coalition is making significant progress in stopping this crime against children and families.

Now therefore I, David M. Davis, Mayor of the City of Jerome, Idaho, do hereby proclaim the month of April 2019 as

Child Abuse Prevention Month

and urge citizens to use this time to better understand, recognize and respond to this grievous problem. I would like to congratulate CSI Head Start/Early Head Start and the Magic Valley Prevention Coalition for their continued success in helping families break the cycle of child abuse and neglect.

/s/: David M. Davis

Mayor, City of Jerome, Idaho

The council signified unanimous support with all “ayes.” Mayor Davis stated that there will be a ‘walk’ with local children tomorrow at approximately 10:00 a.m. and has invited all to attend and participate.

RESOLUTION NO. 08-19:

The clerk read resolution No. 08-19 as follows:

RESOLUTION NO. 08-19

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF JEROME, STATE OF IDAHO, AMENDING JEROME POLICE DEPARTMENT SUPPLEMENTAL POLICY 102 TO ESTABLISH A POLICY FOR THE AWARD OF DUTY WEAPON AND BADGE UPON POLICE OFFICER RETIREMENT.

WHEREAS, it has been a longstanding tradition in law enforcement to award a police officer his/her duty weapon and badge upon retirement; and

WHEREAS, the Jerome Police Department has followed the tradition of awarding his/her duty weapon and badge to police officers who retire; and

WHEREAS, the Chief of Police has proposed the adoption of a formal policy to carry on this tradition and ensure uniformity in the practice; and

WHEREAS, such a policy is consistent with State statutes applicable to the Idaho State Police and County Sheriffs; and

WHEREAS, Jerome Police Department Supplemental Policy 102 “Awards and Recognition” was adopted by Resolution 19-17 dated 7 November, 2017; and

WHEREAS, it is in the best interest of the Jerome Police Department that JPD Supplemental Policy 102 be amended to include a policy regarding the award of duty weapon and badge upon retirement;

BE IT THEREFORE RESOLVED, by the Mayor and the City Council of the City of Jerome, State of Idaho as follows:

1. That Jerome Police Department Supplemental Policy 102 “Awards and Recognition” amended to include section 102.3.D concerning the award of duty weapon and badge, attached hereto and incorporated herein as Exhibit “A”, be adopted with all subsequent amendments thereto for the Jerome Police Department.

This Resolution shall take effect and be in force from and after its passage and approval.

Effective upon passage by the Mayor and City Council and notice provided pursuant to law.

PASSED BY THE COUNCIL this 16th day of April, 2019.

SIGNED BY THE MAYOR this 16th day of April, 2019.

By:

/s/: David M. Davis
David M. Davis, Mayor

ATTEST:

/s/: Bernadette Gomes

Bernadette Gomes, City Clerk

Chief Hall stated a long-standing tradition has been to award retiring police officers their duty weapon and badge upon retirement. Idaho Code provides for this to Idaho State Police officers and for sheriffs and deputies, but no provisions exist for city police officers. However, the City of Jerome has been practicing this tradition for many years. Staff discovered the lack of a city policy when a request from another Magic Valley jurisdiction for the city’s policy was received. In discussions with the Human Resources department it was determined that a formalized policy would be best, and staff is asking to amend the current police department policy #102 to formalize the process of awarding an officer’s weapon and badge upon retirement. Officers will be required to meet PERSI eligibility requirements.

Upon inquiry by Councilman Johnson, Chief Hall stated a minimum of five years vested in PERSI plus years of service would determine the amount of time it would take an officer to be eligible. Under the Rule of 80 and service age, it could take an officer from fifteen to thirty years to meet the requirement. Mayor Davis commented on which weapon would be awarded, and Chief Hall stated the duty weapon assigned at the time of retirement (defined as “the primary hand gun most recently carried on duty by the retiring officer”) would be awarded. A badge marked “retirement” will be given as well. Upon inquiry by Councilman Barber, Chief Hall stated it is not cost effective to have the weapons engraved. He further stated that an officer must retire from service to receive their weapon and badge.

Councilman Culver made a motion to approve Resolution No. 08-19 amending Jerome Police Department Supplemental Policy 102 establishing a policy for the award of duty weapon and badge upon the retirement of a police officer. Second to the motion was made by Councilman Johnson. After consideration the motion passed unanimously by the following vote: **AYES:** Councilman Johnson, Councilman Culver, Councilman Barber and Councilman Peterson. **NAYS:** None.

COMMERCIAL USE OF NORTH PARK – MOVIE NIGHTS:

Collin Sharp with Collin Sharp Insurance Agency, Inc. appeared before council to request approval of his request to host two movie nights at North Park this summer. He has two evenings confirmed to be available although he is contemplating a third evening in late July or August. He has some ideas for what will be shown this year, and Councilman Johnson commented that everyone seems to enjoy the movie nights at the park.

Councilman Culver made a motion to approve the application of Collin Sharp, Collin Sharp Insurance Agency Inc., for a permit for commercial use of the North Park on July 19th and August 2nd, 2019 for two movie and food concession events, and waive any permit fees due to the civic nature of the event. Second to the motion was made by Councilman Barber. After consideration the motion passed unanimously by the following vote: **AYES:** Councilman Johnson, Councilman Culver, Councilman Barber and Councilman Peterson. **NAYS:** None.

CONTRACT AWARD – EXTREME EXCAVATION, INC.:

Mr. Carpenter presented a contract award for the 100 S Gravity Sewer Interceptor project. The sewer line currently services flows primarily from Darigold and Idaho Milk Products (IMP) and has been identified in the master plan as a priority project to increase flow capacity in 2011. In 2013 a portion of the line was completed. The project is now budgeted and went out to bid. Two bids were received and the lowest bid was from Extreme Excavation. The amount of the bids were higher than the budgeted amount as numbers from several years ago were used. Staff recommends moving forward with the contract award, and Mr. Carpenter stated funding will come from the budget line items of \$157,417 and \$207,908 from the wastewater reserve funds.

Upon inquiry by Mayor Davis, Mr. Williams stated this project is within an urban renewal area and preliminary discussions have taken place with the Jerome Urban Renewal Agency (URA). Additionally, IMP recently invested in a large project that currently discharges into this sewer line. URA Area 5 will benefit from the upgrade but currently has no funds as it was created in December 2018. Due to IMP's \$15 million investment, revenues in Area 5 are expected in 2020 and can be used to reimburse the City of Jerome for the additional \$207,908 over a specified period of time. Mr. Carpenter stated the project is expected to begin this summer and complete in August. Mr. Williams also stated there is no immediate deadline for industrial expansion although staff would like to see the work completed as soon as possible. Upon inquiry by Councilman Johnson, Mr. Carpenter stated flow will increase significantly as the line will go from a 12" line to 18". Some road digging will be required, and Mr. Carpenter showed a map to council to illustrate where the connections will take place.

Councilman Culver made a motion to approve a contract award to Extreme Excavation, Inc. for the 100 S Sewer Interceptor Project for a total Unit Price bid of \$365,325. Second to the motion was made by Councilman Barber. After consideration the motion passed unanimously by the following vote: **AYES:** Councilman Johnson, Councilman Culver, Councilman Barber and Councilman Peterson. **NAYS:** None.

FREEDOM FEST FIREWORKS SHOW:

Ms. Gomes stated Fireworks & Stage FX America provided the city's public display of fireworks for the 2018 Freedom Fest and after receiving two bids the Community Spirit Committee recommended their show again this year. The contract provides that one-half of the

fee be paid at the time the contract is signed; the balance will be paid after the show. This is a budgeted expense. Mr. Williams stated the display will be similar to last year's show, and that donations and booth vendor sponsors have been contributing to the cost of the show.

Councilman Culver made a motion to approve the contract with Fireworks & Stage FX America for the public display of fireworks at the 2019 Freedom Fest and authorize the mayor to execute the same. Second to the motion was made by Councilman Johnson. After consideration the motion passed unanimously by the following vote: **AYES:** Councilman Johnson, Councilman Culver, Councilman Barber and Councilman Peterson. **NAYS:** None.

DISCUSSION ON AMENDING THE CITY OF JEROME NUISANCE ORDINANCE:

Mr. Williams provided the council with a copy of the existing nuisance ordinance with recommended changes noted. The purpose of the recommended changes is to strengthen the structure of Jerome Municipal Code Section 8.08 and allow staff to enforce the requirements for maintaining clean properties. Staff met with the Mayor and counsel to assist with the recommended changes. Mr. Williams referred to Section 8.08.020 regarding "responsible parties" and the current definition of "owner of record" as being the responsible party to maintain properties. Most properties within the city are nice although some are consistently cited for non-compliance. Five calendar days' notice are given to property owners to clean up properties before the abatement process begins. Currently, staff gives three separate notices with little results. Discretion will be used for certain circumstances (i.e. disabled occupants, etc.). An appeal section is included in the ordinance for those who disagree with actions taken. Mr. Williams reviewed the criminal penalties section of the ordinance, and staff recommends making the first offense an infraction with a \$250 fine, the second offense an infraction with a \$500 fine, and the third and subsequent offenses as misdemeanors with a \$1,000 fine. Civil action to recover the cost of abatement is also included, and procedures for collection are listed (i.e. charges on their utility bill, assess a lien on the property, etc.).

Extensive discussion ensued regarding the proposed changes to the nuisance ordinance. Topics of the discussion included: fines added to the customer's utility bill and the inability to discontinue water services due to lack of payment on the fines only; the opportunity to take advantage of the appeals procedure to address non-compliance issues; the placement of liens on one's property; residential and commercial properties being subject to the requirements of the ordinance; and, the city's Strategic Plan and encouraging those in violation to comply; promoting and encouraging the community to have pride in their properties. Councilman Culver commented that he approves of the ordinance. Councilman Barber commented on the section regarding waste matter and adding tires to the list, and Mr. Larsen stated there are a number of provisions for which the code enforcement officer or designee can issue uniform citations and enforce them by infraction. Mayor Davis commented about to whom the citations would be issued (listed as "the owner, occupier, or person in control of the property) and the method of delivery. Mr. Larsen spoke of personal delivery, by regular mail or by posting the notice on the property and publication of said notice in the newspaper. Upon inquiry by Councilman Peterson, Mr. Larsen explained that the phrase "one notice in the official newspaper of the City" is a phrase from Idaho Code regarding the publication of notices. For the City of Jerome, the "official newspaper" is the Times News. He further stated if the legislature were to make changes to the publication requirement, the ordinance could be changed accordingly if necessary.

Upon inquiry by Councilman Johnson regarding the effectiveness of collecting fines, Mr. Larsen stated the fines would be court-enforced and sent to collections by the courts.

Mayor Davis commented on the fees for publishing notices, and asked if the noticing requirement would be met by posting the notice on the property along with sending it by mail. Mr. Larsen confirmed this would be acceptable practice, and while certified mailings are not required they would confirm receipt of the notice. Regarding criminal penalties, fines would be imposed after five working days of non-compliance.

Councilman Peterson questioned the city's noise ordinance and citizen recourse for excessive noise violations. Chief Hall stated a citation can be issued for "loudly distinguishable" noises within a certain distance. The state code also allows for charges of disturbing the peace or disorderly conduct with a complaint filed by someone other than a police officer (i.e. the person complaining about the noise) if the police officer does not observe said violation. Chief Hall further stated that staff gets daily calls for these types of violations; compliance is asked of the violator, and then citations can be issued.

Mayor Davis continued with the nuisance ordinance and asked staff what is changing with city code. Mr. Larsen stated that the existing ordinance is difficult to enforce with no clear wording to state that "it is unlawful to maintain a nuisance." The revised ordinance increases the city's ability to enforce code violations and collect fees if the city decides to enforce abatement on general nuisances such as weeds; the ordinance gives the city a mechanism for collecting fines. Additionally, infractions provide a record for a judge to consider when increased violations result in a misdemeanor. Mayor Davis commented about the progressive increase in fees per violation.

Council agreed to have staff move forward with finalizing the revised ordinance to present at a future council meeting.

COUNCIL REPORTS:

Councilman Barber reminded council and staff of the Easter Egg Hunt at Forsyth Park on April 20th. There will be over 10,000 eggs, goodie bags, and a free breakfast for all attendees. He also commented on the need to update and modernize council chambers. Mr. Williams agreed that, while the council chambers are inadequate for our community's size, it has not been a priority for changes. Mayor Davis suggested seeking out high school art class students to present mural ideas.

STAFF REPORTS:

Mr. Williams announced the employee City Wide meeting will be held on Thursday, April 18th, at Fire Station 2 from 8:00 a.m.-1:00 p.m.; there will be a full agenda including lunch. On Wednesday April 24th staff will be hosting a retirement open house for City Engineer Rick Wuori from 3:00 p.m.-5:00 pm. He also announced that the City Wide Clean Up Day will be on Saturday May 4th ; participants will meet at 9:00 a.m. behind the Jerome CSI building.

Mr. Hyatt presented the 2020 budget calendar to council for their review and reviewed dates of activities.

Mr. Ahrens reported that staff will begin enforcing backflow requirements and advised that staff or council might get customer inquiries regarding backflow notices.

EXECUTIVE SESSION:

Councilman Culver made a motion to adjourn to executive session pursuant to Idaho Code 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 at 6:28 p.m. Second to the motion was made by Councilman Peterson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Johnson, Councilman Culver, Councilman Barber and Councilman Peterson. **NAYS:** None.

ADJOURNMENT:

There being nothing further to discuss, Mayor Davis called the regular meeting back to order and adjourned this April 16, 2019 regular meeting of the Jerome City Council at 7:10 p.m.

By:

Mayor David M. Davis

Attest:

Bernadette Gomes, City Clerk