

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, Public Works Director Brian Ahrens, Building Official Dave Richey, Wastewater Superintendent Gilbert Sanchez, Finance Director Ross Hyatt, Budget and Accounting Manager Lori McCrae, City Planner Ida Clark, Human Resources Manager Esmeralda Chavez, City Engineer Tyson Carpenter, 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 Pastor Jason Bates with Freewill Baptist Church.

CONSENT CALENDAR:

Those items contained in the consent calendar are as follows:

1. Approve the minutes of the May 21, 2019 regular meeting

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 Peterson, Councilman Johnson, Councilman Culver and Councilman Barber. **NAYS:** None.

OATH OF OFFICE – FIRE CHIEF HARRISON:

Mayor Davis administered the Oath of Office to newly promoted Fire Chief Mike Harrison. Chief Harrison’s badge was pinned by his son, and Mayor Davis congratulated Chief Harrison on his promotion.

BILL NO. 661, ORDINANCE NO. 1176 – INTRODUCTION:

Mr. Williams stated a draft of the ordinance with suggested changes was presented to council for review recently. Changes were made to some language along with penalties for habitual offenders with the hope that properties would stay in compliance. Abatement methods were also addressed and liens were more clearly defined. Highlights of the new ordinance were reviewed. Definition modifications to specific terms were identified and include abatable nuisances, general nuisances, and responsible parties for notification and citation purposes. Mr. Williams also reviewed the changes in abatement procedures; violators will have five calendar days to comply with code requirements before the enactment of code enforcement. Additionally, a procedure to challenge violations is also included in the new ordinance along with enforcement

procedures, and penalties are clearly defined. Mr. Williams also listed the options for collecting unpaid fines.

Mr. Williams stated the council has the discretion of suspending the rules to adopt the ordinance this evening, or to follow regular protocol of three separate meetings to review and adopt the ordinance. Upon inquiry by Councilman Barber, Mr. Williams stated the ordinance will pertain to commercial properties as well as residential properties.

Councilman Culver sponsored Bill No. 661.

Councilman Culver made the motion to suspend the rules of the reading of the ordinance two times by title and once in full with three readings by title only to constitute three separate readings. Second to the motion was made by Councilman Johnson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Johnson, Councilman Culver and Councilman Barber. **NAYS:** None.

The clerk read Bill No. 661 by title only three times to constitute three readings. The full ordinance is on file in the clerk's office and is as follows:

**BILL NO. 661
ORDINANCE NO. 1176**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, IDAHO, AMENDING JEROME MUNICIPAL CODE CHAPTER 8.08 NUISANCES, AMENDING 8.08.010 NUISANCE DEFINED; ADDING DEFINITIONS; AMENDING 8.08.020 ABATEMENT; CREATING AN OBLIGATION FOR AND DEFINING THE RESPONSIBLE PARTY; AMENDING 8.08.030; PROHIBITING ABATABLE NUISANCES AND PROVIDING A PROCEDURE FOR ABATING ABATABLE NUISANCES; AND PROVIDING PENALTIES THEREFORE; AMENDING 8.08.040; PROHIBITING GENERAL NUISANCES AND PROVIDING A PROCEDURE FOR ABATING GENERAL NUISANCES; AND PROVIDING PENALTIES THEREFORE; AMENDING 8.08.050; CREATING A PROHIBITION ON INHIBITING AUTHORIZED; AND PROVIDING FOR AN EFFECTIVE DATE;

WHEREAS, the City adopted a nuisance ordinance, Ordinance 1001 in 2006 to address unsanitary conditions, proliferation of waste and debris upon private property and nuisances upon private property; and

WHEREAS, private property nuisance complaints have increased in recent years despite ongoing enforcement; and

WHEREAS, the Mayor and City Council desire to clarify and strengthen the structure of the prohibition on nuisances and create more stringent enforcement in penalties to be enacted to compel residents maintaining nuisances upon their private property to conform their conduct pursuant to law and deter future violations; and

BE IT THEREFORE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF JEROME, IDAHO, AS FOLLOWS:

Chapter 8.08. is amended as follows:

Section 8.08.010: ~~Nuisance Defined:~~ **DEFINITIONS:**

GRAFFITI: Any inscription, work, figure, symbol, drawing, mark, or design that is marked, etched, scratched, drawn, or painted on any real or personal property or improvement, including, but not limited to, walls, fences, gates, pavement, buildings, rocks, trees, bridges, streets, sidewalks, and/or signs, whether such property is public, private, temporary, or permanent, without the consent of the owners of such property or the owner's authorized agent, and which inscription, work, figure, symbol, drawing, mark, or design is visible from any publicly accessible location.

JUNK VEHICLE: Any vehicle, or parts thereof, which:

- A. Cannot be safely operated under its own power;
- B. Is parked in public right of way and is not registered or licensed;
- C. Is missing any one of the following: foot brakes, hand brakes, headlights, taillights, horn, muffler, rearview mirrors, windshield wipers or adequate fenders;
- D. Has been declared salvage, or has been physically damaged to the extent that the costs of parts and labor minus the salvage value would make it uneconomical to repair or rebuild such vehicle; or
- E. Is otherwise in a wrecked, partially dismantled, inoperative, or dilapidated condition.

This definition shall not include junk vehicles lawfully stored or parked and screened from view from a public right of way pursuant to the operation of a lawfully conducted business, industry or commercial enterprise.

NUISANCE: Anything which unreasonably injures or offends the health or senses; obstructs the free passage, comfortable enjoyment, or customary use of public or private property; or creates an actual or potential safety, health, or fire hazard. Nuisances shall include, but shall not be limited to, the following conditions designated as abatable nuisances and as general nuisances.

Abatable Nuisance: Nuisance conditions that may be abated by the City in accordance with the provisions of this chapter, specifically including, without limitation, the following nuisance conditions:

- A. Nuisance weeds.
- B. Graffiti, on any surface.
- C. Snow or ice on any public sidewalk abutting or adjoining any privately owned premises.
- D. Vegetation, other than trees, that impedes or obstructs a public sidewalk or roadway.

General Nuisance: Nuisance conditions that may lead to criminal charges without any prior attempt by the City to obtain abatement thereof, specifically including, without limitation, the following nuisance conditions:

- A. Bulky Waste: Stoves, refrigerators, water tanks, washing machines, furniture, appliances and other waste materials other than construction debris, dead animals, hazardous materials or stable matter with weights or volumes great than those allowed for containers.

B. Construction Debris: As waste building materials resulting from construction, remodeling, repair, or demolition operations.

C. Dead Animal: Any animal, or portions thereof, ~~equal to or greater than ten (10) pounds in weight~~ that has expired from any cause ~~except those slaughtered or killed of human use or consumption.~~

D. Garbage: ~~Any and all dead animals of less than ten (10) pounds in weight, except those slaughtered for human consumption;~~ Every accumulation of waste (animal, vegetable and/or matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by any way of limitation, used tin cans, milk cartons, and other food containers; and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); except in all cases any matter included in the definitions of “bulky waste”, “construction debris”, “dead animal” , “hazardous materials”, “rubbish”, or “stable matter.”

E. Hazardous Materials: Any chemical, compound, mixture, substance or article which is designated by the United States ~~e~~Environmental ~~p~~Protection ~~a~~Agency or ~~other appropriate agency governing authority~~ of the state or federal government to be hazardous as that term is defined by or pursuant to federal or state law. Except, however, that this definition shall not include the incidental leakage of nuisance materials from registered vehicles lawfully moving or lawfully parked upon a public right-of-way; the lawful application of pesticides or herbicides for purposes of controlling pests or weeds; or activity otherwise specifically allowed by law or by written permit issued by the City or other governing authority.

F. Rubbish: Waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, cardboard, rags, straw, used and discarded mattresses, used and discarded clothing, combustible waste pulp and other products such as are used for packing, or wrapping crockery and glass, ashes, cinders, floor sweepings, grass, mineral and metallic substances and any and all other waste materials not included in the definitions of “bulky waste”, “constructions debris”, “dead animal” , “garbage”, “hazardous materials” or “stable matter.”

G. Stable Matter: All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock, or poultry enclosure and resulting from the keeping of animals, poultry or livestock.

H. Waste Matter: Used or discarded matter having no substantial market value, which is exposed to the elements and is not enclosed in any structure or otherwise concealed from public view, and which consists (without limitation or exclusion by enumeration) of such matter and material as:

- A. 1. Rubble, asphalt, concrete, plaster, tile;

- B. 2. Rubbish, crates, cartons, metal and glass containers; and
- C. 3. Vehicle bodies and parts.

NUISANCE MATERIALS: Hazardous, noxious, dangerous, or offensive materials, including, but not limited to, oil, gasolines, fuel, antifreeze, paint, pesticides, or herbicides.

NUISANCE WEEDS: Undesirable plant growth, whether living or dead, which:

- A. Is over eight inches (8") in height;
- B. By reason of size, manner of growth, location, or dryness, constitutes a safety, health, or fire hazard to any person, building, improvement, crop, or other real or personal property;
- C. By reason of size, manner of growth, or location, impedes or obstructs a sidewalk or roadway or any portion thereof; or
- D. Is designated as a noxious weed by the State of Idaho.

This definition shall not include cultivated grasses and pastures, through such vegetation may be declared a nuisance where otherwise appropriate.

Section 8.08.020: ~~Abatement; Notice to Person Creating or Maintaining~~ **RESPONSIBLE PARTY:**

~~The mayor or city council may cause the chief of police or his designee to give notice in writing to the owner, occupant or agent having charge of any lot, building or premises or parking lot, street or alley to the middle of the street or alley upon which such premises abut, in or upon which any nuisance shall be found, or upon him who may be the cause of such nuisance, requiring him to abate the same within five (5) working days of such notice.~~

Where a nuisance exists upon property that is vacant, abandoned, and/or uninhabited, the owner of record, as reflected on the most recent assessment roll, shall be presumed to be responsible for creating, causing, committing, maintaining, and/or allowing such nuisance. Such owner of record shall be subject to any and all penalties imposed as set forth herein, and shall be responsible for payment of any and all costs incurred in abating the nuisance. The owner of record shall bear the burden of rebutting this presumption.

Section 8.08.030: ~~Abatement; City Failure to Give Notice Not to Relieve Author of Responsibility:~~ **ABATABLE NUISANCES; PROCEDURES AND PENALTIES:**

~~The failure of the mayor and city council to cause notice to be given to the author of any nuisance, as provided in section 8.08.020 of this chapter, shall in no way relieve such author from any of the penalties provided in this code for any violations contained in this chapter.~~

A. Applicability: The procedures set forth in this section shall apply to abatable nuisances.

B. Abatable Nuisance Unlawful: It shall be unlawful for any owner, occupant, user, or person in charge or control of any property to create, cause, commit, maintain, or allow the existence of any abatable nuisance on such property, or upon any street, sidewalk or public right-of-way abutting such property including the area behind curbs, sidewalks, parking areas, and property to the center of alleys and ditches. Further, it shall be unlawful for any person to create, cause, allow, or commit any nuisance upon any

public property, right-of-way, or infrastructure, including sidewalks, streets, gutters, or storm drains.

C. Procedure: If it is determined by a Code Enforcement Officer that an abatable nuisance exists, the Code Enforcement Officer shall cause a notice of violation and order to abate to be issued to the owner, occupier, and/or person in control of such property. Such notice and order shall contain the street address and parcel number of the property, describe the nuisance existing thereon, order the abatement of the nuisance, establish the time period for abatement, specify the penalty for noncompliance, and describe the opportunity and time for appeal. The Code Enforcement Officer shall issue such notice and order to the owner, occupier, or person in control of the property on which the nuisance exists in one of the following ways:

1. By personal service upon such owner, occupier, or person in charge or control of the property; or
2. By regular mail to such owner, occupier, or person in charge or control of the property, at the address shown on the last available assessment roll, or as otherwise known; or
3. By posting such notice and order at a conspicuous place on the property and publishing one notice in the official newspaper of the City that the property has been posted in accordance with this chapter and ordering the owner, occupier, or person in charge or control of the property.

D. Time Period for Abatement: It shall be the duty of the owner, occupier, or person in charge or control of any property where any abatable nuisance exists, to abate such nuisance within five (5) calendar days from the date of personal service, mailing, or publication, except that the Code Enforcement Officer may require summary abatement of an abatable nuisance where such condition presents an imminent or ongoing threat to or impairment of human health or safety. Abatement of graffiti shall meet the following standards:

1. The removal of such graffiti shall not follow the pattern of the graffiti such that the inscription, work, figure, symbol, drawing, mark, or design of such graffiti remains apparent.
2. The removal of such graffiti by painting over it shall be reasonably similar or identical to the original color of the surface upon which such graffiti is applied.
3. If the surface is heavily covered with graffiti, the entire surface shall be repainted.

D. Appeal: Within five (5) calendar days from the date of service, mailing, or publication of the notice of violation and order to abate, the owner, occupier, and/or person in charge or control of the subject property may appeal to the City Council by filing a written with the City Clerk, which appeal shall enumerate the grounds for appeal. The City Clerk may schedule such appeal for hearing at the next regular meeting of City Council. City Council shall consider written and oral testimony from the appellant and shall affirm, withdraw, or modify the order to abate. The decision of the City Council shall be final. If City Council affirms the order, the appellant shall have five (5) calendar days from the date of such affirmation to abate the nuisance as ordered.

F. Criminal Penalties: If, following notice of violation and order to abate, any person allows the existence of an abatable nuisance, such person shall be guilty of an infraction, which shall be punishable by a fine of *Two Hundred Fifty Dollars (\$250.00)*. A second violation within a calendar year of the first violation shall be punishable by a fine of *Five Hundred Dollars (\$500.00)*. A third and any subsequent violation within a calendar year of the first violation shall be guilty of a misdemeanor and subject to a fine of *One Thousand Dollars (\$1,000.00)* and/or six months imprisonment in the county jail, and/or by both such fine and imprisonment. Each and every day in which any such violation continues may be deemed a separate and subsequent violation. Upon conviction for a violation of this section, the City shall request from the Criminal Court an order of restitution for any and all costs of abatement and/or other related costs incurred by the City. Peace officers and Code Enforcement Officers shall have the authority to issue Idaho uniform citations to violators of this section.

G. Civil Penalties: In addition to any other penalties described in this section, the City may also take civil action to obtain an order enjoining the ongoing maintenance of such property free from nuisance, and/or to recover any and all costs of abatement, enforcement, litigation, and/or prosecution including, but not limited to, attorney fees and court costs.

H. Abatement; Administrative Penalties: In addition to pursuing criminal and/or civil penalties, and notwithstanding the imposition of any civil or criminal fine, penalty or imprisonment, the Code Enforcement Officer, after providing notice and hearing as provided herein, may abate or cause the abatement of any abatable nuisance where the owner, occupant, agent or person in control of property does not comply in all respects with an order to abate, the Code Enforcement Officer may abate or cause the abatement of such nuisance. The owner, occupier, and/or person in charge or control of the subject property shall be billed, assessed, and/or held responsible for any and all actual expenses of such work, and any related charges, including fees and fines that may be imposed pursuant to this chapter and/or adopted by fee schedule, pursuant to the following procedures:

1. Recovery of Abatement Costs and Fees: Within thirty (30) days of abatement of the nuisance, the City shall send the owner, occupier, and/or person in charge or control of the subject property, by regular mail, a billing statement requiring payment to City the costs of abating the nuisance and administrative fee as established by fee schedule.

2. Nonpayment of Abatement Costs: If full payment is not made to City within fifteen (15) days of the mailing of the billing statement requiring payment of abatement costs and fees, the City may:

a. Attempt to recover such amount through the City bill collection procedures;

b. Add the amount due and owing to the Municipal utility service account related to the property on which the nuisance was abated and collect such amount in accordance with utility bill collection procedures; and/or

c. Levy a special assessment against the subject property pursuant to Idaho Code sections 50-1008 and 50-334 and/or any subsequently adopted or otherwise applicable laws. Notice of the special assessment shall be sent by regular mail to the owner of the subject property, and shall state the address and parcel number of the subject property, date of abatement action taken, and state the amount to be assessed, including any applicable administrative and/or late fees, and shall state that if the assessment is not paid within thirty (30) days, the assessment will be placed on the real property tax rolls and will become a lien against such property. If payment to the City Clerk is not made within thirty (30) days after mailing the notice of special assessment, the assessment shall be declared delinquent and shall be certified, including a ten percent (10%) late fee, to the Jerome County Assessor by the City Clerk, not later than August 1 of each year. Upon such certification, the assessment shall be placed upon the tax roll and shall thereafter become a lien against the property described in the notice and shall be collected in the same manner and subject to the same penalties as other City taxes. Upon payment of the assessment, fees and penalties in full, the City Clerk shall file a release of lien with the Jerome County Assessor.

I. Summary Abatement: Nothing contained herein shall prevent a Code Enforcement Officer, peace officer or Fire Marshal from requiring, undertaking, or causing summary abatement of an abatable nuisance where such condition presents an imminent or ongoing threat to or impairment of human health or safety.

J. Noxious Weeds: In addition to other remedies set forth in this chapter, the Code Enforcement Officer may notify Jerome County of the presence of noxious weeds.

Section 8.08.040: Abatement; By City; Collection of Costs: **GENERAL NUISANCES; PROCEDURES AND PENALTIES:**

~~If the owner, occupant, agent or person to whom the notice provided for in section 8.08.020 of this chapter is directed shall neglect, fail or refuse to comply with the requirements of such notice within the specified time, the city, through the mayor, shall immediately cause the nuisance to be abated in accordance with the notice. The cost of the abatement shall be assessed to the responsible party who has created, caused or maintained the nuisance, in accordance with the provisions of Idaho Code section 50-1008.~~

A. Applicability: The procedures set forth in this section shall apply to general nuisances.

B. General Nuisance Unlawful: It shall be unlawful for any owner, occupant, user, or person in charge or control of any property to create, cause, commit, maintain, or allow the existence of any general nuisance on such property, or upon any street, sidewalk or public right-of-way abutting such property including the area behind curbs, sidewalks, parking areas, and property to the center of alleys and ditches. Further, it shall be unlawful for any person to create, cause, allow, or commit any nuisance upon any public property, right-of-way, or infrastructure, including sidewalks, streets, gutters, or storm drains.

C. Criminal Penalties: If, following notice of violation and order to abate, any person allows the existence of an abatable nuisance, such person shall be guilty of an infraction, which shall be punishable by a fine of *Two Hundred Fifty Dollars (\$250.00)*. A second violation within a calendar year of the first violation shall be punishable by a fine of *Five Hundred Dollars (\$500.00)*. A third and any subsequent violation within a calendar year of the first violation shall be guilty of a misdemeanor and subject to a fine of *One Thousand Dollars (\$1,000.00)* and/or six months imprisonment in the county jail, and/or by both such fine and imprisonment. Each and every day in which any such violation continues may be deemed a separate and subsequent violation. Upon conviction for a violation of this section, the City shall request from the Criminal Court an order of restitution for any and all costs of abatement and/or other related costs incurred by the City. Peace officers and Code Enforcement Officers shall have the authority to issue Idaho uniform citations to violators of this section.

D. Civil Penalties: In addition to any other penalties described in this section, the City may also take civil action to obtain an order mandating the abatement of such general nuisance and ongoing maintenance of such property free from nuisance, and/or to recover any and all costs of enforcement, litigation, and/or prosecution including, but not limited to, attorney fees and court costs.

E. Summary Abatement: Nothing contained herein shall prevent a Code Enforcement Officer, peace officer or Fire Marshal from requiring, undertaking, or causing summary abatement of a general nuisance where such condition presents an imminent or ongoing threat to or impairment of human health or safety.

Section 8.08.050: Police Department Inspection: **HINDERING AUTHORIZED PERSON:**

~~For the purpose of carrying the provisions of this chapter into effect, it shall be the duty of the chief of police or his designee to investigate any reports regarding the unsanitary conditions of the city and submit a report to the proper city authorities for prosecution of all violations of this chapter.~~

~~It shall be unlawful and a misdemeanor to interfere with, hinder or refuse to allow any authorized City official or employee to enter upon private or public property to enforce the provisions of this chapter.~~

~~Section 8.08.060: Violation; Penalty—~~

~~Any person who shall create or maintain a nuisance shall, for every twenty four (24) hour period after five (5) working days from the service of the notice provided in section [8.08.020](#) of this chapter for which the nuisance is maintained, be guilty of a misdemeanor subject to a fine of \$250. Any subsequent violation in any calendar year shall be subject to a fine of \$500. Any third or more violation in any calendar year shall be guilty of a misdemeanor and subject to a fine of \$1000 and/or six months county jail, and/or by both such fine and jail time.~~

This Ordinance shall become effective upon its passage and publication as provided by law.

PASSED BY THE COUNCIL this 4th day of June, 2019.

SIGNED BY THE MAYOR this 4th day of June, 2019.

CITY OF JEROME, IDAHO

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

ATTEST:
/s/ Bernadette Gomes
Bernadette Gomes, City Clerk

Councilman Culver made the motion to adopt Bill No. 661 as Ordinance No. 1176 amending the Jerome Nuisance Ordinance. Second to the motion was made by Councilman Barber. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Johnson, Councilman Culver and Councilman Barber. **NAYS:** None.

Upon inquiry by Mayor Davis, Ms. Gomes stated the ordinance will be published in the Times News on June 7, 2019.

RESOLUTION NO. 12-19:

The clerk read Resolution No. 12-19 in full as follows:

RESOLUTION NO. 12-19

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, IDAHO AMENDING THE CITY OF JEROME EMPLOYEE WELLNESS PROGRAM, PROVIDING AN EFFECTIVE DATE.

WHEREAS, a City of Jerome Employee Wellness Program was established by Resolution No. 3-01, and amended by Resolution Nos. 16-04, 17-05, 23-05, 01-06, 05-09; 06-09; 03-10; 14-11; 13-12; 16-13; 02-15; and 09-15; and

WHEREAS, the Mayor and Council recognize that a proactive program fostering the health and well-being of the City employees may help reduce illness and injury both on and off the job; and

WHEREAS, successful wellness programs have been shown to reduce costs for services while inspiring participants to be more mindful of unhealthy habits and health risks; and

WHEREAS, the Mayor and Council of the City of Jerome wish to amend the City of Jerome Wellness Program to increase the quarterly points for activities in the Rewards for Lifestyle Change.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND COUNCIL AS FOLLOWS:

SECTION 1. Resolution No. 09-15 is hereby repealed.

SECTION 2. The Mayor and Council for the City of Jerome, Idaho hereby adopt the City of Jerome's Wellness Program attached as Exhibit "A".

SECTION 3. This Resolution shall be effective July 1st, 2019 and upon its passage and approval by the Jerome City Council.

PASSED BY THE COUNCIL this 4th day of June, 2019.

SIGNED BY THE MAYOR this 4th day of June, 2019.

CITY OF JEROME, IDAHO

By:

/s/ David M. Davis

David M. Davis, Mayor

ATTEST:

/s/ Bernadette Gomes

Bernadette Gomes, City Clerk

Ms. Clark stated the Wellness Committee had a lengthy discussion regarding participation in the city's Wellness Program. She reviewed specifics of the program which include reimbursement for costs associated to wellness (i.e. gym membership fees) and points earned for wellness activities which are converted to dollars and submitted through payroll. The points system was modified to include exercising five times or more per week based upon feedback from employees. Philanthropic activities were also modified. Ms. Clark stated the improvements to the Wellness Program will hopefully encourage employees to participate in the program. The maximum number of points to be earned will remain at 400 per calendar year. Upon inquiry by Mayor Davis, one dollar is paid for each point earned, and monies will be reimbursed through payroll for tax purposes.

Councilman Culver made the motion to pass Resolution No. 12-19. Second to the motion was made by Councilman Peterson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Johnson, Councilman Culver and Councilman Barber. **NAYS:** None.

KELLER ASSOCIATES ADDENDUM #17:

Mr. Sanchez appeared before council to request approval of Addendum No. 17 for Keller Associates to do a capacity study for the wastewater treatment plant. He briefly reviewed the efforts taken to upgrade the plant including the bond issued through judicial confirmation to make the necessary upgrades. At that time local industries were giving approximately 25,000 pounds of Biochemical Oxygen Demand (BOD) per day, while the plant in its existing condition was rated for approximately 11,000. Violations were incurred due to overflows as capacity was not sufficient. Upgrades to the plant allotted approximately 4.8 million gallons of flow, 31,000 pounds of BOD and 15,000 pounds of Total Suspended Solids (TSS). These numbers have been allocated amongst the industries, and every industry has been seeking to increase their BOD, TSS and flows.

Mr. Sanchez stated some industry pre-treatment has been successful along with the city's industrial pre-treatment program. The three industries currently give 15,000 pounds of BOD which gives opportunity to provide growth. The upgrades to the plant are complete with the exception of a few punch list items, and staff did not envision the success of the facility. Staff has discovered that the bio towers and clarifiers are working far better than anticipated, and have explored the option of increasing loading capacity and provide more city growth if a capacity study were completed. The cost of the study is \$40,200, and with other miscellaneous work the total cost would be \$50,200. Mr. Sanchez is confident the capacity study will show that the plant can handle more flow.

Mr. Williams stated the Environmental Protection Agency (EPA) and Department of Environmental Quality (DEQ) look for rating information and stated that once a city reaches 80%

capacity of either flow or loadings they must be in planning phases on the next upgrade; at 90% capacity construction must be taking place. Staff hopes the capacity study will show how the plant is operating. Discussion ensued regarding increased flows and correlating fees; the amount of existing capacity; BOD permits with industries and impact the expansions will have on loadings and flow; healthy investments by the industries; and, the information resulting from a capacity study. Mr. Williams stated staff is aware of current capacity levels on a daily basis (currently at approximately 66% of flow capacity and permitted 54% of 31,000 BOD). Mr. Sanchez stated if any loadings get to 85% additional plant upgrades will be required. Upon inquiry by Mayor Davis, Mr. Sanchez stated the capacity study will begin upon council approval; Keller Associates will be contacted, and the study itself will take approximately six months to complete. Additionally, seasonal temperature changes are already compensated for in the processes and will not affect the capacity study.

Councilman Culver made the motion to approve Addendum #17 for Planning, Pre-design, Design, and Construction Administration Services between Keller Associates, Inc. and the City of Jerome to perform a Capacity Study. Second to the motion was made by Councilman Barber. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Johnson, Councilman Culver and Councilman Barber. **NAYS:** None.

IDAHO MILITARY DIVISION LEASE AGREEMENT RENEWAL:

Mr. Carpenter presented a lease renewal with the Idaho Military Division for the communications tower. The non-profit organization leases the equipment to help link up local, state and federal police to the National Crime Information System. There are no proposed changes to the equipment at this time.

Councilman Culver made the motion to approve the renewal of the lease agreement with the Idaho Military Division to use a communication antenna on the City communications tower. Second to the motion was made by Councilman Johnson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Johnson, Councilman Culver and Councilman Barber. **NAYS:** None.

AT&T FOURTH AMENDMENT TO EXISTING LEASE AGREEMENT:

Mr. Carpenter stated the lease with AT&T began in 2005; the initial terms allowed for nine options to renew in five-year increments. The most recent amendment was for equipment change although the equipment change did not occur; this amendment includes the same equipment change and a structural analysis to ensure the tower will not be affected in a negative manner. Mr. Hernandez stated the antennas will be upgraded. Upon inquiry by Councilman Johnson, Mr. Hernandez stated that both AT&T and T-Mobile utilize the tower.

Councilman Culver made the motion to approve the Fourth Amendment to the existing AT&T Lease Agreement. Second to the motion was made by Councilman Barber. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Johnson, Councilman Culver and Councilman Barber. **NAYS:** None.

TEMPORARY RETAIL SALE OF NON-AERIAL AND COMMON FIREWORKS:

Ms. Gomes stated three applications for the sale of fireworks were received, one by SBD Fireworks and two by TNT Fireworks; stands will be located at Old Hickory Sheds parking lot (SBD), Ridley's and Walmart parking lots (TNT). She further stated all applicants have paid required fees and insurance verification, and need fire inspections once stands are ready for sales.

Councilman Culver made the motion to approve the applications of David Long d.b.a. SBD Fireworks, Jay Cummins American Promotional Events NW dba TNT Fireworks contingent upon payment of all fees, verification of insurance and successful fire inspections of all facilities. Second to the motion was made by Councilman Johnson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Johnson, Councilman Culver and Councilman Barber. **NAYS:** None.

NORTH PARK COMMERCIAL USE – SUNSET MARKET/FARMER'S MARKET:

Ms. Veronica Xander appeared before council to request approval for a community Sunset Market/Farmer's Market event. This is the third year the Sunset Market has been at the park and it has gained a following on social media. Ms. Xander stated vendors are ready, and she hopes the improvements at the park help the event to grow. Additionally, the Sunset Market will be held every Friday in July rather than once per month for three months for consistency. Upon inquiry by Mayor Davis, Ms. Xander stated she spoke with Collin Sharp regarding use of the park on July 19th as he has it reserved for the first of two movie nights. The Sunset Market will be from 4:00 p.m.-8:00 p.m. and her vendors will be shut down prior to the school concessions opening. She has also invited the school concessions to participate in the Sunset Market at no charge to assist with their fundraising efforts.

Councilman Culver made the motion to approve the application of Veronica Xander, for a permit for Commercial use of the North Park on July 5, July 12, July 19 and July 26, 2019 for a Sunset Market/Farmer's Market. Second to the motion was made by Councilman Johnson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Johnson, Councilman Culver and Councilman Barber. **NAYS:** None.

DEPARTMENT REPORTS:

Mr. Williams reported on the North Park improvements: concrete will be poured in the splash pad tomorrow, installation of the playground equipment will begin Thursday, toys in the splash pad area will be installed on Monday and the playground fall material will also be installed next week. Additionally, the skate park additions will be completed. City Public Works employees along with the Jerome Recreation District employees have installed the water system, and it will give approximately three weeks to rehabilitate the east side of the park for Freedom Fest. Mr. Williams stated benches, tables and trash cans will be arriving soon and installed. He confirmed with Idaho Central Credit Union that they would like the grand opening of the new park to be in conjunction with the Freedom Fest on June 29th. While the weather set back progress slightly, the crews have done a tremendous job in getting the water system in place. Seedlings have been laid on the east side of the park, and some portions of the west side of the park may get sod. He anticipates use of the park through the end of summer with a temporary closure after Labor Day to spot-treat areas and allow for continued growth of the grass. Upon inquiry by Councilman Barber, Mr. Williams stated the splash pad will not be covered and is

unsure of the type of material used in the splash pad. He further stated a surveillance system will be installed to assist with safety measures at the park.

Mr. Williams stated he will be attending the Association of Idaho Cities conference June 19-21, 2019. Pavement on E. Avenue E is complete and staff hopes the road projects will commence soon. Mr. Carpenter confirmed June 17th as the start date of those projects. Upon inquiry by Mayor Davis, Mr. Carpenter stated residents will be notified of the road projects and potential closures approximately one week prior to the start of the road work, and notice will be posted on social media.

ADJOURNMENT:

There being nothing further to discuss, Mayor Davis adjourned this June 4, 2019 regular meeting of the Jerome City Council at 6:27 p.m.

By:

Mayor David M. Davis

Attest:

Bernadette Gomes, City Clerk