

**July 7, 2020**

This regular meeting of the Jerome City Council was called to order by Mayor Davis at 5:30 p.m. While Governor Little is re-opening the state in phases and council chambers were open to the public, the meeting was also held by teleconference and the public was encouraged to continue with social distancing. The video conference was conducted via Zoom and was made available to all members of the public in a format that allowed all participants to hear the meeting, including all deliberations by members of the Council and other speakers addressing the council, whether in person or via virtual connection, and to comment if so desired, all of which was noted in the agenda, email, and notices at council chambers and on the city's website.

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

Also present were staff members: City Clerk Bernadette Coderniz, City Administrator Mike Williams, City Attorney Ted Larsen, Public Works Director Brian Ahrens, City Engineer Tyson Carpenter, Building Official Dave Richey, Wastewater Superintendent Gilbert Sanchez, Wastewater Operations Supervisor Brad Henry, Information Services Director Carlos Hernandez, Information Services Technician Andy Newbry, Finance Director Ross Hyatt, Accounting and Budget Manager Lori McCrae, Library Director Linda Mecham, Planning and Zoning Manager Ida Clark, Human Resources Manager Esmeralda Chavez, Deputy Fire Chief Lane Sickles and Police Chief Dan Hall.

**PLEDGE OF ALLEGIANCE:**

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

**CONSENT CALENDAR:**

Those items contained in the consent calendar are as follows:

1. Approve the minutes of the June 16, 2020 regular meeting

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

**J-U-B ENGINEERS LOCAL PROFESSIONAL SERVICES AGREEMENT:**

Mr. Carpenter stated that this agreement with J-U-B Engineers is for work to complete the updated Transportation Master Plan and that Resolution No. 13-19 authorized the grant agreement for this project funded through the Idaho Transportation Department. He further stated that the grant has a city match of 7.34%, or \$6,606 which has been budgeted under Professional Services in Fiscal Year 2020. He also spoke of the need for the updated plan as the last plan was adopted in 2007.

Councilman Culver made the motion to approve the Local Professional Services agreement with J-U-B Engineers, Inc. for an amount not to exceed \$90,000. Second to the motion was made by Councilman Barber. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver, Councilman Johnson and Councilman Barber. **NAYS:** None.

### **KELLER ENGINEERS PROFESSIONAL SERVICES:**

Mr. Sanchez stated that funds for Keller Engineers, Addendum No. 18 to the original agreement, will assist with the Department of Environmental Quality (DEQ) mandated Local Limits evaluation of priority pollutants that have the potential of coming into the facility. A list of 129 constituents to be tested, were provided for council's review and stated that they are either coming into the facility or are in the bio-solids. Mr. Sanchez explained that DEQ has asked for an evaluation of the maximum allowable head works concentrations due to the city's significant number of industrial users and upgrades done to the plant. The professional services will include sampling, data collection and the statistical analysis including calculations of allowable head works concentrations to be reported to DEQ. Upon inquiry by Mayor Davis, Mr. Sanchez stated that the pollutants have been identified as either coming into the plant or having the potential to come into the plant. Mr. Williams commented that these tests have been done in the past but that the new pre-treatment program requires retesting. Mr. Sanchez stated that the last known concentration levels were based on book information and not actual testing and/or sampling; with the number of industrial users in Jerome, the DEQ is now requiring samples. Additionally, he stated that staff has been in contact with DEQ and that the list of pollutants to be tested was approved. He does not anticipate the cost to go beyond the amount of \$46,205. Upon inquiry by Councilman Johnson, Mr. Sanchez stated that the actual cost for the testing has been calculated and can be made available.

Councilman Culver made the motion to approve the funds in the amount of \$46,205 for Keller Engineers to assist with a Local Limits evaluation. Second to the motion was made by Councilman Peterson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver, Councilman Johnson and Councilman Barber. **NAYS:** None.

### **JOE MAMA'S CAR SHOW, ICCU AND VETERAN'S MEMORIAL PARKS:**

Mr. Carl McEntarffer appeared to request the use of the parks for the 22<sup>nd</sup> annual Joe Mama's Car Show on August 15<sup>th</sup>. He requested that park fees be waived and stated that over  $\frac{3}{4}$  of what is earned is given back to the community through non-profit organizations. Upon inquiry by Councilman Johnson, Mr. McEntarffer stated that the only added costs may be signage for social distancing and the recommendation to use masks along with additional hand sanitizer stations throughout the parks. Additionally, cars will be parked on the streets if needed for space; last year over 400 cars were in the show. With today's circumstances and the fact that this is one of few car shows happening this year there may be more. He also stated that a construction fence will be placed between the splash pad and the rest of the park.

Councilman Culver made the motion to approve the application of Carl McEntarffer and Randy King to hold the annual Joe Mama's Car Show on August 15, 2020 in ICCU and Veteran's Memorial Parks and waive the permit fee due to the public nature of the event. Second to the motion was made by Councilman Johnson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver, Councilman Johnson and Councilman Barber. **NAYS:** None.

### **CORONAVIRUS RELIEF FUND (CRF) PROPERTY TAX RELIEF PROGRAM:**

Mr. Hyatt spoke of this program at the last council meeting and stated that there were several questions which needed to be addressed. He stated that when the property tax relief program was rolled out by Governor Little; he formed the Coronavirus Relief Committee with \$188 million dollars available for allocation to local jurisdictions based off of their public safety personnel. To participate the city must send estimated and actual expenses for both the fire and police departments, salary and benefit information for period of March-December 2020. The city must declare its intent to participate in the program by July 17<sup>th</sup>, and the intent to participate is non-binding. He stated that the council can elect to participate in order to have the city's allocation of the \$188 million calculated at the time the budget is certified in September.

It is anticipated that approximately \$927,000 would be allocated to the city as part of the CARES Act, and Mr. Hyatt explained how a property tax credit would be applied to taxpayers' bills. It would be a one-time fiscal year 2021 program and then property tax assessments would resume the following year. The city cannot take the 3% property tax budget increase if participating in the program but can still take the new construction and annexation. Staff recommends that council signify intent to participate in the program. Other jurisdictions have brought forth concerns regarding the legalities of the program within the state, and a letter from the Lato County prosecutor's office was provided for council to review citing concerns of the program (formulas within the CARES Act, funds counting towards COVID19 expenses, etc.).

Mr. Larsen stated the concerns listed in the letter are well expressed and stated it will be interesting to see the response of the governor's office. He stated it would be wise to submit the intent to participate since it is non-binding and that he expects more information will follow regarding the legality of the program. He agrees with the portion of the letter pertaining to the disproportionate impact on counties and those with considerable growth versus those with little growth. He is uncertain regarding the portion related to improper revenue placement as it is not explained well, and stated that Idaho is the only state with the sideboard that municipalities forego the 3% increase in order to participate in the program. He feels the CARES Act already has sufficient sideboards on receipt of the funds to ensure they are used for proper purposes and that the additional 3% requirement is questionable. He further stated that the governor's response to the letter will help to understand why their office is pursuing the program as is.

Mr. Williams commended both Mr. Hyatt and Mr. Larsen on their explanations of the program and that the governor has asked the treasury department for a letter of eligibility for the program as it is currently written. He further stated the declaration of intent to proceed must be done before July 17<sup>th</sup> and that the city can remove its request prior to the final date in September. Also, declaring the city's intent to participate will get the city an exact amount of funds to be received and there is no risk in declaring and moving forward in the process. Upon inquiry by Councilman Johnson, Mr. Williams confirmed that the city's budget was already prepared without the 3% base property tax increase. Mr. Larsen stated that more information should be available before the final September deadline to participate and that the governor's office should have a response from the treasury department by then.

Councilman Culver made the motion to allow submittal to the State of Idaho of the City of Jerome's intent to participate in the Property Tax Relief Program funded by the Coronavirus Relief Fund. Second to the motion was made by Councilman Johnson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver, Councilman Johnson and Councilman Barber. **NAYS:** None.

**DEQ COMPLIANCE AGREEMENT SCHEDULE:**

Mr. Sanchez stated the compliance agreement with DEQ provides a timeframe to comply with their requirements. There are many facets to the program and Mr. Sanchez stated that many steps will be done in-house, with the pollutants evaluation to be done by Keller Engineers, and that staff is working with DEQ to get questions answered and to keep costs down. Mr. Williams spoke of the mandated pre-treatment program at the plant due to the significant number of industrial users, and a plan was submitted in December; the DEQ created the schedule to have certain deficiencies in the program addressed. The local limits evaluation approved earlier this evening is a major part of the compliance schedule, and once complete, staff will work on other items (sewer use ordinance, funding and resources, etc.) before the February 2022 deadline. This discussion item is for the purpose of having council review the document before the DEQ puts it out for public comment. The agreement will be presented to council for final approval after the 30-day public comment period. Upon inquiry by Councilman Johnson, Mr. Williams stated there should be no additional cost associated with developing the plan as the list of items on the schedule will be addressed; the local limits evaluation was contracted out due to the lack of tools and expertise in that area. Mr. Williams also stated he does not anticipate any rate increases in sewer fees at this time. Upon inquiry by Mayor Davis, Mr. Williams stated that the local limits evaluation will take a lot of time to complete, and the results will need to be in the sewer ordinance. Additionally, the document establishes a due date of February 2022 to comply with their requirements, and Mr. Williams stated that working with DEQ on any unforeseen issues should not be a problem. The budget to develop the program is already in place.

### **COUNCIL REPORTS:**

Councilman Culver spoke on the number of illegal fireworks displays throughout town. Mayor Davis addressed council regarding the increase in COVID19 cases with increased activity in surrounding counties; Jerome County has varied with 0-4 cases per day. He and Mr. Williams attend a bi-weekly conference call with the South Central Public Health District, Jerome County Commissioners, Tanya Stitt of the Jerome County Office of Emergency Management as well as a representative from St. Luke's. There were concerns expressed with activity in the Treasure Valley, the increase in hospital patients, the uptick in cases and the possibility of an increase in infections of those age groups susceptible to the disease. At this time there is no ordinance in place to enact any type of emergency measures (i.e. mandatory masks, etc.). Other cities have enacted similar ordinances and Mayor Davis asked the council their view on preparing for an emergency situation and enforcing mandates. Councilman Culver feels an ordinance should be in place, and Councilman Peterson feels more hospital cases would need to be reported before agreeing to an ordinance, and Councilman Johnson concurred. Mayor Davis commented about having an ordinance prepared and Mr. Larsen stated that declaring a state of emergency would not be required to pass the ordinance. Upon inquiry by Councilman Peterson, Mr. Larsen stated an ordinance would not take much time to prepare and that it can be done now and set aside or done later. His concern, however, is that the ordinance would have to be properly noticed unless an emergency was declared. Mr. Williams stated that several municipalities throughout the state have ordinances in place to take immediate action if necessary. Councilman Barber stated it is better to be proactive than reactive in this type of situation. Mr. Larsen stated the ordinance would include specific requirements per council's request (i.e. masks required in public, etc.) and that language including an emergency declaration can be drafted accordingly. Mayor Davis stated that the ordinance could be in place for when an emergency declaration is needed, and Councilman Barber agreed. Upon inquiry by Councilman

Johnson, Mr. Larsen stated the ordinance would go through the regular adoption process and then be enforceable once an emergency was declared. Mr. Williams stated that the ordinance will allow for the Mayor to enact certain emergency provisions as needed for any emergency situation (natural disasters, for example) for the benefit of public health and safety. Council all agreed with an ordinance being drafted; Councilman Johnson commented that he would accept an ordinance in the event of a true emergency. Mayor Davis directed Mr. Larsen to draft an ordinance for review at the next council meeting.

**DEPARTMENT REPORTS:**

Mr. Williams stated the preliminary budget document will be available later this week or early next week with budgets and justifications to be presented at July 21<sup>st</sup> council meeting. He also stated that there has been an increase in both residential and commercial activity.

Mr. Carpenter stated that the N Tiger Drive Pavement Rehabilitation project is currently out to bid.

**EXECUTIVE SESSION:**

Councilman Culver made a motion to adjourn to executive session pursuant to Idaho Code 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency at 6:23 p.m. Second to the motion was made by Councilman Johnson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver, Councilman Johnson and Councilman Barber. **NAYS:** None.

**ADJOURNMENT:**

There being nothing further to discuss, Mayor Davis called the regular meeting back to order and adjourned this July 7, 2020 regular meeting of the Jerome City Council at 6:58 p.m.

By:

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Mayor David M. Davis

Attest:

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Bernadette Coderniz, City Clerk