

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: Administrative Assistant Katie Elliott, City Attorney Ted Larsen, City Administrator Mike Williams, Information Services Director Carlos Hernandez, Public Works Director Brian Ahrens, City Planner Ida Clark, Library Director Linda Mecham, Building Official Dave Richey, Wastewater Superintendent Gilbert Sanchez, Finance Director Ross Hyatt, Accounting and Budget Manager Lori McCrae, Human Resources Manager Esmeralda Chavez, City Engineer Tyson Carpenter, Dave LaCelle, Kevin Wilcox, Jeff Hanni, 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 Deacon John Baumbach of St. Jerome’s Catholic Church.

PUBLIC HEARING – COMMENTS RE: EXCHANGE OF PROPERTY AGREEMENT:

This being the time and place published to receive comments and input from the public regarding the exchange of real property described in Resolution No. 14-19, the Chair called the public hearing open at 5:33 p.m.

Staff Testimony:

Mr. Larsen stated the resolution was presented at the last council meeting and references the exchange of real property; the proposal is to exchange the property to the landowner to the north of said property for a sewer line easement on their property. Included in that is the vacation of 10th Avenue E shown on the map provided. He referenced Idaho Code and the specific section regarding the procedure to dispose of real property. The first step of the procedure is the resolution to declare the intent; because it is an exchange, a summary of the exchange is required to be published. Following publication of the notice of intent, a hearing must take place to hear public comment regarding the proposed exchange. Mr. Larsen stated Idaho Code 50-1301 then states that once the hearing has taken place, staff can take steps to accomplish the exchange. Staff will develop an exchange agreement between the two parties and bring final terms to council for authorization.

Upon inquiry by Mayor Davis, Mr. Larsen stated that the statute allows for public comment on the exchange. He further stated that, following the hearing and considering any evidence presented to the council, staff would need council support to move forward with an exchange agreement. All members of council indicated support to move forward.

There was no testimony in favor, neutral nor in opposition to the request. There being no further testimony to be heard, the Chair declared the public hearing closed at 5:37 p.m.

PUBLIC HEARING – CONSIDER ORDINANCE NO. 1177, BILL NO. 662:

This being the time and place published to consider an ordinance of the Mayor and Council of the City of Jerome revising Title 16 Chapter 08 and Title 16 Chapter 28 of the Jerome Municipal Code providing a definition of infill development, private shared drive, private drive and private street; providing regulations for the creation of and construction of private shared drives, private drives and private streets in infill developments; and providing for an effective date, the Chair called the public hearing open at 5:38 p.m.

Staff Testimony:

City Planner Ida Clark testified on behalf of the city. She reminded council of the previous discussion regarding private streets and what city code allows. Staff looked at city code along with other cities for language and a public hearing was held at a Planning & Zoning (P&Z) meeting on June 11th to review the proposed language, and significant discussion was held on the safety and maintenance of a private street. The P&Z Commission agreed to have a committee formed to further review language of code. Two committee meetings were held on June 26th and July 2nd with two local engineers who provided feedback; considerable discussion was held regarding sidewalks, maintenance and paving of private streets and if maintenance would be addressed by Covenants, Conditions and Restrictions (CC&R's) A second P&Z public hearing was held July 23rd and no public testimony was given. The commission reviewed the committees discussions and agreed to recommend approval to amend Jerome Municipal Code Title 16 as presented which includes that maintenance of a private street be appropriately addressed in the CC&R's and private streets should be paved.

Ms. Clark also stated this proposal is only one portion of Title 17 and that other requirements for a subdivision must still be met. Definitions for infill development along with private shared drive, private drive and private street have also been added to the code, and Ms. Clark reviewed highlights of the proposed changes to the code and requirements for private streets. Extensive discussion ensued regarding the proposal. Topics of the discussion included easements for infrastructure; the number of acres required for private streets and potential development; the required width of roads and driveways, and subdivisions on lots; maintenance concerns and CC&R's governing private streets; and, the city's ability to enforce non-compliance issues. Mr. Larsen stated the legality of enforcing maintenance on private roads would be researched, and Mr. Williams stated the roads would have to be accessible for emergencies. More discussion was held regarding the enforceability of CC&R's; active HOA's; established responsible parties for maintenance; and, homeowner property maintenance requirements. Mr. Larsen spoke of the collection of an annual fee and having the budget to maintain a road, and Councilman Peterson inquired about recourse should a collective number of homeowners refuse to maintain a private road. Ms. Clark stated staff can research this further, and council briefly spoke of the condition of a private road and materials used to build it.

There was no testimony in favor, neutral or in opposition to the proposed ordinance. There being no further testimony to be heard, the Chair declared the public hearing closed at 5:58 p.m.

BILL NO. 662, ORDINANCE NO. 1177 – INTRODUCTION:

Mr. Williams recommends that staff move forward with the ordinance if council so chooses. Upon inquiry by Councilman Johnson, Mr. Carpenter stated there are approximately

seventeen different locations to which this ordinance could apply; Councilman Johnson also commented on the need for more housing, and Mr. Williams stated there are a few projects in the works that would benefit from the ordinance if adopted.

Councilman Culver sponsored Bill No. 662.

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 Peterson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Johnson, Councilman Culver, Councilman Barber and Councilman Peterson. **NAYS:** None.

The clerk read Bill No. 662 by title only three times to constitute three readings. The full ordinance is on file in the clerk's office and is as follows:

ORDINANCE NO. 1177
BILL NO. 662

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 16 CHAPTER 08 AND TITLE 16 CHAPTER 28 OF THE JEROME MUNICIPAL CODE PROVIDING A DEFINITION OF INFILL DEVELOPMENT, PRIVATE SHARED DRIVE, PRIVATE DRIVE AND PRIVATE STREET; PROVIDING REGULATIONS FOR THE CREATION OF AND CONSTRUCTION OF PRIVATE SHARED DRIVES, PRIVATE DRIVES AND PRIVATE STREETS IN INFILL DEVELOPMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Title 16, Chapter 08 and Title 16, Chapter 28 of the Jerome Municipal Code is in need of revisions and updates to comply with modern practices; and

WHEREAS, due to current regulations, the development of large lots within the City is difficult, due, at least in part, to the required width of streets; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission pursuant to notice on the 23rd day of July, 2019 and;

WHEREAS, a public hearing was held before the City Council pursuant to notice on the 5th day of August, 2019;

IT IS THEREFORE DEEMED by the Mayor and the City Council of Jerome, Idaho, as follows:

Section 1. That Section 16.08.010 of the Jerome Municipal Code be revised on file and is hereby enacted and the same is hereby declared to read as follows:

16.08.010: TERMS DEFINED:

INFILL DEVELOPMENT: The residential development of parcels within previously built areas. These areas are already served by public infrastructure, such as water, wastewater and other

utilities. To be considered an “Infill Development” the original lot sought to be subdivided must be ten (10) acres or less.

PRIVATE WAY: Any right of way or easement dedicated or platted across real property owned by the person dedicating or platting the private way and intended for the general or special use of a person or persons rather than the general public.

PRIVATE SHARED DRIVE: Access to more than one lot from one vehicular access point.

PRIVATE DRIVE: Access for up to five residential dwelling units.

PRIVATE STREET: A street that provides access to more than five and not more than 24 residential dwelling units on not more than 10 lots.

STREET: A right of way which provides access to adjacent properties, the dedication to the public of which has been officially accepted. The term "street" also includes the terms "highway", "thoroughfare", "parkway", "road", "avenue", "boulevard", "land", "place" and other such terms:

ARTERIAL: A street designated for the purpose of carrying fast and/or heavy traffic.

COLLECTOR: A street designated for the purpose of carrying traffic from local streets to other collector streets and/or arterial streets.

FRONTAGE: A local street parallel to and adjacent to an arterial street to provide access to abutting properties.

Half Street: A street comprised of one-half (1/2) of the width required to conform to a standard city street section.

LOCAL: A street which has the primary purpose of providing access to abutting properties.

LOOP: A local street with both terminal points on the same street of origin.

PARTIAL: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

PRIVATE: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

STUB STREET: A street which terminates without provisions for a turnaround area.

16.28.052: STREET LOCATION:

Street and road location shall conform to the following:

...

G. Private Streets: ~~Private streets and roads shall be prohibited within a subdivision, except as provided by this title. Access from interior subdivision lots to public streets may be allowed by private drives conforming to this title.~~ Private street construction standards shall be based upon the following standards and the reasonable recommendations of the City Engineer. Private Streets are intended for Infill Development only.

1. The City will not accept a private street for public use or maintenance.
2. Adequate construction standards may vary depending on the size of the development and the demands placed on such improvements. The following are minimum requirements that shall be met in every Infill Development:
 - a. A Private street cannot be a through street.
 - b. Private streets will be allowed to serve up to 10 lots or 24 residential units.
 - c. Required street width shall be determined according to the following table, but under no circumstances shall any road or street be constructed with a width of less than twenty-five feet (25').

<u>Minimum Street Width</u>	<u>With Parking On-Street:</u>	<u>Total Street Width:</u>
<u>25'</u>	<u>N/A</u>	<u>25'</u>
<u>25'</u>	<u>8' – One Side</u>	<u>33'</u>
<u>25'</u>	<u>16' – Both Sides</u>	<u>41'</u>

- d. Private streets without parking, or parking on one side, shall be posted as fire lanes with no parking allowed.
- e. The City shall, at the Developer's sole expense, make, install and maintain street signs on private streets at approved locations. The financial obligations for the sign or signs shall be the owners of properties which front upon such streets.
- f. The Developer shall provide Covenants, Conditions and Restrictions relative to the property being platted or mapped establishing the party or parties responsible for the repair and maintenance of the private street, binding said parties and their successors and assigns to perform such repair and maintenance and including provisions for the funding thereof.
- g. Easement: The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot that provides access to all properties served by such private street.

- h. All Private Streets shall be paved.
- 3. Private Streets will be reviewed during the subdivision and/or lot splitting process. In order for the Planning and Zoning Commission to approve a lot split or a preliminary plat; or for the City Council to approval a final plat, the City Engineer and Fire Chief or their designee shall provide the following testimony:
 - a. The proposed private street is clearly identified on the plat.
 - b. The design of the private street meets the requirements of this article and the reasonable requirements of the City Engineer.
 - c. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and
 - d. The use and location of the private street shall not conflict with the comprehensive plan and/or the transportation plan.

Section 2. This ordinance shall become effective upon its passage and publication as required by law.

PASSED BY THE COUNCIL this 5th day of August, 2019.

SIGNED BY THE MAYOR this 5th day of August, 2019.

CITY OF JEROME, IDAHO

By:

/s/ David M. Davis

David M. Davis, Mayor

ATTEST:

/s/ Bernadette Gomes by Katie Elliott

Bernadette Gomes, City Clerk

Councilman Culver made the motion to adopt Bill No. 662 as Ordinance No. 1177 amending the Jerome Municipal Code Title 16 Chapter 08 and Title 16 Chapter 28. 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.

CONSENT CALENDAR:

Those items contained in the consent calendar are as follows:

1. Approve the minutes of the July 16, 2019 regular meeting
2. Approve donation of structural firefighter gear to various Fire Departments
3. Approve the application of Maria Hilda Tarazon Ochoa dba Tacos Sonora to sell beer and wine on premises at 1030 S. Lincoln, Jerome

Councilman Culver made a motion to approve the consent calendar as presented. 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.

PROCLAMATION - FIREFIGHTER/MDA FILL THE BOOT DAY:

The clerk read the proclamation as follows:

CITY OF JEROME
Proclamation
FILL THE BOOT DAY

The Muscular Dystrophy Association is a dedicated partnership of scientists and citizens aimed at conquering neuromuscular diseases. MDA is one of the world's leading national health agencies, supporting research, patient care and education.

WHEREAS, IAFF Jerome Fire Fighters Local #4589 and the City of Jerome Fire Department members serve and protect communities throughout Jerome County every day; and

WHEREAS, IAFF Jerome Fire Fighters Local #4589 and the City of Jerome Fire Department members have become a symbol of pride, honor and strength; and

WHEREAS, IAFF Jerome Fire Fighters Local #4589 and the City of Jerome Fire Department members unselfishly donate their time and energy to supporting the battle against muscular dystrophy, and

WHEREAS, fire fighters across the nation are some of the largest supporters in the United States to the Muscular Dystrophy Association, and

NOW THEREFORE

I, David M. Davis, Mayor of the City of Jerome, do hereby proclaim August 17th, 2019:

FIRE FIGHTER/MDA FILL THE BOOT DAY IN JEROME
and urge all citizens to recognize firefighters
for their support of the local community

SIGNED BY THE MAYOR this 5th day of August, 2019.

/s/: David M Davis

DAVID M. DAVIS, Mayor

Council signified support of the proclamation with all "ayes." Chief Harrison stated that the Fill the Boot event will be held on Lincoln Avenue near the intersection of Lincoln and Main Streets.

RESOLUTION NO. 15-19:

The clerk read Resolution No. 15-19 in full as follows:

RESOLUTION NO. 15-19

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, IDAHO RENAMING NORTH PARK AT 300 EAST MAIN STREET, “IDAHO CENTRAL CREDIT UNION PARK”.

WHEREAS, a citizens committee petitioned the City Council to construct new amenities in North Park including a splash pad, playground, amphitheater, and picnic shelters; and

WHEREAS, the City Council supported the citizens committee’s request and sustained efforts to fundraise for the project; and

WHEREAS, Idaho Central Credit Union agreed to fund the improvements for the project in their entirety; and

WHEREAS, Idaho Central Credit is an outstanding supporter and partner in community redevelopment and community spirit; and

WHEREAS, the Mayor and Council wish to publicly honor Idaho Central Credit Union for their donation to the park upgrades and outstanding community involvement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Jerome that the park located at 300 East Main Street be known as “Idaho Central Credit Union Park”.

PASSED BY THE COUNCIL this 5th day of August, 2019

SIGNED BY THE MAYOR this 5th day of August, 2019

CITY OF JEROME

By:

/s/ David M. Davis

David M. Davis, Mayor

ATTEST:

/s/ Bernadette Gomes by Katie Elliott

Bernadette Gomes, City Clerk

Mr. Williams spoke of the remarkable improvements to North Park made possible by the Jerome North Park Citizens Committee and with the generous donation from Idaho Central Credit Union. The resolution will rename North Park as Idaho Central Credit Union Park; a dedication ceremony will be held at the park on August 6th @ 3:15 p.m. Mr. Williams thanked council for their participation and support of the project and stated that the public works department played a significant role in the process along with the Jerome Recreation District.

Councilman Culver made the motion to pass Resolution No. 15-19 renaming North Park to Idaho Central Credit Union Park. 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.

RESOLUTION NO. 16-19

The clerk read Resolution No. 16-19 in full as follows:

RESOLUTION NO. 16-19

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, DECLARING THE PROPERTY LOCATED AT 237 WEST NEZ PERCE AVENUE IN THE CITY OF JEROME A PUBLIC NUISANCE; DECLARING A SAFETY EMERGENCY BASED ON THE POTENTIAL FIRE HAZARD CREATED THEREBY; AUTHORIZING CITY ADMINISTRATOR MIKE WILLIAMS TO PETITION THE STATE BOARD OF EXAMINERS FOR A DEFICIENCY WARRANT FOR THE PURPOSE OF REMOVING AND PROPERLY DISPOSING OF THE TIRES; AND FURTHER AUTHORIZING THE CITY ADMINISTRATOR TO ABATE THE NUISANCE.

WHEREAS, the Owner of the real property located at 237 West Nez Perce (“the Property”) has permitted the accumulation of substantially more than 200 “Waste Tires,” as that term is defined in Idaho Code Section 39-6501(19); and

WHEREAS, the Owner of the Property has failed to comply with Idaho Waste Tire Disposal Act, codified at Idaho Code Sections 39-6501 *et seq.*; and

WHEREAS, by 2016 the Property, due to the accumulation of Waste Tires, had become a significant fire hazard, prompting the then City Fire Chief to issue a Fire Hazard Abatement Order to the Owner of the Property; and

WHEREAS, the Owner of the Property failed to comply with the Fire Hazard Abatement Order; and

WHEREAS, the Owner of the Property pled guilty to the misdemeanor charge of Failing to Obey a Fire Hazard Abatement Order; and

WHEREAS, in 2019, a person in control of the Property also pled guilty to the misdemeanor charge of Failing to Obey a Fire Hazard Abatement Order; and

WHEREAS, the Property remains cluttered with Waste Tires, estimated to be in excess of 5,000 square feet of tires stacked higher than six feet high; and

WHEREAS, the Property is littered with other combustible material and surrounded by combustible material on adjacent property; and

WHEREAS, the potential fire hazard is further exacerbated by the Owner of the Property because the Owner has permitted several persons to park and store both junked and functioning vehicles on the Property, including recreational vehicles; and

WHEREAS, an unknown number of individuals have taken up residence in abandoned vehicles and recreational vehicles on the Property; and

WHEREAS, the presence of human activity and residential use of the Property in close proximity to the storage of Waste Tires significantly increases the likelihood of a fire on the Property; and

WHEREAS, there is known recent criminal activity occurring on the Property by persons unlawfully residing thereon; and

WHEREAS, law enforcement has recently made multiple arrests of persons on the Property, but additional persons still reside there; and

WHEREAS the Property is zoned for light-industrial use and no residential use is permitted on the Property; and

WHEREAS, City Fire Chief, Mike Harrison, affirms that the current use of the Property in its present condition constitutes a significant fire hazard;

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

Section 1. The Property in its present conditions is hereby declared a Public Nuisance. The City Council finds the condition and use of the Property to be injurious to public health and a significant fire hazard that affects the entire community of the City of Jerome.

Section 2. The Property, with the accumulation of the quantity of Waste Tires stored thereon, constitutes a significant Public Safety Emergency because of the potential fire hazard. Moreover, the accumulation of vehicles, including recreational vehicles, and the residential use of such vehicles menaces the public health and safety of persons and property within the City of Jerome on account of the increased fire hazard.

Section 3. City Administrator, Mike Williams, is hereby authorized to apply to the State Board of Examiners for the issuance of a Deficiency Warrant pursuant to Idaho Code Section 39-6502, for the purpose of removing and properly disposing of the tires, and to seek the support of the State Fire Marshal in submitting such application to the State Board of Examiners.

Section 4. City Administrator, Mike Williams, with the assistance of the Chief of Police, the Fire Chief and all other City Departments, is hereby authorized to immediately abate the nuisance by taking such action as is necessary to mitigate the fire hazard posed by the accumulation of Waste Tires and vehicles, including recreational vehicles and the residential use thereof. Such action shall include, but not be limited to, removing all vehicles stored on the property to a place where they may be safely stored and to remove all weeds and other combustible material from the property, pending the application to the State Board of Examiners for the removal of the Waste Tires. All costs associated with such abatement shall be assessed to the Owner of the Property by levying a special assessment against the Property pursuant to Idaho Code Section 50-1008.

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

PASSED BY THE COUNCIL this 5th day of August, 2019.

SIGNED BY THE MAYOR this 5th day of August, 2019.

CITY OF JEROME

By:

/s/ David M. Davis

David M. Davis, Mayor

ATTEST:

/s/ Bernadette Gomes by Katie Elliott

Bernadette Gomes, City Clerk

Mr. Williams stated staff had been working with property and business owners at this location for the last few years to get them into compliance as the property is a huge fire hazard

with the excessive amount of tires on the property. Citations have been issued, fees have been imposed and a performance action plan has been in place with the local court, however, the process has been slow. Recent developments have caused alarm including criminal activity and individuals living on the property. Staff members of various departments investigated the area and citations were issued; the property owner was notified and he agreed to have them removed. Mr. Williams stated that, in discussions with counsel, a section of Idaho Code was reviewed which refers to the Waste Tire Disposal Act of 2003. Staff must declare a property a public nuisance based upon a threat to public health and safety through a fire hazard or health hazard as well as potential issues to the condition of the ground. Once declared, staff can petition the State Board of Examiners (which includes the Attorney General, the Governor of Idaho, the Secretary of State and the State Controller) for assistance to abate the property. Other avenues including the cost of abatement are also being reviewed.

Mr. Larsen stated that in order to approach the Board of Examiners the city must declare the property a nuisance based on the fire hazard. He was able to visit the area with Chief Harrison and found that tires were stacked approximately ten feet high. Councilman Johnson commented on the health concerns should a fire occur. Mr. Larsen stated that the state recognizes this issue with the act in place although he was unable to find any known cases of its use. Mayor Davis commented on the origin of the act, and Councilman Barber inquired on the history of the public nuisance act with the Idaho Supreme Court. Mr. Larsen stated that, once the declaration is made and approved by council, staff will approach the Department of Environmental Quality for guidance on proceeding with an application along with the Board of Examiners. Additionally, Mr. Larsen stated the act gives the State Board of Examiners the power to levy an assessment against the property although he is not aware of the factors they consider when determining the level of assistance. He believes this is a strong public policy in favor of getting the property cleaned up.

Councilman Culver made the motion to pass Resolution No. 16-19 declaring the property located at 237 W. Nez Perce a public nuisance. 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.

DESIGN REVIEW PERMIT:

Ms. Clark appeared before council to discuss a design review permit for the building located at 716 S. Lincoln, also know as the old Napa building, and reviewed the design review permit process pertaining to an application for this property made by Rebeka Morales. Ms. Clark stated that after reviewing paint swatches and a visual representation of colors to the building, the P&Z Commission approved the application for a permit based on the applicant providing color names. Once these were provided Ms. Morales, was given approval to have building painted in a professional manner; Ms. Clark stated this requirement is in the Jerome Municipal Code. Ms. Clark was able to pull the color names on the Home Depot website and approved them, and pictures of the paint lids were also sent to Ms. Clark, however, the building color did not match what was originally approved. Ms. Clark reminded council that Jerome Municipal Code allows for the process of council reviewing and potentially revoking a design review permit. Upon inquiries by Councilman Barber and Mayor Davis, Ms. Clark stated she was told the building was professionally painted but that she is unsure if two coats were applied. Mayor Davis also

confirmed that the color applied to the building does not meet P&Z guidelines, and Ms. Clark stated that the work done was also in violation of code.

Ms. Rebeka Morales appeared before council to discuss the issue of the painted building. She stated Ms. Clark's statements were true with the exception of the comment about the work being final and professionally painted. She reviewed the process of applying for the permit and what was submitted to Ms. Clark for presentation at P&Z including a rendering of what the colors would look like on the building. She stated she was given written approval via email on July 8th to proceed with the colors as provided and went to Home Depot to purchase the paint. She recalled the painting started around the weekend of July 19th but stopped intermittently due to weather conditions and work was not completed; she then received notice from Ms. Clark to stop painting as the color did not match what was presented, and was advised to attend the hearing to explain why her permit should not be revoked. Ms. Morales also stated that when she left and returned to the building during the painting process she realized the color on the building did not match what was approved but felt that since the color approved by P&Z was applied she would not change it. She further stated that she spoke to staff at Home Depot and was told that paint colors can vary on different types of material (i.e. stucco walls vs. exterior brick, etc.).

Upon inquiry by Councilman Barber, Ms. Morales stated the work was done by her brother-in-law and some of his workers but the work was not completed due to weather. Mayor Davis inquired if Ms. Morales thought the color on the building was the same as the color provided, and Ms. Morales replied that the color names match what was approved. Extensive discussion ensued regarding the difference in colors presented; priming of the building prior to painting; the inability to complete the project; the amount of money spent on materials and labor; formulas of paint; and, the city's design overly review. Options presented to Ms. Morales included completing one section of the building to see if the color improves as it appeared the building may not have been primed, or contacting Home Depot for assistance in getting the color that was submitted to P&Z for approval. Mr. Larsen stated that the P&Z Commission approved the picture of the color presented at their meeting and that names were provided at a later date. There was a difference of opinion on whether or not the picture of the color matched that which was painted, and Ms. Morales insisted that the color of the building is what was approved. Ms. Clark also recommended that Ms. Morales bring back to P&Z new colors for approval, and Mr. Larsen stated colors matching the picture itself can be presented to P&Z because the color of the picture provided clearly does not match the building.

Councilman Culver made the motion to revoke the Design Review permit. 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.

Mayor Davis advised Ms. Morales that she must go back to P&Z with the correct color scheme allowed by the commission.

APPROVE TENTATIVE AMENDMENT FOR FY 2018-19:

Mr. Hyatt recommended the motion to amend the current year budget to recognize unanticipated revenues received throughout the year. The revenues received were briefly reviewed.

**NOTICE OF PUBLIC HEARING
AMENDING THE 2018-2019
FISCAL YEAR BUDGET**

NOTICE IS HEREBY GIVEN that the City Council of the City of Jerome, Idaho will hold a public hearing for the consideration of an amendment to the budget for the fiscal period October 1, 2018 through September 30, 2019 by appropriating moneys received by the City of Jerome in the amount of \$1,296,173. Said hearing will be held at the City Council Chambers, 100 East Ave. A, Jerome, Idaho at 5:30 P.M. on Tuesday, August 20, 2019. At said hearing all interested persons may appear and show cause, if any they have, why said proposed budget amendment should not be adopted.

The following table shows the current year adopted budget in comparison to the proposed amendment for the fiscal period October 1, 2018 through September 30, 2019.

Revenues			
Fund	2017-18 Actual	2018-19 Adopted Budget	2018-19 Proposed Amendment
General	5,107,750	5,326,223	5,381,473
Street	2,592,464	2,864,021	3,251,655
Library	440,361	457,969	457,969
Park	209,876	212,462	218,342
Irrigation	190,417	192,500	192,500
Sanitation	329,903	350,775	350,775
Water	2,663,617	2,589,748	2,589,748
Wastewater	7,573,051	9,548,266	10,395,675
Existing Fund Balance	-	3,817,272	3,817,272
Total Revenues	<u>19,107,439</u>	<u>25,359,236</u>	<u>26,655,409</u>

Property Tax Budget			
	2017-18 Actual	2018-19 Adopted Budget	2018-19 Proposed Amendment
Property Tax Revenue	4,734,855	5,035,578	5,035,578
Total of All Other Revenue	14,372,584	20,323,658	21,619,831

Fund	Expenditures		
	2017-18 Actual	2018-19 Adopted Budget	2018-19 Proposed Amendment
General			
Executive	16,900	16,932	16,932
Legislative	65,740	87,626	87,626
Administration	730,638	799,250	843,000
Law Enforcement	1,904,348	2,582,812	2,589,312
Fire	1,565,095	1,470,808	1,475,808
Building	134,817	173,960	173,960
Animal Control	<u>140,978</u>	<u>158,489</u>	<u>158,489</u>
Total General Fund	4,558,516	5,289,877	5,345,127
Street	2,929,040	3,000,489	3,388,123
Library	423,963	458,421	458,421
Park	178,084	211,666	217,546
Irrigation	144,500	165,262	165,262
Sanitation	332,007	352,856	352,856
Water	2,096,067	4,593,451	4,593,451
Wastewater	<u>4,792,365</u>	<u>10,834,768</u>	<u>11,682,177</u>
Total Expenditures	<u>15,454,542</u>	<u>24,906,790</u>	<u>26,202,963</u>

The proposed appropriations are from the following sources:

General Fund

ID Dept. of Commerce (Specialty Sales) Grant	43,750
Law Enforcement Mobilization Grants	6,500
Fire Department - SCBHB Training Grant	<u>5,000</u>

Total General Fund 55,250

Street Fund

URA Infrastructure Street Donation	<u>387,634</u>
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Total Street Fund 387,634

Sewer Fund

Additional SRF Phase II Grant Funds	<u>847,409</u>
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Total Sewer Fund 847,409

Park Fund

ICRMP Reimbursement - Fence Damage	<u>5,880</u>
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Total Park Fund 5,880

I, Ross Hyatt, Finance Director of the City of Jerome, Idaho, do hereby certify that the above is a true and correct statement of the proposed amended expenditures and revenues for fiscal year 2018-19, all of which have been tentatively approved and entered at length in the Journal of Proceedings by the City Clerk.

Dated this 5th day of August, 2019.

/s/ Ross Hyatt

Ross Hyatt, Finance Director

Publish: August 8 and August 15.

Councilman Culver made the motion to approve the tentative amendment to the 2018-19 Fiscal Year Budget and approve publication of the Notice of Public Hearing for August 20, 2019. 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.

ADOPT FY 2018-19 TENTATIVE BUDGET AND AUTHORIZE PUBLICATION:

Mr. Williams reviewed the calendar of events including this evening's meeting to adopt the tentative budget and set maximum expenditures for Fiscal Year 2020. Once adopted, the tentative budget may only be decreased. A public hearing will be held on August 20th and the ordinance for adoption of the FY2019 budget will be presented; council may choose to adopt the budget that evening or call for a special meeting. He provided updated information regarding property taxes and stated that the budget was built with an assumption of a 2.5% increase in overall taxable valuation. The new net taxable value is approximately \$567 million, and those with a median-valued home can expect to pay less in property taxes this year. Mr. Williams briefly reviewed the ten-year tax levy rate history.

Mr. Williams also reviewed the reserve summary; by policy, the city strives to maintain a 25% reserve in all funds, and he stated that all funds with the exception of the sanitation fund meets the requirement and that the city is in good shape. Upon inquiry by Councilman Barber, Mr. Williams explained target figures versus the projected gross funds. He and Mr. Hyatt briefly went over the funds as follows:

Governmental Funds Highlights

- \$15,000 for council discretionary funds
- 4 vehicles budgeted for animal control, police, fire and building departments
- \$479,000 allocated towards a new police station
- Street fund –
 - \$300,000 for the street infrastructure project on N. Tiger Drive
 - \$536,000 for the 10th Street sidewalk project for which grant funds will be received
 - \$46,000 for the N. Date Street path improvement
 - Equipment replacement
 - \$90,000 for the LHTAC Transportation Master Plan grant
- Library fund –
 - \$10,000 for construction of patio area
- Parks fund –

- \$20,000 continuation of part-time employees in parks and Main/Lincoln corridor maintenance
- \$20,000 for mower replacement and playground equipment
- \$5,000 in operations for the splash pad
Enterprise Funds Highlights include a \$3 million increase due to the completion of the wastewater treatment plant
Waste Water Fund –
- \$350,000 for the Jerome Estates Gravity line (going out to bid once agreement is reached)
- \$1.6 million in capital improvements to the plant and collection system
Water Fund –
- 10th Street Well project
Irrigation Fund –
- Slight increase in overall budget due to personnel increases
- \$20,000 for repairs and maintenance
Sanitation Fund –
- Scheduled rate increase of \$.37 per the contract with PSI; contract expires next year and a new RFP will be issued later in the year; Mr. Williams anticipates at least two bids

Mr. Williams stated the overall recommended budget is \$21.8 million versus approximately \$24.9 in FY2019. Mr. Hyatt stated the total budgeted for salaries is \$5.3 million, an increase of 5.6% from FY2019 which includes an increase of 3% to employees plus longevity raises. \$7.5 million is budgeted for salary and benefits, a 6.4% increase, which includes a 10% projected increase in health insurance and the increase in mandated PERSI contribution rates. The city currently employs 104.25 full time employees which includes the addition of the public works director position.

Upon inquiry by Councilman Peterson, Mr. Ahrens stated that the splash pad is a recycled system so staff will not see “new” water running through the meter, but that comparisons to previous months’ usage can be done. Mr. Williams stated the increase in water usage at the park will be apparent because of the new grass and seedlings. He further stated staff was advised to budget approximately \$1,000 per year for chemicals to maintain the splash pad.

Councilman Barber commended staff on balancing the budget while saving for a police station, factoring in insurance increases, etc. He asked about changing the city logo and Mr. Williams stated this can be done with council discretionary funds. Upon inquiry by Mayor Davis, Mr. Williams briefly reviewed the North Date Street path improvement project. He stated the road is being repaved, and with a 2-foot shift to the east a detached pedestrian bike path will be added to the west side of the road. The path would be more affordable than curb/gutter and sidewalk, some of the work can be done in-house, and it may connect to the middle school in the future. Mayor Davis also inquired about the 10th Street water tank project and status on the land purchase. Mr. Carpenter stated he is waiting for a response from the property owner and that alternative solutions to expanding the tank will be sought after if necessary.

**Notice of Public Hearing
City of Jerome
Tentative Budget**

NOTICE IS HEREBY GIVEN that the City Council of the City of Jerome, Idaho will hold a public hearing for the consideration of the proposed budget for the fiscal period October 1, 2019 through September 30, 2020 pursuant to the provisions of Section 50-1002, Idaho Code. Said hearing will be held at the City Council Chambers, 100 East Ave. A, Jerome, Idaho at 5:30 P.M. on Tuesday, August 20, 2019. At said hearing all interested persons may appear and show cause, if any they have, why said proposed budget should not be adopted.

The following is an estimate set forth of said proposed budget of the total proposed expenditures and accruing indebtedness of the City of Jerome, Idaho, for the fiscal period October 1, 2019 through September 30, 2020, and is shown below as FY 2019-20 proposed revenues and expenditures.

Fund	Revenues		
	2017-18 <u>ACTUAL</u>	2018-19 <u>BUDGET</u>	2019-20 <u>PROPOSED</u>
General	\$5,107,750	\$5,326,223	\$5,416,183
Street	2,592,464	2,864,021	2,347,930
Library	440,361	457,969	456,527
Park	209,876	212,462	213,955
Irrigation	190,417	192,500	191,500
Sanitation	329,903	350,775	370,375
Water	2,663,617	2,589,748	2,708,123
Wastewater	7,573,051	9,548,266	6,848,630
Existing Fund Balance	-	3,817,272	3,602,997
Total Revenues	\$19,107,439	\$25,359,236	\$22,156,220

Property Tax Revenue	Property Tax Budget		
	2017-18 <u>ACTUAL</u>	2018-19 <u>BUDGET</u>	2019-20 <u>PROPOSED</u>
Property Tax Revenue	\$4,734,855	\$5,035,578	\$5,199,454
Foregone Property Tax Revenue	278,586	-	-
Total of All Other Revenues	\$14,372,584	\$20,323,658	\$16,956,766

Fund	Expenditures		
	2017-18 <u>ACTUAL</u>	2018-19 <u>BUDGET</u>	2019-20 <u>PROPOSED</u>
General			
Legislative	\$65,740	\$87,626	\$91,220
Executive	16,900	16,932	16,896
Administration	730,638	799,250	779,703
Law Enforcement	1,904,348	2,582,812	2,612,573
Fire	1,565,095	1,470,808	1,563,467
Building	134,817	173,960	200,316
Animal Control	140,978	158,489	185,058
Total General Fund	\$4,558,516	\$5,289,877	\$5,449,233

Fund	Expenditures		
	2017-18 ACTUAL	2018-19 BUDGET	2019-20 PROPOSED
Street	\$2,929,040	\$3,000,489	\$2,715,925
Library	423,963	458,421	463,826
Park	178,084	211,666	234,103
Irrigation	144,500	165,262	169,518
Sanitation	332,007	352,856	358,663
Water	2,096,067	4,593,451	4,089,563
Sewer	<u>4,792,365</u>	<u>10,834,768</u>	<u>8,336,459</u>
Total Expenditures	<u>\$15,454,542</u>	<u>\$24,906,790</u>	<u>\$21,817,290</u>

I, Ross Hyatt, Finance Director of the City of Jerome, Idaho, do hereby certify that the above is a true and correct statement of the proposed expenditures and revenues for fiscal year 2019-20 all of which have been tentatively approved and entered at length in the Journal of Proceedings.

I further certify that the City of Jerome, Idaho did give notice for said hearing with notice having been published twice at least seven days apart prior to the adoption of the budget by the City Council. Citizens are invited to attend the budget hearing on Tuesday, August 20, 2019 at 5:30 P.M. and have the right to provide written or oral comments concerning the entire city budget.

A copy of the proposed city budget in detail is available at City Hall for inspection during regular office hours 8:00 A.M. to 5:00 P.M. Monday through Friday.

Dated this 15th day of August, 2019.

Ross Hyatt, Finance Director

Publish: August 8 and August 15, 2019

Councilman Culver made a motion to adopt the 2019-20 Fiscal Year Tentative Budget with the maximum appropriation of \$21,817,290 and authorize the clerk to publish the notice scheduling the public hearing for August 20, 2019 at 5:30 p.m. 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.

AUTHORIZE NOTICE FOR INCREASE IN UTILITY FEES AND CHARGES:

Mr. Hyatt stated Idaho statute requires a public hearing if fees increase by more than 5%. The sanitation fees are increasing by 4.8% per the existing contract with PSI, and base rate fees will be reallocated but without any changes in the cost to residents. While the increase and reallocations do not require a public hearing, staff was advised to hold one for transparency purposes. The hearing will be held during the council meeting of August 20th.

**NOTICE OF PUBLIC HEARING
CITY OF JEROME
Proposed Fee Increases**

NOTICE IS HEREBY GIVEN that the City Council of the City of Jerome, Idaho will hold a public hearing for the consideration of increases in fees and charges as follows:

Utility Fee increases for sanitation, water, and wastewater:

- Sanitation Fee to increase by 4.8 percent.
- Water Fees total base fees: no total base fees increase. Reallocating between operating, debt and capital reserve base fees to more appropriately fund 2019-20 budgeted operational, debt service, and capital expenditures of water fund.

HEARING DATE AND TIME: Tuesday, August 20, 2019, at 5:30 p.m.

HEARING LOCATION: City of Jerome Council Chambers
100 East Avenue A
Jerome, Idaho 83338

City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities please call the City Clerk's office, 324-8189 ext. 105, at least 48 hours prior to the public hearing.

Publish: August 8 and August 15, 2019.

Councilman Culver made a motion to authorize the clerk to publish the notice scheduling the public hearing for August 20, 2019 at 5:30 p.m. to consider proposed utility fee increases. 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.

S. TIGER DRIVE/NEZ PERCE INTERSECTION:

Mr. Williams spoke of site impairment at the intersection of S. Tiger and Nez Perce when southbound and looking to the east. Staff met with the highway district to advise of the new subdivision planned and additional stopping traffic, and had recommended a four-way stop sign. He stated they were against the idea as they considered it a truck route. Mr. Williams stated that the intersection belongs to the city and not the highway district and has received several complaints regarding visibility there. He spoke of a recent traffic accident at the intersection and police reports of some "close calls." Staff is seeking council's input on how to handle what could be done. Several councilman spoke of the complaints received and the need to pull out into the intersection to see westbound traffic. Councilman Johnson inquired on how to advise of a pending four-way stop when people are used to it as it is today. Mr. Williams stated it would have to be well advertised and include press releases, and he also questioned the feasibility of flashing stop signs.

Mayor Davis questioned liability over an accident at the intersection if the highway district were to not cooperate with the city in providing warning signs. Mr. Larsen stated that he believes the driver would carry the liability although the court could apportion liability by

percentages between the parties involved. Additionally, admissibility and evidence issues would be included in negotiations with the highway district if something were to happen. Mr. Carpenter stated staff follows the manual for Uniform Traffic Control Devices, and the manual advises that an engineering study be performed to determine if a device is needed. He feels staff has studied the intersection and determined that visibility is impaired. He further stated that he found nothing in Idaho Code requiring council action for a four-way stop to be installed but was seeking council support. Council did signify support of the recommendation.

NON-SMOKING POLICY FOR CITY PARKS:

Mr. Williams stated the item was put on the agenda at the request of some citizens who had expressed concerns over smoking and vaping near the new splash pad area where many people congregate throughout the day. Staff is seeking comment on whether the city should impose a no-smoking policy of some sort as there is nothing in the current code prohibiting it. He noted that public works staff has seen an increase in cigarette butts in the grass. Councilman Barber and Councilman Culver agreed to a no-smoking policy, and Mayor Davis stated he has also received complaints from park attendees. Councilman Johnson stated common courtesy should dictate where people choose to smoke. Mr. Williams stated staff will work with counsel to develop an ordinance that will address all city-owned parks. Upon inquiry by Councilman Peterson, Mr. Williams stated the Jerome Recreation District does not allow for smoking and vaping. Councilman Barber spoke of the possibility of imposing fees for use of the parks and Mr. Williams confirmed staff will be reviewing this.

PUBLIC WORKS SERVICE TRUCK PURCHASE:

Mr. Ahrens appeared before council to request a replacement truck in the amount of \$32,000. Staff has not been able to find anything locally to meet the department's needs, and they found Joe's Car Connection near Odgen, Utah that carries what they need. Upon inquiry by Mayor Davis, Mr. Ahrens stated there are several vehicles available within their budget and that he does not anticipate exceeding that amount.

Councilman Culver made a motion to approve the purchase of a service truck for Public Works by September 15, 2019, not to exceed the budgeted amount of \$32,000.00. 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.

COUNCIL REPORTS:

Mayor Davis commented on cameras in the park, and Mr. Williams stated staff has been seeking reasonable proposals to install cameras at ICCU Park and several vendors have been sought. He along with Mr. Hernandez and Chief Hall will review proposals and then bring them to council for review. Mr. Williams spoke of utilizing funds from the council discretionary fund for cameras, and to support power improvements at Veterans' Memorial Park. Mayor Davis spoke of the great improvements to the park and wanting it protected.

DEPARTMENT REPORTS:

Mr. Williams reported that the city will have a fair booth this year, and a sign-up sheet will be distributed for people to speak about the city's operations and activities; he finds that the public is better informed with a fair booth than when an open house is held.

Mr. Richey commented on the old Napa building discussed earlier in the meeting. He noted that he had seen building materials and questioned if construction was occurring inside, and he advised Ms. Morales that a building permit was required for an interior remodeling work. He stated she replied that permit was not required for non-structural work and Mr. Richey confirmed that any alterations, repairs or demolition to a building require a permit and quoted the International Building Code. He further stated penalties will be assessed when an occupancy permit is sought. Upon inquiry by Councilman Barber, Mr. Richey stated the state electrical inspector was not allowed access to the building without a warrant and without an occupancy permit the building cannot be occupied.

Mr. Ahrens stated that the chip sealing will begin on August 20th; staff had planned to begin on August 13th but the oil company fell behind.

ADJOURNMENT:

There being nothing further to discuss, Mayor Davis adjourned this August 5, 2019 regular meeting of the Jerome City Council at 7:52 p.m.

By:

Mayor David M. Davis

Attest:

Bernadette Gomes, City Clerk