

March 7, 2023

This regular meeting of the Jerome City Council was called to order by Mayor Davis at 5:30 p.m. While 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 Chris Barber, Councilman Jason Peterson, and Councilman Bryan Craig. Councilman Brent "Oop" Johnson was excused.

Also present were staff members: City Clerk Bernadette Coderniz, Legal Counsel Ted Larsen, City Administrator Mike Williams, City Engineer Tyson Carpenter, Wastewater Superintendent Gilbert Sanchez, Public Works Director Brian Ahrens, IS Director Carlos Hernandez, Finance Director Ross Hyatt, Accounting and Budget Manager Lori McCrae, Library Director Linda Mecham, Human Resources and Planning Services Director Esmeralda Chavez, City Planner Ervina Covcic, Fire Chief Mike Harrison, Police Chief Duane Rubink, and Captain Anthony Gratzler.

AMENDMENT TO AGENDA:

Councilman Barber moved to add an item to the agenda which was timely noticed in the local newspaper but not included on the agenda prior to the deadline, to add "Board of Corrections to make corrections to 2023 Irrigation Assessments." Second to the motion was made by Councilman Peterson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Craig, and Councilman Barber. **NAYS:** None.

PLEDGE OF ALLEGIANCE:

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

INVOCATION:

An invocation was given by Pastor Jason Gullidge with St. Paul's Lutheran Church.

BOARD OF CORRECTIONS FOR 2023 IRRIGATION ASSESSMENTS:

Ms. McCrae described Idaho Code 50-1807 which states the Mayor and Council must meet as a Board of Corrections prior to March 20th of each year to correct assessments as originally billed. Staff recommended one account under Ralph West be reduced to the minimum assessment as the customer does not have irrigation access.

Ms. Coderniz read a letter from customer Robert Culver requesting that his irrigation assessment be reduced to the minimum as well. However, Mr. Culver noted he has full access to the irrigation system but does not use it. Another account was mentioned within the letter and the situation whereby the other account was granted a reduction in their assessment although having irrigation access as well. Mr. Ahrens appeared before the Board and stated the other account in question did not have access to a functional irrigation system located in the alley

behind the home. He reiterated that Mr. Culver does have access to a functional irrigation system. Mayor Davis read meeting minutes from the March 19, 2019 explaining how, at that time, the other resident in question could have access but would run the risk of flooding out the neighbors. Mr. Ahrens further stated the pipeline beyond the other resident's home is broken and that it was not economically feasible to repair the line with no other residents requesting irrigation access on that street. Additionally, the other resident would have had to manually adjust the head gate, which would in turn cause issues to other parts of the irrigation system; this is not a practice recommended by staff. Mr. Ahrens noted that when reconstruction begins on Fillmore, the line in question can be repaired.

Discussion ensued regarding comparisons between Mr. Culver's situation and that of the other resident mentioned in the letter. Council agreed that reducing the irrigation bill of one customer with access to irrigation water would set a precedence for others who have access but choose not to utilize the irrigation system. The fees are necessary for the operation and maintenance of the irrigation system. Mayor Davis confirmed that repairs to the line of the other resident would not be cost effective at this time as no others are requesting access on that particular block. Upon inquiry by Councilman Craig, Mr. Ahrens stated once that line is repaired all residents on that block will have access and be assessed the full amount for irrigation water.

Councilman Barber made the motion to adjust the 2023 assessment on Account #556700.01 in the name of Ralph West to a minimum bill of \$22.84 due to non-access of irrigation water. Second to the motion was made by Councilman Craig. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Craig, and Councilman Barber. **NAYS:** None.

Councilman Barber made the motion to adjust the 2023 assessment on the account in the name of Robert and Carolyn Culver to a minimum assessment. Second to the motion was made by Councilman Peterson. After consideration, the motion passed unanimously by the following vote: **AYES:** None. **NAYS:** Councilman Peterson, Councilman Craig, and Councilman Barber.

PUBLIC HEARING:

This being the time and place published to consider a request from Lora Rodriguez for a rezone from Public/Semipublic (PS) to Residential 3 (R-3) on the property located at Tax 2194644 Block A-228, Jerome Unplatted 1.01 acres NE (13-8-16), more commonly known as 108 10th Avenue West, Jerome, Idaho, the Chair called the public hearing open at 5:43 p.m. and briefly reviewed the procedures that will be followed.

Staff Presentation:

Ms. Covcic stated the request is to reclassify the parcel in question from Public/Semipublic to Residential 3. The property sits on the corner of N. Lincoln and 10th, is more commonly known as 108 10th Avenue W, and has been used for a single-family dwelling. However, single-family residential uses are not permitted in the Public/Semipublic zone per Jerome Municipal Code. Adjacent zones include Public/Semipublic to the north and west of the property, Residential 3 to the south, and General Business to the east. Ms. Covcic stated the Planning and Zoning Commission found the application to be in compliance with the City's Comprehensive Plan, and recommended approval of the rezone.

There was no testimony in favor, neutral nor in opposition to the information presented. There being no further testimony to be heard, the Chair declared the public hearing closed at 5:46 p.m.

ORDINANCE NO. 1217, BILL NO. 702 REZONE, INTRODUCTION:

Councilman Barber sponsored the bill.

Councilman Barber moved to suspend the rules pertaining to the reading of an ordinance on three separate occasions and direct the clerk to read Bill No. 702 once by title only to constitute three readings. Second to the motion was made by Councilman Peterson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Craig, and Councilman Barber. **NAYS:** None.

The clerk read the bill once by title only, and the ordinance in full is as follows:

**ORDINANCE NO. 1217
BILL NO. 702**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, IDAHO AMENDING THE CITY OF JEROME ZONING ORDINANCE AND ZONING MAP BY ZONING THE FOLLOWING DESCRIBED PARCELS OF REAL PROPERTY IN THE CITY OF JEROME, IDAHO FROM PUBLIC/SEMI-PUBLIC (PS) TO RESIDENTIAL 3 (R-3); AND PROVIDING FOR AN EFFECTIVE DATE:

The property to be rezoned is more particularly described on Exhibit A.

WHEREAS, a public hearing was held before the Planning and Zoning Commission pursuant to notice on the 10th day of January, 2023; and

WHEREAS, the Jerome City Planning and Zoning Commission recommended approval of the request to rezone; and

WHEREAS, a public hearing before the Jerome City Council was held on the ordinance, pursuant to notice, on March 7, 2023;

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

Section 1. Parcel 1, described on Exhibit A, and located in the City of Jerome, County of Jerome, State of Idaho is hereby rezoned from Public/Semi-Public (PS) to Residential 3 (R-3).

Section 2. The official zoning map of the City of Jerome is hereby amended to comply with Sections 1 of this Ordinance.

Section 3. This ordinance shall become effective upon its passage and publication as required by law.

PASSED BY THE COUNCIL this 7th day of March, 2023.

SIGNED BY THE MAYOR this 7th day of March, 2023.

CITY OF JEROME, IDAHO

By:
/s/ David M. Davis

David M. Davis, Mayor

ATTEST:

/s/ Bernadette Coderniz
Bernadette Coderniz, City Clerk

EXHIBIT A

(Legal description for 108 10th Avenue West, Jerome, Idaho)

Tax 2194644 Block A-228 Jerome Unplatted 1.01 acres NE (13-8-16).

Upon inquiry by Councilman Peterson, Mayor Davis stated the school was noticed of the public hearing but no statements were submitted, and Ms. Covcic concurred. Mayor Davis commented on previous code violations at the property. Mr. Williams stated the code enforcement officer has been in contact with the property owner, and that the current zone does not allow any renovations or building additions onsite; the rezone would allow for a structure to be erected for storage purposes. Mayor Davis spoke of the accumulation of vehicles and other items in violation of the code, and with the new housing development coming something needed to be done to ensure the property owner was in compliance. Mr. Williams confirmed the rezone would make the property more marketable should the owner decide to sell. Upon inquiry by Councilman Peterson regarding future development near the school, Mr. Williams stated setback requirements would still need to be met. Additionally, he is unaware if the school district was interested in purchasing that parcel in the past. Councilman Craig commented on code enforcement needs elsewhere in town, and Mayor Davis noted the current property owner must meet code requirements with the rezone. Brief discussion ensued regarding the rezone request and how a rezone would affect the nearby school.

Councilman Barber made the motion to adopt Bill No. 702 as Ordinance No. 1217 rezoning the parcel as described from Public/Semipublic (P/S) to Residential 3 (R-3). Second to the motion was made by Councilman Craig. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Craig, and Councilman Barber. **NAYS:** None.

CONSENT CALENDAR:

Those items contained in the consent calendar are as follows:

1. Approve the minutes of the February 21, 2023 regular meeting
2. Approve purchase of a heavy equipment tilt trailer for the Public Works Department in the amount of \$15,564

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

PROCLAMATION – GIRL SCOUTS WEEK 2023:

The clerk read the proclamation in full:

A PROCLAMATION ON THE IMPORTANCE OF GIRLS SCOUTS TO TODAY'S GIRLS

WHEREAS, March 12, 2023, marks the 111th anniversary of Girl Scouts of the USA, the largest and most impactful leadership program for girls in the world; and

WHEREAS, today, more than 50 million women—trailblazers, visionaries, and leaders—are Girl Scout alums who have made the world a better place.

WHEREAS, in July 2023, Girl Scouts will host its triennial convention where more than 10,000 girls, alums, and supporters from across the Movement will gather to explore, create, and grow alongside thousands of fellow change-makers, dreamers, and doers; and

WHEREAS, during a time when girls are dealing with the impacts of pandemic-related learning loss, Girl Scouts offers important out-of-school and afterschool learning enrichment and skill-building opportunities that expand their world, allow them to cultivate their talents, and ensure they can confidently pursue their passions and make the world a better place; and

WHEREAS, since its beginnings, Girl Scouts has emphasized public service and civic engagement, and has fostered a sense of community in girls; and

WHEREAS, during a time when girls are experiencing increased levels of anxiety, stress, loneliness, and depression, Girl Scouts continues to provide community, consistency, and connection for girls, and is a safe haven in all the uncertainty; and

WHEREAS, Girl Scouts' longstanding commitment to getting girls outdoors, including exciting summer camp experiences, instills a lifelong appreciation for nature and the environment is more critical than ever as we emerge from the pandemic; and

WHEREAS, at a time when civics education is missing from many schools, Girl Scouts engages girls of all grade levels in civics programming that deepens their understanding of democracy and government, prepares them for a lifetime of civic engagement, and motivates them to take action on issues that are important to them; and

WHEREAS, Girl Scouts offers girls 21st-century programming in science, technology, engineering, and math (STEM); the outdoors; entrepreneurship; and beyond, helping girls develop invaluable life skills; and

WHEREAS, Gold Award Girl Scouts take on projects that have a measurable and sustainable impact on a community by assessing a need, designing a solution, completing a project, and inspiring others to sustain it; and

WHEREAS, as a member organization of the World Association of Girl Guides and Girl Scouts, Girl Scouts is part of an international sisterhood of 10 million girls and young women in 152 countries and is committed to offering girls more opportunities to engage with communities worldwide, make meaningful global connections, and explore global citizenship; and

WHEREAS, Girl Scouts of Silver Sage serves 3,490 girls across the great state of Idaho

NOW, THEREFORE, I, David M. Davis, by virtue of the authority vested in me as Mayor of the City of Jerome, do hereby applaud the Girl Scout Movement and Girl Scouts of Silver Sage for providing girls with a safe, inclusive, all-girl space where they can hone their skills and develop leadership abilities, and I declare March 12-18, 2023 to be Girl Scout Week.

/s/ David M. Davis

David M. Davis, Mayor, City of Jerome

Young ladies from Girl Scout Troop #437 were in attendance and included Nayeli, Madysynn, Riley and Haylee.

Council signified support with unanimous “ayes.”

DISCUSSION REGARDING PARK USE FEES:

Mr. Williams reminded Council of previous discussions pertaining to park use fees, the issue surrounding charitable versus non-charitable entities, when fees should be waived, and general use/maintenance of the parks after events are held. Ms. Coderniz spoke of the previous year’s park reservations and noted that 44 reservations were made for parks in the City; 8 of those reservations were for large events, and the remaining 36 were for private events. Additionally, she provided the fee structure for the Jerome Recreation District (JRD) as per request of Councilman Barber at the last meeting (\$25 for <50 people, \$50 for 51-150, etc.). A committee was formed by staff members of several departments to discuss and present ideas on how to best handle the park reservations and the following recommendations were presented to Council for review and discussion:

- Charge a \$25 park use fee for every applicant
- A \$300 refundable deposit will be required when more than one of the following conditions exists:
 - Any event reserving the use of more than one shelter
 - This includes use of the amphitheater at ICCU Park
 - Events lasting longer than 3 hours
 - Events where there are commercial sales

Ms. Coderniz also stated the following would apply after events are held at the park:

- The Parks Supervisor will determine if the deposit is refundable based upon condition of the park after the event
 - Application revised to include following additional information not already listed:
 - Checklist for post-event inspection
 - Deposit will be refundable based on condition of park after event and also conformance to conditions in the application

The committee also recommended that Jerome Municipal Code section 12.28.035 pertaining to fee exemptions be removed entirely.

Upon inquiry by Councilman Craig regarding park reservations, Ms. Coderniz stated large events reserve the entire park and smaller private events specifically request which park and/or pavilion they wish to reserve. Councilman Craig further commented on reserving “the park” versus reserving pavilions and that this should be addressed. Mr. Williams stated the recommendations listed above would assist with determining who would be required to pay the refundable \$300 deposit. Councilman Barber spoke of events at the JRD and similar requirements. Councilman Peterson inquired about specific events held annually, and Ms. Coderniz confirmed certain dates are reserved for them automatically (Joe Mama’s Car Show, Christmas in the Park, etc.). Councilman Peterson also inquired about the City’s liability with the parks, and Mr. Larson stated reservations must be fair and non-discriminatory. Councilman Craig reiterated a deposit be required of those meeting more than one of the criteria listed regardless of the number of people in attendance, and Councilman Barber stated the deposit was originally designed to prevent staff from excessive clean-up efforts after large events.

Additionally, he stated the parks are meant to be used by the community. Mr. Larson also stated reservations are designed to give an applicant exclusive use of a pavilion; however, the remainder of the park continues to be open to the public. Additionally, large events do not exclude the public from using various areas of the parks.

Ms. Coderniz reiterated the criteria listed were developed by staff as guidelines for park reservations, and that Council had the discretion of what, if any, to accept. Councilmen Barber and Peterson both agreed with the criteria as listed. Upon inquiry by Mayor Davis, Ms. Coderniz stated the splash pad and nearby tables are not reservable; the skate park can be reserved for special events (competitions, etc.) by certain organizations. Mayor Davis commented on commercial sales associated with a large event and disallowing individuals to casually sell items at the parks. Ms. Coderniz inquired about reservation forms on hand prior to the acceptance of the criteria listed (allow fee waivers, etc.) and that, per code, Council is currently required to approve large commercial events at the parks. Council agreed that reservations on hand would be subject to the new requirements if approved.

Mr. Williams stated that this evening's discussion was for clarification on how to proceed, and the next step would be to amend the code via ordinance. At this time, the calendar dates have been blocked out for those who have submitted reservation requests but no applications have been approved by Council. Councilman Peterson inquired about approving all commercial events if the issue of waiving fees no longer exists, and Ms. Coderniz explained that the purpose of Council reviewing the applications went beyond considering fees. Mr. Williams stated staff will move forward with presenting an ordinance, with the recommendations listed, for approval.

COUNCIL REPORTS:

Councilman Barber inquired about a spring clean-up day as a City. Mr. Williams spoke of the Carl Nellis Day of Service in September and stated this item (City Wide Clean-up Day) will be addressed at the next Community Spirit Committee meeting.

DEPARTMENT REPORTS:

Mr. Williams spoke briefly on legislative updates and stated he anticipates additional discussions regarding property tax legislation to continue. One concern is leaving the discussions for the end of the session whereby legislators have little time to discuss and resolve issues. Three bills pertaining to property tax relief have been introduced but have not yet been heard in the House nor in the Senate. Mayor Davis noted that Senator Grow's bill was introduced but was sent to an amendment order due to concerns with urban renewal. Mr. Williams stated the next few weeks will most likely produce more conversations.

Projects are moving forward, and Mr. Williams stated bid awards and engineering consultation awards will be forthcoming for various projects including downtown, the N. Lincoln and S. Fillmore projects.

ADJOURNMENT:

There being nothing further to discuss, Mayor Davis adjourned this March 7, 2023 regular meeting of the Jerome City Council at 6:26 p.m.

By:

Mayor David M. Davis

Attest:

Bernadette Coderniz, City Clerk