

This regular meeting of the Jerome City Council was called to order by Council President Barber 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: Council President Chris Barber, Councilman Jason Peterson, Councilman Brent "Oop" Johnson, and Councilman Bryan Craig. Mayor David M. Davis was excused.

Also present were staff members: City Clerk Bernadette Coderniz, Legal Counsel Ted Larsen, City Engineer Tyson Carpenter, Public Works Director Brian Ahrens, Library Director Linda Mecham, Building Official Dave Richey, Finance Director Ross Hyatt, Accounting and Budget Manager Lori McCrae, Wastewater Superintendent Gilbert Sanchez, IT Staff Technician Andy Newbry, Planning and Zoning Manager Ida Clark, Human Resources Director Esmeralda Chavez, Fire Chief Mike Harrison, and Police Chief Duane Rubink. City Administrator Mike Williams was excused.

PLEDGE OF ALLEGIANCE:

Councilman Barber led the audience in recitation of the pledge of allegiance.

INVOCATION:

An invocation was given by Skyler Farnsworth, a member of the Stake High Council, the Church of Jesus Christ Latter Day Saints.

PUBLIC HEARING:

This being the time and place published for the consideration of a request from Efrain Tellez for a Partial Plat Vacate of the property described as a parcel of land located in part of the Green Acres Subdivision, Instrument # 2060794, in the South Half of the Southeast Quarter of the Southwest Quarter of Section 7, Township 8 South, Range 17 East, Boise Meridian, City of Jerome, County of Jerome, State of Idaho and containing 5.44 acres, more or less, the Chair called the public hearing open at 5:32 p.m. and briefly reviewed the procedures that will be followed.

Staff Presentation:

Ms. Clark stated Idaho Code 50-1306A was referenced for plat vacations as they were not addressed in the Jerome Municipal Code. She briefly reviewed Idaho Code pertaining to plat vacations which require a public hearing at the City Council meeting; Council may grant the request to vacate with such restrictions as deemed necessary in the public interest. Ms. Clark stated that Mr. Tellez built a single-family home on lot 9 of the subdivision which has access from 16th Ave. East. Due to the cost of mitigating the topography of the remaining parcels in planning for sewer connection and runoff, Mr. Tellez is requesting to vacate the remaining parcels. The remaining lots, if left unchanged, would require a lift station for connection to the sewer system. If one single home is built the lift station would not be required. Mr. Tellez

would like to build their home on the larger remaining parcel. J-U-B has completed the survey of the proposed vacate. The request would reduce the subdivision from nine lots to two. The proposed revision would include a 50' access from 16th Ave. East, and they would be able to access City water and sewer along with the irrigation system. Ms. Clark stated the easements have been released from Intermountain Gas Company, Idaho Power, North Side Canal Company, Lumen, PMT, and the City of Jerome Engineering Department, and she showed an aerial map to Council for a better understanding of the parcel in question.

Applicant Testimony:

Ms. Shayla Zuniga, 236 S. Lincoln, Jerome, appeared before Council and stated the partial plat vacate is requested so they can build their home on the parcel. The back of the property will remain as pasture.

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

RESOLUTION NO. 14-23:

Upon inquiry by Councilman Peterson, Ms. Clark clarified if the vacation is approved a private pump could be installed with the responsibility of maintenance falling upon the property owner. If the parcel is not vacated and is developed a public lift station would be required.

The clerk read Resolution No. 14-23 in full as follows:

RESOLUTION NO. 14-23

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, IDAHO APPROVING THE APPLICATION OF EFRAIN TELLEZ FOR VACATION REQUEST OF PROPERTY DESCRIBED HEREIN, BELOW, AND AS SHOWN ON THAT CERTAIN PLAT ENTITLED "GREEN ACRES", RECORDED IN THE RECORDS OF JEROME COUNTY ON FEBRUARY 6, 2006 AS INSTRUMENT NO. 2060794.

WHEREAS, the Real Property in question is more particularly described as:

A parcel of land located in part of the Green Acres Subdivision, Instrument # 2060794, in the South Half of the Southeast Quarter of the Southwest Quarter of Section 7, Township 8 South, Range 17 East, Boise Meridian, City of Jerome, County of Jerome, State of Idaho and more particularly described as follows:

COMMENCING at the South Quarter corner of said Section 7 monumented with a brass cap, from which the Southwest corner of said Section 7 monumented with an aluminum cap, bears North 89°53'01" West, 1767.43 feet;

THENCE North 89°53'01" West along the southerly boundary of the SW1/4 for a distance of 127.00 feet;

THENCE North 00°06'17" West for a distance of 25.00 feet to a point on the northerly Right-of-Way of 16th Avenue East and the southeast corner of Lot 9, Block 1 of said Subdivision;

THENCE North 89°53'01" West along said northerly Right-of-Way for a distance of 110.15 feet to the southwest corner of said Lot 9 and the POINT OF BEGINNING;

THENCE North 89°53'01" West continuing along said northerly Right-of-Way for a distance of 50.00 feet;

*THENCE North 00°04'07" West for a distance of 231.09 feet;
THENCE North 89°53'01" West parallel with the southerly boundary of said SW1/4
for a distance of 240.99 feet;
THENCE North 00°06'17" West for a distance of 404.00 feet to a point on the
northerly boundary of said S1/2 SE1/4 SW1/4 of said Section 7;
THENCE South 89°55'33" East along said northerly boundary for a distance of
528.00 feet to the northeast corner of said S1/2 SE1/4 SW1/4;
THENCE South 00°06'17" East along the easterly boundary of said S1/2 SE1/4
SW1/4 for a distance of 450.17 feet;
THENCE South 87°29'48" West for a distance of 127.11 feet to the northeast corner
of said Lot 9;
THENCE North 87°53'00" West for a distance of 110.04 feet to the northwest corner
of said Lot 9;
THENCE South 00°04'07" East along the westerly boundary of said Lot 9 for a
distance of 179.50 feet to the POINT OF BEGINNING.
The above described parcel contains 5.44 acres, more or less, and is subject to
easements, covenants and restrictions of record.
(hereinafter "Real Property")*

WHEREAS, the Real Property is a platted subdivision; and

WHEREAS, Efrain Tellez has, pursuant to Idaho Code Section 50-1306A, filed an Application for a partial vacation request of the Green Acres subdivision ("Petition") to partially vacate the Plat by removing the Real Property from it; and

WHEREAS, said Petition was filed with the City Clerk for the City of Jerome on the 18th day of January 2022; and

WHEREAS, written notice of a public hearing on said Petition was sent by certified mail with return receipt, to all property owners within three hundred (300') feet of the boundaries of the Real Property on August 28, 2023; and

WHEREAS, publication of a notice of public hearing on said Petition for October 3, 2023, was published in the *Times News* on September 14, 2023, and September 21, 2023; and

WHEREAS, a true and correct copy of the notice of public hearing referred to in the two previous recitals is attached to this Resolution as Exhibit A; and

WHEREAS, a public hearing on said Petition was held before the Jerome City Council on October 3, 2023, at the regular meeting of the City Council; and

WHEREAS, the Petitioner has satisfied the requirements of Idaho Code Section 50-1306A;

WHEREAS, the Petitioner has paid all publication costs; and

WHEREAS, the Jerome City Council unanimously approved the partial vacation of the Plat as requested by the Petition following the conclusion of the public hearing on October 3, 2023.

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

Section 1. That the Plat is hereby vacated by removing the Real Property from it without any restrictions or conditions.

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

PASSED BY THE COUNCIL this 3rd day of October 3, 2023.

SIGNED BY THE MAYOR this 4th day of October 3, 2023.

CITY OF JEROME

By:

/s/ David M. Davis

David M. Davis, Mayor

ATTEST:

/s/ Bernadette Coderniz

Bernadette Coderniz, City Clerk

Councilman Peterson made the motion to pass Resolution No. 14-23. Second to the motion was made by Councilman Barber. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Craig, Councilman Barber, Councilman Johnson, and Councilman Peterson. **NAYS:** None.

CONSENT CALENDAR:

Those items contained in the consent calendar are as follows:

1. Approve the minutes of the September 19, 2023 regular meeting

Councilman Craig made the 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 Barber, Councilman Johnson, Councilman Peterson, and Councilman Craig. **NAYS:** None.

PROCLAMATION – FIRE PREVENTION WEEK, OCTOBER 8-14, 2023:

CITY OF JEROME, IDAHO

MAYOR’S 2023 FIRE PREVENTION WEEK PROCLAMATION

WHEREAS, the City of Jerome is committed to ensuring the safety and security of all those living in and visiting our state; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,800 people in the United States in 2021, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 338,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States and fire departments responded to more than 166,400 annually between 2016 and 2020; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, Jerome’s residents should turn pot handles toward the back of the stove; always keep a lid nearby when cooking; keep a three-foot kid-free zone around the stove, oven, and other things that could get hot; watch what they heat; and set a timer to remind them that they are cooking; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires almost in half; and

WHEREAS, the City of Jerome’s first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Jerome’s residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2023 Fire Prevention WeekTM theme, “Cooking safety starts with YOU. Pay attention to fire preventionTM,” effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

THEREFORE, I, David M. Davis, Mayor of Jerome, do hereby proclaim October 8–14, 2023, as Fire Prevention Week throughout this state, and I urge all the people of Jerome to check their kitchens for fire hazards and use safe cooking practices during Fire Prevention Week 2023, and to support the many public safety activities and efforts of Jerome City’s fire and emergency services.

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

Chief Harrison stated his staff will be visiting schools throughout the week, and activities will conclude with a pancake breakfast together with the Jerome Rural Fire Department. The breakfast will be free to the public.

Council signified support of the proclamation with unanimous “ayes.”

RESOLUTION NO. 15-23:

Chief Rubink stated the intent of the Resolution No. 15-23 is to update the policing manual adopted in 2021. The Idaho Policing Policy manual update was recently published for 2023 to keep with current best practices and current legal cases. Resolution No.16-23 applies to supplemental policies specific to the Jerome Police Department including an update to the name of the Chief of Police, the current organization and chain of command of the department, an on-duty exercise policy addition, and the removal of the policy on the use of Naloxone.

The clerk read Resolution No. 15-23 in full as follows:

RESOLUTION NO. 15-23

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF JEROME, STATE OF IDAHO, ADOPTING THE UPDATED 2023 IDAHO POLICING

POLICY AND ADOPTING UPDATED SUPPLEMENTAL POLICIES FOR THE JEROME POLICE DEPARTMENT.

WHEREAS, the City Council of the City of Jerome passed resolution 11-21 on September 21, 2021 adopting the Idaho Policing Policy Manual for the Jerome Police Department; and

WHEREAS, the Idaho Policing Policy has undergone revisions to ensure that content is current and relevant; and

WHEREAS, the City Council of the City of Jerome passed resolution 19-21 adopting the following Supplemental Policies for the Jerome Police Department:

- 100 Organization and Chain of Command
- 104 Personal Appearance
- 109 On Duty Exercise
- 202 Weapons
- 206 Use of Naloxone

WHEREAS, the above listed policies have been revised to reflect changes in department structure and changes in department practices; and

WHEREAS, the Chief of Police of the City of Jerome requests adoption of the Idaho Policing Policy dated 2023 in the place and stead of the Idaho Policing Policy dated 2021; and

WHEREAS, the Chief of Police of the City of Jerome requests adoption of the revised supplemental policies dated September 23, 2023 which are listed above.

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

1. The City of Jerome repeals the Idaho Policing Policy dated 2021.
2. That the Idaho Policing Policy dated 2023 attached hereto and incorporated herein as Exhibit "A" be adopted with all subsequent amendments thereto for the Jerome Police Department.
3. The City of Jerome repeals the above listed JPD Supplemental Polices dated 2021.
4. That the following revised JPD Supplemental Policies dated September 23, 2023 attached hereto and incorporated herein as Exhibit "B" be adopted for the Jerome Police Department.

- 100 Organization and Chain of Command
- 104 Personal Appearance
- 109 On Duty Exercise
- 202 Weapons
- 206 Use of Naloxone

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

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

PASSED BY THE COUNCIL this 3rd day of October, 2023.

SIGNED BY THE Mayor this 4th day of October, 2023.

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

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

Councilman Craig made the motion to approve Resolution No. 15-23 Idaho Policing Policy 2023. Second to the motion was made by Councilman Peterson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Barber, Councilman Johnson, Councilman Peterson, and Councilman Craig. **NAYS:** None.

RESOLUTION NO. 16-23:

Chief Rubink stated the supplemental policies previously reviewed are listed in this resolution.

The clerk read Resolution No. 16-23 in full as follows:

RESOLUTION NO. 16-23

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, IDAHO ADOPTING THE REVISED 2023 JEROME POLICE DEPARTMENT IDAHO POLICING POLICY MANUAL, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Jerome Police Department Policy & Procedure Manual with supplemental polices was adopted by the City Council on September 23,2021, Resolution 10-21; and

WHEREAS, additional policies are needed to guide police operations and stay current with recommended practices; and

WHEREAS, the Chief of Police for the City of Jerome Police Department wishes to make an amendment to the Police Department Policy & Procedures manual by the addition of 2023 edition of the Idaho Policing Policy Manual, Supplemental Policy 109 On Duty Exercise, and removing 206 Use of Naloxone,

WHEREAS, the amending policy has been reviewed by the City Attorney; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Jerome, Idaho, that:

Section 1: Adoption of 2023 Edition of Idaho Policing Policy Manual and addition of Supplemental Policy 109 On Duty Exercise, and removing 206 Use of Naloxone. The attachment to Resolution 16-23 as Exhibit “A and B” is hereby adopted as additions to the Jerome Police Department Policy & Procedure Manual.

Section 2: Effective Date. The effective date of this resolution shall be October 3, 2023.

PASSED BY THE COUNCIL this 3rd day of October, 2023.

SIGNED BY THE MAYOR this 4th day of October, 2023.

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

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

Councilman Craig made the motion to approve Resolution No. 16-23 Jerome Police Department Supplemental Policies 2023. Second to the motion was made by Councilman Peterson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Barber, Councilman Johnson, Councilman Peterson, and Councilman Craig. **NAYS:** None.

ENGINEERING SERVICES AGREEMENT, J-U-B ENGINEERS:

Mr. Carpenter spoke of downtown beautification, the Urban Renewal Agency's assistance and the project divided into two phases. The phase for which a Community Development Block Grant will be used will move forward while the phase including Main Street will be coordinated with the Idaho Transportation Department (ITD) and completed at a later date. The agreement presented is for the design of the Alder/Avenue A portion of the project. Staff reviewed the scope of work with J-U-B Engineers and the fee was determined based on time and materials for the work. Upon inquiry by Councilman Craig, Mr. Carpenter stated the scope of work for the Main Street portion is still being reviewed as ITD will also be involved for their improvements; specific details pertaining to the design on Main Street are unknown at this time. Upon inquiry by Councilman Barber, Mr. Carpenter stated the project should be ready to bid in the spring for work to begin within the next construction season.

Councilman Peterson made the motion to approve the Engineering Services Agreement with J-U-B Engineers, Inc. for design and bidding of the Downtown Streetscape Alder St and Ave A project for time and expenses not to exceed of \$80,252.50. Second to the motion was made by Councilman Johnson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Barber, Councilman Johnson, Councilman Peterson, and Councilman Craig. **NAYS:** None.

PIZZA FACTORY:

Ms. Coderniz spoke of Con Paulos's plans to open a restaurant, Pizza Factory, at 3230 S. Lincoln, Suite D and desire to sell beer and wine to customers onsite. Mr. Paulos will need to pay the required licensing fees, provide the State of Idaho and Jerome County liquor licenses and pass all required building and fire inspections prior to the issuance of a license. Upon inquiry by Councilman Barber, Ms. Coderniz stated the beer and wine will be sold in the restaurant only and not available until the new building is occupied. Mr. Larsen further stated that Mr. Paulos could sell beer and wine if a specific building were in place for that purpose. Mr. Richey added that building plans have been submitted and are in the review process. Once site plans are approved a building permit will be issued for the remodel of the building. Upon inquiry by Councilman Craig, Mr. Richey stated the new building will be for a sit-down chain restaurant.

Councilman Craig made the motion to approve the application from Con Paulos dba Pizza Factory for the sale of beer and wine at 3230 S. Lincoln Ave., Jerome, for on-premises

consumption contingent upon paying all required fees, providing the State of Idaho and Jerome County liquor licenses and passing all required fire and building inspections. Second to the motion was made by Councilman Barber. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Barber, Councilman Johnson, Councilman Peterson, and Councilman Craig. **NAYS:** None.

COUNCIL REPORTS:

Councilman Craig inquired about the road near the new development on S. Lincoln and the ¼ of the road not completed. Mr. Carpenter explained that water lines were moved and the road will need to be patched. He further stated he could reach out to the public works staff and Mr. Williams regarding the paving of the road by staff. Councilman Craig also inquired about the road near the new police station and the poor conditions that exist on that road, and a brief discussion ensued regarding the road construction, patching, and limits on what work could be done with available funds. Streetscaping was also briefly discussed.

ADJOURNMENT:

There being nothing further to discuss, Mayor Davis adjourned this October 3, 2023 regular meeting of the Jerome City Council at 6:01 p.m.

By:

Mayor David M. Davis

Attest:

Bernadette Coderniz, City Clerk