

October 19, 2021

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 Robert Culver, Councilman Chris Barber , Councilman Jason Peterson and Councilman Brent "Oop" Johnson.

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

PLEDGE OF ALLEGIANCE:

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

INVOCATION:

An invocation was given by Pastor John Marshall with the Jerome First Christian Church.

CONSENT CALENDAR:

Those items contained in the consent calendar are as follows:

1. Approve the minutes of the October 5, 2021 regular meeting
2. Approve to pay Arthur J Gallagher & Co. to renew the Environmental Liability Insurance for the Wastewater Facility at a cost of \$25,857.00
3. Approve ICDBG Progress Report and Request for Idaho Community Development Block Grant Funds
4. Monthly Department Reports
5. Approve Claims

20-20 Autoglass \$207.67, Amazon Capital Services \$1,771.08, American Legal Publishing Corp. \$193.40, Appliances Etc. \$195.59, Argo Company \$2,760.15, Badger Meter \$627.45, Benjamin W Hanks \$941.50, Bill's Sewer & Drain Service \$295.00, Blue360 Media \$556.92, Boise Office Equipment \$27.50, Brenntag Pacific Inc \$3,277.82, Brodart Company \$28.55, B-Z Plumbing \$334.11, CDW Government Inc. \$3,881.27, Center Point Large Print \$90.48, Century Link \$2,118.10, Centurylink Business Services \$68.99, Chase Paymenttech \$1,796.15, City of Jerome \$579,186.73, Civicplus \$3,889.62, Clark & Sons Inc. \$65.00, Continental Blower LLC \$2,781.96, Culligan Soft Water Service \$88.75, D & B Supply \$2,068.04, Daniel Hall \$14.54, Dell \$20,301.39, Dewitt Diesel Inc \$6,738.69, Dig Line Inc \$189.96, Ednetics Inc \$623.20, Electric 1 West Inc. \$7,718.00, Emergency Responders Health \$2,595.00, Energy Management Corp. \$507.75, Environmental Resource Assoc. \$164.00, Ergon Asphalt & Emulsions Inc

\$240.00, Esri Inc. \$100.00, Farmore of Idaho \$109.04, Fastenal Company \$252.51, Ferguson Enterprises Inc. \$6,336.96, Filtration Technology Inc \$82,380.00, Floyd Lilly Co \$254.26, Freedom Mailing Services Inc \$2,143.05, Gem State Paper & Supply \$224.26, Gem State Welder's Supply \$132.08, Glendale Construction Inc. \$11,844.11, Go-Fer It Express \$378.00, Greatamerica Financial Services \$165.00, Guillermo Garcia \$44.98, H.D.Fowler \$4,866.22, H.W. Lochner Inc \$724.76, Hach Company \$146.76, Harvey's Office Plus \$686.49, Hydro Specialties Company \$1,786.06, ICRMP \$280,717.00, ID Rural Water Association \$855.00, ID State Tax Commission \$182.65, Idaho Controls and Automation \$7,249.24, Idaho Materials and Construction \$10,332.27, Idaho Power Co. \$81,586.54, Idaho State Police \$1,718.75, Ingram Book Company \$593.11, Intermountain Fabrication LLC \$782.00, Intermountain Gas Company \$1,051.75, J & J Enterprises \$105.50, Jerome Chamber of Commerce \$100.00, Jerome City Water Department \$10,499.92, Jerome County \$12,055.32, Jesus Mendez \$250.00, Justion Solosabal \$61.39, Katie Elliott \$8.00, Keller Associates Inc \$2,053.75, Law Enforcement Policy Center LLC \$2,500.00, Les Schwab Tire Centers Inc \$897.23, Lexipol LLC \$4,250.00, Lexisnexis Risk Solutions \$38.00, Linda Mecham- Library Director \$34.91, Lytle Signs Inc \$802.60, Magic Valley Electric LLC \$205.00, Magic Valley Labs \$10,773.60, Magic Valley Turfgrass \$126.00, Marcos Noriega \$100.00, Maxwell Products Inc \$2,484.17, McHugh Bromley PLLC \$1,454.21, Mike's Repair \$333.51, Mower Office Systems \$88.00, Municipal Emergency Services \$4,979.50, Munimetrix Systems Corp. \$89.98, MWI Veterinary Supply \$1,161.68, Napa Auto Parts \$1,378.43, Norco \$44.38, Northside Canal Co. \$5,000.00, Overdrive \$8,000.00, Overhead Door Company of TF Inc \$1,100.00, PacificSource Administrators \$1,690.31, Park Place Technologies LLC \$481.08, Plant Foods Incorporated \$826.88, Post Academy \$80.00, Pro-Flame Inc \$723.55, Project Mutual Telephone \$322.94, PSI Environmental Services Inc \$21,204.89, Quadient Finance USA Inc \$1,637.00, Quadient Leasing USA Inc \$899.58, Region Iv Development Assn \$3,875.00, Rexel USA Inc \$989.63, Ridley's Food & Drug \$33.16, Riverside Trailers Jerome \$2,180.00, RJM Equipment Sales Inc \$3,990.00, Rodda Paint Company \$234.60, Ross Hyatt- Treasurer \$95.00, Sheree Moody \$300.00, Signed Sealed & Delivered \$58.67, Silver Creek Supply \$525.64, Silversky Inc \$6,600.00, Siteone Landscape Supply LLC \$55.49, Skaggs Companies Inc. \$283.42, SKM Inc. \$2,136.25, So Id Economic Developmt Org \$8,217.00, Something More \$135.92, Southern Idaho Solid Waste \$7,690.24, SPF Water Engineering \$1,958.25, Stu Campbell \$30.32, Tauna Musser \$34.58, TC Sales & Service \$1,046.15, Terrys Heating & A/C Inc \$85.00, TFD Enterprises LLC \$7,162.43, Tharpe Consulting \$2,250.00, Thatcher Company \$10,433.84, The Fire Store \$134.99, Times News \$157.68, T-Mobile \$296.84, Tore Up \$35.00, Traffic Safety Supply Co Inc \$62.39, Treasure Valley Coffee Inc. \$101.10, Tribal Fire Systems LLC \$647.16, Triple C Concrete \$923.25, Tri-State Tire Jerome \$159.85, Truckpro LLC Six States \$218.33, U.S. Bank Equipment Finance \$471.40, Underwood Recycling \$95.14, United Way of South Central Idaho \$89.00, US Bank Credit Card \$20,928.77, USA Bluebook \$508.30, Valley Office Systems \$87.86, Valley Wide Cooperative \$18,997.28, Verizon Wireless \$3,316.70, W-Cubed Inc. \$2,031.51, Weidner & Associates \$11,145.09, Western States Engineering LLC \$4,900.00, Western Waste Services \$1,432.22, White Cloud Communications \$50.00, Williams Meservy & Larsen LLP \$12,856.42, Wright Physical Therapy \$120.00, Xpress Bill Pay \$1,058.32.

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

ANNEXATION REQUEST:

Mitch Bausman appeared before Council to speak regarding the annexation request of forty-three acres. He stated that the intent of the annexation is to develop the property into residential lots with access to City services. Mr. Williams stated that the property in question is zoned Area of City Impact Residential and there are services adjacent to the property. Staff had

anticipated that this property would be annexed into the City for residential use in the future. Upon inquiry by Councilman Peterson, Mr. Williams stated that the Area of City Impact extends at least one mile to the west and approximately one half mile to the north. Additionally, property to the east and to the south of property in question is also annexed into the City. Councilman Barber commented that he looks forward to watching the development move forward. There was brief discussion regarding annexations. Mr. Larsen spoke of arbitrary action and stated that the City is not obligated to take in any land. This annexation would be considered Category A whereby the property owner is submitting the annexation request. Mayor Davis noted that the process this evening is to determine if the applicant should consider moving forward with the process through the Planning and Zoning Commission. Mr. Larsen stated that agricultural land cannot be annexed without the owner's consent, and he spoke of certain circumstances where property would be annexed per the City's request (small lots surrounded by annexed property, for example). Mr. Williams stated that this request is a good example of why identifying an Area of City Impact makes growth and annexation an easy process. He spoke of situations in other communities where annexations were requested to change the use or zone of property. This request is a good example of a planned development and what will be expected. Council agreed that the applicant may move forward with the annexation process.

ORDINANCE NO. 1203, BILL NO. 688 – JMC TITLE 13 UPDATES, 2ND READING:

The clerk read Bill No. 688 by title only to constitute the second reading:

ORDINANCE NO. 1203
BILL NO. 688

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 13 CHAPTER 13.04 AND CHAPTER 13.18 OF THE JEROME MUNICIPAL CODE REGULATING WASTEWATER SYSTEM USER REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION NO. 12-21:

Mayor Davis noted that this request for easement vacations by EHM Engineers, representing Donald Vanderpool, will allow for a new business (Tommy's Car Wash) to be built onto the property at the Tucker Heights Subdivision. Ms. Clark stated the subdivision was platted in 2008; the original subdivision contains numerous easements for utilities and access. It was replatted in 2020 creating three lots from the original lot 1 (along S. Lincoln). Mr. Vanderpool purchased lots 2 and 3 of the replat to build a Tommy's Express Car Wash. Ms. Clark stated that because permanent structures cannot be placed within easements, they must be vacated for the development to meet setback requirements.

Ms. Clark provided a map to Council and noted the following: Easement (E) 7 for irrigation and drainage runs diagonally through lot 2; E9 was a reroute for the drainage pipe when the Blue tanks were installed, and runs diagonally through lots 2 and 3; the existing drainage pipe in E7 and E9 will be rerouted to existing easements along S. Lincoln then turn west into E1; E2 is an access and utility easement, and a portion will need to be relocated five feet to the west to meet setbacks for the car wash (written approval was received from the property owners and Idaho Power). Idaho Code requires that easements be vacated via resolution approved by Council. Dave Thibault with EHM Engineers added that the north/south easement (E2) for vehicular access also provides access to property owned by Gerald Martens. He stated Mr.

Martens approves of the relocation to the west. He further stated that a portion of the drainage easement was held by the Idaho Transportation Department (ITD) and is now controlled by the City. The vacation of the easements is necessary for the development of the lot.

Resolution No. 12-21 was read in full as follows:

RESOLUTION NO. 12-21

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, IDAHO VACATING EASEMENTS HELD BY THE CITY OF JEROME IN THE TUCKER HEIGHTS NO. 2 SUBDIVISION AS MORE PARTICULARLY DEFINED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE:

WHEREAS, on or about March 2, 1989, the State of Idaho, Idaho Transportation Board, by and through the Idaho Transportation Department, obtained a 20' wide irrigation and drainage easement, which at the time was described as follows:

A strip of land 20.0 feet wide the Easterly side being coincident with the Westerly side of the right of way boundary of SH—79, Project No. RS-2751(3), Highway Survey, as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, being as shown colored in red on the print marked Exhibit "A" as attached hereto and herewith made apart hereof;

(hereinafter the Drainage Easement); and

WHEREAS, on or about March 27, 2008, the plat for Tucker Heights Subdivision, was recorded in the real property records of Jerome County, Idaho as Instrument No. 2081573 (hereinafter the "Original Plat"); and

WHEREAS, Lot 1, Block 1 of the Original Plat was subject to the Drainage Easement. The Drainage Easement, however, is not depicted on the Original Plat; and

WHEREAS, the Original Plat also described and depicted two easements identified as Easement A and Easement B. Easement A is described on the Original Plat as a 30' wide utility, irrigation, drainage and vehicular access easement centered on the lot line. A portion of Easement A was centered on the lot lines dividing Lot 1, Block 1 from Lots 2 & 3, Block 1; and

WHEREAS, Lot 1, Block 1 of the Tucker Heights Subdivision was recently purchased and replatted as Tucker Heights No. 2 Subdivision, recorded June 3, 2020 as Instrument No. 2202525 in said office of the County Recorder of Jerome County (the "Replat"); and

WHEREAS, the Drainage Easement, cuts diagonally across Lot 2, Block 1 of the Replat and is depicted thereon as Easements E7 and E9; and

WHEREAS, the developer has agreed to reroute infrastructure located in Easements E7 and E9 or the "Drainage Easement" and to route the stormwater drainage through what is depicted on the Replat as Easements E1 and E2; and

WHEREAS, the E1 and E2 easements are adequate for the purposes and infrastructure presently located in the Drainage Easement; and

WHEREAS, the Replat relocates that portion of Easement A that was centered on the lot lines dividing Lot 1 from Lots 2 & 3 of the Original Plat; and

WHEREAS, Idaho law requires easements to be vacated in the same manner as streets are vacated.

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

Section 1. The following described easements, referred to herein as the Easements E7 and E9 or the Drainage Easement shall be vacated:

Commencing at the Southeast corner of Lot 2, Block 1 as shown as shown on that certain map entitled "Tucker Heights No. 2 Subdivision", recorded June 3, 2020 as Instrument No. 2202525 in the office of the County Recorder of Jerome County,

Thence, along the East Boundary of said Lot 2, along the arc of a non-tangent curve to the left having a radius of 17125.74 feet, through a central angle of 00°15'30", an arc distance of 77.18 feet and a long chord that bears North 00°33'54" West 77.18 feet to a point on the Southeastern line of said Easement and being the REAL POINT OF BEGINNING;

Thence, along said Southeastern line, South 68°53'41" West 414.15 feet to a point on the West Boundary of Lot 3 as shown as shown on that certain map entitled "Tucker Heights Subdivision", recorded March 27, 2008 as Instrument No. 2081573 in said office of the County Recorder of Jerome County,

Thence, along said West Boundary, North 04°07'28" East 22.11 feet to a point on the Northwestern line of said Easement;

Thence, along said Northwestern line, North 68°53'41" East 412.15 feet to a point on said East Boundary of Lot 2;

Thence, along said East, along the arc of a non-tangent curve to the right having a radius of 17125.74 feet, through a central angle of 00°04'17", an arc distance of 21.34 feet and a long chord that bears South 00°43'49" East 21.34 feet to said REAL POINT OF BEGINNING.

And

Being all of Easement "E9" as shown on that certain map entitled "Tucker Heights No. 2 Subdivision", recorded June 3, 2020 as Instrument No. 2202525 in said office of the County Recorder of Jerome County, more particularly described as follows:

Commencing at the Southeast corner of Lot 2, Block 1 as shown on said map;

Thence, along the East Boundary of said Lot 2, along the arc of a non-tangent curve to the left having a radius of 17125.74 feet, through a central angle of 00°15'30", an arc distance of 77.18 feet and a long chord that bears North 00°33'54" West 77.18 feet;

Thence, leaving said East Boundary, South 68°53'41" West 91.99 feet to the Northerly corner of said Easement "E9" and being the REAL POINT OF BEGINNING;

Thence, along the Easement line of said Easement "E9", South 44°12'57" West 93.08 feet;

Thence, continuing along said Easement line, North 00°42'49" West 21.24 feet;

Thence, continuing along said Easement line, North 44°12'57" East 45.40 feet;

Thence, continuing along said Easement line, North 68°53'41" East 35.92 feet to said REAL POINT OF BEGINNING.

Section 2. That portion of Easement A consisting of 15' along the East boundary of Lot 3 of the Tucker Heights Subdivision as the same is shown on the official plat thereof recorded in the real property records of Jerome County, Idaho as Instrument No. 2081573 is hereby vacated.

Also, that portion of Easement 2 consisting of 15' along the West boundary of Lots 2 & 3 of Block 1 of the replatted Tucker Heights No. 2 Subdivision recorded June 3, 2020 in the real property records of Jerome County, Idaho as Instrument No. 2202525 is hereby vacated.

This resolution shall become effective upon its passage as required by law.

PASSED BY THE COUNCIL this 19th day of October, 2021.

SIGNED BY THE MAYOR this 19th day of October, 2021.

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

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

Councilman Culver made the motion to approve Resolution No. 12-21, Easement Vacations. Second to the motion was made by Councilman Barber. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Culver, Councilman Barber, Councilman Johnson and Councilman Peterson. **NAYS:** None.

RESOLUTION NO. 13-21:

Mayor Davis noted that he spoke with Housing Authority of Twin Falls Executive Director Sunny Shaw regarding the appointment to the board. He explained that the City of Jerome could be liable for any financial issues with the Jerome Housing Authority. Additionally, he stated that Mr. Stubbs is a good choice to have on the board and that Ms. Shaw will be providing quarterly reports to the Council.

Resolution No. 13-21 was read in full as follows:

RESOLUTION NO. 13-21

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, IDAHO, APPOINTING A MEMBER TO THE JEROME HOUSING AUTHORITY; PROVIDING FOR TERMS OF APPOINTMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 50-210 of the Idaho Code describes the appointment process and the procedures each municipal corporation is required to follow when considering an individual for an opening on officially recognized boards and commissions, and;

WHEREAS, the City of Jerome is organized under the Mayor/Council form of government and the Mayor serves as the City's Chief Executive Officer, and;

WHEREAS, the Mayor is required to make appointments to City-sponsored boards and commissions as terms end and vacancies are created, and;

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

SECTION 1. JEROME HOUSING AUTHORITY BOARD APPOINTMENT:

The following individual is appointed as a member of the Jerome Housing Authority to serve a term effective with the date below-written, in accordance with delineation thereof:

Guy Stubbs

October 2021 – February 2026

SECTION 2. EFFECTIVE DATE:

Resolution No. 13-21 shall be effective upon its passage as required by law.

PASSED BY THE COUNCIL this 19th day of October, 2021.

SIGNED BY THE MAYOR this 19th day of October, 2021.

By:

/s/ David M. Davis

David M. Davis, Mayor

ATTEST:

/s/ Bernadette Coderniz

Bernadette Coderniz, City Clerk

Councilman Culver made the motion to pass Resolution No. 13-21, a resolution by the Mayor and Council of the City of Jerome, Idaho, ratifying the Mayoral Appointment to fill a vacancy on the Jerome Housing Authority Board, a board officially recognized by the City of Jerome. Second to the motion was made by Councilman Johnson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Culver, Councilman Barber, Councilman Johnson and Councilman Peterson. **NAYS:** None.

COUNCIL REPORTS:

Councilman Barber reminded everyone about the Main Street Trunk or Treat Event to be held in downtown Jerome on Sunday, October 31st 5:00 p.m. – 7:00 p.m.

DEPARTMENT REPORTS:

Mr. Williams briefly reported on the ground breaking for the new police station and expressed excitement on the project moving forward. He stated the glass doors have been removed and expects that the demolition will be starting soon. Once the building is empty, Council will be able to go inside. Mr. Williams stated that with the new tennis courts coming in, the block will be much improved by next year.

There was a significant fire at a Boise Darigold plant which resulted in milk being redirected to other facilities including the Jerome facility. Mr. Williams stated that staff is working with the Jerome facility to ensure that they are operating with an expanded permit and that limitations are understood.

Chief Harrison reminded everyone of the coat drives at Idaho Central Credit Union and Valley Country Store for the annual Coats for Kids Event to be held on Friday, October 22nd beginning at 8:00 a.m.

ADJOURNMENT:

There being nothing further to discuss, Mayor Davis adjourned this October 19, 2021 regular meeting of the Jerome City Council at 6:02 p.m.

By:

Mayor David M. Davis

Attest:

Bernadette Coderniz, City Clerk