

**January 5, 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 Brent "Oop" Johnson and Councilman Jason Peterson.

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

**PLEDGE OF ALLEGIANCE:**

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

**INVOCATION:**

An invocation was given by Reverend Dick Goetsch with the Calvary Episcopal Church.

**AGENDA AMENDMENT:**

Councilman Culver made the motion to amend the council agenda "to approve Engineering Services Agreement with SPF Water Engineers in an amount not to exceed \$43,000.00" instead of \$36,000.00. Second to the motion was made by Councilman Johnson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver, Councilman Johnson and Councilman Barber. **NAYS:** None.

**PUBLIC HEARING:**

This being the time and place published for the consideration of the request from EHM Engineers Inc., for approval on a residential final plat for Upland Meadows Subdivision more commonly known as the property approximately 520 feet west of the southwest intersection of South Tiger Drive and East Nez Perce; along with frontage approximately 800 feet south of said intersection on South Tiger Drive containing approximately 31 acres, the Chair called the public hearing open at 5:34 p.m. and briefly reviewed the procedures that will be followed.

**Staff Presentation:**

Ms. Clark appeared before council and spoke of the property in question. It was vacated in August 2020 as a business plat and then rezoned as residential. The Planning and Zoning Commission (P&Z) held a public hearing to review the preliminary plat for a proposed project of

a 44 lot single-family subdivision zoned as Residential 2. Ms. Clark noted that the plat also includes two commercial lots for future development to the south of the property zoned as General Business. The residential lot will be developed in phases with lot sizes ranging in size from approximately 7,000 square feet to 19,000 square feet. While the commercial lots have no minimum lot size requirements the developed buildings will need to meet setback requirements. There will be dedicated public streets that will meet the right-of-way requirements and access to the residential subdivision will be from E. Nez Perce. Access to the commercial lots will be from Tiger Drive and there will be one all-weather access easement for emergency vehicle access only from Tiger Drive. Sewer and water services will connect and extend from E. Nez Perce and the retention pond will be located on the southwest corner of the development. Ms. Clark stated the development will have a five-foot detached sidewalk along Nez Perce due to anticipated future widening of the road; curb and gutter can be installed when the road is widened. There will be curb/gutter/sidewalk inside the residential portion of the subdivision, and there is proposed curb/gutter/sidewalk along S. Tiger to be deferred until the commercial lots are developed. She noted that landscaping requirements within the Jerome Municipal Code will be met when the commercial lots are developed. Pressurized irrigation will be provided to the residential lots and the City will hold the water shares in trust. The P&Z heard testimony in favor of the application and conditionally approved the preliminary plat. Maps of the residential and commercial portions of the plat were provided to council for review.

Upon inquiry by Councilman Peterson, Ms. Clark stated the residential development will have pressurized irrigation, and water shares will be transferred to the City to be held in trust. Extensive discussion ensued pertaining to the water shares held in trust. Topics of the discussion included pressurized irrigation; holding shares in trust; different circumstances throughout varying subdivisions; Northside Canal shares; the structure of transferring shares in trust; payments to Northside Canal; water bills paid directly to the City and recent changes made with the Northside Canal Company; and, protected rights so that water shares cannot be sold.

#### Applicant testimony:

David Thibault with EHM Engineers, 621 N. College Road, Suite 100, Twin Falls, appeared on behalf of the developer and addressed several inquiries. He spoke of privately owned irrigation systems whereby Homeowner's Associations (HOA's) would retain the water shares and provide maintenance and continued operation. However, many canal companies prefer singular points of contact to request delivery of water shares so municipalities have water shares transferred in trust to prevent transfer of the water shares by HOA's. He stated that while the water shares will be transferred to the City of Jerome to be held in trust, the pump station will be owned and operated by a private entity. Regarding curb/gutter/sidewalk along Tiger Drive, Mr. Thibault stated the intent is to install these in the future once the elevation, grade and slope of the property aligns with existing properties. A development agreement can be signed if requested.

Mr. Thibault spoke of the residential subdivision and reiterated much of what was stated by Ms. Clark; he also commended her for the detailed presentation. The subdivision will include singular full-width access off of Nez Perce Drive for 44 residential lots. He stated many of the lots are larger in size than others established within City limits. A large triangular area has also been preserved for storm water retention and efforts were made to preserve irrigation easements. Mr. Thibault also spoke of the accommodations and easements to preserve emergency vehicular access and provide for a second access to the development. The residential portion of the development will occur in two phases, is zoned appropriately, complies City requirements and

will be connected to municipal services. Two comments were received regarding construction plans (a turning radius and sewer service extensions) and he stated that he will meet with the engineering department to ensure both concerns are addressed. He also read the testimony submitted by a nearby farmer and anticipates that many residents will have fencing to establish boundary lines. They plan to build a sidewalk on Nez Perce and landscape in a professional manner.

Upon inquiry by Councilman Culver and Mayor Davis, Mr. Carpenter stated that the curb/gutter/sidewalk requirement would be addressed and included in the building permit process. Mr. Thibault clarified between the deferment on S. Tiger and the installation of sidewalks only along Nez Perce due to future widening of the road. Councilman Peterson commented on the deferment with Big Sky Dairy whereby curb and gutter work was deferred but they now have their building permit, and he questioned how to enforce the curb/gutter/sidewalk requirement. Mr. Thibault stated there should be a legal document in place for enforcing the requirement upon them.

There was neutral testimony submitted by Mr. Dave Burgess via letter to the clerk which was read aloud. There was no testimony in favor nor in opposition to the request. Mr. Thibault addressed one area of concern in Mr. Burgess's letter. Mr. Burgess has irrigation delivery at the Northeast corner of the property along Nez Perce. There is an easement on the plat and construction plans include a new pipeline to be installed from the Northeast corner to the Northwest corner of the property to ensure his irrigation delivery is preserved.

Being no further testimony to be heard, the Chair declared the public hearing closed at 5:58 p.m.

#### **CONSENT CALENDAR:**

Those items contained in the consent calendar are as follows:

1. Approve the minutes of the December 15, 2020 regular meeting and December 29, 2020 special meeting

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

#### **UPLAND MEADOWS SUBDIVISION FINAL PLAT:**

Councilman Culver made the motion to approve the final plat for Upland Meadows Subdivision conditionally upon approved construction plans. Second to the motion was made by Councilman Johnson. After consideration the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver and Councilman. **NAYS:** None. Councilman Barber recused himself.

#### **KELLER & ASSOCIATES, ENGINEERING SERVICES AGREEMENT:**

Mr. Carpenter stated the agreement is for the Headworks project due to the facility's deterioration and flow capacity issues. This project is identified in this Fiscal Year's budget and will replace the Headworks facility, provide additional capacity and provide better streaming to assist the membrane facility. Keller & Associates was selected for the design portion of the

project as the scope of work goes beyond what engineering staff can do in-house; they will be providing design services and SCADA programming for the facility. Mr. Carpenter stated it will take approximately 12 months to complete this portion of the project. Upon inquiry by Councilman Johnson, Mr. Carpenter stated that the construction portion of the project may take 12-18 months. Mayor Davis commented on the odor issues from the Wastewater Treatment Plant, and Mr. Carpenter stated that the design phase will include methods to control odor. Whether the methods are included in the construction remains to be seen and will be dependent upon cost. Mayor Davis stated that the odor is noticeable in varying parts of town and that those who live in that area deserve better. Councilman Johnson inquired about gases and equipment at the facility, and Mr. Carpenter stated that the City's equipment is adequate and gases are a challenge. Upon inquiry by Councilman Barber, Mr. Williams cannot confirm why this project was not part of the work approved in 2006. However, he stated the facility constructed in 2006 is not sufficient for the increased number of dairy processors being handled today.

Councilman Culver made the motion to approve an Engineering Services Agreement with Keller & Associates for design of the Wastewater Headworks Replacement project for an amount of \$468,961. Second to the motion was made by Councilman Barber. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver, Councilman Johnson and Councilman Barber. **NAYS:** None.

#### **SPF WATER ENGINEERS, ENGINEERING SERVICES AGREEMENT:**

Mr. Carpenter spoke of the recent upgrades to the H Street Lift Station; a 36" gravity sewer line was installed from Main Street (north along Ironwood) to the Headworks facility. This project is for the sewer force main between H and Main Streets, a project which has been in the planning stages for several years. The proposed agreement with SPF Water engineers is for engineering services to design the project, and Mr. Carpenter stated the force main that will be installed will be large enough to accommodate current capacity and work with existing equipment. Cost of the design portion of the project is not to exceed \$43,000 and expects to take approximately four months to complete.

Mr. Williams commended Mr. Carpenter on the presentation, stated that revenue is budgeted for short-lived asset replacement and commented that funds saved will provide for the cost of the project. Rates have not increased in several years, and Mr. Williams stated that several capital projects have been completed through savings rather than rate increases to the industries. Upon inquiry by Commissioner Peterson, Mr. Williams stated that the \$800,000 budgeted for short-lived assets plus an additional \$200,000 saved for collection line projects will be utilized for the force main project. Additionally, funds also come from fines and penalties imposed upon the industries for permit violations. An additional benefit of the project is the new roadway on West Blvd. from Main to H Street.

Councilman Culver made the motion to approve an Engineering Services Agreement with SPF Water Engineers for design of the West Blvd. Force Main Project in an amount not to exceed \$43,000. Second to the motion was made by Councilman Johnson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver, Councilman Johnson and Councilman Barber. **NAYS:** None.

#### **COUNCIL REPORTS:**

Councilman Barber commented on the speed limit sign placed on 10<sup>th</sup> Avenue E near Horizon Elementary just west of Tiger Drive and was of the opinion that sign would be better placed further down the road. Councilman Culver expressed appreciation to the public works department for the speed limit sign on 8<sup>th</sup> Avenue E between Tiger Drive and Fillmore.

**DEPARTMENT REPORTS:**

Mr. Williams briefly spoke of the legislative session, which is expected to commence next week. He expects an involved session including proposed bills related to property taxes and accumulated reserve limits. He will provide more information regarding those bills and some correspondence at the next council meeting. He spoke of the progress the City has made with the ability to accumulate reserve funds for projects and that one proposed bill could affect the City's ability to do so. Councilman Johnson inquired about a penalty for reserving funds, and Mr. Williams commented on proposals including a three-month reserve limit and the ability (or lack thereof) to fund projects. Additionally, the interim committee that studied property taxes proposed the bill that is expected to be discussed during the legislative session.

Mr. Williams stated he has been participating in webinars and informational sessions pertaining to COVID-19 and vaccinations. EMT's will be eligible for vaccinations beginning next week although they are not mandatory. In February, other first responders including non-EMT firefighters, police officers and support staff (definition of "support staff" is unknown at this time) will be eligible to receive the vaccination. The general public will be eligible to receive the vaccination in April or May. Staff will be given information on when and where to get a vaccination.

The Chamber of Commerce will be removing lights from ICCU and Veteran's Memorial Parks, and Mr. Williams stated that they have requested volunteers to assist with their removal. Councilman Peterson commented on the nice look of the lights at the parks this year, and Mr. Williams acknowledged council's approval of lighting upgrades at the parks. He concluded with stating that he expects a busy and strong year with residential and commercial developments.

Ms. Clark commented that Stauffer Estates No. 2 will be submitting a preliminary plat before the Planning and Zoning Commission for a residential subdivision consisting of 164 residential lots. The meeting will be held on January 12<sup>th</sup> at the Jerome County Courthouse Jack Nelson Conference Room to accommodate a larger audience.

**ADJOURNMENT:**

There being nothing further to discuss, Mayor Davis adjourned this January 5, 2021 regular meeting of the Jerome City Council at 6:25 p.m..

By:

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Mayor David M. Davis

Attest:

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Bernadette Coderniz, City Clerk