

March 2, 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 Administrator Mike Williams, City Attorney Ted Larsen, City Engineer Tyson Carpenter, Building Official Dave Richey, Wastewater Operations Supervisor Brad Henry, IS Director Carlos Hernandez, IS Field Technician Andy Newbry, Finance Director Ross Hyatt, Accounting and Budget Manager Lori McCrae, Planning and Zoning Manager Ida Clark, Library Director Linda Mecham, 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 Reverend Harriman Randle of the Overcomer's Church.

PUBLIC HEARING:

This being the time and place published for the consideration of an Ordinance amending Title 17 Chapter 10.040 of the Jerome Municipal Code amending the schedule of district use regulations for "dwelling multi-family (three to four units)", "dwelling multi-family (five or more units)", the Chair called the public hearing open at 5:33 p.m. and briefly reviewed the procedures that will be followed.

Staff Presentation:

Ms. Clark appeared before council and explained that in 2020 there were updates made to certain definitions within Title 17 of the Jerome Municipal Code. "Dwelling" definitions were updated, and the definition of "apartments" was removed as it conflicted with the definition for "multi-family." The removal of apartments, however, left certain zones with housing not permitted which was not the intent of the original update in 2020. The ordinance will put the "dwelling multi-family (five or more units)" back into the code. Ms. Clark briefly described the various zones in which housing would be either permitted already or allowed by Special Use Permit. One public hearing was held before the Planning and Zoning Commission, and there was no testimony in favor, neutral nor in opposition to the correction. Upon inquiry by Mayor Davis, Ms. Clark confirmed that the term "apartments" were allowed in the zones in which the "dwelling multi-family" units are currently allowed (R3, RM, C1-C3, CBD and mixed use zones).

There was no testimony in favor, neutral nor in opposition to the request. Being no further testimony to be heard, the Chair declared the public hearing closed at 5:38 p.m.

ORDINANCE NO. 1198, BILL NO. 683, INTRODUCTION:

Councilman Culver sponsored the bill.

Councilman Culver made the motion to suspend the rules of the reading 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 Barber. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver, Councilman Johnson and Councilman Barber. **NAYS:** None.

**ORDINANCE NO. 1198
BILL NO. 683**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 17 CHAPTER 10.040 OF THE JEROME MUNICIPAL CODE AMENDING THE SCHEDULE OF DISTRICT USE REGULATIONS FOR “DWELLING MULTI-FAMILY (THREE TO FOUR UNITS)”, “DWELLING MULTI-FAMILY (FIVE OR MORE UNITS)”; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Title 17 Chapter 10.040 is in need of clarification; and

WHEREAS, a public hearing was held before the Jerome Planning and Zoning Commission on the ordinance, pursuant to notice, on the 9th day of February, 2021; and

WHEREAS, the Planning and Zoning Commission recommended the revisions be passed; and

WHEREAS, a hearing was held before the Jerome City Council on the 2nd day of March, 2021;

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

Section 1. Jerome Municipal Code 17.10.040 shall be amended as follows:

Land Uses	Zoning Districts												
	R-1	R-2	R-3	R-M	C-1	C-2	C-3	CBD	M-1	BP	M-2	PS	MU
Dwelling, Group			S	S	S	S		S					S
Dwelling, Multi-Family <u>(Three to Four Units)</u>			P	P	S	S	<u>S</u>	<u>S</u>					<u>S</u>
<u>Dwelling, Multi-Family (Five or more Units)</u>			<u>S</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>						<u>S</u>
Dwelling, Single Family	P	P	P	P	S			S					S

Land Uses	Zoning Districts												
	R-1	R-2	R-3	R-M	C-1	C-2	C-3	CBD	M-1	BP	M-2	PS	MU
Dwelling, Two-Family Duplex		P	P	P	S			S					S

PASSED BY THE COUNCIL this 2nd day of March, 2021.

SIGNED BY THE MAYOR this 2nd day of March, 2021.

CITY OF JEROME, IDAHO

By:

/s/ David M. Davis

David M. Davis, Mayor

ATTEST:

/s/ Bernadette Coderniz

Bernadette Coderniz, City Clerk

Councilman Culver made the motion to adopt Bill No. 683 as Ordinance No. 1198 revising title 17 Chapter 10.040 amending the schedule of district use regulations. 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.

CONSENT CALENDAR:

Those items contained in the consent calendar are as follows:

1. Approve the minutes of the February 16, 2021 regular meeting
2. Approve Urban Renewal Agency portion of Governor’s Public Safety Grant Initiative

Regarding Item #2, Mr. Williams explained that the City participated in Governor Little’s Property Tax Reduction program and the tax rate was effectively reduced due to the City’s participation. However, this adjustment would reduce the total amount of revenue going into urban renewal districts. This payment, made possible by a state allotment of CARE funds to provide to Urban Renewal Agencies (URA’s), will compensate for the reduction in revenue. This action is for one year only.

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.

OATH OFFICE – FIREFIGHTER MORRIS:

Mayor Davis administered the Oath of Office to newly promoted Firefighter Anthony Morris. Chief Harrison stated that Firefighter Morris began his career as a part-time employee in 2018 and promoted to a full time position in 2019. Throughout this last year he has been

working towards and has successfully passed the Firefighter II Certification test and Chief Harrison commended him for his efforts.

PROCLAMATION – GIRL SCOUT WEEK:

The clerk read the proclamation in full:

**PROCLAMATION
GIRL SCOUT WEEK
MARCH 7-13, 2021**

WHEREAS, Girl Scouts of the United States of America observes the One Hundred Ninth Anniversary of its founding on March 12, 2021; and

WHEREAS, since 1912, Girl Scouts of America has helped girls discover themselves, their passions and their talents through education, entrepreneurship, outdoor activities and community service;

WHEREAS, Girl Scouts provides a valuable K-12 curriculum that enhances knowledge through experiential learning;

WHEREAS, Girl Scouting is an important path for girls to become strong, self-reliant, productive and confident women;

WHEREAS, Girl Scouts of Silver Council delivers the Girl Scout program to K-12 girls throughout southern Idaho;

WHEREAS, Girl Scouting is an investment in tomorrow's leadership in Idaho; and

WHEREAS, Girl Scout Week will be celebrated in our state from March 7-13, 2021;

NOW, THEREFORE, I David M. Davis, Mayor of the City of Jerome, do hereby proclaim the week of March 7-13, as Girl Scout Week.

In the City of Jerome, IN WITNESS WHEREOF, I have hereunto set my hand on this the 2nd day of March, in the year of our Lord two thousand and twenty-one.

/s/ David M. Davis

David M. Davis, Mayor, City of Jerome

/s/ David M. Davis

David M. Davis, Mayor

Miss Emma W. with Girl Scout Troup #437 was in attendance.

Council signified unanimous support with all "ayes."

ZION'S PUBLIC FINANCE PRESENTATION:

Mr. Hyatt stated that Zion's has been the City's municipal advisor and had approached staff regarding an opportunity to refinance the 2014 Wastewater bonds (\$13.6 million and \$5.13 million). Staff requests that council approve the application fee of \$500 for the refinance.

Christian Anderson with Zion's Public Finance joined the meeting via Zoom and provided an overview of the bond refinance. Two different series bonds were issued in 2014 with the bond bank (2014A, a new money issue for \$13.6 million that matures in 2038 and the refinancing bond of \$5.13 million, which matures in 2026). Current rates paid are 3-5%, and the

bonds are callable in 2024. The option of advanced refunding reissues the bonds at today's interest rates and proceeds are escrowed until the call date. Due to tax law changes, Mr. Anderson stated that this would have to be done with taxable interest rates, and that the taxable interest rates today are well below average tax exempt interest rates of the last 10-20 years. He noted that there is a bill in Congress which would reinstate tax exempt advanced refunding, and if this happened, it would simply add to the City's savings. The City's debt service reserve fund, which was borrowed, can be contributed to the refinance, and both loans can be combined into one single loan. Estimated savings will be approximately \$993,000.

Mr. Anderson spoke of accelerated refinancing whereby payments remain unchanged and the payment term is shortened, which increases the savings. He provided a graph which illustrated the current payments, accelerated refinancing payments and uniform savings. Another image, the Municipal Bond Interest Rates-Bond Buyer Index, was shown to council to illustrate various types and ratings to give staff an idea of where rates are at any given point between February 11th and 21st. He briefly reviewed the bond bank process with milestones to achieve between the application deadline of March 31st and the bond closing in July. The non-refundable application fee of \$500 will be applied towards the bond bank costs. He spoke of shared expenses by each participant including bond bank costs, bond counsel fees, municipal advisor fees, etc. and that while the participant's expenses are not shared they can also be financed.

Upon inquiry by Councilman Peterson regarding the federal tax bill in Congress, Mr. Anderson stated that delaying issuance of the bonds might be beneficial although he still encourages staff to submit the application. He further noted that the bill has fifteen co-sponsors in the Senate and that if it appears the bill will pass then most other participants will also wait to utilize the benefits of the bill. He will send out details pertaining to the bill if desired. Upon inquiry by Mayor Davis, Mr. Anderson stated that a bond ordinance will be presented to council in May and a decision regarding payments (regular, accelerated, etc.) can be made at that time.

Councilman Culver made the motion to direct staff to submit an Idaho Bond Bank application to refinance the City of Jerome's \$13,600,000 and \$5,130,000 Wastewater Revenue Bonds, Series 2014A and 2014C along with a non-refundable \$500 application fee, to be credited against the IBBA's administrative fee. 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.

N. TIGER DRIVE REHABILITATION PROJECT AWARD:

Mr. Carpenter spoke of the project and the bid opening which took place in July 2020; the bids received at that time ranged from \$450,000-\$470,000 with a project budget of \$300,000. Staff chose not to award a contract, and rebid the project in February. Three bids were received, one of which had a mathematical error which resulted in Idaho Materials & Construction as being the lowest bidder for the project. Mr. Carpenter stated that the N. Tiger Drive Rehabilitation Project will include approximately one half mile of roadway between 16th Avenue and the city boundary line. Upon inquiry by Mayor Davis regarding the \$300,000 budget, Mr. Carpenter stated that the remaining funds will come from the street capital project budgeted for this year on W. Avenue I. \$200,000 had been budgeted for this project which will no longer take place in this fiscal year. He also noted that the rehabilitation project will extend the sidewalk from 16th Avenue to where sidewalk currently exists on Tiger Drive.

Councilman Culver made the motion to approve a contract award to Idaho Materials and Construction for the North Tiger Drive Rehabilitation Project for a unit price bid of \$415,674.00. 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.

REQUEST FOR QUALIFICATIONS, SHEPHERD'S TENNIS COURTS:

Mr. Carpenter stated that the next step in the process of reconstructing the tennis courts at Shepherd's Park, is to select a pre-qualified contractor who is specialized with this type of project. The Request for Qualifications (RFQ) solicits contractors with post tension concrete tennis court experience. Once applications are received, they will be reviewed and a contract will be negotiated to design and build the tennis courts at a later date.

Councilman Culver made the motion to approve the RFQ to solicit qualified contractors to design and build the new Shepherd Park tennis courts. 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.

FIRE DEPARTMENT COMMAND RIG PURCHASE:

Chief Harrison stated that the Deputy Fire Chief has been driving a 2003 Chevy Tahoe purchased with Homeland Security funds, is over eighteen years of age and is in constant need of repair. Staff budgeted for a new vehicle in this fiscal year. Due a hold for state bid contracts with Chevy and Ford, the soonest the department could get a new truck would be October. However, Con Paulos has a truck available that will meet the immediate needs of the department. The cost of \$39,530 includes the truck and camper shell. Staff will return for approval of additional equipment installations at a later date. Upon inquiry by Councilman Johnson, Chief Harrison stated that the purchase is budgeted. Additionally, the budgeted amount of \$50,000 is to include the vehicle plus equipment, installation and lettering.

Councilman Culver made the motion to approve the Fire Chief to purchase a 2021 Chevy Silverado 1500 to replace the 2003 not to exceed \$39,530.00. 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.

JEROME MUNICIPAL CODE CHAPTER 17.100:

Ms. Clark spoke of property located in the Central Business District (CBD) and stated that neither auto body shops, junk yards nor the storage of wrecked vehicles are permitted in this zone. She and Code Enforcement Officer Mike Wratford have been working with the property owners and renters for the past year without success. Staff requested that the city attorney send a letter in May 2020 regarding their business, and Ms. Clark stated that while the auto body shop activities ceased, the renters continued to accumulate junked and wrecked vehicles as defined in the Jerome Municipal Code (JMC). They were told that the vehicles are not operable and that the renters bring in vehicles, as a hobby, for no more than thirty days. However, it is believed that the renter is operating a business, and repeated attempts to work with them have been

unsuccessful. JMC 17.100 authorizes the city attorney to take necessary action against the property owner at the direction of city council.

Ms. Clark spoke with the property manager and stated that the renter may not be at this location for much longer. However, staff would like to proceed with any type of action necessary as there has been a lot of misinformation given throughout the past year. She also noted that the tires are being removed from the vehicles and being sold, but there is no permit on file and the tires are accumulating on the property. Ms. Clark commended the City's efforts to keep nuisances to a minimum and would like to see the renter's actions discontinued.

Mr. Larsen stated that council would be authorizing him to take civil, not criminal, action. He quoted the following from JMC 17.100: "the city attorney may, at the direction of the council, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this title." Criminal action can be taken without council's approval. However, the City carries the burden of proof beyond a reasonable doubt, and in this case it would be to prove that the vehicles are junked vehicles which do not run. Mr. Larsen must initiate a case which gives him the authority to go with a mechanic and certify that the vehicles do not run. The problem exists civilly as the burden of proof beyond a reasonable doubt again lies with the City. Once civil action is initiated, the City has the ability to request an inspection of the property and vehicles. The problem would be that the vehicles are moving more than every thirty days, and enforcing land use violations can be problematic if the issue goes to court. Staff is seeking council's approval to move forward civilly and then take further enforcement action up to and including litigation if necessary. Upon inquiry by Councilman Johnson, Mr. Larsen stated court costs and attorney's fees can be added to a judgement. The City would be seeking a judgement that the defendant do something, not to pay something, and that attorney's fees can be included if the City is the prevailing party (this goes both ways if the defendant is the prevailing party). Staff will approach the subject aggressively but also carefully as the burden of proof lies with the City.

Councilman Culver made the motion to direct the city attorney to take whatever criminal action necessary to get it cleaned up. Councilman Culver amended the motion to include *criminal or civil action*. Second to the motion was made by Councilman Peterson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver, Councilman Johnson and Councilman Barber. **NAYS:** None.

BARRACUDA BACKUP SERVER 890A PURCHASE:

Mr. Hernandez stated that the Barracuda Backup Server renewal agreement was presented to council approximately three years ago. Since that time, the backup needs of the City have increased (i.e. police body cam video storage, Wastewater server data, etc.). Upgrading to a new device will give staff the ability to store additional files and restore files promptly. Mr. Hernandez stated the agreement presented for approval is for five years with five annual payments of \$22,569.66. Upon inquiry by Councilman Culver, Mr. Hernandez confirmed the upgrade will be to a 36 Terabyte server. Mr. Williams commented on the importance of the backup system. Cyber attacks that occur can take control of one's system and data, and having a backup system in place will allow for a quick retrieval of data with possibly one day of work lost. All departments rely on files and records storage, and having the backup system provides for access to files and continued business. Additionally, there is a non-appropriations clause within the agreement stating that if council were to choose not to appropriate funds for this service in the future, the City would not be held to the agreement.

Councilman Culver made the motion to approve the purchase of Barracuda Backup Server 890a 36TB with Energize Updates, Instant Replacement, and Unlimited Cloud for 5 years (Unlimited of cloud storage), five yearly payments of \$22,569.09. Second to the motion was made by Councilman Peterson. After consideration, the motion passed unanimously by the following vote: **AYES:** Councilman Peterson, Councilman Culver, Councilman Johnson and Councilman Barber. **NAYS:** None.

REQUEST FOR QUALIFICATIONS, POLICE DEPARTMENT:

Mr. Williams provided an update on the police department construction project. In late 2020, the City purchased property at 229 1st Avenue E to remodel and renovate the entire property for a police department as funds had been set aside for several years. Staff has been working with Lombard/Conrad Associates to begin interior design of the building (workspace layouts, storage needs, etc.) and review exterior design concepts. Renderings of both the interior design work and exterior building designs were shown to council for their review. The interior layout of approximately 11,500 square feet includes offices for police staff and administration, evidence rooms, a wellness room, storage rooms and locker rooms based upon the recent space needs analysis. Secure parking will be located to the west of the building with public parking to the east. Some of the exterior building renderings include old brick of the existing building along with a new façade and landscaping to keep the classic look of the building while providing a modern feel. Mr. Williams stated that this property purchase achieves one of the City's goals: to repurpose and remodel a blighted building in downtown and provide a needed facility. The next step in the process is to solicit contractors.

Soliciting for a Construction Manager/General Contractor (CMGC) is a fairly new process commonly used throughout neighboring states and the State of Idaho. Mr. Williams stated that a CMGC will be able to provide input ranging from preconstruction and design to ensuring the City has the best product possible. An RFQ will be published to solicit applicants who will then be scored and ranked based on qualifications to perform the work. Once a selection is made, a recommendation will be presented to council for approval and an agreement will be negotiated. The CMGC process provides many advantages to the City. Mr. Williams spoke of the "Guaranteed Maximum Price" (GMP) whereby the anticipated profit is negotiated upfront which controls costs of the project (reducing costs will be advantageous to them); the CMGC will work directly with Lombard/Conrad Associates during the design process and construction; the CMGC will provide input to the architect on the design process to ensure the project is approached in the most efficient way possible; the CMGC will manage the competitive bidding process and may submit bids for construction services (subject to the lowest bid); and, the CMGC assumes risk for the construction delivery based on the GMP contract. Staff is confident the CMGC process is the most prudent way to proceed with the project and budget estimates will be refined in order to move forward.

Councilman Barber commented that he reviewed the project with staff and expressed excitement for the project. Mr. Williams stated council members will have input on the building and staff would like the building to be something the community will be proud of. Downtown will definitely improve with the park improvements and the new facility along 1st Avenue E. Staff is excited to move forward and is hopeful for a good response to the RFQ so that a reputable firm can be selected and presented to council in the near future.

Councilman Culver made the motion to approve the Request for Qualifications for Construction Manager/General Contractor for police department construction. 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.

FIREWORKS WEST INTERNATIONAL, FREEDOM FEST FIREWORKS SHOW:

Ms. Coderniz stated that the Community Spirit Committee has recommended moving forward with the Freedom Fest to be held on June 26th. One bid was submitted by Fireworks West Internationale, who also provided last year's fireworks show. The Jerome School District has given permission to hold the fireworks show at the high school, and the application for the public display of fireworks as required per JMC 8.24.040 will be reviewed and signed by the Fire Chief prior to the commencement of the show. The motion will indicate a request to waive the \$125 application fee due to the civic nature of the event, and Ms. Coderniz noted that the City has committed to a \$5,000 contribution towards the fireworks. Sponsorships and other donations will pay for the remaining balance. As in years past, there should not be an issue with collecting the needed funds to cover the show. Upon inquiry by Councilman Culver, Ms. Coderniz stated that the fireworks show will begin after dusk so that it is completely dark and viewable; last year's show was approximately fifteen-twenty minutes long.

Councilman Culver made the motion to approve the agreement with Fireworks West International for the public display of fireworks at the 2021 Freedom Fest Fireworks show and authorize the mayor to execute the same, and waive the \$125 application fee due to the civic nature of the event. 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:

Mayor Davis commented that staff must stay aware of what is happening in the legislature. He spoke of House Bill 218 which would phase out business personal property taxes over ten years which would shift the funding of municipalities from business taxes to residential. Another bill proposed would have banned misdemeanors on local laws, however Mr. Williams stated that this bill was pulled.

DEPARTMENT REPORTS:

Mr. Williams provided a brief update on the proposed property tax legislation in the Idaho State Senate. The bill, as currently written, may not have full Senate support; it would prohibit cities from collecting the full value of new construction and limit taxing districts to collecting 50% of new construction at the closing of URA districts. He also noted that there may be some bipartisan legislation coming forward which could increase the homeowner's exemption from the current cap at \$100,000 of taxable value. He expects some debate and compromising occurring with this bill and will keep council advised of any updates in the legislature. Mr. Williams submitted a letter to local legislators and the Senate Local Taxation & Government Committee regarding concerns the City of Jerome has with the proposed property tax relief bill. Solutions were offered because the bill as written would be detrimental to cities and URA's.

Chief Harrison expressed pride and appreciation to fire and police staff on a recent medical call. He stated that there was a good team effort by both departments and local paramedics.

ADJOURNMENT:

There being nothing further to discuss, Mayor Davis adjourned this March 2, 2021 regular meeting of the Jerome City Council at 6:51p.m.

By:

Mayor David M. Davis

Attest:

Bernadette Coderniz, City Clerk