

**MINUTES OF:
THE KIMBERLY CITY COUNCIL**

**Tuesday, February 11, 2020-6:00 p.m.
242 Hwy 30 E. Kimberly, Id. 83341**

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Davidson called the meeting to order and led the Pledge of Allegiance

WELCOME – PLEASE TURN OFF CELL PHONES – THANK YOU

ROLL CALL OF CITY COUNCIL MEMBERS *City Clerk Carrie Kimball confirmed by roll call the following officials in attendance.*

*Mayor Burke Davidson
Councilman Tomlinson
Councilman Eisenhower
Council President Duncan
Councilman Richman*

CEREMONIES, ANNOUNCEMENTS, PRESENTATIONS

*-Kimberly Police Department 2019 year in review-
Chief Jeff Perry – See Attached*

DECLARATION OF CONFLICT-None

1. CITIZEN ISSUES – PUBLIC INPUT –

B. *Tim Daniels-Rock Creek Fire Department, updated the Mayor and Council on the happenings with the department. See attached handout.*

Jim Eisenhower: You recently had a training here and I understand you had people from all over attend. Can you tell me if there is a cost to this training and how often does it happen?

Tim: We had twenty-two people able to attend this last training, and yes, we had fire fighters from Jerome, Buhl, and Walla Walla Washington. The instructors came in from INEEL. We were very fortunate to have such a great turn out. The State of Idaho provides one training a year free of charge. Rock Creek tries to host as many as possible, and there is a small fee for those trainings.

Jim Eisenhower: Id like to acknowledge that Tim Daniels and Taylor Hunsaker were both accepted into the National Fire Academy. Congratulations on that.

Nancy Duncan: Jerome County looks like they have great response times!

Tim: Yes they do. With the expansion it has cut the response time to half.

2. DISCUSSION – ACTION ITEM - Public Hearing:

Roger Olsen requests approval of Olsenside Estates Subdivision final plat. Subdivision, contains five lots. Lot 3 is accessed off Center Street W. and lots 1, 2, 4, and 5 are accessed off Emerald Drive. Lots range in size from 7.46 acres up to 19.24 acres. Applicable zoning, is School for lots 1-3 and Agriculture for lots 4 and 5. Lot 4 and 5 shall continue to be actively farmed and have sanitary sewer restrictions, until development plans are submitted and approved by the City. All lots are currently non-developed and are farmed. Application is in accordance with the regulations of Idaho Code, Title 50, chapter 13, Title 67, chapter 65, article 12, section 2 of the Idaho Constitution and Chapter 17.12 Kimberly Zoning Ordinance. Olsenside Estates Subdivision, is located in the NE4 NW4 & SE4 NW4, Section 29 T. 10S. R. 18 E, Boise Meridian Twin Falls County Idaho. – *Council action required. There is no Ord. or Resolution on this agenda item. Craig*

Craig briefed the Mayor and Council on the application. You will remember on 12-10-2019 the City annexed this property. In your packet you will see two zones on the subject property, School and Agriculture. The School zone is the yellow shaded area approximately 35 acres and the green area remained zoned Agriculture. The School district reached out to Mr. Olsen to acquire the 35 acres and I commend them to be proactive, and plan for their future growth, it is rare for a city to have this opportunity in having a school site in the city limits planned out for future facilities. A big thanks to Roger Olsen, Luke Schroeder, Tim Vawser and Devry Nield. As you may recall, the School district has not determined a plan of use for the school zone. In our Annexation Ord. #651, Section 7, it was detailed that until a plan of use is determined by the School and processed by the P & Z Commission there would be no improvements required by the City. The District did do a traffic study which utilized an elementary site like the Polk Street facility. If the site is developed as such, there will be right hand turn out lane adjacent to the site required on Emerald like what was required for Heritage Farms and a right hand turn out lane on Center Street adjacent to the site. Again, this is down the road. I worked with the Public Works Dept. and Mr. Schroeder assessing the number of sewer capacities for lots 1,2,3 utilizing data from the facilities. A middle school utilizing the higher capacity need and the School District is prepared to purchase the required six sewer capacity E.D. U's. Mayor, Council, if you have no questions of me, I will turn the floor over to Tim Vawser, EHM to answer any questions you may have.

Tim Vawser- regarding Roger Olson/Kimberly School District final plat. Tim praised the City of Kimberly and the Staff for the prompt and amazing effort put into this project. He has never seen such great effort and accuracy to meet extremely tight deadlines, thanks to your Planning and Zoning Staff. Mayor we accept the conditions of approval and ask that you approve this subdivision final plat.

Mayor Davidson called for any other testimony. There was none. Mayor Davidson closed the public hearing.

Nancy Duncan: Craig I know or think we covered this in the past. Will the turn lanes that are needed be at the cost of the developer?

Craig: yes, the Developers shall be responsible for all infrastructure costs including right of way improvements.

Jim Eisenhower- Craig will Center Street be widened on the north side?

Craig – No, the required improvements shall be adjacent to lots 1,2, &3, the site being developed, just like the Polk Street facility, Heritage Farms and Ridgeline, all improvements shall be adjacent to the site being developed. There will be road widening in the installation of the right hand turn out lane on Center adjacent to lot 3 and Emerald Street widening adjacent to lots 1 & 2. There was some discussion regarding lights on 3400 East.

Jim Eisenhower: Will there be any lights going in that area?

Craig: No there will not be traffic control lights on 3400 tied to this project.

Councilman Duncan motioned to Approve the Roger Olsen requests approval of Olsenside Estates Subdivision final plat, including the conditions of approval, staff report and P & Z findings. Councilman Tomlinson second the motion.

Roll call: Councilman Tomlinson-yes, Eisenhower-yes, Duncan-yes, Richman-yes

3. DISCUSSION – ACTION ITEM - Public Hearing:

City initiated proposed amendments to Kimberly City Code, by adding new language or deleting selected wording, applicable to Chapter 4, Title 13 of the Kimberly Municipal Code by, Section 13.04.250, Definitions, Section 13.04.270 Backflow Prevention Devices, Section 13.04.280 Prerequisites for Water Delivery-Cross Connection Control Devices and Section 13.04.300 Violation, Penalty. – **Brian - Council action shall follow, per Ordinance #661 - agenda item # 7**

Brian briefed the Mayor and Council on the ordinance amendments describing the 10 day notice of non compliance required by DEQ and the City of Kimberly and clean up language omitting the any’s to a, and other minor issues.

Mayor called for questions. There were none from the Council and staff.

4. DISCUSSION- ACTION - CONSENT CALENDAR – Councilman Eisenhower motioned to approve the Consent Calendar-Councilman Richman second the motion. Roll call: Councilman Tomlinson-yes, Eisenhower-yes, Duncan-yes, Richman-yes

- A. Approve Minutes for January 28, 2020**
- B. Accounts Payable January 28, 2020 – February 11, 2020**
- C. Financial Report – October 1, 2019 – January 31, 2020**

General Fund	\$ 6,743.09
Water Fund	\$10,383.33
Sewer Fund	\$13,892.15
Library	\$ 533.83

TOTAL	\$31,552.40
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5. UNFINISHED BUSINESS

A. DISCUSSION- ACTION - Kimberly City Grant Request: Applicant - East End Providers - Grant amount requested is \$3,492.22. East End Provider representative Cecille Griffith -- ***Kimberly Grant Committee Chairman, Burke Richman shall brief the Council on the Committee's recommendation. Council Action***

Councilman Richman confirmed that the City Grant Committee of himself, Nancy Duncan, Tim Daniels, and Susie Crain all voted for the approval.

Councilman Duncan Motioned to approve Kimberly City Grant Request: Applicant - East End Providers in the amount requested of \$3,492.22. -Councilman Richman second the motion. *Roll call: Councilman Tomlinson-yes, Eisenhower-yes, Duncan-yes, Richman-yes*

6. NEW BUSINESS

A. DISCUSSION-ACTION ITEM- Declaration of Surplus Property- Motion of the Council is required in conjunction with Council direction to the method of disposition. ***Brian - Council action shall follow, per Resolution # 365 - agenda item #7***

Brian updated the Mayor and Council that the Public Works Department is proposing to surplus the following unusable and rusty materials; and inoperable, outdated, or incompatible equipment in order to make room in the maintenance yard. There are also other items not located in the yard that will be re-located to the City Hall shop site. Please see list on attached documents.

7. ORDINANCES AND RESOLUTIONS –

A. DISCUSSION-ACTION ITEM-ORDINANCE NO. 661

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING CHAPTER 4, TITLE 13 OF THE KIMBERLY MUNICIPAL CODE BY AMENDING SECTION 13.04.250: DEFINITIONS; AMENDING 13.04.270 BACKFLOW PREVENTION DEVICES; AMENDING SECTION 13.04.280 PREREQUISITES FOR WATER DELIVERY—CROSS-CONNECTION INSPECTIONS; AMENDING SECTION 13.04.290 CROSS CONNECTION CONTROL DEVICES; AMENDING SECTION 13.04.300 VIOLATION, PENALTY; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION BY SUMMARY ACCORDING TO LAW. – *Mayor - Council Action*

Councilman Eisenhower Motioned to read Ordinance No. 661 by Title only - Councilman Tomlinson second the motion. *Roll call: Councilman Tomlinson-yes, Eisenhower-yes, Duncan-yes, Richman-yes*

Councilman Eisenhower Motioned to approve Ordinance No. 661-Councilman Tomlinson second the motion. *Roll call: Councilman Tomlinson-yes, Eisenhower-yes, Duncan-yes, Richman-yes*

B. DISCUSSION-ACTION ITEM-RESOLUTION NO. 365

A RESOLUTION OF THE KIMBERLY CITY COUNCIL OF THE CITY OF KIMBERLY, IDAHO, RELATING TO SURPLUS PERSONAL PROPERTY; DECLARING PERSONAL PROPERTY SURPLUS; AUTHORIZING AND DIRECTING THE DISPOSAL OF SURPLUS PROPERTY; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE. – *Mayor and Council Action*

Councilman Eisenhower Motioned to approve Resolution No. 365-Councilman Tomlinson second the motion. *Roll call: Councilman Tomlinson-yes, Eisenhower-yes, Duncan-yes, Richman-yes*

8. ADMINISTRATIVE / STAFF REPORTS -

Chief Perry- Thank you mayor and council. Outside of tonight's presentation of the year in review, I only have one more thing. I'd like to give praise to Detective Shaufley in a recent investigation. Detective Shaufley was involved in a local business case involving a half a million dollars that was missing. Shane worked closely and quickly with the Secret Service and was able to recover all of the funds, minus a \$25.00 bank fee. The Secret Service reached out and said without his quick response and knowledge it would not have ended up so well for the local business.

Craig Eckles – *briefed the Council on H B 409, 353 and 355, a proposed legislative tax freeze on our tax budget L-2 general fund revenue. Both Mike Moore and Jim Rice have signed the bill headed for the Senate. It will go on the house floor for vote Thursday. Then on to the Senate. This will definitely impact our 2020 fiscal spending and services and the residual effect carries into 2022 if passed. You all remember how the forgone process works, this is where the taxes collected during the freeze will go and as you can see in the house bill 409 before you, no one can retrieve any forgone in the year being frozen. Watch your e-mails for updates. We are still hoping that it will get killed on the Senate floor, it will be tough where Jim Rice and Mike Moore have signed the bill and are on the Senate. Mayor and Council, you have before you the June 1980 ACI map. I have highlighted the map with yellow so you can see the areas that have been annexed into the city limits. Back then an ACI was an area that would be developed within a reasonable period of time being less than 10 years. Forty years have come and gone and we all can see where we are at now. The ACI will be renegotiated this year soon. I hope we can hang onto what we have. Mayor and Council about five years ago I questioned the processes of building permits, zoning compliance, enforcement etc. in the ACI. You may recall the end results of the Cord Thorpe litigation. This issue has been researched and what I questioned five years ago is where we are today. Working with Mr. Stover and Jerry Mason, we now see that the City shall not have any enforcing authority, any permit issuances in the ACI including building permits, plats, special uses permits, vacation, etc. I will be amending the ordinance regarding these issues soon and have them before you. I want you to be in the know when the ACI is discussed at other settings involving other jurisdictions. I have had this issue before the Commission and they hope that we can hang on to what we have. The forty-year picture is going to be of some discussion during our re-negotiation in what should have been in our city limits and serviced. My Commission discussed maybe going to the LDS Church south boundary on 3500. Again, forty years and the distances of growth will be used in establishing any increase and decreases of the ACI in the very near future. That's enough for tonight, I will address the Emerald Street right of way adjacent to the High School next meeting. Thanks*

Brian Reed – Thank you Mayor and Council. I'd like to update you on the new GMC 1500 Pick-up Truck that's being purchased by Public Works.

Mayor Davidson - Craig anything else to add on the pickup?

Mayor and Council thanks, good job Brian for the update to the arrival of the new pickup. The funding is taken out as a onetime capital purchase out of the Water Department as you all may recall from your 2020 budget workshop. It is a ½ ton four-wheel drive and an excellent price.

Jim Eisenhower agreed, as he was researching on his cell phone, comparables and stated that he had been pricing for vehicles at his work place and said this is a good price.

Craig agreed and you will be seeing Carrie issuing the check, most likely the purchase to take place before your next Council meeting. You will receive the documents.

Please see attached. The Center Street project is getting very close to starting. The anticipated time is this Spring. We will be sending the project out to bid on Tuesday February 18, 2020.

Nancy Duncan: Will this all be done before the beginning of next school year?

Brian: yes it will

Mayor Davidson, Craig where you were on this project do you have any additional info.

Craig Eckles: Mayor you are right, I started this back the fall of 2018, we were awarded in 2019 for design and for construction 2020. Council See line items on the top of Page 9, I have remaining \$140,000 to apply for and the City shall pay their match of \$12,625.00, this was the City's Cost plus you will see on page 8, expense line item ending 723 – cultural tree, that was the historical tree cost of \$7,000.00 and line item ending 725 is the additional labor and engineering and costs of \$10,000 due to the time frame of this type of grant preparing for costs increases. Brian and I were at the Regional Transportation meeting this morning and it was reported by ITD that some of the bids were coming in higher than anticipated. Hopefully we will stay in budget.

Brian- we will be holding off until the Fall on the stop signs. It seems we have fluctuating duration of time when they are on. They don't seem to be holding a charge all that long, but will wait until we get through the Summer to test it out.

Jim Eisenhower: They are so bright you can't even tell what they say, can you turn them down, dim them?

Brian: We can not on these models. If we spend more money, we would be able to on the higher end models.

The crew has been busy and doing a great job! In hopes of no snow this weekend.

Carrie Kimball – Thank you Mayor and Council. We had Caselle here this last week. The training was amazing! Brigham, Braeden, and Farrah all came down for two full days of one on one training with Melissa and I. We covered Accounts Payable/Receivable, Utility Billing, General Ledger, Bank

Reconciliation, Payroll, Taxes and some End of Month procedures. Melissa still continues to catch on quickly and I feel we have an amazing team up front.

9. COUNCIL COMMENTS --None

10. MAYOR COMMENTS- None

ADJOURNMENT:

Mayor, Burke Davidson

City Clerk, Carrie Kimball