

**MINUTES OF:  
THE KIMBERLY CITY COUNCIL**

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**Tuesday, February 25, 2020-6:00 p.m.  
242 Hwy 30 E. Kimberly, Id. 83341**

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**CALL TO ORDER & 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-Present  
Councilman Tomlinson-Present  
Councilman Eisenhower-Absent  
Council President Councilman Duncan-Present  
Councilman Richman-Present*

**CEREMONIES, APPOINTMENTS, ANNOUNCEMENTS, PRESENTATIONS**-*None*

**AMENDMENTS TO THE AGENDA**-*None*

**DECLARATION OF CONFLICT**-*None*

**1. CITIZEN ISSUES – PUBLIC INPUT** –No person shall be permitted to speak from a location other than the public podium. This section of the agenda is reserved for citizens wishing to address the Council regarding a City-related issue. In order to ensure adequate public notice, Idaho Law provides that any item requiring Council action must be placed on the agenda of an upcoming Council meeting, except for emergency circumstances. Comments related to future public hearings should be held for that public hearing. Persons wishing to speak will have **3** minutes. Comments regarding performance by city employees are inappropriate at this time and should be directed to the Mayor, either by subsequent appointment or after tonight’s meeting if time permitting. Public participation at a Kimberly City Council meeting is limited to participation in the public comment portion of the meeting. The City Council does not take any action or make any decisions during public comment. *-None*

**2. PUBLIC HEARINGS RULES** - Items listed as public hearings allow citizen comment on the subject matter before the Council. Residents or visitors wishing to comment upon the item before the Council should follow the procedural steps. In order to testify, individuals must sign up in advance, providing sufficient information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing procedures call for presentation by the applicant, submission of information from City staff, and is followed by public testimony. The rules for testifying include the following: applicant will have 15 minutes to present their project; testimony by the public will be limited to 3 minutes per person. Testimony at public hearings on applications brought forth from the Planning & Zoning Commission can be used to reaffirm previous testimony. *-None*

**3. DISCUSSION – ACTION –** Notice of Endorsement and Participation in the 2020 Twin Falls County Hazard Mitigation Plan. *Craig - Jackie Frey – Jeff Perry*

*Craig briefed the Mayor and Council on the 2020 T.F. Hazard Mitigation Plan, stating that Chief Perry is our Liaison who attends the meetings, and Councilman Duncan and myself have attended a few. Jackie had Chief Perry go over some minor updates about a year ago. The plan update before you has been in the works for over a year. Mayor, at this time I would like to introduce Jackie Frey, Twin Falls County Hazard Mitigation Coordinator.*

*Jackie Frey briefed the Mayor and Council on the year of meetings, outreach and updates. I have seen some of you there. Kimberly has been well represented by Chief Perry. I appreciate your City participating in the updated 2020 Plan.*

*The Council had no questions.*

*Craig asked that the Council make a motion to endorse and asked the Mayor if he could sign the document before Jackie leaves, explaining that Jackie was headed to a FEMA meeting the next morning and signatures from the applicable jurisdictions needed to be turned in.*

*Councilman Duncan motioned to approve the Notice of Endorsement and Participation in the 2020 Twin Falls County Hazard Mitigation Plan-Councilman Tomlinson second the motion.*

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

**4. DISCUSSION – ACTION - CONSENT CALENDAR** -The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar in order that it is discussed in greater detail. Explanatory information is included in the Council agenda packet regarding these items and any contingencies are part of the approval.

*Councilman Richman motioned to approve the Consent Calendar-Councilman Tomlinson second the motion.*

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

**A. Approve Minutes for February 11, 2020**

**B. Accounts Payable February 11, 2020 – February 25, 2020**

General Fund	\$ 32,218.10
Water Fund	\$ 9,800.51
Sewer Fund	\$ 3,808.63
Library	\$ 308.28
<b>TOTAL</b>	<b>\$ 46,135.52</b>

**5. UNFINISHED BUSINESS**

**A. DISCUSSION-ACTION ITEM- Olsenside Subdivision Findings**

*Craig briefed the Mayor and Council about the packet they have for the Findings of Fact, Reason and Decision for Olsenside subdivision. At your last public hearing a few weeks ago, the motion from the Council for the approval, included the Council staff report, P & Z findings and stated conditions of*

*approval. The Council Findings, Decision and Reasons before you, incorporate the Council staff report, P & Z findings and stated conditions of approval. This is the final action on the Olsenside*

*Subdivision. This information was before you in separate documents at your Public Hearing.*

*Councilman Richman motioned to approve Olsenside Subdivision Findings-Councilman Duncan second the motion.*

*Roll Call: Councilman Tomlinson-yes, Councilman Duncan-yes, Councilman Richman-yes*

## **6. NEW BUSINESS**

**A. DISCUSSION-ACTION ITEM-** *Request for exemption of park reservation fees, paid by Idaho Vipers, for the 2020 youth baseball season. Fee Exemption, is for \$140.00 paid per check #1157. A nonrefundable, \$25.00 park application fee has been paid per check #1156. This Fee Exemption is in accordance to Kimberly Ordinance Ord. #654, Chapter 12. Craig*

*Mayor Davidson stated that Sara Taylor was not in attendance.*

*Craig stated that he had spoken with Taylor and she was running late from Burley and asked that I answer any questions that may come up. Mayor and Council as you may recall you exempted the first request last fall for all of the park users. The Vipers have determined that the youth could benefit with a couple Friday afternoons and a few Saturdays, providing additional time with the coaches.*

*Council had no questions.*

*Councilman Richman motioned to approve the Request for exemption of park reservation fees, paid by Idaho Vipers, for the 2020 youth baseball season. Fee Exemption, is for \$140.00 -Councilman Tomlinson second the motion.*

*Roll Call: Councilman Tomlinson-yes, Councilman Duncan-yes, Councilman Richman-yes*

**B. DISCUSSION – ACTION ITEM –** *Awarding of contract, for Center Street TAPP Grant #22054-for the installation of sidewalk-curb-gutter on the south side of Center Street West, and associated components. Project begins in front of the L.A. Thomas Building, extending west to Banning Street, connecting to the existing sidewalk alignment. Completion date is set for June 30<sup>th</sup>, 2020. Craig – Ivan Mc Cracken JUB*

*Craig briefed the Mayor and Council on the TAPP project. Council as you will recall during our last budget, Kevan Hafer and Jed Kloer put in the budget additional funding to install match back asphalt beginning at the existing south edge of asphalt, extending south to the new curb-sidewalk, primarily adjacent to the four homes fronting Center Street. This will finish up the project and put the four property owners who access their properties via Center Street in good standing. Also please remember that in the next couple of fiscal year budgets, the final design of Center in the area from Main to Banning, will provide three lanes, an east bound lane starting at Banning extending to Main, a west bound lane starting at Main and connecting into the west bound lane near Banning and a center lane from Main to the Banning alignment. This will involve minor road work by the city and striping. Also, in the future fiscal year pending budgets, there will be fine tuning of the transition from Center onto Oak Street south and from Main onto Banning south. I have been working with Ted Wasko and the School District is working with us on allowing parking in their parking areas for the four home owners during the project, at certain areas and times.*

*Councilman Richman-Will this be blocking traffic and making it hard to park?*

*Ivan-Honest answer yes, but not to bad. This should go fairly quickly. It won't be a long project that takes like three months or anything. The biggest wait will be on the curing of the concrete.*

*Councilman Richman-When will the project start?*

*Ivan-We are anticipating it to start in March. We are waiting on utility moving and equipment from Century Link.*

*Councilman Tomlinson- So possible delays due to what happens with Century Link?*

*Ivan-Yes*

*Councilman Richman-So how long will this take to complete?*

*Ivan-It should take the contractor eight to twelve weeks to complete their portion then it will be up to the City of Kimberly to complete their portion.*

*Councilman Richman-What about the traffic around the schools, will this have a big impact on that?*

*Ivan-Shouldn't impact traffic to bad. The corner of Banning and Oak should be busy however. Then oak will be closed for a few days for trenching.*

*Mayor-Jed can you talk on the traffic part of things?*

*Jed-The City of Kimberly will be in charge of traffic control. Public Works will be working with the school district and The Kimberly Police Department.*

*Councilman Tomlinson-Why three months? That's way to long. You just stated a few min ago that it wouldn't be a long project that takes three months, yet you now just said it would take eight to twelve weeks, that's three months. It shouldn't take that long. It's a pretty simple project.*

*Councilman Duncan-Well there are storm drains and other factors.*

*Councilman Tomlinson-I didn't address that.*

*Ivan-You are correct that I mis-spoke earlier commenting that three months isn't that long. The main factors in time are with Century Link and the concrete curing*

*Councilman Tomlinson-I still don't think it should take that long, it's too long.*

*Councilman Duncan-Ivan there are two bids here and I'm just wondering why there is such a large difference in some of the line items? There are some wild fluctuations, for instance line #5 removal on one bid is \$6,000.00 and on the other its \$2,900.00 and the difference in the amounts listed for the concrete are much different.*

*Ivan-That's a hard one to answer. The contractors usually all look at the job as a whole. It also depends on the Sub-Contractors that they are using.*

*Councilman Tomlinson-Will there be penalties if the project takes too long?*

*Ivan-Yes.*

*Councilman Duncan-Brian and Jed, will you be supervising?*

*Brian-Yes.*

*Craig- JUB, via Ivan McCracken are the awarded-grant construction monitoring team and will be supervising this project. They will be coordinating with Brian and Jed for traffic monitoring and associated work that is not part of the grant, but connected, like the storm water piping and transitions from Center to Banning and Oak. The project is to be completed this fiscal year as the funding is in this fiscal year and we hope the project is done by late June. There will be some unknowns as the ground is opened up and we really get to see what exists.*

*Jed-We were fortunate to have two great bids submitted.*

*Brian-I'm excited for the project.*

*Councilman Richman motioned to approve the Awarding of contract, Done Right Contracting, for Center Street TAPP Grant #22054-for the installation of sidewalk-curb-gutter on the south side of Center Street West, and associated components. Project begins in front of the L.A. Thomas Building,*

*extending west to Banning Street, connecting to the existing sidewalk alignment. Completion date is set for June 30<sup>th</sup>, 2020.-Councilman Tomlinson second the motion.*

*Roll Call: Councilman Tomlinson-yes, Councilman Duncan-yes, Councilman Richman-yes*

## **7. ADMINISTRATIVE / STAFF REPORTS -**

**Chief Perry**-*Nothing for tonight Council.*

**Craig**-*Spoke on bill #409, see insert.*

**Jed**-*Deferred to Mr. Reed*

**Brian**-*The crew is busy getting ready for spring. We are hoping for no more snow. We held the Public Auction yesterday and Id say we were moderately successful. Those items that did not sell will be salvaged or donated. That is all for tonight.*

**Carrie**-*Nothing tonight, thank you.*

## **8. COUNCIL COMMENTS –**

*Councilman Richman-Thank you to the City for allowing the Boy Scouts to use the Chambers this past Saturday. We had seven youths receive their Eagle Badges. There were roughly seventy people who attended. It was a great turn out. Thank you again.*

## **9. MAYOR COMMENTS –None**

**10. EXECUTIVE SESSION – DISCUSSION-ACTION ITEM-** Certain City-related matters may need to be discussed confidentially as a matter of law subject to applicable legal requirements; the Council may enter executive session to discuss such matters under Idaho Code 74-206(1)

1. Discussion – Action Item - Executive Session - Certain City-related matters may need to be discussed confidentially as a matter of law subject to applicable legal requirements; the Council may enter executive session to discuss such matters under Idaho Code 74-206 1 (f)

*Councilman Duncan motion to go into Executive Session under Idaho Code 74-206 1(f). Motion second by Councilman Tomlinson. Who motioned to go exec, stating what code? 2<sup>nd</sup>. Roll call*

*Roll Call: Councilman Tomlinson-yes, Councilman Duncan-yes, Councilman Richman-yes*

2. Discussion - Action Item - Council shall reconvene from Executive Session-

*Councilman Duncan motion to come out of Executive Session under Idaho Code 74-206. Motion second by Councilman Tomlinson. Who motioned to go exec, stating what code? 2<sup>nd</sup>. Roll call*

*Roll Call: Councilman Tomlinson-yes, Councilman Duncan-yes, Councilman Richman-yes*

3. Discussion – Action Item – Council action / decision if any regarding executive session-

*Mayor Burke Davidson announced, there is no decision or action being made in regards to the executive session.*

*Roll Call: Councilman Tomlinson-yes, Councilman Duncan-yes, Councilman Richman-yes*

**ADJOURNMENT:**

*Mayor, motioned to adjourn.*

*Meeting adjourned at approximately 7:15. Per legal counsel.*

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Mayor, Burke Davidson

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City Clerk, Carrie Kimball