

City of Kimberly MINUTES

City Council
Meeting MINUTES

APRIL 28, 2020
6:00 pm

242 Hwy 30 E., Kimberly, ID 83341

CALL TO ORDER *Mayor Davidson Called the meeting to order*

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.*

*Councilman Tomlinson
Councilman Eisenhower
Councilman Duncan
Councilman Richman*

AMENDMENTS TO THE AGENDA-None

DECLARATION OF CONFLICT-None

1. PUBLIC HEARINGS:

DISCUSSION-ACTION ITEM-Public Hearing:

A. PARKVISTA ESTATES SUB. PUD - preliminary plat phase I and II containing 100 lots.

Mayor Davidson, Craig please update us.

Craig- I would like to say what an outstanding job that has been done on this application. Big thanks to Aaron from HMM Engineering and his staff along with Brian Reed our City Engineer. The City is blessed to have an Engineer on staff of such caliber as Mr. Reed. Everything is ready to go; you will see on this agenda the final plat for your final action and we have stamped plans by our City Engineer for construction to begin. This plat is not new to this Council, you will remember when the City started discussing this land for annexation back in 2017. Mr. Eisenhower asked for a concept plan when Mr. Primm was proposing his own sewer treatment plant. Mr. Primm pursued the sewer model process, and at the annexation hearing, the City accepted this land in the city with a concept plan for 100 dwelling units. The developer paid approximately \$344,000.00 for their sewer capacities subject to this site. Phase I consists of single-family dwelling units. Phase I also affords the City it's legal access, via the new Irene Street extension, to one of its primary well sites. There will be developed playgrounds, street improvements adjacent to the site on Maxine and Irene, stormwater retention, underground power to the City well site, perimeter fencing, and infrastructure modifications compliance with the T.F. Canal Co. All work on the Canal infrastructure is complete and is accepted by them for the entire sub. Phase II contains the multi housing units, which are duplexes. There will also be park land open space in Phase

II, storm water retention areas, perimeter fencing and an extension of Maxine St. It's probably one of the most complete packets I have had turned in to me, in many years.

Duncan- I enjoyed this packet very much. It was very thorough and very complete. I like the houses, I like the fences, I just really enjoyed how well this packet was put together.

Richman-The duplex example doesn't look like your standard Duplex. They look very professional.

Craig-Yes, because this is a PUD, which provided the flexibility supporting the duplexes, different street layouts, and a city well mixed in, the applicant researched designs and provided some examples from areas including the ones over in Twin Falls, by St. Luke's Hospital. I'm sure your aware of where those are. You really have to take a second glance when you're driving by those to notice that they are not a single-family dwelling. Were pleased to see this application come to fruition. I will be addressing Phase II after we get through with this Preliminary Plat hearing process and you're your action on Phase I final plat tonight. Mayor, Aaron Wert the Engineer Representative from HMM Engineering is here tonight, I would like to turn the floor over to him for any further comments.

Aaron stated he agreed that Mr. Reed has been very through and that the applications is complete and that he agreed with the conditions of approval from Mr. Eckles.

Mayor Davidson opened the public hearing, there was no public testimony given in person, he asked if there were any persons wishing to provide public testimony that had joined into the public hearing by phone. There were none via the phone call in.

There was no comment from legal counsel present, Mr. Stover

Councilman Duncan motioned to approve the - PARKVISTA ESTATES SUB. PUD - preliminary plat phase I and II containing 100 lots, including the conditions stated in the Council staff report, the staff report document and the P & Z findings, reasons and decisions.

Councilman Tomlinson seconded the motion.

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

B. DISCUSSION-ACTION ITEM-Public Hearing: City initiated amendments to Title 17, Chapter 17.08 -Area of city impact. Craig- Council Action per ordinance #662 agenda item # 6A

Mayor Davidson called on Craig to update.

Craig briefed the Council on the cleanup of Title 17, Chp. 17.08 ACI. This is a forty-year-old ordinance that was crafted literally making the city do the land use applications not in accordance with state statue. This was one of the issues that drove the shrinking of the ACI, which was reduced it from the Snake River canyon to the north boundaries of Vista View Sub., south of the LDS church, about twelve years ago. We, the City have been the staff for the County, processing land use applications for land in

the county , holding public hearings, publications, mailings, property postings, court cases, the Jill Skeem issue with Sugar Slope-Feldhusen, the Cord Thorpe case, issue, trying to enforce city ordinances outside of the city limits and so on. Governance at the County has changed, legal counsel of the county has broadened and they have done their research along with meeting with Mr. Stover and I to get this ordinance cleaned up. I challenged our ordinance regarding the ACI when I started, asking how the City was enforcing city ordinances in the county, regardless if it was land in the ACI, it is still in the county. Now we are dealing with it.

Eisenhower-What's our safe guard if someone develops in the Area of Impact and then one day it gets brought into City limits? Where do we go in the future? Do we have something, that's of course when and if it's appropriate to do so? I don't want to see a fight later on about being in compliance or out of compliance.

Craig-Jim if you look at page #2 section A, (Craig read this in its completed form). Then if you go to page #3 section E, (Craig read this in its completed form). Section 17 covers every code I have. I am not sure I understand your questions.

Eisenhower-What I'm asking is if someone builds a house that's not in a subdivision and then later that becomes city limits what safe guard's do we have?

Craig- Section 17 covers every code I have. We have no regulations over the construction in the county today, other than the international building codes that both the county and city enforce, along with compliance by the developer complying with South Central Health District on the wells and septic's. If the city agrees to annex property being requested by the owner, it takes it as is, if we don't want it as it is, we don't annex. The city is only a recommending body to the county today, on any land use application. The Commissioners will take action as they legally have the authority to do so.

Tim Stover-You would have more say after acting on this now then you ever have in the past.

Eisenhower-So you think this is a good thing?

Tim Stover-Yes, I do.

Eisenhower-okay, great, thank you.

Duncan-I'm glad to be getting rid of this mess, knowing from past the City has no authority outside of the city limit's other than ACI boundaries with some zones established.

Mayor Davidson opened the public hearing, there was no public testimony given in person, he asked if there were any persons wishing to provide public testimony that had joined into the public hearing by phone. There were none via the phone call in.

There was no comment from legal counsel present, Mr. Stover

Craig council action will be upon your action on the ord. #662

2. DISCUSSION-ACTION ITEM- 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 motion to approve Consent Calendar, Councilman Tomlinson second the motion. Rollcall: Tomlinson-Yes, Eisenhower-Yes, Duncan-Yes, Richman-Yes

- A. Approve Minutes for March 10, 2020 and April 14, 2020**
- B. Accounts Payable: April 15, 2020 – April 30, 2020**

General Fund	\$ 10,872.39
Water Fund	\$ 29,984.78
Sewer Fund	\$ 13,751.35
Library	\$ 842.82
TOTAL	\$ 55,451.34

3. NEW BUSINESS

- A. DISCUSSION-ACTION ITEM- PARKVISTA ESTATES SUB. PUD, PHASE I (FINAL PLAT).**

Mayor Davidson Craig please update us.

Mayor and Council, I really have nothing to add other than our City Engineer has gone over the Phase I, construction plans in great detail and has worked diligently with Aaron Wert from HMM Engineering to assure compliance. The City will be updating some of their underground infrastructure tied to our well in the Irene street and Maxine street right of way prior to the asphalt being installed. The final plat application details all of the improvements, perimeter fencing and fencing on the west and south boundary of the park, playground equipment examples, park parking delineated, the bus loading area to be completed with Phase I, in the Maxine street right of way out of the travel lane, storm water collection compliance, and a PI system. The City has in hand the CC&R's, HOA and DA agreements. The HOA will be responsible for stormwater collection area maintenance, PI system maintenance, fencing maintenance and maintenance of any common areas. The City will be responsible for the maintenance of the park once it is dedicated to the City. The developer will be responsible for chip sealing of all new streets and the widened areas of Maxine and Irene along with crack sealing of between the new and old sections of Maxine and Irene within one year of street dedication to the city.

Councilman Tomlinson motioned to approve PARKVISTA ESTATES SUB. PUD, PHASE I (FINAL PLAT), containing 27 single family dwelling lots, including the conditions stated in the Council staff report, the staff report document and the P & Z findings, reasons and decisions.

Councilman Eisenhower second the motion.

Rollcall: Tomlinson-Yes, Eisenhower-Yes, Duncan-Yes, Richman-Yes

4. ORDINANCES AND RESOLUTIONS –

Ordinances and resolutions are formal measures considered by the City Council to implement policy which the Council has considered. Resolutions govern internal matters to establish fees and charges pursuant to existing ordinances. Ordinances are laws which govern general public conduct. Certain procedures must be followed in the adoption of both ordinances and resolutions; state law often establishes those requirements.

A. DISCUSSION-ACTION ITEM- Ordinance No. 662 - AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING TITLE 17, Chapter 17.08 AREA OF CITY IMPACT

First Reading only-

Councilman Eisenhower motioned to approve Ordinance No. 662 - AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING TITLE 17, Chapter 17.08 AREA OF CITY IMPACT

Councilman Tomlinson second the motion.

Rollcall: Tomlinson-Yes, Eisenhower-Yes, Duncan-Yes, Richman-Yes

Councilman Tomlinson motioned to approve Ordinance No. 662 and read by Title only- AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING CHAPTER 17.08, AREA OF CITY IMPACT, TITLE 17 OF THE KIMBERLY MUNICIPAL CODE BY AMENDING SECTION 17.08.010 INTEGRATION OF RECITALS; SECTION 17.08.020 GEOGRAPHIC AREA OF CITY IMPACT; SECTION 17.08.030 GOVERNING PLAN AND ORDINANCE; SECTION 17.08.040 ADMINISTRATION; SECTION 17.08.050 ENFORCEMENT; SECTION 17.08.060 RENEGOTIATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION BY SUMMARY ACCORDING TO LAW.

Councilman Richman second the motion.

Rollcall: Tomlinson-Yes, Eisenhower-Yes, Duncan-Yes, Richman-Yes

5. ADMINISTRATIVE / STAFF REPORTS - Per Mayor Davidson's request, all staff comments if any were submitted to the City Clerk, to be included in the Council packet. There will be no verbal staff reports until further notice. Questions from the Council shall be directed to the Mayor via e-mail and he will respond back accordingly.

6. COUNCIL COMMENTS –

Duncan-Mr. Mayor, Carrie thank you so much for the very nice staff report on the Utility Bills, collections and etc. It was very well written, easy to read and it looks like things are going extremely well in that Department. I'd like to congratulate you and Melissa.

Carrie-Thank you so much, I appreciate that. I will be sure to pass this along to Melissa as well.

7. MAYOR COMMENTS –Council before we get into any discussion, I just want to touch on the R.V. Dump. The R.V. Dump has become a hot point here. There are some questions here on how we can keep people safe, I'm going to direct staff to get with all Federal, State, and local jurisdictions to pull up all of the information and come up with the information for you at an upcoming council meeting. That will dictate if there are any flaws in it, also to dictate what type of Personal Protective Gear are required for our employees that pump it. I'm going to direct Craig and Public Works to get together with all of these Federal, State, and local jurisdictions to come up with every piece of information we can so we can bring that forward to you. Until such time the R.V. Dump will remain closed until that information can be brought to you, and a decision can be made from there.

Richman-Mr. Mayor, years ago when this was first started it was a donation thing due to this grant. We thought the donations would pay for itself. Come to find out we spend about \$5000.00/year on this thing and we only get about \$400-\$500 in donations. So, it might be time to look at doing something else here.

Mayor-So I will tell you Mr. Richman that the \$5000.00 we spend a year is not everything that's included in that. The \$5000.00/year is only the dump fees. That does not include Fuel for the truck, maintenance for the truck, or staff time. So, we are well over that. If you remember council, we do have a former employee that right now is sitting and fighting for his life because proper equipment wasn't put in place at that time. We don't want to duplicate ourselves here. We want to make sure all of our staff are safe so we do not have this problem again. We will be putting this together. We will be pulling the Grants, and looking at the wording on the grants. We gather this information to present to you. The Dump will remain closed until we have that and brought forward to you.

Duncan-Mr. Mayor I was under the impression that this thing had been fixed. That we weren't pumping it that it was going directly into the sewer. This is obviously not the case. So, I want to understand how it operates and how often it has to be pumped and etc. I just want to have it all detailed. Thank you.

Mayor-yes ma'am, if there's any good thing that has come out of this Covid-19, it is bringing this to light and gathering information. Like I said, we will be pulling together jurisdictions from Federal, State, and local agencies and will have as much information as we can possibly put together to get to you at a later date.

Richman-Mayor as Nancy said we were led to believe that this was going to be pumped right into the sewer and we wouldn't have to use the pump truck or staff to pump it. Apparently, that didn't happen so it was flawed from the beginning, I think.

Mayor-I agree

Duncan-Now I'd like to make this decision with all the information so we know it's all good.

Mayor-We will have that information for you. We will move on to...

Eisenhower-Can we anticipate that we will have that information by our next meeting?

Mayor-Not by the next meeting but it will be soon. As soon as we can pull everything together, we will have all of that information for you.

Eisenhower-I would encourage you to have this for the next meeting.

Mayor-I can't guarantee that.

Eisenhower-That would be my request.

Mayor-I can guarantee you we will have it soon, but what time frame it takes to get that for you I cannot promise. Once we do get it, we will move on from there.

Eisenhower-okay

Mayor-Are there any other council comments?

Duncan-This is of a different matter Mr. Mayor or Craig maybe you could answer this. Do we know when the new police cars are to arrive?

Mayor-We actually have 2 that are here now. They both have the City logos and both are in the active fleet. In fact, this afternoon Sjunis is in one of them patrolling.

Duncan-Oh, okay.

Mayor- The other two are in route. There have been some delays due to Covid-19 regarding transportation problems, but we are expected soon.

Duncan-Thank you

Mayor-You are welcome. Any other council comments? In looking at the guidelines put out by the Governor, we are going to keep City Hall closed. On the 12th of May we will have a Department Head meeting and we will dictate at that point in time. We will look at the guidelines and discuss possibly reopening on Monday May 18th, Craig is that right?

Craig-That is correct, just a reminder to everyone that this is a day by day issue. Today was another bad day for Twin Falls County if you look at your numbers. The Mayor is taking it day by day.

Mayor-So the heads of Staff and myself will meet again on the 12th and we will look at it to see at possibly reopening on the 18th. We are going to follow the Governors' guidelines.

Craig-in concluding mayor if I could just a second, While Aaron, Tim and you all are here with us. A lot of good work went into PARKVISTA. Kudos to this Council. It's nice to see your hard work come to

fruition. It's in the City Limits. Just a nice clean project for that side of town. It's a good thing. Phase II, if I'm not mis speaking here Aaron, I'm expecting in the next 5-10 days?

Aaron-That is correct.

Craig-Okay. So, I will have Phase II back in front of you in the near future, and get that noticed up. It is not a Public Hearing. This is the Phase we are anxious to get going and they are also.

ADJOURNMENT:

Mayor Davidson adjourned the meeting.

Burke Davidson
Mayor

Carrie Kimball
City Clerk