

Minutes of the June 25, 2019 City council meeting

City Council
Meeting minutes

June 25, 2019
6:00 pm

242 Hwy 30 E., Kimberly, ID 83341

CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

WELCOME – PLEASE TURN OFF CELL PHONES – THANK YOU.

Mayor welcomes everyone and request cell phones be turned off.

ROLL CALL OF CITY COUNCIL MEMBERS

City Clerk Roxanne Bymun confirmed by roll call the following officials in attendance.

Mayor Burke Davidson

Councilman Tomlinson

Council President Duncan By Phone

Councilman Richman

CEREMONIES, APPOINTMENTS, ANNOUNCEMENTS, PRESENTATIONS

Mayor welcomes Scout from Troop #43 Jonathan for Citizenship merit badge

AMENDMENTS TO THE AGENDA

Amendments declared. We added the working Discussion-Action to Item 2A, and the 2nd was adding item 5B.

Councilman Richman motioned to accept amendments as stated. Motion seconded by Councilman Tomlinson, Roll call; Tomlinson Yes, Duncan Yes, Richman Yes.

DECLARATION OF CONFLICT

NO conflicts declared.

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.

NO citizen input.

Mayor Davidson read the public hearing rules as follows:

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.

Mayor Davidson read agenda item #A and called on Craig for the staff report on Tuscany Development -Mill Creek- Final Plat Subdivision.

- A. Public Hearing – Discussion - Action:** Tuscany Development -Mill Creek- Final Plat Subdivision, Phases One and Two containing 31 lots. Subject land is not in the City limits, consists of 40 acres located at the northwest corner of 3500 East and 3600 North in the City’s impact area, zoned Agriculture per the adopted Kimberly Zoning / Impact map, no city services provided. Craig

Craig briefed the Council on the application and turned the floor over to Tim Vawser for his presentation.

Tim Vawser speaks and answers question regarding the water consumption reduction of 147 homes verses, 31, lots, the bus loading area, the adjacent right of ways belongs to and will be maintained by Twin Falls Highway District and the PI System will be maintained by the HOA and home owners. Mr. Vawser stated for the record that they have accepted and agree with all conditions.

Craig asked for clarification on the bus loading/unloading area, the reduction in water consumption on the aquifer of 31 lots compared to 147 lots, from 1,300,000 gallons to 297,000 gallons per month, a traffic study indicating no impact on level of services and the two adjacent property owners’ comments.

Tim Vawser stated that the two property owners concerns about water consumption are duly noted and that IDWR and South-Central Health District have analyzed the site and certainly the 31-home consumption on the aquifer verses 147 homes if this property was annexed is greatly reduced. The concern about the view is also noted. The typical home site layout on an acre + lot is where the home is nearer the dedicated street for numerous reasons including access to the home, power and gas costs are reduced the closer the home is to the utility in the street. There will be no utility easements platted on the rear or west boundary. All utility easements shall be in the T.F. County dedicated right of ways. The subdivision shall have a PI system owned and operated by the HOA and home owners.

Councilman Tomlinson asked about the ownership and maintenance of the 3500 and 3600 highways, fronting this development.

Craig stated that both of the hwy. frontages are owned and maintained by T.F. Hwy District.

Councilman Duncan reiterated that because of the existing, extensive residential platted inventory in the Kimberly City limits, the topography of the site creating long term burdens on the city, and that the Agriculture zoned property developed in accordance to the Kimberly Zoning Ordinance, utilizing minimum one acre lots, provides a missing housing option in the Kimberly City Impact Area in this location. The City of Kimberly is not desirous to annex this property or provide water, sewer, street services.

Councilman Duncan asked the Chief for his comments.

Chief Perry stated that the City would not be providing services in this subdivision, but the City does have an MOU between the County and the City, so that at such time there would be an emergency call for service to the County, and they were not able to respond, the City would respond if they can, as they do now, regardless of whether it is in a subdivision or not.

Mayor opens Public Hearing for testimony for or against this. There was no public testimony. Mayor Davidson closed the Public Hearing.

Council Duncan motioned to approve Mill Creek – Tuscany Development Final Plat as submitted before us, including the written decision, findings, reasons, staff report, all jurisdiction reports and requirements and to have the City Engineer provide a memo stating that Council is accepting the plat before us tonight, and that all items, conditions applicable to this subdivision have been addressed to the satisfaction of the local jurisdiction's ordinance requirements. This motion is a recommendation to the Twin Falls County Commissioners.

Motion seconded by Councilman Tomlinson, Roll call; Tomlinson Yes, Duncan Yes, Richman Yes.

Mayor calls on Craig to read the Public Hearing notice as follows.

- B. Public Hearing:** City initiated amendments to Title 17, Section, 17.02.010 Definitions, Section 17.09.020 Allowed Use of Signs; Section 17.04060 Commercial Business, Section 17.04.070 Residential Professional (RP), Section 17.04.080 Commercial Gateway (CG), Section 17.04.085 Commercial Interior (CI); and Section 17.13.020 Available Permits. Craig

Craig briefed the Council on the amendments. Primarily these amendments are to created definitions for road side stand, and monument signage, establish design criteria for a monument sign, and to add ADU-Accessory dwelling use as a special use in several zoning districts.

Mayor Davidson opened the Public Hearing for testimony for or against this. There was no public testimony. Mayor Davidson closed the Public Hearing.

Craig, Council shall act on this item under the Ordinance section below.

3. 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.

A. Approve Minutes for June 11, 2019

B. Accounts Payable: June 12-June 25, 2019

General Fund	\$ 31,852.40
Water Fund	\$ 30,832.51
Sewer Fund	\$ 3,802.33
Library	\$ 538.19
TOTAL	\$ 67,025.43

DISCUSSION-ACTION ITEM

Consent calendar as submitted

Councilman Richman motioned to accept the consent calendar. Motion seconded by Councilman Tomlinson, Roll call; Tomlinson Yes, Duncan Yes, Richman Yes.

4. UNFINISHED BUSINESS

A. DISCUSSION-ACTION ITEM-

5. NEW BUSINESS

A. DISCUSSION-ACTION ITEM- Approval of Liquor License's- *Roxie Bymun*

Councilman Tomlinson, motioned to approve the one that have paid, Ridley's, Anita's, Fastway, and Maxie's, and to approve PBC, Maverick, and Cactus Grill if paid by the 30th of June. Motion seconded by Councilman Richman, Roll call; Tomlinson Yes, Duncan Yes, Richman Yes.

Craig asked for the Council to rescind the motion and to extend the ability to process the Beer, Wine and Alcohol License by the City to July 9th in case the completed application was to arrive and we could issue the license which would help the business gain some sales prior to the 9th.

Councilman Tomlinson motioned to resend the motion changing the if paid by June 30, to July 9th.

Motion seconded by Councilman Richman, Roll call; Tomlinson Yes, Duncan Yes, Richman Yes.

Craig – thank you

B. DISCUSSION-ACTION ITEM- Council approval to allow Alcohol Beverage Control Bureau of the Idaho State Police to issue a beer, wine and liquor license to Magic Valley Investment, LLC located at 105 Main Street N., formerly known as the El Casado bar and restaurant, pursuant to Idaho Code 23-913. (additional information provided at meeting) Craig

Councilman Richman motioned to approval to allow Alcohol Beverage Control Bureau of the Idaho State Police to issue a beer, wine and liquor license to Magic Valley Investment, LLC located at 105 Main Street N., formerly known as the El Cazador bar and restaurant, pursuant to Idaho Code 23-913.

Motion seconded by Councilman Tomlinson, Roll call; Tomlinson Yes, Duncan Yes, Richman Yes.

6. 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. 656 - AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING TITLE 17 OF THE KIMBERLY MUNICIPAL CODE BY AMENDING SECTION 17.02.010 DEFINITIONS; SECTION 17.09.020 ALLOWED USE OF SIGNS; SECTION 17.04.060 COMMERCIAL BUSINESS; SECTION 17.04.070 RESIDENTIAL-PROFESSIONAL (RP); SECTION 17.04.080 COMMERCIAL GATEWAY (CG); SECTION 17.04.085 COMMERCIAL INTERIOR (CI); SECTION 17.13.020 AVAILABLE PERMITS; 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.

Mayor; the next order of business is a proposed Ordinance whose Title Ordinance No. 656, I would entertain a motion that the 2nd & 3rdg reading rules be dispensed and that the proposed Ordinance No. 656, pass its first reading by title only.

Councilman Richman, motioned that proposed Ordinance No. 656, pass its first reading by title only, and that the 2nd & 3rdg reading rules be dispensed relative thereto.

Mayor: Is there a second?

Motion seconded by Councilwoman Duncan, Roll call; Tomlinson Yes, Duncan Yes, Richman Yes.

Mayor: I would now entertain a motion to formally adopt proposed ordinance No. 656.

Councilman Richman, move that we adopt Ordinance No. 656,

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING TITLE 17 OF THE KIMBERLY MUNICIPAL CODE BY AMENDING SECTION 17.02.010, TERMS DEFINED; AMENDING SECTION 17.09.020 ALLOWED USE OF SIGNS; AMENDING SECTION 17.04.060 COMMERCIAL BUSINESS (CB); AMENDING SECTION 17.04.070 RESIDENTIAL- PROFESSIONAL (RP); AMENDING SECTION 17.04.080 COMMERCIAL GATEWAY (CG); AMENDING SECTION 17.04.085 COMMERCIAL INTERIOR (CI); AMENDING SECTION 17.13.020 AVAILABLE PERMITS; 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.

WHEREAS, the Mayor and City Council find that the amendments to Title 17 of the Kimberly Municipal Code will further the public health, safety and general welfare.

Mayor: Is there a second?

Motion seconded by Councilman Tomlinson, Roll call; Tomlinson Yes, Duncan Yes, Richman Yes.

7. ADMINISTRATIVE / STAFF REPORTS -

The Mayor called on staff for updates.

Chief Perry talked about just getting caught up from being gone.

Craig updated the council on the KGND fireworks donations have reached their \$10,000 goal. Thanks to everyone who has donated, we could not have made it with everybody's help. The TAPP Grant is moving forward. Based on my AIC Transportation meeting, the Cities that were awarded their TAPP grants in 2017 with construction now, 2109, have found themselves short about \$10,000 for increased labor costs for similar projects to ours, due to the nearly three-year time frame to complete. Also, I was contacted by ITD – LTACH today on our project to inform me that because two of the trees being removed, being over 50 years old, there will need to be a Cultural Historic Environmental study done and that costs can range from \$7,000 to \$9,000. With that info, I am working with Kevan and Jed to make sure we put in the 2020 budget these additional costs to complete the work around the sidewalk. There will be at least \$63,000.00 in match back asphalt to the new sidewalk and around \$15,000 for street restoration work. As we all know the TAPP grant is for sidewalk and curb only.

Jed updated the council on how Good Neighbor Days is going and everyone is busy getting ready for it.

Roxie thanked the Mayor & Council. I attended the AIC Conference, I learned some new thing, (online safety) (how to deal with the media (and what not to do)) and have gotten the heads up for some upcoming changes that could be coming, (PR Laws, PR forms (W-4)).

8. COUNCIL COMMENTS -

Council comments. Tomlinson asked Craig about the attorney that talked at AIC.

Craig confirmed, that the lady who taught the class / workshop, detailing what impacts could affect Cities from Supreme Court cases, talked extremely fast. I sat three feet from where she stood after you warned me and I still couldn't write fast enough to get it all. Good info, some didn't apply, as I'm sure you found out.

9. MAYOR COMMENTS –

NO Mayor comments.

10. EXECUTIVE SESSION – None

ADJOURNMENT: *Mayor Davidson adjourns the meeting.*

Burke Davidson
Mayor

Roxie Bymun
City Clerk