

# SPECIAL COUNCIL MINUTES OF THE City of Kimberly

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City Council

July 9, 2020

Meeting MINUTES

6:00 P.M.

242 Hwy 30 E., Kimberly, ID 83341

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Mayor Davidson shall be on site and call the meeting to order. All Council members shall be participating via telephone conference.

Due to the COVID-19, pandemic, affecting Twin Falls County and the City of Kimberly staff, operation guidelines from the State of Idaho require distancing restrictions, for your safety. You may wish to participate in this public meeting via, a telephone conference call.

Please call in at 6:00 p.m. to the conference call number, 1-929-336-0114. Enter Pin number 974 816 847#

Be sure and enter the pound # sign following the pin number.

## 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 via phone conference.*

*Councilman Tomlinson-here via phone conference*

*Councilman Eisenhower-Absent*

*Councilman Duncan-here via phone conference*

*Councilman Richman-here via phone conference*

## AMENDMENTS TO THE AGENDA-None

## DECLARATION OF CONFLICT-None

- 1. Discussion – Action Item** – BRP, DBA as Oak Creek Rehabilitation Center, located at 500 Polk Street E. Kimberly, Idaho, represented by Greg Livingston -Nationwide Utility Consultants, per Kimberly City Code “13.08.380-Inequitable Rates – Application For Review”, is presenting written application to the Council, stating circumstances and requesting a different basis of charges for sewer services to the subject property, developed as Oak Creek Rehabilitation Center, 500 Polk Street E., Kimberly, Idaho.

*Greg Livingston presented to the counsel his packet (see attached). Greg went page by page: Page 1, Sewage charge appeal-No questions from counsel. Page 2, Property description-No questions from counsel. Page 3, H2O gallons vs Occupancy-No questions from Counsel. Page 4, Property analysis notes and fixture counts-No questions from Counsel. Page 5, Recommendation that Sewer charges be based on water usage and at 7.03ERU's-No questions from Counsel. Page 6, Facility lay out-No questions from Counsel. Page 7, Water usage analysis chart-No questions from Counsel. Following pages are attachments. Greg Livingston asked if the Counsel had any questions for him.*

**Tomlinson-***My only question at this point is...*

**Mayor-***Bob hold on just a moment, do we have Dawn on the line?*

**Dawn Gould-***I'm here.*

**Mayor-***Dawn could you clarify you first and last name, your title, and who you work for please?*

**Dawn Gould-***I'm Dawn Gould, I'm the Medical Records Manager with Oak Creek Rehab in Kimberly.*

**Mayor-***Thank you Dawn, go ahead Bob.*

**Tomlinson-***Were all of these figures provided when they made application?*

**Greg Livingston-***Yes, they were all provided. This is whole presentation is just a summary of the appeal. These figures were all taken straight out of the appeal.*

**Tomlinson-***And how long have they been doing this?*

**Greg Livingston-***As far back as I'm able to see which is 2017.*

**Tomlinson-***How old is the property?*

**Greg Livingston-***Dawn could answer that a little better, as far as I know about 50-years.*

**Dawn Gould-***This facility has been here, well previously it was a different facility, but the building has been here about 45-50-years. The floor plan has not changed.*

**Tomlinson-***So when you made application you gave the City the information you have in front of us today?*

**Greg Livingston-***yes, in fact you can see, its something worth looking at now is in this folder there is an Occupancy Oak Creek Rehab Facility Sewer charge appeal at the bottom. So, you can see all of the memos sent out to them, Brian Reed, who agreed to our recommendation to change the ERU's.*

**Tomlinson-***I understand all of that, I want to know why it took 50-years for someone to step up and say hey, we don't think this is right! I understand companies like you I dealt with them in Houston. I will tell you I'm not very thrilled. With that being said, Mayor I'm done.*

**Craig-***Thank you Bob.*

**Mayor-***Go ahead Greg.*

**Greg Livingston-***Okay well, if there are questions on what was actually sent to the City, that's all the accrual. You can look at that like we discussed or after the call. It's a full packet with attachments. Detailed on how the City calculated. You can look at it, its all there. That's all free information. So basically, what we are trying to figure out now is when we got the appeal response back from Brian and the group there, we saw that the bill was adjusted to the rate that we agreed upon, the 7.03 ERU. It was three hundred and something dollars on the bill then about two weeks or so they removed the change that we agreed upon. Now we are just fighting to get that agreed upon rate applied to the account. So that's where we are. Seeing if we can get that rate corrected and where we go from this point.*

**Lance Livingston-***This is Lance Livingston, let me address the previous question. Yes, we are consultants that do this kind of work for a number of different clients. The property, actually the entity, that owns the property was recently acquired by a company called Independent Rehab. We were already consulting with them on other properties that have owned for a number of years. Then when they acquired this property, they asked us to do the same kind of review for this property. So, I can't answer why the previous owners have not made any appeals, but that's why this has happened now at this time. The new owners asked us to do this review on their behalf. The kind of knowledge necessary to do this kind of audit and review is just common for most property owners. That's our business, that's what we do.*

**Duncan-***Mr. Mayor, this is Nancy. The presentation before us is very well written and easy to follow. At this time, I would like to make a motion.*

Counselman Duncan made a motion to **let Legal Counsel take on this project and come back to City Counsel with recommendations on moving forward**-Counselman Tomlinson second the motion. *Roll call: Councilman Tomlinson-yes, Eisenhower-absent, Duncan-yes, Richman-yes*

**Mayor-***Tim do you have anything else to add?*

**Tim Stover-***No sir.*

**Mayor-***Craig, do you have anything to add?*

**Craig-***Yes, thank you Mr. Livingston. You heard the motion and the Mayor will be working with Legal Counsel and you'll get a response as for when the Counsel will take action in future meetings.*

**Greg Livingston-Okay, thank you.**

**ADJOURNMENT**

Mayor Davidson adjourned the meeting.

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Burke Davidson  
Mayor

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Carrie Kimball  
City Clerk