

City of Kimberly Meeting minutes

City Council
MEETING minutes

MAY 25, 2021

6:00 pm

242 Hwy 30 E., Kimberly, ID 83341

Provisions are being made to support Council, Staff and Public participation, in this public meeting, via a telephone conference call option, or you may attend in person.

TO PARTICIPATE BY PHONE, call in at approximately 5:55 p.m. to the conference call number, 1-513-480-5071 Enter the Pin number 465 658 373 followed by the pound # sign.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

WELCOME – PLEASE TURN OFF CELL PHONES – THANK YOU

ROLL CALL OF CITY COUNCIL MEMBERS

Tomlinson – yes

Eisenhower - yes

Duncan – yes

Richman-yes

CEREMONIES, ANNOUNCEMENTS, PRESENTATIONS

None

AMENDMENTS TO THE AGENDA

Yes

Mayor Davidson called for a motion.

Council member Eisenhower motioned to approve the Amended Agenda section 2A correction of the numbering in the Ordinance Title.

Council Member Richman second the motion.

Roll call:

Tomlinson – yes

Eisenhower - yes

Duncan – yes

Richman-yes

DECLARATION OF CONFLICT

None

1. CITIZEN ISSUES – PUBLIC INPUT –

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.

A. Public Hearing- Proposed City initiated text amendments to Kimberly City Code, AMENDING Title 6 ANIMALS, CHAPTER 6.04 ANIMAL CONTROL REGULATIONS GENERALLY, SECTION 6.04.020 KEEPING OF LIVESTOCK PROHIBITED; SECTION 6.04.030 KEEPING OF FOWL AND RABBITS PERMIT REQUIRED; CONDITIONS; AMENDING CHAPTER 6.08 DOGS; SECTION 6.08.20 LICENSE; REGISTRATION; SECTION 6.08.070 HARBORING MORE THAN THREE DOGS OR STRAY DOGS PROHIBITED; AMENDING 17, TITLE SECTION 17.02.010 TERMS DEFINED; - *Craig*

Craig- Summarized all the text amendment changes-*See Attached- Final action shall be per adoption of Ord. # 666.*

Chief-as it reads your able to have six Rabbits and six Chickens, or is it any combination of?

Craig-Combination, it states Fowl OR Rabbits: so, it will be a combination.

Eisenhower-Okay, so I have three dogs. Here's my \$100.00 now leave me alone. So, what is an instance? How often can you asses the fine?

Craig-Each day is a new instance.

Eisenhower-It doesn't say per day.

Craig-its per day.

Eisenhower-that's not how it reads.

Craig-it's a new fine and citing every single day.

Duncan-for having to many dogs?

Eisenhower-okay, but it doesn't say per day.

Chief Perry-each day is a new violation.

Eisenhower-and that's clearly articulated in your code?

Chief Perry-yes, it's per day.

Eisenhower-okay, you may want to double check that. If its there then we are fine.

Craig-its always good for us to check.

Chief Perry-we can report back to you.

Eisenhower-no, no. Just double check it.

Chief Perry-we will check.

B. Public Hearing – City Council to receive the recommendation from the Kimberly Planning and Zoning Commission for their consideration of a petition from L Hangin C Land, LLC, respectively, the owners of Lots 3, 4, and 5 of Block 1, Center Street Plaza Subdivision, for abandonment and vacation of portions of roadways, alleyways, easements, and other public rights of way, located on private property, described as Lots 3, 4, and 5, of Block 1, Center Street Plaza Subdivision, located in the NE4 NW4, Section 29, Township 9 South, Range 18 East. This application is a State Statue requirement on private property, to provide for new recorded documents depicting the necessary action stated above, in preparation of the development of the subject property. Subject property is zoned Commercial Business. Proposed development is a Convenience store-gas station-retail eatery. – *Craig*

Craig briefed the Council on the staff report explaining the required processes in relocating the utilities, cross over accesses, shifting of the western access of Center more to the east, proposed gas station development with a drive thru on the south side of building and retail eatery-food sales, in conjunction with the development of a west bound center turn lane, beginning just west of the three-way stop sign at the intersection of Emerald/Center and extending west past the subject site.

Tim Vawser-stated that the staff report was correct and covered all of the easement/cross over accesses relocations and the applicant agreed with the conditions of approval.

Eisenhower-Is the proposed building there in lot #1 there, in the middle section.

Tim Vawser-Actually its in lot #3, and #4 was parking area.

Eisenhower-Oh so the hatched section is the new building?

Tim Vawser-No, that's the current easement.

Eisenhower-oh that's the current easement, okay sorry.

Tim Vawser-Yes

Eisenhower-so I can see where Infinity is going in, but what Im talking about is the new one

going in.

Tim Vawser-we have vacated that hatched area.

Eisenhower-so craig is that for lots #1, #3, and #4? Its in the packet, right?

Craig-so lots #3, #4, and #5 are the lots we are dealing with tonight, not #1, #2, and #3. It will become one parcel of ground.

Eisenhower-so the ones in purple?

Criag/Tim Vaswer-yes

Eisenhower-okay, I see

Craig-kind of visualize a little bit bigger than the Mr. Gas in Twin on Falls. This is a little bit larger than that.

Eisenhower-so the original plat, if I'm not mistaken, had buildings going all away around the perimeter. Now you have the buildings more to the middle so traffic can go around.

Tim Vawser-that is correct

Eisenhower-just trying to wrap my head around it.

Duncan-when the project would begin construction.

Tim Vawser-stated that Craig had been pushing for a permit to construct and that it should be within the next few weeks.

3. NEW BUSINESS:

- A. DISCUSSION-ACTION ITEM** - Special Event Application -closure of Main Street, between Center Street and Madison Street. Kimberly Good Neighbor Day Street dance. Street closure hours are between 4:30 p.m. to 11:30 p.m. Applicant, Aaron Gupton doing business as Guppies Hotrod Grille. *Aaron Gupton*

Council member Duncan asked about the hours of the street dance, in relation to the fireworks at dusk and what type of security Aaron was going have to handle the crowd along with how Anita's customers joining in and partaking of the street dance were being dealt with. City police, I assume are also involved in the enforcement and control.

Aaron explained that there would be staff with shirts marked, special beverage cups and wrist bands for the patrons so all could be monitored for safety and any potential over consumption.

Legal Counsel, Tim Stover discussed the City's ordinance prohibiting the consumption of or having an open container of Beer, Wine or Alcohol on public property and stated that some

ordinance language would need to be amended / clarified in order to have consumption or sale of Beer, Wine or Alcohol beverages on public property. Mr. Stover stated that he would be ok with the Council’s motion to approve the special event, contingent on the applicable City Ordinance amendments acted on at the next Council meeting of June 8th, 2021.

Mayor Davidson called for a motion.

Council member Tomlinson motioned to approve the Special Event Application for closure of the specified Main street area for the street dance and sale – consumption of Beer, Wine and Alcohol as stated in the Special Event Application, submitted by Applicant, Aaron Gupton doing business as Guppies Hotrod Grille. Kimberly Good Neighbor day street dance, street closure, hours are between 4:30 p.m. to 11:30 p.m., on July 10th, 2021.

Council Member Richman seconded the motion.

Roll call:

Tomlinson – yes

Eisenhower - yes

Duncan – yes

Richman-yes

4. CONSENT CALENDAR- Discussion - Action -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 May 11, 2021

B. Accounts Payable for May 12, 2021 – May 31, 2021

General Fund	\$ 29,464.50
Water Fund	\$ 32,583.18
Sewer Fund	\$ 2,540.72
Library	\$ 1,784.71
TOTAL	\$ 66,373.11

Mayor Davidson called for a motion.

Council member Richman motioned to approve the Consent Calendar.

Council Member Duncan second the motion.

Roll call:

Tomlinson – yes

Eisenhower - yes

Duncan – yes

Richman-yes

5. ORDINANCES AND RESOLUTIONS –

A. DISCUSSION-ACTION ITEM – Ordinance No. 666

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING Title 6 ANIMALS, CHAPTER 6.04 ANIMAL CONTROL REGULATIONS GENERALLY, SECTION 6.04.020 KEEPING OF LIVESTOCK PROHIBITED; SECTION 6.04.030 KEEPING OF FOWL AND RABBITS PERMIT REQUIRED; CONDITIONS; AMENDING CHAPTER 6.08 DOGS; SECTION 6.08.20 LICENSE; REGISTRATION; SECTION 6.08.070 HARBORING MORE THAN THREE DOGS OR STRAY DOGS PROHIBITED; AMENDING 17, TITLE SECTION 17.02.010 TERMS DEFINED; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW

Mayor Davidson called for a motion.

Council member Eisenhower motioned to adopt Ordinance No. 666 by Title only and read it into the public record.

Council Member Duncan second the motion.

Roll call:

Tomlinson – yes

Eisenhower - yes

Duncan – yes

Richman-yes

Mayor Davidson called for a motion.

Council member Eisenhower motioned to approve ORDINANCE NO. 666 OF THE CITY OF KIMBERLY, IDAHO, AMENDING Title 6 ANIMALS, CHAPTER 6.04 ANIMAL CONTROL REGULATIONS GENERALLY, SECTION 6.04.020 KEEPING OF LIVESTOCK PROHIBITED; SECTION 6.04.030 KEEPING OF FOWL AND RABBITS PERMIT REQUIRED; CONDITIONS; AMENDING CHAPTER 6.08 DOGS; SECTION 6.08.20 LICENSE; REGISTRATION; SECTION 6.08.070 HARBORING MORE THAN THREE DOGS OR STRAY DOGS PROHIBITED; AMENDING 17, TITLE SECTION 17.02.010 TERMS DEFINED; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND

PUBLICATION ACCORDING TO LAW

Council Member Richman second the motion.

Roll call:

Tomlinson – yes

Eisenhower - yes

Duncan – yes

Richman-yes

6. UNFINISHED BUSINESS

None

7. ADMINISTRATIVE / STAFF REPORTS -

Chief-Updated that everything had been running smooth. Chief was out last week and commended his staff for how things were handled in his presence. Asked the Counsel about their opinion on applying for the upcoming Drug Grant again. Applications are due June 6, 2021.

Duncan-asked if it was for Overtime and if it had to be used this Fiscal year.

Chief-No.

Eisenhower- Stated he felt as long as we are fully transparent and everyone understands the perimeters of it, he is okay with it.

Duncan- asked to clear the elephant in the room. Does this apply to salaried positions?

Chief-Stated it was allowable. Meticulous records are kept on the Grant Money.

Tim Stover- Stopped the discussion. Commented he probably would raise a big fuss about it but the discussion was done for tonight.

Craig-Nothing further tonight

Brian-Updates on staff Projects. Chip seal, ADA compliance on Center and Main, and Heritage Farms Phase 2 and 3; everything is going well. R.V. Dump should be open by Memorial Day.

Eisenhower-Questioned Brian on the ball and seal fitting at the R.V. Dump, mentioning that there is not a tight fit there and it's a concern.

Brian-Confirmed he had questioned that same thing and had already reached out to Sani-Star and they verified it was supposed to be fitted like that. A follow up email and questioning will be sent by Brian to Sani-Star to confirm.

Carrie-Nothing to add unless there were questions.

Richman-questioned the high balance in the General Fund account.

Carrie-Explained the continued progress on different accounts to be coded.

8. COUNCIL COMMENTS –

None

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) b

Mayor Davidson called for a motion.

Council member Eisenhower motioned to enter Executive Session.

Council Member Tomlinson second the motion.

Roll call:

Tomlinson – yes

Eisenhower - yes

Duncan – yes

Richman-yes

11. DISCUSSION-ACTION - Council to reconvene from executive session.

Mayor Davidson called for a motion.

Council member Tomlinson motioned to reconvene from Executive Session.

Council Member Duncan second the motion.

Roll call:

Tomlinson – yes
Eisenhower - yes
Duncan – yes
Richman-yes

12. DISCUSSION-ACTION- Council action / decision if any regarding executive session.

Mayor Davidson called for a motion.

Council member Eisenhower motioned for the contents presented in the May17, 2021 email from John Balling be declined.

Council Member Tomlinson second the motion.

Roll call:

Tomlinson – yes
Eisenhower - yes
Duncan – yes
Richman-yes

ADJOURNMENT:

Mayor, Burke Davidson

City Clerk, Carrie Kimball