

City of Kimberly minutes

City Council
MEETING minutes

September 28, 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.

Currently face masks are not required by the Mayor, to be worn if you attend in person.

TO PARTICIPATE BY PHONE, call in at approximately 5:55 p.m. to the conference call number, 1-330-648-3330 Enter the Pin number 229 140 810 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-via phone

CEREMONIES, ANNOUNCEMENTS, PRESENTATIONS

Appointment of Debbie Ginder, residing at 821 Elm Street. N. Kimberly Idaho, to the Kimberly Library Board of Trustees, to complete a 13-month term, ending October 28th, 2022, vacated by Kathy Lundy.

Mayor Davidson called for a motion to recommend.

Council member Eisenhower motioned to approve the Appointment of Debbie Ginder, residing at 821 Elm Street. N. Kimberly Idaho, to the Kimberly Library Board of Trustees, to complete a 13-month term, ending October 28th, 2022.

Council Member Duncan second the motion.

Roll call:

Tomlinson – yes

Eisenhower -yes

Duncan – yes

Richman-yes

AMENDMENTS TO THE AGENDA- *Yes, a change on 10-A, from 1(b) to 1(f).*

Mayor Davidson called for a motion to the amendment.

Council member Eisenhower motioned to approve the change on 10-A, from 1(b) to 1(f).

Council Member Tomlinson 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 amendments to Ordinance 664, the annual appropriation ordinance for fiscal year 2021, appropriating additional funds received by the City. Funds incorporate, ARPA (American Rescue Plan Act Funding) \$435,999.77, COVID 19 Cares funding, \$136,400.00, State of Idaho Police Interdiction grant funds, \$5,500.00 and Source Water Protection DEQ grant funds, \$5,651.26. *Craig-Carrie (action to be taken per agenda item # 5A)*

Craig- There were several things that happened this last fiscal year. If we look at page 16 towards the bottom, the DEQ Grant, 60-434-830 that's the \$70,000 grant for water master plan study, kudos to you

Brian, you got it. Unfortunately, I can't pull that off this fiscal year what I do see happening is a couple bills from J-U-B and then funding will fall under next year, we will open next year's budget to handle that and make the auditor happy. It's not something I wanted to do, to reopen the budget, but we are thankful for the grant and the facility plan that we have and needed. If you go back to page 15 that's where the revenue side of this is at. I am touching on this because you know I want credit to go where credit is due. Look at the water collections 60-346-100 you will see a budget there of \$490,000 and your actual is \$537,550. So, we have exceeded and we're holding our own and doing very well. Again, I know how hard these 2-gals work on this, Melissa's on it every day 5 days a week 8 hours a day plus. I hear the calls occasionally I hear Brian too. Carrie and Melissa deal with some of the people who are not willing to move their cars off of the meter lids, are some of the things we deal with here. That's very impressive and a job well done. So on with the revenue coming in if you go back now and Jim likes to give me a bad time. I'm kind of the sandbagger is that what I remember? Something like that? Let's look at page 7. And you know bless the folks here again it's all part of your Amended budget this year if look at the expenses here at building inspector 01-417-400 you will see that I am in the red \$36,000 dollars. That's a lot of money for me, my bottom line is \$9,000 in the red, so far this year and I have one per payment this fiscal year on that around \$8,000. What I would like you to look at is the revenue on page 4. This is exactly what Mr. Eisenhower touched on when we were doing our budget workshop and I appreciate that. I do sincerely because it helps me remember to bring that forward. You will see I budgeted \$30,000 I am a very conservative person when it comes to budgeting one time revenue that may be used for one-time expenses, we don't want to get in trouble, when that stops. What happens to that extra money there? It goes to the bottom line, it goes to contingency, or forgone and we all agree not to do that. This council has full control over that and I am very comfortable with that. As we discussed in the budget workshop, those onetime funds that my department collects, you will see we are \$119,000 over please remember I had 4 Commercial Building Permits issued this year about \$48,000 of that. Nancy, you have talked about the commercial line and I don't know that I answered that question very clearly in a past meeting. That included our 3 commercial buildings this year. So that's a good hit for us. We appreciate that. I hope it's as good and stronger next year. Again, what happens to that is up to the council. It's certainly enough to cover my overrun. Any questions so far on this amendment?

Eisenhower-No question but you know I will comment that yes sandbagging the revenue is okay this year because we are in a good place, right? But in times when you know Chief is looking for a raise and we don't have money, sandbagging that revenue is not the idea. So, I wanted to continue to call it out when you under figure how much revenue has come in by my estimation. And when we cut out significantly higher than what you estimated, closer to what I suggested, I just you know, I told you so, is in the works.

Craig-And I'm glad that you are able to see that it's one time money.

Mayor- I get that, I get that. To back Craig though.

Eisenhower-No don't back Craig.

Mayor-We don't get 3 large commercial buildings every year.

Eisenhower- I'm talking about the water collections actually. I read the report under shot water collections and I knew we were going to be higher than that because of Growth. But it's ok I know what we put into it and I know where it's going. I'm cool with it. I just you know....

Craig-When it comes to Water and Sewer those are Enterprise Funds and they would certainly not go to General Fund for any Policemen.

Eisenhower-I know that.

Craig- Ok so let's talk about a couple other things in the budget if you have some more questions.

Eisenhower-Sorry Chief I'm trying.

Craig-Yeah, he did try, to take Brian's money. Brian, you have to fight for yourself here now.

Tomlinson- He has to get that money and save it for gas prices.

Craig-There ya go, but no gas is coming down remember?

Eisenhower-Yes, yes, it is.

Craig-So I'm going to quickly kind of touch here on the Public Hearing tonight before you open it. You can see from the agenda it's very well detailed there. So, we have the American Rescue Plan we're opening the budget for, for the revenue and the expenditure. \$136,400 COVID Cares funds, just a brief snapshot you may remember we dispersed \$40,000 for the police, \$15,000 for Brian for a generator, \$5,000 for a sidewalk ADA approach, \$4,500 possibly for an admin, \$20,000 to sanitation and what did I miss Carrie?

Carrie- \$4,800 to Sanistar.

Craig-Yes, \$4,800.00 to Sanistar for the digital reader, and again that puts some money into Council's Contingency but we have the next year to utilize it for one-time capital expenses too. Again, one-time moneys. Something you enter a one-time expense. We also purchased and provided money for the Chief, for a police vehicle, out of forgone. So Council, Mayor, Department heads, good financial stewards. You guys did an excellent job and I greatly appreciate that. Other than that, I think I've covered everything for the amendment, any questions?

Eisenhower-So you're talking about ordinance 669 yeah?

Craig-Yes

Duncan- Right.

Eisenhower-So when we get to that Tim, where we do title and section 1.

Tim Stover- Just the Title Jim.

Eisenhower- okay, so just the title?

Tim Stover-Nope I want the dollar amount in there too.

Eisenhower-Well that's why I said section 1.

Mayor-Thought you might like that.

Tim Stover-Yeah, I do.

Mayor-Mr. Richman do you have any questions?

Richman-No I do not.

Mayor-Council any questions? Craig anything further to add?

Craig-Not at this point.

Mayor-Carrie anything further to add?

Carrie-Not right now.

Public hearing opened by Mayor Davidson.

Public hearing closed by Mayor Davidson.

3. NEW BUSINESS:

A. DISCUSSION-ACTION ITEM – JUB presentation of the Drinking Water Facility Planning Study- Master Plan 2021. *Tracy Ahrens, Gary Haderlie and Brian Reed* – Council to receive the plan / recommendations and select applicable alternatives. Document/power point at meeting-JUB---*See insert*

Tracey Ahrens- Thanked Mayor and counsel for their time and introduced Gary Haderline.

Gary Haderlie- Went through presentation, see insert. Took questions from Mayor and Counsel.

Duncan- So we know we have covered this at extensively years ago. We have some concrete sewer pipe still in the ground. Does the location of the concrete water pipe roughly approximate the same area where we have sewer pipe that is concrete?

Brian- Its close but it's not immediately adjacent to. The sewer line is approximately 10-12 feet from the water line.

Duncan- So I know that at one point the camera study of all the sewer and it was rated for the cement. Have we done the same for water?

Brian- You don't generally do that for water lines. If we have breaks and dig it up, we can see then. Like the line behind Guppies, that's is really rough shape. That whole area needs replaced and that's why it became a priority. Last year, and got moved to this year due to Covid.

Mayor- Usually when your upsizing due to growth it is done by the developer.

Brian- But you do have supply lines throughout the city that are ours. We have to have a big enough supply line to feed the new developments.

Mayor- But if it's needed for a new development, the developer replaces it clear through. You don't put it onto someone that's already been there.

Brian- Right, if we can. There are some cases where we might put a new development out there, but we have a pretty good plan now and we know what it looks like. I'll say some cities may not look at that this may or may not affect our bottom line and our supplies to those developments. I

think we have a good idea of what's going on. I don't think that we would have that problem. Some cities would just jump in and say yes, we will supply and not look at what feeds that area.

Mayor- Right, but if they are requiring more and bigger line that is on the developer. That's a new feed on the system, not on the... you make the developer take that on.

Brian- Yes, that is what I would recommend to the council.

Nancy- So my question is, do we have existing developments? I'm kind of thinking I need time to maybe digest this review. Spend more time than just one meeting. Do we have existing developments where we are going to have to retro fit these lines? I mean that's not a story you want to tell rate payers.

Brian- No, we are in good shape. There are areas of high pressures so they will have to put in some pressurized reduction stations.

Mayor- Do you have something to add?

Craig- Gary, if you could go back to page 10. I think the counsel is right where they need to be. What I see here, I greatly appreciate. It's been ten-years since the last one. So, in just your quick general overview, comparing it to ten years ago, there's a few things on the P&Z side and City Administration side working hand in hand with Brian. It's always been a concern of this counsel, and it should be, adequate water. It should be with us growing. If you'll see the area of impact 20-years ago, it was based on the existing Comprehensive Plan. I'm hearing that we have adequate water, there's no issue there and it's a good thing for us to hear. The other side of that is I'm already asking for pressure reduction infrastructure for everything west of 3400, north of Center St., because of what you guys have shared with us. Anything we are annexing or bringing in to the city will require a water reduction analysis. It sounds big, and what does that mean? Gary, talking \$1,500.00 to \$3,000.00 to do a pressure reduction for one house. That's what that is about. I'm very thankful we are ahead of that game, because that is where our growth is at. Brian in our discussions and your research, a pressure reduction valve for a house is around \$1,500 to \$2,000. For a large subdivision maybe \$25,000 to \$50,000 per station, that will have to be part of the developers cost of development. Council the document details a do nothing or some options to start making necessary improvements like the 7 fire hydrants, someday loop line from north Hwy 30 across to Ash Street, under the track, yes, it is expensive but happens all the time, continued well maintenance upgrades, and replacement of existing original townsite asbestos water lines.

Brian- I participated in and checked every page of the document and support the JUB Water facility 2021 plan.

Mayor Davidson called for Council action

Council member Duncan - *motioned to adopt the Drinking Water Facility Planning Study-Master Plan 2021 enacting applicable upgrades as detailed in the plan, starting with 7 fire hydrants and other projects as funding allows.*

Council Member Tomlinson- *second the motion.*

Roll call:

Tomlinson – yes

Eisenhower -yes

Duncan – yes

Richman-yes

B. DISCUSSION-ACTION ITEM – Approval for a grant from the Bureau of Justice Assistance Program for up to \$150,000.00, from the US Department of Justice.-*Chief Perry*

Chief Perry- This is a no match Grant up to \$150,000.00 from Department Justice for Rural Agencies. It can be used for equipment improvements, mobile data and docking stations, and Iletes terminal. Asking for permission to write the Grant.

Duncan-So this a no match grant, correct?

Chief-Correct.

Mayor Davidson called for Council action.

Council member Eisenhower made a motion to move forward with writing the grant for Department Justice for Rural Agencies for up to \$150,000.00 with no match to the City.

Council Member Duncan- second 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 September 28, 2021

B. Accounts Payable for September 15, 2021 – September 30, 2021

General Fund	\$ 10,032.46
Water Fund	\$ 73,586.41
Sewer Fund	\$ 17,331.18
Library	\$ 1,095.31
TOTAL	\$102,045.36

Mayor Davidson called for a motion.

Council member Eisenhower motioned to approve the Consent Calendar as presented.

Council Member Tomlinson second the motion.

Roll call:

Tomlinson – yes

Eisenhower -yes

Duncan – yes

Richman-yes

5. 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 – Ord. 669

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING ORDINANCE 664 THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR 2021; APPROPRIATING ADDITIONAL FUNDS RECEIVED BY THE CITY OF KIMBERLY, IDAHO. AMENDMENTS ARE INCORPORATING ARPA-AMERICAN RESCUE PLAN ACT FUNDING, COVID 19 CARES FUNDING, SOURCE WATER PROTECTION DEQ GRANT FUNDS AND STATE OF IDAHO POLICE DRUG INTERDICTION GRANT FUNDS.

Mayor Davidson called for a motion.

A. Council member Eisenhower motioned to approve the reading of Ord. 669 by title only.

Council Member Tomlinson second the motion.

Roll call:

Tomlinson – yes

Eisenhower -yes

Duncan – yes

Richman-yes

Mayor Davidson – I will call for reading by title only, one time. .

A. Council member Eisenhower motioned read the title of Ord. 669

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING ORDINANCE 664 THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR 2021;

APPROPRIATING ADDITIONAL FUNDS RECEIVED BY THE CITY OF KIMBERLY, IDAHO. AMENDMENTS ARE INCORPORATING ARPA-AMERICAN RESCUE PLAN ACT FUNDING, COVID 19 CARES FUNDING, SOURCE WATER PROTECTION DEQ GRANT FUNDS AND STATE OF IDAHO POLICE DRUG INTERDICTION GRANT FUNDS.

Council Member Duncan seconded the motion.

Roll call:

Tomlinson – yes

Eisenhower -yes

Duncan – yes

Richman-yes

6. UNFINISHED BUSINESS-

A. DISCUSSION-ACTION ITEM- Third request for a partial payment to JUB for invoice #144881 in the amount of \$8,750.00, relative to the 2021 Water Facility Planning Study.
Brian

Mayor Davidson called for a motion.

Council member Eisenhower motioned to approve the Third request for a partial payment to JUB for invoice #144881 in the amount of \$8,750.00, for the 2021 Water Facility Planning Study.—*See insert*

Council Member Duncan second the motion.

Roll call:

Tomlinson – yes

Eisenhower -yes

Duncan – yes

Richman-yes

7. ADMINISTRATIVE / STAFF REPORTS -

Chief- Updated Counsel and Mayor that staff is busy and would be presenting quarterly reports at next meeting. Mentioned he had Legal Counsel, Tim Stover, draw up waivers for the Physical Training for new applicants and recruits.

Craig- Mayor and Council I expect 3 Emeralds to submit for their rezone from Agriculture to a residential zone R-2 or 3, annexation is moving forward of the land west of Kimberly Meadows to be processed in the near future. I wanted address our new position, CSO-Park mower, and the final transition of Janine into her Planner Position. I met with the City Mgr. of Twin Falls this week and two City Administrators as everyone seems to be experiencing exactly what we are here at Kimberly. What came out of the C.A. meeting was nothing new. Department heads need to get creative with the funding the Council has authorized to use. I want to address our

departments and budgeted levels of pay. Council, I did not get to thank you during the budget 2022 hearing or after the hearing of my appreciation of the 3% payroll increases afforded to the Department heads to disperse as they deem appropriate, this was not a COLA. I want to reiterate don't budget me, budget the positions in regards to the department heads.

Duncan – I agree, we need to look at that closer next year.

Craig – Absolutely Nancy, as you will recall, you were on Melissa's interview team, which I have been counseled by ICRMP to not do that in the future. We hired a 12-year seasoned utility billing specialist. Council you already know, but it needs to be reiterated for the importance of each department's incentives for their employees. These are in addition to their budgeted salary base and the 3% increase like this upcoming fiscal is on top of that. The employees, not department heads receive from their supervisor increases as they reach certain levels of expertise, training award achievements, steps in certified levels of law enforcement, and levels in public works for certified water and sewer employees. Two years ago, Carrie did not receive her full salary until certain unemployment benefits were exhausted for the prior Clerk, her level one IA ACTFO service award held a dollar per hour benefit, similar to Brian's \$1.00 level incentive and the Chief's incentive budget. Due to the change of staff at that time and Carrie accepting the appointed City Clerk position, and Melissa stepping into her position, the IA ACTFO incentive disbursements got delayed. I will pass around the achievement awards for Carrie and Melissa. Carrie nor I get a level incentive increase, because we are exempt appointed employees and are grateful for our salaries. You are seeing Melissa's two-year level incentive award. Carrie, I believe we were short or shy of the \$1.00 per year, \$2.00 total increase, due to the pay out of the previous staff. I think there is about \$1.70 in your budget for Melissa for the 2022 fiscal year.

Carrie- that is correct due to the change of positions and staff, Melissa will get her level achievement incentives next fiscal year 2022 and it is \$1.76.

Craig - thank you for clarifying that.

Craig – Mayor I briefed you on the 2+hour meeting I had with ICRMP representatives last week. Jerry Mason has retired, Jim McNall is going part time and retiring soon. There is a new attorney on board from a firm in Boise. What I want to say is thanks for being strong and not acting singularly and as a Council board, not contacting individually as an elected official. As some of you may, now Heyburn just went through this, the previous Mayor into a recall issue and the Chief of Police issue there now. Ketchum, Sun Valley, back at it again. Again, thanks for striving to follow the chain of command. Tim, I don't think I can state it any clearer, these wrong turns end up in hostile work environments, and nobody wins. These are not cheap cases, they will be in the \$200,000 dollar ranges and it all trickles down to the folks paying the premiums, not just the ones in litigation.

Tim concurred.

Brian- Crew is staying very busy. ADA ramp at park looks great. Asphalt on Main St. is in the works. Ballard's Phase III is at the grubbing stage. Heritage Phase III finishing up piping stage and Tilam should be doing roads next week.

Carrie- Updated Mayor and Counsel that her and Craig were looking outside of the box for better interest rates for our monies.

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;

A. Council may make a motion to enter into executive session per Idaho Code 74-206-1 (b) (f).

Mayor Davidson - called for a motion to move into Executive Session.

Council member Eisenhower -motioned to enter into executive session per Id. Code 74-206 1(f).

Council Member Tomlinson - seconded the motion.

Roll call:

Tomlinson – yes

Eisenhower -yes

Duncan – yes

Richman-yes

B. Council motion to reconvene from executive session.

Mayor Davidson - called for a motion to reconvene from executive session.

Council member Eisenhower - motioned to reconvene from executive session.

Council Member Tomlinson - seconded the motion.

Roll call:

Tomlinson – yes

Eisenhower -yes

Duncan – yes

Richman-yes

C. Council action if any regarding executive session

No action taken by the Council

ADJOURNMENT:

Mayor Davidson adjourned the meeting.

Mayor, Burke Davidson

City Clerk, Carrie Kimball