

City of Kimberly MINUTES

City Council
MEETING MINUTES

may 24, 2022

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 1-617-675-4444 Enter the Pin number 823 116 010 7132 followed by the pound # sign.

There were no phone participations.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

WELCOME – PLEASE TURN OFF CELL PHONES – THANK YOU

ROLL CALL OF CITY COUNCIL MEMBERS

Council members present were, Tomlinson, Eisenhower, Duncan and Richman

CEREMONIES, ANNOUNCEMENTS, PRESENTATIONS

Kimberly/Hansen Police Department Annual Stats- Chief Perry

Chief presented his presentation, both with hand out and on projector. -*See insert*

Eisenhower- “You coming from Gooding, how does Kimberly compare to that? Are we comparable? Staff wise I know they are a bigger town.”

Chief Perry- “No, I’d say when I first got here it was pretty comparable. But now, we have far surpassed Gooding and Buhl just on calls for service alone. I blame Twin Falls City for everything.”

Eisenhower- “As you should.”

Chief Perry- “we are butted right up next to them, and right next to the Freeway. Gooding has their fair share of problems, but they have a really good community core. Here we have allot of people that come into town, cause problems, then leave.”

Duncan- “Given what we have all seen on the news, does your department do training with the School District? Like active shooter drills, or anything like that?”

Chief Perry- Chief went into detail about how they had done a live simulation with the staff last year. They had flashbangs, blanks for shooting. No students were present, it was a teacher work day. The teachers were in shock with how loud and fast things were happening. At the end of every simulation, they debrief the staff at each location.

Tomlinson- “Do you plan on doing this again?”

Chief Perry- “Yes, yes we do plan on doing it again.”

Tomlinson- “How often do they get new teachers?”

Chief Perry- “Every time they get a new teacher, they have one on one training with Sgt. Arrington. It’s called the Run-Hide-Fight program.”

Eisenhower- “Stricker was the only one built with some defenses in it right? As far as getting in and out.”

Chief Perry- “As far as getting in and out, no. They remodeled the Elementary School to have it. The middle school is buzz in. The only one that is wide open is the High School.”

No other questions presented to Chief Perry.

AMENDMENTS TO THE AGENDA

Yes, Resolution #377 was added to Ordinance and Resolution section.

Mayor Davidson called for a motion.

Councilman Richman motioned to approve the Amended Agenda as presented.

Councilman Tomlinson seconded the motion.

Roll Call:

Tomlinson-Yes

Eisenhower-Yes

Duncan- Yes

Richman-Yes

DECLARATION OF CONFLICT

None

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 citizens signed up and no public testimony given.

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.

Public Hearings

None

3. NEW BUSINESS:

A. DISCUSSION-ACTION ITEM- Proposed revision to section B-11 and section C-1 of Personnel Policy for The City of Kimberly, adopted on January 8, 2019. *Carrie Kimball-Action per adoption of Resolution #377*

Carrie had Mayor and Council look at page 21 and went over the proposed changes. Section B-11 covers Jury Duty. It was explained that it doesn’t happen often, but when it does it hasn’t been for a day or two. The current policy says you get 3-days of Jury Duty Pay, and then that employee would have to exhaust your sick and vacation time. It was discussed by Mayor and Department Heads that it’s a situation where if you are called to serve you have to serve. Its not a personal choice. The old policy has been struck out and the new proposed policy is highlighted in yellow. ***It states: Leave with pay will be granted to full-time and regular part-time employees called to serve as a juror or witness for any federal, state, or local court of law on a day that would have been a regularly scheduled workday. No overtime rates shall apply. Jury duty or court leave pay shall not apply for any court case involving a personal matter. Documentation only, of court fees paid by the court and received by an employee, establishing the days / hours the employee served jury duty, except for mileage reimbursement, shall be***

provided to the payroll office upon receipt as soon as possible. The payroll office shall make any necessary adjustments to the employees future check, incorporating the paid court fee documentation. The employee is not required to give the City any court fees paid.

Craig- “The section that you see highlighted there is wording I’ve used it 2-3 other jurisdictions. Checking with other agencies in the near vicinities, this seems very appropriate. It allows the employee to serve without exhausting all the built-up hours they have. When Roxie first started, she had Jury Duty, if you remember. There was no sick leave or vacation there. Then I had one while I was dealing with my brother. Again, you go in there and wait, you’ve all been there. This cleans that up.

Mayor- “Any questions Council?”

Eisenhower- “The only thing I question in the portion that has been struck, says a full pay will be provided... Just eliminate Full pay at the top, and lead with Pay.

Mayor- “It does say Full Pay.” “Leave with pay will be granted to... oh I see”

Eisenhower- “Right, it’s very specific to say full pay. “

Duncan- “Well it does say they have to turn in their paperwork to personnel from the Court System to get their regular pay.”

Eisenhower- “Right...again I’m just if you think its fine then I guess its okay. To me it’s a little ambiguous and a little vague. You were pretty specific below, other than that I don’t have to much of a problem with it. I’m curious, I’ve worked for a number of places. I know that everyone up here has worked for a number of places. I’ve never worked for a place that has this level of compensation for Jury Duty. Has anyone else ever worked for someone that had this level of compensation?”

Duncan- “NO, no I worked for places the chastised people who got called for Jury Duty.”

Eisenhower- “But I mean going above and beyond for full pay.”

Duncan- “I think it’s good to encourage our employees to serve if called.”

Eisenhower- “I’m all for Civil Duty, I am, but”

Duncan- “Especially since we are a government entity.”

Mayor- “As Carrie stated, they don’t have a choice when they get called to Jury Duty. Sometimes you get called to a long drawn out one and they don’t have the time built up. I don’t want to have an employee that can’t pay their bills for the month because of it.”

Eisenhower- “Look, it’s just a point of discussion. We are out here discussing it. I’m all for making sure our employees are treated fairly. This actually feels to me like we are treating them more fairly than other work places. Its above and beyond any others I’ve seen. I know you say

you've used it Craig, I just want to call that out. Again, as a responsibility to our tax payers, I don't want them to say, holy cow they are really above and beyond paying employees for Jury Duty. I'm not saying it's a bad thing, I'm just calling it out as a point of discussion. I'm making sure we have a discussion and its not just rubber stamped. So, if no one else has anymore comments we can move on. I just wanted to throw that out there.

Tim Stover- Documentation only, of court fees paid by the court and received by an employee. So, what we are saying here is, they do get a check from Jury Duty. So, does that get subtracted out?

Carrie- "It doesn't. The end statement states: The employee is not required to give the City any court fees paid. The Statement they are required to turn in will actually show the days and hours they were there. So, this eliminates an employee over stating when they were there. That's what I will attach to their timesheet to show when they were there."

Duncan- "So this says: The payroll office shall make any necessary adjustments to the employees future check incorporating the paid court fee documentation. That doesn't mean you deduct that from their check?"

Carrie- "no."

Duncan- "So they can get paid by the court and the city?"

Tomlinson- "Well I read it as they get to keep the money, but they have to show when they were there."

Eisenhower- "So I've been to Jury Duty once here. They actually check you out? You have a receipt of you showing up but what about when you take off? I didn't think there was proof of that"

Carrie- "They will send documentation as to what days, and times you were there. A clocked in and out time."

Eisenhower- "If they dismiss you, you just walk out."

Carrie- "Correct, they still keep track, it will say dismissed and give the date."

Eisenhower- "As long as that stub says that, as far as the in and out. Im fine."

Carrie- "Yes, they have details, and if you need more specific information, you can call down to the clerk's office and inquire further."

Tomlinson- "I go next week so we will see what they give me."

Eisenhower- "yeah"

Duncan- "Now does this pass the muster for you Tim?"

Tim Stover- “Yes, I don’t think it’s a big enough deal to revise any language. This is a situation that probably won’t happen often at all. I’m okay with it provided Carrie’s explanation.”

Carrie- “Next on page 23 at the bottom. We have Stricken out Who have completed 3 months of full-time employment. It was a group decision on discussion of taking that out. Vacation and Sick leave start accruing the day they start. They earn 8 hours a month in Vacation and 8 hours a month in Sick Leave. Its currently written that you have to wait the 3 months before you can take any of that time. We are suggesting it be changed to being able to use as you accrue it.

Eisenhower- “As they accrue it, they can use it. Can you borrow against the time?”

Carrie- “No.”

Eisenhower- “Some people can, so just making sure.”

Carrie- “No, in fact Caselle shoots out a warning in payroll if it goes over the available time. In fact, you earn 4 hours every pay period. You can not use those 4 hours until the first day of the next pay period.”

Mayor- “as its written now they have to wait three months before using any time. If you approve this, they will be able to use it immediately as they earn it.”

Craig- “If we remember a few years ago all of admin was out for quite awhile sick. Some were new employees that hadn’t been here three months. There was a donation from my pot to them to help cover their time. So, I think its important to allow our employees to use it if they have it.”

Duncan- “I think it’s a generous gesture from the city to our employees. There’s not a lot we can do to compensate our employees for everything they do. Some of them work here for a rate lower then going some place else. The Police, and really everyone here. Brian, Craig, the girls, I mean really everyone here works at a lower rate. It’s a gesture we can do that may prove valuable to somebody. We have to really look at how to retain who we have.”

No further questions or comments.

4. UNFINISHED BUSINESS-

- A. DISCUSSION ITEM-** Rock Creek Fire Dist. Development Impact Fee information.
Chief Aaron Zent

Chief Zent was not present. Mayor has moved this off to the next meeting.

5. 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 10, 2022

B. Accounts Payable for May 11, 2022 – May 24, 2022

General Fund	\$ 26,120.72
Water Fund	\$ 25,982.68
Sewer Fund	\$ 14,182.15
Library	\$ 796.48
TOTAL	\$ 67,082.03

Councilman Richman motioned to approve the consent calendar as presented.

Councilman Tomlinson seconded the motion.

Roll Call:

Tomlinson-Yes

Eisenhower-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- RESOLUTION NO. 377 - A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF KIMBERLY AMENDING THE CITY OF KIMBERLY PERSONNEL POLICY MANUAL REGARDING SECTION IV EMPLOYEE CLASSIFICATION, COMPENSATION AND BENEFITS, SECTION (B) (11), COMPENSATION POLICIES; AMENDING SECTION IV (C) (1), EMPLOYEE BENEFITS, VACATION LEAVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Davidson called for a motion.

- A. Councilman Eisenhower motioned to approve RESOLUTION NO. 377 - A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF KIMBERLY AMENDING THE CITY OF KIMBERLY PERSONNEL POLICY MANUAL REGARDING SECTION IV EMPLOYEE CLASSIFICATION, COMPENSATION AND BENEFITS, SECTION (B) (11), COMPENSATION**

POLICIES; AMENDING SECTION IV (C) (1), EMPLOYEE BENEFITS, VACATION LEAVE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilman Duncan seconded the motion.

Roll Call:

Tomlinson-Yes

Eisenhower-Yes

Duncan- Yes

Richman-Yes

7. ADMINISTRATIVE / STAFF REPORTS -

Chief Perry- Had nothing further to add tonight.

Craig Eckles-Updated council on the 3 lots west of Infinity Dental has sold to 1 individual. From his understanding 1 of the 3 will be used for medical. Mr. Shepard bought lots 1 & 2. Looking forward to seeing this developed and will keep everyone posted. Job well done to the Chief. Craig will be coming back to him on the DIF figures. These are figures that have to be directly tied to the City of Kimberly. Craig will be discussing this with Chief in less than 9-months and will need actual city tied figures. It will require an actual break out to calls pertaining to city limits and what type of calls they were. He expressed his appreciation in advance. The Preliminary Plot for Canyon Glen is now done. He agreed with what chief stated in his presentation that Kimberly is changing. Reminds him of Garden City. What we are seeing for DIF is not in the new sub-divisions, and he has to prove that the building permit is tied to the impact. Updated council that at last P&Z meeting he almost had to call the Police in. There was an angered citizen that was not following the rules as the P&Z President was asking of. He would not leave the podium after being asked 3 times. There was a lot of refusal and over talking by this citizen. He then went to the corner and glared at the committee the rest of the time. It had nothing to do with him or his property. He was upset that the field was being developed and he no longer had a place to go for walks for himself and his dog. It will not happen again, and next time the law will be involved. I plan on having my cell phone right with me to call if needed.

Chief Perry- “I suggest you have one of the panic buttons up here as well. Once you push that it alerts SIRCOMM, which then tells us there’s an emergency at City Hall. It also flashes and has a siren down our hall so we can respond if we see it going off.”

Carrie- “yes, its about 45 seconds by the time our PD gets the call.”

Duncan- “Are they portable?”

Chief Perry- “Yes.”

Duncan- “I think that’s a great idea.”

Craig- “As we grow and mature as a city, as this individual was leaving, he stopped right by where Carrie is sitting today. He got ahold of my arm. I told him he needed to let go. We need to maybe work on how things are set up here. We need to be able to get up and pull away.”

Brian Reed- Updated Mayor and Council on the wonderful Clean Up Day the City help on May 21, 2022. There was a great turn out of residents. CSO Alex Geerhart did a marvelous job for his first year. Tom did an amazing job keeping things compacted down and moving along. The residents had many thanks to give to the city. Crew will be working on the Sage Street fire hydrant, the old one wasn't working. Polk Street/HWY 30 cross walk light seems to be working just fine now.

Carrie Kimball- Had nothing further to add tonight.

8. COUNCIL COMMENTS –

None

9. MAYOR COMMENTS –

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)

None

ADJOURNMENT:

Mayor, Burke Davidson

City Clerk, Carrie Kimball