

# City of Kimberly MINUTES

City Council  
MEETING MINUTES

June 14, 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 1-904-580-9484 Enter the Pin number 412 708 266 followed by the pound # sign.**

*There were no phone participations.*

## **CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**WELCOME – PLEASE TURN OFF CELL PHONES – THANK YOU**

## **ROLL CALL OF CITY COUNCIL MEMBERS**

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

## **CEREMONIES, ANNOUNCEMENTS, PRESENTATIONS**

*None*

## **AMENDMENTS TO THE AGENDA**

*None*

## **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- DISCUSSION-ACTION ITEM-** Kimberly Grant Award Application– Rock Creek Food Pantry – 325 ½ Madison Street E. – Request is in the amount of \$2,500.00 for fiscal year 2022- *Burke Richman* – Robyn Moss

*Councilman Duncan motioned to approve Kimberly Grant Award Application– Rock Creek Food Pantry – 325 ½ Madison Street E. – Request is in the amount of \$2,500.00 for fiscal year 2022*

*Councilman Richman seconded the motion*

*Roll Call:*

*Tomlinson-Yes*

*Eisenhower-Absent*

*Duncan- Yes*

*Richman-Yes*

- B. DISCUSSION ITEM-** Council to consider the employment contract of Jed Kloer as a certified Wastewater Collection Operator II. *Craig* – *Council action per Res. No. 378*

**Craig-** briefed the Council on the need for the contract due to a vacant position in the public works department and that the contract provided the necessary license for wastewater collection operator II status compliance. Based on hands on experience required and test certification the city is in need of this contract through 2024.

**Duncan-** stated we that we need to keep the required certified licenses and appreciated that Mr. Kloer was able to back the city.

**Craig-** agreed and stated that Jed came in and helped the city this week with a live water line break on Oak St. N., helping the new P.W. staff. Brian and Craig appreciate him greatly.

#### **4. UNFINISHED BUSINESS-**

- A. DISCUSSION ITEM-** Rock Creek Fire Dist. Development Impact Fee information.  
*Chief Aaron Zent – Anne Wescott – Galena Consulting – DIF packet e-mailed 04-22-2022 and handed out on 05-24-2022 to CC & Mayor on April 22, 2022*

**Chief Zent and Ann Wescott-** went back over the same document presented the last time Chief Zent was here (*see insert. Audio available upon request*). Chief Zent and Ann Wescott stood for questions from Council.

**Richman-** referred to Idaho statutes regarding Development fees. It talks about the proportionate share. Looking at the proposal the CIP, over half of it is going to the Murtaugh station. He stated that was what the council was struggling with. How is it proportionate?

**Ann Wescott-** Responded, stated those statutes mean that they don't charge development for something that is not growth related. Everything listed in this CIP is growth related. She explained how Rock Creek Fire Department is a whole District. She stated that there is in fact more growth in the City of Kimberly for the District, but the district as a whole need serviced. She touched on the Fire Insurance Rating rates going down and that would need to have geographic coverage to happen.

**Duncan-** continued the questioning of the location. She understands it's a district. She had asked last meeting about growth projections. Based on 1179 residential units. She wants to know what percentage of those units are in Murtaugh. This still has yet to be answered.

**Ann Wescott-** Said to her recollection in it, largely the City of Kimberly that will have the growth. However, Kimberly already has a station. They are looking at it as a District, not just for the City of Kimberly. She mentioned the fast growth happening out in the other part of the district. Calls are being generated in Murtaugh and Hansen more then they have in the past. Kimberly is also growing significantly. We don't want it to pull away services to Kimberly. Existing residents don't pay for any of this.

**Duncan-** Referenced the Tax documents, and made clear the growth is not happening on the other side of the district. It's the City of Kimberly and Twin Falls County that's growing. Especially the County area that surrounds Kimberly. The question was also asked last meeting, and this one: as to how many actual fires are happening in Murtaugh. She stated she means actual fires, not EMS calls. According to last meeting and the handouts we aren't to count those calls.

**Zent-** answered that about 18% of the calls were in Murtaugh and Murtaugh County area. He can get exact numbers for you on fires verses EMS calls. It will take quite some time to get

those. He said he can for sure say from total call volume, its 80% medical and 20% fire related. Hazardous materials, car accidents, are all part of the fire calls. Only 3 actual fires last year.

**Tomlinson-** Mentioned that in 20-21 there was no growth in the Murtaugh area. He wants to know how they justify a 5-million building out there. He asked for the reasoning behind this. He apologized that he is trying to understand what he's asking for, he just doesn't see the justification.

**Mayor-** Pointed out that he and Council are really searching to understand how the presentation justifies equal sharing.

**Tomlinson-** stated the growth isn't out that way.

**Duncan-** stated she feels like its based on 1179 new residential units. It feels like we are penalizing a builder and owner in Kimberly, when you're going to build everything in Murtaugh where there is no growth.

**Ann Wescott-** Feels there will be building out that way. She has done study's, talked to builders and so forth.

**Mayor-** wants to know, how many of the 1179 houses are Murtaugh. Hansen. County.

**Ann Wescott-** Stated she would have to get back to them on it.

**Zent-** explained that the Murtaugh response time is about 12 min, Hansen is about 6 min, and Kimberly is 5 min and under. Getting response times down would lower the Insurance Fire Rate from 5% to a questionable 3%. Murtaugh crew wont just stay in Murtaugh. Kimberly crew wont just stay in Kimberly. Dispatching from both stations to all of district.

**Craig-** Asked for clarification to the benefit of new growth in Kimberly. Would coming from the Murtaugh station to Kimberly in theory would lower the Kimberly Citizens Fire Insurance classification from 5% to a questionable 3%. Is lowering the rate is the Kimberly resident benefit?

**Zent-** agreed with this. Insurance premiums all over the district would be lowered. Murtaugh was the best location they came up with. He stated in the past he has delivered everything he had promised.

**Duncan-** Explained that there is no argument as to how well RCFD serves the community. They are having a problem with the proportionality of the funds. The revenue from the DIF's need to be generated from the other towns equally.

**Mayor-** Explained that the City values RCFD. Chief Zent has answered some of the questions form the last meeting that were asked. He spoke his appreciation of the district.

**Richman-** Questioned the hand out that was given in April of 2022. It says the calls for service for Jerome County had 101 for EMS response out of 482 total calls for the time. Richman wanted to know if this was normal for the high calls in Jerome County.

**Zent-** Explained that they are contracted with Jerome County for QRU's for Eden to Hazleton. They get paid a certain amount of money for that coverage. He stated allot of those calls are on the Interstate. Those calls keep going up every year. He is uncertain of a long-term solution for that. Right now, its just the best option to serve people. They are not fire calls, just an ambulance or QRU. They come up with a formula for payment. This year its \$42,000.00 or \$52,000.00.

**Richman-** Asked if the proposed new Murtaugh station would respond to these calls. As stated previously they DIF's don't allow for the QRU numbers.

**Zent-**We would. It would be closer. That's not the big picture of this though he stated. We look at the 5-mile response time.

**Tomlinson-** Asked if it would be reasonable to do to the district and tell them the area of coverage is too big. RCFD is asking for a lot, and wanting the money from here.

**Zent-** Stated if they were to do that it would cost the tax payers more money.

**Duncan-** Stated a separate District would still need to build, equip, and staff.

**Tomlinson-** stated this direction of DIF isn't saving Kimberly residents anything.

**Duncan-** Revisited the 8-year mark on fees. You have to set up a plan and prioritize. Every project has a separate account and portions of fees were designated to these accounts. Where are the other cities and county on this?

**Ann Wescott-** stated if it's made in year 1, must be spent by year 8. The cities fees are set up that way for an internal accounting purpose. Yours is City based. Stated a CIP states you have to pick what you want to put your money to insure no decline in service. To protect the ISO rate. If the plans change, they have to come back and redo all of this. Murtaugh is ready to adopt, Hansen is getting ready, Kimberly will have to adopt before the County will.

Ann explained that the City of Kimberly would collect the RCFD DIF and then cut a check back to the Fire District after collected. If goals are not met and growth slows way down, records need to be kept on who pays. The money would go back to those people or RCFD buys what they can and close the accounts. Strategies can be revised.

**Craig-** Explained that the city would not be collecting the fees for RCFD. In order to keep the books clean, if fees are collected, there would be a separate check written to RCFD and the city would bill RCFD for any applicable admin fees.

**Ann Wescott-** Responded in favor of whatever and however the city chooses to handle that it would be their policy.

**Zent-** Concluded, if the DIF for RCFD were not supported by Council: RCFD would have to start cutting out services for the city of Kimberly. Chief Zent mentioned they would no longer be able to test our fire hydrants or do fire inspections for Business License.

**B. DISCUSSION ACTION ITEM- City Hall access.**

**Craig-** stated that he had been in contact with several cities, and ICRMP. What I have to report so far, is that some cities restrict building access to employees only. The elected enter during city hall open hours. There were a few cities that stated due to security access, the mayor and council president were allowed access to the building after hours, as they would be the chief in command for day-to-day operations. He will continue to wait on ICRMP to see what they have to say and get that back to you.

**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 24, 2022**

**B. Accounts Payable for May 25, 2022 – June 14, 2022**

General Fund	\$ 36,496.25
Water Fund	\$ 9,539.41
Sewer Fund	\$ 29,163.80
Library	\$ 1,540.78
<b>TOTAL</b>	<b>\$ 76,740.24</b>

*Councilman Tomlinson motioned to approve the consent calendar as presented.*

*Councilman Richman seconded the motion.*

*Roll Call:*

*Tomlinson-Yes*

*Eisenhower-Absent*

*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. 378 - RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF KIMBERLY, IDAHO, APPROVING A**

CONTRACT FOR EMPLOYMENT OF A LICENSED / CERTIFIED INDEPENDENT CONTRACTOR, PERFORMING AS A SECONDARY CLASS I WASTEWATER COLLECTION OPERATOR; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY THIS CONTRACT AS DESCRIBED HEREIN BELOW.

*Councilman Duncan motioned to approve **Resolution No. 378** - RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF KIMBERLY, IDAHO, APPROVING A CONTRACT FOR EMPLOYMENT OF A LICENSED / CERTIFIED INDEPENDENT CONTRACTOR, PERFORMING AS A SECONDARY CLASS I WASTEWATER COLLECTION OPERATOR; AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY THIS CONTRACT AS DESCRIBED HEREIN BELOW.*

*Councilman Tomlinson seconded the motion.*

*Roll Call:*

*Tomlinson-Yes*

*Eisenhower-Absent*

*Duncan- Yes*

*Richman-Yes*

## **7. ADMINISTRATIVE / STAFF REPORTS -**

**Chief-** Updated Mayor and Council the grant from Homeland Security in giving Jackie Fry the thumbs up on all of her great work. The Department of Justice Grant has been awarded to the City of Kimberly. Chief is still waiting to see if it will be a full award or partial. There were 118 agencies awarded. This grant will supply the Police Department with all new desk top and car computers if awarded fully. There is a zero match on this grant. He will submit the letter to legal counsel to go over once he receives it.

**Craig-** Encouraged Mayor and Council to look at their tax documents from the last meeting. Take close looks at the December 2021 figures. The tax base information from T.F. County shows you who has provided the larger share of general fund dollars to RCFD for their operating budget, it is Kimberly and Twin Falls County, not Hansen and Murtaugh.

**Brian-** Thanked everyone for their kind words and support from his fathers passing. Updated on the crack seal project currently going on around town. Stated materials are short this year. Chip Seal project is looking like it will take place in late August. Lots of jetting going on in sewer. Gearing up for KGND already and starting to place banners. Brian updated that the main city park slide is in and will be installed shortly. All other projects and developments moving right along.

**Carrie-** Gave the Mayor and Council an example of the Jury Duty submission from latest employee that served. This was to back up the recent policy change.

## **8. COUNCIL COMMENTS –**

*None*

**9. MAYOR COMMENTS –**

*None*

**10. EXECUTIVE SESSION – DISCUSSION-ACTION ITEM-**

*None*

**ADJOURNMENT:**

---

Mayor, Burke Davidson

---

City Clerk, Carrie Kimball