

City of Kimberly minutes

City Council
MEETING minutes

september 13, 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 1-402-295-5407 Enter the Pin number 649 437 878 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

City Clerk Carrie Kimball took roll call:

Tomlinson-Yes

Eisenhower- Absent

Duncan- Yes

Richman- Yes

CEREMONIES, ANNOUNCEMENTS, PRESENTATIONS

None

AMENDMENTS TO THE AGENDA

There were two amendments to the agenda.

1. The addition of an Executive Session-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 (c)
2. Correcting Accounts Payable to reflect removing the invoice of Intellichoice in the amount of \$2967.74 from line item #01-421-460. Reducing the General fund from \$59,946.05 to \$56,978.31. Total payables adjusted from \$109,943.50 to \$106,975.76.

Mayor Davidson called for a motion:

Councilman Tomlinson motioned to approve the Amended Agenda.

Councilwoman Duncan seconded the motion.

Roll Call:

Tomlinson-Yes

Eisenhower-Absent

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.

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

A. Proposed Budget Amendment for Fiscal Year 2022 per Idaho Code 50-1002, for consideration to amend said budget to incorporate State of Idaho HB 772 funding in the amount of \$77,214.44. The sum of \$77,214.44 be, and the same is appropriated to defray the expenses and liabilities of the City of Kimberly, Twin Falls County, Idaho, for the fiscal year 2022,

beginning October 1, 2021, ending September 30, 2022. Craig – Carrie Action *by Council per Ord. # 675*

Craig and Carrie went through the handout (See insert) and stated that the HB 772 funds were used for additional Chip Seal on the Aug. 2022 Chip Seal project.

Mayor Davidson opened the Public Hearing.

No participation from citizens.

Mayor Davidson closed the Public Hearing.

3. NEW BUSINESS:

- A. DISCUSSION-ACTION ITEM -** Special Event Application for Show and Shine Classic Cars -closure of Main Street, between Center Street and Madison Street. Street closure on September 24, 2022 during the hours of 6:00 p.m. to 10:00 p.m. Applicant, Aaron Gupton doing business as Guppies Hotrod Grille. Application is attached and was approved by Chief Perry. *-Craig Eckles and Aaron Gupton*

Craig stated that the packet looked complete and had the approval of Chief Perry.

Chief Perry agreed that everything looked to be in order.

Aaron Gupton (1935 San Larue, Twin Falls Idaho) Commented that the event will indeed be as described in the application. All neighboring businesses had been notified of the street closure and reduction of parking from Main Street to Madison Street. He confirmed all Beer and Liquor sales and consumption would be done inside the Guppies Hot Rod Grille establishment along with the dance.

Mayor Davidson called for a motion:

Councilwoman Duncan motioned to approve the Special Event Application for Show and Shine Classic Cars -closure of Main Street, between Center Street and Madison Street. Street closure on September 24, 2022 during the hours of 6:00 p.m. to 10:00 p.m. Applicant, Aaron Gupton doing business as Guppies Hotrod Grille. Application is attached and was approved by Chief Perry

Councilman Tomlinson seconded the motion.

Roll Call:

Tomlinson-Yes

Eisenhower-Absent

Duncan- Yes

Richman-Yes

B. DISCUSSION-ACTION ITEM- Request for exemption of park reservation fees, paid by Synergy Brotherhood MC – benefit fundraiser for Voices Against Violence. Event is Scheduled for October 8th, 202 at the City Park. Fee Exemption, is for \$35.00 paid, per ICCU #3263. A nonrefundable, \$25.00 park application fee has been paid per check #3262. This Fee Exemption is in accordance to Kimberly Ordinance Ord. #654, Chapter 12. *Craig- Scott Flinn.*

Craig spoke on behalf of Scott Flinn (see insert). Craig notified Scott and was confirmed he would be here. Unsure why Scott Flinn was not in attendance to request the refund of Park Fees.

Mayor Davidson called for a motion:

Councilman Tomlinson motioned to approve the Request for exemption of park reservation fees, paid by Synergy Brotherhood MC – benefit fundraiser for Voices Against Violence. Event is Scheduled for October 8th, 202 at the City Park. Fee Exemption, is for \$35.00 paid, per ICCU #3263.

Councilwoman Duncan seconded the motion.

Roll Call:

Tomlinson-Yes

Eisenhower-Absent

Duncan- Yes

Richman-Yes

C. DISCUSSION-ACTION ITEM- Police Chief Perry requests council approval to disburse Mayor/Council Contingency funds per line item # 01-415-490, not to exceed \$4000.00 for future Police Officer Academy Tuition. This request is for Fiscal Year 2021-2022 and 2022-2023. – *Chief Perry*

Chief Perry spoke on the difficulties of hiring a new Police Officer. Other agencies are offering Tuition Reimbursement and feels its essential for his department to do the same in order to keep up with recruitment of a new officer.

Duncan asked if \$4,000.00 would be all that is needed to cover this.

Chief Perry replied that he hopes it will. He will be looking at costs from CSI and also other Academies.

Mayor questioned why this Fiscal year and next were both listed.

Duncan made the comment that she doesn't see it happening for this year so it will already be in place for next year.

Craig followed up with reminding council that some of the money in the Mayor/Council Contingency fund still has some unspent AARPA money that he has until December of 2023 to spend. The account looks great and could support this motion.

Tim Stover cautioned the Chief that the Reimbursement Policy should be in place and signed with this Tuition Reimbursement.

Council agreed.

Mayor Davidson called for a motion:

Councilwoman Duncan motioned to approve to disburse Mayor/Council Contingency funds per line item # 01-415-490, not to exceed \$4,000.00 for future Police Officer Academy Tuition. This request is for Fiscal Year 2021-2022 and 2022-2023. With Reimbursement Policy in place.

Councilman Tomlinson seconded the motion.

Roll Call:

Tomlinson-Yes

Eisenhower-Absent

Duncan- Yes

Richman-Yes

4. UNFINISHED BUSINESS-

A. DISCUSSION-ACTION ITEM-

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 August 23, 2022

B. Accounts Payable for August 24, 2022 – September 13, 2022

General Fund	-\$ 59,946.05	\$56,978.31
Water Fund	\$ 32,459.34	
Sewer Fund	\$ 16,995.58	
Library	\$ 542.53	
TOTAL	-\$109,943.50	\$106,975.76

Mayor Davidson called for a motion:

Councilman Tomlinson motioned to approve the Consent Calendar with amended figures.

Councilwoman Duncan 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-** AN ORDINANCE 675 OF THE CITY OF KIMBERLY, IDAHO, AMENDING ORDINANCE 667 THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR 2022; BEGINNING ON THE 1ST DAY OF OCTOBER, 2021, AND ENDING ON THE 30TH DAY OF SEPTEMBER 2022, APPROPRIATING ADDITIONAL FUNDS RECEIVED BY THE CITY OF KIMBERLY, IDAHO. AMENDMENT IS INCORPORATING STATE OF IDAHO HB 772 FUNDING.

Mayor Davidson called for a motion:

Councilwoman Duncan motioned to approve ORDINANCE 675 to pass by title only with 2nd and 3rd reading being dispensed.

Councilman Tomlinson seconded the motion.

Roll Call:

Tomlinson-Yes

Eisenhower-Absent

Duncan- Yes

Richman-Yes

Mayor Davidson called for a motion:

Councilwoman Duncan motioned to approve AN ORDINANCE 675 OF THE CITY OF KIMBERLY, IDAHO, AMENDING ORDINANCE 667 THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR 2022; BEGINNING ON THE 1ST DAY OF OCTOBER, 2021, AND ENDING ON THE 30TH DAY OF SEPTEMBER 2022, APPROPRIATING ADDITIONAL FUNDS RECEIVED BY THE CITY OF KIMBERLY, IDAHO. AMENDMENT IS INCORPORATING STATE OF IDAHO HB 772 FUNDING.

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 DOJ Crimes against Children Grant has finally come through and will be awarded next Fiscal Year for their new computers throughout the department. Chief was very excited to update ISP Trooper that was in that horrible accident seems to be making great strides in his recovery. Prayers and good thoughts to him and his family. Detective Saufley is in Boise attending a class on Internet Crimes Against Children. SRO Arrington has been very busy in the schools. Officer Perez is in her 2nd phase of training and doing well. Thanked Counsel again for approving the Tuition Reimbursement.

Duncan asked if other Departments go to the schools to recruit.

Chief answered yes, Arrington will be up at ISU for training in November and will be stopping by there as well.

Craig- Updated Mayor and Council that he will be coming to them with an Annexation and Plat map west of Sierra Way. He had some sewer capacities for west of 3400 to go that direction. There maybe some pressure reduction in water. The Plat of Sage Alyeska at the end of Brentwood is on the radar. Building permits are not racing in here like they were prior to the DIF, things are felling more normal. He is looking forward to the Executive Session.

Duncan asked Craig, looking at the last minutes in the new budget, the Department Head wages go immediately into effect, correct.

Mayor replied no, it will be on the agenda. Department Heads themselves will disburse to their employees and then their wages come back to Council.

Craig stated he would answer the question sense it was addressed to him. Craig read the minutes and comments made by Councilman Richman prior to their voting to approve the budget:

“Councilman Richman- Expressed his gratitude to the entire staff and praised the work that is done here. He stated what a hardworking and talented staff we have and many have years of experience that is such a benefit to the city. The city has run very well the last few years and have also reduced the Levey from 9% to around 4%. That’s good for the community, and its this staff that has done it. Councilman Richman reminded everyone that the wage increases were not a COLA increase, but an increase to each department wage line: for the Department Heads to disburse as they see fit, and that the Department

Heads wages are disbursed by the Council at the start of the new Budget year. He stated that in the past Department Head increases have been held till as late as January. He wants to see them in October when the new FY 2023 starts.” Craig asked Councilman Duncan if that answered her question.

Duncan replied yes it did

Mayor commented he wanted it on the next agenda

Craig reaffirmed that the Mayor wanted it noticed up and that it would be on the next agenda.

Brian- Updated Mayor and Council that there is an asphalt shortage and projects are getting done as able. The crew has been working extra hard on the weed abatement and just busy in general. He went over the RV Dump figures (*see insert*). Ballards III will hopefully be paving by September 23, 2022. Centennial Sub-Division will hopefully be finishing up later this week. They ran into some asbestos pipe that they are dealing with properly.

Carrie- Had nothing further this meeting.

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)

- A. Discussion – Action Item - Executive Session -** 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 (c)

Mayor Davidson called for a motion:

Councilman Tomlinson motioned to Enter into Executive Session - 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 (c)

Councilwoman Duncan seconded the motion.

Roll Call:
Tomlinson-Yes
Eisenhower-Absent
Duncan- Yes
Richman-Yes

B. Discussion – Action Item – Decision if any regarding executive session.

Mayor Davidson called for a motion:

Councilwoman Duncan motioned to reconvene back into regular session

Councilman Tomlinson seconded the motion.

Roll Call:
Tomlinson-Yes
Eisenhower-Absent
Duncan- Yes
Richman-Yes

Mayor Davidson called for a motion:

Councilwoman Duncan motioned to direct the City Administrator to proceed as directed in the executive session.

Councilman Tomlinson seconded the motion.

Roll Call:
Tomlinson-Yes
Eisenhower-Absent
Duncan- Yes
Richman-Yes

ADJOURNMENT:

Mayor, Burke Davidson

City Clerk, Carrie Kimball

