

# City of Kimberly minutes

City Council  
MEETING minutes

September 26, 2023

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 505-738-2395 Enter the Pin number 151 697 996 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*

*Duncan- Yes*

*Richman- Yes*

## **CEREMONIES, ANNOUNCEMENTS, PRESENTATIONS**

**Craig Ginder** residing at 821 Elm Street N. Kimberly, ID 83341. Mr. Ginder has concerns about the parking on Main Street down by Home Heating and Air. He thinks they should build a parking lot for their employees. Everyday they are taking up all of the parking on North Main Street. He feels the parking lot should be built on the North side of their building. Mr. Ginder also wants traffic striping on Polk Street East. He feels it would keep drivers on their own side of the road. He wanted to know why this has not been done.

**Mayor** thanked Mr. Ginder for his concerns and suggestions and ask that he meet up with Craig to go over this. Craig agreed to address Mr. Gander's concerns.

## **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.

**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. DISCUSSION – ACTION - Public Hearing-**

*None*

**3. NEW BUSINESS:**

- A. DISCUSSION-ACTION ITEM-** Mayor to recommend and Council to appoint Debbie Ginder, Library Trustee, for A 5-year term beginning October 1, 2023 ending September 30, 2028.- *Mayor Davidson*

*Mayor Davidson made a recommendation and called for a motion:*

*Councilman Richman motioned to approve the Mayor’s recommendation and Council to appoint Debbie Ginder, Library Trustee, for A 5-year term beginning October 1, 2023 ending September 30, 2028.*

*Councilman Tomlinson seconded the motion.*

*Roll Call:*

*Tomlinson-Yes*

*Duncan- Yes*

*Richman-Yes*

**B. DISCUSSION-ACTION ITEM-** Mayor – Council Contingency general fund request. – Kimberly Police Department, requests an upgrade of evidence data storage – backup from local onsite, to off-site cloud based, utilizing the Axon Enterprise, Inc. service provider. Upgrade is not an annual payment and covers five years, unlimited storage service. Upgrade includes the replacement of all body cameras to be compliant with the Axon Enterprise system and any onsite equipment upgrades. The one-time fee is \$55,841.10 less a one-time payment discount of 3.0845% (-\$1,722.48) for a net onetime payment of, \$54,118.62, due September 2023. Service shall be in operation September 2023. Requested funds are from Mayor/Council Contingency, general fund, line item 01-415-500. -*Chief Perry, Ben Stephenson, Craig Eckles*

**Chief Perry** presented the packet to Mayor and Council (see attached). Chief Perry addressed all of the points in the handout. He stated a few years back they didn't realize how much space or cases were going to be coming up these last few years. He feels very confident with Axon and their product.

**Ben Stephenson** stated Chief Perry had informed them very well and also backs the decision.

**Duncan** asked for clarification regarding the Contingency balance and committed funds.

**Craig** stated that of the remaining \$99,000, there is approximately \$40,000 that is funding from ARPA for the generator. Because the generator is not deliverable this 2023 fiscal year, the entire amount is available for fiscal year 2023 expenditures. This hard-drive failure was several weeks ago, when it happened the chief was devastated. This expenditure should be funded out of the 2023 fiscal year. The generator ARPA expense has been re-stated in the 2024 fiscal year budget under the buildings and grounds line item. Axon is the industry standard. Having the storage offsite is a plus for many reasons. Craig has many years of experience with them in two other jurisdictions they are the predominant provider. The Chief will need to begin budgeting approximately \$9,000 a week.

**Duncan** asked how much?

**Craig** stated no that is wrong, my mistake, approximately \$11,000.00 a year, starting 2025. Into a restricted account for the future contract to be enacted in five years.

*Mayor Davidson called for a motion:*

*Councilman Richman motioned to approve the Mayor-Council Contingency general fund request. – Kimberly Police Department, requests an upgrade of evidence data storage – backup from local onsite, to off-site cloud based, utilizing the Axon Enterprise, Inc. service provider. Upgrade is not an annual payment and covers five years, unlimited storage service. Upgrade includes the replacement of all body cameras to be compliant with the Axon Enterprise system and any onsite equipment upgrades. The one-time fee is \$55,841.10 less a one-time payment discount of 3.0845% (-\$1,722.48) for a net onetime payment of, \$54,118.62, due September 2023. Service shall be in operation September 2023. Requested funds are from Mayor/Council Contingency, general fund, line item 01-415-500.*

*Councilman Tomlinson seconded the motion.*

*Roll Call:*

*Tomlinson-Yes*

*Duncan- Yes*

*Richman-Yes*

- C. DISCUSSION-ACTION ITEM-** 3-Emeralds, LLC – Nick Perron requests final plat approval of Olsen Farms Subdivision – Phase I, 68 lots, Phase II, 59 lots, 1 track parcel for PI-pressurized irrigation -storm water retention and 1 track for the sewer lift station / storm water retention. *Craig Eckles, Nick Perron, Lars Anderson, – Council Action required*

**Craig-** Went through the Staff Report and the conditions provided in the document (see attached). Craig hit on all of the conditions and made sure that Nick Perron and Lars Anderson acknowledged them. Craig stated it was a pleasure working with 3-Emeralds again, and appreciated their efforts and compliance here in the City of Kimberly.

*Mayor Davidson called for a motion:*

*Councilwoman Duncan motioned to approve the 3-Emeralds, LLC final plat as submitted with conditions – Nick Perron requests final plat approval of Olsen Farms Subdivision – Phase I, 68 lots, Phase II, 59 lots, 1 track parcel for PI-pressurized irrigation -storm water retention and 1 track for the sewer lift station / storm water retention.*

*Councilman Tomlinson seconded the motion.*

*Roll Call:*

*Tomlinson-Yes*

*Duncan- Yes*

*Richman-Yes*

- D. DISCUSSION-**Update on the CIPP concrete sewer pipe capacity increase. *Craig hand out info to be provided at meeting*

**Craig** Updated that the CIPP project was getting close to going out for bid. The original townsite is the Army Corp. project, and it's moving along nicely and in the final stages. Looking at mid-November to go out for bid. City Admin and Engineer from Twin Falls have scheduled projects over the next couple of years. He is hoping to get the same company that is doing Twin Falls. I spoke to Garrett Ballard from Watco, there are 2 spots where we go under the train tracks. We will be by-passing some sections. Craig is working with all the folks there very closely. In Ada County they pulled a railroad tie and the by-pass went through that vacated tie slot to avoid disruption of the tracks. That's the goal here. Eager to get this done, it's been in the works since 2018.

**Duncan** asked if there was a danger to old town of a collapse?

**Don** stated they will re camera all of it before placing anything.

**Duncan** asked if anything will have to be dug up if its broke?

**Don** stated possibly.

**Mayor** stated roots and any other debris will be removed first.

**Craig** stated that even broken or bumpy joints can be repaired right there. This project will line everything nicely. Kudos we have made it.

**Mayor** stated it was a home run with the Grant and at no extra cost to the citizens.

- E. DISCUSSION** – Update MVMPO – Magic Valley Metropolitan Organization – update – *Craig hand out info to be provided at meeting*

**Craig** Stated Trey Mink will be retiring October 17, 2023. Updated everyone that it looks like the effective date for MVMPO will be in about 2-weeks, and in full force hopefully mid-January. Craig went through the handout provided (*see attached*).

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

*None*

**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 September 12, 2023**

- B. Accounts Payable for September 13, 2023 – September 26, 2023**

General Fund	\$214,011.54
Water Fund	\$140,579.99
Sewer Fund	\$ 1,395.60
Library	\$ 829.75
<b>TOTAL</b>	<b>\$356,816.88</b>

*Mayor Davidson called for a motion:*

*Councilman Richman motioned to approve the Consent Calendar as presented.*

*Councilwoman Duncan seconded the motion.*

*Roll Call:*  
*Tomlinson-Yes*  
*Duncan- Yes*  
*Richman-Yes*

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

**Chief-** Thanked Mayor and Council for voting in favor of the Axon Storage for the Police Department. His department has been very busy, and shorthanded. Chief is still recruiting for the 1 position still open. Its not going as well as he had hoped for. Trying to find the right fit is difficult. Between vacations, sick leaves and being shorthanded, it's been tough.

**Don-** Stood in for Brian, and reported that his crew has finished up the patchwork projects around town. They applied the new tin roof on the gazebo at Centennial Park, and the Guppies ally project is complete. Sub-divisions are going well and they are staying busy.

**Mayor-** asked Don if he had heard of a shut off date for the PI water yet.

**Don** stated he has not heard an official date, but guessed around October 15<sup>th</sup> like years past.

**Craig-** Stated he appreciated Mr. Ginders comments tonight. Polk Street West is mostly County on the North side from The Boat Doc to Stricker. There may be additional stripping around the School, but until Polk Street is developed on the north side and incorporated into the city limits there is not enough public right of way to stripe Polk away from the Stricker campus. Chief you can touch on this.

**Chief Perry** stated there has to be a certain amount of feet to stripe a lane, it doesn't exist today.

**Duncan** County would frown upon the City doing that.

**Chief Perry** agreed, they would, it's to narrow. He understands Mr. Gander's concerns

**Craig** stated he hoped one day, that will all be part of the city and the Chief and he can address Mr. Ginder on the parking near the Senior Center.

Idaho Power, Janet Lierman, will be out for a while. Craig is working with Peggy on the new park. We are still 6-7 months out for power to get out to our pump. The people farming that ground are waiting for the PI system to be shut off, probably around the normal October 15<sup>th</sup> time, for the ground to be just right. I expect as the equipment delay continues, that the ground may be farmed again next year. Patterson Farm Subdivision will have lots of park ground developed in their project. Patterson Farms has been in the works since 2004 and platted 8 different times. This isn't new growth, just growth finally coming to fruition. They will be putting in 188 homes there between Main and Emerald. He said to look for curb, gutter, and sidewalk from Gem Ave to Ted Wasco's place just south of the FFA school building.

Craig reminded everyone about the new 4-way stop at Emerald and Gem. This was a big topic at the County and Commission meeting. People do not want to abide by the posted speed limits. He has witnessed some going 50-60 mph on Emerald. The Police Department can not have an officer there 24-7. He looks to see a 3-way stop in the future at 3600 and Emerald as well when Patterson and Canyon Glen build out.

**Carrie-** Went over the Monthly Fund Break down (see attached)

**Duncan** Stated she sees where we have amounts for our City DIF accounts. She wants to know how soon we will see DIF payments for RCFD.

**Craig** Stated that was a great question. Chief Zent said he was going to be here at your last presentation. As Craig stated at the prior meeting he had a conversation with Jack Johnson and Brent Reinke at the Flag Folding event about that. His recommendation to Chief Zent was ours was adopted and once he sends him an email we start collecting. As we know it's legally not required that everyone joins. There are places that don't want to be in the DIF. Murtaugh, Hansen, and Kimberly are adopted and ready to collect. He wants to hope that after the conversations over at the school that they are following through with their staff and DIF-Commission in adoption. Things are kind of changing over there with future elected positions. Aaron wanted to kick it all in at the same time or we will get the heads up to start collecting from Aaron. As they know, it was touched on earlier, that's a big part of it. Chief Zent went on record in the past meetings, and the minutes reflect how he would be shifting their budget to allow capital purchases, to free up needed payroll dollars. Aaron and Tim Daniels shared at the last Council meeting their new truck parked outside. They saved a considerable amount on, it is not the larger capacity unit, and was around \$450,000.00. Aaron's goal from their DIF presentation, is to fund specific capital purchases out of their DIF account and shift their portions of their collected tax base funds to their operating / payroll costs. As you can see from tonight's approval of Olsen Farms, we have four taxing districts approvals, for the annexation, preliminary plat and final plat. The annexation, preliminary plat and tonight's final plat approval, affect Kimberly's, RCFD, T.F Highway Dist., Kimberly School Dist. and other district tax bases. That's a good thing, especially for the RCFD, as it supports their DIF Ordinance. Chief Zent and Anne Wescott demonstrated to the Mayor and Council, this past year, how the tax base would be further freed by the RCFD DIF, leaving tax base funds to cover their payroll and M&O costs. Chief Zent and Anne reminded the Mayor and Council of the many attempts to get voter approval for a permanent override levy, for payroll and M & O, it just never quite happened. Craig expects to have Chief Zent give him the approval, to start collecting RCFD DIF, in the near future.

**Duncan** stated she was going to offer a remark, that everybody's hair was on fire, for the city of Kimberly to get their ducks in a row. We have had our ducks in a row for a long time. I rest my case.

**Craig** stated he could appreciate that and knows that it was talked about over at the city/county meeting in Buhl and at the recent flag folding event. Jack Johnson stated "they have egg on their face," and Craig agreed. Commissioner Reinke asked him, if he could assist their staff when the

time came. Craig told them he would do his best. The ball is in their court, and it would certainly help RCFD with their General Fund, capital purchases by shifting the money they need for payroll.

**7. COUNCIL COMMENTS –**

*None*

**8. MAYOR COMMENTS –**

*None*

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

*None*

**ADJOURNMENT:**

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Mayor, Burke Davidson

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City Clerk, Carrie Kimball