

City of Kimberly minutes

City Council
MEETING minutes

October 24, 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 1-605-574-1131 Enter the Pin number 858 068 658 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 –

Presentation of Good Conduct Award to Officer Wells and Officer Damron- *Chief Perry*

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.

PUBLIC HEARINGS:

A. DISCUSSION – ACTION - Public Hearing- Council to receive the P & Z Commission – DIF Committee's recommendations for City initiated text amendments per Ordinance No. 682. *Craig Eckles – Council Action required following public hearing.*

Ordinance No. 682 - AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING TITLE 6 ANIMALS, CHAPTER 6.04 ANIMAL CONTROL REGULATIONS GENERALLY, SECTION 6.04.030 KEEPING OF FOWL AND RABBITS PERMIT REQUIRED; CONDITIONS; ARTICLE I. LIVESTOCK; AMENDING TITLE 17 ZONING REGULATIONS, CHAPTER, 17.04 SECTION 17.04.100 SCHOOLS; CHAPTER 17.04 SECTION 17.04.130 OFFICIAL BUILDING HEIGHT AND AREA REGULATIONS; CHAPTER 17.07 SECTION 17.07.130 FENCES; CHAPTER 17.09 SIGN REGULATIONS, SECTION 17.09.020 ALLOWED USE OF SIGNS; CHAPTER 17.11 SECTION 17.11.070 WATER AND SEWER; AMENDING CHAPTER 17.12 SUBDIVISION PROVISIONS, SECTION 17.12.020 PROCEDURE FOR SUBDIVISION APPROVAL; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Craig- Went through the Staff Report amendments for ORD. NO. 682. Craig touched on all points (*see insert*). Craig briefed the Council of the number of letters of support from the builders regarding the 10' additional building height, and how those results in an increase in building value. Increasing the Tax Base.

Richman- Noticed that there was a #5 that was a repeat of #3. Craig will be making the correction to eliminate the second condition #5 in the Staff Report.

Mayor Davidson called for a motion:

Councilman Richman motioned that the 2nd and 3rd reading be dispensed and pass by title only.

Councilman Tomlinson seconded the motion.

Roll Call:

Tomlinson-Yes
Duncan- Yes
Richman-Yes

Mayor Davidson called for a motion:

Councilman Richman motioned to adopt Ordinance No. 682 - AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING TITLE 6 ANIMALS, CHAPTER 6.04 ANIMAL CONTROL REGULATIONS GENERALLY, SECTION 6.04.030 KEEPING OF FOWL AND RABBITS PERMIT REQUIRED; CONDITIONS; ARTICLE I. LIVESTOCK; AMENDING TITLE 17 ZONING REGULATIONS, CHAPTER, 17.04 SECTION 17.04.100 SCHOOLS; CHAPTER 17.04 SECTION 17.04.130 OFFICIAL BUILDING HEIGHT AND AREA REGULATIONS; CHAPTER 17.07 SECTION 17.07.130 FENCES; CHAPTER 17.09 SIGN REGULATIONS, SECTION 17.09.020 ALLOWED USE OF SIGNS; CHAPTER 17.11 SECTION 17.11.070 WATER AND SEWER; AMENDING CHAPTER 17.12 SUBDIVISION PROVISIONS, SECTION 17.12.020 PROCEDURE FOR SUBDIVISION APPROVAL; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW. Including the correction.

Councilman Tomlinson seconded the motion.

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

3. NEW BUSINESS:

None

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 October 10, 2023**
- B. Accounts Payable for October 11, 2023 – October 24, 2023**

General Fund	\$ 20,530.35
Water Fund	\$ 39,954.74

Sewer Fund	\$ 14,512.35
Library	\$ 722.65
TOTAL	\$ 75,720.09

Mayor Davidson called for a motion:

Councilman Tomlinson 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- Chief stated he had four candidates coming in for his option position. He had nothing further for tonight.

Craig- Stated he had received a document from Watco today. This is in response to Mr. Gander's question last meeting on Home Heating and Air's parking situation. Watco states the requirements in their letter, and the North side of Home Heating and Air does not meet those requirements. Craig will forward this letter to Mr. Ginder, it's always nice to hear it straight from the source. There are some people looking at the WHY property, please see the attached photo (*see insert*) in reference to where the train tracks the go back in there. They moved here from Twin Falls for the easy access to receive materials. Industries are changing world wide. We are seeing more trains utilized for shipping. Facebook is hitting again on TDS. As everyone knows, TDS sent an e-mail stating they were not able to comply with the city's regulations at this time. This doesn't mean they cannot go onto private property to install for customers. They were not willing to confirm that they would be responsible for any repairs that may come up if they hit a main water or sewer line. They want the city to do it, and as everyone knows we do not have the time or staff for that. The burden should fall on them if they cause the damage. Craig then asked Brian if this was correct.

Brian- stated that was correct. He gave them the option to have one of their engineer's write a letter of opinion that he was okay with a deviation of the ISPWC standards of 30" in the public right of way. TDS did not respond further, which is declined by inaction.

Craig- Stated there's public and private, and for public they would not comply.

Duncan- Asked if they were complying with Twin Falls.

Craig- Stated we do not know what's going on over there. Crown has been in town for a couple of years now with good permits. White Cloud has inquired, but has not responded to Brian yet.

In dealing with Joe Shelton, Craig has told him to get with Brian for proper permits for public work. Craig has seen them in town, and Brian will check on this.

Duncan- Asked Craig how we can get this information out.

Craig- Stated we could put it back out on our website, and can put flyers out again. If there's damage it could take days to weeks to fix. He stated maybe it was time to put it back out on Facebook.

Duncan- Stated she has also heard complaints about the train tracks being so rough. Is this something the city could improve?

Craig- Stated the tracks are the best they have ever been. There is a ranking on how they get updated. They are switching to concrete, which will be nice once they are in. This just takes time. Both Craig and Duncan stated the tracks at 3400 with the concrete are amazing.

Craig was able to release that Les Schwab was coming to town last meeting. He is hearing complaints about transparency. Craig can only release the information he is given permission. He must have that permission in hand before going to the public about it. He holds himself in high regards on following this procedure. If not followed it can end up in litigation. This has happened up North, and he will not have it happen here. The Building Permit is going out on this project with very little burden on our Water, Sewer, or Police departments. As everyone knows those sewer capacities were purchased way way in advance. They are totally compliant.

Brian- Stated winter is coming! His crew closed the RV Dump for the season today. We are going into freezing temperatures this week. They are winterizing the PI stations, road equipment, and clearing storm drains. They will be putting more signage along the pedestrian pathways as well and painting bicycle signs to go with the current diamond stencils. Olsen Farms is still waiting on Idaho Power. The crew is getting things ready for the Annual Trunk-or-Treat as well.

Carrie- Stated she had received two phone calls questioning her on the State of the Cities lack of employees, wages, and equipment. She had heard and read online there were issues. Carrie replied both times that to her knowledge everything was fine. Carrie wanted to go on record thanking the Mayor and Council on all that they have done to ensure that employees were being brought up to parity and for the last two budget years have taken very good care of their staff. She thanked them for the support and respect they have shown to her and Melissa. Melissa sent her thank you as well.

Tim- Stated to be careful of derogatory remarks or comments when putting information out to the public. Do not use names.

7. COUNCIL COMMENTS -

Duncan- Stated that election time gets silly. Things are said. She wanted to ask all Department heads about comments that have been said. Is there anyone sitting here without equipment, staff, or technology? Are we lacking?

All Department Heads said they have what they need. Brian stated his department has all the equipment needed. His staff is amazing, and said his department was in great shape. He noted that of course everyone has a “Christmas list” of things they want, but they are not lacking anything.

Craig stated there had been attacks of sub-standard installation of infrastructure via Kimberly Idaho News and Info. Brian and Craig both had sat down with the PW staff and they were all asked if they knew of any sub-standard installations. They all commented no. Craig stated there have been millions of dollars that have gone into this city’s infrastructure. It’s been over and beyond by this Council. The staff gets questioned about our Bond regularly, and why we don’t just pay it off. As everyone knows the interest was built into the loan, so paying it off early doesn’t save any money. Carrie has done a great job in providing the fund breakdowns to you monthly. There is no “Kimberly savings account”. We ALL have line items. It goes through a very transparent process. Its all published. The legislation wanted to get out of having a Mayor/Council contingency line. The Mayor and Council have watched it very close. He stated of course emergencies can happen at any time. That’s what its there for. We have Depreciation lines in case a lift station or well goes down. Depreciation is to help with the infrastructure, and as everyone knows the price of supplies have really gone up.

The Chief has been working with Twin Falls County on their support for a light at HWY 30 and 3400. Unfortunately, the County did not send it in. We will work on it for next time.

There was a call made into him about a conflict of interest with candidates, that was referred to the higher ups and legal counsel will be helping with that.

Craig has been in his position for 19-years. The Council has done a great job in preparing for, and getting closer to, the time when he might retire and we want to make sure the City has the funding for the two positions.

Chief Perry- Stated as far as training, equipment, and staff goes, we are better off then most agencies around here. In fact, we have other agencies that come to us to use some of our equipment. That’s why he said last meeting, thank you very much for providing us what we need.

Craig- Stated that the wages in his department are close to where they need to be to replace him. He stated that was a huge plus. He asked Chief Perry if he has the staff and wages to run his department. He said the Chief came to him and stated he need 2 more staff.

Chief Perry- Yes, for the most part. He stated he did tell Craig that, and if he asked for 5 he would hopefully get 2.

Craig- Then stated; Chief when you needed more staff and you came to the Mayor and Council, there was a process. You asked, then the budget was gone over and set for the next Fiscal Year. Chief agreed. Craig asked if he has ever been let down, Chief replied no.

Chief Perry- Stated he should probably go on to Facebook, because he keeps getting comments about it. The public needs to know we are very well taken care of here. I don't know where this is stemming from, but its irritating.

Tomlinson- stated it comes from lies, and you can't fight public opinion.

Mayor Davidson- Stated most people are just not informed.

Chief Perry- Stated it's the publics responsibility to be informed. We are open Monday-Friday form 8-5.

8. MAYOR COMMENTS –

None

9. EXECUTIVE SESSION – DISCUSSION-ACTION ITEM-

None

ADJOURNMENT:

Mayor, Burke Davidson

City Clerk, Carrie Kimball