

City of Kimberly minutes

City Council
MEETING minutes

January 14, 2025

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 1-219-654-2438 Enter the Pin number 154 381 671 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

Snarr-Yes

Duncan- Yes

Richman- Yes

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.

There were 3 citizens signed up for Citizen Input. The sign-up sheet was collected and turned over to the Mayor / City Clerk.

Mark Okarma Residing at 706 Gem Drive Kimberly Idaho 83341- “Yep, I was just asking yesterday about the sidewalks. How come there’s no sidewalks being put on Patterson Farms on South Main St. I don’t know why okay”

Mayor- asked if that was all he had.

Mark Okarma- “It kind of depends on the answer”

Mayor- stated there were no answers tonight.

Mark Okarma- “I called up yesterday and I was given because they got a grant years ago for the, what’s been down there for years. Then when I asked about the, whether or not the grant money supersedes the city, ah, whatever on the sidewalks, I was just told that’s a good question. I just want to find out. Perfect”

Mayor- Stated to make sure he left a good email address with the City Clerk so that the proper person could respond to him with the answer.

Mark Okarma- “I don’t get it here huh”

Mr. Okarma stated to the City Clerk “no email”, Mayor asked him to leave a phone number. Mr. Okarma stated “no, I’ll find out somewhere down the line”.

Bill Hetrick Residing at 824 Elk Butte Ave. Kimberly Idaho 83341- “Good evening all. I wanted to let the Council know that we are going to be installing security cameras in our area. I wanna thank the Chief for having his guys show up trying to help us out in figuring out what is going on with the stuff that is going on with our fences. Uhm, we do have an issue, it’s not resolved. So, these cameras we are hoping are going to be able to view somebody, um, these are going to be very good cameras. They’re not something that is just run of the mill. They’ll take pictures of whoever is there. But we are going to do a little canvassing of our area and across Emerald there to make sure we aren’t infringing on anybody’s rights as far as having cameras. I don’t believe that’s a fact we have to worry about, but we will check into that before we get them installed. I just wanted to let the council know that’s what we are going to be doing. Uhm, we can’t really have a lot of choices. And this is one of the choices that’s going to be out of our pocket. But it has to be done. We gotta figure out what’s going on and how to catch em. So, thank you”

Joe Steiner Residing at 1202 Gem Ave. Kimberly Idaho 83341- “I brought some photos for the City Council to look at with the fencing issues. We had prior issues from 2024, and we are having issues with people either taking hammers to our fences, or throwing rocks through them, I

don't know. Anyways, we can't do anything unless we are able to identify who these people are so we can give that information to the Chief. And, we just need some help from this council here. Thank you so much"

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 – Idaho Power Franchise Ordinance No. 684
Introduction and term confirmed prior to a scheduled adoption. This is not adoption. – *Craig Eckles*

Craig- Went over the proposed Id. Power Franchise Ord. No. 684. Our existing contract Ord. No. 622 is identical to this ordinance, a 10 year term and with the equivalent 1% rate as noted on page 3. (See Attached) Council this Ordinance No. 684 is not for adoption tonight. He needs your decision and action on the term you choose. Craig has contacted several sister cities, that range from the 10 year term to 5- years. The more current terms are 10 years. He found one at 20 years. Once you have voted on that, He will make sure your term decision is incorporated your verbiage and proceed with the necessary advertising and legalities of the process.

Tomlinson- clarified that we are only voting on the term.

Craig- yes.

Mayor Davidson called for a motion:

Council Member Tomlinson motioned to move forward with the Idaho Power Franchise Ordinance No. 684 Introduction as presented, and a term of ten (10) years, which shall be incorporated into the future scheduled adoption.

Council President Duncan seconded the motion.

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

4. UNFINISHED BUSINESS:

None

A. DISCUSSION- ACTION

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 December 10, 2024

B. Accounts Payable for December 11, 2024 – January 14, 2025

General Fund	\$ 44,635.25
Water Fund	\$ 6,152.61
Sewer Fund	\$ 16,223.64
Library	\$ 723.98
TOTAL	\$ 67,735.48

Mayor Davidson called for a motion:

Council Member Richman motioned to approve the Consent Calendar as presented.

Council Member Snarr seconded the motion.

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

6. ADMINISTRATIVE / STAFF REPORTS -

Chief Bunderson- Stated that patrol has been very busy. There has been an increase in minor accidents. Chief has completed all job descriptions and evaluations and will present those at a later date. Chief has completed a station inventory. The last time that was done was in 2019.

City/P&Z Administrator Craig Eckles- Craig refreshed everyone's memory about the 2010 Hwy Appropriation designated funds for the asphalted pedestrian pathway that ranges in width from 5' to 7' with the rumble strip and green demarcation per ASHTO standards. This paved pedestrian pathway starts at Bowden Terrace subdivision at the Gem Avenue / Main intersection and extends up to the Service Station on Main Street. As some of you will recall the funding required a consistent pedestrian paved pathway surface a minimum of 5' wide. To be maintained in perpetuity, and to be one surface not some asphalt, some concrete. You will see where the School District incorporated their bus loading zone, out of the south bound travel lane to prevent traffic being stopped, the rider's access to the paved pedestrian pathway which is cone protected and a minimum of 5' wide adjacent to the bus loading area. Craig asked Brian Reed, City Engineer per his recent Patterson / Kristen's Sub., if the installation was compliant with City Code?

City Engineer Brian Reed stated that the existing and improved paved pedestrian pathway is compliant, over and above the Pedestrian Pathway City Code Chapter 17.12 Subdivision Provisions (11) which states, pedestrian walkways, when required, shall have easements at least ten feet (10') in width and include a paved walk at least five feet (5') in width. This pathway is located in the City public right of way easement as designed, and maintained by the City.

Craig stated that the 2nd phase installed on Hwy Appropriation funds and City match on Center required that they finished the missing pedestrian path from the Oasis station to Banning Street, constant with what was installed further to the west, with concrete to match up with the existing on Center. Kudos to this Council for complying with that 2010 Grant Hwy appropriation funds in having the paved asphalt, 5' pedestrian pathway that is maintained by the city. The school coordinates well with the city to insure it is a safe and maintained pedestrian pathway. Asphalt holds up much better than concrete in our climate. They are more weather resistant. Most of the sidewalks in front of the school have cracks and will need repaired in the near future. The paved existing path adjacent to Patterson / Kristen's Sub is curb, gutter, and sidewalk down that stretch. Patterson's was plated in 2004 under the old Ordinance. You will notice the newest section of paved pedestrian pathway adjacent to the Elementary School does not have curbing, because the developments on the east side of Main, Maverick, Fiesta Ole, and Riddleys were not required to contain their storm water onsite at the time of their development and all of that storm water shed across main street onto the School properties. Thank you to Brian and his crew for getting the candle sticks up for added security of the pedestrians. School buses use the loading zones to stay out of the Sub-divisions. The developer pays for those, not the city. The school counts are much lower today than in the years past. Attendance is down. That is why we have a charter school. Not as many kids riding the bus. Our new Sub-divisions have folks moving in with no children, not as many younger families. We are expecting future growth south of Heritage Farms Phase, south of Stonegate Ave. West. This was the original platted Phase I Brian and Craig are working with the developers as they secure their sewer and water. It's underway. The water master plan was paid for by the city to ensure adequate water capacities just a couple of years which incorporated all of the developable ground in the city and the City Impact growth area based on the actual zoning primarily residential. The city will continue to grow. We will have more paved pedestrian pathways that are 5'-8' wide. Wider than any sidewalk. Everything is to code. Those Hwy funds were at \$500,000.00 including match, the city continues maintenance, and

improvements as designed, very seriously in following the as funding guidelines. When it comes to land use issues or anything in the Planning and Zoning department; it is all done by email. That way there is no “he said, she said” situations. Craig wants to ensure he is getting the correct questions answered and that the resident asking the question is receiving the full and correct answer. Email is the proper way for land use issues. It’s a trackable document. The mayor requires this.

There is an infill project going on off of Taylor St. This is a project from 10-years ago. It is zoned R3 multi-housing such as duplex or apartments. The R-3 zone does not mean businesses such as Airbnb’s.

Craig stated the North end of town is wanting to be more involved in community events, and said he would visit that in the near future later.

Duncan- Stated she had been approached about Airbnb’s and wanted to know about the city’s policy on that.

Craig- Stated yes. A subdivision zoned R-2 such as Heritage Farms, Ballard’s, Ridgeline, Parkvista, Centennial, Sage Meadow, and others have recorded with their plat CC&R’s which clearly state Single Family Dwellings built onsite. Airbnb’s are a hotel, a business, advertised and the structure is rented out for numerous time frames. They are not legal. The County Assessor’s office has already contacted the city on some known Airbnb’s here in the city limits and are in the process of monitoring and investigating those. What will happen there, is they will lose their home owners exemption. That is not the city, it’s the Assessor’s office. Where the city comes into play, is the water and sewer. There is one water and one sewer capacity, and the right to terminate the service if they are not compliant with city code. That goes right along with the termination for nonpayment of water and sewer. The power and gas fall under the utility hardship, water does not allow them to terminate during certain times of the year. We all can go purchase water.

Snarr- Stated while we were talking about ordinances, she wanted to clarify the ordinance on the limited number of dogs in city limits.

Craig- Stated per the cities Ordinance, there is a limit of two (2) dogs per city parcel resident, that shall be licensed annually. As everyone knows, this department used to be under the Police Department, and many years ago dogs were unlimited, then to 25, to 10, to 5, to 3, to 2 currently.

Brian- Concurred, it is two (2) dogs per parcel, and they must be registered annually.

Snarr- Questioned how does the city find out if a parcel / resident is not compliant?

Brian- Stated the majority of the time its neighbors complaining of too many dogs, barking, and the smell coming from the yards.

Mayor- Questioned what was going on with the situation over in Kimberly Meadows with all of the complaints on dogs barking all the time day and night.

Craig- Stated to answer that question, after several attempts, calls, and visits from the Police Department; the owners had five (5) dogs, none of them were registered, and they are now in compliance with only two (2) dogs and both registered and to my understanding the public nuisance dog barking has gone away.

Public Engineer Brian Reed- Stated that his crew has been busy wrapping up all the decorations from the holidays around town. They are still in winter mode. They have been able to do well and lift station maintenance due to not having a heavy snow season so far. Patterson Farms is now Kristen's Farms. It is in great shape and will be signing off soon. Everyone is very anxious to build. This started in 2004 with 224 homes. It's a great addition. Les Schwab is moving along well. The Public Works side is complete and in.

Duncan- Asked when the detour signs will be moved off of the pathway at the south end and north end.

Brian- Stated tomorrow. He has reached out several times and has not been able to get any response, so he will be removing them himself.

City Clerk/Treasurer Carrie Kimball- Updated Mayor and Council that Mike Burr would be at the January 28, 2025 meeting to present the 2024-2024- Annual Budget. W-2's went out today and the Calander year has been closed out.

7. COUNCIL COMMENTS -

None

8. MAYOR COMMENTS –

None

9. EXECUTIVE SESSION – DISCUSSION-ACTION ITEM-

None

ADJOURNMENT:

Mayor, Burke Davidson

City Clerk, Carrie Kimball