

Minutes of the august 27, 2019 City council meeting

City Council
Meeting minutes

August 27, 2019
6:00 pm

242 Hwy 30 E., Kimberly, ID 83341

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor called the meeting to order and led the Pledge of Allegiance.

WELCOME – PLEASE TURN OFF CELL PHONES – THANK YOU.

Mayor welcomes everyone and request cell phones be turned off.

ROLL CALL OF CITY COUNCIL MEMBERS

City Clerk Roxanne Bymun confirmed by roll call the following officials in attendance.

Mayor Burke Davidson, Councilman Tomlinson, Councilman Eisenhower, Council President Duncan, Councilman Richman

CEREMONIES, APPOINTMENTS, ANNOUNCEMENTS, PRESENTATIONS

The Mayor welcomed the scouts from Troop #43, Jeremy Smith, Spencer Yadon, & Mikey Whitten.

AMENDMENTS TO THE AGENDA

NO amendments declared.

DECLARATION OF CONFLICT

NO conflicts declared.

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 citizen input.

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. Public Hearing - To consider the city of Kimberly transfer / conveyance of 14.23 shares of capital stock of the Twin Falls Canal Company, to Mill Creek LLC at one-thousand dollars per share. Subject shares are appurtenant to the properties described as the, N ½ SE ¼ Se ¼ Section 29, respectively parcel #RP10S18E299015 and RP10S18E299590, Township 10, Range 18, serviced by Gate #12, Lateral #17 and shall be used for pressurized irrigation on the described land herein, as stated in the Twin Falls Canal Company certificate #39325, dated 09-19-07.

Mayor Davidson, called on Craig to present. Craig read the Public Hearing notice and stated that the Council directed staff last February to work with legal Counsel to get a water share transfer-conveyance processed, so the legal record of owner could purchase the applicable water shares. Council you will remember that the shares cannot be transferred off the subject property described and the water shares shall be used on the subject property to supply the required Pressurized Irrigation system, approved by the Council of recent, for the Mill Creek LLC Subdivision, containing 31 lots. The owner, Mill Creek LLC, currently owns twenty shares and with the transfer-conveyance-sale, of 14.23 shares from the City, there will be adequate irrigation water, providing one share per acre lot of the developed land in the subdivision. Council I want to make sure that for the record, that the public, Mayor and Council understand that these shares are appurtenant to the described land per Twin Falls Canal Co. Certificate #39325 and that the shares are to be used for the subject property for a pressurized irrigation system as depicted in the T.F.C.C. documents you have before you. These shares could not be utilized or transferred to any other lands. Craig asked if there were any questions?

Craig acknowledged Tim Vawser in the audience and thanked him for working with the City on the documents and with Mill Creek LLC the owners of the land.

Councilmember Eisenhower clarified the site, being the forty acres located at the north west corner – intersection of 3500 E and 3600 N.

Mayor opens Public Hearing for testimony for or against this. There was no public testimony. Mayor Davidson closed the Public Hearing.

B. Public Hearing – Proposed 2019-2020 Annual Appropriation Budget in the amount of \$4,646,888. Itemized as, general fund- \$2,309,702, library \$85,550, Water \$877,522 and Sewer \$1,374,114.

Mayor Davidson read the public hearing notice and called on Craig. Craig stated that the proposed budget before the council is compliant with the adopted tentative budget and in accordance to the work shop budget meeting held prior. Council your general fund budget has increased approximately \$200,000 in expenditures, which is picking up about \$90,000 for the Center Street rehab, adjacent to the TAPP sidewalk project. This funding will be used for widening the street to connect to the new sidewalk, creating a new alignment, one lane going west, one going east and a center lane. This alignment begins at Main and goes just past the Banning intersection. There will be some minimal landscape rehab where disturbed. The budget also incorporates salary increases for all departments and capital purchases, including the lease - cycling of four additional police squad vehicles. Council the increases I just covered affect the general fund budget, not the Public Works budget. Council for the record, you have been very good stewards of the city finances. You will remember, four short years ago the City was capped on their levy at 9%, as our auditor explained to you. All I heard from the residents, citizens, was that Kimberly was the highest in the state, our property taxes were out of control, to high. We have been able, with your leadership to carefully reduce that 9% capped base down, to under 7%,

and still provide and increase high quality service as our city grows, this year you have added four squad cars, now making a cycle program of the eight vehicles, we have built the police confiscation building, the public works building for the sewer vac-camera truck, updated the animal transfer station, remodeled the front entrance, improvements on the air circulation system in the main building, updates on the FHS building, and put \$126,000 into the general fund highway department for necessary street improvements. Incorporated into the budget are several grants, approximately \$140,000 for the remaining TAPP Center Street project, and two in the police department for the overtime grant and the drug interdiction grant. These are basically pass through expenses, offset by the grant funds. There is less than \$600.00 left in foregone. Council you have increased your general fund contingency by about \$40,000, which are discretionary funds, that you determine how they are used. Council, with the levy rate at 0.006979406 for the 2020 fiscal year, that is a savings to the tax payer, of approximately \$53.86 cents per one hundred thousand dollars of assessed value. Council please remember, that even though the City levy is reduced we have no control over the County's appraised values, which are set by the seller, and other taxing district levies, that may increase, like the highway district, or school district, which may result in the property owner's tax bill increasing.

Councilman Richman asked if that levy included the library?

Craig, yes, the City levy is 0.006497883 and the library levy is 0.000481523 for the total of 0.006979406.

Mayor opens Public Hearing for testimony for or against this. There was no public testimony. Mayor Davidson closed the Public Hearing.

3. CONSENT CALENDAR -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 13, 2019

B. Accounts Payable for August 14, 2019-August 27, 2019

| | |
|--------------|---------------------|
| General Fund | \$ 9,644.13 |
| Water Fund | \$ 12,058.84 |
| Sewer Fund | \$ 554.53 |
| Library | \$ 666.03 |
| | |
| TOTAL | \$ 22,923.53 |

DISCUSSION-ACTION ITEM

Consent calendar as submitted

Councilman Richman motioned to accept the consent calendar. Motion seconded by Councilman Tomlinson, Roll call; Tomlinson Yes, Eisenhower Yes, Duncan Yes, Richman Yes.

4. UNFINISHED BUSINESS

A. DISCUSSION-ACTION ITEM- None

5. NEW BUSINESS

A. DISCUSSION-ACTION ITEM- Special Event Application. Tim Stover

Mayor calls on Tim Stover and Craig for an update. Craig stated that about a year ago, the Council asked that legal counsel and I get together and create an application so, that when folks like Anita's Buck and Bar came to the City for their show and shine auto show, blocking off main street, we would have a formal application/process that the applicant could submit which had been routed to the applicable department for their review and comment prior to the Council action. This document provides the application, with required information and criteria for an event like Anita's car show.

Council member Eisenhower questioned the language listing the City as an additional insured for liability reasons.

Tim Stover stated he was sure it was in there, found it and briefed the Council on it.

B. DISCUSSION-ACTION ITEM- *Community Grant Application-Veterans Appreciation Concert- Burke Richman explained the event and stated that the committee approved and supported the event.*

Councilman Tomlinson stated that this is a good use of the funds and that the Veterans need to be recognized and that this \$450.00 grant is very appropriate.

Councilman Eisenhower motioned to waive the July 2019 application deadline for this grant. Motion seconded by Councilman Richman, Roll call; Tomlinson Yes, Eisenhower Yes, Duncan Yes, Richman Yes.

Councilman Eisenhower motioned to approve the Community Grant Application for the Veterans Appreciation Concert in the amount of \$450.00. Motion seconded by Councilman Richman, Roll call; Tomlinson Yes, Eisenhower Yes, 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- *Ordinance No.657 Adoption of the 2019-2020 Annual Appropriation Budget.*

Mayor; the next order of business is a proposed Ordinance whose Title Ordinance No. 657, I would entertain a motion that the 2nd & 3rd reading rules be dispensed and that the proposed Ordinance No. 657, pass its first reading by title only.

Councilman Eisenhower motioned that proposed Ordinance No. 657 pass its first reading by title only, and that the 2nd & 3rd reading rules be dispensed relative thereto.

Mayor: Is there a second?

Motion seconded by Councilman Tomlinson, Roll call; Tomlinson Yes, Eisenhower Yes, Duncan Yes, Richman Yes.

Mayor: I would now entertain a motion to formally adopt proposed ordinance No. 657.

Councilman Eisenhower move that we adopt Ordinance No. 657,
AN ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, LEVYING AD VALOREM TAXES FOR THE CITY FISCAL YEAR BEGINNING ON THE 1ST DAY OF OCTOBER, 2019, AND ENDING ON THE 30TH DAY OF SEPTEMBER, 2020, UPON ALL TAXABLE PROPERTY IN THE CITY OF KIMBERLY, IDAHO, TO PROVIDE REVENUE TO PAY THE CITY GENERAL CURRENT EXPENSES AND PROVIDING THAT THE CITY CLERK SHALL FILE A CERTIFIED COPY OF THIS ORDINANCE AND STATE TAX COMMISSION FORM L-2 WITH THE COUNTY COMMISSIONERS AND AUDITOR OF TWIN FALLS COUNTY, IDAHO AND FILE A COPY OF THIS ORDINANCE WITH THE SECRETARY OF STATE.

Mayor: Is there a second?

Motion seconded by Councilman Tomlinson, Roll call; Tomlinson Yes, Eisenhower Yes, Duncan Yes, Richman Yes.

B. DISCUSSION-ACTION ITEM- Resolution No. 362 Transfer-conveyance of water shares to Mill Creek Development, LLC.

Councilman Eisenhower motioned to conveyance of 14.23 shares of capital stock of the Twin Falls Canal Company, to Mill Creek LLC. Motion seconded by Councilwoman Duncan, Roll call; Tomlinson Yes, Eisenhower Yes, Duncan Yes, Richman Yes.

C. DISCUSSION-ACTION ITEM- Resolution No. 363 Adoption of the Special Event Application.

Councilwoman Duncan, motioned to Adopt the Special Event Application Motion seconded by Councilman Eisenhower, Roll call; Tomlinson Yes, Eisenhower Yes, Duncan Yes, Richman Yes.

7. ADMINISTRATIVE / STAFF REPORTS -

The Mayor called on staff for updates.

Chief Perry talked about school being in session, updated council on a bus accident, Officer Vogler was right on it.

Craig updated the council on Guppies, the housing market, Parkside Subdivision and the 2nd phase of Heritage Farms. Craig thanked the Council for working with the departments in creating a balanced efficient 2020 budget and thanked them for the salary increases for the departments and staff.

Councilman Duncan asked Craig for an update on the Chlorination project.

Craig stated it should be finished in the next 30 days and will be completed in this budget year.

Tracy Ahrens concurred that by the third week of September it should be wrapped up including training.

Roxie Thanked the Mayor and Council and staff for all of their hard work in the budget workshop and salary increases. I am starting to prepare year end documents and working on the financials.

8. COUNCIL COMMENTS -

Councilman Eisenhower introduced his parents.

9. MAYOR COMMENTS –

Mayor welcomes Mr. Vawser, from EHM thanks him for coming.

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)

None

ADJOURNMENT: *Mayor Davidson adjourns meeting.*

Burke Davidson
Mayor

Roxie Bymun
City Clerk