

*MINUTES OF THE DECEMBER 11, 2018
CITY COUNCIL MEETING*

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MEETING MINUTES

DECEMBER 11, 2018
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

Tim with Rock Creek Fire gave update.

AMENDMENTS TO THE AGENDA

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.

Mayor Davidson read the public hearing notice as follows and called Craig for the staff report.

- A. Council to consider the Planning and Zoning recommendations for AN AMENDMENT TO CHAPTER 17, TITLE 17 OF THE KIMBERLY MUNICIPAL CODE BY AMENDING SECTION 17.02.010, TERMS DEFINED; AMENDING SECTION 17.04.030 RESIDENTIAL-LIMITED (R2); AMENDING SECTION 17.04.040 RESIDENTIAL GENERAL (R3); AMENDING SECTION 17.04.050 MOBILE HOME PARK ; AMENDING SECTION 17.04.060 COMMERCIAL BUSINESS; AMENDING SECTION 17.04.080 COMMERCIAL GATEWAY; AMENDING SECTION 17.04.085 COMMERCIAL INTERIOR; AMENDING SECTION 17.04.090: LIGHT INDUSTRIAL; AMENDING SECTION 17.07.110 MANUFACTURED HOMES ON RESIDENTIAL LOTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION BY SUMMARY ACCORDING TO LAW.

Craig briefed the Mayor and Council on the minor changes for each section. Most of the language is tied to further clarification on manufactured / mobile homes / state statues clearly regulating them to a single-family unit, one constructed to not be turned into a duplex or multi housing. I have attached in your packet the Idaho Division of Building and Safety definitions and regulations for single family units, modular, manufactured/mobile and RV's. Also, you will notice some clarification on temporary job shacks or units to be used like the one that First Federal had on site for about three years prior to construction. We want to make sure our ordinances are clear and well defined. Craig asked the Council if there were any questions.

Burke Richman asked for clarification on the minimum square footage required for a single-family dwelling.

Craig stated that it was defined in the International Building Code that the City adopts, we are holding at 150 sq. ft., the code is around 30 sq. ft. less.

Councilman Eisenhower asked about the tiny house criteria and what restrictions would be applied where he lived, considering his daughter contemplating one.

Craig stated that there is a minimum house size in Stonegate and that Mr. Eisenhower would be dealing with that as he is the Architectural committee Chairman. Also, the R-2 zone regulates one single family dwelling per lot. Further research would be involved to determine any other options.

The Council had no further questions.

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 November 27, 2018

B. Accounts Payable November 23-December 7, 2018

General Fund	\$ 5,590.14
Water Fund	\$3,588.32
Sewer Fund	\$ 904.78
Library	\$8.00
TOTAL	\$10,091.24

DISCUSSION-ACTION ITEM

Consent calendar as submitted

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

4. UNFINISHED BUSINESS

A. DISCUSSION-ACTION ITEM- Park Reservation Permit, Fees, Insurance information and law enforcement language.

Craig briefed the Council where we left off in September and we now have all the components needed including violation language, citation clauses and liability insurance.

Councilman Duncan motioned to approve the Park Reservation Permit as it stands including the minimum of 500 people at one event, which would kick in the requirement for Insurance Liability. Motion seconded by Councilman Richman. Roll call; Tomlinson Yes, Eisenhower Yes, Duncan Yes, Richman Yes.

5. NEW BUSINESS

A. DISCUSSION-ACTION ITEM-

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.

Mayor; the next order of business is a proposed Ordinance whose Title Ordinance No 655, I would entertain a motion that the 2nd & 3rdg reading rules be dispensed and that the proposed Ordinance No 655, pass its first reading by title only.

A. DISCUSSION-ACTION ITEM- Ordinance No. 655 AN AMENDMENT TO CHAPTER 17, TITLE 17 OF THE KIMBERLY MUNICIPAL CODE BY AMENDING SECTION 17.02.010, TERMS DEFINED; AMENDING SECTION 17.04.030 RESIDENTIAL- LIMITED (R2);

AMENDING SECTION 17.04.040 RESIDENTIAL GENERAL (R3); AMENDING SECTION 17.04.050 MOBILE HOME PARK ; AMENDING SECTION 17.04.060 COMMERCIAL BUSINESS; AMENDING SECTION 17.04.080 COMMERCIAL GATEWAY; AMENDING SECTION 17.04.085 COMMERCIAL INTERIOR; AMENDING SECTION 17.04.090: LIGHT INDUSTRIAL; AMENDING SECTION 17.07.110 MANUFACTURED HOMES ON RESIDENTIAL LOTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION BY SUMMARY ACCORDING TO LAW.

Councilman Eisenhower motioned that proposed Ordinance No 655, pass its first reading by title only, and that the 2nd & 3rdg reading rules be dispensed relative thereto.

Mayor: Is there a second?

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

Mayor: I would now entertain a motion to formally adopt proposed ordinance No 655,

Councilman Eisenhower move that we adopt Ordinance No 655,

AN AMENDMENT TO CHAPTER 17, TITLE 17 OF THE KIMBERLY MUNICIPAL CODE BY AMENDING SECTION 17.02.010, TERMS DEFINED; AMENDING SECTION 17.04.030 RESIDENTIAL- LIMITED (R2); AMENDING SECTION 17.04.040 RESIDENTIAL GENERAL (R3); AMENDING SECTION 17.04.050 MOBILE HOME PARK ; AMENDING SECTION 17.04.060 COMMERCIAL BUSINESS; AMENDING SECTION 17.04.080 COMMERCIAL GATEWAY; AMENDING SECTION 17.04.085 COMMERCIAL INTERIOR; AMENDING SECTION 17.04.090: LIGHT INDUSTRIAL; AMENDING SECTION 17.07.110 MANUFACTURED HOMES ON RESIDENTIAL LOTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION BY SUMMARY ACCORDING TO LAW.

Mayor: Is there a second?

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

Mayor; the next order of business is a proposed Ordinance whose Title Ordinance No 654, I would entertain a motion that the 2nd & 3rdg reading rules be dispensed and that the proposed Ordinance No 654, pass its first reading by title only.

- B. DISCUSSION-ACTION ITEM- Ordinance No. 654** AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING TITLE 12, CHAPTER 12.20 PARKS, BY ADDING SECTION 12.20.022, DEFINITIONS, PERMITS FOR USE OF PUBLIC PARKS; SECTION 12.20.024 RULES AND REGULATIONS PROMULGATION AUTHORIZED; SECTION 12.20.026, ACTIVITIES PROHIBITED OF PUBLIC PARKS; SECTION 12.20.028, ACTIVITIES-EXCEPTIONS-APPLICATIONS-PUBLIC LIABILITY INSURANCE; SECTION 12.20.030 FEE EXEMPTION; SECTION 12.20.032 EMERGENCIES; SECTION 12.20.034, VIOLATIONS-PENALTY; 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.

Councilman Eisenhower motioned that proposed Ordinance No 654, pass its first reading by title only, and that the 2nd & 3rdg 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 654,

Councilman Eisenhower move that we adopt Ordinance No 654,

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING TITLE 12, CHAPTER 12.20 PARKS, BY ADDING SECTION 12.20.022, DEFINITIONS, PERMITS FOR USE OF PUBLIC PARKS; SECTION 12.20.024 RULES AND REGULATIONS PROMULGATION AUTHORIZED; SECTION 12.20.026, ACTIVITIES PROHIBITED OF PUBLIC PARKS; SECTION 12.20.028, ACTIVITIES-EXCEPTIONS-APPLICATIONS-PUBLIC LIABILITY INSURANCE; SECTION 12.20.030 FEE EXEMPTION; SECTION 12.20.032 EMERGENCIES; SECTION 12.20.034, VIOLATIONS-PENALTY; PROVIDING FOR A EPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Mayor: Is there a second?

Motion seconded by Councilman Tomlinson, 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 getting a grant for \$ 21,911.00, He also talked about Officer De La Cruz getting the Life Savings award, she was instrumental in save a Doctor when she performed CPR as she was first on site.

Craig updated on the Green Light Dairy subdivision is moving along getting utility easements in place. Dr Jackson is still negotiation with a potential buyer that would be a good fit for our Commercial Gateway area with minimal city service impacts upon an annexation to establish the correct zoning for the site. It is in Dr. Jackson's hands and he is expecting to get what he feels he needs for his site. Time will tell on that. Mayor and Council, I have not scheduled any public hearings for your next meeting in December, anticipating that you may not have one. I hope to have the Federal procurement policy at your next meeting.

Kevan talked about the city having a great crew and thanked staff for all the support and help while he was recovering and helping Jed. Updated on the Christmas Lights, and Ridgeline. Nancy asked about the Chlorination.

Kevan updated the council on 2 are ok and will be able to upgrade, and one does not and will need to be added on to.

Roxie talked about getting ready for year end in payroll and other than that business as usual.

8. COUNCIL COMMENTS -

NO Council comments.

9. MAYOR COMMENTS –

The Mayor talked about the Christmas Dinner on the 14th and hopes to see everyone there, and we will be cancelling the next council meeting on December 25, 2018.

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)

ADJOURNMENT:

Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting should be addressed to the Office of the City Clerk, 242 Hwy 30 E., Kimberly, Idaho 83341 or call 208-423-4151.

Burke Davidson
Mayor

Roxie Bymun
City Clerk