

## MINUTES OF THE REGULAR COUNCIL MEETING

March 10, 2021

At 6:00 P.M. the meeting was called to order by Mayor Pro-Tem Terry Douglas.

A roll call of the Council resulted as follows:

Terry Douglas, Mayor Pro-Tem  
Sid Armstrong  
Ron Mercado  
Dennis Norris  
Anna Moody  
Ron Delcamp.

Officers present were:

City Clerk /Treasurer Nila Jurkovich, Deputy Clerk Bobbyjean Jurkovich and Project Manager Rod Plank

Also present: Andy Helkey.

By Telephone:

Building Official Mark Magnus  
Chief of Police David Wuolle  
Superintendent of Public Works Craig Lewis  
Ben Davis, Alta Science & Engineering  
Caitlin Kling, City Attorney

Those absent: Mayor Mac Pooler, Collin Coles.

City Clerk/Treasurer Nila Jurkovich announced the City will be conducting the Council Meeting for the first time by Zoom Conference. Please note supervisors or anyone else that may be on the agenda to speak; there will be a couple of second delay. Please allow extra time prior to speaking. Andy and councilmembers, the microphones are situated so that your voice should be able to be heard at all times.

Councilmember Mercado led in the Pledge of Allegiance.

### ORAL COMMENTS

None.

### STAFF REPORTS

All reports were submitted and questions were asked by Council as follows:

The Building Official Mark Magnus advised the Council Mr. Nickerson removed the dangerous wall, the property is secure and cleaned up.

The Chief of Police Dave Wuolle advised the Council the new police vehicle has arrived.

Project Manager Rod Plank advised the Council of several sewer lines being replaced this year.

### CONSENT CALENDAR

1. Approval or correction of the minutes of the February 10, 2021 regular council meeting.
2. Approval of payment of the bills for the month of February 2021 as presented (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income
4. P&Z Commission minutes from February 22, 2021 Meeting – Recommendations: None.
5. Report of Commissions and Committees: Police Committee minutes from the March 3, 2021 Meeting: Recommendation: 1) Approve the submittal for the E-Citation Grant

Councilmember Mercado asked Police Chief Wuolle to explain the E-Citation Grant to the Council. Chief Wuolle advised the Council a \$32,000 grant was applied for and approved by Idaho Transportation Department. With this grant the equipment purchased will eliminate hand written tickets. The citations will be entered into the computer and it will eliminate officer travel to the Courthouse. The grant has a 25% soft match which involves tracking 16,000 miles by the police department.

It was moved by Councilmember Mercado and seconded by Councilmember Armstrong to approve the Consent Calendar as presented.

Motion carried.

### **OLD BUSINESS**

Ben Davis, Alta Science & Engineering provided the Council with a written update on the following:

#### **Phase 3 Warranty Work Update**

Alta has not received a response from Big Sky regarding the letter for paving costs.

#### **LHTAC LHSIP Grant Application**

Alta had no update on the grant at this time. Public Works Superintendent Craig Lewis advised the Council that he had a telephone call from a gentleman that was reviewing the application. Changes were made to the City's application, as there was a bike vs. vehicle accident that occurred the Trail of the Cd'A crosses Hill Street a couple of years ago. With the changes made, the City should be receiving a letter stating the City has been awarded the grant for flashing light signage.

It is believed that Mayor Pooler will have more information upon the return from the LHTAC meeting this Friday.

#### **Update on the Kellogg LOMR Application**

Alta presented the initial LOMR and Flood Mapping results to project stakeholders on February 23<sup>rd</sup> at PHD. The initial results are of great benefit to the City of Kellogg with the 100-year floodplain shrinking drastically. This could lead to lower flood insurance costs for many residents in Kellogg. Alta is working with Rod Plank to get the LOMR submitted to FEMA and stakeholders have agreed to cost share the approximate \$8,000 application fee. After the initial submission, there is a 90-day review period for FEMA and afterwards they will have comments that need to be addressed. Alta is here to help the City navigate this process.

Getting to this point has come with additional work that was not anticipated. It has taken a substantial amount of effort to reconcile errors found in the FEMA model that needed to be fixed for the application to be submitted in accordance with FEMA's new application requirements. We originally anticipated that the USACE's modeling updates would have reduced our/your work in the FEMA model. That was not the case. The USACE model was perfect for understanding the South Fork and justified the LOMR effort, but it did not come with any savings on the amount of effort necessary to update FEMA's model. . . .

The LOMR has taken double the effort compared to the cost originally anticipated to get to this stage. We are currently \$14,000 overbudget on this project. Alta asked the council for a contract amendment at the beginning of 2021 to extend the contract timeline. At the time of the amendment, we did not see a need to request additional budget because the LOMR was nearing completion and we knew we would have to discuss our level of effort at a future date to address FEMA comments (as described above). Alta is not asking for more money at this time, but we do want to make you aware of our budget situation and plan to discuss this with you once we have FEMA's comments back. We greatly appreciate your understanding of the amount of work this has taken to Alta to complete.

**Update on status of COVID-19 and large Activities within the City.**

Mr. Andy Helkey provided the Council with a handout showing where the cases are from the last time the Council met on February 10<sup>th</sup> as follows: Total cases nationally; 28,992,598; total deaths nationally 526,213; up from last month by 59,748; Total cases in Idaho 174,246 up from last month by 8,151. Total deaths in Idaho 1,901 up from last month by 121; Current cases in Shoshone County 1,016 an increase of 34 from last month's council meeting, Total Deaths in Shoshone 31, up by 1 from last month.

A total of 2,544 people in Shoshone County have received their second vaccination, which is 20% of the population.

Idaho is staying steady. Idaho is looking pretty good. Shoshone County has shown a tick upwards in the last couple of days. Kootenai County is showing the same. Johnson & Johnson vaccine has been delivered to Shoshone County this week.

Mayor Pro-Tem Douglas had an inquiry from the Elks with respect to their parade in May and their request will be heard at the April Council meeting. Mr. Helkey stated we are holding steady, currently in Stage 3, and on the cusp of being able to go to Stage 4. To do this, positive cases need to be below 5% for two weeks. Idaho may reach the 5% for two weeks by next week, and then there is a possibility of going to Stage 4.

**NEW BUSINESS**

**Resolution 2021-06 Renewal - Require Face Coverings In Public Places**

Mr. Helkey recommended to continue with the resolution. By next month all of the individuals in assisting living will be vaccinated. Again, Idaho is at a point of getting to Stage 4, Panhandle Health District still has their order in place.

**Resolution No. 2021-06**

**A RESOLUTION MANDATING THE REQUIREMENT TO WEAR  
FACE COVERINGS IN PUBLIC PLACES**

**WHEREAS, on February 10, 2021, the City Council passed and approved Resolution 2021-01 continuing the requirement for face coverings when members of the public are physically present for otherwise unprotected social interaction;**

**WHEREAS, Resolution 2021-04 remained in effect until March 11, 2021;  
and**

**WHEREAS, there were 171,140 confirmed cases of COVID-19 in Idaho as of March 1, 2021 and 1002 confirmed cases of COVID-19 in Shoshone County as of March 1, 2021, as well as the presence of community spread in Idaho and Shoshone County. It is expected that more cases will be diagnosed; and**

**WHEREAS, decreased transmissibility due to face covering use could substantially reduce the death toll and economic impact while the cost of the intervention is low; and**

**WHEREAS, pursuant to Ordinance 611, the City Council does declare and issue a Public Health Emergency Order.**

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KELLOGG, SHOSHONE COUNTY, IDAHO, having duly met on February 10, 2021, at a City Council Meeting, which was properly noticed and open to the public, and having fully considered the matter at hand, that:**

## **SECTION 1. FACE COVERINGS**

Every person, shall, when in any indoor or outdoor public place, completely cover their nose and mouth, when members of the public are physically present for otherwise unprotected social interaction.

1. **DEFINITIONS:** For purposes of this Public Health Emergency Order “public place” shall mean any place open to all members of public without specific invitation, including but not necessarily limited to, retail business establishments, government offices, medical, educational, arts and recreational institutions, public transportation, including taxi cabs and ridesharing vehicles. “Members of the public” shall mean persons not therein employed, present without invitation.
2. **EXEMPTIONS:**
  - a. Children under the age of 5.
  - b. Persons who cannot medically tolerate wearing a face covering. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a face covering.
  - c. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
  - d. Persons, including on-duty law-enforcement officers, for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
  - e. Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the face covering is necessary to perform the service.
  - f. Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.
  - g. Outdoor public places where a person can employ social distancing as recommended by Panhandle Health District and CDC where the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.
  - h. Persons who are engaged in indoor exercise, so long as they engage in social distancing.

## **SECTION 2. PENALTIES**

Any person who violates any provisions of this Order, shall be guilty of an infraction, punishable by a fine of \$100.

## **SECTION 3. EFFECTIVE DATE AND SUNSET DATE**

This Emergency Order shall take effect at 12:00 a.m., on March 11, 2021 and shall remain in effect until April 10, 2021 unless extended by the City Council.

**PASSED and approved** by the City Council of the City of Kellogg this 10th day of March 2021.

APPROVED:

Terry Douglas, Mayor Pro-Tem

ATTEST:

Nila Jurkovich, City  
Clerk/Treasurer

Council held discussion with Councilmember Armstrong and Councilmember Mercado willing to support the resolution one more time.

Councilmember Moody recognizes the Covid fatigue, as it has been one year, it has been challenging for all. Appreciates Mr. Helkey's recommendation for an additional time of face coverings being worn.

Councilmember Norris agrees, this has been a long year. We may almost be there folks.

Councilmember Delcamp stated his opinion has not changed from the beginning.

It was moved by Councilmember Norris and seconded by Councilmember Moody to approve the resolution as submitted.

A roll call of the Council showed the following:

Councilmember Norris	"Aye"	Councilmember Delcamp	"Nay"
Councilmember Moody	"Aye"	Councilmember Armstrong	"Aye"
Councilmember Mercado	"Aye"	Councilmember Douglas	"Aye"

Motion carried.

#### **Budget Hearing Date & Time**

Provide the County Clerk with the Budget Hearing Location, Date and Time, per Idaho Code. The hearing will be held at the August 11<sup>th</sup> council meeting at 6 p.m.

#### **Discussion on Selling Certain Real Property owned by the City**

Mayor Pro-Tem Douglas advised the Council that the City's Attorney Caitlin Kling is present by telephone to answer any questions the Council may have. Mayor Pro-Tem Douglas reminded the Council of the discussions that were held over the past year, along with an update earlier this year. The topic is on the agenda to discuss and consider if the City should move forward on selling certain real property owned by the City of Kellogg located at 323 Main Street which includes the old fire hall building, the city library and old city hall. There is deferred maintenance, large dollars which varies from plumbing to electrical. Last month the Council was updated as property data had been received from the County Assessor along with a local realtor which provides values of the properties. City Attorney, Caitlin Kling previously provided the City with the steps that are required by Idaho Code, if moving forward with the potential sale of real property. If a bid does not meet all requirements, then it is not a responsive bid and the City reserves the right to reject all bids.

City Attorney Kling advised the Council of the process that Idaho Code provides for this process. If the Council is moving forward with the process, the Council will need to set a minimum price for the property and direct the city clerk to move forward with a hearing to take public comment at the April Council meeting. After the public comment, the City Council will discuss and review the bid packet documents.

Discussion from the Council included the continued maintenance on the property, the possibility of stipulating the library stays for a certain amount of time and bid packet needs to provide the specifications. With the real estate market being active, there may be a lot of potential buyers. The Council wants to be as thorough as possible through the process.

It was the consensus of the Council to move forward with the process.

It was moved by Councilmember Armstrong and seconded by Councilmember Delcamp to approve moving forward with the process of selling the property the City of Kellogg owns at 323 Main Street, setting a minimum bid price of \$475,000 and direct the City Clerk to prepare for a public hearing to take public comment at the April Council meeting.

A roll call of the Council showed the following:

Councilmember Norris	"Aye"	Councilmember Delcamp	"Aye"
Councilmember Moody	"Aye"	Councilmember Armstrong	"Aye"
Councilmember Mercado	"Aye"	Councilmember Douglas	"Aye"

Motion carried.

**Modification to Alta's Contract – Updating Hourly Rates**

Alta had provided the City with their request to modify their contract which would update their hourly rates.

Council had questions on Alta's previous hourly rates for service, with no one being available from Alta, the City Clerk advised the Council that she had reached out to Alta regarding the rate sheet as it had an effective date of November 2020 as it was unclear how the new rates would work. The City Clerk was advised that these new rates would be effective as new Task Orders were approved by the City.

It was moved by Councilmember Delcamp and seconded by Councilmember Armstrong to approve the modification to Alta's contract to update their hourly rates.

A roll call of the Council showed the following:

Councilmember Norris	"Aye"	Councilmember Delcamp	"Aye"
Councilmember Moody	"Aye"	Councilmember Armstrong	"Aye"
Councilmember Mercado	"Aye"	Councilmember Douglas	"Aye"

Motion carried.

**Alta's Task Order #3 – 2021 Road Chip Seal Project**

Ratify Mayor's decision to enter into Task Order No. 3 for 2021 Road Chip Seal Project with Alta Science & Engineering. There is needed maintenance to the paved roads. At the February Council Meeting Mr. Lewis provided the Council with the list of roads that he would like on the list for maintenance this year. So that the City receives competitive bids, the City would like to see the bid go out the end of March and no later than the middle of April.

It was moved by Councilmember Mercado and seconded by Councilmember Norris to ratify Mayor's Pooler's decision to enter into Alta's Task Order for the 2021 Road Chip Seal Project.

A roll call of the Council showed the following:

Councilmember Norris	"Aye"	Councilmember Delcamp	"Aye"
Councilmember Moody	"Aye"	Councilmember Armstrong	"Aye"
Councilmember Mercado	"Aye"	Councilmember Douglas	"Aye"

Motion carried.

**Alta's Task Order for Public Works Shop Predesign**

Mayor Pro-Tem Douglas reminded the Council this was previously budgeted in last year's budget and was carried over into the current fiscal year as we are trying to get ahead of the curve. Mr. Lewis will be working with Alta to discuss the proposal. A zoom meeting with Alta, an architect and the City will be scheduled to discuss the design, size and an estimated cost to build the building.

It was moved by Councilmember Moody and seconded by Councilmember Delcamp to approve Alta's Task Order for the Public Works Shop Predesign.

A roll call of the Council showed the following: -

Councilmember Norris	"Aye"	Councilmember Delcamp	"Aye"
Councilmember Moody	"Aye"	Councilmember Armstrong	"Aye"
Councilmember Mercado	"Aye"	Councilmember Douglas	"Aye"

Motion carried.

**Bureau of Land Management Contract for Wardner Peak**

Mayor Pro-Tem Douglas advised the Council this was an annual renewal for the space they use at the Wardner Peak site.

It was moved by Councilmember Armstrong and seconded by Councilmember Delcamp to approve the renewal of the Bureau of Land Management (BLM) with a 5% increase in its monthly rate.

A roll call of the Council showed the following:

Councilmember Norris	"Aye"	Councilmember Delcamp	"Aye"
Councilmember Moody	"Aye"	Councilmember Armstrong	"Aye"
Councilmember Mercado	"Aye"	Councilmember Douglas	"Aye"

Motion carried.

**ANNOUNCEMENTS AND REPORTS**

Councilmember Norris

Thanked the Public Works for all of the plowing and clean up. The City has a hard-working crew in all departments.

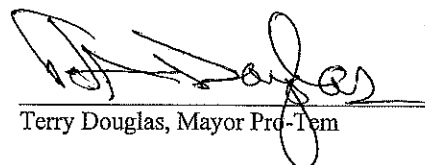
Councilmember Moody

Hopes that the City Clerk's search for a team player goes well.

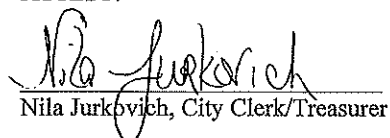
Councilmember Mercado

Appreciates that the City has a progressive Council and thanked Mr. Helkey for his assistance and being present at the council meetings.

There being no further business to come before the Council at this time, it was adjourned at 7:25 P.M. to meet for the regular time of April 14, 2021.

  
Terry Douglas, Mayor Pro-Tem

ATTEST:

  
Nila Jurkovich, City Clerk/Treasurer