

MINUTES OF THE REGULAR COUNCIL MEETING

May 10, 2023

At 6:00 P.M. the meeting was called to order by Mayor Mac Pooler.

A roll call of the Council resulted as follows:

Sid Armstrong  
Terry Douglas  
Ron Mercado  
Dennis Norris  
Anna Moody  
OPEN

Officers Present: Mayor Mac Pooler, COP Paul Twidt, Clerk/Treasurer Bobbyjean Jurkovich, Public Works Director Mike Fitzgerald, Community Planner Monica Miller, Project Manager Rod Plank

Absent: BO Keith Teeters (attending Wallace City Council Meeting) and Alta Science & Engineering Representative Felicia Cassidy

Also present: Jenifer Cardenas, Kathy Apthorp (via Zoom)

Ron Mercado led in the Pledge of Allegiance.

**ORAL COMMUNICATIONS**

None present

**STAFF REPORTS**

Chief of Police: Hope to have a new police vehicle by the end of the month.

Community Planner Miller: LOT increase on the ballot for May 16 election. She has been talking to Les Schwab about a potential land swap with the city. This is far in the future.

Public Works Director Fitzgerald: Thanks to Mac, we are receiving LHTAC money for the Bunker Hill Bridge project, which will take a couple of years. Also, mechanic, Kevin Jones, is retiring. Job is posted on the city website and Facebook.

Project Manager Plank: Several more sewer lines replaced. Reminder letters are helping.

**CONSENT CALENDAR**

1. Approval or correction of the minutes of the April 12, 2023 regular council meeting
2. Approval of payment of the bills for the month of April 2023 as presented. (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income & Expenditure
4. P&Z Commission minutes
5. Reports of Commissions and Committees: Police Committee recommendation for increased fines

**It was moved by Councilmember Mercado and seconded by Councilmember Douglas to approve the consent calendar as presented. Motion carried.**

**OLD BUSINESS (Read by Bobbyjean in Felicia's absence)**

FEMA update on LOMR Mapping from Felicia Cassidy with Alta

Still no update on timeline for final approval. Councilmember Moody asked if a letter of urgency had been submitted yet. Mike will check with Derek or Felicia.

Update on DEQ Stormwater Project (Phase 1) from Felicia Cassidy with Alta

Vac Truck Purchased, design work in progress on Government Gulch. "Other areas" will become Phase 3 in future.

Update on DEQ Stormwater Project (Phase 2) from Felicia Cassidy with Alta

Government Gulch channel design in progress for projected implementation next summer. East Kellogg will kick off in the fall. Input into areas of concern is welcome. June 2026 is the end of funding.

Government Gulch EDA Design

Design in progress

Update on Chip Seal Bid Package from Felicia Cassidy with Alta

Bid package in progress. Councilmember Douglas asked if we had any dates set for the bids. Fitzgerald will do some follow-up.

Update on Kellogg Levee Preliminary Engineering from Felicia Cassidy with Alta

Report research underway (joint project with IDEQ)

**NEW BUSINESS**

Activity Request SAVE Coalition Suicide Awareness Walk Friday Sept 15, 2023

**Councilmember Douglas moved to approve the request, seconded by Councilmember Moody. Motion carried.**

Activity Request Elks Roundup Saturday May 20, 2023

**Councilmember Armstrong moved to approve the request, seconded by Councilmember Douglas. Motion carried.**

Consideration on Resolution 2023-04 John Deere Z930M ZTrak

Councilmember Mercado asked if the old mower could be salvaged. PW Director Fitzgerald said it is currently in storage, but the mechanic will assess it this winter.

*RESOLUTION # 2023-04*

*A RESOLUTION OF THE CITY OF KELLOGG, SHOSHONE COUNTY, STATE OF IDAHO, APPROVING AND AUTHORIZING THE CITY TO PURCHASE A JOHN DEERE COMMERCIAL RIDING LAWN MOWER FOR USE BY THE CITY.*

*CITY OF KELLOGG  
Shoshone County, Idaho*

*WHEREAS, the City is in need of a riding lawnmower; and*

*WHEREAS, the City has sufficient funds to purchase the riding lawnmower.*

*NOW, THEREFORE, BE IT RESOLVED, the Mayor and the City Council of the City of Kellogg, Idaho, approve the purchase of a John Deere Z930A ZTrak with BUC10980 Cargo Tray, BUC10870 String Trimmer Mount for a purchase price of \$16,177.19.*

*BE IT FURTHER RESOLVED, this Resolution shall take effect and be in force from and after its passage and approval.*

*DATED this 10th day of May, 2023.*

**Councilmember Mercado moved to approve Resolution 2023-04. Motion was seconded by Councilmember Norris. A roll call vote of the Council resulted as follows:**

<b>Armstrong – Aye</b>	<b>Norris – Aye</b>	<b>Motion carried</b>
<b>Mercado – Aye</b>	<b>Moody - Aye</b>	
<b>Douglas – Aye</b>		

Request for extended use of parking within City Hall parking lot for Shoshone News Press van. Submitted by Frank Long

Councilmember Douglas stated that the requester will need to work with Mike Fitzgerald on specifics.

**Councilmember Douglas moved to approve the request, seconded by Councilmember Mercado. Motion carried.**

Consideration on SVEDC membership/contribution Investor Agreement

Discussion on previous contribution in the amount of \$250.00, Councilmember Moody stated that the city should contribute more as it goes to a really good cause. Clerk stated that the city has 21 or so employees which puts the suggested contribution at \$480.00.

**Councilmember Moody moved to approve membership contribution of \$480.00. Motion was seconded by Councilmember Douglas. A roll call vote of the Council resulted as follows:**

<b>Armstrong – Aye</b>	<b>Norris – Aye</b>	<b>Motion carried</b>
<b>Mercado – Aye</b>	<b>Moody - Aye</b>	
<b>Douglas – Aye</b>		

Consideration on LHTAC Leading Idaho Local Bridge Program 2.3.1 Agreement

Councilmember Douglas thanked the Mayor for sticking with LHTAC. This project is fully funded and administered by LHTAC.

**Councilmember Douglas moved to approve the LHTAC Agreement. Motion was seconded by Councilmember Armstrong. A roll call vote of the Council resulted as follows:**

<b>Armstrong – Aye</b>	<b>Norris – Aye</b>	<b>Motion carried</b>
<b>Mercado – Aye</b>	<b>Moody - Aye</b>	
<b>Douglas – Aye</b>		

Consideration on Alta SE Task Order No. 6 Mod. No. 02

Fitzgerald recommended approving these charges, since the contractor bid came in so low.

**Councilmember Douglas moved to approve the Task Order Modification. Motion was seconded by Councilmember Moody. A roll call vote of the Council resulted as follows:**

<b>Armstrong – Aye</b>	<b>Norris – Aye</b>	<b>Motion carried</b>
<b>Mercado – Aye</b>	<b>Moody - Aye</b>	
<b>Douglas – Aye</b>		

Consideration on Resolution 2023-02 Fees Schedule

This combines all the fines and fees in one Resolution. Garbage fees are restructured.

*RESOLUTION # 2023-02*

*A Resolution of the City of Kellogg, Shoshone County, State of Idaho initiating fee increases for miscellaneous City services.*

*CITY OF KELLOGG  
Shoshone County, Idaho*

*WHEREAS, the City of Kellogg has a need to charge for certain services.*

*WHEREAS, pursuant to Idaho Code 63-1311A the City of Kellogg held a hearing on the fee increases.*

*WHEREAS, some fees listed may not have been increased, just shown for the accuracy of listing fees together.*

*NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kellogg that as follows:*

*SECTION 1: As of June 1, 2023 the fees for garbage and refuse pickup be restructured to no longer include separate rental fees as per Exhibit A attached hereto*

*SECTION 2: As of June 1, 2023 the fees for sewer maintenance will not be increased as per Exhibit B attached hereto.*

*SECTION 3: As of June 1, 2023 the fees for Greenwood Cemetery be increased as per Exhibit C attached hereto.*

*SECTION 4: As of June 1, 2023 the fees for the Kellogg Pool will not be increased as per Exhibit D attached hereto*

*SECTION 5: As of June 1, 2023 the fees for building permits will not be increased as per Exhibit E attached hereto*

*SECTION 6: As of June 1, 2023 the fees for short term rentals will not be increased as per Exhibit F attached hereto*

*SECTION 7: As of June 1, 2023 the fees for police violations be increased as per Exhibit G attached hereto*

*SECTION 8: As of June 1, 2023 miscellaneous fees and permit costs will not be increased per Exhibit*

*BE IT FURTHER RESOLVED, this Resolution shall take effect and be in force from and after its passage and approval.*

*Dated, this 10<sup>th</sup> day of May 2023. City of Kellogg  
Shoshone County, Idaho*

**Councilmember Douglas moved to approve Resolution 2023-02. Motion was seconded by Councilmember Mercado. A roll call vote of the Council resulted as follows:**

<b>Armstrong – Aye</b>	<b>Norris – Aye</b>	<b>Motion carried</b>
<b>Mercado – Aye</b>	<b>Moody - Aye</b>	
<b>Douglas – Aye</b>		

Consideration on Resolution 2023-03 Update Records Retention Schedule

Includes small updates, including payroll record retention. Should be easier to follow.

RESOLUTION # 2023-03

A RESOLUTION OF THE CITY OF KELLOGG, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE CLASSIFICATION AND RETENTION OF CERTAIN PUBLIC RECORDS PURSUANT TO IDAHO CODE; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the Idaho Code allows for the classification, retention, preservation, and destruction of certain records as "permanent", "semipermanent" and "temporary" records; and

WHEREAS, Idaho Code requires the City Council adopt by Resolution a records retention schedule listing the various types of City records and the retention period for each type of records prior to January 1, 2007; and

WHEREAS, the City has made a survey of all its records and has reviewed current Idaho Code regarding classification of records; and

WHEREAS, the City has determined that the records categorization, as set out in Idaho Code § 50-907, is appropriate for the City to adopt, with some minor clarifications; and

WHEREAS, the City wishes to classify some writings, documents, and other similar City information as neither "permanent records", "semipermanent records" or "temporary records" because they have no reasonable intrinsic, historical or other value which requires their retention; and

WHEREAS, Council is confident that the City Clerk and City Attorney (with the input of relevant City staff) can make determinations regarding those records not considered "permanent records", "semipermanent records", or "temporary records", as those terms are defined in Idaho Code Title 50, Chapter 9;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kellogg, Idaho as follows:

i. Permanent Records

A. The following records be classified as permanent records:

1. Adopted meeting minutes of the city council and city boards and commissions;
2. Ordinances and resolutions;
3. Building plans and specifications for commercial projects and government buildings;
4. Fiscal year-end financial reports;
5. Records affecting the title to real property or liens thereon;
6. Poll books, excluding optional duplicate poll books used to record that the elector has voted, tally books, sample ballots, campaign finance reports, declarations of candidacy, declarations of intent, notices of election, and records of voting results by precinct;
7. Cemetery records of lot ownership, headstone inscriptions, and cemetery maps; and
8. Other documents or records as may be deemed of permanent nature by the city council.

B. Retention Schedule.

Permanent records shall be retained by the City in perpetuity, or may be transferred to the Idaho State Historical Society's permanent records repository upon Resolution of the City Council authorizing such transfer.

ii. Semipermanent Records

A. The following records be classified as semipermanent records:

1. Claims, canceled checks, warrants, duplicate warrants, purchase orders, vouchers, duplicate receipts, utility and other financial records;
2. Building applications for commercial projects and government buildings;
3. License applications;
4. Departmental reports;
5. Bonds and coupons;
6. Executed contracts;
7. Payroll reports, vouchers, and employee time cards; and
8. Other documents or records as may be deemed of semipermanent nature by the city council.

B. Retention Schedule.

Semipermanent records shall be kept for not less than five (5) years after the date of issuance or completion of the matter contained within such semipermanent record.

Semipermanent records may only be destroyed by Resolution of the City Council, and upon the advice of the City Attorney. Such disposition shall be under the direction and supervision of the City Clerk. The Resolution ordering destruction of semipermanent records shall list in detail such semipermanent records to be destroyed.

Prior to destruction of semipermanent records, the City Clerk shall provide written notice, including a detailed list of the semipermanent records proposed for destruction, to the Idaho State Historical Society thirty (30) days prior to the destruction of any records.

iii. Temporary Records

A. The following records be classified as temporary records:

1. Building applications, plans, and specifications for noncommercial and non-government projects after the structure or project receives final inspection and approval;
2. Cash receipts subject to audit;
3. Election ballots and duplicate poll books;
4. The most current draft of an unexecuted contract until such contract is executed;
5. Records which are normally believed to be the subject of litigation discovery and determined to be so after consultation with the City Attorney; and
6. Other documents or records as may be deemed of temporary nature by the city council.

B. Retention Schedule.

Temporary records shall be retained for not less than two (2) years, but in no event shall financial records be destroyed until completion of the City's financial audit as provided in Idaho Code § 67 450B related to such financial records.

Temporary records may only be destroyed by resolution of the City Council, and upon the advice of the City Attorney. Such disposition shall be under the direction and supervision of the City Clerk. The resolution ordering destruction of temporary records shall list in detail such temporary records to be destroyed.

Prior to destruction of temporary records, the City Clerk shall provide written notice, including a detailed list of the temporary records proposed for destruction, to the Idaho State Historical Society thirty (30) days prior to the destruction of any records.

IV. Writings, documents, and other similar City information not classified as "permanent records", "semipermanent records", or "temporary records" herein shall not be considered "records" for the purposes of retention pursuant to this records retention schedule. Such non-"record" writings, documents, and other similar City information includes, but is not limited to, drafts, unapproved minutes, "post-it" notes, duplicates, phone call slips, voice mail, to-do lists, telephone text messages, and email which is not related to the promotion of the business of City government, etc. Writings, documents, and other similar City information which, in the reasonable belief of the recipient or custodian which do not have any historical, intrinsic or other value, and records which are not reasonably believed to be the subject of litigation discovery shall not be considered "records" for purposes of this records retention schedule.

Where there is a question regarding the classification of records or their retention, such questions should be directed to the City Clerk and/or the City Attorney prior to any destruction.

BE IT FURTHER RESOLVED, this Resolution shall take effect and be in force from and after its passage and approval.

Dated, this 10th day of May, 2023.

**Councilmember Moody moved to approve Resolution 2023-03. Motion was seconded by Councilmember Norris. A roll call vote of the Council resulted as follows:**

Armstrong – Aye	Norris – Aye	Motion carried
Mercado – Aye	Moody - Aye	
Douglas – Aye		

City still has a Council seat vacancy. Any interested persons can send a letter of interest to Bobbyjean Jurkovich by June 1, 2023.

#### **ANNOUNCEMENTS AND REPORTS**

Councilmember Moody: Library is in the running for funding to digitized the Bunker photos, they have been meeting with a Canon representative.


Councilmember Norris: Atta-boy to Mac for LHTAC funds

Councilmember Mercado: Thanks to Public Works crew for the stop sign at Cameron & Mission. He will also keep an eye out for Mechanic candidates.

Councilmember Armstrong: While having a burger at the shop, he noticed new faces, but also noted the crewmembers that had served many years

Mayor Pooler: Going to LHTAC June 15 & 16.

There being no further business to come before the Council at this time, it was adjourned at 6:32 P.M. to meet for the regular time in June 2023.

  
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Mayor Mac Pooler

ATTEST:

  
\_\_\_\_\_  
Bobbyjean Jurkovich, City Clerk/Treasurer