

## MINUTES OF THE REGULAR COUNCIL MEETING

Sept 11, 2024

At 6:00 P.M. the meeting was called to order by Mayor Rod Plank.

A roll call of the Council resulted as follows:

Ron Mercado  
Terry Douglas  
Dennis Norris  
Jerry Cobb  
Lori Teeters

Officers Present: Mayor Rod Plank, Clerk/Treasurer Lindsay Strobel, COP Paul Twidt, Building Official Keith Teeters, Community Planner Monica Miller

Also present: Andy Helkey (DEQ), Kathy Aphorp (Zoom)

Absent: Jenifer Cardenas, PW Works Director Mike Fitzgerald, Alta Science & Engineering Rep Felicia Cassidy

Ron Mercado led in the Pledge of Allegiance.

Mayor Plank asked that a moment of silence be observed to honor the victims of the 9/11 attacks.

### **PUBLIC HEARINGS**

#### **Ordinance 629- Camping on Public Property**

**Councilmember Douglas motioned to open the public hearing. Motion was seconded by Councilmember Mercado. Motion carried.**

This hearing is being held to take public comments on changes to allow KPD to better regulate camping on public property within Kellogg city limits. Chief Twidt explained that each summer we have at least one instance of someone camping on city property. This creates excessive trash and other complaints from the public. Councilmember Mercado asked about signage and it was suggested that we have a larger notice posted in the City Park with a complete list of rules. Chief Twidt and Planner Miller stated that the ordinance will better outline penalties for non-compliance.

**No public comment was received. Councilmember Mercado motioned to close the public hearing. Motion was seconded by Councilmember Douglas. Motion carried.**

### **ORAL COMMUNICATIONS**

Andy Helkey from IDEQ gave an update on future environmental remediation of the Mountain View Park area. Project could start by spring of 2025. It has to go through CDA Tribe approval, but with high risk to public health if not remediated, it can be overridden by DEQ. DEQ and Kellogg Public Works staff will visit the site soon to discuss needs.

### **CONSENT CALENDAR**

1. Approval of the August 14, 2024 council meeting.
2. Approval of payment of the bills for the month of August 2024 as presented. (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income & Expenditure.
4. Approval of Reports and Minutes of Committees and Commissions

**Motion was made by Councilmember Douglas to approve the consent calendar as presented, seconded by Councilmember Teeters. Motion carried.**

### **OLD BUSINESS**

#### **FEMA update on LOMR Mapping from Felicia Cassidy with Alta**

Application is with FEMA and awaiting review. FEMA had a change in the contractor assigned to the LOMR review. On August 15, 2024, Alta received an email from Vincent Hough on behalf of

FEMA identifying himself as the new contractor that is reviewing the LOMR application. Vincent is with CDM Smith. CDM Smith took over the contract from TetraTech. On August 29<sup>th</sup>, 2024, Alta received another email from Vincent letting us know August 29 was his last day and a different analyst will be assigned the case. Derek replied to the regional lead, Casey Martin on September 3, requesting a status on the review.

#### DEQ Stormwater Project Phase 2 and 3 from Felicia Cassidy with Alta

Phase 2 is in design for spring bidding. Phase 3 investigation is underway. Finding non-conventional pipe types and sizes, plus debris, is slowing down video investigations.

#### Kellogg Levee Preliminary Engineering from Felicia Cassidy with Alta

This is pending evaluation by Army Corps of Engineers. The USACE contact, Travis Ball, moved to Idaho in July. Derek will see if he is available to visit the levee with us and see if there are USACE funding options.

### **NEW BUSINESS**

#### Consideration on Ordinance 629 Camping on Public Property

**Councilmember Douglas moved to read the Ordinance by title only. Motion was seconded by Councilmember Cobb. Motion carried.**

#### *ORDINANCE NO. 629 CAMPING ON PUBLIC PROPERTY*

*AN ORDINANCE OF THE CITY OF KELLOGG, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 6 POLICE REGULATIONS, CHAPTER 5 GENERAL OFFENSES, ADDING A NEW SECTION, 6-5-31: CAMPING ON PUBLIC PROPERTY TO KELLOGG CITY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.*

*BE IT ORDAINED by the Mayor and City Council of the City of Kellogg, Shoshone County, Idaho, that Kellogg City Code be amended as follows:*

*Section 1. Title 6 Police Regulations, Chapter 5 General Offenses, is amended by adding a new section, 6-5-31 to read:*

#### *6-5-31: CAMPING ON PUBLIC PROPERTY*

##### *A. Definitions*

##### *CAMPING:*

- 1. Setting up or remaining on a site for the purpose of establishing or maintaining a temporary or permanent place of dwelling, lodging, residence, or living accommodation, or otherwise being in or adjacent to a tent or sleeping bag, or atop and/or covered by materials such as bedroll, blanket, cardboard, newspaper, or the like, or inside some temporary shelter.*
- 2. Utilizing a tent or other temporary structure for the storage of personal belongings.*

*TEMPORARY STRUCTURE: Recreational vehicle, camper, tent, tarp, trailer, lean-to, vehicle, or other non-permanent assembly.*

##### *B. Uses Restricted*

- 1. No person shall, as above described, camp, reside or occupy, in any manner or fashion, whether within a closed vehicle, van, camper, trailer or within a tent or other temporary movable structure or other contrivance, on any city street or public property within the City of Kellogg.*
- 2. (Reserved for additional restrictions)*

##### *C. Exceptions*

- 1. Persons receiving an Event or Activity Request, Facilities Reservation, or other permits that allow camping on public property from the City of Kellogg Clerk's Office.*
- 2. Uses commonly accepted to be associated with the use of a public park on a temporary basis, during normal hours of operations, in conjunction with the recreational use of such park or pavilion.*

##### *D. Fines and Penalties*

- 3. A first violation of this section is an infraction punishable by a fine of one hundred dollars (\$100.00). A second or subsequent violation shall be a misdemeanor, punishable by a fine of no less than one thousand dollars (\$1,000.00) for any one offense, or by imprisonment in the county jail not exceeding six (6) months or by both such fine and imprisonment. Every day there is a violation shall constitute a separate violation/offense.*

*Section 2. Severability. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by court or competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.*

*Section 3. Repeal of Conflicting Provisions. All provisions of the current Kellogg Municipal Code, or ordinance of the City of Kellogg which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.*

*Section 4. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.*

*Enacted by the City Council as an Ordinance of Kellogg on the 11th day of September, 2024.*

Passed under suspension of the rules upon which a roll call vote was duly taken and enacted as an Ordinance of the City of Kellogg at a regular meeting of the City Council held on the 11<sup>th</sup> day of September, 2024.

Approved by the Mayor on the \_\_\_ day of \_\_\_\_\_, 2024.

CITY OF KELLOGG

By: \_\_\_\_\_  
Rod Plank, Mayor

ATTEST:

\_\_\_\_\_  
Lindsay Strobel, City Clerk

**Councilmember Mercado moved to adopt the Ordinance under suspension of rules. Motion was seconded by Councilmember Douglas. A roll call vote of the Council resulted as follows:**

<b>Teeters –Aye</b>	<b>Norris – Aye</b>	<b>Motion carried</b>
<b>Mercado – Aye</b>	<b>Cardenas - absent</b>	
<b>Douglas –Aye</b>	<b>Cobb- Aye</b>	

**Councilmember Douglas moved to publish the Ordinance by summary. Motion was seconded by Councilmember Teeters. Motion passed.**

Consideration on Pronouncement of Council Decision on Mountainview Park ingress/egress  
Several years ago, an unpermitted road was created through Kellogg City property to access a privately owned parcel. It was decided by Council in August of 2021 to deny easement to the property owner. This pronouncement will reaffirm Council’s decision and allow staff to give a consistent response when asked about access by potential buyers.

**Councilmember Douglas moved to make this pronouncement. Motion was seconded by Councilmember Cobb. A roll call vote of the Council resulted as follows:**

<b>Teeters –Aye</b>	<b>Norris – Aye</b>	<b>Motion carried</b>
<b>Mercado – Aye</b>	<b>Cardenas - absent</b>	
<b>Douglas –Aye</b>	<b>Cobb- Aye</b>	

Consideration on Request to Purchase of John Deere Compact Excavator using ARPA Funds  
After looking at a couple other brands, Public Works department recommends the purchase of the John Deere Compact Excavator is asking Council to approve the purchase.

**Councilmember Douglas moved to approve the use of ARPA funds for this purpose. Motion was seconded by Councilmember Cobb. A roll call vote of the Council resulted as follows:**

<b>Teeters –Aye</b>	<b>Norris – Aye</b>	<b>Motion carried</b>
<b>Mercado – Aye</b>	<b>Cardenas - absent</b>	
<b>Douglas –Aye</b>	<b>Cobb- Aye</b>	

Consideration on Resolution 2024-13 Purchase of John Deere Compact Excavator

**Councilmember Douglas moved to read the Resolution by title only. Motion was seconded by Councilmember Teeters. Motion carried.**

RESOLUTION # 2024-13

A RESOLUTION OF THE CITY OF KELLOGG, SHOSHONE COUNTY, STATE OF IDAHO, APPROVING AND AUTHORIZING THE CITY TO PURCHASE A JOHN DEERE 35P COMPACT EXCAVATOR FOR USE BY THE CITY’S PUBLIC WORKS DEPARTMENT

CITY OF KELLOGG

Shoshone County, Idaho

WHEREAS, the City is in need of a compact excavator;

WHEREAS, the City has determined that Pape Machinery to be a qualified vendor, and

WHEREAS, the City has sufficient funds to purchase said machinery.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and the City Council of the City of Kellogg, Idaho, approve the purchase of a JOHN DEERE 35P COMPACT EXCAVATOR a with VIN 1FF035PAJRK003810 from Pape Machinery, with a purchase price of \$70,180.00.

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

DATED this 11<sup>th</sup> day of September 2024.

Rod Plank, Mayor

ATTEST:

Lindsay Strobel, Clerk/Treasurer

**Councilmember Douglas moved to approve this resolution. Motion was seconded by Councilmember Cobb. A roll call vote of the Council resulted as follows:**

<b>Teeters –Aye</b>	<b>Norris – Aye</b>	<b>Motion carried</b>
<b>Mercado – Aye</b>	<b>Cardenas - absent</b>	
<b>Douglas –Aye</b>	<b>Cobb- Aye</b>	

Consideration on Draft Title VI Plan

Implementation of a Title VI Plan (Title VI, 42 U.S.C. § 2000d et seq) is required to receive certain funding, such as the LHTAC grant that funds the flashing stop signs.

**Councilmember Mercado moved to approve the plan. Motion was seconded by Councilmember Norris.**

Consideration on Amendment to Personnel Policy

The City Clerk and Council President have been reviewing the current personnel policy. Two updates that are suggested are changing sick leave carry over limit from 192 to 120 hours and increase comp time accrual from 20 to 30 hours.

**Councilmember Douglas moved to approve the changes to the Personnel Policy. Motion was seconded by Councilmember Teeters. A roll call vote of the Council resulted as follows:**

<b>Teeters –Aye</b>	<b>Norris – Aye</b>	<b>Motion carried</b>
<b>Mercado – Aye</b>	<b>Cardenas - absent</b>	
<b>Douglas –Aye</b>	<b>Cobb- Aye</b>	

Consideration on Ordinance No 632 Amending Ordinance 628 Correcting Clerical Errors

This is just a clerical error correction made to the budget ordinance. No changes are being made to FY2024-2025 appropriations, previously approved.

**Councilmember Douglas moved to read the Ordinance by title only. Motion was seconded by Councilmember Teeters. Motion carried.**

**ORDINANCE NO. 632**

*AN ORDINANCE OF THE CITY OF KELLOGG, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING ORDINANCE NO. 628 ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024; CORRECTING A CLERICAL ERROR IN THE TITLE AND SUM STATED IN SECTION 1 OF ORDINANCE 628, NOTHING ELSE WILL CHANGE THEREIN.*

*BE IT ORDAINED* by the Mayor and City Council of the City of Kellogg, Shoshone County, Idaho.

*Section 1: That the sum of \$9,744,295 be, and the same appropriated to defray the necessary expenses and liabilities of the City of Kellogg, Shoshone County, Idaho for the fiscal year beginning October 1, 2024.*

*Section 2: The objects and purposes for which such appropriation is made, and the amount of each object and purpose is as follows:*

**ESTIMATED EXPENDITURES**

GENERAL FUND	1,967,128	
STREET FUND	1,031,350	
SEWER FUND	986,571	
LIBRARY FUND	114,537	
RECREATION FUND	148,944	
RADIO BASE FUND	19,100	
SANITATION FUND	579,320	
REVENUE SHARING FUND	385,100	
LIABILITY INSURANCE FUND	73,575	
CAPITAL FUND	2,215,700	
DEPOT FUND		14,100
CEMETERY FUND	85,993	
IMPACT FEES		2,500
GRANTS	1,690,000	
LOCAL OPTION TAX		276,700

LEASES		30,677
MISC		123,000
GRAND TOTAL OF ALL EXPENDITURES	\$ 9,744,295	

Section 3: That a general tax levy on all taxable property within the City of Kellogg be levied in an amount by law for the general purpose for said City, for the fiscal year beginning October 1, 2024.

Section 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Shoshone County News Press, a newspaper of general circulation in the City of Kellogg and the official newspaper of said City.

ENACTED by the City Council as an Ordinance of the City of Kellogg on the 11<sup>th</sup> day of September, 2024.

PASSED under suspension of the rules upon which a roll call vote was duly taken and enacted as an Ordinance of the City of Kellogg at a regular meeting of the City Council held on the 11th day of September, 2024.

APPROVED by the Mayor on the 11<sup>th</sup> day of September, 2024.

CITY OF KELLOGG

By: \_\_\_\_\_  
Rod Plank, Mayor

ATTEST:

\_\_\_\_\_  
Clerk/Treasurer Lindsay Strobel

**Councilmember Douglas moved to adopt the Ordinance under suspension of rules. Motion was seconded by Councilmember Cobb. A roll call vote of the Council resulted as follows:**

Teeters –Aye	Norris – Aye	Motion carried
Mercado – Aye	Cardenas - absent	
Douglas –Aye	Cobb- Aye	

**Councilmember Mercado moved to publish the Ordinance by summary. Motion was seconded by Councilmember Douglas. Motion passed.**

**ANNOUNCEMENTS AND REPORTS**

Chief Twidt: PD will be getting busier in the fall. Kyle Hudson will be rejoining KPD in a seamless transition with the exit of William Eddy.

Community Planner Miller: P & Z Commission has approved recommendations regarding Mtn. Overlay District and RV Dwelling Regulations. Those will be up for Council consideration next month. SAVE Coalition is sponsoring a suicide awareness walk. We are gearing up for KELLOWEEN! This year will 100% donation funded. Kudos to staff and department heads. Blight ordinance maybe ready for Council consideration in November.

Councilmember Mercado: Good to see lawns turning green again.

Councilmember Douglas: SV Chamber of Commerce has requested to break their lease on the Depot building, which is up in July 2025. They want to be out by November 1, 2024. Shoshone County is terminating their building inspection contract with City of Kellogg, effective September 30, 2024. Keith will work out the outstanding permits.

Mayor Plank: A card was received from KSD, thanking us for the care of Teeters Field.

Councilmember Norris: Thanks to Rod for acknowledging 9/11 anniversary.

**There being no further business, the meeting was adjourned at 6:40 pm. The Council will meet at the regular time in October 2024.**

\_\_\_\_\_  
Mayor Rod Plank

ATTEST:

\_\_\_\_\_  
Lindsay Strobel, City Clerk/Treasurer