

## MINUTES OF THE REGULAR COUNCIL MEETING

July 8, 2020

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  
Ron Mercado  
Terry Douglas  
Dennis Norris  
Ron Delcamp  
Anna Moody

Officers present were:

Mayor Mac Pooler  
City Clerk /Treasurer Nila Jurkovich  
By Teleconference:  
Chief of Police David Wuolle  
Building Official Mark Magnus  
Public Works Superintendent Craig Lewis

Also in attendance: Andy Helkey, Panhandle Health District.

By teleconference:

Ben Davis, Alta Science & Engineering, Tara Lodi, Silver Valley Chamber of Commerce and Jerry Olson, Spokane Public Radio.

Absent for Roll Call: Planning Consultant Collin Coles and Project Manager Rod Plank

### **PUBLIC HEARING**

It was moved by Councilmember Delcamp and seconded by Councilmember Armstrong to enter into the public hearing at 6:02 p.m.

Motion carried.

Mayor Pooler stated that this is the time to take public comment on the proposed budget amendment for fiscal year 2019-2020. The notices of hearings were published in the Shoshone News Press on June 23rd and June 30<sup>th</sup>.

#### 2019/2020 Fiscal Year Budget Amendment

Council President Douglas advised those present, this is the budget hearing to amend the annual appropriation ordinance for the fiscal year beginning October 1, 2019.

Councilmember Armstrong advised the Council this is standard business to acknowledge revenue that was received throughout the year that may not have been anticipated or budgeted.

There were no comments from the public.

It was moved by Councilmember Norris and seconded by Councilmember Douglas to close the hearing and reconvene to the regular meeting at 6:04 p.m.

Motion carried.

### **ORAL COMMUNICATIONS**

None requested.

### **STAFF REPORTS**

Reports were submitted and staff is available for questions.

## CONSENT CALENDAR

1. Approval or correction of the minutes of the June 10, 2020 regular council meeting and the minutes from the June 26<sup>th</sup> special council meeting.
2. Approval of payment of the bills for the month of June 2020 as presented. (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income & Expenditure, Treasurers Report will be posted on City Website.
4. P&Z Commission minutes of the June 15, 2020 Meeting.
5. Report of Commissions and Committees: No meetings

It was moved by Councilmember Armstrong and seconded by Councilmember Douglas to approve the Consent Calendar as submitted.

Motion carried.

## OLD BUSINESS

Alta Science & Engineering Representative Ben Davis was absent, and provided the Council with a written update for items #1-4.

1. Finalized Phase 2 & Phase 3 Roads & Sewer Project Walk Through (6/30/2020) Update.

The one-year warranty walkthrough was held at Panhandle Health District on June 30<sup>th</sup> for Phases 2 & 3 of the Kellogg Sewer, Roads, and Water project. City of Kellogg, Alta, Big Sky, Knife River, CSCWD, JUB, and PHD were present. Warranty items will be addressed in the upcoming month by Big Sky and Knife River. Items deemed as issues not covered under the warranty may see no action.

2. Update on Bunker/Wildcat Way Paving & stormwater Construction.

Bids on the Add Alternative 1 of the 2020 Paved Roads Project came in favorable at \$82,000 (approximately 15-20% lower than engineer's estimate). Alta is working with the DEQ Roads Board on cost-sharing the storm work due to the favorable bid.

There were no concerns by the engineer with the discrepancy in the submitted bid totals.

3. Update on re-bidding of Teeter's Field Concession Stand

A review of the only submitted bid was completed. The bid was not accepted as it is higher than the available funding amount for the project. Alta and the City are looking at options to reduce costs and re-bid the project.

No action was taken on this topic and it will be placed on the August agenda for further discussion and action.

4. Update on Wardner Sewer Inflow Analysis provided to the South Fork Cd'A River Sewer District.

Alta had nothing to report.

On June 19<sup>th</sup> the City received a response letter from South Fork Cd'A River Sewer District. A meeting will be scheduled to meet with Mr. Joe Close and his Board to discuss the intent of the City.

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

Mr. Andy Helkey, Panhandle Health District updated the Council with the statistics stating five people are currently hospitalized in District 1. The younger generation is now testing positive, there is a need to be diligent with one's actions. Mayor Pooler encouraged people to do what is necessary.

Tara Lodi, Chamber President was present by telephone and asked if there were any questions from her email update for the Marathon that is tentatively scheduled for later in the year.

After a lengthy conversation, it was moved by Councilmember Delcamp and seconded by Councilmember Moody to continue to monitor COVID-19 daily, re-evaluate the proposed Activity Request from Tara Lodi as the event gets closer pending the future COVID-19 cases.

Motion carried.

**NEW BUSINESS**

Appointment of Caitlin Kling, Lake City Law

Councilmember Terry Douglas advised the Council that the terms will be the same as with Hawley Troxell, the opportunity with this move is the wealth of knowledge in municipal law. This appointment will provide services with Caitlin Kling, Lake City Law as City's Attorney & enter into contract.

It was moved by Councilmember Douglas and seconded by Councilmember Delcamp to accept the Mayor's appointment of Caitlin Kling at Lake City Law. A roll call vote of the Council resulted as follows:

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

Motion carried.

Ordinance amending budget for Fiscal Year 2019-2020

It was moved by Councilmember Douglas and seconded by Councilmember Armstrong to have the proposed ordinance read by title only. Motion carried.

The Clerk/Treasurer then read the title of proposed Ordinance 609.

ORDINANCE NO. 609

AN ORDINANCE OF THE CITY OF KELLOGG, IDAHO, AMENDING ORDINANCE NO. 604 THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020: APPROPRIATING ADDITIONAL MONIES THAT HAVE BEEN RECEIVED BY THE CITY OF KELLOGG, IDAHO IN THE SUM OF \$1,207,850 AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KELLOGG, IDAHO:

Section 1: That Ordinance No 604, the appropriation ordinance for the City of Kellogg, Idaho for the fiscal year October 1, 2019, and ending September 30, 2020 be and the same is hereby amended as follows:

<u>Expenses</u>		<u>Revenues</u>	
EPA Road Repair	800,000	EPA Road Funding	800,000
Sewer Project Expenses	270,000	Sewer Project Financing	270,000
Sewer Maint Project	105,000	Sewer Fund Bal	105,000
Cemetery Equip	30,500	State Revenue Sharing	30,500
Library Marketing Grant	1,500	Library Marking Grant	1,500
Library Cares Act Grant	850	Library Cares Act Grant	850

Expenditures of the monies will be in accordance with the provisions to be used for authorized activities.

Section 2: This ordinance shall be in full force and effect from and after its passage, approval and publication.

ENACTED by the City Council as an Ordinance of the City of Kellogg on the 8<sup>th</sup> day of July, 2020.

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 8th day of July, 2020.

APPROVED by the Mayor on the 8th day of July, 2020.

CITY OF KELLOGG

By: \_\_\_\_\_  
Mac Pooler, Mayor

ATTEST:

\_\_\_\_\_  
Nila Jurkovich, Municipal Clerk/Treasurer

It was moved by Councilmember Delcamp and seconded by Councilmember Douglas to pass Ordinance #609 under suspension of the rules. A roll call vote of the Council resulted as follows:

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

Motion carried.

#### Property Tax Relief Program for Fiscal Year 2020-2021

Councilmember Douglas advised the Council that the City could provide its intent to move forward with the Property Tax Relief Program. The percentage will depend upon how many entities will sign up with the State. The City's intent is not binding. If the City decides to move forward, no portion of the 3% increase from Property Tax would be allowed this year.

Councilmember Armstrong shared his concern that the relief to the citizens will be minimal and could mess up the City's budget.

It was moved by Councilmember Douglas and seconded by Councilmember Armstrong to move forward with providing the state with the City's intent to join the Property Tax Relief Program and re-evaluate this as more information is provided.

Motion carried.

#### Tentative Budget for fiscal year 2020/2021

Councilmember Douglas advised the Council that the tentative budget has been prepared and is in front of them. Member Douglas stated the proposed budget is in the amount of \$5,809,440. The proposed budget is conservative, numerous revenues have declined anywhere from 2 – 13% with the state legislature always trying to reformat the formulas that cities revenue received from the state. Local Option Tax for short term rentals have taken a significant decline due to COVID-19.

Councilmember Armstrong advised the Council his review of the three years of budgets line up, now that the sewer project is completed the City's proposed budget is less. The proposed budget covers what we are doing now. Employees may receive a 1% cost of living adjustment, and longevity increases will also be provided to those who are eligible. With Silver Mountain's tax appeal being finalized, there are a lot of unknowns.

The budget hearing will be published in the Shoshone News Press.

It was moved by Councilmember Delcamp and seconded by Councilmember Moody to accept the tentative budget as prepared.

Motion carried.

Ordinance Amending Blight Procedures

Police Chief Dave Wuolle advised the Council that this ordinance will provide the necessary changes will give the City a 180 day window after the first abatement notice the second notice will be an infraction and the third notice will be a misdemeanor.

It was moved by Councilmember Norris and seconded by Councilmember Douglas to have the proposed ordinance read by title only. Motion carried.

The Clerk/Treasurer then read the title of proposed Ordinance #610.

ORDINANCE NO. 610

AN ORDINANCE OF THE CITY OF KELLOGG, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING KELLOGG CITY CODE TITLE 8, HEALTH AND SANITATION; CHAPTER 2, WEEDS, BUSHES, TREES, AND PUBLIC NUISANCES; PROVIDING FOR SEVERABILITY; PROVIDING 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 Title 8, Health and Sanitation, Chapter 2, Weeds, Bushes, Trees, and Public Nuisances, is hereby amended as follows:

**Section 1.** That section 8-2-5 of the Kellogg City Code shall be, and the same is, amended to read as follows:

8-2-5: NOTICE TO ABATE:

A. Notice of Nuisance Property. Whenever the Kellogg police department or authorized agent finds that a violation does exist pursuant to any provisions of this chapter, he or she may initiate enforcement by giving notice by certified and first class mail, addressed to the last known address of the owner of record or by personally serving the notice upon the owner of record, and if there is more than one owner of record, by such mail or personal service to any one of such owners. In the event the owner of the property is unknown or his or her whereabouts is unknown, notice shall be given by a combination of first class mail and certified mail based upon the records of the county assessor. Such notice shall specify the violations required to be abated and the manner and time limits by which the owner of the property is required to achieve compliance.

In the event said owner and/or occupant fails to abate within the time period specified in the notice, the Kellogg police department or authorized agent shall take appropriate action to issue a misdemeanor citation as outlined in section 8-2-7 of this chapter to said property owner, lessee, occupant or any agent or representative of any such owner, lessee or occupant having control of any occupied or unoccupied lot or parcel of land or any part thereof in the city. In the event the owner of the property is unknown or his or her whereabouts is unknown, law enforcement shall take appropriate action to obtain a criminal complaint and issuance of a criminal summons, or arrest warrant where the whereabouts are unknown.

B. Second Report. If two or more nuisances have occurred on the same property during any one hundred eighty (180) day period, or upon the receipt of a second notice within one hundred eighty (180) days from the first notice, penalties will be as outlined in section 8-2-7 of this chapter.

**Section 2.** That section 8-2-7 of the Kellogg City Code shall be, and the same is, amended to read as follows:

8-2-7: PENALTY FOR FAILURE TO ABATE VIOLATION:

Any owner or other person notified to cut, trim, or remove weeds, brush piles, vegetative litter or nuisance tree or shrub growth or remove abandoned, wrecked, dismantled, inoperable or unlicensed vehicles, or parts thereof, building materials, unused furniture and appliances, junk, trash, or debris from their property, and who shall fail to do so and abate such violation within the time specified in the notice, as outlined above in section 8-2-5 of this chapter. The first non-compliance offense will be deemed an infraction with an associated fine of one hundred fifty dollars (\$150). If two or more nuisances have occurred on the same property during any one hundred eighty (180) day period, or upon the receipt of a second notice within one hundred eighty (180) days from the first notice, shall be deemed guilty of a misdemeanor and upon conviction shall be punishable by a fine of one thousand dollars (\$1,000.00) or by imprisonment for not more than one hundred eighty (180) days in jail or both a fine and imprisonment. In addition to any other penalty, the city may recover its costs of abatement, including attorney fees and costs as outlined in section 8-2-9 of this chapter. Every day such violation continues after the date specified in the notice shall constitute a separate and distinct offense, punishable by a lawfully appropriate penalty.

**Section 3.** This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of 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 4.** All provisions of the current Kellogg Municipal Code or ordinances of the city of Kellogg which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 5.** This ordinance shall be effective upon its passage and publication as provided by law.

ENACTED by the City Council as an Ordinance of the city of Kellogg on the 8<sup>th</sup> day of July, 2020.

PASSED under suspension of the rules upon which a roll call vote was taken and duly enacted an Ordinance of the city of Kellogg, Shoshone County, Idaho, at a convened meeting of the city of Kellogg City Council and APPROVED by the Mayor on the 8<sup>th</sup> day of July, 2020.

CITY OF KELLOGG

By: \_\_\_\_\_  
Mac Pooler, Mayor

ATTEST:

\_\_\_\_\_  
Nila Jurkovich, City Clerk

It was moved by Councilmember Mercado and seconded by Councilmember Delcamp to pass Ordinance #610 under suspension of the rules. A roll call vote of the Council resulted as follows:

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

Motion carried.

It was moved by Councilmember Douglas and seconded by Councilmember Delcamp to publish Ordinance #610 by Summary prepared by City's Counsel.

Motion carried.

Tower for Spokane Public Radio located at Wardner Peak

Mr. Jerry Olson, Spokane Public Radio, present by telephone provided the Council with the explanation on how the existing antenna snapped between the two mounts and their Radio Station would like to put up a new mount and put another tower up.

Chief Wuolle advised the Council of the issues with the building and it would be best not to do this until the building is repaired or replaced. If there were no repairs required to the building, Spokane Public Radio's proposal would be acceptable. Fix the existing tower and reinstall an antenna would be the best solution. Mr. Olson advised the Council that this solution would work.

It was moved by Councilmember Delcamp and seconded by Councilmember Douglas to allow the reinstallation of an antenna and fix the existing tower at this time due to the necessary work needed on the building.

A roll call vote of the Council resulted as follows:

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

Motion carried.

Engineering Contract with Alta Science & Engineering for the Government Gulch Project

Having no questions with the document in front of the Council, it was moved by Councilmember Douglas and seconded by Councilmember Norris to ratify the approval on the engineering contract with Alta Science & Engineering for the Government Gulch Project funded by the EDA Grant.

A roll call vote of the Council resulted as follows:

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

Motion carried.

Engineering Contract with Alta Science & Engineering as City's Engineer

Having no questions with the document in front of Council, it was moved by Councilmember Moody and seconded by Councilmember Douglas to ratify the approval on the engineering contract with Alta Science & Engineering as City Engineer.

A roll call vote of the Council resulted as follows:

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

Motion carried.

Task Order 1, Alta Science

Mr. Ben Davis, Alta Science & Engineering advised the Council this Task Order is for the first task now that Alta is the City's engineer and will cover general services such as attending Traffic Safety meetings.

It was moved by Councilmember Douglas and seconded by Councilmember Delcamp to ratify the approval on Task Order 1 with Alta Science & Engineering.

A roll call vote of the Council resulted as follows:

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

Motion carried.

Mayor's Notice of Intent Award Letter and the Notice of Award for the 2020 Paving Project to Big Sky and move forward with the review & Approval of the 2020 Paved Roads Construction Contract

There were no questions with the documents in front of Council to ratify the Mayor's Notice of Intent Award Letter and the Notice of Award for the 2020 Paving Project to Big Sky and move forward with the review and approval of the 2020 Paved Roads Construction Contract.

Mr. Ben Davis advised the Council that Alta is working with Big Sky on executing the contract and will forward to the City for review and signature. The anticipated construction start date is July 20<sup>th</sup>.

It was moved by Councilmember Delcamp and seconded by Councilmember Norris to ratify the Mayor's Notice of Intent Award Letter and the Notice of Award for the 2020 Paving Project to Big Sky and move forward with the review and approval of the 2020 Paved Roads Construction Contract.

A roll call vote of the Council resulted as follows:

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

Motion carried.

Amendment to contract with Panhandle Area Council

Working through the requirements by EDA for the Government Gulch Project, it was noticed that a word was missing in the contract between Panhandle Area Council and the City. This amendment will add the missing word in the original contract.

It was moved by Councilmember Douglas and seconded by Councilmember Armstrong to approve the amendment to the contract with Panhandle Area Council as a word was missed in the original contract.

A roll call vote of the Council resulted as follows:

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

Motion carried.

It Management Agreement between City of Kellogg, Panhandle Area Council & DEQ

City Clerk Nila Jurkovich advised the Council that a Joint Management Agreement between City of Kellogg, Panhandle Area Council & DEQ for the Government Gulch Project is required before the City can submit any invoices to EDA for reimbursement.

It was moved by Councilmember Douglas and seconded by Councilmember Delcamp to ratify the mayor's decision to enter into the Joint Management Agreement with Panhandle Area Council and Department of Environmental Quality.

A roll call vote of the Council resulted as follows:

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

Motion Carried.

**ANNOUNCEMENTS AND REPORTS**

Councilmember Armstrong

Thanked Nila Jurkovich for her work on the budget.

Councilmember Mercado

City looks good.

Councilmember Norris

Thanked the employees for all their work during COVID-19.

Councilmember Delcamp

Thanked Craig Lewis for opening the pool and park.

Councilmember Moody

Provided a brief update. Idaho extended the application deadline for the grant opportunity presented to the Council at the special Council meeting. After more research of the Cares Act grant, it would be more beneficial to target Wardner and not Kellogg.

Councilmember Douglas

North Idaho College has notified the City with their intent to be out of the old city hall building this September. Will be working on a value of the building, will the City benefit by selling the building instead of being a landlord.

Mr. Mike Domy will be retiring later this year. A Depot Committee meeting will be scheduled to discuss the building.

There being no further business to come before the Council at this time, it was adjourned at 7:04 P.M. to meet for the regular council meeting on August 12, 2020.

\_\_\_\_\_  
Mac Pooler, Mayor

ATTEST:

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