

MINUTES OF THE REGULAR COUNCIL MEETING

March 14, 2018

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

A roll call of the Council resulted as the following present:

Terry Douglas
Ron Mercado
Sid Armstrong
Joan Head
Dennis Norris
Ron Delcamp

Officers present were:

Mayor Mac Pooler
Project Manager Rod Plank
Building Official Mark Magnus
Chief of Police David Wuolle
Superintendent of Public Works Craig Lewis
City Clerk /Treasurer Nila Jurkovich

Planning Consultant Collin Coles is attending the Wardner Council Meeting to discuss area of city impacts.

Guest Karla Douglas led the Pledge of Allegiance.

ORAL COMMENTS

No one was present to speak.

STAFF REPORTS

Superintendent of Public Works Craig Lewis

Advised the Council that Phase 3 construction work will be on McKinley Avenue, and work will continue through the area that the posts from the archway are located. The archway was removed two years ago. During construction, the posts can be removed, the roadway widened which would give two additional parking spaces and will also improve the ability for the City to remove snow. Mayor Pooler reminded the Council that the Chamber is aware of this, and were asked to get back to the City with a plan. No plan has been submitted to the City. Councilmember Douglas asked Mr. Lewis to draft a final letter to the Chamber providing them with a date to submit a plan for the archway, otherwise the City will follow through with plans to remove the posts.

Advised the Council of some items he has noticed and would like to bring before the Council as follows:

- 1) as the City is working on the Phase 3 sewer project, it would be a good time to think about extending the line from Hill Street to McKinley as it would take some overflow off of the main line from the health clinic to Hill Street.
- 2) On the east side of Hill, as Teeters Field is a focal point in our City, it may be a good time to consider replacing the sidewalk from Hill Street to Dirty Ernies Bar.
- 3) There has been discussion on moving the concession stand and the bathrooms from the area they currently are located. By stubbing the sewer line out from on the corner of Hill and McKinley so future development in the uncovered bleacher area would be proactive thinking, as a concrete pad could be poured at the top of this area and the buildings could be built on the pad. Mayor Pooler asked if this would fall under the Agreement with the school district. Public Works Superintendent Lewis advised the Council it would, and there would be a possibility of fund raisers with the school's sports boosters.

It was the consensus of the Council to have Mr. Lewis move forward with working with Alta to provide the City with pricing on his proposals. Councilmember Mercado asked

that Mr. Lewis get a price that would pour the cement slab first for future development of a concession stand.

CONSENT CALENDAR

1. Approval or correction of the minutes of the February 14, 2018 regular council meeting
2. Approval of payment of the bills for the month of February 2018 as presented. (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income & Expenditure, as submitted.
5. P&Z Commission minutes from the February 26, 2018 Meeting-
6. Report of Commissions and Committees:
Traffic Safety Committee Meeting minutes from the February 26, 2018 meeting.

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

OLD BUSINESS

EPA Road Remediation & Sewer Project– Alta Engineering

Derek Forseth, Alta Engineering advised the Council that the weekly construction meetings for both phases will continue throughout the construction year. The City will provide each contractor with the required Notice To Proceed as both contractors have shared their desire to start construction activity the week of April 16, 2018. The Notice To Proceed documents will be on the April 11th Council Agenda for action by the Council.

Phase 2 has a total of 45% of the project complete with 55% of the project still remaining. \$5.6 million worth of work remains for Phase 2.

Phase 3 has a total of 20% complete with 80% of the project still remaining. \$3.3 million worth of work remains in Phase 3. There are a total of eight easements that need to be finalized, all are in Alta's ball park.

The Roads Board approved approximately 9,000 lineal feet of work in the north side of the city in the approximate amount of \$375,000 that will be completely funded by the EPA/DEQ money. Work will be completed by KnifeRiver.

Furthermore, the Roads Board approved design for the McKinley Project for next year. And the Roads Board has also approved the finishing of Alhambra, which will be placed under Big Sky's contract.

Councilmember Armstrong inquired about the 242 days that KnifeRiver has left for their project. Mr. Forseth stated the 242 days were calendar days, less rain days, with changes being possible with any approval of future Change Orders for the project.

Councilmember Mercado stressed his concerns on the quality of the pavement. Mr. Forseth stated a meeting was held after the construction meeting this week with both contractors and the paving subcontractor. Preventative actions will be taken in future paving. Councilmember Douglas stated that the subcontractor is committed in fixing the issues in the pavement that was laid in 2017.

NEW BUSINESS

Consideration to Accept the Arbor Day Proclamation

City Clerk Nila Jurkovich read the Arbor Day Proclamation.

Arbor Day Proclamation

WHEREAS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Mac Pooler, Mayor of the City of Kellogg, Idaho, do hereby proclaim April 27, 2018 as Arbor Day in the City of Kellogg, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED this 14th day of March 2018.

By _____
Mac Pooler, Mayor

It was moved by Councilmember Mercado and seconded by Councilmember Douglas to accept the Arbor Day Proclamation as read.

Motion carried.

Award, Execute Contract & Notice to Proceed ICDBG Pool ADA Project

Councilmember Delcamp advised the Council that Dardan Enterprises provided the low price, and was under the proposed budget cost for the pool project. In looking at maximizing the full grant amount, the City is working with all parties involved to work towards upgrading more ADA improvements at the pool. The additional work may include concrete replacement, expand the front window and back window so both are in ADA compliance, along with installing a rolling security window. There is work that is needed by the diving board, as there will be concrete that may be replaced. Although the concrete work would be picked up by grant dollars, the diving board work will require city dollars to be spent.

It was moved by Councilmember Douglas and seconded by Councilmember Armstrong to award the ICDBG Pool Construction Contract to Dardan Enterprises, Authorize Mayor to execute the Contract with Dardan Enterprises and Provide the Notice To Proceed to Dardan Enterprises to start the ADA construction at the City's Pool.

A roll call vote resulted as follows:

Councilmember Delcamp – Aye
Councilmember Head – Aye
Councilmember Mercado – Aye

Councilmember Norris – Aye
Councilmember Douglas – Aye
Councilmember Armstrong – Aye

Motion carried.

Grant Writer & Administrator for upcoming City events

Council President Douglas advised the Council there were several projects that will involve the City needing a grant writer and administrator. Each time there is a need for these services the City is required to follow the procurement process which is timely and

costs are associated with the process. He would like the City to go out for a three year procurement process for these services.

It was moved by Councilmember Delcamp and seconded by Councilmember Douglas to move forward with the procurement process for a grant writer and grant administrator for a term of three years.

A roll call vote resulted as follows:

Councilmember Delcamp – Aye
Councilmember Head – Aye
Councilmember Mercado – Aye

Councilmember Norris – Aye
Councilmember Douglas – Aye
Councilmember Armstrong – Aye

Motion carried.

Ordinance Amending Municipal Code 2-2-2 Library Board, 5-17-8 Operational Requirements & Standard Conditions, and 10-2-17 Violations & Penalties

City Clerk Nila Jurkovich advised the Council the proposed ordinance before them would clear up existing ordinances as follows. Library trustees will be amended to show the City's representative will not have voting rights; all active Short Term Rentals will be required to have nonstop sanitation services if the property is rented or not; and the parking violation fees will be stricken from the ordinance as the fees are outdated and fees are done by City Resolution and not City Ordinances.

Council did not have any questions.

It was moved by Councilmember Mercado and seconded by Councilmember Douglas to have proposed ordinance #594 read by title only.

Motion carried

City Clerk Nila Jurkovich read the proposed ordinance by title only.

ORDINANCE NO. 594

AN ORDINANCE OF THE CITY OF KELLOGG, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING KELLOGG CITY CODE TITLE 2, COMMISSIONS AND BOARDS, CHAPTER 2, LIBRARY BOARD, SECTION 2-2-2 LIBRARY BOARD CREATED; AMENDING TITLE 5, BUSINESS REGULATIONS, CHAPTER 17, SHORT TERM RENTALS, SECTION 5-17-8, OPERATIONAL REQUIREMENTS AND STANDARD CONDITIONS; and TITLE 10, TRAFFIC REGULATIONS, CHAPTER 2, TRAFFIC, SECTION 10-2-17, VIOLATIONS AND PENALTIES; 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 2, Commissions and Boards; Title 5, Business Regulations; and Title 10, Traffic Regulations, are hereby amended as follows:

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

2-2-2: LIBRARY BOARD CREATED:

For the government of such library and reading room there shall be a board of five (5) trustees appointed by the city council from among the citizens hereof at large, ~~and not more than one member of the council of the city shall, at any time, be a member of said board.~~ Such trustees shall hold their office for five (5) years from the date of appointment, and until their successors are appointed, but upon their first appointment they shall divide themselves at their first meeting, by lot, into five (5) classes: One member shall form the first class and shall serve for one year from the date of appointment, one member shall form the second class and shall serve for two (2) years from the date of appointment; one member shall form the third class and shall serve for three (3) years from the date of appointment; one member shall form the fourth class and

shall serve for four (4) years from the date of appointment; and one member shall form the fifth class and shall serve for five (5) years from the date of appointment. All vacancies shall be reported to the council within five (5) days by the trustees and shall be filled by appointment in the same manner as appointments are originally made. Appointments to complete an unexpired term shall be for the residue of the term only. No compensation shall be paid or allowed to any trustee in any manner whatsoever.

Section 2. That Section 5-17-8 of Kellogg City Code shall be, and the same is, amended to read as follows:

5-17-8: OPERATIONAL REQUIREMENTS AND STANDARD CONDITIONS:

K. Trash Within Public View: Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the city's authorized waste hauler on scheduled trash collection days, and shall maintain a current refuse collection subscription for the term of the short term rental permit. The operator shall use reasonably prudent business practices to ensure compliance with all the provisions of title 8, chapter 1 of this code as it now exists or is subsequently amended.

Section 3. That Section 10-2-17 of Kellogg City Code shall be, and the same is, amended to read as follows:

10-2-17: VIOLATIONS AND PENALTIES:

B. Penalties: Any owner or operator of a vehicle found to have violated any provision of this chapter or of chapter 4 of this title shall be assessed a fine ~~the following fines~~ for each separate violation in accordance with the City's adopted Fee Resolution. A schedule of fees shall be determined by proper Resolution of the council and filed with the Clerk. Said fees may be altered at any time by Resolution of the council.:

Causing or allowing a vehicle to stand, stop or park:-	
In violation of painted curb or sign-	\$10.00-
In alley; in front of driveway; in bus stop; or in handicap zone-	15.00-
Over 30 minutes in loading zone-	10.00-
By fire hydrant-	15.00-
Wrong way at curb-	10.00-
Longer than maximum time limit-	5.00-
All other miscellaneous violations-	10.00-

C. Enforcement: Any police officer or other person(s) designated by the city or chief of police observing any ~~of the foregoing~~ violations of this title shall be authorized to issue a ticket describing such violation and the charge assessed for the violation to the owner or operator of the vehicle standing, stopped or parked in violation of said chapters. The members of the police department or other person(s) designated by the city or chief of police are authorized to refrain from instituting a prosecution charging the person with an infraction or, where applicable, a misdemeanor if such person pays the charge herein assessed to the city cashier within ten (10) days of the violation. The owner and operator of any vehicle found to be stopped, standing or parked in violation of this chapter or chapter 4 of this title shall be deemed to have received the ticket issued if the officer or other authorized person secures a copy of the ticket to the vehicle's windshield or other conspicuous place. Any ticket issued pursuant to said chapters of this code shall set out the date, time, location and nature of the violation, as well as the vehicle's license plate number and state of registration. Any such ticket shall also indicate the amount of the fine for the alleged violation, and the time within which the fine must be paid to avoid issuance of a summons.

Section 4. Severability. 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 5. Repeal of Conflicting Provisions. 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 6. Effective Date. 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 14th day of March, 2018.

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 14th day of March, 2018.

By: _____
Mac Pooler, Mayor

ATTEST:

Nila Jurkovich, City Clerk

It was moved by Councilmember Delcamp and seconded by Councilmember Douglas to pass Ordinance #594 under suspension of the rules. A roll call vote of the Council resulted as follows:

Councilmember Head – Aye	Councilmember Norris – Aye
Councilmember Delcamp – Aye	Councilmember Douglas – Aye
Councilmember Mercado – Aye	Councilmember Armstrong – Aye

Motion carried.

It was moved by Councilmember Delcamp and seconded by Councilmember Douglas to publish Ordinance #594 by Summary prepared by City's Counsel.

Motion carried.

ANNOUNCEMENTS AND REPORTS

Councilmember Delcamp

Thanked Mr. Lewis for his work.

Councilmember Norris

Thanked Mr. Lewis and stated another winter has passed us, roads were plowed in a good manner.

Councilmember Head

The Library Director has resigned and is moving. The Library Board will be meeting on Friday to conduct interviews. A thank you to City Clerk Nila Jurkovich for arranging ICRMP to hold a workshop last Thursday for the library which included rules and regulations. The workshop was beneficial.

Councilmember Douglas

Upon the planner's arrival, Member Douglas asked that Mr. Coles provide a report on his meeting with Wardner regarding area of city impact at the end of the meeting.

Member Douglas advised the Council that the budget for fiscal year 2018/2019 is in process, each department has been requested to provide their requests to the City Clerk as there will be an Administrative Committee meeting. The City is waiting on the decision from the State Board of Appeals from the hearing with the Silver Mountain properties.

The City is looking at securing an EDA grant for what used to be called the “SPA” area, which is now recognized at the “McKinley Site.” The grant will be utilized for land planning and Mr. Coles should be involved in the project at a later date.

Also the City is proposing the reintroducing Impact Fees. Tischler provided the City with it’s first study that cost the City \$60,000. A reminder to the Council that the first impact fees provided the City with \$500,000 which mostly went to recreation upgrades. The construction of condos were the main source of where revenue was received with the Impact Fees. The City has been speaking with Tischler-Bise and the company has provided the City with a cost in the amount of \$50,000 to provide the required study. With the new sewer system, pavement and other improvements that have been done within the last several years, the City will be able to receive a more diversified level of impact fees. Future development will need to buy in to the current improvements the City has recently upgraded or replaced.

Councilmember Mercado

With the influx of use at the Scout house, it is important that the City look at the impact it has had on the Scout house as the building is needing improvements.

Councilmember Armstrong

Has had discussions with concerned citizens on the potential out-come of the tax appeal decision that will impact the City. The City will need to be creative, and several avenues have been discussed. After speaking with City Clerk Nila Jurkovich, the City is optimistic in the operation of the City, keeping services stabilized. Councilmember Armstrong would like to treat the employees fair if funds are available for them.

Mayor Pooler

The City will need to hold a special council meeting either Wednesday, March 28th, or Thursday, March 29th to finalize the bank sewer loan. It was the consensus of the Council to keep it on a Wednesday, March 28th at 6:00 p.m. The City Clerk will work with all agencies involved to secure the documents required for the signing of said loan.

Collin Coles, Planner

Collin Coles advised the Council he met with the Wardner City Council this evening, and they had no issues with the Area of City Impact process that Kellogg is in the middle of. He also spoke with the City of Smeltonville, and there were no issues from him either.

There being no further business to come before the Council at this time, it was adjourned at 6:56 P.M. to meet at the special Council meeting on March 28th and then its regular time of April 11, 2018.

ATTEST:

Mac Pooler, Mayor

Nila Jurkovich, City Clerk/Treasurer