

MINUTES OF THE REGULAR COUNCIL MEETING

December 9, 2020

The meeting was called to order by Mayor Mac Pooler at 6:00 p.m.

A roll call of the Council resulted as follows:

Sid Armstrong
Ron Mercado, present by telephone
Terry Douglas
Dennis Norris
Ron Delcamp
Anna Moody

Officers present were:

Mayor Mac Pooler
City Clerk /Treasurer Nila Jurkovich
By Telephone:
Building Official Mark Magnus
Chief of Police David Wuolle
Planning Consultant Collin Coles
Project Manager Rod Plank
City Engineer Derek Forseth and Ben Davis, Alta Science and Engineering

Also present in person: Andy Helkey

Mr. Brad Barnett and Mr. Sam Ash identified themselves as being present by telephone, with no others identifying themselves when asked by Mayor Pooler.

Councilmember Norris led the Pledge of Allegiance.

ORAL COMMUNICATIONS

Bunker Hill Mine representatives Brad Barnett and Sam Ash approached the City Council and Mayor, introducing themselves and provided an update of their accomplishments and what they hope to achieve. They believe they can get the Bunker Hill Mine back into operation. They have a commitment to work and to the community. A boost to the community, to the City and to the Silver Valley is hopeful.

The City Council and Mayor thanked them for their commitment to the community, this is a joint venture and asked that they keep the City informed.

PUBLIC HEARING

At 6:13 p.m. it was moved by Councilmember Douglas and seconded by Councilmember Moody to enter into the public hearing. Motion carried.

The purpose of this hearing is to take public comment on the proposed amendment to the budget and also on the proposed amendment to the building code.

The legal notice for the budget amendment was advertised in the Shoshone News Press on November 24th and December 1st.

The City Clerk provided legal notice was in the Shoshone News Press on November 6th long with providing the thirty-day notice to all building agencies as required by law.

Council President Douglas advised the Council the budget amendment provides fifteen thousand additional dollars for the sewer reimbursement program to the owners of the properties that have fixed their sewer lines as required. These properties are located on West Cameron and West Riverside. Council President Douglas stated this program needs to sunset at some time, and should run concurrent with Phase 2 time limit.

The other budget amendment is for the six thousand dollar grant the library received.

There were no questions from the Council or the public.

The second item is for the building code amendment. Building Official Mark Magnus advised the Council this needs to be completed every three years. Currently, with this amendment, the City will be utilizing the 2018 codes, at this is what the State is recommending. Mr. Magnus had the code books in the council room for the Council's review. Councilmember Delcamp reminded the council that three years ago, the State had actually found some issues with the renewing codes and the city.

There were no further questions from the Council and no one from the public had any questions.

At 6:18 p.m. it was moved by Councilmember Norris and seconded by Councilmember Douglas to close the hearing and reconvene into regular session. Motion carried.

STAFF REPORTS

All reports were submitted.

Superintendent of Public Works Craig Lewis

Made some headway with Knife River and the outstanding items will be resolved with Big Sky in the spring of 2021.

Police Chief Dave Wuolle

Officer Bishop will be graduation from POST on December 16th, and on January 10th Officer Mayfield will be headed to POST.

CONSENT CALENDAR

1. Approval or correction of the minutes of the November 11, 2020 regular council meeting.
2. Approval of payment of the bills for the month of November 2020 as presented (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income & Expenditure.
4. P&Z Commission minutes from November 16, 2020 Meeting
Recommendations: a) Accept the 2021 meeting dates.
5. Report of Commissions and Committees: None

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

Motion carried.

OLD BUSINESS

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

2020 Paved Road Construction Project Update

Project is complete including final payment and acceptance of work.

Phase 2 Warranty Work Update

Knife River has completed their warranty work.

Phase 3 Warranty Work Update

Big Sky has completed the majority of their warranty items. A few items remain that they would like to be paid for to completed. Alta and the City need to discuss these items with Big Sky.

Re-bid of Teeter's Field Concession Stand

Bids were opened on December 3rd and will be reviewed by Alta. A recommendation to the city will be forthcoming.

City Clerk Nila Jurkovich advised the Council the action will take place under New Business, as this was an update only and was not listed as an action item.

South Fork CDA River Flood Re-mapping (LOMR)

Alta is continuing work on the flood re-mapping. We expect to have the application for flood revisions to FEMA in early December. We will discuss specific changes that occurred with the City after submission to FEMA. Typically, FEMA will come back with comments needing addressed within 2 months after the initial submission.

Wardner Sewer Inflow Analysis provided to the South Fork Cda River Sewer District

Mayor Pooler advised the Council he will be meeting on this as it is not ready.

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 were in November and through this day. Total cases nationally 15,040,175; total deaths nationally 285,351; Total cases in Idaho 116,203. Total deaths in Idaho 1,103; Current cases in Shoshone County 625 an increase of 267 from last month's council meeting, current active cases: 186; Total Deaths in Shoshone 23. Mr. Helkey advised we are just starting to see the spike as more school kids are testing positive and taking it home to their parents and grandparents. Kootenai School District is the number one hot spot in Idaho right now.

Councilmember Delcamp had a couple of questions for Mr. Helkey, as follows:

Where are you employed? Mr. Helkey responded he is currently employed by DEQ, but have been asked by Panhandle Health to continue to serve as their Covid-19 liaison for Shoshone County.

What is your education? Mr. Helkey responded he has a degree in environmental science, have been a registered environmental health specialist for 15 years, and training in epidemiology.

Councilmember Delcamp the asked Mr. Helkey, you have no formal medical training? Mr. Helkey responded that he has epidemiology training through CDC and the Univ. of North Carolina.

Councilmember Delcamp asked, so again no formal medical training? And wanted to know why Panhandle Health District is not providing us with a real medical professional.

Mr. Helkey advised that Panhandle Health has designated an Registered Environmental Health Specialist, REHS to represent each county in the District.

Mayor Pooler advised Councilmember Delcamp that he had asked Mr. Helkey from the beginning of the emergency and Mr. Helkey has been able to guide us through the pandemic.

Council President Douglas also stated that the City's liability insurance company (ICRMP) has also advised the City to follow the guidance from Panhandle Health District.

NEW BUSINESS

Ordinance Amending Budget FY 2020-2021

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

City Clerk/Treasurer Nila Jurkovich read the title of proposed Ordinance #615.

ORDINANCE NO. 615

AN ORDINANCE OF THE CITY OF KELLOGG, IDAHO, AMENDING ORDINANCE NO. 612 THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021: APPROPRIATING ADDITIONAL MONIES THAT HAVE BEEN RECEIVED BY THE CITY OF KELLOGG, IDAHO IN THE SUM OF \$21,000 AND PROVIDING AN EFFECTIVE DATE.

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

Section 1: That Ordinance No 612, the appropriation ordinance for the City of Kellogg, Idaho for the fiscal year October 1, 2020, and ending September 30, 2021 be and the same is hereby amended as follows:

<u>Expenses</u>		<u>Revenues</u>	
Sewer Maint Exp	15,000	Sewer Appropriation Fund	15,000
Library Kindergarten Grant	6,000	Library Kindergarten Grant	6,000

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 9th day of December, 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 9th day of December, 2020.

APPROVED by the Mayor on the 9th day of December, 2020.

CITY OF KELLOGG

By: _____
Mac Pooler, Mayor

ATTEST:

Nila Jurkovich, Municipal Clerk/Treasurer

It was moved by Councilmember Douglas and seconded by Councilmember Moody to pass Ordinance #615 under suspension of the rules. A roll call vote of the Council resulted as follows:

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

Motion carried.

It was moved by Councilmember Douglas and seconded by Councilmember Moody to publish Ordinance #615 by Summary prepared by City's Counsel. A roll call vote of the Council resulted as follows:

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

Motion carried.

Ordinance Amending Building Code

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

City Clerk/Treasurer Nila Jurkovich read the title of proposed Ordinance #616.

ORDINANCE NO 616

AN ORDINANCE OF THE CITY OF KELLOGG, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING TITLE 4, CHAPTER 1, SECTION 1 OF KELLOGG MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL BUILDING CODE, 2018 INTERNATIONAL ENERGY CONSERVATION CODE, 2018 INTERNATIONAL RESIDENTIAL CODE, AND 2018 INTERNATIONAL EXISTING BUILDING CODE AND AMENDMENTS AND EXEMPTIONS THERETO; 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 Title 4, Chapter 1, Section 1: Adoption of Construction Codes is amended as follows:

Section 1. Kellogg Municipal Code Title 4, Chapter 1, Section 4-1-1 is hereby amended as follows:

4-1-1: ADOPTION OF CONSTRUCTION CODES:

A. Effective January 1, ~~2018-2021~~, the 2015 2018 edition of the International Building Code as adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the International Building Code made by the Idaho Building Code Board through the negotiated rulemaking process, is adopted with the following exceptions or amendments:

~~Sections 103.2 and 103.3 are deleted.~~

~~Section 1905.1.11 Minimum Reinforcement. Add new section 1905.1.11 as follows:~~

~~Minimum reinforcement for foundation walls (unless closer spacing is specified by design or engineering specifications) which do not exceed four (4) feet in height shall be four (4) feet on center for vertical reinforcement and two (2) feet on center for horizontal reinforcement. Foundation walls over four (4) feet in height (unless closer spacing is specified by design or engineering specifications) shall be eighteen (18) inches minimum on center for horizontal and vertical reinforcement. All continuous footings will require a minimum of two (2) horizontal reinforcing bars. Reinforcing bars shall be a minimum size of #4 and may be a minimum grade of forty (40).~~

~~1. Plan check fee: Shall be set by resolution of the Kellogg city council.~~

B. Effective January 1, 2018 2021, the 2015 2018 International Energy Conservation Code, as prepared and promulgated by the International Conference of Building Officials, together with the ~~2012~~ 2018 amendments for residential portion or revisions to the International Building Code made by the Idaho Building Code Board through the negotiated rulemaking process, ~~along with the later published supplement of such Code published by the International Code Council, Inc.,~~ is hereby adopted as the International Energy Conservation Code of the City to provide a minimum standard of energy conservation, ~~with the following amendments or exceptions:~~

~~1. Minimum Insulation Values: For residential occupancy international energy conservation code compliance, the following insulation values will be determined as minimums used for building components:~~

~~a. Ceiling (flat R38/vaulted R-30).~~

~~b. Exterior walls R-20.~~

~~c. Floors R-30.~~

~~d. Cantilever floors R-30.~~

~~e. Slabs R-10.~~

~~f. Windows 0.35 U-factor.~~

~~C. Idaho manufactured home installation standard (IMHIS).~~

~~D. American national standard ICC/ANSI A117.1.~~

E. Effective January 1, 2015 2021, the 2012 2018 edition of the International Residential Code, ~~and appendices G and H as amended herein,~~ as adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the

International Building Code made by the Idaho Building Code Board through the negotiated rulemaking process is adopted, with the following amendments:

~~Minimum reinforcement for foundation walls (unless closer spacing is specified by design or engineering specifications) which do not exceed four (4) feet in height shall be four (4) feet on center for vertical reinforcement and two (2) feet on center for horizontal reinforcement. Foundation walls over four (4) feet in height (unless closer spacing is specified by design or engineering specifications) shall be eighteen (18) inches minimum on center for horizontal and vertical reinforcement. All continuous footings will require a minimum of two (2) horizontal reinforcing bars. Reinforcing bars shall be a minimum size of #4 and may be a minimum grade forty (40).~~

~~Sections R103.2 and R103.3 are deleted.~~

F. Effective January 1, 2018 ~~2021~~, the 2015 ~~2018~~ edition of the International Existing Building Code, prepared by the International Code Council, Inc., as adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the International Building Code made by the Idaho Building Code Board through the negotiated rulemaking process is adopted, with the following amendment:

~~Sections 103.2 and 103.3 are deleted in their entirety.~~

Section 2. 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 3. 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 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

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 9th day of December, 2020.

APPROVED by the Mayor on this 9th day of December, 2020.

CITY OF KELLOGG, IDAHO

By: _____
Mac Pooler, Mayor

ATTEST:

Nila Jurkovich, City Clerk

It was moved by Councilmember Delcamp and seconded by Councilmember Douglas to pass Ordinance #616 under suspension of the rules. A roll call vote of the Council resulted as follows:

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

Motion carried.

It was moved by Councilmember Douglas and seconded by Councilmember Delcamp to publish Ordinance #616 by Summary prepared by City's Counsel. A roll call vote of the Council resulted as follows:

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

Motion carried.

Resolution Renewing Face Coverings Requirement

Mayor Pooler asked what Mr. Helkey's recommendation would be for the Council? Mr. Helkey recommended to renew the resolution as the curve continues to stay steep in Shoshone County.

Resolution No. 2020-11

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

WHEREAS, on July 29, 2020, the City Council passed and approved Resolution 2020-04 requiring face coverings when members of the public are physically present for otherwise unprotected social interaction, which remained in effect until August 29, 2020; and

WHEREAS, City Council passed and approved Resolution 2020-08 requiring face coverings, which remained in effect until October 10, 2020; and

WHEREAS, City Council passed and approved Resolution 2020-10 requiring face coverings, which remained in effect until December 12, 2020; and

WHEREAS, there were 90,834 confirmed cases of COVID-19 in Idaho as of November 22, 2020, and 458 confirmed cases of COVID-19 in Shoshone County as of November 22, 2020, 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 December 9, 2020, 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 December 10, 2020 and shall remain in effect until January 10, 2021 unless extended by the City Council.

PASSED and approved by the City Council of the City of Kellogg this 9th day of December 2020,

APPROVED:

Mac Pooler, Mayor

ATTEST:

Nila Jurkovich, City Clerk/Treasurer

It was moved by Councilmember Douglas and seconded by Councilmember Norris to approve Resolution 2020-11 as submitted. 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-Nay

Motion carried.

2021 Beer, Wine & Alcohol Licensing

The 2021 applications for liquor, beer and wine licenses were presented to the Council for consideration at the November 11, 2020 Council meeting, and have been reviewed by the Police Department.

<u>Business Name</u>	<u>LIQ</u>	<u>WINE</u>	<u>BEER</u>
<u>2 S Division St</u>			
<u>Broken Wheel</u>	X		B
<u>Cameron Conoco</u>		X	A
<u>Casa De Oro</u>	X		B
<u>Dirty Dog Saloon</u>	X		C
<u>Farmer Dans</u>	X		C
<u>F&B LLC</u>	X		C
<u>Galena Ridge</u>		X	B
<u>Hill St. Depot</u>	X		C
<u>Inland Lounge</u>	X		C
<u>Kellogg Elks</u>	X		C

Kellogg Superstop		X	A
Longshot Saloon	Continual Operating LL		C
Moose Creek Grill		X	C
Mountain Café			B
Radio Brewery		X	C
Silverhorn Motor Inn			
Zanys Sunshine	X		C
The Gondolier		X	A
Village Management			
WGG Store	Application returned as closed		
Wildcat Pizza		X	B
Yokes		X	A
Back Country Café		X	B
CDA Bike Co	X		

It was moved by Councilmember Douglas and seconded by Councilmember Moody to approve the above listed applications for 2021 liquor, beer and wine licenses upon proof of proper state and county licenses and payment of fees to the City.

Motion carried.

Bid Recommendation for the Teeter’s Field Concession Building

Mr. Derek Forseth, Alta Science & Engineering recommended to the Council not to award the project and to reject both bids.

It was moved by Councilmember Delcamp and seconded by Councilmember Douglas to reject the two bids, place the project on hold and notify the two bidders. The City will rebid in the future.

A roll call vote of the Council resulted as follows:

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

Motion carried.

ANNOUNCEMENTS AND REPORTS

Councilmember Douglas

The draft audit report has been received and the Administrative Committee will be reviewing and providing the Council information from the audit.

Councilmember Norris

The City had a good vision, the concession stand would have been a great addition. Wishing all a Merry Christmas and Happy New Year!

Councilmember Moody

Have a Happy Holiday Season! Thanked everyone for being flexible and adaptable to the forever changing conditions. Celebrate safely.

Councilmember Delcamp

Wishing everyone Happy Holidays!

Councilmember Armstrong

The City’s Auditor Mr. Kris Mayhew from Magnuson McHugh reached out to me regarding accounting principals and asked if there was any opportunity for fraud. There are ways to conduct fraud, however the internal controls Nila has in place truly lessens the opportunity along with the numerous opportunities the council have to review transactions also lessens the ability. Mr. Mayhew also complemented Nila and her staff for their assistance in making certain the audit team received the documents needed and in a timely fashion. Hats off to the office crew. Nila thanked Councilmember Armstrong for the kind words.

Councilmember Mercado

Would like to revisit the concession stand and look at other options and opportunities. The City may need to separate the process for placement of the concession stand. Happy Holidays and stay healthy and safe.

Mayor Pooler

Merry Christmas to everyone. Thankful to have the team he has, there has been so many things that continued and accomplished even during the COVID 19 pandemic.

There being no further business to come before the Council at this time, it was adjourned at 6:58 P.M. to meet at its regular time of January 13, 2021.

Mac Pooler, Mayor

ATTEST:

Nila Jurkovich, City Clerk/Treasurer