

MINUTES OF THE REGULAR COUNCIL MEETING

April 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 the following present:

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

Officers present were:

Mayor Mac Poole, in person
Building Official Mark Magnus, by telephone
Chief of Police David Wuolle, by telephone
Superintendent of Public Works Craig Lewis, by telephone
City Clerk /Treasurer Nila Jurkovich, in person
Project Manager Rod Plank, by telephone
Planning Consultant Collin Coles, by telephone

ORAL COMMENTS No one was in attendance for any comments.

STAFF REPORTS

All written reports were submitted, discussions from the reports are as follows:

Building Official Mark Magnus

Member Delcamp wanted to confirm the math on the Yokes impact fees collected, and wanted to make certain Mr. Magnus had no questions and was comfortable with the fee. Mr. Magnus had no questions and was comfortable with the work up for the impact fee. Member Delcamp will reschedule a building/planning committee meeting and is willing to have the meeting by conference call.

Project Manager Rod Plank

Mayor Pooler advised the Council that he recommends the following: Phase 1, wait until later in the summer and Phase 2 & 3 proceed with sending the repair letters out now.

Mayor Pooler asked the Council on their thoughts.

After a lengthy discussion it was the consensus for Phase 1, prepare a letter for Council's review and approval at the May Council Meeting, and proceed with Phase 2 & 3 letters so the property owners are aware repair work is needed.

CONSENT CALENDAR

All items listed under Consent Calendar are considered routine by the City Council and will be enacted by one motion in the form listed below. If discussion is desired, by a Council Member, the item will be removed from the Consent Calendar and be considered at its appropriate place in the Agenda.

1. Approval or correction of the minutes of the March 11, 2020 regular council meeting and the minutes of the March 18, 2020 special council meeting.
2. Approval of payment of the bills for the month of March 2020 as presented. (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income & Expenditure, as submitted & Quarterly Treasurer's Report.
4. P&Z Commission Meeting was cancelled.
5. Report of Commissions and Committees:
Public Works Committee minutes from the March 4, 2020 Meeting-
Recommendations: Keep admission to the Pool free for the summer of 2020.

Building & Planning meeting was cancelled, due to Coronavirus pandemic.

Administrative Minutes from the March 18, 2020 Meeting:

Recommendations: A) It was the consensus of the members to move forward with the purchase and installation of security camera system for front office area and it's outside area. B) Request department budget requests to be submitted with the current levels of service. C) Move forward with funding Teeter's Field Concession stand from General Fund. D) Do not pursue Short Term Rental Tracking Software at this time. E) Move forward with a collection agency in Kootenai County area.

Member Delcamp inquired on not pursuing the software for short term rentals. Mrs. Jurkovich advised the Council that she took into consideration the Council's concern that if software is purchased it may be placed on the shelf and not used. Her schedule does not have any spare time to work the software, and therefore asked that it not be pursued. Any changes in the fees for short term rentals can be looked at separately.

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

OLD BUSINESS

Mr. Ben Davis was present by teleconference and had previously provided the following information to the City and was available for any questions.

EPA Road Remediation & Sewer Project & Oil Escalation– Alta Engineering

Alta is working on the design for the 2020 Paved Roads Project on Bunker Avenue/Wildcat Way. Project should be bid in May.

90% of the paperwork has been received from the contractors needed for final payment request to be submitted to funding agency. We expect to deliver pay application to the City, along with the engineer's acceptance soon.

Wardner Sewer Inflow through Kellogg's System

No update at this time.

Bunker/Wildcat Way Stormwater Update

Alta will design the storm system to be included with the 2020 Paved Roads Project. Alta and DEQ will be meeting to discuss cost-sharing options.

Teeters Field Concession Stand Update

A final bid packet is expected to be delivered to the City any day.

NEW BUSINESS

Resolution 2020-03 Amending Public Hearing Procedures

RESOLUTION NO. 2020-03

CITY OF KELLOGG

KELLOGG: LAND USE PUBLIC HEARING PROCEDURES

WHEREAS: Idaho Code §67-6534 requires that cities maintain a regular set of procedures for public hearings held by the City of Kellogg Planning and Zoning Commission and City Council in matters governed by the Local Land Use Planning Act; and

WHEREAS: From time to time it is beneficial to review and revise those hearing procedures to better facilitate input from the public and to promote a thorough and expeditious hearing;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the City of Kellogg hereby adopts the following procedures to be applied in matters concerning land use-related public hearings:

Section 1. Public Notice

- a. If a public hearing is required by law or ordinance, the planning commission and, when applicable, the city council shall hold at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the city's official newspaper. Notice of public hearing should only be published when an application is complete in a manner sufficient to address the requirements established by ordinance and application forms.
- b. In the case of annexations, special use permits, site-specific rezones, subdivisions, and variances, notice shall also be provided to property owners within the land being considered; those record owners of lands within three hundred feet (300') of the external boundaries of the land being considered; and, optionally, within any additional areas that may be substantially impacted by the proposal as determined by the planning and zoning commission or by decision of the Planning Administrator. Contents of the mailed notice must contain the information required by law and when practical should include information guided by this Resolution such as requirements of testimony, default time limits (or issue-specific time limits, if known), timing for allowing written submissions, and other significant conditions or restrictions on testifying.
- c. When mailed notices would be required to be sent to two hundred (200) or more property owners, a notice of public hearing, at least 2" x 4" in size, published in the city's official newspaper at least 15 days prior to the hearing, shall be considered adequate in lieu of otherwise required mailed notices.
- d. For site-specific matters, the subject property should be posted with signs describing the type of action to be considered, contact information for the Planning Administrator, and the time, date and location of the hearing. Such signage shall be posted on the site as required by law.

Section 2. General Rules for Testimony in a Quasi-judicial or Annexation-related Public Hearing:

- a. At the commencement of the public hearing, the Commission/Council, or the Chairman/Mayor may establish a time limit to be observed by all speakers. This resolution provides the default time limits as follows: Applicant (to describe application and reasons that it meets requirements) – not to exceed fifteen (15) minutes. Staff explanation – not to exceed fifteen (15) minutes. Individual testimony – pro, neutral and con – three (3) minutes per person (up to fifteen (15) minutes for spokesman in cases where spokesmen are pre-authorized by the chairman). Rebuttal by the applicant (no new evidence – only information from the record to rebut assertions by contrary testimony) – as needed.
- b. No person shall be permitted to testify or speak before the hearing agency at a public hearing unless such person has signed his name and written his contact address on sign-up sheets to be provided by the city. This requirement shall not apply to staff or technical witnesses directed by the chairperson to give evidence or information to the hearing agency.

Should the City conduct a hearing via a telecommunications device such as telephone or video conference, a person shall only be required to state and spell their name and contact address on the record before testifying or speaking before the hearing agency. Sign-up sheets will not be required if a hearing is conducted via a telecommunications device.

- c. The presiding officer, or the council/commission, is authorized to revise the default time frames and order of proceedings so long as due process rights are maintained. In the event of disagreement by governing board members with procedural rulings by the chairman, the governing board may suspend or amend any one or more of these rules by majority vote of members of the governing board then in attendance, provided that due process rights are preserved.
- d. Anyone who intends to appear as a representative of a group at a hearing where spokesmen will be allowed should contact the Planning Administrator at least five days

prior to the hearing. Staff may then apprise the representative of procedures for the hearing and any special limits or allowances concerning testimony.

- e. No person shall be permitted to speak before the council/commission at a public hearing until such person is recognized by the chairperson.
- f. Testimony should directly address the subject at hand.
- g. Testimony should not be repetitious with other entries into the record.
- h. Testimony should not be personally derogatory.
- i. Testimony should comply with time restrictions established by the hearing agency.
- j. If oral testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony out of order and require it to cease.
- k. All public hearing proceedings shall be recorded electronically or stenographically and all persons speaking at such public hearings shall speak before a microphone in such a manner as will assure that the recorded testimony or remarks will be complete.

Section 3. Order for Quasi-Judicial Public Hearing:

Quasi-judicial hearings involve site-specific decisions (such as rezoning specific property) as opposed to legislative hearings which require decisions that have a broad application (such as a change in the text of a zoning or subdivision ordinance, which does not necessarily affect one specific parcel of land). Quasi-judicial Public hearings should follow the order of events set forth below: Brief introduction of the subject of the hearing by city staff.

- a. Presentation by applicant. (Decision makers should address their questions to the applicant at this time.)
- b. City staff report. (Decision makers should address their initial questions to staff at this time.)
- c. Open Public Hearing: Testimony from public in the following order: (Questions from the decision makers should be asked of the person testifying before they leave the podium whenever possible.)
 - 1. In favor of proposal
 - 2. Neutral respecting proposal
 - 3. Opposed to proposal
- d. Rebuttal testimony from applicant. (Decision makers should ask any final questions.) If new facts are elicited, the public must be given an opportunity to respond to the new facts.
- e. Close Public Hearing
- f. Discussion of hearing subject among governing board members. Questions may also be directed to city staff during this period. Any procedural rules requiring a motion prior to discussion are hereby suspended for purposes of such discussion. Decision makers may table the matter until later in the meeting if other public hearings are pending or to a later meeting for deliberations.
- g. The final decision should include a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan for rezoning requests, relevant ordinance and statutory provisions for other requests, pertinent constitutional principles and factual information contained in the record.

Section 4. Standards for Written Testimony:

Written testimony and exhibits from the public to be admitted at a public hearing shall comply with the following standards:

- a. Written testimony and exhibits must be submitted at least six (6) calendar days prior to the date of the pertinent public hearing. This provision may be varied through notice to potential hearing participants.
- b. Written testimony should include the signature and address of the submitter.
- c. Written testimony should address the issue at hand.
- d. Written testimony should not be personally derogatory.
- e. If written testimony or an exhibit fails to comply with the aforementioned standards, the chairperson or council/commission may declare such testimony inadmissible.

Section 5. Exhibits:

All exhibits, photographs, diagrams, maps, evidence and other material presented during the public hearing should be marked or otherwise identified and entered into the record. Exhibits from the Applicant must be submitted at least twenty (20) days prior to the hearing and shall be marked or identified prior to publication of any notice of public hearing. Original exhibits may be released to the presenting party if requested in writing, and if acceptable to the Planning Administrator and legal counsel. If original exhibits are released, photocopies or reproducible photos of the originals should be maintained in the record.

Section 6. Records Maintained:

The City Clerk should maintain records of all public meetings in the following manner:

- a. Transcribable verbatim recordings of the proceedings should be maintained in conformance with Idaho Code §50-907 or its successor.
- b. Originals or accurate duplicates of written submittals to the hearing record and copies of applications should be maintained in conformance with Idaho Code §50-907 or its successor.
- c. Minutes which catalog the occurrences at the public hearing shall be maintained as required by applicable sections of the Idaho Code.

Section 7. Procedures for Legislative Public Hearings.

Public hearings on legislative matters brought pursuant to requirements established by the Local land Use Planning Act should take place after notice has been provided as required by law. Prior to publishing notice of legislative public hearing a draft of the legislative proposal should be prepared and be available for public inspection no later than the day the notice of public hearing is published. Procedural limits on duration of testimony may be established by the chairman, subject to approval by the governing board. Legislative public hearings do not require final decisions in a manner comparable to those for quasi-judicial proceedings.

Section 8. Land Use Decision:

A written decision shall be rendered and include the following:

- a. Aspects of compliance or noncompliance with the relevant approval standards and criteria.
- b. Failure to explain the compliance or noncompliance shall be grounds for invalidation of the approved permit or site-specific authorization, or denial of same.

Section 9. Request for Reconsideration:

Any applicant or affected person shall have the right to request reconsideration of the final decision.

- a. Reconsideration requests must be in writing and submitted to the city within fourteen (14) days of the final decision.

- b. Reconsideration request must identify specific deficiencies in the decision for which reconsideration is sought.
- c. A hearing will be held on the request for reconsideration.
- d. Following the hearing, the city council will either affirm, reverse or modify the decision on which reconsideration was requested.
- e. A written decision will be provided to the applicant or affected person within sixty (60) days of receipt of request for the reconsideration.

This resolution shall be in full force from the date of its adoption until superseded by a resolution addressing the same subject matter.

Adopted this 8th day of April, 2020.

CITY OF KELLOGG
Shoshone County, Idaho

Macklin E. Pooler, Mayor

ATTEST:

Nila Jurkovich, City Clerk/Treasurer

It was moved by Councilmember Armstrong and seconded by Councilmember Mercado to approve Resolution 2020-03 as submitted. Motion carried.

Motion carried.

Ratification: Alta Science & Engineering – Bunker Ave/Wildcat Way Agreement

The Council reviewed the agreement for the design and oversite services for the Bunker Avenue and Wildcat Way road work, and had not questions..

It was moved by Councilmember Delcamp and seconded by Councilmember Moody to ratify the approval on the Personal Service Agreement with Alta Science & Engineering for the design and oversite services for Bunker Avenue and Wildcat Way.

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 Agreement with Alta Science & Engineering – Wardner Sewer Analysis

The Council reviewed the amendment to the agreement in place for the Wardner Sewer Analysis work. The amount is not to exceed \$2,500.

It was moved by Councilmember Armstrong and seconded by Councilmember Norris to amend the existing agreement with Alta Science & Engineering.

A roll call vote of the Council resulted as follows:

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

Motion carried.

There was council discussion on the actual analysis work performed by Alta Science & Engineering, since the actual analysis was not on the Council Agenda as an "Action Item", the topic will be placed on the May Council Agenda for action.

Budget Hearing Location, Date & Time

Council President Douglas advised the Council the hearing will be located at Kellogg City Hall on August 12, 2020 at 6:00 p.m.

The City Clerk will provide this information to the County Clerk, per Idaho Code 63-802A(3).

It was moved by Councilmember Armstrong and seconded by Councilmember Douglas to set the budget hearing date, time and location as provided.

Motion carried.

Northwest Christian Teens, LLC – Temporary Fireworks Booth Permit

It was moved by Councilmember Norris and seconded by Councilmember Delcamp to conditionally approve the request submitted by Northwest Christian Teens, LLC, dependent on the Health Officials order due to COVID-19.

Motion carried.

ANNOUNCEMENTS AND REPORTS

Councilmember Moody

Appreciation to the measures taken to protect the citizens and staff during the COVID-19, things will continue a little longer.

Councilmember Delcamp

Thanked City Clerk Nila Jurkovich and her staff for setting up the conference call capability.

Councilmember Norris

Wishes everyone the best of health to the fellow councilmembers, mayor and staff.

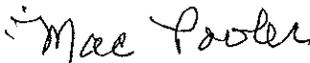
Councilmember Douglas

The City received a letter from the Mayor of Garden City, as he is the liaison while AIC continues to look for an Executive Director. Idaho will be receiving \$1.25 billion dollars. The supervisors had been asked at the beginning of the COVID-19 emergency to keep track of all expenses. It is important that each department keeps track of the expenses occurred right from the start.

Mayor Pooler

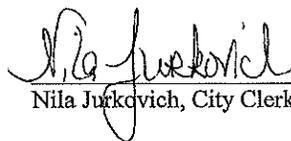
He has been involved with weekly conference calls with the Governor's office, and asked that the City Clerk Nila Jurkovich take the call tomorrow on his behalf.

There being no further business to come before the Council at this time, it was adjourned at 6:55 P.M. to meet for its regular council meeting on May 13, 2020.



Mac Pooler, Mayor

ATTEST:



Nila Jurkovich, City Clerk/Treasurer