

MINUTES OF THE REGULAR COUNCIL MEETING/HEARING

April 14, 2021

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

A roll call of the Council resulted as follows:

Terry Douglas,
Sid Armstrong
Dennis Norris
Anna Moody.

Officers present were:

Mayor Mac Pooler and City Clerk /Treasurer Nila Jurkovich and

Also present: Andy Helkey.

By Telephone:

Chief of Police David Wuolle
Superintendent of Public Works Craig Lewis
Ben Davis, Alta Science & Engineering
Caitlin Kling, City Attorney
Planner Collin Coles

Those absent: Councilmembers Ron Mercado and Ron Delcamp, Building Official Mark Magnus and Project Manager Rod Plank.

City Clerk/Treasurer Nila Jurkovich announced the City is conducting the Council Meeting by Zoom Conference. Please note supervisors or anyone else that may be on the agenda to speak there will be a couple of second delay. Please allow extra time prior to speaking. Andy and councilmembers the microphones are situated so that your voice should be able to be heard at all times, please speak loud enough so those who are joining by Zoom can hear.

Councilmember Douglas led in the Pledge of Allegiance.

ORAL COMMENTS

None.

HEARING

The purpose of the hearing is to take public testimony on the sale of real property owned by the City.

At 6:05 p.m. it was moved by Councilmember Norris and seconded by Councilmember Armstrong to open the public hearing. Motion carried.

The City has not received any written testimony.

Is there is any one present on the telephone that would like to speak on the City's proposal. If so, for the record, state name and physical address.

We will look to see if there is any one present out in the lobby that would like to speak on the City's proposal. If so, each person will be escorted one at a time into the Council Room to give their testimony.

Mr. Helkey advised there was no one present in the front lobby.

Being no questions or public present to provide testimony, at 6:07 p.m. it was moved by Councilmember Douglas and seconded by Councilmember Moody to close the hearing and reconvene to regular session. Motion carried.

STAFF REPORTS

All reports were submitted no questions were asked by Council.

Police Chief Wuolle added that an officer had submitted their resignation and the Chief will provide four weeks to see if the officer changes his mind.

Public Works Superintendent Lewis added that the City received the Tree City USA designation.

CONSENT CALENDAR

1. Approval or correction of the minutes of the March 10, 2021 regular council meeting.
2. Approval of payment of the bills for the month of March 2021 as presented (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income and Treasurer's Quarterly Report
4. P&Z Commission minutes from March 22, 2021 Meeting – Recommendations: None.
5. Report of Commissions and Committees: Depot Committee minutes from the March 17, 2021 meeting. Recommendation: 1) Approve CdA Bike Co. request for placement of storage container with painting finished by August 1st and any approval needed by City Building Official. 2) Proceed with a two-year renewal lease with SV Chamber. Building/Planning Committee minutes from the March 29, 2021 meeting. No Recommendations.

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

Motion carried.

OLD BUSINESS

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

Phase 3 Warranty Work Update

Alta has not heard a response from Big Sky regarding the paving letter. Big Sky completed most of their warranty list in 2020, but a few items remain. Alta and Craig Lewis need to coordinate these items with Big Sky now that weather is improving.

Update on the Kellogg LOMR Application

Alta submitted the LOMR application to FEMA on March 23rd. There will be a 90-day review period before hearing back from FEMA. Alta submitted under a "Revised Data Only" category in the attempt to save the \$8,000 in the application fee. Alta will be in touch once comments have been received from FEMA. At this point Alta can discuss what the level of effort will be to complete as well as if FEMA will require the \$8,000 application fee after all. At this time Alta should be able to discuss the total cost to complete the project including Alta's current budget overage.

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

Let the record show Councilmember Ron Delcamp present at 6:10 p.m.

Mr. Andy Helkey provided the Council with a handout showing where the cases are from the last time the Council met on March 10th as follows: Total cases nationally; 31,158,087; total deaths nationally 560,576; total cases in Idaho 183,910. Total deaths in Idaho 2,000; Current cases in Shoshone County 1,058; Total Deaths in Shoshone 34.

CDC's figures show 65.2% of Shoshone County residents over the age of 65 are vaccinated. Panhandle Health District is showing 24.1% of the total population has been vaccinated.

Mr. Helkey further stated nationally COVID-19 ticked up, mostly in the mid-western states. Idaho had a spike in March mostly in the southern area. Idaho is keeping a close eye on the UK variant.

Councilmember Douglas asked Mr. Helkey to expand on the news of deaths and illnesses from the vaccines being administered. Mr. Helkey advised the Council J&J suspended their vaccine as they want to be on the safe side. Reaction numbers are fairly minimal. Pfizer vaccination has a good immunity to COVID-10 for nine months and is holding up well to the variants. The Governor's Stage 4 requirements will be hard to meet, and the State may need to review requirements before Idaho can be open and follow Stage 4 guidelines.

Mr. Helkey said we need to be vigilant as the variants are present, and advised the Council that the J&J vaccine was administered in Shoshone County.

Mayor Pooler advised that the City has been advised by ICRMP to follow CDC and Panhandle Health District guidelines, which we have from the beginning. The current resolution requiring face coverings expired on April 11th and is not on tonight's agenda. We are aware that Panhandle Health District board has dropped their face covering mandate. Mr. Helkey has provided the City with his recommendations which has been distributed to each councilmember. Monday, DEQ will be opening their front door to the public and the City Hall will be doing the same thing, opening the second door so public can enter, however face coverings will still be required to enter and while in City Hall.

NEW BUSINESS

Ordinance Amending Emergency Powers Ordinance 617

Mayor Pooler advised the Council of the proposed amendment for the City's emergency powers ordinance. The City's attorney, Caitlin Kling is available by telephone to discuss the proposed ordinance.

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 #617.

ORDINANCE NO. 617

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF KELLOGG, SHOSHONE COUNTY, IDAHO, AMENDING TITLE 1, CHAPTER 18, SECTIONS 1 AND 6 TO REMOVE REFERENCE TO WITHIN 5 MILES OF CORPORATE LIMITS OF THE CITY; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED, by the Mayor and City Council of the City of Kellogg:

SECTION 1. That Title 1, Chapter 18 be amended as follows:

1-18-1: EMERGENCY POWERS:

The City Council shall have such jurisdiction over all places within ~~five (5) miles~~ of the corporate limits of the City, for the enforcement of any health or quarantine ordinance and regulation thereof, including ordinances and all regulations necessary to preserve the public health; to prevent the introduction of contagious diseases into the City; and enforce quarantine regulations and laws for that purpose.

1-18-6: PUBLIC HEALTH EMERGENCY ORDERS:

The Mayor and City Council, being duly authorized by Idaho Code sections 50-304 and 50-606, may issue the following orders, as deemed appropriate by the Mayor and City Council following consultation with or review of information issued by local, regional, state, or national public health authorities.

A. Advisory Order: Where a public health emergency is foreseeable or imminent, the Mayor and City Council may enact an advisory order, which order may provide information and recommended guidelines for preventing, detecting, and/or mitigating the onset or spread of a public health hazard.

B. Social Distancing Order: Where a public health emergency is imminent, the Mayor and City Council may enact a social distancing order, which order may establish any or all of the following:

1. Appropriate restrictions regarding the operation or occurrence of planned or foreseeable commercial, recreational, or expressive gatherings or events.
2. Restrictions on travel through, or visitation within, the community.
3. Postponement or cancellation of public meetings and hearings.
4. A limit on the number of persons who may gather in one location and may apply to indoor or outdoor venues.
5. Suspension of businesses or visitor lodging accommodations.
6. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
7. A social distancing order shall include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. A social distancing order shall apply within Kellogg city limits, ~~and five (5) miles outside Kellogg city limits.~~

C. Isolation Order: Where a public health emergency is present, and poses a credible threat of harm to the public health, the Mayor and City Council may enact an isolation order, which order may establish any or all of the following:

1. A directive that infected and/or exposed individuals isolate themselves from other persons.
2. Geographical areas of restricted or prohibited access.
3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.
4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.
5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.
6. Conditions of the isolation order:
 - a. An isolation order shall include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. An isolation order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternative exists. Any person shall be entitled to appeal an isolation order or to request a modification of any provision of such order by filing a written appeal with the City Clerk. Such appeal shall be heard by City Council at their next meeting, or, if no meeting is scheduled during the term of the isolation order, the Police Chief or designee shall review such appeal and issue a written decision. The Police Chief's decision shall be final.

D. Quarantine Order: Where a health emergency is present and poses a credible threat of harm to the public health, the Mayor and City Council may enact a quarantine order, which order may establish any or all of the following:

1. A directive that infected and/or exposed individuals isolate themselves from other persons.
2. Geographical or other areas of restricted or prohibited access.
3. Other measures necessary to avoid, address, or mitigate an imminent public health hazard.
4. The scope and manner of delivery of services, materials, or supplies to be provided by the City, if any.

5. Measures to be taken in order to prevent, avoid, detect, address, or mitigate a foreseeable, imminent, or present public health hazard.

6. Conditions of the quarantine.

7. A quarantine order shall include an effective date and an anticipated expiration date, which may be extended in the same manner as the imposition of the initial order. A quarantine order shall be effective only when and for so long as the public health emergency is present, and when no less restrictive alternative exists. Any person shall be entitled to appeal a quarantine order, or to request a modification of any provision of such order by filing a written appeal with the City Clerk. Such appeal shall be heard by City Council at their next meeting, or, if no meeting is scheduled during the term of the quarantine order, the Police Chief or designee shall review such appeal and issue a written decision. The Police Chief's decision shall be final.

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 by the City Council under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Kellogg at the regular meeting of the City Council on April 14, 2021.

APPROVED by the Mayor on the 14th day of April, 2021.

CITY OF KELLOGG:

ATTEST:

Mac Pooler, Mayor

Nila Jurkovich, City
Clerk/Treasurer

Caitlin Kling, City Attorney advised the Council of the legislation recently passed that removed the five mile outside of city corporate limit language out of Idaho Code. This amendment reflects the change in Idaho Code. This City does need this ordinance as it allows for emergency powers and makes it more efficient in the event of an emergency.

Councilmember Delcamp asked in the event there is no mask mandate, why does the City need the ordinance on the books. This ordinance cuts out a step, providing the City with a faster pace for emergency powers and the City should go back the way it was before the ordinance and the ordinance should be repealed off of the books.

It was moved by Councilmember Douglas and seconded by Councilmember Moody to pass Ordinance #617 under suspension of the rules. A roll call vote of the Council resulted as follows:

Councilmember Moody-Aye
Councilmember Armstrong-Aye
Councilmember Delcamp-Aye

Councilmember Norris-Aye
Councilmember Douglas-Aye

Motion carried.

It was moved by Councilmember Douglas and seconded by Councilmember Moody to publish Ordinance #617 by Summary prepared by City's Counsel.

Selling Certain Real Property owned by the City at 323 Main Street

The Council held discussion on the possibility on selling certain real property owned by the City of Kellogg. The public hearing was held this evening to accept public comment with no public comments received.

City Attorney Caitlin Kling advised the decision by the Council would be to direct the clerk to advertise which is not set by Idaho Code. It was suggested postings to be placed at City Hall, and the proposed building. Documents have been drawn up by the City Attorney and reviewed by the Council. The time frame can be completed by the May 12th Council Meeting.

It was moved by Councilmember Armstrong and seconded by Councilmember Douglas to advertise the documents drawn up by the attorney and sealed bids will be accepted until May 12th.

A roll call of the Council showed the following:

Councilmember Norris	"Aye"	Councilmember Delcamp	"Aye"
Councilmember Moody	"Aye"	Councilmember Armstrong	"Aye"
Councilmember Douglas	"Aye"		

Motion carried.

Trading Real Property owned by the City for Real Property of Equal Value

Councilmember Armstrong discussed the comps that were received for like properties. The city property is a small building located at the corner of North Division and Mission, the property to be traded would be property located at 406 E. Portland and 774 E. Portland which is across from the existing public works building. The City would benefit from this property for future development for the department of public works. The first page being from Assessor Jerry White providing a value along with comparable market analysis sheets provided to the City by a local realtor. The properties were all walked and viewed, with the characteristics described. The documents the City received are pretty comparable in value for the possibility of a trade for equal value. At tonight's council meeting the Council will consider the parcels provided for trade in the exchange for the City's property and direct the City Clerk to advertise for a public hearing.

It was moved by Councilmember Armstrong and seconded by Councilmember Delcamp to consider moving forward with the process to trade property located at the corner of North Division/Mission owned by the City for the two parcels of land located at 406 E. Portland and 774 E. Portland as the City is not have a need for the property it owns and does have use for the properties located on Portland Avenue.

A roll call of the Council showed the following:

Councilmember Norris	"Aye"	Councilmember Delcamp	"Aye"
Councilmember Moody	"Aye"	Councilmember Armstrong	"Aye"
Councilmember Douglas	"Abstain"		

Motion carried.

Prepare for Procurement Process for Grant Administration Services

The City's contract with Panhandle Area Council for grant administration services will be expiring at the end of May. The City will prepare to go through the required procurement process.

It was moved by Councilmember Douglas and seconded by Councilmember Norris to have the City start the procurement process for grant administration services for an additional three years. Motion carried.

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 30, 2021 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 April 2021.

Mac Pooler, Mayor

It was moved by Councilmember Douglas and seconded by Councilmember Delcamp to accept the proclamation as submitted. Motion carried.

Appointment to Traffic Safety Committee

Mayor Pooler advised the Council that Cory North is the new School District representative and has appointed Mr. Cory North to the Traffic Safety Committee.

It was moved by Councilmember Douglas and seconded by Councilmember Moody to confirm Mayor Pooler's appointment. Motion carried.

Summer 2021 Pool Entrance Fees

It was the consensus of the Council that it would be best to continue with free admittance to the pool for swimming.

It was moved by Councilmember Norris and seconded by Councilmember Douglas to continue one additional year of free admittance at the pool. Motion carried.

Activity Request for Elks' Parade

The Kellogg Elks 1841 submitted an activity request for their parade scheduled for May 15, 2021. Mr. Helkey has received the activity request with the social distancing plan. Mr. Helkey advised the Council that with it being an outside event, his recommendation to the Council would be to approve the parade request and he will stay in contact with their organization.

It was moved by Councilmember Douglas and seconded by Councilmember Norris to approve the parade request as recommended by Mr. Helkey. Motion carried.

Activity Request for Car Show with Vendors

Mr. James O'Reilly submitted an activity request for a car show with vendors for September 18, 2021. Mr. Helkey has received the activity request with the social distancing plan. Mr. Helkey advised the Council this event is scheduled for outside and a

good social distancing plan was submitted and his recommendation to the Council would be to approve the car show event with vendors.

It was moved by Councilmember Armstrong and seconded by Councilmember Douglas to approve the car show event with vendors as recommended by Mr. Helkey. Motion carried.

Activity Request for Farmers Market

The Chamber submitted an activity request for the Farmers Market to be held weekly in the City's park. Mr. Helkey has received the activity request with the social distancing plan. Mr. Helkey advised the Council this is an outside event and a good social distancing plan was submitted. Mr. Helkey's recommendation to the Council was to approve the activity request for the weekly farmers market.

Councilmember Moody inquired about their request to have sprinklers turned off the night before. Mr. Lewis explained that this particular area in the park is low, the sprinkler system waters ten minutes each day at 7:30 in the morning and can be very tricky. It was suggested that Mr. Lewis advise the Chamber to move a little closer to the pool. Electrical power can be a problem.

It was moved by Councilmember Douglas and seconded by Councilmember Moody to approve the weekly farmers market as recommended by Mr. Helkey. Motion carried.

ANNOUNCEMENTS AND REPORTS

Councilmember Norris

The update on COVID is good news. It is great to be able to help the kids have a summer activity with free admittance to the Kellogg pool. Nice to be able to have events again.

Councilmember Armstrong

Being involved with two events that were cancelled last year, it is great to be able to approve the Leadman. It was a great weekend with fifteen people from the valley and several people from Spokane, the Coeur d'Alene area and also Montana. The event was at its cap of 250 people. This coming Sunday, St. Rita's will be having their annual dinner event and has social distancing in place. People can get their meals to go also.

Councilmember Douglas

Advised the Council that Kathy, who is present by telephone is his sister and wished her a happy birthday.

Mayor Pooler

There was a smoke incident at the city hall and the front office ladies were troopers during the situation. The preparation work in the basement has been finished.

There being no further business to come before the Council at this time, it was adjourned at 7:18 P.M. to meet for the regular time of May 12, 2021.

Mac Pooler, Mayor

ATTEST:

Nila Jurkovich, City Clerk/Treasurer