

MINUTES OF THE REGULAR COUNCIL MEETING

January 20, 2021

At 6:00 P.M. the rescheduled meeting from January 13, 2021 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 Telephone:

Building Official Mark Magnus
Chief of Police David Wuolle
Project Manager Rod Plank
Planning Consultant Collin Coles

Superintendent of Public Works Craig Lewis was absent.

Also present: Andy Helkey.

Ms. Kelton Enich identified herself as being present by telephone, with no others identifying themselves when asked by Mayor Pooler.

Council President Douglas led in the Pledge of Allegiance.

ORAL COMMENTS

None.

STAFF REPORTS

All reports were submitted and no questions were asked by Council. Mayor Pooler advised the Council that the City's two furnaces were flooded out and he authorized to get the basement furnaces off of the floor and hung from basement ceiling. Estimates are forthcoming and Nila and Craig are working with ICRMP on this matter.

CONSENT CALENDAR

1. Approval or correction of the minutes of the December 9, 2020 regular council meeting.
2. Approval of payment of the bills for the month of December 2020 as presented. (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income & Expenditure & Treasurer's Quarterly Report to be posted on the City's website in January 2021.
4. P&Z Commission minutes of the December 7, 2020 meeting.
Recommendation: a) Appointment of the Fair Housing Advisory ADA Board members & Planning & Zoning Commission members, Chair and Co-Chair positions.
5. Report of Commissions and Committees: None.

It was moved by Councilmember Douglas and seconded by Councilmember Armstrong 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 project.

Mr. Davis advised the Council of an update he received from Big Sky by email today. Big Sky is preparing to submit an invoice for the pavement patchwork they were involved in at City Hall last fall.

Phase 3 Warranty Work Update

Alta will look back at the warranty list and see which items remain for Big Sky. We will need to set up a meeting with Big Sky to discuss the outstanding items once we are closer to the construction window during the spring of 2021.

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 are from one month and one week from the last time the Council met as follows: Total cases nationally; 24,135,590 up from last month by 9,095,515; total deaths nationally 400,306; up from last month by 114,955; Total cases in Idaho 157,588 up from last month by 41,385. Total deaths in Idaho 1,635 up from last month by 532; Current cases in Shoshone County 934 an increase of 309 from last month's council meeting, current active cases: 236; Total Deaths in Shoshone 30, up by 7 from last month.

The positivity rate was at 27% and is now at 17%. We are on a downward curve. Kootenai County has been rated as the third hot spot in Idaho with Ada County being the first and Canyon County being the second. We still need to be mindful as people are getting vaccinated. There are at least 80,000 people in Idaho that have at least received their first dose of the vaccine with the second dose still needing to be administered.

There were no questions from the Council

Mayor Pooler advised the Council that there is currently there is one Activity Request submitted by Silver Valley Chamber for the October 2, 2021 half marathon with an anticipated 500 participants and has been placed under New Business for action by the Council.

NEW BUSINESS

Council President

Councilmember Mercado stated that Councilmember Douglas has done an awesome job as the Council President and has the City at the front of his mind, and is pretty amazed of what he has done Council President in years past. Councilmember Moody stated that Councilmember Douglas dedicates more time for the City beyond we all know about.

It was moved by Councilmember Armstrong and seconded by Councilmember Mercado to nominate Councilmember Terry Douglas as Council President.

Motion carried.

2021 General Service Committee Assignments.

The Mayor presented the following committee assignments for the Council's approval:

GENERAL SERVICES COMMITTEES FOR 2021

ADA COORDINATOR &
504 COORDINATOR
FAIR HOUSING RESOURCE OFFICER
CITY HALL/BUILDINGS
Mark Magnus

PUBLIC WORKS/STSWR/SANI/PARK
Rod Plank - Chair
Ron Mercado
Dennis Norris

COUNCIL PRESIDENT

Terry Douglas

LIBRARY BOARD

As constituted – see next page
Council. Anna Moody

POLICE DEPARTMENT

Ron Mercado, Chair
Anna Moody
Dennis Norris

MCKINLEY AVE/EAGLE CREST

Terry Douglas, Chair
Rod Plank
Mac Pooler

ADMINISTRATIVE COMMITTEE

Terry Douglas, Chair
Ron Mercado
Sid Armstrong

PLANNING & ZONING, FAIR
HOUSING ADVISORY & ADA

Francis Pooler, Chair
Dan Ruff, Vice Chair
Chad Meyer
Ken Nelson
Adam Dorsey
Mark Magnus, Building Official
Collin Coles, Planning Cons.

TREE COMMITTEE

Lou Larson
Iver Larson
April Muhs
Nuel Wallace
Craig Lewis, Public Works Sup

FIREWISE COMMITTEE

Lou Larson
Iver Larson
April Muhs
Nuel Wallace
Billie Irwin
Mark Aamodt
Gerard Parrot
Terry Douglas, City Rep
Craig Lewis, Public Works Sup

PERSONNEL

Terry Douglas, Chair
Anna Moody
Rod Plank
Sid Armstrong

DEPOT BUILDING

Terry Douglas, Chair
Anna Moody
Ron Delcamp

BLDG DEPT/P&Z

Ron Delcamp, Chair
Dennis Norris
Rod Plank

DEPARTMENT SUPERVISORS

Nila Jurkovich, Clerk/Treasurer
Dave Wuolle, Chief of Police
Mark Magnus, Building Official
Craig Lewis, Superintendent of PW
Collin Coles, Planning Consultant
Rod Plank, Project Manager

TRAFFIC SAFETY

Terry Douglas, Chair & City Rep
Nila Jurkovich, C/T
Dave Wuolle, Chief of Police
Craig Lewis, Public Works Sup
Collin Coles, Planning Consultant
Mark Aamodt, Fire Chief
Lori Osterberg, School Dist. Rep.
Mike Domy, Member at Large
Ben Davis, City's Civil Engineer

LIBRARY BOARD

Mary Lou Cobb, Chair
James Miller Jr., Vice Chair
Christy Woolum - Secretary
Mary Harding, Treasurer
Susan Webb, Member
Carol Costa, Alt-Member
Danielle Boylan, Lib Director

I T COMMITTEE

Ron Delcamp, Chair
Rod Plank
Dave Wuolle
Nila Jurkovich

It was moved by Councilmember Douglas and seconded by Councilmember Mercado to approve the General Service Committee assignments as presented by Mayor Pooler.

Motion carried.

Mayor Pooler will be announcing a workshop in the near future.

Resolution 2021-01 Renewal - Require Face Coverings In Public Places

Mr. Helkey advised the Council of the trend. During high peaks of positivity of Covid-19 the public tend to behave more. Once the public is getting vaccinated this should help also.

Resolution No. 2021-01

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

WHEREAS, on December 9, 2020, the City Council passed and approved Resolution 2020-11 continuing the requirement for face coverings when members of the public are physically present for otherwise unprotected social interaction; and

WHEREAS, Resolution 2020-11 remained in effect until January 10, 2021; and

WHEREAS, there were 155,554 confirmed cases of COVID-19 in Idaho as of January 18, 2021 and 920 confirmed cases of COVID-19 in Shoshone County as of January 18, 2021, 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 January 13, 2021, 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 January 21, 2021 and shall remain in effect until February 21, 2021 unless extended by the City Council.

PASSED and approved by the City Council of the City of Kellogg this 20th day of January 2021.

APPROVED:

Mac Pooler, Mayor

ATTEST:

Nila Jurkovich, City
Clerk/Treasurer

It was moved by Councilmember Douglas and seconded by Councilmember Moody to approve the resolution as submitted.

A roll call of the Council showed the following:

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

Motion carried.

Alta's City Engineer Contract Amendment

Mr. Davis advised the Council this amendment adds \$10,000 of annual operating budget to Alta's on-call engineering agreement. In 2020, the budget was used to respond to city requests for sewer information, property boundaries, grant opportunities, attendance of meetings, and so forth. This on-call agreement has been valuable and hope to continue to be valuable to the City of Kellogg.

Councilmember Douglas has reviewed the request by Alta and feels the request is reasonable. The amendment will add an additional \$10,000 for this year for a total of \$20,000.

It was moved by Councilmember Douglas and seconded by Councilmember Moody to approve the amendment for Alta's contract for the City Engineer Agreement as submitted by Alta.

A roll call of the Council showed the following:

Councilmember Norris	“Aye”	Councilmember Delcamp	“Aye”
Councilmember Moody	“Aye”	Councilmember Armstrong	“Aye”
Councilmember Mercado	“Aye”	Councilmember Douglas	“Aye”

Motion carried.

Activity Request submitted by the Silver Valley Chamber for the Half Marathon

The half marathon is scheduled for October 2, 2021. Ms. Enich was available by telephone to address any concerns or questions.

Mr. Helkey had met with the organizers and has reviewed the self-distancing plan and stated the plan is similar to the plan submitted for last year’s event. There should be updates in the self-distancing plan for the Council as the event gets closer.

Chief Wuolle inquired about the closed roads as no map was submitted. The Chief would like to see the map and have the Public Works Superintendent review the map also as Mr. Lewis had concerns from last year’s event. Ms. Enich discussed their plan to have Main Street from McKinley to Market Avenue closed and there will be cones out for runners to run along the side of other streets.

Councilmember Douglas inquired on the request for police presence at this event. As it stands now Chief Wuolle stated he will have a full staff in October and can cover this event. This will need to be revisited if the Brewery plans on having its block party at the same time.

It was moved by Councilmember Delcamp and seconded by Councilmember Moody requested a map to be submitted and reviewed by both the Police Department and the Public Works Department and tentatively approved the activity request.

Motion carried.

At 6:20 p.m. Mayor Pooler excused himself and asked Council President Douglas to continue with the council meeting.

Declaration of Emergency due to Windstorm

Councilmember Douglas advised the Council that the City Clerk had been in contact with both the County and the City Attorney as Mayor Pooler believes it to be in the best interest to declare the emergency. This declaration was added today and the City’s Attorney provided the following Declaration for the Council.

Councilmember Delcamp had questions with respect to why it was valid for seven days and would this give the City ample time to have all the buildings owned by the City be inspected. Member Delcamp voiced his concerns with the swimming pool building since it is a seasonal building that is used by the City.

City Clerk Nila Jurkovich was unclear if the emergency declaration could be longer than seven days, however this is what was provided by the City’s Attorney for Council.

**MAYOR’S DECLARATION OF LOCAL DISASTER EMERGENCY
RESOLUTION 2021-02**

WHEREAS, a powerful windstorm has caused large-scale damage throughout the City of Kellogg; and

WHEREAS, the City of Kellogg has been impacted by fallen trees, power outages and equipment failure as a result of the windstorm; and

WHEREAS, Idaho Code § 46-1011 allows the Mayor of a city to declare a local disaster emergency; and

WHEREAS, Idaho Code § 46-1002(2) defines “disaster” as the “imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, earthquake, windstorm, wave action, volcanic activity, explosion, riot, or hostile military or paramilitary action and including acts of terrorism;” and

WHEREAS, the results of the windstorm are creating a threat to infrastructures, public and private property and human life within the City of Kellogg; and

WHEREAS, a declaration activates the response and recovery aspects of applicable local or intergovernmental disaster emergency plans for the furnishing of aid and assistance; and

WHEREAS, Idaho Code § 46-1002(3) provides that an “emergency” includes the imminent threat to life or property which requires state emergency assistance to supplement local efforts to protect well-being or property or to avert or lessen the threat of “disaster;” and

WHEREAS, the damage resulting from the windstorm for the City of Kellogg requires state emergency assistance to supplement local efforts to protect life, health and property; and

WHEREAS, Idaho Code § 67-2808 authorizes the City of Kellogg to declare an emergency and that the public interest and necessity may demand the immediate expenditure of public money without compliance with formal bidding procedures; and

WHEREAS, an emergency declaration must be filed with the county recorder’s office and “given prompt and general publicity.”

NOW THEREFORE, the Mayor of the City of Kellogg does hereby declare:

That a Local Disaster Emergency exists and that all efforts will be made to protect the citizens and property of the City of Kellogg through activation of all local disaster emergency plans and state emergency assistance; and

That this Local Disaster Emergency shall expire within seven (7) days unless the City Council expressly authorizes the continuance of such Declaration; and

That this Declaration of Local Disaster Emergency (“Declaration”) shall be promptly filed with the Shoshone County Recorder’s Office; and

That prompt and general publicity shall be given by a press release notifying the public of this Declaration.

Declared this 20th day of January, 2021.

CITY OF KELLOGG

Mac Pooler, Mayor

ATTEST:

Nila Jurkovich, City Clerk

It was moved by Councilmember Delcamp and seconded by Councilmember Mercado to pass the emergency declaration as submitted by the City’s Attorney.

Motion carried.

ANNOUNCEMENTS AND REPORTS

Councilmember Norris

Thankful 2020 is behind us. Thanks to the Avista crews for their work during the windstorm/power outage. He has received his first vaccine for Covid-19 and looking forward to getting the second vaccine.

Councilmember Moody

Good things are happening at the Library. The City will be looking at the Memorandum of Understanding (MOU) at the February Council meeting. The City Library crew are reviewing programs and services. Councilmember Douglas inquired if an attorney drafted the MOU. Councilmember Moody advised yes, and this is a three-way MOU.

Councilmember Mercado

The City crews were on it, getting the damage caused by the windstorm taken care of. Thanks to the City crews.

Councilmember Delcamp

Hoping that the owner of the building that got demolished during the windstorm will be pushed to do something before someone gets hurts.

Councilmember Douglas inquired with Building Official Mark Magnus. Mr. Magnus advised the Council he will be getting in contact with the property owner by end of the week and will advise him that the back wall needs to be torn down and the mess cleaned.

There being no further business to come before the Council at this time, it was adjourned at 6:32 P.M. to meet for the regular time of February 10, 2021.

Mac Pooler, Mayor &

Terry Douglas, Mayor Pro-Tem

ATTEST:

Nila Jurkovich, City Clerk/Treasurer