

## MINUTES OF THE REGULAR COUNCIL MEETING

March 11, 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  
Ron Mercado  
Terry Douglas  
Dennis Norris  
Ron Delcamp  
Anna Moody

Officers present were:

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

Councilmember Norris led the Pledge of Allegiance.

### HEARING –

At 6:02 p.m. it was moved by Councilmember Delcamp and seconded by Councilmember Moody to enter into the hearing. Motion carried.

Mayor Pooler advised those present this hearing is to take public testimony on the proposed new annual fee for restaurant/tavern outside seating with serving of alcohol on city sidewalks.

The legal notice was published in the Shoshone News Press on Tuesday, February 18, 2020.

No one present in the audience wished to speak and the Council had no questions

At 6:03 p.m. it was moved by Councilmember Delcamp and seconded by Councilmember Moody to close the hearing to reconvene back into regular session. Motion carried.

### ORAL COMMENTS

Mr. Joe Close, Manager of the South Fork Coeur d'Alene Sewer District was present to and provided the City with an a graph with updated flows and metal removal at the Page Treatment Plant. The decrease is quite significant where their sewer district should be able to retain their NSPDS permit through the government along with lifting the sewer annexation within the next couple of years.

Mr. Close thanked the City of Kellogg for completing its sewer projects. If the cities of Kellogg and Wallace did not perform this work, along with the work performed by the sewer district, the drastic decline in flows and metal removal would not have been reached.

The Mayor and Council thanked Mr. Close for the great news, and asked that he stay for the remainder of the meeting.

## STAFF REPORTS

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

### Police Chief Dave Wuolle

Testing was held on Saturday, and if all goes well, the City will have a new officer introduced at the April council meeting.

### Superintendent of Public Works Craig Lewis

Councilmember Moody inquired if the mouse issues at the Scout house was something new or if it was ongoing. Mr. Lewis was unaware of the problem until the girl scouts started using the scout house and informed him. Traps have been set and will be monitored.

### Project Manager Rod Plank

Provided a verbal report stating 100 inspections have been performed, 40-45 letters have been sent out, three or four additional lines have been completed in the last couple of weeks with 10% using the liners for their sewer line repair.

Mayor Pooler advised the Council that he and Mr. Plank had a discussion on updating the Council and the Council will now get a monthly written report.

## CONSENT CALENDAR

1. Approval or correction of the minutes of the February 12, 2020 regular council meeting and the minutes of the February 26, 2020 special council meeting.
2. Approval of payment of the bills for the month of February 2020 as presented. (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income & Expenditure, as submitted.
4. P&Z Commission minutes from the February, 2020 Meeting-Recommendations: None
5. Report of Commissions and Committees:  
IT minutes from the February 26, 2020 Meeting-Recommendations: None  
IT minutes from the March 3, 2020 Meeting-Recommendations: Move forward with J&R Electronics quote for installation and internet service, keeping Suddenlink internet as a backup.

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

## OLD BUSINESS

### EPA Road Remediation & Sewer Project & Oil Escalation- Alta Engineering

Ben Davis was present from Alta Engineering and advised the Council there are three steps left to final out the projects as follows: last change order needs to be approved, acceptance of work and then submit for final payment. The final walk through for both Phase 2 and Phase 3 has been scheduled for June 30, 2020.

### Wardner Sewer Inflow through Kellogg's System

Sewer Study & Cost Analysis for Wardner Sewer Inflow had been given to Mayor Pooler and Council President Douglas and will be forwarded to each of the Council.

### Bunker/Wildcat Way Stormwater Update

Bunker/Wildcat Way Stormwater Study and Cost Analysis will be forwarded to the City tomorrow for Council's review.

Mr. Lewis advised the Council that AAA Sweeping will start cleaning the stormwater lines the week of April 6<sup>th</sup> in this area.

Teeters Field Concession Stand Update

Alta would like to donate the remaining engineering budget (\$2,000) back to the City to kick start the fundraising for the Teeters Field Concession Stand.

The Mayor and Council thanked Alta for their generous act.

Mayor Pooler would like to hold a special council meeting on March 18<sup>th</sup> to discuss the Warder Sewer Study, Bunker/Wildcat Way stormwater Study and Teeters Field Concession Stand data.

NEW BUSINESS

Amendment to Land Use Ordinance

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

Clerk/Treasurer Nila Jurkovich read the title of the proposed ordinance numbered 608.

ORDINANCE NO. 608

AN ORDINANCE OF THE CITY OF KELLOGG, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING KELLOGG CITY CODE SECTIONS 11-1-8, 11-5-3 AND 11-6-2 OF TITLE 11, LAND USE REGULATIONS; 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 Sections 11-1-8, 11-5-3 and 11-6-2 of Title 11, Land Use Regulations, are hereby amended as follows:

**Section 1.** That Section 11-1-8: Certificate of Occupancy or Zoning Compliance Required, of Kellogg City Code shall be, and the same is, amended to read as follows:

11-1-8: CERTIFICATE OF OCCUPANCY OR ZONING COMPLIANCE REQUIRED:

It is unlawful to occupy or use any building or premises, or part of building or premises created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy and/or a certificate of zoning compliance has been issued. It is unlawful to establish any land use on lands within the City unless a certificate of zoning compliance has been issued. The Administrator may issue a temporary certificate of occupancy for a period of time, not exceeding nine (9) months, to allow for completion of weather-dependent work or improvements. Certificates of occupancy or certificates of zoning compliance issued on the basis of plans and applications approved by the Administrator or designee authorize only the use and/or arrangement set forth in such approved plans and applications or amendments, and not other uses or arrangement. The Building and Planning Department shall maintain records of certificates of occupancy and certificates of zoning compliance.

**Section 2.** That Section 11-5-3: Table of Uses, of Kellogg City Code shall be, and the same is, amended by changing only the following uses:

11-5-3: TABLE OF USES:

Land Use Category	R-S	R-1	R-2	R-3	C-B	C-1	C-2	M-1	M-2	LBCS
Residential uses:										
Private household, 1 unit per structure	P	P	P	P	<u>P</u>	-	-	-	-	1101
Duplex, 2 units per structure	-	-	P	P	<u>C</u>	C	C	-	-	1102

Accommodations and group living:										
Group home	P	P	P	P	-	-	-	-	-	-
General sales or services:										
Hardware/home improvement center	-	-	-	-	EP	P	P	C	C	2122
Discount store	-	-	-	-	EP	P	P	C	C	2128
Durable consumer goods sales and service	-	-	-	-	EP	P	P	C	C	2130
Automatic car wash	-	-	-	-	EP	P	P	-	-	2171
Arts, entertainment, tourism, and recreation:										
Community centers	-	-	-	-	EP	P	P	P	-	
Performing arts or supporting establishment	-	-	-	-	EP	P	P	-	-	5100
Movie theater	-	-	-	-	EP	P	P	-	-	5112
Museums and other special purpose recreational institutions	-	-	-	-	EP	P	P	C	-	5200
Historical or archeological institution	-	-	-	-	EP	P	P	P	-	5220
Games arcade establishment	-	-	-	-	EP	P	P	-	-	5320
Miniature golf establishment	-	-	-	-	EP	P	C	-	-	5340
Fitness, recreational sports, gym, or athletic club	-	-	-	-	EP	P	P	C	-	5370
Educational Uses:										
Nursery and preschool	C	C	C	C	P	P	C	-	-	

**Section 3.** That Section 11-6-2: Bulk and Placement Table Delineation, of Kellogg City Code shall be, and the same is, amended by changing the yard setbacks in C-2 zone as follows:

11-6-2: BULK AND PLACEMENT TABLE DELINEATION:

District	Maximum Height	Minimum Yard Requirements				Minimum Lot Width	Minimum Lot Area Per Dwelling Unit
		Front	Rear	Interior Side	Street Side		
C-2	65'	15'0"	10'0"	0'	15'0"	n/a	n/a

**Section 4.** 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.** 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.** 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 11<sup>th</sup> day of March, 2020.

PASSED under suspension of the rules upon which a roll call vote was taken and duly enacted an Ordinance of the City of Kellogg, Shoshone County, Idaho at a convened meeting of the City of Kellogg City Council and APPROVED by the Mayor on the 11<sup>th</sup> day of March, 2020.

CITY OF KELLOGG

ATTEST:

By: \_\_\_\_\_  
Mac Pooler, Mayor

\_\_\_\_\_  
Nila Jurkovich, City Clerk

It was moved by Councilmember Douglas and seconded by Councilmember Delcamp to pass Ordinance #608 under suspension of the rules. A roll call vote of the Council resulted as follows:

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

Motion carried.

It was moved by Councilmember Delcamp and seconded by Councilmember Douglas to publish Ordinance #608 by summary written and approved by the City's attorney.

Motion carried.

Resolution #2020-01 New Fee for Outside Seating/Serving on City Sidewalks

RESOLUTION #2020-01

A Resolution of the City of Kellogg, Shoshone County, State of Idaho to in act a new fee entitled "Restaurant/Tavern Outside Seating with serving of Alcohol on City Sidewalks"

WHEREAS, the City of Kellogg has a need to charge for certain services; and

WHEREAS, pursuant to Idaho Code 63-1311A, the City of Kellogg advertised in the legal section of the Shoshone News Press and held a hearing on March 11, 2020 to hear public testimony on the proposed new fee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kellogg that upon the passage of this resolution, to set the fee as follows:

Restaurant/Tavern Outside Seating with serving of Alcohol on City Sidewalks, annual fee shall be set at \$125.00.

BE IT FURTHER RESOLVED, this Resolution shall take effect and be in force from and after its passage and approval.

Dated this 11<sup>th</sup> day of March, 2020.

City of Kellogg  
Shoshone County, Idaho

By \_\_\_\_\_  
Mac Pooler, Mayor

ATTEST:

\_\_\_\_\_  
Nila Jurkovich, Clerk/Treasurer

It was moved by Councilmember Mercado and seconded by Councilmember Douglas to pass the resolution as submitted..

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 24, 2020 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 11th day of March 2020.

By  
Mac Pooler, Mayor

It was moved by Councilmember Norris and seconded by Councilmember Douglas to accept the proclamation as submitted.

Motion carried.

BLM Option #3 at Wardner Peak Radio Site

Council President Douglas advised the Council that the annual rate for the annual lease is \$822.00 for the space they rent on Wardner Peak.

It was moved by Councilmember Douglas and seconded by Councilmember Delcamp to approve Option 3 with Bureau of Land Management for space at the Wardner Peak radio site.

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.

#### Internet Agreement with J&R Electronics

Councilmember Delcamp advised the Council the IT Committee met on two different dates to discuss the options Kellogg has for its internet provider. Currently the City uses Suddenlink and it is free, but comes with a slow rate of speed. J&R Electronics is using the microwave technique and uses the middle school's building for the source. The Council approved the recommendation in the consent calendar to move forward with switching to J&R Electronics and keep Suddenlink as a back up.

It was moved by Councilmember Douglas and seconded by Councilmember Armstrong to enter into the internet agreement with J&R Electronics and to keep Suddenlink as the City's back up internet provider.

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.

#### Modification to Alta's Contract for City's Sewer Project

Council President Douglas advised the Council how the City had approved additional costs incurred by contractors on the massive sewer/road projects. We are finalizing the projects with no accidents, no lawsuits and all parties still on good working terms. We valued every working relationship throughout this project. Alta is in the same category, they went the extra mile, their request is very fair.

It was moved by Councilmember Douglas and seconded by Councilmember Delcamp to approve the contract modification with Alta for the City's sewer project.

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.

### ANNOUNCEMENTS AND REPORTS

#### Councilmember Moody

The meeting that she and Mr. Joe Close attended earlier this year was very informative and how we will be handling the total maximum daily loads (TMDL's) moving forward which includes monitoring. The goal is quality of our water.

#### Councilmember Delcamp

Held a meeting with Rod Plank regarding the website and he is moving forward with keeping the website updated. Instead of having a set date to have items to him, it would be best to have each department email items to him throughout the month to place on website. Pictures of the mayor and council will be taken after the council meeting and will be uploaded to the City's website.

Councilmember Norris

It is his understanding that the water district fixed a huge leak in the Elk Creek area and by this fix it has slowed their pumps down. This will help the water district out.

Councilmember Douglas

The Administrative Committee will be meeting next week and will be working towards a preliminary budget.

Mayor Pooler

Attended the Basin Commission meeting earlier today and Director Tippett will be retiring the end of July. This will be a great loss for the City of Kellogg.

There being no further business to come before the Council at this time, it was adjourned at 6:45 P.M. to meet for a special council meeting on March 18, 2020.

\_\_\_\_\_  
Mac Pooler, Mayor

ATTEST:

\_\_\_\_\_  
Nila Jurkovich, City Clerk/Treasurer