

MINUTES OF THE REGULAR COUNCIL MEETING

October 9, 2024

At 6:00 P.M. the meeting was called to order by Mayor Rod Plank.

A roll call of the Council resulted as follows:

Jenifer Cardenas (via Zoom)
Ron Mercado
Terry Douglas
Dennis Norris
Jerry Cobb

Officers Present: Mayor Rod Plank, Clerk/Treasurer Lindsay Strobel, COP Paul Twidt, PW Director Mike Fitzgerald, Building Official Keith Teeters, Community Planner Monica Miller

Also present: Kathy Apthorp (Zoom)

Absent: Lori Teeters, Alta Science & Engineering Rep Felicia Cassidy

Jerry Cobb led in the Pledge of Allegiance.

PUBLIC HEARINGS

Ordinance 630-Mountain Overlay District & Ordinance 631-Amending Standards for All Zoning Districts.

Councilmember Douglas motioned to open the public hearing. Motion was seconded by Councilmember Mercado. Motion carried.

Ordinance 630

Community Planner Miller summarized the intent of this proposed regulatory ordinance. In an attempt to be proactive and preserve the beauty of Kellogg's surrounding hillsides, Planning & Zoning Commission held several workshops to create a draft ordinance. This ordinance is intended to create development guidelines, incorporate environmental protections, and align with Kellogg's Comprehensive Plan.

Councilmembers thought there needed to be greater effort to define the exact areas that would be affected by this MOD and more emphasis on performance standards. It was suggested that there should be some further workshoping to fine-tune the ordinance.

Ordinance 631

The purpose of amending the existing ordinance is to include a section addressing RV use as permanent dwellings within the city.

No public comment was received on either hearing item. Councilmember Douglas motioned to close the public hearing. Motion was seconded by Councilmember Mercado. Motion carried.

CONSENT CALENDAR

1. Approval or correction of the minutes of the September 11, 2024 regular council meeting
2. Approval of payment of the bills for the month of September 2024 as presented. (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income & Expenditure & Quarterly Report
4. Approval of Reports and Minutes of Committees and Commissions: Admin Committee-recommends allowing Silver Valley Chamber to cancel depot lease effective 11/1/24
5. Approval for Mayor to sign Alta Science & Engineering Consent for Access to Property-Kellogg City Park

Motion was made by Councilmember Douglas to approve the consent calendar as presented, seconded by Councilmember Norris. Motion carried.

OLD BUSINESS

FEMA update on LOMR Mapping from Felicia Cassidy with Alta

Nothing new to report

DEQ Stormwater Project Phase 2 and 3 from Felicia Cassidy with Alta

Phase 3 camera work is finished and design will start soon.

Kellogg Levee Preliminary Engineering from Felicia Cassidy with Alta

Nothing new to report

NEW BUSINESS

Consideration on Omni Flex Credit Card Processing Agreement

The old card processing system used by the office staff was discontinued. This new processing system costs the same to use.

Councilmember Douglas moved to approve the agreement. Motion was seconded by Councilmember Cardenas. A roll call vote of the Council resulted as follows:

Teeters –absent	Norris – Aye	Motion carried
Mercado – Aye	Cardenas - Aye	
Douglas –Aye	Cobb- Aye	

Consideration on Addendum to Agreement to Provide Building Official and Inspection Services with Osburn, Pinehurst, Smeltonville, Wallace, & Wardner

This reduces Kellogg’s percentage of fees from 85% to 75%

Councilmember Douglas moved to approve the addendum to the agreement. Motion was seconded by Councilmember Cobb. A roll call vote of the Council resulted as follows:

Teeters –absent	Norris – Aye	Motion carried
Mercado – Aye	Cardenas - Aye	
Douglas –Aye	Cobb- Aye	

Consideration on Ordinance No 630 Mountain Overlay District

Councilmember Cobb moved to table discussion on this ordinance. Motion was seconded by Councilmember Douglas. Motion carried

Consideration on Ordinance No 631 RV Dwelling Regulations

Councilmember Norris moved to read the Ordinance by title only. Motion was seconded by Councilmember Douglas. Motion carried.

ORDINANCE NO. 631
AMENDING SECTION 11-10-1:
GENERAL STANDARDS FOR ALL ZONING DISTRICTS

AN ORDINANCE OF THE CITY OF KELLOGG, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, REPEALING ORDINANCE 595, KELLOGG CITY CODE TITLE 11, CHAPTER 10, SECTION 11-10-1: GENERAL STANDARDS FOR ALL ZONING DISTRICTS; RESTRICTING THE USE OF RECREATIONAL VEHICLES AS PERMANENT DWELLINGS; AMENDING ZONING DISTRICT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE 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 Section 11-10-1: General Standards for All Zoning Districts be the same and is hereby amended to read as follows:

11-10-1: GENERAL STANDARDS FOR ALL ZONING DISTRICTS:

A. Visibility At Intersections: It shall be the responsibility of the property owner to remove from his property any hedge, shrubbery, fence, wall, or other sight obstructions, except public traffic or highway signs, where these sight obstructions compromise intersection visibility. Intersection visibility shall not be impeded more than three feet (3'), or less than ten feet (10') in height within the vision triangle. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of the curb or pavement forty feet (40') along each road, street, or alley and connecting the two (2) points with a straight line. The sight distance obstruction restriction is also applicable to railroad-crossings with vision triangle defined by measuring forty feet (40') along the railroad property line when intersecting with a highway.

B. Temporary Buildings: Temporary buildings, trailers, equipment and materials used in conjunction with construction work, may be permitted in any district during the construction period upon showing that their use and placement will not harm the area in which they are located. Temporary facilities shall be removed upon completion of the construction or issuance of the certificate of occupancy.

C. Screening And Landscaping: Screening devices and landscaping shall not impair the visibility of drivers entering or exiting a commercial, industrial, or multi-family site.

D. Dangerous And Objectionable Conditions: No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions, which may adversely affect the surrounding area or adjoining premises. Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures listed in applicable codes and regulations.

E. Glare/Exterior Lighting: No interior or exterior lighting shall create direct or reflected glare which will adversely affect any surrounding property nor shall such lighting adversely affect use of public streets or rights-of-way.

F. *Street Right-Of-Way Dedication And Frontage Improvements:* Dedication of necessary additional street rights-of-way, easements, and construction of frontage improvements (sidewalks, curbing, pavement, lighting, etc.) is required at the time of establishment of other than a temporary use, any construction on a lot to establish a new land use or expansion of an existing use by thirty three percent (33%) or more in floor area. Frontage improvements (sidewalks, curbing, pavement, lighting, etc.) shall be to centerline of existing fully developed roadways, or to centerline, plus ten feet (10') for undeveloped roadways, including transitions on each end of the developing property, as determined by the City Engineer. Right-of-way dedication shall conform to the transportation element of the comprehensive plan, the transportation master plan, or as otherwise required by the City Engineer pursuant to site plan review or other ordinance specified procedures.

G. *Utility Line Placement:* All wire or cable utility service lines shall be placed underground. The Administrator may waive this requirement if the use is temporary in nature or if there are practical physical difficulties.

H. *Surfacing:*

1. *Residential:* All required residential access drives and parking areas shall be surfaced with a minimum of four inches (4") of concrete or asphalt paving. Driveways to individual residences shall be a maximum of eight percent (8%) slope and measure a minimum of fourteen feet (14') in width and twenty feet (20') in depth; this shall include a standard drive approach.

2. *Commercial/Industrial:* All required commercial/industrial access drives, maneuvering areas and parking areas, outdoor merchandise display areas and motorized vehicle display lots shall be surfaced with a minimum of six inches (6") of concrete or asphalt paving. Surfacing material shall be designed for the loading anticipated. Outdoor non-vehicular storage areas in the commercial and industrial zones may be surfaced with gravel and shall be enclosed within a sight obscuring fence. Outdoor merchandise display areas may be provided without paving and/or a sight obscuring fence as determined by the Administrator.

I. *Water Supply And Sewage Disposal:* The method of water supply and sewage disposal for all land uses must comply with Municipal and other applicable codes. Developers shall extend utility systems to the boundaries of the land developed in order to maintain system continuity.

J. *Dust Control:* During all on site grading and construction activities, adequate measures shall be implemented to control dust in accordance with the Institutional Controls Program (ICP) administered by Panhandle Health District. Methods for dust control may be required to be approved at site plan review. The Administrator may issue a stop work order on any project that demonstrates persistent inability to control dust until an acceptable dust control program is implemented.

K. *Fences And Walls (Excluding Retaining Walls):* All walls and fences shall not exceed four feet (4') in height within the required front yard setback and nor shall they exceed six feet (6') in height in the rear and side yard setback areas, unless otherwise permitted. For corner lots, fences measuring six feet (6') in height along the "street side yard" can be permitted so long as such fence height does not extend into the front yard setback where the primary entrance of the residence is oriented. Corner lots which abut the side yard of an adjoining lot may not block visibility of a driveway on the adjoining lot above three feet (3'). The height and location of new fences or walls that affect visibility from existing abutting driveways shall be restricted, to provide for vision clearance. Where new driveways are proposed adjacent to existing fences that exceed three feet (3') in height, the driveway approach shall be located no closer than fifteen feet (15') to the fence.

L. *Unightly Conditions:* The exterior of all structures and yards shall be maintained in such manner that there is no detrimental effect on the property of others. There shall be no keeping or depositing on, or scattering over, the property of any of the following:

1. ~~Any~~ Garbage, trash, or debris.
2. Abandoned, discarded, or unused objects or equipment, such as automobiles, furniture, stoves, refrigerators, freezers, cans, containers and parts thereof, or similar items.
3. Stagnant water or excavations.
4. Any device, decoration, design, structure, or vegetation which offends the visual sensibilities of a reasonable person by reason of its conditions.

M. *Building Materials And Equipment:* No building materials, machinery or other materials or equipment used in or for a business shall be stored outdoors on any lot in any residential district, except during construction on the lot.

N. *Compliance:* The operation of any use established after the effective date of these regulations shall comply with the performance standards herein for the zone in which the activity is located. No land use already established on the effective date of these regulations shall be so altered or modified as to conflict with these performance standards.

O. *Addresses:* Addresses for new buildings and structures will be assigned by the Administrator at the time a building permit is issued. Addresses shall be displayed on the building or property and shall be visible from the public right-of-way.

P. *Topography: Drainage Ways:* All development/building shall conform to the existing topography to the greatest extent possible. Natural and pre-existing drainage ways shall be preserved to the greatest extent possible.

Q. *Recreational Vehicle (RV) as Permanent Dwelling:* Except for within established RV or mobile home parks, the permanent habitation of park model homes, RVs, and other vehicles, as defined by Title 39, Chapter 42 of Idaho Code, shall be prohibited. Nothing within these regulations shall be construed to allow for the use of a recreational vehicle as a permanent dwelling.

Section 2. Severability. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by court or 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 ordinance 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 _____ day of _____, 2024

Approved by the Mayor on the ___ day of _____, 2024.

CITY OF KELLOGG

By: _____
Rod Plank, Mayor

ATTEST:

Lindsay Strobel, City Clerk

Councilmember Douglas moved to adopt the Ordinance under suspension of rules. Motion was seconded by Councilmember Cobb. A roll call vote of the Council resulted as follows:

Teeters –absent	Norris – Aye	Motion carried
Mercado – Aye	Cardenas - Aye	
Douglas –Aye	Cobb- Aye	

Councilmember Douglas moved to publish the Ordinance by summary. Motion was seconded by Councilmember Mercado. Motion passed.

Consideration on Resolution 2024-14 Approving the Offering of PERSI Benefits to Mayor & Council

Mayor & Council already receive PERSI benefits, this just formalizes the process.

Councilmember Douglas moved to read the Resolution by title only. Motion was seconded by Councilmember Norris. Motion carried.

RESOLUTION # 2024-14

A RESOLUTION OF THE CITY OF KELLOGG, SHOSHONE COUNTY, STATE OF IDAHO, approving the offering of Public Employee Retirement System of Idaho benefits to the Mayor and Council.

CITY OF KELLOGG

Shoshone County, Idaho

WHEREAS, the City participates in the Public Employees Retirement System of Idaho (PERSI);

WHEREAS, the City has determined that Mayor and Council qualify to participate in PERSI, and

WHEREAS, the City has sufficient funds to include Mayor and Council in the PERSI program.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and the City Council of the City of Kellogg, Idaho, approve the offering of PERSI membership to Mayor and Council

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

DATED this 11th day of September 2024.

Rod Plank, Mayor

ATTEST:

Lindsay Strobel, Clerk/Treasurer

Councilmember Mercado moved to adopt the Resolution. Motion was seconded by Councilmember Norris. A roll call vote of the Council resulted as follows:

Teeters –absent	Norris – Aye	Motion carried
Mercado – Aye	Cardenas - Aye	
Douglas –Aye	Cobb- Aye	

Consideration on Resolution 2024-15 Purchase 2025 Dodge Durango for Police Department

Councilmember Douglas moved to read the Resolution by title only. Motion was seconded by Councilmember Mercado. Motion carried.

RESOLUTION # 2024-15

A RESOLUTION OF THE CITY OF KELLOGG, SHOSHONE COUNTY, STATE OF IDAHO, APPROVING AND AUTHORIZING THE CITY TO PURCHASE A 2025 DODGE DURANGO FOR USE BY THE CITY'S POLICE DEPARTMENT

CITY OF KELLOGG

Shoshone County, Idaho

WHEREAS, the City is in need of a Police vehicle;

WHEREAS, Idaho Code 67-2806 permits the City to purchase from qualified vendors supplying Police vehicles where the expenditure is less than \$75,000;

WHEREAS, the City has determined that Dave Smith Motors to be a qualified vendor, and

WHEREAS, the City has sufficient funds to purchase said vehicle.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and the City Council of the City of Kellogg, Idaho, approve the purchase of a 2025 Dodge Durango with VIN 1C4SDJFT3SC504922 from Dave Smith Motors, with a purchase price of \$47,363.00.

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

DATED this 9th day of October, 2024.

Rod Plank, Mayor

ATTEST:

Lindsay Strobel, Clerk/Treasurer

Councilmember Mercado moved to adopt the Resolution. Motion was seconded by Councilmember Norris. A roll call vote of the Council resulted as follows:

Teeters –absent	Norris – Aye	Motion carried
Mercado – Aye	Cardenas - Aye	
Douglas –Aye	Cobb- Aye	

Approval of Magnuson McHugh Dougherty Audit Engagement Letter

Councilmember Douglas moved allow Mayor or Council President sign the engagement letter. Motion was seconded by Councilmember Mercado. A roll call vote of the Council resulted as follows:

Teeters –absent	Norris – Aye	Motion carried
Mercado – Aye	Cardenas - Aye	
Douglas –Aye	Cobb- Aye	

ANNOUNCEMENTS AND REPORTS

Chief Twidt: Older police vehicles are being re-vinyled to match. Kyle Hudson has started rotation as new KPD officer. Logan Moore was hired for the Code Enforcement/Animal Control position.

PW Director Fitzgerald: The new mini-hoe will be delivered Friday, come check it out. PW crew would like to thank Council for the wage increase this fiscal year.

Community Planner Miller: Thanks to Council for consideration of the MOD. Kelloween is on October 26. Thanks to everyone for the team effort. Trunk or Treat will be held on Halloween.

Councilmember Cardenas: Thanks to Mike for driving around and help with library stuff.

Councilmember Mercado: Glad to be able to give raises, appreciate everyone’s efforts.

Councilmember Douglas: Appreciate acknowledgement from street crew, shout out to Ken Lonn for repairs on the Miner Memorial statue.

Councilmember Norris: Crews are doing great job.

There being no further business, the meeting was adjourned at 7:15 pm. The Council will meet at the regular time in November 2024.



Mayor Rod Plank

ATTEST:



Lindsay Strobel, City Clerk/Treasurer