

MINUTES OF THE REGULAR COUNCIL MEETING

December 11, 2024

At 5:59 P.M. the meeting was called to order by Mayor Pro Tem Terry Douglas.

A roll call of the Council resulted as follows:

Jenifer Cardenas  
Ron Mercado  
Terry Douglas  
Dennis Norris  
Lori Teeters

Officers Present: Clerk/Treasurer Lindsay Strobel, COP Paul Twidt, PW Director Mike Fitzgerald, Building Official Keith Teeters, Community Planner Monica Miller, Alta Engineering Representative Felicia Cassidy

Also present: Vic Cardenas

Absent: Mayor Rod Plank, Jerry Cobb

Lori Teeters led in the Pledge of Allegiance.

**CONSENT CALENDAR**

1. Approval or correction of the minutes of the November 13, 2024 regular council meeting
2. Approval of payment of the bills for the month of November 2024 as presented. (Proving documents on file in the City Clerk's office)
3. Treasurer's Reports of Income & Expenditure
4. Approval of Reports and Minutes of Committees and Commissions

**Motion was made by Councilmember Mercado 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

Sub-contractor quotes about \$30,000 to finish mapping. Douglas would like to look into finding other sources to share costs.

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

East Kellogg & Gov't Gulch phase 2 design is in progress with work to start in the spring. Phase 3 is in investigation and mapping. Douglas would like to get a workshop together after the January 1, 2025 Council meeting.

Kellogg Levee Preliminary Engineering from Felicia Cassidy with Alta

Alta will keep pushing Army Corps of Engineers for action after the holidays.

**NEW BUSINESS**

Consideration on Ordinance No. 633 Sign Regulations and Permitting Amended

P & Z Commission has recommended the amendments for Council approval. The amendments will organize and simplify the chapter and provide clearer stipulations for off-premises signs and removal of unpermitted signs.

**Councilmember Mercado moved to read the Ordinance by title only. Motion was seconded by Councilmember Teeters. Motion carried.**

*ORDINANCE NO. 633  
SIGN REGULATIONS AND PERMITTING AMENDED*

***AN ORDINANCE OF THE CITY OF KELLOGG, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING KELLOGG CITY CODE TITLE 11, CHAPTER 9, SECTION 11-9-8: SIGN PERMITS 11-9-8; 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 as follows:*

*Section 1. Kellogg Municipal Code Title 11, Chapter 9, Section 11-9-8 is amended as follows:*

Except as otherwise provided in this chapter, no sign may be constructed, erected, enlarged, illuminated, or substantially altered except in accordance with the provisions of this chapter and the Building Code. Maintenance or repainting of a sign shall not be considered a substantial alteration. No signs shall be permitted in residential zones, however certain exemptions more fully articulated below may apply.

A. *Purpose and Authority:* The purpose of this chapter is to establish standards for the commercial fabrication, erection, and use of signs, symbols, and advertising devices within the city. These standards are designed to protect and promote the public welfare, health and safety of the community, and to aid in the development and promotion of business and industry. As used herein, the term "administrator" shall refer to the city's building official, planning administrator, or their designee.

B. *Application Process:* An application for a sign permit shall be obtained from the Kellogg Building and Planning Department. The administrator or designee shall review the application to determine if the proposal conforms with the requirements of this chapter and other applicable regulations, and if so, will issue the sign permit(s). The application shall contain at least the following information:

1. The name and address of the applicant and, if different, the name and address of the person who will own the sign;
2. The street address of the property on which the sign will be located or, if the property on which the sign is to be located has no address, the address of the abutting property which shall be for reference only;
3. The name and mailing address of the owner of the property on which the sign will be located;
4. A description of the sign, including its size, sign area, height, and whether the sign will be illuminated or have electrical components, and the location of the sign on the property;
5. For temporary signs, the dates, or estimated dates, that the event, activity, or promotion will begin and end;
6. A drawing of the proposed sign, to include the size and shape, which need not be to scale;
7. Any other information as may be specifically required for the particular type of sign proposed, as set out in the following regulations, administrator, or City Council.

C. *Definitions:* The following are definitions related to signs:

**ABANDONED SIGN:** A sign which no longer advertises a bona fide business, lessor, owner, product, use, or activity conducted. (Also see section K.)

**BANNER:** A sign made of cloth, canvas, vinyl, or other flexible material used to display a message or draw attention to an activity or site. A banner may be suspended between two (2) structures, hung from a single structure or pole, or attached to a wall or other structure. The term "banner" includes devices referred to as blade, feather, sail, shark fin, swooper, teardrop, triangle, and wind flags.

**BILLBOARD:** An off-premises sign owned by a person, corporation or other entity that engages in the business of selling the advertising space on that sign.

**FREESTANDING SIGNS:** A sign that is attached to, erected on, or supported by some structure (i.e. a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.

**INTERNALLY ILLUMINATED SIGNS:** Signs where the source of illumination is inside the sign or forms any portion that constitutes all or part of the message and the light emanates from or through the message of the sign, rather than being reflected off the surface of the sign from an external source.

**MURAL:** An artistic painting, illustration or decoration, which is applied to the exterior wall of a building or structure and which is not, or is not intended to be graffiti or advertisement.

**OFF PREMISES SIGNS:** Any sign that relates to or advertises products, services, or uses at, or directs a person to a different premises from where the sign is installed.

**PORTABLE SIGNS:** Any mobile or movable sign or sign structure which is not securely attached to the ground or other structure whose principal function is something other than the support of a sign. Includes signs mounted on a trailer or other wheeled device.

**PROJECTING SIGNS:** Any sign affixed to any building or wall, the leading edge of which extends beyond such building.

**ROOF SIGNS:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof. Roof signs also require a building permit.

**SANDWICH SIGNS:** An A-frame type sign with information on both sides that is designed to be placed either on a sidewalk or on premises within the frontage of the subject property and proximate to the building entrance.

**SIGN:** Any identification, description, illustration, symbol, statue or device, illuminated or nonilluminated, which is visible from any public place designed to advertise, identify, or convey information, including any landscape where letters or numbers are used for the purpose of directing the public's attention to a product or location. This excludes window displays and flags of any state or nation. For the purpose of removal, the term sign shall also include any sign structures.

**SPECIAL EVENT SIGN:** A special event sign, with time and quantity limitations, shall be for the purpose of advertising the opening of a business, community event, community program or community festival. The permitted type of signs allowable shall be freestanding- or banner-type.

**TEMPORARY SIGN:** A sign which is not permanently affixed and is in place for thirty (30) days or less.

D. *Signs Excluded from Permitting:* The subsequent signs are exempt from permitting under this chapter provided the following conditions and standards specified are met:

1. Signs not exceeding two (2) square feet in area that are customarily associated with residential use, by way of example but not limitation: giving property identification names or numbers or names of occupants, name and number identification on mailboxes and newspaper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals. Limited to two (2) such signs;
2. Signs erected by or on behalf of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs;
3. Flags, banners, pennants, or insignia of any governmental organization;
4. Integral decorative or architectural features of buildings, including building names and dedication dates, or works of art, so long as such features or works do not contain letters or numbers (except in case of building names and dedication dates);
5. Signs directing and guiding traffic on private property;
6. Commemorative plaques that do not exceed four (4) square feet, are permanently affixed to or near the structure or object it is intended to commemorate;
7. Signs inside a building, that are part of decoration, or displays applied or attached to the interior of a window or located on the interior and visible through the window;
8. The following temporary signs are exempt from permit requirements so long as the specified conditions and standards are met:

a. Election or campaign signs not exceeding four (4) square feet in residential zones or thirty-two (32) square feet in other zones, or public property, erected no more than thirty (30) days prior to dates specified in Idaho Code Section 34-106 as it now exists or is subsequently amended; such signs will be removed within five (5) days of Election Day.

d. b. Informational signs placed by nonprofit or civic organizations about community events, public services, or attractions. Temporary special event signs may be placed no more than fourteen (14) days prior to the event, and must be removed within five (5) days of the conclusion of the event.

9. Window signs allowing for visibility of the building's interior from the right-of-way.

10. Signs placed on residential property advertising services being rendered so long as the sign is removed when the service or work is complete.

#### E. Signs Requiring a Permit

Unless otherwise provided in this title, the following signs require a Sign Permit from the City of Kellogg, and are subject to the application process outlined in section 11-9-8 B. of this chapter.

1. *Wall Signs and Awnings:* Except as follows, signs attached to or on the surface of a building wall, may not, individually or collectively, cover more than fifty percent (50%) of a total wall surface. Awning signs shall be calculated as a part of the total wall surface area to which the awning is attached. A mural is exempt from total sign surface area restrictions. No wall sign attached to a building may project more than twelve inches (12") from the building, except awning signs which shall project no more than four feet (4') from the building face.

2. *Projecting Or Hanging Signs:* The total area of all projecting signs shall not exceed ten (10) square feet and may not extend more than four feet (4') from the building. Clearance under the lowest point of any sign which projects over a walkway accessible to the public shall not be less than eight feet (8').

3. *Freestanding signs:* Any sign not affixed to a structure shall be entirely within the required yard area and shall not obstruct public walkways or vehicular visibility requirements. Placement of freestanding signs in the right-of-way is prohibited, with the exception of sandwich signs that have been issued a sign permit by the City of Kellogg, and comply with provisions of this chapter.

4. *Sandwich Board Signs:* Each face of the sandwich board sign shall be no wider than two feet (2') and no taller than three feet (3'), including any sign frame. A sandwich board sign placed on private property may differ in dimensions with administrative approval. A minimum width of five (5) continuous feet of sidewalk between the abutting property and the roadway must be maintained for safe pedestrian travel; not to exceed one (1) sandwich sign per business or location. Sandwich board signs must be placed within the same block, and on the same side of the street as the business or service which they advertise.

5. *Roof signs:* No roof sign shall extend a distance above the roofline of more than ten feet (10') or one-third ( $\frac{1}{3}$ ) of the building height, whichever is less. Building permits are required for all roof signs.

6. *Feather- or Teardrop-Style Banners:* Poles or stakes of feather- or teardrop-style banners must be permanently anchored into the ground. The placement or installation of banners in the right-of-way is prohibited.

#### F. Total Sign Surface Area, Location, Height

Subject to the other provisions of this section, the maximum sign surface area permitted on any lot in a commercial or industrial district, except in a freeway location, shall be determined as follows:

1. There may be not more than 1.5 square feet of sign surface area per linear foot of lot street frontage.

2. The maximum sign surface area on any commercial or industrial lot in a freeway location shall be 3.0 square feet for each linear foot of lot street frontage.

The total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary and exempt signs shall be included in this calculation. Unless otherwise provided in this chapter the maximum sign surface area permitted on any lot in any residential district is four (4) square feet. The time and quantity limitations defined within this section are imposed to avoid visual clutter, the development of litter, traffic hazard or other adverse effects.

*Computation Of Sign Area:* The surface area of a sign shall be computed by including the entire area of the sign. The sign surface area of a double faced; back-to-back sign shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference).

G. *Illumination Of Signs:* Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not create a nuisance. No sign may contain or be illuminated by repeated, strobe-like flashing or intermittent lights or lights changing degrees of intensity.

#### H. Sign Restrictions and Prohibitions:

1. No sign may be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

2. Portable signs are prohibited, with the exception of sandwich signs.

3. No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of, or be confused with, official traffic signs or other signs erected by governmental agencies.

4. Unless otherwise specified in this chapter, no sign larger than four (4) square feet shall be permitted in a residential district.

5. Wiring for lighted signs shall be installed in accordance with the Electrical Code as amended, revised, compiled and published and to such amendment and revisions adopted by the Idaho Electrical Board pursuant to the Idaho Code section 54-1001.

6. Freestanding signs and banners shall be securely fastened to the ground or to some other supportive structure so that they may not be moved by the wind or other forces of nature. Sandwich signs in compliance with all other provisions of this chapter are exempt from this requirement.

7. Permanent off-premises signs are prohibited except for the following:

a. Signs that provide direction to attractions, amenities, businesses, or features within the C-B, Central Business District. A sign located off-premises on private property shall comply with the following:

a. An application for an off-premises sign must be accompanied by a lease or agreement between the owner of the building on which the sign will be placed and the applicant placing the sign. The agreement shall state: the terms of the off-premises sign's placement; location; duration; or other information deemed necessary by the Administrator.

b. The sign must be affixed to a building, and shall not exceed one (1) sign per business, or off-premises location and/or structure.

b. *Banners on Public Property:* A banner may only be installed in or over public right-of-way with a permit granted by City Council. The permit shall be subject to the following conditions:

1. The banner must convey community, governmental, or seasonal theme, or be for the sole purpose of beautification of a commercial area. No commercial messages are allowed.

2. The banner may be displayed for no longer than the time period granted by City Council, provided there is a written agreement that the banner will be maintained by the installer or responsible party. The City Clerk may grant renewal of the permit for an additional like term provided the size and location of the banner remains unchanged.

3. Attachments for banners spanning city streets must be inspected by the Building Official.

8. Commercial signs are prohibited in residential zones. (See section D. Signs Excluded from Permitting: subsection 10.)

9. No development may be allotted more than one freestanding sign per business or location.

I. *Maintenance Of Signs: All signs and components thereof, including supports, braces, and anchors, shall be kept in a state of good repair and appearance.*

J. *Nonconforming Signs: Subject to the following, nonconforming signs that were otherwise lawful on the effective date of these regulations, or as amended, may be continued. A nonconforming sign may not be moved, altered, expanded, or replaced except to bring the sign into complete conformity with this title.*

1. *If a nonconforming sign is destroyed, removed, or altered it may not be repaired, reconstructed, or replaced except in conformity with all the provisions of this title.*

2. *Subject to other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any twelve (12) month period, fifty percent (50%) of the value of such sign. (Ord. 595, 6-13-2018)*

K. *Removal and Disposition of Nonconforming signs: Except as otherwise provided in this chapter, any sign which is located on property which becomes vacant and unoccupied for a period of two (2) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned.*

1. *Any sign in violation of regulations may be removed by the City at the sole expense of the owner of the sign five (5) days after written notice has been supplied to the owner.*

2. *An owner or permit holder of the sign who claims it after its removal shall pay to the City an amount equal to the costs incurred by the city in removing the sign.*

3. *If a sign constitutes an imminent hazard or risk to lives or property, as determined by the administrator, the City may remove the sign immediately with or without notice.*

4. *Any temporary sign found to be in violation of regulations must be removed immediately upon receipt of verbal and or written warning from the Planning Administrator or their designee.*

L. *Appeals.*

*Appeals from decisions made by the administrator or designee shall be made to the Planning and Zoning Commission. Appeals from the provisions or enforcement of this chapter shall be made as provided in section 11-7-7 of this code (Ord. 595, 6-13-2018).*

M. *Penalty.*

*Any person violating any provision of this chapter shall be guilty of an infraction and shall be punished in accordance with provisions of section 11-12-2 of this code. A separate offense shall be deemed to be committed for each day a violation occurs or continues. (Ord. 595, 6-13-2018)*

**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 on the 11<sup>th</sup> day of December, 2024.*

*Enacted by the City Council as an Ordinance of Kellogg on the 11th day of December, 2024.*

CITY OF KELLOGG

By: \_\_\_\_\_  
Terry Douglas, Mayor Pro-Tem

ATTEST:

\_\_\_\_\_  
Lindsay Strobel, City Clerk

**Councilmember Mercado moved to amend the Ordinance under suspension of rules. Motion was seconded by Councilmember Cardenas. A roll call vote of the Council resulted as follows:**

**Teeters –Aye**

**Mercado – Aye**

**Douglas –Aye**

**Norris – Aye**

**Cardenas - Aye**

**Cobb- Absent**

**Motion carried**

**Councilmember Teeters moved to publish the Ordinance by summary. Motion was seconded by Councilmember Cardenas. Motion passed.**

Consideration on Resolution 2024-16 Entering into Lease with Silver Valley Metals

Silver Valley Metals would like to lease the remaining west section of City Hall, previously used for storage.

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

RESOLUTION # 2024-16

*A RESOLUTION OF THE CITY OF KELLOGG, IDAHO, AUTHORIZING AND APPROVING A LEASE AGREEMENT WITH SILVER VALLEY METALS CORP DBA BUNKER HILL MINE; AUTHORIZING THE MAYOR TO EXECUTE SUCH AGREEMENT ON BEHALF OF THE CITY; PROVIDING FOR RELATED MATTERS; AND, PROVIDING AN EFFECTIVE DATE.*

*WHEREAS, the City of Kellogg is authorized to lease a portion of real and personal property as provided in Section 50-1407, Idaho Code; and*

*WHEREAS, the City of Kellogg desires to lease a portion of real property located at 1007 McKinley Avenue in Kellogg, Idaho, (more particularly described on Exhibit "A") to Silver Valley Metals Corp.*

*NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kellogg that as follows:*

*SECTION 1: The City Council hereby finds and declares that the real property commonly known as "City Hall," more specifically described in Exhibit "A", which attached hereto and by this reference fully incorporated herein, is not otherwise needed for City purposes.*

*SECTION 2: The City Council hereby finds and declares that the terms of the Lease Agreement, substantially in the form attached hereto as Exhibit "B," are just and equitable.*

*SECTION 3: The Lease Agreement with Silver Valley Metals Corp substantially in the form of the Lease Agreement attached hereto is Exhibit "B" is hereby approved.*

*SECTION 4: That the Mayor is hereby authorized to execute the Lease Agreement on behalf of the City.*

*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 December 2024.*  
*City of Kellogg*  
*Shoshone County, Idaho*

ATTEST:

\_\_\_\_\_  
*Lindsay Strobel, City Clerk*

By: \_\_\_\_\_  
*Mayor Pro-Tem Terry Douglas*

**Councilmember Cardenas moved to approve the Resolution under suspension of rules. Motion was seconded by Councilmember Mercado. A roll call vote of the Council resulted as follows:**

Teeters –abstain	Norris – Aye	Motion carried
Mercado – Aye	Cardenas - Aye	
Douglas –Aye	Cobb- Absent	

Consideration on Lease with Silver Valley Metals for west-end of City Hall vacant storage space

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

Teeters –abstain	Norris – Aye	Motion carried
Mercado – Aye	Cardenas - Aye	
Douglas –Aye	Cobb- Absent	

Consideration on Agreement to Provide Building Official and Inspection Services with Mullan

**Councilmember Norris moved to accept the agreement. Motion was seconded by Councilmember Teeters. A roll call vote of the Council resulted as follows:**

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

**ANNOUNCEMENTS AND REPORTS**

Chief Twidt:

Building Official Teeters:

**ANNOUNCEMENTS AND REPORTS**

Chief Twidt: KPD is down two vehicles currently. The new Durango doesn't have lights and siren yet, so can't respond to calls. Logan was able to get clean-up done on one long-time blight property.

Community Planner Miller: Working on city logo redesign and will involve department heads and interested councilmembers. P & Z Commission is asking for council to advise on replacing an appointed P & Z Commission member, who has not been attending the monthly meetings.

Public Works Director Fitzgerald: The cross at the cemetery is now lit up. Avista & GM Electric were very helpful in this process. The reindeer decorations are going up on Friday.

Councilmember Cardenas: Happy holidays

Councilmember Mercado: Amazed at how progressive small towns can be. Hope everyone is coming to the Christmas party.

Mayor Pro Tem Douglas: Mayor Plank participated in a walking challenge through BCI and earned \$1000.00. The use will be decided at a later date.

Councilmember Teeters: Welcome to Logan and would like to recognize great staff.

Councilmember Norris: Same as Lori, welcome, Merry Christmas and Happy New Year.

**There being no further business, the meeting was adjourned at 6:33 pm. The Council will meet at the regular time in January 2025.**



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Mayor Pro Tem Terry Douglas

ATTEST:



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Lindsay Strobel, City Clerk/Treasurer