**REGULAR COUNCIL MEETING**

**WALLACE, IDAHO**

**March 13, 2018**

Mayor Mogensen called the meeting to order at 6:04 PM in the council chambers.

Roll Call: Council members present: Dave DeRoos; Elmer Mattila; Heather Branstetter; Rick Shaffer, Tommy Hayes and Dean Cooper.

Flag Salute

**Consent Agenda:**

Council member Cooper made the motion to approve the consent agenda including the minutes of the regular February 14, 2018 meeting and the accounts payable for February totaling $104,517.34 including transfers and payroll for March 2018. Seconded by Council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Hayes Aye; Cooper Aye. Carried.

**Reports:**

**Mayor:** Mayor Mogensen read the mayor’s report. The report included meeting with Annette Kologi and Jenniffer Carrico regarding different sources of funding at the library, meeting with Jim Roletto and the County Commissioners on the 6th Street Bridge, meeting with Mac Pooler, Kellogg’s Mayor. Also, S&L is in town and will begin sewer work soon.

**Sheriff:** Council member DeRoos read the Sheriff’s report submitted by Mike Gunderson stating that during the month of February 2018 the Shoshone County Sheriff’s Department was dispatched to 126 calls for service within the city of Wallace. A report was attached. Council member Mattila made the motion to approve the Sheriff’s report as submitted and read. Seconded by Council member Shaffer. All Ayes. Carried. Undersheriff Holly Lindsey was present and introduced Deputy Felicia Ybarra. Deputy Ybarra will be the patrol officer for Wallace.

**Fire:** Council member Shaffer read the Fire report submitted by Fire Chief Aaron Cagle stating that Shoshone County Fire District One personnel responded to 11 medical calls and 1 fire related call in the Wallace area during the month of February. Council member DeRoos made the motion to approve the Fire report as submitted and read. Seconded by Council member Hayes. All Ayes. Carried.

**Street:**  No official report submitted. Comments regarding snow removal were made by Mayor Mogensen and Council member Hayes. Council member Branstetter made the motion to approve the street report. Seconded by Council member Mattila. All Ayes. Carried.

**Finance:** Council member Cooper read the finance report. Council member Shaffer made the motion to approve the finance report as submitted and read. Seconded by Council member Hayes. All Ayes. Carried.

**Library:** Council member Mattila stated they are still working on repairing the steps, adding an ADA compliant ramp to the basement and fixing a storm water issue. The library is considering installing a surveillance camera and recently purchased a new printer. Council member DeRoos made the motion to approve the library report. Seconded by Council member Branstetter. All Ayes. Carried.

**Sewer:** Council member Cooper stated we are getting ready for S&L to start back up. S&L will be working on past projects and work that was originally planned. Council member Mattila made the motion to approve the sewer report. Seconded by Council member Shaffer. All Ayes. Carried.

**Parks and Rec:** No report submitted.

**Old Business:**

Sewer Billing –Interest Charges/Past Due Accounts **–** Discussion was held on various interest rates that could be applied to past due accounts. Council member Cooper made the motion to have account balance due the last day of the quarter, interest charge be applied at 10% per quarter, accounts should be certified with the County when they are four quarters past due, and accounts should be charged the $25.00 fee the county charges the city to certify. Seconded by Council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Hayes Aye. Cooper Aye. Carried.

Ordinance #2018-01 – Chickens and other Fowl – Discussion was held on changes made to the ordinance based on council’s previous comments/questions. Comments were made by attendee Keith Dary. Council member Branstetter made the motion to read Ordinance #2018-01 by title only. Seconded by Council member DeRoos. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Nye; Hayes Aye and Cooper Aye. Carried. Council member Branstetter made the motion to suspend the rule requiring that an Ordinance be read on three separate occasions. Seconded by Council member Cooper. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Hayes Aye and Cooper Aye. Carried. Council member Branstetter made the motion to pass Ordinance #2018-01 having been read once by title only. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Nye; Hayes Aye and Cooper Aye. Carried.

**New Business:**

Preliminary Hearing for #3 Bank – Council member Cooper stated the council needs to decide if the appeal was filed correctly meaning the intervenors are residents and property owners of the city of Wallace and were in attendance at the meeting and spoke against. Council member Cooper stated that since he has not seen the minutes from the meeting he would rely on the city clerk to talk to the council about that. Mayor Mogensen asked if Jim See was present at the meeting and the city clerk replied that he was. Mayor Mogensen asked if he spoke on the issue and the city clerk replied he did. Council member Branstetter asked if he spoke against and the clerk stated he did. Mayor Mogensen asked if Sally Utley was at the meeting and the clerk replied yes. Council member Mattila asked if she spoke and the clerk stated yes. Council member Branstetter asked if she spoke against the decision and the clerk stated she did. Mayor Mogensen asked about Nancy Hanks and the clerk replied that she was not there. Mayor Mogensen asked about Richard Caron and the clerk said he was there. Mr. Caron spoke from the audience and stated he left early. Mayor Mogensen asked about Jerry White and the clerk stated he was not there. Heather Branstetter stated the second letter before the council was from Mike Branstetter who is her father. She stated she has not talked to him regarding this matter. Mayor Mogensen stated she has talked to people in the community about this matter, but has not formed an opinion based on those conversations. Council member Shaffer stated that on two occasions, since becoming aware of this matter, there had been a one way, unsolicited conversation about this matter. Council member Shaffer stated he did not respond and it will not affect his decision. Mayor Mogensen asked the council if they had been given a copy of the appeal letter and asked if they had reviewed the letter. Mayor Mogensen went on to discuss the process the council needs to follow in regard to #3 Bank. At this point, Mayor Mogensen asked the council who they had identified as the people that may appeal. Council member Branstetter stated James See and Sally Utley. Mayor Mogensen then asked if the council feels the appeal submitted by Jim See and Sally Utley meet the requirements of the city code to be heard. Council member Shaffer stated that according to 12-7-1(a) the heading and date seem to be in accordance with the 14 day period of the decision, so it seems that it was submitted on time. Council member Mattila agreed. Council member Mattila stated he wanted to know what 12-7-2(d) says. Council member Branstetter showed Council member Mattila that section of the code. Council member Branstetter stated that the appeal meets all of the requirements in 12-7-1, and it also appears that the letter from Jim See and Ms. Utley is based on matters of fact and it does not state that there are matters of law involved so maybe it is both. Council member Shaffer and Mattila agreed with this statement. Council member Branstetter made the motion to accept the appeal based on the letter meeting all requirements of 12-7-1 and move into the preliminary hearing. Seconded by Council member Hayes. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Hayes Aye and Cooper Aye. Carried. Council member Branstetter stated that without having more information it is hard to know if this appeal is frivolous and without foundation. Council member Branstetter stated that the appeal letter states the historic significance of the home was not mentioned fully and the testimony was misleading about offers to purchase or rehabilitate the property. Council member Branstetter stated that she feels an appellate hearing would be warranted. Mayor Mogensen declared an appeal hearing be set according to the timeframe outlined in city code 12-7-4 and order the appellant comply with all requirements for ordering of the transcript under 12-7-3 so that the appeal hearing may be made timely. Council member Branstetter made the motion to move forward with an appellant hearing within the timeframe outlined in the code and ask for a transcript of the planning and zoning commission meeting. Seconded by Council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Hayes Aye and Cooper Aye. Carried.

Catering Permit – North Idaho Mt. Brew . Don was present to request approval for a catering permit for the USA Boxing event on April 21st from 4:00 pm to 10:00 pm. Council member DeRoos made the motion to approve the permit. Seconded by Council member Cooper. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Hayes Aye and Cooper Aye. Carried.

Street Closure – NP Depot Foundation. Dick Caron was present to request approval for the street closure for May 12th from 4:00 am to 8:00 pm. Discussion held on leaving 7th Street open. Mayor Mogensen asked that they will contact impacted neighbors, waters garbage and it was stated that the certificate on insurance is on file with the city. Council member Hayes made the motion to approve the street closure. Seconded by Council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Hayes Aye and Cooper Abstained. Carried.

License Approval- Fainting Goat. Council member DeRoos made a motion to approval the beer and wine license. Seconded by Council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Hayes Aye and Cooper Abstained. Carried.

Appointment of council member to the sewer review board. Mayor Mogensen suggested Council member Mattila. Council member Shaffer moved that the two sewer appointees should be Dean Cooper and Elmer Mattila. Seconded by Council member Branstetter. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Hayes Aye and Cooper Abstained. Carried.

Public Comment Period – Keith Dary addressed the council regarding shoveling of sidewalks during winter. There are numerous business that are not operating there needs to be something done with those sidewalks. Mayor Mogensen said the ordinance would be reviewed before the next meeting. Dick Caron stated the council is not doing a good job when it comes to the sidewalks and having people move their cars so the street crew can plow. Council member Hayes stated he is working with Jim Roletto and Jim Cason. Mayor Mogensen stated she is looking into permit parking under the freeway. Jim See asked if the city has worked on the 5 year plan he brought up at the last meeting. Mayor Mogensen stated we have not. Mayor Mogensen also brought up she is looking into a dog catcher and a grant writer.

There being no further business to come before the council, Council member Mattila made the motion to adjourn at 7:17 PM. Seconded by Council member Cooper. All Ayes. Carried.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Lynn Mogensen, Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kristina Larson

City Clerk/Treasurer