

REGULAR COUNCIL MEETING  
WALLACE, IDAHO  
February 10, 2021

Mayor Mogensen called the meeting to order at 6:00 p.m. in the council chamber. She asked anyone who was attending in person to sign in and also asked whomever had called in to identify themselves. The following people were on the phone: Chris Bishoff, Shelli Niemi, Ryder Gauteraux and Courtney Friehe.

**Roll Call:** Council members present: Dave DeRoos; Elmer Mattila; Heather Branstetter; Rick Shaffer; Michele Bisconer and Dean Cooper.

**Flag Salute**

**Consent Agenda:**

Council member Branstetter made the motion to approve the minutes of the December 9, 2020 meeting, accounts payable in the amount of \$254,987.56 for December, accounts payable in the amount of \$88,511.47 for January, transfers and the advanced payroll for February. Seconded by Council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

**Reports:**

**Mayor:**

Mayor Mogensen stated she had attended the retirement party for Janet Kinsey at the library. She also held meetings with various people, which included ITD, the sheriff, the city attorney, Mayor Kip and Mayor Mac. Mayor Mogensen stated the pool project would not be put out to bid until March. Further discussion held on pool and 6<sup>th</sup> St. Bridge.

**Sheriff:**

Council member DeRoos read the Sheriff's report submitted by Sheriff Gunderson stating that during the month of January 2021 the Shoshone County Sheriff's Department was dispatched to 122 calls for service within the city of Wallace. A report was attached. Mayor Mogensen stated at her meeting last month with Sheriff Gunderson and the city attorney, they discussed the incident that happened at the Center of the Universe on New Year's Eve. Council member Shaffer made the motion to approve the Sheriff's report as submitted and read. Seconded by Council member Bisconer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

**Fire:**

Council member Shaffer read the Fire report submitted by Fire Chief Aaron Cagle stating that Shoshone County Fire District One personnel responded 22 times for medical emergencies and 2 fire response in Wallace for January 2021. Council member DeRoos made the motion to approve the Fire report as submitted and read. Seconded by Council member Bisconer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

**Street:**

Council member Bisconer stated the crew has been busy with snow removal. Prior to the snow she met with city engineer, Jim Roletto, and drafted a letter to LHTAC trying to get the construction date for the 6<sup>th</sup> Street Bridge moved up.

**Finance:**

Council member Cooper read the Finance report submitted stating that the General fund has \$789,609.07; Street \$7,624.88; Library \$51,815.65; Parks & Rec. \$525,877.45; Insurance \$54,258.82; Sewer \$116,627.62; USDA \$98.77 for a total of \$1,545,912.25. Wells Fargo Savings \$353,125.76 and Wallace Inn UDAG \$195,007.74 Council member Mattila made a motion to approve the Finance report as submitted and read. Seconded by Council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

**Library:** Council member Mattila stated Janet Kinsey retired, and the library had a nice party for her. He also mentioned that there are large icicles hanging over the entry to the library basement that need removed.

**Parks and Recreation:** Council member Branstetter stated Jon Ruggles wants to plant blueberries, syringa or alder berries where the roses were at Cypress Park. Mayor Mogensen stated she would like to contact the neighbor before anything is planted. Also, Ryder Gauteraux has requested a meeting with her, and any other council members who are interested, regarding a land trust agreement with the City. Mayor Mogensen stated the City has received some very generous donations for the pool.



## Business:

Public Hearing for Ordinance #2020-06 and #2020-07 (*Action Item*) – Council member Bisconer stated the City did not have an ordinance for snow removal, so one was created. The ordinance pertaining to sidewalks was updated. The sidewalk ordinance addresses how to keep sidewalks in good repair and clear of obstacles. In drafting the ordinances, Council member Bisconer reviewed other cities ordinances and also talked with local citizens. Discussion held on width of sidewalks and issues with businesses obstructing sidewalks with tables, chairs, etc. Council member Bisconer also pointed out that the sidewalk ordinance gives the City the leverage to work with residents to repair their sidewalks. Dick Caron addressed the council and asked how the City is going to enforce the ordinance when it comes to businesses taking up most of the sidewalk with tables and chairs. Mayor Mogensen stated the first place to start is with informing and educating. Council member Bisconer stated if the ordinances pass, she would draft a letter to the businesses. Council member Branstetter stated 30 days is a short period of time to give to citizens to repair their sidewalks. Discussion held on extending time to repair and also the City offering to help cover the cost of repair. Mayor Mogensen stated that helping citizens cover the cost of repair should not be in the code. Further discussion held on timeline for repair. Next, the council discussed the snow removal ordinance. Council member Bisconer went over snow removal for businesses and residents. She also stated having the snow removal ordinance makes some issues with snow removal enforceable if needed. Discussion held on putting together a schedule so residents have a chance to move their cars before their area is plowed. Council member DeRoos made a motion to exit public hearing. Seconded by council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

Discuss/Approve Ordinance #2020-06 - AN ORDINANCE REPEALING THE EXISTING WALLACE CITY CODE, TITLE 8, CHAPTER 3, AND ADOPTING A NEW WALLACE CITY CODE, TITLE 8, CHAPTER 3, PROVIDING FOR THE REGULATION OF SIDEWALKS WITHIN THE CITY; DEFINING APPLICABLE TERMS; SETTING POLICIES FOR SIDEWALKS; REGULATING CONSTRUCTION; REQUIRING IMMEDIATE REPAIR IN CERTAIN CIRCUMSTANCES; PROVIDING FOR HEARINGS; REQUIRING APPLICATION; REQUIRING SUPERVISION OF CONSTRUCTION AND ENSURING COMFORMITY WITH APPROPRIATE LINES AND GRADES; DEFINING VIOLATIONS AND SETTING BOTH INFRACTION AND MISDEMEANOR PENALTIES; REPEALING ANY ORDINANCES OR CODE SECTIONS IN CONFLICT; DECLARING ORDINANCE SEVERABLE; AND PROVIDING FOR AN EFFECTIVE DATE. (*Action Item*) – Council member Cooper said he was in agreement with changing 8-3-4 where the ordinance references 30 days changing it to 60 days and changing 15 days in 8-3-4(A) to 30 days. Council member Cooper made a motion to read Ordinance #2020-06 by title only. Council member Shaffer seconded the motion. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried. Mayor Mogensen read the ordinance by title only. AN ORDINANCE REPEALING THE EXISTING WALLACE CITY CODE, TITLE 8, CHAPTER 3, AND ADOPTING A NEW WALLACE CITY CODE, TITLE 8, CHAPTER 3, PROVIDING FOR THE REGULATION OF SIDEWALKS WITHIN THE CITY; DEFINING APPLICABLE TERMS; SETTING POLICIES FOR SIDEWALKS; REGULATING CONSTRUCTION; REQUIRING IMMEDIATE REPAIR IN CERTAIN CIRCUMSTANCES; PROVIDING FOR HEARINGS; REQUIRING APPLICATION; REQUIRING SUPERVISION OF CONSTRUCTION AND ENSURING COMFORMITY WITH APPROPRIATE LINES AND GRADES; DEFINING VIOLATIONS AND SETTING BOTH INFRACTION AND MISDEMEANOR PENALTIES; REPEALING ANY ORDINANCES OR CODE SECTIONS IN CONFLICT; DECLARING ORDINANCE SEVERABLE; AND PROVIDING FOR AN EFFECTIVE DATE. Council member Branstetter made a motion to suspend the rule that requires the ordinance be read on three separate occasions. Council member DeRoos seconded it. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried. Council member Cooper made a motion that Ordinance 2020-06 as amended be passed by being read by title only. Seconded by Council member Branstetter. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

Discuss/Approve Ordinance #2020-07 - AN ORDINANCE ADOPTING A NEW WALLACE CITY CODE, TITLE 8, CHAPTER 5, PROVIDING FOR THE REMOVAL OF SNOW & ICE WITHIN THE CITY; DEFINING APPLICABLE TERMS; DECLARING PUBLIC NUISANCES; IMPOSING A DUTY TO REMOVE; PROHIBITING THE INTERFERENCE WITH SNOW REMOVAL OPERATIONS AND DEPOSITING OF SNOW; PROVIDING NOTICE OF VIOLATION; OUTLINING THE AUTHORITY TO ABATE A NUISANCE; PROVIDING A MECHANISM FOR APPEALING ABATEMENT COSTS; DECLARING CERTAIN ACTS PUBLIC OFFENSES; DEFINING VIOLATIONS AND PROVIDING BOTH INFRACTION AND MISDEMEANOR PENALTIES; LISTING EXEMPTIONS FROM DUTIES

TO REMOVE; REPEALING ANY ORDINANCES OR CODE SECTIONS IN CONFLICT; DECLARING ORDINANCE SEVERABLE; AND PROVIDING FOR AN EFFECTIVE DATE. (*Action Item*) - Council member DeRoos made a motion to read Ordinance #2020-07 by title only. Council member Shaffer seconded the motion. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye, Bisconer Aye; and Cooper Aye. Carried. Mayor Mogensen read the ordinance by title only. AN ORDINANCE ADOPTING A NEW WALLACE CITY CODE, TITLE 8, CHAPTER 5, PROVIDING FOR THE REMOVAL OF SNOW & ICE WITHIN THE CITY; DEFINING APPLICABLE TERMS; DECLARING PUBLIC NUISANCES; IMPOSING A DUTY TO REMOVE; PROHIBITING THE INTERFERENCE WITH SNOW REMOVAL OPERATIONS AND DEPOSITING OF SNOW; PROVIDING NOTICE OF VIOLATION; OUTLINING THE AUTHORITY TO ABATE A NUISANCE; PROVIDING A MECHANISM FOR APPEALING ABATEMENT COSTS; DECLARING CERTAIN ACTS PUBLIC OFFENSES; DEFINING VIOLATIONS AND PROVIDING BOTH INFRACTION AND MISDEMEANOR PENALTIES; LISTING EXEMPTIONS FROM DUTIES TO REMOVE; REPEALING ANY ORDINANCES OR CODE SECTIONS IN CONFLICT; DECLARING ORDINANCE SEVERABLE; AND PROVIDING FOR AN EFFECTIVE DATE, Council member Cooper made a motion to suspend the rule that requires the ordinance be read on three separate occasions. Council member Branstetter seconded it. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried. Council member DeRoos made a motion that Ordinance #2020-07 be passed by being read by title only. Seconded by Council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

Public Hearing for Ordinance #2021-01 (*Action Item*) – Council member Branstetter made a motion to move into public hearing for Ordinance #2021-01. Seconded by council member DeRoos. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried. Council member Branstetter stated David Sherman, Chairman for P&Z, stated this ordinance is being presented to help people get financing for residential loans in commercial districts of which there are many. Council member Shaffer stated this is something that already exists but needs to be dealt with officially. Council member Cooper made a motion to leave the public hearing. Seconded by council member DeRoos. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

Discuss/Approve Ordinance #2021-01 - AN ORDINANCE OF THE CITY OF WALLACE, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 13, CHAPTER 6 (DISTRICT REGULATIONS) OF THE WALLACE CITY CODE; PERMITTING HOME OCCUPATIONS, MULTI-FAMILY DWELLINGS, ROOMING AND BOARDING HOUSES, SINGLE-FAMILY DWELLINGS, AND TWO-FAMILY DWELLINGS WITHIN THE M-1 AND GC ZONES OF THE CITY, PROVIDING FOR SEVERABILITY OF THE ORDINANCE, REPEALING CONFLICTING ORDINANCES, AND PROVIDING AN EFFECTIVE DATE. (*Action Item*) - Council member DeRoos made a motion to read Ordinance #2021-01 by title only. Council member Branstetter seconded the motion. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried. Mayor Mogensen read the ordinance by title only. AN ORDINANCE OF THE CITY OF WALLACE, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 13, CHAPTER 6 (DISTRICT REGULATIONS) OF THE WALLACE CITY CODE; PERMITTING HOME OCCUPATIONS, MULTI-FAMILY DWELLINGS, ROOMING AND BOARDING HOUSES, SINGLE-FAMILY DWELLINGS, AND TWO-FAMILY DWELLINGS WITHIN THE M-1 AND GC ZONES OF THE CITY, PROVIDING FOR SEVERABILITY OF THE ORDINANCE, REPEALING CONFLICTING ORDINANCES, AND PROVIDING AN EFFECTIVE DATE. Council member Shaffer made a motion to suspend the rule that requires the ordinance be read on three separate occasions. Council member Bisconer seconded it. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried. Council member Cooper made a motion that Ordinance #2021-01 be passed by being read by title only. Seconded by Council member Branstetter. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

Discuss Shoshone County's Mountain Overlay District (MOD) (*Action Item*) – Council member Cooper stated in the Fall, the County P&Z held hearings and a vote to amend their Comprehensive Plan in relation to develop design standards for hillsides and mountains around Wallace. The method for the County to do this, is to develop a mountain overlay zone. The County wishes to work with the City of Wallace on the regulations for that zone. The County realizes it's their property, but it impacts the City of Wallace. The city attorney encouraged the council to work with the County on this, so it needs to be decided if that is

something the council would like to move forward on. Council member Cooper went on to reference the area of impact and mountain overlay zone. He then stated the questions before the council are, Does the City want to work with the County? Also, who will work on creating this zone and developing the regulations within? Discussion held on how this issue came about with the County and the feedback from other cities within the County. Council member Branstetter stated the feedback she has received from residents of Wallace seem to support this. She also stated Sun Valley is a good example to look at. Discussion held on the process to move this issue forward. Courtney Friehe stated she was the petitioner of this issue, at the County, to get this process started. The mountain overlay district addresses structural development on the hillside and the objective is to minimize visual impact to the City below. It does not ban all development. It also plays into erosion control, public safety, avalanche control, water quality, etc. At this time, nothing in the County or City comprehensive plans, or codes, address this issue. Further discussion held regarding logging and the process to develop this district. Council member Cooper made a motion that the City notify the County that they appreciate and support their efforts to protect the City's view shed through the adoption of the proposed comprehensive plan amendments and mountain overlay zone, and that the City would like P&Z to work with them in formulating complementary policies and zoning. He further moved that the council request Wallace P&Z to formulate proposed amendments to the existing City comprehensive plan to include policies that promote hillside preservation and regulate development (for natural and scenic resource reasons, erosion management and public safety) with the objective of adopting a complementary mountain overlay district. Seconded by council member Branstetter. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

Discuss/approve sale of 1974 Pacer grader and 1967 Kenworth water truck to Kyle Forsberg (Action Item) – Mayor Mogensen stated the grader has not been used for several years. Kyle Forsberg is very interested in both pieces of equipment and the attorney said the City could go ahead with the sale. Council member Bisconer made a motion to approve the sale of the grader and the water truck to Kyle Forsberg. Seconded by council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

Designate Lana Turner Week – February 8<sup>th</sup> to February 15<sup>th</sup> (Action Item) – Mayor Mogensen read the Proclamation aloud and declared February 8<sup>th</sup> – 15<sup>th</sup> Lana Turner Week.

Discuss putting up Parking Meters for pool fundraiser (Action Item) – Mayor Mogensen stated she received letter in opposition to this from Barbara Strothers, Shelli Niemi, Jeremy Watterson, Greg Bosen and Lizzie Keitel. She stated the City has old parking meters and she thought it would be a fun idea to place them around town with a sign that says "Plug the Meter for the Pool". Discussion held on how many meters, where they would be placed and donating the funds to different causes. Council member Bisconer stated there needs to be proper signage on them. Council member Bisconer made a motion to put up parking meters around town to raise money for the pool and other charitable events. Seconded by council member Mattila. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.


Approve Mike Alldredge's appointment to the Wallace Public Library Board of Trustees (Action Item) – Council member Cooper made a motion to appoint Mike Alldredge to the Wallace Public Library Board. Seconded by council member Shaffer. Roll Call Vote. DeRoos Aye; Mattila Aye; Branstetter Aye; Shaffer Aye; Bisconer Aye; and Cooper Aye. Carried.

There being no further business to come before the council, Council member Cooper made the motion to adjourn at Bisconer 7:35 p.m. Seconded by Council member Bisconer. All Ayes. Carried.



Lynn Mogensen, Mayor

ATTEST:

  
\_\_\_\_\_  
Kristina Larson  
City Clerk/Treasurer

